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

7851--B

I N S E N A T E

June 13, 2014

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to aquatic invasive species, spread prevention, and penalties; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. The environmental conservation law is amended by adding a new section 9-1710 to read as follows:

S 9-1710. AQUATIC INVASIVE SPECIES; SPREAD PREVENTION.

1. FOR PURPOSES OF THIS SECTION:

(A) "WATERCRAFT" SHALL MEAN EVERY MOTORIZED OR NON-MOTORIZED BOAT OR VEHICLE CAPABLE OF BEING USED OR OPERATED AS A MEANS OF TRANSPORTATION OR RECREATION IN OR ON WATER.

(B) "LAUNCH" SHALL MEAN TO PLACE A WATERCRAFT OR FLOATING DOCK INTO A PUBLIC WATERBODY OR ANY INLET OR OUTLET TO SUCH WATERBODY FOR ANY PURPOSE, INCLUDING BY TRAILER OR OTHER DEVICE OR CARRYING BY HAND A WATERCRAFT INTO THE WATERBODY.

2. NO PERSON SHALL LAUNCH A WATERCRAFT OR FLOATING DOCK UNLESS IT CAN BE DEMONSTRATED THAT REASONABLE PRECAUTIONS SUCH AS REMOVAL OF ANY VISIBLE PLANT OR ANIMAL MATTER, WASHING, DRAINING OR DRYING AS DEFINED BY THE DEPARTMENT PURSUANT TO RULES AND REGULATIONS, HAVE BEEN TAKEN.

S 2. Section 71-0703 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:

10. ANY PERSON WHO VIOLATES SECTION 9-1710 OF THIS CHAPTER SHALL BE GUILTY OF A VIOLATION AND SHALL BE PUNISHABLE AND LIABLE TO A CIVIL PENALTY AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, PROVIDED, HOWEVER, THAT FOR ANY FIRST VIOLATION IN LIEU OF A PENALTY THERE SHALL BE ISSUED A WRITTEN WARNING BY THE DEPARTMENT AND THERE SHALL ALSO BE

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

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ISSUED EDUCATION MATERIALS AT THE DISCRETION OF THE DEPARTMENT REGARDING REQUIREMENTS RELATED TO INVASIVE SPECIES. SUCH PERSON SHALL BE SUBJECT TO A FINE OF UP TO ONE HUNDRED FIFTY DOLLARS FOR A SECOND OFFENSE, UP TO TWO HUNDRED FIFTY DOLLARS FOR A THIRD OFFENSE, AND NO LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS FOR A FOURTH OR SUBSEQUENT OFFENSE.

S 3. Subdivision 1 of section 11-0323 of the environmental conservation law, as separately amended by section 19 of part H of chapter 58 and chapter 342 of the laws of 2012, is amended to read as follows:

1. The department shall compile and index each year after the adjournment of the legislature the laws relating to fish and wildlife, as well as invasive species (as defined in section 9-1703 AND 9-1710 of this chapter), as amended to date. Copies of the compilation shall be printed in pamphlet form of pocket size in the number for which the legislature may appropriate funds.

S 4. This act shall take effect one year after it shall have become a law, and shall expire and be deemed repealed June 1, 2019. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the timely implementation of this act on its effective date is authorized to be made on or before such effective date.