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

6226--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 18, 2013

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the commission on New York state history and providing for its powers and duties

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

Section 1. The executive law is amended by adding a new article 28 to read as follows:

ARTICLE 28

COMMISSION ON NEW YORK STATE HISTORY

SECTION 825. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE.
826. DEFINITIONS.
827. COMMISSION ON NEW YORK STATE HISTORY.
828. POWERS AND DUTIES.
829. STATEWIDE CULTURAL ASSET AND HERITAGE RESOURCES MANAGEMENT PLAN.
830. ANNUAL STATE HISTORY CONFERENCE.
830-A. STATE HISTORY FELLOWSHIP PROGRAM.

S 825. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE. THE LEGISLATURE DETERMINES THAT THE STATE'S HISTORICAL ASSETS ARE MAJOR EDUCATIONAL, INSPIRATIONAL AND ECONOMIC RESOURCES THAT SHOULD BE PRESERVED, ENHANCED AND FULLY PROMOTED. THE STATE'S HISTORICAL ASSETS ARE WORLD CLASS DESTINATIONS FOR VISITORS FROM AROUND THE WORLD AND SHOULD BE PROMOTED AS SUCH. HAVING THE MANAGEMENT, INTERPRETATION AND PROMOTION OF THE STATE'S HISTORICAL ASSETS SPREAD AMONG SEVERAL AGENCIES AND DEPARTMENTS HAS OFTEN BEEN DETRIMENTAL TO THE FULL UTILIZATION OF THESE ASSETS FOR THE PEOPLE OF THE STATE. THEREFORE, THE LEGISLATURE FINDS

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

LBD09721-04-3

THAT ESTABLISHING A COMMISSION ON NEW YORK STATE HISTORY THAT WILL ADVISE THE GOVERNOR, AGENCIES AND THE LEGISLATURE AS TO THE BEST WAYS TO PROTECT, PRESERVE AND PROMOTE THE INVALUABLE HISTORICAL ASSETS OF THE STATE IS IN THE BEST INTEREST OF THE PEOPLE OF THE STATE.

THE LEGISLATURE FURTHER FINDS THAT THE PROTECTION, PRESERVATION AND PROMOTION OF OUR HISTORICAL ASSETS IS FUNDAMENTAL TO THE EDUCATION OF THE CITIZENRY AND OUR CONCERN FOR THE QUALITY OF LIFE OF THE RESIDENTS OF THE STATE. IT IS HEREBY DECLARED TO BE THE POLICY OF THE STATE TO CONSERVE, IMPROVE, BENEFICIALLY USE AND PROTECT ITS HISTORICAL ASSETS IN ORDER TO ENHANCE THE EDUCATION, HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE STATE, AND THEIR OVERALL ECONOMIC AND SOCIAL WELL-BEING. IT SHALL FURTHER BE THE POLICY OF THE STATE TO IMPROVE AND COORDINATE THE HISTORICAL ASSET PLANS, FUNCTIONS, POWERS AND PROGRAMS OF THE STATE, IN COOPERATION WITH THE FEDERAL GOVERNMENT, REGIONS, LOCAL GOVERNMENTS, OTHER PUBLIC AND PRIVATE ORGANIZATIONS, AND THE CONCERNED INDIVIDUAL, AND TO HELP DEVELOP AND MANAGE THE HISTORICAL ASSETS TO THE END THAT THE STATE MAY FULFILL ITS RESPONSIBILITY AS TRUSTEE OF OUR CULTURAL AND HERITAGE RESOURCES FOR THE PRESENT AND FUTURE GENERATIONS. FURTHERMORE, IT SHALL BE THE POLICY OF THE STATE TO FOSTER, PROMOTE, CREATE AND MAINTAIN CONDITIONS UNDER WHICH MAN AND NATURE CAN THRIVE IN HARMONY WITH EACH OTHER, AND ACHIEVE SOCIAL, ECONOMIC AND TECHNOLOGICAL PROGRESS FOR PRESENT AND FUTURE GENERATIONS BY:

A. ASSURING SURROUNDINGS WHICH ARE HEALTHFUL AND AESTHETICALLY PLEASING;

B. GUARANTEEING THAT THE WIDEST RANGE OF BENEFICIAL USES OF CULTURAL AND HERITAGE RESOURCES ARE ATTAINED WITHOUT RISK TO HEALTH OR SAFETY, UNNECESSARY DEGRADATION, OR OTHER UNDESIRABLE OR UNINTENDED CONSEQUENCES;

C. PROMOTING PATTERNS OF DEVELOPMENT AND TECHNOLOGY WHICH MINIMIZE ADVERSE IMPACT ON OUR CULTURAL AND HERITAGE RESOURCES; AND

D. PRESERVING THE UNIQUE QUALITIES OF SPECIAL RESOURCES SUCH AS STATE HISTORIC SITES, STATE DESIGNATED HERITAGE AREAS, SITES ON THE NATIONAL REGISTER OF HISTORIC PLACES, PAINTINGS, SCULPTURES AND OTHER ARTISTIC CREATIONS, MUSEUMS, GARDENS AND PERFORMING ARTS VENUES, PROVIDING THAT CARE IS TAKEN FOR CULTURAL AND HERITAGE RESOURCES THAT ARE SHARED WITH THE OTHER STATES OF THE UNITED STATES AND WITH CANADA IN THE MANNER OF A GOOD NEIGHBOR.

S 826. DEFINITIONS. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, THE FOLLOWING WORDS AND TERMS SHALL HAVE THE MEANINGS ASCRIBED TO THEM:

A. "COMMISSION" MEANS THE COMMISSION ON NEW YORK HISTORY.

B. "DIRECTOR" MEANS THE DIRECTOR OF THE COMMISSION.

C. "HERITAGE AREA" MEANS A DEFINABLE URBAN OR REGIONAL AREA OF PUBLIC AND PRIVATE USES, RANGING IN SIZE FROM A PORTION OF A MUNICIPALITY TO A REGIONAL AREA, WITH A SPECIAL COHERENCE, AND SUCH AREA BEING DISTINGUISHED BY PHYSICAL AND CULTURAL RESOURCES (NATURAL AND/OR MAN MADE INCLUDING WATERWAYS, ARCHITECTURE, OR ARTIFACTS REFLECTING A PERIOD OF STYLE OR CULTURAL HERITAGE) WHICH PLAY A VITAL ROLE IN THE LIFE OF THE COMMUNITY AND/OR REGION AND CONTRIBUTE THROUGH INTERPRETIVE, EDUCATIONAL AND RECREATIONAL USE TO THE PUBLIC. A HERITAGE AREA MAY INCLUDE TRADITIONAL PARKS (PLEASURE GROUNDS SET APART FOR RECREATION OF THE PUBLIC) AND HISTORIC PLACES OR PROPERTY ON THE NATIONAL OR STATE REGISTER OF HISTORIC PLACES. HOWEVER SUCH TERM SHALL NOT BE DEEMED TO MEAN A PARK OR HISTORIC PLACE, AS THOSE TERMS ARE USED IN OTHER PROVISIONS OF LAW, INCLUDING THOSE RELATING TO ALIENATION OF PARK LAND AND REGULATION OF PUBLIC OR PRIVATE ACTIVITIES. SUCH OTHER PROVISIONS OF LAW SHALL CONTIN-

UE TO APPLY TO THE SPECIFIC PARKS AND HISTORIC PLACES WITHIN A HERITAGE AREA. THE TERM "HERITAGE AREA" SHALL BE DEEMED TO INCLUDE AREAS THAT HAVE BEEN PREVIOUSLY DESIGNATED AS URBAN CULTURE PARKS AND HERITAGE CORRIDORS OR OTHER SIMILAR NAMES APPLIED TO AREAS OF SPECIAL CONCERN FITTING THE DEFINITION OF A HERITAGE AREA.

D. "HISTORICAL ASSET" MEANS ANY PROPERTY, REAL OR OTHERWISE, BUILT STRUCTURE, EVENT, ARTIFACT, OBJECT OR DOCUMENT DEEMED SIGNIFICANT TO THE HISTORY AND HERITAGE OF THE PEOPLE OF THE STATE.

E. "HISTORIC PRESERVATION" MEANS THE STUDY, DESIGNATION, PROTECTION, RESTORATION, REHABILITATION AND USE OF BUILDINGS, STRUCTURES, HISTORIC DISTRICTS, AREAS, AND SITES SIGNIFICANT IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THIS STATE, ITS COMMUNITIES OR THE NATION.

F. "MUSEUM" MEANS AN INSTITUTION OR ASSOCIATION, CHARTERED BY THE REGENTS OR THE LEGISLATURE PURSUANT TO SECTION TWO HUNDRED SIXTEEN OF THE EDUCATION LAW, THAT EXISTS FOR THE PURPOSES OF COLLECTING, PRESERVING AND INTERPRETING COLLECTIONS OF OBJECTS.

S 827. COMMISSION ON NEW YORK STATE HISTORY. A. THERE SHALL BE ESTABLISHED THE COMMISSION ON NEW YORK STATE HISTORY TO CONSIST OF THE COMMISSIONERS OF EDUCATION AND THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE CHAIR OF THE NEW YORK STATE CULTURAL EDUCATION TRUST, THE STATE LIBRARIAN, THE STATE ARCHIVIST, THE DIRECTOR OF THE STATE MUSEUM, THE DIRECTOR OF THE STATE DIVISION OF TOURISM, A REPRESENTATIVE OF ONE OF THE STATE'S NATIVE AMERICAN TRIBES, AND SIX APPOINTED MEMBERS, TWO OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, AND TWO EACH BY THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY. EACH APPOINTED MEMBER SHALL SERVE FOR A TERM OF FOUR YEARS AND SHALL CONTINUE IN OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED. THE APPOINTED COMMISSION MEMBERS SHALL BE QUALIFIED BY EDUCATION AND EXPERIENCE IN THE FIELDS OF HISTORY, LIBRARY SCIENCE, MUSEUM STUDIES, PUBLIC HISTORY, ARCHIVE PLANNING AND MANAGEMENT, HERITAGE AREA MANAGEMENT, ANTHROPOLOGY, ARCHEOLOGY OR OTHER RELATED PROFESSIONAL DISCIPLINE. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR DUTIES WITHIN THE AMOUNT AVAILABLE THEREFOR BY APPROPRIATION. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO OFFICER OR EMPLOYEE OF THE STATE OR OF 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 SUCH COMMISSION.

B. THE COMMISSION SHALL CHOOSE FROM AMONG ITS APPOINTED MEMBERS A CHAIRMAN, VICE-CHAIRMAN AND SECRETARY. THE TERM OF OFFICE OF EACH SUCH OFFICER APPOINTED SHALL BE FOR TWO YEARS. EACH OFFICER OF THE COMMISSION SHALL HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED. VACANCIES IN MEMBERSHIP OF THE COMMISSION OCCURRING FROM ANY CAUSE SHALL BE FILLED BY THE OFFICER AUTHORIZED TO MAKE THE ORIGINAL APPOINTMENT OF THE MEMBER WHOSE OFFICE BECOMES VACANT.

C. THE COMMISSION SHALL HOLD REGULAR MEETINGS NOT LESS THAN FOUR TIMES A YEAR AT SUCH TIME AND PLACE AS IT MAY DESIRE, AND SPECIAL MEETINGS WHEN AUTHORIZED AND CALLED AS PRESCRIBED BY THE BY-LAWS OR BY THE CHAIRMAN. EX OFFICIO MEMBERS OF THE COMMISSION MAY HAVE A DESIGNATED REPRESENTATIVE.

S 828. POWERS AND DUTIES. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

A. TO ADOPT AND USE A SEAL; TO SUE AND BE SUED; TO APPOINT AND REMOVE OFFICERS, AGENTS AND EMPLOYEES AND DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION; TO ACQUIRE, HOLD AND DISPOSE OF PERSONAL PROP-

ERTY; TO RETAIN OR EMPLOY COUNSEL, PRIVATE CONSULTANTS AND INDEPENDENT CONTRACTORS; TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS NECESSARY OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS UNDER THIS ARTICLE;

B. TO HIRE STAFF, INCLUDING A DIRECTOR, UPON APPROVAL OF THE COMMISSION, TO ASSIST THE COMMISSION IN IMPLEMENTATION OF ITS DUTIES;

C. TO PREPARE, PUBLISH AND DISSEMINATE INFORMATION OR REPORTS TO HIGHLIGHT FOR STATE AGENCIES, LOCAL GOVERNMENTS AND THE GENERAL PUBLIC ISSUES, PROBLEMS AND OPPORTUNITIES RELEVANT TO THE HISTORICAL ASSETS OF THE STATE, IN CONCERT WITH STATE AND FEDERAL AGENCIES AND OTHERS;

D. TO STIMULATE ACTION BY PUBLIC AND PRIVATE ORGANIZATIONS ON ISSUES, PROBLEMS AND OPPORTUNITIES THAT AFFECT THE HISTORICAL ASSETS OF THE STATE INCLUDING, BUT NOT LIMITED TO, CONFERENCES, MEETINGS AND WORKSHOPS;

E. TO REQUEST AND RECEIVE FROM ANY DEPARTMENT, DIVISION, OFFICE, BOARD, BUREAU, COMMISSION, AGENCY OR INSTRUMENTALITY OF THE STATE AND FROM ANY POLITICAL SUBDIVISION OR AGENCY THEREOF, SUCH ASSISTANCE AND DATA AS WILL ENABLE IT TO CONDUCT ITS STUDIES AND INVESTIGATIONS PURSUANT TO THIS ARTICLE;

F. TO ASSIST STATE AGENCIES, LOCAL HISTORIANS, LOCAL GOVERNMENTS AND OTHER APPROPRIATE STATE, FEDERAL AND LOCAL ORGANIZATIONS TO PLAN AND WORK TOWARDS THE PROTECTION, PRESERVATION AND PROMOTION OF THE HISTORICAL ASSETS OF THE STATE THROUGH COORDINATION AND COOPERATION, AND THROUGH TECHNICAL ASSISTANCE, INCLUDING PLANNING ASSISTANCE, TRAINING, CITIZEN EDUCATION AND PARTICIPATION ASSISTANCE, AND ASSISTANCE IN THE PREPARATION OF GRANT APPLICATIONS TO OTHER ENTITIES;

G. TO SERVE A COORDINATING ROLE IN UTILIZING THE CAPABILITIES OF OTHER STATE AND LOCAL ORGANIZATIONS TO CARRY OUT THE DUTIES PRESCRIBED IN THIS SECTION;

H. TO ESTABLISH A CENTRAL CLEARINGHOUSE FOR HISTORICAL STUDIES, WHICH MAY BE USED BY MEMBERS OF THE PUBLIC, LOCAL GOVERNMENTS AND STATE AGENCIES IN ADDRESSING STATE AND REGIONWIDE ISSUES RELATED TO THE PROTECTION, PRESERVATION AND PROMOTION OF HISTORICAL ASSETS;

I. TO DEVELOP AGREEMENTS WITH LOCAL, COUNTY AND REGIONAL AGENCIES TO PROVIDE STAFF SERVICES THROUGH GRANTS OR CONTRACTS TO HELP FINANCE SERVICES FOR INTERMUNICIPAL COOPERATION; TO PROVIDE PLANNING SERVICES IN CONJUNCTION WITH STATE AGENCIES, COUNTY PLANNING DEPARTMENTS AND REGIONAL PLANNING BOARDS; AND TO PROVIDE SUPPLEMENTARY TECHNICAL ASSISTANCE AND EDUCATIONAL SERVICES THROUGH PUBLIC OR PRIVATE GROUPS;

J. TO APPLY FOR AND RECEIVE FROM THE FEDERAL AND STATE GOVERNMENTS, AND PUBLIC AND PRIVATE AGENCIES, FUNDS TO ACCOMPLISH THE PURPOSES OF THE COMMISSION AND TO SOLICIT, RECEIVE AND UTILIZE GIFTS AND DONATIONS OF ANY KIND FROM ANY SOURCE;

K. TO ASSIST MUNICIPALITIES IN PREPARING AND ADOPTING COMPREHENSIVE HISTORICAL ASSET PLANNING PROGRAMS, INCLUDING APPROPRIATE LAWS, ORDINANCES AND CODES;

1. TO ENTER INTO AGREEMENTS FOR THE EXTENSION OF ITS POWERS AND DUTIES TO LOCAL GOVERNMENTS, IN CONCERT WITH LOCAL, STATE AND FEDERAL AGENCIES AND OTHERS; AND

M. TO LEASE AND MANAGE REAL PROPERTY, SOLELY FOR THE PURPOSE OF PROVIDING FOR THE OFFICIAL OFFICES OF THE COMMISSION.

S 829. STATEWIDE CULTURAL ASSET AND HERITAGE RESOURCES MANAGEMENT PLAN. A. THE COMMISSION SHALL FORMULATE AND FROM TIME TO TIME REVISE A STATEWIDE CULTURAL AND HERITAGE RESOURCES MANAGEMENT PLAN FOR THE MANAGEMENT AND PROTECTION OF THE QUALITY OF THE CULTURAL AND HERITAGE

RESOURCES OF THE STATE, IN FURTHERANCE OF THE LEGISLATIVE POLICY AND PURPOSES EXPRESSED IN THIS ARTICLE.

B. THE COMMISSION SHALL SUBMIT AN INITIAL PLAN TO THE GOVERNOR AND TO THE LEGISLATURE ON OR BEFORE SEPTEMBER FIRST, 2015, AND THEREAFTER SHALL ANNUALLY SUBMIT PERIODIC REVISIONS OF SUCH PLAN TO THE GOVERNOR AND TO THE LEGISLATURE. SUCH PLAN AND REVISIONS SHALL BECOME EFFECTIVE UPON APPROVAL BY THE GOVERNOR AND SHALL SERVE THEREAFTER AS A GUIDE TO THE PUBLIC.

C. IN FORMULATING SUCH PLAN AND ANY REVISIONS, THE COMMISSION SHALL:

(1) CONDUCT ONE OR MORE PUBLIC HEARINGS;

(2) CONSULT AND COOPERATE WITH:

(I) OFFICIALS OF DEPARTMENTS AND AGENCIES OF THE STATE HAVING DUTIES AND RESPONSIBILITIES CONCERNING THE CULTURAL AND HERITAGE RESOURCES;

(II) OFFICIALS AND REPRESENTATIVES OF THE FEDERAL GOVERNMENT, NEIGHBORING STATES AND INTERSTATE AGENCIES ON PROBLEMS AFFECTING THE ENVIRONMENT OF THIS STATE;

(III) OFFICIALS AND REPRESENTATIVES OF LOCAL GOVERNMENT IN THE STATE;

(IV) OFFICIALS AND REPRESENTATIVES OF MUSEUMS, ART AND CULTURAL INSTITUTIONS, INDUSTRY AND EDUCATION; AND

(V) PERSONS, ORGANIZATIONS AND GROUPS, PUBLIC OR PRIVATE, UTILIZING, SERVED BY, INTERESTED IN OR CONCERNED WITH THE CULTURAL AND HERITAGE RESOURCES OF THE STATE; AND

(3) REQUEST AND RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE AND DATA AS MAY BE NECESSARY TO ENABLE THE DEPARTMENT TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SECTION.

S 830. ANNUAL STATE HISTORY CONFERENCE. THE COMMISSION SHALL COORDINATE AND CONDUCT AN ANNUAL CONFERENCE ON STATE HISTORY THAT WILL INCLUDE SPEAKERS AND WORKSHOPS ON THE PROTECTION, PRESERVATION AND PROMOTION OF THE STATE'S HISTORICAL ASSETS. THE CONFERENCE SHALL TAKE PLACE IN A DIFFERENT AREA OF THE STATE EACH YEAR AND SHALL BE FREE OF CHARGE AND OPEN TO THE PUBLIC.

S 830-A. STATE HISTORY FELLOWSHIP PROGRAM. THE COMMISSION SHALL COORDINATE, RECRUIT AND TRAIN VOLUNTEERS WITH BACKGROUNDS AND INTEREST IN NEW YORK STATE HISTORY TO ACT AS FELLOWS TO BE MADE AVAILABLE TO STATE HISTORY ORGANIZATIONS BY THE COMMISSION. FELLOWS WILL PROVIDE PROGRAM SUPPORT TO NOT-FOR-PROFIT HISTORY ORGANIZATIONS AT NO COST TO THE ORGANIZATION. FELLOWSHIP PROGRAM VOLUNTEERS SHALL PROVIDE, BASED ON THEIR EXPERIENCE AND TRAINING, ORGANIZATIONAL SUPPORT IN VISITOR OUTREACH, EDUCATIONAL PROGRAMMING AND OUTREACH, THE EVALUATION OF PROGRAMS AND STRATEGIC PLANS, FUNDRAISING AND GRANT WRITING, AND THE EXPANSION OF VOLUNTEER PROGRAMS.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.