

7991--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 1, 2013

Introduced by M. of A. MARKEY -- (at request of the Office of Parks, Recreation and Historic Preservation) -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- recommitted to the Committee on Tourism, Parks, Arts and Sports Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law, in relation to leasing and licensing of property; and to repeal subdivision 2-g of section 3.09 of such law relating to leases and licensing to the city school district of the city of Niagara Falls

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 263 of the laws of
3 2012, 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, buildings and structures at

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

LBD08962-05-4

1 Deveaux Woods state park, and buildings and facilities within Knox Farm
2 state park; in the second park region, the building known as Minturn
3 Mansion within Long Point on Lake Chautauqua state park; in the third
4 park region, for buildings and structures commonly known as the Glen
5 Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house,
6 the Lauterbrunnen house, the Lower Falls restaurant building, the pool
7 concession stands, the North Entrance visitor center, the administration
8 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 WINTER COTTAGE AND
23 MAIN HOUSE AT CAUMSETT STATE HISTORIC PRESERVE, RECREATIONAL FACILITIES
24 AT THE LOCATION OF THE AQUATIC COMPLEX AND CAMPGROUND AT HECKSCHER STATE
25 PARK, the Boardwalk Restaurant at Jones Beach state park and the build-
26 ings and structures at Nissequogue state park; in the eleventh park
27 region, the structure known as La Tour house, the former bottling plant
28 and dormitory for adaptive reuse, and property for the development of a
29 golf course and related facilities within Saratoga Spa state park. Any
30 such lease or license may provide for reasonable rights of access, util-
31 ities and parking located within the boundaries of the respective park
32 or historic site. Such extended term shall be for the purpose of assur-
33 ing a lessee or licensee adequate protection against loss of investments
34 in developing, renovating, improving, furnishing and equipping such
35 properties, and the length of the term of any such lease or license
36 shall have a direct relationship to the period required to amortize the
37 investment. Any such lease or license shall be entered into only after a
38 finding by the commissioner that such action is compatible with public
39 enjoyment and participation in adjacent park facilities, and in the case
40 of structures listed on or eligible for the state register of historic
41 places, that such lease or license will encourage investment by the
42 private sector in restoring, preserving and maintaining such properties.
43 In addition, such lease or license shall contain terms and conditions as
44 the commissioner shall deem necessary to address environmental concerns,
45 including any historic and recreational resources of such property; the
46 compatible uses of adjacent park lands and facilities; and otherwise to
47 protect the public interest. The bid prospectus submitted to prospective
48 bidders shall contain specific information concerning the nature of the
49 capital improvements or equipment to be provided by the successful
50 bidder. Revenues from the lease or license of property pursuant to this
51 section shall be deposited into the state park infrastructure fund
52 established pursuant to section ninety-seven-mm of the state finance
53 law.

54 S 2. Subdivision 2-g of section 3.09 of the parks, recreation and
55 historic preservation law is REPEALED.

56 S 3. This act shall take effect immediately.