

# STATE OF NEW YORK

2607

2025-2026 Regular Sessions

## IN ASSEMBLY

January 21, 2025

Introduced by M. of A. CUNNINGHAM, GIBBS, HYNDMAN, SIMON -- read once  
and referred to the Committee on Tourism, Parks, Arts and Sports  
Development

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 Assem-  
bly, 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  
21 an ever more significant part in the welfare and educational experience

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

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1 of our citizens and in maintaining the paramount position of this state  
2 in the nation and in the world as a cultural center.

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

10 § 2. Paragraph (a) of subdivision 1 of section 3.03 of the arts and  
11 cultural affairs law, as amended by chapter 629 of the laws of 2024, is  
12 amended to read as follows:

13 (a) The council on the arts in the executive department is hereby  
14 continued. The twenty-one members shall be, broadly representative of  
15 all fields of the performing and fine arts and cultural preservation and  
16 development, to be appointed by the governor, with the advice and  
17 consent of the senate, from among private citizens who are widely known  
18 for their professional competence and experience in connection with the  
19 performing and fine arts; provided, however, that the council shall have  
20 at least one member from each of the ten regions of the state, as such  
21 regions are defined by the empire state development corporation. In  
22 making such appointments, due consideration shall be given to the diver-  
23 sity of the state, historic inequities in representation, the recommen-  
24 dations made by representative civic, educational and professional asso-  
25 ciations and groups, concerned with or engaged in the equitable  
26 production or presentation of cultural preservation and development,  
27 racial and social justice, and the performing and fine arts generally.

28 § 3. Section 3.05 of the arts and cultural affairs law, subdivision 10  
29 as added by chapter 851 of the laws of 1983 and subdivision 11 as added  
30 by chapter 677 of the laws of 2024, is amended to read as follows:

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

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

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

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

49 4. To hold public or private hearings;

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

55 6. To enter into contracts, within the amount available by appropri-  
56 ation therefor, with a diversity of local and regional associations for

1 cooperative endeavors furthering the educational and equity objectives  
2 of the council's programs, including consideration of equitable access  
3 to contracting opportunities;

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

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

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

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

17 11. To promote regions of cultural significance by providing cultural  
18 institutions within such regions grants, technical assistance, or other  
19 assistance authorized by this section as the council deems appropriate,  
20 including, but not limited to, East Harlem, also known as "El Barrio".  
21 This region shall be bounded by East 96th Street on the South, 5th  
22 Avenue on the West, East 125th Street on the North and the East River on  
23 the East. The council may designate additional regions of cultural  
24 significance at its discretion but such regions shall be compact,  
25 contiguous, and have an identifiable cultural heritage which unites the  
26 region[-]; and

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

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

32 § 3.11. Grants by council; consideration to certain applicants. In  
33 issuing grants to applicants for council funds in the [~~area~~] areas of  
34 cultural preservation and development and the performing arts the coun-  
35 cil may give consideration to the applicant's demonstration of an abili-  
36 ty to use arts or culture as a tool to address racial and social justice  
37 issues or enhance the state's capacity to attract tourists, as evidenced  
38 by showing that significant numbers of persons in such audiences are or  
39 will be attracted to the applicant's geographical area by reason of such  
40 applicant's program and evidence of advertising and publicity designed  
41 and planned in such a manner as to reach potential audiences from  
42 outside the applicant's geographical area.

43 § 5. This act shall take effect immediately.