

STATE OF NEW YORK

4742

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the parks, recreation and historic preservation law, in relation to establishing the "New York state two hundred fiftieth commemoration act"; to amend the state finance law, in relation to establishing the New York state two hundred fiftieth commemoration commission fund; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and cited as the "New
2 York state two hundred fiftieth commemoration act".

3 § 2. Legislative findings and intent. The legislature finds that New
4 York played an immense role in the lead up to and execution of the Amer-
5 ican Revolution during the period of 1774-1783, and was the site of
6 several important battles, skirmishes and other events that were inter-
7 nationally significant during the Revolutionary era. The American Revo-
8 lution itself was imperfect and many, including women, African Ameri-
9 cans, and Native Americans, did not benefit from its ideals of liberty
10 and freedom. However, the struggle to fully realize the ideals of the
11 Revolution has continued over the past 250 years as is evident in New
12 York's leading role in such revolutionary civil rights movements as the
13 women's rights and abolitionist movements, the underground railroad, and
14 the LGBTQ movement.

15 The legislature further finds that the Bicentennial of the American
16 Revolution in 1976 drew international attention and attendance at events
17 and sites across New York and the nation and had a lasting impact on
18 historical education and public history. The legislature further finds
19 that the commemoration of the 250th anniversary of the American Revo-
20 lution should also be an occasion for recognition of New York's vital
21 role in the Revolution itself as well as the ongoing struggle of margi-

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

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nalized groups to achieve the ideals of the Revolution. This commemoration should be statewide, involving all the people of the state through imaginative and innovative programs, grants, events, exhibits, new and expanded facilities, and marketing to engage the people of the nation and from all parts of the world.

The legislature further finds that the 250th anniversary and the years proceeding it offers great opportunity to educate and inspire the people of the state to increase recognition and appreciation of New York's role in the American Revolution and subsequent civil rights struggles as well as the complex nature of the state and nation's history with regards to the ideals of liberty and freedom. Therefore, it is the intention of the legislature to establish a commission for planning and development for the commemoration of the 250th anniversary of the American Revolution in New York state to take place in coordination with the national celebration.

§ 3. The parks, recreation and historic preservation law is amended by adding a new section 14.12 to read as follows:

§ 14.12 New York state two hundred fiftieth commemoration commission.

1. As used in this section, the following terms shall mean and include:

(a) "Commission" means the New York state two hundred fiftieth commemoration commission created by subdivision two of this section.

(b) "Cost" means the cost of an approved project, which shall include education, planning and program services, engineering and architectural services, plans and specifications, consultant and legal services, and other direct expenses incident to such project less any federal assistance received or to be received, and any other assistance from other parties.

(c) "Facility" means any structure or site improvement.

(d) "Federal assistance" means funds available, other than by loan, from the federal government, either directly or through allocation by the state for construction or program purposes pursuant to any federal law or program.

(e) "Heritage organization" means a not-for-profit historic site, historical society, battlefield, historic park, history-based museum, friends groups, library, archive, academic institute, historical anniversary organization, historical awareness group or Native American cultural center whose mission is to preserve and promote the history of a locale, region, people, or the entirety of the state.

(f) "Municipality" means a local public authority or public benefit corporation, state agency, state public authority, state public benefit corporation, county, city, town, village, Indian tribe or nation residing within the state, or any combination thereof. The term municipality shall also include a school district and any supervisory district.

(g) "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal Internal Revenue Code.

(h) "State assistance payment" means the payment of monies by the state for projects authorized by the New York state two hundred fiftieth commemoration commission fund pursuant to section ninety-five-j of the state finance law.

2. (a) The office shall create the New York state two hundred fiftieth commemoration commission. From the effective date of this section until December thirty-first, two thousand thirty-three, such commission shall develop, plan, promote and coordinate activities to commemorate the two hundred fiftieth anniversary of the American Revolution. Such activities shall include but not be limited to:

1 (i) making heritage organizations the focal points for the commem-
2 oration;

3 (ii) coordinating forums across the state to seek ideas from the
4 public on the commemoration including how New Yorkers, Americans and
5 those from other countries may celebrate such anniversary;

6 (iii) coordinating with civic, educational and heritage organizations
7 to develop public interest and involvement in the planning and develop-
8 ment of the commemoration;

9 (iv) promoting and encouraging educational outreach programs using
10 media and technology including electronic communications to achieve
11 national and international impact;

12 (v) coordinating the planning of commemorative events for all inter-
13 ested communities throughout the state;

14 (vi) inviting other interested states and nations to participate in
15 programs and events for the commemoration;

16 (vii) coordinating and promoting the holding of high profile, non-go-
17 vernment meetings, conferences, seminars and conventions in interested
18 communities using such anniversary as an attraction and theme;

19 (viii) coordinating and promoting the holding of community engagement
20 and educational events in interested communities using such anniversary
21 as an attraction and theme;

22 (ix) seeking funding from private individuals, foundations and corpo-
23 rations to support capital improvements, preservation and conservation
24 needs associated with events and sites commemorating such anniversary;

25 (x) coordinating and cooperating with state entities and tourist
26 promotion agencies, as defined in article five-A of the economic devel-
27 opment law;

28 (xi) coordinating and cooperating with local, state and federal enti-
29 ties including those relating to heritage area promotion and any federal
30 commission created to participate in planning and development of such
31 anniversary observance;

32 (xii) setting goals and benchmarks for the work of the commission; and

33 (xiii) doing all other actions necessary and appropriate as related to
34 paragraphs (i) through (xii) of this paragraph.

35 (b) The commission shall coordinate and consult with the New York
36 state military museum and veterans research center, Saratoga national
37 historical park, Champlain Valley National Heritage Partnership, Erie
38 Canalway National Heritage Corridor, Maurice D. Hinchey Hudson River
39 Valley National Heritage Area, Niagara Falls National Heritage Area,
40 Humanities New York, Association of Public Historian of New York State,
41 the Preservation League of New York State, national historic landmarks,
42 national historic landmark stewardship organizations and similar organ-
43 izations in the development, planning, promotion and coordination of
44 activities to commemorate the two hundred fiftieth anniversary of the
45 American Revolution;

46 (c) The commission shall consist of twenty voting members to be
47 appointed as follows:

48 (i) the commissioner or his or her duly designated representative;

49 (ii) the commissioner of the department of education or his or her
50 duly designated representative;

51 (iii) the president and chief executive officer of empire state devel-
52 opment or his or her duly designated representative;

53 (iv) a duly designated representative from the Cayuga Nation, the
54 Oneida Indian Nation, the Onondaga Indian Nation, the Saint Regis Mohawk
55 Tribe, the Seneca Nation of Indians, the Shinnecock Indian Nation, the

1 Stockbridge-Munsee Community Band of Mohican Indians, the Tonawanda Band
2 of Seneca, and the Tuscarora Nation;

3 (v) one member from each of the ten regional economic development
4 councils throughout the state of whom four members shall be appointed by
5 the governor, two members shall be appointed by the temporary president
6 of the senate, two members shall be appointed by the speaker of the
7 assembly, one member shall be appointed by the minority leader of the
8 senate and one member shall be appointed by the minority leader of the
9 assembly; and

10 (vi) the New York state historian shall serve as a non-voting member.

11 (d) Such appointees shall have a professional background in one or
12 more of the following fields: local government historian, academic
13 historian, museum professional, social studies teacher or professor,
14 tourism professional, archeologist, anthropologist, or other expertise
15 in the field of New York state history and/or historic preservation.

16 (e) The commissioner and the commissioner of the department of educa-
17 tion shall be co-chairpersons of the commission. Vacancies in the
18 membership of the commission and among its officers shall be filled in
19 the same manner provided for original appointments. The state historian
20 and staff of the office of state history shall be deemed the staff of
21 the commission.

22 (f) A majority of the members of the commission shall constitute a
23 quorum.

24 (g) The members of the commission shall receive no compensation for
25 their services but shall be allowed their actual and necessary expenses
26 incurred in the performance of their duties pursuant to this subdivision
27 from any funds which may become available for such purpose.

28 (h) The commission shall hold a meeting at least once each quarter.

29 3. The commission shall have the power:

30 (a) to sue and be sued;

31 (b) to prepare, publish and disseminate information or reports to
32 highlight for state agencies, local governments, and the general public
33 issues, problems, and opportunities relevant to the two hundred fiftieth
34 anniversary of the American Revolution;

35 (c) to make and execute contracts and all other instruments necessary
36 or convenient for the exercise of its duties and functions under this
37 section;

38 (d) to assist local governments and other appropriate organizations to
39 plan commemorations of the two hundred fiftieth anniversary of the Amer-
40 ican Revolution, and to do this, as far as possible, through cooperation
41 and through technical assistance, including planning assistance, legal
42 assistance, training, citizen education and participation assistance,
43 and assistance in preparation of grant applications to other entities.

44 (e) to contract for professional and technical assistance and advice;

45 (f) to apply for and receive from the federal and state government and
46 public and private agencies, funds to accomplish the purposes of the
47 commission and to solicit, receive and utilize gifts and donations of
48 any kind from any source; and to accept gifts, grants, loans, or
49 contributions from, and enter into contracts or other transactions with,
50 the United States and the state or any commission of either of them, any
51 municipality, any public or private corporation or any other legal enti-
52 ty for the purpose of the commission pursuant to this section, which
53 shall be deposited in the New York state two hundred fiftieth commem-
54 oration commission fund established pursuant to section ninety-five-j of
55 the state finance law;

56 (g) to conduct historical, economic and cultural studies;

1 (h) to conduct education programs;

2 (i) to make recommendations regarding necessary facilities related to
3 heritage organizations, historical signs, and monuments;

4 (j) to assist individuals, corporations, heritage organizations and
5 other public entities on ways to protect and promote the heritage
6 resources of the state;

7 (k) to prepare an annual report on the conduct of its activities which
8 shall include a recommended budget for the next year;

9 (l) to serve a coordinating role in utilizing the capabilities of
10 other organizations to carry out the duties prescribed in this section;
11 and

12 (m) to exercise and perform such other powers and duties as shall have
13 been or may be conferred by law.

14 4. (a) The commission shall develop a strategic plan, an economic
15 plan, an education plan and a financial plan which shall contain state-
16 wide plans for commemorating the state's role in the founding of the
17 nation and the ensuing two hundred fifty years of history.

18 (b) Such plans shall be consistent with the state historic preserva-
19 tion plan, the Erie Canalway National Heritage Corridor preservation and
20 management plan, the Champlain Valley National Heritage Partnership
21 management plan, the Niagara Falls National Heritage Area management
22 plan, the Hudson River Valley Greenway strategic plan, and the Hudson-
23 Hoosic Rivers Partnership stewardship plan, as such plans are amended.

24 (c) Such strategic plan shall include, but shall not be limited to, a
25 survey or inventory of the following, together with the establishment of
26 management priorities therefor: (i) historic, cultural and other herit-
27 age resources; (ii) scenic resources; and (iii) educational and recre-
28 ational resources.

29 (d) Such economic plan shall include but not be limited to: (i) a
30 tourism plan with elements of branding, marketing and promotion; and
31 (ii) a strategy for long-term financial sustainability and stewardship
32 of the state's heritage organizations.

33 (e) Such education plan shall include but not be limited to publica-
34 tions, teaching aids, exhibits, programs and guided activities.

35 (f) Such financial plan shall include but not be limited to an item-
36 ized estimate of funds or appropriations for the implementation of such
37 plans.

38 (g) Within twelve months of the effective date of this section the
39 commission shall vote to finalize such plans. A copy of such approved
40 plans shall be provided to the governor, the temporary president of the
41 senate and the speaker of the assembly.

42 (h) The commission shall propose amendments to such plans described in
43 this subdivision as they are deemed to be necessary and appropriate.

44 5. To effectuate the purposes of this section, the commission may
45 request from any department, board, bureau, commission or other agency
46 of the state, and the same are authorized to provide, such cooperation
47 and assistance, services and data as will enable the commission to prop-
48 erly carry out its functions pursuant to this section.

49 6. In administering the provisions of this section, the commission
50 shall request such funds or appropriations from such financial plan
51 annually for inclusion in the executive budget;

52 7. In administering the provisions of this section, the commission
53 may, in the name of the state, as further provided within this section,
54 contract to make, within the limitations of appropriations available
55 therefor, state assistance payments to a municipality toward the cost of
56 a project approved and to be undertaken pursuant to this section, or to

1 a not-for-profit heritage organization toward the costs of a project
2 approved and to be undertaken pursuant to this section. Such contracts
3 shall be subject to approval by the state comptroller and, as to form,
4 by the attorney general.

5 8. In administering the provisions of this section, the commission
6 may, in the name of the state, enter into contracts, within the limita-
7 tions of appropriations available therefor, with not-for-profit corpo-
8 rations, public benefit corporations, and private contractors for
9 services contemplated by this section and to be funded by the New York
10 state two hundred fiftieth commemoration commission fund pursuant to
11 section ninety-five-j of the state finance law. Such contracts shall be
12 subject to approval by the state comptroller and, as to form, by the
13 attorney general.

14 9. In administering the provisions of this section, the commission
15 shall approve vouchers for the payments pursuant to an approved contract
16 from such fund. All such payments shall be paid on the audit and warrant
17 of the state comptroller.

18 10. A municipality shall have the power and authority to:

19 (a) undertake and carry out any project for which state assistance
20 payments pursuant to a contract are received or are to be received
21 pursuant to this section and to maintain and operate such project;

22 (b) expend money received from the state pursuant to this section for
23 costs incurred in conjunction with the approved project; and

24 (c) perform other and further acts as may be necessary, proper or
25 desirable to carry out a project or obligation, duty or function related
26 pursuant to this section.

27 § 4. The state finance law is amended by adding a new section 95-j to
28 read as follows:

29 § 95-j. The New York state two hundred fiftieth commemoration commis-
30 sion fund. 1. There is hereby established in the joint custody of the
31 state comptroller and the commissioner of taxation and finance a fund to
32 be known as the "New York state two hundred fiftieth commemoration
33 commission fund".

34 2. Moneys in such fund shall consist of all moneys appropriated for
35 the purpose of such fund, donations to the New York state two hundred
36 fiftieth commemoration commission created by section 14.12 of the parks,
37 recreation and historic preservation law and all moneys appropriated,
38 credited or transferred thereto from any other fund or source pursuant
39 to law. Any interest received by the comptroller on money on deposit in
40 the fund shall be retained in and become part of the fund.

41 3. Moneys within such fund shall be made available to the New York
42 state two hundred fiftieth commemoration commission for payment of costs
43 and expenditures for the following purposes:

44 (a) no more than ten percent annually for the operation and activities
45 of such commission;

46 (b) no less than forty-five percent annually directed to the New York
47 state museum for grants to municipalities and not-for-profit heritage
48 organizations for historic programming, preservation and natural area
49 protection and management relating to the New York state two hundred
50 fiftieth commemorations, and other heritage projects like the under-
51 ground railroad, women's suffrage, and civil rights sites as such
52 commission shall identify through its strategic plan as described in
53 paragraph (c) of subdivision four of section 14.12 of the parks, recre-
54 ation and historic preservation law. This grant program shall be admin-
55 istered by the office of state history; and

1 (c) no less than forty-five percent annually directed to the office of
2 parks, recreation and historic preservation for capital improvements for
3 the state's historic sites and programming, preservation and outreach
4 relating to the New York state two hundred fiftieth commemorations.

5 4. Monies shall be payable from the fund on the audit and warrant of
6 the comptroller on vouchers approved and certified by such commission.

7 § 5. This act shall take effect immediately and shall expire and be
8 deemed repealed December 31, 2033.