



NEW YORK STATE ASSEMBLY

ANNUAL

2012

REPORT



**Committee on
Tourism, Parks, Arts, and Sports Development**

Margaret M. Markey, Chairwoman

SHELDON SILVER, SPEAKER



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MARGARET M. MARKEY
Assemblywoman 30th District

Room 712
Legislative Office Building
Albany, New York 12248
518-455-4755

55-19 69th Street
Maspeth, New York 11378
718-651-3185

CHAIR
Tourism, Parks, Arts and
Sports Development

COMMITTEES
Agriculture
Consumer Affairs and Protection
Governmental Operations
Labor
Racing & Wagering

December 15, 2012

The Honorable Sheldon Silver, Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Silver:

I am pleased to submit the annual report of the Tourism Committee for the 2012 legislative session. Included herein are details of the Committee's work on legislation, as well as on other initiatives the Committee has undertaken during the year. Additionally, you will find the Committee's legislative outlook for the 2013 legislative session, throughout which time we will continue to seek creative and innovative solutions to overcome the challenges that will surely face us in this difficult economy.

The scope of issues before the Committee is diverse, encompassing the stewardship of the State park system, the advancement of the arts, the promotion of tourism, the protection of athletes and the preservation of recreational activities for citizens and visitors alike. Tourism is a \$53.8 billion industry in New York State, which, since 2009, has grown by almost ten billion dollars and increased by over 30,000 jobs. The work of the Tourism Committee is a crucial element in the overall economic development strategy of the State by creating jobs and generating spending; our work serves to make New York State attractive to residents, tourists and businesses.

In 2012, the Committee worked to ensure targeted funding for tourism in New York State. In light of the ongoing economic downturn, the Committee has faced the challenge of making each dollar count, more than ever before. As part of the budget passed in April of this year, \$89 million dollars was targeted for improvements to our State Parks and Historic Sites. This funding recognizes the value of our parks, not only for posterity, but also as engines for economic growth, as our State Parks hosted more than 58 million visitors last year alone. Also, in creating a three and five-year Empire Passport to our State Parks, the Committee offers new opportunities for citizens to invest in our State's natural beauty. And, by ensuring that revenues from the licensing of the "I Love NY" campaign are reinvested in promoting tourism in the State, the Committee is securing support for tourism promotion for years to come.

In October of this year, Hurricane Sandy devastated parts of our Great State, including some of our world famous tourist destinations. In 2013, the Committee will work together with the Office of Parks, Recreation and Historic Preservation toward rebuilding and reopening parks that have been damaged and ensuring the safety of our visitors.

As the Chair of the Committee, I would like to take this opportunity to acknowledge my colleagues and Committee Members and thank them for their hard work and diligence in the 2012 session. I look forward to working closely with them once again in the coming session. I would also like to thank you, Mr. Speaker, for your continued leadership.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Markey".

Margaret M. Markey, Chairwoman
Assembly Standing Committee on Tourism,
Parks, Arts, and Sports Development

**2012
ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON TOURISM, PARKS, ARTS
AND SPORTS DEVELOPMENT**

**Margaret Markey
Chairwoman**

Committee Members

Majority

John J. McEneny
Daniel J. O'Donnell
Aileen M. Gunther
Robert Reilly
Naomi Rivera
Dennis H. Gabryszak
Matthew Titone
Linda B. Rosenthal
Guillermo Linares
Samuel D. Roberts
Daniel Quart
Shelley Mayer
Frank Skartados

Minority

Dean Murray
Teresa R. Sayward
Ken Blankenbush
John D. Ceretto
Christopher S. Friend
Sean T. Hanna
Steven McLaughlin

Staff

Giovanni Warren, Assistant Secretary for Program and Policy
Teri Kleinmann, Associate Counsel
Quinn Hubbell, Analyst
Robert Franchini, Committee Assistant
Rosemary Lategano, Committee Clerk

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I. COMMITTEE JURISDICTION AND ACTIVITY

The Assembly Standing Committee on Tourism, Parks, Arts and Sports Development is responsible for reviewing and initiating legislation that affects tourism, State parks, historic sites and arts groups in New York State. The Committee's statutory purview includes: the Arts and Cultural Affairs Law, the Canal Law, the Navigation Law, the Parks, Recreation and Historic Preservation Law, the Economic Development Law and portions of the Executive, General Business Law and Unconsolidated Law. Entities under the jurisdiction of the Committee include the Office of Parks, Recreation and Historic Preservation, the Department of Economic Development Division of Tourism, the New York State Council on the Arts, the Olympic Regional Development Authority, the State Athletic Commission and the Canal Corporation.

Legislation before the Committee is introduced by legislators who respond to the issues facing the tourism industry, tourism-related businesses, and the respective agencies that promote tourism in New York such as Empire State Development Corporation, the Office of Parks, Recreation and Historic Preservation, the New York State Council on the Arts, the Department of State, and the Canal Corporation as part of the Thruway Authority.

During the 2012 Legislative Session, 95 bills were considered by the Tourism Committee. Of these, 17 were favorably reported, 14 passed the Assembly, and 10 were signed into law.

II. 2012 LEGISLATIVE ACCOMPLISHMENTS

1. PROMOTING TOURISM WITHIN NEW YORK STATE

Placement of the “I Love NY” Logo

A.7102-A (Rivera, N.)

Passed Assembly

This legislation would require that the “I Love NY” logo and the internet website address be displayed in an easily readable manner on all State funded advertisements and public service announcements.

Providing Promulgated Regulations for the Tourism Matching Funds Program

A.8896 (Quart)

Passed Assembly

This legislation would modernize and streamline the Tourism Matching Funds Program by authorizing and directing the Commissioner of Economic Development to promulgate regulations governing the program, thereby replacing the requirement that the Commissioner publish annual guidelines. In promulgating regulations, the Commissioner would be required to allow for a public commentary period.

Designated Funds for the Promotion of Tourism

A.9605 (Markey)

Vetoed Memo. 169

This legislation would provide that any revenue from licensing or leasing of the "I LOVE NY" brand must be deposited in the Tourism Economic Development Fund and be made available specifically for the purpose of funding the promotion of tourism within the State.

This bill was vetoed by the Executive because the proceeds derived from the "I LOVE NY" trademark are already dedicated to tourism marketing through an administratively created Special Revenue Fund that is used solely for tourism marketing.

2. ENCOURAGING THE SAFE DEVELOPMENT OF OUTDOOR AND ATHLETIC ACTIVITIES

Regulating Boating Safety

A. 3550 (Galef)

Ordered 3rd reading in the Assembly

This legislation would require any person born on or after January 1st, 1994 to hold a Boating Safety Certificate issued to him or her by the Commissioner, the United States Power Squadrons, the United States Coast Guard Auxiliary, or any other State Government entity in order to legally operate a mechanically propelled vessel on the navigable waters of the State. Alternately, if the operator is younger than eighteen years of age, he or she must be accompanied by a person who is eighteen years of age or older and is either the holder of a Boating Safety Certificate or is not required to hold a certificate. And lastly, if the operator is eighteen years of age or older and does not hold a Boating Safety Certificate he or she must be accompanied by someone eighteen years of age or older who holds a Boating Safety Certificate. This legislation also provides exemption for the rental of vessels if certain criteria are met.

Updating the Regulation of Competitive Snowmobile Racing

A.5487 (Magee)

Referred to Assembly Committee on Codes

This bill allows the Office of Parks, Recreation and Historic Preservation (OPRHP) to update its regulation of SnoCross and competitive snowmobile races for youths. OPRHP would be required to adopt rules and regulations for youth snowmobile racers under 14 years old that participate and replaces current requirements. The bill would allow OPRHP to work with the governing bodies in the sport to create uniform regulations with surrounding States where SnoCross races are held.

Allowing Access for Snowmobiles

A.10003-A (Brindisi)

Chapter 124

The law would allow for the designation of a snowmobile trail along State Route 8 in the Town of Deerfield in Oneida County. The Commissioners of the Office of Parks, Recreation and Historic Preservation and the Department of Transportation would develop conditions for the safe use of the trail. The designation of such a trail would be for one-year period and can be renewed with the concurrence of the Commissioner of the Department of Transportation.

Continuing Provisions to Allow for Watercraft Rental

A.10198 (Markey)

Chapter 166

Current law allows a person over eighteen years of age to operate a personal watercraft or specialty prop-craft (jet-ski) without requiring that person to hold a boating safety certificate when the operation is restricted by the operator of a livery, or the livery operator's designated agent. This section of the original law is important so that livery operators (renters of jet-skis and personal watercraft) are still able to participate in the tourism industry by being able to rent their equipment to people vacationing in the area from New York and other states. Chapter 166 extends this law until January 1st, 2015.

3. NEW YORK'S STATE AND MUNICIPAL PARKS

Adopt-a-Park Program

A.3409-B (Schimminger)

Vetoed – Memo 139

This legislation creates an "adopt-a-park" program that will allow volunteers to cooperate in projects to maintain and beautify parks, such as vandalism remediation, litter removal, developing and maintaining nature trails, planting and maintaining flower beds, and otherwise improving the park. This legislation is based on the "adopt-a-highway" program that was passed in 1985 and has been very successful in using volunteer services to beautify New York highways.

The Executive vetoed this legislation under the concern that "it would alter the standard of liability associated with the activities of volunteer groups by expanding the liability of a municipality and its taxpayers well beyond the current standard. It would also limit a municipality's ability to manage its existing workforce and volunteers."

Providing for the Continued Charitable Funding of the Natural Heritage Trust

A. 5483 (Englebright)

Advanced to 3rd Reading in the Assembly

This legislation would allow the Natural Heritage Trust to invest and reinvest the funds of the corporation consistent with the Prudent Investor Act as established in §11-2.3 of the Estates, Powers and Trusts Law and in accordance with §2925 of the Public Authorities Law, which also guides investment of the New York State Common Retirement Fund. Under the Prudent Investor Act diversification of investments is required and any individual investment is not necessarily considered imprudent so long as the goals and needs of investors are met by the portfolio as a whole. Investments such as junior lien loans, investments in limited partnerships, derivatives, futures, and similar investment vehicles may be included in the portfolio.

This legislation would also add the Chairperson of the Senate Cultural Affairs Committee and the Chairperson of the Assembly Committee on Tourism, Parks, Arts and Sports Development to the list of people entitled to receive a report on the operations, accomplishments, receipts, disbursements, assets and liabilities of the Trust.

Creating a Three and Five Year Vehicular Pass to the State Parks

A.5530-A (Englebright)

Chapter 443

This law creates a three-year and five-year general access permit for State Parks offered through the Office of Parks, Recreation, and Historic Preservation. These passes will be called the 'Three-Year Empire Passport' and the "Five-Year Empire Passport," respectively, and will include a decal or hang-tag to be placed in a vehicle.

Allowing for a Private Operator in Knox Farm State Park

A.10546 (Markey)

Chapter 263

This law authorizes the Office of Parks, Recreation and Historic Preservation to enter into a lease of up to forty years for buildings and property in Knox Farm State Park. The use of the buildings and property must be for park-related purposes. Acquired by the Office of Parks, Recreation and Historic Preservation in 2000, Knox Farm State Park is comprised of 633 acres including walking paths and trails, grasslands, woodlands, ponds and several wetland areas, and soccer fields and riding areas maintained by the Town of Aurora. It includes a thirty-five room house with several outbuildings and an equestrian area. It is an outstanding example of farm and equestrian buildings from the turn of the 19th century that are eligible for listing on the State and National Registers of Historic Places. Many of the structures are in relatively stable condition, but the Office of Parks, Recreation and Historic Preservation has no current use for the main house, the equestrian area and barns, and other vacant structures.

4. ENHANCING CULTURAL INSTITUTIONS

Increasing the Membership of the Michigan Street African American Heritage Corridor Commission

A.8826-A (Peoples-Stokes)

Chapter 49

This law adds a representative of the Langston Hughes Institute as a voting member and a representative from the Michigan Street Baptist Church as a non-voting member to the Michigan Street African American Heritage Corridor Commission. It also extends the date by which the Michigan Street African American Heritage Corridor Commission must submit a draft management plan for approval to the Commissioner to July 31, 2013.

A Chapter amendment (A.10568) was signed into law as Chapter 359 of the laws of 2012 in order to make corrections to Chapter 49 of the Laws of 2012 which alters the membership of the Michigan Street African American Heritage Corridor and assures that all current members are maintained with the inclusion of the new members.

Extending Free Admission to the Bronx Zoo

A.10067 (Rivera, J.)

Chapter 79

This law extends the expiration date of the one-day free admission policy of the zoological park of the New York Zoological Society (the Bronx Zoo) for an additional three years. Many students and families take advantage of this opportunity and enjoy a wonderfully enjoyable educational experience.

5. SUPPORTING ARTISTS IN NEW YORK STATE

Increasing Protections for Consignees and Their Heirs

A.8604-B (Rosenthal)

Chapter 450

This law provides increased protections for a consignor or his or her heirs when their works of art are under the fiduciary care of a consignee or art merchant. Specifically, this law clarifies that artists' works of art are not to be considered the property of the consignee in the context of a bankruptcy proceeding of the art merchant/consignee. This law will address situations that have occurred in the past where art merchants who had declared bankruptcy used proceeds from the sales of works of art of artists who consigned their art to the gallery to pay off the creditors of the gallery/art merchant. This law clarifies, therefore, that works of art consigned to galleries are the property of the artist and are not subject to claims of creditors of the gallery.

Extending Aid for Artists

A.9694 (Millman)

Chapter 148

This law extends until December 31, 2016, authorization for a pilot program run by the New York State Council on the Arts, originally granted in 2007, to help working artists secure residency at shared-use facilities. The pilot program is authorized to be conducted in the cities of Syracuse, Rochester, Kingston and New York.

6. PROTECTING NEW YORK CONSUMERS

Protecting Consumers of Tickets

A.9844 (Markey)

Chapter 28

This law extends the current regulation regarding ticket re-sale for one year. This legislation also extends current protections for consumers, among them, prohibiting the use of automated ticket purchasing software which robs consumers of the chance to purchase tickets on the primary market; and, prohibiting venue operators and their agents from employing paperless ticketing systems that do not allow consumers to transfer their tickets independent of the operator or operator's agent, unless the operator offers the consumer a choice of purchasing independently transferable tickets in another form. Additionally, operators will be prohibited from charging higher prices based on the form of ticket a consumer selects, and would be allowed to assess only reasonable surcharges on other than paperless forms of tickets.

III. HEARINGS/ROUNDTABLES

Throughout the 2012 legislative session, the continued dire state of the economy forced legislators and the Committee to overcome new challenges; among them, a reduced budget for most agencies.

In January of 2013 the Assembly Standing Committee on Tourism, Parks, Arts and Sports Development held a hearing to examine the effects of the Fiscal Year 2012-2013 State Budget, as well as the effectiveness of new media campaigns for the I Love New York tourism marketing brand.

IV. OUTLOOK FOR 2013 LEGISLATIVE SESSION

The 2013 Legislative Session presents a great new challenge to the Committee to be innovative, and to collaborate with colleagues, industry leaders, and citizens alike as we face the challenge of rebuilding many of our State's tourist destinations that were devastated by Hurricane Sandy in October of 2012. This process of rebuilding can and will be an opportunity to develop better ways of protecting our cultural, historical and natural assets, and as businesses rebuild we look forward to working together to find new opportunities for their usefulness in buoying the economy and creating jobs.

In 2012 more people visited our State parks than any year prior; 43.7 million visitors throughout the summer season. The scenic beauty of New York State offers tourists and citizens opportunities to enjoy experiences that range from the serene to the exhilarating, and all the while inspiring good stewardship of our natural resources. In 2013, the Committee will work together with the Office of Parks, Recreation and Historic Preservation toward rebuilding and reopening Parks that have been damaged by Hurricane Sandy and ensuring the safety of our visitors.

Today, tourism is a growing industry with the potential for increasing job creation and bolstering a slowed economy. It is an industry of passionate and creative individuals seeking to make connections with people through history, art, nature and commerce. The Committee is dedicated to protecting the rich diversity of natural, historical and cultural assets of the State, but also to encouraging new interpretations and interactions that will attract tourists from near and far.

Through the eyes of our tourists, we are reminded of the incredible richness of our culture and heritage and the beauty that surrounds us. New York State is full of breathtaking natural vistas that have served as backdrops for some of history's most memorable events and are home to people from countless different cultures. In 2013, the Committee will continue in its work to serve these communities and their visitors.

APPENDIX A:

**SUMMARY OF ALL BILLS REFERRED TO COMMITTEE ON TOURISM,
PARKS, ARTS AND SPORTS DEVELOPMENT**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE	3		3
TO FLOOR; RECOMMITTED AND DIED			
TO WAYS AND MEANS	7		7
TO CODES	6		6
TO RULES	1		1
TO JUDICIARY			
TOTAL	17		17
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO _____ COMMITTEE			
TOTAL	0		0
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		2	2
RECALLED		1	1
TOTAL		3	3
BILLS DEFEATED IN COMMITTEE			
BILLS NEVER REPORTED, HELD IN COMMITTEE	15		15
BILLS NEVER REPORTED, DIED IN COMMITTEE	53	5	58
BILLS HAVING ENACTING CLAUSES STRICKEN	2	0	2
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	87	8	95
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

APPENDIX B

**COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS
DEVELOPMENT**

2012 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.3409-B Schimminger	S.2686-B Grisanti	Vetoed Memo. 139	Directs the Commissioner of Parks, Recreation and Historic Preservation to cooperate with municipalities in establishing adopt-a-park programs
A.3550 Galef	S.6633 Carlucci	Ordered to 3 rd Reading	Requires boating safety certificates of all persons born after January 1, 1992, operating a mechanically propelled vessel
A.5483 Englebright	No Same As	Advanced to 3 rd Reading	Requires the Natural Heritage Trust to invest its funds pursuant to the Prudent Investor Act
A.5487 Magee	S.554 Little	Referred to Codes	Authorizes persons under the age of fourteen to participate in special events involving snowmobiles
A.5530 Englebright	S.2747 Serrano	Signed Chapter 443	Directs the Office of Parks, Recreation and Historic Preservation to establish a 3 and 5 year vehicle access pass
A.7102-A Rivera, N.	S.2342-A Serrano	Passed Assembly	Requires the New York State tourism website be displayed in any advertisement or public service announcement funded by state money
A.8604-B Rosenthal	S.4988-B Little	Signed Chapter 450	Increases protections for artists who consign works of art and their successors in interest
A.8826-A Peoples-Stokes	S.6084-B Grisanti	Signed Chapter 49	Extends draft management plan submission dates for the Michigan Street African American Heritage Corridor Commission
A.8896 Quart	No Same As	Passed Assembly	Directs the Commissioner of Economic Development to promulgate rules and regulations for the tourism matching funds

			program
A.9605 Markey	S.6663 Little	Vetoed Memo. 169	Provides that revenues from the licensing of the "I Love NY" logo be committed to the Tourism Economic Development Fund
A.9694 Millman	S.6821 Defrancisco	Signed Chapter 148	Extends a pilot grant program to help working artists secure shared use facilities
A.9844 Markey	S.6481-A Marcellino	Signed Chapter 28	Extends until May 14, 2013 current regulations regarding the sale and resale of tickets to places of entertainment
A.10003-A Brindisi	S.7059-A Griffo	Signed Chapter 124	Designates a portion of State Route Eight in the town of Deerfield for snowmobile use
A.10067 Rivera, J.	S.6588 Klein	Signed Chapter 79	Extends until July 1, 2015, the expiration of the authorization to the New York Zoological Society to offer a free one day admission
A.10198 Markey	S.7695 Little	Signed Chapter 166	Extends through January 1, 2015, provisions authorizing the operation of certain leased craft without a boating safety certificate
A.10546 Rules (Markey)	S.6719-A Little	Signed Chapter 263	Authorizes the Office of Parks, Recreation and Historic Preservation to lease and license the use of buildings and facilities within Knox Farm State Park
A.10568 Rules (Peoples-Stokes)	S.7600 Grisanti	Signed Chapter 359	Adds a designee of the congregation of the Michigan Street Baptist Church as a non-voting member of the Michigan Street African American Heritage Corridor Commission

**APPENDIX C:
LIST OF LAWS ENACTED DURING THE 2012 LEGISLATIVE SESSION**

BILLS THAT BECAME LAW DURING THE 2012 LEGISLATIVE SESSION			
ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.8826-A Peoples-Stokes	S.6084-B Grisanti	Signed Chapter 49	Extends draft management plan submission dates for the Michigan Street African American Heritage Corridor Commission
A.9694 Millman	S.6821 Defrancisco	Signed Chapter 148	Extends a pilot grant program to help working artists secure shared use facilities
A.9844 Markey	S.6481-A Marcellino	Signed Chapter 28	Extends until May 14, 2013 current regulations regarding the sale and resale of tickets to places of entertainment
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A.5530 Englebright	S.2747 Serrano	Signed Chapter 443	Directs the Office of Parks, Recreation and Historic Preservation to establish a 3 and 5 year vehicle access pass
A.8604-B Rosenthal	S.4988-B Little	Signed Chapter 450	Increases protections for artists who consign works of art and their successors in interest

