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

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:

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

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

ARTICLE 42

NEW YORK ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL PROGRAM

SECTION 42.01 LEGISLATIVE INTENT.
42.03 DEFINITIONS.
42.05 THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL COMMISSION.
42.07 COMMISSION PURPOSE.
42.09 MANAGEMENT PLAN.
42.11 GENERAL FUNCTIONS, POWERS AND DUTIES OF THE COMMISSIONER.

S 42.01 LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO ESTABLISH THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL PROGRAM IN ORDER TO IMPLEMENT OR CAUSE TO BE IMPLEMENTED THE CONSERVATION AND ENHANCEMENT OF THE HISTORIC, CULTURAL, AND ECONOMIC RESOURCES OF THE ABOLITIONIST AND CIVIL RIGHTS MOVEMENT IN NEW YORK. FURTHERMORE IT IS 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.

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

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

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

2. "ABOLITIONIST AND CIVIL RIGHTS HISTORY PASSPORT" SHALL MEAN A BOOKLET OR OTHER PUBLICATION THAT NAMES AND DESCRIBES THE PROPERTIES AND SITES IDENTIFIED BY THE COMMISSIONER AND INCLUDED ON THE ABOLITIONIST AND CIVIL RIGHTS HISTORY TRAIL, AND MAY INCLUDE DISCOUNTS AND OTHER INCENTIVES RELATED TO VISITING THE PROPERTIES AND SITES ON THE TRAIL.

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

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

3. THE COMMISSION SHALL CONSIST OF ELEVEN VOTING MEMBERS. ELEVEN MEMBERS SHALL BE APPOINTED AS FOLLOWS: FOUR SHALL BE APPOINTED BY THE GOVERNOR, ONE 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 ASSEMBLY, TWO SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND ONE SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK.

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

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

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

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

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

9. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR 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 LEST 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 MAN 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

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

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

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

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

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

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

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

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

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

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

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

2. THE UNVEILING OF SUCH PROGRAM SHALL BE ANNOUNCED BY THE COMMISSIONER ON FEBRUARY TWELFTH, TWO THOUSAND FIFTEEN WHICH IS THE ONE HUNDRED SIXTH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

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

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

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

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

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

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

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