

4358--D

Cal. No. 143

2013-2014 Regular Sessions

I N   S E N A T E

March 21, 2013

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Introduced by Sens. LITTLE, MAZIARZ -- (at request of the Office of Parks, Recreation and Historic Preservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Tourism, Parks, Arts and Sports Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the parks, recreation and historic preservation law, in relation to leasing and licensing of property; and to repeal subdivision 2-g of section 3.09 of such law relating to leases and licensing to the city school district of the city of Niagara Falls

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

1     Section 1. Subdivision 2-d of section 3.09 of the parks, recreation  
2     and historic preservation law, as amended by chapter 263 of the laws of  
3     2012, is amended to read as follows:  
4     2-d. Be empowered, in addition to any other provision of law authoriz-  
5     ing the leasing or licensing of property under its jurisdiction, to  
6     encourage investment by the private sector for the provision of equip-  
7     ment and capital improvements at historic sites, state park and recre-  
8     ation facilities by entering into lease or license agreements for an  
9     extended term not to exceed forty years at the following: in the first  
10    park region, for services provided at the observation tower, and for  
11    buildings and structures commonly known as the Cave of the Winds build-  
12    ing, the Top of the Falls Restaurant, the administration building, the

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

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1 visitor center, the Goat Island center, the snack bar at the Cave of the  
2 Winds, the current police building, the original Prospect Point elevator  
3 building, the lower landing snack bar and the Schoellkopf Museum,  
4 including improvements to structures and facilities appurtenant thereto  
5 at Niagara Reservation State Park, the site of the former casino, the  
6 former commission house and the eighty-slip boat marina within the bound-  
7 aries of Beaver Island state park and the structures known as the navy  
8 barracks, the post theater, the officers' club and the commandant's  
9 house within Fort Niagara state park, buildings and structures at  
10 Deveau Woods state park, and buildings and facilities within Knox Farm  
11 state park; in the second park region, the building known as Minturn  
12 Mansion within Long Point on Lake Chautauqua state park; in the third  
13 park region, for buildings and structures commonly known as the Glen  
14 Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house,  
15 the Lauterbrunnen house, the Lower Falls restaurant building, the pool  
16 concession stands, the North Entrance visitor center, the administration  
17 building, the Commission house and the Stone building, including  
18 improvements to structures and facilities appurtenant thereto at Letch-  
19 worth State park; in the fourth park region, the structures known as the  
20 caretaker's house and garage within the Buttermilk Falls state park; in  
21 the seventh park region, the structure known as the brick cottage and  
22 associated outbuildings at John Jay Homestead state historic site, the  
23 structure known as the Hoyt House and the barns at Ogden Mills and Ruth  
24 Livingston Mills state park, the outbuildings at Olana state historic  
25 site and the building commonly known as the Staatsburg School in Margar-  
26 et Lewis Norrie state park; in the eighth park region, for buildings and  
27 structures commonly known as the Bear Mountain Inn, the A. K. Morgan  
28 Overlook Lodge, the Cliff house, the Hilltop lodge, the Summit lodge,  
29 the Echo lodge, the Beaver lodge and the Spring lodge, including  
30 improvements to structures and facilities appurtenant thereto at Bear  
31 Mountain State Park; in the ninth park region, THE WINTER COTTAGE AND  
32 MAIN HOUSE AT CAUMSETT STATE HISTORIC PARK PRESERVE, RECREATIONAL FACIL-  
33 ITIES AT THE LOCATION OF THE AQUATIC COMPLEX AND CAMPGROUND AT HECKSCHER  
34 STATE PARK, the Boardwalk Restaurant at Jones Beach state park and the  
35 buildings and structures at Nissequogue state park; in the eleventh park  
36 region, the structure known as La Tour house, the former bottling plant  
37 and dormitory for adaptive reuse, and property for the development of a  
38 golf course and related facilities within Saratoga Spa state park. Any  
39 such lease or license may provide for reasonable rights of access, util-  
40 ities and parking located within the boundaries of the respective park  
41 or historic site. Such extended term shall be for the purpose of assur-  
42 ing a lessee or licensee adequate protection against loss of investments  
43 in developing, renovating, improving, furnishing and equipping such  
44 properties, and the length of the term of any such lease or license  
45 shall have a direct relationship to the period required to amortize the  
46 investment. Any such lease or license shall be entered into only after a  
47 finding by the commissioner that such action is compatible with public  
48 enjoyment and participation in adjacent park facilities, and in the case  
49 of structures listed on or eligible for the state register of historic  
50 places, that such lease or license will encourage investment by the  
51 private sector in restoring, preserving and maintaining such properties.  
52 In addition, such lease or license shall contain terms and conditions as  
53 the commissioner shall deem necessary to address environmental concerns,  
54 including any historic and recreational resources of such property; the  
55 compatible uses of adjacent park lands and facilities; and otherwise to  
56 protect the public interest. The bid prospectus submitted to prospective

1 bidders shall contain specific information concerning the nature of the  
2 capital improvements or equipment to be provided by the successful  
3 bidder. Revenues from the lease or license of property pursuant to this  
4 section shall be deposited into the state park infrastructure fund  
5 established pursuant to section ninety-seven-mm of the state finance  
6 law.

7 S 2. Subdivision 2-g of section 3.09 of the parks, recreation and  
8 historic preservation law is REPEALED.

9 S 3. No lease entered into by the office of parks, recreation and  
10 historic preservation for the winter cottage and main house at Caumsett  
11 state historic park preserve, or for recreational facilities at the  
12 location of the aquatic complex and campground at Heckscher state park,  
13 shall result in the impairment of any existing collective bargaining  
14 agreements.

15 S 4. This act shall take effect immediately.