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

9073--A

2009-2010 Regular Sessions

I N A S S E M B L Y

July 10, 2009

Introduced by M. of A. HOYT, COLTON, ENGLEBRIGHT -- read once and referred to the Committee on Tourism, Arts and Sports Development -- recommitted to the Committee on Tourism, Parks, Arts and Sports Development in accordance with Assembly Rule 3, sec. 2 -- 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 protecting natural resources in state parks and historic sites

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 3.10 to read as follows:

S 3.10 PROTECTION OF NATURAL RESOURCES. 1. AS USED IN THIS SECTION:

(A) "CONVERSION" SHALL MEAN THE ALTERATION OR REMOVAL OF A NATURAL RESOURCE FOR A NON-PARK PURPOSE.

(B) "FOREST PRODUCT" SHALL MEAN ANY OBJECT CONSTRUCTED FROM TIMBER, OR A NON-CONSTRUCTION FORM OF TREES FROM A STATE PARK OR HISTORIC SITE INCLUDING, BUT NOT LIMITED TO, WOOD CHIPS, WOOD PULP AND SAWDUST.

(C) "PRIVATE PARTY" SHALL MEAN ANY ENTITY OTHER THAN THE OFFICE, INCLUDING BUT NOT LIMITED TO CORPORATIONS OR OTHER BUSINESSES, NOT-FOR-PROFIT ORGANIZATIONS, OR PRIVATE CITIZENS.

(D) "TIMBER" SHALL MEAN WOOD FROM A STATE PARK OR HISTORIC SITE SUITABLE FOR CONSTRUCTION PURPOSES WHETHER CUT OR STILL IN THE FORM OF TREES.

(E) "NATURAL RESOURCE" SHALL MEAN TIMBER, FOREST PRODUCTS, OIL, GAS, SAND, ROCK, GRAVEL, OR MINERALS DERIVED FROM OR ORIGINATING IN A STATE PARK OR HISTORIC SITE.

2. IN ORDER TO PROTECT THE PUBLIC TRUST IN THE NATURAL RESOURCES IN STATE PARKS AND HISTORIC SITES, THE OFFICE OR ANY OFFICER OR EMPLOYEE THEREOF SHALL NOT:

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

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(A) ENTER INTO AN AGREEMENT TO LEASE OR CONTRACT WITH A PRIVATE PARTY TO LOG TIMBER IN STATE PARKS OR HISTORIC SITES;

(B) SELL, EXCHANGE OR OTHERWISE REMOVE OR ALLOW TO UNDERGO CONVERSION ANY TIMBER, FOREST PRODUCTS OR OTHER NATURAL RESOURCES FOR USE OUTSIDE STATE PARKS OR HISTORIC SITES;

(C) CONVERT ANY NATURAL RESOURCE IN A STATE PARK OR HISTORIC SITE;

(D) EXTEND ANY EXISTING LEASE OR CONTRACT FOR THE CONVERSION OF ANY NATURAL RESOURCE IN A STATE PARK OR HISTORIC SITE; OR

(E) CONSTRUCT ROADS AND SKIDS FOR THE PURPOSE OF REMOVING TIMBER OR FOR THE CONVERSION OF NATURAL RESOURCES IN STATE PARKS AND HISTORIC SITES.

3. NOTHING IN THIS SECTION SHALL BE UNDERSTOOD TO:

(A) RESTRICT THE SALE OF FIREWOOD COLLECTED IN STATE PARKS FOR USE WITHIN STATE PARKS;

(B) RESTRICT OTHERWISE PERMISSIBLE HUNTING OR FISHING WITHIN STATE PARKS, OR THE REMOVAL OF FISH OR GAME OBTAINED THROUGH SUCH ACTIVITIES FROM STATE PARKS;

(C) RESTRICT THE OTHERWISE PERMISSIBLE SALE, EXCHANGE OR CONVERSION OF OBJECTS, SUBSTANCES OR PRODUCTS NOT DERIVED FROM OR ORIGINATING IN STATE PARKS OR HISTORIC SITES; OR

(D) RESTRICT THE OFFICE FROM CONDUCTING ROUTINE MAINTENANCE ACTIVITIES INCLUDING REMOVING TREES OR BRANCHES THAT ARE EITHER DISEASED OR POSE AN IMMINENT RISK TO THE ECOLOGICAL HEALTH OF ANY GIVEN STATE PARK OR HISTORIC SITE, OR HAVE FALLEN ACROSS ROADS OR TRAILS WITHIN THE STATE PARK OR HISTORIC SITE.

S 2. This act shall take effect immediately and shall apply to all agreements, leases and contracts entered into, issued, renewed, altered or modified on or after such effective date.