

4312

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 4, 2013

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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 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 3 of part AA of  
3 chapter 60 of the laws of 2011, is amended to read as follows:  
4     a. All licenses, stamps, tags, buttons, permits, registrations, and  
5 permit applications authorized by this title or section 13-0355 of this  
6 chapter, and any additional privileges authorized by the department  
7 shall be issued by:  
8     (1) clerks of a county, town or city, except a city having a popu-  
9 lation of one million or more, although such clerks may request authori-  
10 zation from the department to cease issuing such licenses or registra-  
11 tions,  
12     (2) clerks of a village having more than one thousand inhabitants  
13 according to the last preceding federal census, or of a village in a  
14 county of less than five hundred thousand inhabitants, adjoining a city  
15 of over one million inhabitants, both according to such census, although  
16 such clerks may request authorization from the department to cease issu-  
17 ing such licenses or registrations, [and]  
18     (3) license issuing officers as may be appointed by the commissioner.  
19 Applicants for designation as license issuing officers shall be over the  
20 age of eighteen years and shall meet such other requirements of eligi-  
21 bility, including posting bond, as the department may by regulation  
22 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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1 same fees for issuing licenses and stamps that are specified in section  
2 11-0715 of this title for issuing clerks, and shall file reports and  
3 remit license fees to the appropriate regional environmental conserva-  
4 tion officer or the department as required by regulation[.], AND

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

15 S 1-a. Paragraph a of subdivision 1 of section 11-0713 of the environ-  
16 mental conservation law, as amended by section 4 of part LL of chapter  
17 59 of the laws of 2009, is amended to read as follows:

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

22 (1) clerks of a county, town or city, except a city having a popu-  
23 lation of one million or more, although such clerks may request authori-  
24 zation from the department to cease issuing such licenses,

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

31 (3) license issuing officers as may be appointed by the commissioner.  
32 Applicants for designation as license issuing officers shall be over the  
33 age of eighteen years and shall meet such other requirements of eligi-  
34 bility, including posting bond, as the department may by regulation  
35 specify. Such issuing officers shall be entitled to receive and keep the  
36 same fees for issuing licenses and stamps that are specified in section  
37 11-0715 of this title for issuing clerks and section 13-0355 of this  
38 chapter, and shall file reports and remit license fees to the appropri-  
39 ate regional environmental conservation officer or the department as  
40 required by regulation[.], AND

41 (4) FISHING GUIDES LICENSED PURSUANT TO SECTION 11-0533 OF THIS ARTI-  
42 CLE OR INDIVIDUALS HOLDING A PARTY OR CHARTER BOAT LICENSE ISSUED BY THE  
43 DEPARTMENT. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS TO  
44 ALLOW SUCH FISHING GUIDES AND INDIVIDUALS HOLDING A PARTY OR CHARTER  
45 BOAT LICENSE TO SECURE A FISHING LICENSE TAG FOR A PERSON VIA THE INTER-  
46 NET OR PHONE REGISTRY. SUCH TAG SHALL PROVIDE THE HOLDER WITH THE SAME  
47 RIGHTS AS THE HOLDER OF ANY SIMILAR LICENSE ESTABLISHED PURSUANT TO THIS  
48 TITLE. A PERSON WHO RECEIVES A FISHING TAG PURSUANT TO THIS SUBPARA-  
49 GRAPH SHALL NOT BE REQUIRED TO ATTACH AND DISPLAY A BACK TAG ON THE BACK  
50 OF HIS OR HER OUTER GARMENT.

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

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

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

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