STATE OF NEW YORK

2005

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. THIELE -- read once and referred 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:

Section 1. Subparagraph (i) of paragraph c of subdivision 1, subparagraph (i) of paragraph c of subdivision 3, subparagraph (i) of paragraph c of subdivision 4 and subparagraph (i) of paragraph c of subdivision 5 of section 13-0328 of the environmental conservation law, as amended by chapter 760 of the laws of 2022, are amended and a new subdivision 8 is added to read as follows:

7 (i) [ligenses shall be issued in the order in which the applications received, except that where multiple applications are received by 8 were the department on the same day, where the total number of commercial 9 food fish license applications from persons who were not issued such 10 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 applicants shall receive one extra entry for each previous year that they 15 16 applied for such license and were not selected, and applicants for whom the department has received notice of successful completion of an 17 18 apprenticeship pursuant to subdivision seven of this section shall [be 19 considered by the department prior to other applicants] receive one extra entry, and provided further that the department is authorized to 20 21 adopt regulations to amend or supplement this process for issuing 22 <u>commercial food fish licenses;</u>

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

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(i) [permits shall be issued in the order in which the applications 1 were received, except that where multiple applications are received by 2 the department on the same day,] where the total number of commercial 3 4 crab permit applications from persons who were not issued such permit in 5 the previous year exceeds the number of permits that are available, the 6 department shall randomly select recipients of the available permits 7 from among those applications received by the first business day of the 8 applicable permit year, provided however that applicants shall receive 9 one extra entry for each previous year that they applied for such permit and were not selected, and applicants for whom the department has 10 11 received notice of successful completion of an apprenticeship pursuant 12 to subdivision seven of this section shall [be considered by the department prior to other applicante] receive one extra entry, and provided 13 14 further that the department is authorized to adopt regulations to amend 15 or supplement this process for issuing commercial crab permits; (i) [licenses shall be issued in the order in which the applications 16 17 were received, except that where multiple applications are received by the department on the same day,] where the total number of commercial 18 crab permit applications from persons who were not issued such permit in 19 the previous year exceeds the number of permits that are available, the 20 21 department shall randomly select recipients of the available permits 22 from among those applications received by the first business day of the applicable permit year, provided however that applicants shall receive 23 one extra entry for each previous year that they applied for such permit 24 25 and were not selected, and applicants for whom the department has received notice of successful completion of an apprenticeship pursuant 26 27 to subdivision seven of this section shall [be considered by the depart-28 ment prior to other applicants] receive one extra entry, and provided 29 further that the department is authorized to adopt regulations to amend or supplement this process for issuing commercial crab permits; 30 31 (i) [licenses shall be issued in the order in which the applications 32 were received] where the total number of marine and coastal district 33 party and charter boat license applications from persons who were not 34 issued such license in the previous year exceeds the number of licenses 35 that are available, the department shall randomly select recipients of 36 the available licenses from among those applications received by the 37 first business day of the applicable license year, provided however that 38 applicants shall receive one extra entry for each previous year that 39 they applied and were not selected, and provided further that the department is authorized to adopt regulations to amend or supplement 40 this process for issuing marine and coastal district party and charter 41 42 boat licenses; 43 8. Temporary authorization. In the event of a temporary emergency, a 44 licensee or permittee may provide written authorization for a person to temporarily undertake any licensed activities on the licensee's or 45 46 permittee's behalf. Such authorization shall not be effective until it 47 has been approved by the department. A copy of such written authorization shall be filed with the department, and the department shall 48 49 determine what constitutes a temporary emergency and the appropriate 50 maximum duration of a temporary emergency for the purposes of this subdivision. The department is authorized to adopt regulations to 51 52 establish requirements for this program.

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53 § 2. This act shall take effect immediately.