

STATE OF NEW YORK

3018

2019-2020 Regular Sessions

IN ASSEMBLY

January 28, 2019

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

AN ACT to amend the public officers law and the public authorities law, in relation to prohibiting certain persons from receiving compensation for legal fees, consulting, or other work performed for an industrial development agency or an economic assistance corporation

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 to read as follows:

4 18. (a) No person who holds any public office or is an officer in a
5 party committee or firm or association of which such person is a member,
6 or corporation, ten per centum or more of the stock of which is owned or
7 controlled directly or indirectly by such person, shall receive compen-
8 sation for legal fees, consulting, or any other contractual expenditure
9 for services, whether actually performed or not, from a state or local
10 authority as defined in section two of the public authorities law.

11 (b) For the purposes of this subdivision, the term "party committee"
12 shall have the same meaning as in section 2-100 of the election law.

13 19. In addition to any penalty contained in any other provision of
14 law, any person who knowingly and intentionally violates the provisions
15 of subdivisions two through five, seven, seven-a, eight, twelve or four-
16 teen through [~~seventeen~~] eighteen of this section shall be subject to a
17 civil penalty in an amount not to exceed forty thousand dollars and the
18 value of any gift, compensation or benefit received in connection with
19 such violation. Assessment of a civil penalty hereunder shall be made by
20 the state oversight body with jurisdiction over such person. A state
21 oversight body acting pursuant to its jurisdiction, may, in lieu of a
22 civil penalty, with respect to a violation of subdivisions two through
23 five, seven or eight of this section, refer a violation of any such

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

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1 subdivision to the appropriate prosecutor and upon such conviction such
2 violation shall be punishable as a class A misdemeanor.

3 § 2. Subdivision 1 of section 2825 of the public authorities law, as
4 amended by chapter 766 of the laws of 2005, is amended to read as
5 follows:

6 1. No public officer or employee shall be ineligible for appointment
7 as a trustee or member of the governing body of a state or local author-
8 ity, as defined in section two of this chapter, and any public officer
9 or employee may accept such appointment and serve as such trustee or
10 member without forfeiture of any other public office or position of
11 public employment by reason thereof. Provided, additionally, no person
12 who holds any public office or is an officer in a party committee, or
13 firm or association of which such person is a member, or corporation,
14 ten per centum or more of the stock which is owned or controlled direct-
15 ly or indirectly by such person, shall receive compensation for legal
16 fees, consulting, or any other contractual expenditure for services,
17 whether actually performed or not, from a state or local authority. For
18 the purposes of this subdivision, the term "party committee" shall have
19 the same meaning as in section 2-100 of the election law.

20 § 3. This act shall take effect immediately.