

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

S. 4429--A

A. 6441--A

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

IN ASSEMBLY -- Introduced by M. of A. ENGLEBRIGHT, GALEF, CORWIN, THIELE, KEARNS, WEPRIN, FINCH, STEC, COLTON, CAHILL, MILLMAN, WALTER, DUPREY, ROSENTHAL, DIPIETRO, RAIA, SANTABARBARA, MAISEL, 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

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:

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

8 B. IN HIS OR HER DISCRETION, THE COMMISSIONER MAY ESTABLISH PERMANENT
9 OR TEMPORARY AGREEMENTS WITH PARK'S FRIENDS GROUPS OR OTHER LOCAL COMMU-

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

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1 NITY NON-PROFIT GROUPS TO ADMINISTER THE PROGRAM. IF MORE THAN ONE GROUP
2 IS INTERESTED IN ADMINISTERING THE PROGRAM, THE COMMISSIONER SHALL
3 DEVELOP AN OPEN AND COMPETITIVE PROCESS TO SELECT THE BEST GROUP TO
4 ADMINISTER THE PROGRAM.

5 2. THE STEWARDSHIP AGREEMENT SHALL PROVIDE THAT THE TRAIL AREA BE
6 PRESERVED AND MAINTAINED IN ITS NATURAL, CULTURAL AND HISTORICAL STATE
7 OR MANAGED TO ENHANCE OR RESTORE THE NATURAL, CULTURAL, HISTORICAL AND
8 HERITAGE VALUES IT PROVIDES, CONSISTENT WITH THE PROVISIONS OF THIS
9 CHAPTER. ACTIVITIES MAY INCLUDE: REMEDIATION OF VANDALISM AND STORM
10 DAMAGE, PICKING UP LITTER AND TRASH, ESTABLISHING OR MAINTAINING ACCESS
11 OR NATURE TRAILS, PROVIDING INTERPRETIVE SERVICES FOR SCHOOL GROUPS AND
12 OTHER CITIZENS, BRUSH CLEARING, LAWN MAINTENANCE, TREE TRIMMING, PLANT-
13 INGS, INSTALLATION, REPAIR AND/OR REPLACEMENT OF BENCHES, KIOSKS, PICNIC
14 TABLES AND SHELTERS AND OTHERWISE PROVIDING POSITIVE BENEFITS TO THE
15 TRAIL AREA.

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

20 4. THE OFFICE SHALL ESTABLISH PROCEDURES BY WHICH A PERSON OR PERSONS
21 MAY APPLY FOR A STEWARDSHIP AGREEMENT, AND SHALL BE RESPONSIBLE FOR
22 WORKING WITH SUCH PERSONS TO IDENTIFY SPECIFIC SECTIONS OF A STATE-OWNED
23 PARK TRAIL AND SPECIFIC ACTIVITIES DEEMED APPROPRIATE FOR SUCH STEWARD-
24 SHIP AGREEMENT. THE OFFICE MAY CONSIDER FACTORS SUCH AS SAFETY, ENVIRON-
25 MENTAL, CULTURAL AND HISTORICAL SENSITIVITY, NEED, COST, AND OTHER
26 FACTORS DEEMED RELEVANT IN DETERMINING WHICH TRAIL AREAS OR ACTIVITIES
27 MAY BE ELIGIBLE OR APPROPRIATE FOR A STEWARDSHIP AGREEMENT.

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

34 B. SPONSORSHIP WOULD BE INDICATED BY HAVING HIKING TRAIL MARKER SIGNS
35 DISPLAY A SMALL ADVERTISEMENT FROM THE TRAIL SPONSOR. TRAIL SIGNS SHALL
36 BE CIRCULAR AND NOT BE MORE THAN FIVE INCHES IN DIAMETER, UNLESS DEEMED
37 NECESSARY TO BE LARGER FOR SAFETY REASONS OR IF THE SIGN IS AN IMPORTANT
38 MARKER SUCH AS THE FIRST SIGN OF THE TRAIL. ADVERTISEMENT SHALL NOT
39 TAKE UP MORE THAN TWENTY-FIVE PERCENT OF THE SIGN AND SHALL NOT IMPEDE
40 UPON THE OTHER INFORMATION DISPLAYED ON THE SIGN. UPON THE EXPIRATION
41 OF A TEMPORARY SPONSORSHIP AGREEMENT, THE TRAIL SPONSOR SHALL BE RESPON-
42 SIBLE FOR REMOVING ALL TRAIL MARKER SIGNS THAT DISPLAY AN ADVERTISEMENT
43 FROM THE TRAIL SPONSOR.

44 6. THE STEWARDSHIP AGREEMENT MAY BE MODIFIED IN SCOPE OR ALTERED IN
45 ANY OTHER MANNER AT THE SOLE DISCRETION OF THE OFFICE, NOT INCONSISTENT
46 WITH THE PROVISIONS OF THIS SECTION. THE PERSON OR PERSONS SHALL HAVE
47 THE OPTION OF RENEWING THE AGREEMENT SUBJECT TO THE APPROVAL OF THE
48 OFFICE AND THE CONTINUATION BY THE OFFICE OF THE STATE PARK
49 ADOPT-A-TRAIL STEWARDSHIP PROGRAM. THE OFFICE MAY IMMEDIATELY REMOVE THE
50 SIGNS AND IT MAY TERMINATE THE AGREEMENT UPON THIRTY DAYS NOTICE, IF IN
51 ITS SOLE JUDGMENT IT FINDS AND DETERMINES THAT THE PERSON OR PERSONS ARE
52 NOT MEETING THE TERMS AND CONDITIONS OF THE AGREEMENT.

53 7. THE COMMISSIONER SHALL DETERMINE IN HIS OR HER DISCRETION, WHICH
54 TRAILS OR PORTIONS THEREOF SHALL BE SPONSORED IN ACCORDANCE WITH THE
55 PROVISIONS OF THIS SECTION. NOTHING IN THIS SECTION SHALL REQUIRE THE

1 COMMISSIONER TO AUTHORIZE THE STEWARDSHIP OF ANY PARTICULAR TRAIL OR
2 PORTION THEREOF.

3 8. ANY FUNDS DESIGNATED TO FUND THE STEWARDSHIP PROGRAM ESTABLISHED BY
4 THIS SECTION SHALL BE HELD IN THE STATE PARK ADOPT-A-TRAIL STEWARDSHIP
5 PROGRAM FUND ESTABLISHED IN SECTION NINETY-SEVEN-LLLL OF THE STATE
6 FINANCE LAW.

7 9. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, THE STATE AND
8 ITS EMPLOYEES SHALL NOT BE LIABLE FOR DAMAGES SUFFERED BY ANY PERSON OR
9 ORGANIZATION RESULTING FROM THE ACTIONS OR ACTIVITIES OF SUCH VOLUNTEERS
10 AND VOLUNTEER ORGANIZATIONS.

11 10. NO AGREEMENT ENTERED INTO PURSUANT TO THE STATE PARK ADOPT-A-TRAIL
12 STEWARDSHIP PROGRAM SHALL RESULT IN THE DISPLACEMENT OF ANY CURRENTLY
13 EMPLOYED WORKER OR THE LOSS OF POSITION, INCLUDING THE PARTIAL DISPLACE-
14 MENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME LABOR, WAGES OR
15 EMPLOYMENT BENEFITS, OR RESULT IN THE IMPAIRMENT OF EXISTING COLLECTIVE
16 BARGAINING AGREEMENTS.

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

19 S 97-LLLL. STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND. 1.
20 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
21 TROLLER AND THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND
22 HISTORIC PRESERVATION A SPECIAL FUND TO BE KNOWN AS THE STATE PARK
23 ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND.

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

28 3. MONEYS OF THE FUND MAY BE EXPENDED FOR THE PURPOSES PROVIDED IN
29 SECTION 3.27 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW
30 ACCORDING TO THE REQUIREMENTS OF SUCH SECTION. MONEYS SHALL BE PAID OUT
31 OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCH-
32 ERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE OFFICE OF PARKS,
33 RECREATION AND HISTORIC PRESERVATION.

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

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