

# STATE OF NEW YORK

4912--A

2023-2024 Regular Sessions

## IN ASSEMBLY

February 24, 2023

Introduced by M. of A. CUNNINGHAM, GIBBS, DICKENS, HYNDMAN, BURGOS, SIMON -- read once and referred to the Committee on Transportation -- reference changed 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 increasing access to resources for culturally diverse arts and culture organizations that advocate for diversity, equity and inclusion, racial and social justice, and cultural preservation

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 cultural and theatrical performances, musical  
6 concerts, operas, dance and ballet recitals, art exhibits, cultural  
7 exhibits, examples of fine architecture, and the performing and fine  
8 arts generally, and that such lack is exacerbated by racial and social  
9 inequities. It is hereby further found that, with increasing leisure  
10 time, the practice and enjoyment of the arts and culture are of increas-  
11 ing importance and that the general welfare of the people of the state  
12 will be promoted by giving further recognition to the arts and culture  
13 as a vital aspect of our culture and heritage and as a valued means of  
14 expanding the scope of our educational programs and funding to reflect  
15 cultural diversity and equity.

16 It is hereby declared to be the policy of the state to join with  
17 private patrons and with institutions [~~and~~], professional organizations,  
18 and culture-based organizations concerned with [~~the~~] arts and culture to  
19 insure that cultural preservation and development and the role of the  
20 arts in the life of our communities will continue to grow and will play

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

LBD08990-03-3

1 an ever more significant part in the welfare and educational experience  
2 of our citizens and in maintaining the paramount position of this state  
3 in the nation and in the world as a cultural center.

4 It is further declared that all activities undertaken by the state in  
5 carrying out this policy shall be directed toward encouraging and  
6 assisting rather than in any ways limiting the freedom of artistic and  
7 cultural expression that is essential for the well-being of the arts and  
8 culture. In furtherance thereof, it is hereby declared to be the policy  
9 of the state to support and promote greater access, diversity, equity,  
10 and inclusion.

11 § 2. Subdivision 1 of section 3.03 of the arts and cultural affairs  
12 law, as amended by chapter 205 of the laws of 2008, is amended to read  
13 as follows:

14 1. The council on the arts in the executive department is hereby  
15 continued. The twenty-one members shall be, broadly representative of  
16 all fields of the performing and fine arts and cultural preservation and  
17 development, to be appointed by the governor, with the advice and  
18 consent of the senate, from among private citizens who are widely known  
19 for their professional competence and experience in connection with the  
20 performing and fine arts. In making such appointments, due consideration  
21 shall be given to the diversity of the state, historic inequities in  
22 representation, the recommendations made by representative civic, educa-  
23 tional and professional associations and groups, concerned with or  
24 engaged in the equitable production or presentation of cultural preser-  
25 vation and development, racial and social justice, and the performing  
26 and fine arts generally.

27 § 3. Section 3.05 of the arts and cultural affairs law, subdivision 10  
28 as added by chapter 851 of the laws of 1983, is amended to read as  
29 follows:

30 § 3.05. General powers and duties of council. The council shall have  
31 the following powers and duties:

32 1. To stimulate and encourage throughout the state the study and pres-  
33 entation of cultural preservation and development, racial and social  
34 justice, the performing and fine arts and public interest and partic-  
35 ipation therein;

36 2. To make such surveys as may be deemed advisable of public and  
37 private institutions engaged within the state in artistic and cultural  
38 activities, including but not limited to, music, theatre, dance, paint-  
39 ing, sculpture, architecture, arts and cultural education, carnival,  
40 social and racial justice considerations in arts and culture, and allied  
41 arts and crafts, and to make recommendations concerning appropriate  
42 methods to encourage participation in and appreciation of [~~the~~] arts and  
43 culture to meet the legitimate needs and aspirations of persons in all  
44 parts of the state;

45 3. To take such steps as may be necessary and appropriate to encourage  
46 public interest in the cultural heritage and preservation and develop-  
47 ment of our state and to expand the state's cultural resources;

48 4. To hold public or private hearings;

49 5. To enter into contracts, within the amount available by appropri-  
50 ation therefor, with a diversity of individuals, organizations and  
51 institutions for services furthering the educational and equity objec-  
52 tives of the council's programs, including consideration of equitable  
53 access to contracting opportunities;

54 6. To enter into contracts, within the amount available by appropri-  
55 ation therefor, with a diversity of local and regional associations for  
56 cooperative endeavors furthering the educational and equity objectives

1 of the council's programs, including consideration of equitable access  
2 to contracting opportunities;

3 7. To accept gifts, contributions and bequests of unrestricted funds  
4 from individuals, foundations, corporations and other organizations or  
5 institutions for the purpose of furthering the educational and equity  
6 objectives of the council's programs;

7 8. To make and sign any agreements and to do and to perform any acts  
8 that may be necessary, desirable or proper to carry out the purposes of  
9 this chapter;

10 9. To promote tourism by supporting arts and cultural projects which  
11 would stimulate tourism and improve the state's attractions for tour-  
12 ists[-];

13 10. To administer the New York state musical instrument revolving fund  
14 in accordance with the provisions of section ninety-seven-v of the state  
15 finance law[-]; and

16 11. To engage and support culturally diverse not-for-profit arts and  
17 culture organizations that advocate for access, diversity, equity,  
18 inclusion, and racial and social justice.

19 § 4. Section 3.11 of the arts and cultural affairs law is amended to  
20 read as follows:

21 § 3.11. Grants by council; consideration to certain applicants. In  
22 issuing grants to applicants for council funds in the [~~area~~] areas of  
23 cultural preservation and development and the performing arts the coun-  
24 cil may give consideration to the applicant's demonstration of an abili-  
25 ty to use arts or culture as a tool to address racial and social justice  
26 issues or enhance the state's capacity to attract tourists, as evidenced  
27 by showing that significant numbers of persons in such audiences are or  
28 will be attracted to the applicant's geographical area by reason of such  
29 applicant's program and evidence of advertising and publicity designed  
30 and planned in such a manner as to reach potential audiences from  
31 outside the applicant's geographical area.

32 § 5. This act shall take effect immediately.