

10027--B

R. R. 104

I N   A S S E M B L Y

February 25, 2010

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Introduced by M. of A. BRODSKY, RUSSELL, TITONE, DelMONTE, McENENY -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

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

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

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

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

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

50 S 4. The commission may meet and hold public and private hearings  
51 within or without the state, and shall have all the powers of a legisla-  
52 tive committee pursuant to the legislative law.

53 S 5. The commission may request and shall receive from any subdivi-  
54 sion, department, board, commission, office, agency, or other instrumen-  
55 tality of the state or of any political subdivision thereof such facili-  
56 ties, assistance and data as it deems necessary or desirable for the

1 proper execution of its powers and duties and to effectuate the purposes  
2 set forth in this act.

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

7 S 7. The commission shall continue in existence until December 31,  
8 2015, at which time it shall be deemed to be repealed.

9 S 8. This act shall take effect immediately.