

2747--A

2011-2012 Regular Sessions

I N   S E N A T E

January 31, 2011

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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 -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

- 1     Section 1. The parks, recreation and historic preservation law is  
2 amended by adding two new sections 13.18 and 13.20 to read as follows:  
3     S 13.18 THREE-YEAR VEHICULAR ACCESS FEE. 1. NOTWITHSTANDING ANY OTHER  
4 PROVISION OF LAW TO THE CONTRARY, THE OFFICE OR OTHER STATE AGENCY  
5 HAVING JURISDICTION OF A STATE PARK OR RECREATIONAL FACILITY SHALL  
6 ESTABLISH A THREE-YEAR VEHICULAR ACCESS FEE WHICH SHALL RUN FROM APRIL  
7 FIRST OF THE YEAR OF ISSUANCE TO MARCH THIRTY-FIRST OF THE THIRD YEAR  
8 FOLLOWING SUCH ISSUANCE, ENTITLING THE HOLDER THEREOF TO A PASS FOR  
9 VEHICULAR ADMISSION WITHOUT ADDITIONAL FEE TO ANY STATE PARK AND RECRE-  
10 ATIONAL FACILITY WHICH HAS A VEHICULAR ACCESS FEE. SUCH THREE-YEAR FEE  
11 SHALL BE CONSISTENT WITH THE FEE SCHEDULE ESTABLISHED PURSUANT TO  
12 SECTION 13.15 OF THIS ARTICLE AND SHALL BE APPROVED BY THE DIRECTOR OF  
13 THE BUDGET.  
14     2. THE PASS FOR VEHICULAR ACCESS SHALL BE KNOWN AS THE "THREE-YEAR  
15 EMPIRE PASSPORT". THE PASS SHALL BE AVAILABLE AT REGIONAL PARK HEADQUAR-  
16 TERS AND SUCH OTHER PLACES AS THE OFFICE OR OTHER STATE AGENCY SHALL  
17 DESIGNATE. SUCH PASS, HAVING AN EMBLEM OF THE BLUEBIRD THEREON, SHALL  
18 BE AVAILABLE IN A FORM PRESCRIBED BY THE OFFICE.  
19     3. SUCH PASS FOR VEHICULAR ACCESS SHALL NOT BE AVAILABLE TO THE OWNER  
20 OR OPERATOR OF AN OMNIBUS OPERATED FOR A COMMERCIAL PURPOSE, UNLESS SUCH  
21 OMNIBUS IS OPERATED BY OR PURSUANT TO AN AGREEMENT WITH A PUBLIC OR

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

LBD00306-02-2

1 PRIVATE NONPROFIT AGENCY FOR THE PURPOSE OF TRANSPORTING PERSONS TO OR  
2 FROM STATE PARKS FOR A RECREATIONAL EXPERIENCE.

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

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

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

21 2. THE PASS FOR VEHICULAR ACCESS SHALL BE KNOWN AS THE "FIVE-YEAR  
22 EMPIRE PASSPORT". THE PASS SHALL BE AVAILABLE AT REGIONAL PARK HEADQUAR-  
23 TERS AND SUCH OTHER PLACES AS THE OFFICE OR SUCH OTHER STATE AGENCY  
24 SHALL DESIGNATE. SUCH PASS, HAVING AN EMBLEM OF THE BROOK TROUT THERE-  
25 ON, SHALL BE AVAILABLE IN A FORM PRESCRIBED BY THE OFFICE.

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

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

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

39 S 2. This act shall take effect January 1, 2013.