

10531

I N A S S E M B L Y

May 31, 2016

Introduced by M. of A. OAKS, WALTER, KOLB -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to establishing the lump sum allocation advisory committee (Part A); to amend the state finance law, in relation to requiring transparency, identification and disclosure of certain appropriations (Part B); to amend the executive law, in relation to withholding the salaries of the governor, agency commissioners and deputy commissioners for failing to meet certain reporting deadlines (Part C); to amend the tax law, in relation to creating a tax rate reduction board to look at personal income tax and corporate franchise tax rates (Part D); to amend the economic development law, in relation to conducting an audit of all state economic development programs (Part E); and to amend the public officers law and the election law, in relation to prohibiting certain political contributions by individuals appointed to entities that oversee lump sum appropriations (Part F)

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

1 Section 1. Legislative findings and intent. It is the duty of the  
2 state government to be responsible, open and transparent about how it  
3 spends the taxpayer's hard earned money. With billions of dollars of  
4 lump sum appropriations included in the state budget that include no  
5 details on who receives the money, or even which elected official has  
6 control over the appropriation, and with continued delays in releasing  
7 reports by state agencies on the effectiveness of related programs, the  
8 government has failed to live up to its responsibility. Often times,  
9 this failure goes even deeper, as individuals and entities have  
10 personally benefited from the lack of accountability and transparency.  
11 Therefore, the legislature finds it necessary to create a lump sum allo-  
12 cation advisory committee, require greater transparency related to lump  
13 sum appropriations, implement penalties for certain state agencies and  
14 entities that fail to release timely reports, prohibit certain political  
15 contributions by appointees and conduct studies on how to simplify the  
16 current tax system and economic development environment to ensure the

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

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1 current system that creates winners and losers is changed. By implement-  
2 ing these policies, the state government can begin to repair the  
3 complete breakdown of trust over how it allocates taxpayer money.

4 S 2. This act enacts into law major components of legislation provid-  
5 ing for the creation of a lump sum allocation advisory committee,  
6 requiring greater transparency related to lump sum appropriations,  
7 implementing penalties for certain state agencies and entities that fail  
8 to release timely reports, prohibiting certain political contributions  
9 by appointees and conducting studies on how to simplify the current tax  
10 system and economic development environment to ensure the current system  
11 that creates winners and losers is changed. Each component is wholly  
12 contained within a Part identified as Parts A through F. The effective  
13 date for each particular provision contained within such Part is set  
14 forth in the last section of such Part. Any provision in any section  
15 contained within a Part, including the effective date of the Part, which  
16 makes reference to a section "of this act", when used in connection with  
17 that particular component, shall be deemed to mean and refer to the  
18 corresponding section of the Part in which it is found. Section four of  
19 this act sets forth the general effective date of this act.

20

## PART A

21 Section 1. The state finance law is amended by adding a new section  
22 49-a to read as follows:

23 S 49-A. LUMP SUM ALLOCATION ADVISORY COMMITTEE. 1. DEFINITIONS. AS  
24 USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEAN-  
25 INGS:

26 (A) "COMMITTEE" SHALL MEAN THE LUMP SUM ALLOCATION ADVISORY COMMITTEE  
27 AS ESTABLISHED BY SUBDIVISION TWO OF THIS SECTION;

28 (B) "LUMP SUM APPROPRIATION" SHALL HAVE THE SAME MEANING AS SUBDIVI-  
29 SION TWENTY-ONE OF SECTION TWO OF THIS CHAPTER; AND

30 (C) "GRANTEE" SHALL HAVE THE SAME MEANING AS SUBDIVISION TWENTY-TWO OF  
31 SECTION TWO OF THIS CHAPTER.

32 2. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED THE LUMP SUM ALLOCATION  
33 ADVISORY COMMITTEE CONSISTING OF THE DIRECTOR OF THE DIVISION OF BUDGET,  
34 THE COMPTROLLER AND THE ATTORNEY GENERAL.

35 3. POWERS AND DUTIES. THE COMMITTEE SHALL HAVE THE POWER AND DUTY TO:

36 (A) REVIEW ALL REQUESTS FOR ALLOCATIONS VALUED AT ONE MILLION DOLLARS OR  
37 MORE FROM A LUMP SUM APPROPRIATION WHERE A GRANTEE IS NOT IDENTIFIED;

38 (B) REQUEST AND RECEIVE, AND SHALL UTILIZE AND BE PROVIDED WITH SUCH  
39 FACILITIES, RESOURCES AND DATA OF ANY COURT, DEPARTMENT, DIVISION,  
40 BOARD, BUREAU, COMMISSION, AGENCY SUBSIDIARY OR SUBDIVISION OF THE STATE  
41 OR ANY POLITICAL SUBDIVISION THEREOF, OR OF ANY PUBLIC AUTHORITY OR  
42 PUBLIC BENEFIT CORPORATION, AS IT MAY REASONABLY REQUEST TO CARRY OUT  
43 ITS POWERS AND DUTIES PURSUANT TO THIS SUBDIVISION;

44 (C) REVIEW AND EXAMINE FINANCIAL AND PERSONAL RELATIONSHIPS BETWEEN  
45 ANY POTENTIAL GRANTEE AND THE ENTITY REQUESTING THE ALLOCATION TO DETER-  
46 MINE IF A CONFLICT OF INTEREST EXISTS;

47 (D) EXAMINE THE TOP QUALIFIED ENTITIES FOR ALLOCATIONS VALUED AT ONE  
48 MILLION DOLLARS OR MORE FROM A LUMP SUM APPROPRIATION THAT ARE ALLOCATED  
49 THROUGH A COMPETITIVE PROCESS TO DETERMINE IF A CONFLICT OF INTEREST  
50 EXISTS;

51 (E) DENY ANY ALLOCATION FROM A LUMP SUM APPROPRIATION TO A GRANTEE IF  
52 THE COMMITTEE DETERMINES A CONFLICT OF INTEREST EXISTS; AND

1 (F) APPROVE ANY ALLOCATION VALUED AT ONE MILLION DOLLARS OR MORE FROM  
2 A LUMP SUM APPROPRIATION AFTER COMPLETING A FULL AND THOROUGH REVIEW OF  
3 SUCH ALLOCATION.

4 4. ALLOCATION. NO MONIES FROM A LUMP SUM APPROPRIATION VALUED AT ONE  
5 MILLION DOLLARS OR MORE SHALL BE ALLOCATED UNLESS UNANIMOUSLY APPROVED  
6 BY THE COMMITTEE.

7 S 2. This act shall take effect immediately.

8

PART B

9 Section 1. Subdivisions 4 and 5 of section 24 of the state finance  
10 law, as added by chapter 1 of the laws of 2007, are amended and a new  
11 subdivision 5-a is added to read as follows:

12 4. Any appropriation SUBMITTED BY THE GOVERNOR, WHEN PRACTICABLE, OR  
13 added to such budget bills, pursuant to section four of article seven of  
14 the constitution, shall only contain itemized appropriations which shall  
15 not be in the form of lump sum appropriations, and provided further that  
16 for all non-federal state operations appropriations, such bill or bills  
17 shall only contain itemized appropriations and shall be made, where  
18 practicable, by agency, and within each agency by program and within  
19 each program at the following level of detail and in the following  
20 order:

21 (a) by fund type, which at a minimum shall include general fund,  
22 special revenue-other funds, capital projects funds and debt service  
23 funds;

24 (b) for personal service appropriations, separate appropriations shall  
25 be made for regular personal service, temporary personal service, and  
26 holiday and overtime pay;

27 (c) for nonpersonal service appropriations, separate appropriations  
28 shall be made for supplies and materials, travel, contractual services,  
29 equipment and fringe benefits, as appropriate; AND

30 (D) AT THE REQUEST OR DISCRETION OF THE GOVERNOR OR A MEMBER OF THE  
31 LEGISLATURE, SUCH APPROPRIATION SHALL INCLUDE THE NAME OF THE GOVERNOR  
32 OR MEMBER OF THE LEGISLATURE THAT REQUESTED SUCH APPROPRIATION.

33 5. Any appropriation SUBMITTED BY THE GOVERNOR, OR added pursuant to  
34 section four of article seven of the constitution without designating a  
35 grantee shall be allocated only pursuant to a plan setting forth an  
36 itemized list of grantees with the amount to be received by each, or the  
37 methodology for allocating such appropriation. Such plan shall be  
38 subject to the approval of the chair of the senate finance committee,  
39 the chair of the assembly ways and means committee, and the director of  
40 the budget, and thereafter shall be included in a concurrent resolution  
41 calling for the expenditure of such monies, which resolution must be  
42 approved by a majority vote of all members elected to each house upon a  
43 roll call vote.

44 5-A. ANY APPROPRIATION SUBMITTED BY THE GOVERNOR OR ADDED TO SUCH  
45 BUDGET BILLS, PURSUANT TO SECTION FOUR OF ARTICLE SEVEN OF THE CONSTITU-  
46 TION, OR ALLOCATION FROM A LUMP SUM APPROPRIATION SHALL BE SUBJECT TO  
47 THE FOLLOWING:

48 (A) THE GOVERNOR OR MEMBER OF THE LEGISLATURE REQUESTING SUCH APPRO-  
49 PRIATION OR ALLOCATION FROM A LUMP SUM APPROPRIATION SHALL BE REQUIRED  
50 TO SUBMIT A SIGNED CONFLICT OF INTEREST FORM AND SUBMIT SUCH FORM TO THE  
51 LUMP SUM ALLOCATION ADVISORY COMMITTEE AS ESTABLISHED PURSUANT TO  
52 SECTION FORTY-NINE-A OF THIS CHAPTER TO ENSURE THAT NO CONFLICT OF  
53 INTEREST EXISTS; THE LUMP SUM ALLOCATION ADVISORY COMMITTEE SHALL DESIG-  
54 NATE THE FORM AND CONTENT OF THE CONFLICT OF INTEREST FORM. THE GOVERNOR

1 OR MEMBER OF THE LEGISLATURE SHALL DISCLOSE ON THE CONFLICT OF INTEREST  
2 FORM ALL POLITICAL DONATIONS HE OR SHE IS RECEIVING OR HAS RECEIVED IN  
3 THE PAST FROM THE INTENDED RECIPIENT OF THE APPROPRIATION FUNDING OR  
4 ALLOCATION FROM A LUMP SUM APPROPRIATION. SUCH A CONFLICT OF INTEREST  
5 FORM SHALL BE SIGNED BY THE GOVERNOR OR MEMBER OF THE LEGISLATURE UNDER  
6 PENALTY OF PERJURY;

7 (B) AN APPROPRIATION PROVIDED AT THE DISCRETION OF THE GOVERNOR OR  
8 MEMBER OF THE LEGISLATURE OR AN ALLOCATION FROM A LUMP SUM APPROPRIATION  
9 SHALL NOT BE PROVIDED IF THE LUMP SUM ALLOCATION ADVISORY COMMITTEE  
10 DECLARES A CONFLICT OF INTEREST EXISTS BETWEEN THE GOVERNOR OR A MEMBER  
11 OF THE LEGISLATURE DESIGNATING THE APPROPRIATION OR ALLOCATION FROM A  
12 LUMP SUM APPROPRIATION AND THE POTENTIAL RECIPIENT. THESE APPROPRI-  
13 ATIONS AND ALLOCATIONS FROM LUMP SUM APPROPRIATIONS CANNOT FUND AN INDI-  
14 VIDUAL OR ENTITY THAT EMPLOYS OR OTHERWISE COMPENSATES THE GOVERNOR OR  
15 MEMBER OF THE LEGISLATURE, GOVERNOR'S FAMILY OR MEMBER OF THE LEGISLA-  
16 TOR'S FAMILY, ANY PERSON SHARING THE HOME OF THE GOVERNOR OR MEMBER OF  
17 THE LEGISLATURE OR THE GOVERNOR'S OR A MEMBER OF THE LEGISLATOR'S STAFF  
18 FOR SERVICES OR LABOR RENDERED. FURTHERMORE, THE GOVERNOR OR MEMBERS OF  
19 THE LEGISLATURE SHALL NOT DESIGNATE APPROPRIATIONS OR REQUEST ALLO-  
20 CATIONS FROM A LUMP SUM APPROPRIATION IF THE GOVERNOR OR MEMBER OF THE  
21 LEGISLATURE, A MEMBER OF THE GOVERNOR'S OR MEMBER OF THE LEGISLATOR'S  
22 FAMILY, ANY PERSON SHARING THE HOME OF THE GOVERNOR OR MEMBER OF THE  
23 LEGISLATURE OR A MEMBER OF THE GOVERNOR'S OR MEMBER OF THE LEGISLATOR'S  
24 STAFF IS INVOLVED WITH THE OPERATIONS OF THE ORGANIZATION IN A DECI-  
25 SION-MAKING CAPACITY INCLUDING BUT NOT LIMITED TO WORKING ON AN UNPAID,  
26 VOLUNTEER BASIS OR AS A MEMBER OF THE DIRECTING BOARD OF AN ORGANIZA-  
27 TION; AND

28 (C) AN APPROPRIATION PROVIDED AT THE DISCRETION OF THE GOVERNOR OR  
29 MEMBER OF THE LEGISLATURE OR AN ALLOCATION FROM A LUMP SUM APPROPRIATION  
30 SHALL NOT BE PROVIDED TO ANY INDIVIDUAL OR ENTITY WHO MADE A POLITICAL  
31 DONATION WITHIN THE PAST YEAR TO THE GOVERNOR OR MEMBER OF THE LEGISLA-  
32 TURE REQUESTING THE APPROPRIATION OR ALLOCATION FROM A LUMP SUM APPRO-  
33 PRIATION UNTIL THE POLITICAL DONATION IS REFUNDED TO THE INDIVIDUAL OR  
34 ENTITY.

35 S 2. This act shall take effect immediately.

36

#### PART C

37 Section 1. The executive law is amended by adding a new section 33 to  
38 read as follows:

39 S 33. LUMP SUM APPROPRIATION REPORTING; ENFORCEMENT. 1. NOTWITHSTAND-  
40 ING ANY LAW TO THE CONTRARY, THE COMPTROLLER IS DIRECTED TO WITHHOLD THE  
41 SALARIES OF THE GOVERNOR, AGENCY COMMISSIONERS AND DEPUTY COMMISSIONERS  
42 WHEN ECONOMIC DEVELOPMENT STATE AGENCIES, SUBSIDIARIES AND AUTHORITIES,  
43 AND/OR ANY STATE ENTITY REQUIRED TO ISSUE A REPORT RELATED TO A LUMP SUM  
44 APPROPRIATION FAILS TO MEET STATUTORILY REQUIRED REPORTING DEADLINES.

45 2. FOR PURPOSES OF THIS SECTION "ECONOMIC DEVELOPMENT STATE AGENCIES,  
46 SUBSIDIARIES AND AUTHORITIES" SHALL INCLUDE, BUT ARE NOT LIMITED TO THE  
47 DEPARTMENT OF ECONOMIC DEVELOPMENT, EMPIRE STATE DEVELOPMENT CORPORATION  
48 AND ALL OF ITS SUBSIDIARIES, THE DEPARTMENT OF TAXATION AND FINANCE, AND  
49 THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND ITS SUBSIDIARIES.

50 3. THE COMPTROLLER SHALL WITHHOLD THE SALARIES OF THE GOVERNOR AND  
51 OFFENDING AGENCY COMMISSIONERS AND DEPUTY COMMISSIONERS UNTIL SUCH  
52 REQUIRED REPORTS, AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, ARE  
53 ISSUED.

1 4. AGENCIES MAY RECEIVE AN EXTENSION TO SUBMIT A REQUIRED REPORT, AS  
2 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, IF REQUESTED AND APPROVED  
3 BY ALL LEGISLATIVE CONFERENCE LEADERS.

4 S 2. This act shall take effect immediately.

5 PART D

6 Section 1. The tax law is amended by adding a new section 171-q to  
7 read as follows:

8 S 171-Q. TAX RATE REDUCTION BOARD; PERSONAL AND CORPORATE TAX STUDY.

9 (1) (A) THE COMMISSIONER SHALL CONTRACT WITH A NATIONALLY RECOGNIZED  
10 ENTITY TO CONDUCT A STUDY TO EXAMINE THE CORRESPONDING PERSONAL INCOME  
11 TAX BRACKETS AND DOLLAR AMOUNTS THAT COULD BE ENACTED IF A PROPORTIONATE  
12 REDUCTION IN THE PERSONAL INCOME TAX BRACKET AND DOLLAR AMOUNTS AS  
13 PROVIDED IN SECTION SIX HUNDRED ONE OF THIS CHAPTER FOR TAXABLE YEARS  
14 BEGINNING AFTER TWO THOUSAND ELEVEN AND BEFORE TWO THOUSAND EIGHTEEN AND  
15 FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND SEVENTEEN, IF ALL OF THE  
16 PERSONAL INCOME TAX CREDITS PROVIDED IN SECTION SIX HUNDRED SIX OF THIS  
17 CHAPTER WERE ELIMINATED AND PERSONAL INCOME TAX RECEIPTS WERE FORECASTED  
18 TO BE REVENUE NEUTRAL BASED ON CURRENT LAW.

19 (B) THE COMMISSIONER SHALL CONTRACT WITH A NATIONALLY RECOGNIZED ENTI-  
20 TY TO CONDUCT A STUDY TO EXAMINE THE CORRESPONDING REDUCTION IN THE  
21 IMPOSITION OF THE CORPORATE FRANCHISE TAX THAT COULD BE ENACTED IF A  
22 PROPORTIONATE REDUCTION IN THE IMPOSITION OF THE CORPORATE FRANCHISE TAX  
23 AS PROVIDED BY SECTIONS TWO HUNDRED NINE AND TWO HUNDRED TEN OF THIS  
24 CHAPTER, IF ALL THE CREDITS PROVIDED IN SECTION TWO HUNDRED TEN-B OF  
25 THIS CHAPTER WERE ELIMINATED AND THE CORPORATE FRANCHISE TAX RECEIPTS  
26 WERE FORECASTED TO BE REVENUE NEUTRAL BASED ON CURRENT LAW.

27 (2) THERE IS HEREBY ESTABLISHED A TAX RATE REDUCTION BOARD CONSISTING  
28 OF FOUR MEMBERS. ONE REPRESENTATIVE SHALL BE APPOINTED FROM EACH OF THE  
29 FOLLOWING:

- 30 (A) THE SPEAKER OF THE ASSEMBLY;  
31 (B) THE MINORITY LEADER OF THE ASSEMBLY;  
32 (C) THE TEMPORARY PRESIDENT OF THE SENATE; AND  
33 (D) THE MINORITY LEADER OF THE SENATE.

34 (3) THE TAX RATE REDUCTION BOARD SHALL:

35 (A) APPROVE THE SELECTION OF THE NATIONALLY RECOGNIZED ENTITY  
36 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, PRIORITY FOR SUCH ENTITY  
37 SHALL BE GIVEN TO FIRMS THAT ARE NOT CURRENT VENDORS DOING BUSINESS WITH  
38 THE STATE;

39 (B) OVERSEE THE REQUIRED REPORTS DESCRIBED IN PARAGRAPHS (A) AND (B)  
40 OF SUBDIVISION ONE OF THIS SECTION; AND

41 (C) ASSIST IN THE DETERMINATION OF AREAS OF INQUIRY FOR, REVIEW THE  
42 PROGRESS OF, AND EVALUATE THE RESULTS OF SUCH REQUIRED REPORTS.

43 (4) SUCH BOARD, IN CONSULTATION WITH THE COMMISSIONER SHALL OVERSEE  
44 THE ANALYSIS OF THE CONTRACTING ENTITY AND ISSUE A REPORT TO THE GOVER-  
45 NOR, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE ASSEMBLY,  
46 THE TEMPORARY PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE  
47 SENATE DETAILING THE RESULTS OF SUCH STUDIES DESCRIBED IN PARAGRAPHS (A)  
48 AND (B) OF SUBDIVISION ONE OF THIS SECTION WITHIN ONE YEAR AFTER THE  
49 CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN THAT ADDED THIS SECTION  
50 TAKES EFFECT.

51 S 2. This act shall take effect immediately.

52 PART E

1 Section 1. The economic development law is amended by adding a new  
2 section 107 to read as follows:

3 S 107. ECONOMIC DEVELOPMENT AUDIT BOARD. 1. THE COMPTROLLER IN COORDI-  
4 NATION WITH THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND  
5 FINANCE SHALL CONTRACT WITH A NATIONALLY RECOGNIZED ENTITY TO CONDUCT AN  
6 AUDIT OF ALL STATE ECONOMIC DEVELOPMENT PROGRAMS. SUCH AUDIT SHALL  
7 INCLUDE, BUT NOT BE LIMITED TO:

8 (A) IDENTIFYING ALL PROGRAMS BY TYPE AND FUNDING SOURCE;

9 (B) IDENTIFYING THE TYPES OF BUSINESSES THAT HAVE RECEIVED FINANCIAL  
10 ASSISTANCE;

11 (C) REVIEWING INFORMATION AVAILABLE ON JOB CREATION OR OTHER DATA ON  
12 ECONOMIC EXPANSION;

13 (D) ANALYZING THE GEOGRAPHIC DISTRIBUTION OF FINANCIAL ASSISTANCE  
14 THROUGHOUT THE STATE;

15 (E) REVIEWING A SAMPLE OF LOANS AND GRANTS TO DETERMINE IF STATUTORY  
16 REQUIREMENTS FOR THE PROGRAMS WERE FOLLOWED;

17 (F) REVIEWING INFORMATION AVAILABLE ON ECONOMIC DEVELOPMENT PROGRAMS  
18 IN OTHER STATES; AND

19 (G) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMPTROLLER IN COOR-  
20 DINATION WITH THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND  
21 FINANCE.

22 2. THERE IS HEREBY ESTABLISHED AN ECONOMIC DEVELOPMENT AUDIT BOARD  
23 CONSISTING OF FOUR MEMBERS. ONE REPRESENTATIVE SHALL BE APPOINTED FROM  
24 EACH OF THE FOLLOWING:

25 (A) THE SPEAKER OF THE ASSEMBLY;

26 (B) THE MINORITY LEADER OF THE ASSEMBLY;

27 (C) THE TEMPORARY PRESIDENT OF THE SENATE; AND

28 (D) THE MINORITY LEADER OF THE SENATE.

29 3. THE ECONOMIC DEVELOPMENT BOARD SHALL:

30 (A) APPROVE THE SELECTION OF THE NATIONALLY RECOGNIZED ENTITY  
31 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, PRIORITY FOR SUCH ENTITY  
32 SHALL BE GIVEN TO FIRMS THAT ARE NOT CURRENT VENDORS DOING BUSINESS WITH  
33 THE STATE;

34 (B) OVERSEE THE REQUIRED REPORTS DESCRIBED IN SUBDIVISION FIVE OF THIS  
35 SECTION; AND

36 (C) ASSIST IN THE DETERMINATION OF AREAS OF INQUIRY FOR, REVIEW THE  
37 PROGRESS OF, AND EVALUATE THE RESULTS OF SUCH REQUIRED REPORTS.

38 4. THE ECONOMIC DEVELOPMENT AUDIT BOARD IN CONSULTATION WITH THE COMP-  
39 TROLLER, THE COMMISSIONER, AND THE COMMISSIONER OF TAXATION AND FINANCE  
40 SHALL DEVELOP ALL NECESSARY RULES AND REGULATIONS TO CONDUCT AN AUDIT OF  
41 ECONOMIC DEVELOPMENT PROGRAMS PURSUANT TO THIS SECTION. FOLLOWING THE  
42 REVIEW AND AUDIT OF SUCH ECONOMIC DEVELOPMENT PROGRAMS, THE BOARD SHALL  
43 RECOMMEND ALL NECESSARY CHANGES TO MAKE SUCH ECONOMIC DEVELOPMENT  
44 PROGRAMS MORE TRANSPARENT, STREAMLINED, AND TO ENSURE THAT SUCH PROGRAMS  
45 ARE MEETING THE GOALS OF THE LAWS THAT ESTABLISHED THEM AND PROVIDING  
46 FOR A RETURN ON INVESTMENT TO THE STATE. THE RESULTS OF THIS AUDIT SHALL  
47 BE FILED WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
48 MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE  
49 MINORITY LEADER OF THE ASSEMBLY AND MADE AVAILABLE FOR PUBLIC REVIEW  
50 ONLINE.

51 5. AFTER THE CONCLUSION OF THE AUDIT, THE BOARD IN CONSULTATION WITH  
52 THE COMPTROLLER, THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND  
53 FINANCE SHALL STUDY THE FEASIBILITY OF REDUCING THE NUMBER OF ECONOMIC  
54 DEVELOPMENT PROGRAMS CURRENTLY OFFERED BY THE STATE AND ITS SUBSIDIARIES  
55 AND REPLACING THESE PROGRAMS WITH ONE CENTRALIZED COMPETITIVE PROGRAM. A  
56 REPORT OF THE STUDY, OUTLINING THE IMPACT OF SUCH CONSOLIDATION OF

1 PROGRAMS SHALL BE POSTED ONLINE FOR PUBLIC REVIEW AND FILED WITH THE  
2 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF  
3 THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE MINORITY LEADER OF THE  
4 ASSEMBLY WITHIN ONE YEAR AFTER THE CHAPTER OF THE LAWS OF TWO THOUSAND  
5 SIXTEEN THAT ADDED THIS SECTION TAKES EFFECT.

6 S 2. This act shall take effect immediately.

7

PART F

8 Section 1. Paragraph (c) of subdivision 17 of section 73 of the public  
9 officers law, as added by chapter 14 of the laws of 2007, is amended to  
10 read as follows:

11 (c) (I) No state officer or employee shall, directly or indirectly,  
12 use his or her official authority to compel or induce any other state  
13 officer or employee to make or promise to make any political contribu-  
14 tion, whether by gift of money, service or other thing of value.

15 (II) NO OFFICER, APPOINTED BY ONE OR MORE STATE OFFICERS, OR BY THE  
16 LEGISLATURE, INCLUDING BUT NOT LIMITED TO APPOINTEES TO A COMMISSION,  
17 BOARD, COUNCIL OR PANEL, CHARGED WITH THE DISTRIBUTION OF STATE LUMP SUM  
18 APPROPRIATIONS, AS DEFINED BY SUBDIVISION TWENTY-ONE OF SECTION TWO OF  
19 THE STATE FINANCE LAW, SHALL NOT MAKE ANY POLITICAL CONTRIBUTIONS TO  
20 SUCH APPOINTING AUTHORITY. THIS CONTRIBUTION PROHIBITION SHALL ALSO  
21 APPLY TO ANYONE RESIDING IN THE APPOINTEE'S HOUSEHOLD INCLUDING, BUT NOT  
22 LIMITED TO, A SPOUSE, DOMESTIC PARTNER AND/OR CHILD. SUCH CONTRIBUTION  
23 PROHIBITION SHALL BE FOR THE TERM OF ONE YEAR PRIOR TO, ONE YEAR FOLLOW-  
24 ING, AND DURING THE TERM OF HIS OR HER APPOINTMENT. WHEN AN INDIVIDUAL  
25 IS APPOINTED TO SUCH A POSITION, THE APPOINTEE MUST IDENTIFY ANY  
26 CONTRIBUTIONS MADE TO THE APPOINTING AUTHORITY, AND THE APPOINTING  
27 AUTHORITY MUST REFUND THE ENTIRE CONTRIBUTION MADE WITHIN THE PREVIOUS  
28 TWELVE MONTH PERIOD.

29 S 2. The election law is amended by adding a new section 14-132 to  
30 read as follows:

31 S 14-132. CONTRIBUTIONS BY APPOINTED PARTY OFFICERS. ANY APPOINTED  
32 PARTY OFFICER, INCLUDING BUT NOT LIMITED TO APPOINTEES TO A COMMISSION,  
33 BOARD, COUNCIL OR PANEL CHARGED WITH THE DISTRIBUTION OF STATE LUMP SUM  
34 APPROPRIATIONS, AS DEFINED BY SUBDIVISION TWENTY-ONE OF SECTION TWO OF  
35 THE STATE FINANCE LAW, SHALL NOT MAKE ANY POLITICAL CONTRIBUTIONS TO  
36 SUCH APPOINTING AUTHORITY. THIS CONTRIBUTION PROHIBITION SHALL ALSO  
37 APPLY TO ANYONE RESIDING IN THE APPOINTEE'S HOUSEHOLD INCLUDING, BUT NOT  
38 LIMITED TO, A SPOUSE, DOMESTIC PARTNER AND/OR CHILD. SUCH CONTRIBUTION  
39 PROHIBITION SHALL BE FOR THE TERM OF ONE YEAR PRIOR TO, ONE YEAR FOLLOW-  
40 ING, AND DURING THE TERM OF HIS OR HER APPOINTMENT. WHEN AN INDIVIDUAL  
41 IS APPOINTED TO SUCH A POSITION, THE APPOINTEE MUST IDENTIFY ANY  
42 CONTRIBUTIONS MADE TO THE APPOINTING AUTHORITY, AND THE APPOINTING  
43 AUTHORITY MUST REFUND THE ENTIRE CONTRIBUTION MADE WITHIN THE PREVIOUS  
44 TWELVE MONTH PERIOD.

45 S 3. This act shall take effect immediately.

46 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
47 sion, section or part of this act shall be adjudged by any court of  
48 competent jurisdiction to be invalid, such judgment shall not affect,  
49 impair, or invalidate the remainder thereof, but shall be confined in  
50 its operation to the clause, sentence, paragraph, subdivision, section  
51 or part thereof directly involved in the controversy in which such judg-  
52 ment shall have been rendered. It is hereby declared to be the intent of  
53 the legislature that this act would have been enacted even if such  
54 invalid provisions had not been included herein.

1     S 4. This act shall take effect immediately provided, however, that  
2 the applicable effective date of Parts A through F of this act shall be  
3 as specifically set forth in the last section of such Parts.