

9234

2009-2010 Regular Sessions

I N   A S S E M B L Y

November 9, 2009

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

1     Section 1. Part LL of chapter 59 of the laws of 2009, amending the  
2     environmental conservation law relating to recreational marine fishing  
3     licenses, is REPEALED.  
4     S 2. The environmental conservation law is amended by adding a new  
5     section 13-0355 to read as follows:  
6     S 13-0355. SALTWATER RECREATIONAL FISHING REGISTRY.  
7     1. DEFINITIONS OF REGISTRATION; PRIVILEGES. REGISTRATION WITH THE  
8     SALTWATER RECREATIONAL FISHING REGISTRY ENTITLES THE PERSON SO REGISTERED  
9     WHO IS SIXTEEN YEARS OF AGE OR OLDER TO TAKE FISH FROM THE WATERS  
10    OF THE MARINE AND COASTAL DISTRICT AND TO TAKE MIGRATORY FISH OF THE SEA  
11    FROM ALL WATERS OF THE STATE, EXCEPT AS PROVIDED IN SECTIONS 13-0333 AND  
12    13-0335 OF THIS TITLE.  
13    2. SALTWATER RECREATIONAL FISHING REGISTRY ESTABLISHED. THE COMMISSIONER  
14    SHALL ADMINISTER AND MAINTAIN A REGISTRY OF PERSONS WHO ENGAGE IN  
15    SALTWATER RECREATIONAL FISHING. THE COMMISSIONER MAY DESIGNATE BY RULE  
16    THE METHODS OF FISHING OR THE SALTWATER AREAS FOR WHICH REGISTRATION IS  
17    REQUIRED UNDER THIS SECTION. THE REGISTRY MUST CONTAIN THE NAME,  
18    ADDRESS, DATE OF BIRTH AND TELEPHONE NUMBER FOR EACH PERSON REGISTERED.  
19    EACH PERSON REGISTERED SHALL BE ASSIGNED A UNIQUE IDENTIFICATION NUMBER.  
20    3. REGISTRY PROCEDURES. A PERSON MAY REGISTER TO ENGAGE IN SALTWATER  
21    RECREATIONAL FISHING THROUGH A PUBLICLY ACCESSIBLE ONLINE REGISTRATION  
22    SYSTEM OR A PUBLICLY ACCESSIBLE TELEPHONIC REGISTRATION SYSTEM OPERATED

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

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1 BY THE DEPARTMENT. THE COMMISSIONER SHALL ALLOW A PERSON TO REGISTER ON  
2 THE REGISTRY THROUGH THE DEPARTMENT WEBSITE. THE COMMISSIONER SHALL  
3 ESTABLISH A TOLL-FREE TELEPHONE NUMBER OR A DEDICATED NUMBER FOR USE TO  
4 REGISTER ON THE REGISTRY. A PERSON PURCHASING A FISHING LICENSE UNDER  
5 SECTION 11-0701 OF THIS CHAPTER MUST BE ASKED IF THE PERSON INTENDS TO  
6 FISH IN SALT WATER FOR THE CALENDAR YEAR. IF THE PERSON ANSWERS IN THE  
7 AFFIRMATIVE, THE PERSON MUST BE INFORMED OF THE REQUIREMENTS UNDER THIS  
8 SECTION.

9 4. UNIQUE IDENTIFICATION NUMBER REQUIRED. A. EACH PERSON REGISTERED  
10 SHALL AT ALL TIMES HAVE THEIR UNIQUE IDENTIFICATION NUMBER ON THE HOLD-  
11 ER'S PERSON WHILE EXERCISING ANY PRIVILEGE OF THE REGISTRATION.

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

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

20 6. EXEMPTION FROM REQUIREMENT OF SALTWATER RECREATIONAL FISHING REGIS-  
21 TRATION. A. MINORS UNDER THE AGE OF SIXTEEN MAY TAKE FISH AS IF THEY  
22 WERE REGISTERED WITH THE SALTWATER RECREATIONAL FISHING REGISTRY.

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

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

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

35 S 3. This act shall take effect on the one hundred eightieth day after  
36 it shall have become a law, provided, however, that effective immediate-  
37 ly, any regulations necessary for the timely implementation of this act  
38 on its effective date are authorized to be promulgated before such date.