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

3991

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. WINNER -- 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, the vehicle and traffic law and the state finance law, in relation to the habitat and access stamp and the conserve habitat license plate

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

Section 1. Subdivision 17 of section 11-0305 of the environmental conservation law, as added by section 3 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

17. To prepare or cause to be prepared [voluntary] habitat AND ACCESS stamps and TO furnish such stamps annually to license issuing agents and officers for sale and issuance in the same manner as licenses and other types of stamps. The department shall, by rule, establish the fee for the habitat AND ACCESS stamp, which shall not exceed [five] TEN dollars [plus an additional amount for], AND MAKE PROVISION THAT the issuing agent or officer MAY RETAIN 5.5 PERCENT OF THE GROSS PROCEEDS FROM THE SALE OF EACH HABITAT AND ACCESS STAMP. The DEPARTMENT MAY, THROUGH BULK SALES OR OTHERWISE, FURNISH FOR RETAIL SALE HABITAT AND ACCESS STAMPS TO OUTDOOR RECREATION RETAILERS AND EDUCATIONAL RETAILERS DEEMED TO BE IN KEEPING WITH THE PURPOSE OF THE STAMP AND MAY SELL HABITAT AND ACCESS STAMPS AT DEPARTMENT FACILITIES. IN NO CASE SHALL THE STAMP BE SOLD AT RETAIL FOR A PRICE WHICH EXCEEDS THE FEE AT WHICH THE STAMP MAY BE PURCHASED THROUGH A LICENSE ISSUING AGENT. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF SECTION 11-0703 OF THIS ARTICLE, THE purchase of a stamp is voluntary and a stamp need not be possessed in order to take fish or wildlife.

S 2. Subdivisions 16 and 17 of section 11-0701 of the environmental conservation law, as added by section 17 of part F of chapter 82 of the laws of 2002, are amended to read as follows:

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

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16. A conservation legacy license entitles the holder to fish, hunt wildlife, hunt big game with a longbow and a muzzle-loading firearm during special seasons therefor, hunt turkey, enjoy the benefits of a [voluntary] habitat AND ACCESS stamp and receive the "New York State Conservationist" magazine as if the holder of such license held separately a resident super-sportsman license, a [voluntary] habitat AND ACCESS stamp and a subscription to the "New York State Conservationist" magazine.

17. A conservation patron license entitles the holder to the benefits of a [voluntary] habitat AND ACCESS stamp and a subscription to "New York State Conservationist" magazine as if the holder of such license held separately a [voluntary] habitat AND ACCESS stamp and a subscription to the "New York State Conservationist" magazine.

S 3. Section 11-0703 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. NO NON-RESIDENT AGED SIXTEEN OR OLDER SHALL BE ELIGIBLE TO PURCHASE A NON-RESIDENT LICENSE OR STAMP AS DEFINED IN SECTION 11-0701 OF THIS TITLE UNLESS SUCH NON-RESIDENT HOLDS OR SIMULTANEOUSLY PURCHASES A HABITAT AND ACCESS STAMP FOR THE CORRESPONDING LICENSE YEAR, EXCEPT THAT THIS SUBDIVISION SHALL NOT APPLY TO A NON-RESIDENT WHO POSSESSES A VALID NEW YORK STATE LIFETIME LICENSE ISSUED PURSUANT TO SECTION 11-0702 OF THIS TITLE.

S 4. Subdivisions 4 and 5 of section 11-0713 of the environmental conservation law, subdivision 5 as renumbered by section 5 of part D of chapter 61 of the laws of 2000, are renumbered subdivisions 5 and 6 and a new subdivision 4 is added to read as follows:

4. THE ISSUING OFFICER SHALL NOT ISSUE A NON-RESIDENT LICENSE OR STAMP DEFINED IN SECTION 11-0701 OF THIS TITLE TO AN APPLICANT AGED SIXTEEN YEARS OR OLDER UNLESS AT THE TIME OF ISSUANCE THE APPLICANT PRESENTS OR PURCHASES A HABITAT AND ACCESS STAMP FOR THE CORRESPONDING LICENSE YEAR, EXCEPT THAT THIS SUBDIVISION SHALL NOT APPLY TO A NON-RESIDENT APPLICANT WHO POSSESSES A VALID NEW YORK STATE LIFETIME LICENSE ISSUED PURSUANT TO SECTION 11-0702 OF THIS TITLE.

S 5. Subdivision 2 of section 404-t of the vehicle and traffic law, as added by chapter 376 of the laws of 2002, is amended to read as follows:

2. A distinctive conserve habitat plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fees prescribed by section four hundred one of this article; provided, however, that an additional annual service charge of twenty-five dollars shall be charged for such plate. Such service charge under this section shall be deposited to the credit of the HABITAT ACCOUNT OF THE conservation fund established pursuant to SUBDIVISION (H) OF section eighty-three of the state finance law; provided, however, that one year after the effective date of this section, funds up to a maximum of six thousand dollars, or so much thereof as may be available, shall be allocated from such fund to the department to offset costs associated with the production of such license plate.

S 6. Subdivision (h) of section 83 of the state finance law, as added by section 54 of part F of chapter 82 of the laws of 2002, is amended to read as follows:

(h) [All] ONE HALF OF ALL moneys, revenues and interest thereon received as a result of the application of subdivision seventeen of section 11-0305 of the environmental conservation law authorizing the issuance and sale of [voluntary] habitat AND ACCESS stamps, other than the amount retained by the issuing agent or officer, AND ALL MONEYS,

REVENUES AND INTEREST THEREON RECEIVED HERETOFORE OR HEREAFTER FROM THE ANNUAL SERVICE CHARGE CHARGED FOR THE "CONSERVE HABITAT" LICENSE PLATE PURSUANT TO SUBDIVISION TWO OF SECTION FOUR HUNDRED FOUR-T OF THE VEHICLE AND TRAFFIC LAW AS ADDED BY CHAPTER THREE HUNDRED SEVENTY-SIX OF THE LAWS OF TWO THOUSAND TWO shall be deposited in a special account within the conservation fund to be known as the habitat account. All of such moneys, revenues and interest shall be available to the department of environmental conservation, pursuant to appropriation, exclusively for fish and wildlife habitat management, protection and restoration, and the improvement and development of public access for fish and wildlife-related recreation and study.

S 7. This act shall take effect immediately.