

5442--A

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

---

Introduced by Sens. PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- recommitted to the Committee on Cultural Affairs, Tourism, Parks and Recreation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the parks, recreation and historic preservation law, in relation to creating the "New York abolitionist and civil rights history trail" program; and providing for the repeal of certain provisions upon expiration thereof

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

1     Section 1. This act shall be known and cited as the New York abolitionist and civil rights history trail program.

2  
3     S 2. The parks, recreation and historic preservation law is amended by  
4 adding a new article 42 to read as follows:

5                                   ARTICLE 42

6             NEW YORK ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL PROGRAM  
7 SECTION 42.01 LEGISLATIVE INTENT.

8             42.03 DEFINITIONS.

9             42.05 THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL COMMISSION.  
10             SION.

11             42.07 COMMISSION PURPOSE.

12             42.09 MANAGEMENT PLAN.

13             42.11 GENERAL FUNCTIONS, POWERS AND DUTIES OF THE COMMISSIONER.

14     S 42.01 LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO  
15 ESTABLISH THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL PROGRAM IN  
16 ORDER TO IMPLEMENT OR CAUSE TO BE IMPLEMENTED THE CONSERVATION AND  
17 ENHANCEMENT OF THE HISTORIC, CULTURAL, AND ECONOMIC RESOURCES OF THE  
18 ABOLITIONIST AND CIVIL RIGHTS MOVEMENT IN NEW YORK. FURTHERMORE IT IS  
19 THE INTENT OF THE LEGISLATURE THAT THE TRAIL IS DEVELOPED FOR AS BOTH AN

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

LBD11107-02-4

1 ACADEMIC RESEARCH AND TOURISM. THE LEGISLATURE RECOGNIZES THAT THERE ARE  
2 MANY NOTABLE ABOLITIONISTS AND CIVIL RIGHTS ACTIVISTS IN THE STATE WHO  
3 FOUGHT FOR FREEDOM FROM SLAVERY AND SEGREGATION. IT IS THEREFORE THE  
4 INTENT OF THIS LEGISLATURE TO HAVE CREATED A PROGRAM THAT WILL SYSTEMAT-  
5 ICALLY IDENTIFY PROPERTIES AND SITES FOR INCLUSION INTO AN ABOLITIONIST  
6 AND CIVIL RIGHTS HISTORY TRAIL. BY CREATING A TRAIL, THE STATE WILL  
7 ENCOURAGE THE EDUCATION ABOUT AN AWARENESS OF THE IMPORTANT ROLE OF  
8 ABOLITIONISTS AND CIVIL RIGHTS ACTIVISTS IN THE STATE AND THE NATION,  
9 AND THEIR CONTRIBUTION TO HISTORY AS WELL AS ATTRACT VISITORS TO THE  
10 STATE AND ENHANCE THE STATE'S TOURISM TRADE. FURTHER IT IS THE INTENT OF  
11 THE LEGISLATURE TO ENSURE THAT THE CIVIL RIGHTS HISTORY TRAIL IS  
12 ADEQUATELY SIGNED SO THAT TRAVELERS MAY FOLLOW THE TRAIL INDEPENDENTLY  
13 AND WITH EASE.

14 S 42.03 DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING DEFINITIONS  
15 SHALL APPLY:

16 1. "ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL" SHALL MEAN A SERIES  
17 OF PROPERTIES AND SITES IDENTIFIED BY THE COMMISSIONER, WHICH MAY BE  
18 LINKED BY GEOGRAPHIC PROXIMITY AND ALIGNMENT AND THEMATIC AND HISTORICAL  
19 ASSOCIATION WITH CIVIL RIGHTS IN GENERAL AND THE UNDERGROUND RAILROAD  
20 SPECIFICALLY.

21 2. "ABOLITIONIST AND CIVIL RIGHTS HISTORY PASSPORT" SHALL MEAN A BOOK-  
22 LET OR OTHER PUBLICATION THAT NAMES AND DESCRIBES THE PROPERTIES AND  
23 SITES IDENTIFIED BY THE COMMISSIONER AND INCLUDED ON THE ABOLITIONIST  
24 AND CIVIL RIGHTS HISTORY TRAIL, AND MAY INCLUDE DISCOUNTS AND OTHER  
25 INCENTIVES RELATED TO VISITING THE PROPERTIES AND SITES ON THE TRAIL.

26 S 42.05 THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL COMMISSION. 1.  
27 THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL COMMISSION IS HEREBY  
28 ESTABLISHED AS A NOT-FOR-PROFIT CORPORATION.

29 2. THE COMMISSION SHALL BE GOVERNED BY THE NOT-FOR-PROFIT CORPORATION  
30 LAW EXCEPT WHERE SUCH LAW CONFLICTS WITH THIS ARTICLE, IN WHICH CASE THE  
31 PROVISIONS OF THIS ARTICLE SHALL GOVERN.

32 3. THE COMMISSION SHALL CONSIST OF ELEVEN VOTING MEMBERS. ELEVEN  
33 MEMBERS SHALL BE APPOINTED AS FOLLOWS: FOUR SHALL BE APPOINTED BY THE  
34 GOVERNOR, ONE SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
35 SENATE, TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE SHALL  
36 BE APPOINTED BY THE MINORITY LEADER OF ASSEMBLY, TWO SHALL BE APPOINTED  
37 BY THE MINORITY LEADER OF THE SENATE AND ONE SHALL BE APPOINTED BY THE  
38 MAYOR OF THE CITY OF NEW YORK.

39 4. ALL APPOINTEES SHALL BE RESIDENTS OF NEW YORK STATE.

40 5. THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL SERVE AS A NON-VOT-  
41 ING EX-OFFICIO MEMBER OF THE COMMISSION.

42 6. APPOINTMENTS TO THE COMMISSION SHALL BE FILED WITH THE COMMISSIONER  
43 WHO SHALL CONVENE THE FIRST MEETING OF THE COMMISSION FOLLOWING THE  
44 FILING OF THE MAJORITY OF APPOINTMENTS. AT THE INITIAL MEETING THE  
45 MEMBERS SHALL ELECT OFFICERS.

46 7. THE TERM OF OFFICE FOR APPOINTEES SHALL BE ONE YEAR. MEMBERS MAY  
47 SERVE ON THE COMMISSION UNTIL THEY RESIGN OR ARE REPLACED. IN THE EVENT  
48 OF A VACANCY OCCURRING OTHER THAN BY THE EXPIRATION OF A MEMBER'S TERM,  
49 SUCH VACANCY SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN  
50 THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

51 8. A MAJORITY OF THE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A  
52 QUORUM.

53 9. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR  
54 THEIR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR  
55 EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR  
56 DUTIES.

10. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, GENERAL, SPECIAL, OR LOCAL, NO OFFICER OR EMPLOYEE OF THE STATE OR ANY CIVIL DIVISION THEREOF, SHALL BE DEEMED TO HAVE FORFEITED OR SHALL FORFEIT HIS OR HER OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER ACCEPTANCE OF MEMBERSHIP ON THE COMMISSION.

11. THE COMMISSION SHALL MEET AT LEAST ONCE EVERY MONTH.

12. THE COMMISSION SHALL SUNSET WHEN THE COMMISSION'S REPORT IS SUBMITTED FOR IMPLEMENTATION AS SET FORTH IN THIS ARTICLE.

13. EVERY STATE AGENCY AND PUBLIC CORPORATION HAVING JURISDICTION OF AND WITHIN THE TRAIL SHALL, TO THE FULLEST EXTENT PRACTICABLE, COOPERATE AND ASSIST THE COMMISSION IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

14. EVERY LOCAL AGENCY WITH PROGRAMS RELATING TO THE TRAIL AREA MAY OFFER ASSISTANCE TO THE COMMISSION IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

S 42.07 COMMISSION PURPOSE. THE PURPOSE OF THE COMMISSION IS TO UNDERTAKE ALL NECESSARY ACTIONS TO FACILITATE THE CREATION OF THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL IN THE STATE, COMPLETE A MANAGEMENT PLAN TO ENSURE THE LONG-TERM PRESERVATION AND MAINTENANCE OF SUCH TRAIL AND PROVIDED FOR THE IMPLEMENTATION AND SUSTAINABILITY OF UNDERTAKING RECOMMENDATIONS OF THE COMPLETED MANAGEMENT PLAN.

S 42.09 MANAGEMENT PLAN. 1. NOTWITHSTANDING THE PROVISIONS OF THIS TITLE, THE MANAGEMENT PLAN SHALL:

(A) DESIGNATE THE SPECIFIC BOUNDARIES OF THE TRAIL AS DEPICTED ON A MAP ACCOMPANYING THE MANAGEMENT PLAN;

(B) DEVELOP A VISION, GOALS AND OBJECTIVES FOR THE TRAIL THAT FOCUSES ON ENSURING THE EDUCATIONAL BENEFIT TO THE PUBLIC AND PROHIBITING INCOMPATIBLE USES WITHIN SUCH AREA;

(C) CREATE AN INVENTORY OF EXISTING LAND AND BUILDINGS UNDER THE JURISDICTION OF THE STATE, PUBLIC CORPORATIONS AND MUNICIPALITIES;

(D) CREATE AN INVENTORY OF PRIVATELY OWNED EXISTING LAND AND BUILDINGS;

(E) IDENTIFY OTHER LAND AND BUILDINGS THAT CAN CONTRIBUTE TO THE PURPOSES OF THE TRAIL;

(F) RECOMMEND HOW THE TRAIL COULD BE LINKED TO OTHER HISTORIC AMENITIES AND COMMERCIAL ASSETS THROUGHOUT THE STATE AND DESCRIBE THE TECHNIQUES OR MEANS OF PRESERVATION AND PROTECTION OF HISTORIC AND CULTURAL RESOURCES WITHIN THE TRAIL AREA;

(G) EVALUATE HOW ECONOMIC DEVELOPMENT ACTIVITIES IN PROXIMITY TO THE TRAIL CAN SUPPORT, COMPLEMENT AND SUSTAIN THE DEVELOPMENT OF THE TRAIL AREA;

(H) DESCRIBE THE ORGANIZATION STRUCTURE TO BE UTILIZED FOR LONG RANGE PLANNING, DEVELOPMENT AND MANAGEMENT OF THE TRAIL FOR A MINIMUM OF TEN YEARS, INCLUDING THE RESPONSIBILITIES AND INTERRELATIONSHIPS OF LOCAL, REGIONAL AND STATE AGENCIES IN THE MANAGEMENT PROCESS AND A PROGRAM TO PROVIDE MAXIMUM FEASIBLE PRIVATE PARTICIPATION IN THE IMPLEMENTATION OF THE MANAGEMENT PLAN;

(I) INCLUDE A PLAN FOR THE DEVELOPMENT OF THE AREA AS AN ACADEMIC DESTINATION, WHICH CAN PROVIDE OPPORTUNITIES FOR EDUCATIONAL PROGRAMS, INCLUDING ADVANCED SCHOLARLY RESEARCH FOR STUDENTS OF ALL EDUCATIONAL BACKGROUNDS. SUCH PLAN MAY INCLUDE, BUT NOT BE LIMITED TO, ACADEMIC SYMPOSIA, LECTURES, ARCHIVES COLLECTIONS, LIBRARY COLLECTIONS AND A MUSEUM;

(J) INCLUDE A MARKETING PLAN, WHICH INCLUDES MEASURES TO TARGET NICHE MARKET TRAVELERS AND SCHOLARS. SUCH PLAN MUST INCLUDE SUPPORTING

1 EVIDENCE FOR TARGETING AND SHOULD CONSIDER OUT-OF-STATE MARKETING AS  
2 ALLOWED FOR IN BUDGETING;

3 (K) MAKE RECOMMENDATIONS FOR THE ON-GOING OPERATION AND MAINTENANCE OF  
4 THE TRAIL; AND

5 (L) INCLUDE AN ECONOMIC ASSESSMENT OF THE LONG AND SHORT TERM COSTS  
6 AND BENEFITS RELATED TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF  
7 THE TRAIL, INCLUDING A COMPREHENSIVE ESTIMATE OF THE COSTS OF IMPLEMENT-  
8 ING THE MANAGEMENT PLAN IDENTIFIED BY SOURCE OF FUNDING AND SPECIFICALLY  
9 DELINEATING EXPECTED STATE, LOCAL, FEDERAL AND PRIVATE CONTRIBUTIONS.

10 2. THE DRAFT MANAGEMENT PLAN SHALL BE SUBMITTED TO THE COMMISSIONER  
11 FOR APPROVAL NO LATER THAN JANUARY FIRST, TWO THOUSAND FIFTEEN.

12 3. THE COMMISSIONER MAY APPROVE THE PLAN, MAY RETURN THE PLAN TO THE  
13 COMMISSION WITH RECOMMENDATIONS FOR APPROVAL, OR MAY REJECT THE PLAN.

14 4. A COPY OF THE APPROVED PLAN SHALL BE PROVIDED TO THE GOVERNOR, THE  
15 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

16 5. SELECTED INDIVIDUAL REQUIREMENTS OR PORTIONS THEREOF FOR THE  
17 MANAGEMENT PLAN SUBMISSIONS MAY BE WAIVED BY THE COMMISSIONER PROVIDED  
18 THAT PRIOR SUBMISSIONS TO THE OFFICE DURING A PREVIOUS PLANNING PROCESS  
19 ARE JUDGED SUFFICIENT TO FULFILL THE PURPOSE OF THE MANAGEMENT PLAN.

20 6. APPROVAL OF THE MANAGEMENT PLAN BY THE COMMISSIONER SHALL ESTABLISH  
21 ELIGIBILITY FOR THE RECEIPT OF ACQUISITION, DEVELOPMENT AND PROGRAMMING  
22 ASSISTANCE FROM THE STATE HERITAGE AREA PROGRAM WITHIN THE DEFINED  
23 HERITAGE CORRIDOR BOUNDARIES.

24 7. NOTHING IN THIS ARTICLE SHALL PROHIBIT THE COMMISSION FROM MAKING  
25 APPLICATION FOR OTHER GRANT PROGRAMS OR SOURCES OF FUNDING.

26 S 42.11 GENERAL FUNCTIONS, POWERS AND DUTIES OF THE COMMISSIONER.

27 1. THE COMMISSIONER SHALL IMPLEMENT THE "ABOLITIONIST AND CIVIL RIGHTS  
28 HISTORY TRAIL" PROGRAM BASED ON THE APPROVED PLAN OF THE COMMISSION.  
29 SUCH PROGRAM SHALL PROMOTE EDUCATION AND AWARENESS OF THE STRUGGLE OF  
30 ABOLITIONISTS AND CIVIL RIGHTS ACTIVISTS THROUGHOUT HISTORY. THE COMMIS-  
31 SIONER, IN CONJUNCTION WITH THE COMMISSIONER OF TRANSPORTATION, AND ANY  
32 OTHER PROPERTIES OR SITES AS IDENTIFIED BY THE COMMISSIONER AND ANY  
33 LOCAL GOVERNMENT OFFICIAL OR ENTITY, SHALL IDENTIFY PROPERTIES AND SITES  
34 THAT ARE HISTORICALLY AND THEMATICALLY ASSOCIATED WITH THE ABOLITIONIST  
35 AND CIVIL RIGHTS MOVEMENT TO BE PART OF THE TRAIL.

36 2. THE UNVEILING OF SUCH PROGRAM SHALL BE ANNOUNCED BY THE COMMISSION-  
37 ER ON FEBRUARY TWELFTH, TWO THOUSAND FIFTEEN WHICH IS THE ONE HUNDRED  
38 SIXTH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF  
39 COLORED PEOPLE.

40 3. THE TRAIL SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, PROPERTIES  
41 AND SITES WHICH TELL THE STORY OF THE ROUTES OF ESCAPED SLAVES FROM THE  
42 SOUTHERN TIP OF NEW YORK TO THE BORDER OF CANADA AND THE NEW YORK CIVIL  
43 RIGHTS MOVEMENT WHICH PEAKED IN THE NINETEEN SIXTIES. THESE PROPERTIES  
44 AND SITES SHALL INCLUDE THE JERRY RESCUE SITE IN ONONDAGA COUNTY, THE  
45 GERRIT SMITH ESTATE IN MADISON COUNTY, JOHN BROWN'S FARM AND GRAVESITE  
46 IN NORTH ELBA, THE SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE IN  
47 HARLEM, THE VILLAGE OF WEEKSVILLE IN BROOKLYN, SANDY GROUND ON STATEN  
48 ISLAND, AND ANY OTHER PROPERTIES OR SITES AS IDENTIFIED BY THE COMMIS-  
49 SIONER.

50 4. THE COMMISSIONER SHALL MAKE RECOMMENDATIONS TO THE COMMISSION  
51 REGARDING THE TRAIL SO THAT IT IS RELATIVELY SIMPLE AND EASY TO FOLLOW  
52 FOR PATRONS.

53 5. THE COMMISSIONER SHALL CAUSE TO PRODUCE AND DISSEMINATE APPROPRIATE  
54 EDUCATIONAL MATERIALS REGARDING THE TRAIL ROUTE, SUCH AS HANDBOOKS,  
55 MAPS, EXHIBITS, SIGNS, INTERPRETIVE GUIDES AND ELECTRONIC INFORMATION.

1 6. THE COMMISSIONER SHALL CAUSE TO BE DEVELOPED VACATION ITINERARIES  
2 BASED ON THE TRAIL, WHICH SHALL IDENTIFY FOR VISITORS SURROUNDING  
3 ATTRACTIONS, RESTAURANTS, FARMS, LODGING AND OTHER EXHIBITS OR PLACES OF  
4 ENTERTAINMENT AS MAY BE A PART OF THE HISTORICAL THEME LINKING THE PROP-  
5 ERTIES AND SITES ON THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL.

6 7. THE COMMISSIONER SHALL WORK TO DEVELOP DISCOUNT PACKAGES FOR SUCH  
7 ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL, WHICH MAY INCLUDE THE  
8 DEVELOPMENT OF AN ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL PASSPORT.  
9 NOTHING SHALL PRECLUDE THE COMMISSIONER FROM CONTRACTING WITH AN INDE-  
10 PENDENT VACATION OR TRAVEL PACKAGE COMPANY TO HELP DEVELOP VACATION  
11 PACKAGES ALONG THE TRAIL.

12 8. THE COMMISSIONER OF TRANSPORTATION SHALL COOPERATE WITH THE OFFICE  
13 IN CARRYING OUT THE PROVISIONS OF THIS SECTION. THE COMMISSIONER OF  
14 TRANSPORTATION IS AUTHORIZED TO PERMIT THE INSTALLATION AND MAINTENANCE  
15 OF SIGNS ON THE STATE HIGHWAY SYSTEM FOR TRAILS DESIGNATED PURSUANT TO  
16 THIS SECTION. HOWEVER, TO AVOID CONFUSION AND TO LIMIT ANY POSSIBLE  
17 DISRUPTION OF COMMERCE, THE TRAIL DESIGNATION CALLED FOR PURSUANT TO  
18 THIS SECTION SHALL BE OF A CEREMONIAL NATURE AND THE OFFICIAL NAMES OF  
19 SUCH HIGHWAYS SHALL NOT BE CHANGED AS A RESULT OF SUCH DESIGNATIONS.

20 S 3. This act shall take effect immediately; provided that section  
21 42.05 of the parks, recreation and historic preservation law as added by  
22 section two of this act regarding the establishment of the commission  
23 shall expire and be deemed repealed February 11, 2015.