

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



2014 ANNUAL REPORT



Committee on
Tourism, Parks, Arts and
Sports Development

Margaret Markey, Chairwoman



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MARGARET 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
Tourisms, Parks, Arts and
Sports Development

COMMITTEES
Rules
Ways & Means
Labor
Racing & Wagering

December 15, 2014

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 2014 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 2015 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 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 2014, the Committee worked to address the backlog of capital rehabilitation and improvement needs in State-wide parks and historic sites. In light of the slowly recovering economy, the Committee was able to achieve substantial increases in capital through the New York Works Infrastructure Investment Program. As part of the budget, \$92.5 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 the inventory of buildings situated within park and historic site boundaries that are obsolete, including deteriorated residential structures that do not otherwise have a park- or historic-related purpose. The Committee passed legislation to authorize the Office of Parks Recreation and Historic Preservation (OPRHP) to enter into leases through the State's normal competitive bidding process with private individuals, who would then rehabilitate vacant residential buildings at their own expense using private funds. In addition, 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 2014 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 black ink, appearing to read "Margaret Markey".

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

**2014 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON
TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT**

Margaret Markey
Chairwoman

Committee Members

Majority

Daniel O'Donnell
Aileen Gunther
Matthew Titone
Linda Rosenthal
Samuel Roberts
Dan Quart
Frank Skartados
Al Stirpe
Mark Gjonaj
Patricia Fahy
John McDonald, III
Steven Otis
Didi Barrett

Minority

John Ceretto
Kenneth Blackenbush
Steven McLaughlin
Chad Lupinacci
Bill Nojay
Daniel Stec

Staff

James Larson, Assistant Secretary for Program and Policy
Teri Kleinmann, Associate Counsel
Quinn Hubbell, Principal Analyst
Alyssa McCoy, Committee Clerk
Ocasio Willson, Committee Assistant

TABLE OF CONTENTS

I. COMMITTEE JURISDICTION AND ACTIVITY	1
II. 2014 BUDGETARY ACCOMPLISHMENTS	2
III. 2014 LEGISLATIVE ACCOMPLISHMENTS.....	4
IV. HEARINGS & ROUNDTABLES	7
V. OUTLOOK FOR 2015 LEGISLATIVE SESSION	8
 APPENDICES	 9-11
Appendix A: Summary of Action on All Tourism Bills Referred to the Tourism Committee	9
Appendix B: Final Action on Bills Reported by the Tourism Committee.....	10

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 Law, 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 include issues facing the tourism industry, tourism-related businesses, and the respective agencies that promote tourism in New York State.

During the 2014 Legislative Session, 89 bills were considered by the Tourism Committee. Of these, 14 were favorably reported, 9 of them passed the Assembly, and 5 were signed into law.

II. 2014 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 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) 2014-2015 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 \$5 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, \$1 million for the Queens Tourism Council, and \$1 million 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) 2014-2015 budget, OPRHP received \$224,768,500 for operations, including \$10,703,600 for the Historic Preservation program and \$500,000 for the Natural Heritage Trust. OPRHP also received \$92.5 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) 2014-2015 budget, NYSCA received \$4.1 million for operations and \$35.6 million 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 \$4,318,000 from the State for operations in the State Fiscal Year (SFY) 2014-2015 budget. ORDA also received \$2.5 million from the NY Works capital fund for improvements to the Olympic facilities.

II. 2014 LEGISLATIVE ACCOMPLISHMENTS

Extending the Temporary New York State French and Indian War Commemoration Commission

A.5626-A (Englebright)

Passed Assembly

There is currently a Temporary New York State French and Indian War Commemoration Commission, which is set to expire in 2014. This legislation would extend the temporary commission to promote the 250th anniversary of the French and Indian War.

Authorizes the formation of the Heights heritage area; repealer

A.5856 (Wright)

Passed Assembly

This legislation would establish the Heights Heritage Area, set its boundaries and provide for its historic development features. The goal with this legislation is to keep this history alive through State parks designation, allowing the region to attract needed funds to improve the public landscape, market and promote local businesses and institutions, and spur economic growth to attract new businesses and increase tourism.

Establishing a resident curator program for the rehabilitation of state park buildings

A.7392 (Markey)

Chapter 295

The Office of Parks Recreation and Historic Preservation (OPRHP) has an inventory of residential buildings situated within park and historic site boundaries that are not currently used for a number of reasons, including that they (i) have deteriorated to the point that significant capital investments would be required before they could be used, or (ii) do not serve a park purpose. Due to their location within state parks or historic sites, however, buildings that meet either of these conditions are not appropriate for disposition through the usual methods available to State agencies. This law creates an innovative mechanism for attracting private investments to rehabilitate obsolete and deteriorated residential structures that do not otherwise have a park- or historic-related purpose, allowing OPRHP to focus its very limited capital funds on other priorities. This law authorizes OPRHP to enter into leases through the State's normal competitive bidding process with private individuals, who would then rehabilitate vacant residential buildings at their own expense using private funds. In exchange, these individuals would receive a long-term lease (up to 40 years), subject to all applicable State laws, regulations, and requirements.

Establishing the empire state baseball trails program

A.8111 (Peoples-Stokes)

Passed Assembly

This legislation would develop within the Department of Economic Development an Empire State Baseball Trails program to promote tourism around the theme of minor league baseball in New York. This program would increase public awareness of New York's minor league and independent league baseball teams, the teams' game schedules, and other baseball attractions. The Empire State Baseball Trails program is modeled on existing statutory programs promoting the golf, wine, and brewery industries in New York.

Authorizing volunteer fire and ambulance companies to receive grants for local government records management improvement

A.8680-A (Zebrowski)

Chapter 508

Volunteer fire companies and volunteer ambulance companies are not considered "local governments" for purposes of the records management improvement grant program. As a result, under current law, volunteer fire companies and volunteer ambulance companies are not eligible for this beneficial grant program. These records can include active member lists, documentation relating to length of service award programs, budgets, and mutual aid agreements - to name just a few. This legislation would allow local volunteer fire and ambulance companies to apply for records management grants from the local government records management improvement fund. By making volunteer fire companies and volunteer ambulance companies eligible for the records management improvement grant program, this legislation can help these important not-for-profit organizations operate more effectively and efficiently in our local communities.

Extending the existing statute on the resale of tickets

A.8727-A (Markey)

Chapter 21

In the 2010 legislative session, significant changes were made to the regulation of the sale and resale of tickets to places of entertainment. As the market evolves, ensuring the protection of consumers and their rights becomes increasingly important. This legislation allows for additional time to fully understand the effects that these regulatory changes and new technologies will have on industry and consumers alike by extending the current provisions until May 14, 2015.

Extending authorization for operation of rental jet skis without a boating safety certificate

A.8728 (Markey)

Chapter 334

This law establishes an expiration of provisions of Navigation Law authorizing the operation of certain leased personal watercraft without a boating safety certificate, provided that the rental business follows certain safety precautions.

Prohibiting the New York State Council on the Arts from awarding arts and cultural grants to organizations for programs outside of New York State

A.9295-A (Titone)

Passed Assembly

There have been documented instances wherein out of state arts organizations access NYSCA funding by using P.O. Boxes or "dummy" members within New York to qualify for funding. This legislation will ensure that the limited funding available through NYSCA goes directly to New York arts/cultural organizations that actually perform work or services in New York State.

Continuing authorization of the NY Botanical Garden to charge admission fees

A.9387-B (Gjonaj)

Chapter 120

The New York Botanical Garden charges nominal and varying fees for admission to certain exhibits of this organization. This law authorizes the Garden to continue to do so in order to remain open to the public and a financially viable organization that can continue to host new living exhibits.

III. HEARINGS/ROUNDTABLES

Last year, Governor Cuomo took a step towards increasing the visibility and promotion of New York's historical assets by creating the *Path through History* initiative. While this initiative is a positive move in the right direction, New York State lacks a coordinating entity at the state level whose sole mission is to promote, protect, and preserve all of the historical assets of the state. To address this issue, Chairwoman Markey co-sponsored Assembly bill 6226-A with Chairman Englebright, which would create the Commission on New York State History to act as the direct coordinating entity for the fullest and best use of our state's unique historical treasures.

The historical assets managed by the State of New York and its various not-for-profit educational entities hold tremendous cultural and economic value. These assets include millions of artifacts managed by the New York State Library, and the New York State Archives, the State Museum, the NYS Office of Parks, Recreation and Historic Preservation, as well as those managed by non-State-run museums, local archives, libraries, and historical societies.

On May 29, 2014, Chairwoman Markey jointly held a roundtable with the Committee on Governmental Operations on A.6226-A to discuss the use of our State's cultural and heritage assets. Museum professionals, academics, and professionals working in the historical and heritage fields engaged in an open conversation about what the current best practices are and where the State is lacking related to promotion, support, coordination, and communication. This conversation led to groups sharing their strong support for a commission that would advise the governor, agencies and the legislature on the most effective ways to protect, preserve and promote the historical assets of the state.

IV. OUTLOOK FOR 2015 LEGISLATIVE SESSION

The Committee looks forward to the 2015 Legislative Session. Tourism is one of the major employers 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 SFY 2014-2015, our State Parks received a substantial amount of State funding, 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. 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 2015, 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 visitors the best experience possible.

In the 2015 legislative session, the Committee is planning to take a fresh look at the amendments made to the Arts and Cultural Affairs Law in 2010 with regard to the sale of tickets to places of entertainment. Sufficient time has passed since those amendments were enacted to provide an evidentiary basis to determine if the law regarding the sale and resale of tickets to places of entertainment is working to provide a fair and transparent marketplace.

The 2015 Legislative Session brings new opportunities and challenges for the Committee in an ever-evolving marketplace. The Committee is charged with the task of protecting the beautiful and rich assets of our State while promoting and utilizing those assets for the good of our citizens.

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	1	0	1
TO FLOOR; RECOMMITTED AND DIED	0	0	0
TO WAYS AND MEANS	7	0	7
TO CODES	3	0	3
TO RULES	3	0	3
TO JUDICIARY	0	0	0
TOTAL	14	0	14
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		2	2
TOTAL		2	2
BILLS DEFEATED IN COMMITTEE			
BILLS NEVER REPORTED, HELD IN COMMITTEE	0	0	0
BILLS NEVER REPORTED, DIED IN COMMITTEE	13	0	13
BILLS HAVING ENACTING CLAUSES STRICKEN	55	5	60
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	89	7	96
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	8		

APPENDIX B

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

2014 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.5625-A Englebright	S.7605 Espaillat	Passed Assembly	Extends from December 31, 2010 until December 31, 2015, the expiration of the New York state French and Indian War 250th anniversary commemoration commission.
A.5856 Wright	No Same As	Passed Assembly	Authorizes the formation of the Heights heritage area; repealer.
A.7392-A Markey	S.4757-A Zeldin	Chapter 295	Establishes a resident curator program for the rehabilitation of state park buildings.
A.8111 Peoples-Stokes	S.847 Parker	Passed Assembly	Establishes the empire state baseball trails program.
A.8680-A Zebrowski	S.3646-B Maziarz	Chapter 508	Authorizes volunteer fire and ambulance companies to receive grants for local government records management improvement.
A.8727-A Markey	S.7012 Marcellino	Chapter 21	Extends certain provisions of law relating to the resale of tickets to places of entertainment through May 14, 2015.
A.8728 Markey	S.6654 Little	Chapter 334	Extends through January 1, 2017, provisions authorizing the operation of certain leased craft without a boating safety certificate.
A.9295-A Titone	S.7831 Lanza	Passed Assembly	Relates to prohibiting the New York state council on the arts from awarding arts and cultural grants when an organization has already applied for and/or received grant funding for the same program from another state.
A.9387-B Gjonaj	S.7313 Klein	Chapter 120	Extends certain provisions authorizing the imposition of a required fee for admission to the New York Botanical Garden.

K.1194 Rosenthal		Adopted	Memorializing Congress to enact H.R. 863 and S. 398, relating to the creation of a National Women's History Museum.
K.1201 Farrell		Adopted	In support of the Palisades Interstate Park Commission's opposition to LG Electronics Corporation's plans for the construction of its new Headquarters.
K.1202 Camara		Adopted	Condemning the promotion and marketing of dictionary-defined racial slurs as mascots.