S T A T E O F N E W Y O R K

2747

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in relation to providing for a three-year and a five-year access fee

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

Section 1. The parks, recreation and historic preservation law is amended by adding two new sections 13.18 and 13.20 to read as follows:

S 13.18 THREE-YEAR VEHICULAR ACCESS FEE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE OFFICE OR OTHER STATE AGENCY HAVING JURISDICTION OF A STATE PARK OR RECREATIONAL FACILITY SHALL ESTABLISH A THREE-YEAR VEHICULAR ACCESS FEE WHICH SHALL RUN FROM APRIL FIRST OF THE YEAR OF ISSUANCE TO MARCH THIRTY-FIRST OF THE THIRD YEAR FOLLOWING SUCH ISSUANCE, ENTITLING THE HOLDER THEREOF TO A PASS FOR VEHICULAR ADMISSION WITHOUT ADDITIONAL FEE TO ANY STATE PARK AND RECREATIONAL FACILITY WHICH HAS A VEHICULAR ACCESS FEE. SUCH THREE-YEAR FEE SHALL BE CONSISTENT WITH THE FEE SCHEDULE ESTABLISHED PURSUANT TO SECTION 13.15 OF THIS ARTICLE AND SHALL BE APPROVED BY THE DIRECTOR OF THE BUDGET.

2. THE PASS FOR VEHICULAR ACCESS SHALL BE KNOWN AS THE "THREE-YEAR EMPIRE PASSPORT". THE PASS SHALL BE AVAILABLE AT REGIONAL PARK HEADQUARTERS AND SUCH OTHER PLACES AS THE OFFICE OR OTHER STATE AGENCY SHALL DESIGNATE. SUCH PASS, HAVING AN EMBLEM OF THE BLUEBIRD THEREON, SHALL BE AVAILABLE IN A FORM PRESCRIBED BY THE OFFICE.

3. SUCH PASS FOR VEHICULAR ACCESS SHALL NOT BE AVAILABLE TO THE OWNER OR OPERATOR OF AN OMNIBUS OPERATED FOR A COMMERCIAL PURPOSE, UNLESS SUCH OMNIBUS IS OPERATED BY OR PURSUANT TO AN AGREEMENT WITH A PUBLIC OR PRIVATE NONPROFIT AGENCY FOR THE PURPOSE OF TRANSPORTING PERSONS TO OR FROM STATE PARKS FOR A RECREATIONAL EXPERIENCE.

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

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4. IF DEMONSTRATED THAT THE USE OF THE PASS FOR VEHICULAR ACCESS IN PARTICULAR PARKS OR RECREATIONAL FACILITIES IS CONTRARY TO THE PUBLIC INTEREST, THE OFFICE OR SUCH OTHER STATE AGENCY HAVING JURISDICTION MAY PROHIBIT ITS USE IN SUCH PARTICULAR PARKS OR RECREATIONAL FACILITIES BY RULE OR REGULATION.

5. THE OFFICE OR OTHER STATE AGENCY HAVING JURISDICTION OF A STATE PARK OR RECREATIONAL FACILITY SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 13.20 FIVE-YEAR VEHICULAR ACCESS FEE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE OFFICE OR OTHER STATE AGENCY HAVING JURISDICTION OF A STATE PARK OR RECREATIONAL FACILITY SHALL ESTABLISH A FIVE-YEAR ACCESS FEE WHICH SHALL RUN FROM APRIL FIRST OF THE YEAR OF ISSUANCE TO MARCH THIRTY-FIRST OF THE FIFTH YEAR FOLLOWING SUCH ISSUANCE, ENTITLING THE HOLDER THEREOF TO A PASS FOR VEHICULAR ADMISSION WITHOUT ADDITIONAL FEE TO ANY STATE PARK AND RECREATIONAL FACILITY WHICH HAS AN ACCESS FEE. SUCH FIVE-YEAR FEE SHALL BE CONSISTENT WITH THE FEE SCHEDULE ESTABLISHED PURSUANT TO SECTION 13.15 OF THIS ARTICLE AND SHALL BE APPROVED BY THE DIRECTOR OF THE BUDGET.

2. THE PASS FOR VEHICULAR ACCESS SHALL BE KNOWN AS THE "FIVE-YEAR EMPIRE PASSPORT". THE PASS SHALL BE AVAILABLE AT REGIONAL PARK HEADQUARTERS AND SUCH OTHER PLACES AS THE OFFICE OR SUCH OTHER STATE AGENCY SHALL DESIGNATE. SUCH PASS, HAVING AN EMBLEM OF THE BROOK TROUT THEREON, SHALL BE AVAILABLE IN A FORM PRESCRIBED BY THE OFFICE.

3. SUCH PASS FOR VEHICULAR ACCESS SHALL NOT BE AVAILABLE TO THE OWNER OR OPERATOR OF AN OMNIBUS OPERATED FOR A COMMERCIAL PURPOSE, UNLESS SUCH OMNIBUS IS OPERATED BY OR PURSUANT TO AN AGREEMENT WITH A PUBLIC OR PRIVATE NONPROFIT AGENCY FOR THE PURPOSE OF TRANSPORTING PERSONS TO OR FROM STATE PARKS FOR A RECREATIONAL EXPERIENCE.

4. IF DEMONSTRATED THAT THE USE OF THE PASS FOR VEHICULAR ACCESS IN PARTICULAR PARKS OR RECREATIONAL FACILITIES IS CONTRARY TO THE PUBLIC INTEREST, THE OFFICE OR SUCH OTHER STATE AGENCY HAVING JURISDICTION MAY PROHIBIT ITS USE IN SUCH PARTICULAR PARKS OR RECREATIONAL FACILITIES BY RULE OR REGULATION.

5. THE OFFICE OR OTHER STATE AGENCY HAVING JURISDICTION OF A STATE PARK OR RECREATIONAL FACILITY SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect January 1, 2012.