

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

4358--A

2013-2014 Regular Sessions

I N S E N A T E

March 21, 2013

Introduced by Sens. LITTLE, MAZIARZ -- (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 -- 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

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

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1 barracks, the post theater, the officers' club and the commandant's
2 house within Fort Niagara state park, buildings and structures at
3 Deveau Woods state park, and buildings and facilities within Knox Farm
4 state park; in the second park region, the building known as Minturn
5 Mansion within Long Point on Lake Chautauqua state park; in the third
6 park region, for buildings and structures commonly known as the Glen
7 Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house,
8 the Lauterbrunnen house, the Lower Falls restaurant building, the pool
9 concession stands, the North Entrance visitor center, the administration
10 building, the Commission house and the Stone building, including
11 improvements to structures and facilities appurtenant thereto at Letch-
12 worth State park; in the fourth park region, the structures known as the
13 caretaker's house and garage within the Buttermilk Falls state park; in
14 the seventh park region, the structure known as the brick cottage and
15 associated outbuildings at John Jay Homestead state historic site, the
16 structure known as the Hoyt House and the barns at Ogden Mills and Ruth
17 Livingston Mills state park, the outbuildings at Olana state historic
18 site and the building commonly known as the Staatsburg School in Margar-
19 et Lewis Norrie state park; in the eighth park region, for buildings and
20 structures commonly known as the Bear Mountain Inn, the A. K. Morgan
21 Overlook Lodge, the Cliff house, the Hilltop lodge, the Summit lodge,
22 the Echo lodge, the Beaver lodge and the Spring lodge, including
23 improvements to structures and facilities appurtenant thereto at Bear
24 Mountain State Park; in the ninth park region, THE CLUBHOUSE AND TENNIS
25 FACILITY AT BETHPAGE STATE PARK, THE WINTER COTTAGE AND MAIN HOUSE AT
26 CAUMSETT STATE HISTORIC PRESERVE, RECREATIONAL FACILITIES AT THE
27 LOCATION OF THE AQUATIC COMPLEX AND CAMPGROUND AT HECKSCHER STATE PARK,
28 the Boardwalk Restaurant at Jones Beach state park and the buildings and
29 structures at Nissequogue state park; in the eleventh park region, the
30 structure known as La Tour house, the former bottling plant and dormito-
31 ry for adaptive reuse, and property for the development of a golf course
32 and related facilities within Saratoga Spa state park; IN THE TWELFTH
33 PARK REGION THE BAYSWATER SUNSET LODGE AT BAYSWATER POINT STATE PARK.
34 Any such lease or license may provide for reasonable rights of access,
35 utilities and parking located within the boundaries of the respective
36 park or historic site. Such extended term shall be for the purpose of
37 assuring a lessee or licensee adequate protection against loss of
38 investments in developing, renovating, improving, furnishing and equip-
39 ping such properties, and the length of the term of any such lease or
40 license shall have a direct relationship to the period required to amor-
41 tize the investment. Any such lease or license shall be entered into
42 only after a finding by the commissioner that such action is compatible
43 with public enjoyment and participation in adjacent park facilities, and
44 in the case of structures listed on or eligible for the state register
45 of historic places, that such lease or license will encourage investment
46 by the private sector in restoring, preserving and maintaining such
47 properties. In addition, such lease or license shall contain terms and
48 conditions as the commissioner shall deem necessary to address environ-
49 mental concerns, including any historic and recreational resources of
50 such property; the compatible uses of adjacent park lands and facili-
51 ties; and otherwise to protect the public interest. The bid prospectus
52 submitted to prospective bidders shall contain specific information
53 concerning the nature of the capital improvements or equipment to be
54 provided by the successful bidder. Revenues from the lease or license of
55 property pursuant to this section shall be deposited into the state park

1 infrastructure fund established pursuant to section ninety-seven-mm of
2 the state finance law.
3 S 2. Subdivision 2-g of section 3.09 of the parks, recreation and
4 historic preservation law is REPEALED.
5 S 3. This act shall take effect immediately.