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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in
relation to requiring an evaluation of the impacts of the closure of
public access to any land owned or operated by the office of parks,
recreation and historic preservation

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

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new section 13.14 to read as follows:
3 S 13.14 CLOSURE OF LANDS OWNED, HELD OR ADMINISTERED BY THE OFFICE. 1.
4 NOT LESS THAN SIX MONTHS BEFORE THE PROPOSED CLOSURE OF PUBLIC ACCESS TO
5 ANY REAL PROPERTY OWNED, HELD OR ADMINISTERED BY THE OFFICE, THE COMMIS-
6 SIONER SHALL ISSUE A DRAFT REPORT THAT PROVIDES THE JUSTIFICATION AND
7 RATIONAL FOR SUCH CLOSURE INCLUDING, BUT NOT LIMITED TO:
8 (A) A FULL DESCRIPTION OF THE REAL PROPERTY;
9 (B) THE PURPOSES THAT THE REAL PROPERTY SERVES TO THE PEOPLE OF THE
10 STATE;
11 (C) A COMPARISON OF THE ECONOMIC IMPACTS OF CLOSURE VERSUS CONTINUED
12 OPERATION OF SUCH REAL PROPERTY TO THE STATE, LOCAL GOVERNMENTS AND THE
13 PUBLIC;
14 (D) AN ANALYSIS OF THE POTENTIAL HARM TO SUCH REAL PROPERTY FROM
15 VANDALISM, LACK OF MANAGEMENT AND MAINTENANCE, AND OTHER IMPACTS FROM
16 THE LACK OF REGULAR OVERSIGHT BY THE OFFICE;
17 (E) THE IMPACT OF SUCH PROPOSED CLOSURE ON THE ENTIRE REAL PROPERTY
18 SYSTEM OWNED AND OPERATED BY THE OFFICE; AND
19 (F) SUCH OTHER FACTORS THAT ARE PARTICULARLY RELEVANT TO THE REAL
20 PROPERTY AND ITS FUNCTION AS STATE LAND.
21 2. NOT LESS THAN FOUR MONTHS BEFORE THE PROPOSED CLOSURE OF PUBLIC
22 ACCESS TO SUCH REAL PROPERTY, THE COMMISSIONER SHALL PROVIDE PUBLIC

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

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1 NOTICE OF AND CONDUCT ONE OR MORE PUBLIC HEARINGS, INCLUDING ONE IN THE
2 IMPACTED AREA OF THE PROPOSED CLOSURE. NOTICE OF ANY SUCH HEARING SHALL
3 BE ON A STATEWIDE BASIS, INCLUDING PUBLICATION IN THE ENVIRONMENTAL
4 NOTICE BULLETIN. EACH PUBLIC HEARING SHALL ACCEPT WRITTEN STATEMENTS IN
5 LIEU OF AN ORAL PRESENTATION.

6 3. UPON CONCLUSION OF THE PUBLIC HEARINGS ON A CLOSURE, THE COMMIS-
7 SIONER SHALL ISSUE A FINAL REPORT WHICH INCLUDES THE RESPONSE ON ALL
8 ISSUES RAISED AT THE HEARINGS AND INFORMATION ENTERED INTO THE HEARING
9 RECORD. SUCH FINAL REPORT SHALL BE MADE AVAILABLE AND DISTRIBUTED TO
10 THE PUBLIC.

11 4. THE COMMISSIONER SHALL ISSUE AND SUBMIT TO THE GOVERNOR AND THE
12 LEGISLATURE A FINDINGS STATEMENT ON EACH PROPOSED CLOSURE THAT PROVIDES
13 THE JUSTIFICATION FOR SUCH CLOSURE OR, IN THE ALTERNATIVE, THE INFORMA-
14 TION THAT SUPPORTS THE CONTINUED OPERATION OF THE REAL PROPERTY.

15 S 2. This act shall take effect immediately.