

STATE OF NEW YORK

5031

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. LOPEZ -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to establish a blue ribbon commission on fair competition in the outdoor recreation industry; and providing for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. a. The legislature hereby declares that fair competition in
2 the outdoor recreation industry is important and desirable and that
3 issues surrounding the public ownership of outdoor recreational facili-
4 ties, including but not limited to, golf, ski and camping facilities and
5 the impact of such facilities on privately owned outdoor recreational
6 facilities should be examined. As such, it is determined that a blue
7 ribbon commission on competitive issues relating to the public ownership
8 of outdoor recreational facilities shall be established to examine
9 whether such facilities enjoy unfair competitive advantages and make
10 recommendations regarding methods to address any such unfair competitive
11 advantages. Such commission shall submit a report and recommendations to
12 the governor and the legislature upon completion of such examination.
- 13 b. A blue ribbon commission on fair competition in the outdoor recre-
14 ation industry is hereby established to examine, evaluate and make
15 recommendations regarding methods to promote fair competition in the
16 outdoor recreation industry. For purposes of this act "outdoor recre-
17 ation industry" shall include, but not be limited to, golf, camping and
18 ski facilities. The subject areas to be examined by the commission shall
19 include, but not be limited to, the following:
- 20 (1) a comparison of the following between public and privately owned
21 outdoor recreational facilities:
- 22 (a) tax treatment;
23 (b) equipment cost differences;
24 (c) advertising and promotion costs;

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

LBD03834-01-7

1 (d) personnel and employee benefit costs;
2 (e) interest and borrowing costs;
3 (f) insurance costs; and
4 (g) any other costs identified by commission members which may differ
5 between public and privately owned recreational facilities;

6 (2) an evaluation of the impact of various costs differences between
7 public and privately owned recreational facilities on fair competition
8 in the outdoor recreation industry;

9 (3) an evaluation and comparison of prices and fees charged by public
10 and privately owned outdoor recreational facilities and whether any
11 reduced prices and fees charged by publicly owned facilities are
12 intended to gain a competitive advantage over other facilities and an
13 evaluation of the impact of any differences in prices and fees on fair
14 competition in the outdoor recreation industry;

15 (4) an evaluation of the current economic impact of the outdoor recre-
16 ation industry in New York state with public and privately owned facili-
17 ties separately delineated; and

18 (5) any other matters deemed relevant by the commission.

19 c. The blue ribbon commission on fair competition in the outdoor
20 recreation industry shall be composed of eleven members. The members,
21 each to serve a term of one year, shall be appointed as follows: three
22 members shall be appointed by the governor; three members shall be
23 appointed by the temporary president of the senate; three members shall
24 be appointed by the speaker of the assembly; one member shall be
25 appointed by the minority leader of the senate and one member shall be
26 appointed by the minority leader of the assembly. The commission shall
27 elect a chair, a vice-chair and a secretary from amongst its members. In
28 making appointments to the commissioner, the governor, temporary presi-
29 dent of the senate, speaker of the assembly, minority leader of the
30 senate and minority leader of the assembly shall ensure that the inter-
31 ests of owners of privately owned outdoor recreational facilities, enti-
32 ties who own or operate publicly funded outdoor recreational facilities
33 and consumers are represented on the commission. Notwithstanding the
34 provisions of section 74 of the public officers law, section 806 of the
35 general municipal law or any other provision of law, membership on the
36 commission of any state or municipal officer or employee shall not
37 constitute a violation of any code of ethics or conflict of interest.
38 The commission shall meet at least monthly. Vacancies in the membership
39 of the commission and among its officers shall be filled in the manner
40 provided for original appointments.

41 d. The members of the commission shall receive no compensation for
42 their services, but shall be allowed their actual and necessary expenses
43 incurred in the performance of their duties pursuant to this act.

44 e. The blue ribbon commission on fair competition in the outdoor
45 recreation industry shall make a report to the governor and the legisla-
46 ture of its findings, conclusions and recommendations on or before
47 December 31, 2018.

48 § 2. The New York state empire state development corporation shall
49 provide the commission with such facilities, assistance, and data as
50 will enable the commission to carry out its powers and duties. Addi-
51 tionally, all other departments or agencies of the state or subdivisions
52 thereof shall, at the request of chair, provide the commission with such
53 facilities, assistance and data as will enable the commission to carry
54 out its' powers and duties.

55 § 3. This act shall take effect immediately and shall expire and be
56 deemed repealed January 1, 2019.