

# STATE OF NEW YORK

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8060

## IN SENATE

March 23, 2018

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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.

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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.