STATE OF NEW YORK

7010

2021-2022 Regular Sessions

IN SENATE

May 24, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to aquatic invasive species inspection stations and spread prevention efforts; and to amend chapter 330 of the laws of 2014, amending the environmental conservation law relating to aquatic invasive species, spread prevention, and penalties, in relation to the effectiveness 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 9-1711 to read as follows:

§ 9-1711. Aquatic invasive species inspections in the Adirondack park.

1. The department may establish aquatic invasive species inspection stations at any location in the Adirondack park boundary or within a ten-mile radius of the park, including, but not limited to: interstate borders, highways, or other roads; locations adjacent to or near waters; and at state-owned facilities to ensure compliance with the requirements of section 9-1710 of this title.

2. The department may require vehicles with motorized watercraft to stop at aquatic invasive species inspection stations when such stations are marked as open and operational to ensure compliance with the requirements of section 9-1710 of this title.

3. The department or another entity designated by the department may, upon stopping a motorized watercraft for aquatic invasive species inspection, inspect any part outside the motorized watercraft known to potentially carry invasive species. The department or another entity designated by the department may inspect any compartment or container inside the motorized watercraft that is reasonably believed to harbor water from a water body contaminated with invasive species, including but not limited to the spiny water flea. The department or another entity designated by the department may then wash and decontaminate the motorized watercraft and compartments, or direct the motorized watercraft to the nearest aquatic invasive species inspection station for

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

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decontamination if one is not known to exist on the waterbody that is their destination.

4. The department or another entity designated by the department may issue an inspection or decontamination certificate to the owner or person in possession of a motorized watercraft that has been inspected. Such certificate shall include the following details: (a) the name of the department or designated entity and of the person who conducted the inspection; (b) the date, place, and time of inspection; (c) any preventative measures performed or ordered; and (d) decontamination performed.

5. If the department or designated entity issues an inspection or decontamination certificate to the owner or person in possession of the motorized watercraft, the department or designated entity may attach a tamperproof tag to the motorized watercraft to certify such motorized watercraft arriving at a boat launch with unbroken tags could launch without an additional inspection. Such tag may only be removed prior to a launch.

6. The department may recognize an inspection or decontamination certificate issued by another governmental entity, if the other governmental entity adheres to the minimum standards for inspection and decontamination as determined by the department, including but not limited to recognized uniform standards.

7. The department is authorized to promulgate any rules and regulations necessary to implement the provisions of this section.

8. Nothing in this section shall be construed to limit any constitutional, statutory or common law protections of the owner or person in possession of the motorized watercraft or to grant any individual with powers not specifically set forth in this chapter or any rules or regulations established pursuant to this section.

§ 2. Section 9-1710 of the environmental conservation law is amended by adding two new subdivisions 3 and 4 to read as follows:

3. The department shall create and maintain a self-issuing certification designed for a person to demonstrate that reasonable precautions have been taken prior to launching a watercraft.

4. The department shall conduct education and outreach efforts including, but not limited to, the following:

a. establishing and maintaining a public website for the dissemination of educational materials to promote cleaning, draining and drying of watercrafts;

b. developing and distributing educational materials; and

c. including boat washing education in approved boating safety courses.

§ 3. Section 4 of chapter 330 of the laws of 2014, amending the environmental conservation law relating to aquatic invasive species, spread prevention, and penalties, as amended by section 1 of item O of subpart B of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect one year after it shall have become a law[~~, and shall expire and be deemed repealed June 1, 2021~~]. 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.

§ 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the one hundred eightieth day after it shall have become a law.