

5006--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. GALEF, PAULIN, SCHIMMINGER, GUNTHER, BUCHWALD, McDONALD, CORWIN, CROUCH, FINCH, GIGLIO, TEDISCO, FITZPATRICK, MONTES-ANO, TENNEY, DiPIETRO, KEARNS -- Multi-Sponsored by -- M. of A. CERETTO, CURRAN, DUPREY, HAWLEY, KATZ, KOLB, LOPEZ, MAGEE, McLAUGHLIN, SIMON, STEC, THIELE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to prohibiting members of the legislature from obtaining funding and providing such funds to any business entity or not-for-profit entities in which such officials, members or certain relatives hold official or legal positions

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

- 1 Section 1. Subdivision 18 of section 73 of the public officers law, as
2 amended by section 5 of part CC of chapter 56 of the laws of 2015, is
3 amended and renumbered subdivision 19 and a new subdivision 18 is added
4 to read as follows:
5 18. NO STATEWIDE ELECTED OFFICIAL OR MEMBER OF THE LEGISLATURE SHALL
6 OBTAIN ANY FUNDING THROUGH STATE GRANTS OR MEMBER ITEMS, AND SUBSEQUENT-
7 LY PROVIDE SUCH FUNDS TO ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY
8 CORPORATION, OTHER BUSINESS ENTITY OR NOT-FOR-PROFIT ENTITY IN WHICH
9 SUCH OFFICIAL, MEMBER OR ANY RELATIVE BY BLOOD, MARRIAGE OR ADOPTION OF
10 SUCH OFFICIAL OR MEMBER HOLDS AN OFFICIAL OR LEGAL POSITION.
11 19. In addition to any penalty contained in any other provision of
12 law, any person who knowingly and intentionally violates the provisions
13 of subdivisions two through five, seven, seven-a, eight, twelve or four-
14 teen through [seventeen] EIGHTEEN of this section shall be subject to a
15 civil penalty in an amount not to exceed forty thousand dollars and the

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

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1 value of any gift, compensation or benefit received in connection with
2 such violation. Assessment of a civil penalty hereunder shall be made by
3 the state oversight body with jurisdiction over such person. A state
4 oversight body acting pursuant to its jurisdiction, may, in lieu of a
5 civil penalty, with respect to a violation of subdivisions two through
6 five, seven or eight of this section, refer a violation of any such
7 subdivision to the appropriate prosecutor and upon such conviction such
8 violation shall be punishable as a class A misdemeanor.
9 S 2. This act shall take effect immediately.