

Legislative Bill Drafting Commission  
08337-03-1

S. -----  
Senate  
-----

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ENVCONLA\*  
(Establishes a registration system  
for saltwater recreational fishing;  
repealer)

-----  
En Con L. saltwater rec fishing

AN ACT

to amend the environmental conserva-  
tion law, in relation to establish-  
ing a registration system for salt-  
water recreational fishing; and to  
repeal part LL of chapter 59 of the  
laws of 2009 amending the environ-  
mental conservation law, relating to  
recreational marine fishing  
licenses, relating thereto

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a042 Jacobs	a102 Miller, J.	a067 Rosenthal
a092 Abinanti	a014 Curran	a095 Jaffee	a038 Miller, M.	a118 Russell
a105 Anedore	a063 Cusick	a057 Jeffries	a052 Millman	a012 Saladino
a084 Arroyo	a045 Cymbrowitz	a135 Johns	a103 Molinaro	a113 Sayward
a035 Aubry	a034 DenDekker	a112 Jordan	a015 Montesano	a029 Scarborough
a124 Barclay	a116 Destito	a099 Katz	a132 Morelle	a016 Schimel
a040 Barron	a081 Dinowitz	a074 Kavanagh	a039 Moys	a140 Schiminger
a082 Benedetto	a114 Duprey	a065 Kellner	a003 Murray	a145 Schroeder
a073 Bing	a004 Englebright	a129 Kolb	a037 Nolan	a064 Silver
a122 Blankenbush	a071 Farrell	a025 Lancman	a128 Oaks	a036 Simotas
a055 Boyland	a123 Finch	a091 Latimer	a069 O'Donnell	a146 Smardz
a008 Boyle	a007 Fitzpatrick	a013 Lavine	a051 Ortiz	a093 Spano
a026 Braunstein	a137 Friend	a050 Lentol	a136 Palmesano	a079 Stevenson
a044 Brennan	a143 Gabryszak	a125 Lifton	a088 Paulin	a011 Sweeney
a131 Bronson	a090 Galef	a072 Linares	a141 Peoples-	a110 Tedioco
a046 Brook-Krasny	a133 Gantt	a127 Lopez, F.	Stokes	a115 Tenney
a147 Burling	a077 Gibson	a053 Lopez, V.	a058 Perry	a002 Thiele
a117 Butler	a149 Giglio	a001 Losquadro	a023 Pheffer	a061 Titone
a101 Cahill	a066 Glick	a126 Lupardo	a087 Pretlow	a031 Titus
a096 Calhoun	a150 Goodell	a111 Magee	a021 Ra	a062 Tobacco
a043 Camara	a075 Gottfried	a120 Magnarelli	a097 Rabbitt	a054 Towns
a106 Canestrari	a005 Graf	a059 Maisel	a009 Raia	a041 Weinstein
a089 Castelli	a098 Gunther	a060 Malliotakis	a006 Ramos	a020 Weisenberg
a086 Castro	a130 Hanna	a030 Markey	a134 Reilich	a024 Weprin
a138 Ceretto	a139 Hawley	a027 Mayersohn	a109 Reilly	a070 Wright
a033 Clark	a148 Hayes	a019 McDonough	a078 Rivera, J.	a094 Zebrowski
a047 Colton	a083 Heastie	a104 McEneny	a080 Rivera, N.	a100
a010 Conte	a028 Hevesi	a017 McKevitt	a076 Rivera, P.	
a032 Cook	a048 Hikind	a108 McLaughlin	a119 Roberts	
a142 Corwin	a018 Hooper	a022 Meng	a056 Robinson	
a085 Crespo	a144 Hoyt	a121 Miller, D.	a068 Rodriguez	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Part LL of chapter 59 of the laws of 2009, amending the  
2 environmental conservation law relating to recreational marine fishing  
3 licenses, is REPEALED.

4 § 2. The environmental conservation law is amended by adding a new  
5 section 13-0355 to read as follows:

6 § 13-0355. Saltwater recreational fishing registry.

7 1. Definitions of registration; privileges. Registration with the  
8 saltwater recreational fishing registry entitles the person so regis-  
9 tered who is sixteen years of age or older to take fish from the waters  
10 of the marine and coastal district and to take migratory fish of the sea  
11 from all waters of the state, except as provided in sections 13-0333 and  
12 13-0335 of this title.

13 2. Saltwater recreational fishing registry established. a. The commis-  
14 sioner shall administer and maintain a registry of persons who engage in  
15 saltwater recreational fishing. The commissioner may designate by rule  
16 the methods of fishing or the saltwater areas for which registration is  
17 required under this section. The registry shall contain the name,  
18 address, date of birth and telephone number for each person registered.

19 b. Each person registered shall be assigned a unique identification  
20 number. Such unique identification number shall contain an embedded  
21 year code, to be determined by the commissioner, discretely designating  
22 the year of registration or renewal of registration, to ensure compli-  
23 ance with annual renewal requirements pursuant to paragraph a of subdi-  
24 vision three of this section.

25 3. Registry procedures. a. An individual's saltwater recreational  
26 fishing registration shall expire at the end of each calendar year, and  
27 may be renewed for each subsequent calendar year pursuant to paragraph c  
28 of this subdivision.

1 b. A person may initially register to engage in saltwater recreation-  
2 al fishing:

3 (i) by appearing before a registration agent, as established by the  
4 commissioner; or

5 (ii) through a publicly accessible online registration system on the  
6 department website; or

7 (iii) through a publicly accessible telephonic registration system  
8 operated by the department. The commissioner shall establish a toll-free  
9 telephone number or a dedicated number for use to register pursuant to  
10 this section.

11 c. A person may renew his or her registration under this section:

12 (i) by appearing before a registration agent, as established by the  
13 commissioner; or

14 (ii) through a publicly accessible online registration system on the  
15 department website; or

16 (iii) through a publicly accessible telephonic registration system  
17 operated by the department. The commissioner shall establish a toll-free  
18 telephone number or a dedicated number for use to renew registrations on  
19 the registry.

20 d. A person purchasing a fishing license under section 11-0701 of this  
21 chapter shall be asked if the person intends to fish in saltwater for  
22 the calendar year. If the person answers in the affirmative, the person  
23 shall be informed of the requirements under this section.

24 4. Unique identification number required. a. Each person registered  
25 shall at all times have their unique identification number on the hold-  
26 er's person while exercising any privilege of the registration.

27 b. Failure to have a unique identification number on one's person  
28 while exercising any privilege of the registration is presumptive

1 evidence that such person is fishing without being registered as  
2 required by this section.

3 5. Fees. A fee for registering on the registry may not be established  
4 or levied. Notwithstanding any other provision of law, a person regis-  
5 tering through an online or telephonic registration system may not be  
6 charged a fee for registering.

7 6. Exemption from requirement of saltwater recreational fishing regis-  
8 tration. a. Minors under the age of sixteen may take fish as if they  
9 were registered with the saltwater recreational fishing registry.

10 b. Recreational fishing passengers on a marine and coastal district  
11 party or charter boat licensed pursuant to section 13-0336 of this title  
12 may take fish as if they held a recreational marine fishing license.

13 7. Federal registration requirements. a. The registry established  
14 pursuant to this section shall comply with the provisions of the regis-  
15 try program to be established pursuant to the Magnuson-Stevens Fishery  
16 Conservation and Management Reauthorization Act, 16 U.S.C. §§ 1801 et  
17 seq.

18 b. Upon establishment of the registry pursuant to this section, the  
19 commissioner shall apply to the national marine fisheries service of the  
20 national oceanic and atmospheric administration for exempted state  
21 designation from the federal registration requirements.

22 8. Reciprocity in boundary waters. If persons registered pursuant to  
23 this section in the saltwater recreational fishing registry are not  
24 required to have licenses issued by a state named in paragraph a, b or c  
25 of this subdivision when fishing in that part of the waters, specified  
26 in such paragraph, which lies within that state then, in such case, a  
27 person similarly registered or licensed by such state may, without being  
28 registered pursuant to this section in the saltwater recreational fish-

1 ing registry, take fish as provided in this title, from that part of  
2 such waters specified in paragraph a, b or c of this subdivision which  
3 lies within this state:

4 a. License issued by Connecticut: those parts of the Long Island Sound  
5 lying between New York and Connecticut.

6 b. License issued by New Jersey: those parts of New York Harbor,  
7 Hudson River, Kill Van Kull, Arthur Kill, Raritan Bay and Atlantic Ocean  
8 lying between New York and New Jersey.

9 c. License issued by Rhode Island: those parts of the Long Island  
10 Sound, Block Island Sound and Atlantic Ocean lying between New York and  
11 Rhode Island.

12 § 3. Any person who purchased a lifetime recreational marine fishing  
13 license shall be refunded the amount of the fee he or she paid in excess  
14 of a single season license.

15 § 4. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law, provided, however, that effective immediate-  
17 ly, any regulations necessary for the timely implementation of this act  
18 on its effective date are authorized to be promulgated before such date.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:**

**SPONSOR:** ZELDIN

**TITLE OF BILL:**

An act to amend the environmental conservation law, to repeal part LL of chapter 59 of the laws of 2009, relating to the creation and implementation of a mandatory recreational marine fishing license, and in relation to alternatively establishing a free registration system for saltwater recreational fishing participants; and relating thereto.

**PURPOSE OR GENERAL IDEA OF BILL:**

This legislation repeals New York's recreational marine fishing license, and replaces it with a free registration model that puts New York in compliance with Federal requirements.

**SUMMARY OF PROVISIONS:**

Section 1 repeals Part LL of chapter 59 of the laws of 2009 which created the recreational marine fishing license.

Section 2 adds a new section to the environmental conservation law creating the free saltwater recreational fishing registry. The commissioner shall create a registry of persons who engage in saltwater recreational fishing. The registry will contain the name, address, date of birth and telephone number for each individual. Each person registering will be given a unique identification number; such unique identification number shall include a discretely embedded year code as established by the Commissioner, to account for annual registry expiration and renewal.

This Section establishes the saltwater recreational fishing registry, and states that a person may register in person at a registry agent location, or through the internet, or via a telephone number as provided by the Commissioner. An individual engaging in saltwater recreational fishing is required to have their unique identification number on their person at all times while engaging in saltwater fishing. Individual angler registration shall expire at the end of each calendar year, and shall be renewable for each subsequent year by the same means as are available for initial registration. There shall be no fees for registering.

This Section also states that those individuals under the age of sixteen and passengers on state licensed party or charter boats are exempt from having to sign up with the registry. The registry established hereby must comply with the provisions of the federal Magnuson-Stevens Fishery Conservation and Management Reauthorization Act, and upon implementation of the free registry, directs the Commissioner to apply for exempt status from federal registration requirements established thereby. Lastly, this section provides for reciprocity for anglers licensed or registered in adjacent states who fish on the marine boundary waters between such adjacent states and New York State; these adjacent states include New Jersey, Connecticut and Rhode Island.

Section 3 provides that any person who purchased a lifetime recreational marine fishing license pursuant to the herein repealed marine recreational license law shall be refunded the full amount paid for such lifetime license, less the established fee for a single license season.

Section 4 is the effective date.

**JUSTIFICATION:**

Under provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act states are required to provide certain background data on individuals who partake in recreational saltwater fishing, primarily for the purpose of estimating numbers of fish landed in each state on an annual basis. Those states that do not comply with these provisions will be mandated to require their resident recreational saltwater fisherman to purchase a license from the Federal Government. States can avoid this mandate by providing individual participating marine angler information to the federal fisheries management authorities. As part of the 2009 budget a New York State recreational marine fishing license was created which required marine recreational anglers to purchase a license from New York if they wished to participate in recreational saltwater fishing. The Federal Government does not require individuals be licensed, only that each state provide certain identifying and contact information for its marine anglers. Other states have taken the step of creating a free registry for recreational saltwater fishermen. New York should follow this model of creating a free registration model. This legislation seeks to repeal New York's licensure requirement while installing an angler registration model that ensures compliance with the Federal requirements, but is also free to participants.

**LEGISLATIVE HISTORY:**

New Bill.

**FISCAL IMPLICATIONS:**

A total of \$1.2 million in fees was collected by New York State for recreational fishing licenses in 2010. In addition, \$1.16 million in fees has been collected for lifetime recreational fishing licenses. Any person who purchased a lifetime license shall be refunded the amount of the lifetime fee which is in excess of the single season license fee.

**EFFECTIVE DATE:**

This act shall take effect on the one hundred eightieth day after it shall have become law.