

STATE OF NEW YORK

7085

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

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

AN ACT to amend the public officers law, the executive law and the legislative law, in relation to requiring the disclosure of information pertaining to book deals or contracts

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

Section 1. Section 73 of the public officers law is amended by adding a new subdivision 7-b to read as follows:

7-b. No member of the legislature, legislative employee, statewide elected official, or state officer or employee shall enter into any deal or contract pertaining to the writing or publishing of any book prior to submitting an application to the joint commission on public ethics and receiving unanimous approval of such application from each commissioner of the joint commission on public ethics.

§ 2. Paragraphs (m) and (n) of subdivision 9 of section 94 of the executive law, paragraph (m) as amended and paragraph (n) as added by section 6 of part A of chapter 399 of the laws of 2011, are amended and two new paragraphs (o) and (p) are added to read as follows:

(m) Determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section; ~~and~~

(n) Promulgate guidelines for the commission to conduct a program of random reviews, to be carried out in the following manner: (i) annual statements of financial disclosure shall be selected for review in a manner pursuant to which the identity of any particular person whose statement is selected is unknown to the commission and its staff prior to its selection; (ii) such review shall include a preliminary examination of the selected statement for internal consistency, a comparison with other records maintained by the commission, including previously filed statements and requests for advisory opinions, and examination of relevant public information; (iii) upon completion of the preliminary

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

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1 examination, the commission shall determine whether further inquiry is
2 warranted, whereupon it shall notify the reporting individual in writing
3 that the statement is under review, advise the reporting individual of
4 the specific areas of inquiry, and provide the reporting individual with
5 the opportunity to provide any relevant information related to the
6 specific areas of inquiry, and the opportunity to file amendments to the
7 selected statement on forms provided by the commission; and (iv) if
8 thereafter sufficient cause exists, the commission shall take additional
9 actions, as appropriate and consistent with law[-];

10 (o) Develop an application for use by members of the legislature,
11 legislative employees, statewide elected officials, or state officers or
12 employees, to apply for approval to enter into any deal or contract
13 pertaining to the writing or publishing of any book. Such application
14 shall require the deal or contract be submitted to the commission in its
15 entirety; and

16 (p) Review applications for approval to enter into any deal or
17 contract pertaining to the writing or publishing of any book submitted
18 by members of the legislature, legislative employees, statewide elected
19 officials, or state officers or employees and the deals or contracts
20 submitted therewith pursuant to paragraph (o) of this subdivision;
21 provided, however that such review shall be completed by the commission-
22 ers. Approval of any such application shall be unanimous.

23 § 3. Subparagraphs 5 and 6 of paragraph (a) of subdivision 19 of
24 section 94 of the executive law, as amended by section 6 of part A of
25 chapter 399 of the laws of 2011, are amended and a new subparagraph 7 is
26 added to read as follows:

27 (5) those required to be held or maintained publicly available pursu-
28 ant to article one-A of the legislative law; ~~and~~

29 (6) substantial basis investigation reports issued by the commission
30 pursuant to subdivision fourteen-a or fourteen-b of this section. With
31 respect to reports concerning members of the legislature or legislative
32 employees or candidates for member of the legislature, the joint commis-
33 sion shall not publicly disclose or otherwise disseminate such reports
34 except in conformance with the requirements of paragraph (b) of subdivi-
35 sion nine of section eighty of the legislative law[-]; and

36 (7) approved applications to enter into any deal or contract pertain-
37 ing to the writing or publishing of any book, including such deal or
38 contract in its entirety.

39 § 4. Paragraph (h) of subdivision 9 of section 94 of the executive
40 law, as amended by section 6 of part A of chapter 399 of the laws of
41 2011, is amended to read as follows:

42 (h) Permit any person who is required to file a financial disclosure
43 statement with the joint commission on public ethics to request that the
44 commission delete from the copy thereof made available for public
45 inspection and copying one or more items of information which may be
46 deleted by the commission upon a finding by the commission that the
47 information which would otherwise be required to be made available for
48 public inspection and copying will have no material bearing on the
49 discharge of the reporting person's official duties. Such request shall
50 not be granted for any person seeking to delete information pertaining
51 to the terms of any deal or contract such person is a party to pertain-
52 ing to the writing or publishing of any book, including any request to
53 delete the deal or contract in its entirety. If ~~such~~ a request for
54 deletion of any other information is denied, the commission, in its
55 notification of denial, shall inform the person of his or her right to
56 appeal the commission's determination pursuant to its rules governing

1 adjudicatory proceedings and appeals adopted pursuant to subdivision
2 fourteen of this section;

3 § 5. Paragraph 13 of subdivision 3 of section 73-a of the public offi-
4 cers law, as amended by section 1 of part CC of chapter 56 of the laws
5 of 2015, is amended to read as follows:

6 13. List below the nature and amount of any income in EXCESS of \$1,000
7 from EACH SOURCE for the reporting individual and such individual's
8 spouse for the taxable year last occurring prior to the date of
9 filing. Each such source must be described with particularity.
10 Nature of income includes, but is not limited to, all income (other
11 than that received from the employment listed under Item 2 above)
12 from compensated employment whether public or private, directorships
13 and other fiduciary positions, contractual arrangements, teaching
14 income, partnerships, honorariums, lecture fees, consultant fees,
15 bank and bond interest, dividends, income derived from a trust, real
16 estate rents, and recognized gains from the sale or exchange of real
17 or other property. If such income is from any deal or contract
18 pertaining to the writing or publishing of any book, such deal or
19 contract shall be attached to this form and submitted in its entire-
20 ty. Income from a business or profession and real estate rents shall
21 be reported with the source identified by the building address in
22 the case of real estate rents and otherwise by the name of the enti-
23 ty and not by the name of the individual customers, clients or
24 tenants, with the aggregate net income before taxes for each build-
25 ing address or entity. The receipt of maintenance received in
26 connection with a matrimonial action, alimony and child support
27 payments shall not be listed.

28 Self/ 29 Spouse	Source	Nature	Category of Amount (In Table I)
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36 § 6. Subdivision 13 of section 80 of the legislative law, as amended
37 by section 9 of part A of chapter 399 of the laws of 2011, is amended to
38 read as follows:

39 13. Within one hundred twenty days of the effective date of this
40 subdivision, the commission shall create and thereafter maintain a
41 publicly accessible website which shall set forth the procedure for
42 filing a complaint with the joint commission on public ethics, and which
43 shall contain all information pertaining to a book deal or contract
44 disclosed by a member of the legislature in the annual statement of
45 financial disclosure required by section seventy-three-a of the public
46 officers law, including the deal or contract in its entirety, and any
47 other records or information which the commission determines to be
48 appropriate.

49 § 7. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law. Effective immediately, the addition, amend-
51 ment and/or repeal of any rule or regulation necessary for the implemen-
52 tation of this act on its effective date are authorized to be made and
53 completed on or before such effective date.