

5738

2009-2010 Regular Sessions

I N S E N A T E

June 2, 2009

Introduced by Sens. SQUADRON, ADAMS, BRESLIN, DUANE, C. JOHNSON, KLEIN, KRUEGER, OPPENHEIMER, PARKER, PERKINS, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, the civil service law, the legislative law, the election law and the racing, pari-mutuel wagering and breeding law, in relation to enacting the ethics reform act of 2009; and to repeal certain provisions of the executive law and the legislative law relating thereto

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

1 Section 1. This act shall be known and may be cited as the "commission
2 on governmental ethics act of 2009".
3 S 2. The section heading and subdivisions 1, 2, 3, 4 and 6 of section
4 94 of the executive law, as amended by chapter 14 of the laws of 2007,
5 are amended to read as follows:
6 [Commission on public integrity;] COMMISSION ON GOVERNMENTAL ETHICS;
7 functions, powers and duties; review of financial disclosure statements;
8 advisory opinions; investigation and enforcement. 1. There is estab-
9 lished within the department of state a [commission on public integrity]
10 COMMISSION ON GOVERNMENTAL ETHICS which shall consist of [thirteen] NINE
11 members and shall have and exercise the powers and duties set forth in
12 this section only with respect to [statewide] STATE elected officials
13 and state officers and employees, as defined in sections seventy-three
14 and seventy-three-a of the public officers law, candidates for [state-
15 wide] STATE elected office, and the political party [chairman] CHAIR as
16 that term is defined in section seventy-three-a of the public officers
17 law, lobbyists and the clients of lobbyists as such terms are defined in
18 article one-A of the legislative law, and individuals who have formerly
19 held such positions, were lobbyists or clients of lobbyists, as such

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

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1 terms are defined in article one-A of the legislative law, or who have
2 formerly been such candidates. This section shall not revoke or rescind
3 any regulations or advisory opinions issued by the state ethics commis-
4 sion and the temporary lobbying commission in effect upon the effective
5 date of a chapter of the laws of two thousand [seven] NINE which amended
6 this section to the extent that such regulations or opinions are not
7 inconsistent with any law of the state of New York, but such regulations
8 and opinions shall apply only to matters over which such commissions had
9 jurisdiction at the time such regulations and opinions were promulgated
10 or issued. The commission shall undertake a comprehensive review of all
11 such regulations and opinions, which will address the consistency of
12 such regulations and opinions among each other and with the new statuto-
13 ry language. [The commission shall, before April first, two thousand
14 eight, report to the governor and legislature regarding such review and
15 shall propose any regulatory changes and issue any advisory opinions
16 necessitated by such review.]

17 2. The members of the commission shall be appointed by the governor
18 provided, however, that one member shall be appointed on the nomination
19 of the comptroller, one member shall be appointed on the nomination of
20 the attorney general, one member shall be appointed on the nomination of
21 the temporary president of the senate, one member shall be appointed on
22 the nomination of the speaker of the assembly, one member shall be
23 appointed on the nomination of the minority leader of the senate, and
24 one member shall be appointed on the nomination of the minority leader
25 of the assembly. Of the [seven] THREE members appointed by the governor
26 without prior nomination, no more than [four] TWO members shall belong
27 to the same political party [and no]. NO members shall be public offi-
28 cers or employees or hold any public office, elected or appointed. No
29 member shall be [a member of the legislature, a candidate for member of
30 the legislature,] an employee of the legislature, a political party
31 [chairman] CHAIR as defined in paragraph (k) of subdivision one of
32 section seventy-three of the public officers law, [or a lobbyist as
33 defined in subdivision (a) of section one-c of the legislative law] OR A
34 REGISTERED LOBBYIST IN ANY OTHER STATE, OR BEFORE THE UNITED STATES
35 CONGRESS OR EXECUTIVE BRANCH. NO MEMBER WHO IS A PARTNER, OF COUNSEL OR
36 OTHERWISE EMPLOYED BY A POLITICAL CONSULTING FIRM OR AN ENTITY REGIS-
37 TERED PURSUANT TO SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE
38 LAW OR ANY ENTITY RECEIVING A STATE CONTRACT, MAY SHARE IN ANY PART OF
39 THE PROFITS DERIVED FROM LOBBYING OR POLITICAL CONSULTING AND SHALL NOT
40 PARTICIPATE IN THE PLANNING, STRATEGY OR DECISION MAKING OF MATTERS
41 RELATED TO LOBBYING OR POLITICAL CONSULTING. TO THE EXTENT POSSIBLE, THE
42 MEMBERS OF THE BOARD SHALL BE INDIVIDUALS WITH EXTENSIVE KNOWLEDGE OR
43 EXPERIENCE IN THE FIELD OF GOVERNMENT ETHICS.

44 3. Members of the commission shall serve for terms of five years;
45 provided, however, that of the members first appointed without prior
46 nomination, [one shall serve for one year,] one shall serve for two
47 years, one shall serve for three years, and one shall serve for four
48 years, as designated by the governor; the members first appointed on the
49 nominations of the comptroller and the temporary president of the senate
50 shall serve for four years and the members first appointed on the nomi-
51 nations of the attorney general and the speaker of the assembly shall
52 serve for two years.

53 4. [The governor shall designate the chairman of the commission from
54 among the members thereof, who shall serve as chairman at the pleasure
55 of the governor.] THE CHAIR AND THE VICE-CHAIR OF THE COMMISSION SHALL
56 BE ELECTED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION TO SERVE A ONE

1 YEAR TERM. EITHER THE CHAIR OR THE VICE-CHAIR OF THE COMMISSION SHALL
2 BE SELECTED FROM AMONG THE APPOINTEES OF THE LEGISLATIVE BRANCHES. THE
3 CHAIR AND THE VICE-CHAIR SHALL EACH BE A MEMBER OF A DIFFERENT MAJOR
4 POLITICAL PARTY AS SUCH TERM IS DEFINED IN THE ELECTION LAW. The [chair-
5 man] CHAIR or any [seven] FIVE members of the commission may call a
6 meeting.

7 6. [Seven] FIVE members of the commission shall constitute a quorum,
8 and the commission shall have power to act by majority vote of the total
9 number of members of the commission without vacancy.

10 S 3. Paragraph (a) of subdivision 9 of section 94 of the executive
11 law, as amended by chapter 14 of the laws of 2007, is amended to read as
12 follows:

13 (a) [Appoint] THROUGH A JOINT AGREEMENT BETWEEN THE CHAIR AND THE
14 VICE-CHAIR, APPOINT an executive director who shall act in accordance
15 with the policies of the commission. THE EXECUTIVE DIRECTOR SHALL BE
16 APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE
17 BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE. THE
18 TERM OF OFFICE OF THE EXECUTIVE DIRECTOR SHALL BE FIVE YEARS, EXCEPT
19 THAT THROUGH JOINT AGREEMENT, THE CHAIR AND THE VICE-CHAIR MAY REMOVE
20 THE EXECUTIVE DIRECTOR ONLY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS
21 MISCONDUCT IN OFFICE, OR INABILITY TO DISCHARGE THE POWERS OR DUTIES OF
22 OFFICE, SHOWN AFTER GIVING SUCH PERSON A COPY OF THE CHARGES AGAINST HIM
23 OR HER AND AN OPPORTUNITY TO BE HEARD IN HIS OR HER DEFENSE. ANY INDI-
24 VIDUAL APPOINTED TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM
25 SHALL SERVE ONLY FOR THE UNEXPIRED PORTION OF SUCH TERM. AN INDIVIDUAL
26 SERVING AS EXECUTIVE DIRECTOR AT THE EXPIRATION OF THE TERM MAY CONTINUE
27 TO SERVE UNTIL A SUCCESSOR IS APPOINTED, EXCEPT THAT SUCH INDIVIDUAL
28 SHALL NOT SERVE IN THAT CAPACITY IN EXCESS OF ONE YEAR. THE COMMISSION
29 SHALL HAVE THE AUTHORITY TO REAPPOINT THE EXECUTIVE DIRECTOR FOR A
30 SECOND TERM. NO EXECUTIVE DIRECTOR SHALL SERVE MORE THAN TWO TERMS
31 CONSECUTIVELY. The commission may delegate authority to the executive
32 director to act in the name of the commission between meetings of the
33 commission provided such delegation is in writing and the specific
34 powers to be delegated are enumerated;

35 S 4. Paragraphs (a) and (b) of subdivision 12 of section 94 of the
36 executive law, as amended by chapter 14 of the laws of 2007, are amended
37 to read as follows:

38 (a) If the commission receives a sworn complaint alleging a violation
39 of section seventy-three, seventy-three-a or seventy-four of the public
40 officers law, section one hundred seven of the civil service law or
41 article one-A of the legislative law by a person or entity subject to
42 the jurisdiction of the commission, or if a reporting individual has
43 filed a statement which reveals a possible violation of these
44 provisions, or if the commission determines on its own initiative to
45 investigate a possible violation, the commission shall notify the indi-
46 vidual in writing, describe the possible or alleged violation of such
47 laws and provide the person with a fifteen day period in which to submit
48 a written response setting forth information relating to the activities
49 cited as a possible or alleged violation of law. If the commission ther-
50 eafter makes a determination that further inquiry is justified, it shall
51 give the individual an opportunity to be heard. The commission shall
52 also inform the individual of its rules regarding the conduct of adjudi-
53 catory proceedings and appeals and the due process procedural mechanisms
54 available to such individual. If the commission determines at any stage
55 of the proceeding, that there is no violation or that any potential
56 conflict of interest violation has been rectified, it shall so advise

1 the individual and the complainant, if any. All of the foregoing
2 proceedings shall be confidential EXCEPT THAT THE COMMISSION SHALL MAIN-
3 TAIN TRANSCRIPTS OF THE TESTIMONY GIVEN AND SHALL PUBLICLY DISCLOSE THE
4 OUTCOME OF ANY SUCH PROCEEDING.

5 (b) If the commission determines that there is reasonable cause to
6 believe that a violation has occurred, it shall send a notice of reason-
7 able cause: (i) to the reporting person; (ii) to the complainant if any;
8 (iii) in the case of a statewide elected official, to the GOVERNOR, THE
9 temporary president of the senate and the speaker of the assembly; and
10 (iv) in the case of a state officer or employee, to the appointing
11 authority for such person.

12 S 5. Subdivision 13-a of section 94 of the executive law is REPEALED.

13 S 6. Subdivisions 16, 16-a and 17 of section 94 of the executive law,
14 subdivisions 16 and 17 as amended and subdivision 16-a as added by chap-
15 ter 14 of the laws of 2007, are amended to read as follows:

16 16. In addition to any other powers and duties specified by law, the
17 commission shall have the power and duty to:

18 (a) Promulgate rules concerning restrictions on outside activities and
19 limitations on the receipt of gifts and honoraria by persons subject to
20 its jurisdiction, provided, however, a violation of such rules in and of
21 itself shall not be punishable pursuant to subdivision thirteen of this
22 section unless the conduct constituting the violation would otherwise
23 constitute a violation of this section; and

24 (b) Conduct training programs in cooperation with the governor's
25 office of employee relations to provide education to individuals subject
26 to its jurisdiction; and

27 (c) Administer and enforce all the provisions of this section; and

28 (d) Conduct any investigation necessary to carry out the provisions of
29 this section[. Pursuant to this power and duty, the commission may
30 administer oaths or affirmations, subpoena witnesses, compel their
31 attendance and require the production of any books or records which it
32 may deem relevant or material]; AND

33 (E) WITH RESPECT TO THE PERFORMANCE OF ITS FUNCTIONS, DUTIES AND
34 POWERS AND SUBJECT TO THE LIMITATION CONTAINED IN PARAGRAPH (D) OF THIS
35 SUBDIVISION, THE COMMISSION SHALL BE AUTHORIZED AS FOLLOWS:

36 (1) TO CONDUCT ANY INVESTIGATION AUTHORIZED BY THIS SECTION AT ANY
37 PLACE WITHIN THE STATE; AND TO MAINTAIN OFFICES, HOLD MEETINGS AND FUNC-
38 TIONS AT ANY PLACE WITHIN THE STATE AS IT MAY DEEM NECESSARY;

39 (2) TO CONDUCT PRIVATE AND PUBLIC HEARINGS AND TO DESIGNATE ONE OR
40 MORE MEMBERS OF THE COMMISSION OR OF ITS STAFF TO PRESIDE OVER ANY SUCH
41 HEARINGS;

42 (3) TO ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA WITNESSES, COMPEL
43 THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIRMATION AND REQUIRE THE
44 PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR OTHER EVIDENCE IT MAY
45 DEEM RELEVANT OR MATERIAL TO AN INVESTIGATION; AND THE COMMISSION MAY
46 DESIGNATE ANY OF ITS MEMBERS OR ANY MEMBER OF ITS STAFF TO EXERCISE ANY
47 SUCH POWERS; AND

48 (4) UNLESS OTHERWISE INSTRUCTED BY A RESOLUTION ADOPTED BY A MAJORITY
49 OF THE MEMBERS OF THE COMMISSION, EVERY WITNESS ATTENDING BEFORE THE
50 COMMISSION SHALL BE EXAMINED PRIVATELY AND THE COMMISSION SHALL NOT MAKE
51 PUBLIC THE PARTICULARS OF SUCH EXAMINATION. THE COMMISSION SHALL NOT
52 HAVE THE POWER TO TAKE TESTIMONY AT A PRIVATE HEARING OR AT A PUBLIC
53 HEARING UNLESS AT LEAST TWO OF ITS MEMBERS, ONE OF WHOM SHALL BE AN
54 APPOINTEE OF THE GOVERNOR AND THE OTHER AN APPOINTEE OF EITHER THE
55 TEMPORARY PRESIDENT OF THE SENATE OR OF THE SPEAKER OF THE ASSEMBLY, ARE
56 PRESENT AT SUCH HEARING.

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 the public officers law, 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 the public officers law [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;

(5) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy; [and]

(6) THE HEARING SHALL BE TRANSCRIBED OR RECORDED AND A COPY OF THE TRANSCRIPT OR RECORD, OR ANY PART THEREOF, SHALL BE MADE AVAILABLE TO ANY PARTY TO THE HEARING UPON REQUEST THEREFOR; AND

(7) those required to be held or maintained publicly available pursuant to article one-A of the legislative law.

(b) [Notwithstanding the provisions of article seven of the public officers law, 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 or as is required by article one-A of the legislative law.

(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] A 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.]

S 7. Paragraph (c) of subdivision 12 of section 94 of the executive law, as amended by section 4 of chapter 14 of the laws of 2007, is amended to read as follows:

(c) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a [statewide] STATE elected official 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 service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.

S 8. Subdivision 5 of section 107 of the civil service law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

5. Violation of this section. Complaints alleging a violation of this section by a [statewide] STATE elected official or a state officer or employee, as defined in section seventy-three of the public officers law, may be directed to the commission on [public integrity] GOVERNMENTAL ETHICS.

S 9. Subdivision (f) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(f) The term "commission" shall mean the commission on [public integrity] GOVERNMENTAL ETHICS created by section ninety-four of the executive law.

S 10. Section 60 of the legislative law, as amended by chapter 416 of the laws of 1954, is amended to read as follows:

S 60. Testimony before legislative committees. 1. THE COMMISSION ON GOVERNMENTAL ETHICS ACTIVITIES SHALL BE SUBJECT TO OVERSIGHT BY THE LEGISLATURE. A legislative committee may require the attendance of witnesses in this state whom the committee may wish to examine, or may issue a commission for the examination of witnesses who are out of the state or unable to attend the committee or excused from attendance, which commission if directed by the house or legislature by which the committee is appointed may be executed during the recess of the legislature. A commission issued as provided by this section shall be in the form used in the courts of record of this state and shall be executed in like manner. Unless otherwise instructed by the committee appointing them the commissioners shall examine privately every witness attending before them and shall not make public the particulars of such examination. No committee of either house or a joint committee of both houses shall have the power to take testimony at a private hearing or at a public hearing unless at least two of its members are present at such hearing.

2. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE COMMISSION ON GOVERNMENTAL ETHICS CREATED PURSUANT TO SECTION NINETY-FOUR OF THE EXECUTIVE LAW SHALL HOLD HEARINGS REGARDING THE ANNUAL REPORT AND RECOMMENDATIONS OF THE COMMISSION WITHIN THIRTY DAYS OF THE PUBLIC RELEASE OF THE COMMISSION'S ANNUAL REPORT.

S 11. Article 5 of the legislative law is REPEALED.

S 12. 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] COMMISSION ON GOVERNMENTAL ETHICS; enforcement powers. 1. The [state board of elections] COMMISSION ON GOVERNMENTAL ETHICS shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of article fourteen of this chapter and other statutes governing campaigns, elections and related procedures.

2. Whenever the [state board of elections or other board of elections] COMMISSION ON GOVERNMENTAL ETHICS shall determine, on its own initiative or upon complaint FROM THE STATE BOARD OF ELECTIONS, OTHER BOARDS OF ELECTION OR THE PUBLIC, or otherwise, that there is substantial reason

1 to believe a violation of this chapter or any code or regulation promul-
2 gated thereunder has occurred, it shall expeditiously make an investi-
3 gation which shall also include investigation of reports and statements
4 made or failed to be made by the complainant and any political committee
5 supporting his candidacy if the complainant is a candidate or, if the
6 complaint was made by an officer or member of a political committee, of
7 reports and statements made or failed to be made by such political
8 committee and any candidates supported by it. The [state board of
9 elections] COMMISSION ON GOVERNMENTAL ETHICS, in lieu of making such an
10 investigation, may direct the appropriate board of elections to make an
11 investigation. The [state board of elections] COMMISSION ON GOVERNMENTAL
12 ETHICS may request, and shall receive, the assistance of the state
13 police in any investigation it shall conduct.

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

20 4. The [state or other board of elections] COMMISSION ON GOVERNMENTAL
21 ETHICS may, where appropriate, commence a judicial proceeding with
22 respect to the filing or failure to file any statement of receipts,
23 expenditures, or contributions, under the provisions of this chapter,
24 and the state board of elections may direct the appropriate other board
25 of elections to commence such proceeding.

26 5. The [state board of elections] COMMISSION ON GOVERNMENTAL ETHICS
27 may promulgate rules and regulations consistent with law to effectuate
28 the provisions of this section.

29 S 13. Subdivision 5 of section 107 of the civil service law, as
30 amended by chapter 14 of the laws of 2007, is amended to read as
31 follows:

32 5. Violation of this section. Complaints alleging a violation of this
33 section by a statewide elected official or a state officer or employee,
34 as defined in section seventy-three of the public officers law, may be
35 directed to the commission on [public integrity] GOVERNMENTAL ETHICS.

36 S 14. Subdivision 3 of section 212 of the racing, pari-mutuel wagering
37 and breeding law, as amended by chapter 18 of the laws of 2008, is
38 amended to read as follows:

39 3. Such members, except as otherwise provided by law, may engage in
40 private or public employment, or in a profession or business. The board,
41 its members, officers and employees shall be subject to the provisions
42 of sections seventy-three and seventy-four of the public officers law.
43 No former trustee or officer of a non-profit racing association known as
44 The New York Racing Association, Inc. or its predecessor, no current
45 director or officer of a franchised corporation or any individual regis-
46 tered with the New York commission on [public integrity] GOVERNMENTAL
47 ETHICS shall be appointed as members to the board nor shall any member
48 of the board have any direct or indirect interest in any racehorse,
49 thoroughbred racing or pari-mutuel wagering business, video lottery
50 terminal facility or any development at any racing facility.

51 S 15. All powers, duties and functions conferred upon the commission
52 on public integrity and the legislative ethics commission, its commis-
53 sioners and executive directors, shall be transferred to and assumed by
54 the commission on governmental ethics and the commissioners and execu-
55 tive directors to be appointed thereof.

1 S 16. Transfer of employees. Upon the transfer of the functions, as
2 provided for in this act, any affected employees shall be transferred to
3 the commission on governmental ethics in accordance with section 70 of
4 the civil service law.

5 S 17. Transfer of records. The commission on public integrity and the
6 legislative ethics commission shall deliver to the commission on govern-
7 mental ethics all books, papers, records, and property as requested by
8 the commission on governmental ethics pursuant to this act.

9 S 18. Continuity of authority. For the purpose of succession to all
10 functions, powers, duties and obligations transferred and assigned to,
11 devolved upon and assumed by it pursuant to this act, the commission on
12 governmental ethics shall be deemed and held to constitute the continua-
13 tion of the commission on public integrity and the legislative ethics
14 commission pertaining to the powers and functions herein transferred.

15 S 19. Completion of unfinished business. Any business or other matter
16 undertaken or commenced by the commission on public integrity and the
17 legislative ethics commission pertaining to or connected with the func-
18 tions, powers, obligations and duties hereby transferred and assigned to
19 the commission on governmental ethics, and pending on the effective date
20 of this act may be conducted and completed by the commission on govern-
21 mental ethics in the same manner and under the same terms and conditions
22 and with the same effect as if conducted and completed by the former
23 commission on public integrity and the legislative ethics commission.

24 S 20. Terms occurring in laws, contracts and other documents. Whenever
25 the commission on public integrity or the legislative ethics commission
26 are referred to or designated in any law, contract or documents pertain-
27 ing to the functions, powers, obligations and duties hereby transferred
28 and assigned to the commission on governmental ethics, such reference or
29 designation shall be deemed to refer to the commission on governmental
30 ethics as created by this act.

31 S 21. Existing rights and remedies preserved. No existing right or
32 remedy of any character shall be lost, impaired or affected by reason of
33 this act.

34 S 22. Pending actions and proceedings. No action or proceeding pending
35 at the time when this act shall take effect, brought by or against the
36 commission on public integrity or the legislative ethics commission
37 relating to the function, power or duty transferred to or devolved upon
38 the commission on governmental ethics shall be affected by this act, but
39 the same may be prosecuted or defended in the name of the commission on
40 governmental ethics and upon application to the court, the commission on
41 governmental ethics shall be substituted as a party.

42 S 23. Notwithstanding any contrary provision of the state finance law,
43 transfer of appropriations heretofore made to the commission on public
44 integrity and the legislative ethics commission, all appropriations or
45 reappropriations for the functions herein transferred heretofore made to
46 the commission on public integrity and the legislative ethics commission
47 segregated pursuant to law, to the extent of remaining unexpended or
48 unencumbered balances thereof, whether allocated or unallocated and
49 whether obligated or unobligated, are hereby transferred to the commis-
50 sion on governmental ethics to the extent necessary to carry out the
51 commission on governmental ethics' functions, powers and duties subject
52 to the approval of the director of the budget for the same purposes for
53 which originally appropriated or reappropriated and shall be payable on
54 vouchers certified or approved by the office of public integrity on
55 audit and warrant of the comptroller.

1 S 24. Each state agency with which any person who has business deal-
2 ings with the state conducts such business shall, provide appropriate
3 assistance in developing the database of state contractors and shall
4 take such steps as necessary to collect such information as required
5 pursuant to this law. Each state agency with which any person who has
6 business dealings with the state conducts such business shall, at the
7 commission's request, provide appropriate assistance to the commission
8 in publicizing this law and the rules of the commission in connection
9 with contributions of persons who have business dealings with the state.

10 S 25. The commission on governmental ethics shall submit a report to
11 the governor and the legislature on the status of the lobbyist and state
12 contractor database within 24 months of the effective date of this act.
13 Such report shall contain the status of both of the database components
14 and whether each such component has been certified, for those components
15 that have not been certified, if any, what the status is of the develop-
16 ment of such component of the database and the expected timeline for
17 such component's certification.

18 S 26. Separability clause. If any clause, sentence, paragraph, section
19 or part of this act shall be adjudged by any court of competent juris-
20 diction to be invalid, such judgment shall not affect, impair or invali-
21 date the remainder thereof, but shall be confined in its operation to
22 the clause, sentence, paragraph, section or part thereof directly
23 involved in the controversy in which such judgment shall have been
24 rendered.

25 S 27. This act shall take effect January 1, 2010 provided, further:

26 a. the amendments to subdivision 3 of section 212 of the racing, pari-
27 mutuel wagering and breeding law made by section fourteen of this act
28 shall take effect on the same date and in the same manner as section 16
29 of chapter 18 of the laws of 2008 takes effect; and

30 b. the amendments to subdivision 3 of section 212 of the racing, pari-
31 mutuel wagering and breeding law made by section fourteen of this act
32 shall not affect the repeal of such subdivision and shall be deemed
33 repealed therewith.