STATE OF NEW YORK

5007

2021-2022 Regular Sessions

IN SENATE

February 22, 2021

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

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:

Section 1. a. The legislature hereby declares that fair competition in the outdoor recreation industry is important and desirable and that issues surrounding the public ownership of outdoor recreational facilities, including but not limited to, golf, ski and camping facilities and the impact of such facilities on privately owned outdoor recreational facilities should be examined. As such, it is determined that a blue ribbon commission on competitive issues relating to the public ownership of outdoor recreational facilities shall be established to examine whether such facilities enjoy unfair competitive advantages and make recommendations regarding methods to address any such unfair competitive advantages. Such commission shall submit a report and recommendations to the governor and the legislature upon completion of such examination.

b. A blue ribbon commission on fair competition in the outdoor recreation industry is hereby established to examine, evaluate and make recommendations regarding methods to promote fair competition in the outdoor recreation industry. For purposes of this act "outdoor recreation industry" shall include, but not be limited to, golf, camping and ski facilities. The subject areas to be examined by the commission shall include, but not be limited to, the following:

(1) a comparison of the following between public and privately owned outdoor recreational facilities:

(a) tax treatment;

(b) equipment cost differences;

(c) advertising and promotion costs;

(d) personnel and employee benefit costs;

(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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(f) insurance costs; and

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

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

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

(4) an evaluation of the current economic impact of the outdoor recreation industry in New York state with public and privately owned facilities separately delineated; and

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

c. The blue ribbon commission on fair competition in the outdoor recreation industry shall be composed of eleven members. The members, each to serve a term of one year, shall be appointed as follows: three members shall be appointed by the governor; three members shall be appointed by the temporary president of the senate; three 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. The commission shall elect a chair, a vice-chair and a secretary from amongst its members. In making appointments to the commissioner, the governor, temporary president of the senate, speaker of the assembly, minority leader of the senate and minority leader of the assembly shall ensure that the interests of owners of privately owned outdoor recreational facilities, entities who own or operate publicly funded outdoor recreational facilities and consumers are represented on the commission. Notwithstanding the provisions of section 74 of the public officers law, section 806 of the general municipal law or any other provision of law, membership on the commission of any state or municipal officer or employee shall not constitute a violation of any code of ethics or conflict of interest. The commission shall meet at least monthly. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments.

d. 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 act.

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

§ 2. The New York state empire state development corporation shall provide the commission with such facilities, assistance, and data as will enable the commission to carry out its powers and duties. Additionally, all other departments or agencies of the state or subdivisions thereof shall, at the request of chair, provide the commission with such facilities, assistance and data as will enable the commission to carry out its' powers and duties.

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