

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. SQUADRON, ADAMS, BRESLIN, DUANE, KLEIN, KRUEGER,  
PARKER, PERKINS, SAMPSON, SERRANO, STAVISKY, STEWART-COUSINS, VALESKY  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Finance

AN ACT to amend the executive law, the civil service law, the legisla-  
tive law, the election law and the racing, pari-mutuel wagering and  
breeding law, in relation to enacting the commission on governmental  
ethics act of 2011; and to repeal certain provisions of the executive  
law and the legislative law relating thereto

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

1     Section 1. This act shall be known and may be cited as the "commission  
2     on governmental ethics act of 2011".  
3     S 2. The section heading and subdivisions 1, 2, 3, 4 and 6 of section  
4     94 of the executive law, as amended by chapter 14 of the laws of 2007,  
5     are amended to read as follows:  
6     [Commission on public integrity;] COMMISSION ON GOVERNMENTAL ETHICS;  
7     functions, powers and duties; review of financial disclosure statements;  
8     advisory opinions; investigation and enforcement. 1. There is estab-  
9     lished within the department of state a [commission on public integrity]  
10    COMMISSION ON GOVERNMENTAL ETHICS which shall consist of [thirteen] NINE  
11    members and shall have and exercise the powers and duties set forth in  
12    this section only with respect to [statewide] STATE elected officials  
13    and state officers and employees, as defined in sections seventy-three  
14    and seventy-three-a of the public officers law, candidates for [state-  
15    wide] STATE elected office, and the political party chairman as that  
16    term is defined in section seventy-three-a of the public officers law,  
17    lobbyists and the clients of lobbyists as such terms are defined in  
18    article one-A of the legislative law, and individuals who have formerly  
19    held such positions, were lobbyists or clients of lobbyists, as such

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

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1 terms are defined in article one-A of the legislative law, or who have  
2 formerly been such candidates. This section shall not revoke or rescind  
3 any regulations or advisory opinions issued by the state ethics commis-  
4 sion and the temporary lobbying commission in effect upon the effective  
5 date of a chapter of the laws of two thousand [seven] ELEVEN which  
6 amended this section to the extent that such regulations or opinions are  
7 not inconsistent with any law of the state of New York, but such regu-  
8 lations and opinions shall apply only to matters over which such commis-  
9 sions had jurisdiction at the time such regulations and opinions were  
10 promulgated or issued. The commission shall undertake a comprehensive  
11 review of all such regulations and opinions, which will address the  
12 consistency of such regulations and opinions among each other and with  
13 the new statutory language. [The commission shall, before April first,  
14 two thousand eight, report to the governor and legislature regarding  
15 such review and shall propose any regulatory changes and issue any advi-  
16 sory opinions necessitated by such review.]

17 2. The members of the commission shall be appointed by the governor  
18 provided, however, that one member shall be appointed on the nomination  
19 of the comptroller, one member shall be appointed on the nomination of  
20 the attorney general, one member shall be appointed on the nomination of  
21 the temporary president of the senate, one member shall be appointed on  
22 the nomination of the speaker of the assembly, one member shall be  
23 appointed on the nomination of the minority leader of the senate, and  
24 one member shall be appointed on the nomination of the minority leader  
25 of the assembly. Of the [seven] THREE members appointed by the governor  
26 without prior nomination, no more than [four] TWO members shall belong  
27 to the same political party [and no]. NO members shall be public offi-  
28 cers or employees or hold any public office, elected or appointed. No  
29 member shall be [a member of the legislature, a candidate for member of  
30 the legislature,] an employee of the legislature, a political party  
31 chairman as defined in paragraph (k) of subdivision one of section  
32 seventy-three of the public officers law, [or a lobbyist as defined in  
33 subdivision (a) of section one-c of the legislative law] OR A REGISTERED  
34 LOBBYIST IN ANY OTHER STATE, OR BEFORE THE UNITED STATES CONGRESS OR  
35 EXECUTIVE BRANCH. NO MEMBER WHO IS A PARTNER, OF COUNSEL OR OTHERWISE  
36 EMPLOYED BY A POLITICAL CONSULTING FIRM OR AN ENTITY REGISTERED PURSUANT  
37 TO SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW OR ANY ENTITY  
38 RECEIVING A STATE CONTRACT, MAY SHARE IN ANY PART OF THE PROFITS DERIVED  
39 FROM LOBBYING OR POLITICAL CONSULTING AND SHALL NOT PARTICIPATE IN THE  
40 PLANNING, STRATEGY OR DECISION MAKING OF MATTERS RELATED TO LOBBYING OR  
41 POLITICAL CONSULTING. TO THE EXTENT POSSIBLE, THE MEMBERS OF THE BOARD  
42 SHALL BE INDIVIDUALS WITH EXTENSIVE KNOWLEDGE OR EXPERIENCE IN THE FIELD  
43 OF GOVERNMENT ETHICS.

44 3. Members of the commission shall serve for terms of five years;  
45 provided, however, that of the members first appointed without prior  
46 nomination, [one shall serve for one year,] one shall serve for two  
47 years, one shall serve for three years, and one shall serve for four  
48 years, as designated by the governor; the members first appointed on the  
49 nominations of the comptroller and the temporary president of the senate  
50 shall serve for four years and the members first appointed on the nomi-  
51 nations of the attorney general and the speaker of the assembly shall  
52 serve for two years.

53 4. [The governor shall designate the chairman of the commission from  
54 among the members thereof, who shall serve as chairman at the pleasure  
55 of the governor.] THE CHAIR AND THE VICE-CHAIR OF THE COMMISSION SHALL  
56 BE ELECTED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION TO SERVE A ONE

1 YEAR TERM. EITHER THE CHAIR OR THE VICE-CHAIR OF THE COMMISSION SHALL  
2 BE SELECTED FROM AMONG THE APPOINTEES OF THE LEGISLATIVE BRANCHES. THE  
3 CHAIR AND THE VICE-CHAIR SHALL EACH BE A MEMBER OF A DIFFERENT MAJOR  
4 POLITICAL PARTY AS SUCH TERM IS DEFINED IN THE ELECTION LAW. The [chair-  
5 man] CHAIR or any [seven] FIVE members of the commission may call a  
6 meeting.

7 6. [Seven] FIVE members of the commission shall constitute a quorum,  
8 and the commission shall have power to act by majority vote of the total  
9 number of members of the commission without vacancy.

10 S 3. Paragraph (a) of subdivision 9 of section 94 of the executive  
11 law, as amended by chapter 14 of the laws of 2007, is amended to read as  
12 follows:

13 (a) [Appoint] THROUGH A JOINT AGREEMENT BETWEEN THE CHAIR AND THE  
14 VICE-CHAIR, APPOINT an executive director who shall act in accordance  
15 with the policies of the commission. THE EXECUTIVE DIRECTOR SHALL BE  
16 APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE  
17 BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE  
18 TERM OF OFFICE OF THE EXECUTIVE DIRECTOR SHALL BE FIVE YEARS, EXCEPT  
19 THAT THROUGH JOINT AGREEMENT, THE CHAIR AND THE VICE-CHAIR MAY REMOVE  
20 THE EXECUTIVE DIRECTOR ONLY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS  
21 MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE POWERS OR DUTIES OF  
22 OFFICE, SHOWN AFTER GIVING SUCH PERSON A COPY OF THE CHARGES AGAINST HIM  
23 OR HER AND AN OPPORTUNITY TO BE HEARD IN HIS OR HER DEFENSE. ANY INDI-  
24 VIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM  
25 SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL  
26 SERVING AS EXECUTIVE DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE  
27 TO SERVE UNTIL A SUCCESSOR IS APPOINTED, EXCEPT THAT SUCH INDIVIDUAL  
28 SHALL NOT SERVE IN THAT CAPACITY IN EXCESS OF ONE YEAR. THE COMMISSION  
29 SHALL HAVE THE AUTHORITY TO REAPPOINT THE EXECUTIVE DIRECTOR FOR A  
30 SECOND TERM. NO EXECUTIVE DIRECTOR SHALL SERVE MORE THAN TWO TERMS  
31 CONSECUTIVELY. The commission may delegate authority to the executive  
32 director to act in the name of the commission between meetings of the  
33 commission provided such delegation is in writing and the specific  
34 powers to be delegated are enumerated;

35 S 4. Paragraphs (a) and (b) of subdivision 12 of section 94 of the  
36 executive law, as amended by chapter 14 of the laws of 2007, are amended  
37 to read as follows:

38 (a) If the commission receives a sworn complaint alleging a violation  
39 of section seventy-three, seventy-three-a or seventy-four of the public  
40 officers law, section one hundred seven of the civil service law or  
41 article one-A of the legislative law by a person or entity subject to  
42 the jurisdiction of the commission, or if a reporting individual has  
43 filed a statement which reveals a possible violation of these  
44 provisions, or if the commission determines on its own initiative to  
45 investigate a possible violation, the commission shall notify the indi-  
46 vidual in writing, describe the possible or alleged violation of such  
47 laws and provide the person with a fifteen day period in which to submit  
48 a written response setting forth information relating to the activities  
49 cited as a possible or alleged violation of law. If the commission ther-  
50 eafter makes a determination that further inquiry is justified, it shall  
51 give the individual an opportunity to be heard. The commission shall  
52 also inform the individual of its rules regarding the conduct of adjudi-  
53 catory proceedings and appeals and the due process procedural mechanisms  
54 available to such individual. If the commission determines at any stage  
55 of the proceeding, that there is no violation or that any potential  
56 conflict of interest violation has been rectified, it shall so advise

1 the individual and the complainant, if any. All of the foregoing  
2 proceedings shall be confidential EXCEPT THAT THE COMMISSION SHALL MAIN-  
3 TAIN TRANSCRIPTS OF THE TESTIMONY GIVEN AND SHALL PUBLICLY DISCLOSE THE  
4 OUTCOME OF ANY SUCH PROCEEDING.

5 (b) If the commission determines that there is reasonable cause to  
6 believe that a violation has occurred, it shall send a notice of reason-  
7 able cause: (i) to the reporting person; (ii) to the complainant if any;  
8 (iii) in the case of a statewide elected official, to the GOVERNOR, THE  
9 temporary president of the senate and the speaker of the assembly; and  
10 (iv) in the case of a state officer or employee, to the appointing  
11 authority for such person.

12 S 5. Subdivision 13-a of section 94 of the executive law is REPEALED.

13 S 6. Subdivisions 16, 16-a and 17 of section 94 of the executive law,  
14 subdivisions 16 and 17 as amended and subdivision 16-a as added by chap-  
15 ter 14 of the laws of 2007, are amended to read as follows:

16 16. In addition to any other powers and duties specified by law, the  
17 commission shall have the power and duty to:

18 (a) Promulgate rules concerning restrictions on outside activities and  
19 limitations on the receipt of gifts and honoraria by persons subject to  
20 its jurisdiction, provided, however, a violation of such rules in and of  
21 itself shall not be punishable pursuant to subdivision thirteen of this  
22 section unless the conduct constituting the violation would otherwise  
23 constitute a violation of this section; and

24 (b) Conduct training programs in cooperation with the governor's  
25 office of employee relations to provide education to individuals subject  
26 to its jurisdiction; and

27 (c) Administer and enforce all the provisions of this section; and

28 (d) Conduct any investigation necessary to carry out the provisions of  
29 this section[. Pursuant to this power and duty, the commission may  
30 administer oaths or affirmations, subpoena witnesses, compel their  
31 attendance and require the production of any books or records which it  
32 may deem relevant or material]; AND

33 (E) WITH RESPECT TO THE PERFORMANCE OF ITS FUNCTIONS, DUTIES AND  
34 POWERS AND SUBJECT TO THE LIMITATION CONTAINED IN PARAGRAPH (D) OF THIS  
35 SUBDIVISION, THE COMMISSION SHALL BE AUTHORIZED AS FOLLOWS:

36 (1) TO CONDUCT ANY INVESTIGATION AUTHORIZED BY THIS SECTION AT ANY  
37 PLACE WITHIN THE STATE; AND TO MAINTAIN OFFICES, HOLD MEETINGS AND FUNC-  
38 TIONS AT ANY PLACE WITHIN THE STATE AS IT MAY DEEM NECESSARY;

39 (2) TO CONDUCT PRIVATE AND PUBLIC HEARINGS AND TO DESIGNATE ONE OR  
40 MORE MEMBERS OF THE COMMISSION OR OF ITS STAFF TO PRESIDE OVER ANY SUCH  
41 HEARINGS;

42 (3) TO ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA WITNESSES, COMPEL  
43 THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIRMATION AND REQUIRE THE  
44 PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE IT MAY  
45 DEEM RELEVANT OR MATERIAL TO AN INVESTIGATION; AND THE COMMISSION MAY  
46 DESIGNATE ANY OF ITS MEMBERS OR ANY MEMBER OF ITS STAFF TO EXERCISE ANY  
47 SUCH POWERS; AND

48 (4) UNLESS OTHERWISE INSTRUCTED BY A RESOLUTION ADOPTED BY A MAJORITY  
49 OF THE MEMBERS OF THE COMMISSION, EVERY WITNESS ATTENDING BEFORE THE  
50 COMMISSION SHALL BE EXAMINED PRIVATELY AND THE COMMISSION SHALL NOT MAKE  
51 PUBLIC THE PARTICULARS OF SUCH EXAMINATION. THE COMMISSION SHALL NOT  
52 HAVE THE POWER TO TAKE TESTIMONY AT A PRIVATE HEARING OR AT A PUBLIC  
53 HEARING UNLESS AT LEAST TWO OF ITS MEMBERS, ONE OF WHOM SHALL BE AN  
54 APPOINTEE OF THE GOVERNOR AND THE OTHER AN APPOINTEE OF EITHER THE  
55 TEMPORARY PRESIDENT OF THE SENATE OR OF THE SPEAKER OF THE ASSEMBLY, ARE  
56 PRESENT AT SUCH HEARING.

16-a. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, and which shall contain the documents identified in subdivision seventeen of this section, [other than financial disclosure statements,] and any other records or information which the commission determines to be appropriate.

17. (a) Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law [except the categories of value or amount, which shall remain confidential,] and any other item of information deleted pursuant to paragraph (h) of subdivision nine of this section;

(2) notices of delinquency sent under subdivision eleven of this section;

(3) notices of reasonable cause sent under paragraph (b) of subdivision twelve of this section;

(4) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed;

(5) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy; [and]

(6) THE HEARING SHALL BE TRANSCRIBED OR RECORDED AND A COPY OF THE TRANSCRIPT OR RECORD, OR ANY PART THEREOF, SHALL BE MADE AVAILABLE TO ANY PARTY TO THE HEARING UPON REQUEST THEREFOR; AND

(7) those required to be held or maintained publicly available pursuant to article one-A of the legislative law.

(b) [Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section, of the commission shall be open to the public, except if expressly provided otherwise by the commission or as is required by article one-A of the legislative law.

(c)] Pending any application for deletion or exemption to the commission, all information which is the subject or a part of the application shall remain confidential. Upon [an adverse] A determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. [In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.]

S 7. Paragraph (c) of subdivision 12 of section 94 of the executive law, as amended by section 4 of chapter 14 of the laws of 2007, is amended to read as follows:

(c) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a [statewide] STATE elected official or a state officer or employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law pursuant to paragraph (a) of this

subdivision within one year from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.

S 8. Subdivision 5 of section 107 of the civil service law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

5. Violation of this section. Complaints alleging a violation of this section by a [statewide] STATE elected official or a state officer or employee, as defined in section seventy-three of the public officers law, may be directed to the commission on [public integrity] GOVERNMENTAL ETHICS.

S 9. Subdivision (f) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(f) The term "commission" shall mean the commission on [public integrity] GOVERNMENTAL ETHICS created by section ninety-four of the executive law.

S 10. Section 60 of the legislative law, as amended by chapter 416 of the laws of 1954, is amended to read as follows:

S 60. Testimony before legislative committees. 1. THE COMMISSION ON GOVERNMENTAL ETHICS ACTIVITIES SHALL BE SUBJECT TO OVERSIGHT BY THE LEGISLATURE. A legislative committee may require the attendance of witnesses in this state whom the committee may wish to examine, or may issue a commission for the examination of witnesses who are out of the state or unable to attend the committee or excused from attendance, which commission if directed by the house or legislature by which the committee is appointed may be executed during the recess of the legislature. A commission issued as provided by this section shall be in the form used in the courts of record of this state and shall be executed in like manner. Unless otherwise instructed by the committee appointing them the commissioners shall examine privately every witness attending before them and shall not make public the particulars of such examination. No committee of either house or a joint committee of both houses shall have the power to take testimony at a private hearing or at a public hearing unless at least two of its members are present at such hearing.

2. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE COMMISSION ON GOVERNMENTAL ETHICS CREATED PURSUANT TO SECTION NINETY-FOUR OF THE EXECUTIVE LAW SHALL HOLD HEARINGS REGARDING THE ANNUAL REPORT AND RECOMMENDATIONS OF THE COMMISSION WITHIN THIRTY DAYS OF THE PUBLIC RELEASE OF THE COMMISSION'S ANNUAL REPORT.

S 11. Article 5 of the legislative law is REPEALED.

S 12. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as redesignated and subdivision 2 as amended by chapter 9 of the laws of 1978, is amended to read as follows:

S 3-104. [State board of elections] COMMISSION ON GOVERNMENTAL ETHICS; enforcement powers. 1. The [state board of elections] COMMISSION ON GOVERNMENTAL ETHICS shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of article fourteen of this chapter and other statutes governing campaigns, elections and related procedures.

2. Whenever the [state board of elections or other board of elections] COMMISSION ON GOVERNMENTAL ETHICS shall determine, on its own initiative or upon complaint FROM THE STATE BOARD OF ELECTIONS, OTHER BOARDS OF ELECTION OR THE PUBLIC, or otherwise, that there is substantial reason

1 to believe a violation of this chapter or any code or regulation promul-  
2 gated thereunder has occurred, it shall expeditiously make an investi-  
3 gation which shall also include investigation of reports and statements  
4 made or failed to be made by the complainant and any political committee  
5 supporting his candidacy if the complainant is a candidate or, if the  
6 complaint was made by an officer or member of a political committee, of  
7 reports and statements made or failed to be made by such political  
8 committee and any candidates supported by it. The [state board of  
9 elections] COMMISSION ON GOVERNMENTAL ETHICS, in lieu of making such an  
10 investigation, may direct the appropriate board of elections to make an  
11 investigation. The [state board of elections] COMMISSION ON GOVERNMENTAL  
12 ETHICS may request, and shall receive, the assistance of the state  
13 police in any investigation it shall conduct.

14 3. If, after an investigation, the [state or other board of elections]  
15 COMMISSION ON GOVERNMENTAL ETHICS finds reasonable cause to believe that  
16 a violation warranting criminal prosecution has taken place, it shall  
17 forthwith refer the matter to the district attorney of the appropriate  
18 county and shall make available to such district attorney all relevant  
19 papers, documents, testimony and findings relevant to its investigation.

20 4. The [state or other board of elections] COMMISSION ON GOVERNMENTAL  
21 ETHICS may, where appropriate, commence a judicial proceeding with  
22 respect to the filing or failure to file any statement of receipts,  
23 expenditures, or contributions, under the provisions of this chapter,  
24 and the state board of elections may direct the appropriate other board  
25 of elections to commence such proceeding.

26 5. The [state board of elections] COMMISSION ON GOVERNMENTAL ETHICS  
27 may promulgate rules and regulations consistent with law to effectuate  
28 the provisions of this section.

29 S 13. Subdivision 3 of section 212 of the racing, pari-mutuel wagering  
30 and breeding law, as amended by chapter 18 of the laws of 2008, is  
31 amended to read as follows:

32 3. Such members, except as otherwise provided by law, may engage in  
33 private or public employment, or in a profession or business. The board,  
34 its members, officers and employees shall be subject to the provisions  
35 of sections seventy-three and seventy-four of the public officers law.  
36 No former trustee or officer of a non-profit racing association known as  
37 The New York Racing Association, Inc. or its predecessor, no current  
38 director or officer of a franchised corporation or any individual regis-  
39 tered with the New York commission on [public integrity] GOVERNMENTAL  
40 ETHICS shall be appointed as members to the board nor shall any member  
41 of the board have any direct or indirect interest in any racehorse,  
42 thoroughbred racing or pari-mutuel wagering business, video lottery  
43 terminal facility or any development at any racing facility.

44 S 14. All powers, duties and functions conferred upon the commission  
45 on public integrity and the legislative ethics commission, its commis-  
46 sioners and executive directors, shall be transferred to and assumed by  
47 the commission on governmental ethics and the commissioners and execu-  
48 tive directors to be appointed thereof.

49 S 15. Transfer of employees. Upon the transfer of the functions, as  
50 provided for in this act, any affected employees shall be transferred to  
51 the commission on governmental ethics in accordance with section 70 of  
52 the civil service law.

53 S 16. Transfer of records. The commission on public integrity and the  
54 legislative ethics commission shall deliver to the commission on govern-  
55 mental ethics all books, papers, records, and property as requested by  
56 the commission on governmental ethics pursuant to this act.

1 S 17. Continuity of authority. For the purpose of succession to all  
2 functions, powers, duties and obligations transferred and assigned to,  
3 devolved upon and assumed by it pursuant to this act, the commission on  
4 governmental ethics shall be deemed and held to constitute the continua-  
5 tion of the commission on public integrity and the legislative ethics  
6 commission pertaining to the powers and functions herein transferred.

7 S 18. Completion of unfinished business. Any business or other matter  
8 undertaken or commenced by the commission on public integrity and the  
9 legislative ethics commission pertaining to or connected with the func-  
10 tions, powers, obligations and duties hereby transferred and assigned to  
11 the commission on governmental ethics, and pending on the effective date  
12 of this act may be conducted and completed by the commission on govern-  
13 mental ethics in the same manner and under the same terms and conditions  
14 and with the same effect as if conducted and completed by the former  
15 commission on public integrity and the legislative ethics commission.

16 S 19. Terms occurring in laws, contracts and other documents. Whenever  
17 the commission on public integrity or the legislative ethics commission  
18 are referred to or designated in any law, contract or documents pertain-  
19 ing to the functions, powers, obligations and duties hereby transferred  
20 and assigned to the commission on governmental ethics, such reference or  
21 designation shall be deemed to refer to the commission on governmental  
22 ethics as created by this act.

23 S 20. Existing rights and remedies preserved. No existing right or  
24 remedy of any character shall be lost, impaired or affected by reason of  
25 this act.

26 S 21. Pending actions and proceedings. No action or proceeding pending  
27 at the time when this act shall take effect, brought by or against the  
28 commission on public integrity or the legislative ethics commission  
29 relating to the function, power or duty transferred to or devolved upon  
30 the commission on governmental ethics shall be affected by this act, but  
31 the same may be prosecuted or defended in the name of the commission on  
32 governmental ethics and upon application to the court, the commission on  
33 governmental ethics shall be substituted as a party.

34 S 22. Notwithstanding any contrary provision of the state finance law,  
35 transfer of appropriations heretofore made to the commission on public  
36 integrity and the legislative ethics commission, all appropriations or  
37 reappropriations for the functions herein transferred heretofore made to  
38 the commission on public integrity and the legislative ethics commission  
39 segregated pursuant to law, to the extent of remaining unexpended or  
40 unencumbered balances thereof, whether allocated or unallocated and  
41 whether obligated or unobligated, are hereby transferred to the commis-  
42 sion on governmental ethics to the extent necessary to carry out the  
43 commission on governmental ethics' functions, powers and duties subject  
44 to the approval of the director of the budget for the same purposes for  
45 which originally appropriated or reappropriated and shall be payable on  
46 vouchers certified or approved by the office of public integrity on  
47 audit and warrant of the comptroller.

48 S 23. Each state agency with which any person who has business deal-  
49 ings with the state conducts such business shall, provide appropriate  
50 assistance in developing the database of state contractors and shall  
51 take such steps as necessary to collect such information as required  
52 pursuant to this law. Each state agency with which any person who has  
53 business dealings with the state conducts such business shall, at the  
54 commission's request, provide appropriate assistance to the commission  
55 in publicizing this law and the rules of the commission in connection  
56 with contributions of persons who have business dealings with the state.



1 S 24. The commission on governmental ethics shall submit a report to  
2 the governor and the legislature on the status of the lobbyist and state  
3 contractor database within 24 months of the effective date of this act.  
4 Such report shall contain the status of both of the database components  
5 and whether each such component has been certified, for those components  
6 that have not been certified, if any, what the status is of the develop-  
7 ment of such component of the database and the expected timeline for  
8 such component's certification.

9 S 25. Separability clause. If any clause, sentence, paragraph, section  
10 or part of this act shall be adjudged by any court of competent juris-  
11 diction to be invalid, such judgment shall not affect, impair or invali-  
12 date the remainder thereof, but shall be confined in its operation to  
13 the clause, sentence, paragraph, section or part thereof directly  
14 involved in the controversy in which such judgment shall have been  
15 rendered.

16 S 26. This act shall take effect on the 180th day after it shall have  
17 become a law, provided, further:

18 a. the amendments to subdivision 3 of section 212 of the racing, pari-  
19 mutuel wagering and breeding law made by section thirteen of this act  
20 shall take effect on the same date and in the same manner as section 16  
21 of chapter 18 of the laws of 2008 takes effect; and

22 b. the amendments to subdivision 3 of section 212 of the racing, pari-  
23 mutuel wagering and breeding law made by section thirteen of this act  
24 shall not affect the repeal of such subdivision and shall be deemed  
25 repealed therewith.