

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.