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I N   S E N A T E

March 17, 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

AN ACT to amend the parks, recreation and historic preservation law, in relation to the maintenance and preservation of state historic sites

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

1     Section 1. Legislative finding. The legislature hereby finds that the  
2     state has long acted on the recognition that the historical, archeologi-  
3     cal, architectural and cultural heritage of the state as represented in  
4     state historic sites are amongst the most important environmental assets  
5     of the state and that they should be carefully maintained and preserved  
6     for future generations.

7     S 2. The parks, recreation and historic preservation law is amended by  
8     adding a new section 14.11 to read as follows:

9     S 14.11 MAINTENANCE AND PRESERVATION OF STATE HISTORIC SITES.     1.  
10    STATE HISTORIC SITES SHALL BE SUBJECT TO THE HIGHEST STANDARDS OF CARE,  
11    CUSTODY AND CONTROL TO ASSURE THEIR PRESERVATION FOR FUTURE GENERATIONS.  
12    FOR THE PURPOSES OF THIS SECTION, "MOTHBALLING" SHALL MEAN THE PROCESS  
13    OF TEMPORARILY CLOSING A HISTORIC STRUCTURE THAT INVOLVES CONTROLLING  
14    THE LONG-TERM DETERIORATION OF THE BUILDING WHILE IT IS UNOCCUPIED AS  
15    WELL AS FINDING METHODS TO PROTECT IT FROM SUDDEN LOSS BY FIRE OR  
16    VANDALISM; AND "SEASONAL" SHALL MEAN A PERIOD OF TIME NOT TO EXCEED SIX  
17    MONTHS IN ANY GIVEN YEAR.

18    2. DURING THE PROCESS OF DETERMINING THE VIABILITY OF THE OFFICE MAIN-  
19    TAINING A HISTORIC SITE OPEN TO THE PUBLIC, THE COMMISSIONER SHALL  
20    PRODUCE A WRITTEN OUTLINE OF ALTERNATIVE ACTIONS THAT INCLUDE, BUT ARE  
21    NOT LIMITED TO THE PREPARATION OF A REQUEST FOR PROPOSALS FOR THE ESTAB-  
22    LISHMENT OF A NON-PROFIT GROUP THAT WOULD CONTRACT WITH THE OFFICE TO  
23    MAINTAIN THE HISTORIC SITE FOLLOWING THE AGENCY'S ESTABLISHED CRITERIA  
24    AND BEST PRACTICES AND AN ECONOMIC IMPACT STATEMENT ON THE PROPOSED  
25    CLOSING OF THE SITE. THIS OUTLINE AND ECONOMIC IMPACT STATEMENT WILL BE  
26    MADE AVAILABLE TO THE PUBLIC AND A COPY SHALL BE DELIVERED TO THE GOVER-  
27    NOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE

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

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1 SENATE, AND THE CHAIRS OF THE ASSEMBLY COMMITTEE ON TOURISM, PARKS, ARTS  
2 AND SPORTS DEVELOPMENT AND THE SENATE COMMITTEE ON CULTURAL AFFAIRS,  
3 TOURISM, PARKS AND RECREATION. FOLLOWING THE PUBLICATION OF THE OUTLINE  
4 OF ALTERNATIVE ACTIONS, A PUBLIC COMMENT PERIOD OF NO LESS THAN THIRTY  
5 DAYS SHALL BE IMPLEMENTED FOLLOWED BY AT LEAST ONE PUBLIC HEARING ON THE  
6 PROPOSED ACTIONS BY THE AGENCY.

7 3. IF IT HAS BEEN DETERMINED BOTH BY THE COMMISSIONER AND THE BOARD  
8 THAT A STATE HISTORIC SITE SHALL BE CLOSED TO THE PUBLIC AND NOT FULLY  
9 MAINTAINED FOR A PERIOD TO EXCEED THE NORMAL SEASONAL LIMIT PREVIOUSLY  
10 IN PLACE, THE COMMISSIONER SHALL ADHERE TO THE STANDARDS OF THE UNITED  
11 STATES SECRETARY OF THE INTERIOR FOR THE MOTHBALLING OF HISTORIC BUILD-  
12 INGS. SUCH SECRETARY'S STANDARDS FOR HISTORIC PRESERVATION ARE THE  
13 ESTABLISHED AND ACKNOWLEDGED STANDARDS FOR HISTORIC SITE AND BUILDING  
14 PRESERVATION THROUGHOUT THE NATION. SUCH STANDARDS FOR THE MOTHBALLING  
15 OF HISTORIC BUILDINGS FOCUS ON THE STEPS NEEDED TO PROPERLY DEACTIVATE A  
16 HISTORIC PROPERTY FOR AN EXTENDED PERIOD OF TIME NOT TO EXCEED TEN YEARS  
17 AND REQUIRE CONTINUED LIMITED MONITORING AND MAINTENANCE BY PROFESSIONAL  
18 STAFF. THE STANDARDS FOR THE MOTHBALLING OF HISTORIC BUILDINGS REQUIRE  
19 THE APPOINTMENT OF A PRESERVATION SPECIALIST TO ASSESS THE SPECIFIC  
20 NEEDS OF THE STRUCTURE AND TO DEVELOP AN EFFECTIVE MOTHBALLING PROGRAM.

21 4. ACTIONS TAKEN IN THE EVENT OF THE CLOSING OF A SPECIFIC STATE  
22 HISTORIC SITE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

23 (A) THE PREPARATION OF A CONDITION ASSESSMENT REPORT OF THE BUILDING  
24 OR SITE BY A PRESERVATION SPECIALIST, A COPY OF WHICH SHALL BE DELIVERED  
25 TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT  
26 OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY COMMITTEE ON TOURISM,  
27 PARKS, ARTS AND SPORTS DEVELOPMENT AND THE SENATE COMMITTEE ON CULTURAL  
28 AFFAIRS, TOURISM, PARKS AND RECREATION;

29 (B) STRUCTURAL STABILIZATION OF THE BUILDING, BASED ON THE RECOMMENDA-  
30 TIONS OF THE CONDITION ASSESSMENT;

31 (C) EXTERMINATION OR CONTROL OF PESTS, INCLUDING RODENTS AND INSECTS.  
32 THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE INSTALLATION OF PEST  
33 SCREENS AND THE INSPECTION OF THE BUILDING BY A LICENSED PEST CONTROL  
34 EXPERT;

35 (D) PROTECTION OF THE EXTERIOR FROM MOISTURE PENETRATION. THIS SHALL  
36 INCLUDE AN INSPECTION OF THE BUILDING OR STRUCTURE'S ROOF, GUTTERS,  
37 DRAINS, WINDOW AND DOOR FRAMES, MASONRY, SIDING, AND PROPER DRAINAGE;

38 (E) SECURING THE BUILDING AND ITS COMPONENT FEATURES TO REDUCE VANDAL-  
39 ISM OR BREAK-INS. THIS SHALL INCLUDE THE NOTIFICATION OF LOCAL FIRE AND  
40 POLICE DEPARTMENTS THAT THE BUILDING IS BEING MOTHBALLED, ENSURING THE  
41 PROPER INSTALLATION AND MAINTENANCE OF FIRE AND INTRUSION DETECTION  
42 SYSTEMS ARE IN PLACE THROUGHOUT THE STRUCTURE, ALONG WITH ANY EXISTING  
43 INSPECTED FIRE SUPPRESSION SYSTEMS, THE FASTENING OF ALL EXTERIOR DOORS  
44 AND WINDOWS, THE PREVENTION OF THE OVERGROWTH OF THE GROUNDS, AND THE  
45 CREATION AND IMPLEMENTATION OF A SECURITY MONITORING PLAN;

46 (F) PROVISION OF ADEQUATE VENTILATION TO THE INTERIOR THAT IS, AT  
47 MINIMUM, TWO AIR EXCHANGES EVERY HOUR TO PREVENT MILDEW DAMAGE;

48 (G) SECURING OR MODIFYING UTILITIES AND MECHANICAL SYSTEMS TO ENSURE  
49 NO DAMAGE TAKES PLACE DUE TO NONUSE;

50 (H) DEVELOPMENT AND IMPLEMENTATION OF A MAINTENANCE AND MONITORING  
51 PLAN FOR PROTECTION OF THE STRUCTURE TO BE MADE AVAILABLE TO THE PUBLIC  
52 WITH A COPY SENT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE  
53 TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY  
54 COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT AND THE SENATE  
55 COMMITTEE ON CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION;

1 (I) REMOVAL, CATALOGUING OF, AND PROPER STORAGE OF ANY AND ALL HISTOR-  
2 ICAL COLLECTIONS HELD WITHIN THE STRUCTURE INCLUDING FURNITURE, ARTI-  
3 FACTS, ART WORK, TEXTILE MATERIAL, AND LIBRARY AND ARCHIVAL MATERIAL,  
4 CONSISTENT WITH ESTABLISHED BEST PRACTICES FOR THE HANDLING AND CATA-  
5 LOGUING OF SUCH HISTORICAL COLLECTIONS AND OBJECTS; AND  
6 (J) NOT LESS THAN ONCE EVERY SIX MONTHS AT A MINIMUM AN INSPECTION OF  
7 THE BUILDING SHALL BE MADE, MAINTENANCE ACTION SHALL BE TAKEN ON ANY  
8 DETERIORATION THAT IS FOUND IN SUCH INSPECTION AND A REPORT, INCLUDING  
9 PHOTOGRAPHIC DOCUMENTATION ON THE INSPECTION SHALL BE MADE AND PRESENTED  
10 TO THE GOVERNOR AND LEGISLATURE.  
11 S 3. This act shall take effect immediately.