

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

S. 6355--B

A. 8555--B

S E N A T E - A S S E M B L Y

January 21, 2014

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- 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

AN ACT to amend the vehicle and traffic law, in relation to the revocation of driver's licenses for multiple convictions of driving while intoxicated, civil penalties, and aggravated unlicensed operation of a motor vehicle; and to repeal certain provisions of such law relating thereto (Part A); to amend the vehicle and traffic law, in relation to the suspension and revocation of certain driver's licenses for violations relating to the use of mobile telephones and portable electronic devices while driving and increased fines for such violations (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 civil service law, the state technology law, the general municipal law and the public officers 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 subdi-

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

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visions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to extending the expiration dates for the provision of certain centralized services and purchasing authorizations (Part G); to amend the criminal procedure law, in relation to the prosecution of misconduct by public servants, and in relation to including corrupting the government within the definition of a designated offense; to amend the penal law, in relation to establishing the crime of corrupting the government, requires the intent to influence within the crime of bribery, and expands the crime of bribe receiving; to amend the legislative law, in relation to lobbying; to amend the state finance law, in relation to cancellation and disqualification of certain contracts; to amend the civil practice law and rules, in relation to including the crime of public corruption within the term of preconviction forfeiture crime; to amend the public officers law, in relation to persons deemed incapable of holding a civil office; to amend the real property tax law, in relation to certain exemption limitations; to amend the general municipal law, in relation to limitations on empire zone designation; to amend the tax law, in relation to certain tax credit limitations; to amend the public officers law, in relation to financial disclosure and to repeal section 195.20 of the penal law relating to defrauding the government (Subpart A); to amend the election law, in relation to the state board of elections chief enforcement counsel; and to amend the criminal procedure law, in relation to the chief enforcement counsel of the state board of elections (Subpart B); to amend the election law, in relation to campaign finance reform and in relation to campaign contribution limits and penalties for violations (Subpart C); and to amend the election law, in relation to campaign receipts and expenditures; to amend the election law, in relation to contribution and receipt limitations; to amend the election law, in relation to public financing; to amend the state finance law, in relation to the New York state campaign finance fund; and to amend the tax law, in relation to the New York state campaign finance fund check-off (Subpart D) (Part H); to provide for the administration of certain 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); and to amend the vehicle and traffic law and the public officers law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof (Part J)

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 J. 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
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Subparagraph 1-a of paragraph (b) of subdivision 2 of
14 section 1193 of the vehicle and traffic law is REPEALED.

1 S 2. Paragraph (b) of subdivision 2 of section 1193 of the vehicle and
2 traffic law is amended by adding a new subparagraph 3-a to read as
3 follows:

4 (3-A) DRIVING WHILE ABILITY IMPAIRED OR WHILE INTOXICATED OR WHILE
5 ABILITY IMPAIRED BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND
6 ANY DRUG OR DRUGS OR AGGRAVATED DRIVING WHILE INTOXICATED; PRIOR
7 OFFENSES WITHIN THREE YEARS. FIVE YEARS, WHERE THE HOLDER IS CONVICTED
8 OF A VIOLATION OF SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF
9 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE COMMITTED WITHIN THREE
10 YEARS OF A CONVICTION FOR A VIOLATION OF ANY SUBDIVISION OF SECTION
11 ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE.

12 S 3. Clause (a) of subparagraph 12 of paragraph (b) of subdivision 2
13 of section 1193 of the vehicle and traffic law, as added by chapter 732
14 of the laws of 2006, is amended to read as follows:

15 (a) Notwithstanding any other provision of this chapter to the contra-
16 ry, whenever a revocation is imposed upon a person for the refusal to
17 submit to a chemical test pursuant to the provisions of section eleven
18 hundred ninety-four of this article or conviction for any violation of
19 section eleven hundred ninety-two of this article for which a sentence
20 of imprisonment may be imposed OR AN OUT-OF-STATE CONVICTION FOR OPERAT-
21 ING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A
22 CONVICTION OF A VIOLATION OF THE PENAL LAW FOR WHICH A VIOLATION OF SUCH
23 SECTION ELEVEN HUNDRED NINETY-TWO IS AN ESSENTIAL ELEMENT, and such
24 person has[: (i) within the previous four years] PREVIOUSLY been twice
25 convicted of any provisions of section eleven hundred ninety-two of this
26 article OR AN OUT-OF-STATE CONVICTION FOR OPERATING A MOTOR VEHICLE
27 WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS or a violation of the
28 penal law for which a violation of such section eleven hundred ninety-
29 two is an essential element [and at least one such conviction was for a
30 crime], or has PREVIOUSLY twice been found to have refused to submit to
31 a chemical test pursuant to section eleven hundred ninety-four of this
32 article, or has any combination of two such convictions and findings of
33 refusal not arising out of the same incident[; or (ii) within the previ-
34 ous eight years been convicted three times of any provision of section
35 eleven hundred ninety-two of this article for which a sentence of impri-
36 sonment may be imposed or a violation of the penal law for which a
37 violation of such section eleven hundred ninety-two is an essential
38 element and at least two such convictions were for crimes, or has been
39 found, on three separate occasions, to have refused to submit to a chem-
40 ical test pursuant to section eleven hundred ninety-four of this arti-
41 cle, or has any combination of such convictions and findings of refusal
42 not arising out of the same incident], such revocation shall be perma-
43 nent.

44 S 4. Subparagraph 2 of paragraph (d) of subdivision 2 of section 1194
45 of the vehicle and traffic law, as amended by chapter 732 of the laws of
46 2006, is amended to read as follows:

47 (2) Civil penalties. Except as otherwise provided, any person whose
48 license, permit to drive, or any non-resident operating privilege is
49 revoked pursuant to the provisions of this section shall also be liable
50 for a civil penalty in the amount of five hundred dollars except that if
51 such revocation is a second or subsequent revocation pursuant to this
52 section issued within a five year period, or such person has been
53 convicted of a violation of any subdivision of section eleven hundred
54 ninety-two of this article within the past five years not arising out of
55 the same incident, the civil penalty shall be in the amount of [seven
56 hundred fifty] ONE THOUSAND dollars. Any person whose license is revoked

1 pursuant to the provisions of this section based upon a finding of
2 refusal to submit to a chemical test while operating a commercial motor
3 vehicle shall also be liable for a civil penalty of five hundred fifty
4 dollars except that if such person has previously been found to have
5 refused a chemical test pursuant to this section while operating a
6 commercial motor vehicle or has a prior conviction of any of the follow-
7 ing offenses while operating a commercial motor vehicle: any violation
8 of section eleven hundred ninety-two of this article; any violation of
9 subdivision two of section six hundred of this chapter; or has a prior
10 conviction of any felony involving the use of a commercial motor vehicle
11 pursuant to paragraph (a) of subdivision one of section five hundred
12 ten-a of this chapter, then the civil penalty shall be [seven hundred
13 fifty] ONE THOUSAND dollars. No new driver's license or permit shall be
14 issued, or non-resident operating privilege restored to such person
15 unless such penalty has been paid. All penalties collected by the
16 department pursuant to the provisions of this section shall be the prop-
17 erty of the state and shall be paid into the general fund of the state
18 treasury.

19 S 5. Paragraph (b) of subdivision 3 of section 511 of the vehicle and
20 traffic law, as separately amended by chapters 786 and 892 of the laws
21 of 1990, is amended to read as follows:

22 (b) Aggravated unlicensed operation of a motor vehicle in the first
23 degree is a class E felony. When a person is convicted of this crime,
24 the sentence of the court must be: (i) a fine in an amount not less than
25 [five hundred] ONE THOUSAND dollars nor more than five thousand dollars;
26 and (ii) a term of imprisonment as provided in the penal law, or (iii)
27 where appropriate and a term of imprisonment is not required by the
28 penal law, a sentence of probation as provided in subdivision six of
29 this section, or (iv) a term of imprisonment as a condition of a
30 sentence of probation as provided in the penal law.

31 S 6. Clauses (b), (c), (d) and (e) of subparagraph 12 of paragraph (b)
32 of subdivision 2 of section 1193 of the vehicle and traffic law are
33 REPEALED and clause (f) is relettered clause (b).

34 S 7. This act shall take effect on the first of November next succeed-
35 ing the date on which it shall have become a law.

36

PART B

37 Section 1. Subparagraphs (x) and (xi) of paragraph a of subdivision 2
38 of section 510 of the vehicle and traffic law, as added by chapter 571
39 of the laws of 2006, are amended and a new subparagraph (xii) is added
40 to read as follows:

41 (x) of a traffic infraction for a subsequent violation of article
42 twenty-six of this chapter and the commission of such violation caused
43 serious physical injury to another person and such subsequent violation
44 occurred within eighteen months of a prior violation of any provision of
45 article twenty-six of this chapter where the commission of such prior
46 violation caused the serious physical injury or death of another person;
47 [or]

48 (xi) of a traffic infraction for a subsequent violation of article
49 twenty-six of this chapter and the commission of such violation caused
50 the death of another person and such subsequent violation occurred with-
51 in eighteen months of a prior violation of any provision of article
52 twenty-six of this chapter where the commission of such prior violation
53 caused the serious physical injury or death of another person[.]; OR

(XII) OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OR SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER, WHERE SUCH PERSON WAS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF THE COMMISSION OF SUCH VIOLATIONS.

S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law, is amended by adding a new subparagraph (xvi) to read as follows:

(XVI) FOR A PERIOD OF ONE YEAR WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OR SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER, WHERE SUCH PERSON WAS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF THE COMMISSION OF SUCH VIOLATION.

S 3. Subdivision 6 of section 510 of the vehicle and traffic law is amended by adding a new paragraph n to read as follows:

N. WHERE REVOCATION IS MANDATORY PURSUANT TO SUBPARAGRAPH (XII) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, NO NEW LICENSE SHALL BE ISSUED FOR AT LEAST ONE YEAR, NOR THEREAFTER EXCEPT IN THE DISCRETION OF THE COMMISSIONER.

S 4. Section 510-c of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. ANY SUSPENSION OR REVOCATION REQUIRED UNDER THIS SECTION FOR A VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OR SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION FIVE HUNDRED TEN OF THIS ARTICLE.

S 5. Subdivision 4 of section 1225-c of the vehicle and traffic law, as amended by section 1 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

4. A violation of subdivision two of this section shall be a traffic infraction and shall be punishable by a fine of not less than fifty dollars nor more than [one hundred fifty] TWO HUNDRED dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than [two] THREE hundred dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than [four] FIVE hundred dollars.

S 6. Subdivision 6 of section 1225-d of the vehicle and traffic law, as amended by section 2 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

6. A violation of this section shall be a traffic infraction and shall be punishable by a fine of not less than fifty dollars nor more than [one hundred fifty] TWO HUNDRED dollars upon conviction of a first violation; upon conviction of a second violation, both of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than [two] THREE hundred dollars; upon conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such violation shall be punished by a fine of not less than fifty dollars nor more than [four] FIVE hundred dollars.

S 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART C

Section 1. Section 2 of part H of 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, as amended by section 1 of part F of chapter 55 of the laws of 2013, is amended to read as follows:

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

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

PART D

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

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

S 2. This act shall take effect immediately.

PART E

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

S 167-a. Reimbursement for medicare premium charges. Upon exclusion from the coverage of the health benefit plan of supplementary medical insurance benefits for which an active or retired employee or a dependent covered by the health benefit plan is or would be eligible under the federal old-age, survivors and disability insurance program, an amount equal to the STANDARD MEDICARE premium charge WITHOUT ANY INCOME-RELATED ADJUSTMENT for such supplementary medical insurance benefits for such active or retired employee and his or her dependents, if any, shall be paid monthly or at other intervals to such active or retired employee from the health insurance fund. Where appropriate, such amount may be deducted from contributions payable by the employee or retired employee; or where appropriate in the case of a retired employee receiving a retirement allowance, such amount may be included with payments of his or her retirement allowance. All state employer, employee, retired employee and dependent contributions to the health insurance fund, including contributions from public authorities, public benefit corporations or other quasi-public organizations of the state eligible for participation in the health benefit plan as authorized by subdivision two of section one hundred sixty-three of this article, shall be adjusted as necessary to cover the cost of reimbursing federal old-age, survivors and disability insurance program premium charges under this section. This cost shall be included in the calculation of premium or subscription charges for health coverage provided to employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state; provided, however, the state, public authorities, public benefit corporations or other quasi-public organizations of the state shall remain obligated to

1 pay no less than its share of such increased cost consistent with its
2 share of premium or subscription charges provided for by this article.
3 All other employer contributions to the health insurance fund shall be
4 adjusted as necessary to provide for such payments.

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

7 PART F

8 Section 1. The civil service law is amended by adding a new section
9 66-a to read as follows:

10 S 66-A. TERM APPOINTMENTS IN INFORMATION TECHNOLOGY POSITIONS. 1.
11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY AUTHORIZE
12 TERM APPOINTMENTS WITHOUT EXAMINATION TO TEMPORARY POSITIONS REQUIRING
13 SPECIAL EXPERTISE OR QUALIFICATIONS IN INFORMATION TECHNOLOGY. SUCH
14 APPOINTMENTS MAY BE AUTHORIZED ONLY IN SUCH CASES WHERE THE OFFICE OF
15 INFORMATION TECHNOLOGY SERVICES CERTIFIES TO THE DEPARTMENT THAT BECAUSE
16 OF THE TYPE OF SERVICES TO BE RENDERED OR THE TEMPORARY OR OCCASIONAL
17 CHARACTER OF SUCH SERVICES, IT WOULD NOT BE PRACTICABLE TO HOLD AN EXAM-
18 INATION OF ANY KIND. SUCH CERTIFICATION SHALL BE A PUBLIC DOCUMENT
19 PURSUANT TO THE PUBLIC OFFICERS LAW AND SHALL IDENTIFY THE SPECIAL
20 EXPERTISE OR QUALIFICATIONS THAT ARE REQUIRED AND WHY THEY CANNOT BE
21 OBTAINED THROUGH AN APPOINTMENT FROM AN ELIGIBLE LIST. THE MAXIMUM PERI-
22 OD FOR A TERM APPOINTMENT ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL
23 NOT EXCEED SIXTY MONTHS AND SHALL NOT BE EXTENDED, AND THE MAXIMUM
24 NUMBER OF SUCH APPOINTMENTS SHALL NOT EXCEED THREE HUNDRED. AT LEAST
25 FIFTEEN DAYS PRIOR TO MAKING A TERM APPOINTMENT PURSUANT TO THIS SECTION
26 THE APPOINTING AUTHORITY SHALL PUBLICLY AND CONSPICUOUSLY POST IN ITS
27 OFFICES INFORMATION ABOUT THE TEMPORARY POSITION AND THE REQUIRED QUALI-
28 FICATIONS AND SHALL ALLOW ANY QUALIFIED EMPLOYEE TO APPLY FOR SAID POSI-
29 TION. AN EMPLOYEE APPOINTED PURSUANT TO THIS PROVISION WHO HAS COMPLETED
30 TWO YEARS OF CONTINUOUS SERVICE UNDER THIS PROVISION SHALL BE ABLE TO
31 COMPETE IN ONE PROMOTIONAL EXAMINATION THAT IS ALSO OPEN TO EMPLOYEES
32 WHO HAVE PERMANENT CIVIL SERVICE APPOINTMENTS AND APPROPRIATE QUALIFICA-
33 TIONS.

34 2. A TEMPORARY POSITION ESTABLISHED PURSUANT TO SUBDIVISION ONE OF
35 THIS SECTION MAY BE ABOLISHED FOR REASONS OF ECONOMY, CONSOLIDATION OR
36 ABOLITION OF FUNCTIONS, CURTAILMENT OF ACTIVITIES OR OTHERWISE. UPON
37 SUCH ABOLITION OR AT THE END OF THE TERM OF THE APPOINTMENT, THE
38 PROVISIONS OF SECTIONS SEVENTY-EIGHT, SEVENTY-NINE, EIGHTY AND
39 EIGHTY-ONE OF THIS CHAPTER SHALL NOT APPLY. IN THE EVENT OF A REDUCTION
40 OF WORKFORCE PURSUANT TO SECTION EIGHTY OF THIS CHAPTER AFFECTING INFOR-
41 MATION TECHNOLOGY POSITIONS, THE TERM APPOINTMENTS PURSUANT TO THIS
42 SECTION AT THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SHALL BE ABOL-
43 IShed PRIOR TO THE ABOLITION OF PERMANENT COMPETITIVE CLASS INFORMATION
44 TECHNOLOGY POSITIONS AT THE OFFICE OF INFORMATION TECHNOLOGY SERVICES
45 INVOLVING COMPARABLE SKILLS AND RESPONSIBILITIES.

46 3. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
47 DEPARTMENT MAY LIMIT CERTIFICATION FROM THE FOLLOWING ELIGIBLE LISTS TO
48 THOSE ELIGIBLES IDENTIFIED AS HAVING KNOWLEDGE, SKILLS OR CERTIF-
49 ICATIONS, OR ANY COMBINATION THEREOF, IDENTIFIED BY THE APPOINTING
50 AUTHORITY AS NECESSARY TO PERFORM THE DUTIES OF CERTAIN POSITIONS:

51 35-382 INFORMATION TECHNOLOGY SPECIALIST 4 G-25

52 35-383 INFORMATION TECHNOLOGY SPECIALIST 4 (DATA COMMUNICATIONS) G-25

53 35-384 INFORMATION TECHNOLOGY SPECIALIST 4 (DATABASE) G-25

54 35-386 INFORMATION TECHNOLOGY SPECIALIST 4 (SYSTEMS PROGRAMMING) G-25

1 35-387 MANAGER INFORMATION TECHNOLOGY SERVICES 1 G-27
2 35-388 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATA COMMUNICATIONS)
3 G-27
4 35-389 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATABASE) G-27
5 35-391 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (SYSTEMS PROGRAMMING)
6 G-27

7 35-392 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (TECHNICAL) G-27.

8 (B) NO SUCH LIMITATION ON CERTIFICATION SHALL OCCUR UNTIL A SKILL-SET
9 INVENTORY IS CONDUCTED FOR ALL PERSONS ON ANY LIST SO LIMITED.

10 S 2. Subdivision 21 of section 103 of the state technology law, as
11 added by section 4 of part N of chapter 55 of the laws of 2013, is
12 amended and a new subdivision 7-a is added to read as follows:

13 7-A. TO PROVIDE TECHNOLOGY SERVICES VIA AGREEMENTS WITH:

14 (A) MUNICIPAL CORPORATIONS, PUBLIC BENEFIT CORPORATIONS AND DISTRICT
15 CORPORATIONS AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION
16 LAW;

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

19 (C) PUBLIC AUTHORITIES;

20 (D) SOIL AND WATER CONSERVATION DISTRICTS;

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

24 21. Notwithstanding the provisions of section one hundred sixty-three
25 of the state finance law, section one hundred three of the general
26 municipal law, article four-C of the economic development law, or any
27 other provision of law relating to the award of public contracts, any
28 officer, body, or agency of New York state, public corporation, or other
29 public entity subject to such provisions of law shall be authorized to
30 enter individually or collectively into contracts with the not-for-pro-
31 fit corporation that operates the multi-state information sharing and
32 analysis center for the provision of services through September thirti-
33 eth, two thousand [fourteen] FIFTEEN related to cyber security includ-
34 ing, but not limited to, monitoring, detecting, and responding to cyber
35 incidents, and such contracts may be awarded without compliance with the
36 procedures relating to the procurement of services set forth in such
37 provisions of law. Such contracts shall, however, be subject to the
38 comptroller's existing authority to approve contracts where such
39 approval is required by section one hundred twelve of the state finance
40 law or otherwise. Such officers, bodies, or agencies may pay the fees or
41 other amounts specified in such contracts in consideration of the cyber
42 security services to be rendered pursuant to such contracts.

43 S 3. 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
55 municipal corporation to provide or receive fuel, equipment, maintenance
56 and repair, supplies, water supply, street sweeping or maintenance,

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

19 S 4. (a) Notwithstanding any provision of law to the contrary, any
20 person employed in the exempt class positions of employee program asso-
21 ciate, employee program assistant, confidential stenographer, or confi-
22 dential assistant by the governor's office of employee relations, and
23 any person employed in the exempt class positions of employee program
24 associate or employee program assistant by the labor management commit-
25 tee, and any person employed in the exempt class positions of manager of
26 information services or information technology specialist by the joint
27 commission on public ethics immediately prior to being transferred to
28 the office of information technology services pursuant to subdivision 2
29 of section 70 of the civil service law, and who, immediately prior ther-
30 eto was performing information technology functions, shall be entitled
31 to permanent appointment in similar or corresponding titles in the
32 competitive class as determined by the department of civil service and
33 shall continue to hold such position in the office of information tech-
34 nology services without further examination. No such employee trans-
35 ferred to the office of information technology services shall be subject
36 to a new probationary term, provided, however, that any employee in
37 probationary status at the time of the transfer shall be required to
38 complete that probationary term at the office of information technology
39 services under the same terms and conditions as were applicable to him
40 or her while employed at the governor's office of employee relations,
41 the labor management committee or the joint commission on public ethics.

42 (b) No employee whose position is re-classified pursuant to this
43 section or section five or six of this act shall suffer a reduction in
44 basic salary as a result of such re-classification and shall continue to
45 receive, at a minimum, the salary that such employee received while
46 employed by the governor's office of employee relations, the labor
47 management committee or the joint commission on public ethics.

48 S 5. Notwithstanding any provision of law to the contrary, the civil
49 service department may re-classify any person employed in a permanent,
50 classified, competitive position immediately prior to being transferred
51 to the office of information technology services pursuant to subdivision
52 2 of section 70 of the civil service law to align with the duties and
53 responsibilities of their positions upon transfer. Permanent employees
54 whose positions are subsequently reclassified to align with the duties
55 and responsibilities of their positions upon being transferred to the
56 office of information technology services pursuant to subdivision 2 of

section 70 of the civil service law shall hold such positions without further examination or qualification. Notwithstanding any other provision of this act, the names of those competitive permanent employees on promotion eligible lists in their former agency or department shall be added and interfiled on a promotion eligible list in the new department, as the state civil service department deems appropriate.

S 6. Notwithstanding any provision of law to the contrary, the civil service department may re-classify any person employed in the exempt class positions of employee program associate, employee program assistant, confidential stenographer, or confidential assistant by the governor's office of employee relations, and any person employed in the exempt class positions of employee program associate or employee program assistant by the labor management committee, and any person employed in the exempt class positions of manager of information services or information technology specialist by the joint commission on public ethics, immediately prior to being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law to align with the duties and responsibilities of their positions upon transfer. Permanent employees whose positions are subsequently re-classified to align with the duties and responsibilities of their positions upon being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law shall hold such positions without further examination or qualification.

S 7. Subdivision 8 of section 73 of the public officers law is amended by adding a new paragraph (j) to read as follows:

(J) THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY TO ANY FORMER TEMPORARY STATE OFFICER OR EMPLOYEE WHO WAS HIRED SUBJECT TO CHAPTER FIVE HUNDRED OF THE LAWS OF TWO THOUSAND NINE AND WHO EITHER DID NOT RECEIVE A HIGH ENOUGH SCORE ON A CIVIL SERVICE EXAMINATION OR DID NOT TAKE A CIVIL SERVICE EXAMINATION BECAUSE NO PROMOTIONAL EXAMINATION WAS OFFERED PRIOR TO HIS OR HER TERMINATION. ON OR BEFORE THE DATE OF SUCH TERMINATION OF EMPLOYMENT, THE STATE AGENCY SHALL PROVIDE TO THE TERMINATED EMPLOYEE A WRITTEN CERTIFICATION THAT THE EMPLOYEE HAS BEEN TERMINATED BECAUSE THE EMPLOYEE EITHER DID NOT RECEIVE A HIGH ENOUGH SCORE ON A CIVIL SERVICE EXAMINATION OR DID NOT TAKE A CIVIL SERVICE EXAMINATION BECAUSE NO PROMOTIONAL EXAMINATION WAS OFFERED PRIOR TO HIS OR HER TERMINATION. THE WRITTEN CERTIFICATION SHALL ALSO CONTAIN A NOTICE DESCRIBING THE RIGHTS AND RESPONSIBILITIES OF THE EMPLOYEE PURSUANT TO THE PROVISIONS OF THIS SECTION. THE CERTIFICATION AND NOTICE SHALL CONTAIN THE INFORMATION AND SHALL BE IN THE FORM SET FORTH BELOW:

CERTIFICATION AND NOTICE

TO: EMPLOYEE'S NAME: _____

STATE AGENCY: _____

DATE OF TERMINATION: _____

I, (NAME AND TITLE) OF (STATE AGENCY), HEREBY CERTIFY THAT YOU HAVE BEEN TERMINATED FROM STATE SERVICE BECAUSE YOU EITHER DID NOT RECEIVE A HIGH ENOUGH SCORE ON A CIVIL SERVICE EXAMINATION OR DID NOT TAKE A CIVIL SERVICE EXAMINATION BECAUSE NO PROMOTIONAL EXAMINATION WAS OFFERED PRIOR TO YOUR TERMINATION. THEREFORE, YOU ARE COVERED BY THE PROVISIONS OF PARAGRAPH (J) OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

YOU WERE DESIGNATED AS A POLICYMAKER: YES _____ NO _____

_____(TITLE)

1 TO THE EMPLOYEE:
2 THIS CERTIFICATION AFFECTS YOUR RIGHT TO ENGAGE IN CERTAIN ACTIVITIES
3 AFTER YOU LEAVE STATE SERVICE.
4 ORDINARILY, EMPLOYEES WHO LEAVE STATE SERVICE MAY NOT FOR TWO YEARS
5 APPEAR OR PRACTICE BEFORE THEIR FORMER AGENCY OR RECEIVE COMPENSATION
6 FOR RENDERING SERVICES ON A MATTER BEFORE THEIR FORMER AGENCY. HOWEVER,
7 BECAUSE OF THIS CERTIFICATION, YOU MAY BE EXEMPT FROM THIS RESTRICTION.
8 IF YOU WERE NOT DESIGNATED AS A POLICYMAKER BY YOUR AGENCY, YOU ARE
9 AUTOMATICALLY EXEMPT. YOU MAY, UPON LEAVING STATE SERVICE, IMMEDIATELY
10 APPEAR, PRACTICE OR RECEIVE COMPENSATION FOR SERVICES RENDERED BEFORE
11 YOUR FORMER AGENCY.
12 IF YOU WERE DESIGNATED AS A POLICYMAKER BY YOUR AGENCY, YOU ARE ELIGIBLE
13 TO APPLY FOR AN EXEMPTION TO THE JOINT COMMISSION ON PUBLIC ETHICS AT
14 540 BROADWAY, ALBANY, NEW YORK 12207. EVEN IF YOU ARE OR BECOME EXEMPT
15 FROM THE TWO YEAR BAR, THE LIFETIME BAR OF THE REVOLVING DOOR STATUTE
16 WILL CONTINUE TO APPLY TO YOU. YOU MAY NOT APPEAR, PRACTICE, COMMUNICATE
17 OR OTHERWISE RENDER SERVICES BEFORE ANY STATE AGENCY IN RELATION TO ANY
18 CASE, PROCEEDING, APPLICATION OR TRANSACTION WITH RESPECT TO WHICH YOU
19 WERE DIRECTLY CONCERNED AND IN WHICH YOU PERSONALLY PARTICIPATED DURING
20 YOUR STATE SERVICE, OR WHICH WAS UNDER YOUR ACTIVE CONSIDERATION. IF YOU
21 HAVE ANY QUESTIONS ABOUT THE APPLICATION OF THE POST-EMPLOYMENT
22 RESTRICTIONS TO YOUR CIRCUMSTANCES, YOU MAY CONTACT THE JOINT COMMISSION
23 ON PUBLIC ETHICS.
24 S 8. This act shall take effect immediately.

25 PART G

26 Section 1. Section 3 of chapter 410 of the laws of 2009, amending the
27 state finance law relating to authorizing the aggregate purchases of
28 energy for state agencies, institutions, local governments, public
29 authorities and public benefit corporations, as amended by chapter 68 of
30 the laws of 2011, is amended to read as follows:
31 S 3. This act shall take effect immediately and shall expire and be
32 deemed repealed July 31, [2015] 2020.
33 S 2. Section 9 of subpart A of part C of chapter 97 of the laws of
34 2011, amending the state finance law and other laws relating to provid-
35 ing certain centralized service to political subdivisions and extending
36 the authority of the commissioner of general services to aggregate
37 purchases of energy for state agencies and political subdivisions, is
38 amended to read as follows:
39 S 9. This act shall take effect immediately, provided, however that:
40 1. sections one, four, five, six and seven of this act shall expire
41 and be deemed repealed [3 years after they shall have become a law] JULY
42 31, 2020;
43 2. the amendments to subdivision 4 of section 97-g of the state
44 finance law made by section two of this act shall [not affect] SURVIVE
45 the expiration and reversion of such subdivision as provided in section
46 3 of chapter 410 of the laws of 2009[, and shall expire and be deemed
47 repealed therewith], AS AMENDED;
48 3. sections four, five, six and seven of this act shall apply to any
49 contract let or awarded on or after such effective date.
50 S 3. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after April 1, 2014.

52 PART H

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2014-15
3 state fiscal year and to strengthen enforcement of the election law,
4 reform campaign financing and enhance the public's trust in state
5 government. Each component is wholly contained within a Subpart identi-
6 fied as Subparts A through D. The effective date for each particular
7 provision contained within such Subpart is set forth in the last section
8 of such Subpart. Any provision in any section contained within a
9 Subpart, including the effective date of the Subpart, which makes a
10 reference to a section "of this act", when used in connection with that
11 particular component, shall be deemed to mean and refer to the corre-
12 sponding section of the Subpart in which it is found. Section three of
13 this act sets forth the general effective date of this act.

14

SUBPART A

15 Section 1. This act shall be known as the "Public Trust Act".
16 S 2. Paragraph (b) of subdivision 3 of section 30.10 of the criminal
17 procedure law is amended to read as follows:

18 (b) A prosecution for any offense involving misconduct in public
19 office by a public servant INCLUDING, WITHOUT LIMITATION, AN OFFENSE
20 DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF THE PENAL LAW, may be
21 commenced AGAINST A PUBLIC SERVANT, OR ANY OTHER PERSON ACTING IN
22 CONCERT WITH SUCH PUBLIC SERVANT at any time during [the defendant's]
23 SUCH PUBLIC SERVANT'S service in such office or within five years after
24 the termination of such service; provided however, that in no event
25 shall the period of limitation be extended by more than five years
26 beyond the period otherwise applicable under subdivision two OF THIS
27 SECTION.

28 S 3. Section 50.10 of the criminal procedure law is amended to read as
29 follows:

30 S 50.10 Compulsion of evidence by offer of immunity; definitions of
31 terms.

32 The following definitions are applicable to this article:

33 1. "Immunity." BASED UPON THE SUBJECT MATTER OF THE LEGAL PROCEEDING
34 IN WHICH A PERSON GIVES EVIDENCE, SUCH PERSON MAY RECEIVE EITHER "TRAN-
35 SACTIONAL" OR "USE" IMMUNITY.

36 (A) "TRANSACTIONAL IMMUNITY." A person who has been a witness in a
37 legal proceeding, and who cannot, except as otherwise provided in this
38 subdivision, be convicted of any offense or subjected to any penalty or
39 forfeiture for or on account of any transaction, matter or thing
40 concerning which he gave evidence therein, possesses ["immunity"] "TRAN-
41 SACTIONAL IMMUNITY" from any such conviction, penalty or forfeiture.

42 (B) "USE IMMUNITY." A PERSON WHO HAS BEEN A WITNESS IN A LEGAL
43 PROCEEDING, AND NEITHER THE EVIDENCE GIVEN BY THAT WITNESS NOR ANY
44 EVIDENCE DERIVED DIRECTLY OR INDIRECTLY THEREFROM MAY BE USED AGAINST
45 THE WITNESS IN THE SAME OR ANY OTHER CRIMINAL PROCEEDING OR IN THE IMPO-
46 SITION OF ANY PENALTY OR FORFEITURE POSSESSES "USE IMMUNITY".

47 (C) A person who possesses [such] TRANSACTIONAL IMMUNITY OR USE immu-
48 nity may nevertheless be convicted of perjury as a result of having
49 given false testimony in such legal proceeding, and may be convicted of
50 or adjudged in contempt as a result of having contumaciously refused to
51 give evidence therein, AND THE EVIDENCE GIVEN BY THE PERSON AT THE
52 PROCEEDING AT WHICH THE PERSON POSSESSED EITHER TRANSACTIONAL IMMUNITY
53 OR USE IMMUNITY MAY BE USED AGAINST SUCH PERSON IN ANY SUCH PROSECUTION
54 FOR PERJURY OR PROSECUTION OR JUDGMENT FOR CONTEMPT.

1 2. "Legal proceeding" means a proceeding in or before any court or
2 grand jury, or before any body, agency or person authorized by law to
3 conduct the same and to administer the oath or to cause it to be admin-
4 istered.

5 3. "Give evidence" means to testify or produce physical evidence.

6 S 4. Subdivision 3 of section 50.20 of the criminal procedure law is
7 amended to read as follows:

8 3. A witness who is ordered to give evidence pursuant to subdivision
9 two OF THIS SECTION and who complies with such order receives EITHER
10 TRANSACTIONAL IMMUNITY OR USE immunity. [Such] IN A LEGAL PROCEEDING
11 INVOLVING, IN WHOLE OR IN PART, ANY MISCONDUCT, NONFEASANCE OR NEGLECT
12 IN PUBLIC OFFICE BY A PUBLIC SERVANT, WHETHER CRIMINAL OR OTHERWISE, OR
13 ANY FRAUD UPON THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A
14 GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE SUCH WITNESS RECEIVES USE
15 IMMUNITY. A WITNESS IN A LEGAL PROCEEDING INVOLVING ANY OTHER SUBJECT
16 MATTER RECEIVES TRANSACTIONAL IMMUNITY. IN EITHER CASE, SUCH witness is
17 not deprived of such immunity because such competent authority did not
18 comply with statutory provisions requiring notice to a specified public
19 servant of intention to confer immunity.

20 S 5. Paragraph (b) of subdivision 1 of section 170.30 of the criminal
21 procedure law is amended, and a new subdivision 4 is added to read as
22 follows:

23 (b) The defendant has received immunity from prosecution AS DEFINED
24 IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 50.10 OF THIS CHAPTER for
25 the offense charged, pursuant to sections 50.20 or 190.40, OR ALLEGA-
26 TIONS IN THE INFORMATION, SIMPLIFIED INFORMATION, PROSECUTOR'S INFORMA-
27 TION OR MISDEMEANOR COMPLAINT ARE BASED ON EVIDENCE PROTECTED BY USE
28 IMMUNITY AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 50.10
29 OF THIS CHAPTER; or

30 4. WHERE THE DEFENDANT ESTABLISHES IN HIS OR HER MOTION THAT USE IMMU-
31 NITY HAS BEEN CONFERRED UPON HIM OR HER, THE PEOPLE MUST THEN ESTABLISH,
32 BY A PREPONDERANCE OF THE EVIDENCE, THAT SUCH EVIDENCE WAS NOT DERIVED,
33 DIRECTLY OR INDIRECTLY, FROM THE EVIDENCE AS TO WHICH SUCH IMMUNITY WAS
34 CONFERRED.

35 S 6. Subdivision 2 of section 190.40 of the criminal procedure law,
36 paragraph (c) as added by chapter 454 of the laws of 1975, is amended to
37 read as follows:

38 2. A witness who gives evidence in a grand jury proceeding INVOLVING,
39 IN WHOLE OR IN PART, ANY MISCONDUCT, NONFEASANCE OR NEGLECT IN PUBLIC
40 OFFICE BY A PUBLIC SERVANT, WHETHER CRIMINAL OR OTHERWISE, OR ANY FRAUD
41 UPON THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL
42 INSTRUMENTALITY WITHIN THE STATE receives USE immunity. A WITNESS IN A
43 GRAND JURY PROCEEDING INVOLVING ANY OTHER SUBJECT MATTER RECEIVES TRAN-
44 SACTIONAL IMMUNITY. IN EITHER CASE, SUCH WITNESS RECEIVES SUCH IMMUNITY
45 unless:

46 (a) He OR SHE has effectively waived such immunity pursuant to
47 section 190.45; or

48 (b) Such evidence is not responsive to any inquiry and is gratuitous-
49 ly given or volunteered by the witness with knowledge that it is not
50 responsive[.] ; OR

51 (c) The evidence given by the witness consists only of books, papers,
52 records or other physical evidence of an enterprise, as defined in
53 subdivision one of section 175.00 of the penal law, the production of
54 which is required by a subpoena duces tecum, and the witness does not
55 possess a privilege against self-incrimination with respect to the
56 production of such evidence. Any further evidence given by the witness

entitles the witness to immunity except as provided in [subparagraph] PARAGRAPHS (a) and (b) of this subdivision.

S 7. Paragraph (d) of subdivision 1 of section 210.20 of the criminal procedure law is amended to read as follows:

(d) The defendant has TRANSACTIONAL immunity, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 50.10 OF THIS CHAPTER, with respect to the offense charged, pursuant to section 50.20 or 190.40; or

S 7-a. Section 210.35 of the criminal procedure law is amended by adding a new subdivision 4-a to read as follows:

4-A. EVIDENCE PROTECTED BY USE IMMUNITY WAS USED TO OBTAIN THE INDICTMENT; OR

S 8. The opening paragraph and subdivisions 6 and 7 of section 710.20 of the criminal procedure law, the opening paragraph and subdivision 6 as amended by chapter 8 of the laws of 1976, subdivision 7 as added by chapter 744 of the laws of 1988, and subdivision 6 as renumbered by chapter 481 of the laws of 1983, are amended and a new subdivision 8 is added to read as follows:

Upon motion of a defendant who (a) is aggrieved by unlawful or improper acquisition of evidence and has reasonable cause to believe that such may be offered against him in a criminal action, or (b) claims that improper identification testimony may be offered against him in a criminal action, OR (C) CLAIMS THAT EVIDENCE AS TO THE USE OF WHICH HE OR SHE POSSESSES IMMUNITY, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION 50.10 OF THIS CHAPTER, MAY BE OFFERED AGAINST HIM IN A CRIMINAL ACTION, a court may, under circumstances prescribed in this article, order that such evidence be suppressed or excluded upon the ground that it:

6. Consists of potential testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, which potential testimony would not be admissible upon the prospective trial of such charge owing to an improperly made previous identification of the defendant by the prospective witness[.]; OR

7. Consists of information obtained by means of a pen register or trap and trace device installed or used in violation of the provisions of article seven hundred five of this chapter[.]; OR

8. CONSISTS OF POTENTIAL EVIDENCE AS TO THE USE OF WHICH THE DEFENDANT POSSESSES IMMUNITY. WHERE THE DEFENDANT ESTABLISHES THAT USE IMMUNITY HAS BEEN CONFERRED UPON HIM OR HER, THE PEOPLE MUST THEN ESTABLISH, BY A PREPONDERANCE OF THE EVIDENCE, THAT SUCH EVIDENCE WAS NOT DERIVED, DIRECTLY OR INDIRECTLY, FROM THE EVIDENCE AS TO WHICH SUCH IMMUNITY WAS CONFERRED.

S 9. Subdivision 8 of section 700.05 of the criminal procedure law is amended by adding a new paragraph (u) to read as follows:

(U) ANY OFFENSE DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF THE PENAL LAW, OFFICIAL MISCONDUCT IN THE THIRD DEGREE AS DEFINED IN SECTION 195.00 OF THE PENAL LAW, OFFICIAL MISCONDUCT IN THE SECOND DEGREE AS DEFINED IN SECTION 195.01 OF THE PENAL LAW, AND OFFICIAL MISCONDUCT IN THE FIRST DEGREE AS DEFINED IN SECTION 195.02 OF THE PENAL LAW.

S 10. Paragraph (f) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 154 of the laws of 1990, is amended to read as follows:

(f) Bribery in the third degree, bribery in the second degree, bribery in the first degree, bribe receiving in the third degree, bribe receiving in the second degree, bribe receiving in the first degree, bribe

1 giving for public office, FAILURE TO REPORT BRIBERY, and bribe receiving
2 for public office, as defined in article two hundred of the penal law;

3 S 10-a. Subdivision 4 of section 710.60 of the criminal procedure law,
4 as amended by chapter 39 of the laws of 1975, is amended to read as
5 follows:

6 4. If the court does not determine the motion pursuant to [subdivi-
7 sions] SUBDIVISION two or three, it must conduct a hearing and make
8 findings of fact essential to the determination thereof. All persons
9 giving factual information at such hearing must testify under oath,
10 except that unsworn evidence pursuant to subdivision two of section
11 60.20 of this chapter may also be received. Upon such hearing, hearsay
12 evidence is admissible to establish any material fact. A HEARING GRANT-
13 ED UNDER THIS SUBDIVISION PURSUANT TO A MOTION TO SUPPRESS EVIDENCE
14 DESCRIBED IN SUBDIVISION EIGHT OF SECTION 710.20 OF THIS ARTICLE MAY, IN
15 THE DISCRETION OF THE COURT, BE CONDUCTED AFTER THE TRIAL OF THE MATTER.

16 S 11. Section 195.20 of the penal law is REPEALED.

17 S 12. Section 195.00 of the penal law, as amended by chapter 906 of
18 the laws of 1990, is amended to read as follows:

19 S 195.00 Official misconduct IN THE THIRD DEGREE.

20 A public servant is guilty of official misconduct IN THE THIRD DEGREE
21 when, with intent to obtain a benefit or deprive another person of a
22 benefit:

23 1. He OR SHE commits an act relating to his OR HER office but consti-
24 tuting an unauthorized exercise of his OR HER official functions, know-
25 ing that such act is unauthorized; or

26 2. He OR SHE knowingly refrains from performing a duty which is
27 imposed upon him OR HER by law or is clearly inherent in the nature of
28 his OR HER office.

29 Official misconduct IN THE THIRD DEGREE is a class [A misdemeanor] E
30 FELONY.

31 S 13. The penal law is amended by adding two new sections 195.01 and
32 195.02 to read as follows:

33 S 195.01 OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

34 A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE SECOND DEGREE
35 WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD
36 DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A
37 BENEFIT VALUED IN EXCESS OF ONE THOUSAND DOLLARS.

38 OFFICIAL MISCONDUCT IN THE SECOND DEGREE IS A CLASS D FELONY.

39 S 195.02 OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

40 A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT IN THE FIRST DEGREE
41 WHEN HE OR SHE COMMITS THE CRIME OF OFFICIAL MISCONDUCT IN THE THIRD
42 DEGREE AND HE OR SHE OBTAINS ANY BENEFIT OR DEPRIVES ANOTHER PERSON OF A
43 BENEFIT VALUED IN EXCESS OF THREE THOUSAND DOLLARS.

44 OFFICIAL MISCONDUCT IN THE FIRST DEGREE IS A CLASS C FELONY.

45 S 14. Part 4 of the penal law is amended by adding a new title Y-2 to
46 read as follows:

47 TITLE Y-2
48 CORRUPTING THE GOVERNMENT

49 ARTICLE 496
50 CORRUPTING THE GOVERNMENT

51 SECTION 496.01 DEFINITIONS.

52 496.02 CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE.

53 496.03 CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE.

54 496.04 CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE.

496.05 CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE.

496.06 PUBLIC CORRUPTION.

496.07 SENTENCING.

S 496.01 DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE, "SCHEME" MEANS ANY PLAN, PATTERN, DEVICE, CONTRIVANCE, OR COURSE OF ACTION.

S 496.02 CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES.

CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE IS A CLASS E FELONY.

S 496.03 CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A VALUE IN EXCESS OF ONE THOUSAND DOLLARS.

CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE IS A CLASS D FELONY.

S 496.04 CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A VALUE IN EXCESS OF FIVE THOUSAND DOLLARS.

CORRUPTING THE GOVERNMENT IN THE SECOND DEGREE IS A CLASS C FELONY.

S 496.05 CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE.

A PERSON IS GUILTY OF CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE WHEN HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO DEFRAUD THE STATE OR ONE OR MORE POLITICAL SUBDIVISIONS OF THE STATE OR ONE OR MORE GOVERNMENTAL INSTRUMENTALITIES WITHIN THE STATE, OR TO OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM ANY SUCH STATE, POLITICAL SUBDIVISION OR GOVERNMENTAL INSTRUMENTALITY BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES, AND SO OBTAINS PROPERTY, SERVICES OR OTHER RESOURCES WITH A VALUE IN EXCESS OF TEN THOUSAND DOLLARS.

CORRUPTING THE GOVERNMENT IN THE FIRST DEGREE IS A CLASS B FELONY.

S 496.06 PUBLIC CORRUPTION.

1. A PERSON COMMITS THE CRIME OF PUBLIC CORRUPTION WHEN HE OR SHE COMMITS A SPECIFIED OFFENSE AND THE STATE OR ANY POLITICAL SUBDIVISION THEREOF OR ANY GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE IS THE OWNER OF THE PROPERTY OR HAS CONTROL OVER THE SERVICES AT ISSUE OR OTHERWISE HAS THE RIGHT TO POSSESSION OF THE PROPERTY OR BENEFIT TAKEN,

OBTAINED OR WITHHELD SUPERIOR TO THAT PERSON OR IS OTHERWISE THE VICTIM OF SUCH OFFENSE.

2. A "SPECIFIED OFFENSE" IS AN OFFENSE DEFINED BY ANY OF THE FOLLOWING PROVISIONS OF THIS CHAPTER: SECTION 155.25 (PETIT LARCENY); SECTION 155.30 (GRAND LARCENY IN THE FOURTH DEGREE); SECTION 155.35 (GRAND LARCENY IN THE THIRD DEGREE); SECTION 155.40 (GRAND LARCENY IN THE SECOND DEGREE); SECTION 155.42 (GRAND LARCENY IN THE FIRST DEGREE); SECTION 156.05 (UNAUTHORIZED USE OF A COMPUTER); SECTION 165.05 (UNAUTHORIZED USE OF A VEHICLE IN THE THIRD DEGREE); 165.06 (UNAUTHORIZED USE OF A VEHICLE IN THE SECOND DEGREE); 165.08 (UNAUTHORIZED USE OF A VEHICLE IN THE FIRST DEGREE); 470.05 (MONEY LAUNDERING IN THE FOURTH DEGREE); 470.10 (MONEY LAUNDERING IN THE THIRD DEGREE); 470.15 (MONEY LAUNDERING IN THE SECOND DEGREE); 470.20 (MONEY LAUNDERING IN THE FIRST DEGREE).

S 496.07 SENTENCING.

1. WHEN A PERSON IS CONVICTED OF THE CRIME OF PUBLIC CORRUPTION PURSUANT TO SECTION 496.06 OF THIS ARTICLE AND THE SPECIFIED OFFENSE IS A MISDEMEANOR OR A CLASS C, D OR E FELONY, THE CRIME SHALL BE DEEMED TO BE ONE CATEGORY HIGHER THAN THE SPECIFIED OFFENSE THE DEFENDANT COMMITTED, OR ONE CATEGORY HIGHER THAN THE OFFENSE LEVEL APPLICABLE TO THE DEFENDANT'S CONVICTION FOR AN ATTEMPT OR CONSPIRACY TO COMMIT A SPECIFIED OFFENSE, WHICHEVER IS APPLICABLE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHEN A PERSON IS CONVICTED OF THE CRIME OF PUBLIC CORRUPTION PURSUANT TO THIS ARTICLE AND THE SPECIFIED OFFENSE IS A CLASS B FELONY:

(A) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST SIX YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.00 OF THIS CHAPTER; AND

(B) THE MAXIMUM TERM OF THE INDETERMINATE SENTENCE MUST BE AT LEAST TEN YEARS IF THE DEFENDANT IS SENTENCED PURSUANT TO SECTION 70.06 OF THIS CHAPTER.

S 15. Subdivision 4 of section 200.50 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

4. A statement in each count that the grand jury, or, where the accusatory instrument is a superior court information, the district attorney, accuses the defendant or defendants of a designated offense, provided that in any prosecution under article four hundred eighty-five of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 485.05 of the penal law, followed by the phrase "as a hate crime", and provided further that in any prosecution under section 490.25 of the penal law, the designated offense shall be the specified offense, as defined in subdivision three of section 490.05 of the penal law, followed by the phrase "as a crime of terrorism"; and provided further that in any prosecution under section 130.91 of the penal law, the designated offense shall be the specified offense, as defined in subdivision two of section 130.91 of the penal law, followed by the phrase "as a sexually motivated felony"; AND PROVIDED FURTHER THAT IN ANY PROSECUTION UNDER SECTION 496.06 OF THE PENAL LAW, THE DESIGNATED OFFENSE SHALL BE THE SPECIFIED OFFENSE, AS DEFINED IN SUBDIVISION TWO OF SUCH SECTION, FOLLOWED BY THE PHRASE "AS A PUBLIC CORRUPTION CRIME"; and

S 16. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

1 (a) Any of the felonies set forth in this chapter: sections 120.05,
2 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
3 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
4 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
5 135.25 relating to kidnapping; section 135.35 relating to labor traf-
6 ficking; section 135.65 relating to coercion; sections 140.20, 140.25
7 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12
8 relating to criminal mischief; article one hundred fifty relating to
9 arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand
10 larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health
11 care fraud; article one hundred sixty relating to robbery; sections
12 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of
13 stolen property; sections 165.72 and 165.73 relating to trademark coun-
14 terfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and
15 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and
16 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and
17 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating
18 to criminal diversion of prescription medications and prescriptions;
19 sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 195.00, 195.01,
20 195.02, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
21 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections
22 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage
23 fraud, sections 190.40 and 190.42 relating to criminal usury; section
24 190.65 relating to schemes to defraud; ANY OFFENSE DEFINED IN ARTICLE
25 FOUR HUNDRED NINETY-SIX; sections 205.60 and 205.65 relating to hinder-
26 ing prosecution; sections 210.10, 210.15, and 215.51 relating to perjury
27 and contempt; section 215.40 relating to tampering with physical
28 evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31,
29 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relat-
30 ing to controlled substances; sections 225.10 and 225.20 relating to
31 gambling; sections 230.25, 230.30, and 230.32 relating to promoting
32 prostitution; section 230.34 relating to sex trafficking; sections
33 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10
34 and 263.15 relating to promoting a sexual performance by a child;
35 sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
36 provisions of section 265.10 which constitute a felony relating to
37 firearms and other dangerous weapons; [and] sections 265.14 and 265.16
38 relating to criminal sale of a firearm; [and] section 275.10, 275.20,
39 275.30, or 275.40 relating to unauthorized recordings; and sections
40 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

41 S 17. Section 200.00 of the penal law, as amended by chapter 833 of
42 the laws of 1986, is amended to read as follows:

43 S 200.00 Bribery in the third degree.

44 A person is guilty of bribery in the third degree when he OR SHE
45 confers, or offers or agrees to confer, any benefit upon a public serv-
46 ant [upon an agreement or understanding that] WITH THE INTENT TO INFLU-
47 ENCE, IN WHOLE OR IN PART, such public servant's vote, opinion, judg-
48 ment, action, decision or exercise of discretion as a public servant
49 [will thereby be influenced].

50 Bribery in the third degree is a class D felony.

51 S 18. Section 200.03 of the penal law, as amended by chapter 833 of
52 the laws of 1986, is amended to read as follows:

53 S 200.03 Bribery in the second degree.

54 A person is guilty of bribery in the second degree when he OR SHE
55 confers, or offers or agrees to confer, any benefit valued in excess of
56 [ten] FIVE thousand dollars upon a public servant [upon an agreement or

1 understanding that] WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART,
2 such public servant's vote, opinion, judgment, action, decision or exer-
3 cise of discretion as a public servant [will thereby be influenced].

4 Bribery in the second degree is a class C felony.

5 S 19. Section 200.04 of the penal law, as added by chapter 276 of the
6 laws of 1973, is amended to read as follows:

7 S 200.04 Bribery in the first degree.

8 A person is guilty of bribery in the first degree when he OR SHE
9 confers, or offers or agrees to confer[,]: (A) any benefit upon a public
10 servant [upon an agreement or understanding that] WITH THE INTENT TO
11 INFLUENCE such public servant's vote, opinion, judgment, action, deci-
12 sion or exercise of discretion as a public servant [will thereby be
13 influenced] in the investigation, arrest, detention, prosecution or
14 incarceration of any person for the commission or alleged commission of
15 a class A felony defined in article two hundred twenty of [the penal
16 law] THIS PART or an attempt to commit any such class A felony; OR (B)
17 ANY BENEFIT VALUED IN EXCESS OF TEN THOUSAND DOLLARS UPON A PUBLIC SERV-
18 ANT WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART, SUCH PUBLIC SERV-
19 ANT'S VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF
20 DISCRETION AS A PUBLIC SERVANT.

21 Bribery in the first degree is a class B felony.

22 S 20. Section 200.05 of the penal law is amended to read as follows:

23 S 200.05 Bribery; defense; LIMITATIONS.

24 1. In any prosecution for bribery, it is a defense that the defendant
25 conferred or agreed to confer the benefit involved upon the public serv-
26 ant involved as a result of conduct of the latter constituting larceny
27 committed by means of extortion, or an attempt to commit the same, or
28 coercion, or an attempt to commit coercion;

29 2. IN ANY PROSECUTION PURSUANT TO SECTION 200.00, 200.03, 200.04,
30 200.10, 200.11, 200.12, 200.45 OR 200.50 OF THIS ARTICLE, NO PERSON
31 SHALL BE HELD TO HAVE VIOLATED SUCH SECTIONS WHERE THE BENEFIT IS A
32 CAMPAIGN CONTRIBUTION THAT IS PERMISSIBLE UNDER ARTICLE FOURTEEN OF THE
33 ELECTION LAW OR A COMPARABLE APPLICABLE PROVISION OF FEDERAL LAW, IS A
34 LOBBYING EXPENSE THAT IS LEGAL UNDER ARTICLE ONE-A OF THE LEGISLATIVE
35 LAW OR, PURSUANT TO SUBDIVISION (J) OF SECTION ONE-C OF THE LEGISLATIVE
36 LAW IS EXCLUDABLE FROM THE DEFINITION OF A GIFT, UNLESS SUCH PERSON
37 CONFERS, OR OFFERS OR AGREES TO CONFER, SUCH BENEFIT UPON A PUBLIC SERV-
38 ANT UPON AN AGREEMENT OR UNDERSTANDING THAT SUCH PUBLIC SERVANT'S VOTE,
39 OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A
40 PUBLIC SERVANT WILL THEREBY BE INFLUENCED.

41 S 21. Section 200.10 of the penal law, as amended by chapter 833 of
42 the laws of 1986, is amended to read as follows:

43 S 200.10 Bribe receiving in the third degree.

44 A public servant is guilty of bribe receiving in the third degree when
45 he OR SHE:

46 1. solicits, accepts or agrees to accept any benefit from another
47 person upon an agreement or understanding that his OR HER vote, opinion,
48 judgment, action, decision or exercise of discretion as a public servant
49 will thereby be influenced[.]; OR

50 2. SOLICITS, ACCEPTS OR AGREES TO ACCEPT A GIFT OF MORE THAN NOMINAL
51 VALUE FROM ANOTHER PERSON FOR, BECAUSE OF, OR AS CONSIDERATION FOR HIS
52 OR HER VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF
53 DISCRETION AS A PUBLIC SERVANT.

54 Bribe receiving in the third degree is a class D felony.

55 S 22. Section 200.11 of the penal law, as added by chapter 833 of the
56 laws of 1986, is amended to read as follows:

1 S 200.11 Bribe receiving in the second degree.

2 A public servant is guilty of bribe receiving in the second degree
3 when he OR SHE solicits, accepts or agrees to accept any benefit valued
4 in excess of [ten] FIVE thousand dollars from another person [upon an
5 agreement or understanding that], FOR, BECAUSE OF, OR AS CONSIDERATION
6 FOR his OR HER vote, opinion, judgment, action, decision or exercise of
7 discretion as a public servant [will thereby be influenced].

8 Bribe receiving in the second degree is a class C felony.

9 S 23. Section 200.12 of the penal law, as added by chapter 276 of the
10 laws of 1973, is amended to read as follows:

11 S 200.12 Bribe receiving in the first degree.

12 A public servant is guilty of bribe receiving in the first degree when
13 he OR SHE solicits, accepts or agrees to accept: (A) any benefit from
14 another person [upon an agreement or understanding that], FOR, BECAUSE
15 OF, OR AS CONSIDERATION FOR his OR HER vote, opinion, judgment, action,
16 decision or exercise of discretion as a public servant [will thereby be
17 influenced] in the investigation, arrest, detention, prosecution or
18 incarceration of any person for the commission or alleged commission of
19 a class A felony defined in article two hundred twenty of [the penal
20 law] THIS PART or an attempt to commit any such class A felony; OR (B)
21 ANY BENEFIT VALUED IN EXCESS OF TEN THOUSAND DOLLARS FROM ANOTHER
22 PERSON, FOR, BECAUSE OF, OR AS CONSIDERATION FOR HIS OR HER VOTE, OPIN-
23 ION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A PUBLIC
24 SERVANT.

25 Bribe receiving in the first degree is a class B felony.

26 S 24. Section 200.45 of the penal law is amended to read as follows:

27 S 200.45 Bribe giving for public office.

28 A person is guilty of bribe giving for public office when he OR SHE
29 confers, or offers or agrees to confer, any money or other property upon
30 a public servant or a party officer [upon an agreement or understanding
31 that], FOR, BECAUSE OF, OR AS CONSIDERATION THAT some person will or
32 may be appointed to a public office or designated or nominated as a
33 candidate for public office.

34 Bribe giving for public office is a class D felony.

35 S 25. Section 200.50 of the penal law is amended to read as follows:

36 S 200.50 Bribe receiving for public office.

37 A public servant or a party officer is guilty of bribe receiving for
38 public office when he OR SHE solicits, accepts or agrees to accept any
39 money or other property from another person [upon an agreement or under-
40 standing that], FOR, BECAUSE OF, OR AS CONSIDERATION THAT some person
41 will or may be appointed to a public office or designated or nominated
42 as a candidate for public office.

43 Bribe receiving for public office is a class D felony.

44 S 26. The penal law is amended by adding a new section 200.56 to read
45 as follows:

46 S 200.56 FAILURE TO REPORT BRIBERY.

47 1. A PUBLIC SERVANT IS GUILTY OF FAILURE TO REPORT BRIBERY WHEN:

48 (A) THE PUBLIC SERVANT KNOWS THAT ANOTHER PERSON HAS ATTEMPTED TO
49 BRIBE SUCH PUBLIC SERVANT, AS SUCH CONDUCT IS DEFINED IN THIS ARTICLE,
50 OR SUCH PUBLIC SERVANT HAS WITNESSED OR HAS KNOWLEDGE OF EITHER (I) A
51 PERSON COMMITTING ANY DEGREE OF THE CRIME OF BRIBERY OR ATTEMPTING TO
52 COMMIT BRIBERY OF ANOTHER PUBLIC SERVANT, AS SUCH CONDUCT IS DEFINED IN
53 THIS ARTICLE OR (II) ANOTHER PUBLIC SERVANT COMMITTING ANY DEGREE OF THE
54 CRIME OF BRIBE RECEIVING, AS DEFINED IN THIS ARTICLE; AND

55 (B) SUCH PUBLIC SERVANT DOES NOT, AS SOON AS REASONABLY PRACTICABLE,
56 REPORT SUCH CRIME TO A DISTRICT ATTORNEY.

1 2. ANY PUBLIC SERVANT WHO MAKES A REPORT AS REQUIRED BY THIS SECTION
2 SHALL NOT BE SUBJECT TO DISMISSAL, DISCIPLINE OR OTHER ADVERSE PERSONNEL
3 ACTION AS A RESULT OF MAKING SUCH REPORT.

4 FAILURE TO REPORT BRIBERY IS A CLASS A MISDEMEANOR.

5 S 27. Subdivision 1 of section 80.00 of the penal law, as amended by
6 chapter 338 of the laws of 1989, is amended to read as follows:

7 1. A sentence to pay a fine for a felony shall be a sentence to pay an
8 amount, fixed by the court, not exceeding the higher of

9 a. five thousand dollars; or

10 b. double the amount of the defendant's gain from the commission of
11 the crime OR, IF THE DEFENDANT IS CONVICTED OF A CRIME DEFINED IN ARTI-
12 CLE FOUR HUNDRED NINETY-SIX OF THIS CHAPTER, ANY HIGHER AMOUNT NOT
13 EXCEEDING THREE TIMES THE AMOUNT OF THE DEFENDANT'S GAIN FROM THE
14 COMMISSION OF SUCH OFFENSE; or

15 c. if the conviction is for any felony defined in article two hundred
16 twenty or two hundred twenty-one of this chapter, according to the
17 following schedule:

18 (i) for A-I felonies, one hundred thousand dollars;

19 (ii) for A-II felonies, fifty thousand dollars;

20 (iii) for B felonies, thirty thousand dollars;

21 (iv) for C felonies, fifteen thousand dollars.

22 When imposing a fine pursuant to the provisions of this paragraph, the
23 court shall consider the profit gained by defendant's conduct, whether
24 the amount of the fine is disproportionate to the conduct in which
25 defendant engaged, its impact on any victims, and defendant's economic
26 circumstances, including the defendant's ability to pay, the effect of
27 the fine upon his or her immediate family or any other persons to whom
28 the defendant owes an obligation of support.

29 S 28. Subdivision 1 of section 80.10 of the penal law is amended to
30 read as follows:

31 1. In general. A sentence to pay a fine, when imposed on a corporation
32 for an offense defined in this chapter or for an offense defined outside
33 this chapter for which no special corporate fine is specified, shall be
34 a sentence to pay an amount, fixed by the court, not exceeding:

35 (a) Ten thousand dollars, when the conviction is of a felony;

36 (b) Five thousand dollars, when the conviction is of a class A misde-
37 meanor or of an unclassified misdemeanor for which a term of imprison-
38 ment in excess of three months is authorized;

39 (c) Two thousand dollars, when the conviction is of a class B misde-
40 meanor or of an unclassified misdemeanor for which the authorized term
41 of imprisonment is not in excess of three months;

42 (d) Five hundred dollars, when the conviction is of a violation;

43 (e) Any higher amount not exceeding double the amount of the corpo-
44 ration's gain from the commission of the offense OR, IF THE CORPORATION
45 IS CONVICTED OF A CRIME DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX OF
46 THIS CHAPTER, ANY HIGHER AMOUNT NOT EXCEEDING THREE TIMES THE AMOUNT OF
47 THE CORPORATION'S GAIN FROM THE COMMISSION OF SUCH OFFENSE.

48 S 29. Subdivision (a) of section 1-c of the legislative law, as added
49 by chapter 2 of the laws of 1999, is amended to read as follows:

50 (a) The term "lobbyist" shall mean every person or organization
51 retained, employed or designated by any client to engage in lobbying.
52 The term "lobbyist" shall not include any officer, director, trustee,
53 employee, counsel or agent of the state, or any municipality or subdivi-
54 sion thereof of New York when discharging their official duties; except
55 those officers, directors, trustees, employees, counsels, or agents of
56 colleges, as defined by section two of the education law. PROVIDED THAT

1 ANY INDIVIDUAL WHO STANDS CONVICTED OF A CRIME DEFINED IN ARTICLE TWO
2 HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02
3 OF THE PENAL LAW MAY NOT BE RETAINED, EMPLOYED OR DESIGNATED BY ANY
4 CLIENT TO ENGAGE IN LOBBYING.

5 S 30. Section 139-a of the state finance law, as amended by chapter
6 268 of the laws of 1971, is amended to read as follows:

7 S 139-a. Ground for cancellation of contract by state. A clause shall
8 be inserted in all specifications or contracts hereafter made or awarded
9 by the state or any public department, agency or official thereof, for
10 work or services performed or to be performed, or goods sold or to be
11 sold, to provide that: (A) upon the refusal by a person, when called
12 before a grand jury, head of a state department, temporary state commis-
13 sion or other state agency, or the organized crime task force in the
14 department of law, which is empowered to compel the attendance of
15 witnesses and examine them under oath, to testify in an investigation,
16 concerning any transaction or contract had with the state, any political
17 subdivision thereof, a public authority or with any public department,
18 agency or official of the state or of any political subdivision thereof
19 or of a public authority, to sign a waiver of immunity against subse-
20 quent criminal prosecution or to answer any relevant question concerning
21 such transaction or contract; OR (B) UPON THE CONVICTION OF ANY PERSON
22 OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX
23 OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW,

24 [(a)] (I) such person, and any firm, partnership or corporation of
25 which he is a member, partner, director or officer shall be disqualified
26 from thereafter selling to or submitting bids to or receiving awards
27 from or entering into any contracts with the state or any public depart-
28 ment, agency or official thereof, for goods, work or services, for a
29 period of five years after such refusal, OR UPON CONVICTION OF ANY
30 OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR
31 SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, FOR LIFE, and to
32 provide also that

33 [(b)] (II) any and all contracts made with the state or any public
34 department, agency or official thereof, since the effective date of this
35 law, by such person, and by any firm, partnership or corporation of
36 which he is a member, partner, director or officer may be cancelled or
37 terminated by the state without incurring any penalty or damages on
38 account of such cancellation or termination, but any monies owing by the
39 state for goods delivered or work done prior to the cancellation or
40 termination shall be paid.

41 S 31. Section 139-b of the state finance law, as amended by chapter
42 268 of the laws of 1971, is amended to read as follows:

43 S 139-b. Disqualification to contract with state. 1. Any person who,
44 when called before a grand jury, head of a state department, temporary
45 state commission or other state agency, or the organized crime task
46 force in the department of law, which is empowered to compel the attend-
47 ance of witnesses and examine them under oath, to testify in an investi-
48 gation, concerning any transaction or contract had with the state, any
49 political subdivision thereof, a public authority or with a public
50 department, agency or official of the state or of any political subdivi-
51 sion thereof or of a public authority, refuses to sign a waiver of immu-
52 nity against subsequent criminal prosecution or to answer any relevant
53 question concerning such transaction or contract, and any firm, partner-
54 ship or corporation of which [he] ANY SUCH PERSON is a member, partner,
55 director or officer shall be disqualified from thereafter selling to or
56 submitting bids to or receiving awards from or entering into any

1 contracts with the state or any public department, agency or official
2 thereof, for goods, work or services, for a period of five years after
3 such refusal or until a disqualification shall be removed pursuant to
4 the provisions of section one hundred thirty-nine-c of this article.

5 It shall be the duty of the officer conducting the investigation
6 before the grand jury, the head of a state department, the [chairman]
7 CHAIR of the temporary state commission or other state agency, or the
8 organized crime task force in the department of law before which the
9 refusal occurs to send notice of such refusal, together with the names
10 of any firm, partnership or corporation of which the person so refusing
11 is known to be a member, partner, officer or director, to the state
12 commissioner of transportation, except in the event the investigation
13 concerns a public building transaction or contract said notice shall be
14 sent to the state commissioner of general services, and the appropriate
15 departments, agencies and officials of the state, political subdivisions
16 thereof or public authorities with whom the person so refusing and any
17 firm, partnership or corporation of which he is a member, partner,
18 director or officer, is known to have a contract. However, when such
19 refusal occurs before a body other than a grand jury, notice of refusal
20 shall not be sent for a period of ten days after such refusal occurs.
21 Prior to the expiration of this ten day period, any person, firm, part-
22 nership or corporation which has become liable to the cancellation or
23 termination of a contract or disqualification to contract on account of
24 such refusal may commence a special proceeding at a special term of the
25 supreme court, held within the judicial district in which the refusal
26 occurred, for an order determining whether the questions in response to
27 which the refusal occurred were relevant and material to the inquiry.
28 Upon the commencement of such proceeding, the sending of such notice of
29 refusal to answer shall be subject to order of the court in which the
30 proceeding was brought in a manner and on such terms as the court may
31 deem just. If a proceeding is not brought within ten days, notice of
32 refusal shall thereupon be sent as provided herein.

33 2. ANY PERSON WHO STANDS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE
34 TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR
35 195.02 OF THE PENAL LAW, AND ANY FIRM, PARTNERSHIP OR CORPORATION OF
36 WHICH ANY SUCH PERSON IS A MEMBER, PARTNER, DIRECTOR OR OFFICER SHALL BE
37 DISQUALIFIED, FOR LIFE, FROM THEREAFTER SELLING TO OR SUBMITTING BIDS TO
38 OR RECEIVING AWARDS FROM OR ENTERING INTO ANY CONTRACTS WITH THE STATE
39 OR ANY PUBLIC DEPARTMENT, AGENCY OR OFFICIAL THEREOF, FOR GOODS, WORK OR
40 SERVICES. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS
41 SO CONVICTED, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL
42 SEND NOTICE OF SUCH CONVICTION TOGETHER WITH THE NAMES OF ANY FIRM,
43 PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER,
44 PARTNER, OFFICER OR DIRECTOR, TO THE STATE COMMISSIONER OF GENERAL
45 SERVICES, AND SUCH APPROPRIATE DEPARTMENTS, AGENCIES AND OFFICIALS OF
46 THE STATE, POLITICAL SUBDIVISIONS THEREOF OR PUBLIC AUTHORITIES WITH
47 WHOM THE PERSON AND ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH HE IS
48 A MEMBER, PARTNER, DIRECTOR OR OFFICER, IS KNOWN TO HAVE A CONTRACT.

49 S 32. Subdivision 6 of section 1310 of the civil practice law and
50 rules, as added by chapter 669 of the laws of 1984, is amended to read
51 as follows:

52 6. "Pre-conviction forfeiture crime" means only a felony defined in
53 article two hundred twenty OR FOUR HUNDRED NINETY-SIX or section 195.00,
54 195.01, 195.02, 221.30 or 221.55 of the penal law.

55 S 33. Section 3 of the public officers law is amended by adding a new
56 subdivision 1-a to read as follows:

1 1-A. NO PERSON SHALL BE CAPABLE OF HOLDING A CIVIL OFFICE WHO SHALL
2 STAND CONVICTED OF A CRIME DEFINED IN ARTICLE TWO HUNDRED OR FOUR
3 HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW.

4 S 34. The real property tax law is amended by adding a new section 493
5 to read as follows:

6 S 493. LIMITATIONS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, ANY REAL PROPERTY WHICH WOULD OTHERWISE BE ELIGIBLE FOR AN
8 EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION OR OFFSET OF
9 REAL PROPERTY TAX LIABILITY AUTHORIZED BY LAW SHALL NOT BE SO ELIGIBLE
10 IF ANY PERSON WHO STANDS TO BENEFIT FROM THE EXEMPTION, CREDIT, ABATE-
11 MENT, REBATE OR OTHER REDUCTION OR OFFSET STANDS CONVICTED OF AN OFFENSE
12 DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION
13 195.00, 195.01 OR 195.02 OF THE PENAL LAW.

14 2. FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE DEEMED TO STAND TO
15 BENEFIT FROM AN EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION
16 OR OFFSET OF REAL PROPERTY TAX LIABILITY IF THE PERSON IS:

17 (A) AN OWNER OR BENEFICIAL OWNER THEREOF, OR

18 (B) IN THE CASE OF RESIDENTIAL REAL PROPERTY OWNED BY A COOPERATIVE
19 APARTMENT CORPORATION, A TENANT-STOCKHOLDER RESIDING THEREIN, OR

20 (C) IN THE CASE OF A PARTNERSHIP THAT HAS LEGAL TITLE TO PROPERTY, OR
21 IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A PARTNER THERE-
22 OF, OR

23 (D) IN THE CASE OF A LIMITED LIABILITY COMPANY THAT HAS LEGAL TITLE TO
24 PROPERTY, OR IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A
25 MANAGER OR MEMBER THEREOF, OR

26 (E) IN THE CASE OF A CORPORATION THAT HAS LEGAL TITLE TO PROPERTY OR
27 IS OBLIGATED TO MAKE PAYMENTS IN LIEU OF TAXES THEREON, A DIRECTOR OR
28 OFFICER THEREOF.

29 3. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS
30 CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED
31 NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE
32 OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF
33 SUCH CONVICTION, TOGETHER WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR
34 CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFI-
35 CER OR DIRECTOR, TO THE ASSESSOR OF ANY ASSESSING UNIT IN WHICH SUCH
36 PERSON OR SUCH FIRM, PARTNERSHIP OR CORPORATION IS KNOWN TO OWN PROPER-
37 TY.

38 S 35. Section 960 of the general municipal law is amended by adding a
39 new subdivision (f) to read as follows:

40 (F) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A BUSINESS
41 ENTERPRISE SHALL NOT BE ELIGIBLE FOR ANY BENEFITS PURSUANT TO THIS ARTI-
42 CLE IF SUCH ENTERPRISE STANDS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE
43 TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR
44 195.02 OF THE PENAL LAW, OR IF ANY MEMBER, PARTNER, DIRECTOR OR OFFICER
45 OF SUCH ENTERPRISE STANDS CONVICTED OF ANY SUCH OFFENSE.

46 S 36. The tax law is amended by adding a new section 41 to read as
47 follows:

48 S 41. LIMITATIONS ON TAX CREDIT ELIGIBILITY. ANY TAXPAYER WHO STANDS
49 CONVICTED, OR WHO IS A SHAREHOLDER OF AN S CORPORATION OR PARTNER IN A
50 PARTNERSHIP WHICH IS CONVICTED, OF AN OFFENSE DEFINED IN ARTICLE TWO
51 HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02
52 OF THE PENAL LAW SHALL NOT BE ELIGIBLE FOR ANY TAX CREDIT ALLOWED UNDER
53 ARTICLE NINE, NINE-A, THIRTY-TWO OR THIRTY-THREE OF THIS CHAPTER OR ANY
54 BUSINESS TAX CREDIT ALLOWED UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER.
55 FOR PURPOSES OF THIS SECTION, A BUSINESS TAX CREDIT ALLOWED UNDER ARTI-
56 CLE TWENTY-TWO OF THIS CHAPTER IS A TAX CREDIT ALLOWED TO TAXPAYERS

1 UNDER ARTICLE TWENTY-TWO WHICH IS SUBSTANTIALLY SIMILAR TO A TAX CREDIT
2 ALLOWED TO TAXPAYERS UNDER ARTICLE NINE-A OF THIS CHAPTER. IN THE EVENT
3 A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS CONVICTED OF AN OFFENSE
4 DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION
5 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE OFFICE RESPONSIBLE FOR
6 PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF SUCH CONVICTION, TOGETHER
7 WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH THE
8 PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFICER OR DIRECTOR, TO THE
9 COMMISSIONER.

10 S 37. Paragraph 8 of subdivision 3 of section 73-a of the public offi-
11 cers law, as amended by section 5 of part A of chapter 399 of the laws
12 of 2011, is amended to read as follows:

13 8. (a) If the reporting individual practices law, is licensed by the
14 department of state as a real estate broker or agent or practices a
15 profession licensed by the department of education, or works as a
16 member or employee of a firm required to register pursuant to
17 section one-e of the legislative law as a lobbyist, [give] DESCRIBE
18 THE SERVICES RENDERED FOR WHICH COMPENSATION WAS PAID, INCLUDING a
19 general description of the principal subject areas of matters under-
20 taken by such individual OR PRINCIPAL DUTIES PERFORMED. Addi-
21 tionally, if such an individual practices with a firm or corporation
22 and is a partner or shareholder of the firm or corporation, give a
23 general description of principal subject areas of matters undertaken
24 by such firm or corporation.

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30 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
31 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS
32 FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT
33 ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

34 If the reporting individual personally provides services to any person
35 or entity, or works as a member or employee of a partnership or corpo-
36 ration that provides such services (referred to hereinafter as a
37 "firm"), then identify each client or customer to whom the reporting
38 individual personally AND KNOWINGLY provided DIRECT OR INDIRECT
39 services, or who was referred to the firm by the reporting individual,
40 and from whom the reporting individual or his or her firm earned fees in
41 excess of \$10,000 during the reporting period for such services rendered
42 in direct connection with:

43 (i) A proposed bill or resolution in the senate or assembly during the
44 reporting period;

45 (ii) A contract in an amount totaling \$50,000 or more from the state
46 or any state agency for services, materials, or property;

47 (iii) A grant of \$25,000 or more from the state or any state agency
48 during the reporting period;

49 (iv) A grant obtained through a legislative initiative during the
50 reporting period; or

51 (v) A case, proceeding, application or other matter that is not a
52 ministerial matter before a state agency during the reporting period.

53 For purposes of this question, "referred to the firm" shall mean:
54 having intentionally and knowingly taken a specific act or series of

acts to intentionally procure for the reporting individual's firm or knowingly solicit or direct to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in subparagraphs (i) through (v) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law. Only a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

| Client | Nature of Services Provided |
|--------|-----------------------------|
| | |
| | |
| | |
| | |
| | |

(c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN:

(I) IF THE REPORTING INDIVIDUAL RECEIVES INCOME OF \$50,000 OR GREATER FROM ANY EMPLOYMENT OR ACTIVITY REPORTABLE UNDER QUESTION 8(A), INCLUDING THE PRACTICE OF LAW, IDENTIFY EACH CLIENT OR CUSTOMER TO WHOM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM EARNED FEES IN EXCESS OF \$10,000 DURING THE REPORTING PERIOD FOR SUCH SERVICES RENDERED IF SUCH CLIENT OR CUSTOMER HAS A PENDING MATTER WITH THE STATE, EVEN IF THE REPORTING INDIVIDUAL PROVIDES NO SERVICES RELATED TO SUCH MATTER, IN DIRECT CONNECTION WITH:

(A) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE REPORTING PERIOD;

(B) A CONTRACT IN AN AMOUNT TOTALING \$50,000 OR MORE FROM THE STATE OR ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

(C) A GRANT OF \$25,000 OR MORE FROM THE STATE OR ANY STATE AGENCY DURING THE REPORTING PERIOD;

(D) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE REPORTING PERIOD; OR

(E) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A MINISTRIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD.

(II) THE REPORTING INDIVIDUAL SHALL IDENTIFY EVERY CLIENT DIRECTLY REFERRED TO SUCH INDIVIDUAL BY A REGISTERED LOBBYIST OR CLIENT OF A

1 LOBBYIST WHERE SUCH REFERRAL SHALL HAVE BEEN MADE BY DIRECT COMMUNI-
2 CATION FROM THE LOBBYIST OR CLIENT OF A LOBBYIST TO THE REPORTING INDI-
3 VIDUAL. WITH RESPECT TO EACH SUCH CLIENT, THE REPORTING INDIVIDUAL SHALL
4 IDENTIFY THE NAME OF THE CLIENT SO REFERRED, THE AMOUNT OF COMPENSATION
5 RECEIVED, AND THE NAME OF THE LOBBYIST OR CLIENT OF A LOBBYIST WHO
6 REFERRED SUCH CLIENT. THE DISCLOSURE REQUIREMENTS IN CLAUSES (I) AND
7 (II) OF THIS SUBPARAGRAPH SHALL NOT REQUIRE DISCLOSURE OF CLIENTS OR
8 CUSTOMERS RECEIVING MEDICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES,
9 RESIDENTIAL REAL ESTATE BROKERING SERVICES, OR INSURANCE BROKERING
10 SERVICES FROM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM. THE REPORTING
11 INDIVIDUAL NEED NOT IDENTIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER
12 FIRM PROVIDED LEGAL REPRESENTATION WITH RESPECT TO INVESTIGATION OR
13 PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, OR DOMESTIC
14 RELATIONS MATTERS. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS,
15 THE REPORTING INDIVIDUAL SHALL REQUEST AN EXEMPTION FROM THE JOINT
16 COMMISSION, WHICH SHALL BE GRANTED FOR GOOD CAUSE SHOWN. FOR THE
17 PURPOSES OF THIS QUESTION, GOOD CAUSE MAY BE SHOWN BY CIRCUMSTANCES
18 INCLUDING, BUT NOT LIMITED TO, WHERE DISCLOSURE OF A CLIENT'S IDENTITY
19 WOULD REVEAL TRADE SECRETS OR HAVE A NEGATIVE IMPACT ON THE CLIENT'S
20 BUSINESS INTERESTS, WOULD CAUSE EMBARRASSMENT FOR THE CLIENT, COULD
21 REASONABLY RESULT IN RETALIATION AGAINST THE CLIENT, OR WOULD TEND TO
22 REVEAL NON-PUBLIC MATTERS REGARDING A CRIMINAL INVESTIGATION. ONLY A
23 REPORTING INDIVIDUAL WHO FIRST ENTERS PUBLIC OFFICE AFTER JANUARY FIRST,
24 TWO THOUSAND FIFTEEN, NEED NOT REPORT CLIENTS OR CUSTOMERS WITH RESPECT
25 TO MATTERS FOR WHICH THE REPORTING INDIVIDUAL OR HIS OR HER FIRM WAS
26 RETAINED PRIOR TO ENTERING PUBLIC OFFICE.

27 CLIENT

NATURE OF SERVICES PROVIDED

28 _____
29 _____
30 _____
31 _____
32 _____

33 (D) List the name, principal address and general description or the
34 nature of the business activity of any entity in which the reporting
35 individual or such individual's spouse had an investment in excess of
36 \$1,000 excluding investments in securities and interests in real proper-
37 ty.

38 _____
39 _____
40 _____
41 _____
42 _____

43 S 38. Severability. If any clause, sentence, paragraph, section or
44 part of this act shall be adjudged by any court of competent jurisdic-
45 tion to be invalid, such judgment shall not affect, impair, or invali-
46 date the remainder thereof, but shall be confined in its operation to
47 the clause, sentence, paragraph, section or part thereof directly
48 involved in the controversy in which such judgment shall have been
49 rendered.

50 S 39. This act shall take effect on the thirtieth day after it shall
51 have become a law and shall only apply to acts committed on or after
52 such date.

1

SUBPART B

2 Section 1. Subdivision 1 of section 14-126 of the election law, as
3 amended by section 3 of part E of chapter 399 of the laws of 2011, is
4 amended to read as follows:

5 1. Any person who fails to file a statement required to be filed by
6 this article shall be subject to a civil penalty, not in excess of one
7 thousand dollars, to be recoverable in a special proceeding or civil
8 action to be brought by the state board of elections [or other board of
9 elections] CHIEF ENFORCEMENT COUNSEL PURSUANT TO SECTION 16-114 OF THIS
10 CHAPTER. Any person who, three or more times within a given election
11 cycle for such term of office, fails to file a statement or statements
12 required to be filed by this article, shall be subject to a civil penal-
13 ty, not in excess of ten thousand dollars, to be recoverable as provided
14 for in this subdivision.

15 S 2. Subdivision 3 of section 3-100 of the election law, as amended by
16 chapter 220 of the laws of 2005, is amended to read as follows:

17 3. The commissioners of the state board of elections shall have no
18 other public employment. The commissioners shall receive an annual sala-
19 ry of twenty-five thousand dollars, within the amounts made available
20 therefor by appropriation. The board shall, for the purposes of sections
21 seventy-three and seventy-four of the public officers law, be a "state
22 agency", and such commissioners shall be "officers" of the state board
23 of elections for the purposes of such sections. Within the amounts made
24 available by appropriation therefor, the state board of elections shall
25 appoint two co-executive directors, and such other staff members as are
26 necessary in the exercise of its functions, and may fix their compen-
27 sation. [Anytime after the effective date of the chapter of the laws of
28 two thousand five which amended this subdivision, the] THE commissioners
29 or, in the case of a vacancy on the board, the commissioner of each of
30 the major political parties shall appoint one co-executive director.
31 Each co-executive director shall serve a term of four years. THE GOVER-
32 NOR SHALL APPOINT A CHIEF ENFORCEMENT COUNSEL TO HEAD THE DIVISION OF
33 ELECTION LAW ENFORCEMENT WHO SHALL HAVE A FIXED TERM OF FOUR YEARS, WITH
34 THE ADVICE AND CONSENT OF THE SENATE, WITH SUCH CONSENT DETERMINED BY A
35 VOTE OF THE SENATE WITHIN THIRTY DAYS OF THE NOMINATION BY THE GOVERNOR,
36 AND SHALL BE REMOVED ONLY FOR GOOD CAUSE AND SOLELY BY THE GOVERNOR.
37 THE CHIEF ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY OVER PERSONNEL
38 DECISIONS WITHIN THE ENFORCEMENT UNIT. ALL HIRING DECISIONS MADE BY THE
39 CHIEF ENFORCEMENT COUNSEL SHALL BE MADE WITHOUT REGARD TO POLITICAL
40 PARTY AFFILIATION. ANY VACANCY IN THE OFFICE OF CO-EXECUTIVE DIRECTOR
41 shall be filled by the commissioners or, in the case of a vacancy on the
42 board, the commissioner of the same major political party as the vacat-
43 ing incumbent for the remaining period of the term of such vacating
44 incumbent.

45 S 3. Subdivision 3 and paragraph (c) of subdivision 9-A of section
46 3-102 of the election law, subdivision 3 as amended by chapter 9 of the
47 laws of 1978 and paragraph (c) of subdivision 9-A as added by chapter
48 430 of the laws of 1997, are amended to read as follows:

49 3. conduct any investigation necessary to carry out the provisions of
50 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS CHIEF
51 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-100 OF THIS ARTI-
52 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS
53 OF THIS CHAPTER;

54 (c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING
55 REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting proc-

ess and make it EASILY AND READILY available to any such candidate or committee;

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

S 3-104. State board of elections; enforcement powers.

1. (A) THERE SHALL BE A UNIT KNOWN AS THE DIVISION OF ELECTION LAW ENFORCEMENT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE CHIEF ENFORCEMENT COUNSEL.

(B) The state board of elections shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of article fourteen of this chapter and other statutes governing campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE CHIEF ENFORCEMENT COUNSEL SHALL HAVE AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT ALLEGED VIOLATIONS OF SUCH STATUTES AND ALL COMPLAINTS ALLEGING VIOLATIONS SHALL BE FORWARDED TO THE ENFORCEMENT DIVISION OF ELECTION LAW ENFORCEMENT.

2. (A) Whenever [the state board of elections or other] A LOCAL board of elections shall determine, on its own initiative or upon complaint, or otherwise, that there is substantial reason to believe a violation of this chapter or any code or regulation promulgated thereunder has [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE OR OTHER PERSON OR ENTITY THAT FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation which shall also include investigation of reports and statements made or failed to be made by the complainant and any political committee supporting his candidacy if the complainant is a candidate or, if the complaint was made by an officer or member of a political committee, of reports and statements made or failed to be made by such political committee and any candidates supported by it. [The state board of elections, in lieu of making such an investigation, may direct the appropriate board of elections to make an investigation.] THE LOCAL BOARD SHALL REPORT THE RESULTS OF ITS INVESTIGATION TO THE DIVISION OF ELECTION LAW ENFORCEMENT CHIEF ENFORCEMENT COUNSEL WITHIN NINETY DAYS OF THE START OF SUCH INVESTIGATION. THE CHIEF ENFORCEMENT COUNSEL MAY DIRECT THE LOCAL BOARD OF ELECTIONS AT ANY TIME TO SUSPEND ITS INVESTIGATION SO THAT THE DIVISION OF ELECTION LAW ENFORCEMENT CAN INVESTIGATE THE MATTER.

(B) The [state board of elections] CHIEF ENFORCEMENT COUNSEL may request, and shall receive, the assistance of the state police in any investigation it shall conduct.

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

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

5.] 3. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING ANY OTHER VIOLATION OF THIS CHAPTER, THE CHIEF ENFORCEMENT COUNSEL SHALL

1 ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDER-
2 TAKEN. THE CHIEF ENFORCEMENT COUNSEL SHALL, IF NECESSARY, OBTAIN ADDI-
3 TIONAL INFORMATION FROM THE COMPLAINANT OR FROM OTHER SOURCES TO ASSIST
4 SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE
5 THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE
6 A VIOLATION OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE
7 SUPPORTED BY CREDIBLE EVIDENCE.

8 4. IF THE CHIEF ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS,
9 IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF THIS CHAPTER OR THAT THE
10 ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL
11 ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

12 5. THE CHIEF ENFORCEMENT COUNSEL SHALL HAVE THE POWER TO FULLY INVES-
13 TIGATE VIOLATIONS OF THIS CHAPTER, INCLUDING THE POWER TO ISSUE SUBPOE-
14 NAS AND TO APPLY FOR SEARCH WARRANTS PURSUANT TO ARTICLE SIX HUNDRED
15 NINETY OF THE CRIMINAL PROCEDURE LAW, AND, EXCEPT IN EXIGENT CIRCUM-
16 STANCES, SHALL GIVE PRIOR NOTICE OF THE APPLICATION TO THE DISTRICT
17 ATTORNEY OF THE COUNTY IN WHICH SUCH A WARRANT IS TO BE EXECUTED, AND IN
18 SUCH EXIGENT CIRCUMSTANCES SHALL GIVE SUCH NOTICE AS SOON THEREAFTER AS
19 IS PRACTICABLE; PROVIDED, HOWEVER THAT THE FAILURE TO GIVE NOTICE OF A
20 SEARCH WARRANT APPLICATION TO A DISTRICT ATTORNEY SHALL NOT BE A GROUND
21 TO SUPPRESS THE EVIDENCE SEIZED IN EXECUTING THE WARRANT. THE CHIEF
22 ENFORCEMENT COUNSEL SHALL BE FURTHER AUTHORIZED TO USE THE FULL INVESTI-
23 GATIVE POWERS OF THE STATE BOARD OF ELECTIONS, AS PROVIDED FOR IN SUBDI-
24 VISIONS THREE, FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE.

25 6. THE CHIEF ENFORCEMENT COUNSEL MAY, AFTER CONSULTATION WITH THE
26 DISTRICT ATTORNEY AS TO THE TIME AND PLACE OF SUCH ATTENDANCE OR APPEAR-
27 ANCE, ATTEND IN PERSON ANY TERM OF THE COUNTY COURT OR SUPREME COURT
28 HAVING APPROPRIATE JURISDICTION, INCLUDING AN EXTRAORDINARY SPECIAL OR
29 TRIAL TERM OF THE SUPREME COURT WHEN ONE IS APPOINTED PURSUANT TO
30 SECTION ONE HUNDRED FORTY-NINE OF THE JUDICIARY LAW, OR APPEAR BEFORE
31 THE GRAND JURY THEREOF, FOR THE PURPOSE OF MANAGING AND CONDUCTING IN
32 SUCH COURT OR BEFORE SUCH JURY A CRIMINAL ACTION OR PROCEEDING CONCERNED
33 WITH A CRIMINAL VIOLATION OF THIS CHAPTER. THE CHIEF ENFORCEMENT COUN-
34 SEL MAY REPRESENT, AND SHALL RECEIVE, THE ASSISTANCE OF THE STATE POLICE
35 IN ANY INVESTIGATION HE OR SHE SHALL CONDUCT. IN SUCH CASE, SUCH CHIEF
36 ENFORCEMENT COUNSEL OR HIS OR HER ASSISTANT SO ATTENDING MAY EXERCISE
37 ALL THE POWERS AND PERFORM ALL THE DUTIES IN RESPECT OF SUCH ACTIONS OR
38 PROCEEDINGS WHICH THE DISTRICT ATTORNEY WOULD OTHERWISE BE AUTHORIZED OR
39 REQUIRED TO EXERCISE OR PERFORM.

40 7. (A) IF THE CHIEF ENFORCEMENT COUNSEL DETERMINES THAT SUBSTANTIAL
41 REASON EXISTS TO BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A
42 CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT
43 TO VIOLATE SUCH LAW THAT DOES NOT OTHERWISE WARRANT CRIMINAL PROSE-
44 CUTION, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIB-
45 UTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER OR HAS
46 UNLAWFULLY VIOLATED ANY PROVISION OF THIS CHAPTER, THE CHIEF ENFORCEMENT
47 COUNSEL SHALL SELECT A HEARING OFFICER, FROM A LIST OF PROSPECTIVE HEAR-
48 ING OFFICERS EACH APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE BOARD,
49 TO WHOM HE OR SHE SHALL PROVIDE A WRITTEN REPORT AS TO: (1) WHETHER
50 SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF THIS CHAPTER HAS
51 OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE
52 PENALTY, BASED ON THE NATURE OF THE VIOLATION; (2) WHETHER THE MATTER
53 SHOULD BE RESOLVED EXTRA-JUDICIALLY; AND (3) WHETHER A SPECIAL PROCEED-
54 ING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY.
55 THE HEARING OFFICER SHALL MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW
56 BASED ON A PREPONDERANCE OF THE EVIDENCE AS TO WHETHER A VIOLATION HAS

1 BEEN ESTABLISHED AND WHO IS GUILTY OF SUCH VIOLATION ON NOTICE TO AND
2 WITH AN OPPORTUNITY FOR THE INDIVIDUAL OR ENTITY ACCUSED OF ANY
3 VIOLATIONS TO BE HEARD. THE CHIEF ENFORCEMENT COUNSEL SHALL ADOPT SUCH
4 REPORT AND COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT
5 TO SECTIONS 16-100, 16-114 AND 16-116 OF THIS CHAPTER SHOULD THE FIND-
6 INGS OF FACT AND CONCLUSIONS OF LAW SUPPORT THE COMMENCEMENT OF SUCH
7 PROCEEDING. IF THE BOARD OF ELECTIONS FAILS TO PRODUCE A LIST OF ELIGI-
8 BLE HEARING OFFICERS, THE CHIEF ENFORCEMENT COUNSEL MAY COMMENCE A
9 SPECIAL PROCEEDING AS PROVIDED HEREIN IN ACCORDANCE WITH RECOMMENDATIONS
10 MADE IN HIS OR HER REPORT.

11 (B) IF THE CHIEF ENFORCEMENT COUNSEL DETERMINES, THAT REASONABLE CAUSE
12 EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN
13 PLACE, THE CHIEF ENFORCEMENT COUNSEL SHALL COMMENCE A CRIMINAL ACTION OR
14 REFER SUCH MATTER TO THE ATTORNEY GENERAL OR DISTRICT ATTORNEY WITH
15 JURISDICTION OVER SUCH MATTER TO COMMENCE A CRIMINAL ACTION AS SUCH TERM
16 IS DEFINED IN THE CRIMINAL PROCEDURE LAW.

17 8. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY A
18 PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION
19 16-114 OF THIS CHAPTER, THE CHIEF ENFORCEMENT COUNSEL SHALL INVESTIGATE
20 THE ALLEGED VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

21 9. THE CHIEF ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE
22 INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR, THE STATE BOARD OF
23 ELECTIONS AND LEGISLATURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING
24 THE PREVIOUS YEAR.

25 10. The state board of elections may promulgate rules and regulations
26 consistent with law to effectuate the provisions of this section.

27 S 5. Subdivision 32 of section 1.20 of the criminal procedure law, as
28 amended by section 4 of part A of chapter 501 of the laws of 2012, is
29 amended to read as follows:

30 32. "District attorney" means a district attorney, an assistant
31 district attorney or a special district attorney, and, where appropri-
32 ate, the attorney general, an assistant attorney general, a deputy
33 attorney general, a special deputy attorney general, [or] the special
34 prosecutor and inspector general for the protection of people with
35 special needs or his or her assistants when acting pursuant to their
36 duties in matters arising under article twenty of the executive law, OR
37 THE CHIEF ENFORCEMENT COUNSEL OF THE STATE BOARD OF ELECTIONS WHEN
38 ACTING PURSUANT TO HIS OR HER DUTIES IN MATTERS ARISING UNDER THE
39 ELECTION LAW.

40 S 6. This act shall take effect on the ninetieth day after it shall
41 have become a law.

42 SUBPART C

43 Section 1. Section 14-100 of the election law is amended by adding
44 four new subdivisions 12, 13, 14 and 15 to read as follows:

45 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

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

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

48 (C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
49 ENCE.

50 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF
51 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;
52 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF
53 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE
54 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A CORPO-

1 RATION, UNINCORPORATED BUSINESS ENTITY OR MEMBERS OF A BUSINESS, TRADE
2 OR PROFESSIONAL ASSOCIATION OR ORGANIZATION.

3 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
4 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
5 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
6 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
7 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
8 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
9 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,
10 EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A
11 STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING
12 DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE
13 LABOR ORGANIZATION.

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

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

21 S 2. Subdivision 1 of section 14-102 of the election law, as amended
22 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is
23 amended to read as follows:

24 1. The treasurer of every political committee which, or any officer,
25 member or agent of any such committee who, in connection with any
26 election, receives or expends any money or other valuable thing or
27 incurs any liability to pay money or its equivalent shall file state-
28 ments sworn, or subscribed and bearing a form notice that false state-
29 ments made therein are punishable as a class A misdemeanor pursuant to
30 section 210.45 of the penal law, at the times prescribed by this [arti-
31 cle] TITLE setting forth all the receipts, contributions to and the
32 expenditures by and liabilities of the committee, and of its officers,
33 members and agents in its behalf. Such statements shall include the
34 dollar amount of any receipt, contribution or transfer, or the fair
35 market value of any receipt, contribution or transfer, which is other
36 than of money, the name and address of the transferor, contributor,
37 INTERMEDIARY, or person from whom received, and if the transferor,
38 contributor, INTERMEDIARY, or person is a political committee; the name
39 of and the political unit represented by the committee, the date of its
40 receipt, the dollar amount of every expenditure, the name and address of
41 the person to whom it was made or the name of and the political unit
42 represented by the committee to which it was made and the date thereof,
43 and shall state clearly the purpose of such expenditure. AN INTERMEDIARY
44 NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A
45 CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT
46 HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS
47 THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED
48 FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT
49 CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement
50 reporting a loan shall have attached to it a copy of the evidence of
51 indebtedness. Expenditures in sums under fifty dollars need not be
52 specifically accounted for by separate items in said statements, and
53 receipts and contributions aggregating not more than ninety-nine
54 dollars, from any one contributor need not be specifically accounted for
55 by separate items in said statements, provided however, that such

1 expenditures, receipts and contributions shall be subject to the other
2 provisions of section 14-118 of this [article] TITLE.

3 S 3. Section 14-106 of the election law, as amended by section 2 of
4 part E of chapter 399 of the laws of 2011, is amended to read as
5 follows:

6 S 14-106. Political communication. The statements required to be filed
7 under the provisions of this article next succeeding a primary, general
8 or special election shall be accompanied by a copy of all broadcast,
9 cable or satellite schedules and scripts, internet, print and other
10 types of advertisements, pamphlets, circulars, flyers, brochures,
11 letterheads and other printed matter purchased or produced, AND REPROD-
12 UCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO ONE THOUSAND OR MORE
13 MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC
14 DEVICE INCLUDING BUT NOT LIMITED TO ELECTRONIC MAIL OR TEXT MESSAGE,
15 purchased in connection with such election by or under the authority of
16 the person filing the statement or the committee or the person on whose
17 behalf it is filed, as the case may be. Such copies, schedules and
18 scripts shall be preserved by the officer with whom or the board with
19 which it is required to be filed for a period of one year from the date
20 of filing thereof.

21 S 4. The election law is amended by adding a new section 14-107 to
22 read as follows:

23 S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS
24 ARTICLE:

25 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON
26 FOR AN AUDIO OR VIDEO COMMUNICATION VIA BROADCAST, CABLE OR SATELLITE OR
27 A WRITTEN COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS,
28 PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED
29 MATTER AND STATEMENTS OR INFORMATION CONVEYED TO ONE THOUSAND OR MORE
30 MEMBERS OF A GENERAL PUBLIC AUDIENCE WHICH: (I) UNAMBIGUOUSLY REFERS TO
31 AND ADVOCATES FOR OR AGAINST A CLEARLY IDENTIFIED CANDIDATE OR EXPRESSLY
32 ADVOCATES THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL, AND (II) SUCH
33 CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLI-
34 TICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT
35 PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR
36 COOPERATE IN ANY SUCH COMMUNICATION. FOR THE PURPOSES OF THIS DEFINI-
37 TION, A COMMUNICATION ADVOCATES FOR OR AGAINST A CANDIDATE WHEN IT (I)
38 IRRESPECTIVE OF WHEN SUCH COMMUNICATION IS MADE, CONTAINS WORDS SUCH AS
39 "VOTE," "OPPOSE," "SUPPORT," "ELECT," "DEFEAT," OR "REJECT," WHICH CALL
40 FOR THE ELECTION OR DEFEAT OF THE CLEARLY IDENTIFIED CANDIDATE, OR (II)
41 WITHIN ONE YEAR OF THE ELECTION BUT MORE THAN SIXTY DAYS BEFORE A GENER-
42 AL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR THIRTY
43 DAYS BEFORE A PRIMARY ELECTION, COULD ONLY BE INTERPRETED BY A REASON-
44 ABLE PERSON AS ADVOCATING FOR THE ELECTION OR DEFEAT OF THE CLEARLY
45 IDENTIFIED CANDIDATE IN SUCH ELECTION BASED UPON UNEQUIVOCAL, UNAMBIG-
46 UOUS TERMS OF SUPPORT OR OPPOSITION, OR (III) WITHIN SIXTY DAYS PRIOR TO
47 A GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR
48 THIRTY DAYS BEFORE A PRIMARY ELECTION, INCLUDES OR REFERENCES A CLEARLY
49 IDENTIFIED CANDIDATE.

50 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE EXPENDITURES IN CONNECTION
51 WITH:

52 (I) A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY,
53 COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY
54 BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR
55 FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL
56 COMMITTEE OR CANDIDATE; OR

(II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR
(III) INTERNAL COMMUNICATION BY MEMBERS TO OTHER MEMBERS OF A MEMBER-SHIP ORGANIZATION, FOR THE PURPOSE OF SUPPORTING OR OPPOSING A CANDIDATE OR CANDIDATES FOR ELECTIVE OFFICE, PROVIDED SUCH EXPENDITURES ARE NOT USED FOR THE COSTS OF CAMPAIGN MATERIAL OR COMMUNICATIONS USED IN CONNECTION WITH BROADCASTING, TELECASTING, NEWSPAPERS, MAGAZINES, OR OTHER PERIODICAL PUBLICATION, BILLBOARDS, OR SIMILAR TYPES OF GENERAL PUBLIC COMMUNICATIONS; OR

(IV) A COMMUNICATION PUBLISHED ON THE INTERNET, UNLESS THE COMMUNICATION IS A PAID ADVERTISEMENT.

(C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON, GROUP OF PERSONS, CORPORATION, UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION OR BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION, OR POLITICAL COMMITTEE.

2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED THE COMMUNICATION AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION WAS NOT EXPRESSLY AUTHORIZED OR REQUESTED BY ANY CANDIDATE, OR BY ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY OF ITS AGENTS.

3. (A) ANY PERSON WHO MAKES ANY INDEPENDENT EXPENDITURE IN AN UPCOMING CALENDAR YEAR SHALL FIRST REGISTER WITH THE STATE BOARD OF ELECTIONS AS A POLITICAL COMMITTEE IN CONFORMANCE WITH THIS ARTICLE.

(B) ANY PERSON WHO IS REGISTERED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL REPORT INDEPENDENT EXPENDITURES OVER ONE THOUSAND DOLLARS TO THE STATE BOARD OF ELECTIONS ON A STATEMENT IN THE FORM SET FORTH IN SUBDIVISION FOUR OF THIS SECTION AND AT TIMES SET FORTH IN THIS SUBDIVISION.

(C) ANY CONTRIBUTION OVER ONE THOUSAND DOLLARS MADE TO ANY PERSON WHO HAS REGISTERED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION PRIOR TO THIRTY DAYS BEFORE ANY PRIMARY, GENERAL, OR SPECIAL ELECTION SHALL BE DISCLOSED BY SUCH PERSON TO THE STATE BOARD OF ELECTIONS ELECTRONICALLY WITHIN FORTY-EIGHT HOURS OF RECEIPT.

(D) ANY CONTRIBUTION OVER ONE THOUSAND DOLLARS MADE TO ANY PERSON WHO HAS REGISTERED WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION WITHIN THIRTY DAYS BEFORE ANY PRIMARY, GENERAL, OR SPECIAL ELECTION SHALL BE DISCLOSED BY SUCH PERSON TO THE STATE BOARD OF ELECTIONS ELECTRONICALLY WITHIN TWENTY-FOUR HOURS OF RECEIPT.

(E) A KNOWING AND WILLFUL VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE PERSON TO A CIVIL PENALTY EQUAL TO FIVE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE BOARD OR IMPOSED DIRECTLY BY THE BOARD OF ELECTIONS.

4. EACH SUCH STATEMENT IN SUBDIVISION THREE OF THIS SECTION SHALL INCLUDE, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY LAW:

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

(B) THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE;

(C) THE NAME, ADDRESS, OCCUPATION AND EMPLOYER OF ANY PERSON PROVIDING A CONTRIBUTION, GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE THOUSAND DOLLARS OR MORE FOR THE INDEPENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A CONTRIBUTION, GIFT, LOAN, ADVANCE OR DEPOSIT TO A LABOR ORGANIZATION;

1 AND PROVIDED FURTHER THAT THE NAME AND ADDRESS OF AN EMPLOYEE OF A
2 CORPORATION, UNINCORPORATED BUSINESS ENTITY OR A MEMBER OF A BUSINESS,
3 TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION IS NOT REQUIRED FOR A
4 CONTRIBUTION, GIFT, LOAN, ADVANCE OR DEPOSIT TO SUCH CORPORATION, UNIN-
5 CORPORATED BUSINESS ENTITY OR BUSINESS, TRADE OR PROFESSIONAL ASSOCI-
6 ATION OR ORGANIZATION RESPECTIVELY;

7 (D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME
8 AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE
9 PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

10 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE
11 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-
12 ENCED.

13 5. A COPY OF ALL POLITICAL COMMUNICATIONS PAID FOR BY THE INDEPENDENT
14 EXPENDITURE, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE
15 SCHEDULES AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,
16 BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER AND STATEMENTS OR INFOR-
17 MATION CONVEYED TO ONE THOUSAND OR MORE MEMBERS OF A GENERAL PUBLIC
18 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES SHALL BE FILED WITH THE
19 STATE BOARD OF ELECTIONS WITH THE STATEMENTS REQUIRED BY THIS SECTION.

20 6. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL
21 BE FILED ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS.

22 7. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH
23 RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL
24 PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

25 S 5. Subdivision 3 of section 14-124 of the election law, as amended
26 by chapter 71 of the laws of 1988, is amended to read as follows:

27 3. The contribution and receipt limits of this article shall not apply
28 to monies received and expenditures made by a party committee or consti-
29 tuted committee to maintain a permanent headquarters and staff and carry
30 on ordinary activities which are not for the express purpose of promot-
31 ing the candidacy of specific candidates, EXCEPT THAT CONTRIBUTIONS MADE
32 FOR SUCH ACTIVITIES TO A PARTY COMMITTEE OR CONSTITUTED COMMITTEE SHALL
33 BE LIMITED TO TWENTY-FIVE THOUSAND DOLLARS IN THE AGGREGATE FROM EACH
34 CONTRIBUTOR IN EACH YEAR.

35 S 6. Section 14-126 of the election law, as amended by section 3 of
36 part E of chapter 399 of the laws of 2011, is amended to read as
37 follows:

38 S 14-126. Violations; penalties. 1. (A) Any person who fails to file a
39 statement required to be filed by this article shall be subject to a
40 civil penalty, not in excess of one thousand dollars, to be recoverable
41 in a special proceeding or civil action to be brought by the [state
42 board of elections or other board of elections] CHIEF ENFORCEMENT COUN-
43 SEL PURSUANT TO THIS CHAPTER OR IMPOSED DIRECTLY BY THE STATE BOARD OF
44 ELECTIONS. Any person who, three or more times within a given election
45 cycle for such term of office, fails to file a statement or statements
46 required to be filed by this article, shall be subject to a civil penal-
47 ty, not in excess of ten thousand dollars, to be recoverable as provided
48 for in this subdivision.

49 (B) FINES AUTHORIZED TO BE IMPOSED DIRECTLY BY THE STATE BOARD OF
50 ELECTIONS SHALL BE AFTER A HEARING AT WHICH THE SUBJECT PERSON OR
51 AUTHORIZED COMMITTEE SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD. SUCH
52 HEARING SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE
53 PRESCRIBED BY THE RULES OF THE STATE BOARD OF ELECTIONS. FOR PURPOSES OF
54 CONDUCTING SUCH HEARINGS, THE STATE BOARD OF ELECTIONS SHALL BE DEEMED
55 TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMIN-
56 ISTRACTIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF

1 ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING
2 COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND
3 RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES AUTHORIZED IN
4 THIS SECTION.

5 (C) ALL PAYMENTS RECEIVED BY THE STATE BOARD OF ELECTIONS PURSUANT TO
6 THIS SECTION SHALL BE RETAINED IN THE APPROPRIATE ACCOUNTS AS DESIGNATED
7 BY THE DIVISION OF THE BUDGET FOR ENFORCEMENT ACTIVITIES BY THE BOARD OF
8 ELECTIONS.

9 2. Any person who, acting as or on behalf of a candidate or political
10 committee, under circumstances evincing an intent to violate such law,
11 unlawfully accepts a contribution in excess of a contribution limitation
12 established in this article, shall be required to refund such excess
13 amount and shall be subject to a civil penalty equal to the excess
14 amount plus a fine of up to ten thousand dollars, to be recoverable in a
15 special proceeding or civil action to be brought by the state board of
16 elections CHIEF ENFORCEMENT COUNSEL OR IMPOSED DIRECTLY BY THE STATE
17 BOARD OF ELECTIONS.

18 3. ANY PERSON WHO FALSELY IDENTIFIES OR FAILS TO IDENTIFY ANY INDE-
19 PENDENT EXPENDITURE AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF
20 THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO ONE THOUSAND
21 DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A
22 SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF
23 ELECTIONS CHIEF ENFORCEMENT COUNSEL OR IMPOSED DIRECTLY BY THE STATE
24 BOARD OF ELECTIONS. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "PERSON"
25 SHALL MEAN A PERSON, GROUP OF PERSONS, CORPORATION, UNINCORPORATED BUSI-
26 NESS ENTITY, LABOR ORGANIZATION OR BUSINESS, TRADE OR PROFESSIONAL ASSO-
27 CIATION OR ORGANIZATION OR POLITICAL COMMITTEE.

28 4. Any person who knowingly and willfully fails to file a statement
29 required to be filed by this article within ten days after the date
30 provided for filing such statement or any person who knowingly and will-
31 fully violates any other provision of this article shall be guilty of a
32 misdemeanor.

33 [4.] 5. Any person who knowingly and willfully contributes, accepts or
34 aids or participates in the acceptance of a contribution in an amount
35 exceeding an applicable maximum specified in this article shall be guilty
36 of a CLASS A misdemeanor.

37 [5.] 6. Any person who shall, acting on behalf of a candidate or poli-
38 tical committee, knowingly and willfully solicit, organize or coordinate
39 the formation of activities of one or more unauthorized committees, make
40 expenditures in connection with the nomination for election or election
41 of any candidate, or solicit any person to make any such expenditures,
42 for the purpose of evading the contribution limitations of this article,
43 shall be guilty of a class E felony.

44 S 7. This act shall take effect June 1, 2014.

45 SUBPART D

46 Section 1. The article heading of article 14 of the election law is
47 amended to read as follows:

48 [Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDI-
49 TURES; PUBLIC FINANCING

50 S 2. Sections 14-100 through 14-130 of article 14 of the election law
51 are designated title I and a new title heading is added to read as
52 follows:

53 CAMPAIGN RECEIPTS AND EXPENDITURES

1 S 3. Section 14-100 of the election law is amended by adding a new
2 subdivision 16 to read as follows:

3 16. "AUTHORIZED COMMITTEE" MEANS THE SINGLE POLITICAL COMMITTEE DESIG-
4 NATED BY A CANDIDATE TO RECEIVE ALL CONTRIBUTIONS AUTHORIZED BY THIS
5 TITLE.

6 S 3-a. Section 3-104 of the election law is amended by adding a new
7 subdivision 6 to read as follows:

8 6. THERE SHALL BE A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS PUBLIC
9 FINANCING UNIT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS, WHICH
10 SHALL BE RESPONSIBLE FOR ADMINISTERING AND, WITH THE DIVISION OF
11 ELECTION LAW ENFORCEMENT, ENFORCING THE REQUIREMENTS OF THE PUBLIC
12 FINANCING SYSTEM SET FORTH IN TITLE TWO OF ARTICLE FOURTEEN OF THIS
13 CHAPTER.

14 S 3-b. Subdivision 2 of section 14-108 of the election law, as amended
15 by chapter 109 of the laws of 1997, is amended to read as follows:

16 2. Each statement shall cover the period up to and including the
17 fourth day next preceding the day specified for the filing thereof[;
18 provided, however, that]. THE RECEIPT OF ANY CONTRIBUTION OR LOAN IN
19 EXCESS OF ONE THOUSAND DOLLARS SHALL BE DISCLOSED WITHIN FORTY-EIGHT
20 HOURS OF RECEIPT, AND SHALL BE REPORTED IN THE SAME MANNER AS ANY OTHER
21 CONTRIBUTION OR LOAN ON THE NEXT APPLICABLE STATEMENT. HOWEVER, any
22 contribution or loan in excess of one thousand dollars, if received
23 after the close of the period to be covered in the last statement filed
24 before any primary, general or special election but before such
25 election, shall be reported, in the same manner as other contributions,
26 within twenty-four hours after receipt.

27 S 4. Subdivisions 1 and 10 of section 14-114 of the election law,
28 subdivision 1 as amended and subdivision 10 as added by chapter 79 of
29 the laws of 1992 and paragraphs a and b of subdivision 1 as amended by
30 chapter 659 of the laws of 1994, are amended to read as follows:

31 1. The following limitations apply to all contributions to candidates
32 for election to any public office or for nomination for any such office,
33 or for election to any party positions, and to all contributions to
34 political committees working directly or indirectly with any candidate
35 to aid or participate in such candidate's nomination or election, other
36 than any contributions to any party committee or constituted committee:

37 a. In any election for a public office to be voted on by the voters of
38 the entire state, or for nomination to any such office, no contributor
39 may make a contribution to any candidate or political committee PARTIC-
40 IPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM AS DEFINED IN
41 TITLE TWO OF THIS ARTICLE, and no SUCH candidate or political committee
42 may accept any contribution from any contributor, which is in the aggre-
43 gate amount greater than: (i) in the case of any nomination to public
44 office, the product of the total number of enrolled voters in the candi-
45 date's party in the state, excluding voters in inactive status, multi-
46 plied by \$.005, but such amount shall be not [less than four thousand
47 dollars nor] more than [twelve] SIX thousand dollars [as increased or
48 decreased by the cost of living adjustment described in paragraph c of
49 this subdivision,] and (ii) in the case of any election to [a] SUCH
50 public office, [twenty-five] SIX thousand dollars [as increased or
51 decreased by the cost of living adjustment described in paragraph c of
52 this subdivision]; provided however, that the maximum amount which may
53 be so contributed or accepted, in the aggregate, from any candidate's
54 child, parent, grandparent, brother and sister, and the spouse of any
55 such persons, shall not exceed in the case of any nomination to public
56 office an amount equivalent to the product of the number of enrolled

1 voters in the candidate's party in the state, excluding voters in inac-
2 tive status, multiplied by \$.025, and in the case of any election for a
3 public office, an amount equivalent to the product of the number of
4 registered voters in the state excluding voters in inactive status,
5 multiplied by \$.025.

6 b. In any other election for party position or for election to a
7 public office or for nomination for any such office, no contributor may
8 make a contribution to any candidate or political committee PARTICIPAT-
9 ING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM DEFINED IN TITLE TWO
10 OF THIS ARTICLE (FOR THOSE OFFICES OR POSITIONS COVERED BY THAT SYSTEM)
11 and no SUCH candidate or political committee may accept any contribution
12 from any contributor, which is in the aggregate amount greater than: (i)
13 in the case of any election for party position, or for nomination to
14 public office, the product of the total number of enrolled voters in the
15 candidate's party in the district in which he is a candidate, excluding
16 voters in inactive status, multiplied by \$.05, and (ii) in the case of
17 any election for a public office, the product of the total number of
18 registered voters in the district, excluding voters in inactive status,
19 multiplied by \$.05, however in the case of a nomination within the city
20 of New York for the office of mayor, public advocate or comptroller,
21 such amount shall be not less than four thousand dollars nor more than
22 twelve thousand dollars as increased or decreased by the cost of living
23 adjustment described in paragraph [c] E of this subdivision; in the case
24 of an election within the city of New York for the office of mayor,
25 public advocate or comptroller, twenty-five thousand dollars as
26 increased or decreased by the cost of living adjustment described in
27 paragraph [c] E of this subdivision; in the case of a nomination OR
28 ELECTION for state senator, four thousand dollars [as increased or
29 decreased by the cost of living adjustment described in paragraph c of
30 this subdivision; in the case of an election for state senator, six
31 thousand two hundred fifty dollars as increased or decreased by the cost
32 of living adjustment described in paragraph c of this subdivision]; in
33 the case of an election or nomination for a member of the assembly,
34 [twenty-five hundred] TWO THOUSAND dollars [as increased or decreased by
35 the cost of living adjustment described in paragraph c of this subdivi-
36 sion; but in no event shall any such maximum exceed fifty thousand
37 dollars or be less than one thousand dollars]; provided however, that
38 the maximum amount which may be so contributed or accepted, in the
39 aggregate, from any candidate's child, parent, grandparent, brother and
40 sister, and the spouse of any such persons, shall not exceed in the case
41 of any election for party position or nomination for public office an
42 amount equivalent to the number of enrolled voters in the candidate's
43 party in the district in which he is a candidate, excluding voters in
44 inactive status, multiplied by \$.25 and in the case of any election to
45 public office, an amount equivalent to the number of registered voters
46 in the district, excluding voters in inactive status, multiplied by
47 \$.25; or twelve hundred fifty dollars, whichever is greater, or in the
48 case of a nomination or election of a state senator, twenty thousand
49 dollars, whichever is greater, or in the case of a nomination or
50 election of a member of the assembly twelve thousand five hundred
51 dollars, whichever is greater, but in no event shall any such maximum
52 exceed one hundred thousand dollars.

53 C. IN ANY ELECTION FOR A PUBLIC OFFICE TO BE VOTED ON BY THE VOTERS
54 OF THE ENTIRE STATE, OR FOR NOMINATION TO ANY SUCH OFFICE, NO CONTRIBU-
55 TOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN
56 CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS

1 DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE, AND
2 NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION
3 FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN:
4 (I) IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE
5 TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE,
6 EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.005, BUT SUCH
7 AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN TEN
8 THOUSAND DOLLARS, AND (II) IN THE CASE OF ANY ELECTION TO A PUBLIC
9 OFFICE, FIFTEEN THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM
10 AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM
11 ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE
12 SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY NOMI-
13 NATION TO PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE
14 NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUD-
15 ING VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.025, AND IN THE CASE OF
16 ANY ELECTION FOR A PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE PRODUCT OF
17 THE NUMBER OF REGISTERED VOTERS IN THE STATE EXCLUDING VOTERS IN INAC-
18 TIVE STATUS, MULTIPLIED BY \$.025.

19 D. IN ANY OTHER ELECTION FOR PARTY POSITION OR FOR ELECTION TO A
20 PUBLIC OFFICE OR FOR NOMINATION FOR ANY SUCH OFFICE, NO CONTRIBUTOR MAY
21 MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN
22 CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS
23 DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE AND
24 NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION
25 FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I)
26 IN THE CASE OF ANY ELECTION FOR PARTY POSITION, OR FOR NOMINATION TO
27 PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE
28 CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING
29 VOTERS IN INACTIVE STATUS, MULTIPLIED BY \$.05, AND (II) IN THE CASE OF
30 ANY ELECTION FOR A PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF
31 REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS,
32 MULTIPLIED BY \$.05, HOWEVER IN THE CASE OF A NOMINATION WITHIN THE CITY
33 OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER,
34 SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN
35 TWELVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING
36 ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF
37 AN ELECTION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC
38 ADVOCATE OR COMPTROLLER, TWENTY-FIVE THOUSAND DOLLARS AS INCREASED OR
39 DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF
40 THIS SUBDIVISION; IN THE CASE OF A NOMINATION OR ELECTION FOR STATE
41 SENATOR, FIVE THOUSAND DOLLARS; IN THE CASE OF AN ELECTION OR NOMINATION
42 FOR A MEMBER OF THE ASSEMBLY, THREE THOUSAND DOLLARS; PROVIDED HOWEVER,
43 THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE
44 AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND
45 SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE
46 OF ANY ELECTION FOR PARTY POSITION OR NOMINATION FOR PUBLIC OFFICE AN
47 AMOUNT EQUIVALENT TO THE NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S
48 PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN
49 INACTIVE STATUS, MULTIPLIED BY \$.25 AND IN THE CASE OF ANY ELECTION TO
50 PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE NUMBER OF REGISTERED VOTERS
51 IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY
52 \$.25; OR TWELVE HUNDRED FIFTY DOLLARS, WHICHEVER IS GREATER, OR IN THE
53 CASE OF A NOMINATION OR ELECTION OF A STATE SENATOR, TWENTY THOUSAND
54 DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR
55 ELECTION OF A MEMBER OF THE ASSEMBLY TWELVE THOUSAND FIVE HUNDRED

DOLLARS, WHICHEVER IS GREATER, BUT IN NO EVENT SHALL ANY SUCH MAXIMUM EXCEED ONE HUNDRED THOUSAND DOLLARS.

E. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWENTY-ONE, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed AND EXPRESSLY IDENTIFIED FOR ADJUSTMENT in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

F. EACH PARTY OR CONSTITUTED COMMITTEE MAY TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, OR TRANSFER TO ANOTHER PARTY OR CONSTITUTED COMMITTEE, NO MORE THAN FIVE THOUSAND DOLLARS PER ELECTION, EXCEPT THAT SUCH COMMITTEE MAY IN ADDITION TO SUCH TRANSFERS OR EXPENDITURES:

(I) IN A GENERAL OR SPECIAL ELECTION TRANSFER TO, OR SPEND TO ELECT OR OPPOSE A CANDIDATE, NO MORE THAN FIVE HUNDRED DOLLARS RECEIVED FROM EACH CONTRIBUTOR; AND

(II) IN ANY ELECTION SPEND WITHOUT LIMITATION FOR NON-CANDIDATE EXPENDITURES NOT DESIGNED OR INTENDED TO ELECT A PARTICULAR CANDIDATE OR CANDIDATES.

G. NOTWITHSTANDING ANY OTHER CONTRIBUTION LIMIT IN THIS SECTION, PARTICIPATING CANDIDATES AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE MAY CONTRIBUTE, OUT OF THEIR OWN MONEY, THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT TO THEIR OWN AUTHORIZED COMMITTEE.

10. [a.] No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than [sixty-two thousand five hundred] TWENTY-FIVE THOUSAND dollars per annum.

[b. At the beginning of each fourth calendar year, commencing in nineteen hundred ninety-five, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of such contribution limit fixed in paragraph a of this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of such contribution limit. Such contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.]

S 5. 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:

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 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,

1 or in aid of, any corporation, LIMITED LIABILITY COMPANY, joint-stock or
2 other association organized or maintained for political purposes, or
3 for, or in aid of, any candidate for political office or for nomination
4 for such office, or for any political purpose whatever, or for the
5 reimbursement or indemnification of any person for moneys or property so
6 used. Any officer, director, stock-holder, attorney or agent of any
7 corporation, LIMITED LIABILITY COMPANY, or joint-stock association which
8 violates any of the provisions of this section, who participates in,
9 aids, abets or advises or consents to any such violations, and any
10 person who solicits or knowingly receives any money or property in
11 violation of this section, shall be guilty of a misdemeanor.

12 2. Notwithstanding the provisions of subdivision one of this section,
13 any corporation or an organization financially supported in whole or in
14 part, by such corporation may make expenditures, including contribu-
15 tions, not otherwise prohibited by law, for political purposes, in an
16 amount not to exceed [five] ONE thousand dollars in the aggregate in any
17 calendar year; provided that no public utility shall use revenues
18 received from the rendition of public service within the state for
19 contributions for political purposes unless such cost is charged to the
20 shareholders of such a public service corporation.

21 S 6. Section 14-130 of the election law, as added by chapter 152 of
22 the laws of 1985, is amended to read as follows:

23 S 14-130. Campaign funds for personal use. 1. Contributions received
24 by a candidate or a political committee may be expended for any lawful
25 purpose THAT IS DIRECTLY RELATED TO PROMOTING THE NOMINATION OR ELECTION
26 OF A CANDIDATE OR THE EXECUTION OF DUTIES ASSOCIATED WITH THE HOLDING OF
27 A PUBLIC OFFICE OR PARTY POSITION. Such funds shall not be converted by
28 any person to a personal use [which is unrelated to a political campaign
29 or the holding of a public office or party position].

30 2. NO CONTRIBUTION SHALL BE USED TO PAY INTEREST OR ANY OTHER FINANCE
31 CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR THE
32 SPOUSE OF SUCH CANDIDATE.

33 3. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE
34 DEFINED AS EXPENDITURES THAT ARE EXCLUSIVELY FOR THE PERSONAL BENEFIT OF
35 THE CANDIDATE OR ANY OTHER INDIVIDUAL, AND ARE USED TO FULFILL ANY
36 COMMITMENT, OBLIGATION, OR EXPENSE OF A PERSON THAT WOULD EXIST IRRE-
37 SPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN OR THE EXECUTION OF THE
38 DUTIES OF PUBLIC OFFICE OR THE EXECUTION OF THE DUTIES OF A PARTY OFFI-
39 CIAL.

40 (B) EXPENDITURES FOR PERSONAL USE SHALL INCLUDE, BUT ARE NOT LIMITED
41 TO, EXPENSES FOR THE FOLLOWING:

42 (I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES,
43 INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY
44 PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE
45 CANDIDATE'S OR OFFICEHOLDER'S FAMILY THAT ARE NOT INCURRED AS A RESULT
46 OF, OR TO FACILITATE, THE INDIVIDUAL'S CAMPAIGN, OR THE EXECUTION OF HIS
47 OR HER PUBLIC DUTIES. IN THE EVENT THAT ANY PROPERTY OR BUILDING IS USED
48 FOR BOTH PERSONAL AND CAMPAIGN USE, PERSONAL USE SHALL CONSTITUTE
49 EXPENSES THAT EXCEED THE PRO-RATED AMOUNT FOR SUCH EXPENSES BASED ON
50 FAIR-MARKET VALUE.

51 (II) MORTGAGE, RENT, OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-
52 RESIDENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A
53 MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN
54 PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE
55 PROPERTY'S USAGE FOR CAMPAIGN ACTIVITIES;

56 (III) CLOTHING, OTHER THAN ITEMS THAT ARE USED IN THE CAMPAIGN;

(IV) TUITION PAYMENTS;

(V) CHILDCARE COSTS;

(VI) DUES, FEES, OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECREATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S PREMISES;

(VII) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO ANY PERSON WHOSE SERVICES ARE NOT SOLELY FOR CAMPAIGN PURPOSES OR PROVIDED IN CONNECTION WITH THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE;

(VIII) SALARY PAYMENTS OR OTHER COMPENSATION PROVIDED TO A MEMBER OF A CANDIDATE'S FAMILY, UNLESS THE FAMILY MEMBER IS PROVIDING BONA FIDE SERVICES TO THE CAMPAIGN. IF A FAMILY MEMBER PROVIDES BONA FIDE SERVICES TO A CAMPAIGN, ANY SALARY PAYMENTS OR OTHER COMPENSATION IN EXCESS OF THE FAIR MARKET VALUE OF THE SERVICES PROVIDED SHALL BE CONSIDERED PAYMENTS FOR PERSONAL USE;

(IX) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER, OR OTHER FORM OF ENTERTAINMENT, UNLESS SUCH EVENT IS PART OF A CAMPAIGN OR OFFICEHOLDER ACTIVITY;

(X) PAYMENT OF ANY FINES OR PENALTIES ASSESSED PURSUANT TO THIS CHAPTER OR IN CONNECTION WITH A CRIMINAL CONVICTION OR BY THE JOINT COMMISSION FOR PUBLIC ETHICS OR THE LEGISLATIVE ETHICS COMMISSION;

(XI) TRAVEL EXPENSES INCLUDING AUTOMOBILE PURCHASES OR LEASES, UNLESS USED SOLELY FOR CAMPAIGN PURPOSES OR IN CONNECTION WITH THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE. IF A CANDIDATE USES CAMPAIGN FUNDS TO PAY EXPENSES ASSOCIATED WITH TRAVEL THAT INVOLVES BOTH PERSONAL ACTIVITIES AND CAMPAIGN ACTIVITIES OR OFFICIAL DUTIES, THE INCREMENTAL EXPENSES THAT RESULT FROM THE PERSONAL ACTIVITIES SHALL BE CONSIDERED FOR PERSONAL USE UNLESS THE PERSON OR PERSONS BENEFITING FROM THE USE REIMBURSE OR REIMBURSES THE CAMPAIGN ACCOUNT WITHIN NINETY DAYS FOR THE FULL AMOUNT OF THE INCREMENTAL EXPENSES; AND

(XII) ANY OTHER EXPENDITURE DESIGNATED BY THE STATE BOARD OF ELECTIONS AS CONSTITUTING PERSONAL USE.

4. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING EQUIPMENT OR PROPERTY FROM HIS OR HER PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR INDIRECTLY WITH HIM TO AID OR PARTICIPATE IN HIS OR HER NOMINATION OR ELECTION, INCLUDING AN EXPLORATORY COMMITTEE, PROVIDED THAT THE CANDIDATE AND HIS OR HER CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT. SUCH AGREEMENT SHALL INCLUDE THE LEASE OR RENTAL PRICE, WHICH SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT. THE CANDIDATE SHALL NOT RECEIVE LEASE OR RENTAL PAYMENTS WHICH, IN THE AGGREGATE, EXCEED THE COST OF PURCHASING THE EQUIPMENT OR PROPERTY.

5. NOTHING IN THIS SECTION SHALL PROHIBIT AN ELECTED PUBLIC OFFICEHOLDER FROM USING CAMPAIGN CONTRIBUTIONS TO FACILITATE, SUPPORT, OR OTHERWISE ASSIST IN THE EXECUTION OR PERFORMANCE OF THE DUTIES OF HIS OR HER PUBLIC OFFICE.

6. THE STATE BOARD OF ELECTIONS SHALL ISSUE ADVISORY OPINIONS FROM TIME TO TIME UPON REQUEST TO ADDRESS THE APPLICATION OF THIS SECTION.

7. Article 14 of the election law is amended by adding a new title II to read as follows:

TITLE II

PUBLIC FINANCING

SECTION 14-200. LEGISLATIVE FINDINGS AND INTENT.

14-200-A. DEFINITIONS.

14-201. REPORTING REQUIREMENTS.

14-202. CONTRIBUTIONS.

- 1 14-203. PROOF OF COMPLIANCE.
2 14-204. ELIGIBILITY.
3 14-205. LIMITS ON PUBLIC FINANCING.
4 14-206. PAYMENT OF PUBLIC MATCHING FUNDS.
5 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN
6 EXPENDITURES.
7 14-208. POWERS AND DUTIES OF BOARD.
8 14-209. AUDITS AND REPAYMENTS.
9 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER
10 PROCEEDINGS.
11 14-211. REPORTS.
12 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE.
13 14-213. SEVERABILITY.

14 S 14-200. LEGISLATIVE FINDINGS AND INTENT. THE LEGISLATURE FINDS THAT
15 REFORM OF NEW YORK STATE'S CAMPAIGN FINANCE SYSTEM IS CRUCIAL TO IMPROV-
16 ING PUBLIC CONFIDENCE IN THE STATE'S DEMOCRATIC PROCESSES AND CONTINUING
17 TO ENSURE A GOVERNMENT THAT IS ACCOUNTABLE TO ALL OF THE VOTERS OF THE
18 STATE REGARDLESS OF WEALTH OR POSITION. THE LEGISLATURE FINDS THAT NEW
19 YORK'S CURRENT SYSTEM OF CAMPAIGN FINANCE, WITH ITS LARGE CONTRIBUTIONS
20 TO CANDIDATES FOR OFFICE AND PARTY COMMITTEES, HAS CREATED THE POTENTIAL
21 FOR AND THE APPEARANCE OF CORRUPTION. THE LEGISLATURE FURTHER FINDS
22 THAT, WHETHER OR NOT THIS SYSTEM CREATES ACTUAL CORRUPTION, THE APPEAR-
23 ANCE OF SUCH CORRUPTION CAN GIVE RISE TO A DISTRUST IN GOVERNMENT AND
24 CITIZEN APATHY THAT UNDERMINE THE DEMOCRATIC OPERATION OF THE POLITICAL
25 PROCESS.

26 THE LEGISLATURE ALSO FINDS THAT THE HIGH COST OF RUNNING FOR OFFICE IN
27 NEW YORK DISCOURAGES QUALIFIED CANDIDATES FROM RUNNING FOR OFFICE AND
28 CREATES AN ELECTORAL SYSTEM THAT ENCOURAGES CANDIDATES TO SPEND TOO MUCH
29 TIME RAISING MONEY RATHER THAN ATTENDING TO THE DUTIES OF THEIR OFFICE,
30 REPRESENTING THE NEEDS OF THEIR CONSTITUENTS, AND COMMUNICATING WITH
31 VOTERS.

32 THE LEGISLATURE AMENDS THIS CHAPTER CREATING A NEW TITLE TWO TO ARTI-
33 CLE FOURTEEN OF THIS CHAPTER TO REDUCE THE POSSIBILITY AND APPEARANCE
34 THAT SPECIAL INTERESTS EXERCISE UNDUE INFLUENCE OVER STATE OFFICIALS; TO
35 INCREASE THE ACTUAL AND APPARENT RESPONSIVENESS OF ELECTED OFFICIALS TO
36 ALL VOTERS; TO ENCOURAGE QUALIFIED CANDIDATES TO RUN FOR OFFICE; AND TO
37 REDUCE THE PRESSURE ON CANDIDATES TO SPEND LARGE AMOUNTS OF TIME RAISING
38 LARGE CONTRIBUTIONS FOR THEIR CAMPAIGNS.

39 THE LEGISLATURE FINDS THAT THIS ARTICLE'S LIMITATIONS ON CONTRIBUTIONS
40 FURTHER THE GOVERNMENT'S INTEREST IN REDUCING REAL AND APPARENT
41 CORRUPTION AND IN BUILDING TRUST IN GOVERNMENT. THE LEGISLATURE FINDS
42 THAT THE CONTRIBUTION LEVELS ARE SUFFICIENTLY HIGH TO ALLOW CANDIDATES
43 AND POLITICAL PARTIES TO RAISE ENOUGH MONEY TO RUN EFFECTIVE CAMPAIGNS.
44 IN ADDITION, THE LEGISLATURE FINDS THAT GRADUATED CONTRIBUTION LIMITA-
45 TIONS REFLECT THE CAMPAIGN NEEDS OF CANDIDATES FOR DIFFERENT OFFICES.

46 THE LEGISLATURE ALSO FINDS THAT THE SYSTEM OF VOLUNTARY PUBLIC FINANC-
47 ING FURTHERS THE GOVERNMENT'S INTEREST IN ENCOURAGING QUALIFIED CANDI-
48 DATES TO RUN FOR OFFICE. THE LEGISLATURE FINDS THAT THE VOLUNTARY PUBLIC
49 FUNDING PROGRAM WILL ENLARGE THE PUBLIC DEBATE AND INCREASE PARTIC-
50 IPATION IN THE DEMOCRATIC PROCESS. IN ADDITION, THE LEGISLATURE FINDS
51 THAT THE VOLUNTARY EXPENDITURE LIMITATIONS AND MATCHING FUND PROGRAM
52 REDUCE THE BURDEN ON CANDIDATES AND OFFICEHOLDERS TO SPEND TIME RAISING
53 MONEY FOR THEIR CAMPAIGNS.

54 THEREFORE, THE LEGISLATURE DECLARES THAT THESE AMENDMENTS FURTHER THE
55 IMPORTANT AND VALID GOVERNMENT INTERESTS OF REDUCING VOTER APATHY,
56 BUILDING CONFIDENCE IN GOVERNMENT, REDUCING THE REALITY AND APPEARANCE

1 OF CORRUPTION, AND ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE,
2 WHILE REDUCING CANDIDATES' AND OFFICEHOLDERS' FUNDRAISING BURDENS.

3 S 14-200-A. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, THE FOLLOW-
4 ING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 1. THE TERM "AUTHORIZED COMMITTEE" SHALL MEAN THE SINGLE COMMITTEE
6 DESIGNATED BY A CANDIDATE PURSUANT TO SECTION 14-201 OF THIS TITLE TO
7 RECEIVE CONTRIBUTIONS AND MAKE EXPENDITURES IN SUPPORT OF THE CANDI-
8 DATE'S CAMPAIGN.

9 2. THE TERM "BOARD" SHALL MEAN THE STATE BOARD OF ELECTIONS.

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

12 4. THE TERM "CONTRIBUTOR" SHALL MEAN ANY PERSON OR ENTITY THAT MAKES A
13 CONTRIBUTION.

14 5. THE TERM "COVERED ELECTION" SHALL MEAN ANY PRIMARY, GENERAL, OR
15 SPECIAL ELECTION FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE
16 OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER,
17 STATE SENATOR, OR MEMBER OF THE ASSEMBLY.

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

22 7. THE TERM "EXPENDITURE" SHALL MEAN ANY GIFT, SUBSCRIPTION, ADVANCE,
23 PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF VALUE, OR A CONTRACT TO MAKE
24 ANY GIFT, SUBSCRIPTION, PAYMENT, OR DEPOSIT OF MONEY OR ANYTHING OF
25 VALUE, MADE IN CONNECTION WITH THE NOMINATION FOR ELECTION, OR ELECTION,
26 OF ANY CANDIDATE. EXPENDITURES MADE BY CONTRACT ARE DEEMED MADE WHEN
27 SUCH FUNDS ARE OBLIGATED.

28 8. THE TERM "FUND" SHALL MEAN THE NEW YORK STATE CAMPAIGN FINANCE
29 FUND.

30 9. THE TERM "IMMEDIATE FAMILY" SHALL MEAN A SPOUSE, CHILD, SIBLING OR
31 PARENT.

32 10. THE TERM "INTERMEDIARY" SHALL MEAN AN INDIVIDUAL, CORPORATION,
33 PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY
34 WHICH BUNDLES, CAUSES TO BE DELIVERED OR OTHERWISE DELIVERS ANY CONTRIB-
35 UTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMIT-
36 TEE, OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY
37 OR MESSENGER SERVICE. PROVIDED, HOWEVER, THAT AN "INTERMEDIARY" SHALL
38 NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF
39 THE PERSON MAKING SUCH CONTRIBUTION OR A STAFF MEMBER OR VOLUNTEER OF
40 THE CAMPAIGN IDENTIFIED IN WRITING TO THE STATE BOARD OF ELECTIONS. HERE
41 "CAUSES TO BE DELIVERED" SHALL INCLUDE PROVIDING POSTAGE, ENVELOPES OR
42 OTHER SHIPPING MATERIALS FOR THE USE OF DELIVERING THE CONTRIBUTION TO
43 THE ULTIMATE RECIPIENT.

44 11. THE TERM "ITEM WITH SIGNIFICANT INTRINSIC AND ENDURING VALUE"
45 SHALL MEAN ANY ITEM, INCLUDING TICKETS TO AN EVENT, THAT ARE VALUED AT
46 TWENTY-FIVE DOLLARS OR MORE.

47 12. (A) THE TERM "MATCHABLE CONTRIBUTION" SHALL MEAN A CONTRIBUTION,
48 CONTRIBUTIONS OR A PORTION OF A CONTRIBUTION OR CONTRIBUTIONS FOR ANY
49 COVERED ELECTIONS HELD IN THE SAME ELECTION CYCLE, MADE BY A NATURAL
50 PERSON WHO IS A UNITED STATES CITIZEN AND RESIDENT IN THE STATE OF NEW
51 YORK TO A PARTICIPATING CANDIDATE, THAT HAS BEEN REPORTED IN FULL TO THE
52 BOARD IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY
53 THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR
54 BEFORE THE DAY OF THE APPLICABLE PRIMARY, GENERAL, RUNOFF OR SPECIAL
55 ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR A PORTION OF A CONTRIB-

UTION DETERMINED TO BE INVALID FOR MATCHING FUNDS BY THE BOARD MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION FOR ANY PURPOSE.

(B) THE FOLLOWING CONTRIBUTIONS ARE NOT MATCHABLE:

(I) LOANS;

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

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

(IV) TRANSFERS FROM A PARTY OR CONSTITUTED COMMITTEE;

(V) ANONYMOUS CONTRIBUTIONS OR CONTRIBUTIONS WHOSE SOURCE IS NOT ITEMIZED AS REQUIRED BY SECTION 14-201 OF THIS TITLE;

(VI) CONTRIBUTIONS GATHERED DURING A PREVIOUS ELECTION CYCLE;

(VII) ILLEGAL CONTRIBUTIONS;

(VIII) CONTRIBUTIONS FROM MINORS;

(IX) CONTRIBUTIONS FROM VENDORS FOR CAMPAIGNS; AND

(X) CONTRIBUTIONS FROM LOBBYISTS REGISTERED PURSUANT TO SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

13. THE TERM "NONPARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE FOR A COVERED ELECTION WHO FAILS TO FILE A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT UNDER SECTION 14-204 OF THIS TITLE BY THE APPLICABLE DEADLINE.

14. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN ANY CANDIDATE FOR NOMINATION FOR ELECTION, OR ELECTION, TO THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, STATE SENATOR, OR MEMBER OF THE ASSEMBLY WHO FILES A WRITTEN CERTIFICATION IN THE FORM OF AN AFFIDAVIT PURSUANT TO SECTION 14-204 OF THIS TITLE.

15. THE TERM "POST-ELECTION PERIOD" SHALL MEAN THE FIVE YEARS FOLLOWING AN ELECTION WHEN A CANDIDATE IS SUBJECT TO AN AUDIT.

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

17. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF MATCHABLE CONTRIBUTIONS THAT A CANDIDATE'S AUTHORIZED COMMITTEE MUST RECEIVE IN TOTAL IN ORDER FOR SUCH CANDIDATE TO QUALIFY FOR VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE.

18. THE TERM "TRANSFER" SHALL MEAN ANY EXCHANGE OF FUNDS BETWEEN A PARTY OR CONSTITUTED COMMITTEE AND A CANDIDATE OR ANY OF HIS OR HER AUTHORIZED COMMITTEES.

S 14-201. REPORTING REQUIREMENTS. 1. POLITICAL COMMITTEE REGISTRATION. POLITICAL COMMITTEES AS DEFINED PURSUANT TO SUBDIVISION ONE OF SECTION 14-100 OF THIS ARTICLE SHALL REGISTER WITH THE BOARD BEFORE MAKING ANY CONTRIBUTION OR EXPENDITURE. THE BOARD SHALL PUBLISH A CUMULATIVE LIST OF POLITICAL COMMITTEES THAT HAVE REGISTERED, INCLUDING ON ITS WEBPAGE, AND REGULARLY UPDATE IT.

2. ONLY ONE AUTHORIZED COMMITTEE PER CANDIDATE PER ELECTIVE OFFICE SOUGHT. BEFORE RECEIVING ANY CONTRIBUTION OR MAKING ANY EXPENDITURE FOR A COVERED ELECTION, EACH CANDIDATE SHALL NOTIFY THE BOARD AS TO THE EXISTENCE OF HIS OR HER AUTHORIZED COMMITTEE THAT HAS BEEN APPROVED BY SUCH CANDIDATE. EACH CANDIDATE SHALL HAVE ONE AND ONLY ONE AUTHORIZED COMMITTEE PER ELECTIVE OFFICE SOUGHT. EACH AUTHORIZED COMMITTEE SHALL HAVE A TREASURER AND IS SUBJECT TO THE RESTRICTIONS FOUND IN SECTION 14-112 OF THIS ARTICLE.

3. DISCLOSURE REPORTS. (A) DETAILED REPORTING. IN ADDITION TO EACH AUTHORIZED AND POLITICAL COMMITTEE REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE IN THE TIME AND MANNER PRESCRIBED BY SECTIONS 14-102, 14-104 AND 14-108 OF THIS ARTICLE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL ALSO SUBMIT DISCLOSURE REPORTS ON MARCH FIFTEENTH AND MAY FIFTEENTH OF EACH ELECTION YEAR

1 REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY
2 EXPENDITURE MADE. FOR CONTRIBUTORS WHO MAKE CONTRIBUTIONS OF FIVE
3 HUNDRED DOLLARS OR MORE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL
4 REPORT TO THE BOARD THE OCCUPATION, AND BUSINESS ADDRESS OF EACH
5 CONTRIBUTOR, LENDER, AND INTERMEDIARY. THE BOARD SHALL REVISE, PREPARE
6 AND POST FORMS ON ITS WEBPAGE THAT FACILITATE COMPLIANCE WITH THE
7 REQUIREMENTS OF THIS SECTION.

8 (B) BOARD REVIEW. THE BOARD'S PUBLIC FINANCING UNIT SHALL REVIEW EACH
9 DISCLOSURE REPORT FILED AND SHALL INFORM AUTHORIZED AND POLITICAL
10 COMMITTEES OF RELEVANT QUESTIONS THE UNIT HAS CONCERNING: (I) COMPLIANCE
11 WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD;
12 AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO
13 THIS TITLE. IN THE COURSE OF THIS REVIEW, THE UNIT SHALL GIVE AUTHORIZED
14 AND POLITICAL COMMITTEES AN OPPORTUNITY TO RESPOND TO AND CORRECT POTEN-
15 TIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS
16 THE UNIT HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER
17 ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSU-
18 ANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE UNIT OR
19 THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH DISCLOSURE REPORTS AND TAKING
20 ANY ACTION OTHERWISE AUTHORIZED UNDER THIS TITLE.

21 (C) ITEMIZATION. CONTRIBUTIONS THAT ARE NOT ITEMIZED IN REPORTS FILED
22 WITH THE BOARD SHALL NOT BE MATCHABLE.

23 (D) OPTION TO FILE MORE FREQUENTLY. PARTICIPATING CANDIDATES MAY FILE
24 REPORTS OF CONTRIBUTIONS AS FREQUENTLY AS ONCE A WEEK ON FRIDAYS SO THAT
25 THEIR MATCHING FUNDS MAY BE PAID AT THE EARLIEST ALLOWABLE DATE.

26 S 14-202. CONTRIBUTIONS. RECIPIENTS OF FUNDS PURSUANT TO THIS TITLE
27 SHALL BE SUBJECT TO THE APPLICABLE CONTRIBUTION LIMITS SET FORTH IN
28 SECTION 14-114 OF THIS ARTICLE.

29 S 14-203. PROOF OF COMPLIANCE. AUTHORIZED AND POLITICAL COMMITTEES
30 SHALL MAINTAIN SUCH RECORDS OF RECEIPTS AND EXPENDITURES FOR A COVERED
31 ELECTION AS REQUIRED BY THE BOARD. AUTHORIZED AND POLITICAL COMMITTEES
32 SHALL OBTAIN AND FURNISH TO THE PUBLIC FINANCING UNIT ANY INFORMATION IT
33 MAY REQUEST RELATING TO FINANCIAL TRANSACTIONS OR CONTRIBUTIONS AND
34 FURNISH SUCH DOCUMENTATION AND OTHER PROOF OF COMPLIANCE WITH THIS TITLE
35 AS MAY BE REQUESTED. IN COMPLIANCE WITH SECTION 14-108 OF THIS ARTICLE,
36 AUTHORIZED AND POLITICAL COMMITTEES SHALL MAINTAIN COPIES OF SUCH
37 RECORDS FOR A PERIOD OF FIVE YEARS.

38 S 14-204. ELIGIBILITY. 1. TERMS AND CONDITIONS. TO BE ELIGIBLE FOR
39 VOLUNTARY PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE MUST:

40 (A) BE A CANDIDATE IN A COVERED ELECTION;

41 (B) MEET ALL THE REQUIREMENTS OF LAW TO HAVE HIS OR HER NAME ON THE
42 BALLOT;

43 (C) IN THE CASE OF A COVERED GENERAL OR SPECIAL ELECTION, BE OPPOSED
44 BY ANOTHER CANDIDATE ON THE BALLOT WHO IS NOT A WRITE-IN CANDIDATE;

45 (D) SUBMIT A CERTIFICATION IN THE FORM OF AN AFFIDAVIT, IN SUCH FORM
46 AS MAY BE PRESCRIBED BY THE BOARD, THAT SETS FORTH HIS OR HER ACCEPTANCE
47 OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE
48 PROVISION OF SUCH FUNDS IN EACH COVERED ELECTION AND SUCH CERTIFICATION
49 SHALL BE SUBMITTED AT LEAST FOUR MONTHS BEFORE THE ELECTION PURSUANT TO
50 A SCHEDULE PROMULGATED BY THE PUBLIC FINANCING UNIT OF THE BOARD;

51 (E) BE CERTIFIED AS A PARTICIPATING CANDIDATE BY THE BOARD;

52 (F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM OR USE HIS OR HER
53 PERSONAL FUNDS OR PROPERTY OR THE PERSONAL FUNDS OR PROPERTY JOINTLY
54 HELD WITH HIS OR HER SPOUSE, OR UNEMANCIPATED CHILDREN IN CONNECTION
55 WITH HIS OR HER NOMINATION ELECTION OR ELECTION TO A COVERED OFFICE
56 EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT

1 THAT EXCEEDS THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT FROM AN INDI-
2 VIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEK-
3 ING;

4 (G) MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF
5 THIS SECTION; AND

6 (H) CONTINUE TO ABIDE BY ALL REQUIREMENTS DURING THE POST-ELECTION
7 PERIOD.

8 2. THRESHOLD FOR ELIGIBILITY. (A) THE THRESHOLD FOR ELIGIBILITY FOR
9 PUBLIC FUNDING FOR PARTICIPATING CANDIDATES SHALL BE IN THE CASE OF:

10 (I) GOVERNOR, NOT LESS THAN SIX HUNDRED FIFTY THOUSAND DOLLARS IN
11 MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST SIX THOUSAND FIVE HUNDRED
12 MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED
13 SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF NEW YORK STATE;

14 (II) LIEUTENANT GOVERNOR, ATTORNEY GENERAL, AND COMPTROLLER, NOT LESS
15 THAN TWO HUNDRED THOUSAND DOLLARS IN MATCHABLE CONTRIBUTIONS INCLUDING
16 AT LEAST TWO THOUSAND MATCHABLE CONTRIBUTIONS COMPRISED OF SUMS BETWEEN
17 TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER CONTRIBUTOR, FROM RESIDENTS
18 OF NEW YORK STATE;

19 (III) STATE SENATOR, NOT LESS THAN TWENTY THOUSAND DOLLARS IN MATCHA-
20 BLE CONTRIBUTIONS INCLUDING AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS
21 COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE DOLLARS PER
22 CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE SEAT IS TO BE
23 FILLED; AND

24 (IV) MEMBER OF THE ASSEMBLY, NOT LESS THAN TEN THOUSAND DOLLARS IN
25 MATCHABLE CONTRIBUTIONS INCLUDING AT LEAST ONE HUNDRED MATCHABLE
26 CONTRIBUTIONS COMPRISED OF SUMS BETWEEN TEN AND ONE HUNDRED SEVENTY-FIVE
27 DOLLARS PER CONTRIBUTOR, FROM RESIDENTS OF THE DISTRICT IN WHICH THE
28 SEAT IS TO BE FILLED.

29 (B) ANY PARTICIPATING CANDIDATE MEETING THE THRESHOLD FOR ELIGIBILITY
30 IN A PRIMARY ELECTION FOR ONE OF THE FOREGOING OFFICES SHALL BE DEEMED
31 TO HAVE MET THE THRESHOLD FOR ELIGIBILITY FOR SUCH OFFICE IN ANY OTHER
32 SUBSEQUENT ELECTION HELD IN THE SAME CALENDAR YEAR.

33 S 14-205. LIMITS ON PUBLIC FINANCING. THE FOLLOWING LIMITATIONS APPLY
34 TO THE TOTAL AMOUNTS OF PUBLIC FUNDS THAT MAY BE PROVIDED TO A PARTIC-
35 IPATING CANDIDATE'S AUTHORIZED COMMITTEE FOR AN ELECTION CYCLE:

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

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

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

41 (III) FOR SENATOR, THE SUM OF THREE HUNDRED SEVENTY-FIVE THOUSAND
42 DOLLARS;

43 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF ONE HUNDRED SEVENTY-FIVE
44 THOUSAND DOLLARS.

45 2. IN ANY GENERAL OR SPECIAL ELECTION, RECEIPT OF PUBLIC FUNDS BY A
46 PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEES SHALL NOT EXCEED THE
47 FOLLOWING AMOUNTS:

48 CANDIDATES FOR ELECTION TO THE OFFICE OF:

| | |
|--|--------------|
| 49 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED) | \$10,000,000 |
| 50 ATTORNEY GENERAL | \$4,000,000 |
| 51 COMPTROLLER | \$4,000,000 |
| 52 MEMBER OF SENATE | \$375,000 |
| 53 MEMBER OF ASSEMBLY | \$175,000 |

54 3. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS NOT
55 OPPOSED BY A CANDIDATE ON THE BALLOT IN A PRIMARY ELECTION SHALL BE
56 ENTITLED TO PAYMENT OF PUBLIC MATCHING FUNDS, EXCEPT THAT, WHERE THERE

1 IS A CONTEST IN SUCH PRIMARY ELECTION FOR THE NOMINATION OF AT LEAST ONE
2 OF THE TWO POLITICAL PARTIES WITH THE HIGHEST AND SECOND HIGHEST NUMBER
3 OF ENROLLED MEMBERS FOR SUCH OFFICE, A PARTICIPATING CANDIDATE WHO IS
4 UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE
5 PRIMARY ELECTION, FOR EXPENSES INCURRED ON OR BEFORE THE DATE OF SUCH
6 PRIMARY ELECTION, IN AN AMOUNT EQUAL TO UP TO HALF THE SUM SET FORTH IN
7 PARAGRAPH ONE OF THIS SECTION.

8 S 14-206. PAYMENT OF PUBLIC MATCHING FUNDS. 1. DETERMINATION OF ELIGI-
9 BILITY. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMIT-
10 TEE UNLESS THE PUBLIC FINANCING UNIT DETERMINES THAT THE PARTICIPATING
11 CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS TITLE. PAYMENT
12 SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS
13 SECTION, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF
14 THIS TITLE. SUCH PAYMENT MAY BE MADE ONLY TO THE PARTICIPATING CANDI-
15 DATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED
16 EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES
17 ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED
18 CAMPAIGN EXPENDITURES.

19 2. CALCULATION OF PAYMENT. IF THE THRESHOLD FOR ELIGIBILITY IS MET,
20 THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE SHALL RECEIVE PAYMENT
21 FOR QUALIFIED CAMPAIGN EXPENDITURES OF SIX DOLLARS OF PUBLIC MATCHING
22 FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS, FOR THE FIRST ONE
23 HUNDRED SEVENTY-FIVE DOLLARS OF ELIGIBLE PRIVATE FUNDS PER CONTRIBUTOR,
24 OBTAINED AND REPORTED TO THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF
25 THIS TITLE. THE MAXIMUM PAYMENT OF PUBLIC MATCHING FUNDS SHALL BE LIMIT-
26 ED TO THE AMOUNTS SET FORTH IN SECTION 14-205 OF THIS TITLE FOR THE
27 COVERED ELECTION.

28 3. TIMING OF PAYMENT. THE PUBLIC FINANCING UNIT SHALL MAKE ANY PAYMENT
29 OF PUBLIC MATCHING FUNDS TO PARTICIPATING CANDIDATES AS SOON AS IS PRAC-
30 TICABLE. BUT IN ALL CASES, THAT UNIT SHALL VERIFY ELIGIBILITY FOR PUBLIC
31 MATCHING FUNDS WITHIN FOUR DAYS OF RECEIVING A CAMPAIGN CONTRIBUTION
32 REPORT FILED IN COMPLIANCE WITH SECTION 14-104 OF THIS ARTICLE. WITHIN
33 TWO DAYS OF DETERMINING THAT A CANDIDATE FOR A COVERED OFFICE IS ELIGI-
34 BLE FOR PUBLIC MATCHING FUNDS, THE UNIT SHALL PAY THE APPLICABLE MATCH-
35 ING FUNDS OWED TO THE CANDIDATE. HOWEVER, THE UNIT SHALL NOT MAKE ANY
36 PAYMENTS OF PUBLIC MONEY EARLIER THAN THE EARLIEST DATES FOR MAKING SUCH
37 PAYMENTS AS PROVIDED BY THIS TITLE. IF ANY OF SUCH PAYMENTS WOULD
38 REQUIRE PAYMENT ON A WEEKEND OR FEDERAL HOLIDAY, PAYMENT SHALL BE MADE
39 ON THE NEXT BUSINESS DAY.

40 4. ELECTRONIC FUNDS TRANSFER. THE BOARD SHALL PROMULGATE RULES TO
41 FACILITATE ELECTRONIC FUNDS TRANSFERS DIRECTLY FROM THE FUND INTO AN
42 AUTHORIZED COMMITTEE'S BANK ACCOUNT.

43 5. IRREGULARLY SCHEDULED ELECTIONS. NOTWITHSTANDING ANY OTHER
44 PROVISION OF THIS TITLE, THE BOARD SHALL PROMULGATE RULES TO PROVIDE FOR
45 THE PROMPT ISSUANCE OF PUBLIC MATCHING FUNDS TO ELIGIBLE PARTICIPATING
46 CANDIDATES FOR QUALIFIED CAMPAIGN EXPENDITURES IN THE CASE OF ANY OTHER
47 COVERED ELECTION HELD ON A DAY DIFFERENT FROM THAT THAN ORIGINALLY SCHE-
48 DULED INCLUDING SPECIAL ELECTIONS. BUT IN ALL CASES, THE PUBLIC FINANC-
49 ING UNIT SHALL (A) WITHIN FOUR DAYS OF RECEIVING A REPORT OF CONTRIB-
50 UCTIONS FROM A CANDIDATE FOR A COVERED OFFICE CLAIMING ELIGIBILITY FOR
51 PUBLIC MATCHING FUNDS VERIFY THAT CANDIDATE'S ELIGIBILITY FOR PUBLIC
52 MATCHING FUNDS; AND (B) WITHIN TWO DAYS OF DETERMINING THAT THE CANDI-
53 DATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, THE
54 UNIT SHALL PAY THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE.

55 S 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDI-
56 TURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS

1 TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO
2 FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR
3 ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR PRIOR TO
4 AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR
5 ELECTION OR ELECTION.

6 2. SUCH PUBLIC MATCHING FUNDS MAY NOT BE USED FOR:

7 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

8 (B) AN EXPENDITURE IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES,
9 MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

10 (C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALI-
11 FIED FROM THE BALLOT;

12 (D) AN EXPENDITURE MADE AFTER THE ONLY REMAINING OPPONENT OF THE
13 CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE GENERAL OR SPECIAL
14 ELECTION BALLOT;

15 (E) AN EXPENDITURE MADE BY CASH PAYMENT;

16 (F) A CONTRIBUTION OR LOAN OR TRANSFER MADE TO OR EXPENDITURE TO
17 SUPPORT ANOTHER CANDIDATE OR POLITICAL COMMITTEE OR PARTY, COMMITTEE OR
18 CONSTITUTED COMMITTEE;

19 (G) AN EXPENDITURE TO SUPPORT OR OPPOSE A CANDIDATE FOR AN OFFICE
20 OTHER THAN THAT WHICH THE PARTICIPATING CANDIDATE SEEKS;

21 (H) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER PRINTED CAMPAIGN
22 MATERIAL;

23 (I) LEGAL FEES TO DEFEND AGAINST A CRIMINAL CHARGE;

24 (J) PAYMENTS TO IMMEDIATE FAMILY MEMBERS OF THE PARTICIPATING CANDI-
25 DATE; OR

26 (K) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF
27 DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE,
28 AUTHORIZATION, DECLINATION OR SUBSTITUTION.

29 S 14-208. POWERS AND DUTIES OF BOARD. 1. ADVISORY OPINIONS. THE BOARD
30 SHALL RENDER ADVISORY OPINIONS WITH RESPECT TO QUESTIONS ARISING UNDER
31 THIS TITLE UPON THE WRITTEN REQUEST OF A CANDIDATE, AN OFFICER OF A
32 POLITICAL COMMITTEE OR MEMBER OF THE PUBLIC, OR UPON ITS OWN INITIATIVE.
33 THE BOARD SHALL PROMULGATE RULES REGARDING REASONABLE TIMES TO RESPOND
34 TO SUCH REQUESTS. THE BOARD SHALL MAKE PUBLIC THE QUESTIONS OF INTERPRE-
35 TATION FOR WHICH ADVISORY OPINIONS WILL BE CONSIDERED BY THE BOARD AND
36 ITS ADVISORY OPINIONS, INCLUDING BY PUBLICATION ON ITS WEBPAGE WITH
37 IDENTIFYING INFORMATION REDACTED AS THE BOARD DETERMINES TO BE APPROPRI-
38 ATE.

39 2. PUBLIC INFORMATION AND CANDIDATE EDUCATION. THE BOARD SHALL DEVELOP
40 A PROGRAM FOR INFORMING CANDIDATES AND THE PUBLIC AS TO THE PURPOSE AND
41 EFFECT OF THE PROVISIONS OF THIS TITLE, INCLUDING BY MEANS OF A WEBPAGE.
42 THE BOARD SHALL PREPARE IN PLAIN LANGUAGE AND MAKE AVAILABLE EDUCATIONAL
43 MATERIALS, INCLUDING COMPLIANCE MANUALS AND SUMMARIES AND EXPLANATIONS
44 OF THE PURPOSES AND PROVISIONS OF THIS TITLE. THE BOARD SHALL PREPARE OR
45 HAVE PREPARED AND MAKE AVAILABLE MATERIALS, INCLUDING, TO THE EXTENT
46 FEASIBLE, COMPUTER SOFTWARE, TO FACILITATE THE TASK OF COMPLIANCE WITH
47 THE DISCLOSURE AND RECORD-KEEPING REQUIREMENTS OF THIS TITLE.

48 3. RULES AND REGULATIONS. THE BOARD SHALL HAVE THE AUTHORITY TO
49 PROMULGATE SUCH RULES AND REGULATIONS AND PROVIDE SUCH FORMS AS IT DEEMS
50 NECESSARY FOR THE ADMINISTRATION OF THIS TITLE.

51 4. DATABASE. THE BOARD SHALL DEVELOP AN INTERACTIVE, SEARCHABLE
52 COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE
53 PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIB-
54 UTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEE,
55 INDEPENDENT EXPENDITURES IN SUPPORT OR OPPOSITION OF CANDIDATES FOR

1 COVERED OFFICES, AND DISTRIBUTIONS OF MONEYS FROM THE FUND. SUCH DATA-
2 BASE SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S WEBPAGE.

3 5. THE BOARD'S PUBLIC FINANCING UNIT SHALL WORK WITH THE ENFORCEMENT
4 UNIT TO ENFORCE THIS SECTION.

5 S 14-209. AUDITS AND REPAYMENTS. 1. AUDITS. THE BOARD SHALL AUDIT AND
6 EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS TITLE
7 AND SHALL COMPLETE SUCH AUDIT NO LATER THAN TWO YEARS AFTER THE ELECTION
8 IN QUESTION. EVERY CANDIDATE WHO RECEIVES PUBLIC FUNDS UNDER THIS TITLE
9 SHALL BE AUDITED BY THE BOARD. THE COST OF COMPLYING WITH A POST-ELEC-
10 TION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE USING
11 PUBLIC FUNDS, PRIVATE FUNDS OR ANY COMBINATION OF SUCH FUNDS. CANDI-
12 DATES WHO RUN IN BOTH A PRIMARY AND GENERAL ELECTION MUST MAINTAIN A
13 RESERVE OF THREE PERCENT OF THE PUBLIC FUNDS RECEIVED TO COMPLY WITH THE
14 POST-ELECTION AUDIT. THE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED A
15 FINAL AUDIT REPORT THAT DETAILS ITS FINDINGS.

16 2. REPAYMENTS. (A) IF THE BOARD DETERMINES THAT ANY PORTION OF THE
17 PAYMENT MADE TO A CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS IN
18 EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS THAT SUCH CANDIDATE WAS
19 ELIGIBLE TO RECEIVE PURSUANT TO THIS TITLE, IT SHALL NOTIFY SUCH COMMIT-
20 TEE AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT EQUAL TO THE
21 AMOUNT OF EXCESS PAYMENTS. PROVIDED, HOWEVER, THAT IF THE ERRONEOUS
22 PAYMENT WAS THE RESULT OF AN ERROR BY THE BOARD, THEN THE ERRONEOUS
23 PAYMENT WILL BE DEDUCTED FROM ANY FUTURE PAYMENT, IF ANY, AND IF NO
24 PAYMENT IS TO BE MADE THEN NEITHER THE CANDIDATE NOR THE COMMITTEE SHALL
25 BE LIABLE TO REPAY THE EXCESS AMOUNT TO THE BOARD. THE CANDIDATE, THE
26 TREASURER AND THE CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND
27 SEVERABLY LIABLE FOR ANY REPAYMENTS TO THE BOARD.

28 (B) IF THE BOARD DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A
29 CANDIDATE'S AUTHORIZED COMMITTEE FROM THE FUND WAS USED FOR PURPOSES
30 OTHER THAN QUALIFIED CAMPAIGN EXPENDITURES AND SUCH EXPENDITURES WERE
31 NOT APPROVED BY THE BOARD, IT SHALL NOTIFY SUCH COMMITTEE OF THE AMOUNT
32 SO DISQUALIFIED AND SUCH COMMITTEE SHALL PAY TO THE BOARD AN AMOUNT
33 EQUAL TO SUCH DISQUALIFIED AMOUNT. THE CANDIDATE, THE TREASURER AND THE
34 CANDIDATE'S AUTHORIZED COMMITTEE ARE JOINTLY AND SEVERABLY LIABLE FOR
35 ANY REPAYMENTS TO THE BOARD.

36 (C) IF THE TOTAL OF PAYMENTS FROM THE FUND RECEIVED BY A PARTICIPATING
37 CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEED THE TOTAL CAMPAIGN
38 EXPENDITURES OF SUCH CANDIDATE AND AUTHORIZED COMMITTEE FOR ALL COVERED
39 ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO
40 FILL A VACANCY, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS
41 TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH AUTHORIZED COMMITTEE
42 FROM THE FUND DURING SUCH CALENDAR YEAR OR FOR SUCH SPECIAL ELECTION.
43 PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC CAMPAIGN
44 FUNDS FROM AN ELECTION NOT LATER THAN TWENTY-SEVEN DAYS AFTER ALL
45 LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND IN ANY EVENT, NOT LATER
46 THAN THE DAY ON WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE
47 PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE; PROVIDED, HOWEVER, THAT
48 ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE
49 IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON A DETERMINATION BY THE
50 BOARD THAT THE PARTICIPANT HAS DELAYED THE POST-ELECTION AUDIT. A
51 PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES WITH PUBLIC
52 FUNDS ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COST ASSOCIATED WITH
53 WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. NOTH-
54 ING IN THIS TITLE SHALL BE CONSTRUED TO PREVENT A CANDIDATE OR HIS OR
55 HER AUTHORIZED COMMITTEE FROM USING CAMPAIGN CONTRIBUTIONS RECEIVED FROM
56 PRIVATE CONTRIBUTORS FOR OTHERWISE LAWFUL EXPENDITURES.

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

11 S 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER
12 PROCEEDINGS. 1. CIVIL PENALTIES. VIOLATIONS OF ANY PROVISION OF THIS
13 TITLE OR RULE PROMULGATED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO A
14 CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF FIFTEEN THOUSAND DOLLARS.

15 2. NOTICE OF VIOLATION AND OPPORTUNITY TO CONTEST. THE BOARD SHALL:

16 (A) DETERMINE WHETHER A VIOLATION OF ANY PROVISION OF THIS TITLE OR
17 RULE PROMULGATED HEREUNDER HAS BEEN COMMITTED;

18 (B) GIVE WRITTEN NOTICE AND THE OPPORTUNITY TO CONTEST BEFORE AN INDE-
19 PENDENT HEARING OFFICER TO EACH PERSON OR ENTITY IT HAS REASON TO
20 BELIEVE HAS COMMITTED A VIOLATION; AND

21 (C) IF APPROPRIATE, ASSESS PENALTIES FOR VIOLATIONS, FOLLOWING SUCH
22 NOTICE AND OPPORTUNITY TO CONTEST.

23 3. CRIMINAL CONDUCT. ANY PERSON WHO KNOWINGLY AND WILLFULLY FURNISHES
24 OR SUBMITS FALSE STATEMENTS OR INFORMATION TO THE BOARD IN CONNECTION
25 WITH ITS ADMINISTRATION OF THIS TITLE, SHALL BE GUILTY OF A MISDEMEANOR
26 IN ADDITION TO ANY OTHER PENALTY AS MAY BE IMPOSED UNDER THIS CHAPTER OR
27 PURSUANT TO ANY OTHER LAW. THE BOARD SHALL SEEK TO RECOVER ANY PUBLIC
28 MATCHING FUNDS OBTAINED AS A RESULT OF SUCH CRIMINAL CONDUCT.

29 4. PROCEEDINGS AS TO PUBLIC FINANCING. (A) THE DETERMINATION OF ELIGI-
30 BILITY PURSUANT TO THIS TITLE AND ANY QUESTION OR ISSUE RELATING TO
31 PAYMENTS FOR CAMPAIGN EXPENDITURES PURSUANT TO THIS TITLE MAY BE
32 CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUN-
33 TY, BY ANY AGGRIEVED CANDIDATE.

34 (B) A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY
35 OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO THIS CHAPTER
36 SHALL BE INSTITUTED WITHIN FOURTEEN DAYS AFTER SUCH DETERMINATION WAS
37 MADE. THE BOARD SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

38 (C) UPON THE BOARD'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTIC-
39 IPATING CANDIDATE OR SUCH CANDIDATE'S AUTHORIZED COMMITTEE AFTER THE
40 ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY THIS
41 TITLE, THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR
42 CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR
43 ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE BOARD AS A RESULT OF AN
44 EXAMINATION AND AUDIT MADE PURSUANT TO THIS TITLE OR TO OBTAIN SUCH
45 AMOUNTS DIRECTLY FROM THE CANDIDATE OR AUTHORIZED COMMITTEE AFTER A
46 HEARING AT THE STATE BOARD OF ELECTIONS.

47 (D) THE BOARD IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL
48 ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR CIVIL
49 PENALTIES DETERMINED TO BE PAYABLE TO THE BOARD PURSUANT TO THIS TITLE
50 OR TO IMPOSE SUCH PENALTY DIRECTLY AFTER A HEARING AT THE STATE BOARD OF
51 ELECTIONS.

52 S 14-211. REPORTS. THE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF
53 THIS TITLE UPON THE CONDUCT OF ELECTION CAMPAIGNS AND SHALL SUBMIT A
54 REPORT TO THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND NINE-
55 TEEN, AND EVERY THIRD YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE

1 REQUEST OF THE GOVERNOR AND AT SUCH OTHER TIMES AS THE BOARD DEEMS
2 APPROPRIATE. THESE REPORTS SHALL INCLUDE:

3 1. A LIST OF THE PARTICIPATING AND NONPARTICIPATING CANDIDATES IN
4 COVERED ELECTIONS AND THE VOTES RECEIVED BY EACH CANDIDATE IN THOSE
5 ELECTIONS;

6 2. THE AMOUNT OF CONTRIBUTIONS AND LOANS RECEIVED, AND EXPENDITURES
7 MADE, ON BEHALF OF THESE CANDIDATES;

8 3. THE AMOUNT OF PUBLIC MATCHING FUNDS EACH PARTICIPATING CANDIDATE
9 RECEIVED, SPENT, AND REPAID PURSUANT TO THIS TITLE;

10 4. ANALYSIS OF THE EFFECT OF THIS TITLE ON POLITICAL CAMPAIGNS,
11 INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING,
12 THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF
13 CANDIDATES, THE CANDIDATES' ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC
14 OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE;
15 AND

16 5. RECOMMENDATIONS FOR AMENDMENTS TO THIS TITLE, INCLUDING CHANGES IN
17 CONTRIBUTION LIMITS, THRESHOLDS FOR ELIGIBILITY, AND ANY OTHER FEATURES
18 OF THE SYSTEM.

19 S 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE. THE BOARD
20 SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING
21 CANDIDATES WHO SEEK ELECTION TO STATEWIDE OFFICE. PARTICIPATING CANDI-
22 DATES ARE REQUIRED TO PARTICIPATE IN ONE DEBATE BEFORE EACH ELECTION FOR
23 WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING
24 CANDIDATE IS RUNNING UNOPPOSED. NONPARTICIPATING CANDIDATES MAY PARTIC-
25 IPATE IN SUCH DEBATES.

26 S 14-213. SEVERABILITY. IF ANY CLAUSE, SENTENCE, SUBDIVISION, PARA-
27 GRAPH, SECTION OR PART OF THIS TITLE BE ADJUDGED BY ANY COURT OF COMPE-
28 TENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR
29 OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERA-
30 TION TO THE CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART
31 THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT
32 SHALL HAVE BEEN RENDERED.

33 S 8. The state finance law is amended by adding a new section 92-t to
34 read as follows:

35 S 92-T. NEW YORK STATE CAMPAIGN FINANCE FUND. 1. THERE IS HEREBY
36 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
37 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE NEW YORK
38 STATE CAMPAIGN FINANCE FUND.

39 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED FROM THE NEW YORK
40 STATE CAMPAIGN FINANCE FUND CHECK-OFF PURSUANT TO SUBSECTION (F) OF
41 SECTION SIX HUNDRED FIFTY-EIGHT OF THE TAX LAW, FROM THE ABANDONED PROP-
42 erty FUND PURSUANT TO SECTION NINETY-FIVE OF THIS ARTICLE, FROM THE
43 GENERAL FUND, AND FROM ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO
44 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. SUCH FUND SHALL ALSO
45 RECEIVE CONTRIBUTIONS FROM PRIVATE INDIVIDUALS, ORGANIZATIONS, OR OTHER
46 PERSONS TO FULFILL THE PURPOSES OF THE PUBLIC FINANCING SYSTEM.

47 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY
48 BE EXPENDED FOR THE PURPOSES OF MAKING PAYMENTS TO CANDIDATES PURSUANT
49 TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW AND FOR ADMINISTRA-
50 TIVE EXPENSES RELATED TO THE IMPLEMENTATION OF ARTICLE FOURTEEN OF THE
51 ELECTION LAW. MONEYS SHALL BE PAID OUT OF THE FUND BY THE STATE COMP-
52 TROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE STATE BOARD OF
53 ELECTIONS, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER
54 PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS
55 RECEIVED BY THE STATE COMPTROLLER.

1 4. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF, IN ANY
2 STATE FISCAL YEAR, THE STATE CAMPAIGN FINANCE FUND LACKS THE AMOUNT OF
3 MONEY TO PAY ALL CLAIMS VOUCHERED BY ELIGIBLE CANDIDATES AND CERTIFIED
4 OR APPROVED BY THE STATE BOARD OF ELECTIONS, ANY SUCH DEFICIENCY SHALL
5 BE PAID BY THE STATE COMPTROLLER, FROM FUNDS DEPOSITED IN THE GENERAL
6 FUND OF THE STATE NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS
7 RECEIVED BY THE STATE COMPTROLLER.

8 5. COMMENCING IN TWO THOUSAND SIXTEEN, IF THE SURPLUS IN THE FUND ON
9 APRIL FIRST OF THE YEAR AFTER A YEAR IN WHICH A GOVERNOR IS ELECTED
10 EXCEEDS TWENTY-FIVE PERCENT OF THE DISBURSEMENTS FROM THE FUND OVER THE
11 PREVIOUS FOUR YEARS, THE EXCESS SHALL REVERT TO THE GENERAL FUND OF THE
12 STATE.

13 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
14 PRIMARY ELECTION ANY EARLIER THAN THIRTY DAYS AFTER DESIGNATING
15 PETITIONS, INDEPENDENT NOMINATING PETITIONS, OR CERTIFICATES OF NOMI-
16 NATION HAVE BEEN FILED AND NOT LESS THAN FORTY-FIVE DAYS BEFORE SUCH
17 ELECTION.

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

21 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A
22 SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE
23 CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

24 9. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO
25 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED
26 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT
27 JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER COURT
28 IN A FINAL JUDGMENT. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH
29 A CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF
30 SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY
31 PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE.
32 ALL SUCH MONEYS SHALL BE REPAID TO THE FUND.

33 S 9. Section 95 of the state finance law is amended by adding a new
34 subdivision 5 to read as follows:

35 5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION AUTHORIZING THE
36 TRANSFER OF ANY MONEYS IN THE ABANDONED PROPERTY FUND TO THE GENERAL
37 FUND, IN JANUARY OF EACH YEAR IN WHICH A STATE GENERAL ELECTION IS TO BE
38 HELD PURSUANT TO LAW, OR AT LEAST SIX WEEKS PRIOR TO ANY STATE SPECIAL
39 ELECTION, THE COMPTROLLER, UPON WARRANT OR VOUCHER BY THE CHAIRMAN OF
40 THE CAMPAIGN FINANCE BOARD OR HIS OR HER DULY APPOINTED REPRESENTATIVE,
41 SHALL TRANSFER MONEYS OF THE ABANDONED PROPERTY FUND INTO THE CAMPAIGN
42 FINANCE FUND PURSUANT TO SECTION NINETY-TWO-T OF THIS ARTICLE. ON MARCH
43 THIRTY-FIRST OF THE YEAR FOLLOWING SUCH GENERAL ELECTION YEAR, SUCH
44 CHAIRMAN SHALL TRANSFER TO THE GENERAL FUND ANY SURPLUS MONEYS OF THE
45 CAMPAIGN FINANCE FUND AS OF SUCH DATE.

46 S 10. Section 658 of the tax law is amended by adding a new subsection
47 (f) to read as follows:

48 (F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXA-
49 BLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN,
50 EVERY RESIDENT TAXPAYER WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR
51 THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FORTY DOLLARS OR MORE
52 MAY DESIGNATE ON SUCH RETURN THAT FORTY DOLLARS BE PAID INTO THE NEW
53 YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF
54 THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND
55 HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR
56 WHICH THE RETURN IS FILED IS EIGHTY DOLLARS OR MORE, OR FILE SEPARATE

1 RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIG-
2 NATIONS ON SUCH RETURN OF FORTY DOLLARS TO BE PAID INTO THE NEW YORK
3 STATE CAMPAIGN FINANCE FUND.

4 (2) THE COMMISSIONER SHALL TRANSFER TO THE NEW YORK STATE CAMPAIGN
5 FINANCE FUND, ESTABLISHED PURSUANT TO SECTION NINETY-TWO-T OF THE STATE
6 FINANCE LAW, AN AMOUNT EQUAL TO FORTY DOLLARS MULTIPLIED BY THE NUMBER
7 OF DESIGNATIONS.

8 (3) FOR PURPOSES OF THIS SUBSECTION, THE INCOME TAX LIABILITY OF AN
9 INDIVIDUAL FOR ANY TAXABLE YEAR IS THE AMOUNT OF TAX IMPOSED UNDER THIS
10 ARTICLE REDUCED BY THE SUM OF THE CREDITS (AS SHOWN IN HIS OR HER
11 RETURN) ALLOWABLE UNDER THIS ARTICLE.

12 (4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX
13 RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR
14 AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, FOR SUCH TAXPAYER TO MAKE
15 THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION. SUCH
16 RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH
17 OPTIONAL DESIGNATIONS.

18 S 11. Severability. If any clause, sentence, subdivision, paragraph,
19 section or part of title II of article 14 of the election law, as added
20 by section seven of this act be adjudged by any court of competent
21 jurisdiction to be invalid, such judgment shall not affect, impair or
22 invalidate the remainder thereof, but shall be confined in its operation
23 to the clause, sentence, subdivision, paragraph, section or part thereof
24 directly involved in the controversy in which such judgment shall have
25 been rendered.

26 S 12. This act shall take effect immediately; provided, however, all
27 state legislative candidates will be eligible to participate in volun-
28 tary public financing beginning with the 2016 primary election and all
29 other state candidates, including those in irregularly scheduled
30 elections, will be eligible to participate in voluntary public financing
31 beginning with the 2018 primary election.

32 S 2. Severability. If any clause, sentence, subdivision, paragraph,
33 section, subpart or part of this act be adjudged by any court of compe-
34 tent jurisdiction to be invalid, such judgment shall not affect, impair
35 or invalidate the remainder thereof, but shall be confined in its opera-
36 tion to the clause, sentence, subdivision, paragraph, section, subpart
37 or part thereof directly involved in the controversy in which such judg-
38 ment shall have been rendered. It is hereby declared to be the intent of
39 the legislature that this act would have been enacted even if such
40 invalid provisions had not been included herein.

41 S 3. This act shall take effect immediately, provided, however, that
42 the applicable effective dates of Subparts A through D of this act shall
43 be as specifically set forth in the last section of such Subparts.

44

PART I

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

- 49 1. Tuition reimbursement account (20451).
- 50 2. Proprietary vocational school supervision account (20452).
- 51 3. Local government records management account (20501).
- 52 4. Child health plus program account (20810).
- 53 5. Hospital based grants program account (20812).
- 54 6. EPIC premium account (20818).

1 7. Education - New (20901).
2 8. VLT - Sound basic education fund (20904).
3 9. Sewage treatment program management and administration fund
4 (21000).
5 10. Hazardous bulk storage account (21061).
6 11. Federal grants indirect cost recovery account (21065).
7 12. Low level radioactive waste account (21066).
8 13. Recreation account (21067).
9 14. Public safety recovery account (21077).
10 15. Conservationist magazine account (21080).
11 16. Environmental regulatory account (21081).
12 17. Natural resource account (21082).
13 18. Mined land reclamation program account (21084).
14 19. Great lakes restoration initiative account (21087).
15 20. Environmental protection and oil spill compensation fund (21200).
16 21. Public transportation systems account (21401).
17 22. Metropolitan mass transportation (21402).
18 23. Operating permit program account (21451).
19 24. Mobile source account (21452).
20 25. Statewide planning and research cooperative system account
21 (21902).
22 26. OPWDD provider of service account (21903).
23 27. Mental hygiene program fund account (21907).
24 28. Mental hygiene patient income account (21909).
25 29. Financial control board account (21911).
26 30. Regulation of racing account (21912).
27 31. New York Metropolitan Transportation Council account (21913).
28 32. Cyber upgrade account (21919).
29 33. State university dormitory income reimbursable account (21937).
30 34. Energy research account (21943).
31 35. Criminal justice improvement account (21945).
32 36. Fingerprint identification and technology account (21950).
33 37. Environmental laboratory reference fee account (21959).
34 38. Clinical laboratory reference system assessment account (21962).
35 39. Public employment relations board account (21964).
36 40. Indirect cost recovery account (21978).
37 41. High school equivalency program account (21979).
38 42. Multi-agency training account (21989).
39 43. Bell jar collection account (22003).
40 44. Industry and utility service account (22004).
41 45. Real property disposition account (22006).
42 46. Parking account (22007).
43 47. Asbestos safety training program account (22009).
44 48. Batavia school for the blind account (22032).
45 49. Investment services account (22034).
46 50. Surplus property account (22036).
47 51. Financial oversight account (22039).
48 52. Regulation of indian gaming account (22046).
49 53. Rome school for the deaf account (22053).
50 54. Seized assets account (22054).
51 55. Administrative adjudication account (22055).
52 56. Federal salary sharing account (22056).
53 57. New York City assessment account (22062).
54 58. Cultural education account (22063).
55 59. Local services account (22078).
56 60. DHCR mortgage servicing account (22085).

1 61. Department of motor vehicles compulsory insurance account (22087).
2 62. Housing indirect cost recovery account (22090).
3 63. Accident prevention course program account (22094).
4 64. DHCR-HCA application fee account (22100).
5 65. Low income housing monitoring account (22130).
6 66. Corporation administration account (22135).
7 67. Montrose veteran's home account (22144).
8 68. Deferred compensation administration account (22151).
9 69. Rent revenue other New York City account (22156).
10 70. Rent revenue account (22158).
11 71. Tax revenue arrearage account (22168).
12 72. State university general income offset account (22654).
13 73. State police motor vehicle law enforcement account (22802).
14 74. Highway safety program account (23001).
15 75. EFC drinking water program account (23101).
16 76. DOH drinking water program account (23102).
17 77. NYCCC operating offset account (23151).
18 78. Commercial gaming revenue account (23701).
19 79. Commercial gaming regulation account (23702).
20 80. Highway and bridge capital account (30051).
21 81. State university residence hall rehabilitation fund (30100).
22 82. State parks infrastructure account (30351).
23 83. Clean water/clean air implementation fund (30500).
24 84. Hazardous waste remedial cleanup account (31506).
25 85. Youth facilities improvement account (31701).
26 86. Housing assistance fund (31800).
27 87. Housing program fund (31850).
28 88. Highway facility purpose account (31951).
29 89. Miscellaneous capital projects fund, information technology capi-
30 tal financing account.
31 90. New York racing account (32213).
32 91. Mental hygiene facilities capital improvement fund (32300).
33 92. Correctional facilities capital improvement fund (32350).
34 93. New York State Storm Recovery Capital Fund (33000).
35 94. OGS convention center account (50318).
36 95. Centralized services fund (55000).
37 96. Archives records management account (55052).
38 97. Federal single audit account (55053).
39 98. Civil service law section II administrative account (55055).
40 99. Civil service EHS occupational health program account (55056).
41 100. Banking services account (55057).
42 101. Cultural resources survey account (55058).
43 102. Neighborhood work project (55059).
44 103. Automation & printing chargeback account (55060).
45 104. OFT NYT account (55061).
46 105. Data center account (55062).
47 106. Human service telecom account (55063).
48 107. Intrusion detection account (55066).
49 108. Domestic violence grant account (55067).
50 109. Centralized technology services account (55069).
51 110. Labor contact center account (55071).
52 111. Human services contact center account (55072).
53 112. Tax contact center account (55073).
54 113. Joint labor/management administration fund (55201).
55 114. Executive direction internal audit account (55251).
56 115. CIO Information technology centralized services account (55252).

1 116. Health insurance internal service account (55300).
2 117. Civil service employee benefits division administrative account
3 (55301).
4 118. Correctional industries revolving fund (55350).
5 119. Employees health insurance account (60201).
6 120. Medicaid management information system escrow fund (60900).
7 S 1-a. The state comptroller is hereby authorized and directed to loan
8 money in accordance with the provisions set forth in subdivision 5 of
9 section 4 of the state finance law to any account within the following
10 federal funds, provided the comptroller has made a determination that
11 sufficient federal grant award authority is available to reimburse such
12 loans:
13 1. Federal USDA-food and nutrition services fund. (25000).
14 2. Federal health and human services fund (25100).
15 3. Federal education fund (25200).
16 4. Federal block grant fund (25250).
17 5. Federal miscellaneous operating grants fund. (25300)
18 6. Federal unemployment insurance administration fund (25900).
19 7. Federal unemployment insurance occupational training fund (25950).
20 8. Federal emergency employment act fund (26000).
21 9. Federal capital projects fund (31350).
22 S 2. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, upon request of the director of the budget, on
25 or before March 31, 2015, up to the unencumbered balance or the follow-
26 ing amounts:
27 Economic Development and Public Authorities:
28 1. \$175,000 from the miscellaneous special revenue fund, underground
29 facilities safety training account (22172), to the general fund.
30 2. An amount up to the unencumbered balance from the miscellaneous
31 special revenue fund, business and licensing services account (21977),
32 to the general fund.
33 3. \$14,810,000 from the miscellaneous special revenue fund, code
34 enforcement account (21904), to the general fund.
35 4. \$3,000,000 from the general fund to the miscellaneous special
36 revenue fund, tax revenue arrearage account (22168).
37 5. \$350,000 from the state exposition special fund, state fair
38 receipts account (50051), to the general fund.
39 Education:
40 1. \$2,265,000,000 from the general fund to the state lottery fund,
41 education account (20901), as reimbursement for disbursements made from
42 such fund for supplemental aid to education pursuant to section 92-c of
43 the state finance law that are in excess of the amounts deposited in
44 such fund for such purposes pursuant to section 1612 of the tax law.
45 2. \$950,604,000 from the general fund to the state lottery fund, VLT
46 education account (20904), as reimbursement for disbursements made from
47 such fund for supplemental aid to education pursuant to section 92-c of
48 the state finance law that are in excess of the amounts deposited in
49 such fund for such purposes pursuant to section 1612 of the tax law.
50 3. Moneys from the state lottery fund up to an amount deposited in
51 such fund pursuant to section 1612 of the tax law in excess of the
52 current year appropriation for supplemental aid to education pursuant to
53 section 92-c of the state finance law.
54 4. \$300,000 from the local government records management improvement
55 fund (20500) to the archives partnership trust fund (20350).

1 5. \$900,000 from the general fund to the miscellaneous special revenue
2 fund, Batavia school for the blind account (22032).
3 6. \$900,000 from the general fund to the miscellaneous special revenue
4 fund, Rome school for the deaf account (22053).
5 7. \$343,400,000 from the state university dormitory income fund
6 (40350) to the miscellaneous special revenue fund, state university
7 dormitory income reimbursable account (21937).
8 8. \$24,000,000 from any of the state education department special
9 revenue and internal service funds to the miscellaneous special revenue
10 fund, indirect cost recovery account (21978).
11 9. \$8,318,000 from the general fund to the state university income
12 fund, state university income offset account (22654), for the state's
13 share of repayment of the STIP loan.
14 10. \$64,000,000 from the state university income fund, state universi-
15 ty hospitals income reimbursable account (22656) to the general fund for
16 hospital debt service for the period April 1, 2014 through March 31,
17 2015.

18 Environmental Affairs:
19 1. \$16,000,000 from any of the department of environmental conserva-
20 tion's special revenue federal funds to the environmental conservation
21 special revenue fund, federal indirect recovery account (21065).
22 2. \$2,000,000 from any of the department of environmental conserva-
23 tion's special revenue federal funds to the conservation fund as neces-
24 sary to avoid diversion of conservation funds.
25 3. \$3,000,000 from any of the office of parks, recreation and historic
26 preservation capital projects federal funds and special revenue federal
27 funds to the miscellaneous special revenue fund, federal grant indirect
28 cost recovery account (22188).
29 4. \$1,000,000 from any of the office of parks, recreation and historic
30 preservation special revenue federal funds to the miscellaneous special
31 revenue fund, I love NY water account (21930).

32 Family Assistance:
33 1. \$10,000,000 from any of the office of children and family services,
34 office of temporary and disability assistance, or department of health
35 special revenue federal funds and the general fund, in accordance with
36 agreements with social services districts, to the miscellaneous special
37 revenue fund, office of human resources development state match account
38 (21967).
39 2. \$3,000,000 from any of the office of children and family services
40 or office of temporary and disability assistance special revenue federal
41 funds to the miscellaneous special revenue fund, family preservation and
42 support services and family violence services account (22082).
43 3. \$18,670,000 from any of the office of children and family services,
44 office of temporary and disability assistance, or department of health
45 special revenue federal funds and any other miscellaneous revenues
46 generated from the operation of office of children and family services
47 programs to the general fund.
48 4. \$140,000,000 from any of the office of temporary and disability
49 assistance or department of health special revenue funds to the general
50 fund.
51 5. \$2,500,000 from any of the office of temporary and disability
52 assistance or office of children and family services special revenue
53 federal funds to the miscellaneous special revenue fund, office of
54 temporary and disability assistance program account (21980).
55 6. \$35,000,000 from any of the office of children and family services,
56 office of temporary and disability assistance, department of labor, and

1 department of health special revenue federal funds to the office of
2 children and family services miscellaneous special revenue fund, multi-
3 agency training contract account (21989).

4 7. \$122,000,000 from the miscellaneous special revenue fund, youth
5 facility per Diem account (22186), to the general fund.

6 8. \$621,850 from the general fund to the combined gifts, grants, and
7 bequests fund, WB Hoyt Memorial account (20128).

8 9. \$2,500,000 from the miscellaneous special revenue fund, state
9 central registry (22028) to the general fund.

10 General Government:

11 1. \$1,566,000 from the miscellaneous special revenue fund, examination
12 and miscellaneous revenue account (22065) to the general fund.

13 2. \$12,500,000 from the general fund to the health insurance revolving
14 fund (55300).

15 3. \$192,400,000 from the health insurance reserve receipts fund
16 (60550) to the general fund.

17 4. \$150,000 from the general fund to the not-for-profit revolving loan
18 fund (20650).

19 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
20 general fund.

21 6. \$30,000,000 from the miscellaneous special revenue fund, real prop-
22 erty disposition account (22006), to the general fund.

23 7. \$3,000,000 from the miscellaneous special revenue fund, surplus
24 property account (22036), to the general fund.

25 8. \$19,900,000 from the general fund to the miscellaneous special
26 revenue fund, alcoholic beverage control account (22033).

27 9. \$23,000,000 from the miscellaneous special revenue fund, revenue
28 arrearage account (22024), to the general fund.

29 10. \$1,826,000 from the miscellaneous special revenue fund, revenue
30 arrearage account (22024), to the miscellaneous special revenue fund,
31 authority budget office account (22138).

32 11. \$1,000,000 from the miscellaneous special revenue fund, parking
33 services account (22007), to the general fund, for the purpose of reim-
34 bursing the costs of debt service related to state parking facilities.

35 12. \$21,800,000 from the general fund to the internal service fund,
36 COPS account (55013).

37 13. \$14,000,000 from the general fund to the agencies internal service
38 fund, central technology services account (55069), for the purpose of
39 enterprise technology projects.

40 Health:

41 1. \$64,600,000 from the miscellaneous special revenue fund, quality of
42 care account (21915) to the general fund.

43 2. \$1,000,000 from the general fund to the combined gifts, grants and
44 bequests fund, breast cancer research and education account (20155), an
45 amount equal to the monies collected and deposited into that account in
46 the previous fiscal year.

47 3. \$1,464,000 from any of the department of health accounts within the
48 federal health and human services fund to the department of health
49 miscellaneous special revenue fund, statewide planning and research
50 cooperation system (SPARCS) program account (21902).

51 4. \$250,000 from the general fund to the combined gifts, grants and
52 bequests fund, prostate cancer research, detection, and education
53 account (20183), an amount equal to the moneys collected and deposited
54 into that account in the previous fiscal year.

55 5. \$500,000 from the general fund to the combined gifts, grants and
56 bequests fund, Alzheimer's disease research and assistance account

1 (20143), an amount equal to the moneys collected and deposited into that
2 account in the previous fiscal year.

3 6. \$26,527,000 from the HCRA resources fund (20800), to the miscella-
4 neous special revenue fund, empire state stem cell trust fund account
5 (22161).

6 7. \$11,373,000 from the general fund to the miscellaneous special
7 revenue fund, empire state stem cell trust fund (22161).

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

11 9. \$4,000,000 from the miscellaneous special revenue fund, certificate
12 of need account (21920), to the miscellaneous capital projects fund,
13 healthcare IT capital subfund.

14 10. \$3,000,000 from the miscellaneous special revenue fund, adminis-
15 tration program account (21982), to the miscellaneous capital projects
16 fund, healthcare IT capital subfund.

17 11. \$3,000,000 from the miscellaneous special revenue fund, vital
18 records account (22103), to the miscellaneous capital projects fund,
19 healthcare IT capital subfund.

20 12. \$65,000,000 from the HCRA resources fund (20800) to the capital
21 projects fund (30000), for the purpose of funding the statewide health
22 information network for New York and the all payers claims database.

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. \$50,000,000 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 12. \$2,000,000 from the miscellaneous special revenue fund, legal
26 services assistance account (22096), to the general fund.

27 Transportation:

28 1. \$17,672,000 from the federal miscellaneous operating grants fund to
29 the miscellaneous special revenue fund, New York Metropolitan Transpor-
30 tation Council account (21913).

31 2. \$20,147,000 from the federal capital projects fund to the miscella-
32 neous special revenue fund, New York Metropolitan Transportation Council
33 account (21913).

34 3. \$15,700,000 from the miscellaneous special revenue fund, compulsory
35 insurance account (22087), to the general fund.

36 4. \$12,000,000 from the general fund to the mass transportation oper-
37 ating assistance fund, public transportation systems operating assist-
38 ance account (21401).

39 5. \$662,483,000 from the general fund to the dedicated highway and
40 bridge trust fund (30050).

41 6. \$606,000 from the miscellaneous special revenue fund, accident
42 prevention course program account (22094), to the general fund.

43 7. \$6,000 from the miscellaneous special revenue fund, motorcycle
44 safety account (21976), to the general fund.

45 8. \$309,250,000 from the general fund to the MTA financial assistance
46 fund, mobility tax trust account (23651).

47 9. \$40,000,000 from the mass transportation operating assistance fund,
48 metropolitan mass transportation operating assistance account (21402),
49 to the general debt service fund (40150), for reimbursement of the
50 state's expenses in connection with payments of debt service and related
51 expenses for the metropolitan transportation authority's state service
52 contract bonds.

53 10. \$2,500,000 from the miscellaneous special revenue fund, rail safe-
54 ty inspection account (21983) to the dedicated highway and bridge trust
55 fund (30050).

11. \$5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

Miscellaneous:

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

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

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

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

S 3. 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, on or before March 31, 2015:

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

2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the general fund, to pay appropriate administrative expenses.

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

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

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

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

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

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

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

14 S 6. Notwithstanding any law to the contrary, upon the direction of
15 the director of the budget and upon requisition by the state university
16 of New York, the dormitory authority of the state of New York is
17 directed to transfer, up to \$22,000,000 in revenues generated from the
18 sale of notes or bonds, to the state university of New York for
19 reimbursement of bondable equipment for further transfer to the state's
20 general fund.

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

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

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

44 S 10. Notwithstanding any law to the contrary, and in accordance with
45 section 4 of the state finance law, the comptroller is hereby authorized
46 and directed to transfer, upon request of the director of the budget, up
47 to \$69,264,000 from the general fund to the state university income
48 fund, state university hospitals income reimbursable account (22656)
49 during the period July 1, 2014 through June 30, 2015 to reflect ongoing
50 state subsidy of SUNY hospitals and to pay costs attributable to the
51 SUNY hospitals' state agency status.

52 S 11. 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 director of the budget, up
55 to \$969,050,300 from the general fund to the state university income
56 fund, state university general revenue offset account (22655) during the

1 period of July 1, 2014 through June 30, 2015 to support operations at
2 the state university.

3 S 12. 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, upon request of the state university chancel-
6 lor or his or her designee, up to \$50,000,000 from the state university
7 income fund, state university hospitals income reimbursable account
8 (22656), for services and expenses of hospital operations and capital
9 expenditures at the state university hospitals; and the state university
10 income fund, Long Island veterans' home account (22652) to the state
11 university capital projects fund (32400) on or before June 30, 2015.

12 S 13. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller, after consultation
14 with the state university chancellor or his or her designee, is hereby
15 authorized and directed to transfer moneys, in the first instance, from
16 the state university collection fund, Stony Brook hospital collection
17 account (61006), Brooklyn hospital collection account (61007), and Syra-
18 cuse hospital collection account (61008) to the state university income
19 fund, state university hospitals income reimbursable account (22656) in
20 the event insufficient funds are available in the state university
21 income fund, state university hospitals income reimbursable account
22 (22656) to permit the full transfer of moneys authorized for transfer,
23 to the general fund for payment of debt service related to the SUNY
24 hospitals. Notwithstanding any law to the contrary, the comptroller is
25 also hereby authorized and directed, after consultation with the state
26 university chancellor or his or her designee, to transfer moneys from
27 the state university income fund to the state university income fund,
28 state university hospitals income reimbursable account (22656) in the
29 event insufficient funds are available in the state university income
30 fund, state university hospitals income reimbursable account (22656) to
31 pay hospital operating costs or to permit the full transfer of moneys
32 authorized for transfer, to the general fund for payment of debt service
33 related to the SUNY hospitals on or before March 31, 2015.

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

43 S 15. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller is hereby authorized
45 and directed to transfer monies, upon request of the director of the
46 budget, on or before March 31, 2015, from and to any of the following
47 accounts: the miscellaneous special revenue fund, patient income account
48 (21909), the miscellaneous special revenue fund, mental hygiene program
49 fund account (21907), the miscellaneous special revenue fund, federal
50 salary sharing account (22056) or the general fund in any combination,
51 the aggregate of which shall not exceed \$350 million.

52 S 16. 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, at the request of the director of the budget,
55 up to \$500 million from the unencumbered balance of any special revenue
56 fund or account, or combination of funds and accounts, to the general

1 fund. The amounts transferred pursuant to this authorization shall be in
2 addition to any other transfers expressly authorized in the 2014-15
3 budget. Transfers from federal funds, debt service funds, capital
4 projects funds, the community projects fund, or funds that would result
5 in the loss of eligibility for federal benefits or federal funds pursu-
6 ant to federal law, rule, or regulation as assented to in chapter 683 of
7 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
8 pursuant to this authorization. Prior to initiating transfers pursuant
9 to this authorization, the director of the budget shall notify both
10 houses of the legislature in writing of any subfund account for which
11 use of this transfer authorization would exceed \$2.5 million.

12 S 17. Notwithstanding any law to the contrary, and in accordance with
13 section 4 of the state finance law, the comptroller is hereby authorized
14 and directed to transfer, at the request of the director of the budget,
15 up to \$100 million from any non-general fund or account, or combination
16 of funds and accounts, to the miscellaneous special revenue fund, tech-
17 nology financing account (22207) or the miscellaneous capital projects
18 fund, information technology capital financing account, for the purpose
19 of consolidating technology procurement and services. The amounts
20 transferred to the miscellaneous special revenue fund, technology
21 financing account (22207) pursuant to this authorization shall be equal
22 to or less than the amount of such monies intended to support informa-
23 tion technology costs which are attributable, according to a plan, to
24 such account made in pursuance to an appropriation by law. Transfers to
25 the technology financing account shall be completed from amounts
26 collected by non-general funds or accounts pursuant to a fund deposit
27 schedule or permanent statute, and shall be transferred to the technolo-
28 gy financing account pursuant to a schedule agreed upon by the affected
29 agency commissioner. Transfers from funds that would result in the loss
30 of eligibility for federal benefits or federal funds pursuant to federal
31 law, rule, or regulation as assented to in chapter 683 of the laws of
32 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to
33 this authorization.

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

50 S 19. Notwithstanding any provision of law to the contrary, as deemed
51 feasible and advisable by its trustees, the power authority of the state
52 of New York is authorized and directed to (i) make a contribution to the
53 state treasury to the credit of the general fund, or as otherwise
54 directed in writing by the director of the budget, in an amount of up to
55 \$90,000,000 for the state fiscal year commencing April 1, 2014, the
56 proceeds of which will be utilized to support energy-related initiatives

1 of the state or for economic development purposes, and (ii) transfer up
2 to \$25,000,000 of any such contribution by June 30, 2014 and the remain-
3 der of any such contribution by March 31, 2015.

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

7 5. Notwithstanding the provisions of section one hundred seventy-one-a
8 of the tax law, as separately amended by chapters four hundred eighty-
9 one and four hundred eighty-four of the laws of nineteen hundred eight-
10 y-one, and notwithstanding the provisions of chapter ninety-four of the
11 laws of two thousand eleven, or any other provisions of law to the
12 contrary, during the fiscal year beginning April first, two thousand
13 [thirteen] FOURTEEN, the state comptroller is hereby authorized and
14 directed to deposit to the fund created pursuant to this section from
15 amounts collected pursuant to article twenty-two of the tax law and
16 pursuant to a schedule submitted by the director of the budget, up to
17 [\$3,419,375,000] \$3,429,375,000, as may be certified in such schedule as
18 necessary to meet the purposes of such fund for the fiscal year begin-
19 ning April first, two thousand [thirteen] FOURTEEN.

20 S 21. The comptroller is authorized and directed to deposit to the
21 general fund-state purposes account reimbursements from moneys appropri-
22 ated or reappropriated to the correctional facilities capital improve-
23 ment fund by a chapter of the laws of 2014. Reimbursements shall be
24 available for spending from appropriations made to the department of
25 corrections and community supervision in the general fund-state purposes
26 accounts by a chapter of the laws of 2014 for costs associated with the
27 administration and security of capital projects and for other costs
28 which are attributable, according to a plan, to such capital projects.

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

32 6. Notwithstanding any law to the contrary, at the beginning of the
33 state fiscal year, the state comptroller is hereby authorized and
34 directed to receive for deposit to the credit of a fund and/or an
35 account such monies as are identified by the director of the budget as
36 having been intended for such deposit to support disbursements from such
37 fund and/or account made in pursuance of an appropriation by law. As
38 soon as practicable upon enactment of the budget, the director of the
39 budget shall, but not less than three days following preliminary
40 submission to the chairs of the senate finance committee and the assem-
41 bly ways and means committee, file with the state comptroller an iden-
42 tification of specific monies to be so deposited. Any subsequent change
43 regarding the monies to be so deposited shall be filed by the director
44 of the budget, as soon as practicable, but not less than three days
45 following preliminary submission to the chairs of the senate finance
46 committee and the assembly ways and means committee.

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

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

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

1 4. Every appropriation made from a fund or account to a department or
2 agency shall be available for the payment of prior years' liabilities in
3 such fund or account for fringe benefits, indirect costs, and telecommu-
4 nications expenses and expenses for other centralized services fund
5 programs without limit. Every appropriation shall also be available for
6 the payment of prior years' liabilities other than those indicated
7 above, but only to the extent of one-half of one percent of the total
8 amount appropriated to a department or agency in such fund or account.

9 [The provisions of this subdivision shall expire March thirty-first,
10 two thousand fourteen.]

11 S 24. Notwithstanding any other law, rule, or regulation to the
12 contrary, the state comptroller is hereby authorized and directed to use
13 any balance remaining in the mental health services fund debt service
14 appropriation, after payment by the state comptroller of all obligations
15 required pursuant to any lease, sublease, or other financing arrangement
16 between the dormitory authority of the state of New York as successor to
17 the New York state medical care facilities finance agency, and the
18 facilities development corporation pursuant to chapter 83 of the laws of
19 1995 and the department of mental hygiene for the purpose of making
20 payments to the dormitory authority of the state of New York for the
21 amount of the earnings for the investment of monies deposited in the
22 mental health services fund that such agency determines will or may have
23 to be rebated to the federal government pursuant to the provisions of
24 the internal revenue code of 1986, as amended, in order to enable such
25 agency to maintain the exemption from federal income taxation on the
26 interest paid to the holders of such agency's mental services facilities
27 improvement revenue bonds. Annually on or before each June 30th, such
28 agency shall certify to the state comptroller its determination of the
29 amounts received in the mental health services fund as a result of the
30 investment of monies deposited therein that will or may have to be
31 rebated to the federal government pursuant to the provisions of the
32 internal revenue code of 1986, as amended.

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

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

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

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

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

50 (b) On or before the beginning of each quarter, the director of the
51 budget may certify to the state comptroller the estimated amount of
52 monies that shall be reserved in the general debt service fund for the
53 payment of debt service and related expenses payable by such fund during
54 each month of the state fiscal year, excluding payments due from the
55 revenue bond tax fund. Such certificate may be periodically updated, as
56 necessary. Notwithstanding any provision of law to the contrary, the

1 state comptroller shall reserve in the general debt service fund the
2 amount of monies identified on such certificate as necessary for the
3 payment of debt service and related expenses during the current or next
4 succeeding quarter of the state fiscal year. Such monies reserved shall
5 not be available for any other purpose. Such certificate shall be
6 reported to the chairpersons of the Senate Finance Committee and the
7 Assembly Ways and Means Committee. [The provisions of this paragraph
8 shall expire June thirtieth, two thousand fourteen.]

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

13 S 47. 1. Notwithstanding the provisions of any other law to the
14 contrary, the dormitory authority and the corporation are hereby author-
15 ized to issue bonds or notes in one or more series for the purpose of
16 funding project costs for the office of information technology services,
17 DEPARTMENT OF LAW, and other state costs associated with such capital
18 projects. The aggregate principal amount of bonds authorized to be
19 issued pursuant to this section shall not exceed [eighty-seven] ONE
20 HUNDRED EIGHTY-TWO million [seven] FOUR hundred forty thousand dollars,
21 excluding bonds issued to fund one or more debt service reserve funds,
22 to pay costs of issuance of such bonds, and bonds or notes issued to
23 refund or otherwise repay such bonds or notes previously issued. Such
24 bonds and notes of the dormitory authority and the corporation shall not
25 be a debt of the state, and the state shall not be liable thereon, nor
26 shall they be payable out of any funds other than those appropriated by
27 the state to the dormitory authority and the corporation for principal,
28 interest, and related expenses pursuant to a service contract and such
29 bonds and notes shall contain on the face thereof a statement to such
30 effect. Except for purposes of complying with the internal revenue code,
31 any interest income earned on bond proceeds shall only be used to pay
32 debt service on such bonds.

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

55 S 29. Subdivision 1 of section 16 of part D of chapter 389 of the laws
56 of 1997, relating to the financing of the correctional facilities

1 improvement fund and the youth facility improvement fund, as amended by
2 section 49 of part HH of chapter 57 of the laws of 2013, is amended to
3 read as follows:

4 1. Subject to the provisions of chapter 59 of the laws of 2000, but
5 notwithstanding the provisions of section 18 of section 1 of chapter 174
6 of the laws of 1968, the New York state urban development corporation is
7 hereby authorized to issue bonds, notes and other obligations in an
8 aggregate principal amount not to exceed seven billion one hundred
9 [thirty-three] FORTY-EIGHT million sixty-nine thousand dollars
10 [\$7,133,069,000] \$7,148,069,000, and shall include all bonds, notes and
11 other obligations issued pursuant to chapter 56 of the laws of 1983, as
12 amended or supplemented. The proceeds of such bonds, notes or other
13 obligations shall be paid to the state, for deposit in the correctional
14 facilities capital improvement fund to pay for all or any portion of the
15 amount or amounts paid by the state from appropriations or reappropri-
16 ations made to the department of corrections and community supervision
17 from the correctional facilities capital improvement fund for capital
18 projects. The aggregate amount of bonds, notes or other obligations
19 authorized to be issued pursuant to this section shall exclude bonds,
20 notes or other obligations issued to refund or otherwise repay bonds,
21 notes or other obligations theretofore issued, the proceeds of which
22 were paid to the state for all or a portion of the amounts expended by
23 the state from appropriations or reappropriations made to the department
24 of corrections and community supervision; provided, however, that upon
25 any such refunding or repayment the total aggregate principal amount of
26 outstanding bonds, notes or other obligations may be greater than seven
27 billion one hundred [thirty-three] FORTY-EIGHT million sixty-nine thou-
28 sand dollars [\$7,133,069,000] \$7,148,069,000, only if the present value
29 of the aggregate debt service of the refunding or repayment bonds, notes
30 or other obligations to be issued shall not exceed the present value of
31 the aggregate debt service of the bonds, notes or other obligations so
32 to be refunded or repaid. For the purposes hereof, the present value of
33 the aggregate debt service of the refunding or repayment bonds, notes or
34 other obligations and of the aggregate debt service of the bonds, notes
35 or other obligations so refunded or repaid, shall be calculated by
36 utilizing the effective interest rate of the refunding or repayment
37 bonds, notes or other obligations, which shall be that rate arrived at
38 by doubling the semi-annual interest rate (compounded semi-annually)
39 necessary to discount the debt service payments on the refunding or
40 repayment bonds, notes or other obligations from the payment dates ther-
41 eof to the date of issue of the refunding or repayment bonds, notes or
42 other obligations and to the price bid including estimated accrued
43 interest or proceeds received by the corporation including estimated
44 accrued interest from the sale thereof.

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

48 (a) Subject to the provisions of chapter fifty-nine of the laws of two
49 thousand, in order to enhance and encourage the promotion of housing
50 programs and thereby achieve the stated purposes and objectives of such
51 housing programs, the agency shall have the power and is hereby author-
52 ized from time to time to issue negotiable housing program bonds and
53 notes in such principal amount as shall be necessary to provide suffi-
54 cient funds for the repayment of amounts disbursed (and not previously
55 reimbursed) pursuant to law or any prior year making capital appropri-
56 ations or reappropriations for the purposes of the housing program;

1 provided, however, that the agency may issue such bonds and notes in an
2 aggregate principal amount not exceeding two billion [eight hundred
3 forty-four] NINE HUNDRED NINETY-NINE million [eight hundred] ninety-nine
4 thousand dollars, plus a principal amount of bonds issued to fund the
5 debt service reserve fund in accordance with the debt service reserve
6 fund requirement established by the agency and to fund any other
7 reserves that the agency reasonably deems necessary for the security or
8 marketability of such bonds and to provide for the payment of fees and
9 other charges and expenses, including underwriters' discount, trustee
10 and rating agency fees, bond insurance, credit enhancement and liquidity
11 enhancement related to the issuance of such bonds and notes. No reserve
12 fund securing the housing program bonds shall be entitled or eligible to
13 receive state funds apportioned or appropriated to maintain or restore
14 such reserve fund at or to a particular level, except to the extent of
15 any deficiency resulting directly or indirectly from a failure of the
16 state to appropriate or pay the agreed amount under any of the contracts
17 provided for in subdivision four of this section.

18 S 31. Subdivision (b) of section 11 of chapter 329 of the laws of
19 1991, amending the state finance law and other laws relating to the
20 establishment of the dedicated highway and bridge trust fund, as amended
21 by section 51 of part HH of chapter 57 of the laws of 2013, is amended
22 to read as follows:

23 (b) Any service contract or contracts for projects authorized pursuant
24 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
25 14-k of the transportation law, and entered into pursuant to subdivision
26 (a) of this section, shall provide for state commitments to provide
27 annually to the thruway authority a sum or sums, upon such terms and
28 conditions as shall be deemed appropriate by the director of the budget,
29 to fund, or fund the debt service requirements of any bonds or any obli-
30 gations of the thruway authority issued to fund OR TO REIMBURSE THE
31 STATE FOR FUNDING such projects having a cost not in excess of
32 [\$7,591,875,000] \$8,080,728,000 cumulatively by the end of fiscal year
33 [2013-14] 2014-15.

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

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

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

48 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
49 notwithstanding any provisions of law to the contrary, the urban devel-
50 opment corporation is hereby authorized to issue bonds or notes in one
51 or more series in an aggregate principal amount not to exceed
52 [\$133,600,000] \$149,600,000, excluding bonds issued to finance one or
53 more debt service reserve funds, to pay costs of issuance of such bonds,
54 and bonds or notes issued to refund or otherwise repay such bonds or
55 notes previously issued, for the purpose of financing capital projects
56 INCLUDING IT INITIATIVES for the division of state police, debt service

1 and leases; and to reimburse the state general fund for disbursements
2 made therefor. Such bonds and notes of such authorized issuer shall not
3 be a debt of the state, and the state shall not be liable thereon, nor
4 shall they be payable out of any funds other than those appropriated by
5 the state to such authorized issuer for debt service and related
6 expenses pursuant to any service contract executed pursuant to subdivi-
7 sion (b) of this section and such bonds and notes shall contain on the
8 face thereof a statement to such effect. Except for purposes of comply-
9 ing with the internal revenue code, any interest income earned on bond
10 proceeds shall only be used to pay debt service on such bonds.

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

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

44 2. Notwithstanding any other provision of law to the contrary, in
45 order to assist the dormitory authority and the corporation in undertak-
46 ing the financing for project costs for the regional economic develop-
47 ment council initiative, the economic transformation program, state
48 university of New York college for nanoscale and science engineering,
49 projects within the city of Buffalo or surrounding environs, the New
50 York works economic development fund, projects for the retention of
51 professional football in western New York, the empire state economic
52 development fund, THE CLARKSON-TRUDEAU PARTNERSHIP, THE NEW YORK GENOME
53 CENTER, THE CORNELL UNIVERSITY COLLEGE OF VETERINARY MEDICINE, THE OLYM-
54 PIC REGIONAL DEVELOPMENT AUTHORITY, A PROJECT AT NANO UTICA, ONONDAGA
55 COUNTY REVITALIZATION PROJECTS, and other state costs associated with
56 such projects, the director of the budget is hereby authorized to enter

1 into one or more service contracts with the dormitory authority and the
2 corporation, none of which shall exceed thirty years in duration, upon
3 such terms and conditions as the director of the budget and the dormito-
4 ry authority and the corporation agree, so as to annually provide to the
5 dormitory authority and the corporation, in the aggregate, a sum not to
6 exceed the principal, interest, and related expenses required for such
7 bonds and notes. Any service contract entered into pursuant to this
8 section shall provide that the obligation of the state to pay the amount
9 therein provided shall not constitute a debt of the state within the
10 meaning of any constitutional or statutory provision and shall be deemed
11 executory only to the extent of monies available and that no liability
12 shall be incurred by the state beyond the monies available for such
13 purpose, subject to annual appropriation by the legislature. Any such
14 contract or any payments made or to be made thereunder may be assigned
15 and pledged by the dormitory authority and the corporation as security
16 for its bonds and notes, as authorized by this section.

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

20 3. The maximum amount of bonds that may be issued for the purpose of
21 financing environmental infrastructure projects authorized by this
22 section shall be one billion [two] THREE hundred [sixty-five]
23 NINETY-EIGHT million [seven] TWO hundred sixty thousand dollars, exclu-
24 sive of bonds issued to fund any debt service reserve funds, pay costs
25 of issuance of such bonds, and bonds or notes issued to refund or other-
26 wise repay bonds or notes previously issued. Such bonds and notes of the
27 corporation shall not be a debt of the state, and the state shall not be
28 liable thereon, nor shall they be payable out of any funds other than
29 those appropriated by the state to the corporation for debt service and
30 related expenses pursuant to any service contracts executed pursuant to
31 subdivision one of this section, and such bonds and notes shall contain
32 on the face thereof a statement to such effect.

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

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

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

46 2. Following appropriation by the legislature, moneys in the storm
47 recovery capital fund shall be available [to finance] FOR the repair,
48 rehabilitation, or replacement of capital works or purposes damaged by
49 Hurricane Sandy or any future natural disaster expected to be eligible
50 for reimbursement by the Federal Emergency Management Agency (FEMA), the
51 Federal Transit Administration (FTA), the Federal Highway Administration
52 (FHWA) [and] AND/OR any other Federal reimbursement source. No money in
53 this account may be expended for any project [until] UNLESS the director
54 of the budget OR HIS OR HER DESIGNEE has determined that there is a
55 substantial likelihood that the costs of such project shall be [reim-
56 bursed] ELIGIBLE FOR REIMBURSEMENT by Federal sources. [The director

1 shall issue formal rules that set forth the process by which he or she
2 will determine whether there is a substantial likelihood of reimburse-
3 ment by Federal sources.]

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

8 1. Notwithstanding the provisions of any other law to the contrary,
9 the urban development corporation of the state of New York is hereby
10 authorized to issue bonds or notes in one or more series for the purpose
11 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
12 2020 challenge grant program subject to the approval of a NY-SUNY and
13 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
14 the state university of New York or the chancellor of the city universi-
15 ty of New York, as applicable. The aggregate principal amount of bonds
16 authorized to be issued pursuant to this section shall not exceed
17 [\$220,000,000] \$330,000,000, excluding bonds issued to fund one or more
18 debt service reserve funds, to pay costs of issuance of such bonds, and
19 bonds or notes issued to refund or otherwise repay such bonds or notes
20 previously issued. Such bonds and notes of the corporation shall not be
21 a debt of the state, and the state shall not be liable thereon, nor
22 shall they be payable out of any funds other than those appropriated by
23 the state to the corporation for principal, interest, and related
24 expenses pursuant to a service contract and such bonds and notes shall
25 contain on the face thereof a statement to such effect. Except for
26 purposes of complying with the internal revenue code, any interest
27 income earned on bond proceeds shall only be used to pay debt service on
28 such bonds.

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

34 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
35 notwithstanding the provisions of section 18 of the urban development
36 corporation act, the corporation is hereby authorized to issue bonds or
37 notes in one or more series in an aggregate principal amount not to
38 exceed [\$67,000,000] \$204,000,000 excluding bonds issued to fund one or
39 more debt service reserve funds, to pay costs of issuance of such bonds,
40 and bonds or notes issued to refund or otherwise repay such bonds or
41 notes previously issued, for the purpose of financing capital costs
42 related to homeland security and training facilities for the division of
43 state police, the division of military and naval affairs, and any other
44 state agency, including the reimbursement of any disbursements made from
45 the state capital projects fund, and is hereby authorized to issue bonds
46 or notes in one or more series in an aggregate principal amount not to
47 exceed [\$220,800,000] \$317,800,000, excluding bonds issued to fund one
48 or more debt service reserve funds, to pay costs of issuance of such
49 bonds, and bonds or notes issued to refund or otherwise repay such bonds
50 or notes previously issued, for the purpose of financing improvements to
51 State office buildings and other facilities located statewide, including
52 the reimbursement of any disbursements made from the state capital
53 projects fund. Such bonds and notes of the corporation shall not be a
54 debt of the state, and the state shall not be liable thereon, nor shall
55 they be payable out of any funds other than those appropriated by the
56 state to the corporation for debt service and related expenses pursuant

1 to any service contracts executed pursuant to subdivision (b) of this
2 section, and such bonds and notes shall contain on the face thereof a
3 statement to such effect.

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

7 1. Notwithstanding any other provision of law to the contrary, the
8 authority, the dormitory authority and the urban development corporation
9 are hereby authorized to issue bonds or notes in one or more series for
10 the purpose of financing peace bridge projects and capital costs of
11 state and local highways, parkways, bridges, the New York state thruway,
12 Indian reservation roads, and facilities, and transportation infrastruc-
13 ture projects including aviation projects, non-MTA mass transit
14 projects, and rail service preservation projects, including work appur-
15 tenant and ancillary thereto. The aggregate principal amount of bonds
16 authorized to be issued pursuant to this section shall not exceed [two]
17 FOUR hundred [forty] SIXTY-FIVE million dollars [(\$240,000,000)]
18 (\$465,000,000), excluding bonds issued to fund one or more debt service
19 reserve funds, to pay costs of issuance of such bonds, and to refund or
20 otherwise repay such bonds or notes previously issued. Such bonds and
21 notes of the authority, the dormitory authority and the urban develop-
22 ment corporation shall not be a debt of the state, and the state shall
23 not be liable thereon, nor shall they be payable out of any funds other
24 than those appropriated by the state to the authority, the dormitory
25 authority and the urban development corporation for principal, interest,
26 and related expenses pursuant to a service contract and such bonds and
27 notes shall contain on the face thereof a statement to such effect.
28 Except for purposes of complying with the internal revenue code, any
29 interest income earned on bond proceeds shall only be used to pay debt
30 service on such bonds.

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

34 (c) Subject to the provisions of chapter fifty-nine of the laws of two
35 thousand, the dormitory authority shall not issue any bonds for state
36 university educational facilities purposes if the principal amount of
37 bonds to be issued when added to the aggregate principal amount of bonds
38 issued by the dormitory authority on and after July first, nineteen
39 hundred eighty-eight for state university educational facilities will
40 exceed ten billion [four] NINE hundred [twenty-two] THIRTY-TWO million
41 dollars; provided, however, that bonds issued or to be issued shall be
42 excluded from such limitation if: (1) such bonds are issued to refund
43 state university construction bonds and state university construction
44 notes previously issued by the housing finance agency; or (2) such bonds
45 are issued to refund bonds of the authority or other obligations issued
46 for state university educational facilities purposes and the present
47 value of the aggregate debt service on the refunding bonds does not
48 exceed the present value of the aggregate debt service on the bonds
49 refunded thereby; provided, further that upon certification by the
50 director of the budget that the issuance of refunding bonds or other
51 obligations issued between April first, nineteen hundred ninety-two and
52 March thirty-first, nineteen hundred ninety-three will generate long
53 term economic benefits to the state, as assessed on a present value
54 basis, such issuance will be deemed to have met the present value test
55 noted above. For purposes of this subdivision, the present value of the
56 aggregate debt service of the refunding bonds and the aggregate debt

1 service of the bonds refunded, shall be calculated by utilizing the true
2 interest cost of the refunding bonds, which shall be that rate arrived
3 at by doubling the semi-annual interest rate (compounded semi-annually)
4 necessary to discount the debt service payments on the refunding bonds
5 from the payment dates thereof to the date of issue of the refunding
6 bonds to the purchase price of the refunding bonds, including interest
7 accrued thereon prior to the issuance thereof. The maturity of such
8 bonds, other than bonds issued to refund outstanding bonds, shall not
9 exceed the weighted average economic life, as certified by the state
10 university construction fund, of the facilities in connection with which
11 the bonds are issued, and in any case not later than the earlier of
12 thirty years or the expiration of the term of any lease, sublease or
13 other agreement relating thereto; provided that no note, including
14 renewals thereof, shall mature later than five years after the date of
15 issuance of such note. The legislature reserves the right to amend or
16 repeal such limit, and the state of New York, the dormitory authority,
17 the state university of New York, and the state university construction
18 fund are prohibited from covenanting or making any other agreements with
19 or for the benefit of bondholders which might in any way affect such
20 right.

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

24 (c) Subject to the provisions of chapter fifty-nine of the laws of two
25 thousand, (i) the dormitory authority shall not deliver a series of
26 bonds for city university community college facilities, except to refund
27 or to be substituted for or in lieu of other bonds in relation to city
28 university community college facilities pursuant to a resolution of the
29 dormitory authority adopted before July first, nineteen hundred eighty-
30 five or any resolution supplemental thereto, if the principal amount of
31 bonds so to be issued when added to all principal amounts of bonds
32 previously issued by the dormitory authority for city university commu-
33 nity college facilities, except to refund or to be substituted in lieu
34 of other bonds in relation to city university community college facili-
35 ties will exceed the sum of four hundred twenty-five million dollars and
36 (ii) the dormitory authority shall not deliver a series of bonds issued
37 for city university facilities, including community college facilities,
38 pursuant to a resolution of the dormitory authority adopted on or after
39 July first, nineteen hundred eighty-five, except to refund or to be
40 substituted for or in lieu of other bonds in relation to city university
41 facilities and except for bonds issued pursuant to a resolution supple-
42 mental to a resolution of the dormitory authority adopted prior to July
43 first, nineteen hundred eighty-five, if the principal amount of bonds so
44 to be issued when added to the principal amount of bonds previously
45 issued pursuant to any such resolution, except bonds issued to refund or
46 to be substituted for or in lieu of other bonds in relation to city
47 university facilities, will exceed [six] SEVEN billion [eight] ONE
48 hundred [fifty-three] TWENTY-SIX million [two] EIGHT hundred
49 TWENTY-EIGHT thousand dollars. The legislature reserves the right to
50 amend or repeal such limit, and the state of New York, the dormitory
51 authority, the city university, and the fund are prohibited from coven-
52 anting or making any other agreements with or for the benefit of bond-
53 holders which might in any way affect such right.

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

1 10-a. Subject to the provisions of chapter fifty-nine of the laws of
2 two thousand, but notwithstanding any other provision of the law to the
3 contrary, the maximum amount of bonds and notes to be issued after March
4 thirty-first, two thousand two, on behalf of the state, in relation to
5 any locally sponsored community college, shall be six hundred [sixty-
6 three] NINETY-FIVE million ONE HUNDRED TWENTY-NINE THOUSAND dollars.
7 Such amount shall be exclusive of bonds and notes issued to fund any
8 reserve fund or funds, costs of issuance and to refund any outstanding
9 bonds and notes, issued on behalf of the state, relating to a locally
10 sponsored community college.

11 S 43. The public authorities law is amended by adding a new section
12 1680-r to read as follows:

13 S 1680-R. AUTHORIZATION FOR THE ISSUANCE OF BONDS FOR THE CAPITAL
14 RESTRUCTURING FINANCING PROGRAM. 1. NOTWITHSTANDING THE PROVISIONS OF
15 ANY OTHER LAW TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN
16 DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN
17 ONE OR MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE
18 CAPITAL RESTRUCTURING FINANCING PROGRAM FOR HEALTH CARE AND RELATED
19 FACILITIES LICENSED PURSUANT TO THE PUBLIC HEALTH LAW OR THE MENTAL
20 HYGIENE LAW AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS.
21 THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT
22 TO THIS SECTION SHALL NOT EXCEED ONE BILLION TWO HUNDRED MILLION
23 DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE
24 FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED
25 TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH
26 BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT
27 CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE
28 LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN
29 THOSE APPROPRIATED BY THE STATE TO THE DORMITORY AUTHORITY AND THE URBAN
30 DEVELOPMENT CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES
31 PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON
32 THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF
33 COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON
34 BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

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

1 AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION AS SECURITY FOR ITS
2 BONDS AND NOTES, AS AUTHORIZED BY THIS SECTION.

3 S 44. Subdivision 1 of section 17 of part D of chapter 389 of the laws
4 of 1997, providing for the financing of the correctional facilities
5 improvement fund and the youth facility improvement fund, as amended by
6 section 43 of part BB of chapter 58 of the laws of 2011, is amended to
7 read as follows:

8 1. Subject to the provisions of chapter 59 of the laws of 2000, but
9 notwithstanding the provisions of section 18 of section 1 of chapter 174
10 of the laws of 1968, the New York state urban development corporation is
11 hereby authorized to issue bonds, notes and other obligations in an
12 aggregate principal amount not to exceed four hundred [twenty-nine]
13 SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thousand
14 dollars [(\$429,515,000)] (\$465,365,000), which authorization increases
15 the aggregate principal amount of bonds, notes and other obligations
16 authorized by section 40 of chapter 309 of the laws of 1996, and shall
17 include all bonds, notes and other obligations issued pursuant to chap-
18 ter 211 of the laws of 1990, as amended or supplemented. The proceeds of
19 such bonds, notes or other obligations shall be paid to the state, for
20 deposit in the youth facilities improvement fund, to pay for all or any
21 portion of the amount or amounts paid by the state from appropriations
22 or reappropriations made to the office of children and family services
23 from the youth facilities improvement fund for capital projects. The
24 aggregate amount of bonds, notes and other obligations authorized to be
25 issued pursuant to this section shall exclude bonds, notes or other
26 obligations issued to refund or otherwise repay bonds, notes or other
27 obligations theretofore issued, the proceeds of which were paid to the
28 state for all or a portion of the amounts expended by the state from
29 appropriations or reappropriations made to the office of children and
30 family services; provided, however, that upon any such refunding or
31 repayment the total aggregate principal amount of outstanding bonds,
32 notes or other obligations may be greater than four hundred [twenty-
33 nine] SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thou-
34 sand dollars [\$429,515,000] (\$465,365,000), only if the present value of
35 the aggregate debt service of the refunding or repayment bonds, notes or
36 other obligations to be issued shall not exceed the present value of the
37 aggregate debt service of the bonds, notes or other obligations so to be
38 refunded or repaid. For the purposes hereof, the present value of the
39 aggregate debt service of the refunding or repayment bonds, notes or
40 other obligations and of the aggregate debt service of the bonds, notes
41 or other obligations so refunded or repaid, shall be calculated by
42 utilizing the effective interest rate of the refunding or repayment
43 bonds, notes or other obligations, which shall be that rate arrived at
44 by doubling the semi-annual interest rate (compounded semi-annually)
45 necessary to discount the debt service payments on the refunding or
46 repayment bonds, notes or other obligations from the payment dates ther-
47 eof to the date of issue of the refunding or repayment bonds, notes or
48 other obligations and to the price bid including estimated accrued
49 interest or proceeds received by the corporation including estimated
50 accrued interest from the sale thereof.

51 S 45. Subdivision 3 of section 1285-q of the public authorities law,
52 as added by section 6 of part I of chapter 1 of the laws of 2003, is
53 amended to read follows:

54 3. The maximum amount of bonds that may be issued for the purpose of
55 financing hazardous waste site remediation projects AND ENVIRONMENTAL
56 RESTORATION PROJECTS authorized by this section shall not exceed one

1 billion [two] THREE hundred million dollars and shall not exceed one
2 hundred twenty million dollars for appropriations enacted for any state
3 fiscal year, provided that the bonds not issued for such appropriations
4 may be issued pursuant to reappropriation in subsequent fiscal years.
5 [No bonds shall be issued for the repayment of any new appropriation
6 enacted after March thirty-first, two thousand thirteen for hazardous
7 waste site remediation projects authorized by this section.] Amounts
8 authorized to be issued by this section shall be exclusive of bonds
9 issued to fund any debt service reserve funds, pay costs of issuance of
10 such bonds, and bonds or notes issued to refund or otherwise repay bonds
11 or notes previously issued. Such bonds and notes of the corporation
12 shall not be a debt of the state, and the state shall not be liable
13 thereon, nor shall they be payable out of any funds other than those
14 appropriated by this state to the corporation for debt service and
15 related expenses pursuant to any service contracts executed pursuant to
16 subdivision one of this section, and such bonds and notes shall contain
17 on the face thereof a statement to such effect.

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

22 b. The agency shall have power and is hereby authorized from time to
23 time to issue negotiable bonds and notes in conformity with applicable
24 provisions of the uniform commercial code in such principal amount as,
25 in the opinion of the agency, shall be necessary, after taking into
26 account other moneys which may be available for the purpose, to provide
27 sufficient funds to the facilities development corporation, or any
28 successor agency, for the financing or refinancing of or for the design,
29 construction, acquisition, reconstruction, rehabilitation or improvement
30 of mental health services facilities pursuant to paragraph a of this
31 subdivision, the payment of interest on mental health services improve-
32 ment bonds and mental health services improvement notes issued for such
33 purposes, the establishment of reserves to secure such bonds and notes,
34 the cost or premium of bond insurance or the costs of any financial
35 mechanisms which may be used to reduce the debt service that would be
36 payable by the agency on its mental health services facilities improve-
37 ment bonds and notes and all other expenditures of the agency incident
38 to and necessary or convenient to providing the facilities development
39 corporation, or any successor agency, with funds for the financing or
40 refinancing of or for any such design, construction, acquisition, recon-
41 struction, rehabilitation or improvement and for the refunding of mental
42 hygiene improvement bonds issued pursuant to section 47-b of the private
43 housing finance law; provided, however, that the agency shall not issue
44 mental health services facilities improvement bonds and mental health
45 services facilities improvement notes in an aggregate principal amount
46 exceeding seven billion [three] FOUR hundred [sixty-six] THIRTY-FIVE
47 million [six] EIGHT hundred FIFTEEN thousand dollars, excluding mental
48 health services facilities improvement bonds and mental health services
49 facilities improvement notes issued to refund outstanding mental health
50 services facilities improvement bonds and mental health services facili-
51 ties improvement notes; provided, however, that upon any such refunding
52 or repayment of mental health services facilities improvement bonds
53 and/or mental health services facilities improvement notes the total
54 aggregate principal amount of outstanding mental health services facili-
55 ties improvement bonds and mental health facilities improvement notes
56 may be greater than seven billion [three] FOUR hundred [sixty-six] THIR-

1 TY-FIVE million [six] EIGHT hundred FIFTEEN thousand dollars only if,
2 except as hereinafter provided with respect to mental health services
3 facilities bonds and mental health services facilities notes issued to
4 refund mental hygiene improvement bonds authorized to be issued pursuant
5 to the provisions of section 47-b of the private housing finance law,
6 the present value of the aggregate debt service of the refunding or
7 repayment bonds to be issued shall not exceed the present value of the
8 aggregate debt service of the bonds to be refunded or repaid. For
9 purposes hereof, the present values of the aggregate debt service of the
10 refunding or repayment bonds, notes or other obligations and of the
11 aggregate debt service of the bonds, notes or other obligations so
12 refunded or repaid, shall be calculated by utilizing the effective
13 interest rate of the refunding or repayment bonds, notes or other obli-
14 gations, which shall be that rate arrived at by doubling the semi-annual
15 interest rate (compounded semi-annually) necessary to discount the debt
16 service payments on the refunding or repayment bonds, notes or other
17 obligations from the payment dates thereof to the date of issue of the
18 refunding or repayment bonds, notes or other obligations and to the
19 price bid including estimated accrued interest or proceeds received by
20 the authority including estimated accrued interest from the sale there-
21 of. Such bonds, other than bonds issued to refund outstanding bonds,
22 shall be scheduled to mature over a term not to exceed the average
23 useful life, as certified by the facilities development corporation, of
24 the projects for which the bonds are issued, and in any case shall not
25 exceed thirty years and the maximum maturity of notes or any renewals
26 thereof shall not exceed five years from the date of the original issue
27 of such notes. Notwithstanding the provisions of this section, the agen-
28 cy shall have the power and is hereby authorized to issue mental health
29 services facilities improvement bonds and/or mental health services
30 facilities improvement notes to refund outstanding mental hygiene
31 improvement bonds authorized to be issued pursuant to the provisions of
32 section 47-b of the private housing finance law and the amount of bonds
33 issued or outstanding for such purposes shall not be included for
34 purposes of determining the amount of bonds issued pursuant to this
35 section. The director of the budget shall allocate the aggregate princi-
36 pal authorized to be issued by the agency among the office of mental
37 health, office [of mental retardation and] FOR PEOPLE WITH developmental
38 disabilities, and the office of alcoholism and substance abuse services,
39 in consultation with their respective commissioners to finance bondable
40 appropriations previously approved by the legislature.
41 S 47. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on and after April 1, 2014; provided
43 that sections one through nine, and sections thirteen through nineteen
44 of this act shall expire March 31, 2015, when upon such date, the
45 provisions of such sections shall be deemed repealed.

46

PART J

47 Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of
48 section 401 of the vehicle and traffic law, as amended by section 9 of
49 chapter 189 of the laws of 2013, is amended to read as follows:
50 (i) If at the time of application for a registration or renewal there-
51 of there is a certification from a court, parking violations bureau,
52 traffic and parking violations agency or administrative tribunal of
53 appropriate jurisdiction [or administrative tribunal of appropriate
54 jurisdiction] that the registrant or his or her representative failed to

1 appear on the return date or any subsequent adjourned date or failed to
2 comply with the rules and regulations of an administrative tribunal
3 following entry of a final decision in response to a total of three or
4 more summonses or other process in the aggregate, issued within an eigh-
5 teen month period, charging either that: (i) such motor vehicle was
6 parked, stopped or standing, or that such motor vehicle was operated for
7 hire by the registrant or his or her agent without being licensed as a
8 motor vehicle for hire by the appropriate local authority, in violation
9 of any of the provisions of this chapter or of any law, ordinance, rule
10 or regulation made by a local authority; or (ii) the registrant was
11 liable in accordance with section eleven hundred eleven-a of this chap-
12 ter or section eleven hundred eleven-b of this chapter for a violation
13 of subdivision (d) of section eleven hundred eleven of this chapter; or
14 (iii) the registrant was liable in accordance with section eleven
15 hundred eleven-c of this chapter for a violation of a bus lane
16 restriction as defined in such section, or (iv) the registrant was
17 liable in accordance with section eleven hundred eighty-b of this chap-
18 ter for a violation of subdivision (c) or (d) of section eleven hundred
19 eighty of this chapter, OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE
20 WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF
21 SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
22 the commissioner or his or her agent shall deny the registration or
23 renewal application until the applicant provides proof from the court,
24 traffic and parking violations agency or administrative tribunal wherein
25 the charges are pending that an appearance or answer has been made or in
26 the case of an administrative tribunal that he or she has complied with
27 the rules and regulations of said tribunal following entry of a final
28 decision. Where an application is denied pursuant to this section, the
29 commissioner may, in his or her discretion, deny a registration or
30 renewal application to any other person for the same vehicle and may
31 deny a registration or renewal application for any other motor vehicle
32 registered in the name of the applicant where the commissioner has
33 determined that such registrant's intent has been to evade the purposes
34 of this subdivision and where the commissioner has reasonable grounds to
35 believe that such registration or renewal will have the effect of
36 defeating the purposes of this subdivision. Such denial shall only
37 remain in effect as long as the summonses remain unanswered, or in the
38 case of an administrative tribunal, the registrant fails to comply with
39 the rules and regulations following entry of a final decision.

40 S 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
41 and traffic law, as amended by section 9-a of chapter 189 of the laws of
42 2013, is amended to read as follows:

43 a. If at the time of application for a registration or renewal thereof
44 there is a certification from a court or administrative tribunal of
45 appropriate jurisdiction that the registrant or his or her represen-
46 tative failed to appear on the return date or any subsequent adjourned
47 date or failed to comply with the rules and regulations of an adminis-
48 trative tribunal following entry of a final decision in response to a
49 total of three or more summonses or other process in the aggregate,
50 issued within an eighteen month period, charging either that: (i) such
51 motor vehicle was parked, stopped or standing, or that such motor vehi-
52 cle was operated for hire by the registrant or his or her agent without
53 being licensed as a motor vehicle for hire by the appropriate local
54 authority, in violation of any of the provisions of this chapter or of
55 any law, ordinance, rule or regulation made by a local authority; or
56 (ii) the registrant was liable in accordance with section eleven hundred

1 eleven-b of this chapter for a violation of subdivision (d) of section
2 eleven hundred eleven of this chapter; or (iii) the registrant was
3 liable in accordance with section eleven hundred eleven-c of this chap-
4 ter for a violation of a bus lane restriction as defined in such
5 section; or (iv) the registrant was liable in accordance with section
6 eleven hundred eighty-b of this chapter for a violation of subdivision
7 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
8 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN
9 HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (B),
10 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
11 the commissioner or his or her agent shall deny the registration or
12 renewal application until the applicant provides proof from the court or
13 administrative tribunal wherein the charges are pending that an appear-
14 ance or answer has been made or in the case of an administrative tribu-
15 nal that he or she has complied with the rules and regulations of said
16 tribunal following entry of a final decision. Where an application is
17 denied pursuant to this section, the commissioner may, in his or her
18 discretion, deny a registration or renewal application to any other
19 person for the same vehicle and may deny a registration or renewal
20 application for any other motor vehicle registered in the name of the
21 applicant where the commissioner has determined that such registrant's
22 intent has been to evade the purposes of this subdivision and where the
23 commissioner has reasonable grounds to believe that such registration or
24 renewal will have the effect of defeating the purposes of this subdivi-
25 sion. Such denial shall only remain in effect as long as the summonses
26 remain unanswered, or in the case of an administrative tribunal, the
27 registrant fails to comply with the rules and regulations following
28 entry of a final decision.

29 S 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
30 and traffic law, as amended by section 9-b of chapter 189 of the laws of
31 2013, is amended to read as follows:

32 a. If at the time of application for a registration or renewal thereof
33 there is a certification from a court or administrative tribunal of
34 appropriate jurisdiction that the registrant or his or her represen-
35 tative failed to appear on the return date or any subsequent adjourned
36 date or failed to comply with the rules and regulations of an adminis-
37 trative tribunal following entry of a final decision in response to
38 three or more summonses or other process, issued within an eighteen
39 month period, charging that such motor vehicle was parked, stopped or
40 standing, or that such motor vehicle was operated for hire by the regis-
41 trant or his or her agent without being licensed as a motor vehicle for
42 hire by the appropriate local authority, in violation of any of the
43 provisions of this chapter or of any law, ordinance, rule or regulation
44 made by a local authority or the registrant was liable in accordance
45 with section eleven hundred eleven-c of this chapter for a violation of
46 a bus lane restriction as defined in such section, or the registrant was
47 liable in accordance with section eleven hundred eighty-b of this chap-
48 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
49 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN
50 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A
51 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
52 HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his or her agent
53 shall deny the registration or renewal application until the applicant
54 provides proof from the court or administrative tribunal wherein the
55 charges are pending that an appearance or answer has been made or in the
56 case of an administrative tribunal that he or she has complied with the

1 rules and regulations of said tribunal following entry of a final deci-
2 sion. Where an application is denied pursuant to this section, the
3 commissioner may, in his or her discretion, deny a registration or
4 renewal application to any other person for the same vehicle and may
5 deny a registration or renewal application for any other motor vehicle
6 registered in the name of the applicant where the commissioner has
7 determined that such registrant's intent has been to evade the purposes
8 of this subdivision and where the commissioner has reasonable grounds to
9 believe that such registration or renewal will have the effect of
10 defeating the purposes of this subdivision. Such denial shall only
11 remain in effect as long as the summonses remain unanswered, or in the
12 case of an administrative tribunal, the registrant fails to comply with
13 the rules and regulations following entry of a final decision.

14 S 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
15 and traffic law, as amended by section 9-c of chapter 189 of the laws of
16 2013, is amended to read as follows:

17 a. If at the time of application for a registration or renewal thereof
18 there is a certification from a court or administrative tribunal of
19 appropriate jurisdiction that the registrant or his representative
20 failed to appear on the return date or any subsequent adjourned date or
21 failed to comply with the rules and regulations of an administrative
22 tribunal following entry of a final decision in response to three or
23 more summonses or other process, issued within an eighteen month period,
24 charging that such motor vehicle was parked, stopped or standing, or
25 that such motor vehicle was operated for hire by the registrant or his
26 agent without being licensed as a motor vehicle for hire by the appro-
27 priate local authority, in violation of any of the provisions of this
28 chapter or of any law, ordinance, rule or regulation made by a local
29 authority, or the registrant was liable in accordance with section elev-
30 en hundred eighty-b of this chapter for violations of subdivision (b),
31 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
32 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
33 EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D),
34 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commis-
35 sioner or his agent shall deny the registration or renewal application
36 until the applicant provides proof from the court or administrative
37 tribunal wherein the charges are pending that an appearance or answer
38 has been made or in the case of an administrative tribunal that he has
39 complied with the rules and regulations of said tribunal following entry
40 of a final decision. Where an application is denied pursuant to this
41 section, the commissioner may, in his discretion, deny a registration or
42 renewal application to any other person for the same vehicle and may
43 deny a registration or renewal application for any other motor vehicle
44 registered in the name of the applicant where the commissioner has
45 determined that such registrant's intent has been to evade the purposes
46 of this subdivision and where the commissioner has reasonable grounds to
47 believe that such registration or renewal will have the effect of
48 defeating the purposes of this subdivision. Such denial shall only
49 remain in effect as long as the summonses remain unanswered, or in the
50 case of an administrative tribunal, the registrant fails to comply with
51 the rules and regulations following entry of a final decision.

52 S 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
53 and traffic law, as separately amended by chapters 339 and 592 of the
54 laws of 1987, is amended to read as follows:

55 a. If at the time of application for a registration or renewal thereof
56 there is a certification from a court or administrative tribunal of

1 appropriate jurisdiction that the registrant or his representative
2 failed to appear on the return date or any subsequent adjourned date or
3 failed to comply with the rules and regulations of an administrative
4 tribunal following entry of a final decision in response to three or
5 more summonses or other process, issued within an eighteen month period,
6 charging that such motor vehicle was parked, stopped or standing, or
7 that such motor vehicle was operated for hire by the registrant or his
8 agent without being licensed as a motor vehicle for hire by the appro-
9 priate local authority, in violation of any of the provisions of this
10 chapter or of any law, ordinance, rule or regulation made by a local
11 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEV-
12 EN HUNDRED EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B),
13 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
14 the commissioner or his agent shall deny the registration or renewal
15 application until the applicant provides proof from the court or admin-
16 istrative tribunal wherein the charges are pending that an appearance or
17 answer has been made or in the case of an administrative tribunal that
18 he has complied with the rules and regulations of said tribunal follow-
19 ing entry of a final decision. Where an application is denied pursuant
20 to this section, the commissioner may, in his discretion, deny a regis-
21 tration or renewal application to any other person for the same vehicle
22 and may deny a registration or renewal application for any other motor
23 vehicle registered in the name of the applicant where the commissioner
24 has determined that such registrant's intent has been to evade the
25 purposes of this subdivision and where the commissioner has reasonable
26 grounds to believe that such registration or renewal will have the
27 effect of defeating the purposes of this subdivision. Such denial shall
28 only remain in effect as long as the summonses remain unanswered, or in
29 the case of an administrative tribunal, the registrant fails to comply
30 with the rules and regulations following entry of a final decision.

31 S 2. The vehicle and traffic law is amended by adding a new section
32 1180-c to read as follows:

33 S 1180-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
34 CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY OTHER
35 PROVISION OF LAW, THE COUNTIES OF NASSAU AND SUFFOLK ARE HEREBY AUTHOR-
36 IZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON
37 THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH
38 POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN THE COUNTIES
39 (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE
40 AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS
41 ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN
42 SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
43 THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING
44 SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND
45 (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY
46 MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER
47 SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER THE
48 COUNTIES TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WITHIN NO
49 MORE THAN ONE SCHOOL SPEED ZONE PER SCHOOL DISTRICT WITHIN EACH COUNTY
50 AT ANY ONE TIME AND TO OPERATE SUCH SYSTEMS WITHIN SUCH ZONES (III) WHEN
51 A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO
52 OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR
53 (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION
54 (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE
55 DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND
56 ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD

1 DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMME-
2 DIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT
3 ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH TO INSTALL AND
4 OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE COUNTIES SHALL
5 CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED DATA, CRASH
6 HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL SPEED ZONE.

7 2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A
8 SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESS-
9 FULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN
10 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS
11 SUBDIVISION. THE COUNTIES MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO
12 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE
13 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL
14 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH SCHOOL
15 SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD.

16 3. OPERATORS OF PHOTO SPEED VIOLATION MONITORING SYSTEMS SHALL HAVE
17 COMPLETED TRAINING IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPER-
18 ATING SUCH SYSTEMS. EACH SUCH OPERATOR SHALL COMPLETE AND SIGN A DAILY
19 SET-UP LOG FOR EACH SUCH SYSTEM THAT HE OR SHE OPERATES THAT (I) STATES
20 THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE SYSTEM WAS SET UP
21 THAT DAY, AND (II) STATES THAT SUCH OPERATOR SUCCESSFULLY PERFORMED, AND
22 THE SYSTEM PASSED, THE SELF-TESTS OF SUCH SYSTEM BEFORE PRODUCING A
23 RECORDED IMAGE THAT DAY. THE COUNTIES SHALL RETAIN EACH SUCH DAILY LOG
24 UNTIL THE LATER OF THE DATE ON WHICH THE PHOTO SPEED VIOLATION MONITOR-
25 ING SYSTEM TO WHICH IT APPLIES HAS BEEN PERMANENTLY REMOVED FROM USE OR
26 THE FINAL RESOLUTION OF ALL CASES INVOLVING NOTICES OF LIABILITY ISSUED
27 BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO OR OTHER RECORDED IMAGES
28 PRODUCED BY SUCH SYSTEM.

29 4. EACH PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL UNDERGO AN ANNU-
30 AL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY
31 WHICH SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION. THE COUNTIES
32 SHALL KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UNTIL THE
33 FINAL RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY ISSUED
34 DURING SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS,
35 VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
36 VIOLATION MONITORING SYSTEM.

37 5. (I) SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES
38 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS, MICROPHOTO-
39 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
40 VIOLATION MONITORING SYSTEMS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE
41 DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. PROVIDED, HOWEV-
42 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE
43 DISMISSED SOLELY BECAUSE SUCH A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE
44 OR OTHER RECORDED IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIVER, THE
45 PASSENGERS, OR THE CONTENTS OF VEHICLES WHERE EITHER COUNTY SHOWS THAT
46 IT MADE REASONABLE EFFORTS TO COMPLY WITH THE PROVISIONS OF THIS PARA-
47 GRAPH IN SUCH CASE.

48 (II) PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED
49 IMAGE FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE FOR THE
50 EXCLUSIVE USE OF THE COUNTIES FOR THE PURPOSE OF THE ADJUDICATION OF
51 LIABILITY IMPOSED PURSUANT TO THIS SECTION AND OF THE OWNER RECEIVING A
52 NOTICE OF LIABILITY PURSUANT TO THIS SECTION, AND SHALL BE DESTROYED BY
53 THE COUNTIES UPON THE FINAL RESOLUTION OF THE NOTICE OF LIABILITY TO
54 WHICH SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
55 IMAGES RELATE, OR ONE YEAR FOLLOWING THE DATE OF ISSUANCE OF SUCH NOTICE
56 OF LIABILITY, WHICHEVER IS LATER. NOTWITHSTANDING THE PROVISIONS OF ANY

1 OTHER LAW, RULE OR REGULATION TO THE CONTRARY, PHOTOGRAPHS, MICROPHOTO-
2 GRAPHS, VIDEOTAPE OR ANY OTHER RECORDED IMAGE FROM A PHOTO SPEED
3 VIOLATION MONITORING SYSTEM SHALL NOT BE OPEN TO THE PUBLIC, NOR SUBJECT
4 TO CIVIL OR CRIMINAL PROCESS OR DISCOVERY, NOR USED BY ANY COURT OR
5 ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING THEREIN
6 EXCEPT THAT WHICH IS NECESSARY FOR THE ADJUDICATION OF A NOTICE OF
7 LIABILITY ISSUED PURSUANT TO THIS SECTION, AND NO PUBLIC ENTITY OR
8 EMPLOYEE, OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION,
9 EXCEPT THAT SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER
10 RECORDED IMAGES FROM SUCH SYSTEMS:

11 (A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE MOTOR
12 VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTO-
13 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED
14 OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT; AND

15 (B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT ISSUED
16 BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO ARTICLE
17 SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT
18 AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE SUCH
19 SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH
20 INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE THAT, A
21 MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER
22 STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A
23 MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED,
24 HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, THE
25 COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH OFFENSE
26 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY
27 AGAINST THE LAWS OF THIS STATE; AND

28 (2) SHALL BE FURNISHED IN RESPONSE TO A SUBPOENA DUCES TECUM SIGNED BY
29 A JUDGE OF COMPETENT JURISDICTION AND ISSUED PURSUANT TO ARTICLE SIX
30 HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW OR A JUDGE OR MAGISTRATE OF A
31 FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SUBPOENA DUCES TECUM UNDER
32 FEDERAL LAW, WHERE THE JUDGE FINDS AND THE SUBPOENA STATES THAT THERE IS
33 REASONABLE CAUSE TO BELIEVE SUCH INFORMATION IS RELEVANT AND MATERIAL TO
34 THE PROSECUTION, OR THE DEFENSE, OR THE INVESTIGATION BY AN AUTHORIZED
35 LAW ENFORCEMENT OFFICIAL, OF THE ALLEGED COMMISSION OF A MISDEMEANOR OR
36 FELONY IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH
37 OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, SUCH JUDGE OR MAGISTRATE
38 SHALL ONLY ISSUE SUCH SUBPOENA IF THE CONDUCT COMPRISING SUCH OFFENSE
39 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY IN
40 THIS STATE; AND

41 (3) MAY, IF LAWFULLY OBTAINED PURSUANT TO THIS CLAUSE AND CLAUSE (A)
42 OF THIS SUBPARAGRAPH AND OTHERWISE ADMISSIBLE, BE USED IN SUCH CRIMINAL
43 ACTION OR PROCEEDING.

44 (B) IF THE COUNTIES OF NASSAU AND SUFFOLK ESTABLISH A DEMONSTRATION
45 PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A
46 VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION
47 IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER,
48 EXPRESS OR IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVI-
49 SION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR DURING THE
50 TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION IN
51 VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
52 EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED OF MORE
53 THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT WITHIN
54 SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION
55 OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED HOWEV-
56 ER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED

PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" OR "MUTCD" SHALL MEAN THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES MAINTAINED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER;

2. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS CHAPTER.

3. "PHOTO SPEED VIOLATION MONITORING SYSTEM" SHALL MEAN A VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED MEASURING DEVICE WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE AT THE TIME IT IS USED OR OPERATED IN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION; AND

4. "SCHOOL SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

(D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE COUNTIES OF NASSAU OR SUFFOLK, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A PHOTO SPEED VIOLATION MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL INCLUDE AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE AND SHALL BE AVAILABLE FOR INSPECTION REASONABLY IN ADVANCE OF AND AT ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION.

(E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO A DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE PROMULGATED BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF NASSAU OR SUFFOLK. THE LIABILITY OF THE OWNER PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH VIOLATION; PROVIDED, HOWEVER, THAT SUCH PARKING VIOLATIONS BUREAU MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

(F) AN IMPOSITION OF LIABILITY UNDER THE DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

(G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION, WITHIN FOURTEEN BUSINESS DAYS IF SUCH OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS DAYS IF SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE

ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NUMBER OF THE CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER, AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR VEHICLE, AND THE CERTIFICATE CHARGING THE LIABILITY.

3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO CONTAIN A PROMINENT WARNING TO ADVISE THE PERSON CHARGED THAT FAILURE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE COUNTY OF NASSAU OR SUFFOLK, OR BY ANY OTHER ENTITY AUTHORIZED BY THE COUNTY TO PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

(H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION SHALL BE BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF NASSAU OR SUFFOLK.

(I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE WAS REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION, IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE OR NUMBER PLATE OR PLATES OF SUCH VEHICLE BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF NASSAU OR SUFFOLK, OR TO ANY OTHER ENTITY AUTHORIZED BY THE COUNTY TO RECEIVE SUCH RECORDS.

(J) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION SHALL BE BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF NASSAU OR SUFFOLK.

(K) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION, PROVIDED THAT:

(I) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH SUCH PARKING VIOLATIONS BUREAU IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER; AND

(II) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM SUCH BUREAU OF THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO SUCH BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE IDENTIFIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION, TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL,

LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY SUCH BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

2. FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (1) OF THIS SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN THIS SECTION.

3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (I) OF THIS SECTION.

(L) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITHOUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(M) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(N) IF EITHER COUNTY ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE RESULTS OF THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE:

1. THE LOCATIONS WHERE AND DATES WHEN PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED;

2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES, INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONES WITHIN THE COUNTY, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES, INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONES WHERE PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES WITHIN THE COUNTY, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

5. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES WITHIN THE COUNTY THAT WERE:

(I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

(II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

1 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
2 POSTED SPEED LIMIT; AND

3 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

4 7. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
5 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED THAT WERE:

6 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
7 POSTED SPEED LIMIT;

8 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
9 POSTED SPEED LIMIT;

10 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
11 POSTED SPEED LIMIT; AND

12 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

13 8. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS
14 RECORDED BY SUCH SYSTEMS;

15 9. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER THE FIRST
16 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

17 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-
18 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
19 RECORDED BY SUCH SYSTEMS;

20 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY THE COUNTY IN CONNECTION
21 WITH THE PROGRAM;

22 12. THE EXPENSES INCURRED BY THE COUNTY IN CONNECTION WITH THE
23 PROGRAM; AND

24 13. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

25 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-
26 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
27 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION
28 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE ALLEGED
29 VIOLATION.

30 S 3. The opening paragraph and paragraph (c) of subdivision 1 of
31 section 1809 of the vehicle and traffic law, as amended by section 11 of
32 chapter 189 of the laws of 2013, are amended to read as follows:

33 Whenever proceedings in an administrative tribunal or a court of this
34 state result in a conviction for an offense under this chapter or a
35 traffic infraction under this chapter, or a local law, ordinance, rule
36 or regulation adopted pursuant to this chapter, other than a traffic
37 infraction involving standing, stopping, or parking or violations by
38 pedestrians or bicyclists, or other than an adjudication of liability of
39 an owner for a violation of subdivision (d) of section eleven hundred
40 eleven of this chapter in accordance with section eleven hundred
41 eleven-a of this chapter, or other than an adjudication of liability of
42 an owner for a violation of subdivision (d) of section eleven hundred
43 eleven of this chapter in accordance with section eleven hundred
44 eleven-b of this chapter, or other than an adjudication in accordance
45 with section eleven hundred eleven-c of this chapter for a violation of
46 a bus lane restriction as defined in such section, or other than an
47 adjudication of liability of an owner for a violation of subdivision
48 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
49 ter in accordance with section eleven hundred eighty-b of this chapter,
50 OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
51 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
52 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
53 Y-C OF THIS CHAPTER, there shall be levied a crime victim assistance fee
54 and a mandatory surcharge, in addition to any sentence required or
55 permitted by law, in accordance with the following schedule:

1 (c) Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for an offense under this chapter
3 other than a crime pursuant to section eleven hundred ninety-two of this
4 chapter, or a traffic infraction under this chapter, or a local law,
5 ordinance, rule or regulation adopted pursuant to this chapter, other
6 than a traffic infraction involving standing, stopping, or parking or
7 violations by pedestrians or bicyclists, or other than an adjudication
8 of liability of an owner for a violation of subdivision (d) of section
9 eleven hundred eleven of this chapter in accordance with section eleven
10 hundred eleven-a of this chapter, or other than an adjudication of
11 liability of an owner for a violation of subdivision (d) of section
12 eleven hundred eleven of this chapter in accordance with section eleven
13 hundred eleven-b of this chapter, or other than an infraction pursuant
14 to article nine of this chapter or other than an adjudication of liability
15 of an owner for a violation of toll collection regulations pursuant
16 to section two thousand nine hundred eighty-five of the public authorities
17 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
18 hundred seventy-four of the laws of nineteen hundred fifty or other than
19 an adjudication in accordance with section eleven hundred eleven-c of
20 this chapter for a violation of a bus lane restriction as defined in
21 such section, or other than an adjudication of liability of an owner for
22 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
23 hundred eighty of this chapter in accordance with section eleven hundred
24 eighty-b of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF
25 AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
26 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
27 ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there shall be levied a crime
28 victim assistance fee in the amount of five dollars and a mandatory
29 surcharge, in addition to any sentence required or permitted by law, in
30 the amount of fifty-five dollars.

31 S 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
32 as amended by section 11-a of chapter 189 of the laws of 2013, is
33 amended to read as follows:

34 1. Whenever proceedings in an administrative tribunal or a court of
35 this state result in a conviction for a crime under this chapter or a
36 traffic infraction under this chapter, or a local law, ordinance, rule
37 or regulation adopted pursuant to this chapter, other than a traffic
38 infraction involving standing, stopping, parking or motor vehicle equip-
39 ment or violations by pedestrians or bicyclists, or other than an adju-
40 dication of liability of an owner for a violation of subdivision (d) of
41 section eleven hundred eleven of this chapter in accordance with section
42 eleven hundred eleven-a of this chapter, or other than an adjudication
43 of liability of an owner for a violation of subdivision (d) of section
44 eleven hundred eleven of this chapter in accordance with section eleven
45 hundred eleven-b of this chapter, or other than an adjudication in
46 accordance with section eleven hundred eleven-c of this chapter for a
47 violation of a bus lane restriction as defined in such section, or other
48 than an adjudication of liability of an owner for a violation of subdivi-
49 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
50 this chapter in accordance with section eleven hundred eighty-b of this
51 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
52 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
53 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
54 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
55 in addition to any sentence required or permitted by law, in the amount
56 of twenty-five dollars.

1 S 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
2 as amended by section 11-b of chapter 189 of the laws of 2013, is
3 amended to read as follows:

4 1. Whenever proceedings in an administrative tribunal or a court of
5 this state result in a conviction for a crime under this chapter or a
6 traffic infraction under this chapter other than a traffic infraction
7 involving standing, stopping, parking or motor vehicle equipment or
8 violations by pedestrians or bicyclists, or other than an adjudication
9 in accordance with section eleven hundred eleven-c of this chapter for a
10 violation of a bus lane restriction as defined in such section, or other
11 than an adjudication of liability of an owner for a violation of subdi-
12 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
13 this chapter in accordance with section eleven hundred eighty-b of this
14 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
15 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
16 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
17 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
18 in addition to any sentence required or permitted by law, in the amount
19 of seventeen dollars.

20 S 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
21 as amended by section 11-c of chapter 189 of the laws of 2013, is
22 amended to read as follows:

23 1. Whenever proceedings in an administrative tribunal or a court of
24 this state result in a conviction for a crime under this chapter or a
25 traffic infraction under this chapter other than a traffic infraction
26 involving standing, stopping, parking or motor vehicle equipment or
27 violations by pedestrians or bicyclists, or other than an adjudication
28 of liability of an owner for a violation of subdivision (b), (c), (d),
29 (f) or (g) of section eleven hundred eighty of this chapter in accord-
30 ance with section eleven hundred eighty-b of this chapter, OR OTHER THAN
31 AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
32 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
33 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
34 there shall be levied a mandatory surcharge, in addition to any sentence
35 required or permitted by law, in the amount of seventeen dollars.

36 S 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
37 as separately amended by chapter 16 of the laws of 1983 and chapter 62
38 of the laws of 1989, is amended to read as follows:

39 1. Whenever proceedings in an administrative tribunal or a court of
40 this state result in a conviction for a crime under this chapter or a
41 traffic infraction under this chapter other than a traffic infraction
42 involving standing, stopping, parking or motor vehicle equipment or
43 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
44 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D),
45 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORD-
46 ANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there shall
47 be levied a mandatory surcharge, in addition to any sentence required or
48 permitted by law, in the amount of seventeen dollars.

49 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
50 traffic law, as amended by section 12-a of chapter 189 of the laws of
51 2013, is amended to read as follows:

52 a. Notwithstanding any other provision of law, whenever proceedings in
53 a court or an administrative tribunal of this state result in a
54 conviction for an offense under this chapter, except a conviction pursu-
55 ant to section eleven hundred ninety-two of this chapter, or for a traf-
56 fic infraction under this chapter, or a local law, ordinance, rule or

1 regulation adopted pursuant to this chapter, except a traffic infraction
2 involving standing, stopping, or parking or violations by pedestrians or
3 bicyclists, and except an adjudication of liability of an owner for a
4 violation of subdivision (d) of section eleven hundred eleven of this
5 chapter in accordance with section eleven hundred eleven-a of this chap-
6 ter, and except an adjudication of liability of an owner for a violation
7 of subdivision (d) of section eleven hundred eleven of this chapter in
8 accordance with section eleven hundred eleven-b of this chapter, and
9 except an adjudication in accordance with section eleven hundred
10 eleven-c of this chapter of a violation of a bus lane restriction as
11 defined in such section, and [expect] EXCEPT an adjudication of liabil-
12 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
13 of section eleven hundred eighty of this chapter in accordance with
14 section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDI-
15 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C),
16 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
17 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and
18 except an adjudication of liability of an owner for a violation of toll
19 collection regulations pursuant to section two thousand nine hundred
20 eighty-five of the public authorities law or sections sixteen-a,
21 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
22 laws of nineteen hundred fifty, there shall be levied in addition to any
23 sentence, penalty or other surcharge required or permitted by law, an
24 additional surcharge of twenty-eight dollars.

25 S 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
26 and traffic law, as amended by section 12-b of chapter 189 of the laws
27 of 2013, is amended to read as follows:

28 a. Notwithstanding any other provision of law, whenever proceedings in
29 a court or an administrative tribunal of this state result in a
30 conviction for an offense under this chapter, except a conviction pursu-
31 ant to section eleven hundred ninety-two of this chapter, or for a traf-
32 fic infraction under this chapter, or a local law, ordinance, rule or
33 regulation adopted pursuant to this chapter, except a traffic infraction
34 involving standing, stopping, or parking or violations by pedestrians or
35 bicyclists, and except an adjudication of liability of an owner for a
36 violation of subdivision (d) of section eleven hundred eleven of this
37 chapter in accordance with section eleven hundred eleven-a of this chap-
38 ter, and except an adjudication in accordance with section eleven
39 hundred eleven-c of this chapter of a violation of a bus lane
40 restriction as defined in such section, and except an adjudication of
41 liability of an owner for a violation of subdivision (b), (c), (d), (f)
42 or (g) of section eleven hundred eighty of this chapter in accordance
43 with section eleven hundred eighty-b of this chapter, AND EXCEPT AN
44 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
45 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
46 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
47 and except an adjudication of liability of an owner for a violation of
48 toll collection regulations pursuant to section two thousand nine
49 hundred eighty-five of the public authorities law or sections sixteen-a,
50 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
51 laws of nineteen hundred fifty, there shall be levied in addition to any
52 sentence, penalty or other surcharge required or permitted by law, an
53 additional surcharge of twenty-eight dollars.

54 S 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
55 and traffic law, as amended by section 12-c of chapter 189 of the laws
56 of 2013, is amended to read as follows:

1 a. Notwithstanding any other provision of law, whenever proceedings in
2 a court or an administrative tribunal of this state result in a
3 conviction for an offense under this chapter, except a conviction pursu-
4 ant to section eleven hundred ninety-two of this chapter, or for a traf-
5 fic infraction under this chapter, or a local law, ordinance, rule or
6 regulation adopted pursuant to this chapter, except a traffic infraction
7 involving standing, stopping, or parking or violations by pedestrians or
8 bicyclists, and except an adjudication of liability of an owner for a
9 violation of subdivision (d) of section eleven hundred eleven of this
10 chapter in accordance with section eleven hundred eleven-a of this chap-
11 ter, and except an adjudication of liability of an owner for a violation
12 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
13 eighty of this chapter in accordance with section eleven hundred eight-
14 y-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER
15 FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
16 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
17 HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liabil-
18 ity of an owner for a violation of toll collection regulations pursuant
19 to section two thousand nine hundred eighty-five of the public authori-
20 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
21 hundred seventy-four of the laws of nineteen hundred fifty, there shall
22 be levied in addition to any sentence, penalty or other surcharge
23 required or permitted by law, an additional surcharge of twenty-eight
24 dollars.

25 S 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
26 and traffic law, as added by section 5 of part C of chapter 55 of the
27 laws of 2013, is amended to read as follows:

28 a. Notwithstanding any other provision of law, whenever proceedings in
29 a court or an administrative tribunal of this state result in a
30 conviction for an offense under this chapter, except a conviction pursu-
31 ant to section eleven hundred ninety-two of this chapter, or for a traf-
32 fic infraction under this chapter, or a local law, ordinance, rule or
33 regulation adopted pursuant to this chapter, except a traffic infraction
34 involving standing, stopping, or parking or violations by pedestrians or
35 bicyclists, and except an adjudication of liability of an owner for a
36 violation of subdivision (d) of section eleven hundred eleven of this
37 chapter in accordance with section eleven hundred eleven-a of this chap-
38 ter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
39 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
40 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
41 Y-C OF THIS CHAPTER, and except an adjudication of liability of an owner
42 for a violation of toll collection regulations pursuant to section two
43 thousand nine hundred eighty-five of the public authorities law or
44 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
45 seventy-four of the laws of nineteen hundred fifty, there shall be
46 levied in addition to any sentence, penalty or other surcharge required
47 or permitted by law, an additional surcharge of twenty-eight dollars.

48 S 5. Subdivision 2 of section 87 of the public officers law is amended
49 by adding a new paragraph (n) to read as follows:

50 (N) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
51 IMAGES PREPARED UNDER THE AUTHORITY OF SECTION ELEVEN HUNDRED EIGHTY-C
52 OF THE VEHICLE AND TRAFFIC LAW.

53 S 6. The purchase or lease of equipment for a demonstration program
54 pursuant to section 1180-c of the vehicle and traffic law shall be
55 subject to the provisions of section 103 of the general municipal law.

1 S 7. This act shall take effect on the thirtieth day after it shall
2 have become a law and shall expire 5 years after such effective date
3 when upon such date the provisions of this act shall be deemed repealed;
4 and provided further that any rules necessary for the implementation of
5 this act on its effective date shall be promulgated on or before such
6 effective date, provided that:

7 (a) the amendments to subparagraph (i) of paragraph a of subdivision
8 5-a of section 401 of the vehicle and traffic law made by section one of
9 this act shall not affect the expiration of such paragraph and shall be
10 deemed to expire therewith, when upon such date the provisions of
11 section one-a of this act shall take effect;

12 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
13 the vehicle and traffic law made by section one-a of this act shall not
14 affect the expiration of such paragraph and shall be deemed to expire
15 therewith, when upon such date the provisions of section one-b of this
16 act shall take effect;

17 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
18 the vehicle and traffic law made by section one-b of this act shall not
19 affect the expiration of such paragraph and shall be deemed to expire
20 therewith, when upon such date the provisions of section one-c of this
21 act shall take effect;

22 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
23 the vehicle and traffic law made by section one-c of this act shall not
24 affect the expiration of such paragraph and shall be deemed to expire
25 therewith, when upon such date the provisions of section one-d of this
26 act shall take effect;

27 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
28 traffic law made by section three of this act shall not affect the expi-
29 ration of such subdivision and shall be deemed to expire therewith, when
30 upon such date the provisions of section three-a of this act shall take
31 effect;

32 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
33 traffic law made by section three-a of this act shall not affect the
34 expiration of such subdivision and shall be deemed to expire therewith,
35 when upon such date the provisions of section three-b of this act shall
36 take effect;

37 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
38 traffic law made by section three-b of this act shall not affect the
39 expiration of such subdivision and shall be deemed to expire therewith,
40 when upon such date the provisions of section three-c of this act shall
41 take effect;

42 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
43 traffic law made by section three-c of this act shall not affect the
44 expiration of such subdivision and shall be deemed to expire therewith,
45 when upon such date the provisions of section three-d of this act shall
46 take effect;

47 (i) the amendments to paragraph a of subdivision 1 of section 1809-e
48 of the vehicle and traffic law made by section four of this act shall
49 not affect the expiration of such paragraph and shall be deemed to
50 expire therewith, when upon such date the provisions of section four-a
51 of this act shall take effect;

52 (j) the amendments to paragraph a of subdivision 1 of section 1809-e
53 of the vehicle and traffic law made by section four-a of this act shall
54 not affect the expiration of such paragraph and shall be deemed to
55 expire therewith, when upon such date the provisions of section four-b
56 of this act shall take effect; and

1 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
2 of the vehicle and traffic law made by section four-b of this act shall
3 not affect the expiration of such paragraph and shall be deemed to
4 expire therewith, when upon such date the provisions of section four-c
5 of this act shall take effect.

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

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