

# STATE OF NEW YORK

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10766

## IN ASSEMBLY

July 9, 2020

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Woerner) --  
read once and referred to the Committee on Governmental Operations

AN ACT to amend the parks, recreation and historic preservation law, in relation to establishing the "New York state two hundred fiftieth commemoration act"; the state finance law, in relation to establishing the New York state two hundred fiftieth commemoration commission fund; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and cited as the "New  
2 York state two hundred fiftieth commemoration act".

3 § 2. Legislative findings and intent. The legislature finds that New  
4 York played an immense role in the lead up to and execution of the Amer-  
5 ican Revolution during the period of 1774-1783, and was the site of  
6 several important battles, skirmishes and other events that were inter-  
7 nationally significant during the Revolutionary era. The American Revo-  
8 lution itself was imperfect and many, including women, African Ameri-  
9 cans, and Native Americans, did not benefit from its ideals of liberty  
10 and freedom. However, the struggle to fully realize the ideals of the  
11 Revolution has continued over the past 250 years as is evident in New  
12 York's leading role in such revolutionary civil rights movements as the  
13 women's rights and abolitionist movements, the underground railroad, and  
14 the LGBTQ movement.

15 The legislature further finds that the Bicentennial of the American  
16 Revolution in 1976 drew international attention and attendance at events  
17 and sites across New York and the nation and had a lasting impact on  
18 historical education and public history. The legislature further finds  
19 that the commemoration of the 250th anniversary of the American Revo-  
20 lution should also be an occasion for recognition of New York's vital  
21 role in the Revolution itself as well as the ongoing struggle of margi-  
22 nalized groups to achieve the ideals of the Revolution. This commem-  
23 oration should be statewide, involving all the people of the state  
24 through imaginative and innovative programs, grants, events, exhibits,

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

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1 new and expanded facilities, and marketing to engage the people of the  
2 nation and from all parts of the world.

3 The legislature further finds that the 250th anniversary and the years  
4 proceeding it offers great opportunity to educate and inspire the people  
5 of the state to increase recognition and appreciation of New York's role  
6 in the American Revolution and subsequent civil rights struggles as well  
7 as the complex nature of the state and nation's history with regards to  
8 the ideals of liberty and freedom. Therefore, it is the intention of  
9 the legislature to establish a commission for planning and development  
10 for the commemoration of the 250th anniversary of the American Revo-  
11 lution in New York state to take place in coordination with the national  
12 celebration.

13 § 3. The parks, recreation and historic preservation law is amended by  
14 adding a new section 14.11 to read as follows:

15 § 14.11 New York state two hundred fiftieth commemoration commission.

16 1. As used in this section, the following terms shall mean and include:

17 (a) "Commission" means the New York state two hundred fiftieth commem-  
18 oration commission created by subdivision two of this section.

19 (b) "Cost" means the cost of an approved project, which shall include  
20 education, planning and program services, engineering and architectural  
21 services, plans and specifications, consultant and legal services, and  
22 other direct expenses incident to such project less any federal assist-  
23 ance received or to be received, and any other assistance from other  
24 parties.

25 (c) "Facility" means any structure or site improvement.

26 (d) "Federal assistance" means funds available, other than by loan,  
27 from the federal government, either directly or through allocation by  
28 the state for construction or program purposes pursuant to any federal  
29 law or program.

30 (e) "Heritage organization" means a not-for-profit historic site,  
31 historical society, battlefield, historic park, history-based museum,  
32 friends groups, library, archive, or Native American cultural center  
33 whose mission is to preserve and promote the history of a locale,  
34 region, people, or the entirety of the state.

35 (f) "Municipality" means a local public authority or public benefit  
36 corporation, state agency, state public authority, state public benefit  
37 corporation, county, city, town, village, Indian tribe or nation resid-  
38 ing within the state, or any combination thereof. The term municipality  
39 shall also include a school district and any supervisory district.

40 (g) "Not-for-profit corporation" means a corporation formed pursuant  
41 to the not-for-profit corporation law and qualified for tax-exempt  
42 status under the federal Internal Revenue Code.

43 (h) "State assistance payment" means the payment of monies by the  
44 state for projects authorized by the New York state two hundred fiftieth  
45 commemoration commission fund pursuant to section ninety-five-j of the  
46 state finance law.

47 2. (a) The office shall create the New York state two hundred fiftieth  
48 commemoration commission. From the effective date of this section until  
49 December thirty-first, two thousand thirty-three, such commission shall  
50 develop, plan, promote and coordinate activities to commemorate the two  
51 hundred fiftieth anniversary of the American Revolution. Such activities  
52 shall include but not be limited to:

53 (i) making existing heritage organizations the focal points for the  
54 commemoration;

1 (ii) coordinating forums across the state to seek ideas from the  
2 public on the commemoration including how New Yorkers, Americans and  
3 those from other countries may celebrate such anniversary;

4 (iii) coordinating with civic, educational and heritage organizations  
5 to develop public interest and involvement in the planning and develop-  
6 ment of the commemoration;

7 (iv) promoting and encouraging educational outreach programs using  
8 media and technology including electronic communications to achieve  
9 national and international impact;

10 (v) coordinating the planning of commemorative events for all inter-  
11 ested communities throughout the state;

12 (vi) inviting other interested states and nations to participate in  
13 programs and events for the commemoration;

14 (vii) coordinating and promoting the holding of high profile, non-go-  
15 vernment meetings, conferences, seminars and conventions in interested  
16 communities using such anniversary as an attraction and theme;

17 (viii) seeking funding from private individuals, foundations and  
18 corporations to support capital improvements, preservation and conserva-  
19 tion needs associated with events and sites commemorating such anniver-  
20 sary;

21 (ix) coordinating and cooperating with state entities and tourist  
22 promotion agencies, as defined in article five-A of the economic devel-  
23 opment law;

24 (x) coordinating and cooperating with local, state and federal enti-  
25 ties including those relating to heritage area promotion and any federal  
26 commission created to participate in planning and development of such  
27 anniversary observance;

28 (xi) setting goals and benchmarks for the work of the commission; and

29 (xii) doing all other actions necessary and appropriate as related to  
30 paragraphs (i) through (xi) of this paragraph.

31 (b) The commission shall consist of thirty-one voting members to be  
32 appointed as follows:

33 (i) the commissioner or his or her duly designated representative;

34 (ii) the commissioner of the department of education or his or her  
35 duly designated representative;

36 (iii) the president and chief executive officer of empire state devel-  
37 opment or his or her duly designated representative;

38 (iv) the director of the New York state military museum and veterans  
39 research center or his or her duly designated representative;

40 (v) the park superintendent of the Saratoga national historical park  
41 or his or her duly designated representative;

42 (vi) the director of the Champlain Valley National Heritage Partner-  
43 ship or his or her duly designated representative;

44 (vii) the director of the Erie Canalway National Heritage Corridor or  
45 his or her duly designated representative;

46 (viii) the director of the Maurice D. Hinchey Hudson River Valley  
47 National Heritage Area or his or her duly designated representative;

48 (ix) the president of the board of the Niagara Falls National Heritage  
49 Area or his or her duly designated representative;

50 (x) a duly designated representative from the Cayuga Nation, the Onei-  
51 da Indian Nation, the Onondaga Indian Nation, the Saint Regis Mohawk  
52 Tribe, the Seneca Nation of Indians, the Shinnecock Indian Nation, the  
53 Stockbridge-Munsee Community Band of Mohican Indians, the Tonawanda Band  
54 of Seneca, and the Tuscarora Nation;

55 (xi) a member of the board of humanities New York;

1 (xii) the president of the board of the association of public histori-  
2 ans of New York state;

3 (xiii) the chairperson of the board of the preservation league of New  
4 York state; and

5 (xiv) one member from each of the ten regional economic development  
6 councils throughout the state of whom four members shall be appointed by  
7 the governor, two members shall be appointed by the temporary president  
8 of the senate, two members shall be appointed by the speaker of the  
9 assembly, one member shall be appointed by the minority leader of the  
10 senate and one member shall be appointed by the minority leader of the  
11 assembly.

12 (c) Such appointees shall have a professional background in one or  
13 more of the following fields: local government historian, academic  
14 historian, museum professional, social studies teacher, tourism profes-  
15 sional, archeologist, anthropologist, or other expertise in the field of  
16 New York state history and/or historic preservation.

17 (d) The commissioner and the commissioner of the department of educa-  
18 tion shall be co-chairpersons of the commission. Vacancies in the  
19 membership of the commission and among its officers shall be filled in  
20 the same manner provided for original appointments. The state historian  
21 and staff of the office of state history shall be deemed the staff of  
22 the commission.

23 (e) A majority of the members of the commission shall constitute a  
24 quorum.

25 (f) The members of the commission shall receive no compensation for  
26 their services but shall be allowed their actual and necessary expenses  
27 incurred in the performance of their duties pursuant to this subdivision  
28 from any funds which may become available for such purpose.

29 (g) The commission shall hold a meeting at least once each quarter.

30 3. The commission shall have the power:

31 (a) to sue and be sued;

32 (b) to make by-laws for the management and regulation of its affairs;

33 (c) to make and execute contracts and all other instruments necessary  
34 or convenient for the exercise of its duties and functions under this  
35 section;

36 (d) to appoint an executive officer, officers, agents and employees,  
37 and prescribe their power and qualifications and fix their compensation.

38 (e) to contract for professional and technical assistance and advice;

39 (f) To accept gifts, grants, loans, or contributions from, and enter  
40 into contracts or other transactions with, the United States and the  
41 state or any commission of either of them, any municipality, any public  
42 or private corporation or any other legal entity for the purpose of the  
43 commission pursuant to this section, which shall be deposited in the New  
44 York state two hundred fiftieth commemoration commission fund estab-  
45 lished pursuant to section ninety-five-j of the state finance law;

46 (g) to conduct historical, economic and cultural studies;

47 (h) to conduct education programs;

48 (i) to make recommendations regarding necessary facilities related to  
49 heritage organizations, historical signs, and monuments;

50 (j) to assist individuals, corporations, heritage organizations and  
51 other public entities on ways to protect and promote the heritage  
52 resources of the state;

53 (k) to prepare an annual report on the conduct of its activities which  
54 shall include a recommended budget for the next year; and

55 (l) to exercise and perform such other powers and duties as shall have  
56 been or may be conferred by law.

1     4. (a) The commission shall develop a strategic plan, an economic  
2 plan, an education plan and a financial plan which shall contain state-  
3 wide plans for commemorating the state's role in the founding of the  
4 nation and the ensuing two hundred fifty years of history.

5     (b) Such plans shall be consistent with the state historic preserva-  
6 tion plan, the Erie Canalway National Heritage Corridor preservation and  
7 management plan, the Champlain Valley National Heritage Partnership  
8 management plan, the Niagara Falls National Heritage Area management  
9 plan, the Hudson River Valley Greenway strategic plan, and the Hudson-  
10 Hoosic Rivers Partnership stewardship plan, as such plans are amended.

11     (c) Such strategic plan shall include, but shall not be limited to, a  
12 survey or inventory of the following, together with the establishment of  
13 management priorities therefor: (i) historic, cultural and other herit-  
14 age resources; (ii) scenic resources; and (iii) educational and recre-  
15 ational resources.

16     (d) Such economic plan shall include but not be limited to: (i) a  
17 tourism plan with elements of branding, marketing and promotion; and  
18 (ii) a strategy for long-term financial sustainability and stewardship  
19 of the state's heritage organizations.

20     (e) Such education plan shall include but not be limited to publica-  
21 tions, teaching aids, exhibits, programs and guided activities.

22     (f) Such financial plan shall include but not be limited to an item-  
23 ized estimate of funds or appropriations for the implementation of such  
24 plans.

25     (g) Within twelve months of the effective date of this section the  
26 commission shall vote to finalize such plans. A copy of such approved  
27 plans shall be provided to the governor, the temporary president of the  
28 senate and the speaker of the assembly.

29     (h) The commission shall propose amendments to such plans described in  
30 this subdivision as they are deemed to be necessary and appropriate.

31     5. To effectuate the purposes of this section, the commission may  
32 request from any department, board, bureau, commission or other agency  
33 of the state, and the same are authorized to provide, such cooperation  
34 and assistance, services and data as will enable the commission to prop-  
35 erly carry out its functions pursuant to this section.

36     6. In administering the provisions of this section, the commission  
37 shall request such funds or appropriations from such financial plan  
38 annually for inclusion in the executive budget;

39     7. In administering the provisions of this section, the commission  
40 may, in the name of the state, as further provided within this section,  
41 contract to make, within the limitations of appropriations available  
42 therefor, state assistance payments to a municipality toward the cost of  
43 a project approved and to be undertaken pursuant to this section, or to  
44 a not-for-profit heritage organization toward the costs of a project  
45 approved and to be undertaken pursuant to this section. Such contracts  
46 shall be subject to approval by the state comptroller and, as to form,  
47 by the attorney general.

48     8. In administering the provisions of this section, the commission  
49 may, in the name of the state, enter into contracts, within the limita-  
50 tions of appropriations available therefor, with not-for-profit corpo-  
51 rations, public benefit corporations, and private contractors for  
52 services contemplated by this section and to be funded by the New York  
53 state two hundred fiftieth commemoration commission fund pursuant to  
54 section ninety-five-j of the state finance law. Such contracts shall be  
55 subject to approval by the state comptroller and, as to form, by the  
56 attorney general.

1 9. In administering the provisions of this section, the commission  
2 shall approve vouchers for the payments pursuant to an approved contract  
3 from such fund. All such payments shall be paid on the audit and warrant  
4 of the state comptroller.

5 10. A municipality shall have the power and authority to:

6 (a) undertake and carry out any project for which state assistance  
7 payments pursuant to a contract are received or are to be received  
8 pursuant to this section and to maintain and operate such project;

9 (b) expend money received from the state pursuant to this section for  
10 costs incurred in conjunction with the approved project; and

11 (c) perform other and further acts as may be necessary, proper or  
12 desirable to carry out a project or obligation, duty or function related  
13 pursuant to this section.

14 § 4. The state finance law is amended by adding a new section 95-j to  
15 read as follows:

16 § 95-j. The New York state two hundred fiftieth commemoration commis-  
17 sion fund. 1. There is hereby established in the joint custody of the  
18 state comptroller and the commissioner of taxation and finance a fund to  
19 be known as the "New York state two hundred fiftieth commemoration  
20 commission fund".

21 2. Moneys in such fund shall consist of all moneys appropriated for  
22 the purpose of such fund, donations to the New York state two hundred  
23 fiftieth commemoration commission created by section 14.11 of the parks,  
24 recreation and historic preservation law and all moneys appropriated,  
25 credited or transferred thereto from any other fund or source pursuant  
26 to law. Any interest received by the comptroller on money on deposit in  
27 the fund shall be retained in and become part of the fund.

28 3. Moneys within such fund shall be made available to the New York  
29 state two hundred fiftieth commemoration commission for payment of costs  
30 and expenditures for the following purposes:

31 (a) the operation and activities of such commission; and

32 (b) grants to municipalities and not-for-profit heritage organizations  
33 for historic preservation, and natural area protection and management  
34 relating to the New York state two hundred fiftieth commemorations, and  
35 other heritage projects like the Underground Railroad, women's suffrage,  
36 and civil rights sites as such commission shall identify through its  
37 strategic plan as described in paragraph (c) of subdivision four of  
38 section 14.11 of the parks, recreation and historic preservation law.

39 4. Monies shall be payable from the fund on the audit and warrant of  
40 the comptroller on vouchers approved and certified by such commission.

41 § 5. This act shall take effect immediately and shall expire and be  
42 deemed repealed December 31, 2033.