

# STATE OF NEW YORK

---

5714

2023-2024 Regular Sessions

## IN SENATE

March 15, 2023

---

Introduced by Sen. CLEARE -- 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 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, examples of  
7 fine architecture, racial and social justice, and the performing and  
8 fine arts generally. It is hereby further found that, with increasing  
9 leisure time, the practice and enjoyment of the arts and culture are of  
10 increasing importance and that the general welfare of the people of the  
11 state will be promoted by giving further recognition to the arts and  
12 culture as a vital aspect of our culture and heritage and as a valued  
13 means of expanding the scope of our educational programs and funding to  
14 reflect cultural diversity and equity.

15 It is hereby declared to be the policy of the state to join with  
16 private patrons and with institutions [~~and~~], professional organizations,  
17 and culture-based organizations concerned with [~~the~~] arts and culture to  
18 insure that cultural preservation and development and the role of the  
19 arts in the life of our communities will continue to grow and will play  
20 an ever more significant part in the welfare and educational experience  
21 of our citizens and in maintaining the paramount position of this state  
22 in the nation and in the world as a cultural center.

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

LBD08990-01-3

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

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

9 1. The council on the arts in the executive department is hereby  
10 continued. The twenty-one members shall be, broadly representative of  
11 all fields of cultural preservation and development, racial and social  
12 justice, the performing and fine arts, to be appointed by the governor,  
13 with the advice and consent of the senate, from among private citizens  
14 who are widely known for their professional competence and experience in  
15 connection with the performing and fine arts. In making such appoint-  
16 ments, due consideration shall be given to the recommendations made by  
17 representative civic, educational and professional associations and  
18 groups, concerned with or engaged in the equitable production or presen-  
19 tation of cultural preservation and development, racial and social  
20 justice, and the performing and fine arts generally.

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

24 § 3.05. General powers and duties of council. The council shall have  
25 the following powers and duties:

26 1. To stimulate and encourage throughout the state the study and pres-  
27 entation of cultural preservation and development, racial and social  
28 justice, the performing and fine arts and public interest and partic-  
29 ipation therein;

30 2. To make such surveys as may be deemed advisable of public and  
31 private institutions engaged within the state in artistic and cultural  
32 activities, including but not limited to, music, theatre, dance, paint-  
33 ing, sculpture, architecture, education, carnival, social justice, and  
34 allied arts and crafts, and to make recommendations concerning appropri-  
35 ate methods to encourage participation in and appreciation of [~~the~~] arts  
36 and culture to meet the legitimate needs and aspirations of persons in  
37 all parts of the state;

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

41 4. To hold public or private hearings;

42 5. To enter into contracts, within the amount available by appropri-  
43 ation therefor, with diverse individuals, organizations and institutions  
44 for services furthering [~~the educational objectives of the council's~~  
45 ~~programs~~] equity of the council's educational objectives and programs;

46 6. To enter into contracts, within the amount available by appropri-  
47 ation therefor, with diverse local and regional associations for cooper-  
48 ative endeavors furthering [~~the educational objectives of the council's~~  
49 ~~programs~~] equity of the council's educational objectives and programs;

50 7. To enter into contracts, within the amount available by appropri-  
51 ation therefor, ensuring equitable access to contracting opportunities  
52 for all communities;

53 8. To accept gifts, contributions and bequests of unrestricted funds  
54 from individuals, foundations, corporations and other organizations or  
55 institutions for the purpose of furthering the educational objectives of  
56 the council's programs;

1     ~~[8-]~~ 9. To make and sign any agreements and to do and to perform any  
2 acts that may be necessary, desirable or proper to carry out the  
3 purposes of this chapter;

4     ~~[9-]~~ 10. To promote tourism by supporting arts and cultural projects  
5 which would stimulate tourism and improve the state's attractions for  
6 tourists~~[-]~~;

7     ~~[10-]~~ 11. To administer the New York state musical instrument revolv-  
8 ing fund in accordance with the provisions of section ninety-seven-v of  
9 the state finance law~~[-]~~; and

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

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

15     § 3.11. Grants by council; consideration to certain applicants. In  
16 issuing grants to applicants for council funds in the area of cultural  
17 preservation and development, racial and social justice, and the  
18 performing arts the council may give consideration to the applicant's  
19 demonstration of an ability to use arts and culture as a tool to address  
20 racial and social justice issues and enhance the state's capacity to  
21 attract tourists, economic development and facilitate public health and  
22 public safety solutions as evidenced by showing that significant numbers  
23 of persons in such audiences are or will be attracted to the applicant's  
24 geographical area by reason of such applicant's program and evidence of  
25 advertising and publicity designed and planned in such a manner as to  
26 reach potential audiences from outside the applicant's geographical  
27 area.

28     § 5. This act shall take effect immediately.