

STATE OF NEW YORK

1351

2021-2022 Regular Sessions

IN ASSEMBLY

January 8, 2021

Introduced by 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-

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

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1 nalized groups to achieve the ideals of the Revolution. This commem-
2 oration should be statewide, involving all the people of the state
3 through imaginative and innovative programs, grants, events, exhibits,
4 new and expanded facilities, and marketing to engage the people of the
5 nation and from all parts of the world.

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

16 § 3. The parks, recreation and historic preservation law is amended by
17 adding a new section 14.12 to read as follows:

18 § 14.12 New York state two hundred fiftieth commemoration commission.

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

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

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

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

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

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

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

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

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

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

1 (i) making existing heritage organizations the focal points for the
2 commemoration;

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

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

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

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

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

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

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

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

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

30 (xi) setting goals and benchmarks for the work of the commission; and
31 (xii) doing all other actions necessary and appropriate as related to
32 paragraphs (i) through (xi) of this paragraph.

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

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

36 (ii) the commissioner of the department of education or his or her
37 duly designated representative;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 3. The commission shall have the power:

32 (a) to sue and be sued;

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

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

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

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

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

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

48 (h) to conduct education programs;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subject to approval by the state comptroller and, as to form, by the
2 attorney general.

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

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

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

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

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

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

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

23 2. Moneys in such fund shall consist of all moneys appropriated for
24 the purpose of such fund, donations to the New York state two hundred
25 fiftieth commemoration commission created by section 14.12 of the parks,
26 recreation and historic preservation law and all moneys appropriated,
27 credited or transferred thereto from any other fund or source pursuant
28 to law. Any interest received by the comptroller on money on deposit in
29 the fund shall be retained in and become part of the fund.

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

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

34 (b) grants to municipalities and not-for-profit heritage organizations
35 for historic preservation, and natural area protection and management
36 relating to the New York state two hundred fiftieth commemorations, and
37 other heritage projects like the Underground Railroad, women's suffrage,
38 and civil rights sites as such commission shall identify through its
39 strategic plan as described in paragraph (c) of subdivision four of
40 section 14.12 of the parks, recreation and historic preservation law.

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

43 § 5. This act shall take effect immediately and shall expire and be
44 deemed repealed December 31, 2034.