

STATE OF NEW YORK

8405--C

Cal. No. 710

2009-2010 Regular Sessions

IN ASSEMBLY

May 19, 2009

Introduced by M. of A. BRODSKY, RUSSELL, SCHROEDER, CUSICK, DelMONTE, CASTRO, LAVINE, FIELDS, KOON, GABRYSZAK, CAHILL, MAGNARELLI, ZEBROWSKI, ESPAILLAT, MAISEL -- Multi-Sponsored by -- M. of A. BING, CHRISTENSEN, COOK, GALEF, GLICK, GOTTFRIED, GUNTHER, JOHN, MAGEE, MARKEY, MAYERSON, McENENY, NOLAN, SCOZZAFAVA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Tourism, Arts and Sports Development -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to create a temporary New York state War of 1812 200th anniversary commemoration commission to promote the 200th anniversary of the War of 1812

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares there is a need to create a New York state War of 1812 200th
3 anniversary commemoration commission to promote the 200th anniversary of
4 the War of 1812 which will take place from enactment of this legislation
5 until 2015. The primary focus of the New York state War of 1812 200th
6 anniversary commemoration commission will be to plan and execute an
7 organized series of War of 1812 reenactment tourism events. The tourism
8 events will highlight the following key sites: The Seaway Trail, Old
9 Fort Niagara, the Battle of Ogdensburg, the Battle of Plattsburgh, Fort
10 Ontario, Fort Wadsworth, and Sackets Harbor. The legislature finds that
11 the creation of a New York state War of 1812 200th anniversary commem-
12 oration commission is necessary to bring together persons qualified by
13 experience or by powers vested in them by their offices to coordinate
14 and facilitate such a multi-year event.

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

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1 § 2. New York state War of 1812 200th anniversary commemoration
2 commission; created. 1. There is hereby created a temporary state

3 commission to be known as the "New York state War of 1812 200th anniversary commemoration commission".

5 2. Definitions. As used in this act:

6 a. "Commission" means the New York state War of 1812 200th anniversary commemoration commission created by this section.

8 b. "Re-enactor" means a person who is a recognized member of a duly constituted reenactment organization approved by the host site and who participates in the main War of 1812 reenactment event for the year.

11 3. a. The commission shall consist of twenty-four members to be appointed as follows:

13 The commissioner of parks, recreation and historic preservation or his or her duly designated representative, the commissioner of education or his or her duly designated representative, the commissioner of economic development or his or her duly designated representative, representatives from The Seaway Trail, Old Fort Niagara, Fort Ontario, the 18 Battle of Ogdensburg, the Battle of Plattsburgh, Fort Wadsworth, and 19 Sackets Harbor, eight members of the War of 1812 reenactment community 20 of whom two shall be appointed by the governor, two shall be appointed by the 21 temporary president of the senate, two shall be appointed by the speaker of the assembly, one shall be appointed by the minority leader 23 of the senate and one shall be appointed by the minority leader of the 24 assembly. Additionally, six representatives will be appointed from the 25 hospitality and tourism business community from the aforementioned 26 regions, two members shall be appointed by the governor, one member 27 shall be appointed by the temporary president of the senate, one member 28 shall be appointed by the speaker of the assembly, one member shall be 29 appointed by the minority leader of the senate and one member shall be 30 appointed by the minority leader of the assembly. The commissioner of 31 parks, recreation and historic preservation or his or her duly designated 32 representative shall serve as chairperson of the commission. The 33 fourteen appointed members shall serve at the pleasure of the appointing 34 official. Appointments shall be made within sixty days of the effective 35 date of this act. If a member misses three meetings his or her seat 36 shall be considered vacant. Vacancies shall be filled in the manner 37 provided for in the original appointments.

38 b. The members of the commission shall receive no compensation for 39 their services but shall be reimbursed for their actual and necessary 40 expenses incurred by them in the performance of their duties.

41 c. Notwithstanding any inconsistent provision of any general, special 42 or local law, ordinance, resolution or charter, no officer, member or 43 employee of the state or of any public corporation shall forfeit his or 44 her office or employment by reason of his or her acceptance of appointment 45 as a member of the commission, nor shall service as such commission 46 member be deemed incompatible or in conflict with such office or employment.

48 d. The commission shall appoint such staff as may be necessary to 49 carry out its duties.

50 § 3. Powers and duties of the commission. 1. The commission shall have 51 the following powers and duties:

52 a. To coordinate the commemoration of the 200th anniversary of the War 53 of 1812 from the effective date of this act through 2015;

54 b. To plan and execute an organized series of War of 1812 reenactment 55 tourism events;

4 and other commissions relating to the War of 1812 that are planning War
5 of 1812 reenactment events. Each battlefield shall have the authority
6 over how such events are handled.

7 § 4. The commission may employ and at pleasure remove such personnel
8 as it may deem necessary for the performance of its functions and fix
9 their compensation within the amounts made available by appropriation
10 therefor. The commission may meet and hold public and private hearings
11 within or without the state, and shall have all the powers of a legisla-
12 tive committee pursuant to the legislative law.

13 § 5. The commission may request and shall receive from any subdivi-
14 sion, department, board, commission, office, agency, or other instrumen-
15 tality of the state or of any political subdivision thereof such facili-
16 ties, assistance and data as it deems necessary or desirable for the
17 proper execution of its powers and duties and to effectuate the purposes
18 set forth in this act.

19 § 6. The commission is hereby authorized and empowered to enter into
20 any agreements and to do and perform any acts that may be necessary,
21 desirable or proper to carry out the purposes and objectives of this
22 act.

23 § 7. The commission shall continue in existence until December 31,
24 2015, at which time it shall be deemed to be repealed.

25 § 8. This act shall take effect immediately.