

New York State Assembly

Carl E. Heastie

Speaker



Committee on
Tourism, Parks, Arts and
Sports Development

Margaret M. Markey

Chairwoman

2016

ANNUAL REPORT



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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December 15, 2016

The Honorable Carl E. Heastie, Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit the annual report of the Assembly Standing Committee on Tourism, Parks, Arts and Sports Development for the 2016 legislative session. Included herein are details of the Committee's 2016 legislative work, other initiatives undertaken during the year, and important developments since the close of session. Additionally, you will find the Committee's outlook for the 2017 legislative session, when we will continue to promote tourism, expand opportunities for the arts community, and ensure that all New Yorkers have the chance to experience our state's amazing natural and cultural resources.

The Committee's diverse jurisdiction encompasses many issues, such as the promotion of tourism, the advancement of the arts, the protection and stewardship of cultural resources and historic sites, the maintenance and promotion of the State Park system, and the protection of amateur and professional athletes through the regulation of sports.

New York State continues to be an attractive tourist destination for millions of people each year. New York welcomed 234 million visitors, with 15 million being international visitors. Last year, visitors spent \$63 billion in direct tourism spending and tourism has also become the fourth largest employment sector in New York State.

The State also continues to flourish with the NY Parks' 2020 plan. \$92.5 million was dedicated to the Office of Parks, Recreation and Historic Preservation in the 2016-17 budget for various system-wide improvements. The financial investments in our park system have paid off, from Memorial Day weekend through Labor Day of 2016, the state parks, historic sites and campgrounds, had an increase of more than 120,000 visitors from last year's summer season, bringing total visitation numbers to 38.4 million.

The Committee was instrumental in the passage of a bill signed into law by the Governor to increase penalties for the use of automated ticket purchasing software, also known as "bots." The law will give the Attorney General increased authority to prosecute violators of New York's ticket scalping laws, and will help to level the playing field so that all New Yorkers have fair and equitable access to tickets to shows, concerts, and cultural events.

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 2016 session. I would also like to thank you, Mr. Speaker, for your continued leadership and support; it has been an honor to work with you.

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

**2016 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
Matthew J. Titone
Linda B. Rosenthal
Dan Quart
Frank K. Skartados
Al Stirpe
Mark Gjonaj
Patricia A. Fahy
Steven Otis
Didi Barrett
Rebecca A. Seawright
Carrie Woerner
John D. Ceretto
Jaime R. Williams

Minority

Dean Murray
Kenneth D. Blankenbush
Chad A. Lupinacci
Philip A. Palmesano
Daniel G. Stec

Staff

Aaron Suggs, Assistant Secretary for Program and Policy
Kerryanne Burke, Associate Counsel
Jemeli Tanui, Associate Counsel
Yolanda Bostic Williams, Principal Analyst
Alyssa McCoy, Committee Clerk
Kendall Jacobsen, Committee Assistant
Kathleen Quackenbush, Program and Counsel Secretary

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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 and portions of the Economic Development Law, Executive Law, General Business Law, and Unconsolidated Law. Entities under the jurisdiction of the Committee include the Office of Parks, Recreation and Historic Preservation, Division of Tourism, the New York State Council on the Arts, the Olympic Regional Development Authority, and the State Athletic Commission.

Legislation before the Committee addresses issues facing the tourism industry such as the regulation of sporting events, ticket sellers and resellers, maintenance of the state park system and historic sites, aid for New York's arts community, regulation of waterways and highways for recreational use, and other important issues.

During the 2016 Legislative Session, 97 bills were considered by the Tourism Committee. Of these, 16 were favorably reported, 14 passed the Assembly, and 12 were signed into law.

II. 2016 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 (ESDC)

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) 2016-2017 budget, the “I Love NY” tourism marketing division received \$7.025 million for operations, which is a \$2.4 million increase from last year. The local Tourism Matching Grants program (funding for tourism promotion agencies) received \$4.32 million. The “Market New York Program,” received \$5 million in funding for marketing and advertising to promote regional attractions, 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, \$100,000 for the Queens Economic Development Corporation, \$100,000 for the Finger Lakes Tourism Alliance and \$50,000 each for the Long Island Farm Bureau and the Long Island Wine Council.

Office of Parks, Recreation and Historic Preservation (OPRHP)

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 SFY 2016-2017 budget, OPRHP received \$224.3 million for State operations. In addition, \$10.6 million was allocated for the Historic Preservation program, \$295,000 for the Natural Heritage Trust and \$250,000 for the Hudson Hoosick River Partnership. 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 \$6.1 million to support the maintenance and operations of snowmobile trails.

In addition, the Zoos, Botanical Gardens and Aquariums Program (ZBGA) received \$15 million through an annual appropriation from the state Environmental Protection Fund (EPF), to provide grants for the creation of educational, cultural and recreational programs to ZBGA's throughout the State.

Lastly, the SFY 2016-2017 budget provides that an additional \$5 from snowmobile registrations and snowmobile dealer registration fees to be deposited into to the New York State Snowmobile Trail Development and Maintenance Fund. The fund is administered by OPRHP and then distributed to the NYS Snowmobile Association for the upkeep of over 10,500 miles in the Statewide Snowmobile Trail System. The \$5 increase is projected to add \$500,000 to \$600,000 to the Trail Fund annually.

New York State Council on the Arts (NYSCA)

NYSCA coordinates and evaluates applications for arts grants throughout the state, providing support for individual artists, groups and events in all disciplines. In the SFY 2016-2017 budget, NYSCA received \$4.41 million for operations and \$42.3 million for arts grants.

Olympic Regional Development Authority (ORDA)

In the promotion of the Lake Placid Olympic Region, ORDA provides marketing in regards to the great winter sports activities as well as the four season recreational opportunities. In the SFY 2016-2017 budget, it received \$4.04 million for operational expenses and \$2.5 million from the NY Works capital fund for improvements to the Olympic facilities.

III. 2016 LEGISLATIVE ACCOMPLISHMENTS

1. LEGALIZING AND REGULATING PROFESSIONAL MIXED MARTIAL ARTS

A.2604-C (Morelle)

Chapter 32

This legislation modernizes the laws of New York State and gives the New York State Athletic Commission regulatory authority over the practice of Mixed Martial Arts. It prohibits the conduct of unauthorized combative sports outside the supervision of the Commission, establishes strong protections for combatants' health and safety, and requires promoters to maintain accident insurance providing significant medical coverage to combatants.

2. TICKET SALE AND RESALE REGULATIONS

A.10713 Rules (Crespo)

Chapter 472

This legislation strengthens civil penalties and creates a new criminal penalty within the Arts and Cultural Affairs Law for the use of ticket purchasing software, also known as "bots". This bill will expand the definition of ticket purchasing software to give law enforcement more authority to prosecute those maintaining and using ticket bot software, and will help deter such practices in the future to allow for a more equitable ticket buying process.

3. PROTECTING AND STRENGTHENING ARTS AND CULTURE IN NEW YORK

A.3420-B (Titone)

Chapter 474

This legislation prohibits the New York State Council on the Arts (NYSCA) from awarding arts and cultural grants to an organization that is not incorporated or registered to do business in New York State. There have been documented instances of out of state arts organizations accessing NYSCA funding by using P.O. boxes, or "straw" members,

within New York to qualify for funding. This legislation will ensure that NYSCA grants go to organizations committed to arts and cultural work in New York State.

A.7853 (Peoples-Stokes)

Chapter 283

This legislation adds a representative from WUFO Studios to the Michigan Street African Heritage Corridor Commission, increasing the size of the Commission to 13 members. Adding WUFO MIX 1080 AM, Western New York's first African American female-owned radio station, as a voting representative will encourage and strengthen the work of the Commission.

A.9781 (Woerner)

Chapter 382

This legislation adds the Susan B. Anthony House in Saratoga Springs to the NYS Resident Curator Program. The program encourages investment, restoration and occupancy of certain historic buildings under Parks jurisdiction. Authorized leases for residential single-family use only are issued through a Request for Proposal (RFP) process and awarded based on competitive bidding by those willing to maintain and restore such properties.

4. MANAGING AND STRENGTHENING NEW YORK'S STATE PARK SYSTEM

A.4973 (Englebright)

Passed Assembly

This legislation would require the Office of Parks, Recreation and Historic Preservation (OPRHP) to conduct public hearings and reports prior to the proposed closure of any real property owned or operated by OPRHP in order to determine the impacts of the closure, including potential negative impacts to the property itself and to the surrounding community. This will afford the community a chance to weigh in on any proposed closure and help protect our natural resources.

A.8665-B (Gunther)

Passed Assembly

This legislation would require the Office of Parks, Recreation and Historic Preservation to issue photo identification cards to replace the permanent Empire Passport decal, which is currently required to be affixed to the bumper of a vehicle. This will allow greater flexibility by allowing individuals who do not own a vehicle to purchase an Empire Passport, as well as ensuring that those carpooling or renting cars to drive to state parks can use their Empire Passport as well without having to use a specific vehicle.

A.9429-B (Lavine)

Chapter 188

This legislation authorizes the leasing and licensing of the main house at Caumsett State Historical Park Preserve in the ninth park region to encourage investments by the private sector for equipment and capital improvements to the property. This will allow OPRHP to ensure the maintenance of the property while easing the financial burden that its maintenance needs place on OPRHP's operating budget.

A.10519 (Morelle)

Chapter 159

This legislation authorizes the leasing and lending of property by OPRHP for the construction and operation of a full service marina at Sampson State Park in the Finger Lakes region for up to 40 years. This will improve the public's experience at the park by encouraging private enterprise to invest in upgrades to the park, allowing for a significant benefit to the community at a low impact to OPRHP's operating budget.

5. REGULATING PERSONAL RECREATIONAL VEHICLES

A.9860 (Butler)

Chapter 292

This legislation designates a portion of State Routes 12 and 28 in Boonville, Oneida County, for use by snowmobiles. Snowmobiling is estimated to contribute \$163 million to Central New York's economy annually and \$828 million statewide.

IV. OUTLOOK FOR 2017 LEGISLATIVE SESSION

The Committee looks forward to the 2017 legislative session. The tourism industry is one of the major employers in New York State. It has the potential to bolster the economy and provide continual job creation and economic growth. The Committee, in partnership with our colleagues, seeks to creatively and effectively utilize our assets to best enhance and grow this industry.

In 2016, New York became the last state to legalize the sport of Mixed Martial Arts (MMA). The Committee will monitor the impact that the sport has on the health of its participants, the effect of the newly adopted NYS Athletic Commission rules and regulations to control combative sports and wrestling, and the economic impact the sport has on the regions throughout the State in the upcoming legislative session.

In 2017, the Committee will continue its discussion with the Office of Parks, Recreation and Historic Preservation and other interested parties regarding the future development and administrations of the parks system and the process through which it offers visitors the best possible experience.

The Committee also plans to continue to research innovative ways to strengthen the educational competitiveness of New York's students by offering continuing education programs located at museums, historical societies, zoos, botanical gardens and aquaria throughout the State.

**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	0	3
TO FLOOR; RECOMMITTED AND DIED	12	0	12
TO WAYS AND MEANS	1	0	1
TO CODES	0	0	0
TO RULES	0	0	0
TO JUDICIARY	0	0	0
TOTAL	16	0	16
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		4	4
RECALLED		0	0
TOTAL		4	4
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL – CALL VOTE	7	0	7
BILLS NEVER REPORTED, DIED IN COMMITTEE	71	10	81
BILLS HAVING ENACTING CLAUSES STRICKEN	3	0	3
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	97	14	111
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	7		

APPENDIX B:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2016 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.4973 Englebright	S.955 Serrano	Passed Assembly	Requires public hearings and reports thereon prior to the closure of any real property by the OPRHP.
A.8199-D Titone	S.5001-D Little	Reported to Ways & Means	Establishes and implements the “Museum Education Act” to award competitive grants to museums and other cultural education institutions in order to establish or improve education programs.
A.8665-B Gunther	S.7205 Funke	Passed Assembly	Removes the requirement that an Empire Passport decal be affixed to a pass holder’s vehicle, and to replace the decal with an identification card for occupants access to any state park or recreational facility for which there is a vehicular access fee.
A.9714 Jaffee	S.6733 Funke	Reported to Ways & Means	Authorizes NYSCA to award certificates of merit, together with an honorarium not to exceed \$10,000 per awardee, to New York State artists in selected disciplines.
A.9909 Markey		Passed Assembly	Extends NYSCA’s ability to create a pilot program to assist working artists in securing shared used facilities.

APPENDIX C:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2016 Bills Chaptered

A.2604-C Morelle	S.5949-A Griffo	Chapter 32 of the Laws of 2016	Authorizes the New York State Athletic Commission (NYSAC) to regulate professional mixed martial arts (MMA) events in the State of New York.
A.3420-B Titone	S.3339-B Lanza	Chapter 474 of the Laws of 2016	Prohibits the New York State Council on the Arts (NYSCA) from awarding arts and cultural grants when an organization that is not incorporated or registered to do business in New York State.
A.7853 Peoples-Stokes	S.5898 Kennedy	Chapter 283 of the Laws of 2016	Increases the size of Michigan Street African American heritage Corridor
A.9170 Jaffee	S.6381-B Little	Chapter 21 of the Laws of 2016	Makes technical corrections to the Edward Hopper citation of merit for visual artists, and provides for a 2016 award stipend of \$5,000 for the winning artist. It also provides for to public showings of the artist's work within the state.
A.9429 Lavine	S.6836-B Marcellino	Chapter 188 of the Laws of 2016	Authorizes the leasing and licensing of the main house at Caumsett State Historical Park Preserve to encourage investments by the private sector for equipment and capital improvements to the property.
A.9773 Markey	S.7181 Lanza	Chapter 34 of the Laws of 2016	Extends current regulation regarding the sale and re-sale of tickets (ticket scalping) including the prohibition against closed ticket systems (paperless tickets).
A.9781 Woerner	S.7522 Little	Chapter 382 of the Laws of 2016	Adds the Susan B. Anthony House located in Saratoga Springs to the New York State Resident Curator Program.
A.9858 Markey	S.7475 Funke	Chapter 136 of the Laws of 2016	Extends the exemption of those renting personal watercraft or jet skis and specialty prop-craft from the required five-hour safety class for an additional two years.
A.9860 Butler	S.7231 Griffo	Chapter 292 of the Laws of 2016	Designates a portion of State Routes 12 & 28 in Boonville, Oneida Country for use by snowmobiles.

A.10085 Magee	S.7490 Seward	Chapter 307 of the Laws of 2016	Extends OPRHP's authorization to lease Hyde Hall Historic site located at Glimmerglass State Park for an additional 30 years.
A.10519 Morelle	S.6966-B Nozzolio	Chapter 159 of the Laws of 2016	Authorizes the leasing or licensing of property by OPRHP for the construction and operation of a full service marina at Sampson State Park for up to 40 years.
A.10713 Crespo	S.8123 Lanza	Chapter 472 of the Laws of 2016	Strengthens civil penalties and creates a new criminal penalty within the Arts and Cultural Affairs Law for the use of ticket purchasing software, also known as "bots."