

3495--A

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law and the executive law, in relation to the business or professional activities of state employees

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

1 Section 1. Paragraph 8 of subdivision 3 of section 73-a of the public
2 officers law, as amended by section 37 of subpart A of part H of chapter
3 55 of the laws of 2014, subparagraphs (a), (b) and (c) as amended by
4 section 1 and subparagraphs (b-1) and (b-2) as added by section 2 of
5 part CC of chapter 56 of the laws of 2015, is amended to read as
6 follows:
7 8. (a) [If the reporting individual practices law, is licensed by the
8 department of state as a real estate broker or agent or practices a
9 profession licensed by the department of education, or works as a member
10 or employee of a firm required to register pursuant to section one-e of
11 the legislative law as a lobbyist, describe the services rendered for
12 which compensation was paid including a general description of the prin-
13 cipal subject areas of matters undertaken by such individual and princi-
14 pal duties performed. Specifically state whether the reporting individ-
15 ual provides services directly to clients. Additionally, if such an
16 individual practices with a firm or corporation and is a partner or
17 shareholder of the firm or corporation, give a general description of
18 principal subject areas of matters undertaken by such firm or corpo-
19 ration.

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

LBD09072-03-6

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3 _____]

4 IDENTIFY AND SPECIFICALLY DESCRIBE THE SOURCE, INCLUDING THE NAME OF
5 EACH CLIENT OR CUSTOMER, AND THE NATURE OF ANY INCOME OR FEES EARNED BY
6 THE REPORTING INDIVIDUAL OR, IN THE CASE OF A CLIENT OR CUSTOMER
7 REFERRED TO A FIRM OR CORPORATION WITH WHICH THE REPORTING INDIVIDUAL
8 PRACTICES, THE FIRM OR CORPORATION, IN EXCESS OF \$10,000 DURING THE
9 REPORTING PERIOD FOR SUCH SERVICES RENDERED IN DIRECT CONNECTION WITH:

10 (I) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE
11 REPORTING PERIOD;

12 (II) A CONTRACT IN AN AMOUNT TOTALING \$50,000 OR MORE FROM THE STATE
13 OR ANY STATE AGENCY FOR SERVICES, MATERIALS OR PROPERTY;

14 (III) A GRANT OF \$25,000 OR MORE FROM THE STATE OR ANY STATE AGENCY
15 DURING THE REPORTING PERIOD;

16 (IV) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE
17 REPORTING PERIOD; OR

18 (V) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A
19 MINISTERIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD.

20 ANY DESCRIPTION OF THE NATURE OF INCOME OR FEES EARNED BY THE REPORT-
21 ING INDIVIDUAL, OR THE FIRM OR CORPORATION WITH WHICH SUCH INDIVIDUAL
22 PRACTICES, SHALL INCLUDE A CLEAR AND COMPLETE EXPLANATION OF THE
23 SERVICES RENDERED IN EXCHANGE FOR THE INCOME OR FEES EARNED BY THE
24 REPORTING INDIVIDUAL, OR BY THE FIRM OR CORPORATION WITH WHICH SUCH
25 INDIVIDUAL PRACTICES.

26 FOR PURPOSES OF THIS QUESTION, "REFERRED TO A FIRM OR CORPORATION"
27 SHALL MEAN: HAVING INTENTIONALLY AND KNOWINGLY TAKEN A SPECIFIC ACT OR
28 SERIES OF ACTS TO INTENTIONALLY PROCURE FOR THE REPORTING INDIVIDUAL'S
29 FIRM OR CORPORATION OR KNOWINGLY SOLICIT OR DIRECT TO THE REPORTING
30 INDIVIDUAL'S FIRM OR CORPORATION IN WHOLE OR SUBSTANTIAL PART, A PERSON
31 OR ENTITY THAT BECOMES A CLIENT OF THAT FIRM OR CORPORATION FOR THE
32 PURPOSES OF REPRESENTATION FOR A MATTER AS DEFINED IN SUBPARAGRAPHS (I)
33 THROUGH (V) OF THIS PARAGRAPH, AS A RESULT OF SUCH PROCUREMENT, SOLIC-
34 ITATION OR DIRECTION OF THE REPORTING INDIVIDUAL. A REPORTING INDIVIDUAL
35 NEED NOT DISCLOSE ACTIVITIES PERFORMED WHILE LAWFULLY ACTING PURSUANT TO
36 PARAGRAPHS (C), (D), (E) AND (F) OF SUBDIVISION SEVEN OF SECTION SEVEN-
37 TY-THREE OF THIS ARTICLE. THE DISCLOSURE REQUIREMENT IN THIS QUESTION
38 SHALL NOT REQUIRE DISCLOSURE OF CLIENTS OR CUSTOMERS RECEIVING MEDICAL
39 OR DENTAL SERVICES OR BROKERING SERVICES FROM THE REPORTING INDIVIDUAL
40 OR HIS OR HER FIRM. THE REPORTING INDIVIDUAL NEED NOT IDENTIFY ANY
41 CLIENT TO WHOM HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL REPRESEN-
42 TATION WITH RESPECT TO THE INVESTIGATION OR PROSECUTION BY LAW ENFORCE-
43 MENT AUTHORITIES, BANKRUPTCY, OR DOMESTIC RELATIONS MATTERS. WITH
44 RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS, WHERE DISCLOSURE OF A
45 CLIENT'S IDENTITY IS LIKELY TO CAUSE HARM, THE REPORTING INDIVIDUAL
46 SHALL REQUEST AN EXEMPTION FROM THE JOINT COMMISSION PURSUANT TO PARA-
47 GRAPH (I-1) OF SUBDIVISION NINE OF SECTION NINETY-FOUR OF THE EXECUTIVE
48 LAW.

49 NAME OF CLIENT/ 50 CUSTOMER	ADDRESS	NATURE OF SERVICES 51 RENDERED	CATEGORY OF 52 VALUE OF 53 EARNED INCOME/FEES (IN TABLE II)
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6 (b) [APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
7 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
8 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING
9 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON
10 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
11 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

12 If the reporting individual personally provides services to any person
13 or entity, or works as a member or employee of a partnership or corpo-
14 ration that provides such services (referred to hereinafter as a
15 "firm"), then identify each client or customer to whom the reporting
16 individual personally provided services, or who was referred to the firm
17 by the reporting individual, and from whom the reporting individual or
18 his or her firm earned fees in excess of \$10,000 during the reporting
19 period for such services rendered in direct connection with:

20 (i) A contract in an amount totaling \$50,000 or more from the state or
21 any state agency for services, materials, or property;

22 (ii) A grant of \$25,000 or more from the state or any state agency
23 during the reporting period;

24 (iii) A grant obtained through a legislative initiative during the
25 reporting period; or

26 (iv) A case, proceeding, application or other matter that is not a
27 ministerial matter before a state agency during the reporting period.

28 For purposes of this question, "referred to the firm" shall mean:
29 having intentionally and knowingly taken a specific act or series of
30 acts to intentionally procure for the reporting individual's firm or
31 knowingly solicit or direct to the reporting individual's firm in whole
32 or substantial part, a person or entity that becomes a client of that
33 firm for the purposes of representation for a matter as defined in
34 subparagraphs (i) through (iv) of this paragraph, as the result of such
35 procurement, solicitation or direction of the reporting individual. A
36 reporting individual need not disclose activities performed while
37 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
38 sion seven of section seventy-three of this article.

39 The disclosure requirement in this question shall not require disclo-
40 sure of clients or customers receiving medical or dental services,
41 mental health services, residential real estate brokering services, or
42 insurance brokering services from the reporting individual or his or her
43 firm. The reporting individual need not identify any client to whom he
44 or she or his or her firm provided legal representation with respect to
45 investigation or prosecution by law enforcement authorities, bankruptcy,
46 or domestic relations matters. With respect to clients represented in
47 other matters, where disclosure of a client's identity is likely to
48 cause harm, the reporting individual shall request an exemption from the
49 joint commission pursuant to paragraph (i) of subdivision nine of
50 section ninety-four of the executive law, provided, however, that a
51 reporting individual who first enters public office after July first,
52 two thousand twelve, need not report clients or customers with respect
53 to matters for which the reporting individual or his or her firm was
54 retained prior to entering public office.

55 Client

Nature of Services Provided

(b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

If the reporting individual receives income from employment reportable in question 8(a) and personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), the reporting individual shall identify each client or customer to whom the reporting individual personally provided services, or who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm earned fees in excess of \$10,000 during the reporting period in direct connection with:

(i) A contract in an amount totaling \$10,000 or more from the state or any state agency for services, materials, or property;

(ii) A grant of \$10,000 or more from the state or any state agency during the reporting period;

(iii) A grant obtained through a legislative initiative during the reporting period; or

(iv) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For such services rendered by the reporting individual directly to each such client, describe each matter that was the subject of such representation, the services actually provided and the payment received. For payments received from clients referred to the firm by the reporting individual, if the reporting individual directly received a referral fee or fees for such referral, identify the client and the payment so received.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or having knowingly solicited or directed to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in clauses (i) through (iv) of this subparagraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

Client	Matter	Nature of Services Provided	Category of Amount (in Table I)
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(b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

(i) With respect to reporting individuals who receive ten thousand dollars or more from employment or activity reportable under question 8(a), for each client or customer NOT otherwise disclosed or exempted in question 8 or 13, disclose the name of each client or customer known to the reporting individual to whom the reporting individual provided services: (A) who paid the reporting individual in excess of five thousand dollars for such services; or (B) who had been billed with the knowledge of the reporting individual in excess of five thousand dollars by the firm or other entity named in question 8(a) for the reporting individual's services.

Client	Services Actually Provided	Category of Amount (in Table I)
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FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- * REVIEWED DOCUMENTS AND CORRESPONDENCE;
 - * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
 - * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
 - * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
 - * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY NAME);
 - * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION;
 - * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
 - * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
 - * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).
- (ii) With respect to reporting individuals who disclosed in question 8(a) that the reporting individual did not provide services to a client but provided services to a firm or business, identify the category of amount received for providing such services and describe the services rendered.

A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

The disclosure requirement in questions (b-1) and (b-2) shall not require disclosing clients or customers receiving medical, pharmaceu-

1 tical or dental services, mental health services, or residential real
2 estate brokering services from the reporting individual or his or her
3 firm or if federal law prohibits or limits disclosure. The reporting
4 individual need not identify any client to whom he or she or his or her
5 firm provided legal representation with respect to investigation or
6 prosecution by law enforcement authorities, bankruptcy, family court,
7 estate planning, or domestic relations matters, nor shall the reporting
8 individual identify individuals represented pursuant to an insurance
9 policy but the reporting individual shall in such circumstances only
10 report the entity that provides compensation to the reporting individ-
11 ual; with respect to matters in which the client's name is required by
12 law to be kept confidential (such as matters governed by the family
13 court act) or in matters in which the reporting individual represents or
14 provides services to minors, the client's name may be replaced with
15 initials. To the extent that the reporting individual, or his or her
16 firm, provided legal representation with respect to an initial public
17 offering, and professional disciplinary rules, federal law or regu-
18 lations restrict the disclosure of information relating to such work,
19 the reporting individual shall (i) disclose the identity of the client
20 and the services provided relating to the initial public offering to the
21 office of court administration, who will maintain such information
22 confidentially in a locked box; and (ii) include in his or her response
23 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
24 sure to the office of court administration has been made. Upon such time
25 that the disclosure of information maintained in the locked box is no
26 longer restricted by professional disciplinary rules, federal law or
27 regulation, the reporting individual shall disclose such information in
28 an amended disclosure statement in response to the disclosure require-
29 ments in questions (b-1) and (b-2). The office of court administration
30 shall develop and maintain a secure portal through which information
31 submitted to it pursuant to this paragraph can be safely and confiden-
32 tially stored. With respect to clients represented in other matters not
33 otherwise exempt, the reporting individual may request an exemption to
34 publicly disclosing the name of that client from the joint commission
35 pursuant to paragraph (i) of subdivision nine of section ninety-four of
36 the executive law, or from the office of court administration. In such
37 application, the reporting individual shall state the following: "My
38 client is not currently receiving my services or seeking my services in
39 connection with:

40 (i) A proposed bill or resolution in the senate or assembly during the
41 reporting period;

42 (ii) A contract in an amount totaling \$10,000 or more from the state
43 or any state agency for services, materials, or property;

44 (iii) A grant of \$10,000 or more from the state or any state agency
45 during the reporting period;

46 (iv) A grant obtained through a legislative initiative during the
47 reporting period; or

48 (v) A case, proceeding, application or other matter that is not a
49 ministerial matter before a state agency during the reporting period."

50 In reviewing the request for an exemption, the joint commission or the
51 office of court administration may consult with bar or other profes-
52 sional associations and the legislative ethics commission for individ-
53 uals subject to its jurisdiction and may consider the rules of profes-
54 sional conduct. In making its determination, the joint commission or the
55 office of court administration shall conduct its own inquiry and shall
56 consider factors including, but not limited to: (i) the nature and the

size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The joint commission or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary, the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after January first, two thousand sixteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Services Actually Provided	Category of Amount (in Table I)
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(c)] APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND [FIFTEEN] SIXTEEN, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND [FIFTEEN] SIXTEEN:

If the reporting individual receives income of ten thousand dollars or greater from any employment or activity reportable under question 8(a), identify each registered lobbyist who has directly referred to such individual a client who was successfully referred to the reporting individual's business and from whom the reporting individual or firm received a fee for services in excess of five thousand dollars. Report only those referrals that were made to a reporting individual by direct communication from a person known to such reporting individual to be a registered lobbyist at the time the referral is made. With respect to each such referral, the reporting individual shall identify the client, the registered lobbyist who has made the referral, the category of value of the compensation received and a general description of the type of matter so referred. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article. The disclosure requirements in this question shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal

1 representation with respect to investigation or prosecution by law
2 enforcement authorities, bankruptcy, family court, estate planning, or
3 domestic relations matters, nor shall the reporting individual identify
4 individuals represented pursuant to an insurance policy but the report-
5 ing individual shall in such circumstances only report the entity that
6 provides compensation to the reporting individual; with respect to
7 matters in which the client's name is required by law to be kept confi-
8 dential (such as matters governed by the family court act) or in matters
9 in which the reporting individual represents or provides services to
10 minors, the client's name may be replaced with initials. To the extent
11 that the reporting individual, or his or her firm, provided legal repre-
12 sentation with respect to an initial public offering, and federal law or
13 regulations restricts the disclosure of information relating to such
14 work, the reporting individual shall (i) disclose the identity of the
15 client and the services provided relating to the initial public offering
16 to the office of court administration, who will maintain such informa-
17 tion confidentially in a locked box; and (ii) include in his or her
18 response a statement that pursuant to this paragraph, a disclosure to
19 the office of court administration has been made. Upon such time that
20 the disclosure of information maintained in the locked box is no longer
21 restricted by federal law or regulation, the reporting individual shall
22 disclose such information in an amended disclosure statement in response
23 to the disclosure requirements of this paragraph. The office of court
24 administration shall develop and maintain a secure portal through which
25 information submitted to it pursuant to this paragraph can be safely and
26 confidentially stored. With respect to clients represented in other
27 matters not otherwise exempt, the reporting individual may request an
28 exemption to publicly disclosing the name of that client from the joint
29 commission pursuant to paragraph (i) of subdivision nine of section
30 ninety-four of the executive law, or from the office of court adminis-
31 tration. In such application, the reporting individual shall state the
32 following: "My client is not currently receiving my services or seeking
33 my services in connection with:

34 (i) A proposed bill or resolution in the senate or assembly during the
35 reporting period;

36 (ii) A contract in an amount totaling \$10,000 or more from the state
37 or any state agency for services, materials, or property;

38 (iii) A grant of \$10,000 or more from the state or any state agency
39 during the reporting period;

40 (iv) A grant obtained through a legislative initiative during the
41 reporting period; or

42 (v) A case, proceeding, application or other matter that is not a
43 ministerial matter before a state agency during the reporting period."

44 In reviewing the request for an exemption, the joint commission or the
45 office of court administration may consult with bar or other profes-
46 sional associations and the legislative ethics commission for individ-
47 uals subject to its jurisdiction and may consider the rules of profes-
48 sional conduct. In making its determination, the joint commission or the
49 office of court administration shall conduct its own inquiry and shall
50 consider factors including, but not limited to: (i) the nature and the
51 size of the client; (ii) whether the client has any business before the
52 state; and if so, how significant the business is; and whether the
53 client has any particularized interest in pending legislation and if so
54 how significant the interest is; (iii) whether disclosure may reveal
55 trade secrets; (iv) whether disclosure could reasonably result in retal-
56 iation against the client; (v) whether disclosure may cause undue harm

1 to the client; (vi) whether disclosure may result in undue harm to the
 2 attorney-client relationship; and (vii) whether disclosure may result in
 3 an unnecessary invasion of privacy to the client.

4 The joint commission or, as the case may be, the office of court
 5 administration shall promptly make a final determination in response to
 6 such request, which shall include an explanation for its determination.
 7 The office of court administration shall issue its final determination
 8 within three days of receiving the request. Notwithstanding any other
 9 provision of law or any professional disciplinary rule to the contrary,
 10 the disclosure of the identity of any client or customer in response to
 11 this question shall not constitute professional misconduct or a ground
 12 for disciplinary action of any kind, or form the basis for any civil or
 13 criminal cause of action or proceeding. A reporting individual who first
 14 enters public office after December thirty-first, two thousand fifteen,
 15 need not report clients or customers with respect to matters for which
 16 the reporting individual or his or her firm was retained prior to enter-
 17 ing public office.

18 Client	Name of Lobbyist	Category of Amount (in Table 1)
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25 [(d)] (C) List the name, principal address and general description or
 26 the nature of the business activity of any entity in which the reporting
 27 individual or such individual's spouse had an investment in excess of
 28 \$1,000 excluding investments in securities and interests in real proper-
 29 ty.

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35 S 2. Paragraph (i-1) of subdivision 9 of section 94 of the executive
 36 law, as added by section 6 of part A of chapter 399 of the laws of 2011,
 37 is amended to read as follows:

38 (i-1) Permit any person required to file a financial disclosure state-
 39 ment to request an exemption from any requirement to report the identity
 40 of a client pursuant to question [8(b)] 8(A) in such statement based
 41 upon an exemption set forth in that question. The reporting individual
 42 need not seek an exemption to refrain from disclosing the identity of
 43 any client with respect to any matter he or she or his or her firm
 44 provided legal representation to the client in connection with an inves-
 45 tigation or prosecution by law enforcement authorities, bankruptcy, or
 46 domestic relations matters; in addition, clients or customers receiving
 47 medical or dental services, mental health services, residential real
 48 estate brokering services, or insurance brokering services need not be
 49 disclosed.

50 S 3. This act shall take effect immediately.