

4755

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 8, 2013

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Introduced by M. of A. ENGLEBRIGHT, AUBRY, SCARBOROUGH, WEISENBERG,  
TITONE, SWEENEY, STEVENSON, CAHILL, WEPRIN -- Multi-Sponsored by -- M.  
of A. GABRYSZAK, MAGEE, 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.