

6855

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 13, 2009

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Introduced by M. of A. GALEF -- Multi-Sponsored by -- M. of A. BOYLAND  
-- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the election law, in relation to prohibiting certain functions in the county of Albany whenever the legislature is in session

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

1     Section 1. The legislative law is amended by adding a new section  
2     1-m-1 to read as follows:  
3     S 1-M-1. CERTAIN FUNCTIONS PROHIBITED IN ALBANY COUNTY. NOTWITHSTAND-  
4     ING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON OR ENTITY SHALL  
5     HOLD, PARTICIPATE IN, OR ATTEND A FUNCTION DESIGNED TO SOLICIT FUNDS  
6     THAT ARE SUBJECT TO THE REPORTING REQUIREMENTS OF ARTICLE FOURTEEN OF  
7     THE ELECTION LAW IN THE COUNTY OF ALBANY WHENEVER THE LEGISLATURE IS IN  
8     SESSION. THE FOREGOING SHALL NOT APPLY TO A STATEWIDE ELECTED OFFICIAL,  
9     STATE OFFICER OR EMPLOYEE, OR MEMBER OF THE LEGISLATURE, WHO REPRESENTS  
10    OR HOLDS OFFICE IN THE COUNTY OF ALBANY.  
11    S 2. Subdivision (a) and paragraphs (i) and (iv) of subdivision (b) of  
12    section 1-o of the legislative law, as added by chapter 14 of the laws  
13    of 2007, are amended to read as follows:  
14    (a) (i) Any lobbyist, public corporation, or client who knowingly and  
15    wilfully fails to file timely a report or statement required by this  
16    section or knowingly and wilfully files false information or knowingly  
17    and wilfully violates section one-m OR ONE-M-ONE of this article shall  
18    be guilty of a class A misdemeanor; and  
19    (ii) any lobbyist, public corporation, or client who knowingly and  
20    wilfully fails to file timely a report or statement required by this  
21    section or knowingly and wilfully files false information or knowingly  
22    and wilfully violates section one-m OR ONE-M-ONE of this article, after  
23    having previously been convicted in the preceding five years of the  
24    crime described in paragraph (i) of this subdivision, shall be guilty of

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

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1 a class E felony. Any lobbyist convicted of or pleading guilty to a  
2 felony under the provisions of this section may be barred from acting as  
3 a lobbyist for a period of one year from the date of the conviction. For  
4 the purposes of this subdivision, the chief administrative officer of  
5 any organization required to file a statement or report shall be the  
6 person responsible for making and filing such statement or report unless  
7 some other person prior to the due date thereof has been duly designated  
8 to make and file such statement or report.

9 (i) A lobbyist, public corporation, or client who knowingly and  
10 wilfully fails to file a statement or report within the time required  
11 for the filing of such report or knowingly and wilfully violates section  
12 one-m OR ONE-M-ONE of this article shall be subject to a civil penalty  
13 for each such failure or violation, in an amount not to exceed the  
14 greater of twenty-five thousand dollars or three times the amount the  
15 person failed to report properly or unlawfully contributed, expended,  
16 gave or received, to be assessed by the commission.

17 (iv) Any lobbyist or client that knowingly and wilfully fails to file  
18 a statement or report within the time required for the filing of such  
19 report, knowingly and wilfully files a false statement or report, or  
20 knowingly and wilfully violates section one-m OR ONE-M-ONE of this arti-  
21 cle, after having been found by the commission to have [knowing] KNOW-  
22 INGLY and wilfully committed such conduct or violation in the preceding  
23 five years, may be subject to a determination that the lobbyist or  
24 client is prohibited from engaging in lobbying activities, as that term  
25 is defined in paragraph (v) of subdivision (c) of section one-c of this  
26 article, for a period of one year.

27 S 3. Subdivision 3 of section 14-126 of the election law, as amended  
28 by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is  
29 amended to read as follows:

30 3. Any person who knowingly and willfully contributes, accepts or aids  
31 or participates in the acceptance of a contribution in an amount exceed-  
32 ing an applicable maximum specified in this article OR WHO KNOWINGLY AND  
33 WILLFULLY VIOLATES THE PROVISIONS OF SECTION ONE-M-ONE OF THE LEGISLA-  
34 TIVE LAW shall be guilty of a misdemeanor.

35 S 4. This act shall take effect immediately.