S T A T E O F N E W Y O R K

S. 4429--A A. 6441--A

2013-2014 Regular Sessions

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

March 27, 2013

IN SENATE -- Introduced by Sens. SERRANO, ADDABBO, SAMPSON -- 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

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, JACOBS, P. LOPEZ, LUPINACCI, McDONALD, McDONOUGH, QUART, SCHIMMINGER, SOLAGES, SWEENEY, TITONE, TITUS, WEISENBERG -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The parks, recreation and historic preservation law is amended by adding a new section 3.27 to read as follows:

S 3.27 STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM. 1. A. THE COMMISSIONER MAY ENTER INTO STEWARDSHIP AGREEMENTS WITH ANY PERSON OR PERSONS FOR THE PURPOSES OF PRESERVING, MAINTAINING, OR ENHANCING A TRAIL OR TRAILS IN STATE-OWNED PARKS OR ANY PORTION THEREOF IN ACCORDANCE WITH THE POLICIES OF THIS CHAPTER.

B. IN HIS OR HER DISCRETION, THE COMMISSIONER MAY ESTABLISH PERMANENT OR TEMPORARY AGREEMENTS WITH PARK'S FRIENDS GROUPS OR OTHER LOCAL COMMU-

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

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NITY NON-PROFIT GROUPS TO ADMINISTER THE PROGRAM. IF MORE THAN ONE GROUP IS INTERESTED IN ADMINISTERING THE PROGRAM, THE COMMISSIONER SHALL DEVELOP AN OPEN AND COMPETITIVE PROCESS TO SELECT THE BEST GROUP TO ADMINISTER THE PROGRAM.

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

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

4. THE OFFICE SHALL ESTABLISH PROCEDURES BY WHICH A PERSON OR PERSONS MAY APPLY FOR A STEWARDSHIP AGREEMENT, AND SHALL BE RESPONSIBLE FOR WORKING WITH SUCH PERSONS TO IDENTIFY SPECIFIC SECTIONS OF A STATE-OWNED PARK TRAIL AND SPECIFIC ACTIVITIES DEEMED APPROPRIATE FOR SUCH STEWARDSHIP AGREEMENT. THE OFFICE MAY CONSIDER FACTORS SUCH AS SAFETY, ENVIRONMENTAL, CULTURAL AND HISTORICAL SENSITIVITY, NEED, COST, AND OTHER FACTORS DEEMED RELEVANT IN DETERMINING WHICH TRAIL AREAS OR ACTIVITIES MAY BE ELIGIBLE OR APPROPRIATE FOR A STEWARDSHIP AGREEMENT.

5. A. THE OFFICE SHALL PROVIDE RECOGNITION OF THE STEWARDSHIP ACTIVITIES BY DISPLAYING APPROPRIATE SIGNAGE, AS DESCRIBED IN PARAGRAPH B OF THIS SUBDIVISION, ON OR NEAR THE ADOPTED TRAIL AREA, AND MAY PROVIDE RECOGNITION BY SUCH OTHER MEASURES AS IT MAY DETERMINE TO BE APPROPRIATE, INCLUDING BUT NOT LIMITED TO PRESS RELEASES, CERTIFICATES, AND NEWSLETTERS.

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

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

7. THE COMMISSIONER SHALL DETERMINE IN HIS OR HER DISCRETION, WHICH TRAILS OR PORTIONS THEREOF SHALL BE SPONSORED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. NOTHING IN THIS SECTION SHALL REQUIRE THE

COMMISSIONER TO AUTHORIZE THE STEWARDSHIP OF ANY PARTICULAR TRAIL OR PORTION THEREOF.

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

9. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE STATE AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR DAMAGES SUFFERED BY ANY PERSON OR ORGANIZATION RESULTING FROM THE ACTIONS OR ACTIVITIES OF SUCH VOLUNTEERS AND VOLUNTEER ORGANIZATIONS.

10. NO AGREEMENT ENTERED INTO PURSUANT TO THE STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM SHALL RESULT IN THE DISPLACEMENT OF ANY CURRENTLY EMPLOYED WORKER OR THE LOSS OF POSITION, INCLUDING THE PARTIAL DISPLACEMENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME LABOR, WAGES OR EMPLOYMENT BENEFITS, OR RESULT IN THE IMPAIRMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENTS.

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

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

2. SUCH FUND SHALL CONSIST OF ALL MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. MONEYS IN THE FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMPTROLLER.

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

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

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that, effective immediately, the commissioner of the office of parks, recreation and historic preservation shall promulgate any rule or regulation necessary for the implementation of the provisions of this act on or before its effective date.