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I N A S S E M B L Y

January 21, 2014

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT intentionally omitted (Part A); intentionally omitted (Part B); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part C); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part D); to amend the civil service law, in relation to the reimbursement of medicare premium charges (Part E); to amend the state technology law and the general municipal law, in relation to supporting the consolidation of state information technology resources (Part F); to amend chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations and chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to requiring the office of general services to submit a report on the aggregate electric procurement program and on the office's involvement in certain purchasing agreements; and in relation to extending the expiration dates for the provision of certain centralized services and purchasing authorizations (Part G); to amend the election law, in relation to enacting the "2014 Fair Elections Act"; to amend the election law, the state finance law and the tax law, in relation to providing for optional partial public financing of certain election campaigns in this state; and to amend the general business law, in relation to additional surcharges (Part H); to provide for the administration of certain

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

LBD12670-05-4

funds and accounts related to the 2014-15 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the period for which appropriations can be made; to transfer certain employees of the division of military and naval affairs to the office of general services; to amend the state finance law, in relation to the issuance of bonds and notes; to amend the state finance law, in relation to the general fund; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the Clarkson-trudeau partnership, the New York genome center, the Cornell University college of veterinary medicine, the Olympic regional development authority, a project at nano Utica, Onondaga county revitalization projects; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the state finance law, in relation to the New York state storm recovery capital fund; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the public authorities law, in relation to authorization for the issuance of bonds for the capital restructuring bond finance program; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to environmental remediation; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes and providing for the repeal of certain provisions upon expiration thereof (Part I); intentionally omitted (Part J); to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to

extending such provisions (Part K); to amend chapter 507 of the laws of 2009, amending the real property actions and proceedings law and other laws relating to home mortgage loans, in relation to extending the expiration of certain provisions thereof relating to notice of foreclosure and mandatory settlement conferences in residential foreclosure actions; to amend chapter 455 of the laws of 1997 amending the New York city civil court act and the civil practice law and rules relating to authorizing New York city marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter; to amend chapter 363 of the laws of 2010, amending the judiciary law relating to granting the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof; and to amend chapter 219 of the laws of 2002 amending the judiciary law relating to the judicial hearing officer pilot program and the powers of the chief administrator of the courts, in relation to extending the expiration of the provisions of such chapter (Part L); to establish the method of calculation of aid and incentives for municipalities grants; and to amend the state finance law, in relation to certain municipalities receiving state aid (Part M); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part N); to amend the state finance law, in relation to the cost effectiveness of consultant contracts by state agencies; and providing for the repeal of such provisions upon expiration thereof (Part O); to amend the arts and cultural affairs law, in relation to appointments to the boards of directors of the Empire state plaza art commission and the Institute for the Hudson River collection; to amend the public authorities law, in relation to appointments to the boards of directors of the New York convention center operating corporation and the New York state Olympic regional development authority; to amend the racing, pari-mutuel wagering and breeding law, in relation to appointments to the gaming commission; to amend the transportation law, in relation to appointments to the state public transportation safety board, the Stewart airport commission and the Republic airport commission; to amend the economic development law, in relation to appointments to the small-business advisory board (Part P); and in relation to an agreement for a payment in lieu of taxes with a city located in a county of the state office building project known as the W. Averell Harriman State Office Building Campus (Part Q)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2014-2015
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Q. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the

1 Part in which it is found. Section three of this act sets forth the
2 general effective date of this act.

PART A

Intentionally Omitted

PART B

Intentionally Omitted

PART C

8 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
9 relating to the disposition of monies recovered by county district
10 attorneys before the filing of an accusatory instrument, as amended by
11 section 1 of part F of chapter 55 of the laws of 2013, is amended to
12 read as follows:

13 S 2. This act shall take effect immediately and shall remain in full
14 force and effect until March 31, [2014] 2015, when it shall expire and
15 be deemed repealed.

16 S 2. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after March 31, 2014.

PART D

19 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
20 law, as amended by section 1 of part D of chapter 57 of the laws of
21 2011, is amended to read as follows:

22 (b) The sum of one million five hundred thousand dollars must be
23 deposited into the New York state emergency services revolving loan fund
24 annually; provided, however, that such sums shall not be deposited for
25 state fiscal years two thousand eleven--two thousand twelve [and], two
26 thousand twelve--two thousand thirteen, TWO THOUSAND FOURTEEN--TWO THOU-
27 SAND FIFTEEN, TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, TWO THOUSAND
28 SIXTEEN--TWO THOUSAND SEVENTEEN AND TWO THOUSAND SEVENTEEN--TWO THOUSAND
29 EIGHTEEN;

30 S 2. This act shall take effect immediately.

PART E

32 Section 1. Section 167-a of the civil service law, as amended by
33 section 1 of part I of chapter 55 of the laws of 2012, is amended to
34 read as follows:

35 S 167-a. Reimbursement for medicare premium charges. Upon exclusion
36 from the coverage of the health benefit plan of supplementary medical
37 insurance benefits for which an active or retired employee or a depend-
38 ent covered by the health benefit plan is or would be eligible under the
39 federal old-age, survivors and disability insurance program, an amount
40 equal to the premium charge for such supplementary medical insurance
41 benefits for such active or retired employee and his or her dependents,
42 if any, shall be paid monthly or at other intervals to such active or
43 retired employee from the health insurance fund. REIMBURSEMENTS REQUIRED
44 UNDER THIS SECTION FOR THE TAX YEARS TWO THOUSAND FOURTEEN THROUGH TWO
45 THOUSAND NINETEEN FOR RETIREES WHOSE FEDERAL TAX FILING STATUS IS
46 "SINGLE," AND WHOSE TOTAL MODIFIED ADJUSTED GROSS INCOME EXCEEDS ONE

1 HUNDRED SEVEN THOUSAND DOLLARS AND FOR RETIREES WHOSE FEDERAL TAX FILING
2 STATUS IS "MARRIED" FILING JOINT OR SEPARATE TAX RETURNS AND WHOSE TOTAL
3 MODIFIED ADJUSTED GROSS INCOME EXCEEDS TWO HUNDRED FOURTEEN THOUSAND
4 DOLLARS SHALL NOT INCLUDE INCOME RELATED PREMIUM ADJUSTMENTS. Where
5 appropriate, such amount may be deducted from contributions payable by
6 the employee or retired employee; or where appropriate in the case of a
7 retired employee receiving a retirement allowance, such amount may be
8 included with payments of his or her retirement allowance. All state
9 employer, employee, retired employee and dependent contributions to the
10 health insurance fund, including contributions from public authorities,
11 public benefit corporations or other quasi-public organizations of the
12 state eligible for participation in the health benefit plan as author-
13 ized by subdivision two of section one hundred sixty-three of this arti-
14 cle, shall be adjusted as necessary to cover the cost of reimbursing
15 federal old-age, survivors and disability insurance program premium
16 charges under this section. This cost shall be included in the calcu-
17 lation of premium or subscription charges for health coverage provided
18 to employees and retired employees of the state, public authorities,
19 public benefit corporations or other quasi-public organizations of the
20 state; provided, however, the state, public authorities, public benefit
21 corporations or other quasi-public organizations of the state shall
22 remain obligated to pay no less than its share of such increased cost
23 consistent with its share of premium or subscription charges provided
24 for by this article. All other employer contributions to the health
25 insurance fund shall be adjusted as necessary to provide for such
26 payments.

27 S 2. This act shall take effect immediately and shall be deemed to
28 have been in full force and effect on and after January 1, 2014.

29

PART F

30 Section 1. Section 103 of the state technology law is amended by
31 adding a new subdivision 7-a to read as follows:

32 7-A. TO PROVIDE TECHNOLOGY SERVICES VIA AGREEMENTS WITH:

33 (A) MUNICIPAL CORPORATIONS, PUBLIC BENEFIT CORPORATIONS AND DISTRICT
34 CORPORATIONS AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION
35 LAW;

36 (B) POLITICAL SUBDIVISIONS AS DEFINED IN SECTION ONE HUNDRED OF THE
37 GENERAL MUNICIPAL LAW;

38 (C) PUBLIC AUTHORITIES;

39 (D) SOIL AND WATER CONSERVATION DISTRICTS;

40 (E) ANY UNIT OF THE STATE UNIVERSITY AND CITY UNIVERSITY OF NEW YORK
41 PURSUANT TO AND CONSISTENT WITH SECTIONS THREE HUNDRED FIFTY-FIVE AND
42 SIXTY-TWO HUNDRED EIGHTEEN OF THE EDUCATION LAW;

43 S 2. Section 99-r of the general municipal law, as amended by section
44 1 of subpart B of part C of chapter 97 of the laws of 2011, is amended
45 to read as follows:

46 S 99-r. Contracts for services. Notwithstanding any other provisions
47 of law to the contrary, the governing board of any municipal corporation
48 may enter into agreements and/or contracts with any state agency includ-
49 ing any department, board, bureau, commission, division, office, coun-
50 cil, committee, or officer of the state, whether permanent or temporary,
51 or a public benefit corporation or public authority, or a soil and water
52 conservation district, and any unit of the state university of New York,
53 pursuant to and consistent with sections three hundred fifty-five and
54 sixty-three hundred one of the education law within or without such

1 municipal corporation to provide or receive fuel, equipment, maintenance
2 and repair, supplies, water supply, street sweeping or maintenance,
3 sidewalk maintenance, right-of-way maintenance, storm water and other
4 drainage, sewage disposal, landscaping, mowing, TECHNOLOGY SERVICES, or
5 any other services of government. Such state agency, soil and water
6 conservation district, or unit of the state university of New York,
7 within the limits of any specific statutory appropriation authorized and
8 made available therefor by the legislature or by the governing body
9 responsible for the operation of such state agency, soil and water
10 conservation district, or unit of the state university of New York may
11 contract with any municipal corporation for such services as herein
12 provided and may provide, in agreements and/or contracts entered into
13 pursuant to this section, for the reciprocal provision of services or
14 other consideration of approximately equivalent value, including, but
15 not limited to, routine and/or emergency services, monies, equipment,
16 buildings and facilities, materials or a commitment to provide future
17 routine and/or emergency services, monies, equipment, buildings and
18 facilities or materials. Any such contract may be entered into by direct
19 negotiations and shall not be subject to the provisions of section one
20 hundred three of this chapter.

21 S 3. This act shall take effect immediately.

22

PART G

23 Section 1. Section 3 of chapter 410 of the laws of 2009, amending the
24 state finance law relating to authorizing the aggregate purchases of
25 energy for state agencies, institutions, local governments, public
26 authorities and public benefit corporations, as amended by chapter 68 of
27 the laws of 2011, is amended to read as follows:

28 S 3. This act shall take effect immediately and shall expire and be
29 deemed repealed July 31, [2015] 2017.

30 S 2. Section 9 of subpart A of part C of chapter 97 of the laws of
31 2011, amending the state finance law and other laws relating to provid-
32 ing certain centralized service to political subdivisions and extending
33 the authority of the commissioner of general services to aggregate
34 purchases of energy for state agencies and political subdivisions, is
35 amended to read as follows:

36 S 9. This act shall take effect immediately, provided, however that:

37 1. sections one, four, five, six and seven of this act shall expire
38 and be deemed repealed [3 years after they shall have become a law] JULY
39 31, 2017;

40 2. the amendments to subdivision 4 of section 97-g of the state
41 finance law made by section two of this act shall [not affect] SURVIVE
42 the expiration and reversion of such subdivision as provided in section
43 3 of chapter 410 of the laws of 2009[, and shall expire and be deemed
44 repealed therewith], AS AMENDED;

45 3. sections four, five, six and seven of this act shall apply to any
46 contract let or awarded on or after such effective date.

47 S 3. The office of general services shall submit to the governor, the
48 temporary president of the senate and the speaker of the assembly a
49 report on the aggregate electric procurement program and on instances of
50 the office's involvement in the purchasing agreements authorized pursu-
51 ant to sections one, four, five, six and seven of subpart A of part C of
52 chapter 97 of the laws of 2011 by February 1, 2015, and annually on
53 February 1, thereafter. The report shall include, but not be limited to,
54 agencies participating in the electric procurement program, the

addresses of the facilities receiving electricity from such program and such facility's electric usage, and cost savings for each month of participation in such program as compared to the electricity cost if purchased from the facility's local utility. Such report shall also include, but not be limited to, the use of and estimated savings achieved from such purchasing agreements.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

PART H

Section 1. Short title. This act shall be known and may be cited as the "2014 Fair Elections Act".

S 2. Legislative findings and declarations. The legislature declares that is in the public interest to create and ensure a truly democratic political system in which citizens, irrespective of their income, status, or financial connections, are enabled and encouraged to compete for public office. The legislature further declares that large and unregulated independent expenditures deliberately distort issues and facts thereby giving their financial backers undue influence in elections. Therefore, the legislature finds it necessary to establish a system of public financing for all qualified candidates for state elective offices and constitutional convention delegates. The legislature further finds that a new system of public financing would be best administered by a new "fair elections board" empowered with effective oversight and enforcement capabilities dedicated to working with and assisting candidates excel in the public financing system.

S 3. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision 17 of section 3-102 of the election law, subdivisions 3 and 17 as amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as renumbered by chapter 23 of the laws of 2005, are amended to read as follows:

3. conduct any investigation necessary to carry out the provisions of this chapter PROVIDED HOWEVER, THAT THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SUBDIVISION SIX OF SECTION 14-216 OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION; SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS.

(c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting process and make it EASILY AND READILY available to any such candidate or committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE FAIR ELECTIONS BOARD ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER, AS IT MAY DEEM NECESSARY, AFTER THE FAIR ELECTIONS BOARD HAS CONSIDERED THE MATTER OR MATTERS IN QUESTION;

18. THE STATE BOARD OF ELECTIONS SHALL, AS IT MAY DEEM NECESSARY, ACCEPT, MODIFY OR REJECT ANY ACTION OR ACTIONS TAKEN BY THE FAIR ELECTIONS BOARD PURSUANT TO SUCH FAIR ELECTIONS BOARD'S AUTHORITY UNDER SUBDIVISION FOURTEEN OF SECTION 3-104 AND SECTIONS 3-111 AND 14-216 OF THIS CHAPTER.

19. perform such other acts as may be necessary to carry out the purposes of this chapter.

1 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as
2 redesignated and subdivision 2 as amended by chapter 9 of the laws of
3 1978, is amended to read as follows:

4 S 3-104. State board of elections AND THE FAIR ELECTIONS BOARD
5 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT
6 KNOWN AS THE FAIR ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE FAIR
7 ELECTIONS BOARD. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUN-
8 SEL.

9 (B) The state board of elections shall have jurisdiction of, and be
10 responsible for, the execution and enforcement of the provisions of
11 [article fourteen of this chapter and other] statutes governing
12 campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE
13 ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF
14 ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT,
15 ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL
16 COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO
17 THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
18 DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO
19 THIS CHAPTER.

20 2. (A) Whenever [the state board of elections or other] A LOCAL board
21 of elections shall determine, on its own initiative or upon complaint,
22 or otherwise, that there is substantial reason to believe a violation of
23 this chapter or any code or regulation promulgated thereunder has
24 [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT
25 FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY
26 WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation
27 which shall also include investigation of reports and statements made or
28 failed to be made by the complainant and any political committee
29 supporting his OR HER candidacy if the complainant is a candidate or, if
30 the complaint was made by an officer or member of a political committee,
31 of reports and statements made or failed to be made by such political
32 committee and any candidates supported by it. [The state board of
33 elections, in lieu of making such an investigation, may direct the
34 appropriate board of elections to make an investigation.]

35 (B) The state board of elections AND THE FAIR ELECTIONS BOARD may
36 request, and shall receive, the assistance of the state police in any
37 investigation it shall conduct.

38 [3. If, after an investigation, the state or other board of elections
39 finds reasonable cause to believe that a violation warranting criminal
40 prosecution has taken place, it shall forthwith refer the matter to the
41 district attorney of the appropriate county and shall make available to
42 such district attorney all relevant papers, documents, testimony and
43 findings relevant to its investigation.

44 4. The state or other board of elections may, where appropriate,
45 commence a judicial proceeding with respect to the filing or failure to
46 file any statement of receipts, expenditures, or contributions, under
47 the provisions of this chapter, and the state board of elections may
48 direct the appropriate other board of elections to commence such
49 proceeding.

50 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF
51 SUBDIVISION ONE OF SECTION 14-126 OR SUBDIVISION ONE OF SECTION 14-220
52 OF THIS CHAPTER HAS OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE
53 ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE
54 THE MATTER EXTRA-JUDICIALLY, IN AN ADMINISTRATIVE PROCEEDING AS SET
55 FORTH IN SUBDIVISION THREE OF SECTION 14-220 OF THIS CHAPTER OR COMMENCE

1 A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF
2 THIS CHAPTER.

3 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING
4 ANY OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT
5 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION
6 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,
7 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-
8 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE
9 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A
10 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE
11 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

12 5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF
13 TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAP-
14 TER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE
15 OR SHE SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

16 6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF
17 TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER
18 AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE
19 OR SHE SHALL NOTIFY THE FAIR ELECTIONS BOARD OF (A) HIS OR HER INTENT TO
20 RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS NATURE OF THE
21 VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVESTIGATION, NO
22 LATER THAN THE FAIR ELECTIONS BOARD'S NEXT REGULARLY SCHEDULED MEETING.
23 NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW
24 AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE
25 IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

26 7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO
27 COMMENCE AN INVESTIGATION, THE FAIR ELECTIONS BOARD BELIEVES THAT THE
28 ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOUR-
29 TEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE
30 EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE
31 COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE
32 UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION
33 FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVES-
34 TIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE
35 COMPLAINT, THE FAIR ELECTIONS BOARD SHALL CONSIDER THE FOLLOWING
36 FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF
37 ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE
38 COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C)
39 WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
40 VIOLATIONS. DETERMINATIONS OF THE FAIR ELECTIONS BOARD TO DISMISS A
41 COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED
42 UPON AS PROVIDED IN SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER
43 AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW,
44 AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO
45 THE STATUS OF THE SUBJECT OF THE COMPLAINT.

46 8. ABSENT A TIMELY DETERMINATION BY THE FAIR ELECTIONS BOARD THAT AN
47 INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL
48 COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL
49 DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN
50 SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE
51 NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST,
52 UPON APPROVAL OF THE FAIR ELECTIONS BOARD, SUCH ADDITIONAL POWERS FROM
53 THE STATE BOARD OF ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD
54 IN PUBLIC, AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS
55 TITLE, ONLY WHEN THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED
56 AND JUSTIFIED.

1 9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL
2 SHALL PROVIDE THE FAIR ELECTIONS BOARD WITH A WRITTEN RECOMMENDATION AS
3 TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF
4 ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF
5 THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126,
6 14-220 OR 14-222 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION;
7 (B) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER
8 THE MATTER SHOULD BE RESOLVED IN AN ADMINISTRATIVE PROCEEDING AS SET
9 FORTH IN SUBDIVISION THREE OF SECTION 14-220 OF THIS CHAPTER; (D) WHETH-
10 ER A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO
11 RECOVER A CIVIL PENALTY; AND (E) WHETHER A REFERRAL SHOULD BE MADE TO A
12 DISTRICT ATTORNEY OR THE ATTORNEY GENERAL PURSUANT TO SUBDIVISION ELEVEN
13 OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION
14 WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE.

15 10. THE FAIR ELECTIONS BOARD SHALL ACCEPT, MODIFY OR REJECT THE
16 ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER
17 RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD
18 SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS
19 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT
20 OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION;
21 AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR
22 VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN
23 SUBDIVISION TWELVE OF SECTION 14-216 OF THIS CHAPTER AT AN OPEN MEETING
24 PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE
25 ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE
26 SUBJECT OF THE COMPLAINT.

27 11. (A) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDI-
28 VISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE
29 THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL
30 COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,
31 HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIM-
32 ITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD
33 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION
34 14-126 OR SUBDIVISION TWO OF SECTION 14-222 OF THIS CHAPTER, THE BOARD
35 SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME
36 COURT PURSUANT TO SECTION 16-122 OF THIS CHAPTER OR THE COMMENCEMENT OF
37 AN ADMINISTRATIVE PROCEEDING AS SET FORTH IN SUBDIVISION THREE OF
38 SECTION 14-220 OF THIS CHAPTER.

39 (B) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
40 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION
41 OF TITLE ONE OF ARTICLE FOURTEEN OF THIS CHAPTER WARRANTING CRIMINAL
42 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER TO A
43 DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY ALL
44 PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.
45 WHERE REASONABLE CAUSE EXISTS TO BELIEVE THAT A CANDIDATE FOR THE OFFICE
46 OF ATTORNEY GENERAL HAS VIOLATED TITLE TWO OF ARTICLE FOURTEEN OF THIS
47 CHAPTER, THE BOARD SHALL REFER THE MATTER TO THE DISTRICT ATTORNEY OF
48 THE APPROPRIATE COUNTY.

49 (C) IF THE FAIR ELECTIONS BOARD DETERMINES, AS PROVIDED IN SUBDIVISION
50 TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION
51 OF TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER, WARRANTING CRIMINAL
52 PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL, EXCEPT AS PROVIDED IN
53 PARAGRAPH (B) OF THIS SUBDIVISION, REFER THE MATTER TO THE ATTORNEY
54 GENERAL AND SHALL MAKE AVAILABLE TO THE SAME ALL PAPERS, DOCUMENTS,
55 TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY A PARTY OTHER THAN THE FAIR ELECTIONS BOARD, PURSUANT TO SECTION 16-114 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL DIRECT THE ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II) THE NUMBER OF COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT PERMITTED.

14. THE FAIR ELECTIONS BOARD MAY PROMULGATE RULES AND REGULATIONS CONSISTENT WITH LAW TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

S 5. The state of New York shall appropriate during each fiscal year to the New York state fair elections board enforcement unit, not less than thirty-five percent of the appropriation available from the general fund for the state board of elections to pay for the expenses of such enforcement unit. Notwithstanding section fifty-one of the state finance law, such funding shall not be decreased by interchange with any other appropriation.

S 6. The election law is amended by adding a new section 3-111 to read as follows:

S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS CHAPTER, THE FAIR ELECTIONS BOARD SHALL RENDER FORMAL OPINIONS ON THE REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE A DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDENTIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE INCLUDED IN THE PUBLICATION.

S 7. Subdivision 9 of section 14-100 of the election law is amended by adding two new paragraphs 4 and 5 to read as follows:

(4) THE TERM "CONTRIBUTION" DOES NOT INCLUDE EXPENDITURES BY A BONA FIDE MEMBERSHIP ORGANIZATION IN SUPPORT OF THE FOLLOWING ACTIVITIES BY MEMBERS OF THE ORGANIZATION WHO ARE VOLUNTEERING THEIR TIME ON BEHALF OF A CANDIDATE, NOT TO EXCEED TWENTY-FIVE DOLLARS PER MEMBER PER CANDIDATE WHO VOLUNTEERS FOR: TRANSPORTATION OF VOLUNTEERS TO AND FROM CAMPAIGN ACTIVITIES; COST OF FEEDING VOLUNTEERS WHILE VOLUNTEERING FOR THE CAMPAIGN; AND MATERIALS SUCH AS BADGES AND CLOTHING THAT IDENTIFIES THE NAME OF THE ORGANIZATION AND/OR CANDIDATE.

(5) EXPENDITURES FOR COMMUNICATIONS TO MEMBERS OR SHAREHOLDERS OF AN ORGANIZATION FOR THE PURPOSE OF SUPPORTING OR OPPOSING A CANDIDATE OR A BALLOT MEASURE ARE NOT CONTRIBUTIONS OR EXPENDITURES, PROVIDED THOSE EXPENDITURES ARE NOT MADE TO A GENERAL PUBLIC AUDIENCE.

S 8. Section 14-100 of the election law is amended by adding five new subdivisions 12, 13, 14, 15 and 16 to read as follows:

12. "EXPRESS ADVOCACY" MEANS A COMMUNICATION:

1 (1) THAT CONTAINS EXPRESS WORDS SUCH AS VOTE, OPPOSE, SUPPORT, ELECT,
2 DEFEAT, OR REJECT, WHICH CALL FOR THE ELECTION OR DEFEAT OF A CANDIDATE,
3 OR

4 (2) WHEN TAKEN AS A WHOLE WITH LIMITED REFERENCE TO EXTERNAL EVENTS,
5 SUCH AS THE PROXIMITY TO THE ELECTION, COULD ONLY BE INTERPRETED BY A
6 REASONABLE PERSON AS CONTAINING ADVOCACY OF THE ELECTION OR DEFEAT OF
7 ONE OR MORE CLEARLY IDENTIFIED CANDIDATES BECAUSE:

8 (A) THE ELECTORAL PORTION OF THE COMMUNICATION IS UNMISTAKABLE, UNAM-
9 BIGUOUS, AND SUGGESTIVE OF ONLY ONE MEANING; AND

10 (B) REASONABLE MINDS COULD NOT DIFFER AS TO WHETHER IT ENCOURAGES
11 ACTIONS TO ELECT OR DEFEAT ONE OR MORE CLEARLY IDENTIFIED CANDIDATES OR
12 ENCOURAGES SOME OTHER KIND OF ACTION.

13 13. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

14 (A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

15 (B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

16 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
17 ENCE.

18 14. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF
19 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;
20 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF
21 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE
22 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF SHAREHOLDERS AND EXEC-
23 UTIVES OF A BUSINESS ENTITY.

24 15. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
25 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
26 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
27 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
28 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
29 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
30 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,
31 EACH LOCAL, STATEWIDE, NATIONAL AND INTERNATIONAL LABOR ORGANIZATION AND
32 EACH NATIONAL, STATE, AREA AND LABOR CENTRAL LABOR BODY RECEIVING DUES
33 FROM AFFILIATED LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE
34 LABOR ORGANIZATION.

35 16. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,
36 POLITICAL COMMITTEE, LABOR ORGANIZATION, OR OTHER ENTITY WHICH, OTHER
37 THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY, OR MESSEN-
38 GER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO
39 A CANDIDATE OR AN AUTHORIZED COMMITTEE.

40 "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, PARENTS, CHILDREN, OR
41 SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION.

42 S 9. Subdivision 1 of section 14-102 of the election law, as amended
43 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is
44 amended to read as follows:

45 1. The treasurer of every political committee which, or any officer,
46 member or agent of any such committee who, in connection with any
47 election, receives or expends any money or other valuable thing or
48 incurs any liability to pay money or its equivalent shall file state-
49 ments sworn, or subscribed and bearing a form notice that false state-
50 ments made therein are punishable as a class A misdemeanor pursuant to
51 section 210.45 of the penal law, at the times prescribed by this [arti-
52 cle] TITLE setting forth all the receipts, contributions to and the
53 expenditures by and liabilities of the committee, and of its officers,
54 members and agents in its behalf. Such statements shall include the
55 dollar amount of any receipt, contribution or transfer, or the fair
56 market value of any receipt, contribution or transfer, which is other

1 than of money, the name and address of the transferor, contributor,
2 INTERMEDIARY, or person from whom received, and if the transferor,
3 contributor, INTERMEDIARY, or person is a political committee; the name
4 of and the political unit represented by the committee, the date of its
5 receipt, the dollar amount of every expenditure, the name and address of
6 the person to whom it was made or the name of and the political unit
7 represented by the committee to which it was made and the date thereof,
8 and shall state clearly the purpose of such expenditure. AN INTERMEDIARY
9 NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A
10 CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT
11 HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS
12 THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED
13 FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT
14 CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement
15 reporting a loan shall have attached to it a copy of the evidence of
16 indebtedness. Expenditures in sums under fifty dollars need not be
17 specifically accounted for by separate items in said statements, and
18 receipts and contributions aggregating not more than ninety-nine
19 dollars, from any one contributor need not be specifically accounted for
20 by separate items in said statements, provided however, that such
21 expenditures, receipts and contributions shall be subject to the other
22 provisions of section 14-118 of this [article] TITLE.

23 S 9-a. Section 14-106 of the election law, as amended by section 2 of
24 part E of chapter 399 of the laws of 2011, is amended to read as
25 follows:

26 S 14-106. Political communication. The statements required to be filed
27 under the provisions of this article next succeeding a primary, general
28 or special election shall be accompanied by a copy of all broadcast,
29 cable or satellite schedules and scripts, internet, print and other
30 types of advertisements, pamphlets, circulars, flyers, brochures,
31 letterheads and other printed matter purchased or produced, AND REPROD-
32 UCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO FIVE HUNDRED OR MORE
33 MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC
34 DEVICE INCLUDING, BUT NOT LIMITED TO, ELECTRONIC MAIL OR TEXT MESSAGE,
35 purchased in connection with such election by or under the authority of
36 the person filing the statement or the committee or the person on whose
37 behalf it is filed, as the case may be. Such copies, schedules and
38 scripts shall be preserved by the officer with whom or the board with
39 which it is required to be filed for a period of one year from the date
40 of filing thereof.

41 S 10. The election law is amended by adding a new section 14-107 to
42 read as follows:

43 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS
44 ARTICLE:

45 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE IN SUPPORT OR
46 OPPOSITION OF A CANDIDATE: FOR AN AUDIO OR VIDEO COMMUNICATION TO A
47 GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN
48 COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,
49 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED
50 MATTER AND COMMUNICATIONS CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A
51 GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER OR OTHER ELECTRONIC DEVICES
52 THAT:

53 (I) EXPRESSLY ADVOCATES FOR THE ELECTION OR DEFEAT OF A CLEARLY IDEN-
54 TIFIED CANDIDATE; AND

1 (II) THAT THE CANDIDATE OR HIS OR HER AGENTS OR AUTHORIZED POLITICAL
2 COMMITTEE OR COMMITTEES DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR
3 COOPERATE WITH IN ANY WAY.

4 (B) "INDEPENDENT SPENDER" MEANS AN INDIVIDUAL OR ENTITY THAT MAKES AN
5 INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION.

6 (C) "ELECTIONEERING COMMUNICATION" MEANS:

7 (I) AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA
8 BROADCAST, CABLE OR SATELLITE, OR A COMMUNICATION MADE BY PAID ADVERTIS-
9 ING THAT IS PUBLISHED ON THE INTERNET OR IN A NEWSPAPER OR PERIODICAL
10 DISTRIBUTED TO A GENERAL PUBLIC AUDIENCE, OR A COMMUNICATION TO FIVE
11 HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY PHONE, COMPUTER
12 OR OTHER ELECTRONIC DEVICES,

13 (II) WHICH IS BROADCAST OR PUBLISHED WITHIN SIXTY DAYS OF A GENERAL
14 ELECTION OR THIRTY DAYS OF A PRIMARY ELECTION,

15 (III) WHICH REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT
16 PROPOSAL, AND

17 (IV) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS
18 AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT
19 OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST,
20 FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

21 (D) INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS DO NOT
22 INCLUDE:

23 (I) A COMMUNICATION APPEARING IN A WRITTEN NEWS STORY, COMMENTARY, OR
24 EDITORIAL OR DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING
25 STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE
26 OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR
27 CANDIDATE; OR

28 (II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

29 (III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN
30 ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS; OR

31 (IV) A COMMUNICATION BY A CORPORATION THAT HAS RECEIVED DESIGNATION AS
32 A 501(C)(3) ORGANIZATION BY THE INTERNAL REVENUE SERVICE.

33 (E) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON,
34 GROUP OF PERSONS, ENTITY, ORGANIZATION OR ASSOCIATION.

35 2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE OR ELECTIO-
36 NEERING COMMUNICATION THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE
37 AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON
38 WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION
39 AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE
40 COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLI-
41 TICAL COMMITTEE OR ANY OF ITS AGENTS. A KNOWING AND WILLFUL VIOLATION OF
42 THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL
43 PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION,
44 WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY
45 THE FAIR ELECTIONS BOARD.

46 3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES OR ELECTIONEER-
47 ING COMMUNICATIONS THAT COST MORE THAN TEN THOUSAND DOLLARS IN THE
48 AGGREGATE IN THE TWELVE MONTHS PRECEDING THE ELECTION TO WHICH SUCH
49 COMMUNICATIONS RELATE, SHALL REPORT SUCH INDEPENDENT EXPENDITURES OR
50 ELECTIONEERING COMMUNICATIONS TO THE STATE BOARD OF ELECTIONS ON STATE-
51 MENTS AS PROVIDED FOR IN SECTION 14-108 OF THIS TITLE.

52 (B) ANY INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION MADE
53 AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED
54 BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION, BUT BEFORE SUCH
55 ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER
56 AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS TITLE.

4. EACH SUCH STATEMENT SHALL INCLUDE:

(A) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF THE PERSON MAKING THE STATEMENT;

(B) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION;

(C) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING EXCLUSIVELY FUNDS IN A SEGREGATED BANK ACCOUNT CONSISTING OF FUNDS THAT WERE PAID DIRECTLY TO SUCH ACCOUNT BY PERSONS OTHER THAN THE INDEPENDENT SPENDER THAT CONTROLS THE ACCOUNT, FOR EACH SUCH PAYMENT TO THE ACCOUNT:

(I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE STATEMENT;

(II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

(III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE ACCOUNT IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT.

(D) IF THE INDEPENDENT SPENDER MAKES INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS USING FUNDS OTHER THAN FUNDS IN A SEGREGATED BANK ACCOUNT DESCRIBED IN PARAGRAPH (E) OF THIS SUBDIVISION, FOR EACH PAYMENT TO THE INDEPENDENT SPENDER:

(I) THE NAME, ADDRESS, AND IF A NATURAL PERSON, OCCUPATION AND EMPLOYER OF EACH PERSON WHO MADE SUCH PAYMENT DURING THE PERIOD COVERED BY THE STATEMENT;

(II) THE DATE AND AMOUNT OF SUCH PAYMENT; AND

(III) THE AGGREGATE AMOUNT OF ALL SUCH PAYMENTS MADE BY THE PERSON AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT; BUT ONLY IF SUCH PAYMENT WAS MADE BY A PERSON WHO MADE PAYMENTS TO THE INDEPENDENT SPENDER IN AN AGGREGATE AMOUNT OF ONE THOUSAND DOLLARS OR MORE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL, OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT.

(E) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, THE NAME AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION; AND

(F) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFERENCED.

5. ANY REPORT MADE PURSUANT TO THIS SECTION SHALL INCLUDE A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER.

6. ANY REPORT OF A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE OR ELECTIONEERING COMMUNICATION SHALL INCLUDE WRITTEN EVIDENCE OF THE INDEBTEDNESS.

7. CONTRIBUTIONS:

(A) AN INDEPENDENT SPENDER REQUIRED TO REPORT TO THE STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL ALSO REPORT:

(I) ALL CONTRIBUTIONS ACCEPTED FROM OTHER ENTITIES DURING THE TWELVE MONTHS PRECEDING THE ELECTION; AND

(II) ALL CONTRIBUTIONS AGGREGATING ONE THOUSAND DOLLARS OR MORE ACCEPTED FROM AN INDIVIDUAL DURING THE TWELVE MONTHS PRECEDING THE ELECTION.

(B) EACH CONTRIBUTION SHALL BE DISCLOSED IN THE REPORTING PERIOD IN WHICH IT WAS RECEIVED. FOR EACH CONTRIBUTION, THE INDEPENDENT SPENDER SHALL PROVIDE:

(I) FOR EACH CONTRIBUTION ACCEPTED FROM ANOTHER ENTITY, THE ENTITY'S NAME, ADDRESS, AND TYPE OF ORGANIZATION;

(II) FOR EACH CONTRIBUTION ACCEPTED FROM AN INDIVIDUAL, THE INDIVIDUAL'S NAME, ADDRESS, OCCUPATION, AND EMPLOYER INFORMATION; AND

(III) THE DATE OF RECEIPT AND AMOUNT OF EACH SUCH CONTRIBUTIONS.

(C) EXEMPTION FOR EARMARKED CONTRIBUTIONS. CONTRIBUTIONS THAT ARE EARMARKED FOR AN EXPLICITLY STATED NON-ELECTORAL PURPOSE ARE NOT REQUIRED TO BE REPORTED; PROVIDED, HOWEVER THAT RECORDS OF THESE CONTRIBUTIONS MUST BE MAINTAINED AND MAY BE REQUESTED BY THE BOARD TO VERIFY THEIR QUALIFICATIONS FOR THIS EXEMPTION.

8. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL BE FILED BY ELECTRONIC REPORTING PROCESS OR OVERNIGHT MAIL TO THE STATE BOARD OF ELECTIONS.

9. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

S 11. Section 14-110 of the election law, as amended by chapter 46 of the laws of 1984, is amended to read as follows:

S 14-110. Place for filing statements. The places for filing the statements required by this article shall be determined by rule or regulation of the state board of elections; provided, however, that the statements of a candidate for election to the office of governor, lieutenant governor, attorney general, comptroller, member of the legislature, delegate to a constitutional convention, justice of the supreme court or for nomination for any such office at a primary election and of any committee aiding or taking part in the designation, nomination, election or defeat of candidates for one or more of such offices or promoting the success or defeat of a question to be voted on by the voters of the entire state shall be filed with the state board of elections and in such other places as the state board of elections may, by rule or regulation provide. UPON FILING, THE STATE BOARD OF ELECTIONS SHALL MAKE ALL STATEMENTS FILED THEREWITH READILY AVAILABLE AND ACCESSIBLE TO THE FAIR ELECTIONS BOARD.

S 12. Section 14-112 of the election law, as amended by chapter 930 of the laws of 1981, is amended to read as follows:

S 14-112. Political committee authorization statement. Any political committee aiding or taking part in the election or nomination of any candidate, other than by making contributions, shall file, in the office in which the statements of such committee are to be filed pursuant to this [article] TITLE, either a sworn verified statement by the treasurer of such committee that the candidate has authorized the political committee to aid or take part in his election or that the candidate has not authorized the committee to aid or take part in his election.

S 13. Sections 14-100, 14-102, 14-104, 14-106, 14-107, 14-108, 14-110, 14-112, 14-114, 14-116, 14-118, 14-120, 14-122, 14-124, 14-126, 14-127, 14-128 and 14-130 of the election law are designated title 1 and a new title heading is added to read as follows:

RECEIPTS AND EXPENDITURES; GENERAL

1 S 14. Section 14-116 of the election law, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter 260 of the laws of 1981, is amended to read as follows:

2 S 14-116. Political contributions by certain organizations. 1. No corporation, LIMITED LIABILITY COMPANY or joint-stock association doing business in this state, except [a corporation or association] AN ENTITY organized or maintained for political purposes only, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for, or in aid of, any corporation, LIMITED LIABILITY COMPANY, joint-stock or other association organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stock-holder, attorney or agent of any corporation, LIMITED LIABILITY COMPANY or joint-stock association which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

21 2. Notwithstanding the provisions of subdivision one of this section, any corporation or an organization financially supported in whole or in part, by such corporation, AND ANY LIMITED LIABILITY COMPANY may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to exceed five thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.

30 S 15. Subdivision 3 of section 14-124 of the election law, as amended by chapter 71 of the laws of 1988, is amended to read as follows:

32 3. The contribution and receipt limits of this article shall not apply to monies received and expenditures made by a party committee or constituted committee to maintain a permanent headquarters and staff and carry on ordinary activities which are not for the express purpose of promoting the candidacy of specific candidates. PROVIDED THAT THE FUNDS DESCRIBED IN THIS SUBDIVISION SHALL BE PROHIBITED FROM BEING TRANSFERRED. PROVIDED FURTHER, THAT EXPENDITURES MADE BY A PARTY COMMITTEE OR CONSTITUTED COMMITTEE FOR A POLITICAL COMMUNICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION SHALL NOT INCLUDE THE NAME, LIKENESS OR VOICE OF ANY CANDIDATE OR ELECTED OFFICIAL.

42 S 16. The election law is amended by adding a new section 14-132 to read as follows:

44 S 14-132. USE OF CONTRIBUTIONS IN VIOLATION OF FEDERAL POSTAL REGULATIONS PROHIBITED. NO PARTY OR CONSTITUTED COMMITTEE WHICH HAS BEEN DESIGNATED AS A NOT-FOR-PROFIT ORGANIZATION BY THE UNITED STATES INTERNAL REVENUE SERVICE SHALL MAKE EXPENDITURES, OF DIRECT OR INDIRECT CONTRIBUTIONS OR TRANSFERS RECEIVED BY SUCH COMMITTEE, IN VIOLATION OF UNITED STATES POSTAL SERVICE REGULATIONS.

50 S 17. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II

PUBLIC FINANCING

54 SECTION 14-200. APPLICABILITY OF TITLE.

55 14-202. DEFINITIONS.

56 14-204. REPORTING REQUIREMENTS.

1 14-206. ELIGIBILITY.
2 14-208. QUALIFIED CAMPAIGN EXPENDITURES.
3 14-210. OPTIONAL PUBLIC FINANCING.
4 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS.
5 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS.
6 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES.
7 14-218. EXAMINATIONS AND AUDITS.
8 14-220. CIVIL ENFORCEMENT.
9 14-222. CRIMINAL PENALTIES.
10 14-224. REPORTS.
11 14-226. DEBATES.
12 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND.

13 S 14-200. APPLICABILITY OF TITLE. THIS TITLE SHALL ONLY APPLY TO THOSE
14 CANDIDATES WHO ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING
15 SYSTEM.

16 S 14-202. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING
17 IS CLEARLY INDICATED:

18 1. THE TERM "BOARD" OR "FAIR ELECTIONS BOARD" MEANS THE BOARD CREATED
19 BY SECTION 14-216 OF THIS TITLE TO ADMINISTER THE FAIR ELECTIONS FUND.

20 2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION
21 OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR,
22 COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE
23 DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A
24 CONSTITUTIONAL CONVENTION.

25 3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE AUTHORIZED
26 POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT
27 WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTAB-
28 LISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMA-
29 RY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A
30 MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

31 4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS
32 ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTAB-
33 LISHED BY THIS TITLE, HAS MET THE THRESHOLD FOR ELIGIBILITY AND HAS
34 ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

35 5. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR
36 ANY OFFICE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE FOR A
37 COVERED ELECTION WHO FAILS TO FILE A STATEMENT IN THE FORM OF AN AFFIDA-
38 VIT PURSUANT TO SECTION 14-210 OF THIS TITLE.

39 6. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE
40 AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL
41 ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENER-
42 AL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A
43 SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS
44 RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR
45 ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE
46 WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED
47 IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE FAIR ELECTIONS
48 BOARD, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. A
49 LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION. THE FOLLOWING
50 CONTRIBUTIONS ARE NOT MATCHABLE:

51 (A) IN-KIND CONTRIBUTIONS OF PROPERTY, GOODS, OR SERVICES;

52 (B) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR AN ITEM
53 WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE;

54 (C) CONTRIBUTIONS IN THE FORM OF THE PURCHASE PRICE PAID FOR OR OTHER-
55 WISE INDUCED BY A CHANCE TO PARTICIPATE IN A RAFFLE, LOTTERY, OR SIMILAR
56 DRAWING FOR VALUABLE PRIZES;

(D) MONEY ORDER CONTRIBUTIONS FROM ANY ONE CONTRIBUTOR THAT ARE, IN THE AGGREGATE, GREATER THAN ONE HUNDRED DOLLARS;

(E) CONTRIBUTIONS FROM INDIVIDUALS UNDER THE AGE OF EIGHTEEN YEARS;

(F) CONTRIBUTIONS FROM INDIVIDUAL VENDORS TO WHOM THE PARTICIPATING CANDIDATE OR HIS OR HER PRINCIPAL COMMITTEE MAKES AN EXPENDITURE, IN FURTHERANCE OF THE NOMINATION FOR ELECTION OR ELECTION COVERED BY THE CANDIDATE'S CERTIFICATION, UNLESS SUCH EXPENDITURE IS REIMBURSING AN ADVANCE.

(G) ALL CONTRIBUTIONS RECEIVED BETWEEN THE DAY AFTER THE GENERAL ELECTION IN WHICH THE PARTICIPATING CANDIDATE IS SEEKING OFFICE AND THE THIRTY-FIRST DAY OF DECEMBER OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION IS TO BE HELD, INCLUSIVELY.

7. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC FUNDS MAY BE USED.

8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE FAIR ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

9. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-206 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

10. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

11. THE TERM "ELECTION CYCLE" SHALL MEAN THE TWO YEAR PERIOD STARTING THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR THE STATE LEGISLATURE AND SHALL MEAN THE FOUR YEAR PERIOD STARTING AFTER THE DAY AFTER THE LAST GENERAL ELECTION FOR CANDIDATES FOR STATEWIDE OFFICE.

S 14-204. REPORTING REQUIREMENTS. 1. EVERY PARTICIPATING CANDIDATE SHALL NOT DESIGNATE MORE THAN ONE AUTHORIZED COMMITTEE. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH PARTICIPATING CANDIDATE SHALL NOTIFY THE FAIR ELECTIONS BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN DESIGNATED AND APPROVED BY SUCH CANDIDATE. EACH SUCH AUTHORIZED COMMITTEE SHALL, BEFORE OPENING A COMMITTEE BANK ACCOUNT, RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION:

(A) DESIGNATE A TREASURER; AND

(B) OBTAIN A TAX IDENTIFICATION NUMBER FROM THE INTERNAL REVENUE SERVICE.

2. DISCLOSURE. (A) EVERY PARTICIPATING CANDIDATE SHALL FILE FINANCIAL DISCLOSURE REPORTS WITH THE STATE BOARD OF ELECTIONS AS REQUIRED BY TITLE ONE OF THIS ARTICLE. COPIES OF SUCH REPORTS SHALL ALSO BE SUBMITTED TO THE FAIR ELECTIONS BOARD CREATED PURSUANT TO THIS ARTICLE AT THE SAME TIME SUCH REPORTS ARE FILED WITH THE STATE BOARD OF ELECTIONS.

(B) THE FAIR ELECTIONS BOARD SHALL REVIEW EACH DISCLOSURE REPORT FILED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO TITLE ONE OF THIS ARTICLE AND SHALL INFORM PARTICIPATING CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, OF RELEVANT QUESTIONS THE FAIR ELECTIONS BOARD HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE FAIR ELECTIONS BOARD; AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF SUCH REVIEW, THE FAIR ELECTIONS BOARD SHALL GIVE CANDIDATES AND POLITICAL COMMITTEES INCLUDING THE AUTHORIZED COMMITTEE, AN OPPORTUNITY TO RESPOND TO AND CORRECT POTENTIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE BOARD HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING

1 IN THIS PARAGRAPH SHALL PRECLUDE THE BOARD FROM SUBSEQUENTLY REVIEWING
2 SUCH A DISCLOSURE REPORT AND TAKING ANY ACTION OTHERWISE AUTHORIZED BY
3 THIS TITLE.

4 (C) ONLY ITEMIZED CONTRIBUTIONS CONTAINED IN REPORTS FILED WITH THE
5 FAIR ELECTIONS BOARD SHALL BE ELIGIBLE FOR MATCHING FUNDS PURSUANT TO
6 THIS TITLE.

7 S 14-206. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING
8 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

9 (A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF
10 LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

11 (B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR
12 DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL
13 ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION
14 TWO OF THIS SECTION;

15 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY
16 THIS TITLE NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIG-
17 NATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE
18 CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINAT-
19 ING CERTIFICATES FOR SUCH OFFICE;

20 (D) AGREE TO OBTAIN AND FURNISH TO THE FAIR ELECTIONS BOARD ANY
21 EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN
22 EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE
23 WITH THIS TITLE AS MAY BE REQUESTED BY THE BOARD;

24 (E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE
25 CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE;

26 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON
27 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL; AND

28 (G) FOR ANY CANDIDATE ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC
29 FINANCING SYSTEM IN THE YEAR IN WHICH SUCH OPTIONAL PUBLIC FINANCING
30 SYSTEM IS FIRST EFFECTIVE, FOR THE COVERED OFFICE BEING SOUGHT BY SUCH
31 CANDIDATE, AND, IN EACH SUBSEQUENT YEAR, THOSE CANDIDATES WHO DID NOT
32 ELECT TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM IN THE
33 CURRENT ELECTION CYCLE, AGREE NOT TO EXPEND FOR CAMPAIGN PURPOSES ANY
34 PORTION OF ANY PRE-EXISTING FUNDS RAISED FOR ANY PUBLIC OFFICE OR PARTY
35 POSITION PRIOR TO JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENER-
36 AL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. NOTHING IN
37 THIS PARAGRAPH SHALL BE CONSTRUED TO LIMIT, IN ANY WAY, ANY CANDIDATE OR
38 PUBLIC OFFICIAL FROM EXPENDING ANY PORTION OF PRE-EXISTING CAMPAIGN
39 FUNDS FOR ANY LAWFUL PURPOSE OTHER THAN THOSE RELATED TO HIS OR HER
40 CAMPAIGN.

41 (H) AGREE NOT TO ACCEPT CONTRIBUTIONS IN EXCESS OF THE LIMITS SET
42 FORTH IN SECTION 14-212 OF THIS ARTICLE FROM THE TIME HE OR SHE ELECTS
43 TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
44 PARAGRAPH (C) OF THIS SECTION, THROUGH THE THIRTY-FIRST DAY OF DECEMBER
45 OF THE YEAR BEFORE THE YEAR IN WHICH THE NEXT GENERAL ELECTION FOR THE
46 OFFICE SOUGHT IS TO BE HELD.

47 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN
48 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL
49 BE:

50 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN SIX
51 HUNDRED FIFTY THOUSAND DOLLARS FROM AT LEAST SIX THOUSAND FIVE HUNDRED
52 MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY
53 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

54 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR
55 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWO
56 HUNDRED THOUSAND DOLLARS FROM AT LEAST TWO THOUSAND MATCHABLE CONTRIB-

UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED INDIVIDUAL CONTRIBUTORS WHO RESIDE IN THE SENATE DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TEN THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE INCLUDING AT LEAST FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY INDIVIDUALS WHO RESIDE IN THE ASSEMBLY DISTRICT OR RESIDE IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT OR IN THE CONSTITUENT COUNTY OR RESIDES IN ANY PORTION OF ANY COUNTY WHICH CONSTITUTES ANY MEASURE OF THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY ELECTION A CANDIDATE MUST AGREE, THAT IN THE EVENT SUCH CANDIDATE IS A CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO, THE PUBLIC FUNDS RECEIPT LIMITS OF THIS TITLE.

4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

5. CANDIDATES WHO ARE UNOPPOSED IN A GENERAL OR SPECIAL ELECTION SHALL NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS THERE IS AT LEAST ONE OTHER CANDIDATE, AS DEFINED BY SUBDIVISION SEVEN OF SECTION 14-100 OF THIS TITLE FOR SUCH OFFICE IN SUCH ELECTION.

S 14-208. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDITURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT ELECTION CYCLE OR, IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL ELECTION.

2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF THIS STATE;

1 (B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A
2 RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH
3 PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY
4 SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE IN EXCESS OF THE FAIR
5 MARKET VALUE OF SUCH SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF
6 VALUE RECEIVED IN EXCHANGE;

7 (C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS,
8 FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

9 (D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE
10 ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD
11 SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A
12 COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS
13 REVERSED BY A HIGHER AUTHORITY.

14 (E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
15 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
16 AUTHORIZATION, DECLINATION OR SUBSTITUTION;

17 (F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT;

18 (G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS, OR OTHER PRINTED CAMPAIGN
19 MATERIALS; AND

20 (H) CONTRIBUTIONS OR TRANSFERS TO A POLITICAL COMMITTEE.

21 S 14-210. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR
22 NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY
23 OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALI-
24 FIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A
25 PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON
26 THE BALLOT AND FILED A SWORN STATEMENT WITH THE FAIR ELECTIONS BOARD
27 ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND
28 AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT
29 EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN
30 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE
31 MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC
32 FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED
33 CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS
34 USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

35 2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL
36 BE ENTITLED TO SIX DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCH-
37 ABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE FAIR ELECTIONS BOARD IN
38 ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH
39 PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

40 3. (A) NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS
41 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE
42 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

43 (B) WHERE THERE IS A CONTEST IN SUCH PRIMARY FOR THE NOMINATION OF AT
44 LEAST ONE OTHER PARTY FOR SUCH OFFICE, THE PARTICIPATING COMMITTEE OF AN
45 UNOPPOSED PARTICIPATING CANDIDATE FOR NOMINATION MAY RAISE AND SPEND AN
46 AMOUNT EQUAL TO ONE-HALF THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE,
47 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
48 FUNDS, WITH CONTRIBUTIONS OF UP TO TWO THOUSAND DOLLARS PER CONTRIBUTOR.
49 SUCH PAYMENT CAN ONLY BE EXPENDED FOR PROPERTY, SERVICES OR FACILITIES
50 USED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION.

51 4. THE FAIR ELECTIONS BOARD SHALL PROMPTLY EXAMINE ALL REPORTS OF
52 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE
53 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF
54 SUCH CONTRIBUTIONS.

55 5. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGULATIONS FOR THE
56 CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE BY THE COMPTROLLER, FROM

1 THE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
2 FINANCE LAW, TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE
3 SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND
4 DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE
5 REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE
6 VERIFICATION REQUIRED. THE BOARD SHALL INSTITUTE PROCEDURES WHICH WILL
7 MAKE POSSIBLE PAYMENT BY THE FUND WITHIN TWO BUSINESS DAYS AFTER RECEIPT
8 OF THE REQUIRED FORMS AND VERIFICATIONS.

9 S 14-212. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,
10 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE
11 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A
12 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-
13 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING
14 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE
15 AGGREGATE AMOUNT, IS GREATER THAN TWO THOUSAND DOLLARS.

16 2. (A) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE
17 AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
18 FUNDS, A PARTICIPATING CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR IN
19 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
20 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
21 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
22 EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER,
23 THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A
24 TRANSFER.

25 (B) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
26 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
27 FUNDS, A PARTICIPATING CANDIDATE FOR ATTORNEY GENERAL OR COMPTROLLER IN
28 A PRIMARY OR GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMIT-
29 TEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED
30 SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
31 EXCEED ONE MILLION DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT
32 OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

33 (C) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
34 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
35 FUNDS, A PARTICIPATING CANDIDATE FOR STATE SENATOR IN A PRIMARY, GENERAL
36 OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY
37 ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH
38 CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT
39 EXCEED ONE HUNDRED THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
40 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

41 (D) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
42 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
43 FUNDS, A PARTICIPATING CANDIDATE FOR MEMBER OF THE ASSEMBLY IN A PRIMA-
44 RY, GENERAL OR SPECIAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING
45 COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMI-
46 NATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES
47 NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE
48 PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

49 (E) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS
50 FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC
51 FUNDS, A PARTICIPATING CANDIDATE FOR DELEGATE AT-LARGE TO A CONSTITU-
52 TIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPAT-
53 ING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS
54 NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE,
55 DOES NOT EXCEED FIFTY THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-
56 FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

(F) NOTWITHSTANDING THE PUBLIC FUNDS RECEIPT LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, A PARTICIPATING CANDIDATE FOR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A GENERAL ELECTION OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE MAY ACCEPT FROM A STATE CONSTITUTED COMMITTEE WHICH HAS NOMINATED SUCH CANDIDATE SERVICES IN AN AMOUNT WHICH, IN THE AGGREGATE, DOES NOT EXCEED TEN THOUSAND DOLLARS; PROVIDED, HOWEVER, THAT TWENTY-FIVE PERCENT OF SUCH AMOUNT MAY BE ACCEPTED IN THE FORM OF A TRANSFER.

(G) FOR PURPOSES OF THIS SUBDIVISION, THE TERM STATE CONSTITUTED COMMITTEE INCLUDES ANY OF ITS SUBCOMMITTEES.

3. NOTWITHSTANDING ANY PUBLIC FUNDS RECEIPT LIMIT IN THIS SUBDIVISION, EACH COUNTY COMMITTEE OF ANY PARTY WHICH NOMINATES A CANDIDATE FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE, INCLUDING WITHIN THE TERM COUNTY COMMITTEE ANY OF ITS SUBCOMMITTEES, MAY EXPEND IN SUPPORT OF SUCH PARTY'S CANDIDATES FOR STATEWIDE OFFICE OR STATE LEGISLATIVE OFFICE WHO HAS AGREED TO ACCEPT PUBLIC FINANCING, AN AMOUNT WHICH SHALL NOT EXCEED THE SUM OF TWO CENTS FOR EACH VOTER REGISTERED IN SUCH COUNTY AS DETERMINED BY THE RECORDS OF THE APPROPRIATE BOARD OF ELECTIONS AS OF THE PRECEDING GENERAL ELECTION.

4. IN COMPUTING THE AGGREGATE AMOUNT EXPENDED FOR PURPOSES OF THIS SECTION, EXPENDITURES MADE BY A STATE CONSTITUTED COMMITTEE OR A COUNTY COMMITTEE IN SUPPORT OF MORE THAN ONE CANDIDATE SHALL BE ALLOCATED AMONG SUCH CANDIDATES SUPPORTED BY THE COMMITTEE IN ACCORDANCE WITH FORMULAS PROMULGATED BY THE FAIR ELECTIONS BOARD OR, IN THE ABSENCE OF SUCH OFFICIAL FORMULAS, IN ACCORDANCE WITH A FORMULA BASED UPON REASONABLE STANDARDS. THE STATEMENTS FILED BY SUCH CONSTITUTED COMMITTEE IN ACCORDANCE WITH THIS CHAPTER SHALL SET FORTH, IN ADDITION TO THE OTHER INFORMATION REQUIRED, THE TOTAL AMOUNT EXPENDED BY THE PARTY COMMITTEE ON BEHALF OF ALL SUCH CANDIDATES AND THE AMOUNT ALLOCATED TO EACH CANDIDATE BY DOLLAR AMOUNT AND PERCENTAGE. EXPENDITURES BY A PARTY FOR ACTIVITIES WHICH DO NOT SUPPORT OR OPPOSE THE ELECTION OF ANY CANDIDATE OR CANDIDATES BY NAME OR BY CLEAR INFERENCE SHALL NOT BE REGARDED AS EXPENDITURES ON BEHALF OF OR IN OPPOSITION TO A CANDIDATE.

5. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIBUTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF THE GENERAL ELECTION FOR THE OFFICE SOUGHT, EXCEPT THAT A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE WHICH HAS A DEFICIT ON THE DAY OF THE GENERAL ELECTION MAY, AFTER SUCH DATE, ACCEPT CONTRIBUTIONS WHICH DO NOT EXCEED THE AMOUNT OF SUCH DEFICIT AND THE EXPENSES INCURRED IN RAISING SUCH CONTRIBUTIONS OR THE EXPENDITURE LIMIT FOR SUCH OFFICE AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS.

6. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION, PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

S 14-214. LIMITATIONS ON THE RECEIPT OF PUBLIC FUNDS. THE FOLLOWING LIMITATIONS APPLY TO THE TOTAL AMOUNT OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

1. IN ANY PRIMARY ELECTION, RECEIPT OF PUBLIC FUNDS BY PARTICIPATING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

(I) FOR GOVERNOR, THE SUM OF NINE MILLION DOLLARS;

(II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM OF SIX MILLION DOLLARS;

1 (III) FOR SENATOR, THE SUM OF THREE HUNDRED FIFTY THOUSAND DOLLARS;
2 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED FIFTY THOUSAND
3 DOLLARS;

4 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF
5 ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

6 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF
7 FIFTY THOUSAND DOLLARS;

8 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY
9 PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTIC-
10 IPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

11 CANDIDATES FOR ELECTION TO THE OFFICE OF:

12 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	\$12,000,000
13 ATTORNEY GENERAL	\$8,000,000
14 COMPTROLLER	\$8,000,000
15 MEMBER OF SENATE	\$400,000
16 MEMBER OF ASSEMBLY	\$200,000
17 DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	\$350,000
18 DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	\$75,000

19 3. PARTICIPATING CANDIDATES FOR OFFICE WHO ARE UNOPPOSED IN THE PRIMA-
20 RY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR
21 SERVICES, MATERIALS OR FACILITIES USED ON OR BEFORE THE DATE OF SUCH
22 PRIMARY ELECTION, AN AMOUNT EQUAL TO HALF THE SUM SUCH CANDIDATES WOULD
23 BE ENTITLED TO RECEIVE IF THEIR NOMINATION WAS CONTESTED IN SUCH PRIMARY
24 ELECTION PROVIDED THERE IS A PRIMARY CONTEST FOR THE NOMINATION OF AT
25 LEAST ONE OTHER PARTY FOR SUCH OFFICE.

26 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE AMOUNT OF
27 PRIVATE FUNDS A PARTICIPATING CANDIDATE MAY RECEIVE SUBJECT TO THE
28 CONTRIBUTION LIMITS CONTAINED IN SECTION 14-212 OF THIS TITLE.

29 5. AT THE BEGINNING OF EACH SECOND CALENDAR YEAR, COMMENCING IN TWO
30 THOUSAND SIXTEEN, THE FAIR ELECTIONS BOARD SHALL DETERMINE THE PERCENT-
31 AGE OF THE DIFFERENCE BETWEEN THE MOST RECENT AVAILABLE MONTHLY CONSUMER
32 PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE THE UNITED STATES
33 BUREAU OF LABOR STATISTICS AND SUCH CONSUMER PRICE INDEX PUBLISHED FOR
34 THE SAME MONTH FOUR YEARS PREVIOUSLY. THE AMOUNT OF EACH PUBLIC FUNDS
35 RECEIPT LIMITATION FIXED IN THIS SECTION SHALL BE ADJUSTED BY THE AMOUNT
36 OF SUCH PERCENTAGE DIFFERENCE TO THE CLOSEST ONE HUNDRED DOLLARS BY THE
37 STATE BOARD WHICH, NOT LATER THAN THE FIRST DAY OF FEBRUARY IN EACH SUCH
38 YEAR, SHALL ISSUE A REGULATION PUBLISHING THE AMOUNT OF EACH SUCH
39 CONTRIBUTION LIMIT. EACH PUBLIC FUND RECEIPT LIMIT AS SO ADJUSTED SHALL
40 BE THE PUBLIC FUNDS RECEIPT LIMIT IN EFFECT FOR ANY ELECTION HELD BEFORE
41 THE NEXT SUCH ADJUSTMENT.

42 S 14-216. FAIR ELECTIONS BOARD; GENERAL POWERS AND DUTIES. 1. THERE
43 SHALL BE A BOARD WITHIN THE STATE BOARD OF ELECTIONS KNOWN AS THE "FAIR
44 ELECTIONS BOARD" COMPOSED OF FIVE MEMBERS, OF WHICH ONE MEMBER SHALL BE
45 APPOINTED BY THE GOVERNOR AND ONE MEMBER SHALL BE APPOINTED BY EACH
46 LEGISLATIVE LEADER OF THE SENATE AND ASSEMBLY. NO MEMBER OF THE FAIR
47 ELECTIONS BOARD SHALL HOLD ELECTIVE OFFICE, NOR SHALL ANY MEMBER BE A
48 LOBBYIST AS DEFINED IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLA-
49 TIVE LAW. THE CHAIR SHALL BE RESPONSIBLE FOR MANAGING THE FAIR ELECTIONS
50 BOARD. THE MEMBERS SHALL EACH SERVE FOR A TERM OF FOUR YEARS.

51 2. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL DESIGNATE THE CHAIR-
52 MAN OF THE FAIR ELECTIONS BOARD FROM AMONG THE MEMBERS THEREOF, WHO
53 SHALL SERVE AS CHAIRMAN AT THE PLEASURE OF THE MEMBERS OF THE FAIR
54 ELECTIONS BOARD. THE CHAIRMAN OR ANY THREE MEMBERS OF THE FAIR ELECTIONS
55 BOARD MAY CALL A MEETING.

1 3. EACH MEMBER'S TERM SHALL COMMENCE ON JANUARY FIRST, TWO THOUSAND
2 FOURTEEN. IN CASE OF A VACANCY IN THE OFFICE OF A MEMBER, A MEMBER SHALL
3 BE APPOINTED ACCORDING TO THE ORIGINAL MANNER OF APPOINTMENT. EACH
4 MEMBER SHALL BE A RESIDENT OF THE STATE OF NEW YORK AND REGISTERED TO
5 VOTE THEREIN. EACH MEMBER SHALL AGREE NOT TO MAKE AND SHALL NOT MAKE
6 CONTRIBUTIONS TO ANY CANDIDATE OR AUTHORIZED COMMITTEE FOR NOMINATION
7 FOR ELECTION OR FOR ELECTION TO THE OFFICE OF STATE COMPTROLLER. NO
8 MEMBER SHALL SERVE AS AN OFFICER OF A POLITICAL PARTY OR COMMITTEE OR BE
9 A CANDIDATE OR PARTICIPATE IN ANY CAPACITY IN A CAMPAIGN BY A CANDIDATE
10 FOR NOMINATION FOR ELECTION, OR FOR ELECTION TO THE OFFICE OF STATE
11 COMPTROLLER. AN OFFICER OR EMPLOYEE OF THE STATE OR ANY STATE AGENCY
12 SHALL NOT BE ELIGIBLE TO BE A MEMBER OF THE FAIR ELECTIONS BOARD.

13 4. THE MEMBERS OF THE FAIR ELECTIONS BOARD SHALL BE ENTITLED TO
14 RECEIVE PAYMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
15 PERFORMANCE OF THEIR DUTIES AS MEMBERS OF SUCH BOARD.

16 5. A MEMBER OF THE FAIR ELECTIONS BOARD MAY BE REMOVED FOR CAUSE BY
17 THE APPOINTING AUTHORITY UPON NOTICE AND AN OPPORTUNITY FOR A HEARING.

18 6. THE FAIR ELECTIONS BOARD SHALL APPOINT AN ENFORCEMENT COUNSEL, A
19 DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR
20 POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A SPECIAL COUNSEL, A DEPU-
21 TY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL
22 PARTY THAN THE SPECIAL COUNSEL, A DIRECTOR OF PUBLIC INFORMATION, A
23 DEPUTY DIRECTOR OF PUBLIC INFORMATION, WHO SHALL BE A MEMBER OF A
24 DIFFERENT MAJOR POLITICAL PARTY THAN THE DIRECTOR OF PUBLIC INFORMATION.
25 THE FAIR ELECTIONS BOARD MAY UTILIZE EXISTING STAFF OF THE STATE BOARD
26 OF ELECTIONS AS MAY BE NECESSARY, AND MAKE NECESSARY EXPENDITURES
27 SUBJECT TO APPROPRIATION, PROVIDED HOWEVER THAT THE ENFORCEMENT COUNSEL,
28 IN CONSULTATION WITH THE FAIR ELECTIONS BOARD, SHALL HAVE THE AUTHORITY
29 TO HIRE AT LEAST FOUR NEW FAIR ELECTIONS BOARD STAFF MEMBERS. SUCH FAIR
30 ELECTIONS BOARD STAFF MEMBERS SHALL BE DEDICATED TO TRAINING AND ASSIST-
31 ING PARTICIPATING CANDIDATES IN COMPLYING WITH THE REQUIREMENTS OF
32 OPTIONAL PUBLIC FINANCING AS PROVIDED FOR UNDER THE PROVISIONS OF TITLE
33 TWO OF ARTICLE FOURTEEN OF THIS CHAPTER. THE FAIR ELECTIONS BOARD SHALL
34 RETAIN AN INDEPENDENT AUDITOR TO PERFORM ONGOING AUDITS OF EACH COVERED
35 ELECTION BY CONTRACT ENTERED INTO PURSUANT TO SECTION ONE HUNDRED
36 SIXTY-THREE OF THE STATE FINANCE LAW.

37 7. THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A
38 TERM OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE
39 EFFECTIVE DATE OF THIS SECTION, THE MEMBERS, OR IN THE CASE OF A VACANCY
40 ON THE FAIR ELECTIONS BOARD, THE MEMBERS, OF EACH OF THE SAME MAJOR
41 POLITICAL PARTY AS THE INCUMBENT ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT
42 COUNSEL, SHALL APPOINT SUCH COUNSELS, AND DEPUTIES. ANY VACANCY IN THE
43 OFFICE OF ENFORCEMENT COUNSEL, DEPUTY ENFORCEMENT COUNSEL, SPECIAL COUN-
44 SEL, SPECIAL DEPUTY COUNSEL, DIRECTOR OF PUBLIC INFORMATION AND DEPUTY
45 DIRECTOR OF PUBLIC INFORMATION SHALL BE FILLED BY THE MEMBERS OF THE
46 FAIR ELECTIONS BOARD OR IN THE CASE OF A VACANCY ON THE BOARD, THE
47 MEMBERS OF THE SAME MAJOR POLITICAL PARTY AS THE VACATING INCUMBENT FOR
48 THE REMAINING PERIOD OF THE TERM OF SUCH VACATING INCUMBENT.

49 8. IN ADDITION TO THE ENFORCEMENT POWERS, AND ANY OTHER POWERS AND
50 DUTIES SPECIFIED BY LAW, THE FAIR ELECTIONS BOARD SHALL:

51 (A)(I) RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING
52 UNDER THIS ARTICLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER
53 OF A POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITI-
54 ATIVE; (II) PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND TO
55 SUCH REQUESTS; AND (III) MAKE PUBLIC THE QUESTIONS OF INTERPRETATION FOR

1 WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE FAIR ELECTIONS BOARD
2 AND ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBSITE;

3 (B) DEVELOP A PROGRAM FOR INFORMING AND TRAINING CANDIDATES AND THE
4 PUBLIC AS TO THE PURPOSE AND EFFECT OF THE PROVISIONS OF THIS TITLE,
5 INCLUDING BY MEANS OF A WEBSITE;

6 (C) HAVE THE AUTHORITY TO PROMULGATE SUCH RULES AND REGULATIONS AND
7 PRESCRIBE SUCH FORMS AS THE FAIR ELECTIONS BOARD DEEMS NECESSARY FOR THE
8 ADMINISTRATION OF THIS TITLE; AND

9 (D) IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS DEVELOP AN INTER-
10 ACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION
11 NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMA-
12 TION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR
13 AUTHORIZED COMMITTEES AND DISTRIBUTIONS OF MONEYS FROM THE FUND AND
14 SHALL BE ACCESSIBLE TO THE PUBLIC ON THE STATE BOARD OF ELECTIONS'
15 WEBSITE.

16 9. CONSISTENT WITH THE PROVISIONS OF THE CIVIL SERVICE LAW AND SUBDI-
17 VISION SEVENTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
18 AND NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, ALL
19 POSITIONS ON THE STAFF OF THE FAIR ELECTIONS BOARD SHALL BE CLASSIFIED
20 IN THE EXEMPT CLASS OF THE CIVIL SERVICE AND SUCH POSITIONS SHALL BE
21 FILLED, TO THE EXTENT POSSIBLE, WITH AN EQUAL NUMBER OF PERSONS FROM
22 EACH OF THE TWO POLITICAL PARTIES FOR WHICH THE HIGHEST AND THE NEXT
23 HIGHEST NUMBER OF VOTES WERE CAST FOR THE OFFICE OF STATE COMPTROLLER AT
24 THE LAST PRECEDING GENERAL ELECTION FOR SUCH OFFICE.

25 10. THE FAIR ELECTIONS BOARD'S ADMINISTRATION OF THE FUND SHALL BE
26 GOVERNED BY THE PROVISIONS OF THIS TITLE AND SECTION NINETY-TWO-T OF THE
27 STATE FINANCE LAW.

28 11. THE FAIR ELECTIONS BOARD AND ITS PROCEEDINGS SHALL BE GOVERNED BY
29 THE STATE ADMINISTRATIVE PROCEDURE ACT AND SUBJECT TO ARTICLES SIX AND
30 SEVEN OF THE PUBLIC OFFICERS LAW.

31 12. FOR THE PURPOSES OF MEETINGS, THREE COMMISSIONERS SHALL CONSTI-
32 TUTE A QUORUM. THE AFFIRMATIVE VOTE OF THREE COMMISSIONERS SHALL BE
33 REQUIRED FOR ANY ACTION OF THE FAIR ELECTIONS BOARD.

34 13. THE FAIR ELECTIONS BOARD SHALL KEEP ALL INFORMATION REGARDING
35 PRELIMINARY, APPROVED OR COMPLETED INVESTIGATIONS CONFIDENTIAL UNTIL
36 SUCH INVESTIGATIONS ARE COMPLETED, DISMISSED, SUBJECT TO A CIVIL COURT
37 FILING OR REFERRED TO A LAW ENFORCEMENT AGENCY AS PROVIDED FOR IN SUBDI-
38 VISION ELEVEN OF SECTION 3-104 OF THIS CHAPTER.

39 14. THE FAIR ELECTIONS BOARD MAY TAKE SUCH OTHER ACTIONS AS ARE NECES-
40 SARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS TITLE.

41 S 14-218. EXAMINATIONS AND AUDITS. 1. THE FAIR ELECTIONS BOARD MAY
42 CONDUCT A THOROUGH EXAMINATION AND PRE-ELECTION AUDIT OF THE CONTRIB-
43 UTIONS AND QUALIFIED CAMPAIGN EXPENSES OF THE PARTICIPATING COMMITTEE OF
44 EVERY PARTICIPATING CANDIDATE WHO RECEIVED PAYMENTS PURSUANT TO SECTION
45 14-210 OF THIS TITLE. SUCH AUDITS SHALL BE CONDUCTED AS FREQUENTLY AS
46 THE FAIR ELECTIONS BOARD DEEMS NECESSARY TO ENSURE COMPLIANCE WITH THIS
47 TITLE. THE FAIR ELECTIONS BOARD SHALL NOTIFY, IN WRITING, ANY CANDI-
48 DATE'S AUTHORIZED COMMITTEE PRIOR TO THE COMMENCEMENT OF SUCH PRE-ELEC-
49 TION AUDIT. NO PRE-ELECTION AUDIT SHALL COMMENCE IN THE ABSENCE OF THE
50 NOTICE REQUIREMENT OF THIS SUBDIVISION. EVERY CANDIDATE WHO RECEIVES
51 PUBLIC MATCHING FUNDS UNDER THIS TITLE SHALL ALSO BE AUDITED BY THE FAIR
52 ELECTIONS BOARD POST-ELECTION. THE COST OF COMPLYING WITH A POST-ELEC-
53 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE. A
54 CANDIDATE WHO HAS RECEIVED PUBLIC MATCHING FUNDS UNDER THIS TITLE MUST
55 MAINTAIN A RESERVE OF AT LEAST ONE PERCENT OF THE TOTAL AMOUNT OF MATCH-
56 ING FUNDS RECEIVED BY SUCH CANDIDATE IN HIS OR HER CAMPAIGN ACCOUNT TO

1 COMPLY WITH THE POST-ELECTION AUDIT. A CANDIDATE WHO RUNS IN BOTH A
2 PRIMARY AND A GENERAL ELECTION, MUST MAINTAIN A RESERVE OF ONE PERCENT
3 OF THE TOTAL AMOUNT OF PUBLIC MATCHING FUNDS RECEIVED BY SUCH CANDIDATE
4 FOR BOTH HIS OR HER PRIMARY AND GENERAL ELECTION. A CANDIDATE MAY USE
5 PUBLIC MATCHING FUNDS, PRIVATE FUNDS OR A COMBINATION OF PUBLIC AND
6 PRIVATE FUNDS TO COMPLY WITH A POST-ELECTION AUDIT. THE FAIR ELECTIONS
7 BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED THE FINAL POST-ELECTION AUDIT
8 REPORT THAT DETAILS ITS FINDINGS AND SHALL PROVIDE SUCH AUDIT TO THE
9 GOVERNOR AND LEGISLATIVE LEADERS AND MAKE SUCH AUDIT REPORT AVAILABLE ON
10 THE STATE BOARD OF ELECTIONS' WEBSITE. FINAL POST-ELECTION AUDIT
11 REPORTS SHALL BE COMPLETED NO LATER THAN TWELVE MONTHS AFTER THE DATE OF
12 THE ELECTION OR ELECTIONS FOR WHICH THE CANDIDATE RECEIVED PUBLIC FUNDS.
13 THIS AUDIT DEADLINE SHALL NOT APPLY IN CASES INVOLVING POTENTIAL CAMP-
14 AIGN-RELATED FRAUD, KNOWING AND WILLFUL VIOLATIONS OF ARTICLE FOURTEEN
15 OF THIS CHAPTER OR CRIMINAL ACTIVITY.

16 2. (A) IF THE FAIR ELECTIONS BOARD DETERMINES THAT ANY PORTION OF THE
17 PAYMENT MADE TO A PARTICIPATING COMMITTEE FROM THE FUND WAS IN EXCESS OF
18 THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS
19 ENTITLED PURSUANT TO SECTION 14-210 OF THIS TITLE, IT SHALL NOTIFY SUCH
20 COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE FAIR
21 ELECTIONS BOARD AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS;
22 PROVIDED, HOWEVER, THAT IF THE ERRONEOUS PAYMENT WAS DUE TO AN ERROR
23 MADE BY THE FAIR ELECTIONS BOARD, THEN THE ERRONEOUS PAYMENT WILL BE
24 OFFSET AGAINST ANY FUTURE PAYMENT, IF ANY. THE PARTICIPATING CANDIDATE
25 AND HIS OR HER PARTICIPATING COMMITTEE SHALL BE JOINTLY AND SEVERALLY
26 LIABLE FOR ANY REPAYMENTS DUE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT BY
27 SUCH BOARD INTO THE NEW YORK STATE CAMPAIGN FUND.

28 (B) IF THE BOARD DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A
29 PARTICIPATING COMMITTEE FROM THE FUND WAS USED FOR PURPOSES OTHER THAN
30 TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPAT-
31 ING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMIT-
32 TEE SHALL PAY TO THE FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO SUCH
33 DISQUALIFIED AMOUNT. SUCH MONIES SHALL BE DEPOSITED INTO THE NEW YORK
34 STATE FAIR ELECTIONS FUND CREATED PURSUANT TO SECTION NINETY-TWO-T OF
35 THE STATE FINANCE LAW. THE CANDIDATE AND THE CANDIDATE'S AUTHORIZED
36 COMMITTEE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY REPAYMENTS DUE
37 TO THE FAIR ELECTIONS BOARD.

38 (C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS FROM THE FUND RECEIVED
39 BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING
40 COMMITTEE, EXCEEDS THE PUBLIC FUNDING RECEIPT LIMITATION OF SUCH CANDI-
41 DATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS
42 FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH COMMITTEE FROM
43 THE FUND NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE
44 BEEN PAID AND IN ANY EVENT, NOT LATER THAN TWENTY DAYS AFTER THE DATE ON
45 WHICH THE FAIR ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
46 PARTICIPATING CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT
47 MATCHING FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
48 AND PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK
49 STATE FAIR ELECTIONS FUND UPON ITS DETERMINATION THAT THE PARTICIPANT
50 WILLFULLY DELAYED THE POST-ELECTION AUDIT PROCESS. A PARTICIPATING
51 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
52 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH ENDING A CAMPAIGN AND
53 RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS SECTION SHALL BE
54 CONSTRUED TO PROHIBIT THE POST-ELECTION EXPENDITURE OF PUBLIC FUNDS FOR
55 DEBTS INCURRED DURING THE CAMPAIGN FOR WHICH PUBLIC FUNDS WERE ELIGIBLE
56 TO BE USED.

1 3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE
2 PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT
3 SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON
4 THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH
5 CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE
6 FAIR ELECTIONS BOARD AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS
7 RECEIVED BY SUCH PARTICIPATING COMMITTEE.

8 4. THE BOARD MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A
9 PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE BOARD AND
10 PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE
11 OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION
12 BY THE BOARD, THE AMOUNT DUE SHALL BE PAID TO THE BOARD WITHIN THIRTY
13 DAYS OF SUCH DETERMINATION.

14 5. ALL PAYMENTS RECEIVED BY THE BOARD PURSUANT TO THIS SECTION SHALL
15 BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND ESTABLISHED BY
16 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

17 6. ANY ADVICE PROVIDED BY THE STAFF OR MEMBERS OF THE FAIR ELECTIONS
18 BOARD TO A PARTICIPATING OR NON-PARTICIPATING CANDIDATE IN CONNECTION
19 WITH ANY ACTION UNDER THIS ARTICLE, WHEN RELIED UPON IN GOOD FAITH,
20 SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH CANDIDATE OR HIS OR HER COMMIT-
21 TEE DID NOT KNOWINGLY AND WILLFULLY VIOLATE THE PROVISIONS OF THIS ARTI-
22 CLE.

23 S 14-220. CIVIL ENFORCEMENT. 1. ANY PERSON OR AUTHORIZED COMMITTEE WHO
24 KNOWINGLY AND WILLFULLY FAILS TO MAKE A FILING REQUIRED BY THE
25 PROVISIONS OF THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO
26 EXCEED THE AMOUNT OF FIVE THOUSAND DOLLARS.

27 2. ANY PERSON OR AUTHORIZED COMMITTEE WHO KNOWINGLY AND WILLFULLY
28 VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY RULE PROMULGATED HERE-
29 UNDER SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED THE AMOUNT OF
30 TEN THOUSAND DOLLARS.

31 3. FINES AUTHORIZED UNDER THIS ARTICLE MAY BE IMPOSED BY THE FAIR
32 ELECTIONS BOARD AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHOR-
33 IZED COMMITTEE SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD. SUCH HEARING
34 SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED
35 BY THE RULES OF THE FAIR ELECTIONS BOARD. FOR PURPOSES OF CONDUCTING
36 SUCH HEARINGS, THE FAIR ELECTIONS BOARD SHALL BE DEEMED TO BE AN AGENCY
37 WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCE-
38 DURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY
39 PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER
40 ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO
41 THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED.

42 4. THE FAIR ELECTIONS BOARD SHALL PUBLISH ON THE STATE BOARD OF
43 ELECTIONS' WEBSITE THE FINAL ORDER ADJUDICATING ANY MATTER BROUGHT
44 PURSUANT TO THIS SECTION.

45 5. ALL PAYMENTS RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
46 SECTION SHALL BE DEPOSITED IN THE NEW YORK STATE FAIR ELECTIONS FUND
47 ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

48 S 14-222. CRIMINAL PENALTIES. 1. ANY PERSON WHO KNOWINGLY AND WILLFUL-
49 LY FAILS TO MAKE A FILING REQUIRED BY THE PROVISIONS OF THIS TITLE WITH-
50 IN TEN DAYS AFTER THE DATE PROVIDED FOR SUCH, OR ANYONE THAT KNOWINGLY
51 AND WILLFULLY VIOLATES ANY OTHER PROVISION OF THIS TITLE SHALL BE GUILTY
52 OF A MISDEMEANOR AND, IN ADDITION TO SUCH OTHER PENALTIES AS MAY BE
53 PROVIDED BY LAW, SHALL BE SUBJECT TO A FINE NOT TO EXCEED THE AMOUNT OF
54 TEN THOUSAND DOLLARS.

55 2. ANY PERSON WHO KNOWINGLY AND WILLFULLY CONTRIBUTES, ACCEPTS OR AIDS
56 OR PARTICIPATES IN THE CONTRIBUTION OR ACCEPTANCE OF A CONTRIBUTION IN

1 AN AMOUNT EXCEEDING AN APPLICABLE MAXIMUM SPECIFIED IN THIS ARTICLE
2 SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE SUBJECT TO A FINE NOT TO
3 EXCEED THE AMOUNT OF TEN THOUSAND DOLLARS.

4 3. ANY PERSON WHO KNOWINGLY AND WILLFULLY MAKES A FALSE STATEMENT OR
5 KNOWINGLY OMITTS A MATERIAL FACT TO THE FAIR ELECTIONS BOARD OR AN AUDI-
6 TOR DESIGNATED BY THE FAIR ELECTIONS BOARD DURING ANY AUDIT CONDUCTED
7 PURSUANT TO SECTION 14-218 OF THIS TITLE SHALL BE GUILTY OF A CLASS E
8 FELONY.

9 4. IN ADDITION TO ANY OTHER SENTENCE LAWFULLY IMPOSED UPON A FINDING
10 OF GUILT IN A CRIMINAL PROSECUTION COMMENCED PURSUANT TO THE PROVISIONS
11 OF THIS SECTION, THE COURT MAY ORDER A DEFENDANT TO REPAY TO THE FAIR
12 ELECTIONS BOARD ANY PUBLIC MATCHING FUNDS OBTAINED AS A RESULT OF ANY
13 CRIMINAL CONDUCT.

14 5. ALL SUCH PROSECUTIONS FOR CRIMINAL ACTS UNDER THIS TITLE SHALL BE
15 PROSECUTED BY THE ATTORNEY GENERAL OF THE STATE OF NEW YORK EXCEPT AS
16 PROVIDED IN PARAGRAPH (B) OF SUBDIVISION ELEVEN OF SECTION 3-104 OF THIS
17 CHAPTER.

18 6. ANY AND ALL FINES IMPOSED PURSUANT TO THIS SECTION SHALL BE MADE
19 PAYABLE TO THE FAIR ELECTIONS BOARD FOR DEPOSIT INTO THE NEW YORK STATE
20 FAIR ELECTIONS FUND.

21 S 14-224. REPORTS. THE FAIR ELECTIONS BOARD SHALL SUBMIT A REPORT TO
22 THE GOVERNOR AND LEGISLATIVE LEADERS ON OR BEFORE FEBRUARY FIRST, TWO
23 THOUSAND SIXTEEN, AND EVERY FOUR YEARS THEREAFTER, WHICH SHALL INCLUDE:

24 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
25 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
26 ELECTIONS;

27 2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES
28 MADE, ON BEHALF OF PARTICIPATING AND NONPARTICIPATING CANDIDATES;

29 3. THE AMOUNT OF PUBLIC MATCHING FUNDS EACH PARTICIPATING CANDIDATE
30 RECEIVED, SPENT, AND REPAID PURSUANT TO THIS ARTICLE;

31 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON THE ELECTION CAMPAIGNS FOR
32 ALL OFFICES COVERED UNDER SECTION 14-206 OF THIS TITLE, INCLUDING ITS
33 EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF
34 CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES,
35 THE CANDIDATES' ABILITIES TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE, AND
36 THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;

37 5. RECOMMENDATIONS FOR CHANGES OR AMENDMENTS TO THIS TITLE, INCLUDING
38 CHARGES IN CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY AND LIMITS ON
39 TOTAL MATCHING FUNDS AS WELL AS INSTITUTING A PROGRAM OF FULL PUBLIC
40 CAMPAIGN FINANCING FOR ELECTION FOR ALL STATEWIDE OFFICES; AND

41 6. ANY OTHER INFORMATION THAT THE FAIR ELECTIONS BOARD DEEMS RELEVANT.

42 S 14-226. DEBATES. THE FAIR ELECTIONS BOARD SHALL PROMULGATE REGU-
43 LATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES. PARTIC-
44 IPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN AT LEAST ONE DEBATE
45 BEFORE THE PRIMARY ELECTION AND IN AT LEAST ONE DEBATE BEFORE THE GENER-
46 AL ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE
47 PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. A NONPARTICIPATING CANDI-
48 DATE MAY BE A PARTY TO SUCH DEBATES.

49 S 14-228. DISTRIBUTIONS FROM FAIR ELECTIONS FUND. 1. THIS SECTION
50 GOVERNS THE FAIR ELECTIONS BOARD'S DISTRIBUTION OF FUNDS FROM THE FAIR
51 ELECTIONS FUND CREATED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW,
52 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE.

53 2. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A PRIMARY
54 ELECTION ANY EARLIER THAN TWO WEEKS AFTER THE LAST DAY TO FILE DESIGNAT-
55 ING PETITIONS FOR SUCH PRIMARY ELECTION.

1 3. NO MONEYS SHALL BE PAID TO PARTICIPATING CANDIDATES IN A GENERAL
2 ELECTION ANY EARLIER THAN A WEEK AFTER THE PRIMARY ELECTION HELD TO
3 NOMINATE CANDIDATES FOR SUCH ELECTION.

4 4. NO MONEYS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN
5 DISQUALIFIED BY THE FAIR ELECTIONS BOARD OR WHOSE DESIGNATING PETITIONS
6 HAVE BEEN DECLARED INVALID BY THE STATE BOARD OF ELECTIONS OR A COURT OF
7 COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY AN
8 APPELLATE COURT.

9 5. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR
10 SUCH A CANDIDATE'S AUTHORIZED COMMITTEE ON THE DATE OF SUCH DISQUALI-
11 FICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE
12 EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE THAT DATE. ALL EXCESS
13 PUBLIC MONEYS PAID TO A DISQUALIFIED CANDIDATE SHALL BE RETURNED TO THE
14 FUND NOT LESS THAN THIRTY DAYS AFTER THE GENERAL ELECTION FOR THOSE
15 PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS FOR THE GENERAL
16 ELECTION, AND OTHERWISE, NOT LESS THAN THIRTY DAYS AFTER THE PRIMARY
17 ELECTION FOR THOSE PARTICIPATING CANDIDATES WHO RECEIVED PUBLIC MONEYS
18 SOLELY FOR THE PRIMARY ELECTION.

19 6. (A) PARTICIPATING CANDIDATES SHALL PAY TO THE FAIR ELECTIONS BOARD
20 UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN THIRTY
21 DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND, IN ANY
22 EVENT, NOT LESS THAN TWENTY DAYS AFTER THE DATE UPON WHICH THE FAIR
23 ELECTIONS BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING
24 CANDIDATE'S COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC
25 CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE
26 AND PAYABLE TO THE FAIR ELECTIONS BOARD UPON ITS DETERMINATION THAT THE
27 PARTICIPATING CANDIDATE HAS, WITHOUT JUST CAUSE, DELAYED THE POST-ELEC-
28 TION AUDIT PROCESS. UNSPENT CAMPAIGN FUNDS DETERMINATIONS MADE BY THE
29 FAIR ELECTIONS BOARD SHALL BE BASED ON THE PARTICIPATING CANDIDATE
30 COMMITTEE'S RECEIPTS AND EXPENDITURES. THE FAIR ELECTIONS BOARD MAY ALSO
31 CONSIDER ANY OTHER RELEVANT INFORMATION REVEALED IN THE COURSE OF ITS
32 AUDITS OR INVESTIGATIONS OR THE INVESTIGATIONS BY ANY OTHER AGENCY.

33 (B)(I) A PARTICIPATING CANDIDATE MAY NOT USE RECEIPTS FOR ANY PURPOSE
34 OTHER THAN DISBURSEMENTS IN THE PRECEDING ELECTION UNTIL ALL UNSPENT
35 PUBLIC CAMPAIGN FUNDS HAVE BEEN REPAID. A PARTICIPATING CANDIDATE SHALL
36 HAVE THE BURDEN OF DEMONSTRATING THAT A POST-ELECTION EXPENDITURE IS FOR
37 THE PRECEDING ELECTION.

38 (II) BEFORE REPAYING UNSPENT PUBLIC CAMPAIGN FUNDS, A PARTICIPATING
39 CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES ONLY FOR ROUTINE ACTIV-
40 ITIES INVOLVING NOMINAL COSTS ASSOCIATED WITH WINDING UP A CAMPAIGN AND
41 RESPONDING TO THE POST-ELECTION AUDIT. SUCH EXPENDITURES MAY INCLUDE:
42 PAYMENT OF UTILITY BILLS AND RENT; REASONABLE STAFF SALARIES AND
43 CONSULTANT FEES FOR RESPONDING TO A POST-ELECTION AUDIT; REASONABLE
44 MOVING EXPENSES RELATED TO CLOSING A CAMPAIGN OFFICE; A HOLIDAY CARD
45 MAILING TO CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS; THANK
46 YOU NOTES FOR CONTRIBUTORS, CAMPAIGN VOLUNTEERS, AND STAFF MEMBERS;
47 PAYMENT OF TAXES AND OTHER REASONABLE EXPENSES FOR COMPLIANCE WITH
48 APPLICABLE TAX LAWS; AND INTEREST EXPENSES. ROUTINE POST-ELECTION
49 EXPENDITURES THAT MAY BE PAID FOR WITH UNSPENT CAMPAIGN FUNDS DO NOT
50 INCLUDE SUCH ITEMS AS POST-ELECTION MAILINGS OTHER THAN AS SPECIFICALLY
51 PROVIDED FOR IN THIS SUBPARAGRAPH; MAKING CONTRIBUTIONS; MAKING BONUS
52 PAYMENTS OR GIFTS TO STAFF MEMBERS OR VOLUNTEERS; OR HOLDING ANY POST-E-
53 LECTION DAY EVENT, INCLUDING, BUT NOT LIMITED TO, ANY MEAL OR ANY PARTY.
54 UNSPENT CAMPAIGN FUNDS MAY NOT BE USED FOR TRANSITION OR INAUGURATION
55 ACTIVITIES.

1 7. ALL MONIES RECEIVED BY THE FAIR ELECTIONS BOARD PURSUANT TO THIS
2 SECTION SHALL BE DEPOSITED INTO THE NEW YORK STATE FAIR ELECTIONS FUND
3 PURSUANT TO SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

4 8. ANY CANDIDATE WHO ACCEPTS A CONTRIBUTION OR CONTRIBUTIONS IN EXCESS
5 OF THE LIMITS SET FORTH IN SECTION 14-212 OF THIS ARTICLE AFTER THE
6 FIRST DAY OF JANUARY IN THE YEAR OF THE ELECTION AND PRIOR TO ELECTING
7 TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM, AS SET FORTH BY
8 PARAGRAPH (C) OF SUBDIVISION 1 OF SECTION 14-206 OF THIS ARTICLE, SHALL
9 HAVE HIS OR HER TOTAL PUBLIC MATCHING FUND GRANT REDUCED BY SUCH EXCESS
10 AMOUNT. SUCH AMOUNT SHALL BE DEDUCTED BEGINNING FROM THE FIRST ALLOWABLE
11 DISBURSEMENT FROM THE FUND UNTIL SUCH EXCESS AMOUNT IS REACHED, AT WHICH
12 POINT THE PUBLIC FUND DISBURSEMENT SHALL BE PROVIDED TO THE CANDIDATE
13 CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

14 S 18. The election law is amended by adding a new section 16-103 to
15 read as follows:

16 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF
17 ELIGIBILITY PURSUANT TO SECTION 14-206 OF THIS CHAPTER AND ANY QUESTION
18 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-
19 ANT TO SECTION 14-210 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING
20 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-
21 DATE.

22 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR
23 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-210
24 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-
25 MINATION WAS MADE. THE FAIR ELECTIONS BOARD SHALL BE MADE A PARTY TO ANY
26 SUCH PROCEEDING.

27 3. UPON THE FAIR ELECTIONS BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE
28 FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE
29 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVI-
30 SION FOUR OF SECTION 14-218 OF THIS CHAPTER, SUCH BOARD IS AUTHORIZED TO
31 INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY
32 COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO
33 THE FAIR ELECTIONS BOARD AS A RESULT OF AN EXAMINATION AND AUDIT MADE
34 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THIS CHAPTER.

35 4. THE FAIR ELECTIONS BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL
36 PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A
37 JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE FAIR
38 ELECTIONS BOARD PURSUANT TO SECTION 14-218 OF THIS CHAPTER.

39 S 19. The election law is amended by adding a new section 4-115 to
40 read as follows:

41 S 4-115. NOTICE TO THE STATE BOARD OF ELECTIONS OF CANDIDATES FOR THE
42 LEGISLATURE. 1. EACH BOARD OF ELECTIONS WITH WHICH PETITIONS ARE FILED
43 FOR MEMBER OF THE STATE LEGISLATURE SHALL, NOT LATER THAN ONE WEEK AFTER
44 THE LAST DAY TO FILE SUCH PETITIONS, SEND NOTICE TO THE STATE BOARD OF
45 ELECTIONS OF SUCH INFORMATION ABOUT EACH SUCH PETITION AS THE STATE
46 BOARD SHALL REQUIRE.

47 2. EACH SUCH COUNTY BOARD OF ELECTIONS SHALL, NOT LATER THAN THE DAY
48 AFTER THE LAST DAY TO FILE A PETITION OR CERTIFICATE OF NOMINATION FOR A
49 GENERAL OR SPECIAL ELECTION OR A CERTIFICATE OF ACCEPTANCE, DECLINATION
50 OR SUBSTITUTION FOR A GENERAL, PRIMARY OR SPECIAL ELECTION FOR ANY SUCH
51 OFFICE, SEND TO THE STATE BOARD OF ELECTIONS SUCH INFORMATION ABOUT EACH
52 SUCH PETITION OR CERTIFICATE AS THE STATE BOARD SHALL REQUIRE.

53 3. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHOULD DISQUALIFY ANY SUCH
54 CANDIDATE OR RULE THE PETITION OR CERTIFICATE DESIGNATING OR NOMINATING
55 ANY SUCH CANDIDATE INVALID, IT SHALL FORTHWITH NOTIFY THE STATE BOARD OF
56 ELECTIONS OF SUCH DECISION.

1 4. IF ANY SUCH COUNTY BOARD OF ELECTIONS SHALL BE NOTIFIED OF A DECI-
2 SION OF A COURT OF COMPETENT JURISDICTION DISQUALIFYING ANY SUCH CANDI-
3 DATE OR DECLARING ANY SUCH PETITION INVALID OR REVERSING ANY SUCH DECI-
4 SION BY SUCH BOARD OF ELECTIONS OR ANOTHER COURT, SUCH BOARD OF
5 ELECTIONS SHALL FORTHWITH NOTIFY THE STATE BOARD OF ELECTIONS OF SUCH
6 DECISION.

7 5. THE STATE BOARD OF ELECTIONS MAY PRESCRIBE FORMS FOR THE NOTICES
8 REQUIRED BY THIS SECTION AND SHALL PRESCRIBE THE MANNER IN WHICH SUCH
9 NOTICES SHALL BE GIVEN.

10 S 20. The general business law is amended by adding a new section
11 359-gg to read as follows:

12 S 359-GG. ADDITIONAL SURCHARGE. IN ADDITION TO ANY PENALTY AUTHORIZED
13 BY SECTION THREE HUNDRED FIFTY-NINE-G OF THIS ARTICLE OR ANY DAMAGES OR
14 OTHER COMPENSATION RECOVERABLE INCLUDING, BUT NOT LIMITED TO, ANY
15 SETTLEMENT AUTHORIZED BY SECTION SIXTY-THREE OR SIXTY-THREE-C OF THE
16 EXECUTIVE LAW, THERE SHALL BE ASSESSED THEREON AN ADDITIONAL SURCHARGE
17 IN THE AMOUNT OF TEN PERCENT OF THE TOTAL AMOUNT OF SUCH PENALTY,
18 DAMAGES OR SETTLEMENT. SUCH SURCHARGE SHALL BE DEPOSITED IN THE NEW YORK
19 STATE FAIR ELECTIONS FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE
20 STATE FINANCE LAW.

21 S 21. The state finance law is amended by adding a new section 92-t to
22 read as follows:

23 S 92-T. NEW YORK STATE FAIR ELECTIONS FUND. 1. THERE IS HEREBY ESTAB-
24 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE A
25 SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE FAIR ELECTIONS FUND.

26 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE SURCHARGE
27 IMPOSED PURSUANT TO SECTION THREE HUNDRED FIFTY-NINE-GG OF THE GENERAL
28 BUSINESS LAW, REVENUES RECEIVED FROM FAIR ELECTIONS FUND CHECK-OFF
29 PURSUANT TO SECTION SIX HUNDRED THIRTY-D OF THE TAX LAW AND ALL OTHER
30 MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE
31 PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE
32 STATE FROM RECEIVING GRANTS, GIFTS, BEQUESTS OR VOLUNTARY CONTRIBUTIONS
33 FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING
34 THEM INTO THE FUND ACCORDING TO LAW. MONIES IN THE FUND SHALL BE KEPT
35 SEPARATE FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE CUSTODY OF
36 THE COMMISSIONER OF TAXATION AND FINANCE.

37 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
38 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
39 TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONEYS SHALL BE
40 PAID OUT OF THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON
41 VOUCHERS CERTIFIED OR APPROVED BY THE FAIR ELECTIONS BOARD ESTABLISHED
42 PURSUANT TO TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW, OR THE
43 DULY DESIGNATED REPRESENTATIVE OF SUCH BOARD, IN THE MANNER PRESCRIBED
44 BY LAW, NOT MORE THAN ONE WORKING DAY AFTER A VOUCHER DULY CERTIFIED,
45 APPROVED AND EXECUTED BY SUCH BOARD OR ITS REPRESENTATIVE IN THE FORM
46 PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE IS RECEIVED BY
47 THE COMMISSIONER OF TAXATION AND FINANCE.

48 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
49 STATE FISCAL YEAR, THE STATE FAIR ELECTIONS FUND LACKS THE AMOUNT OF
50 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED
51 OR APPROVED BY THE FAIR ELECTIONS BOARD, ANY SUCH DEFICIENCY SHALL BE
52 PAID, UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, FROM FUNDS DEPOS-
53 ITED IN THE GENERAL FUND OF THE STATE NOT MORE THAN ONE WORKING DAY
54 AFTER SUCH VOUCHER IS RECEIVED BY THE STATE COMPTROLLER.

55 5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON
56 APRIL FIRST OF THE YEAR AFTER AN ELECTION CYCLE EXCEEDS TWENTY-FIVE

1 PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE PREVIOUS FOUR YEARS,
2 THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE STATE.

3 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
4 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-
5 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

6 7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
7 GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY
8 ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

9 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO
10 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED
11 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT
12 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER
13 AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDI-
14 DATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH
15 DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY
16 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL
17 SUCH MONEYS SHALL BE REPAID TO THE FUND.

18 S 22. The tax law is amended by adding a new section 630-d to read as
19 follows:

20 S 630-D. CONTRIBUTION TO NEW YORK STATE FAIR ELECTIONS FUND. EFFEC-
21 TIVE FOR ANY TAXABLE YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO
22 THOUSAND FOURTEEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO
23 CONTRIBUTE TO THE NEW YORK STATE FAIR ELECTIONS FUND. SUCH CONTRIBUTION
24 SHALL BE IN THE AMOUNT OF FIVE DOLLARS AND SHALL NOT REDUCE THE AMOUNT
25 OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE
26 SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE
27 SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW ALL REVEN-
28 UES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK
29 STATE FAIR ELECTIONS FUND AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
30 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

31 S 23. Severability. If any clause, sentence, subdivision, paragraph,
32 section or part of title 2 of article 14 of the election law, as added
33 by section seventeen of this act be adjudged by any court of competent
34 jurisdiction to be invalid, such judgment shall not affect, impair or
35 invalidate the remainder thereof, but shall be confined in its operation
36 to the clause, sentence, subdivision, paragraph, section or part thereof
37 directly involved in the controversy in which such judgment shall have
38 been rendered.

39 S 24. This act shall take effect immediately; provided, however,
40 candidates for state comptroller will be eligible to participate in the
41 public financing system beginning with the 2014 election, all state
42 legislature candidates will be eligible to participate in the public
43 financing system beginning with the 2016 election and all state candi-
44 dates and constitutional convention delegates will be eligible to
45 participate in the public financing system beginning with the 2018
46 election.

47 PART I

48 Section 1. The state comptroller is hereby authorized and directed to
49 loan money in accordance with the provisions set forth in subdivision 5
50 of section 4 of the state finance law to the following funds and/or
51 accounts:

- 52 1. Tuition reimbursement account (20451).
53 2. Proprietary vocational school supervision account (20452).
54 3. Local government records management account (20501).

1 4. Child health plus program account (20810).
2 5. Hospital based grants program account (20812).
3 6. EPIC premium account (20818).
4 7. Education - New (20901).
5 8. VLT - Sound basic education fund (20904).
6 9. Sewage treatment program management and administration fund
7 (21000).
8 10. Hazardous bulk storage account (21061).
9 11. Federal grants indirect cost recovery account (21065).
10 12. Low level radioactive waste account (21066).
11 13. Recreation account (21067).
12 14. Public safety recovery account (21077).
13 15. Conservationist magazine account (21080).
14 16. Environmental regulatory account (21081).
15 17. Natural resource account (21082).
16 18. Mined land reclamation program account (21084).
17 19. Great lakes restoration initiative account (21087).
18 20. Environmental protection and oil spill compensation fund (21200).
19 21. Public transportation systems account (21401).
20 22. Metropolitan mass transportation (21402).
21 23. Operating permit program account (21451).
22 24. Mobile source account (21452).
23 25. Statewide planning and research cooperative system account
24 (21902).
25 26. OPWDD provider of service account (21903).
26 27. Mental hygiene program fund account (21907).
27 28. Mental hygiene patient income account (21909).
28 29. Financial control board account (21911).
29 30. Regulation of racing account (21912).
30 31. New York Metropolitan Transportation Council account (21913).
31 32. Cyber upgrade account (21919).
32 33. State university dormitory income reimbursable account (21937).
33 34. Energy research account (21943).
34 35. Criminal justice improvement account (21945).
35 36. Fingerprint identification and technology account (21950).
36 37. Environmental laboratory reference fee account (21959).
37 38. Clinical laboratory reference system assessment account (21962).
38 39. Public employment relations board account (21964).
39 40. Indirect cost recovery account (21978).
40 41. High school equivalency program account (21979).
41 42. Multi-agency training account (21989).
42 43. Bell jar collection account (22003).
43 44. Industry and utility service account (22004).
44 45. Real property disposition account (22006).
45 46. Parking account (22007).
46 47. Asbestos safety training program account (22009).
47 48. Batavia school for the blind account (22032).
48 49. Investment services account (22034).
49 50. Surplus property account (22036).
50 51. Financial oversight account (22039).
51 52. Regulation of indian gaming account (22046).
52 53. Rome school for the deaf account (22053).
53 54. Seized assets account (22054).
54 55. Administrative adjudication account (22055).
55 56. Federal salary sharing account (22056).
56 57. New York City assessment account (22062).

1 58. Cultural education account (22063).
2 59. Local services account (22078).
3 60. DHCR mortgage servicing account (22085).
4 61. Department of motor vehicles compulsory insurance account (22087).
5 62. Housing indirect cost recovery account (22090).
6 63. Accident prevention course program account (22094).
7 64. DHCR-HCA application fee account (22100).
8 65. Low income housing monitoring account (22130).
9 66. Corporation administration account (22135).
10 67. Montrose veteran's home account (22144).
11 68. Deferred compensation administration account (22151).
12 69. Rent revenue other New York City account (22156).
13 70. Rent revenue account (22158).
14 71. Tax revenue arrearage account (22168).
15 72. State university general income offset account (22654).
16 73. State police motor vehicle law enforcement account (22802).
17 74. Highway safety program account (23001).
18 75. EFC drinking water program account (23101).
19 76. DOH drinking water program account (23102).
20 77. NYCCC operating offset account (23151).
21 78. Commercial gaming revenue account (23701).
22 79. Commercial gaming regulation account (23702).
23 80. Highway and bridge capital account (30051).
24 81. State university residence hall rehabilitation fund (30100).
25 82. State parks infrastructure account (30351).
26 83. Clean water/clean air implementation fund (30500).
27 84. Hazardous waste remedial cleanup account (31506).
28 85. Youth facilities improvement account (31701).
29 86. Housing assistance fund (31800).
30 87. Housing program fund (31850).
31 88. Highway facility purpose account (31951).
32 89. Miscellaneous capital projects fund, information technology capi-
33 tal financing account.
34 90. New York racing account (32213).
35 91. Mental hygiene facilities capital improvement fund (32300).
36 92. Correctional facilities capital improvement fund (32350).
37 93. New York State Storm Recovery Capital Fund (33000).
38 94. OGS convention center account (50318).
39 95. Centralized services fund (55000).
40 96. Archives records management account (55052).
41 97. Federal single audit account (55053).
42 98. Civil service law section II administrative account (55055).
43 99. Civil service EHS occupational health program account (55056).
44 100. Banking services account (55057).
45 101. Cultural resources survey account (55058).
46 102. Neighborhood work project (55059).
47 103. Automation & printing chargeback account (55060).
48 104. OFT NYT account (55061).
49 105. Data center account (55062).
50 106. Human service telecom account (55063).
51 107. Intrusion detection account (55066).
52 108. Domestic violence grant account (55067).
53 109. Centralized technology services account (55069).
54 110. Labor contact center account (55071).
55 111. Human services contact center account (55072).
56 112. Tax contact center account (55073).

1 113. Joint labor/management administration fund (55201).
2 114. Executive direction internal audit account (55251).
3 115. CIO Information technology centralized services account (55252).
4 116. Health insurance internal service account (55300).
5 117. Civil service employee benefits division administrative account
6 (55301).
7 118. Correctional industries revolving fund (55350).
8 119. Employees health insurance account (60201).
9 120. Medicaid management information system escrow fund (60900).
10 S 1-a. The state comptroller is hereby authorized and directed to loan
11 money in accordance with the provisions set forth in subdivision 5 of
12 section 4 of the state finance law to any account within the following
13 federal funds, provided the comptroller has made a determination that
14 sufficient federal grant award authority is available to reimburse such
15 loans:
16 1. Federal USDA-food and nutrition services fund. (25000).
17 2. Federal health and human services fund (25100).
18 3. Federal education fund (25200).
19 4. Federal block grant fund (25250).
20 5. Federal miscellaneous operating grants fund. (25300)
21 6. Federal unemployment insurance administration fund (25900).
22 7. Federal unemployment insurance occupational training fund (25950).
23 8. Federal emergency employment act fund (26000).
24 9. Federal capital projects fund (31350).
25 S 2. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer, upon request of the director of the budget, on
28 or before March 31, 2015, up to the unencumbered balance or the follow-
29 ing amounts:
30 Economic Development and Public Authorities:
31 1. \$175,000 from the miscellaneous special revenue fund, underground
32 facilities safety training account (22172), to the general fund.
33 2. An amount up to the unencumbered balance from the miscellaneous
34 special revenue fund, business and licensing services account (21977),
35 to the general fund.
36 3. \$14,810,000 from the miscellaneous special revenue fund, code
37 enforcement account (21904), to the general fund.
38 4. \$3,000,000 from the general fund to the miscellaneous special
39 revenue fund, tax revenue arrearage account (22168).
40 5. \$350,000 from the state exposition special fund, state fair
41 receipts account (50051), to the general fund.
42 Education:
43 1. \$2,265,000,000 from the general fund to the state lottery fund,
44 education account (20901), as reimbursement for disbursements made from
45 such fund for supplemental aid to education pursuant to section 92-c of
46 the state finance law that are in excess of the amounts deposited in
47 such fund for such purposes pursuant to section 1612 of the tax law.
48 2. \$950,604,000 from the general fund to the state lottery fund, VLT
49 education account (20904), as reimbursement for disbursements made from
50 such fund for supplemental aid to education pursuant to section 92-c of
51 the state finance law that are in excess of the amounts deposited in
52 such fund for such purposes pursuant to section 1612 of the tax law.
53 3. Moneys from the state lottery fund up to an amount deposited in
54 such fund pursuant to section 1612 of the tax law in excess of the
55 current year appropriation for supplemental aid to education pursuant to
56 section 92-c of the state finance law.

- 1 4. \$300,000 from the local government records management improvement
2 fund (20500) to the archives partnership trust fund (20350).
- 3 5. \$900,000 from the general fund to the miscellaneous special revenue
4 fund, Batavia school for the blind account (22032).
- 5 6. \$900,000 from the general fund to the miscellaneous special revenue
6 fund, Rome school for the deaf account (22053).
- 7 7. \$343,400,000 from the state university dormitory income fund
8 (40350) to the miscellaneous special revenue fund, state university
9 dormitory income reimbursable account (21937).
- 10 8. \$24,000,000 from any of the state education department special
11 revenue and internal service funds to the miscellaneous special revenue
12 fund, indirect cost recovery account (21978).
- 13 9. \$8,318,000 from the general fund to the state university income
14 fund, state university income offset account (22654), for the state's
15 share of repayment of the STIP loan.
- 16 10. \$64,000,000 from the state university income fund, state universi-
17 ty hospitals income reimbursable account (22656) to the general fund for
18 hospital debt service for the period April 1, 2014 through March 31,
19 2015.
- 20 Environmental Affairs:
- 21 1. \$16,000,000 from any of the department of environmental conserva-
22 tion's special revenue federal funds to the environmental conservation
23 special revenue fund, federal indirect recovery account (21065).
- 24 2. \$2,000,000 from any of the department of environmental conserva-
25 tion's special revenue federal funds to the conservation fund as neces-
26 sary to avoid diversion of conservation funds.
- 27 3. \$3,000,000 from any of the office of parks, recreation and historic
28 preservation capital projects federal funds and special revenue federal
29 funds to the miscellaneous special revenue fund, federal grant indirect
30 cost recovery account (22188).
- 31 4. \$1,000,000 from any of the office of parks, recreation and historic
32 preservation special revenue federal funds to the miscellaneous special
33 revenue fund, I love NY water account (21930).
- 34 Family Assistance:
- 35 1. \$10,000,000 from any of the office of children and family services,
36 office of temporary and disability assistance, or department of health
37 special revenue federal funds and the general fund, in accordance with
38 agreements with social services districts, to the miscellaneous special
39 revenue fund, office of human resources development state match account
40 (21967).
- 41 2. \$3,000,000 from any of the office of children and family services
42 or office of temporary and disability assistance special revenue federal
43 funds to the miscellaneous special revenue fund, family preservation and
44 support services and family violence services account (22082).
- 45 3. \$18,670,000 from any of the office of children and family services,
46 office of temporary and disability assistance, or department of health
47 special revenue federal funds and any other miscellaneous revenues
48 generated from the operation of office of children and family services
49 programs to the general fund.
- 50 4. \$140,000,000 from any of the office of temporary and disability
51 assistance or department of health special revenue funds to the general
52 fund.
- 53 5. \$2,500,000 from any of the office of temporary and disability
54 assistance or office of children and family services special revenue
55 federal funds to the miscellaneous special revenue fund, office of
56 temporary and disability assistance program account (21980).

1 6. \$35,000,000 from any of the office of children and family services,
2 office of temporary and disability assistance, department of labor, and
3 department of health special revenue federal funds to the office of
4 children and family services miscellaneous special revenue fund, multi-
5 agency training contract account (21989).
6 7. \$122,000,000 from the miscellaneous special revenue fund, youth
7 facility per Diem account (22186), to the general fund.
8 8. \$621,850 from the general fund to the combined gifts, grants, and
9 bequests fund, WB Hoyt Memorial account (20128).
10 9. \$2,500,000 from the miscellaneous special revenue fund, state
11 central registry (22028) to the general fund.
12 General Government:
13 1. \$1,566,000 from the miscellaneous special revenue fund, examination
14 and miscellaneous revenue account (22065) to the general fund.
15 2. \$12,500,000 from the general fund to the health insurance revolving
16 fund (55300).
17 3. \$192,400,000 from the health insurance reserve receipts fund
18 (60550) to the general fund.
19 4. \$150,000 from the general fund to the not-for-profit revolving loan
20 fund (20650).
21 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
22 general fund.
23 6. \$30,000,000 from the miscellaneous special revenue fund, real prop-
24 erty disposition account (22006), to the general fund.
25 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
26 property account (22036), to the general fund.
27 8. \$19,900,000 from the general fund to the miscellaneous special
28 revenue fund, alcoholic beverage control account (22033).
29 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
30 arrearage account (22024), to the general fund.
31 10. \$1,826,000 from the miscellaneous special revenue fund, revenue
32 arrearage account (22024), to the miscellaneous special revenue fund,
33 authority budget office account (22138).
34 11. \$1,000,000 from the miscellaneous special revenue fund, parking
35 services account (22007), to the general fund, for the purpose of reim-
36 bursing the costs of debt service related to state parking facilities.
37 12. \$21,800,000 from the general fund to the internal service fund,
38 COPS account (55013).
39 13. \$14,000,000 from the general fund to the agencies internal service
40 fund, central technology services account (55069), for the purpose of
41 enterprise technology projects.
42 Health:
43 1. \$64,600,000 from the miscellaneous special revenue fund, quality of
44 care account (21915) to the general fund.
45 2. \$1,000,000 from the general fund to the combined gifts, grants and
46 bequests fund, breast cancer research and education account (20155), an
47 amount equal to the monies collected and deposited into that account in
48 the previous fiscal year.
49 3. \$1,464,000 from any of the department of health accounts within the
50 federal health and human services fund to the department of health
51 miscellaneous special revenue fund, statewide planning and research
52 cooperation system (SPARCS) program account (21902).
53 4. \$250,000 from the general fund to the combined gifts, grants and
54 bequests fund, prostate cancer research, detection, and education
55 account (20183), an amount equal to the moneys collected and deposited
56 into that account in the previous fiscal year.

1 5. \$500,000 from the general fund to the combined gifts, grants and
2 bequests fund, Alzheimer's disease research and assistance account
3 (20143), an amount equal to the moneys collected and deposited into that
4 account in the previous fiscal year.

5 6. \$26,527,000 from the HCRA resources fund (20800), to the miscella-
6 neous special revenue fund, empire state stem cell trust fund account
7 (22161).

8 7. \$11,373,000 from the general fund to the miscellaneous special
9 revenue fund, empire state stem cell trust fund (22161).

10 8. \$64,600,000 from any of the department of health accounts within
11 the federal health and human services fund to the miscellaneous special
12 revenue fund, quality of care account (21915).

13 9. \$4,000,000 from the miscellaneous special revenue fund, certificate
14 of need account (21920), to the general fund.

15 10. \$3,000,000 from the miscellaneous special revenue fund, adminis-
16 tration program account (21982), to the general fund.

17 11. \$3,000,000 from the miscellaneous special revenue fund, vital
18 records account (22103), to the general fund.

19 12. \$75,000,000 from the HCRA resources fund (20800) including
20 \$50,000,000 to the capital projects fund (30000), for the purpose of
21 funding the statewide health information network for New York and the
22 all payers claims database and \$25,000,000 to the general fund.

23 13. \$3,700,000 from the miscellaneous New York state agency fund,
24 Medicaid recoveries account (60615), to the general fund.

25 Labor:

26 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
27 penalty account (21923), to the child performer's protection fund, child
28 performer protection account (20401).

29 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
30 penalty account (21923), to the general fund.

31 3. \$3,300,000 from the unemployment insurance interest and penalty
32 fund, unemployment insurance special interest and penalty account
33 (23601), to the general fund.

34 Mental Hygiene:

35 1. \$10,000,000 from the miscellaneous special revenue fund, mental
36 hygiene patient income account (21909), to the miscellaneous special
37 revenue fund, federal salary sharing account (22056).

38 2. \$100,000,000 from the miscellaneous special revenue fund, mental
39 hygiene patient income account (21909), to the miscellaneous special
40 revenue fund, provider of service accounts (21903).

41 3. \$100,000,000 from the miscellaneous special revenue fund, mental
42 hygiene program fund account (21907), to the miscellaneous special
43 revenue fund, provider of service account (21903).

44 4. \$1,250,000,000 from the general fund to the miscellaneous special
45 revenue fund, mental hygiene patient income account (21909).

46 5. \$1,600,000,000 from the general fund to the miscellaneous special
47 revenue fund, mental hygiene program fund account (21907).

48 6. \$100,000,000 from the miscellaneous special revenue fund, mental
49 hygiene program fund account (21907), to the general fund.

50 7. \$100,000,000 from the miscellaneous special revenue fund, mental
51 hygiene patient income account (21909), to the general fund.

52 Public Protection:

53 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
54 management account (21944), to the general fund.

55 2. \$3,300,000 from the general fund to the miscellaneous special
56 revenue fund, recruitment incentive account (22171).

1 3. \$13,000,000 from the general fund to the correctional industries
2 revolving fund, correctional industries internal service account
3 (55350).
4 4. \$12,000,000 from the federal miscellaneous operating grants fund,
5 DMNA damage account (25324), to the general fund.
6 5. \$14,300,000 from the general fund to the miscellaneous special
7 revenue fund, crimes against revenue program account (22015).
8 6. \$9,100,000 from the miscellaneous special revenue fund, criminal
9 justice improvement account (21945), to the general fund.
10 7. \$80,000,000 from the miscellaneous special revenue fund, statewide
11 public safety communications account (22123), to the general fund.
12 8. \$106,000,000 from the state police motor vehicle law enforcement
13 and motor vehicle theft and insurance fraud prevention fund, state
14 police motor vehicle enforcement account (22802), to the general fund
15 for state operation expenses of the division of state police.
16 9. \$21,500,000 from the general fund to the correctional facilities
17 capital improvement fund (32350).
18 10. \$5,000,000 from the general fund to the dedicated highway and
19 bridge trust fund (30050) for the purpose of work zone safety activities
20 provided by the division of state police for the department of transpor-
21 tation.
22 11. \$5,000,000 from the miscellaneous special revenue fund, statewide
23 public safety communications account (22123), to the capital projects
24 fund (30000).
25 Transportation:
26 1. \$17,672,000 from the federal miscellaneous operating grants fund to
27 the miscellaneous special revenue fund, New York Metropolitan Transpor-
28 tation Council account (21913).
29 2. \$20,147,000 from the federal capital projects fund to the miscella-
30 neous special revenue fund, New York Metropolitan Transportation Council
31 account (21913).
32 3. \$15,700,000 from the miscellaneous special revenue fund, compulsory
33 insurance account (22087), to the general fund.
34 4. \$12,000,000 from the general fund to the mass transportation oper-
35 ating assistance fund, public transportation systems operating assist-
36 ance account (21401).
37 5. \$662,483,000 from the general fund to the dedicated highway and
38 bridge trust fund (30050).
39 6. \$606,000 from the miscellaneous special revenue fund, accident
40 prevention course program account (22094), to the general fund.
41 7. \$6,000 from the miscellaneous special revenue fund, motorcycle
42 safety account (21976), to the general fund.
43 8. \$309,250,000 from the general fund to the MTA financial assistance
44 fund, mobility tax trust account (23651).
45 9. Intentionally Omitted
46 10. \$2,500,000 from the miscellaneous special revenue fund, rail safe-
47 ty inspection account (21983) to the dedicated highway and bridge trust
48 fund (30050).
49 11. \$5,000,000 from the miscellaneous special revenue fund, transpor-
50 tation regulation account (22067) to the dedicated highway and bridge
51 trust fund (30050), for disbursements made from such fund for motor
52 carrier safety that are in excess of the amounts deposited in the dedi-
53 cated highway and bridge trust fund (30050) for such purpose pursuant to
54 section 94 of the transportation law.
55 Miscellaneous:

1 1. \$150,000,000 from the general fund to any funds or accounts for the
2 purpose of reimbursing certain outstanding accounts receivable balances.

3 2. \$500,000,000 from the general fund to the debt reduction reserve
4 fund (40000).

5 3. \$450,000,000 from the New York state storm recovery capital fund
6 (33000) to the revenue bond tax fund (40152).

7 4. \$15,500,000 from the general fund, community projects account GG
8 (10256), to the general fund, state purposes account (10050).

9 S 3. Notwithstanding any law to the contrary, and in accordance with
10 section 4 of the state finance law, the comptroller is hereby authorized
11 and directed to transfer, on or before March 31, 2015:

12 1. Upon request of the commissioner of environmental conservation, up
13 to \$11,283,800 from revenues credited to any of the department of envi-
14 ronmental conservation special revenue funds, including \$3,275,400 from
15 the environmental protection and oil spill compensation fund (21200),
16 and \$1,773,600 from the conservation fund (21150), to the environmental
17 conservation special revenue fund, indirect charges account (21060).

18 2. Upon request of the commissioner of agriculture and markets, up to
19 \$3,000,000 from any special revenue fund or enterprise fund within the
20 department of agriculture and markets to the general fund, to pay appro-
21 priate administrative expenses.

22 3. Upon request of the commissioner of agriculture and markets, up to
23 \$2,000,000 from the state exposition special fund, state fair receipts
24 account (50051) to the miscellaneous capital projects fund, state fair
25 capital improvement account (32208).

26 4. Upon request of the commissioner of the division of housing and
27 community renewal, up to \$6,221,000 from revenues credited to any divi-
28 sion of housing and community renewal federal or miscellaneous special
29 revenue fund to the miscellaneous special revenue fund, housing indirect
30 cost recovery account (22090).

31 5. Upon request of the commissioner of the division of housing and
32 community renewal, up to \$5,500,000 may be transferred from any miscel-
33 laneous special revenue fund account, to any miscellaneous special
34 revenue fund.

35 6. Upon request of the commissioner of health up to \$5,000,000 from
36 revenues credited to any of the department of health's special revenue
37 funds, to the miscellaneous special revenue fund, administration account
38 (21982).

39 S 3-a. Employees of the division of military and naval affairs in the
40 unclassified service of the state, who are substantially engaged in the
41 performance of duties to support business and financial services, admin-
42 istrative services, payroll administration, time and attendance, benefit
43 administration and other transactional human resources functions, may be
44 transferred to the office of general services in accordance with the
45 provisions of section 45 of the civil service law as if the state had
46 taken over a private entity. No employee who is transferred pursuant to
47 this act shall suffer a reduction in basic annual salary as a result of
48 the transfer.

49 S 4. Notwithstanding section 2815 of the public health law or any
50 other contrary provision of law, upon the direction of the director of
51 the budget and the commissioner of health, the dormitory authority of
52 the state of New York is directed to transfer \$7,000,000 annually from
53 funds available and uncommitted in the New York state health care
54 restructuring pool to the health care reform act (HCRA) resources fund -
55 HCRA resources account.

1 S 5. On or before March 31, 2015, the comptroller is hereby authorized
2 and directed to deposit earnings that would otherwise accrue to the
3 general fund that are attributable to the operation of section 98-a of
4 the state finance law, to the agencies internal service fund, banking
5 services account (55057), for the purpose of meeting direct payments
6 from such account.

7 S 6. Notwithstanding any law to the contrary, upon the direction of
8 the director of the budget and upon requisition by the state university
9 of New York, the dormitory authority of the state of New York is
10 directed to transfer, up to \$22,000,000 in revenues generated from the
11 sale of notes or bonds, to the state university of New York for
12 reimbursement of bondable equipment for further transfer to the state's
13 general fund.

14 S 7. Notwithstanding any law to the contrary, and in accordance with
15 section 4 of the state finance law, the comptroller is hereby authorized
16 and directed to transfer, upon request of the director of the budget and
17 upon consultation with the state university chancellor or his or her
18 designee, on or before March 31, 2015, up to \$16,000,000 from the state
19 university income fund general revenue account (22653) to the state
20 general fund for debt service costs related to campus supported capital
21 project costs for the NY-SUNY 2020 challenge grant program at the
22 University at Buffalo.

23 S 8. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized
25 and directed to transfer, upon request of the director of the budget and
26 upon consultation with the state university chancellor or his or her
27 designee, on or before March 31, 2015, up to \$6,500,000 from the state
28 university income fund general revenue account (22653) to the state
29 general fund for debt service costs related to campus supported capital
30 project costs for the NY-SUNY 2020 challenge grant program at the
31 University at Albany.

32 S 9. Notwithstanding any law to the contrary, the state university
33 chancellor or his or her designee is authorized and directed to transfer
34 estimated tuition revenue balances from the state university collection
35 fund (61000) to the state university income fund, state university
36 general revenue offset account (22655) on or before March 31, 2015.

37 S 10. Notwithstanding any law to the contrary, and in accordance with
38 section 4 of the state finance law, the comptroller is hereby authorized
39 and directed to transfer, upon request of the director of the budget, up
40 to \$89,804,000 from the general fund to the state university income
41 fund, state university hospitals income reimbursable account (22656)
42 during the period July 1, 2014 through June 30, 2015 to reflect ongoing
43 state subsidy of SUNY hospitals and to pay costs attributable to the
44 SUNY hospitals' state agency status.

45 S 11. Notwithstanding any law to the contrary, and in accordance with
46 section 4 of the state finance law, the comptroller is hereby authorized
47 and directed to transfer, upon request of the director of the budget, up
48 to \$979,220,300 from the general fund to the state university income
49 fund, state university general revenue offset account (22655) during the
50 period of July 1, 2014 through June 30, 2015 to support operations at
51 the state university.

52 S 12. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to transfer, upon request of the state university chancel-
55 lor or his or her designee, up to \$50,000,000 from the state university
56 income fund, state university hospitals income reimbursable account

(22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2015.

S 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2015.

S 14. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies from the state university dormitory income fund (40350) to the state university residence hall rehabilitation fund (30100), and from the state university residence hall rehabilitation fund (30100) to the state university dormitory income fund (40350), in an amount not to exceed in the aggregate \$80 million.

S 15. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2015, from and to any of the following accounts: the miscellaneous special revenue fund, patient income account (21909), the miscellaneous special revenue fund, mental hygiene program fund account (21907), the miscellaneous special revenue fund, federal salary sharing account (22056) or the general fund in any combination, the aggregate of which shall not exceed \$350 million.

S 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to \$500 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2014-15 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of

1 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
2 pursuant to this authorization.

3 S 17. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, at the request of the director of the budget,
6 up to \$100 million from any non-general fund or account, or combination
7 of funds and accounts, to the miscellaneous special revenue fund, tech-
8 nology financing account (22207) or the miscellaneous capital projects
9 fund, information technology capital financing account, for the purpose
10 of consolidating technology procurement and services. The amounts
11 transferred to the miscellaneous special revenue fund, technology
12 financing account (22207) pursuant to this authorization shall be equal
13 to or less than the amount of such monies intended to support informa-
14 tion technology costs which are attributable, according to a plan, to
15 such account made in pursuance to an appropriation by law. Transfers to
16 the technology financing account shall be completed from amounts
17 collected by non-general funds or accounts pursuant to a fund deposit
18 schedule or permanent statute, and shall be transferred to the technolo-
19 gy financing account pursuant to a schedule agreed upon by the affected
20 agency commissioner. Transfers from funds that would result in the loss
21 of eligibility for federal benefits or federal funds pursuant to federal
22 law, rule, or regulation as assented to in chapter 683 of the laws of
23 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
24 this authorization.

25 S 18. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer, at the request of the director of the budget,
28 up to \$300 million from any non-general fund or account, or combination
29 of funds and accounts, to the general fund for the purpose of consol-
30 idating technology procurement and services. The amounts transferred
31 pursuant to this authorization shall be equal to or less than the amount
32 of such monies intended to support information technology costs which
33 are attributable, according to a plan, to such account made in pursuance
34 to an appropriation by law. Transfers to the general fund shall be
35 completed from amounts collected by non-general funds or accounts pursu-
36 ant to a fund deposit schedule. Transfers from funds that would result
37 in the loss of eligibility for federal benefits or federal funds pursu-
38 ant to federal law, rule, or regulation as assented to in chapter 683 of
39 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
40 pursuant to this authorization.

41 S 19. Notwithstanding any provision of law to the contrary, as deemed
42 feasible and advisable by its trustees, the power authority of the state
43 of New York is authorized and directed to (i) make a contribution to the
44 state treasury to the credit of the general fund, in an amount of up to
45 \$90,000,000 for the state fiscal year commencing April 1, 2014.

46 S 20. Subdivision 5 of section 97-rrr of the state finance law, as
47 amended by section 20 of part HH of chapter 57 of the laws of 2013, is
48 amended to read as follows:

49 5. Notwithstanding the provisions of section one hundred seventy-one-a
50 of the tax law, as separately amended by chapters four hundred eighty-
51 one and four hundred eighty-four of the laws of nineteen hundred eight-
52 y-one, and notwithstanding the provisions of chapter ninety-four of the
53 laws of two thousand eleven, or any other provisions of law to the
54 contrary, during the fiscal year beginning April first, two thousand
55 [thirteen] FOURTEEN, the state comptroller is hereby authorized and
56 directed to deposit to the fund created pursuant to this section from

1 amounts collected pursuant to article twenty-two of the tax law and
2 pursuant to a schedule submitted by the director of the budget, up to
3 [\$3,419,375,000] \$3,429,375,000, as may be certified in such schedule as
4 necessary to meet the purposes of such fund for the fiscal year begin-
5 ning April first, two thousand [thirteen] FOURTEEN.

6 S 21. The comptroller is authorized and directed to deposit to the
7 general fund-state purposes account reimbursements from moneys appropri-
8 ated or reappropriated to the correctional facilities capital improve-
9 ment fund by a chapter of the laws of 2014. Reimbursements shall be
10 available for spending from appropriations made to the department of
11 corrections and community supervision in the general fund-state purposes
12 accounts by a chapter of the laws of 2014 for costs associated with the
13 administration and security of capital projects and for other costs
14 which are attributable, according to a plan, to such capital projects.

15 S 22. Subdivision 6 of section 4 of the state finance law, as amended
16 by section 18 of part U of chapter 59 of the laws of 2012, is amended to
17 read as follows:

18 6. Notwithstanding any law to the contrary, at the beginning of the
19 state fiscal year, the state comptroller is hereby authorized and
20 directed to receive for deposit to the credit of a fund and/or an
21 account such monies as are identified by the director of the budget as
22 having been intended for such deposit to support disbursements from such
23 fund and/or account made in pursuance of an appropriation by law. As
24 soon as practicable upon enactment of the budget, the director of the
25 budget shall, but not less than three days following preliminary
26 submission to the chairs of the senate finance committee and the assem-
27 bly ways and means committee, file with the state comptroller an iden-
28 tification of specific monies to be so deposited. Any subsequent change
29 regarding the monies to be so deposited shall be filed by the director
30 of the budget, as soon as practicable, but not less than three days
31 following preliminary submission to the chairs of the senate finance
32 committee and the assembly ways and means committee.

33 All monies identified by the director of the budget to be deposited to
34 the credit of a fund and/or account shall be consistent with the intent
35 of the budget for the then current state fiscal year as enacted by the
36 legislature.

37 The provisions of this subdivision shall expire on March thirty-first,
38 two thousand [fourteen] SIXTEEN.

39 S 23. Subdivision 4 of section 40 of the state finance law, as amended
40 by section 19 of part U of chapter 59 of the laws of 2012, is amended to
41 read as follows:

42 4. Every appropriation made from a fund or account to a department or
43 agency shall be available for the payment of prior years' liabilities in
44 such fund or account for fringe benefits, indirect costs, and telecommu-
45 nications expenses and expenses for other centralized services fund
46 programs without limit. Every appropriation shall also be available for
47 the payment of prior years' liabilities other than those indicated
48 above, but only to the extent of one-half of one percent of the total
49 amount appropriated to a department or agency in such fund or account.

50 The provisions of this subdivision shall expire March thirty-first,
51 two thousand [fourteen] SIXTEEN.

52 S 24. Notwithstanding any other law, rule, or regulation to the
53 contrary, the state comptroller is hereby authorized and directed to use
54 any balance remaining in the mental health services fund debt service
55 appropriation, after payment by the state comptroller of all obligations
56 required pursuant to any lease, sublease, or other financing arrangement

1 between the dormitory authority of the state of New York as successor to
2 the New York state medical care facilities finance agency, and the
3 facilities development corporation pursuant to chapter 83 of the laws of
4 1995 and the department of mental hygiene for the purpose of making
5 payments to the dormitory authority of the state of New York for the
6 amount of the earnings for the investment of monies deposited in the
7 mental health services fund that such agency determines will or may have
8 to be rebated to the federal government pursuant to the provisions of
9 the internal revenue code of 1986, as amended, in order to enable such
10 agency to maintain the exemption from federal income taxation on the
11 interest paid to the holders of such agency's mental services facilities
12 improvement revenue bonds. Annually on or before each June 30th, such
13 agency shall certify to the state comptroller its determination of the
14 amounts received in the mental health services fund as a result of the
15 investment of monies deposited therein that will or may have to be
16 rebated to the federal government pursuant to the provisions of the
17 internal revenue code of 1986, as amended.

18 S 25. Section 68-b of the state finance law is amended by adding a new
19 subdivision 12 to read as follows:

20 12. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHOR-
21 IZED ISSUERS ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR
22 REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH AUTHORIZED
23 PURPOSES AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY
24 OTHER APPROPRIATE FUND.

25 S 26. Section 69-n of the state finance law is amended by adding a new
26 subdivision 12 to read as follows:

27 12. THE COMPTROLLER IS HEREBY AUTHORIZED TO RECEIVE FROM THE AUTHOR-
28 IZED ISSUERS ANY PORTION OF BOND PROCEEDS PAID TO PROVIDE FUNDS FOR OR
29 REIMBURSE THE STATE FOR ITS COSTS ASSOCIATED WITH SUCH AUTHORIZED
30 PURPOSES AND TO CREDIT SUCH AMOUNTS TO THE CAPITAL PROJECTS FUND OR ANY
31 OTHER APPROPRIATE FUND.

32 S 27. Paragraph (b) of subdivision 4 of section 72 of the state
33 finance law, as amended by section 37 of part U of chapter 59 of the
34 laws of 2012, is amended to read as follows:

35 (b) On or before the beginning of each quarter, the director of the
36 budget may certify to the state comptroller the estimated amount of
37 monies that shall be reserved in the general debt service fund for the
38 payment of debt service and related expenses payable by such fund during
39 each month of the state fiscal year, excluding payments due from the
40 revenue bond tax fund. Such certificate may be periodically updated, as
41 necessary. Notwithstanding any provision of law to the contrary, the
42 state comptroller shall reserve in the general debt service fund the
43 amount of monies identified on such certificate as necessary for the
44 payment of debt service and related expenses during the current or next
45 succeeding quarter of the state fiscal year. Such monies reserved shall
46 not be available for any other purpose. Such certificate shall be
47 reported to the chairpersons of the Senate Finance Committee and the
48 Assembly Ways and Means Committee. The provisions of this paragraph
49 shall expire June thirtieth, two thousand [fourteen] SEVENTEEN.

50 S 28. Section 47 of section 1 of chapter 174 of the laws of 1968,
51 constituting the New York state urban development corporation act, as
52 added by section 47 of part HH of chapter 57 of the laws of 2013, is
53 amended to read as follows:

54 S 47. 1. Notwithstanding the provisions of any other law to the
55 contrary, the dormitory authority and the corporation are hereby author-
56 ized to issue bonds or notes in one or more series for the purpose of

1 funding project costs for the office of information technology services,
2 DEPARTMENT OF LAW, and other state costs associated with such capital
3 projects. The aggregate principal amount of bonds authorized to be
4 issued pursuant to this section shall not exceed [eighty-seven] ONE
5 HUNDRED EIGHTY-TWO million [seven] FOUR hundred forty thousand dollars,
6 excluding bonds issued to fund one or more debt service reserve funds,
7 to pay costs of issuance of such bonds, and bonds or notes issued to
8 refund or otherwise repay such bonds or notes previously issued. Such
9 bonds and notes of the dormitory authority and the corporation shall not
10 be a debt of the state, and the state shall not be liable thereon, nor
11 shall they be payable out of any funds other than those appropriated by
12 the state to the dormitory authority and the corporation for principal,
13 interest, and related expenses pursuant to a service contract and such
14 bonds and notes shall contain on the face thereof a statement to such
15 effect. Except for purposes of complying with the internal revenue code,
16 any interest income earned on bond proceeds shall only be used to pay
17 debt service on such bonds.

18 2. Notwithstanding any other provision of law to the contrary, in
19 order to assist the dormitory authority and the corporation in undertak-
20 ing the financing for project costs for the office of information tech-
21 nology services, DEPARTMENT OF LAW, and other state costs associated
22 with such capital projects, the director of the budget is hereby author-
23 ized to enter into one or more service contracts with the dormitory
24 authority and the corporation, none of which shall exceed thirty years
25 in duration, upon such terms and conditions as the director of the budg-
26 et and the dormitory authority and the corporation agree, so as to annu-
27 ally provide to the dormitory authority and the corporation, in the
28 aggregate, a sum not to exceed the principal, interest, and related
29 expenses required for such bonds and notes. Any service contract entered
30 into pursuant to this section shall provide that the obligation of the
31 state to pay the amount therein provided shall not constitute a debt of
32 the state within the meaning of any constitutional or statutory
33 provision and shall be deemed executory only to the extent of monies
34 available and that no liability shall be incurred by the state beyond
35 the monies available for such purpose, subject to annual appropriation
36 by the legislature. Any such contract or any payments made or to be made
37 thereunder may be assigned and pledged by the dormitory authority and
38 the corporation as security for its bonds and notes, as authorized by
39 this section.

40 S 29. Subdivision 1 of section 16 of part D of chapter 389 of the laws
41 of 1997, relating to the financing of the correctional facilities
42 improvement fund and the youth facility improvement fund, as amended by
43 section 49 of part HH of chapter 57 of the laws of 2013, is amended to
44 read as follows:

45 1. Subject to the provisions of chapter 59 of the laws of 2000, but
46 notwithstanding the provisions of section 18 of section 1 of chapter 174
47 of the laws of 1968, the New York state urban development corporation is
48 hereby authorized to issue bonds, notes and other obligations in an
49 aggregate principal amount not to exceed seven billion one hundred
50 [thirty-three] FORTY-EIGHT million sixty-nine thousand dollars
51 [\$7,133,069,000] \$7,148,069,000, and shall include all bonds, notes and
52 other obligations issued pursuant to chapter 56 of the laws of 1983, as
53 amended or supplemented. The proceeds of such bonds, notes or other
54 obligations shall be paid to the state, for deposit in the correctional
55 facilities capital improvement fund to pay for all or any portion of the
56 amount or amounts paid by the state from appropriations or reappropri-

1 ations made to the department of corrections and community supervision
2 from the correctional facilities capital improvement fund for capital
3 projects. The aggregate amount of bonds, notes or other obligations
4 authorized to be issued pursuant to this section shall exclude bonds,
5 notes or other obligations issued to refund or otherwise repay bonds,
6 notes or other obligations theretofore issued, the proceeds of which
7 were paid to the state for all or a portion of the amounts expended by
8 the state from appropriations or reappropriations made to the department
9 of corrections and community supervision; provided, however, that upon
10 any such refunding or repayment the total aggregate principal amount of
11 outstanding bonds, notes or other obligations may be greater than seven
12 billion one hundred [thirty-three] FORTY-EIGHT million sixty-nine thou-
13 sand dollars [\$7,133,069,000] \$7,148,069,000, only if the present value
14 of the aggregate debt service of the refunding or repayment bonds, notes
15 or other obligations to be issued shall not exceed the present value of
16 the aggregate debt service of the bonds, notes or other obligations so
17 to be refunded or repaid. For the purposes hereof, the present value of
18 the aggregate debt service of the refunding or repayment bonds, notes or
19 other obligations and of the aggregate debt service of the bonds, notes
20 or other obligations so refunded or repaid, shall be calculated by
21 utilizing the effective interest rate of the refunding or repayment
22 bonds, notes or other obligations, which shall be that rate arrived at
23 by doubling the semi-annual interest rate (compounded semi-annually)
24 necessary to discount the debt service payments on the refunding or
25 repayment bonds, notes or other obligations from the payment dates ther-
26 eof to the date of issue of the refunding or repayment bonds, notes or
27 other obligations and to the price bid including estimated accrued
28 interest or proceeds received by the corporation including estimated
29 accrued interest from the sale thereof.

30 S 30. Paragraph (a) of subdivision 2 of section 47-e of the private
31 housing finance law, as amended by section 50 of part HH of chapter 57
32 of the laws of 2013, is amended to read as follows:

33 (a) Subject to the provisions of chapter fifty-nine of the laws of two
34 thousand, in order to enhance and encourage the promotion of housing
35 programs and thereby achieve the stated purposes and objectives of such
36 housing programs, the agency shall have the power and is hereby author-
37 ized from time to time to issue negotiable housing program bonds and
38 notes in such principal amount as shall be necessary to provide suffi-
39 cient funds for the repayment of amounts disbursed (and not previously
40 reimbursed) pursuant to law or any prior year making capital appropri-
41 ations or reappropriations for the purposes of the housing program;
42 provided, however, that the agency may issue such bonds and notes in an
43 aggregate principal amount not exceeding [two] THREE billion [eight
44 hundred forty-four] TWENTY-FOUR million [eight hundred] ninety-nine
45 thousand dollars, plus a principal amount of bonds issued to fund the
46 debt service reserve fund in accordance with the debt service reserve
47 fund requirement established by the agency and to fund any other
48 reserves that the agency reasonably deems necessary for the security or
49 marketability of such bonds and to provide for the payment of fees and
50 other charges and expenses, including underwriters' discount, trustee
51 and rating agency fees, bond insurance, credit enhancement and liquidity
52 enhancement related to the issuance of such bonds and notes. No reserve
53 fund securing the housing program bonds shall be entitled or eligible to
54 receive state funds apportioned or appropriated to maintain or restore
55 such reserve fund at or to a particular level, except to the extent of
56 any deficiency resulting directly or indirectly from a failure of the

1 state to appropriate or pay the agreed amount under any of the contracts
2 provided for in subdivision four of this section.

3 S 31. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 51 of part HH of chapter 57 of the laws of 2013, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund OR TO REIMBURSE THE
16 STATE FOR FUNDING such projects having a cost not in excess of
17 [\$7,591,875,000] \$8,080,728,000 cumulatively by the end of fiscal year
18 [2013-14] 2014-15.

19 S 32. Subdivision 1 of section 1689-i of the public authorities law,
20 as amended by section 52 of part HH of chapter 57 of the laws of 2013,
21 is amended to read as follows:

22 1. The dormitory authority is authorized to issue bonds, at the
23 request of the commissioner of education, to finance eligible library
24 construction projects pursuant to section two hundred seventy-three-a of
25 the education law, in amounts certified by such commissioner not to
26 exceed a total principal amount of [one hundred twelve] ONE HUNDRED
27 TWENTY-SIX million dollars.

28 S 33. Subdivision (a) of section 27 of part Y of chapter 61 of the
29 laws of 2005, providing for the administration of certain funds and
30 accounts related to the 2005-2006 budget, as amended by section 53 of
31 part HH of chapter 57 of the laws of 2013, is amended to read as
32 follows:

33 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
34 notwithstanding any provisions of law to the contrary, the urban devel-
35 opment corporation is hereby authorized to issue bonds or notes in one
36 or more series in an aggregate principal amount not to exceed
37 [\$133,600,000] \$149,600,000, excluding bonds issued to finance one or
38 more debt service reserve funds, to pay costs of issuance of such bonds,
39 and bonds or notes issued to refund or otherwise repay such bonds or
40 notes previously issued, for the purpose of financing capital projects
41 INCLUDING IT INITIATIVES for the division of state police, debt service
42 and leases; and to reimburse the state general fund for disbursements
43 made therefor. Such bonds and notes of such authorized issuer shall not
44 be a debt of the state, and the state shall not be liable thereon, nor
45 shall they be payable out of any funds other than those appropriated by
46 the state to such authorized issuer for debt service and related
47 expenses pursuant to any service contract executed pursuant to subdivi-
48 sion (b) of this section and such bonds and notes shall contain on the
49 face thereof a statement to such effect. Except for purposes of comply-
50 ing with the internal revenue code, any interest income earned on bond
51 proceeds shall only be used to pay debt service on such bonds.

52 S 34. Section 44 of section 1 of chapter 174 of the laws of 1968,
53 constituting the New York state urban development corporation act, as
54 amended by section 54 of part HH of chapter 57 of the laws of 2013, is
55 amended to read as follows:

1 S 44. Issuance of certain bonds or notes. 1. Notwithstanding the
2 provisions of any other law to the contrary, the dormitory authority and
3 the corporation are hereby authorized to issue bonds or notes in one or
4 more series for the purpose of funding project costs for the regional
5 economic development council initiative, the economic transformation
6 program, state university of New York college for nanoscale and science
7 engineering, projects within the city of Buffalo or surrounding envi-
8 rons, the New York works economic development fund, projects for the
9 retention of professional football in western New York, the empire state
10 economic [development] DEVELOPMENT fund, THE CLARKSON-TRUDEAU PARTNER-
11 SHIP, THE NEW YORK GENOME CENTER, THE CORNELL UNIVERSITY COLLEGE OF
12 VETERINARY MEDICINE, THE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY, A
13 PROJECT AT NANO UTICA, ONONDAGA COUNTY REVITALIZATION PROJECTS, and
14 other state costs associated with such projects. The aggregate principal
15 amount of bonds authorized to be issued pursuant to this section shall
16 not exceed [one] TWO billion [three] ONE HUNDRED TWENTY million [six]
17 TWO hundred [seven] FIFTY-SEVEN thousand dollars, excluding bonds issued
18 to fund one or more debt service reserve funds, to pay costs of issuance
19 of such bonds, and bonds or notes issued to refund or otherwise repay
20 such bonds or notes previously issued. Such bonds and notes of the
21 dormitory authority and the corporation shall not be a debt of the
22 state, and the state shall not be liable thereon, nor shall they be
23 payable out of any funds other than those appropriated by the state to
24 the dormitory authority and the corporation for principal, interest, and
25 related expenses pursuant to a service contract and such bonds and notes
26 shall contain on the face thereof a statement to such effect. Except for
27 purposes of complying with the internal revenue code, any interest
28 income earned on bond proceeds shall only be used to pay debt service on
29 such bonds.

30 2. Notwithstanding any other provision of law to the contrary, in
31 order to assist the dormitory authority and the corporation in undertak-
32 ing the financing for project costs for the regional economic develop-
33 ment council initiative, the economic transformation program, state
34 university of New York college for nanoscale and science engineering,
35 projects within the city of Buffalo or surrounding environs, the New
36 York works economic development fund, projects for the retention of
37 professional football in western New York, the empire state economic
38 development fund, THE CLARKSON-TRUDEAU PARTNERSHIP, THE NEW YORK GENOME
39 CENTER, THE CORNELL UNIVERSITY COLLEGE OF VETERINARY MEDICINE, THE OLYM-
40 PIC REGIONAL DEVELOPMENT AUTHORITY, A PROJECT AT NANO UTICA, ONONDAGA
41 COUNTY REVITALIZATION PROJECTS, and other state costs associated with
42 such projects, the director of the budget is hereby authorized to enter
43 into one or more service contracts with the dormitory authority and the
44 corporation, none of which shall exceed thirty years in duration, upon
45 such terms and conditions as the director of the budget and the dormito-
46 ry authority and the corporation agree, so as to annually provide to the
47 dormitory authority and the corporation, in the aggregate, a sum not to
48 exceed the principal, interest, and related expenses required for such
49 bonds and notes. Any service contract entered into pursuant to this
50 section shall provide that the obligation of the state to pay the amount
51 therein provided shall not constitute a debt of the state within the
52 meaning of any constitutional or statutory provision and shall be deemed
53 executory only to the extent of monies available and that no liability
54 shall be incurred by the state beyond the monies available for such
55 purpose, subject to annual appropriation by the legislature. Any such
56 contract or any payments made or to be made thereunder may be assigned

1 and pledged by the dormitory authority and the corporation as security
2 for its bonds and notes, as authorized by this section.

3 S 35. Subdivision 3 of section 1285-p of the public authorities law,
4 as amended by section 55 of part HH of chapter 57 of the laws of 2013,
5 is amended to read as follows:

6 3. The maximum amount of bonds that may be issued for the purpose of
7 financing environmental infrastructure projects authorized by this
8 section shall be one billion [two] THREE hundred [sixty-five]
9 NINETY-EIGHT million [seven] TWO hundred sixty thousand dollars, exclu-
10 sive of bonds issued to fund any debt service reserve funds, pay costs
11 of issuance of such bonds, and bonds or notes issued to refund or other-
12 wise repay bonds or notes previously issued. Such bonds and notes of the
13 corporation shall not be a debt of the state, and the state shall not be
14 liable thereon, nor shall they be payable out of any funds other than
15 those appropriated by the state to the corporation for debt service and
16 related expenses pursuant to any service contracts executed pursuant to
17 subdivision one of this section, and such bonds and notes shall contain
18 on the face thereof a statement to such effect.

19 S 36. Section 93-a of the state finance law, as added by section 64 of
20 part HH of chapter 57 of the laws of 2013, is amended to read as
21 follows:

22 S 93-a. New York state storm recovery capital fund. 1. (a) There is
23 hereby established in the joint custody of the comptroller and the
24 commissioner of taxation and finance a special fund to be known as the
25 "New York state storm recovery capital fund".

26 (b) The sources of funds shall consist of all moneys collected there-
27 for, or moneys credited, appropriated or transferred thereto from any
28 other fund or source pursuant to law, or any other moneys made available
29 for the purposes of the fund. [Any interest received by the comptroller
30 on moneys on deposit shall be retained in and become a part of the fund,
31 unless otherwise directed by law.]

32 2. Following appropriation by the legislature, moneys in the storm
33 recovery capital fund shall be available [to finance] FOR the repair,
34 rehabilitation, or replacement of capital works or purposes damaged by
35 Hurricane Sandy or any future natural disaster expected to be eligible
36 for reimbursement by the Federal Emergency Management Agency (FEMA), the
37 Federal Transit Administration (FTA), the Federal Highway Administration
38 (FHWA) [and] AND/OR any other Federal reimbursement source. No money in
39 this account may be expended for any project [until] UNLESS the director
40 of the budget OR HIS OR HER DESIGNEE has determined that there is a
41 substantial likelihood that the costs of such project shall be [reim-
42 bursed] ELIGIBLE FOR REIMBURSEMENT by Federal sources. [The director
43 shall issue formal rules that set forth the process by which he or she
44 will determine whether there is a substantial likelihood of reimburse-
45 ment by Federal sources.]

46 S 37. Subdivision 1 of section 45 of section 1 of chapter 174 of the
47 laws of 1968, constituting the New York state urban development corpo-
48 ration act, as amended by section 65 of part HH of chapter 57 of the
49 laws of 2013, is amended to read as follows:

50 1. Notwithstanding the provisions of any other law to the contrary,
51 the urban development corporation of the state of New York is hereby
52 authorized to issue bonds or notes in one or more series for the purpose
53 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
54 2020 challenge grant program subject to the approval of a NY-SUNY and
55 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
56 the state university of New York or the chancellor of the city universi-

1 ty of New York, as applicable. The aggregate principal amount of bonds
2 authorized to be issued pursuant to this section shall not exceed
3 [\$220,000,000] \$330,000,000, excluding bonds issued to fund one or more
4 debt service reserve funds, to pay costs of issuance of such bonds, and
5 bonds or notes issued to refund or otherwise repay such bonds or notes
6 previously issued. Such bonds and notes of the corporation shall not be
7 a debt of the state, and the state shall not be liable thereon, nor
8 shall they be payable out of any funds other than those appropriated by
9 the state to the corporation for principal, interest, and related
10 expenses pursuant to a service contract and such bonds and notes shall
11 contain on the face thereof a statement to such effect. Except for
12 purposes of complying with the internal revenue code, any interest
13 income earned on bond proceeds shall only be used to pay debt service on
14 such bonds.

15 S 38. Subdivision (a) of section 48 of part K of chapter 81 of the
16 laws of 2002, providing for the administration of certain funds and
17 accounts related to the 2002-2003 budget, as amended by section 68 of
18 part HH of chapter 57 of the laws of 2013, is amended to read as
19 follows:

20 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
21 notwithstanding the provisions of section 18 of the urban development
22 corporation act, the corporation is hereby authorized to issue bonds or
23 notes in one or more series in an aggregate principal amount not to
24 exceed [\$67,000,000] \$189,000,000 excluding bonds issued to fund one or
25 more debt service reserve funds, to pay costs of issuance of such bonds,
26 and bonds or notes issued to refund or otherwise repay such bonds or
27 notes previously issued, for the purpose of financing capital costs
28 related to homeland security and training facilities for the division of
29 state police, the division of military and naval affairs, and any other
30 state agency, including the reimbursement of any disbursements made from
31 the state capital projects fund, and is hereby authorized to issue bonds
32 or notes in one or more series in an aggregate principal amount not to
33 exceed [\$220,800,000] \$317,800,000, excluding bonds issued to fund one
34 or more debt service reserve funds, to pay costs of issuance of such
35 bonds, and bonds or notes issued to refund or otherwise repay such bonds
36 or notes previously issued, for the purpose of financing improvements to
37 State office buildings and other facilities located statewide, including
38 the reimbursement of any disbursements made from the state capital
39 projects fund. Such bonds and notes of the corporation shall not be a
40 debt of the state, and the state shall not be liable thereon, nor shall
41 they be payable out of any funds other than those appropriated by the
42 state to the corporation for debt service and related expenses pursuant
43 to any service contracts executed pursuant to subdivision (b) of this
44 section, and such bonds and notes shall contain on the face thereof a
45 statement to such effect.

46 S 39. Subdivision 1 of section 386-b of the public authorities law, as
47 amended by section 69 of part HH of chapter 57 of the laws of 2013, is
48 amended to read as follows:

49 1. Notwithstanding any other provision of law to the contrary, the
50 authority, the dormitory authority and the urban development corporation
51 are hereby authorized to issue bonds or notes in one or more series for
52 the purpose of financing peace bridge projects and capital costs of
53 state and local highways, parkways, bridges, the New York state thruway,
54 Indian reservation roads, and facilities, and transportation infrastruc-
55 ture projects including aviation projects, non-MTA mass transit
56 projects, and rail service preservation projects, including work appur-

1 tenant and ancillary thereto. The aggregate principal amount of bonds
2 authorized to be issued pursuant to this section shall not exceed [two]
3 FOUR hundred [forty] SIXTY-FIVE million dollars [(\$240,000,000)]
4 (\$465,000,000), excluding bonds issued to fund one or more debt service
5 reserve funds, to pay costs of issuance of such bonds, and to refund or
6 otherwise repay such bonds or notes previously issued. Such bonds and
7 notes of the authority, the dormitory authority and the urban develop-
8 ment corporation shall not be a debt of the state, and the state shall
9 not be liable thereon, nor shall they be payable out of any funds other
10 than those appropriated by the state to the authority, the dormitory
11 authority and the urban development corporation for principal, interest,
12 and related expenses pursuant to a service contract and such bonds and
13 notes shall contain on the face thereof a statement to such effect.
14 Except for purposes of complying with the internal revenue code, any
15 interest income earned on bond proceeds shall only be used to pay debt
16 service on such bonds.

17 S 40. Paragraph (c) of subdivision 19 of section 1680 of the public
18 authorities law, as amended by section 69-a of part HH of chapter 57 of
19 the laws of 2013, is amended to read as follows:

20 (c) Subject to the provisions of chapter fifty-nine of the laws of two
21 thousand, the dormitory authority shall not issue any bonds for state
22 university educational facilities purposes if the principal amount of
23 bonds to be issued when added to the aggregate principal amount of bonds
24 issued by the dormitory authority on and after July first, nineteen
25 hundred eighty-eight for state university educational facilities will
26 exceed [ten] TWELVE billion [four] ONE hundred [twenty-two] EIGHTY
27 million dollars; provided, however, that bonds issued or to be issued
28 shall be excluded from such limitation if: (1) such bonds are issued to
29 refund state university construction bonds and state university
30 construction notes previously issued by the housing finance agency; or
31 (2) such bonds are issued to refund bonds of the authority or other
32 obligations issued for state university educational facilities purposes
33 and the present value of the aggregate debt service on the refunding
34 bonds does not exceed the present value of the aggregate debt service on
35 the bonds refunded thereby; provided, further that upon certification by
36 the director of the budget that the issuance of refunding bonds or other
37 obligations issued between April first, nineteen hundred ninety-two and
38 March thirty-first, nineteen hundred ninety-three will generate long
39 term economic benefits to the state, as assessed on a present value
40 basis, such issuance will be deemed to have met the present value test
41 noted above. For purposes of this subdivision, the present value of the
42 aggregate debt service of the refunding bonds and the aggregate debt
43 service of the bonds refunded, shall be calculated by utilizing the true
44 interest cost of the refunding bonds, which shall be that rate arrived
45 at by doubling the semi-annual interest rate (compounded semi-annually)
46 necessary to discount the debt service payments on the refunding bonds
47 from the payment dates thereof to the date of issue of the refunding
48 bonds to the purchase price of the refunding bonds, including interest
49 accrued thereon prior to the issuance thereof. The maturity of such
50 bonds, other than bonds issued to refund outstanding bonds, shall not
51 exceed the weighted average economic life, as certified by the state
52 university construction fund, of the facilities in connection with which
53 the bonds are issued, and in any case not later than the earlier of
54 thirty years or the expiration of the term of any lease, sublease or
55 other agreement relating thereto; provided that no note, including
56 renewals thereof, shall mature later than five years after the date of

1 issuance of such note. The legislature reserves the right to amend or
2 repeal such limit, and the state of New York, the dormitory authority,
3 the state university of New York, and the state university construction
4 fund are prohibited from covenanting or making any other agreements with
5 or for the benefit of bondholders which might in any way affect such
6 right.

7 S 41. Paragraph (c) of subdivision 14 of section 1680 of the public
8 authorities law, as amended by section 67 of part HH of chapter 57 of
9 the laws of 2013, is amended to read as follows:

10 (c) Subject to the provisions of chapter fifty-nine of the laws of two
11 thousand, (i) the dormitory authority shall not deliver a series of
12 bonds for city university community college facilities, except to refund
13 or to be substituted for or in lieu of other bonds in relation to city
14 university community college facilities pursuant to a resolution of the
15 dormitory authority adopted before July first, nineteen hundred eighty-
16 five or any resolution supplemental thereto, if the principal amount of
17 bonds so to be issued when added to all principal amounts of bonds
18 previously issued by the dormitory authority for city university commu-
19 nity college facilities, except to refund or to be substituted in lieu
20 of other bonds in relation to city university community college facili-
21 ties will exceed the sum of four hundred twenty-five million dollars and
22 (ii) the dormitory authority shall not deliver a series of bonds issued
23 for city university facilities, including community college facilities,
24 pursuant to a resolution of the dormitory authority adopted on or after
25 July first, nineteen hundred eighty-five, except to refund or to be
26 substituted for or in lieu of other bonds in relation to city university
27 facilities and except for bonds issued pursuant to a resolution supple-
28 mental to a resolution of the dormitory authority adopted prior to July
29 first, nineteen hundred eighty-five, if the principal amount of bonds so
30 to be issued when added to the principal amount of bonds previously
31 issued pursuant to any such resolution, except bonds issued to refund or
32 to be substituted for or in lieu of other bonds in relation to city
33 university facilities, will exceed [six] SEVEN billion eight hundred
34 [fifty-three] FIFTY-SEVEN million [two] SIX hundred FIFTY-EIGHT thousand
35 dollars. The legislature reserves the right to amend or repeal such
36 limit, and the state of New York, the dormitory authority, the city
37 university, and the fund are prohibited from covenanting or making any
38 other agreements with or for the benefit of bondholders which might in
39 any way affect such right.

40 S 42. Subdivision 10-a of section 1680 of the public authorities law,
41 as amended by section 66 of part HH of chapter 57 of the laws of 2013,
42 is amended to read as follows:

43 10-a. Subject to the provisions of chapter fifty-nine of the laws of
44 two thousand, but notwithstanding any other provision of the law to the
45 contrary, the maximum amount of bonds and notes to be issued after March
46 thirty-first, two thousand two, on behalf of the state, in relation to
47 any locally sponsored community college, shall be [six] SEVEN hundred
48 [sixty-three] SEVENTEEN million TWO HUNDRED NINE THOUSAND dollars. Such
49 amount shall be exclusive of bonds and notes issued to fund any reserve
50 fund or funds, costs of issuance and to refund any outstanding bonds and
51 notes, issued on behalf of the state, relating to a locally sponsored
52 community college.

53 S 43. The public authorities law is amended by adding a new section
54 1680-r to read as follows:

55 S 1680-R. AUTHORIZATION FOR THE ISSUANCE OF BONDS FOR THE CAPITAL
56 RESTRUCTURING FINANCING PROGRAM. 1. NOTWITHSTANDING THE PROVISIONS OF

1 ANY OTHER LAW TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN
2 DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN
3 ONE OR MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE
4 CAPITAL RESTRUCTURING FINANCING PROGRAM FOR HEALTH CARE AND RELATED
5 FACILITIES LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL
6 HYGIENE LAW AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS.
7 THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT
8 TO THIS SECTION SHALL NOT EXCEED ONE BILLION TWO HUNDRED MILLION
9 DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE
10 FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED
11 TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH
12 BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
13 CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE
14 LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN
15 THOSE APPROPRIATED BY THE STATE TO THE DORMITORY AUTHORITY AND THE URBAN
16 DEVELOPMENT CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES
17 PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON
18 THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF
19 COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON
20 BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

21 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
22 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
23 RATION IN UNDERTAKING THE FINANCING FOR PROJECT COSTS FOR THE CAPITAL
24 RESTRUCTURING FINANCING PROGRAM FOR HEALTH CARE AND RELATED FACILITIES
25 LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL HYGIENE LAW AND
26 OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS, THE DIRECTOR OF
27 THE BUDGET IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE
28 CONTRACTS WITH THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
29 RATION, NONE OF WHICH SHALL EXCEED THIRTY YEARS IN DURATION, UPON SUCH
30 TERMS AND CONDITIONS AS THE DIRECTOR OF THE BUDGET AND THE DORMITORY
31 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AGREE, SO AS TO ANNUALLY
32 PROVIDE TO THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPO-
33 RATION, IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST,
34 AND RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE
35 CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE
36 OBLIGATION OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT
37 CONSTITUTE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL
38 OR STATUTORY PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT
39 OF MONIES AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE
40 BEYOND THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPRO-
41 PRIATION BY THE LEGISLATURE. ANY SUCH CONTRACT OR ANY PAYMENTS MADE OR
42 TO BE MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE DORMITORY
43 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS SECURITY FOR ITS
44 BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

45 S 44. Subdivision 1 of section 17 of part D of chapter 389 of the laws
46 of 1997, providing for the financing of the correctional facilities
47 improvement fund and the youth facility improvement fund, as amended by
48 section 43 of part BB of chapter 58 of the laws of 2011, is amended to
49 read as follows:

50 1. Subject to the provisions of chapter 59 of the laws of 2000, but
51 notwithstanding the provisions of section 18 of section 1 of chapter 174
52 of the laws of 1968, the New York state urban development corporation is
53 hereby authorized to issue bonds, notes and other obligations in an
54 aggregate principal amount not to exceed four hundred [twenty-nine]
55 SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thousand
56 dollars [(\$429,515,000)] (\$465,365,000), which authorization increases

1 the aggregate principal amount of bonds, notes and other obligations
2 authorized by section 40 of chapter 309 of the laws of 1996, and shall
3 include all bonds, notes and other obligations issued pursuant to chap-
4 ter 211 of the laws of 1990, as amended or supplemented. The proceeds of
5 such bonds, notes or other obligations shall be paid to the state, for
6 deposit in the youth facilities improvement fund, to pay for all or any
7 portion of the amount or amounts paid by the state from appropriations
8 or reappropriations made to the office of children and family services
9 from the youth facilities improvement fund for capital projects. The
10 aggregate amount of bonds, notes and other obligations authorized to be
11 issued pursuant to this section shall exclude bonds, notes or other
12 obligations issued to refund or otherwise repay bonds, notes or other
13 obligations theretofore issued, the proceeds of which were paid to the
14 state for all or a portion of the amounts expended by the state from
15 appropriations or reappropriations made to the office of children and
16 family services; provided, however, that upon any such refunding or
17 repayment the total aggregate principal amount of outstanding bonds,
18 notes or other obligations may be greater than four hundred [twenty-
19 nine] SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thou-
20 sand dollars [\$429,515,000] (\$465,365,000), only if the present value of
21 the aggregate debt service of the refunding or repayment bonds, notes or
22 other obligations to be issued shall not exceed the present value of the
23 aggregate debt service of the bonds, notes or other obligations so to be
24 refunded or repaid. For the purposes hereof, the present value of the
25 aggregate debt service of the refunding or repayment bonds, notes or
26 other obligations and of the aggregate debt service of the bonds, notes
27 or other obligations so refunded or repaid, shall be calculated by
28 utilizing the effective interest rate of the refunding or repayment
29 bonds, notes or other obligations, which shall be that rate arrived at
30 by doubling the semi-annual interest rate (compounded semi-annually)
31 necessary to discount the debt service payments on the refunding or
32 repayment bonds, notes or other obligations from the payment dates ther-
33 eof to the date of issue of the refunding or repayment bonds, notes or
34 other obligations and to the price bid including estimated accrued
35 interest or proceeds received by the corporation including estimated
36 accrued interest from the sale thereof.

37 S 45. Subdivisions 1 and 3 of section 1285-q of the public authorities
38 law, as added by section 6 of part I of chapter 1 of the laws of 2003,
39 are amended to read follows:

40 1. Subject to chapter fifty-nine of the laws of two thousand, but
41 notwithstanding any other provisions of law to the contrary, in order to
42 assist the corporation in undertaking the administration and the financ-
43 ing of hazardous waste site remediation projects for payment of the
44 state's share of the costs of the remediation of hazardous waste sites,
45 in accordance with title thirteen of article twenty-seven of the envi-
46 ronmental conservation law and section ninety-seven-b of the state
47 finance law, and for payment of state costs associated with the remedi-
48 ation of offsite contamination at significant threat sites as provided
49 in section 27-1411 of the environmental conservation law, AND BEGINNING
50 IN STATE FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN, FOR
51 ENVIRONMENTAL RESTORATION PROJECTS PURSUANT TO TITLE FIVE OF ARTICLE
52 FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW PROVIDED THAT FUNDING
53 FOR SUCH PROJECT SHALL NOT EXCEED TEN PERCENT OF THE FUNDING APPROPRI-
54 ATED FOR THE PURPOSES OF FINANCING HAZARDOUS WASTE SITE REMEDIATION
55 PROJECTS, PURSUANT TO TITLE THIRTEEN OF ARTICLE TWENTY-SEVEN OF THE
56 ENVIRONMENTAL CONSERVATION LAW, IN ANY STATE FISCAL YEAR pursuant to

1 capital appropriations made to the department of environmental conserva-
2 tion, the director of the division of budget and the corporation are
3 each authorized to enter into one or more service contracts, none of
4 which shall exceed twenty years in duration, upon such terms and condi-
5 tions as the director and the corporation may agree, so as to annually
6 provide to the corporation in the aggregate, a sum not to exceed the
7 annual debt service payments and related expenses required for any bonds
8 and notes authorized pursuant to section twelve hundred ninety of this
9 title. Any service contract entered into pursuant to this section shall
10 provide that the obligation of the state to fund or to pay the amounts
11 therein provided for shall not constitute a debt of the state within the
12 meaning of any constitutional or statutory provision and shall be deemed
13 executory only to the extent of moneys available for such purposes,
14 subject to annual appropriation by the legislature. Any such service
15 contract or any payments made or to be made thereunder may be assigned
16 and pledged by the corporation as security for its bonds and notes, as
17 authorized pursuant to section twelve hundred ninety of this title.

18 3. The maximum amount of bonds that may be issued for the purpose of
19 financing hazardous waste site remediation projects AND ENVIRONMENTAL
20 RESTORATION PROJECTS authorized by this section shall not exceed [one]
21 TWO billion two hundred million dollars and shall not exceed one hundred
22 twenty million dollars for appropriations enacted for any state fiscal
23 year, provided that the bonds not issued for such appropriations may be
24 issued pursuant to reappropriation in subsequent fiscal years. [No bonds
25 shall be issued for the repayment of any new appropriation enacted after
26 March thirty-first, two thousand thirteen for hazardous waste site reme-
27 diation projects authorized by this section.] Amounts authorized to be
28 issued by this section shall be exclusive of bonds issued to fund any
29 debt service reserve funds, pay costs of issuance of such bonds, and
30 bonds or notes issued to refund or otherwise repay bonds or notes previ-
31 ously issued. Such bonds and notes of the corporation shall not be a
32 debt of the state, and the state shall not be liable thereon, nor shall
33 they be payable out of any funds other than those appropriated by this
34 state to the corporation for debt service and related expenses pursuant
35 to any service contracts executed pursuant to subdivision one of this
36 section, and such bonds and notes shall contain on the face thereof a
37 statement to such effect.

38 S 46. Paragraph b of subdivision 2 of section 9-a of section 1 of
39 chapter 392 of the laws of 1973, constituting the New York state medical
40 care facilities finance agency act, as amended by section 49-c of part
41 PP of chapter 56 of the laws of 2009, is amended to read as follows:

42 b. The agency shall have power and is hereby authorized from time to
43 time to issue negotiable bonds and notes in conformity with applicable
44 provisions of the uniform commercial code in such principal amount as,
45 in the opinion of the agency, shall be necessary, after taking into
46 account other moneys which may be available for the purpose, to provide
47 sufficient funds to the facilities development corporation, or any
48 successor agency, for the financing or refinancing of or for the design,
49 construction, acquisition, reconstruction, rehabilitation or improvement
50 of mental health services facilities pursuant to paragraph a of this
51 subdivision, the payment of interest on mental health services improve-
52 ment bonds and mental health services improvement notes issued for such
53 purposes, the establishment of reserves to secure such bonds and notes,
54 the cost or premium of bond insurance or the costs of any financial
55 mechanisms which may be used to reduce the debt service that would be
56 payable by the agency on its mental health services facilities improve-

1 ment bonds and notes and all other expenditures of the agency incident
2 to and necessary or convenient to providing the facilities development
3 corporation, or any successor agency, with funds for the financing or
4 refinancing of or for any such design, construction, acquisition, recon-
5 struction, rehabilitation or improvement and for the refunding of mental
6 hygiene improvement bonds issued pursuant to section 47-b of the private
7 housing finance law; provided, however, that the agency shall not issue
8 mental health services facilities improvement bonds and mental health
9 services facilities improvement notes in an aggregate principal amount
10 exceeding seven billion [three] FOUR hundred [sixty-six] THIRTY-FIVE
11 million [six] EIGHT hundred FIFTEEN thousand dollars, excluding mental
12 health services facilities improvement bonds and mental health services
13 facilities improvement notes issued to refund outstanding mental health
14 services facilities improvement bonds and mental health services facili-
15 ties improvement notes; provided, however, that upon any such refunding
16 or repayment of mental health services facilities improvement bonds
17 and/or mental health services facilities improvement notes the total
18 aggregate principal amount of outstanding mental health services facili-
19 ties improvement bonds and mental health facilities improvement notes
20 may be greater than seven billion [three] FOUR hundred [sixty-six] THIR-
21 TY-FIVE million [six] EIGHT hundred FIFTEEN thousand dollars only if,
22 except as hereinafter provided with respect to mental health services
23 facilities bonds and mental health services facilities notes issued to
24 refund mental hygiene improvement bonds authorized to be issued pursuant
25 to the provisions of section 47-b of the private housing finance law,
26 the present value of the aggregate debt service of the refunding or
27 repayment bonds to be issued shall not exceed the present value of the
28 aggregate debt service of the bonds to be refunded or repaid. For
29 purposes hereof, the present values of the aggregate debt service of the
30 refunding or repayment bonds, notes or other obligations and of the
31 aggregate debt service of the bonds, notes or other obligations so
32 refunded or repaid, shall be calculated by utilizing the effective
33 interest rate of the refunding or repayment bonds, notes or other obli-
34 gations, which shall be that rate arrived at by doubling the semi-annual
35 interest rate (compounded semi-annually) necessary to discount the debt
36 service payments on the refunding or repayment bonds, notes or other
37 obligations from the payment dates thereof to the date of issue of the
38 refunding or repayment bonds, notes or other obligations and to the
39 price bid including estimated accrued interest or proceeds received by
40 the authority including estimated accrued interest from the sale there-
41 of. Such bonds, other than bonds issued to refund outstanding bonds,
42 shall be scheduled to mature over a term not to exceed the average
43 useful life, as certified by the facilities development corporation, of
44 the projects for which the bonds are issued, and in any case shall not
45 exceed thirty years and the maximum maturity of notes or any renewals
46 thereof shall not exceed five years from the date of the original issue
47 of such notes. Notwithstanding the provisions of this section, the agen-
48 cy shall have the power and is hereby authorized to issue mental health
49 services facilities improvement bonds and/or mental health services
50 facilities improvement notes to refund outstanding mental hygiene
51 improvement bonds authorized to be issued pursuant to the provisions of
52 section 47-b of the private housing finance law and the amount of bonds
53 issued or outstanding for such purposes shall not be included for
54 purposes of determining the amount of bonds issued pursuant to this
55 section. The director of the budget shall allocate the aggregate princi-
56 pal authorized to be issued by the agency among the office of mental

1 health, office [of mental retardation and] FOR PEOPLE WITH developmental
2 disabilities, and the office of alcoholism and substance abuse services,
3 in consultation with their respective commissioners to finance bondable
4 appropriations previously approved by the legislature.

5 S 47. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2014; provided
7 that sections one through nine, and sections thirteen through nineteen
8 of this act shall expire March 31, 2015, when upon such date, the
9 provisions of such sections shall be deemed repealed.

10 PART J

11 Intentionally Omitted

12 PART K

13 Section 1. The opening paragraph of subdivision 3 of section 5-a of
14 the legislative law, as amended by section 1 of part S of chapter 55 of
15 the laws of 2012, is amended to read as follows:

16 Any member of the assembly serving in a special capacity in a position
17 set forth in the following schedule shall be paid the allowance set
18 forth in such schedule only for the legislative term commencing January
19 first, two thousand [thirteen] FIFTEEN and terminating December thirty-
20 first, two thousand [fourteen] SIXTEEN:

21 S 2. Section 13 of chapter 141 of the laws of 1994, amending the
22 legislative law and the state finance law relating to the operation and
23 administration of the legislature, as amended by section 1 of part X of
24 chapter 55 of the laws of 2013, is amended to read as follows:

25 S 13. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect as of April 1, 1994, provided that,
27 the provisions of section 5-a of the legislative law as amended by
28 sections two and two-a of this act shall take effect on January 1, 1995,
29 and provided further that, the provisions of article 5-A of the legisla-
30 tive law as added by section eight of this act shall expire June 30,
31 [2014] 2015 when upon such date the provisions of such article shall be
32 deemed repealed; and provided further that section twelve of this act
33 shall be deemed to have been in full force and effect on and after April
34 10, 1994.

35 S 3. This act shall take effect immediately, provided, however, if
36 section two of this act shall take effect on or after June 30, 2014
37 section two of this act shall be deemed to have been in full force and
38 effect on and after June 30, 2014.

39 PART L

40 Section 1. Subdivisions a and e of section 25 of chapter 507 of the
41 laws of 2009, amending the real property actions and proceedings law and
42 other laws relating to home mortgage loans, are amended to read as
43 follows:

44 a. Sections one, one-a, two and three of this act shall take effect on
45 the thirtieth day after this act shall have become a law and shall apply
46 to notices required on or after such date; provided, however, that
47 section one-a of this act shall expire and be deemed repealed [5] 10
48 years after such effective date;

1 e. Section nine of this act shall take effect on the sixtieth day
2 after this act shall have become a law and shall apply to legal actions
3 filed on or after such date; provided, however that the amendments to
4 subdivision (a) of rule 3408 of the civil practice law and rules made by
5 such section shall expire and be deemed repealed [5] 10 years after such
6 effective date;

7 S 2. Section 3 of chapter 455 of the laws of 1997, amending the New
8 York city civil court act and the civil practice law and rules relating
9 to authorizing New York city marshals to exercise the same functions,
10 powers and duties as sheriffs with respect to the execution of money
11 judgments, as amended by chapter 103 of the laws of 2009, is amended to
12 read as follows:

13 S 3. This act shall take effect immediately and shall remain in full
14 force and effect only until June 30, [2014] 2019 when upon such date
15 this act shall be deemed repealed.

16 S 3. Section 2 of chapter 363 of the laws of 2010, amending the judi-
17 ciary law relating to granting the chief administrator of the courts the
18 authority to allow referees to determine applications for orders of
19 protection during the hours family court is in session, as amended by
20 chapter 137 of the laws of 2012, is amended to read as follows:

21 S 2. This act shall take effect immediately; provided that paragraph
22 (n) of subdivision 2 of section 212 of the judiciary law, as added by
23 section one of this act, shall expire and be deemed repealed September
24 1, [2014] 2016.

25 S 4. Section 2 of chapter 219 of the laws of 2002, amending the judi-
26 ciary law relating to the judicial hearing officer pilot program and
27 the powers of the chief administrator of the courts, as amended by chap-
28 ter 34 of the laws of 2011, is amended to read as follows:

29 S 2. This act shall take effect immediately and shall expire [12] 14
30 years after its effective date, when, upon such date, the provisions of
31 this act shall be deemed repealed.

32 S 5. This act shall take effect immediately.

33 PART M

34 Section 1. Notwithstanding any other provision of law to the contrary,
35 for the fiscal year commencing April 1, 2014, an \$80,000,000 increase in
36 aid and incentives for municipalities base level grants in the general
37 fund aid to localities fund for each municipality shall be calculated by
38 multiplying subdivision 1 times subdivision 2 times subdivision 3 of
39 this section.

40 1. The sum of each peer group's 2014-15 base level grants divided by
41 the total 2014-15 base level grant; provided, however, the village peer
42 group shall include the sum of the miscellaneous financial assistance
43 from the local assistance account received by a village in the state
44 fiscal year commencing on April 1, 2013.

45 2. Each municipality's population divided by the total population, as
46 recorded in the most recent federal decennial census, of peer group to
47 which it belongs.

48 3. The total amount of grants provided in addition to the total 2014-
49 15 base level grant shall be \$80,000,000.

50 4. "Total 2014-15 base level grant" shall mean the sum of the amount
51 of grants each municipality shall receive in the state fiscal year
52 commencing April 1, 2014, and the amount of miscellaneous financial
53 assistance from the local assistance account received by a village in
54 fiscal year beginning April 1, 2013.

5. Each of the following shall represent a peer group: Cities with a population of over one hundred thousand and less than one million; all remaining cities; towns; and villages.

S 2. Subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law is amended by adding a new clause 3 to read as follows:

(3) FOR THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND FOURTEEN, THE AMOUNT OF MISCELLANEOUS FINANCIAL ASSISTANCE FROM THE LOCAL ASSISTANCE ACCOUNT RECEIVED BY A VILLAGE IN THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND THIRTEEN.

S 3. This act shall take effect immediately.

PART N

Section 1. The public service law is amended by adding a new article 1-A to read as follows:

ARTICLE 1-A

THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE

SECTION 28-A. DEFINITIONS.

28-B. ESTABLISHMENT OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE.

28-C. POWERS OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE.

28-D. REPORTS.

S 28-A. DEFINITIONS. WHEN USED IN THIS ARTICLE: (A) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SERVICE.

(B) "COMMISSION" MEANS THE PUBLIC SERVICE COMMISSION.

(C) "RESIDENTIAL UTILITY CUSTOMER" MEANS ANY PERSON WHO IS SOLD OR OFFERED FOR SALE RESIDENTIAL UTILITY SERVICE BY A UTILITY COMPANY.

(D) "UTILITY COMPANY" MEANS ANY PERSON OR ENTITY OPERATING AN AGENCY FOR PUBLIC SERVICE, INCLUDING, BUT NOT LIMITED TO, THOSE PERSONS OR ENTITIES SUBJECT TO THE JURISDICTION, SUPERVISION AND REGULATIONS PRESCRIBED BY OR PURSUANT TO THE PROVISIONS OF THIS CHAPTER.

S 28-B. ESTABLISHMENT OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE. THERE IS ESTABLISHED THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE TO REPRESENT THE INTERESTS OF RESIDENTIAL UTILITY CUSTOMERS. THE UTILITY CONSUMER ADVOCATE SHALL BE APPOINTED BY THE GOVERNOR TO A TERM OF SIX YEARS, UPON THE ADVICE AND CONSENT OF THE SENATE. THE UTILITY CONSUMER ADVOCATE SHALL POSSESS KNOWLEDGE AND EXPERIENCE IN MATTERS AFFECTING RESIDENTIAL UTILITY CUSTOMERS AND SHALL BE RESPONSIBLE FOR THE DIRECTION, CONTROL, AND OPERATION OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE, INCLUDING ITS HIRING OF STAFF AND RETENTION OF EXPERTS FOR ANALYSIS AND TESTIMONY IN PROCEEDINGS. THE UTILITY CONSUMER ADVOCATE SHALL NOT BE REMOVED FOR CAUSE, BUT MAY BE REMOVED ONLY AFTER NOTICE AND OPPORTUNITY TO BE HEARD, AND ONLY FOR PERMANENT DISABILITY, MALFEASANCE, A FELONY, OR CONDUCT INVOLVING MORAL TURPITUDE. EXERCISE OF INDEPENDENT JUDGMENT IN ADVOCATING POSITIONS ON BEHALF OF RESIDENTIAL UTILITY CUSTOMERS SHALL NOT CONSTITUTE CAUSE FOR REMOVAL OF THE UTILITY CONSUMER ADVOCATE.

S 28-C. POWERS OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE. THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE SHALL HAVE THE POWER AND DUTY TO: (A) INITIATE, INTERVENE IN, OR PARTICIPATE ON BEHALF OF RESIDENTIAL UTILITY CUSTOMERS IN ANY PROCEEDINGS BEFORE THE COMMISSION, THE FEDERAL ENERGY REGULATORY COMMISSION, THE FEDERAL COMMUNICATIONS COMMISSION, FEDERAL, STATE AND LOCAL ADMINISTRATIVE AND REGULATORY AGENCIES, AND STATE AND FEDERAL COURTS IN ANY MATTER OR PROCEEDING THAT MAY

1 SUBSTANTIALLY AFFECT THE INTERESTS OF RESIDENTIAL UTILITY CUSTOMERS,
2 INCLUDING, BUT NOT LIMITED TO, A PROPOSED CHANGE OF RATES, CHARGES,
3 TERMS AND CONDITIONS OF SERVICE, THE ADOPTION OF RULES, REGULATIONS,
4 GUIDELINES, ORDERS, STANDARDS OR FINAL POLICY DECISIONS WHERE THE UTILI-
5 TY CONSUMER ADVOCATE DEEMS SUCH INITIATION, INTERVENTION OR PARTIC-
6 IPATION TO BE NECESSARY OR APPROPRIATE;

7 (B) REPRESENT THE INTERESTS OF RESIDENTIAL UTILITY CUSTOMERS OF THE
8 STATE BEFORE FEDERAL, STATE AND LOCAL ADMINISTRATIVE AND REGULATORY
9 AGENCIES ENGAGED IN THE REGULATION OF ENERGY, TELECOMMUNICATIONS, WATER,
10 AND OTHER UTILITY SERVICES, AND BEFORE STATE AND FEDERAL COURTS IN
11 ACTIONS AND PROCEEDINGS TO REVIEW THE ACTIONS OF UTILITIES OR ORDERS OF
12 UTILITY REGULATORY AGENCIES. ANY ACTION OR PROCEEDING BROUGHT BY THE
13 UTILITY CONSUMER ADVOCATE BEFORE A COURT OR AN AGENCY SHALL BE BROUGHT
14 IN THE NAME OF THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE. THE
15 UTILITY CONSUMER ADVOCATE MAY JOIN WITH A RESIDENTIAL UTILITY CUSTOMER
16 OR GROUP OF RESIDENTIAL UTILITY CUSTOMERS IN BRINGING AN ACTION;

17 (C) (I) IN ADDITION TO ANY OTHER AUTHORITY CONFERRED UPON THE UTILITY
18 CONSUMER ADVOCATE, HE OR SHE IS AUTHORIZED, AND IT SHALL BE HIS OR HER
19 DUTY TO REPRESENT THE INTERESTS OF RESIDENTIAL UTILITY CUSTOMERS AS A
20 PARTY, OR OTHERWISE PARTICIPATE FOR THE PURPOSE OF REPRESENTING THE
21 INTERESTS OF SUCH CUSTOMERS BEFORE ANY AGENCIES OR COURTS. HE OR SHE MAY
22 INITIATE PROCEEDINGS IF IN HIS OR HER JUDGMENT DOING SO MAY BE NECESSARY
23 IN CONNECTION WITH ANY MATTER INVOLVING THE ACTIONS OR REGULATION OF
24 PUBLIC UTILITY COMPANIES WHETHER ON APPEAL OR OTHERWISE INITIATED. THE
25 UTILITY CONSUMER ADVOCATE MAY MONITOR ALL CASES BEFORE REGULATORY AGEN-
26 CIES IN THE UNITED STATES, INCLUDING THE FEDERAL COMMUNICATIONS COMMIS-
27 SION AND THE FEDERAL ENERGY REGULATORY COMMISSION THAT AFFECT THE INTER-
28 ESTS OF RESIDENTIAL UTILITY CUSTOMERS OF THE STATE AND MAY FORMALLY
29 PARTICIPATE IN THOSE PROCEEDINGS WHICH IN HIS OR HER JUDGMENT WARRANTS
30 SUCH PARTICIPATION.

31 (II) THE UTILITY CONSUMER ADVOCATE SHALL EXERCISE HIS OR HER INDEPEND-
32 ENT DISCRETION IN DETERMINING THE INTERESTS OF RESIDENTIAL UTILITY
33 CUSTOMERS THAT WILL BE ADVOCATED IN ANY PROCEEDING, AND DETERMINING
34 WHETHER TO PARTICIPATE IN OR INITIATE ANY PROCEEDING AND, IN SO DETER-
35 MINING, SHALL CONSIDER THE PUBLIC INTEREST, THE RESOURCES AVAILABLE, AND
36 THE SUBSTANTIALITY OF THE EFFECT OF THE PROCEEDING ON THE INTEREST OF
37 RESIDENTIAL UTILITY CUSTOMERS;

38 (D) REQUEST AND RECEIVE FROM ANY STATE OR LOCAL AUTHORITY, AGENCY,
39 DEPARTMENT OR DIVISION OF THE STATE OR POLITICAL SUBDIVISION SUCH
40 ASSISTANCE, PERSONNEL, INFORMATION, BOOKS, RECORDS, OTHER DOCUMENTATION
41 AND COOPERATION NECESSARY TO PERFORM ITS DUTIES; AND

42 (E) ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER GOVERNMENT OFFICES TO
43 EFFICIENTLY CARRY OUT ITS WORK.

44 S 28-D. REPORTS. ON JULY FIRST, TWO THOUSAND FIFTEEN AND ANNUALLY
45 THEREAFTER, THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE SHALL
46 ISSUE A REPORT TO THE GOVERNOR AND THE LEGISLATURE, AND MAKE SUCH REPORT
47 AVAILABLE TO THE PUBLIC FREE OF CHARGE ON A PUBLICLY AVAILABLE WEBSITE,
48 CONTAINING, BUT NOT LIMITED TO, THE FOLLOWING INFORMATION:

49 (A) ALL PROCEEDINGS THAT THE STATE OFFICE OF THE UTILITY CONSUMER
50 ADVOCATE PARTICIPATED IN AND THE OUTCOME OF SUCH PROCEEDINGS, TO THE
51 EXTENT OF SUCH OUTCOME AND IF NOT CONFIDENTIAL;

52 (B) ESTIMATED SAVINGS TO RESIDENTIAL UTILITY CONSUMERS THAT RESULTED
53 FROM INTERVENTION BY THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE;
54 AND

55 (C) POLICY RECOMMENDATIONS AND SUGGESTED STATUTORY AMENDMENTS THAT THE
56 STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE DEEMS NECESSARY.

S 2. This act shall take effect immediately.

PART O

Section 1. Legislative intent. The legislature hereby finds and declares that it is in the public interest to enact a cost benefit review process when a state agency enters into contracts for personal services. New York State spends over \$3.5 billion annually on personal service contracts, over \$840 million more than the State spent on these contracts in SFY 2003-04, a 32% increase. Despite an Executive Order that has implemented a post contract review process for some personal service contracts the cost of those contracts continues to escalate every year well above the inflation rate. In addition the State Finance Law does not require state agencies to compare the cost or quality of personal services to be provided by consultants with the cost or quality of providing the same services by the state employees. Numerous audits by the Office of State Comptroller as well as a KPMG study commissioned by the department of transportation have found that consultants hired under personal service contracts can cost between fifty percent and seventy-five percent more than state employees that do the exact same work including the cost of state employee benefits. The Contract Disclosure Law (Chapter 10 of the laws of 2006) required consultants who provide personal services to file forms for each contract that outline how many consultants they hired, what titles they employed them in and how much they paid them. A review of these forms show that the average consultant makes about fifty percent more than state employees doing comparable work. It is in the public interest for state agencies to compare the cost of doing work by consultants with the cost of doing the same work with state employees as well as document whether or not that such work can be done by state employees. If state government is to be smarter, more efficient, and transparent then a cost benefit analysis process that makes its findings public should be required by law.

S 2. Section 163 of the state finance law is amended by adding a new subdivision 15 to read as follows:

15. CONSULTANT SERVICES. A. BEFORE A STATE AGENCY ENTERS INTO A CONTRACT FOR CONSULTANT SERVICES WHICH IS ANTICIPATED TO COST MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS IN A TWELVE MONTH PERIOD THE STATE AGENCY SHALL CONDUCT A COST COMPARISON REVIEW TO DETERMINE WHETHER THE SERVICES TO BE PROVIDED BY THE CONSULTANT CAN BE PERFORMED AT EQUAL OR LOWER COST BY UTILIZING STATE EMPLOYEES, UNLESS THE CONTRACT MEETS ONE OF THE EXCEPTIONS SET FORTH IN PARAGRAPH B OF THIS SUBDIVISION. AS USED IN THIS SECTION, THE TERM "CONSULTANT SERVICES" SHALL MEAN ANY CONTRACT ENTERED INTO BY A STATE AGENCY FOR ANALYSIS, EVALUATION, RESEARCH, TRAINING, DATA PROCESSING, COMPUTER PROGRAMMING, ENGINEERING INCLUDING PROFESSIONAL DESIGN SERVICES, HEALTH SERVICES, MENTAL HEALTH SERVICES, ACCOUNTING, AUDITING, OR SIMILAR SERVICES, BUT SHALL NOT INCLUDE LEGAL SERVICES OR SERVICES IN CONNECTION WITH LITIGATION INCLUDING EXPERT WITNESSES AND SHALL NOT INCLUDE CONTRACTS FOR CONSTRUCTION OF PUBLIC WORKS. FOR PURPOSES OF THIS SUBDIVISION, THE COSTS OF PERFORMING THE SERVICES BY STATE EMPLOYEES SHALL INCLUDE ANY SALARY, PENSION COSTS, ALL OTHER BENEFIT COSTS, COSTS THAT ARE REQUIRED FOR EQUIPMENT, FACILITIES AND ALL OTHER OVERHEAD. THE COSTS OF CONSULTANT SERVICES SHALL INCLUDE THE TOTAL COST OF THE CONTRACT INCLUDING COSTS THAT ARE REQUIRED FOR EQUIPMENT, FACILITIES AND ALL OTHER OVERHEAD AND ANY CONTINUING STATE COSTS DIRECTLY ASSOCIATED WITH A CONTRACTOR PROVIDING A CONTRACTED FUNCTION INCLUDING, BUT NOT LIMITED TO, THOSE COSTS FOR INSPECTION, SUPER-

VISION, MONITORING OF THE CONTRACTOR'S WORK AND ANY PRO RATA SHARE OF EXISTING COSTS OR EXPENSES, INCLUDING ADMINISTRATIVE SALARIES AND BENEFITS, RENT, EQUIPMENT COSTS, UTILITIES AND MATERIALS. THE COST COMPARISON SHALL BE EXPRESSED WHERE FEASIBLE AS AN HOURLY RATE, OR WHERE SUCH A CALCULATION IS NOT FEASIBLE, AS A TOTAL ESTIMATED COST FOR THE ANTICIPATED TERM OF THE CONTRACT.

B. A COST COMPARISON SHALL NOT BE REQUIRED IF THE CONTRACTING AGENCY DEMONSTRATES:

(I) THE SERVICES ARE INCIDENTAL TO THE PURCHASE OF REAL OR PERSONAL PROPERTY; OR

(II) THE CONTRACT IS NECESSARY IN ORDER TO AVOID A CONFLICT OF INTEREST ON THE PART OF THE AGENCY OR ITS EMPLOYEES; OR

(III) THE SERVICES ARE OF SUCH A HIGHLY SPECIALIZED NATURE THAT IT IS NOT FEASIBLE TO UTILIZE STATE EMPLOYEES TO PERFORM THEM OR REQUIRE SPECIAL EQUIPMENT THAT IS NOT FEASIBLE FOR THE STATE TO PURCHASE OR LEASE; OR

(IV) THE SERVICES ARE OF SUCH AN URGENT NATURE THAT IT IS NOT FEASIBLE TO UTILIZE STATE EMPLOYEES; OR

(V) THE SERVICES ARE ANTICIPATED TO BE SHORT TERM AND ARE NOT LIKELY TO BE EXTENDED OR REPEATED AFTER THE CONTRACT IS COMPLETED; OR

(VI) A QUANTIFIABLE IMPROVEMENT IN SERVICES THAT CANNOT BE REASONABLY DUPLICATED.

C. NOTHING IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE A STATE AGENCY TO ENTER INTO A CONTRACT WHICH IS OTHERWISE PROHIBITED BY LAW.

D. ALL DOCUMENTS RELATED TO THE COST COMPARISON REQUIRED BY THIS SUBDIVISION AND THE DETERMINATIONS MADE PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION SHALL BE PUBLIC RECORDS SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

E. THIS ANALYSIS SHALL BE COMPLETED NO MORE THAN THIRTY DAYS AFTER IT COMMENCES AND MUST BE INITIATED WITHIN THREE DAYS OF THE CONTRACT BEING IDENTIFIED.

S 3. On or before December 31, 2015 the office of general services shall prepare a report, to be delivered to the governor, the temporary president of the senate and the speaker of the assembly. Such report shall include, but need not be limited to, an analysis of the effectiveness of the cost comparison study and an analysis of the costs savings associated with performing such cost comparison.

S 4. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed December 31, 2016; provided, however, that the amendments to section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART P

Section 1. Subdivision 3 of section 4.05 of the arts and cultural affairs law, as amended by chapter 163 of the laws of 1987, is amended to read as follows:

3. The commission shall consist of twenty-five members. [Twenty-one] TWENTY of such members shall be appointed by the governor by and with the advice and consent of the senate, four of whom shall be so appointed on recommendation of the temporary president of the senate[, four on recommendation of the speaker of the assembly,] AND two on recommendation of the minority leader of the senate [and two on recommendation of the minority leader of the assembly]. TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR ON RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND ONE

MEMBER SHALL BE APPOINTED BY THE GOVERNOR ON RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. NO MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY OR THE MINORITY LEADER OF THE ASSEMBLY SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. The commissioner of education, the commissioner of general services, the commissioner of parks, recreation and historic preservation and the [chairman] CHAIR of the state council on the arts shall serve as ex officio members and shall have the same rights as other members.

S 2. Subdivision 2 of section 10.05 of the arts and cultural affairs law, as added by chapter 718 of the laws of 1988, is amended to read as follows:

2. The institute shall consist of fifteen members. [Nine] SIX of such members shall be appointed by the governor by and with the advice and consent of the senate, two of whom shall be the commissioner of parks, recreation and historic preservation, and the [chairman] CHAIR of the New York state council on the arts or his or her representative, two of whom shall be so appointed on recommendation of the temporary president of the senate[, two on recommendation of the speaker of the assembly,] AND one on recommendation of the minority leader of the senate [and one on recommendation of the minority leader of the assembly]. THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AS FOLLOWS: TWO ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. NO MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OR THE MINORITY LEADER OF THE ASSEMBLY SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. Each member so appointed shall be representative of those educational and cultural institutions of the state that hold significant collections or conduct continuing research and education programs on the cultural and natural history of the Hudson river area. The commissioner of education shall be a member and shall serve as [chairman] CHAIR of the institute. Five of such members shall be appointed by the board of regents in consultation with the commissioner of education.

S 3. Subdivision 1 of section 2562 of the public authorities law, as amended by chapter 766 of the laws of 2005, is amended to read as follows:

1. To effectuate the purposes and provisions of this title, there is hereby created the "New York convention center operating corporation", which shall be a body corporate and politic constituting a public benefit corporation. The corporation's board of directors shall consist of twenty-one persons, EIGHTEEN to be appointed with the advice and consent of the senate, including [fifteen] TWELVE persons appointed by the governor; two persons appointed by the temporary president of the senate; AND one person appointed by the minority leader of the senate; [two persons appointed by the speaker of the assembly; and one person appointed by the minority leader of the assembly]. THE GOVERNOR SHALL ALSO APPOINT TWO DIRECTORS UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND ONE DIRECTOR UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. NO MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY OR THE MINORITY LEADER OF THE ASSEMBLY SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. Four of the members appointed by the governor shall be appointed on the written recommendation of the mayor of the city of New York. One of the directors shall be designated by the governor as chair of the board of directors to serve as such at the pleasure of the governor. Upon recommendation of the chair of the board of directors, the board of directors

1 shall appoint an executive director of the corporation. Notwithstanding
2 any general, special or local law concerning the holding of dual
3 offices, an officer or employee of the state may be appointed as an
4 officer or employee of the corporation, and officers and employees of
5 the state may be appointed as members of the board of directors of the
6 corporation, provided however, that the chair of the board of directors
7 shall not be an officer or employee of the corporation, and the execu-
8 tive director of the corporation shall not be a member of the board of
9 directors.

10 S 4. The opening paragraph of subdivision 1 of section 2608 of the
11 public authorities law, as amended by section 1 of part C of chapter 60
12 of the laws of 2012, is amended to read as follows:

13 For the purposes of effectuating the policy declared in section twen-
14 ty-six hundred six of this title, there is hereby created the "New York
15 state olympic regional development authority", referred to in this title
16 as "the authority", which shall be a body corporate and politic consti-
17 tuting a public benefit corporation. The authority shall consist of
18 [twelve] ELEVEN members who shall be the commissioner of environmental
19 conservation, the commissioner of economic development, the commissioner
20 of parks, recreation and historic preservation and [nine] EIGHT persons
21 to be appointed by the governor, by and with the advice and consent of
22 the senate. Of the [nine] EIGHT persons appointed by the governor, by
23 and with the advice and consent of the senate, one [each] shall be
24 appointed upon the recommendation of the temporary president of the
25 senate [and the speaker of the assembly]. Three of the persons appointed
26 by the governor, [by and with the advice and consent of the senate]
27 shall be appointed upon the recommendation of the town board of the town
28 of North Elba and shall be residents of the park district AND SHALL BE
29 SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. Two persons shall be
30 appointed by the governor[, by and with the advice and consent of the
31 senate], one of whom shall reside in Ulster county and the other of whom
32 shall reside in Delaware county AND SHALL BE SUBJECT TO THE ADVICE AND
33 CONSENT OF THE SENATE. One of the persons appointed by the governor[,
34 by and with the advice and consent of the senate,] shall be a resident
35 of Warren county AND SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE
36 SENATE. THE GOVERNOR SHALL APPOINT A TWELFTH PERSON UPON THE RECOMMEN-
37 DATION OF THE SPEAKER OF THE ASSEMBLY. NO MEMBER APPOINTED BY THE GOVER-
38 NOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY SHALL BE
39 SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. The governor shall
40 appoint a chairperson, a vice-chairperson and a second vice-chairperson
41 from among any of the members of the authority and such chairperson,
42 vice-chairperson and second vice-chairperson shall serve at the pleasure
43 of the governor, provided, however, that the vice-chairperson shall be
44 appointed on the recommendation of the town board of North Elba; and the
45 second vice-chairperson shall be appointed upon the recommendation of
46 the town boards of the town of Shandaken in Ulster county and the town
47 of Middletown in Delaware county; and must be a resident of Ulster or
48 Delaware counties; with a majority vote of the combined two town boards
49 determining who shall be recommended to the governor for appointment of
50 that position. From among any candidates recommended by the [chairman]
51 CHAIR, the members shall appoint a president/chief executive officer of
52 the authority.

53 S 5. Subdivision 1 of section 102 of the racing, pari-mutuel wagering
54 and breeding law, as added by section 1 of part A of chapter 60 of the
55 laws of 2012, is amended to read as follows:

1 1. There is hereby created within the executive department the New
2 York state gaming commission. The commission shall consist of seven
3 members, SIX appointed by the governor by and with the advice and
4 consent of the senate, INCLUDING ONE APPOINTED UPON THE RECOMMENDATION
5 OF THE TEMPORARY PRESIDENT OF THE SENATE. [Of the seven members, one
6 shall be appointed upon the recommendation of the temporary president of
7 the senate and one shall be appointed upon the recommendation of the
8 speaker of the assembly.] THE REMAINING MEMBER SHALL BE APPOINTED BY THE
9 GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. NO
10 MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER
11 OF THE ASSEMBLY SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE
12 SENATE. All members shall continue in office until their successors have
13 been appointed and qualified.

14 S 6. Subdivision 1 of section 216 of the transportation law, as
15 amended by chapter 84 of the laws of 1985, is amended to read as
16 follows:

17 1. There is hereby created in the department a board, to be known as
18 the state public transportation safety board. Such board shall be
19 responsible for the investigation of accidents involving public trans-
20 portation in the state, including commuter rail, subways, rapid transit
21 and buses. The board shall also be responsible for the presentation of
22 recommendations to all public transportation operators and carriers to
23 prevent the occurrence of future accidents. Such board shall consist of
24 the commissioner and six other members, no more than three of whom shall
25 belong to the same political party. Two of the members of the board
26 shall be selected by the governor from a list submitted by the temporary
27 president of the senate and two from a list submitted by the speaker of
28 the assembly. The remaining two members shall be selected by the gover-
29 nor. One from each category of selected members shall have competence
30 and experience in connection with the operation, design or management of
31 public transportation facilities and systems. Three of the members,
32 other than the commissioner, shall be from the metropolitan transporta-
33 tion authority region and three members shall be from areas of the state
34 outside such region. All appointees to the board other than the commis-
35 sioner AND THOSE APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE
36 ASSEMBLY shall be upon the advice and consent of the senate. The metro-
37 politan transportation authority inspector general shall be an ex offi-
38 cio member of the board but shall have no vote on matters arising
39 outside of the operations of the metropolitan transportation authority.
40 Provided, however, that with the exception of the commissioner, no
41 elected or appointed public officer or transportation authority member
42 shall be eligible for membership on such board. The governor shall
43 select a [chairman] CHAIR from the members but the [chairman] CHAIR
44 shall be someone other than the metropolitan transportation authority
45 inspector general.

46 S 7. Subdivision 1 of section 401 of the transportation law, as
47 amended by chapter 55 of the laws of 1992, is amended to read as
48 follows:

49 1. Upon assumption by the department of transportation of jurisdiction
50 over the airport facility and surrounding area located in the county of
51 Orange, known as Stewart airport, there shall thereupon be created a
52 Stewart airport commission. This commission will be an advisory council
53 to the commissioner with respect to administration and management of the
54 Stewart airport facilities and its surrounding areas with respect to
55 projects to be undertaken and operations and management of the facili-
56 ties at such airport. The commission shall be composed of ten members of

1 which six must be residents of Orange county, two must be residents of
2 Dutchess county and two residents from Ulster county. By virtue of their
3 offices, the commissioner of transportation or the commissioner's desig-
4 nee, the Orange county executive, the Dutchess county executive and the
5 chairperson of the Ulster county legislature shall be ex officio members
6 of the commission. [The] EXCEPT AS OTHERWISE PROVIDED, THE members of
7 the commission shall be appointed by the governor with the advice and
8 consent of the senate and, except for the initial appointment terms,
9 shall serve for a term of four years. However, two of the appointments
10 must be from a list submitted by the temporary president and majority
11 leader of the senate, and two must be from a list submitted by the
12 speaker of the assembly. NO MEMBER APPOINTED BY THE GOVERNOR UPON THE
13 RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY SHALL BE SUBJECT TO THE
14 ADVICE AND CONSENT OF THE SENATE. Initial appointments shall be to stag-
15 gered terms with three of the nominees of the governor being made to
16 initial one-year terms and the other three nominees to initial four-year
17 terms, the members nominated by the speaker of the assembly to initial
18 two-year and three-year terms, respectively, and the members nominated
19 by the temporary president and majority leader of the senate to initial
20 two-year and three-year terms, respectively. If any member shall there-
21 after no longer meet the residency requirement of his or her appoint-
22 ment, such position shall be declared vacant. In the event of a vacancy,
23 the vacancy shall be filled in the same manner as the initial appoint-
24 ments except that the term shall be for the unexpired portion of the
25 term of such members. All such members shall be deemed officers of the
26 state in connection with the provisions of section seventeen of the
27 public officers law. The members of the commission shall appoint a
28 [chairman] CHAIRPERSON from among their number. Members shall not
29 receive a salary or other compensation, but shall be reimbursed for
30 their actual and necessary expenses incurred in the performance of their
31 official duties.

32 S 8. Subdivision 1 of section 402 of the transportation law, as
33 amended by chapter 55 of the laws of 1992, is amended to read as
34 follows:

35 1. Upon assumption by the department of transportation of jurisdiction
36 over the airport facility and surrounding area located in the county of
37 Suffolk, known as Republic airport, there shall thereupon be created a
38 Republic airport commission. This commission will be an advisory coun-
39 cil to the commissioner with respect to administration and management of
40 the Republic airport facilities and its surrounding areas with respect
41 to projects to be undertaken and operations and management of the facil-
42 ities at such airport. The commission shall be composed of nine members
43 to be appointed by the governor, EXCEPT AS OTHERWISE PROVIDED, with the
44 advice and consent of the senate and, except for the initial appointment
45 terms, shall serve for a term of four years. By virtue of his or her
46 office, the commissioner of transportation or the commissioner's desig-
47 nee shall be an ex officio member of the commission. Four of the members
48 shall be appointed from a list submitted by the temporary president of
49 the senate setting forth the names of six persons who are residents of
50 Nassau or Suffolk county, three persons who are residents of the town of
51 Babylon and three persons who are residents of the Nassau county part of
52 the Farmingdale school district. Two names shall be selected from the
53 first class of residency and one name each shall be selected from the
54 second and third classes of residency. Four of the members shall be
55 appointed from a list submitted by the speaker of the assembly setting
56 forth the names of six persons who are residents of Nassau or Suffolk

1 county, three persons who are residents of the town of Babylon and three
2 persons who are residents of the Suffolk county part of the Farmingdale
3 school district. Two names shall be selected from the first class of
4 residency and one name each shall be selected from the second and third
5 classes of residency. The ninth member shall be selected by the gover-
6 nor. In any event, six members shall be residents of Suffolk county and
7 three members shall be residents of Nassau county. NO MEMBER APPOINTED
8 BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY
9 SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE. Initial
10 appointments shall be to staggered terms with the nominee of the gover-
11 nor being made to an initial four-year term, with the members nominated
12 by the temporary president of the senate to initial two-year, three-year
13 and four-year terms, respectively, and the members nominated by the
14 speaker of the assembly to initial one-year, two-year and three-year
15 terms, respectively. If any member shall thereafter no longer meet the
16 residency requirement of his OR HER appointment, such position shall be
17 declared vacant. In the event of a vacancy, the vacancy shall be filled
18 in the same manner as the initial appointments except that the term
19 shall be for the unexpired portion of the term of such members. All such
20 members shall be deemed officers of the state in connection with the
21 provisions of section seventeen of the public officers law. The members
22 of the commission shall appoint a [chairman] CHAIR from among their
23 number. Members shall not receive a salary or other compensation, but
24 shall be reimbursed for their actual and necessary expenses incurred in
25 the performance of their official duties.

26 S 9. Subdivision 1 of section 133 of the economical development law,
27 as amended by chapter 361 of the laws of 2009, is amended to read as
28 follows:

29 1. There is hereby created in the division for small business a small
30 business advisory board. The board shall consist of [seventeen] FOURTEEN
31 members to be appointed by the governor, with the advice and consent of
32 the senate, AND THREE MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOM-
33 MENDATION OF THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE
34 ASSEMBLY AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION. NO MEMBER
35 APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE
36 ASSEMBLY OR THE MINORITY LEADER OF THE ASSEMBLY SHALL BE SUBJECT TO THE
37 ADVICE AND CONSENT OF THE SENATE. The governor shall designate a [chair-
38 man] CHAIRPERSON from the members of the advisory board, to serve as
39 such at the pleasure of the governor. In appointing the members of the
40 advisory board the governor shall ensure that at least nine of the
41 members are individuals who are currently involved in the ownership
42 and/or operation of a small business or who have extensive experience in
43 small business ownership and/or operation, and that at least two of the
44 members are individuals representing banking, community development
45 financial, insurance or surety bonding institutions.

46 S 10. This act shall take effect immediately; provided that the
47 provisions of this act shall apply to any pending appointments made by
48 the speaker of the assembly who have not received the advice and consent
49 of the senate; and provided, further, that section five of this act
50 shall be deemed to have been in full force and effect on and after the
51 same date as section 1 of part A of chapter 60 of the laws of 2012 took
52 effect.

1 Section 1. Notwithstanding any provision of law to the contrary, the
2 state shall enter into a payment in lieu of taxes (PILOT's) agreement
3 with a city in which there is located the state office building project
4 known as the W. Averell Harriman State Office Building Campus, if the
5 state enters into a contract for construction, reconstruction, improve-
6 ment or demolition of any property on such site after April 1, 2014.

7 S 2. This act shall take effect immediately.

8 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
9 sion, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 S 3. This act shall take effect immediately provided, however, that
18 the applicable effective date of Parts A through Q of this act shall be
19 as specifically set forth in the last section of such Parts.