STATE OF NEW YORK

7137--A

IN SENATE

January 8, 2020

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- 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 "New York public television and radio" license plate; and to amend the state finance law, in relation to providing for deposits of certain moneys into the cultural education account

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 404-qq to read as follows:

§ 404-qq. Distinctive "New York public television and radio" license plates. 1. Any person shall upon request be issued a distinctive "New York public television and radio" license plate of a design or designs to be approved by the commissioner. The department is authorized to create distinctive designs of such plate for each individual public television corporation, public radio corporation, or public radio station that fulfills all applicable requirements related to the design, production, and issuance of such plate. Application for said license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe.

2. A distinctive "New York public television and radio" license plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fees prescribed by section four hundred one of this article; provided, however, that an additional annual service charge of twenty-five dollars shall be charged for such plate.

3. Each twenty-five dollars received as the annual service charge under this section shall be deposited to the credit of the "cultural education account" established pursuant to section ninety-seven-zzz of the state finance law and shall be used for grants to public television and radio corporations and public radio stations as specified in section ninety-seven-zzz of the state finance law.

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

LBD14632-06-0

§ 2. 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, subdivision 3 as amended by section 3 of part C of chapter 58 of the laws of 2011, is amended to read as follows:

§ 97-zzz. Cultural education account. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance an account of the miscellaneous special fund to be known as the cultural education account.

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, section four hundred four-qq of the vehicle and traffic law, and subdivision a of section 7-604, subdivision 1 of section 7-614 of the administrative code of the city of New York.

3. Moneys of this account, following appropriation by the legislature, shall be available to support the following agencies and programs: (a) the state education department for services and expenses of the cultural education program including operating expenses and capital projects and the New York state summer school of the arts subject to a plan approved by the commissioner of education and the director of the budget; [~~and~~] (b) the Nelson A. Rockefeller performing arts center corporation subject to a plan approved by the director of the budget; and (c) grants pursuant to subdivision four of this section to public television corporations, public radio stations and/or public radio corporations, as defined in section two hundred thirty-six of the education law, for the purposes of public service programming subject to a plan approved by the commissioner of education.

4. (a) Moneys deposited to the credit of this account for the purposes of grants to public television corporations, public radio stations and/or public radio corporations, as defined in section two hundred thirty-six of the education law, for the purposes of public service programming:

(i) shall consist of all revenues received pursuant to section four hundred four-qq of the vehicle and traffic law, and all other moneys appropriated, credited, or transferred to this account for such purposes from any other fund or source pursuant to law, provided that nothing contained in this section shall prevent the state from receiving grants, gifts, for such purposes and depositing them into this account according to law;

(ii) shall be kept separate from and not commingled with other moneys authorized for deposit to the credit of this account or any other funds held in the custody of the state comptroller or the commissioner of taxation and finance, either jointly or separately; and

(iii) shall be made payable from this account by the state comptroller and the commissioner of taxation and finance on vouchers approved by the commissioner of education, to be administered through the office of educational television and public broadcasting within the department of education. In developing a plan for distributing such grants, the commissioner of education may consider developing rules to allow the distribution of such grants to each individual recipient in an amount

proportional to the number of orders for plates designed, produced, and issued for such recipient.

(b) To the extent practicable, the commissioner of education shall ensure that all moneys received from this account during a fiscal year are expended prior to the end of that fiscal year.

(c) On or before the first day of February each year, the state comptroller and commissioner of taxation and finance shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee the amount of money deposited in this account for the purposes of this subdivision during the preceding calendar year as the result of revenue derived pursuant to section four hundred-qq of the vehicle and traffic law or any other fund or source pursuant to law or from grants, gifts and bequests.

(d) On or before the first day of February each year, the commissioner of education shall provide a written report to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, and the public. Such report shall include how moneys deposited in this account for the purposes of this subdivision were utilized during the preceding calendar year and shall include:

(i) the amount of money disbursed from this account for the purposes of this subdivision;

(ii) the recipients of awards from this account for the purposes of this subdivision;

(iii) the purposes for which such awards were granted; and

(iv) a summary financial plan for such moneys which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

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

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

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the

addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.