

5182

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the arts and cultural affairs law, in relation to works of art in the empire state plaza; to amend the general business law, in relation to the rules and regulations for nail specialty, natural hair styling, esthetics and cosmetology; to repeal article 4 of the arts and cultural affairs law, in relation to the empire state plaza art commission; to repeal section 433-a of the general business law, in relation to the barbers board; and to repeal section 844-a of the executive law, in relation to the New York statewide law enforcement telecommunications committee

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

1 Section 1. Section 57.03 of the arts and cultural affairs law is
2 amended by adding a new subdivision 7 to read as follows:
3 7. (A) TO MAKE RECOMMENDATIONS TO STATE AGENCIES REGARDING THE CUSTO-
4 DY, DISPLAY, CONSERVATION, PRESERVATION AND MAINTENANCE OF WORKS OF ART
5 IN THE EMPIRE STATE PLAZA UNDER THE JURISDICTION OF SUCH AGENCIES;
6 (B) TO APPRAISE AND CATALOGUE WORKS OF ART IN THE EMPIRE STATE PLAZA;
7 (C) TO ADVISE AND ASSIST STATE AGENCIES IN THE PREPARATION AND
8 DISTRIBUTION OF PUBLICATIONS BY SUCH AGENCIES;
9 (D) TO MAKE RECOMMENDATIONS TO THE GOVERNOR, THE LEGISLATURE AND THE
10 COMMISSIONER OF GENERAL SERVICES REGARDING THE PURCHASE OF WORKS OF ART
11 FOR DISPLAY AT THE EMPIRE STATE PLAZA;
12 (E) TO SOLICIT AND ACQUIRE BY GIFT, GRANT OR LOAN SUCH WORKS OF ART
13 FOR DISPLAY AT THE EMPIRE STATE PLAZA AS IT DEEMS TO BE IN THE BEST
14 INTERESTS OF THE PEOPLE OF THE STATE;
15 (F) TO ENTER INTO SUCH CONTRACTS AS MAY BE NECESSARY OR APPROPRIATE
16 FOR THE PERFORMANCE OF THE FUNCTIONS VESTED IN IT BY THIS ARTICLE;

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

LBD11286-01-1

1 (G) TO RENDER SUCH ASSISTANCE AS THE LEGISLATURE OR EITHER HOUSE THEREOF
2 MAY REQUEST WITH RESPECT TO THE LEGISLATIVE OFFICE BUILDING AND
3 OTHER OFFICES AND FACILITIES OF THE LEGISLATURE IN THE EMPIRE STATE
4 PLAZA;

5 (H) TO RENDER SUCH ASSISTANCE AS THE COMMISSIONER OF EDUCATION MAY
6 REQUEST WITH RESPECT TO THE CULTURAL EDUCATION CENTER;

7 (I) TO SOLICIT AND ACCEPT GIFTS, CONTRIBUTIONS AND BEQUEST OF FUNDS
8 FROM INDIVIDUALS, FOUNDATIONS, CORPORATIONS AND OTHER ORGANIZATIONS OR
9 INSTITUTIONS FOR PURPOSES OF THE COMMISSION. ALL FUNDS FROM SUCH GIFTS,
10 CONTRIBUTIONS AND BEQUESTS SHALL BE DEPOSITED IN A STATE FIDUCIARY FUND,
11 EXPENDITURES FROM WHICH SHALL BE LIMITED TO THE PURPOSES SET FORTH IN
12 THIS ARTICLE;

13 (J) TO ESTABLISH A PROGRAM, IN CONSULTATION WITH THE COMMISSIONER OF
14 GENERAL SERVICES, FOR THE PROMOTION OF THE EMPIRE STATE PLAZA ART
15 COLLECTION TO THE PUBLIC THROUGH SUCH MEANS AS DETERMINED TO BE APPROPRIATE,
16 INCLUDING, BUT NOT LIMITED TO, EDUCATIONAL SEMINARS, REMOTE
17 EXHIBITIONS, SPECIAL EVENTS AND THE SALE OF SOUVENIRS OR MEMENTOS
18 RELATED TO THE COLLECTION. ALL RECEIPTS FROM PROMOTIONAL EFFORTS SHALL
19 BE DEPOSITED IN A STATE FIDUCIARY FUND, EXPENDITURES FROM WHICH SHALL BE
20 LIMITED TO THE PURPOSES SET FORTH IN THIS ARTICLE; AND

21 (K) TO APPOINT A CURATOR AND ASSOCIATED EMPLOYEES, PRESCRIBE POWERS
22 AND DUTIES OF THE CURATOR, AND SHALL FIX HIS OR HER COMPENSATION WITHIN
23 THE AMOUNTS APPROPRIATED THEREFOR.

24 S 2. Article 4 of the arts and cultural affairs law is REPEALED.

25 S 3. Section 404 of the general business law, as amended by chapter
26 341 of the laws of 1998, is amended to read as follows:

27 S 404. Rules and regulations. The secretary shall promulgate rules and
28 regulations which establish standards for practice and operation by
29 licensees under this article in order to ensure the health, safety and
30 welfare of the public. Such rules and regulations shall include, but not
31 be limited to, the sanitary conditions and procedures required to be
32 maintained, a minimum standard of training appropriate to the duties of
33 nail specialists, waxers, natural hair stylists, estheticians, and
34 cosmetologists and the provision of service by nail specialists, waxers,
35 natural hair stylists, estheticians or cosmetologists at remote
36 locations other than the licensee's home provided that such practitioner
37 holds an appearance enhancement business license to operate at a fixed
38 location or is employed by the holder of an appearance enhancement business
39 license. Regulations setting forth the educational requirements for
40 nail specialists shall include education in the area of causes of
41 infection and bacteriology. In promulgating such rules and regulations
42 the secretary shall consult with the state education department, [the
43 advisory committee established pursuant to this article,] any other
44 state agencies and private industry representatives as may be appropriate
45 in determining minimum training requirements.

46 S 4. Section 433-a of the general business law is REPEALED.

47 S 5. Section 844-a of the executive law is REPEALED.

48 S 6. This act shall take effect immediately.