

S. 1390

A. 3950

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2009

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. ALESSI -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend chapter 690 of the laws of 1988 creating the bi-state Long Island sound marine resources committee, in relation to making conforming amendments to such chapter

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 1 of chapter 690 of the laws of 1988 creating the  
2     bi-state Long Island sound marine resources committee, is amended to  
3     read as follows:  
4     Section 1. Legislative intent. In order to provide for [the] maximum  
5     [enhancement, enjoyment and conservation of the marine resources of Long  
6     Island sound] PUBLIC ENJOYMENT AND TO PROTECT THE NATURAL RESOURCES OF  
7     LONG ISLAND SOUND, WHICH IS THREATENED BY PROPOSED INDUSTRIALIZATION AND  
8     NEGATIVE USES, INCLUDING, BUT NOT LIMITED TO, PROPOSED PRIVATE PROJECTS,  
9     the legislature hereby finds that the best interest of the people of the  
10    state and the communities involved will be served by the establishment  
11    of a Connecticut-New York bi-state Long Island sound [marine resources]  
12    committee to make specific recommendations concerning the maintenance,  
13    protection and restoration of such [marine] NATURAL resources.  
14    S 2. Section 2 of chapter 690 of the laws of 1988 creating the  
15    bi-state Long Island sound marine resources committee, as amended by  
16    chapter 691 of the laws of 1988, is amended to read as follows:  
17    S 2. Establishment of committee and membership thereof. There is here-  
18    by created a bi-state Long Island sound [marine resources] committee.  
19    Such committee shall consist of eighteen members, nine of whom shall be  
20    residents of Connecticut and nine of whom shall be residents of New

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

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1 York. The New York members shall be as follows: Three members of the  
2 senate elected from the area including Nassau, Suffolk and Westchester  
3 counties and the city of New York, two to be appointed by the temporary  
4 president of the senate and one to be appointed by the minority leader  
5 of the senate; three members of the assembly elected from the area  
6 including Nassau, Suffolk and Westchester counties and the city of New  
7 York, two to be appointed by the speaker of the assembly and one to be  
8 appointed by the minority leader of the assembly; the governor, the  
9 commissioner of the department of environmental conservation and the  
10 secretary of state or their designees.

11 S 3. Section 3 of chapter 690 of the laws of 1988 creating the  
12 bi-state Long Island sound marine resources committee is amended to read  
13 as follows:

14 S 3. Duties of committee; report. The committee may make such recom-  
15 mendations as may be necessary to effectuate the purposes of this act.  
16 In furtherance of its responsibilities under this act, the committee  
17 [shall] MAY coordinate and recommend standardization of all laws rela-  
18 tive to Long Island sound [and shall consider the adverse impact any  
19 action proposed in or for Long Island sound may have upon the marine  
20 resources of said sound. The committee shall prepare and submit a report  
21 annually to the governors and the legislature of the respective states  
22 on or before February fifteenth] INCLUDING, BUT NOT LIMITED TO, STAND-  
23 ARDIZATION OF JURISDICTION OF COASTAL WATERS BY HARBOR MANAGEMENT  
24 COMMISSIONS, MUNICIPAL WATERFRONT AUTHORITIES, MUNICIPAL CONSERVATION  
25 COMMISSIONS, MUNICIPAL PORT AUTHORITIES AND MUNICIPAL SHELLFISH COMMIS-  
26 SIONS. THE COMMITTEE SHALL CONSIDER THE ADVERSE IMPACT ANY ACTION  
27 PROPOSED IN OR FOR LONG ISLAND SOUND MAY HAVE UPON THE PUBLIC TRUST  
28 RESOURCES OF SAID SOUND. THE COMMITTEE SHALL PREPARE AND SUBMIT A REPORT  
29 TO THE GOVERNORS AND THE LEGISLATURES OF THE RESPECTIVE STATES ON OR  
30 BEFORE FEBRUARY FIFTEENTH, ANNUALLY. THE REPORT SHALL MAKE RECOMMENDA-  
31 TIONS FOR LEGISLATION REGARDING PROPOSED INDUSTRIALIZATION AND PRIVATE  
32 USE OF PUBLIC TRUST RESOURCES OF LONG ISLAND SOUND. IN DEVELOPING SUCH  
33 RECOMMENDATIONS, THE COMMITTEE SHALL SEEK TO (1) AVOID, (2) MINIMIZE,  
34 AND (3) MITIGATE THE IMPACTS OF SUCH PROPOSED INDUSTRIALIZATION AND  
35 PRIVATE USE OF PUBLIC TRUST RESOURCES OF SAID SOUND. FOR THE PURPOSES OF  
36 THIS SECTION, "PUBLIC TRUST RESOURCES" SHALL INCLUDE, BUT NOT BE LIMITED  
37 TO, THE HISTORIC AND BROAD BOATING USE OF SAID SOUND BY THE PUBLIC, THE  
38 RIGHT OF THE PUBLIC TO ENJOY AND EXPLORE THE NATURAL BEAUTY OF SAID  
39 SOUND BY BOAT, THE RIGHTS OF THE PUBLIC AND COMMERCIAL FISHERMEN TO  
40 HARVEST FISH AND SHELLFISH FROM SAID SOUND, THE PROTECTION OF ALL  
41 NATURAL RESOURCES OF SAID SOUND THAT ARE HELD IN TRUST BY THE STATE FOR  
42 THE PUBLIC, THE STEWARDSHIP AND RESTORATION OF SITES ALONG THE COAST OF  
43 SAID SOUND THAT CONTAIN IMPORTANT HABITAT OR NATURAL RESOURCES AND THE  
44 PROTECTION OF SITES THAT PROVIDE OPPORTUNITIES FOR PUBLIC ENJOYMENT OF  
45 SAID SOUND.

46 S 4. Chapter 690 of the laws of 1988 creating the bi-state Long Island  
47 sound marine resources committee is amended by adding a new section 3-a  
48 to read as follows:

49 S 3-A. RECOMMENDATIONS OF COMMITTEE REGARDING UNIFORM SIGNS FOR COAS-  
50 TAL ACCESS. THE BI-STATE LONG ISLAND SOUND COMMITTEE, ESTABLISHED PURSU-  
51 ANT TO THIS ACT, MAY SOLICIT PROPOSALS FROM ANY INTERESTED AND QUALIFIED  
52 PARTY FOR A DESIGN FOR A UNIFORM SIGN DENOTING COASTAL ACCESS TO LONG  
53 ISLAND SOUND IN THE STATES OF CONNECTICUT AND NEW YORK. THE COMMITTEE  
54 MAY MAKE A RECOMMENDATION REGARDING SUCH SIGNS TO THE GOVERNORS AND THE  
55 LEGISLATURES OF THE RESPECTIVE STATES.

1 S 5. Section 5 of chapter 690 of the laws of 1988 creating the  
2 bi-state Long Island sound marine resources committee is amended to read  
3 as follows:

4 S 5. The secretary of state shall notify the legislative bill drafting  
5 commission upon the occurrence of the enactment into law by the state of  
6 Connecticut of legislation having an identical effect with this act OR  
7 AN IDENTICAL EFFECT WITH ANY AMENDMENT TO THIS ACT, in order that the  
8 commission may maintain an accurate and timely effective data base of  
9 the official text of the laws of the state of New York in furtherance of  
10 effecting the provisions of section forty-four of the legislative law  
11 and section seventy-b of the public officers law.

12 S 6. This act shall take effect upon the enactment into law by the  
13 state of Connecticut of legislation having an identical effect with this  
14 act, but if the state of Connecticut has already enacted such legis-  
15 lation, this act shall take effect immediately.