S T A T E O F N E W Y O R K

4836

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. MORELLE, SCHIMMINGER, HOYT, DelMONTE, KOON -- Multi-Sponsored by -- M. of A. PEOPLES, SCHROEDER -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to creating the Western Erie Canal partnership; to amend chapter 352 of the laws of 1999, amending the parks, recreation and historic preservation law relating to establishing the Western Erie Canal Heritage Corridor Planning Commission, in relation to extending the existence of such commission; 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:

Section 1. The parks, recreation and historic preservation law is amended by adding a new article 38 to read as follows:

ARTICLE 38
WESTERN ERIE CANAL PARTNERSHIP

SECTION 38.01 LEGISLATIVE INTENT.
38.03 DEFINITIONS.
38.05 WESTERN ERIE CANAL PARTNERSHIP.
38.07 POWERS AND DUTIES OF THE PARTNERSHIP.
38.09 COOPERATION WITH MUNICIPALITIES.
38.11 APPROPRIATIONS BY MUNICIPALITIES.
38.13 COOPERATION OF STATE AGENCIES.

S 38.01 LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO PROVIDE THE COMMUNITIES OF THE WESTERN ERIE CANAL HERITAGE CORRIDOR WITH A FRAMEWORK FOR IMPLEMENTING THE WESTERN ERIE CANAL HERITAGE CORRIDOR MANAGEMENT PLAN. SUCH PLAN CAN BE EFFECTIVELY IMPLEMENTED ONLY THROUGH A PARTNERSHIP THAT PROVIDES FOR BROAD AND EQUITABLE REPRESENTATION OF CANAL COMMUNITIES WITH OTHER CANAL-RELATED INTERESTS; THAT REPRESENTS THE COLLECTIVE VISION OF THE WESTERN ERIE CANAL COMMUNITIES WITH OTHER

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

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CANAL-RELATED ENTITIES; THAT IS POSITIONED TO PRODUCTIVELY INTERFACE WITH AGENCY, ORGANIZATIONAL, INDIVIDUAL, AND OTHER PARTNERS; AND IS STRUCTURED TO ACCESS DIVERSE FUNDING SOURCES. IT IS THEREFORE THE INTENT OF THE LEGISLATURE TO CREATE AND EMPOWER THE WESTERN ERIE CANAL PARTNERSHIP WITH THE APPROPRIATE POWERS AND AUTHORITIES NECESSARY TO IMPLEMENT THE MANAGEMENT PLAN. THE PARTNERSHIP, IN ORDER TO EFFECTUATE ITS STATED PURPOSE, SHOULD BECOME A MEMBER OF AN ORGANIZATION OF HERITAGE AREAS, WITHOUT IMPACTING EITHER ORGANIZATION'S POWERS, OR AFFECTING THE POWERS OF CORRIDOR MUNICIPALITIES. THE PARTNERSHIP MAY COMMENT ON PLANS AND PROGRAMS OF THE STATE RELATED TO THE TREATMENT OF CULTURAL AND NATURAL RESOURCES WITHIN THE HERITAGE CORRIDOR, AND MAY REVIEW AND COMMENT ON CAPITAL AND LONG RANGE PLANS OF STATE AGENCIES AS THEY AFFECT THE CRITERIA, OBJECTIVES AND PLANS OF THE HERITAGE CORRIDOR. TO ENCOURAGE SUSTAINABLE ECONOMIC DEVELOPMENT, THE PARTNERSHIP SHOULD BE EMPOWERED TO ENCOURAGE PUBLIC AND PRIVATE INVESTMENT IN ECONOMIC REVITALIZATION INITIATIVES THROUGHOUT THE HERITAGE CORRIDOR. ADDITIONALLY, THE PARTNERSHIP IS ENCOURAGED TO ESTABLISH NETWORKS OF TOURISM SERVICE PROVIDERS AND PROMOTERS IN ORDER TO COLLABORATE ON PROJECTS AND STRATEGIES THAT WILL MAKE THE HERITAGE CORRIDOR A LEADING RECREATIONAL AND HERITAGE TOURISM DESTINATION. IT IS FURTHER THE INTENT OF THE LEGISLATURE THAT THE PARTNERSHIP WORK TO INCREASE THE RECREATIONAL USE OF THE ERIE CANAL AND THE CANALWAY TRAIL THROUGH SUCH ACTIONS AS ADVOCACY, PROMOTION, AND THE DEVELOPMENT AND DISTRIBUTION OF GUIDEBOOKS, MAPS, AND ASSOCIATED MATERIALS. THE PARTNERSHIP, WITHIN ITS DOMAIN, SHALL ENCOURAGE STATE AND MUNICIPAL GOVERNMENTS AND AGENCIES TO IMPROVE THE ENVIRONMENTAL QUALITY OF THE LAND AND WATER OF THE CORRIDOR AND PRESERVE IT FOR FUTURE GENERATIONS THROUGH SOUND ENVIRONMENTAL STEWARDSHIP. THROUGH INITIATIVES SUCH AS, FOR EXAMPLE, FARM STAYS, FARMER'S MARKETS, BUY-LOCAL PROGRAMS AND COMMUNITY-SUPPORTED AGRICULTURE, THE PARTNERSHIP SHOULD PROMOTE AGRICULTURE AND AGRI-TOURISM INITIATIVES THROUGHOUT THE HERITAGE CORRIDOR. ADDITIONALLY, THE ESTABLISHMENT OF CORRIDOR-WIDE ADVISORY COMMITTEES, AS DEEMED NECESSARY OR DESIRABLE, AND THAT THEY BE BROADLY REPRESENTATIVE OF THE HERITAGE CORRIDOR COUNTIES AND CANAL INTERESTS, SHOULD BE WITHIN THE POWERS OF THE PARTNERSHIP TO MEET ITS STATED PURPOSE. IT IS FURTHER THE INTENT OF THE LEGISLATURE THAT THE PARTNERSHIP CREATE AND GOVERN A NOT-FOR-PROFIT WESTERN ERIE CANAL ALLIANCE OR SIMILAR ENTITY AS DEEMED NECESSARY OR DESIRABLE TO ACT AS THE PARTNERSHIP'S DEVELOPMENT ARM. ADDITIONALLY, THE PARTNERSHIP MAY ESTABLISH WORKING RELATIONSHIPS WITH OTHER ENTITIES WHOSE AUTHORITIES, MANDATES, OR INTERESTS ARE OF MUTUAL INTEREST IN ORDER TO ACHIEVE THE OBJECTIVES OF THE MANAGEMENT PLAN THROUGH, FOR EXAMPLE, ENCOURAGING MUNICIPALITIES IN THE HERITAGE CORRIDOR TO ADOPT PROGRAMS AND POLICIES FOR THE PRESERVATION AND REVITALIZATION OF ITS CULTURAL RESOURCES. FOR EXAMPLE, THE PARTNERSHIP MAY, AS IT IS ABLE, PROVIDE TECHNICAL SUPPORT FOR THE PURPOSE OF ALLOWING MUNICIPALITIES TO DEVELOP PLANS AND PROJECTS CONSISTENT WITH THE PARTNERSHIP'S MISSION TO PRESERVE, INTERPRET AND INCREASE COMMUNITY STEWARDSHIP OVER THE NATURAL, HERITAGE AND RECREATIONAL RESOURCES OF THE REGION, AND TO DEVELOP SUSTAINABLE ECONOMIC OPPORTUNITIES THEREIN. IT IS FURTHER THE INTENT OF THE LEGISLATURE THAT THE PARTNERSHIP WORK TO ENHANCE THE INTERPRETATION AND PUBLIC KNOWLEDGE OF THE NATURAL AND CULTURAL HERITAGE OF THE CORRIDOR THROUGH SIGNAGE, MEDIA AND EDUCATIONAL PROGRAMS. IT IS FURTHER THE INTENT OF THE LEGISLATURE THAT THE TRANSITION FROM THE WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION TO THE WESTERN ERIE CANAL PARTNERSHIP SHALL BE SEAMLESS AND STABLE. THEREFORE, IT IS THE LEGISLATIVE INTENT THAT THE COMMISSION SHALL CONTINUE TO OPERATE PURSU-

ANT TO THIS ACT AS THE TRANSITION MECHANISM EMPOWERED TO SUBSTANTIALLY ESTABLISH THE PARTNERSHIP.

S 38.03 DEFINITIONS. WHENEVER USED IN THIS ARTICLE, UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT, THE TERMS LISTED BELOW SHALL HAVE THE FOLLOWING MEANINGS:

1. "WESTERN ERIE CANAL HERITAGE CORRIDOR", "HERITAGE CORRIDOR" OR "CORRIDOR" SHALL MEAN THE HERITAGE AREA CONSISTING OF THE COHESIVE GEOGRAPHIC AREA IDENTIFIED IN PARAGRAPH (Q) OF SUBDIVISION ONE OF SECTION 35.03 OF THIS CHAPTER.

2. "WESTERN ERIE CANAL PARTNERSHIP" OR "PARTNERSHIP" SHALL MEAN THE WESTERN ERIE CANAL PARTNERSHIP CREATED PURSUANT TO SECTION 38.05 OF THIS ARTICLE.

3. "MANAGEMENT PLAN" SHALL MEAN THE MANAGEMENT PLAN PREPARED PURSUANT TO SECTION 35.05 OF THIS CHAPTER.

4. "MUNICIPALITY" MEANS A COUNTY, CITY, TOWN OR VILLAGE LOCATED IN WHOLE OR IN PART WITHIN THE HERITAGE CORRIDOR.

5. "CHIEF ELECTED OFFICIAL OF A COUNTY" SHALL MEAN THE COUNTY EXECUTIVE, OR IF THERE IS NONE, THE CHAIRMAN OF THE BOARD OF SUPERVISORS, OR IF THERE IS NEITHER, ANY OTHER OFFICERS POSSESSING SIMILAR POWERS AND DUTIES.

S 38.05 WESTERN ERIE CANAL PARTNERSHIP. 1. THE WESTERN ERIE CANAL PARTNERSHIP IS HEREBY ESTABLISHED TO BE A BODY CORPORATE AND POLITIC AND TO CONSIST OF FIFTEEN APPOINTED MEMBERS WHO SHALL RESIDE WITHIN THE HERITAGE CORRIDOR AND MAINTAIN AN ACTIVE INTEREST IN THE ERIE CANAL AND DEMONSTRATE AN INTEREST IN THE OBJECTIVES OF THE PARTNERSHIP INCLUDING HERITAGE INTERPRETATION, EDUCATION, HISTORIC PRESERVATION, ECONOMIC REVITALIZATION, TOURISM SERVICES OR PROMOTION, REGIONAL PLANNING, CULTURAL AND NATURAL RESOURCE MANAGEMENT AND RECREATION AND FOR EX-OFFICIO MEMBERS. MEMBERS SHOULD BE WILLING TO ACTIVELY PARTICIPATE IN PROGRAM DEVELOPMENT, OUTREACH, DECISION MAKING AND FUNDRAISING. TWO MEMBERS EACH SHALL BE APPOINTED BY THE COUNTY LEGISLATURE FROM EACH OF THE FIVE HERITAGE CORRIDOR COUNTIES OF ERIE, MONROE, NIAGARA, ORLEANS AND WAYNE. FIVE MEMBERS SHALL BE APPOINTED AS FOLLOWS: ONE EACH, BY THE GOVERNOR, THE SENATE MAJORITY LEADER, THE ASSEMBLY SPEAKER, THE SENATE MINORITY LEADER, AND THE ASSEMBLY MINORITY LEADER. THE PARTNERSHIP SHALL ALSO BE COMPOSED OF FOUR EX-OFFICIO MEMBERS, WHO SHALL BE NON-VOTING MEMBERS OF THE PARTNERSHIP. AN EX-OFFICIO MEMBER MAY DESIGNATE A PERSON TO ATTEND MEETINGS AND TAKE OTHER ACTIONS ON HIS OR HER BEHALF. EX-OFFICIO MEMBERS SHALL BE THE COMMISSIONER, THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, THE COMMISSIONER OF THE EMPIRE STATE DEVELOPMENT CORPORATION, AND THE DIRECTOR OF THE NEW YORK STATE CANAL CORPORATION. APPOINTMENT TO THE PARTNERSHIP SHALL BE FILED WITH THE COMMISSIONER WHO SHALL CONVENE THE FIRST MEETING OF THE PARTNERSHIP FOLLOWING THE COMMISSIONER'S APPROVAL OF THE MANAGEMENT PLAN AND THE FILING OF A MAJORITY OF THE APPOINTMENTS.

2. THE TERM OF OFFICE FOR APPOINTEES SHALL BE THREE YEARS. MEMBERS MAY SERVE NO MORE THAN TWO CONSECUTIVE THREE YEAR TERMS. A FORMER MEMBER OF THE PARTNERSHIP WHO SERVED TWO CONSECUTIVE THREE YEAR TERMS MUST WAIT ONE FULL YEAR BEFORE BEING RENOMINATED TO BE A MEMBER OF THE PARTNERSHIP.

3. IN THE EVENT OF A VACANCY OCCURRING OTHER THAN BY THE EXPIRATION OF A MEMBER'S TERM, SUCH VACANCY SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. A MAJORITY OF THE MEMBERS OF THE PARTNERSHIP SHALL CONSTITUTE A QUORUM.

4. THE MEMBERS OF THE PARTNERSHIP SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR

EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.

5. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, GENERAL, SPECIAL, OR LOCAL, NO OFFICER OR EMPLOYEE OF THE STATE OR ANY CIVIL DIVISION THEREOF, SHALL BE DEEMED TO HAVE FORFEITED OR SHALL FORFEIT HIS OR HER OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER ACCEPTANCE OF MEMBERSHIP ON THE PARTNERSHIP.

6. AT THE INITIAL MEETING, THE PARTNERSHIP SHALL ELECT OFFICERS, WHO SHALL SERVE AT ITS PLEASURE.

7. THE PARTNERSHIP SHALL MEET AT LEAST ONCE EVERY SIX MONTHS AND SHALL ENCOURAGE ATTENDANCE AT SUCH MEETINGS OF REPRESENTATIVES FROM MUNICIPALITIES AND OTHER INTERESTED PARTIES. COPIES OF THE MINUTES OF EACH MEETING WITH THE DATE OF THE NEXT SCHEDULED MEETING SHALL BE MADE AVAILABLE TO INTERESTED PARTIES AT THEIR REQUEST.

S 38.07 POWERS AND DUTIES OF THE PARTNERSHIP. THE PURPOSE OF THE PARTNERSHIP SHALL BE TO UNDERTAKE THE NECESSARY ACTIVITIES IN FURTHERANCE OF THE MANAGEMENT PLAN; AND TO CARRY OUT THE AFORESAID PURPOSES, THE PARTNERSHIP SHALL HAVE THE FOLLOWING POWERS:

1. TO SUE AND BE SUED;

2. TO HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

3. TO ACQUIRE, HOLD AND DISPOSE OF PERSONAL PROPERTY FOR ITS CORPORATE PURPOSES;

4. TO MAKE BY-LAWS FOR THE MANAGEMENT AND REGULATION OF ITS AFFAIRS;

5. WITH THE CONSENT OF THE STATE OR MUNICIPALITY, TO USE AGENTS, EMPLOYEES AND FACILITIES OF THE STATE OR MUNICIPALITY;

6. TO APPOINT OFFICERS, AGENTS AND EMPLOYEES, TO PRESCRIBE THEIR QUALIFICATIONS AND TO FIX THEIR COMPENSATION AND TO PAY THE SAME OUT OF FUNDS OF THE PARTNERSHIP;

7. TO MAKE CONTRACTS AND LEASES, AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT WITH ANY PERSON, FIRM, PARTNERSHIP OR CORPORATION, EITHER PUBLIC OR PRIVATE;

8. TO ACCEPT GIFTS, GRANTS, LOANS, OR CONTRIBUTIONS FROM, AND ENTER INTO CONTRACTS OR OTHER TRANSACTIONS WITH, THE UNITED STATES AND THE STATE OR ANY COMMISSION OF EITHER OF THEM, ANY MUNICIPALITY, ANY PUBLIC OR PRIVATE CORPORATION OR ANY OTHER LEGAL ENTITY, AND TO USE ANY SUCH GIFTS, GRANTS, LOANS OR CONTRIBUTIONS FOR ANY OF ITS CORPORATE PURPOSES;

9. TO DESIGNATE THE DEPOSITORIES OF ITS MONEY;

10. TO MAKE AMENDMENTS TO THE MANAGEMENT PLAN SUBJECT TO THE APPROVAL OF THE PARTICIPATING COUNTIES AND THE COMMISSIONER PURSUANT TO THE PROVISIONS OF SECTION 35.05 OF THIS CHAPTER;

11. TO ESTABLISH AND RE-ESTABLISH ITS FISCAL YEAR;

12. TO PROTECT AND PRESERVE THE UNIQUE RESOURCES OF THE HERITAGE CORRIDOR;

13. TO MAKE GRANTS TO MUNICIPALITIES AND NONPROFIT ENTITIES WITHIN SUCH CORRIDOR AS AVAILABLE AND APPROPRIATE;

14. TO PREPARE AN ANNUAL REPORT ON THE CONDUCT OF ITS ACTIVITIES WHICH SHALL INCLUDE A FINANCIAL STATEMENT FOR THAT YEAR AND A WORK PLAN FOR THE NEXT YEAR WHICH MAY INCLUDE AN ESTIMATE OF THE RESOURCES REQUIRED TO COMPLETE SUCH PLAN TO BE SENT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHIEF ELECTED OFFICIAL OF EACH MUNICIPALITY;

15. TO CONTRACT WITH THE STATE AS AN INDEPENDENT BODY CORPORATE;

16. TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE MANAGEMENT ENTITIES OF HERITAGE AREAS LOCATED IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF THE HERITAGE CORRIDOR TO ADVANCE THEIR COMMON GOALS OF HISTORIC PRESERVATION, EDUCATION, RECREATION AND ECONOMIC DEVELOPMENT;

17. TO SUPPORT THE DEVELOPMENT OF AGRI-TOURISM;
18. TO DESIGNATE DISTRICTS AND ROUTES THROUGH AMENDMENT OF THE MANAGEMENT PLAN FOR PLANNING AND PROJECT PURPOSES;
19. TO BECOME A MEMBER OF AN ORGANIZATION OF HERITAGE AREAS, EXCEPT THAT SUCH MEMBERSHIP SHALL CONFER NO ADDITIONAL POWERS BEYOND THOSE AUTHORIZED PURSUANT TO THIS ARTICLE NOR AFFECT THE POWERS OF MUNICIPALITIES;
20. TO DESIGNATE AND ENTER INTO AGREEMENTS WITH PUBLIC FACILITIES AND ATTRACTIONS THROUGHOUT THE HERITAGE CORRIDOR TO CREATE A NETWORK THEREOF; AND
21. TO DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS PURPOSES AND EXERCISE THE POWERS EXPRESSLY GIVEN IN THIS ARTICLE.

S 38.09 COOPERATION WITH MUNICIPALITIES. 1. THE PARTNERSHIP IS A COOPERATIVE REGIONAL ORGANIZATION ESTABLISHED TO IMPLEMENT A COUNTY AND STATE APPROVED MANAGEMENT PLAN FOR THE WESTERN ERIE CANAL HERITAGE CORRIDOR BASED UPON THE MUTUAL ASSENT AND PARTICIPATION OF EACH MUNICIPALITY THEREIN. THE ACTIVITIES OF THE PARTNERSHIP SHALL BE COORDINATED WITH THE LOCAL PLANNING, CULTURAL AND PARK ACTIVITIES OF EACH MUNICIPALITY. NO REAL PROPERTY MAY BE ACQUIRED OR CAPITAL PROJECT UNDERTAKEN BY THE PARTNERSHIP IN A CITY, TOWN OR VILLAGE WITHOUT THE WRITTEN APPROVAL FOR SUCH ACTION OF THE CHIEF ELECTED OFFICIAL OF SUCH CITY, TOWN OR VILLAGE. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO GRANT THE PARTNERSHIP THE POWER OF EMINENT DOMAIN.

2. EACH MUNICIPALITY MAY PROVIDE THE PARTNERSHIP WITH THE SERVICES OF ITS AGENTS, EMPLOYEES AND FACILITIES WITHOUT CHARGE TO THE CORPORATION. PERSONS SERVING AS OFFICERS OR EMPLOYEES OF THE PARTNERSHIP MAY BE EMPLOYEES OF A MUNICIPALITY AND THE PARTNERSHIP, IN SUCH CASE, MAY PAY THE MUNICIPALITY AN AGREED PORTION OF THE COMPENSATION OR COSTS.

S 38.11 APPROPRIATIONS BY MUNICIPALITIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE LOCAL LEGISLATIVE BODIES OF ANY MUNICIPALITY MAY APPROPRIATE AND PAY OVER TO THE PARTNERSHIP MONEYS TO BE EXPENDED BY THE PARTNERSHIP TO CARRY OUT ITS FUNCTIONS THEREUNDER.

S 38.13 COOPERATION OF STATE AGENCIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE PARTNERSHIP MAY REQUEST FROM ANY DEPARTMENT, BOARD, BUREAU, PARTNERSHIP OR OTHER AGENCY OF THE STATE, AND THE SAME ARE AUTHORIZED TO AND MAY PROVIDE, SUCH COOPERATION AND ASSISTANCE, SERVICES AND DATA AS WILL ENABLE THE PARTNERSHIP PROPERLY TO CARRY OUT ITS FUNCTIONS THEREUNDER.

S 2. For the purpose of succession to all functions, powers, duties, and obligations assigned to, devolved upon and assumed by it pursuant to this act, the Western Erie Canal partnership shall be deemed and held to constitute the continuation of the Western Erie Canal heritage corridor planning commission. Any business or other matter undertaken or commenced by the Western Erie Canal heritage corridor planning commission pertaining to or connected with the functions, powers, obligations and duties hereby assigned, and pending the effective date of this act may be conducted and completed by the Western Erie Canal partnership in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the Western Erie Canal heritage corridor planning commission within the powers and authority of this act. Any real or personal property owned by the Western Erie Canal heritage corridor planning commission shall be deemed transferred to the Western Erie Canal partnership upon the convening of the first meeting of the Western Erie Canal partnership.

S 3. Until the organization meeting of the Western Erie Canal partnership, created by this act, is held, the Western Erie Canal heritage

corridor planning commission created by chapter 352 of the laws of 1999 shall continue and be deemed to have the necessary and appropriate authority to amend the Western Erie Canal heritage corridor management plan, to present it for approval, and upon its approval by the commissioner of parks, recreation and historic preservation, to implement it.

S 4. Subdivision 4 of section 3 of chapter 352 of the laws of 1999, amending the parks, recreation and historic preservation law relating to establishing the Western Erie Canal Heritage Corridor Planning Commission, as amended by chapter 120 of the laws of 2003, is amended to read as follows:

4. The planning commission shall remain in existence [for a period of five years from the effective date of this act] UNTIL THE OCCURRENCE OF THE FIRST MEETING OF THE WESTERN ERIE CANAL PARTNERSHIP OR UNTIL JULY 27, 2010, WHICHEVER SHALL OCCUR FIRST.

S 5. This act shall take effect immediately and shall expire July 27, 2018 when upon such date the provisions of this act shall be deemed repealed; provided, that section four of this act shall be deemed to have been in full force and effect on and after July 27, 2004.