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

4256

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. ENGLEBRIGHT, AUBRY, SCHROEDER, SCARBOROUGH, WEISENBERG, REILLY, SPANO, TITONE, SWEENEY, STEVENSON, N. RIVERA -- Multi-Sponsored by -- M. of A. DESTITO, GABRYSZAK, MAGEE, McENENY, PRETLOW, THIELE -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to the empire state games

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

Section 1. The parks, recreation and historic preservation law is amended by adding a new article 8 to read as follows:

ARTICLE 8

EMPIRE STATE GAMES

SECTION 8.01 EMPIRE STATE GAMES.

8.03 ADVISORY COUNCIL.

S 8.01 EMPIRE STATE GAMES. 1. THE OFFICE BY AND THROUGH THE COMMISSIONER IS HEREBY DIRECTED TO PROVIDE FOR SUPPORTING AND CONDUCTING THE EMPIRE STATE GAMES ON AN ANNUAL BASIS. SUCH GAMES SHALL INCLUDE, BUT NOT BE LIMITED TO, SUMMER AND WINTER GAMES FOR OPEN COMPETITION, SENIORS AND HANDICAPPED GAMES.

2. THE OFFICE SHALL EXERCISE ITS DUTIES PURSUANT TO THIS ARTICLE, IN CONSULTATION WITH AND UPON THE RECOMMENDATIONS OF THE ADVISORY COUNCIL ESTABLISHED PURSUANT TO SECTION 8.03 OF THIS ARTICLE.

3. THE OFFICE IN FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE SHALL:

(A) SECURE FUNDING FOR THE EMPIRE STATE GAMES. THE SOURCES OF SUCH FUNDING SHALL INCLUDE, BUT NOT BE LIMITED TO, APPROPRIATIONS, GIFTS, BEQUESTS, THE ESTABLISHMENT OF PUBLIC/PRIVATE PARTNERSHIPS AND THE ESTABLISHMENT OF NOT-FOR-PROFIT FOUNDATIONS FOR SUCH PURPOSE;

(B) DETERMINE THE SITE OF EACH TYPE OF EMPIRE STATE GAMES; AND

(C) PROVIDE SUITABLE FACILITIES AND PERSONNEL FOR THE CONDUCTING OF EACH TYPE OF EMPIRE STATE GAMES.

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

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S 8.03 ADVISORY COUNCIL. 1. THE COMMISSIONER SHALL ESTABLISH AN ADVISORY COUNCIL ON THE EMPIRE STATE GAMES TO RESEARCH AND PROVIDE RECOMMENDATIONS FOR THE MOST EFFICIENT AND EFFECTIVE MANNER OF CONDUCTING THE EMPIRE STATE GAMES.

2. THE ADVISORY COUNCIL SHALL BE COMPOSED OF SIXTEEN MEMBERS APPOINTED AS FOLLOWS: (A) EIGHT MEMBERS SHALL BE APPOINTED BY THE COMMISSIONER, (B) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, (C) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, (D) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, (E) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE, AND (F) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. THE MEMBERS OF THE ADVISORY COUNCIL SHALL HAVE EXPERTISE IN FINANCE, FUNDRAISING AND/OR ATHLETICS. THE APPOINTEES SHALL BE BROADLY REPRESENTATIVE OF THE GEOGRAPHIC AREAS OF THE STATE. MEMBERS OF THE ADVISORY COUNCIL SHALL RECEIVE FROM STATE FUNDS NO COMPENSATION FOR THEIR SERVICES NOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES; PROVIDED, HOWEVER, SUCH MEMBERS MAY BE REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IF SUCH REIMBURSEMENT IS PROVIDED BY A PRIVATE SOURCE.

3. THE ADVISORY COUNCIL MAY REQUEST AND SHALL RECEIVE FROM THE OFFICE SUCH FACILITIES, RESOURCES AND DATA AS IT MAY NEED TO PROPERLY CARRY OUT ITS POWERS AND DUTIES PURSUANT TO THIS ARTICLE.

4. THE ADVISORY COUNCIL SHALL ADVISE THE OFFICE ON ALL ASPECTS OF THE CONDUCTING AND FUNDING OF THE EMPIRE STATE GAMES, INCLUDING, BUT NOT LIMITED TO:

(A) PUBLIC AND PRIVATE SOURCES OF FUNDING;

(B) THE ESTABLISHMENT OF A NOT-FOR-PROFIT FOUNDATION FORMED SPECIFICALLY TO FUND THE EMPIRE STATE GAMES;

(C) THE ESTABLISHMENT OF PUBLIC/PRIVATE PARTNERSHIPS TO PROVIDE FUNDING FOR ANY PORTION OF THE EMPIRE STATE GAMES;

(D) SUITABLE LOCATIONS FOR THE CONDUCTING OF THE EMPIRE STATE GAMES;

(E) A DETERMINATION OF THE TOTAL PROJECTED COSTS OF THE EMPIRE STATE GAMES;

(F) ALTERNATIVE SOURCES OF FUNDING IF STATE APPROPRIATIONS THEREFOR ARE REDUCED OR ELIMINATED;

(G) DETERMINATIONS OF THE ECONOMIC VIABILITY AND COSTS OF CONDUCTING THE EMPIRE STATE GAMES IN EACH OF THE VARIOUS REGIONS OF THE STATE; AND

(H) A DETERMINATION OF THE MEANS BY WHICH TO MAKE THE EMPIRE STATE GAMES THE MOST ECONOMICALLY VIABLE TO THE STATE AND ITS RESIDENTS.

5. THE ADVISORY COUNCIL SHALL MEET NOT LESS THAN THREE TIMES EACH CALENDAR YEAR. FURTHERMORE, THE COUNCIL SHALL REPORT ITS FINDINGS ON OR BEFORE THE FIRST DAY OF JANUARY AND JULY TO THE GOVERNOR, THE OFFICE, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MEMBERS OF THE SENATE COMMITTEE ON CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION, AND THE MEMBERS OF THE ASSEMBLY COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT.

S 2. This act shall take effect immediately.