

STATE OF NEW YORK

8060

IN SENATE

March 23, 2018

Introduced by Sen. HELMING -- 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 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

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

LBD14827-01-8

1 concession stands, the North Entrance visitor center, the administration
2 building, the Commission house and the Stone building, including
3 improvements to structures and facilities appurtenant thereto at Letch-
4 worth State park; in the fourth park region, the structures known as the
5 caretaker's house and garage within the Buttermilk Falls state park, and
6 the construction, maintenance and operation of a full service marina,
7 including, but not limited to, associated camping and lodging, at Samp-
8 son state park and at Seneca Lake state park; in the seventh park
9 region, the structure known as the brick cottage and associated
10 outbuildings at John Jay Homestead state historic site, the structure
11 known as the Hoyt House and the barns at Ogden Mills and Ruth Livingston
12 Mills state park, the outbuildings at Olana state historic site and the
13 building commonly known as the Staatsburg School in Margaret Lewis
14 Norrie state park; in the eighth park region, for buildings and struc-
15 tures commonly known as the Bear Mountain Inn, the A. K. Morgan Overlook
16 Lodge, the Cliff house, the Hilltop lodge, the Summit lodge, the Echo
17 lodge, the Beaver lodge and the Spring lodge, including improvements to
18 structures and facilities appurtenant thereto at Bear Mountain State
19 Park; in the ninth park region, the main house at Caumsett state histor-
20 ic park preserve, the Boardwalk Restaurant at Jones Beach state park and
21 the buildings and structures at Nissequogue state park; in the eleventh
22 park region, the structure known as La Tour house, the former bottling
23 plant and dormitory for adaptive reuse, and property for the development
24 of a golf course and related facilities within Saratoga Spa state park.
25 Any such lease or license may provide for reasonable rights of access,
26 utilities and parking located within the boundaries of the respective
27 park or historic site. Such extended term shall be for the purpose of
28 assuring a lessee or licensee adequate protection against loss of
29 investments in developing, renovating, improving, furnishing and equip-
30 ping such properties, and the length of the term of any such lease or
31 license shall have a direct relationship to the period required to amor-
32 tize the investment. Any such lease or license shall be entered into
33 only after a finding by the commissioner that such action is compatible
34 with public enjoyment and participation in adjacent park facilities, and
35 in the case of structures listed on or eligible for the state register
36 of historic places, that such lease or license will encourage investment
37 by the private sector in restoring, preserving and maintaining such
38 properties. In addition, such lease or license shall contain terms and
39 conditions as the commissioner shall deem necessary to address environ-
40 mental concerns, including any historic and recreational resources of
41 such property; the compatible uses of adjacent park lands and facili-
42 ties; and otherwise to protect the public interest. The bid prospectus
43 submitted to prospective bidders shall contain specific information
44 concerning the nature of the capital improvements or equipment to be
45 provided by the successful bidder. Revenues from the lease or license of
46 property pursuant to this section shall be deposited into the state park
47 infrastructure fund established pursuant to section ninety-seven-mm of
48 the state finance law.

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

56 § 3. This act shall take effect immediately.