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

6990

I N S E N A T E

March 4, 2010

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:

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

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

2. Definitions. As used in this act:

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

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

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

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

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The commissioner of parks, recreation and historic preservation or his or her duly designated representative, the commissioner of education or his or her duly designated representative, the commissioner of economic development or his or her duly designated representative, representatives from The Seaway Trail, Old Fort Niagara, Fort Ontario, the Battle of Ogdensburg, the Battle of Plattsburgh, Fort Wadsworth, and Sackets Harbor, eight members of the War of 1812 reenactment community of whom two shall be appointed by the governor, two shall be appointed by the temporary president of the senate, two shall be appointed by the speaker of the assembly, one shall be appointed by the minority leader of the senate and one shall be appointed by the minority leader of the assembly. Additionally, six representatives will be appointed from the hospitality and tourism business community from the aforementioned regions, two members shall be appointed by the governor, one member shall be appointed by the temporary president of the senate, one member shall be appointed by the speaker of the assembly, one member shall be appointed by the minority leader of the senate and one member shall be appointed by the minority leader of the assembly. The commissioner of parks, recreation and historic preservation or his or her duly designated representative shall serve as chairperson of the commission. The fourteen appointed members shall serve at the pleasure of the appointing official. Appointments shall be made within sixty days of the effective date of this act. If a member misses three meetings his or her seat shall be considered vacant. Vacancies shall be filled in the manner provided for in the original appointments.

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

c. Notwithstanding any inconsistent provision of any general, special or local law, ordinance, resolution or charter, no officer, member or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a member of the commission, nor shall service as such commission member be deemed incompatible or in conflict with such office or employment.

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

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

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

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

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

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

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

S 5. The commission may request and shall receive from any subdivision, department, board, commission, office, agency, or other instrumentality of the state or of any political subdivision thereof such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

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

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

S 8. This act shall take effect immediately.