



New York State Assembly

Sheldon Silver
Speaker



2013

ANNUAL REPORT

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

Margaret Markey
Chairwoman





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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December 15, 2013

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 Assembly Standing Committee on Tourism, Parks, Arts and Sports Development for the 2013 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 2014 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 recovering 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. According to the study released by Tourism Economics on the Economics of Tourism in New York State, tourism is a \$57.3 billion industry, which, since 2009, has grown by over 10 billion dollars and increased by over 30,000 jobs. The development of the tourism industry, and the support offered by 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 2013, the Committee worked to ensure targeted funding for tourism in New York State. In light of the slowly recovering economy, 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, \$45 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.

This year, the Committee has focused on further developing and expanding the State's "I Love New York" tourism campaign. Legislation was passed to increase visibility of the "I Love New York" logo, and the State-sponsored tourism website by providing that the link will be placed on certain other State-funded media. The Committee has been supportive of our colleagues in response to needs affecting local tourism industries such as snowmobiling and boating. The Committee also worked to ensure that new funding was made available for the marketing and advertisement of our State's destinations and goods.

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 2013 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, reading "Margaret Markey".

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

**2013
ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON TOURISM, PARKS, ARTS
AND SPORTS DEVELOPMENT**

**Margaret Markey
Chairwoman**

Committee Members

Majority

Daniel J. O'Donnell
Aileen Gunther
Dennis Gabryszak
Matthew J. Titone
Linda D. Rosenthal
Samuel D. Roberts
Daniel Quart
Shelley Mayer
Frank K. Skartados
Al Stirpe
Mark Gjonaj
Patricia Fahy
John T. McDonald III
Steven Otis

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John D. Ceretto
Kenneth D. Blankenbush
Steve McLaughlin
Chad Lupinacci
Bill Nojay
Daniel Stec

Staff

Giovanni Warren, Assistant Secretary for Program and Policy
Teri Kleinmann, Associate Counsel
Quinn Hubbell, Program Analyst
Brian Dalton, Committee Assistant
Alyssa McCoy, 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 2013 Legislative Session, 90 bills were considered by the Tourism Committee. Of these, 9 were favorably reported, all of them passed the Assembly, and 7 were signed into law.

II. 2013 BUDGETARY ACCOMPLISHMENTS

The Assembly Standing Committee on Tourism, Parks, Arts and Sports Development is responsible for overseeing certain State agency budgets, as well as certain programs that receive funding from the State. These agencies include the Office of Parks, Recreation and Historic Preservation, the New York State Council on the Arts, the Olympic Regional Development Authority, and the “I Love NY” tourism campaign at the Empire State Development Corporation. These agencies and programs work together to promote tourism in the State, as well as provide world-class destinations for our tourists to visit.

Empire State Development Corporation

The Empire State Development Corporation (ESDC) is New York State’s economic development agency. The mission of Empire State Development is to promote and grow the economy by spurring the creation of new jobs while supporting broader industries, such as tourism. ESDC is responsible for oversight of the “I Love NY” state-funded tourism campaign, and supporting local tourism campaigns across the State.

In the State Fiscal Year (SFY) 2013-2014 budget, the “I Love NY” tourism marketing division received \$2.5 million for operations. The local Tourism Matching Grants program (funding for tourism promotion agencies) received \$3.815 million. A new program, created under ESDC, called the “Market New York Program” received \$7 million in new funding for marketing and advertising to promote regional attractions, also including the promotion of New York-produced goods and products.

Other funding relevant to tourism promotion across the State includes funding of \$196,000 each for the Gateway Centers at Beekmantown and Binghamton, \$70,000 for the Queens Tourism Council, and \$75,000 for the Finger Lakes Tourism Alliance.

Office of Parks, Recreation and Historic Preservation

The Office of Parks, Recreation and Historic Preservation (OPRHP) oversees 180 State parks and historic sites. They employ management and maintenance staff, seasonal parks employees, and individuals responsible for the preservation and restoration of the system’s many historic buildings and objects.

In the State Fiscal Year (SFY) 2013-2014 budget, OPRHP received \$224,338,500 for operations, including \$10,273,600 for the Historic Preservation program and \$160,000 for the Natural Heritage Trust. OPRHP also received \$45 million in capital from the existing New York Works Infrastructure Investment Program. This capital will be made available to address the backlog of capital rehabilitation and improvement needs in State-wide parks and historic sites. OPRHP received \$6,135,000 to support the maintenance and operations of snowmobile trails.

New York State Council on the Arts (NYSCA)

The New York State Council on the Arts (NYSCA) coordinates and evaluates applications for arts grants throughout the State, providing support for individual artists, groups and events in all disciplines. In the State Fiscal Year (SFY) 2013-2014 budget, NYSCA received \$4,119,000 for operations and \$35,635,000 for arts grants.

Olympic Regional Development Authority

The State has historically provided a subsidy for a portion of the Olympic Regional Development Authority's (ORDA) budget, which received \$4,086,000 from the State for operations in the State Fiscal Year (SFY) 2013-2014 budget. ORDA also received \$2.5 million from the NY Works capital fund for improvements to the Olympic facilities.

II. 2013 LEGISLATIVE ACCOMPLISHMENTS

Restricting Snowmobile Noise Emissions

A.2734-B (Assemblymember Brindisi)

Passed Legislature

Many snowmobiling communities have had complaints of noise pollution caused by owners who modify their snowmobiles with after-market mufflers that exceed noise standards regulating snowmobiles when they are for sale. This legislation prohibits the operation of a snowmobile unless the snowmobile is equipped with a muffler in good working order and in constant operation which has a noise emission that does not exceed either: seventy-eight decibels at full throttle when measured at fifty feet for a snowmobile manufactured after July 1st, 1977, or; eighty-eight decibels as measured from four meters from an inline position from the exhaust and running at four-thousand RPMs for a snowmobile manufactured after July 1st, 1980. While current law regulates sound emissions of snowmobiles offered for sale, this legislation would enable local enforcement to utilize a noise test for testing aftermarket mufflers that do not meet noise emission standards, and ensure less interruption for communities that allow snowmobilers to enjoy use of their lands.

Regulating Boating Safety

A. 3471-A (Assemblymember Galef)

Chapter 361

This law requires any person born on or after January 1st, 1995, to hold a Boating Safety Certificate issued to him or her by the Commissioner of Parks, Recreation and Historic Preservation, 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 the required Boating Safety Certificate, he or she must be accompanied by someone eighteen years of age or older who holds a Boating Safety Certificate. This law also provides an exemption for the rental of vessels if certain criteria are met as well as a 120-day grace period for new boat owners.

Extending Authorization of the Niagara Falls Underground Railroad Heritage Commission

A.5052 (Assemblymember Peoples-Stokes)

Chapter 49

This legislation extends the authorization of the Niagara Falls Underground Railroad Heritage Commission until December 31st, 2015. The Niagara Falls Underground Railroad Heritage Commission was designated as part of New York's system of heritage areas in 2008. The Commission encompasses the City of Niagara Falls

in Niagara County. The importance of the Commission's mission is to develop the heritage corridor to function as a destination for both academic research and tourism.

Increasing Visibility of the “I Love NY” Campaign

A.5311 (Assemblymember Barrett)

Chapter 382

This law requires that the “I Love NY” logo and a link to the “I Love NY” website be placed on the websites and in tourism-related print media of certain State agencies including: the Department of Agriculture and Markets, the Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation, the New York State Council on the Arts, the Metropolitan Transportation Authority, the Thruway Authority, the Canal Corporation, the Olympic Regional Development Corporation, the Adirondack Park Agency, the Battery Park City, the Hudson River Greenway, Hudson River Park, and any tourism promotional agency which receives state matching funds. This legislation would impose minimal cost to the State, yet greatly enhance the visibility of the “I Love NY” logo and potential for traffic to the “I Love NY” website.

Commemorating the 250th Anniversary of the French and Indian War

A.5625 (Assemblymember Englebright)

Passed Assembly

This legislation would extend until December 31, 2015, the Temporary New York State French and Indian War Commemoration Commission. During the years 2005 to 2012, New York State commemorated the 250th anniversary of the great battles of the French and Indian War. The outcome of the French and Indian War was an important social, economic and political force in the history of New York State and the nation by establishing Great Britain as the dominant colonial power in the eastern half of what would become the United States. The war also served to create a debt that Great Britain tried to pay for by raising taxes on the colonies, which event served as the breaking point for colonists in the Revolution.

Protecting Consumers of Tickets

A.6415 (Assemblymember Markey)

Chapter 28

This law extends the current laws regarding ticket re-sale for one year. This extension provides a continuation of 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. Operators will continue to be prohibited from charging higher prices based on the form of ticket a consumer selects, and will be allowed to assess only reasonable surcharges on other than paperless forms of tickets.

Providing for the Ongoing Restoration of the Capitol

A.6709 (Assemblymember Fahy)

Chapter 207

This law extends the authority of the State Commission on the Restoration of the Capitol for an additional five years until April 1, 2018. The Capitol is an historic work of architecture. It is important that it be maintained in a manner consistent with its original design. The maintenance and restoration of the Capitol is an ongoing project that requires continual oversight to ensure that the restoration process maintains the integrity of the original design and historical authenticity of the Capitol.

Continuing Authorization for the Michigan Street African American Heritage Corridor

A.7130 (Assemblymember Peoples-Stokes)

Chapter 275

The area encompassed by the Michigan Street African American Corridor is rich in African American History. This site has been nationally recognized for its unique cultural resources and historically significant buildings. With the focus on revitalizing the upstate economy, the Michigan Street African American Corridor serves as an important vehicle providing the foundational momentum to create various economic opportunities and investments in Western New York. This law extends the authorization for the Heritage Corridor until December 31, 2015.

Authorizing the Mohawk Valley Heritage Corridor Commission

A.7441 (Assemblymember Santabarbara)

Passed Assembly

This legislation would extend the authorization for the Mohawk Valley Heritage Corridor Commission until 2023. The Mohawk Valley is a regional corridor of special historical, natural and cultural resources of national and state significance. The Heritage Corridor Commission would maintain the responsibility to promote these assets.

III. HEARINGS/ROUNDTABLES

The Office of Parks, Recreation and Historic Preservation (OPRHP) oversees 180 State Parks and hundreds of structures within the parks system. Following years of critical budget constraints, New York State has been able to invest an unprecedented amount of capital in the system. While these investments go a long way, a system of this size will require additional resources and innovative ways to manage its facilities. During prior discussions, OPRHP has indicated that there are many facilities that are not currently used because they require significant investment to restore and/or do not serve a park-related purpose. In light of budgetary constraints with regard to managing park facilities the Assembly Standing Committee on Tourism, Parks, Arts and Sports Development held a hearing on November 21st, 2013 to examine various options for managing existing assets while continuing to grow the collection, as well as seek public input on these options.

Testimony given at the hearing focused on the need for innovation in the future management of the Parks system, as well as the need for a continued commitment to maintaining our parks for public enjoyment. Among the options discussed were a Resident Curator program, which garnered much support among advocates, the use of concessionaire leases, the creation of a dedicated funding stream for parks capital, and increased public involvement in the maintenance of our parks, such as the creation of an adopt-a-park program and a “Parks Day”.

Chairwoman Markey and the Tourism Committee stated their commitment to continuing to work with OPRHP, advocates and the public to find effective solutions for the management of our Parks system.

IV. OUTLOOK FOR 2014 LEGISLATIVE SESSION

The Committee looks forward to the 2014 Legislative Session as New York State continues to rebuild from the Great Recession and the devastation brought about by Hurricane Sandy in 2012. In this process of rebuilding, we collectively face the challenge of reconstructing a better, stronger New York State. In 2013, tourism has been the fifth largest employer in New York State with the potential for continued growth and job creation, bolstering a recovering economy. The Committee, in partnership with our colleagues, seeks to creatively and effectively utilize our assets to best enhance and grow this industry.

In 2013, our State Parks received an unprecedented infusion of State funding in the form of capital, and the Office of Parks, Recreation and Historic Preservation has been busy investing these funds in restoring and enhancing our parks. The Office of Parks is also in the midst of developing Master Plans for many of our State Parks and introducing new events and opportunities at many of the Parks. However, questions remain as to the future development of our Parks system, as it continues to grow in scope and responsibility, as to what options exist for its management. In 2014, the Committee will continue its discussion with the Office and other interested parties regarding the future development and administration of the system and the process through which it does so to offer New Yorkers and visitors the best experience possible.

The 2014 Legislative Session brings new opportunities and challenges for the Committee in an ever-evolving marketplace. The Committee is charged with the task of protecting our beautiful and rich assets of the State while promoting and utilizing those assets for the good of our citizens. We welcome industry, while endeavoring to protect consumers, and safeguard our history, culture and natural beauty for generations to come.

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	5	0	5
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	0	0	0
TO CODES	3	0	3
TO RULES	1	0	1
TO JUDICIARY	0	0	0
TOTAL	9	0	9
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO COMMITTEE	0	0	0
TO COMMITTEE	0	0	0
TO _____ COMMITTEE	0	0	0
TO _____ COMMITTEE	0	0	0
TOTAL	0	0	0
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		0	0
RECALLED		0	0
TOTAL		0	0
BILLS DEFEATED IN COMMITTEE	72	7	79
BILLS NEVER REPORTED, HELD IN COMMITTEE	0	0	0
BILLS NEVER REPORTED, DIED IN COMMITTEE	0	0	0
BILLS HAVING ENACTING CLAUSES STRICKEN	0	0	0
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	81	9	90
TOTAL NUMBER OF COMMITTEE MEETINGS HELD			

APPENDIX B

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

2013 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.2734-B Brindisi	S. 3335-B Griffo	Chapter 473	Requires snowmobiles to have a working muffler meeting certain noise emission standards.
A.3471- A Galef	S.1639-A Carlucci	Chapter 361	Requires operators of motorized watercraft under the age of 18 to hold a boating safety certificate.
A.5052 Peoples-Stokes	S.4870 Maziarz	Chapter 49	Extends authorization for the Niagara Falls Underground Railroad Heritage Commission.
A.5311 Barrett	S.1025 Serrano	Chapter 382	Requires posting of the “I Love New York” logo and website on certain state-funded media.
A.5625 Englebright	No Same As	Passed Assembly	Extends authorization for the New York State French and Indian War 250 th Anniversary Commemoration Commission.
A.6415 Markey	S.4319 Marcellino	Chapter 28	Extends current regulations regarding the sale and resale of tickets to places of entertainment.
A.6709 Fahy	S.4258 Marcellino	Chapter 207	Extends authorization of the Commission on the Restoration of the Capitol.
A.7130 Peoples-Stokes	S.4894 Grisanti	Chapter 275	Extends provisions relating to the Michigan Street African American Heritage Corridor Commission.
A.7441 Santabarbara	S.5665 Tkaczyk	Passed Assembly	Extends authorization for the Mohawk Valley Heritage Corridor Commission.