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:

Section 1. Section 3.01 of the arts and cultural affairs law is amended to read as follows:

§ 3.01. Legislative findings and declaration of policy. It is hereby found that many of our citizens lack the opportunity to view, enjoy or participate in living **cultural and** theatrical performances, musical concerts, operas, dance and ballet recitals, art exhibits, **cultural exhibits,** examples of fine architecture, and the performing and fine arts generally**, and that such lack is exacerbated by racial and social inequities**. It is hereby further found that, with increasing leisure time, the practice and enjoyment of the arts **and culture** are of increasing importance and that the general welfare of the people of the state will be promoted by giving further recognition to the arts **and culture** as a vital aspect of our culture and heritage and as a valued means of expanding the scope of our educational programs **and funding to reflect cultural diversity and equity**.

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

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

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

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

(a) The council on the arts in the executive department is hereby continued. The twenty-one members shall be, broadly representative of all fields of the performing and fine arts and cultural preservation and development, to be appointed by the governor, with the advice and consent of the senate, from among private citizens who are widely known for their professional competence and experience in connection with the performing and fine arts; provided, however, that the council shall have at least one member from each of the ten regions of the state, as such regions are defined by the empire state development corporation. In making such appointments, due consideration shall be given to the diversity of the state, historic inequities in representation, the recommendations made by representative civic, educational and professional associations and groups, concerned with or engaged in the equitable production or presentation of cultural preservation and development, racial and social justice, and the performing and fine arts generally.

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

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

1. To stimulate and encourage throughout the state the study and presentation of cultural preservation and development, racial and social justice, the performing and fine arts and public interest and participation therein;

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

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

4. To hold public or private hearings;

5. To enter into contracts, within the amount available by appropriation therefor, with **a diversity of** individuals, organizations and institutions for services furthering the educational **and equity** objectives of the council's programs**, including consideration of equitable access to contracting opportunities**;

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

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.