

# STATE OF NEW YORK

6797

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

Introduced by M. of A. BARRETT, THIELE, JONES, GLICK, SIMON, BENDETT, McDONOUGH, JENSEN -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing municipalities to establish a history, arts, and culture levy

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

1 Section 1. The general municipal law is amended by adding a new  
2 section 6-w to read as follows:

3 § 6-w. History, arts, and culture funds. 1. As used in this section,  
4 the following words and terms shall have the following meanings:

5 (a) "History, arts, and culture" means creative and cultural activ-  
6 ities, including but not limited to, historic preservation, museum cura-  
7 tion, performing, visual, and fine arts, music, dance, graphic design,  
8 film, digital media and video, architecture and urban design, humani-  
9 ties, literature, historic education, arts and culture education,  
10 crafts, and folk arts.

11 (b) "Local arts council" means an entity, often referred to as a local  
12 arts agency, arts commission, or cultural affairs office, that:

13 (i) is either a municipal or county government agency, or a private  
14 entity exempt from federal income taxation under paragraph (3) of  
15 subsection (c) of section 501 of the federal Internal Revenue Code of  
16 1986 (26 U.S.C. s.501(c)(3)); and

17 (ii) maintains a mission that generally involves making history, arts,  
18 and culture more accessible to the public, and supporting local artists,  
19 art programming, or local organizations focused on history, arts, and  
20 culture.

21 (c) "Tax" means a charge imposed upon real property by or on behalf of  
22 a county, city, town, or village for municipal purposes, but shall have  
23 a different meaning if the context clearly indicates.

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

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1 2. (a) The governing body of a municipality may, by ordinance, submit  
2 to the voters of the municipality, in a general or special election, a  
3 proposition authorizing an annual levy, in an amount or at a rate that  
4 the governing body deems appropriate, to be established for the purpose  
5 of supporting history, arts, and culture. Upon approval of the proposi-  
6 tion by a majority of the votes cast by the voters of the municipality,  
7 the governing body of the municipality may annually raise by taxation a  
8 sum not to exceed the amount or rate set forth in the proposition  
9 approved by the voters for the purposes specified therein. The history,  
10 arts, and culture levy shall become effective in the next budget year  
11 following the year in which the levy has been approved by the voters.

12 (b) Amounts raised by the levy imposed pursuant to this section shall  
13 be deposited into a history, arts, and culture trust fund to be created  
14 by the municipality, and shall be used exclusively for history, arts,  
15 and culture, except that the municipality may deposit such amounts into  
16 the current fund of such municipality for uses not related to history,  
17 arts, and culture if the municipality is in fiscal distress as defined  
18 in paragraph c of subdivision ten of section fifty-four of the state  
19 finance law. Any interest or other income earned on monies deposited  
20 into the history, arts, and culture trust fund shall be credited to the  
21 fund to be used for the same purposes as the principal. A municipality  
22 may deposit other funds into the history, arts, and culture trust fund,  
23 as it may, from time to time, deem appropriate.

24 (c) The governing body of a municipality may, by ordinance, submit to  
25 the voters of the municipality in a general or special election a propo-  
26 sition amending, supplementing, or repealing, a proposition previously  
27 submitted, approved, and implemented as provided pursuant to this  
28 section. The proposition may propose to eliminate the annual levy or  
29 change the amount or rate of the annual levy. Upon approval of an amen-  
30 datory or supplementary proposition by a majority of the votes cast by  
31 the voters of the municipality, the governing body of the municipality  
32 shall implement such proposition in the same manner as set forth in the  
33 original proposition.

34 (d) Upon petition to the governing body of a municipality signed by  
35 the voters of the municipality equal in number to at least fifteen  
36 percent of the votes cast therein at the last preceding general  
37 election, filed with the governing body at least ninety days before a  
38 general or special election, the governing body of the municipality  
39 shall submit to the voters of the municipality in the general or special  
40 election the proposition otherwise authorized pursuant to paragraph (a)  
41 or (c) of this subdivision.

42 3. A municipality which establishes a history, arts, and culture levy  
43 pursuant to this section shall designate, either through an ordinance  
44 adopted pursuant to subdivision two of this section, or through a subse-  
45 quent ordinance, a local arts council to which monies from the history,  
46 arts, and culture trust fund shall be appropriated. The local arts coun-  
47 cil shall comply with the conditions for the use of the funding estab-  
48 lished by ordinance.

49 § 2. Subparagraph (iv) of paragraph (g) of subdivision 2 of section  
50 3-c of the general municipal law, as added by section 1 of part A of  
51 chapter 97 of the laws of 2011, is amended and a new subparagraph (v) is  
52 added to read as follows:

53 (iv) in years in which the normal contribution rate of the New York  
54 state teachers' retirement system, as defined by paragraph a of subdivi-  
55 sion two of section five hundred seventeen of the education law,  
56 increases by more than two percentage points from the previous year, a

1 tax levy necessary for expenditures for the coming fiscal year for local  
2 government employer contributions to the New York state teachers'  
3 retirement system caused by growth in the normal contribution rate minus  
4 two percentage points[-];

5 (v) a tax levy for history, arts, and culture established pursuant to  
6 section six-w of this article.

7 § 3. This act shall take effect immediately.