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

6064

2009-2010 Regular Sessions

I N S E N A T E

June 26, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to establishing the executive ethics and compliance commission; to amend the legislative law, in relation to the creation of the New York state commission on lobbying ethics and compliance; to amend the legislative law, in relation to establishing the legislative office of ethics investigation and the joint legislative commission on ethics standards and to repeal certain provisions of such law relating to ethics; and to amend the public officers law, in relation to ethics reports; to amend the legislative law and the public officers law, in relation to financial disclosure of public officers; to repeal certain provisions of the legislative law relating to prohibited activities of legislative employees; and providing for the repeal of certain provisions upon the expiration thereof

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

Section 1. Section 94 of the executive law, as added by chapter 813 of the laws of 1987, the section heading and subdivisions 1, 2, 3, 4, 5, 6, 7 and 8 as amended by section 2, subdivisions 9, 10, 11, 12, 13, 14, 16 and 17 as amended and subdivisions 13-a, 16-a and 18 as added by section 2-a, paragraph (l) of subdivision 9 as amended by section 3, paragraph (c) of subdivision 12 as amended by section 4, subdivision 15 as amended by section 5, and paragraphs (a) and (b) of subdivision 17 as amended by section 6 of chapter 14 of the laws of 2007, is amended to read as follows:

S 94. [Commission on public integrity; functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement] EXECUTIVE ETHICS AND COMPLIANCE COMMISSION. 1. There is established within the department of state [a commission on public integrity] AN EXECUTIVE ETHICS AND COMPLIANCE COMMISSION which

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

LBD14427-06-9

shall consist of [thirteen] SIX members and shall have and exercise the powers and duties set forth in this section only with respect to statewide elected officials [and], ANY state officers and employees, as defined in sections seventy-three and seventy-three-a of the public officers law, candidates for statewide elected office, and the political party chairman as that term is defined in section seventy-three-a of the public officers law, [lobbyists and the clients of lobbyists as such terms are defined in article one-A of the legislative law], and individuals who have formerly held such positions, [were lobbyists or clients of lobbyists, as such terms are defined in article one-A of the legislative law,] or who have formerly been such candidates. This section shall not revoke or rescind any regulations or advisory opinions issued by the state ethics commission [and], the temporary lobbying commission AND THE COMMISSION ON PUBLIC INTEGRITY in effect upon the effective date of [a] THE chapter of the laws of two thousand [seven] NINE which amended this section to the extent that such regulations or opinions are not inconsistent with any law of the state of New York, but such regulations and opinions shall apply only to matters over which such commissions had jurisdiction at the time such regulations and opinions were promulgated or issued. The 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 commission shall, before [April] DECEMBER first, two thousand [eight] 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 SIX members of the commission shall be appointed [by the governor provided, however, that one member shall be appointed on the nomination of the comptroller, one member shall be appointed on the nomination of the attorney general, one member shall be appointed on the nomination of the temporary president of the senate, one member shall be appointed on the nomination of the speaker of the assembly, one member shall be appointed on the nomination of the minority leader of the senate, and one member shall be appointed on the nomination of the minority leader of the assembly. Of the seven members appointed by the governor without prior nomination, no more than four members shall belong to the same political party and no members shall be public officers or employees or hold any public office, elected or appointed.] AS FOLLOWS: TWO BY THE GOVERNOR, TWO BY THE ATTORNEY GENERAL, AND TWO BY THE COMPTROLLER. NO TWO APPOINTMENTS BY EACH OF THE FOREGOING OFFICERS SHALL BE FROM THE SAME POLITICAL PARTY AS DEFINED IN SECTION 1-104 OF THE ELECTION LAW. No member shall be a member of the legislature, a candidate for member of the legislature, an employee of the legislature, a political party chairman as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, A STATE OFFICER AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW OR EMPLOYEE or a lobbyist as defined in subdivision (a) of section one-c of the legislative law.

3. Members of the commission shall serve for terms of [five] FOUR years; provided, however, that [of the members first appointed without prior nomination, one shall serve for one year, one shall serve for two years, one shall serve for three years, and one shall serve for four years, as designated by the governor; the members first appointed on the nominations of the comptroller and the temporary president of the senate shall serve for four years and the members first appointed on the nominations of the attorney general and the speaker of the assembly shall

serve for two years] THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL SERVE TWO YEAR TERMS, THE MEMBERS FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL SERVE THREE YEAR TERMS AND THE MEMBERS FIRST APPOINTED BY THE COMPTROLLER SHALL SERVE FOUR YEAR TERMS.

4. The [governor shall designate the chairman of the commission from among the members thereof, who shall serve as chairman at the pleasure of the governor] CHAIRPERSON OF THE COMMISSION SHALL BE ELECTED BY THE COMMISSIONERS BY A MAJORITY VOTE OF THE TOTAL NUMBER OF COMMISSIONERS. The [chairman] CHAIRPERSON or any [seven] THREE members of the commission may call a meeting.

5. Any vacancy occurring on the commission shall be filled within sixty days of its occurrence, by the governor, ATTORNEY GENERAL, OR COMPTROLLER 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 succeeds. IN THE EVENT OF A VACANCY, THE APPOINTING AUTHORITY MUST APPOINT A COMMISSIONER FROM A POLITICAL PARTY OTHER THAN THE APPOINTING AUTHORITY'S ALREADY SEATED COMMISSIONER.

6. [Seven] FOUR members of the 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 commission may be removed by the governor 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.]

[8.] 7. The members of the commission shall [not] receive [compensation but] A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR AND IN ADDITION THERETO shall be reimbursed for ALL reasonable expenses ACTUALLY AND NECESSARILY incurred in the performance of their official duties.

[9.] 8. The commission shall:

(a) Appoint an executive director 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. THE EXECUTIVE DIRECTOR SHALL BE APPOINTED FOR A TERM OF THREE YEARS AND SHALL ONLY BE DISMISSED FOR CAUSE BY A MAJORITY VOTE OF THE BOARD;

(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 the public officers law;

(e) Make available forms for annual statements of financial disclosure required to be filed pursuant to section seventy-three-a of the public officers law;

(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;

(g) Receive complaints and referrals alleging violations of section seventy-three, seventy-three-a or seventy-four of the public officers law[, article one-A of the legislative law] or section one hundred seven of the civil service law;

(h) Permit any person subject to the jurisdiction of the commission who is required to file a financial disclosure statement to request the commission to delete from the copy thereof made available for public inspection and copying one or more items of information which may be deleted by the commission upon a finding by the commission that the information which would otherwise be required to be made available for public inspection and copying 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] TWELVE of this section;

(i) Permit any person subject to the jurisdiction of the commission who is 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 upon a finding by the commission 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. 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] TWELVE of this section;

(j) Advise and assist any state agency in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former statewide elected officials and state officers and employees;

(k) Permit any person who has not been determined by his or her appointing authority 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 the public officers law;

(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 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 recommending 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; [and]

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

(N) PREPARE AND ISSUE A REPORT BY DECEMBER FIRST, TWO THOUSAND TEN TO THE GOVERNOR AND THE LEGISLATURE RECOMMENDING ANY CHANGES TO THE LAW GOVERNING THE FILING OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE, WHICH SHALL INCLUDE AN ANALYSIS OF THE STATUTES WHICH REQUIRE INDIVIDUALS TO FILE FINANCIAL DISCLOSURE STATEMENTS, THE SCOPE OF DISCLOSURE REQUIRED, AND ALTERNATIVE APPROACHES TO THE CURRENT SYSTEM, AND RECOMMENDATIONS AS TO THE APPROPRIATE SCOPE OF DISCLOSURE FOR DIFFERENT CLASSES OF INDIVIDUALS, INCLUDING THOSE WHO SERVE IN UNCOMPENSATED POSITIONS.

[10.] 9. The commission, or the executive director and staff of the commission if responsibility therefor has been delegated, shall 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 the public officers law 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 or seventy-four of the public officers law.

[11.] 10. 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: (a) to the reporting person; (b) in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (c) 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 statewide

elected official, state officer or employee, political party chair or while a candidate for statewide office, or within one year after termination of such service or candidacy. The jurisdiction of the commission, when acting pursuant to subdivision [thirteen] TWELVE 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 statewide elected official 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.

[12.] 11. (a) If the commission receives a sworn complaint alleging a violation of section seventy-three, seventy-three-a or seventy-four of the public officers law[,] OR section one hundred seven of the civil service law [or article one-A of the legislative law] by a person or entity subject to the jurisdiction of the commission, or if a reporting individual has filed a statement which reveals a possible violation of these provisions, 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 laws 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. THE COMMISSION SHALL ALSO, AT THE TIME OF PROVIDING NOTICE, INFORM THE INDIVIDUAL OF ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND THE DUE PROCESS MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. 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] ISSUE WRITTEN NOTICE TO THE INDIVIDUAL AND THE COMPLAINANT, IF ANY, STATING THE CIRCUMSTANCES UNDER WHICH THE MATTER HAS BEEN RECTIFIED AND THAT THE COMMISSION CONSIDERS THE INDIVIDUAL TO BE IN GOOD STANDING. All of the foregoing proceedings shall be confidential.

(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) to the complainant if any; (iii) in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (iv) 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 statewide 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.

[13.] 12. An individual subject to the jurisdiction of the commission who knowingly and [intentionally] WILFULLY violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through seventeen of section seventy-three of the public officers law, 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 fraudulent 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 the public officers law 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] WILFULLY violates the provisions of paragraph b, c, d or i of subdivision three of section seventy-four of the public officers law shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. An individual who knowingly and [intentionally] WILFULLY violates the provisions of paragraph a, e or g of subdivision three of section seventy-four of the public officers law 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 subject to the jurisdiction of the commission who knowingly and willfully violates article one-A of the legislative law shall be subject to civil penalty as provided for in that article.] Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this subdivision, other than for conduct which constitutes a violation of section one hundred seven of the civil service law, subdivisions twelve or fourteen through seventeen of section seventy-three or section seventy-four of the public officers law [or article one-A of the legislative law,] the commission may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, such violation shall be punishable as a class A misdemeanor. 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 the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The commission may refer violations of this subdivision to the appointing authority for disciplinary action as otherwise provided by law. The 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] EIGHT 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 commission, pursuant to article seventy-eight of the civil practice law and rules.

[13-a. If the commission has a reasonable basis to believe that any person subject to the jurisdiction of the legislative ethics commission may have violated any provisions of section seventy-three or seventy-four of the public officers law, it shall refer such violation to the legislative ethics commission unless the commission determines that such a referral would compromise the prosecution or confidentiality of its investigations and, if so, shall make such a referral as soon as practicable. The referral by the commission to the legislative ethics commission shall include any information relating thereto coming into the custody or under the control of the commission at any time prior or subsequent to the time of the referral.]

[14.] 13. A copy of any notice of delinquency or notice of reasonable cause sent pursuant to subdivisions [eleven] TEN and [twelve] ELEVEN of this section shall be included in the reporting person's file and be available for public inspection and copying.

[15.] 14. Upon written request from any person who is subject to the jurisdiction of the commission and the requirements of sections seventy-three, seventy-three-a or seventy-four of the public officers 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.] 15. 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 and 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] TWELVE 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 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.] 16. 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.

16-A. (A)(I) WHEN AN INDIVIDUAL BECOMES A MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE STATEMENT.

(II) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION SHALL BE PUBLICLY DISCLOSED BY ANY SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION. ANY CONFIDENTIAL COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION RELATED TO THE MATTERS BEFORE THE COMMISSION MAY OCCUR ONLY AS AUTHORIZED BY THE COMMISSION AS NECESSARY TO CONDUCT OFFICIAL BUSINESS OR PURSUANT TO COMMISSION RULES.

(III) THE COMMISSION SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION. ANY BREACHES OF CONFIDENTIALITY SHALL BE INVESTIGATED BY THE COMMISSION AND APPROPRIATE ACTION SHALL BE TAKEN.

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] EIGHT of this section;

(2) notices of delinquency sent under subdivision [eleven] TEN of this section;

(3) notices of reasonable cause sent under paragraph (b) of subdivision [twelve] ELEVEN 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[; and

(6) 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] EIGHT 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 determination by the commis-

sion, 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 THE COMMISSION BECOMES AWARE OR IS AWARE THAT ALLEGED CRIMINAL CONDUCT THAT MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR IS BEING PROSECUTED IN STATE OR FEDERAL COURT, THE COMMISSION SHALL HOLD THE MATTER IN ABEYANCE UNTIL THE CRIMINAL MATTER IS RESOLVED.

19. 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 2. Section 1-b of the legislative law, as added by chapter 2 of the laws of 1999, is amended to read as follows:

S 1-b. Short title. This article shall be known and may be cited as the "ETHICAL STANDARDS IN Lobbying act OF 2009".

S 3. Subdivisions (f) and (j) of section 1-c of the legislative law, subdivision (f) as amended and subdivision (j) as added by chapter 14 of the laws of 2007, are amended to read as follows:

(f) The term "commission" shall mean the [commission on public integrity created by section ninety-four of the executive law] NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE CREATED BY SECTION ONE-D OF THIS ARTICLE.

(j) The term "gift" shall mean anything of more than nominal 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 offered other than as part of a meal];

(ii) complimentary attendance, food and beverage offered by the sponsor of [an event that is] A widely attended [or was in good faith intended to be widely attended] EVENT, 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, PROVIDED THAT AN EVENT SHALL BE DEEMED TO BE WIDELY ATTENDED IF AT LEAST TWENTY-FIVE INDIVIDUALS, OTHER THAN MEMBERS, OFFICERS, OR EMPLOYEES FROM THE GOVERNMENTAL ENTITY IN WHICH THE PUBLIC OFFICIAL SERVES ATTENDED, OR WERE IN GOOD FAITH INTENDED TO ATTEND THE EVENT;

(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 entity 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] LOCATED IN NEW YORK STATE, provided, however, THAT SUCH INSPECTION OR TOUR IS RELATED TO THE INDIVIDUAL'S OFFICIAL DUTIES OR RESPONSIBILITIES AND 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; AND

(XII) FOOD OR BEVERAGE VALUED AT TEN DOLLARS OR LESS OFFERED OTHER THAN AS PART OF A MEAL.

S 4. Section 1-d of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

S 1-d. [Lobby-related powers of the commission] THE NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE. (A) (I) THERE SHALL BE ESTABLISHED A COMMISSION TO BE KNOWN AS THE NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE WHICH SHALL CONSIST OF SIX MEMBERS. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AS FOLLOWS:

(1) TWO BY THE GOVERNOR;

(2) ONE BY THE TEMPORARY PRESIDENT OF THE SENATE;
(3) ONE BY THE SPEAKER OF THE ASSEMBLY;
(4) ONE BY THE MINORITY LEADER OF THE SENATE; AND
(5) ONE BY THE MINORITY LEADER OF THE ASSEMBLY.

(II) OF THE TWO MEMBERS APPOINTED BY THE GOVERNOR, ONE SHALL BE A MEMBER OF THE SAME POLITICAL PARTY AS THE SPEAKER OF THE ASSEMBLY AND ONE SHALL BE A MEMBER OF THE SAME POLITICAL PARTY AS THE MINORITY LEADER OF THE ASSEMBLY.

(B) THE TERM OF OFFICE OF THE MEMBERS SHALL BE FOR FOUR YEARS COMMENCING WITH THE FIRST DAY OF JANUARY, TWO THOUSAND TEN. NO MEMBER OF THE COMMISSION SHALL HOLD ANY OTHER STATE OR LOCAL PUBLIC OFFICE FOR WHICH HE OR SHE RECEIVES COMPENSATION; NOR SHALL ANY MEMBER BE EMPLOYED BY THE STATE OR ANY LOCAL POLITICAL SUBDIVISION. NO PERSON SUBJECT TO THE JURISDICTION OF THE COMMISSION AND THE PROVISIONS OF THIS ARTICLE OR REGISTERED AS A LOBBYIST IN ANY JURISDICTION MAY SERVE ON THE COMMISSION.

(C) THE CHAIR AND THE VICE-CHAIR OF THE COMMISSION SHALL BE ELECTED BY A MAJORITY OF THE MEMBERS OF THE COMMISSION TO SERVE A ONE YEAR TERM. THE CHAIR SHALL BE A MEMBER OF A DIFFERENT POLITICAL PARTY THAN THE CHAIR OF THE COMMISSION DURING THE PRECEDING TERM. THE CHAIR AND VICE-CHAIR SHALL EACH BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY AS SUCH TERM IS DEFINED IN THE ELECTION LAW.

(D) ANY MATTER UPON WHICH THE COMMISSION MUST ACT BY A VOTE OF THE MEMBERSHIP MUST BE BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE COMMISSION. NO SUCH VOTE MAY BE TAKEN UNTIL ALL MEMBERS OF THE ORIGINAL COMMISSION ARE APPOINTED; THEREAFTER, EACH MEMBER SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED IN THE MANNER PROVIDED IN THIS SECTION.

(E) EACH OF THE MEMBERS OF THE COMMISSION SHALL RECEIVE, AS COMPENSATION FOR HIS OR HER SERVICES UNDER THIS ARTICLE, A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE.

(F) VACANCIES IN THE MEMBERSHIP OF THE COMMISSION OCCURRING FOR ANY CAUSE SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT OF THE MEMBER WHOSE OFFICE BECOMES VACANT.

(G) STRUCTURE OF THE COMMISSION:

(I) THE CHIEF ADMINISTRATIVE OFFICER OF THE COMMISSION SHALL BE THE EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY A MAJORITY VOTE OF THE COMMISSION AND SHALL SERVE A THREE YEAR TERM, EXCEPT THAT HE OR SHE MAY BE REMOVED FROM SUCH POSITION FOR CAUSE BY A MAJORITY VOTE OF THE COMMISSION.

[In addition to any other powers and duties provided by section ninety-four of the executive law, the] (II) THE commission shall, with respect to its lobbying-related functions only, have the power and duty to:

[(a)] (1) administer and enforce all the provisions of this article;

[(b)] (2) conduct a program of random audits subject to the terms and conditions of this section. Any such program shall be carried out in the following manner:

[(i)] A. The commission may randomly select reports or registration statements required to be filed by lobbyists or clients pursuant to this

article 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)] B. The commission shall develop protocols for the conduct of such random audits. Such 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)] C. The commission shall 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 [paragraphs (i) and (ii) of this subdivision] CLAUSES A AND B OF THIS SUBPARAGRAPH and certifies that such process complies with the provisions of such [paragraphs] CLAUSES.

[(iv)] D. Upon completion of a random audit conducted in accordance with the provisions of [paragraphs (i), (ii) and (iii) of this subdivision] CLAUSES A, B AND C OF THIS SUBPARAGRAPH, 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;

[(c)] (H) 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;

[(d)] (I) prepare uniform forms for the statements and reports required by this article;

[(e)] (J) meet at least once during each bi-monthly reporting period of the year as established by subdivision (a) of section one-h of this article and may meet at such other times as the commission, or the chair and vice-chair jointly, shall determine;

[(f)] (K) issue advisory opinions to those under its jurisdiction. Such advisory opinions, which shall be published and made available to the public, shall not be binding upon such commission except with respect to the person to whom such opinion is rendered, provided, however, that a subsequent modification by such commission of such an advisory opinion shall operate prospectively only; and

[(g)] (L) 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 article and the expenses and compensation reported pursuant to this article and making recommendations with respect to this article. The commission shall make this report available free of charge to the public.

S 5. Subdivision (b) and paragraph 3 of subdivision (c) of section 1-e of the legislative law, subdivision (b) as amended by section 1 of part S of chapter 62 of the laws of 2003 and paragraph 3 of subdivision (c) as amended by chapter 1 of the laws of 2005, are amended to read as follows:

(b) (i) Such statements of registration shall be kept on file for a period of [three] FOUR 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] TWO biennial filing periods where biennial statements are required, and shall be open to public inspection during such period.

(3) 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] FOUR years;

S 5-a. Subdivision (c) of section 1-e of the legislative law is amended by adding a new paragraph 8 to read as follows:

(8) THE NAME AND ADDRESS OF ANY ENTITY AND THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP; FOR THE PURPOSE OF THIS SUBDIVISION, A BUSINESS RELATIONSHIP MUST BE REPORTED IF THE LOBBYIST HAS ENGAGED IN THE EXCHANGE OF MONEY, GOODS, SERVICES OR ANYTHING OF VALUE, THE TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS DURING THE REPORTING PERIOD WITH ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE OR ANY ENTITY IN WHICH THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRIETOR, PARTNER, DIRECTOR, OFFICER, MANAGER OR HAS A CONTROLLING INTEREST.

S 5-b. Subdivision (b) of section 1-j of the legislative law is amended by adding a new paragraph 6 to read as follows:

(6) THE NAME AND ADDRESS OF ANY ENTITY AND THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE WITH WHOM THE CLIENT OF A LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP; FOR THE PURPOSE OF THIS SUBDIVISION, A BUSINESS RELATIONSHIP MUST BE REPORTED IF THE CLIENT OF A LOBBYIST HAS ENGAGED IN THE EXCHANGE OF MONEY, GOODS, SERVICES OR ANYTHING OF VALUE, THE TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS DURING THE REPORTING PERIOD WITH ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE OR ANY ENTITY IN WHICH THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRIETOR, PARTNER, DIRECTOR, OFFICER, MANAGER OR HAS A CONTROLLING INTEREST.

S 6. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph 2 of subdivision (c) of section 1-h of the legislative law, as added by chapter 2 of the laws of 1999, are amended to read as follows:

(v) 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] FOUR years.

(2) Such bi-monthly reports shall be kept on file for [three] FOUR years and shall be open to public inspection during such time.

S 7. Subparagraph (v) of paragraph 6 of subdivision (b) and paragraph 2 of subdivision (c) of section 1-i of the legislative law, as added by chapter 2 of the laws of 1999, are amended to read as follows:

(v) 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] FOUR years.

(2) Such bi-monthly reports shall be kept on file for a period of [three] FOUR years and shall be open to public inspection during such period.

S 8. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph 2 of subdivision (c) of section 1-j of the legislative law, as amended by chapter 1 of the laws of 2005, are amended to read as follows:

(v) 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] FOUR years.

(2) Such semi-annual reports shall be kept on file for a period of [three] FOUR years and shall be open to public inspection during such period.

S 9. Section 80 of the legislative law is REPEALED and two new sections 80 and 81 are added to read as follows:

S 80. LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS. 1. OFFICE ESTABLISHED. THERE IS ESTABLISHED A LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS FOR THE PURPOSE OF ASSISTING THE LEGISLATURE IN CARRYING OUT ITS INVESTIGATORY AND ENFORCEMENT RESPONSIBILITIES WITH REGARD TO ITS ETHICAL STANDARDS AND RECEIVING REFERRALS OF COMPLAINTS FOR INVESTIGATION FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS AND FROM THE STANDING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY, AND RECEIVING COMPLAINTS FROM THE PUBLIC.

2. THE GOVERNING BOARD. (A) THE OFFICE SHALL BE GOVERNED BY A BOARD CONSISTING OF EIGHT INDIVIDUALS OF WHOM TWO SHALL BE NOMINATED BY THE SPEAKER OF THE ASSEMBLY; TWO SHALL BE NOMINATED BY THE MINORITY LEADER OF THE ASSEMBLY; TWO SHALL BE NOMINATED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND TWO SHALL BE NOMINATED BY THE MINORITY LEADER OF THE SENATE.

(B) THE LEGISLATIVE LEADERS EACH SHALL APPOINT INDIVIDUALS WHO ARE QUALIFIED TO SERVE ON THE BOARD BY VIRTUE OF THEIR EDUCATION, TRAINING OR EXPERIENCE IN ONE OR MORE OF THE FOLLOWING DISCIPLINES: LEGISLATIVE, JUDICIAL, ADMINISTRATIVE, PROFESSIONAL ETHICS, BUSINESS, LEGAL, AND ACADEMIC.

(C) THE SPEAKER AND THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH DESIGNATE ONE MEMBER OF THE BOARD AS CO-CHAIRPERSON.

(D) NO INDIVIDUAL SHALL BE ELIGIBLE FOR APPOINTMENT TO, OR SERVICE ON, THE BOARD WHO:

(I) IS A LOBBYIST REGISTERED IN NEW YORK STATE;

(II) HAS BEEN REGISTERED IN ANY SUCH LOBBYING REGISTRY AT ANY TIME DURING THE PREVIOUS TWO YEARS BEFORE THE DATE OF APPOINTMENT;

(III) IS A MEMBER OF OR CANDIDATE FOR A POSITION IN THE NEW YORK STATE LEGISLATURE; OR

(IV) IS AN OFFICER OR EMPLOYEE OF THE NEW YORK STATE GOVERNMENT.

(E) NO INDIVIDUAL WHO HAS BEEN A MEMBER, OFFICER, OR EMPLOYEE OF THE NEW YORK STATE LEGISLATURE MAY BE APPOINTED TO THE BOARD SOONER THAN TWO YEARS AFTER CEASING TO BE A MEMBER, OFFICER, OR EMPLOYEE OF THE LEGISLATURE.

(F) THE TERM OF A BOARD MEMBER SHALL BE FOUR YEARS.

(G) BOARD MEMBERS SHALL RECEIVE A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE.

(H) A MAJORITY OF THE MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM.

(I) THE BOARD SHALL MEET AT THE CALL OF THE CHAIRPERSONS OR FOUR OF ITS MEMBERS PURSUANT TO ITS RULES.

3. POWERS AND DUTIES OF THE BOARD. THE BOARD IS AUTHORIZED AND DIRECTED TO:

(A) APPOINT AN EXECUTIVE DIRECTOR FOR A TERM OF THREE YEARS, WHO SHALL BE DISMISSED ONLY FOR CAUSE BY A MAJORITY VOTE OF THE BOARD, AND APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION;

(B) RECEIVE AND ACT ON COMPLAINTS REGARDING PERSONS SUBJECT TO ITS JURISDICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND CONDUCT SUCH INVESTIGATIONS AND PROCEEDINGS AS ARE AUTHORIZED AND NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. IN CONNECTION WITH SUCH INVESTIGATIONS, THE BOARD 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) ACCEPT AND ACT ON, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRALS FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE STANDING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY;

(D) ACCEPT AND ACT ON, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRAL FROM ANOTHER OVERSIGHT BODY INDICATING THAT A VIOLATION OF SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW MAY HAVE OCCURRED INVOLVING PERSONS SUBJECT TO THE JURISDICTION OF THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS;

(E) DELIVER TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS A REPORT ON THE BOARD'S FINDINGS AND DETERMINATIONS REGARDING ANY ALLEGED VIOLATIONS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND DELIVER TO THE STANDING COMMITTEES ON ETHICS OF THE SENATE OR ASSEMBLY, AS APPROPRIATE, A REPORT ON THE BOARD'S FINDINGS AND DETERMINATIONS REGARDING ANY COMPLAINT REFERRED TO IT BY THE COMMITTEES; AND

(F) ADOPT RULES TO CARRY OUT ITS DUTIES CONSISTENT WITH THE PROVISIONS OF PARAGRAPH FOUR OF THIS SUBDIVISION.

4. PROCEDURE. (A) THE BOARD IS AUTHORIZED AND DIRECTED TO:

(I) WITHIN SEVEN CALENDAR DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND PUBLIC HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMPLAINT, UNDERTAKE A PRELIMINARY REVIEW OF ANY ALLEGED VIOLATION BY A MEMBER OF THE LEGISLATURE, OFFICER, OR LEGISLATIVE EMPLOYEE OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND ANY OTHER MATTER REFERRED TO IT BY THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS AND SHALL NOTIFY IN WRITING:

(1) THE APPROPRIATE STANDING COMMITTEE ON ETHICS;

(2) ANY INDIVIDUAL WHO IS THE SUBJECT OF THE PRELIMINARY REVIEW AND PROVIDE SUCH INDIVIDUAL WITH A DESCRIPTION OF THE POSSIBLE OR ALLEGED VIOLATION AND A COPY OF ITS RULES AND PROCEDURES, WHICH SHALL INCLUDE THE DUE PROCESS MECHANISMS AVAILABLE TO SUCH INDIVIDUAL AND THE OPPORTUNITY FOR SUCH INDIVIDUAL TO SUBMIT WITHIN FIFTEEN DAYS A WRITTEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ACTIVITIES CITED AS A POSSIBLE OR ALLEGED VIOLATION OF LAW.

(II) COMPLETE A PRELIMINARY REVIEW WITHIN THIRTY DAYS AFTER RECEIPT OF A COMPLAINT UNDER CLAUSE (I) OF THIS SUBPARAGRAPH.

(III) VOTE, BEFORE THE END OF THE APPLICABLE TIME PERIOD AS SET FORTH IN CLAUSE (II) OF THIS SUBPARAGRAPH, ON WHETHER TO COMMENCE A SECOND-PHASE REVIEW OF THE MATTER UNDER CONSIDERATION. AN AFFIRMATIVE VOTE OF AT LEAST FOUR MEMBERS OF THE BOARD IS REQUIRED TO COMMENCE A

SECOND-PHASE REVIEW. IF NO SUCH VOTE TO COMMENCE A SECOND-PHASE REVIEW HAS SUCCEEDED BY THE END OF THE APPLICABLE TIME PERIOD, THE MATTER IS TERMINATED AND THE BOARD SHALL NOT DISCLOSE ANY MATERIALS OR INFORMATION RELATED TO THE PRELIMINARY REVIEW. AT ANY POINT BEFORE THE END OF THE APPLICABLE TIME PERIOD, THE BOARD MAY VOTE TO TERMINATE A PRELIMINARY REVIEW BY THE AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS. THE BOARD SHALL NOTIFY, IN WRITING, THE INDIVIDUAL WHO WAS THE SUBJECT OF THE PRELIMINARY REVIEW AND THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS OF ITS DECISION TO EITHER TERMINATE THE PRELIMINARY REVIEW OR COMMENCE A SECOND-PHASE REVIEW OF THE MATTER. IF THE BOARD DETERMINES TO COMMENCE A SECOND-PHASE REVIEW, IT SHALL GIVE THE INDIVIDUAL AN OPPORTUNITY TO BE HEARD.

(IV)(1)(A) EXCEPT AS PROVIDED BY ITEM (B) OF THIS SUBCLAUSE, COMPLETE A SECOND-PHASE REVIEW WITHIN FORTY-FIVE CALENDAR DAYS AFTER THE BOARD COMMENCES SUCH REVIEW.

(B) EXTEND THE PERIOD DESCRIBED IN ITEM (A) OF THIS SUBCLAUSE FOR ONE ADDITIONAL PERIOD OF FOURTEEN CALENDAR DAYS UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS.

(2) TRANSMIT TO THE STANDING COMMITTEE OR COMMISSION, AS APPROPRIATE, A RECOMMENDATION THAT A MATTER REQUIRES FURTHER REVIEW ONLY UPON THE AFFIRMATIVE VOTE OF NOT LESS THAN FOUR MEMBERS OF THE BOARD.

(3) UPON THE COMPLETION OF ANY SECOND-PHASE REVIEW:

(A) TRANSMIT TO THE STANDING COMMITTEE ON ETHICS OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS APPROPRIATE, THE FOLLOWING:

(I) A WRITTEN REPORT COMPOSED OF:

(1) A RECOMMENDATION THAT THE COMMITTEE OR COMMISSION, AS APPROPRIATE, SHOULD DISMISS THE MATTER THAT WAS THE SUBJECT OF SUCH REVIEW;

(2) A STATEMENT THAT THE MATTER REQUIRES FURTHER REVIEW BY THE COMMITTEE OR COMMISSION, AS APPROPRIATE; OR

(3) A STATEMENT THAT THE MATTER IS UNRESOLVED BECAUSE OF A TIE VOTE AND THE NUMBER OF MEMBERS VOTING IN THE AFFIRMATIVE AND IN THE NEGATIVE AND A STATEMENT OF THE NATURE OF THE REVIEW AND THE INDIVIDUAL WHO IS THE SUBJECT OF THE REVIEW; AND

(4) A SUMMARY OF ITS FINDINGS OF FACT.

(II) IN ADDITION IT WILL TRANSMIT:

(1) A DESCRIPTION OF ANY RELEVANT INFORMATION THAT IT WAS UNABLE TO OBTAIN AND WITNESSES IT WAS UNABLE TO INTERVIEW, AND THE REASONS THEREFOR;

(2) A RECOMMENDATION FOR THE ISSUANCE OF SUBPOENAS WHERE APPROPRIATE, IF ANY;

(3) A CITATION OF ANY RELEVANT LAW, RULE, REGULATION, OR STANDARD OF CONDUCT;

(4) THE NAMES OF ALL WITNESSES; AND

(5) ANY CONCLUSIONS REGARDING THE VALIDITY OF THE ALLEGATIONS UPON WHICH IT IS BASED OR THE GUILT OR INNOCENCE OF THE INDIVIDUAL WHO IS THE SUBJECT OF THE REVIEW; AND

(6) ANY SUPPORTING DOCUMENTATION.

(B) TRANSMIT TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE SECOND-PHASE REVIEW THE WRITTEN REPORT OF THE BOARD DESCRIBED IN SUBITEM (I) OF ITEM (A) OF THIS SUBCLAUSE.

(4) HOLD SUCH HEARINGS AS ARE NECESSARY AND SIT AND ACT ONLY IN EXECUTIVE SESSION AT SUCH TIMES AND PLACES AND SOLICIT SUCH TESTIMONY AND RECEIVE SUCH RELEVANT EVIDENCE AS MAY BE NECESSARY TO CARRY OUT ITS DUTIES.

(5) ADOPT RULES TO CARRY OUT ITS DUTIES, WHICH SHALL INCLUDE EACH OF THE FOLLOWING:

(A) A RULE THAT PROVIDES:

(I) THE BOARD MAY VOTE TO TERMINATE A PRELIMINARY REVIEW UPON ITS DETERMINATION THAT THE ALLEGED VIOLATION UNDER REVIEW IS DE MINIMIS IN NATURE; AND

(II) THE BOARD MAY VOTE TO RECOMMEND TO THE COMMITTEE OR COMMISSION, AS APPROPRIATE, TO DISMISS A MATTER THAT WAS THE SUBJECT OF A SECOND-PHASE REVIEW ON ANY GROUND, INCLUDING THAT THE ALLEGED VIOLATION IS DE MINIMIS IN NATURE, WAS CURED, OR SHOULD BE RESOLVED PURSUANT TO A SETTLEMENT AGREEMENT. A MATTER DISMISSED PURSUANT TO A SETTLEMENT AGREEMENT RECOMMENDED BY THE BOARD AND APPROVED BY THE COMMITTEE OR COMMISSION, AS APPROPRIATE, SHALL BE DEEMED A PRELIMINARY REVIEW DISMISSAL; PROVIDED, HOWEVER, THAT THE COMMITTEE OR COMMISSION SHALL MAKE PUBLIC THE TERMS OF ANY SETTLEMENT OR COMPROMISE WHICH INCLUDES A FINE, PENALTY OR OTHER REMEDY.

(B) A RULE REQUIRING THAT ALL WITNESSES SIGN A STATEMENT ACKNOWLEDGING THEIR UNDERSTANDING THAT FALSE TESTIMONY AND THE SUBMISSION OF FALSE DOCUMENTS CONSTITUTES PERJURY AND IS PUNISHABLE BY LAW.

(C) A RULE REQUIRING THAT THERE BE NO EX PARTE COMMUNICATIONS BETWEEN ANY MEMBER OF THE BOARD OR STAFF OF THE OFFICE AND ANY INDIVIDUAL WHO IS THE SUBJECT OF ANY REVIEW BY THE BOARD OR BETWEEN ANY MEMBER AND ANY INTERESTED PARTY, AND THAT NO MEMBER, OFFICER, OR LEGISLATIVE EMPLOYEE MAY COMMUNICATE WITH ANY MEMBER OF THE BOARD OR STAFF OF THE OFFICE REGARDING ANY MATTER UNDER REVIEW BY THE BOARD EXCEPT AS AUTHORIZED BY THE BOARD.

(D) A RULE THAT ESTABLISHES A CODE OF CONDUCT TO GOVERN THE BEHAVIOR OF ITS MEMBERS AND STAFF, WHICH SHALL INCLUDE THE AVOIDANCE OF CONFLICTS OF INTEREST.

5. REQUESTS FROM THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS. IN ADDITION TO REFERRALS OF POSSIBLE VIOLATIONS OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS MAY REQUEST THAT THE BOARD REVIEW AND CONDUCT AN INVESTIGATION OF ANY MATTER OR ASPECT OF ANY MATTER BEFORE THE COMMITTEE. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, UPON RECEIPT OF A WRITTEN REQUEST FROM THE APPROPRIATE COMMITTEE THAT THE BOARD CEASE ITS REVIEW OF ANY MATTER OTHER THAN A REFERRAL OF AN ALLEGED VIOLATION OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND REFER SUCH MATTER TO THE COMMITTEE BECAUSE OF THE ONGOING INVESTIGATION OF SUCH MATTER BY THE COMMITTEE, THE BOARD SHALL REFER SUCH MATTER BACK TO THE COMMITTEE AND CEASE ITS PRELIMINARY OR SECOND-PHASE REVIEW, AS APPLICABLE, OF THAT MATTER AND SO NOTIFY ANY INDIVIDUAL WHO IS THE SUBJECT OF THE REVIEW. IN ANY SUCH CASE, THE BOARD SHALL SEND A WRITTEN REPORT TO THE COMMITTEE CONTAINING A STATEMENT THAT, UPON THE REQUEST OF THAT COMMITTEE, THE MATTER IS REFERRED TO IT FOR ITS CONSIDERATION, BUT NOT ANY FINDINGS.

6. LIMITATIONS ON REVIEW. (A) NO REVIEW SHALL BE UNDERTAKEN BY THE BOARD OF ANY ALLEGED VIOLATION OF LAW, RULE, REGULATION OR STANDARD OF CONDUCT NOT IN EFFECT AT THE TIME OF THE ALLEGED VIOLATION.

(B) IF THE BOARD IS AWARE OR BECOMES AWARE THAT ALLEGED CRIMINAL CONDUCT WHICH MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR IS BEING PROSECUTED IN STATE OR FEDERAL COURT, IT SHALL HOLD THE MATTER IN ABEYANCE UNTIL THE CRIMINAL MATTER IS RESOLVED.

7. PROHIBITION ON PUBLIC DISCLOSURE. (A) (I) WHEN AN INDIVIDUAL BECOMES A MEMBER OF THE BOARD OR STAFF OF THE OFFICE, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE STATEMENT.

(II) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A MEMBER OF THE BOARD OR STAFF OF THE OFFICE SHALL BE PUBLICLY DISCLOSED BY ANY SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE OFFICE. ANY CONFIDENTIAL COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE OFFICE RELATED TO THE MATTERS BEFORE THE BOARD MAY OCCUR ONLY AS AUTHORIZED BY THE BOARD AS NECESSARY TO CONDUCT OFFICIAL BUSINESS OR PURSUANT TO BOARD RULES.

(III) THE OFFICE SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE BOARD OR STAFF OF THE OFFICE. ANY BREACHES OF CONFIDENTIALITY SHALL BE INVESTIGATED BY THE BOARD AND APPROPRIATE ACTION SHALL BE TAKEN.

(IV) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE RECORDS OF THE COMMISSION ARE CONFIDENTIAL AND SHALL BE DISCLOSED ONLY AS EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR THE BOARD.

(V) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, NO MEETING OF THE BOARD SHALL BE OPEN TO THE PUBLIC EXCEPT IF EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR THE BOARD.

(B) SUBPARAGRAPH (A) OF THIS PARAGRAPH SHALL NOT PRECLUDE BOARD MEMBERS OR THE BOARD'S STAFF FROM PRESENTING A REPORT OR FINDINGS OR TESTIFYING BEFORE THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS RELATING TO OFFICIAL CONDUCT OF ANY MEMBER, OFFICER, OR LEGISLATIVE EMPLOYEE.

8. PRESENTATION OF REPORTS. WHENEVER THE BOARD TRANSMITS ANY REPORT TO A STANDING COMMITTEE ON ETHICS OR TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS RELATING TO OFFICIAL CONDUCT OF ANY MEMBER, OFFICER, OR LEGISLATIVE EMPLOYEE, IT SHALL DESIGNATE A MEMBER OF THE BOARD OR STAFF TO PRESENT THE REPORT TO SUCH COMMITTEE OR COMMISSION IF REQUESTED BY SUCH COMMITTEE OR COMMISSION.

9. REIMBURSEMENTS. THE BOARD MAY REIMBURSE ITS MEMBERS AND STAFF FOR TRAVEL, SUBSISTENCE, AND OTHER NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR DUTIES IN THE SAME MANNER AS IS PERMISSIBLE FOR SUCH EXPENSES OF LEGISLATIVE EMPLOYEES.

10. PUBLIC DISCLOSURE. NOT LATER THAN FORTY-FIVE CALENDAR DAYS AFTER RECEIPT FROM THE BOARD OF A WRITTEN REPORT AND ANY FINDINGS AND SUPPORTING DOCUMENTATION REGARDING A MATTER BEFORE THE BOARD, THE CHAIRPERSON OF THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR THE CHAIRPERSONS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS APPROPRIATE, SHALL MAKE PUBLIC THE WRITTEN REPORT OF THE BOARD UNLESS THE COMMITTEE OR COMMISSION, AS APPROPRIATE, DECIDES TO WITHHOLD SUCH INFORMATION FOR NOT MORE THAN ONE ADDITIONAL PERIOD OF THE SAME DURATION, IN WHICH CASE THE CHAIRPERSON OR CHAIRPERSONS SHALL:

(A) UPON THE TERMINATION OF SUCH ADDITIONAL PERIOD, MAKE PUBLIC THE WRITTEN REPORT; AND

(B) UPON THE DAY OF SUCH DECISION OR VOTE, MAKE A PUBLIC STATEMENT THAT THE COMMITTEE OR COMMISSION, AS APPROPRIATE, HAS VOTED TO EXTEND THE MATTER RELATING TO THE REFERRAL MADE BY THE BOARD REGARDING THE INDIVIDUAL WHO IS THE SUBJECT OF THE APPLICABLE REFERRAL.

(C) AT LEAST ONE CALENDAR DAY BEFORE THE COMMITTEE OR COMMISSION, AS APPROPRIATE, MAKES PUBLIC ANY WRITTEN REPORT AND FINDINGS OF THE BOARD, THE CHAIRPERSON OR CHAIRPERSONS SHALL NOTIFY SUCH BOARD AND THE INDIVIDUAL WHO IS THE SUBJECT OF THE INVESTIGATION OF THAT FACT AND TRANSMIT TO

SUCH INDIVIDUAL A COPY OF THE STATEMENT ON THE COMMITTEE'S OR COMMISSION'S DISPOSITION OF, AND ANY COMMITTEE REPORT ON, THE MATTER.

11. NOTWITHSTANDING SUBPARAGRAPH (A) OF PARAGRAPH TEN OF THIS SUBDIVISION, IF THE COMMITTEE OR COMMISSION, AS APPROPRIATE, VOTES TO DISMISS A MATTER WHICH IS THE SUBJECT OF A REFERRAL FROM THE BOARD, THE COMMITTEE OR COMMISSION IS NOT REQUIRED TO MAKE PUBLIC THE WRITTEN REPORT DESCRIBED IN SUCH SUBDIVISION UNLESS THE COMMITTEE'S OR COMMISSION'S VOTE IS INCONSISTENT WITH THE RECOMMENDATION OF THE BOARD. FOR PURPOSES OF THE PREVIOUS SENTENCE, A VOTE BY THE COMMITTEE OR COMMISSION TO DISMISS A MATTER IS NOT INCONSISTENT WITH A REPORT FROM THE BOARD RESPECTING THE MATTER AS UNRESOLVED DUE TO A TIE VOTE.

12. NOTWITHSTANDING SUBPARAGRAPH (B) OF PARAGRAPH TEN OF THIS SUBDIVISION, IF THE BOARD TRANSMITS A REPORT RESPECTING ANY MATTER WITH A RECOMMENDATION TO DISMISS OR AS UNRESOLVED DUE TO A TIE VOTE, AND THE COMMITTEE OR COMMISSION VOTES TO EXTEND THE MATTER FOR AN ADDITIONAL PERIOD AS PROVIDED IN PARAGRAPH TEN OF THIS SUBDIVISION, THE COMMITTEE OR COMMISSION IS NOT REQUIRED TO MAKE A PUBLIC STATEMENT THAT THE COMMITTEE OR COMMISSION HAS VOTED TO EXTEND THE MATTER.

13. IF THE COMMISSION OR COMMITTEE IS AWARE THAT ALLEGED CRIMINAL CONDUCT WHICH MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR IS BEING PROSECUTED IN STATE OR FEDERAL COURT, IT SHALL HOLD THE MATTER IN ABEYANCE UNTIL THE CRIMINAL MATTER IS RESOLVED.

S 81. JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS. A. THERE IS ESTABLISHED A JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS WHICH SHALL CONSIST OF EIGHT MEMBERS AND WHICH SHALL BE RESPONSIBLE FOR TRAINING, EDUCATION, AND ADVICE REGARDING SECTIONS SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND ENFORCEMENT OF THE FILING OF FINANCIAL DISCLOSURE FORMS. FOUR MEMBERS SHALL BE MEMBERS OF THE LEGISLATURE AND SHALL BE APPOINTED AS FOLLOWS: ONE BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE MINORITY LEADER OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY. THE REMAINING FOUR MEMBERS SHALL NOT BE PRESENT OR FORMER MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE LEGISLATURE, EMPLOYEES OF THE LEGISLATURE, POLITICAL PARTY CHAIRMEN AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, OR LOBBYISTS, AS DEFINED IN SECTION ONE-C OF THIS CHAPTER, OR PERSONS WHO HAVE BEEN EMPLOYEES OF THE LEGISLATURE, POLITICAL PARTY CHAIRMEN AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, OR LOBBYISTS, AS DEFINED IN SECTION ONE-C OF THIS CHAPTER IN THE PREVIOUS TWO YEARS, AND SHALL BE APPOINTED AS FOLLOWS: ONE BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE MINORITY LEADER OF THE SENATE, AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY. THE COMMISSION SHALL SERVE AS DESCRIBED IN THIS SECTION AND HAVE AND EXERCISE THE POWERS AND DUTIES SET FORTH IN THIS SECTION ONLY WITH RESPECT TO MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES AS DEFINED IN SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, CANDIDATES FOR MEMBER OF THE LEGISLATURE AND INDIVIDUALS WHO HAVE FORMERLY HELD SUCH POSITIONS OR WHO HAVE FORMERLY BEEN SUCH CANDIDATES.

B. MEMBERS OF THE LEGISLATURE WHO SERVE ON THE COMMISSION SHALL EACH HAVE A TWO YEAR TERM CONCURRENT WITH THEIR LEGISLATIVE TERMS OF OFFICE. THE MEMBERS OF THE COMMISSION WHO ARE NOT MEMBERS OF THE LEGISLATURE AND WHO ARE FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE SENATE, AND MINORITY LEADER

OF THE ASSEMBLY SHALL SERVE ONE, TWO, THREE AND FOUR YEAR TERMS, RESPECTIVELY. EACH MEMBER OF THE COMMISSION WHO IS NOT A MEMBER OF THE LEGISLATURE SHALL BE APPOINTED THEREAFTER FOR A TERM OF FOUR YEARS.

C. THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY SHALL EACH DESIGNATE ONE MEMBER OF THE COMMISSION AS A CO-CHAIRPERSON THEREOF. THE COMMISSION SHALL MEET AT LEAST BI-MONTHLY AND AT SUCH ADDITIONAL TIMES AS MAY BE CALLED FOR BY THE CO-CHAIRPERSONS JOINTLY OR ANY FOUR MEMBERS OF THE COMMISSION.

D. ANY VACANCY OCCURRING ON THE COMMISSION SHALL BE FILLED WITHIN THIRTY DAYS BY THE APPOINTING AUTHORITY.

E. FIVE MEMBERS OF THE 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.

F. EACH MEMBER OF THE COMMISSION SHALL RECEIVE, AS COMPENSATION FOR HIS OR HER SERVICES UNDER THIS ARTICLE, A PER DIEM ALLOWANCE IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING, HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE.

G. THE COMMISSION SHALL:

1. APPOINT AN EXECUTIVE DIRECTOR FOR A THREE YEAR TERM WHO SHALL ACT IN ACCORDANCE WITH THE POLICIES OF THE COMMISSION AND WHO MAY BE REMOVED FOR CAUSE BY A MAJORITY VOTE OF THE COMMISSION;

2. APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION;

3. ADOPT, AMEND, AND RESCIND POLICIES, RULES AND REGULATIONS CONSISTENT WITH THIS SECTION TO GOVERN PROCEDURES OF THE COMMISSION WHICH SHALL NOT BE SUBJECT TO THE PROMULGATION AND HEARING REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT;

4. ADMINISTER THE PROVISIONS OF THIS SECTION;

5. SPECIFY THE PROCEDURES 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;

6. PROMULGATE GUIDELINES TO ASSIST APPOINTING AUTHORITIES IN DETERMINING WHICH PERSONS HOLD POLICY-MAKING POSITIONS FOR PURPOSES OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND MAY PROMULGATE GUIDELINES TO ASSIST FIRMS, ASSOCIATIONS AND CORPORATIONS IN SEPARATING AFFECTED PERSONS FROM NET REVENUES FOR PURPOSES OF SUBDIVISION TEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND PROMULGATE GUIDELINES TO ASSIST ANY FIRM, ASSOCIATION OR CORPORATION IN WHICH ANY PRESENT OR FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIR IS A MEMBER, ASSOCIATE, RETIRED MEMBER, OF COUNSEL OR SHAREHOLDER, IN COMPLYING WITH THE PROVISIONS OF SUBDIVISION TEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW WITH RESPECT TO THE SEPARATION OF SUCH PRESENT OR FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIRMAN FROM THE NET REVENUES OF THE FIRM, ASSOCIATION OR CORPORATION. SUCH FIRM, ASSOCIATION OR CORPORATION SHALL NOT BE REQUIRED TO ADOPT THE PROCEDURES CONTAINED IN THE GUIDELINES TO ESTABLISH COMPLIANCE WITH SUBDIVISION TEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, BUT

IF SUCH FIRM, ASSOCIATION OR CORPORATION DOES ADOPT SUCH PROCEDURES, IT SHALL BE DEEMED TO BE IN COMPLIANCE WITH SUCH SUBDIVISION TEN;

7. MAKE AVAILABLE FORMS FOR FINANCIAL DISCLOSURE STATEMENTS REQUIRED TO BE FILED PURSUANT TO SUBDIVISION SIX OF SECTION SEVENTY-THREE AND SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW;

8. REVIEW FINANCIAL DISCLOSURE STATEMENTS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT THE COMMISSION MAY DELEGATE ALL OR PART OF THE REVIEW FUNCTION RELATING TO FINANCIAL DISCLOSURE STATEMENTS PURSUANT TO SECTIONS SEVENTY-THREE AND SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW 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;

9. 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 AND COPYING ONE OR MORE ITEMS OF INFORMATION, WHICH MAY BE DELETED BY THE COMMISSION UPON A FINDING THAT THE INFORMATION WHICH WOULD OTHERWISE BE REQUIRED TO BE DISCLOSED WILL HAVE NO MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL DUTIES;

10. 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 UPON A FINDING 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;

11. ADVISE AND ASSIST THE LEGISLATURE IN ESTABLISHING RULES AND REGULATIONS RELATING TO POSSIBLE CONFLICTS BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES OF PRESENT MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES;

12. RECEIVE COMPLAINTS REGARDING PERSONS SUBJECT TO ITS JURISDICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND REFER SUCH COMPLAINTS FOR INVESTIGATION TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS;

13. ACCEPT AND REFER AS APPROPRIATE, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRAL FROM ANOTHER STATE OVERSIGHT BODY INDICATING THAT A VIOLATION OF SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW MAY HAVE OCCURRED INVOLVING PERSONS SUBJECT TO THE JURISDICTION OF THE COMMISSION;

14. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE JURISDICTION OF THE COMMISSION AND THE REQUIREMENTS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW RENDER FORMAL ADVISORY OPINIONS ON THE REQUIREMENTS OF SAID PROVISIONS. A FORMAL OPINION RENDERED BY THE COMMISSION, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS 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;

15. ISSUE AND PUBLISH GENERIC ADVISORY OPINIONS COVERING QUESTIONS FREQUENTLY POSED TO THE COMMISSION, OR QUESTIONS COMMON TO A CLASS OR DEFINED CATEGORY OF PERSONS, OR THAT WILL TEND TO PREVENT UNDUE REPETITION OF REQUESTS OR UNDUE COMPLICATION, AND WHICH ARE INTENDED TO

PROVIDE GENERAL GUIDANCE AND INFORMATION TO PERSONS SUBJECT TO THE COMMISSION'S JURISDICTION;

16. DEVELOP EDUCATIONAL MATERIALS AND TRAINING WITH REGARD TO LEGISLATIVE ETHICS FOR MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES; AND

17. PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE SUMMARIZING THE ACTIVITIES OF THE COMMISSION DURING THE PREVIOUS YEAR AND RECOMMENDING 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. SUCH ANNUAL REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT PERMITTED PURSUANT TO SUBDIVISION FOURTEEN OF THIS SECTION.

H. THE COMMISSION, OR THE EXECUTIVE DIRECTOR AND STAFF OF THE COMMISSION IF RESPONSIBILITY REGARDING SUCH FINANCIAL DISCLOSURE STATEMENTS FILED HAS BEEN DELEGATED, SHALL INSPECT ALL FINANCIAL DISCLOSURE STATEMENTS FILED WITH THE COMMISSION TO ASCERTAIN WHETHER ANY PERSON SUBJECT TO THE REPORTING REQUIREMENTS OF SUBDIVISION SIX OF SECTION SEVENTY-THREE OR SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW 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 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

I. 1. IF A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE COMMISSION HAS FAILED TO FILE A FINANCIAL 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: (A) TO THE REPORTING PERSON; (B) IN THE CASE OF A SENATOR, TO THE TEMPORARY PRESIDENT OF THE SENATE, AND IF A MEMBER OF ASSEMBLY, TO THE SPEAKER OF THE ASSEMBLY; AND (C) IN THE CASE OF A LEGISLATIVE EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON AND TO THE TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AS APPROPRIATE, WHO HAS JURISDICTION OVER SUCH APPOINTING AUTHORITY. SUCH NOTICE OF DELINQUENCY MAY BE SENT AT ANY TIME DURING THE REPORTING PERSON'S SERVICE AS A MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE OR WHILE A CANDIDATE FOR MEMBER OF THE LEGISLATURE, OR WITHIN ONE YEAR AFTER SEPARATION FROM SUCH SERVICE OR THE TERMINATION OF SUCH CANDIDACY. THE JURISDICTION OF THE COMMISSION, WHEN ACTING PURSUANT TO SUBDIVISION K OF THIS SECTION WITH RESPECT TO FINANCIAL DISCLOSURE, SHALL CONTINUE NOTWITHSTANDING THAT THE REPORTING PERSON SEPARATES FROM STATE SERVICE OR TERMINATES HIS OR HER CANDIDACY, PROVIDED THE COMMISSION NOTIFIES SUCH PERSON OF THE ALLEGED FAILURE TO FILE OR DEFICIENT FILING PURSUANT TO THIS SUBDIVISION.

2. IF THE PERSON REQUIRED TO FILE FAILS TO MAKE THE REQUIRED FILING WITHIN THE FIFTEEN DAYS OF THE NOTICE OF DELINQUENCY, THE COMMISSION SHALL NOTIFY THE PERSON IN WRITING, DESCRIBE THE ALLEGED VIOLATION THEREOF AND PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD IN WHICH TO SUBMIT

A WRITTEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ALLEGED VIOLATION. IF THE COMMISSION THEREAFTER MAKES A DETERMINATION THAT FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE PERSON AN OPPORTUNITY TO BE HEARD. THE COMMISSION SHALL ALSO PROVIDE THE PERSON WITH ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND THE DUE PROCESS MECHANISMS AVAILABLE TO SUCH PERSON. IF THE COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING THAT THERE IS NO VIOLATION OR THAT SUCH VIOLATION HAS BEEN CURED, IT SHALL SO ADVISE THE PERSON. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDENTIAL.

J. 1. IF A REPORTING PERSON HAS FILED A STATEMENT WHICH REVEALS A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, OR THE COMMISSION RECEIVES A REFERRAL FROM ANOTHER STATE OVERSIGHT BODY, OR THE COMMISSION RECEIVES A SWORN COMPLAINT ALLEGING SUCH A VIOLATION BY A REPORTING PERSON OR A LEGISLATIVE EMPLOYEE SUBJECT TO THE PROVISIONS OF SUCH LAWS, OR IF THE PERSON FAILS TO MAKE THE REQUIRED FILING WITHIN FIFTEEN DAYS OF THE NOTICE OF DELINQUENCY, THE COMMISSION SHALL REFER THE MATTER TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS FOR INVESTIGATION AND A REPORT TO THE COMMISSION CONTAINING FINDINGS AND RECOMMENDATIONS. IF THE COMMISSION THEREAFTER MAKES A DETERMINATION THAT FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE REPORTING PERSON AN OPPORTUNITY TO BE HEARD. THE COMMISSION SHALL ALSO INFORM THE REPORTING 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 OR DEFICIENCY HAS BEEN RECTIFIED, IT SHALL SO ADVISE THE REPORTING PERSON AND THE COMPLAINANT, IF ANY. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDENTIAL.

2. IF THE COMMISSION DETERMINES THAT THERE IS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION HAS OCCURRED, IT SHALL SEND A NOTICE OF REASONABLE CAUSE: (A) TO THE REPORTING PERSON; (B) TO THE COMPLAINANT IF ANY; (C) IN THE CASE OF A SENATOR, TO THE TEMPORARY PRESIDENT OF THE SENATE, AND IF A MEMBER OF THE ASSEMBLY, TO THE SPEAKER OF THE ASSEMBLY; AND (D) IN THE CASE OF A LEGISLATIVE EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON AND TO THE TEMPORARY PRESIDENT OF THE SENATE AND/OR THE SPEAKER OF THE ASSEMBLY, AS THE CASE MAY BE, WHO HAS JURISDICTION OVER SUCH APPOINTING AUTHORITY.

3. THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSUANT TO THIS SECTION SHALL CONTINUE NOTWITHSTANDING THAT A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE SEPARATES FROM STATE SERVICE, OR A CANDIDATE FOR MEMBER OF THE LEGISLATURE CEASES TO BE A CANDIDATE, PROVIDED THAT THE COMMISSION NOTIFIES SUCH INDIVIDUAL 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 THE TERMINATION OF HIS OR HER CANDIDACY. 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.

K. AN INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION WHO KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF SUBDIVISIONS TWO THROUGH FIVE, SEVEN, EIGHT, TWELVE, FOURTEEN OR FIFTEEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS 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 GIVES INFORMATION WHICH SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO

SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW 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. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH B, C, D, OR I OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS AND THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH A, E OR G OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT EQUAL TO THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. ASSESSMENT OF A CIVIL PENALTY HEREUNDER SHALL BE MADE BY THE COMMISSION WITH RESPECT TO PERSONS SUBJECT TO ITS JURISDICTION BUT NOT BEFORE ITS RECEIPT OF A REPORT FROM THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED THAT IT DOES NOT NEED TO OBTAIN SUCH REPORT BEFORE ASSESSING A CIVIL PENALTY FOR FAILURE TO FILE. IN ASSESSING THE AMOUNT OF THE CIVIL PENALTIES TO BE IMPOSED, THE COMMISSION SHALL CONSIDER THE SERIOUSNESS OF THE VIOLATION, THE AMOUNT OF GAIN TO THE INDIVIDUAL AND WHETHER THE INDIVIDUAL PREVIOUSLY HAD ANY CIVIL OR CRIMINAL PENALTIES IMPOSED PURSUANT TO THIS SECTION, AND ANY OTHER FACTORS THE COMMISSION DEEMS APPROPRIATE. FOR A VIOLATION OF THIS SECTION, OTHER THAN FOR CONDUCT WHICH CONSTITUTES A VIOLATION OF SUBDIVISION TWELVE, FOURTEEN OR FIFTEEN OF SECTION SEVENTY-THREE OR SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, THE COMMISSION MAY, IN LIEU OF A CIVIL PENALTY, REFER A VIOLATION TO THE APPROPRIATE PROSECUTOR AND UPON SUCH CONVICTION, BUT ONLY AFTER SUCH REFERRAL, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR. 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 THE PUBLIC OFFICERS LAW, EXCEPT THAT THE APPOINTING AUTHORITY MAY IMPOSE DISCIPLINARY ACTION AS OTHERWISE PROVIDED BY LAW. THE 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 PARAGRAPHS NINE AND TEN OF SUBDIVISION G OF THIS SECTION. SUCH RULES, WHICH SHALL NOT BE SUBJECT TO THE PROMULGATION AND HEARING 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 OR COMMISSION DENIAL OF SUCH A DELETION OR EXEMPTION 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 COMMISSION, PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

L. IF THE COMMISSION HAS A REASONABLE BASIS TO BELIEVE THAT ANY PERSON SUBJECT TO THE JURISDICTION OF ANOTHER STATE OVERSIGHT BODY MAY HAVE VIOLATED SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, IT SHALL REFER SUCH VIOLATION TO SUCH OVERSIGHT BODY UNLESS THE COMMISSION DETERMINES THAT SUCH A REFERRAL WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS OR THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS' INVESTIGATIONS AND, IF SO, SHALL MAKE SUCH A REFERRAL AS SOON AS PRACTICABLE. THE REFERRAL BY THE COMMISSION SHALL INCLUDE ANY INFORMATION RELATING THERETO COMING INTO THE CUSTODY OR UNDER THE CONTROL OF THE COMMISSION AT ANY TIME PRIOR OR SUBSEQUENT TO THE TIME OF THE REFERRAL.

M. A COPY OF ANY NOTICE OF DELINQUENCY SENT PURSUANT TO SUBDIVISION I OF THIS SECTION SHALL BE INCLUDED IN THE REPORTING PERSON'S FILE AND BE AVAILABLE FOR PUBLIC INSPECTION AND COPYING.

N. 1. 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:

(A) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW EXCEPT ANY ITEM OF INFORMATION DELETED PURSUANT TO PARAGRAPH NINE OF SUBDIVISION G OF THIS SECTION;

(B) FINANCIAL DISCLOSURE STATEMENTS FILED PURSUANT TO SUBDIVISION SIX OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC NO LATER THAN THIRTY DAYS AFTER THEIR RECEIPT;

(C) NOTICES OF DELINQUENCY SENT UNDER SUBDIVISION I OF THIS SECTION;

(D) NOTICES OF CIVIL ASSESSMENT 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;

(E) GENERIC ADVISORY OPINIONS; AND

(F) ALL REPORTS REQUIRED BY THIS SECTION.

2. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, NO MEETING OR PROCEEDING OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC, EXCEPT IF EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR THE COMMISSION.

O. 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 AND WHICH SHALL CONTAIN THE DOCUMENTS IDENTIFIED IN SUBDIVISION N OF THIS SECTION, OTHER THAN FINANCIAL DISCLOSURE STATEMENTS, AND ANY OTHER RECORDS OR INFORMATION WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE.

P. THIS SECTION SHALL NOT REVOKE OR RESCIND ANY POLICIES, RULES, REGULATIONS OR ADVISORY OPINIONS ISSUED BY THE LEGISLATIVE ETHICS COMMITTEE AND LEGISLATIVE ETHICS COMMISSION IN EFFECT UPON THE EFFECTIVE DATE OF THIS SUBDIVISION, TO THE EXTENT THAT SUCH REGULATIONS OR OPINIONS ARE NOT INCONSISTENT WITH ANY LAWS OF THE STATE OF NEW YORK. THE COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL SUCH POLICIES, RULES, REGULATIONS OR ADVISORY OPINIONS WHICH WILL ADDRESS THE CONSISTENCY OF SUCH POLICIES, RULES, REGULATIONS OR ADVISORY OPINIONS WITH THE LAWS OF THE STATE OF NEW YORK. THE COMMISSION SHALL, BEFORE DECEMBER 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.

Q. SEPARABILITY CLAUSE. IF ANY PART OR PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON IS ADJUDGED BY A COURT OF COMPE-

TENT 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, BUT SHALL BE CONFINED TO SUCH PART OR PROVISION.

S 10. The public officers law is amended by adding a new section 89-a to read as follows:

S 89-A. ETHICS REPORTS. THE COMMITTEE ON OPEN GOVERNMENT SHALL ANNUALLY PREPARE A REPORT THAT SUMMARIZES THE PUBLIC ACTIONS AND REPORTS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS, THE STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE, THE SENATE AND ASSEMBLY STANDING COMMITTEES ON ETHICS, AND THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION. IT SHALL DELIVER THE REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, THE COMPTROLLER, AND THE ATTORNEY GENERAL ON OR BEFORE MARCH FIRST OF EACH YEAR. IT ALSO SHALL PUBLISH THE REPORT ON ITS WEBSITE.

S 11. The state of New York shall appropriate during each fiscal year to the New York state commission on lobbying ethics and compliance not less than seven and one-half per centum of the appropriation available from the general fund in the department of state to pay for the expenses of such commission; it shall appropriate during each fiscal year to the executive ethics and compliance commission not less than seven and one-half per centum of the general fund appropriation in the department of state to pay for the expenses of such commission; it shall appropriate to the joint legislative commission on ethics standards and the legislative office of ethics investigations not less than one per centum of the appropriation available to the state senate.

S 12. Subdivisions 17 and 18 of section 73 of the public officers law are renumbered subdivisions 18 and 19 and a new subdivision 17 is added to read as follows:

17. NO LEGISLATIVE EMPLOYEE SHALL, EXCEPT WITHIN THE SCOPE OF LEGISLATIVE EMPLOYMENT, DIRECTLY OR INDIRECTLY, PROMOTE OR OPPOSE THE PASSAGE OF LEGISLATION BY EITHER HOUSE. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, A LEGISLATIVE EMPLOYEE WHO SERVES AS AN ELECTED CHIEF EXECUTIVE OFFICER OR MEMBER OF A GOVERNING BODY OF A MUNICIPAL CORPORATION OR DISTRICT CORPORATION SHALL BE AUTHORIZED TO PARTICIPATE WHILE CARRYING OUT THE OFFICIAL DUTIES OF SUCH OFFICE IN THE DISCUSSION, DRAFTING, PREPARATION, VOTING AND DISPATCH OF A RESOLUTION, MESSAGE OR PROCLAMATION ADDRESSED TO EITHER HOUSE.

S 13. Section 66-a of the legislative law is REPEALED.

S 14. Subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, the fourth and fifth undesignated paragraphs of paragraph 3 as added and paragraph 4, subparagraph (a) of paragraph 5, paragraphs 6, 9, 10, 11, subparagraph (b) of paragraph 12 and paragraphs 13, 14, 15, 16, 17, 18 and 19 as amended 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, please give spouse'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 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 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 regu-

lar 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 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.

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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 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 general description of THE principal subject areas of matters undertaken by such firm or corporation. 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. Do not list the name of the individual clients, customers or patients.

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

NATURE STATE AGENCY

_____
_____
_____

(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 had an investment in excess of $1,000 excluding investments in securities and interests in real property.

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_____
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(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 ITEM 8(A), PROVIDE THE NAME AND ADDRESS OF THE 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

_____
_____
_____
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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 INDIVID-

UAL'S SPOUSE 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).

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(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.)

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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 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, honorariums, 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, 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 by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse 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. 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 15. Transfer of employees. Upon the transfer of the functions, as provided for in this act any affected employees shall be transferred to the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate in accordance with section 70 of the civil service law.

S 16. Transfer of records. The commission on public integrity and the legislative ethics commission shall deliver to the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate all books, papers, records, and property as requested by the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate pursuant to this act.

S 17. Completion of unfinished business. Any business or other matter undertaken or commenced by the commission on public integrity and the legislative ethics commission pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate and pending on the effective date of this act may be conducted and completed by the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislation commission on ethics standards, as appropriate in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the former commission on public integrity and the legislative ethics commission.

S 18. Terms occurring in laws, contracts and other documents. Whenever the commission on public integrity and the legislative ethics commission 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 commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate, such reference or designation shall be deemed to refer to the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate, as created by this act.

S 19. 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 20. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the commission on public integrity and the legislative ethics commission relating to the function, power or duty transferred to or devolved upon the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate shall be affected by this act, but the same may be prosecuted or defended in the name of the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate and upon application to the court, the commission on lobbying ethics and compliance, the executive ethics and compliance commis-

sion, and the joint legislative commission on ethics standards, as appropriate shall be substituted as a party.

S 21. Notwithstanding any contrary provision of the state finance law, transfer of appropriations heretofore made to the commission on public integrity and the legislative ethics commission, all appropriations or reappropriations for the functions herein transferred heretofore made to the commission on public integrity and the legislative ethics commission 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 commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate to the extent necessary to carry out the commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards' 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 commission on lobbying ethics and compliance, the executive ethics and compliance commission, and the joint legislative commission on ethics standards, as appropriate, on audit and warrant of the comptroller.

S 22. This act shall take effect January 1, 2010; provided, however, sections five-a, five-b and fifteen of this act shall take effect January 1, 2011; and provided further, that sections one through five and six through eleven of this act shall expire and be deemed repealed 6 years after such effective date.