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

6855

2009-2010 Regular Sessions

I N A S S E M B L Y

March 13, 2009

Introduced by M. of A. GALEF -- Multi-Sponsored by -- M. of A. BOYLAND -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the election law, in relation to prohibiting certain functions in the county of Albany whenever the legislature is in session

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

Section 1. The legislative law is amended by adding a new section 1-m-1 to read as follows:

S 1-M-1. CERTAIN FUNCTIONS PROHIBITED IN ALBANY COUNTY. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON OR ENTITY SHALL HOLD, PARTICIPATE IN, OR ATTEND A FUNCTION DESIGNED TO SOLICIT FUNDS THAT ARE SUBJECT TO THE REPORTING REQUIREMENTS OF ARTICLE FOURTEEN OF THE ELECTION LAW IN THE COUNTY OF ALBANY WHENEVER THE LEGISLATURE IS IN SESSION. THE FOREGOING SHALL NOT APPLY TO A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, OR MEMBER OF THE LEGISLATURE, WHO REPRESENTS OR HOLDS OFFICE IN THE COUNTY OF ALBANY.

S 2. Subdivision (a) and paragraphs (i) and (iv) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, are amended to read as follows:

(a) (i) Any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m OR ONE-M-ONE of this article shall be guilty of a class A misdemeanor; and

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m OR ONE-M-ONE of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of

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

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a class E felony. Any lobbyist convicted of or pleading guilty to a felony under the provisions of this section may be barred from acting as a lobbyist for a period of one year from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(i) A lobbyist, public corporation, or client who knowingly and wilfully fails to file a statement or report within the time required for the filing of such report or knowingly and wilfully violates section one-m OR ONE-M-ONE of this article shall be subject to a civil penalty for each such failure or violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, to be assessed by the commission.

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

S 3. Subdivision 3 of section 14-126 of the election law, as amended by chapter 8 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

3. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article OR WHO KNOWINGLY AND WILLFULLY VIOLATES THE PROVISIONS OF SECTION ONE-M-ONE OF THE LEGISLATIVE LAW shall be guilty of a misdemeanor.

S 4. This act shall take effect immediately.