

573

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, VALESKY -- read twice and ordered printed,
and when printed to be committed to the Committee on Investigations
and Government Operations

AN ACT to amend the legislative law and the public officers law, in
relation to state legislative ethics

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "ethics in state government now act".
3 S 2. Section 80 of the legislative law, as amended by chapter 14 of
4 the laws of 2007, is amended to read as follows:
5 S 80. Legislative ethics commission; functions, powers and duties;
6 review of financial disclosure statements; advisory opinions; investi-
7 gation and enforcement.
8 1. There is established a legislative ethics commission which shall
9 consist of nine members. Four members shall be [members of the legisla-
10 ture and shall be] appointed as follows: one by the temporary president
11 of the senate, one by the speaker of the assembly, one by the minority
12 leader of the senate and one by the minority leader of the assembly.
13 [The remaining five] SUCH FOUR members shall not be present or former
14 members of the legislature, candidates for member of the legislature,
15 employees of the legislature, political party chairmen as defined in
16 paragraph (k) of subdivision one of section seventy-three of the public
17 officers law, or lobbyists, as defined in section one-c of this chapter,
18 or persons who have been employees of the legislature, political party
19 chairmen as defined in paragraph (k) of subdivision one of section
20 seventy-three of the public officers law, or lobbyists, as defined in
21 section one-c of this chapter in the previous five years[, and shall be
22 appointed as follows: one by the temporary president of the senate, one
23 by the speaker of the assembly, one by the minority leader of the

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

LBD04856-01-1

1 senate, one by the minority leader of the assembly, and one]. THE LEGIS-
2 LATIVE LEADERS SHALL APPOINT INDIVIDUALS WHO ARE QUALIFIED TO SERVE ON
3 THE COMMISSION BY VIRTUE OF THEIR EDUCATION, TRAINING OR EXPERIENCE IN
4 ONE OR MORE OF THE FOLLOWING DISCIPLINES: LEGISLATIVE, JUDICIAL, ADMIN-
5 ISTRACTIVE OR PROFESSIONAL ETHICS; BUSINESS; LAW; AND/OR ACADEMICS. FIVE
6 MEMBERS OF THE COMMISSION SHALL BE APPOINTED AS FOLLOWS: ONE BY THE
7 GOVERNOR, ONE BY THE ATTORNEY GENERAL, ONE BY THE STATE COMPTROLLER, ONE
8 BY THE CHIEF JUDGE OF THE COURT OF APPEALS AND ONE BY THE CHAIRMAN OF
9 THE COMMISSION ON PUBLIC INTEGRITY. THE CHAIR OF THE LEGISLATIVE ETHICS
10 COMMISSION SHALL BE jointly DESIGNATED by the speaker of the assembly
11 and [majority leader] THE TEMPORARY PRESIDENT of the senate FROM AMONGST
12 THE FIVE MEMBERS APPOINTED BY THE GOVERNOR, ATTORNEY GENERAL, STATE
13 COMPTROLLER, CHIEF JUDGE OF THE COURT OF APPEALS AND CHAIRMAN OF THE
14 COMMISSION ON PUBLIC INTEGRITY. NO MORE THAN FIVE MEMBERS OF THE COMMIS-
15 SION SHALL BELONG TO THE SAME POLITICAL PARTY. The commission shall
16 serve as described in this section and have and exercise the powers and
17 duties set forth in this section only with respect to members of the
18 legislature, legislative employees as defined in section seventy-three
19 of the public officers law, candidates for member of the legislature and
20 individuals who have formerly held such positions or who have formerly
21 been such candidates.

22 2. [Members of the legislature who serve on the commission shall each
23 have a two year term concurrent with their legislative terms of office.]
24 The members of the commission [who are not members of the legislature
25 and] who are first appointed, AFTER THE EFFECTIVE DATE OF THE CHAPTER OF
26 THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION, by the
27 temporary president of the senate, speaker of the assembly, minority
28 leader of the senate, and minority leader of the assembly shall serve
29 one, two, three and four year terms, respectively. THE MEMBERS OF THE
30 COMMISSION WHO ARE FIRST APPOINTED, AFTER THE EFFECTIVE DATE OF THE
31 CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION,
32 BY THE GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, CHIEF JUDGE OF THE
33 COURT OF APPEALS AND THE CHAIRMAN OF THE COMMISSION ON PUBLIC INTEGRITY
34 SHALL SERVE TERMS OF FOUR YEARS. The [member] CHAIR of the commission
35 [first appointed] DESIGNATED jointly by the TEMPORARY president of the
36 senate and speaker of the assembly shall serve a four year term AS
37 CHAIR. Each member of the commission [who is not a member of the legis-
38 lature] shall be appointed thereafter for a term of four years.

39 3. [The temporary president of the senate and the speaker of the
40 assembly shall each designate one member of the commission as a
41 co-chairperson thereof.] The commission shall meet at least bi-monthly
42 and at such additional times as may be called for by the [co-chairper-
43 sons jointly] CHAIR or any five members of the commission.

44 4. Any vacancy occurring on the commission shall be filled within
45 thirty days by the appointing authority.

46 5. Five members of the commission shall constitute a quorum, and the
47 commission shall have power to act by majority vote of the total number
48 of members of the commission without vacancy.

49 6. The members of the commission shall be reimbursed for reasonable
50 expenses incurred in the performance of their official duties.

51 7. The commission shall:

52 a. Appoint an executive director who shall act in accordance with the
53 policies of the commission;

54 b. Appoint such other staff as are necessary to assist it to carry out
55 its duties under this section;

1 c. Adopt, amend, and rescind policies, rules and regulations consist-
2 ent with this section to govern procedures of the commission which shall
3 [not] be subject to the promulgation and hearing requirements of the
4 state administrative procedure act;

5 d. Administer the provisions of this section;

6 e. Specify the procedures whereby a person who is required to file an
7 annual financial disclosure statement with the commission may request an
8 additional period of time within which to file such statement, due to
9 justifiable cause or undue hardship; such rules or regulations shall
10 provide for a date beyond which in all cases of justifiable cause or
11 undue hardship no further extension of time will be granted;

12 f. Promulgate guidelines to assist appointing authorities in determin-
13 ing which persons hold policy-making positions for purposes of section
14 seventy-three-a of the public officers law and may promulgate guidelines
15 to assist firms, associations and corporations in separating affected
16 persons from net revenues for purposes of subdivision ten of section
17 seventy-three of the public officers law, and promulgate guidelines to
18 assist any firm, association or corporation in which any present or
19 former statewide elected official, state officer or employee, member of
20 the legislature or legislative employee, or political party chairman is
21 a member, associate, retired member, of counsel or shareholder, in
22 complying with the provisions of subdivision ten of section seventy-
23 three of the public officers law with respect to the separation of such
24 present or former statewide elected official, state officer or employee,
25 member of the legislature or legislative employee, or political party
26 chairman from the net revenues of the firm, association or corporation.
27 Such firm, association or corporation shall not be required to adopt the
28 procedures contained in the guidelines to establish compliance with
29 subdivision ten of section seventy-three of the public officers law, but
30 if such firm, association or corporation does adopt such procedures, it
31 shall be deemed to be in compliance with such subdivision ten;

32 g. Make available forms for financial disclosure statements required
33 to be filed pursuant to subdivision six of section seventy-three and
34 section seventy-three-a of the public officers law;

35 h. Review financial disclosure statements in accordance with the
36 provisions of this section, provided however, that the commission may
37 delegate all or part of the review function relating to financial
38 disclosure statements filed by MEMBERS OF THE LEGISLATURE AND legisla-
39 tive employees pursuant to sections seventy-three and seventy-three-a of
40 the public officers law to the executive director who shall be responsi-
41 ble for completing staff review of such statements in a manner consist-
42 ent with the terms of the commission's delegation;

43 i. [Permit any person required to file a financial disclosure state-
44 ment to request the commission to delete from the copy thereof made
45 available for public inspection and copying one or more items of infor-
46 mation, which may be deleted by the commission upon a finding that the
47 information which would otherwise be required to be disclosed will have
48 no material bearing on the discharge of the reporting person's official
49 duties;

50 j. Permit any person required to file a financial disclosure statement
51 to request an exemption from any requirement to report one or more items
52 of information which pertain to such person's spouse or unemancipated
53 children which item or items may be exempted by the commission upon a
54 finding that the reporting individual's spouse, on his or her own behalf
55 or on behalf of an unemancipated child, objects to providing the infor-
56 mation necessary to make such disclosure and that the information which

1 would otherwise be required to be reported will have no material bearing
2 on the discharge of the reporting person's official duties;

3 k.] Advise and assist the legislature in establishing rules and regu-
4 lations relating to possible conflicts between private interests and
5 official duties of present members of the legislature and legislative
6 employees;

7 [l.] J. Receive and act PURSUANT TO ARTICLE THREE OF THE STATE ADMIN-
8 ISTRATIVE PROCEDURE ACT on complaints regarding persons subject to its
9 jurisdiction alleging a possible violation of section seventy-three,
10 seventy-three-a or seventy-four of the public officers law, and conduct
11 such investigations and proceedings as are authorized and necessary to
12 carry out the provisions of this section. In connection with such inves-
13 tigation, the commission may administer oaths or affirmations, subpoena
14 witnesses, compel their attendance and require the production of any
15 books or records which it may deem relevant or material;

16 [m.] K. Accept and act upon, as if it were a sworn complaint, any
17 referral from another state oversight body indicating that a violation
18 of section seventy-three, SEVENTY-THREE-A or seventy-four of the public
19 officers law may have occurred involving persons subject to the juris-
20 diction of the commission;

21 [n.] L. Upon written request from any person who is subject to the
22 jurisdiction of the commission and the requirements of sections seven-
23 ty-three, seventy-three-a and seventy-four of the public officers law,
24 render formal advisory opinions on the requirements of said provisions.
25 A formal opinion rendered by the commission, until and unless amended or
26 revoked, shall be binding on the commission in any subsequent proceeding
27 concerning the person who requested the opinion and who acted in good
28 faith, unless material facts were omitted or misstated by the person in
29 the request for an opinion. Such opinion may also be relied upon by such
30 person, and may be introduced and shall be a defense in any criminal or
31 civil action;

32 [o.] M. Issue and publish generic advisory opinions covering questions
33 frequently posed to the commission, or questions common to a class or
34 defined category of persons, or that will tend to prevent undue repe-
35 tition of requests or undue complication, and which are intended to
36 provide general guidance and information to persons subject to the
37 commission's jurisdiction;

38 [p.] N. Develop educational materials and training with regard to
39 legislative ethics for members of the legislature and legislative
40 employees; and

41 [q.] O. Prepare an annual report to the governor and legislature
42 summarizing the activities of the commission during the previous year
43 and recommending any changes in the laws governing the conduct of
44 persons subject to the jurisdiction of the commission, or the rules,
45 regulations and procedures governing the commission's conduct. Such
46 report shall include: (i) a listing by assigned number of each complaint
47 and referral received which alleged a possible violation within its
48 jurisdiction, including the current status of each complaint, and (ii)
49 where a matter has been resolved, the date and nature of the disposition
50 and any sanction imposed[, subject to the confidentiality requirements
51 of this section]. Such annual report shall not contain any information
52 for which disclosure is not permitted pursuant to subdivision fourteen
53 of this section.

54 8. The commission, or the executive director and staff of the commis-
55 sion if responsibility regarding such financial disclosure statements
56 filed by MEMBERS OF THE LEGISLATURE AND legislative employees has been

1 delegated, shall inspect all financial disclosure statements filed with
2 the commission to ascertain whether any person subject to the reporting
3 requirements of subdivision six of section seventy-three or section
4 seventy-three-a of the public officers law has failed to file such a
5 statement, has filed a deficient statement or has filed a statement
6 which reveals a possible violation of section seventy-three, seventy-
7 three-a or seventy-four of the public officers law. THE COMMISSION,
8 EXECUTIVE DIRECTOR OR STAFF OF THE COMMISSION MAY REEXAMINE ANY PREVI-
9 OUSLY SUBMITTED FINANCIAL DISCLOSURE STATEMENT THAT HAS BEEN FILED WITH-
10 IN THE PAST FIVE YEARS IF NEW INFORMATION HAS COME TO THE ATTENTION OF
11 THE COMMISSION WHICH MAY REVEAL A POSSIBLE VIOLATION OF SECTION SEVEN-
12 TY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

13 9. If a person required to file a financial disclosure statement with
14 the commission has failed to file a financial disclosure statement or
15 has filed a deficient statement, the commission shall notify the report-
16 ing person in writing, state the failure to file or detail the deficien-
17 cy, provide the person with a fifteen day period to cure the deficiency,
18 and advise the person of the penalties for failure to comply with the
19 reporting requirements. Such notice shall be confidential. If the person
20 fails to make such filing or fails to cure the deficiency within the
21 specified time period, the commission shall send a notice of delinquen-
22 cy: (a) to the reporting person; (b) in the case of a senator, to the
23 temporary president of the senate, and if a member of assembly, to the
24 speaker of the assembly; and (c) in the case of a legislative employee,
25 to the appointing authority for such person and to the temporary presi-
26 dent of the senate and/or the speaker of the assembly, as the case may
27 be, who has jurisdiction over such appointing authority. Such notice of
28 delinquency may be sent at any time during the reporting person's
29 service as a member of the legislature or legislative employee or while
30 a candidate for member of the legislature, or within one year after
31 separation from such service or the termination of such candidacy. The
32 jurisdiction of the commission, when acting pursuant to subdivision
33 eleven of this section with respect to financial disclosure, shall
34 continue notwithstanding that the reporting person separates from state
35 service or terminates his or her candidacy, provided the commission
36 notifies such person of the alleged failure to file or deficient filing
37 pursuant to this subdivision.

38 10. a. If a reporting person has filed a statement which reveals a
39 possible violation of section seventy-three, seventy-three-a or seven-
40 ty-four of the public officers law, or the commission receives a refer-
41 ral from another state oversight body, OR THE COMMISSION RECEIVES OR
42 DISCOVERS NEW INFORMATION THAT REVEALS A POSSIBLE VIOLATION OF SECTION
43 SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS
44 LAW, or the commission receives a sworn complaint alleging such a
45 violation by a reporting person or a legislative employee subject to the
46 provisions of such laws, or if the commission determines on its own
47 initiative to investigate a possible violation by a reporting person or
48 a legislative employee subject to the provisions of such laws, the
49 commission shall notify the reporting person in writing, describe the
50 possible or alleged violation thereof and provide the person with a
51 fifteen day period in which to submit a written response setting forth
52 information relating to the activities cited as a possible or alleged
53 violation of law. If the commission thereafter makes a determination
54 that further inquiry is justified, it shall give the reporting person an
55 opportunity to be heard. THE COMMISSION SHALL REVIEW AND MAKE AN AFFIR-
56 MATIVE DETERMINATION ON SUCH POSSIBLE VIOLATION WITHIN THIRTY DAYS OF

1 SUCH REPORTING INDIVIDUAL'S WRITTEN RESPONSE. THE COMMISSION MAY EXTEND
2 SUCH THIRTY DAY PERIOD OF TIME ONCE FOR AN ADDITIONAL THIRTY DAYS. The
3 commission shall also inform the reporting individual of its rules
4 regarding the conduct of adjudicatory proceedings and appeals and the
5 due process procedural mechanisms available to such individual. If the
6 commission determines at any stage of the proceeding, that there is no
7 violation or that any potential conflict of interest violation has been
8 rectified, it shall so advise the reporting person and the complainant,
9 if any. All of the foregoing proceedings shall be confidential.

10 b. If the commission determines that there is reasonable cause to
11 believe that a violation has occurred, OR THAT A REQUIRED FINANCIAL
12 DISCLOSURE STATEMENT HAS NOT BEEN FILED ON A TIMELY BASIS AFTER ALL
13 EXTENSIONS TO FILE HAVE BEEN EXHAUSTED, it shall send a notice of
14 reasonable cause: (i) to the reporting person; (ii) to the complainant
15 if any; (iii) in the case of a senator, to the temporary president of
16 the senate, and if a member of the assembly, to the speaker of the
17 assembly; and (iv) in the case of a legislative employee, to the
18 appointing authority for such person and to the temporary president of
19 the senate and/or the speaker of the assembly, as the case may be, who
20 has jurisdiction over such appointing authority.

21 c. The jurisdiction of the commission when acting pursuant to this
22 section shall continue notwithstanding that a member of the legislature
23 or a legislative employee separates from state service, or a candidate
24 for member of the legislature ceases to be a candidate, provided that
25 the commission notifies such individual of the alleged violation of law
26 pursuant to paragraph a of this subdivision within one year from his or
27 her separation from state service or the termination of his or her
28 candidacy. Nothing in this section shall serve to limit the jurisdiction
29 of the commission in enforcement of subdivision eight of section seven-
30 ty-three of the public officers law.

31 11. An individual subject to the jurisdiction of the commission who
32 knowingly and intentionally violates the provisions of subdivisions two
33 through five, seven, eight, twelve, fourteen or fifteen of section
34 seventy-three of the public officers law or a reporting individual who
35 knowingly and wilfully fails to file an annual statement of financial
36 disclosure or who knowingly and wilfully with intent to deceive makes a
37 false statement or gives information which such individual knows to be
38 false on such statement of financial disclosure filed pursuant to
39 section seventy-three-a of the public officers law shall be subject to a
40 civil penalty in an amount not to exceed forty thousand dollars and the
41 value of any gift, compensation or benefit received as a result of such
42 violation. Any such individual who knowingly and intentionally violates
43 the provisions of paragraph A, b, c, d, E, G or i of subdivision three
44 of section seventy-four of the public officers law shall be subject to a
45 civil penalty in an amount not to exceed ten thousand dollars and the
46 value of any gift, compensation or benefit received as a result of such
47 violation. [Any such individual who knowingly and intentionally violates
48 the provisions of paragraph a, e or g of subdivision three of section
49 seventy-four of the public officers law shall be subject to a civil
50 penalty in an amount equal to the value of any gift, compensation or
51 benefit received as a result of such violation.] Assessment of a civil
52 penalty hereunder shall be made by the commission with respect to
53 persons subject to its jurisdiction. In assessing the amount of the
54 civil penalties to be imposed, the commission shall consider the seri-
55 ousness of the violation, the amount of gain to the individual and
56 whether the individual previously had any civil or criminal penalties

1 imposed pursuant to this section, and any other factors the commission
2 deems appropriate. For a violation of this section, other than for
3 conduct which constitutes a violation of subdivision twelve, fourteen or
4 fifteen of section seventy-three or section seventy-four of the public
5 officers law, the legislative ethics commission may, in lieu of a civil
6 penalty, refer a violation to the appropriate prosecutor and upon such
7 conviction, but only after such referral, such violation shall be
8 punishable as a class A misdemeanor. A civil penalty for false filing
9 may not be imposed hereunder in the event a category of "value" or
10 "amount" reported hereunder is incorrect unless such reported informa-
11 tion is falsely understated. [Notwithstanding any other provision of law
12 to the contrary, no other penalty, civil or criminal may be imposed for
13 a failure to file, or for a false filing, of such statement, or a
14 violation of section seventy-three of the public officers law, except
15 that the appointing authority may impose disciplinary action as other-
16 wise provided by law.] The legislative ethics commission shall be deemed
17 to be an agency within the meaning of article three of the state admin-
18 istrative procedure act and shall adopt rules governing the conduct of
19 adjudicatory proceedings and appeals taken pursuant to a proceeding
20 commenced under article seventy-eight of the civil practice law and
21 rules relating to the assessment of the civil penalties herein author-
22 ized [and commission denials of requests for certain deletions or
23 exemptions to be made from a financial disclosure statement as author-
24 ized in paragraph i or paragraph j of subdivision seven of this
25 section]. Such rules[, which shall not be subject to the promulgation
26 and hearing requirements of the state administrative procedure act,]
27 shall provide for due process procedural mechanisms substantially simi-
28 lar to those set forth in such article three but such mechanisms need
29 not be identical in terms or scope. Assessment of a civil penalty or
30 commission denial of such a deletion [or exemption request] shall be
31 final unless modified, suspended or vacated within thirty days of im-
32 position, with respect to the assessment of such penalty, or unless such
33 denial of request is reversed within such time period, and upon becoming
34 final shall be subject to review at the instance of the affected report-
35 ing individuals in a proceeding commenced against the legislative ethics
36 commission, pursuant to article seventy-eight of the civil practice law
37 and rules.

38 12. If the commission has a reasonable basis to believe that any
39 person subject to the jurisdiction of another state oversight body may
40 have violated section seventy-three or seventy-four of the public offi-
41 cers law, section one hundred seven of the civil service law, or article
42 one-A of this chapter, it shall refer such violation to such oversight
43 body unless the commission determines that such a referral would compro-
44 mise the prosecution or confidentiality of its investigations and, if
45 so, shall make such a referral as soon as practicable. The referral by
46 the commission shall include any information relating thereto coming
47 into the custody or under the control of the commission at any time
48 prior or subsequent to the time of the referral.

49 13. A copy of any notice of delinquency or notice of reasonable cause
50 sent pursuant to subdivisions nine and ten of this section shall be
51 included in the reporting person's file and be available for public
52 inspection and copying.

53 14. a. Notwithstanding the provisions of article six of the public
54 officers law, the only records of the commission which shall be avail-
55 able 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 be confidential, and any other item of information deleted pursuant to paragraph i of subdivision seven of this section];

(2) financial disclosure statements filed pursuant to subdivision six of section seventy-three of the public officers law;

(3) notices of delinquency sent under subdivision nine of this section;

(4) notices of reasonable cause sent under paragraph b of subdivision ten of this section;

(5) notices of civil assessment 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;

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

(7) generic advisory opinions; and

(8) all reports required by this section.

b. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the commission shall be open to the public, except if expressly provided otherwise by this section or the commission.

15. 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 fourteen of this section, other than financial disclosure statements, and any other records or information which the commission determines to be appropriate.

16. This section shall not revoke or rescind any policies, rules, regulations or advisory opinions issued by the legislative ethics [committee] COMMISSION in effect upon the effective date of this subdivision, to the extent that such regulations or opinions are not inconsistent with any laws of the state of New York. The legislative ethics commission shall undertake a comprehensive review of all such policies, rules, regulations or advisory opinions which will address the consistency of such policies, rules, regulations or advisory opinions with the laws of the state of New York. The legislative ethics commission shall, before April first, two thousand eight, report to the governor and legislature regarding such review and shall propose any regulatory changes and issue any advisory opinions necessitated by such review.

17. Separability clause. If any part or provision of this section or the application thereof to any person is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provision or the application thereof to any other person, but shall be confined to such part or provision.

S 3. Section 73 of the public officers law is amended by adding two new subdivisions 14-a and 14-b to read as follows:

14-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF THIS SECTION, NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, AS DEFINED BY PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE-A OF THIS ARTICLE, SHALL PARTICIPATE IN ANY DECISION TO HIRE, PROMOTE, PROCESS EMPLOYMENT PAPERWORK FOR OR HAVE KNOWLEDGE OF THE PROSPECTIVE EMPLOYMENT OR CHANGE OF EMPLOYMENT STATUS OF ANY RELATIVE FOR ANY

1 COMPENSATED POSITION AT, FOR OR WITHIN THE SAME LEGISLATIVE CHAMBER
2 WHICH EMPLOYS SUCH MEMBER OR LEGISLATIVE EMPLOYEE. THE PROVISIONS OF
3 THIS SUBDIVISION SHALL NOT APPLY TO PERSONS TO WHICH PARAGRAPH (B) OF
4 SUBDIVISION FOURTEEN OF THIS SECTION APPLIES.

5 14-B. IN ADDITION TO THE INFORMATION INCLUDED IN THE ANNUAL FINANCIAL
6 STATEMENT OF FINANCIAL DISCLOSURE PROVIDED FOR IN SECTION
7 SEVENTY-THREE-A OF THIS ARTICLE, EVERY MEMBER OF THE LEGISLATURE AND
8 LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE NAMES OF ALL RELATIVES WHO ARE
9 EMPLOYED BY THE LEGISLATURE AND THE DEGREE OF THEIR RELATIONSHIP.

10 S 4. Paragraphs a, b, d and g of subdivision 3 of section 74 of the
11 public officers law, paragraphs a, b and g as amended by chapter 1012 of
12 the laws of 1965 and paragraph d as amended by chapter 1 of the laws of
13 2010, are amended to read as follows:

14 a. No officer or employee of a state agency, member of the legislature
15 or legislative employee should accept, NOR RETAIN UPON ACCEPTANCE OF
16 EMPLOYMENT BY THE LEGISLATURE, other employment which [will] MAY REASON-
17 ABLY impair his OR HER independence of judgment in the exercise of his
18 OR HER official duties.

19 b. No officer or employee of a state agency, member of the legislature
20 or legislative employee should accept employment or engage in any busi-
21 ness or professional activity which [will] MAY REASONABLY require him OR
22 HER to disclose confidential information which he OR SHE has gained by
23 reason of his OR HER official position or authority.

24 d. No officer or employee of a state agency, member of the legislature
25 or legislative employee should use or attempt to use his or her official
26 position to secure unwarranted privileges or exemptions for himself or
27 herself, HIS OR HER RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION
28 ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE, or others, including but
29 not limited to, the misappropriation to himself, herself, HIS OR HER
30 RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION ONE OF SECTION
31 SEVENTY-THREE OF THIS ARTICLE, or to others of the property, services or
32 other resources of the state for private business or other compensated
33 non-governmental purposes.

34 g. An officer or employee of a state agency, MEMBER OF THE LEGISLATURE
35 OR LEGISLATIVE EMPLOYEE should abstain from making personal investments
36 in enterprises which he OR SHE has reason to believe may be directly
37 involved in decisions to be made by him OR HER or which will otherwise
38 create substantial conflict between his OR HER duty in the public inter-
39 est and his OR HER private interest.

40 S 5. The nine members of the legislative ethics commission holding
41 office immediately prior to the effective date of this act are hereby
42 removed from their positions as such members, and nine new members shall
43 be appointed in accordance with section 80 of the legislative law, as
44 amended by section two of this act.

45 S 6. This act shall take effect on the ninetieth day after it shall
46 have become a law.