



2017

ANNUAL REPORT



New York State Assembly

Carl E. Heastie

Speaker

Committee on

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

Daniel O'Donnell

Chair



DANIEL O'DONNELL
Member of Assembly
69th Assembly District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Tourism
Parks, Arts and Sports
Development

COMMITTEES
Codes
Education
Environmental Conservation

December 15, 2017

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 2017 legislative session. Included herein are details of the Committee's 2017 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 2018 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 jurisdiction is expansive and diverse. It encompasses issues such as: the advancement of the arts, the stewardship of the State park system, the promotion of tourism, the protection of athletes and the preservation of recreational activities for citizens and visitors alike. The work of the 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.

Included among the broad array of initiatives considered in the 2017 legislative session was legislation that implements a recycling program within state parks, state historic sites and state recreational facilities, increases state aid allocated to municipalities for snowmobile law enforcement purposes, and the creation of the West Harlem Heritage Area in order to keep the region's history alive, promote local businesses and increase tourism.

The Tourism Committee was fully engaged in the 2017-18 State fiscal year budget process, to assure that additional funding was provided to the New York State Council on the Arts (NYSCA). Due to the Committee efforts, \$20 million was allocated to establish the Arts and Culture Facilities grant program, which assists arts, cultural and heritage organizations in managing buildings and facilities that they own or lease.

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

Very truly yours,



Daniel O'Donnell
Chair, Committee on Tourism, Arts and Sports Development

**2017 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON
TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT**

Daniel J. O'Donnell
Chairman

Committee Members

Majority

Matthew Titone
Linda B. Rosenthal
Dan Quart
Frank K. Skartados
Al Stirpe
Mark Gjonaj
Patricia Fahy
Steven Otis
Didi Barrett
Carrie Woerner
Jamie R. Williams
Donna A. Lupardo
Robert C. Carroll
Billy Jones

Minority

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Chad A. Lupinacci
Phillip A. Palmesano
Daniel G. Stec
Ron Castorina, Jr.
Angelo J. Morinello

Staff

Aaron Suggs, Assistant Secretary for Program and Policy
Teri Kleinmann, Associate Counsel
Yolanda Bostic Williams, Principal Analyst
Daniel Gordon, Committee Assistant
Cheryl Myers, Committee Clerk
Dawn Fowler, 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 2017 Legislative Session, 91 bills were considered by the Tourism Committee. Of these, 15 were favorably reported, 14 passed the Assembly, and 7 were signed into law.

II. 2017 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) **Department of Economic Development (DED)**

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. DED is the state agency within ESDC 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) 2017-18 budget, ESDC received \$69.5 million for economic development and tourism promotion. The tourism marketing division of DED received \$8.025 million in the (SFY) 2017-18, which is a \$1 million increase from last year for various tourism promotion efforts including “I Love NY” tourism marketing program. In addition, the local “Tourism Matching Grants program” which provides funding for tourism promotion agencies received \$4.52 million, the “Market New York Program” received \$7 million for marketing and advertising to promote regional attractions, including the promotion of New York-produced goods and products, and the “Agritourism/ Taste of NY program” received \$1.45 million to promote and highlight locally produced foods and beverages throughout the state.

Other funding relevant to tourism promotion across the State includes funding of \$196,000 each for the Gateway Centers at Beekmantown and Binghamton, and \$200,000 for the Finger Lakes Tourism Alliance.

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 2017-2018 budget, NYSCA received \$4.42 million for operations and \$42.6 million for arts grants and a new \$20 million allocation that established the Arts and Culture Facilities capital grant program.

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 2017-2018 budget, OPRHP received \$225 million for State operations. In addition, \$370,000 was allocated for the Historic Preservation program and \$275,000 for the Natural Heritage Trust with \$200,000 being directed to the Hudson Hoosick River Partnership. OPRHP also received \$122.5 million in capital funds from the existing New York Works Infrastructure Investment Program. These funds will be made available to address the backlog of capital rehabilitation and improvement needs in state wide parks and historic sites.

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.

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 2017-2018 budget, it received \$4.04 million for operational expenses and \$38 million for capital projects for maintenance and improvements of existing facilities. \$10 million of the capital funds will be allocated for maintenance of Olympic and ski facilities, while the other \$28 million will be used for upgrades to ski facilities, up to \$20 million for projects located at Whiteface Mountain, Gore Mountain, and Mount Van Hoevenberg ski resorts, and in an amount up to \$8 million for projects located at Belleayre Mountain ski resort.

III. 2017 LEGISLATIVE ACCOMPLISHMENTS

A.369 (Titone)

Chapter 16

This law 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.1584-C (Woerner)

Chapter 341

This law increases the penalties for operating an unregistered snowmobile, failure to renew a registration, and for a violation regarding the improper display of snowmobile registration numbers. This law also increases the amount of state aid allocated to municipalities for snowmobile law enforcement purposes.

A.2858-B (Englebright)

Chapter 312

This law establishes and implements a program for the collection of recyclable materials that are discarded in state parks, state historic sites and state recreational facilities. In addition, municipalities which establish and implement a recyclables recovery program to collect recyclable materials from the parks are eligible to apply for grants from the Environmental Protection Fund.

A.8161-A (Lupardo)

Chapter 460

This law creates a "New York Senior Tourism" program, similar to the I Love NY LGBT targeted tourism initiative. The creation of this initiative will

allow the state to take advantage of its growing tourism industry and increased senior population.

A.6867 (Dickens)

Chapter 115

This law creates a Heritage Area in West Harlem from 122nd Street to the south, to 218th Street to the north, and from Highbridge Park and 10th Avenue to the East, to the Hudson River to the west. 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.

IV. HEARINGS & ROUNDTABLES

During the 2017 legislative session, the Assembly Standing Committee on Tourism, Parks, Arts and Sports Development held a roundtable and a public hearing on important tourism and arts related issues.

On October 19, 2017, the Committee held a roundtable to discuss potential amendments to the laws governing the sale and resale of tickets to places of entertainment. Representation consisted of various industry stakeholders and leaders who represent the primary and secondary markets, as well as those who represent ticket consumers. This roundtable presented an opportunity to compare industry practices, discuss how other states and countries regulate the ticket industry, as well as provide an open forum to share each participant's experience selling tickets to the many varied entertainment venues. Many issues were raised and insightful questions asked, all contributing to better policy and a stronger piece of legislation for the Assembly to consider.

On December 5, 2017, the Committee held a committee budget oversight hearing on the impact and implementation of the 2017-18 budget for NYSCA, particularly with respect to projects funded by arts grants made by NYSCA.

Testimony focused on the importance of increased funding, specifically for general operating support, local assistance, architecture and design grants, the need for establishing gap funding and the inaccessibility of the Facilities Improvement grant for smaller organizations due to required guidelines. The highlights of the hearing were the numerous success stories, accomplishments and grassroots efforts from NYSCA award recipients.

The hearing resulted in a wealth of testimony confirming that arts and culture play a significant part in maintaining vibrant communities, while also demonstrating a profound economic impact on the State. The committee will use this testimony to develop initiatives aimed at enhancing our arts and cultural infrastructure throughout the State.

V. OUTLOOK FOR 2018 LEGISLATIVE SESSION

The Committee looks forward to the 2018 legislative session. The tourism industry is one of the major employers in New York State and the arts continue to grow in popularity throughout the state. The Committee, in partnership with our colleagues, seeks to creatively and effectively utilize our assets to continue the expansion of these two important industries throughout the State.

In the 2017 legislative session, one of the primary issues that the Committee examined is the law governing the sale and resale of tickets to places of entertainment and the impact that the secondary market has on New York residents. In the upcoming session, we will address such laws in light of the robust roundtable held in October of 2017. In addition, the Committee will continue to advocate strongly for increased funding for the arts and tourism matching grants, along with exploring the restoration of “Arts Day” in the New York State Legislature. Lastly, the committee looks forward to exploring destinations throughout the eleven tourism regions.

**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 (FAVORABLE)	2	0	2
TO WAYS AND MEANS	8	0	8
TO CODES	4	0	4
TO RULES	1	0	1
TO JUDICIARY	0	0	1
TOTAL	15	0	15
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO Local Gov	1	0	1
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	1	0	1
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		1	1
RECALLED		0	0
TOTAL		1	1
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	0	0	0
BILLS NEVER REPORTED, HELD IN COMMITTEE	57	16	73
BILLS HAVING ENACTING CLAUSES STRICKEN	1	0	1
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	74	17	91
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	6		

APPENDIX B:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2017 Bills Considered

Assembly Bill #	Senate Bill #	Last Action	Description
A.272-A Jaffe	S.3724-A 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.731 Gunther	S.1044 Funke	Reported to Ways & Means	This bill would remove the requirement that the empire passport decal be affixed to the pass holder's vehicle.
A.2835-A Englebright	S.3457-A Serrano	Passed Assembly	Requires public hearings and reports thereon prior to the closure of any real property by the OPRHP.
A.3238 Englebright	No Same As	Reported to Ways & Means	This bill protects and enhances the resources of the Natural Heritage Trust, encouraging the continued use of the Natural Heritage Trust as a focal point for the receipt of private and public donations to further conservation, outdoor recreation, historic preservation, and improvements to local waterfronts throughout the State.
A.3892 Titone	S.1676 Little	Reported to Ways & Means	This bill would require the Commissioner of Education to develop and implement a museum and cultural organization competitive education grant program for the purpose of establishing or improving educational services to public and nonpublic programs throughout the State.
A.6708-A Kearns	S.5797-A Brooks	Passed Assembly	Requires all vessels operated on any navigable waters with an enclosed accommodation compartment to be equipped with a functioning carbon monoxide detection system appropriate for such vessel.
A.7398 O'Donnell	S.5178 Squadron	Reported to Codes	This bill would reform New York's ticket resale law by increasing disclosure by ticket resellers and event venues, and prohibit the resell of any tickets during the first 48 hours after such ticket is first

			available for primary sale in order to keep ticket prices fair and reasonable for the consumers.
A.8161-A Lupardo	S.6694 Funke	Passed Assembly & Senate	Creates a New York Senior Tourism program, similar to the I Love NY LGBT targeted tourism initiative. The creation of this initiative will allow the state to take advantage of its growing tourism industry and increased senior population.
A.8245 O'Donnell	No Same As	Reported to Codes	This bill expands upon A.7938 by banning the use of speculative tickets, along with requiring ticket resellers to pay that portion of any residuals due and owed to the artist/performer based on price between the face value of the ticket and the price it was resold.

APPENDIX C:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2017 Bills Chaptered

A.369 Titone	S.975 Lanza	Chapter 16 of the Laws of 2017	Requires organizations applying for arts and cultural grants from the state council on the arts to demonstrate that their principal place of business is within New York state.
A.1584-C Woerner	S.4542-B Little	Chapter 341 of the Laws of 2017	Increases the penalties for operating an unregistered snowmobile, failure to renew a registration, and for the improper display of snowmobile registration numbers. Also, increases the amount of state aid allocated to municipalities for snowmobile law enforcement purposes and clarifies the definition of snowmobile in the parks and recreation law and Vehicle and Traffic law.
A.2858-B Englebright	S.4084-B Funke	Chapter 312 of the Laws of 2017	Requires the Office of Parks, Recreation and Historic Preservation to collect discarded recyclable materials at parks, historic sites and recreational facilities
A.6867 Dickens	S.6678 Benjamin	Chapter 115 of the Laws of 2017	Creates a Heritage Area in West Harlem from 122nd Street to the south, to 218th Street to the north, and from Highbridge Park and 10th Avenue to the East, to the Hudson River to the West.
A.7701 Williams	S.6004 Murphy	Chapter 68 of the Laws of 2017	Extends current regulation regarding the sale and resale of tickets.
A.7944 Peoples-Stokes	S.5943 Jacobs	Chapter 150 of the Laws of 2017	Extends the enacting language for the Michigan Street African American Heritage Corridor in Buffalo until December 31st of 2019.
A.8161-A Lupardo	S.6694 Funke	Chapter 460 of 2017	Creates a New York State Senior Tourism Program.