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

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2009-2010 Regular Sessions

I N S E N A T E

May 11, 2009

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in relation to the New York state heritage areas advisory council

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

Section 1. Section 33.01 of the parks, recreation and historic preservation law, as amended by chapter 747 of the laws of 2005, is amended to read as follows:

S 33.01 New York state heritage areas advisory council. There shall continue to be in the office a New York state heritage areas advisory council which shall consist of [twenty-one] TWENTY-SIX members or their designated representatives. The commissioner shall be a member of the advisory council[, shall coordinate the functions and activities of the office with those of the advisory council and shall serve as its chair]. In addition, the advisory council shall consist of the following [twenty] TWENTY-FIVE other members: the commissioner of economic development, to advise and assist regarding related tourism and economic revitalization; the commissioner of education, to advise and assist regarding the interpretive and educational aspects of the programs; the secretary of state, to advise and assist regarding matters of community development and state planning and to advise on the identification and preservation of rural resources; the commissioner of transportation, to advise and assist regarding matters of transportation to and within heritage areas; the president of the New York state urban development corporation, to advise and assist regarding matters of economic development; the commissioner of environmental conservation, to advise and assist regarding matters of conservation and use of natural resources; the chairman of the state board for historic preservation, to advise and assist in matters regarding historic preservation; the commissioner of housing and

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

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community renewal to advise and assist regarding neighborhood and community development and preservation programs; the chairman of the New York state thruway authority regarding the operation of the New York state canal system; the commissioner of agriculture and markets regarding agriculture in heritage areas; A REPRESENTATIVE OF THE STATE HERITAGE AREA ASSOCIATION; THE DIRECTOR OR CHIEF EXECUTIVE OFFICER OF THE HUDSON RIVER NATIONAL HERITAGE AREA, THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR, THE CHAMPLAIN VALLEY NATIONAL HERITAGE PARTNERSHIP AND THE NIAGARA FALLS NATIONAL HERITAGE AREA; and ten members to be appointed by the governor, three of such members shall be municipal officers, elected officials or representatives of local government interest and seven of such members shall be, by professional training or experience or attainment, qualified to analyze or interpret matters relevant to the establishment and maintenance of state designated heritage areas including urban cultural parks and heritage corridors, one of whom shall be the director of a heritage area. Of these last seven, two are to be appointed from names recommended by the majority leader of the senate, two are to be appointed from names recommended by the speaker of the assembly, one is to be appointed from names recommended by the minority leader of the senate and one is to be appointed from names recommended by the minority leader of the assembly. The governor may designate such ex-officio members who shall be from the executive department, state agencies or public corporations as he or she deems appropriate; provided that such ex-officio members shall not vote on matters before the advisory council. For the ten members appointed by the governor, each shall hold office for a term of five years and until his or her successor shall have been appointed or until he or she shall resign. THE MEMBERS OF THE ADVISORY COUNCIL SHALL ELECT A CHAIR FROM AMONGST ITS MEMBERS FOR A TERM OF THREE YEARS. ELEVEN MEMBERS OF THE ADVISORY COUNCIL SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AT BOTH REGULAR AND SPECIAL MEETINGS. ANY EX-OFFICIO MEMBER MAY DELEGATE ALL HIS OR HER DUTIES OF MEMBERSHIP, INCLUDING VOTING RIGHTS, TO AN OFFICER OR EMPLOYEE OF SUCH MEMBER'S ORGANIZATION. No member shall receive any compensation[, but members who are not state officials shall be entitled to actual and necessary expenses incurred in the performance of their duties].

S 2. Subdivisions 1 and 5 of section 33.03 of the parks, recreation and historic preservation law, subdivision 1 as added by chapter 541 of the laws of 1982 and subdivision 5 as amended by chapter 747 of the laws of 2005, are amended to read as follows:

1. Meet at least twice each year to provide information and review the activities [of] WITHIN the [office] STATE HERITAGE AREAS conducted pursuant to this title.

5. Exercise and perform such other advisory functions, powers and duties related to the planning, development and management of the system as may be [requested by the commissioner] APPROPRIATE.

S 3. This act shall take effect immediately.