

5637--A

2015-2016 Regular Sessions

I N S E N A T E

May 21, 2015

Introduced by Sens. SEWARD, AMEDORE, HANNON, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation 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 vehicle and traffic law, in relation to authorizing the creation of a Cystic Fibrosis Foundation license plate; and to amend the state finance law, in relation to creating the cystic fibrosis research and education fund

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 404-bb to read as follows:
3 S 404-BB. DISTINCTIVE CYSTIC FIBROSIS FOUNDATION LICENSE PLATES. 1.
4 ANY PERSON RESIDING IN THIS STATE SHALL, UPON REQUEST, BE ISSUED A
5 DISTINCTIVE LICENSE PLATE IN SUPPORT OF CYSTIC FIBROSIS AWARENESS AND
6 RESEARCH BEARING THE PHRASE "CYSTIC FIBROSIS FOUNDATION". APPLICATION
7 FOR SAID LICENSE PLATE SHALL BE FILED WITH THE COMMISSIONER IN SUCH FORM
8 AND DETAIL AS THE COMMISSIONER SHALL PRESCRIBE.
9 2. A DISTINCTIVE PLATE ISSUED PURSUANT TO THIS SECTION SHALL BE ISSUED
10 IN THE SAME MANNER AS OTHER NUMBER PLATES UPON PAYMENT OF THE REGULAR
11 REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS ARTICLE;
12 PROVIDED, HOWEVER, THAT AN ADDITIONAL ANNUAL SERVICE CHARGE OF
13 TWENTY-FIVE DOLLARS SHALL BE CHARGED FOR SUCH PLATES.
14 3. EACH TWENTY-FIVE DOLLARS RECEIVED AS THE ANNUAL SERVICE CHARGE
15 UNDER THIS SECTION SHALL BE DEPOSITED TO THE CREDIT OF THE "CYSTIC
16 FIBROSIS RESEARCH AND EDUCATION FUND" ESTABLISHED PURSUANT TO SECTION
17 NINETY-SEVEN-*QQQQ* OF THE STATE FINANCE LAW AND SHALL BE USED FOR

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

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1 RESEARCH AND EDUCATION PROGRAMS UNDERTAKEN PURSUANT TO SECTION
2 NINETY-SEVEN-XXXX OF THE STATE FINANCE LAW.

3 S 2. The state finance law is amended by adding a new section 97-xxxx
4 to read as follows:

5 S 97-XXXX. CYSTIC FIBROSIS RESEARCH AND EDUCATION FUND. 1. THERE IS
6 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION
7 AND FINANCE AND THE COMPTROLLER A FUND TO BE KNOWN AS THE "CYSTIC FIBRO-
8 SIS RESEARCH AND EDUCATION FUND".

9 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO
10 SECTION FOUR HUNDRED FOUR-BB OF THE VEHICLE AND TRAFFIC LAW, AND ALL
11 OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY
12 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION
13 SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE
14 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO
15 THE FUND ACCORDING TO LAW.

16 2-A. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMPTROLLER
17 SHALL CERTIFY TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAK-
18 ER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE COMMITTEE AND CHAIR OF
19 THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE AMOUNT OF MONEY DEPOSITED IN
20 THE CYSTIC FIBROSIS RESEARCH AND EDUCATION FUND DURING THE PRECEDING
21 CALENDAR YEAR AS THE RESULT OF REVENUE DERIVED PURSUANT TO SECTION FOUR
22 HUNDRED FOUR-BB OF THE VEHICLE AND TRAFFIC LAW AND FROM GRANTS, GIFTS
23 AND BEQUESTS.

24 2-B. ON OR BEFORE THE FIRST DAY OF FEBRUARY EACH YEAR, THE COMMISSION-
25 ER OF HEALTH SHALL PROVIDE A WRITTEN REPORT TO THE TEMPORARY PRESIDENT
26 OF THE SENATE, SPEAKER OF THE ASSEMBLY, CHAIR OF THE SENATE FINANCE
27 COMMITTEE, CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, CHAIR OF THE
28 SENATE COMMITTEE ON HEALTH, CHAIR OF THE ASSEMBLY HEALTH COMMITTEE, THE
29 STATE COMPTROLLER AND THE PUBLIC. SUCH REPORT SHALL INCLUDE HOW THE
30 MONIES OF THE FUND WERE UTILIZED DURING THE PRECEDING CALENDAR YEAR, AND
31 SHALL INCLUDE:

32 (I) THE AMOUNT OF MONEY DISBURSED FROM THE FUND AND THE AWARD PROCESS
33 USED FOR SUCH DISBURSEMENTS;

34 (II) RECIPIENTS OF AWARDS FROM THE FUND;

35 (III) THE AMOUNT AWARDED TO EACH;

36 (IV) THE PURPOSES FOR WHICH SUCH AWARDS WERE GRANTED; AND

37 (V) A SUMMARY FINANCIAL PLAN FOR SUCH MONEYS WHICH SHALL INCLUDE ESTI-
38 MATES OF ALL RECEIPTS AND ALL DISBURSEMENTS FOR THE CURRENT AND SUCCEED-
39 ING FISCAL YEARS, ALONG WITH THE ACTUAL RESULTS FROM THE PRIOR FISCAL
40 YEAR.

41 3. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR CYSTIC FIBROSIS
42 RESEARCH PROJECTS AND CYSTIC FIBROSIS EDUCATION PROJECTS APPROVED BY THE
43 DEPARTMENT OF HEALTH IN NEW YORK STATE. AS USED IN THIS SECTION, THE
44 TERM "CYSTIC FIBROSIS RESEARCH PROJECT" MEANS SCIENTIFIC RESEARCH
45 APPROVED BY THE DEPARTMENT OF HEALTH INTO THE CAUSES AND/OR TREATMENT OF
46 CYSTIC FIBROSIS, AND THE TERM "CYSTIC FIBROSIS EDUCATION PROJECT" MEANS
47 A PROJECT APPROVED BY THE DEPARTMENT OF HEALTH AIMED TOWARD EDUCATING
48 THE GENERAL PUBLIC ABOUT THE CAUSES, SYMPTOMS, AND TREATMENT OF CYSTIC
49 FIBROSIS.

50 4. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
51 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER
52 OF HEALTH.

53 5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF HEALTH SHALL ENSURE
54 THAT ALL MONEYS RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE
55 END OF THAT FISCAL YEAR.

1 S 3. 1. A distinctive plate established pursuant to section 404-bb of
2 the vehicle and traffic law shall only be designed, produced and issued
3 upon the delivery to the department of motor vehicles of a surety bond
4 in the amount of six thousand dollars, which shall be executed by a
5 surety company authorized by the department of financial services to
6 transact business in this state. Provided, however, that if the commis-
7 sioner of motor vehicles shall have received prior to plate design,
8 production and issuance at least two hundred orders for such distinctive
9 plate together with the additional annual service charge applicable to
10 each such order, which shall be non-refundable, no such surety bond
11 shall be required. All service charges collected pursuant to this
12 section shall be deposited pursuant to the provisions of section 404-oo
13 of the vehicle and traffic law to the credit of the department of motor
14 vehicles distinctive plate development fund established by section 95-g
15 of the state finance law and shall be used for the design, production,
16 advertising and distribution of distinctive license plates in accordance
17 with such section 95-g.

18 2. If, upon the expiration of two years following the date upon which
19 distinctive plates in the series are first available for sale two
20 hundred or more sets of such plates are sold, a bond delivered pursuant
21 to this section shall be discontinued. If fewer than two hundred sets of
22 such plates are sold by such time, the department of motor vehicles
23 shall be entitled to recover against the bond in an amount proportionate
24 to such shortfall.

25 S 4. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law; provided, however, that section three of
27 this act shall take effect immediately; and provided further, however
28 that effective immediately, the addition, amendment and/or repeal of any
29 rule or regulation necessary for the implementation of this act on its
30 effective date are authorized and directed to be made and completed on
31 or before such effective date.