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

3939

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, the state finance law and the public officers law, in relation to requiring disclosure of the manner in which public funds have been expended for personnel or property by the legislative and executive branches of state government

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

Section 1. Section 15 of the legislative law, as amended by chapter 118 of the laws of 1984, is amended to read as follows:

S 15. Duties of secretary and clerk. 1. The secretary of the senate and the clerk of the assembly shall from time to time revise, and send to the members of the legislature, the clerk's manual, and shall as soon as practicable after the organization of the legislature, prepare a directory of the members and elected officers, with their public office addresses while in the city of Albany. Within the discretion of the temporary president of the senate and the speaker of the assembly, such directory may contain the names of other officers and employees of the senate and assembly.

2. The respective secretary or clerk of each house shall, as soon as practicable after the close of each session, prepare and deliver to the legislative printer the indexes to the journals and bills of such house.

3. The respective secretary and clerk shall prepare a list of mailing addresses of senators and members of the assembly which shall be submitted to the state board of elections by February twentieth of each year.

4. A. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR AND FOR EACH QUARTERLY PERIOD THEREAFTER, COMMENCING WITH THE QUARTERLY PERIOD BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN AND ENDING JUNE THIRTIETH, TWO THOUSAND ELEVEN, THE SECRETARY OF THE SENATE AND THE CLERK OF THE ASSEMBLY SHALL SUBMIT TO THE TEMPORARY PRESIDENT OF

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

LBD09137-01-9

THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY AND MAKE AVAILABLE TO THE PUBLIC, A REPORT CONTAINING A DETAILED STATEMENT OF THE MANNER IN WHICH APPROPRIATIONS AND OTHER FUNDS AVAILABLE FOR DISBURSEMENT BY THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY, AS THE CASE MAY BE, HAVE BEEN EXPENDED DURING THE PERIOD COVERED BY THE REPORT. SUCH REPORT SHALL INCLUDE:

(I) THE NAME OF EVERY PERSON TO WHOM OR FOR WHOM ANY EXPENDITURE OR DISBURSEMENT OF FUNDS HAS BEEN MADE;

(II) THE QUANTITY AND PRICE OF ANY ARTICLE FURNISHED FOR WHICH AN EXPENDITURE OR DISBURSEMENT HAS BEEN MADE. FOR PURPOSES HEREOF THE TERM "ARTICLE FURNISHED" SHALL MEAN AN ITEM FOR WHICH A DISBURSEMENT OR EXPENDITURE HAS BEEN MADE OR FOR WHICH A LIABILITY HAS BEEN INCURRED AND SHALL INCLUDE BUT NOT BE LIMITED TO THE PURCHASE, RENTAL OR LEASE OF PROPERTY, REAL, PERSONAL OR OTHERWISE, TANGIBLE OR INTANGIBLE; AND

(III) THE NATURE OF THE SERVICES, THE PERIOD OF EMPLOYMENT, THE NAME AND TITLE OF A PERSON, AND THE SPECIFIC AMOUNT PAID TO A PERSON WHERE EXPENDITURES OR DISBURSEMENTS HAVE BEEN MADE FOR SERVICES RENDERED.

B. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR, SUCH REPORT SHALL BE SUBMITTED WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, AND FOR EACH QUARTERLY PERIOD THEREAFTER, WITHIN THIRTY DAYS OF THE END OF SUCH QUARTERLY PERIOD.

S 2. The legislative law is amended by adding a new section 13 to read as follows:

S 13. QUARTERLY PERSONNEL STATEMENTS. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "WORK LOCATION" SHALL MEAN THE ROOM NUMBER, BUILDING AND CITY OR TOWN IN WHICH SUCH INDIVIDUAL REGULARLY AND CUSTOMARILY PERFORMS HIS OR HER WORK DUTIES.

B. "ARTICLE FURNISHED" SHALL MEAN AN ITEM FOR WHICH A DISBURSEMENT OR EXPENDITURE HAS BEEN OR WILL BE MADE AND SHALL INCLUDE BUT NOT BE LIMITED TO THE PURCHASE, RENTAL OR LEASE OF PROPERTY, REAL, PERSONAL OR OTHERWISE, TANGIBLE OR INTANGIBLE.

2. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR AND FOR EACH QUARTERLY PERIOD THEREAFTER COMMENCING WITH THE QUARTERLY PERIOD BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN AND ENDING JUNE THIRTIETH, TWO THOUSAND ELEVEN, ANY PERSON HAVING THE POWER TO CERTIFY VOUCHERS TO THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY SHALL SUBMIT TO THE SECRETARY OF THE SENATE OR THE CLERK OF THE ASSEMBLY, WHICHEVER IS RELEVANT, A REPORT CONTAINING A DETAILED STATEMENT ITEMIZING THE NAME, SALARY AND WORK LOCATION OF EACH INDIVIDUAL UNDER HIS OR HER AUTHORITY FOR WHOM HE OR SHE HAS THE POWER TO SO CERTIFY, WHO HAS BEEN PAID FOR SERVICES RENDERED FROM APPROPRIATIONS MADE TO THE LEGISLATURE AND WHO, AT ANY TIME DURING THE REPORTING YEAR WHILE ON AN ANNUAL, SESSION OR TEMPORARY LEGISLATIVE PAYROLL, WAS NOT REGULARLY AND CUSTOMARILY ASSIGNED TO A WORK LOCATION UNDER THE CONTROL OF SUCH REPORTING PERSON. SUCH REPORT SHALL ALSO CONTAIN EACH AND EVERY DISBURSEMENT OR EXPENDITURE INCURRED FOR SERVICES RENDERED OR ARTICLES FURNISHED TO AN OFFICE OR ENTITY OTHER THAN THE LEGISLATIVE OFFICE OR OFFICES MAINTAINED BY THE REPORTING PERSON.

3. SUCH REPORTS SHALL BE SUBMITTED WITHIN THIRTY DAYS OF THE END OF SUCH QUARTERLY PERIOD.

4. THE SECRETARY OF THE SENATE AND THE CLERK OF THE ASSEMBLY SHALL COMPILE THE REPORTS RECEIVED UNDER THIS SECTION AND SHALL, WITHIN THIRTY DAYS OF THE END OF SUCH REPORTING PERIOD, SUBMIT A GENERAL REPORT OF SUCH STATEMENTS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY

LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY AND MAKE SUCH GENERAL REPORT AVAILABLE TO THE PUBLIC.

S 3. The state finance law is amended by adding a new section 14-c to read as follows:

S 14-C. STATEMENT CONCERNING WORK LOCATION. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "GOVERNMENTAL ENTITY" SHALL MEAN EACH AND EVERY AGENCY, DIVISION, BUREAU, SECTION, UNIT, BOARD, COUNCIL, COMMITTEE, AND COMMISSION OF THE OFFICE OF THE GOVERNOR, THE EXECUTIVE DEPARTMENT, THE DEPARTMENT OF AUDIT AND CONTROL, THE DEPARTMENT OF LAW AND THE DEPARTMENT OF STATE.

B. "WORK LOCATION" SHALL MEAN THE ROOM NUMBER, BUILDING AND CITY OR TOWN IN WHICH SUCH INDIVIDUAL REGULARLY AND CUSTOMARILY PERFORMS HIS OR HER WORK DUTIES.

C. "ARTICLE FURNISHED" SHALL MEAN AN ITEM FOR WHICH A DISBURSEMENT OR EXPENDITURE HAS BEEN OR WILL BE MADE AND SHALL INCLUDE BUT NOT BE LIMITED TO THE PURCHASE, RENTAL OR LEASE OF PROPERTY, REAL, PERSONAL OR OTHERWISE, TANGIBLE OR INTANGIBLE.

2. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR AND FOR EACH QUARTERLY PERIOD THEREAFTER COMMENCING WITH THE QUARTERLY PERIOD BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN AND ENDING JUNE THIRTIETH, TWO THOUSAND ELEVEN, EACH GOVERNMENTAL ENTITY SHALL ISSUE A REPORT TO THE STATE COMPTROLLER, CONTAINING A DETAILED STATEMENT ITEMIZING THE NAME, SALARY AND WORK LOCATION OF EACH INDIVIDUAL WHO HAS BEEN PAID FOR SERVICES RENDERED FROM THE APPROPRIATIONS OF SUCH GOVERNMENTAL ENTITY AND WHO, AT ANY TIME DURING THE REPORTING YEAR, REGULARLY AND CUSTOMARILY WAS NOT ASSIGNED TO A WORK LOCATION UNDER THE CONTROL OF THE REPORTING GOVERNMENTAL ENTITY. SUCH REPORT SHALL ALSO CONTAIN EACH AND EVERY DISBURSEMENT OR EXPENDITURE INCURRED BY THE GOVERNMENTAL ENTITY FOR SERVICES RENDERED OR ARTICLES FURNISHED TO ANOTHER ENTITY.

3. COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR AND FOR EACH QUARTERLY PERIOD THEREAFTER COMMENCING WITH THE QUARTERLY PERIOD BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN AND ENDING JUNE THIRTIETH, TWO THOUSAND ELEVEN, EACH GOVERNMENTAL ENTITY SHALL ISSUE A REPORT TO THE STATE COMPTROLLER CONTAINING A DETAILED STATEMENT ITEMIZING THE NAME AND WORK LOCATION OF EACH INDIVIDUAL WHO HAS NOT BEEN PAID FOR SERVICES RENDERED FROM THE APPROPRIATIONS OF SUCH GOVERNMENTAL ENTITY AND WHO, AT ANY TIME DURING THE REPORTING YEAR, REGULARLY AND CUSTOMARILY WAS OR IS ASSIGNED TO A WORK LOCATION UNDER THE CONTROL OF THE REPORTING GOVERNMENTAL ENTITY.

4. SUCH REPORTS SHALL BE ISSUED WITHIN THIRTY DAYS OF THE END OF SUCH QUARTERLY PERIOD.

5. THE STATE COMPTROLLER SHALL COMPILE THE REPORTS RECEIVED UNDER THIS SECTION AND SHALL, AND WITHIN THIRTY DAYS OF THE END OF SUCH REPORTING PERIOD, SUBMIT A GENERAL REPORT OF SUCH STATEMENTS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY AND MAKE SUCH GENERAL REPORT AVAILABLE TO THE PUBLIC.

S 4. Section 8 of the state finance law is amended by adding a new subdivision 9-c to read as follows:

9-C. A. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR AND FOR EACH QUARTERLY PERIOD THEREAFTER COMMENCING WITH THE QUARTERLY PERIOD BEGINNING APRIL FIRST, TWO THOUSAND ELEVEN AND ENDING JUNE THIRTIETH, TWO THOUSAND ELEVEN, MAKE A REPORT TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY, WHICH REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC, CONTAINING A COMPLETE AND DETAILED STATE-

MENT FOR EACH GOVERNMENTAL ENTITY, BY GOVERNMENTAL ENTITY, OF EACH AND EVERY VOUCHER AND EVERY PAYROLL CERTIFICATION, VOUCHER OR SHEET WHICH RESULTS IN AN EXPENDITURE OR DISBURSEMENT OF MONEY. SUCH REPORT SHALL INCLUDE:

(I) THE NAME OF EVERY PERSON TO WHOM OR FOR WHOM ANY EXPENDITURE OR DISBURSEMENT HAS BEEN MADE;

(II) THE QUANTITY AND PRICE OF ANY ARTICLE FURNISHED FOR WHICH AN EXPENDITURE OR DISBURSEMENT HAS BEEN MADE;

(III) THE NATURE OF THE SERVICES, THE PERIOD OF EMPLOYMENT, THE NAME AND TITLE OF A PERSON, AND THE SPECIFIC AMOUNT PAID TO A PERSON AND WHERE EXPENDITURES OR DISBURSEMENTS HAVE BEEN MADE FOR SERVICES RENDERED; AND

(IV) SUCH ADDITIONAL INFORMATION AS REQUIRED BY SECTION ONE HUNDRED NINE OF THIS CHAPTER.

B. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN STATE FISCAL YEAR SUCH REPORT SHALL BE ISSUED WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION AND FOR EACH QUARTERLY PERIOD THEREAFTER, WITHIN THIRTY DAYS OF THE END OF SUCH QUARTERLY PERIOD.

C. AS USED IN THIS SUBDIVISION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(I) "GOVERNMENTAL ENTITY" SHALL MEAN EACH AND EVERY AGENCY, DIVISION, BUREAU, SECTION, UNIT, BOARD, COUNCIL, COMMITTEE, AND COMMISSION OF THE OFFICE OF THE GOVERNOR, THE EXECUTIVE DEPARTMENT, THE DEPARTMENT OF AUDIT AND CONTROL, THE DEPARTMENT OF LAW AND THE DEPARTMENT OF STATE.

(II) "ARTICLE FURNISHED" SHALL MEAN AN ITEM FOR WHICH A DISBURSEMENT OR EXPENDITURE HAS BEEN OR WILL BE MADE AND SHALL INCLUDE BUT NOT BE LIMITED TO PURCHASE, RENTAL OR LEASE OF PROPERTY, REAL, PERSONAL OR OTHERWISE, TANGIBLE OR INTANGIBLE.

S 5. The public officers law is amended by adding a new section 73-c to read as follows:

S 73-C. STATEMENT CONCERNING WORK LOCATION. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "STATE AGENCY" SHALL MEAN ANY STATE DEPARTMENT, INCLUDING THE OFFICE OF THE GOVERNOR, DIVISION, BOARD, COMMISSION, OR BUREAU OF ANY STATE DEPARTMENT, ANY PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY OR COMMISSION AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR.

(B) "STATE OFFICER OR EMPLOYEE" SHALL MEAN:

(I) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS;

(II) OFFICERS AND EMPLOYEES OF STATEWIDE ELECTED OFFICIALS;

(III) OFFICERS AND EMPLOYEES OF STATE DEPARTMENTS, BOARDS, BUREAUS, DIVISIONS, COMMISSIONS, COUNCILS OR OTHER STATE AGENCIES; AND

(IV) MEMBERS OR DIRECTORS OF PUBLIC AUTHORITIES OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATIONS AND COMMISSIONS AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, WHO RECEIVE COMPENSATION, AND EMPLOYEES OF SUCH AUTHORITIES, CORPORATIONS AND COMMISSIONS.

(C) "LEGISLATIVE EMPLOYEE" SHALL MEAN ANY OFFICER OR EMPLOYEE OF THE LEGISLATURE BUT IT SHALL NOT INCLUDE MEMBERS OF THE LEGISLATURE.

(D) "WORK LOCATION" SHALL MEAN THE ROOM NUMBER, BUILDING AND CITY OR TOWN IN WHICH SUCH INDIVIDUAL REGULARLY AND CUSTOMARILY PERFORMS HIS OR HER WORK DUTIES.

2. COMMENCING WITH THE QUARTERLY PERIOD BEGINNING JULY FIRST, TWO THOUSAND ELEVEN AND ENDING SEPTEMBER THIRTIETH, TWO THOUSAND ELEVEN, AND FOR EACH QUARTERLY PERIOD THEREAFTER, EVERY STATE OFFICER OR EMPLOYEE AND EVERY LEGISLATIVE EMPLOYEE WHO, AT ANY TIME DURING THE REPORTING PERIOD, REGULARLY AND CUSTOMARILY WAS ASSIGNED TO A WORK LOCATION OTHER THAN A WORK LOCATION UNDER THE CONTROL OF THE STATE AGENCY OR LEGISLA-

TIVE OFFICE FROM WHICH HE RECEIVED COMPENSATION OR REIMBURSEMENT SHALL SUBMIT A STATEMENT TO THE STATE COMPTROLLER, WHICH STATEMENT SHALL CONTAIN HIS OR HER NAME, SALARY, WORK LOCATION AND THE STATE AGENCY OR LEGISLATIVE OFFICE FROM WHICH COMPENSATION OR REIMBURSEMENT WAS RECEIVED OR IS OWING. SUCH STATEMENT SHALL BE SUBMITTED WITHIN THIRTY DAYS OF THE END OF SUCH QUARTERLY PERIOD.

3. THE STATE COMPTROLLER SHALL COMPILE THE REPORTS RECEIVED UNDER THIS SECTION AND SHALL, AND WITHIN THIRTY DAYS OF THE END OF SUCH REPORTING PERIOD, SUBMIT A GENERAL REPORT OF SUCH STATEMENTS TO THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE ASSEMBLY AND MAKE SUCH GENERAL REPORT AVAILABLE TO THE PUBLIC.

S 6. This act shall take effect immediately.