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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. McENENY, CANESTRARI, COOK, ORTIZ, SCHIMMINGER, MARKEY -- Multi-Sponsored by -- M. of A. ABBATE, DESTITO, GOTTFRIED, HAWLEY, PRETLOW, SCHROEDER -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law and the education law, in relation to authorizing the appointment of community historians to serve community districts of New York city and the designation of these and other local government historians, and the duties of local government historians to act in support of local tourism promotion agencies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Statement of legislative intent. The legislature hereby finds and declares that the responsibilities of local government historians in collecting, preserving, and interpreting the historic resources of their communities are significant and important to current and future generations. The legislature finds, however, that an inequity exists in the services provided by local government historians to the people of New York city. The historic resources of upstate and Long Island communities are collected, preserved, and interpreted by county, city, town, and village historians at each level of local government. However, the history of the people of New York city, with its vast population, is served by the five borough historians alone, and the heritage of the historic neighborhoods of New York city is therefore at risk. The legislature therefore finds and declares that community historians, serving the community districts or neighborhoods, are necessary to adequately collect, preserve, and interpret the community resources of the historic neighborhoods of New York city and may materially assist the borough historians in collecting, preserving, and interpreting the history of the five boroughs.

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

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S 2. Subdivision 1 of section 57.07 of the arts and cultural affairs law, as amended by chapter 737 of the laws of 1987, is amended to read as follows:

1. (A) A [local historian] PERSON OR INDIVIDUAL shall be appointed LOCAL GOVERNMENT HISTORIAN, as provided in this section, for each city, town or village, except that in a city of over one million inhabitants [a] AN ADDITIONAL local GOVERNMENT historian [shall] MAY be appointed for each borough AND FOR EACH COMMUNITY DISTRICT therein instead of for the BOROUGH OR city at large; and a county historian may be appointed for each county. Such historian shall be appointed as follows: For a city OF UNDER ONE MILLION INHABITANTS, by the mayor; for a borough AND FOR A COMMUNITY DISTRICT, by the borough president; for a town, by the supervisor; for a village, by the mayor; for a county, by the board of supervisors OR AS PROVIDED IN A DULY ADOPTED COUNTY CHARTER. Such historian [shall serve without compensation, unless] MAY BE PAID BY APPROPRIATIONS MADE AVAILABLE FOR THAT PURPOSE, BY the governing board of the city, town, village or county for or in which he or she was appointed or in the city of New York, the [mayor, shall otherwise provide] BOROUGH PRESIDENT. In a city having a board of estimate, other than the city of New York, a resolution or ordinance establishing compensation or salary for such historian shall not take effect without the concurrence of such board.

(B) EACH LOCAL GOVERNMENT HISTORIAN SHALL RESEARCH AND WRITE OR OTHERWISE PROMULGATE THE HISTORY OF THEIR COMMUNITIES; SHALL SERVE AS A HISTORICAL RESOURCE PERSON FOR SCHOLARS, TEACHERS, AND THE SCHOOLS IN THEIR COMMUNITIES; SHALL ORGANIZE AND PROMOTE HISTORIC PRESERVATION PROJECTS, INCLUDING THE SUITABLE MARKING OF HISTORIC SITES OR STRUCTURES IN THEIR COMMUNITIES; SHALL ORGANIZE HISTORIC COMMEMORATIONS AND CELEBRATIONS IN THEIR COMMUNITIES; AND SHALL PERFORM SUCH OTHER HISTORY RELATED DUTIES AS MAY BE DIRECTED BY THEIR APPOINTING AUTHORITY.

(C) IN ADDITION TO OTHER POWERS AND DUTIES, LOCAL GOVERNMENT HISTORIANS MAY PROVIDE ADVICE, UPON THE REQUEST OF THE TOURIST PROMOTION AGENCY, AS DEFINED IN SECTION ONE HUNDRED SIXTY-TWO OF THE ECONOMIC DEVELOPMENT LAW, FOR A COUNTY OR A CITY OF ONE MILLION INHABITANTS OR MORE IN WHICH HE OR SHE IS LOCATED, OR ASSIST UPON THE REQUEST OF OTHER MUNICIPAL AND MUNICIPALLY-SPONSORED ORGANIZATIONS AND AGENCIES ENGAGED IN TOURISM PROMOTION WHICH SERVE THE SAME MUNICIPALITY FOR WHICH HE OR SHE IS APPOINTED, IN IDENTIFYING OR DEVELOPING PHYSICAL OR CULTURAL HISTORIC ASSETS AS TOURIST ATTRACTIONS, PROVIDED THAT THE PROVISION OF SUCH ADVICE IS AT THE DISCRETION OF THE LOCAL GOVERNMENT HISTORIAN AND SHALL NOT INTERFERE WITH OTHER PRESCRIBED DUTIES AND RESPONSIBILITIES.

(D) Each local government historian shall promote the establishment and improvement of programs for the management and preservation of local government records with enduring value for historical or other research; encourage the coordinated collection and preservation of HISTORICAL ARTIFACTS AND nongovernmental historical records by MUSEUMS, libraries, historical societies, and other repositories; and carry out and actively encourage research in such records in order to add to the knowledge, understanding and appreciation of the community's history.

(E) The local authorities of the city, town, village [or], county, OR BOROUGH for which such historian is appointed, may provide the historian with sufficient space in a safe, vault or other fire proof structure for the preservation of historical materials [collected]. Such local authorities and also the board of supervisors of each of the counties of the state are hereby authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes within their several jurisdic-

tions, including historical edifices, the erection of historical markers and monuments, the collection of war mementos, and, either alone or in cooperation with patriotic or historical organizations, the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian.

(F) AS USED IN THIS SUBDIVISION, "COMMUNITY DISTRICT" MEANS COMMUNITY DISTRICT IDENTIFIED IN SECTION TWENTY-SEVEN HUNDRED ONE OF THE NEW YORK CITY CHARTER.

S 3. The education law is amended by adding a new section 229-a to read as follows:

S 229-A. LOCAL GOVERNMENT HISTORIANS; DESIGNATION. 1. A BOROUGH, COUNTY, CITY, TOWN, VILLAGE, OR COMMUNITY HISTORIAN APPOINTED PURSUANT TO SECTION 57.07 OF THE ARTS AND CULTURAL AFFAIRS LAW WILL BE PLACED ON A ROSTER OF RECOGNIZED LOCAL GOVERNMENT HISTORIANS. SUCH LIST WILL SERVE AS A RESOURCE FOR LOCAL AND STATE GOVERNMENTS IN PURVEYING IMPORTANT INFORMATION PERTAINING TO THE PRESERVATION, PROTECTION AND PROMOTION OF NEW YORK STATE HISTORY. THE LOCAL GOVERNMENT HISTORIAN DESIGNATION LIST SHALL BE MAINTAINED AND PLACEMENT ON SUCH LIST CONFIRMED BY THE STATE HISTORIAN AND THE OFFICE OF CULTURAL EDUCATION. IT WILL BE THE RESPONSIBILITY OF THE LOCAL APPOINTING AUTHORITY TO NOTIFY THE STATE HISTORIAN AND THE OFFICE OF CULTURAL EDUCATION WHEN A LOCAL GOVERNMENT HISTORIAN VACANCY OCCURS OR WHEN A NEW LOCAL GOVERNMENT HISTORIAN IS APPOINTED TO SERVE. THE ASSOCIATION OF PUBLIC HISTORIANS OF NEW YORK STATE SHALL CONFIRM A LIST OF MEMBERS WHO SHALL QUALIFY TO ASSIST THE STATE HISTORIAN AND OFFICE OF CULTURAL EDUCATION IN CREATING THE LOCAL GOVERNMENT HISTORIANS DESIGNATION LIST.

2. THE ASSOCIATION OF PUBLIC HISTORIANS OF NEW YORK STATE SHALL ESTABLISH FROM AMONG THEIR MEMBERS A COMMITTEE WHO SHALL, SUBJECT TO THE APPROVAL OF THE STATE HISTORIAN AND THE OFFICE OF CULTURAL EDUCATION, ESTABLISH PROCEDURES FOR NOTIFYING THE STATE HISTORIAN AND THE OFFICE OF CULTURAL EDUCATION WHEN A NEW LOCAL GOVERNMENT HISTORIAN IS APPOINTED. THE NEWLY APPOINTED LOCAL GOVERNMENT HISTORIAN WILL BE NOTIFIED OF THE DUTIES AND RESPONSIBILITIES OF THE LOCAL GOVERNMENT HISTORIAN AS DEFINED IN SECTION 57.07 OF THE ARTS AND CULTURAL AFFAIRS LAW. THE ASSOCIATION OF PUBLIC HISTORIANS OF NEW YORK STATE SHALL, AT FIVE YEAR INTERVALS FROM THE DATE THIS SECTION SHALL HAVE BECOME A LAW, CONDUCT A STUDY OF THE LOCAL GOVERNMENT HISTORIAN VACANCIES THAT EXIST IN NEW YORK STATE AND SUBMIT THEIR FINDINGS AND RECOMMENDATIONS REMEDYING SAID VACANCIES FOR THE REVIEW AND APPROVAL OF THE STATE HISTORIAN AND THE OFFICE OF CULTURAL EDUCATION.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.