

9391--A

I N   A S S E M B L Y

February 29, 2016

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Introduced by M. of A. GUNTHER -- 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 encouraging investment by the private sector at certain state parks

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

1     Section 1. Section 3.09 of the parks, recreation and historic preservation law is amended by adding a new subdivision 2-i to read as follows:  
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4     2-I. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW RELATING  
5 TO THE IMPROVEMENT AND OPERATION OF PROPERTY UNDER ITS JURISDICTION, TO  
6 ENCOURAGE INVESTMENT BY THE PRIVATE SECTOR IN THE FINANCING CONSTRUCTION  
7 AND OPERATION OF PUBLIC RENTAL CABINS BY ENTERING INTO APPROPRIATE  
8 AGREEMENTS FOR AN EXTENDED PERIOD NOT TO EXCEED FORTY YEARS AT THE  
9 FOLLOWING STATE PARKS: IN THE SECOND PARK REGION, ALLEGANY STATE PARK;  
10 IN THE THIRD PARK REGION, HAMLIN BEACH STATE PARK AND LETCHWORTH STATE  
11 PARK; IN THE FOURTH PARK REGION, FAIRHAVEN BEACH STATE PARK; IN THE  
12 FIFTH PARK REGION, GLIMMERGLASS STATE PARK; IN THE EIGHTH PARK REGION,  
13 HARRIMAN STATE PARK; AND IN THE NINTH PARK REGION, HECKSCHER STATE PARK  
14 AND WILDWOOD STATE PARK. ANY SUCH AGREEMENT ENTERED INTO UNDER THIS  
15 SUBDIVISION FOR A PERIOD IN EXCESS OF TEN YEARS MUST BE APPROVED BY THE  
16 DIRECTOR OF THE BUDGET AND MUST PROVIDE FOR A TOTAL CAPITAL INVESTMENT  
17 BY THE LICENSEE OR LESSEE OVER THE CONTRACT TERM OF NO LESS THAN ONE  
18 MILLION DOLLARS. SUCH EXTENDED TERM SHALL BE FOR THE PURPOSE OF ASSURING  
19 A CABIN FINANCIER, CONTRACTOR OR OPERATOR ADEQUATE PROTECTION AND A  
20 COMMERCIALY REASONABLE OPPORTUNITY TO FINANCE CONSTRUCTION OF CABIN  
21 STRUCTURES AND RELATED FIXTURES, EQUIPMENT, SUPPLIES AND OTHER IMPROVE-  
22 MENTS, AND THE LENGTH OF TERM SHALL HAVE A DIRECT RELATIONSHIP TO THE  
23 PERIOD REQUIRED TO FINANCE THE COST OF THE PROJECT. ANY SUCH AGREEMENT  
24 SHALL BE ENTERED INTO ONLY AFTER A FINDING BY THE COMMISSIONER THAT THE  
25 CABINS WILL AFFORD A PUBLIC AMENITY AND ARE COMPATIBLE WITH PUBLIC

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

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1 ENJOYMENT AND PARTICIPATION IN ADJACENT FACILITIES. IN ADDITION, SUCH  
2 AGREEMENT SHALL CONTAIN TERMS AND CONDITIONS AS THE COMMISSIONER SHALL  
3 DEEM NECESSARY TO ADDRESS ENVIRONMENTAL CONCERNS, INCLUDING ANY HISTORIC  
4 AND RECREATIONAL RESOURCES OF SUCH PROPERTY; THE COMPATIBLE USES OF  
5 ADJACENT PARK LANDS AND FACILITIES; AND OTHERWISE TO PROTECT THE PUBLIC  
6 INTEREST. THE BID PROSPECTUS SUBMITTED TO PROSPECTIVE BIDDERS SHALL  
7 CONTAIN SPECIFIC INFORMATION CONCERNING THE NATURE OF THE CAPITAL  
8 IMPROVEMENTS OR EQUIPMENT TO BE PROVIDED BY THE SUCCESSFUL BIDDER.  
9 REVENUES FROM THE AGREEMENT MADE PURSUANT TO THIS SUBDIVISION SHALL BE  
10 DEPOSITED INTO THE STATE PARK INFRASTRUCTURE FUND ESTABLISHED PURSUANT  
11 TO SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW.

12 S 2. No agreement entered into by the office of parks, recreation and  
13 historic preservation pursuant to the authority granted in subdivision  
14 2-i of section 3.09 of the parks, recreation and historic preservation  
15 law as added by section one of this act shall result in the displacement  
16 of any currently employed worker or the loss of position, including  
17 partial displacement, such as reduction in the hours of non-overtime,  
18 wages, or employment benefits, or result in the impairment of existing  
19 collective bargaining agreements.

20 S 3. This act shall take effect immediately.