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

S. 6355 A. 8555

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

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

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 subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to 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

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

LBD12670-01-4

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); and 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)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2014-2015 state fiscal year. Each component is wholly contained within a Part identified as Parts A through I. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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 Subparagraph 1-a of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law is REPEALED.

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

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

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

(a) Notwithstanding any other provision of this chapter to the contrary, whenever a revocation is imposed upon a person for the refusal to submit to a chemical test pursuant to the provisions of section eleven hundred ninety-four of this article or conviction for any violation of section eleven hundred ninety-two of this article for which a sentence of imprisonment may be imposed OR AN OUT-OF-STATE CONVICTION FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A CONVICTION OF A VIOLATION OF THE PENAL LAW FOR WHICH A VIOLATION OF SUCH SECTION ELEVEN HUNDRED NINETY-TWO IS AN ESSENTIAL ELEMENT, and such person has[: (i) within the previous four years] PREVIOUSLY been twice convicted of any provisions of section eleven hundred ninety-two of this article OR AN OUT-OF-STATE CONVICTION FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS or a violation of the penal law for which a violation of such section eleven hundred ninety-two is an essential element [and at least one such conviction was for a crime], or has PREVIOUSLY twice been found to have refused to submit to a chemical test pursuant to section eleven hundred ninety-four of this article, or has any combination of two such convictions and findings of refusal not arising out of the same incident[; or (ii) within the previous eight years been convicted three times of any provision of section eleven hundred ninety-two of this article for which a sentence of imprisonment may be imposed or a violation of the penal law for which a violation of such section eleven hundred ninety-two is an essential element and at least two such convictions were for crimes, or has been found, on three separate occasions, to have refused to submit to a chemical test pursuant to section eleven hundred ninety-four of this article, or has any combination of such convictions and findings of refusal not arising out of the same incident], such revocation shall be permanent.

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

(2) Civil penalties. Except as otherwise provided, any person whose license, permit to drive, or any non-resident operating privilege is revoked pursuant to the provisions of this section shall also be liable for a civil penalty in the amount of five hundred dollars except that if such revocation is a second or subsequent revocation pursuant to this section issued within a five year period, or such person has been convicted of a violation of any subdivision of section eleven hundred ninety-two of this article within the past five years not arising out of the same incident, the civil penalty shall be in the amount of [seven hundred fifty] ONE THOUSAND dollars. Any person whose license is revoked pursuant to the provisions of this section based upon a finding of refusal to submit to a chemical test while operating a commercial motor vehicle shall also be liable for a civil penalty of five hundred fifty dollars except that if such person has previously been found to have refused a chemical test pursuant to this section while operating a commercial motor vehicle or has a prior conviction of any of the following offenses while operating a commercial motor vehicle: any violation of section eleven hundred ninety-two of this article; any violation of subdivision two of section six hundred of this chapter; or has a prior conviction of any felony involving the use of a commercial motor vehicle pursuant to paragraph (a) of subdivision one of section five hundred

ten-a of this chapter, then the civil penalty shall be [seven hundred fifty] ONE THOUSAND dollars. No new driver's license or permit shall be issued, or non-resident operating privilege restored to such person unless such penalty has been paid. All penalties collected by the department pursuant to the provisions of this section shall be the property of the state and shall be paid into the general fund of the state treasury.

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

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

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

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 B

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

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

(xi) of a traffic infraction for a subsequent violation of article twenty-six of this chapter and the commission of such violation caused the death of another person and such subsequent violation occurred within eighteen months of a prior violation of any provision of article twenty-six of this chapter where the commission of such prior violation 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 pay no less than its share of such increased cost consistent with its share of premium or subscription charges provided for by this article. All other employer contributions to the health insurance fund shall be adjusted as necessary to provide for such payments.

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

PART F

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

S 66-A. TERM APPOINTMENTS IN INFORMATION TECHNOLOGY POSITIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY AUTHORIZE TERM APPOINTMENTS WITHOUT EXAMINATION TO TEMPORARY POSITIONS REQUIRING SPECIAL EXPERTISE OR QUALIFICATIONS IN INFORMATION TECHNOLOGY. SUCH APPOINTMENTS MAY BE AUTHORIZED ONLY IN SUCH CASES WHERE THE OFFICE OF INFORMATION TECHNOLOGY SERVICES CERTIFIES TO THE DEPARTMENT THAT BECAUSE OF THE TYPE OF SERVICES TO BE RENDERED OR THE TEMPORARY OR OCCASIONAL CHARACTER OF SUCH SERVICES, IT WOULD NOT BE PRACTICABLE TO HOLD AN EXAMINATION OF ANY KIND. SUCH CERTIFICATION SHALL BE A PUBLIC DOCUMENT PURSUANT TO THE PUBLIC OFFICERS LAW AND SHALL IDENTIFY THE SPECIAL EXPERTISE OR QUALIFICATIONS THAT ARE REQUIRED AND WHY THEY CANNOT BE OBTAINED THROUGH AN APPOINTMENT FROM AN ELIGIBLE LIST. THE MAXIMUM PERIOD FOR A TERM APPOINTMENT ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL NOT EXCEED SIXTY MONTHS AND SHALL NOT BE EXTENDED, AND THE MAXIMUM NUMBER OF SUCH APPOINTMENTS SHALL NOT EXCEED THREE HUNDRED. AT LEAST FIFTEEN DAYS PRIOR TO MAKING A TERM APPOINTMENT PURSUANT TO THIS SECTION THE APPOINTING AUTHORITY SHALL PUBLICLY AND CONSPICUOUSLY POST IN ITS OFFICES INFORMATION ABOUT THE TEMPORARY POSITION AND THE REQUIRED QUALIFICATIONS AND SHALL ALLOW ANY QUALIFIED EMPLOYEE TO APPLY FOR SAID POSITION. AN EMPLOYEE APPOINTED PURSUANT TO THIS PROVISION WHO HAS COMPLETED TWO YEARS OF CONTINUOUS SERVICE UNDER THIS PROVISION SHALL BE ABLE TO COMPETE IN ONE PROMOTIONAL EXAMINATION THAT IS ALSO OPEN TO EMPLOYEES WHO HAVE PERMANENT CIVIL SERVICE APPOINTMENTS AND APPROPRIATE QUALIFICATIONS.

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

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

35-382 INFORMATION TECHNOLOGY SPECIALIST 4 G-25

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

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

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

35-387 MANAGER INFORMATION TECHNOLOGY SERVICES 1 G-27

35-388 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATA COMMUNICATIONS) G-27

35-389 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (DATABASE) G-27

35-391 MANAGER INFORMATION TECHNOLOGY SERVICES 1 (SYSTEMS PROGRAMMING) G-27

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

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

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

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

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

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

(C) PUBLIC AUTHORITIES;

(D) SOIL AND WATER CONSERVATION DISTRICTS;

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

21. Notwithstanding the provisions of section one hundred sixty-three of the state finance law, section one hundred three of the general municipal law, article four-C of the economic development law, or any other provision of law relating to the award of public contracts, any officer, body, or agency of New York state, public corporation, or other public entity subject to such provisions of law shall be authorized to enter individually or collectively into contracts with the not-for-profit corporation that operates the multi-state information sharing and analysis center for the provision of services through September thirtieth, two thousand [fourteen] FIFTEEN related to cyber security including, but not limited to, monitoring, detecting, and responding to cyber incidents, and such contracts may be awarded without compliance with the procedures relating to the procurement of services set forth in such provisions of law. Such contracts shall, however, be subject to the comptroller's existing authority to approve contracts where such approval is required by section one hundred twelve of the state finance law or otherwise. Such officers, bodies, or agencies may pay the fees or other amounts specified in such contracts in consideration of the cyber security services to be rendered pursuant to such contracts.

S 3. Section 99-r of the general municipal law, as amended by section 1 of subpart B of part C of chapter 97 of the laws of 2011, is amended to read as follows:

S 99-r. Contracts for services. Notwithstanding any other provisions of law to the contrary, the governing board of any municipal corporation may enter into agreements and/or contracts with any state agency including any department, board, bureau, commission, division, office, council, committee, or officer of the state, whether permanent or temporary, or a public benefit corporation or public authority, or a soil and water conservation district, and any unit of the state university of New York, pursuant to and consistent with sections three hundred fifty-five and sixty-three hundred one of the education law within or without such municipal corporation to provide or receive fuel, equipment, maintenance and repair, supplies, water supply, street sweeping or maintenance, sidewalk maintenance, right-of-way maintenance, storm water and other drainage, sewage disposal, landscaping, mowing, TECHNOLOGY SERVICES, or any other services of government. Such state agency, soil and water conservation district, or unit of the state university of New York, within the limits of any specific statutory appropriation authorized and made available therefor by the legislature or by the governing body responsible for the operation of such state agency, soil and water conservation district, or unit of the state university of New York may contract with any municipal corporation for such services as herein

provided and may provide, in agreements and/or contracts entered into pursuant to this section, for the reciprocal provision of services or other consideration of approximately equivalent value, including, but not limited to, routine and/or emergency services, monies, equipment, buildings and facilities, materials or a commitment to provide future routine and/or emergency services, monies, equipment, buildings and facilities or materials. Any such contract may be entered into by direct negotiations and shall not be subject to the provisions of section one hundred three of this chapter.

S 4. (a) Notwithstanding any provision of law to the contrary, 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, and who, immediately prior thereto was performing information technology functions, shall be entitled to permanent appointment in similar or corresponding titles in the competitive class as determined by the department of civil service and shall continue to hold such position in the office of information technology services without further examination. No such employee transferred to the office of information technology services shall be subject to a new probationary term, provided, however, that any employee in probationary status at the time of the transfer shall be required to complete that probationary term at the office of information technology services under the same terms and conditions as were applicable to him or her while employed at the governor's office of employee relations, the labor management committee or the joint commission on public ethics.

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

S 5. Notwithstanding any provision of law to the contrary, the civil service department may re-classify any person employed in a permanent, classified, competitive position 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 reclassified 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. 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 assist-

ant, 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)

TO THE EMPLOYEE:

THIS CERTIFICATION AFFECTS YOUR RIGHT TO ENGAGE IN CERTAIN ACTIVITIES AFTER YOU LEAVE STATE SERVICE.

ORDINARILY, EMPLOYEES WHO LEAVE STATE SERVICE MAY NOT FOR TWO YEARS APPEAR OR PRACTICE BEFORE THEIR FORMER AGENCY OR RECEIVE COMPENSATION FOR RENDERING SERVICES ON A MATTER BEFORE THEIR FORMER AGENCY. HOWEVER, BECAUSE OF THIS CERTIFICATION, YOU MAY BE EXEMPT FROM THIS RESTRICTION. IF YOU WERE NOT DESIGNATED AS A POLICYMAKER BY YOUR AGENCY, YOU ARE AUTOMATICALLY EXEMPT. YOU MAY, UPON LEAVING STATE SERVICE, IMMEDIATELY

APPEAR, PRACTICE OR RECEIVE COMPENSATION FOR SERVICES RENDERED BEFORE YOUR FORMER AGENCY.
IF YOU WERE DESIGNATED AS A POLICYMAKER BY YOUR AGENCY, YOU ARE ELIGIBLE TO APPLY FOR AN EXEMPTION TO THE JOINT COMMISSION ON PUBLIC ETHICS AT 540 BROADWAY, ALBANY, NEW YORK 12207. EVEN IF YOU ARE OR BECOME EXEMPT FROM THE TWO YEAR BAR, THE LIFETIME BAR OF THE REVOLVING DOOR STATUTE WILL CONTINUE TO APPLY TO YOU. YOU MAY NOT APPEAR, PRACTICE, COMMUNICATE OR OTHERWISE RENDER SERVICES BEFORE ANY STATE AGENCY IN RELATION TO ANY CASE, PROCEEDING, APPLICATION OR TRANSACTION WITH RESPECT TO WHICH YOU WERE DIRECTLY CONCERNED AND IN WHICH YOU PERSONALLY PARTICIPATED DURING YOUR STATE SERVICE, OR WHICH WAS UNDER YOUR ACTIVE CONSIDERATION. IF YOU HAVE ANY QUESTIONS ABOUT THE APPLICATION OF THE POST-EMPLOYMENT RESTRICTIONS TO YOUR CIRCUMSTANCES, YOU MAY CONTACT THE JOINT COMMISSION ON PUBLIC ETHICS.

S 8. This act shall take effect immediately.

PART G

Section 1. Section 3 of 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, as amended by chapter 68 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect immediately and shall expire and be deemed repealed July 31, [2015] 2020.

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

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

1. sections one, four, five, six and seven of this act shall expire and be deemed repealed [3 years after they shall have become a law] JULY 31, 2020;

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

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

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014.

PART H

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2014-15 state fiscal year and to strengthen enforcement of the election law, reform campaign financing and enhance the public's trust in state government. Each component is wholly contained within a Subpart identified as Subparts A through D. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a

reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. This act shall be known as the "Public Trust Act".

S 2. Paragraph (b) of subdivision 3 of section 30.10 of the criminal procedure law is amended to read as follows:

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

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

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

The following definitions are applicable to this article:

1. "Immunity." BASED UPON THE SUBJECT MATTER OF THE LEGAL PROCEEDING IN WHICH A PERSON GIVES EVIDENCE, SUCH PERSON MAY RECEIVE EITHER "TRANSACTIONAL" OR "USE" IMMUNITY.

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

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

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

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

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

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

3. A witness who is ordered to give evidence pursuant to subdivision two OF THIS SECTION and who complies with such order receives EITHER

TRANSACTIONAL IMMUNITY OR USE immunity. [Such] IN A LEGAL PROCEEDING INVOLVING, IN WHOLE OR IN PART, ANY MISCONDUCT, NONFEASANCE OR NEGLECT IN PUBLIC OFFICE BY A PUBLIC SERVANT, WHETHER CRIMINAL OR OTHERWISE, OR ANY FRAUD UPON THE STATE, A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE SUCH WITNESS RECEIVES USE IMMUNITY. A WITNESS IN A LEGAL PROCEEDING INVOLVING ANY OTHER SUBJECT MATTER RECEIVES TRANSACTIONAL IMMUNITY. IN EITHER CASE, SUCH witness is not deprived of such immunity because such competent authority did not comply with statutory provisions requiring notice to a specified public servant of intention to confer immunity.

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

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

4. WHERE THE DEFENDANT ESTABLISHES IN HIS OR HER MOTION 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 6. Subdivision 2 of section 190.40 of the criminal procedure law, paragraph (c) as added by chapter 454 of the laws of 1975, is amended to read as follows:

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

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

(b) Such evidence is not responsive to any inquiry and is gratuitously given or volunteered by the witness with knowledge that it is not responsive[.] ; OR

(c) The evidence given by the witness consists only of books, papers, records or other physical evidence of an enterprise, as defined in subdivision one of section 175.00 of the penal law, the production of which is required by a subpoena duces tecum, and the witness does not possess a privilege against self-incrimination with respect to the 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 giving for public office, FAILURE TO REPORT BRIBERY, and bribe receiving for public office, as defined in article two hundred of the penal law;

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

4. If the court does not determine the motion pursuant to [subdivisions] SUBDIVISION two or three, it must conduct a hearing and make findings of fact essential to the determination thereof. All persons giving factual information at such hearing must testify under oath, except that unsworn evidence pursuant to subdivision two of section

60.20 of this chapter may also be received. Upon such hearing, hearsay evidence is admissible to establish any material fact. A HEARING GRANTED UNDER THIS SUBDIVISION PURSUANT TO A MOTION TO SUPPRESS EVIDENCE DESCRIBED IN SUBDIVISION EIGHT OF SECTION 710.20 OF THIS ARTICLE MAY, IN THE DISCRETION OF THE COURT, BE CONDUCTED AFTER THE TRIAL OF THE MATTER.

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

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

S 195.00 Official misconduct IN THE THIRD DEGREE.

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

1. He OR SHE commits an act relating to his OR HER office but constituting an unauthorized exercise of his OR HER official functions, knowing that such act is unauthorized; or

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

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

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

S 195.01 OFFICIAL MISCONDUCT IN THE SECOND DEGREE.

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

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

S 195.02 OFFICIAL MISCONDUCT IN THE FIRST DEGREE.

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

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

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

TITLE Y-2
CORRUPTING THE GOVERNMENT

ARTICLE 496
CORRUPTING THE GOVERNMENT

SECTION 496.01 DEFINITIONS.
496.02 CORRUPTING THE GOVERNMENT IN THE FOURTH DEGREE.
496.03 CORRUPTING THE GOVERNMENT IN THE THIRD DEGREE.
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 POLI-

TICAL 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:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and 135.25 relating to kidnapping; section 135.35 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of

stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 195.00, 195.01, 195.02, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; ANY OFFENSE DEFINED IN ARTICLE FOUR HUNDRED NINETY-SIX; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; [and] sections 265.14 and 265.16 relating to criminal sale of a firearm; [and] section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

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

S 200.00 Bribery in the third degree.

A person is guilty of bribery in the third degree when he OR SHE confers, or offers or agrees to confer, any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART, such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the third degree is a class D felony.

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

S 200.03 Bribery in the second degree.

A person is guilty of bribery in the second degree when he OR SHE confers, or offers or agrees to confer, any benefit valued in excess of [ten] FIVE thousand dollars upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART, such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be influenced].

Bribery in the second degree is a class C felony.

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

S 200.04 Bribery in the first degree.

A person is guilty of bribery in the first degree when he OR SHE confers, or offers or agrees to confer[,]: (A) any benefit upon a public servant [upon an agreement or understanding that] WITH THE INTENT TO INFLUENCE such public servant's vote, opinion, judgment, action, decision or exercise of discretion as a public servant [will thereby be

influenced] in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of [the penal law] THIS PART or an attempt to commit any such class A felony; OR (B) ANY BENEFIT VALUED IN EXCESS OF TEN THOUSAND DOLLARS UPON A PUBLIC SERVANT WITH THE INTENT TO INFLUENCE, IN WHOLE OR IN PART, SUCH PUBLIC SERVANT'S VOTE, OPINION, JUDGMENT, ACTION, DECISION OR EXERCISE OF DISCRETION AS A PUBLIC SERVANT.

Bribery in the first degree is a class B felony.

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

S 200.05 Bribery; defense; LIMITATIONS.

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

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

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

S 200.10 Bribe receiving in the third degree.

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

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

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

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

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

S 200.11 Bribe receiving in the second degree.

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

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

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

S 200.12 Bribe receiving in the first degree.

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

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

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

S 200.45 Bribe giving for public office.

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

Bribe giving for public office is a class D felony.

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

S 200.50 Bribe receiving for public office.

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

Bribe receiving for public office is a class D felony.

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

S 200.56 FAILURE TO REPORT BRIBERY.

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

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

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

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

FAILURE TO REPORT BRIBERY IS A CLASS A MISDEMEANOR.

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

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

a. five thousand dollars; or

b. double the amount of the defendant's gain from the commission of the crime OR, IF THE DEFENDANT IS CONVICTED OF A CRIME DEFINED IN ARTI-

CLE FOUR HUNDRED NINETY-SIX OF THIS CHAPTER, ANY HIGHER AMOUNT NOT EXCEEDING THREE TIMES THE AMOUNT OF THE DEFENDANT'S GAIN FROM THE COMMISSION OF SUCH OFFENSE; or

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

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

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

(iii) for B felonies, thirty thousand dollars;

(iv) for C felonies, fifteen thousand dollars.

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

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

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

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

(b) Five thousand dollars, when the conviction is of a class A misdemeanor or of an unclassified misdemeanor for which a term of imprisonment in excess of three months is authorized;

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

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

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

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

(a) The term "lobbyist" shall mean every person or organization retained, employed or designated by any client to engage in lobbying. The term "lobbyist" shall not include any officer, director, trustee, employee, counsel or agent of the state, or any municipality or subdivision thereof of New York when discharging their official duties; except those officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the education law. PROVIDED THAT ANY INDIVIDUAL WHO STANDS CONVICTED OF A CRIME DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW MAY NOT BE RETAINED, EMPLOYED OR DESIGNATED BY ANY CLIENT TO ENGAGE IN LOBBYING.

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

S 139-a. Ground for cancellation of contract by state. A clause shall be inserted in all specifications or contracts hereafter made or awarded by the state or any public department, agency or official thereof, for work or services performed or to be performed, or goods sold or to be sold, to provide that: (A) upon the refusal by a person, when called

before a grand jury, head of a state department, temporary state commission or other state agency, or the organized crime task force in the department of law, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation, concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract; OR (B) UPON THE CONVICTION OF ANY PERSON OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW,

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

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

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

S 139-b. Disqualification to contract with state. 1. Any person who, when called before a grand jury, head of a state department, temporary state commission or other state agency, or the organized crime task force in the department of law, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation, concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with a public department, agency or official of the state or of any political subdivision thereof or of a public authority, refuses to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract, and any firm, partnership or corporation of which [he] ANY SUCH PERSON is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with the state or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed pursuant to the provisions of section one hundred thirty-nine-c of this article.

It shall be the duty of the officer conducting the investigation before the grand jury, the head of a state department, the [chairman] CHAIR of the temporary state commission or other state agency, or the organized crime task force in the department of law before which the refusal occurs to send notice of such refusal, together with the names of any firm, partnership or corporation of which the person so refusing is known to be a member, partner, officer or director, to the state

commissioner of transportation, except in the event the investigation concerns a public building transaction or contract said notice shall be sent to the state commissioner of general services, and the appropriate departments, agencies and officials of the state, political subdivisions thereof or public authorities with whom the person so refusing and any firm, partnership or corporation of which he is a member, partner, director or officer, is known to have a contract. However, when such refusal occurs before a body other than a grand jury, notice of refusal shall not be sent for a period of ten days after such refusal occurs. Prior to the expiration of this ten day period, any person, firm, partnership or corporation which has become liable to the cancellation or termination of a contract or disqualification to contract on account of such refusal may commence a special proceeding at a special term of the supreme court, held within the judicial district in which the refusal occurred, for an order determining whether the questions in response to which the refusal occurred were relevant and material to the inquiry. Upon the commencement of such proceeding, the sending of such notice of refusal to answer shall be subject to order of the court in which the proceeding was brought in a manner and on such terms as the court may deem just. If a proceeding is not brought within ten days, notice of refusal shall thereupon be sent as provided herein.

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

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

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

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

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

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

S 493. LIMITATIONS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY REAL PROPERTY WHICH WOULD OTHERWISE BE ELIGIBLE FOR AN EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION OR OFFSET OF REAL PROPERTY TAX LIABILITY AUTHORIZED BY LAW SHALL NOT BE SO ELIGIBLE IF ANY PERSON WHO STANDS TO BENEFIT FROM THE EXEMPTION, CREDIT, ABATEMENT, REBATE OR OTHER REDUCTION OR OFFSET STANDS CONVICTED OF AN OFFENSE

DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW.

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

(A) AN OWNER OR BENEFICIAL OWNER THEREOF, OR

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

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

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

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

3. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF SUCH CONVICTION, TOGETHER WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFICER OR DIRECTOR, TO THE ASSESSOR OF ANY ASSESSING UNIT IN WHICH SUCH PERSON OR SUCH FIRM, PARTNERSHIP OR CORPORATION IS KNOWN TO OWN PROPERTY.

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

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

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

S 41. LIMITATIONS ON TAX CREDIT ELIGIBILITY. ANY TAXPAYER WHO STANDS CONVICTED, OR WHO IS A SHAREHOLDER OF AN S CORPORATION OR PARTNER IN A PARTNERSHIP WHICH IS CONVICTED, OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW SHALL NOT BE ELIGIBLE FOR ANY TAX CREDIT ALLOWED UNDER ARTICLE NINE, NINE-A, THIRTY-TWO OR THIRTY-THREE OF THIS CHAPTER OR ANY BUSINESS TAX CREDIT ALLOWED UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION, A BUSINESS TAX CREDIT ALLOWED UNDER ARTICLE TWENTY-TWO OF THIS CHAPTER IS A TAX CREDIT ALLOWED TO TAXPAYERS UNDER ARTICLE TWENTY-TWO WHICH IS SUBSTANTIALLY SIMILAR TO A TAX CREDIT ALLOWED TO TAXPAYERS UNDER ARTICLE NINE-A OF THIS CHAPTER. IN THE EVENT A PERSON OR FIRM, PARTNERSHIP OR CORPORATION IS CONVICTED OF AN OFFENSE DEFINED IN ARTICLE TWO HUNDRED OR FOUR HUNDRED NINETY-SIX OR SECTION 195.00, 195.01 OR 195.02 OF THE PENAL LAW, THE OFFICE RESPONSIBLE FOR PROSECUTING SUCH OFFENSE SHALL SEND NOTICE OF SUCH CONVICTION, TOGETHER WITH THE NAMES OF ANY FIRM, PARTNERSHIP OR CORPORATION OF WHICH THE PERSON IS KNOWN TO BE A MEMBER, PARTNER, OFFICER OR DIRECTOR, TO THE COMMISSIONER.

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

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

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

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

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

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

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

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

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

For purposes of this question, "referred to the firm" shall mean: 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 MINISTERIAL 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 LOBBYIST WHERE SUCH REFERRAL SHALL HAVE BEEN MADE BY DIRECT COMMUNICATION FROM THE LOBBYIST OR CLIENT OF A LOBBYIST TO THE REPORTING INDIVIDUAL. WITH RESPECT TO EACH SUCH CLIENT, THE REPORTING INDIVIDUAL SHALL IDENTIFY THE NAME OF THE CLIENT SO REFERRED, THE AMOUNT OF COMPENSATION RECEIVED, AND THE NAME OF THE LOBBYIST OR CLIENT OF A LOBBYIST WHO REFERRED SUCH CLIENT. THE DISCLOSURE REQUIREMENTS IN CLAUSES (I) AND (II) OF THIS SUBPARAGRAPH 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, THE REPORTING INDIVIDUAL SHALL REQUEST AN EXEMPTION FROM THE JOINT COMMISSION, WHICH SHALL BE GRANTED FOR GOOD CAUSE SHOWN. FOR THE PURPOSES OF THIS QUESTION, GOOD CAUSE MAY BE SHOWN BY CIRCUMSTANCES INCLUDING, BUT NOT LIMITED TO, WHERE DISCLOSURE OF A CLIENT'S IDENTITY WOULD REVEAL TRADE SECRETS OR HAVE A NEGATIVE IMPACT ON THE CLIENT'S BUSINESS INTERESTS, WOULD CAUSE EMBARRASSMENT FOR THE CLIENT, COULD REASONABLY RESULT IN RETALIATION AGAINST THE CLIENT, OR WOULD TEND TO REVEAL NON-PUBLIC MATTERS REGARDING A CRIMINAL INVESTIGATION. ONLY A REPORTING INDIVIDUAL WHO FIRST ENTERS PUBLIC OFFICE AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, 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

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

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S 38. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

SUBPART B

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

1. Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of one thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections [or other board of

elections] CHIEF ENFORCEMENT COUNSEL PURSUANT TO SECTION 16-114 OF THIS CHAPTER. Any person who, three or more times within a given election cycle for such term of office, fails to file a statement or statements required to be filed by this article, shall be subject to a civil penalty, not in excess of ten thousand dollars, to be recoverable as provided for in this subdivision.

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

3. The commissioners of the state board of elections shall have no other public employment. The commissioners shall receive an annual salary of twenty-five thousand dollars, within the amounts made available therefor by appropriation. The board shall, for the purposes of sections seventy-three and seventy-four of the public officers law, be a "state agency", and such commissioners shall be "officers" of the state board of elections for the purposes of such sections. Within the amounts made available by appropriation therefor, the state board of elections shall appoint two co-executive directors, and such other staff members as are necessary in the exercise of its functions, and may fix their compensation. [Anytime after the effective date of the chapter of the laws of two thousand five which amended this subdivision, the] THE commissioners or, in the case of a vacancy on the board, the commissioner of each of the major political parties shall appoint one co-executive director. Each co-executive director shall serve a term of four years. THE GOVERNOR SHALL APPOINT A CHIEF ENFORCEMENT COUNSEL TO HEAD THE DIVISION OF ELECTION LAW ENFORCEMENT WHO SHALL HAVE A FIXED TERM OF FOUR YEARS AND SHALL BE REMOVED ONLY FOR GOOD CAUSE AND SOLELY BY THE GOVERNOR. THE CHIEF ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY OVER PERSONNEL DECISIONS WITHIN THE ENFORCEMENT UNIT. ALL HIRING DECISIONS MADE BY THE CHIEF ENFORCEMENT COUNSEL SHALL BE MADE WITHOUT REGARD TO POLITICAL PARTY AFFILIATION. ANY VACANCY IN THE OFFICE OF CO-EXECUTIVE DIRECTOR shall be filled by the commissioners or, in the case of a vacancy on the board, the commissioner of the same major political party as the vacating incumbent for the remaining period of the term of such vacating incumbent.

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

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

(c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting process and make it EASILY AND READILY available to any such candidate or committee;

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 ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE CHIEF ENFORCEMENT COUNSEL SHALL, IF NECESSARY, OBTAIN ADDITIONAL INFORMATION FROM THE COMPLAINANT OR FROM OTHER SOURCES TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

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

5. THE CHIEF ENFORCEMENT COUNSEL SHALL HAVE THE POWER TO FULLY INVESTIGATE VIOLATIONS OF THIS CHAPTER, INCLUDING THE POWER TO ISSUE SUBPOENAS AND TO APPLY FOR SEARCH WARRANTS PURSUANT TO ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW, AND, EXCEPT IN EXIGENT CIRCUMSTANCES, SHALL GIVE PRIOR NOTICE OF THE APPLICATION TO THE DISTRICT ATTORNEY OF THE COUNTY IN WHICH SUCH A WARRANT IS TO BE EXECUTED, AND IN SUCH EXIGENT CIRCUMSTANCES SHALL GIVE SUCH NOTICE AS SOON THEREAFTER AS IS PRACTICABLE; PROVIDED, HOWEVER THAT THE FAILURE TO GIVE NOTICE OF A SEARCH WARRANT APPLICATION TO A DISTRICT ATTORNEY SHALL NOT BE A GROUND TO SUPPRESS THE EVIDENCE SEIZED IN EXECUTING THE WARRANT. THE CHIEF ENFORCEMENT COUNSEL SHALL BE FURTHER AUTHORIZED TO USE THE FULL INVESTIGATIVE POWERS OF THE STATE BOARD OF ELECTIONS, AS PROVIDED FOR IN SUBDIVISIONS THREE, FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE.

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

7. (A) IF THE CHIEF ENFORCEMENT COUNSEL DETERMINES THAT SUBSTANTIAL REASON EXISTS TO BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER OR HAS UNLAWFULLY VIOLATED ANY PROVISION OF THIS CHAPTER, THE CHIEF ENFORCEMENT COUNSEL SHALL SELECT A HEARING OFFICER, FROM A LIST OF PROSPECTIVE HEARING OFFICERS EACH APPROVED BY A TWO-THIRDS MAJORITY VOTE OF THE BOARD, TO WHOM HE OR SHALL SHALL PROVIDE A WRITTEN REPORT AS TO: (1) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE PENALTY, BASED ON THE NATURE OF THE VIOLATION; (2) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; AND (3) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY. THE HEARING OFFICER SHALL MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED ON A PREPONDERANCE OF THE EVIDENCE AS TO WHETHER A VIOLATION HAS BEEN ESTABLISHED AND WHO IS GUILTY OF SUCH VIOLATION ON NOTICE TO AND WITH AN OPPORTUNITY FOR THE INDIVIDUAL OR ENTITY ACCUSED OF ANY VIOLATIONS TO BE HEARD. THE CHIEF ENFORCEMENT COUNSEL SHALL ADOPT SUCH REPORT AND COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTIONS 16-100, 16-114 AND 16-116 OF THIS CHAPTER SHOULD THE FINDINGS OF FACT AND CONCLUSIONS OF LAW SUPPORT THE COMMENCEMENT OF SUCH PROCEEDING. IF THE BOARD OF ELECTIONS FAILS TO PRODUCE A LIST OF ELIGIBLE HEARING OFFICERS, THE CHIEF ENFORCEMENT COUNSEL MAY COMMENCE A SPECIAL PROCEEDING AS PROVIDED HEREIN IN ACCORDANCE WITH RECOMMENDATIONS MADE IN HIS OR HER REPORT.

(B) IF THE CHIEF ENFORCEMENT COUNSEL DETERMINES, THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN

PLACE, THE CHIEF ENFORCEMENT COUNSEL SHALL COMMENCE A CRIMINAL ACTION OR REFER SUCH MATTER TO THE ATTORNEY GENERAL OR DISTRICT ATTORNEY WITH JURISDICTION OVER SUCH MATTER TO COMMENCE A CRIMINAL ACTION AS SUCH TERM IS DEFINED IN THE CRIMINAL PROCEDURE LAW.

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

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

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

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

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

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

SUBPART C

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

12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

(A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

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

(C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC; PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A CORPORATION, UNINCORPORATED BUSINESS ENTITY OR MEMBERS OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION.

14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING

DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

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

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

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

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other valuable thing or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this [article] TITLE setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor, INTERMEDIARY, or person from whom received, and if the transferor, contributor, INTERMEDIARY, or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. AN INTERMEDIARY NEED NOT BE REPORTED FOR A CONTRIBUTION THAT WAS COLLECTED FROM A CONTRIBUTOR IN CONNECTION WITH A PARTY OR OTHER CANDIDATE-RELATED EVENT HELD AT THE RESIDENCE OF THE PERSON DELIVERING THE CONTRIBUTION, UNLESS THE EXPENSES OF SUCH EVENT AT SUCH RESIDENCE FOR SUCH CANDIDATE EXCEED FIVE HUNDRED DOLLARS OR THE AGGREGATE CONTRIBUTIONS RECEIVED FROM THAT CONTRIBUTOR AT SUCH EVENT EXCEED FIVE HUNDRED DOLLARS. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this [article] TITLE.

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

S 14-106. Political communication. The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a copy of all broadcast, cable or satellite schedules and scripts, internet, print and other types of advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced, AND REPRODUCTIONS OF STATEMENTS OR INFORMATION PUBLISHED TO ONE THOUSAND OR MORE

MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICE INCLUDING BUT NOT LIMITED TO ELECTRONIC MAIL OR TEXT MESSAGE, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

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

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

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON FOR AN AUDIO OR VIDEO COMMUNICATION VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFORMATION CONVEYED TO ONE THOUSAND OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE WHICH: (I) UNAMBIGUOUSLY REFERS TO AND ADVOCATES FOR OR AGAINST A CLEARLY IDENTIFIED CANDIDATE OR EXPRESSLY ADVOCATES THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL, AND (II) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION. FOR THE PURPOSES OF THIS DEFINITION, A COMMUNICATION ADVOCATES FOR OR AGAINST A CANDIDATE WHEN IT (I) IRRESPECTIVE OF WHEN SUCH COMMUNICATION IS MADE, CONTAINS WORDS SUCH AS "VOTE," "OPPOSE," "SUPPORT," "ELECT," "DEFEAT," OR "REJECT," WHICH CALL FOR THE ELECTION OR DEFEAT OF THE CLEARLY IDENTIFIED CANDIDATE, OR (II) WITHIN ONE YEAR OF THE ELECTION BUT MORE THAN SIXTY DAYS BEFORE A GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR THIRTY DAYS BEFORE A PRIMARY ELECTION, COULD ONLY BE INTERPRETED BY A REASONABLE PERSON AS ADVOCATING FOR THE ELECTION OR DEFEAT OF THE CLEARLY IDENTIFIED CANDIDATE IN SUCH ELECTION BASED UPON UNEQUIVOCAL, UNAMBIGUOUS TERMS OF SUPPORT OR OPPOSITION, OR (III) WITHIN SIXTY DAYS PRIOR TO A GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR THIRTY DAYS BEFORE A PRIMARY ELECTION, INCLUDES OR REFERENCES A CLEARLY IDENTIFIED CANDIDATE.

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

(I) A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY, COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL 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 MEMBERSHIP 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; AND PROVIDED FURTHER THAT THE NAME AND ADDRESS OF AN EMPLOYEE OF A CORPORATION, UNINCORPORATED BUSINESS ENTITY OR A MEMBER OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION IS NOT REQUIRED FOR A CONTRIBUTION, GIFT, LOAN, ADVANCE OR DEPOSIT TO SUCH CORPORATION, UNINCORPORATED BUSINESS ENTITY OR BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION RESPECTIVELY;

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

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

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

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

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

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

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

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

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

(B) FINES AUTHORIZED TO BE IMPOSED DIRECTLY BY THE STATE BOARD OF ELECTIONS SHALL BE AFTER A HEARING AT WHICH THE SUBJECT PERSON OR AUTHORIZED COMMITTEE SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD. SUCH HEARING SHALL BE HELD IN SUCH MANNER AND UPON SUCH NOTICE AS MAY BE PRESCRIBED BY THE RULES OF THE STATE BOARD OF ELECTIONS. FOR PURPOSES OF CONDUCTING SUCH HEARINGS, THE STATE BOARD OF ELECTIONS SHALL BE DEEMED TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES AUTHORIZED IN THIS SECTION.

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

2. Any person who, acting as or on behalf of a candidate or political committee, under circumstances evincing an intent to violate such law, unlawfully accepts a contribution in excess of a contribution limitation established in this article, shall be required to refund such excess

amount and shall be subject to a civil penalty equal to the excess amount plus a fine of up to ten thousand dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections CHIEF ENFORCEMENT COUNSEL OR IMPOSED DIRECTLY BY THE STATE BOARD OF ELECTIONS.

3. ANY PERSON WHO FALSELY IDENTIFIES OR FAILS TO IDENTIFY ANY INDEPENDENT EXPENDITURE AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS CHIEF ENFORCEMENT COUNSEL OR IMPOSED DIRECTLY BY THE STATE BOARD OF ELECTIONS. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "PERSON" SHALL MEAN A PERSON, GROUP OF PERSONS, CORPORATION, UNINCORPORATED BUSINESS ENTITY, LABOR ORGANIZATION OR BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION OR ORGANIZATION OR POLITICAL COMMITTEE.

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

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

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

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

SUBPART D

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

[Campaign Receipts and Expenditures] CAMPAIGN RECEIPTS AND EXPENDITURES; PUBLIC FINANCING

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

CAMPAIGN RECEIPTS AND EXPENDITURES

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

16. "AUTHORIZED COMMITTEE" MEANS THE SINGLE POLITICAL COMMITTEE DESIGNATED BY A CANDIDATE TO RECEIVE ALL CONTRIBUTIONS AUTHORIZED BY THIS TITLE.

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

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

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

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

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

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

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM AS DEFINED IN TITLE TWO OF THIS ARTICLE, and no SUCH candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not [less than four thousand dollars nor] more than [twelve] SIX thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision,] and (ii) in the case of any election to [a] SUCH public office, [twenty-five] SIX thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025.

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee PARTICIPATING IN THE STATE'S PUBLIC CAMPAIGN FINANCING SYSTEM DEFINED IN TITLE TWO OF THIS ARTICLE (FOR THOSE OFFICES OR POSITIONS COVERED BY THAT SYSTEM) and no SUCH candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to

public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [c] E of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph [c] E of this subdivision; in the case of a nomination OR ELECTION for state senator, four thousand dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision]; in the case of an election or nomination for a member of the assembly, [twenty-five hundred] TWO THOUSAND dollars [as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars]; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or 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.

C. IN ANY ELECTION FOR A PUBLIC OFFICE TO BE VOTED ON BY THE VOTERS OF THE ENTIRE STATE, OR FOR NOMINATION TO ANY SUCH OFFICE, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE, AND NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I) IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.005, BUT SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN TEN THOUSAND DOLLARS, AND (II) IN THE CASE OF ANY ELECTION TO A PUBLIC OFFICE, FIFTEEN THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY NOMINATION TO PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE

NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE STATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.025, AND IN THE CASE OF ANY ELECTION FOR A PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE PRODUCT OF THE NUMBER OF REGISTERED VOTERS IN THE STATE EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.025.

D. IN ANY OTHER ELECTION FOR PARTY POSITION OR FOR ELECTION TO A PUBLIC OFFICE OR FOR NOMINATION FOR ANY SUCH OFFICE, NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY CANDIDATE OR POLITICAL COMMITTEE IN CONNECTION WITH A CANDIDATE WHO IS NOT A PARTICIPATING CANDIDATE AS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 14-200-A OF THIS ARTICLE AND NO SUCH CANDIDATE OR POLITICAL COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR, WHICH IS IN THE AGGREGATE AMOUNT GREATER THAN: (I) IN THE CASE OF ANY ELECTION FOR PARTY POSITION, OR FOR NOMINATION TO PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.05, AND (II) IN THE CASE OF ANY ELECTION FOR A PUBLIC OFFICE, THE PRODUCT OF THE TOTAL NUMBER OF REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.05, HOWEVER IN THE CASE OF A NOMINATION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER, SUCH AMOUNT SHALL BE NOT LESS THAN FOUR THOUSAND DOLLARS NOR MORE THAN TWELVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF AN ELECTION WITHIN THE CITY OF NEW YORK FOR THE OFFICE OF MAYOR, PUBLIC ADVOCATE OR COMPTROLLER, TWENTY-FIVE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH E OF THIS SUBDIVISION; IN THE CASE OF A NOMINATION OR ELECTION FOR STATE SENATOR, FIVE THOUSAND DOLLARS; IN THE CASE OF AN ELECTION OR NOMINATION FOR A MEMBER OF THE ASSEMBLY, THREE THOUSAND DOLLARS; PROVIDED HOWEVER, THAT THE MAXIMUM AMOUNT WHICH MAY BE SO CONTRIBUTED OR ACCEPTED, IN THE AGGREGATE, FROM ANY CANDIDATE'S CHILD, PARENT, GRANDPARENT, BROTHER AND SISTER, AND THE SPOUSE OF ANY SUCH PERSONS, SHALL NOT EXCEED IN THE CASE OF ANY ELECTION FOR PARTY POSITION OR NOMINATION FOR PUBLIC OFFICE AN AMOUNT EQUIVALENT TO THE NUMBER OF ENROLLED VOTERS IN THE CANDIDATE'S PARTY IN THE DISTRICT IN WHICH HE IS A CANDIDATE, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.25 AND IN THE CASE OF ANY ELECTION TO PUBLIC OFFICE, AN AMOUNT EQUIVALENT TO THE NUMBER OF REGISTERED VOTERS IN THE DISTRICT, EXCLUDING VOTERS IN INACTIVE STATUS, MULTIPLIED BY $.25; OR TWELVE HUNDRED FIFTY DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR ELECTION OF A STATE SENATOR, TWENTY THOUSAND DOLLARS, WHICHEVER IS GREATER, OR IN THE CASE OF A NOMINATION OR 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, or in aid of, any corporation, LIMITED LIABILITY COMPANY, joint-stock or other association organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stock-holder, attorney or agent of any corporation, LIMITED LIABILITY COMPANY, or joint-stock association which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

2. Notwithstanding the provisions of subdivision one of this section, any corporation or an organization financially supported in whole or in

part, by such corporation may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to exceed [five] ONE thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.

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

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

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

3. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE DEFINED AS EXPENDITURES THAT ARE EXCLUSIVELY FOR THE PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDIVIDUAL, AND ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION, OR EXPENSE OF A PERSON THAT WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN OR THE EXECUTION OF THE DUTIES OF PUBLIC OFFICE OR THE EXECUTION OF THE DUTIES OF A PARTY OFFICIAL.

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

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

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

(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.

S 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.
14-203. PROOF OF COMPLIANCE.
14-204. ELIGIBILITY.
14-205. LIMITS ON PUBLIC FINANCING.
14-206. PAYMENT OF PUBLIC MATCHING FUNDS.
14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES.
14-208. POWERS AND DUTIES OF BOARD.
14-209. AUDITS AND REPAYMENTS.
14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS.
14-211. REPORTS.
14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE.
14-213. SEVERABILITY.

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

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

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

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

THE LEGISLATURE ALSO FINDS THAT THE SYSTEM OF VOLUNTARY PUBLIC FINANCING FURTHERS THE GOVERNMENT'S INTEREST IN ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE. THE LEGISLATURE FINDS THAT THE VOLUNTARY PUBLIC FUNDING PROGRAM WILL ENLARGE THE PUBLIC DEBATE AND INCREASE PARTICIPATION IN THE DEMOCRATIC PROCESS. IN ADDITION, THE LEGISLATURE FINDS THAT THE VOLUNTARY EXPENDITURE LIMITATIONS AND MATCHING FUND PROGRAM REDUCE THE BURDEN ON CANDIDATES AND OFFICEHOLDERS TO SPEND TIME RAISING MONEY FOR THEIR CAMPAIGNS.

THEREFORE, THE LEGISLATURE DECLARES THAT THESE AMENDMENTS FURTHER THE IMPORTANT AND VALID GOVERNMENT INTERESTS OF REDUCING VOTER APATHY, BUILDING CONFIDENCE IN GOVERNMENT, REDUCING THE REALITY AND APPEARANCE OF CORRUPTION, AND ENCOURAGING QUALIFIED CANDIDATES TO RUN FOR OFFICE, WHILE REDUCING CANDIDATES' AND OFFICEHOLDERS' FUNDRAISING BURDENS.

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

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

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

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

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

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

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

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

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

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

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

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

12. (A) THE TERM "MATCHABLE CONTRIBUTION" SHALL MEAN A CONTRIBUTION, CONTRIBUTIONS OR A PORTION OF A CONTRIBUTION OR CONTRIBUTIONS FOR ANY COVERED ELECTIONS HELD IN THE SAME ELECTION CYCLE, MADE BY A NATURAL PERSON WHO IS A UNITED STATES CITIZEN AND RESIDENT IN THE STATE OF NEW YORK TO A PARTICIPATING CANDIDATE, THAT HAS BEEN REPORTED IN FULL TO THE BOARD IN ACCORDANCE WITH SECTIONS 14-102 AND 14-104 OF THIS ARTICLE BY THE CANDIDATE'S AUTHORIZED COMMITTEE AND HAS BEEN CONTRIBUTED ON OR BEFORE THE DAY OF THE APPLICABLE PRIMARY, GENERAL, RUNOFF OR SPECIAL ELECTION. ANY CONTRIBUTION, CONTRIBUTIONS, OR A PORTION OF A CONTRIBUTION 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 REPORTING TO THE BOARD EVERY CONTRIBUTION AND LOAN RECEIVED AND EVERY EXPENDITURE MADE. FOR CONTRIBUTORS WHO MAKE CONTRIBUTIONS OF FIVE HUNDRED DOLLARS OR MORE, EACH AUTHORIZED AND POLITICAL COMMITTEE SHALL REPORT TO THE BOARD THE OCCUPATION, AND BUSINESS ADDRESS OF EACH CONTRIBUTOR, LENDER, AND INTERMEDIARY. THE BOARD SHALL REVISE, PREPARE AND POST FORMS ON ITS WEBPAGE THAT FACILITATE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(B) BOARD REVIEW. THE BOARD'S PUBLIC FINANCING UNIT SHALL REVIEW EACH DISCLOSURE REPORT FILED AND SHALL INFORM AUTHORIZED AND POLITICAL COMMITTEES OF RELEVANT QUESTIONS THE UNIT HAS CONCERNING: (I) COMPLIANCE WITH REQUIREMENTS OF THIS TITLE AND OF THE RULES ISSUED BY THE BOARD; AND (II) QUALIFICATION FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. IN THE COURSE OF THIS REVIEW, THE UNIT SHALL GIVE AUTHORIZED AND POLITICAL COMMITTEES AN OPPORTUNITY TO RESPOND TO AND CORRECT POTEN-

TIAL VIOLATIONS AND GIVE CANDIDATES AN OPPORTUNITY TO ADDRESS QUESTIONS THE UNIT HAS CONCERNING THEIR MATCHABLE CONTRIBUTION CLAIMS OR OTHER ISSUES CONCERNING ELIGIBILITY FOR RECEIVING PUBLIC MATCHING FUNDS PURSUANT TO THIS TITLE. NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE UNIT OR THE BOARD FROM SUBSEQUENTLY REVIEWING SUCH DISCLOSURE REPORTS AND TAKING ANY ACTION OTHERWISE AUTHORIZED UNDER THIS TITLE.

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

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

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

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

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

(A) BE A CANDIDATE IN A COVERED ELECTION;

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

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

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

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

(F) NOT MAKE, AND NOT HAVE MADE, EXPENDITURES FROM OR USE HIS OR HER PERSONAL FUNDS OR PROPERTY OR THE PERSONAL FUNDS OR PROPERTY JOINTLY HELD WITH HIS OR HER SPOUSE, OR UNEMANCIPATED CHILDREN IN CONNECTION WITH HIS OR HER NOMINATION ELECTION OR ELECTION TO A COVERED OFFICE EXCEPT AS A CONTRIBUTION TO HIS OR HER AUTHORIZED COMMITTEE IN AN AMOUNT THAT EXCEEDS THREE TIMES THE APPLICABLE CONTRIBUTION LIMIT FROM AN INDIVIDUAL CONTRIBUTOR TO CANDIDATES FOR THE OFFICE THAT HE OR SHE IS SEEKING;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CANDIDATES FOR ELECTION TO THE OFFICE OF:	
GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	$10,000,000
ATTORNEY GENERAL	$4,000,000
COMPTROLLER	$4,000,000
MEMBER OF SENATE	$375,000
MEMBER OF ASSEMBLY	$175,000

3. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS NOT OPPOSED BY A CANDIDATE ON THE BALLOT IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT OF PUBLIC MATCHING FUNDS, EXCEPT THAT, WHERE THERE IS A CONTEST IN SUCH PRIMARY ELECTION FOR THE NOMINATION OF AT LEAST ONE OF THE TWO POLITICAL PARTIES WITH THE HIGHEST AND SECOND HIGHEST NUMBER OF ENROLLED MEMBERS FOR SUCH OFFICE, A PARTICIPATING CANDIDATE WHO IS UNOPPOSED IN THE PRIMARY ELECTION MAY RECEIVE PUBLIC FUNDS BEFORE THE PRIMARY ELECTION, FOR EXPENSES INCURRED ON OR BEFORE THE DATE OF SUCH PRIMARY ELECTION, IN AN AMOUNT EQUAL TO UP TO HALF THE SUM SET FORTH IN PARAGRAPH ONE OF THIS SECTION.

S 14-206. PAYMENT OF PUBLIC MATCHING FUNDS. 1. DETERMINATION OF ELIGIBILITY. NO PUBLIC MATCHING FUNDS SHALL BE PAID TO AN AUTHORIZED COMMITTEE UNLESS THE PUBLIC FINANCING UNIT DETERMINES THAT THE PARTICIPATING CANDIDATE HAS MET THE ELIGIBILITY REQUIREMENTS OF THIS TITLE. PAYMENT SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN SUBDIVISION TWO OF THIS SECTION, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF

THIS TITLE. SUCH PAYMENT MAY BE MADE ONLY TO THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE. NO PUBLIC MATCHING FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

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

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

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

5. IRREGULARLY SCHEDULED ELECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE BOARD SHALL PROMULGATE RULES TO PROVIDE FOR THE PROMPT ISSUANCE OF PUBLIC MATCHING FUNDS TO ELIGIBLE PARTICIPATING CANDIDATES FOR QUALIFIED CAMPAIGN EXPENDITURES IN THE CASE OF ANY OTHER COVERED ELECTION HELD ON A DAY DIFFERENT FROM THAT THAN ORIGINALLY SCHEDULED INCLUDING SPECIAL ELECTIONS. BUT IN ALL CASES, THE PUBLIC FINANCING UNIT SHALL (A) WITHIN FOUR DAYS OF RECEIVING A REPORT OF CONTRIBUTIONS FROM A CANDIDATE FOR A COVERED OFFICE CLAIMING ELIGIBILITY FOR PUBLIC MATCHING FUNDS VERIFY THAT CANDIDATE'S ELIGIBILITY FOR PUBLIC MATCHING FUNDS; AND (B) WITHIN TWO DAYS OF DETERMINING THAT THE CANDIDATE FOR A COVERED OFFICE IS ELIGIBLE FOR PUBLIC MATCHING FUNDS, THE UNIT SHALL PAY THE APPLICABLE MATCHING FUNDS OWED TO THE CANDIDATE.

S 14-207. USE OF PUBLIC MATCHING FUNDS; QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC MATCHING FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY BE USED ONLY BY AN AUTHORIZED COMMITTEE FOR EXPENDITURES TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION, INCLUDING PAYING FOR DEBTS INCURRED WITHIN ONE YEAR PRIOR TO AN ELECTION TO FURTHER THE PARTICIPATING CANDIDATE'S NOMINATION FOR ELECTION OR ELECTION.

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

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW;

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

(C) AN EXPENDITURE MADE AFTER THE CANDIDATE HAS BEEN FINALLY DISQUALIFIED FROM THE BALLOT;

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

(E) AN EXPENDITURE MADE BY CASH PAYMENT;

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

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

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

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

(J) PAYMENTS TO IMMEDIATE FAMILY MEMBERS OF THE PARTICIPATING CANDIDATE; OR

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

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

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

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

4. DATABASE. THE BOARD SHALL DEVELOP AN INTERACTIVE, SEARCHABLE COMPUTER DATABASE THAT SHALL CONTAIN ALL INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE INCLUDING INFORMATION ON CONTRIBUTIONS TO AND EXPENDITURES BY CANDIDATES AND THEIR AUTHORIZED COMMITTEE, INDEPENDENT EXPENDITURES IN SUPPORT OR OPPOSITION OF CANDIDATES FOR COVERED OFFICES, AND DISTRIBUTIONS OF MONEYS FROM THE FUND. SUCH DATABASE SHALL BE ACCESSIBLE TO THE PUBLIC ON THE BOARD'S WEBPAGE.

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

S 14-209. AUDITS AND REPAYMENTS. 1. AUDITS. THE BOARD SHALL AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS TITLE AND SHALL COMPLETE SUCH AUDIT NO LATER THAN TWO YEARS AFTER THE ELECTION IN QUESTION. EVERY CANDIDATE WHO RECEIVES PUBLIC FUNDS UNDER THIS TITLE SHALL BE AUDITED BY THE BOARD. THE COST OF COMPLYING WITH A POST-ELECTION AUDIT SHALL BE BORNE BY THE CANDIDATE'S AUTHORIZED COMMITTEE USING PUBLIC FUNDS, PRIVATE FUNDS OR ANY COMBINATION OF SUCH FUNDS. CANDIDATES WHO RUN IN BOTH A PRIMARY AND GENERAL ELECTION MUST MAINTAIN A

RESERVE OF THREE PERCENT OF THE PUBLIC FUNDS RECEIVED TO COMPLY WITH THE POST-ELECTION AUDIT. THE BOARD SHALL ISSUE TO EACH CAMPAIGN AUDITED A FINAL AUDIT REPORT THAT DETAILS ITS FINDINGS.

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

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

(C) IF THE TOTAL OF PAYMENTS FROM THE FUND RECEIVED BY A PARTICIPATING CANDIDATE AND HIS OR HER AUTHORIZED COMMITTEE EXCEED THE TOTAL CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND AUTHORIZED COMMITTEE FOR ALL COVERED ELECTIONS HELD IN THE SAME CALENDAR YEAR OR FOR A SPECIAL ELECTION TO FILL A VACANCY, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE FUND FOR PAYMENTS RECEIVED BY SUCH AUTHORIZED COMMITTEE FROM THE FUND DURING SUCH CALENDAR YEAR OR FOR SUCH SPECIAL ELECTION. PARTICIPATING CANDIDATES SHALL PAY TO THE BOARD UNSPENT PUBLIC CAMPAIGN FUNDS FROM AN ELECTION NOT LATER THAN TWENTY-SEVEN DAYS AFTER ALL LIABILITIES FOR THE ELECTION HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN THE DAY ON WHICH THE BOARD ISSUES ITS FINAL AUDIT REPORT FOR THE PARTICIPATING CANDIDATE'S AUTHORIZED COMMITTEE; PROVIDED, HOWEVER, THAT ALL UNSPENT PUBLIC CAMPAIGN FUNDS FOR A PARTICIPATING CANDIDATE SHALL BE IMMEDIATELY DUE AND PAYABLE TO THE BOARD UPON A DETERMINATION BY THE BOARD THAT THE PARTICIPANT HAS DELAYED THE POST-ELECTION AUDIT. A PARTICIPATING CANDIDATE MAY MAKE POST-ELECTION EXPENDITURES WITH PUBLIC FUNDS ONLY FOR ROUTINE ACTIVITIES INVOLVING NOMINAL COST ASSOCIATED WITH WINDING UP A CAMPAIGN AND RESPONDING TO THE POST-ELECTION AUDIT. NOTHING IN THIS TITLE SHALL BE CONSTRUED TO PREVENT A CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE FROM USING CAMPAIGN CONTRIBUTIONS RECEIVED FROM PRIVATE CONTRIBUTORS FOR OTHERWISE LAWFUL EXPENDITURES.

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

S 14-210. ENFORCEMENT AND PENALTIES FOR VIOLATIONS AND OTHER PROCEEDINGS. 1. CIVIL PENALTIES. VIOLATIONS OF ANY PROVISION OF THIS

TITLE OR RULE PROMULGATED PURSUANT TO THIS TITLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT IN EXCESS OF FIFTEEN THOUSAND DOLLARS.

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

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

(B) GIVE WRITTEN NOTICE AND THE OPPORTUNITY TO CONTEST BEFORE AN INDEPENDENT HEARING OFFICER TO EACH PERSON OR ENTITY IT HAS REASON TO BELIEVE HAS COMMITTED A VIOLATION; AND

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

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

4. PROCEEDINGS AS TO PUBLIC FINANCING. (A) THE DETERMINATION OF ELIGIBILITY PURSUANT TO THIS TITLE AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR CAMPAIGN EXPENDITURES PURSUANT TO THIS TITLE MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

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

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

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

S 14-211. REPORTS. THE BOARD SHALL REVIEW AND EVALUATE THE EFFECT OF THIS TITLE UPON THE CONDUCT OF ELECTION CAMPAIGNS AND SHALL SUBMIT A REPORT TO THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND NINETEEN, AND EVERY THIRD YEAR THEREAFTER, AND AT ANY OTHER TIME UPON THE REQUEST OF THE GOVERNOR AND AT SUCH OTHER TIMES AS THE BOARD DEEMS APPROPRIATE. THESE REPORTS SHALL INCLUDE:

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

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

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

4. ANALYSIS OF THE EFFECT OF THIS TITLE ON POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES, THE CANDIDATES' ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC

OFFICE, AND THE DIVERSITY OF CANDIDATES SEEKING AND ELECTED TO OFFICE; AND

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

S 14-212. DEBATES FOR CANDIDATES FOR STATEWIDE OFFICE. THE BOARD SHALL PROMULGATE REGULATIONS TO FACILITATE DEBATES AMONG PARTICIPATING CANDIDATES WHO SEEK ELECTION TO STATEWIDE OFFICE. PARTICIPATING CANDIDATES ARE REQUIRED TO PARTICIPATE IN ONE DEBATE BEFORE EACH ELECTION FOR WHICH THE CANDIDATE RECEIVES PUBLIC FUNDS, UNLESS THE PARTICIPATING CANDIDATE IS RUNNING UNOPPOSED. NONPARTICIPATING CANDIDATES MAY PARTICIPATE IN SUCH DEBATES.

S 14-213. SEVERABILITY. IF ANY CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART OF THIS TITLE BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, SUBDIVISION, PARAGRAPH, SECTION OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

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

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

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

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

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

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

6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN THIRTY DAYS AFTER DESIGNATING

PETITIONS, INDEPENDENT NOMINATING PETITIONS, OR CERTIFICATES OF NOMINATION HAVE BEEN FILED AND NOT LESS THAN FORTY-FIVE DAYS BEFORE SUCH ELECTION.

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

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

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

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

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

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

(F) NEW YORK STATE CAMPAIGN FINANCE FUND CHECK-OFF. (1) FOR EACH TAXABLE YEAR BEGINNING ON AND AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, EVERY RESIDENT TAXPAYER WHOSE NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS FORTY DOLLARS OR MORE MAY DESIGNATE ON SUCH RETURN THAT FORTY DOLLARS BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW. WHERE A HUSBAND AND WIFE FILE A JOINT RETURN AND HAVE A NEW YORK STATE INCOME TAX LIABILITY FOR THE TAXABLE YEAR FOR WHICH THE RETURN IS FILED IS EIGHTY DOLLARS OR MORE, OR FILE SEPARATE RETURNS ON A SINGLE FORM, EACH SUCH TAXPAYER MAY MAKE SEPARATE DESIGNATIONS ON SUCH RETURN OF FORTY DOLLARS TO BE PAID INTO THE NEW YORK STATE CAMPAIGN FINANCE FUND.

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

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

(4) THE DEPARTMENT SHALL INCLUDE A PLACE ON EVERY PERSONAL INCOME TAX RETURN FORM TO BE FILED BY AN INDIVIDUAL FOR A TAX YEAR BEGINNING ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, FOR SUCH TAXPAYER TO MAKE

THE DESIGNATIONS DESCRIBED IN PARAGRAPH ONE OF THIS SUBSECTION. SUCH RETURN FORM SHALL CONTAIN A CONCISE EXPLANATION OF THE PURPOSE OF SUCH OPTIONAL DESIGNATIONS.

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

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

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

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

PART I

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

1. Tuition reimbursement account (20451).
2. Proprietary vocational school supervision account (20452).
3. Local government records management account (20501).
4. Child health plus program account (20810).
5. Hospital based grants program account (20812).
6. EPIC premium account (20818).
7. Education - New (20901).
8. VLT - Sound basic education fund (20904).
9. Sewage treatment program management and administration fund (21000).
10. Hazardous bulk storage account (21061).
11. Federal grants indirect cost recovery account (21065).
12. Low level radioactive waste account (21066).
13. Recreation account (21067).
14. Public safety recovery account (21077).
15. Conservationist magazine account (21080).
16. Environmental regulatory account (21081).
17. Natural resource account (21082).
18. Mined land reclamation program account (21084).
19. Great lakes restoration initiative account (21087).

20. Environmental protection and oil spill compensation fund (21200).
21. Public transportation systems account (21401).
22. Metropolitan mass transportation (21402).
23. Operating permit program account (21451).
24. Mobile source account (21452).
25. Statewide planning and research cooperative system account (21902).
26. OPWDD provider of service account (21903).
27. Mental hygiene program fund account (21907).
28. Mental hygiene patient income account (21909).
29. Financial control board account (21911).
30. Regulation of racing account (21912).
31. New York Metropolitan Transportation Council account (21913).
32. Cyber upgrade account (21919).
33. State university dormitory income reimbursable account (21937).
34. Energy research account (21943).
35. Criminal justice improvement account (21945).
36. Fingerprint identification and technology account (21950).
37. Environmental laboratory reference fee account (21959).
38. Clinical laboratory reference system assessment account (21962).
39. Public employment relations board account (21964).
40. Indirect cost recovery account (21978).
41. High school equivalency program account (21979).
42. Multi-agency training account (21989).
43. Bell jar collection account (22003).
44. Industry and utility service account (22004).
45. Real property disposition account (22006).
46. Parking account (22007).
47. Asbestos safety training program account (22009).
48. Batavia school for the blind account (22032).
49. Investment services account (22034).
50. Surplus property account (22036).
51. Financial oversight account (22039).
52. Regulation of indian gaming account (22046).
53. Rome school for the deaf account (22053).
54. Seized assets account (22054).
55. Administrative adjudication account (22055).
56. Federal salary sharing account (22056).
57. New York City assessment account (22062).
58. Cultural education account (22063).
59. Local services account (22078).
60. DHCR mortgage servicing account (22085).
61. Department of motor vehicles compulsory insurance account (22087).
62. Housing indirect cost recovery account (22090).
63. Accident prevention course program account (22094).
64. DHCR-HCA application fee account (22100).
65. Low income housing monitoring account (22130).
66. Corporation administration account (22135).
67. Montrose veteran's home account (22144).
68. Deferred compensation administration account (22151).
69. Rent revenue other New York City account (22156).
70. Rent revenue account (22158).
71. Tax revenue arrearage account (22168).
72. State university general income offset account (22654).
73. State police motor vehicle law enforcement account (22802).
74. Highway safety program account (23001).

75. EFC drinking water program account (23101).
76. DOH drinking water program account (23102).
77. NYCCC operating offset account (23151).
78. Commercial gaming revenue account (23701).
79. Commercial gaming regulation account (23702).
80. Highway and bridge capital account (30051).
81. State university residence hall rehabilitation fund (30100).
82. State parks infrastructure account (30351).
83. Clean water/clean air implementation fund (30500).
84. Hazardous waste remedial cleanup account (31506).
85. Youth facilities improvement account (31701).
86. Housing assistance fund (31800).
87. Housing program fund (31850).
88. Highway facility purpose account (31951).
89. Miscellaneous capital projects fund, information technology capital financing account.
90. New York racing account (32213).
91. Mental hygiene facilities capital improvement fund (32300).
92. Correctional facilities capital improvement fund (32350).
93. New York State Storm Recovery Capital Fund (33000).
94. OGS convention center account (50318).
95. Centralized services fund (55000).
96. Archives records management account (55052).
97. Federal single audit account (55053).
98. Civil service law section II administrative account (55055).
99. Civil service EHS occupational health program account (55056).
100. Banking services account (55057).
101. Cultural resources survey account (55058).
102. Neighborhood work project (55059).
103. Automation & printing chargeback account (55060).
104. OFT NYT account (55061).
105. Data center account (55062).
106. Human service telecom account (55063).
107. Intrusion detection account (55066).
108. Domestic violence grant account (55067).
109. Centralized technology services account (55069).
110. Labor contact center account (55071).
111. Human services contact center account (55072).
112. Tax contact center account (55073).
113. Joint labor/management administration fund (55201).
114. Executive direction internal audit account (55251).
115. CIO Information technology centralized services account (55252).
116. Health insurance internal service account (55300).
117. Civil service employee benefits division administrative account (55301).
118. Correctional industries revolving fund (55350).
119. Employees health insurance account (60201).
120. Medicaid management information system escrow fund (60900).

S 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

1. Federal USDA-food and nutrition services fund. (25000).
2. Federal health and human services fund (25100).

3. Federal education fund (25200).
4. Federal block grant fund (25250).
5. Federal miscellaneous operating grants fund. (25300)
6. Federal unemployment insurance administration fund (25900).
7. Federal unemployment insurance occupational training fund (25950).
8. Federal emergency employment act fund (26000).
9. Federal capital projects fund (31350).

S 2. 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, upon request of the director of the budget, on or before March 31, 2015, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

5. $350,000 from the state exposition special fund, state fair receipts account (50051), to the general fund.

Education:

1. $2,265,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $950,604,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. Moneys from the state lottery fund up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

4. $300,000 from the local government records management improvement fund (20500) to the archives partnership trust fund (20350).

5. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

7. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

8. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

9. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

10. $64,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for

hospital debt service for the period April 1, 2014 through March 31, 2015.

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the environmental conservation special revenue fund, federal indirect recovery account (21065).

2. $2,000,000 from any of the department of environmental conservation's special revenue federal funds to the conservation fund as necessary to avoid diversion of conservation funds.

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous special revenue fund, I love NY water account (21930).

Family Assistance:

1. $10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund, office of human resources development state match account (21967).

2. $3,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund, family preservation and support services and family violence services account (22082).

3. $18,670,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the general fund.

4. $140,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

5. $2,500,000 from any of the office of temporary and disability assistance or office of children and family services special revenue federal funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).

6. $35,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

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

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

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

General Government:

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

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

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

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

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

6. $30,000,000 from the miscellaneous special revenue fund, real property disposition account (22006), to the general fund.

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

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

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

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

11. $1,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

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

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

Health:

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

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

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

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

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

6. $26,527,000 from the HCRA resources fund (20800), to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

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

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

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

10. $3,000,000 from the miscellaneous special revenue fund, administration program account (21982), to the miscellaneous capital projects fund, healthcare IT capital subfund.

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

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

Labor:

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

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

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

Mental Hygiene:

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

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

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

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

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

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

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

Public Protection:

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

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

3. $13,000,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $12,000,000 from the federal miscellaneous operating grants fund, DMNA damage account (25324), to the general fund.

5. $14,300,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

6. $9,100,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

7. $50,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the general fund.

8. $106,000,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.

9. $21,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

10. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

11. $5,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

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

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. $20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

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

4. $12,000,000 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401).

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

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

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

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

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

10. $2,500,000 from the miscellaneous special revenue fund, rail safety inspection account (21983) to the dedicated highway and bridge trust 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.

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

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

S 6. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by the state university of New York, the dormitory authority of the state of New York is

directed to transfer, up to $22,000,000 in revenues generated from the sale of notes or bonds, to the state university of New York for reimbursement of bondable equipment for further transfer to the state's general fund.

S 7. 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, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2015, up to $16,000,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

S 8. 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, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2015, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

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

S 10. 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, upon request of the director of the budget, up to $69,264,000 from the general fund to the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2014 through June 30, 2015 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

S 11. 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, upon request of the director of the budget, up to $969,050,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2014 through June 30, 2015 to support operations at the state university.

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

S 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection

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

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

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

S 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $500 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2014-15 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization. Prior to initiating transfers pursuant to this authorization, the director of the budget shall notify both houses of the legislature in writing of any subfund account for which use of this transfer authorization would exceed $2.5 million.

S 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, tech-

nology financing account (22207) or the miscellaneous capital projects fund, information technology capital financing account, for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technology financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

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

S 19. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to (i) make a contribution to the state treasury to the credit of the general fund, or as otherwise directed in writing by the director of the budget, in an amount of up to $90,000,000 for the state fiscal year commencing April 1, 2014, the proceeds of which will be utilized to support energy-related initiatives of the state or for economic development purposes, and (ii) transfer up to $25,000,000 of any such contribution by June 30, 2014 and the remainder of any such contribution by March 31, 2015.

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

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eighty-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [thirteen] FOURTEEN, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to

[$3,419,375,000] $3,429,375,000, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [thirteen] FOURTEEN.

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

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

6. Notwithstanding any law to the contrary, at the beginning of the state fiscal year, the state comptroller is hereby authorized and directed to receive for deposit to the credit of a fund and/or an account such monies as are identified by the director of the budget as having been intended for such deposit to support disbursements from such fund and/or account made in pursuance of an appropriation by law. As soon as practicable upon enactment of the budget, the director of the budget shall, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee, file with the state comptroller an identification of specific monies to be so deposited. Any subsequent change regarding the monies to be so deposited shall be filed by the director of the budget, as soon as practicable, but not less than three days following preliminary submission to the chairs of the senate finance committee and the assembly ways and means committee.

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

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

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

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

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

S 24. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the

facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

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

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

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

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

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

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

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

S 47. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, DEPARTMENT OF LAW, and other state costs associated with such capital

projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [eighty-seven] ONE HUNDRED EIGHTY-TWO million [seven] FOUR hundred forty thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the office of information technology services, DEPARTMENT OF LAW, and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

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

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

projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than seven billion one hundred [thirty-three] FORTY-EIGHT million sixty-nine thousand dollars [$7,133,069,000] $7,148,069,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

(a) Subject to the provisions of chapter fifty-nine of the laws of two thousand, in order to enhance and encourage the promotion of housing programs and thereby achieve the stated purposes and objectives of such housing programs, the agency shall have the power and is hereby authorized from time to time to issue negotiable housing program bonds and notes in such principal amount as shall be necessary to provide sufficient funds for the repayment of amounts disbursed (and not previously reimbursed) pursuant to law or any prior year making capital appropriations or reappropriations for the purposes of the housing program; provided, however, that the agency may issue such bonds and notes in an aggregate principal amount not exceeding two billion [eight hundred forty-four] NINE HUNDRED NINETY-NINE million [eight hundred] ninety-nine thousand dollars, plus a principal amount of bonds issued to fund the debt service reserve fund in accordance with the debt service reserve fund requirement established by the agency and to fund any other reserves that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other charges and expenses, including underwriters' discount, trustee and rating agency fees, bond insurance, credit enhancement and liquidity enhancement related to the issuance of such bonds and notes. No reserve fund securing the housing program bonds shall be entitled or eligible to receive state funds apportioned or appropriated to maintain or restore such reserve fund at or to a particular level, except to the extent of any deficiency resulting directly or indirectly from a failure of the state to appropriate or pay the agreed amount under any of the contracts provided for in subdivision four of this section.

S 31. Subdivision (b) of section 11 of 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, as amended by section 51 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

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

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

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

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

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

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

S 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or

more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic [devlopment] DEVELOPMENT fund, 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, and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [one] TWO billion [three] ONE HUNDRED NINETY-FIVE million [six] TWO hundred [seven] FIFTY-SEVEN thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, 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, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

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

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

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

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

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

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

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

1. Notwithstanding the provisions of any other law to the contrary, the urban development corporation of the state of New York is hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the implementation of a NY-SUNY and NY-CUNY 2020 challenge grant program subject to the approval of a NY-SUNY and NY-CUNY 2020 plan or plans by the governor and either the chancellor of the state university of New York or the chancellor of the city university of New York, as applicable. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed

[$220,000,000] $330,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$67,000,000] $204,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$220,800,000] $317,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

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

1. Notwithstanding any other provision of law to the contrary, the authority, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of financing peace bridge projects and capital costs of state and local highways, parkways, bridges, the New York state thruway, Indian reservation roads, and facilities, and transportation infrastructure projects including aviation projects, non-MTA mass transit projects, and rail service preservation projects, including work appurtenant and ancillary thereto. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [two]

FOUR hundred [forty] SIXTY-FIVE million dollars [($240,000,000)] ($465,000,000), excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the authority, the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the authority, the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, the dormitory authority shall not issue any bonds for state university educational facilities purposes if the principal amount of bonds to be issued when added to the aggregate principal amount of bonds issued by the dormitory authority on and after July first, nineteen hundred eighty-eight for state university educational facilities will exceed ten billion [four] NINE hundred [twenty-two] THIRTY-TWO million dollars; provided, however, that bonds issued or to be issued shall be excluded from such limitation if: (1) such bonds are issued to refund state university construction bonds and state university construction notes previously issued by the housing finance agency; or (2) such bonds are issued to refund bonds of the authority or other obligations issued for state university educational facilities purposes and the present value of the aggregate debt service on the refunding bonds does not exceed the present value of the aggregate debt service on the bonds refunded thereby; provided, further that upon certification by the director of the budget that the issuance of refunding bonds or other obligations issued between April first, nineteen hundred ninety-two and March thirty-first, nineteen hundred ninety-three will generate long term economic benefits to the state, as assessed on a present value basis, such issuance will be deemed to have met the present value test noted above. For purposes of this subdivision, the present value of the aggregate debt service of the refunding bonds and the aggregate debt service of the bonds refunded, shall be calculated by utilizing the true interest cost of the refunding bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding bonds from the payment dates thereof to the date of issue of the refunding bonds to the purchase price of the refunding bonds, including interest accrued thereon prior to the issuance thereof. The maturity of such bonds, other than bonds issued to refund outstanding bonds, shall not exceed the weighted average economic life, as certified by the state university construction fund, of the facilities in connection with which the bonds are issued, and in any case not later than the earlier of thirty years or the expiration of the term of any lease, sublease or other agreement relating thereto; provided that no note, including renewals thereof, shall mature later than five years after the date of issuance of such note. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority,

the state university of New York, and the state university construction fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed [six] SEVEN billion [eight] ONE hundred [fifty-three] TWENTY-SIX million [two] EIGHT hundred TWENTY-EIGHT thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

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

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

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

S 1680-R. AUTHORIZATION FOR THE ISSUANCE OF BONDS FOR THE CAPITAL RESTRUCTURING FINANCING PROGRAM. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN

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

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

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed four hundred [twenty-nine] SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thousand dollars [($429,515,000)] ($465,365,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall

include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than four hundred [twenty-nine] SIXTY-FIVE million [five] THREE hundred [fifteen] SIXTY-FIVE thousand dollars [$429,515,000] ($465,365,000), only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

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

3. The maximum amount of bonds that may be issued for the purpose of financing hazardous waste site remediation projects AND ENVIRONMENTAL RESTORATION PROJECTS authorized by this section shall not exceed one billion [two] THREE hundred million dollars and shall not exceed one hundred twenty million dollars for appropriations enacted for any state fiscal year, provided that the bonds not issued for such appropriations may be issued pursuant to reappropriation in subsequent fiscal years. [No bonds shall be issued for the repayment of any new appropriation enacted after March thirty-first, two thousand thirteen for hazardous waste site remediation projects authorized by this section.] Amounts authorized to be issued by this section shall be exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by this state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to

subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

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

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding seven billion [three] FOUR hundred [sixty-six] THIRTY-FIVE million [six] EIGHT hundred FIFTEEN thousand dollars, excluding mental health services facilities improvement bonds and mental health services facilities improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than seven billion [three] FOUR hundred [sixty-six] THIRTY-FIVE million [six] EIGHT hundred FIFTEEN thousand dollars only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt

service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office [of mental retardation and] FOR PEOPLE WITH developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

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

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

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