STATE OF NEW YORK

183--B

Cal. No. 1280

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. SERRANO, BAILEY, BRESLIN, KRUEGER, MONTGOMERY, SANDERS, SAVINO -- 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 -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. The parks, recreation and historic preservation law is amended by adding a new section 13.14 to read as follows:

§ 13.14 Closure of lands owned, held or administered by the office. 1. Except as provided in subdivision five of this section, not less than six months before the proposed permanent closure of a park or historic site owned, held or administered by the office, the commissioner shall issue a draft report that provides the justification and rationale for such closure including, but not limited to:

(a) a full description of the real property;

(b) the purposes that the park or historic serves to the people of the state;

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

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

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

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

2. Not less than four months before the proposed permanent closure of public access to such park or historic site, the commissioner shall provide public notice of and conduct one or more public hearings in the impacted area of the proposed closure. Notice of any such hearing shall be in the environmental notice bulletin. Each public hearing shall accept written statements in lieu of an oral presentation.

3. Upon conclusion of the public hearings on a closure, the commissioner shall issue a final report which includes the response on all issues raised at the hearings and information entered into the hearing record. Such final report shall be posted on the website of the office.

4. The commissioner shall issue and submit to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate cultural affairs and tourism committee and the chair of the assembly, parks, arts and sports development committee a findings statement on each proposed closure that provides the justification for such closure or, in the alternative, the information that supports the continued operation of the real property.

5. The requirements of this section shall not apply to seasonal park closures, temporary closures due to inclement weather or as reasonably necessary to effectuate repairs, maintenance or capital improvements, or temporary limits on public access for routine operational reasons, such as public safety or other emergencies.

§ 2. This act shall take effect immediately.