

# STATE OF NEW YORK

1032

2023-2024 Regular Sessions

## IN SENATE

January 9, 2023

Introduced by Sens. JACKSON, CLEARE, HINCHEY, MYRIE -- 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 the Amistad Commission

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

1 Section 1. Section 57.52 of the arts and cultural affairs law, as  
2 added by chapter 404 of the laws of 2005, is amended to read as follows:  
3 § 57.52. Amistad commission; established. 1. The Amistad commission  
4 (commission), so named in honor of the group of enslaved Africans led by  
5 Joseph Cinque who, while being transported in eighteen hundred thirty-  
6 nine on a vessel named the Amistad, gained their freedom after over-  
7 throwing the crew and eventually having their case successfully argued  
8 before the United States Supreme Court, is hereby created and estab-  
9 lished. The commission shall consist of nineteen members, including the  
10 [~~secretary of state~~] commissioner of education or his or her designee,  
11 the [~~commissioner of education~~] secretary of state or his or her designee,  
12 and the chancellor of the state university of New York or his or  
13 her designee, serving ex officio, and sixteen public members. Public  
14 members shall be appointed as follows: four public members, no more  
15 than two of whom shall be of the same political party, shall be  
16 appointed by the temporary president of the senate; four public members,  
17 no more than two of whom shall be of the same political party, shall be  
18 appointed by the speaker of the assembly; and eight public members, no  
19 more than four of whom shall be of the same political party, shall be  
20 appointed by the governor. The appointed members shall be chosen with  
21 due regard to broad ethnic diversity and shall have a demonstrated  
22 educational background in the history of the African slave trade and  
23 slavery in America or the contributions of African-Americans to our  
24 society. The public members shall be residents of the state, chosen with

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

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1 due regard to broad geographic representation and ethnic diversity, who  
2 have an interest in the history of the African slave trade and slavery  
3 in America and the contributions of African-Americans to our society.

4 1-a. Any business or other matter undertaken or commenced by the  
5 department of state or the secretary of state pertaining to or connected  
6 with the functions, powers, obligations and duties of the commission  
7 established pursuant to subdivision one of this section are hereby  
8 transferred and assigned to the commissioner of education or the depart-  
9 ment of education and pending on the effective date of this subdivision,  
10 may be conducted and completed by such commissioner or such department  
11 in the same manner and under the same terms and conditions and with the  
12 same effect as if conducted and completed by the department of state or  
13 the secretary of state.

14 2. Each public member of the commission shall serve for a term of  
15 three years, except that of the initial members so appointed: one member  
16 appointed by the temporary president of the senate, one member appointed  
17 by the speaker of the assembly, and two members appointed by the gover-  
18 nor shall serve for terms of one year; one member appointed by the  
19 temporary president of the senate, one member appointed by the speaker  
20 of the assembly, and three members appointed by the governor shall serve  
21 for terms of two years; and two members appointed by the temporary pres-  
22 ident of the senate, two members appointed by the speaker of the assem-  
23 bly, and three members appointed by the governor shall serve for terms  
24 of three years. Public members shall be eligible for reappointment. They  
25 shall serve until their successors are appointed and qualified, and the  
26 term of the successor of any incumbent shall be calculated from the  
27 expiration of the term of that incumbent. A vacancy occurring other than  
28 by expiration of term shall be filled within forty-five days in the same  
29 manner as the original appointment but for the unexpired term only. If  
30 such vacancy is not filled within forty five days, the vacancy shall be  
31 filled within thirty days by the commissioner of education but for the  
32 unexpired term only.

33 3. The members of the commission shall serve without compensation but  
34 shall be entitled to reimbursement for all necessary expenses incurred  
35 in the performance of their duties.

36 4. The [~~secretary of state~~] commissioner of education, or his or her  
37 designee, shall serve as the chair and the [~~commissioner of education~~]  
38 secretary of state, or his or her designee, shall serve as the vice-  
39 chair of the commission. The presence of a majority of the authorized  
40 membership of the commission shall be required for the conduct of offi-  
41 cial business.

42 5. The department of education shall provide technical assistance and  
43 data to the commission as may be necessary for the commission to carry  
44 out its responsibilities pursuant to this article. The commissioner of  
45 education or his or her designee shall be responsible for hiring the  
46 staff of the commission and shall serve as the liason between the  
47 commission and the department of education. The commissioner of educa-  
48 tion may designate employees of the department of education to provide  
49 support and services to the commission as are reasonably necessary.

50 § 2. Subdivisions 2 and 3 of section 57.53 of the arts and cultural  
51 affairs law, as added by chapter 404 of the laws of 2005, are amended to  
52 read as follows:

53 2. to compile a roster of individual volunteers who are willing to  
54 share their knowledge and experience in classrooms, seminars and work-  
55 shops with students and teachers on the subject of the African slave

1 trade, American slavery and the impact of slavery on our society today,  
2 and the contributions of African-Americans to our country; [~~and~~]

3 3. to increase awareness and encourage school districts to utilize  
4 curricula on African-American history by:

5 (a) establishing and administering a program to publicly recognize  
6 schools that do an outstanding job teaching subjects related to the  
7 African-American experience through a designation of special status or  
8 other award as determined by the commission; and

9 (b) offering grants to individual teachers who demonstrate exemplary  
10 practices teaching subjects related to the African-American experience,  
11 as determined by the commission, and the commission shall catalog and  
12 publicize such practices for use by other teachers; and

13 4. to prepare reports for the governor and the legislature regarding  
14 its findings and recommendations on facilitating the inclusion of the  
15 African slave trade, American slavery studies, African-American history  
16 and special programs in the educational system of the state.

17 § 3. This act shall take effect immediately.