

STATE OF NEW YORK

115--A

Cal. No. 276

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. CLEARE, FERNANDEZ, JACKSON, MAY, MYRIE, ROLISON, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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, 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.

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

LBD00244-03-5

1 It is hereby declared to be the policy of the state to join with
2 private patrons and with institutions [~~and~~], professional organizations,
3 and culture-based organizations concerned with [~~the~~] arts and culture to
4 insure that cultural preservation and development and the role of the
5 arts in the life of our communities will continue to grow and will play
6 an ever more significant part in the welfare and educational experience
7 of our citizens and in maintaining the paramount position of this state
8 in the nation and in the world as a cultural center.

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

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

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

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

37 § 3.05. General powers and duties of council. The council shall have
38 the following powers and duties:

39 1. To stimulate and encourage throughout the state the study and pres-
40 entation of cultural preservation and development, racial and social
41 justice, the performing and fine arts and public interest and partic-
42 ipation therein;

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

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

55 4. To hold public or private hearings;

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

6 6. To enter into contracts, within the amount available by appropri-
7 ation therefor, with a diversity of local and regional associations for
8 cooperative endeavors furthering the educational and equity objectives
9 of the council's programs, including consideration of equitable access
10 to contracting opportunities;

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

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

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

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

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

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

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

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

50 § 5. This act shall take effect immediately.