

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

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I N S E N A T E

March 13, 2012

Introduced by Sens. LITTLE, GALLIVAN, GRISANTI, McDONALD -- (at request of the Office of Parks, Recreation and Historic Preservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, 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 amend the parks, recreation and historic preservation law, in relation to leasing and licensing of property

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

1 Section 1. Subdivision 2-d of section 3.09 of the parks, recreation
2 and historic preservation law, as amended by chapter 302 of the laws of
3 2011, is amended to read as follows:
4 2-d. Be empowered, in addition to any other provision of law authoriz-
5 ing the leasing or licensing of property under its jurisdiction, to
6 encourage investment by the private sector for the provision of equip-
7 ment and capital improvements at historic sites, state park and recre-
8 ation facilities by entering into lease or license agreements for an
9 extended term not to exceed forty years at the following: in the first
10 park region, for services provided at the observation tower, and for
11 buildings and structures commonly known as the Cave of the Winds build-
12 ing, the Top of the Falls Restaurant, the administration building, the
13 visitor center, the Goat Island center, the snack bar at the Cave of the
14 Winds, the current police building, the original Prospect Point elevator
15 building, the lower landing snack bar and the Schoellkopf Museum,
16 including improvements to structures and facilities appurtenant thereto
17 at Niagara Reservation State Park, the site of the former casino, the
18 former commission house and the eighty-slip boat marina within the boun-
19 daries of Beaver Island state park and the structures known as the navy
20 barracks, the post theater, the officers' club and the commandant's
21 house within Fort Niagara state park, [and the] buildings and structures

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

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1 at Deveaux Woods state park, AND BUILDINGS AND FACILITIES WITHIN KNOX
2 FARM STATE PARK; in the second park region, the building known as
3 Minturn Mansion within Long Point on Lake Chautauqua state park; in the
4 third park region, for buildings and structures commonly known as the
5 Glen Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect
6 house, the Lauterbrunnen house, the Lower Falls restaurant building, the
7 pool concession stands, the North Entrance visitor center, the adminis-
8 tration building, the Commission house and the Stone building, including
9 improvements to structures and facilities appurtenant thereto at Letch-
10 worth State park; in the fourth park region, the structures known as the
11 caretaker's house and garage within the Buttermilk Falls state park; in
12 the seventh park region, the structure known as the brick cottage and
13 associated outbuildings at John Jay Homestead state historic site, the
14 structure known as the Hoyt House and the barns at Ogden Mills and Ruth
15 Livingston Mills state park, the outbuildings at Olana state historic
16 site and the building commonly known as the Staatsburg School in Margar-
17 et Lewis Norrie state park; in the eighth park region, for buildings and
18 structures commonly known as the Bear Mountain Inn, the A. K. Morgan
19 Overlook Lodge, the Cliff house, the Hilltop lodge, the Summit lodge,
20 the Echo lodge, the Beaver lodge and the Spring lodge, including
21 improvements to structures and facilities appurtenant thereto at Bear
22 Mountain State Park; in the ninth park region, the Boardwalk Restaurant
23 at Jones Beach state park and the buildings and structures at Nissequ-
24 uogue state park; in the eleventh park region, the structure known as La
25 Tour house, the former bottling plant and dormitory for adaptive reuse,
26 and property for the development of a golf course and related facilities
27 within Saratoga Spa state park. Any such lease or license may provide
28 for reasonable rights of access, utilities and parking located within
29 the boundaries of the respective park or historic site. Such extended
30 term shall be for the purpose of assuring a lessee or licensee adequate
31 protection against loss of investments in developing, renovating,
32 improving, furnishing and equipping such properties, and the length of
33 the term of any such lease or license shall have a direct relationship
34 to the period required to amortize the investment. Any such lease or
35 license shall be entered into only after a finding by the commissioner
36 that such action is compatible with public enjoyment and participation
37 in adjacent park facilities, and in the case of structures listed on or
38 eligible for the state register of historic places, that such lease or
39 license will encourage investment by the private sector in restoring,
40 preserving and maintaining such properties. In addition, such lease or
41 license shall contain terms and conditions as the commissioner shall
42 deem necessary to address environmental concerns, including any historic
43 and recreational resources of such property; the compatible uses of
44 adjacent park lands and facilities; and otherwise to protect the public
45 interest. The bid prospectus submitted to prospective bidders shall
46 contain specific information concerning the nature of the capital
47 improvements or equipment to be provided by the successful bidder.
48 Revenues from the lease or license of property pursuant to this section
49 shall be deposited into the state park infrastructure fund established
50 pursuant to section ninety-seven-mm of the state finance law.
51 S 2. This act shall take effect immediately.