

3823--C

Cal. No. 167

2013-2014 Regular Sessions

I N S E N A T E

February 21, 2013

Introduced by Sens. ZELDIN, LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters; 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:

1 Section 1. Subdivision 1 of section 11-0103 of the environmental  
2 conservation law is amended by adding a new paragraph f to read as  
3 follows:

4 F. "SPEARGUN" AND "UNDER-WATER GUN" MEANS ANY SPEARGUN THAT STORES  
5 POTENTIAL ENERGY PROVIDED FROM THE SPEARFISHER'S MUSCLES ONLY AND IS  
6 USED WHILE SUBMERGED UNDER THE WATER. SUCH GUN MAY ONLY RELEASE THAT  
7 AMOUNT OF ENERGY THAT THE DIVER HAS PROVIDED TO IT FROM SUCH DIVER'S OWN  
8 MUSCLES. COMMON TEMPORARY ENERGY STORING DEVICES FOR SPEARGUNS SHALL  
9 INCLUDE, BUT NOT BE LIMITED TO: RUBBER BANDS, SPRINGS, AND SEALED AIR  
10 CHAMBERS.

11 S 2. Subdivision 1 of section 11-1301 of the environmental conserva-  
12 tion law is amended by adding a new paragraph c to read as follows:

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

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1 C. EXCEPT AS OTHERWISE PROHIBITED BY LAW, FISH MAY BE TAKEN BY SPEAR  
2 OR SPEARGUN IN THE MARINE AND COASTAL DISTRICT ONLY FOR RECREATIONAL  
3 PURPOSES. A SPEARGUN MUST BE SUBMERGED WHEN USED TO TAKE FISH.  
4 PROVIDED, HOWEVER, THAT NO FOOD FISH MAY BE TAKEN BY SPEAR OR SPEARGUN  
5 WITHIN ONE HUNDRED YARDS OF A PUBLIC BATHING AREA.

6 S 3. This act shall take effect on the ninetieth day after it shall  
7 have become a law and shall expire and be deemed repealed June 1, 2017.