

3739--B

Cal. No. 489

2015-2016 Regular Sessions

I N   S E N A T E

February 17, 2015

---

Introduced by Sens. MARCHIONE, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law and the general municipal law, in relation to authorizing an adopt-a-park program

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

1     Section 1. Subdivision 4 of section 3.09 of the parks, recreation and  
2 historic preservation law is amended to read as follows:  
3     4. Cooperate in the planning, organization, development and operation  
4 of municipal and private park, recreational and historic preservation  
5 projects and programs. THE COMMISSIONER MAY PROVIDE TECHNICAL ASSIST-  
6 ANCE TO MUNICIPALITIES FOR THE PLANNING, ORGANIZATION, DEVELOPMENT AND  
7 OPERATION OF ADOPT-A-PARK PROGRAMS UNDERTAKEN PURSUANT TO SECTION TWO  
8 HUNDRED SEVENTY-SEVEN OF THE GENERAL MUNICIPAL LAW INCLUDING, BUT NOT  
9 LIMITED TO, THE DEVELOPMENT AND DISTRIBUTION OF AN INFORMATIONAL GUIDE  
10 FOR PARTICIPANTS IN SUCH PROGRAMS.  
11     S 2. Section 277 of the general municipal law, as added by chapter 626  
12 of the laws of 1991, is amended to read as follows:  
13     S 277. Adopt-a-municipal park, shoreline or roadway programs. 1. The  
14 governing body of any county, city, town or village is hereby authorized  
15 and empowered to authorize and direct such of its officers or agencies  
16 as it shall designate to enter into adopt-a-park, shoreline or roadway  
17 program agreements with volunteers or groups in an effort to reduce and

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

LBD06346-06-6

1 remove litter from parks, shorelines, roadways and other public lands.  
2 Such agreements shall include but not be limited to:

3 a. providing and coordinating services by volunteers or groups to  
4 reduce the amount of litter including providing trash bags and trash bag  
5 pick up and in designated areas where volunteers may be in close proxim-  
6 ity to moving vehicles providing safety briefings and reflective safety  
7 gear; and

8 b. providing and installing signs identifying those volunteers or  
9 groups adopting particular parks, shorelines, roadways or other sections  
10 of public land.

11 2. WITH RESPECT TO ADOPT-A-PARK PROGRAMS, A PROGRAM AGREEMENT MAY ALSO  
12 BE ENTERED INTO FOR THE PROVISION OF SERVICES BY VOLUNTEERS OR GROUPS TO  
13 PRESERVE, MAINTAIN AND ENHANCE MUNICIPALLY-OWNED PARKS. SUCH PROGRAMS  
14 MAY INCLUDE, BUT ARE NOT LIMITED TO, REMEDIATING VANDALISM, PRESERVING  
15 WETLANDS, CLEANING AND MAINTAINING PARK PROPERTY, ESTABLISHING AND MAIN-  
16 TAINING ACCESS TO NATURE TRAILS, ESTABLISHING AND MAINTAINING DOG RUNS,  
17 PLANTING AND MAINTAINING FLOWER BEDS OR OTHER VEGETATION, OR OTHERWISE  
18 IMPROVING AND MAINTAINING THE NATURAL BEAUTY OF SUCH PARKS.

19 3. Notwithstanding any inconsistent provision of law, the county,  
20 city, town or village and its employees shall not be liable for damages  
21 suffered by any persons resulting from the REASONABLE actions or activ-  
22 ities of such volunteers or groups PROVIDED SUCH ACTIONS OR ACTIVITIES  
23 WERE PERFORMED IN GOOD FAITH.

24 4. NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE  
25 CONTRARY, NO ADOPT-A-PARK PROGRAM SHALL RESULT IN THE DISPLACEMENT OF  
26 ANY CURRENTLY EMPLOYED WORKER OR THE LOSS OF POSITION, INCLUDING THE  
27 PARTIAL DISPLACEMENT SUCH AS REDUCTION IN THE HOURS OF NON-OVERTIME,  
28 WAGES, OR EMPLOYMENT BENEFITS, OR RESULT IN THE IMPAIRMENT OF EXISTING  
29 COLLECTIVE BARGAINING AGREEMENTS.

30 S 3. This act shall take effect on the one hundred eightieth day after  
31 it shall have become a law.