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

10452

I N A S S E M B L Y

March 26, 2010

Introduced by M. of A. DelMONTE, ENGLEBRIGHT, GORDON, STIRPE, RUSSELL, REILLY, RAMOS, DESTITO, SPANO, SKARTADOS -- Multi-Sponsored by -- M. of A. ALESSI, GABRYSZAK, KOON -- 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 requiring an evaluation of the impacts of the closure of public access to any land owned or operated by the office of parks, recreation and historic preservation

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 13.14 to read as follows:

S 13.14 CLOSURE OF LANDS OWNED, HELD OR ADMINISTERED BY THE OFFICE. 1. NOT LESS THAN SIX MONTHS BEFORE THE PROPOSED CLOSURE OF PUBLIC ACCESS TO ANY REAL PROPERTY OWNED, HELD OR ADMINISTERED BY THE OFFICE, THE COMMISSIONER SHALL ISSUE A DRAFT REPORT THAT PROVIDES THE JUSTIFICATION AND RATIONAL FOR SUCH CLOSURE INCLUDING, BUT NOT LIMITED TO:

(A) A FULL DESCRIPTION OF THE REAL PROPERTY;

(B) THE PURPOSES THAT THE REAL PROPERTY SERVES TO THE PEOPLE OF THE STATE;

(C) A COMPARISON OF THE ECONOMIC IMPACTS OF CLOSURE VERSUS CONTINUED OPERATION OF SUCH REAL PROPERTY TO THE STATE, LOCAL GOVERNMENTS AND THE PUBLIC;

(D) AN ANALYSIS OF THE POTENTIAL HARM TO SUCH REAL PROPERTY FROM VANDALISM, LACK OF MANAGEMENT AND MAINTENANCE, AND OTHER IMPACTS FROM THE LACK OF REGULAR OVERSIGHT BY THE OFFICE;

(E) THE IMPACT OF SUCH PROPOSED CLOSURE ON THE ENTIRE REAL PROPERTY SYSTEM OWNED AND OPERATED BY THE OFFICE; AND

(F) SUCH OTHER FACTORS THAT ARE PARTICULARLY RELEVANT TO THE REAL PROPERTY AND ITS FUNCTION AS STATE LAND.

2. NOT LESS THAN FOUR MONTHS BEFORE THE PROPOSED CLOSURE OF PUBLIC ACCESS TO SUCH REAL PROPERTY, THE COMMISSIONER SHALL PROVIDE PUBLIC NOTICE OF AND CONDUCT ONE OR MORE PUBLIC HEARINGS, INCLUDING ONE IN THE IMPACTED AREA OF THE PROPOSED CLOSURE. NOTICE OF ANY SUCH HEARING SHALL

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

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BE ON A STATEWIDE BASIS, INCLUDING PUBLICATION IN THE ENVIRONMENTAL NOTICE BULLETIN. EACH PUBLIC HEARING SHALL ACCEPT WRITTEN STATEMENTS IN LIEU OF AN ORAL PRESENTATION.

3. UPON CONCLUSION OF THE PUBLIC HEARINGS ON A CLOSURE, THE COMMISSIONER SHALL ISSUE A FINAL REPORT WHICH INCLUDES THE RESPONSE ON ALL ISSUES RAISED AT THE HEARINGS AND INFORMATION ENTERED INTO THE HEARING RECORD. SUCH FINAL REPORT SHALL BE MADE AVAILABLE AND DISTRIBUTED TO THE PUBLIC.

4. THE COMMISSIONER SHALL ISSUE AND SUBMIT TO THE GOVERNOR AND THE LEGISLATURE A FINDINGS STATEMENT ON EACH PROPOSED CLOSURE THAT PROVIDES THE JUSTIFICATION FOR SUCH CLOSURE OR, IN THE ALTERNATIVE, THE INFORMATION THAT SUPPORTS THE CONTINUED OPERATION OF THE REAL PROPERTY.

S 2. This act shall take effect immediately.