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

6794

I N S E N A T E

February 8, 2010

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

AN ACT to amend the executive law, in relation to the executive ethics and compliance commission; to amend the legislative law, in relation to prohibition on gifts and the joint legislative commission on ethics standards; to amend the public officers law, in relation to business or professional activities by state officers and employees and party officers and the code of ethics and business dealings with lobbyists; and to repeal certain provisions of the executive law relating thereto

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

Section 1. Subdivision 2 of section 94 of the executive law is REPEALED and a new subdivision 2 is added to read as follows:

2. (A) FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(I) "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE SIX MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;

(II) "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;

(III) "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR THE SIX MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;

(IV) "APPOINTING OFFICER" MEANS THE STATEWIDE ELECTED OFFICIAL RESPONSIBLE FOR APPOINTING A DESIGNATING MEMBER.

(B) A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT SIX MEMBERS TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION.

(C) THE DESIGNATING PANEL SHALL CONSIST OF NINE DESIGNATING MEMBERS OF WHOM THREE SHALL BE APPOINTED BY THE GOVERNOR, THREE BY THE ATTORNEY GENERAL, AND THREE BY THE STATE COMPTROLLER. NO MORE THAN TWO OF THE THREE APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE COMPTROLLER MAY BE A MEMBER OF A MAJOR POLITICAL PARTY. ONE OF THE THREE APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE COMPTROLLER SHALL BE A FORMER JUDGE OR JUSTICE OF THE UNIFIED COURT SYSTEM TO SUCH DESIGNATING PANEL. NO DESIGNATING MEMBER SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

(I) A STATEWIDE ELECTED OFFICIAL,

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

LBD15444-05-0

(II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
(III) A MEMBER OF THE LEGISLATURE,
(IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
(V) AN EMPLOYEE OF THE LEGISLATURE,
(VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
(VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
(VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION, OR
(IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

(D) OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE GOVERNOR, ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE ATTORNEY GENERAL, ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE STATE COMPTROLLER, ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

(E) A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY DESIGNATING MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO DESIGNATING MEMBER SHALL SERVE ON SUCH PANEL AFTER THE EXPIRATION OF HIS OR HER TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE WITHIN SIXTY DAYS, THE DESIGNATING PANEL SHALL, BY A MAJORITY VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE VACANT OFFICE.

(F) THE DESIGNATING MEMBERS SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIR FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

(G) DESIGNATING MEMBERS SHALL NOT RECEIVE COMPENSATION, BUT SHALL BE ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

(H) SIX DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

(I) A MAJORITY VOTE OF FIVE DESIGNATING MEMBERS SHALL BE REQUIRED TO APPOINT A MEMBER TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION.

(J) THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF THE CANDIDATES FOR THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION. THE DESIGNATING PANEL SHALL ONLY APPOINT PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO BECOME A MEMBER OF THE COMMISSION. NO MEMBER OF THE COMMISSION SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:
(I) A STATEWIDE ELECTED OFFICIAL,
(II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
(III) A MEMBER OF THE LEGISLATURE,
(IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
(V) AN EMPLOYEE OF THE LEGISLATURE,
(VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
(VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

(VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION, OR

(IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

(K) THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS SUBMITTED.

S 2. Subdivision 3 of section 94 of the executive law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

3. Members of the commission shall serve for terms of four years; provided, however, that [the] TWO members [first] appointed by the [governor] DESIGNATING PANEL shall serve two year terms, [the] TWO members [first] appointed by the [attorney general] DESIGNATING PANEL shall serve three year terms and [the] TWO members first appointed by the [comptroller] DESIGNATING PANEL shall serve four year terms.

S 3. Subdivision 5 of section 94 of the executive law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

5. Any vacancy occurring on the commission shall be filled within sixty days of its occurrence, by the [governor, attorney general, or comptroller] DESIGNATING PANEL in the same manner as [the member whose vacancy is being filled was appointed] PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he OR SHE succeeds. In the event of a vacancy, the [appointing authority] DESIGNATING PANEL 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] MEMBER OF THE COMMISSION WHO CREATED SUCH VACANCY.

S 4. Subdivision 7 of section 94 of the executive law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

7. Members of the commission may be removed by the [appointing authority] DESIGNATING PANEL 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.

S 5. Subdivision 9 of section 94 of the executive law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

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) Initiate or receive complaints and referrals alleging violations 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;

(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) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE MAY NOT DISCLOSE INFORMATION REGARDING A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLOSURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

(I) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARDSHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE LEGAL BASIS FOR ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

(II) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

(III) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW BE MADE. THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHALLENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR APPEAL THE DETERMINATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

(IV) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTIFIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP, THE MATTER SHALL BE REFERRED TO THE COMMISSION.

(V) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH OR A RECOMMENDATION MADE BY THE EXECUTIVE DIRECTOR UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH AT A MEETING HELD NO LESS THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATE-

WIDE ELECTED OFFICE. THE COMMISSION SHALL DECIDE WHETHER NONDISCLOSURE IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPANYING THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AS AN OPINION REQUEST.

(VI) IF THE COMMISSION ORDERS A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE TO DISCLOSE, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, 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;

(K) 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)] (L) 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)] (M) 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)] (P) 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 (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;

[(m)] (N) 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)] (O) 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)] (P) 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 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 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.

S 6. Subdivision 13 of section 94 of the executive law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

13. 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 through 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, OR A REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT OF BUSINESS DEALINGS WITH LOBBYISTS 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 A REPORT OF BUSINESS DEALINGS WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION SEVENTY-FOUR-B 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. 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 sixteen or eighteen of section seventy-three or section seventy-four of the public officers law the commission may, in [lieu of] ADDITION TO 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] PENALTY 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) OR PARAGRAPH (J) 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.

S 7. Section 1-m of the legislative law, as added by chapter 14 of the laws of 2007, is amended to read as follows:

S 1-m. Prohibition of gifts. No individual or entity required to be listed on a statement of registration pursuant to this article shall offer or give a gift to any public official as defined within this article, unless under the circumstances it is not reasonable to infer that the gift was intended to influence such public official. No individual or entity required to be listed on a statement of registration pursuant to this article shall offer or give a gift to the spouse or unemancipated child of any public official as defined within this article under circumstances where it is reasonable to infer that the gift was intended to influence such public official. No spouse or unemancipated child of an individual required to be listed on a statement of registration pursuant to this article shall offer or give a gift to a public official under circumstances where it is reasonable to infer that the gift was intended to influence such public official. [This section shall not apply to gifts to officers, members or directors of boards, commissions, councils, public authorities or public benefit corporations who receive no compensation or are compensated on a per diem basis, unless the person listed on the statement of registration appears or has matters pending before the board, commission or council on which the recipient sits.]

S 8. Paragraph (ii) of subdivision (a) of section 1-o of the legislative law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this 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] FIVE YEARS 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 9. Subparagraph (B) of paragraph (iii) and paragraphs (iv) and (v) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, are amended to read as follows:

(B) If, after a lobbyist or client has been found to have violated subdivision one of section one-n of this article, a lobbyist or client knowingly and wilfully violates the provisions of subdivision one of section one-n of this article within [four] FIVE years of such finding, the lobbyist or client shall be subject to a civil penalty not to exceed twenty-five thousand dollars.

(iv) Any lobbyist or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m of this article, after having been found by the commission to have [knowing] KNOWINGLY and wilfully committed such conduct or violation in the preceding five years, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of [one year] FIVE YEARS.

(v) Any lobbyist or client that knowingly and wilfully engages in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, during the period in which they are prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article pursuant to this subdivision, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of up to [four] TWENTY years, and shall be subject to a civil penalty not to exceed [fifty] ONE HUNDRED thousand dollars, plus a civil penalty in an amount equal to five times the value of any gift, compensation or benefit received as a result of the violation.

S 10. Paragraphs (a), (b), (c), (d) and (j) of subdivision 2 of section 80 of the legislative law, as added by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, are amended to read as follows:

(a) The office shall be governed by a board consisting of eight individuals [of whom two] WHO 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] A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS ON THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

(b) The [legislative leaders each] MEMBERS OF THE COMMISSION 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] MEMBERS OF THE GOVERNING BOARD shall [each designate one member] VOTE FOR TWO MEMBERS of the board TO SERVE as [co-chairperson] CO-CHAIRPERSONS.

(d) No individual shall be eligible for appointment to, or service on, the GOVERNING 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.]

(I) A STATEWIDE ELECTED OFFICIAL,

(II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

(III) A MEMBER OF THE LEGISLATURE,

(IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

(V) AN EMPLOYEE OF THE LEGISLATURE,

(VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

(VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

(VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION, OR

(IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

(j) Any vacancy occurring on the board shall be filled within sixty days by the [appointing authority] JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

S 11. Section 81 of the legislative law, as added by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, is amended to read as follows:

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. 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.

b. [Members of the legislature who serve on the commission shall each have a two year term concurrent with their legislative terms of office.] FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE EIGHT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS;

2. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;

3. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR ONE OF EIGHT MEMBERS TO PRESIDE ON THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS;

4. "APPOINTING OFFICER" MEANS THE LEGISLATOR RESPONSIBLE FOR APPOINTING A DESIGNATING MEMBER.

C. A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT EIGHT MEMBERS TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

D. THE DESIGNATING PANEL SHALL CONSIST OF EIGHT DESIGNATING MEMBERS OF WHOM TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, TWO BY THE TEMPORARY PRESIDENT OF THE STATE SENATE, TWO BY THE MINORITY LEADER OF THE STATE SENATE, AND TWO BY THE MINORITY LEADER OF THE ASSEMBLY. NO MORE THAN FOUR OF THE EIGHT APPOINTMENTS MADE BY THE SPEAKER OF THE ASSEMBLY, TEMPORARY PRESIDENT OF THE STATE SENATE, THE MINORITY LEADER OF THE STATE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY MAY BE A MEMBER OF THE SAME POLITICAL PARTY. NO DESIGNATING MEMBER SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

1. A STATEWIDE ELECTED OFFICIAL,

2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

3. A MEMBER OF THE LEGISLATURE,

4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

5. AN EMPLOYEE OF THE LEGISLATURE,

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

7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION, OR

9. HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

E. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A ONE-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE STATE SENATE, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE MINORITY LEADER OF THE STATE SENATE, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

F. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT OR ELECTION OF ANY DESIGNATING MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO DESIGNATING MEMBER SHALL SERVE ON SUCH PANEL AFTER THE EXPIRATION OF HIS OR HER

TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE WITHIN SIXTY DAYS, THE DESIGNATING PANEL SHALL, BY A MAJORITY VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE VACANT OFFICE.

G. THE DESIGNATING MEMBERS SHALL DESIGNATE ONE MEMBER TO SERVE AS CHAIR FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE EXPIRES, WHICHEVER PERIOD IS SHORTER.

H. DESIGNATING MEMBERS SHALL NOT RECEIVE COMPENSATION, BUT SHALL BE ENTITLED TO RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE DISCHARGE OF THEIR DUTIES.

I. FIVE DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

J. A MAJORITY VOTE OF FIVE DESIGNATING MEMBERS SHALL BE REQUIRED TO APPOINT A MEMBER TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

K. THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF THE CANDIDATES FOR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS. THE DESIGNATING PANEL SHALL ONLY APPOINT PERSONS WHO BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL QUALIFIED TO BECOME A MEMBER OF THE COMMISSION. NO MEMBER OF THE COMMISSION SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

1. A STATEWIDE ELECTED OFFICIAL,

2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

3. A MEMBER OF THE LEGISLATURE,

4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

5. AN EMPLOYEE OF THE LEGISLATURE,

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

7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER JURISDICTION, OR

9. HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.

L. THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS SUBMITTED.

M. 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] DESIGNATING PANEL shall BE DIVIDED INTO FOUR CLASSES AND serve STAGGERED TERMS OF 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] DESIGNATING PANEL 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.] N. THE COMMISSION SHALL ELECT TWO CO-CHAIRPERSONS BY A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION. 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.] O. Any vacancy occurring on the commission shall be filled within sixty days by the [appointing authority] DESIGNATING PANEL IN THE SAME MANNER AS PRESCRIBED IN SUBDIVISION F OF THIS SECTION.

[e.] P. 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.] Q. 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.] R. 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. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE MAY NOT DISCLOSE INFORMATION REGARDING A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLOSURE WOULD CONVEY THE SUBSTANCE OF CONFIDENTIAL COMMUNICATION BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

(A) A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARDSHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY THE LEGAL BASIS FOR ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

(B) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE

HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

(C) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW BE MADE. THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHALLENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR, APPEAL THE DETERMINATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

(D) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTIFIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP, THE MATTER SHALL BE REFERRED TO THE COMMISSION.

(E) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER PARAGRAPH (C) OR A RECOMMENDATION MADE BY THE EXECUTIVE DIRECTOR UNDER PARAGRAPH (D) AT A MEETING HELD NO LESS THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE. THE COMMISSION SHALL DECIDE WHETHER SUCH NONDISCLOSURE IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPANYING THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AS AN OPINION REQUEST.

(F) IF THE COMMISSION ORDERS A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE TO DISCLOSE, THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A, 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;

12. 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.] 13. 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.] 14. 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.] 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 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.] 16. 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.] 17. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees;

[17.] 18. 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] NINETEEN 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.] 19. 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.] S. 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.] T. 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] V 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.] U. 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.] V. 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, OR A REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT OF BUSINESS DEALINGS WITH LOBBYISTS 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 A REPORT OF BUSINESS DEALINGS WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION SEVENTY-FOUR-B 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] ADDITION TO a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any [other provision of law to the contrary, no other penalty,] civil or criminal[, may be] PENALTY 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 AND ELEVEN of subdivision [g] R 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.] W. 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.] X. A copy of any notice of delinquency sent pursuant to subdivision [i] T of this section shall be included in the reporting person's file and be available for public inspection and copying.

[n.] Y. 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 OR EXEMPTED pursuant to paragraph nine, TEN OR ELEVEN of subdivision [g] R 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] T 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.] Z. 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] Y 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.] AA. 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.] BB. 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.] CC. 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 12. Subdivision 19 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007 and renumbered by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S. 6457 and A. 9544, is amended to read as follows:

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

S 13. Subdivision 3 of section 73-a of the public officers law, as amended by a chapter of the laws of 2010, amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S. 6457 and A. 9544, is amended to read as follows:

3. The annual statement of financial disclosure shall contain the 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, OR IN A DOMESTIC PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full name including maiden name where applicable.

_____ .

(b) List the names of all unemancipated children.

_____

_____

_____

_____

_____

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

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under [$60,000] $50,000; Category D - [$60,000] $50,000 to under $100,000; Category E - $100,000 to under [$250,000] $150,000; [and] Category F - [$250,000] $150,000 to under [$1,000,000] $200,000; [and] Category G - [$1,000,000] $200,000 TO UNDER $300,000; CATEGORY H - $300,000 TO UNDER $400,000; CATEGORY I - $400,000 TO UNDER $500,000; CATEGORY J - $500,000 TO UNDER $600,000; CATEGORY K - $600,000 TO UNDER $700,000; CATEGORY L - $700,000 TO UNDER $800,000; CATEGORY M - $800,000 TO UNDER $900,000; CATEGORY N - $900,000 TO UNDER $1,000,000; AND CATEGORY O - $1,000,000 or over. A reporting individual shall indicate the Category by letter only.

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

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

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

Position	Organization	State or Local Agency

_____
_____
_____
_____
_____

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

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any employment (other than the employment listed under Item 2 above), trade, business, 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, list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) If the reporting individual did business with or had matters other than ministerial matters before any state or local agency in the course of any employment, trade, business, profession or occupation engaged in by the reporting individual, list the name and address of the entity, a brief description of the activity and the name of any such agency.

Name & Address of Organization	Description	State or Local Agency

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

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER 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, DOMESTIC PARTNER, or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

_____
_____

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

_____
_____
_____
_____
_____

8. (a) If the reporting individual practices law, [is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give] LIST THE NAME AND ADDRESS OF EACH CLIENT, PERSON OR ENTITY FOR WHOM LEGAL OR CONSULTING SERVICES WERE RENDERED; THE VALUE OF THE COMPENSATION FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, AND a general description of the [principal subject areas of matters undertaken by such individual] SERVICES RENDERED. [If the nature of the] IN ADDITION, IF 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 LAW OR PROVIDES CONSULTING SERVICES with a LAW firm or [corporation and is a partner or shareholder of the firm or corporation] BUSINESS ENTITY, [give] PROVIDE a general description of the principal subject areas of matters undertaken by such LAW firm or [corporation] BUSINESS ENTITY. [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] VALUE OF COMPENSATION IF THE SERVICES RENDERED INVOLVE A CONTINGENCY FEE AS PROVIDED BY LAW.

CLIENT/ PERSON/OR ENTITY	ADDRESS	SERVICES RENDERED	PRINCIPAL SUBJECT AREA	CATEGORY OF VALUE

(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.] IF THE REPORTING INDIVIDUAL PRACTICES LAW AND IS A PARTNER OR SHAREHOLDER OF A LAW FIRM OR CORPORATION ("LAW FIRM"), LIST THE NAME AND ADDRESS OF EACH CLIENT OF SUCH LAW FIRM THAT IS A CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION FROM WHOM

COMPENSATION IS RECEIVED BY SUCH LAW FIRM IN EXCESS OF $5,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE VALUE OF THE COMPENSATION; AND A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST CLIENTS OR COMPENSATION REQUIRED TO BE REPORTED IN ITEM 8(A) ABOVE.

CLIENT	ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE

(c) If the reporting individual [received income] IS LICENSED BY THE DEPARTMENT OF STATE AS A REAL ESTATE BROKER OR AGENT, PRACTICES A PROFESSION LICENSED BY THE DEPARTMENT OF EDUCATION OR PERFORMS CONSULTING SERVICES, LIST THE NAME AND ADDRESS OF EACH CLIENT FROM WHOM COMPENSATION HAS BEEN RECEIVED BY SUCH REPORTING INDIVIDUAL FOR A VALUE in EXCESS of $1,000 [from] FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE VALUE OF THE COMPENSATION RECEIVED FROM EACH CLIENT; AND A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST THE NAMES OF CLIENTS OF consulting OR OTHER services[, not including any services] rendered as part of any practice or activity required to be [disclosed] REPORTED in item 8(a) ABOVE [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

(D) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION FROM A CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("COMPENSATING ENTITY") AND THE REPORTING INDIVIDUAL SOLICITED BUSINESS OF ANOTHER CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("THIRD-PARTY ENTITY") FOR COMPENSATION, FEES OR OTHER CONSIDERATION PAID TO THE COMPENSATING ENTITY IN EXCESS OF $1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME AND BUSINESS ADDRESS OF, AND THE VALUE OF THE COMPENSATION, FEES OR OTHER CONSIDERATION PAID BY, THE THIRD-PARTY ENTITY TO THE COMPENSATING ENTITY. ALSO, LIST THE NAME AND ADDRESS OF THE COMPENSATING ENTITY AND GIVE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN BY THE COMPENSATING ENTITY TO THE THIRD-PARTY ENTITY IN EXCHANGE FOR SUCH COMPENSATION.

COMPENSATING ENTITY/ ADDRESS	THIRD PARTY ENTITY/ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE

(E) IF THE REPORTING INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S DOMESTIC PARTNER HAD AN INVESTMENT IN EXCESS OF $1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME, PRINCIPAL ADDRESS AND GENERAL DESCRIPTION OR THE NATURE OF THE BUSINESS ACTIVITY AND THE CATEGORY OF VALUE OF SUCH INVESTMENT. DO NOT LIST INVESTMENTS IN SECURITIES OR REAL PROPERTY.

INVESTMENT	ADDRESS	GENERAL DESCRIPTION, OR NATURE OF BUSINESS	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, SUCH INDIVIDUAL'S DOMESTIC PARTNER or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

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

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

Source	Description

_____
_____
_____
_____
_____

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

Identity	Category of Value*

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

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

_____
_____
_____
_____
_____

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

_____
_____
_____
_____
_____

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

includes, but is not limited to, all income [(other than that received from the employment listed under Item 2 above)] from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, 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[,] OR clients [or tenants], with the aggregate net income before taxes for each building address or [entity] CLIENT. [The] A SOURCE IS IDENTIFIED AS THE ORIGINAL PAYER OF COMPENSATION TO THE REPORTING INDIVIDUAL OR AN ENTITY ESTABLISHED BY THE REPORTING INDIVIDUAL, NOT AN INTERMEDIARY ENTITY ESTABLISHED BY THE REPORTING INDIVIDUAL TO RECEIVE SUCH COMPENSATION. DO NOT LIST COMPENSATION REQUIRED TO BE REPORTED IN ITEM 2 ABOVE, OR CLIENTS AND COMPENSATION REQUIRED TO BE REPORTED IN ITEMS 8(A), 8(B) OR 8(C) ABOVE, OR THE receipt of maintenance received in connection with a matrimonial action, alimony and child support payments [shall not be listed].

Self/ Spouse, OR DOMESTIC PARTNER	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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER is the owner of record but in which such individual [or], the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person [or], the reporting person's spouse OR THE REPORTING INDIVIDUALS DOMESTIC PARTNER 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 OR DOMESTIC PARTNER. 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 OR A REPORTING INDIVIDUAL'S DOMESTIC PARTNER.

Name of Issuing Entity	Type of Security	Market Value	Percentage

Self/ Spouse, OR DOMESTIC PARTNER	Issuing Entity	Type of Security	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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual [or], the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER, except where there is a co-owner who is other than a relative.

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

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

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

19. List below all liabilities of the reporting individual and such individual's spouse[,] OR SUCH INDIVIDUAL'S DOMESTIC PARTNER in EXCESS of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER or by any proprietorship, partnership or corporation in which the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

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

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

_____ _____

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

S 14. The public officers law is amended by adding a new section 74-b to read as follows:

S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFICER WHO IS SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES

BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

(A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;

(B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC OFFICER DID BUSINESS;

(C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

(D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE BUSINESS DEALINGS.

2. A LEGISLATOR OR LEGISLATIVE EMPLOYEE WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

(A) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PUBLIC OFFICER;

(B) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH PUBLIC OFFICER OR WITH WHOM SUCH PUBLIC OFFICER DID BUSINESS;

(C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

(D) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID BY VIRTUE OF THE BUSINESS DEALINGS.

3. ALL SUCH REPORTS SHALL BE SUBJECT TO REVIEW BY THE STATE COMMISSION ON LOBBYING AND ETHICS COMPLIANCE.

4. SUCH REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS, SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD AND ACCESS TO SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE FOR REMOTE COMPUTER USERS THROUGH THE INTERNET NETWORK.

S 15. 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 confided 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 16. This act shall take effect January 1, 2011; provided, however, that sections one, two, three, four, five, six, eight, ten, eleven, twelve and thirteen of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2010 amending the executive law and other laws relating to governmental ethics and compliance, as proposed in legislative bill numbers S.6457 and A.9544, takes effect.