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

9391--A

I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. GUNTHER -- 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 encouraging investment by the private sector at certain state parks

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

Section 1. 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 BY ENTERING INTO APPROPRIATE AGREEMENTS FOR AN EXTENDED PERIOD NOT TO EXCEED FORTY YEARS AT THE FOLLOWING STATE PARKS: IN THE SECOND PARK REGION, ALLEGANY STATE PARK; IN THE THIRD PARK REGION, HAMLIN BEACH STATE PARK AND LETCHWORTH STATE PARK; IN THE FOURTH PARK REGION, FAIRHAVEN BEACH STATE PARK; IN THE FIFTH PARK REGION, GLIMMERGLASS STATE PARK; IN THE EIGHTH PARK REGION, HARRIMAN STATE PARK; AND IN THE NINTH PARK REGION, HECKSCHER STATE PARK AND WILDWOOD STATE PARK. ANY SUCH AGREEMENT ENTERED INTO UNDER THIS SUBDIVISION 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 FINANCIER, 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

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

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ENJOYMENT 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 2. No agreement entered into by the office of parks, recreation and historic preservation pursuant to the authority granted in subdivision 2-i of section 3.09 of the parks, recreation and historic preservation law as added by section one of this act shall result in the displacement of any currently employed worker or the loss of position, including partial displacement, such as reduction in the hours of non-overtime, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements.

S 3. This act shall take effect immediately.