

# STATE OF NEW YORK

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4141

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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Introduced by M. of A. TAGUE, SALKA, SMULLEN, SCHMITT -- 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 facilities,  
4 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 recreation  
14 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 recreation  
17 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;
- 25 (d) personnel and employee benefit costs;
- 26 (e) interest and borrowing costs;

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

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1 (f) insurance costs; and

2 (g) any other costs identified by commission members which may differ  
3 between public and privately owned recreational facilities;

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

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

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

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

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

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

42 e. The blue ribbon commission on fair competition in the outdoor  
43 recreation industry shall make a report to the governor and the legisla-  
44 ture of its findings, conclusions and recommendations on or before  
45 December 31, 2022.

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

53 § 3. This act shall take effect immediately and shall expire and be  
54 deemed repealed January 1, 2023.