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

4312

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. BARCLAY, KOLB, GIGLIO, HAWLEY, BLANKENBUSH, TENNEY, MONTESANO -- Multi-Sponsored by -- M. of A. CERETTO, GOODELL, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph a of subdivision 1 of section 11-0713 of the environmental conservation law, as amended by section 3 of part AA of chapter 60 of the laws of 2011, is amended to read as follows:

a. All licenses, stamps, tags, buttons, permits, registrations, and permit applications authorized by this title or section 13-0355 of this chapter, and any additional privileges authorized by the department shall be issued by:

(1) clerks of a county, town or city, except a city having a population of one million or more, although such clerks may request authorization from the department to cease issuing such licenses or registrations,

(2) clerks of a village having more than one thousand inhabitants according to the last preceding federal census, or of a village in a county of less than five hundred thousand inhabitants, adjoining a city of over one million inhabitants, both according to such census, although such clerks may request authorization from the department to cease issuing such licenses or registrations, [and]

(3) license issuing officers as may be appointed by the commissioner. Applicants for designation as license issuing officers shall be over the age of eighteen years and shall meet such other requirements of eligibility, including posting bond, as the department may by regulation specify. Such issuing officers shall be entitled to receive and keep the

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

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same fees for issuing licenses and stamps that are specified in section 11-0715 of this title for issuing clerks, and shall file reports and remit license fees to the appropriate regional environmental conservation officer or the department as required by regulation[.], AND

(4) FISHING GUIDES LICENSED PURSUANT TO SECTION 11-0533 OF THIS ARTICLE OR INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE ISSUED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO ALLOW SUCH FISHING GUIDES AND INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE TO SECURE A FISHING LICENSE TAG FOR A PERSON VIA THE INTERNET OR PHONE REGISTRY. SUCH TAG SHALL PROVIDE THE HOLDER WITH THE SAME RIGHTS AS THE HOLDER OF ANY SIMILAR LICENSE ESTABLISHED PURSUANT TO THIS TITLE. A PERSON WHO RECEIVES A FISHING TAG PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE REQUIRED TO ATTACH AND DISPLAY A BACK TAG ON THE BACK OF HIS OR HER OUTER GARMENT.

S 1-a. Paragraph a 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:

a. All licenses, stamps, tags, buttons, permits, and permit applications authorized by this title or section 13-0355 of this chapter, and any additional privileges authorized by the department shall be issued by:

(1) clerks of a county, town or city, except a city having a population of one million or more, although such clerks may request authorization from the department to cease issuing such licenses,

(2) clerks of a village having more than one thousand inhabitants according to the last preceding federal census, or of a village in a county of less than five hundred thousand inhabitants, adjoining a city of over one million inhabitants, both according to such census, although such clerks may request authorization from the department to cease issuing such licenses, [and]

(3) license issuing officers as may be appointed by the commissioner. Applicants for designation as license issuing officers shall be over the age of eighteen years and shall meet such other requirements of eligibility, including posting bond, as the department may by regulation specify. Such issuing officers shall be entitled to receive and keep the same fees for issuing licenses and stamps that are specified in section 11-0715 of this title for issuing clerks and section 13-0355 of this chapter, and shall file reports and remit license fees to the appropriate regional environmental conservation officer or the department as required by regulation[.], AND

(4) FISHING GUIDES LICENSED PURSUANT TO SECTION 11-0533 OF THIS ARTICLE OR INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE ISSUED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO ALLOW SUCH FISHING GUIDES AND INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE TO SECURE A FISHING LICENSE TAG FOR A PERSON VIA THE INTERNET OR PHONE REGISTRY. SUCH TAG SHALL PROVIDE THE HOLDER WITH THE SAME RIGHTS AS THE HOLDER OF ANY SIMILAR LICENSE ESTABLISHED PURSUANT TO THIS TITLE. A PERSON WHO RECEIVES A FISHING TAG PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE REQUIRED TO ATTACH AND DISPLAY A BACK TAG ON THE BACK OF HIS OR HER OUTER GARMENT.

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

3. Failure of a licensee to have the holder's license, tag or license with stamp affixed, on the holder's person while exercising any privilege of the license, tag or license and stamp, and to wear in plain

sight any button issued with the license while so doing, is presumptive evidence that the holder is hunting, fishing or trapping, as the case may be, without holding the license, tag or license and stamp required by subdivision 6 of section 11-0703 OF THIS TITLE. PROVIDED, HOWEVER, THAT A PERSON WHO RECEIVED A LICENSE PURSUANT TO SUBPARAGRAPH 4 OF PARAGRAPH A OF SUBDIVISION 1 OF SECTION 11-0713 OF THIS TITLE SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION WHILE FISHING WITH A GUIDE. AS USED IN THIS SUBDIVISION, THE TERM "GUIDE" SHALL MEAN A PERSON WHO OFFERS SERVICES FOR HIRE PART OR ALL OF WHICH INCLUDES DIRECTING, INSTRUCTING, OR AIDING ANOTHER IN FISHING.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, the amendments to subdivision 1 of section 11-0713 of the environmental conservation law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 3 of chapter 60 of the laws of 2011, as amended, when upon such date the provisions of section one-a of this act shall take effect; provided, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.