

# STATE OF NEW YORK

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4410

2021-2022 Regular Sessions

## IN SENATE

February 4, 2021

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Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

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

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

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

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

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

19 § 14.12 New York state two hundred fiftieth commemoration commission.

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

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

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

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

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

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

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

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

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

52 2. (a) The office shall create the New York state two hundred fiftieth  
53 commemoration commission. From the effective date of this section until  
54 December thirty-first, two thousand thirty-three, such commission shall  
55 develop, plan, promote and coordinate activities to commemorate the two

1 hundred fiftieth anniversary of the American Revolution. Such activities  
2 shall include but not be limited to:

3 (i) making heritage organizations the focal points for the commem-  
4 oration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (iv) a duly designated representative from the Cayuga Nation, the  
56 Oneida Indian Nation, the Onondaga Indian Nation, the Saint Regis Mohawk

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

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

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

12 (d) 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 or professor,  
15 tourism professional, archeologist, anthropologist, or other expertise  
16 in the field of New York state history and/or historic preservation.

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

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

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

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

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

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

- 1 (g) to conduct historical, economic and cultural studies;  
2 (h) to conduct education programs;  
3 (i) to make recommendations regarding necessary facilities related to  
4 heritage organizations, historical signs, and monuments;  
5 (j) to assist individuals, corporations, heritage organizations and  
6 other public entities on ways to protect and promote the heritage  
7 resources of the state;  
8 (k) to prepare an annual report on the conduct of its activities which  
9 shall include a recommended budget for the next year;  
10 (l) to serve a coordinating role in utilizing the capabilities of  
11 other organizations to carry out the duties prescribed in this section;  
12 and  
13 (m) to exercise and perform such other powers and duties as shall have  
14 been or may be conferred by law.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

47 (b) no less than forty-five percent annually directed to the New York  
48 state museum for grants to municipalities and not-for-profit heritage  
49 organizations for historic programming, preservation and natural area  
50 protection and management relating to the New York state two hundred  
51 fiftieth commemorations, and other heritage projects like the under-  
52 ground railroad, women's suffrage, and civil rights sites as such  
53 commission shall identify through its strategic plan as described in  
54 paragraph (c) of subdivision four of section 14.12 of the parks, recre-  
55 ation and historic preservation law. This grant program shall be admin-  
56 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.