

S. 3771

A. 5971

2011-2012 Regular Sessions

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

March 3, 2011

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. SWEENEY, THIELE, ENGLEBRIGHT, FITZPATRICK, MONTESANO, RAIA, SCHIMEL, WEISENBERG -- Multi-Sponsored by -- M. of A. CONTE -- 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.

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

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

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

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

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

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

1 MAY MAKE A RECOMMENDATION REGARDING SUCH SIGNS TO THE GOVERNORS AND THE
2 LEGISLATURES OF THE RESPECTIVE STATES.

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

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

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