

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

S. 7007--A

A. 10116--A

S E N A T E - A S S E M B L Y

March 5, 2010

IN SENATE -- Introduced by Sens. SERRANO, BONACIC, BRESLIN, DeFRANCISCO, ESPADA, FARLEY, GRIFFO, KRUEGER, LITTLE, OPPENHEIMER, PADAVAN, PERALTA, SALAND, SCHNEIDERMAN, SEWARD, SQUADRON, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. GALEF, PAULIN, KOON, THIELE, MENG, KAVANAGH, BARRON, CALHOUN, SAYWARD, BURLING, CORWIN, RAIA, GIGLIO, JORDAN, TOBACCO, SKARTADOS, CASTRO, BENJAMIN, ESPAILLAT, CASTELLI, MILLMAN, FIELDS, ORTIZ, KELLNER, SPANO, ROSENTHAL -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BARCLAY, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, HAYES, JEFFRIES, KOLB, LATIMER, LUPARDO, MAYERSOHN, McKEVITT, MOLINARO, MONTESANO, MURRAY, O'MARA, PHEFFER, RABBITT, SALADINO, SCHIMEL, TOWNSEND -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to clarifying the appropriation and qualification of member items and authorizes the legislative ethics commission to review violations of the qualification of member items; and to amend the state finance law, in relation to requiring that all member items be fully itemized

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

1 Section 1. The legislative law is amended by adding a new section 54-b
2 to read as follows:

3 S 54-B. MEMBER ITEMS. 1. AS USED IN THIS SECTION, THE TERM "MEMBER
4 ITEM" SHALL MEAN A BUDGETARY ALLOCATION AS FUNDED BY THE LEGISLATIVE
5 COMMUNITY PROJECTS FUND AS DEFINED IN SECTION NINETY-NINE-T OF THE STATE
6 FINANCE LAW, AND THE EXECUTIVE COMMUNITY PROJECTS FUND AS DEFINED IN
7 SECTION NINETY-NINE-U OF THE STATE FINANCE LAW AT THE DISCRETION AND
8 REQUEST OF THE GOVERNOR OR A MEMBER OF THE LEGISLATURE FOR A CERTIFIED
9 TAX-EXEMPT NON-PROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTER-

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

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1 NAL REVENUE CODE IN NEW YORK STATE, A STATE AGENCY, A MUNICIPALITY OR
2 THEIR AFFILIATED DEPARTMENT, UNIVERSITY, COLLEGE, OR SCHOOL DISTRICT.

3 2. MEMBER ITEMS SHALL NOT BE APPROPRIATED WHEN A CONFLICT OF INTEREST
4 EXISTS BETWEEN THE LEGISLATOR OR GOVERNOR DESIGNATING THE MEMBER ITEM
5 AND THE POTENTIAL RECIPIENT. A MEMBER ITEM CANNOT FUND ORGANIZATIONS
6 THAT EMPLOY OR OTHERWISE COMPENSATE THE LEGISLATOR OR GOVERNOR, A MEMBER
7 OF THE LEGISLATOR'S OR GOVERNOR'S FAMILY, ANY PERSON SHARING THE HOME OF
8 THE LEGISLATOR OR GOVERNOR OR A MEMBER OF THE LEGISLATOR'S OR GOVERNOR'S
9 STAFF FOR SERVICES OR LABOR RENDERED. FURTHERMORE, LEGISLATORS AND THE
10 GOVERNOR SHALL NOT DESIGNATE MEMBER ITEMS IF THE LEGISLATOR OR GOVERNOR,
11 A MEMBER OF THE LEGISLATOR'S OR GOVERNOR'S FAMILY, ANY PERSON SHARING
12 THE HOME OF THE LEGISLATOR OR GOVERNOR OR A MEMBER OF THE LEGISLATOR'S
13 OR GOVERNOR'S STAFF IS INVOLVED WITH THE OPERATIONS OF THE ORGANIZATION
14 IN A DECISION-MAKING CAPACITY INCLUDING BUT NOT LIMITED TO WORKING ON AN
15 UNPAID, VOLUNTEER BASIS OR A MEMBER OF THE DIRECTING BOARD OF AN ORGAN-
16 IZATION.

17 3. PRIOR TO THE APPROPRIATION OF MEMBER ITEMS, THE LEGISLATURE SHALL:

18 (A) PROVIDE THAT EACH MEMBER OF THE SENATE AND EACH MEMBER OF THE
19 ASSEMBLY RECEIVE AN EQUAL SHARE OF THE DOLLAR AMOUNT OF MEMBER ITEMS
20 ALLOCATED TO THE RESPECTIVE LEGISLATIVE BODY;

21 (B) REQUIRE THE LEGISLATOR OR GOVERNOR REQUESTING SUCH MEMBER ITEM TO
22 SUBMIT A SIGNED CONFLICT OF INTEREST FORM ALONG WITH THE MEMBER ITEM
23 REQUEST FORM TO ENSURE THAT NO CONFLICT OF INTEREST EXISTS. THE LEGISLA-
24 TOR OR GOVERNOR SHALL DISCLOSE ON THE CONFLICT OF INTEREST FORM ALL
25 POLITICAL DONATIONS HE OR SHE IS RECEIVING OR HAS RECEIVED IN THE PAST
26 FROM THE INTENDED RECIPIENT OF THE MEMBER ITEM FUNDING. SUCH A CONFLICT
27 OF INTEREST FORM SHALL BE SIGNED BY THE LEGISLATOR OR GOVERNOR UNDER
28 PENALTY OF PERJURY, STATING THAT THE MEMBER ITEM IS NOT BEING DIRECTED
29 IN A MANNER DESCRIBED IN SUBDIVISION TWO OF THIS SECTION;

30 (C) PROVIDE THAT ANY STATE AGENCY THAT PROVIDES FUNDING FOR MEMBER
31 ITEMS EVALUATE THE SPENDING OF SUCH MEMBER ITEM FUNDS BY THE LOCAL
32 PROJECT, ORGANIZATION OR OTHER ENTITY RECEIVING SUCH FUNDS. THE STATE
33 AGENCY SHALL TRACK THE FUNDS TO ENSURE THAT THEY ARE BEING SPENT IN A
34 MANNER CONSISTENT WITH THE MEMBER ITEM APPLICATION;

35 (D) ENSURE THAT THE FOLLOWING CRITERIA ARE SATISFIED:

36 (1) GRANTS ARE TO BE DESIGNATED FOR PUBLIC PURPOSES. THE PROGRAM
37 FUNDED MUST BE OPEN AND AVAILABLE TO ALL INDIVIDUALS ON A NONSECTARIAN
38 BASIS;

39 (2) GRANTS ARE PROVIDED IN SUPPORT OF SERVICES AND ACTIVITIES THAT
40 HAVE STATEWIDE BENEFIT OR BENEFIT LOCAL COMMUNITIES;

41 (3) GRANTS ARE ONLY DESIGNATED FOR NOT-FOR-PROFIT ORGANIZATIONS, MUNI-
42 CIPALITIES OR THEIR AFFILIATED DEPARTMENTS/AGENCIES, UNIVERSITIES,
43 COLLEGES, OR SCHOOL DISTRICTS;

44 (4) GRANTS ARE AVAILABLE SOLELY FOR ACTIVITIES AND PROGRAMS CONDUCTED
45 WITHIN THE STATE OF NEW YORK;

46 (5) GRANTS ARE NOT TO BE REDISTRIBUTED UNLESS THE GRANT RECIPIENT IS
47 IDENTIFIED AND THE GRANT TO THE END RECIPIENT COMPLIES WITH THE CRITE-
48 RIA;

49 (6) GRANTS ARE TO BE USED ONLY FOR THE PURPOSE STATED IN THE FUNDING
50 REQUEST;

51 (7) GRANTS ARE NOT TO BE USED TO FUND LOAN PROGRAMS;

52 (8) GRANTS ARE NOT TO BE USED FOR THE FOLLOWING PURPOSES: (A) TO FUND
53 AN ENTITY IN BANKRUPTCY, RECEIVERSHIP, OR FORECLOSURE OR TO FUND LEGAL
54 OR ADMINISTRATIVE EXPENSES RELATED TO BANKRUPTCY, RECEIVERSHIP OR FORE-
55 CLOSURE PROCEEDINGS; (B) TO PAY FOR ANY ARREARS IN WORKERS' COMPEN-
56 SATION, UNEMPLOYMENT INSURANCE OR OTHER EMPLOYEE BENEFITS; OR (C) TO PAY

1 FOR ANY ARREARS OR CURRENT OBLIGATIONS FOR FEDERAL, STATE, OR MUNICIPAL
2 TAXES; FOR LOBBYING ACTIVITIES AS DEFINED UNDER SECTION ONE-C OF THIS
3 CHAPTER AND COMPARABLE SECTIONS OF FEDERAL OR MUNICIPAL LAW;

4 (9) GRANTS ARE NOT TO BE THE ONLY SIGNIFICANT SOURCE OF FUNDING FOR
5 THE ORGANIZATION;

6 (10) GRANT APPLICATIONS SHALL INCLUDE A BRIEF DESCRIPTION OF THE
7 PROJECT TO BE FUNDED; AND

8 (11) GRANTS SHALL NOT BE USED BY RECIPIENTS TO PAY WAGES OR OTHER
9 EMPLOYEE BENEFITS.

10 (E) AT LEAST TWENTY-FOUR HOURS PRIOR TO APPROVAL BY THE LEGISLATURE OF
11 THE STATE BUDGET, THE LEGISLATURE MUST MAKE PUBLIC WITH RESPECT TO EACH
12 MEMBER ITEM, THE MEMBER OF THE SENATE, THE MEMBER OF THE ASSEMBLY OR THE
13 GOVERNOR SPONSORING THE MEMBER ITEM, THE DOLLAR AMOUNT OF THE MEMBER
14 ITEM TO BE APPROPRIATED, AND THE NAME OF THE LOCAL PROJECT, ORGANIZATION
15 OR OTHER ENTITY RECEIVING SUCH MEMBER ITEM. SUCH PUBLICATION SHALL, AT A
16 MINIMUM, BE MADE ON THE WEBSITE OF EACH HOUSE OF THE LEGISLATURE IN A
17 MANNER THAT IS EASILY ACCESSIBLE.

18 4. ALL MEMBER ITEM ALLOCATION RECIPIENTS SHALL PROVIDE CERTIFICATION
19 OF PROPER USE OF FUNDS RECEIVED. FOR ALLOCATIONS TOTALING LESS THAN
20 FIFTY THOUSAND DOLLARS, A DULY AUTHORIZED REPRESENTATIVE OF THE MEMBER
21 ITEM RECIPIENT ORGANIZATION SHALL ATTEST UNDER PENALTY OF PERJURY THAT
22 THE RECIPIENT ORGANIZATION ACTUALLY SPENT THE MEMBER ITEM GRANT MONEY IN
23 THE MANNER AND FOR THE PURPOSES DESIGNATED IN ITS APPLICATION FOR A
24 MEMBER ITEM ALLOCATION. FOR ALLOCATIONS TOTALING MORE THAN FIFTY THOU-
25 SAND DOLLARS, A DULY AUTHORIZED REPRESENTATIVE OF THE MEMBER ITEM RECI-
26 PIENT ORGANIZATION SHALL ATTEST UNDER PENALTY OF PERJURY THAT THE RECIPI-
27 ENT ORGANIZATION ACTUALLY SPENT THE MEMBER ITEM GRANT MONEY IN THE
28 MANNER AND FOR THE PURPOSES DESIGNATED IN ITS APPLICATION FOR A MEMBER
29 ITEM ALLOCATION AND SHALL FILE A FINAL REPORT, UNDER PENALTY OF PERJURY,
30 DETAILING THE EXPENDITURES. SUCH REPORT SHALL BE SUBMITTED BY MAY THIR-
31 TY-FIRST OF THE CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE
32 MEMBER ITEM WAS ALLOCATED AND SHALL FOLLOW THE REQUIREMENTS ESTABLISHED
33 BY THE ATTORNEY GENERAL. NO FUTURE MEMBER ITEM GRANTS SHALL BE APPROVED
34 FOR AN ORGANIZATION WHICH HAS PREVIOUSLY RECEIVED A MEMBER ITEM ALLO-
35 CATION UNTIL SUCH DOCUMENTS HAVE BEEN SIGNED AND RECEIVED BY THE OFFICE
36 OF THE NEW YORK STATE ATTORNEY GENERAL.

37 5. PRIOR TO SUBMITTING AN APPLICATION FOR A MEMBER ITEM ALLOCATION,
38 EACH ORGANIZATION SEEKING A MEMBER ITEM ALLOCATION MUST MEET PRE-CERTI-
39 FICATION STANDARDS AS ESTABLISHED BY THE OFFICE OF THE NEW YORK STATE
40 ATTORNEY GENERAL. AT A MINIMUM, THOSE STANDARDS SHALL REQUIRE THAT THE
41 ORGANIZATION SEEKING PRE-CERTIFICATION IS A CERTIFIED TAX-EXEMPT
42 NON-PROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
43 CODE IN NEW YORK STATE, A STATE AGENCY, A MUNICIPALITY OR THEIR AFFIL-
44 IATED DEPARTMENT, UNIVERSITY, COLLEGE, OR SCHOOL DISTRICT CAPABLE OF
45 ACCEPTING POTENTIAL FUNDING AND THAT SUCH ENTITY IS NOT IN BANKRUPTCY OR
46 ARREARS ON ANY OBLIGATIONS. IF AN ORGANIZATION HAS RECEIVED MEMBER ITEM
47 FUNDING IN THE PAST, THE ORGANIZATION SHALL ALSO COMPLY WITH THE
48 REQUIREMENTS OF SUBDIVISION FOUR OF THIS SECTION. NO APPLICATION FROM
49 ANY ORGANIZATION SHALL BE CONSIDERED BY A LEGISLATOR UNTIL THE OFFICE OF
50 THE NEW YORK STATE ATTORNEY GENERAL HAS CERTIFIED SUCH ORGANIZATION
51 BASED UPON THE CRITERIA SET FORTH IN THIS SUBDIVISION AND UPON ANY ADDI-
52 TIONAL REGULATORY STANDARDS ESTABLISHED BY THE ATTORNEY GENERAL.

53 6. ANY STATE AGENCY THAT PROVIDES FUNDING FOR MEMBER ITEMS SHALL
54 REVIEW MEMBER ITEM SPENDING ON AN ANNUAL BASIS AND PERIODICALLY REVIEW
55 GRANT RECIPIENTS' USE OF GRANT MONEY.

1 7. ANY MEMBER ITEM APPROPRIATED BY THE LEGISLATURE SHALL BE SET FORTH
2 SEPARATELY AND APART FROM EVERY OTHER MEMBER ITEM IN THE STATE BUDGET IN
3 ORDER TO CLEARLY IDENTIFY EACH LEGISLATOR'S OR GOVERNOR'S REQUEST.

4 8. ANY VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE REFERRED
5 TO THE LEGISLATIVE ETHICS COMMISSION OR ITS SUCCESSOR ENTITY.
6 COMPLAINTS REGARDING THE FAILURE OF AN ALLOCATION OR USE OF A MEMBER
7 ITEM TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER SHALL BE SUBMITTED TO
8 (A) THE LEGISLATIVE ETHICS COMMISSION WITH REGARD TO A MEMBER ITEM ALLO-
9 CATION MADE AT THE DISCRETION OF A LEGISLATOR, OR (B) THE COMMISSION ON
10 PUBLIC INTEGRITY WITH REGARD TO A MEMBER ITEM ALLOCATION MADE AT THE
11 DISCRETION OF THE GOVERNOR. EACH COMPLAINT SHALL BE INVESTIGATED IN
12 ACCORDANCE WITH THE RULES AND PROCEDURES OF THE COMMISSION RECEIVING THE
13 COMPLAINT.

14 S 2. Paragraph 1 of subdivision 7 of section 80 of the legislative
15 law, as amended by chapter 14 of the laws of 2007, is amended to read as
16 follows:

17 1. Receive and act on complaints regarding persons subject to its
18 jurisdiction alleging a possible violation of SECTION FIFTY-FOUR-B OF
19 THIS CHAPTER OR section seventy-three, seventy-three-a or seventy-four
20 of the public officers law, and conduct such investigations and
21 proceedings as are authorized and necessary to carry out the provisions
22 of this section. In connection with such investigations, the commission
23 may administer oaths or affirmations, subpoena witnesses, compel their
24 attendance and require the production of any books or records which it
25 may deem relevant or material;

26 S 3. Subdivisions 4 and 5 of section 24 of the state finance law, as
27 added by chapter 1 of the laws of 2007, are amended to read as follows:

28 4. Any appropriation added to such budget bills, pursuant to section
29 four of article seven of the constitution, shall only contain itemized
30 appropriations which shall not be in the form of lump sum appropri-
31 ations[,] AND SHALL DESIGNATE FOR EACH APPROPRIATION A GRANTEE OF SUCH
32 APPROPRIATION, and [provided further that] for all non-federal state
33 operations appropriations, such bill or bills shall only contain item-
34 ized appropriations and shall be made, where practicable, by agency, and
35 within each agency by program and within each program at the following
36 level of detail and in the following order:

37 (a) by fund type, which at a minimum shall include general fund,
38 special revenue-other funds, capital projects funds and debt service
39 funds;

40 (b) for personal service appropriations, separate appropriations shall
41 be made for regular personal service, temporary personal service, and
42 holiday and overtime pay;

43 (c) for nonpersonal service appropriations, separate appropriations
44 shall be made for supplies and materials, travel, contractual services,
45 equipment and fringe benefits, as appropriate.

46 5. [Any appropriation added pursuant to section four of article seven
47 of the constitution without designating a grantee shall be allocated
48 only pursuant to a plan setting forth an itemized list of grantees with
49 the amount to be received by each, or the methodology for allocating
50 such appropriation. Such plan shall be subject to the approval of the
51 chair of the senate finance committee, the chair of the assembly ways
52 and means committee, and the director of the budget, and thereafter
53 shall be included in a concurrent resolution calling for the expenditure
54 of such monies, which resolution must be approved by a majority vote of
55 all members elected to each house upon a roll call vote.] THE PROVISIONS
56 OF THIS SECTION SHALL NOT PRECLUDE MEMBERS OF THE LEGISLATURE FROM

1 COLLABORATING WITH EACH OTHER IN THE SELECTION OF MEMBER ITEMS AND PACK-
2 AGING THEIR INDIVIDUAL MEMBER ITEM ALLOCATIONS TOGETHER WITH OTHER
3 MEMBER'S ALLOCATIONS FOR SPECIFIED REGIONAL OR JOINT PROJECTS.

4 S 4. Section 99-d of the state finance law, as added by chapter 474 of
5 the laws of 1996, is renumbered section 99-t and the section heading, as
6 added by chapter 474 of the laws of 1996, and subdivision 1, as amended
7 by section 2 of part BB of chapter 686 of the laws of 2003, are amended
8 to read as follows:

9 [Community] LEGISLATIVE COMMUNITY projects fund. 1. There is hereby
10 established in the joint custody of the comptroller and the commissioner
11 of taxation and finance a special fund to be known as the LEGISLATIVE
12 community projects fund. This fund may have separate accounts designated
13 pursuant to a specific appropriation to such account or pursuant to a
14 written suballocation plan approved in a memorandum of understanding
15 executed by the director of the budget, the secretary of the senate
16 finance committee and the secretary of the assembly ways and means
17 committee. Such suballocation shall be submitted to the comptroller.

18 S 5. The state finance law is amended by adding a new section 99-u to
19 read as follows:

20 S 99-U. EXECUTIVE COMMUNITY PROJECTS FUND. 1. THERE IS HEREBY ESTAB-
21 LISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF
22 TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE EXECUTIVE COMMU-
23 NITY PROJECTS FUND. THIS FUND MAY HAVE SEPARATE ACCOUNTS DESIGNATED
24 PURSUANT TO A SPECIFIC APPROPRIATION TO SUCH ACCOUNT OR PURSUANT TO A
25 WRITTEN SUBALLOCATION PLAN APPROVED IN A MEMORANDUM OF UNDERSTANDING
26 EXECUTED BY THE DIRECTOR OF THE BUDGET, THE SECRETARY OF THE SENATE
27 FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS
28 COMMITTEE. SUCH SUBALLOCATION SHALL BE SUBMITTED TO THE COMPTROLLER.

29 2. SUCH FUND SHALL CONSIST OF MONIES TRANSFERRED TO SUCH FUND FROM THE
30 GENERAL FUND/STATE PURPOSES ACCOUNT, OR ANY OTHER MONIES REQUIRED TO BE
31 TRANSFERRED OR DEPOSITED. MONIES MAY NOT BE TRANSFERRED OR LOANED
32 BETWEEN THE ACCOUNTS OF THIS FUND, UNLESS SPECIFICALLY OTHERWISE
33 PROVIDED BY LETTER SIGNED BY THE DIRECTOR OF THE BUDGET, BUT ONLY UPON
34 THE JOINT REQUEST OF THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND
35 THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

36 3. (A) AS REQUIRED TO MAKE TIMELY PAYMENTS FROM SUCH ACCOUNTS UPON
37 PRESENTMENT OF PROPER VOUCHERS THEREFOR, THE STATE COMPTROLLER SHALL
38 MAKE TRANSFERS TO ANY ACCOUNT IN THIS FUND UP TO THE AMOUNTS ANNUALLY
39 SPECIFIED FOR TRANSFER TO SUCH ACCOUNT AND IN COMPLIANCE WITH SUBDIVI-
40 SION TWO OF THIS SECTION, BUT ONLY FROM SUCH FUND OR FUNDS AUTHORIZED TO
41 PROVIDE SUCH TRANSFERS.

42 (B) BY THE CLOSE OF EACH FISCAL YEAR, ALL REMAINING AMOUNTS NOT YET
43 TRANSFERRED SHALL BE TRANSFERRED TO THE DESIGNATED ACCOUNTS FOR WHICH
44 SUCH TRANSFERS WERE AUTHORIZED, UP TO THE TOTAL AMOUNTS SPECIFIED FOR
45 TRANSFER TO EACH ACCOUNT IN EACH FISCAL YEAR AND IN COMPLIANCE WITH
46 SUBDIVISION TWO OF THIS SECTION.

47 4. NOTWITHSTANDING SECTION FORTY OF THIS CHAPTER OR ANY OTHER
48 PROVISION OF LAW, APPROPRIATIONS OF THIS FUND SHALL BE AVAILABLE FOR
49 LIABILITIES INCURRED DURING AND AFTER THE CLOSE OF THE FISCAL YEAR FOR
50 WHICH SUCH APPROPRIATIONS ARE ENACTED, PROVIDED HOWEVER THAT SUCH APPRO-
51 PRIATIONS SHALL LAPSE ON THE FIFTEENTH DAY OF SEPTEMBER FOLLOWING THE
52 CLOSE OF THE FISCAL YEAR, AND NO MONIES SHALL THEREAFTER BE PAID OUT OF
53 THE STATE TREASURY OR ANY OF ITS FUNDS OR THE FUNDS UNDER ITS MANAGEMENT
54 PURSUANT TO SUCH APPROPRIATIONS.

55 5. THE DIRECTOR OF THE BUDGET SHALL ISSUE A CERTIFICATE OF APPROVAL
56 FOR ANY APPROPRIATION IN ANY ACCOUNT OF THIS FUND NO LATER THAN THE

1 LATER OF SIXTY DAYS AFTER THE ENACTMENT OF SUCH APPROPRIATION OR FIVE
2 DAYS AFTER THE EXECUTION OF A WRITTEN SUBALLOCATION PLAN PURSUANT TO THE
3 PROVISIONS OF SUBDIVISION ONE OF THIS SECTION. SUCH APPROVAL SHALL
4 SATISFY ANY OTHER REQUIREMENT FOR A CERTIFICATE OF APPROVAL.

5 6. (A) THE STATE SHALL NOT BE LIABLE FOR PAYMENTS PURSUANT TO ANY
6 CONTRACT, GRANT OR AGREEMENT MADE PURSUANT TO AN APPROPRIATION IN ANY
7 ACCOUNT OF THIS FUND IF INSUFFICIENT MONIES ARE AVAILABLE FOR TRANSFER
8 TO SUCH ACCOUNT OF THIS FUND, AFTER REQUIRED TRANSFERS PURSUANT TO
9 SUBDIVISION THREE OF THIS SECTION. EXCEPT WITH RESPECT TO, GRANTS, OR
10 AGREEMENTS EXECUTED BY ANY STATE OFFICER, EMPLOYEE, DEPARTMENT, INSTITU-
11 TION, COMMISSION, BOARD, OR OTHER AGENCY OF THE STATE PRIOR TO THE
12 EFFECTIVE DATE OF THIS SECTION, ANY CONTRACT, GRANT OR AGREEMENT MADE
13 PURSUANT TO AN APPROPRIATION IN THIS FUND SHALL INCORPORATE THIS
14 PROVISION AS A TERM OF SUCH CONTRACT, GRANT OR AGREEMENT.

15 (B) THE EXHAUSTION OF FUNDS AVAILABLE FOR SUCH TRANSFERS SHALL NOT
16 PRECLUDE THE APPROVAL OF CONTRACTS HEREUNDER PURSUANT TO SECTION ONE
17 HUNDRED TWELVE OF THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF
18 LAW, INTEREST SHALL NOT BE DUE TO ANY RECIPIENT FOR ANY LATE PAYMENTS
19 MADE FROM THIS FUND WHICH RESULT FROM INSUFFICIENT MONIES BEING AVAIL-
20 ABLE IN AN ACCOUNT OF THIS FUND.

21 7. MONIES SHALL BE PAID OUT OF SUCH ACCOUNTS ON THE AUDIT AND WARRANT
22 OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE HEAD
23 OF THE APPROPRIATE AGENCY.

24 S 6. This act does not preclude either house of the legislature or the
25 governor from adopting more stringent standards through its own guide-
26 lines or through the application process.

27 S 7. Member item grants shall continue to be subject to review by the
28 respective assembly and senate fiscal and counsel staffs, division of
29 the budget, the administering state agency, the office of the state
30 comptroller, and the office of the attorney general. Nothing in this act
31 shall limit the authority of the state comptroller and the attorney
32 general to review member item grant recipients or member item grants.

33 S 8. This act shall take effect immediately.