

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

5603--B

2009-2010 Regular Sessions

I N S E N A T E

May 21, 2009

Introduced by Sens. AUBERTINE, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to create a temporary New York state War of 1812 200th anniversary commemoration commission to promote the 200th anniversary of the War of 1812

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

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares there is a need to create a New York state War of 1812 200th
3 anniversary commemoration commission to promote the 200th anniversary of
4 the War of 1812 which will take place from enactment of this legislation
5 until 2015. The primary focus of the New York state War of 1812 200th
6 anniversary commemoration commission will be to plan and execute an
7 organized series of War of 1812 reenactment tourism events. The tourism
8 events will highlight the following key sites: The Seaway Trail, Old
9 Fort Niagara, the Battle of Ogdensburg, the Battle of Plattsburgh, Fort
10 Ontario, Fort Wadsworth, and Sackets Harbor. The legislature finds that
11 the creation of a New York state War of 1812 200th anniversary commem-
12 oration commission is necessary to bring together persons qualified by
13 experience or by powers vested in them by their offices to coordinate
14 and facilitate such a multi-year event.

15 S 2. New York state War of 1812 200th anniversary commemoration
16 commission; created. 1. There is hereby created a temporary state
17 commission to be known as the "New York state War of 1812 200th anniver-
18 sary commemoration commission".

19 2. Definitions. As used in this act:

20 a. "Commission" means the New York state War of 1812 200th anniversary
21 commemoration commission created by this section.

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

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1 b. "Re-enactor" means a person who is a recognized member of a duly
2 constituted reenactment organization approved by the host site and who
3 participates in the main War of 1812 reenactment event for the year.

4 3. a. The commission shall consist of twenty-four members to be
5 appointed as follows:

6 The commissioner of parks, recreation and historic preservation or his
7 or her duly designated representative, the commissioner of education or
8 his or her duly designated representative, the commissioner of economic
9 development or his or her duly designated representative, represen-
10 tatives from The Seaway Trail, Old Fort Niagara, Fort Ontario, the
11 Battle of Ogdensburg, the Battle of Plattsburgh, Fort Wadsworth, and
12 Sackets Harbor, eight members of the War of 1812 reenactment community
13 of whom two shall be appointed by the governor, two shall be appointed
14 by the temporary president of the senate, two shall be appointed by the
15 speaker of the assembly, one shall be appointed by the minority leader
16 of the senate and one shall be appointed by the minority leader of the
17 assembly. Additionally, six representatives will be appointed from the
18 hospitality and tourism business community from the aforementioned
19 regions, two members shall be appointed by the governor, one member
20 shall be appointed by the temporary president of the senate, one member
21 shall be appointed by the speaker of the assembly, one member shall be
22 appointed by the minority leader of the senate and one member shall be
23 appointed by the minority leader of the assembly. The commissioner of
24 parks, recreation and historic preservation or his or her duly desig-
25 nated representative shall serve as chairperson of the commission. The
26 nine appointed members shall serve at the pleasure of the appointing
27 official. Appointments shall be made within sixty days of the effective
28 date of this act. If a member misses three meetings his or her seat
29 shall be considered vacant. Vacancies shall be filled in the manner
30 provided for in the original appointments.

31 b. The members of the commission shall receive no compensation for
32 their services but shall be reimbursed for their actual and necessary
33 expenses incurred by them in the performance of their duties.

34 c. Notwithstanding any inconsistent provision of any general, special
35 or local law, ordinance, resolution or charter, no officer, member or
36 employee of the state or of any public corporation shall forfeit his or
37 her office or employment by reason of his or her acceptance of appoint-
38 ment as a member of the commission, nor shall service as such commission
39 member be deemed incompatible or in conflict with such office or employ-
40 ment.

41 d. The commission shall appoint such staff as may be necessary to
42 carry out its duties.

43 S 3. Powers and duties of the commission. 1. The commission shall have
44 the following powers and duties:

45 a. To coordinate the commemoration of the 200th anniversary of the War
46 of 1812 from the effective date of this act through 2015;

47 b. To plan and execute an organized series of War of 1812 reenactment
48 tourism events;

49 c. To promote War of 1812 educational studies in grades kindergarten
50 through 12 in New York state schools; and

51 2. The commission shall work with battlefields within New York state
52 and other commissions relating to the War of 1812 that are planning War
53 of 1812 reenactment events. Each battlefield shall have the authority
54 over how such events are handled.

55 S 4. The commission may employ and at pleasure remove such personnel
56 as it may deem necessary for the performance of its functions and fix

1 their compensation within the amounts made available by appropriation
2 therefor. The commission may meet and hold public and private hearings
3 within or without the state, and shall have all the powers of a legisla-
4 tive committee pursuant to the legislative law.

5 S 5. The commission may request and shall receive from any subdivi-
6 sion, department, board, commission, office, agency, or other instrumen-
7 tality of the state or of any political subdivision thereof such facili-
8 ties, assistance and data as it deems necessary or desirable for the
9 proper execution of its powers and duties and to effectuate the purposes
10 set forth in this act.

11 S 6. The commission is hereby authorized and empowered to enter into
12 any agreements and to do and perform any acts that may be necessary,
13 desirable or proper to carry out the purposes and objectives of this
14 act.

15 S 7. The commission shall continue in existence until December 31,
16 2015, at which time it shall be deemed to be repealed.

17 S 8. This act shall take effect immediately.