# 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:**

Section 1. Section 57.52 of the arts and cultural affairs law, as added by chapter 404 of the laws of 2005, is amended to read as follows:

§ 57.52. Amistad commission; established. 1. The Amistad commission (commission), so named in honor of the group of enslaved Africans led by Joseph Cinque who, while being transported in eighteen hundred thirty-nine on a vessel named the Amistad, gained their freedom after overthrowing the crew and eventually having their case successfully argued before the United States Supreme Court, is hereby created and established. The commission shall consist of nineteen members, including the [~~secretary of state~~] **commissioner of education** or his or her designee, the [~~commissioner of education~~] **secretary of state** or his or her designee, and the chancellor of the state university of New York or his or her designee, serving ex officio, and sixteen public members. Public members shall be appointed as follows: four public members, no more than two of whom shall be of the same political party, shall be appointed by the temporary president of the senate; four public members, no more than two of whom shall be of the same political party, shall be appointed by the speaker of the assembly; and eight public members, no more than four of whom shall be of the same political party, shall be appointed by the governor. **The appointed members shall be chosen with due regard to broad ethnic diversity and shall have a demonstrated educational background in the history of the African slave trade and slavery in America or the contributions of African-Americans to our 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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due regard to broad geographic representation and ethnic diversity, who have an interest in the history of the African slave trade and slavery in America and the contributions of African-Americans to our society.

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

2. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: one member appointed by the temporary president of the senate, one member appointed by the speaker of the assembly, and two members appointed by the governor shall serve for terms of one year; one member appointed by the temporary president of the senate, one member appointed by the speaker of the assembly, and three members appointed by the governor shall serve for terms of two years; and two members appointed by the temporary president of the senate, two members appointed by the speaker of the assembly, and three members appointed by the governor shall serve for terms of three years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and qualified, and the term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of term shall be filled **within forty-five days** in the same manner as the original appointment but for the unexpired term only. **If such vacancy is not filled within forty five days, the vacancy shall be filled within thirty days by the commissioner of education but for the unexpired term only.**

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

4. The [~~secretary of state~~] **commissioner of education**, or his or her designee, shall serve as the chair and the [~~commissioner of education~~] **secretary of state**, or his or her designee, shall serve as the vice-chair of the commission. The presence of a majority of the authorized membership of the commission shall be required for the conduct of official business.

5. The department of education shall provide technical assistance and data to the commission as may be necessary for the commission to carry out its responsibilities pursuant to this article. **The commissioner of education or his or her designee shall be responsible for hiring the staff of the commission and shall serve as the liason between the commission and the department of education. The commissioner of education may designate employees of the department of education to provide support and services to the commission as are reasonably necessary.**

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.