STATE OF NEW YORK

9220

IN SENATE

May 12, 2022

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:

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

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

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

The legislature further finds that the investment of funds by the New York state council on the arts can provide a vital economic engine to assist, nurture, develop, and promote regional economic development, the state tourism industry and the growth of jobs in the state. Indeed, 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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state far beyond the cost of admission, from food and drink, to parking, transportation, travel, and childcare revenues, among others.

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

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

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

(d) Any 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 either where such bona fide labor organization is actively representing employees providing services covered by the organization seeking such grant funding or upon notice by a bona fide labor organization that is attempting to represent employees who will provide services to the organization seeking such grant funding. The maintenance of such a labor peace agreement shall be an ongoing material condition for receipt of grant funding under this article. For purposes of this section, "labor peace agreement" means an agreement between an entity and labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the entity.

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

§ 3. This act shall take effect immediately.