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

2654

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for violations relating to scheme to defraud the government, bribery, and duty to provide faithful public services; to amend the public officers law, in relation to faithful public services, increasing penalties for financial disclosure violations, and community project grants; to amend the executive law, in relation to making technical changes thereto; to amend the state finance law, in relation to the legislative community projects fund and executive community projects fund; to amend the judiciary law, in relation to the inspection of annual statements of financial disclosure; and to amend the election law, in relation to campaign contributions and expenditures

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

Section 1. Short title. This act shall be known and may be cited as the "public corruption prevention and enforcement act of 2013".

S 2. Section 10.00 of the penal law is amended by adding three new subdivisions 22, 23 and 24 to read as follows:

22. FOR THE PURPOSES OF SECTIONS 195.18 AND 195.20 OF THIS CHAPTER "SCHEME" MEANS ANY PLAN, PATTERN, DEVICE, CONTRIVANCE OR COURSE OF ACTION, AND "INTENT TO DEFRAUD" INCLUDES AN INTENT TO DEPRIVE THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY OF FAITHFUL PUBLIC SERVICES.

23. "FAITHFUL PUBLIC SERVICES" MEANS CONDUCT THAT IS FREE OF UNDISCLOSED SELF-DEALING AND FREE OF THE UNAUTHORIZED OR UNLAWFUL CONFERRAL OR INTENDED CONFERRAL OF A BENEFIT, DIRECTLY OR INDIRECTLY, ON A PUBLIC SERVANT.

24. "SELF-DEALING" MEANS ANY ACTION TAKEN BY A PUBLIC SERVANT IN HIS OR HER OFFICIAL CAPACITY WITH INTENT TO BENEFIT HIMSELF OR HERSELF,

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

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DIRECTLY OR INDIRECTLY, AND WHICH RELATES TO HIS OR HER PRIVATE BUSINESS INTERESTS.

S 3. Section 195.20 of the penal law, as amended by chapter 1 of the laws of 2010, is amended to read as follows:

S 195.20 [Defrauding] SCHEME TO DEFRAUD the government IN THE FIRST DEGREE.

A person is guilty of [defrauding] A SCHEME TO DEFRAUD the government IN THE FIRST DEGREE when, being a public servant or party officer OR ACTING IN CONCERT WITH A PUBLIC SERVANT OR PARTY OFFICER, he or she:

(a) engages in a scheme constituting a systematic ongoing course of conduct with intent to:

(i) defraud the state or a political subdivision of the state or a governmental instrumentality within the state; or

(II) to obtain property, services or other resources from the state or a political subdivision of the state or a governmental instrumentality within the state by false or fraudulent pretenses, representations or promises; or

[(ii)] (III) defraud the state or a political subdivision of the state or a governmental instrumentality within the state by making use of property, services or resources of the state, political subdivision of the state or a governmental instrumentality within the state for private business purposes or other compensated non-governmental purposes; and

(b) EITHER:

(I) so obtains property, services or other resources with a value in excess of one thousand dollars from such state, political subdivision or governmental instrumentality; OR

(II) CONFERS OR OBTAINS A BENEFIT OR BENEFITS, DIRECTLY OR INDIRECTLY, WITH A COMBINED VALUE IN EXCESS OF ONE THOUSAND DOLLARS.

[Defrauding] SCHEME TO DEFRAUD the government IN THE FIRST DEGREE is a class [E] D felony.

S 4. The penal law is amended by adding a new section 195.18 to read as follows:

S 195.18 SCHEME TO DEFRAUD THE GOVERNMENT IN THE SECOND DEGREE.

A PERSON IS GUILTY OF A SCHEME TO DEFRAUD THE GOVERNMENT IN THE SECOND DEGREE WHEN, BEING A PUBLIC SERVANT OR PARTY OFFICER OR ACTING IN CONCERT WITH A PUBLIC SERVANT OR PARTY OFFICER, HE OR SHE ENGAGES IN A SCHEME CONSTITUTING A SYSTEMATIC ONGOING COURSE OF CONDUCT WITH INTENT TO:

(A) DEFRAUD THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE; OR

(B) OBTAIN PROPERTY, SERVICES OR OTHER RESOURCES FROM THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE BY FALSE OR FRAUDULENT PRETENSES, REPRESENTATIONS OR PROMISES; OR

(C) DEFRAUD THE STATE OR A POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE BY MAKING USE OF PROPERTY, SERVICES OR RESOURCES OF THE STATE, POLITICAL SUBDIVISION OF THE STATE OR A GOVERNMENTAL INSTRUMENTALITY WITHIN THE STATE FOR PRIVATE BUSINESS PURPOSES OR OTHER COMPENSATED NON-GOVERNMENTAL PURPOSES.

SCHEME TO DEFRAUD THE GOVERNMENT IN THE SECOND DEGREE IS A CLASS E FELONY.

S 5. 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 serv-

ant [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].

Bribery in the third degree is a class D felony.

S 6. 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 thousand dollars 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].

Bribery in the second degree is a class C felony.

S 7. 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, 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.

Bribery in the first degree is a class B felony.

S 8. The penal law is amended by adding a new section 200.28 to read as follows:

S 200.28 DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES.

FOR PURPOSES OF THIS ARTICLE, THE DUTIES OF A PUBLIC SERVANT SHALL INCLUDE BUT NOT BE LIMITED TO THE DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES. IN EXECUTING THE DUTIES OF HIS OR HER OFFICE, EVERY PUBLIC SERVANT SHALL HAVE THE DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES TO HIS OR HER CONSTITUENTS AND THE STATE OR POLITICAL SUBDIVISION THEREOF, AS APPLICABLE. IN EXECUTING THE DUTIES OF HIS OR HER OFFICE OR EMPLOYMENT, EVERY PUBLIC SERVANT SHALL ALSO HAVE THE DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES TO A STATE OR LOCAL AGENCY OR LEGISLATURE, AS APPLICABLE.

S 9. Subdivision 3 of section 73-a of the public officers law is amended by adding a new paragraph 20 to read as follows:

20. IF THE REPORTING INDIVIDUAL, SUCH REPORTING INDIVIDUAL'S SPOUSE OR DOMESTIC PARTNER IS A NON-COMPENSATED DIRECTOR, OFFICER OR TRUSTEE, OR SUCH REPORTING INDIVIDUAL'S RELATIVE OR A RELATIVE OF SUCH REPORTING INDIVIDUAL'S SPOUSE OR DOMESTIC PARTNER IS EMPLOYED IN ANY POSITION AT, FOR OR WITHIN A NON-PROFIT ENTITY IN NEW YORK STATE AS DESCRIBED IN SECTION 501(C)(3) OF THE UNITED STATES INTERNAL REVENUE CODE, LIST BELOW THE NAME OF THE ENTITY, BUSINESS ADDRESS OF THE ENTITY, NAME OF SPOUSE, DOMESTIC PARTNER OR OTHER RELATIVE, DEGREE OF RELATIONSHIP WITH THE REPORTING INDIVIDUAL AND TITLE OF THE COMPENSATED OR NON-COMPENSATED POSITION.

ENTITY NAME/ ADDRESS	NAME OF SPOUSE/ DOMESTIC PARTNER/ RELATIVE	DEGREE OF RELATIONSHIP	TITLE OR POSITION

S 10. Subdivision 1 of section 74 of the public officers law, as amended by chapter 1012 of the laws of 1965, the opening paragraph as amended by chapter 14 of the laws of 2007, is amended to read as follows:

1. [Definition. As used in this section:] DEFINITIONS OF TERMS OF GENERAL USE IN THIS SECTION:

A. The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the state finance law or their successors.

B. The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

C. THE TERM "FAITHFUL PUBLIC SERVICES" SHALL MEAN CONDUCT THAT IS FREE OF UNDISCLOSED SELF-DEALING AND FREE OF THE UNAUTHORIZED OR UNLAWFUL CONFERRAL OR INTENDED CONFERRAL OF A BENEFIT, DIRECTLY OR INDIRECTLY, ON AN OFFICER OR EMPLOYEE OF A STATE AGENCY, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE. EVERY OFFICER OR EMPLOYEE OF A STATE AGENCY, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHALL HAVE A DUTY OF FAITHFUL PUBLIC SERVICES WITH RESPECT TO HIS OR HER CONSTITUENTS AND THE STATE OR TO A STATE AGENCY OR LEGISLATURE, AS APPLICABLE.

D. THE TERM "SELF-DEALING" SHALL MEAN ANY ACTION TAKEN BY AN OFFICER OR EMPLOYEE OF A STATE AGENCY, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IN HIS OR HER OFFICIAL CAPACITY WITH INTENT TO BENEFIT HIMSELF OR HERSELF, DIRECTLY OR INDIRECTLY, AND WHICH RELATES TO HIS OR HER PRIVATE BUSINESS INTERESTS.

S 11. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

J. IN EXECUTING THE DUTIES OF HIS OR HER OFFICE, EVERY OFFICER OR EMPLOYEE OF A STATE AGENCY, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHALL HAVE THE DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES TO HIS OR HER CONSTITUENTS AND THE STATE, AS APPLICABLE. IN EXECUTING THE DUTIES OF HIS OR HER OFFICE OR EMPLOYMENT, EVERY OFFICER OR EMPLOYEE OF A STATE AGENCY, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHALL ALSO HAVE THE DUTY TO PROVIDE FAITHFUL PUBLIC SERVICES TO A STATE AGENCY OR THE LEGISLATURE, AS APPLICABLE.

S 12. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF PARAGRAPH J

OF SUBDIVISION THREE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS AND THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. ANY SUCH INDIVIDUAL WHO, AS PART OF OR IN FURTHERANCE OF A SCHEME OR ARTIFICE TO DEFRAUD A STATE AGENCY, THE LEGISLATURE, ANY POLITICAL SUBDIVISION, HIS OR HER CONSTITUENTS OR THE STATE, AS APPLICABLE, KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF PARAGRAPH J OF SUBDIVISION THREE OF THIS SECTION SHALL, IN ADDITION TO ANY PENALTY CONTAINED IN THIS SECTION OR ANY OTHER PROVISION OF LAW, BE GUILTY OF A CLASS E FELONY.

S 13. Section 80 of the public officers law is renumbered section 81 and a new section 80 is added to article 4 to read as follows:

S 80. COMMUNITY PROJECT GRANTS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) THE TERM "COMMUNITY PROJECT GRANT" SHALL MEAN A BUDGETARY ALLOCATION AS FUNDED BY THE LEGISLATIVE COMMUNITY PROJECTS FUND AS DEFINED IN SECTION NINETY-NINE-V OF THE STATE FINANCE LAW, AND THE EXECUTIVE COMMUNITY PROJECTS FUND AS DEFINED IN SECTION NINETY-NINE-U OF THE STATE FINANCE LAW AT THE DISCRETION AND REQUEST OF THE GOVERNOR OR A MEMBER OF THE LEGISLATURE FOR A NOT-FOR-PROFIT AS DEFINED IN PARAGRAPH (D) OF THIS SUBDIVISION, UNIVERSITY, COLLEGE, SCHOOL DISTRICT OR MUNICIPALITY;

(B) THE TERM "SPONSOR" SHALL MEAN THE GOVERNOR OR A MEMBER OF THE LEGISLATURE WHO MAKES A REQUEST FOR A COMMUNITY PROJECT GRANT;

(C) THE TERM "GRANTEE" SHALL MEAN THE RECIPIENT OF A COMMUNITY PROJECT GRANT;

(D) THE TERM "NOT-FOR-PROFIT" SHALL MEAN AN ENTITY QUALIFIED AS EXEMPT FOR FEDERAL TAX PURPOSES UNDER SECTION 501(C)(3) OF THE UNITED STATES INTERNAL REVENUE CODE.

(E) THE TERM "RELATIVE" SHALL MEAN AN INDIVIDUAL'S SPOUSE, DOMESTIC PARTNER, CHILD, STEPCHILD, STEPPARENT, OR ANY PERSON WHO IS A DIRECT DESCENDENT OF THE GRANDPARENTS OF SUCH INDIVIDUAL OR OF THE REPORTING INDIVIDUAL'S SPOUSE OR DOMESTIC PARTNER.

2. STANDARDS. (A) NO SPONSOR SHALL MAKE A REQUEST FOR A COMMUNITY PROJECT GRANT UNLESS:

(I) THE GRANTEE IS A NOT-FOR-PROFIT, UNIVERSITY, COLLEGE, SCHOOL DISTRICT AND/OR MUNICIPALITY; AND

(II) THE GRANTEE, IF A NOT-FOR-PROFIT, HAS BEEN INCORPORATED IN THE STATE OF NEW YORK FOR AT LEAST ONE YEAR PRIOR TO APRIL FIRST OF THE YEAR IN WHICH THE COMMUNITY PROJECT GRANT IS REQUESTED AND IS REGISTERED WITH THE ATTORNEY GENERAL UNDER SECTION ONE HUNDRED SEVENTY-TWO OF THE EXECUTIVE LAW.

(B) NO GRANTEE SHALL RECEIVE A COMMUNITY PROJECT GRANT IF:

(I) THE GRANTEE HAS BEEN BARRED BY A GOVERNMENT AGENCY IN ANY JURISDICTION AS A RESULT OF INAPPROPRIATE OR UNLAWFUL ACTIVITY WITHIN THE LAST FIVE YEARS;

(II) ANY COMPENSATED OR NON-COMPENSATED DIRECTOR, OFFICER OR TRUSTEE OF A GRANTEE, IF A NOT-FOR-PROFIT, HAS BEEN CONVICTED OR CHARGED WITH A FELONY OR MISDEMEANOR THAT IS RELATED TO THE ADMINISTRATION OF SUCH GRANTEE'S BUSINESS WITHIN THE LAST FIVE YEARS;

(III) THE GRANTEE HAS FAILED TO FILE A REQUIRED FEDERAL, STATE OR CITY TAX RETURN OR PAY TAXES OWED WITHIN THE LAST FIVE YEARS.

(C) WHERE A VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION IS ALLEGED TO HAVE OCCURRED, THE ATTORNEY GENERAL SHALL HAVE JURISDICTION UNDER SECTION SIXTY-THREE-C OF THE EXECUTIVE LAW.

3. PROHIBITIONS. (A) NO SPONSOR SHALL REQUEST A COMMUNITY PROJECT GRANT FOR A GRANTEE IF THE SPONSOR OR A RELATIVE OF SUCH SPONSOR IS A COMPENSATED OR NON-COMPENSATED DIRECTOR, OFFICER OR TRUSTEE.

(B) NO SPONSOR OR ANY RELATIVE OF SUCH SPONSOR WHO REQUESTS A COMMUNITY PROJECT GRANT SHALL HAVE A FINANCIAL INTEREST, DIRECT OR INDIRECT, TO SUCH GRANTEE OR HAS RECEIVED OR WILL RECEIVE ANY FINANCIAL BENEFIT, EITHER DIRECTLY OR INDIRECTLY, FROM SUCH GRANTEE OR FROM MATTERS CONTAINED IN THE COMMUNITY PROJECT GRANT.

(C) ANY SPONSOR WHO KNOWINGLY AND INTENTIONALLY VIOLATES ANY PROVISION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS E FELONY. THE ATTORNEY GENERAL AND ANY DISTRICT ATTORNEY SHALL HAVE CONCURRENT AUTHORITY TO INVESTIGATE AND PROSECUTE VIOLATIONS OF THIS SUBDIVISION.

4. WAIVER OF STANDARDS. A SPONSOR MAY REQUEST A WAIVER FROM THE ATTORNEY GENERAL OF PROVISIONS CONTAINED IN PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION. IN ASSESSING WHETHER OR NOT TO ISSUE A WAIVER, THE ATTORNEY GENERAL SHALL CONSIDER THE HISTORY OF THE SPONSOR, THE SUITABILITY OF A POTENTIAL COMMUNITY PROJECT GRANT FOR THE SPONSOR, THE EFFECTIVENESS OF ANY PREVIOUS GRANTS UNDER THE COMMUNITY PROJECT FUND, AND ANY OTHER FACTORS THE ATTORNEY GENERAL DEEMS APPROPRIATE.

5. RULES AND REGULATIONS. THE ATTORNEY GENERAL MAY PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

S 14. Subparagraph 1 of paragraph (a) of subdivision 19 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(1) the information set forth in an annual statement of financial disclosure, INCLUDING THE CATEGORIES OF VALUE OF AMOUNT, filed pursuant to section seventy-three-a of the public officers law except ANY ITEM OF information deleted pursuant to paragraph (h) of subdivision nine of this section;

S 15. Section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, is renumbered section 99-v and the section heading, as added by chapter 474 of the laws of 1996, and subdivision 1, as amended by section 2 of part BB of chapter 686 of the laws of 2003, are amended to read as follows:

[Community] LEGISLATIVE COMMUNITY projects fund. 1. 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 LEGISLATIVE community projects fund. This fund may have separate accounts designated pursuant to a specific appropriation to such account or pursuant to a written suballocation plan approved in a memorandum of understanding executed by the director of the budget, the secretary of the senate finance committee and the secretary of the assembly ways and means committee. Such suballocation shall be submitted to the comptroller.

S 16. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. EXECUTIVE COMMUNITY PROJECTS FUND. 1. 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 EXECUTIVE COMMUNITY PROJECTS FUND. THIS FUND MAY HAVE SEPARATE ACCOUNTS DESIGNATED PURSUANT TO A SPECIFIC APPROPRIATION TO SUCH ACCOUNT OR PURSUANT TO A WRITTEN SUBALLOCATION PLAN APPROVED IN A MEMORANDUM OF UNDERSTANDING EXECUTED BY THE DIRECTOR OF THE BUDGET, THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS COMMITTEE. SUCH SUBALLOCATION SHALL BE SUBMITTED TO THE COMPTROLLER.

2. SUCH FUND SHALL CONSIST OF MONIES TRANSFERRED TO SUCH FUND FROM THE GENERAL FUND/STATE PURPOSES ACCOUNT, OR ANY OTHER MONIES REQUIRED TO BE

TRANSFERRED OR DEPOSITED, PURSUANT TO LAW. MONIES MAY NOT BE TRANSFERRED OR LOANED BETWEEN THE ACCOUNTS OF THIS FUND, UNLESS SPECIFICALLY PROVIDED (A) BY LAW, OR (B) BY LETTER SIGNED BY THE DIRECTOR OF THE BUDGET, BUT ONLY UPON THE JOINT REQUEST OF THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

3. (A) AS REQUIRED TO MAKE TIMELY PAYMENTS FROM SUCH ACCOUNTS UPON PRESENTMENT OF PROPER VOUCHERS THEREFOR, THE STATE COMPTROLLER SHALL MAKE TRANSFERS TO ANY ACCOUNT IN THIS FUND UP TO THE AMOUNTS ANNUALLY SPECIFIED FOR TRANSFER TO SUCH ACCOUNT AND IN COMPLIANCE WITH SUBDIVISION TWO OF THIS SECTION, BUT ONLY FROM SUCH FUND OR FUNDS AUTHORIZED TO PROVIDE SUCH TRANSFERS.

(B) BY THE CLOSE OF EACH FISCAL YEAR, ALL REMAINING AMOUNTS NOT YET TRANSFERRED SHALL BE TRANSFERRED TO THE DESIGNATED ACCOUNTS FOR WHICH SUCH TRANSFERS WERE AUTHORIZED, UP TO THE TOTAL AMOUNTS SPECIFIED FOR TRANSFER TO EACH ACCOUNT IN EACH FISCAL YEAR, PURSUANT TO LAW AND IN COMPLIANCE WITH SUBDIVISION TWO OF THIS SECTION.

4. NOTWITHSTANDING SECTION FORTY OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW, APPROPRIATIONS OF THIS FUND SHALL BE AVAILABLE FOR LIABILITIES INCURRED DURING AND AFTER THE CLOSE OF THE FISCAL YEAR FOR WHICH SUCH APPROPRIATIONS ARE ENACTED, PROVIDED HOWEVER THAT SUCH APPROPRIATIONS SHALL LAPSE ON THE FIFTEENTH DAY OF SEPTEMBER FOLLOWING THE CLOSE OF THE FISCAL YEAR, AND NO MONIES SHALL THEREAFTER BE PAID OUT OF THE STATE TREASURY OR ANY OF ITS FUNDS OR THE FUNDS UNDER ITS MANAGEMENT PURSUANT TO SUCH APPROPRIATIONS.

5. THE DIRECTOR OF THE BUDGET SHALL ISSUE A CERTIFICATE OF APPROVAL FOR ANY APPROPRIATION IN ANY ACCOUNT OF THIS FUND NO LATER THAN THE LATER OF SIXTY DAYS AFTER THE ENACTMENT OF SUCH APPROPRIATION OR FIVE DAYS AFTER THE EXECUTION OF A WRITTEN SUBALLOCATION PLAN PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION. SUCH APPROVAL SHALL SATISFY ANY OTHER REQUIREMENT FOR A CERTIFICATE OF APPROVAL.

6. (A) THE STATE SHALL NOT BE LIABLE FOR PAYMENTS PURSUANT TO ANY CONTRACT, GRANT OR AGREEMENT MADE PURSUANT TO AN APPROPRIATION IN ANY ACCOUNT OF THIS FUND IF INSUFFICIENT MONIES ARE AVAILABLE FOR TRANSFER TO SUCH ACCOUNT OF THIS FUND, AFTER REQUIRED TRANSFERS PURSUANT TO SUBDIVISION THREE OF THIS SECTION. EXCEPT WITH RESPECT TO, GRANTS, OR AGREEMENTS EXECUTED BY ANY STATE OFFICER, EMPLOYEE, DEPARTMENT, INSTITUTION, COMMISSION, BOARD, OR OTHER AGENCY OF THE STATE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, ANY CONTRACT, GRANT OR AGREEMENT MADE PURSUANT TO AN APPROPRIATION IN THIS FUND SHALL INCORPORATE THIS PROVISION AS A TERM OF SUCH CONTRACT, GRANT OR AGREEMENT.

(B) THE EXHAUSTION OF FUNDS AVAILABLE FOR SUCH TRANSFERS SHALL NOT PRECLUDE THE APPROVAL OF CONTRACTS HEREUNDER PURSUANT TO SECTION ONE HUNDRED TWELVE OF THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INTEREST SHALL NOT BE DUE TO ANY RECIPIENT FOR ANY LATE PAYMENTS MADE FROM THIS FUND WHICH RESULT FROM INSUFFICIENT MONIES BEING AVAILABLE IN AN ACCOUNT OF THIS FUND.

7. MONIES SHALL BE PAID OUT OF SUCH ACCOUNTS ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE HEAD OF THE APPROPRIATE AGENCY.

S 17. Subdivision 4 of section 211 of the judiciary law, as amended by chapter 188 of the laws of 1990, is amended to read as follows:

4. By September first, nineteen hundred eighty-eight, the chief judge, after consultation with the administrative board, shall approve a form of annual statement of financial disclosure which form shall apply to all judges, justices, officers and employees of the courts of record of

the unified court system, who receive annual compensation at or above the filing rate defined by paragraph (l) of subdivision one of section seventy-three-a of the public officers law or are determined to hold a policy-making position pursuant to the rules and regulations promulgated pursuant to this subdivision. Such form of annual statement of financial disclosure shall be substantially similar to the form set forth in subdivision three of section seventy-three-a of the public officers law. Within one year after approval of such form, the chief judge shall cause the chief administrator of the courts to promulgate rules or regulations which require every judge, justice, officer and employee of the courts of record of the unified court system, who receives annual compensation at or above the filing rate defined by paragraph (l) of subdivision one of section seventy-three-a of the public officers law or is determined to hold a policy-making position, to report the information required by the approved form effective first with respect to a filing which shall be required in nineteen hundred ninety-one (generally applicable to information for the preceding calendar year) and thereafter, effective for future annual filings. Such rules and regulations shall also provide for the determination, by the appointing authority, of policy-makers who shall be required to file the annual statement of financial disclosure required by this subdivision. Any judge, justice, officer or employee of the courts of record of the unified court system who, pursuant to such rules or regulations, is required to file a completed annual statement of financial disclosure and who makes such filing in accordance with the requirements contained in such rules or regulations, shall be deemed to have satisfied the requirements of any other law mandating the filing of a completed annual statement of financial disclosure for the applicable calendar year which might otherwise apply to such judges, justices, officers or employees, and no duplicate filing shall be required on account of any other such law, notwithstanding the provisions of such other law. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW OR ANY RULE OR REGULATION TO THE CONTRARY, THE ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION THE INFORMATION SET FORTH IN THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO THIS SUBDIVISION, INCLUDING THE CATEGORIES OF VALUE OR AMOUNT. NOTWITHSTANDING THE PROVISION OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE ETHICS COMMISSION FOR THE UNIFIED COURT SYSTEM MAY CHOOSE TO KEEP CONFIDENTIAL THE NAMES OF THE UNEMANCIPATED CHILDREN ON THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO THIS SUBDIVISION, ANY ITEM OF INFORMATION DELETED PURSUANT TO JUDICIARY RULES AND OTHER RECORDS OF SUCH COMMISSION AS IT SEES FIT.

S 18. Paragraph 1 and the opening paragraph of paragraph 3 of subdivision 9 of section 14-100 of the election law, as amended by chapter 70 of the laws of 1983, are amended to read as follows:

(1) any gift, subscription, outstanding loan (to the extent provided for in section 14-114 of this [chapter] ARTICLE), advance, or deposit of money or any thing of value, made in connection with the nomination for election, or election, of any candidate, or made to promote the success or defeat of a political party or principle, or of any ballot proposal,

any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election or election of any candidate, or any payment made to promote the success or defeat of a political party or principle, or of any ballot proposal including but not limited to compensation for the personal services of any individual which are rendered in connection with a candidate's election or nomination without charge; provided

however, that none of the foregoing IN THIS PARAGRAPH shall be deemed a contribution if it is made, taken or performed by a candidate or his OR HER spouse or by a person or a political committee independent of the candidate or his OR HER agents or authorized political committees. For purposes of this article, the term "independent of the candidate or his OR HER agents or authorized political committees" shall mean that the candidate or his OR HER agents or authorized political committees did not authorize, request, suggest, foster or cooperate in any such activity; and provided further, that the term contribution shall not include:

S 19. Subdivision 1 of section 14-104 of the election law, as amended by chapter 430 of the laws of 1997, is amended to read as follows:

1. (A) Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, 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 setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or promised by him OR HER, EXCEPT AS DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION to aid his OR HER own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him OR HER to be used for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by the state board of elections that such candidate has NOT made [no] ANY such expenditures OR RECEIVED ANY FUNDS and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. A committee authorized by such a candidate may fulfill all of the filing requirements of this [act] ARTICLE on behalf of such candidate. IF A CANDIDATE FILES A SWORN STATEMENT PURSUANT TO THIS SUBDIVISION, THE CANDIDATE BECOMES AN AGENT OF THE COMMITTEE.

(B) ANY CANDIDATE FOR ELECTION TO PUBLIC OFFICE, OR FOR NOMINATION FOR PUBLIC OFFICE AT A CONTESTED PRIMARY ELECTION OR CONVENTION, AND SUCH CANDIDATE'S SPOUSE OR DOMESTIC PARTNER, 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, DISCLOSING ALL GIFTS AND ALL LOANS, EXCLUDING LOANS FROM A FINANCIAL INSTITUTION, IN EXCESS OF ONE THOUSAND DOLLARS (I) BY THE LAST DATE TO ACCEPT OR DECLINE A DESIGNATION OR NOMINATION, WHICHEVER IS EARLIER, IF THE CANDIDATE HAS NOT DECLINED, FOR THE TWELVE MONTHS IMMEDIATELY PRECEDING SUCH STATEMENT AND (II) AT TIMES PRESCRIBED BY THIS ARTICLE SETTING FORTH THE PARTICULARS IN SECTION 14-102 OF THIS ARTICLE. A COMMITTEE AUTHORIZED BY A CANDIDATE MAY NOT FULFILL THE FILING REQUIREMENTS OF THIS PARAGRAPH ON BEHALF OF SUCH CANDIDATE OR SUCH CANDIDATE'S SPOUSE OR DOMESTIC PARTNER.

S 20. 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 any contribution, GIFT 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, GIFTS OR LOANS, within twenty-four hours after receipt.

S 21. Subdivision 1 of section 14-120 of the election law, as amended by chapter 79 of the laws of 1992, is amended to read as follows:

1. No person shall in any name except his own, directly or indirectly, make a CONTRIBUTION, LOAN OR payment or a promise of A CONTRIBUTION, LOAN OR payment to a candidate or political committee or to any officer or member thereof, or to any person acting under its authority or in its behalf or on behalf of any candidate, nor shall any such committee or any such person or candidate knowingly receive a CONTRIBUTION, LOAN OR payment or promise of A CONTRIBUTION, LOAN OR payment, or enter or cause the same to be entered in the accounts or records of such committee, in any name other than that of the person or persons by whom it is made. IT SHALL BE NO DEFENSE TO A VIOLATION OF THIS SECTION THAT THE PERSON GIVING THE CONTRIBUTION, LOAN OR PAYMENT PROVIDES THE CONTRIBUTION, LOAN OR PAYMENT TO A CANDIDATE PRIOR TO THE CANDIDATE GIVING IT TO THE CAMPAIGN COMMITTEE.

S 22. 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.

S 23. This act shall take effect immediately; provided, however, that sections nine through twenty-one of this act shall take effect on the sixtieth day after it shall have become a law.