

5530

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 23, 2011

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Introduced by M. of A. ENGLEBRIGHT, McENENY, TITONE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

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

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

LBD00306-01-1

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

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

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

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

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

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

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

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