

3519

2011-2012 Regular Sessions

I N S E N A T E

February 24, 2011

Introduced by Sens. JOHNSON, HANNON, MAZIARZ, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, the navigation law and the environmental conservation law, in relation to establishing the aquatic invasive species volunteer steward program

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

1 Section 1. Subdivision 4 of section 97-nn of the state finance law, as  
2 amended by chapter 524 of the laws of 2008, is amended to read as  
3 follows:

4 4. The "I love NY waterways" vessel access account shall consist of  
5 the revenues derived from the vessel access surcharge collected upon the  
6 registration of vessels pursuant to section twenty-two hundred fifty-one  
7 of the vehicle and traffic law AND THE REVENUES DERIVED FROM FEES FOR  
8 NON-MOTORIZED VESSEL INVASIVE SPECIES PERMITS PURSUANT TO SUBDIVISION  
9 SIX OF SECTION 11-0541 OF THE ENVIRONMENTAL CONSERVATION LAW, and shall  
10 be available for (A) the creation, enhancement or maintenance of state  
11 or municipal facilities or services to provide boating access to the  
12 waters of the state, provided that the state share of the cost of any  
13 project for the creation, enhancement or maintenance of municipal facil-  
14 ities or services shall not exceed fifty percent of such cost; AND (B)  
15 NOT MORE THAN TWENTY-FIVE PERCENT OF THE REVENUE IN SUCH ACCOUNT EACH  
16 FISCAL YEAR, THE ADMINISTRATIVE COSTS FOR THE AQUATIC INVASIVE SPECIES  
17 VOLUNTEER STEWARD PROGRAM ESTABLISHED PURSUANT TO PART FOUR-A OF ARTICLE  
18 FOUR OF THE NAVIGATION LAW.

19 S 2. Article 4 of the navigation law is amended by adding a new part  
20 4-A to read as follows:

21 PART 4-A -- AQUATIC INVASIVE  
22 SPECIES VOLUNTEER STEWARD PROGRAM  
23 SECTION 74-A. AQUATIC INVASIVE SPECIES VOLUNTEER STEWARD PROGRAM.

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

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1 S 74-A. AQUATIC INVASIVE SPECIES VOLUNTEER STEWARD PROGRAM. IN ORDER  
2 TO PROTECT THE RECREATIONAL QUALITY OF THE PUBLIC WATERWAYS, THE ECONOM-  
3 IC INTERESTS OF MARINE INDUSTRIES, AND THE ENJOYMENT OF PLEASURE BOATING  
4 AND OTHER SPORTS ON THE WATERS OF THE STATE FROM THE NEGATIVE IMPACTS OF  
5 AQUATIC INVASIVE SPECIES, THE COMMISSIONER, IN COOPERATION WITH THE NEW  
6 YORK INVASIVE SPECIES COUNCIL, SHALL ESTABLISH AND PUT INTO EFFECT A  
7 COMPREHENSIVE AQUATIC INVASIVE SPECIES VOLUNTARY STEWARD PROGRAM  
8 DESIGNED TO COLLECT INFORMATION AND DATA ON ALIEN PLANTS AND ANIMALS IN  
9 THE WATERS OF THE STATE AND TO EDUCATE BOATERS. STEWARDS SHALL BE TASKED  
10 WITH, TO THE EXTENT PRACTICABLE, INSPECTING VESSELS ENTERING AND LEAVING  
11 STATE WATERWAYS, REMOVING AND COLLECTING PLANT OR ANIMAL MATERIAL, IDEN-  
12 TIFYING AQUATIC INVASIVE SPECIES, AND MAKING A SURVEY RECORD THEREOF.  
13 SUCH SURVEY SHALL INCLUDE, TO THE EXTENT AVAILABLE, INFORMATION ABOUT  
14 THE VESSEL, ITS ORIGIN, BODY OR BODIES OF WATER IN WHICH IT WAS OPERATED  
15 AND OVER WHAT PERIODS OF TIME AND WHAT INVASIVE SPECIES MATERIAL MAY  
16 HAVE BEEN COLLECTED FROM THE VESSEL, AS WELL AS ANY OTHER INFORMATION  
17 THE COMMISSIONER MAY DEEM HELPFUL IN MEETING THE GOALS OF THE PROGRAM.  
18 NOTHING IN THIS SECTION SHALL COMPEL A VESSEL OWNER OR OPERATOR TO  
19 COMPLY WITH AN INSPECTION OR REQUEST FOR INFORMATION BY A STEWARD, NOR  
20 REQUIRE A PRIVATELY-OWNED BOAT FACILITY OR MARINA TO ALLOW ACCESS TO  
21 STEWARDS FOR THE PURPOSES OF THIS PROGRAM. THE COMMISSIONER SHALL DEVEL-  
22 OP EDUCATIONAL MATERIALS THAT MAY BE DISTRIBUTED TO BOATERS AND OTHERS  
23 THAT DESCRIBE WAYS IN WHICH VESSEL OWNERS AND OPERATORS CAN ASSIST IN  
24 THE COLLECTION OF DATA ON AQUATIC INVASIVE SPECIES AND ENCOURAGE EFFORTS  
25 TO PREVENT THE TRANSPORTATION OR THE INTRODUCTION OF AQUATIC INVASIVE  
26 SPECIES TO THE STATE'S WATERWAYS. ALL INFORMATION AND DATA GENERATED AND  
27 COLLECTED PURSUANT TO THIS SECTION SHALL BE UNDER THE JOINT CUSTODY OF  
28 THE COMMISSIONER, THE NEW YORK INVASIVE SPECIES COUNCIL AND SUCH OTHER  
29 STATE AGENCIES THAT THE COMMISSIONER DETERMINES TO BE APPROPRIATE.

30 S 3. The environmental conservation law is amended by adding a new  
31 section 11-0541 to read as follows:

32 S 11-0541. NON-MOTORIZED VESSEL INVASIVE SPECIES PERMIT.

33 1. NO PERSON SHALL OPERATE OR PERMIT THE OPERATION OF A NON-MOTORIZED  
34 VESSEL ON THE NAVIGABLE WATERS OF THE STATE OR UPON ANY OTHER WATERS  
35 WITHIN THE BOUNDARIES OF THE STATE, EXCEPT WATERS WHICH ARE PRIVATELY  
36 OWNED, UNLESS SUCH NON-MOTORIZED VESSEL DISPLAYS ON THE HULL OF THE  
37 VESSEL IN PLAIN SIGHT A VALID, NON-MOTORIZED VESSEL INVASIVE SPECIES  
38 STICKER ISSUED BY THE COMMISSIONER IN ACCORDANCE WITH THE PROVISIONS OF  
39 THIS SECTION.

40 2. FOR THE PURPOSES OF THIS SECTION, "NON-MOTORIZED VESSEL" INCLUDES A  
41 SAILBOAT, ROWBOAT, CANOE OR KAYAK THAT IS NOT REQUIRED TO BE REGISTERED  
42 PURSUANT TO ARTICLE FORTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

43 3. THE COMMISSIONER SHALL ISSUE A NON-MOTORIZED VESSEL INVASIVE  
44 SPECIES STICKER OR STICKERS TO AN OWNER OR OPERATOR OF A NON-MOTORIZED  
45 VESSEL BY MEANS OF THE APPLICABLE PROCEDURES IN SECTION 11-0713 OF THIS  
46 CHAPTER. SUCH STICKER SHALL BE VALID FOR ONE YEAR.

47 4. THE HOLDER OF A NON-MOTORIZED VESSEL INVASIVE SPECIES PERMIT SHALL  
48 AT ALL TIMES EXHIBIT SUCH NON-MOTORIZED VESSEL INVASIVE SPECIES STICKER  
49 ON THE HULL OF THE VESSEL IN PLAIN SIGHT. FAILURE TO PROPERLY DISPLAY A  
50 VALID, AUTHENTIC NON-MOTORIZED VESSEL INVASIVE SPECIES STICKER PURSUANT  
51 TO SUBDIVISION ONE OF THIS SECTION IS PRESUMPTIVE EVIDENCE THAT SUCH  
52 PERSON IS OPERATING A NON-MOTORIZED VESSEL WITHOUT A PERMIT.

53 5. THE OWNER OR OPERATOR OF EACH VESSEL REQUIRING A PERMIT UNDER THIS  
54 SECTION SHALL PRESENT AN APPLICATION FOR A NON-MOTORIZED VESSEL INVASIVE  
55 SPECIES STICKER TO THE COMMISSIONER OR AN AGENT DESIGNATED BY THE

1 COMMISSIONER, ON A FORM TO BE PREPARED AND FURNISHED BY THE COMMISSIONER  
2 FOR SUCH PURPOSE.

3 6. EACH APPLICANT FOR A NON-MOTORIZED VESSEL INVASIVE SPECIES PERMIT  
4 SHALL PAY TO THE ISSUING OFFICER A FEE OF SIX DOLLARS FOR EACH STICKER.  
5 THE NON-MOTORIZED VESSEL INVASIVE SPECIES PERMIT FEE SHALL NOT BE  
6 CONSIDERED A REGISTRATION FEE. ALL FUNDS DERIVED FROM THE COLLECTION OF  
7 THE NON-MOTORIZED VESSEL INVASIVE SPECIES PERMIT FEE SHALL BE DEPOSITED  
8 IN AND CREDITED TO THE "I LOVE NY WATERWAYS" VESSEL ACCESS ACCOUNT  
9 ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-NN OF THE STATE FINANCE  
10 LAW, AS ADDED BY CHAPTER EIGHT HUNDRED FIVE OF THE LAWS OF NINETEEN  
11 HUNDRED NINETY-TWO.

12 7. THE COMMISSIONER IS HEREBY EMPOWERED TO MAKE SUCH RULES AND REGU-  
13 LATIONS AS MAY BE DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS  
14 SECTION.

15 8. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION OR REGULATION  
16 ADOPTED PURSUANT THERETO SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A  
17 FINE NOT TO EXCEED ONE HUNDRED DOLLARS.

18 S 4. This act shall take effect on the one hundred eightieth day after  
19 it shall have become a law; provided, however, that effective immediate-  
20 ly, any regulations necessary for the implementation of the provisions  
21 of this act on its effective date are authorized and directed to be  
22 promulgated before such date.