STATE OF NEW YORK

7010--C

2021-2022 Regular Sessions

IN SENATE

May 24, 2021

Introduced by Sens. KAMINSKY, GOUNARDES, HOYLMAN, KRUEGER, 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 -- 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 making such provisions permanent

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 inspection stations in the Adirondack park.

1. The department may establish aquatic invasive species inspection stations at any location in the Adirondack park and within a ten-mile radius of the Adirondack park boundary, 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. Projects to establish such aquatic invasive species inspection stations shall be eligible for funding from appropriations made for access and stewardship projects within the parks, recreation and historic preservation account established pursuant to section ninety-two-s of the state finance law.

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

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2. Before entering a waterbody, owners and operators of motorized watercraft who are not in possession of a self-issuing certification or an inspection or decontamination certificate since their last operation of such watercraft in a waterbody shall stop at an aquatic invasive species inspection station where such station is located adjacent to such waterbody and open at the time of entering the waterbody in order to inspect their watercraft to ensure compliance with the requirements of section 9-1710 of this title. The department shall maintain on their website a list of such stations and their operating hours in order to assist motorized watercraft owners and operators in locating stations where they can inspect and clean their watercraft.

3. The department or other 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 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.

4. 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.

5. 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.

6. The department will review all data collected at aquatic invasive species inspection stations, including any data from designated entities, to identify any changes to the current practices to better protect Adirondack lakes and waters.

§ 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 may 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) establish and maintain a public website for the dissemination of educational materials to promote cleaning, draining and drying of watercrafts;

(b) develop and distribute educational materials including, but not limited to, the most effective methods to prevent the spread of aquatic invasive species, and the potential for live wells and other interior water compartments to carry aquatic invasive species such as the spiny water flea; and

(c) include 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. Notwithstanding the provisions of article 5 of the general construction law, the provisions of section 9-1710 of the environmental conservation law, as amended by section two of this act, are hereby revived and shall continue in full force and effect as such provisions existed on May 31, 2021.

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