

# STATE OF NEW YORK

3457--A

2017-2018 Regular Sessions

## IN SENATE

January 23, 2017

Introduced by Sens. SERRANO, AVELLA, BAILEY, BRESLIN, DILAN, KRUEGER, MONTGOMERY, SANDERS, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- 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 requiring an evaluation of the impacts of the closure of public access to any land owned or operated by the office of parks, recreation and historic preservation

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 13.14 to read as follows:

3 § 13.14 Closure of lands owned, held or administered by the office. 1.  
4 Except as provided in subdivision five of this section, not less than  
5 six months before the proposed closure of public access to any real  
6 property owned, held or administered by the office, the commissioner  
7 shall issue a draft report that provides the justification and rational  
8 for such closure including, but not limited to:

9 (a) a full description of the real property;

10 (b) the purposes that the real property serves to the people of the  
11 state;

12 (c) a comparison of the economic impacts of closure versus continued  
13 operation of such real property to the state, local governments and the  
14 public;

15 (d) an analysis of the potential harm to such real property from  
16 vandalism, lack of management and maintenance, and other impacts from  
17 the lack of regular oversight by the office;

18 (e) the impact of such proposed closure on the entire real property  
19 system owned and operated by the office; and

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

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1 (f) such other factors that are particularly relevant to the real  
2 property and its function as state land.

3 2. Not less than four months before the proposed closure of public  
4 access to such real property, the commissioner shall provide public  
5 notice of and conduct one or more public hearings, including one in the  
6 impacted area of the proposed closure. Notice of any such hearing shall  
7 be on a statewide basis, including publication in the environmental  
8 notice bulletin. Each public hearing shall accept written statements in  
9 lieu of an oral presentation.

10 3. Upon conclusion of the public hearings on a closure, the commis-  
11 sioner shall issue a final report which includes the response on all  
12 issues raised at the hearings and information entered into the hearing  
13 record. Such final report shall be made available and distributed to  
14 the public.

15 4. The commissioner shall issue and submit to the governor and the  
16 legislature a findings statement on each proposed closure that provides  
17 the justification for such closure or, in the alternative, the informa-  
18 tion that supports the continued operation of the real property.

19 5. The requirements of this section shall not apply to seasonal park  
20 closures or temporary closures due to inclement weather or as reasonably  
21 necessary to effectuate repairs, maintenance or capital improvements.

22 § 2. This act shall take effect immediately.