

STATE OF NEW YORK

9965--A

IN ASSEMBLY

March 2, 2018

Introduced by M. of A. MORELLE, KOLB, PALMESANO -- 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 leasing and licensing of property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2-d of section 3.09 of the parks, recreation
2 and historic preservation law, as separately amended by chapters 159 and
3 188 of the laws of 2016, is amended to read as follows:

4 2-d. Be empowered, in addition to any other provision of law authoriz-
5 ing the leasing or licensing of property under its jurisdiction, to
6 encourage investment by the private sector for the provision of equip-
7 ment and capital improvements at historic sites, state park and recre-
8 ation facilities by entering into lease or license agreements for an
9 extended term not to exceed forty years at the following: in the first
10 park region, for services provided at the observation tower, and for
11 buildings and structures commonly known as the Cave of the Winds build-
12 ing, the Top of the Falls Restaurant, the administration building, the
13 visitor center, the Goat Island center, the snack bar at the Cave of the
14 Winds, the current police building, the original Prospect Point elevator
15 building, the lower landing snack bar and the Schoellkopf Museum,
16 including improvements to structures and facilities appurtenant thereto
17 at Niagara Reservation State Park, the site of the former casino, the
18 former commission house and the eighty-slip boat marina within the boun-
19 daries of Beaver Island state park and the structures known as the navy
20 barracks, the post theater, the officers' club and the commandant's
21 house within Fort Niagara state park, buildings and structures at
22 Deveaux Woods state park, and buildings and facilities within Knox Farm
23 state park; in the second park region, the building known as Minturn
24 Mansion within Long Point on Lake Chautauqua state park; in the third
25 park region, for buildings and structures commonly known as the Glen
26 Iris Inn, the Pioneer Museum, the Pinewood Lodge, the Prospect house,
27 the Lauterbrunnen house, the Lower Falls restaurant building, the pool
28 concession stands, the North Entrance visitor center, the administration
29 building, the Commission house and the Stone building, including

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

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1 improvements to structures and facilities appurtenant thereto at Letch-
2 worth State park; in the fourth park region, the structures known as the
3 caretaker's house and garage within the Buttermilk Falls state park, and
4 the construction and operation of [a] full service ~~[marina]~~ marinas and
5 associated concessions, at Sampson state park and at Seneca Lake state
6 park; in the seventh park region, the structure known as the brick
7 cottage and associated outbuildings at John Jay Homestead state historic
8 site, the structure known as the Hoyt House and the barns at Ogden Mills
9 and Ruth Livingston Mills state park, the outbuildings at Olana state
10 historic site and the building commonly known as the Staatsburg School
11 in Margaret Lewis Norrie state park; in the eighth park region, for
12 buildings and structures commonly known as the Bear Mountain Inn, the A.
13 K. Morgan Overlook Lodge, the Cliff house, the Hilltop lodge, the Summit
14 lodge, the Echo lodge, the Beaver lodge and the Spring lodge, including
15 improvements to structures and facilities appurtenant thereto at Bear
16 Mountain State Park; in the ninth park region, the main house at Caum-
17 sett state historic park preserve, the Boardwalk Restaurant at Jones
18 Beach state park and the buildings and structures at Nissequogue state
19 park; in the eleventh park region, the structure known as La Tour house,
20 the former bottling plant and dormitory for adaptive reuse, and property
21 for the development of a golf course and related facilities within Sara-
22 toga Spa state park. Any such lease or license may provide for reason-
23 able rights of access, utilities and parking located within the bounda-
24 ries of the respective park or historic site. Such extended term shall
25 be for the purpose of assuring a lessee or licensee adequate protection
26 against loss of investments in developing, renovating, improving,
27 furnishing and equipping such properties, and the length of the term of
28 any such lease or license shall have a direct relationship to the period
29 required to amortize the investment. Any such lease or license shall be
30 entered into only after a finding by the commissioner that such action
31 is compatible with public enjoyment and participation in adjacent park
32 facilities, and in the case of structures listed on or eligible for the
33 state register of historic places, that such lease or license will
34 encourage investment by the private sector in restoring, preserving and
35 maintaining such properties. In addition, such lease or license shall
36 contain terms and conditions as the commissioner shall deem necessary to
37 address environmental concerns, including any historic and recreational
38 resources of such property; the compatible uses of adjacent park lands
39 and facilities; and otherwise to protect the public interest. The bid
40 prospectus submitted to prospective bidders shall contain specific
41 information concerning the nature of the capital improvements or equip-
42 ment to be provided by the successful bidder. Revenues from the lease or
43 license of property pursuant to this section shall be deposited into the
44 state park infrastructure fund established pursuant to section ninety-
45 seven-mm of the state finance law.

46 § 2. No lease entered into by the office of parks, recreation and
47 historic preservation for the construction and operation of a full
48 service marina and associated concessions at Sampson state park and at
49 Seneca Lake state park shall result in the displacement of any currently
50 employed worker or the loss of position, including the partial displace-
51 ment such as reduction in the hours of non-overtime, wages, or employ-
52 ment benefits, or result in the impairment of existing collective
53 bargaining agreements.

54 § 3. This act shall take effect immediately.