S T A T E O F N E W Y O R K

S. 6615 A. 9715

S E N A T E - A S S E M B L Y

January 19, 2010

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public officers law, in relation to creating a state government ethics commission and a designating commission; to amend the executive law, in relation to the duties of the attorney general; and to repeal article 1-A of the legislative law relating to the lobbying act; to repeal article 5 of the legislative law relating to legislative ethics; to repeal section 94 of the executive law relating to the commission on public integrity (Part A); to amend the retirement and social security law, the state finance law and the public officers law, in relation to establishing the employee retirement system board of trustees to operate the New York state and local employees' retirement system and the New York state and local police and fire retirement system, and regulating investment firms doing business with the common retirement fund (Part B); to amend the election law, in relation to campaign finance reform; to amend the legislative law, in relation to participation in fundraisers during a legislative session; to amend the election law, in relation to public financing; and to repeal certain provisions of the election law relating to campaign financing; to repeal subdivisions 7 and 9-A of section 3-102 of the election law relating to the state board of elections' power to enforce campaign receipts and expenditures provisions (Part C); and to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment (Part D)

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

1 Section 1. This act enacts into law major components of legislation
2 relating to ethics reform and campaign finance reform. Each component

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

LBD12677-01-0

is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. This act shall be known and may be cited as the "State Government Ethics and Campaign Finance Enforcement Reform Act of 2010".

S 2. Article 1-A of the legislative law is REPEALED.

S 3. Article 5 of the legislative law is REPEALED.

S 4. The public officers law is amended by adding a new section 73-c to read as follows:

S 73-C. STATE GOVERNMENT ETHICS COMMISSION; FUNCTIONS, POWERS AND DUTIES; REVIEW OF FINANCIAL DISCLOSURE STATEMENTS; ADMINISTRATION OF CAMPAIGN FINANCE PRACTICES; ADVISORY OPINIONS; INVESTIGATION AND ENFORCEMENT. 1. THERE IS ESTABLISHED WITHIN THE DEPARTMENT OF STATE A STATE GOVERNMENT ETHICS COMMISSION WHICH SHALL CONSIST OF FIVE MEMBERS AND SHALL HAVE AND EXERCISE THE POWERS AND DUTIES SET FORTH IN THIS SECTION WITH RESPECT TO STATE ELECTED OFFICIALS AND STATE OFFICERS AND EMPLOYEES, AS DEFINED IN SECTIONS SEVENTY-THREE AND SEVENTY-THREE-A OF THIS ARTICLE; CANDIDATES FOR STATE ELECTED OFFICE, THE POLITICAL PARTY CHAIRMAN AS THAT TERM IS DEFINED IN SECTION SEVENTY-THREE-A OF THIS ARTICLE, LOBBYISTS AND THE CLIENTS OF LOBBYISTS AS SUCH TERMS ARE DEFINED IN SECTION SEVENTY-THREE-D OF THIS ARTICLE, MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES AS DEFINED IN SECTION SEVENTY-THREE OF THIS ARTICLE, CANDIDATES FOR MEMBERS OF THE LEGISLATURE AND INDIVIDUALS WHO HAVE FORMERLY HELD SUCH POSITIONS OR WHO HAVE FORMERLY BEEN SUCH CANDIDATES. THIS ACT SHALL NOT REVOKE OR RESCIND ANY REGULATIONS DULY PROMULGATED OR ADVISORY OPINIONS DULY ISSUED BY THE STATE COMMISSION ON PUBLIC INTEGRITY, THE STATE ETHICS COMMISSION, THE TEMPORARY LOBBYING COMMISSION, THE LEGISLATIVE ETHICS COMMISSION, THE STATE BOARD OF ELECTIONS AS SUCH REGULATIONS OR OPINIONS PERTAIN TO ARTICLE FOURTEEN OF THE ELECTION LAW, AND THE COMMITTEE ON OPEN GOVERNMENT AS SUCH REGULATIONS OR OPINIONS PERTAIN TO ARTICLE SEVEN OF THIS CHAPTER IN EFFECT UPON THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH ADDED THIS SECTION TO THE EXTENT THAT SUCH REGULATIONS OR OPINIONS ARE NOT INCONSISTENT WITH ANY LAW OF THE STATE OF NEW YORK. THE STATE GOVERNMENT ETHICS COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL SUCH REGULATIONS AND OPINIONS, WHICH WILL ADDRESS THE CONSISTENCY OF SUCH REGULATIONS AND OPINIONS AMONG EACH OTHER AND WITH THE NEW STATUTORY LANGUAGE. THE STATE GOVERNMENT ETHICS COMMISSION SHALL, BEFORE JUNE FIRST, TWO THOUSAND TEN, REPORT TO THE GOVERNOR AND LEGISLATURE REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND ISSUE ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

2. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE DESIGNATING COMMISSION AS DEFINED IN SECTION SEVENTY-THREE-E OF THIS ARTICLE.

3. MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION SHALL SERVE FOR TERMS OF FIVE YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED BY THE DESIGNATING COMMISSION, ONE SHALL SERVE FOR ONE YEAR, ONE SHALL SERVE FOR TWO YEARS, ONE SHALL SERVE FOR THREE YEARS, ONE

SHALL SERVE FOR FOUR YEARS AND ONE SHALL SERVE FOR FIVE YEARS, AS DESIGNATED BY RANDOM CHANCE. THE PROCESS FOR DETERMINING STAGGERED TERMS SHALL BE MADE BY A DRAWING OF LOTS.

4. THE CHAIRMAN OR ANY THREE MEMBERS OF THE COMMISSION MAY CALL A MEETING.

5. ANY VACANCY OCCURRING ON THE STATE GOVERNMENT ETHICS COMMISSION SHALL BE FILLED WITHIN SIXTY DAYS OF ITS OCCURRENCE IN THE SAME MANNER AS THE MEMBER WHOSE VACANCY IS BEING FILLED WAS APPOINTED. A PERSON APPOINTED TO FILL A VACANCY OCCURRING OTHER THAN BY EXPIRATION OF A TERM OF OFFICE SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF THE MEMBER HE OR SHE SUCCEEDS.

6. THREE MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION SHALL CONSTITUTE A QUORUM, AND THE COMMISSION SHALL HAVE POWER TO ACT BY MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION WITHOUT VACANCY.

7. MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION MAY BE REMOVED BY APPLICATION AND MOTION OF THE ATTORNEY GENERAL IN A STATE TRIAL LEVEL COURT FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES OF OFFICE OR VIOLATION OF THIS SECTION, AFTER WRITTEN NOTICE AND OPPORTUNITY FOR A REPLY. THE ATTORNEY GENERAL ALSO MAY SEEK RECUSAL OF ANY MEMBER OR MEMBERS UPON THE SHOWING OF A CONFLICT OF INTEREST AND ANY FAILURE TO RECUSE.

8. THE MEMBERS OF THE COMMISSION SHALL NOT RECEIVE COMPENSATION BUT SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

9. THE COMMISSION SHALL:

(A) APPOINT AND EMPLOY AND AT PLEASURE REMOVE COUNSEL, AN EXECUTIVE DIRECTOR, INVESTIGATORS, ACCOUNTANTS, CLERKS AND OTHER SUCH PERSONS AS IT MAY DEEM NECESSARY WHO SHALL ACT IN ACCORDANCE WITH THE POLICIES OF THE COMMISSION. THE COMMISSION MAY DELEGATE AUTHORITY TO THE EXECUTIVE DIRECTOR TO ACT IN THE NAME OF THE COMMISSION BETWEEN MEETINGS OF THE COMMISSION PROVIDED SUCH DELEGATION IS IN WRITING AND THE SPECIFIC POWERS TO BE DELEGATED ARE ENUMERATED.

(B) APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

(C) ADOPT, AMEND, AND RESCIND RULES AND REGULATIONS TO GOVERN PROCEDURES OF THE COMMISSION, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE PROCEDURE WHEREBY A PERSON WHO IS REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE STATEMENT WITH THE COMMISSION MAY REQUEST AN ADDITIONAL PERIOD OF TIME WITHIN WHICH TO FILE SUCH STATEMENT, DUE TO JUSTIFIABLE CAUSE OR UNDUE HARDSHIP; SUCH RULES OR REGULATIONS SHALL PROVIDE FOR A DATE BEYOND WHICH IN ALL CASES OF JUSTIFIABLE CAUSE OR UNDUE HARDSHIP NO FURTHER EXTENSION OF TIME WILL BE GRANTED.

(D) ADOPT, AMEND, AND RESCIND RULES AND REGULATIONS TO ASSIST APPOINTING AUTHORITIES IN DETERMINING WHICH PERSONS HOLD POLICY-MAKING POSITIONS FOR PURPOSES OF SECTION SEVENTY-THREE-A OF THIS ARTICLE.

(E) MAKE AVAILABLE FORMS FOR ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE REQUIRED TO BE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS ARTICLE.

(F) REVIEW FINANCIAL DISCLOSURE STATEMENTS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT THE COMMISSION MAY DELEGATE ALL OR PART OF THIS REVIEW FUNCTION TO THE EXECUTIVE DIRECTOR WHO SHALL BE RESPONSIBLE FOR COMPLETING STAFF REVIEW OF SUCH STATEMENTS IN A MANNER CONSISTENT WITH THE TERMS OF THE COMMISSION'S DELEGATION.

(F-1) ISSUE INSTRUCTIONS AND PROMULGATE RULES AND REGULATIONS RELATING TO THE ADMINISTRATION OF CAMPAIGN FINANCE PRACTICES CONSISTENT WITH

ARTICLE FOURTEEN OF THE ELECTION LAW IN CONSULTATION WITH THE STATE BOARD OF ELECTIONS AND PROVIDING THE GOVERNMENT ETHICS COMMISSION WITH THE POWER AND DUTY TO:

(I) PREPARE UNIFORM FORMS FOR THE STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THE ELECTION LAW;

(II) (A) DEVELOP AN ELECTRONIC REPORTING SYSTEM TO PROCESS THE STATEMENTS OF RECEIPTS, CONTRIBUTIONS, TRANSFERS AND EXPENDITURES REQUIRED TO BE FILED WITH THE GOVERNMENT ETHICS COMMISSION PURSUANT TO THE PROVISIONS OF SECTIONS 14-102 AND 14-104 OF THE ELECTION LAW;

(B) PRESCRIBE THE INFORMATION REQUIRED IN THE FORM FOR EACH STATEMENT TO BE FILED;

(C) ESTABLISH A TRAINING PROGRAM ON THE ELECTRONIC REPORTING PROCESS AND MAKE IT AVAILABLE TO ANY SUCH CANDIDATE OR COMMITTEE;

(D) MAKE THE ELECTRONIC REPORTING PROCESS AVAILABLE TO ANY SUCH CANDIDATE OR COMMITTEE WHICH IS REQUIRED TO FILE OR WHICH AGREES TO FILE SUCH STATEMENTS BY SUCH ELECTRONIC REPORTING PROCESS;

(E) CAUSE ALL INFORMATION CONTAINED IN SUCH A STATEMENT FILED WITH THE GOVERNMENT ETHICS COMMISSION WHICH IS NOT ON SUCH ELECTRONIC REPORTING SYSTEM TO BE ENTERED IN SUCH SYSTEM AS SOON AS PRACTICABLE BUT IN NO EVENT LATER THAN TEN BUSINESS DAYS AFTER ITS RECEIPT BY THE GOVERNMENT ETHICS COMMISSION; AND

(F) MAKE ALL DATA FROM THE ELECTRONIC REPORTING PROCESS AVAILABLE AT ALL TIMES ON THE INTERNET;

(III) STUDY AND EXAMINE THE ADMINISTRATION OF CAMPAIGN FINANCING AND CAMPAIGN FINANCE REPORTING WITHIN THE STATE;

(IV) RECOMMEND SUCH LEGISLATION OR ADMINISTRATIVE MEASURES AS IT FINDS APPROPRIATE TO ADJUST THE CONTRIBUTION LIMITATIONS SET FORTH IN ARTICLE FOURTEEN OF THE ELECTION LAW; AND

(V) INSTITUTE SUCH JUDICIAL PROCEEDINGS AS MAY BE NECESSARY TO ENFORCE COMPLIANCE WITH ANY PROVISION OF ARTICLE FOURTEEN OF THE ELECTION LAW OR ANY REGULATION PROMULGATED THEREUNDER INCLUDING, BUT NOT LIMITED TO, APPLICATION, ON NOTICE SERVED UPON THE RESPONDENT IN THE MANNER DIRECTED BY THE COURT AT LEAST SIX HOURS PRIOR TO THE TIME OF RETURN THEREON, TO A JUSTICE OF THE SUPREME COURT WITHIN THE JUDICIAL DISTRICT IN WHICH AN ALLEGED VIOLATION OF ANY SUCH PROVISION OR REGULATION OCCURRED OR IS THREATENED, FOR AN ORDER PROHIBITING THE CONTINUED OR THREATENED VIOLATION THEREOF OR FOR SUCH OTHER OR FURTHER RELIEF AS THE COURT MAY DEEM JUST AND PROPER.

(G) RECEIVE COMPLAINTS ALLEGING A VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, SEVENTY-THREE-D, OR SEVENTY-FOUR OF THIS ARTICLE OR SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW OR RECEIVE COMPLAINTS AS AUTHORIZED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SEVEN OF THIS CHAPTER AS IT RELATES TO STATE OPEN MEETINGS AND ARTICLE FOURTEEN OF THE ELECTION LAW.

(H) PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT TO REQUEST THE COMMISSION TO DELETE FROM THE COPY THEREOF MADE AVAILABLE FOR PUBLIC INSPECTION ONE OR MORE ITEMS OF INFORMATION WHICH MAY BE DELETED BY THE COMMISSION, AFTER DENIAL OF A REQUEST FOR DELETION BY THE COMMITTEE ON OPEN GOVERNMENT PURSUANT TO SECTION EIGHTY-NINE OF THIS CHAPTER, UPON A FINDING BY A MAJORITY OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION WITHOUT VACANCY THAT THE INFORMATION WHICH WOULD OTHERWISE BE REQUIRED TO BE MADE AVAILABLE FOR PUBLIC INSPECTION WILL HAVE NO MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL DUTIES. IF SUCH REQUEST FOR DELETION IS DENIED, THE COMMISSION, IN ITS NOTIFICATION OF DENIAL, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES

GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION. THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE ISSUANCE OF WRITTEN DECISIONS IN CONNECTION WITH APPEALS FROM THE COMMITTEE ON OPEN GOVERNMENT PURSUANT TO SECTION EIGHTY-NINE OF THIS CHAPTER.

(I) PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT TO REQUEST AN EXEMPTION FROM ANY REQUIREMENT TO REPORT ONE OR MORE ITEMS OF INFORMATION WHICH PERTAIN TO SUCH PERSON'S SPOUSE OR UNEMANCIPATED CHILDREN WHICH ITEM OR ITEMS MAY BE EXEMPTED BY THE COMMISSION, INCLUDING THE NAMES OF CLIENTS OF PUBLIC OFFICERS WHO ARE CONSULTANTS OR OTHER PROFESSIONALS WHERE DISCLOSURE OF SUCH CLIENTS IDENTITY COULD REVEAL THE NATURE OF AN ATTORNEY-CLIENT COMMUNICATION OR PURSUANT TO SECTION EIGHTY-NINE OF THIS CHAPTER AS PROVIDED IN SUBDIVISION EIGHTEEN OF THIS SECTION, UPON A FINDING BY A MAJORITY OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION WITHOUT VACANCY THAT THE REPORTING INDIVIDUAL'S SPOUSE, ON HIS OR HER OWN BEHALF OR ON BEHALF OF AN UNEMANCIPATED CHILD, OBJECTS TO PROVIDING THE INFORMATION NECESSARY TO MAKE SUCH DISCLOSURE AND THAT THE INFORMATION WHICH WOULD OTHERWISE BE REQUIRED TO BE REPORTED WILL HAVE NO MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL DUTIES, PROVIDED THAT THE ADDRESS AND TELEPHONE NUMBERS OF SPOUSES AND UNEMANCIPATED CHILDREN SHALL IN NO INSTANCE BE MADE AVAILABLE TO THE PUBLIC. IF SUCH REQUEST FOR EXEMPTION IS DENIED, THE COMMISSION, IN ITS NOTIFICATION OF DENIAL, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION. THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE ISSUANCE OF WRITTEN DECISIONS IN CONNECTION WITH APPEALS FROM THE COMMITTEE ON OPEN GOVERNMENT.

(J) ADVISE AND ASSIST ANY STATE OFFICER, STATE AGENCY OR THE LEGISLATURE IN ESTABLISHING RULES AND REGULATIONS RELATING TO POSSIBLE CONFLICTS BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES OF PRESENT OR FORMER STATE ELECTED OFFICIALS, MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES, AND STATE OFFICERS AND EMPLOYEES.

(K) PERMIT ANY PERSON WHO HAS NOT BEEN DETERMINED BY HIS OR HER APPOINTING AUTHORITY OR THE LEGISLATURE TO HOLD A POLICY-MAKING POSITION BUT WHO IS OTHERWISE REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT TO REQUEST AN EXEMPTION FROM SUCH REQUIREMENT IN ACCORDANCE WITH RULES AND REGULATIONS GOVERNING SUCH EXEMPTIONS. SUCH RULES AND REGULATIONS SHALL PROVIDE FOR EXEMPTIONS TO BE GRANTED EITHER ON THE APPLICATION OF AN INDIVIDUAL OR ON BEHALF OF PERSONS WHO SHARE THE SAME JOB TITLE OR EMPLOYMENT CLASSIFICATION WHICH THE COMMISSION DEEMS TO BE COMPARABLE FOR PURPOSES OF THIS SECTION. SUCH RULES AND REGULATIONS MAY PERMIT THE GRANTING OF AN EXEMPTION WHERE, IN THE DISCRETION OF THE COMMISSION, THE PUBLIC INTEREST DOES NOT REQUIRE DISCLOSURE AND THE APPLICANT'S DUTIES DO NOT INVOLVE THE NEGOTIATION, AUTHORIZATION OR APPROVAL OF:

(I) CONTRACTS, LEASES, FRANCHISES, REVOCABLE CONSENTS, CONCESSIONS, VARIANCES, SPECIAL PERMITS, OR LICENSES AS DEFINED IN SECTION SEVENTY-THREE OF THIS ARTICLE;

(II) THE PURCHASE, SALE, RENTAL OR LEASE OF REAL PROPERTY, GOODS OR SERVICES, OR A CONTRACT THEREFOR;

(III) THE OBTAINING OF GRANTS OF MONEY OR LOANS; OR

(IV) THE ADOPTION OR REPEAL OF ANY LAW, RULE OR REGULATION HAVING THE FORCE AND EFFECT OF LAW.

(L) PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE SUMMARIZING THE ACTIVITIES OF THE COMMISSION DURING THE PREVIOUS YEAR AND RECOM-

MENDING ANY CHANGES IN THE LAWS GOVERNING THE CONDUCT OF PERSONS SUBJECT TO THE JURISDICTION OF THE COMMISSION, OR THE RULES, REGULATIONS AND PROCEDURES GOVERNING THE COMMISSION'S CONDUCT. SUCH REPORT SHALL INCLUDE: (I) A LISTING BY ASSIGNED NUMBER OF EACH COMPLAINT AND REFERRAL RECEIVED WHICH ALLEGED A POSSIBLE VIOLATION WITHIN ITS JURISDICTION, INCLUDING THE CURRENT STATUS OF EACH COMPLAINT, AND (II) WHERE A MATTER HAS BEEN RESOLVED, THE DATE AND NATURE OF THE DISPOSITION AND ANY SANCTION IMPOSED, SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF THIS SECTION, PROVIDED, HOWEVER, THAT SUCH ANNUAL REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT PERMITTED PURSUANT TO SUBDIVISION SEVENTEEN OF THIS SECTION.

(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.

10. THE COMMISSION, OR THE EXECUTIVE DIRECTOR AND STAFF OF THE COMMISSION IF RESPONSIBILITY THEREFOR HAS BEEN DELEGATED, SHALL REGULARLY INSPECT ALL FINANCIAL DISCLOSURE STATEMENTS FILED WITH THE COMMISSION TO ASCERTAIN WHETHER ANY PERSON SUBJECT TO THE REPORTING REQUIREMENTS OF SECTION SEVENTY-THREE-A OF THIS ARTICLE HAS FAILED TO FILE SUCH A STATEMENT, HAS FILED A DEFICIENT STATEMENT OR HAS FILED A STATEMENT WHICH REVEALS A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, SEVENTY-THREE-D, OR SEVENTY-FOUR OF THIS ARTICLE OR ARTICLE SEVEN AS IT RELATES TO STATE OPEN MEETINGS. THE COMMISSION SHALL PROMULGATE GUIDELINES TO CONDUCT A PROGRAM OF REGULAR AND RANDOM REVIEWS OF ANNUAL FINANCIAL DISCLOSURE STATEMENTS FILED WITH THE COMMISSION, SUBJECT TO THE CONDITIONS OF THIS SECTION. SUCH PROGRAM SHALL BE CARRIED OUT IN THE FOLLOWING MANNER:

(A) THE COMMISSION SHALL SELECT ANNUAL FINANCIAL DISCLOSURE STATEMENTS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE FOR REVIEW. ANY SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED FOR REVIEW IS UNKNOWN TO THE COMMISSION AND ITS STAFF.

(B) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH REGULAR AND RANDOM REVIEWS. SUCH REGULAR AND RANDOM REVIEWS MAY REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATERIAL TO THE PREPARATION OF THE SELECTED STATEMENTS FOR EXAMINATION. ANY SUCH PROTOCOLS SHALL ENSURE THAT SIMILARLY SITUATED STATEMENTS ARE AUDITED IN A UNIFORM MANNER.

(C) THE COMMISSION MAY CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY, WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS STATEMENTS FOR REVIEW, AND THE PROCESS PURSUANT TO WHICH THE COMMISSION CARRIES OUT THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION AND CERTIFIES THAT SUCH PROCESS COMPLIES WITH THE PROVISIONS OF SUCH PARAGRAPHS.

(D) UPON COMPLETION OF A REVIEW BY THE COMMISSION CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVISION, THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR INCOMPLETE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE COMMISSION MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMORANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE COMMISSION DETERMINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS.

11. (A) IF A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE COMMISSION HAS FAILED TO FILE A DISCLOSURE STATEMENT OR HAS FILED A DEFICIENT STATEMENT, THE COMMISSION SHALL NOTIFY THE REPORTING PERSON IN WRITING, STATE THE FAILURE TO FILE OR DETAIL THE DEFICIENCY, PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD TO CURE THE DEFICIENCY, AND ADVISE THE PERSON OF THE PENALTIES FOR FAILURE TO COMPLY WITH THE REPORTING REQUIREMENTS. SUCH NOTICE SHALL BE CONFIDENTIAL. IF THE PERSON FAILS TO MAKE SUCH FILING OR FAILS TO CURE THE DEFICIENCY WITHIN THE SPECIFIED TIME PERIOD, THE COMMISSION SHALL SEND A NOTICE OF DELINQUENCY: (I) TO THE REPORTING PERSON; AND (II) IN THE CASE OF A STATE ELECTED OFFICIAL, MEMBER OF THE LEGISLATURE, OR LEGISLATIVE EMPLOYEE, TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY; AND (III) IN THE CASE OF A STATE OFFICER OR EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON. SUCH NOTICE OF DELINQUENCY MAY BE SENT AT ANY TIME DURING THE REPORTING PERSON'S SERVICE AS A STATE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE, POLITICAL PARTY CHAIR OR WHILE A CANDIDATE FOR STATEWIDE OFFICE OR MEMBER OF THE LEGISLATURE, OR WITHIN ONE YEAR AFTER TERMINATION OF SUCH SERVICE OR CANDIDACY. THE JURISDICTION OF THE COMMISSION, WHEN ACTING PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION WITH RESPECT TO FINANCIAL DISCLOSURE, SHALL CONTINUE NOTWITHSTANDING THAT THE REPORTING PERSON SEPARATES FROM STATE SERVICE, OR CEASES TO HOLD OFFICE AS A STATE ELECTED OFFICIAL, MEMBER OF THE LEGISLATURE OR POLITICAL PARTY CHAIR, OR CEASES TO BE A CANDIDATE, PROVIDED THE COMMISSION NOTIFIES SUCH PERSON OF THE ALLEGED FAILURE TO FILE OR DEFICIENT FILING PURSUANT TO THIS SUBDIVISION.

(B) IF THE COMMISSION RECEIVES ANY COMPLAINT THAT A CORPORATION IS USING ITS NOT FOR PROFIT STATUS TO CONCEAL POLITICAL CAMPAIGN FINANCE SUPPORT WITHIN ITS ISSUE ADVOCACY REALM, THE COMMISSION SHALL HAVE THE AUTHORITY TO DETERMINE WHETHER THERE HAVE BEEN VIOLATIONS OF THE STATE'S CAMPAIGN FINANCE LAWS. THE COMMISSION SHALL FILE A SUMMARY PROCEEDING IN THE SUPREME COURT REQUIRING THE CORPORATION TO STATE ANY REASONS WHY IT SHOULD NOT BE COMPELLED TO OPEN ITS FISCAL BOOKS FOR INSPECTION BY THE COMMISSION IN ORDER TO DETERMINE WHETHER VIOLATIONS OF THE STATE'S CAMPAIGN FINANCE LAWS HAVE TAKEN PLACE. UPON THE FINDING OF ANY VIOLATIONS, THE COMMISSION MAY ISSUE A FINE TO SUCH CORPORATION OR CORPORATIONS OR MAY FINE THE PARTICIPANTS FOUND TO HAVE VIOLATED THE STATE'S CAMPAIGN FINANCE LAWS IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS. FURTHER, UPON ANY FINDING OF A VIOLATION OF THE CAMPAIGN FINANCE LAWS THE COMMISSION SHALL ALSO NOTIFY THE FEDERAL INTERNAL REVENUE SERVICE, THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE VIOLATION OCCURRED, AS WELL AS THE ATTORNEY GENERAL OF SUCH VIOLATION OR VIOLATIONS.

12. (A) IF THE COMMISSION RECEIVES A SWORN COMPLAINT ALLEGING A VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, SEVENTY-THREE-D OR SEVENTY-FOUR OF THIS ARTICLE OR ARTICLE SEVEN OF THIS CHAPTER AS IT RELATES TO STATE OPEN MEETINGS, OR RECEIVES COMPLAINTS AS AUTHORIZED BY ARTICLE FOURTEEN OF THE ELECTION LAW OR SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW BY A PERSON OR ENTITY SUBJECT TO SUCH LAW UNDER THE COMMISSION'S JURISDICTION, OR IF A REPORTING INDIVIDUAL HAS FILED A STATEMENT WHICH REVEALS A POSSIBLE VIOLATION THEREOF, OR IF THE COMMISSION DETERMINES ON ITS OWN INITIATIVE TO INVESTIGATE A POSSIBLE VIOLATION, THE COMMISSION SHALL NOTIFY THE INDIVIDUAL IN WRITING, DESCRIBE THE POSSIBLE OR ALLEGED VIOLATION OF SUCH LAW AND PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD IN WHICH TO SUBMIT A WRITTEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ACTIVITIES CITED AS A POSSIBLE

OR ALLEGED VIOLATION OF LAW. IF THE COMMISSION THEREAFTER MAKES A DETERMINATION THAT FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE INDIVIDUAL AN OPPORTUNITY TO BE HEARD. THE COMMISSION SHALL ALSO INFORM THE INDIVIDUAL OF ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. IF THE COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING, THAT THERE IS NO VIOLATION OR THAT ANY POTENTIAL CONFLICT OF INTEREST VIOLATION HAS BEEN RECTIFIED, IT SHALL SO ADVISE THE INDIVIDUAL AND THE COMPLAINANT, IF ANY. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDENTIAL, EXCEPT AS RELATING TO LOBBYISTS AND CLIENTS OF LOBBYISTS. THE COMMISSION SHALL PROMULGATE A STATEMENT OF NON-DISCLOSURE AND ESTABLISH RULES FOR ABIDING BY SUCH STATEMENT. EVERY COMMISSIONER AND EVERY EMPLOYEE OF THE COMMISSION SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE STATEMENT PRIOR TO REVIEWING ANY INFORMATION.

(B) IF THE COMMISSION DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION HAS OCCURRED, IT SHALL SEND A NOTICE OF REASONABLE CAUSE: (I) TO THE REPORTING PERSON; (II) IN THE CASE OF A STATE ELECTED OFFICIAL, TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY; (III) IN THE CASE OF A MEMBER OF THE SENATE OR EMPLOYEE OF THE SENATE, TO THE TEMPORARY PRESIDENT OF THE SENATE, (IV) IN THE CASE OF A MEMBER OF THE ASSEMBLY OR EMPLOYEE OF THE ASSEMBLY, TO THE SPEAKER OF THE ASSEMBLY; AND (V) IN THE CASE OF A STATE OFFICER OR EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON.

(C) THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSUANT TO THIS SECTION SHALL CONTINUE NOTWITHSTANDING THAT A STATE ELECTED OFFICIAL, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR A STATE OFFICER OR EMPLOYEE SEPARATES FROM STATE SERVICE, OR A POLITICAL PARTY CHAIR CEASES TO HOLD SUCH OFFICE, OR A CANDIDATE CEASES TO BE A CANDIDATE, OR A LOBBYIST OR CLIENT OF A LOBBYIST CEASES TO ACT AS SUCH, PROVIDED THAT THE COMMISSION NOTIFIES SUCH INDIVIDUAL OR ENTITY OF THE ALLEGED VIOLATION OF LAW PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION WITHIN ONE YEAR FROM HIS OR HER SEPARATION FROM STATE OR LEGISLATIVE SERVICE, OR HIS OR HER TERMINATION OF PARTY SERVICE OR CANDIDACY, OR HIS OR HER OR ITS TERMINATION OF LOBBYING ACTIVITY. NOTHING IN THIS SECTION SHALL SERVE TO LIMIT THE JURISDICTION OF THE COMMISSION IN ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THIS ARTICLE.

13. AN INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION WHO KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF SUBDIVISIONS TWO THROUGH FIVE, SEVEN, EIGHT, TWELVE OR SUBDIVISIONS FOURTEEN THROUGH SEVENTEEN OF SECTION SEVENTY-THREE OF THIS ARTICLE, SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW, OR A REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE OR WHO KNOWINGLY AND WILFULLY WITH INTENT TO DECEIVE MAKES A FALSE STATEMENT OR OMISSION OR GIVES INFORMATION WHICH SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS PLUS THE DISGORGEMENT OF THE AMOUNT OF THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF PARAGRAPH B, C, D OR I OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS AND THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF PARAGRAPH A, E OR G OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY

IN AN AMOUNT NOT TO EXCEED THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOWINGLY VIOLATES THE PROVISIONS OF PARAGRAPH J OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS. ASSESSMENT OF A CIVIL PENALTY HEREUNDER SHALL BE MADE BY THE COMMISSION WITH RESPECT TO PERSONS SUBJECT TO ITS JURISDICTION. FOR A VIOLATION OF THIS SUBDIVISION, OTHER THAN FOR CONDUCT WHICH CONSTITUTES A VIOLATION OF SUBDIVISION TWELVE OF SECTION SEVENTY-THREE OR SECTION SEVENTY-FOUR OF THIS ARTICLE, THE COMMISSION MAY, IN LIEU OF A CIVIL PENALTY, REFER A VIOLATION TO THE DISTRICT ATTORNEY OF THE COUNTY OR COUNTIES HAVING JURISDICTION OF THE ACT OR THE STATE ATTORNEY GENERAL AND UPON CONVICTION, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR, EXCEPT THAT A VIOLATION OF SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW SHALL BE PUNISHABLE AS PROVIDED HEREIN. A CIVIL PENALTY FOR FALSE FILING MAY NOT BE IMPOSED HEREUNDER IN THE EVENT A CATEGORY OF "VALUE" OR "AMOUNT" REPORTED HEREUNDER IS INCORRECT UNLESS SUCH REPORTED INFORMATION IS FALSELY UNDERSTATED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO OTHER PENALTY, CIVIL OR CRIMINAL MAY BE IMPOSED FOR A FAILURE TO FILE, OR FOR A FALSE FILING, OF SUCH STATEMENT, OR A VIOLATION OF SECTION SEVENTY-THREE OF THIS ARTICLE, EXCEPT THAT THE APPOINTING AUTHORITY MAY IMPOSE DISCIPLINARY ACTION AS OTHERWISE PROVIDED BY LAW. THE STATE GOVERNMENT ETHICS COMMISSION MAY REFER VIOLATIONS OF THIS ARTICLE TO THE APPOINTING AUTHORITY FOR DISCIPLINARY ACTION AS OTHERWISE PROVIDED BY LAW. THE STATE GOVERNMENT ETHICS COMMISSION SHALL BE DEEMED TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHORIZED AND COMMISSION DENIALS OF REQUESTS FOR CERTAIN DELETIONS OR EXEMPTIONS TO BE MADE FROM A FINANCIAL DISCLOSURE STATEMENT AS AUTHORIZED IN PARAGRAPH (H) OR PARAGRAPH (I) OF SUBDIVISION NINE OF THIS SECTION. SUCH RULES, WHICH SHALL NOT BE SUBJECT TO THE APPROVAL REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL PROVIDE FOR DUE PROCESS PROCEDURAL MECHANISMS SUBSTANTIALLY SIMILAR TO THOSE SET FORTH IN ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT BUT SUCH MECHANISMS NEED NOT BE IDENTICAL IN TERMS OR SCOPE. ASSESSMENT OF A CIVIL PENALTY OR COMMISSION DENIAL OF SUCH A REQUEST SHALL BE FINAL UNLESS MODIFIED, SUSPENDED OR VACATED WITHIN THIRTY DAYS OF IMPOSITION, WITH RESPECT TO THE ASSESSMENT OF SUCH PENALTY, OR UNLESS SUCH DENIAL OF REQUEST IS REVERSED WITHIN SUCH TIME PERIOD, AND UPON BECOMING FINAL SHALL BE SUBJECT TO REVIEW AT THE INSTANCE OF THE AFFECTED REPORTING INDIVIDUALS IN A PROCEEDING COMMENCED AGAINST THE STATE GOVERNMENT ETHICS COMMISSION, PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

14. A COPY OF ANY NOTICE OF DELINQUENCY OR NOTICE OF REASONABLE CAUSE SENT PURSUANT TO SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE INCLUDED IN THE REPORTING PERSON'S FILE AND BE AVAILABLE FOR PUBLIC INSPECTION UPON A FINDING OR FINAL DETERMINATION OF WRONGDOING OR A NOTICE OF CIVIL ASSESSMENT IS ISSUED.

15. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE JURISDICTION OF THE COMMISSION TO THE REQUIREMENTS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, SEVENTY-THREE-D, SEVENTY-FOUR OF THIS ARTICLE OR ARTICLE FOURTEEN OF THE ELECTION LAW, THE COMMISSION SHALL RENDER ADVISORY OPINIONS ON THE REQUIREMENTS OF SAID PROVISIONS. AN OPINION RENDERED BY

THE COMMISSION, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE COMMISSION IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO REQUESTED THE OPINION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION. SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRODUCED AND SHALL BE A DEFENSE, IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUESTS SHALL BE CONFIDENTIAL BUT THE COMMISSION MAY PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE INCLUDED IN THE PUBLICATION.

16. IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED BY LAW, THE COMMISSION SHALL HAVE THE POWER AND DUTY TO:

(A) PROMULGATE RULES CONCERNING RESTRICTIONS ON OUTSIDE ACTIVITIES, LIMITATIONS ON THE RECEIPT OF GIFTS AND HONORARIA BY PERSONS SUBJECT TO ITS JURISDICTION, PROVIDED, HOWEVER, A VIOLATION OF SUCH RULES IN AND OF ITSELF SHALL NOT BE PUNISHABLE PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION UNLESS THE CONDUCT CONSTITUTING THE VIOLATION WOULD OTHERWISE CONSTITUTE A VIOLATION OF THIS SECTION; AND

(B) CONDUCT TRAINING PROGRAMS IN COOPERATION WITH THE GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS, THE LEGISLATURE, THE ATTORNEY GENERAL, OFFICE OF STATE COMPTROLLER AND UNIFIED COURT SYSTEM TO PROVIDE EDUCATION TO INDIVIDUALS SUBJECT TO ITS JURISDICTION; AND

(C) ADMINISTER AND ENFORCE ALL THE PROVISIONS OF THIS SECTION; AND

(D) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. PURSUANT TO THIS POWER AND DUTY, THE COMMISSION MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL.

16-A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, THE COMMISSION SHALL CREATE AND THEREAFTER MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE WHICH SHALL SET FORTH THE PROCEDURE FOR FILING A COMPLAINT WITH THE COMMISSION, AND WHICH SHALL CONTAIN THE DOCUMENTS IDENTIFIED IN SUBDIVISION SEVENTEEN OF THIS SECTION, OTHER THAN FINANCIAL DISCLOSURE STATEMENTS, AND ANY OTHER RECORDS OR INFORMATION WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE.

17. (A) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THIS CHAPTER, THE ONLY RECORDS OF THE COMMISSION WHICH SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING ARE:

(1) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS CHAPTER EXCEPT THE CATEGORIES OF VALUE OR AMOUNT, WHICH SHALL REMAIN CONFIDENTIAL, AND ANY OTHER ITEM OF INFORMATION DELETED PURSUANT TO PARAGRAPH (H) OF SUBDIVISION NINE OF THIS SECTION;

(2) NOTICES OF DELINQUENCY SENT UNDER SUBDIVISION ELEVEN OF THIS SECTION;

(3) NOTICES OF REASONABLE CAUSE SENT UNDER PARAGRAPH (B) OF SUBDIVISION TWELVE OF THIS SECTION;

(4) NOTICES OF CIVIL ASSESSMENTS IMPOSED UNDER THIS SECTION WHICH SHALL INCLUDE A DESCRIPTION OF THE NATURE OF THE ALLEGED WRONGDOING, THE PROCEDURAL HISTORY OF THE COMPLAINT, THE FINDINGS AND DETERMINATIONS MADE BY THE COMMISSION, AND ANY SANCTION IMPOSED; AND

(5) THE TERMS OF ANY SETTLEMENT OR COMPROMISE OF A COMPLAINT OR REFERRAL WHICH INCLUDES A FINE, PENALTY OR OTHER REMEDY.

(B) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER, NO MEETING OR PROCEEDING, INCLUDING ANY SUCH PROCEEDING CONTEMPLATED UNDER PARAGRAPH (H) OR (I) OF SUBDIVISION NINE OF THIS SECTION, OF THE

COMMISSION SHALL BE OPEN TO THE PUBLIC, EXCEPT IF EXPRESSLY PROVIDED OTHERWISE BY THE COMMISSION.

(C) PENDING ANY APPLICATION FOR DELETION OR EXEMPTION TO THE COMMISSION, ALL INFORMATION WHICH IS THE SUBJECT OR A PART OF THE APPLICATION SHALL REMAIN CONFIDENTIAL. UPON AN ADVERSE DETERMINATION BY THE COMMISSION, THE REPORTING INDIVIDUAL MAY REQUEST, AND UPON SUCH REQUEST THE COMMISSION SHALL PROVIDE, THAT ANY INFORMATION WHICH IS THE SUBJECT OR PART OF THE APPLICATION REMAIN CONFIDENTIAL FOR A PERIOD OF THIRTY DAYS FOLLOWING NOTICE OF SUCH DETERMINATION. IN THE EVENT THAT THE REPORTING INDIVIDUAL RESIGNS HIS OFFICE AND HOLDS NO OTHER OFFICE SUBJECT TO THE JURISDICTION OF THE COMMISSION, THE INFORMATION SHALL NOT BE MADE PUBLIC AND SHALL BE EXPUNGED IN ITS ENTIRETY.

18. IF ANY PART OR PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON OR ORGANIZATION IS ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH JUDGMENT SHALL NOT AFFECT OR IMPAIR ANY OTHER PART OR PROVISION OR THE APPLICATION THEREOF TO ANY OTHER PERSON OR ORGANIZATION, BUT SHALL BE CONFINED IN ITS OPERATION TO SUCH PART OR PROVISION.

S 5. Legislative declaration. The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and that, to preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to influence the passage or defeat of any legislation by either house of the legislature or the approval, or veto, of any legislation by the governor and attempts to influence the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency, and the attempts to influence the passage or defeat of any local law, ordinance, or regulation be publicly and regularly disclosed.

S 6. The public officers law is amended by adding a new section 73-d to read as follows:

S 73-D. LOBBYING ACTIVITY. 1. SHORT TITLE. THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "LOBBYING ACT".

2. DEFINITIONS. AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) THE TERM "LOBBYIST" SHALL MEAN EVERY PERSON OR ORGANIZATION RETAINED, EMPLOYED OR DESIGNATED BY ANY CLIENT TO ENGAGE IN DIRECTLY OR TO SOLICIT OTHERS TO COMMUNICATE FOR THE PURPOSES OF LOBBYING. THE TERM "LOBBYIST" SHALL NOT INCLUDE ANY OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE, COUNSEL OR AGENT OF THE STATE, OR ANY MUNICIPALITY OR SUBDIVISION THEREOF OF NEW YORK WHEN DISCHARGING THEIR OFFICIAL DUTIES; EXCEPT THOSE OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, COUNSELS, OR AGENTS OF COLLEGES, AS DEFINED BY SECTION TWO OF THE EDUCATION LAW.

(B) THE TERM "CLIENT" SHALL MEAN EVERY PERSON OR ORGANIZATION WHO RETAINS, EMPLOYS OR DESIGNATES ANY PERSON OR ORGANIZATION TO CARRY ON LOBBYING ACTIVITIES ON BEHALF OF SUCH CLIENT.

(C) THE TERM "LOBBYING" OR "LOBBYING ACTIVITIES" SHALL MEAN AND INCLUDE ANY ATTEMPT BY A PERSON OR ENTITY TO DIRECTLY OR TO SOLICIT OTHERS TO COMMUNICATE FOR THE PURPOSE OF INFLUENCING:

(I) THE PASSAGE OR DEFEAT OF ANY LEGISLATION BY EITHER HOUSE OF THE STATE LEGISLATURE OR APPROVAL OR DISAPPROVAL OF ANY LEGISLATION BY THE GOVERNOR;

(II) THE ADOPTION, ISSUANCE, RESCISSION, MODIFICATION OR TERMS OF A GUBERNATORIAL EXECUTIVE ORDER;

(III) THE ADOPTION OR REJECTION OF ANY PROCEDURE, RULE OR REGULATION HAVING THE FORCE AND EFFECT OF LAW BY A STATE AGENCY;

(IV) THE OUTCOME OF ANY RATE MAKING PROCEEDING BY A STATE AGENCY;

(V) ANY DETERMINATION: (A) BY A PUBLIC OFFICIAL, OR BY A PERSON OR ENTITY WORKING IN COOPERATION WITH A PUBLIC OFFICIAL RELATED TO A GOVERNMENTAL PROCUREMENT, (B) BY AN OFFICER OR EMPLOYEE OF THE UNIFIED COURT SYSTEM, OR BY A PERSON OR ENTITY WORKING IN COOPERATION WITH AN OFFICER OR EMPLOYEE OF THE UNIFIED COURT SYSTEM RELATED TO A GOVERNMENTAL PROCUREMENT, OR (C) BY THE STATE OR NEW YORK CITY COMPTROLLER WORKING IN COOPERATION WITH A PERSON OR ENTITY FOR THE INVESTMENT OF PUBLIC PENSION FUNDS;

(VI) THE APPROVAL, DISAPPROVAL, IMPLEMENTATION OR ADMINISTRATION OF TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-STATE AGREEMENTS AND ANY OTHER STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, EXCEPT TO THE EXTENT DESIGNATION OF SUCH ACTIVITIES AS "LOBBYING" IS BARRED BY THE FEDERAL INDIAN GAMING REGULATORY ACT, BY A PUBLIC OFFICIAL OR BY A PERSON OR ENTITY WORKING IN COOPERATION WITH A PUBLIC OFFICIAL IN RELATION TO SUCH APPROVAL, DISAPPROVAL, IMPLEMENTATION OR ADMINISTRATION;

(VII) THE PASSAGE OR DEFEAT OF ANY LOCAL LAW, ORDINANCE, RESOLUTION, OR REGULATION BY ANY MUNICIPALITY OR SUBDIVISION THEREOF;

(VIII) THE ADOPTION, ISSUANCE, RESCISSION, MODIFICATION OR TERMS OF AN EXECUTIVE ORDER ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY;

(IX) THE ADOPTION OR REJECTION OF ANY RULE, REGULATION, OR RESOLUTION HAVING THE FORCE AND EFFECT OF A LOCAL LAW, ORDINANCE, RESOLUTION, OR REGULATION; OR

(X) THE OUTCOME OF ANY RATE MAKING PROCEEDING BY ANY MUNICIPALITY OR SUBDIVISION THEREOF.

THE TERM "LOBBYING" SHALL NOT INCLUDE:

(A) PERSONS ENGAGED IN DRAFTING, ADVISING CLIENTS ON OR RENDERING OPINIONS ON PROPOSED LEGISLATION, RULES, REGULATIONS OR RATES, MUNICIPAL ORDINANCES AND RESOLUTIONS, EXECUTIVE ORDERS, PROCUREMENT CONTRACTS, OR TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-STATE AGREEMENTS OR OTHER WRITTEN MATERIALS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, WHEN SUCH PROFESSIONAL SERVICES ARE NOT OTHERWISE CONNECTED WITH STATE OR MUNICIPAL LEGISLATIVE OR EXECUTIVE ACTION ON SUCH LEGISLATION, RULES, REGULATIONS OR RATES, MUNICIPAL ORDINANCES AND RESOLUTIONS, EXECUTIVE ORDERS, PROCUREMENT CONTRACTS, OR TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-STATE AGREEMENTS OR OTHER WRITTEN MATERIALS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701;

(B) NEWSPAPERS AND OTHER PERIODICALS AND RADIO AND TELEVISION STATIONS, AND OWNERS AND EMPLOYEES THEREOF, PROVIDED THAT THEIR ACTIVITIES IN CONNECTION WITH PROPOSED LEGISLATION, RULES, REGULATIONS OR RATES, MUNICIPAL ORDINANCES AND RESOLUTIONS, EXECUTIVE ORDERS, TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING OR OTHER TRIBAL-STATE AGREEMENTS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, OR PROCUREMENT CONTRACTS BY A STATE AGENCY, MUNICIPAL AGENCY, LOCAL LEGISLATIVE BODY, THE STATE LEGISLATURE, OR THE UNIFIED COURT SYSTEM, ARE LIMITED TO THE PUBLICATION OR BROADCAST OF NEWS ITEMS, EDITORIALS OR OTHER COMMENTS, OR PAID ADVERTISEMENTS;

(C) PERSONS WHO PARTICIPATE AS WITNESSES, ATTORNEYS OR OTHER REPRESENTATIVES IN PUBLIC PROCEEDINGS OF A STATE OR MUNICIPAL AGENCY WITH RESPECT TO ALL PARTICIPATION BY SUCH PERSONS WHICH IS PART OF THE PUBLIC

RECORD THEREOF AND ALL PREPARATION BY SUCH PERSONS FOR SUCH PARTICIPATION;

(D) PERSONS WHO ATTEMPT TO INFLUENCE A STATE OR MUNICIPAL AGENCY IN AN ADJUDICATORY PROCEEDING, AS "ADJUDICATORY PROCEEDING" IS DEFINED BY SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT;

(E) PERSONS WHO PREPARE OR SUBMIT A RESPONSE TO A REQUEST FOR INFORMATION OR COMMENTS BY THE STATE LEGISLATURE, THE GOVERNOR, OR A STATE AGENCY OR A COMMITTEE OR OFFICER OF THE LEGISLATURE OR A STATE AGENCY, OR BY THE UNIFIED COURT SYSTEM, OR BY A LEGISLATIVE OR EXECUTIVE BODY OR OFFICER OF A MUNICIPALITY OR A COMMISSION, COMMITTEE OR OFFICER OF A MUNICIPAL LEGISLATIVE OR EXECUTIVE BODY;

(F) ANY ATTEMPT BY A CHURCH, ITS INTEGRATED AUXILIARY, OR A CONVENTION OR ASSOCIATION OF CHURCHES THAT IS EXEMPT FROM FILING A FEDERAL INCOME TAX RETURN UNDER PARAGRAPH (A)(I) OF SECTION 6033(A) OF TITLE 26 OF THE UNITED STATES CODE OR A RELIGIOUS ORDER THAT IS EXEMPT FROM FILING A FEDERAL INCOME TAX RETURN UNDER PARAGRAPH (2)(A)(III) OF SUCH SECTION 6033(A) TO INFLUENCE PASSAGE OR DEFEAT OF A LOCAL LAW, ORDINANCE, RESOLUTION OR REGULATION OR ANY RULE OR REGULATION HAVING THE FORCE AND EFFECT OF A LOCAL LAW, ORDINANCE OR REGULATION;

(G) ANY ACTIVITY RELATING TO GOVERNMENTAL PROCUREMENTS MADE UNDER SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW UNDERTAKEN BY (I) THE NON-PROFIT-MAKING AGENCIES APPOINTED PURSUANT TO PARAGRAPH E OF SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED, OR THE COMMISSIONER OF EDUCATION, AND (II) THE QUALIFIED CHARITABLE NON-PROFIT-MAKING AGENCIES FOR THE BLIND, AND QUALIFIED CHARITABLE NON-PROFIT-MAKING AGENCIES FOR OTHER SEVERELY DISABLED PERSONS AS IDENTIFIED IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT ANY ATTEMPT TO INFLUENCE THE ISSUANCE OR TERMS OF THE SPECIFICATIONS THAT SERVE AS THE BASIS FOR BID DOCUMENTS, REQUESTS FOR PROPOSALS, INVITATIONS FOR BIDS, OR SOLICITATIONS OF PROPOSALS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT WITH A STATE AGENCY, THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY SHALL NOT BE EXEMPT FROM THE DEFINITION OF "LOBBYING" OR "LOBBYING ACTIVITIES" UNDER THIS CLAUSE;

(H) PARTICIPANTS, INCLUDING THOSE APPEARING ON BEHALF OF A CLIENT, IN A CONFERENCE PROVIDED FOR IN A REQUEST FOR PROPOSALS, INVITATION FOR BIDS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

(I) OFFERERS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT AND ARE ENGAGED IN COMMUNICATIONS WITH A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY SOLELY FOR THE PURPOSE OF NEGOTIATING THE TERMS OF THE PROCUREMENT CONTRACT AFTER BEING NOTIFIED OF SUCH AWARD OR, WHEN A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IS PURCHASING AN ARTICLE OF PROCUREMENT PURSUANT TO AN EXISTING STATE PROCUREMENT CONTRACT, OFFERERS WHO ARE ENGAGED IN COMMUNICATIONS WITH THE PROCURING ENTITY SOLELY FOR THE PURPOSE OF NEGOTIATING TERMS APPLICABLE TO THAT PURCHASE; OR PERSONS WHO CURRENTLY HOLD A FRANCHISE AND WHO ARE ENGAGED IN NEGOTIATING THE TERMS OF A TENTATIVE FRANCHISE RENEWAL CONTRACT WITH A MUNICIPALITY, BUT SUCH NEGOTIATIONS, WHICH DO NOT CONSTITUTE LOBBYING, DO NOT INCLUDE COMMUNICATIONS TO THE LOCAL LEGISLATIVE BODY THAT MUST APPROVE THE CONTRACT; PROVIDED, HOWEVER, THAT ANY ATTEMPT TO INFLUENCE THE FINAL

ISSUANCE OR TERMS OF THE SPECIFICATIONS THAT SERVE AS THE BASIS FOR BID DOCUMENTS, REQUESTS FOR PROPOSALS, INVITATIONS FOR BIDS, OR SOLICITATIONS OF PROPOSALS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT WITH A STATE AGENCY, THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY SHALL NOT BE EXEMPT FROM THE DEFINITION OF "LOBBYING" OR "LOBBYING ACTIVITIES" UNDER THIS SUBPARAGRAPH;

(J) (I) OFFERERS OR OTHER PERSONS WHO ARE A PARTY TO A PROTEST, APPEAL OR OTHER REVIEW PROCEEDING (INCLUDING THE APPARENT SUCCESSFUL BIDDER OR PROPOSER AND HIS OR HER REPRESENTATIVES) BEFORE THE GOVERNMENTAL ENTITY CONDUCTING THE PROCUREMENT SEEKING A FINAL ADMINISTRATIVE DETERMINATION, OR IN A SUBSEQUENT JUDICIAL PROCEEDING; OR

(II) OFFERERS OR OTHER PERSONS WHO BRING COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCUREMENT TO THE ATTORNEY GENERAL, INSPECTOR GENERAL, DISTRICT ATTORNEY, OR COURT OF COMPETENT JURISDICTION; OR

(III) OFFERERS OR OTHER PERSONS WHO SUBMIT WRITTEN PROTESTS, APPEALS OR COMPLAINTS TO THE STATE COMPTROLLER'S OFFICE DURING THE PROCESS OF CONTRACT APPROVAL, WHERE THE STATE COMPTROLLER'S APPROVAL IS REQUIRED BY LAW, AND WHERE SUCH COMMUNICATIONS AND ANY RESPONSES THERETO ARE MADE IN WRITING AND SHALL BE ENTERED IN THE PROCUREMENT RECORD PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW; OR

(IV) OFFERERS OR OTHER PERSONS WHO BRING COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCUREMENT CONDUCTED BY A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY TO THE STATE COMPTROLLER'S OFFICE; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED AS RECOGNIZING OR CREATING ANY NEW RIGHTS, DUTIES OR RESPONSIBILITIES OR ABROGATING ANY EXISTING RIGHTS, DUTIES OR RESPONSIBILITIES OF ANY GOVERNMENTAL ENTITY AS IT PERTAINS TO IMPLEMENTATION AND ENFORCEMENT OF ARTICLE ELEVEN OF THE STATE FINANCE LAW OR ANY OTHER PROVISION OF LAW DEALING WITH THE GOVERNMENTAL PROCUREMENT PROCESS;

(K) THE SUBMISSION OF A BID OR PROPOSAL (WHETHER SUBMITTED ORALLY, IN WRITING OR ELECTRONICALLY) IN RESPONSE TO A REQUEST FOR PROPOSALS, INVITATION FOR BIDS OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

(L) OFFERERS SUBMITTING WRITTEN QUESTIONS TO A DESIGNATED CONTACT OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY SET FORTH IN A REQUEST FOR PROPOSALS, OR INVITATION FOR BIDS OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT, WHEN ALL WRITTEN QUESTIONS AND RESPONSES ARE TO BE DISSEMINATED TO ALL OFFERERS WHO HAVE EXPRESSED AN INTEREST IN THE REQUEST FOR PROPOSALS, OR INVITATION FOR BIDS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

(M) CONTACTS DURING GOVERNMENTAL PROCUREMENTS BETWEEN DESIGNATED STAFF OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY INVOLVED IN GOVERNMENTAL PROCUREMENTS AND OFFICERS OR EMPLOYEES OF BIDDERS OR POTENTIAL BIDDERS, OR OFFICERS OR EMPLOYEES OF SUBCONTRACTORS OF BIDDERS OR POTENTIAL BIDDERS, WHO ARE CHARGED WITH THE PERFORMANCE OF FUNCTIONS RELATING TO CONTRACTS AND WHO ARE QUALIFIED BY EDUCATION, TRAINING OR EXPERIENCE TO PROVIDE TECHNICAL SERVICES TO EXPLAIN, CLARIFY OR DEMONSTRATE THE QUALITIES, CHARACTERISTICS OR ADVANTAGES OF AN ARTICLE OF PROCUREMENT. SUCH AUTHORIZED CONTACTS SHALL: (I) BE LIMITED TO PROVIDING INFORMATION TO THE STAFF OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY AND LOCAL

LEGISLATIVE BODY TO ASSIST THEM IN UNDERSTANDING AND ASSESSING THE QUALITIES, CHARACTERISTICS OR ANTICIPATED PERFORMANCE OF AN ARTICLE OF PROCUREMENT; (II) NOT INCLUDE ANY RECOMMENDATIONS OR ADVOCATE ANY CONTRACT PROVISIONS; AND (III) OCCUR ONLY AT SUCH TIMES AND IN SUCH MANNER AS AUTHORIZED UNDER THE PROCURING ENTITY'S SOLICITATION OR GUIDELINES AND PROCEDURES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "TECHNICAL SERVICES" SHALL BE LIMITED TO ANALYSIS DIRECTLY APPLYING ANY ACCOUNTING, ENGINEERING, SCIENTIFIC, OR OTHER SIMILAR TECHNICAL DISCIPLINES;

(N) APPLICATIONS FOR LICENSES, CERTIFICATES, AND PERMITS AUTHORIZED BY STATUTES OR LOCAL LAWS OR ORDINANCES;

(O) THE ACTIVITIES OF PERSONS WHO ARE COMMISSION SALESPERSONS WITH RESPECT TO GOVERNMENTAL PROCUREMENTS;

(P) COMMUNICATIONS MADE BY AN OFFICER OR EMPLOYEE OF THE OFFERER AFTER THE AWARD OF THE PROCUREMENT CONTRACT WHEN SUCH COMMUNICATIONS ARE IN THE ORDINARY COURSE OF PROVIDING THE ARTICLE OF PROCUREMENT PROVIDED BY THE PROCUREMENT CONTRACT AND IN THE ORDINARY COURSE OF THE ASSIGNED DUTIES OF THE OFFICER OR EMPLOYEE; PROVIDED, HOWEVER, THAT NOTHING HEREIN SHALL EXEMPT: (I) AN OFFICER OR EMPLOYEE WHOSE PRIMARY PURPOSE OF EMPLOYMENT IS TO ENGAGE IN LOBBYING ACTIVITIES WITH REGARD TO GOVERNMENTAL PROCUREMENTS, OR (II) AN AGENT OR INDEPENDENT CONTRACTOR HIRED BY AN OFFERER AND WHOSE PRIMARY DUTY IS TO ENGAGE IN LOBBYING ACTIVITIES WITH REGARD TO GOVERNMENTAL PROCUREMENTS; AND

(Q) PERSONS WHO COMMUNICATE WITH PUBLIC OFFICIALS WHERE SUCH COMMUNICATIONS ARE LIMITED TO OBTAINING FACTUAL INFORMATION RELATED TO BENEFITS OR INCENTIVES OFFERED BY A STATE OR MUNICIPAL AGENCY AND WHERE SUCH COMMUNICATIONS DO NOT INCLUDE ANY RECOMMENDATIONS OR ADVOCATE GOVERNMENTAL ACTION OR CONTRACT PROVISIONS, AND FURTHER WHERE SUCH COMMUNICATIONS ARE NOT OTHERWISE CONNECTED WITH PENDING LEGISLATIVE OR EXECUTIVE ACTION OR DETERMINATIONS; PROVIDED, HOWEVER, THAT ANY PERSON WHO IS OTHERWISE REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS SECTION BY VIRTUE OF ENGAGING IN LOBBYING ACTIVITIES AS DEFINED IN THIS PARAGRAPH SHALL NOT BE DEEMED TO FALL WITHIN THE EXCEPTION PROVIDED FOR UNDER THIS SUBPARAGRAPH.

(D) THE TERM "ORGANIZATION" SHALL MEAN ANY CORPORATION, COMPANY, FOUNDATION, ASSOCIATION, COLLEGE AS DEFINED BY SECTION TWO OF THE EDUCATION LAW, LABOR ORGANIZATION, FIRM, PARTNERSHIP, SOCIETY, JOINT STOCK COMPANY, STATE AGENCY OR PUBLIC CORPORATION.

(E) THE TERM "STATE AGENCY" SHALL MEAN ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, OFFICE, COUNCIL, COMMITTEE OR OFFICER OF THE STATE, WHETHER PERMANENT OR TEMPORARY, OR A PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, AUTHORIZED BY LAW TO MAKE RULES OR TO MAKE FINAL DECISIONS IN ADJUDICATORY PROCEEDINGS BUT SHALL NOT INCLUDE THE JUDICIAL BRANCH OR AGENCIES CREATED BY INTERSTATE COMPACT OR INTERNATIONAL AGREEMENT.

(F) THE TERM "COMMISSION" SHALL MEAN THE STATE GOVERNMENT ETHICS COMMISSION CREATED BY SECTION SEVENTY-THREE-C OF THIS ARTICLE.

(G) THE TERM "EXPENSE" OR "EXPENSES" SHALL MEAN ANY EXPENDITURES INCURRED BY OR REIMBURSED TO THE LOBBYIST FOR LOBBYING BUT SHALL NOT INCLUDE CONTRIBUTIONS REPORTABLE PURSUANT TO ARTICLE FOURTEEN OF THE ELECTION LAW.

(H) THE TERM "COMPENSATION" SHALL MEAN ANY SALARY, FEE, GIFT, PAYMENT, BENEFIT, LOAN, ADVANCE OR ANY OTHER THING OF VALUE PAID, OWED, GIVEN OR PROMISED TO THE LOBBYIST BY THE CLIENT FOR LOBBYING BUT SHALL NOT INCLUDE CONTRIBUTIONS REPORTABLE PURSUANT TO ARTICLE FOURTEEN OF THE ELECTION LAW.

(I) THE TERM "PUBLIC CORPORATION" SHALL MEAN A MUNICIPAL CORPORATION, A DISTRICT CORPORATION, OR A PUBLIC BENEFIT CORPORATION AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION LAW.

(J) THE TERM "GIFT" SHALL MEAN ANYTHING OVER TEN DOLLARS IN VALUE GIVEN TO A PUBLIC OFFICIAL IN ANY FORM INCLUDING, BUT NOT LIMITED TO MONEY, SERVICE, LOAN, TRAVEL, LODGING, MEALS, REFRESHMENTS, ENTERTAINMENT, DISCOUNT, FORBEARANCE, OR PROMISE, HAVING A MONETARY VALUE. THE FOLLOWING ARE EXCLUDED FROM THE DEFINITION OF A GIFT:

(I) COMPLIMENTARY ATTENDANCE, INCLUDING FOOD AND BEVERAGE, AT BONA FIDE CHARITABLE OR POLITICAL EVENTS, AND FOOD AND BEVERAGE OF A NOMINAL VALUE GREATER THAN TEN DOLLARS OFFERED OTHER THAN AS PART OF A MEAL;

(II) COMPLIMENTARY ATTENDANCE, FOOD AND BEVERAGE OFFERED BY THE SPONSOR OF AN EVENT THAT IS WIDELY ATTENDED OR WAS IN GOOD FAITH INTENDED TO BE WIDELY ATTENDED, WHEN ATTENDANCE AT THE EVENT IS RELATED TO THE ATTENDEE'S DUTIES OR RESPONSIBILITIES AS A PUBLIC OFFICIAL OR ALLOWS THE PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPROPRIATE TO HIS OR HER POSITION. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM WIDELY ATTENDED SHALL MEAN THAT THE INTENT OF THE EVENT SPONSOR IS TO INVITE MORE THAN TWENTY-FIVE STATE OFFICERS WHO REPRESENT DIVERSE VIEWS AND TO ENCOURAGE DIALOGUE AMONG THE PARTICIPANTS;

(III) AWARDS, PLAQUES, AND OTHER CEREMONIAL ITEMS WHICH ARE PUBLICLY PRESENTED, OR INTENDED TO BE PUBLICLY PRESENTED, IN RECOGNITION OF PUBLIC SERVICE, PROVIDED THAT THE ITEM OR ITEMS ARE OF THE TYPE CUSTOMARILY BESTOWED AT SUCH OR SIMILAR CEREMONIES AND ARE OTHERWISE REASONABLE UNDER THE CIRCUMSTANCES, AND FURTHER PROVIDED THAT THE FUNCTIONALITY OF SUCH ITEMS SHALL NOT DETERMINE WHETHER SUCH ITEMS ARE PERMITTED UNDER THIS PARAGRAPH;

(IV) AN HONORARY DEGREE BESTOWED UPON A PUBLIC OFFICIAL BY A PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;

(V) PROMOTIONAL ITEMS HAVING NO SUBSTANTIAL RESALE VALUE SUCH AS PENS, MUGS, CALENDARS, HATS, AND T-SHIRTS WHICH BEAR AN ORGANIZATION'S NAME, LOGO, OR MESSAGE IN A MANNER WHICH PROMOTES THE ORGANIZATION'S CAUSE;

(VI) GOODS AND SERVICES, OR DISCOUNTS FOR GOODS AND SERVICES, OFFERED TO THE GENERAL PUBLIC OR A SEGMENT OF THE GENERAL PUBLIC DEFINED ON A BASIS OTHER THAN STATUS AS A PUBLIC OFFICIAL AND OFFERED ON THE SAME TERMS AND CONDITIONS AS THE GOODS OR SERVICES ARE OFFERED TO THE GENERAL PUBLIC OR SEGMENT THEREOF;

(VII) GIFTS FROM A FAMILY MEMBER, MEMBER OF THE SAME HOUSEHOLD, OR PERSON WITH A PERSONAL RELATIONSHIP WITH THE PUBLIC OFFICIAL, INCLUDING INVITATIONS TO ATTEND PERSONAL OR FAMILY SOCIAL EVENTS, WHEN THE CIRCUMSTANCES ESTABLISH THAT IT IS THE FAMILY, HOUSEHOLD, OR PERSONAL RELATIONSHIP THAT IS THE PRIMARY MOTIVATING FACTOR; IN DETERMINING MOTIVATION, THE FOLLOWING FACTORS SHALL BE AMONG THOSE CONSIDERED: (A) THE HISTORY AND NATURE OF THE RELATIONSHIP BETWEEN THE DONOR AND THE RECIPIENT, INCLUDING WHETHER OR NOT ITEMS HAVE PREVIOUSLY BEEN EXCHANGED; (B) WHETHER THE ITEM WAS PURCHASED BY THE DONOR; AND (C) WHETHER OR NOT THE DONOR AT THE SAME TIME GAVE SIMILAR ITEMS TO OTHER PUBLIC OFFICIALS; THE TRANSFER SHALL NOT BE CONSIDERED TO BE MOTIVATED BY A FAMILY, HOUSEHOLD, OR PERSONAL RELATIONSHIP IF THE DONOR SEEKS TO CHARGE OR DEDUCT THE VALUE OF SUCH ITEM AS A BUSINESS EXPENSE OR SEEKS REIMBURSEMENT FROM A CLIENT;

(VIII) CONTRIBUTIONS REPORTABLE UNDER ARTICLE FOURTEEN OF THE ELECTION LAW;

(IX) TRAVEL REIMBURSEMENT OR PAYMENT FOR TRANSPORTATION, MEALS AND ACCOMMODATIONS FOR AN ATTENDEE, PANELIST OR SPEAKER AT AN INFORMATIONAL EVENT WHEN SUCH REIMBURSEMENT OR PAYMENT IS MADE BY A GOVERNMENTAL ENTI-

TY OR BY AN IN-STATE ACCREDITED PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION THAT HOSTS THE EVENT ON ITS CAMPUS, PROVIDED, HOWEVER, THAT THE PUBLIC OFFICIAL MAY ONLY ACCEPT LODGING FROM AN INSTITUTION OF HIGHER EDUCATION: (A) AT A LOCATION ON OR WITHIN CLOSE PROXIMITY TO THE HOST CAMPUS; AND (B) FOR THE NIGHT PRECEDING AND THE NIGHTS OF THE DAYS ON WHICH THE ATTENDEE, PANELIST OR SPEAKER ACTUALLY ATTENDS THE EVENT;

(X) PROVISION OF LOCAL TRANSPORTATION TO INSPECT OR TOUR FACILITIES, OPERATIONS OR PROPERTY OWNED OR OPERATED BY THE ENTITY PROVIDING SUCH TRANSPORTATION, PROVIDED, HOWEVER, THAT PAYMENT OR REIMBURSEMENT OF LODGING, MEALS OR TRAVEL EXPENSES TO AND FROM THE LOCALITY WHERE SUCH FACILITIES, OPERATIONS OR PROPERTY ARE LOCATED SHALL BE CONSIDERED TO BE GIFTS UNLESS OTHERWISE PERMITTED UNDER THIS SUBDIVISION; AND

(XI) MEALS OR REFRESHMENTS WHEN PARTICIPATING IN A PROFESSIONAL OR EDUCATIONAL PROGRAM AND THE MEALS OR REFRESHMENTS ARE PROVIDED TO ALL PARTICIPANTS.

(K) THE TERM "MUNICIPALITY" SHALL MEAN ANY JURISDICTIONAL SUBDIVISION OF THE STATE, INCLUDING BUT NOT LIMITED TO COUNTIES, CITIES, TOWNS, VILLAGES, IMPROVEMENT DISTRICTS AND SPECIAL DISTRICTS, WITH A POPULATION OF MORE THAN FIFTY THOUSAND, AND INDUSTRIAL DEVELOPMENT AGENCIES IN JURISDICTIONAL SUBDIVISIONS WITH A POPULATION OF MORE THAN FIFTY THOUSAND; AND PUBLIC AUTHORITIES, AND PUBLIC CORPORATIONS, BUT SHALL NOT INCLUDE SCHOOL DISTRICTS.

(L) THE TERM "PUBLIC OFFICIAL" SHALL MEAN:

(I) THE GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL;

(II) MEMBERS OF THE STATE LEGISLATURE;

(III) STATE OFFICERS AND EMPLOYEES INCLUDING:

(A) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS OTHER THAN MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM BASIS,

(B) OFFICERS AND EMPLOYEES OF STATE ELECTED OFFICIALS,

(C) OFFICERS AND EMPLOYEES OF STATE DEPARTMENTS, BOARDS, BUREAUS, DIVISIONS, COMMISSIONS, COUNCILS OR OTHER STATE AGENCIES,

(D) MEMBERS OR DIRECTORS OF PUBLIC AUTHORITIES, OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATIONS AND COMMISSIONS AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, AND EMPLOYEES OF SUCH AUTHORITIES, CORPORATIONS AND COMMISSIONS;

(IV) OFFICERS AND EMPLOYEES OF THE LEGISLATURE; AND

(V) MUNICIPAL OFFICERS AND EMPLOYEES INCLUDING AN OFFICER OR EMPLOYEE OF A MUNICIPAL ENTITY, WHETHER PAID OR UNPAID, INCLUDING MEMBERS OF ANY ADMINISTRATIVE BOARD, COMMISSION OR OTHER AGENCY THEREOF AND IN THE CASE OF A COUNTY, SHALL BE DEEMED TO ALSO INCLUDE ANY OFFICER OR EMPLOYEE PAID FROM COUNTY FUNDS. NO PERSON SHALL BE DEEMED TO BE A MUNICIPAL OFFICER OR EMPLOYEE SOLELY BY REASON OF BEING A VOLUNTEER FIREMAN OR CIVIL DEFENSE VOLUNTEER, EXCEPT A FIRE CHIEF OR ASSISTANT FIRE CHIEF.

(M) THE TERM "RESTRICTED PERIOD" SHALL MEAN THE PERIOD OF TIME COMMENCING WITH THE EARLIEST WRITTEN NOTICE, ADVERTISEMENT OR SOLICITATION OF A REQUEST FOR PROPOSAL, INVITATION FOR BIDS, OR SOLICITATION OF PROPOSALS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT WITH A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF THIS SUBDIVISION, AND ENDING WITH THE FINAL CONTRACT AWARD AND APPROVAL BY THE STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED

BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF THIS SUBDIVISION, AND, WHERE APPLICABLE, THE STATE COMPTROLLER.

(N) THE TERM "REVENUE CONTRACT" SHALL MEAN ANY WRITTEN AGREEMENT BETWEEN A STATE OR MUNICIPAL AGENCY OR A LOCAL LEGISLATIVE BODY AND AN OFFERER WHEREBY THE STATE OR MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY GIVES OR GRANTS A CONCESSION OR A FRANCHISE.

(O) THE TERM "ARTICLE OF PROCUREMENT" SHALL MEAN A COMMODITY, SERVICE, TECHNOLOGY, PUBLIC WORK, CONSTRUCTION, REVENUE CONTRACT, THE PURCHASE, SALE OR LEASE OF PERSONAL OR REAL PROPERTY OR AN ACQUISITION OR GRANTING OF OTHER INTEREST IN REAL PROPERTY, THAT IS THE SUBJECT OF A GOVERNMENTAL PROCUREMENT.

(P) THE TERM "GOVERNMENTAL PROCUREMENT" SHALL MEAN: (I) THE PREPARATION OR TERMS OF THE SPECIFICATIONS, BID DOCUMENTS, REQUEST FOR PROPOSALS, OR EVALUATION CRITERIA FOR A PROCUREMENT CONTRACT, (II) SOLICITATION FOR A PROCUREMENT CONTRACT, (III) EVALUATION OF A PROCUREMENT CONTRACT, (IV) AWARD, APPROVAL, DENIAL OR DISAPPROVAL OF A PROCUREMENT CONTRACT, OR (V) APPROVAL OR DENIAL OF AN ASSIGNMENT, AMENDMENT (OTHER THAN AMENDMENTS THAT ARE AUTHORIZED AND PAYABLE UNDER THE TERMS OF THE PROCUREMENT CONTRACT AS IT WAS FINALLY AWARDED OR APPROVED BY THE COMPTROLLER, AS APPLICABLE), RENEWAL OR EXTENSION OF A PROCUREMENT CONTRACT, OR ANY OTHER MATERIAL CHANGE IN THE PROCUREMENT CONTRACT RESULTING IN A FINANCIAL BENEFIT TO THE OFFERER.

(Q) THE TERM "OFFERER" SHALL MEAN THE INDIVIDUAL OR ENTITY, OR ANY EMPLOYEE, AGENT, LOBBYIST OR CONSULTANT OF SUCH INDIVIDUAL OR ENTITY, THAT CONTACTS A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY ABOUT A GOVERNMENTAL PROCUREMENT.

(R) THE TERM "PROCUREMENT CONTRACT" SHALL MEAN ANY CONTRACT OR OTHER AGREEMENT FOR AN ARTICLE OF PROCUREMENT INVOLVING AN ESTIMATED ANNUALIZED EXPENDITURE IN EXCESS OF FIFTEEN THOUSAND DOLLARS. GRANTS, ARTICLE ELEVEN-B STATE FINANCE LAW CONTRACTS, PROGRAM CONTRACTS BETWEEN NOT-FOR-PROFIT ORGANIZATIONS, AS DEFINED IN ARTICLE ELEVEN-B OF THE STATE FINANCE LAW, AND THE UNIFIED COURT SYSTEM, INTERGOVERNMENTAL AGREEMENTS, RAILROAD AND UTILITY FORCE ACCOUNTS, UTILITY RELOCATION PROJECT AGREEMENTS OR ORDERS AND EMINENT DOMAIN TRANSACTIONS SHALL NOT BE DEEMED PROCUREMENT CONTRACTS.

(S) THE TERM "MUNICIPAL AGENCY" SHALL MEAN: (I) ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, OFFICE, COUNCIL, COMMITTEE OR OFFICER OF A MUNICIPALITY, WHETHER PERMANENT OR TEMPORARY; OR (II) AN INDUSTRIAL DEVELOPMENT AGENCY, LOCATED IN A JURISDICTIONAL SUBDIVISION OF THE STATE WITH A POPULATION OF MORE THAN FIFTY THOUSAND, OR LOCAL PUBLIC BENEFIT CORPORATION, AS THAT TERM IS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION LAW.

(T) THE TERM "LOCAL LEGISLATIVE BODY" SHALL MEAN THE BOARD OF SUPERVISORS, BOARD OF ALDERMEN, COMMON COUNCIL, COUNCIL, COMMISSION, TOWN BOARD, BOARD OF TRUSTEES OR OTHER ELECTIVE GOVERNING BOARD OR BODY OF A MUNICIPALITY NOW OR HEREAFTER VESTED BY STATE STATUTE, CHARTER OR OTHER LAW WITH JURISDICTION TO INITIATE AND ADOPT LOCAL LAWS AND ORDINANCES, WHETHER OR NOT SUCH LOCAL LAWS OR ORDINANCES REQUIRE APPROVAL OF THE ELECTIVE CHIEF EXECUTIVE OFFICER OR OTHER OFFICIAL OR BODY TO BECOME EFFECTIVE.

(U) THE TERM "COMMISSION SALESPERSON" SHALL MEAN ANY PERSON THE PRIMARY PURPOSE OF WHOSE EMPLOYMENT IS TO CAUSE OR PROMOTE THE SALE OF, OR TO INFLUENCE OR INDUCE ANOTHER TO MAKE A PURCHASE OF AN ARTICLE OF PROCUREMENT, WHETHER SUCH PERSON IS AN EMPLOYEE (AS THAT TERM IS DEFINED FOR TAX PURPOSES) OF OR AN INDEPENDENT CONTRACTOR FOR A VENDOR, PROVIDED

THAT AN INDEPENDENT CONTRACTOR SHALL HAVE A WRITTEN CONTRACT FOR A TERM OF NOT LESS THAN SIX MONTHS OR FOR AN INDEFINITE TERM, AND WHICH PERSON SHALL BE COMPENSATED, IN WHOLE OR IN PART, BY THE PAYMENT OF A PERCENTAGE AMOUNT OF ALL OR A SUBSTANTIAL PART OF THE SALES WHICH SUCH PERSON HAS CAUSED, PROMOTED, INFLUENCED OR INDUCED, PROVIDED, HOWEVER, THAT NO PERSON SHALL BE CONSIDERED A COMMISSION SALESPERSON WITH RESPECT TO ANY SALE TO OR PURCHASE BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IF THE PERCENTAGE AMOUNT OF ANY COMMISSION PAYABLE WITH RESPECT TO SUCH SALE OR PURCHASE IS SUBSTANTIALLY IN EXCESS OF ANY COMMISSION PAYABLE WITH RESPECT TO ANY COMPARABLE SALE TO A PURCHASER THAT IS NOT A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY; FURTHER, PROVIDED, HOWEVER, THAT ANY PERSON THAT IS REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS SECTION BY VIRTUE OF ENGAGING IN LOBBYING ACTIVITIES AS DEFINED IN SUBPARAGRAPHS (I) THROUGH (IV) AND (VI) THROUGH (X) OF PARAGRAPH (C) OF THIS SUBDIVISION SHALL NOT BE DEEMED TO BE A "COMMISSION SALESPERSON" FOR PURPOSES OF THIS SECTION.

(V) THE TERM "UNIFIED COURT SYSTEM", FOR THE PURPOSES OF THIS CHAPTER, SHALL MEAN THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK, OR THE OFFICE OF COURT ADMINISTRATION, WHERE APPROPRIATE, OTHER THAN TOWN AND VILLAGE JUSTICE COURTS IN JURISDICTIONS WITH A POPULATION UNDER FIFTY THOUSAND, WHEN IT ACTS SOLELY IN AN ADMINISTRATIVE CAPACITY TO ENGAGE IN GOVERNMENTAL PROCUREMENTS AND SHALL NOT INCLUDE THE UNIFIED COURT SYSTEM OR ANY COURT OF THE STATE JUDICIARY WHEN IT ACTS TO HEAR AND DECIDE CASES OF ORIGINAL OR APPELLATE JURISDICTION OR OTHERWISE ACTS IN ITS JUDICIAL, AS OPPOSED TO ADMINISTRATIVE, CAPACITY.

3. LOBBY-RELATED POWERS OF THE COMMISSION. IN ADDITION TO ANY OTHER POWERS AND DUTIES PROVIDED BY SECTION SEVENTY-THREE-C OF THIS ARTICLE, THE COMMISSION SHALL, WITH RESPECT TO ITS LOBBYING-RELATED FUNCTIONS ONLY, HAVE THE POWER AND DUTY TO:

(A) ADMINISTER AND ENFORCE ALL THE PROVISIONS OF THIS SECTION;

(B) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE AT ANY PLACE WITHIN THE STATE. PURSUANT TO THIS POWER AND DUTY, THE COMMISSION MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

(C) CONDUCT A PROGRAM OF REGULAR AS WELL AS RANDOM AUDITS SUBJECT TO THE TERMS AND CONDITIONS OF THIS SUBDIVISION. ANY SUCH PROGRAM SHALL BE CARRIED OUT IN THE FOLLOWING MANNER:

(I) THE COMMISSION MAY REGULARLY AND RANDOMLY SELECT REPORTS OR REGISTRATION STATEMENTS REQUIRED TO BE FILED BY LOBBYISTS OR CLIENTS PURSUANT TO THIS SECTION FOR AUDIT. ANY SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR LOBBYIST OR CLIENT WHOSE STATEMENT OR REPORT IS SELECTED FOR AUDIT IS UNKNOWN TO THE COMMISSION, ITS STAFF OR ANY OF THEIR AGENTS PRIOR TO SELECTION.

(II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH REGULAR AND RANDOM AUDITS. SUCH REGULAR AND RANDOM AUDITS MAY REQUIRE THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATERIAL TO THE PREPARATION OF THE SELECTED STATEMENTS OR REPORTS, FOR EXAMINATION BY THE COMMISSION. ANY SUCH PROTOCOLS SHALL ENSURE THAT SIMILARLY SITUATED STATEMENTS OR REPORTS ARE AUDITED IN A UNIFORM MANNER.

(III) THE COMMISSION MAY CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY, WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS STATEMENTS OR REPORTS FOR AUDIT AND CARRIES OUT THE PROVISIONS OF

SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND CERTIFIES THAT SUCH PROCESS COMPLIES WITH THE PROVISIONS OF SUCH SUBPARAGRAPHS.

(IV) UPON COMPLETION OF A REGULAR OR RANDOM AUDIT CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR INCOMPLETE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE COMMISSION MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMORANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE COMMISSION DETERMINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS;

(D) CONDUCT HEARINGS PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. ANY HEARING MAY BE CONDUCTED AS A VIDEO CONFERENCE IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FOUR OF SECTION ONE HUNDRED FOUR OF THE PUBLIC OFFICERS LAW;

(E) PREPARE UNIFORM FORMS FOR THE LOBBYING-RELATED STATEMENTS AND REPORTS REQUIRED BY THIS SUBDIVISION;

(F) MEET AT LEAST ONCE DURING EACH BI-MONTHLY REPORTING PERIOD OF THE YEAR AS ESTABLISHED BY PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION AND MAY MEET AT SUCH OTHER TIMES AS THE COMMISSION, OR THE CHAIR AND VICE-CHAIR JOINTLY, SHALL DETERMINE; AND

(G) SUBMIT BY THE FIRST DAY OF MARCH NEXT FOLLOWING THE YEAR FOR WHICH SUCH REPORT IS MADE TO THE GOVERNOR AND THE MEMBERS OF THE LEGISLATURE AN ANNUAL REPORT SUMMARIZING THE COMMISSION'S WORK, LISTING THE LOBBYISTS AND CLIENTS REQUIRED TO REGISTER PURSUANT TO THIS SECTION AND THE EXPENSES AND COMPENSATION REPORTED PURSUANT TO THIS SECTION AND MAKING RECOMMENDATIONS WITH RESPECT TO THIS SECTION. THE COMMISSION SHALL MAKE THIS REPORT AVAILABLE FREE OF CHARGE TO THE PUBLIC.

4. STATEMENT OF REGISTRATION. (A) (I) EVERY LOBBYIST SHALL ANNUALLY FILE WITH THE COMMISSION, ON FORMS PROVIDED BY THE COMMISSION, A STATEMENT OF REGISTRATION FOR EACH CALENDAR YEAR; PROVIDED, HOWEVER, THAT THE FILING OF SUCH STATEMENT OF REGISTRATION SHALL NOT BE REQUIRED OF ANY LOBBYIST WHO (1) IN ANY YEAR DOES NOT EXPEND, INCUR OR RECEIVE AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF REPORTABLE COMPENSATION AND EXPENSES, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION, FOR THE PURPOSES OF LOBBYING OR (2) IS AN OFFICER, DIRECTOR, TRUSTEE OR EMPLOYEE OF ANY PUBLIC CORPORATION, WHEN ACTING IN SUCH OFFICIAL CAPACITY; PROVIDED HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO RELIEVE ANY PUBLIC CORPORATION OF THE OBLIGATION TO FILE SUCH STATEMENTS AND REPORTS AS REQUIRED BY THIS SECTION. THE AMOUNTS EXPENDED, INCURRED, OR RECEIVED OF REPORTABLE COMPENSATION AND EXPENSES FOR LOBBYING ACTIVITIES SHALL BE COMPUTED CUMULATIVELY FOR ALL LOBBYING ACTIVITIES WHEN DETERMINING WHETHER THE THRESHOLDS SET FORTH IN THIS SUBDIVISION HAVE BEEN MET.

(II) EVERY LOBBYIST SHALL BIENNIALLY FILE WITH THE COMMISSION, ON FORMS PROVIDED BY THE COMMISSION, A STATEMENT OF REGISTRATION FOR EACH BIENNIAL PERIOD BEGINNING WITH THE FIRST YEAR OF THE BIENNIAL CYCLE COMMENCING CALENDAR YEAR TWO THOUSAND FIVE AND THEREAFTER; PROVIDED, HOWEVER, THAT THE BIENNIAL FILING OF SUCH STATEMENT OF REGISTRATION SHALL NOT BE REQUIRED OF ANY LOBBYIST WHO (1) IN ANY YEAR DOES NOT EXPEND, INCUR OR RECEIVE AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF REPORTABLE COMPENSATION, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION FOR THE PURPOSES OF LOBBYING OR (2) IS AN OFFICER, DIRECTOR, TRUSTEE OR EMPLOYEE OF ANY PUBLIC CORPORATION, WHEN ACTING IN SUCH OFFICIAL CAPACITY; PROVIDED HOWEVER, THAT

NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO RELIEVE ANY PUBLIC CORPORATION OF THE OBLIGATION TO FILE SUCH STATEMENTS AND REPORTS AS REQUIRED BY THIS SECTION.

(III) SUCH BIENNIAL FILINGS SHALL BE COMPLETED ON OR BEFORE JANUARY FIRST OF THE FIRST YEAR OF A BIENNIAL CYCLE COMMENCING IN CALENDAR YEAR TWO THOUSAND FIVE AND THEREAFTER, BY THOSE PERSONS WHO HAVE BEEN RETAINED, EMPLOYED OR DESIGNATED AS LOBBYIST ON OR BEFORE DECEMBER FIFTEENTH OF THE PREVIOUS CALENDAR YEAR AND WHO REASONABLY ANTICIPATE THAT IN THE COMING YEAR THEY WILL EXPEND, INCUR OR RECEIVE COMBINED REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS COMMENCING IN TWO THOUSAND TEN; FOR THOSE LOBBYISTS RETAINED, EMPLOYED OR DESIGNATED AFTER THE PREVIOUS DECEMBER FIFTEENTH, AND FOR THOSE LOBBYISTS WHO SUBSEQUENT TO THEIR RETAINER, EMPLOYMENT OR DESIGNATION REASONABLY ANTICIPATE COMBINED REPORTABLE COMPENSATION AND EXPENSES IN EXCESS OF SUCH AMOUNT, SUCH FILING MUST BE COMPLETED WITHIN FIFTEEN DAYS THEREAFTER, BUT IN NO EVENT LATER THAN TEN DAYS AFTER THE ACTUAL INCURRING OR RECEIVING OF SUCH REPORTABLE COMPENSATION AND EXPENSES.

(B) (I) SUCH STATEMENTS OF REGISTRATION SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS FOR THOSE FILING PERIODS WHERE ANNUAL STATEMENTS ARE REQUIRED, AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD; (II) BIENNIAL STATEMENTS OF REGISTRATION SHALL BE KEPT ON FILE FOR A PERIOD OF THREE BIENNIAL FILING PERIODS WHERE BIENNIAL STATEMENTS ARE REQUIRED, AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

(C) SUCH STATEMENT OF REGISTRATION SHALL CONTAIN: (I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST AND THE SPOUSE, DOMESTIC PARTNER AND UNEMANCIPATED CHILDREN OF THE LOBBYIST, AND IF THE LOBBYIST IS AN ORGANIZATION THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ANY OFFICER OR EMPLOYEE OF SUCH LOBBYIST WHO ENGAGES IN ANY LOBBYING ACTIVITIES OR WHO IS EMPLOYED IN AN ORGANIZATION'S DIVISION THAT ENGAGES IN LOBBYING ACTIVITIES OF THE ORGANIZATION AND THE SPOUSE AND UNEMANCIPATED CHILDREN OF SUCH OFFICERS OR EMPLOYEES, PROVIDED THAT THE ADDRESSES AND TELEPHONE NUMBERS OF SPOUSES AND UNEMANCIPATED CHILDREN SHALL BE NOT BE MADE AVAILABLE TO THE PUBLIC; (II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT BY WHOM OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED; (III) IF SUCH LOBBYIST IS RETAINED OR EMPLOYED PURSUANT TO A WRITTEN AGREEMENT OF RETAINER OR EMPLOYMENT, A COPY OF SUCH SHALL ALSO BE ATTACHED AND IF SUCH RETAINER OR EMPLOYMENT IS ORAL, A STATEMENT OF THE SUBSTANCE THEREOF; SUCH WRITTEN RETAINER, OR IF IT IS ORAL, A STATEMENT OF THE SUBSTANCE THEREOF, AND ANY AMENDMENT THERETO, SHALL BE RETAINED FOR A PERIOD OF THREE YEARS; (IV) A WRITTEN AUTHORIZATION FROM THE CLIENT BY WHOM THE LOBBYIST IS AUTHORIZED TO LOBBY, UNLESS SUCH LOBBYIST HAS FILED A WRITTEN AGREEMENT OF RETAINER OR EMPLOYMENT PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH; (V) THE FOLLOWING INFORMATION ON WHICH THE LOBBYIST EXPECTS TO LOBBY: (1) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, (5) THE RULE, REGULATION, AND RATEMAKING NUMBERS OF ANY RULES, REGULATIONS, RATES, OR MUNICIPAL ORDINANCES AND RESOLUTIONS, OR PROPOSED RULES, REGULATIONS, OR RATES, OR MUNICIPAL ORDINANCES AND RESOLUTIONS, (6) THE TITLES AND ANY IDENTIFYING NUMBERS OF ANY STATE LOANS, STATE GRANTS, PROCUREMENT

CONTRACTS AND OTHER DISBURSEMENTS OR DOCUMENTS DISSEMINATED BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERNMENTAL PROCUREMENT, AND THE IDENTITY OF ANY INVESTMENT FOR PUBLIC PENSION FUNDS; (VI) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE WHICH THE LOBBYIST IS LOBBYING OR EXPECTS TO LOBBY; AND (VII) IF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED BY MORE THAN ONE CLIENT, A SEPARATE STATEMENT OF REGISTRATION SHALL BE REQUIRED FOR EACH SUCH CLIENT.

(D) ANY AMENDMENT TO THE INFORMATION FILED BY THE LOBBYIST IN THE ORIGINAL STATEMENT OF REGISTRATION SHALL BE SUBMITTED TO THE COMMISSION ON FORMS SUPPLIED BY THE COMMISSION WITHIN TEN DAYS AFTER SUCH AMENDMENT, HOWEVER, THIS SHALL NOT REQUIRE THE LOBBYIST TO AMEND THE ENTIRE REGISTRATION FORM.

(E) (I) THE FIRST STATEMENT OF REGISTRATION FILED ANNUALLY BY EACH LOBBYIST SHALL BE ACCOMPANIED BY A REGISTRATION FEE OF TWO HUNDRED DOLLARS EXCEPT THAT NO REGISTRATION FEE SHALL BE REQUIRED FROM ANY LOBBYIST WHO IN ANY YEAR DOES NOT EXPEND, INCUR OR RECEIVE AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF REPORTABLE COMPENSATION AND EXPENSES, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION, FOR THE PURPOSES OF LOBBYING OR OF A PUBLIC CORPORATION. A FEE OF TWO HUNDRED DOLLARS SHALL BE REQUIRED FOR ANY SUBSEQUENT STATEMENT OF REGISTRATION FILED BY A LOBBYIST DURING THE SAME BIENNIAL PERIOD; (II) THE STATEMENT OF REGISTRATION FILED AFTER THE DUE DATE OF A BIENNIAL REGISTRATION SHALL BE ACCOMPANIED BY A REGISTRATION FEE THAT IS PRORATED TO ONE HUNDRED DOLLARS FOR ANY REGISTRATION FILED AFTER JANUARY FIRST OF THE SECOND CALENDAR YEAR COVERED BY THE BIENNIAL REPORTING REQUIREMENT. IN ADDITION TO THE FEES AUTHORIZED BY THIS SUBDIVISION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A REGISTRATION STATEMENT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE STATEMENT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE LOBBYIST MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A STATEMENT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH DAY THAT THE STATEMENT REQUIRED TO BE FILED IS LATE.

4-A. EVERY LOBBYIST SHALL PROVIDE ON THE REGISTRATION STATEMENT FORMS PROVIDED BY THE COMMISSION A STATEMENT LISTING ANY BUSINESS RELATIONSHIPS WITH STATE OFFICERS, MEMBERS OF THE LEGISLATURE, AND LEGISLATIVE EMPLOYEES REGARDLESS OF WHETHER OR NOT FOR COMPENSATION. FOR THE PURPOSES OF THIS SUBDIVISION, BUSINESS RELATIONSHIPS SHALL INCLUDE, BUT NOT BE LIMITED TO, REFERRALS, ORAL AGREEMENTS, OR FORMAL WRITTEN CONTRACTUAL AGREEMENTS.

4-B. BEYOND THE ITEMS REQUIRED TO BE LISTED PURSUANT TO THIS SECTION, EVERY LOBBYIST SHALL PROVIDE ON THE REGISTRATION STATEMENT FORMS PROVIDED BY THE COMMISSION A STATEMENT LISTING ALL LOBBYIST OR CLIENT SOLICITATIONS OF PUBLIC OFFICERS WITHIN ANY DEPARTMENT, AGENCY, OR EITHER HOUSE OF THE LEGISLATURE.

5. MONTHLY REGISTRATION DOCKET. IT SHALL BE THE DUTY OF THE COMMISSION TO COMPILE A MONTHLY DOCKET OF STATEMENTS OF REGISTRATION CONTAINING ALL INFORMATION REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. EACH SUCH MONTHLY DOCKET SHALL CONTAIN ALL STATEMENTS OF REGISTRATION FILED DURING SUCH MONTH AND ALL AMENDMENTS TO PREVIOUSLY FILED STATEMENTS OF REGISTRATION. COPIES SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION.

6. TERMINATION OF RETAINER, EMPLOYMENT OR DESIGNATION. UPON THE TERMINATION OF A LOBBYIST'S RETAINER, EMPLOYMENT OR DESIGNATION, SUCH LOBBYIST AND THE CLIENT ON WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED SHALL

BOTH GIVE WRITTEN NOTICE TO THE COMMISSION WITHIN THIRTY DAYS AFTER THE LOBBYIST CEASES THE ACTIVITY THAT REQUIRED SUCH LOBBYIST TO FILE A STATEMENT OF REGISTRATION; HOWEVER, SUCH LOBBYIST SHALL NEVERTHELESS COMPLY WITH THE BI-MONTHLY REPORTING REQUIREMENTS UP TO THE DATE SUCH ACTIVITY HAS CEASED AS REQUIRED BY THIS SECTION AND BOTH SUCH PARTIES SHALL EACH FILE THE SEMI-ANNUAL REPORT REQUIRED BY SUBDIVISION NINE OF THIS SECTION. THE COMMISSION SHALL ENTER NOTICE OF SUCH TERMINATION IN THE APPROPRIATE MONTHLY REGISTRATION DOCKET REQUIRED BY SUBDIVISION FIVE OF THIS SECTION.

7. BI-MONTHLY REPORTS OF CERTAIN LOBBYISTS. (A) ANY LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WHO IN ANY LOBBYING YEAR REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND, INCUR OR RECEIVE COMBINED REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSE OF LOBBYING, SHALL FILE WITH THE COMMISSION A BI-MONTHLY WRITTEN REPORT, ON FORMS SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY NEXT SUCCEEDING THE END OF THE REPORTING PERIOD IN WHICH THE LOBBYIST WAS FIRST REQUIRED TO FILE A STATEMENT OF REGISTRATION. SUCH REPORTING PERIODS SHALL BE THE PERIOD OF JANUARY FIRST TO THE LAST DAY OF FEBRUARY, MARCH FIRST TO APRIL THIRTIETH, MAY FIRST TO JUNE THIRTIETH, JULY FIRST TO AUGUST THIRTY-FIRST, SEPTEMBER FIRST TO OCTOBER THIRTY-FIRST AND NOVEMBER FIRST TO DECEMBER THIRTY-FIRST.

(B) SUCH BI-MONTHLY REPORT SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT BY WHOM OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED;

(III) THE FOLLOWING INFORMATION ON WHICH THE LOBBYIST HAS LOBBIED, SOLICITED, OR ENTERED A BUSINESS RELATIONSHIP WITH: (1) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, (5) THE RULE, REGULATION, AND RATEMAKING OR MUNICIPAL ORDINANCE OR RESOLUTION NUMBERS OF ANY RULES, REGULATIONS, OR RATES OR ORDINANCE OR PROPOSED RULES, REGULATIONS, OR RATES OR MUNICIPAL ORDINANCES OR RESOLUTIONS, (6) TITLES AND ANY IDENTIFYING NUMBERS OF ANY PROCUREMENT CONTRACTS AND OTHER DOCUMENTS DISSEMINATED BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERNMENTAL PROCUREMENT, AND (7) THE IDENTITY OF ANY INVESTMENT FOR PUBLIC PENSION FUNDS;

(IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE WHICH THE LOBBYIST HAS LOBBIED;

(V) (1) THE COMPENSATION PAID OR OWED TO THE LOBBYIST, AND ANY EXPENSES EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE OF LOBBYING.

(2) EXPENSES REQUIRED TO BE REPORTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND WHERE SUCH EXPENSE IS MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.

(3) FOR THE PURPOSES OF THIS PARAGRAPH, EXPENSES SHALL NOT INCLUDE:

(A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF SUCH LOBBYIST;

(B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS IN ANY ONE CALENDAR YEAR, DIRECTLY INCURRED FOR THE PRINTING OR OTHER MEANS OF REPRODUCTION OR MAILING OF LETTERS, MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.

(4) EXPENSES PAID OR INCURRED FOR SALARIES OTHER THAN THAT OF THE LOBBYIST SHALL BE LISTED IN THE AGGREGATE.

(5) EXPENSES OF MORE THAN FIFTY DOLLARS SHALL BE PAID BY CHECK OR SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON FILE BY THE LOBBYIST FOR A PERIOD OF THREE YEARS.

(C) (I) ALL SUCH BI-MONTHLY REPORTS SHALL BE SUBJECT TO REVIEW BY THE COMMISSION.

(II) SUCH BI-MONTHLY REPORTS SHALL BE KEPT ON FILE FOR THREE YEARS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH TIME.

(III) IN ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A BI-MONTHLY REPORT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE LOBBYIST MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

8. BI-MONTHLY REPORTS OF PUBLIC CORPORATIONS. (A) EVERY PUBLIC CORPORATION REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WHICH IN ANY LOBBYING YEAR REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND OR INCUR EXPENSES IN AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS, AS PROVIDED IN SUBPARAGRAPH (VI) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSE OF LOBBYING SHALL FILE WITH THE COMMISSION A BI-MONTHLY WRITTEN REPORT, ON FORMS SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY NEXT SUCCEEDING THE END OF THE REPORTING PERIOD IN WHICH THE PUBLIC CORPORATION WAS FIRST REQUIRED TO FILE A STATEMENT OF REGISTRATION. SUCH REPORTING PERIODS SHALL BE THE PERIOD OF JANUARY FIRST TO THE LAST DAY OF FEBRUARY, MARCH FIRST TO APRIL THIRTIETH, MAY FIRST TO JUNE THIRTIETH, JULY FIRST TO AUGUST THIRTY-FIRST, SEPTEMBER FIRST TO OCTOBER THIRTY-FIRST AND NOVEMBER FIRST TO DECEMBER THIRTY-FIRST.

(B) SUCH BI-MONTHLY REPORT SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF SUCH PUBLIC CORPORATION;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH PUBLIC CORPORATION;

(III) COPIES OF ANY AMENDMENTS RELATING TO A RETAINER, EMPLOYMENT OR DESIGNATION, AS FILED IN THE ORIGINAL STATEMENT OF REGISTRATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION;

(IV) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, THE LEGISLATIVE BILL NUMBERS OF ANY BILLS AND THE RULE, REGULATION, AND RATEMAKING NUMBERS OF ANY RULES, REGULATIONS, OR RATES OR PROPOSED RULES, REGULATIONS, RATES, ARTICLE OF PROCUREMENT OR PROCUREMENT CONTRACTS OR PENSION FUND INVESTMENTS ON WHICH THE LOBBYIST HAS LOBBIED, AND ON WHICH SUCH PUBLIC CORPORATION HAS LOBBIED;

(V) THE NAME OF THE PERSON, ORGANIZATION OR LEGISLATIVE BODY BEFORE WHICH THE PUBLIC CORPORATION, OR ITS LOBBYISTS, HAS LOBBIED;

(VI) (1) THE COMPENSATION PAID OR OWED TO THE LOBBYIST AND ANY EXPENSES EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE OF LOBBYING; PROVIDED, HOWEVER, ANY SUCH EXPENSES PAID BY SUCH PUBLIC CORPORATION TO A LOBBYIST FOR THE PURPOSE OF LOBBYING ON BEHALF OF SUCH PUBLIC CORPORATION SHALL BE ITEMIZED IN THE SAME MANNER AS IF SUCH PUBLIC CORPORATION HAD DIRECTLY PAID OR INCURRED SUCH EXPENSES.

(2) ANY EXPENSES REQUIRED TO BE REPORTED PURSUANT TO CLAUSE ONE OF THIS SUBPARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND WHERE SUCH EXPENSES ARE MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.

(3) FOR THE PURPOSES OF THIS SUBPARAGRAPH, EXPENSES SHALL NOT INCLUDE:

(A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF EACH SUCH LOBBYIST;

(B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS IN ANY ONE CALENDAR YEAR, DIRECTLY INCURRED FOR THE PRINTING OR OTHER MEANS OF REPRODUCTION OR MAILING OF LETTERS, MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.

(4) EXPENSES PAID OR INCURRED FOR COMPENSATION OTHER THAN THAT OF EACH LOBBYIST SHALL BE LISTED IN THE AGGREGATE.

(5) EXPENSES OF MORE THAN FIFTY DOLLARS MUST BE PAID BY CHECK OR SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON FILE BY SUCH PUBLIC CORPORATION FOR A PERIOD OF THREE YEARS.

(C) (I) ALL SUCH BI-MONTHLY REPORTS SHALL BE SUBJECT TO REVIEW BY THE COMMISSION.

(II) SUCH BI-MONTHLY REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

(III) IN ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A BI-MONTHLY REPORT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE PUBLIC CORPORATION MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

9. SEMI-ANNUAL REPORTS. (A) SEMI-ANNUAL REPORTS SHALL BE FILED BY ANY CLIENT RETAINING, EMPLOYING OR DESIGNATING A LOBBYIST OR LOBBYISTS, WHETHER OR NOT ANY SUCH LOBBYIST WAS REQUIRED TO FILE A BI-MONTHLY REPORT, IF SUCH CLIENT REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND OR INCUR AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF COMBINED REPORTABLE COMPENSATION AND EXPENSES, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSES OF LOBBYING.

(B) SUCH REPORT SHALL BE FILED WITH THE COMMISSION, ON FORMS SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY OF JULY OF THE YEAR AND BY THE FIFTEENTH DAY OF JANUARY NEXT FOLLOWING THE YEAR FOR WHICH SUCH REPORT IS MADE AND SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH CLIENT;

(III) THE FOLLOWING INFORMATION ON WHICH EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH CLIENT HAS LOBBIED, AND ON WHICH SUCH CLIENT HAS LOBBIED: (1) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. 2701, (5) THE RULE, REGULATION, AND RATEMAKING OR MUNICIPAL RESOLUTION OR ORDINANCE NUMBERS OF ANY RULES, REGULATIONS, OR RATES, OR MUNICIPAL RESOLUTIONS OR ORDINANCES OR

PROPOSED RULES, REGULATIONS, OR RATES, OR MUNICIPAL ORDINANCES OR RESOLUTIONS AND (6) THE TITLES AND ANY IDENTIFYING NUMBERS OF ANY PROCUREMENT CONTRACTS AND OTHER DOCUMENTS DISSEMINATED BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERNMENTAL PROCUREMENT;

(IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE WHICH SUCH CLIENT HAS LOBBIED;

(V) (1) THE COMPENSATION PAID OR OWED TO EACH SUCH LOBBYIST, AND ANY OTHER EXPENSES PAID OR INCURRED BY SUCH CLIENT FOR THE PURPOSE OF LOBBYING.

(2) ANY EXPENSES REQUIRED TO BE REPORTED PURSUANT TO CLAUSE ONE OF THIS SUBPARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND WHERE SUCH EXPENSES ARE MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.

(3) FOR THE PURPOSES OF THIS SUBPARAGRAPH, EXPENSES SHALL NOT INCLUDE:

(A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF SUCH LOBBYIST AND CLIENT;

(B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS, DIRECTLY INCURRED FOR THE PRINTING OR OTHER MEANS OF REPRODUCTION OR MAILING OF LETTERS, MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.

(4) EXPENSES PAID OR INCURRED FOR SALARIES OTHER THAN THAT OF THE LOBBYIST SHALL BE LISTED IN THE AGGREGATE.

(5) EXPENSES OF MORE THAN FIFTY DOLLARS MUST BE PAID BY CHECK OR SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON FILE BY SUCH CLIENT FOR A PERIOD OF THREE YEARS.

(C) (I) ALL SUCH SEMI-ANNUAL REPORTS SHALL BE SUBJECT TO REVIEW BY THE COMMISSION.

(II) SUCH SEMI-ANNUAL REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

(III) EACH SEMI-ANNUAL REPORT FILED BY A CLIENT PURSUANT TO THIS SUBDIVISION SHALL BE ACCOMPANIED BY A FILING FEE OF FIFTY DOLLARS. IN ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A SEMI-ANNUAL REPORT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE CLIENT MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE AN ANNUAL OR SEMI-ANNUAL REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

10. CONTINGENT RETAINER. (A) NO CLIENT SHALL RETAIN OR EMPLOY ANY LOBBYIST FOR COMPENSATION, INCLUDING, BUT NOT LIMITED TO, ANY BONUS, SUCCESS FEE, OR OTHER INDUCEMENT TO AN INDIVIDUAL THAT INCREASES HIS OR HER PERSONAL INCOME OR WEALTH, THE RATE OR AMOUNT OF WHICH COMPENSATION IN WHOLE OR PART IS CONTINGENT OR DEPENDENT UPON:

(I) (1) THE PASSAGE OR DEFEAT OF ANY LEGISLATIVE BILL OR THE APPROVAL OR VETO OF ANY LEGISLATION BY THE GOVERNOR, (2) THE TERMS, ISSUANCE, MODIFICATION OR RESCISSION OF A GUBERNATORIAL EXECUTIVE ORDER, (3) THE TERMS, APPROVAL OR DISAPPROVAL, OR THE IMPLEMENTATION AND ADMINISTRATION OF TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-STATE AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. 2701, OR (4) THE ADOPTION OR REJECTION OF ANY CODE, RULE OR REGULATION HAVING THE FORCE AND EFFECT OF LAW OR THE OUTCOME OF ANY RATE MAKING PROCEEDING BY A STATE AGENCY; (II)(1) THE PASSAGE OR DEFEAT OF ANY LOCAL LAW, ORDINANCE, REGULATION OR RESOLUTION

BY ANY MUNICIPALITY OR SUBDIVISION THEREOF, (2) THE TERMS, ISSUANCE, MODIFICATION OR RESCISSION OF AN EXECUTIVE ORDER ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, OR (3) THE ADOPTION, REJECTION OR IMPLEMENTATION OF ANY RULE, RESOLUTION OR REGULATION HAVING THE FORCE AND EFFECT OF A LOCAL LAW, ORDINANCE OR REGULATION OR ANY RATE MAKING PROCEEDING BY ANY MUNICIPALITY OR SUBDIVISION THEREOF; (4) ANY DETERMINATION BY THE OFFICE OF THE STATE OR CITY OF NEW YORK COMPTROLLER, A STATE AGENCY, INCLUDING, BUT NOT LIMITED TO, PUBLIC AUTHORITIES AND PUBLIC BENEFIT CORPORATIONS, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY WITH RESPECT TO A GOVERNMENTAL PROCUREMENT, ARTICLE OF PROCUREMENT OR A GRANT, LOAN, PURCHASE OR LEASE OF REAL OR PERSONAL PROPERTY, AGREEMENT OR INVESTMENT INVOLVING THE DISBURSEMENT OF PUBLIC MONIES.

(B) NO PERSON SHALL ACCEPT SUCH A RETAINER OR EMPLOYMENT. A VIOLATION OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

11. REPORTS OF LOBBYING INVOLVING DISBURSEMENT OF PUBLIC MONIES. (A) ANY LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WHO IN ANY LOBBYING YEAR REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND, INCUR OR RECEIVE COMBINED REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS SHALL FILE WITH THE COMMISSION, ON FORMS SUPPLIED BY THE COMMISSION, A REPORT OF ANY ATTEMPTS TO INFLUENCE A DETERMINATION BY A PUBLIC OFFICIAL, OR BY A PERSON OR ENTITY WORKING IN COOPERATION WITH A PUBLIC OFFICIAL, WITH RESPECT TO THE SOLICITATION, AWARD OR ADMINISTRATION OF A GRANT, LOAN, OR AGREEMENT INVOLVING THE DISBURSEMENT OF PUBLIC MONIES IN EXCESS OF FIFTEEN THOUSAND DOLLARS OTHER THAN A GOVERNMENTAL PROCUREMENT AS DEFINED IN SUBDIVISION TWO OF THIS SECTION.

(B) SUCH PUBLIC MONIES LOBBYING REPORTS SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST AND THE INDIVIDUALS EMPLOYED BY THE LOBBYIST ENGAGED IN SUCH PUBLIC MONIES LOBBYING ACTIVITIES;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT BY WHOM OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED ON WHOSE BEHALF THE LOBBYIST ENGAGED IN LOBBYING REPORTABLE UNDER THIS PARAGRAPH;

(III) A DESCRIPTION OF THE GRANT, LOAN, OR AGREEMENT INVOLVING THE DISBURSEMENT OF PUBLIC MONIES ON WHICH THE LOBBYIST HAS LOBBIED;

(IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE WHICH THE LOBBYIST HAS ENGAGED IN LOBBYING REPORTABLE UNDER THIS PARAGRAPH; AND

(V) THE COMPENSATION PAID OR OWED TO THE LOBBYIST, AND ANY EXPENSES EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE OF LOBBYING REPORTABLE UNDER THIS PARAGRAPH.

(C) PUBLIC MONIES LOBBYING REPORTS REQUIRED PURSUANT TO THIS PARAGRAPH SHALL BE FILED IN ACCORDANCE WITH THE SCHEDULE APPLICABLE TO THE FILING OF BI-MONTHLY REPORTS PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION AND SHALL BE FILED NOT LATER THAN THE FIFTEENTH DAY NEXT SUCCEEDING THE END OF SUCH REPORTING PERIOD.

(D) IN ADDITION TO ANY OTHER FEES AUTHORIZED BY THIS SECTION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A REPORT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED FIFTY DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE LOBBYIST MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

(E) ALL REPORTS FILED PURSUANT TO THIS SUBDIVISION SHALL BE SUBJECT TO REVIEW BY THE COMMISSION. SUCH REPORTS SHALL BE KEPT IN ELECTRONIC FORM BY THE COMMISSION AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

12. PROHIBITION OF GIFTS. NO INDIVIDUAL OR ENTITY REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO THIS SECTION SHALL OFFER OR GIVE A GIFT TO ANY PUBLIC OFFICIAL AS DEFINED WITHIN THIS SECTION, UNLESS UNDER THE CIRCUMSTANCES IT IS NOT REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. NO INDIVIDUAL OR ENTITY REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO THIS SECTION SHALL OFFER OR GIVE A GIFT TO THE SPOUSE OR UNEMANCIPATED CHILD OF ANY PUBLIC OFFICIAL AS DEFINED WITHIN THIS SECTION UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. NO SPOUSE OR UNEMANCIPATED CHILD OF AN INDIVIDUAL REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO THIS SECTION SHALL OFFER OR GIVE A GIFT TO A PUBLIC OFFICIAL UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. THIS SECTION SHALL NOT APPLY TO GIFTS TO OFFICERS, MEMBERS OR DIRECTORS OF BOARDS, COMMISSIONS, COUNCILS, PUBLIC AUTHORITIES OR PUBLIC BENEFIT CORPORATIONS WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM BASIS, UNLESS THE PERSON LISTED ON THE STATEMENT OF REGISTRATION APPEARS OR HAS MATTERS PENDING BEFORE THE BOARD, COMMISSION OR COUNCIL ON WHICH THE RECIPIENT SITS.

13. RESTRICTED CONTACTS. (A) DURING THE RESTRICTED PERIOD, NO PERSON OR ORGANIZATION REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS SECTION SHALL ENGAGE IN LOBBYING ACTIVITIES CONCERNING A GOVERNMENTAL PROCUREMENT BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION, BY CONTACTING A PERSON WITHIN THE PROCURING ENTITY WHO HAS NOT BEEN DESIGNATED PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-J OF THE STATE FINANCE LAW TO RECEIVE COMMUNICATIONS RELATIVE TO THE GOVERNMENTAL PROCUREMENT. FURTHER, DURING THE RESTRICTED PERIOD, NO PERSON OR ORGANIZATION REQUIRED TO FILE A LOBBYING REGISTRATION STATEMENT OR REPORT PURSUANT TO THIS SECTION SHALL ENGAGE IN LOBBYING ACTIVITIES CONCERNING A GOVERNMENTAL PROCUREMENT BY CONTACTING ANY PERSON IN A STATE AGENCY OTHER THAN THE STATE AGENCY CONDUCTING THE GOVERNMENTAL PROCUREMENT ABOUT THAT GOVERNMENTAL PROCUREMENT. THE PROHIBITIONS SET FORTH IN THIS PARAGRAPH SHALL NOT APPLY TO ANY CONTACTS DESCRIBED IN PARAGRAPH (B) OR (C) OF THIS SUBDIVISION.

(B) A COMPLAINT BY AN OFFERER REGARDING THE FAILURE OF THE PERSON OR PERSONS DESIGNATED BY THE PROCURING ENTITY PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-J OF THE STATE FINANCE LAW TO RESPOND IN A TIMELY MANNER TO AUTHORIZED OFFERER CONTACTS SHALL NOT BE DEEMED TO BE "LOBBYING" OR "LOBBYING ACTIVITIES" AND SHALL BE EXEMPT FROM THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION AND SHALL BE MADE IN WRITING TO THE OFFICE OF GENERAL COUNSEL OF THE STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE OR THE UNIFIED COURT SYSTEM THAT IS CONDUCTING THE PROCUREMENT. FURTHER, THE FOLLOWING CONTACTS SHALL NOT BE DEEMED TO BE "LOBBYING" OR "LOBBYING ACTIVITIES" AND SHALL BE EXEMPT FROM THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION:

(I) CONTACTS BY OFFERERS IN PROTESTS, APPEALS OR OTHER REVIEW PROCEEDINGS (INCLUDING THE APPARENT SUCCESSFUL BIDDER OR PROPOSER AND HIS OR HER REPRESENTATIVES) BEFORE THE GOVERNMENTAL ENTITY CONDUCTING THE PROCUREMENT SEEKING A FINAL ADMINISTRATIVE DETERMINATION, OR IN A SUBSEQUENT JUDICIAL PROCEEDING; OR

(II) COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCUREMENT TO THE ATTORNEY GENERAL, INSPECTOR GENERAL, DISTRICT ATTORNEY, OR COURT OF COMPETENT JURISDICTION; OR

(III) WRITTEN PROTESTS, APPEALS OR COMPLAINTS TO THE STATE COMPTROLLER'S OFFICE DURING THE PROCESS OF CONTRACT APPROVAL, WHERE THE STATE COMPTROLLER'S APPROVAL IS REQUIRED BY LAW, AND WHERE SUCH COMMUNICATIONS AND ANY RESPONSES THERETO ARE MADE IN WRITING AND SHALL BE ENTERED IN THE PROCUREMENT RECORD PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW; OR

(IV) COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCUREMENT CONDUCTED BY A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY TO THE STATE COMPTROLLER'S OFFICE; PROVIDED, HOWEVER, THAT NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED AS RECOGNIZING OR CREATING ANY NEW RIGHTS, DUTIES OR RESPONSIBILITIES OR ABROGATING ANY EXISTING RIGHTS, DUTIES OR RESPONSIBILITIES OF ANY GOVERNMENTAL ENTITY AS IT PERTAINS TO IMPLEMENTATION AND ENFORCEMENT OF ARTICLE ELEVEN OF THE STATE FINANCE LAW OR ANY OTHER PROVISION OF LAW DEALING WITH THE GOVERNMENTAL PROCUREMENT PROCESS.

(C) NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT A PERSON OR ORGANIZATION REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS SECTION FROM CONTACTING A MEMBER OF THE STATE LEGISLATURE CONCERNING A GOVERNMENTAL PROCUREMENT IN A STATE AGENCY, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION.

14. PENALTIES. (A) (I) ANY LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO FILE TIMELY A REPORT OR STATEMENT REQUIRED BY THIS SECTION OR KNOWINGLY AND WILFULLY FILES FALSE INFORMATION OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR; AND (II) ANY LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO FILE TIMELY A REPORT OR STATEMENT REQUIRED BY THIS SECTION OR KNOWINGLY AND WILFULLY FILES FALSE INFORMATION OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OF THIS SECTION, AFTER HAVING PREVIOUSLY BEEN CONVICTED IN THE PRECEDING FIVE YEARS OF THE CRIME DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL BE GUILTY OF A CLASS E FELONY. ANY LOBBYIST CONVICTED OF OR PLEADING GUILTY TO A MISDEMEANOR UNDER THE PROVISIONS OF THIS SECTION SHALL BE BARRED FROM ACTING AS A LOBBYIST FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE CONVICTION. ANY LOBBYIST CONVICTED OF OR PLEADING GUILTY TO A FELONY UNDER THE PROVISIONS OF THIS SECTION SHALL BE BARRED FROM ACTING AS A LOBBYIST FOR A PERIOD OF FOUR YEARS FROM THE DATE OF THE CONVICTION. FOR THE PURPOSES OF THIS PARAGRAPH, THE CHIEF ADMINISTRATIVE OFFICER OF ANY ORGANIZATION REQUIRED TO FILE A STATEMENT OR REPORT SHALL BE THE PERSON RESPONSIBLE FOR MAKING AND FILING SUCH STATEMENT OR REPORT UNLESS SOME OTHER PERSON PRIOR TO THE DUE DATE THEREOF HAS BEEN DULY DESIGNATED TO MAKE AND FILE SUCH STATEMENT OR REPORT.

(B) (I) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO FILE A STATEMENT OR REPORT WITHIN THE TIME REQUIRED FOR THE FILING OF SUCH REPORT OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY FOR EACH SUCH FAILURE OR VIOLATION, IN AN AMOUNT NOT TO EXCEED THE GREATER OF TWENTY-FIVE THOUSAND DOLLARS OR THREE TIMES THE AMOUNT THE PERSON FAILED TO REPORT PROPERLY OR UNLAWFULLY CONTRIBUTED, EXPENDED, GAVE OR RECEIVED, TO BE ASSESSED BY THE COMMISSION.

(II) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FILES A FALSE STATEMENT OR REPORT SHALL BE SUBJECT TO A CIVIL

PENALTY, IN AN AMOUNT NOT TO EXCEED THE GREATER OF FIFTY THOUSAND DOLLARS OR FIVE TIMES THE AMOUNT THE PERSON FAILED TO REPORT PROPERLY, TO BE ASSESSED BY THE COMMISSION.

(III) (1) A LOBBYIST OR CLIENT WHO KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS FOR AN INITIAL VIOLATION.

(2) IF, AFTER A LOBBYIST OR CLIENT HAS BEEN FOUND TO HAVE VIOLATED PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION, A LOBBYIST OR CLIENT KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION WITHIN FOUR YEARS OF SUCH FINDING, THE LOBBYIST OR CLIENT SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS.

(IV) ANY LOBBYIST OR CLIENT THAT KNOWINGLY AND WILFULLY FAILS TO FILE A STATEMENT OR REPORT WITHIN THE TIME REQUIRED FOR THE FILING OF SUCH REPORT, KNOWINGLY AND WILFULLY FILES A FALSE STATEMENT OR REPORT, OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OR SUBDIVISION THIRTEEN OF THIS SECTION SHALL BE SUBJECT TO A DETERMINATION THAT THE LOBBYIST OR CLIENT IS PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, FOR A PERIOD OF UP TO ONE YEAR.

(V) ANY LOBBYIST OR CLIENT THAT KNOWINGLY AND WILFULLY ENGAGES IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, DURING THE PERIOD IN WHICH THEY ARE PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION PURSUANT TO THIS PARAGRAPH, MAY BE SUBJECT TO A DETERMINATION THAT THE LOBBYIST OR CLIENT IS PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, FOR A PERIOD OF UP TO FOUR YEARS, AND SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIFTY THOUSAND DOLLARS, PLUS A CIVIL PENALTY IN AN AMOUNT EQUAL TO THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF THE VIOLATION.

(VI) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO RETAIN THEIR RECORDS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION, CLAUSE FIVE OF SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION, OR SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION NINE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT OF TWO THOUSAND DOLLARS PER VIOLATION TO BE ASSESSED BY THE COMMISSION.

(C)(I) ANY ASSESSMENT OR ORDER TO DEBAR SHALL BE DETERMINED ONLY AFTER A HEARING AT WHICH THE PARTY SHALL BE ENTITLED TO APPEAR, PRESENT EVIDENCE AND BE HEARD. ANY ASSESSMENT OR ORDER TO DEBAR PURSUANT TO THIS PARAGRAPH MAY ONLY BE IMPOSED AFTER THE COMMISSION SENDS BY CERTIFIED AND FIRST-CLASS MAIL WRITTEN NOTICE OF INTENT TO ASSESS A PENALTY OR ORDER TO DEBAR AND THE BASIS FOR THE PENALTY OR ORDER TO DEBAR. ANY ASSESSMENT MAY BE RECOVERED IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL.

(II) IN ASSESSING ANY FINE OR PENALTY PURSUANT TO THIS SUBDIVISION, THE COMMISSION SHALL CONSIDER: (1) AS A MITIGATING FACTOR THAT THE LOBBYIST, PUBLIC CORPORATION OR CLIENT HAS NOT PREVIOUSLY BEEN REQUIRED TO REGISTER, AND (2) AS AN AGGRAVATING FACTOR THAT THE LOBBYIST, PUBLIC CORPORATION OR CLIENT HAS HAD FINES OR PENALTIES ASSESSED AGAINST IT IN THE PAST. THE AMOUNT OF COMPENSATION EXPENDED, INCURRED OR RECEIVED SHALL BE A FACTOR TO CONSIDER IN DETERMINING A PROPORTIONATE PENALTY.

(III) ANY LOBBYIST, PUBLIC CORPORATION OR CLIENT WHO RECEIVES A NOTICE OF INTENT TO ASSESS A PENALTY FOR KNOWINGLY AND WILLFULLY FAILING TO FILE A REPORT OR STATEMENT PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION AND WHO HAS NEVER PREVIOUSLY REGISTERED WITH OR REPORTED TO THE COMMISSION SHALL BE GRANTED FIFTEEN DAYS WITHIN WHICH TO FILE THE STATEMENT OF REGISTRATION OR REPORT WITHOUT BEING SUBJECT TO THE FINE OR PENALTY SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION. UPON THE FAILURE OF SUCH LOBBYIST, PUBLIC CORPORATION OR CLIENT, TO FILE WITHIN SUCH FIFTEEN DAY PERIOD, SUCH LOBBYIST, PUBLIC CORPORATION OR CLIENT, SHALL BE SUBJECT TO THE FINE OR PENALTY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

(D) ALL MONEYS RECOVERED BY THE ATTORNEY GENERAL OR RECEIVED BY THE COMMISSION FROM THE ASSESSMENT OF CIVIL PENALTIES AUTHORIZED BY THIS SECTION SHALL BE DEPOSITED TO THE GENERAL FUND.

15. ENFORCEMENT. (A) ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS SECTION SHALL BE SUBJECT TO A DECLARATION BY THE PERSON MAKING AND FILING SUCH STATEMENT AND REPORT THAT THE INFORMATION IS TRUE, CORRECT AND COMPLETE TO THE BEST KNOWLEDGE AND BELIEF OF THE SIGNER UNDER THE PENALTIES OF PERJURY.

(B) THE COMMISSION SHALL BE CHARGED WITH THE DUTY OF REVIEWING ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS SECTION FOR VIOLATIONS, AND IT SHALL BE ITS DUTY, IF IT DEEMS SUCH TO BE WILFUL, TO REPORT SUCH DETERMINATION TO THE ATTORNEY GENERAL OR OTHER APPROPRIATE AUTHORITY.

(C) UPON RECEIPT OF NOTICE OF SUCH FAILURE FROM THE COMMISSION, THE ATTORNEY GENERAL OR OTHER APPROPRIATE AUTHORITY SHALL TAKE SUCH ACTION AS HE OR SHE DEEMS APPROPRIATE TO SECURE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

16. RECORD OF APPEARANCES. THE COMMISSION SHALL PROMULGATE ALL RULES OR REGULATIONS AND ANY PROCEDURES, FORMS, OR INSTRUCTIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SIX OF THE EXECUTIVE LAW RELATING TO THE QUARTERLY FILING OF THE RECORD OF APPEARANCES BEFORE REGULATORY AGENCIES.

17. PUBLICATION OF STATEMENT ON LOBBYING REGULATIONS. THE COMMISSION SHALL PUBLISH A STATEMENT ON LOBBYING REGULATIONS SETTING FORTH THE REQUIREMENTS OF THIS SECTION IN A CLEAR AND BRIEF MANNER. SUCH STATEMENT SHALL CONTAIN AN EXPLANATION OF THE REGISTRATION AND FILING REQUIREMENTS AND THE PENALTIES FOR VIOLATION THEREOF, TOGETHER WITH SUCH OTHER INFORMATION AS THE COMMISSION SHALL DETERMINE, AND COPIES THEREOF SHALL BE MADE AVAILABLE TO THE PUBLIC AT CONVENIENT LOCATIONS THROUGHOUT THE STATE.

18. PUBLIC ACCESS TO RECORDS; FORMAT OF RECORDS AND REPORTS. THE COMMISSION SHALL MAKE INFORMATION FURNISHED BY LOBBYISTS AND CLIENTS AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING IN ELECTRONIC AND PAPER FORMATS. ACCESS TO SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE FOR REMOTE COMPUTER USERS THROUGH THE INTERNET NETWORK.

19. ANNUAL REPORT. THE COMMISSION SHALL ANNUALLY REPORT TO THE GOVERNOR, THE OFFICE OF COURT ADMINISTRATION, THE COMPTROLLER AND THE LEGISLATURE ANY PROBLEMS IN THE IMPLEMENTATION OF SUCH PROVISIONS THAT PERTAIN TO PROCUREMENT LOBBYING. THE COMMISSION SHALL INCLUDE IN THE REPORT ANY RECOMMENDED CHANGES TO INCREASE THE EFFECTIVENESS OF THAT IMPLEMENTATION.

19-A. REVIEW OF COMPLAINTS. THE COMMISSION SHALL REVIEW ANY COMPLAINTS MADE PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-J OF THE STATE FINANCE LAW, INCLUDING:

(A) CONTACTS DURING THE RESTRICTED PERIOD BETWEEN DESIGNATED STAFF OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED IN SUBPARAGRAPH

(II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION, INVOLVED IN GOVERNMENTAL PROCUREMENTS AND OFFICERS OR EMPLOYEES OF OFFERERS, OR OFFICERS OR EMPLOYEES OF SUBCONTRACTORS OF OFFERERS, WHO ARE CHARGED WITH THE PERFORMANCE OF FUNCTIONS RELATING TO CONTRACTS AND WHO ARE QUALIFIED BY EDUCATION, TRAINING OR EXPERIENCE TO PROVIDE TECHNICAL SERVICES TO EXPLAIN, CLARIFY OR DEMONSTRATE THE QUALITIES, CHARACTERISTICS OR ADVANTAGES OF AN ARTICLE OF PROCUREMENT. SUCH AUTHORIZED CONTACTS SHALL: (I) BE LIMITED TO PROVIDING INFORMATION TO STAFF OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION, TO ASSIST THEM IN UNDERSTANDING AND ASSESSING THE QUALITIES, CHARACTERISTICS OR ANTICIPATED PERFORMANCE OF AN ARTICLE OF PROCUREMENT, (II) NOT INCLUDE ANY RECOMMENDATIONS OR ADVOCATE ANY CONTRACT PROVISIONS, AND (III) OCCUR ONLY AT SUCH TIMES AND IN SUCH MANNER AS AUTHORIZED UNDER THE PROCURING ENTITY'S SOLICITATION OR GUIDELINES AND PROCEDURES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM "TECHNICAL SERVICES" SHALL BE LIMITED TO ANALYSIS DIRECTLY APPLYING ANY ACCOUNTING, ENGINEERING, SCIENTIFIC, OR OTHER SIMILAR TECHNICAL DISCIPLINES;

(B) CONTACTS BETWEEN OFFERERS AND PUBLIC OFFICIALS AND OFFICERS OR EMPLOYEES OF THE UNIFIED COURT SYSTEM DURING THE PREPARATION OF SPECIFICATIONS, BID DOCUMENTS OR REQUEST FOR PROPOSALS, INVITATION FOR BIDS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS FOR A PROCUREMENT CONTRACT PRIOR TO THE RESTRICTED PERIOD.

20. RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY LOBBYISTS. A LOBBYIST SHALL NOT SOLICIT, MAKE OR TRANSMIT A CONTRIBUTION OR A REQUEST FOR A CONTRIBUTION FROM OR TO ANY PERSON, INCLUDING A POLITICAL COMMITTEE FOR THE BENEFIT OF A PUBLIC OFFICIAL OR PARTY COMMITTEE, FOR ELECTION OR NOMINATION TO ANY STATE OR MUNICIPAL CORPORATION OFFICE; EXCEPT THAT A LOBBYIST MAY MAKE A POLITICAL CONTRIBUTION UP TO TWO HUNDRED FIFTY DOLLARS PER CANDIDATE PER ELECTION OR NOMINATION. SUCH CONTRIBUTIONS SHALL NOT BE SUBJECT TO MATCHABLE CONTRIBUTIONS UNDER TITLE TWO OF ARTICLE FOURTEEN OF THE ELECTION LAW.

21. RESTRICTIONS ON ACCEPTANCE OF POLITICAL CONTRIBUTIONS BY PUBLIC OFFICIALS. A PUBLIC OFFICIAL SHALL NOT KNOWINGLY ACCEPT, SOLICIT, OR TRANSMIT A CONTRIBUTION OR A REQUEST FOR A CONTRIBUTION FOR HIMSELF OR HERSELF OR ANY PUBLIC OFFICIAL, POLITICAL COMMITTEE, OR CANDIDATE FROM OR ON BEHALF OF ANY LOBBYIST REGULATED BY THIS ARTICLE, EXCEPT THAT A PUBLIC OFFICIAL MAY ACCEPT POLITICAL CONTRIBUTIONS FROM A LOBBYIST, UP TO TWO HUNDRED FIFTY DOLLARS PER ELECTION.

22. APPLICABILITY OF CERTAIN LAWS. THE PROVISIONS OF THIS SECTION INCLUDING, BUT NOT LIMITED TO, ANY PROCEEDING OR HEARING CONDUCTED PURSUANT HERETO, SHALL BE SUBJECT TO THE APPLICABLE PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND SECTION SEVENTY-THREE OF THE CIVIL RIGHTS LAW.

S 6-a. Subdivision 3 of section 74 of the public officers law is amended by adding a new paragraph j to read as follows:

J. AN OFFICER OR EMPLOYEE OF A STATE AGENCY OR MEMBER OF THE LEGISLATURE SHALL ABIDE BY THE TERMS OF ARTICLE SEVEN OF THIS CHAPTER.

S 7. Section 94 of the executive law is REPEALED.

S 7-a. Paragraphs (c) and (d) of subdivision 1 of section 73-a of the public officers law, paragraph (c) as added by chapter 813 of the laws of 1987, and subparagraphs (ii) and (iii) of paragraph (c) and paragraph (d) as amended by chapter 242 of the laws of 1989, are amended to read as follows:

(c) The term "state officer or employee" shall mean:

(i) heads of state departments and their deputies and assistants;

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the state GOVERNMENT ethics commission established by section [ninety-four of the executive law] SEVENTY-THREE-C OF THIS ARTICLE during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the state GOVERNMENT ethics commission established by section [ninety-four of the executive law] SEVENTY-THREE-C OF THIS ARTICLE during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (l) [below] OF THIS SUBDIVISION or who is determined to hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the [legislative] STATE GOVERNMENT ethics [committee established by section eighty of the legislative law] COMMISSION.

S 7-b. Subdivision 2 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, subparagraphs (v), (vi) and (vii) of paragraph (a) and paragraphs (e) and (g) as amended, and subparagraph (viii) of paragraph (a) and paragraph (j) as added by chapter 242 of the laws of 1989, is amended to read as follows:

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three hereof. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of

financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the state GOVERNMENT ethics commission [or with the legislative ethics committee], and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law or pursuant to [paragraph c of subdivision eight of section eighty of the legislative law] SECTION SEVENTY-THREE-C OF THIS ARTICLE, shall file such statement within the additional period of time granted;

(iii) candidates for statewide office who receive a party designation for nomination by a state committee pursuant to section 6-104 of the election law shall file such statement within seven days after the date of the meeting at which they are so designated;

(iv) candidates for statewide office who receive twenty-five percent or more of the vote cast at the meeting of the state committee held pursuant to section 6-104 of the election law and who demand to have their names placed on the primary ballot and who do not withdraw within fourteen days after such meeting shall file such statement within seven days after the last day to withdraw their names in accordance with the provisions of such section of the election law;

(v) candidates for statewide office and candidates for member of the legislature who file party designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of party designating petitions naming them as candidates for the next succeeding primary election;

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election;

(vii) candidates who receive the nomination of a party for a special election shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated; and

(viii) a candidate substituted for another candidate, who fills a vacancy in a party designation or in an independent nomination, caused by declination, shall file such statement within seven days after the last day allowed by law to file a certificate to fill a vacancy in such party designation or independent nomination.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjunction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination" and "ballot" shall have the same meanings as those contained in section 1-104 of the election law.

(c) [If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with the legislative ethics committee

established by section eighty of the legislative law.] If the reporting individual is a statewide elected official, SENATOR OR MEMBER OF THE ASSEMBLY, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the state GOVERNMENT ethics commission [established by section ninety-four of the executive law].

(d) The [legislative ethics committee and the] state GOVERNMENT ethics commission shall obtain from the state board of elections a list of all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Any person required to file such statement who commences employment after May fifteenth of any year and political party chairman shall file such statement within thirty days after commencing employment or of taking the position of political party chairman, as the case may be.

[(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the state ethics commission and the legislative ethics committee in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.]

(g) A person who is employed in more than one employment capacity for one or more employers certain of whose officers and employees are subject to filing a financial disclosure statement with the [same] STATE GOVERNMENT ethics commission [or ethics committee, as the case may be], and who receives distinctly separate payments of compensation for such employment shall be subject to the filing requirements of this section if the aggregate annual compensation for all such employment capacities is in excess of the filing rate notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity. [A person not otherwise required to file a financial disclosure statement hereunder who is employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the state ethics commission and who is also employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the legislative ethics committee shall not be subject to filing such statement with either such commission or such committee on the basis that his aggregate annual compensation from all such employers is in excess of the filing rate.]

(h) A statewide elected official or member of the legislature, who is simultaneously a candidate for statewide elected office or member of the legislature, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds a statewide elected office or who holds the office of member of the legislature.

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

(j) A member of the legislature who is elected to such office at a special election prior to May fifteenth in any year shall satisfy the filing requirements of this subdivision in such year by complying with the earliest applicable deadline only.

S 7-c. Subdivision 4 of section 73-a of the public officers law, as amended by chapter 242 of the laws of 1989, is amended to read as follows:

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed [ten] TWENTY-FIVE thousand dollars OR THREE TIMES THE AMOUNT THAT WAS IMPROPERLY REPORTED, CONTRIBUTED OR EXPENDED. Assessment of a civil penalty hereunder shall be made by the state GOVERNMENT ethics commission [or by the legislative ethics committee, as the case may be, with respect to persons subject to their respective jurisdictions]. The state GOVERNMENT ethics commission [acting pursuant to subdivision thirteen of section ninety-four of the executive law or the legislative ethics committee acting pursuant to subdivision twelve of section eighty of the legislative law, as the case may be,] may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor OR TO THE STATE ATTORNEY GENERAL and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor AND EACH SUBSEQUENT OFFENSE WITHIN FIVE YEARS SHALL BE PUNISHABLE AS A CLASS E FELONY. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The state ethics commission and the legislative ethics committee shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the state GOVERNMENT ethics commission [or legislative ethics committee,] pursuant to article seventy-eight of the civil practice law and rules.

S 8. The public officers law is amended by adding a new section 73-e to read as follows:

S 73-E. DESIGNATING COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMISSION. 1. DEFINITIONS. FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "DESIGNATING COMMISSION" MEANS THE DESIGNATING COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMISSION.

B. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMISSION.

C. "COMMISSIONER" MEANS A MEMBER OF THE STATE GOVERNMENT ETHICS COMMISSION.

D. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR COMMISSIONER BY THE DESIGNATING COMMISSION.

E. "APPOINTING OFFICER" MEANS THE STATE ELECTED OFFICIAL RESPONSIBLE FOR APPOINTING THE DESIGNATING MEMBERS.

2. ORGANIZATION OF THE DESIGNATING COMMISSION. A. A DESIGNATING COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMISSION IS HEREBY ESTABLISHED. THE DESIGNATING COMMISSION SHALL CONSIST OF TEN MEMBERS OF WHOM FOUR SHALL BE APPOINTED BY THE GOVERNOR, AND ONE EACH BY THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY. OF THE FOUR MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY. THE GOVERNOR SHALL APPOINT AT LEAST ONE FORMER JUDGE OR JUSTICE OF THE UNIFIED COURT SYSTEM TO SUCH DESIGNATING COMMISSION. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A MEMBER OF THE LEGISLATURE, AN EMPLOYEE OF STATE GOVERNMENT, HOLD ANY OFFICE IN ANY POLITICAL PARTY OR BE A REGISTERED LOBBYIST IN THIS STATE OR IN ANY OTHER STATE. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM OR ANY ENTITY RECEIVING A STATE CONTRACT THAT SHARES IN ANY PART OF THE PROFIT DERIVED FROM LOBBYING. TO THE EXTENT POSSIBLE, THE MEMBERS OF THE DESIGNATING COMMISSION SHALL BE INDIVIDUALS WITH KNOWLEDGE OR EXPERIENCE IN THE FIELD OF GOVERNMENT ETHICS.

B. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE RESPECTIVELY ONE, TWO, THREE AND FOUR-YEAR TERMS AS HE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE STATE COMPTROLLER SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL HAVE A ONE-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A FOUR-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL HAVE A THREE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

C. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM FOR APPOINTMENT TO, OR MEMBERSHIP ON, THE DESIGNATING COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO MEMBER OF THE DESIGNATING COMMISSION SHALL HOLD OFFICE FOR MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS OR HER TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE, BY A MAJORITY VOTE WITHOUT VACANCY, THE DESIGNATING COMMISSION SHALL SELECT A PERSON TO FILL THE VACANT OFFICE.

D. THE MEMBERS SHALL DESIGNATE ONE OF THEIR NUMBER TO SERVE AS CHAIRMAN FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

E. EACH MEMBER OF THE DESIGNATING COMMISSION SHALL NOT RECEIVE COMPENSATION BUT BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

F. EIGHT MEMBERS OF THE DESIGNATING COMMISSION SHALL CONSTITUTE A QUORUM.

3. FUNCTIONS OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT TO THE OFFICE OF COMMISSIONER OF STATE GOVERNMENT ETHICS AND, AS A VACANCY OCCURS IN ANY SUCH OFFICE, SHALL APPOINT PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO HOLD SUCH OFFICE. THE DESIGNATING COMMISSION

SHALL SELECT ONE SUCH PERSON TO SERVE AS CHAIR OF THE STATE GOVERNMENT ETHICS COMMISSION.

B. AN APPOINTMENT TO COMMISSIONER OF THE STATE GOVERNMENT ETHICS COMMISSION BY THE DESIGNATING COMMISSION SHALL REQUIRE THE CONCURRENCE OF SEVEN MEMBERS OF THE DESIGNATING COMMISSION. THE APPOINTMENT SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE DESIGNATING COMMISSION AT THE TIME IT IS SUBMITTED. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRMAN, AND SHALL INCLUDE THE DESIGNATING COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS FOR OFFICE OF EACH CANDIDATE WHO IS APPOINTED COMMISSIONER.

C. NO PERSON SHALL BE APPOINTED COMMISSIONER BY THE DESIGNATING COMMISSION WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE DESIGNATING COMMISSION, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE DESIGNATING COMMISSION, ON A FORM TO BE PRESCRIBED BY THE DESIGNATING COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE PERSON'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION WHICH THE DESIGNATING COMMISSION MAY REQUIRE. THE DESIGNATING COMMISSION SHALL TRANSMIT THE FINANCIAL STATEMENT FILED BY EACH PERSON WHO IS APPOINTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY. THE DESIGNATING COMMISSION SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE PERSON WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER PERSONS NOT APPOINTED BY THE DESIGNATING COMMISSION SHALL BE CONFIDENTIAL.

4. ADDITIONAL FUNCTIONS OF THE DESIGNATING COMMISSION. THE DESIGNATING COMMISSION SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

A. ESTABLISH DETAILED COMMUNICATION PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE QUALIFIED FOR APPOINTMENT TO COMMISSIONER, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS, ARE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE DESIGNATING COMMISSION. THE TOTAL NUMBER OF REQUESTS FOR CONSIDERATION SHALL BE DOCUMENTED FOR THE PUBLIC RECORD.

B. CONDUCT INVESTIGATIONS, ADMINISTER OATHS OR AFFIRMATIONS, INTERVIEW WITNESSES AND COMPEL THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIRMATION AND REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES FOR COMMISSIONER.

C. REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES, SUBJECT TO ANY ABSOLUTE JUDICIAL OR EXECUTIVE PRIVILEGE, WHERE ONE EXISTS.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DESIGNATING COMMISSION, WITH THE CONSENT OF THE APPLICANT, SHALL BE ENTITLED TO REQUIRE FROM ANY FORMAL DELIBERATIVE BODY ANY FORMAL WRITTEN COMPLAINT AGAINST A CANDIDATE, IN WHICH THE APPLICANT'S MISCONDUCT WAS ESTABLISHED, ANY PENDING COMPLAINT AGAINST A CANDIDATE, AND THE RECORD TO DATE OF ANY PENDING PROCEEDING PURSUANT TO A FORMAL WRITTEN COMPLAINT AGAINST SUCH

CANDIDATE. THE DELIBERATIVE BODY THAT HAS JURISDICTION OVER SUCH COMPLAINT SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO RESPOND TO A REQUEST MADE PURSUANT TO THIS SUBDIVISION.

D. REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

E. ESTABLISH PROCEDURES TO COMMUNICATE WITH THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY CONCERNING THE QUALIFICATIONS OF ANY PERSON WHO IT HAS APPOINTED AS COMMISSIONER.

F. APPOINT, AND AT PLEASURE REMOVE, A COUNSEL AND SUCH OTHER STAFF AS IT MAY REQUIRE FROM TIME TO TIME, AND PRESCRIBE THEIR POWERS AND DUTIES. THE DESIGNATING COMMISSION SHALL FIX THE COMPENSATION OF ITS STAFF AND PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES WITHIN THE AMOUNTS APPROPRIATED BY LAW.

G. DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

5. RULES OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

B. RULES OF THE DESIGNATING COMMISSION SHALL BE FILED WITH THE SECRETARY OF STATE AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON, THE SECRETARY OF STATE SHALL FURNISH A COPY OF THE DESIGNATING COMMISSION'S RULES WITHOUT CHARGE.

C. RULES OF THE DESIGNATING COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE DESIGNATING COMMISSION, VERIFIED BY CANDIDATES.

D. RULES OF THE DESIGNATING COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE DESIGNATING COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF EIGHT MEMBERS OF THE DESIGNATING COMMISSION.

6. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. A. ALL COMMUNICATIONS TO THE DESIGNATING COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF THE DESIGNATING COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

B. NEITHER THE COMMISSIONERS OF THE STATE GOVERNMENT ETHICS COMMISSION, MEMBERS OF THE DESIGNATING COMMISSION NOR ITS STAFF SHALL PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE. ANY VIOLATION OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

7. PROCEDURES WHEN VACANCIES OCCUR. A. WHENEVER A VACANCY WILL OCCUR IN THE OFFICE OF COMMISSIONER OF STATE GOVERNMENT ETHICS BY EXPIRATION OF A TERM, THE COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL NOTIFY THE DESIGNATING COMMISSION OF THE ANTICIPATED VACANCY NO LATER THAN SEVEN MONTHS PRECEDING THE VACANCY. THE DESIGNATING COMMISSION SHALL MAKE ITS APPOINTMENT TO THE STATE GOVERNMENT ETHICS COMMISSION ON OR BEFORE THE DATE OF EXPIRATION, TO TAKE EFFECT ON THE DAY FOLLOWING SUCH EXPIRATION.

B. WHENEVER A VACANCY OCCURS OTHER THAN BY EXPIRATION OF TERM, THE COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL IMMEDIATELY NOTIFY THE DESIGNATING COMMISSION OF SUCH VACANCY. THE DESIGNATING COMMISSION SHALL

MAKE ITS APPOINTMENT NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER RECEIPT OF SUCH NOTICE.

S 9. Paragraph (a) of subdivision 1 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the state GOVERNMENT ethics commission [or legislative ethics committee in relation to persons subject to their respective jurisdictions].

S 10. Paragraphs (b) and (c) of subdivision 5 of section 73 of the public officers law, as added by chapter 14 of the laws of 2007, are amended to read as follows:

(b) solicit, accept or receive any gift[, as defined in section one-c of the legislative law,] from any person who is prohibited from delivering such gift pursuant to SUBDIVISION FIVE-A OF THIS section [one-m of the legislative law] unless under the circumstances it is not reasonable to infer that the gift was intended to influence him OR HER; or

(c) permit the solicitation, acceptance, or receipt of any gift[, as defined in section one-c of the legislative law,] from any person who is prohibited from delivering such gift pursuant to SUBDIVISION FIVE-A OF THIS section [one-m of the legislative law] to a third party including a charitable organization, on such official's designation or recommendation or on his or her behalf, under circumstances where it is reasonable to infer that the gift was intended to influence him OR HER.

S 11. Subdivision 5-a of section 73 of the public officers law is renumbered subdivision 5-b and a new subdivision 5-a is added to read as follows:

5-A. PROHIBITION OF GIFTS. NO INDIVIDUAL OR ENTITY REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO SECTION SEVENTY-THREE-C OF THIS ARTICLE SHALL OFFER OR GIVE A GIFT TO ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, INDIVIDUAL WHOSE NAME HAS BEEN SUBMITTED TO THE SENATE FOR CONFIRMATION TO BECOME A STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, UNLESS UNDER THE CIRCUMSTANCES IT IS NOT REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE HIM OR HER. NO INDIVIDUAL OR ENTITY REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO SECTION SEVENTY-THREE-C OF THIS ARTICLE SHALL OFFER OR GIVE A GIFT TO THE SPOUSE OR UNEMANCIPATED CHILD OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, INDIVIDUAL WHOSE NAME HAS BEEN SUBMITTED TO THE SENATE FOR CONFIRMATION TO BECOME A STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE HIM OR HER. NO SPOUSE OR UNEMANCIPATED CHILD OF AN INDIVIDUAL REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO SECTION SEVENTY-THREE-C OF THIS ARTICLE SHALL OFFER OR GIVE A GIFT TO A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, INDIVIDUAL WHOSE NAME HAS BEEN SUBMITTED TO THE SENATE FOR CONFIRMATION TO BECOME A STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE HIM OR HER. THIS SUBDIVISION SHALL NOT APPLY TO GIFTS TO OFFICERS, MEMBERS OR DIRECTORS OF BOARDS, COMMISSIONS, COUNCILS, PUBLIC AUTHORITIES OR PUBLIC BENEFIT CORPORATIONS WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM BASIS, UNLESS THE PERSON LISTED ON THE STATE-

MENT OF REGISTRATION APPEARS OR HAS MATTERS PENDING BEFORE THE BOARD, COMMISSION OR COUNCIL ON WHICH THE RECIPIENT SITS.

S 12. Paragraph (a) of subdivision 6 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

(a) Every legislative employee not subject to the provisions of section seventy-three-a of this chapter shall, on and after December fifteenth and before the following January fifteenth, in each year, file [with the legislative ethics committee established by section eighty of the legislative law] a financial disclosure statement of

(1) each financial interest, direct or indirect of himself, his spouse, DOMESTIC PARTNER, and his unemancipated children under the age of eighteen years in any activity which is subject to the jurisdiction of a regulatory agency or name of the entity in which the interest is had and whether such interest is over or under five thousand dollars in value.

(2) every office and directorship held by him in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency, including the name of such corporation, firm or enterprise.

(3) any other interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.

S 13. Paragraph (c) of subdivision 6 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

(c) Any such legislative employee who knowingly and wilfully with intent to deceive makes a false statement or gives information which he knows to be false in any written statement required to be filed pursuant to this subdivision, shall be assessed a civil penalty in an amount not to exceed [ten] TWENTY-FIVE thousand dollars. Assessment of a civil penalty shall be made by the [legislative ethics committee in accordance with the provisions of subdivision twelve of section eighty of the legislative law] STATE GOVERNMENT ETHICS COMMISSION. For a violation of this subdivision, the [committee] COMMISSION may, in lieu of a civil penalty, refer a violation to the ATTORNEY GENERAL OR appropriate prosecutor and upon conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

S 14. Paragraph (h) of subdivision 8 of section 73 of the public officers law, as added by chapter 514 of the laws of 2002, is amended to read as follows:

(h) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the state GOVERNMENT ethics commission that the services of such former officer or employee are required in connection with the agency's response to a disaster emergency declared by the governor pursuant to section twenty-eight of the executive law.

S 15. The opening paragraph of subdivision 8-a of section 73 of the public officers law, as amended by chapter 357 of the laws of 2001, is amended to read as follows:

The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil

action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the state GOVERNMENT ethics commission, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the state GOVERNMENT ethics commission, provides to the state GOVERNMENT ethics commission a written certification which meets the requirements of this subdivision. For purposes of this subdivision the term "permitted activities" shall mean generally any activity performed at the request of the attorney general or the attorney general's designee, or in cases where the state agency is not represented by the attorney general, the general counsel of such state agency, including without limitation:

S 16. Subdivision 8-b of section 73 of the public officers law, as added by chapter 523 of the laws of 2004, is amended to read as follows:

8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency if, prior to engaging in such service, the agency head certifies in writing to the state GOVERNMENT ethics commission that such former officer or employee has expertise, knowledge or experience with respect to a particular matter which meets the needs of the agency and is otherwise unavailable at a comparable cost. Where approval of the contract is required under section one hundred twelve of the state finance law, the comptroller shall review and consider the reasons for such certification. The state GOVERNMENT ethics commission must review and approve all certifications made pursuant to this subdivision.

S 17. Subdivision 10 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net

revenues, as defined in accordance with generally accepted accounting principles by the state GOVERNMENT ethics commission [or by the legislative ethics committee in relation to persons subject to their respective jurisdictions], resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this [chapter] ARTICLE is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, the court of claims, where such statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this [chapter] ARTICLE does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the state GOVERNMENT ethics commission [or by the legislative ethics committee in relation to persons subject to their respective jurisdictions], resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

S 18. The opening paragraph and the closing paragraph of subdivision 1 of section 107 of the public officers law, are designated paragraphs a and b and a new paragraph c is added to read as follows:

C. THE STATE GOVERNMENT ETHICS COMMISSION SHALL ALSO HAVE JURISDICTION TO RECEIVE COMPLAINTS BY ANY AGGRIEVED PERSON AGAINST A STATE PUBLIC BODY AS DEFINED IN SECTION ONE HUNDRED TWO OF THIS ARTICLE.

S 19. Subparagraphs (iii) and (iv) of paragraph (i) of subdivision 1 of section 73 of the public officers law, as amended by chapter 242 of the laws of 1989, are amended and a new subparagraph (v) is added to read as follows:

(iii) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; [and]

(iv) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, who receive compensation other than on a per diem basis, and employees of such authorities, corporations and commissions[.]; AND

(V) MEMBERS OF THE LEGISLATURE AND EMPLOYEES OF THE LEGISLATURE.

S 20. Subdivision 2 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

2. (A) NO STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR STATE PUBLIC OFFICE SHALL RECEIVE, OR ENTER INTO ANY AGREEMENT EXPRESS OR IMPLIED FOR, COMPENSATION FOR SERVICES TO BE RENDERED IN RELATION TO ANY CASE, PROCEEDING, APPLICATION, STATE GOVERNMENTAL PROCUREMENT ARTICLE OR PROCUREMENT OR OTHER MATTER BEFORE ANY STATE AGENCY.

(B) In addition to the prohibitions contained in subdivision seven hereof, no statewide elected official, state officer or employee, member of the legislature or legislative employee shall receive, or enter into

any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, ARTICLE OF PROCUREMENT or other matter before any state agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

S 21. Paragraph (a) of subdivision 5 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(a) solicit, accept or receive any gift having [more than a nominal value] A VALUE OF GREATER THAN TEN DOLLARS, whether in the form of money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. No person shall, directly or indirectly, offer or make any such gift to a statewide elected official, or any state officer or employee, member of the legislature or legislative employee under such circumstances.

S 22. Subparagraphs (v) and (vi) of paragraph (a) of subdivision 7 of section 73 of the public officers law, as amended by chapter 530 of the laws of 2004, are amended and a new subparagraph (vii) is added to read as follows:

(v) licensing; [or]

(vi) any proceeding relating to a franchise provided for in the public service law[.]; OR

(VII) A REFERRAL BY A REGISTERED LOBBYIST TO SUCH STATE OFFICER FOR THE REPRESENTATION OF AN INDIVIDUAL, BUSINESS, OR ENTITY FOR ANY COMPENSATION.

S 23. Section 73 of the public officers law is amended by adding two new subdivisions 8-c and 9-a to read as follows:

8-C. NO STATEWIDE ELECTED OFFICIAL, OR STATE OFFICER OR EMPLOYEE, OR MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIRMAN THAT IS LICENSED TO PRACTICE LAW SHALL RECEIVE, DIRECTLY OR INDIRECTLY, OR ENTER INTO ANY AGREEMENT EXPRESS OR IMPLIED FOR, ANY COMPENSATION WITH A CLIENT, IN WHATEVER FORM, THAT IS ORIGINALLY A REFERRAL BY A LOBBYIST REGISTERED IN THE STATE, UNLESS SUCH REFERRAL IS PUBLICLY DISCLOSED ON A FINANCIAL DISCLOSURE FORM.

9-A. NO STATEWIDE ELECTED OFFICIAL, STATE OFFICER, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, SHALL BE ELIGIBLE TO SERVE AS A TREASURER OF ANY CAMPAIGN COMMITTEE SUPPORTING A CANDIDATE FOR ANY STATE OFFICE.

S 24. Section 73 of the public officers law is amended by adding two new subdivisions 14-a and 14-b to read as follows:

14-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF THIS SECTION, NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, AS DEFINED BY PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE-A OF THIS ARTICLE, SHALL PARTICIPATE IN ANY DECISION TO HIRE, PROMOTE, PROCESS EMPLOYMENT PAPERWORK FOR OR HAVE KNOWLEDGE OF THE PROSPECTIVE EMPLOYMENT OR CHANGE OF EMPLOYMENT STATUS OF ANY RELATIVE FOR ANY COMPENSATED POSITION AT, FOR OR WITHIN THE SAME LEGISLATIVE CHAMBER WHICH EMPLOYS SUCH MEMBER OR LEGISLATIVE EMPLOYEE. THE PROVISIONS OF

THIS SUBDIVISION SHALL NOT APPLY TO PERSONS TO WHICH PARAGRAPH (B) OF SUBDIVISION FOURTEEN OF THIS SECTION APPLIES.

14-B. IN ADDITION TO THE INFORMATION INCLUDED IN THE ANNUAL FINANCIAL STATEMENT OF FINANCIAL DISCLOSURE PROVIDED FOR IN SECTION SEVENTY-THREE-A OF THIS ARTICLE, EVERY MEMBER OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE NAMES OF ALL RELATIVES WHO ARE EMPLOYED BY THE LEGISLATURE AND THE DEGREE OF THEIR RELATIONSHIP.

S 25. Subdivision 18 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

18. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through seventeen of this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received in connection with such violation. Assessment of a civil penalty hereunder shall be made by the state oversight body with jurisdiction over such person. A state oversight body acting pursuant to its jurisdiction, may, in lieu of a civil penalty, with respect to a violation of subdivisions two through five, seven or eight of this section, refer a violation of any such subdivision to the appropriate prosecutor OR TO THE STATE ATTORNEY GENERAL and upon such conviction such violation shall be punishable as a class A misdemeanor.

S 26. Subdivision 1 of section 73-a of the public officers law is amended by adding a new paragraph (e-1) to read as follows:

(E-1) THE TERM "DOMESTIC PARTNER" SHALL MEAN AN INDIVIDUAL LIVING IN THE SAME HOUSEHOLD AND SHARING FINANCIAL INTERDEPENDENCE WITH THE REPORTING INDIVIDUAL.

S 27. Paragraph (f) of subdivision 1 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, is amended to read as follows:

(f) The term "relative" shall mean such individual's spouse, DOMESTIC PARTNER, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

S 28. Subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, paragraphs 4, 6, 9, 11, 13, 14, 15, 16, 17, 18, and 19, subparagraph (a) of paragraph 5, and subparagraph (b) of paragraph 12 as amended and the fourth and fifth undesignated paragraphs of paragraph 3 as added by chapter 242 of the laws of 1989, is amended to read as follows:

3. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year _____)

1. Name _____

2. (a) Title of Position _____

(b) Department, Agency or other Governmental Entity _____

(c) Address of Present Office _____

(d) Office Telephone Number _____

3. (a) Marital Status _____. If married OR IN A DOMESTIC PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full name including maiden name where applicable.

_____ .

(b) List the names of all unemancipated children.

_____
_____
_____
_____
_____

Answer each of the following questions completely, with respect to calendar year _____, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under $60,000; Category D - $60,000 to under $100,000; Category E - $100,000 to under $250,000; [and] Category F - $250,000 TO UNDER $1,000,000; AND CATEGORY G - $1,000,000 or over. A reporting individual shall indicate the Category by letter only.

Whenever "income" is required to be reported herein, the term "income" shall mean the aggregate net income before taxes from the source identified.

The term "calendar year" shall mean the year ending the December 31st preceding the date of filing of the annual statement.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the spouse, DOMESTIC PARTNER, or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than

ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any [occupation,] employment (other than the employment listed under Item 2 above), trade, business [or], profession OR OCCUPATION engaged in by the reporting individual. If such activity was licensed by any state or local agency[,] OR was regulated by any state regulatory agency or local agency, [or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency,] list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) IF THE REPORTING INDIVIDUAL DID BUSINESS WITH OR HAD MATTERS OTHER THAN MINISTERIAL MATTERS BEFORE ANY STATE OR LOCAL AGENCY IN THE COURSE OF ANY EMPLOYMENT, TRADE, BUSINESS, PROFESSION OR OCCUPATION ENGAGED IN BY THE REPORTING INDIVIDUAL, LIST THE NAME AND ADDRESS OF THE ENTITY, A BRIEF DESCRIPTION OF THE ACTIVITY AND THE NAME OF ANY SUCH AGENCY.

NAME & ADDRESS OF ORGANIZATION	DESCRIPTION	STATE OR LOCAL AGENCY

(C) If the spouse, DOMESTIC PARTNER or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency,

list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse, DOMESTIC PARTNER or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

_____
_____
_____

_____
_____

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a LIST OF ALL CLIENTS AND A general description of the principal subject areas of matters undertaken by such individual. IF THE NATURE OF THE REPORTING INDIVIDUAL'S PRACTICE OR ACTIVITIES WERE SUCH THAT NO PRINCIPAL SUBJECT AREAS OR MATTERS WERE UNDERTAKEN, GIVE A GENERAL DESCRIPTION OF THE PRACTICE OR ACTIVITIES UNDERTAKEN. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a LIST OF ALL CLIENTS AND A general description of THE principal subject areas of matters undertaken by such firm or corporation. [Do not list the name of the individual clients, customers or patients.] IF THE MATTERS UNDERTAKEN BY SUCH FIRM OR CORPORATION WERE SUCH THAT NO PRINCIPAL SUBJECT AREAS OR MATTERS WERE UNDERTAKEN, GIVE A GENERAL DESCRIPTION OF THE PRACTICE OR ACTIVITIES UNDERTAKEN.

NATURE CLIENT STATE AGENCY OR COURT CATEGORY OF VALUE

_____
_____
_____
_____
_____

(b) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION IN EXCESS OF $1,000 FOR APPEARANCES BEFORE A STATE AGENCY OR WITH THE UNIFIED COURT SYSTEM WITH RESPECT TO MATTERS OTHER THAN MINISTERIAL MATTERS, INDICATE THE NATURE OF THE APPEARANCES, CLIENT NAME AND THE NAME OF ANY SUCH AGENCY.

NATURE CLIENT STATE AGENCY OR COURT CATEGORY OF VALUE

_____
_____
_____
_____
_____

(C) 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.

_____
_____
_____
_____
_____

(D) IF THE REPORTING INDIVIDUAL RECEIVED INCOME IN EXCESS OF $1,000 FROM CONSULTING SERVICES, NOT INCLUDING ANY SERVICES PERFORMED BY A LICENSED PROFESSIONAL LISTED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH, PROVIDE THE NAME AND ADDRESS OF THE INDIVIDUAL, BUSINESS OR ENTITY,

THE COMPENSATION RECEIVED FROM SUCH ENTITY, AND PROVIDE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN.

ENTITY	ADDRESS	SERVICES/CONSIDERATION	CATEGORY OF VALUE

(E) LIST EACH SOURCE OF REFERRAL FOR BUSINESS OR FOR CLIENTS BY THOSE WHO ARE REGISTERED TO LOBBY OR THEIR CLIENTS AND PROVIDE THE NAME, ADDRESS OF THE BUSINESS OR ENTITY, THE COMPENSATION RECEIVED FROM SUCH REFERRED ENTITY, AND PROVIDE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN.

SOURCE NAME	ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE

9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse, DOMESTIC PARTNER or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

10. Identify and briefly describe the source of any reimbursements for expenditures, EXCLUDING campaign expenditures and expenditures in connection with official duties reimbursed by the state, in EXCESS of $1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does NOT include gifts reported under item 9.

Source Description

_____
_____
_____
_____
_____

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans (other than retirement plans of the state of New York or the city of New York[,]) and deferred compensation plans (e.g., 401, 403(b), 457, etc.) established in accordance with the internal revenue code, in which the REPORTING INDIVIDUAL held a beneficial interest in EXCESS of $1,000 at any time during the preceding year. Do NOT report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Identity	Category of Value*

* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such individual after leaving office or position (other than a leave of absence).

_____
_____
_____
_____
_____

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the REPORTING INDIVIDUAL in EXCESS of $1,000 from a prior employer OTHER THAN the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

_____
_____
_____
_____
_____

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse OR DOMESTIC PARTNER for the taxable year last occurring prior

to the date of filing. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honoraria, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount

14. List the sources of any deferred income (not retirement income) in EXCESS of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of Amount

15. List each assignment of income in EXCESS of $1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	Category of Value

_____
_____
_____
_____
_____

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

Self/ Spouse	Issuing Entity	Type of Security	Percentage of corporate stock owned or controlled (if more than 5% of publicly traded stock, or more than 10% if stock not publicly traded, is held)	Category of Market Value as of the close of the taxable year last occurring prior to the filing of this statement

_____
_____
_____
_____
_____

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in EXCESS of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Self/ Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in EXCESS of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount

19. List below all liabilities of the reporting individual and such individual's spouse[,] OR DOMESTIC PARTNER in EXCESS of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse OR DOMESTIC PARTNER or by any proprietorship, partnership or corporation in

which the reporting individual or such individual's spouse OR DOMESTIC PARTNER has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse OR DOMESTIC PARTNER. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

_____ _____

(Signature of Reporting Individual) Date (month/day/year)

S 29. Paragraph d of subdivision 3 of section 74 of the public officers law, as amended by chapter 1012 of the laws of 1965, is amended to read as follows:

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his OR HER official position to secure unwarranted privileges or exemptions for himself, HERSELF, HIS OR HER RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE, or others.

S 30. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed [ten] TWENTY-FIVE thousand dollars and TRIPLE the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section

shall be subject to a civil penalty in an amount not to exceed TRIPLE the value of any gift, compensation or benefit received as a result of such violation.

S 31. Subdivision 2 of section 63 of the executive law is amended to read as follows:

2. [Whenever] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHENEVER required by the governor, attend in person, or by one of his deputies, any term of the supreme court or appear before the grand jury thereof for the purpose of managing and conducting in such court or before such jury criminal actions or proceedings as shall be specified in such requirement; in which case the attorney-general or his deputy so attending shall exercise all the powers and perform all the duties in respect of such actions or proceedings, which the district attorney would otherwise be authorized or required to exercise or perform; and in any of such actions or proceedings the district attorney shall only exercise such powers and perform such duties as are required of him by the attorney-general or the deputy attorney-general so attending. In all such cases, EXCEPT THOSE CASES ARISING OUT OF REFERRALS FROM THE STATE GOVERNMENT ETHICS COMMISSION, all expenses incurred by the attorney-general, including the salary or other compensation of all deputies employed, shall be a county charge.

S 32. All powers, duties and functions conferred upon the state commission on public integrity, the legislative ethics commission, the state board of elections as such powers, duties and functions pertain to article 14 of the election law, and their commissioners and executive directors, shall be transferred to and assumed by the state government ethics commission and the commissioners and executive director to be appointed thereof.

S 33. Transfer of employees. Upon the transfer of the functions, as provided for in this act, any affected employees shall be transferred to the state government ethics commission in accordance with section 70 of the civil service law.

S 34. Transfer of records. The state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law shall deliver to the state government ethics commission all books, papers, records, and property as requested by the state government ethics commission.

S 35. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the state government ethics commission shall be deemed and held to constitute the continuation of the state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law.

S 36. Completion of unfinished business. Any business or other matter undertaken or commenced by the state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the state government ethics commission, and pending on the effective date of this act may be conducted and completed by the state government ethics commission in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the former state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law.

S 37. Terms occurring in laws, contracts and other documents. Whenever the state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law, and the committee on open government as it pertains to article 7 of the public officers law are referred to or designated in any law, contract or documents pertaining to the functions, powers, obligations and duties hereby transferred and assigned to the state government ethics commission, such reference or designation shall be deemed to refer to the state government ethics commission as created by this act.

S 38. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 39. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law shall be affected by this act, but the same may be prosecuted or defended in the name of the state government ethics commission and upon application to the court, the state government ethics commission shall be substituted as a party.

S 40. Notwithstanding any contrary provision of the state finance law, transfer of appropriations heretofore made to the state commission on public integrity, the legislative ethics commission and the state board of elections as it pertains to article 14 of the election law all appropriations or reappropriations for the functions herein transferred heretofore made to the state commission on public integrity, the legislative ethics commission, the state board of elections as it pertains to article 14 of the election law or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to the state government ethics commission to the extent necessary to carry out the state government ethics commission's functions, powers and duties subject to the approval of the director of the budget for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the state government ethics commission on audit and warrant of the comptroller.

S 41. Separability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 42. This act shall take effect on the two hundred seventieth day after it shall have become a law, except that appointments to the state government ethics commission, as added by section four of this act, and the designating commission, as added by section eight of this act, may be made before such date.

PART B

Section 1. Section 2 of the retirement and social security law is amended by adding a new subdivision 8-a to read as follows:

8-A. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD." THE ENTITY ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS ARTICLE.

S 2. The retirement and social security law is amended by adding a new section 10-b to read as follows:

S 10-B. THE EMPLOYEE RETIREMENT SYSTEM BOARD. 1. THERE IS HEREBY ESTABLISHED THE EMPLOYEE RETIREMENT SYSTEM BOARD, WHICH SHALL CONSIST OF FIVE MEMBERS TO BE APPOINTED BY A DESIGNATING COMMISSION PURSUANT TO SECTION SEVENTY-THREE-F OF THE PUBLIC OFFICERS LAW.

2. EACH MEMBER OF THE BOARD SHALL HAVE EXPERIENCE IN THE FIELD OF SECURITIES INVESTMENT, PENSION ADMINISTRATION, PENSION LAW OR GOVERNMENTAL FINANCE, SHALL SERVE FIVE YEAR TERMS AND MAY BE REAPPOINTED TO THE BOARD; PROVIDED, HOWEVER, THAT OF THE MEMBERS INITIALLY APPOINTED TO THE BOARD, ONE SHALL SERVE FOR ONE YEAR, ONE SHALL SERVE FOR TWO YEARS, ONE SHALL SERVE FOR THREE YEARS, ONE SHALL SERVE FOR FOUR YEARS AND ONE SHALL SERVE FOR FIVE YEARS, AS DESIGNATED BY THE COMMISSION. MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS BOARD MEMBERS, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS. VACANCIES TO THE BOARD SHALL BE FILLED WITHIN SIXTY DAYS OF THEIR OCCURRENCE IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

3. THE MEMBERS OF THE BOARD SHALL BE SUBJECT TO SECTIONS SEVENTY-THREE AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

4. BOARD MEMBERS SHALL PARTICIPATE IN TRAINING, DEVELOPED AND ADMINISTERED BY THE DEPARTMENT OF AUDIT AND CONTROL, IN CONSULTATION WITH THE SUPERINTENDENT OF INSURANCE AND THE ATTORNEY GENERAL, REGARDING LEGAL, FIDUCIARY, FINANCIAL AND ETHICAL RESPONSIBILITIES WITHIN ONE YEAR OF APPOINTMENT TO THE BOARD.

5. A MAJORITY OF THE MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM, AND ALL ACTIONS OF THE BOARD SHALL REQUIRE APPROVAL OF A MAJORITY OF THE TOTAL MEMBERS OF THE BOARD.

6. THE BOARD MAY EMPLOY AN EXECUTIVE DIRECTOR, A CHIEF ACTUARY, A CHIEF INVESTMENT OFFICER, AS WELL AS INVESTMENT OFFICERS, PORTFOLIO MANAGERS AND SUCH NECESSARY TECHNICAL AND ADMINISTRATIVE PERSONNEL AS IT MAY REQUIRE. THE BOARD SHALL ESTABLISH COMPENSATION THAT IS REASONABLE AND CUSTOMARY FOR SUCH POSITIONS.

7. THE BOARD MAY, IN CONSULTATION WITH THE SUPERINTENDENT OF INSURANCE, PROMULGATE RULES AND REGULATIONS ON THE GOVERNANCE OF THE RETIREMENT SYSTEM, AND SUCH OTHER RULES AND REGULATIONS AS IT MAY DEEM APPROPRIATE.

S 3. Section 13 of the retirement and social security law, subdivision b as amended by chapter 369 of the laws of 1964, subdivision d as amended by chapter 460 of the laws of 1971, subdivision f as amended by chapter 376 of the laws of 1965, paragraph 2 of subdivision f as amended by chapter 908 of the laws of 1971, subdivision h as amended by chapter 496 of the laws of 1967, subdivision i as amended by chapter 1046 of the laws of 1973, subdivision j as added by chapter 510 of the laws of 1965 and subdivision k as added by chapter 841 of the laws of 1968, is amended to read as follows:

S 13. Management of funds. a. The funds of the retirement system shall be managed in accordance with this section.

b. The [comptroller] MEMBERS OF THE EMPLOYEE RETIREMENT SYSTEM BOARD shall be trustee of the several funds of the retirement system AND THE COMPTROLLER SHALL BE CUSTODIAN OF SUCH FUNDS. Such funds shall be invested by the comptroller AS AUTHORIZED BY THE EMPLOYEE RETIREMENT SYSTEM BOARD, in securities in which he OR SHE is authorized by law to invest the funds of the state, except that he OR SHE may invest in obli-

gations consisting of notes, bonds, debentures, or equipment trust certificates issued under an indenture, which are the direct obligations of, or in the case of equipment trust certificates are secured by direct obligations of, a railroad or industrial corporation, or a corporation engaged directly and primarily in the production, transportation, distribution, or sale of electricity or gas, or the operation of telephone or telegraph systems or waterworks, or in some combination of them; provided the obligor corporation is one which is incorporated under the laws of the United States, or any state thereof, or of the District of Columbia, and said obligations shall be rated at the time of purchase within the three highest classifications established by at least two standard rating services. The maximum amount that the comptroller AS AUTHORIZED BY THE BOARD may invest in such obligations shall not exceed thirty per centum of the assets of the New York state employees' retirement system's funds; and provided further that not more than two and one half per centum of the assets of the New York state employees' retirement system's funds shall be invested in the obligations of any one corporation of the highest classification and subsidiary or subsidiaries thereof, that not more than two per centum of the assets of the New York state employees' retirement system's funds shall be invested in the obligations of any one corporation of the second highest classification and subsidiary or subsidiaries thereof, that not more than one and one half per centum of the assets of the New York state employees' retirement system's funds shall be invested in the obligations of any one corporation of the third highest classification and subsidiary or subsidiaries thereof. He OR SHE shall, however, be subject to all terms, conditions, limitations and restrictions imposed by this article and by law upon the making of such investments. The comptroller AS AUTHORIZED BY THE BOARD shall have full power:

1. To hold, purchase, sell, assign, transfer or dispose of any of the securities or investments, in which any of the funds of the retirement system shall be invested, including the proceeds of such investments and any monies belonging to such funds, and

2. In his OR HER name as [trustee] CUSTODIAN, to foreclose mortgages upon default or to take title to real property in such proceedings in lieu thereof and to lease and sell real property so acquired.

c. The comptroller annually shall credit to each of the funds of the retirement system regular interest on the mean amount therein for the preceding year.

d. The custody of all funds of the retirement system shall be in the charge of the head of the division of the treasury of the department of taxation and finance, subject to the supervision and control of the commissioner of taxation and finance.

e. Payment of all pensions, annuities and other benefits shall be made as provided in this article. For the purpose of meeting disbursements for pensions, annuities and other payments ordered by the comptroller, the head of such division may keep on deposit an available fund which shall not exceed ten per centum of the total amount of the several funds of the retirement system. Every such deposit shall be kept only in a bank or trust company organized under the laws of this state, or in a national bank located in this state, which shall furnish adequate security therefor.

f. The comptroller, however, shall have a fund in his OR HER immediate possession. Such fund shall be used for the immediate payment of:

1. All pensions, annuities and other benefits, and

2. Such expenses as may necessarily be incurred in acquiring, servicing and foreclosing mortgages and in acquiring, managing and protecting investments, and

3. Such special expenditures for which the retirement system will be paid by the state or a participating employer.

Such fund shall be reimbursed from time to time by the head of such division on the warrant of the comptroller.

g. Neither the comptroller nor THE MEMBERS OF THE BOARD OR any person employed on the work of the retirement system shall:

1. Except as herein provided, have any interest, direct or indirect, in the gains or profits of any investment of the retirement system, nor, in connection therewith, directly or indirectly, receive any pay or emolument for his OR HER services.

2. Except as provided in section fifty of this article:

(a) Directly or indirectly, for himself OR HERSELF or as an agent or partner of others, borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the comptroller, or

(b) Become an endorser, surety or an obligor in any manner of monies loaned by or borrowed of such funds.

h. The retirement system may use a part of its funds, not exceeding ten per centum of its assets, (1) for purchasing or leasing of land in the city of Albany and the construction thereon of a suitable office building or buildings for the transaction of the business of the retirement system and (2) for purchasing or leasing of land in the cities of Albany, Syracuse, Buffalo, Binghamton, New York, Rochester and Utica and the construction thereon of a suitable office building or buildings for purposes of lease or sale to the state and (3) for purchasing or leasing of land in the city of Albany on the north and south sides of Washington avenue commonly known as the "Campus Site" acquired by the state for a state buildings site pursuant to the provisions of chapter five hundred seventy-two of the laws of nineteen hundred forty-seven and the construction thereon of power plants including service connections, electric substations including service connections, garages, warehouses and restaurant facilities deemed necessary for the efficient and economical operation of the office building or buildings constructed on such land and (4) for purchasing or leasing of land in the city of Albany acquired by the state for suitable parking facilities for the use primarily of employees of the state and persons having business with state departments and state agencies and the construction thereon of such structures, appurtenances and facilities deemed necessary for the efficient and economical operation of the parking facilities constructed on such land and (5) for purchasing or leasing of land in locations approved by the state university trustees and the construction, acquisition, reconstruction, rehabilitation or improvement of suitable buildings or facilities thereon for purposes of lease or sale to the state university construction fund, such buildings or facilities to be used by the state university or by state-operated institutions or statutory or contract colleges under the jurisdiction of the state university or by the students, faculty and staff of the state university or of any such state-operated institution or statutory or contract college, and their families and (6) for purchasing of lands from the New York state thruway authority and the construction thereon of an office building or other buildings for purposes of lease or sale to the thruway authority for its own use under such terms and conditions, including consideration and

length of term, as shall be agreed upon between the retirement system and the thruway authority.

The retirement system from time to time may lease to any public agency any portion of a building constructed for the transaction of its business which may not be required for such purpose, upon such terms and conditions as shall be deemed to be for the best interest of the retirement system.

Real property of the retirement system acquired or constructed pursuant to this subdivision shall be exempt from taxation.

i. At the close of each fiscal year, the average rate of investment earnings of the retirement system shall be computed by the actuary and certified to the comptroller. This rate shall be determined from the investment earnings during the calendar year which ended three months prior to the close of the fiscal year. For any year that such average rate of earnings is in excess of three per centum but not in excess of four per centum, the comptroller shall declare a rate of special interest, for members earning regular interest of three per centum, equal to the difference between such average rate of earnings and three per centum expressed to the lower one-tenth of one per centum, but not in excess of one per centum. For any year, commencing with the fiscal year the first day of which is April first, nineteen hundred seventy, that such average rate of earnings is in excess of four per centum, the special rate of interest for members earning regular interest of three per centum shall be equal to the difference between such average rate of earnings and three per centum expressed to the lower one-tenth of one per centum, but not in excess of two per centum, and for members earning regular interest of four per centum, it shall be the difference between such average rate of earnings and four per centum, expressed to the lower one-tenth of one per centum, but not in excess of one per centum. Special interest at such rates, shall be credited by the comptroller at the same time that regular interest is credited, to the individual annuity savings accounts of persons who are members as of the close of the fiscal year. Special interest shall not be considered in determining rates of contribution of members. In the case of persons who last became members on or after July first, nineteen hundred seventy-three, the provisions of this subdivision shall apply only to the fiscal years beginning April first, nineteen hundred seventy-two and ending March thirty-first, nineteen hundred seventy-three.

j. The retirement system may invest, within the limitations authorized for investments in conventional mortgages, a part of its funds in first mortgages on real property located anywhere within the boundaries of the United States and leased to the government of the United States, provided however, that no such investment shall be made unless the terms of the mortgage shall provide for amortization payments in an amount sufficient to completely amortize the loan within the period of the lease.

k. The funds of the retirement system may be invested in the purchase of promissory notes or bonds from the farmers home administration issued in connection with the purchase or improvement of real property and which are insured by the farmers home administration.

S 4. The retirement and social security law is amended by adding a new article 3-B to read as follows:

ARTICLE 3-B

TRANSPARENCY, ACCOUNTABILITY AND PROHIBITIONS IN THE STATE RETIREMENT SYSTEM

SECTION 156. PROHIBITION ON PLACEMENT AGENTS.

S 156. PROHIBITION ON PLACEMENT AGENTS. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(A) "CONFLICT OF INTEREST" SHALL MEAN A CIRCUMSTANCE UNDER WHICH AN INDIVIDUAL OR ENTITY HAS AN INTEREST THAT HE, SHE OR IT IS AWARE MAY IMPAIR HIS, HER OR ITS IMPARTIAL OR OBJECTIVE JUDGMENT.

(B) "CONSULTANT" SHALL MEAN ANY PERSON (OTHER THAN AN EMPLOYEE OF THE BOARD OR THE COMPTROLLER) OR ENTITY RETAINED BY THE FUND TO PROVIDE TECHNICAL OR PROFESSIONAL SERVICES TO THE FUND RELATING TO INVESTMENTS BY THE FUND, INCLUDING OUTSIDE INVESTMENT COUNSEL AND LITIGATION COUNSEL, CUSTODIANS, ADMINISTRATORS, BROKER-DEALERS, AND PERSONS OR ENTITIES THAT IDENTIFY INVESTMENT OBJECTIVES AND RISKS, ASSIST IN THE SELECTION OF MONEY MANAGERS, SECURITIES, OR OTHER INVESTMENTS, OR MONITOR INVESTMENT PERFORMANCE.

(C) "FAMILY MEMBER" SHALL MEAN ANY PERSON RELATED BY BLOOD, MARRIAGE, ADOPTION, OR OPERATION OF LAW WHO RESIDES IN THE SAME HOUSEHOLD, AND ANY PERSON RELATED TO SUCH PERSON WITHIN THE THIRD DEGREE OF CONSANGUINITY OR AFFINITY.

(D) "FUND" SHALL MEAN THE NEW YORK STATE COMMON RETIREMENT FUND.

(E) "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD" SHALL MEAN THE ENTITY ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

(F) "INVESTMENT MANAGER" SHALL MEAN ANY PERSON (OTHER THAN AN EMPLOYEE OF THE DEPARTMENT OF AUDIT AND CONTROL) OR ENTITY ENGAGED BY THE FUND IN THE MANAGEMENT OF PART OR ALL OF AN INVESTMENT PORTFOLIO OF THE FUND. "MANAGEMENT" SHALL INCLUDE, BUT IS NOT LIMITED TO, ANALYSIS OF PORTFOLIO HOLDINGS, AND THE PURCHASE, SALE, AND LENDING THEREOF.

(G) "INVESTMENT POLICY STATEMENT" SHALL MEAN A WRITTEN DOCUMENT THAT, CONSISTENT WITH LAW, SETS FORTH A FRAMEWORK FOR THE INVESTMENT PROGRAM OF THE FUND.

(H) "PLACEMENT AGENT" SHALL MEAN ANY PERSON OR ENTITY THAT IS DIRECTLY OR INDIRECTLY ENGAGED AND COMPENSATED BY AN INVESTMENT MANAGER TO PROMOTE INVESTMENTS TO OR SOLICIT INVESTMENTS BY THE FUND, WHETHER COMPENSATED ON A FLAT FEE, A CONTINGENT FEE, OR ANY OTHER BASIS, AND SHALL INCLUDE A REGISTERED LOBBYIST. REGULAR EMPLOYEES OF AN INVESTMENT MANAGER ARE EXCLUDED FROM THIS DEFINITION UNLESS THEY ARE EMPLOYED PRINCIPALLY FOR THE PURPOSE OF SECURING OR INFLUENCING THE DECISION TO SECURE A PARTICULAR TRANSACTION OR INVESTMENT BY THE FUND. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "EMPLOYEE" SHALL INCLUDE ANY PERSON WHO WOULD QUALIFY AS AN EMPLOYEE UNDER THE FEDERAL INTERNAL REVENUE CODE OF 1986, AS AMENDED.

(I) "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM.

(J) "THIRD PARTY ADMINISTRATOR" SHALL MEAN ANY PERSON OR ENTITY THAT CONTRACTUALLY PROVIDES ADMINISTRATIVE SERVICES TO THE RETIREMENT SYSTEM, INCLUDING RECEIVING AND RECORDING EMPLOYER AND EMPLOYEE CONTRIBUTIONS, MAINTAINING ELIGIBILITY ROSTERS, VERIFYING ELIGIBILITY FOR BENEFITS, PAYING BENEFITS OR MAINTAINING ANY OTHER RETIREMENT SYSTEM RECORDS. "ADMINISTRATIVE SERVICES" SHALL NOT INCLUDE SERVICES PROVIDED TO THE FUND RELATING TO FUND INVESTMENTS.

2. IN ORDER TO PRESERVE THE INDEPENDENCE AND INTEGRITY OF THE FUND, TO PRECLUDE POTENTIAL CONFLICTS OF INTEREST, AND TO ASSIST THE BOARD IN FULFILLING ITS DUTIES AS A FIDUCIARY TO THE FUND:

(A) THE BOARD SHALL NOT ENGAGE, HIRE, INVEST WITH OR COMMIT TO AN OUTSIDE INVESTMENT MANAGER, EITHER DIRECTLY OR INDIRECTLY, WHO IS USING THE SERVICES OF A PLACEMENT AGENT TO ASSIST THE INVESTMENT MANAGER IN OBTAINING INVESTMENTS BY THE FUND; AND

(B) AN INVESTMENT MANAGER MAY NOT USE THE SERVICES OF A PLACEMENT AGENT TO ASSIST THE INVESTMENT MANAGER IN OBTAINING INVESTMENTS BY THE FUND OR OTHERWISE DOING BUSINESS THEREWITH.

3. AN INVESTMENT MANAGER SHALL DISCLOSE AND CERTIFY ON AT LEAST A SEMI-ANNUAL BASIS, AND MORE FREQUENTLY AS DETERMINED BY THE BOARD:

(A) THE NAME, TITLE AND DESCRIPTION OF RESPONSIBILITIES OF EACH EMPLOYEE OF THE INVESTMENT MANAGER WHOSE PROFESSIONAL DUTIES INCLUDE CONTACT WITH THE RETIREMENT SYSTEM, INCLUDING THE RETIREMENT SYSTEM'S EMPLOYEES, ADVISORS, CONSULTANTS AND THIRD-PARTY ADMINISTRATORS;

(B) WHETHER AN EMPLOYEE OF THE INVESTMENT MANAGER, WHOSE PROFESSIONAL DUTIES INCLUDE CONTACT WITH THE RETIREMENT SYSTEM, IS A CURRENT OR FORMER RETIREMENT SYSTEM EMPLOYEE, ADVISOR, CONSULTANT, OR THIRD-PARTY ADMINISTRATOR;

(C) WHETHER ANY EMPLOYEE OF THE INVESTMENT MANAGER, WHOSE PROFESSIONAL DUTIES INCLUDE CONTACT WITH THE RETIREMENT SYSTEM, HAS REGISTERED AS A LOBBYIST WITH ANY STATE OR THE FEDERAL GOVERNMENT IN THE PAST TWO YEARS; AND

(D) THE NAMES AND ADDRESSES OF ALL THIRD PARTIES THAT THE INVESTMENT MANAGER COMPENSATED IN CONNECTION WITH INVESTMENTS IN THE RETIREMENT SYSTEM, INCLUDING ANY FEES, COMMISSIONS OR RETAINERS, AND THE AMOUNTS OF SUCH COMPENSATION.

4. AN INVESTMENT MANAGER SHALL PROMPTLY DISCLOSE TO THE BOARD, IN WRITING, ANY APPARENT, POTENTIAL OR ACTUAL CONFLICT OF INTEREST BETWEEN THE INVESTMENT MANAGER, INCLUDING THE INVESTMENT MANAGER'S EMPLOYEES AND ANY FAMILY MEMBERS OF THE INVESTMENT MANAGER AND ITS EMPLOYEES, AND THE RETIREMENT SYSTEM, INCLUDING THE RETIREMENT SYSTEM'S EMPLOYEES, CONSULTANTS, THIRD-PARTY ADMINISTRATORS AND ANY FAMILY MEMBERS OF THE EMPLOYEES, CONSULTANTS, AND THIRD-PARTY ADMINISTRATORS. THE INVESTMENT MANAGER SHALL NOT PROVIDE ANY SERVICES CONCERNING ANY MATTERS AFFECTED BY SUCH CONFLICT OF INTEREST UNLESS THE RETIREMENT SYSTEM EXPRESSLY WAIVES SUCH PROHIBITION OR UNTIL THE CONFLICT OF INTEREST IS OTHERWISE CURED.

5. AN INVESTMENT MANAGER SHALL PUBLISH ALL DISCLOSURES AND CERTIFICATIONS REQUIRED BY THIS SECTION ON THE INVESTMENT MANAGER'S WEBSITE.

6. THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS SECTION, AND MAY SEEK AN INJUNCTION, ON NOTICE OF FIVE DAYS, ENJOINING A PERSON OR ENTITY FROM CONTINUING TO ENGAGE IN ANY CONDUCT IN VIOLATION OF THIS SECTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY RIGHT OR REMEDY OTHERWISE AVAILABLE UNDER LAW TO ANY PERSON, OR ENTITY, INCLUDING THE ATTORNEY GENERAL.

7. THE BOARD SHALL:

(A) FILE WITH THE SUPERINTENDENT OF INSURANCE AN ANNUAL STATEMENT AS PRESCRIBED BY SECTION THREE HUNDRED SEVEN OF THE INSURANCE LAW, INCLUDING THE RETIREMENT SYSTEM'S FINANCIAL STATEMENT, TOGETHER WITH AN OPINION OF AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT ON THE FINANCIAL STATEMENT;

(B) DISCLOSE ON THE OFFICE OF STATE COMPTROLLER'S WEBSITE, ON AT LEAST AN ANNUAL BASIS, ALL FEES PAID BY THE FUND TO INVESTMENT MANAGERS, CONSULTANTS, AND THIRD-PARTY ADMINISTRATORS;

(C) DISCLOSE ON THE OFFICE OF STATE COMPTROLLER'S WEBSITE THE FUND'S INVESTMENT POLICIES AND PROCEDURES; AND

(D) REQUIRE FIDUCIARY AND CONFLICT OF INTEREST REVIEWS OF THE FUND EVERY THREE YEARS BY A QUALIFIED UNAFFILIATED PERSON.

8. FOR PURPOSES OF THIS SECTION, ANY INVESTMENT MADE BY THE FUND PURSUANT TO SUBDIVISION SEVEN OF SECTION ONE HUNDRED SEVENTY-SEVEN OF THIS CHAPTER SHALL BE DEEMED TO BE THE INVESTMENT OF THE FUND IN SUCH INVESTMENT ENTITY, RATHER THAN IN THE ASSET OF SUCH INVESTMENT ENTITY.

9. ANY PERSON OR ENTITY THAT HAS A REASONABLE BASIS TO BELIEVE THAT ANY OTHER PERSON OR ENTITY HAS VIOLATED THIS SECTION SHALL REPORT TO THE BOARD AND THE ATTORNEY GENERAL EVIDENCE OF THE VIOLATION.

10. ANY VIOLATION OF THIS SECTION OR REGULATIONS PROMULGATED THEREUNDER SHALL BE A MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS OR BY IMPRISONMENT NOT TO EXCEED SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT. ANY SECOND OR SUBSEQUENT VIOLATION SHALL BE A FELONY PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS OR BY IMPRISONMENT FOR A CLASS E FELONY OR BY BOTH SUCH FINE AND IMPRISONMENT.

S 5. Subdivision 4 of section 302 of the retirement and social security law is amended by adding a new subdivision 8-a to read as follows:

8-A. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD." THE ENTITY ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

S 6. Subdivision g of section 311 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

g. The comptroller shall, IN CONSULTATION WITH THE EMPLOYEE RETIREMENT SYSTEM BOARD, adopt and amend pursuant to this article only such rules and regulations as he OR SHE determines to be for the best interest of the retirement system and its members.

S 7. Section 313 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, subdivision d as amended by chapter 460 of the laws of 1971, paragraph 2 of subdivision f as amended by chapter 908 of the laws of 1971, subdivision i as amended by chapter 1046 of the laws of 1973, is amended to read as follows:

S 313. Management of funds. a. The funds of the policemen's and firemen's retirement system shall be managed in accordance with this section.

b. The [comptroller] MEMBERS OF THE EMPLOYEE RETIREMENT SYSTEM BOARD shall be trustee of the several funds of the policemen's and firemen's retirement system AND THE COMPTROLLER SHALL BE CUSTODIAN OF SUCH FUNDS. Such funds shall be invested by the comptroller AS AUTHORIZED BY THE BOARD, in securities in which he OR SHE is authorized by law to invest the funds of the state, except that he OR SHE may invest in obligations consisting of notes, bonds, debentures or equipment trust certificates issued under an indenture, which are the direct obligations of, or in the case of equipment trust certificates are secured by direct obligations of, a railroad or industrial corporation, or a corporation engaged directly and primarily in the production, transportation, distribution, or sale of electricity, or gas, or the operation of telephone or telegraph systems or waterworks, or in some combination of them; provided the obligor corporation is one which is incorporated under the laws of the United States, or any state thereof, or of the District of Columbia, and said obligations shall be rated at the time of purchase within the three highest classifications established by at least two standard rating services. The maximum amount that the comptroller AS AUTHORIZED BY THE BOARD may invest in such obligations shall not exceed thirty per centum of the assets of the New York state policemen's and firemen's retirement system's funds; and provided further that not more than two and one-half per centum of the assets of the New York state policemen's and firemen's retirement system's funds shall be invested in the obligations of any one corporation of the highest classification and subsidiary or subsidiaries thereof, that not more than two per centum of the assets of the New York state policemen's and firemen's retirement system's funds shall be invested in the obligations of

any one corporation of the second highest classification and subsidiary or subsidiaries thereof, that not more than one and one-half per centum of the assets of the New York state policemen's and firemen's retirement system's funds shall be invested in the obligations of any one corporation of the third highest classification and subsidiary or subsidiaries thereof. He OR SHE shall, however, be subject to all terms, conditions, limitations and restrictions imposed by this article and by law upon the making of such investments. The comptroller AS AUTHORIZED BY THE BOARD shall have full power:

1. To hold, purchase, sell, assign, transfer or dispose of any of the securities or investments, in which any of the funds of the policemen's and firemen's retirement system shall be invested, including the proceeds of such investments and any monies belonging to such funds, and

2. In his OR HER name as [trustee] CUSTODIAN, to foreclose mortgages upon default or to take title to real property in such proceedings in lieu thereof and to lease and sell real property so acquired.

c. The comptroller AS AUTHORIZED BY THE BOARD annually shall credit to each of the funds of the policemen's and firemen's retirement system regular interest on the mean amount therein for the preceding year.

d. The custody of all funds of the policemen's and firemen's retirement system shall be in the charge of the head of the division of the treasury of the department of taxation and finance, subject to the supervision and control of the commissioner of taxation and finance.

e. Payment of all pensions, annuities and other benefits shall be made as provided in this article. For the purpose of meeting disbursements for pensions, annuities and other payments ordered by the comptroller, the head of such division may keep on deposit an available fund which shall not exceed ten per centum of the total amount of the several funds of the policemen's and firemen's retirement system. Every such deposit shall be kept only in a bank or trust company organized under the laws of this state, or in a national bank located in this state, which shall furnish adequate security therefor.

f. The comptroller, however, shall have a fund in his OR HER immediate possession. Such fund shall be used for the immediate payment of:

1. All pensions, annuities and other benefits, and

2. Such expenses as may necessarily be incurred in acquiring, servicing and foreclosing mortgages and in acquiring, managing and protecting investments, and

3. Such special expenditures for which the policemen's and firemen's retirement system will be paid by the state or a participating employer. Such fund shall be reimbursed from time to time by the head of such division on the warrant of the comptroller.

g. Neither the comptroller nor THE MEMBER OF THE BOARD OR any person employed on the work of the policemen's and firemen's retirement system shall:

1. Except as herein provided, have any interest, direct or indirect, in the gains or profits of any investment of the policemen's and firemen's retirement system, nor, in connection therewith, directly or indirectly, receive any pay or emolument for his OR HER services.

2. Except as provided in section three hundred fifty of this article:

(a) Directly or indirectly, for himself or as an agent or partner of others, borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the comptroller, or

(b) Become an endorser, surety or an obligor in any manner of monies loaned by or borrowed of such funds.

h. The policemen's and firemen's retirement system may use a part of its funds, not exceeding ten per centum of its assets, (1) for purchasing or leasing of land in the city of Albany and the construction thereon of a suitable office building or buildings for the transaction of the business of the retirement system, (2) for purchasing or leasing of land in the cities of Albany, Syracuse, Buffalo, Binghamton, New York, Rochester and Utica and the construction thereon of a suitable office building or buildings for purposes of lease or sale to the state, (3) for purchasing or leasing of land in the city of Albany on the north and south sides of Washington avenue commonly known as the "Campus Site" acquired by the state for a state building site pursuant to the provisions of chapter five hundred seventy-two of the laws of nineteen hundred forty-seven and the construction thereon of power plants including service connections, electric substations including service connections, garages, warehouses and restaurant facilities deemed necessary for the efficient and economical operation of the office building or buildings constructed on such land and (4) for purchasing or leasing of land in the city of Albany acquired by the state for suitable parking facilities for the use primarily of employees of the state and persons having business with state departments and state agencies and the construction thereon of such structures, appurtenances and facilities deemed necessary for the efficient and economical operation of the parking facilities constructed on such land and (5) for purchasing or leasing of land in locations approved by the state university trustees and the construction, acquisition, reconstruction, rehabilitation or improvement of suitable buildings or facilities thereon for purposes of lease or sale to the state university construction fund, such buildings or facilities to be used by the state university or by state-operated institutions or statutory or contract colleges under the jurisdiction of the state university or by the students, faculty and staff of the state university or of any such state-operated institution or statutory or contract college, and their families.

The policemen's and firemen's retirement system from time to time may lease to any public agency any portion of a building constructed for the transaction of its business which may not be required for such purpose, upon such terms and conditions as shall be deemed to be for the best interest of the policemen's and firemen's retirement system.

Real property of the policemen's and firemen's retirement system acquired or constructed pursuant to this subdivision shall be exempt from taxation.

i. At the close of each fiscal year, the average rate of investment earnings of the retirement system shall be computed by the actuary and certified to the comptroller. This rate shall be determined from the investment earnings during the calendar year which ended three months prior to the close of the fiscal year. For any year that such average rate of earnings is in excess of three per centum but not in excess of four per centum, the comptroller shall declare a rate of special interest, for members earning regular interest of three per centum, equal to the difference between such average rate of earnings and three per centum, expressed to the lower one-tenth of one per centum, but not in excess of one per centum. For any year, commencing with the fiscal year the first day of which is April first, nineteen hundred seventy, that such average rate of earnings is in excess of four per centum, the special rate of interest for members earning regular interest of three per centum shall be equal to the difference between such average rate of earnings and three per centum, expressed to the lower one-tenth of one

per centum, but not in excess of two per centum, and for members earning regular interest of four per centum, it shall be the difference between such average rate of earnings and four per centum, expressed to the lower one-tenth of one per centum, but not in excess of one per centum. Special interest at such rates, shall be credited, by the comptroller at the same time that regular interest is credited, to the individual annuity savings accounts of persons who are members as of the close of the fiscal year. Special interest shall not be considered in determining rates of contribution of members. In the case of persons who last became members on or after July first, nineteen hundred seventy-three, the provisions of this subdivision shall apply only to the fiscal years beginning April first, nineteen hundred seventy-two and ending March thirty-first, nineteen hundred seventy-three.

j. The retirement system may invest, within the limitations authorized for investments in conventional mortgages, a part of its funds in first mortgages on real property located anywhere within the boundaries of the United States and leased to the government of the United States, provided however, that no such investment shall be made unless the terms of the mortgage shall provide for amortization payments in an amount sufficient to completely amortize the loan within the period of the lease.

S 8. Section 421 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

S 421. Definitions. As used or referred to in this article, unless a different meaning clearly appears from the context. 1. The term "employees' retirement system" shall mean the New York state [employees] EMPLOYEES' retirement system.

2. The term "policemen's and firemen's retirement system" shall mean the New York state [policemen's and firemen's] AND LOCAL POLICE AND FIRE retirement system.

3. The term "each retirement [sytsem] SYSTEM" shall mean each of the foregoing defined systems.

4. [The term "comptroller" shall mean the state comptroller.

5.] The term "actuary" shall mean the actuary of the employees' retirement system acting jointly with the actuary of the policemen's and firemen's retirement system.

5. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD" SHALL MEAN THE ENTITY ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

S 9. Section 422 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

S 422. Establishment of a common retirement fund. 1. There is hereby established a fund, in the custody of the comptroller, to be known as the common retirement fund. Notwithstanding any other provision of this chapter, all of the assets and income of the employees' retirement system and of the policemen's and firemen's retirement system shall be held by the comptroller as [trustee] CUSTODIAN of such fund, except as such assets and income may be allocated or distributed to the funds of each retirement system by the comptroller.

2. The fund shall consist initially of the total assets of the employees' retirement system as of March thirty-first, nineteen hundred sixty-seven, as such assets are defined in subdivision a of section two hundred ninety-three of this chapter. After the annual valuation of the assets and liabilities of the employees' retirement system and the determination relating to assets and liabilities required by subdivision b of section two hundred ninety-three of this chapter, the comptroller shall credit to each retirement system a participating interest in the

assets of such fund in the proportion and percentage that the assets of each retirement system bear to the total assets of the common retirement fund. [On March thirty-first, nineteen hundred sixty-eight, and at the close of each succeeding fiscal year, the] THE comptroller shall credit each retirement system with a participating interest in such fund in the proportion and percentage that the interest attributable to each retirement system bears to the total assets of such fund, after considering contributions, earnings, disbursements and expenses attributable to each system.

S 10. Section 423 of the retirement and social security law, as amended by chapter 770 of the laws of 1970, is amended to read as follows:

S 423. Investments. a. [On and after April first, nineteen hundred sixty-seven, the] THE comptroller, AS AUTHORIZED BY THE BOARD shall invest the available monies of the common retirement fund in any investments and securities authorized by law for each retirement system and shall hold such investments in his OR HER name as [trustee] CUSTODIAN of such fund, notwithstanding any other provision of this chapter. Participating interests in such investments shall be credited to each retirement system in the manner and at the time specified in [paragraph] SUBDIVISION two of section four hundred twenty-two of this article.

b. To assist in the management of the monies of the common retirement fund, the comptroller shall appoint an investment advisory committee consisting of not less than seven members who shall serve for [his] THE COMPTROLLER'S term of office. A vacancy occurring from any cause other than expiration of term shall be filled by the comptroller for the remainder of the term. Each member of the committee shall be experienced in the field of investments and shall have served, or shall be serving, as a senior officer or member of the board of an insurance company, banking corporation or other financial or investment organization authorized to do business in the state of New York. The committee shall advise the comptroller, AS WELL AS ITS EXECUTIVE DIRECTOR, CHIEF ACTUARY, AND CHIEF INVESTMENT OFFICER on investment policies relating to the monies of the common retirement fund and shall review, from time to time, the investment portfolio of the fund and make such recommendations as may be deemed necessary.

The comptroller shall appoint a separate mortgage advisory committee, with the advice and consent of the investment advisory committee, to review proposed mortgage and real estate investments by the common retirement fund. In making investments, as authorized by law, the comptroller shall be guided by policies established by each committee from time to time; and, in the event the mortgage advisory committee disapproves a proposed mortgage or real estate investment, such shall not be made.

No officer or employee of any state department or agency shall be eligible for membership on either committee. Each committee shall convene periodically on call of the comptroller, or on call of the [chairman] CHAIR OF THE COMMITTEE. The members of each committee shall be entitled to reimbursement for their actual and necessary expenses but shall receive no compensation for their services.

S 11. Sections 423-a and 423-b of the retirement and social security law, section 423-a as added by chapter 112 of the laws of 1986 and section 423-b as added by chapter 624 of the laws of 1999, are amended to read as follows:

S 423-a. Northern Ireland related investments. 1. Notwithstanding any other provision of law, on and after January first, nineteen hundred

eighty-seven, any moneys or assets of the common retirement fund which shall remain or be invested in the stocks, securities or other obligations of any institution or company doing business in or with Northern Ireland or with agencies or instrumentalities thereof, shall be invested subject to the provisions of subdivision three of this section.

2. On or before the first day of January of each year, the comptroller AS AUTHORIZED BY THE BOARD shall determine the existence of affirmative action taken by institutions or companies doing business in Northern Ireland to eliminate ethnic or religious discrimination based on actions taken for:

(a) Increasing the representation of individuals from underrepresented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.

(b) Providing adequate security for the protection of minority employees both at the workplace and while travelling to and from work.

(c) The banning of provocative religious or political emblems from the workplace.

(d) Publicly advertising all job openings and making special recruitment efforts to attract applicants from underrepresented religious groups.

(e) Providing that layoff, recall, and termination procedures should not in practice favor particular religious groupings.

(f) The abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(g) The development of training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

(h) The establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.

(i) The appointment of senior management staff members to oversee affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

3. Consistent with sound investment policy, the comptroller AS AUTHORIZED BY THE BOARD shall invest the assets of the common retirement fund in such a manner that the investments in institutions doing business in or with Northern Ireland shall reflect the advances made by such institutions in eliminating discrimination as established pursuant to subdivision two of this section.

S 423-b. New York state venture capital program. The comptroller AS AUTHORIZED BY THE BOARD is hereby authorized to establish within the common retirement fund a New York state venture capital program for the purpose of investing in qualified businesses as defined in paragraph [six] SEVEN of subdivision (a) of section eleven of the tax law. The comptroller [is authorized to] AS AUTHORIZED BY THE BOARD MAY invest up to two hundred fifty million dollars of assets of the common retirement fund to carry out the purposes of this section. The comptroller AS AUTHORIZED BY THE BOARD may make investments pursuant to this section in partnerships, corporations, trusts or limited liability companies organized on a for-profit basis that enter into agreements to invest the moneys of the New York state venture capital program in qualified businesses. The comptroller AS AUTHORIZED BY THE BOARD shall make such investments consistent with the provisions of paragraph (b) of subdivision nine of section one hundred seventy-seven of this chapter. The comptroller may establish procedures necessary to insure that invest-

ments of moneys of the New York state venture capital program are, for each investment in a qualified business, equitably matched by investments made by other sources. The comptroller shall, to the maximum extent practicable, insure that the geographic distribution of investments in the program is in proportion to the state population.

S 12. Intentionally omitted.

S 13. Section 425 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

S 425. Separability of retirement systems. No provision of this article shall be construed as an impairment of the separability of or of the corporate powers and privileges of the employees' retirement system or the policemen's and firemen's retirement system. The comptroller AS AUTHORIZED BY THE BOARD shall establish or continue separate funds and accounts for each retirement system, consistent with the common retirement fund herein provided for, as may be required to carry out the separate purposes and privileges of each retirement system.

S 14. The retirement and social security law is amended by adding a new article 23 to read as follows:

ARTICLE 23

INVESTMENT FIRMS

SECTION 1300. LEGISLATIVE INTENT.
1301. DEFINITIONS.
1302. BAN ON INVESTMENT FIRM BUSINESS.
1303. PROHIBITION ON SOLICITING AND COORDINATING CONTRIBUTIONS.
1304. CIRCUMVENTION OF RULE.
1305. REQUIRED DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY.
1306. VOLUNTARY DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY.
1307. PROHIBITION OF CERTAIN EMPLOYMENT.
1308. PROHIBITION OF CERTAIN FINANCIAL RELATIONSHIPS.
1309. INTERNAL PROCEDURES.
1310. PROHIBITION OF CERTAIN CONTACTS.
1311. GIFTS.
1312. MANDATORY REPORTING.
1313. ATTORNEY GENERAL ACTION.
1314. CRIMINAL SANCTIONS.

S 1300. LEGISLATIVE INTENT. THE PURPOSE AND INTENT OF THIS ARTICLE IS TO ENSURE THAT THE HIGH STANDARDS AND INTEGRITY OF INVESTMENT FIRMS ARE MAINTAINED TO PREVENT FRAUDULENT AND MANIPULATIVE ACTS AND PRACTICES, TO PROMOTE JUST AND EQUITABLE PRINCIPLES, TO PERFECT A FREE AND OPEN MARKET AND TO PROTECT THE COMMON RETIREMENT FUND AND THE PUBLIC INTEREST BY:

1. PROHIBITING INVESTMENT FIRMS FROM ENGAGING IN BUSINESS WITH THE COMMON RETIREMENT FUND IF CERTAIN POLITICAL CONTRIBUTIONS HAVE BEEN MADE TO OFFICIALS THAT OVERSEE THE FUND; AND

2. REQUIRING INVESTMENT FIRMS TO DISCLOSE CERTAIN POLITICAL CONTRIBUTIONS, AS WELL AS OTHER INFORMATION, TO ALLOW PUBLIC SCRUTINY OF POLITICAL CONTRIBUTIONS BY THOSE IN THE BUSINESS.

S 1301. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "COMMON RETIREMENT FUND" SHALL MEAN ALL OF THE ASSETS AND INCOME OF THE EMPLOYEES' RETIREMENT SYSTEM AND OF THE POLICE AND FIRE RETIREMENT SYSTEM.

2. "ISSUER" SHALL MEAN THE COMPTROLLER OR HIS OR HER DESIGNEE IN RELATION TO THE ISSUANCE OF FUNDS FOR INVESTMENT FROM THE COMMON RETIREMENT FUND.

3. "INVESTMENT FIRM" SHALL MEAN ANY PERSON OR ENTITY THAT ACCEPTS AN INVESTMENT FROM OR PROVIDES INVESTMENT MANAGEMENT SERVICES TO THE RETIREMENT SYSTEM IN CONNECTION WITH THE MANAGEMENT OR INVESTMENT OF A

RETIREMENT SYSTEM'S TRUST FUND OR ASSETS. INVESTMENT FIRM INCLUDES ANY SUBSIDIARY OR AFFILIATE OVER WHICH THE INVESTMENT FIRM EXERCISES EXCLUSIVE CONTROL.

4. "OFFICIAL" SHALL MEAN ANY PERSON, INCLUDING THE PERSON'S ELECTION COMMITTEE, WHO WAS, AT THE TIME OF A CONTRIBUTION, AN INCUMBENT, CANDIDATE OR SUCCESSFUL CANDIDATE FOR AN ELECTIVE OFFICE OF A GOVERNMENT ENTITY, IF THE OFFICE IS DIRECTLY RESPONSIBLE FOR, OR CAN DIRECTLY INFLUENCE THE OUTCOME OF, THE RETIREMENT SYSTEM'S INVESTMENT WITH OR ENGAGEMENT OF THE INVESTMENT FIRM.

S 1302. BAN ON INVESTMENT FIRM BUSINESS. NO INVESTMENT FIRM SHALL ENGAGE IN BUSINESS WITH THE COMMON RETIREMENT FUND WITHIN TWO YEARS AFTER ANY CONTRIBUTION TO AN OFFICIAL OF THE COMMON RETIREMENT FUND MADE BY:

1. THE INVESTMENT FIRM;

2. ANY FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM; OR

3. ANY POLITICAL ACTION COMMITTEE CONTROLLED BY THE INVESTMENT FIRM;

PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT PROHIBIT THE INVESTMENT FIRM FROM ENGAGING IN BUSINESS WITH THE COMMON RETIREMENT FUND IF THE ONLY CONTRIBUTIONS MADE BY THE FOREGOING PERSONS AND ENTITIES TO OFFICIALS OF SUCH ISSUER WITHIN THE PREVIOUS TWO YEARS WERE MADE BY PERSONS TO OFFICIALS OF SUCH ISSUER FOR WHOM THE PERSONS WERE ENTITLED TO VOTE AND WHICH CONTRIBUTIONS, IN TOTAL, WERE NOT IN EXCESS OF THREE HUNDRED DOLLARS BY ANY INVESTMENT FIRM TO EACH OFFICIAL, PER ELECTION.

S 1303. PROHIBITION ON SOLICITING AND COORDINATING CONTRIBUTIONS. NO INVESTMENT FIRM SHALL SOLICIT ANY PERSON, INCLUDING BUT NOT LIMITED TO, ANY AFFILIATED ENTITY OF THE INVESTMENT FIRM OR POLITICAL ACTION COMMITTEE, TO:

1. MAKE OR COORDINATE ANY CONTRIBUTION, TO AN OFFICIAL OF THE COMMON RETIREMENT FUND WITH WHICH THE INVESTMENT FIRM IS ENGAGING OR IS SEEKING TO ENGAGE IN BUSINESS WITH; OR

2. MAKE OR COORDINATE ANY PAYMENT TO A POLITICAL PARTY OF A STATE OR LOCALITY WHERE THE INVESTMENT FIRM IS ENGAGING OR IS SEEKING TO ENGAGE IN BUSINESS WITH THE COMMON RETIREMENT FUND.

S 1304. CIRCUMVENTION OF RULE. NO INVESTMENT FIRM, OR ANY PROFESSIONAL THAT CONDUCTS BUSINESS WITH THE COMMON RETIREMENT FUND SHALL, DIRECTLY OR INDIRECTLY, THROUGH OR BY ANY OTHER PERSON, RELATIVE OR MEANS, DO ANY ACT THAT SHALL RESULT IN A VIOLATION OF SECTION THIRTEEN HUNDRED TWO OR THIRTEEN HUNDRED THREE OF THIS ARTICLE.

S 1305. REQUIRED DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY. 1. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, EACH INVESTMENT FIRM SHALL, BY JANUARY THIRTY-FIRST, APRIL THIRTIETH, JULY THIRTY-FIRST AND OCTOBER THIRTY-FIRST OF EACH YEAR, REPORT TO THE COMMISSION ON PUBLIC INTEGRITY, IN A FORMAT REQUIRED BY THE COMMISSION, THE FOLLOWING INFORMATION:

(A) FOR CONTRIBUTIONS TO OFFICIALS OF THE COMMON RETIREMENT FUND (OTHER THAN A CONTRIBUTION MADE BY AN INVESTMENT FIRM TO AN OFFICIAL OF AN ISSUER FOR WHOM SUCH INVESTMENT FIRM IS ENTITLED TO VOTE IF ALL CONTRIBUTIONS BY SUCH INVESTMENT FIRM TO SUCH OFFICIAL, IN TOTAL, DO NOT EXCEED THREE HUNDRED DOLLARS PER ELECTION) AND PAYMENTS TO POLITICAL PARTIES OF A STATE OR POLITICAL SUBDIVISION (OTHER THAN A PAYMENT MADE BY AN INVESTMENT FIRM TO A POLITICAL PARTY OF A STATE OR A POLITICAL SUBDIVISION IN WHICH SUCH INVESTMENT FIRM IS ENTITLED TO VOTE IF ALL PAYMENTS BY SUCH INVESTMENT FIRM TO SUCH POLITICAL PARTY, IN TOTAL, DO NOT EXCEED THREE HUNDRED DOLLARS PER YEAR) MADE BY THE PERSONS AND ENTITIES DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH:

(I) THE NAME AND TITLE (INCLUDING ANY CITY, COUNTY, STATE OR POLITICAL SUBDIVISION) OF EACH OFFICIAL AND POLITICAL PARTY RECEIVING CONTRIBUTIONS OR PAYMENTS DURING SUCH CALENDAR QUARTER;

(II) THE CONTRIBUTION OR PAYMENT AMOUNT MADE AND THE CONTRIBUTOR CATEGORY OF EACH OF THE FOLLOWING PERSONS AND ENTITIES MAKING SUCH CONTRIBUTIONS OR PAYMENTS DURING SUCH CALENDAR QUARTER:

(A) ANY INVESTMENT FIRM OR FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM; AND

(B) EACH POLITICAL ACTION COMMITTEE CONTROLLED BY THE INVESTMENT FIRM OR ANY FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM;

(B) A LIST OF STATE OFFICIALS WITH WHICH THE INVESTMENT FIRM HAS ENGAGED IN BUSINESS DURING SUCH CALENDAR QUARTER, ALONG WITH THE TYPE OF BUSINESS;

(C) WHETHER ANY CONTRIBUTION LISTED IN THIS SUBDIVISION IS THE SUBJECT OF AN AUTOMATIC EXEMPTION, AND THE DATE OF SUCH AUTOMATIC EXEMPTION; AND

(D) SUCH OTHER INFORMATION REQUIRED BY THE COMMISSION ON PUBLIC INTEGRITY.

2. NO INVESTMENT FIRM SHALL BE REQUIRED TO MAKE A DISCLOSURE PURSUANT TO THIS SECTION TO THE COMMISSION ON PUBLIC INTEGRITY FOR ANY CALENDAR QUARTER IN WHICH:

(A) SUCH INVESTMENT FIRM HAS NO INFORMATION TO DISCLOSE FOR SUCH CALENDAR QUARTER; OR

(B) SUCH INVESTMENT FIRM HAS NOT ENGAGED IN BUSINESS WITH THE COMMON RETIREMENT FUND, BUT ONLY IF SUCH INVESTMENT FIRM DID NOT ENGAGE IN BUSINESS WITH THE COMMON RETIREMENT FUND DURING THE SEVEN CONSECUTIVE CALENDAR QUARTERS IMMEDIATELY PRECEDING SUCH CALENDAR QUARTER.

3. THE COMMISSION ON PUBLIC INTEGRITY SHALL MAKE PUBLIC A COPY OF THE DISCLOSURES RECEIVED FROM ANY INVESTMENT FIRM.

4. IF AN INVESTMENT FIRM ENGAGES IN BUSINESS DURING ANY CALENDAR QUARTER AFTER NOT HAVING REPORTED THE INFORMATION DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION FOR ONE OR MORE CONTRIBUTIONS OR PAYMENTS MADE DURING THE TWO-YEAR PERIOD PRECEDING SUCH CALENDAR QUARTER SOLELY AS A RESULT OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, THEN SUCH INVESTMENT FIRM SHALL INCLUDE IN THE INFORMATION FOR SUCH CALENDAR QUARTER ALL SUCH INFORMATION (INCLUDING YEAR AND CALENDAR QUARTER OF SUCH CONTRIBUTIONS OR PAYMENTS) NOT SO REPORTED DURING SUCH TWO-YEAR PERIOD.

5. AN INVESTMENT FIRM THAT SUBMITS INFORMATION TO THE COMMISSION ON PUBLIC INTEGRITY SHALL:

(A) SEND TWO COPIES OF SUCH DISCLOSURE TO THE COMMISSION ON PUBLIC INTEGRITY BY CERTIFIED OR REGISTERED MAIL, OR SOME OTHER EQUALLY PROMPT MEANS THAT PROVIDES A RECORD OF SENDING; OR

(B) SUBMIT AN ELECTRONIC VERSION OF SUCH DISCLOSURE TO THE COMMISSION ON PUBLIC INTEGRITY IN SUCH FORMAT AND MANNER SPECIFIED IN REGULATIONS PROMULGATED BY THE COMMISSION ON PUBLIC INTEGRITY.

S 1306. VOLUNTARY DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY. THE COMMISSION ON PUBLIC INTEGRITY SHALL ACCEPT ADDITIONAL DISCLOSURES RELATED TO CONTRIBUTIONS MADE TO OFFICIALS OF ISSUERS AND PAYMENTS TO POLITICAL PARTIES AND POLITICAL SUBDIVISIONS VOLUNTARILY SUBMITTED BY AN INVESTMENT FIRM PROVIDED THAT SUCH DISCLOSURES ARE SUBMITTED IN ACCORDANCE WITH SECTION THIRTEEN HUNDRED FIVE OF THIS ARTICLE.

S 1307. PROHIBITION OF CERTAIN EMPLOYMENT. NO INVESTMENT FIRM SHALL EMPLOY OR COMPENSATE IN ANY MANNER A BOARD MEMBER, OFFICIAL, RETIREMENT FUND OFFICIAL, EMPLOYEE OR FIDUCIARY OF THE COMMON RETIREMENT FUND FOR TWO YEARS AFTER THE TERMINATION OF SUCH PERSON'S RELATIONSHIP WITH THE

COMMON RETIREMENT FUND UNLESS SUCH PERSON SHALL NOT HAVE CONTACT WITH, OR PROVIDE SERVICES TO, THE COMMON RETIREMENT FUND.

S 1308. PROHIBITION OF CERTAIN FINANCIAL RELATIONSHIPS. NO INVESTMENT FIRM OR RELATED PARTY SHALL HAVE A DIRECT OR INDIRECT FINANCIAL, COMMERCIAL OR BUSINESS RELATIONSHIP WITH AN OFFICIAL OR ISSUER OF PENSION FUNDS, UNLESS THE BOARD CONSENTS AFTER FULL DISCLOSURE BY THE INVESTMENT FIRM OR RELATED PARTY.

S 1309. INTERNAL PROCEDURES. AN INVESTMENT FIRM SHALL ADOPT INTERNAL PROCEDURES TO MONITOR AND ENSURE ITS COMPLIANCE WITH THIS ARTICLE, AND SHALL PROVIDE TO THE BOARD AND THE ATTORNEY GENERAL A COPY OF THESE PROCEDURES, INCLUDING ANY UPDATES THERETO.

S 1310. PROHIBITION OF CERTAIN CONTACTS. UPON THE COMMON RETIREMENT FUND'S RELEASE OF ANY REQUEST FOR PROPOSAL, INVITATION FOR BID, OR COMPARABLE PROCUREMENT VEHICLE FOR ANY INVESTMENT SERVICES, THERE SHALL BE NO COMMUNICATION BETWEEN ANY BOARD MEMBER, OFFICIAL, RETIREMENT FUND OFFICIAL, EMPLOYEE OR FIDUCIARY OF THE COMMON RETIREMENT FUND CONCERNING THE PROCUREMENT PROCESS UNTIL THE PROCESS IS COMPLETE, PROVIDED, HOWEVER, THAT A REQUEST FOR TECHNICAL CLARIFICATION REGARDING THE PROCUREMENT PROCESS ITSELF SHALL BE PERMISSIBLE, AND AN INVESTMENT FIRM SHALL DIRECT SUCH REQUEST TO THE PERSON DESIGNATED BY THE COMMON RETIREMENT FUND. NOTHING HEREIN SHALL PROHIBIT AN INVESTMENT FIRM FROM COMPLYING WITH A REQUEST FOR INFORMATION FROM THE COMMON RETIREMENT FUND DURING THE PROCUREMENT PROCESS.

S 1311. GIFTS. AN INVESTMENT FIRM SHALL NOT GIVE OR OFFER TO GIVE ANY GIFT TO ANY BOARD MEMBER, OFFICIAL, RETIREMENT FUND OFFICIAL, EMPLOYEE OR FIDUCIARY OF THE COMMON RETIREMENT FUND OTHER THAN AN ARTICLE OF MERCHANDISE NOT EXCEEDING FIFTEEN DOLLARS IN VALUE, WHICH SHALL HAVE CONSPICUOUSLY STAMPED OR PRINTED THEREON THE ADVERTISEMENT OF THE INVESTMENT FIRM. FOR THE PURPOSE OF THIS SECTION, A GIFT SHALL INCLUDE, BUT IS NOT LIMITED TO, MONEY, LOANS, LODGING, MEALS, REFRESHMENTS, VACATIONS, PRIZES, DISCOUNTS, AND ENTERTAINMENT.

S 1312. MANDATORY REPORTING. ANY PERSON OR ENTITY THAT HAS A REASONABLE BASIS TO BELIEVE THAT ANY OTHER PERSON OR ENTITY HAS VIOLATED THIS ARTICLE SHALL REPORT TO THE BOARD AND THE ATTORNEY GENERAL EVIDENCE OF THE VIOLATION.

S 1313. ATTORNEY GENERAL ACTION. THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS ARTICLE AND MAY SEEK AN INJUNCTION, ON NOTICE OF FIVE DAYS, ENJOINING A PERSON OR ENTITY FROM CONTINUING TO ENGAGE IN ANY CONDUCT IN VIOLATION OF THIS ARTICLE. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT ANY RIGHT OR REMEDY OTHERWISE AVAILABLE UNDER LAW TO ANY PERSON OR ENTITY, INCLUDING THE ATTORNEY GENERAL.

S 1314. CRIMINAL SANCTIONS. ANY VIOLATION OF THIS ARTICLE OR REGULATIONS PROMULGATED THEREUNDER SHALL BE A MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS OR BY IMPRISONMENT NOT TO EXCEED SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT. ANY SECOND OR SUBSEQUENT VIOLATION SHALL BE A FELONY PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS OR BY IMPRISONMENT FOR A CLASS E FELONY OR BY BOTH SUCH FINE AND IMPRISONMENT.

S 15. Section 98 of the state finance law, subdivision 2-a as added by chapter 61 of the laws of 1989, subdivision 3-a as amended by chapter 219 of the laws of 1999, subdivision 5 as amended by chapter 6 of the laws of 1960, subdivision 6 as amended by chapter 527 of the laws of 1950, subdivision 7 as amended by chapter 243 of the laws of 1952, subdivisions 8, 9 and 10 as amended by chapter 870 of the laws of 1948, subdivision 11 as amended by chapter 458 of the laws of 1950, the opening paragraph and paragraphs b, c and i of subdivision 11 as amended by

chapter 250 of the laws of 1951, paragraph w of subdivision 11 as added by chapter 259 of the laws of 1952, paragraph x of subdivision 11 as added by chapter 364 of the laws of 1955, paragraph y of subdivision 11 as amended by chapter 865 of the laws of 1955 and as relettered by chapter 864 of the laws of 1956, paragraph z of subdivision 11 as amended by chapter 809 of the laws of 1968, paragraph aa of subdivision 11 as amended by chapter 339 of the laws of 1961, paragraph aa of subdivision 11 as added by chapter 261 of the laws of 1957, paragraph bb of subdivision 11 as added by chapter 826 of the laws of 1958, paragraph cc of subdivision 11 as added by chapter 324 of the laws of 1965, paragraph dd of subdivision 11 as added by chapter 717 of the laws of 1967, paragraph dd of subdivision 11 as added by chapter 722 of the laws of 1967, paragraph ee of subdivision 11 as added by chapter 1124 of the laws of 1969, paragraph ff of subdivision 11 as added by chapter 460 of the laws of 1970, paragraph ff of subdivision 11 as added by chapter 714 of the laws of 1970, subdivision 12 as added by chapter 499 of the laws of 1952, subdivision 13 as added by chapter 311 of the laws of 1960, subdivision 13-a as added by chapter 113 of the laws of 1968, subdivision 13-b as added by chapter 234 of the laws of 1988, subdivision 13-c as added by chapter 144 of the laws of 1991, subdivision 14 as added by chapter 797 of the laws of 1963, subdivision 14 as added by chapter 932 of the laws of 1963, subdivision 15 as added by chapter 392 of the laws of 1973, subdivision 16 as added by chapter 7 of the laws of 1975, subdivision 17 as added by chapter 169 of the laws of 1975, subdivision 18 as amended by chapter 219 of the laws of 1999, subdivision 19 as amended by chapter 201 of the laws of 1996, subdivision 20 as added by chapter 545 of the laws of 2005 and the closing paragraph as amended by chapter 317 of the laws of 1994, is amended to read as follows:

S 98. Investment of state funds. The comptroller, AS AUTHORIZED BY THE EMPLOYEE RETIREMENT SYSTEM BOARD OF TRUSTEES ESTABLISHED PURSUANT TO SECTION TEN-B OF THE RETIREMENT AND SOCIAL SECURITY LAW, shall invest and keep invested all moneys belonging to any and all funds which the comptroller OR SUCH BOARD now is or hereafter shall be authorized to invest, in any of the following securities:

1. Bonds and notes of the United States.

2. Bonds and notes of this state.

2-a. General obligation bonds and notes of any state other than this state, provided that such bonds and notes receive the highest rating of at least one independent rating agency designated by the comptroller.

3. Obligations for the payment of which the faith and credit of the United States or of this state are pledged.

3-a. Notes, bonds, debentures, mortgages and other evidences of indebtedness of the United States Postal Service; the federal national mortgage association; federal home loan mortgage corporation; student loan marketing association; federal farm credit system or any other United States government sponsored agency, provided that at the time of the investment such agency or its obligations are rated and the agency receives, or its obligations receive, the highest rating of all independent rating agencies that rate such agency or its obligations, provided, however, that no more than two hundred fifty million dollars may be invested in the obligations of any one agency.

4. Judgments or awards of the court of claims of this state.

5. Stocks, bonds, or notes of any county, town, city, village, fire district or school district of this state issued pursuant to law.

6. Mortgage bonds or any obligations for the payment of money, no matter how designated, secured by another instrument representing a lien

on specific real property or a leasehold thereof, heretofore or hereafter and at the time of the assignment thereof to the comptroller insured by the federal housing administrator or any of his successors in office and guaranteed by the United States under the provisions of the national housing act, as amended or supplemented. Any such mortgage bonds or obligations as aforesaid in which the comptroller has invested or shall have invested pursuant to this subdivision shall be serviced by the comptroller or in his discretion, by mortgagees, as such are defined by the national housing act, as amended or supplemented, duly appointed by him and subject to the inspection and supervision of some governmental agency. The comptroller may receive and hold such debentures and certificates or other obligations as are issued in payment of such insurance or guarantee.

7. Bonds and notes of the Savings and Loan Bank of the state of New York.

8. Bonds or notes of any housing authority of this state duly issued pursuant to law.

9. Bonds or notes of any regulating district of this state duly issued pursuant to law.

10. Bonds or notes of any drainage improvement district of this state duly issued pursuant to law.

11. Bonds or notes of the authorities or commissions set forth below when issued pursuant to law:

a. Port of New York Authority.
b. Niagara Frontier Authority.
c. Triborough bridge and tunnel authority.
d. Thousand Islands Bridge Authority.
e. New York State Bridge Authority.
f. New York City Tunnel Authority.
g. Lake Champlain Bridge Commission.
h. Lower Hudson Regional Market Authority.
i. Albany Regional Market Authority.
k. American Museum of Natural History Planetarium Authority.
l. Industrial Exhibit Authority.
m. Buffalo Sewer Authority.
n. Whiteface Mountain Authority.
o. Pelham-Portchester Parkway Authority.
p. Jones Beach State Parkway Authority.
q. Bethpage Park Authority.
r. Dormitory Authority.
s. Central New York Regional Market Authority.
t. Erie County Water Authority.
u. Suffolk County Water Authority.
v. New York State Thruway Authority.
w. Genesee Valley Regional Market Authority.
x. Onondaga county water authority.
y. Power Authority of the state of New York.
z. Ogdensburg Bridge and Port Authority.
aa. East Hudson Parkway Authority.
aa. Niagara Frontier Port Authority.
bb. Northwestern New York Water Authority.
cc. Metropolitan Commuter Transportation Authority.
dd. Niagara Frontier Transportation Authority.
dd. New York State Pure Waters Authority.
ee. Rochester-Genesee Regional Transportation Authority.
ff. Capital District Transportation Authority.

ff. Central New York Regional Transportation Authority.

12. Obligations of the International Bank for Reconstruction and Development duly issued pursuant to law.

13. Obligations of the inter-American development bank duly issued pursuant to law.

13-a. Obligations of the Asian Development Bank duly issued pursuant to law.

13-b. Obligations of the African Development Bank duly issued pursuant to law.

13-c. Obligations of the International Finance Corporation duly issued pursuant to law.

14. Collateral trust notes issued by a trust company, all of the capital stock of which is owned by not less than twenty savings banks of the state of New York.

14. Bonds and notes issued for any of the corporate purposes of the New York state housing finance agency.

15. Bonds and notes issued for any of the corporate purposes of the New York state medical care facilities finance agency.

16. Bonds and notes issued for any of the corporate purposes of the New York state project finance agency.

17. Bonds and notes issued for any of the corporate purposes of the municipal assistance corporation for New York City.

18. Obligations of any corporation organized under the laws of any state in the United States maturing within two hundred seventy days provided that such obligations receive the highest rating of two independent rating services designated by the comptroller and that the issuer of such obligations has maintained such ratings on similar obligations during the preceding six months provided, however, that the issuer of such obligations need not have received such rating during the prior six month period if such issuer has received the highest rating of two independent rating services designated by the state comptroller and is the successor or wholly owned subsidiary of an issuer that has maintained such ratings on similar obligations during the preceding six month period or if the issuer is the product of a merger of two or more issuers, one of which has maintained such ratings on similar obligations during the preceding six month period, provided, however, that no more than two hundred fifty million dollars may be invested in such obligations of any one corporation.

19. Bankers' acceptances maturing within ninety days which are eligible for purchase in the open market by federal reserve banks and which have been accepted by a bank or trust company, which is organized under the laws of the United States or of any state thereof and which is a member of the federal reserve system and whose short-term obligations meet the criteria outlined in subdivision eighteen of this section. Provided, however, that no more than two hundred fifty million dollars may be invested in such bankers' acceptance of any one bank or trust company.

20. No-load money market mutual funds registered under the Securities Act of 1933, as amended, and operated in accordance with Rule 2a-7 of the Investment Company Act of 1940, as amended, provided that such funds are limited to investments in obligations issued or guaranteed by the United States of America or in obligations of agencies or instrumentalities of the United States of America where the payment of principal and interest are guaranteed by the United States of America (including contracts for the sale and repurchase of any such obligations), and are rated in the highest rating category by at least one nationally recog-

nized statistical rating organization, provided, however, that no more than two hundred fifty million dollars may be invested in such funds.

The comptroller, AS AUTHORIZED BY THE EMPLOYEE RETIREMENT SYSTEM BOARD, whenever he, SHE OR IT deems it for the best interest of any of such funds, may dispose of any of the securities therein or investments therefor, in making other investments authorized by law, and he, SHE OR IT may exchange any such securities for those held in any other of such funds, and the comptroller OR SUCH BOARD may take such action as may be necessary to obtain the benefits of the insurance provided for in the national housing act, and may draw his, HER OR ITS warrant upon the treasurer for the amount required for such investments and exchanges.

Notwithstanding the provisions of any other general or special law, the comptroller shall not invest the moneys of any fund in any security or securities except as above described, provided, however, that: (a) the comptroller may, in order to maximize the rate of return on investments, invest the moneys belonging to the New York interest on lawyer account fund in notes, securities and deposits of banking institutions which accept IOLA accounts, and (b) the provisions of this section shall not limit the types of investments that may be made with moneys belonging to the volunteer ambulance service award fund established by section two hundred nineteen-h of the general municipal law.

S 16. The public officers law is amended by adding a new section 73-f to read as follows:

S 73-F. DESIGNATING COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD. 1. DEFINITIONS. FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "DESIGNATING COMMISSION" MEANS THE DESIGNATING COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD.

B. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD.

C. "COMMISSIONER" MEANS A MEMBER OF THE STATE GOVERNMENT ETHICS COMMISSION.

D. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION BY THE DESIGNATING COMMISSION FOR THE POSITION OF TRUSTEE OF THE EMPLOYEE RETIREMENT SYSTEM BOARD.

E. "APPOINTING OFFICER" MEANS THE STATE ELECTED OFFICIAL RESPONSIBLE FOR APPOINTING THE DESIGNATING MEMBERS.

2. ORGANIZATION OF THE DESIGNATING COMMISSION. A. A DESIGNATING COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD IS HEREBY ESTABLISHED. THE DESIGNATING COMMISSION SHALL CONSIST OF TEN MEMBERS OF WHOM FOUR SHALL BE APPOINTED BY THE GOVERNOR, AND ONE EACH BY THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY. OF THE FOUR MEMBERS APPOINTED BY THE GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL PARTY. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A MEMBER OF THE LEGISLATURE, AN EMPLOYEE OF STATE GOVERNMENT, HOLD ANY OFFICE IN ANY POLITICAL PARTY OR BE A REGISTERED LOBBYIST IN THIS STATE OR IN ANY OTHER STATE. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM OR ANY ENTITY RECEIVING A STATE CONTRACT THAT SHARES IN ANY PART OF THE PROFIT DERIVED FROM LOBBYING. TO THE EXTENT POSSIBLE, THE MEMBERS OF THE DESIGNATING COMMISSION SHALL BE INDIVIDUALS WITH KNOWLEDGE OR EXPERIENCE IN THE FIELD OF SECURITIES INVESTMENTS, PENSION ADMINISTRATION, PENSION LAW OR GOVERNMENTAL FINANCE.

B. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE RESPECTIVELY ONE, TWO, THREE AND FOUR-YEAR TERMS AS HE SHALL DESIGNATE. THE MEMBER FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE STATE COMPTROLLER SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE SHALL HAVE A ONE-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL HAVE A TWO-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A FOUR-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL HAVE A THREE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

C. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FOR APPOINTMENT TO, OR MEMBERSHIP ON, THE DESIGNATING COMMISSION. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO MEMBER OF THE DESIGNATING COMMISSION SHALL HOLD OFFICE FOR MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS OR HER TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE, BY A MAJORITY VOTE WITHOUT VACANCY, THE DESIGNATING COMMISSION SHALL SELECT A PERSON TO FILL THE VACANT OFFICE.

D. THE MEMBERS SHALL DESIGNATE ONE OF THEIR NUMBER TO SERVE AS CHAIRMAN FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

E. NO MEMBER OF THE DESIGNATING COMMISSION SHALL RECEIVE COMPENSATION, BUT MAY RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

F. EIGHT MEMBERS OF THE DESIGNATING COMMISSION SHALL CONSTITUTE A QUORUM.

3. FUNCTIONS OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR APPOINTMENT AS A MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD AND, AS A VACANCY OCCURS IN ANY SUCH OFFICE, SHALL APPOINT PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO HOLD SUCH OFFICE. THE DESIGNATING COMMISSION SHALL SELECT ONE SUCH PERSON TO SERVE AS CHAIR OF THE BOARD.

B. AN APPOINTMENT AS MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD BY THE DESIGNATING COMMISSION SHALL REQUIRE THE CONCURRENCE OF SEVEN MEMBERS OF THE DESIGNATING COMMISSION. THE APPOINTMENT SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE DESIGNATING COMMISSION AT THE TIME IT IS SUBMITTED. THE REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRMAN, AND SHALL INCLUDE THE DESIGNATING COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS FOR OFFICE OF EACH CANDIDATE WHO IS APPOINTED COMMISSIONER.

C. NO PERSON SHALL BE APPOINTED MEMBER OF THE BOARD BY THE DESIGNATING COMMISSION WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE DESIGNATING COMMISSION, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE DESIGNATING COMMISSION, ON A FORM TO BE PRESCRIBED BY THE DESIGNATING COMMISSION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE PERSON'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELEVANT FINANCIAL INFORMATION WHICH THE DESIGNATING COMMISSION MAY REQUIRE.

THE DESIGNATING COMMISSION SHALL TRANSMIT THE FINANCIAL STATEMENT FILED BY EACH PERSON WHO IS APPOINTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY. THE DESIGNATING COMMISSION SHALL MAKE AVAILABLE TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE PERSON WHO IS APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER PERSONS NOT APPOINTED BY THE DESIGNATING COMMISSION SHALL BE CONFIDENTIAL.

4. ADDITIONAL FUNCTIONS OF THE DESIGNATING COMMISSION. THE DESIGNATING COMMISSION SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

A. ESTABLISH DETAILED COMMUNICATION PROCEDURES TO ASSURE THAT PERSONS WHO MAY BE QUALIFIED FOR APPOINTMENT TO THE BOARD, OTHER THAN THOSE WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDERATION BY OTHERS, ARE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE DESIGNATING COMMISSION. THE TOTAL NUMBER OF REQUESTS FOR CONSIDERATION SHALL BE DOCUMENTED FOR THE PUBLIC RECORD.

B. CONDUCT INVESTIGATIONS, ADMINISTER OATHS OR AFFIRMATIONS, INTERVIEW WITNESSES AND COMPEL THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIRMATION AND REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION OF CANDIDATES FOR TRUSTEE.

C. REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THEREOF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES, SUBJECT TO ANY ABSOLUTE JUDICIAL OR EXECUTIVE PRIVILEGE, WHERE ONE EXISTS.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DESIGNATING COMMISSION, WITH THE CONSENT OF THE APPLICANT, SHALL BE ENTITLED TO REQUIRE FROM ANY FORMAL DELIBERATIVE BODY ANY FORMAL WRITTEN COMPLAINT AGAINST A CANDIDATE, IN WHICH THE APPLICANT'S MISCONDUCT WAS ESTABLISHED, ANY PENDING COMPLAINT AGAINST A CANDIDATE, AND THE RECORD TO DATE OF ANY PENDING PROCEEDING PURSUANT TO A FORMAL WRITTEN COMPLAINT AGAINST SUCH CANDIDATE. THE DELIBERATIVE BODY THAT HAS JURISDICTION OVER SUCH COMPLAINT SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO RESPOND TO A REQUEST MADE PURSUANT TO THIS SUBDIVISION.

D. REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

E. ESTABLISH PROCEDURES TO COMMUNICATE WITH THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY CONCERNING THE QUALIFICATIONS OF ANY PERSON WHO IT HAS APPOINTED AS TRUSTEE.

F. APPOINT, AND AT PLEASURE REMOVE, A COUNSEL AND SUCH OTHER STAFF AS IT MAY REQUIRE FROM TIME TO TIME, AND PRESCRIBE THEIR POWERS AND DUTIES. THE DESIGNATING COMMISSION SHALL FIX THE COMPENSATION OF ITS STAFF AND PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES WITHIN THE AMOUNTS APPROPRIATED BY LAW.

G. DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNCTIONS PURSUANT TO THIS ARTICLE.

5. RULES OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT WITH LAW.

B. RULES OF THE DESIGNATING COMMISSION SHALL BE FILED WITH THE SECRETARY OF STATE AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF

CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON, THE SECRETARY OF STATE SHALL FURNISH A COPY OF THE DESIGNATING COMMISSION'S RULES WITHOUT CHARGE.

C. RULES OF THE DESIGNATING COMMISSION MAY PRESCRIBE FORMS AND QUESTIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE DESIGNATING COMMISSION, VERIFIED BY CANDIDATES.

D. RULES OF THE DESIGNATING COMMISSION SHALL PROVIDE THAT UPON THE COMPLETION BY THE DESIGNATING COMMISSION OF ITS CONSIDERATION AND EVALUATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSIDERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE WAS CONSIDERED, EXCEPT WITH THE CONCURRENCE OF EIGHT MEMBERS OF THE DESIGNATING COMMISSION.

6. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. A. ALL COMMUNICATIONS TO THE DESIGNATING COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICATIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER PAPERS, FILES AND RECORDS OF THE DESIGNATING COMMISSION SHALL BE CONFIDENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

B. NEITHER THE MEMBERS OF THE BOARD, MEMBERS OF THE DESIGNATING COMMISSION NOR ITS STAFF SHALL PUBLICLY DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE. ANY VIOLATION OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

7. PROCEDURES WHEN VACANCIES OCCUR. A. WHENEVER A VACANCY WILL OCCUR FOR THE POSITION OF MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD BY EXPIRATION OF A TERM, THE MEMBER OF THE BOARD SHALL NOTIFY THE DESIGNATING COMMISSION OF THE ANTICIPATED VACANCY NO LATER THAN SEVEN MONTHS PRECEDING THE VACANCY. THE DESIGNATING COMMISSION SHALL MAKE ITS APPOINTMENT TO THE BOARD ON OR BEFORE THE DATE OF EXPIRATION, TO TAKE EFFECT ON THE DAY FOLLOWING SUCH EXPIRATION.

B. WHENEVER A VACANCY OCCURS OTHER THAN BY EXPIRATION OF TERM, THE COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL IMMEDIATELY NOTIFY THE DESIGNATING COMMISSION OF SUCH VACANCY. THE DESIGNATING COMMISSION SHALL MAKE ITS APPOINTMENT NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER RECEIPT OF SUCH NOTICE.

S 17. Severability. If any title, section, subdivision, paragraph or other part of this act shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the part directly involved in the controversy wherein such judgment shall have been rendered.

S 18. This act shall take effect on the ninetieth day after it shall have become a law.

PART C

Section 1. Subdivisions 1, 8, 9 and 11 of section 3-102 of the election law, subdivisions 1 and 9 as redesignated and subdivision 11 as amended by chapter 9 of the laws of 1978 and subdivision 8 as amended by chapter 695 of the laws of 1985, are amended to read as follows:

1. issue instructions and promulgate rules and regulations relating to the administration of the election process[,] AND election campaign practices [and campaign financing practices] consistent with the provisions of law;

8. prepare [uniform forms for the statements required by article fourteen of this chapter and] uniform forms for use by local election officials in the conduct of registration and voting; design, prepare and make available to county boards of election and to such other institutions and groups as such board in its discretion shall determine uniform application forms for registration and enrollment, transfer of registration and/or enrollment and special enrollment upon application filed by mail pursuant to the provisions of section 5-210 of this chapter;

9. study and examine the administration of elections within the state including [campaign financing, campaign financing reporting, and] campaign practices;

11. recommend such legislation or administrative measures as it finds appropriate to promote fair, honest and efficiently administered elections[, including, but not limited to, legislation to adjust the contribution limitations set forth in article fourteen of this chapter];

S 2. Subdivision 9-A of section 3-102 of the election law is REPEALED.

S 3. Subdivision 7 of section 3-102 of the election law is REPEALED.

S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as redesignated and subdivision 2 as amended by chapter 9 of the laws of 1978, is amended to read as follows:

S 3-104. State board of elections; enforcement powers. 1. The state board of elections shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of [article fourteen of] this chapter, EXCEPT ARTICLE FOURTEEN, WHICH THE STATE GOVERNMENT ETHICS COMMISSION SHALL HAVE JURISDICTION OF, and other statutes governing campaigns, elections and related procedures.

2. Whenever the state board of elections or other board of elections shall determine, on its own initiative or upon complaint, or otherwise, that there is substantial reason to believe a violation of this chapter or any code or regulation promulgated thereunder has occurred, it shall expeditiously make an investigation which shall also include investigation of reports and statements made or failed to be made by the complainant and any political committee supporting his candidacy if the complainant is a candidate or, if the complaint was made by an officer or member of a political committee, of reports and statements made or failed to be made by such political committee and any candidates supported by it. The state board of elections, in lieu of making such an investigation, may direct the appropriate board of elections to make an investigation. The state board of elections may request, and shall receive, the assistance of the state police in any investigation it shall conduct.

3. If, after an investigation, the state or other board of elections finds reasonable cause to believe that a violation warranting criminal prosecution has taken place, it shall forthwith refer the matter to the district attorney of the appropriate county and shall make available to such district attorney all relevant papers, documents, testimony and findings relevant to its investigation.

4. [The state or other board of elections may, where appropriate, commence a judicial proceeding with respect to the filing or failure to file any statement of receipts, expenditures, or contributions, under the provisions of this chapter, and the state board of elections may direct the appropriate other board of elections to commence such proceeding.

5.] The state board of elections may promulgate rules and regulations consistent with law to effectuate the provisions of this section.

S 5. Subdivision 1 of section 14-100 of the election law, as amended by chapter 71 of the laws of 1988, is amended to read as follows:

1. "political committee" means any [corporation] BUSINESS ENTITY aiding or promoting and any committee, political club or combination of one or more persons operating or co-operating to aid or to promote the success or defeat of a political party or principle, or of any ballot proposal; or to aid or take part in the election or defeat of a candidate for public office or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election, or to aid or defeat the nomination by petition of an independent candidate for public office; OR ANY POLITICAL ACTION COMMITTEE ESTABLISHED, FINANCED, MAINTAINED OR CONTROLLED BY ANY BUSINESS ENTITY, LABOR ORGANIZATION OR ANY OTHER PERSON OR ENTITY WHICH MAKES NO EXPENDITURE TO AID OR TAKE PART IN THE ELECTION OR DEFEAT OF A CANDIDATE, OTHER THAN IN THE FORM OF CONTRIBUTIONS; but nothing in this article shall apply to any committee or organization for the discussion or advancement of political questions or principles without connection with any vote or to a national committee organized for the election of presidential or vice-presidential candidates; provided, however, that a person or [corporation] BUSINESS ENTITY making a contribution or contributions to a candidate or a political committee which has filed pursuant to section 14-118 shall not, by that fact alone, be deemed to be a political committee as herein defined.

S 6. Paragraph 2 of subdivision 9 of section 14-100 of the election law, as amended by chapter 70 of the laws of 1983, is amended and a new subdivision 9-a is added to read as follows:

(2) any funds received by a political committee from another political committee [to the extent such funds do not constitute a transfer] BY ANY MEANS, INCLUDING BUT NOT LIMITED TO TRANSFERS,

9-A. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH:

(A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE; OR

(B) SUCCESSFULLY SOLICITS CONTRIBUTIONS TO A CANDIDATE OR OTHER AUTHORIZED COMMITTEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY PERSONS CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO THE CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE SHALL BE PRESUMED TO BE KNOWN TO SUCH CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. "INTERMEDIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION, OR ANY PAID OR VOLUNTEER FULL-TIME CAMPAIGN WORKERS OR COMMERCIAL FUNDRAISING FIRMS RETAINED BY THE CANDIDATE AND THE AGENTS THEREOF.

S 7. Subdivisions 1 and 3 of section 14-102 of the election law, as amended by chapter 8 of the laws of 1978, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by chapter 70 of the laws of 1983, are amended to read as follows:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other [valuable thing] ITEM OF VALUE or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor

pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name [and], address AND OCCUPATION of the transferor, contributor or person from whom received, OTHER THAN IN THE REGULAR COURSE OF A LENDER'S BUSINESS, AND FOR A NATURAL PERSON CONTRIBUTING TWO HUNDRED DOLLARS OR MORE, THE NAME AND ADDRESS OF SUCH PERSON'S EMPLOYER, AND THE BUSINESS ADDRESS OF EACH POLITICAL COMMITTEE OR OTHER ENTITY MAKING SUCH CONTRIBUTION, OR ANY LOAN, GUARANTEE, OR OTHER SECURITY FOR SUCH A LOAN and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE PURPOSE, OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE SUPPLIER, SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR SUPPLIER AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH SUPPLIER. Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article.

3. The state [board of elections] GOVERNMENT ETHICS COMMISSION shall promulgate regulations with respect to the accounting methods to be applied IN COMPLYING WITH, AND in preparing the statements required by, the provisions of this article and shall provide forms suitable for such statements. SUCH REGULATIONS SHALL BE DRAWN TO ASSURE SUCH COMPLIANCE AND OBTAIN THE MAXIMUM POSSIBLE DISCLOSURE.

S 8. Subdivisions 4 and 5 of section 14-102 of the election law, subdivision 4 as amended and subdivision 5 as added by chapter 406 of the laws of 2005, are amended to read as follows:

4. Any committee which is required to file statements with [any board of elections] THE STATE GOVERNMENT ETHICS COMMISSION pursuant to this article and which raises or spends or expects to raise or spend more than one thousand dollars in any calendar year shall file all such statements pursuant to the electronic reporting system prescribed by [the state board of elections as set forth in subdivision nine-A of section 3-102 of this chapter] SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW. Notwithstanding the provisions of this subdivision, upon the filing of a sworn statement by the treasurer of a political committee which states that such political committee does not have access to the technology necessary to comply with the electronic filing requirements [of subdivision nine-A of section 3-102 of this chapter] PRESCRIBED BY SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW and that filing by such means would constitute a substantial hardship for such political committee, the state [board of elections] GOVERNMENT ETHICS COMMISSION may issue an exemption from the electronic filing requirements of this article.

[5. Any committee which is required to file statements pursuant to this article with county boards of elections shall file in paper format to the county board of elections or in electronic format if the legislative body of any county provides, by local law, an electronic filing system and shall file such statements by electronic reporting process to the state board of elections.]

S 9. Section 14-104 of the election law, as amended by chapter 430 of the laws of 1997, subdivision 2 as amended and subdivision 3 as added by chapter 406 of the laws of 2005, is amended to read as follows:

S 14-104. Statements of campaign receipts, contributions, transfers and expenditures by and to candidates. 1. Any candidate for election to public office, or for nomination for public office at a contested primary election or convention, or for election to a party position at a primary election, shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth the particulars specified by section 14-102 of this article, as to all moneys or other valuable things, paid, given, expended or promised by him to aid his own nomination or election, or to promote the success or defeat of a political party, or to aid or influence the nomination or election or the defeat of any other candidate to be voted for at the election or primary election or at a convention, including contributions to political committees, officers, members or agents thereof, and transfers, receipts and contributions to him to be used for any of the purposes above specified, or in lieu thereof, any such candidate may file such a sworn statement at the first filing period, on a form prescribed by [the state board of elections] SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW that such candidate has made no such expenditures and does not intend to make any such expenditures, except through a political committee authorized by such candidate pursuant to this article. A committee authorized by such a candidate may fulfill all of the filing requirements of this [act] ARTICLE on behalf of such candidate.

2. Statements filed by any political committee authorized by a candidate pursuant to this article which is required to file such statements with [any board of elections] THE STATE GOVERNMENT ETHICS COMMISSION and which raises or spends or expects to raise or spend more than one thousand dollars in any calendar year shall file all such statements pursuant to the electronic reporting system prescribed by [the state board of elections as set forth in subdivision nine-A of section 3-102 of this chapter] SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW. Notwithstanding the provisions of this subdivision, upon the filing of a sworn statement by the treasurer of a political committee authorized by a candidate pursuant to this article which states that such committee does not have access to the technology necessary to comply with the electronic filing requirements [of subdivision nine-A of section 3-102 of this chapter] PRESCRIBED BY SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW and that filing by such means would constitute a substantial hardship for such committee, the state [board of elections] GOVERNMENT ETHICS COMMISSION may issue an exemption from the electronic filing requirements of this article.

[3. Any committee which is required to file statements pursuant to this article with county boards of elections shall file in paper format to the county board of elections or in electronic format if the legislative body of any county provides, by local law, an electronic filing

system and shall file such statements by electronic reporting process to the state board of elections.]

S 10. Section 14-108 of the election law, subdivision 1 as amended by chapter 955 of the laws of 1983, subdivision 2 as amended by chapter 109 of the laws of 1997, subdivisions 3, 4 and 6 as redesignated by chapter 9 of the laws of 1978, subdivision 5 as amended and subdivision 7 as added by chapter 146 of the laws of 1994 and subdivision 6 as amended by chapter 323 of the laws of 1977, is amended to read as follows:

S 14-108. Time for filing statements. 1. The statements required by this article shall be filed at such times as the state [board of elections] GOVERNMENT ETHICS COMMISSION, by rule or regulation, shall specify; provided, however, that in no event shall the [board] STATE GOVERNMENT ETHICS COMMISSION provide for fewer than three filings in the aggregate in connection with any primary, general or special election, or in connection with a question to be voted on and two of said filings shall be before any such election, including one such filing not less than thirty days nor more than forty-five days prior to such election and one such filing not less than eleven days nor more than fifteen days prior to such election. In addition, the [board] STATE GOVERNMENT ETHICS COMMISSION shall provide that every political committee which has filed a statement of treasurer and depository shall make [at least] one filing [every six months between the time such statement of treasurer and depository is filed and the time such committee goes out of business] ON JANUARY THIRTY-FIRST, ONE FILING ON APRIL THIRTIETH AND ONE FILING ON JULY THIRTY-FIRST OF EACH YEAR. If any candidate or committee shall be required by the provisions of this section, or by rule or regulation hereunder, to effect two filings within a period of five days, the state [board of elections] GOVERNMENT ETHICS COMMISSION may, by rule or regulation, waive the requirement of filing the earlier of such statements. If a statement filed by a candidate or committee after the election to which it pertains is not a final statement showing satisfaction of all liabilities and disposition of all assets, such candidate or committee shall file such additional statements as the [board] STATE GOVERNMENT ETHICS COMMISSION shall, by rule or regulation provide until such a final statement is filed.

2. Each statement shall cover the period up to and including the fourth day next preceding the day specified for the filing thereof; provided, however, that any contribution or loan in excess of one thousand dollars, if received after the close of the period to be covered in the last statement filed before any primary, general or special election but before such election, shall be reported, in the same manner as other contributions, within twenty-four hours after receipt.

3. Each statement shall be preserved by the officer with whom or the [board] STATE GOVERNMENT ETHICS COMMISSION with which it is required to be filed for a period of five years from the date of filing thereof.

4. Each statement shall constitute a part of the public records of such officer or [board] STATE GOVERNMENT ETHICS COMMISSION and shall be open to public inspection.

5. The state [board of elections or other board of elections, as the case may be,] GOVERNMENT ETHICS COMMISSION shall not later than ten days after the last day to file any such statement notify each person required to file any such statement which has not been received by such [board] COMMISSION by such tenth day in accordance with this article of such person's failure to file such statement timely. Such notice shall be in writing and mailed to the last known residence or business address of such person by certified mail, return receipt requested. Failure to

file within five days of receipt of such notice shall constitute prima facie evidence of a willful failure to file. If the person required to file such statement is a treasurer who has stated that the committee has been authorized by one or more candidates, a copy of such notice shall be sent to each such candidate by first class mail. [A copy of any such notice sent by a board of elections other than the state board of elections shall be sent by such other board to the state board.]

6. A statement shall be deemed properly filed when deposited in an established post-office within the prescribed time, duly stamped, certified and directed to the officer with whom or to the [board] STATE GOVERNMENT ETHICS COMMISSION with which the statement is required to be filed, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by such officer or such [board] COMMISSION of its non-receipt; PROVIDED, HOWEVER, ALL STATEMENTS REQUIRED TO BE FILED DURING THE PERIOD OF FIFTEEN DAYS BEFORE ANY ELECTION SHALL BE FILED ELECTRONICALLY OR BY GUARANTEED OVERNIGHT DELIVERY THROUGH THE UNITED STATES POSTAL SERVICE OR SOME OTHER OVERNIGHT DELIVERY SERVICE.

7. On the twentieth day following the date by which such statements were required to be filed, the state [board of elections] GOVERNMENT ETHICS COMMISSION shall prepare and make available for public inspection and distribution a list of those persons and committees from whom it has not yet received such statement.

S 11. Section 14-110 of the election law, as amended by chapter 46 of the laws of 1984, is amended to read as follows:

S 14-110. Place for filing statements. The places for filing the statements required by this article shall be determined by rule or regulation of the state [board of elections] GOVERNMENT ETHICS COMMISSION; provided, however, that the statements of a candidate for election to the office of governor, lieutenant governor, attorney general, comptroller, member of the legislature, delegate to a constitutional convention, justice of the supreme court or for nomination for any such office at a primary election and of any committee aiding or taking part in the designation, nomination, election or defeat of candidates for one or more of such offices or promoting the success or defeat of a question to be voted on by the voters of the entire state shall be filed with the state [board of elections] GOVERNMENT ETHICS COMMISSION and in such other places as the state [board of elections] GOVERNMENT ETHICS COMMISSION may, by rule or regulation provide.

S 12. Section 14-112 of the election law, as amended by chapter 930 of the laws of 1981, is amended to read as follows:

S 14-112. [Political] AUTHORIZED COMMITTEE; POLITICAL committee authorization statement. 1. Any political committee aiding or taking part in the election or nomination of any candidate[, other than by making contributions,] shall file, in the office in which the statements of such committee are to be filed pursuant to this article, either a sworn verified statement by the treasurer of such committee AND THE CANDIDATE that [the] SUCH candidate has authorized the political committee to aid or take part in his OR HER election or A SWORN VERIFIED STATEMENT BY THE TREASURER OF SUCH COMMITTEE that the candidate has not authorized the committee to aid or take part in his OR HER election.

2. NO CANDIDATE MAY AUTHORIZE MORE THAN ONE POLITICAL COMMITTEE FOR ANY ONE ELECTION. ANY CANDIDATE WHO, ON DECEMBER FIRST, TWO THOUSAND TEN, HAS AUTHORIZED MORE THAN ONE POLITICAL COMMITTEE FOR ANY ONE ELECTION SHALL, NOT LATER THAN THIRTY DAYS AFTER SAID DATE, DISAVOW ALL BUT ONE OF SUCH COMMITTEES, IN WRITING, TO THE STATE GOVERNMENT ETHICS

COMMISSION. THIS SUBDIVISION SHALL NOT APPLY TO THE AUTHORIZATION OF AN EXPLORATORY COMMITTEE BY AN ELECTED PUBLIC OFFICIAL. A MULTI-CANDIDATE COMMITTEE MAY NOT BE AN AUTHORIZED COMMITTEE.

3. CAMPAIGN FUNDS REMAINING IN ANY DISAVOWED COMMITTEE SHALL BE DISPOSED OF PURSUANT TO SECTION 14-132 OF THIS ARTICLE.

S 13. Subdivision 1 of section 14-114 of the election law, as amended by chapter 79 of the laws of 1992, paragraphs a and b as amended by chapter 659 of the laws of 1994, is amended to read as follows:

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate to aid or participate in such candidate's nomination or election, other than any contributions to any party committee or constituted committee:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, and no candidate or political committee may accept any contribution from any contributor, which is in [the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than twelve thousand dollars] EXCESS OF ONE THOUSAND DOLLARS as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision[, and (ii) in the case of any election to a public office, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025].

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in [the aggregate amount greater than: (i) in the case of any election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05,] EXCESS OF ONE THOUSAND DOLLARS AS INCREASED OR DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH C OF THIS SUBDIVISION; however in the case of a nomination OR ELECTION within the city of New York for the office of mayor, public advocate [or], comptroller, BOROUGH PRESIDENT OR MEMBER OF THE CITY COUNCIL, such amount shall be [not less than four thousand dollars nor more than twelve thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of

an election within the city of New York for the office of mayor, public advocate or comptroller, twenty-five thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision] EQUAL TO THE CONTRIBUTION LIMITS SET FORTH IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION 3-703 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR ANY SUCCESSOR PROVISION; PROVIDED HOWEVER in the case of a nomination OR ELECTION for state senator, [four] ONE thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; [in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision;] in the case of [an election or] A nomination OR ELECTION for a member of the assembly, [twenty-five hundred] ONE THOUSAND dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision[; but in no event shall any such maximum exceed fifty thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or twelve hundred fifty dollars, whichever is greater, or in the case of a nomination or election of a state senator, twenty thousand dollars, whichever is greater, or in the case of a nomination or election of a member of the assembly twelve thousand five hundred dollars, whichever is greater, but in no event shall any such maximum exceed one hundred thousand dollars].

c. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWELVE, the state [board] GOVERNMENT ETHICS COMMISSION shall determine the percentage of the difference between the [most recent available monthly] consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state [board] GOVERNMENT ETHICS COMMISSION which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

S 14. Subdivision 2 of section 14-114 of the election law, as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

2. For purposes of this section, contributions other than of money shall be evaluated at their fair market value. The state [board of elections] GOVERNMENT ETHICS COMMISSION shall promulgate regulations, consistent with law, governing the manner of computing fair market value.

S 15. Subdivision 8 of section 14-114 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

8. A. Except as may otherwise be provided [for] BY a candidate [and his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contribute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in connection with the nomination or election of [persons to] CANDIDATES FOR state [and] OR local public offices [and] OR party positions [within the state of New York in any one calendar year].

B. For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

S 16. Subdivision 10 of section 14-114 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

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

b. At the beginning of each fourth calendar year, commencing in [nineteen hundred ninety-five] TWO THOUSAND TWELVE, the state [board] GOVERNMENT ETHICS COMMISSION shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of such contribution limit fixed in paragraph a of this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state [board] GOVERNMENT ETHICS COMMISSION which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of such contribution limit. Such contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

S 17. Section 14-116 of the election law, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter 260 of the laws of 1981, is amended to read as follows:

S 14-116. Political contributions by certain organizations OR INDIVIDUALS. 1. No corporation [or], joint-stock association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP doing business in this state, except [a corporation or association] AN ENTITY organized or maintained for political purposes only, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for, or in aid of, any [corporation, joint-stock or other association] ENTITY organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stockholder, MEMBER, PARTNER, attorney or agent of any corporation [or], joint-stock association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

2. [Notwithstanding the provisions of subdivision one of this section, any corporation or an organization financially supported in whole or in part, by such corporation may make expenditures, including contrib-

utions, not otherwise prohibited by law, for political purposes, in an amount not to exceed five thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.] CONTRIBUTION DELIVERY ACTIVITIES BY AN INTERMEDIARY AS DEFINED IN THIS ARTICLE ARE PROHIBITED, AND ANY PERSON WHO SOLICITS OR KNOWINGLY RECEIVES ANY MONEY OR PROPERTY IN VIOLATION OF THIS SECTION, SHALL BE GUILTY OF A MISDEMEANOR.

S 18. Subdivision 1 of section 14-118 of the election law, as amended by chapter 70 of the laws of 1983, is amended to read as follows:

1. Every political committee shall have a treasurer and a depository, and shall cause the treasurer to keep detailed, bound accounts of all receipts, transfers, loans, liabilities, contributions and expenditures, made by the committee or any of its officers, members or agents acting under its authority or in its behalf. All such accounts shall be retained by a treasurer for a period of five years from the date of the filing of the final statement with respect to the election, primary election or convention to which they pertain. No officer, member or agent of any political committee shall receive any receipt, transfer or contribution, or make any expenditure or incur any liability until the committee shall have chosen a treasurer and depository and filed their names in accordance with this subdivision. There shall be filed in the office in which the committee is required to file its statements under section 14-110 of this article, within five days after the choice of a treasurer and depository, a statement giving the name and address of the treasurer chosen, the name and address of any person authorized to sign checks by such treasurer, the name and address of the depository chosen and the candidate or candidates or ballot proposal or proposals the success or defeat of which the committee is to aid or take part; provided, however, that such statement shall not be required of a constituted committee [and provided further that a political committee which makes no expenditures, to aid or take part in the election or defeat of a candidate, other than in the form of contributions, shall not be required to list the candidates being supported or opposed by such committee]. SUCH A STATEMENT FROM ANY COMMITTEE OTHER THAN A PARTY OR AUTHORIZED COMMITTEE ALSO SHALL CLEARLY IDENTIFY THE ECONOMIC OR OTHER SPECIAL INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS CONTRIBUTORS, AND IF A MAJORITY OF ITS CONTRIBUTORS SHARE A COMMON EMPLOYER, SHALL IDENTIFY SUCH EMPLOYER. IF THE ECONOMIC OR OTHER SPECIAL INTEREST OR COMMON EMPLOYER ARE NOT IDENTIFIABLE, SUCH STATEMENT OF A MULTI-CANDIDATE COMMITTEE SHALL CLEARLY IDENTIFY THE ECONOMIC OR OTHER SPECIAL INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS ORGANIZERS, AND IF A MAJORITY OF ITS ORGANIZERS SHARE A COMMON EMPLOYER, SHALL IDENTIFY SUCH EMPLOYER, AND IF ORGANIZED, CONTROLLED OR MAINTAINED BY AN INDIVIDUAL, SHALL IDENTIFY SUCH INDIVIDUAL. Such statement shall be signed by the treasurer and all other persons authorized to sign checks. Any change in the information required in any statement shall be reported, in an amended statement filed in the same manner and in the same office as an original statement filed under this section, within two days after it occurs. Only a banking organization authorized to do business in this state may be designated a depository hereunder.

S 18-a. Subdivision 2 of section 14-120 of the election law is REPEALED.

S 19. Subdivision 2 of section 14-124 of the election law, as redesignated by chapter 323 of the laws of 1977, is amended to read as follows:

2. The filing requirements and the expenditure, contribution and receipt limits of this article shall not apply to any candidate or committee who or which engages exclusively in activities on account of which, pursuant to the laws of the United States, there is required to be filed a statement or report of the campaign receipts, expenditures and liabilities of such candidate or committee with an office or officers of the government of the United States, provided a copy of each such statement or report is filed in the office of the state [board of elections] GOVERNMENT ETHICS COMMISSION.

S 20. Subdivision 3 of section 14-124 of the election law is REPEALED.

S 21. Section 14-126 of the election law, as amended by chapter 8 of the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

S 14-126. Violations; penalties. 1. Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, [to be recoverable in a special proceeding or civil action to be brought by the state board of elections or other board of elections] ASSESSED BY THE STATE GOVERNMENT ETHICS COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION TWELVE OF SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW.

2. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, UNLAWFULLY ACCEPTS A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH EXCESS AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES THE EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE GOVERNMENT ETHICS COMMISSION PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF THIS ARTICLE, OR (B) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE, SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE GOVERNMENT ETHICS COMMISSION PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

4. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

[3.] 5. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a misdemeanor.

[4.] 6. Any person who shall, acting on behalf of a candidate or political committee, knowingly and willfully solicit, organize or coordinate the formation of activities of one or more unauthorized committees, make expenditures in connection with the nomination for election or election of any candidate, or solicit any person to make any such expenditures, for the purpose of evading the contribution limitations of this article, shall be guilty of a class E felony.

S 22. Section 14-127 of the election law is REPEALED.

S 23. Section 14-130 of the election law, as added by chapter 152 of the laws of 1985, is amended to read as follows:

S 14-130. Campaign funds for personal use. [Contributions] 1. CAMPAIGN FUNDS received by a candidate or a political committee may ONLY be expended for [any] lawful [purpose] PURPOSES THAT ARE DIRECTLY RELATED TO PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE. Such funds shall not be converted by any person to a personal use [which is unrelated to a political campaign or the holding of a public office or party position].

2. AS USED IN THIS SECTION, THE TERM "CAMPAIGN FUNDS" MEANS ANY FUNDS RECEIVED BY A CANDIDATE OR POLITICAL COMMITTEE INCLUDING, BUT NOT LIMITED TO, CONTRIBUTIONS AND TRANSFERS FROM ANY SOURCE AND INTEREST RECEIVED AS THE RESULT OF THE LOAN OR INVESTMENT OF SUCH FUNDS.

3. NO CAMPAIGN FUNDS SHALL BE USED TO PAY INTEREST OR ANY OTHER FINANCE CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR THE SPOUSE OF SUCH CANDIDATE.

4. NO CAMPAIGN FUND SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS OF DEFENDING AGAINST CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION FOR ALLEGED VIOLATIONS OF STATE, FEDERAL OR LOCAL LAW COMMITTED WHILE HOLDING PUBLIC OFFICE OR PARTY POSITION, OR BEING A CANDIDATE FOR SUCH OFFICE OR POSITION, UNLESS THE ALLEGED VIOLATION ARISES IN CONNECTION WITH THE NOMINATION OR ELECTION OF SUCH CANDIDATE TO PUBLIC OFFICE OR PARTY POSITION.

5. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE DEFINED AS EXPENDITURES THAT:

(I) ARE FOR THE PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDIVIDUAL;

(II) DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE, IMMEDIATE FAMILY OF THE CANDIDATE OR ANY OTHER INDIVIDUAL;

(III) ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION OR EXPENSE OF A PERSON THAT WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S ELECTION CAMPAIGN INCLUDING, BUT NOT LIMITED TO, ANY EXPENSE INCURRED MORE THAN THIRTY DAYS AFTER THE CANDIDATE CEASES TO BE A CANDIDATE; OR

(IV) ARE PUT TO ANY USE FOR WHICH THE CANDIDATE WOULD BE REQUIRED TO TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER SECTION 61 OF THE INTERNAL REVENUE CODE, OR ANY SUBSEQUENT CORRESPONDING SECTION OF THE INTERNAL REVENUE CODE.

(B) PROHIBITED EXPENDITURES FOR PERSONAL USE OF CAMPAIGN FUNDS SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES, INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE CANDIDATE'S OR OFFICEHOLDER'S FAMILY.

(II) MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-RESIDENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE PROPERTY USAGE;

(III) FUNERAL, CREMATION OR BURIAL EXPENSES, INCLUDING ANY EXPENSES RELATED TO A DEATH WITHIN A CANDIDATE'S OR OFFICEHOLDER'S FAMILY;

(IV) CLOTHING, OR OTHER THAN ITEMS OF NOMINAL VALUE THAT ARE USED IN THE CAMPAIGN;

(V) TUITION PAYMENTS;

(VI) CHILDCARE COSTS;

(VII) DUES, FEES OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECREATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE

PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZATION'S PREMISES;

(VIII) SALARY PAYMENTS TO ANY PERSON FOR SERVICES THAT ARE NOT SOLELY FOR CAMPAIGN PURPOSES;

(IX) SALARY PAYMENTS TO A MEMBER OF A CANDIDATE'S FAMILY, UNLESS THE FAMILY MEMBER IS PROVIDING BONA FIDE SERVICES TO THE CAMPAIGN. IF A FAMILY MEMBER PROVIDES BONA FIDE SERVICES TO A CAMPAIGN, ANY SALARY PAYMENTS IN EXCESS OF THE FAIR MARKET VALUE OF THE SERVICES PROVIDED SHALL BE CONSIDERED PAYMENTS FOR PERSONAL USE;

(X) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER OR OTHER FORM OF ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER ACTIVITY;

(XI) PAYMENT OF ANY FINES, FEES OR PENALTIES ASSESSED PURSUANT TO THIS CHAPTER;

(XII) AUTOMOBILE PURCHASES;

(XIII) AUTOMOBILE LEASES;

(XIV) TRAVEL EXPENSES, UNLESS USED SOLELY FOR CAMPAIGN PURPOSES. IF A CANDIDATE USES CAMPAIGN FUNDS TO PAY EXPENSES ASSOCIATED WITH TRAVEL THAT INVOLVES BOTH PERSONAL ACTIVITIES AND CAMPAIGN ACTIVITIES, THE INCREMENTAL EXPENSES THAT RESULT FROM THE PERSONAL ACTIVITIES SHALL BE CONSIDERED FOR PERSONAL USE UNLESS THE PERSON OR PERSONS BENEFITING FROM THE USE REIMBURSES THE CAMPAIGN ACCOUNT WITHIN THIRTY DAYS FOR THE FULL AMOUNT OF THE INCREMENTAL EXPENSES; AND

(XV) ANY OTHER EXPENDITURES DESIGNATED BY THE STATE GOVERNMENT ETHICS COMMISSION AS CONSTITUTING PERSONAL USE.

6. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING EQUIPMENT OR PROPERTY FROM HIS PERSONAL FUNDS AND LEASING OR RENTING SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR INDIRECTLY WITH HIM TO AID OR PARTICIPATE IN HIS NOMINATION OR ELECTION, INCLUDING AN EXPLORATORY COMMITTEE; PROVIDED THAT THE CANDIDATE AND HIS CAMPAIGN TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT. SUCH AGREEMENT SHALL INCLUDE THE LEASE OR RENTAL PRICE, WHICH SHALL NOT EXCEED THE FAIR LEASE OR RENTAL VALUE OF THE EQUIPMENT. THE CANDIDATE SHALL NOT RECEIVE LEASE OR RENTAL PAYMENTS WHICH, IN THE AGGREGATE, EXCEED THE COST OF PURCHASING THE EQUIPMENT OR PROPERTY.

7. (A) NOTWITHSTANDING THIS SECTION, AN INDIVIDUAL WHO DOES NOT HOLD A PUBLIC OFFICE OR A PARTY POSITION AND IS NOT A DECLARED CANDIDATE FOR PUBLIC OFFICE OR PARTY POSITION MAY NOT EXPEND CAMPAIGN FUNDS FOR PERSONAL USE INCLUDING, BUT NOT LIMITED TO, MEALS, ENTERTAINMENT, AND SALARIES FOR IMMEDIATE FAMILY MEMBERS; PROVIDED, HOWEVER, NOTHING IN THIS SUBDIVISION PROHIBITS THE USE OF CAMPAIGN FUNDS TO SUPPORT ONE OR MORE DECLARED CANDIDATES AS AUTHORIZED BY THIS ARTICLE.

(B) FOR PURPOSES OF THIS SECTION, A "DECLARED CANDIDATE" MEANS AN INDIVIDUAL WHO HAS FILED WITH THE STATE GOVERNMENT ETHICS COMMISSION BOTH AN "AUTHORIZATION OR NON-AUTHORIZATION BY A CANDIDATE" FORM PURSUANT TO SECTION 14-102 OF THIS ARTICLE AND A "COMMITTEE DESIGNATION OF TREASURER AND DEPOSITORY" FORM PURSUANT TO SECTION 14-118 OF THIS ARTICLE, BOTH OF WHICH INDICATE THE SPECIFIC OFFICE AND DISTRICT SOUGHT AND THE YEAR OF THE ELECTION.

S 24. The election law is amended by adding a new section 14-132 to read as follows:

S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. A POLITICAL COMMITTEE AIDING OR TAKING PART IN THE ELECTION OR NOMINATION OF ANY CANDIDATE, OTHER THAN BY MAKING CONTRIBUTIONS, AUTHORIZED BY A CANDIDATE, MUST DISPOSE OF ALL CAMPAIGN FUNDS AND CLOSE WITHIN TWO YEARS AFTER THE LATER OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF OFFICE, OR (B)

THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS A FILED CANDIDATE.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, A COMMITTEE DISAVOWED PURSUANT TO SECTION 14-112 OF THIS ARTICLE SHALL DISPOSE OF ALL CAMPAIGN FUNDS NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND TEN.

3. ANY CANDIDATE COMMITTEE REQUIRED TO DISPOSE OF FUNDS PURSUANT TO THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, DISPOSE OF SUCH FUNDS BY ANY OF THE FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

(A) RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT BEEN SPENT OR OBLIGATED;

(B) DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE;

(C) DONATING THE FUNDS TO THE STATE UNIVERSITY OF NEW YORK;

(D) DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

(E) TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED WITH THE STATE BOARD OF ELECTIONS; OR

(F) CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS ARTICLE.

4. NO POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS BY MAKING EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF THIS ARTICLE.

5. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELECTIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF THE DEATH OF THE CANDIDATE.

S 25. Section 16-100 of the election law is amended to read as follows:

S 16-100. Jurisdiction; supreme court, county court. 1. The supreme court is vested with jurisdiction to summarily determine any question of law or fact arising as to any subject set forth in this article, which shall be construed liberally.

2. The county court is vested with jurisdiction to summarily determine any question of law or fact except proceedings as to a nomination or election at a primary election or a nomination at a judicial convention, proceedings as to the casting and canvass of ballots [and], proceedings for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AS PROVIDED IN SECTION 16-120 OF THIS ARTICLE.

S 26. Section 16-114 of the election law, subdivisions 1, 2, 3 and 4 as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

S 16-114. Proceedings to compel filing of statements or corrected statements of campaign receipts, expenditures and contributions. 1. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or primary or by any five qualified voters or by the state [or other board of elections] GOVERNMENT ETHICS COMMISSION may compel by order, any person required to file a statement of receipts, expenditures or contributions for campaign purposes, who has not filed any such statement within the time prescribed by this chapter, to file such statement within five days after notice of the order.

2. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or primary or by any five

qualified voters, or by the state [or other board of elections] GOVERNMENT ETHICS COMMISSION in accordance with the provision of this chapter may compel by order any person required under the provisions of this chapter to file a statement of receipts, expenditures or contributions for campaign purposes, who has filed a statement which does not conform to the requirements of this chapter in respect to its truth, sufficiency in detail or otherwise, to file a new or supplemental statement which shall make the statement or statements true and complete within five days after notice of the order. The state [board of elections] GOVERNMENT ETHICS COMMISSION shall be a necessary party in any such proceeding.

3. The supreme court or a justice thereof, in a proceeding instituted by any candidate voted for at the election or primary or by any five qualified voters, or by the state [or other board of elections] GOVERNMENT ETHICS COMMISSION may compel by order any person who has failed to comply, or the members of any committee which has failed to comply, with any of the provisions of this chapter, to comply therewith.

4. In every proceeding instituted under this section, except a proceeding to compel the filing of a statement by a candidate for nomination to a public office at a primary election or for election thereto, or by the treasurer of a political committee, who has failed to file any statement, the petitioner or petitioners, upon the institution of the proceeding shall file with the county clerk an undertaking in a sum to be determined and with sureties to be approved by a justice of the supreme court conditioned to pay any costs imposed against him or them; provided, however, that no such undertaking shall be required in a proceeding instituted by the state [or other board of elections] GOVERNMENT ETHICS COMMISSION.

S 27. The election law is amended by adding a new section 16-120 to read as follows:

S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE GOVERNMENT ETHICS COMMISSION, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISIONS TWO AND THREE OF SECTION 14-126 OF THIS CHAPTER, UPON ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY (A) ACCEPTED A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, (B) EXPENDED CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF THIS ARTICLE OR (C) IN THE CASE OF A POLITICAL COMMITTEE, CONDUCTED ACTIVITIES PROHIBITED BY ARTICLE FOURTEEN OF THIS CHAPTER.

2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN, AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISIONS TWO AND THREE OF SECTION 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION BEFORE THE STATE GOVERNMENT ETHICS COMMISSION DISCOVERED SUCH VIOLATION, AND WHETHER THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

S 28. The legislative law is amended by adding a new article 1-B to read as follows:

ARTICLE 1-B

PARTICIPATION IN FUNDRAISERS DURING

A LEGISLATIVE SESSION

SECTION 1-AA. DEFINITIONS.
1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION.

S 1-AA. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "FUNDRAISER" SHALL MEAN AN EVENT OR FUNCTION AT WHICH OR IN CONNECTION WITH FUNDS ARE SOLICITED FOR OR ON BEHALF OF (A) A GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OR MEMBERS OF THE STATE LEGISLATURE, OR A CANDIDATE FOR ANY OF THE FOREGOING OFFICES; (B) A POLITICAL COMMITTEE ORGANIZED TO SUPPORT OR OPPOSE THE ELECTION OF ANY SUCH PERSON OR PERSONS; (C) A STATE COMMITTEE OR A SUBCOMMITTEE OF SUCH STATE COMMITTEE, PROVIDED THAT THE TERM "FUNDRAISER" WHEN APPLIED TO AN EVENT OR FUNCTION HELD BY A STATE COMMITTEE OR SUBCOMMITTEE THEREOF SHALL NOT INCLUDE AN EVENT OR FUNCTION AT WHICH FUNDS ARE RAISED EXCLUSIVELY TO SUPPORT OR OPPOSE A CANDIDATE OR CANDIDATES FOR FEDERAL ELECTIVE OFFICE, OR A POLITICAL COMMITTEE AUTHORIZED BY SUCH A CANDIDATE OR CANDIDATES, WHERE SUCH FUNDS ARE NOT USED FOR ANY OTHER PURPOSE; OR (D) ANY LOBBYIST OR CLIENT POLITICAL COMMITTEE, WHERE SUCH AN EVENT OR FUNCTION IS HELD FOR THE EXPLICIT PURPOSE OF RAISING FUNDS FOR OR ON BEHALF OF ANY OF THE FOREGOING ENTITIES.

2. "LOBBYIST OR CLIENT POLITICAL COMMITTEE" SHALL MEAN A POLITICAL COMMITTEE ORGANIZED TO SUPPORT THE ACTIVITIES OF A LOBBYIST OR CLIENT PROVIDED, HOWEVER, THAT THE TERM "LOBBYIST OR CLIENT POLITICAL COMMITTEE" AS USED IN THIS ARTICLE, SHALL NOT INCLUDE A FUNDRAISING EVENT OR FUNCTION HOSTED BY SUCH A COMMITTEE TO RAISE FUNDS FOR THE COMMITTEE'S GENERAL USE WHERE SUCH AN EVENT OR FUNCTION IS NOT TARGETED TO BENEFIT ANY OF THE SPECIFIC PERSONS OR ENTITIES DESCRIBED IN SUBDIVISION ONE OF THIS SECTION.

3. THE TERM "LEGISLATIVE SESSION" SHALL MEAN THE PERIOD BEGINNING ON THE WEDNESDAY SUCCEEDING THE FIRST MONDAY OF JANUARY AND ENDING ON THE LATER OF (A) THE THIRTIETH DAY OF JUNE OR (B) TWO WEEKS AFTER THE DAY ON WHICH THE LEGISLATURE HAS TAKEN FINAL ACTION ON ALL OF THE APPROPRIATION BILLS SUBMITTED BY THE GOVERNOR PURSUANT TO ARTICLE SEVEN OF THE STATE CONSTITUTION, THEREBY ENACTING A STATE BUDGET THAT PROVIDED SUFFICIENT APPROPRIATION AUTHORITY FOR THE ONGOING OPERATION AND SUPPORT OF STATE GOVERNMENT AND LOCAL ASSISTANCE FOR THE ENSUING FISCAL YEAR.

S 1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON OR ENTITY SHALL HOLD, PARTICIPATE IN, CONTRIBUTE TO, PURCHASE A TICKET FOR, OR ATTEND ANY FUNDRAISER WITHIN FORTY MILES OF THE NEW YORK STATE CAPITOL DURING THE LEGISLATIVE SESSION.

2. THIS SECTION SHALL NOT APPLY TO FUNDRAISERS WITHIN THE DISTRICT OF MEMBERS OF THE LEGISLATURE OR CANDIDATES THEREFOR WHOSE DISTRICTS ARE LOCATED IN WHOLE OR IN PART WITHIN FORTY MILES OF THE NEW YORK STATE CAPITOL, PROVIDED, HOWEVER THAT SUCH FUNDRAISERS SHALL BE SOLELY FOR THE BENEFIT OF THE LEGISLATOR OR THE CANDIDATE OR THE AUTHORIZED POLITICAL COMMITTEE OF SUCH LEGISLATOR OR CANDIDATE AND NO OTHER ELECTED OFFICIAL, POLITICAL COMMITTEE OR CANDIDATE FOR ELECTED OFFICE; AND FURTHER PROVIDED THAT SUCH FUNDRAISERS SHALL NOT BE HELD ON ANY DAY WHEN A QUORUM OF EITHER HOUSE OF THE LEGISLATURE IS IN ATTENDANCE OF A SESSION OF THEIR RESPECTIVE HOUSE.

S 29. Sections 14-100 through 14-130 of article 14 of the election law are designated title 1 and a new title heading is added to read as follows:

CAMPAIGN RECEIPTS AND EXPENDITURES

S 30. Article 14 of the election law is amended by adding a new title 2 to read as follows:

TITLE II
PUBLIC FINANCING

SECTION 14-200. DEFINITIONS.
14-202. ELIGIBILITY.
14-204. QUALIFIED CAMPAIGN EXPENDITURES.
14-206. OPTIONAL PUBLIC FINANCING.
14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.
14-210. EXPENDITURE LIMITATIONS.
14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.
14-214. CIVIL PENALTIES.

S 14-200. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "ETHICS COMMISSION" SHALL MEAN THE STATE GOVERNMENT ETHICS COMMISSION.

2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AND HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE ETHICS COMMISSION, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. "MATCHABLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONETARY CONTRIBUTION REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER DEDUCTING THE REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE CONTRIBUTOR IN CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIBUTIONS FROM ANY PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE FROM SUCH COMMITTEE OR FROM A PERSON WHO IS AN OFFICER, DIRECTOR OR EMPLOYEE OF, OR A PERSON WHO HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST IN ANY ENTITY WHICH HAS RECEIVED SUCH A PAYMENT OR THING OF VALUE SHALL NOT BE MATCHABLE. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.

6. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC FUNDS MAY BE USED.

7. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

8. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVISION NINE OF SECTION 14-100 OF THIS ARTICLE.

S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

(A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

(B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION TWO OF THIS SECTION;

(C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE BY FILING A WRITTEN CERTIFICATION IN SUCH FORM AS MAY BE PRESCRIBED BY THE ETHICS COMMISSION, WHICH SETS FORTH HIS OR HER ACCEPTANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE PROVISIONS OF SUCH FUNDS, NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY TO FILE DESIGNATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING OR, IN THE CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO FILE NOMINATING CERTIFICATES FOR SUCH OFFICE;

(D) AGREE TO OBTAIN AND FURNISH TO THE ETHICS COMMISSION ANY EVIDENCE IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE WITH THIS TITLE AS MAY BE REQUESTED BY THE ETHICS COMMISSION;

(E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE; AND

(F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL.

2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL BE:

(A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN EIGHT HUNDRED THOUSAND DOLLARS FROM AT LEAST EIGHT THOUSAND MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN FOUR HUNDRED THOUSAND DOLLARS FROM AT LEAST FOUR THOUSAND MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE SENATE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION. NOT LESS THAN EIGHT THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE ASSEMBLY DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

(E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

(F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY

DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY ELECTION A CANDIDATE MUST AGREE, BY FILING A WRITTEN CERTIFICATION IN SUCH FORM AS MAY BE PRESCRIBED BY THE ETHICS COMMISSION, THAT IN THE EVENT SUCH CANDIDATE IS A CANDIDATE FOR SUCH OFFICE IN THE GENERAL ELECTION IN SUCH YEAR, THAT SUCH CANDIDATE WILL BE BOUND BY THE PROVISIONS OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO, THE RECEIPT AND EXPENDITURE LIMITS OF THIS TITLE.

4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

5. CANDIDATES WHO ARE UNOPPOSED IN A PRIMARY, GENERAL OR SPECIAL ELECTION SHALL NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO ALSO ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM, OR SUCH CANDIDATE'S COMMITTEE, OR AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO HAS NOT ELECTED TO PARTICIPATE, OR SUCH CANDIDATE'S COMMITTEE, HAVE EITHER SPENT, CONTRACTED OR OBLIGATED TO SPEND, OR HAVE CONTRIBUTED SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR HAVE RECEIVED IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION WHICH IS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS. IF ANY CANDIDATE FOR AN OFFICE AND THE COMMITTEE OF SUCH CANDIDATE REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION AT ANY TIME AFTER THE FILING DEADLINE FOR THE LAST REPORT REQUIRED TO BE FILED BEFORE THE FIRST DISTRIBUTION OF PUBLIC FUNDS FOR SUCH ELECTION, SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THAT FACT WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED IN SUBDIVISION TWO OF SECTION 14-108 OF THIS ARTICLE.

S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDITURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR, IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL ELECTION. THE TOTAL OF ALL EXPENDITURES MADE BY THE CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE, INCLUDING ALL PAYMENTS RECEIVED FROM THE FUND, SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED IN SECTION 14-210 OF THIS TITLE, EXCEPT INSOFAR AS SUCH PAYMENTS ARE MADE TO REPAY LOANS USED TO PAY CAMPAIGN EXPENDITURES.

2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

(A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF THIS STATE;

(B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE;

(C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

(D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY.

(E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION;

(F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT; AND

(G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERIAL OF NOMINAL VALUE.

S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON THE BALLOT AND FILED A SWORN STATEMENT WITH THE ETHICS COMMISSION ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL BE ENTITLED TO FOUR DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

3. (A) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO A GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

(B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE TWENTY-FIVE PERCENT GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

(C) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE FIFTY PERCENT TOTAL AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

(D) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE SEVENTY-FIVE PERCENT TOTAL AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF

PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND MAY ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

4. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

5. THE ETHICS COMMISSION SHALL PROMPTLY EXAMINE ALL REPORTS OF CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF SUCH CONTRIBUTIONS.

6. THE ETHICS COMMISSION SHALL PROMULGATE REGULATIONS FOR THE CERTIFICATION OF THE AMOUNT OF FUNDS PAYABLE TO A PARTICIPATING CANDIDATE THAT HAS QUALIFIED TO RECEIVE SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE THE PROMULGATION AND DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS MUST BE FILED AND THE VERIFICATION REQUIRED. THE ETHICS COMMISSION SHALL INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE PAYMENT FROM THE FUND WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF THE REQUIRED FORMS AND VERIFICATIONS.

S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY, SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE AGGREGATE AMOUNT, IS GREATER THAN TWO HUNDRED FIFTY DOLLARS.

2. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIBUTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF THE GENERAL ELECTION FOR THE OFFICE SOUGHT. CONTRIBUTIONS TO A PARTICIPATING CANDIDATE OR PARTICIPATING COMMITTEE WHICH WERE RECEIVED BEFORE JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR, IN THE CASE OF A SPECIAL ELECTION RECEIVED MORE THAN SIX MONTHS BEFORE THE SPECIAL ELECTION, MAY NOT BE EXPENDED IN ANY ELECTION FOR ANY SUCH OFFICE.

3. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION, PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

S 14-210. EXPENDITURE LIMITATIONS. THE FOLLOWING EXPENDITURE LIMITATIONS APPLY TO ALL EXPENDITURES BY PARTICIPATING CANDIDATES AND THEIR PARTICIPATING COMMITTEES RECEIVING PUBLIC FUNDS PURSUANT TO THE PROVISIONS OF THIS TITLE:

1. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY PARTICIPATING CANDIDATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

(I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN EIGHT HUNDRED THOUSAND DOLLARS NOR MORE THAN EIGHT MILLION DOLLARS;

(II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIVE HUNDRED THOUSAND DOLLARS NOR MORE THAN FIVE MILLION DOLLARS;

(III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;

PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN TWENTY THOUSAND DOLLARS NOR MORE THAN TWO HUNDRED THOUSAND DOLLARS;

(IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN EIGHT THOUSAND DOLLARS NOR MORE THAN EIGHTY THOUSAND DOLLARS;

(V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS;

(VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;

(B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE EXPENDITURE LIMITS PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY REPORTED BY THE APPROPRIATE BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL ELECTION PRECEDING THE PRIMARY ELECTION.

2. IN ANY GENERAL OR SPECIAL ELECTION, EXPENDITURES BY PARTICIPATING CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

CANDIDATES FOR ELECTION TO THE OFFICE OF:	
GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)	$12,000,000
ATTORNEY GENERAL	$8,000,000
COMPTROLLER	$8,000,000
MEMBER OF SENATE	$300,000
MEMBER OF ASSEMBLY	$125,000
DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION	$300,000
DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION	$75,000

3. EXPENDITURES FOR LEGAL FEES AND REASONABLE EXPENSES TO DEFEND THE VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR TO SUCCESSFULLY CHALLENGE ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF FRAUD, OR FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE REPORTING REQUIREMENTS OF THIS ARTICLE, SHALL NOT BE SUBJECT TO THE EXPENDITURE LIMITS OF THIS SUBDIVISION.

4. MONIES OF THE PUBLIC FINANCING SYSTEM, FOLLOWING APPROPRIATION BY THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSE OF MAKING PAYMENTS TO CANDIDATES PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW. MONIES SHALL BE PAID OUT BY THE ETHICS COMMISSION ON VOUCHERS CERTIFIED OR APPROVED BY THE ETHICS COMMISSION, OR ITS DULY DESIGNATED REPRESENTATIVE, IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS AFTER SUCH VOUCHER IS RECEIVED.

5. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTIFIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT

JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL SUCH MONEYS SHALL BE REPAID TO THE FUND.

S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS; REPORT. 1. THE ETHICS COMMISSION SHALL HAVE THE POWER TO AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS ARTICLE. THE ETHICS COMMISSION SHALL PROMULGATE RULES AND REGULATIONS REGARDING WHAT DOCUMENTATION IS SUFFICIENT IN DEMONSTRATING FINANCIAL ACTIVITY AND THE METHOD OF CONDUCTING AUDITS, INCLUDING REAL TIME AUDITS. THESE AUDIT AND EXAMINATION POWERS EXTEND TO ALL PARTICIPATING CANDIDATES AND NON-PARTICIPATING CANDIDATES, AND THE AUTHORIZED COMMITTEES OF ALL PARTICIPATING AND NON-PARTICIPATING CANDIDATES.

2. (A) IF THE ETHICS COMMISSION DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A PARTICIPATING COMMITTEE WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTITLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

(B) IF THE ETHICS COMMISSION DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A PARTICIPATING COMMITTEE WAS USED FOR PURPOSES OTHER THAN TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPATING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.

(C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS RECEIVED BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE ETHICS COMMISSION FOR PAYMENTS RECEIVED BY SUCH COMMITTEE, UP TO THE AMOUNT OF PUBLIC FUNDS RECEIVED BY SUCH PARTICIPATING CANDIDATE, NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE.

3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY SUCH PARTICIPATING COMMITTEE.

4. THE ETHICS COMMISSION MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE ETHICS COMMISSION AND PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION BY THE ETHICS COMMISSION, THE AMOUNT DUE SHALL BE PAID TO THE ETHICS COMMISSION WITHIN THIRTY DAYS OF SUCH DETERMINATION.

5. THE ETHICS COMMISSION SHALL REVIEW THE IMPLEMENTATION OF PUBLIC FINANCING UNDER THIS ARTICLE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE ON JANUARY FIRST, TWO THOUSAND THIRTEEN. THE REPORT SHALL INCLUDE BUT NOT BE LIMITED TO: (A) THE NUMBER OF CANDIDATES QUALIFYING AND OPTING FOR PUBLIC FINANCING, THE AMOUNTS EXPENDED FOR THIS PURPOSE IN

THE PRECEDING FISCAL YEAR AND A PROJECTION OF THE NUMBER OF CANDIDATES LIKELY TO QUALIFY AND OPT FOR PUBLIC FINANCING AND THEIR EXPENDITURES IN FUTURE ELECTIONS; (B) AN ANALYSIS OF THE EFFECT OF PUBLIC FINANCING ON POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTICIPATION, THE NUMBER OF CANDIDATES AND THE CANDIDATE'S ABILITY TO CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE; (C) A REVIEW OF THE PROCEDURES UTILIZED IN PROVIDING PUBLIC FUNDS TO CANDIDATES; AND (D) SUCH RECOMMENDED CHANGES IN PUBLIC FINANCING UNDER THIS ARTICLE AS IT DEEMS APPROPRIATE.

S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS OF THE ETHICS COMMISSION IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE ETHICS COMMISSION.

2. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE EXCEEDS THE EXPENDITURE LIMITATIONS CONTAINED IN THIS TITLE SUCH PARTICIPATING CANDIDATE SHALL BE LIABLE FOR A CIVIL PENALTY IN AN AMOUNT EQUAL TO THREE TIMES THE SUM BY WHICH SUCH EXPENDITURES EXCEED THE PERMITTED AMOUNT, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE ETHICS COMMISSION.

S 31. The election law is amended by adding a new section 16-103 to read as follows:

S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDIDATE.

2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETERMINATION WAS MADE. THE ETHICS COMMISSION SHALL BE MADE A PARTY TO ANY SUCH PROCEEDING.

3. UPON THE ETHICS COMMISSION'S FAILURE TO RECEIVE THE AMOUNT DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSUANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION FOUR OF SECTION 14-212 OF THIS CHAPTER, THE ETHICS COMMISSION IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE PAYABLE TO THE ETHICS COMMISSION AS A RESULT OF AN EXAMINATION AND AUDIT MADE PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

4. THE ETHICS COMMISSION IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE ETHICS COMMISSION PURSUANT TO SECTION 14-214 OF THIS CHAPTER.

S 32. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the

legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 33. This act shall take effect immediately; provided however that:

a. sections one through twenty-eight of this act shall take effect on the sixtieth day after it shall have become a law;

b. all amendments to article 14 of the election law made by this act, which establish new contribution limits, shall apply January 1, 2011;

c. contributions legally received prior to the effective date of this act may be retained and expended for lawful purposes and shall not provide the basis for a violation of article 14 of the election law, as amended by this act;

d. the state board of elections shall notify all candidates and political committees of the applicable provisions of this act within thirty days after this act shall have become a law; and

e. sections twenty-nine, thirty and thirty-one of this act shall take effect immediately; provided, however, state legislature candidates will be eligible to participate in the public financing system beginning with the 2012 election, and all state candidates and constitutional convention delegates will be eligible to participate in the public financing system beginning with the 2014 election.

PART D

Section 1. The retirement and social security law is amended by adding a new article 3-C to read as follows:

ARTICLE 3-C

PENSION FORFEITURE FOR PUBLIC CORRUPTION ACT

SECTION 157. SHORT TITLE.
157-A. DEFINITIONS.
157-B. PENSION FORFEITURE.
157-C. MISCELLANEOUS.

S 157. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PENSION FORFEITURE FOR PUBLIC CORRUPTION ACT".

S 157-A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, AS USED IN THIS ARTICLE, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT:

1. "DEFENDANT" SHALL MEAN A PERSON AGAINST WHOM A FORFEITURE ACTION IS COMMENCED.

2. "DESIGNATED FELONY OFFENSE" SHALL MEAN: (A) ANY FELONY OFFENSE SET FORTH IN THE PENAL LAW; (B) A CONSPIRACY TO COMMIT ANY FELONY OFFENSE SET FORTH IN THE PENAL LAW; OR (C) ANY CRIMINAL OFFENSE COMMITTED IN ANY OTHER STATE, DISTRICT, OR TERRITORY OF THE UNITED STATES AND CLASSIFIED AS A FELONY THEREIN, WHICH IF COMMITTED WITHIN THIS STATE, WOULD CONSTITUTE AN OFFENSE DESIGNATED IN PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

3. "COMPTROLLER" SHALL MEAN THE COMPTROLLER OF THE STATE OF NEW YORK IN HIS OR HER CAPACITY AS ADMINISTRATIVE HEAD OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM.

4. "MEMBER" SHALL MEAN A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM WHO JOINED SUCH SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

5. "RETIRED MEMBER" SHALL MEAN A PERSON WHO IS RETIRED FROM AND WHO IS RECEIVING A RETIREMENT ALLOWANCE FROM A RETIREMENT SYSTEM AND WHO HAD JOINED SUCH SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

6. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM.

S 157-B. PENSION FORFEITURE. NOTWITHSTANDING ANY OTHER PROVISION OF GENERAL, SPECIAL OR LOCAL LAW, RULE OR REGULATION TO THE CONTRARY:

1. IN THE CASE OF A MEMBER OR RETIRED MEMBER WHO IS CONVICTED OF ANY DESIGNATED FELONY OFFENSE SET FORTH IN PARAGRAPH (A) OR (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-SEVEN-A OF THIS ARTICLE, THE COMMISSION OF WHICH IS RELATED TO THE PERFORMANCE OR FAILURE TO PERFORM SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND RESPONSIBILITIES, AN ACTION MAY BE COMMENCED IN SUPREME COURT BY THE DISTRICT ATTORNEY HAVING JURISDICTION OVER THE OFFENSE FOR THE FORFEITURE OF ALL OR A PORTION OF THOSE RIGHTS AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED AS A MEMBER OR RETIRED MEMBER PROVIDED THAT ANY CONTRIBUTIONS MADE BY THE OFFICIAL TO HIS OR HER RETIREMENT SYSTEM SHALL NOT BE SUBJECT TO FORFEITURE, BUT SHALL BE RETURNED TO SUCH OFFICIAL. SUCH ACTION SHALL BE COMMENCED WITHIN SIX MONTHS OF SUCH CONVICTION. FOR PURPOSES OF THIS ARTICLE, A DESIGNATED FELONY OFFENSE IS RELATED TO THE PERFORMANCE OR FAILURE TO PERFORM SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND RESPONSIBILITIES IF IT: (A) CONSTITUTED A MATERIAL VIOLATION OF SUCH MEMBER OR RETIRED MEMBER'S DUTIES AND RESPONSIBILITIES AS A PUBLIC SERVANT; OR (B) EVEN THOUGH COMMITTED OUTSIDE THE SCOPE OF SUCH MEMBER'S OFFICIAL DUTIES OR RESPONSIBILITIES, INVOLVED ACTIONS OR CONDUCT BY WHICH SUCH MEMBER OR RETIRED MEMBER INDICATED OR CONVEYED THAT HE OR SHE WAS ACTING WITH THE AUTHORITY OF, OR UNDER COLOR OF THE AUTHORITY OF, ANY GOVERNMENTAL ENTITY.

2. WHERE THE ATTORNEY GENERAL FINDS THAT A MEMBER OR A RETIRED MEMBER HAS BEEN CONVICTED OF A DESIGNATED FELONY OFFENSE AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-SEVEN-A OF THIS ARTICLE, THE COMMISSION OF WHICH IS RELATED TO THE PERFORMANCE OR FAILURE TO PERFORM SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND RESPONSIBILITIES, AN ACTION MAY BE COMMENCED IN SUPREME COURT BY THE ATTORNEY GENERAL FOR THE FORFEITURE OF ALL OR A PORTION OF THOSE RIGHTS AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED AS A MEMBER OR RETIRED MEMBER. SUCH ACTION SHALL BE COMMENCED WITHIN ONE YEAR OF SUCH CONVICTION.

3. PRIOR TO COMMENCEMENT OF SUCH ACTION DESCRIBED IN SUBDIVISION ONE OR TWO OF THIS SECTION, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, SHALL PROVIDE NOTICE TO THE COMPTROLLER STATING THAT HE OR SHE HAS REASON TO BELIEVE THAT THE PERSON CONVICTED COMMITTED THE FELONY RELATED TO HIS OR HER OFFICIAL DUTIES AND RESPONSIBILITIES. WITHIN TWENTY DAYS OF RECEIPT OF SUCH NOTICE, THE COMPTROLLER SHALL SUBMIT A NOTICE OF APPLICABILITY TO THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL AS THE CASE MAY BE. THE NOTICE OF APPLICABILITY SHALL CONTAIN A STATEMENT SPECIFYING WHETHER THE PERSON CONVICTED IS OR HAS BEEN A MEMBER OR RETIRED MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM AND SHALL DESCRIBE THE RIGHTS AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED FROM SUCH PUBLIC RETIREMENT SYSTEM.

4. NO FORFEITURE ACTION MAY BE COMMENCED BY THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL UNTIL RECEIPT OF THE NOTICE OF APPLICABILITY AS SET FORTH IN SUBDIVISION THREE OF THIS SECTION. IN DETERMINING WHETHER TO SEEK FORFEITURE OF A PORTION, RATHER THAN ALL, OF SUCH RETIREMENT BENEFITS, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL MAY CONSIDER MITIGATING FACTORS INCLUDING, BUT NOT LIMITED TO: THE NATURE AND SERIOUSNESS OF THE OFFENSE COMMITTED IN RELATION TO THE AMOUNT OF THE FORFEITURE

PENALTY; WHETHER THE DEFENDANT'S CONDUCT IN COMMITTING THE OFFENSE WAS WILLFUL OR MALICIOUS; WHETHER THE DEFENDANT MADE ANY SUBSTANTIAL GOOD FAITH EFFORTS TO PREVENT OR MITIGATE THE HARM CAUSED BY THE OFFENSE; WHETHER THE DEFENDANT'S PARTICIPATION IN THE CRIME WAS UNDER DURESS, COERCION OR INDUCED BY OTHERS; THE IMPACT OF THE CRIME ON THE STATE OR LOCAL GOVERNMENT AND THE NUMBER OF YEARS OF THE DEFENDANT'S PUBLIC SERVICE PERFORMED WITHOUT CRIMINAL CONDUCT; THE PECUNIARY BENEFIT TO THE DEFENDANT FROM THE CRIME; AND WHETHER AND TO WHAT EXTENT THE DEFENDANT'S FAMILY IS DEPENDENT UPON THE DEFENDANT'S PRESENT AND FUTURE RETIREMENT BENEFITS.

5. UPON MOTION BY THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, MADE UPON COMMENCEMENT OF OR AT ANY TIME DURING THE PENDENCY OF A FORFEITURE ACTION, PURSUANT TO THE PROCEDURE SET FORTH IN SUBDIVISION ONE OF SECTION SIXTY-THREE HUNDRED ELEVEN OR SECTION SIXTY-THREE HUNDRED THIRTEEN OF THE CIVIL PRACTICE LAW AND RULES, THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER OR A PRELIMINARY INJUNCTION PROHIBITING THE DEFENDANT FROM RECEIVING ANY RIGHTS OR BENEFITS FROM THE APPROPRIATE RETIREMENT SYSTEM. A PRELIMINARY INJUNCTION MAY BE GRANTED WHERE THE COURT FINDS THAT THERE IS A SUBSTANTIAL PROBABILITY THAT THE DISTRICT ATTORNEY OR ATTORNEY GENERAL WILL PREVAIL ON THE ISSUE OF FORFEITURE. NO SHOWING OF IRREPARABLE HARM SHALL BE REQUIRED. THE COURT MAY NOT CONSIDER ON SUCH MOTION ANY ISSUES PRESENTED TO THE COURT WHICH HEARD THE CRIMINAL ACTION IN WHICH THE DEFENDANT WAS CONVICTED OR WHICH ARISE OUT OF SUCH CRIMINAL ACTION AND MAY BE PRESENTED ON APPEAL.

6. ALL DEFENDANTS IN A FORFEITURE ACTION BROUGHT PURSUANT TO THIS ARTICLE SHALL HAVE THE RIGHT TO TRIAL BY JURY ON ANY ISSUE OF FACT.

7. THE BURDEN OF PROOF SHALL BE UPON THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, TO PROVE BY CLEAR AND CONVINCING EVIDENCE THE FACTS NECESSARY TO ESTABLISH A CLAIM OF PENSION FORFEITURE.

8. AT ANY TIME DURING THE PENDENCY OF A FORFEITURE ACTION, THE COURT MAY DISMISS THE ACTION IF IT FINDS THAT SUCH RELIEF IS WARRANTED BY THE EXISTENCE OF SOME COMPELLING FACTOR, CONSIDERATION OR CIRCUMSTANCE INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE MITIGATING FACTORS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, OR OTHER INFORMATION OR EVIDENCE WHICH DEMONSTRATES THAT SUCH FORFEITURE WOULD NOT SERVE THE ENDS OF JUSTICE. THE COURT SHALL ISSUE A WRITTEN DECISION STATING THE BASIS FOR AN ORDER ISSUED PURSUANT TO THIS SUBDIVISION.

9. (A) UPON A FINDING BY THE COURT THAT THE DEFENDANT HAS COMMITTED A FELONY IN CONNECTION WITH HIS OR HER OFFICIAL DUTIES AND RESPONSIBILITIES IN THIS STATE, THE COURT SHALL ISSUE AN ORDER TO THE APPROPRIATE RETIREMENT SYSTEM FOR: (I) THE FORFEITURE OR RECOUPMENT OF ALL OR A PORTION OF THE DEFENDANT'S RIGHTS AND BENEFITS AS A MEMBER OR RETIRED MEMBER OF SUCH SYSTEM; (II) THE RECOUPMENT OF ALL OR A PORTION OF THE RETIREMENT BENEFITS PAID TO THE DEFENDANT; AND (III) THE REFUND TO THE DEFENDANT OF ANY CONTRIBUTIONS MADE BY THE DEFENDANT TO THE RETIREMENT SYSTEM FOR ANY PERIOD FOR WHICH THE DEFENDANT'S RIGHTS AND BENEFITS AS A MEMBER OR RETIRED MEMBER OF SUCH RETIREMENT SYSTEM HAVE BEEN ORDERED FORFEIT.

(B) IN DETERMINING THE EXTENT OF THE FORFEITURE OR RECOUPMENT THAT IS WARRANTED, THE COURT MAY CONSIDER ONE OR MORE OF THE MITIGATING FACTORS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION. ALL ORDERS AND FINDINGS MADE BY THE COURT PURSUANT TO THIS SECTION SHALL BE SERVED UPON THE COMPTROLLER.

10. UPON A FINAL DETERMINATION THAT REVERSES OR VACATES THE CONVICTION OR CONVICTIONS OF A DESIGNATED OFFENSE OR OFFENSES, THE MEMBER OR RETIRED MEMBER WHO HAS FORFEITED RETIREMENT RIGHTS AND BENEFITS PURSUANT

TO THIS SECTION SHALL HAVE SUCH RIGHTS AND BENEFITS RETROACTIVELY RESTORED UPON APPLICATION TO THE COURT WITH JURISDICTION OVER THE FORFEITURE ACTION, REGARDLESS OF ANY TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION WHICH MAY BE OUTSTANDING OR ORDER WHICH MAY HAVE BEEN ISSUED. SUCH COURT, UPON FINDING THAT SUCH A FINAL DETERMINATION HAS OCCURRED, SHALL ISSUE AN ORDER RETROACTIVELY RESTORING SUCH RIGHTS AND BENEFITS, TOGETHER WITH SUCH OTHER RELIEF DEEMED APPROPRIATE. AS A CONDITION TO FULL RESTORATION OF RIGHTS AND BENEFITS AS PROVIDED IN THIS SUBDIVISION, THE MEMBER OR RETIRED MEMBER SHALL REIMBURSE THE RETIREMENT SYSTEM FOR ANY CONTRIBUTIONS THAT WERE REFUNDED TO THE MEMBER OR RETIRED MEMBER PURSUANT TO THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION NINE OF THIS SECTION.

11. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE CIVIL PRACTICE LAW AND RULES SHALL GOVERN THE PROCEDURE IN ACTIONS COMMENCED UNDER THIS ARTICLE, EXCEPT WHERE THE ACTION IS REGULATED BY ANY INCONSISTENT PROVISIONS HEREIN. IN SUCH ACTIONS, THE COURT MAY NOT CONSIDER ANY ISSUES PRESENTED TO THE COURT WHICH HEARD THE CRIMINAL ACTION IN WHICH THE DEFENDANT WAS CONVICTED OR WHICH ARISE OUT OF SUCH CRIMINAL ACTION AND MAY BE PRESENTED ON APPEAL.

S 157-C. MISCELLANEOUS. THE REMEDIES PROVIDED FOR IN THIS ARTICLE ARE NOT INTENDED TO SUBSTITUTE FOR, LIMIT OR SUPERSEDE THE LAWFUL AUTHORITY OF ANY PUBLIC OFFICER, AGENCY OR OTHER PERSON TO ENFORCE ANY OTHER RIGHT OR REMEDY PROVIDED FOR BY LAW.

S 2. This act shall take effect immediately.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through D of this act shall be as specifically set forth in the last section of such Parts.