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N.Y. State Finance Law Section 40

Period for which appropriations made

1.

The budget and the budget bills submitted by the governor shall include all appropriations which in the opinion of the governor will be required during the full succeeding fiscal year.

2.

(a) No appropriation made at a regular session of the legislature shall, unless the contrary is expressly provided in the act by which such appropriation is made, be available prior to the commencement of the fiscal year for which the budget is adopted at such session, and every appropriation made at such session, except as provided in paragraphs (b), (d), and [§ 40](#)

(e)

of this subdivision, shall cease to have force and effect, except as to liabilities already incurred thereunder, at the close of such fiscal year.

(b)

Every deficiency appropriation made at a regular session of the legislature which by the express terms of the act by which such appropriation is made shall be available prior to the commencement of the fiscal year for which the budget is adopted at such session shall cease to have force and effect, except as to liabilities already incurred thereunder, at the close of the fiscal year in which such appropriation shall become available.

(c)

Every appropriation made at an extraordinary session of the legislature shall, unless the contrary is expressly provided in the act by which such appropriation is made, be available immediately upon the taking effect of such act and shall cease to have force and effect, except as to liabilities already incurred thereunder, at the close of the fiscal year in which such appropriation shall become available.

(d)

Every appropriation enacted in the fund type special revenue funds-federal for a grant period which extends beyond March thirty-first of the fiscal year in which the appropriations are enacted shall be available for liabilities incurred during such grant period after such March thirty-first date.

(e)

All state operations appropriations made to the city university of New York and the state university of New York shall cease to have force and effect, except as to liabilities already incurred thereunder, as of the thirtieth day of June immediately following the state fiscal year for which they are enacted.

3.

Every appropriation for whatever purpose which at the close of the fiscal year shall cease to have force and effect except as to liabilities already incurred thereunder shall as to such liabilities continue in force and effect until the dates specified in paragraphs (a), (b), (c) and (d) of this subdivision, on which dates such appropriation shall lapse and no money shall thereafter be paid out of the state treasury or any of its funds or any of the funds under its management pursuant to such appropriation.

(a)

Except for appropriations made to city university of New York and the state university of New York, all state operations appropriations including special revenue funds-federal appropriations continued pursuant to paragraph (d) of subdivision two of this section shall lapse on the thirtieth day of June immediately following the close of the fiscal year. The appropriations made to the city university of New York or the state university of New York shall lapse on the thirtieth day of September immediately following the close of the fiscal year.

(b)

All aid to localities appropriations including special revenue funds-federal appropriations continued pursuant to paragraph (d) of subdivision two of this section shall lapse on the fifteenth day of September immediately following the close of the fiscal year.

(c)

All capital projects appropriations shall lapse on the fifteenth day of September immediately following the close of the fiscal year.

(d)

All other appropriations shall lapse on the fifteenth day of September immediately following the close of the fiscal year. * 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 twenty-seven. * NB Repealed March 31, 2027

Source: Section 40 — Period for which appropriations made, <https://www.nysenate.gov/legislation/laws/STF/40> (updated May 3, 2024; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_40`

Original Source: *Section 40 — Period for which appropriations made*, <https://www.nysenate.gov/legislation/laws/STF/40> (last accessed May 4, 2024).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

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N.Y. State Finance Law Section 40-A

Repayment of advances

1.

Notwithstanding any inconsistent provision of this chapter or of any other general, special or local law, every appropriation of state funds hereafter made as an advance to or on behalf of any agency, authority, fund or corporation continued or created by the public authorities law or by any other act or law shall be identified as an advance, and shall provide that in any event, and notwithstanding a repayment schedule, the unpaid balance of any moneys appropriated as an advance shall be repaid to the state out of the proceeds of the first bonds issued by such agency, authority, fund or corporation subsequent to the effective date of such appropriation. [↗](#)

2.

No part of any appropriation made as an advance pursuant to this section shall be available for expenditure until a written repayment agreement is entered into by the agency, authority, fund or corporation to which the appropriation is made and the director of the budget. Each and every such repayment agreement shall include a repayment schedule which states the date or dates on which the amount of each part or all of the appropriation made as an advance shall be repaid to the state and meets such other terms and conditions as determined by the director of the budget. A copy of each such executed repayment agreement shall be filed with the chairman of the senate finance committee, the chairman of the assembly ways and means committee, and the comptroller.

3.

The state comptroller shall at the commencement of each month certify to the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee, and the chief executive officer of the agency, authority, fund or corporation to which the appropriation is made the amounts expended from such appropriation for the month preceding such certification.

4.

Repayment of amounts expended from appropriations as advances by the state shall be received by the state comptroller and deposited in the treasury. Such repayment shall, in total, be sufficient to fully reimburse the state for the advances.

Source: Section 40-A — Repayment of advances, <https://www.nysenate.gov/legislation/laws/STF/40-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 40-A — Repayment of advances, <https://www.nysenate.gov/legislation/laws/STF/40-A> (last accessed Aug. 20, 2023).

Blank Outline Levels



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N.Y. State Finance Law Section 41

Indebtedness not to be contracted without appropriation

No state officer, employee, board, department or commission shall contract indebtedness on behalf of the state, nor assume to bind the state, in an amount in excess of money appropriated or otherwise lawfully available. This section shall not apply to a case where a statute expressly authorizes the making of a contract or contracts for a stated maximum amount which exceeds the money appropriated or otherwise available for payments thereon.

Source: Section 41 — Indebtedness not to be contracted without appropriation, <https://www.nysenate.gov/legislation/laws/STF/41> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 41 — Indebtedness not to be contracted without appropriation, <https://www.nysenate.gov/legislation/laws/STF/41> (last accessed Aug. 20, 2023).

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N.Y. State Finance Law Section 42

Limitation on expenditures

The several amounts appropriated in any act shall be deemed to be only for so much thereof as shall be sufficient to accomplish in full the purposes designated by the appropriations and shall be paid by the division of the treasury, department of taxation and finance, from the respective funds as specified, pursuant to the requirements of this chapter. It shall be the duty of the comptroller to report annually to the legislature the detail of the several expenditures.

Source: Section 42 — Limitation on expenditures, <https://www.nysenate.gov/legislation/laws/STF/42> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_42`

Original Source: Section 42 — Limitation on expenditures, <https://www.nysenate.gov/legislation/laws/STF/42> (last accessed Aug. 20, 2023).

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5. § 43

N.Y. State Finance Law Section 43

Specific appropriations limited as to use

- certain appropriations to be specific

Money appropriated for a specific purpose shall not be used for any other purpose, and the comptroller shall not draw a warrant for the payment of any sum appropriated, unless it clearly appears from the detailed statement presented to him by the person demanding the same as required by this chapter, that the purposes for which such money is demanded are those for which it was appropriated. The comptroller shall not audit any claim for salary, labor or wages, unless an appropriation applicable thereto has been already made specifying the amount thereof appropriated for such purpose. Except as otherwise expressly provided, the comptroller shall not audit any claim or account or draw a warrant for the payment of moneys for the purchase of an aircraft intended primarily for the purpose of carrying passengers or the rent of an aircraft for such purpose for a period longer than ten days. The provision of this section shall not apply to the necessary rental of automobiles for construction and maintenance work on the highways of the state or for grade crossing elimination work. [↗](#)

Source: Section 43 — Specific appropriations limited as to use; certain appropriations to be specific, <https://www.nysenate.gov/legislation/laws/STF/43> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: *Section 43 — Specific appropriations limited as to use; certain appropriations to be specific*, <https://www.nysenate.gov/legislation/laws/STF/43> (last accessed Aug. 20, 2023).

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N.Y. State Finance Law Section 43-A

Payment of judgments of the court of claims in certain cases arising out of the appropriation of property by the state

Whenever a judgment of the court of claims is rendered against the state for damages arising out of the appropriation by the state of property pursuant to [Agriculture & Markets Law § 27 \(Obtaining title to real property by purchase or acquisition\)](#), [Canal Law § 40 \(Acquisition of property\)](#), sections thirteen and six hundred seventy-six-a of the conservation law, [Correction Law § 21 \(Acquisition of real property by purchase and acquisition\)](#), sections three hundred seven and three hundred fifty-five of the education law or either of said last-mentioned sections, [Executive Law § 213 \(Acquisition of real property\)](#), sections twenty-nine and thirty of the highway law, [Highway Law § 30 \(Acquisition by the state of property required for the construction and reconstruction of state highways and structures thereon\)](#) for any of the purposes authorized by section twelve of said law, article seventy-one of the mental hygiene law, [Military Law § 177 \(Acquisition of real property for armories and other military facilities of the state\)](#), [Public Health Law § 401 \(Land\)](#), section forty of the social welfare law, chapter six hundred seventy-eight of the laws of nineteen hundred twenty-eight constituting the grade crossing elimination act, as amended, or chapter eight hundred sixty-two of the laws of nineteen hundred thirty-six, as amended, the amount, if any, of such judgment, inclusive of interest thereon as allowed by law, which exceeds the amount of moneys otherwise appropriated and available for the payment thereof shall be paid out of the state treasury from moneys appropriated to the court of claims for general state charges.

Source: Section 43-A — Payment of judgments of the court of claims in certain cases arising out of the appropriation of property by the state, <https://www.nysenate.gov/legislation/laws/STF/43-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: *Section 43-A — Payment of judgments of the court of claims in certain cases arising out of the appropriation of property by the state*, <https://www.nysenate.gov/legislation/laws/STF/43-A> (last accessed Aug. 20, 2023).

Blank Outline Levels



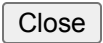
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N.Y. State Finance Law Section 44

Appropriations for personal service

- general

1.

The salary or compensation of any officer or employee, when not prescribed by law, for which an appropriation is made or for which an allocation has been approved pursuant to law by the director of the budget, may be fixed by the department, official or officials appointing such officer or employee subject to the approval of the director of the budget and at an amount less than but not greater than the amount so appropriated or allocated for the salary or compensation of such officer or employee; and when any appropriation is made or allocation approved pursuant to law by the director of the budget for compensation at a per diem rate for a stated number of days, the department, official or officials employing such employee shall have the authority to employ in the position the number of employees for whom compensation is provided in the appropriation or allocation, calculating one employee for each three hundred days, the provisions of any general or special statute to the contrary notwithstanding. No appropriation or allocation shall be available for the salary or compensation of any regular officer or employee whose employment or office is not specified in the act containing the appropriation or in the allocation approved by the director of the budget unless his appointment or employment is expressly authorized. [↗](#)

2.

Any appropriations for salary, compensation or expenses shall be the salary, compensation or expenses for one year of the officer, employee, office, board, department, commission or bureau for whom or which the same is appropriated, notwithstanding existing provisions of any other statute fixing the annual salary, compensation or expenses of such officer or employee or the expenses of such office, board, department, commission or bureau at a different amount.

3.

In identifying and connecting any officer or employee, other than a legislative or judicial officer or employee, with his office or position, for the purposes of this section, the state comptroller, the state civil service commission and the heads of departments shall be governed by a certificate of identification certified to them by the director of the budget, and such certificate shall have the force and effect of law for such purposes.

4.

When in any act an appropriation is made for personal service and is accompanied by a schedule showing positions and salaries, no part of such appropriation shall be expended for a purpose or position not enumerated in such schedule nor shall any schedule item be exceeded; provided, however, that upon the approval of the director of the budget and the state civil service commission where the position involved is in the classified civil service, and of the director of the budget where the position involved is in the unclassified civil service, a part of any such appropriation may be expended for a position in the same occupational field or service, carrying a title, grade and salary lower than the position for which the appropriation is made, the provisions of any general or special statute to the contrary notwithstanding. Except as otherwise provided in this subdivision, the amount shown in any such schedule for salary or compensation shall be the salary or compensation for one year of the officer or employee for whom the same is scheduled, notwithstanding existing provisions of any other statute fixing the annual salary or compensation of such officer or employee at a different amount; provided, however, that the provisions of this subdivision shall not be construed to prohibit the addition to the salary or compensation of any state officer or employee, pursuant to subdivision eight of this section, of an annual increment or other salary increase, which is otherwise effective on the first day of a fiscal year, at the beginning of the bi-weekly payroll period the first day of which is nearest to the first day of such fiscal year.

5.

The amount shown in any schedule for salary or compensation, or for maintenance and operation shall be the salary or compensation, or the amount available for expenses of maintenance and operation, for the period fixed in such schedule, of the officer or employee, office, board, department, commission or bureau for whom or which the same is scheduled.

6.

No position, contained in a schedule of positions in an appropriation act or in an approved segregation of a lump sum appropriation pursuant to this chapter, shall, during the period for which funds are appropriated or segregated for such position, be transferred from the organizational unit in which such position appears in such schedule or segregation except upon request of the head of a department or other state agency and approval by the

director of the budget. When approved by the director of the budget, he shall issue a certificate to the head of the department or other state agency in which the position exists and to the state comptroller authorizing the transfer of the position and the appropriation made therefor. Copies of such certificate shall be filed with the senate finance committee, the assembly ways and means committee and the state civil service commission.

7.

When food, lodging or other maintenance is allowed to any state employee or other person, the director of the budget may, in his discretion, require a charge therefor at rates established by him.

8.

Notwithstanding any other provisions of this chapter or of any other law, when any officer or employee of the state whose compensation is payable in accordance with section six of this chapter is granted an increment or increase in salary or compensation pursuant to statute or pursuant to budgetary appropriation or as a result of reclassification or reallocation, which increment or increase is otherwise effective on the first day of a fiscal year, such increment or increase shall be added to the salary or compensation of such officer or employee at the beginning of that payroll period the first day of which is nearest to the first day of the fiscal year; provided, however, that for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement or other change of status, such increment or increase shall be deemed to be effective on the first day of the fiscal year, and the payment thereof, pursuant to this subdivision, on a date prior to the first day of any fiscal year, instead of on the first day of such fiscal year, shall not operate to confer any additional salary or increment rights or benefits upon any officer or employee. If the first day of the fiscal year is exactly midway between the two nearest first days of payroll periods, the earlier of such two nearest first days of payroll periods shall be deemed to be nearer to the first day of the fiscal year.

Source: Section 44 — Appropriations for personal service; general, <https://www.nysenate.gov/legislation/laws/STF/44> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_44`

Original Source: *Section 44 — Appropriations for personal service; general*, <https://www.nysenate.gov/legislation/laws/STF/44> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

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N.Y. State Finance Law Section 47

Substitute employees

Where in any act a line item appropriation is made for the salary of an employee and the employee is on leave of absence on less than full pay, the balance of such appropriation shall be available for the payment of the salary of a substitute employee.

Source: Section 47 — Substitute employees, <https://www.nysenate.gov/legislation/laws/STF/47> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: *Section 47 — Substitute employees*, `https://www.nysenate.gov/legislation/laws/STF/47` (last accessed Aug. 20, 2023).

Blank Outline Levels



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N.Y. State Finance Law Section 48

Travel expenses for officers and employees

Except as otherwise provided by law, payments for the travel expenses of officers or employees shall be only for actual and necessary expenses incurred in the performance of official duties.

Source: Section 48 — Travel expenses for officers and employees, <https://www.nysenate.gov/legislation/laws/STF/48> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_48`

Original Source: *Section 48 — Travel expenses for officers and employees*, <https://www.nysenate.gov/legislation/laws/STF/48> (last accessed Aug. 20, 2023).

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(4)(a) A person petitioning for relief [...]

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4. [Art. 4. Appropriations](#)
5. § 49

N.Y. State Finance Law Section 49

Segregation of lump sum appropriations

When, in any act, lump sum appropriations are made for personal service, or for maintenance and operation or for non-personal service, or for maintenance undistributed including personal service, other than such appropriations for the legislature or judiciary, and appropriations from proprietary or fiduciary funds, no moneys so appropriated shall be available for payments for personal service, or maintenance and operation or for non-personal service, or maintenance undistributed including personal service until a schedule of positions and salaries have been approved by the director of the budget and the amounts to be available for other personal service classes of expenditure and for the expenses of maintenance and operation or for non-personal service shall have been approved by the director of the budget. Such approval shall be reported to the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, and the state comptroller either by the filing of a certificate or, with the consent of the officer receiving such notice, by means of electronic data transfer in lieu of a certification. Any such approved schedule may be amended, however, with notice of approval of the director of the budget given in the same manner as set forth in the preceding sentence. [↗](#)

Source: Section 49 — Segregation of lump sum appropriations, <https://www.nysenate.gov/legislation/laws/STF/49> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 49 — Segregation of lump sum appropriations, <https://www.nysenate.gov/legislation/laws/STF/49> (last accessed Aug. 20, 2023).

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5. § 50

N.Y. State Finance Law Section 50

Transfers of appropriations

Notwithstanding any other provisions of law, in order to better coordinate and reorient the administration of programs which help to reduce, eliminate or avoid financial dependency, in order to assure that services provided under such programs are delivered in the most economical and efficient fashion, and in order to fully qualify such programs for federal assistance, the director of the budget may approve contracts between the state department of social services and other state departments and agencies which may be providing such services to individuals and families who are receiving or who are former or potential recipients of public assistance and care, as defined by the rules and regulations of the state department of social services. Such contracts may provide for the delivery of such services on behalf of the state department of social services and the social services districts of the state, to the extent feasible, upon a finding by the director of the budget that such contractual arrangements would be to the advantage of the state in respect to Federal reimbursement and the orderly and effective provision of such services. The fiscal benefit of any federal financial assistance realized by the state pursuant to such contracts will be shared with any localities which contribute to the costs of providing the contractual services, according to the proportion by which such costs are shared between the state and localities pursuant to law, on the day immediately preceding the execution date of such contracts. Notwithstanding any other provisions of law, the director of the budget is hereby authorized to transfer such funds as may be necessary to give effect to any such contractual arrangements authorized under this section to the state department of social services from funds appropriated to any such other state departments and agencies to the extent that such transfers may be necessary to obtain federal reimbursements for the provision of services of the same nature as those for which such funds were appropriated and any funds so transferred shall be deemed to have been appropriated to the state department of social services for the purposes of providing for such services and obtaining federal reimbursement for their support. No such transfer shall take effect until a certificate of transfer shall have been issued by the director of the budget and copies filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Amendments to such certificates may be made by filing revised copies with the same officers. Every such certificate shall clearly show (1) the items and amounts of appropriations which are to be transferred, (2) the chapter of the laws in which they were originally appropriated, and [↗](#)

(3)

the department or agency from which they are being transferred.

Source: Section 50 — Transfers of appropriations, <https://www.nysenate.gov/legislation/laws/STF/50> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 50 — Transfers of appropriations, <https://www.nysenate.gov/legislation/laws/STF/50> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

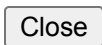
(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

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5. § 51

N.Y. State Finance Law Section 51

Interchange of appropriations or items therein

No appropriation shall be increased or decreased by transfer or otherwise except as provided for in this section or section fifty-three, sixty-six-f, seventy-two or ninety-three of this chapter, or article eight of the education law. Whenever an appropriation is made from a fund to a department or agency and is accompanied by a schedule showing the programs or purposes for which such appropriation may be expended, the amount appropriated for any item or items within any program or purpose for such department or agency may be increased or decreased by interchange with amounts appropriated from such fund for any other item or items within the same program or purpose, or with other items appropriated from such fund not in the same program or purpose but which are contained in the state comptroller's classification of items as last promulgated, with the approval of the director of the budget, who shall file such approval with the office of the state comptroller and copies thereof with the senate finance committee and the assembly ways and means committee. The amounts appropriated to a department or agency from a particular fund in a fiscal year for the programs or purposes of such department or agency may be interchanged among such programs or purposes under the same conditions as heretofore described except that the total amount appropriated for any program or purpose may not be increased or decreased by more than the aggregate of five per cent of the first five million dollars, four percent of the second five million dollars and three per cent of amounts in excess of ten million dollars of an appropriation for a program or purpose. The allocation of lump sum appropriations from a fund made to a department or agency for later distribution to programs or purposes or to the units of the state university to the allocation of lump sum appropriations made to all state departments and agencies for later allocation for specific programs or purposes shall not be deemed to be part of such total increase or decrease. [↗](#)

Source: Section 51 — Interchange of appropriations or items therein, <https://www.nysenate.gov/legislation/laws/STF/51> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 51 — Interchange of appropriations or items therein, <https://www.nysenate.gov/legislation/laws/STF/51> (last accessed Aug. 20, 2023).

Blank Outline Levels

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The legislature occasionally skips outline levels. For example:

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4. [Art. 4. Appropriations](#)
5. § 52

N.Y. State Finance Law Section 52

Classification of expenditures

Immediately upon the adoption of a budget act the comptroller shall prepare and publish definitions of the classification of expense by titles employed in such act, defining the purposes for which moneys appropriated under each title may be expended. The comptroller may amend such definitions from time to time as, in his judgment, he may deem it necessary for the proper conduct of the fiscal affairs of the state. The definitions, as published by the comptroller, and as amended, shall govern expenditures from all appropriations in such act and the audit of claims and accounts by the comptroller where such classifications are used in such act. [↗](#)

Source: Section 52 — Classification of expenditures, <https://www.nysenate.gov/legislation/laws/STF/52> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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N.Y. State Finance Law Section 53

Special emergency appropriations

1.

If, for any fiscal year, the legislature enacts a special emergency appropriation, no money shall be paid pursuant to any such appropriation unless an amount of such appropriation which is equal to the amount to be paid shall have been transferred as authorized by the governor who may authorize the transfer of all or a portion of such a special emergency appropriation only in accordance with the procedures and subject to the conditions and limitations set forth in this section. [↗](#)

2.

The governor may authorize the transfer of all or a portion of such a special emergency appropriation to the general fund or to a fund classified as a special revenue or capital projects fund as defined in [§ 2 \(Definitions\)](#) for a specific program or purpose, subject to the conditions and procedures described in subdivisions five, six and seven of this section and the following:

a.

Transfers to the general fund or the capital projects fund established under [§ 93 \(Capital projects fund\)](#) shall be only for the purpose and to the extent required to meet emergency and unanticipated expenditures of the state which shall mean:

(1)

expenditures deemed necessary or essential to the proper and efficient functioning of the government of the state or the rendering of governmental services by the state, in order to meet emergencies and unanticipated requirements arising from or which threaten to interfere with the lawful exercise of one or more of the powers of government by the state;

(2)

expenditures deemed necessary or essential to protect fully the New York state housing finance agency, the state university construction fund, the state university, or the facilities development corporation from general public liability arising from their ownership or interest in state university facilities or mental hygiene facilities financed by the New York state housing finance agency, as the case may be, or to repair, restore, rebuild or replace such a facility upon damage, loss or destruction thereof, or to pay the annual rentals for such a facility in the event of the damage, loss or destruction thereof and of the availability and possession thereof by the state university construction fund and the occupancy thereof by the state university, or the availability and possession thereof by the state university, or the availability and possession thereof by the facilities development corporation and the occupancy thereof by the department of mental hygiene; and

(3)

expenditures deemed necessary or essential for payment of the state's liability, pursuant to a contract with a county containing a city having a population of seventy-five thousand or more inhabitants or a city having a population of seventy-five thousand or more inhabitants, providing for the financing and the construction and leasing of state office buildings and other public improvements in such county or city, to hold such county or city and its officers, agents or employees harmless against liability, loss, cost, damage, claims, judgments or expense based on personal injury, death or damage to property, real, personal or mixed, which because of the uncertainty of events are not clearly foreseeable or predictable at the time of passage of the budget and other appropriation measures during the regular session of the legislature next preceding the occurrence or development thereof, and for which other appropriations are not available or are insufficient. Transfers made pursuant to subparagraphs two and three of this paragraph are expressly for the purpose of applying self-insurer principles to the facilities therein described, consistent with the system of self-insurance followed by the state for real property under its jurisdiction and control.

b.

Transfers to a special revenue fund or capital projects fund other than the capital projects fund established under [§ 93 \(Capital projects fund\)](#) shall be made only if the amount of moneys credited to such fund for such program or purpose during the then current state fiscal year is in excess of such amount anticipated to be available at the time the annual budget for such fiscal year was submitted to the legislature, in which case, any such transfer shall be limited to the amount of such excess.

3.

The governor may authorize the transfer of all or a portion of such a special emergency appropriation to a fund classified as a proprietary fund as defined in [§ 2 \(Definitions\)](#), subject to the conditions and procedures described in subdivisions five, six and seven of this section only if the revenues

actually accrued to such fund during the then current state fiscal year are in excess of such revenues anticipated at the time the annual budget for such fiscal year was submitted to the legislature, in which case, any such transfer shall be limited to the amount of such excess.

4.

The governor may authorize the transfer of all or a portion of such a special emergency appropriation to a fund classified as a fiduciary fund as defined in [§ 2 \(Definitions\)](#) subject to the conditions and procedures described in subdivisions five and seven of this section only if the moneys necessary to fund such transfer are available for disbursement within such fund and only when the disbursements required to be made during the then current fiscal year for liabilities which are not subject to statutory limitation are in excess of the amount of such required disbursements anticipated at the time the annual budget for such fiscal year was submitted to the legislature, in which case, any such transfer shall be limited to the amount of such excess.

5.

Any transfer shall lapse, except with regard to obligations already incurred, on the day on which the governor submits an appropriation bill to the next succeeding regular session of the legislature unless such bill shall include a separate request for an appropriation, from the fund to which all or a portion of a special emergency appropriation was transferred, for the transferred amount. Upon such request, such transfer shall continue in effect until final action by the legislature on such bill, after which time such transfer shall lapse and no additional expenditures shall be made against such transferred appropriation. The same provisions of law as are applicable to the segregation and expenditure of appropriations generally shall also be applicable to the segregation and expenditure of appropriations transferred pursuant to this section.

6.

The governor shall not have the authority to authorize, and the comptroller shall so deny, an appropriations transfer and any expenditures therefrom for any purpose concerning which the legislature has declared its intent that such program, project or activity shall not be performed. For the purpose of determining such legislative intent, the governor and the comptroller shall consider legislative action on the executive budget and the various appropriation bills for the support of government in addition to any specific act of the legislature making such a declaration.

7.

The governor shall not authorize the transfer of all or a portion of a special emergency appropriation unless and until the following procedure has been followed:

a.

The chief executive officer of a state agency or state affiliated corporation, immediately upon determining the necessity for a special emergency appropriation transfer, shall notify the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee on forms and in a manner to be prescribed by the director of the budget which shall include the following:

(1)

a statement of the amount of the requested special emergency appropriation transfer and a schedule of the timing of the disbursements and expenditures proposed to be made pursuant to the transferred appropriation;

(2)

a description of the purposes to be served, and the specific activities and positions to be funded, if any, by the proposed expenditures;

(3)

a statement as to whether such expenditures shall or could be utilized to offset obligations of the general fund, the time period during which the moneys necessary for the proposed disbursements shall be available to such fund, and a description and explanation of the effects the proposed expenditures may have on the state's obligation to make similar expenditures in the future.

b.

The director of the budget shall review such requests, taking into consideration any recommendations of the chairman of the senate finance committee and the chairman of the assembly ways and means committee, and after making any modifications, shall formally recommend to the governor approval of such requests as he shall deem appropriate. He shall at the same time notify the chairman of the senate finance committee and the chairman of the assembly ways and means committee of his recommendations on such requests, and shall submit to such chairmen any modification of such requests and such further information and justification as he shall deem appropriate or that such chairmen may require in furtherance of their review.

c.

The governor shall then issue such transfer authorization pursuant to this section as deemed appropriate based upon his review of such recommendations, provided however, that when the request consists solely of moneys available for costs and damages resulting from natural disasters or civil disobedience, the governor may act in accordance with the immediacy of the situation. * 8. Notwithstanding the foregoing provisions of this section, in addition to the restrictions set forth therein, the governor may authorize a transfer to the general fund, to a capital projects fund, or to a fund established to account for revenues from the federal government only after the approval of:

(1)

the temporary president of the senate or the chair of the senate finance committee (the "senate"); and

(2)

the speaker of the assembly or the chair of the assembly ways and means committee (the “assembly”). Provided however, if either the senate or the assembly fails to affirmatively deny or approve such transfer within ten days from the date on which the governor provides notification of such transfer, then the transfer shall be deemed approved by both the senate and the assembly. * NB Effective until March 31, 2028 *8. Notwithstanding the foregoing provisions of this section, in addition to the restrictions set forth therein, the governor may authorize a transfer to the general fund, to a capital projects fund, or to a fund established to account for revenues from the federal government only after the approval of:

(1)

the temporary president of the senate or the chairman of the senate finance committee; and

(2)

the speaker of the assembly or the chairman of the assembly ways and means committee. * NB Effective March 31, 2028 9. Notwithstanding the foregoing provisions of this section or any other law to the contrary, the governor may generally authorize the director of the budget to act on his behalf in authorizing transfers of appropriations pursuant to this section.

Source: Section 53 — Special emergency appropriations, <https://www.nysenate.gov/legislation/laws/STF/53> (updated May 19, 2023; accessed Apr. 19, 2025).

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Original Source: *Section 53 — Special emergency appropriations*, <https://www.nysenate.gov/legislation/laws/STF/53> (last accessed Aug. 20, 2023).

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The legislature occasionally skips outline levels. For example:

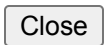
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5. § 53-A

N.Y. State Finance Law Section 53-A

Filing of notices of applications for state participation in certain federal programs

1.

No state agency shall make an application for participation in federal funds or a federally-assisted program under any federal law and no state agency may approve an application for such participation submitted by an agency other than a state agency, unless such state agency shall have, at least thirty days prior to making or approving the application, notified the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee on forms and in a manner to be prescribed by the director of the budget. Such notice shall: [↗](#)

(a)

refer to the statutory authority under which the action is proposed, (b) describe the substance of the application, (c) indicate where a complete copy of the application and any amendments or supplements thereto may be obtained, and

(d)

contain a fiscal statement setting forth:

(1)

the estimated amount of federal monies to be received per year for the program for which such monies are sought, and

(2)

the estimated amount of funds to be supplied by the state, the agency other than the state agency for which approval is sought, any unit of local government and any other source from which funds will be required. In order to avoid any inconsistency or duplication in review functions, the director of the budget shall establish procedures whereby notices given under this section shall be coordinated with other notice requirements for project or plan proposals.

2.

If the application must be made or approved in less than thirty days, or if the state agency finds that it is necessary for the preservation of the public health, safety or general welfare to make or approve the application in less than thirty days, the agency may make or approve the application without giving thirty days notice as required in subdivision one; provided, however, that the agency immediately give notice of the proposed action, in the form and manner prescribed in subdivision one, to the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee, which notice shall also contain a brief statement of the agency's reasons for taking action in less than thirty days.

3.

Upon the request of the chairman of the senate finance committee, or the chairman of the assembly ways and means committee, or any combination of them, the state agency proposing to make the application or to which the application has been submitted for approval, shall supply such officer without charge a complete copy of the application and any amendments or supplements thereto.

4.

Such agency shall furnish to each such officer a report or reports in relation to such application or amendment thereto as may be required by the director of the budget.

5.

"State agency" as used in this section means (a) any state department, bureau, commission, authority or division and shall include the state university;

(b)

any institution or organization designated and authorized by law to act as agent for the state, including Cornell University and Alfred University as representatives of the state university board of trustees for the administration of statutory or contract colleges at those institutions;

(c)

any public corporation or institution the governing board of which consists of a majority of state officials serving ex-officio or has one or more members appointed by the governor; and

(d)

certain membership corporations closely affiliated with specific state agencies and whose purposes are essentially to support, supplement or extend the functions and programs of such state agencies, specifically: Youth Research Inc., The Research Foundation for Mental Hygiene, Inc., Health Research Inc., The Research Foundation of the State University of New York, and Welfare Research Inc.

6.

“Application” as used in this section means an application to any federal agency for federal funds or for participation in any federally-assisted program or any instrument as defined by the director of the budget which initiates action with any federal agency for such purpose, including but not limited to a contract, agreement, loan, letter of understanding, state plan, or annual budget submission to such agency.

Source: Section 53-A — Filing of notices of applications for state participation in certain federal programs, <https://www.nysenate.gov/legislation/laws/STF/53-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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N.Y. State Finance Law Section 53-B

Authorization of applications for state participation in certain grant or contract supported programs

1.

No agency shall make application for participation in any continuing grant or contract supported program when authorization to apply for participation in such program is disapproved by the director of the budget pursuant to the following procedure:

a.

The chief executive officer of the agency seeking authorization to make application for participation in a continuing grant or contract supported program shall, at least forty days prior to any deadline for making application, except as provided in paragraph d of this subdivision, notify the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways and means committee of such agency's proposed application on forms and in a manner to be prescribed by the director of the budget, and shall provide such persons with such further information as they shall require. Such notice shall:

(i)

refer to the statutory authority under which the action is proposed;

(ii)

describe the substance of the application;

(iii)

indicate where a complete copy of the application and any amendments or supplements thereto may be obtained and the name and location of the organization or organizations to which the agency intends to apply for such grant or contract; and

(iv)

contain a fiscal statement setting forth: (1) the estimated amount of revenues to be received from the organization to which the agency is proposing to apply during each state fiscal year for the program for which such moneys are sought, (2) the estimated amount of moneys to be supplied by the state, including any state matching commitment, and a statement as to the method through which such moneys, or such commitment shall be provided, (3) the estimated amount of revenues to be provided by any other agency, unit of local government, and any other source from which revenues will be required, (4) the number of years during which financial support for such program is expected to be available from the organization to which the agency is proposing to apply, and (5) the expected future obligation of the state, if any, to continue the funding of the program including the expenditure level which the state will or may be required or expected to maintain for the program upon termination of such grant or contract moneys.

b.

The director of the budget shall review all requests for authorization to make application for participation in a continuing grant or contract supported program, and at least twenty days prior to approving, disapproving, or conditionally approving any such request shall notify the chairman of the senate finance committee and the chairman of the assembly ways and means committee of his intended action on such request.

c.

Within fifteen days of receipt of a notification from the director of the budget pursuant to paragraph b of this subdivision, such chairmen may make recommendations thereon as to the approval, modification or disapproval of any proposed application. The director of the budget shall consider such chairman's recommendations in his decision to approve, modify or disapprove any proposed application, and shall notify such chairman of action taken and the reasons in support of such action where it contravenes that recommended by either chairman.

d.

Whenever a deadline for making an application is less than forty days, or whenever it is necessary for the preservation of the health, safety, or general welfare of the state that action on a request for authorization to make application for participation in a continuing grant or contract supported program be taken by the director of the budget in less than forty days, the chief executive officer of the agency making such request shall include a statement of such necessity in the notification to the director of the budget, the chairman of the senate finance committee and the chairman of the assembly ways

and means committee provided for in paragraph a of this subdivision. In such circumstances the director of the budget may waive, to such extent as necessary, the time period of the notification requirements provided in paragraph a of this subdivision for such application, and if necessary, may issue a provisional authorization for such agency to make such application pending formal review pursuant to paragraphs b and c of this subdivision provided, however, that such formal review shall then be scheduled to occur within thirty days of such provisional authorization. In the event such request is not approved pursuant to such paragraphs within such time, the provisional authorization to make such application shall terminate and any such application may thereafter be again made only after formal review and approval.

2.

All applications for participation in any grant or contract supported program including such programs offered by a state agency or state affiliated corporation, shall include a request for full overhead reimbursement to the maximum extent allowable under such program unless the notification provided for in paragraph a of subdivision one of this section includes an explanation of the agency's reasons for requesting less than the maximum overhead reimbursement available.

3.

The provisions of this section shall not apply to applications for sponsored research grants or contracts which do not incorporate the provision of services to the public or to any organization, or the employees or clients thereof.

4.

The provisions of paragraphs b, c and d of subdivision one of this section shall not apply to applications for grants or contracts to support specific projects which are intended to be undertaken during a fixed period of time and to be completed within eighteen months of the date on which work on such a project begins and which do not involve participation in a continuing program of activity.

5.

The provisions of this section shall not apply to applications for reallocations of federal funds, to minor amendments to applications already approved, or to applications for programs, participation in which is authorized by an appropriation or other enactment of the legislature.

6.

For the purposes of this section agency shall mean any department, agency, board, bureau, commission, division, council or office of the state.

Source: Section 53-B — Authorization of applications for state participation in certain grant or contract supported programs, <https://www.nysenate.gov/legislation/laws/STF/53-B> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_53-b`

Original Source: *Section 53-B — Authorization of applications for state participation in certain grant or contract supported programs*, <https://www.nysenate.gov/legislation/laws/STF/53-B> (last accessed Aug. 20, 2023).

Blank Outline Levels

×

The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

In this example, **(3)**, **(4)**, and **(4)(a)** are all outline levels, but **(4)** was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

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N.Y. State Finance Law Section 53-C

Report on financial support of research institutes

If any state agency agrees to provide financial support or any other assistance to cover any operating loss for a research institute, such agency shall submit to the chairs of the senate committee on finance and the assembly committee on ways and means a report on the calculation of such loss. This calculation shall include all revenue of the corporation from whatever source and all expenses of the corporation. If such calculation results in an operating surplus, such surplus shall be paid to the state and may be credited to the budget of the affiliated agency subject to an appropriation by the legislature.

Source: Section 53-C — Report on financial support of research institutes, <https://www.nysenate.gov/legislation/laws/STF/53-C> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: https://newyork.public.law/laws/n.y._state_finance_law_section_53-c

Original Source: *Section 53-C — Report on financial support of research institutes*, <https://www.nysenate.gov/legislation/laws/STF/53-C> (last accessed Aug. 20, 2023).

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N.Y. State Finance Law Section 53-D

Estimates of fiscal impact

If an appropriation bill passed by the legislature contains items that the legislature has added in accord with section four of article seven of the constitution, then such bill must be accompanied by an estimate of the fiscal impact of such legislation on the budget submitted by the governor pursuant to section two of article seven of the constitution which shall include, if appropriate, an estimate of moneys and revenues, either in law or in legislation passed by both houses with the budget, sufficient to meet such additions. Such bill shall also include such other recommendations and information as the legislature may deem proper and such additional information as may be required by law. None of the restrictions of this section, however, shall apply to appropriations for the legislature or judiciary.

Source: Section 53-D — Estimates of fiscal impact, <https://www.nysenate.gov/legislation/laws/STF/53-D> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 53-D — Estimates of fiscal impact, <https://www.nysenate.gov/legislation/laws/STF/53-D> (last accessed Aug. 20, 2023).

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