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

6622

2015-2016 Regular Sessions

I N A S S E M B L Y

March 27, 2015

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

AN ACT to amend the parks, recreation and historic preservation law, in relation to leasing and licensing of certain property

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

Section 1. Subdivision 2-d of section 3.09 of the parks, recreation and historic preservation law, as amended by chapter 263 of the laws of 2012, is amended to read as follows:

2-d. Be empowered, in addition to any other provision of law authorizing the leasing or licensing of property under its jurisdiction, to encourage investment by the private sector for the provision of equipment and capital improvements at historic sites, state park and recreation facilities by entering into lease or license agreements for an extended term not to exceed forty years at the following: in the first park region, for services provided at the observation tower, and for buildings and structures commonly known as the Cave of the Winds building, the Top of the Falls Restaurant, the administration building, the visitor center, the Goat Island center, the snack bar at the Cave of the Winds, the current police building, the original Prospect Point elevator building, the lower landing snack bar and the Schoellkopf Museum, including improvements to structures and facilities appurtenant thereto at Niagara Reservation State Park, the site of the former casino, the former commission house and the eighty-slip boat marina within the boundaries of Beaver Island state park and the structures known as the navy barracks, the post theater, the officers' club and the commandant's house within Fort Niagara state park, buildings and structures at Deveaux Woods state park, and buildings and facilities within Knox Farm state park; in the second park region, the building known as Minturn Mansion within Long Point on Lake Chautauqua state park; in the third

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

LBD09613-02-5

park region, for buildings and structures commonly known as the Glen Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house, the Lauterbrunnen house, the Lower Falls restaurant building, the pool concession stands, the North Entrance visitor center, the administration building, the Commission house and the Stone building, including improvements to structures and facilities appurtenant thereto at Letchworth State park; in the fourth park region, the structures known as the caretaker's house and garage within the Buttermilk Falls state park; in the seventh park region, the structure known as the brick cottage and associated outbuildings at John Jay Homestead state historic site, the [structure] STRUCTURES known as THE CARRIAGE BARN, THE DAIRY BARN, the Hoyt House and the barns, STAATSBURG STATE HISTORIC SITE, AND FOR THE CONSTRUCTION AND OPERATION OF LODGING at Ogden Mills and Ruth Livingston Mills state park, the outbuildings at Olana state historic site and the building commonly known as the Staatsburg School in Margaret Lewis Norrie state park; in the eighth park region, for buildings and structures commonly known as the Bear Mountain Inn, the A. K. Morgan Overlook Lodge, the Cliff house, the Hilltop lodge, the Summit lodge, the Echo lodge, the Beaver lodge and the Spring lodge, including improvements to structures and facilities appurtenant thereto at Bear Mountain State Park; in the ninth park region, THE MAIN HOUSE AND WINTER COTTAGE AT CAUMSETT STATE HISTORIC PARK PRESERVE, the Boardwalk Restaurant at Jones Beach state park and the buildings and structures at Nissequogue state park; in the eleventh park region, the structure known as La Tour house, the former bottling plant and dormitory for adaptive reuse, and property for the development of a golf course and related facilities within Saratoga Spa state park. Any such lease or license may provide for reasonable rights of access, utilities and parking located within the boundaries of the respective park or historic site. Such extended term shall be for the purpose of assuring a lessee or licensee adequate protection against loss of investments in developing, renovating, improving, furnishing and equipping such properties, and the length of the term of any such lease or license shall have a direct relationship to the period required to amortize the investment. Any such lease or license shall be entered into only after a finding by the commissioner that such action is compatible with public enjoyment and participation in adjacent park facilities, and in the case of structures listed on or eligible for the state register of historic places, that such lease or license will encourage investment by the private sector in restoring, preserving and maintaining such properties. In addition, such lease or license shall contain terms and conditions as the commissioner shall deem necessary to address environmental concerns, including any historic and recreational resources of such property; the compatible uses of adjacent park lands and facilities; and otherwise to protect the public interest. The bid prospectus submitted to prospective bidders shall contain specific information concerning the nature of the capital improvements or equipment to be provided by the successful bidder. Revenues from the lease or license of property pursuant to this [section] SUBDIVISION shall be deposited into the state park infrastructure fund established pursuant to section ninety-seven-mm of the state finance law.

S 2. Section 3.09 of the parks, recreation and historic preservation law is amended by adding a new subdivision 2-i to read as follows:

2-I. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW RELATING TO THE IMPROVEMENT AND OPERATION OF PROPERTY UNDER ITS JURISDICTION, TO ENCOURAGE INVESTMENT BY THE PRIVATE SECTOR IN THE FINANCING, CONSTRUCTION AND OPERATION OF PUBLIC RENTAL CABINS AND SIMILAR LODGING

UNITS AT HISTORIC SITES, STATE PARKS AND RECREATION FACILITIES BY ENTERING INTO APPROPRIATE AGREEMENTS FOR AN EXTENDED TERM NOT TO EXCEED FORTY YEARS, EXCEPT WITHIN THE SIXTH PARK REGION; PROVIDED THAT ANY SUCH AGREEMENT FOR A PERIOD IN EXCESS OF TEN YEARS MUST BE APPROVED BY THE DIRECTOR OF THE BUDGET AND MUST PROVIDE FOR A TOTAL CAPITAL INVESTMENT BY THE LICENSEE OR LESSEE OVER THE CONTRACT TERM OF NO LESS THAN ONE MILLION DOLLARS. SUCH EXTENDED TERM SHALL BE FOR THE PURPOSE OF ASSURING A CABIN FINANCER, CONTRACTOR OR OPERATOR ADEQUATE PROTECTION AND A COMMERCIALLY REASONABLE OPPORTUNITY TO FINANCE CONSTRUCTION OF CABIN STRUCTURES AND RELATED FIXTURES, EQUIPMENT, SUPPLIES AND OTHER IMPROVEMENTS, AND THE LENGTH OF TERM SHALL HAVE A DIRECT RELATIONSHIP TO THE PERIOD REQUIRED TO FINANCE THE COST OF THE PROJECT. ANY SUCH AGREEMENT SHALL BE ENTERED INTO ONLY AFTER A FINDING BY THE COMMISSIONER THAT THE CABINS WILL AFFORD A PUBLIC AMENITY AND ARE COMPATIBLE WITH PUBLIC EMPLOYMENT AND PARTICIPATION IN ADJACENT FACILITIES. IN ADDITION, SUCH AGREEMENT SHALL CONTAIN TERMS AND CONDITIONS AS THE COMMISSIONER SHALL DEEM NECESSARY TO ADDRESS ENVIRONMENTAL CONCERNS, INCLUDING ANY HISTORIC AND RECREATIONAL RESOURCES OF SUCH PROPERTY; THE COMPATIBLE USES OF ADJACENT PARK LANDS AND FACILITIES; AND OTHERWISE TO PROTECT THE PUBLIC INTEREST. THE BID PROSPECTUS SUBMITTED TO PROSPECTIVE BIDDERS SHALL CONTAIN SPECIFIC INFORMATION CONCERNING THE NATURE OF THE CAPITAL IMPROVEMENTS OR EQUIPMENT TO BE PROVIDED BY THE SUCCESSFUL BIDDER. REVENUES FROM THE AGREEMENT MADE PURSUANT TO THIS SUBDIVISION SHALL BE DEPOSITED INTO THE STATE PARK INFRASTRUCTURE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW.

S 3. No lease entered into by the office of parks, recreation and historic preservation for the main house at Caumsett state historic park preserve shall result in the impairment of any existing collective bargaining agreements.

S 4. This act shall take effect immediately.