

S. 4429

A. 6441

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

March 27, 2013

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IN SENATE -- Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

IN ASSEMBLY -- Introduced by M. of A. ENGLEBRIGHT, GALEF, CORWIN, THIELE, KEARNS, WEPRIN, FINCH, STEC, COLTON, CAHILL, MILLMAN, WALTER, DUPREY, ROSENTHAL, DIPIETRO, RAIA, SANTABARBARA, MAISEL, MONTESANO, LUPARDO, BORELLI, OTIS, BARRETT, ABBATE, GUNTHER, CERETTO -- Multi-Sponsored by -- M. of A. BARCLAY, BUCHWALD, CROUCH, P. LOPEZ, LUPINACCI, McDONALD, QUART, SCHIMMINGER, SOLAGES, SWEENEY, TITONE, WEISENBERG -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to establishing the New York state park adopt-a-trail stewardship program; and to amend the state finance law, in relation to establishing the state park adopt-a-trail stewardship program fund

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

1     Section 1. The parks, recreation and historic preservation law is  
2     amended by adding a new section 3.27 to read as follows:  
3     S 3.27 STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM. 1. A. THE COMMIS-  
4     SIONER MAY ENTER INTO STEWARDSHIP AGREEMENTS WITH ANY PERSON OR PERSONS  
5     FOR THE PURPOSES OF PRESERVING, MAINTAINING, OR ENHANCING A TRAIL OR  
6     TRAILS IN STATE-OWNED PARKS OR ANY PORTION THEREOF IN ACCORDANCE WITH  
7     THE POLICIES OF THIS CHAPTER.  
8     B. IN HIS OR HER DISCRETION, THE COMMISSIONER MAY ESTABLISH PERMANENT  
9     OR TEMPORARY AGREEMENTS WITH PARK'S FRIENDS GROUPS OR OTHER LOCAL COMMU-  
10    NITY NON-PROFIT GROUPS TO ADMINISTER THE PROGRAM. IF MORE THAN ONE GROUP  
11    IS INTERESTED IN ADMINISTERING THE PROGRAM, THE COMMISSIONER SHALL  
12    DEVELOP AN OPEN AND COMPETITIVE PROCESS TO SELECT THE BEST GROUP TO  
13    ADMINISTER THE PROGRAM.

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

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1 2. THE STEWARDSHIP AGREEMENT SHALL PROVIDE THAT THE TRAIL AREA BE  
2 PRESERVED AND MAINTAINED IN ITS NATURAL STATE OR MANAGED TO ENHANCE OR  
3 RESTORE THE NATURAL VALUES IT PROVIDES, CONSISTENT WITH THE PROVISIONS  
4 OF THIS CHAPTER. ACTIVITIES MAY INCLUDE: REMEDIATION OF VANDALISM AND  
5 STORM DAMAGE, PICKING UP LITTER AND TRASH, ESTABLISHING OR MAINTAINING  
6 ACCESS OR NATURE TRAILS, PROVIDING INTERPRETIVE SERVICES FOR SCHOOL  
7 GROUPS AND OTHER CITIZENS, BRUSH CLEARING, LAWN MAINTENANCE, TREE TRIM-  
8 MING, PLANTINGS, INSTALLATION, REPAIR AND/OR REPLACEMENT OF BENCHES,  
9 KIOSKS, PICNIC TABLES AND SHELTERS AND OTHERWISE PROVIDING POSITIVE  
10 BENEFITS TO THE TRAIL AREA.

11 3. STEWARDSHIP AGREEMENT WITH ANY PERSON OR PERSONS MAY PROVIDE FOR  
12 ASSISTANCE OF PERSONNEL, FACILITIES AND SUPPLIES OF THE OFFICE FOR THE  
13 PURPOSES OF SUPPORTING APPROPRIATE ACTIVITIES UNDER SUCH STEWARDSHIP  
14 AGREEMENT, IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

15 4. THE OFFICE SHALL ESTABLISH PROCEDURES BY WHICH A PERSON OR PERSONS  
16 MAY APPLY FOR A STEWARDSHIP AGREEMENT, AND SHALL BE RESPONSIBLE FOR  
17 WORKING WITH SUCH PERSONS TO IDENTIFY SPECIFIC SECTIONS OF A STATE-OWNED  
18 PARK TRAIL AND SPECIFIC ACTIVITIES DEEMED APPROPRIATE FOR SUCH STEWARD-  
19 SHIP AGREEMENT. THE OFFICE MAY CONSIDER FACTORS SUCH AS SAFETY, ENVIRON-  
20 MENTAL SENSITIVITY, NEED, COST AND OTHER FACTORS DEEMED RELEVANT IN  
21 DETERMINING WHICH TRAIL AREAS OR ACTIVITIES MAY BE ELIGIBLE OR APPROPRI-  
22 ATE FOR A STEWARDSHIP AGREEMENT.

23 5. A. THE OFFICE SHALL PROVIDE RECOGNITION OF THE STEWARDSHIP ACTIV-  
24 ITIES BY DISPLAYING APPROPRIATE SIGNAGE, AS DESCRIBED IN PARAGRAPH B OF  
25 THIS SUBDIVISION, ON OR NEAR THE ADOPTED TRAIL AREA, AND MAY PROVIDE  
26 RECOGNITION BY SUCH OTHER MEASURES AS IT MAY DETERMINE TO BE APPROPRI-  
27 ATE, INCLUDING BUT NOT LIMITED TO PRESS RELEASES, CERTIFICATES, AND  
28 NEWSLETTERS.

29 B. SPONSORSHIP WOULD BE INDICATED BY HAVING HIKING TRAIL MARKER SIGNS  
30 DISPLAY A SMALL ADVERTISEMENT FROM THE TRAIL SPONSOR. TRAIL SIGNS SHALL  
31 BE CIRCULAR AND NOT BE MORE THAN FIVE INCHES IN DIAMETER, UNLESS DEEMED  
32 NECESSARY TO BE LARGER FOR SAFETY REASONS OR IF THE SIGN IS AN IMPORTANT  
33 MARKER SUCH AS THE FIRST SIGN OF THE TRAIL. ADVERTISEMENT SHALL NOT  
34 TAKE UP MORE THAN TWENTY-FIVE PERCENT OF THE SIGN AND SHALL NOT IMPEDE  
35 UPON THE OTHER INFORMATION DISPLAYED ON THE SIGN.

36 6. THE STEWARDSHIP AGREEMENT MAY BE MODIFIED IN SCOPE OR ALTERED IN  
37 ANY OTHER MANNER AT THE SOLE DISCRETION OF THE OFFICE, NOT INCONSISTENT  
38 WITH THE PROVISIONS OF THIS SECTION. THE PERSON OR PERSONS SHALL HAVE  
39 THE OPTION OF RENEWING THE AGREEMENT SUBJECT TO THE APPROVAL OF THE  
40 OFFICE AND THE CONTINUATION BY THE OFFICE OF THE STATE PARK  
41 ADOPT-A-TRAIL STEWARDSHIP PROGRAM. THE OFFICE MAY IMMEDIATELY REMOVE THE  
42 SIGNS AND IT MAY TERMINATE THE AGREEMENT UPON THIRTY DAYS NOTICE, IF IN  
43 ITS SOLE JUDGMENT IT FINDS AND DETERMINES THAT THE PERSON OR PERSONS ARE  
44 NOT MEETING THE TERMS AND CONDITIONS OF THE AGREEMENT.

45 7. THE COMMISSIONER SHALL DETERMINE IN HIS OR HER DISCRETION, WHICH  
46 TRAILS OR PORTIONS THEREOF SHALL BE SPONSORED IN ACCORDANCE WITH THE  
47 PROVISIONS OF THIS SECTION. NOTHING IN THIS SECTION SHALL REQUIRE THE  
48 COMMISSIONER TO AUTHORIZE THE STEWARDSHIP OF ANY PARTICULAR TRAIL OR  
49 PORTION THEREOF.

50 8. ANY FUNDS DESIGNATED TO FUND THE STEWARDSHIP PROGRAM ESTABLISHED BY  
51 THIS SECTION SHALL BE HELD IN THE STATE PARK ADOPT-A-TRAIL STEWARDSHIP  
52 PROGRAM FUND ESTABLISHED IN SECTION NINETY-SEVEN-LLLL OF THE STATE  
53 FINANCE LAW.

54 9. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE STATE AND  
55 ITS EMPLOYEES SHALL NOT BE LIABLE FOR DAMAGES SUFFERED BY ANY PERSON OR

1 ORGANIZATION RESULTING FROM THE ACTIONS OR ACTIVITIES OF SUCH VOLUNTEERS  
2 AND VOLUNTEER ORGANIZATIONS.

3 S 2. The state finance law is amended by adding a new section 97-1111  
4 to read as follows:

5 S 97-LLLL. STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND. 1.  
6 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-  
7 TROLLER AND THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND  
8 HISTORIC PRESERVATION A SPECIAL FUND TO BE KNOWN AS THE STATE PARK  
9 ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND.

10 2. SUCH FUND SHALL CONSIST OF ALL MONEYS CREDITED OR TRANSFERRED THER-  
11 ETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. MONEYS IN THE FUND  
12 SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS  
13 IN THE CUSTODY OF THE COMPTROLLER.

14 3. MONEYS OF THE FUND MAY BE EXPENDED FOR THE PURPOSES PROVIDED IN  
15 SECTION 3.27 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW  
16 ACCORDING TO THE REQUIREMENTS OF SUCH SECTION. MONEYS SHALL BE PAID OUT  
17 OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCH-  
18 ERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE OFFICE OF PARKS,  
19 RECREATION AND HISTORIC PRESERVATION.

20 4. THE FUND SHALL BE HELD WITHIN THE BUSINESS AND LICENSING SERVICES  
21 ACCOUNT AS ESTABLISHED IN SECTION NINETY-SEVEN-Y OF THIS ARTICLE.

22 S 3. This act shall take effect on the one hundred twentieth day after  
23 it shall have become a law; provided that, effective immediately, the  
24 commissioner of the office of parks, recreation and historic preserva-  
25 tion shall promulgate any rule or regulation necessary for the implemen-  
26 tation of the provisions of this act on or before its effective date.