

STATE OF NEW YORK

6810

2017-2018 Regular Sessions

IN ASSEMBLY

March 21, 2017

Introduced by M. of A. MORINELLO -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the public officers law, the legislative law, the
election law and the executive law, in relation to ethics reform

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 4 of section 74 of the public officers law, as
2 amended by chapter 14 of the laws of 2007, is amended to read as
3 follows:

4 4. Violations. In addition to any penalty contained in any other
5 provision of law any such officer, member or employee who shall know-
6 ingly and intentionally violate any of the provisions of this section may
7 be fined, suspended or removed from office or employment in the manner
8 provided by law. Any such individual who knowingly and intentionally
9 violates the provisions of paragraph b, c, d or i of subdivision three
10 of this section shall be subject to a civil penalty in an amount not to
11 exceed ~~[ten]~~ forty thousand dollars and the value of any gift, compen-
12 sation or benefit received as a result of such violation. Any such indi-
13 vidual who knowingly and intentionally violates the provisions of para-
14 graph a, e or g of subdivision three of this section shall be subject to
15 a civil penalty in an amount not to exceed the value of any gift,
16 compensation or benefit received as a result of such violation.

17 § 2. The legislative law is amended by adding a new section 5-b to
18 read as follows:

19 § 5-b. Term limits. No member of the legislature may be elected to
20 serve more than four consecutive two-year terms as temporary president
21 of the senate, minority leader of the senate, speaker of the assembly,
22 minority leader of the assembly or chairperson of any senate or assembly
23 committee.

24 § 3. The election law is amended by adding a new section 14-115 to
25 read as follows:

26 § 14-115. Restrictions on campaign contributions for individuals,
27 businesses or corporations that were awarded contracts with the state or
28 any municipal corporation. 1. Individuals, businesses or corporations

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 that enter into a contract with this state or any municipal corporation
2 shall be prohibited from making any contribution to any state official
3 elected to public office or his or her family, any political committee,
4 or any independent expenditure committee as defined under section 14-100
5 of this article within one year of the contract being awarded to the
6 person, business or corporation.

7 2. Individuals, businesses or corporations that submit a response to a
8 duly issued request for proposal with the state or any municipality in
9 regard to a contract shall disclose in the proposal any campaign
10 contributions made in the previous three hundred sixty-five days to any
11 state official elected to public office or his or her family, any political
12 committee or any independent expenditure and if the individual,
13 business or corporation is awarded the contract, any state official
14 elected to public office or his or her family, any political committee
15 or any independent expenditure that received any campaign contributions
16 from said individual, business or corporation within the last three
17 hundred sixty-five days shall refund such campaign contributions to the
18 respective individual, business or corporation in full.

19 § 4. Paragraphs a, b and c of subdivision 1 of section 14-114 of the
20 election law, paragraphs a and b as amended by chapter 659 of the laws
21 of 1994, and paragraph c as amended by chapter 79 of the laws of 1992,
22 are amended to read as follows:

23 a. In any election for a public office to be voted on by the voters of
24 the entire state, or for nomination to any such office, no contributor
25 may make a contribution to any candidate or political committee, and no
26 candidate or political committee may accept any contribution from any
27 contributor, which is in the aggregate amount greater than: (i) in the
28 case of any nomination to public office, the product of the total number
29 of enrolled voters in the candidate's party in the state, excluding
30 voters in inactive status, multiplied by \$.005, but such amount shall be
31 not less than four thousand dollars nor more than ~~[twelve]~~ ten thousand
32 dollars as increased or decreased by the cost of living adjustment
33 described in paragraph c of this subdivision, and (ii) in the case of
34 any election to a public office, ~~[twenty-five]~~ ten thousand dollars ~~[as~~
35 ~~increased or decreased by the cost of living adjustment described in~~
36 ~~paragraph c of this subdivision; provided however, that the maximum~~
37 ~~amount which may be so contributed or accepted, in the aggregate, from~~
38 ~~any candidate's child, parent, grandparent, brother and sister, and the~~
39 ~~spouse of any such persons, shall not exceed in the case of any nomi-~~
40 ~~nation to public office an amount equivalent to the product of the~~
41 ~~number of enrolled voters in the candidate's party in the state, exclud-~~
42 ~~ing voters in inactive status, multiplied by \$.025, and in the case of~~
43 ~~any election for a public office, an amount equivalent to the product of~~
44 ~~the number of registered voters in the state excluding voters in inac-~~
45 ~~tive status, multiplied by \$.025].~~

46 b. In any other election for party position or for election to a
47 public office or for nomination for any such office, no contributor may
48 make a contribution to any candidate or political committee and no
49 candidate or political committee may accept any contribution from any
50 contributor, which is in the aggregate amount greater than: ~~[(i) in the~~
51 ~~case of any election for party position, or for nomination to public~~
52 ~~office, the product of the total number of enrolled voters in the candi-~~
53 ~~date's party in the district in which he is a candidate, excluding~~
54 ~~voters in inactive status, multiplied by \$.05, and (ii) in the case of~~
55 ~~any election for a public office, the product of the total number of~~
56 ~~registered voters in the district, excluding voters in inactive status,~~

1 ~~multiplied by \$.05,~~ ten thousand dollars, however in the case of a
2 nomination within the city of New York for the office of mayor, public
3 advocate or comptroller, such amount shall be not less than four thou-
4 sand dollars nor more than ~~[twelve]~~ ten thousand dollars as increased or
5 decreased by the cost of living adjustment described in paragraph c of
6 this subdivision; in the case of an election within the city of New York
7 for the office of mayor, public advocate or comptroller, ~~[twenty-five]~~
8 ten thousand dollars as increased or decreased by the cost of living
9 adjustment described in paragraph c of this subdivision; in the case of
10 a nomination for state senator, four thousand dollars as increased or
11 decreased by the cost of living adjustment described in paragraph c of
12 this subdivision; in the case of an election for state senator, six
13 thousand two hundred fifty dollars as increased or decreased by the cost
14 of living adjustment described in paragraph c of this subdivision; in
15 the case of an election or nomination for a member of the assembly,
16 twenty-five hundred dollars as increased or decreased by the cost of
17 living adjustment described in paragraph c of this subdivision; but in
18 no event shall any such maximum exceed ~~[fifty]~~ ten thousand dollars or
19 be less than one thousand dollars; provided however, that the maximum
20 amount which may be so contributed or accepted, in the aggregate, from
21 any candidate's child, parent, grandparent, brother and sister, and the
22 spouse of any such persons, shall not exceed in the case of any election
23 for party position or nomination for public office an amount equivalent
24 to ~~[the number of enrolled voters in the candidate's party in the~~
25 ~~district in which he is a candidate, excluding voters in inactive~~
26 ~~status, multiplied by \$.25 and in the case of any election to public~~
27 ~~office, an amount equivalent to the number of registered voters in the~~
28 ~~district, excluding voters in inactive status, multiplied by \$.25; or]~~
29 twelve hundred fifty dollars, ~~[whichever is greater,]~~ or in the case of
30 a nomination or election of a state senator, ~~[twenty]~~ ten thousand
31 dollars, ~~[whichever is greater,]~~ or in the case of a nomination or
32 election of a member of the assembly ~~[twelve]~~ ten thousand ~~[five~~
33 ~~hundred]~~ dollars, ~~[whichever is greater,]~~ but in no event shall any such
34 maximum exceed ~~[one hundred]~~ ten thousand dollars.

35 c. At the beginning of each fourth calendar year, commencing in ~~[nine-~~
36 ~~teen hundred ninety-five]~~ two thousand sixteen, the state board shall
37 determine the percentage of the difference between the most recent
38 available monthly consumer price index for all urban consumers published
39 by the United States bureau of labor statistics and such consumer price
40 index published for the same month four years previously. The amount of
41 each contribution limit fixed in this subdivision shall be adjusted by
42 the amount of such percentage difference to the closest one hundred
43 dollars by the state board which, not later than the first day of Febru-
44 ary in each such year, shall issue a regulation publishing the amount of
45 each such contribution limit. Each contribution limit as so adjusted
46 shall be the contribution limit in effect for any election held before
47 the next such adjustment.

48 § 5. Subdivision 8 of section 14-114 of the election law, as amended
49 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the
50 laws of 1978, is amended to read as follows:

51 8. a. Except as may otherwise be provided ~~[for]~~ by a candidate ~~[and~~
52 ~~his family]~~ for his or her own campaign, no natural person may contrib-
53 ute, loan or guarantee in excess of ~~[one hundred fifty]~~ ten thousand
54 dollars within the state of New York in any calendar year in connection
55 with the nomination or election of ~~[persons to]~~ candidates for state

1 ~~[and] or~~ local public offices ~~[and] or~~ party positions ~~[within the state~~
2 ~~of New York in any one calendar year]~~.

3 b. For the purposes of this subdivision "loan" or "guarantee" shall
4 mean a loan or guarantee which is not repaid or discharged in the calen-
5 dar year in which it is made.

6 § 6. Subdivision 10 of section 14-114 of the election law, as added by
7 chapter 79 of the laws of 1992, is amended to read as follows:

8 10. a. No contributor may make a contribution to a party or consti-
9 tuted committee and no such committee may accept a contribution from any
10 contributor which, in the aggregate, is greater than ~~[sixty-two]~~ ten
11 thousand ~~[five hundred]~~ dollars per annum.

12 b. At the beginning of each fourth calendar year, commencing in ~~[nine-~~
13 ~~teen hundred ninety-five]~~ two thousand sixteen, the state board shall
14 determine the percentage of the difference between the most recent
15 available monthly consumer price index for all urban consumers published
16 by the United States bureau of labor statistics and such consumer price
17 index published for the same month four years previously. The amount of
18 such contribution limit fixed in paragraph a of this subdivision shall
19 be adjusted by the amount of such percentage difference to the closest
20 one hundred dollars by the state board which, not later than the first
21 day of February in each such year, shall issue a regulation publishing
22 the amount of such contribution limit. Such contribution limit as so
23 adjusted shall be the contribution limit in effect for any election held
24 before the next such adjustment.

25 § 7. The legislative law is amended by adding a new section 33-a to
26 read as follows:

27 § 33-a. Directing of state funds. No member of the legislature shall
28 direct any state funds to any individual, business or corporation that
29 has, at any time during the member's candidacy for office or elected
30 term, made any contribution to any member of the legislature, statewide
31 elected official, political committee or independent expenditure commit-
32 tee as defined by section 14-100 of the election law.

33 § 8. The executive law is amended by adding a new section 204 to read
34 as follows:

35 § 204. Statewide database of all contracts awarded by the state. 1.
36 The commissioner shall establish a single statewide database of all
37 contracts awarded by the state or entity thereof and shall include ther-
38 ein information of all contracts awarded by the state or entity thereof
39 and shall include therein information related to all bids submitted in
40 response to any solicitations for such awards.

41 2. Every department, division, commission, agency, authority, board or
42 any other entity of the state shall submit all awarded contracts and
43 bids related to such contracts to the commissioner on a schedule and in
44 a format determined by the commissioner.

45 3. Such database shall be available online for public review in a
46 searchable, downloadable format. Such database shall include, but not be
47 limited to:

48 (a) descriptions of requests for proposals and contracts;

49 (b) all bids for state contracts; and

50 (c) contact information for all parties to the contract.

51 4. The commissioner shall promulgate any rules and regulations neces-
52 sary for the implementation of such database established pursuant to
53 this section and ensure the privacy of any confidential or proprietary
54 information that may be contained within a bid or contract.

55 § 9. This act shall take effect immediately.