S T A T E O F N E W Y O R K

3640--B

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sens. OPPENHEIMER, SERRANO, SCHNEIDERMAN, DIAZ, STEWART-COUSINS -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, the arts and cultural affairs law, the administrative code of the city of New York and the state finance law, in relation to stabilizing the cultural education account and the local government records management improvement fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph b of paragraph 4 of subdivision (a) and subparagraph b of paragraph 11 of subdivision (b) of section 8021 of the civil practice law and rules, subparagraph b of paragraph 4 of subdivision (a) as amended by section 2 of part B of chapter 83 of the laws of 2002 and subparagraph b of paragraph 11 of subdivision (b) as amended by section 3 of part B of chapter 83 of the laws of 2002, are amended to read as follows:

b. For recording, entering, indexing and endorsing a certificate on any instrument, an additional fee of [five] SEVEN dollars AND FIFTY CENTS to be paid monthly by county clerks to the commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and an additional [fifteen] TWENTY-TWO dollars AND FIFTY CENTS, after deducting [seventy-five cents] ONE DOLLAR, for deposit to the cultural education account.

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

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b. For recording any instrument required by statute to be recorded, an additional fee of [five] SEVEN dollars AND FIFTY CENTS to be paid monthly by county clerks to the commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and an additional [fifteen] TWENTY-TWO dollars AND FIFTY CENTS, after deducting [seventy-five cents] ONE DOLLAR, for deposit to the cultural education account.

S 2. Section 57.35 of the arts and cultural affairs law is amended by adding a new subdivision 1-a to read as follows:

1-A. IN ADDITION TO THE GRANTS AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, IN EACH STATE FISCAL YEAR THE COMMISSIONER OF EDUCATION, SUBJECT TO AN APPROPRIATION FOR SUCH PURPOSE, SHALL BE AUTHORIZED TO AWARD FORMULA GRANTS FOR RECORDS MANAGEMENT IMPROVEMENT PURSUANT TO THIS SUBDIVISION TO COUNTY CLERKS AND, IN THE CITY OF NEW YORK, TO THE NEW YORK REGISTER OR OTHER OFFICER OR AGENCY HAVING CUSTODY OF REAL PROPERTY RECORDS AND ANY OFFICER OR AGENCY HAVING CUSTODY OF SUPREME COURT RECORDS. THE AMOUNT OF EACH GRANT AWARD SHALL EQUAL THE PRODUCT OF SEVENTY-FIVE CENTS AND THE NUMBER OF TRANSACTIONS ON WHICH A SURCHARGE WAS IMPOSED BY THE PUBLIC OFFICER OR AGENCY APPLYING FOR A GRANT IN THE PRIOR CALENDAR YEAR FOR DEPOSIT TO THE NEW YORK STATE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND PURSUANT TO PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION EIGHT THOUSAND EIGHTEEN, SUBPARAGRAPH B OF PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHT THOUSAND TWENTY-ONE AND SUBPARAGRAPH B OF PARAGRAPH ELEVEN OF SUBDIVISION (B) OF SECTION EIGHT THOUSAND TWENTY-ONE OF THE CIVIL PRACTICE LAW AND RULES, AND SUBDIVISION A OF SECTION 7-604 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 3. Subdivision 3 of section 57.35 of the arts and cultural affairs law, as added by chapter 78 of the laws of 1989, is amended to read as follows:

3. All monies received by the commissioner of education under the provisions of [the third undesignated] paragraph THREE of subdivision (a) of section eight thousand eighteen, subparagraph b of paragraph four of subdivision (a) of section eight thousand twenty-one and subparagraph b of paragraph eleven of subdivision (b) of section eight thousand twenty-one of the civil practice law and rules, and subdivision a of section 7-604 of the administrative code of the city of New York, shall be deposited by the commissioner of education to the credit of the New York state local government records management improvement fund established pursuant to section ninety-seven-i of the state finance law by the tenth day of the month following receipt of such monies.

S 4. Subdivision a of section 7-604 of the administrative code of the city of New York, as amended by section 4 of part B of chapter 83 of the laws of 2002, is amended to read as follows:

a. The register shall be paid a salary to be fixed by the mayor. All fees shall be the property of the city. All sums so received shall be paid to the commissioner of finance monthly without deduction. The FOLLOWING additional [fee of twenty dollars] FEES for recording any instrument required by New York state statute to be recorded pursuant to subdivision one of section 7-614 of this code shall be [used as follows] COLLECTED: [five] SEVEN dollars AND FIFTY CENTS paid monthly by the commissioner of finance to the New York state commissioner of education, after deducting twenty-five cents, for deposit into the New York state local government records management improvement fund and [fifteen] TWENTY-TWO dollars AND FIFTY CENTS, after deducting [seventy-five cents] ONE DOLLAR, for deposit to the cultural education account.

S 5. Subdivision 2 of section 97-zzz of the state finance law, as added by section 3-a of part B of chapter 83 of the laws of 2002, is amended to read as follows:

2. The comptroller is authorized and directed to receive for deposit to the credit of the cultural education account revenues designated for such deposit by law including those derived from the surcharge authorized by [the third undesignated] paragraph THREE of subdivision (a) of section eight thousand eighteen of the civil practice and law and rules, subparagraph b of paragraph four of subdivision (a) of section eight thousand twenty-one of such law, subparagraph b of paragraph eleven of subdivision (b) of section eight thousand twenty-one of such law, [and] subdivision a of section 7-604[,] AND subdivision 1 of section 7-614 of the administrative code of the city of New York.

S 6. This act shall take effect on the sixtieth day after it shall have become a law.