

UTILIZATION OF THESE ASSETS FOR THE PEOPLE OF THE STATE. THEREFORE, THE LEGISLATURE FINDS 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.

E. PROMOTING THE MAINTENANCE AND GROWTH OF HISTORIC ASSETS AS SPECIAL FEATURES OF A LOCALITY AND USING SUCH HISTORIC ASSETS FOR APPROPRIATE HISTORIC RE-USE, INCLUDING AS A CULTURAL RESOURCE OR OPPORTUNITY FOR GROWTH AND DEVELOPMENT OF THE SURROUNDING AREA.

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 TRADI-

1 TIONAL PARKS (PLEASURE GROUNDS SET APART FOR RECREATION OF THE PUBLIC)
2 AND HISTORIC PLACES OR PROPERTY ON THE NATIONAL OR STATE REGISTER OF
3 HISTORIC PLACES. HOWEVER SUCH TERM SHALL NOT BE DEEMED TO MEAN A PARK
4 OR HISTORIC PLACE, AS THOSE TERMS ARE USED IN OTHER PROVISIONS OF LAW,
5 INCLUDING THOSE RELATING TO ALIENATION OF PARK LAND AND REGULATION OF
6 PUBLIC OR PRIVATE ACTIVITIES. SUCH OTHER PROVISIONS OF LAW SHALL CONTIN-
7 UE TO APPLY TO THE SPECIFIC PARKS AND HISTORIC PLACES WITHIN A HERITAGE
8 AREA. THE TERM "HERITAGE AREA" SHALL BE DEEMED TO INCLUDE AREAS THAT
9 HAVE BEEN PREVIOUSLY DESIGNATED AS URBAN CULTURE PARKS AND HERITAGE
10 CORRIDORS OR OTHER SIMILAR NAMES APPLIED TO AREAS OF SPECIAL CONCERN
11 FITTING THE DEFINITION OF A HERITAGE AREA.

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

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

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

23 G. "HISTORIC RE-USE" MEANS THE ADAPTIVE RE-USE OF AN HISTORIC ASSET
24 FOR A PURPOSE OTHER THAN FOR WHICH IT WAS INITIALLY BUILT THAT PROTECTS
25 THE UNDERLYING ARCHITECTURAL INTEGRITY AND FACADE OF SUCH AN HISTORIC
26 BUILDING, STRUCTURE, DISTRICT, OR AREA WHILE PROVIDING NEW RESIDENTIAL
27 OR COMMERCIAL PURPOSES THAT UTILIZE THE UNDERLYING HISTORICAL VALUE OF
28 THE ASSET AS A SPECIAL FEATURE OF THE COMMUNITY OR AS PART OF ITS
29 MARKETING STRATEGY AND AIDS LOCAL COMMUNITY DEVELOPMENT OR SUPPORTS
30 MAINTAINING OR DEVELOPING LOCAL CULTURAL RESOURCES.

31 S 827. COMMISSION ON NEW YORK STATE HISTORY. A. THERE SHALL BE ESTAB-
32 LISHED THE COMMISSION ON NEW YORK STATE HISTORY TO CONSIST OF THE
33 COMMISSIONERS OF EDUCATION AND THE OFFICE OF PARKS, RECREATION AND
34 HISTORIC PRESERVATION, THE CHAIR OF THE NEW YORK STATE CULTURAL EDUCA-
35 TION TRUST, THE STATE LIBRARIAN, THE STATE ARCHIVIST, THE DIRECTOR OF
36 THE STATE MUSEUM, THE DIRECTOR OF THE STATE DIVISION OF TOURISM, A
37 REPRESENTATIVE OF ONE OF THE STATE'S NATIVE AMERICAN TRIBES, AND SIX
38 APPOINTED MEMBERS, TWO OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, AND
39 TWO EACH BY THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE
40 ASSEMBLY. EACH APPOINTED MEMBER SHALL SERVE FOR A TERM OF FOUR YEARS AND
41 SHALL CONTINUE IN OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED. THE
42 APPOINTED COMMISSION MEMBERS SHALL BE QUALIFIED BY EDUCATION AND EXPERI-
43 ENCE IN THE FIELDS OF HISTORY, LIBRARY SCIENCE, MUSEUM STUDIES, PUBLIC
44 HISTORY, ARCHIVE PLANNING AND MANAGEMENT, HERITAGE AREA MANAGEMENT,
45 ANTHROPOLOGY, ARCHEOLOGY OR OTHER RELATED PROFESSIONAL DISCIPLINE. THE
46 MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR
47 SERVICES BUT SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECES-
48 SARILY INCURRED IN THE PERFORMANCE OF THEIR DUTIES WITHIN THE AMOUNT
49 AVAILABLE THEREFOR BY APPROPRIATION. NOTWITHSTANDING ANY INCONSISTENT
50 PROVISION OF LAW, NO OFFICER OR EMPLOYEE OF THE STATE OR OF ANY CIVIL
51 DIVISION THEREOF, SHALL BE DEEMED TO HAVE FORFEITED OR SHALL FORFEIT HIS
52 OR HER OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER ACCEPTANCE OF
53 MEMBERSHIP ON SUCH COMMISSION.

54 B. THE COMMISSION SHALL CHOOSE FROM AMONG ITS APPOINTED MEMBERS A
55 CHAIRMAN, VICE-CHAIRMAN AND SECRETARY. THE TERM OF OFFICE OF EACH SUCH
56 OFFICER APPOINTED SHALL BE FOR TWO YEARS. EACH OFFICER OF THE COMMISSION

1 SHALL HOLD OFFICE UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED.
2 VACANCIES IN MEMBERSHIP OF THE COMMISSION OCCURRING FROM ANY CAUSE SHALL
3 BE FILLED BY THE OFFICER AUTHORIZED TO MAKE THE ORIGINAL APPOINTMENT OF
4 THE MEMBER WHOSE OFFICE BECOMES VACANT.

5 C. THE COMMISSION SHALL HOLD REGULAR MEETINGS NOT LESS THAN FOUR TIMES
6 A YEAR AT SUCH TIME AND PLACE AS IT MAY DESIRE, AND SPECIAL MEETINGS
7 WHEN AUTHORIZED AND CALLED AS PRESCRIBED BY THE BY-LAWS OR BY THE CHAIR-
8 MAN. EX OFFICIO MEMBERS OF THE COMMISSION MAY HAVE A DESIGNATED REPRE-
9 SENTATIVE.

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

12 A. TO ADOPT AND USE A SEAL; TO SUE AND BE SUED; TO APPOINT AND REMOVE
13 OFFICERS, AGENTS AND EMPLOYEES AND DETERMINE THEIR QUALIFICATIONS,
14 DUTIES AND COMPENSATION; TO ACQUIRE, HOLD AND DISPOSE OF PERSONAL PROP-
15 erty; TO RETAIN OR EMPLOY COUNSEL, PRIVATE CONSULTANTS AND INDEPENDENT
16 CONTRACTORS; TO MAKE AND EXECUTE CONTRACTS AND ALL OTHER INSTRUMENTS
17 NECESSARY OR CONVENIENT FOR THE EXERCISE OF ITS POWERS AND FUNCTIONS
18 UNDER THIS ARTICLE;

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

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

25 D. TO STIMULATE ACTION BY PUBLIC AND PRIVATE ORGANIZATIONS ON ISSUES,
26 PROBLEMS AND OPPORTUNITIES THAT AFFECT THE HISTORICAL ASSETS OF THE
27 STATE INCLUDING, BUT NOT LIMITED TO, CONFERENCES, MEETINGS AND WORK-
28 SHOPS;

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

34 F. TO ASSIST STATE AGENCIES, LOCAL HISTORIANS, LOCAL GOVERNMENTS AND
35 OTHER APPROPRIATE STATE, FEDERAL AND LOCAL ORGANIZATIONS TO PLAN AND
36 WORK TOWARDS THE PROTECTION, PRESERVATION, HISTORIC RE-USE AND PROMOTION
37 OF THE HISTORICAL ASSETS OF THE STATE THROUGH COORDINATION AND COOPER-
38 ATION, AND THROUGH TECHNICAL ASSISTANCE, INCLUDING PLANNING ASSISTANCE,
39 TRAINING, CITIZEN EDUCATION AND PARTICIPATION ASSISTANCE, AND ASSISTANCE
40 IN THE PREPARATION OF GRANT APPLICATIONS TO OTHER ENTITIES;

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

44 H. TO ESTABLISH A CENTRAL CLEARINGHOUSE FOR HISTORICAL STUDIES, WHICH
45 MAY BE USED BY MEMBERS OF THE PUBLIC, LOCAL GOVERNMENTS AND STATE AGEN-
46 CIES IN ADDRESSING STATE AND REGIONWIDE ISSUES RELATED TO THE
47 PROTECTION, PRESERVATION, HISTORIC RE-USE AND PROMOTION OF HISTORICAL
48 ASSETS;

49 I. TO DEVELOP AGREEMENTS WITH LOCAL, COUNTY AND REGIONAL AGENCIES TO
50 PROVIDE STAFF SERVICES THROUGH GRANTS OR CONTRACTS TO HELP FINANCE
51 SERVICES FOR INTERMUNICIPAL COOPERATION; TO PROVIDE PLANNING SERVICES IN
52 CONJUNCTION WITH STATE AGENCIES, COUNTY PLANNING DEPARTMENTS AND
53 REGIONAL PLANNING BOARDS; AND TO PROVIDE SUPPLEMENTARY TECHNICAL ASSIST-
54 ANCE AND EDUCATIONAL SERVICES THROUGH PUBLIC OR PRIVATE GROUPS;

55 J. TO APPLY FOR AND RECEIVE FROM THE FEDERAL AND STATE GOVERNMENTS,
56 AND PUBLIC AND PRIVATE AGENCIES, FUNDS TO ACCOMPLISH THE PURPOSES OF THE

1 COMMISSION AND TO SOLICIT, RECEIVE AND UTILIZE GIFTS AND DONATIONS OF
2 ANY KIND FROM ANY SOURCE;

3 K. TO ASSIST MUNICIPALITIES IN PREPARING AND ADOPTING COMPREHENSIVE
4 HISTORICAL ASSET PLANNING PROGRAMS, INCLUDING APPROPRIATE LAWS, ORDI-
5 NANCES AND CODES;

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

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

11 S 829. STATEWIDE CULTURAL ASSET AND HERITAGE RESOURCES MANAGEMENT
12 PLAN. A. THE COMMISSION SHALL FORMULATE AND FROM TIME TO TIME REVISE A
13 STATEWIDE CULTURAL AND HERITAGE RESOURCES MANAGEMENT PLAN FOR THE
14 MANAGEMENT AND PROTECTION OF THE QUALITY OF THE CULTURAL AND HERITAGE
15 RESOURCES OF THE STATE, AS WELL AS THE HISTORIC RE-USE OF HISTORIC
16 STRUCTURES IN FURTHERANCE OF THE LEGISLATIVE POLICY AND PURPOSES
17 EXPRESSED IN THIS ARTICLE.

18 B. THE COMMISSION SHALL SUBMIT AN INITIAL PLAN TO THE GOVERNOR AND TO
19 THE LEGISLATURE ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND EIGHTEEN, AND
20 THEREAFTER SHALL ANNUALLY SUBMIT PERIODIC REVISIONS OF SUCH PLAN TO THE
21 GOVERNOR AND TO THE LEGISLATURE. SUCH PLAN AND REVISIONS SHALL BECOME
22 EFFECTIVE UPON APPROVAL BY THE GOVERNOR AND SHALL SERVE THEREAFTER AS A
23 GUIDE TO THE PUBLIC.

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

25 (1) CONDUCT ONE OR MORE PUBLIC HEARINGS;

26 (2) CONSULT AND COOPERATE WITH:

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

29 (II) OFFICIALS AND REPRESENTATIVES OF THE FEDERAL GOVERNMENT, NEIGH-
30 BORING STATES AND INTERSTATE AGENCIES ON PROBLEMS AFFECTING THE ENVIRON-
31 MENT OF THIS STATE;

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

33 (IV) OFFICIALS AND REPRESENTATIVES OF MUSEUMS, ART AND CULTURAL INSTI-
34 TUTIONS, INDUSTRY AND EDUCATION; AND

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

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

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

49 S 830-A. STATE HISTORY FELLOWSHIP PROGRAM. THE COMMISSION SHALL COOR-
50 DINATE, RECRUIT AND TRAIN VOLUNTEERS WITH BACKGROUNDS AND INTEREST IN
51 NEW YORK STATE HISTORY TO ACT AS FELLOWS TO BE MADE AVAILABLE TO STATE
52 HISTORY ORGANIZATIONS BY THE COMMISSION. FELLOWS WILL PROVIDE PROGRAM
53 SUPPORT TO NOT-FOR-PROFIT HISTORY ORGANIZATIONS AND ORGANIZATIONS
54 PROMOTING HISTORIC RE-USE AT NO COST TO THE ORGANIZATION. FELLOWSHIP
55 PROGRAM VOLUNTEERS SHALL PROVIDE, BASED ON THEIR EXPERIENCE AND TRAIN-
56 ING, ORGANIZATIONAL SUPPORT IN VISITOR OUTREACH, EDUCATIONAL PROGRAMMING

1 AND OUTREACH, THE EVALUATION OF PROGRAMS AND STRATEGIC PLANS, FUNDRAIS-
2 ING AND GRANT WRITING, AND THE EXPANSION OF VOLUNTEER PROGRAMS.
3 S 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.