

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, WEIS-
ENBERG, 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The parks, recreation and historic preservation law is
2 amended by adding a new article 8 to read as follows:
3 ARTICLE 8
4 EMPIRE STATE GAMES
5 SECTION 8.01 EMPIRE STATE GAMES.
6 8.03 ADVISORY COUNCIL.
7 S 8.01 EMPIRE STATE GAMES. 1. THE OFFICE BY AND THROUGH THE COMMIS-
8 SIONER IS HEREBY DIRECTED TO PROVIDE FOR SUPPORTING AND CONDUCTING THE
9 EMPIRE STATE GAMES ON AN ANNUAL BASIS. SUCH GAMES SHALL INCLUDE, BUT NOT
10 BE LIMITED TO, SUMMER AND WINTER GAMES FOR OPEN COMPETITION, SENIORS AND
11 HANDICAPPED GAMES.
12 2. THE OFFICE SHALL EXERCISE ITS DUTIES PURSUANT TO THIS ARTICLE, IN
13 CONSULTATION WITH AND UPON THE RECOMMENDATIONS OF THE ADVISORY COUNCIL
14 ESTABLISHED PURSUANT TO SECTION 8.03 OF THIS ARTICLE.
15 3. THE OFFICE IN FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE SHALL:
16 (A) SECURE FUNDING FOR THE EMPIRE STATE GAMES. THE SOURCES OF SUCH
17 FUNDING SHALL INCLUDE, BUT NOT BE LIMITED TO, APPROPRIATIONS, GIFTS,
18 BEQUESTS, THE ESTABLISHMENT OF PUBLIC/PRIVATE PARTNERSHIPS AND THE
19 ESTABLISHMENT OF NOT-FOR-PROFIT FOUNDATIONS FOR SUCH PURPOSE;
20 (B) DETERMINE THE SITE OF EACH TYPE OF EMPIRE STATE GAMES; AND
21 (C) PROVIDE SUITABLE FACILITIES AND PERSONNEL FOR THE CONDUCTING OF
22 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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1 S 8.03 ADVISORY COUNCIL. 1. THE COMMISSIONER SHALL ESTABLISH AN ADVI-
2 SORY COUNCIL ON THE EMPIRE STATE GAMES TO RESEARCH AND PROVIDE RECOMMEN-
3 DATIONS FOR THE MOST EFFICIENT AND EFFECTIVE MANNER OF CONDUCTING THE
4 EMPIRE STATE GAMES.

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

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

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

27 (A) PUBLIC AND PRIVATE SOURCES OF FUNDING;

28 (B) THE ESTABLISHMENT OF A NOT-FOR-PROFIT FOUNDATION FORMED SPECIF-
29 ICALLY TO FUND THE EMPIRE STATE GAMES;

30 (C) THE ESTABLISHMENT OF PUBLIC/PRIVATE PARTNERSHIPS TO PROVIDE FUND-
31 ING FOR ANY PORTION OF THE EMPIRE STATE GAMES;

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

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

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

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

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

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

48 S 2. This act shall take effect immediately.