

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:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 9-1711 to read as follows:

3 § 9-1711. Aquatic invasive species inspections in the Adirondack park.

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

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

14 3. The department or another entity designated by the department may,
15 upon stopping a motorized watercraft for aquatic invasive species
16 inspection, inspect any part outside the motorized watercraft known to
17 potentially carry invasive species. The department or another entity
18 designated by the department may inspect any compartment or container
19 inside the motorized watercraft that is reasonably believed to harbor
20 water from a water body contaminated with invasive species, including
21 but not limited to the spiny water flea. The department or another enti-
22 ty designated by the department may then wash and decontaminate the
23 motorized watercraft and compartments, or direct the motorized water-
24 craft 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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1 decontamination if one is not known to exist on the waterbody that is
2 their destination.

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

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

17 6. The department may recognize an inspection or decontamination
18 certificate issued by another governmental entity, if the other govern-
19 mental entity adheres to the minimum standards for inspection and decon-
20 tamination as determined by the department, including but not limited to
21 recognized uniform standards.

22 7. The department is authorized to promulgate any rules and regu-
23 lations necessary to implement the provisions of this section.

24 8. Nothing in this section shall be construed to limit any constitu-
25 tional, statutory or common law protections of the owner or person in
26 possession of the motorized watercraft or to grant any individual with
27 powers not specifically set forth in this chapter or any rules or regu-
28 lations established pursuant to this section.

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

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

34 4. The department shall conduct education and outreach efforts includ-
35 ing, but not limited to, the following:

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

39 b. developing and distributing educational materials; and

40 c. including boat washing education in approved boating safety cours-
41 es.

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

47 § 4. This act shall take effect one year after it shall have become a
48 law[~~, and shall expire and be deemed repealed June 1, 2021~~]. Effective
49 immediately, the addition, amendment and/or repeal of any rule or regu-
50 lation necessary for the timely implementation of this act on its effec-
51 tive date is authorized to be made on or before such effective date.

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