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

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

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:

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

Section 1. Legislative intent. In order to provide for [the] maximum [enhancement, enjoyment and conservation of the marine resources of Long Island sound] PUBLIC ENJOYMENT AND TO PROTECT THE NATURAL RESOURCES OF LONG ISLAND SOUND, WHICH IS THREATENED BY PROPOSED INDUSTRIALIZATION AND NEGATIVE USES, INCLUDING, BUT NOT LIMITED TO, PROPOSED PRIVATE PROJECTS, the legislature hereby finds that the best interest of the people of the state and the communities involved will be served by the establishment of a Connecticut-New York bi-state Long Island sound [marine resources] committee to make specific recommendations concerning the maintenance, protection and restoration of such [marine] NATURAL resources.

S 2. Section 2 of chapter 690 of the laws of 1988 creating the bi-state Long Island sound marine resources committee, as amended by chapter 691 of the laws of 1988, is amended to read as follows:

S 2. Establishment of committee and membership thereof. There is hereby created a bi-state Long Island sound [marine resources] committee. Such committee shall consist of eighteen members, nine of whom shall be 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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York. The New York members shall be as follows: Three members of the senate elected from the area including Nassau, Suffolk and Westchester counties and the city of New York, two to be appointed by the temporary president of the senate and one to be appointed by the minority leader of the senate; three members of the assembly elected from the area including Nassau, Suffolk and Westchester counties and the city of New York, two to be appointed by the speaker of the assembly and one to be appointed by the minority leader of the assembly; the governor, the commissioner of the department of environmental conservation and the secretary of state or their designees.

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

S 3. Duties of committee; report. The committee may make such recommendations as may be necessary to effectuate the purposes of this act. In furtherance of its responsibilities under this act, the committee [shall] MAY coordinate and recommend standardization of all laws relative to Long Island sound [and shall consider the adverse impact any action proposed in or for Long Island sound may have upon the marine resources of said sound. The committee shall prepare and submit a report annually to the governors and the legislature of the respective states on or before February fifteenth] INCLUDING, BUT NOT LIMITED TO, STANDARDIZATION OF JURISDICTION OF COASTAL WATERS BY HARBOR MANAGEMENT COMMISSIONS, MUNICIPAL WATERFRONT AUTHORITIES, MUNICIPAL CONSERVATION COMMISSIONS, MUNICIPAL PORT AUTHORITIES AND MUNICIPAL SHELLFISH COMMISSIONS. THE COMMITTEE SHALL CONSIDER THE ADVERSE IMPACT ANY ACTION PROPOSED IN OR FOR LONG ISLAND SOUND MAY HAVE UPON THE PUBLIC TRUST RESOURCES OF SAID SOUND. THE COMMITTEE SHALL PREPARE AND SUBMIT A REPORT TO THE GOVERNORS AND THE LEGISLATURES OF THE RESPECTIVE STATES ON OR BEFORE FEBRUARY FIFTEENTH, ANNUALLY. THE REPORT SHALL MAKE RECOMMENDATIONS FOR LEGISLATION REGARDING PROPOSED INDUSTRIALIZATION AND PRIVATE USE OF PUBLIC TRUST RESOURCES OF LONG ISLAND SOUND. IN DEVELOPING SUCH RECOMMENDATIONS, THE COMMITTEE SHALL SEEK TO (1) AVOID, (2) MINIMIZE, AND (3) MITIGATE THE IMPACTS OF SUCH PROPOSED INDUSTRIALIZATION AND PRIVATE USE OF PUBLIC TRUST RESOURCES OF SAID SOUND. FOR THE PURPOSES OF THIS SECTION, "PUBLIC TRUST RESOURCES" SHALL INCLUDE, BUT NOT BE LIMITED TO, THE HISTORIC AND BROAD BOATING USE OF SAID SOUND BY THE PUBLIC, THE RIGHT OF THE PUBLIC TO ENJOY AND EXPLORE THE NATURAL BEAUTY OF SAID SOUND BY BOAT, THE RIGHTS OF THE PUBLIC AND COMMERCIAL FISHERMEN TO HARVEST FISH AND SHELLFISH FROM SAID SOUND, THE PROTECTION OF ALL NATURAL RESOURCES OF SAID SOUND THAT ARE HELD IN TRUST BY THE STATE FOR THE PUBLIC, THE STEWARDSHIP AND RESTORATION OF SITES ALONG THE COAST OF SAID SOUND THAT CONTAIN IMPORTANT HABITAT OR NATURAL RESOURCES AND THE PROTECTION OF SITES THAT PROVIDE OPPORTUNITIES FOR PUBLIC ENJOYMENT OF SAID SOUND.

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

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

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

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

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