

3055

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BARCLAY, KOLB, GIGLIO, HAWLEY, WALKER, BALL --
Multi-Sponsored by -- M. of A. OAKS -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
allowing fishing guides and individuals holding a party or charter
boat license to issue certain licenses

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

1 Section 1. Paragraph a of subdivision 1 of section 11-0713 of the
2 environmental conservation law, as amended by section 4 of part D of
3 chapter 61 of the laws of 2000, is amended to read as follows:
4 a. All licenses, stamps, tags, buttons, permits, and permit applica-
5 tions authorized by this title, and any additional privileges authorized
6 by the department shall be issued by:
7 (1) clerks of a county, town or city, except a city having a popu-
8 lation of one million or more,
9 (2) clerks of a village having more than one thousand inhabitants
10 according to the last preceding federal census, or of a village in a
11 county of less than five hundred thousand inhabitants, adjoining a city
12 of over one million inhabitants, both according to such census, [and]
13 (3) [*License*] LICENSE issuing officers as may be appointed by the
14 commissioner. Applicants for designation as license issuing officers
15 shall be over the age of eighteen years and shall meet such other
16 requirements of eligibility, including posting bond, as the department
17 may by regulation specify. Such issuing officers shall be entitled to
18 receive and keep the same fees for issuing licenses and stamps that are
19 specified in section 11-0715 of this [article] TITLE for issuing clerks,
20 and shall file reports and remit license fees to the appropriate
21 regional environmental conservation officer or the department as
22 required by regulation[.], AND

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

LBD02793-01-9

1 (4) FISHING GUIDES LICENSED PURSUANT TO SECTION 11-0533 OF THIS ARTI-
2 CLE OR INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE ISSUED BY THE
3 DEPARTMENT. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO
4 ALLOW SUCH FISHING GUIDES AND INDIVIDUALS HOLDING A PARTY OR CHARTER
5 BOAT LICENSE TO SECURE A FISHING LICENSE TAG FOR A PERSON VIA THE INTER-
6 NET OR PHONE REGISTRY. SUCH TAG SHALL PROVIDE THE HOLDER WITH THE SAME
7 RIGHTS AS THE HOLDER OF ANY SIMILAR LICENSE ESTABLISHED PURSUANT TO THIS
8 TITLE. A PERSON WHO RECEIVES A FISHING TAG PURSUANT TO THIS SUBPARA-
9 GRAPH SHALL NOT BE REQUIRED TO ATTACH AND DISPLAY A BACK TAG ON THE BACK
10 OF HIS OR HER OUTER GARMENT.

11 S 2. Subdivision 3 of section 11-0705 of the environmental conserva-
12 tion law, as amended by chapter 57 of the laws of 1993, is amended to
13 read as follows:

14 3. Failure of a licensee to have the holder's license, tag or license
15 with stamp affixed, on the holder's person while exercising any privi-
16 lege of the license, tag or license and stamp, and to wear in plain
17 sight any button issued with the license while so doing, is presumptive
18 evidence that the holder is hunting, fishing or trapping, as the case
19 may be, without holding the license, tag or license and stamp required
20 by subdivision 6 of section 11-0703 OF THIS TITLE. PROVIDED, HOWEVER,
21 THAT A PERSON WHO RECEIVED A LICENSE PURSUANT TO SUBPARAGRAPH 4 OF PARA-
22 GRAPH A OF SUBDIVISION 1 OF SECTION 11-0713 OF THIS TITLE SHALL NOT BE
23 REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION WHILE FISHING
24 WITH A GUIDE. AS USED IN THIS SUBDIVISION, THE TERM "GUIDE" SHALL MEAN A
25 PERSON WHO OFFERS SERVICES FOR HIRE PART OR ALL OF WHICH INCLUDES
26 DIRECTING, INSTRUCTING, OR AIDING ANOTHER IN FISHING.

27 S 3. This act shall take effect on the one hundred twentieth day after
28 it shall have become a law; provided, however, that effective immediate-
29 ly, the addition, amendment and/or repeal of any rule or regulation
30 necessary for the implementation of this act on its effective date is
31 authorized and directed to be made and completed on or before such
32 effective date.