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

7337

I N S E N A T E

March 30, 2010

Introduced by Sen. FOLEY -- 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 authorizing mentally retarded and developmentally disabled residents of a not-for-profit facility to fish without a license

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

Section 1. Subdivision 3 of section 11-0707 of the environmental conservation law, as amended by chapter 319 of the laws of 2003, is amended to read as follows:

3. Any person who is a patient at any facility in this state maintained by the United States Veterans' Administration or at any hospital or sanitorium for treatment of tuberculosis maintained by the state or any municipal corporation thereof or resident patient at any institution of the department of Mental Hygiene, OR RESIDENT PATIENT WHO IS MENTALLY RETARDED OR DEVELOPMENTALLY DISABLED, AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW, AT A FACILITY OPERATED BY A NOT-FOR-PROFIT CORPORATION WHEN SUCH FACILITY IS CERTIFIED BY THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, or resident patient at the rehabilitation hospital of the department of Health, or at any rest camp maintained by the state through the Division of Veterans' Affairs in the Executive Department or any inmate of a conservation work camp within the youth rehabilitation facility of the department of correction, or any inmate of a youth opportunity or youth rehabilitation center within the Office of Children and Family Services, any resident of a nursing home or residential health care facility as defined in subdivisions two and three of section twenty-eight hundred one of the public health law, or any staff member or volunteer accompanying or assisting one or more residents of such nursing home or residential health care facility on an outing authorized by the administrator of such nursing home or residential health care facility may take fish as if he OR SHE held a fishing license, except that he OR SHE may not take bait fish by net or trap, if he OR SHE has on his OR HER person an authorization upon a form furnished by the department containing such identifying information and

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

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data as may be required by it, and signed by the superintendent or other head of such facility, institution, hospital, sanitarium, nursing home, residential health care facility or rest camp, as the case may be, or by a staff physician thereat duly authorized so to do by the superintendent or other head thereof. Such authorization with respect to inmates of said conservation work camps shall be limited to areas under the care, custody and control of the department.

S 2. This act shall take effect immediately.