

# STATE OF NEW YORK

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## IN SENATE

May 12, 2022

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Introduced by Sen. HOYLMAN -- 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 requiring that an organization applying for grant funding shall provide to the council on the arts a certification that it will enter into a labor peace agreement with at least one bona fide labor organization under certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3.01 of the arts and cultural affairs law is  
2 amended to read as follows:

3 § 3.01. Legislative findings and declaration of policy. It is hereby  
4 found that many of our citizens lack the opportunity to view, enjoy or  
5 participate in living theatrical performances, musical concerts, operas,  
6 dance and ballet recitals, art exhibits, examples of fine architecture,  
7 and the performing and fine arts generally. It is hereby further found  
8 that, with increasing leisure time, the practice and enjoyment of the  
9 arts are of increasing importance and that the general welfare of the  
10 people of the state will be promoted by giving further recognition to  
11 the arts as a vital aspect of our culture and heritage and as a valued  
12 means of expanding the scope of our educational programs.

13 It is hereby declared to be the policy of the state to join with  
14 private patrons and with institutions and professional organizations  
15 concerned with the arts to insure that the role of the arts in the life  
16 of our communities will continue to grow and will play an ever more  
17 significant part in the welfare and educational experience of our citi-  
18 zens and in maintaining the paramount position of this state in the  
19 nation and in the world as a cultural center.

20 The legislature further finds that the investment of funds by the New  
21 York state council on the arts can provide a vital economic engine to  
22 assist, nurture, develop, and promote regional economic development, the  
23 state tourism industry and the growth of jobs in the state. Indeed,  
24 attendees of arts programming generate economic activity in New York

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

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1 state far beyond the cost of admission, from food and drink, to parking,  
2 transportation, travel, and childcare revenues, among others.

3 The professional performers and related or supporting professionals  
4 employed on projects and productions that create the performing and fine  
5 arts, and are the basis of the arts economy in New York state and must  
6 not be left behind. Therefore, the state legislature finds that the  
7 state has a substantial and compelling proprietary interest in any funds  
8 awarded in the fine and performing arts. The legislature hereby  
9 declares that the mandate of a living wage for projects awarded grants  
10 by the council on the arts is central to ensuring the continued avail-  
11 ability of the fine and performing arts in New York state, and the  
12 concomitant economic benefits therewith, and further that the state's  
13 proprietary interest with regard to such funds could be adversely  
14 affected by labor-management conflict.

15 It is further declared that all activities undertaken by the state in  
16 carrying out this policy shall be directed toward encouraging and  
17 assisting rather than in any ways limiting the freedom of artistic  
18 expression that is essential for the well-being of the arts.

19 § 2. Paragraph (d) of subdivision 1 of section 3.19 of the arts and  
20 cultural affairs law, as added by chapter 16 of the laws of 2017, is  
21 amended to read as follows:

22 (d) Any organization applying for grant funding shall provide to the  
23 council on the arts a certification that it will enter into a labor  
24 peace agreement with at least one bona fide labor organization either  
25 where such bona fide labor organization is actively representing employ-  
26 ees providing services covered by the organization seeking such grant  
27 funding or upon notice by a bona fide labor organization that is  
28 attempting to represent employees who will provide services to the  
29 organization seeking such grant funding. The maintenance of such a  
30 labor peace agreement shall be an ongoing material condition for receipt  
31 of grant funding under this article. For purposes of this section,  
32 "labor peace agreement" means an agreement between an entity and labor  
33 organization that, at a minimum, protects the state's proprietary inter-  
34 ests by prohibiting labor organizations and members from engaging in  
35 picketing, work stoppages, boycotts, and any other economic interference  
36 with the entity.

37 (e) Any applicant which fails to demonstrate that grant funds are to  
38 be used toward programs in the state shall be deemed ineligible to  
39 receive grant funding under this article. Any organization, when apply-  
40 ing for grant funding, shall provide in its grant application materials  
41 documentation demonstrating compliance with this provision.

42 § 3. This act shall take effect immediately.