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

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I N A S S E M B L Y

April 18, 2012

Introduced by M. of A. STEVENSON -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the "lumber salvage act"

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

Section 1. Article 9 of the environmental conservation law is amended by adding a new title 16 to read as follows:

TITLE 16

LUMBER SALVAGE ACT

SECTION 9-1601. SHORT TITLE.
9-1603. DEFINITIONS.
9-1605. LUMBER SALVAGE.
9-1607. RULES AND REGULATIONS.

S 9-1601. SHORT TITLE.

THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LUMBER SALVAGE ACT".

S 9-1603. DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE:

1. "NATURALLY FALLEN LUMBER" SHALL MEAN TREES THAT HAVE FALLEN FROM NATURAL CAUSES, INCLUDING BUT NOT LIMITED TO WEATHER, ANIMALS AND/OR DISEASE.

2. "UNUSED PUBLIC LAND" SHALL MEAN ANY LAND OWNED BY THE STATE OR A PUBLIC CORPORATION INCLUDING A MUNICIPALITY THAT IS NOT IN USE FOR A PUBLIC PURPOSE, IS OTHERWISE UNOCCUPIED, IDLE OR NOT BEING ACTIVELY UTILIZED FOR ANY OTHER PURPOSE INCLUDING RIGHTS-OF-WAY BUT EXCLUDING LAND SUBJECT TO USE RESTRICTIONS UNDER LAW.

3. "QUALIFIED APPLICANT" SHALL MEAN ANY VETERAN, WOMAN OR MEMBER OF A MINORITY GROUP.

S 9-1605. LUMBER SALVAGE.

1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL ISSUE LICENSES OR PERMITS FOR THE COLLECTION AND SALVAGE OF NATURALLY FALLEN LUMBER ON UNUSED PUBLIC LANDS IN THIS STATE.

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

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2. THE FEE FOR A LUMBER SALVAGE LICENCE OR PERMIT SHALL BE TWO HUNDRED FIFTY DOLLARS FOR QUALIFIED APPLICANTS AND FIVE HUNDRED DOLLARS FOR ALL OTHER APPLICANTS, WHICH SHALL ACCOMPANY EACH LICENSE OR PERMIT APPLICATION.

3. SUCH LICENSE SHALL BE RENEWABLE, FOR A FEE TO BE DETERMINED BY THE COMMISSIONER, PROVIDED THE HOLDER OF SUCH LICENSE OR PERMIT HAS NOT VIOLATED ANY PROVISION OF THIS TITLE OR ANY RULE OR REGULATION PROMULGATED PURSUANT TO THIS TITLE.

4. A LUMBER SALVAGE LICENSE OR PERMIT SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE OF ISSUANCE.

5. WITHIN THIRTY DAYS OF THE RECEIPT OF THE APPLICATION AND FEE FOR A LICENSE OR PERMIT ISSUED UNDER THIS SECTION, THE COMMISSIONER SHALL EITHER ISSUE THE LICENSE OR PERMIT, OR DENY THE LICENSE OR PERMIT SETTING FORTH THE REASON FOR SUCH DENIAL IN WRITING.

S 9-1607. RULES AND REGULATIONS.

THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS TITLE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.