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

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I N A S S E M B L Y

February 25, 2016

Introduced by M. of A. GUNTHER -- 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 and the economic development law, in relation to creating the arts and cultural district

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

Section 1. The arts and cultural affairs law is amended by adding a new section 3.19 to read as follows:

S 3.19. ARTS AND CULTURAL DISTRICT. 1. THE COUNCIL SHALL DEVELOP CRITERIA AND GUIDELINES FOR STATE DESIGNATED ARTS AND CULTURAL DISTRICTS AND SHALL DEVELOP AN APPLICATION PROCESS FOR RECEIVING SUCH A DESIGNATION. A DISTRICT SHALL BE DEFINED AS A GEOGRAPHIC AREA OF A CITY, TOWN, OR VILLAGE WITH A CONCENTRATION OF ARTS OR CULTURAL FACILITIES LOCATED WITHIN ITS BOUNDARIES. CRITERIA DEVELOPED BY THE COUNCIL TO DESIGNATE A DISTRICT SHALL INCLUDE DETERMINATIONS THAT SUCH DISTRICT: (A) ATTRACTS ARTISTS OR CULTURAL ENTERPRISES TO THE COMMUNITY, (B) ENCOURAGES BUSINESS AND JOB DEVELOPMENT DUE TO THE PRE-EXISTING INSTITUTIONS, (C) ATTRACTS A SUFFICIENT AMOUNT OF TOURISM, (D) ENHANCES LOCAL PROPERTY VALUES AND FOSTERS LOCAL CULTURAL DEVELOPMENT, OR (E) HAS THE POTENTIAL TO MEET ANY OF THE CATEGORICAL DETERMINATIONS IF SUFFICIENT STATE SUPPORT AND ASSISTANCE IS PROVIDED TO THE PROPOSED DISTRICT. THE COUNCIL SHALL ALSO DEVELOP GUIDELINES THAT PROVIDE ASSISTANCE TO A CITY, TOWN, OR VILLAGE IN DEVELOPING AN APPLICATION FOR DISTRICT CERTIFICATION.

2. FOR ANY STATE DESIGNATED ARTS AND CULTURAL DISTRICT, THE COUNCIL AND THE URBAN DEVELOPMENT CORPORATION SHALL PROVIDE STATE SUPPORTED ASSISTANCE TO THE DISTRICT IN ITS ACTIVITIES, INCLUDING BUT NOT LIMITED TO TECHNICAL ASSISTANCE IN APPLYING FOR FEDERAL AND NON-PROFIT GRANTS, MARKETING EXPERTISE, IDENTIFICATION OF OTHER STATE RESOURCES THAT MAY ASSIST A DISTRICT'S ACTIVITIES OR PROGRAMS THAT COULD BE CREATED OR EXPANDED WITHIN STATE AGENCIES TO ASSIST DISTRICTS.

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

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3. FOR ANY GRANTS OR FINANCIAL ASSISTANCE PROVIDED PURSUANT TO THIS ARTICLE, THE COUNCIL SHALL PROVIDE THE MOST FAVORABLE TREATMENT ALLOWABLE TO AN APPLICANT LOCATED WITHIN A DESIGNATED DISTRICT.

4. TWO OR MORE LOCAL GOVERNMENTS MAY JOINTLY APPLY FOR A DESIGNATED DISTRICT WHERE THE PROPOSED GEOGRAPHIC AREA OF SUCH DISTRICT SHALL EXTEND ACROSS COMMONLY HELD JURISDICTIONAL BOUNDARIES.

5. THE COUNCIL MAY ACCEPT OR REJECT AN APPLICATION UNDER THIS SECTION AND MAY PROPOSE AMENDMENTS TO THE APPLICATION IN LIEU OF ACCEPTANCE. APPLICANTS SHALL BE PROVIDED A RESPONSE WITHIN NINETY DAYS OF THE RECEIPT OF THE APPLICATION, AND ANY AMENDMENTS TO SUCH AN APPLICATION SHALL BE RESPONDED TO WITHIN THIRTY DAYS OF RECEIPT.

S 2. Paragraphs 4 and 5 of subdivision (e) of section 168 of the economic development law, are renumbered paragraphs 5 and 6 and a new paragraph 4 is added to read as follows:

(4) EVALUATE AND MAKE RECOMMENDATIONS TO SUPPORT SPECIFIC TOURISM PROMOTION FOR ANY STATE DESIGNATED ARTS AND CULTURAL DISTRICT, AS DEFINED IN SECTION 3.19 OF THE ARTS AND CULTURAL AFFAIRS LAW;

S 3. No later than three hundred sixty-five days after the effective date of this act, the council of the arts shall issue a report to the temporary president of the Senate, the speaker of the Assembly, and the chairs of the relevant legislative committees recommending any changes to any provisions of law that would effectuate the purpose of this act, including but not limited to providing additional state incentives and benefits, altering the application process, promoting additional tourism, and any other measures that would aid the operations of proposed and current arts and cultural districts.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.