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

10670

I N A S S E M B L Y

June 11, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Galef) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to defining and identifying member items, discretionary funds and unitemized lump sum appropriations; and to amend the state finance law, in relation to creating the executive community projects fund

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

Section 1. The legislative law is amended by adding a new section 54-b to read as follows:

S 54-B. MEMBER ITEMS, DISCRETIONARY FUNDS AND UNITEMIZED LUMP SUM APPROPRIATIONS. 1. AS USED IN THIS SECTION, THE TERM "MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION" SHALL MEAN A BUDGETARY ALLOCATION AS FUNDED BY THE LEGISLATIVE COMMUNITY PROJECTS FUND AS DEFINED IN SECTION 98-D OF THE STATE FINANCE LAW, AND THE EXECUTIVE COMMUNITY PROJECTS FUND AS DEFINED IN SECTION 98-E OF THE STATE FINANCE LAW AT THE DISCRETION AND REQUEST OF THE GOVERNOR OR A MEMBER OF THE LEGISLATURE FOR A CERTIFIED TAX-EXEMPT NON-PROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE IN NEW YORK STATE, A STATE AGENCY, A MUNICIPALITY OR THEIR AFFILIATED DEPARTMENT, UNIVERSITY, COLLEGE, OR SCHOOL DISTRICT.

2. THE LEGISLATURE SHALL PRODUCE AND MAKE PUBLIC A COMPILED QUARTERLY REPORT WITH RESPECT TO EACH MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION, THE NAME OF THE MEMBER OF THE SENATE, THE MEMBER OF THE ASSEMBLY, THE GOVERNOR, OR ANY STATE ELECTED OFFICIAL THAT IS SPONSORING THE MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION, THE DOLLAR AMOUNT OF THE MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION TO BE APPROPRIATED, THE NAME OF THE LOCAL PROJECT, ORGANIZATION, OR OTHER ENTITY RECEIVING SUCH MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION. SUCH COMPILED QUARTERLY REPORTS DETAILING AND DISCLOSING THE USE OF SUCH FUNDS SHALL START WITH THE DATE OF THE ENACTING STATE BUDGET WITH UPDATED REPORTS BEING DELIVERED ON EACH FIRST DAY OF EVERY FOURTH MONTH THEREAFTER. SUCH

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

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PUBLICATION SHALL, AT A MINIMUM, BE PUBLISHED ON THE WEBSITE OF EACH HOUSE OF THE LEGISLATURE IN A MANNER THAT IS EASILY ACCESSIBLE.

3. ANY MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION APPROPRIATED BY THE LEGISLATURE SHALL BE SET FORTH SEPARATELY AND APART FROM EVERY OTHER MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION IN THE STATE BUDGET IN ORDER TO CLEARLY IDENTIFY EACH LEGISLATOR'S OR GOVERNOR'S REQUEST.

S 2. Section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, is renumbered section 98-d and the section heading and subdivision 1, 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 3. The state finance law is amended by adding a new section 98-e to read as follows:

S 98-E. 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. MONIES MAY NOT BE TRANSFERRED OR LOANED BETWEEN THE ACCOUNTS OF THIS FUND, UNLESS SPECIFICALLY OTHERWISE PROVIDED 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 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 4. This act does not preclude either house of the legislature or the governor from adopting more stringent standards through its own guidelines or through the application process.

S 5. This act shall take effect immediately.