

# STATE OF NEW YORK

3207

2017-2018 Regular Sessions

## IN SENATE

January 20, 2017

Introduced by Sens. SERRANO, ADDABBO, AVELLA -- 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 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 § 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  
16 federal law established primarily to support a specific park area or  
17 group of parks.

18 2. The stewardship agreement shall provide that the trail area be  
19 preserved and maintained in its natural, cultural and historical state  
20 or managed to enhance or restore the natural, cultural, historical and  
21 heritage values it provides, consistent with the provisions of this  
22 chapter. Activities may include: remediation of vandalism and storm

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

LBD03259-01-7

1 damage; disposing of litter and trash; establishing or maintaining  
2 access to nature trails; providing interpretive services for school  
3 groups and other citizens; lawn maintenance and tree trimming; plant-  
4 ings, installation, repair or replacement of benches, kiosks, picnic  
5 tables and shelters; and otherwise providing positive benefits to the  
6 trail area.

7 3. Stewardship agreement with any person or persons may provide for  
8 assistance of personnel, facilities and supplies of the office for the  
9 purposes of supporting appropriate activities under such stewardship  
10 agreement, in accordance with the provisions of this chapter.

11 4. The office shall establish procedures by which a person or persons  
12 may apply for a stewardship agreement, and shall be responsible for  
13 working with such persons to identify specific sections of a state-owned  
14 park trail and specific activities deemed appropriate for such steward-  
15 ship agreement. The office may consider factors such as safety, environ-  
16 mental, cultural and historical sensitivity, need, cost, and other  
17 factors deemed relevant in determining which trail areas or activities  
18 may be eligible or appropriate for a stewardship agreement.

19 5. a. The office shall provide recognition of the stewardship activ-  
20 ities by displaying appropriate signage, as described in paragraph b of  
21 this subdivision, on or near the adopted trail area, and may provide  
22 recognition by such other measures as it may determine to be appropri-  
23 ate, including but not limited to press releases, certificates, and  
24 newsletters.

25 b. Sponsorship may be indicated by having hiking trail marker signs  
26 that display the name of the trail sponsor. Trail signs shall be circu-  
27 lar and not be more than five inches in diameter, unless deemed neces-  
28 sary to be larger for safety reasons or if the sign is an important  
29 marker such as the first sign of the trail. The name of the sponsor  
30 shall not take up more than twenty-five percent of the sign and shall  
31 not impede upon the other information displayed on the sign. Upon the  
32 expiration of a temporary sponsorship agreement, the trail sponsor shall  
33 be responsible for removing all trail marker signs that display the  
34 name.

35 6. The stewardship agreement may be modified in scope or altered in  
36 any other manner at the sole discretion of the office, not inconsistent  
37 with the provisions of this section. The person or persons shall have  
38 the option of renewing the agreement subject to the approval of the  
39 office and the continuation by the office of the state park adopt-a-  
40 trail stewardship program. The office may immediately remove the signs  
41 and it may terminate the agreement upon thirty days notice, if in its  
42 sole judgment it finds and determines that the person or persons are  
43 violating the terms and conditions of the agreement.

44 7. The commissioner shall determine in his or her discretion, which  
45 trails or portions thereof shall be sponsored in accordance with the  
46 provisions of this section. Nothing in this section shall require the  
47 commissioner to authorize the stewardship of any particular trail or  
48 portion thereof.

49 8. Any funds designated to fund the stewardship program established by  
50 this section shall be held in the state park adopt-a-trail stewardship  
51 program fund established in section ninety-seven-wwww of the state  
52 finance law.

53 9. No agreement entered into pursuant to the state park adopt-a-trail  
54 stewardship program shall result in the displacement of any currently  
55 employed worker or the loss of position, including the partial displace-  
56 ment such as reduction in the hours of non-overtime labor, wages or

1 employment benefits, or result in the impairment of existing collective  
2 bargaining agreements.

3 § 2. The state finance law is amended by adding a new section 97-~~www~~  
4 to read as follows:

5 § 97-~~www~~. State park adopt-a-trail stewardship program fund. 1.  
6 There is hereby established in the joint custody of the state comp-  
7 troller and the commissioner of parks, recreation and historic preserva-  
8 tion a special fund to be known as the "state park adopt-a-trail  
9 stewardship program fund".

10 2. Such fund shall consist of all moneys credited or transferred ther-  
11 eto from any other fund or source pursuant to law. Moneys in the fund  
12 shall be kept separate and shall not be commingled with any other moneys  
13 in the custody of the comptroller.

14 3. Moneys of the fund may be expended for the purposes provided in  
15 section 3.27 of the parks, recreation and historic preservation law  
16 according to the requirements of such section. Moneys shall be paid out  
17 of the fund on the audit and warrant of the state comptroller on vouch-  
18 ers certified or approved by the commissioner of parks, recreation and  
19 historic preservation.

20 4. The fund shall be held within the business and licensing services  
21 account as established in section ninety-seven-y of this article.

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