

# STATE OF NEW YORK

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4742

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

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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"; to amend 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 proceeding 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, academic institute, historical anni-  
36 versary organization, historical awareness group or Native American  
37 cultural center whose mission is to preserve and promote the history of  
38 a locale, region, people, or the entirety of the state.

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

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

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

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

1 (i) making heritage organizations the focal points for the commem-  
2 oration;

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) coordinating and promoting the holding of community engagement  
20 and educational events in interested communities using such anniversary  
21 as an attraction and theme;

22 (ix) seeking funding from private individuals, foundations and corpo-  
23 rations to support capital improvements, preservation and conservation  
24 needs associated with events and sites commemorating such anniversary;

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

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

32 (xii) setting goals and benchmarks for the work of the commission; and

33 (xiii) doing all other actions necessary and appropriate as related to  
34 paragraphs (i) through (xii) of this paragraph.

35 (b) The commission shall coordinate and consult with the New York  
36 state military museum and veterans research center, Saratoga national  
37 historical park, Champlain Valley National Heritage Partnership, Erie  
38 Canalway National Heritage Corridor, Maurice D. Hinchey Hudson River  
39 Valley National Heritage Area, Niagara Falls National Heritage Area,  
40 Humanities New York, Association of Public Historian of New York State,  
41 the Preservation League of New York State, national historic landmarks,  
42 national historic landmark stewardship organizations and similar organ-  
43 izations in the development, planning, promotion and coordination of  
44 activities to commemorate the two hundred fiftieth anniversary of the  
45 American Revolution;

46 (c) The commission shall consist of twenty voting members to be  
47 appointed as follows:

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

49 (ii) the commissioner of the department of education or his or her  
50 duly designated representative;

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

53 (iv) a duly designated representative from the Cayuga Nation, the  
54 Oneida Indian Nation, the Onondaga Indian Nation, the Saint Regis Mohawk  
55 Tribe, the Seneca Nation of Indians, the Shinnecock Indian Nation, the

1 Stockbridge-Munsee Community Band of Mohican Indians, the Tonawanda Band  
2 of Seneca, and the Tuscarora Nation;

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

10 (vi) the New York state historian shall serve as a non-voting member.

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

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

22 (f) A majority of the members of the commission shall constitute a  
23 quorum.

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

28 (h) The commission shall hold a meeting at least once each quarter.

29 3. The commission shall have the power:

30 (a) to sue and be sued;

31 (b) to prepare, publish and disseminate information or reports to  
32 highlight for state agencies, local governments, and the general public  
33 issues, problems, and opportunities relevant to the two hundred fiftieth  
34 anniversary of the American Revolution;

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

38 (d) to assist local governments and other appropriate organizations to  
39 plan commemorations of the two hundred fiftieth anniversary of the Amer-  
40 ican Revolution, and to do this, as far as possible, through cooperation  
41 and through technical assistance, including planning assistance, legal  
42 assistance, training, citizen education and participation assistance,  
43 and assistance in preparation of grant applications to other entities.

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

45 (f) to apply for and receive from the federal and state government and  
46 public and private agencies, funds to accomplish the purposes of the  
47 commission and to solicit, receive and utilize gifts and donations of  
48 any kind from any source; and to accept gifts, grants, loans, or  
49 contributions from, and enter into contracts or other transactions with,  
50 the United States and the state or any commission of either of them, any  
51 municipality, any public or private corporation or any other legal enti-  
52 ty for the purpose of the commission pursuant to this section, which  
53 shall be deposited in the New York state two hundred fiftieth commem-  
54 oration commission fund established pursuant to section ninety-five-j of  
55 the state finance law;

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

1 (h) to conduct education programs;

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

4 (j) to assist individuals, corporations, heritage organizations and  
5 other public entities on ways to protect and promote the heritage  
6 resources of the state;

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

9 (l) to serve a coordinating role in utilizing the capabilities of  
10 other organizations to carry out the duties prescribed in this section;  
11 and

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

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

18 (b) Such plans shall be consistent with the state historic preserva-  
19 tion plan, the Erie Canalway National Heritage Corridor preservation and  
20 management plan, the Champlain Valley National Heritage Partnership  
21 management plan, the Niagara Falls National Heritage Area management  
22 plan, the Hudson River Valley Greenway strategic plan, and the Hudson-  
23 Hoosic Rivers Partnership stewardship plan, as such plans are amended.

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

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

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

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

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

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

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

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

52 7. In administering the provisions of this section, the commission  
53 may, in the name of the state, as further provided within this section,  
54 contract to make, within the limitations of appropriations available  
55 therefor, state assistance payments to a municipality toward the cost of  
56 a project approved and to be undertaken pursuant to this section, or to



1 a not-for-profit heritage organization toward the costs of a project  
2 approved and to be undertaken pursuant to this section. Such contracts  
3 shall be subject to approval by the state comptroller and, as to form,  
4 by the attorney general.

5 8. In administering the provisions of this section, the commission  
6 may, in the name of the state, enter into contracts, within the limita-  
7 tions of appropriations available therefor, with not-for-profit corpo-  
8 rations, public benefit corporations, and private contractors for  
9 services contemplated by this section and to be funded by the New York  
10 state two hundred fiftieth commemoration commission fund pursuant to  
11 section ninety-five-j of the state finance law. Such contracts shall be  
12 subject to approval by the state comptroller and, as to form, by the  
13 attorney general.

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

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

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

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

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

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

29 § 95-j. The New York state two hundred fiftieth commemoration commis-  
30 sion fund. 1. There is hereby established in the joint custody of the  
31 state comptroller and the commissioner of taxation and finance a fund to  
32 be known as the "New York state two hundred fiftieth commemoration  
33 commission fund".

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

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

44 (a) no more than ten percent annually for the operation and activities  
45 of such commission;

46 (b) no less than forty-five percent annually directed to the New York  
47 state museum for grants to municipalities and not-for-profit heritage  
48 organizations for historic programming, preservation and natural area  
49 protection and management relating to the New York state two hundred  
50 fiftieth commemorations, and other heritage projects like the under-  
51 ground railroad, women's suffrage, and civil rights sites as such  
52 commission shall identify through its strategic plan as described in  
53 paragraph (c) of subdivision four of section 14.12 of the parks, recre-  
54 ation and historic preservation law. This grant program shall be admin-  
55 istered by the office of state history; and

1     (c) no less than forty-five percent annually directed to the office of  
2     parks, recreation and historic preservation for capital improvements for  
3     the state's historic sites and programming, preservation and outreach  
4     relating to the New York state two hundred fiftieth commemorations.

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

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