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I N   S E N A T E

May 27, 2010

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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 -- reported favorably from said committee and committed to the Committee on Finance -- 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 a resident curator program for the rehabilitation of state park buildings

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-h to read as follows:  
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4     2-H. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW AUTHORIZING THE LEASING OF PROPERTY UNDER ITS JURISDICTION, TO ESTABLISH A RESIDENT CURATOR PROGRAM. THE TERM "RESIDENT CURATOR" SHALL MEAN A PRIVATE  
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6 INDIVIDUAL OR INDIVIDUALS, OR NOT-FOR-PROFIT CORPORATION SELECTED BY THE  
7 COMMISSIONER, WHO OR WHICH MEETS ESTABLISHED CRITERIA OF THE OFFICE TO  
8 INVEST PRIVATE OR OTHER NON-STATE BUDGETED FUNDS TO REHABILITATE AND  
9 MAINTAIN AN AT RISK STRUCTURE UNDER THE OFFICE'S JURISDICTION. FOR THE  
10 PURPOSES OF THIS SUBDIVISION, THE TERM "AT RISK STRUCTURE" SHALL MEAN A  
11 HOUSE, BUILDING OR OTHER ROOFED STRUCTURE UNDER THE JURISDICTION OF THE  
12 OFFICE THAT IS OR HAS BECOME FUNCTIONALLY ISOLATED FROM THE DIRECT  
13 PUBLIC SERVICE MISSION OF THE OFFICE SUCH THAT SUCH STRUCTURE IS VACANT  
14 AND AT RISK OF UNDERGOING PROGRESSIVE DETERIORATION AND/OR FUNCTIONAL  
15 ABANDONMENT BECAUSE OF FISCAL OR OTHER CIRCUMSTANTIAL DIFFICULTIES.  
16  
17 THE COMMISSIONER SHALL BE AUTHORIZED TO LEASE SUCH AT RISK STRUCTURE  
18 TO A RESIDENT CURATOR FOR THE LIFE OF THE RESIDENT CURATOR OR FOR A TERM  
19 OF UP TO FORTY YEARS IN EXCHANGE FOR THE RESIDENT CURATOR ASSUMING THE  
20 FINANCIAL RESPONSIBILITY FOR THE REHABILITATION AND MAINTENANCE OF SUCH  
21 AT RISK STRUCTURE, AND TO PROVIDE REASONABLE RIGHTS OF ACCESS, UTILITIES  
22 AND PARKING FOR THE PURPOSE OF RESIDENTIAL OCCUPANCY OR OTHER USES THAT  
23 ARE DEEMED BY THE COMMISSIONER TO BE APPROPRIATE TO TAKE PLACE AT A

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

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1 STATE PARK OR HISTORIC SITE. THE COMMISSIONER SHALL CONSULT WITH THE  
2 STATE BOARD FOR HISTORIC PRESERVATION, ESTABLISHED PURSUANT TO SECTION  
3 11.03 OF THIS TITLE, PRIOR TO ENTERING INTO A RESIDENT CURATOR LEASE FOR  
4 ANY AT RISK STRUCTURE, INCLUDING THOSE ELIGIBLE FOR LISTING ON THE STATE  
5 AND NATIONAL REGISTERS OF HISTORIC PLACES. THE COMMISSIONER SHALL ADOPT  
6 A PLAN IDENTIFYING AT RISK STRUCTURES IN THE STATE PARKS AND HISTORIC  
7 SITES, AND SHALL ADOPT RULES AND REGULATIONS TO PROMULGATE THE RESIDENT  
8 CURATOR PROGRAM, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, CRITERIA  
9 FOR IDENTIFYING AT RISK STRUCTURES APPROPRIATE FOR THE PROGRAM AND THE  
10 CRITERIA USED TO SELECT RESPONSIBLE RESIDENT CURATORS.

11 S 2. This act shall take effect immediately.