

STATE OF NEW YORK

3583

2025-2026 Regular Sessions

IN ASSEMBLY

January 28, 2025

Introduced by M. of A. ROMERO, BARRETT, WOERNER, GLICK, LUCAS, SHIMSKY, DAVILA -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to establishing the New York state museum partnership trust; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature finds that
2 the New York state museum is a vital interest of the state, enabling us
3 to pass New York's past and present on to our children and our chil-
4 dren's children. The museum welcomes visitors to explore its rotating
5 and permanent exhibitions. The museum also offers educational program-
6 ming, including after-school programs that have benefited more than
7 4,000 students in the city of Albany. The museum is essential for educa-
8 tion, public programs, and generating tourism and economic activity.
9 Unfortunately, present conditions inhibit its ability to thrive and
10 serve New Yorkers to its fullest potential. Therefore, it is the purpose
11 of this act to support the museum's operations and align its oversight
12 structure with that of the other departments under the office of
13 cultural education at the state education department. Both the New York
14 state library and the New York state archives benefit from the support
15 of an affiliated trust that obtains non-state funding to supplement the
16 operations and programming of the library and archives, respectively. It
17 is time to bring the New York state museum in line with the other divi-
18 sions of the office of cultural education at the state education depart-
19 ment. To accomplish this, a New York state museum partnership trust is
20 created in order to: create an endowment to help collect and preserve
21 art, historical items, objects of material culture, natural history
22 specimens, and other objects that tell the story of the people who call
23 New York home; make possible special projects and inform the citizens of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 New York about the exhibits and programs of the state museum; and work
2 in conjunction with the board of regents, the office of cultural educa-
3 tion at the state education department, the commissioner of education,
4 and the museum advisory council under the board of regents to advise and
5 support the New York state museum.

6 § 2. The arts and cultural affairs law is amended by adding a new
7 title Q to read as follows:

8 TITLE Q

9 NEW YORK STATE MUSEUM PARTNERSHIP TRUST

10 ARTICLE 45

11 NEW YORK STATE MUSEUM PARTNERSHIP TRUST

12 Section 45.01. Short title.

13 45.03. Definitions.

14 45.05. New York state museum partnership trust.

15 45.07. Purpose and powers of trust.

16 45.09. Temporary assignment and transfer of employees.

17 45.11. Authorized expenditures.

18 45.13. New York state museum partnership trust fund.

19 45.15. Creation of trust for a public purpose.

20 45.17. Members and employees not to profit.

21 § 45.01. Short title. This title shall be known and may be cited as
22 the "New York state museum partnership trust act".

23 § 45.03. Definitions. For the purposes of this article, the following
24 terms shall have the following meanings:

25 1. "Trust" or "corporation" shall mean the New York state museum part-
26 nership trust established by section 45.05 of this article.

27 2. "Board" shall mean the members of the corporation appointed pursu-
28 ant to section 45.05 of this article.

29 3. "Trust fund" or "fund" shall mean the New York state museum part-
30 nership trust fund established in section 45.13 of this article.

31 § 45.05. New York state museum partnership trust. 1. A trust to be
32 known as the New York state museum partnership trust is hereby estab-
33 lished. Such trust shall be governed by a board which shall be a body
34 corporate and politic constituting a public benefit corporation and its
35 existence shall commence upon the appointment of the members as herein
36 provided. Such board shall consist of twenty total members to be
37 appointed as follows: five members appointed by the governor; five
38 appointed by the board of regents; four appointed by the majority leader
39 of the senate, two of whom shall be private citizens; four appointed by
40 the speaker of the assembly, two of whom shall be private citizens; and
41 one appointed each by minority leaders of the senate and assembly.
42 Members shall be appointed for their interest in the art, history,
43 culture and natural history of New York; their knowledge and experience
44 regarding resources for cultural and educational programs; and their
45 support for the purposes of the museum partnership trust. Members shall
46 be appointed no later than ninety days following an appropriation made
47 by the legislature for the purposes of this article.

48 2. At the first meeting of the board and the first meeting thereof in
49 each two fiscal years thereafter, the members of the board shall choose
50 from their members, a chairperson and vice-chairperson. Initial appoint-
51 ments shall be for staggered terms; appointments by the governor shall
52 be for three-year terms; appointments by the legislative leaders shall
53 be for two-year terms; appointments by the board of regents shall be for

1 one-year terms. All subsequent terms shall be for three years. Members
2 may be reappointed and may serve two consecutive full terms, in addition
3 to the term of the initial appointments, but not more than eight consec-
4 utive years. Each member shall continue in office until such member's
5 successor has been appointed and qualifies. Such continuation in office
6 shall not be counted in determining whether a member has served eight
7 consecutive years. In the event of a vacancy occurring in the office of
8 any member, other than by the expiration of a member's term, such vacan-
9 cy shall be filled for the balance of the unexpired term, if applicable,
10 in the same manner as the original appointment. Members from government
11 shall be replaced if they leave government service; a new appointee
12 shall serve for the unexpired term of the departing member and may be
13 reappointed.

14 3. A majority of the whole number of members then in office shall
15 constitute a quorum for the transaction of any business or the exercise
16 of any power of the board. Except as otherwise specified in this arti-
17 cle, for the transaction of any business or the exercise of any power of
18 the board, the board shall have power to act by a majority of members
19 present at any meeting at which a quorum is in attendance. The board may
20 delegate to one or more of its members, or to its officers, agents and
21 employees, or to its executive committee, such powers and duties as the
22 board may deem proper. The members of the board shall serve without
23 compensation, but shall be entitled to reimbursement of their actual and
24 necessary expenses incurred in the performance of their official duties.

25 4. Notwithstanding any inconsistent provision of this or any other
26 law, general, special or local, no officer or employee of the state, or
27 of any public corporation as defined in the general construction law,
28 shall be deemed to have forfeited or shall forfeit their office or
29 employment or any benefits provided under the retirement and social
30 security law or under any public retirement system maintained by the
31 state or any of its subdivisions by reason of their acceptance of
32 membership on or chairship of the board.

33 5. The trust and its corporate existence shall continue until termi-
34 nated by law, provided, however, that no such law shall take effect so
35 long as the trust shall have bonds, notes and other obligations
36 outstanding, unless adequate provision has been made for the payment
37 thereof in the documents securing the same. Upon termination of the
38 existence of the trust, all its rights and properties shall vest in the
39 state.

40 § 45.07. Purpose and powers of trust. 1. The purpose of the trust
41 shall be to serve as a focal point for the receipt and administration of
42 private gifts, devises and bequests of real and personal property
43 donated to use the arts, history, and material culture to help New York-
44 ers and visitors understand the world in which we live, and to oversee
45 and support the state museum in conjunction with the board of regents,
46 the office of cultural education at the department of education, the
47 commissioner of education, and the museum advisory council under the
48 board of regents.

49 2. To carry out such purposes under subdivision one of this section,
50 the trust shall:

51 (a) Oversee, and participate actively in, a campaign to secure private
52 and public funds to create an initial endowment;

53 (b) Review and approve a budget request and work plan annually for the
54 operation of the board and for the use of trust funds to support the
55 purposes of the trust fund; and

1 (c) Report to the governor and the legislature at least every three
2 years as to the activities of the trust including information pertaining
3 to fund raising, expenditures and projects undertaken and the sufficien-
4 cy of the principal to generate interest adequate to achieve the
5 purposes of the trust.

6 3. The trust shall have the power:

7 (a) To make and adopt official bylaws for the management and regu-
8 lation of its affairs provided that such bylaws shall only be made,
9 adopted or amended by a majority of the whole number of the members of
10 the board then in office;

11 (b) To contract for and to accept assistance, including but not limit-
12 ed to unconditional gifts, devises and bequests, and, with the approval
13 of the governor, conditional gifts, devises and bequests, of real or
14 personal property for art, material culture, historic preservation,
15 natural history studies, environmental education and to administer and
16 expend funds made available to the corporation for any of its purposes;

17 (c) To make and execute contracts and all other instruments necessary
18 or convenient for the exercise of its powers and functions under this
19 article;

20 (d) To appoint officers, agents and employees, and prescribe their
21 duties and qualifications and fix their compensation;

22 (e) To contract for professional and technical assistance and advice;

23 (f) To provide in its official bylaws for the holding of an annual
24 meeting, at which annual meeting a majority of the whole number of the
25 members of the board then in office may transact any business or exer-
26 cise any power of the board;

27 (g) To invest and reinvest moneys as provided in this article and to
28 enter into agreements with the state comptroller concerning the transfer
29 of moneys among the various accounts;

30 (h) To create committees, including an executive committee composed of
31 not fewer than five members of the board including one of the members
32 appointed by the governor, one of the members appointed by the majority
33 leader of the senate, one of the members appointed by the speaker of the
34 assembly and one of the members appointed by the board of regents, and
35 special committees, to carry out its business effectively and may also
36 create task forces, regional campaign committees, and other bodies made
37 up of individuals beyond its own members to assist in the work of the
38 board;

39 (i) To exercise and perform such other powers and duties as shall have
40 been or may be from time to time conferred by law;

41 (j) To participate and cooperate with other public and private agen-
42 cies having mutual interests and purposes in appropriate programs and
43 projects intended to preserve and improve the history, arts and cultural
44 resources of the New York state museum in furtherance of the education,
45 welfare and enjoyment of its people;

46 (k) To sue and be sued; and

47 (l) To do all things necessary or convenient to carry out the purposes
48 of this article.

49 § 45.09. Temporary assignment and transfer of employees. Whenever in
50 the opinion of the board it would be in the public interest, it may,
51 after prior approval of the director of the budget, request the tempo-
52 rary assignment and transfer of certain employees of any other board,
53 commission, agency or department of the state or its political subdivi-
54 sions, and such other board, commission, agency or department, if in its
55 opinion such transfer will not interfere with the performance of its
56 duties and functions may make such assignment and transfer of such

1 employees to the trust. Such assignment and transfer or extension there-
2 of shall not in any way affect the civil service status, continuity of
3 service, retirement plan status, right to compensation, grade or compen-
4 sation or other rights or privileges of any employee so transferred.

5 § 45.11. Authorized expenditures. The trust may make expenditures from
6 the trust fund, subject to availability of fund monies, provided such
7 expenditures are within a budget approved by the board and are not
8 otherwise restricted by law, for the following purposes:

9 1. Support for a development campaign to obtain donations from non-
10 state government sources including private citizens, foundations, organ-
11 izations and the federal government and for expenses for the meetings
12 and operation of the board and the trust;

13 2. Internships to students in New York state who are preparing for
14 careers in museums and fellowships to expert practitioners in museum
15 preservation and curation and educational programs under the direction
16 of the professional staff of the New York state museum;

17 3. Hiring an executive director to administer the funds of the trust,
18 which may include the hiring of expert staff in preservation, curation,
19 and public and educational programs; and

20 4. Purchase of supplies and services and purchase or lease of equip-
21 ment needed for activities authorized by this article.

22 § 45.13. New York state museum partnership trust fund. 1. There is
23 hereby established in the custody of the trust a special fund to be
24 known as the "New York state museum partnership trust fund". The trust
25 shall establish the following three separate and distinct accounts with-
26 in the New York state museum partnership trust fund: the endowment
27 account, and the special project account, which shall each be in the
28 custody of the trust, and the operation and maintenance account, which
29 shall be in the joint custody of the state comptroller and the commis-
30 sioner of taxation and finance.

31 2. Moneys in the trust fund shall consist of appropriations therefor
32 and donations which may include any form of equity, fixed income securi-
33 ties, insurance or any other asset convertible into cash, and earnings
34 thereon. Pursuant to agreements made at least annually between the
35 trust board and the state comptroller, the trust shall transfer suffi-
36 cient funds from the endowment account to the operation and maintenance
37 account for the timely payment of estimated costs and operating expenses
38 pursuant to budgets adopted by the trust.

39 3. Earnings from the endowment account may be used by the trust board
40 for its operation and for the other purposes authorized in this article.
41 Moneys in the endowment account, and earnings thereon, may be invested
42 and reinvested by the trust board consistent with the prudent investor
43 standard of section 11-2.3 of the estates, powers and trusts law and
44 pursuant to the provisions of section twenty-nine hundred twenty-five of
45 the public authorities law. The trust board shall give due consideration
46 to balancing the long-term growth of the endowment, long-term trends of
47 the economy and the needs of trust operations and the state archives
48 with the goal that the endowment shall provide a permanent, growing and
49 viable source of funds to fulfill the trust purposes. The trust board
50 shall obtain an annual independent audit and audited financial statement
51 of the books and accounts of the trust, by a certified accounting firm.

52 4. Moneys in the special project account shall be used for carrying
53 out the special projects designated in the donation thereof.

54 5. The trust is intended to supplement, not replace or reduce, regular
55 state appropriations to the state museum. The state may match the first

1 five million dollars donated to the endowment account in any fiscal year
2 following the receipt of moneys.

3 § 45.15. Creation of trust for a public purpose. It is hereby found,
4 determined and declared that the creation of the trust and the carrying
5 out of its corporate purposes is in all respects for the benefit of the
6 people of the state of New York, for the preservation and improvement of
7 the history, arts and cultural resources through the state museum, and
8 is a public purpose, in that the trust will be performing an essential
9 governmental function in the exercise of the powers conferred upon it by
10 this article and the trust shall not be required to pay taxes or assess-
11 ments upon any of the property acquired by it or under its jurisdiction
12 and control, or upon its activities in the operation and maintenance of
13 such properties or use of any moneys, revenues or other income received
14 by the corporation. All contributions of real or personal property made
15 to the trust whether by gift, devise or bequest shall qualify as
16 deductions in computing the net taxable income of the donor for the
17 purposes of any income tax imposed by the state or any political subdi-
18 vision thereof.

19 § 45.17. Members and employees not to profit. No officer, member or
20 employee of the trust shall receive or may be lawfully entitled to
21 receive any pecuniary profit from the operation thereof except reason-
22 able compensation for services in effecting one or more of its purposes
23 set forth under this article.

24 § 3. The sum of two hundred fifty thousand dollars (\$250,000), is
25 hereby appropriated to the New York state museum partnership trust
26 established pursuant to section one of this act out of any moneys in the
27 state treasury general fund to the credit of the board of such trust,
28 not otherwise appropriated, and made immediately available, for the
29 purpose of hiring an executive director of the New York state museum
30 partnership trust. Such moneys shall be payable on the audit and warrant
31 of the comptroller on vouchers certified or approved by the New York
32 state museum partnership trust in the manner prescribed by law.

33 § 4. This act shall take effect immediately.