

2001--A

2015-2016 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. ENGLEBRIGHT, GALEF, CORWIN, THIELE, KEARNS, WEPRIN, FINCH, STEC, COLTON, CAHILL, WALTER, DUPREY, ROSENTHAL, DiPIETRO, RAIA, SANTABARBARA, MONTESANO, LUPARDO, OTIS, BARRETT, ABBATE, GUNTHER, CERETTO -- Multi-Sponsored by -- M. of A. BARCLAY, BUCHWALD, CROUCH, LOPEZ, LUPINACCI, McDONALD, McDONOUGH, QUART, SCHIMMINGER, SOLAGES, TITONE, TITUS -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- 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:
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 PARKS' FRIENDS GROUPS OR OTHER LOCAL COMMU-
10 NITY NON-PROFIT GROUPS, SUCH AS PARKS' FRIENDS GROUPS, TO ADMINISTER THE
11 PROGRAM. IF MORE THAN ONE GROUP IS INTERESTED IN ADMINISTERING THE
12 PROGRAM, THE COMMISSIONER SHALL DEVELOP AN OPEN AND COMPETITIVE PROCESS
13 TO SELECT THE BEST GROUP TO ADMINISTER THE PROGRAM. FOR THE PURPOSES OF
14 THIS SECTION, "PARKS' FRIENDS GROUPS" ARE GENERALLY DEFINED AS NONPROFIT
15 ORGANIZATIONS THAT HAVE BEEN DESIGNATED AS 501(C)(3) ORGANIZATIONS UNDER

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

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1 FEDERAL LAW ESTABLISHED PRIMARILY TO SUPPORT A SPECIFIC PARK AREA OR
2 GROUP OF PARKS.

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

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

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

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

32 B. SPONSORSHIP MAY BE INDICATED BY HAVING HIKING TRAIL MARKER SIGNS
33 THAT DISPLAY THE NAME OF THE TRAIL SPONSOR. TRAIL SIGNS SHALL BE CIRCUL-
34 AR AND NOT BE MORE THAN FIVE INCHES IN DIAMETER, UNLESS DEEMED NECES-
35 SARY TO BE LARGER FOR SAFETY REASONS OR IF THE SIGN IS AN IMPORTANT
36 MARKER SUCH AS THE FIRST SIGN OF THE TRAIL. THE NAME OF THE SPONSOR
37 SHALL NOT TAKE UP MORE THAN TWENTY-FIVE PERCENT OF THE SIGN AND SHALL
38 NOT IMPEDE UPON THE OTHER INFORMATION DISPLAYED ON THE SIGN. UPON THE
39 EXPIRATION OF A TEMPORARY SPONSORSHIP AGREEMENT, THE TRAIL SPONSOR SHALL
40 BE RESPONSIBLE FOR REMOVING ALL TRAIL MARKER SIGNS THAT DISPLAY THE
41 NAME.

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

51 7. THE COMMISSIONER SHALL DETERMINE IN HIS OR HER DISCRETION, WHICH
52 TRAILS OR PORTIONS THEREOF SHALL BE SPONSORED IN ACCORDANCE WITH THE
53 PROVISIONS OF THIS SECTION. NOTHING IN THIS SECTION SHALL REQUIRE THE
54 COMMISSIONER TO AUTHORIZE THE STEWARDSHIP OF ANY PARTICULAR TRAIL OR
55 PORTION THEREOF.

1 8. ANY FUNDS DESIGNATED TO FUND THE STEWARDSHIP PROGRAM ESTABLISHED BY
2 THIS SECTION SHALL BE HELD IN THE STATE PARK ADOPT-A-TRAIL STEWARDSHIP
3 PROGRAM FUND ESTABLISHED IN SECTION 97-WWWW OF THE STATE FINANCE LAW.

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

10 S 2. The state finance law is amended by adding a new section 97-www
11 to read as follows:

12 S 97-WWWW. STATE PARK ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND. 1.
13 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
14 TROLLER AND THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND
15 HISTORIC PRESERVATION A SPECIAL FUND TO BE KNOWN AS THE STATE PARK
16 ADOPT-A-TRAIL STEWARDSHIP PROGRAM FUND.

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

21 3. MONEYS OF THE FUND MAY BE EXPENDED FOR THE PURPOSES PROVIDED IN
22 SECTION 3.27 OF THE PARKS, RECREATION AND HISTORIC PRESERVATION LAW
23 ACCORDING TO THE REQUIREMENTS OF SUCH SECTION. MONEYS SHALL BE PAID OUT
24 OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCH-
25 ERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF THE OFFICE OF PARKS,
26 RECREATION AND HISTORIC PRESERVATION.

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

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