

NEW YORK STATE ASSEMBLY

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Committee On
Tourism, Parks, Arts and
Sports Development

Carl E. Heastie • Speaker
Daniel J. O'Donnell • Chair



ANNUAL REPORT



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, 2022

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

On behalf of the Assembly Standing Committee on Tourism, Parks, Arts and Sports Development, I respectfully submit to you the Committee's 2022 annual report.

In the 2022 legislative session, the Committee acted on several bills. One of the most important issues the Committee addressed was legislation to extend the provisions of, and making necessary pro-consumer amendments to, the laws governing the resale of tickets in the State of New York. Chaptered into law by the Governor, it is my hope that this legislation provides a meaningful way for us to better regulate the marketplace and provide greater experiences for New York consumers.

As the Chair of the Committee, I would like to take this opportunity to thank my colleagues and the members of the Committee for their support of and contributions to this year's legislative and budget efforts. I also wish to express my gratitude to the State agencies for their assistance and cooperation and to the staff for their dedication and hard work.

Mr. Speaker, on behalf of the members of the Committee, I want to thank you for your encouragement and support of our efforts throughout the 2022 session. With your continued leadership, we look forward to a productive legislative session in 2023.

Sincerely,

A handwritten signature in blue ink that reads 'Daniel O'Donnell'.

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

**2022 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
COMMITTEE ON
TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT**

Daniel J. O'Donnell
Chairman

Committee Members

Majority

Dan Quart
Didi Barrett
Carrie Woerner
Robert Carroll
D. Billy Jones
Nathalia Fernandez
Patrick Burke
Charles Fall
Mathylde Frontus
William C. Conrad
Jonathan D. Rivera
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Stefani Zinerman
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Angelo Morinello
Joe Angelino
Jeff Gallahan
Matthew Simpson

Staff

Aubree Heydrick, Assistant Secretary for Program and Policy
Nathan Kerstein, Associate Counsel
Benjamin Piccolo-Evans, Analyst
Cheryl Myers, Committee Clerk
Sierra Stevenson, Executive 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 organizations in New York State. The Committee's statutory purview includes the New York State Arts and Cultural Affairs Law; Canal Law; Navigation Law; Parks, Recreation and Historic Preservation Law; and portions of Economic Development, Executive, General Business, and Unconsolidated Laws. Entities under the jurisdiction of the Committee include the New York State Office of Parks, Recreation and Historic Preservation, the Department of Economic Development's Division of Tourism, the New York State Council on the Arts, the Olympic Regional Development Authority, and the State Athletic Commission.

Legislation introduced to the Committee addresses issues facing the tourism industry, such as the promotion of sporting events, maintenance of the state park system and historic sites, aid for New York's arts community, and assistance to cultural institutions.

During the 2022 Legislative Session, the Committee held four committee meetings and reported 11 bills.

II. 2022 LEGISLATIVE ACCOMPLISHMENTS

A.3719-A (Lavine) / S.117-A (Kaplan)

Chapter 491 of 2022

This law requires museums with works of art stolen during the Nazi era in Europe to display a placard acknowledging such information. From 1933 until 1945, the Nazis looted over 600,000 paintings from European countries. The looting was not only designed to enrich the Third Reich but also integral to the Holocaust's goal of eliminating all vestiges of Jewish identity and culture. Today, many museums now display this stolen art with little to no recognition of their provenance. New York State law already requires that a copy of all notices pertaining to property in the form of identifiable works of art known to have been created before 1945 and to have changed hands in Europe during the Nazi era to be sent to The Art Loss Register.

A.4271-A (O'Donnell) / S.6208-A (Serrano)

Vetoed – Memo #76 of 2022

This bill would create an easily accessible resource for active seniors seeking appropriately graded walking and hiking routes on state owned and managed lands. New York State offers vast recreational opportunity for active seniors to maintain a healthy lifestyle. Under this legislation, the State would review its trail inventory to curate a listing of walking and hiking routes appropriate for senior fitness and enjoyment. The number of Americans over the age of 65 rose nearly 23% between 2011 and 2017 to 50.9 million and is projected to expand another 44% to 73.1 million by 2030. This population growth is matched by rapidly escalating healthcare costs but also scientific evidence demonstrating a positive correlation between physical activity and a wide breadth of health outcomes.

A.5926-B (Ramos) / S.6142-A (Boyle)

Passed Both Houses

This bill would establish the Oak Brush Plain State Preserve, located on Long Island, in relation to the acquisition of lands. Chapter 635 of the Laws of 1987 established the Oak Brush Plains State Preserve on Long Island in the Towns of Babylon and Huntington. The Preserve represented the last vestiges of a transitional forest between the historical grassy plains of central Nassau County and the pine lands of central and eastern Long Island. Its creation was recommended in 1984 by the Citizens Task Force on the Pilgrim Edgewood State Properties. The Task Force also recommended that certain lands contained within the Pilgrim State Hospital grounds be transferred into the Preserve.

Due to this recommendation, section 7 of Chapter 635 required the Commissioner of OGS to arrange for the transfer to the Preserve "such lands now comprising Pilgrim State Hospital now or hereafter not necessary for use by Pilgrim State Hospital..."

A.7747-B (Magnarelli) / S.6711-B (Kennedy)

Passed the Assembly

This bill would adjust the fee structure for snowmobile registrations in relation to funding snowmobile trail development and maintenance. New York's snowmobile registration fees have remained the same since 2006, when the Snowmobiler's Rights and Responsibilities act enacted. These fees are used for the Snowmobile Trail Development and Maintenance Fund, which establishes a mechanism for allocating funds to local governmental sponsors that engage in the development and maintenance of snowmobile trails designated as part of the State Snowmobile Trail System. The fund is administered by New York State Office of Parks, Recreation and Historic Preservation, through the Snowmobile Unit. Currently, New York is one of only a few states, and the only state in the Northeast where non-residents pay the same as resident snowmobilers. For example, neighboring Vermont, New Hampshire, and Maine all charge more for a nonresident to ride their trails. This bill would provide an estimated \$2,000,000 in new funding for the Snowmobile Trail Development and Maintenance Fund, which would greatly enhance the winter tourism industry in New York.

A.8562 (Fernandez) / S.8038 (Biaggi)

Chapter 401 of 2022

The purpose of this law is to continue giving discretion to the New York Botanical Garden to charge an admission fee. The New York Botanical Garden (NYBG) is an iconic living museum, a major educational institution, and a renowned plant research and conservation organization. Founded in 1891 and now a National Historic Landmark, NYBG is one of the greatest botanical gardens in the world and the largest in any city in the United States, distinguished by the beauty of its diverse landscape and extensive collections and gardens, as well as by the scope and excellence of its multidisciplinary exhibitions and programs.

In 1994, the State authorized NYBG to charge nominal and varying fees for admission to certain exhibits of this organization, provided that the policy continued free access for primary and secondary school classes and conformed to the requirements of any grant of public funds. Under this legislation, the NYBG is authorized to continue to charge admission to remain open to the public and a financially viable organization that can continue to host new living exhibits.

This legislation will provide NYBG the ability to do long-range financial planning and provide NYBG with parity among other anchor cultural institutions that are not required to pass legislation to charge admission.

A.8689 (Woerner) / S.7700 (Mayer)

Chapter 73 of 2022

This law makes technical changes to Chapter 732 of the Laws of 2021 establishing the New York State 250th Commemoration Commission to develop a plan to celebrate the 250th anniversary of the American Revolution. New York played an immense role in the lead up to and execution of the American Revolution during the period of 1774-1783, and was the site of several important battles, skirmishes and other events that were internationally significant during the Revolutionary era. The American Revolution itself was imperfect and many individuals, including women, African Americans, and Native Americans, did not benefit from its ideals of liberty and freedom. However, the struggle to fully realize the ideals of the Revolution has continued over the past 250 years as is evident in New York's leading role in such revolutionary civil rights movements as the women's rights and abolitionist movements, the Underground Railroad, and the LGBTQ+ movement. The 250th anniversary and the years proceeding it offers great opportunity to educate and inspire the people of the state to increase recognition and appreciation of New York's role in the American Revolution and subsequent civil rights struggles as well as the complex nature of the state and nation's history with regards to the ideals of liberty.

A.8692 (Rozić) / S.7720 (Thomas)

Chapter 86 of 2022

This law makes technical changes to Chapter 660 of the Laws of 2021 to require the New York State Department of Economic Development to give preference to tourist promotion agencies that promote the sport of cricket in New York State.

A.9142 (O'Donnell) / S.5031 (Serrano)

Vetoed – Memo # 72 of 2022

This bill would create a state parks passport program, through which visitors to New York's state parks could log their visits. With over one hundred state parks offering a vast array of recreational activities and scenic beauty, New York's state parks offer visitors access to some of the most impressive and enjoyable natural areas in the nation. A state park passport program would bring more visitors to New York's state parks by encouraging park attendees to venture around the state to earn passport stamps.

A passport program may help drive interest in state parks across the state, inviting our 78 million annual park patrons to new experiences and corners of New York.

A.9864-B (Jones) / S.9319 (Stec)

Passed the Assembly

This bill would establish a commission to determine the feasibility of hosting the Olympic games at Lake Placid. Lake Placid has a rich history of hosting the Winter Olympics first in 1932 and 1980. After the 1980 Winter Olympics in Lake Placid, New York established the Olympic Region Development Authority (ORDA) to preserve and maintain the sites. Over the past ten years, the state has invested heavily in ORDA to update their facilities for the 2023 University Games- which has twice as many events as the 1980 Olympics- and beyond. New York State has also invested in updating the Saranac Lake Civic Center to host curling events for the World University Games. ORDA facilities in the Lake Placid region are updated to hold large events such as future Olympic games and are also ADA compliant, which puts Lake Placid in a good position to host future Olympic Games with another municipality in New York State. The Lake Placid region and the greater Adirondack Park is the largest protected region in the contiguous United States. The Adirondacks are an example to the world in how to balance nature and wildlife with recreational use and resource protection. Lake Placid and a joint municipality are the perfect host for the Winter Olympics, to show the world how to properly promote use and tourism while preserving world class natural resources and wildlife. With all the state investment into updating ORDA and preparing the Lake Placid region to host the 2023 World University Games, it is timely to host a commission to investigate the possibility to host future Winter Olympics in Lake Placid in partnership with another municipality in New York State with world class sporting facilities.

A.9978 (Jones) / S.8955 (Serrano)

Chapter 366 of 2022

This law extends the provisions of Navigation Law authorizing the operation of certain leased personal watercraft without a boating safety certificate for two years. Chapter 138 of the Laws of 1998 allows a person over eighteen years of age to operate a personal watercraft or specialty prop-craft without a certificate when such operation is restricted by the operator of a livery, or the livery operator's designated agent, to a specified area. This provision of law is vital to the success of the state's tourism industry as it allows livery operators to lease their equipment to people vacationing in the area from New York and other states.

A.10500 Rules (O'Donnell) / S.9461 (Skoufis)
Chapter 358 of 2022

This legislation extends and updates the provisions of law governing the sales of tickets to live events in New York State. The bill increases the civil penalties for any person, firm, corporation, or other entity related to ticket purchasing software. It also requires clear disclosures at the beginning of a transaction of a price for a ticket that shall not change during the purchase process, excluding reasonable fees for the delivery of non-electronic tickets based on the delivery method selected by the purchaser that shall be disclosed prior to accepting payment thereof. In addition, the bill would make it unlawful for any person, firm, or corporation to resell or offer to resell any ticket or other evidence or right of entry to any place of entertainment if such ticket was initially offered to the public at no charge. It also amends section 25.23 of the arts and cultural affairs law, requiring an online resale marketplace to require the established price charged by the operator of a place of entertainment that is printed or endorsed on the face of each ticket in accordance with section 25.07 of this article to be clearly and conspicuously posted as disclosed accordance with section 25.07 of this article prior to the user completing any transaction. An online resale marketplace shall require the user confirm having read such notices before completing any transaction. Finally, the bill amends section 25.29 of the arts and cultural affairs law to allow sellers and resellers of tickets to charge a reasonable and actual cost for the physical delivery of tickets and prohibit sellers and resellers from charging delivery fees for tickets delivered electronically or made available to be printed by the purchaser.

III. OUTLOOK FOR 2023 LEGISLATIVE SESSION

The Committee looks forward to the 2023 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. However, the COVID pandemic has dealt a heavy blow to this crucial sector of the economy and the Committee stands ready to help in the rebuilding process. Additionally, 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.

The Committee will continue to advocate strongly for increased support for the tourism industry to help it recover from the devastating effects of the COVID pandemic, along with increasing support for state parks and historic sites to continue their important work. In addition, maintaining accessibility to all the State's natural and cultural resources remains a top priority for the Committee.

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

2022 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Tourism, Parks, Arts and Sports development

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 4

<u>ASSEMBLY</u>	<u>SENATE</u>	<u>TOTAL</u>
<u>BILLS</u>	<u>BILLS</u>	<u>BILLS</u>

BILLS REPORTED FAVORABLE TO:

Codes	0	0	0
Judiciary	0	0	0
Ways and Means	5	0	5
Rules	1	0	1
Floor	3	0	3
TOTAL	9	0	9

COMMITTEE ACTION

Held For Consideration	5	0	5
Defeated	0	0	0
Enacting Clause Stricken	2	0	2
REMAINING IN COMMITTEE	62	5	67

BILLS REFERENCE CHANGED TO:

Economic Development 1
Ways and Means 1

TOTAL	2	0	2
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APPENDIX B:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2022 Bills Reported from Committee

Assembly Bill #	Senate Bill #	Last Action	Description
A.3719-A Lavine	S.117-A Kaplan	08/10/2022 Chapter. 491 of 2022	This Chapter requires museums with works of art stolen during the Nazi era in Europe to display a placard acknowledging such information.
A.4271-A O'Donnell	S.6208-A Serrano	11/23/22 Veto Memo 76	The purpose of the bill is to create an easily accessible resource for active seniors seeking appropriately graded walking and hiking routes on state owned and managed lands.
A.5926-B Ramos	S.6142-A Boyle	06/01/2022 Passed Assembly	This bill establishes the Oak Brush Plain State Preserve, located on Long Island, in relation to the acquisition of lands previously comprising Pilgrim State Hospital.
A.7747-B Magnarelli	S.6711-B Kennedy	06/01/2022 Passed Assembly	This bill adjusts the fee structure for snowmobile registrations in relation to funding snowmobile trail development and maintenance.
A.8562 Fernandez	S.8038 Biaggi	07/21/2022 Chapter 401 of 2022	The purpose of this Chapter is to continue to allow the New York Botanical Garden authorization to charge or not charge an admission fee.
A.8689 Woerner	S.7700 Mayer	02/24/2022 Chapter 73 of 2022	The purpose of this Chapter is to establish the New York State 250 th Commemoration commission to facilitate the planning and development of the commemoration of the 250 th anniversary of the American Revolution in New York State.
A.8692 Rozic	S.7720 Thomas	02/24/2022 Chapter 86 of 2022	This bill authorizes of the department of economic development to give a preference to any tourist promotion agency that is promoting the sport of cricket.
A.9142 O'Donnell	S.5031 Serrano	11/23/2022 Veto Memo 72	This bill would create a state parks passport program, through which visitors to New York's state parks could log their visits.

A.9710 Barrett	S.8934 Cooney	11/23/2022 Veto Memo 64	This bill would mandate that the State conduct a study of public and private museums in New York State.
A.9864-B Jones	S.9319 Stec	05/24/2022 Passed Assembly	This bill would amend the public authorities law, in relation to establishing a commission on hosting the Olympic games.
A.9978 Jones	S.8955 Serrano	07/01/2022 Chapter 366 of 2022	This Chapter establishes an expiration of provisions of Navigation Law authorizing the operation of certain leased personal watercraft without a boating safety certificate.
A.10500 O'Donnell	S.9461 Skoufis	06/30/2022 Chapter 358 of 2022	This Chapter renews Article 25 of the New York State Arts & Culture Affairs Law and adds provisions to ensure consumer rights.

APPENDIX C:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2022 Bills Chaptered

Assembly Bill #	Senate Bill #	Chapter #	Description
A.3719-A Lavine	S.117-A Kaplan	08/10/2022 Chapter. 491 of 2022	This Chapter requires museums with works of art stolen during the Nazi era in Europe to display a placard acknowledging such information.
A.8562 Fernandez	S.8038 Biaggi	07/21/2022 Chapter 401 of 2022	The purpose of this Chapter is to continue to allow the New York Botanical Garden authorization to charge or not charge an admission fee.
A.8689 Woerner	S.7700 Mayer	02/24/2022 Chapter 73 of 2022	The purpose of this Chapter is to establish the New York State 250 th Commemoration commission to facilitate the planning and development of the commemoration of the 250th anniversary of the American Revolution in New York State.
A.8692 Rozic	S.7720 Thomas	02/24/2022 Chapter 86 of 2022	This bill authorizes of the department of economic development to give a preference to any tourist promotion agency that is promoting the sport of cricket.
A.9978 Jones	S.8955 Serrano	07/01/2022 Chapter 366 of 2022	This Chapter establishes an expiration of provisions of Navigation Law authorizing the operation of certain leased personal watercraft without a boating safety certificate.
A.10500 O'Donnell	S.9461 Skoufis	06/30/2022 Chapter 358 of 2022	This Chapter renews Article 25 of the New York State Arts & Culture Affairs Law and adds provisions to ensure consumer rights.

APPENDIX D:

COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT

2022 Bills Vetoed

Assembly Bill #	Senate Bill #	Veto Number #	Description
A.9710 (Barrett)	S.8934 (Cooney)	64	This bill would mandate that the State conduct a study of public and private museums in New York State.
A.9142 (O'Donnell)	S.5031 (Serrano)	72	This bill directs the commissioner of parks, recreation, and historic preservation to establish the state parks passport program.
A.4271-A (O'Donnell)	S.6208-A (Serrano)	76	This bill would create an easily accessible resource for active seniors seeking appropriately graded walking and hiking routes on state owned and managed lands.