S T A T E O F N E W Y O R K

3638

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sens. ZELDIN, BALL, HANNON, JOHNSON, MARCELLINO -- 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 establishing a registration system for saltwater recreational fishing; and to repeal part LL of chapter 59 of the laws of 2009 amending the environmental conservation law, relating to recreational marine fishing licenses, relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Part LL of chapter 59 of the laws of 2009, amending the environmental conservation law relating to recreational marine fishing licenses, is REPEALED.

S 2. The environmental conservation law is amended by a adding a new section 13-0355 to read as follows:

S 13-0355. SALTWATER RECREATIONAL FISHING REGISTRY.

1. DEFINITIONS OF REGISTRATION; PRIVILEGES. REGISTRATION WITH THE SALTWATER RECREATIONAL FISHING REGISTRY ENTITLES THE PERSON SO REGISTERED WHO IS SIXTEEN YEARS OF AGE OR OLDER TO TAKE FISH FROM THE WATERS OF THE MARINE AND COASTAL DISTRICT AND TO TAKE MIGRATORY FISH OF THE SEA FROM ALL WATERS OF THE STATE, EXCEPT AS PROVIDED IN SECTIONS 13-0333 AND 13-0335 OF THIS TITLE.

2. SALTWATER RECREATIONAL FISHING REGISTRY ESTABLISHED. A. THE COMMISSIONER SHALL ADMINISTER AND MAINTAIN A REGISTRY OF PERSONS WHO ENGAGE IN SALTWATER RECREATIONAL FISHING. THE COMMISSIONER MAY DESIGNATE BY RULE THE METHODS OF FISHING OR THE SALTWATER AREAS FOR WHICH REGISTRATION IS REQUIRED UNDER THIS SECTION. THE REGISTRY SHALL CONTAIN THE NAME, ADDRESS, DATE OF BIRTH AND TELEPHONE NUMBER FOR EACH PERSON REGISTERED.

B. EACH PERSON REGISTERED SHALL BE ASSIGNED A UNIQUE IDENTIFICATION NUMBER. SUCH UNIQUE IDENTIFICATION NUMBER SHALL CONTAIN AN EMBEDDED YEAR CODE, TO BE DETERMINED BY THE COMMISSIONER, DISCRETELY DESIGNATING

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

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THE YEAR OF REGISTRATION OR RENEWAL OF REGISTRATION, TO ENSURE COMPLIANCE WITH ANNUAL RENEWAL REQUIREMENTS PURSUANT TO PARAGRAPH A OF SUBDIVISION THREE OF THIS SECTION.

3. REGISTRY PROCEDURES. A. AN INDIVIDUAL'S SALTWATER RECREATIONAL FISHING REGISTRATION SHALL EXPIRE AT THE END OF EACH CALENDAR YEAR, AND MAY BE RENEWED FOR EACH SUBSEQUENT CALENDAR YEAR PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION.

B. A PERSON MAY INITIALLY REGISTER TO ENGAGE IN SALTWATER RECREATIONAL FISHING:

(I) BY APPEARING BEFORE A REGISTRATION AGENT, AS ESTABLISHED BY THE COMMISSIONER; OR

(II) THROUGH A PUBLICLY ACCESSIBLE ONLINE REGISTRATION SYSTEM ON THE DEPARTMENT WEBSITE; OR

(III) THROUGH A PUBLICLY ACCESSIBLE TELEPHONIC REGISTRATION SYSTEM OPERATED BY THE DEPARTMENT. THE COMMISSIONER SHALL ESTABLISH A TOLL-FREE TELEPHONE NUMBER OR A DEDICATED NUMBER FOR USE TO REGISTER PURSUANT TO THIS SECTION.

C. A PERSON MAY RENEW HIS OR HER REGISTRATION UNDER THIS SECTION:

(I) BY APPEARING BEFORE A REGISTRATION AGENT, AS ESTABLISHED BY THE COMMISSIONER; OR

(II) THROUGH A PUBLICLY ACCESSIBLE ONLINE REGISTRATION SYSTEM ON THE DEPARTMENT WEBSITE; OR

(III) THROUGH A PUBLICLY ACCESSIBLE TELEPHONIC REGISTRATION SYSTEM OPERATED BY THE DEPARTMENT. THE COMMISSIONER SHALL ESTABLISH A TOLL-FREE TELEPHONE NUMBER OR A DEDICATED NUMBER FOR USE TO RENEW REGISTRATIONS ON THE REGISTRY.

D. A PERSON PURCHASING A FISHING LICENSE UNDER SECTION 11-0701 OF THIS CHAPTER SHALL BE ASKED IF THE PERSON INTENDS TO FISH IN SALTWATER FOR THE CALENDAR YEAR. IF THE PERSON ANSWERS IN THE AFFIRMATIVE, THE PERSON SHALL BE INFORMED OF THE REQUIREMENTS UNDER THIS SECTION.

4. UNIQUE IDENTIFICATION NUMBER REQUIRED. A. EACH PERSON REGISTERED SHALL AT ALL TIMES HAVE THEIR UNIQUE IDENTIFICATION NUMBER ON THE HOLDER'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THE REGISTRATION.

B. FAILURE TO HAVE A UNIQUE IDENTIFICATION NUMBER ON ONE'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THE REGISTRATION IS PRESUMPTIVE EVIDENCE THAT SUCH PERSON IS FISHING WITHOUT BEING REGISTERED AS REQUIRED BY THIS SECTION.

5. FEES. A FEE FOR REGISTERING ON THE REGISTRY MAY NOT BE ESTABLISHED OR LEVIED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PERSON REGISTERING THROUGH AN ONLINE OR TELEPHONIC REGISTRATION SYSTEM MAY NOT BE CHARGED A FEE FOR REGISTERING.

6. EXEMPTION FROM REQUIREMENT OF SALTWATER RECREATIONAL FISHING REGISTRATION. A. MINORS UNDER THE AGE OF SIXTEEN MAY TAKE FISH AS IF THEY WERE REGISTERED WITH THE SALTWATER RECREATIONAL FISHING REGISTRY.

B. RECREATIONAL FISHING PASSENGERS ON A MARINE AND COASTAL DISTRICT PARTY OR CHARTER BOAT LICENSED PURSUANT TO SECTION 13-0336 OF THIS TITLE MAY TAKE FISH AS IF THEY HELD A RECREATIONAL MARINE FISHING LICENSE.

7. FEDERAL REGISTRATION REQUIREMENTS. A. THE REGISTRY ESTABLISHED PURSUANT TO THIS SECTION SHALL COMPLY WITH THE PROVISIONS OF THE REGISTRY PROGRAM TO BE ESTABLISHED PURSUANT TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT, 16 U.S.C. SS 1801 ET SEQ.

B. UPON ESTABLISHMENT OF THE REGISTRY PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL APPLY TO THE NATIONAL MARINE FISHERIES SERVICE OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR EXEMPTED STATE DESIGNATION FROM THE FEDERAL REGISTRATION REQUIREMENTS.

8. RECIPROCITY IN BOUNDARY WATERS. IF PERSONS REGISTERED PURSUANT TO THIS SECTION IN THE SALTWATER RECREATIONAL FISHING REGISTRY ARE NOT REQUIRED TO HAVE LICENSES ISSUED BY A STATE NAMED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION WHEN FISHING IN THAT PART OF THE WATERS, SPECIFIED IN SUCH PARAGRAPH, WHICH LIES WITHIN THAT STATE THEN, IN SUCH CASE, A PERSON SIMILARLY REGISTERED OR LICENSED BY SUCH STATE MAY, WITHOUT BEING REGISTERED PURSUANT TO THIS SECTION IN THE SALTWATER RECREATIONAL FISHING REGISTRY, TAKE FISH AS PROVIDED IN THIS TITLE, FROM THAT PART OF SUCH WATERS SPECIFIED IN PARAGRAPH A, B OR C OF THIS SUBDIVISION WHICH LIES WITHIN THIS STATE:

A. LICENSE ISSUED BY CONNECTICUT: THOSE PARTS OF THE LONG ISLAND SOUND LYING BETWEEN NEW YORK AND CONNECTICUT.

B. LICENSE ISSUED BY NEW JERSEY: THOSE PARTS OF NEW YORK HARBOR, HUDSON RIVER, KILL VAN KULL, ARTHUR KILL, RARITAN BAY AND ATLANTIC OCEAN LYING BETWEEN NEW YORK AND NEW JERSEY.

C. LICENSE ISSUED BY RHODE ISLAND: THOSE PARTS OF THE LONG ISLAND SOUND, BLOCK ISLAND SOUND AND ATLANTIC OCEAN LYING BETWEEN NEW YORK AND RHODE ISLAND.

S 3. Any person who purchased a lifetime recreational marine fishing license shall be refunded the amount of the fee he or she paid in excess of a single season license.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however, that effective immediately, any regulations necessary for the timely implementation of this act on its effective date are authorized to be promulgated before such date.