

# STATE OF NEW YORK

3452

2017-2018 Regular Sessions

## IN SENATE

January 23, 2017

Introduced by Sens. SERRANO, AVELLA, BRESLIN, CARLUCCI, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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.

§ 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 as special features of attraction and importance to the state and its political subdivisions. 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

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

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1 legislature finds that establishing a commission on New York state  
2 history that will advise the governor, agencies and the legislature as  
3 to the best ways to protect, preserve and promote the invaluable histor-  
4 ical assets of the state is in the best interest of the people of the  
5 state.

6 The legislature further finds that the protection, preservation and  
7 promotion of our historical assets is fundamental to the education of  
8 the citizenry and our concern for the quality of life of the residents  
9 of the state. It is hereby declared to be the policy of the state to  
10 conserve, improve, beneficially use and protect its historical assets in  
11 order to enhance the education, health, safety and welfare of the people  
12 of the state, and their overall economic and social well-being. It shall  
13 further be the policy of the state to improve and coordinate the histor-  
14 ical asset plans, functions, powers and programs of the state, in coop-  
15 eration with the federal government, regions, local governments, other  
16 public and private organizations, and the concerned individual, and to  
17 help develop and manage the historical assets to the end that the state  
18 may fulfill its responsibility as trustee of our cultural and heritage  
19 resources for the present and future generations. Furthermore, it shall  
20 be the policy of the state to foster, promote, create and maintain  
21 conditions under which man and nature can thrive in harmony with each  
22 other, and achieve social, economic and technological progress for pres-  
23 ent and future generations by:

24 a. assuring surroundings which are healthful and aesthetically pleas-  
25 ing;

26 b. guaranteeing that the widest range of beneficial uses of cultural  
27 and heritage resources are attained without risk to health or safety,  
28 unnecessary degradation, or other undesirable or unintended conse-  
29 quences;

30 c. promoting patterns of development and technology which minimize  
31 adverse impact on our cultural and heritage resources; and

32 d. preserving the unique qualities of special resources such as state  
33 historic sites, state designated heritage areas, sites on the national  
34 register of historic places, paintings, sculptures and other artistic  
35 creations, museums, gardens and performing arts venues, providing that  
36 care is taken for cultural and heritage resources that are shared with  
37 the other states of the United States and with Canada in the manner of a  
38 good neighbor.

39 e. promoting the maintenance and growth of historic assets as special  
40 features of a locality and using such historic assets for appropriate  
41 historic re-use, including as a cultural resource or opportunity for  
42 growth and development of the surrounding area.

43 § 826. Definitions. As used in this article, unless the context other-  
44 wise requires, the following words and terms shall have the meanings  
45 ascribed to them:

46 a. "Commission" means the commission on New York history.

47 b. "Director" means the director of the commission.

48 c. "Heritage area" means a definable urban or regional area of public  
49 and private uses, ranging in size from a portion of a municipality to a  
50 regional area, with a special coherence, and such area being distin-  
51 guished by physical and cultural resources (natural and/or man made  
52 including waterways, architecture, or artifacts reflecting a period of  
53 style or cultural heritage) which play a vital role in the life of the  
54 community and/or region and contribute through interpretive, educational  
55 and recreational use to the public. A heritage area may include tradi-  
56 tional parks (pleasure grounds set apart for recreation of the public)

1 and historic places or property on the national or state register of  
2 historic places. However such term shall not be deemed to mean a park  
3 or historic place, as those terms are used in other provisions of law,  
4 including those relating to alienation of park land and regulation of  
5 public or private activities. Such other provisions of law shall contin-  
6 ue to apply to the specific parks and historic places within a heritage  
7 area. The term "heritage area" shall be deemed to include areas that  
8 have been previously designated as urban culture parks and heritage  
9 corridors or other similar names applied to areas of special concern  
10 fitting the definition of a heritage area.

11 d. "Historical asset" means any property, real or otherwise, built  
12 structure, event, artifact, object or document deemed significant to the  
13 history and heritage of the people of the state.

14 e. "Historic preservation" means the study, designation, protection,  
15 restoration, rehabilitation and use of buildings, structures, historic  
16 districts, areas, and sites significant in the history, architecture,  
17 archeology or culture of this state, its communities or the nation.

18 f. "Museum" means an institution or association, chartered by the  
19 regents or the legislature pursuant to section two hundred sixteen of  
20 the education law, that exists for the purposes of collecting, preserv-  
21 ing and interpreting collections of objects.

22 g. "Historic re-use" means the adaptive re-use of an historic asset  
23 for a purpose other than for which it was initially built that protects  
24 the underlying architectural integrity and facade of such an historic  
25 building, structure, district, or area while providing new residential  
26 or commercial purposes that utilize the underlying historical value of  
27 the asset as a special feature of the community or as part of its  
28 marketing strategy and aids local community development or supports  
29 maintaining or developing local cultural resources.

30 § 827. Commission on New York state history. a. There shall be estab-  
31 lished the commission on New York state history to consist of the  
32 commissioners of education and of parks, recreation and historic preser-  
33 vation, the chair of the New York state cultural education trust, the  
34 state librarian, the state archivist, the director of the state museum,  
35 the director of the state division of tourism, a representative of one  
36 of the state's native American tribes, and six appointed members, two of  
37 whom shall be appointed by the governor, and two each by the temporary  
38 president of the senate and speaker of the assembly. Each appointed  
39 member shall serve for a term of four years and shall continue in office  
40 until a successor has been appointed. The appointed commission members  
41 shall be qualified by education and experience in the fields of history,  
42 library science, museum studies, public history, archive planning and  
43 management, heritage area management, anthropology, archeology or other  
44 related professional discipline. The members of the commission shall  
45 receive no compensation for their services but shall be reimbursed for  
46 their expenses actually and necessarily incurred in the performance of  
47 their duties within the amount available therefor by appropriation.  
48 Notwithstanding any inconsistent provision of law, no officer or employ-  
49 ee of the state or of any civil division thereof, shall be deemed to  
50 have forfeited or shall forfeit his or her office or employment by  
51 reason of his or her acceptance of membership on such commission.

52 b. The commission shall choose from among its appointed members a  
53 chairman, vice-chairman and secretary. The term of office of each such  
54 officer appointed shall be for two years. Each officer of the commission  
55 shall hold office until a successor has been appointed and qualified.  
56 Vacancies in membership of the commission occurring from any cause shall

1 be filled by the officer authorized to make the original appointment of  
2 the member whose office becomes vacant.

3 c. The commission shall hold regular meetings not less than four times  
4 a year at such time and place as it may desire, and special meetings  
5 when authorized and called as prescribed by the by-laws or by the chair-  
6 man. Ex officio members of the commission may have a designated repre-  
7 sentative.

8 § 828. Powers and duties. The commission shall have the following  
9 powers and duties:

10 a. To adopt and use a seal; to sue and be sued; to appoint and remove  
11 officers, agents and employees and determine their qualifications,  
12 duties and compensation; to acquire, hold and dispose of personal prop-  
13 erty; to retain or employ counsel, private consultants and independent  
14 contractors; to make and execute contracts and all other instruments  
15 necessary or convenient for the exercise of its powers and functions  
16 under this article;

17 b. To hire staff, including a director, upon approval of the commis-  
18 sion, to assist the commission in implementation of its duties;

19 c. To prepare, publish and disseminate information or reports to high-  
20 light for state agencies, local governments and the general public  
21 issues, problems and opportunities relevant to the historical assets of  
22 the state, in concert with state and federal agencies and others;

23 d. To stimulate action by public and private organizations on issues,  
24 problems and opportunities that affect the historical assets of the  
25 state including, but not limited to, conferences, meetings and work-  
26 shops;

27 e. To request and receive from any department, division, office,  
28 board, bureau, commission, agency or instrumentality of the state and  
29 from any political subdivision or agency thereof, such assistance and  
30 data as will enable it to conduct its studies and investigations pursu-  
31 ant to this article;

32 f. To assist state agencies, local historians, local governments and  
33 other appropriate state, federal and local organizations to plan and  
34 work towards the protection, preservation, historic re-use and promotion  
35 of the historical assets of the state through coordination and cooper-  
36 ation, and through technical assistance, including planning assistance,  
37 training, citizen education and participation assistance, and assistance  
38 in the preparation of grant applications to other entities;

39 g. To serve a coordinating role in utilizing the capabilities of other  
40 state and local organizations to carry out the duties prescribed in this  
41 section;

42 h. To establish a central clearinghouse for historical studies, which  
43 may be used by members of the public, local governments and state agen-  
44 cies in addressing state and regionwide issues related to the  
45 protection, preservation, historic re-use and promotion of historical  
46 assets;

47 i. To develop agreements with local, county and regional agencies to  
48 provide staff services through grants or contracts to help finance  
49 services for intermunicipal cooperation; to provide planning services in  
50 conjunction with state agencies, county planning departments and  
51 regional planning boards; and to provide supplementary technical assist-  
52 ance and educational services through public or private groups;

53 j. To apply for and receive from the federal and state governments,  
54 and public and private agencies, funds to accomplish the purposes of the  
55 commission and to solicit, receive and utilize gifts and donations of  
56 any kind from any source;

1 k. To assist municipalities in preparing and adopting comprehensive  
2 historical asset planning programs, including appropriate laws, ordi-  
3 nances and codes;

4 l. To enter into agreements for the extension of its powers and duties  
5 to local governments, in concert with local, state and federal agencies  
6 and others; and

7 m. To lease and manage real property, solely for the purpose of  
8 providing for the official offices of the commission.

9 § 829. Statewide cultural asset and heritage resources management  
10 plan. a. The commission shall formulate and from time to time revise a  
11 statewide cultural and heritage resources management plan for the  
12 management and protection of the quality of the cultural and heritage  
13 resources of the state, as well as the historic re-use of historic  
14 structures in furtherance of the legislative policy and purposes  
15 expressed in this article.

16 b. The commission shall submit an initial plan to the governor and to  
17 the legislature on or before September first, two thousand twenty, and  
18 thereafter shall annually submit periodic revisions of such plan to the  
19 governor and to the legislature. Such plan and revisions shall become  
20 effective upon approval by the governor and shall serve thereafter as a  
21 guide to the public.

22 c. In formulating such plan and any revisions, the commission shall:

23 (1) conduct one or more public hearings;

24 (2) consult and cooperate with:

25 (i) officials of departments and agencies of the state having duties  
26 and responsibilities concerning the cultural and heritage resources;

27 (ii) officials and representatives of the federal government, neigh-  
28 boring states and interstate agencies on problems affecting the environ-  
29 ment of this state;

30 (iii) officials and representatives of local government in the state;

31 (iv) officials and representatives of museums, art and cultural insti-  
32 tutions, industry and education; and

33 (v) persons, organizations and groups, public or private, utilizing,  
34 served by, interested in or concerned with the cultural and heritage  
35 resources of the state; and

36 (3) request and receive from any department, division, board, bureau,  
37 commission or other agency of the state or any political subdivision  
38 thereof or any public authority such assistance and data as may be  
39 necessary to enable the department to carry out its responsibilities  
40 under this section.

41 § 830. Annual state history conference. The commission shall coordi-  
42 nate and conduct an annual conference on state history that will include  
43 speakers and workshops on the protection, preservation and promotion of  
44 the state's historical assets. The conference shall take place in a  
45 different area of the state each year and shall be free of charge and  
46 open to the public.

47 § 830-a. State history fellowship program. The commission shall coor-  
48 ordinate, recruit and train volunteers with backgrounds and interest in  
49 New York state history to act as fellows to be made available to state  
50 history organizations by the commission. Fellows will provide program  
51 support to not-for-profit history organizations and organizations  
52 promoting historic re-use at no cost to the organization. Fellowship  
53 program volunteers shall provide, based on their experience and train-  
54 ing, organizational support in visitor outreach, educational programming  
55 and outreach, the evaluation of programs and strategic plans, fundrais-  
56 ing and grant writing, and the expansion of volunteer programs.

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