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

S. 4969 A. 7860

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

April 27, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE, CONTE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to recreational marine fishing licenses; and to repeal certain provisions of such law relating thereto

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

Section 1. Paragraphs g and h of subdivision 1 of section 11-0702 of the environmental conservation law are REPEALED.

S 2. Paragraph c of subdivision 1 of section 11-0713 of the environmental conservation law, as amended by section 4 of part LL of chapter 59 of the laws of 2009, is amended to read as follows:

c. One-day fishing licenses and one-day recreational marine fishing licenses may be issued by any person who has never been convicted of or pleaded guilty to a misdemeanor under this chapter within the past three years, and has not been convicted of a crime under any other law. [Such licenses] ONE-DAY FISHING LICENSE shall be issued to any such person following payment of the applicable license fee for [each] SUCH license. One-day fishing licenses [and one-day recreational marine fishing licenses] may be sold by the initial purchaser for no more than the applicable license fee, plus one dollar for the person selling such license. In the case of misuse or fraud in handling the fishing licenses, the department shall have the authority to revoke the privilege to buy and sell the licenses.

S 3. Subdivision 1 of section 13-0336 of the environmental conservation law, as amended by section 5 of part LL of chapter 59 of the laws of 2009, is 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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1. No owner or operator of a party boat or charter boat shall carry recreational fishing passengers in the marine and coastal district or land fish taken outside the territorial waters of the state without holding a party or charter boat license issued by the department for an annual fee of two hundred fifty dollars [and a recreational marine fishing license issued by the department for an annual fee of four hundred dollars]. Such [licenses] LICENSE shall be issued only to persons domiciled in the state or in a state which affords reciprocal fishing privileges to persons domiciled in New York. Such [licenses] LICENSE shall be available on the vessel at all times. For purposes of this subdivision, party boats and charter boats are vessels used to carry passengers for hire wherein a fee is charged, either directly or indirectly, for the purpose of taking or attempting to take marine fish for recreational purposes.

S 4. Subdivision 4 of section 13-0355 of the environmental conservation law is REPEALED.

S 5. Subdivision 2 of section 13-0503 of the environmental conservation law, as amended by section 7 of part LL of chapter 59 of the laws of 2009, is amended to read as follows:

2. The board shall have the power and duty to: (a) receive and review, and to approve or deny, applications from eligible recipients for grants from the marine and coastal district of New York conservation, education, and research fund, created pursuant to section ninety-five-c of the state finance law, for conservation, research, and education projects relating to such marine and coastal district. Approval of any such proposed project may be granted only by unanimous vote of all three members of the board. In the event a member of the board is unable to vote, the alternate for such member may vote in his or her place;

(b) make by-laws for the management of its affairs and to do all things necessary or convenient to carry out the powers expressly given in this title;

(c) review the allocations and expenditures of the department related to the marine resources account. To assist the board in its review, the department shall by September first of each year make available to the board, the governor and the legislature current and anticipated income and expenditures for the account, including planned expenditures by time and activity code for the next fiscal year; AND

(d) consult with marine fish and wildlife interests and render annual reports to the commissioner on fiscal needs and make recommendations on expenditures and how such needs shall be met[; and

(e) make recommendations regarding the maximum fees for the recreational marine fishing licenses identified in section 13-0355 of this article. In recommending such fees, the board shall consider economic indicators, the general financial condition of the saltwater recreational fishing industry and the status of the marine resources account, including the viability of the marine resources program, as it may deem appropriate].

S 6. This act shall take effect on the same date and in the same manner as section 8 of part LL of chapter 59 of the laws of 2009, takes effect.