S T A T E O F N E W Y O R K

4544

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to participation of trustees of the board of trustees of the Trust for Cultural Resources of the city of New York who concurrently serve as ex officio officers or board members of a participating cultural institution and the designation of a representative by the commissioner of cultural affairs of the city of New York to attend and vote at meetings of the board of trustees of the Trust for Cultural Resources

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 21.05 of the arts and cultural affairs law, as added by chapter 511 of the laws of 2003, is amended to read as follows:

3. The deputy mayor [of finance and] FOR economic development AND REBUILDING of the city of New York [and], the chairperson of the New York city industrial development agency AND THE COMMISSIONER OF CULTURAL AFFAIRS OF THE CITY OF NEW YORK each may designate a person from his or her staff or agency to represent him or her at all meetings of the board of trustees OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK from which such trustee may be absent. Any representatives so designated shall have the power to attend and to vote at any meeting of the board of trustees OF SAID TRUST from which the trustee so designating him or her is absent, with the same force and effect as if the trustee designating such representative were present and voting. Such designation shall be by written notice signed by the trustee making the designation and delivered to the chairman of the board of trustees OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK. The designation of each such person shall continue until revoked at any time by written notice signed by the trustee making the designation or his OR HER successor in office. Such designation shall not limit the power of the trustee making

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

LBD07071-01-9

the designation to attend and vote in person at any meeting of the board of trustees OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK.

S 2. Section 21.05 of the arts and cultural affairs law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY PERSON SERVING AS AN EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK, MAY ALSO SERVE AS AN EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES, OR EQUIVALENT BODY, OF ANY PARTICIPATING CULTURAL INSTITUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK MAY ENTER INTO A FINANCING AGREEMENT WITH A PARTICIPATING CULTURAL INSTITUTION IF MORE THAN ONE PERSON SERVING ON THE BOARD OF TRUSTEES, OR THE EQUIVALENT BODY, OF SUCH PARTICIPATING CULTURAL INSTITUTION SERVES CONCURRENTLY ON THE BOARD OF TRUSTEES OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK, PROVIDED, HOWEVER, THAT NO MORE THAN ONE SUCH PERSON SERVES OTHER THAN IN AN EX OFFICIO CAPACITY. ANY TRUSTEE OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK WHO IS CONCURRENTLY SERVING ON THE BOARD OF TRUSTEES, OR EQUIVALENT BODY, OF A PARTICIPATING CULTURAL INSTITUTION SHALL REFRAIN FROM PARTICIPATING IN DISCUSSIONS OR VOTING ON MATTERS PERTAINING TO SUCH PARTICIPATING CULTURAL INSTITUTION, EXCEPT THAT ANY SUCH TRUSTEE OF THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK WHO IS SERVING CONCURRENTLY AS AN EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES OF SUCH TRUST AND AS AN EX OFFICIO MEMBER OF THE BOARD OF TRUSTEES, OR THE EQUIVALENT BODY, OF SUCH PARTICIPATING CULTURAL INSTITUTION MAY PARTICIPATE IN DISCUSSIONS AND VOTING ON MATTERS PERTAINING TO SUCH PARTICIPATING CULTURAL INSTITUTIONS WHILE ATTENDING ANY REGULARLY SCHEDULED MEETING OR DULY CALLED SPECIAL MEETING OF THE BOARD OF DIRECTORS FOR THE TRUST FOR CULTURAL RESOURCES FOR THE CITY OF NEW YORK.

S 3. This act shall take effect immediately.