

52: 16A-26.1 to 52: 16A-26.7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:16A-26.1 to 52:16A-26.7 (State cultural centers-- provide for designation)

LAWS OF: 1985 CHAPTER: 410

BILL NO: S322

Sponsor(s): Lynch and DiFrancesco

Date Introduced: Pre-filed

Committee: Assembly: State Government, Civil Service, Elections, Pensions and Veterans' Affairs.

Senate: State Government, Federal and Interstate Relations and Veterans' Affairs.

Amended during passage: Yes Substituted for A1450 (Assembly committee statement--attached). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 9, 1985

Senate: December 17, 1985

Date of Approval: Jan 13, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping file in New Jersey Reference Department under "N.J.--Art--1985."

(OVER)

For background see:

974.90 New Jersey. Governor's Committee on the Arts.
a792 Findings and recommendations . . . 1981
1981 Trenton, 1981.

410 85
1-13-86
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SENATE, No. 322

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators LYNCH and DiFRANCESCO

AN ACT to provide for the designation of State *and regional* cultural centers in New Jersey.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "State **[Cul-**
2 tural]***** *Regional****** Centers *of Artistic Excellence****** Act."

1 2. As used in this act:

2 a. "Council" means the New Jersey State Council on the Arts
3 in the Department of **[Education]******* *State******;

4 b. "Cultural activities" means performances, displays, and edu-
5 cational programs of music, dance, opera, theatre, painting, sculp-
6 ture, architecture, photography, film art, handicrafts, graphic arts,
7 design, literature, and other similar or related activities;

7A **c. "Network" means more than one facility, structure or space*
7B *which are managed and operated in conjunction and cooperation*
7C *with one another for the primary purpose of presenting or pro-*
7D *ducing cultural activities;**

8 **[c.]******* **d.* "Qualifying **[municipality]******* governmental body"*
9 means a municipality ***, *contiguous municipalities or a county****** in
10 which **[local]******* government arts or cultural boards or commis-
11 sions**[;]******* ***, *nonprofit arts or cultural corporations***[;]******* ***, and
12 arts, cultural, educational, or philanthropic organizations, provide,
13 in conjunction with one another, a wide range of cultural activities
14 on a year-round basis through the management, operation, and
15 maintenance of the necessary facilities;

16 **[d.** "Center" means a State cultural center designated by the
17 council pursuant to the provisions of this act.**]*******

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 20, 1984.

18 *e. "Regional center" means a cultural facility or network of
 19 facilities to be designated by the council pursuant to this act which
 20 is located within a municipality or within two or more contiguous
 21 municipalities, which possesses the appropriate and requisite
 22 spaces, technical capabilities and professional management to
 23 present or produce on a year-round basis cultural programs and
 24 activities of high artistic quality representing a balanced variety of
 25 major disciplines and forms, and which serves a broad and diverse
 26 regional audience;

27 f. "State center" means a cultural facility or network of facilities
 28 to be designated by the council pursuant to this act which is located
 29 within a municipality or within two or more contiguous municipali-
 30 ties, which possesses the appropriate and requisite spaces, technical
 31 capabilities and professional management to present or produce on
 32 a year-round basis cultural programs and activities of the highest
 33 artistic quality by major State, national or international artists
 34 and art groups representing all major disciplines and forms, and
 35 which serves a diverse Statewide audience.*

1 3. In addition to the powers and responsibilities provided under
 2 any other law, the council shall have the following powers and
 3 responsibilities:

4 a. To provide municipalities *counties and prospective centers*
 5 with information related to qualification*, application* and re-
 6 application under the provisions of this act;

7 b. To designate centers in qualifying municipalities *and
 7A counties* pursuant to this act;

8 c. To monitor continuously the operation of centers so desig-
 9 nated;

10 d. To remove designation of *or to redesignate from State to
 11 regional* a center if, within the municipality, *municipalities or
 12 county* the boards, commissions, and organizations responsible for
 13 management, operation, and maintenance of the facilities fail to con-
 14 tinue ***[a wide range of quality cultural activities on a year-round**
 14A **basis in adequate facilities]*** *to meet the criteria established for
 14B the respective designations of State and regional centers* ; and

15 e. To promulgate the rules and regulations pursuant to the
 16 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
 17 et seq.), necessary to effectuate the purposes of this act.

1 4. ***[The governing body of a qualifying municipality]*** *A
 2 qualifying governmental body* may develop***[.]*** and adopt by
 3 ordinance *or resolution*, a State cultural center plan *or a
 4 regional cultural center plan* to be submitted to the council as an
 4A application for designation as a center. The plan shall include:

32 pality]* **applicant** within 30 days of its determination. The
 33 ***[qualifying municipality]*** **applicant** may amend its ordinance
 34 **or resolution** and resubmit an application to the council, subject
 35 to the review and approval provisions of this section.

1 **6. Upon application by a municipality, two or more contiguous*
 2 *municipalities, or a county, the council shall designate a facility or*
 3 *network of facilities within the applicant's jurisdiction as a regional*
 4 *cultural center under the provisions of this act if it determines that*
 5 *the plan submitted demonstrates that:*

6 *a. The variety of cultural activities offered represents a mixture*
 7 *of major arts disciplines through programs of interest to all*
 8 *segments of the population;*

9 *b. The facilities of the proposed center are capable, in terms of*
 10 *seating capacity, staging, appurtenant production preparation*
 11 *spaces, auxiliary facilities, sound, lighting and other technical*
 12 *aspects, management, marketing and maintenance support, parking*
 13 *and convenience, of presenting a wide range of artists and arts*
 14 *groups and of serving New Jersey citizens residing outside the*
 15 *municipal boundaries;*

16 *c. The cultural activities are of high quality and merit; and*

17 *d. Private individuals, businesses, and organizations are partici-*
 18 *pating in the functioning of the center in an effort to promote and*
 19 *develop cooperation between public and private entities in the*
 20 *support of cultural activities.*

21 *The council shall review, and approve or disapprove, an applica-*
 22 *tion within 120 days of receipt. If the council disapproves the*
 23 *application, it shall set forth its reasons in writing to the applicant*
 24 *within 30 days of its determination. The applicant may amend its*
 25 *ordinance or resolution and resubmit an application to the council,*
 26 *subject to the review and approval provisions of this section.**

1 ***[6.]*** **7.* Participation in the cultural activities of a **designated**
 2 **State or regional** center shall not preclude an organization or*
 3 *individual from being eligible for a grant of fellowships awarded*
 4 *by the council*[,]* pursuant to P. L. 1966, c. 214 (C. 52:16A-25*
 5 *et seq.) **nor shall it mandate or influence the awarding of additional**
 6 **grants or fellowships awarded by the council*.**

1 ***[7.]*** **8.* This act shall take effect 60 days following enactment,*
 2 *except that subsection e. of section 3 shall take effect immediately.*

- 5 a. A description of the facilities available for cultural activities ;
- 6 b. A statement of the boards, commissions, and organizations
7 responsible for management, operation, and maintenance of the
8 facilities involved and activities provided, and any plans or com-
9 mitments made by these groups for the continuation of services
10 and provision of activities ;
- 11 c. A description of the types of cultural activities that are pro-
12 vided, or are to be provided, ***[within the municipality]*** **at and*
12A *by the center** ; and
- 13 d. A statement of commitments made by private individuals,
14 businesses, and organizations for developing, financing, and main-
15 taining the center and its activities.
- 1 5. Upon application by a municipality, **two or more contiguous*
2 *municipalities or a county,** the council shall designate a ***[center**
3 **within that municipality]*** **facility or network of facilities within*
4 *the applicant's jurisdiction as a State cultural center** under the
5 provisions of this act, if it determines that the plan submitted
6 ***[by the municipality]*** demonstrates that:
- 7 a. The variety of cultural activities ***[offered will provide pro-**
8 **grams]*** **include programs of all major arts disciplines** of interest
9 to all segments of the population **and are presented on a year-round*
10 *basis** ;
- 11 b. The facilities ***[within the municipality]*** **of the proposed*
12 *center** are capable, in terms of ***[size]*** **seating capacity, staging,*
13 *appurtenant production preparation spaces, auxiliary facilities,*
14 *sound, lighting and other technical aspects, management, marketing,*
15 *maintenance support, parking** and convenience, of **meeting the*
16 *needs of major State, national and international artists and arts*
17 *groups and** serving New Jersey citizens residing outside the
18 municipal **and county** boundaries ;
- 19 c. The cultural activities provided are of high quality and merit ;
20 and
- 21 d. Private individuals, businesses, and organizations are par-
22 ticipating in the functioning of the center in an effort to promote
23 and develop cooperation between public and private entities in
24 the support of cultural activities.
- 25 ***[No more than eight centers shall be designated by the council,**
26 **and no designations shall be made for more than three years after**
27 **the effective date of this act, unless the council shall remove desig-**
28 **nation of a center after the expiration of that three year period.]***
- 29 The council shall review, and approve or disapprove, an appli-
30 cation within 120 days of receipt. If the council disapproves the
31 application, it shall set forth its reasons in writing to the ***[munici-**

14 and develop cooperation between public and private entities in
15 the support of cultural activities.

16 No more than eight centers shall be designated by the council,
17 and no designations shall be made for more than three years after
18 the effective date of this act, unless the council shall remove desig-
19 nation of a center after the expiration of that three year period.

20 The council shall review, and approve or disapprove, an appli-
21 cation within 120 days of receipt. If the council disapproves the
22 application, it shall set forth its reasons in writing to the munici-
23 pality within 30 days of its determination. The qualifying munici-
24 pality may amend its ordinance and resubmit an application to
25 the council, subject to the review and approval provisions of this
26 section.

1 6. Participation in the cultural activities of a center shall not
2 preclude an organization or individual from being eligible for a
3 grant of fellowships awarded by the council, pursuant to P. L.
4 1966, c. 214 (C. 52:16A-25 et seq.).

1 7. This act shall take effect 60 days following enactment, except
2 that subsection e. of section 3 shall take effect immediately.

STATEMENT

This bill would allow qualified municipalities to be designated as State cultural centers by the New Jersey State Council on the Arts. To qualify, a municipality must submit a plan to the council which includes the facilities available; the organizations responsible; the cultural activities provided; and the role of private individuals, businesses, or organizations in the functioning of the center. The council shall review, and approve or disapprove, the plans submitted according to certain criteria. The designation of a State cultural center may be removed by the council if the facilities and year-round activities fail to be maintained. Only eight centers may be designated and no centers will be designated three years after the effective date of this act unless the council shall remove designation of a center after the expiration of the three year period.

S 322 (1985)

ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,
ELECTIONS, PENSIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 322

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STATE OF NEW JERSEY

DATED: SEPTEMBER 9, 1985

This bill provides for the designation, by the State Council on the Arts, of State and regional cultural centers. The centers would offer a broad range of programs in the performing, plastic, graphic and other arts.

Under the bill, a municipality, two or more contiguous municipalities or a county could develop and adopt by ordinance or resolution a State or a regional cultural center plan. The plan would be required to include a description of the facilities available for cultural activities, an identification of the groups responsible for the operation of the facilities and a statement of their service commitments, a description of the types of cultural activities to be provided by the proposed center, and a statement of commitments of support by private entities. The plan would then be submitted to the Arts Council.

The Arts Council could designate a facility or network of facilities within the applicant jurisdiction or jurisdictions as a cultural center only if the plan submitted by the applicant demonstrated the existence of certain factors.

To be designated as a State center, a cultural activities facility would have to provide programs of all major arts disciplines on a year-round basis and would have to be capable of meeting the performance and ancillary needs of all major artists and arts groups. To be designated as a regional center, a facility would have to provide a mixture of major arts disciplines and would have to be capable of presenting a wide range of artists and arts groups. To qualify a facility for either type of designation, a plan would have to show that the facility in question provided activities of high quality and that private entities were involved in its functioning and support.

The Arts Council would have 120 days to approve or disapprove an application for designation of a facility as a cultural center. If the council disapproved an application, the applicant could amend its ordinance or resolution and resubmit its application.

COMMITTEE ACTION:

The committee reported this bill favorably.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 322
with Senate committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

As amended, this bill provides for the New Jersey State Council on the Arts to designate State and regional cultural centers. Cultural activities that would be provided include music, dance, opera, theatre, painting, sculpture, literature and similar or related activities. A State center would possess the appropriate spaces, technical capabilities and professional management to present or produce on a year-round basis cultural activities of the highest artistic quality by major State, national or international artists and art groups, representing all major disciplines and forms and serving a diverse Statewide audience. A regional center would possess the appropriate spaces, technical capabilities and professional management to present on a year-round basis cultural activities of high artistic quality representing a balanced variety of major disciplines and forms and serving a broad and diverse regional audience.

The governing body of a municipality or county may adopt a State or regional cultural center plan to be submitted to the council as an application for designation as a center. The council shall review and either approve or disapprove, according to established criteria, the plans submitted and the council may de-designate a center.

ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,
ELECTIONS, PENSIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1450

STATE OF NEW JERSEY

DATED: JUNE 21, 1984

This bill provides for the designation by the State Council on the Arts of centers within municipalities as "State cultural centers."

Under the bill, the governing body of a municipality in which public and private arts, cultural, educational or other organizations jointly provide "a wide range of cultural activities on a year-round basis" may develop and adopt by ordinance a "State cultural center plan." The plan is to include a description of facilities available for cultural activities, a list of the organizations responsible for the management and operation of those facilities, a description of the activities provided, and a statement of contributors' commitments to the development and maintenance of the center and its activities.

The governing body may then submit the cultural center plan to the council as an application for designation as a center. The council will designate a center within the applicant municipality if the municipality's plan demonstrates that the activities are of sufficient variety and quality, that the facilities are large and convenient enough to serve nonresidents of the municipality, and that private parties participate in the functioning of the center to promote public- and private-sector cooperation in support of cultural activities.

The bill limits the number of cultural centers which the Arts Council may designate to eight.