

6795

I N S E N A T E

February 8, 2010

Introduced by Sens. SCHNEIDERMAN, SQUADRON -- 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 establishing the executive ethics and compliance commission, and to amend the legislative law, in relation to establishing the ethical standards in lobbying act of 2010, the New York state commission on lobbying ethics and compliance, the legislative office of ethics investigations, the joint legislative commission on ethics standards; and to amend the public officers law, in relation to influencing the passage of bills, financial disclosure by public officers, reports of business dealings with lobbyist; to amend the election law, in relation to election officials, the state board of elections enforcement counsel and enforcement proceedings; to repeal certain sections of the legislative law and the election law, relating to legislative ethics, campaign receipts and expenditures; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 94 of the executive law, as added by chapter 813 of
2 the laws of 1987, the section heading and subdivisions 1, 2, 3, 4, 5, 6,
3 7 and 8 as amended by section 2, subdivisions 9, 10, 11, 12, 13, 14, 16
4 and 17 as amended and subdivisions 13-a, 16-a and 18 as added by section
5 2-a, paragraph (1) of subdivision 9 as amended by section 3, paragraph
6 (c) of subdivision 12 as amended by section 4, subdivision 15 as amended
7 by section 5, and paragraphs (a) and (b) of subdivision 17 as amended by
8 section 6 of chapter 14 of the laws of 2007, is amended to read as
9 follows:
10 S 94. [Commission on public integrity; functions, powers and duties;
11 review of financial disclosure statements; advisory opinions; investi-
12 gation and enforcement] EXECUTIVE ETHICS AND COMPLIANCE COMMISSION. 1.
13 There is established within the department of state [a commission on
14 public integrity] AN EXECUTIVE ETHICS AND COMPLIANCE COMMISSION which
15 shall consist of [thirteen] SIX members and shall have and exercise the
16 powers and duties set forth in this section only with respect to state-

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

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1 wide elected officials [and], ANY state officers and employees, as
2 defined in sections seventy-three and seventy-three-a of the public
3 officers law, candidates for statewide elected office, and the political
4 party chairman as that term is defined in section seventy-three-a of the
5 public officers law, [lobbyists and the clients of lobbyists as such
6 terms are defined in article one-A of the legislative law,] and individ-
7 uals who have formerly held such positions, [were lobbyists or clients
8 of lobbyists, as such terms are defined in article one-A of the legisla-
9 tive law,] or who have formerly been such candidates. THE JURISDICTION
10 OF THE COMMISSION WHEN ACTING PURSUANT TO THIS SECTION SHALL CONTINUE
11 NOTWITHSTANDING THAT A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR
12 EMPLOYEE, SEPARATES FROM STATE SERVICE, OR A CANDIDATE FOR STATEWIDE
13 ELECTED OFFICE CEASES TO BE A CANDIDATE, PROVIDED THAT THE COMMISSION
14 NOTIFIES SUCH INDIVIDUAL OF THE ALLEGED VIOLATION OF LAW PURSUANT TO
15 THIS SECTION WITHIN ONE YEAR FROM HIS OR HER SEPARATION FROM STATE
16 SERVICE OR THE TERMINATION OF HIS OR HER CANDIDACY. NOTHING IN THIS
17 SECTION SHALL SERVE TO LIMIT THE JURISDICTION OF THE COMMISSION IN
18 ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THE PUBLIC
19 OFFICERS LAW. This section shall not revoke or rescind any regulations
20 or advisory opinions issued by the state ethics commission [and], the
21 temporary lobbying commission AND THE COMMISSION ON PUBLIC INTEGRITY in
22 effect upon the effective date of [a] THE chapter of the laws of two
23 thousand [seven] TEN which amended this section to the extent that such
24 regulations or opinions are not inconsistent with any law of the state
25 of New York, but such regulations and opinions shall apply only to
26 matters over which such commissions had jurisdiction at the time such
27 regulations and opinions were promulgated or issued. The commission
28 shall undertake a comprehensive review of all such regulations and opin-
29 ions, which will address the consistency of such regulations and opin-
30 ions among each other and with the new statutory language. The commis-
31 sion shall, before [April] DECEMBER first, two thousand [eight] ELEVEN,
32 report to the governor and legislature regarding such review and shall
33 propose any regulatory changes and issue any advisory opinions necessi-
34 tated by such review.

35 2. [The members of the commission shall be appointed by the governor
36 provided, however, that one member shall be appointed on the nomination
37 of the comptroller, one member shall be appointed on the nomination of
38 the attorney general, one member shall be appointed on the nomination of
39 the temporary president of the senate, one member shall be appointed on
40 the nomination of the speaker of the assembly, one member shall be
41 appointed on the nomination of the minority leader of the senate, and
42 one member shall be appointed on the nomination of the minority leader
43 of the assembly. Of the seven members appointed by the governor without
44 prior nomination, no more than four members shall belong to the same
45 political party and no members shall be public officers or employees or
46 hold any public office, elected or appointed. No member shall be a
47 member of the legislature, a candidate for member of the legislature, an
48 employee of the legislature, a political party chairman as defined in
49 paragraph (k) of subdivision one of section seventy-three of the public
50 officers law, or a lobbyist as defined in subdivision (a) of section
51 one-c of the legislative law.]

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

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

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

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

3 (IV) "APPOINTING OFFICER" MEANS THE STATEWIDE ELECTED OFFICIAL RESPON-
4 SIBLE FOR APPOINTING A DESIGNATING MEMBER.

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

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

16 (I) A STATEWIDE ELECTED OFFICIAL,

17 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

18 (III) A MEMBER OF THE LEGISLATURE,

19 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

20 (V) AN EMPLOYEE OF THE LEGISLATURE,

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

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

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

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

28 (D) OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE GOVERNOR,
29 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND
30 ONE SHALL SERVE A ONE-YEAR TERM. OF THE THREE DESIGNATING MEMBERS FIRST
31 APPOINTED BY THE ATTORNEY GENERAL, ONE SHALL SERVE A THREE-YEAR TERM,
32 ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. OF
33 THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE STATE COMPTROLLER,
34 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND
35 ONE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE
36 FOR A TERM OF FOUR YEARS.

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

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

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

53 (H) SIX DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

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

1 (J) THE DESIGNATING PANEL SHALL CONSIDER AND EVALUATE THE QUALIFICA-
2 TIONS OF THE CANDIDATES FOR THE EXECUTIVE ETHICS AND COMPLIANCE COMMIS-
3 SION. THE DESIGNATING PANEL SHALL ONLY APPOINT PERSONS WHO BY THEIR
4 CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL
5 QUALIFIED TO BECOME A MEMBER OF THE COMMISSION. NO MEMBER OF THE
6 COMMISSION SHALL BE OR SHALL HAVE BEEN WITHIN THE PRECEDING FIVE YEARS:

7 (I) A STATEWIDE ELECTED OFFICIAL,

8 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

9 (III) A MEMBER OF THE LEGISLATURE,

10 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

11 (V) AN EMPLOYEE OF THE LEGISLATURE,

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

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

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

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

19 (K) THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTOR-
20 NEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE
21 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE
22 AND THE MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL
23 BE RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS
24 SUBMITTED.

25 3. Members of the commission shall serve for terms of [five] FOUR
26 years; provided, however, that [of] the FIRST TWO members first
27 appointed [without prior nomination, one shall serve for one year, one
28 shall serve for two years, one shall serve for three years, and one
29 shall serve for four years, as designated by the governor; the members
30 first appointed on the nominations of the comptroller and the temporary
31 president of the senate shall serve for four years and the members first
32 appointed on the nominations of the attorney general and the speaker of
33 the assembly shall serve for two years] BY THE DESIGNATING PANEL SHALL
34 SERVE A TERM FOR TWO YEARS, THE THIRD AND FOURTH MEMBERS FIRST APPOINTED
35 BY THE DESIGNATING PANEL SHALL SERVE A TERM FOR THREE YEARS, AND THE
36 LAST TWO MEMBERS FIRST APPOINTED BY THE DESIGNATING PANEL SHALL SERVE
37 FOR A TERM OF FOUR YEARS.

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

44 5. Any vacancy occurring on the commission shall be filled within
45 sixty days of its occurrence, by the [governor] DESIGNATING PANEL, in
46 the same manner as [the member whose vacancy is being filled was
47 appointed] PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION. A person
48 appointed to fill a vacancy occurring other than by expiration of a term
49 of office shall be appointed for the unexpired term of the member he OR
50 SHE succeeds. IN THE EVENT OF A VACANCY, THE DESIGNATING PANEL SHALL
51 APPOINT A COMMISSIONER FROM A POLITICAL PARTY OTHER THAN THE MEMBER OF
52 THE COMMISSION WHO CREATED SUCH A VACANCY.

53 6. [Seven] FOUR members of the commission shall constitute a quorum,
54 and the commission shall have power to act by majority vote of the total
55 number of members of the commission without vacancy.

1 7. Members of the commission may be removed by the [governor] DESIG-
2 NATING PANEL for substantial neglect of duty, gross misconduct in
3 office, inability to discharge the powers or duties of office or
4 violation of this section, after written notice and opportunity for a
5 reply.

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

13 9. The commission shall:

14 (a) Appoint an executive director who shall act in accordance with the
15 policies of the commission. The commission may delegate authority to the
16 executive director to act in the name of the commission between meetings
17 of the commission provided such delegation is in writing and the specif-
18 ic powers to be delegated are enumerated. THE EXECUTIVE DIRECTOR SHALL
19 BE APPOINTED FOR A TERM OF THREE YEARS AND SHALL ONLY BE DISMISSED FOR
20 CAUSE BY A MAJORITY VOTE OF THE BOARD;

21 (b) Appoint such other staff as are necessary to carry out its duties
22 under this section;

23 (c) Adopt, amend, and rescind rules and regulations to govern proce-
24 dures of the commission, which shall include, but not be limited to, the
25 procedure whereby a person who is required to file an annual financial
26 disclosure statement with the commission may request an additional peri-
27 od of time within which to file such statement, due to justifiable cause
28 or undue hardship; such rules or regulations shall provide for a date
29 beyond which in all cases of justifiable cause or undue hardship no
30 further extension of time will be granted;

31 (d) Adopt, amend, and rescind rules and regulations to assist appoint-
32 ing authorities in determining which persons hold policy-making posi-
33 tions for purposes of section seventy-three-a of the public officers
34 law;

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

38 (f) Review financial disclosure statements in accordance with the
39 provisions of this section, provided however, that the commission may
40 delegate all or part of this review function to the executive director
41 who shall be responsible for completing staff review of such statements
42 in a manner consistent with the terms of the commission's delegation.
43 SUCH REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE
44 FILED WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS
45 FACIALLY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

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

50 (h) Permit any person subject to the jurisdiction of the commission
51 who is required to file a financial disclosure statement to request the
52 commission to delete from the copy thereof made available for public
53 inspection and copying one or more items of information which may be
54 deleted by the commission upon a finding by the commission that the
55 information which would otherwise be required to be made available for
56 public inspection and copying will have no material bearing on the

1 discharge of the reporting person's official duties. If such request for
2 deletion is denied, the commission, in its notification of denial, shall
3 inform the person of his or her right to appeal the commission's deter-
4 mination pursuant to its rules governing adjudicatory proceedings and
5 appeals adopted pursuant to subdivision thirteen of this section;

6 (i) Permit any person subject to the jurisdiction of the commission
7 who is required to file a financial disclosure statement to request an
8 exemption from any requirement to report one or more items of informa-
9 tion which pertain to such person's spouse or unemancipated children
10 which item or items may be exempted by the commission upon a finding by
11 the commission that the reporting individual's spouse, on his or her own
12 behalf or on behalf of an unemancipated child, objects to providing the
13 information necessary to make such disclosure and that the information
14 which would otherwise be required to be reported will have no material
15 bearing on the discharge of the reporting person's official duties. If
16 such request for exemption is denied, the commission, in its notifica-
17 tion of denial, shall inform the person of his or her right to appeal
18 the commission's determination pursuant to its rules governing adjudica-
19 tory proceedings and appeals adopted pursuant to subdivision thirteen of
20 this section;

21 (j) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDI-
22 DATE FOR STATEWIDE ELECTED OFFICE MAY NOT DISCLOSE INFORMATION REGARDING
23 A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF
24 FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARA-
25 GRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE
26 PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTI-
27 TY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE
28 UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVI-
29 LEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH
30 DISCLOSURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION
31 BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S
32 REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH
33 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC
34 OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

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

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

55 (III) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE
56 STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR

1 STATEWIDE ELECTED OFFICE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION
2 SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARD-
3 SHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL
4 STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR
5 (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A
6 OF THE PUBLIC OFFICERS LAW BE MADE. THE STATEWIDE ELECTED OFFICIAL,
7 STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE
8 SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE
9 DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHAL-
10 LENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR APPEAL THE DETERMI-
11 NATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR
12 GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

13 (IV) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTI-
14 FIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP,
15 THE MATTER SHALL BE REFERRED TO THE COMMISSION.

16 (V) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBPARAGRAPH
17 (III) OF THIS PARAGRAPH OR A RECOMMENDATION MADE BY THE EXECUTIVE DIREC-
18 TOR UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH AT A MEETING HELD NO LESS
19 THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE STATE-
20 WIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATE-
21 WIDE ELECTED OFFICE. THE COMMISSION SHALL DECIDE WHETHER NONDISCLOSURE
22 IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF
23 THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPA-
24 NYING THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR
25 CANDIDATE FOR STATEWIDE ELECTED OFFICE'S ANNUAL STATEMENT OF FINANCIAL
26 DISCLOSURE AS AN OPINION REQUEST.

27 (VI) IF THE COMMISSION ORDERS A STATEWIDE ELECTED OFFICIAL, STATE
28 OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE TO
29 DISCLOSE, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR
30 CANDIDATE FOR STATEWIDE ELECTED OFFICE MUST COMPLY WITHIN FOURTEEN DAYS.
31 THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR
32 ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL
33 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT
34 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS
35 LAW, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMIS-
36 SION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY
37 PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS
38 SECTION;

39 (K) Advise and assist any state agency in establishing rules and regu-
40 lations relating to possible conflicts between private interests and
41 official duties of present or former statewide elected officials and
42 state officers and employees;

43 [(k)] (L) Permit any person who has not been determined by his or her
44 appointing authority to hold a policy-making position but who is other-
45 wise required to file a financial disclosure statement to request an
46 exemption from such requirement in accordance with rules and regulations
47 governing such exemptions. Such rules and regulations shall provide for
48 exemptions to be granted either on the application of an individual or
49 on behalf of persons who share the same job title or employment classi-
50 fication which the commission deems to be comparable for purposes of
51 this section. Such rules and regulations may permit the granting of an
52 exemption where, in the discretion of the commission, the public inter-
53 est does not require disclosure and the applicant's duties do not
54 involve the negotiation, authorization or approval of:

1 (i) contracts, leases, franchises, revocable consents, concessions,
2 variances, special permits, or licenses as defined in section seventy-
3 three of the public officers law;
4 (ii) the purchase, sale, rental or lease of real property, goods or
5 services, or a contract therefor;
6 (iii) the obtaining of grants of money or loans; or
7 (iv) the adoption or repeal of any rule or regulation having the force
8 and effect of law;

9 [(l)] (M) Prepare an annual report to the governor and legislature
10 summarizing the activities of the commission during the previous year
11 and recommending any changes in the laws governing the conduct of
12 persons subject to the jurisdiction of the commission, or the rules,
13 regulations and procedures governing the commission's conduct. Such
14 report shall BE POSTED ON THE COMMISSION'S WEBSITE AND SHALL include:
15 (i) THE NUMBER OF REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSU-
16 ANT TO PARAGRAPH (P) OF THIS SUBDIVISION DURING THE PREVIOUS YEAR AND
17 WHICH, IF ANY, CLASSES OF REPORTING INDIVIDUALS WERE SELECTED FOR CLASS
18 REVIEW RATHER THAN RANDOM REVIEW; (II) a listing by assigned number of
19 each complaint and referral received which alleged a possible violation
20 within its jurisdiction, including the current status of each
21 complaint[,]; and [(ii)] (III) where a matter has been resolved, the
22 date and nature of the disposition and any sanction imposed, subject to
23 the confidentiality requirements of this section, provided, however,
24 that such annual report shall not contain any information for which
25 disclosure is not permitted pursuant to subdivision seventeen of this
26 section; [and]

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

32 (O) PREPARE AND ISSUE A REPORT BY DECEMBER FIRST, TWO THOUSAND ELEVEN
33 TO THE GOVERNOR AND THE LEGISLATURE RECOMMENDING ANY CHANGES TO THE LAW
34 GOVERNING THE FILING OF ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE, WHICH
35 SHALL INCLUDE AN ANALYSIS OF THE STATUTES WHICH REQUIRE INDIVIDUALS TO
36 FILE FINANCIAL DISCLOSURE STATEMENTS, THE SCOPE OF DISCLOSURE REQUIRED,
37 AND ALTERNATIVE APPROACHES TO THE CURRENT SYSTEM, AND RECOMMENDATIONS AS
38 TO THE APPROPRIATE SCOPE OF DISCLOSURE FOR DIFFERENT CLASSES OF INDIVID-
39 UALS, INCLUDING THOSE WHO SERVE IN UNCOMPENSATED POSITIONS; AND

40 (P) PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF
41 RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL
42 STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A
43 MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE
44 STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION AND ITS STAFF PRIOR
45 TO ITS SELECTION; (II) SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINA-
46 TION OF THE SELECTED STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON
47 WITH OTHER RECORDS MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY
48 FILED STATEMENTS AND REQUESTS FOR ADVISORY OPINIONS, AND AN EXAMINATION
49 OF RELEVANT PUBLIC INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS
50 FILED WITH THE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE
51 DEPARTMENT OF STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINA-
52 TION, THE COMMISSION SHALL DETERMINE WHETHER FURTHER INQUIRY IS
53 WARRANTED, WHEREUPON IT SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING
54 THAT THE STATEMENT IS UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF
55 THE SPECIFIC AREAS OF INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH
56 THE OPPORTUNITY TO PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION

1 RELATED TO THE SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE
2 AMENDMENTS TO THE SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMIS-
3 SION; AND (IV) IF THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION
4 SHALL INITIATE AN INVESTIGATION TO DETERMINE WHETHER THE REPORTING INDI-
5 VIDUAL HAS FILED A DEFICIENT STATEMENT; PROVIDED, HOWEVER IF THE COMMIS-
6 SION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED
7 BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER SET FORTH IN THIS
8 PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE INDIVIDUALS WITHIN
9 SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR THE PURPOSES OF
10 THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE (A) STATEWIDE
11 ELECTED OFFICIALS, (B) CANDIDATES FOR STATEWIDE OFFICE, (C) HEADS OF
12 STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS PURSUANT TO SUBPARA-
13 GRAPH (I) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE
14 OF THE PUBLIC OFFICERS LAW, AND (D) OTHER STATE OFFICERS AND EMPLOYEES.

15 10. The commission, or the executive director and staff of the commis-
16 sion if responsibility therefor has been delegated, shall inspect all
17 financial disclosure statements filed with the commission to ascertain
18 whether any person subject to the reporting requirements of section
19 seventy-three-a of the public officers law has failed to file such a
20 statement, has filed a deficient statement or has filed a statement
21 which reveals a possible violation of section seventy-three, seventy-
22 three-a or seventy-four of the public officers law.

23 11. If a person required to file a financial disclosure statement with
24 the commission has failed to file a disclosure statement or has filed a
25 deficient statement, the commission shall notify the reporting person in
26 writing, state the failure to file or detail the deficiency, provide the
27 person with a fifteen day period to cure the deficiency, and advise the
28 person of the penalties for failure to comply with the reporting
29 requirements. Such notice shall be confidential. If the person fails to
30 make such filing or fails to cure the deficiency within the specified
31 time period, the commission shall send a notice of delinquency: (a) to
32 the reporting person; (b) in the case of a statewide elected official,
33 to the temporary president of the senate and the speaker of the assem-
34 bly; and (c) in the case of a state officer or employee, to the appoint-
35 ing authority for such person. Such notice of delinquency may be sent at
36 any time during the reporting person's service as a statewide elected
37 official, state officer or employee, political party chair or while a
38 candidate for statewide office, or within one year after termination of
39 such service or candidacy. The jurisdiction of the commission, when
40 acting pursuant to subdivision thirteen of this section with respect to
41 financial disclosure, shall continue notwithstanding that the reporting
42 person separates from state service, or ceases to hold office as a
43 statewide elected official or political party chair, or ceases to be a
44 candidate, provided the commission notifies such person of the alleged
45 failure to file or deficient filing pursuant to this subdivision.

46 12. (a) If the commission receives a sworn complaint alleging a
47 violation of section seventy-three, seventy-three-a or seventy-four of
48 the public officers law[,] OR section one hundred seven of the civil
49 service law [or article one-A of the legislative law] by a person or
50 entity subject to the jurisdiction of the commission, or if a reporting
51 individual has filed a statement which reveals a possible violation of
52 these provisions, or if the commission determines on its own initiative
53 to investigate a possible violation, the commission shall notify the
54 individual in writing, describe the possible or alleged violation of
55 such laws and provide the person with a fifteen day period in which to
56 submit a written response setting forth information relating to the

1 activities cited as a possible or alleged violation of law. THE COMMIS-
2 SION SHALL ALSO, AT THE TIME OF PROVIDING NOTICE, INFORM THE INDIVIDUAL
3 OF ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND
4 APPEALS AND THE DUE PROCESS MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. If
5 the commission thereafter makes a determination that further inquiry is
6 justified, it shall give the individual an opportunity to be heard. [The
7 commission shall also inform the individual of its rules regarding the
8 conduct of adjudicatory proceedings and appeals and the due process
9 procedural mechanisms available to such individual.] If the commission
10 determines at any stage of the proceeding, that there is no violation or
11 that any potential conflict of interest violation has been rectified, it
12 shall [so advise the individual and the complainant, if any] ISSUE WRIT-
13 TEN NOTICE TO THE INDIVIDUAL AND THE COMPLAINANT, IF ANY, STATING THE
14 CIRCUMSTANCES UNDER WHICH THE MATTER HAS BEEN RECTIFIED AND THAT THE
15 COMMISSION CONSIDERS THE INDIVIDUAL TO BE IN GOOD STANDING. All of the
16 foregoing proceedings shall be confidential.

17 (b) If the commission determines that there is reasonable cause to
18 believe that a violation has occurred, it shall send a notice of reason-
19 able cause: (i) to the reporting person; (ii) to the complainant if any;
20 (iii) in the case of a statewide elected official, to the temporary
21 president of the senate and the speaker of the assembly; and (iv) in the
22 case of a state officer or employee, to the appointing authority for
23 such person.

24 [(c) The jurisdiction of the commission when acting pursuant to this
25 section shall continue notwithstanding that a statewide elected official
26 or a state officer or employee separates from state service, or a poli-
27 tical party chair ceases to hold such office, or a candidate ceases to
28 be a candidate, or a lobbyist or client of a lobbyist ceases to act as
29 such, provided that the commission notifies such individual or entity of
30 the alleged violation of law pursuant to paragraph (a) of this subdivi-
31 sion within one year from his or her separation from state service or
32 his or her termination of party service or candidacy, or from his, her
33 or its last report filed pursuant to article one-A of the legislative
34 law. Nothing in this section shall serve to limit the jurisdiction of
35 the commission in enforcement of subdivision eight of section seventy-
36 three of the public officers law.]

37 13. An individual subject to the jurisdiction of the commission who
38 knowingly and intentionally violates the provisions of subdivisions two
39 through five, seven, eight, twelve or fourteen through seventeen of
40 section seventy-three of the public officers law, section one hundred
41 seven of the civil service law, or a reporting individual who knowingly
42 and wilfully fails to file an annual statement of financial disclosure
43 or who knowingly and wilfully with intent to deceive makes a false
44 statement or fraudulent omission or gives information which such indi-
45 vidual knows to be false on such statement of financial disclosure filed
46 pursuant to section seventy-three-a of the public officers law, OR A
47 REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT
48 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH
49 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH
50 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS
51 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION
52 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW shall be subject to a civil
53 penalty in an amount not to exceed forty thousand dollars and the value
54 of any gift, compensation or benefit received as a result of such
55 violation. An individual who knowingly and intentionally violates the
56 provisions of paragraph b, c, d or i of subdivision three of section

1 seventy-four of the public officers law shall be subject to a civil
2 penalty in an amount not to exceed ten thousand dollars and the value of
3 any gift, compensation or benefit received as a result of such
4 violation. An individual who knowingly and intentionally violates the
5 provisions of paragraph a, e or g of subdivision three of section seven-
6 ty-four of the public officers law shall be subject to a civil penalty
7 in an amount not to exceed the value of any gift, compensation or bene-
8 fit received as a result of such violation. [An individual subject to
9 the jurisdiction of the commission who knowingly and willfully violates
10 article one-A of the legislative law shall be subject to civil penalty
11 as provided for in that article.] Assessment of a civil penalty here-
12 under shall be made by the commission with respect to persons subject to
13 its jurisdiction. In assessing the amount of the civil penalties to be
14 imposed, the commission shall consider the seriousness of the violation,
15 the amount of gain to the individual and whether the individual previ-
16 ously had any civil or criminal penalties imposed pursuant to this
17 section, and any other factors the commission deems appropriate. For a
18 violation of this subdivision, other than for conduct which constitutes
19 a violation of section one hundred seven of the civil service law,
20 subdivisions twelve or fourteen through seventeen of section seventy-
21 three or section seventy-four of the public officers law [or article
22 one-A of the legislative law,] the commission may, in [lieu of] ADDITION
23 TO a civil penalty, refer a violation to the appropriate prosecutor and
24 upon such conviction, such violation shall be punishable as a class A
25 misdemeanor. A civil penalty for false filing may not be imposed here-
26 under in the event a category of "value" or "amount" reported hereunder
27 is incorrect unless such reported information is falsely understated.
28 Notwithstanding any [other provision of law to the contrary, no other
29 penalty,] civil or criminal [may be] PENALTY imposed for a failure to
30 file, or for a false filing, of such statement, or a violation of
31 section seventy-three of the public officers law, [except that] the
32 appointing authority may impose disciplinary action as otherwise
33 provided by law. The commission may refer violations of this subdivision
34 to the appointing authority for disciplinary action as otherwise
35 provided by law. The commission shall be deemed to be an agency within
36 the meaning of article three of the state administrative procedure act
37 and shall adopt rules governing the conduct of adjudicatory proceedings
38 and appeals taken pursuant to a proceeding commenced under article
39 seventy-eight of the civil practice law and rules relating to the
40 assessment of the civil penalties herein authorized and commission
41 denials of requests for certain deletions or exemptions OR NONDISCLOSURE
42 OF INFORMATION REGARDING A CLIENT, PERSON OR ENTITY to be made from a
43 financial disclosure statement as authorized in [paragraph] PARAGRAPHS
44 (h) [or paragraph], (i) OR (J) of subdivision nine of this section. Such
45 rules, which shall not be subject to the approval requirements of the
46 state administrative procedure act, shall provide for due process proce-
47 dural mechanisms substantially similar to those set forth in article
48 three of the state administrative procedure act but such mechanisms need
49 not be identical in terms or scope. Assessment of a civil penalty or
50 commission denial of such a request shall be final unless modified,
51 suspended or vacated within thirty days of imposition, with respect to
52 the assessment of such penalty, or unless such denial of request is
53 reversed within such time period, and upon becoming final shall be
54 subject to review at the instance of the affected reporting individuals
55 in a proceeding commenced against the commission, pursuant to article
56 seventy-eight of the civil practice law and rules.

1 13-a. [If] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF the commis-
2 sion has a reasonable basis to believe that any person subject to the
3 jurisdiction of the [legislative ethics] commission ON LOBBYING ETHICS
4 AND COMPLIANCE may have violated any provisions of [section seventy-
5 three or seventy-four] ARTICLE ONE-A of the [public officers] LEGISLA-
6 TIVE law OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE
7 BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION
8 LAW, it shall refer such violation to the [legislative ethics commis-
9 sion] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO THE BOARD OF
10 ELECTIONS ENFORCEMENT UNIT, AS APPROPRIATE, unless the commission deter-
11 mines that such a referral would compromise the prosecution or confiden-
12 tiality of its investigations and, if so, shall make such a referral as
13 soon as practicable. The referral by the commission to the [legislative
14 ethics commission] COMMISSION ON LOBBYING ETHICS AND COMPLIANCE OR TO
15 THE BOARD OF ELECTIONS ENFORCEMENT UNIT, AS APPROPRIATE, shall include
16 any information relating thereto coming into the custody or under the
17 control of the commission at any time prior or subsequent to the time of
18 the referral.

19 14. A copy of any notice of delinquency or notice of reasonable cause
20 sent pursuant to subdivisions eleven and twelve of this section shall be
21 included in the reporting person's file and be available for public
22 inspection and copying.

23 15. Upon written request from any person who is subject to the juris-
24 diction of the commission and the requirements of sections seventy-
25 three, seventy-three-a or seventy-four of the public officers law, the
26 commission shall render advisory opinions on the requirements of said
27 provisions. An opinion rendered by the commission, until and unless
28 amended or revoked, shall be binding on the commission in any subsequent
29 proceeding concerning the person who requested the opinion and who acted
30 in good faith, unless material facts were omitted or misstated by the
31 person in the request for an opinion. Such opinion may also be relied
32 upon by such person, and may be introduced and shall be a defense, in
33 any criminal or civil action. Such requests shall be confidential but
34 the commission may publish such opinions provided that the name of the
35 requesting person and other identifying details shall not be included in
36 the publication.

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

39 (a) Promulgate rules concerning restrictions on outside activities and
40 limitations on the receipt of gifts and honoraria by persons subject to
41 its jurisdiction, provided, however, a violation of such rules in and of
42 itself shall not be punishable pursuant to subdivision thirteen of this
43 section unless the conduct constituting the violation would otherwise
44 constitute a violation of this section; and

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

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

49 (d) Conduct any investigation necessary to carry out the provisions of
50 this section. Pursuant to this power and duty, the commission may admin-
51 ister oaths or affirmations, subpoena witnesses, compel their attendance
52 and require the production of any books or records which it may deem
53 relevant or material;

54 16-a. Within one hundred twenty days of the effective date of this
55 subdivision, the commission shall create and thereafter maintain a
56 publicly accessible website which shall set forth the procedure for

1 filing a complaint with the commission, and which shall contain the
2 documents identified in subdivision seventeen of this section, other
3 than financial disclosure statements OF STATE OFFICERS AND EMPLOYEES,
4 and any other records or information which the commission determines to
5 be appropriate.

6 16-B. (A) WHEN AN INDIVIDUAL BECOMES A MEMBER OF THE COMMISSION OR
7 STAFF OF THE COMMISSION, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A
8 NON-DISCLOSURE STATEMENT.

9 (B) NO TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A
10 MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION SHALL BE DISCLOSED
11 BY ANY SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION.
12 ANY CONFIDENTIAL COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE
13 COMMISSION RELATED TO THE MATTERS BEFORE THE COMMISSION MAY OCCUR ONLY
14 AS AUTHORIZED BY THE COMMISSION AS NECESSARY TO CONDUCT OFFICIAL BUSI-
15 NESS OR PURSUANT TO COMMISSION RULES OR AS REQUIRED BY LAW.

16 (C) THE COMMISSION SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE
17 UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE
18 COMMISSION OR STAFF OF THE COMMISSION. ANY BREACHES OF CONFIDENTIALITY
19 SHALL BE INVESTIGATED BY THE COMMISSION AND APPROPRIATE ACTION SHALL BE
20 TAKEN IN ACCORDANCE WITH SUBDIVISION THIRTEEN OF THIS SECTION.

21 17. (a) Notwithstanding the provisions of article six of the public
22 officers law, the only records of the commission which shall be avail-
23 able for public inspection and copying are:

24 (1) the information set forth in an annual statement of financial
25 disclosure filed pursuant to section seventy-three-a of the public offi-
26 cers law except [the categories of value or amount, which shall remain
27 confidential, and] any [other] item of information deleted pursuant to
28 paragraph (h) of subdivision nine of this section;

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

31 (3) notices of reasonable cause sent under paragraph (b) of subdivi-
32 sion twelve of this section;

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

37 (5) the terms of any settlement or compromise of a complaint or refer-
38 ral which includes a fine, penalty or other remedy[; and

39 (6) those required to be held or maintained publicly available pursu-
40 ant to article one-A of the legislative law].

41 (b) Notwithstanding the provisions of article seven of the public
42 officers law, no meeting or proceeding, including any such proceeding
43 contemplated under paragraph (h) [or (i)], (I) OR (J) of subdivision
44 nine of this section, of the commission shall be open to the public,
45 except if expressly provided otherwise by the commission [or as is
46 required by article one-A of the legislative law, PROVIDED HOWEVER THAT
47 THE COMMISSION SHALL MEET PUBLICLY WHENEVER IT ADOPTS, AMENDS OR
48 RESCINDS ITS POLICIES, RULES OR REGULATIONS, PROMULGATES ITS GUIDELINES,
49 APPROVES EDUCATIONAL MATERIAL, OR ADOPTS ITS ANNUAL REPORT.

50 (c) Pending any application for deletion or exemption to the commis-
51 sion, all information which is the subject or a part of the application
52 shall remain confidential. Upon an adverse determination by the commis-
53 sion, the reporting individual may request, and upon such request the
54 commission shall provide, that any information which is the subject or
55 part of the application remain confidential for a period of thirty days
56 following notice of such determination. In the event that the reporting

1 individual resigns his office and holds no other office subject to the
2 jurisdiction of the commission, the information shall not be made public
3 and shall be expunged in its entirety.

4 18. IF THE COMMISSION BECOMES AWARE OR IS AWARE THAT ALLEGED CRIMINAL
5 CONDUCT THAT MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A
6 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A
7 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY, OR IS BEING PROSECUTED
8 IN STATE OR FEDERAL COURT, THE COMMISSION SHALL HOLD THE MATTER IN ABEY-
9 ANCE UNTIL THE CRIMINAL MATTER IS RESOLVED.

10 19. If any part or provision of this section or the application there-
11 of to any person or organization is adjudged by a court of competent
12 jurisdiction to be unconstitutional or otherwise invalid, such judgment
13 shall not affect or impair any other part or provision or the applica-
14 tion thereof to any other person or organization, but shall be confined
15 in its operation to such part or provision.

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

18 S 1-b. Short title. This article shall be known and may be cited as
19 the "ETHICAL STANDARDS IN Lobbying act OF 2010".

20 S 3. Paragraph (i) of subdivision (c) and subdivision (j) of section
21 1-c of the legislative law, paragraph (i) of subdivision (c) as added by
22 chapter 1 of the laws of 2005 and subdivision (j) as added by chapter 14
23 of the laws of 2007, are amended and a new subdivision (w) is added to
24 read as follows:

25 (i) the passage or defeat of any legislation OR RESOLUTION by either
26 house of the state legislature or approval or disapproval of any legis-
27 lation by the governor;

28 (j) The term "gift" shall mean anything of more than nominal value
29 given to a public official in any form including, but not limited to
30 money, service, loan, travel, lodging, meals, refreshments, enter-
31 tainment, discount, forbearance, or promise, having a monetary value.
32 The following are excluded from the definition of a gift:

33 (i) complimentary attendance, including food and beverage, at bona
34 fide charitable or political events[, and food and beverage of a nominal
35 value offered other than as part of a meal];

36 (ii) complimentary attendance, food and beverage offered by the spon-
37 sor of [an event that is] A widely attended [or was in good faith
38 intended to be widely attended, when attendance at the event is related
39 to the attendee's duties or responsibilities as a public official or
40 allows the public official to perform a ceremonial function appropriate
41 to his or her position] EVENT. THE TERM "WIDELY ATTENDED EVENT" SHALL
42 MEAN AN EVENT: (A) WHICH AT LEAST TWENTY-FIVE INDIVIDUALS OTHER THAN
43 MEMBERS, OFFICERS, OR EMPLOYEES FROM THE GOVERNMENTAL ENTITY IN WHICH
44 THE PUBLIC OFFICIAL SERVES, ATTEND OR WERE, IN GOOD FAITH, INTENDED TO
45 ATTEND, AND (B) WHICH IS RELATED TO THE ATTENDEE'S DUTIES OR RESPONSI-
46 BILITIES AS DETERMINED IN ACCORDANCE WITH STANDARDS AND GUIDANCE ISSUED
47 BY THE ETHICS OVERSIGHT BODY THAT HAS JURISDICTION OVER THE ATTENDEE OR
48 WHICH ALLOWS THE PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPRO-
49 PRIATE TO HIS OR HER POSITION;

50 (iii) awards, plaques, and other ceremonial items which are publicly
51 presented, or intended to be publicly presented, in recognition of
52 public service, provided that the item or items are of the type custom-
53 arily bestowed at such or similar ceremonies and are otherwise reason-
54 able under the circumstances, and further provided that the functionali-
55 ty of such items shall not determine whether such items are permitted
56 under this paragraph;

- 1 (iv) an honorary degree bestowed upon a public official by a public or
2 private college or university;
- 3 (v) promotional items having no substantial resale value such as pens,
4 mugs, calendars, hats, and t-shirts which bear an organization's name,
5 logo, or message in a manner which promotes the organization's cause;
- 6 (vi) goods and services, or discounts for goods and services, offered
7 to the general public or a segment of the general public defined on a
8 basis other than status as a public official and offered on the same
9 terms and conditions as the goods or services are offered to the general
10 public or segment thereof;
- 11 (vii) gifts from a family member, member of the same household, or
12 person with a personal relationship with the public official, including
13 invitations to attend personal or family social events, when the circum-
14 stances establish that it is the family, household, or personal
15 relationship that is the primary motivating factor; in determining moti-
16 vation, the following factors shall be among those considered: (A) the
17 history and nature of the relationship between the donor and the recipi-
18 ent, including whether or not items have previously been exchanged; (B)
19 whether the item was purchased by the donor; and (C) whether or not the
20 donor at the same time gave similar items to other public officials; the
21 transfer shall not be considered to be motivated by a family, household,
22 or personal relationship if the donor seeks to charge or deduct the
23 value of such item as a business expense or seeks reimbursement from a
24 client;
- 25 (viii) contributions reportable under article fourteen of the election
26 law;
- 27 (ix) travel reimbursement or payment for transportation, meals and
28 accommodations for an attendee, panelist or speaker at an informational
29 event when such reimbursement or payment is made by a governmental enti-
30 ty or by an in-state accredited public or private institution of higher
31 education that hosts the event on its campus, provided, however, that
32 the public official may only accept lodging from an institution of high-
33 er education: (A) at a location on or within close proximity to the host
34 campus; and (B) for the night preceding and the nights of the days on
35 which the attendee, panelist or speaker actually attends the event;
- 36 (x) provision of local transportation to inspect or tour facilities,
37 operations or property owned or operated by the entity providing such
38 transportation, provided, however, that payment or reimbursement of
39 lodging, meals or travel expenses to and from the locality where such
40 facilities, operations or property are located shall be considered to be
41 gifts unless otherwise permitted under this subdivision; [and]
- 42 (xi) meals or refreshments when participating in a professional or
43 educational program and the meals or refreshments are provided to all
44 participants; AND
- 45 (XII) FOOD OR BEVERAGE VALUED AT TEN DOLLARS OR LESS OFFERED OTHER
46 THAN AS PART OF A MEAL.
- 47 (W) THE TERM "REPORTABLE BUSINESS RELATIONSHIP" SHALL MEAN A RELATION-
48 SHIP IN WHICH COMPENSATION IS PAID BY A LOBBYIST OR BY A CLIENT OF A
49 LOBBYIST, IN EXCHANGE FOR ANY GOODS, SERVICES OR ANYTHING OF VALUE, THE
50 TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS WITHIN A ONE-
51 YEAR PERIOD TO BE PROVIDED OR PERFORMED BY OR INTENDED TO BE PROVIDED OR
52 PERFORMED BY (I) ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE
53 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE; OR (II) ANY
54 ENTITY IN WHICH THE LOBBYIST OR THE CLIENT OF A LOBBYIST KNOWS OR HAS
55 REASON TO KNOW THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE
56 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRI-

1 ETOR, PARTNER, DIRECTOR, OFFICER OR MANAGER, OR RECEIVES TEN PERCENT OR
2 MORE OF ANY PROFITS FROM SUCH ENTITY, OR OWNS OR CONTROLS TEN PERCENT OR
3 MORE OF THE STOCK OF SUCH ENTITY (OR ONE PERCENT IN THE CASE OF A CORPO-
4 RATION WHOSE STOCK IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES
5 EXCHANGE); OR (III) ANY ENTITY IN WHICH A STATEWIDE ELECTED OFFICIAL,
6 STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE
7 EMPLOYEE SOLICITED SUCH LOBBYIST OR CLIENT OF A LOBBYIST TO PAY COMPEN-
8 SATION IN EXCESS OF ONE THOUSAND DOLLARS WITHIN A ONE-YEAR PERIOD TO
9 SUCH ENTITY THAT THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE
10 EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SOLICITED.

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

13 S 1-d. [Lobby-related powers of the commission. In addition to any
14 other powers and duties provided by section ninety-four of the executive
15 law, the] THE NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLI-
16 ANCE. (A) (I) THERE SHALL BE ESTABLISHED A COMMISSION TO BE KNOWN AS THE
17 NEW YORK STATE COMMISSION ON LOBBYING ETHICS AND COMPLIANCE WHICH SHALL
18 CONSIST OF SIX MEMBERS. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED
19 AS FOLLOWS:

20 (A) TWO BY THE GOVERNOR;

21 (B) ONE BY THE TEMPORARY PRESIDENT OF THE SENATE;

22 (C) ONE BY THE SPEAKER OF THE ASSEMBLY;

23 (D) ONE BY THE MINORITY LEADER OF THE SENATE; AND

24 (E) ONE BY THE MINORITY LEADER OF THE ASSEMBLY.

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

29 (B) THE TERM OF OFFICE OF THE MEMBERS SHALL BE FOR FOUR YEARS COMMENC-
30 ING WITH THE FIRST DAY OF JANUARY, TWO THOUSAND ELEVEN. NO MEMBER OF THE
31 COMMISSION SHALL HOLD ANY OTHER STATE OR LOCAL PUBLIC OFFICE FOR WHICH
32 HE OR SHE RECEIVES COMPENSATION; NOR SHALL ANY MEMBER BE EMPLOYED BY THE
33 STATE OR ANY LOCAL POLITICAL SUBDIVISION. NO PERSON SUBJECT TO THE
34 JURISDICTION OF THE COMMISSION AND THE PROVISIONS OF THIS ARTICLE OR
35 REGISTERED AS A LOBBYIST IN ANY JURISDICTION MAY SERVE ON THE COMMIS-
36 SION.

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

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

49 (E) EACH OF THE MEMBERS OF THE COMMISSION SHALL RECEIVE, AS COMPEN-
50 SATION FOR HIS OR HER SERVICES UNDER THIS ARTICLE, A PER DIEM ALLOWANCE
51 IN THE SUM OF ONE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE
52 PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, NOT EXCEEDING,
53 HOWEVER, THE SUM OF FIVE THOUSAND DOLLARS IN ANY CALENDAR YEAR, AND, IN
54 ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTU-
55 ALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR
56 HER DUTIES UNDER THIS ARTICLE.

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

5 (G) MEMBERS OF THE COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHOR-
6 ITY FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE, INABIL-
7 ITY TO DISCHARGE THE POWERS OR DUTIES OF OFFICE OR VIOLATION OF THIS
8 SECTION, AFTER WRITTEN NOTICE AND OPPORTUNITY FOR A REPLY.

9 (H) STRUCTURE OF THE COMMISSION:

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

15 (II) THE commission shall, with respect to its lobbying-related func-
16 tions only, have the power and duty to:

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

18 (B) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF
19 THIS ARTICLE UPON ITS OWN INITIATIVE, OR BY REFERRAL FROM ANOTHER OVER-
20 SIGHT BODY OR BY RECEIPT OF A SWORN COMPLAINT. PURSUANT TO THIS POWER
21 AND DUTY, THE COMMISSION MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA
22 WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY
23 BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

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

27 [(i)] (1) The commission may randomly select reports or registration
28 statements required to be filed by lobbyists or clients pursuant to this
29 article for audit. Any such selection shall be done in a manner pursuant
30 to which the identity of any particular lobbyist or client whose state-
31 ment or report is selected for audit is unknown to the commission, its
32 staff or any of their agents prior to selection.

33 [(ii)] (2) The commission shall develop protocols for the conduct of
34 such random audits. Such random audits may require the production of
35 books, papers, records or memoranda relevant and material to the prepa-
36 ration of the selected statements or reports, for examination by the
37 commission. Any such protocols shall ensure that similarly situated
38 statements or reports are audited in a uniform manner.

39 [(iii)] (3) The commission shall contract with an outside accounting
40 entity, which shall monitor the process pursuant to which the commission
41 selects statements or reports for audit and carries out the provisions
42 of [paragraphs (i) and (ii) of this subdivision] CLAUSES ONE AND TWO OF
43 THIS SUBPARAGRAPH and certifies that such process complies with the
44 provisions of such [paragraphs] CLAUSES.

45 [(iv)] (4) Upon completion of a random audit conducted in accordance
46 with the provisions of [paragraphs (i), (ii) and (iii) of this subdivi-
47 sion] CLAUSES ONE, TWO AND THREE OF THIS SUBPARAGRAPH, the commission
48 shall determine whether there is reasonable cause to believe that any
49 such statement or report is inaccurate or incomplete. Upon a determi-
50 nation that such reasonable cause exists, the commission may require the
51 production of further books, records or memoranda, subpoena witnesses,
52 compel their attendance and testimony and administer oaths or affirma-
53 tions, to the extent the commission determines such actions are neces-
54 sary to obtain information relevant and material to investigating such
55 inaccuracies or omissions;

1 [(c)] (D) conduct hearings pursuant to article seven of the public
2 officers law. Any hearing may be conducted as a video conference in
3 accordance with the provisions of subdivision four of section one
4 hundred four of the public officers law;

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

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

11 [(f)] (G) issue advisory opinions to those under its jurisdiction.
12 Such advisory opinions, which shall be published and made available to
13 the public, shall not be binding upon such commission except with
14 respect to the person to whom such opinion is rendered, provided, howev-
15 er, that a subsequent modification by such commission of such an advi-
16 sory opinion shall operate prospectively only; and

17 [(g)] (H) submit by the first day of March next following the year for
18 which such report is made to the governor and the members of the legis-
19 lature an annual report summarizing the commission's work, listing the
20 lobbyists and clients required to register pursuant to this article and
21 the expenses and compensation reported pursuant to this article and
22 making recommendations with respect to this article. The commission
23 shall make this report available free of charge to the public.

24 (III) THE COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL
25 APPLICABLE REGULATIONS AND OPINIONS ISSUED BY THE TEMPORARY LOBBYING
26 COMMISSION AND THE COMMISSION ON PUBLIC INTEGRITY, WHICH REVIEWS WILL
27 ADDRESS THE CONSISTENCY OF SUCH REGULATIONS AND OPINIONS AMONG EACH
28 OTHER AND WITH THE STATUTORY LANGUAGE. THE COMMISSION SHALL, BEFORE
29 DECEMBER FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND LEGISLA-
30 TURE REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND
31 ISSUE ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

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

37 (b) (i) Such statements of registration shall be kept on file for a
38 period of [three] FOUR years for those filing periods where annual
39 statements are required, and shall be open to public inspection during
40 such period; (ii) Biennial statements of registration shall be kept on
41 file for a period of [three] TWO biennial filing periods where biennial
42 statements are required, and shall be open to public inspection during
43 such period.

44 (3) if such lobbyist is retained or employed pursuant to a written
45 agreement of retainer or employment, a copy of such shall also be
46 attached and if such retainer or employment is oral, a statement of the
47 substance thereof; such written retainer, or if it is oral, a statement
48 of the substance thereof, and any amendment thereto, shall be retained
49 for a period of [three] FOUR years;

50 S 6. Subdivision (c) of section 1-e of the legislative law is amended
51 by adding a new paragraph 8 to read as follows:

52 (8)(I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED
53 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-
54 LATIVE EMPLOYEE AND ENTITY WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSI-
55 NESS RELATIONSHIP;

1 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
2 ACTIONS BETWEEN THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED
3 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-
4 LATIVE EMPLOYEE AND ENTITY; AND

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

7 S 7. Subdivision (b) of section 1-j of the legislative law is amended
8 by adding a new paragraph 6 to read as follows:

9 (6)(I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED
10 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-
11 LATIVE EMPLOYEE AND ENTITY WITH WHOM THE CLIENT OF A LOBBYIST HAS A
12 REPORTABLE BUSINESS RELATIONSHIP;

13 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
14 ACTIONS BETWEEN THE CLIENT OF THE LOBBYIST OR LOBBYISTS AND THE STATE-
15 WIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLA-
16 TURE OR LEGISLATIVE EMPLOYEE AND ENTITY;

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

19 S 8. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph
20 2 of subdivision (c) of section 1-h of the legislative law, as added by
21 chapter 2 of the laws of 1999, are amended to read as follows:

22 (v) expenses of more than fifty dollars shall be paid by check or
23 substantiated by receipts and such checks and receipts shall be kept on
24 file by the lobbyist for a period of [three] FOUR years.

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

27 S 9. Subparagraph (v) of paragraph 6 of subdivision (b) and paragraph
28 2 of subdivision (c) of section 1-i of the legislative law, as added by
29 chapter 2 of the laws of 1999, are amended to read as follows:

30 (v) expenses of more than fifty dollars must be paid by check or
31 substantiated by receipts and such checks and receipts shall be kept on
32 file by such public corporation for a period of [three] FOUR years.

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

36 S 10. Subparagraph (v) of paragraph 5 of subdivision (b) and paragraph
37 2 of subdivision (c) of section 1-j of the legislative law, as amended
38 by chapter 1 of the laws of 2005, are amended to read as follows:

39 (v) expenses of more than fifty dollars must be paid by check or
40 substantiated by receipts and such checks and receipts shall be kept on
41 file by such client for a period of [three] FOUR years.

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

45 S 11. Section 1-m of the legislative law, as added by chapter 14 of
46 the laws of 2007, is amended to read as follows:

47 S 1-m. Prohibition of gifts. No individual or entity required to be
48 listed on a statement of registration pursuant to this article shall
49 offer or give a gift to any public official as defined within this arti-
50 cle, unless under the circumstances it is not reasonable to infer that
51 the gift was intended to influence such public official. No individual
52 or entity required to be listed on a statement of registration pursuant
53 to this article shall offer or give a gift to the spouse or unemancipat-
54 ed child of any public official as defined within this article under
55 circumstances where it is reasonable to infer that the gift was intended
56 to influence such public official. No spouse or unemancipated child of

1 an individual required to be listed on a statement of registration
2 pursuant to this article shall offer or give a gift to a public official
3 under circumstances where it is reasonable to infer that the gift was
4 intended to influence such public official. [This section shall not
5 apply to gifts to officers, members or directors of boards, commissions,
6 councils, public authorities or public benefit corporations who receive
7 no compensation or are compensated on a per diem basis, unless the
8 person listed on the statement of registration appears or has matters
9 pending before the board, commission or council on which the recipient
10 sits.]

11 S 12. Subdivision (a), subparagraph (B) of paragraph (iii) and para-
12 graphs (iv) and (v) of subdivision (b) of section 1-o of the legislative
13 law, as added by chapter 14 of the laws of 2007, are amended to read as
14 follows:

15 (a) (i) Any lobbyist, public corporation, or client who knowingly and
16 wilfully fails to file timely a report or statement required by this
17 [section] ARTICLE or knowingly and wilfully files false information or
18 knowingly and wilfully violates section one-m of this article shall be
19 guilty of a class A misdemeanor; and

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

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

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

50 (v) Any lobbyist or client that knowingly and wilfully engages in
51 lobbying activities, as that term is defined in paragraph (v) of subdi-
52 vision (c) of section one-c of this article, during the period in which
53 they are prohibited from engaging in lobbying activities, as that term
54 is defined in paragraph (v) of subdivision (c) of section one-c of this
55 article pursuant to this subdivision, may be subject to a determination
56 that the lobbyist or client is prohibited from engaging in lobbying

1 activities, as that term is defined in paragraph (v) of subdivision (c)
2 of section one-c of this article, for a period of up to [four] TWENTY
3 years, and shall be subject to a civil penalty not to exceed [fifty] ONE
4 HUNDRED thousand dollars, plus a civil penalty in an amount equal to
5 five times the value of any gift, compensation or benefit received as a
6 result of the violation.

7 S 13. Section 1-p of the legislative law is amended by adding a new
8 subdivision (d) to read as follows:

9 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE COMMISSION HAS
10 A REASONABLE BASIS TO BELIEVE THAT ANY PERSON SUBJECT TO THE JURISDIC-
11 TION OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION OR THE JOINT
12 LEGISLATIVE COMMISSION ON ETHICS STANDARDS MAY HAVE VIOLATED ANY
13 PROVISION OF SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFI-
14 CERS LAW OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE
15 BOARD OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION
16 LAW, IT SHALL REFER SUCH VIOLATION TO THE EXECUTIVE ETHICS AND COMPLI-
17 ANCE COMMISSION OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS,
18 AS APPROPRIATE, UNLESS THE COMMISSION DETERMINES THAT SUCH A REFERRAL
19 WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS INVESTI-
20 GATIONS AND, IF SO, SHALL MAKE A REFERRAL AS SOON AS PRACTICABLE. THE
21 REFERRAL BY THE COMMISSION TO SUCH ENTITIES SHALL INCLUDE ANY INFORMA-
22 TION RELATING THERETO COMING INTO THE CUSTODY OR CONTROL OF THE COMMIS-
23 SION AT ANY TIME PRIOR OR SUBSEQUENT TO THE REFERRAL.

24 S 14. Section 66-a of the legislative law is REPEALED.

25 S 15. Section 80 of the legislative law is REPEALED and two new
26 sections 80 and 81 are added to read as follows:

27 S 80. LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS. 1. OFFICE ESTAB-
28 LISHED. THERE IS ESTABLISHED A LEGISLATIVE OFFICE OF ETHICS INVESTI-
29 GATIONS FOR THE PURPOSE OF ASSISTING THE LEGISLATURE IN CARRYING OUT ITS
30 INVESTIGATORY AND ENFORCEMENT RESPONSIBILITIES WITH REGARD TO ITS
31 ETHICAL STANDARDS AND RECEIVING REFERRALS OF COMPLAINTS FOR INVESTI-
32 GATION FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS AND
33 FROM THE STANDING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY, AND
34 RECEIVING COMPLAINTS FROM THE PUBLIC.

35 2. THE GOVERNING BOARD. (A) THE OFFICE SHALL BE GOVERNED BY A BOARD
36 CONSISTING OF EIGHT INDIVIDUALS WHO SHALL BE APPOINTED BY A MAJORITY
37 VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE JOINT LEGISLATIVE COMMISSION
38 ON ETHICS STANDARDS.

39 (B) THE MEMBERS OF THE COMMISSION SHALL APPOINT INDIVIDUALS WHO ARE
40 QUALIFIED TO SERVE ON THE BOARD BY VIRTUE OF THEIR EDUCATION, TRAINING
41 OR EXPERIENCE IN ONE OR MORE OF THE FOLLOWING DISCIPLINES OR PROCESSES:
42 LEGISLATIVE, JUDICIAL, ADMINISTRATIVE, PROFESSIONAL ETHICS, BUSINESS,
43 LEGAL, AND ACADEMIC.

44 (C) THE MEMBERS OF THE GOVERNING BOARD SHALL VOTE FOR TWO MEMBERS OF
45 THE BOARD AS CO-CHAIRPERSONS.

46 (D) NO INDIVIDUAL SHALL BE ELIGIBLE FOR APPOINTMENT TO, OR SERVICE ON,
47 THE GOVERNING BOARD WHO CURRENTLY OR WITHIN THE LAST FIVE YEARS WAS:

48 (I) A STATEWIDE ELECTED OFFICIAL,

49 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

50 (III) A MEMBER OF THE LEGISLATURE,

51 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

52 (V) AN EMPLOYEE OF THE LEGISLATURE,

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

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

1 (VIII) A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM.
2 (E) NO GOVERNING BOARD MEMBER SHALL BE CURRENTLY A STATE OFFICER OR
3 EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION
4 SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

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

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

13 (H) A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD WITHOUT VACANCY
14 SHALL CONSTITUTE A QUORUM.

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

17 (J) ANY VACANCY OCCURRING ON THE GOVERNING BOARD SHALL BE FILLED WITH-
18 IN SIXTY DAYS BY THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS.

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

21 (A) APPOINT AN EXECUTIVE DIRECTOR FOR A TERM OF THREE YEARS, WHO SHALL
22 BE DISMISSED ONLY FOR CAUSE BY A MAJORITY VOTE OF THE BOARD, APPOINT
23 SUCH OTHER STAFF AS ARE NECESSARY TO ASSIST IT TO CARRY OUT ITS DUTIES
24 UNDER THIS SECTION AND ENTER INTO CONTRACTS FOR SERVICES AS ARE NECES-
25 SARY TO ASSIST IT TO CARRY OUT ITS DUTIES UNDER THIS SECTION;

26 (B) RECEIVE AND ACT ON SWORN COMPLAINTS REGARDING PERSONS SUBJECT TO
27 ITS JURISDICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE,
28 SEVENTY-THREE-A, OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND CONDUCT
29 SUCH INVESTIGATIONS AND PROCEEDINGS AS ARE AUTHORIZED AND NECESSARY TO
30 CARRY OUT THE PROVISIONS OF THIS SECTION. IN CONNECTION WITH SUCH INVES-
31 TIGATIONS, THE BOARD MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA
32 WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY
33 BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

34 (C) RECEIVE AND ACT ON, AS IF IT WERE A SWORN COMPLAINT, ANY REFERRALS
35 FROM THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS OR THE STAND-
36 ING COMMITTEES ON ETHICS OF THE SENATE AND ASSEMBLY;

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

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

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

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

54 (A) INITIATE A PRELIMINARY REVIEW OF ANY ALLEGED VIOLATION BY A MEMBER
55 OF THE LEGISLATURE, OFFICER, OR LEGISLATIVE EMPLOYEE OF SECTION SEVEN-
56 TY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW,

1 AND ANY OTHER MATTER REFERRED TO IT BY THE ASSEMBLY OR SENATE STANDING
2 COMMITTEE ON ETHICS OR THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-
3 ARDS PURSUANT TO SUBDIVISION THREE OF THIS SECTION;

4 (B) NOTIFY IN WRITING THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-
5 DARDS OR THE APPROPRIATE STANDING COMMITTEE ON ETHICS AND THE COMPLAIN-
6 ANT, IF THERE IS ONE, THAT THE PRELIMINARY REVIEW HAS COMMENCED; AND

7 (C) NOTIFY IN WRITING ANY INDIVIDUAL WHO IS THE SUBJECT OF SUCH
8 PRELIMINARY REVIEW AND PROVIDE SUCH INDIVIDUAL WITH A DESCRIPTION OF THE
9 POSSIBLE OR ALLEGED VIOLATION AND A COPY OF ITS RULES AND PROCEDURES,
10 WHICH SHALL INCLUDE THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO
11 SUCH INDIVIDUAL AND THE OPPORTUNITY FOR SUCH INDIVIDUAL TO SUBMIT A
12 WRITTEN RESPONSE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.

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

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

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

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

44 (II) THE GOVERNING BOARD MAY HOLD SUCH HEARINGS AS MAY BE NECESSARY
45 AND SIT AND ACT ONLY IN EXECUTIVE SESSION AT SUCH TIMES AND PLACES AND
46 SOLICIT SUCH TESTIMONY AND RECEIVE SUCH RELEVANT EVIDENCE AS MAY BE
47 NECESSARY TO CARRY OUT ITS DUTIES. THE BOARD SHALL PROVIDE THE INDIVID-
48 UAL WHO IS THE SUBJECT OF THE REVIEW THE OPPORTUNITY TO BE HEARD ON THE
49 MATTER WITHIN THIRTY CALENDAR DAYS OF SUCH WRITTEN NOTICE.

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

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

3 (B) A RECOMMENDATION THAT THE MATTER UNDER REVIEW BE DISMISSED BY SUCH
4 COMMITTEE OR COMMISSION IN ACCORDANCE WITH PARAGRAPH (C) OF THIS SUBDI-
5 VISION; OR

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

10 (D) A SUMMARY OF THE GOVERNING BOARD'S FINDINGS OF FACT. WHERE THE
11 GOVERNING BOARD IS UNABLE TO RECOMMEND ACTION BECAUSE OF A TIE VOTE
12 PURSUANT TO CLAUSE (C) OF THIS SUBPARAGRAPH, IT MAY INCLUDE, IN ADDITION
13 TO ANY FINDINGS OF FACT UPON WHICH A MAJORITY OF THE MEMBERS AGREE, A
14 STATEMENT INDICATING ANY FINDINGS OF FACT AGREED UPON BY ANY FOUR
15 MEMBERS OF THE COMMISSION.

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

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

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

36 (I) WAS DE MINIMIS IN NATURE;

37 (II) WAS CURED; OR

38 (III) SHOULD BE RESOLVED PURSUANT TO A SETTLEMENT AGREEMENT. ANY
39 MATTER SO DISMISSED BY SUCH COMMITTEE OR COMMISSION SHALL BE DEEMED A
40 PRELIMINARY REVIEW TERMINATION PURSUANT TO SUBPARAGRAPH (IV) OF PARA-
41 GRAPH (A) OF THIS SUBDIVISION, PROVIDED THAT SUCH COMMITTEE OR COMMIS-
42 SION SHALL MAKE PUBLIC THE TERMS OF ANY SETTLEMENT OR COMPROMISE WHICH
43 INCLUDES A FINE, PENALTY OR OTHER REMEDY.

44 (D) ADOPTION OF RULES. THE GOVERNING BOARD SHALL ADOPT RULES TO CARRY
45 OUT ITS DUTIES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOW-
46 ING:

47 (I) A RULE REQUIRING THAT ALL WITNESSES SIGN A STATEMENT ACKNOWLEDGING
48 THE UNDERSTANDING THAT FALSE TESTIMONY AND THE SUBMISSION OF FALSE DOCU-
49 MENTS CONSTITUTES PERJURY AND IS PUNISHABLE BY LAW.

50 (II) A RULE REQUIRING THAT THERE BE NO EX PARTE COMMUNICATIONS BETWEEN
51 ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE AND ANY INDI-
52 VIDUAL WHO IS THE SUBJECT OF ANY REVIEW BY THE GOVERNING BOARD OR
53 BETWEEN ANY MEMBER OR STAFF AND ANY INTERESTED PARTY, AND THAT NO MEMBER
54 OR OFFICER OF THE LEGISLATURE, OR LEGISLATIVE EMPLOYEE MAY COMMUNICATE
55 WITH ANY MEMBER OF THE GOVERNING BOARD OR STAFF OF THE OFFICE REGARDING

1 ANY MATTER UNDER REVIEW BY THE GOVERNING BOARD EXCEPT AS AUTHORIZED BY
2 THE BOARD.

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

6 5. REQUESTS FROM THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS.
7 IN ADDITION TO REFERRALS OF POSSIBLE VIOLATIONS OF SECTION
8 SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS
9 LAW, THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS MAY REQUEST
10 THAT THE BOARD REVIEW AND CONDUCT AN INVESTIGATION OF ANY MATTER OR
11 ASPECT OF ANY MATTER BEFORE THE COMMITTEE. NOTWITHSTANDING ANY OTHER
12 PROVISIONS OF THIS SECTION, UPON RECEIPT OF A WRITTEN REQUEST FROM THE
13 APPROPRIATE COMMITTEE THAT THE BOARD CEASE ITS REVIEW OF ANY MATTER
14 OTHER THAN A REFERRAL OF AN ALLEGED VIOLATION OF SECTIONS SEVENTY-THREE,
15 SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND REFER
16 SUCH MATTER TO THE COMMITTEE BECAUSE OF THE ONGOING INVESTIGATION OF
17 SUCH MATTER BY THE COMMITTEE, THE BOARD SHALL REFER SUCH MATTER BACK TO
18 THE COMMITTEE AND CEASE ITS PRELIMINARY OR SECOND-PHASE REVIEW, AS
19 APPLICABLE, OF THAT MATTER AND SO NOTIFY ANY INDIVIDUAL WHO IS THE
20 SUBJECT OF THE REVIEW. IN ANY SUCH CASE, THE BOARD SHALL SEND A WRITTEN
21 REPORT TO THE COMMITTEE CONTAINING A STATEMENT THAT, UPON THE REQUEST OF
22 THAT COMMITTEE, THE MATTER IS REFERRED TO IT FOR ITS CONSIDERATION, BUT
23 NOT ANY FINDINGS. SUCH REPORT SHALL BE SUBJECT TO THE PROVISIONS OF
24 SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION.

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

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

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

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

44 (III) THE OFFICE SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE
45 UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE
46 GOVERNING BOARD OR STAFF OF THE OFFICE. ANY BREACHES OF CONFIDENTIALITY
47 SHALL BE INVESTIGATED BY THE JOINT LEGISLATIVE COMMISSION ON ETHICS
48 STANDARDS PURSUANT TO SUBDIVISION K OF SECTION EIGHTY-ONE OF THIS ARTICLE.
49

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

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

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

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

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

16 10. (A) PUBLIC DISCLOSURE. NOT LATER THAN FORTY-FIVE CALENDAR DAYS
17 AFTER RECEIPT FROM THE BOARD OF A WRITTEN REPORT AND ANY FINDINGS AND
18 SUPPORTING DOCUMENTATION REGARDING A MATTER BEFORE THE BOARD, THE CHAIR-
19 PERSON OF THE ASSEMBLY OR SENATE STANDING COMMITTEE ON ETHICS OR THE
20 CHAIRPERSONS OF THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, AS
21 APPROPRIATE, SHALL MAKE PUBLIC THE WRITTEN REPORT OF THE BOARD UNLESS
22 THE COMMITTEE OR COMMISSION, AS APPROPRIATE, DECIDES TO WITHHOLD SUCH
23 INFORMATION FOR NOT MORE THAN ONE ADDITIONAL PERIOD OF THE SAME DURA-
24 TION, IN WHICH CASE THE CHAIRPERSON OR CHAIRPERSONS SHALL UPON THE
25 TERMINATION OF SUCH ADDITIONAL PERIOD, MAKE PUBLIC THE WRITTEN REPORT,
26 AND UPON THE DAY OF SUCH DECISION OR VOTE, MAKE A PUBLIC STATEMENT THAT
27 THE COMMITTEE OR COMMISSION, AS APPROPRIATE, HAS VOTED TO EXTEND THE
28 MATTER RELATING TO THE REFERRAL MADE BY THE BOARD REGARDING THE INDIVID-
29 UAL WHO IS THE SUBJECT OF THE APPLICABLE REFERRAL.

30 (B) AT LEAST ONE CALENDAR DAY BEFORE THE COMMITTEE OR COMMISSION, AS
31 APPROPRIATE, MAKES PUBLIC ANY WRITTEN REPORT AND FINDINGS OF THE BOARD,
32 THE CHAIRPERSON OR CHAIRPERSONS SHALL NOTIFY SUCH BOARD AND THE INDIVID-
33 UAL WHO IS THE SUBJECT OF THE INVESTIGATION OF THAT FACT AND TRANSMIT TO
34 SUCH INDIVIDUAL A COPY OF THE STATEMENT ON THE COMMITTEE'S OR COMMISS-
35 SION'S DISPOSITION OF, AND ANY COMMITTEE REPORT ON, THE MATTER.

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

45 12. NOTWITHSTANDING PARAGRAPH (A) OF SUBDIVISION TEN OF THIS SECTION,
46 IF THE BOARD TRANSMITS A REPORT RESPECTING ANY MATTER WITH A RECOMMENDA-
47 TION TO DISMISS OR AS UNRESOLVED DUE TO A TIE VOTE, AND THE COMMITTEE OR
48 COMMISSION VOTES TO EXTEND THE MATTER FOR AN ADDITIONAL PERIOD AS
49 PROVIDED IN SUBDIVISION TEN OF THIS SECTION, THE COMMITTEE OR COMMISSION
50 IS NOT REQUIRED TO MAKE A PUBLIC STATEMENT THAT THE COMMITTEE OR COMMISS-
51 SION HAS VOTED TO EXTEND THE MATTER. EXCEPT AS OTHERWISE PROVIDED, THE
52 REPORT SHALL BE MADE PUBLIC.

53 13. IF THE COMMISSION OR COMMITTEE IS AWARE THAT ALLEGED CRIMINAL
54 CONDUCT WHICH MIGHT ALSO VIOLATE SECTION SEVENTY-THREE, SEVENTY-THREE-A
55 OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW IS UNDER INVESTIGATION BY A
56 FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY OR IS BEING PROSECUTED

1 IN LOCAL, STATE OR FEDERAL COURT, IT SHALL HOLD THE MATTER IN ABEYANCE
2 UNTIL THE CRIMINAL MATTER IS RESOLVED.

3 S 81. JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS. A. THERE IS
4 ESTABLISHED A JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS WHICH
5 SHALL CONSIST OF EIGHT MEMBERS AND WHICH SHALL BE RESPONSIBLE FOR TRAIN-
6 ING, EDUCATION, AND ADVICE REGARDING SECTIONS SEVENTY-THREE,
7 SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND REVIEW
8 THE ENFORCEMENT OF SUCH SECTIONS. THE COMMISSION SHALL SERVE AS
9 DESCRIBED IN THIS SECTION AND HAVE AND EXERCISE THE POWERS AND DUTIES
10 SET FORTH IN THIS SECTION ONLY WITH RESPECT TO MEMBERS OF THE LEGISLA-
11 TURE, LEGISLATIVE EMPLOYEES AS DEFINED IN SECTION SEVENTY-THREE OF THE
12 PUBLIC OFFICERS LAW, CANDIDATES FOR MEMBER OF THE LEGISLATURE AND INDI-
13 VIDUALS WHO HAVE FORMERLY HELD SUCH POSITIONS OR WHO HAVE FORMERLY BEEN
14 SUCH CANDIDATES. THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSUANT
15 TO THIS SECTION SHALL CONTINUE NOTWITHSTANDING THAT A MEMBER OF THE
16 LEGISLATURE OR A LEGISLATIVE EMPLOYEE SEPARATES FROM STATE SERVICE, OR A
17 CANDIDATE FOR MEMBER OF THE LEGISLATURE CEASES TO BE A CANDIDATE,
18 PROVIDED THAT THE COMMISSION NOTIFIES SUCH INDIVIDUAL OF THE ALLEGED
19 VIOLATION OF LAW PURSUANT TO THIS SECTION WITHIN ONE YEAR FROM HIS OR
20 HER SEPARATION FROM STATE SERVICE OR THE TERMINATION OF HIS OR HER
21 CANDIDACY. NOTHING IN THIS SECTION SHALL SERVE TO LIMIT THE JURISDICTION
22 OF THE COMMISSION IN ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION SEVEN-
23 TY-THREE OF THE PUBLIC OFFICERS LAW.

24 B. FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE
25 FOLLOWING MEANINGS:

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

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

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

32 4. "APPOINTING OFFICER" MEANS THE LEGISLATOR RESPONSIBLE FOR APPOINT-
33 ING A DESIGNATING MEMBER.

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

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

45 1. A STATEWIDE ELECTED OFFICIAL,

46 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

47 3. A MEMBER OF THE LEGISLATURE,

48 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

49 5. AN EMPLOYEE OF THE LEGISLATURE,

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

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

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

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

3 E. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE SPEAKER OF
4 THE ASSEMBLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A
5 ONE-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE
6 TEMPORARY PRESIDENT OF THE STATE SENATE, ONE SHALL SERVE A THREE-YEAR
7 TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO DESIGNATING MEMBERS
8 FIRST APPOINTED BY THE MINORITY LEADER OF THE STATE SENATE, ONE SHALL
9 SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO
10 DESIGNATING MEMBERS FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
11 BLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A ONE-YEAR
12 TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

13 F. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT
14 OR ELECTION OF ANY DESIGNATING MEMBER TO AN OFFICE THAT WOULD DISQUALIFY
15 HIM OR HER FROM SERVING ON THE DESIGNATING PANEL. A VACANCY OCCURRING
16 FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED BY THE
17 APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED TERM. NO DESIGNAT-
18 ING MEMBER SHALL SERVE ON SUCH PANEL AFTER THE EXPIRATION OF HIS OR HER
19 TERM. IF THE APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT
20 OFFICE WITHIN SIXTY DAYS, THE DESIGNATING PANEL SHALL, BY A MAJORITY
21 VOTE WITHOUT VACANCY, SELECT A PERSON TO FILL THE VACANT OFFICE.

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

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

28 I. FIVE DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

29 J. A MAJORITY VOTE OF FIVE DESIGNATING MEMBERS SHALL BE REQUIRED TO
30 APPOINT A MEMBER TO THE JOINT LEGISLATIVE COMMISSION ON ETHICS STAND-
31 ARDS.

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

- 38 1. A STATEWIDE ELECTED OFFICIAL,
- 39 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
- 40 3. A MEMBER OF THE LEGISLATURE,
- 41 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
- 42 5. AN EMPLOYEE OF THE LEGISLATURE,
- 43 6. A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVI-
44 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 45 7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVI-
46 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 47 8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER
48 JURISDICTION, OR

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

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

1 M. THE MEMBERS OF THE COMMISSION WHO ARE FIRST APPOINTED BY THE
2 DESIGNATING PANEL SHALL BE DIVIDED INTO FOUR CLASSES AND SERVE STAGGERED
3 TERMS OF ONE, TWO, THREE AND FOUR YEAR TERMS, RESPECTIVELY. EACH MEMBER
4 OF THE COMMISSION SHALL BE APPOINTED THEREAFTER FOR A TERM OF FOUR YEARS
5 AND MAY BE REMOVED BY THE DESIGNATING PANEL FOR SUBSTANTIAL NEGLIGENCE OF
6 DUTY, MISCONDUCT IN OFFICE, INABILITY TO DISCHARGE THE POWERS OR DUTIES
7 OF THE OFFICE OR VIOLATIONS OF THIS SECTION AFTER WRITTEN NOTICE AND
8 OPPORTUNITY FOR A REPLY.

9 N. THE COMMISSION SHALL ELECT TWO CO-CHAIRPERSONS BY A MAJORITY VOTE
10 OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION. THE COMMISSION SHALL
11 MEET AT LEAST BI-MONTHLY AND AT SUCH ADDITIONAL TIMES AS MAY BE CALLED
12 FOR BY THE CO-CHAIRPERSONS JOINTLY OR ANY FOUR MEMBERS OF THE COMMISS-
13 SION.

14 O. ANY VACANCY OCCURRING ON THE COMMISSION SHALL BE FILLED WITHIN
15 SIXTY DAYS BY THE DESIGNATING PANEL AS PRESCRIBED IN SUBDIVISION F OF
16 THIS SECTION.

17 P. FIVE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM, AND THE
18 COMMISSION SHALL HAVE POWER TO ACT BY MAJORITY VOTE OF THE TOTAL NUMBER
19 OF MEMBERS OF THE COMMISSION WITHOUT VACANCY.

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

28 R. THE COMMISSION SHALL:

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

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

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

38 4. ADMINISTER THE PROVISIONS OF THIS SECTION;

39 5. SPECIFY THE PROCEDURES WHEREBY A PERSON WHO IS REQUIRED TO FILE AN
40 ANNUAL FINANCIAL DISCLOSURE STATEMENT WITH THE COMMISSION MAY REQUEST AN
41 ADDITIONAL PERIOD OF TIME WITHIN WHICH TO FILE SUCH STATEMENT, DUE TO
42 JUSTIFIABLE CAUSE OR UNDUE HARDSHIP; SUCH RULES OR REGULATIONS SHALL
43 PROVIDE FOR A DATE BEYOND WHICH IN ALL CASES OF JUSTIFIABLE CAUSE OR
44 UNDUE HARDSHIP NO FURTHER EXTENSION OF TIME WILL BE GRANTED;

45 6. PROMULGATE GUIDELINES TO ASSIST APPOINTING AUTHORITIES IN DETERMIN-
46 ING WHICH PERSONS HOLD POLICY-MAKING POSITIONS FOR PURPOSES OF SECTION
47 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW AND MAY PROMULGATE GUIDELINES
48 TO ASSIST FIRMS, ASSOCIATIONS AND CORPORATIONS IN SEPARATING AFFECTED
49 PERSONS FROM NET REVENUES FOR PURPOSES OF SUBDIVISION TEN OF SECTION
50 SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, AND PROMULGATE GUIDELINES TO
51 ASSIST ANY FIRM, ASSOCIATION OR CORPORATION IN WHICH ANY PRESENT OR
52 FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF
53 THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIR IS A
54 MEMBER, ASSOCIATE, RETIRED MEMBER, OF COUNSEL OR SHAREHOLDER, IN COMPLY-
55 ING WITH THE PROVISIONS OF SUBDIVISION TEN OF SECTION SEVENTY-THREE OF
56 THE PUBLIC OFFICERS LAW WITH RESPECT TO THE SEPARATION OF SUCH PRESENT

1 OR FORMER STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER
2 OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY CHAIRMAN
3 FROM THE NET REVENUES OF THE FIRM, ASSOCIATION OR CORPORATION. SUCH
4 FIRM, ASSOCIATION OR CORPORATION SHALL NOT BE REQUIRED TO ADOPT THE
5 PROCEDURES CONTAINED IN THE GUIDELINES TO ESTABLISH COMPLIANCE WITH
6 SUBDIVISION TEN OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, BUT
7 IF SUCH FIRM, ASSOCIATION OR CORPORATION DOES ADOPT SUCH PROCEDURES, IT
8 SHALL BE DEEMED TO BE IN COMPLIANCE WITH SUCH SUBDIVISION TEN;

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

12 8. REVIEW FINANCIAL DISCLOSURE STATEMENTS IN ACCORDANCE WITH THE
13 PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT THE COMMISSION MAY
14 DELEGATE ALL OR PART OF THE REVIEW FUNCTION RELATING TO FINANCIAL
15 DISCLOSURE STATEMENTS PURSUANT TO SECTIONS SEVENTY-THREE AND
16 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW TO THE EXECUTIVE DIRECTOR WHO
17 SHALL BE RESPONSIBLE FOR COMPLETING STAFF REVIEW OF SUCH STATEMENTS IN A
18 MANNER CONSISTENT WITH THE TERMS OF THE COMMISSION'S DELEGATION. SUCH
19 REVIEW SHALL REQUIRE THAT ALL STATEMENTS OF FINANCIAL DISCLOSURE FILED
20 WITH THE COMMISSION BE EXAMINED TO ENSURE THAT EACH STATEMENT IS FACIAL-
21 LY COMPLETE AND SIGNED BY THE REPORTING INDIVIDUAL;

22 9. PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT
23 TO REQUEST THE COMMISSION TO DELETE FROM THE COPY THEREOF MADE AVAILABLE
24 FOR PUBLIC INSPECTION AND COPYING ONE OR MORE ITEMS OF INFORMATION,
25 WHICH MAY BE DELETED BY THE COMMISSION UPON A FINDING THAT THE INFORMA-
26 TION WHICH WOULD OTHERWISE BE REQUIRED TO BE DISCLOSED WILL HAVE NO
27 MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL
28 DUTIES;

29 10. PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATE-
30 MENT TO REQUEST AN EXEMPTION FROM ANY REQUIREMENT TO REPORT ONE OR MORE
31 ITEMS OF INFORMATION WHICH PERTAIN TO SUCH PERSON'S SPOUSE OR UNEMANCI-
32 PATED CHILDREN WHICH ITEM OR ITEMS MAY BE EXEMPTED BY THE COMMISSION
33 UPON A FINDING THAT THE REPORTING INDIVIDUAL'S SPOUSE, ON HIS OR HER OWN
34 BEHALF OR ON BEHALF OF AN UNEMANCIPATED CHILD, OBJECTS TO PROVIDING THE
35 INFORMATION NECESSARY TO MAKE SUCH DISCLOSURE AND THAT THE INFORMATION
36 WHICH WOULD OTHERWISE BE REQUIRED TO BE REPORTED WILL HAVE NO MATERIAL
37 BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S OFFICIAL DUTIES;

38 11. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR
39 MEMBER OF THE LEGISLATURE MAY NOT DISCLOSE INFORMATION REGARDING A
40 CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINAN-
41 CIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH
42 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC
43 OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S
44 REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER
45 NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE,
46 DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLO-
47 SURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION BETWEEN
48 CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFOR-
49 MATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVI-
50 SION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE
51 WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

52 (A) A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR
53 MEMBER OF THE LEGISLATURE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTI-
54 TY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL
55 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT
56 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS

1 LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARD-
2 SHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH
3 HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR
4 SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH
5 UNDISCLOSED CLIENT, PERSON, OR ENTITY THE LEGAL BASIS FOR ASSERTION OF
6 THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE
7 WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH
8 DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

9 (B) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE
10 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER
11 OF THE LEGISLATURE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE
12 HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY
13 WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL
14 DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR
15 VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

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

30 (D) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTI-
31 FIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP,
32 THE MATTER SHALL BE REFERRED TO THE COMMISSION.

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

44 (F) IF THE COMMISSION ORDERS A MEMBER OF THE LEGISLATURE, LEGISLATIVE
45 EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE TO DISCLOSE, THE
46 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER
47 OF THE LEGISLATURE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN
48 ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION
49 REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO
50 SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF
51 SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, SHALL INFORM THE
52 PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION
53 PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS
54 ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION;

55 12. ADVISE AND ASSIST THE LEGISLATURE IN ESTABLISHING RULES AND REGU-
56 LATIONS RELATING TO POSSIBLE CONFLICTS BETWEEN PRIVATE INTERESTS AND

1 OFFICIAL DUTIES OF PRESENT MEMBERS OF THE LEGISLATURE AND LEGISLATIVE
2 EMPLOYEES;

3 13. RECEIVE SWORN COMPLAINTS REGARDING PERSONS SUBJECT TO ITS JURIS-
4 DICTION ALLEGING A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVEN-
5 TY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, AND REFER SUCH
6 COMPLAINTS FOR INVESTIGATION TO THE LEGISLATIVE OFFICE OF ETHICS INVE-
7 TIGATIONS AS WELL AS ANY OTHER POSSIBLE VIOLATIONS OF SUCH SECTIONS BY
8 SUCH PERSONS THAT THE COMMISSION DETERMINES ON ITS OWN INITIATIVE
9 WARRANT INVESTIGATION;

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

15 15. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE JURIS-
16 DICTION OF THE COMMISSION AND THE REQUIREMENTS OF SECTIONS
17 SEVENTY-THREE, SEVENTY-THREE-A AND SEVENTY-FOUR OF THE PUBLIC OFFICERS
18 LAW RENDER FORMAL ADVISORY OPINIONS ON THE REQUIREMENTS OF SAID
19 PROVISIONS. A FORMAL OPINION RENDERED BY THE COMMISSION, UNTIL AND
20 UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON THE LEGISLATIVE OFFICE OF
21 ETHICS INVESTIGATIONS IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON
22 WHO REQUESTED THE OPINION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL
23 FACTS WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR AN
24 OPINION. SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH PERSON, AND MAY
25 BE INTRODUCED AND SHALL BE A DEFENSE IN ANY CRIMINAL OR CIVIL ACTION;

26 16. ISSUE AND PUBLISH GENERIC ADVISORY OPINIONS COVERING QUESTIONS
27 FREQUENTLY POSED TO THE COMMISSION, OR QUESTIONS COMMON TO A CLASS OR
28 DEFINED CATEGORY OF PERSONS, OR THAT WILL TEND TO PREVENT UNDUE REPE-
29 TITION OF REQUESTS OR UNDUE COMPLICATION, AND WHICH ARE INTENDED TO
30 PROVIDE GENERAL GUIDANCE AND INFORMATION TO PERSONS SUBJECT TO THE
31 COMMISSION'S JURISDICTION;

32 17. DEVELOP EDUCATIONAL MATERIALS AND TRAINING WITH REGARD TO LEGISLA-
33 TIVE ETHICS FOR MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES;

34 18. PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE SUMMARIZ-
35 ING THE ACTIVITIES OF THE COMMISSION DURING THE PREVIOUS YEAR AND RECOM-
36 MENDING ANY CHANGES IN THE LAWS GOVERNING THE CONDUCT OF PERSONS SUBJECT
37 TO THE JURISDICTION OF THE COMMISSION, OR THE RULES, REGULATIONS AND
38 PROCEDURES GOVERNING THE COMMISSION'S CONDUCT. SUCH REPORT SHALL BE
39 POSTED ON THE COMMISSION'S WEBSITE AND SHALL INCLUDE: (I) THE NUMBER OF
40 REPORTING INDIVIDUALS WHOSE FILES WERE REVIEWED PURSUANT TO PARAGRAPH
41 NINETEEN OF SUBDIVISION R OF THIS SECTION DURING THE PREVIOUS YEAR AND
42 WHICH, IF ANY, CLASSES WERE SELECTED FOR CLASS REVIEW RATHER THAN RANDOM
43 REVIEW, (II) A LISTING BY ASSIGNED NUMBER OF EACH COMPLAINT AND REFERRAL
44 RECEIVED WHICH ALLEGED A POSSIBLE VIOLATION WITHIN ITS JURISDICTION,
45 INCLUDING THE CURRENT STATUS OF EACH COMPLAINT, AND (III) WHERE A MATTER
46 HAS BEEN RESOLVED, THE DATE AND NATURE OF THE DISPOSITION AND ANY SANC-
47 TION IMPOSED, SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF THIS
48 SECTION. SUCH ANNUAL REPORT SHALL NOT CONTAIN ANY INFORMATION FOR WHICH
49 DISCLOSURE IS NOT PERMITTED PURSUANT TO SUBDIVISION FOURTEEN OF THIS
50 SECTION; AND

51 19. PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF
52 RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL
53 STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A
54 MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE
55 STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION, ITS STAFF AND TO THE
56 LEGISLATIVE OFFICE OF ETHICS INVESTIGATION PRIOR TO ITS SELECTION; (II)

1 SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINATION OF THE SELECTED
2 STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON WITH OTHER RECORDS
3 MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY FILED STATEMENTS AND
4 REQUESTS FOR ADVISORY OPINIONS, AND EXAMINATION OF RELEVANT PUBLIC
5 INFORMATION, INCLUDING, BUT NOT LIMITED TO, RECORDS FILED WITH THE
6 COMMISSION ON LOBBYING ETHICS AND COMPLIANCE AND THE DEPARTMENT OF
7 STATE; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINATION, THE COMMIS-
8 SION SHALL DETERMINE WHETHER FURTHER INQUIRY IS WARRANTED, WHEREUPON IT
9 SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING THAT THE STATEMENT IS
10 UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF THE SPECIFIC AREAS OF
11 INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH THE OPPORTUNITY TO
12 PROVIDE THE COMMISSION WITH ANY RELEVANT INFORMATION RELATED TO THE
13 SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE AMENDMENTS TO THE
14 SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMISSION; AND (IV) IF
15 THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION SHALL REFER THE
16 MATTER TO THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED,
17 HOWEVER IF THE COMMISSION CONDUCTS A REVIEW OF ALL STATEMENTS OF FINAN-
18 CIAL DISCLOSURE FILED BY A CLASS OF REPORTING INDIVIDUALS IN THE MANNER
19 SET FORTH IN THIS PARAGRAPH WITH RESPECT TO A GIVEN CALENDAR YEAR, THE
20 INDIVIDUALS WITHIN SUCH CLASS SHALL NOT BE SUBJECT TO RANDOM REVIEW. FOR
21 THE PURPOSES OF THIS PARAGRAPH, THE CLASSES OF REPORTING INDIVIDUALS ARE
22 MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE LEGISLATURE,
23 LEGISLATIVE EMPLOYEES SUBJECT TO THE PROVISIONS OF SECTION
24 SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, AND LEGISLATIVE EMPLOYEES
25 REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT PURSUANT TO SUBDIVI-
26 SION SIX OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

27 S. THE COMMISSION, OR THE EXECUTIVE DIRECTOR AND STAFF OF THE COMMIS-
28 SION IF RESPONSIBILITY REGARDING SUCH FINANCIAL DISCLOSURE STATEMENTS
29 FILED HAS BEEN DELEGATED, SHALL INSPECT ALL FINANCIAL DISCLOSURE STATE-
30 MENTS FILED WITH THE COMMISSION TO ASCERTAIN WHETHER ANY PERSON SUBJECT
31 TO THE REPORTING REQUIREMENTS OF SUBDIVISION SIX OF SECTION
32 SEVENTY-THREE OR SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW HAS
33 FAILED TO FILE SUCH A STATEMENT, HAS FILED A DEFICIENT STATEMENT OR HAS
34 FILED A STATEMENT WHICH REVEALS A POSSIBLE VIOLATION OF SECTION SEVEN-
35 TY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

36 T. 1. IF A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT
37 WITH THE COMMISSION HAS FAILED TO FILE A FINANCIAL DISCLOSURE STATEMENT
38 OR HAS FILED A DEFICIENT STATEMENT, THE COMMISSION SHALL NOTIFY THE
39 REPORTING PERSON IN WRITING, STATE THE FAILURE TO FILE OR DETAIL THE
40 DEFICIENCY, PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD TO CURE THE
41 DEFICIENCY, AND ADVISE THE PERSON OF THE PENALTIES FOR FAILURE TO COMPLY
42 WITH THE REPORTING REQUIREMENTS. SUCH NOTICE SHALL BE CONFIDENTIAL. IF
43 THE PERSON FAILS TO MAKE SUCH FILING OR FAILS TO CURE THE DEFICIENCY
44 WITHIN THE SPECIFIED TIME PERIOD, THE COMMISSION SHALL SEND A NOTICE OF
45 DELINQUENCY: (A) TO THE REPORTING PERSON; (B) IN THE CASE OF A SENATOR,
46 TO THE TEMPORARY PRESIDENT OF THE SENATE, AND IF A MEMBER OF THE ASSEM-
47 BLY, TO THE SPEAKER OF THE ASSEMBLY; AND (C) IN THE CASE OF A LEGISLA-
48 TIVE EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON AND TO THE
49 TEMPORARY PRESIDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY, AS
50 APPROPRIATE, WHO HAS JURISDICTION OVER SUCH APPOINTING AUTHORITY. SUCH
51 NOTICE OF DELINQUENCY MAY BE SENT AT ANY TIME DURING THE REPORTING
52 PERSON'S SERVICE AS A MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE
53 OR WHILE A CANDIDATE FOR MEMBER OF THE LEGISLATURE, OR WITHIN ONE YEAR
54 AFTER SEPARATION FROM SUCH SERVICE OR THE TERMINATION OF SUCH CANDIDACY.
55 THE JURISDICTION OF THE COMMISSION, WHEN ACTING PURSUANT TO SUBDIVISION
56 K OF THIS SECTION WITH RESPECT TO FINANCIAL DISCLOSURE, SHALL CONTINUE

1 NOTWITHSTANDING THAT THE REPORTING PERSON SEPARATES FROM STATE SERVICE
2 OR TERMINATES HIS OR HER CANDIDACY, PROVIDED THE COMMISSION NOTIFIES
3 SUCH PERSON OF THE ALLEGED FAILURE TO FILE OR DEFICIENT FILING PURSUANT
4 TO THIS SUBDIVISION.

5 2. IF THE PERSON REQUIRED TO FILE FAILS TO MAKE THE REQUIRED FILING
6 WITHIN FIFTEEN DAYS OF THE NOTICE OF DELINQUENCY, THE COMMISSION SHALL
7 NOTIFY THE PERSON IN WRITING, DESCRIBE THE ALLEGED VIOLATION THEREOF AND
8 PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD IN WHICH TO SUBMIT A WRIT-
9 TEN RESPONSE SETTING FORTH INFORMATION RELATING TO THE ALLEGED
10 VIOLATION. IF THE COMMISSION THEREAFTER MAKES A DETERMINATION THAT
11 FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE PERSON AN OPPORTUNITY TO
12 BE HEARD. THE COMMISSION SHALL ALSO PROVIDE THE PERSON WITH ITS RULES
13 REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND THE
14 DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH PERSON. IF THE
15 COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING THAT THERE IS NO
16 VIOLATION OR THAT SUCH VIOLATION HAS BEEN CURED, IT SHALL SO ADVISE THE
17 PERSON. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDENTIAL.

18 U. 1. IF A REPORTING PERSON HAS FILED A STATEMENT WHICH REVEALS A
19 POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVEN-
20 TY-FOUR OF THE PUBLIC OFFICERS LAW, OR THE COMMISSION RECEIVES A REFER-
21 RAL FROM ANOTHER STATE OVERSIGHT BODY, OR THE COMMISSION RECEIVES A
22 SWORN COMPLAINT ALLEGING SUCH A VIOLATION BY A REPORTING PERSON OR A
23 LEGISLATIVE EMPLOYEE SUBJECT TO THE PROVISIONS OF SUCH LAWS, OR IF THE
24 PERSON FAILS TO MAKE THE REQUIRED FILING WITHIN FIFTEEN DAYS OF THE
25 NOTICE OF DELINQUENCY, THE COMMISSION SHALL REFER THE MATTER TO THE
26 LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS FOR INVESTIGATION AND A
27 REPORT TO THE COMMISSION CONTAINING FINDINGS AND RECOMMENDATIONS. IF THE
28 COMMISSION THEREAFTER MAKES A DETERMINATION THAT FURTHER INQUIRY IS
29 JUSTIFIED, IT SHALL GIVE THE REPORTING PERSON AN OPPORTUNITY TO BE
30 HEARD. THE COMMISSION SHALL ALSO INFORM THE REPORTING INDIVIDUAL OF ITS
31 RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS AND
32 THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH INDIVIDUAL. IF
33 THE COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING THAT THERE IS
34 NO VIOLATION OR THAT ANY POTENTIAL CONFLICT OF INTEREST VIOLATION OR
35 DEFICIENCY HAS BEEN RECTIFIED, IT SHALL SO ADVISE THE REPORTING PERSON
36 AND THE COMPLAINANT, IF ANY. ALL OF THE FOREGOING PROCEEDINGS SHALL BE
37 CONFIDENTIAL.

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

47 V. AN INDIVIDUAL SUBJECT TO THE JURISDICTION OF THE COMMISSION WHO
48 KNOWINGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF SUBDIVISIONS TWO
49 THROUGH FIVE-A, SEVEN, EIGHT, TWELVE, FOURTEEN, FIFTEEN OR SEVENTEEN OF
50 SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW OR A REPORTING INDIVID-
51 UAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE AN ANNUAL STATEMENT OF
52 FINANCIAL DISCLOSURE OR WHO KNOWINGLY AND WILFULLY WITH INTENT TO
53 DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH SUCH INDIVID-
54 UAL KNOWS TO BE FALSE ON SUCH STATEMENT OF FINANCIAL DISCLOSURE FILED
55 PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, OR A
56 REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT

1 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH
2 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH
3 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS
4 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION TWO OF SECTION
5 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A CIVIL
6 PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS AND THE VALUE
7 OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH
8 VIOLATION. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES
9 THE PROVISIONS OF PARAGRAPH (B), (C), (D), OR (I) OF SUBDIVISION THREE
10 OF SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A
11 CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS AND THE
12 VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF SUCH
13 VIOLATION. ANY SUCH INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY VIOLATES
14 THE PROVISIONS OF PARAGRAPH (A), (E) OR (G) OF SUBDIVISION THREE OF
15 SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW SHALL BE SUBJECT TO A
16 CIVIL PENALTY IN AN AMOUNT EQUAL TO THE VALUE OF ANY GIFT, COMPENSATION
17 OR BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. ASSESSMENT OF A CIVIL
18 PENALTY HEREUNDER SHALL BE MADE BY THE COMMISSION WITH RESPECT TO
19 PERSONS SUBJECT TO ITS JURISDICTION BUT NOT BEFORE ITS RECEIPT OF A
20 REPORT FROM THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS; PROVIDED
21 THAT IT DOES NOT NEED TO OBTAIN SUCH REPORT BEFORE ASSESSING A CIVIL
22 PENALTY FOR FAILURE TO FILE. IN ASSESSING THE AMOUNT OF THE CIVIL PENAL-
23 TIES TO BE IMPOSED, THE COMMISSION SHALL CONSIDER THE SERIOUSNESS OF THE
24 VIOLATION, THE AMOUNT OF GAIN TO THE INDIVIDUAL AND WHETHER THE INDIVID-
25 UAL PREVIOUSLY HAD ANY CIVIL OR CRIMINAL PENALTIES IMPOSED PURSUANT TO
26 THIS SECTION, AND ANY OTHER FACTORS THE COMMISSION DEEMS APPROPRIATE.
27 FOR A VIOLATION OF THIS SECTION, OTHER THAN FOR CONDUCT WHICH CONSTI-
28 TUTES A VIOLATION OF SUBDIVISION TWELVE, FOURTEEN OR FIFTEEN OF SECTION
29 SEVENTY-THREE OR SECTION SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, THE
30 COMMISSION MAY, IN ADDITION TO A CIVIL PENALTY, REFER A VIOLATION TO THE
31 APPROPRIATE PROSECUTOR AND UPON SUCH CONVICTION, BUT ONLY AFTER SUCH
32 REFERRAL, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR. A
33 CIVIL PENALTY FOR FALSE FILING MAY NOT BE IMPOSED HEREUNDER IN THE EVENT
34 A CATEGORY OF "VALUE" OR "AMOUNT" REPORTED HEREUNDER IS INCORRECT UNLESS
35 SUCH REPORTED INFORMATION IS FALSELY UNDERSTATED. NOTWITHSTANDING ANY
36 CIVIL OR CRIMINAL PENALTY IMPOSED FOR A FAILURE TO FILE, OR FOR A FALSE
37 FILING, OF SUCH STATEMENT, OR A VIOLATION OF SECTION SEVENTY-THREE OF
38 THE PUBLIC OFFICERS LAW, THE APPOINTING AUTHORITY MAY IMPOSE DISCIPLI-
39 NARY ACTION AS OTHERWISE PROVIDED BY LAW. THE COMMISSION SHALL BE DEEMED
40 TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE THREE OF THE STATE ADMIN-
41 ISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES GOVERNING THE CONDUCT OF
42 ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN PURSUANT TO A PROCEEDING
43 COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND
44 RULES RELATING TO THE ASSESSMENT OF THE CIVIL PENALTIES HEREIN AUTHOR-
45 IZED AND COMMISSION DENIALS OF REQUESTS FOR CERTAIN DELETIONS OR
46 EXEMPTIONS TO BE MADE FROM A FINANCIAL DISCLOSURE STATEMENT AS AUTHOR-
47 IZED IN PARAGRAPHS NINE, TEN AND ELEVEN OF SUBDIVISION R OF THIS
48 SECTION. SUCH RULES, WHICH SHALL NOT BE SUBJECT TO THE PROMULGATION AND
49 HEARING REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL
50 PROVIDE FOR DUE PROCESS PROCEDURAL MECHANISMS SUBSTANTIALLY SIMILAR TO
51 THOSE SET FORTH IN ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE
52 ACT BUT SUCH MECHANISMS NEED NOT BE IDENTICAL IN TERMS OR SCOPE. ASSESS-
53 MENT OF A CIVIL PENALTY OR COMMISSION DENIAL OF SUCH A DELETION OR
54 EXEMPTION REQUEST SHALL BE FINAL UNLESS MODIFIED, SUSPENDED OR VACATED
55 WITHIN THIRTY DAYS OF IMPOSITION, WITH RESPECT TO THE ASSESSMENT OF SUCH
56 PENALTY, OR UNLESS SUCH DENIAL OF REQUEST IS REVERSED WITHIN SUCH TIME

1 PERIOD, AND UPON BECOMING FINAL SHALL BE SUBJECT TO REVIEW AT THE
2 INSTANCE OF THE AFFECTED REPORTING INDIVIDUALS IN A PROCEEDING COMMENCED
3 AGAINST THE COMMISSION, PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL
4 PRACTICE LAW AND RULES.

5 W. IF THE COMMISSION HAS A REASONABLE BASIS TO BELIEVE THAT ANY PERSON
6 SUBJECT TO THE JURISDICTION OF ANOTHER STATE OVERSIGHT BODY MAY HAVE
7 VIOLATED SECTION SEVENTY-THREE OR SEVENTY-FOUR OF THE PUBLIC OFFICERS
8 LAW, OR THAT ANY PERSON SUBJECT TO THE JURISDICTION OF THE STATE BOARD
9 OF ELECTIONS MAY HAVE VIOLATED ARTICLE FOURTEEN OF THE ELECTION LAW, IT
10 SHALL REFER SUCH VIOLATION TO SUCH OVERSIGHT BODY OR TO THE BOARD OF
11 ELECTIONS, AS APPROPRIATE, UNLESS THE COMMISSION DETERMINES THAT SUCH A
12 REFERRAL WOULD COMPROMISE THE PROSECUTION OR CONFIDENTIALITY OF ITS OR
13 THE LEGISLATIVE OFFICE OF ETHICS INVESTIGATIONS' INVESTIGATIONS AND, IF
14 SO, SHALL MAKE SUCH A REFERRAL AS SOON AS PRACTICABLE. THE REFERRAL BY
15 THE COMMISSION SHALL INCLUDE ANY INFORMATION RELATING THERETO COMING
16 INTO THE CUSTODY OR UNDER THE CONTROL OF THE COMMISSION AT ANY TIME
17 PRIOR OR SUBSEQUENT TO THE TIME OF THE REFERRAL.

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

21 Y. 1. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THE PUBLIC
22 OFFICERS LAW, THE ONLY RECORDS OF THE COMMISSION WHICH SHALL BE AVAIL-
23 ABLE FOR PUBLIC INSPECTION AND COPYING ARE AS FOLLOWS:

24 (A) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL
25 DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THE PUBLIC OFFI-
26 CERS LAW, EXCEPT ANY ITEM OF INFORMATION DELETED, EXEMPTED OR NOT
27 DISCLOSED PURSUANT TO PARAGRAPH NINE, TEN OR ELEVEN OF SUBDIVISION R OF
28 THIS SECTION, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC NO LATER THAN
29 THIRTY DAYS AFTER RECEIPT;

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

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

34 (D) NOTICES OF CIVIL ASSESSMENT IMPOSED UNDER THIS SECTION WHICH SHALL
35 INCLUDE A DESCRIPTION OF THE NATURE OF THE ALLEGED WRONGDOING, THE
36 PROCEDURAL HISTORY OF THE COMPLAINT, THE FINDINGS AND DETERMINATIONS
37 MADE BY THE COMMISSION, AND ANY SANCTION IMPOSED;

38 (E) GENERIC ADVISORY OPINIONS; AND

39 (F) ALL REPORTS REQUIRED BY THIS SECTION.

40 2. NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFI-
41 CERS LAW, NO MEETING OR PROCEEDING OF THE COMMISSION SHALL BE OPEN TO
42 THE PUBLIC, EXCEPT IF EXPRESSLY PROVIDED OTHERWISE BY THIS SECTION OR
43 THE COMMISSION PROVIDED, HOWEVER, THAT THE COMMISSION SHALL MEET PUBLIC-
44 LY WHENEVER IT ADOPTS, AMENDS OR RESCINDS ITS POLICIES, RULES OR REGU-
45 LATIONS, PROMULGATES ITS GUIDELINES, APPROVES EDUCATIONAL MATERIAL, OR
46 ADOPTS ITS ANNUAL REPORT.

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

51 Z. THE COMMISSION SHALL MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE WHICH
52 SHALL SET FORTH THE PROCEDURE FOR FILING A COMPLAINT AND WHICH SHALL
53 CONTAIN THE DOCUMENTS IDENTIFIED IN SUBDIVISION Y OF THIS SECTION, OTHER
54 THAN FINANCIAL DISCLOSURE STATEMENTS FILED BY LEGISLATIVE EMPLOYEES, AND
55 ANY OTHER RECORDS OR INFORMATION WHICH THE COMMISSION DETERMINES TO BE
56 APPROPRIATE.

1 AA. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE
2 COMMISSION SHALL HOLD ONE OR MORE PUBLIC HEARINGS REGARDING THE EFFEC-
3 TIVENESS OF THE COMMISSION AT LEAST FIVE MONTHS BEFORE THIS SECTION
4 EXPIRES PURSUANT TO THE PROVISIONS OF THE CHAPTER OF THE LAWS OF TWO
5 THOUSAND TEN WHICH ADDED THIS SECTION.

6 BB. THIS SECTION SHALL NOT REVOKE OR RESCIND ANY POLICIES, RULES,
7 REGULATIONS OR ADVISORY OPINIONS ISSUED BY THE LEGISLATIVE ETHICS
8 COMMITTEE AND LEGISLATIVE ETHICS COMMISSION IN EFFECT UPON THE EFFECTIVE
9 DATE OF THIS SUBDIVISION, TO THE EXTENT THAT SUCH REGULATIONS OR OPIN-
10 IONS ARE NOT INCONSISTENT WITH ANY LAWS OF THE STATE OF NEW YORK. THE
11 COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF ALL SUCH POLICIES,
12 RULES, REGULATIONS OR ADVISORY OPINIONS WHICH WILL ADDRESS THE CONSIST-
13 ENCY OF SUCH POLICIES, RULES, REGULATIONS OR ADVISORY OPINIONS WITH THE
14 LAWS OF THE STATE OF NEW YORK. THE COMMISSION SHALL, BEFORE DECEMBER
15 FIRST, TWO THOUSAND ELEVEN, REPORT TO THE GOVERNOR AND LEGISLATURE
16 REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND ISSUE
17 ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

18 CC. SEPARABILITY CLAUSE. IF ANY PART OR PROVISION OF THIS SECTION OR
19 THE APPLICATION THEREOF TO ANY PERSON IS ADJUDGED BY A COURT OF COMPE-
20 TENT JURISDICTION TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH
21 JUDGMENT SHALL NOT AFFECT OR IMPAIR ANY OTHER PART OR PROVISION OR THE
22 APPLICATION THEREOF TO ANY OTHER PERSON, BUT SHALL BE CONFINED TO SUCH
23 PART OR PROVISION.

24 S 16. Paragraph (c) of subdivision 6 and subdivision 10 of section 73
25 of the public officers law, as amended by chapter 813 of the laws of
26 1987, are amended to read as follows:

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

39 10. Nothing contained in this section, the judiciary law, the educa-
40 tion law or any other law or disciplinary rule shall be construed or
41 applied to prohibit any firm, association or corporation, in which any
42 present or former statewide elected official, state officer or employee,
43 or political party chairman, member of the legislature or legislative
44 employee is a member, associate, retired member, of counsel or share-
45 holder, from appearing, practicing, communicating or otherwise rendering
46 services in relation to any matter before, or transacting business with
47 a state agency, or a city agency with respect to a political party
48 chairman in a county wholly included in a city with a population of more
49 than one million, otherwise proscribed by this section, the judiciary
50 law, the education law or any other law or disciplinary rule with
51 respect to such official, member of the legislature or officer or
52 employee, or political party chairman, where such statewide elected
53 official, state officer or employee, member of the legislature or legis-
54 lative employee, or political party chairman does not share in the net
55 revenues, as defined in accordance with generally accepted accounting
56 principles by the [state ethics commission] EXECUTIVE ETHICS AND COMPLI-

1 ANCE COMMISSION or by the [legislative ethics committee] JOINT LEGISLA-
2 TIVE COMMISSION ON ETHICS STANDARDS in relation to persons subject to
3 their respective jurisdictions, resulting therefrom, or, acting in good
4 faith, reasonably believed that he or she would not share in the net
5 revenues as so defined; nor shall anything contained in this section,
6 the judiciary law, the education law or any other law or disciplinary
7 rule be construed to prohibit any firm, association or corporation in
8 which any present or former statewide elected official, member of the
9 legislature, legislative employee, full-time salaried state officer or
10 employee or state officer or employee who is subject to the provisions
11 of section seventy-three-a of this chapter is a member, associate,
12 retired member, of counsel or shareholder, from appearing, practicing,
13 communicating or otherwise rendering services in relation to any matter
14 before, or transacting business with, the court of claims, where such
15 statewide elected official, member of the legislature, legislative
16 employee, full-time salaried state officer or employee or state officer
17 or employee who is subject to the provisions of section seventy-three-a
18 of this chapter does not share in the net revenues, as defined in
19 accordance with generally accepted accounting principles by the [state
20 ethics commission] EXECUTIVE ETHICS AND COMPLIANCE COMMISSION or by the
21 [legislative ethics committee] JOINT LEGISLATIVE COMMISSION ON ETHICS
22 STANDARDS in relation to persons subject to their respective jurisdic-
23 tions, resulting therefrom, or, acting in good faith, reasonably
24 believed that he or she would not share in the net revenues as so
25 defined.

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

29 17. NO LEGISLATIVE EMPLOYEE SHALL, EXCEPT WITHIN THE SCOPE OF LEGISLA-
30 TIVE EMPLOYMENT, USE HIS OR HER POSITION, INFLUENCE OR ACCESS TO DIRECT-
31 LY OR INDIRECTLY PROMOTE OR OPPOSE THE PASSAGE OF BILLS OR RESOLUTIONS
32 BY EITHER HOUSE. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, A
33 LEGISLATIVE EMPLOYEE WHO SERVES AS AN ELECTED CHIEF EXECUTIVE OFFICER OR
34 MEMBER OF A GOVERNING BODY OF A MUNICIPAL CORPORATION OR DISTRICT CORPO-
35 RATION SHALL BE AUTHORIZED TO PARTICIPATE WHILE CARRYING OUT THE OFFI-
36 CIAL DUTIES OF SUCH OFFICE IN THE DISCUSSION, DRAFTING, PREPARATION,
37 VOTING AND DISPATCH OF A RESOLUTION, MESSAGE OR PROCLAMATION ADDRESSED
38 TO EITHER HOUSE.

39 S 18. Subparagraph (ii) of paragraph (a) and paragraphs (c), (d), (f)
40 and (g) of subdivision 2 of section 73-a of the public officers law,
41 subparagraph (ii) of paragraph (a) and paragraphs (c), (d) and (f) as
42 added by chapter 813 of the laws of 1987 and paragraph (g) as amended by
43 chapter 242 of the laws of 1989, are amended to read as follows:

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

55 (c) If the reporting individual is a senator or member of assembly,
56 candidate for the senate or member of assembly or a legislative employ-

1 ee, such statement shall be filed with the [legislative ethics commit-
 2 tee] JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS established by
 3 section [eighty] EIGHTY-ONE of the legislative law. If the reporting
 4 individual is a statewide elected official, candidate for statewide
 5 elected office, a state officer or employee or a political party chair-
 6 man, such statement shall be filed with the [state ethics] EXECUTIVE
 7 ETHICS AND COMPLIANCE commission established by section ninety-four of
 8 the executive law.

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

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

22 (g) A person who is employed in more than one employment capacity for
 23 one or more employers certain of whose officers and employees are
 24 subject to filing a financial disclosure statement with the [same
 25 ethics] EXECUTIVE ETHICS AND COMPLIANCE commission or [ethics committee]
 26 THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS, as the case may
 27 be, and who receives distinctly separate payments of compensation for
 28 such employment shall be subject to the filing requirements of this
 29 section if the aggregate annual compensation for all such employment
 30 capacities is in excess of the filing rate notwithstanding that such
 31 person would not otherwise be required to file with respect to any one
 32 particular employment capacity. A person not otherwise required to file
 33 a financial disclosure statement hereunder who is employed by an employ-
 34 er certain of whose officers or employees are subject to filing a finan-
 35 cial disclosure statement with the [state ethics] EXECUTIVE ETHICS AND
 36 COMPLIANCE commission and who is also employed by an employer certain of
 37 whose officers or employees are subject to filing a financial disclosure
 38 statement with the [legislative ethics committee] JOINT LEGISLATIVE
 39 COMMISSION ON ETHICS STANDARDS shall not be subject to filing such
 40 statement with either such commission or such committee on the basis
 41 that his aggregate annual compensation from all such employers is in
 42 excess of the filing rate.

43 S 19. Subdivision 3 of section 73-a of the public officers law, as
 44 added by chapter 813 of the laws of 1987, the third and fourth undesig-
 45 nated paragraphs of paragraph 3 as added and paragraph 4, subparagraph
 46 (a) of paragraph 5, paragraphs 6, 9, 10, 11, subparagraph (b) of para-
 47 graph 12 and paragraphs 13, 14, 15, 16, 17, 18 and 19 as amended by
 48 chapter 242 of the laws of 1989, is amended to read as follows:

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

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

- 52 1. Name _____
- 53 2. (a) Title of Position _____
- 54 (b) Department, Agency or other Governmental Entity _____

1 (c) Address of Present Office _____
 2 (d) Office Telephone Number _____
 3 3. (a) Marital Status _____. If married, OR IN A DOMESTIC
 4 PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full
 5 name including maiden name where applicable.
 6 _____ .

7 (b) List the names of all unemancipated children.
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____

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

16 Whenever a "value" or "amount" is required to be reported herein, such
 17 value or amount shall be reported as being within one of the following
 18 Categories: Category A - under \$5,000; Category B - \$5,000 to under
 19 \$20,000; Category C - \$20,000 to under [\$60,000] \$50,000; Category D -
 20 [\$60,000] \$50,000 to under \$100,000; Category E - \$100,000 to under
 21 [\$250,000] \$150,000; [and] Category F - [\$250,000] \$150,000 TO UNDER
 22 \$200,000; CATEGORY G - \$200,000 TO UNDER \$300,000; CATEGORY H - \$300,000
 23 TO UNDER \$400,000; CATEGORY I - \$400,000 TO UNDER \$500,000; CATEGORY J -
 24 \$500,000 TO UNDER \$600,000; CATEGORY K - \$600,000 TO UNDER \$700,000;
 25 CATEGORY L - \$700,000 TO UNDER \$800,000; CATEGORY M - \$800,000 TO UNDER
 26 \$900,000; CATEGORY N - \$900,000 TO UNDER \$1,000,000; AND CATEGORY O -
 27 \$1,000,000 or over. A reporting individual shall indicate the Category
 28 by letter only.

29 Whenever "income" is required to be reported herein, the term "income"
 30 shall mean the aggregate net income before taxes from the source identi-
 31 fied.

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

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

		State or Local Agency
45 Position	Organization	
46		
47		
48		
49		

1 _____
 2 _____
 3 (b) List any office, trusteeship, directorship, partnership, or position
 4 of any nature, whether compensated or not, held by the spouse,
 5 DOMESTIC PARTNER or unemancipated child of the reporting individual,
 6 with any firm, corporation, association, partnership, or other
 7 organization other than the State of New York. Include compensated
 8 honorary positions; do NOT list membership or uncompensated honorary
 9 positions. If the listed entity was licensed by any state or local
 10 agency, was regulated by any state regulatory agency or local agen-
 11 cy, or, as a regular and significant part of the business or activ-
 12 ity of said entity, did business with, or had matters other than
 13 ministerial matters before, any state or local agency, list the name
 14 of any such agency.

15		State or
16	Position	Local Agency
17	Organization	
18	_____	_____
19	_____	_____
20	_____	_____
21	_____	_____

22 5. (a) List the name, address and description of any occupation,
 23 employment (other than the employment listed under Item 2 above),
 24 trade, business or profession engaged in by the reporting individ-
 25 ual. If such activity was licensed by any state or local agency, was
 26 regulated by any state regulatory agency or local agency, or, as a
 27 regular and significant part of the business or activity of said
 28 entity, did business with, or had matters other than ministerial
 29 matters before, any state or local agency, list the name of any such
 30 agency.

31			State or
32	Position	Name & Address	Local
33		Description	Agency
34	_____	_____	_____
35	_____	_____	_____
36	_____	_____	_____
37	_____	_____	_____
38	_____	_____	_____

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

45			STATE OR
46	POSITION	NAME & ADDRESS	LOCAL
47		DESCRIPTION	AGENCY
48	_____	_____	_____
49	_____	_____	_____
50	_____	_____	_____
51	_____	_____	_____

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 (C) If the spouse, DOMESTIC PARTNER or unemancipated child of the
 7 reporting individual was engaged in any occupation, employment, trade,
 8 business or profession which activity was licensed by any state or local
 9 agency, was regulated by any state regulatory agency or local agency,
 10 or, as a regular and significant part of the business or activity of
 11 said entity, did business with, or had matters other than ministerial
 12 matters before, any state or local agency, list the name, address and
 13 description of such occupation, employment, trade, business or profes-
 14 sion and the name of any such agency.

15				State or
16		Name & Address		Local
17	Position	of Organization	Description	Agency
18	_____	_____	_____	_____
19	_____	_____	_____	_____
20	_____	_____	_____	_____
21	_____	_____	_____	_____
22	_____	_____	_____	_____

23 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-
 24 vidual, such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER
 25 or unemancipated child, or partnership of which any such person is a
 26 member, or corporation, 10% or more of the stock of which is owned
 27 or controlled by any such person, whether vested or contingent, in
 28 any contract made or executed by a state or local agency and include
 29 the name of the entity which holds such interest and the relation-
 30 ship of the reporting individual or such individual's spouse, SUCH
 31 INDIVIDUAL'S DOMESTIC PARTNER or such child to such entity and the
 32 interest in such contract. Do NOT include bonds and notes. Do NOT
 33 list any interest in any such contract on which final payment has
 34 been made and all obligations under the contract except for guaran-
 35 tees and warranties have been performed, provided, however, that
 36 such an interest must be listed if there has been an ongoing dispute
 37 during the calendar year for which this statement is filed with
 38 respect to any such guarantees or warranties. Do NOT list any inter-
 39 est in a contract made or executed by a local agency after public
 40 notice and pursuant to a process for competitive bidding or a proc-
 41 ess for competitive requests for proposals.

42	Self,				
43	Spouse,	Entity	Relationship	Contracting	Category
44	DOMESTIC	Which Held	to Entity	State or	of
45	PARTNER,	Interest in	and Interest	Local	Value of
46	or Child	Contract	in Contract	Agency	Contract
47	_____	_____	_____	_____	_____
48	_____	_____	_____	_____	_____
49	_____	_____	_____	_____	_____

1 _____
 2 _____

3 7. List any position the reporting individual held as an officer of any
 4 political party or political organization, as a member of any poli-
 5 tical party committee, or as a political party district leader. The
 6 term "party" shall have the same meaning as "party" in the election
 7 law. The term "political organization" means any party or independ-
 8 ent body as defined in the election law or any organization that is
 9 affiliated with or a subsidiary of a party or independent body.

10 _____
 11 _____
 12 _____
 13 _____
 14 _____

15 8. (a) If the reporting individual practices law, [is licensed by the
 16 department of state as a real estate broker or agent or practices a
 17 profession licensed by the department of education, give] LIST THE
 18 NAME AND ADDRESS OF EACH CLIENT, PERSON OR ENTITY FOR WHOM LEGAL OR
 19 CONSULTING SERVICES WERE RENDERED; THE VALUE OF THE COMPENSATION FOR
 20 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, AND a
 21 general description of the [principal subject areas of matters
 22 undertaken by such individual] SERVICES RENDERED. [Additionally, if
 23 such an] IN ADDITION, IF THE REPORTING individual practices LAW OR
 24 PROVIDES CONSULTING SERVICES with a LAW firm or [corporation and is
 25 a partner or shareholder of the firm or corporation] BUSINESS
 26 ENTITY, [give] PROVIDE a general description of THE principal
 27 subject areas of matters undertaken by such LAW firm or [corpo-
 28 ration] BUSINESS ENTITY. Do not list [the name of the individual
 29 clients, customers or patients] THE VALUE OF COMPENSATION IF THE
 30 SERVICES RENDERED INVOLVE A CONTINGENCY FEE AS PROVIDED BY LAW.

31	CLIENT/ 32 PERSON/OR 33 ENTITY	ADDRESS	SERVICES 34 RENDERED	PRINCIPAL 35 SUBJECT AREA	CATEGORY 36 OF 37 VALUE
38	_____	_____	_____	_____	_____
39	_____	_____	_____	_____	_____
40	_____	_____	_____	_____	_____
41	_____	_____	_____	_____	_____
42	_____	_____	_____	_____	_____
43	_____	_____	_____	_____	_____
44	_____	_____	_____	_____	_____
45	_____	_____	_____	_____	_____
46	_____	_____	_____	_____	_____
47	_____	_____	_____	_____	_____
48	_____	_____	_____	_____	_____
49	_____	_____	_____	_____	_____
50	_____	_____	_____	_____	_____
51	_____	_____	_____	_____	_____

39 (b) [List the name, principal address and general description or the
 40 nature of the business activity of any entity in which the reporting
 41 individual or such individual's spouse had an investment in excess
 42 of \$1,000 excluding investments in securities and interests in real
 43 property.] IF THE REPORTING INDIVIDUAL PRACTICES LAW AND IS A PART-
 44 NER OR SHAREHOLDER OF A LAW FIRM OR CORPORATION ("LAW FIRM"), LIST
 45 THE NAME AND ADDRESS OF EACH CLIENT OF SUCH LAW FIRM THAT IS A
 46 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-
 47 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION FROM WHOM
 48 COMPENSATION IS RECEIVED BY SUCH LAW FIRM IN EXCESS OF \$5,000 FOR
 49 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE
 50 VALUE OF THE COMPENSATION; AND A GENERAL DESCRIPTION OF THE SERVICES
 51 RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO

1 NOT LIST CLIENTS OR COMPENSATION REQUIRED TO BE REPORTED IN ITEM 8
2 (A) ABOVE.

3			SERVICES/ CONSIDERATION	CATEGORY OF VALUE
4	CLIENT	ADDRESS		
5				
6				
7				
8				
9				
10				

11 (C) IF THE REPORTING INDIVIDUAL IS LICENSED BY THE DEPARTMENT OF STATE
12 AS A REAL ESTATE BROKER OR AGENT, PRACTICES A PROFESSION LICENSED BY
13 THE DEPARTMENT OF EDUCATION OR PERFORMS CONSULTING SERVICES, LIST
14 THE NAME AND ADDRESS OF EACH CLIENT FROM WHOM COMPENSATION HAS BEEN
15 RECEIVED BY SUCH REPORTING INDIVIDUAL FOR A VALUE IN EXCESS OF
16 \$1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF
17 FILING; THE VALUE OF THE COMPENSATION RECEIVED FROM EACH CLIENT; AND
18 A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION
19 GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST THE NAMES OF
20 CLIENTS OF CONSULTING OR OTHER SERVICES RENDERED AS PART OF ANY
21 PRACTICE OR ACTIVITY REQUIRED TO BE REPORTED IN ITEM 8(A).

22	CLIENT	ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE
23				
24				
25				
26				
27				
28				

29 (D) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION FROM A CORPO-
30 RATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-
31 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("COMPENSATING
32 ENTITY") AND THE REPORTING INDIVIDUAL SOLICITED BUSINESS OF ANOTHER
33 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-
34 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("THIRD-PARTY
35 ENTITY") FOR COMPENSATION, FEES OR OTHER CONSIDERATION PAID TO THE
36 COMPENSATING ENTITY IN EXCESS OF \$1,000 FOR THE TAXABLE YEAR LAST
37 OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME AND BUSINESS
38 ADDRESS OF, AND THE VALUE OF THE COMPENSATION FEES OR OTHER CONSID-
39 ERATION PAID BY, THE THIRD-PARTY ENTITY TO THE COMPENSATING ENTITY.
40 ALSO, LIST THE NAME AND ADDRESS OF THE COMPENSATING ENTITY AND GIVE
41 A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION
42 GIVEN BY THE COMPENSATING ENTITY TO THE THIRD-PARTY ENTITY IN
43 EXCHANGE FOR SUCH COMPENSATION.

44	COMPENSATING ENTITY/ADDRESS	THIRD PARTY ENTITY/ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE
45				
46				
47				
48				

1 _____
 2 _____

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

9	INVESTMENT	ADDRESS	GENERAL	CATEGORY
10			DESCRIPTION, OR	OF VALUE
11			NATURE OF	
12			BUSINESS	
13	_____	_____	_____	_____
14	_____	_____	_____	_____
15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____

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

26	Self, Spouse, DOMESTIC PARTNER, or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift
27					
28					
29					
30					
31					
32	_____	_____	_____	_____	_____
33	_____	_____	_____	_____	_____
34	_____	_____	_____	_____	_____
35	_____	_____	_____	_____	_____
36	_____	_____	_____	_____	_____

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

46	Source	Description
----	--------	-------------

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

6 11. List the identity and value, if reasonably ascertainable, of each
 7 interest in a trust, estate or other beneficial interest, including
 8 retirement plans other than retirement plans of the state of New
 9 York or the city of New York, and deferred compensation plans (e.g.,
 10 401, 403(b), 457, etc.) established in accordance with the internal
 11 revenue code, in which the REPORTING INDIVIDUAL held a beneficial
 12 interest in EXCESS of \$1,000 at any time during the preceding year.
 13 Do NOT report interests in a trust, estate or other beneficial
 14 interest established by or for, or the estate of, a relative.

15	Category
16 Identity	of Value*
17 _____	
18 _____	
19 _____	
20 _____	
21 _____	

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

24 12. (a) Describe the terms of, and the parties to, any contract, prom-
 25 ise, or other agreement between the reporting individual and any
 26 person, firm, or corporation with respect to the employment of such
 27 individual after leaving office or position (other than a leave of
 28 absence).

29 _____
 30 _____
 31 _____
 32 _____
 33 _____

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

40 _____
 41 _____
 42 _____
 43 _____
 44 _____

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

1 includes, but is not limited to, all income [(other than that
 2 received from the employment listed under Item 2 above)] from
 3 compensated employment whether public or private, directorships and
 4 other fiduciary positions, contractual arrangements, teaching
 5 income, partnerships, honorariums, lecture fees, consultant fees,
 6 bank and bond interest, dividends, income derived from a trust, real
 7 estate rents, and recognized gains from the sale or exchange of real
 8 or other property. Income from a business or profession and real
 9 estate rents shall be reported with the source identified by the
 10 building address in the case of real estate rents and otherwise by
 11 the name of the [entity and not by the name of the] individual
 12 customers[,] OR clients [or tenants], with the aggregate net income
 13 before taxes for each building address or [entity] CLIENT. [The] A
 14 SOURCE IS IDENTIFIED AS THE ORIGINAL PAYOR OF COMPENSATION TO THE
 15 REPORTING INDIVIDUAL OR AN ENTITY ESTABLISHED BY THE REPORTING INDI-
 16 VIDUAL, NOT AN INTERMEDIARY ENTITY ESTABLISHED BY THE REPORTING
 17 INDIVIDUAL TO RECEIVE SUCH COMPENSATION. DO NOT LIST COMPENSATION
 18 REQUIRED TO BE REPORTED IN ITEM 2 ABOVE, OR CLIENTS AND COMPENSATION
 19 REQUIRED TO BE REPORTED IN ITEMS 8 (A), 8 (B) OR 8 (C) ABOVE, OR THE
 20 receipt of maintenance received in connection with a matrimonial
 21 action, alimony and child support payments [shall not be listed].

22 23 24 25	Self/ Spouse, OR DOMESTIC PARTNER	Source	Nature	Category of Amount
26				
27				
28				
29				
30				

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

40 41	Source	Category of Amount
42		
43		
44		
45		
46		

47 15. List each assignment of income in EXCESS of \$1,000, and each trans-
 48 fer other than to a relative during the reporting period for which
 49 this statement is filed for less than fair consideration of an
 50 interest in a trust, estate or other beneficial interest, securities

1 or real property, by the reporting individual, in excess of \$1,000,
 2 which would otherwise be required to be reported herein and is not
 3 or has not been so reported.

4 5	Item Assigned or Transferred	Assigned or Transferred to	Category of Value
6	<hr/>		
7	<hr/>		
8	<hr/>		
9	<hr/>		
10	<hr/>		

11 16. List below the type and market value of securities held by the
 12 reporting individual or such individual's spouse from each issuing
 13 entity in EXCESS of \$1,000 at the close of the taxable year last
 14 occurring prior to the date of filing, including the name of the
 15 issuing entity exclusive of securities held by the reporting indi-
 16 vidual issued by a professional corporation. Whenever an interest in
 17 securities exists through a beneficial interest in a trust, the
 18 securities held in such trust shall be listed ONLY IF the reporting
 19 individual has knowledge thereof except where the reporting individ-
 20 ual [or], the reporting individual's spouse OR THE REPORTING INDI-
 21 VIDUAL'S DOMESTIC PARTNER has transferred assets to such trust for
 22 his or her benefit in which event such securities shall be listed
 23 unless they are not ascertainable by the reporting individual
 24 because the trustee is under an obligation or has been instructed in
 25 writing not to disclose the contents of the trust to the reporting
 26 individual. Securities of which the reporting individual [or], the
 27 reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC
 28 PARTNER is the owner of record but in which such individual [or],
 29 the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S
 30 DOMESTIC PARTNER has no beneficial interest shall not be listed.
 31 Indicate percentage of ownership ONLY if the reporting person [or],
 32 the reporting [person's] INDIVIDUAL'S spouse OR THE REPORTING INDI-
 33 VIDUAL'S DOMESTIC PARTNER holds more than five percent (5%) of the
 34 stock of a corporation in which the stock is publicly traded or more
 35 than ten percent (10%) of the stock of a corporation in which the
 36 stock is NOT publicly traded. Also list securities owned for invest-
 37 ment purposes by a corporation more than fifty percent (50%) of the
 38 stock of which is owned or controlled by the reporting individual
 39 [or such], THE REPORTING individual's spouse OR DOMESTIC PARTNER.
 40 For the purpose of this item the term "securities" shall mean mutual
 41 funds, bonds, mortgages, notes, obligations, warrants and stocks of
 42 any class, investment interests in limited or general partnerships
 43 and certificates of deposits (CDs) and such other evidences of
 44 indebtedness and certificates of interest as are usually referred to
 45 as securities. The market value for such securities shall be
 46 reported only if reasonably ascertainable and shall not be reported
 47 if the security is an interest in a general partnership that was
 48 listed in item 8 (a) or if the security is corporate stock, NOT
 49 publicly traded, in a trade or business of a reporting individual
 50 [or], a reporting individual's spouse OR A REPORTING INDIVIDUAL'S
 51 DOMESTIC PARTNER.

52 Percentage

1				of corporate	
2				stock owned	
3				or controlled	Category of
4				(if more than	Market Value
5	Self/			5% of pub-	as of the close
6	Spouse,			licly traded	of the
7	OR			stock, or	taxable year
8	DOMES-			more than	last occurring
9	TIC			10% if stock	prior to
10	PART-	Issuing	Type of	not publicly	the filing of
11	NER	Entity	Security	traded, is held)	this statement

12 _____
 13 _____
 14 _____
 15 _____
 16 _____

17 17. List below the location, size, general nature, acquisition date,
 18 market value and percentage of ownership of any real property in
 19 which any vested or contingent interest in EXCESS of \$1,000 is held
 20 by the reporting individual [or], the reporting individual's spouse
 21 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Also list real
 22 property owned for investment purposes by a corporation more than
 23 fifty percent 50% of the stock of which is owned or controlled by
 24 the reporting individual [or such], THE REPORTING individual's
 25 spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Do NOT list
 26 any real property which is the primary or secondary personal resi-
 27 dence of the reporting individual or the reporting individual's
 28 spouse, except where there OR THE REPORTING INDIVIDUAL'S DOMESTIC
 29 PARTNER is a co-owner who is other than a relative.

30	Self/						
31	Spouse/						
32	DOMESTIC						Category
33	PARTNER/					Percentage	of
34	Corpor-		General	Acquisition		of	Market
35	ation	Location	Size	Nature	Date	Ownership	Value

36 _____
 37 _____
 38 _____
 39 _____
 40 _____

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

1 2 3	Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount
4			
5			
6			
7			
8			

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

31 32 33	Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount
34			
35			
36			
37			
38			

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

43 _____
44 (Signature of Reporting Individual) Date (month/day/year)

45 S 20. Intentionally omitted.
46 S 21. The public officers law is amended by adding a new section 74-b
47 to read as follows:
48 S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFI-
49 CER WHO IS SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND

1 COMPLIANCE COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES
2 BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE
3 DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE EXECUTIVE
4 ETHICS AND COMPLIANCE COMMISSION A REPORT OF SUCH BUSINESS DEALINGS.
5 SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND
6 SHALL CONTAIN:

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

11 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
12 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

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

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

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

25 (C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-
26 ACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

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

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

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

35 S 22. Transfer of employees. Upon the transfer of the functions, as
36 provided for in this act any affected employees shall be transferred to
37 the commission on lobbying ethics and compliance, the executive ethics
38 and compliance commission, and the joint legislative commission on
39 ethics standards, as appropriate, in accordance with section 70 of the
40 civil service law.

41 S 23. Transfer of records. The commission on public integrity and the
42 legislative ethics commission shall deliver to the commission on lobby-
43 ing ethics and compliance, the executive ethics and compliance commis-
44 sion, and the joint legislative commission on ethics standards, as
45 appropriate, all books, papers, records, and property as requested by
46 the commission on lobbying ethics and compliance, the executive ethics
47 and compliance commission, and the joint legislative commission on
48 ethics standards, as appropriate, pursuant to this act.

49 S 24. Completion of unfinished business. Any business or other matter
50 undertaken or commenced by the commission on public integrity and the
51 legislative ethics commission pertaining to or connected with the func-
52 tions, powers, obligations and duties hereby transferred and assigned to
53 the commission on lobbying ethics and compliance, the executive ethics
54 and compliance commission, and the joint legislative commission on
55 ethics standards, as appropriate, and pending on the effective date of
56 this act may be conducted and completed by the commission on lobbying

1 ethics and compliance, the executive ethics and compliance commission,
2 and the joint legislative commission on ethics standards, as appropri-
3 ate, in the same manner and under the same terms and conditions and with
4 the same effect as if conducted and completed by the former commission
5 on public integrity and the legislative ethics commission.

6 S 25. Terms occurring in laws, contracts and other documents. Whenev-
7 er the commission on public integrity and the legislative ethics commis-
8 sion are referred to or designated in any law, contract or documents
9 pertaining to the functions, powers, obligations and duties hereby
10 transferred and assigned to the commission on lobbying ethics and
11 compliance, the executive ethics and compliance commission, and the
12 joint legislative commission on ethics standards, as appropriate, such
13 reference or designation shall be deemed to refer to the commission on
14 lobbying ethics and compliance, the executive ethics and compliance
15 commission, and the joint legislative commission on ethics standards, as
16 appropriate, as created by this act.

17 S 26. Existing rights and remedies preserved. No existing right or
18 remedy of any character shall be lost, impaired or affected by reason of
19 this act.

20 S 27. Pending actions and proceedings. No action or proceeding pend-
21 ing at the time when this act shall take effect, brought by or against
22 the commission on public integrity or the legislative ethics commission
23 relating to the function, power or duty transferred to or devolved upon
24 the commission on lobbying ethics and compliance, the executive ethics
25 and compliance commission, and the joint legislative commission on
26 ethics standards, as appropriate, shall be affected by this act, but the
27 same may be prosecuted or defended in the name of the commission on
28 lobbying ethics and compliance, the executive ethics and compliance
29 commission, and the joint legislative commission on ethics standards, as
30 appropriate, and upon application to the court, the commission on lobby-
31 ing ethics and compliance, the executive ethics and compliance commis-
32 sion, and the joint legislative commission on ethics standards, as
33 appropriate, shall be substituted as a party.

34 S 28. Notwithstanding any contrary provision of the state finance
35 law, transfer of appropriations heretofore made to the commission on
36 public integrity and the legislative ethics commission, all appropri-
37 ations or reappropriations for the functions herein transferred hereto-
38 fore made to the commission on public integrity and the legislative
39 ethics commission or segregated pursuant to law, to the extent of
40 remaining unexpended or unencumbered balances thereof, whether allocated
41 or unallocated and whether obligated or unobligated, are hereby trans-
42 ferred to the commission on lobbying ethics and compliance, the execu-
43 tive ethics and compliance commission, and the joint legislative commis-
44 sion on ethics standards, as appropriate, to the extent necessary to
45 carry out the commission on lobbying ethics and compliance, the execu-
46 tive ethics and compliance commission, and the joint legislative commis-
47 sion on ethics standards' functions, powers and duties subject to the
48 approval of the director of the budget for the same purposes for which
49 originally appropriated or reappropriated and shall be payable on vouch-
50 ers certified or approved by the commission on lobbying ethics and
51 compliance, the executive ethics and compliance commission, and the
52 joint legislative commission on ethics standards, as appropriate, on
53 audit and warrant of the comptroller.

54 S 29. Subdivision 3 of section 3-100 of the election law, as amended
55 by chapter 220 of the laws of 2005, is amended to read as follows:

1 3. The commissioners of the state board of elections shall have no
2 other public employment. The commissioners shall receive an annual sala-
3 ry of twenty-five thousand dollars, within the amounts made available
4 therefor by appropriation. The board shall, for the purposes of sections
5 seventy-three and seventy-four of the public officers law, be a "state
6 agency", and such commissioners shall be "officers" of the state board
7 of elections for the purposes of such sections. Within the amounts made
8 available by appropriation therefor, the state board of elections shall
9 appoint two co-executive directors, AN ENFORCEMENT COUNSEL, A SPECIAL
10 counsel, A DEPUTY ENFORCEMENT COUNSEL, WHO SHALL BE A MEMBER OF A
11 DIFFERENT MAJOR POLITICAL PARTY THAN THE ENFORCEMENT COUNSEL, A DEPUTY
12 SPECIAL COUNSEL, WHO SHALL BE A MEMBER OF A DIFFERENT MAJOR POLITICAL
13 PARTY THAN THE SPECIAL COUNSEL, and such other staff members as are
14 necessary in the exercise of its functions, and may fix their compen-
15 sation. [Anytime after the effective date of the chapter of the laws of
16 two thousand five which amended this subdivision, the] THE commissioners
17 or, in the case of a vacancy on the board, the commissioner of each of
18 the major political parties shall appoint one co-executive director.
19 Each co-executive director shall serve a term of four years. THE
20 ENFORCEMENT COUNSEL AND THE SPECIAL COUNSEL SHALL EACH SERVE A TERM OF
21 FOUR YEARS AND MAY ONLY BE REMOVED FOR CAUSE. ANY TIME AFTER THE EFFEC-
22 TIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED
23 THIS SUBDIVISION, THE COMMISSIONERS, OR IN THE CASE OF A VACANCY ON THE
24 BOARD, THE COMMISSIONER, OF EACH OF THE SAME MAJOR POLITICAL PARTY AS
25 THE INCUMBENT ENFORCEMENT AND SPECIAL COUNSELS SHALL APPOINT SUCH COUN-
26 SEL. Any vacancy in the office of co-executive director, ENFORCEMENT
27 COUNSEL OR SPECIAL COUNSEL shall be filled by the commissioners or, in
28 the case of a vacancy on the board, the commissioner of the same major
29 political party as the vacating incumbent for the remaining period of
30 the term of such vacating incumbent.

31 S 30. Subdivision 3, paragraph (c) of subdivision 9-A and subdivision
32 17 of section 3-102 of the election law, subdivisions 3 and 17 as
33 amended by chapter 9 of the laws of 1978, paragraph (c) of subdivision
34 9-A as added by chapter 430 of the laws of 1997 and subdivision 17 as
35 renumbered by chapter 23 of the laws of 2005, are amended to read as
36 follows:

37 3. conduct any investigation necessary to carry out the provisions of
38 this chapter, PROVIDED, HOWEVER, THAT THE STATE BOARD OF ELECTIONS
39 ENFORCEMENT COUNSEL, ESTABLISHED PURSUANT TO SECTION 3-104 OF THIS ARTI-
40 CLE, SHALL CONDUCT ANY INVESTIGATION NECESSARY TO ENFORCE THE PROVISIONS
41 OF ARTICLE FOURTEEN OF THIS CHAPTER ON BEHALF OF THE BOARD OF ELECTIONS;

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

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

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

52 S 31. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as
53 redesignated and subdivision 2 as amended by chapter 9 of the laws of
54 1978, is amended to read as follows:

55 S 3-104. State board of elections AND THE STATE BOARD OF ELECTIONS
56 ENFORCEMENT COUNSEL; enforcement powers. 1. (A) THERE SHALL BE A UNIT

1 KNOWN AS THE STATE BOARD OF ELECTIONS ENFORCEMENT UNIT ESTABLISHED WITH-
2 IN THE STATE BOARD OF ELECTIONS. THE HEAD OF SUCH UNIT SHALL BE THE
3 ENFORCEMENT COUNSEL.

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

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

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

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

44 5.] 3. IF THE ENFORCEMENT COUNSEL DETERMINES THAT A VIOLATION OF
45 SUBDIVISION ONE OF SECTION 14-126 OF THIS CHAPTER HAS OCCURRED WHICH
46 COULD WARRANT A CIVIL PENALTY, THE ENFORCEMENT COUNSEL SHALL, UPON HIS
47 OR HER DISCRETION, SEEK TO RESOLVE THE MATTER EXTRA-JUDICIALLY OR
48 COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION
49 16-114 OF THIS CHAPTER.

50 4. UPON RECEIPT OF A COMPLAINT AND SUPPORTING INFORMATION ALLEGING ANY
51 OTHER VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, THE ENFORCEMENT
52 COUNSEL SHALL ANALYZE THE COMPLAINT TO DETERMINE IF AN INVESTIGATION
53 SHOULD BE UNDERTAKEN. THE ENFORCEMENT COUNSEL SHALL, IF NECESSARY,
54 REQUEST ADDITIONAL INFORMATION FROM THE COMPLAINANT TO ASSIST SUCH COUN-
55 SEL IN MAKING THIS DETERMINATION. SUCH ANALYSIS SHALL INCLUDE THE
56 FOLLOWING: FIRST, WHETHER THE ALLEGATIONS, IF TRUE, WOULD CONSTITUTE A

1 VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER AND, SECOND, WHETHER THE
2 ALLEGATIONS ARE SUPPORTED BY CREDIBLE EVIDENCE.

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

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

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

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

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

1 CAUSE EXISTS TO BELIEVE A VIOLATION WARRANTING CRIMINAL PROSECUTION HAS
2 TAKEN PLACE.

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

15 11. (A) IF THE STATE BOARD OF ELECTIONS DETERMINES, AS PROVIDED IN
16 SUBDIVISION TEN OF THIS SECTION, THAT SUBSTANTIAL REASON EXISTS TO
17 BELIEVE THAT A PERSON, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLI-
18 TICAL COMMITTEE UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH
19 LAW, HAS UNLAWFULLY ACCEPTED A CONTRIBUTION IN EXCESS OF A CONTRIBUTION
20 LIMITATION ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, WHICH COULD
21 WARRANT A CIVIL PENALTY AS PROVIDED FOR IN SUBDIVISION THREE OF SECTION
22 14-126 OF THIS CHAPTER, THE BOARD SHALL DIRECT THE COMMENCEMENT OF A
23 SPECIAL PROCEEDING IN THE SUPREME COURT PURSUANT TO SECTION 16-120 OF
24 THIS CHAPTER.

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

31 12. UPON NOTIFICATION THAT A SPECIAL PROCEEDING HAS BEEN COMMENCED BY
32 A PARTY OTHER THAN THE STATE BOARD OF ELECTIONS, PURSUANT TO SECTION
33 16-114 OF THIS CHAPTER, THE STATE BOARD OF ELECTIONS SHALL DIRECT THE
34 ENFORCEMENT COUNSEL TO INVESTIGATE THE ALLEGED VIOLATIONS UNLESS OTHER-
35 WISE DIRECTED BY THE COURT.

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

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

46 S 32. Section 14-100 of the election law is amended by adding three
47 new subdivisions 12, 13 and 14 to read as follows:

48 12. "CLEARLY IDENTIFIED CANDIDATE" MEANS THAT:

49 (1) THE NAME OF THE CANDIDATE INVOLVED APPEARS;

50 (2) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE APPEARS; OR

51 (3) THE IDENTITY OF THE CANDIDATE IS APPARENT BY UNAMBIGUOUS REFER-
52 ENCE.

53 13. "GENERAL PUBLIC AUDIENCE" MEANS AN AUDIENCE COMPOSED OF MEMBERS OF
54 THE PUBLIC, INCLUDING A TARGETED SUBGROUP OF MEMBERS OF THE PUBLIC;
55 PROVIDED, HOWEVER, IT DOES NOT MEAN AN AUDIENCE SOLELY COMPRISED OF
56 MEMBERS, RETIREES AND STAFF OF A LABOR ORGANIZATION OR THEIR IMMEDIATE

1 FAMILY MEMBERS OR AN AUDIENCE SOLELY COMPRISED OF EMPLOYEES OF A BUSI-
2 NESS ENTITY OR MEMBERS OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION.

3 14. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND WHICH
4 EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF REPRESENTING EMPLOYEES
5 EMPLOYED WITHIN THE STATE OF NEW YORK IN DEALING WITH EMPLOYERS OR
6 EMPLOYER ORGANIZATIONS OR WITH A STATE GOVERNMENT, OR ANY POLITICAL OR
7 CIVIL SUBDIVISION OR OTHER AGENCY THEREOF, CONCERNING TERMS AND CONDI-
8 TIONS OF EMPLOYMENT, GRIEVANCES, LABOR DISPUTES, OR OTHER MATTERS INCI-
9 DENTAL TO THE EMPLOYMENT RELATIONSHIP. FOR THE PURPOSES OF THIS ARTICLE,
10 EACH LOCAL, PARENT NATIONAL OR PARENT INTERNATIONAL ORGANIZATION OF A
11 STATEWIDE LABOR ORGANIZATION, AND EACH STATEWIDE FEDERATION RECEIVING
12 DUES FROM SUBSIDIARY LABOR ORGANIZATIONS, SHALL BE CONSIDERED A SEPARATE
13 LABOR ORGANIZATION.

14 S 33. Subdivisions 1 and 3 of section 14-102 of the election law, as
15 amended by chapter 8 of the laws of 1978, subdivision 1 as redesignated
16 by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by
17 chapter 70 of the laws of 1983, are amended to read as follows:

18 1. The treasurer of every political committee which, or any officer,
19 member or agent of any such committee who, in connection with any
20 election, receives or expends any money or other [valuable thing] ITEM
21 OF VALUE or incurs any liability to pay money or its equivalent shall
22 file statements sworn, or subscribed and bearing a form notice that
23 false statements made therein are punishable as a class A misdemeanor
24 pursuant to section 210.45 of the penal law, at the times prescribed by
25 this article setting forth all the receipts, contributions to and the
26 expenditures by and liabilities of the committee, and of its officers,
27 members and agents in its behalf. Such statements shall include the
28 dollar amount of any receipt, contribution or transfer, or the fair
29 market value of any receipt, contribution or transfer, which is other
30 than of money, the name and address of the transferor, contributor or
31 person from whom received, and if the transferor, contributor or person
32 is a political committee; the name of and the political unit represented
33 by the committee, the date of its receipt, the dollar amount of every
34 expenditure, the name and address of the person to whom it was made or
35 the name of and the political unit represented by the committee to which
36 it was made and the date thereof, and shall state clearly the purpose of
37 such expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE
38 PURPOSE, OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE
39 SUPPLIER, SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR
40 SUPPLIER AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH
41 SUPPLIER. Any statement reporting a loan shall have attached to it a
42 copy of the evidence of indebtedness. Expenditures in sums under fifty
43 dollars need not be specifically accounted for by separate items in said
44 statements, and receipts and contributions aggregating not more than
45 ninety-nine dollars, from any one contributor need not be specifically
46 accounted for by separate items in said statements, provided however,
47 that such expenditures, receipts and contributions shall be subject to
48 the other provisions of section 14-118 of this article.

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

55 S 33-a. Subdivision 5 of section 14-102 of the election law is
56 REPEALED and a new subdivision 5 is added to read as follows:

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

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

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

38 S 34. Subdivision 3 of section 14-104 of the election law is REPEALED
39 and a new subdivision 3 is added to read as follows:

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

53 (B) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVI-
54 SION, ANY STATEMENTS FILED ELECTRONICALLY, OR ON PAPER IF EXEMPTED, WITH
55 THE STATE BOARD OF ELECTIONS BY A CANDIDATE AND/OR POLITICAL COMMITTEE
56 WHICH IS REQUIRED TO FILE SUCH STATEMENTS ELECTRONICALLY WITH THE STATE

1 BOARD OF ELECTIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL
2 SATISFY THE FILING REQUIREMENTS OF THIS SECTION WITH REGARDS TO FILING
3 WITH THE APPLICABLE COUNTY OR CITY BOARD OF ELECTIONS. THE COUNTY AND
4 CITY BOARDS OF ELECTIONS SHALL MAKE STATEMENTS FILED WITH THE STATE
5 BOARD OF ELECTIONS, WHICH WOULD OTHERWISE HAVE BEEN FILED SPECIFICALLY
6 WITH THEIR INDIVIDUAL BOARD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVI-
7 SION, AVAILABLE FOR PUBLIC INSPECTION AND COPYING VIA ELECTRONIC
8 CONNECTION TO THE STATE BOARDS OF ELECTIONS' WEBSITE, WHICH WILL CONTAIN
9 SUCH STATEMENTS, OR BY SUCH OTHER MODE OF ELECTRONIC COMMUNICATION THAT
10 IS AVAILABLE AND APPROVED BY THE STATE BOARD OF ELECTIONS FOR SUCH
11 PURPOSES.

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

21 S 35. Section 14-106 of the election law, as amended by chapter 8 of
22 the laws of 1978, is amended to read as follows:

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

38 2. NO PERSON, POLITICAL PARTY OR COMMITTEE SHALL, DURING THE COURSE OF
39 ANY CAMPAIGN FOR NOMINATION OR ELECTION TO PUBLIC OFFICE OR PARTY POSI-
40 TION, PREPARE OR DISTRIBUTE ANY POLITICAL COMMUNICATION THAT FALSELY
41 IDENTIFIES THE SOURCE OF SUCH COMMUNICATION.

42 S 36. The election law is amended by adding a new section 14-107 to
43 read as follows:

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

46 (A) "INDEPENDENT EXPENDITURE" MEANS AN EXPENDITURE MADE BY A PERSON
47 FOR AN AUDIO OR VIDEO COMMUNICATION TO A GENERAL PUBLIC AUDIENCE VIA
48 BROADCAST, CABLE OR SATELLITE OR A WRITTEN COMMUNICATION TO A GENERAL
49 PUBLIC AUDIENCE VIA ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,
50 BROCHURES, LETTERHEADS OR OTHER PRINTED MATTER AND STATEMENTS OR INFOR-
51 MATION CONVEYED TO FIVE HUNDRED OR MORE MEMBERS OF A GENERAL PUBLIC
52 AUDIENCE BY COMPUTER OR OTHER ELECTRONIC DEVICES WHICH: (I) EXPRESSLY
53 ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE OR
54 THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL; AND (II) SUCH CANDIDATE, THE
55 CANDIDATE'S POLITICAL COMMITTEE OR ITS AGENTS, OR A POLITICAL COMMITTEE
56 FORMED TO PROMOTE THE SUCCESS OR DEFEAT OF A BALLOT PROPOSAL OR ITS

1 AGENTS, DID NOT AUTHORIZE, REQUEST, SUGGEST, FOSTER OR COOPERATE IN ANY
2 SUCH COMMUNICATION.

3 (B) INDEPENDENT EXPENDITURES DO NOT INCLUDE:

4 (I) IN A WRITTEN NEWS STORY, COMMENTARY, OR EDITORIAL OR A NEWS STORY,
5 COMMENTARY, OR EDITORIAL DISTRIBUTED THROUGH THE FACILITIES OF ANY
6 BROADCASTING STATION, CABLE OR SATELLITE UNLESS SUCH PUBLICATION OR
7 FACILITIES ARE OWNED OR CONTROLLED BY ANY POLITICAL PARTY, POLITICAL
8 COMMITTEE OR CANDIDATE; OR (II) A COMMUNICATION THAT CONSTITUTES A
9 CANDIDATE DEBATE OR FORUM; OR (III) A COMMUNICATION WHICH CONSTITUTES AN
10 EXPENDITURE MADE BY AN ENTITY REQUIRED TO REPORT SUCH EXPENDITURE WITH A
11 BOARD OF ELECTIONS PURSUANT TO SECTIONS 14-102 AND 14-104 OF THIS ARTI-
12 CLE.

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

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

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

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

31 4. EACH SUCH STATEMENT SHALL INCLUDE:

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

33 (B) THE NAME AND ADDRESS OF THE PERSON MAKING THE INDEPENDENT EXPENDI-
34 TURE;

35 (C) THE NAME AND ADDRESS OF ANY PERSON OR ENTITY PROVIDING A GIFT,
36 LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS OR MORE FOR THE INDE-
37 PENDENT EXPENDITURE, OR THE PROVISION OF SERVICES FOR THE SAME, AND THE
38 DATE IT WAS GIVEN; PROVIDED, HOWEVER, THE NAME AND ADDRESS OF A MEMBER
39 OF A LABOR ORGANIZATION IS NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR
40 DEPOSIT OF ONE HUNDRED DOLLARS OR MORE TO A LABOR ORGANIZATION; AND
41 PROVIDED FURTHER THAT THE NAME AND ADDRESS OF AN EMPLOYEE OF A BUSINESS
42 ENTITY OR A MEMBER OF A BUSINESS, TRADE OR PROFESSIONAL ASSOCIATION IS
43 NOT REQUIRED FOR A GIFT, LOAN, ADVANCE OR DEPOSIT OF ONE HUNDRED DOLLARS
44 OR MORE TO SUCH BUSINESS ENTITY OR BUSINESS, TRADE OR PROFESSIONAL ASSO-
45 CIATION RESPECTIVELY;

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

49 (E) THE ELECTION TO WHICH THE INDEPENDENT EXPENDITURE PERTAINS AND THE
50 NAME OF THE CLEARLY IDENTIFIED CANDIDATE OR THE BALLOT PROPOSAL REFER-
51 ENCED.

52 5. A COPY OF ALL MATERIALS THAT PERTAIN TO THE INDEPENDENT EXPENDI-
53 TURE, INCLUDING BUT NOT LIMITED TO BROADCAST, CABLE OR SATELLITE SCHED-
54 ULE AND SCRIPTS, ADVERTISEMENTS, PAMPHLETS, CIRCULARS, FLYERS,
55 BROCHURES, LETTERHEADS AND OTHER PRINTED MATTER SHALL IMMEDIATELY BE

1 FILED WITH THE STATE BOARD OF ELECTIONS AS PROVIDED IN SECTION 14-108 OF
2 THIS ARTICLE.

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

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

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

11 S 37. Subdivision 1 of section 14-108 of the election law, as amended
12 by chapter 955 of the laws of 1983, is amended to read as follows;

13 1. The statements required by this article shall be filed at such
14 times as the state board of elections, by rule or regulation, shall
15 specify; provided, however, that in no event shall the board provide for
16 fewer than three filings in the aggregate in connection with any prima-
17 ry, general or special election, or in connection with a question to be
18 voted on and two of said filings shall be before any such election,
19 including one such filing not less than thirty days nor more than
20 forty-five days prior to such election and one such filing not less than
21 eleven days nor more than fifteen days prior to such election. In addi-
22 tion, the board shall provide that every political committee which has
23 filed a statement of treasurer and depository shall make at least one
24 PERIODIC filing [every six months] DURING THE MONTHS OF JANUARY, MAY AND
25 JULY between the time such statement of treasurer and depository is
26 filed and the time such committee goes out of business. If any candidate
27 or committee shall be required by the provisions of this section, or by
28 rule or regulation hereunder, to effect two filings within a period of
29 five days OF EACH OTHER, the state board of elections may, by rule or
30 regulation, waive the requirement of filing the earlier of such state-
31 ments. If a statement filed by a candidate or committee after the
32 election to which it pertains is not a final statement showing satisfac-
33 tion of all liabilities and disposition of all assets, such candidate or
34 committee shall file such additional statements as the board shall, by
35 rule or regulation provide until such a final statement is filed.

36 S 38. Section 14-126 of the election law, as amended by chapter 8 of
37 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of
38 1994 and subdivisions 2, 3 and 4 as redesigned by chapter 9 of the laws
39 of 1978, is amended to read as follows:

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

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

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

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

15 [3.] 5. Any person who knowingly and willfully contributes, accepts or
16 aids or participates in the acceptance of a contribution in an amount
17 exceeding an applicable maximum specified in this article shall be guilty
18 ty of a misdemeanor.

19 [4.] 6. Any person who shall, acting on behalf of a candidate or poli-
20 tical committee, knowingly and willfully solicit, organize or coordinate
21 the formation of activities of one or more unauthorized committees, make
22 expenditures in connection with the nomination for election or election
23 of any candidate, or solicit any person to make any such expenditures,
24 for the purpose of evading the contribution limitations of this article,
25 shall be guilty of a class E felony.

26 S 39. Section 16-100 of the election law is amended to read as
27 follows:

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

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

38 S 40. The election law is amended by adding a new section 16-120 to
39 read as follows:

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

44 2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS
45 PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY
46 IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISION TWO OR THREE OF SECTION
47 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE
48 SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE
49 VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER
50 THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL
51 SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT
52 REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

53 S 41. Separability clause. If any clause, sentence, paragraph, section
54 or part of this act shall be adjudged by any court of competent juris-
55 diction to be invalid, such judgment shall not affect, impair or invali-
56 date the remainder thereof, but shall be confided in its operation to

1 the clause, sentence, paragraph, section or part thereof directly
2 involved in the controversy in which such judgment shall have been
3 rendered.
4 S 42. This act shall take effect January 1, 2011; provided, however,
5 sections one through fifteen of this act shall expire and be deemed
6 repealed 4 years after such effective date.