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I N   A S S E M B L Y

May 31, 2016

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Introduced by M. of A. MORELLE, PALMESANO, KOLB, OAKS -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to the 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 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  
22 Deveaux Woods state park, and buildings and facilities within Knox Farm  
23 state park; in the second park region, the building known as Minturn  
24 Mansion within Long Point on Lake Chautauqua state park; in the third  
25 park region, for buildings and structures commonly known as the Glen  
26 Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house,  
27 the Lauterbrunnen house, the Lower Falls restaurant building, the pool

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

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

46 S 2. No lease entered into by the office of parks, recreation and  
47 historic preservation for the construction and operation of a full  
48 service marina at Sampson state park shall result in the displacement of  
49 any currently employed worker or the loss of position, including the  
50 partial displacement such as reduction in the hours of non-overtime,  
51 wages, or employment benefits, or result in the impairment of existing  
52 collective bargaining agreements.

53 S 3. This act shall take effect immediately.