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

S. 8168 A. 11438

S E N A T E - A S S E M B L Y

June 14, 2010

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the arts and cultural affairs law, in relation to the New York state theatre institute corporation; to amend the public officers law, in relation to defense and indemnification; and making an appropriation to the New York state theatre institute corporation; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. The amount specified in this section, or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated and authorized to be paid as hereinafter provided, to the public officers and for the purpose specified, which amount shall be available for the state fiscal year beginning April 1, 2010.

COUNCIL ON THE ARTS

NEW YORK STATE THEATRE INSTITUTE CORPORATION PROGRAM 243,000

Special Revenue Funds Other / State Operations
Miscellaneous Special Revenue Fund - 339
Cultural Education Account

The sum of two hundred forty-three thousand dollars ($243,000), or so much thereof as shall be sufficient to accomplish the purpose designated, is hereby appropriated to the New York state theatre institute corporation out of any moneys in the special revenue funds--other to the credit of the cultural education account not otherwise appropriated. The funds appropriated herein shall be made available to the New York state

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

LBD12279-03-0

theatre institute corporation for reimbursement of payroll expenses owed to the state university of New York at Albany. The comptroller is hereby authorized and directed to utilize this appropriation for the purpose of these payments related to the New York state theatre institute corporation. Notwithstanding any provision of law to the contrary, the moneys hereby appropriated, or so much thereof as may be necessary, are to be available for the purposes herein specified for obligations heretofore accrued or hereafter to accrue.

PERSONAL SERVICE

Personal service--regular	195,000
Temporary service	48,000
Program account subtotal	243,000

S 2. Notwithstanding provisions of law to the contrary, should termination of employees of such New York state theatre institute corporation occur as a result of retrenchment, notice of such termination shall be issued in writing to affected employees as soon as practicable which shall be deemed to be at least ten business days in advance of such termination.

S 3. The opening paragraph and subdivision 3 of section 9.07 of the arts and cultural affairs law, as added by chapter 824 of the laws of 1992, are amended to read as follows:

The New York state theatre institute corporation shall BE AUTHORIZED TO:

3. Offer accredited [interships] INTERNSHIPS in theatre arts education to students being trained as teachers and artists by both public and private institutions of higher learning;

S 4. Subdivision 2 of section 9.09 of the arts and cultural affairs law, as amended by chapter 825 of the laws of 1992, is amended to read as follows:

2. The corporation shall consist of a board of directors comprised of a chairperson and [fourteen] EIGHT voting members [representing the theatre, education and business communities] to be appointed by and serve at the pleasure of the governor. Each member appointed shall be representative of the disciplines [applicable] RELEVANT to the theatre institute program OR OTHERWISE POSSESS THE SKILL AND ABILITY TO PROVIDE EFFECTIVE OVERSIGHT OF THE INSTITUTE'S OPERATIONS. THE GOVERNOR SHALL APPOINT ONE MEMBER UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY, ONE MEMBER UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE MEMBER UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. The [board of directors shall consist of two members representing executives from the corporate business sector to be appointed by the] governor[, one of whom] shall [be designated] DESIGNATE ONE MEMBER as chairperson and [the other to be designated] ANOTHER MEMBER as treasurer[; one member representing the practicing legal profession specializing in arts and entertainment law to be appointed by the governor; four members representing elementary-level teachers, two to be appointed by the governor and two to be appointed upon the recommendation of the temporary president of the senate; four members representing secondary-level teachers, two to be appointed upon the recommendation of the speaker of the assembly and two to be appointed by the

governor; two members representing higher education representing professionals or faculty who work with children and young people, one to be appointed by the governor and one to be appointed upon the recommendation of the minority leader of the senate; two members representing professional theatre specialists, one to be appointed upon the recommendation of the minority leader of the assembly and one to be appointed by the governor]. The president of the citizens for the New York state [theater] THEATRE institute, inc. shall be an ex officio, non-voting member. The members first appointed shall serve for a period of three years; their successors and all other appointed members shall serve for a four-year term and each member shall continue to serve until the appointment and qualification of his or her successor. Vacancies among members otherwise than by the expiration of term shall be filled by the appointing authority for the unexpired term. The chairperson and other members of the board shall not be entitled to compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. A majority of the chairperson and other members of the board THEN IN OFFICE shall constitute a quorum for the transaction of the business of the corporation.

S 5. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (w) to read as follows:

(W) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE THE MEMBERS OF THE BOARD AND OFFICERS AND EMPLOYEES OF THE NEW YORK STATE THEATRE INSTITUTE CORPORATION.

S 6. This act shall take effect immediately; provided, however, that section two of this act shall be deemed to have been expired and repealed on and after December 31, 2010; and provided further, that section five of this act shall not apply to any individual who ceased to be a member of the board or an officer or employee of the New York state theatre institute corporation on or before the eleventh day of June, 2010.