

5603

2009-2010 Regular Sessions

I N S E N A T E

May 21, 2009

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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: Old Fort Niagara, the
9 Battle of Ogdensburg, the Battle of Plattsburgh, Fort Wadsworth, and
10 Sacketts Harbor. The legislature finds that the creation of a New York
11 state War of 1812 200th anniversary commemoration commission is neces-
12 sary to bring together persons qualified by experience or by powers
13 vested in them by their offices to coordinate and facilitate such a
14 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.

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

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

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1 3. a. The commission shall consist of nineteen members to be appointed
2 as follows:

3 The commissioner of parks, recreation and historic preservation or his
4 or her duly designated representative, the commissioner of education or
5 his or her duly designated representative, the commissioner of economic
6 development or his or her duly designated representative, represen-
7 tatives from Old Fort Niagara, the Battle of Ogdensburg, the Battle of
8 Plattsburgh, Fort Wadsworth, and Sacketts Harbor, 11 members of the War
9 of 1812 reenactment community of whom three members shall be appointed
10 by the governor, three members shall be appointed by the temporary pres-
11 ident of the senate, three members shall be appointed by the speaker of
12 the assembly, one member shall be appointed by the minority leader of
13 the senate and one member shall be appointed by the minority leader of
14 the assembly. The commissioner of parks, recreation and historic preser-
15 vation or his or her duly designated representative shall serve as
16 chairperson of the commission. The eleven appointed members shall serve
17 at the pleasure of the appointing official. Appointments shall be made
18 within sixty days of the effective date of this act. If a member misses
19 three meetings his or her seat shall be considered vacant. Vacancies
20 shall be filled in the manner provided for in the original appointments.

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

24 c. Notwithstanding any inconsistent provision of any general, special
25 or local law, ordinance, resolution or charter, no officer, member or
26 employee of the state or of any public corporation shall forfeit his or
27 her office or employment by reason of his or her acceptance of appoint-
28 ment as a member of the commission, nor shall service as such commission
29 member be deemed incompatible or in conflict with such office or employ-
30 ment.

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

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

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

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

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

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

45 S 4. The commission may employ and at pleasure remove such personnel
46 as it may deem necessary for the performance of its functions and fix
47 their compensation within the amounts made available by appropriation
48 therefor. The commission may meet and hold public and private hearings
49 within or without the state, and shall have all the powers of a legisla-
50 tive committee pursuant to the legislative law.

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

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

5 S 7. The commission shall continue in existence until December 31,
6 2015, at which time it shall be deemed to be repealed.

7 S 8. This act shall take effect immediately.