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

6305

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. GORDON, GUNTHER, EDDINGTON, FIELDS, GALEF, JAFFEE, SPANO -- Multi-Sponsored by -- M. of A. BENJAMIN, LATIMER, MILLER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law and the state finance law, in relation to the use of state-owned or state-leased motor vehicles, aircrafts or watercrafts, and reimbursement for the private use thereof

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

Section 1. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

J. NO STATE OFFICER, AS DEFINED IN SECTION TWO OF THIS CHAPTER, OR ANY OTHER EMPLOYEE OF THE STATE, SHALL USE STATE-OWNED OR STATE-LEASED MOTOR VEHICLES, AIRCRAFTS OR WATERCRAFTS OTHER THAN IN THE CONDUCT OF STATE BUSINESS, EXCEPT WHERE REIMBURSEMENT FOR THE PRIVATE USE THEREOF IS TENDERED TO THE STATE IN ACCORDANCE WITH RULES TO BE PROMULGATED BY THE STATE COMPTROLLER. REIMBURSEMENT TO THE STATE SHALL BE THE ACTUAL COST OF THE BENEFIT RECEIVED FOR THE PRIVATE USE OF THE MOTOR VEHICLE, AIRCRAFT OR WATERCRAFT.

S 2. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d [or], i OR J of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compen-

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

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sation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

S 3. Section 8 of the state finance law is amended by adding a new subdivision 3-a to read as follows:

3-A. PROMULGATE RULES FOR THE REIMBURSEMENT OF THE STATE FOR THE PRIVATE USE OF STATE-OWNED OR STATE-LEASED MOTOR VEHICLES, AIRCRAFTS OR WATERCRAFTS BY STATE OFFICERS AND ANY OTHER STATE EMPLOYEES IN ACCORDANCE WITH PARAGRAPH J OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

S 4. This act shall take effect on the ninetieth 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.