

# STATE OF NEW YORK

7010--B

2021-2022 Regular Sessions

## IN SENATE

May 24, 2021

Introduced by Sens. KAMINSKY, GOUNARDES, MAY, SALAZAR, SERRANO, STEC -- 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 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 may, upon stopping a motorized watercraft for aquat-  
15 ic invasive species inspection, inspect any part outside the motorized  
16 watercraft known to potentially carry invasive species. The department  
17 may only inspect the compartment or container inside a motorized water-

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

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1 craft that is reasonably believed to harbor water from a water body  
2 contaminated with invasive species with the consent of the owner or  
3 person in possession of the motorized watercraft. The department may  
4 then decontaminate the motorized watercraft or the department may direct  
5 the motorized watercraft to be decontaminated by another entity desig-  
6 nated by the department.

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

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

21 6. The department may recognize an inspection or decontamination  
22 certificate issued by another governmental entity, if the other govern-  
23 mental entity adheres to the minimum standards for inspection and decon-  
24 tamination as determined by the department, including but not limited to  
25 recognized uniform standards. The department may also recognize the  
26 self-issuing certificate issued pursuant to section 9-1710 of this  
27 title, provided the standards for issuing such certificates are deemed  
28 substantially equivalent to those certificates issued pursuant to this  
29 section.

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

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

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

39 3. The department shall create and maintain a self-issuing certif-  
40 ication designed for a person to demonstrate that reasonable precautions  
41 have been taken prior to launching a watercraft, as required by subdivi-  
42 sion two of this section.

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

45 a. establishing and maintaining a public website for the dissemination  
46 of educational materials to promote cleaning, draining and drying of  
47 watercrafts, including information regarding the self-issuing certif-  
48 icate required under this section;

49 b. developing and distributing educational materials; and

50 c. including boat washing education in approved boating safety cours-  
51 es.

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

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

6 § 4. This act shall take effect immediately; provided, however, that  
7 sections one and two of this act shall take effect on the one hundred  
8 eightieth day after it shall have become a law; and provided further,  
9 however, that section three of this act shall be deemed to have been in  
10 full force and effect on and after June 1, 2021.