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

9171

2009-2010 Regular Sessions

I N A S S E M B L Y

September 30, 2009

Introduced by M. of A. KOLB, FITZPATRICK, ALFANO, BALL, BARCLAY, BARRA, BOYLE, BURLING, CALHOUN, CORWIN, CROUCH, DUPREY, ERRIGO, FINCH, HAYES, JORDAN, P. LOPEZ, McDONOUGH, MILLER, OAKS, O'MARA, QUINN, RAIA, REILICH, SALADINO, SCOZZAFAVA, TOBACCO, TOWNSEND -- Multi-Sponsored by -- M. of A. BACALLES, BUTLER, GIGLIO, HAWLEY, McKEVITT, MOLINARO, RABBITT, SAYWARD, TEDISCO -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 50 of the laws of 2009, enacting the public protection and general government budget, chapter 51 of the laws of 2009, enacting the legislative and judiciary budget, chapter 52 of the laws of 2009, enacting the state debt service budget, chapter 53 of the laws of 2009, enacting the education, labor and family assistance budget, chapter 54 of the laws of 2009, enacting the health and mental hygiene budget, chapter 55 of the laws of 2009, enacting the transportation, economic development and environmental conservation budget, chapter 56 of the laws of 2009, amending the state finance law relating to expanding the use of funds deposited in the criminal justice improvement account, chapter 57 of the laws of 2009, amending the education law relating to contracts for excellence, chapter 58 of the laws of 2009, amending the public health law and the elder law relating to financing for certain provisions of the public health law, and chapter 59 of the laws of 2009, amending chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program relating to extending such provisions, in relation to prohibiting the disbursement of state funds to the Association of Community Organizations for Reform Now, the New York Agency for Community Affairs or any entity associated therewith

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

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

LBD14770-02-9

Section 1. Section 1 of chapter 50 of the laws of 2009, enacting the public protection and general government budget, is amended by adding a new subdivision i) to read as follows:

I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 2. The opening paragraph of section 1 of chapter 51 of the laws of 2009, enacting the legislative and judiciary budget, is amended to read as follows:

The several amounts named in this section or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the fiscal year beginning April 1, 2009.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 3. The opening paragraph of section 1 of chapter 52 of the laws of 2009, enacting the state debt service budget, is amended to read as follows:

The several sums specified in this section, or so much thereof as may be sufficient to accomplish in full the purposes designated by the appropriations, are hereby appropriated to be paid as herein provided for the funds and purposes specified and are made available for the fiscal year beginning April 1, 2009.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION

THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 4. Section 1 of chapter 53 of the laws of 2009, enacting the education, labor and family assistance budget, is amended by adding a new subdivision i) to read as follows:

I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 5. Section 1 of chapter 54 of the laws of 2009, enacting the health and mental hygiene budget, is amended by adding a new subdivision i) to read as follows:

I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 6. Section 1 of chapter 55 of the laws of 2009, enacting the transportation, economic development and environmental conservation budget, is amended by adding a new subdivision i) to read as follows:

I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGAN-

IZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 7. Chapter 56 of the laws of 2009, amending the state finance law relating to expanding the use of funds deposited in the criminal justice improvement account, is amended by adding a new section 1-a to read as follows:

S 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 8. Chapter 57 of the laws of 2009, amending the education law relating to contracts for excellence, is amended by adding a new section 1-a to read as follows:

S 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 9. Chapter 58 of the laws of 2009, amending the public health law and the elder law relating to financing for certain provisions of the public health law, is amended by adding a new section 1-a to read as follows:

S 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED

THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 10. Chapter 59 of the laws of 2009, amending chapter 279 of the laws of 1998 amending the transportation law relating to enabling the commissioner of transportation to establish a single audit pilot program relating to extending such provisions, is amended by adding a new section 1-a to read as follows:

S 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NONE OF THE FUNDS MADE AVAILABLE PURSUANT TO THIS ACT MAY BE DIRECTLY OR INDIRECTLY APPROPRIATED FOR, PAID TO OR HELD ON ACCOUNT OF THE ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), THE NEW YORK AGENCY FOR COMMUNITY AFFAIRS, ANY STATE CHAPTER OF ACORN REGISTERED WITH THE OFFICE OF THE SECRETARY OF STATE, ANY ORGANIZATION THAT SHARES DIRECTORS, EMPLOYEES OR INDEPENDENT CONTRACTORS WITH ACORN, ANY ORGANIZATION THAT HAS A FINANCIAL STAKE IN ACORN, OR ANY ORGANIZATION THE FINANCES OF WHICH, WHETHER FEDERALLY FUNDED, DONOR-FUNDED OR RAISED THROUGH ORGANIZATIONAL GOODS AND SERVICES, ARE CONTROLLED OR SHARED BY ACORN UNTIL THE ATTORNEY GENERAL AND THE STATE COMPTROLLER HAVE FULLY INVESTIGATED OR REVIEWED THE INVESTIGATIONS OF FEDERAL AUTHORITIES, AND CERTIFIED TO THE GOVERNOR AND THE LEGISLATURE THAT SAID ORGANIZATIONS SHOULD NOT BE DISQUALIFIED FROM PARTICIPATING IN STATE FUNDED PROGRAMS OR THE RECEIPT OF STATE FUNDS FOR CONTRACTED SERVICES.

S 11. This act shall take effect immediately.