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

652

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH -- 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 public disclosure of memoranda of understanding regarding certain line item appropriations in the state budget

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

Section 1. Paragraphs (i) and (j) of subdivision 2 of section 88 of the public officers law, paragraph (i) as added by chapter 933 of the laws of 1977 and as relettered by chapter 813 of the laws of 1987 and paragraph (j) as added by chapter 510 of the laws of 1999, are amended and a new paragraph (k) is added to read as follows:

(i) any other files, records, papers or documents required by law to be made available for public inspection and copying[.];

(j) external audits conducted pursuant to section ninety-two of the legislative law and schedules issued pursuant to subdivision two of section ninety of the legislative law[.]; AND

(K) NOTWITHSTANDING ANY ORDER, RULE OR RESOLUTION TO THE CONTRARY, ANY MEMORANDA OF UNDERSTANDING BETWEEN THE EXECUTIVE AND THE LEGISLATURE REGARDING LUMP SUM APPROPRIATION LISTED AS LINE ITEMS IN THE STATE BUDGET. SUCH MEMORANDA OF UNDERSTANDING, OR ANY SEGREGATION OF LUMP SUM APPROPRIATION, BETWEEN THE LEGISLATIVE LEADERS AND/OR THE GOVERNOR SHALL SPECIFY THE PROGRAM OR PROJECT BEING FUNDED, THE SELECTION CRITERIA, THE PARTIES INVOLVED IN THE SELECTION PROCESS AND THE DOLLAR AMOUNT OF THE APPROPRIATION.

S 2. The state finance law is amended by adding a new section 28 to read as follows:

S 28. BUDGETED FUNDS FOR UNSPECIFIED CAPITAL PROJECTS AND OPERATING GRANTS. 1. ANY SINGLE GRANT PROVIDED TO ANY RECIPIENT PURSUANT TO A MEMORANDA OF UNDERSTANDING OR ANY SEGREGATION OF LUMP SUM APPROPRIATION

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

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GREATER THAN TWO HUNDRED FIFTY THOUSAND DOLLARS MADE FROM A LUMP SUM APPROPRIATION FOR UNSPECIFIED CAPITAL PROJECTS AND OPERATING GRANTS RESULTING FROM THE STATE BUDGET PROCESS BETWEEN THE EXECUTIVE AND THE LEGISLATURE, SHALL BE SUBSEQUENTLY SUBMITTED BY THE GOVERNOR TO THE LEGISLATURE FOR PASSAGE AND APPROVAL, PRIOR TO THE RELEASE OF SUCH FUNDS TO THE APPROPRIATE STATE AGENCY.

2. ANY SINGLE GRANT PROVIDED TO ANY RECIPIENT PURSUANT TO A MEMORANDA OF UNDERSTANDING OR ANY SEGREGATION OF LUMP SUM APPROPRIATION LESS THAN TWO HUNDRED FIFTY THOUSAND DOLLARS RESULTING FROM THE STATE BUDGET PROCESS BETWEEN THE EXECUTIVE AND THE LEGISLATURE THAT DOES NOT SPECIFY THE PROGRAM OR PROJECT BEING FUNDED, THE SELECTION CRITERIA, THE PARTIES INVOLVED IN THE SELECTION PROCESS AND THE DOLLAR AMOUNT OF THE APPROPRIATION, MUST POST THIS INFORMATION ON THE SENATE AND ASSEMBLY WEB SITES NOT LESS THAN THIRTY DAYS PRIOR TO THE SUBMISSION TO THE APPROPRIATE STATE AGENCY.

S 3. This act shall take effect immediately.