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

3409--B

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. SCHIMMINGER, CANESTRARI, ENGLEBRIGHT, GUNTHER -- Multi-Sponsored by -- M. of A. CAHILL, CLARK, GALEF, MAGEE, McENENY, MILLMAN, MURRAY, RABBITT, P. RIVERA -- read once and referred to the Committee on Transportation -- reference changed to the Committee on Tourism, Parks, Arts and Sports Development -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law and the general municipal law, in relation to authorizing an adopt-a-park program

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

Section 1. Subdivision 4 of section 3.09 of the parks, recreation and historic preservation law is amended to read as follows:

4. Cooperate in the planning, organization, development and operation of municipal and private park, recreational and historic preservation projects and programs. *THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES FOR THE PLANNING, ORGANIZATION, DEVELOPMENT AND OPERATION OF ADOPT-A-PARK PROGRAMS UNDERTAKEN PURSUANT TO SECTION TWO HUNDRED SEVENTY-SEVEN OF THE GENERAL MUNICIPAL LAW INCLUDING, BUT NOT LIMITED TO, THE DEVELOPMENT AND DISTRIBUTION OF AN INFORMATIONAL GUIDE FOR PARTICIPANTS IN SUCH PROGRAMS.*

S 2. Section 277 of the general municipal law, as added by chapter 626 of the laws of 1991, is amended to read as follows:

S 277. Adopt-a-municipal park, shoreline or roadway programs. 1. The governing body of any county, city, town or village is hereby authorized and empowered to authorize and direct such of its officers or agencies as it shall designate to enter into adopt-a-park, shoreline or roadway

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

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program agreements with volunteers or groups in an effort to reduce and remove litter from parks, shorelines, roadways and other public lands. Such agreements shall include but not be limited to:

a. providing and coordinating services by volunteers or groups to reduce the amount of litter including providing trash bags and trash bag pick up and in designated areas where volunteers may be in close proximity to moving vehicles providing safety briefings and reflective safety gear; and

b. providing and installing signs identifying those volunteers or groups adopting particular parks, shorelines, roadways or other sections of public land.

2. WITH RESPECT TO ADOPT-A-PARK PROGRAMS, A PROGRAM AGREEMENT MAY ALSO BE ENTERED INTO FOR THE PROVISION OF SERVICES BY VOLUNTEERS OR GROUPS TO PRESERVE, MAINTAIN AND ENHANCE MUNICIPALLY-OWNED PARKS. SUCH PROGRAMS MAY INCLUDE, BUT ARE NOT LIMITED TO, REMEDIATING VANDALISM, PRESERVING WETLANDS, CLEANING AND MAINTAINING PARK PROPERTY, ESTABLISHING AND MAINTAINING ACCESS TO NATURE TRAILS, ESTABLISHING AND MAINTAINING DOG RUNS, PLANTING AND MAINTAINING FLOWER BEDS OR OTHER VEGETATION, OR OTHERWISE IMPROVING AND MAINTAINING THE NATURAL BEAUTY OF SUCH PARKS.

3. Notwithstanding any inconsistent provision of law, the county, city, town or village and its employees shall not be liable for damages suffered by any persons resulting from the REASONABLE AND GOOD FAITH actions AND/or activities of such volunteers or groups.

4. NO ADOPT-A-PARK PROGRAM SHALL RESULT IN THE DISPLACEMENT OF ANY CURRENTLY EMPLOYED WORKER OR THE LOSS OF POSITION, INCLUDING THE PARTIAL DISPLACEMENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME, WAGES, OR EMPLOYMENT BENEFITS, OR RESULT IN THE IMPAIRMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENTS.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.