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

4948

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. THOMPSON -- 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 prohibiting the taking of striped bass from the Hudson river for commercial purposes; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 11-1321 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:

10. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE TAKING OF STRIPED BASS FOR COMMERCIAL PURPOSES FROM THE HUDSON RIVER IS PROHIBITED. STRIPED BASS UNINTENTIONALLY TAKEN CONTRARY TO ANY PROVISION OF THIS ARTICLE SHALL BE RETURNED TO THE WATER AT ONCE WITHOUT UNNECESSARY INJURY.

(B) FOR PURPOSES OF THIS SUBDIVISION: (I) "HUDSON RIVER" MEANS THE HUDSON RIVER FROM THE GEORGE WASHINGTON BRIDGE IN NEW YORK CITY TO THE FEDERAL DAM AT TROY, AND TRIBUTARY WATERS OF THAT SECTION OF THE RIVER FROM THE TRIBUTARY'S MOUTH UPSTREAM TO THE FIRST FALLS OR OTHER BARRIER IMPASSABLE TO FISH; AND (II) "TAKING OF STRIPED BASS FOR COMMERCIAL PURPOSES" MEANS THE TAKING OF SUCH FISH, BY ANY MEANS, FOR PURPOSES OF PURCHASING, SELLING, TRADING, OR BARTERING SUCH FISH OR OFFERING OR EXPOSING SUCH FISH FOR PURCHASE, SALE, TRADE, OR BARTER.

(C) NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT THE LAWFUL TAKING OF STRIPED BASS BY ANGLING FOR RECREATIONAL PURPOSES.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however that the amendments made by section one of this act shall expire and be deemed repealed April 1, 2013. Effective immediately any rules and regulations necessary for the timely implementation of this act on its effective date may be promulgated on or before such date.

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

LBD07354-01-9