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

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I N A S S E M B L Y

May 13, 2014

Introduced by M. of A. FARRELL -- (at request of the State Comptroller) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to the timely expenditure of check-off monies and requiring annual reports relating to the use of such monies, the process used for awarding such monies, amounts of such monies awarded and the manner in which such monies were expended; and in relation to requiring information relating to projected tax check-off fund activity to be included in the executive budget submission and the state's financial plan

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

Section 1. The state finance law is amended by adding a new section 71-b to read as follows:

S 71-B. EXPENDITURE OF CHECK-OFF MONIES. 1. TO THE EXTENT PRACTICABLE, FOR EVERY FUND ESTABLISHED PURSUANT TO THIS CHAPTER OR ANY OTHER LAW, FOR WHICH A TAX CHECK-OFF IS A SOURCE OF THE MONIES IN SUCH FUND, THE HEAD OF THE AGENCY OR ENTITY ADMINISTERING THE EXPENDITURE OF SUCH MONIES SHALL ENSURE THAT ALL TAX CHECK-OFF MONIES RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE END OF SUCH FISCAL YEAR.

2. THE HEAD OF THE AGENCY OR ENTITY ADMINISTERING THE EXPENDITURE OF TAX CHECK-OFF MONIES SHALL REPORT ANNUALLY ON THE USE OF SUCH MONIES TO THE GOVERNOR, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR AND RANKING MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIR AND RANKING MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE PUBLIC. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO: (A) THE AWARD PROCESS USED FOR SUCH DISBURSEMENTS, THE AMOUNT AWARDED TO EACH RECIPIENT, THE MANNER IN WHICH SUCH MONIES WERE EXPENDED BY SUCH RECIPIENT, AND, IN THE EVENT THAT ANY SUCH MONIES WERE NOT EXPENDED BY THE ADMINISTERING AGENCY DURING THE FISCAL YEAR IN WHICH SUCH MONIES WERE RECEIVED, A JUSTIFICATION FOR SUCH FAILURE TO EXPEND AND A REMEDIAL PLAN TO ENSURE THE TIMELY AND EFFECTIVE USE OF SUCH MONIES; AND (B) A SUMMARY FINANCIAL PLAN FOR SUCH MONIES WHICH SHALL INCLUDE ESTIMATES OF ALL RECEIPTS AND ALL DISBURSEMENTS FOR THE

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

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CURRENT AND SUCCEEDING FISCAL YEARS, ALONG WITH THE ACTUAL RESULTS FROM THE PRIOR FISCAL YEAR.

S 2. Subdivision 3 of section 22 of the state finance law is amended by adding a new paragraph j to read as follows:

J. INCLUDE A SUMMARY FINANCIAL PLAN FOR THE FUNDS OF THE STATE RECEIVING TAX CHECK-OFF MONIES WHICH SHALL INCLUDE ESTIMATES OF ALL RECEIPTS AND ALL DISBURSEMENTS FOR THE CURRENT AND SUCCEEDING FISCAL YEARS, ALONG WITH THE ACTUAL RESULTS FROM THE PRIOR FISCAL YEAR.

S 3. This act shall take effect immediately.