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

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:

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

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

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

PART 4-A -- AQUATIC INVASIVE SPECIES VOLUNTEER STEWARD PROGRAM

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.

LBD07337-01-1

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

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

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

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

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

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

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

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

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

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

7. THE COMMISSIONER IS HEREBY EMPOWERED TO MAKE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

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