

3640

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sens. OPPENHEIMER, SERRANO, SCHNEIDERMAN -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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:

1 Section 1. Paragraph 3 of subdivision (a) of section 8018 of the civil
2 practice law and rules, as amended by section 1 of part B of chapter 83
3 of the laws of 2002, is amended to read as follows:

4 3. In addition, a county clerk is entitled, for the assignment of an
5 index number to an action pending in a court of which he or she is
6 clerk, to the following fee: an additional [five] SEVEN dollars AND
7 FIFTY CENTS, to be paid monthly by the county clerk to the commissioner
8 of education, after deducting twenty-five cents, for deposit into the
9 New York state local government records management improvement fund and
10 an additional [fifteen] TWENTY-TWO dollars AND FIFTY CENTS, after
11 deducting [seventy-five cents] ONE DOLLAR, for deposit to the cultural
12 education account.

13 S 2. Subparagraph b of paragraph 4 of subdivision (a) and subparagraph
14 b of paragraph 11 of subdivision (b) of section 8021 of the civil prac-
15 tice law and rules, subparagraph b of paragraph 4 of subdivision (a) as
16 amended by section 2 of part B of chapter 83 of the laws of 2002 and
17 subparagraph b of paragraph 11 of subdivision (b) as amended by section
18 3 of part B of chapter 83 of the laws of 2002, are amended to read as
19 follows:

20 b. For recording, entering, indexing and endorsing a certificate on
21 any instrument, an additional fee of [five] SEVEN dollars AND FIFTY
22 CENTS to be paid monthly by county clerks to the commissioner of educa-

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

LBD08124-01-9

1 tion, after deducting twenty-five cents, for deposit into the New York
2 state local government records management improvement fund and an addi-
3 tional [fifteen] TWENTY-TWO dollars AND FIFTY CENTS, after deducting
4 [seventy-five cents] ONE DOLLAR, for deposit to the cultural education
5 account.

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

13 S 3. Section 57.35 of the arts and cultural affairs law is amended by
14 adding a new subdivision 1-a to read as follows:

15 1-A. IN ADDITION TO THE GRANTS AUTHORIZED PURSUANT TO SUBDIVISION ONE
16 OF THIS SECTION, IN EACH STATE FISCAL YEAR THE COMMISSIONER OF EDUCA-
17 TION, SUBJECT TO AN APPROPRIATION FOR SUCH PURPOSE, SHALL BE AUTHORIZED
18 TO AWARD FORMULA GRANTS FOR RECORDS MANAGEMENT IMPROVEMENT PURSUANT TO
19 THIS SUBDIVISION TO COUNTY CLERKS AND, IN THE CITY OF NEW YORK, TO THE
20 NEW YORK REGISTER OR OTHER OFFICER OR AGENCY HAVING CUSTODY OF REAL
21 PROPERTY RECORDS AND ANY OFFICER OR AGENCY HAVING CUSTODY OF SUPREME
22 COURT RECORDS. THE AMOUNT OF EACH GRANT AWARD SHALL EQUAL THE PRODUCT OF
23 SEVENTY-FIVE CENTS AND THE NUMBER OF TRANSACTIONS ON WHICH A SURCHARGE
24 WAS IMPOSED BY THE PUBLIC OFFICER OR AGENCY APPLYING FOR A GRANT IN THE
25 PRIOR CALENDAR YEAR FOR DEPOSIT TO THE NEW YORK STATE LOCAL GOVERNMENT
26 RECORDS MANAGEMENT IMPROVEMENT FUND PURSUANT TO PARAGRAPH THREE OF
27 SUBDIVISION (A) OF SECTION EIGHT THOUSAND EIGHTEEN, SUBPARAGRAPH B OF
28 PARAGRAPH FOUR OF SUBDIVISION (A) OF SECTION EIGHT THOUSAND TWENTY-ONE
29 AND SUBPARAGRAPH B OF PARAGRAPH ELEVEN OF SUBDIVISION (B) OF SECTION
30 EIGHT THOUSAND TWENTY-ONE OF THE CIVIL PRACTICE LAW AND RULES, AND
31 SUBDIVISION A OF SECTION 7-604 OF THE ADMINISTRATIVE CODE OF THE CITY OF
32 NEW YORK. THE COMMISSIONER OF EDUCATION SHALL PROMULGATE REGULATIONS
33 PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO PRESCRIBE THE CRITERIA
34 AND PROCEDURES FOR AWARD OF SUCH FORMULA GRANTS.

35 S 4. Subdivision 3 of section 57.35 of the arts and cultural affairs
36 law, as added by chapter 78 of the laws of 1989, is amended to read as
37 follows:

38 3. All monies received by the commissioner of education under the
39 provisions of [the third undesignated] paragraph THREE of subdivision
40 (a) of section eight thousand eighteen, subparagraph b of paragraph four
41 of subdivision (a) of section eight thousand twenty-one and subparagraph
42 b of paragraph eleven of subdivision (b) of section eight thousand twen-
43 ty-one of the civil practice law and rules, and subdivision a of section
44 7-604 of the administrative code of the city of New York, shall be
45 deposited by the commissioner of education to the credit of the New York
46 state local government records management improvement fund established
47 pursuant to section ninety-seven-i of the state finance law by the tenth
48 day of the month following receipt of such monies.

49 S 5. Subdivision a of section 7-604 of the administrative code of the
50 city of New York, as amended by section 4 of part B of chapter 83 of the
51 laws of 2002, is amended to read as follows:

52 a. The register shall be paid a salary to be fixed by the mayor. All
53 fees shall be the property of the city. All sums so received shall be
54 paid to the commissioner of finance monthly without deduction. The
55 FOLLOWING additional [fee of twenty dollars] FEES for recording any
56 instrument required by New York state statute to be recorded pursuant to

1 subdivision one of section 7-614 of this code shall be [used as follows]
2 COLLECTED: [five] SEVEN dollars AND FIFTY CENTS paid monthly by the
3 commissioner of finance to the New York state commissioner of education,
4 after deducting twenty-five cents, for deposit into the New York state
5 local government records management improvement fund and [fifteen] TWEN-
6 TY-TWO dollars AND FIFTY CENTS, after deducting [seventy-five cents] ONE
7 DOLLAR, for deposit to the cultural education account.

8 S 6. Subdivision 2 of section 97-zzz of the state finance law, as
9 added by section 3-a of part B of chapter 83 of the laws of 2002, is
10 amended to read as follows:

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

21 S 7. This act shall take effect April 1, 2009; provided that in the
22 event it shall become a law after such date, this act shall take effect
23 immediately.