

4112

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the taking of striped bass from the Hudson river for commercial purposes; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 11-1321 of the environmental conservation law is
2 amended by adding a new subdivision 10 to read as follows:
3 10. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
4 THE TAKING OF STRIPED BASS FOR COMMERCIAL PURPOSES FROM THE HUDSON RIVER
5 IS PROHIBITED. STRIPED BASS UNINTENTIONALLY TAKEN CONTRARY TO ANY
6 PROVISION OF THIS ARTICLE SHALL BE RETURNED TO THE WATER AT ONCE WITHOUT
7 UNNECESSARY INJURY.
8 (B) FOR PURPOSES OF THIS SUBDIVISION: (I) "HUDSON RIVER" MEANS THE
9 HUDSON RIVER FROM THE GEORGE WASHINGTON BRIDGE IN NEW YORK CITY TO THE
10 FEDERAL DAM AT TROY, AND TRIBUTARY WATERS OF THAT SECTION OF THE RIVER
11 FROM THE TRIBUTARY'S MOUTH UPSTREAM TO THE FIRST FALLS OR OTHER BARRIER
12 IMPASSABLE TO FISH; AND (II) "TAKING OF STRIPED BASS FOR COMMERCIAL
13 PURPOSES" MEANS THE TAKING OF SUCH FISH, BY ANY MEANS, FOR PURPOSES OF
14 PURCHASING, SELLING, TRADING, OR BARTERING SUCH FISH OR OFFERING OR
15 EXPOSING SUCH FISH FOR PURCHASE, SALE, TRADE, OR BARTER.
16 (C) NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT THE LAWFUL
17 TAKING OF STRIPED BASS BY ANGLING FOR RECREATIONAL PURPOSES.
18 S 2. This act shall take effect on the one hundred twentieth day after
19 it shall have become a law; provided, however that the amendments made
20 by section one of this act shall expire and be deemed repealed April 1,
21 2013. Effective immediately any rules and regulations necessary for the
22 timely implementation of this act on its effective date may be promul-
23 gated on or before such date.

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