

STATE OF NEW YORK

3741--A

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Ethics and Internal Governance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to required financial disclosures for certain state and legislative officials, officers and 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 18 of part QQ of chapter 56 of the
3 laws of 2022, subparagraphs (b), (b-2) and (c) as separately amended by
4 section 8 of part QQ of chapter 56 of the laws of 2022, is amended to
5 read as follows:
6 8. (a) If the reporting individual practices law, is licensed by the
7 department of state as a real estate broker or agent or practices a
8 profession licensed by the department of education, or works as a member
9 or employee of a firm required to register pursuant to section one-e of
10 the legislative law as a lobbyist, describe the services rendered for
11 which compensation was paid including a general description of the prin-
12 cipal subject areas of matters undertaken by such individual and princi-
13 pal duties performed. Specifically state whether the reporting individ-
14 ual provides services directly to clients. Additionally, if such an
15 individual practices with a firm or corporation and is a partner or
16 shareholder of the firm or corporation, give a general description of
17 principal subject areas of matters undertaken by such firm or corpo-
18 ration.
19 _____
20 _____
21 _____

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

~~(b) [APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE 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 JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN:]~~

~~If the reporting individual 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"), then 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 for such services rendered in direct connection with:~~

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

~~(ii) A grant of \$25,000 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 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 knowingly solicit or direct 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 subparagraphs (i) through (iv) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. 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 requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the commission on ethics and lobbying in government pursuant to section ninety-four of the executive law, provided, however, that a reporting individual who first enters public office after July first, two thousand twelve, 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~~ ~~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 the purposes of this question, "services" shall mean consultation, representation, advice or other services.

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):]~~

(b-1) For the 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.

Services Actually Provided	Category of Amount (Table I)
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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) and (b-1) ~~[and (b-2)]~~ shall not require disclosing clients or customers receiving medical, pharma-

1 ceutical 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) and (b-1) [~~and (b-2)~~] that pursuant to this paragraph,
24 a disclosure to the office of court administration has been made. Upon
25 such time that the disclosure of information maintained in the locked
26 box is no longer restricted by professional disciplinary rules, federal
27 law or regulation, the reporting individual shall disclose such informa-
28 tion in an amended disclosure statement in response to the disclosure
29 requirements in questions (b) and (b-1) [~~and (b-2)~~]. The office of court
30 administration shall develop and maintain a secure portal through which
31 information submitted to it pursuant to this paragraph can be safely and
32 confidentially stored. With respect to clients represented in other
33 matters not otherwise exempt, the reporting individual may request an
34 exemption to publicly disclosing the name of that client from the
35 commission on ethics and [~~lobbying~~] lobbying in government pursuant to
36 section ninety-four of the executive law, or from the office of court
37 administration. In such application, the reporting individual shall
38 state the following: "My client is not currently receiving my services
39 or seeking my services in 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 commission on ethics
51 and lobbying in government or the office of court administration may
52 consult with bar or other professional associations and the legislative
53 ethics commission for individuals subject to its jurisdiction and may
54 consider the rules of professional conduct. In making its determination,
55 the commission on ethics and lobbying in government or the office of
56 court administration shall conduct its own inquiry and shall consider

1 factors including, but not limited to: (i) the nature and the size of
2 the client; (ii) whether the client has any business before the state;
3 and if so, how significant the business is; and whether the client has
4 any particularized interest in pending legislation and if so how signif-
5 icant the interest is; (iii) whether disclosure may reveal trade
6 secrets; (iv) whether disclosure could reasonably result in retaliation
7 against the client; (v) whether disclosure may cause undue harm to the
8 client; (vi) whether disclosure may result in undue harm to the attor-
9 ney-client relationship; and (vii) whether disclosure may result in an
10 unnecessary invasion of privacy to the client.

11 The commission on ethics and lobbying in government or, as the case
12 may be, the office of court administration shall promptly make a final
13 determination in response to such request, which shall include an expla-
14 nation for its determination. The office of court administration shall
15 issue its final determination within three days of receiving the
16 request. Notwithstanding any other provision of law or any professional
17 disciplinary rule to the contrary, the disclosure of the identity of any
18 client or customer in response to this question shall not constitute
19 professional misconduct or a ground for disciplinary action of any kind,
20 or form the basis for any civil or criminal cause of action or proceed-
21 ing. A reporting individual who first enters public office after January
22 first, two thousand sixteen, need not report clients or customers with
23 respect to matters for which the reporting individual or his or her firm
24 was retained prior to entering public office.

25 (c) ~~[APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE~~
26 ~~PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR~~
27 ~~NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE~~
28 ~~SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-~~
29 ~~SAND FIFTEEN:]~~

30 If the reporting individual receives income of ten thousand dollars or
31 greater from any employment or activity reportable under question 8(a),
32 identify each registered lobbyist who has directly referred to such
33 individual a client who was successfully referred to the reporting indi-
34 vidual's business and from whom the reporting individual or firm
35 received a fee for services in excess of five thousand dollars. Report
36 only those referrals that were made to a reporting individual by direct
37 communication from a person known to such reporting individual to be a
38 registered lobbyist at the time the referral is made. With respect to
39 each such referral, the reporting individual shall identify the client,
40 the registered lobbyist who has made the referral, the category of value
41 of the compensation received and a general description of the type of
42 matter so referred. A reporting individual need not disclose activities
43 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
44 (f) of subdivision seven of section seventy-three of this article. The
45 disclosure requirements in this question shall not require disclosing
46 clients or customers receiving medical, pharmaceutical or dental
47 services, mental health services, or residential real estate brokering
48 services from the reporting individual or his or her firm or if federal
49 law prohibits or limits disclosure. The reporting individual need not
50 identify any client to whom he or she or his or her firm provided legal
51 representation with respect to investigation or prosecution by law
52 enforcement authorities, bankruptcy, family court, estate planning, or
53 domestic relations matters, nor shall the reporting individual identify
54 individuals represented pursuant to an insurance policy but the report-
55 ing individual shall in such circumstances only report the entity that
56 provides compensation to the reporting individual; with respect to

1 matters in which the client's name is required by law to be kept confi-
2 dential (such as matters governed by the family court act) or in matters
3 in which the reporting individual represents or provides services to
4 minors, the client's name may be replaced with initials. To the extent
5 that the reporting individual, or his or her firm, provided legal repre-
6 sentation with respect to an initial public offering, and federal law or
7 regulations restricts the disclosure of information relating to such
8 work, the reporting individual shall (i) disclose the identity of the
9 client and the services provided relating to the initial public offering
10 to the office of court administration, who will maintain such informa-
11 tion confidentially in a locked box; and (ii) include in his or her
12 response a statement that pursuant to this paragraph, a disclosure to
13 the office of court administration has been made. Upon such time that
14 the disclosure of information maintained in the locked box is no longer
15 restricted by federal law or regulation, the reporting individual shall
16 disclose such information in an amended disclosure statement in response
17 to the disclosure requirements of this paragraph. The office of court
18 administration shall develop and maintain a secure portal through which
19 information submitted to it pursuant to this paragraph can be safely and
20 confidentially stored. With respect to clients represented in other
21 matters not otherwise exempt, the reporting individual may request an
22 exemption to publicly disclosing the name of that client from the
23 commission on ethics and lobbying in government pursuant to section
24 ninety-four of the executive law, or from the office of court adminis-
25 tration. In such application, the reporting individual shall state the
26 following: "My client is not currently receiving my services or seeking
27 my services in connection with:

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

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

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

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

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

38 In reviewing the request for an exemption, the commission on ethics
39 and lobbying in government or the office of court administration may
40 consult with bar or other professional associations and the legislative
41 ethics commission for individuals subject to its jurisdiction and may
42 consider the rules of professional conduct. In making its determination,
43 the commission on ethics and lobbying in government or the office of
44 court administration shall conduct its own inquiry and shall consider
45 factors including, but not limited to: (i) the nature and the size of
46 the client; (ii) whether the client has any business before the state;
47 and if so, how significant the business is; and whether the client has
48 any particularized interest in pending legislation and if so how signif-
49 icant the interest is; (iii) whether disclosure may reveal trade
50 secrets; (iv) whether disclosure could reasonably result in retaliation
51 against the client; (v) whether disclosure may cause undue harm to the
52 client; (vi) whether disclosure may result in undue harm to the attor-
53 ney-client relationship; and (vii) whether disclosure may result in an
54 unnecessary invasion of privacy to the client.

55 The commission on ethics and lobbying in government or, as the case
56 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 December thirty-first, two thousand fifteen, 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	Name of Lobbyist	Description of Matter	Category of Amount (in Table [1] I)
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(d) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse or domestic partner had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.