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

8039

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

Introduced by M. of A. SCHROEDER -- 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 including the New York state capitol's hall of governors as part of the visual and performing arts on the Empire State Plaza

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

Section 1. Section 4.01 of the arts and cultural affairs law, as added by chapter 996 of the laws of 1983, is amended to read as follows:

S 4.01. Legislative findings and declaration of policy. The legislature hereby finds and declares that the Governor Nelson A. Rockefeller empire state plaza [is a] AND THE NEW YORK STATE CAPITOL'S HALL OF GOVERNORS ARE unique architectural [entity] ENTITIES and [is] ARE intensively used by the public for recreation, for conventions of business and governmental groups and for participation in exhibits and exhibitions of the visual and performing arts.

It is hereby declared a policy of the state that there be created in the executive department the empire state plaza art commission, with a legislative mandate regarding the works of art of great value to the people of the state of New York which are located in the empire state plaza AND THE CAPITOL'S HALL OF GOVERNORS.

S 2. Section 4.03 of the arts and cultural affairs law, as added by chapter 996 of the laws of 1983, is amended to read as follows:

S 4.03. Definitions. Except as otherwise provided herein and unless the context shall otherwise require, the following terms as used in this article shall have the following meanings:

1. "Commission" shall mean the empire state plaza art commission created by this article.

2. "Empire state plaza" shall mean the Governor Nelson A. Rockefeller empire state plaza, excluding the cultural education center, the legis-

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

LBD09253-01-9

lative office building and any other offices and facilities of the legislature in said plaza.

3. "State agency" shall mean any state board, body, bureau, commission, council, department, public authority, public corporation, division, office, or other governmental entity performing a governmental or proprietary function for the state, but shall not include the legislature.

4. "HALL OF GOVERNORS" SHALL MEAN THE MAIN HALLWAY LEADING TO THE EXECUTIVE CHAMBERS.

S 3. Section 4.07 of the arts and cultural affairs law, as amended by section 2 of part A of chapter 56 of the laws of 2008, is amended to read as follows:

S 4.07. Powers and duties of commission. The commission shall have the following responsibilities, powers and duties:

1. To make recommendations to state agencies regarding the custody, display, conservation, preservation and maintenance of works of art in the empire state plaza AND HALL OF GOVERNORS under the jurisdiction of such agencies;

2. To appraise and catalogue works of art in the empire state plaza AND HALL OF GOVERNORS;

3. To advise and assist state agencies in the preparation and distribution of publications by such agencies;

4. To make recommendations to the governor, the legislature and the commissioner of general services regarding the purchase of works of art for display at the empire state plaza AND HALL OF GOVERNORS;

5. To solicit and acquire by gift, grant or loan such works of art for display at the empire state plaza AND HALL OF GOVERNORS as it deems to be in the best interests of the people of the state;

6. To enter into such contracts as may be necessary or appropriate for the performance of the functions vested in it by this article;

7. To render such assistance as the legislature or either house thereof may request with respect to the legislative office building and other offices and facilities of the legislature in the empire state plaza;

8. To render such assistance as the commissioner of education may request with respect to the cultural education center;

9. To make an annual report to the governor and the legislature on or before December fifteenth which shall contain a complete inventory of the works of art in the empire state plaza AND HALL OF GOVERNORS, a summary of the accomplishments of the commission for the prior year, as well as its projects planned for the current year, and such recommendations pertinent to the duties of the commission as it deems advisable. Such report shall contain a full fiscal accounting of the activities of the commission, both current and projected;

10. To solicit and accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for purposes of the commission. All funds of the commission from such gifts, contributions and bequests shall be deposited in a state fiduciary fund, expenditures from which shall be limited to the purposes of the commission set forth in this article;

11. To establish a program, in consultation with the commissioner of general services, for the promotion of the empire state plaza AND HALL OF GOVERNORS art [collection] COLLECTIONS to the public through such means as determined by the commission to be appropriate, including, but not limited to, educational seminars, remote exhibitions, special events and the sale of souvenirs or mementos related to the collection. All receipts of the commission from promotional efforts shall be deposited

in a state fiduciary fund, expenditures from which shall be limited to the purposes of the commission set forth in this article.

S 4. The arts and cultural affairs law is amended by adding a new section 4.13 to read as follows:

S 4.13. HALL OF GOVERNORS. THE COMMISSIONER OF GENERAL SERVICES SHALL HAVE THE FOLLOWING RESPONSIBILITIES, POWERS AND DUTIES:

1. AUTHORITY TO ACCEPT GIFTS OF PORTRAITS OR FUNDS FOR THE PURCHASE OF PORTRAITS AND OTHER ASSOCIATED CURATORIAL SERVICES FOR THE HALL OF GOVERNORS;

2. AUTHORITY TO ENTER INTO CONTRACTS OR LOAN AGREEMENTS RELATED TO GIFTS OF FUNDS OR PORTRAITS AND OTHER ASSOCIATED CURATORIAL SERVICES;

3. DEVELOP AND ADMINISTER A WRITTEN REVIEW PROCESS IN CONJUNCTION WITH THE COMMISSION ON THE RESTORATION OF THE CAPITOL, WHICH PROVIDES FOR THE CONSULTATION WITH ART EXPERTS REGARDING THE STYLE, AUTHENTICITY AND CONDITION OF PORTRAITS OFFERED TO THE STATE; AND

4. ENSURE THAT THE SOLICITATION AND ACCEPTANCE OF ALL GIFTS ARE IN CONFORMITY WITH ALL LAWS CONCERNING CONFLICTS OF INTEREST OR THE APPEARANCE THEREOF, AND SUBJECT TO THE OPINION OF THE COMMISSION ON PUBLIC INTEGRITY.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.