

# STATE OF NEW YORK

9235

## IN SENATE

May 7, 2024

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to certain commercial food fish licenses, commercial crab permits, commercial whelk or conch licenses, marine and coastal district party and charter boat licenses and certain temporary authorizations for certain licenses and permits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph c of subdivision 1, subpara-  
2 graph (i) of paragraph c of subdivision 3, subparagraph (i) of paragraph  
3 c of subdivision 4 and subparagraph (i) of paragraph c of subdivision 5  
4 of section 13-0328 of the environmental conservation law, as amended by  
5 chapter 306 of the laws of 2023, are amended and a new subdivision 8 is  
6 added to read as follows:

7 (i) [~~licenses shall be issued in the order in which the applications~~  
8 ~~were received, except that where multiple applications are received by~~  
9 ~~the department on the same day,~~] where the total number of commercial  
10 food fish license applications from persons who were not issued such  
11 license in the previous year exceeds the number of licenses that are  
12 available, the department shall randomly select recipients of the avail-  
13 able licenses from among those applications received by the first busi-  
14 ness day of the applicable license year, provided however that appli-  
15 cants shall receive one extra entry for each previous year that they  
16 applied for such license and were not selected, and applicants for whom  
17 the department has received notice of successful completion of an  
18 apprenticeship pursuant to subdivision seven of this section shall [~~be~~  
19 ~~considered by the department prior to other applicants]~~ receive one  
20 extra entry, and provided further that the department is authorized to  
21 adopt regulations to amend or supplement this process for issuing  
22 commercial food fish licenses;

23 (i) [~~permits shall be issued in the order in which the applications~~  
24 ~~were received, except that where multiple applications are received by~~  
25 ~~the department on the same day,~~] where the total number of commercial

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 crab permit applications from persons who were not issued such permit in  
2 the previous year exceeds the number of permits that are available, the  
3 department shall randomly select recipients of the available permits  
4 from among those applications received by the first business day of the  
5 applicable permit year, provided however that applicants shall receive  
6 one extra entry for each previous year that they applied for such permit  
7 and were not selected, and applicants for whom the department has  
8 received notice of successful completion of an apprenticeship pursuant  
9 to subdivision seven of this section shall [~~be considered by the depart-~~  
10 ~~ment prior to other applicants~~] receive one extra entry, and provided  
11 further that the department is authorized to adopt regulations to amend  
12 or supplement this process for issuing commercial crab permits;

13 (i) [~~licenses shall be issued in the order in which the applications~~  
14 ~~were received, except that where multiple applications are received by~~  
15 ~~the department on the same day,~~] where the total number of commercial  
16 whelk or conch permit applications from persons who were not issued such  
17 permit in the previous year exceeds the number of permits that are  
18 available, the department shall randomly select recipients of the avail-  
19 able permits from among those applications received by the first busi-  
20 ness day of the applicable permit year, provided however that applicants  
21 shall receive one extra entry for each previous year that they applied  
22 for such permit and were not selected, and applicants for whom the  
23 department has received notice of successful completion of an appren-  
24 ticeship pursuant to subdivision seven of this section shall [~~be consid-~~  
25 ~~ered by the department prior to other applicants~~] receive one extra  
26 entry, and provided further that the department is authorized to adopt  
27 regulations to amend or supplement this process for issuing commercial  
28 whelk or conch permits;

29 (i) [~~licenses shall be issued in the order in which the applications~~  
30 ~~were received~~] where the total number of marine and coastal district  
31 party and charter boat license applications from persons who were not  
32 issued such license in the previous year exceeds the number of licenses  
33 that are available, the department shall randomly select recipients of  
34 the available licenses from among those applications received by the  
35 first business day of the applicable license year, provided however that  
36 applicants shall receive one extra entry for each previous year that  
37 they applied and were not selected, and provided further that the  
38 department is authorized to adopt regulations to amend or supplement  
39 this process for issuing marine and coastal district party and charter  
40 boat licenses;

41 8. Temporary authorization. In the event of a temporary emergency, a  
42 licensee or permittee may provide written authorization for a person to  
43 temporarily undertake any licensed activities on the licensee's or  
44 permittee's behalf. Such authorization shall not be effective until it  
45 has been approved by the department. A copy of such written authori-  
46 zation shall be filed with the department, and the department shall  
47 determine what constitutes a temporary emergency and the appropriate  
48 maximum duration of a temporary emergency for the purposes of this  
49 subdivision. The department is authorized to adopt regulations to  
50 establish requirements for this program.

51 § 2. This act shall take effect immediately.