STATE OF NEW YORK

4742

2021-2022 Regular Sessions

IN ASSEMBLY

February 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"; 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:

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

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

The legislature further finds that the Bicentennial of the American Revolution in 1976 drew international attention and attendance at events and sites across New York and the nation and had a lasting impact on historical education and public history. The legislature further finds that the commemoration of the 250th anniversary of the American Revolution should also be an occasion for recognition of New York's vital 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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nalized groups to achieve the ideals of the Revolution. This commemoration should be statewide, involving all the people of the state through imaginative and innovative programs, grants, events, exhibits, new and expanded facilities, and marketing to engage the people of the nation and from all parts of the world.

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

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

§ 14.12 New York state two hundred fiftieth commemoration commission. 1. As used in this section, the following terms shall mean and include:

(a) "Commission" means the New York state two hundred fiftieth commemoration commission created by subdivision two of this section.

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

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

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

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

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

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

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

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

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

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

(iii) coordinating with civic, educational and heritage organizations to develop public interest and involvement in the planning and development of the commemoration;

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

(v) coordinating the planning of commemorative events for all interested communities throughout the state;

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

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

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

(ix) seeking funding from private individuals, foundations and corporations to support capital improvements, preservation and conservation needs associated with events and sites commemorating such anniversary;

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

(xi) coordinating and cooperating with local, state and federal entities including those relating to heritage area promotion and any federal commission created to participate in planning and development of such anniversary observance;

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

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

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

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

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

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

(iii) the president and chief executive officer of empire state development or his or her duly designated representative;

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

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

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

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

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

(e) The commissioner and the commissioner of the department of education shall be co-chairpersons of the commission. Vacancies in the membership of the commission and among its officers shall be filled in the same manner provided for original appointments. The state historian and staff of the office of state history shall be deemed the staff of the commission.

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

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

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

3. The commission shall have the power:

(a) to sue and be sued;

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

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

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

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

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

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

(h) to conduct education programs;

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

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

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

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

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

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

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

(c) Such strategic plan shall include, but shall not be limited to, a survey or inventory of the following, together with the establishment of management priorities therefor: (i) historic, cultural and other heritage resources; (ii) scenic resources; and (iii) educational and recreational resources.

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

(e) Such education plan shall include but not be limited to publications, teaching aids, exhibits, programs and guided activities.

(f) Such financial plan shall include but not be limited to an itemized estimate of funds or appropriations for the implementation of such plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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