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I N   S E N A T E

February 24, 2016

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Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

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:

1     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:  
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4     2-I. BE EMPOWERED, IN ADDITION TO ANY OTHER PROVISION OF LAW RELATING  
5 TO THE IMPROVEMENT AND OPERATION OF PROPERTY UNDER ITS JURISDICTION, TO  
6 ENCOURAGE INVESTMENT BY THE PRIVATE SECTOR IN THE FINANCING CONSTRUCTION  
7 AND OPERATION OF PUBLIC RENTAL CABINS BY ENTERING INTO APPROPRIATE  
8 AGREEMENTS FOR AN EXTENDED PERIOD NOT TO EXCEED FORTY YEARS AT THE  
9 FOLLOWING STATE PARKS: IN THE SECOND PARK REGION, ALLEGANY STATE PARK;  
10 IN THE THIRD PARK REGION, HAMLIN BEACH STATE PARK AND LETCHWORTH STATE  
11 PARK; IN THE FOURTH PARK REGION, FAIRHAVEN BEACH STATE PARK; IN THE  
12 FIFTH PARK REGION, GLIMMERGLASS STATE PARK; IN THE EIGHTH PARK REGION,  
13 HARRIMAN STATE PARK; IN THE NINTH PARK REGION, HECKSCHER STATE PARK AND  
14 WILDWOOD STATE PARK; AND IN THE TENTH PARK REGION, GRASS POINT STATE  
15 PARK AND WELLESLEY ISLAND STATE PARK. ANY SUCH AGREEMENT ENTERED INTO  
16 UNDER THIS SUBDIVISION FOR A PERIOD IN EXCESS OF TEN YEARS MUST BE  
17 APPROVED BY THE DIRECTOR OF THE BUDGET AND MUST PROVIDE FOR A TOTAL  
18 CAPITAL INVESTMENT BY THE LICENSEE OR LESSEE OVER THE CONTRACT TERM OF  
19 NO LESS THAN ONE MILLION DOLLARS. SUCH EXTENDED TERM SHALL BE FOR THE  
20 PURPOSE OF ASSURING A CABIN FINANCIER, CONTRACTOR OR OPERATOR ADEQUATE  
21 PROTECTION AND A COMMERCIALY REASONABLE OPPORTUNITY TO FINANCE  
22 CONSTRUCTION OF CABIN STRUCTURES AND RELATED FIXTURES, EQUIPMENT,  
23 SUPPLIES AND OTHER IMPROVEMENTS, AND THE LENGTH OF TERM SHALL HAVE A  
24 DIRECT RELATIONSHIP TO THE PERIOD REQUIRED TO FINANCE THE COST OF THE  
25 PROJECT. ANY SUCH AGREEMENT SHALL BE ENTERED INTO ONLY AFTER A FINDING  
26 BY THE COMMISSIONER THAT THE CABINS WILL AFFORD A PUBLIC AMENITY AND ARE

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

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1 COMPATIBLE WITH PUBLIC ENJOYMENT AND PARTICIPATION IN ADJACENT FACILI-  
2 TIES. IN ADDITION, SUCH AGREEMENT SHALL CONTAIN TERMS AND CONDITIONS AS  
3 THE COMMISSIONER SHALL DEEM NECESSARY TO ADDRESS ENVIRONMENTAL CONCERNS,  
4 INCLUDING ANY HISTORIC AND RECREATIONAL RESOURCES OF SUCH PROPERTY; THE  
5 COMPATIBLE USES OF ADJACENT PARK LANDS AND FACILITIES; AND OTHERWISE TO  
6 PROTECT THE PUBLIC INTEREST. THE BID PROSPECTUS SUBMITTED TO PROSPECTIVE  
7 BIDDERS SHALL CONTAIN SPECIFIC INFORMATION CONCERNING THE NATURE OF THE  
8 CAPITAL IMPROVEMENTS OR EQUIPMENT TO BE PROVIDED BY THE SUCCESSFUL  
9 BIDDER. REVENUES FROM THE AGREEMENT MADE PURSUANT TO THIS SUBDIVISION  
10 SHALL BE DEPOSITED INTO THE STATE PARK INFRASTRUCTURE FUND ESTABLISHED  
11 PURSUANT TO SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW.

12 S 2. No agreement entered into by the office of parks, recreation and  
13 historic preservation pursuant to the authority granted in subdivision  
14 2-i of section 3.09 of the parks, recreation and historic preservation  
15 law as added by section one of this act shall result in the displacement  
16 of any currently employed worker or the loss of position, including  
17 partial displacement, such as reduction in the hours of non-overtime,  
18 wages, or employment benefits, or result in the impairment of existing  
19 collective bargaining agreements.

20 S 3. This act shall take effect immediately.