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

2047

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. TEDISCO, HAYES, KOLB -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, DUPREY, FINCH, FITZPATRICK, GIGLIO, HAWLEY, JORDAN, P. LOPEZ, McDONOUGH, McKEVITT, J. MILLER, MOLINARO, OAKS, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, SPANO, THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law and the state finance law, in relation to amount of judgment in an action by the people for illegal receipt or disposition of public funds or other property

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

Section 1. Subdivision 3 of section 63-c of the executive law, as added by chapter 310 of the laws of 1962, is amended to read as follows:

3. Any court of the state in which an action is brought by the state, as prescribed in this section, may direct, by the final judgment therein, or by a subsequent order, that any money, funds, damages, credits, or other property, recovered by or awarded to the plaintiff therein, which, if that action had not been brought, would not have vested in the state, be disposed of, as justice requires, in such a manner as to reinstate the lawful custody thereof, or to apply the same or the proceeds thereof to the objects and purposes for which they were authorized to be raised or procured; after paying into the state treasury out of the proceeds of the recovery all expenses incurred by the state in the action. FURTHERMORE, THE COURT SHALL DIRECT IN A FINAL JUDGMENT OR SUBSEQUENT ORDER AWARDING MONEY, FUNDS, CREDIT OR OTHER PROPERTY TO THE PLAINTIFF THEREIN WHERE THE STATE-OWNED OR HELD MONEY, FUNDS, CREDIT OR OTHER PROPERTY CONSTITUTED FUNDING OR SUPPORT FOR LEGISLATIVE INITIATIVES PAYMENT INTO THE STATE TREASURY OF AN AMOUNT EQUAL TO THREE-FOLD THE AMOUNT OR VALUE OF SUCH STATE-OWNED OR HELD MONEY, FUNDS, CREDIT OR PROPERTY.

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

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S 2. Subdivision 1 of section 123-e of the state finance law, as added by chapter 827 of the laws of 1975, is amended to read as follows:

1. The court may grant equitable or declaratory relief, or both, including, but not limited to: enjoining the activity complained of; restitution to the state of those public funds disbursed or public property alienated, INCLUDING IN THE CASE OF PUBLIC FUNDS DISBURSED FOR LEGISLATIVE INITIATIVES, COMPELLING PAYMENT OF AN AMOUNT EQUAL TO THREE-FOLD THE AMOUNT OF SUCH DISBURSED PUBLIC FUNDS; in the case of public property wrongfully alienated, compelling payment of the full market value; a declaration that a proposed disbursement or alienation of property would be illegal; and such other and further relief as to the court may seem just and proper.

S 3. This act shall take effect immediately.