

S. 4429--B

A. 6441--B

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

March 27, 2013

IN SENATE -- Introduced by Sens. SERRANO, ADDABBO, SAMPSON -- 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 -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. ENGLEBRIGHT, GALEF, CORWIN, THIELE, KEARNS, WEPRIN, FINCH, STEC, COLTON, CAHILL, MILLMAN, WALTER, DUPREY, ROSENTHAL, DiPIETRO, RAIA, SANTABARBARA, MONTESANO, LUPARDO, BORELLI, OTIS, BARRETT, ABBATE, GUNTHER, CERETTO -- Multi-Sponsored by -- M. of A. BARCLAY, BUCHWALD, CROUCH, JACOBS, P. LOPEZ, LUPINACCI, McDONALD, McDONOUGH, QUART, SCHIMMINGER, SOLAGES, SWEENEY, TITONE, TITUS, WEISENBERG -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 establishing the New York state park adopt-a-trail stewardship program; and to amend the state finance law, in relation to establishing the state park adopt-a-trail stewardship program fund

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

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new section 3.27 to read as follows:

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

LBD10053-05-4

1 S 3.27 STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM. 1. A. THE COMMIS-
2 SIONER MAY ENTER INTO STEWARDSHIP AGREEMENTS WITH ANY PERSON OR PERSONS
3 FOR THE PURPOSES OF PRESERVING, MAINTAINING, OR ENHANCING A TRAIL OR
4 TRAILS IN STATE-OWNED PARKS OR ANY PORTION THEREOF IN ACCORDANCE WITH
5 THE POLICIES OF THIS CHAPTER.

6 B. IN HIS OR HER DISCRETION, THE COMMISSIONER MAY ESTABLISH PERMANENT
7 OR TEMPORARY AGREEMENTS WITH PARKS' FRIENDS GROUPS OR OTHER LOCAL COMMU-
8 NITY NON-PROFIT GROUPS, SUCH AS PARKS' FRIENDS GROUPS, TO ADMINISTER THE
9 PROGRAM. IF MORE THAN ONE GROUP IS INTERESTED IN ADMINISTERING THE
10 PROGRAM, THE COMMISSIONER SHALL DEVELOP AN OPEN AND COMPETITIVE PROCESS
11 TO SELECT THE BEST GROUP TO ADMINISTER THE PROGRAM. FOR THE PURPOSES OF
12 THIS SECTION, "PARKS' FRIENDS GROUPS" ARE GENERALLY DEFINED AS NONPROFIT
13 ORGANIZATIONS THAT HAVE BEEN DESIGNATED AS 501(C)(3) ORGANIZATIONS UNDER
14 FEDERAL LAW ESTABLISHED PRIMARILY TO SUPPORT A SPECIFIC PARK AREA OR
15 GROUP OF PARKS.

16 2. THE STEWARDSHIP AGREEMENT SHALL PROVIDE THAT THE TRAIL AREA BE
17 PRESERVED AND MAINTAINED IN ITS NATURAL, CULTURAL AND HISTORICAL STATE
18 OR MANAGED TO ENHANCE OR RESTORE THE NATURAL, CULTURAL, HISTORICAL AND
19 HERITAGE VALUES IT PROVIDES, CONSISTENT WITH THE PROVISIONS OF THIS
20 CHAPTER. ACTIVITIES MAY INCLUDE: REMEDIATION OF VANDALISM AND STORM
21 DAMAGE; DISPOSING OF LITTER AND TRASH; ESTABLISHING OR MAINTAINING
22 ACCESS TO NATURE TRAILS; PROVIDING INTERPRETIVE SERVICES FOR SCHOOL
23 GROUPS AND OTHER CITIZENS; LAWN MAINTENANCE AND TREE TRIMMING; PLANT-
24 INGS, INSTALLATION, REPAIR OR REPLACEMENT OF BENCHES, KIOSKS, PICNIC
25 TABLES AND SHELTERS; AND OTHERWISE PROVIDING POSITIVE BENEFITS TO THE
26 TRAIL AREA.

27 3. STEWARDSHIP AGREEMENT WITH ANY PERSON OR PERSONS MAY PROVIDE FOR
28 ASSISTANCE OF PERSONNEL, FACILITIES AND SUPPLIES OF THE OFFICE FOR THE
29 PURPOSES OF SUPPORTING APPROPRIATE ACTIVITIES UNDER SUCH STEWARDSHIP
30 AGREEMENT, IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

31 4. THE OFFICE SHALL ESTABLISH PROCEDURES BY WHICH A PERSON OR PERSONS
32 MAY APPLY FOR A STEWARDSHIP AGREEMENT, AND SHALL BE RESPONSIBLE FOR
33 WORKING WITH SUCH PERSONS TO IDENTIFY SPECIFIC SECTIONS OF A STATE-OWNED
34 PARK TRAIL AND SPECIFIC ACTIVITIES DEEMED APPROPRIATE FOR SUCH STEWARD-
35 SHIP AGREEMENT. THE OFFICE MAY CONSIDER FACTORS SUCH AS SAFETY, ENVIRON-
36 MENTAL, CULTURAL AND HISTORICAL SENSITIVITY, NEED, COST, AND OTHER
37 FACTORS DEEMED RELEVANT IN DETERMINING WHICH TRAIL AREAS OR ACTIVITIES
38 MAY BE ELIGIBLE OR APPROPRIATE FOR A STEWARDSHIP AGREEMENT.

39 5. A. THE OFFICE SHALL PROVIDE RECOGNITION OF THE STEWARDSHIP ACTIV-
40 ITIES BY DISPLAYING APPROPRIATE SIGNAGE, AS DESCRIBED IN PARAGRAPH B OF
41 THIS SUBDIVISION, ON OR NEAR THE ADOPTED TRAIL AREA, AND MAY PROVIDE
42 RECOGNITION BY SUCH OTHER MEASURES AS IT MAY DETERMINE TO BE APPROPRI-
43 ATE, INCLUDING BUT NOT LIMITED TO PRESS RELEASES, CERTIFICATES, AND
44 NEWSLETTERS.

45 B. SPONSORSHIP MAY BE INDICATED BY HAVING HIKING TRAIL MARKER SIGNS
46 THAT DISPLAY THE NAME OF THE TRAIL SPONSOR. TRAIL SIGNS SHALL BE CIRCUL-
47 AR AND NOT BE MORE THAN FIVE INCHES IN DIAMETER, UNLESS DEEMED NECES-
48 SARY TO BE LARGER FOR SAFETY REASONS OR IF THE SIGN IS AN IMPORTANT
49 MARKER SUCH AS THE FIRST SIGN OF THE TRAIL. THE NAME OF THE SPONSOR
50 SHALL NOT TAKE UP MORE THAN TWENTY-FIVE PERCENT OF THE SIGN AND SHALL
51 NOT IMPEDE UPON THE OTHER INFORMATION DISPLAYED ON THE SIGN. UPON THE
52 EXPIRATION OF A TEMPORARY SPONSORSHIP AGREEMENT, THE TRAIL SPONSOR SHALL
53 BE RESPONSIBLE FOR REMOVING ALL TRAIL MARKER SIGNS THAT DISPLAY THE
54 NAME.

55 6. THE STEWARDSHIP AGREEMENT MAY BE MODIFIED IN SCOPE OR ALTERED IN
56 ANY OTHER MANNER AT THE SOLE DISCRETION OF THE OFFICE, NOT INCONSISTENT

1 WITH THE PROVISIONS OF THIS SECTION. THE PERSON OR PERSONS SHALL HAVE
2 THE OPTION OF RENEWING THE AGREEMENT SUBJECT TO THE APPROVAL OF THE
3 OFFICE AND THE CONTINUATION BY THE OFFICE OF THE STATE PARK
4 ADOPT-A-TRAIL STEWARDSHIP PROGRAM. THE OFFICE MAY IMMEDIATELY REMOVE THE
5 SIGNS AND IT MAY TERMINATE THE AGREEMENT UPON THIRTY DAYS NOTICE, IF IN
6 ITS SOLE JUDGMENT IT FINDS AND DETERMINES THAT THE PERSON OR PERSONS ARE
7 VIOLATING THE TERMS AND CONDITIONS OF THE AGREEMENT.

8 7. THE COMMISSIONER SHALL DETERMINE IN HIS OR HER DISCRETION, WHICH
9 TRAILS OR PORTIONS THEREOF SHALL BE SPONSORED IN ACCORDANCE WITH THE
10 PROVISIONS OF THIS SECTION. NOTHING IN THIS SECTION SHALL REQUIRE THE
11 COMMISSIONER TO AUTHORIZE THE STEWARDSHIP OF ANY PARTICULAR TRAIL OR
12 PORTION THEREOF.

13 8. ANY FUNDS DESIGNATED TO FUND THE STEWARDSHIP PROGRAM ESTABLISHED BY
14 THIS SECTION SHALL BE HELD IN THE STATE PARK ADOPT-A-TRAIL STEWARDSHIP
15 PROGRAM FUND ESTABLISHED IN SECTION NINETY-SEVEN-LLLL OF THE STATE
16 FINANCE LAW.

17 9. NO AGREEMENT ENTERED INTO PURSUANT TO THE STATE PARK ADOPT-A-TRAIL
18 STEWARDSHIP PROGRAM SHALL RESULT IN THE DISPLACEMENT OF ANY CURRENTLY
19 EMPLOYED WORKER OR THE LOSS OF POSITION, INCLUDING THE PARTIAL DISPLACE-
20 MENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME LABOR, WAGES OR
21 EMPLOYMENT BENEFITS, OR RESULT IN THE IMPAIRMENT OF EXISTING COLLECTIVE
22 BARGAINING AGREEMENTS.

23 S 2. The state finance law is amended by adding a new section 97-llll
24 to read as follows:

25 S 97-LLLL. STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND. 1.
26 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
27 TROLLER AND THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND
28 HISTORIC PRESERVATION A SPECIAL FUND TO BE KNOWN AS THE STATE PARK
29 ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND.

30 2. SUCH FUND SHALL CONSIST OF ALL MONEYS CREDITED OR TRANSFERRED THER-
31 ETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. MONEYS IN THE FUND
32 SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS
33 IN THE CUSTODY OF THE COMPTROLLER.

34 3. MONEYS OF THE FUND MAY BE EXPENDED FOR THE PURPOSES PROVIDED IN
35 SECTION 3.27 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW
36 ACCORDING TO THE REQUIREMENTS OF SUCH SECTION. MONEYS SHALL BE PAID OUT
37 OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCH-
38 ERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE OFFICE OF PARKS,
39 RECREATION AND HISTORIC PRESERVATION.

40 4. THE FUND SHALL BE HELD WITHIN THE BUSINESS AND LICENSING SERVICES
41 ACCOUNT AS ESTABLISHED IN SECTION NINETY-SEVEN-Y OF THIS ARTICLE.

42 S 3. This act shall take effect on the one hundred twentieth day after
43 it shall have become a law; provided that, effective immediately, the
44 commissioner of the office of parks, recreation and historic preserva-
45 tion shall promulgate any rule or regulation necessary for the implemen-
46 tation of the provisions of this act on or before its effective date.