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

S. 6457 A. 9544

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

January 13, 2010

IN SENATE -- Introduced by Sens. SCHNEIDERMAN, SQUADRON, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. SILVER, KOLB, MAGNARELLI, DESTITO, MILLMAN, BARCLAY, FARRELL, CANESTRARI, MOLINARO, DUPREY -- read once and referred to the Committee on Governmental Operations

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 amend the election law, in relation to a state board of elections enforcement unit and counsel, personal use of campaign funds, filing requirements, political communication, independent expenditure reporting, enforcement proceeding and penalties for violations; to repeal certain provisions of the election law relating to filing of statements; 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

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

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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 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], 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] A political party chairman as [that term is] defined in PARAGRAPH (K) OF SUBDIVISION ONE OF section [seventy-three-a] SEVENTY-THREE 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] TEN 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 first, two thousand [eight] ELEVEN, 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 OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS 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 OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, or a lobbyist [as defined in subdivision (a) of

section one-c of the legislative law] REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION.

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 MEMBERS OF THE COMMISSION BY A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION. 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 MEMBER OF THE COMMISSION FROM A POLITICAL PARTY OTHER THAN THAT OF THE APPOINTING AUTHORITY'S ALREADY SEATED MEMBER OF THE COMMISSION.

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] APPOINTING AUTHORITY 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. 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. 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 BE DISMISSED ONLY FOR CAUSE BY A MAJORITY VOTE OF THE COMMISSION;

(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. SUCH REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS FACIALLY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

(g) [Receive] INITIATE OR 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 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 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 BE POSTED ON THE COMMISSION'S WEBSITE AND SHALL include: (i) THE NUMBER OF REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSUANT TO SUBDIVISION (O) OF THIS SECTION DURING THE PREVIOUS YEAR AND WHICH, IF ANY, CLASSES OF REPORTING INDIVIDUALS WERE SELECTED FOR CLASS REVIEW RATHER THAN RANDOM REVIEW; (II) 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)] (III) 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[.];

(N) PREPARE AND ISSUE A REPORT BY DECEMBER FIRST, TWO THOUSAND ELEVEN 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; AND

(O) PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION AND ITS STAFF PRIOR TO ITS SELECTION; (II) SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINA-

TION OF THE SELECTED STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON WITH OTHER RECORDS MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY FILED STATEMENTS AND REQUESTS FOR ADVISORY OPINIONS, AND AN EXAMINATION OF RELEVANT PUBLIC INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS FILED WITH THE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE DEPARTMENT OF STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINATION, THE COMMISSION SHALL DETERMINE WHETHER FURTHER INQUIRY IS WARRANTED, WHEREUPON IT SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING THAT THE STATEMENT IS UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF THE SPECIFIC AREAS OF INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH THE OPPORTUNITY TO PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION RELATED TO THE SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE AMENDMENTS TO THE SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMISSION; AND (IV) IF THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION SHALL INITIATE AN INVESTIGATION TO DETERMINE WHETHER THE REPORTING INDIVIDUAL HAS FILED A DEFICIENT STATEMENT; PROVIDED, HOWEVER IF THE COMMISSION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER SET FORTH IN THIS PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE INDIVIDUALS WITHIN SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR THE PURPOSES OF THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE (A) STATEWIDE ELECTED OFFICIALS, (B) CANDIDATES FOR STATEWIDE OFFICE, (C) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND (D) OTHER STATE OFFICERS AND EMPLOYEES.

10. 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. 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 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. (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 PROCEDURAL 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 THE COMPLAINT DISMISSED. 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. An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through [five,] FIVE-A, seven, eight, twelve [or], fourteen through [seventeen] SIXTEEN OR EIGHTEEN 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 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 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] SIXTEEN OR EIGHTEEN 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 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] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF the commission has a reasonable basis to believe that any person subject to the jurisdiction of the [legislative ethics] commission ON LOBBYING ETHICS AND COMPLIANCE may have violated any provisions of [section seventy-three or seventy-four] ARTICLE ONE-A of the [public officers] LEGISLATIVE law OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION LAW, it shall refer such violation to the [legislative ethics commission] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO THE BOARD OF ELECTIONS, AS APPROPRIATE, 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] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO THE BOARD OF ELECTIONS, AS APPROPRIATE, 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. A copy of any notice of delinquency or notice of reasonable cause sent pursuant to subdivisions eleven and twelve of this section shall be included in the reporting person's file and be available for public inspection and copying.

15. 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. 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 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. 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 OF STATE OFFICERS AND EMPLOYEES, and any other records or information which the commission determines to be appropriate.

16-B. (A) 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.

(B) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION SHALL BE 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 OR AS REQUIRED BY LAW.

(C) 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 of this section;

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

(3) notices of reasonable cause sent under paragraph (b) of subdivision twelve of this section;

(4) notices of civil assessments imposed under this section which shall include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the commission, and any sanction imposed; AND

(5) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy[; 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 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], PROVIDED HOWEVER THAT THE COMMISSION SHALL MEET PUBLICLY WHENEVER IT ADOPTS, AMENDS OR RESCINDS ITS POLICIES, RULES OR REGULATIONS, PROMULGATES ITS GUIDELINES, APPROVES EDUCATIONAL MATERIAL, OR ADOPTS ITS ANNUAL REPORT.

(c) Pending any application for deletion or exemption to the commission, all information which is the subject or a part of the application

shall remain confidential. Upon an adverse determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

18. IF 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 LOCAL, 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 2010".

S 3. Paragraph (i) of subdivision (c) and subdivision (j) of section 1-c of the legislative law, paragraph (i) of subdivision (c) as added by chapter 1 of the laws of 2005 and subdivision (j) as added by chapter 14 of the laws of 2007, are amended and a new subdivision (w) is added to read as follows:

(i) the passage or defeat of any legislation OR RESOLUTION by either house of the state legislature or approval or disapproval of any legislation by the governor;

(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, 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] EVENT. THE TERM "WIDELY ATTENDED EVENT" SHALL MEAN AN EVENT: (A) WHICH AT LEAST TWENTY-FIVE INDIVIDUALS OTHER THAN MEMBERS, OFFICERS, OR EMPLOYEES FROM THE GOVERNMENTAL ENTITY IN WHICH THE PUBLIC OFFICIAL SERVES ATTEND OR WERE, IN GOOD FAITH, INTENDED TO ATTEND, AND (B) WHICH IS RELATED TO THE ATTENDEE'S DUTIES OR RESPONSIBILITIES AS DETERMINED IN ACCORDANCE WITH STANDARDS AND GUIDANCE ISSUED BY THE ETHICS OVERSIGHT BODY THAT HAS JURISDICTION OVER THE ATTENDEE OR WHICH ALLOWS THE PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPROPRIATE TO HIS OR HER POSITION;

(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 AS DETERMINED IN ACCORDANCE WITH STANDARDS AND GUIDANCE ISSUED BY THE ETHICS OVERSIGHT BOARD THAT HAS JURISDICTION OVER THE INDIVIDUAL 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.

(W) THE TERM "REPORTABLE BUSINESS RELATIONSHIP" SHALL MEAN A RELATIONSHIP IN WHICH COMPENSATION IS PAID BY A LOBBYIST OR BY A CLIENT OF A LOBBYIST, IN EXCHANGE FOR ANY GOODS, SERVICES OR ANYTHING OF VALUE, THE TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS ANNUALLY, TO BE PERFORMED OR PROVIDED BY OR INTENDED TO BE PERFORMED OR PROVIDED BY (I) ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE OR (II) ANY ENTITY IN WHICH THE LOBBYIST OR THE CLIENT OF A LOBBYIST KNOWS OR HAS REASON TO KNOW THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRIETOR, PARTNER, DIRECTOR, OFFICER OR MANAGER, OR OWNS OR CONTROLS TEN PERCENT OR MORE OF THE STOCK OF SUCH ENTITY (OR ONE PERCENT IN THE CASE OF A CORPORATION WHOSE STOCK IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES EXCHANGE).

S 3-a. Subdivision (f) of section 1-c of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(f) The term "commission" shall mean the [commission on public integrity 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.

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 AUGUST, TWO THOUSAND TEN, PROVIDED, HOWEVER, THAT OF THE INITIAL MEMBERS SO APPOINTED: ONE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE A TERM OF ONE YEAR; THE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE SHALL SERVE A TERM OF TWO YEARS; AND THE MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND THE MEMBER APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY SHALL SERVE A TERM OF THREE YEARS. NO MEMBER OF THE COMMISSION SHALL HOLD OR SHALL HAVE HELD WITHIN THE PRECEDING FIVE YEARS ANY STATE OR LOCAL ELECTED OFFICE; AND NO MEMBER OF THE COMMISSION SHALL BE OR HAVE BEEN WITHIN THE PRECEDING FIVE YEARS EMPLOYED BY THE STATE OR BY ANY LOCAL POLITICAL SUBDIVISION SUBJECT TO THIS ARTICLE. NO PERSON SUBJECT TO THE JURISDICTION OF THE COMMISSION AND THE PROVISIONS OF THIS ARTICLE OR REGISTERED AS A LOBBYIST IN ANY OTHER JURISDICTION WITHIN THE PRECEDING FIVE YEARS 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 WITHOUT VACANCY. 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) MEMBERS OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHORITY 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.

(H) 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 SHALL BE DISMISSED ONLY 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] CERTIFY 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 subdivi-

sion] 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)] (3) 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)] (4) prepare uniform forms for the statements and reports required by this article;

[(e)] (5) 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)] (6) 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)] (7) 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.

(I) THE COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL APPLICABLE REGULATIONS AND OPINIONS ISSUED BY THE TEMPORARY LOBBYING COMMISSION AND THE COMMISSION ON PUBLIC INTEGRITY, WHICH REVIEWS WILL ADDRESS THE CONSISTENCY OF SUCH REGULATIONS AND OPINIONS AMONG EACH OTHER AND WITH THE STATUTORY LANGUAGE. THE COMMISSION SHALL, BEFORE DECEMBER FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND LEGISLATURE REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND ISSUE ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

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) (I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP;

(II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY; AND

(III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE BUSINESS RELATIONSHIP.

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) (I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY WITH WHOM THE CLIENT OF A LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP;

(II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE CLIENT OF THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY;

(III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE BUSINESS RELATIONSHIP.

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 8-a. Subdivision (a) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

(a) (i) Any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this

[section] ARTICLE or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article shall be guilty of a class A misdemeanor; and

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this [section] ARTICLE or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. Any lobbyist convicted of or pleading guilty to a felony under the provisions of this section may be barred from acting as a lobbyist for a period of one year from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

S 8-b. Section 1-p of the legislative law is amended by adding a new subdivision (d) to read as follows:

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE COMMISSION HAS A REASONABLE BASIS TO BELIEVE THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS MAY HAVE VIOLATED ANY PROVISION OF SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION LAW, IT SHALL REFER SUCH VIOLATION TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS APPROPRIATE, UNLESS THE COMMISSION DETERMINES THAT SUCH A REFERRAL WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS INVESTIGATIONS AND, IF SO, SHALL MAKE A REFERRAL AS SOON AS PRACTICABLE. THE REFERRAL BY THE COMMISSION TO SUCH ENTITIES SHALL INCLUDE ANY INFORMATION RELATING THERETO COMING INTO THE CUSTODY OR CONTROL OF THE COMMISSION AT ANY TIME PRIOR OR SUBSEQUENT TO THE REFERRAL.

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 APPOINTED BY THE SPEAKER OF THE ASSEMBLY; TWO SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND TWO SHALL BE APPOINTED 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 OR PROCESSES: 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 CURRENTLY OR WITHIN THE LAST FIVE YEARS:

(I) IS REQUIRED TO REGISTER AS A LOBBYIST OR HAS BEEN A LOBBYIST IN NEW YORK STATE OR IN ANY OTHER JURISDICTION;

(II) IS OR HAS BEEN A CANDIDATE FOR A POSITION IN THE NEW YORK STATE LEGISLATURE;

(III) IS OR HAS BEEN A MEMBER, OFFICER, OR EMPLOYEE OF THE NEW YORK STATE LEGISLATURE; OR

(IV) IS OR HAS BEEN A POLITICAL PARTY CHAIRMAN, AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

(E) NO BOARD MEMBER SHALL BE CURRENTLY A STATEWIDE ELECTED OFFICIAL OR AN OFFICER OR EMPLOYEE OF THE NEW YORK STATE GOVERNMENT.

(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 WITHOUT VACANCY SHALL CONSTITUTE A QUORUM.

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

(J) ANY VACANCY OCCURRING ON THE BOARD SHALL BE FILLED WITHIN SIXTY DAYS BY THE APPOINTING AUTHORITY.

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, APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION AND ENTER INTO CONTRACTS FOR SERVICES AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION;

(B) RECEIVE AND ACT ON SWORN 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) RECEIVE 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) RECEIVE 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 SUBDIVISION FOUR OF THIS SECTION.

4. PROCEDURE. (A) PRELIMINARY REVIEW. (I) UPON RECEIPT OF A WRITTEN SWORN COMPLAINT OR REFERRAL PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE GOVERNING BOARD SHALL, WITHIN TEN CALENDAR DAYS:

(A) INITIATE A PRELIMINARY REVIEW OF ANY ALLEGED VIOLATION BY A MEMBER OF THE LEGISLATURE, OFFICER, OR LEGISLATIVE EMPLOYEE OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR 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 PURSUANT TO SUBDIVISION THREE OF THIS SECTION;

(B) NOTIFY IN WRITING THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS AND THE COMPLAINANT, IF THERE IS ONE, THAT THE PRELIMINARY REVIEW HAS COMMENCED; AND

(C) NOTIFY IN WRITING ANY INDIVIDUAL WHO IS THE SUBJECT OF SUCH 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 PROCEDURAL MECHANISMS AVAILABLE TO SUCH INDIVIDUAL AND THE OPPORTUNITY FOR SUCH INDIVIDUAL TO SUBMIT A WRITTEN RESPONSE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) THE INDIVIDUAL WHO IS THE SUBJECT OF THE PRELIMINARY REVIEW SHALL HAVE THE OPPORTUNITY TO SUBMIT WITHIN FIFTEEN CALENDAR DAYS OF RECEIPT OF NOTICE PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, A WRITTEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ACTIVITIES CITED AS A POSSIBLE OR ALLEGED VIOLATION OF LAW.

(III) THE GOVERNING BOARD SHALL, WITHIN FORTY-FIVE CALENDAR DAYS AFTER RECEIPT OF A WRITTEN COMPLAINT OR REFERRAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, COMPLETE ITS PRELIMINARY REVIEW AND SHALL VOTE ON WHETHER TO COMMENCE A SECOND PHASE REVIEW OF THE MATTER UNDER CONSIDERATION.

(IV) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH, THE GOVERNING BOARD MAY TERMINATE A PRELIMINARY REVIEW BY AN AFFIRMATIVE VOTE OF NOT LESS THAN FIVE MEMBERS AT ANY TIME WITHIN THE APPLICABLE FORTY-FIVE CALENDAR DAYS UPON ITS DETERMINATION THAT THE ALLEGED VIOLATION UNDER REVIEW IS DE MINIMIS IN NATURE OR CURED. UPON THE TERMINATION OF A PRELIMINARY REVIEW PURSUANT TO THIS SUBPARAGRAPH OR SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE GOVERNING BOARD SHALL NOTIFY, IN WRITING, THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS, THE COMPLAINANT, IF THERE IS ONE, AND THE INDIVIDUAL WHO WAS THE SUBJECT OF SUCH PRELIMINARY REVIEW, OF SUCH TERMINATION. UPON SUCH TERMINATION, THE GOVERNING BOARD SHALL NOT DISCLOSE ANY MATERIALS OR INFORMATION RELATED TO SUCH PRELIMINARY REVIEW.

(B) SECOND-PHASE REVIEW. (I) UPON THE AFFIRMATIVE VOTE OF NOT LESS THAN FOUR GOVERNING BOARD MEMBERS TO COMMENCE A SECOND-PHASE REVIEW, WRITTEN NOTICE OF THE GOVERNING BOARD'S DECISION SHALL BE PROVIDED TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS, AND TO THE INDIVIDUAL WHO IS THE SUBJECT OF SUCH SECOND-PHASE REVIEW. SUCH WRITTEN NOTICE SHALL INCLUDE A COPY OF THE GOVERNING BOARD'S RULES AND PROCEDURES AND SHALL ALSO INCLUDE NOTIFICATION OF SUCH INDIVIDUAL'S RIGHT TO BE HEARD WITHIN THIRTY CALENDAR DAYS OF THE DATE OF THE GOVERNING BOARD'S WRITTEN NOTICE.

(II) THE GOVERNING BOARD MAY HOLD SUCH HEARINGS AS MAY BE 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. THE BOARD SHALL PROVIDE THE INDIVIDUAL WHO IS THE SUBJECT OF THE REVIEW THE OPPORTUNITY TO BE HEARD ON THE MATTER WITHIN THIRTY CALENDAR DAYS OF SUCH WRITTEN NOTICE.

(III) NOT LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE GOVERNING BOARD'S DECISION TO COMMENCE A SECOND-PHASE REVIEW, THE GOVERNING BOARD SHALL PRESENT A WRITTEN REPORT TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS AND DELIVER A COPY OF THE REPORT TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE REVIEW. SUCH WRITTEN REPORT SHALL INCLUDE:

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

(B) A RECOMMENDATION THAT THE MATTER UNDER REVIEW BE DISMISSED BY SUCH COMMITTEE OR COMMISSION IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SUBDIVISION; OR

(C) A STATEMENT THAT THE GOVERNING BOARD IS UNABLE TO RECOMMEND ACTION BECAUSE OF A TIE VOTE. SUCH STATEMENT SHALL INCLUDE THE NUMBER OF MEMBERS VOTING IN THE AFFIRMATIVE AND NEGATIVE AND A STATEMENT OF THE NATURE OF THE REVIEW; AND

(D) A SUMMARY OF THE GOVERNING BOARD'S FINDINGS OF FACT.

(IV) THE GOVERNING BOARD SHALL ALSO TRANSMIT TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS; CITATIONS TO ANY RELEVANT LAW, RULE, REGULATION OR STANDARD OF CONDUCT; THE NAMES OF ALL WITNESSES; COPIES OF ANY DOCUMENTS SUBMITTED; ANY CONCLUSIONS REGARDING THE VALIDITY OF THE ALLEGATIONS UPON WHICH THE COMPLAINT OR REFERRAL IS BASED; AND A DESCRIPTION OF ANY RELEVANT INFORMATION THAT THE GOVERNING BOARD WAS UNABLE TO OBTAIN AND WITNESSES IT WAS UNABLE TO INTERVIEW, AND THE REASONS THEREFOR.

(V) THE GOVERNING BOARD MAY, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS, EXTEND THE PERIOD TO PRESENT A WRITTEN REPORT PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH FOR ONE ADDITIONAL PERIOD OF NOT MORE THAN FOURTEEN CALENDAR DAYS.

(C) RECOMMENDATION TO DISMISS. PURSUANT TO CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (B) OF THIS SUBDIVISION, THE GOVERNING BOARD MAY, BY AN AFFIRMATIVE VOTE OF NOT LESS THAN FOUR MEMBERS, RECOMMEND TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS THAT THE MATTER UNDER SECOND-PHASE REVIEW BE DISMISSED. SUCH RECOMMENDATION TO SUCH COMMITTEE OR COMMISSION MAY BE BASED ON ANY GROUND INCLUDING, BUT NOT LIMITED TO, ITS DETERMINATION THAT THE ALLEGED VIOLATION:

(I) WAS DE MINIMIS IN NATURE;

(II) WAS CURED; OR

(III) SHOULD BE RESOLVED PURSUANT TO A SETTLEMENT AGREEMENT.

ANY MATTER SO DISMISSED BY SUCH COMMITTEE OR COMMISSION SHALL BE DEEMED A PRELIMINARY REVIEW TERMINATION PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT SUCH COMMITTEE OR COMMISSION SHALL MAKE PUBLIC THE TERMS OF ANY SETTLEMENT OR COMPROMISE WHICH INCLUDES A FINE, PENALTY OR OTHER REMEDY.

(D) ADOPTION OF RULES. THE GOVERNING BOARD SHALL ADOPT RULES TO CARRY OUT ITS DUTIES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

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

(II) A RULE REQUIRING THAT THERE BE NO EX PARTE COMMUNICATIONS BETWEEN ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE AND ANY INDI-

VIDUAL WHO IS THE SUBJECT OF ANY REVIEW BY THE GOVERNING BOARD OR BETWEEN ANY MEMBER OR STAFF AND ANY INTERESTED PARTY, AND THAT NO MEMBER OR OFFICER OF THE LEGISLATURE, OR LEGISLATIVE EMPLOYEE MAY COMMUNICATE WITH ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE REGARDING ANY MATTER UNDER REVIEW BY THE GOVERNING BOARD EXCEPT AS AUTHORIZED BY THE BOARD.

(III) 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. SUCH REPORT SHALL BE SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION.

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 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 BOARD 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) PARAGRAPH (A) OF THIS SUBDIVISION 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. (A) 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 UPON THE TERMINATION OF SUCH ADDITIONAL PERIOD, MAKE PUBLIC THE WRITTEN REPORT, AND 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.

(B) 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 PARAGRAPH (A) OF SUBDIVISION TEN OF THIS SECTION, 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 PARAGRAPH (A) OF SUBDIVISION TEN OF THIS SECTION, 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 SUBDIVISION TEN OF THIS SECTION, THE COMMITTEE OR COMMISSION IS NOT REQUIRED TO MAKE A PUBLIC STATEMENT THAT THE COMMITTEE OR COMMISSION HAS VOTED TO EXTEND THE MATTER. EXCEPT AS OTHERWISE PROVIDED, THE REPORT SHALL BE MADE PUBLIC.

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 LOCAL, 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 REVIEW THE ENFORCEMENT OF SUCH SECTIONS. 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 AND SHALL NOT BE AND SHALL NOT HAVE BEEN IN THE PREVIOUS FIVE YEARS, CANDIDATES FOR MEMBER OF THE LEGISLATURE, EMPLOYEES OF THE LEGISLATURE, 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 REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION. THE FOUR MEMBERS WHO ARE NOT LEGISLATORS 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 AND MAY BE REMOVED BY THE APPOINTING AUTHORITY FOR SUBSTANTIAL NEGLECT OF DUTY, MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES OF THE OFFICE OR VIOLATIONS OF THIS SECTION AFTER WRITTEN NOTICE AND OPPORTUNITY FOR A REPLY.

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 SIXTY 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 WHO IS NOT A MEMBER OF THE LEGISLATURE 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 SHALL BE DISMISSED ONLY 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. SUCH REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS FACIALLY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

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 AS WELL AS ANY OTHER POSSIBLE VIOLATIONS OF SUCH SECTIONS BY SUCH PERSONS THAT THE COMMISSION DETERMINES ON ITS OWN INITIATIVE WARRANTS INVESTIGATION;

13. RECEIVE 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;

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 BE

POSTED ON THE COMMISSION'S WEBSITE AND SHALL INCLUDE: (I) THE NUMBER OF REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSUANT TO SUBDIVISION EIGHTEEN OF THIS SECTION DURING THE PREVIOUS YEAR AND WHICH, IF ANY, CLASSES WERE SELECTED FOR CLASS REVIEW RATHER THAN RANDOM REVIEW, (II) 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 (III) 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; AND

18. PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION, ITS STAFF AND TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATION PRIOR TO ITS SELECTION; (II) SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINATION OF THE SELECTED STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON WITH OTHER RECORDS MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY FILED STATEMENTS AND REQUESTS FOR ADVISORY OPINIONS, AND EXAMINATION OF RELEVANT PUBLIC INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS FILED WITH THE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE DEPARTMENT OF STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINATION, THE COMMISSION SHALL DETERMINE WHETHER FURTHER INQUIRY IS WARRANTED, WHEREUPON IT SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING THAT THE STATEMENT IS UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF THE SPECIFIC AREAS OF INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH THE OPPORTUNITY TO PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION RELATED TO THE SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE AMENDMENTS TO THE SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMISSION; AND (IV) IF THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION SHALL REFER THE MATTER TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED, HOWEVER IF THE COMMISSION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER SET FORTH IN THIS PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE INDIVIDUALS WITHIN SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR THE PURPOSES OF THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES SUBJECT TO THE PROVISIONS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, AND LEGISLATIVE EMPLOYEES REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT PURSUANT TO SUBDIVISION SIX OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

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 PROCEDURAL 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 THIS SECTION 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 INTENTIONALLY VIOLATES THE PROVISIONS OF SUBDIVISIONS TWO THROUGH FIVE-A, SEVEN, EIGHT, TWELVE, FOURTEEN, FIFTEEN OR SEVENTEEN 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 INTENTIONALLY 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 INTENTIONALLY 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 HERE-

UNDER 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, OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION LAW, IT SHALL REFER SUCH VIOLATION TO SUCH OVERSIGHT BODY OR TO THE BOARD OF ELECTIONS, AS APPROPRIATE, 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 AS FOLLOWS:

(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, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC NO LATER THAN THIRTY DAYS AFTER RECEIPT;

(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 PROVIDED, HOWEVER, THAT THE COMMISSION SHALL MEET PUBLICLY WHENEVER IT ADOPTS, AMENDS OR RESCINDS ITS POLICIES, RULES OR REGULATIONS, PROMULGATES ITS GUIDELINES, APPROVES EDUCATIONAL MATERIAL, OR ADOPTS ITS ANNUAL REPORT.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION SHALL MAKE AVAILABLE TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATION ALL RECORDS MAINTAINED BY THE COMMISSION AND SHALL REGULARLY FORWARD TO SUCH OFFICE COPIES OF ALL ADVISORY OPINIONS ADOPTED BY THE COMMISSION.

O. THE COMMISSION SHALL 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 FILED BY LEGISLATIVE EMPLOYEES, AND ANY OTHER RECORDS OR INFORMATION WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE.

P. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS REGARDING THE EFFECTIVENESS OF THE COMMISSION AT LEAST FIVE MONTHS BEFORE THIS SECTION EXPIRES PURSUANT TO THE PROVISIONS OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH ADDED THIS SECTION.

Q. 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.

R. SEPARABILITY CLAUSE. IF ANY PART OR PROVISION OF THIS SECTION OR THE APPLICATION THEREOF TO ANY PERSON 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, 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 an amount equivalent to 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 an amount equivalent to 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 an amount equivalent to 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, USE HIS OR HER POSITION, INFLUENCE OR ACCESS TO DIRECTLY OR INDIRECTLY PROMOTE OR OPPOSE THE PASSAGE OF BILLS OR RESOLUTIONS 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 13-a. Paragraph (c) of subdivision 6 and subdivision 10 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, are amended to read as follows:

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

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with

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

S 13-b. Subparagraph (ii) of paragraph (a) and paragraphs (c), (d), (f) and (g) of subdivision 2 of section 73-a of the public officers law, subparagraph (ii) of paragraph (a) and paragraphs (c), (d) and (f) as added by chapter 813 of the laws of 1987 and paragraph (g) as amended by chapter 242 of the laws of 1989, are amended to read as follows:

(ii) a person who is required to file an annual financial disclosure statement with the [state ethics] EXECUTIVE ETHICS AND COMPLIANCE commission or with the [legislative ethics committee] JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph [c] (C) of subdivision nine of section ninety-four of the executive law or pursuant to [paragraph c of subdivision eight of] section [eighty] EIGHTY-ONE of the legislative law, shall file such statement within the additional period of time granted;

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with the [legislative ethics committee] JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS established by section [eighty] EIGHTY-ONE of the legislative law. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the [state ethics] EXECUTIVE

ETHICS AND COMPLIANCE commission established by section ninety-four of the executive law.

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

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

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

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] LANGUAGE 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 regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and

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

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse 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.

Position	Name & Address of Organization	Description	State or Local Agency

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.

_____

_____

_____

_____

_____

(B) 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.

_____

_____

_____

_____

_____

(C) IF THE REPORTING INDIVIDUAL RECEIVED INCOME IN EXCESS OF $1,000 FROM CONSULTING SERVICES, NOT INCLUDING ANY SERVICES RENDERED AS PART OF ANY PRACTICE OR ACTIVITY REQUIRED TO BE DISCLOSED IN ITEM 8(A) OR SERVICES RENDERED AS PART OF THE PRACTICE OR ACTIVITY IDENTIFIED IN SECTIONS FORTY-FIVE HUNDRED FOUR, FORTY-FIVE HUNDRED FIVE, FORTY-FIVE HUNDRED SEVEN, FORTY-FIVE HUNDRED EIGHT AND FORTY-FIVE HUNDRED TEN OF THE CIVIL PRACTICE LAW AND RULES, PROVIDE THE NAME AND ADDRESS OF EACH CLIENT, THE COMPENSATION RECEIVED FROM EACH CLIENT, AND A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN.

CLIENT ADDRESS SERVICES/CONSIDERATION CATEGORY OF VALUE

_____

_____

_____

_____

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

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

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

Source	Description

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

Identity	Category of Value*

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

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

_____
_____
_____
_____
_____

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

_____
_____
_____
_____
_____

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse 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 legislative 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 or 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 commission, 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. Subdivision 3 of section 3-100 of the election law, as amended by chapter 220 of the laws of 2005, is amended to read as follows:

3. The commissioners of the state board of elections shall have no other public employment. The commissioners shall receive an annual salary of twenty-five thousand dollars, within the amounts made available therefor by appropriation. The board shall, for the purposes of sections seventy-three and seventy-four of the public officers law, be a "state agency", and such commissioners shall be "officers" of the state board of elections for the purposes of such sections. Within the amounts made available by appropriation therefor, the state board of elections shall appoint two co-executive directors, AN ENFORCEMENT COUNSEL, A SPECIAL counsel, A DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A DEPUTY SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL PARTY THAN THE SPECIAL COUNSEL, and such other staff members as are necessary in the exercise of its functions, and may fix their compensation. [Anytime after the effective date of the chapter of the laws of two thousand five which amended this subdivision, the] THE commissioners or, in the case of a vacancy on the board, the commissioner of each of the major political parties shall appoint one co-executive director. Each co-executive director shall serve a term of four years. THE ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON THE BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY AS THE INCUMBENT ENFORCEMENT AND SPECIAL COUNSELS SHALL APPOINT SUCH COUNSEL. Any vacancy in the office of co-executive director, ENFORCEMENT COUNSEL OR SPECIAL COUNSEL shall be filled by the commissioners or, in the case of a vacancy on the board, the commissioner of the same major political party as the vacating incumbent for the remaining period of the term of such vacating incumbent.

S 23. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision 17 of section 3-102 of the election law, subdivisions 3 and 17 as amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as renumbered by chapter 23 of the laws of 2005, are amended to read as follows:

3. conduct any investigation necessary to carry out the provisions of this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS

ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTICLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

(c) establish [a] AN EDUCATIONAL AND training program on ALL REPORTING REQUIREMENTS INCLUDING BUT NOT LIMITED TO the electronic reporting process and make it EASILY AND READILY available to any such candidate or committee AND NOTIFY ANY SUCH CANDIDATE OR COMMITTEE OF THE AVAILABILITY OF THE MOST RECENT CAMPAIGN FINANCE HANDBOOK;

17. HEAR AND CONSIDER THE RECOMMENDATIONS OF THE STATE BOARD OF ELECTIONS ENFORCEMENT COUNSEL REGARDING THE ENFORCEMENT OF VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER;

18. perform such other acts as may be necessary to carry out the purposes of this chapter.

S 24. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as redesignated and subdivision 2 as amended by chapter 9 of the laws of 1978, is amended to read as follows:

S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITHIN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE ENFORCEMENT COUNSEL.

(B) The state board of elections shall have jurisdiction of, and be responsible for, the execution and enforcement of the provisions of [article fourteen of this chapter and other] statutes governing campaigns, elections and related procedures; PROVIDED HOWEVER THAT THE ENFORCEMENT COUNSEL SHALL HAVE SOLE AUTHORITY WITHIN THE STATE BOARD OF ELECTIONS TO INVESTIGATE ON HIS OR HER OWN INITIATIVE OR UPON COMPLAINT, ALLEGED VIOLATIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AND ALL COMPLAINTS ALLEGING ARTICLE FOURTEEN VIOLATIONS SHALL BE FORWARDED TO THE ENFORCEMENT UNIT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DIMINISH OR ALTER THE STATE BOARD OF ELECTIONS' JURISDICTION PURSUANT TO THIS CHAPTER.

2. Whenever [the state board of elections or other] A LOCAL board of elections shall determine, on its own initiative or upon complaint, or otherwise, that there is substantial reason to believe a violation of this chapter or any code or regulation promulgated thereunder has [occurred] BEEN COMMITTED BY A CANDIDATE OR POLITICAL COMMITTEE THAT FILES STATEMENTS REQUIRED BY ARTICLE FOURTEEN OF THIS CHAPTER SOLELY WITH SUCH LOCAL BOARD, it shall expeditiously make an investigation which shall also include investigation of reports and statements made or failed to be made by the complainant and any political committee supporting his candidacy if the complainant is a candidate or, if the complaint was made by an officer or member of a political committee, of reports and statements made or failed to be made by such political committee and any candidates supported by it. [The state board of elections, in lieu of making such an investigation, may direct the appropriate board of elections to make an investigation.]

(C) The state board of elections may request, and shall receive, the assistance of the state police in any investigation it shall conduct.

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

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

5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF SUBDIVISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-114 OF THIS CHAPTER.

4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING ANY OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY, REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUNSEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

5. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER OR THAT THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL ISSUE A LETTER TO THE COMPLAINANT DISMISSING THE COMPLAINT.

6. IF THE ENFORCEMENT COUNSEL DETERMINES THAT THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND THAT THE ALLEGATIONS APPEAR TO BE SUPPORTED BY CREDIBLE EVIDENCE, HE OR SHE SHALL NOTIFY THE STATE BOARD OF ELECTIONS OF (A) HIS OR HER INTENT TO RESOLVE THE MATTER EXTRA-JUDICIALLY DUE TO THE DE MINIMUS NATURE OF THE VIOLATION; OR (B) HIS OR HER INTENT TO COMMENCE AN INVESTIGATION, NO LATER THAN THE BOARD'S NEXT REGULARLY SCHEDULED MEETING. NOTIFICATION SHALL SUMMARIZE THE RELEVANT FACTS AND THE APPLICABLE LAW AND SHALL, TO THE EXTENT POSSIBLE, PROTECT FROM PUBLIC DISCLOSURE THE IDENTITY OF THE COMPLAINANT AND THE INDIVIDUAL SUBJECT TO THE COMPLAINT.

7. IF, UPON CONSIDERING THE ENFORCEMENT COUNSEL'S NOTICE OF INTENT TO COMMENCE AN INVESTIGATION, THE STATE BOARD OF ELECTIONS BELIEVES THAT THE ALLEGATIONS, IF TRUE, WOULD NOT CONSTITUTE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, OR THE ALLEGATIONS ARE NOT SUPPORTED BY CREDIBLE EVIDENCE OR, THAT ON BALANCE, THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE BOARD SHALL PUBLICLY DIRECT THAT AN INVESTIGATION NOT BE UNDERTAKEN NO LATER THAN SIXTY DAYS AFTER THE RECEIPT OF NOTIFICATION FROM THE ENFORCEMENT COUNSEL OF HIS OR HER INTENT TO COMMENCE AN INVESTIGATION. IN DETERMINING WHETHER THE EQUITIES FAVOR A DISMISSAL OF THE COMPLAINT, THE STATE BOARD OF ELECTIONS SHALL CONSIDER THE FOLLOWING FACTORS: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. DETERMINATIONS OF THE STATE BOARD OF ELECTIONS TO DISMISS A COMPLAINT AND NOT PROCEED WITH A FORMAL INVESTIGATION SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS AND WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE COMPLAINT.

8. ABSENT A TIMELY DETERMINATION BY THE STATE BOARD OF ELECTIONS THAT AN INVESTIGATION SHALL NOT BE UNDERTAKEN, THE ENFORCEMENT COUNSEL SHALL COMMENCE AN INVESTIGATION ON A TIMELY BASIS. IF THE ENFORCEMENT COUNSEL DETERMINES THAT ADDITIONAL INVESTIGATIVE POWERS, AS PROVIDED FOR IN SUBDIVISIONS FOUR, FIVE AND SIX OF SECTION 3-102 OF THIS TITLE, ARE NEEDED TO COMPLETE THE COUNSEL'S INVESTIGATION, HE OR SHE SHALL REQUEST SUCH ADDITIONAL POWERS FROM THE STATE BOARD OF ELECTIONS. SUCH POWERS SHALL BE GRANTED BY THE BOARD IN PUBLIC, AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE, ONLY WHEN THE BOARD FINDS THAT FURTHER INVESTIGATION IS WARRANTED AND JUSTIFIED.

9. AT THE CONCLUSION OF ITS INVESTIGATION, THE ENFORCEMENT COUNSEL SHALL PROVIDE THE STATE BOARD OF ELECTIONS WITH A WRITTEN RECOMMENDATION AS TO: (A) WHETHER SUBSTANTIAL REASON EXISTS TO BELIEVE A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER HAS OCCURRED AND, IF SO, THE NATURE OF THE VIOLATION AND ANY APPLICABLE PENALTY, AS DEFINED IN SECTION 14-126 OF THIS CHAPTER, BASED ON THE NATURE OF THE VIOLATION; (B) WHETHER THE MATTER SHOULD BE RESOLVED EXTRA-JUDICIALLY; (C) WHETHER A SPECIAL PROCEEDING SHOULD BE COMMENCED IN THE SUPREME COURT TO RECOVER A CIVIL PENALTY; AND (D) WHETHER A REFERRAL SHOULD BE MADE TO A DISTRICT ATTORNEY PURSUANT TO SUBDIVISION ELEVEN OF THIS SECTION BECAUSE REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE.

10. THE STATE BOARD OF ELECTIONS SHALL ACCEPT, MODIFY OR REJECT THE ENFORCEMENT COUNSEL'S RECOMMENDATION NO LATER THAN SIXTY DAYS AFTER RECEIPT OF SUCH RECOMMENDATION. IN MAKING ITS DETERMINATION, THE BOARD SHALL AGAIN CONSIDER: (A) WHETHER THE COMPLAINT ALLEGES A DE MINIMUS VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER; (B) WHETHER THE SUBJECT OF THE COMPLAINT HAS MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION; AND (C) WHETHER THE SUBJECT OF THE COMPLAINT HAS A HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE VOTED UPON AS PROVIDED IN SUBDIVISION FOUR OF SECTION 3-100 OF THIS TITLE AT AN OPEN MEETING PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW, AND SHALL BE MADE ON A FAIR AND EQUITABLE BASIS, WITHOUT REGARD TO THE STATUS OF THE SUBJECT OF THE COMPLAINT.

11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

(B) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN SUBDIVISION TEN OF THIS SECTION THAT REASONABLE CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS TAKEN PLACE, THE BOARD SHALL REFER THE MATTER TO A DISTRICT ATTORNEY AND SHALL MAKE AVAILABLE TO SUCH DISTRICT ATTORNEY ALL PAPERS, DOCUMENTS, TESTIMONY AND FINDINGS RELEVANT TO ITS INVESTIGATION.

12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHERWISE DIRECTED BY THE COURT.

13. THE ENFORCEMENT COUNSEL SHALL PREPARE A REPORT, TO BE INCLUDED IN THE ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE, SUMMARIZING THE ACTIVITIES OF THE UNIT DURING THE PREVIOUS YEAR. SUCH REPORT SHALL INCLUDE: (I) THE NUMBER OF COMPLAINTS RECEIVED; (II) THE NUMBER OF COMPLAINTS THAT WERE FOUND TO NEED INVESTIGATION AND THE NATURE OF EACH COMPLAINT; AND (III) THE NUMBER OF MATTERS THAT HAVE BEEN RESOLVED. THE REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH DISCLOSURE IS NOT PERMITTED.

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

S 25. The state of New York shall appropriate during each fiscal year to the New York state board of elections enforcement unit, not less than thirty-five percent of the appropriation available from the general fund for the state board of elections to pay for the expenses of such enforcement unit.

S 26. The election law is amended by adding a new section 3-111 to read as follows:

S 3-111. PERSONAL USE OF CAMPAIGN FUNDS. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE REQUIREMENTS OF SECTION 14-130 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL RENDER FORMAL OPINIONS ON THE REQUIREMENTS OF SAID PROVISION. AN OPINION RENDERED BY THE BOARD, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE BOARD 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 DEFENSE IN ANY CRIMINAL OR CIVIL ACTION. SUCH REQUEST SHALL BE CONFIDENTIAL, BUT THE BOARD SHALL PUBLISH SUCH OPINIONS PROVIDED THAT THE NAME OF THE REQUESTING PERSON AND OTHER IDENTIFYING DETAILS SHALL NOT BE INCLUDED IN THE PUBLICATION.

S 27. Section 14-100 of the election law is amended by adding three new subdivisions 12, 13 and 14 to read as follows:

12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

(A) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

(B) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

(C) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFERENCE.

13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC; PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSINESS ENTITY OR MEMBERS OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION.

14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDITIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCIDENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE, EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE LABOR ORGANIZATION.

S 28. Subdivision 5 of section 14-102 of the election law is REPEALED, subdivisions 1 and 3, as amended by chapter 8 of the laws of 1978,

subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by chapter 70 of the laws of 1983, are amended and a new subdivision 5 is added to read as follows:

1. The treasurer of every political committee which, or any officer, member or agent of any such committee who, in connection with any election, receives or expends any money or other [valuable thing] ITEM OF VALUE or incurs any liability to pay money or its equivalent shall file statements sworn, or subscribed and bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law, at the times prescribed by this article setting forth all the receipts, contributions to and the expenditures by and liabilities of the committee, and of its officers, members and agents in its behalf. Such statements shall include the dollar amount of any receipt, contribution or transfer, or the fair market value of any receipt, contribution or transfer, which is other than of money, the name and address of the transferor, contributor or person from whom received, and if the transferor, contributor or person is a political committee; the name of and the political unit represented by the committee, the date of its receipt, the dollar amount of every expenditure, the name and address of the person to whom it was made or the name of and the political unit represented by the committee to which it was made and the date thereof, and shall state clearly the purpose of such expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE PURPOSE, OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE SUPPLIER, SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR SUPPLIER AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH SUPPLIER.

Any statement reporting a loan shall have attached to it a copy of the evidence of indebtedness. Expenditures in sums under fifty dollars need not be specifically accounted for by separate items in said statements, and receipts and contributions aggregating not more than ninety-nine dollars, from any one contributor need not be specifically accounted for by separate items in said statements, provided however, that such expenditures, receipts and contributions shall be subject to the other provisions of section 14-118 of this article.

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

5. (A) PURSUANT TO THE PROVISIONS OF THIS SECTION, ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN ONE THOUSAND DOLLARS DURING ANY CALENDAR YEAR, IN ADDITION TO FILING SUCH STATEMENTS WITH SUCH BOARDS OF ELECTIONS IN THE FILING FORMAT REQUIRED THEREBY, SHALL ALSO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS PURSUANT TO ITS ELECTRONIC REPORTING SYSTEM, ESTABLISHED PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER, OR ON PAPER IF AN EXEMPTION FROM THE ELECTRONIC FILING REQUIREMENTS HAS BEEN GRANTED BY THE STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION FOUR OF THIS SECTION OR SUBDIVISION TWO OF SECTION 14-104 OF THIS TITLE.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, ANY STATEMENTS FILED ELECTRONICALLY, OR ON PAPER IF EXEMPTED, WITH

THE STATE BOARD OF ELECTIONS BY A CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL SATISFY THE FILING REQUIREMENTS OF THIS SECTION WITH REGARDS TO FILING WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS. THE COUNTY AND CITY BOARDS OF ELECTIONS SHALL MAKE STATEMENTS FILED WITH THE STATE BOARD OF ELECTIONS, WHICH WOULD OTHERWISE HAVE BEEN FILED SPECIFICALLY WITH THEIR INDIVIDUAL BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, AVAILABLE FOR PUBLIC INSPECTION AND COPYING VIA ELECTRONIC CONNECTION TO THE STATE BOARD OF ELECTIONS' WEBSITE, WHICH WILL CONTAIN SUCH STATEMENTS, OR BY SUCH OTHER MODE OF ELECTRONIC COMMUNICATION THAT IS AVAILABLE AND APPROVED BY THE STATE BOARD OF ELECTIONS FOR SUCH PURPOSES.

(C) ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK PURSUANT TO THE PROVISIONS OF THIS SECTION, WHICH IS NOT REQUIRED TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY NOT ELECT TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION IN SUBSTITUTION FOR, OR IN SATISFACTION OF, THE REQUIREMENT TO FILE WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS.

S 29. Subdivision 3 of section 14-104 of the election law is REPEALED and a new subdivision 3 is added to read as follows:

3. (A) PURSUANT TO THE PROVISIONS OF THIS SECTION, ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, WHICH RAISES OR SPENDS OR EXPECTS TO RAISE OR SPEND MORE THAN ONE THOUSAND DOLLARS DURING ANY CALENDAR YEAR, IN ADDITION TO FILING SUCH STATEMENTS WITH SUCH BOARDS OF ELECTIONS IN THE FILING FORMAT REQUIRED THEREBY, SHALL ALSO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS PURSUANT TO ITS ELECTRONIC REPORTING SYSTEM, ESTABLISHED PURSUANT TO SUBDIVISION NINE-A OF SECTION 3-102 OF THIS CHAPTER, OR ON PAPER IF AN EXEMPTION FROM THE ELECTRONIC FILING REQUIREMENTS HAS BEEN GRANTED BY THE STATE BOARD OF ELECTIONS PURSUANT TO SUBDIVISION FOUR OF SECTION 14-102 OF THIS TITLE OR SUBDIVISION TWO OF THIS SECTION.

(B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, ANY STATEMENTS FILED ELECTRONICALLY, OR ON PAPER IF EXEMPTED, WITH THE STATE BOARD OF ELECTIONS BY A CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL SATISFY THE FILING REQUIREMENTS OF THIS SECTION WITH REGARDS TO FILING WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS. THE COUNTY AND CITY BOARDS OF ELECTIONS SHALL MAKE STATEMENTS FILED WITH THE STATE BOARD OF ELECTIONS, WHICH WOULD OTHERWISE HAVE BEEN FILED SPECIFICALLY WITH THEIR INDIVIDUAL BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, AVAILABLE FOR PUBLIC INSPECTION AND COPYING VIA ELECTRONIC CONNECTION TO THE STATE BOARDS OF ELECTIONS' WEBSITE, WHICH WILL CONTAIN SUCH STATEMENTS, OR BY SUCH OTHER MODE OF ELECTRONIC COMMUNICATION THAT IS AVAILABLE AND APPROVED BY THE STATE BOARD OF ELECTIONS FOR SUCH PURPOSES.

(C) ANY CANDIDATE AND/OR POLITICAL COMMITTEE WHICH IS REQUIRED TO FILE STATEMENTS WITH A COUNTY BOARD OF ELECTIONS OR WITH THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK PURSUANT TO THE PROVISIONS OF THIS SECTION, WHICH IS NOT REQUIRED TO FILE SUCH STATEMENTS WITH THE STATE

BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, MAY NOT ELECT TO FILE SUCH STATEMENTS WITH THE STATE BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION IN SUBSTITUTION FOR, OR IN SATISFACTION OF, THE REQUIREMENT TO FILE WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS.

S 30. Section 14-106 of the election law, as amended by chapter 8 of the laws of 1978, is amended to read as follows:

S 14-106. Political [advertisements and literature] COMMUNICATION. 1. The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a [facsimile or] copy of all BROADCAST, CABLE OR SATELLITE SCHEDULES AND SCRIPTS, advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced [and a schedule of all radio or television time, and scripts used therein], AND REPRODUCTIONS OF STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICE, purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such [facsimiles,] copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

2. NO PERSON, POLITICAL PARTY OR COMMITTEE SHALL, DURING THE COURSE OF ANY CAMPAIGN FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR PARTY POSITION, PREPARE OR DISTRIBUTE ANY POLITICAL COMMUNICATION THAT FALSELY IDENTIFIES THE SOURCE OF SUCH COMMUNICATION.

S 31. The election law is amended by adding a new section 14-107 to read as follows:

S 14-107. INDEPENDENT EXPENDITURE REPORTING. 1. FOR PURPOSES OF THIS ARTICLE:

(A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFORMATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL AND (II) SUCH CANDIDATE, THE CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY SUCH COMMUNICATION.

(B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

(I) IN A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY, COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL COMMITTEE OR CANDIDATE; OR

(II) A COMMUNICATION THAT CONSTITUTES A CANDIDATE DEBATE OR FORUM; OR

(III) A COMMUNICATION WHICH CONSTITUTES AN EXPENDITURE MADE BY AN ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A BOARD OF ELECTIONS PURSUANT TO SECTIONS 14-102 AND 14-104 OF THIS ARTICLE.

(C) FOR PURPOSES OF THIS SECTION, THE TERM "PERSON" SHALL MEAN PERSON, GROUP OF PERSONS, ENTITY, ORGANIZATION OR ASSOCIATION.

2. WHENEVER ANY PERSON MAKES AN INDEPENDENT EXPENDITURE THAT COSTS MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE, SUCH COMMUNICATION SHALL CLEARLY STATE THE NAME OF THE PERSON WHO PAID FOR, OR OTHERWISE PUBLISHED OR DISTRIBUTED, THE COMMUNICATION AND STATE, WITH RESPECT TO COMMUNICATIONS REGARDING CANDIDATES, THAT THE COMMUNICATION IS NOT AUTHORIZED BY ANY CANDIDATE, ANY CANDIDATE'S POLITICAL COMMITTEE OR ANY OF ITS AGENTS.

3. (A) ANY PERSON WHICH MAKES INDEPENDENT EXPENDITURES THAT COST MORE THAN ONE THOUSAND DOLLARS IN THE AGGREGATE SHALL REPORT SUCH INDEPENDENT EXPENDITURES TO THE STATE BOARD OF ELECTIONS ON STATEMENTS AS PROVIDED FOR IN SECTION 14-108 OF THIS ARTICLE.

(B) ANY INDEPENDENT EXPENDITURE MADE AFTER THE CLOSE OF THE PERIOD TO BE COVERED IN THE LAST STATEMENT FILED BEFORE ANY PRIMARY, GENERAL OR SPECIAL ELECTION, BUT BEFORE SUCH ELECTION, SHALL BE REPORTED WITHIN TWENTY-FOUR HOURS IN THE SAME MANNER AS PROVIDED FOR IN SUBDIVISION TWO OF SECTION 14-108 OF THIS ARTICLE.

4. EACH SUCH STATEMENT SHALL INCLUDE:

(A) THE NAME AND ADDRESS OF THE PERSON MAKING THE STATEMENT;

(B) THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDITURE;

(C) THE NAME AND ADDRESS OF ANY PERSON OR ENTITY PROVIDING A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDEPENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION; AND PROVIDED FURTHER THAT THE NAME AND ADDRESS OF AN EMPLOYEE OF A BUSINESS ENTITY OR A MEMBER OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO SUCH BUSINESS ENTITY OR BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION RESPECTIVELY;

(D) THE DOLLAR AMOUNT PAID FOR EACH INDEPENDENT EXPENDITURE, THE NAME AND ADDRESS OF THE PERSON OR ENTITY RECEIVING THE PAYMENT, THE DATE THE PAYMENT WAS MADE AND A DESCRIPTION OF THE INDEPENDENT EXPENDITURE; AND

(E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFERENCED.

5. A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDITURE, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHEDULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS, BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER SHALL IMMEDIATELY BE FILED WITH THE STATE BOARD OF ELECTIONS AS PROVIDED IN SECTION 14-108 OF THIS ARTICLE.

6. WRITTEN EVIDENCE OF THE INDEBTEDNESS RELATED TO A LOAN THAT IS MADE FOR AN INDEPENDENT EXPENDITURE SHALL BE PROVIDED TO THE STATE BOARD OF ELECTIONS.

7. EVERY STATEMENT REQUIRED TO BE FILED PURSUANT TO THIS SECTION SHALL BE FILED ELECTRONICALLY TO THE STATE BOARD OF ELECTIONS.

8. THE STATE BOARD OF ELECTIONS SHALL PROMULGATE REGULATIONS WITH RESPECT TO THE STATEMENTS REQUIRED TO BE FILED BY THIS SECTION AND SHALL PROVIDE FORMS SUITABLE FOR SUCH STATEMENTS.

S 32. Subdivision 1 of section 14-108 of the election law, as amended by chapter 955 of the laws of 1983, is amended to read as follows:

1. The statements required by this article shall be filed at such times as the state board of elections, by rule or regulation, shall specify; provided, however, that in no event shall the board provide for

fewer than three filings in the aggregate in connection with any primary, general or special election, or in connection with a question to be voted on and two of said filings shall be before any such election, including one such filing not less than thirty days nor more than forty-five days prior to such election and one such filing not less than eleven days nor more than fifteen days prior to such election. In addition, the board shall provide that every political committee which has filed a statement of treasurer and depository shall make at least one PERIODIC filing [every six months] DURING THE MONTHS OF JANUARY, MAY AND JULY between the time such statement of treasurer and depository is filed and the time such committee goes out of business. If any candidate or committee shall be required by the provisions of this section, or by rule or regulation hereunder, to effect two filings within a period of five days OF EACH OTHER, the state board of elections may, by rule or regulation, waive the requirement of filing the earlier of such statements. If a statement filed by a candidate or committee after the election to which it pertains is not a final statement showing satisfaction of all liabilities and disposition of all assets, such candidate or committee shall file such additional statements as the board shall, by rule or regulation provide until such a final statement is filed.

S 33. Section 14-126 of the election law, as amended by chapter 8 of the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

S 14-126. Violations; penalties. 1. Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections [or other board of elections] ENFORCEMENT COUNSEL PURSUANT TO SECTION 16-114 OF THIS CHAPTER. ANY PERSON WHO, THREE OR MORE TIMES WITHIN A GIVEN ELECTION CYCLE FOR SUCH TERM OF OFFICE, FAILS TO FILE A STATEMENT OR STATEMENTS REQUIRED TO BE FILED BY THIS ARTICLE, SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE AS PROVIDED FOR IN THIS SUBDIVISION.

2. ANY PERSON WHO ACTS, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, UNLAWFULLY FAILS TO IDENTIFY INDEPENDENT EXPENDITURES AS REQUIRED BY SUBDIVISION TWO OF SECTION 14-107 OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO ONE THOUSAND DOLLARS OR THE COST OF THE COMMUNICATION, WHICHEVER IS GREATER, IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE STATE BOARD OF ELECTIONS ENFORCEMENT COUNSEL PURSUANT TO SECTION 16-120 OF THIS CHAPTER.

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

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

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

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

S 34. Section 16-100 of the election law is amended to read as follows:

S 16-100. Jurisdiction; supreme court, county court. 1. The supreme court is vested with jurisdiction to summarily determine any question of law or fact arising as to any subject set forth in this article, which shall be construed liberally.

2. The county court is vested with jurisdiction to summarily determine any question of law or fact except proceedings as to a nomination or election at a primary election or a nomination at a judicial convention, proceedings as to the casting and canvass of ballots [and], proceedings for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER.

S 35. The election law is amended by adding a new section 16-120 to read as follows:

S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE BOARD OF ELECTIONS ENFORCEMENT COUNSEL, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISION TWO OR THREE OF SECTION 14-126 OF THIS CHAPTER.

2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISION TWO OR THREE OF SECTION 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

S 36. Separability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 37. This act shall take effect July 31, 2010; provided, however, sections five-a, five-b and fourteen of this act shall take effect January 1, 2011; provided further, that sections one, two, three-a, four, five, six through eight and nine through eleven of this act shall expire and be deemed repealed 4 years after such effective date; provided further that sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-three, thirty-four, and thirty-five of this act shall take effect on the sixtieth day after it shall have become a law; and provided further that section thirty-two of this act shall take effect on January 1, 2011.