

4844--A

Cal. No. 1238

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to direct the office of parks, recreation and historic preservation to allow Nik Wallenda to traverse the Niagara River Gorge on a high wire

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

- 1 Section 1. (a) Notwithstanding any provision of law, rule or regulation to the contrary, the office of parks, recreation and historic preservation shall promulgate rules and regulations to allow Nik Wallenda to traverse the Niagara River Gorge on a high wire within one year of the effective date of this act.
- 2 (b) Such rules and regulations shall ensure that, (i) after consultation with Mr. Wallenda and/or his representatives, an appropriate date and time is selected before the expiration of this act, and (ii) that safety precautions, as determined by the office of parks, recreation and historic preservation, are put in place.
- 3 (c) Mr. Wallenda shall pay any and all costs associated with any and all safety equipment that may be used in conjunction with actions authorized pursuant to this act, and also reasonable costs associated with security or law enforcement stemming from this activity.
- 4 (d) Mr. Wallenda, as well as any member of his crew or staff and those of his associates or representatives, whether acting on behalf of themselves or Mr. Wallenda pursuant to Mr. Wallenda's implicit or explicit consent or with Mr. Wallenda's real or apparent authority, that may as a result of their involvement with the actions authorized by this act,

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

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1 expose themselves or others to a risk of physical injury or property
2 damage, shall indemnify and hold harmless the state of New York against
3 any claim of liability for any injury, death or property damage that may
4 occur including, but not limited to, any indemnity paid, attorneys'
5 fees, costs and litigation expenses.
6 S 2. This act shall take effect immediately.