

3262

2017-2018 Regular Sessions

I N A S S E M B L Y

January 27, 2017

Introduced by M. of A. BARCLAY, BLANKENBUSH, DiPIETRO, FINCH, GIGLIO, HAWLEY, KOLB, MONTESANO, PALMESANO, RAIA, WALTER -- Multi-Sponsored by -- M. of A. BUTLER, GOODELL, LOPEZ, 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:

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, the opening paragraph as amended by
4 section 3 of part R of chapter 58 of the laws of 2013, is amended to
5 read as follows:

6 a. All licenses, bowhunting privileges, muzzle-loading privileges,
7 tags, permits, registrations, and permit applications authorized by this
8 title or section 13-0355 of this chapter, and any additional privileges
9 authorized by the department shall be issued by:

10 (1) clerks of a county, town or city, except a city having a popu-
11 lation of one million or more, although such clerks may request authori-
12 zation from the department to cease issuing such licenses or registra-
13 tions,

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

20 (3) license issuing officers as may be appointed by the commissioner.
21 Applicants for designation as license issuing officers shall be over the
22 age of eighteen years and shall meet such other requirements of eligi-

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

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1 bility, including posting bond, as the department may by regulation
2 specify. Such issuing officers shall be entitled to receive and keep the
3 same fees for issuing licenses and stamps that are specified in section
4 11-0715 of this title for issuing clerks, and shall file reports and
5 remit license fees to the appropriate regional environmental conserva-
6 tion officer or the department as required by regulation[.], AND

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

17 S 2. Subdivision 3 of section 11-0705 of the environmental conserva-
18 tion law, as amended by section 21 of part R of chapter 58 of the laws
19 of 2013, is amended to read as follows:

20 3. Failure of a licensee to have the holder's license, tag or license
21 with bowhunting and/or muzzle-loading privilege included, on the hold-
22 er's person while hunting, fishing or trapping, is presumptive evidence
23 that the holder is hunting, fishing or trapping, as the case may be,
24 without holding the license, tag or license and bowhunting or muzzle-
25 loading privilege required by subdivision 6 of section 11-0703 of this
26 title. PROVIDED, HOWEVER, THAT A PERSON WHO RECEIVED A LICENSE PURSUANT
27 TO SUBPARAGRAPH 4 OF PARAGRAPH A OF SUBDIVISION 1 OF SECTION 11-0713 OF
28 THIS TITLE SHALL NOT BE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS
29 SECTION WHILE FISHING WITH A GUIDE. AS USED IN THIS SUBDIVISION, THE
30 TERM "GUIDE" SHALL MEAN A PERSON WHO OFFERS SERVICES FOR HIRE PART OR
31 ALL OF WHICH INCLUDES DIRECTING, INSTRUCTING, OR AIDING ANOTHER IN FISH-
32 ING.

33 S 3. This act shall take effect on the one hundred twentieth day after
34 it shall have become a law; provided, that effective immediately, the
35 addition, amendment and/or repeal of any rule or regulation necessary
36 for the implementation of this act on its effective date is authorized
37 and directed to be made and completed on or before such effective date.