

3420--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. TITONE, ENGLEBRIGHT -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the arts and cultural affairs law, in relation to prohibiting the New York state council on the arts from awarding arts and cultural grants when an organization has no place of business within the state and does not apply awarded monies to New York state programs

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

1 Section 1. The arts and cultural affairs law is amended by adding a  
2 new section 3.17 to read as follows:  
3 S 3.17. PROHIBITION. THE COUNCIL ON THE ARTS SHALL BE PROHIBITED FROM  
4 ISSUING GRANTS TO AN ORGANIZATION UNLESS SUCH ORGANIZATION IS INCORPO-  
5 RATED AS A NONPROFIT ORGANIZATION EITHER IN THE STATE OR, IF AN ORGAN-  
6 IZATION IS INCORPORATED ELSEWHERE, SUCH ORGANIZATION MUST BE REGISTERED  
7 TO DO BUSINESS IN THE STATE THROUGH THE DEPARTMENT OF STATE AND MUST  
8 HAVE ITS PRINCIPAL PLACE OF BUSINESS LOCATED WITHIN THE STATE. GRANT  
9 RECIPIENTS SHALL ALSO BE PROHIBITED FROM USING GRANT FUNDING RECEIVED  
10 FROM THE COUNCIL ON THE ARTS TO FUND COMPONENTS OF AN ORGANIZATION'S  
11 BUDGET THAT ARE NOT DIRECTED TOWARDS PROGRAMS IN THE STATE. IF AN  
12 ORGANIZATION IS FOUND TO HAVE VIOLATED THIS SECTION, THEY SHALL (1) BE  
13 REQUIRED TO REIMBURSE BACK TO THE COUNCIL ON THE ARTS, ALL MONIES  
14 RECEIVED UNDER THE PARTICULAR GRANT WITHIN THIRTY DAYS OR FACE A FINE TO  
15 BE DETERMINED BY THE DEPARTMENT OF STATE, AND (2) NOT BE ALLOWED TO  
16 REAPPLY FOR FUTURE FUNDING UNTIL THEY PROVIDE PROOF TO THE COUNCIL ON  
17 THE ARTS OF THEIR SUBSEQUENT FILING OF ARTICLES OF INCORPORATION WITH  
18 THE DEPARTMENT OF STATE IN NEW YORK.  
19 S 2. This act shall take effect immediately; provided, however, that  
20 this act shall apply only to grants issued on or after the effective  
21 date of this act that are not subject to contracts entered into by the  
22 council on the arts to provide grants which contracts were executed  
23 prior to the effective date of this act.

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

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