

S T A T E   O F   N E W   Y O R K

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S. 6615

A. 9715

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

January 19, 2010

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IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the public officers law, in relation to creating a state government ethics commission and a designating commission; to amend the executive law, in relation to the duties of the attorney general; and to repeal article 1-A of the legislative law relating to the lobbying act; to repeal article 5 of the legislative law relating to legislative ethics; to repeal section 94 of the executive law relating to the commission on public integrity (Part A); to amend the retirement and social security law, the state finance law and the public officers law, in relation to establishing the employee retirement system board of trustees to operate the New York state and local employees' retirement system and the New York state and local police and fire retirement system, and regulating investment firms doing business with the common retirement fund (Part B); to amend the election law, in relation to campaign finance reform; to amend the legislative law, in relation to participation in fundraisers during a legislative session; to amend the election law, in relation to public financing; and to repeal certain provisions of the election law relating to campaign financing; to repeal subdivisions 7 and 9-A of section 3-102 of the election law relating to the state board of elections' power to enforce campaign receipts and expenditures provisions (Part C); and to amend the retirement and social security law, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment (Part D)

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

1     Section 1. This act enacts into law major components of legislation  
2 relating to ethics reform and campaign finance reform. Each component

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

LBD12677-01-0

1 is wholly contained within a Part identified as Parts A through D. The  
2 effective date for each particular provision contained within such Part  
3 is set forth in the last section of such Part. Any provision in any  
4 section contained within a Part, including the effective date of the  
5 Part, which makes reference to a section "of this act", when used in  
6 connection with that particular component, shall be deemed to mean and  
7 refer to the corresponding section of the Part in which it is found.  
8 Section three of this act sets forth the general effective date of this  
9 act.

10 PART A

11 Section 1. This act shall be known and may be cited as the "State  
12 Government Ethics and Campaign Finance Enforcement Reform Act of 2010".

13 S 2. Article 1-A of the legislative law is REPEALED.

14 S 3. Article 5 of the legislative law is REPEALED.

15 S 4. The public officers law is amended by adding a new section 73-c  
16 to read as follows:

17 S 73-C. STATE GOVERNMENT ETHICS COMMISSION; FUNCTIONS, POWERS AND  
18 DUTIES; REVIEW OF FINANCIAL DISCLOSURE STATEMENTS; ADMINISTRATION OF  
19 CAMPAIGN FINANCE PRACTICES; ADVISORY OPINIONS; INVESTIGATION AND  
20 ENFORCEMENT. 1. THERE IS ESTABLISHED WITHIN THE DEPARTMENT OF STATE A  
21 STATE GOVERNMENT ETHICS COMMISSION WHICH SHALL CONSIST OF FIVE MEMBERS  
22 AND SHALL HAVE AND EXERCISE THE POWERS AND DUTIES SET FORTH IN THIS  
23 SECTION WITH RESPECT TO STATE ELECTED OFFICIALS AND STATE OFFICERS AND  
24 EMPLOYEES, AS DEFINED IN SECTIONS SEVENTY-THREE AND SEVENTY-THREE-A OF  
25 THIS ARTICLE; CANDIDATES FOR STATE ELECTED OFFICE, THE POLITICAL PARTY  
26 CHAIRMAN AS THAT TERM IS DEFINED IN SECTION SEVENTY-THREE-A OF THIS  
27 ARTICLE, LOBBYISTS AND THE CLIENTS OF LOBBYISTS AS SUCH TERMS ARE  
28 DEFINED IN SECTION SEVENTY-THREE-D OF THIS ARTICLE, MEMBERS OF THE  
29 LEGISLATURE, LEGISLATIVE EMPLOYEES AS DEFINED IN SECTION SEVENTY-THREE  
30 OF THIS ARTICLE, CANDIDATES FOR MEMBERS OF THE LEGISLATURE AND INDIVID-  
31 UALS WHO HAVE FORMERLY HELD SUCH POSITIONS OR WHO HAVE FORMERLY BEEN  
32 SUCH CANDIDATES. THIS ACT SHALL NOT REVOKE OR RESCIND ANY REGULATIONS  
33 DULY PROMULGATED OR ADVISORY OPINIONS DULY ISSUED BY THE STATE COMMIS-  
34 SION ON PUBLIC INTEGRITY, THE STATE ETHICS COMMISSION, THE TEMPORARY  
35 LOBBYING COMMISSION, THE LEGISLATIVE ETHICS COMMISSION, THE STATE BOARD  
36 OF ELECTIONS AS SUCH REGULATIONS OR OPINIONS PERTAIN TO ARTICLE FOURTEEN  
37 OF THE ELECTION LAW, AND THE COMMITTEE ON OPEN GOVERNMENT AS SUCH REGU-  
38 LATIONS OR OPINIONS PERTAIN TO ARTICLE SEVEN OF THIS CHAPTER IN EFFECT  
39 UPON THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN  
40 WHICH ADDED THIS SECTION TO THE EXTENT THAT SUCH REGULATIONS OR OPINIONS  
41 ARE NOT INCONSISTENT WITH ANY LAW OF THE STATE OF NEW YORK. THE STATE  
42 GOVERNMENT ETHICS COMMISSION SHALL UNDERTAKE A COMPREHENSIVE REVIEW OF  
43 ALL SUCH REGULATIONS AND OPINIONS, WHICH WILL ADDRESS THE CONSISTENCY  
44 OF SUCH REGULATIONS AND OPINIONS AMONG EACH OTHER AND WITH THE NEW STAT-  
45 UTORY LANGUAGE. THE STATE GOVERNMENT ETHICS COMMISSION SHALL, BEFORE  
46 JUNE FIRST, TWO THOUSAND TEN, REPORT TO THE GOVERNOR AND LEGISLATURE  
47 REGARDING SUCH REVIEW AND SHALL PROPOSE ANY REGULATORY CHANGES AND  
48 ISSUE ANY ADVISORY OPINIONS NECESSITATED BY SUCH REVIEW.

49 2. THE MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE DESIGNATING  
50 COMMISSION AS DEFINED IN SECTION SEVENTY-THREE-E OF THIS ARTICLE.

51 3. MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION SHALL SERVE FOR  
52 TERMS OF FIVE YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST  
53 APPOINTED BY THE DESIGNATING COMMISSION, ONE SHALL SERVE FOR ONE YEAR,  
54 ONE SHALL SERVE FOR TWO YEARS, ONE SHALL SERVE FOR THREE YEARS, ONE

1 SHALL SERVE FOR FOUR YEARS AND ONE SHALL SERVE FOR FIVE YEARS, AS DESIG-  
2 NATED BY RANDOM CHANCE. THE PROCESS FOR DETERMINING STAGGERED TERMS  
3 SHALL BE MADE BY A DRAWING OF LOTS.

4 4. THE CHAIRMAN OR ANY THREE MEMBERS OF THE COMMISSION MAY CALL A  
5 MEETING.

6 5. ANY VACANCY OCCURRING ON THE STATE GOVERNMENT ETHICS COMMISSION  
7 SHALL BE FILLED WITHIN SIXTY DAYS OF ITS OCCURRENCE IN THE SAME MANNER  
8 AS THE MEMBER WHOSE VACANCY IS BEING FILLED WAS APPOINTED. A PERSON  
9 APPOINTED TO FILL A VACANCY OCCURRING OTHER THAN BY EXPIRATION OF A TERM  
10 OF OFFICE SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF THE MEMBER HE OR  
11 SHE SUCCEEDS.

12 6. THREE MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION SHALL  
13 CONSTITUTE A QUORUM, AND THE COMMISSION SHALL HAVE POWER TO ACT BY  
14 MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMISSION WITHOUT  
15 VACANCY.

16 7. MEMBERS OF THE STATE GOVERNMENT ETHICS COMMISSION MAY BE REMOVED  
17 BY APPLICATION AND MOTION OF THE ATTORNEY GENERAL IN A STATE TRIAL LEVEL  
18 COURT FOR SUBSTANTIAL NEGLECT OF DUTY, GROSS MISCONDUCT IN OFFICE,  
19 INABILITY TO DISCHARGE THE POWERS OR DUTIES OF OFFICE OR VIOLATION OF  
20 THIS SECTION, AFTER WRITTEN NOTICE AND OPPORTUNITY FOR A REPLY. THE  
21 ATTORNEY GENERAL ALSO MAY SEEK RECUSAL OF ANY MEMBER OR MEMBERS UPON THE  
22 SHOWING OF A CONFLICT OF INTEREST AND ANY FAILURE TO RECUSE.

23 8. THE MEMBERS OF THE COMMISSION SHALL NOT RECEIVE COMPENSATION BUT  
24 SHALL BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE  
25 OF THEIR OFFICIAL DUTIES.

26 9. THE COMMISSION SHALL:

27 (A) APPOINT AND EMPLOY AND AT PLEASURE REMOVE COUNSEL, AN EXECUTIVE  
28 DIRECTOR, INVESTIGATORS, ACCOUNTANTS, CLERKS AND OTHER SUCH PERSONS AS  
29 IT MAY DEEM NECESSARY WHO SHALL ACT IN ACCORDANCE WITH THE POLICIES OF  
30 THE COMMISSION. THE COMMISSION MAY DELEGATE AUTHORITY TO THE EXECUTIVE  
31 DIRECTOR TO ACT IN THE NAME OF THE COMMISSION BETWEEN MEETINGS OF THE  
32 COMMISSION PROVIDED SUCH DELEGATION IS IN WRITING AND THE SPECIFIC  
33 POWERS TO BE DELEGATED ARE ENUMERATED.

34 (B) APPOINT SUCH OTHER STAFF AS ARE NECESSARY TO CARRY OUT ITS DUTIES  
35 UNDER THIS SECTION.

36 (C) ADOPT, AMEND, AND RESCIND RULES AND REGULATIONS TO GOVERN PROCE-  
37 DURES OF THE COMMISSION, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
38 PROCEDURE WHEREBY A PERSON WHO IS REQUIRED TO FILE AN ANNUAL FINANCIAL  
39 DISCLOSURE STATEMENT WITH THE COMMISSION MAY REQUEST AN ADDITIONAL PERI-  
40 OD OF TIME WITHIN WHICH TO FILE SUCH STATEMENT, DUE TO JUSTIFIABLE CAUSE  
41 OR UNDUE HARDSHIP; SUCH RULES OR REGULATIONS SHALL PROVIDE FOR A DATE  
42 BEYOND WHICH IN ALL CASES OF JUSTIFIABLE CAUSE OR UNDUE HARDSHIP NO  
43 FURTHER EXTENSION OF TIME WILL BE GRANTED.

44 (D) ADOPT, AMEND, AND RESCIND RULES AND REGULATIONS TO ASSIST APPOINT-  
45 ING AUTHORITIES IN DETERMINING WHICH PERSONS HOLD POLICY-MAKING POSI-  
46 TIONS FOR PURPOSES OF SECTION SEVENTY-THREE-A OF THIS ARTICLE.

47 (E) MAKE AVAILABLE FORMS FOR ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE  
48 REQUIRED TO BE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS ARTI-  
49 CLE.

50 (F) REVIEW FINANCIAL DISCLOSURE STATEMENTS IN ACCORDANCE WITH THE  
51 PROVISIONS OF THIS SECTION, PROVIDED HOWEVER, THAT THE COMMISSION MAY  
52 DELEGATE ALL OR PART OF THIS REVIEW FUNCTION TO THE EXECUTIVE DIRECTOR  
53 WHO SHALL BE RESPONSIBLE FOR COMPLETING STAFF REVIEW OF SUCH STATEMENTS  
54 IN A MANNER CONSISTENT WITH THE TERMS OF THE COMMISSION'S DELEGATION.

55 (F-1) ISSUE INSTRUCTIONS AND PROMULGATE RULES AND REGULATIONS RELATING  
56 TO THE ADMINISTRATION OF CAMPAIGN FINANCE PRACTICES CONSISTENT WITH

1 ARTICLE FOURTEEN OF THE ELECTION LAW IN CONSULTATION WITH THE STATE  
2 BOARD OF ELECTIONS AND PROVIDING THE GOVERNMENT ETHICS COMMISSION WITH  
3 THE POWER AND DUTY TO:

4 (I) PREPARE UNIFORM FORMS FOR THE STATEMENTS REQUIRED BY ARTICLE FOUR-  
5 TEEN OF THE ELECTION LAW;

6 (II) (A) DEVELOP AN ELECTRONIC REPORTING SYSTEM TO PROCESS THE STATE-  
7 MENTS OF RECEIPTS, CONTRIBUTIONS, TRANSFERS AND EXPENDITURES REQUIRED TO  
8 BE FILED WITH THE GOVERNMENT ETHICS COMMISSION PURSUANT TO THE  
9 PROVISIONS OF SECTIONS 14-102 AND 14-104 OF THE ELECTION LAW;

10 (B) PRESCRIBE THE INFORMATION REQUIRED IN THE FORM FOR EACH STATEMENT  
11 TO BE FILED;

12 (C) ESTABLISH A TRAINING PROGRAM ON THE ELECTRONIC REPORTING PROCESS  
13 AND MAKE IT AVAILABLE TO ANY SUCH CANDIDATE OR COMMITTEE;

14 (D) MAKE THE ELECTRONIC REPORTING PROCESS AVAILABLE TO ANY SUCH CANDI-  
15 DATE OR COMMITTEE WHICH IS REQUIRED TO FILE OR WHICH AGREES TO FILE SUCH  
16 STATEMENTS BY SUCH ELECTRONIC REPORTING PROCESS;

17 (E) CAUSE ALL INFORMATION CONTAINED IN SUCH A STATEMENT FILED WITH THE  
18 GOVERNMENT ETHICS COMMISSION WHICH IS NOT ON SUCH ELECTRONIC REPORTING  
19 SYSTEM TO BE ENTERED IN SUCH SYSTEM AS SOON AS PRACTICABLE BUT IN NO  
20 EVENT LATER THAN TEN BUSINESS DAYS AFTER ITS RECEIPT BY THE GOVERNMENT  
21 ETHICS COMMISSION; AND

22 (F) MAKE ALL DATA FROM THE ELECTRONIC REPORTING PROCESS AVAILABLE AT  
23 ALL TIMES ON THE INTERNET;

24 (III) STUDY AND EXAMINE THE ADMINISTRATION OF CAMPAIGN FINANCING AND  
25 CAMPAIGN FINANCE REPORTING WITHIN THE STATE;

26 (IV) RECOMMEND SUCH LEGISLATION OR ADMINISTRATIVE MEASURES AS IT FINDS  
27 APPROPRIATE TO ADJUST THE CONTRIBUTION LIMITATIONS SET FORTH IN ARTICLE  
28 FOURTEEN OF THE ELECTION LAW; AND

29 (V) INSTITUTE SUCH JUDICIAL PROCEEDINGS AS MAY BE NECESSARY TO ENFORCE  
30 COMPLIANCE WITH ANY PROVISION OF ARTICLE FOURTEEN OF THE ELECTION LAW OR  
31 ANY REGULATION PROMULGATED THEREUNDER INCLUDING, BUT NOT LIMITED TO,  
32 APPLICATION, ON NOTICE SERVED UPON THE RESPONDENT IN THE MANNER DIRECTED  
33 BY THE COURT AT LEAST SIX HOURS PRIOR TO THE TIME OF RETURN THEREON, TO  
34 A JUSTICE OF THE SUPREME COURT WITHIN THE JUDICIAL DISTRICT IN WHICH AN  
35 ALLEGED VIOLATION OF ANY SUCH PROVISION OR REGULATION OCCURRED OR IS  
36 THREATENED, FOR AN ORDER PROHIBITING THE CONTINUED OR THREATENED  
37 VIOLATION THEREOF OR FOR SUCH OTHER OR FURTHER RELIEF AS THE COURT MAY  
38 DEEM JUST AND PROPER.

39 (G) RECEIVE COMPLAINTS ALLEGING A VIOLATION OF SECTION SEVENTY-THREE,  
40 SEVENTY-THREE-A, SEVENTY-THREE-D, OR SEVENTY-FOUR OF THIS ARTICLE OR  
41 SECTION ONE HUNDRED SEVEN OF THE CIVIL SERVICE LAW OR RECEIVE COMPLAINTS  
42 AS AUTHORIZED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SEVEN OF THIS  
43 CHAPTER AS IT RELATES TO STATE OPEN MEETINGS AND ARTICLE FOURTEEN OF THE  
44 ELECTION LAW.

45 (H) PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATE-  
46 MENT TO REQUEST THE COMMISSION TO DELETE FROM THE COPY THEREOF MADE  
47 AVAILABLE FOR PUBLIC INSPECTION ONE OR MORE ITEMS OF INFORMATION WHICH  
48 MAY BE DELETED BY THE COMMISSION, AFTER DENIAL OF A REQUEST FOR DELETION  
49 BY THE COMMITTEE ON OPEN GOVERNMENT PURSUANT TO SECTION EIGHTY-NINE OF  
50 THIS CHAPTER, UPON A FINDING BY A MAJORITY OF THE TOTAL NUMBER OF  
51 MEMBERS OF THE COMMISSION WITHOUT VACANCY THAT THE INFORMATION WHICH  
52 WOULD OTHERWISE BE REQUIRED TO BE MADE AVAILABLE FOR PUBLIC INSPECTION  
53 WILL HAVE NO MATERIAL BEARING ON THE DISCHARGE OF THE REPORTING PERSON'S  
54 OFFICIAL DUTIES. IF SUCH REQUEST FOR DELETION IS DENIED, THE COMMISSION,  
55 IN ITS NOTIFICATION OF DENIAL, SHALL INFORM THE PERSON OF HIS OR HER  
56 RIGHT TO APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES

1 GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO  
2 SUBDIVISION THIRTEEN OF THIS SECTION. THE COMMISSION SHALL PROMULGATE  
3 RULES AND REGULATIONS GOVERNING THE ISSUANCE OF WRITTEN DECISIONS IN  
4 CONNECTION WITH APPEALS FROM THE COMMITTEE ON OPEN GOVERNMENT PURSUANT  
5 TO SECTION EIGHTY-NINE OF THIS CHAPTER.

6 (I) PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATE-  
7 MENT TO REQUEST AN EXEMPTION FROM ANY REQUIREMENT TO REPORT ONE OR MORE  
8 ITEMS OF INFORMATION WHICH PERTAIN TO SUCH PERSON'S SPOUSE OR UNEMANCI-  
9 PATED CHILDREN WHICH ITEM OR ITEMS MAY BE EXEMPTED BY THE COMMISSION,  
10 INCLUDING THE NAMES OF CLIENTS OF PUBLIC OFFICERS WHO ARE CONSULTANTS OR  
11 OTHER PROFESSIONALS WHERE DISCLOSURE OF SUCH CLIENTS IDENTITY COULD  
12 REVEAL THE NATURE OF AN ATTORNEY-CLIENT COMMUNICATION OR PURSUANT TO  
13 SECTION EIGHTY-NINE OF THIS CHAPTER AS PROVIDED IN SUBDIVISION EIGHTEEN  
14 OF THIS SECTION, UPON A FINDING BY A MAJORITY OF THE TOTAL NUMBER OF  
15 MEMBERS OF THE COMMISSION WITHOUT VACANCY THAT THE REPORTING INDIVID-  
16 UAL'S SPOUSE, ON HIS OR HER OWN BEHALF OR ON BEHALF OF AN UNEMANCIPATED  
17 CHILD, OBJECTS TO PROVIDING THE INFORMATION NECESSARY TO MAKE SUCH  
18 DISCLOSURE AND THAT THE INFORMATION WHICH WOULD OTHERWISE BE REQUIRED TO  
19 BE REPORTED WILL HAVE NO MATERIAL BEARING ON THE DISCHARGE OF THE  
20 REPORTING PERSON'S OFFICIAL DUTIES, PROVIDED THAT THE ADDRESS AND TELE-  
21 PHONE NUMBERS OF SPOUSES AND UNEMANCIPATED CHILDREN SHALL IN NO INSTANCE  
22 BE MADE AVAILABLE TO THE PUBLIC. IF SUCH REQUEST FOR EXEMPTION IS  
23 DENIED, THE COMMISSION, IN ITS NOTIFICATION OF DENIAL, SHALL INFORM THE  
24 PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION  
25 PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS  
26 ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION. THE COMMISS-  
27 SION SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE ISSUANCE OF  
28 WRITTEN DECISIONS IN CONNECTION WITH APPEALS FROM THE COMMITTEE ON OPEN  
29 GOVERNMENT.

30 (J) ADVISE AND ASSIST ANY STATE OFFICER, STATE AGENCY OR THE LEGISLA-  
31 TURE IN ESTABLISHING RULES AND REGULATIONS RELATING TO POSSIBLE  
32 CONFLICTS BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES OF PRESENT OR  
33 FORMER STATE ELECTED OFFICIALS, MEMBERS OF THE LEGISLATURE AND LEGISLA-  
34 TIVE EMPLOYEES, AND STATE OFFICERS AND EMPLOYEES.

35 (K) PERMIT ANY PERSON WHO HAS NOT BEEN DETERMINED BY HIS OR HER  
36 APPOINTING AUTHORITY OR THE LEGISLATURE TO HOLD A POLICY-MAKING POSITION  
37 BUT WHO IS OTHERWISE REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT  
38 TO REQUEST AN EXEMPTION FROM SUCH REQUIREMENT IN ACCORDANCE WITH RULES  
39 AND REGULATIONS GOVERNING SUCH EXEMPTIONS. SUCH RULES AND REGULATIONS  
40 SHALL PROVIDE FOR EXEMPTIONS TO BE GRANTED EITHER ON THE APPLICATION OF  
41 AN INDIVIDUAL OR ON BEHALF OF PERSONS WHO SHARE THE SAME JOB TITLE OR  
42 EMPLOYMENT CLASSIFICATION WHICH THE COMMISSION DEEMS TO BE COMPARABLE  
43 FOR PURPOSES OF THIS SECTION. SUCH RULES AND REGULATIONS MAY PERMIT THE  
44 GRANTING OF AN EXEMPTION WHERE, IN THE DISCRETION OF THE COMMISSION, THE  
45 PUBLIC INTEREST DOES NOT REQUIRE DISCLOSURE AND THE APPLICANT'S DUTIES  
46 DO NOT INVOLVE THE NEGOTIATION, AUTHORIZATION OR APPROVAL OF:

47 (I) CONTRACTS, LEASES, FRANCHISES, REVOCABLE CONSENTS, CONCESSIONS,  
48 VARIANCES, SPECIAL PERMITS, OR LICENSES AS DEFINED IN SECTION  
49 SEVENTY-THREE OF THIS ARTICLE;

50 (II) THE PURCHASE, SALE, RENTAL OR LEASE OF REAL PROPERTY, GOODS OR  
51 SERVICES, OR A CONTRACT THEREFOR;

52 (III) THE OBTAINING OF GRANTS OF MONEY OR LOANS; OR

53 (IV) THE ADOPTION OR REPEAL OF ANY LAW, RULE OR REGULATION HAVING THE  
54 FORCE AND EFFECT OF LAW.

55 (L) PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND LEGISLATURE SUMMARIZ-  
56 ING THE ACTIVITIES OF THE COMMISSION DURING THE PREVIOUS YEAR AND RECOM-

1 MENDING ANY CHANGES IN THE LAWS GOVERNING THE CONDUCT OF PERSONS SUBJECT  
2 TO THE JURISDICTION OF THE COMMISSION, OR THE RULES, REGULATIONS AND  
3 PROCEDURES GOVERNING THE COMMISSION'S CONDUCT. SUCH REPORT SHALL  
4 INCLUDE: (I) A LISTING BY ASSIGNED NUMBER OF EACH COMPLAINT AND REFERRAL  
5 RECEIVED WHICH ALLEGED A POSSIBLE VIOLATION WITHIN ITS JURISDICTION,  
6 INCLUDING THE CURRENT STATUS OF EACH COMPLAINT, AND (II) WHERE A MATTER  
7 HAS BEEN RESOLVED, THE DATE AND NATURE OF THE DISPOSITION AND ANY SANC-  
8 TION IMPOSED, SUBJECT TO THE CONFIDENTIALITY REQUIREMENTS OF THIS  
9 SECTION, PROVIDED, HOWEVER, THAT SUCH ANNUAL REPORT SHALL NOT CONTAIN  
10 ANY INFORMATION FOR WHICH DISCLOSURE IS NOT PERMITTED PURSUANT TO SUBDI-  
11 VISION SEVENTEEN OF THIS SECTION.

12 (M) DETERMINE A QUESTION COMMON TO A CLASS OR DEFINED CATEGORY OF  
13 PERSONS OR ITEMS OF INFORMATION REQUIRED TO BE DISCLOSED, WHERE DETERMI-  
14 NATION OF THE QUESTION WILL PREVENT UNDUE REPETITION OF REQUESTS FOR  
15 EXEMPTION OR DELETION OR PREVENT UNDUE COMPLICATION IN COMPLYING WITH  
16 THE REQUIREMENTS OF SUCH SECTION.

17 10. THE COMMISSION, OR THE EXECUTIVE DIRECTOR AND STAFF OF THE COMMIS-  
18 SION IF RESPONSIBILITY THEREFOR HAS BEEN DELEGATED, SHALL REGULARLY  
19 INSPECT ALL FINANCIAL DISCLOSURE STATEMENTS FILED WITH THE COMMISSION TO  
20 ASCERTAIN WHETHER ANY PERSON SUBJECT TO THE REPORTING REQUIREMENTS OF  
21 SECTION SEVENTY-THREE-A OF THIS ARTICLE HAS FAILED TO FILE SUCH A STATE-  
22 MENT, HAS FILED A DEFICIENT STATEMENT OR HAS FILED A STATEMENT WHICH  
23 REVEALS A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A,  
24 SEVENTY-THREE-D, OR SEVENTY-FOUR OF THIS ARTICLE OR ARTICLE SEVEN AS IT  
25 RELATES TO STATE OPEN MEETINGS. THE COMMISSION SHALL PROMULGATE GUIDE-  
26 LINES TO CONDUCT A PROGRAM OF REGULAR AND RANDOM REVIEWS OF ANNUAL  
27 FINANCIAL DISCLOSURE STATEMENTS FILED WITH THE COMMISSION, SUBJECT TO  
28 THE CONDITIONS OF THIS SECTION. SUCH PROGRAM SHALL BE CARRIED OUT IN THE  
29 FOLLOWING MANNER:

30 (A) THE COMMISSION SHALL SELECT ANNUAL FINANCIAL DISCLOSURE STATEMENTS  
31 REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE FOR REVIEW. ANY SUCH  
32 SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH THE IDENTITY OF  
33 ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED FOR REVIEW IS UNKNOWN  
34 TO THE COMMISSION AND ITS STAFF.

35 (B) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH  
36 REGULAR AND RANDOM REVIEWS. SUCH REGULAR AND RANDOM REVIEWS MAY REQUIRE  
37 THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATE-  
38 RIAL TO THE PREPARATION OF THE SELECTED STATEMENTS FOR EXAMINATION. ANY  
39 SUCH PROTOCOLS SHALL ENSURE THAT SIMILARLY SITUATED STATEMENTS ARE  
40 AUDITED IN A UNIFORM MANNER.

41 (C) THE COMMISSION MAY CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,  
42 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS  
43 STATEMENTS FOR REVIEW, AND THE PROCESS PURSUANT TO WHICH THE COMMISSION  
44 CARRIES OUT THE PROVISIONS OF PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION  
45 AND CERTIFIES THAT SUCH PROCESS COMPLIES WITH THE PROVISIONS OF SUCH  
46 PARAGRAPHS.

47 (D) UPON COMPLETION OF A REVIEW BY THE COMMISSION CONDUCTED IN ACCORD-  
48 ANCE WITH THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF THIS SUBDIVI-  
49 SION, THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE  
50 TO BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR INCOM-  
51 PLETE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE  
52 COMMISSION MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMO-  
53 RANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND  
54 ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE COMMISSION DETER-  
55 MINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND  
56 MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS.

1 11. (A) IF A PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT  
2 WITH THE COMMISSION HAS FAILED TO FILE A DISCLOSURE STATEMENT OR HAS  
3 FILED A DEFICIENT STATEMENT, THE COMMISSION SHALL NOTIFY THE REPORTING  
4 PERSON IN WRITING, STATE THE FAILURE TO FILE OR DETAIL THE DEFICIENCY,  
5 PROVIDE THE PERSON WITH A FIFTEEN DAY PERIOD TO CURE THE DEFICIENCY, AND  
6 ADVISE THE PERSON OF THE PENALTIES FOR FAILURE TO COMPLY WITH THE  
7 REPORTING REQUIREMENTS. SUCH NOTICE SHALL BE CONFIDENTIAL. IF THE PERSON  
8 FAILS TO MAKE SUCH FILING OR FAILS TO CURE THE DEFICIENCY WITHIN THE  
9 SPECIFIED TIME PERIOD, THE COMMISSION SHALL SEND A NOTICE OF DELINQUEN-  
10 CY: (I) TO THE REPORTING PERSON; AND (II) IN THE CASE OF A STATE ELECTED  
11 OFFICIAL, MEMBER OF THE LEGISLATURE, OR LEGISLATIVE EMPLOYEE, TO THE  
12 TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY; AND  
13 (III) IN THE CASE OF A STATE OFFICER OR EMPLOYEE, TO THE APPOINTING  
14 AUTHORITY FOR SUCH PERSON. SUCH NOTICE OF DELINQUENCY MAY BE SENT AT  
15 ANY TIME DURING THE REPORTING PERSON'S SERVICE AS A STATE ELECTED OFFI-  
16 CIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE, LEGISLATIVE  
17 EMPLOYEE, POLITICAL PARTY CHAIR OR WHILE A CANDIDATE FOR STATEWIDE  
18 OFFICE OR MEMBER OF THE LEGISLATURE, OR WITHIN ONE YEAR AFTER TERMI-  
19 NATION OF SUCH SERVICE OR CANDIDACY. THE JURISDICTION OF THE COMMISSION,  
20 WHEN ACTING PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION WITH  
21 RESPECT TO FINANCIAL DISCLOSURE, SHALL CONTINUE NOTWITHSTANDING THAT THE  
22 REPORTING PERSON SEPARATES FROM STATE SERVICE, OR CEASES TO HOLD OFFICE  
23 AS A STATE ELECTED OFFICIAL, MEMBER OF THE LEGISLATURE OR POLITICAL  
24 PARTY CHAIR, OR CEASES TO BE A CANDIDATE, PROVIDED THE COMMISSION NOTI-  
25 FIES SUCH PERSON OF THE ALLEGED FAILURE TO FILE OR DEFICIENT FILING  
26 PURSUANT TO THIS SUBDIVISION.

27 (B) IF THE COMMISSION RECEIVES ANY COMPLAINT THAT A CORPORATION IS  
28 USING ITS NOT FOR PROFIT STATUS TO CONCEAL POLITICAL CAMPAIGN FINANCE  
29 SUPPORT WITHIN ITS ISSUE ADVOCACY REALM, THE COMMISSION SHALL HAVE THE  
30 AUTHORITY TO DETERMINE WHETHER THERE HAVE BEEN VIOLATIONS OF THE STATE'S  
31 CAMPAIGN FINANCE LAWS. THE COMMISSION SHALL FILE A SUMMARY PROCEEDING IN  
32 THE SUPREME COURT REQUIRING THE CORPORATION TO STATE ANY REASONS WHY IT  
33 SHOULD NOT BE COMPELLED TO OPEN ITS FISCAL BOOKS FOR INSPECTION BY THE  
34 COMMISSION IN ORDER TO DETERMINE WHETHER VIOLATIONS OF THE STATE'S  
35 CAMPAIGN FINANCE LAWS HAVE TAKEN PLACE. UPON THE FINDING OF ANY  
36 VIOLATIONS, THE COMMISSION MAY ISSUE A FINE TO SUCH CORPORATION OR  
37 CORPORATIONS OR MAY FINE THE PARTICIPANTS FOUND TO HAVE VIOLATED THE  
38 STATE'S CAMPAIGN FINANCE LAWS IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND  
39 DOLLARS. FURTHER, UPON ANY FINDING OF A VIOLATION OF THE CAMPAIGN  
40 FINANCE LAWS THE COMMISSION SHALL ALSO NOTIFY THE FEDERAL INTERNAL  
41 REVENUE SERVICE, THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE VIOLATION  
42 OCCURRED, AS WELL AS THE ATTORNEY GENERAL OF SUCH VIOLATION OR  
43 VIOLATIONS.

44 12. (A) IF THE COMMISSION RECEIVES A SWORN COMPLAINT ALLEGING A  
45 VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A, SEVENTY-THREE-D OR  
46 SEVENTY-FOUR OF THIS ARTICLE OR ARTICLE SEVEN OF THIS CHAPTER AS IT  
47 RELATES TO STATE OPEN MEETINGS, OR RECEIVES COMPLAINTS AS AUTHORIZED BY  
48 ARTICLE FOURTEEN OF THE ELECTION LAW OR SECTION ONE HUNDRED SEVEN OF THE  
49 CIVIL SERVICE LAW BY A PERSON OR ENTITY SUBJECT TO SUCH LAW UNDER THE  
50 COMMISSION'S JURISDICTION, OR IF A REPORTING INDIVIDUAL HAS FILED A  
51 STATEMENT WHICH REVEALS A POSSIBLE VIOLATION THEREOF, OR IF THE COMMIS-  
52 SION DETERMINES ON ITS OWN INITIATIVE TO INVESTIGATE A POSSIBLE  
53 VIOLATION, THE COMMISSION SHALL NOTIFY THE INDIVIDUAL IN WRITING,  
54 DESCRIBE THE POSSIBLE OR ALLEGED VIOLATION OF SUCH LAW AND PROVIDE THE  
55 PERSON WITH A FIFTEEN DAY PERIOD IN WHICH TO SUBMIT A WRITTEN RESPONSE  
56 SETTING FORTH INFORMATION RELATING TO THE ACTIVITIES CITED AS A POSSIBLE

1 OR ALLEGED VIOLATION OF LAW. IF THE COMMISSION THEREAFTER MAKES A DETER-  
2 MINATION THAT FURTHER INQUIRY IS JUSTIFIED, IT SHALL GIVE THE INDIVIDUAL  
3 AN OPPORTUNITY TO BE HEARD. THE COMMISSION SHALL ALSO INFORM THE INDIV-  
4 VIDUAL OF ITS RULES REGARDING THE CONDUCT OF ADJUDICATORY PROCEEDINGS  
5 AND APPEALS AND THE DUE PROCESS PROCEDURAL MECHANISMS AVAILABLE TO SUCH  
6 INDIVIDUAL. IF THE COMMISSION DETERMINES AT ANY STAGE OF THE PROCEEDING,  
7 THAT THERE IS NO VIOLATION OR THAT ANY POTENTIAL CONFLICT OF INTEREST  
8 VIOLATION HAS BEEN RECTIFIED, IT SHALL SO ADVISE THE INDIVIDUAL AND THE  
9 COMPLAINANT, IF ANY. ALL OF THE FOREGOING PROCEEDINGS SHALL BE CONFIDEN-  
10 TIAL, EXCEPT AS RELATING TO LOBBYISTS AND CLIENTS OF LOBBYISTS. THE  
11 COMMISSION SHALL PROMULGATE A STATEMENT OF NON-DISCLOSURE AND ESTABLISH  
12 RULES FOR ABIDING BY SUCH STATEMENT. EVERY COMMISSIONER AND EVERY  
13 EMPLOYEE OF THE COMMISSION SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE  
14 STATEMENT PRIOR TO REVIEWING ANY INFORMATION.

15 (B) IF THE COMMISSION DETERMINES THAT THERE IS REASONABLE CAUSE TO  
16 BELIEVE THAT A VIOLATION HAS OCCURRED, IT SHALL SEND A NOTICE OF REASON-  
17 ABLE CAUSE: (I) TO THE REPORTING PERSON; (II) IN THE CASE OF A STATE  
18 ELECTED OFFICIAL, TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE  
19 SPEAKER OF THE ASSEMBLY; (III) IN THE CASE OF A MEMBER OF THE SENATE OR  
20 EMPLOYEE OF THE SENATE, TO THE TEMPORARY PRESIDENT OF THE SENATE, (IV)  
21 IN THE CASE OF A MEMBER OF THE ASSEMBLY OR EMPLOYEE OF THE ASSEMBLY, TO  
22 THE SPEAKER OF THE ASSEMBLY; AND (V) IN THE CASE OF A STATE OFFICER OR  
23 EMPLOYEE, TO THE APPOINTING AUTHORITY FOR SUCH PERSON.

24 (C) THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSUANT TO THIS  
25 SECTION SHALL CONTINUE NOTWITHSTANDING THAT A STATE ELECTED OFFICIAL,  
26 MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR A STATE OFFICER OR  
27 EMPLOYEE SEPARATES FROM STATE SERVICE, OR A POLITICAL PARTY CHAIR CEASES  
28 TO HOLD SUCH OFFICE, OR A CANDIDATE CEASES TO BE A CANDIDATE, OR A  
29 LOBBYIST OR CLIENT OF A LOBBYIST CEASES TO ACT AS SUCH, PROVIDED THAT  
30 THE COMMISSION NOTIFIES SUCH INDIVIDUAL OR ENTITY OF THE ALLEGED  
31 VIOLATION OF LAW PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION WITHIN  
32 ONE YEAR FROM HIS OR HER SEPARATION FROM STATE OR LEGISLATIVE SERVICE,  
33 OR HIS OR HER TERMINATION OF PARTY SERVICE OR CANDIDACY, OR HIS OR HER  
34 OR ITS TERMINATION OF LOBBYING ACTIVITY. NOTHING IN THIS SECTION SHALL  
35 SERVE TO LIMIT THE JURISDICTION OF THE COMMISSION IN ENFORCEMENT OF  
36 SUBDIVISION EIGHT OF SECTION SEVENTY-THREE OF THIS ARTICLE.

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 SUBDIVISIONS FOURTEEN THROUGH  
40 SEVENTEEN OF SECTION SEVENTY-THREE OF THIS ARTICLE, 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 OMISSION OR GIVES INFORMATION WHICH SUCH INDIVIDUAL KNOWS  
45 TO BE FALSE ON SUCH STATEMENT OF FINANCIAL DISCLOSURE FILED PURSUANT TO  
46 SECTION SEVENTY-THREE-A OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL  
47 PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS PLUS THE  
48 DISGORGEMENT OF THE AMOUNT OF THE VALUE OF ANY GIFT, COMPENSATION OR  
49 BENEFIT RECEIVED AS A RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOW-  
50 INGLY AND INTENTIONALLY VIOLATES THE PROVISIONS OF PARAGRAPH B, C, D OR  
51 I OF SUBDIVISION THREE OF SECTION SEVENTY-FOUR OF THIS ARTICLE SHALL BE  
52 SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND  
53 DOLLARS AND THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A  
54 RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOWINGLY AND INTENTIONALLY  
55 VIOLATES THE PROVISIONS OF PARAGRAPH A, E OR G OF SUBDIVISION THREE OF  
56 SECTION SEVENTY-FOUR OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY

1 IN AN AMOUNT NOT TO EXCEED THE VALUE OF ANY GIFT, COMPENSATION OR BENE-  
2 FIT RECEIVED AS A RESULT OF SUCH VIOLATION. AN INDIVIDUAL WHO KNOWINGLY  
3 VIOLATES THE PROVISIONS OF PARAGRAPH J OF SUBDIVISION THREE OF SECTION  
4 SEVENTY-FOUR OF THIS ARTICLE SHALL BE SUBJECT TO A CIVIL PENALTY IN AN  
5 AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS. ASSESSMENT OF A CIVIL  
6 PENALTY HEREUNDER SHALL BE MADE BY THE COMMISSION WITH RESPECT TO  
7 PERSONS SUBJECT TO ITS JURISDICTION. FOR A VIOLATION OF THIS SUBDIVI-  
8 SION, OTHER THAN FOR CONDUCT WHICH CONSTITUTES A VIOLATION OF SUBDIVI-  
9 SION TWELVE OF SECTION SEVENTY-THREE OR SECTION SEVENTY-FOUR OF THIS  
10 ARTICLE, THE COMMISSION MAY, IN LIEU OF A CIVIL PENALTY, REFER A  
11 VIOLATION TO THE DISTRICT ATTORNEY OF THE COUNTY OR COUNTIES HAVING  
12 JURISDICTION OF THE ACT OR THE STATE ATTORNEY GENERAL AND UPON  
13 CONVICTION, SUCH VIOLATION SHALL BE PUNISHABLE AS A CLASS A MISDEMEANOR,  
14 EXCEPT THAT A VIOLATION OF SECTION ONE HUNDRED SEVEN OF THE CIVIL  
15 SERVICE LAW SHALL BE PUNISHABLE AS PROVIDED HEREIN. A CIVIL PENALTY FOR  
16 FALSE FILING MAY NOT BE IMPOSED HEREUNDER IN THE EVENT A CATEGORY OF  
17 "VALUE" OR "AMOUNT" REPORTED HEREUNDER IS INCORRECT UNLESS SUCH REPORTED  
18 INFORMATION IS FALSELY UNDERSTATED. NOTWITHSTANDING ANY OTHER PROVISION  
19 OF LAW TO THE CONTRARY, NO OTHER PENALTY, CIVIL OR CRIMINAL MAY BE  
20 IMPOSED FOR A FAILURE TO FILE, OR FOR A FALSE FILING, OF SUCH STATEMENT,  
21 OR A VIOLATION OF SECTION SEVENTY-THREE OF THIS ARTICLE, EXCEPT THAT THE  
22 APPOINTING AUTHORITY MAY IMPOSE DISCIPLINARY ACTION AS OTHERWISE  
23 PROVIDED BY LAW. THE STATE GOVERNMENT ETHICS COMMISSION MAY REFER  
24 VIOLATIONS OF THIS ARTICLE TO THE APPOINTING AUTHORITY FOR DISCIPLINARY  
25 ACTION AS OTHERWISE PROVIDED BY LAW. THE STATE GOVERNMENT ETHICS  
26 COMMISSION SHALL BE DEEMED TO BE AN AGENCY WITHIN THE MEANING OF ARTICLE  
27 THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT AND SHALL ADOPT RULES  
28 GOVERNING THE CONDUCT OF ADJUDICATORY PROCEEDINGS AND APPEALS TAKEN  
29 PURSUANT TO A PROCEEDING COMMENCED UNDER ARTICLE SEVENTY-EIGHT OF THE  
30 CIVIL PRACTICE LAW AND RULES RELATING TO THE ASSESSMENT OF THE CIVIL  
31 PENALTIES HEREIN AUTHORIZED AND COMMISSION DENIALS OF REQUESTS FOR  
32 CERTAIN DELETIONS OR EXEMPTIONS TO BE MADE FROM A FINANCIAL DISCLOSURE  
33 STATEMENT AS AUTHORIZED IN PARAGRAPH (H) OR PARAGRAPH (I) OF SUBDIVISION  
34 NINE OF THIS SECTION. SUCH RULES, WHICH SHALL NOT BE SUBJECT TO THE  
35 APPROVAL REQUIREMENTS OF THE STATE ADMINISTRATIVE PROCEDURE ACT, SHALL  
36 PROVIDE FOR DUE PROCESS PROCEDURAL MECHANISMS SUBSTANTIALLY SIMILAR TO  
37 THOSE SET FORTH IN ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE  
38 ACT BUT SUCH MECHANISMS NEED NOT BE IDENTICAL IN TERMS OR SCOPE. ASSESS-  
39 MENT OF A CIVIL PENALTY OR COMMISSION DENIAL OF SUCH A REQUEST SHALL BE  
40 FINAL UNLESS MODIFIED, SUSPENDED OR VACATED WITHIN THIRTY DAYS OF IMPO-  
41 SITION, WITH RESPECT TO THE ASSESSMENT OF SUCH PENALTY, OR UNLESS SUCH  
42 DENIAL OF REQUEST IS REVERSED WITHIN SUCH TIME PERIOD, AND UPON BECOMING  
43 FINAL SHALL BE SUBJECT TO REVIEW AT THE INSTANCE OF THE AFFECTED REPORT-  
44 ING INDIVIDUALS IN A PROCEEDING COMMENCED AGAINST THE STATE GOVERNMENT  
45 ETHICS COMMISSION, PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRAC-  
46 TICE LAW AND RULES.

47 14. A COPY OF ANY NOTICE OF DELINQUENCY OR NOTICE OF REASONABLE CAUSE  
48 SENT PURSUANT TO SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE  
49 INCLUDED IN THE REPORTING PERSON'S FILE AND BE AVAILABLE FOR PUBLIC  
50 INSPECTION UPON A FINDING OR FINAL DETERMINATION OF WRONGDOING OR A  
51 NOTICE OF CIVIL ASSESSMENT IS ISSUED.

52 15. UPON WRITTEN REQUEST FROM ANY PERSON WHO IS SUBJECT TO THE JURIS-  
53 DICTION OF THE COMMISSION TO THE REQUIREMENTS OF SECTIONS SEVENTY-THREE,  
54 SEVENTY-THREE-A, SEVENTY-THREE-D, SEVENTY-FOUR OF THIS ARTICLE OR ARTI-  
55 CLE FOURTEEN OF THE ELECTION LAW, THE COMMISSION SHALL RENDER ADVISORY  
56 OPINIONS ON THE REQUIREMENTS OF SAID PROVISIONS. AN OPINION RENDERED BY

1 THE COMMISSION, UNTIL AND UNLESS AMENDED OR REVOKED, SHALL BE BINDING ON  
2 THE COMMISSION IN ANY SUBSEQUENT PROCEEDING CONCERNING THE PERSON WHO  
3 REQUESTED THE OPINION AND WHO ACTED IN GOOD FAITH, UNLESS MATERIAL FACTS  
4 WERE OMITTED OR MISSTATED BY THE PERSON IN THE REQUEST FOR AN OPINION.  
5 SUCH OPINION MAY ALSO BE RELIED UPON BY SUCH PERSON, AND MAY BE INTRO-  
6 DUCED AND SHALL BE A DEFENSE, IN ANY CRIMINAL OR CIVIL ACTION. SUCH  
7 REQUESTS SHALL BE CONFIDENTIAL BUT THE COMMISSION MAY PUBLISH SUCH OPIN-  
8 IONS PROVIDED THAT THE NAME OF THE REQUESTING PERSON AND OTHER IDENTIFY-  
9 ING DETAILS SHALL NOT BE INCLUDED IN THE PUBLICATION.

10 16. IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED BY LAW, THE  
11 COMMISSION SHALL HAVE THE POWER AND DUTY TO:

12 (A) PROMULGATE RULES CONCERNING RESTRICTIONS ON OUTSIDE ACTIVITIES,  
13 LIMITATIONS ON THE RECEIPT OF GIFTS AND HONORARIA BY PERSONS SUBJECT TO  
14 ITS JURISDICTION, PROVIDED, HOWEVER, A VIOLATION OF SUCH RULES IN AND OF  
15 ITSELF SHALL NOT BE PUNISHABLE PURSUANT TO SUBDIVISION THIRTEEN OF THIS  
16 SECTION UNLESS THE CONDUCT CONSTITUTING THE VIOLATION WOULD OTHERWISE  
17 CONSTITUTE A VIOLATION OF THIS SECTION; AND

18 (B) CONDUCT TRAINING PROGRAMS IN COOPERATION WITH THE GOVERNOR'S  
19 OFFICE OF EMPLOYEE RELATIONS, THE LEGISLATURE, THE ATTORNEY GENERAL,  
20 OFFICE OF STATE COMPTROLLER AND UNIFIED COURT SYSTEM TO PROVIDE EDUCA-  
21 TION TO INDIVIDUALS SUBJECT TO ITS JURISDICTION; AND

22 (C) ADMINISTER AND ENFORCE ALL THE PROVISIONS OF THIS SECTION; AND

23 (D) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF  
24 THIS SECTION. PURSUANT TO THIS POWER AND DUTY, THE COMMISSION MAY ADMIN-  
25 ISTER OATHS OR AFFIRMATIONS, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE  
26 AND REQUIRE THE PRODUCTION OF ANY BOOKS OR RECORDS WHICH IT MAY DEEM  
27 RELEVANT OR MATERIAL.

28 16-A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS  
29 SUBDIVISION, THE COMMISSION SHALL CREATE AND THEREAFTER MAINTAIN A  
30 PUBLICLY ACCESSIBLE WEBSITE WHICH SHALL SET FORTH THE PROCEDURE FOR  
31 FILING A COMPLAINT WITH THE COMMISSION, AND WHICH SHALL CONTAIN THE  
32 DOCUMENTS IDENTIFIED IN SUBDIVISION SEVENTEEN OF THIS SECTION, OTHER  
33 THAN FINANCIAL DISCLOSURE STATEMENTS, AND ANY OTHER RECORDS OR INFORMA-  
34 TION WHICH THE COMMISSION DETERMINES TO BE APPROPRIATE.

35 17. (A) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SIX OF THIS CHAPTER,  
36 THE ONLY RECORDS OF THE COMMISSION WHICH SHALL BE AVAILABLE FOR PUBLIC  
37 INSPECTION AND COPYING ARE:

38 (1) THE INFORMATION SET FORTH IN AN ANNUAL STATEMENT OF FINANCIAL  
39 DISCLOSURE FILED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS CHAPTER  
40 EXCEPT THE CATEGORIES OF VALUE OR AMOUNT, WHICH SHALL REMAIN CONFIDEN-  
41 TIAL, AND ANY OTHER ITEM OF INFORMATION DELETED PURSUANT TO PARAGRAPH  
42 (H) OF SUBDIVISION NINE OF THIS SECTION;

43 (2) NOTICES OF DELINQUENCY SENT UNDER SUBDIVISION ELEVEN OF THIS  
44 SECTION;

45 (3) NOTICES OF REASONABLE CAUSE SENT UNDER PARAGRAPH (B) OF SUBDIVI-  
46 SION TWELVE OF THIS SECTION;

47 (4) NOTICES OF CIVIL ASSESSMENTS IMPOSED UNDER THIS SECTION WHICH  
48 SHALL INCLUDE A DESCRIPTION OF THE NATURE OF THE ALLEGED WRONGDOING, THE  
49 PROCEDURAL HISTORY OF THE COMPLAINT, THE FINDINGS AND DETERMINATIONS  
50 MADE BY THE COMMISSION, AND ANY SANCTION IMPOSED; AND

51 (5) THE TERMS OF ANY SETTLEMENT OR COMPROMISE OF A COMPLAINT OR REFER-  
52 RAL WHICH INCLUDES A FINE, PENALTY OR OTHER REMEDY.

53 (B) NOTWITHSTANDING THE PROVISIONS OF ARTICLE SEVEN OF THIS CHAPTER,  
54 NO MEETING OR PROCEEDING, INCLUDING ANY SUCH PROCEEDING CONTEMPLATED  
55 UNDER PARAGRAPH (H) OR (I) OF SUBDIVISION NINE OF THIS SECTION, OF THE

1 COMMISSION SHALL BE OPEN TO THE PUBLIC, EXCEPT IF EXPRESSLY PROVIDED  
2 OTHERWISE BY THE COMMISSION.

3 (C) PENDING ANY APPLICATION FOR DELETION OR EXEMPTION TO THE COMMIS-  
4 SION, ALL INFORMATION WHICH IS THE SUBJECT OR A PART OF THE APPLICATION  
5 SHALL REMAIN CONFIDENTIAL. UPON AN ADVERSE DETERMINATION BY THE COMMIS-  
6 SION, THE REPORTING INDIVIDUAL MAY REQUEST, AND UPON SUCH REQUEST THE  
7 COMMISSION SHALL PROVIDE, THAT ANY INFORMATION WHICH IS THE SUBJECT OR  
8 PART OF THE APPLICATION REMAIN CONFIDENTIAL FOR A PERIOD OF THIRTY DAYS  
9 FOLLOWING NOTICE OF SUCH DETERMINATION. IN THE EVENT THAT THE REPORTING  
10 INDIVIDUAL RESIGNS HIS OFFICE AND HOLDS NO OTHER OFFICE SUBJECT TO THE  
11 JURISDICTION OF THE COMMISSION, THE INFORMATION SHALL NOT BE MADE PUBLIC  
12 AND SHALL BE EXPUNGED IN ITS ENTIRETY.

13 18. IF ANY PART OR PROVISION OF THIS SECTION OR THE APPLICATION THERE-  
14 OF TO ANY PERSON OR ORGANIZATION IS ADJUDGED BY A COURT OF COMPETENT  
15 JURISDICTION TO BE UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH JUDGMENT  
16 SHALL NOT AFFECT OR IMPAIR ANY OTHER PART OR PROVISION OR THE APPLICA-  
17 TION THEREOF TO ANY OTHER PERSON OR ORGANIZATION, BUT SHALL BE CONFINED  
18 IN ITS OPERATION TO SUCH PART OR PROVISION.

19 S 5. Legislative declaration. The legislature hereby declares that the  
20 operation of responsible democratic government requires that the fullest  
21 opportunity be afforded to the people to petition their government for  
22 the redress of grievances and to express freely to appropriate officials  
23 their opinions on legislation and governmental operations; and that, to  
24 preserve and maintain the integrity of the governmental decision-making  
25 process in this state, it is necessary that the identity, expenditures  
26 and activities of persons and organizations retained, employed or desig-  
27 nated to influence the passage or defeat of any legislation by either  
28 house of the legislature or the approval, or veto, of any legislation by  
29 the governor and attempts to influence the adoption or rejection of any  
30 rule or regulation having the force and effect of law or the outcome of  
31 any rate making proceeding by a state agency, and the attempts to influ-  
32 ence the passage or defeat of any local law, ordinance, or regulation be  
33 publicly and regularly disclosed.

34 S 6. The public officers law is amended by adding a new section 73-d  
35 to read as follows:

36 S 73-D. LOBBYING ACTIVITY. 1. SHORT TITLE. THIS SECTION SHALL BE  
37 KNOWN AND MAY BE CITED AS THE "LOBBYING ACT".

38 2. DEFINITIONS. AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE  
39 REQUIRES:

40 (A) THE TERM "LOBBYIST" SHALL MEAN EVERY PERSON OR ORGANIZATION  
41 RETAINED, EMPLOYED OR DESIGNATED BY ANY CLIENT TO ENGAGE IN DIRECTLY OR  
42 TO SOLICIT OTHERS TO COMMUNICATE FOR THE PURPOSES OF LOBBYING. THE TERM  
43 "LOBBYIST" SHALL NOT INCLUDE ANY OFFICER, DIRECTOR, TRUSTEE, EMPLOYEE,  
44 COUNSEL OR AGENT OF THE STATE, OR ANY MUNICIPALITY OR SUBDIVISION THERE-  
45 OF OF NEW YORK WHEN DISCHARGING THEIR OFFICIAL DUTIES; EXCEPT THOSE  
46 OFFICERS, DIRECTORS, TRUSTEES, EMPLOYEES, COUNSELS, OR AGENTS OF  
47 COLLEGES, AS DEFINED BY SECTION TWO OF THE EDUCATION LAW.

48 (B) THE TERM "CLIENT" SHALL MEAN EVERY PERSON OR ORGANIZATION WHO  
49 RETAINS, EMPLOYS OR DESIGNATES ANY PERSON OR ORGANIZATION TO CARRY ON  
50 LOBBYING ACTIVITIES ON BEHALF OF SUCH CLIENT.

51 (C) THE TERM "LOBBYING" OR "LOBBYING ACTIVITIES" SHALL MEAN AND  
52 INCLUDE ANY ATTEMPT BY A PERSON OR ENTITY TO DIRECTLY OR TO SOLICIT  
53 OTHERS TO COMMUNICATE FOR THE PURPOSE OF INFLUENCING:

54 (I) THE PASSAGE OR DEFEAT OF ANY LEGISLATION BY EITHER HOUSE OF THE  
55 STATE LEGISLATURE OR APPROVAL OR DISAPPROVAL OF ANY LEGISLATION BY THE  
56 GOVERNOR;

1 (II) THE ADOPTION, ISSUANCE, RESCISSION, MODIFICATION OR TERMS OF A  
2 GUBERNATORIAL EXECUTIVE ORDER;

3 (III) THE ADOPTION OR REJECTION OF ANY PROCEDURE, RULE OR REGULATION  
4 HAVING THE FORCE AND EFFECT OF LAW BY A STATE AGENCY;

5 (IV) THE OUTCOME OF ANY RATE MAKING PROCEEDING BY A STATE AGENCY;

6 (V) ANY DETERMINATION: (A) BY A PUBLIC OFFICIAL, OR BY A PERSON OR  
7 ENTITY WORKING IN COOPERATION WITH A PUBLIC OFFICIAL RELATED TO A  
8 GOVERNMENTAL PROCUREMENT, (B) BY AN OFFICER OR EMPLOYEE OF THE UNIFIED  
9 COURT SYSTEM, OR BY A PERSON OR ENTITY WORKING IN COOPERATION WITH AN  
10 OFFICER OR EMPLOYEE OF THE UNIFIED COURT SYSTEM RELATED TO A GOVERN-  
11 MENTAL PROCUREMENT, OR (C) BY THE STATE OR NEW YORK CITY COMPTROLLER  
12 WORKING IN COOPERATION WITH A PERSON OR ENTITY FOR THE INVESTMENT OF  
13 PUBLIC PENSION FUNDS;

14 (VI) THE APPROVAL, DISAPPROVAL, IMPLEMENTATION OR ADMINISTRATION OF  
15 TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-  
16 STATE AGREEMENTS AND ANY OTHER STATE ACTIONS RELATED TO CLASS III GAMING  
17 AS PROVIDED IN 25 U.S.C. S 2701, EXCEPT TO THE EXTENT DESIGNATION OF  
18 SUCH ACTIVITIES AS "LOBBYING" IS BARRED BY THE FEDERAL INDIAN GAMING  
19 REGULATORY ACT, BY A PUBLIC OFFICIAL OR BY A PERSON OR ENTITY WORKING IN  
20 COOPERATION WITH A PUBLIC OFFICIAL IN RELATION TO SUCH APPROVAL, DISAP-  
21 PROVAL, IMPLEMENTATION OR ADMINISTRATION;

22 (VII) THE PASSAGE OR DEFEAT OF ANY LOCAL LAW, ORDINANCE, RESOLUTION,  
23 OR REGULATION BY ANY MUNICIPALITY OR SUBDIVISION THEREOF;

24 (VIII) THE ADOPTION, ISSUANCE, RESCISSION, MODIFICATION OR TERMS OF AN  
25 EXECUTIVE ORDER ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY;

26 (IX) THE ADOPTION OR REJECTION OF ANY RULE, REGULATION, OR RESOLUTION  
27 HAVING THE FORCE AND EFFECT OF A LOCAL LAW, ORDINANCE, RESOLUTION, OR  
28 REGULATION; OR

29 (X) THE OUTCOME OF ANY RATE MAKING PROCEEDING BY ANY MUNICIPALITY OR  
30 SUBDIVISION THEREOF.

31 THE TERM "LOBBYING" SHALL NOT INCLUDE:

32 (A) PERSONS ENGAGED IN DRAFTING, ADVISING CLIENTS ON OR RENDERING  
33 OPINIONS ON PROPOSED LEGISLATION, RULES, REGULATIONS OR RATES, MUNICIPAL  
34 ORDINANCES AND RESOLUTIONS, EXECUTIVE ORDERS, PROCUREMENT CONTRACTS, OR  
35 TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-  
36 STATE AGREEMENTS OR OTHER WRITTEN MATERIALS RELATED TO CLASS III GAMING  
37 AS PROVIDED IN 25 U.S.C. S 2701, WHEN SUCH PROFESSIONAL SERVICES ARE NOT  
38 OTHERWISE CONNECTED WITH STATE OR MUNICIPAL LEGISLATIVE OR EXECUTIVE  
39 ACTION ON SUCH LEGISLATION, RULES, REGULATIONS OR RATES, MUNICIPAL ORDI-  
40 NANCES AND RESOLUTIONS, EXECUTIVE ORDERS, PROCUREMENT CONTRACTS, OR  
41 TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER TRIBAL-  
42 STATE AGREEMENTS OR OTHER WRITTEN MATERIALS RELATED TO CLASS III GAMING  
43 AS PROVIDED IN 25 U.S.C. S 2701;

44 (B) NEWSPAPERS AND OTHER PERIODICALS AND RADIO AND TELEVISION  
45 STATIONS, AND OWNERS AND EMPLOYEES THEREOF, PROVIDED THAT THEIR ACTIV-  
46 ITIES IN CONNECTION WITH PROPOSED LEGISLATION, RULES, REGULATIONS OR  
47 RATES, MUNICIPAL ORDINANCES AND RESOLUTIONS, EXECUTIVE ORDERS,  
48 TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING OR OTHER TRIBAL-STATE  
49 AGREEMENTS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701,  
50 OR PROCUREMENT CONTRACTS BY A STATE AGENCY, MUNICIPAL AGENCY, LOCAL  
51 LEGISLATIVE BODY, THE STATE LEGISLATURE, OR THE UNIFIED COURT SYSTEM,  
52 ARE LIMITED TO THE PUBLICATION OR BROADCAST OF NEWS ITEMS, EDITORIALS OR  
53 OTHER COMMENTS, OR PAID ADVERTISEMENTS;

54 (C) PERSONS WHO PARTICIPATE AS WITNESSES, ATTORNEYS OR OTHER REPRESEN-  
55 TATIVES IN PUBLIC PROCEEDINGS OF A STATE OR MUNICIPAL AGENCY WITH  
56 RESPECT TO ALL PARTICIPATION BY SUCH PERSONS WHICH IS PART OF THE PUBLIC

1 RECORD THEREOF AND ALL PREPARATION BY SUCH PERSONS FOR SUCH PARTIC-  
2 IPATION;

3 (D) PERSONS WHO ATTEMPT TO INFLUENCE A STATE OR MUNICIPAL AGENCY IN AN  
4 ADJUDICATORY PROCEEDING, AS "ADJUDICATORY PROCEEDING" IS DEFINED BY  
5 SECTION ONE HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT;

6 (E) PERSONS WHO PREPARE OR SUBMIT A RESPONSE TO A REQUEST FOR INFORMA-  
7 TION OR COMMENTS BY THE STATE LEGISLATURE, THE GOVERNOR, OR A STATE  
8 AGENCY OR A COMMITTEE OR OFFICER OF THE LEGISLATURE OR A STATE AGENCY,  
9 OR BY THE UNIFIED COURT SYSTEM, OR BY A LEGISLATIVE OR EXECUTIVE BODY OR  
10 OFFICER OF A MUNICIPALITY OR A COMMISSION, COMMITTEE OR OFFICER OF A  
11 MUNICIPAL LEGISLATIVE OR EXECUTIVE BODY;

12 (F) ANY ATTEMPT BY A CHURCH, ITS INTEGRATED AUXILIARY, OR A CONVENTION  
13 OR ASSOCIATION OF CHURCHES THAT IS EXEMPT FROM FILING A FEDERAL INCOME  
14 TAX RETURN UNDER PARAGRAPH (A)(I) OF SECTION 6033(A) OF TITLE 26 OF THE  
15 UNITED STATES CODE OR A RELIGIOUS ORDER THAT IS EXEMPT FROM FILING A  
16 FEDERAL INCOME TAX RETURN UNDER PARAGRAPH (2)(A)(III) OF SUCH SECTION  
17 6033(A) TO INFLUENCE PASSAGE OR DEFEAT OF A LOCAL LAW, ORDINANCE, RESOL-  
18 UTION OR REGULATION OR ANY RULE OR REGULATION HAVING THE FORCE AND  
19 EFFECT OF A LOCAL LAW, ORDINANCE OR REGULATION;

20 (G) ANY ACTIVITY RELATING TO GOVERNMENTAL PROCUREMENTS MADE UNDER  
21 SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW UNDERTAKEN BY (I)  
22 THE NON-PROFIT-MAKING AGENCIES APPOINTED PURSUANT TO PARAGRAPH E OF  
23 SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE  
24 LAW BY THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES,  
25 THE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED, OR THE COMMIS-  
26 SIONER OF EDUCATION, AND (II) THE QUALIFIED CHARITABLE NON-PROFIT-MAKING  
27 AGENCIES FOR THE BLIND, AND QUALIFIED CHARITABLE NON-PROFIT-MAKING AGEN-  
28 CIES FOR OTHER SEVERELY DISABLED PERSONS AS IDENTIFIED IN SUBDIVISION  
29 TWO OF SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW; PROVIDED,  
30 HOWEVER, THAT ANY ATTEMPT TO INFLUENCE THE ISSUANCE OR TERMS OF THE  
31 SPECIFICATIONS THAT SERVE AS THE BASIS FOR BID DOCUMENTS, REQUESTS FOR  
32 PROPOSALS, INVITATIONS FOR BIDS, OR SOLICITATIONS OF PROPOSALS, OR ANY  
33 OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT  
34 IN A PROCUREMENT CONTRACT WITH A STATE AGENCY, THE STATE LEGISLATURE,  
35 THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY  
36 SHALL NOT BE EXEMPT FROM THE DEFINITION OF "LOBBYING" OR "LOBBYING  
37 ACTIVITIES" UNDER THIS CLAUSE;

38 (H) PARTICIPANTS, INCLUDING THOSE APPEARING ON BEHALF OF A CLIENT, IN  
39 A CONFERENCE PROVIDED FOR IN A REQUEST FOR PROPOSALS, INVITATION FOR  
40 BIDS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS  
41 INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

42 (I) OFFERERS WHO HAVE BEEN TENTATIVELY AWARDED A CONTRACT AND ARE  
43 ENGAGED IN COMMUNICATIONS WITH A STATE AGENCY, EITHER HOUSE OF THE STATE  
44 LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL  
45 LEGISLATIVE BODY SOLELY FOR THE PURPOSE OF NEGOTIATING THE TERMS OF THE  
46 PROCUREMENT CONTRACT AFTER BEING NOTIFIED OF SUCH AWARD OR, WHEN A STATE  
47 AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM,  
48 A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IS PURCHASING AN ARTICLE OF  
49 PROCUREMENT PURSUANT TO AN EXISTING STATE PROCUREMENT CONTRACT, OFFERERS  
50 WHO ARE ENGAGED IN COMMUNICATIONS WITH THE PROCURING ENTITY SOLELY FOR  
51 THE PURPOSE OF NEGOTIATING TERMS APPLICABLE TO THAT PURCHASE; OR PERSONS  
52 WHO CURRENTLY HOLD A FRANCHISE AND WHO ARE ENGAGED IN NEGOTIATING THE  
53 TERMS OF A TENTATIVE FRANCHISE RENEWAL CONTRACT WITH A MUNICIPALITY, BUT  
54 SUCH NEGOTIATIONS, WHICH DO NOT CONSTITUTE LOBBYING, DO NOT INCLUDE  
55 COMMUNICATIONS TO THE LOCAL LEGISLATIVE BODY THAT MUST APPROVE THE  
56 CONTRACT; PROVIDED, HOWEVER, THAT ANY ATTEMPT TO INFLUENCE THE FINAL

1 ISSUANCE OR TERMS OF THE SPECIFICATIONS THAT SERVE AS THE BASIS FOR BID  
2 DOCUMENTS, REQUESTS FOR PROPOSALS, INVITATIONS FOR BIDS, OR SOLICITA-  
3 TIONS OF PROPOSALS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM  
4 OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT WITH A STATE  
5 AGENCY, THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL  
6 AGENCY OR LOCAL LEGISLATIVE BODY SHALL NOT BE EXEMPT FROM THE DEFINITION  
7 OF "LOBBYING" OR "LOBBYING ACTIVITIES" UNDER THIS SUBPARAGRAPH;

8 (J) (I) OFFERERS OR OTHER PERSONS WHO ARE A PARTY TO A PROTEST, APPEAL  
9 OR OTHER REVIEW PROCEEDING (INCLUDING THE APPARENT SUCCESSFUL BIDDER OR  
10 PROPOSER AND HIS OR HER REPRESENTATIVES) BEFORE THE GOVERNMENTAL ENTITY  
11 CONDUCTING THE PROCUREMENT SEEKING A FINAL ADMINISTRATIVE DETERMINATION,  
12 OR IN A SUBSEQUENT JUDICIAL PROCEEDING; OR

13 (II) OFFERERS OR OTHER PERSONS WHO BRING COMPLAINTS OF ALLEGED IMPROP-  
14 ER CONDUCT IN A GOVERNMENTAL PROCUREMENT TO THE ATTORNEY GENERAL,  
15 INSPECTOR GENERAL, DISTRICT ATTORNEY, OR COURT OF COMPETENT JURISDIC-  
16 TION; OR

17 (III) OFFERERS OR OTHER PERSONS WHO SUBMIT WRITTEN PROTESTS, APPEALS  
18 OR COMPLAINTS TO THE STATE COMPTROLLER'S OFFICE DURING THE PROCESS OF  
19 CONTRACT APPROVAL, WHERE THE STATE COMPTROLLER'S APPROVAL IS REQUIRED BY  
20 LAW, AND WHERE SUCH COMMUNICATIONS AND ANY RESPONSES THERETO ARE MADE IN  
21 WRITING AND SHALL BE ENTERED IN THE PROCUREMENT RECORD PURSUANT TO  
22 SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW; OR

23 (IV) OFFERERS OR OTHER PERSONS WHO BRING COMPLAINTS OF ALLEGED IMPROP-  
24 ER CONDUCT IN A GOVERNMENTAL PROCUREMENT CONDUCTED BY A MUNICIPAL AGENCY  
25 OR LOCAL LEGISLATIVE BODY TO THE STATE COMPTROLLER'S OFFICE; PROVIDED,  
26 HOWEVER, THAT NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED AS RECOG-  
27 NIZING OR CREATING ANY NEW RIGHTS, DUTIES OR RESPONSIBILITIES OR ABRO-  
28 GATING ANY EXISTING RIGHTS, DUTIES OR RESPONSIBILITIES OF ANY GOVERN-  
29 MENTAL ENTITY AS IT PERTAINS TO IMPLEMENTATION AND ENFORCEMENT OF  
30 ARTICLE ELEVEN OF THE STATE FINANCE LAW OR ANY OTHER PROVISION OF LAW  
31 DEALING WITH THE GOVERNMENTAL PROCUREMENT PROCESS;

32 (K) THE SUBMISSION OF A BID OR PROPOSAL (WHETHER SUBMITTED ORALLY, IN  
33 WRITING OR ELECTRONICALLY) IN RESPONSE TO A REQUEST FOR PROPOSALS, INVI-  
34 TATION FOR BIDS OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM  
35 OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

36 (L) OFFERERS SUBMITTING WRITTEN QUESTIONS TO A DESIGNATED CONTACT OF A  
37 STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT  
38 SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY SET FORTH IN A  
39 REQUEST FOR PROPOSALS, OR INVITATION FOR BIDS OR ANY OTHER METHOD FOR  
40 SOLICITING A RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT  
41 CONTRACT, WHEN ALL WRITTEN QUESTIONS AND RESPONSES ARE TO BE DISSEM-  
42 INATED TO ALL OFFERERS WHO HAVE EXPRESSED AN INTEREST IN THE REQUEST FOR  
43 PROPOSALS, OR INVITATION FOR BIDS, OR ANY OTHER METHOD FOR SOLICITING A  
44 RESPONSE FROM OFFERERS INTENDING TO RESULT IN A PROCUREMENT CONTRACT;

45 (M) CONTACTS DURING GOVERNMENTAL PROCUREMENTS BETWEEN DESIGNATED STAFF  
46 OF A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED  
47 COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY INVOLVED IN  
48 GOVERNMENTAL PROCUREMENTS AND OFFICERS OR EMPLOYEES OF BIDDERS OR POTEN-  
49 TIAL BIDDERS, OR OFFICERS OR EMPLOYEES OF SUBCONTRACTORS OF BIDDERS OR  
50 POTENTIAL BIDDERS, WHO ARE CHARGED WITH THE PERFORMANCE OF FUNCTIONS  
51 RELATING TO CONTRACTS AND WHO ARE QUALIFIED BY EDUCATION, TRAINING OR  
52 EXPERIENCE TO PROVIDE TECHNICAL SERVICES TO EXPLAIN, CLARIFY OR DEMON-  
53 STRATE THE QUALITIES, CHARACTERISTICS OR ADVANTAGES OF AN ARTICLE OF  
54 PROCUREMENT. SUCH AUTHORIZED CONTACTS SHALL: (I) BE LIMITED TO PROVIDING  
55 INFORMATION TO THE STAFF OF A STATE AGENCY, EITHER HOUSE OF THE STATE  
56 LEGISLATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY AND LOCAL

1 LEGISLATIVE BODY TO ASSIST THEM IN UNDERSTANDING AND ASSESSING THE QUAL-  
2 ITIES, CHARACTERISTICS OR ANTICIPATED PERFORMANCE OF AN ARTICLE OF  
3 PROCUREMENT; (II) NOT INCLUDE ANY RECOMMENDATIONS OR ADVOCATE ANY  
4 CONTRACT PROVISIONS; AND (III) OCCUR ONLY AT SUCH TIMES AND IN SUCH  
5 MANNER AS AUTHORIZED UNDER THE PROCURING ENTITY'S SOLICITATION OR GUIDE-  
6 LINES AND PROCEDURES. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM  
7 "TECHNICAL SERVICES" SHALL BE LIMITED TO ANALYSIS DIRECTLY APPLYING ANY  
8 ACCOUNTING, ENGINEERING, SCIENTIFIC, OR OTHER SIMILAR TECHNICAL DISCI-  
9 PLINES;

10 (N) APPLICATIONS FOR LICENSES, CERTIFICATES, AND PERMITS AUTHORIZED BY  
11 STATUTES OR LOCAL LAWS OR ORDINANCES;

12 (O) THE ACTIVITIES OF PERSONS WHO ARE COMMISSION SALESPERSONS WITH  
13 RESPECT TO GOVERNMENTAL PROCUREMENTS;

14 (P) COMMUNICATIONS MADE BY AN OFFICER OR EMPLOYEE OF THE OFFERER AFTER  
15 THE AWARD OF THE PROCUREMENT CONTRACT WHEN SUCH COMMUNICATIONS ARE IN  
16 THE ORDINARY COURSE OF PROVIDING THE ARTICLE OF PROCUREMENT PROVIDED BY  
17 THE PROCUREMENT CONTRACT AND IN THE ORDINARY COURSE OF THE ASSIGNED  
18 DUTIES OF THE OFFICER OR EMPLOYEE; PROVIDED, HOWEVER, THAT NOTHING HERE-  
19 IN SHALL EXEMPT: (I) AN OFFICER OR EMPLOYEE WHOSE PRIMARY PURPOSE OF  
20 EMPLOYMENT IS TO ENGAGE IN LOBBYING ACTIVITIES WITH REGARD TO GOVERN-  
21 MENTAL PROCUREMENTS, OR (II) AN AGENT OR INDEPENDENT CONTRACTOR HIRED BY  
22 AN OFFERER AND WHOSE PRIMARY DUTY IS TO ENGAGE IN LOBBYING ACTIVITIES  
23 WITH REGARD TO GOVERNMENTAL PROCUREMENTS; AND

24 (Q) PERSONS WHO COMMUNICATE WITH PUBLIC OFFICIALS WHERE SUCH COMMUNI-  
25 CATIONS ARE LIMITED TO OBTAINING FACTUAL INFORMATION RELATED TO BENEFITS  
26 OR INCENTIVES OFFERED BY A STATE OR MUNICIPAL AGENCY AND WHERE SUCH  
27 COMMUNICATIONS DO NOT INCLUDE ANY RECOMMENDATIONS OR ADVOCATE GOVERN-  
28 MENTAL ACTION OR CONTRACT PROVISIONS, AND FURTHER WHERE SUCH COMMUNI-  
29 CATIONS ARE NOT OTHERWISE CONNECTED WITH PENDING LEGISLATIVE OR EXECU-  
30 TIVE ACTION OR DETERMINATIONS; PROVIDED, HOWEVER, THAT ANY PERSON WHO IS  
31 OTHERWISE REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS  
32 SECTION BY VIRTUE OF ENGAGING IN LOBBYING ACTIVITIES AS DEFINED IN THIS  
33 PARAGRAPH SHALL NOT BE DEEMED TO FALL WITHIN THE EXCEPTION PROVIDED FOR  
34 UNDER THIS SUBPARAGRAPH.

35 (D) THE TERM "ORGANIZATION" SHALL MEAN ANY CORPORATION, COMPANY, FOUN-  
36 DATION, ASSOCIATION, COLLEGE AS DEFINED BY SECTION TWO OF THE EDUCATION  
37 LAW, LABOR ORGANIZATION, FIRM, PARTNERSHIP, SOCIETY, JOINT STOCK COMPA-  
38 NY, STATE AGENCY OR PUBLIC CORPORATION.

39 (E) THE TERM "STATE AGENCY" SHALL MEAN ANY DEPARTMENT, BOARD, BUREAU,  
40 COMMISSION, DIVISION, OFFICE, COUNCIL, COMMITTEE OR OFFICER OF THE  
41 STATE, WHETHER PERMANENT OR TEMPORARY, OR A PUBLIC BENEFIT CORPORATION  
42 OR PUBLIC AUTHORITY AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE  
43 GOVERNOR, AUTHORIZED BY LAW TO MAKE RULES OR TO MAKE FINAL DECISIONS IN  
44 ADJUDICATORY PROCEEDINGS BUT SHALL NOT INCLUDE THE JUDICIAL BRANCH OR  
45 AGENCIES CREATED BY INTERSTATE COMPACT OR INTERNATIONAL AGREEMENT.

46 (F) THE TERM "COMMISSION" SHALL MEAN THE STATE GOVERNMENT ETHICS  
47 COMMISSION CREATED BY SECTION SEVENTY-THREE-C OF THIS ARTICLE.

48 (G) THE TERM "EXPENSE" OR "EXPENSES" SHALL MEAN ANY EXPENDITURES  
49 INCURRED BY OR REIMBURSED TO THE LOBBYIST FOR LOBBYING BUT SHALL NOT  
50 INCLUDE CONTRIBUTIONS REPORTABLE PURSUANT TO ARTICLE FOURTEEN OF THE  
51 ELECTION LAW.

52 (H) THE TERM "COMPENSATION" SHALL MEAN ANY SALARY, FEE, GIFT, PAYMENT,  
53 BENEFIT, LOAN, ADVANCE OR ANY OTHER THING OF VALUE PAID, OWED, GIVEN OR  
54 PROMISED TO THE LOBBYIST BY THE CLIENT FOR LOBBYING BUT SHALL NOT  
55 INCLUDE CONTRIBUTIONS REPORTABLE PURSUANT TO ARTICLE FOURTEEN OF THE  
56 ELECTION LAW.

1 (I) THE TERM "PUBLIC CORPORATION" SHALL MEAN A MUNICIPAL CORPORATION,  
2 A DISTRICT CORPORATION, OR A PUBLIC BENEFIT CORPORATION AS DEFINED IN  
3 SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION LAW.

4 (J) THE TERM "GIFT" SHALL MEAN ANYTHING OVER TEN DOLLARS IN VALUE  
5 GIVEN TO A PUBLIC OFFICIAL IN ANY FORM INCLUDING, BUT NOT LIMITED TO  
6 MONEY, SERVICE, LOAN, TRAVEL, LODGING, MEALS, REFRESHMENTS, ENTER-  
7 TAINMENT, DISCOUNT, FORBEARANCE, OR PROMISE, HAVING A MONETARY VALUE.  
8 THE FOLLOWING ARE EXCLUDED FROM THE DEFINITION OF A GIFT:

9 (I) COMPLIMENTARY ATTENDANCE, INCLUDING FOOD AND BEVERAGE, AT BONA  
10 FIDE CHARITABLE OR POLITICAL EVENTS, AND FOOD AND BEVERAGE OF A NOMINAL  
11 VALUE GREATER THAN TEN DOLLARS OFFERED OTHER THAN AS PART OF A MEAL;

12 (II) COMPLIMENTARY ATTENDANCE, FOOD AND BEVERAGE OFFERED BY THE SPON-  
13 SOR OF AN EVENT THAT IS WIDELY ATTENDED OR WAS IN GOOD FAITH INTENDED TO  
14 BE WIDELY ATTENDED, WHEN ATTENDANCE AT THE EVENT IS RELATED TO THE  
15 ATTENDEE'S DUTIES OR RESPONSIBILITIES AS A PUBLIC OFFICIAL OR ALLOWS THE  
16 PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPROPRIATE TO HIS OR  
17 HER POSITION. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM WIDELY  
18 ATTENDED SHALL MEAN THAT THE INTENT OF THE EVENT SPONSOR IS TO INVITE  
19 MORE THAN TWENTY-FIVE STATE OFFICERS WHO REPRESENT DIVERSE VIEWS AND TO  
20 ENCOURAGE DIALOGUE AMONG THE PARTICIPANTS;

21 (III) AWARDS, PLAQUES, AND OTHER CEREMONIAL ITEMS WHICH ARE PUBLICLY  
22 PRESENTED, OR INTENDED TO BE PUBLICLY PRESENTED, IN RECOGNITION OF  
23 PUBLIC SERVICE, PROVIDED THAT THE ITEM OR ITEMS ARE OF THE TYPE CUSTOM-  
24 ARILY BESTOWED AT SUCH OR SIMILAR CEREMONIES AND ARE OTHERWISE REASON-  
25 ABLE UNDER THE CIRCUMSTANCES, AND FURTHER PROVIDED THAT THE FUNCTIONALI-  
26 TY OF SUCH ITEMS SHALL NOT DETERMINE WHETHER SUCH ITEMS ARE PERMITTED  
27 UNDER THIS PARAGRAPH;

28 (IV) AN HONORARY DEGREE BESTOWED UPON A PUBLIC OFFICIAL BY A PUBLIC OR  
29 PRIVATE COLLEGE OR UNIVERSITY;

30 (V) PROMOTIONAL ITEMS HAVING NO SUBSTANTIAL RESALE VALUE SUCH AS PENS,  
31 MUGS, CALENDARS, HATS, AND T-SHIRTS WHICH BEAR AN ORGANIZATION'S NAME,  
32 LOGO, OR MESSAGE IN A MANNER WHICH PROMOTES THE ORGANIZATION'S CAUSE;

33 (VI) GOODS AND SERVICES, OR DISCOUNTS FOR GOODS AND SERVICES, OFFERED  
34 TO THE GENERAL PUBLIC OR A SEGMENT OF THE GENERAL PUBLIC DEFINED ON A  
35 BASIS OTHER THAN STATUS AS A PUBLIC OFFICIAL AND OFFERED ON THE SAME  
36 TERMS AND CONDITIONS AS THE GOODS OR SERVICES ARE OFFERED TO THE GENERAL  
37 PUBLIC OR SEGMENT THEREOF;

38 (VII) GIFTS FROM A FAMILY MEMBER, MEMBER OF THE SAME HOUSEHOLD, OR  
39 PERSON WITH A PERSONAL RELATIONSHIP WITH THE PUBLIC OFFICIAL, INCLUDING  
40 INVITATIONS TO ATTEND PERSONAL OR FAMILY SOCIAL EVENTS, WHEN THE CIRCUM-  
41 STANCES ESTABLISH THAT IT IS THE FAMILY, HOUSEHOLD, OR PERSONAL  
42 RELATIONSHIP THAT IS THE PRIMARY MOTIVATING FACTOR; IN DETERMINING MOTI-  
43 VATION, THE FOLLOWING FACTORS SHALL BE AMONG THOSE CONSIDERED: (A) THE  
44 HISTORY AND NATURE OF THE RELATIONSHIP BETWEEN THE DONOR AND THE RECIPI-  
45 ENT, INCLUDING WHETHER OR NOT ITEMS HAVE PREVIOUSLY BEEN EXCHANGED; (B)  
46 WHETHER THE ITEM WAS PURCHASED BY THE DONOR; AND (C) WHETHER OR NOT THE  
47 DONOR AT THE SAME TIME GAVE SIMILAR ITEMS TO OTHER PUBLIC OFFICIALS; THE  
48 TRANSFER SHALL NOT BE CONSIDERED TO BE MOTIVATED BY A FAMILY, HOUSEHOLD,  
49 OR PERSONAL RELATIONSHIP IF THE DONOR SEEKS TO CHARGE OR DEDUCT THE  
50 VALUE OF SUCH ITEM AS A BUSINESS EXPENSE OR SEEKS REIMBURSEMENT FROM A  
51 CLIENT;

52 (VIII) CONTRIBUTIONS REPORTABLE UNDER ARTICLE FOURTEEN OF THE ELECTION  
53 LAW;

54 (IX) TRAVEL REIMBURSEMENT OR PAYMENT FOR TRANSPORTATION, MEALS AND  
55 ACCOMMODATIONS FOR AN ATTENDEE, PANELIST OR SPEAKER AT AN INFORMATIONAL  
56 EVENT WHEN SUCH REIMBURSEMENT OR PAYMENT IS MADE BY A GOVERNMENTAL ENTI-

1 TY OR BY AN IN-STATE ACCREDITED PUBLIC OR PRIVATE INSTITUTION OF HIGHER  
2 EDUCATION THAT HOSTS THE EVENT ON ITS CAMPUS, PROVIDED, HOWEVER, THAT  
3 THE PUBLIC OFFICIAL MAY ONLY ACCEPT LODGING FROM AN INSTITUTION OF HIGH-  
4 ER EDUCATION: (A) AT A LOCATION ON OR WITHIN CLOSE PROXIMITY TO THE HOST  
5 CAMPUS; AND (B) FOR THE NIGHT PRECEDING AND THE NIGHTS OF THE DAYS ON  
6 WHICH THE ATTENDEE, PANELIST OR SPEAKER ACTUALLY ATTENDS THE EVENT;  
7 (X) PROVISION OF LOCAL TRANSPORTATION TO INSPECT OR TOUR FACILITIES,  
8 OPERATIONS OR PROPERTY OWNED OR OPERATED BY THE ENTITY PROVIDING SUCH  
9 TRANSPORTATION, PROVIDED, HOWEVER, THAT PAYMENT OR REIMBURSEMENT OF  
10 LODGING, MEALS OR TRAVEL EXPENSES TO AND FROM THE LOCALITY WHERE SUCH  
11 FACILITIES, OPERATIONS OR PROPERTY ARE LOCATED SHALL BE CONSIDERED TO BE  
12 GIFTS UNLESS OTHERWISE PERMITTED UNDER THIS SUBDIVISION; AND  
13 (XI) MEALS OR REFRESHMENTS WHEN PARTICIPATING IN A PROFESSIONAL OR  
14 EDUCATIONAL PROGRAM AND THE MEALS OR REFRESHMENTS ARE PROVIDED TO ALL  
15 PARTICIPANTS.  
16 (K) THE TERM "MUNICIPALITY" SHALL MEAN ANY JURISDICTIONAL SUBDIVISION  
17 OF THE STATE, INCLUDING BUT NOT LIMITED TO COUNTIES, CITIES, TOWNS,  
18 VILLAGES, IMPROVEMENT DISTRICTS AND SPECIAL DISTRICTS, WITH A POPULATION  
19 OF MORE THAN FIFTY THOUSAND, AND INDUSTRIAL DEVELOPMENT AGENCIES IN  
20 JURISDICTIONAL SUBDIVISIONS WITH A POPULATION OF MORE THAN FIFTY THOU-  
21 SAND; AND PUBLIC AUTHORITIES, AND PUBLIC CORPORATIONS, BUT SHALL NOT  
22 INCLUDE SCHOOL DISTRICTS.  
23 (L) THE TERM "PUBLIC OFFICIAL" SHALL MEAN:  
24 (I) THE GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENER-  
25 AL;  
26 (II) MEMBERS OF THE STATE LEGISLATURE;  
27 (III) STATE OFFICERS AND EMPLOYEES INCLUDING:  
28 (A) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS OTHER  
29 THAN MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF  
30 NEW YORK WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM  
31 BASIS,  
32 (B) OFFICERS AND EMPLOYEES OF STATE ELECTED OFFICIALS,  
33 (C) OFFICERS AND EMPLOYEES OF STATE DEPARTMENTS, BOARDS, BUREAUS,  
34 DIVISIONS, COMMISSIONS, COUNCILS OR OTHER STATE AGENCIES,  
35 (D) MEMBERS OR DIRECTORS OF PUBLIC AUTHORITIES, OTHER THAN MULTI-STATE  
36 AUTHORITIES, PUBLIC BENEFIT CORPORATIONS AND COMMISSIONS AT LEAST ONE OF  
37 WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, AND EMPLOYEES OF SUCH  
38 AUTHORITIES, CORPORATIONS AND COMMISSIONS;  
39 (IV) OFFICERS AND EMPLOYEES OF THE LEGISLATURE; AND  
40 (V) MUNICIPAL OFFICERS AND EMPLOYEES INCLUDING AN OFFICER OR EMPLOYEE  
41 OF A MUNICIPAL ENTITY, WHETHER PAID OR UNPAID, INCLUDING MEMBERS OF ANY  
42 ADMINISTRATIVE BOARD, COMMISSION OR OTHER AGENCY THEREOF AND IN THE CASE  
43 OF A COUNTY, SHALL BE DEEMED TO ALSO INCLUDE ANY OFFICER OR EMPLOYEE  
44 PAID FROM COUNTY FUNDS. NO PERSON SHALL BE DEEMED TO BE A MUNICIPAL  
45 OFFICER OR EMPLOYEE SOLELY BY REASON OF BEING A VOLUNTEER FIREMAN OR  
46 CIVIL DEFENSE VOLUNTEER, EXCEPT A FIRE CHIEF OR ASSISTANT FIRE CHIEF.  
47 (M) THE TERM "RESTRICTED PERIOD" SHALL MEAN THE PERIOD OF TIME  
48 COMMENCING WITH THE EARLIEST WRITTEN NOTICE, ADVERTISEMENT OR SOLICITA-  
49 TION OF A REQUEST FOR PROPOSAL, INVITATION FOR BIDS, OR SOLICITATION OF  
50 PROPOSALS, OR ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS  
51 INTENDING TO RESULT IN A PROCUREMENT CONTRACT WITH A STATE AGENCY,  
52 EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, OR A  
53 MUNICIPAL AGENCY, AS THAT TERM IS DEFINED BY SUBPARAGRAPH (II) OF PARA-  
54 GRAPH (S) OF THIS SUBDIVISION, AND ENDING WITH THE FINAL CONTRACT AWARD  
55 AND APPROVAL BY THE STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE,  
56 THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED

1 BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF THIS SUBDIVISION, AND, WHERE  
2 APPLICABLE, THE STATE COMPTROLLER.

3 (N) THE TERM "REVENUE CONTRACT" SHALL MEAN ANY WRITTEN AGREEMENT  
4 BETWEEN A STATE OR MUNICIPAL AGENCY OR A LOCAL LEGISLATIVE BODY AND AN  
5 OFFERER WHEREBY THE STATE OR MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY  
6 GIVES OR GRANTS A CONCESSION OR A FRANCHISE.

7 (O) THE TERM "ARTICLE OF PROCUREMENT" SHALL MEAN A COMMODITY, SERVICE,  
8 TECHNOLOGY, PUBLIC WORK, CONSTRUCTION, REVENUE CONTRACT, THE PURCHASE,  
9 SALE OR LEASE OF PERSONAL OR REAL PROPERTY OR AN ACQUISITION OR GRANTING  
10 OF OTHER INTEREST IN REAL PROPERTY, THAT IS THE SUBJECT OF A GOVERN-  
11 MENTAL PROCUREMENT.

12 (P) THE TERM "GOVERNMENTAL PROCUREMENT" SHALL MEAN: (I) THE PREPARA-  
13 TION OR TERMS OF THE SPECIFICATIONS, BID DOCUMENTS, REQUEST FOR  
14 PROPOSALS, OR EVALUATION CRITERIA FOR A PROCUREMENT CONTRACT, (II)  
15 SOLICITATION FOR A PROCUREMENT CONTRACT, (III) EVALUATION OF A PROCURE-  
16 MENT CONTRACT, (IV) AWARD, APPROVAL, DENIAL OR DISAPPROVAL OF A PROCURE-  
17 MENT CONTRACT, OR (V) APPROVAL OR DENIAL OF AN ASSIGNMENT, AMENDMENT  
18 (OTHER THAN AMENDMENTS THAT ARE AUTHORIZED AND PAYABLE UNDER THE TERMS  
19 OF THE PROCUREMENT CONTRACT AS IT WAS FINALLY AWARDED OR APPROVED BY THE  
20 COMPTROLLER, AS APPLICABLE), RENEWAL OR EXTENSION OF A PROCUREMENT  
21 CONTRACT, OR ANY OTHER MATERIAL CHANGE IN THE PROCUREMENT CONTRACT  
22 RESULTING IN A FINANCIAL BENEFIT TO THE OFFERER.

23 (Q) THE TERM "OFFERER" SHALL MEAN THE INDIVIDUAL OR ENTITY, OR ANY  
24 EMPLOYEE, AGENT, LOBBYIST OR CONSULTANT OF SUCH INDIVIDUAL OR ENTITY,  
25 THAT CONTACTS A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE  
26 UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY ABOUT  
27 A GOVERNMENTAL PROCUREMENT.

28 (R) THE TERM "PROCUREMENT CONTRACT" SHALL MEAN ANY CONTRACT OR OTHER  
29 AGREEMENT FOR AN ARTICLE OF PROCUREMENT INVOLVING AN ESTIMATED ANNUAL-  
30 IZED EXPENDITURE IN EXCESS OF FIFTEEN THOUSAND DOLLARS. GRANTS, ARTICLE  
31 ELEVEN-B STATE FINANCE LAW CONTRACTS, PROGRAM CONTRACTS BETWEEN  
32 NOT-FOR-PROFIT ORGANIZATIONS, AS DEFINED IN ARTICLE ELEVEN-B OF THE  
33 STATE FINANCE LAW, AND THE UNIFIED COURT SYSTEM, INTERGOVERNMENTAL  
34 AGREEMENTS, RAILROAD AND UTILITY FORCE ACCOUNTS, UTILITY RELOCATION  
35 PROJECT AGREEMENTS OR ORDERS AND EMINENT DOMAIN TRANSACTIONS SHALL NOT  
36 BE DEEMED PROCUREMENT CONTRACTS.

37 (S) THE TERM "MUNICIPAL AGENCY" SHALL MEAN: (I) ANY DEPARTMENT, BOARD,  
38 BUREAU, COMMISSION, DIVISION, OFFICE, COUNCIL, COMMITTEE OR OFFICER OF A  
39 MUNICIPALITY, WHETHER PERMANENT OR TEMPORARY; OR (II) AN INDUSTRIAL  
40 DEVELOPMENT AGENCY, LOCATED IN A JURISDICTIONAL SUBDIVISION OF THE STATE  
41 WITH A POPULATION OF MORE THAN FIFTY THOUSAND, OR LOCAL PUBLIC BENEFIT  
42 CORPORATION, AS THAT TERM IS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL  
43 CONSTRUCTION LAW.

44 (T) THE TERM "LOCAL LEGISLATIVE BODY" SHALL MEAN THE BOARD OF SUPERVI-  
45 SORS, BOARD OF ALDERMEN, COMMON COUNCIL, COUNCIL, COMMISSION, TOWN  
46 BOARD, BOARD OF TRUSTEES OR OTHER ELECTIVE GOVERNING BOARD OR BODY OF A  
47 MUNICIPALITY NOW OR HEREAFTER VESTED BY STATE STATUTE, CHARTER OR OTHER  
48 LAW WITH JURISDICTION TO INITIATE AND ADOPT LOCAL LAWS AND ORDINANCES,  
49 WHETHER OR NOT SUCH LOCAL LAWS OR ORDINANCES REQUIRE APPROVAL OF THE  
50 ELECTIVE CHIEF EXECUTIVE OFFICER OR OTHER OFFICIAL OR BODY TO BECOME  
51 EFFECTIVE.

52 (U) THE TERM "COMMISSION SALESPERSON" SHALL MEAN ANY PERSON THE PRIMA-  
53 RY PURPOSE OF WHOSE EMPLOYMENT IS TO CAUSE OR PROMOTE THE SALE OF, OR TO  
54 INFLUENCE OR INDUCE ANOTHER TO MAKE A PURCHASE OF AN ARTICLE OF PROCURE-  
55 MENT, WHETHER SUCH PERSON IS AN EMPLOYEE (AS THAT TERM IS DEFINED FOR  
56 TAX PURPOSES) OF OR AN INDEPENDENT CONTRACTOR FOR A VENDOR, PROVIDED

1 THAT AN INDEPENDENT CONTRACTOR SHALL HAVE A WRITTEN CONTRACT FOR A TERM  
2 OF NOT LESS THAN SIX MONTHS OR FOR AN INDEFINITE TERM, AND WHICH PERSON  
3 SHALL BE COMPENSATED, IN WHOLE OR IN PART, BY THE PAYMENT OF A PERCENT-  
4 AGE AMOUNT OF ALL OR A SUBSTANTIAL PART OF THE SALES WHICH SUCH PERSON  
5 HAS CAUSED, PROMOTED, INFLUENCED OR INDUCED, PROVIDED, HOWEVER, THAT NO  
6 PERSON SHALL BE CONSIDERED A COMMISSION SALESPERSON WITH RESPECT TO ANY  
7 SALE TO OR PURCHASE BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGIS-  
8 LATURE, THE UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLA-  
9 TIVE BODY IF THE PERCENTAGE AMOUNT OF ANY COMMISSION PAYABLE WITH  
10 RESPECT TO SUCH SALE OR PURCHASE IS SUBSTANTIALLY IN EXCESS OF ANY  
11 COMMISSION PAYABLE WITH RESPECT TO ANY COMPARABLE SALE TO A PURCHASER  
12 THAT IS NOT A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE  
13 UNIFIED COURT SYSTEM, A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY;  
14 FURTHER, PROVIDED, HOWEVER, THAT ANY PERSON THAT IS REQUIRED TO FILE A  
15 STATEMENT OR REPORT PURSUANT TO THIS SECTION BY VIRTUE OF ENGAGING IN  
16 LOBBYING ACTIVITIES AS DEFINED IN SUBPARAGRAPHS (I) THROUGH (IV) AND  
17 (VI) THROUGH (X) OF PARAGRAPH (C) OF THIS SUBDIVISION SHALL NOT BE  
18 DEEMED TO BE A "COMMISSION SALESPERSON" FOR PURPOSES OF THIS SECTION.

19 (V) THE TERM "UNIFIED COURT SYSTEM", FOR THE PURPOSES OF THIS CHAPTER,  
20 SHALL MEAN THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK, OR THE  
21 OFFICE OF COURT ADMINISTRATION, WHERE APPROPRIATE, OTHER THAN TOWN AND  
22 VILLAGE JUSTICE COURTS IN JURISDICTIONS WITH A POPULATION UNDER FIFTY  
23 THOUSAND, WHEN IT ACTS SOLELY IN AN ADMINISTRATIVE CAPACITY TO ENGAGE IN  
24 GOVERNMENTAL PROCUREMENTS AND SHALL NOT INCLUDE THE UNIFIED COURT SYSTEM  
25 OR ANY COURT OF THE STATE JUDICIARY WHEN IT ACTS TO HEAR AND DECIDE  
26 CASES OF ORIGINAL OR APPELLATE JURISDICTION OR OTHERWISE ACTS IN ITS  
27 JUDICIAL, AS OPPOSED TO ADMINISTRATIVE, CAPACITY.

28 3. LOBBY-RELATED POWERS OF THE COMMISSION. IN ADDITION TO ANY OTHER  
29 POWERS AND DUTIES PROVIDED BY SECTION SEVENTY-THREE-C OF THIS ARTICLE,  
30 THE COMMISSION SHALL, WITH RESPECT TO ITS LOBBYING-RELATED FUNCTIONS  
31 ONLY, HAVE THE POWER AND DUTY TO:

32 (A) ADMINISTER AND ENFORCE ALL THE PROVISIONS OF THIS SECTION;

33 (B) CONDUCT ANY INVESTIGATION NECESSARY TO CARRY OUT THE PROVISIONS OF  
34 THIS ARTICLE AT ANY PLACE WITHIN THE STATE. PURSUANT TO THIS POWER AND  
35 DUTY, THE COMMISSION MAY ADMINISTER OATHS OR AFFIRMATIONS, SUBPOENA  
36 WITNESSES, COMPEL THEIR ATTENDANCE AND REQUIRE THE PRODUCTION OF ANY  
37 BOOKS OR RECORDS WHICH IT MAY DEEM RELEVANT OR MATERIAL;

38 (C) CONDUCT A PROGRAM OF REGULAR AS WELL AS RANDOM AUDITS SUBJECT TO  
39 THE TERMS AND CONDITIONS OF THIS SUBDIVISION. ANY SUCH PROGRAM SHALL BE  
40 CARRIED OUT IN THE FOLLOWING MANNER:

41 (I) THE COMMISSION MAY REGULARLY AND RANDOMLY SELECT REPORTS OR REGIS-  
42 TRATION STATEMENTS REQUIRED TO BE FILED BY LOBBYISTS OR CLIENTS PURSUANT  
43 TO THIS SECTION FOR AUDIT. ANY SUCH SELECTION SHALL BE DONE IN A MANNER  
44 PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR LOBBYIST OR CLIENT  
45 WHOSE STATEMENT OR REPORT IS SELECTED FOR AUDIT IS UNKNOWN TO THE  
46 COMMISSION, ITS STAFF OR ANY OF THEIR AGENTS PRIOR TO SELECTION.

47 (II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH  
48 REGULAR AND RANDOM AUDITS. SUCH REGULAR AND RANDOM AUDITS MAY REQUIRE  
49 THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA RELEVANT AND MATE-  
50 RIAL TO THE PREPARATION OF THE SELECTED STATEMENTS OR REPORTS, FOR EXAM-  
51 INATION BY THE COMMISSION. ANY SUCH PROTOCOLS SHALL ENSURE THAT SIMILAR-  
52 LY SITUATED STATEMENTS OR REPORTS ARE AUDITED IN A UNIFORM MANNER.

53 (III) THE COMMISSION MAY CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,  
54 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS  
55 STATEMENTS OR REPORTS FOR AUDIT AND CARRIES OUT THE PROVISIONS OF

1 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND CERTIFIES THAT SUCH  
2 PROCESS COMPLIES WITH THE PROVISIONS OF SUCH SUBPARAGRAPHS.

3 (IV) UPON COMPLETION OF A REGULAR OR RANDOM AUDIT CONDUCTED IN ACCORD-  
4 ANCE WITH THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF THIS  
5 PARAGRAPH, THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE  
6 CAUSE TO BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR  
7 INCOMPLETE. UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE  
8 COMMISSION MAY REQUIRE THE PRODUCTION OF FURTHER BOOKS, RECORDS OR MEMO-  
9 RANDA, SUBPOENA WITNESSES, COMPEL THEIR ATTENDANCE AND TESTIMONY AND  
10 ADMINISTER OATHS OR AFFIRMATIONS, TO THE EXTENT THE COMMISSION DETER-  
11 MINES SUCH ACTIONS ARE NECESSARY TO OBTAIN INFORMATION RELEVANT AND  
12 MATERIAL TO INVESTIGATING SUCH INACCURACIES OR OMISSIONS;

13 (D) CONDUCT HEARINGS PURSUANT TO ARTICLE SEVEN OF THE PUBLIC OFFICERS  
14 LAW. ANY HEARING MAY BE CONDUCTED AS A VIDEO CONFERENCE IN ACCORDANCE  
15 WITH THE PROVISIONS OF SUBDIVISION FOUR OF SECTION ONE HUNDRED FOUR OF  
16 THE PUBLIC OFFICERS LAW;

17 (E) PREPARE UNIFORM FORMS FOR THE LOBBYING-RELATED STATEMENTS AND  
18 REPORTS REQUIRED BY THIS SUBDIVISION;

19 (F) MEET AT LEAST ONCE DURING EACH BI-MONTHLY REPORTING PERIOD OF THE  
20 YEAR AS ESTABLISHED BY PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS  
21 SECTION AND MAY MEET AT SUCH OTHER TIMES AS THE COMMISSION, OR THE CHAIR  
22 AND VICE-CHAIR JOINTLY, SHALL DETERMINE; AND

23 (G) SUBMIT BY THE FIRST DAY OF MARCH NEXT FOLLOWING THE YEAR FOR WHICH  
24 SUCH REPORT IS MADE TO THE GOVERNOR AND THE MEMBERS OF THE LEGISLATURE  
25 AN ANNUAL REPORT SUMMARIZING THE COMMISSION'S WORK, LISTING THE LOBBY-  
26 ISTS AND CLIENTS REQUIRED TO REGISTER PURSUANT TO THIS SECTION AND THE  
27 EXPENSES AND COMPENSATION REPORTED PURSUANT TO THIS SECTION AND MAKING  
28 RECOMMENDATIONS WITH RESPECT TO THIS SECTION. THE COMMISSION SHALL MAKE  
29 THIS REPORT AVAILABLE FREE OF CHARGE TO THE PUBLIC.

30 4. STATEMENT OF REGISTRATION. (A) (I) EVERY LOBBYIST SHALL ANNUALLY  
31 FILE WITH THE COMMISSION, ON FORMS PROVIDED BY THE COMMISSION, A STATE-  
32 MENT OF REGISTRATION FOR EACH CALENDAR YEAR; PROVIDED, HOWEVER, THAT THE  
33 FILING OF SUCH STATEMENT OF REGISTRATION SHALL NOT BE REQUIRED OF ANY  
34 LOBBYIST WHO (1) IN ANY YEAR DOES NOT EXPEND, INCUR OR RECEIVE AN AMOUNT  
35 IN EXCESS OF FIVE THOUSAND DOLLARS OF REPORTABLE COMPENSATION AND  
36 EXPENSES, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVI-  
37 SION SEVEN OF THIS SECTION, FOR THE PURPOSES OF LOBBYING OR (2) IS AN  
38 OFFICER, DIRECTOR, TRUSTEE OR EMPLOYEE OF ANY PUBLIC CORPORATION, WHEN  
39 ACTING IN SUCH OFFICIAL CAPACITY; PROVIDED HOWEVER, THAT NOTHING IN THIS  
40 SUBDIVISION SHALL BE CONSTRUED TO RELIEVE ANY PUBLIC CORPORATION OF THE  
41 OBLIGATION TO FILE SUCH STATEMENTS AND REPORTS AS REQUIRED BY THIS  
42 SECTION. THE AMOUNTS EXPENDED, INCURRED, OR RECEIVED OF REPORTABLE  
43 COMPENSATION AND EXPENSES FOR LOBBYING ACTIVITIES SHALL BE COMPUTED  
44 CUMULATIVELY FOR ALL LOBBYING ACTIVITIES WHEN DETERMINING WHETHER THE  
45 THRESHOLDS SET FORTH IN THIS SUBDIVISION HAVE BEEN MET.

46 (II) EVERY LOBBYIST SHALL BIENNIALY FILE WITH THE COMMISSION, ON  
47 FORMS PROVIDED BY THE COMMISSION, A STATEMENT OF REGISTRATION FOR EACH  
48 BIENNIAL PERIOD BEGINNING WITH THE FIRST YEAR OF THE BIENNIAL CYCLE  
49 COMMENCING CALENDAR YEAR TWO THOUSAND FIVE AND THEREAFTER; PROVIDED,  
50 HOWEVER, THAT THE BIENNIAL FILING OF SUCH STATEMENT OF REGISTRATION  
51 SHALL NOT BE REQUIRED OF ANY LOBBYIST WHO (1) IN ANY YEAR DOES NOT  
52 EXPEND, INCUR OR RECEIVE AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF  
53 REPORTABLE COMPENSATION, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH  
54 (B) OF SUBDIVISION SEVEN OF THIS SECTION FOR THE PURPOSES OF LOBBYING OR  
55 (2) IS AN OFFICER, DIRECTOR, TRUSTEE OR EMPLOYEE OF ANY PUBLIC CORPO-  
56 RATION, WHEN ACTING IN SUCH OFFICIAL CAPACITY; PROVIDED HOWEVER, THAT

1 NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO RELIEVE ANY PUBLIC  
2 CORPORATION OF THE OBLIGATION TO FILE SUCH STATEMENTS AND REPORTS AS  
3 REQUIRED BY THIS SECTION.

4 (III) SUCH BIENNIAL FILINGS SHALL BE COMPLETED ON OR BEFORE JANUARY  
5 FIRST OF THE FIRST YEAR OF A BIENNIAL CYCLE COMMENCING IN CALENDAR YEAR  
6 TWO THOUSAND FIVE AND THEREAFTER, BY THOSE PERSONS WHO HAVE BEEN  
7 RETAINED, EMPLOYED OR DESIGNATED AS LOBBYIST ON OR BEFORE DECEMBER  
8 FIFTEENTH OF THE PREVIOUS CALENDAR YEAR AND WHO REASONABLY ANTICIPATE  
9 THAT IN THE COMING YEAR THEY WILL EXPEND, INCUR OR RECEIVE COMBINED  
10 REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF FIVE  
11 THOUSAND DOLLARS COMMENCING IN TWO THOUSAND TEN; FOR THOSE LOBBYISTS  
12 RETAINED, EMPLOYED OR DESIGNATED AFTER THE PREVIOUS DECEMBER FIFTEENTH,  
13 AND FOR THOSE LOBBYISTS WHO SUBSEQUENT TO THEIR RETAINER, EMPLOYMENT OR  
14 DESIGNATION REASONABLY ANTICIPATE COMBINED REPORTABLE COMPENSATION AND  
15 EXPENSES IN EXCESS OF SUCH AMOUNT, SUCH FILING MUST BE COMPLETED WITHIN  
16 FIFTEEN DAYS THEREAFTER, BUT IN NO EVENT LATER THAN TEN DAYS AFTER THE  
17 ACTUAL INCURRING OR RECEIVING OF SUCH REPORTABLE COMPENSATION AND  
18 EXPENSES.

19 (B) (I) SUCH STATEMENTS OF REGISTRATION SHALL BE KEPT ON FILE FOR A  
20 PERIOD OF THREE YEARS FOR THOSE FILING PERIODS WHERE ANNUAL STATEMENTS  
21 ARE REQUIRED, AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD;  
22 (II) BIENNIAL STATEMENTS OF REGISTRATION SHALL BE KEPT ON FILE FOR A  
23 PERIOD OF THREE BIENNIAL FILING PERIODS WHERE BIENNIAL STATEMENTS ARE  
24 REQUIRED, AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

25 (C) SUCH STATEMENT OF REGISTRATION SHALL CONTAIN: (I) THE NAME,  
26 ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST AND THE SPOUSE, DOMESTIC  
27 PARTNER AND UNEMANCIPATED CHILDREN OF THE LOBBYIST, AND IF THE LOBBYIST  
28 IS AN ORGANIZATION THE NAMES, ADDRESSES AND TELEPHONE NUMBERS OF ANY  
29 OFFICER OR EMPLOYEE OF SUCH LOBBYIST WHO ENGAGES IN ANY LOBBYING ACTIV-  
30 ITIES OR WHO IS EMPLOYED IN AN ORGANIZATION'S DIVISION THAT ENGAGES IN  
31 LOBBYING ACTIVITIES OF THE ORGANIZATION AND THE SPOUSE AND UNEMANCIPATED  
32 CHILDREN OF SUCH OFFICERS OR EMPLOYEES, PROVIDED THAT THE ADDRESSES AND  
33 TELEPHONE NUMBERS OF SPOUSES AND UNEMANCIPATED CHILDREN SHALL BE NOT BE  
34 MADE AVAILABLE TO THE PUBLIC; (II) THE NAME, ADDRESS AND TELEPHONE  
35 NUMBER OF THE CLIENT BY WHOM OR ON WHOSE BEHALF THE LOBBYIST IS  
36 RETAINED, EMPLOYED OR DESIGNATED; (III) IF SUCH LOBBYIST IS RETAINED OR  
37 EMPLOYED PURSUANT TO A WRITTEN AGREEMENT OF RETAINER OR EMPLOYMENT, A  
38 COPY OF SUCH SHALL ALSO BE ATTACHED AND IF SUCH RETAINER OR EMPLOYMENT  
39 IS ORAL, A STATEMENT OF THE SUBSTANCE THEREOF; SUCH WRITTEN RETAINER, OR  
40 IF IT IS ORAL, A STATEMENT OF THE SUBSTANCE THEREOF, AND ANY AMENDMENT  
41 THERETO, SHALL BE RETAINED FOR A PERIOD OF THREE YEARS; (IV) A WRITTEN  
42 AUTHORIZATION FROM THE CLIENT BY WHOM THE LOBBYIST IS AUTHORIZED TO  
43 LOBBY, UNLESS SUCH LOBBYIST HAS FILED A WRITTEN AGREEMENT OF RETAINER OR  
44 EMPLOYMENT PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH; (V) THE  
45 FOLLOWING INFORMATION ON WHICH THE LOBBYIST EXPECTS TO LOBBY: (1) A  
46 DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL  
47 NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO  
48 NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY  
49 THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF  
50 AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTAND-  
51 ING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED  
52 TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, (5) THE RULE, REGU-  
53 LATION, AND RATEMAKING NUMBERS OF ANY RULES, REGULATIONS, RATES, OR  
54 MUNICIPAL ORDINANCES AND RESOLUTIONS, OR PROPOSED RULES, REGULATIONS, OR  
55 RATES, OR MUNICIPAL ORDINANCES AND RESOLUTIONS, (6) THE TITLES AND ANY  
56 IDENTIFYING NUMBERS OF ANY STATE LOANS, STATE GRANTS, PROCUREMENT

1 CONTRACTS AND OTHER DISBURSEMENTS OR DOCUMENTS DISSEMINATED BY A STATE  
2 AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM,  
3 MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERN-  
4 MENTAL PROCUREMENT, AND THE IDENTITY OF ANY INVESTMENT FOR PUBLIC  
5 PENSION FUNDS; (VI) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE  
6 BODY BEFORE WHICH THE LOBBYIST IS LOBBYING OR EXPECTS TO LOBBY; AND  
7 (VII) IF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED BY MORE THAN  
8 ONE CLIENT, A SEPARATE STATEMENT OF REGISTRATION SHALL BE REQUIRED FOR  
9 EACH SUCH CLIENT.

10 (D) ANY AMENDMENT TO THE INFORMATION FILED BY THE LOBBYIST IN THE  
11 ORIGINAL STATEMENT OF REGISTRATION SHALL BE SUBMITTED TO THE COMMISSION  
12 ON FORMS SUPPLIED BY THE COMMISSION WITHIN TEN DAYS AFTER SUCH AMEND-  
13 MENT, HOWEVER, THIS SHALL NOT REQUIRE THE LOBBYIST TO AMEND THE ENTIRE  
14 REGISTRATION FORM.

15 (E) (I) THE FIRST STATEMENT OF REGISTRATION FILED ANNUALLY BY EACH  
16 LOBBYIST SHALL BE ACCOMPANIED BY A REGISTRATION FEE OF TWO HUNDRED  
17 DOLLARS EXCEPT THAT NO REGISTRATION FEE SHALL BE REQUIRED FROM ANY  
18 LOBBYIST WHO IN ANY YEAR DOES NOT EXPEND, INCUR OR RECEIVE AN AMOUNT IN  
19 EXCESS OF FIVE THOUSAND DOLLARS OF REPORTABLE COMPENSATION AND EXPENSES,  
20 AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF  
21 THIS SECTION, FOR THE PURPOSES OF LOBBYING OR OF A PUBLIC CORPORATION. A  
22 FEE OF TWO HUNDRED DOLLARS SHALL BE REQUIRED FOR ANY SUBSEQUENT STATE-  
23 MENT OF REGISTRATION FILED BY A LOBBYIST DURING THE SAME BIENNIAL PERI-  
24 OD; (II) THE STATEMENT OF REGISTRATION FILED AFTER THE DUE DATE OF A  
25 BIENNIAL REGISTRATION SHALL BE ACCOMPANIED BY A REGISTRATION FEE THAT IS  
26 PRORATED TO ONE HUNDRED DOLLARS FOR ANY REGISTRATION FILED AFTER JANUARY  
27 FIRST OF THE SECOND CALENDAR YEAR COVERED BY THE BIENNIAL REPORTING  
28 REQUIREMENT. IN ADDITION TO THE FEES AUTHORIZED BY THIS SUBDIVISION, THE  
29 COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A REGISTRATION STATEMENT  
30 REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH  
31 DAY THAT THE STATEMENT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE  
32 LOBBYIST MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STAT-  
33 UTE TO FILE SUCH A STATEMENT, THE FEE FOR LATE FILING SHALL NOT EXCEED  
34 TEN DOLLARS FOR EACH DAY THAT THE STATEMENT REQUIRED TO BE FILED IS  
35 LATE.

36 4-A. EVERY LOBBYIST SHALL PROVIDE ON THE REGISTRATION STATEMENT FORMS  
37 PROVIDED BY THE COMMISSION A STATEMENT LISTING ANY BUSINESS RELATION-  
38 SHIPS WITH STATE OFFICERS, MEMBERS OF THE LEGISLATURE, AND LEGISLATIVE  
39 EMPLOYEES REGARDLESS OF WHETHER OR NOT FOR COMPENSATION. FOR THE  
40 PURPOSES OF THIS SUBDIVISION, BUSINESS RELATIONSHIPS SHALL INCLUDE, BUT  
41 NOT BE LIMITED TO, REFERRALS, ORAL AGREEMENTS, OR FORMAL WRITTEN  
42 CONTRACTUAL AGREEMENTS.

43 4-B. BEYOND THE ITEMS REQUIRED TO BE LISTED PURSUANT TO THIS SECTION,  
44 EVERY LOBBYIST SHALL PROVIDE ON THE REGISTRATION STATEMENT FORMS  
45 PROVIDED BY THE COMMISSION A STATEMENT LISTING ALL LOBBYIST OR CLIENT  
46 SOLICITATIONS OF PUBLIC OFFICERS WITHIN ANY DEPARTMENT, AGENCY, OR  
47 EITHER HOUSE OF THE LEGISLATURE.

48 5. MONTHLY REGISTRATION DOCKET. IT SHALL BE THE DUTY OF THE COMMISSION  
49 TO COMPILE A MONTHLY DOCKET OF STATEMENTS OF REGISTRATION CONTAINING ALL  
50 INFORMATION REQUIRED BY SUBDIVISION FOUR OF THIS SECTION. EACH SUCH  
51 MONTHLY DOCKET SHALL CONTAIN ALL STATEMENTS OF REGISTRATION FILED DURING  
52 SUCH MONTH AND ALL AMENDMENTS TO PREVIOUSLY FILED STATEMENTS OF REGIS-  
53 TRATION. COPIES SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION.

54 6. TERMINATION OF RETAINER, EMPLOYMENT OR DESIGNATION. UPON THE TERMI-  
55 NATION OF A LOBBYIST'S RETAINER, EMPLOYMENT OR DESIGNATION, SUCH LOBBY-  
56 IST AND THE CLIENT ON WHOSE BEHALF SUCH SERVICE HAS BEEN RENDERED SHALL

BOTH GIVE WRITTEN NOTICE TO THE COMMISSION WITHIN THIRTY DAYS AFTER THE LOBBYIST CEASES THE ACTIVITY THAT REQUIRED SUCH LOBBYIST TO FILE A STATEMENT OF REGISTRATION; HOWEVER, SUCH LOBBYIST SHALL NEVERTHELESS COMPLY WITH THE BI-MONTHLY REPORTING REQUIREMENTS UP TO THE DATE SUCH ACTIVITY HAS CEASED AS REQUIRED BY THIS SECTION AND BOTH SUCH PARTIES SHALL EACH FILE THE SEMI-ANNUAL REPORT REQUIRED BY SUBDIVISION NINE OF THIS SECTION. THE COMMISSION SHALL ENTER NOTICE OF SUCH TERMINATION IN THE APPROPRIATE MONTHLY REGISTRATION DOCKET REQUIRED BY SUBDIVISION FIVE OF THIS SECTION.

7. BI-MONTHLY REPORTS OF CERTAIN LOBBYISTS. (A) ANY LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION WHO IN ANY LOBBYING YEAR REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND, INCUR OR RECEIVE COMBINED REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSE OF LOBBYING, SHALL FILE WITH THE COMMISSION A BI-MONTHLY WRITTEN REPORT, ON FORMS SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY NEXT SUCCEEDING THE END OF THE REPORTING PERIOD IN WHICH THE LOBBYIST WAS FIRST REQUIRED TO FILE A STATEMENT OF REGISTRATION. SUCH REPORTING PERIODS SHALL BE THE PERIOD OF JANUARY FIRST TO THE LAST DAY OF FEBRUARY, MARCH FIRST TO APRIL THIRTIETH, MAY FIRST TO JUNE THIRTIETH, JULY FIRST TO AUGUST THIRTY-FIRST, SEPTEMBER FIRST TO OCTOBER THIRTY-FIRST AND NOVEMBER FIRST TO DECEMBER THIRTY-FIRST.

(B) SUCH BI-MONTHLY REPORT SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT BY WHOM OR ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED;

(III) THE FOLLOWING INFORMATION ON WHICH THE LOBBYIST HAS LOBBIED, SOLICITED, OR ENTERED A BUSINESS RELATIONSHIP WITH: (1) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. S 2701, (5) THE RULE, REGULATION, AND RATEMAKING OR MUNICIPAL ORDINANCE OR RESOLUTION NUMBERS OF ANY RULES, REGULATIONS, OR RATES OR ORDINANCE OR PROPOSED RULES, REGULATIONS, OR RATES OR MUNICIPAL ORDINANCES OR RESOLUTIONS, (6) TITLES AND ANY IDENTIFYING NUMBERS OF ANY PROCUREMENT CONTRACTS AND OTHER DOCUMENTS DISSEMINATED BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERNMENTAL PROCUREMENT, AND (7) THE IDENTITY OF ANY INVESTMENT FOR PUBLIC PENSION FUNDS;

(IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE WHICH THE LOBBYIST HAS LOBBIED;

(V) (1) THE COMPENSATION PAID OR OWED TO THE LOBBYIST, AND ANY EXPENSES EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE OF LOBBYING.

(2) EXPENSES REQUIRED TO BE REPORTED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND WHERE SUCH EXPENSE IS MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.

(3) FOR THE PURPOSES OF THIS PARAGRAPH, EXPENSES SHALL NOT INCLUDE:

1 (A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF SUCH  
2 LOBBYIST;

3 (B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS IN ANY ONE CALEN-  
4 DAR YEAR, DIRECTLY INCURRED FOR THE PRINTING OR OTHER MEANS OF REPROD-  
5 UCTION OR MAILING OF LETTERS, MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.

6 (4) EXPENSES PAID OR INCURRED FOR SALARIES OTHER THAN THAT OF THE  
7 LOBBYIST SHALL BE LISTED IN THE AGGREGATE.

8 (5) EXPENSES OF MORE THAN FIFTY DOLLARS SHALL BE PAID BY CHECK OR  
9 SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON  
10 FILE BY THE LOBBYIST FOR A PERIOD OF THREE YEARS.

11 (C) (I) ALL SUCH BI-MONTHLY REPORTS SHALL BE SUBJECT TO REVIEW BY THE  
12 COMMISSION.

13 (II) SUCH BI-MONTHLY REPORTS SHALL BE KEPT ON FILE FOR THREE YEARS AND  
14 SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH TIME.

15 (III) IN ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE  
16 COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A BI-MONTHLY REPORT  
17 REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH  
18 DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE  
19 LOBBYIST MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STAT-  
20 UTE TO FILE SUCH A REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN  
21 DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

22 8. BI-MONTHLY REPORTS OF PUBLIC CORPORATIONS. (A) EVERY PUBLIC CORPO-  
23 RATION REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO SUBDIVI-  
24 SION FOUR OF THIS SECTION WHICH IN ANY LOBBYING YEAR REASONABLY ANTIC-  
25 IPATES THAT DURING THE YEAR THEY WILL EXPEND OR INCUR EXPENSES IN AN  
26 AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS, AS PROVIDED IN SUBPARAGRAPH  
27 (VI) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSE OF LOBBYING  
28 SHALL FILE WITH THE COMMISSION A BI-MONTHLY WRITTEN REPORT, ON FORMS  
29 SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY NEXT SUCCEEDING THE END  
30 OF THE REPORTING PERIOD IN WHICH THE PUBLIC CORPORATION WAS FIRST  
31 REQUIRED TO FILE A STATEMENT OF REGISTRATION. SUCH REPORTING PERIODS  
32 SHALL BE THE PERIOD OF JANUARY FIRST TO THE LAST DAY OF FEBRUARY, MARCH  
33 FIRST TO APRIL THIRTIETH, MAY FIRST TO JUNE THIRTIETH, JULY FIRST TO  
34 AUGUST THIRTY-FIRST, SEPTEMBER FIRST TO OCTOBER THIRTY-FIRST AND NOVEM-  
35 BER FIRST TO DECEMBER THIRTY-FIRST.

36 (B) SUCH BI-MONTHLY REPORT SHALL CONTAIN:

37 (I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF SUCH PUBLIC CORPORATION;

38 (II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED,  
39 EMPLOYED OR DESIGNATED BY SUCH PUBLIC CORPORATION;

40 (III) COPIES OF ANY AMENDMENTS RELATING TO A RETAINER, EMPLOYMENT OR  
41 DESIGNATION, AS FILED IN THE ORIGINAL STATEMENT OF REGISTRATION PURSUANT  
42 TO SUBDIVISION FOUR OF THIS SECTION;

43 (IV) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, THE LEGISLATIVE  
44 BILL NUMBERS OF ANY BILLS AND THE RULE, REGULATION, AND RATEMAKING  
45 NUMBERS OF ANY RULES, REGULATIONS, OR RATES OR PROPOSED RULES, REGU-  
46 LATIONS, RATES, ARTICLE OF PROCUREMENT OR PROCUREMENT CONTRACTS OR  
47 PENSION FUND INVESTMENTS ON WHICH THE LOBBYIST HAS LOBBIED, AND ON WHICH  
48 SUCH PUBLIC CORPORATION HAS LOBBIED;

49 (V) THE NAME OF THE PERSON, ORGANIZATION OR LEGISLATIVE BODY BEFORE  
50 WHICH THE PUBLIC CORPORATION, OR ITS LOBBYISTS, HAS LOBBIED;

51 (VI) (1) THE COMPENSATION PAID OR OWED TO THE LOBBYIST AND ANY  
52 EXPENSES EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE  
53 OF LOBBYING; PROVIDED, HOWEVER, ANY SUCH EXPENSES PAID BY SUCH PUBLIC  
54 CORPORATION TO A LOBBYIST FOR THE PURPOSE OF LOBBYING ON BEHALF OF SUCH  
55 PUBLIC CORPORATION SHALL BE ITEMIZED IN THE SAME MANNER AS IF SUCH  
56 PUBLIC CORPORATION HAD DIRECTLY PAID OR INCURRED SUCH EXPENSES.

(2) ANY EXPENSES REQUIRED TO BE REPORTED PURSUANT TO CLAUSE ONE OF THIS SUBPARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND WHERE SUCH EXPENSES ARE MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.

(3) FOR THE PURPOSES OF THIS SUBPARAGRAPH, EXPENSES SHALL NOT INCLUDE:

(A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF EACH SUCH LOBBYIST;

(B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS IN ANY ONE CALENDAR YEAR, DIRECTLY INCURRED FOR THE PRINTING OR OTHER MEANS OF REPRODUCTION OR MAILING OF LETTERS, MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.

(4) EXPENSES PAID OR INCURRED FOR COMPENSATION OTHER THAN THAT OF EACH LOBBYIST SHALL BE LISTED IN THE AGGREGATE.

(5) EXPENSES OF MORE THAN FIFTY DOLLARS MUST BE PAID BY CHECK OR SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON FILE BY SUCH PUBLIC CORPORATION FOR A PERIOD OF THREE YEARS.

(C) (I) ALL SUCH BI-MONTHLY REPORTS SHALL BE SUBJECT TO REVIEW BY THE COMMISSION.

(II) SUCH BI-MONTHLY REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

(III) IN ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A BI-MONTHLY REPORT REQUIRED BY THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE PUBLIC CORPORATION MAKING A LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

9. SEMI-ANNUAL REPORTS. (A) SEMI-ANNUAL REPORTS SHALL BE FILED BY ANY CLIENT RETAINING, EMPLOYING OR DESIGNATING A LOBBYIST OR LOBBYISTS, WHETHER OR NOT ANY SUCH LOBBYIST WAS REQUIRED TO FILE A BI-MONTHLY REPORT, IF SUCH CLIENT REASONABLY ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND OR INCUR AN AMOUNT IN EXCESS OF FIVE THOUSAND DOLLARS OF COMBINED REPORTABLE COMPENSATION AND EXPENSES, AS PROVIDED IN SUBPARAGRAPH (V) OF PARAGRAPH (B) OF THIS SUBDIVISION, FOR THE PURPOSES OF LOBBYING.

(B) SUCH REPORT SHALL BE FILED WITH THE COMMISSION, ON FORMS SUPPLIED BY THE COMMISSION, BY THE FIFTEENTH DAY OF JULY OF THE YEAR AND BY THE FIFTEENTH DAY OF JANUARY NEXT FOLLOWING THE YEAR FOR WHICH SUCH REPORT IS MADE AND SHALL CONTAIN:

(I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT;

(II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH CLIENT;

(III) THE FOLLOWING INFORMATION ON WHICH EACH LOBBYIST RETAINED, EMPLOYED OR DESIGNATED BY SUCH CLIENT HAS LOBBIED, AND ON WHICH SUCH CLIENT HAS LOBBIED: (1) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS, (2) THE LEGISLATIVE BILL NUMBERS OF ANY BILLS, (3) THE NUMBERS OR SUBJECT MATTER (IF THERE ARE NO NUMBERS) OF GUBERNATORIAL EXECUTIVE ORDERS OR EXECUTIVE ORDERS ISSUED BY THE CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY, (4) THE SUBJECT MATTER OF AND TRIBES INVOLVED IN TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER STATE-TRIBAL AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III GAMING AS PROVIDED IN 25 U.S.C. 2701, (5) THE RULE, REGULATION, AND RATEMAKING OR MUNICIPAL RESOLUTION OR ORDINANCE NUMBERS OF ANY RULES, REGULATIONS, OR RATES, OR MUNICIPAL RESOLUTIONS OR ORDINANCES OR

1 PROPOSED RULES, REGULATIONS, OR RATES, OR MUNICIPAL ORDINANCES OR RESOL-  
2 UTIONS AND (6) THE TITLES AND ANY IDENTIFYING NUMBERS OF ANY PROCUREMENT  
3 CONTRACTS AND OTHER DOCUMENTS DISSEMINATED BY A STATE AGENCY, EITHER  
4 HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT SYSTEM, MUNICIPAL  
5 AGENCY OR LOCAL LEGISLATIVE BODY IN CONNECTION WITH A GOVERNMENTAL  
6 PROCUREMENT;  
7 (IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE  
8 WHICH SUCH CLIENT HAS LOBBIED;  
9 (V) (1) THE COMPENSATION PAID OR OWED TO EACH SUCH LOBBYIST, AND ANY  
10 OTHER EXPENSES PAID OR INCURRED BY SUCH CLIENT FOR THE PURPOSE OF LOBBY-  
11 ING.  
12 (2) ANY EXPENSES REQUIRED TO BE REPORTED PURSUANT TO CLAUSE ONE OF  
13 THIS SUBPARAGRAPH SHALL BE LISTED IN THE AGGREGATE IF SEVENTY-FIVE  
14 DOLLARS OR LESS AND IF MORE THAN SEVENTY-FIVE DOLLARS SUCH EXPENSES  
15 SHALL BE DETAILED AS TO AMOUNT, TO WHOM PAID, AND FOR WHAT PURPOSE; AND  
16 WHERE SUCH EXPENSES ARE MORE THAN SEVENTY-FIVE DOLLARS ON BEHALF OF ANY  
17 ONE PERSON, THE NAME OF SUCH PERSON SHALL BE LISTED.  
18 (3) FOR THE PURPOSES OF THIS SUBPARAGRAPH, EXPENSES SHALL NOT INCLUDE:  
19 (A) PERSONAL SUSTENANCE, LODGING AND TRAVEL DISBURSEMENTS OF SUCH  
20 LOBBYIST AND CLIENT;  
21 (B) EXPENSES, NOT IN EXCESS OF FIVE HUNDRED DOLLARS, DIRECTLY INCURRED  
22 FOR THE PRINTING OR OTHER MEANS OF REPRODUCTION OR MAILING OF LETTERS,  
23 MEMORANDA OR OTHER WRITTEN COMMUNICATIONS.  
24 (4) EXPENSES PAID OR INCURRED FOR SALARIES OTHER THAN THAT OF THE  
25 LOBBYIST SHALL BE LISTED IN THE AGGREGATE.  
26 (5) EXPENSES OF MORE THAN FIFTY DOLLARS MUST BE PAID BY CHECK OR  
27 SUBSTANTIATED BY RECEIPTS AND SUCH CHECKS AND RECEIPTS SHALL BE KEPT ON  
28 FILE BY SUCH CLIENT FOR A PERIOD OF THREE YEARS.  
29 (C) (I) ALL SUCH SEMI-ANNUAL REPORTS SHALL BE SUBJECT TO REVIEW BY THE  
30 COMMISSION.  
31 (II) SUCH SEMI-ANNUAL REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF  
32 THREE YEARS AND SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.  
33 (III) EACH SEMI-ANNUAL REPORT FILED BY A CLIENT PURSUANT TO THIS  
34 SUBDIVISION SHALL BE ACCOMPANIED BY A FILING FEE OF FIFTY DOLLARS. IN  
35 ADDITION TO THE FILING FEES AUTHORIZED BY THIS SECTION, THE COMMISSION  
36 MAY IMPOSE A FEE FOR LATE FILING OF A SEMI-ANNUAL REPORT REQUIRED BY  
37 THIS SUBDIVISION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE  
38 REPORT REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE CLIENT MAKING A  
39 LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE AN ANNU-  
40 AL OR SEMI-ANNUAL REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN  
41 DOLLARS FOR EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.  
42 10. CONTINGENT RETAINER. (A) NO CLIENT SHALL RETAIN OR EMPLOY ANY  
43 LOBBYIST FOR COMPENSATION, INCLUDING, BUT NOT LIMITED TO, ANY BONUS,  
44 SUCCESS FEE, OR OTHER INDUCEMENT TO AN INDIVIDUAL THAT INCREASES HIS OR  
45 HER PERSONAL INCOME OR WEALTH, THE RATE OR AMOUNT OF WHICH COMPENSATION  
46 IN WHOLE OR PART IS CONTINGENT OR DEPENDENT UPON:  
47 (I) (1) THE PASSAGE OR DEFEAT OF ANY LEGISLATIVE BILL OR THE APPROVAL  
48 OR VETO OF ANY LEGISLATION BY THE GOVERNOR, (2) THE TERMS, ISSUANCE,  
49 MODIFICATION OR RESCISSION OF A GUBERNATORIAL EXECUTIVE ORDER, (3) THE  
50 TERMS, APPROVAL OR DISAPPROVAL, OR THE IMPLEMENTATION AND ADMINISTRATION  
51 OF TRIBAL-STATE COMPACTS, MEMORANDA OF UNDERSTANDING, OR ANY OTHER  
52 TRIBAL-STATE AGREEMENTS AND ANY STATE ACTIONS RELATED TO CLASS III  
53 GAMING AS PROVIDED IN 25 U.S.C. 2701, OR (4) THE ADOPTION OR REJECTION  
54 OF ANY CODE, RULE OR REGULATION HAVING THE FORCE AND EFFECT OF LAW OR  
55 THE OUTCOME OF ANY RATE MAKING PROCEEDING BY A STATE AGENCY; (II)(1) THE  
56 PASSAGE OR DEFEAT OF ANY LOCAL LAW, ORDINANCE, REGULATION OR RESOLUTION

1 BY ANY MUNICIPALITY OR SUBDIVISION THEREOF, (2) THE TERMS, ISSUANCE,  
2 MODIFICATION OR RESCISSION OF AN EXECUTIVE ORDER ISSUED BY THE CHIEF  
3 EXECUTIVE OFFICER OF A MUNICIPALITY, OR (3) THE ADOPTION, REJECTION OR  
4 IMPLEMENTATION OF ANY RULE, RESOLUTION OR REGULATION HAVING THE FORCE  
5 AND EFFECT OF A LOCAL LAW, ORDINANCE OR REGULATION OR ANY RATE MAKING  
6 PROCEEDING BY ANY MUNICIPALITY OR SUBDIVISION THEREOF; (4) ANY DETERMI-  
7 NATION BY THE OFFICE OF THE STATE OR CITY OF NEW YORK COMPTROLLER, A  
8 STATE AGENCY, INCLUDING, BUT NOT LIMITED TO, PUBLIC AUTHORITIES AND  
9 PUBLIC BENEFIT CORPORATIONS, EITHER HOUSE OF THE STATE LEGISLATURE, THE  
10 UNIFIED COURT SYSTEM, MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY WITH  
11 RESPECT TO A GOVERNMENTAL PROCUREMENT, ARTICLE OF PROCUREMENT OR A  
12 GRANT, LOAN, PURCHASE OR LEASE OF REAL OR PERSONAL PROPERTY, AGREEMENT  
13 OR INVESTMENT INVOLVING THE DISBURSEMENT OF PUBLIC MONIES.

14 (B) NO PERSON SHALL ACCEPT SUCH A RETAINER OR EMPLOYMENT. A VIOLATION  
15 OF THIS SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

16 11. REPORTS OF LOBBYING INVOLVING DISBURSEMENT OF PUBLIC MONIES. (A)  
17 ANY LOBBYIST REQUIRED TO FILE A STATEMENT OF REGISTRATION PURSUANT TO  
18 SUBDIVISION FOUR OF THIS SECTION WHO IN ANY LOBBYING YEAR REASONABLY  
19 ANTICIPATES THAT DURING THE YEAR THEY WILL EXPEND, INCUR OR RECEIVE  
20 COMBINED REPORTABLE COMPENSATION AND EXPENSES IN AN AMOUNT IN EXCESS OF  
21 FIVE THOUSAND DOLLARS SHALL FILE WITH THE COMMISSION, ON FORMS SUPPLIED  
22 BY THE COMMISSION, A REPORT OF ANY ATTEMPTS TO INFLUENCE A DETERMINATION  
23 BY A PUBLIC OFFICIAL, OR BY A PERSON OR ENTITY WORKING IN COOPERATION  
24 WITH A PUBLIC OFFICIAL, WITH RESPECT TO THE SOLICITATION, AWARD OR  
25 ADMINISTRATION OF A GRANT, LOAN, OR AGREEMENT INVOLVING THE DISBURSEMENT  
26 OF PUBLIC MONIES IN EXCESS OF FIFTEEN THOUSAND DOLLARS OTHER THAN A  
27 GOVERNMENTAL PROCUREMENT AS DEFINED IN SUBDIVISION TWO OF THIS SECTION.

28 (B) SUCH PUBLIC MONIES LOBBYING REPORTS SHALL CONTAIN:

29 (I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE LOBBYIST AND THE  
30 INDIVIDUALS EMPLOYED BY THE LOBBYIST ENGAGED IN SUCH PUBLIC MONIES  
31 LOBBYING ACTIVITIES;

32 (II) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE CLIENT BY WHOM OR  
33 ON WHOSE BEHALF THE LOBBYIST IS RETAINED, EMPLOYED OR DESIGNATED ON  
34 WHOSE BEHALF THE LOBBYIST ENGAGED IN LOBBYING REPORTABLE UNDER THIS  
35 PARAGRAPH;

36 (III) A DESCRIPTION OF THE GRANT, LOAN, OR AGREEMENT INVOLVING THE  
37 DISBURSEMENT OF PUBLIC MONIES ON WHICH THE LOBBYIST HAS LOBBIED;

38 (IV) THE NAME OF THE PERSON, ORGANIZATION, OR LEGISLATIVE BODY BEFORE  
39 WHICH THE LOBBYIST HAS ENGAGED IN LOBBYING REPORTABLE UNDER THIS PARA-  
40 GRAPH; AND

41 (V) THE COMPENSATION PAID OR OWED TO THE LOBBYIST, AND ANY EXPENSES  
42 EXPENDED, RECEIVED OR INCURRED BY THE LOBBYIST FOR THE PURPOSE OF LOBBY-  
43 ING REPORTABLE UNDER THIS PARAGRAPH.

44 (C) PUBLIC MONIES LOBBYING REPORTS REQUIRED PURSUANT TO THIS PARAGRAPH  
45 SHALL BE FILED IN ACCORDANCE WITH THE SCHEDULE APPLICABLE TO THE FILING  
46 OF BI-MONTHLY REPORTS PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION AND  
47 SHALL BE FILED NOT LATER THAN THE FIFTEENTH DAY NEXT SUCCEEDING THE END  
48 OF SUCH REPORTING PERIOD.

49 (D) IN ADDITION TO ANY OTHER FEES AUTHORIZED BY THIS SECTION, THE  
50 COMMISSION MAY IMPOSE A FEE FOR LATE FILING OF A REPORT REQUIRED BY THIS  
51 SUBDIVISION NOT TO EXCEED FIFTY DOLLARS FOR EACH DAY THAT THE REPORT  
52 REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE LOBBYIST MAKING A LATE  
53 FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE SUCH A  
54 REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TWENTY-FIVE DOLLARS FOR  
55 EACH DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

1 (E) ALL REPORTS FILED PURSUANT TO THIS SUBDIVISION SHALL BE SUBJECT TO  
2 REVIEW BY THE COMMISSION. SUCH REPORTS SHALL BE KEPT IN ELECTRONIC FORM  
3 BY THE COMMISSION AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

4 12. PROHIBITION OF GIFTS. NO INDIVIDUAL OR ENTITY REQUIRED TO BE  
5 LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO THIS SECTION SHALL  
6 OFFER OR GIVE A GIFT TO ANY PUBLIC OFFICIAL AS DEFINED WITHIN THIS  
7 SECTION, UNLESS UNDER THE CIRCUMSTANCES IT IS NOT REASONABLE TO INFER  
8 THAT THE GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. NO INDI-  
9 VIDUAL OR ENTITY REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION  
10 PURSUANT TO THIS SECTION SHALL OFFER OR GIVE A GIFT TO THE SPOUSE OR  
11 UNEMANCIPATED CHILD OF ANY PUBLIC OFFICIAL AS DEFINED WITHIN THIS  
12 SECTION UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER THAT THE  
13 GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. NO SPOUSE OR  
14 UNEMANCIPATED CHILD OF AN INDIVIDUAL REQUIRED TO BE LISTED ON A STATE-  
15 MENT OF REGISTRATION PURSUANT TO THIS SECTION SHALL OFFER OR GIVE A GIFT  
16 TO A PUBLIC OFFICIAL UNDER CIRCUMSTANCES WHERE IT IS REASONABLE TO INFER  
17 THAT THE GIFT WAS INTENDED TO INFLUENCE SUCH PUBLIC OFFICIAL. THIS  
18 SECTION SHALL NOT APPLY TO GIFTS TO OFFICERS, MEMBERS OR DIRECTORS OF  
19 BOARDS, COMMISSIONS, COUNCILS, PUBLIC AUTHORITIES OR PUBLIC BENEFIT  
20 CORPORATIONS WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER  
21 DIEM BASIS, UNLESS THE PERSON LISTED ON THE STATEMENT OF REGISTRATION  
22 APPEARS OR HAS MATTERS PENDING BEFORE THE BOARD, COMMISSION OR COUNCIL  
23 ON WHICH THE RECIPIENT SITS.

24 13. RESTRICTED CONTACTS. (A) DURING THE RESTRICTED PERIOD, NO PERSON  
25 OR ORGANIZATION REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS  
26 SECTION SHALL ENGAGE IN LOBBYING ACTIVITIES CONCERNING A GOVERNMENTAL  
27 PROCUREMENT BY A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE,  
28 THE UNIFIED COURT SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED  
29 BY SUBPARAGRAPH (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS  
30 SECTION, BY CONTACTING A PERSON WITHIN THE PROCURING ENTITY WHO HAS NOT  
31 BEEN DESIGNATED PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-J OF THE  
32 STATE FINANCE LAW TO RECEIVE COMMUNICATIONS RELATIVE TO THE GOVERNMENTAL  
33 PROCUREMENT. FURTHER, DURING THE RESTRICTED PERIOD, NO PERSON OR ORGAN-  
34 IZATION REQUIRED TO FILE A LOBBYING REGISTRATION STATEMENT OR REPORT  
35 PURSUANT TO THIS SECTION SHALL ENGAGE IN LOBBYING ACTIVITIES CONCERNING  
36 A GOVERNMENTAL PROCUREMENT BY CONTACTING ANY PERSON IN A STATE AGENCY  
37 OTHER THAN THE STATE AGENCY CONDUCTING THE GOVERNMENTAL PROCUREMENT  
38 ABOUT THAT GOVERNMENTAL PROCUREMENT. THE PROHIBITIONS SET FORTH IN THIS  
39 PARAGRAPH SHALL NOT APPLY TO ANY CONTACTS DESCRIBED IN PARAGRAPH (B) OR  
40 (C) OF THIS SUBDIVISION.

41 (B) A COMPLAINT BY AN OFFERER REGARDING THE FAILURE OF THE PERSON OR  
42 PERSONS DESIGNATED BY THE PROCURING ENTITY PURSUANT TO SECTION ONE  
43 HUNDRED THIRTY-NINE-J OF THE STATE FINANCE LAW TO RESPOND IN A TIMELY  
44 MANNER TO AUTHORIZED OFFERER CONTACTS SHALL NOT BE DEEMED TO BE "LOBBY-  
45 ING" OR "LOBBYING ACTIVITIES" AND SHALL BE EXEMPT FROM THE PROVISIONS OF  
46 PARAGRAPH ONE OF THIS SUBDIVISION AND SHALL BE MADE IN WRITING TO THE  
47 OFFICE OF GENERAL COUNSEL OF THE STATE AGENCY, EITHER HOUSE OF THE STATE  
48 LEGISLATURE OR THE UNIFIED COURT SYSTEM THAT IS CONDUCTING THE PROCURE-  
49 MENT. FURTHER, THE FOLLOWING CONTACTS SHALL NOT BE DEEMED TO BE "LOBBY-  
50 ING" OR "LOBBYING ACTIVITIES" AND SHALL BE EXEMPT FROM THE PROVISIONS OF  
51 PARAGRAPH (A) OF THIS SUBDIVISION:

52 (I) CONTACTS BY OFFERERS IN PROTESTS, APPEALS OR OTHER REVIEW  
53 PROCEEDINGS (INCLUDING THE APPARENT SUCCESSFUL BIDDER OR PROPOSER AND  
54 HIS OR HER REPRESENTATIVES) BEFORE THE GOVERNMENTAL ENTITY CONDUCTING  
55 THE PROCUREMENT SEEKING A FINAL ADMINISTRATIVE DETERMINATION, OR IN A  
56 SUBSEQUENT JUDICIAL PROCEEDING; OR

1 (II) COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCURE-  
2 MENT TO THE ATTORNEY GENERAL, INSPECTOR GENERAL, DISTRICT ATTORNEY, OR  
3 COURT OF COMPETENT JURISDICTION; OR

4 (III) WRITTEN PROTESTS, APPEALS OR COMPLAINTS TO THE STATE COMP-  
5 TROLLER'S OFFICE DURING THE PROCESS OF CONTRACT APPROVAL, WHERE THE  
6 STATE COMPTROLLER'S APPROVAL IS REQUIRED BY LAW, AND WHERE SUCH COMMUNI-  
7 CATIONS AND ANY RESPONSES THERETO ARE MADE IN WRITING AND SHALL BE  
8 ENTERED IN THE PROCUREMENT RECORD PURSUANT TO SECTION ONE HUNDRED  
9 SIXTY-THREE OF THE STATE FINANCE LAW; OR

10 (IV) COMPLAINTS OF ALLEGED IMPROPER CONDUCT IN A GOVERNMENTAL PROCURE-  
11 MENT CONDUCTED BY A MUNICIPAL AGENCY OR LOCAL LEGISLATIVE BODY TO THE  
12 STATE COMPTROLLER'S OFFICE; PROVIDED, HOWEVER, THAT NOTHING IN THIS  
13 PARAGRAPH SHALL BE CONSTRUED AS RECOGNIZING OR CREATING ANY NEW RIGHTS,  
14 DUTIES OR RESPONSIBILITIES OR ABROGATING ANY EXISTING RIGHTS, DUTIES OR  
15 RESPONSIBILITIES OF ANY GOVERNMENTAL ENTITY AS IT PERTAINS TO IMPLEMEN-  
16 TATION AND ENFORCEMENT OF ARTICLE ELEVEN OF THE STATE FINANCE LAW OR ANY  
17 OTHER PROVISION OF LAW DEALING WITH THE GOVERNMENTAL PROCUREMENT PROC-  
18 ESS.

19 (C) NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT A PERSON  
20 OR ORGANIZATION REQUIRED TO FILE A STATEMENT OR REPORT PURSUANT TO THIS  
21 SECTION FROM CONTACTING A MEMBER OF THE STATE LEGISLATURE CONCERNING A  
22 GOVERNMENTAL PROCUREMENT IN A STATE AGENCY, THE UNIFIED COURT SYSTEM, OR  
23 A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED BY SUBPARAGRAPH (II) OF  
24 PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION.

25 14. PENALTIES. (A) (I) ANY LOBBYIST, PUBLIC CORPORATION, OR CLIENT  
26 WHO KNOWINGLY AND WILFULLY FAILS TO FILE TIMELY A REPORT OR STATEMENT  
27 REQUIRED BY THIS SECTION OR KNOWINGLY AND WILFULLY FILES FALSE INFORMA-  
28 TION OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OF THIS  
29 SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR; AND (II) ANY LOBBYIST,  
30 PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO FILE  
31 TIMELY A REPORT OR STATEMENT REQUIRED BY THIS SECTION OR KNOWINGLY AND  
32 WILFULLY FILES FALSE INFORMATION OR KNOWINGLY AND WILFULLY VIOLATES  
33 SUBDIVISION TWELVE OF THIS SECTION, AFTER HAVING PREVIOUSLY BEEN  
34 CONVICTED IN THE PRECEDING FIVE YEARS OF THE CRIME DESCRIBED IN SUBPARA-  
35 GRAPH (I) OF THIS PARAGRAPH, SHALL BE GUILTY OF A CLASS E FELONY. ANY  
36 LOBBYIST CONVICTED OF OR PLEADING GUILTY TO A MISDEMEANOR UNDER THE  
37 PROVISIONS OF THIS SECTION SHALL BE BARRED FROM ACTING AS A LOBBYIST FOR  
38 A PERIOD OF ONE YEAR FROM THE DATE OF THE CONVICTION. ANY LOBBYIST  
39 CONVICTED OF OR PLEADING GUILTY TO A FELONY UNDER THE PROVISIONS OF THIS  
40 SECTION SHALL BE BARRED FROM ACTING AS A LOBBYIST FOR A PERIOD OF FOUR  
41 YEARS FROM THE DATE OF THE CONVICTION. FOR THE PURPOSES OF THIS PARA-  
42 GRAPH, THE CHIEF ADMINISTRATIVE OFFICER OF ANY ORGANIZATION REQUIRED TO  
43 FILE A STATEMENT OR REPORT SHALL BE THE PERSON RESPONSIBLE FOR MAKING  
44 AND FILING SUCH STATEMENT OR REPORT UNLESS SOME OTHER PERSON PRIOR TO  
45 THE DUE DATE THEREOF HAS BEEN DULY DESIGNATED TO MAKE AND FILE SUCH  
46 STATEMENT OR REPORT.

47 (B) (I) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND  
48 WILFULLY FAILS TO FILE A STATEMENT OR REPORT WITHIN THE TIME REQUIRED  
49 FOR THE FILING OF SUCH REPORT OR KNOWINGLY AND WILFULLY VIOLATES SUBDI-  
50 VISION TWELVE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY FOR  
51 EACH SUCH FAILURE OR VIOLATION, IN AN AMOUNT NOT TO EXCEED THE GREATER  
52 OF TWENTY-FIVE THOUSAND DOLLARS OR THREE TIMES THE AMOUNT THE PERSON  
53 FAILED TO REPORT PROPERLY OR UNLAWFULLY CONTRIBUTED, EXPENDED, GAVE OR  
54 RECEIVED, TO BE ASSESSED BY THE COMMISSION.

55 (II) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND  
56 WILFULLY FILES A FALSE STATEMENT OR REPORT SHALL BE SUBJECT TO A CIVIL

PENALTY, IN AN AMOUNT NOT TO EXCEED THE GREATER OF FIFTY THOUSAND DOLLARS OR FIVE TIMES THE AMOUNT THE PERSON FAILED TO REPORT PROPERLY, TO BE ASSESSED BY THE COMMISSION.

(III) (1) A LOBBYIST OR CLIENT WHO KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS FOR AN INITIAL VIOLATION.

(2) IF, AFTER A LOBBYIST OR CLIENT HAS BEEN FOUND TO HAVE VIOLATED PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION, A LOBBYIST OR CLIENT KNOWINGLY AND WILFULLY VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF THIS SECTION WITHIN FOUR YEARS OF SUCH FINDING, THE LOBBYIST OR CLIENT SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS.

(IV) ANY LOBBYIST OR CLIENT THAT KNOWINGLY AND WILFULLY FAILS TO FILE A STATEMENT OR REPORT WITHIN THE TIME REQUIRED FOR THE FILING OF SUCH REPORT, KNOWINGLY AND WILFULLY FILES A FALSE STATEMENT OR REPORT, OR KNOWINGLY AND WILFULLY VIOLATES SUBDIVISION TWELVE OR SUBDIVISION THIRTEEN OF THIS SECTION SHALL BE SUBJECT TO A DETERMINATION THAT THE LOBBYIST OR CLIENT IS PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, FOR A PERIOD OF UP TO ONE YEAR.

(V) ANY LOBBYIST OR CLIENT THAT KNOWINGLY AND WILFULLY ENGAGES IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, DURING THE PERIOD IN WHICH THEY ARE PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION PURSUANT TO THIS PARAGRAPH, MAY BE SUBJECT TO A DETERMINATION THAT THE LOBBYIST OR CLIENT IS PROHIBITED FROM ENGAGING IN LOBBYING ACTIVITIES, AS THAT TERM IS DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION, FOR A PERIOD OF UP TO FOUR YEARS, AND SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIFTY THOUSAND DOLLARS, PLUS A CIVIL PENALTY IN AN AMOUNT EQUAL TO THE VALUE OF ANY GIFT, COMPENSATION OR BENEFIT RECEIVED AS A RESULT OF THE VIOLATION.

(VI) A LOBBYIST, PUBLIC CORPORATION, OR CLIENT WHO KNOWINGLY AND WILFULLY FAILS TO RETAIN THEIR RECORDS PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION, CLAUSE FIVE OF SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION SEVEN OF THIS SECTION, OR SUBPARAGRAPH (V) OF PARAGRAPH (B) OF SUBDIVISION NINE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT OF TWO THOUSAND DOLLARS PER VIOLATION TO BE ASSESSED BY THE COMMISSION.

(C)(I) ANY ASSESSMENT OR ORDER TO DEBAR SHALL BE DETERMINED ONLY AFTER A HEARING AT WHICH THE PARTY SHALL BE ENTITLED TO APPEAR, PRESENT EVIDENCE AND BE HEARD. ANY ASSESSMENT OR ORDER TO DEBAR PURSUANT TO THIS PARAGRAPH MAY ONLY BE IMPOSED AFTER THE COMMISSION SENDS BY CERTIFIED AND FIRST-CLASS MAIL WRITTEN NOTICE OF INTENT TO ASSESS A PENALTY OR ORDER TO DEBAR AND THE BASIS FOR THE PENALTY OR ORDER TO DEBAR. ANY ASSESSMENT MAY BE RECOVERED IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL.

(II) IN ASSESSING ANY FINE OR PENALTY PURSUANT TO THIS SUBDIVISION, THE COMMISSION SHALL CONSIDER: (1) AS A MITIGATING FACTOR THAT THE LOBBYIST, PUBLIC CORPORATION OR CLIENT HAS NOT PREVIOUSLY BEEN REQUIRED TO REGISTER, AND (2) AS AN AGGRAVATING FACTOR THAT THE LOBBYIST, PUBLIC CORPORATION OR CLIENT HAS HAD FINES OR PENALTIES ASSESSED AGAINST IT IN THE PAST. THE AMOUNT OF COMPENSATION EXPENDED, INCURRED OR RECEIVED SHALL BE A FACTOR TO CONSIDER IN DETERMINING A PROPORTIONATE PENALTY.

1 (III) ANY LOBBYIST, PUBLIC CORPORATION OR CLIENT WHO RECEIVES A NOTICE  
2 OF INTENT TO ASSESS A PENALTY FOR KNOWINGLY AND WILLFULLY FAILING TO  
3 FILE A REPORT OR STATEMENT PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION  
4 AND WHO HAS NEVER PREVIOUSLY REGISTERED WITH OR REPORTED TO THE COMMIS-  
5 SION SHALL BE GRANTED FIFTEEN DAYS WITHIN WHICH TO FILE THE STATEMENT OF  
6 REGISTRATION OR REPORT WITHOUT BEING SUBJECT TO THE FINE OR PENALTY SET  
7 FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION. UPON THE FAILURE OF SUCH  
8 LOBBYIST, PUBLIC CORPORATION OR CLIENT, TO FILE WITHIN SUCH FIFTEEN DAY  
9 PERIOD, SUCH LOBBYIST, PUBLIC CORPORATION OR CLIENT, SHALL BE SUBJECT TO  
10 THE FINE OR PENALTY PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

11 (D) ALL MONEYS RECOVERED BY THE ATTORNEY GENERAL OR RECEIVED BY THE  
12 COMMISSION FROM THE ASSESSMENT OF CIVIL PENALTIES AUTHORIZED BY THIS  
13 SECTION SHALL BE DEPOSITED TO THE GENERAL FUND.

14 15. ENFORCEMENT. (A) ALL STATEMENTS AND REPORTS REQUIRED UNDER THIS  
15 SECTION SHALL BE SUBJECT TO A DECLARATION BY THE PERSON MAKING AND  
16 FILING SUCH STATEMENT AND REPORT THAT THE INFORMATION IS TRUE, CORRECT  
17 AND COMPLETE TO THE BEST KNOWLEDGE AND BELIEF OF THE SIGNER UNDER THE  
18 PENALTIES OF PERJURY.

19 (B) THE COMMISSION SHALL BE CHARGED WITH THE DUTY OF REVIEWING ALL  
20 STATEMENTS AND REPORTS REQUIRED UNDER THIS SECTION FOR VIOLATIONS, AND  
21 IT SHALL BE ITS DUTY, IF IT DEEMS SUCH TO BE WILFUL, TO REPORT SUCH  
22 DETERMINATION TO THE ATTORNEY GENERAL OR OTHER APPROPRIATE AUTHORITY.

23 (C) UPON RECEIPT OF NOTICE OF SUCH FAILURE FROM THE COMMISSION, THE  
24 ATTORNEY GENERAL OR OTHER APPROPRIATE AUTHORITY SHALL TAKE SUCH ACTION  
25 AS HE OR SHE DEEMS APPROPRIATE TO SECURE COMPLIANCE WITH THE PROVISIONS  
26 OF THIS SECTION.

27 16. RECORD OF APPEARANCES. THE COMMISSION SHALL PROMULGATE ALL RULES  
28 OR REGULATIONS AND ANY PROCEDURES, FORMS, OR INSTRUCTIONS NECESSARY TO  
29 IMPLEMENT THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SIX OF THE EXECU-  
30 TIVE LAW RELATING TO THE QUARTERLY FILING OF THE RECORD OF APPEARANCES  
31 BEFORE REGULATORY AGENCIES.

32 17. PUBLICATION OF STATEMENT ON LOBBYING REGULATIONS. THE COMMISSION  
33 SHALL PUBLISH A STATEMENT ON LOBBYING REGULATIONS SETTING FORTH THE  
34 REQUIREMENTS OF THIS SECTION IN A CLEAR AND BRIEF MANNER. SUCH STATE-  
35 MENT SHALL CONTAIN AN EXPLANATION OF THE REGISTRATION AND FILING  
36 REQUIREMENTS AND THE PENALTIES FOR VIOLATION THEREOF, TOGETHER WITH SUCH  
37 OTHER INFORMATION AS THE COMMISSION SHALL DETERMINE, AND COPIES THEREOF  
38 SHALL BE MADE AVAILABLE TO THE PUBLIC AT CONVENIENT LOCATIONS THROUGHOUT  
39 THE STATE.

40 18. PUBLIC ACCESS TO RECORDS; FORMAT OF RECORDS AND REPORTS. THE  
41 COMMISSION SHALL MAKE INFORMATION FURNISHED BY LOBBYISTS AND CLIENTS  
42 AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING IN ELECTRONIC AND  
43 PAPER FORMATS. ACCESS TO SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE  
44 FOR REMOTE COMPUTER USERS THROUGH THE INTERNET NETWORK.

45 19. ANNUAL REPORT. THE COMMISSION SHALL ANNUALLY REPORT TO THE GOVER-  
46 NOR, THE OFFICE OF COURT ADMINISTRATION, THE COMPTROLLER AND THE LEGIS-  
47 LATURE ANY PROBLEMS IN THE IMPLEMENTATION OF SUCH PROVISIONS THAT  
48 PERTAIN TO PROCUREMENT LOBBYING. THE COMMISSION SHALL INCLUDE IN THE  
49 REPORT ANY RECOMMENDED CHANGES TO INCREASE THE EFFECTIVENESS OF THAT  
50 IMPLEMENTATION.

51 19-A. REVIEW OF COMPLAINTS. THE COMMISSION SHALL REVIEW ANY  
52 COMPLAINTS MADE PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-J OF THE  
53 STATE FINANCE LAW, INCLUDING:

54 (A) CONTACTS DURING THE RESTRICTED PERIOD BETWEEN DESIGNATED STAFF OF  
55 A STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT  
56 SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED IN SUBPARAGRAPH

1 (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION, INVOLVED IN  
2 GOVERNMENTAL PROCUREMENTS AND OFFICERS OR EMPLOYEES OF OFFERERS, OR  
3 OFFICERS OR EMPLOYEES OF SUBCONTRACTORS OF OFFERERS, WHO ARE CHARGED  
4 WITH THE PERFORMANCE OF FUNCTIONS RELATING TO CONTRACTS AND WHO ARE  
5 QUALIFIED BY EDUCATION, TRAINING OR EXPERIENCE TO PROVIDE TECHNICAL  
6 SERVICES TO EXPLAIN, CLARIFY OR DEMONSTRATE THE QUALITIES, CHARACTER-  
7 ISTICS OR ADVANTAGES OF AN ARTICLE OF PROCUREMENT. SUCH AUTHORIZED  
8 CONTACTS SHALL: (I) BE LIMITED TO PROVIDING INFORMATION TO STAFF OF A  
9 STATE AGENCY, EITHER HOUSE OF THE STATE LEGISLATURE, THE UNIFIED COURT  
10 SYSTEM, OR A MUNICIPAL AGENCY, AS THAT TERM IS DEFINED IN SUBPARAGRAPH  
11 (II) OF PARAGRAPH (S) OF SUBDIVISION TWO OF THIS SECTION, TO ASSIST THEM  
12 IN UNDERSTANDING AND ASSESSING THE QUALITIES, CHARACTERISTICS OR ANTIC-  
13 IPATED PERFORMANCE OF AN ARTICLE OF PROCUREMENT, (II) NOT INCLUDE ANY  
14 RECOMMENDATIONS OR ADVOCATE ANY CONTRACT PROVISIONS, AND (III) OCCUR  
15 ONLY AT SUCH TIMES AND IN SUCH MANNER AS AUTHORIZED UNDER THE PROCURING  
16 ENTITY'S SOLICITATION OR GUIDELINES AND PROCEDURES. FOR THE PURPOSES OF  
17 THIS SUBPARAGRAPH, THE TERM "TECHNICAL SERVICES" SHALL BE LIMITED TO  
18 ANALYSIS DIRECTLY APPLYING ANY ACCOUNTING, ENGINEERING, SCIENTIFIC, OR  
19 OTHER SIMILAR TECHNICAL DISCIPLINES;

20 (B) CONTACTS BETWEEN OFFERERS AND PUBLIC OFFICIALS AND OFFICERS OR  
21 EMPLOYEES OF THE UNIFIED COURT SYSTEM DURING THE PREPARATION OF SPECIFI-  
22 CATIONS, BID DOCUMENTS OR REQUEST FOR PROPOSALS, INVITATION FOR BIDS, OR  
23 ANY OTHER METHOD FOR SOLICITING A RESPONSE FROM OFFERERS FOR A PROCURE-  
24 MENT CONTRACT PRIOR TO THE RESTRICTED PERIOD.

25 20. RESTRICTIONS ON POLITICAL CONTRIBUTIONS BY LOBBYISTS. A LOBBYIST  
26 SHALL NOT SOLICIT, MAKE OR TRANSMIT A CONTRIBUTION OR A REQUEST FOR A  
27 CONTRIBUTION FROM OR TO ANY PERSON, INCLUDING A POLITICAL COMMITTEE FOR  
28 THE BENEFIT OF A PUBLIC OFFICIAL OR PARTY COMMITTEE, FOR ELECTION OR  
29 NOMINATION TO ANY STATE OR MUNICIPAL CORPORATION OFFICE; EXCEPT THAT A  
30 LOBBYIST MAY MAKE A POLITICAL CONTRIBUTION UP TO TWO HUNDRED FIFTY  
31 DOLLARS PER CANDIDATE PER ELECTION OR NOMINATION. SUCH CONTRIBUTIONS  
32 SHALL NOT BE SUBJECT TO MATCHABLE CONTRIBUTIONS UNDER TITLE TWO OF ARTI-  
33 CLE FOURTEEN OF THE ELECTION LAW.

34 21. RESTRICTIONS ON ACCEPTANCE OF POLITICAL CONTRIBUTIONS BY PUBLIC  
35 OFFICIALS. A PUBLIC OFFICIAL SHALL NOT KNOWINGLY ACCEPT, SOLICIT, OR  
36 TRANSMIT A CONTRIBUTION OR A REQUEST FOR A CONTRIBUTION FOR HIMSELF OR  
37 HERSELF OR ANY PUBLIC OFFICIAL, POLITICAL COMMITTEE, OR CANDIDATE FROM  
38 OR ON BEHALF OF ANY LOBBYIST REGULATED BY THIS ARTICLE, EXCEPT THAT A  
39 PUBLIC OFFICIAL MAY ACCEPT POLITICAL CONTRIBUTIONS FROM A LOBBYIST, UP  
40 TO TWO HUNDRED FIFTY DOLLARS PER ELECTION.

41 22. APPLICABILITY OF CERTAIN LAWS. THE PROVISIONS OF THIS SECTION  
42 INCLUDING, BUT NOT LIMITED TO, ANY PROCEEDING OR HEARING CONDUCTED  
43 PURSUANT HERETO, SHALL BE SUBJECT TO THE APPLICABLE PROVISIONS OF THE  
44 STATE ADMINISTRATIVE PROCEDURE ACT AND SECTION SEVENTY-THREE OF THE  
45 CIVIL RIGHTS LAW.

46 S 6-a. Subdivision 3 of section 74 of the public officers law is  
47 amended by adding a new paragraph j to read as follows:

48 J. AN OFFICER OR EMPLOYEE OF A STATE AGENCY OR MEMBER OF THE LEGISLA-  
49 TURE SHALL ABIDE BY THE TERMS OF ARTICLE SEVEN OF THIS CHAPTER.

50 S 7. Section 94 of the executive law is REPEALED.

51 S 7-a. Paragraphs (c) and (d) of subdivision 1 of section 73-a of the  
52 public officers law, paragraph (c) as added by chapter 813 of the laws  
53 of 1987, and subparagraphs (ii) and (iii) of paragraph (c) and paragraph  
54 (d) as amended by chapter 242 of the laws of 1989, are amended to read  
55 as follows:

56 (c) The term "state officer or employee" shall mean:

1 (i) heads of state departments and their deputies and assistants;  
2 (ii) officers and employees of statewide elected officials, officers  
3 and employees of state departments, boards, bureaus, divisions, commis-  
4 sions, councils or other state agencies, who receive annual compensation  
5 in excess of the filing rate established by paragraph (1) of this subdivi-  
6 sion or who hold policy-making positions, as annually determined by  
7 the appointing authority and set forth in a written instrument which  
8 shall be filed with the state GOVERNMENT ethics commission established  
9 by section [ninety-four of the executive law] SEVENTY-THREE-C OF THIS  
10 ARTICLE during the month of February, provided, however, that the  
11 appointing authority shall amend such written instrument after such date  
12 within thirty days after the undertaking of policy-making responsibil-  
13 ities by a new employee or any other employee whose name did not appear  
14 on the most recent written instrument; and

15 (iii) members or directors of public authorities, other than multi-  
16 state authorities, public benefit corporations and commissions at least  
17 one of whose members is appointed by the governor, and employees of such  
18 authorities, corporations and commissions who receive annual compen-  
19 sation in excess of the filing rate established by paragraph (1) of this  
20 subdivision or who hold policy-making positions, as determined annually  
21 by the appointing authority and set forth in a written instrument which  
22 shall be filed with the state GOVERNMENT ethics commission established  
23 by section [ninety-four of the executive law] SEVENTY-THREE-C OF THIS  
24 ARTICLE during the month of February, provided, however, that the  
25 appointing authority shall amend such written instrument after such date  
26 within thirty days after the undertaking of policy-making responsibil-  
27 ities by a new employee or any other employee whose name did not appear  
28 on the most recent written instrument.

29 (d) The term "legislative employee" shall mean any officer or employee  
30 of the legislature who receives annual compensation in excess of the  
31 filing rate established by paragraph (1) [below] OF THIS SUBDIVISION or  
32 who is determined to hold a policy-making position by the appointing  
33 authority as set forth in a written instrument which shall be filed with  
34 the [legislative] STATE GOVERNMENT ethics [committee established by  
35 section eighty of the legislative law] COMMISSION.

36 S 7-b. Subdivision 2 of section 73-a of the public officers law, as  
37 added by chapter 813 of the laws of 1987, subparagraphs (v), (vi) and  
38 (vii) of paragraph (a) and paragraphs (e) and (g) as amended, and  
39 subparagraph (viii) of paragraph (a) and paragraph (j) as added by chap-  
40 ter 242 of the laws of 1989, is amended to read as follows:

41 2. (a) Every statewide elected official, state officer or employee,  
42 member of the legislature, legislative employee and political party  
43 chairman and every candidate for statewide elected office or for member  
44 of the legislature shall file an annual statement of financial disclo-  
45 sure containing the information and in the form set forth in subdivision  
46 three hereof. Such statement shall be filed on or before the fifteenth  
47 day of May with respect to the preceding calendar year, except that:

48 (i) a person who is subject to the reporting requirements of this  
49 subdivision and who timely filed with the internal revenue service an  
50 application for automatic extension of time in which to file his or her  
51 individual income tax return for the immediately preceding calendar or  
52 fiscal year shall be required to file such financial disclosure state-  
53 ment on or before May fifteenth but may, without being subjected to any  
54 civil penalty on account of a deficient statement, indicate with respect  
55 to any item of the disclosure statement that information with respect  
56 thereto is lacking but will be supplied in a supplementary statement of

1 financial disclosure, which shall be filed on or before the seventh day  
2 after the expiration of the period of such automatic extension of time  
3 within which to file such individual income tax return, provided that  
4 failure to file or to timely file such supplementary statement of finan-  
5 cial disclosure or the filing of an incomplete or deficient supplementa-  
6 ry statement of financial disclosure shall be subject to the notice and  
7 penalty provisions of this section respecting annual statements of  
8 financial disclosure as if such supplementary statement were an annual  
9 statement;

10 (ii) a person who is required to file an annual financial disclosure  
11 statement with the state GOVERNMENT ethics commission [or with the  
12 legislative ethics committee], and who is granted an additional period  
13 of time within which to file such statement due to justifiable cause or  
14 undue hardship, in accordance with required rules and regulations on the  
15 subject adopted pursuant to paragraph c of subdivision nine of section  
16 ninety-four of the executive law or pursuant to [paragraph c of subdivi-  
17 sion eight of section eighty of the legislative law] SECTION  
18 SEVENTY-THREE-C OF THIS ARTICLE, shall file such statement within the  
19 additional period of time granted;

20 (iii) candidates for statewide office who receive a party designation  
21 for nomination by a state committee pursuant to section 6-104 of the  
22 election law shall file such statement within seven days after the date  
23 of the meeting at which they are so designated;

24 (iv) candidates for statewide office who receive twenty-five percent  
25 or more of the vote cast at the meeting of the state committee held  
26 pursuant to section 6-104 of the election law and who demand to have  
27 their names placed on the primary ballot and who do not withdraw within  
28 fourteen days after such meeting shall file such statement within seven  
29 days after the last day to withdraw their names in accordance with the  
30 provisions of such section of the election law;

31 (v) candidates for statewide office and candidates for member of the  
32 legislature who file party designating petitions for nomination at a  
33 primary election shall file such statement within seven days after the  
34 last day allowed by law for the filing of party designating petitions  
35 naming them as candidates for the next succeeding primary election;

36 (vi) candidates for independent nomination who have not been desig-  
37 nated by a party to receive a nomination shall file such statement with-  
38 in seven days after the last day allowed by law for the filing of inde-  
39 pendent nominating petitions naming them as candidates in the next  
40 succeeding general or special election;

41 (vii) candidates who receive the nomination of a party for a special  
42 election shall file such statement within seven days after the date of  
43 the meeting of the party committee at which they are nominated; and

44 (viii) a candidate substituted for another candidate, who fills a  
45 vacancy in a party designation or in an independent nomination, caused  
46 by declination, shall file such statement within seven days after the  
47 last day allowed by law to file a certificate to fill a vacancy in such  
48 party designation or independent nomination.

49 (b) As used in this subdivision, the terms "party", "committee" (when  
50 used in conjunction with the term "party"), "designation", "primary",  
51 "primary election", "nomination", "independent nomination" and "ballot"  
52 shall have the same meanings as those contained in section 1-104 of the  
53 election law.

54 (c) [If the reporting individual is a senator or member of assembly,  
55 candidate for the senate or member of assembly or a legislative employ-  
56 ee, such statement shall be filed with the legislative ethics committee

1 established by section eighty of the legislative law.] If the reporting  
2 individual is a statewide elected official, SENATOR OR MEMBER OF THE  
3 ASSEMBLY, candidate for statewide elected office, a state officer or  
4 employee or a political party chairman, such statement shall be filed  
5 with the state GOVERNMENT ethics commission [established by section  
6 ninety-four of the executive law].

7 (d) The [legislative ethics committee and the] state GOVERNMENT ethics  
8 commission shall obtain from the state board of elections a list of all  
9 candidates for statewide office and for member of the legislature, and  
10 from such list, shall determine and publish a list of those candidates  
11 who have not, within ten days after the required date for filing such  
12 statement, filed the statement required by this subdivision.

13 (e) Any person required to file such statement who commences employ-  
14 ment after May fifteenth of any year and political party chairman shall  
15 file such statement within thirty days after commencing employment or of  
16 taking the position of political party chairman, as the case may be.

17 [(f) A person who may otherwise be required to file more than one  
18 annual financial disclosure statement with both the state ethics commis-  
19 sion and the legislative ethics committee in any one calendar year may  
20 satisfy such requirement by filing one such statement with either body  
21 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] STATE  
25 GOVERNMENT ethics commission [or ethics committee, as the case may be],  
26 and who receives distinctly separate payments of compensation for such  
27 employment shall be subject to the filing requirements of this section  
28 if the aggregate annual compensation for all such employment capacities  
29 is in excess of the filing rate notwithstanding that such person would  
30 not otherwise be required to file with respect to any one particular  
31 employment capacity. [A person not otherwise required to file a finan-  
32 cial disclosure statement hereunder who is employed by an employer  
33 certain of whose officers or employees are subject to filing a financial  
34 disclosure statement with the state ethics commission and who is also  
35 employed by an employer certain of whose officers or employees are  
36 subject to filing a financial disclosure statement with the legislative  
37 ethics committee shall not be subject to filing such statement with  
38 either such commission or such committee on the basis that his aggregate  
39 annual compensation from all such employers is in excess of the filing  
40 rate.]

41 (h) A statewide elected official or member of the legislature, who is  
42 simultaneously a candidate for statewide elected office or member of the  
43 legislature, shall satisfy the filing deadline requirements of this  
44 subdivision by complying only with the deadline applicable to one who  
45 holds a statewide elected office or who holds the office of member of  
46 the legislature.

47 (i) A candidate whose name will appear on both a party designating  
48 petition and on an independent nominating petition for the same office  
49 or who will be listed on the election ballot for the same office more  
50 than once shall satisfy the filing deadline requirements of this subdivi-  
51 sion by complying with the earliest applicable deadline only.

52 (j) A member of the legislature who is elected to such office at a  
53 special election prior to May fifteenth in any year shall satisfy the  
54 filing requirements of this subdivision in such year by complying with  
55 the earliest applicable deadline only.

1 S 7-c. Subdivision 4 of section 73-a of the public officers law, as  
2 amended by chapter 242 of the laws of 1989, is amended to read as  
3 follows:

4 4. A reporting individual who knowingly and wilfully fails to file an  
5 annual statement of financial disclosure or who knowingly and wilfully  
6 with intent to deceive makes a false statement or gives information  
7 which such individual knows to be false on such statement of financial  
8 disclosure filed pursuant to this section shall be subject to a civil  
9 penalty in an amount not to exceed [ten] TWENTY-FIVE thousand dollars OR  
10 THREE TIMES THE AMOUNT THAT WAS IMPROPERLY REPORTED, CONTRIBUTED OR  
11 EXPENDED. Assessment of a civil penalty hereunder shall be made by the  
12 state GOVERNMENT ethics commission [or by the legislative ethics commit-  
13 tee, as the case may be, with respect to persons subject to their  
14 respective jurisdictions]. The state GOVERNMENT ethics commission  
15 [acting pursuant to subdivision thirteen of section ninety-four of the  
16 executive law or the legislative ethics committee acting pursuant to  
17 subdivision twelve of section eighty of the legislative law, as the case  
18 may be,] may, in lieu of a civil penalty, refer a violation to the  
19 appropriate prosecutor OR TO THE STATE ATTORNEY GENERAL and upon such  
20 conviction, but only after such referral, such violation shall be  
21 punishable as a class A misdemeanor AND EACH SUBSEQUENT OFFENSE WITHIN  
22 FIVE YEARS SHALL BE PUNISHABLE AS A CLASS E FELONY. A civil penalty for  
23 false filing may not be imposed hereunder in the event a category of  
24 "value" or "amount" reported hereunder is incorrect unless such reported  
25 information is falsely understated. Notwithstanding any other provision  
26 of law to the contrary, no other penalty, civil or criminal may be  
27 imposed for a failure to file, or for a false filing, of such statement,  
28 except that the appointing authority may impose disciplinary action as  
29 otherwise provided by law. The state ethics commission and the legisla-  
30 tive ethics committee shall each be deemed to be an agency within the  
31 meaning of article three of the state administrative procedure act and  
32 shall adopt rules governing the conduct of adjudicatory proceedings and  
33 appeals relating to the assessment of the civil penalties herein author-  
34 ized. Such rules, which shall not be subject to the approval require-  
35 ments of the state administrative procedure act, shall provide for due  
36 process procedural mechanisms substantially similar to those set forth  
37 in such article three but such mechanisms need not be identical in terms  
38 or scope. Assessment of a civil penalty shall be final unless modified,  
39 suspended or vacated within thirty days of imposition and upon becoming  
40 final shall be subject to review at the instance of the affected report-  
41 ing individual in a proceeding commenced against the state GOVERNMENT  
42 ethics commission [or legislative ethics committee,] pursuant to article  
43 seventy-eight of the civil practice law and rules.

44 S 8. The public officers law is amended by adding a new section 73-e  
45 to read as follows:

46 S 73-E. DESIGNATING COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMIS-  
47 SION. 1. DEFINITIONS. FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING  
48 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

49 A. "DESIGNATING COMMISSION" MEANS THE DESIGNATING COMMISSION FOR THE  
50 STATE GOVERNMENT ETHICS COMMISSION.

51 B. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING COMMIS-  
52 SION FOR THE STATE GOVERNMENT ETHICS COMMISSION.

53 C. "COMMISSIONER" MEANS A MEMBER OF THE STATE GOVERNMENT ETHICS  
54 COMMISSION.

55 D. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR COMMIS-  
56 SIONER BY THE DESIGNATING COMMISSION.

1 E. "APPOINTING OFFICER" MEANS THE STATE ELECTED OFFICIAL RESPONSIBLE  
2 FOR APPOINTING THE DESIGNATING MEMBERS.

3 2. ORGANIZATION OF THE DESIGNATING COMMISSION. A. A DESIGNATING  
4 COMMISSION FOR THE STATE GOVERNMENT ETHICS COMMISSION IS HEREBY ESTAB-  
5 LISHED. THE DESIGNATING COMMISSION SHALL CONSIST OF TEN MEMBERS OF WHOM  
6 FOUR SHALL BE APPOINTED BY THE GOVERNOR, AND ONE EACH BY THE ATTORNEY  
7 GENERAL, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPO-  
8 RARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE  
9 MINORITY LEADER OF THE ASSEMBLY. OF THE FOUR MEMBERS APPOINTED BY THE  
10 GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL  
11 PARTY. THE GOVERNOR SHALL APPOINT AT LEAST ONE FORMER JUDGE OR JUSTICE  
12 OF THE UNIFIED COURT SYSTEM TO SUCH DESIGNATING COMMISSION. NO MEMBER OF  
13 THE DESIGNATING COMMISSION SHALL BE A MEMBER OF THE LEGISLATURE, AN  
14 EMPLOYEE OF STATE GOVERNMENT, HOLD ANY OFFICE IN ANY POLITICAL PARTY OR  
15 BE A REGISTERED LOBBYIST IN THIS STATE OR IN ANY OTHER STATE. NO MEMBER  
16 OF THE DESIGNATING COMMISSION SHALL BE A PARTNER, OF COUNSEL OR OTHER-  
17 WISE EMPLOYED BY A LOBBYING FIRM OR ANY ENTITY RECEIVING A STATE  
18 CONTRACT THAT SHARES IN ANY PART OF THE PROFIT DERIVED FROM LOBBYING. TO  
19 THE EXTENT POSSIBLE, THE MEMBERS OF THE DESIGNATING COMMISSION SHALL BE  
20 INDIVIDUALS WITH KNOWLEDGE OR EXPERIENCE IN THE FIELD OF GOVERNMENT  
21 ETHICS.

22 B. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE RESPECTIVELY  
23 ONE, TWO, THREE AND FOUR-YEAR TERMS AS HE SHALL DESIGNATE. THE MEMBER  
24 FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL HAVE A TWO-YEAR TERM. THE  
25 MEMBER FIRST APPOINTED BY THE STATE COMPTROLLER SHALL HAVE A TWO-YEAR  
26 TERM. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
27 SENATE SHALL HAVE A ONE-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE  
28 MINORITY LEADER OF THE SENATE SHALL HAVE A TWO-YEAR TERM. THE MEMBER  
29 FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A FOUR-YEAR  
30 TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY  
31 SHALL HAVE A THREE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR  
32 A TERM OF FOUR YEARS.

33 C. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT  
34 OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM FOR  
35 APPOINTMENT TO, OR MEMBERSHIP ON, THE DESIGNATING COMMISSION. A VACANCY  
36 OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL BE  
37 FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED  
38 TERM. NO MEMBER OF THE DESIGNATING COMMISSION SHALL HOLD OFFICE FOR  
39 MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS OR HER TERM. IF THE  
40 APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE, BY A  
41 MAJORITY VOTE WITHOUT VACANCY, THE DESIGNATING COMMISSION SHALL SELECT A  
42 PERSON TO FILL THE VACANT OFFICE.

43 D. THE MEMBERS SHALL DESIGNATE ONE OF THEIR NUMBER TO SERVE AS CHAIR-  
44 MAN FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE  
45 EXPIRES, WHICHEVER PERIOD IS SHORTER.

46 E. EACH MEMBER OF THE DESIGNATING COMMISSION SHALL NOT RECEIVE COMPEN-  
47 SATION BUT BE ENTITLED TO RECEIVE HIS OR HER ACTUAL AND NECESSARY  
48 EXPENSES INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

49 F. EIGHT MEMBERS OF THE DESIGNATING COMMISSION SHALL CONSTITUTE A  
50 QUORUM.

51 3. FUNCTIONS OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMIS-  
52 SION SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR  
53 APPOINTMENT TO THE OFFICE OF COMMISSIONER OF STATE GOVERNMENT ETHICS  
54 AND, AS A VACANCY OCCURS IN ANY SUCH OFFICE, SHALL APPOINT PERSONS WHO  
55 BY THEIR CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE  
56 ARE WELL QUALIFIED TO HOLD SUCH OFFICE. THE DESIGNATING COMMISSION

1 SHALL SELECT ONE SUCH PERSON TO SERVE AS CHAIR OF THE STATE GOVERNMENT  
2 ETHICS COMMISSION.

3 B. AN APPOINTMENT TO COMMISSIONER OF THE STATE GOVERNMENT ETHICS  
4 COMMISSION BY THE DESIGNATING COMMISSION SHALL REQUIRE THE CONCURRENCE  
5 OF SEVEN MEMBERS OF THE DESIGNATING COMMISSION. THE APPOINTMENT SHALL BE  
6 TRANSMITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMP-  
7 TROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
8 ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF  
9 THE ASSEMBLY IN A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE  
10 PUBLIC BY THE DESIGNATING COMMISSION AT THE TIME IT IS SUBMITTED. THE  
11 REPORT SHALL BE IN WRITING, SIGNED ONLY BY THE CHAIRMAN, AND SHALL  
12 INCLUDE THE DESIGNATING COMMISSION'S FINDINGS RELATING TO THE CHARACTER,  
13 TEMPERAMENT, PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND  
14 FITNESS FOR OFFICE OF EACH CANDIDATE WHO IS APPOINTED COMMISSIONER.

15 C. NO PERSON SHALL BE APPOINTED COMMISSIONER BY THE DESIGNATING  
16 COMMISSION WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN  
17 PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE DESIGNATING  
18 COMMISSION, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE DESIG-  
19 NATING COMMISSION, ON A FORM TO BE PRESCRIBED BY THE DESIGNATING COMMIS-  
20 SION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE  
21 PERSON'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELE-  
22 VANT FINANCIAL INFORMATION WHICH THE DESIGNATING COMMISSION MAY REQUIRE.  
23 THE DESIGNATING COMMISSION SHALL TRANSMIT THE FINANCIAL STATEMENT FILED  
24 BY EACH PERSON WHO IS APPOINTED TO THE GOVERNOR, THE ATTORNEY GENERAL,  
25 THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAK-  
26 ER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY  
27 LEADER OF THE ASSEMBLY. THE DESIGNATING COMMISSION SHALL MAKE AVAILABLE  
28 TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE PERSON WHO IS  
29 APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER  
30 PERSONS NOT APPOINTED BY THE DESIGNATING COMMISSION SHALL BE CONFIDEN-  
31 TIAL.

32 4. ADDITIONAL FUNCTIONS OF THE DESIGNATING COMMISSION. THE DESIGNATING  
33 COMMISSION SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

34 A. ESTABLISH DETAILED COMMUNICATION PROCEDURES TO ASSURE THAT PERSONS  
35 WHO MAY BE QUALIFIED FOR APPOINTMENT TO COMMISSIONER, OTHER THAN THOSE  
36 WHO HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR  
37 CONSIDERATION BY OTHERS, ARE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE  
38 DESIGNATING COMMISSION. THE TOTAL NUMBER OF REQUESTS FOR CONSIDERATION  
39 SHALL BE DOCUMENTED FOR THE PUBLIC RECORD.

40 B. CONDUCT INVESTIGATIONS, ADMINISTER OATHS OR AFFIRMATIONS, INTERVIEW  
41 WITNESSES AND COMPEL THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIR-  
42 MATION AND REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR  
43 OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION  
44 OF CANDIDATES FOR COMMISSIONER.

45 C. REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU,  
46 COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THERE-  
47 OF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS  
48 WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES,  
49 SUBJECT TO ANY ABSOLUTE JUDICIAL OR EXECUTIVE PRIVILEGE, WHERE ONE  
50 EXISTS.

51 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DESIGNATING COMMIS-  
52 SION, WITH THE CONSENT OF THE APPLICANT, SHALL BE ENTITLED TO REQUIRE  
53 FROM ANY FORMAL DELIBERATIVE BODY ANY FORMAL WRITTEN COMPLAINT AGAINST A  
54 CANDIDATE, IN WHICH THE APPLICANT'S MISCONDUCT WAS ESTABLISHED, ANY  
55 PENDING COMPLAINT AGAINST A CANDIDATE, AND THE RECORD TO DATE OF ANY  
56 PENDING PROCEEDING PURSUANT TO A FORMAL WRITTEN COMPLAINT AGAINST SUCH

1 CANDIDATE. THE DELIBERATIVE BODY THAT HAS JURISDICTION OVER SUCH  
2 COMPLAINT SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO RESPOND TO A REQUEST  
3 MADE PURSUANT TO THIS SUBDIVISION.

4 D. REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY  
5 PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

6 E. ESTABLISH PROCEDURES TO COMMUNICATE WITH THE GOVERNOR, THE ATTORNEY  
7 GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE,  
8 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE  
9 MINORITY LEADER OF THE ASSEMBLY CONCERNING THE QUALIFICATIONS OF ANY  
10 PERSON WHO IT HAS APPOINTED AS COMMISSIONER.

11 F. APPOINT, AND AT PLEASURE REMOVE, A COUNSEL AND SUCH OTHER STAFF AS  
12 IT MAY REQUIRE FROM TIME TO TIME, AND PRESCRIBE THEIR POWERS AND DUTIES.  
13 THE DESIGNATING COMMISSION SHALL FIX THE COMPENSATION OF ITS STAFF AND  
14 PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES WITHIN THE AMOUNTS APPROPRI-  
15 ATED BY LAW.

16 G. DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNC-  
17 TIONS PURSUANT TO THIS ARTICLE.

18 5. RULES OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION  
19 SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT  
20 WITH LAW.

21 B. RULES OF THE DESIGNATING COMMISSION SHALL BE FILED WITH THE SECRE-  
22 TARY OF STATE AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF  
23 CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON,  
24 THE SECRETARY OF STATE SHALL FURNISH A COPY OF THE DESIGNATING COMMIS-  
25 SION'S RULES WITHOUT CHARGE.

26 C. RULES OF THE DESIGNATING COMMISSION MAY PRESCRIBE FORMS AND QUES-  
27 TIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE DESIGNATING COMMIS-  
28 SION, VERIFIED BY CANDIDATES.

29 D. RULES OF THE DESIGNATING COMMISSION SHALL PROVIDE THAT UPON THE  
30 COMPLETION BY THE DESIGNATING COMMISSION OF ITS CONSIDERATION AND EVALU-  
31 ATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSID-  
32 ERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE WAS CONSIDERED,  
33 EXCEPT WITH THE CONCURRENCE OF EIGHT MEMBERS OF THE DESIGNATING COMMIS-  
34 SION.

35 6. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. A. ALL COMMUNICATIONS  
36 TO THE DESIGNATING COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICA-  
37 TIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER  
38 PAPERS, FILES AND RECORDS OF THE DESIGNATING COMMISSION SHALL BE CONFID-  
39 ENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO  
40 HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON  
41 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

42 B. NEITHER THE COMMISSIONERS OF THE STATE GOVERNMENT ETHICS COMMIS-  
43 SION, MEMBERS OF THE DESIGNATING COMMISSION NOR ITS STAFF SHALL PUBLICLY  
44 DIVULGE THE NAMES OF, OR ANY INFORMATION CONCERNING, ANY CANDIDATE  
45 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE. ANY VIOLATION OF THIS  
46 SUBDIVISION SHALL BE A CLASS A MISDEMEANOR.

47 7. PROCEDURES WHEN VACANCIES OCCUR. A. WHENEVER A VACANCY WILL OCCUR  
48 IN THE OFFICE OF COMMISSIONER OF STATE GOVERNMENT ETHICS BY EXPIRATION  
49 OF A TERM, THE COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL NOTIFY THE  
50 DESIGNATING COMMISSION OF THE ANTICIPATED VACANCY NO LATER THAN SEVEN  
51 MONTHS PRECEDING THE VACANCY. THE DESIGNATING COMMISSION SHALL MAKE ITS  
52 APPOINTMENT TO THE STATE GOVERNMENT ETHICS COMMISSION ON OR BEFORE THE  
53 DATE OF EXPIRATION, TO TAKE EFFECT ON THE DAY FOLLOWING SUCH EXPIRATION.

54 B. WHENEVER A VACANCY OCCURS OTHER THAN BY EXPIRATION OF TERM, THE  
55 COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL IMMEDIATELY NOTIFY THE  
56 DESIGNATING COMMISSION OF SUCH VACANCY. THE DESIGNATING COMMISSION SHALL

1 MAKE ITS APPOINTMENT NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER RECEIPT  
2 OF SUCH NOTICE.

3 S 9. Paragraph (a) of subdivision 1 of section 73 of the public offi-  
4 cers law, as amended by chapter 813 of the laws of 1987, is amended to  
5 read as follows:

6 (a) The term "compensation" shall mean any money, thing of value or  
7 financial benefit conferred in return for services rendered or to be  
8 rendered. With regard to matters undertaken by a firm, corporation or  
9 association, compensation shall mean net revenues, as defined in accord-  
10 ance with generally accepted accounting principles as defined by the  
11 state GOVERNMENT ethics commission [or legislative ethics committee in  
12 relation to persons subject to their respective jurisdictions].

13 S 10. Paragraphs (b) and (c) of subdivision 5 of section 73 of the  
14 public officers law, as added by chapter 14 of the laws of 2007, are  
15 amended to read as follows:

16 (b) solicit, accept or receive any gift[, as defined in section one-c  
17 of the legislative law,] from any person who is prohibited from deliver-  
18 ing such gift pursuant to SUBDIVISION FIVE-A OF THIS section [one-m of  
19 the legislative law] unless under the circumstances it is not reasonable  
20 to infer that the gift was intended to influence him OR HER; or

21 (c) permit the solicitation, acceptance, or receipt of any gift[, as  
22 defined in section one-c of the legislative law,] from any person who is  
23 prohibited from delivering such gift pursuant to SUBDIVISION FIVE-A OF  
24 THIS section [one-m of the legislative law] to a third party including a  
25 charitable organization, on such official's designation or recommenda-  
26 tion or on his or her behalf, under circumstances where it is reasonable  
27 to infer that the gift was intended to influence him OR HER.

28 S 11. Subdivision 5-a of section 73 of the public officers law is  
29 renumbered subdivision 5-b and a new subdivision 5-a is added to read as  
30 follows:

31 5-A. PROHIBITION OF GIFTS. NO INDIVIDUAL OR ENTITY REQUIRED TO BE  
32 LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO SECTION  
33 SEVENTY-THREE-C OF THIS ARTICLE SHALL OFFER OR GIVE A GIFT TO ANY STATE-  
34 WIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, INDIVIDUAL WHOSE NAME  
35 HAS BEEN SUBMITTED TO THE SENATE FOR CONFIRMATION TO BECOME A STATE  
36 OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE,  
37 UNLESS UNDER THE CIRCUMSTANCES IT IS NOT REASONABLE TO INFER THAT THE  
38 GIFT WAS INTENDED TO INFLUENCE HIM OR HER. NO INDIVIDUAL OR ENTITY  
39 REQUIRED TO BE LISTED ON A STATEMENT OF REGISTRATION PURSUANT TO SECTION  
40 SEVENTY-THREE-C OF THIS ARTICLE SHALL OFFER OR GIVE A GIFT TO THE SPOUSE  
41 OR UNEMANCIPATED CHILD OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER  
42 OR EMPLOYEE, INDIVIDUAL WHOSE NAME HAS BEEN SUBMITTED TO THE SENATE FOR  
43 CONFIRMATION TO BECOME A STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGIS-  
44 LATURE OR LEGISLATIVE EMPLOYEE UNDER CIRCUMSTANCES WHERE IT IS REASON-  
45 ABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE HIM OR HER. NO  
46 SPOUSE OR UNEMANCIPATED CHILD OF AN INDIVIDUAL REQUIRED TO BE LISTED ON  
47 A STATEMENT OF REGISTRATION PURSUANT TO SECTION SEVENTY-THREE-C OF THIS  
48 ARTICLE SHALL OFFER OR GIVE A GIFT TO A STATEWIDE ELECTED OFFICIAL,  
49 STATE OFFICER OR EMPLOYEE, INDIVIDUAL WHOSE NAME HAS BEEN SUBMITTED TO  
50 THE SENATE FOR CONFIRMATION TO BECOME A STATE OFFICER OR EMPLOYEE,  
51 MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE UNDER CIRCUMSTANCES  
52 WHERE IT IS REASONABLE TO INFER THAT THE GIFT WAS INTENDED TO INFLUENCE  
53 HIM OR HER. THIS SUBDIVISION SHALL NOT APPLY TO GIFTS TO OFFICERS,  
54 MEMBERS OR DIRECTORS OF BOARDS, COMMISSIONS, COUNCILS, PUBLIC AUTHORI-  
55 TIES OR PUBLIC BENEFIT CORPORATIONS WHO RECEIVE NO COMPENSATION OR ARE  
56 COMPENSATED ON A PER DIEM BASIS, UNLESS THE PERSON LISTED ON THE STATE-

MENT OF REGISTRATION APPEARS OR HAS MATTERS PENDING BEFORE THE BOARD, COMMISSION OR COUNCIL ON WHICH THE RECIPIENT SITS.

S 12. Paragraph (a) of subdivision 6 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

(a) Every legislative employee not subject to the provisions of section seventy-three-a of this chapter shall, on and after December fifteenth and before the following January fifteenth, in each year, file [with the legislative ethics committee established by section eighty of the legislative law] a financial disclosure statement of

(1) each financial interest, direct or indirect of himself, his spouse, DOMESTIC PARTNER, and his unemancipated children under the age of eighteen years in any activity which is subject to the jurisdiction of a regulatory agency or name of the entity in which the interest is had and whether such interest is over or under five thousand dollars in value.

(2) every office and directorship held by him in any corporation, firm or enterprise which is subject to the jurisdiction of a regulatory agency, including the name of such corporation, firm or enterprise.

(3) any other interest or relationship which he determines in his discretion might reasonably be expected to be particularly affected by legislative action or in the public interest should be disclosed.

S 13. Paragraph (c) of subdivision 6 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

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

S 14. Paragraph (h) of subdivision 8 of section 73 of the public officers law, as added by chapter 514 of the laws of 2002, is amended to read as follows:

(h) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the state GOVERNMENT ethics commission that the services of such former officer or employee are required in connection with the agency's response to a disaster emergency declared by the governor pursuant to section twenty-eight of the executive law.

S 15. The opening paragraph of subdivision 8-a of section 73 of the public officers law, as amended by chapter 357 of the laws of 2001, is amended to read as follows:

The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil

1 action or proceeding in any state or federal court, provided that the  
2 attorney general has certified in writing to the state GOVERNMENT ethics  
3 commission, with a copy to such former state officer or employee, that  
4 the services are rendered on behalf of the state, a state agency, state  
5 officer or employee, or other person or entity represented by the attor-  
6 ney general, and that such former state officer or employee has exper-  
7 tise, knowledge or experience which is unique or outstanding in a field  
8 or in a particular matter or which would otherwise be generally unavail-  
9 able at a comparable cost to the state, a state agency, state officer or  
10 employee, or other person or entity represented by the attorney general  
11 in such civil action or proceeding. In those instances where a state  
12 agency is not represented by the attorney general in a civil action or  
13 proceeding in state or federal court, a former state officer or employee  
14 may engage in permitted activities provided that the general counsel of  
15 the state agency, after consultation with the state GOVERNMENT ethics  
16 commission, provides to the state GOVERNMENT ethics commission a written  
17 certification which meets the requirements of this subdivision. For  
18 purposes of this subdivision the term "permitted activities" shall mean  
19 generally any activity performed at the request of the attorney general  
20 or the attorney general's designee, or in cases where the state agency  
21 is not represented by the attorney general, the general counsel of such  
22 state agency, including without limitation:

23 S 16. Subdivision 8-b of section 73 of the public officers law, as  
24 added by chapter 523 of the laws of 2004, is amended to read as follows:

25 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of  
26 paragraph (a) of subdivision eight of this section, a former state offi-  
27 cer or employee may contract individually, or as a member or employee of  
28 a firm, corporation or association, to render services to any state  
29 agency if, prior to engaging in such service, the agency head certifies  
30 in writing to the state GOVERNMENT ethics commission that such former  
31 officer or employee has expertise, knowledge or experience with respect  
32 to a particular matter which meets the needs of the agency and is other-  
33 wise unavailable at a comparable cost. Where approval of the contract is  
34 required under section one hundred twelve of the state finance law, the  
35 comptroller shall review and consider the reasons for such certifi-  
36 cation. The state GOVERNMENT ethics commission must review and approve  
37 all certifications made pursuant to this subdivision.

38 S 17. Subdivision 10 of section 73 of the public officers law, as  
39 amended by chapter 813 of the laws of 1987, is amended to read as  
40 follows:

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

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

25 S 18. The opening paragraph and the closing paragraph of subdivision 1  
26 of section 107 of the public officers law, are designated paragraphs a  
27 and b and a new paragraph c is added to read as follows:

28 C. THE STATE GOVERNMENT ETHICS COMMISSION SHALL ALSO HAVE JURISDICTION  
29 TO RECEIVE COMPLAINTS BY ANY AGGRIEVED PERSON AGAINST A STATE PUBLIC  
30 BODY AS DEFINED IN SECTION ONE HUNDRED TWO OF THIS ARTICLE.

31 S 19. Subparagraphs (iii) and (iv) of paragraph (i) of subdivision 1  
32 of section 73 of the public officers law, as amended by chapter 242 of  
33 the laws of 1989, are amended and a new subparagraph (v) is added to  
34 read as follows:

35 (iii) officers and employees of state departments, boards, bureaus,  
36 divisions, commissions, councils or other state agencies other than  
37 officers of such boards, commissions or councils who receive no compen-  
38 sation or are compensated on a per diem basis; [and]

39 (iv) members or directors of public authorities, other than multi-  
40 state authorities, public benefit corporations and commissions at least  
41 one of whose members is appointed by the governor, who receive compen-  
42 sation other than on a per diem basis, and employees of such authori-  
43 ties, corporations and commissions[.]; AND

44 (V) MEMBERS OF THE LEGISLATURE AND EMPLOYEES OF THE LEGISLATURE.

45 S 20. Subdivision 2 of section 73 of the public officers law, as  
46 amended by chapter 813 of the laws of 1987, is amended to read as  
47 follows:

48 2. (A) NO STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE,  
49 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR STATE  
50 PUBLIC OFFICE SHALL RECEIVE, OR ENTER INTO ANY AGREEMENT EXPRESS OR  
51 IMPLIED FOR, COMPENSATION FOR SERVICES TO BE RENDERED IN RELATION TO ANY  
52 CASE, PROCEEDING, APPLICATION, STATE GOVERNMENTAL PROCUREMENT ARTICLE OR  
53 PROCUREMENT OR OTHER MATTER BEFORE ANY STATE AGENCY.

54 (B) In addition to the prohibitions contained in subdivision seven  
55 hereof, no statewide elected official, state officer or employee, member  
56 of the legislature or legislative employee shall receive, or enter into

1 any agreement express or implied for, compensation for services to be  
2 rendered in relation to any case, proceeding, application, ARTICLE OF  
3 PROCUREMENT or other matter before any state agency, whereby his compen-  
4 sation is to be dependent or contingent upon any action by such agency  
5 with respect to any license, contract, certificate, ruling, decision,  
6 opinion, rate schedule, franchise, or other benefit; provided, however,  
7 that nothing in this subdivision shall be deemed to prohibit the fixing  
8 at any time of fees based upon the reasonable value of the services  
9 rendered.

10 S 21. Paragraph (a) of subdivision 5 of section 73 of the public offi-  
11 cers law, as amended by chapter 14 of the laws of 2007, is amended to  
12 read as follows:

13 (a) solicit, accept or receive any gift having [more than a nominal  
14 value] A VALUE OF GREATER THAN TEN DOLLARS, whether in the form of  
15 money, service, loan, travel, lodging, meals, refreshments, enter-  
16 tainment, discount, forbearance or promise, or in any other form, under  
17 circumstances in which it could reasonably be inferred that the gift was  
18 intended to influence him, or could reasonably be expected to influence  
19 him, in the performance of his official duties or was intended as a  
20 reward for any official action on his part. No person shall, directly or  
21 indirectly, offer or make any such gift to a statewide elected official,  
22 or any state officer or employee, member of the legislature or legisla-  
23 tive employee under such circumstances.

24 S 22. Subparagraphs (v) and (vi) of paragraph (a) of subdivision 7 of  
25 section 73 of the public officers law, as amended by chapter 530 of the  
26 laws of 2004, are amended and a new subparagraph (vii) is added to read  
27 as follows:

28 (v) licensing; [or]

29 (vi) any proceeding relating to a franchise provided for in the public  
30 service law[.]; OR

31 (VII) A REFERRAL BY A REGISTERED LOBBYIST TO SUCH STATE OFFICER FOR  
32 THE REPRESENTATION OF AN INDIVIDUAL, BUSINESS, OR ENTITY FOR ANY COMPEN-  
33 SATION.

34 S 23. Section 73 of the public officers law is amended by adding two  
35 new subdivisions 8-c and 9-a to read as follows:

36 8-C. NO STATEWIDE ELECTED OFFICIAL, OR STATE OFFICER OR EMPLOYEE, OR  
37 MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR POLITICAL PARTY  
38 CHAIRMAN THAT IS LICENSED TO PRACTICE LAW SHALL RECEIVE, DIRECTLY OR  
39 INDIRECTLY, OR ENTER INTO ANY AGREEMENT EXPRESS OR IMPLIED FOR, ANY  
40 COMPENSATION WITH A CLIENT, IN WHATEVER FORM, THAT IS ORIGINALLY A  
41 REFERRAL BY A LOBBYIST REGISTERED IN THE STATE, UNLESS SUCH REFERRAL IS  
42 PUBLICLY DISCLOSED ON A FINANCIAL DISCLOSURE FORM.

43 9-A. NO STATEWIDE ELECTED OFFICIAL, STATE OFFICER, MEMBER OF THE  
44 LEGISLATURE OR LEGISLATIVE EMPLOYEE, SHALL BE ELIGIBLE TO SERVE AS A  
45 TREASURER OF ANY CAMPAIGN COMMITTEE SUPPORTING A CANDIDATE FOR ANY STATE  
46 OFFICE.

47 S 24. Section 73 of the public officers law is amended by adding two  
48 new subdivisions 14-a and 14-b to read as follows:

49 14-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF THIS  
50 SECTION, NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, AS  
51 DEFINED BY PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE-A  
52 OF THIS ARTICLE, SHALL PARTICIPATE IN ANY DECISION TO HIRE, PROMOTE,  
53 PROCESS EMPLOYMENT PAPERWORK FOR OR HAVE KNOWLEDGE OF THE PROSPECTIVE  
54 EMPLOYMENT OR CHANGE OF EMPLOYMENT STATUS OF ANY RELATIVE FOR ANY  
55 COMPENSATED POSITION AT, FOR OR WITHIN THE SAME LEGISLATIVE CHAMBER  
56 WHICH EMPLOYS SUCH MEMBER OR LEGISLATIVE EMPLOYEE. THE PROVISIONS OF

1 THIS SUBDIVISION SHALL NOT APPLY TO PERSONS TO WHICH PARAGRAPH (B) OF  
2 SUBDIVISION FOURTEEN OF THIS SECTION APPLIES.

3 14-B. IN ADDITION TO THE INFORMATION INCLUDED IN THE ANNUAL FINANCIAL  
4 STATEMENT OF FINANCIAL DISCLOSURE PROVIDED FOR IN SECTION  
5 SEVENTY-THREE-A OF THIS ARTICLE, EVERY MEMBER OF THE LEGISLATURE AND  
6 LEGISLATIVE EMPLOYEE SHALL DISCLOSE THE NAMES OF ALL RELATIVES WHO ARE  
7 EMPLOYED BY THE LEGISLATURE AND THE DEGREE OF THEIR RELATIONSHIP.

8 S 25. Subdivision 18 of section 73 of the public officers law, as  
9 amended by chapter 14 of the laws of 2007, is amended to read as  
10 follows:

11 18. In addition to any penalty contained in any other provision of  
12 law, any person who knowingly and intentionally violates the provisions  
13 of subdivisions two through five, seven, eight, twelve or fourteen  
14 through seventeen of this section shall be subject to a civil penalty in  
15 an amount not to exceed forty thousand dollars and the value of any  
16 gift, compensation or benefit received in connection with such  
17 violation. Assessment of a civil penalty hereunder shall be made by the  
18 state oversight body with jurisdiction over such person. A state over-  
19 sight body acting pursuant to its jurisdiction, may, in lieu of a civil  
20 penalty, with respect to a violation of subdivisions two through five,  
21 seven or eight of this section, refer a violation of any such subdivi-  
22 sion to the appropriate prosecutor OR TO THE STATE ATTORNEY GENERAL and  
23 upon such conviction such violation shall be punishable as a class A  
24 misdemeanor.

25 S 26. Subdivision 1 of section 73-a of the public officers law is  
26 amended by adding a new paragraph (e-1) to read as follows:

27 (E-1) THE TERM "DOMESTIC PARTNER" SHALL MEAN AN INDIVIDUAL LIVING IN  
28 THE SAME HOUSEHOLD AND SHARING FINANCIAL INTERDEPENDENCE WITH THE  
29 REPORTING INDIVIDUAL.

30 S 27. Paragraph (f) of subdivision 1 of section 73-a of the public  
31 officers law, as added by chapter 813 of the laws of 1987, is amended to  
32 read as follows:

33 (f) The term "relative" shall mean such individual's spouse, DOMESTIC  
34 PARTNER, child, stepchild, stepparent, or any person who is a direct  
35 descendant of the grandparents of the reporting individual or of the  
36 reporting individual's spouse.

37 S 28. Subdivision 3 of section 73-a of the public officers law, as  
38 added by chapter 813 of the laws of 1987, paragraphs 4, 6, 9, 11, 13,  
39 14, 15, 16, 17, 18, and 19, subparagraph (a) of paragraph 5, and subpar-  
40 agraph (b) of paragraph 12 as amended and the fourth and fifth undesig-  
41 nated paragraphs of paragraph 3 as added by chapter 242 of the laws of  
42 1989, is amended to read as follows:

43 3. The annual statement of financial disclosure shall contain the  
44 information and shall be in the form set forth hereinbelow:

45 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year \_\_\_\_\_)

- 46 1. Name \_\_\_\_\_  
47 2. (a) Title of Position \_\_\_\_\_  
48 (b) Department, Agency or other Governmental Entity \_\_\_\_\_  
49 (c) Address of Present Office \_\_\_\_\_  
50 (d) Office Telephone Number \_\_\_\_\_  
51 3. (a) Marital Status \_\_\_\_\_. If married OR IN A DOMESTIC  
52 PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full  
53 name including maiden name where applicable.  
54 \_\_\_\_\_ .

(b) List the names of all unemancipated children.

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

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; [and] Category F - \$250,000 TO UNDER \$1,000,000; AND CATEGORY G - \$1,000,000 or over. A reporting individual shall indicate the Category by letter only.

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

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

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

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

ministerial matters before, any state or local agency, list the name of any such agency.

| Position | Organization | State or Local Agency |
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5. (a) List the name, address and description of any [occupation,] employment (other than the employment listed under Item 2 above), trade, business [or], profession OR OCCUPATION engaged in by the reporting individual. If such activity was licensed by any state or local agency[, ] OR was regulated by any state regulatory agency or local agency, [or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency,] list the name of any such agency.

| Position | Name & Address of Organization | Description | State or Local Agency |
|----------|--------------------------------|-------------|-----------------------|
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- (b) IF THE REPORTING INDIVIDUAL DID BUSINESS WITH OR HAD MATTERS OTHER THAN MINISTERIAL MATTERS BEFORE ANY STATE OR LOCAL AGENCY IN THE COURSE OF ANY EMPLOYMENT, TRADE, BUSINESS, PROFESSION OR OCCUPATION ENGAGED IN BY THE REPORTING INDIVIDUAL, LIST THE NAME AND ADDRESS OF THE ENTITY, A BRIEF DESCRIPTION OF THE ACTIVITY AND THE NAME OF ANY SUCH AGENCY.

| NAME & ADDRESS OF ORGANIZATION | DESCRIPTION | STATE OR LOCAL AGENCY |
|--------------------------------|-------------|-----------------------|
|--------------------------------|-------------|-----------------------|

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

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

| Position | Name & Address<br>of Organization | Description | State or<br>Local<br>Agency |
|----------|-----------------------------------|-------------|-----------------------------|
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6. List any interest, in EXCESS of \$1,000, held by the reporting individual, such individual's spouse, DOMESTIC PARTNER or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

| Self,<br>Spouse or<br>Child | Entity<br>Which Held<br>Interest in<br>Contract | Relationship<br>to Entity<br>and Interest<br>in Contract | Contracting<br>State or<br>Local<br>Agency | Category<br>of<br>Value of<br>Contract |
|-----------------------------|-------------------------------------------------|----------------------------------------------------------|--------------------------------------------|----------------------------------------|
|-----------------------------|-------------------------------------------------|----------------------------------------------------------|--------------------------------------------|----------------------------------------|

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

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3 8. (a) If the reporting individual practices law, is licensed by the  
4 department of state as a real estate broker or agent or practices a  
5 profession licensed by the department of education, give a LIST OF  
6 ALL CLIENTS AND A general description of the principal subject areas  
7 of matters undertaken by such individual. IF THE NATURE OF THE  
8 REPORTING INDIVIDUAL'S PRACTICE OR ACTIVITIES WERE SUCH THAT NO  
9 PRINCIPAL SUBJECT AREAS OR MATTERS WERE UNDERTAKEN, GIVE A GENERAL  
10 DESCRIPTION OF THE PRACTICE OR ACTIVITIES UNDERTAKEN. Additionally,  
11 if such an individual practices with a firm or corporation and is a  
12 partner or shareholder of the firm or corporation, give a LIST OF  
13 ALL CLIENTS AND A general description of THE principal subject areas  
14 of matters undertaken by such firm or corporation. [Do not list the  
15 name of the individual clients, customers or patients.] IF THE  
16 MATTERS UNDERTAKEN BY SUCH FIRM OR CORPORATION WERE SUCH THAT NO  
17 PRINCIPAL SUBJECT AREAS OR MATTERS WERE UNDERTAKEN, GIVE A GENERAL  
18 DESCRIPTION OF THE PRACTICE OR ACTIVITIES UNDERTAKEN.  
19 NATURE CLIENT STATE AGENCY OR COURT CATEGORY OF VALUE  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_

25 (b) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION IN EXCESS OF  
26 \$1,000 FOR APPEARANCES BEFORE A STATE AGENCY OR WITH THE UNIFIED  
27 COURT SYSTEM WITH RESPECT TO MATTERS OTHER THAN MINISTERIAL MATTERS,  
28 INDICATE THE NATURE OF THE APPEARANCES, CLIENT NAME AND THE NAME OF  
29 ANY SUCH AGENCY.  
30 NATURE CLIENT STATE AGENCY OR COURT CATEGORY OF VALUE  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_

36 (C) List the name, principal address and general description or the  
37 nature of the business activity of any entity in which the reporting  
38 individual or such individual's spouse OR DOMESTIC PARTNER had an  
39 investment in excess of \$1,000 excluding investments in securities and  
40 interests in real property.

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42 \_\_\_\_\_  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_

46 (D) IF THE REPORTING INDIVIDUAL RECEIVED INCOME IN EXCESS OF \$1,000 FROM  
47 CONSULTING SERVICES, NOT INCLUDING ANY SERVICES PERFORMED BY A  
48 LICENSED PROFESSIONAL LISTED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH,  
49 PROVIDE THE NAME AND ADDRESS OF THE INDIVIDUAL, BUSINESS OR ENTITY,

THE COMPENSATION RECEIVED FROM SUCH ENTITY, AND PROVIDE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN.

| ENTITY | ADDRESS | SERVICES/CONSIDERATION | CATEGORY OF VALUE |
|--------|---------|------------------------|-------------------|
|        |         |                        |                   |
|        |         |                        |                   |
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|        |         |                        |                   |

(E) LIST EACH SOURCE OF REFERRAL FOR BUSINESS OR FOR CLIENTS BY THOSE WHO ARE REGISTERED TO LOBBY OR THEIR CLIENTS AND PROVIDE THE NAME, ADDRESS OF THE BUSINESS OR ENTITY, THE COMPENSATION RECEIVED FROM SUCH REFERRED ENTITY, AND PROVIDE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN.

| SOURCE | NAME | ADDRESS | SERVICES/<br>CONSIDERATION | CATEGORY OF VALUE |
|--------|------|---------|----------------------------|-------------------|
|        |      |         |                            |                   |
|        |      |         |                            |                   |
|        |      |         |                            |                   |
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|        |      |         |                            |                   |

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

| Self,<br>Spouse or<br>Child | Name of<br>Donor | Address | Nature<br>of Gift | Category<br>of<br>Value of<br>Gift |
|-----------------------------|------------------|---------|-------------------|------------------------------------|
|                             |                  |         |                   |                                    |
|                             |                  |         |                   |                                    |
|                             |                  |         |                   |                                    |
|                             |                  |         |                   |                                    |
|                             |                  |         |                   |                                    |

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

| Source | Description |
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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  
10 (e.g., 401, 403(b), 457, etc.) established in accordance with the  
11 internal revenue code, in which the REPORTING INDIVIDUAL held a  
12 beneficial interest in EXCESS of \$1,000 at any time during the  
13 preceding year. Do NOT report interests in a trust, estate or other  
14 beneficial interest established by or for, or the estate of, a rela-  
15 tive.

| 16 |          | Category  |
|----|----------|-----------|
| 17 | Identity | of Value* |

|    |       |  |
|----|-------|--|
| 18 | _____ |  |
| 19 | _____ |  |
| 20 | _____ |  |
| 21 | _____ |  |
| 22 | _____ |  |

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

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

30 \_\_\_\_\_  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_  
34 \_\_\_\_\_

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

41 \_\_\_\_\_  
42 \_\_\_\_\_  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_

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

to the date of filing. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

| Self/<br>Spouse | Source | Nature | Category<br>of Amount |
|-----------------|--------|--------|-----------------------|
|-----------------|--------|--------|-----------------------|

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

| Source | Category<br>of Amount |
|--------|-----------------------|
|--------|-----------------------|

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15. List each assignment of income in EXCESS of \$1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of \$1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

| Item Assigned<br>or Transferred | Assigned or<br>Transferred to | Category<br>of Value |
|---------------------------------|-------------------------------|----------------------|
|---------------------------------|-------------------------------|----------------------|

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

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| Self/<br>Spouse | Issuing<br>Entity | Type of<br>Security | Percentage<br>of corporate<br>stock owned<br>or controlled<br>(if more than<br>5% of pub-<br>licly traded<br>stock, or<br>more than<br>10% if stock<br>not publicly<br>traded, is held) | Category of<br>Market Value<br>as of the close<br>of the<br>taxable year<br>last occurring<br>prior to<br>the filing of<br>this statement |
|-----------------|-------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
|-----------------|-------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

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6 17. List below the location, size, general nature, acquisition date,  
7 market value and percentage of ownership of any real property in  
8 which any vested or contingent interest in EXCESS of \$1,000 is held  
9 by the reporting individual or the reporting individual's spouse.  
10 Also list real property owned for investment purposes by a corpo-  
11 ration more than fifty percent (50%) of the stock of which is owned  
12 or controlled by the reporting individual or such individual's  
13 spouse. Do NOT list any real property which is the primary or  
14 secondary personal residence of the reporting individual or the  
15 reporting individual's spouse, except where there is a co-owner who  
16 is other than a relative.

| 17 | Self/<br>18 Spouse/<br>19 Corporation | Location | Size | General<br>20 Nature | Acquisition<br>Date | Percentage<br>of<br>Ownership | Category<br>of<br>Market<br>Value |
|----|---------------------------------------|----------|------|----------------------|---------------------|-------------------------------|-----------------------------------|
| 21 |                                       |          |      |                      |                     |                               |                                   |
| 22 |                                       |          |      |                      |                     |                               |                                   |
| 23 |                                       |          |      |                      |                     |                               |                                   |
| 24 |                                       |          |      |                      |                     |                               |                                   |
| 25 |                                       |          |      |                      |                     |                               |                                   |

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

| 36 | Name of Debtor | Type of Obligation,<br>37 Date Due, and Nature<br>38 of Collateral, if any | Category<br>of<br>Amount |
|----|----------------|----------------------------------------------------------------------------|--------------------------|
| 39 |                |                                                                            |                          |
| 40 |                |                                                                            |                          |
| 41 |                |                                                                            |                          |
| 42 |                |                                                                            |                          |
| 43 |                |                                                                            |                          |

44 19. List below all liabilities of the reporting individual and such  
45 individual's spouse[,] OR DOMESTIC PARTNER in EXCESS of \$5,000 as of  
46 the date of filing of this statement, other than liabilities to a  
47 relative. Do NOT list liabilities incurred by, or guarantees made  
48 by, the reporting individual or such individual's spouse OR DOMESTIC  
49 PARTNER or by any proprietorship, partnership or corporation in

which the reporting individual or such individual's spouse OR DOMESTIC PARTNER has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse OR DOMESTIC PARTNER. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

| Name of Creditor<br>or Guarantor | Type of Liability<br>and Collateral, if any | Category<br>of<br>Amount |
|----------------------------------|---------------------------------------------|--------------------------|
|----------------------------------|---------------------------------------------|--------------------------|

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

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

S 29. Paragraph d of subdivision 3 of section 74 of the public officers law, as amended by chapter 1012 of the laws of 1965, is amended to read as follows:

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his OR HER official position to secure unwarranted privileges or exemptions for himself, HERSELF, HIS OR HER RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE, or others.

S 30. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed [ten] TWENTY-FIVE thousand dollars and TRIPLE the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section

1 shall be subject to a civil penalty in an amount not to exceed TRIPLE  
2 the value of any gift, compensation or benefit received as a result of  
3 such violation.

4 S 31. Subdivision 2 of section 63 of the executive law is amended to  
5 read as follows:

6 2. [Whenever] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHENEVER  
7 required by the governor, attend in person, or by one of his deputies,  
8 any term of the supreme court or appear before the grand jury thereof  
9 for the purpose of managing and conducting in such court or before such  
10 jury criminal actions or proceedings as shall be specified in such  
11 requirement; in which case the attorney-general or his deputy so attend-  
12 ing shall exercise all the powers and perform all the duties in respect  
13 of such actions or proceedings, which the district attorney would other-  
14 wise be authorized or required to exercise or perform; and in any of  
15 such actions or proceedings the district attorney shall only exercise  
16 such powers and perform such duties as are required of him by the attor-  
17 ney-general or the deputy attorney-general so attending. In all such  
18 cases, EXCEPT THOSE CASES ARISING OUT OF REFERRALS FROM THE STATE  
19 GOVERNMENT ETHICS COMMISSION, all expenses incurred by the attorney-gen-  
20 eral, including the salary or other compensation of all deputies  
21 employed, shall be a county charge.

22 S 32. All powers, duties and functions conferred upon the state  
23 commission on public integrity, the legislative ethics commission, the  
24 state board of elections as such powers, duties and functions pertain to  
25 article 14 of the election law, and their commissioners and executive  
26 directors, shall be transferred to and assumed by the state government  
27 ethics commission and the commissioners and executive director to be  
28 appointed thereof.

29 S 33. Transfer of employees. Upon the transfer of the functions, as  
30 provided for in this act, any affected employees shall be transferred to  
31 the state government ethics commission in accordance with section 70 of  
32 the civil service law.

33 S 34. Transfer of records. The state commission on public integrity,  
34 the legislative ethics commission and the state board of elections as it  
35 pertains to article 14 of the election law shall deliver to the state  
36 government ethics commission all books, papers, records, and property as  
37 requested by the state government ethics commission.

38 S 35. Continuity of authority. For the purpose of succession to all  
39 functions, powers, duties and obligations transferred and assigned to,  
40 devolved upon and assumed by it pursuant to this act, the state govern-  
41 ment ethics commission shall be deemed and held to constitute the  
42 continuation of the state commission on public integrity, the legisla-  
43 tive ethics commission and the state board of elections as it pertains  
44 to article 14 of the election law.

45 S 36. Completion of unfinished business. Any business or other matter  
46 undertaken or commenced by the state commission on public integrity, the  
47 legislative ethics commission and the state board of elections as it  
48 pertains to article 14 of the election law pertaining to or connected  
49 with the functions, powers, obligations and duties hereby transferred  
50 and assigned to the state government ethics commission, and pending on  
51 the effective date of this act may be conducted and completed by the  
52 state government ethics commission in the same manner and under the same  
53 terms and conditions and with the same effect as if conducted and  
54 completed by the former state commission on public integrity, the legis-  
55 lative ethics commission and the state board of elections as it pertains  
56 to article 14 of the election law.

1 S 37. Terms occurring in laws, contracts and other documents. Whenever  
2 the state commission on public integrity, the legislative ethics commis-  
3 sion and the state board of elections as it pertains to article 14 of  
4 the election law, and the committee on open government as it pertains to  
5 article 7 of the public officers law are referred to or designated in  
6 any law, contract or documents pertaining to the functions, powers,  
7 obligations and duties hereby transferred and assigned to the state  
8 government ethics commission, such reference or designation shall be  
9 deemed to refer to the state government ethics commission as created by  
10 this act.

11 S 38. Existing rights and remedies preserved. No existing right or  
12 remedy of any character shall be lost, impaired or affected by reason of  
13 this act.

14 S 39. Pending actions and proceedings. No action or proceeding pending  
15 at the time when this act shall take effect, brought by or against the  
16 state commission on public integrity, the legislative ethics commission  
17 and the state board of elections as it pertains to article 14 of the  
18 election law shall be affected by this act, but the same may be prose-  
19 cuted or defended in the name of the state government ethics commission  
20 and upon application to the court, the state government ethics commis-  
21 sion shall be substituted as a party.

22 S 40. Notwithstanding any contrary provision of the state finance law,  
23 transfer of appropriations heretofore made to the state commission on  
24 public integrity, the legislative ethics commission and the state board  
25 of elections as it pertains to article 14 of the election law all appro-  
26 priations or reappropriations for the functions herein transferred here-  
27 tofore made to the state commission on public integrity, the legislative  
28 ethics commission, the state board of elections as it pertains to arti-  
29 cle 14 of the election law or segregated pursuant to law, to the extent  
30 of remaining unexpended or unencumbered balances thereof, whether allo-  
31 cated or unallocated and whether obligated or unobligated, are hereby  
32 transferred to the state government ethics commission to the extent  
33 necessary to carry out the state government ethics commission's func-  
34 tions, powers and duties subject to the approval of the director of the  
35 budget for the same purposes for which originally appropriated or reap-  
36 propriated and shall be payable on vouchers certified or approved by the  
37 state government ethics commission on audit and warrant of the comp-  
38 troller.

39 S 41. Separability clause. If any clause, sentence, paragraph, section  
40 or part of this act shall be adjudged by any court of competent juris-  
41 diction to be invalid, such judgment shall not affect, impair or invali-  
42 date the remainder thereof, but shall be confined in its operation to  
43 the clause, sentence, paragraph, section or part thereof directly  
44 involved in the controversy in which such judgment shall have been  
45 rendered.

46 S 42. This act shall take effect on the two hundred seventieth day  
47 after it shall have become a law, except that appointments to the state  
48 government ethics commission, as added by section four of this act, and  
49 the designating commission, as added by section eight of this act, may  
50 be made before such date.

51

## PART B

52 Section 1. Section 2 of the retirement and social security law is  
53 amended by adding a new subdivision 8-a to read as follows:

1 8-A. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD." THE ENTITY ESTAB-  
2 LISHED PURSUANT TO SECTION TEN-B OF THIS ARTICLE.

3 S 2. The retirement and social security law is amended by adding a new  
4 section 10-b to read as follows:

5 S 10-B. THE EMPLOYEE RETIREMENT SYSTEM BOARD. 1. THERE IS HEREBY  
6 ESTABLISHED THE EMPLOYEE RETIREMENT SYSTEM BOARD, WHICH SHALL CONSIST OF  
7 FIVE MEMBERS TO BE APPOINTED BY A DESIGNATING COMMISSION PURSUANT TO  
8 SECTION SEVENTY-THREE-F OF THE PUBLIC OFFICERS LAW.

9 2. EACH MEMBER OF THE BOARD SHALL HAVE EXPERIENCE IN THE FIELD OF  
10 SECURITIES INVESTMENT, PENSION ADMINISTRATION, PENSION LAW OR GOVERN-  
11 MENTAL FINANCE, SHALL SERVE FIVE YEAR TERMS AND MAY BE REAPPOINTED TO  
12 THE BOARD; PROVIDED, HOWEVER, THAT OF THE MEMBERS INITIALLY APPOINTED TO  
13 THE BOARD, ONE SHALL SERVE FOR ONE YEAR, ONE SHALL SERVE FOR TWO YEARS,  
14 ONE SHALL SERVE FOR THREE YEARS, ONE SHALL SERVE FOR FOUR YEARS AND ONE  
15 SHALL SERVE FOR FIVE YEARS, AS DESIGNATED BY THE COMMISSION. MEMBERS OF  
16 THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS BOARD  
17 MEMBERS, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR THEIR ACTUAL AND  
18 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS.  
19 VACANCIES TO THE BOARD SHALL BE FILLED WITHIN SIXTY DAYS OF THEIR OCCUR-  
20 RENCE IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

21 3. THE MEMBERS OF THE BOARD SHALL BE SUBJECT TO SECTIONS SEVENTY-THREE  
22 AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

23 4. BOARD MEMBERS SHALL PARTICIPATE IN TRAINING, DEVELOPED AND ADMINIS-  
24 TERED BY THE DEPARTMENT OF AUDIT AND CONTROL, IN CONSULTATION WITH THE  
25 SUPERINTENDENT OF INSURANCE AND THE ATTORNEY GENERAL, REGARDING LEGAL,  
26 FIDUCIARY, FINANCIAL AND ETHICAL RESPONSIBILITIES WITHIN ONE YEAR OF  
27 APPOINTMENT TO THE BOARD.

28 5. A MAJORITY OF THE MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM,  
29 AND ALL ACTIONS OF THE BOARD SHALL REQUIRE APPROVAL OF A MAJORITY OF THE  
30 TOTAL MEMBERS OF THE BOARD.

31 6. THE BOARD MAY EMPLOY AN EXECUTIVE DIRECTOR, A CHIEF ACTUARY, A  
32 CHIEF INVESTMENT OFFICER, AS WELL AS INVESTMENT OFFICERS, PORTFOLIO  
33 MANAGERS AND SUCH NECESSARY TECHNICAL AND ADMINISTRATIVE PERSONNEL AS IT  
34 MAY REQUIRE. THE BOARD SHALL ESTABLISH COMPENSATION THAT IS REASONABLE  
35 AND CUSTOMARY FOR SUCH POSITIONS.

36 7. THE BOARD MAY, IN CONSULTATION WITH THE SUPERINTENDENT OF INSUR-  
37 ANCE, PROMULGATE RULES AND REGULATIONS ON THE GOVERNANCE OF THE RETIRE-  
38 MENT SYSTEM, AND SUCH OTHER RULES AND REGULATIONS AS IT MAY DEEM APPRO-  
39 PRIATE.

40 S 3. Section 13 of the retirement and social security law, subdivision  
41 b as amended by chapter 369 of the laws of 1964, subdivision d as  
42 amended by chapter 460 of the laws of 1971, subdivision f as amended by  
43 chapter 376 of the laws of 1965, paragraph 2 of subdivision f as amended  
44 by chapter 908 of the laws of 1971, subdivision h as amended by chapter  
45 496 of the laws of 1967, subdivision i as amended by chapter 1046 of the  
46 laws of 1973, subdivision j as added by chapter 510 of the laws of 1965  
47 and subdivision k as added by chapter 841 of the laws of 1968, is  
48 amended to read as follows:

49 S 13. Management of funds. a. The funds of the retirement system shall  
50 be managed in accordance with this section.

51 b. The [comptroller] MEMBERS OF THE EMPLOYEE RETIREMENT SYSTEM BOARD  
52 shall be trustee of the several funds of the retirement system AND THE  
53 COMPTROLLER SHALL BE CUSTODIAN OF SUCH FUNDS. Such funds shall be  
54 invested by the comptroller AS AUTHORIZED BY THE EMPLOYEE RETIREMENT  
55 SYSTEM BOARD, in securities in which he OR SHE is authorized by law to  
56 invest the funds of the state, except that he OR SHE may invest in obli-

1 gations consisting of notes, bonds, debentures, or equipment trust  
2 certificates issued under an indenture, which are the direct obligations  
3 of, or in the case of equipment trust certificates are secured by direct  
4 obligations of, a railroad or industrial corporation, or a corporation  
5 engaged directly and primarily in the production, transportation,  
6 distribution, or sale of electricity or gas, or the operation of tele-  
7 phone or telegraph systems or waterworks, or in some combination of  
8 them; provided the obligor corporation is one which is incorporated  
9 under the laws of the United States, or any state thereof, or of the  
10 District of Columbia, and said obligations shall be rated at the time of  
11 purchase within the three highest classifications established by at  
12 least two standard rating services. The maximum amount that the comp-  
13 troller AS AUTHORIZED BY THE BOARD may invest in such obligations shall  
14 not exceed thirty per centum of the assets of the New York state employ-  
15 ees' retirement system's funds; and provided further that not more than  
16 two and one half per centum of the assets of the New York state employ-  
17 ees' retirement system's funds shall be invested in the obligations of  
18 any one corporation of the highest classification and subsidiary or  
19 subsidiaries thereof, that not more than two per centum of the assets of  
20 the New York state employees' retirement system's funds shall be  
21 invested in the obligations of any one corporation of the second highest  
22 classification and subsidiary or subsidiaries thereof, that not more  
23 than one and one half per centum of the assets of the New York state  
24 employees' retirement system's funds shall be invested in the obli-  
25 gations of any one corporation of the third highest classification and  
26 subsidiary or subsidiaries thereof. He OR SHE shall, however, be  
27 subject to all terms, conditions, limitations and restrictions imposed  
28 by this article and by law upon the making of such investments. The  
29 comptroller AS AUTHORIZED BY THE BOARD shall have full power:

30 1. To hold, purchase, sell, assign, transfer or dispose of any of the  
31 securities or investments, in which any of the funds of the retirement  
32 system shall be invested, including the proceeds of such investments and  
33 any monies belonging to such funds, and

34 2. In his OR HER name as [trustee] CUSTODIAN, to foreclose mortgages  
35 upon default or to take title to real property in such proceedings in  
36 lieu thereof and to lease and sell real property so acquired.

37 c. The comptroller annually shall credit to each of the funds of the  
38 retirement system regular interest on the mean amount therein for the  
39 preceding year.

40 d. The custody of all funds of the retirement system shall be in the  
41 charge of the head of the division of the treasury of the department of  
42 taxation and finance, subject to the supervision and control of the  
43 commissioner of taxation and finance.

44 e. Payment of all pensions, annuities and other benefits shall be made  
45 as provided in this article. For the purpose of meeting disbursements  
46 for pensions, annuities and other payments ordered by the comptroller,  
47 the head of such division may keep on deposit an available fund which  
48 shall not exceed ten per centum of the total amount of the several funds  
49 of the retirement system. Every such deposit shall be kept only in a  
50 bank or trust company organized under the laws of this state, or in a  
51 national bank located in this state, which shall furnish adequate secu-  
52 rity therefor.

53 f. The comptroller, however, shall have a fund in his OR HER immediate  
54 possession. Such fund shall be used for the immediate payment of:

55 1. All pensions, annuities and other benefits, and

1 2. Such expenses as may necessarily be incurred in acquiring, servic-  
2 ing and foreclosing mortgages and in acquiring, managing and protecting  
3 investments, and

4 3. Such special expenditures for which the retirement system will be  
5 paid by the state or a participating employer.

6 Such fund shall be reimbursed from time to time by the head of such  
7 division on the warrant of the comptroller.

8 g. Neither the comptroller nor THE MEMBERS OF THE BOARD OR any person  
9 employed on the work of the retirement system shall:

10 1. Except as herein provided, have any interest, direct or indirect,  
11 in the gains or profits of any investment of the retirement system, nor,  
12 in connection therewith, directly or indirectly, receive any pay or  
13 emolument for his OR HER services.

14 2. Except as provided in section fifty of this article:

15 (a) Directly or indirectly, for himself OR HERSELF or as an agent or  
16 partner of others, borrow any of its funds or deposits or in any manner  
17 use the same except to make such current and necessary payments as are  
18 authorized by the comptroller, or

19 (b) Become an endorser, surety or an obligor in any manner of monies  
20 loaned by or borrowed of such funds.

21 h. The retirement system may use a part of its funds, not exceeding  
22 ten per centum of its assets, (1) for purchasing or leasing of land in  
23 the city of Albany and the construction thereon of a suitable office  
24 building or buildings for the transaction of the business of the retire-  
25 ment system and (2) for purchasing or leasing of land in the cities of  
26 Albany, Syracuse, Buffalo, Binghamton, New York, Rochester and Utica and  
27 the construction thereon of a suitable office building or buildings for  
28 purposes of lease or sale to the state and (3) for purchasing or leasing  
29 of land in the city of Albany on the north and south sides of Washington  
30 avenue commonly known as the "Campus Site" acquired by the state for a  
31 state buildings site pursuant to the provisions of chapter five hundred  
32 seventy-two of the laws of nineteen hundred forty-seven and the  
33 construction thereon of power plants including service connections,  
34 electric substations including service connections, garages, warehouses  
35 and restaurant facilities deemed necessary for the efficient and econom-  
36 ical operation of the office building or buildings constructed on such  
37 land and (4) for purchasing or leasing of land in the city of Albany  
38 acquired by the state for suitable parking facilities for the use prima-  
39 rily of employees of the state and persons having business with state  
40 departments and state agencies and the construction thereon of such  
41 structures, appurtenances and facilities deemed necessary for the effi-  
42 cient and economical operation of the parking facilities constructed on  
43 such land and (5) for purchasing or leasing of land in locations  
44 approved by the state university trustees and the construction, acquisi-  
45 tion, reconstruction, rehabilitation or improvement of suitable build-  
46 ings or facilities thereon for purposes of lease or sale to the state  
47 university construction fund, such buildings or facilities to be used by  
48 the state university or by state-operated institutions or statutory or  
49 contract colleges under the jurisdiction of the state university or by  
50 the students, faculty and staff of the state university or of any such  
51 state-operated institution or statutory or contract college, and their  
52 families and (6) for purchasing of lands from the New York state thruway  
53 authority and the construction thereon of an office building or other  
54 buildings for purposes of lease or sale to the thruway authority for its  
55 own use under such terms and conditions, including consideration and

1 length of term, as shall be agreed upon between the retirement system  
2 and the thruway authority.

3 The retirement system from time to time may lease to any public agency  
4 any portion of a building constructed for the transaction of its busi-  
5 ness which may not be required for such purpose, upon such terms and  
6 conditions as shall be deemed to be for the best interest of the retire-  
7 ment system.

8 Real property of the retirement system acquired or constructed pursu-  
9 ant to this subdivision shall be exempt from taxation.

10 i. At the close of each fiscal year, the average rate of investment  
11 earnings of the retirement system shall be computed by the actuary and  
12 certified to the comptroller. This rate shall be determined from the  
13 investment earnings during the calendar year which ended three months  
14 prior to the close of the fiscal year. For any year that such average  
15 rate of earnings is in excess of three per centum but not in excess of  
16 four per centum, the comptroller shall declare a rate of special inter-  
17 est, for members earning regular interest of three per centum, equal to  
18 the difference between such average rate of earnings and three per  
19 centum expressed to the lower one-tenth of one per centum, but not in  
20 excess of one per centum. For any year, commencing with the fiscal year  
21 the first day of which is April first, nineteen hundred seventy, that  
22 such average rate of earnings is in excess of four per centum, the  
23 special rate of interest for members earning regular interest of three  
24 per centum shall be equal to the difference between such average rate of  
25 earnings and three per centum expressed to the lower one-tenth of one  
26 per centum, but not in excess of two per centum, and for members earning  
27 regular interest of four per centum, it shall be the difference between  
28 such average rate of earnings and four per centum, expressed to the  
29 lower one-tenth of one per centum, but not in excess of one per centum.  
30 Special interest at such rates, shall be credited by the comptroller at  
31 the same time that regular interest is credited, to the individual annu-  
32 ity savings accounts of persons who are members as of the close of the  
33 fiscal year. Special interest shall not be considered in determining  
34 rates of contribution of members. In the case of persons who last became  
35 members on or after July first, nineteen hundred seventy-three, the  
36 provisions of this subdivision shall apply only to the fiscal years  
37 beginning April first, nineteen hundred seventy-two and ending March  
38 thirty-first, nineteen hundred seventy-three.

39 j. The retirement system may invest, within the limitations authorized  
40 for investments in conventional mortgages, a part of its funds in first  
41 mortgages on real property located anywhere within the boundaries of the  
42 United States and leased to the government of the United States,  
43 provided however, that no such investment shall be made unless the terms  
44 of the mortgage shall provide for amortization payments in an amount  
45 sufficient to completely amortize the loan within the period of the  
46 lease.

47 k. The funds of the retirement system may be invested in the purchase  
48 of promissory notes or bonds from the farmers home administration issued  
49 in connection with the purchase or improvement of real property and  
50 which are insured by the farmers home administration.

51 S 4. The retirement and social security law is amended by adding a new  
52 article 3-B to read as follows:

53 ARTICLE 3-B

54 TRANSPARENCY, ACCOUNTABILITY AND PROHIBITIONS  
55 IN THE STATE RETIREMENT SYSTEM

56 SECTION 156. PROHIBITION ON PLACEMENT AGENTS.

1 S 156. PROHIBITION ON PLACEMENT AGENTS. 1. DEFINITIONS. FOR THE  
2 PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

3 (A) "CONFLICT OF INTEREST" SHALL MEAN A CIRCUMSTANCE UNDER WHICH AN  
4 INDIVIDUAL OR ENTITY HAS AN INTEREST THAT HE, SHE OR IT IS AWARE MAY  
5 IMPAIR HIS, HER OR ITS IMPARTIAL OR OBJECTIVE JUDGMENT.

6 (B) "CONSULTANT" SHALL MEAN ANY PERSON (OTHER THAN AN EMPLOYEE OF THE  
7 BOARD OR THE COMPTROLLER) OR ENTITY RETAINED BY THE FUND TO PROVIDE  
8 TECHNICAL OR PROFESSIONAL SERVICES TO THE FUND RELATING TO INVESTMENTS  
9 BY THE FUND, INCLUDING OUTSIDE INVESTMENT COUNSEL AND LITIGATION COUN-  
10 SEL, CUSTODIANS, ADMINISTRATORS, BROKER-DEALERS, AND PERSONS OR ENTITIES  
11 THAT IDENTIFY INVESTMENT OBJECTIVES AND RISKS, ASSIST IN THE SELECTION  
12 OF MONEY MANAGERS, SECURITIES, OR OTHER INVESTMENTS, OR MONITOR INVEST-  
13 MENT PERFORMANCE.

14 (C) "FAMILY MEMBER" SHALL MEAN ANY PERSON RELATED BY BLOOD, MARRIAGE,  
15 ADOPTION, OR OPERATION OF LAW WHO RESIDES IN THE SAME HOUSEHOLD, AND ANY  
16 PERSON RELATED TO SUCH PERSON WITHIN THE THIRD DEGREE OF CONSANGUINITY  
17 OR AFFINITY.

18 (D) "FUND" SHALL MEAN THE NEW YORK STATE COMMON RETIREMENT FUND.

19 (E) "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD" SHALL MEAN THE ENTI-  
20 TY ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

21 (F) "INVESTMENT MANAGER" SHALL MEAN ANY PERSON (OTHER THAN AN EMPLOYEE  
22 OF THE DEPARTMENT OF AUDIT AND CONTROL) OR ENTITY ENGAGED BY THE FUND IN  
23 THE MANAGEMENT OF PART OR ALL OF AN INVESTMENT PORTFOLIO OF THE FUND.  
24 "MANAGEMENT" SHALL INCLUDE, BUT IS NOT LIMITED TO, ANALYSIS OF PORTFOLIO  
25 HOLDINGS, AND THE PURCHASE, SALE, AND LENDING THEREOF.

26 (G) "INVESTMENT POLICY STATEMENT" SHALL MEAN A WRITTEN DOCUMENT THAT,  
27 CONSISTENT WITH LAW, SETS FORTH A FRAMEWORK FOR THE INVESTMENT PROGRAM  
28 OF THE FUND.

29 (H) "PLACEMENT AGENT" SHALL MEAN ANY PERSON OR ENTITY THAT IS DIRECTLY  
30 OR INDIRECTLY ENGAGED AND COMPENSATED BY AN INVESTMENT MANAGER TO  
31 PROMOTE INVESTMENTS TO OR SOLICIT INVESTMENTS BY THE FUND, WHETHER  
32 COMPENSATED ON A FLAT FEE, A CONTINGENT FEE, OR ANY OTHER BASIS, AND  
33 SHALL INCLUDE A REGISTERED LOBBYIST. REGULAR EMPLOYEES OF AN INVESTMENT  
34 MANAGER ARE EXCLUDED FROM THIS DEFINITION UNLESS THEY ARE EMPLOYED PRIN-  
35 CIPALLY FOR THE PURPOSE OF SECURING OR INFLUENCING THE DECISION TO  
36 SECURE A PARTICULAR TRANSACTION OR INVESTMENT BY THE FUND. FOR PURPOSES  
37 OF THIS PARAGRAPH, THE TERM "EMPLOYEE" SHALL INCLUDE ANY PERSON WHO  
38 WOULD QUALIFY AS AN EMPLOYEE UNDER THE FEDERAL INTERNAL REVENUE CODE OF  
39 1986, AS AMENDED.

40 (I) "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL  
41 EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL POLICE AND  
42 FIRE RETIREMENT SYSTEM.

43 (J) "THIRD PARTY ADMINISTRATOR" SHALL MEAN ANY PERSON OR ENTITY THAT  
44 CONTRACTUALLY PROVIDES ADMINISTRATIVE SERVICES TO THE RETIREMENT SYSTEM,  
45 INCLUDING RECEIVING AND RECORDING EMPLOYER AND EMPLOYEE CONTRIBUTIONS,  
46 MAINTAINING ELIGIBILITY ROSTERS, VERIFYING ELIGIBILITY FOR BENEFITS,  
47 PAYING BENEFITS OR MAINTAINING ANY OTHER RETIREMENT SYSTEM RECORDS.  
48 "ADMINISTRATIVE SERVICES" SHALL NOT INCLUDE SERVICES PROVIDED TO THE  
49 FUND RELATING TO FUND INVESTMENTS.

50 2. IN ORDER TO PRESERVE THE INDEPENDENCE AND INTEGRITY OF THE FUND, TO  
51 PRECLUDE POTENTIAL CONFLICTS OF INTEREST, AND TO ASSIST THE BOARD IN  
52 FULFILLING ITS DUTIES AS A FIDUCIARY TO THE FUND:

53 (A) THE BOARD SHALL NOT ENGAGE, HIRE, INVEST WITH OR COMMIT TO AN  
54 OUTSIDE INVESTMENT MANAGER, EITHER DIRECTLY OR INDIRECTLY, WHO IS USING  
55 THE SERVICES OF A PLACEMENT AGENT TO ASSIST THE INVESTMENT MANAGER IN  
56 OBTAINING INVESTMENTS BY THE FUND; AND

1 (B) AN INVESTMENT MANAGER MAY NOT USE THE SERVICES OF A PLACEMENT  
2 AGENT TO ASSIST THE INVESTMENT MANAGER IN OBTAINING INVESTMENTS BY THE  
3 FUND OR OTHERWISE DOING BUSINESS THEREWITH.

4 3. AN INVESTMENT MANAGER SHALL DISCLOSE AND CERTIFY ON AT LEAST A  
5 SEMI-ANNUAL BASIS, AND MORE FREQUENTLY AS DETERMINED BY THE BOARD:

6 (A) THE NAME, TITLE AND DESCRIPTION OF RESPONSIBILITIES OF EACH  
7 EMPLOYEE OF THE INVESTMENT MANAGER WHOSE PROFESSIONAL DUTIES INCLUDE  
8 CONTACT WITH THE RETIREMENT SYSTEM, INCLUDING THE RETIREMENT SYSTEM'S  
9 EMPLOYEES, ADVISORS, CONSULTANTS AND THIRD-PARTY ADMINISTRATORS;

10 (B) WHETHER AN EMPLOYEE OF THE INVESTMENT MANAGER, WHOSE PROFESSIONAL  
11 DUTIES INCLUDE CONTACT WITH THE RETIREMENT SYSTEM, IS A CURRENT OR  
12 FORMER RETIREMENT SYSTEM EMPLOYEE, ADVISOR, CONSULTANT, OR THIRD-PARTY  
13 ADMINISTRATOR;

14 (C) WHETHER ANY EMPLOYEE OF THE INVESTMENT MANAGER, WHOSE PROFESSIONAL  
15 DUTIES INCLUDE CONTACT WITH THE RETIREMENT SYSTEM, HAS REGISTERED AS A  
16 LOBBYIST WITH ANY STATE OR THE FEDERAL GOVERNMENT IN THE PAST TWO YEARS;  
17 AND

18 (D) THE NAMES AND ADDRESSES OF ALL THIRD PARTIES THAT THE INVESTMENT  
19 MANAGER COMPENSATED IN CONNECTION WITH INVESTMENTS IN THE RETIREMENT  
20 SYSTEM, INCLUDING ANY FEES, COMMISSIONS OR RETAINERS, AND THE AMOUNTS OF  
21 SUCH COMPENSATION.

22 4. AN INVESTMENT MANAGER SHALL PROMPTLY DISCLOSE TO THE BOARD, IN  
23 WRITING, ANY APPARENT, POTENTIAL OR ACTUAL CONFLICT OF INTEREST BETWEEN  
24 THE INVESTMENT MANAGER, INCLUDING THE INVESTMENT MANAGER'S EMPLOYEES AND  
25 ANY FAMILY MEMBERS OF THE INVESTMENT MANAGER AND ITS EMPLOYEES, AND THE  
26 RETIREMENT SYSTEM, INCLUDING THE RETIREMENT SYSTEM'S EMPLOYEES, CONSULT-  
27 ANTS, THIRD-PARTY ADMINISTRATORS AND ANY FAMILY MEMBERS OF THE EMPLOY-  
28 EES, CONSULTANTS, AND THIRD-PARTY ADMINISTRATORS. THE INVESTMENT MANAG-  
29 ER SHALL NOT PROVIDE ANY SERVICES CONCERNING ANY MATTERS AFFECTED BY  
30 SUCH CONFLICT OF INTEREST UNLESS THE RETIREMENT SYSTEM EXPRESSLY WAIVES  
31 SUCH PROHIBITION OR UNTIL THE CONFLICT OF INTEREST IS OTHERWISE CURED.

32 5. AN INVESTMENT MANAGER SHALL PUBLISH ALL DISCLOSURES AND CERTIF-  
33 ICATIONS REQUIRED BY THIS SECTION ON THE INVESTMENT MANAGER'S WEBSITE.

34 6. THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS SECTION,  
35 AND MAY SEEK AN INJUNCTION, ON NOTICE OF FIVE DAYS, ENJOINING A PERSON  
36 OR ENTITY FROM CONTINUING TO ENGAGE IN ANY CONDUCT IN VIOLATION OF THIS  
37 SECTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY RIGHT  
38 OR REMEDY OTHERWISE AVAILABLE UNDER LAW TO ANY PERSON, OR ENTITY,  
39 INCLUDING THE ATTORNEY GENERAL.

40 7. THE BOARD SHALL:

41 (A) FILE WITH THE SUPERINTENDENT OF INSURANCE AN ANNUAL STATEMENT AS  
42 PRESCRIBED BY SECTION THREE HUNDRED SEVEN OF THE INSURANCE LAW, INCLUD-  
43 ING THE RETIREMENT SYSTEM'S FINANCIAL STATEMENT, TOGETHER WITH AN OPIN-  
44 ION OF AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT ON THE FINANCIAL  
45 STATEMENT;

46 (B) DISCLOSE ON THE OFFICE OF STATE COMPTROLLER'S WEBSITE, ON AT LEAST  
47 AN ANNUAL BASIS, ALL FEES PAID BY THE FUND TO INVESTMENT MANAGERS,  
48 CONSULTANTS, AND THIRD-PARTY ADMINISTRATORS;

49 (C) DISCLOSE ON THE OFFICE OF STATE COMPTROLLER'S WEBSITE THE FUND'S  
50 INVESTMENT POLICIES AND PROCEDURES; AND

51 (D) REQUIRE FIDUCIARY AND CONFLICT OF INTEREST REVIEWS OF THE FUND  
52 EVERY THREE YEARS BY A QUALIFIED UNAFFILIATED PERSON.

53 8. FOR PURPOSES OF THIS SECTION, ANY INVESTMENT MADE BY THE FUND  
54 PURSUANT TO SUBDIVISION SEVEN OF SECTION ONE HUNDRED SEVENTY-SEVEN OF  
55 THIS CHAPTER SHALL BE DEEMED TO BE THE INVESTMENT OF THE FUND IN SUCH  
56 INVESTMENT ENTITY, RATHER THAN IN THE ASSET OF SUCH INVESTMENT ENTITY.

1 9. ANY PERSON OR ENTITY THAT HAS A REASONABLE BASIS TO BELIEVE THAT  
2 ANY OTHER PERSON OR ENTITY HAS VIOLATED THIS SECTION SHALL REPORT TO THE  
3 BOARD AND THE ATTORNEY GENERAL EVIDENCE OF THE VIOLATION.

4 10. ANY VIOLATION OF THIS SECTION OR REGULATIONS PROMULGATED THERE-  
5 UNDER SHALL BE A MISDEMEANOR, PUNISHABLE BY A FINE NOT TO EXCEED TWEN-  
6 TY-FIVE THOUSAND DOLLARS OR BY IMPRISONMENT NOT TO EXCEED SIX MONTHS OR  
7 BY BOTH SUCH FINE AND IMPRISONMENT. ANY SECOND OR SUBSEQUENT VIOLATION  
8 SHALL BE A FELONY PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED THOU-  
9 SAND DOLLARS OR BY IMPRISONMENT FOR A CLASS E FELONY OR BY BOTH SUCH  
10 FINE AND IMPRISONMENT.

11 S 5. Subdivision 4 of section 302 of the retirement and social securi-  
12 ty law is amended by adding a new subdivision 8-a to read as follows:

13 8-A. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD." THE ENTITY ESTAB-  
14 LISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

15 S 6. Subdivision g of section 311 of the retirement and social securi-  
16 ty law, as added by chapter 1000 of the laws of 1966, is amended to read  
17 as follows:

18 g. The comptroller shall, IN CONSULTATION WITH THE EMPLOYEE RETIREMENT  
19 SYSTEM BOARD, adopt and amend pursuant to this article only such rules  
20 and regulations as he OR SHE determines to be for the best interest of  
21 the retirement system and its members.

22 S 7. Section 313 of the retirement and social security law, as added  
23 by chapter 1000 of the laws of 1966, subdivision d as amended by chapter  
24 460 of the laws of 1971, paragraph 2 of subdivision f as amended by  
25 chapter 908 of the laws of 1971, subdivision i as amended by chapter  
26 1046 of the laws of 1973, is amended to read as follows:

27 S 313. Management of funds. a. The funds of the policemen's and fire-  
28 men's retirement system shall be managed in accordance with this  
29 section.

30 b. The [comptroller] MEMBERS OF THE EMPLOYEE RETIREMENT SYSTEM BOARD  
31 shall be trustee of the several funds of the policemen's and firemen's  
32 retirement system AND THE COMPTROLLER SHALL BE CUSTODIAN OF SUCH FUNDS.  
33 Such funds shall be invested by the comptroller AS AUTHORIZED BY THE  
34 BOARD, in securities in which he OR SHE is authorized by law to invest  
35 the funds of the state, except that he OR SHE may invest in obligations  
36 consisting of notes, bonds, debentures or equipment trust certificates  
37 issued under an indenture, which are the direct obligations of, or in  
38 the case of equipment trust certificates are secured by direct obli-  
39 gations of, a railroad or industrial corporation, or a corporation  
40 engaged directly and primarily in the production, transportation,  
41 distribution, or sale of electricity, or gas, or the operation of tele-  
42 phone or telegraph systems or waterworks, or in some combination of  
43 them; provided the obligor corporation is one which is incorporated  
44 under the laws of the United States, or any state thereof, or of the  
45 District of Columbia, and said obligations shall be rated at the time of  
46 purchase within the three highest classifications established by at  
47 least two standard rating services. The maximum amount that the comp-  
48 troller AS AUTHORIZED BY THE BOARD may invest in such obligations shall  
49 not exceed thirty per centum of the assets of the New York state police-  
50 men's and firemen's retirement system's funds; and provided further that  
51 not more than two and one-half per centum of the assets of the New York  
52 state policemen's and firemen's retirement system's funds shall be  
53 invested in the obligations of any one corporation of the highest clas-  
54 sification and subsidiary or subsidiaries thereof, that not more than  
55 two per centum of the assets of the New York state policemen's and fire-  
56 men's retirement system's funds shall be invested in the obligations of

1 any one corporation of the second highest classification and subsidiary  
2 or subsidiaries thereof, that not more than one and one-half per centum  
3 of the assets of the New York state policemen's and firemen's retirement  
4 system's funds shall be invested in the obligations of any one corpo-  
5 ration of the third highest classification and subsidiary or subsid-  
6 iaries thereof. He OR SHE shall, however, be subject to all terms,  
7 conditions, limitations and restrictions imposed by this article and by  
8 law upon the making of such investments. The comptroller AS AUTHORIZED  
9 BY THE BOARD shall have full power:

10 1. To hold, purchase, sell, assign, transfer or dispose of any of the  
11 securities or investments, in which any of the funds of the policemen's  
12 and firemen's retirement system shall be invested, including the  
13 proceeds of such investments and any monies belonging to such funds, and

14 2. In his OR HER name as [trustee] CUSTODIAN, to foreclose mortgages  
15 upon default or to take title to real property in such proceedings in  
16 lieu thereof and to lease and sell real property so acquired.

17 c. The comptroller AS AUTHORIZED BY THE BOARD annually shall credit to  
18 each of the funds of the policemen's and firemen's retirement system  
19 regular interest on the mean amount therein for the preceding year.

20 d. The custody of all funds of the policemen's and firemen's retire-  
21 ment system shall be in the charge of the head of the division of the  
22 treasury of the department of taxation and finance, subject to the  
23 supervision and control of the commissioner of taxation and finance.

24 e. Payment of all pensions, annuities and other benefits shall be made  
25 as provided in this article. For the purpose of meeting disbursements  
26 for pensions, annuities and other payments ordered by the comptroller,  
27 the head of such division may keep on deposit an available fund which  
28 shall not exceed ten per centum of the total amount of the several funds  
29 of the policemen's and firemen's retirement system. Every such deposit  
30 shall be kept only in a bank or trust company organized under the laws  
31 of this state, or in a national bank located in this state, which shall  
32 furnish adequate security therefor.

33 f. The comptroller, however, shall have a fund in his OR HER immediate  
34 possession. Such fund shall be used for the immediate payment of:

35 1. All pensions, annuities and other benefits, and

36 2. Such expenses as may necessarily be incurred in acquiring, servic-  
37 ing and foreclosing mortgages and in acquiring, managing and protecting  
38 investments, and

39 3. Such special expenditures for which the policemen's and firemen's  
40 retirement system will be paid by the state or a participating employer.  
41 Such fund shall be reimbursed from time to time by the head of such  
42 division on the warrant of the comptroller.

43 g. Neither the comptroller nor THE MEMBER OF THE BOARD OR any person  
44 employed on the work of the policemen's and firemen's retirement system  
45 shall:

46 1. Except as herein provided, have any interest, direct or indirect,  
47 in the gains or profits of any investment of the policemen's and fire-  
48 men's retirement system, nor, in connection therewith, directly or indi-  
49 rectly, receive any pay or emolument for his OR HER services.

50 2. Except as provided in section three hundred fifty of this article:

51 (a) Directly or indirectly, for himself or as an agent or partner of  
52 others, borrow any of its funds or deposits or in any manner use the  
53 same except to make such current and necessary payments as are author-  
54 ized by the comptroller, or

55 (b) Become an endorser, surety or an obligor in any manner of monies  
56 loaned by or borrowed of such funds.

1 h. The policemen's and firemen's retirement system may use a part of  
2 its funds, not exceeding ten per centum of its assets, (1) for purchas-  
3 ing or leasing of land in the city of Albany and the construction there-  
4 on of a suitable office building or buildings for the transaction of the  
5 business of the retirement system, (2) for purchasing or leasing of land  
6 in the cities of Albany, Syracuse, Buffalo, Binghamton, New York,  
7 Rochester and Utica and the construction thereon of a suitable office  
8 building or buildings for purposes of lease or sale to the state, (3)  
9 for purchasing or leasing of land in the city of Albany on the north and  
10 south sides of Washington avenue commonly known as the "Campus Site"  
11 acquired by the state for a state building site pursuant to the  
12 provisions of chapter five hundred seventy-two of the laws of nineteen  
13 hundred forty-seven and the construction thereon of power plants includ-  
14 ing service connections, electric substations including service  
15 connections, garages, warehouses and restaurant facilities deemed neces-  
16 sary for the efficient and economical operation of the office building  
17 or buildings constructed on such land and (4) for purchasing or leasing  
18 of land in the city of Albany acquired by the state for suitable parking  
19 facilities for the use primarily of employees of the state and persons  
20 having business with state departments and state agencies and the  
21 construction thereon of such structures, appurtenances and facilities  
22 deemed necessary for the efficient and economical operation of the park-  
23 ing facilities constructed on such land and (5) for purchasing or leas-  
24 ing of land in locations approved by the state university trustees and  
25 the construction, acquisition, reconstruction, rehabilitation or  
26 improvement of suitable buildings or facilities thereon for purposes of  
27 lease or sale to the state university construction fund, such buildings  
28 or facilities to be used by the state university or by state-operated  
29 institutions or statutory or contract colleges under the jurisdiction of  
30 the state university or by the students, faculty and staff of the state  
31 university or of any such state-operated institution or statutory or  
32 contract college, and their families.

33 The policemen's and firemen's retirement system from time to time may  
34 lease to any public agency any portion of a building constructed for the  
35 transaction of its business which may not be required for such purpose,  
36 upon such terms and conditions as shall be deemed to be for the best  
37 interest of the policemen's and firemen's retirement system.

38 Real property of the policemen's and firemen's retirement system  
39 acquired or constructed pursuant to this subdivision shall be exempt  
40 from taxation.

41 i. At the close of each fiscal year, the average rate of investment  
42 earnings of the retirement system shall be computed by the actuary and  
43 certified to the comptroller. This rate shall be determined from the  
44 investment earnings during the calendar year which ended three months  
45 prior to the close of the fiscal year. For any year that such average  
46 rate of earnings is in excess of three per centum but not in excess of  
47 four per centum, the comptroller shall declare a rate of special inter-  
48 est, for members earning regular interest of three per centum, equal to  
49 the difference between such average rate of earnings and three per  
50 centum, expressed to the lower one-tenth of one per centum, but not in  
51 excess of one per centum. For any year, commencing with the fiscal year  
52 the first day of which is April first, nineteen hundred seventy, that  
53 such average rate of earnings is in excess of four per centum, the  
54 special rate of interest for members earning regular interest of three  
55 per centum shall be equal to the difference between such average rate of  
56 earnings and three per centum, expressed to the lower one-tenth of one

1 per centum, but not in excess of two per centum, and for members earning  
2 regular interest of four per centum, it shall be the difference between  
3 such average rate of earnings and four per centum, expressed to the  
4 lower one-tenth of one per centum, but not in excess of one per centum.  
5 Special interest at such rates, shall be credited, by the comptroller at  
6 the same time that regular interest is credited, to the individual annu-  
7 ity savings accounts of persons who are members as of the close of the  
8 fiscal year. Special interest shall not be considered in determining  
9 rates of contribution of members. In the case of persons who last became  
10 members on or after July first, nineteen hundred seventy-three, the  
11 provisions of this subdivision shall apply only to the fiscal years  
12 beginning April first, nineteen hundred seventy-two and ending March  
13 thirty-first, nineteen hundred seventy-three.

14 j. The retirement system may invest, within the limitations authorized  
15 for investments in conventional mortgages, a part of its funds in first  
16 mortgages on real property located anywhere within the boundaries of the  
17 United States and leased to the government of the United States,  
18 provided however, that no such investment shall be made unless the terms  
19 of the mortgage shall provide for amortization payments in an amount  
20 sufficient to completely amortize the loan within the period of the  
21 lease.

22 S 8. Section 421 of the retirement and social security law, as added  
23 by chapter 306 of the laws of 1967, is amended to read as follows:

24 S 421. Definitions. As used or referred to in this article, unless a  
25 different meaning clearly appears from the context. 1. The term "employ-  
26 ees' retirement system" shall mean the New York state [employees]  
27 EMPLOYEES' retirement system.

28 2. The term "policemen's and firemen's retirement system" shall mean  
29 the New York state [policemen's and firemen's] AND LOCAL POLICE AND FIRE  
30 retirement system.

31 3. The term "each retirement [sytsem] SYSTEM" shall mean each of the  
32 foregoing defined systems.

33 4. [The term "comptroller" shall mean the state comptroller.

34 5.] The term "actuary" shall mean the actuary of the employees'  
35 retirement system acting jointly with the actuary of the policemen's and  
36 firemen's retirement system.

37 5. "EMPLOYEE RETIREMENT SYSTEM BOARD" OR "BOARD" SHALL MEAN THE ENTITY  
38 ESTABLISHED PURSUANT TO SECTION TEN-B OF THIS CHAPTER.

39 S 9. Section 422 of the retirement and social security law, as added  
40 by chapter 306 of the laws of 1967, is amended to read as follows:

41 S 422. Establishment of a common retirement fund. 1. There is hereby  
42 established a fund, in the custody of the comptroller, to be known as  
43 the common retirement fund. Notwithstanding any other provision of this  
44 chapter, all of the assets and income of the employees' retirement  
45 system and of the policemen's and firemen's retirement system shall be  
46 held by the comptroller as [trustee] CUSTODIAN of such fund, except as  
47 such assets and income may be allocated or distributed to the funds of  
48 each retirement system by the comptroller.

49 2. The fund shall consist initially of the total assets of the employ-  
50 ees' retirement system as of March thirty-first, nineteen hundred  
51 sixty-seven, as such assets are defined in subdivision a of section two  
52 hundred ninety-three of this chapter. After the annual valuation of the  
53 assets and liabilities of the employees' retirement system and the  
54 determination relating to assets and liabilities required by subdivision  
55 b of section two hundred ninety-three of this chapter, the comptroller  
56 shall credit to each retirement system a participating interest in the

1 assets of such fund in the proportion and percentage that the assets of  
2 each retirement system bear to the total assets of the common retirement  
3 fund. [On March thirty-first, nineteen hundred sixty-eight, and at the  
4 close of each succeeding fiscal year, the] THE comptroller shall credit  
5 each retirement system with a participating interest in such fund in the  
6 proportion and percentage that the interest attributable to each retire-  
7 ment system bears to the total assets of such fund, after considering  
8 contributions, earnings, disbursements and expenses attributable to each  
9 system.

10 S 10. Section 423 of the retirement and social security law, as  
11 amended by chapter 770 of the laws of 1970, is amended to read as  
12 follows:

13 S 423. Investments. a. [On and after April first, nineteen hundred  
14 sixty-seven, the] THE comptroller, AS AUTHORIZED BY THE BOARD shall  
15 invest the available monies of the common retirement fund in any invest-  
16 ments and securities authorized by law for each retirement system and  
17 shall hold such investments in his OR HER name as [trustee] CUSTODIAN of  
18 such fund, notwithstanding any other provision of this chapter. Partic-  
19 ipating interests in such investments shall be credited to each retire-  
20 ment system in the manner and at the time specified in [paragraph]  
21 SUBDIVISION two of section four hundred twenty-two of this article.

22 b. To assist in the management of the monies of the common retirement  
23 fund, the comptroller shall appoint an investment advisory committee  
24 consisting of not less than seven members who shall serve for [his] THE  
25 COMPTROLLER'S term of office. A vacancy occurring from any cause other  
26 than expiration of term shall be filled by the comptroller for the  
27 remainder of the term. Each member of the committee shall be experienced  
28 in the field of investments and shall have served, or shall be serving,  
29 as a senior officer or member of the board of an insurance company,  
30 banking corporation or other financial or investment organization  
31 authorized to do business in the state of New York. The committee shall  
32 advise the comptroller, AS WELL AS ITS EXECUTIVE DIRECTOR, CHIEF ACTU-  
33 ARY, AND CHIEF INVESTMENT OFFICER on investment policies relating to the  
34 monies of the common retirement fund and shall review, from time to  
35 time, the investment portfolio of the fund and make such recommendations  
36 as may be deemed necessary.

37 The comptroller shall appoint a separate mortgage advisory committee,  
38 with the advice and consent of the investment advisory committee, to  
39 review proposed mortgage and real estate investments by the common  
40 retirement fund. In making investments, as authorized by law, the comp-  
41 troller shall be guided by policies established by each committee from  
42 time to time; and, in the event the mortgage advisory committee disap-  
43 proves a proposed mortgage or real estate investment, such shall not be  
44 made.

45 No officer or employee of any state department or agency shall be  
46 eligible for membership on either committee. Each committee shall  
47 convene periodically on call of the comptroller, or on call of the  
48 [chairman] CHAIR OF THE COMMITTEE. The members of each committee shall  
49 be entitled to reimbursement for their actual and necessary expenses but  
50 shall receive no compensation for their services.

51 S 11. Sections 423-a and 423-b of the retirement and social security  
52 law, section 423-a as added by chapter 112 of the laws of 1986 and  
53 section 423-b as added by chapter 624 of the laws of 1999, are amended  
54 to read as follows:

55 S 423-a. Northern Ireland related investments. 1. Notwithstanding any  
56 other provision of law, on and after January first, nineteen hundred

1 eighty-seven, any moneys or assets of the common retirement fund which  
2 shall remain or be invested in the stocks, securities or other obli-  
3 gations of any institution or company doing business in or with Northern  
4 Ireland or with agencies or instrumentalities thereof, shall be invested  
5 subject to the provisions of subdivision three of this section.

6 2. On or before the first day of January of each year, the comptroller  
7 AS AUTHORIZED BY THE BOARD shall determine the existence of affirmative  
8 action taken by institutions or companies doing business in Northern  
9 Ireland to eliminate ethnic or religious discrimination based on actions  
10 taken for:

11 (a) Increasing the representation of individuals from underrepresented  
12 religious groups in the workforce including managerial, supervisory,  
13 administrative, clerical and technical jobs.

14 (b) Providing adequate security for the protection of minority employ-  
15 ees both at the workplace and while travelling to and from work.

16 (c) The banning of provocative religious or political emblems from the  
17 workplace.

18 (d) Publicly advertising all job openings and making special recruit-  
19 ment efforts to attract applicants from underrepresented religious  
20 groups.

21 (e) Providing that layoff, recall, and termination procedures should  
22 not in practice favor particular religious groupings.

23 (f) The abolition of job reservations, apprenticeship restrictions,  
24 and differential employment criteria, which discriminate on the basis of  
25 religion or ethnic origin.

26 (g) The development of training programs that will prepare substantial  
27 numbers of current minority employees for skilled jobs, including the  
28 expansion of existing programs and the creation of new programs to  
29 train, upgrade, and improve the skills of minority employees.

30 (h) The establishment of procedures to assess, identify, and actively  
31 recruit minority employees with potential for further advancement.

32 (i) The appointment of senior management staff members to oversee  
33 affirmative action efforts and the setting up of timetables to carry out  
34 affirmative action principles.

35 3. Consistent with sound investment policy, the comptroller AS AUTHOR-  
36 IZED BY THE BOARD shall invest the assets of the common retirement fund  
37 in such a manner that the investments in institutions doing business in  
38 or with Northern Ireland shall reflect the advances made by such insti-  
39 tutions in eliminating discrimination as established pursuant to subdivi-  
40 sion two of this section.

41 S 423-b. New York state venture capital program. The comptroller AS  
42 AUTHORIZED BY THE BOARD is hereby authorized to establish within the  
43 common retirement fund a New York state venture capital program for the  
44 purpose of investing in qualified businesses as defined in paragraph  
45 [six] SEVEN of subdivision (a) of section eleven of the tax law. The  
46 comptroller [is authorized to] AS AUTHORIZED BY THE BOARD MAY invest up  
47 to two hundred fifty million dollars of assets of the common retirement  
48 fund to carry out the purposes of this section. The comptroller AS  
49 AUTHORIZED BY THE BOARD may make investments pursuant to this section in  
50 partnerships, corporations, trusts or limited liability companies organ-  
51 ized on a for-profit basis that enter into agreements to invest the  
52 moneys of the New York state venture capital program in qualified busi-  
53 nesses. The comptroller AS AUTHORIZED BY THE BOARD shall make such  
54 investments consistent with the provisions of paragraph (b) of subdivi-  
55 sion nine of section one hundred seventy-seven of this chapter. The  
56 comptroller may establish procedures necessary to insure that invest-

ments of moneys of the New York state venture capital program are, for each investment in a qualified business, equitably matched by investments made by other sources. The comptroller shall, to the maximum extent practicable, insure that the geographic distribution of investments in the program is in proportion to the state population.

S 12. Intentionally omitted.

S 13. Section 425 of the retirement and social security law, as added by chapter 306 of the laws of 1967, is amended to read as follows:

S 425. Separability of retirement systems. No provision of this article shall be construed as an impairment of the separability of or of the corporate powers and privileges of the employees' retirement system or the policemen's and firemen's retirement system. The comptroller AS AUTHORIZED BY THE BOARD shall establish or continue separate funds and accounts for each retirement system, consistent with the common retirement fund herein provided for, as may be required to carry out the separate purposes and privileges of each retirement system.

S 14. The retirement and social security law is amended by adding a new article 23 to read as follows:

#### ARTICLE 23 INVESTMENT FIRMS

##### SECTION 1300. LEGISLATIVE INTENT.

##### 1301. DEFINITIONS.

##### 1302. BAN ON INVESTMENT FIRM BUSINESS.

##### 1303. PROHIBITION ON SOLICITING AND COORDINATING CONTRIBUTIONS.

##### 1304. CIRCUMVENTION OF RULE.

##### 1305. REQUIRED DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY.

##### 1306. VOLUNTARY DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY.

##### 1307. PROHIBITION OF CERTAIN EMPLOYMENT.

##### 1308. PROHIBITION OF CERTAIN FINANCIAL RELATIONSHIPS.

##### 1309. INTERNAL PROCEDURES.

##### 1310. PROHIBITION OF CERTAIN CONTACTS.

##### 1311. GIFTS.

##### 1312. MANDATORY REPORTING.

##### 1313. ATTORNEY GENERAL ACTION.

##### 1314. CRIMINAL SANCTIONS.

S 1300. LEGISLATIVE INTENT. THE PURPOSE AND INTENT OF THIS ARTICLE IS TO ENSURE THAT THE HIGH STANDARDS AND INTEGRITY OF INVESTMENT FIRMS ARE MAINTAINED TO PREVENT FRAUDULENT AND MANIPULATIVE ACTS AND PRACTICES, TO PROMOTE JUST AND EQUITABLE PRINCIPLES, TO PERFECT A FREE AND OPEN MARKET AND TO PROTECT THE COMMON RETIREMENT FUND AND THE PUBLIC INTEREST BY:

1. PROHIBITING INVESTMENT FIRMS FROM ENGAGING IN BUSINESS WITH THE COMMON RETIREMENT FUND IF CERTAIN POLITICAL CONTRIBUTIONS HAVE BEEN MADE TO OFFICIALS THAT OVERSEE THE FUND; AND

2. REQUIRING INVESTMENT FIRMS TO DISCLOSE CERTAIN POLITICAL CONTRIBUTIONS, AS WELL AS OTHER INFORMATION, TO ALLOW PUBLIC SCRUTINY OF POLITICAL CONTRIBUTIONS BY THOSE IN THE BUSINESS.

S 1301. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "COMMON RETIREMENT FUND" SHALL MEAN ALL OF THE ASSETS AND INCOME OF THE EMPLOYEES' RETIREMENT SYSTEM AND OF THE POLICE AND FIRE RETIREMENT SYSTEM.

2. "ISSUER" SHALL MEAN THE COMPTROLLER OR HIS OR HER DESIGNEE IN RELATION TO THE ISSUANCE OF FUNDS FOR INVESTMENT FROM THE COMMON RETIREMENT FUND.

3. "INVESTMENT FIRM" SHALL MEAN ANY PERSON OR ENTITY THAT ACCEPTS AN INVESTMENT FROM OR PROVIDES INVESTMENT MANAGEMENT SERVICES TO THE RETIREMENT SYSTEM IN CONNECTION WITH THE MANAGEMENT OR INVESTMENT OF A

1 RETIREMENT SYSTEM'S TRUST FUND OR ASSETS. INVESTMENT FIRM INCLUDES ANY  
2 SUBSIDIARY OR AFFILIATE OVER WHICH THE INVESTMENT FIRM EXERCISES EXCLU-  
3 SIVE CONTROL.

4 4. "OFFICIAL" SHALL MEAN ANY PERSON, INCLUDING THE PERSON'S ELECTION  
5 COMMITTEE, WHO WAS, AT THE TIME OF A CONTRIBUTION, AN INCUMBENT, CANDI-  
6 DATE OR SUCCESSFUL CANDIDATE FOR AN ELECTIVE OFFICE OF A GOVERNMENT  
7 ENTITY, IF THE OFFICE IS DIRECTLY RESPONSIBLE FOR, OR CAN DIRECTLY  
8 INFLUENCE THE OUTCOME OF, THE RETIREMENT SYSTEM'S INVESTMENT WITH OR  
9 ENGAGEMENT OF THE INVESTMENT FIRM.

10 S 1302. BAN ON INVESTMENT FIRM BUSINESS. NO INVESTMENT FIRM SHALL  
11 ENGAGE IN BUSINESS WITH THE COMMON RETIREMENT FUND WITHIN TWO YEARS  
12 AFTER ANY CONTRIBUTION TO AN OFFICIAL OF THE COMMON RETIREMENT FUND MADE  
13 BY:

14 1. THE INVESTMENT FIRM;

15 2. ANY FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM; OR

16 3. ANY POLITICAL ACTION COMMITTEE CONTROLLED BY THE INVESTMENT FIRM;  
17 PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT PROHIBIT THE INVESTMENT  
18 FIRM FROM ENGAGING IN BUSINESS WITH THE COMMON RETIREMENT FUND IF THE  
19 ONLY CONTRIBUTIONS MADE BY THE FOREGOING PERSONS AND ENTITIES TO OFFI-  
20 CIALS OF SUCH ISSUER WITHIN THE PREVIOUS TWO YEARS WERE MADE BY PERSONS  
21 TO OFFICIALS OF SUCH ISSUER FOR WHOM THE PERSONS WERE ENTITLED TO VOTE  
22 AND WHICH CONTRIBUTIONS, IN TOTAL, WERE NOT IN EXCESS OF THREE HUNDRED  
23 DOLLARS BY ANY INVESTMENT FIRM TO EACH OFFICIAL, PER ELECTION.

24 S 1303. PROHIBITION ON SOLICITING AND COORDINATING CONTRIBUTIONS. NO  
25 INVESTMENT FIRM SHALL SOLICIT ANY PERSON, INCLUDING BUT NOT LIMITED TO,  
26 ANY AFFILIATED ENTITY OF THE INVESTMENT FIRM OR POLITICAL ACTION COMMIT-  
27 TEE, TO:

28 1. MAKE OR COORDINATE ANY CONTRIBUTION, TO AN OFFICIAL OF THE COMMON  
29 RETIREMENT FUND WITH WHICH THE INVESTMENT FIRM IS ENGAGING OR IS SEEKING  
30 TO ENGAGE IN BUSINESS WITH; OR

31 2. MAKE OR COORDINATE ANY PAYMENT TO A POLITICAL PARTY OF A STATE OR  
32 LOCALITY WHERE THE INVESTMENT FIRM IS ENGAGING OR IS SEEKING TO ENGAGE  
33 IN BUSINESS WITH THE COMMON RETIREMENT FUND.

34 S 1304. CIRCUMVENTION OF RULE. NO INVESTMENT FIRM, OR ANY PROFESSIONAL  
35 THAT CONDUCTS BUSINESS WITH THE COMMON RETIREMENT FUND SHALL, DIRECTLY  
36 OR INDIRECTLY, THROUGH OR BY ANY OTHER PERSON, RELATIVE OR MEANS, DO ANY  
37 ACT THAT SHALL RESULT IN A VIOLATION OF SECTION THIRTEEN HUNDRED TWO OR  
38 THIRTEEN HUNDRED THREE OF THIS ARTICLE.

39 S 1305. REQUIRED DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY. 1.  
40 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, EACH  
41 INVESTMENT FIRM SHALL, BY JANUARY THIRTY-FIRST, APRIL THIRTIETH, JULY  
42 THIRTY-FIRST AND OCTOBER THIRTY-FIRST OF EACH YEAR, REPORT TO THE  
43 COMMISSION ON PUBLIC INTEGRITY, IN A FORMAT REQUIRED BY THE COMMISSION,  
44 THE FOLLOWING INFORMATION:

45 (A) FOR CONTRIBUTIONS TO OFFICIALS OF THE COMMON RETIREMENT FUND  
46 (OTHER THAN A CONTRIBUTION MADE BY AN INVESTMENT FIRM TO AN OFFICIAL OF  
47 AN ISSUER FOR WHOM SUCH INVESTMENT FIRM IS ENTITLED TO VOTE IF ALL  
48 CONTRIBUTIONS BY SUCH INVESTMENT FIRM TO SUCH OFFICIAL, IN TOTAL, DO NOT  
49 EXCEED THREE HUNDRED DOLLARS PER ELECTION) AND PAYMENTS TO POLITICAL  
50 PARTIES OF A STATE OR POLITICAL SUBDIVISION (OTHER THAN A PAYMENT MADE  
51 BY AN INVESTMENT FIRM TO A POLITICAL PARTY OF A STATE OR A POLITICAL  
52 SUBDIVISION IN WHICH SUCH INVESTMENT FIRM IS ENTITLED TO VOTE IF ALL  
53 PAYMENTS BY SUCH INVESTMENT FIRM TO SUCH POLITICAL PARTY, IN TOTAL, DO  
54 NOT EXCEED THREE HUNDRED DOLLARS PER YEAR) MADE BY THE PERSONS AND ENTI-  
55 TIES DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH:

(I) THE NAME AND TITLE (INCLUDING ANY CITY, COUNTY, STATE OR POLITICAL SUBDIVISION) OF EACH OFFICIAL AND POLITICAL PARTY RECEIVING CONTRIBUTIONS OR PAYMENTS DURING SUCH CALENDAR QUARTER;

(II) THE CONTRIBUTION OR PAYMENT AMOUNT MADE AND THE CONTRIBUTOR CATEGORY OF EACH OF THE FOLLOWING PERSONS AND ENTITIES MAKING SUCH CONTRIBUTIONS OR PAYMENTS DURING SUCH CALENDAR QUARTER:

(A) ANY INVESTMENT FIRM OR FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM; AND

(B) EACH POLITICAL ACTION COMMITTEE CONTROLLED BY THE INVESTMENT FIRM OR ANY FINANCE PROFESSIONAL ASSOCIATED WITH SUCH INVESTMENT FIRM;

(B) A LIST OF STATE OFFICIALS WITH WHICH THE INVESTMENT FIRM HAS ENGAGED IN BUSINESS DURING SUCH CALENDAR QUARTER, ALONG WITH THE TYPE OF BUSINESS;

(C) WHETHER ANY CONTRIBUTION LISTED IN THIS SUBDIVISION IS THE SUBJECT OF AN AUTOMATIC EXEMPTION, AND THE DATE OF SUCH AUTOMATIC EXEMPTION; AND

(D) SUCH OTHER INFORMATION REQUIRED BY THE COMMISSION ON PUBLIC INTEGRITY.

2. NO INVESTMENT FIRM SHALL BE REQUIRED TO MAKE A DISCLOSURE PURSUANT TO THIS SECTION TO THE COMMISSION ON PUBLIC INTEGRITY FOR ANY CALENDAR QUARTER IN WHICH:

(A) SUCH INVESTMENT FIRM HAS NO INFORMATION TO DISCLOSE FOR SUCH CALENDAR QUARTER; OR

(B) SUCH INVESTMENT FIRM HAS NOT ENGAGED IN BUSINESS WITH THE COMMON RETIREMENT FUND, BUT ONLY IF SUCH INVESTMENT FIRM DID NOT ENGAGE IN BUSINESS WITH THE COMMON RETIREMENT FUND DURING THE SEVEN CONSECUTIVE CALENDAR QUARTERS IMMEDIATELY PRECEDING SUCH CALENDAR QUARTER.

3. THE COMMISSION ON PUBLIC INTEGRITY SHALL MAKE PUBLIC A COPY OF THE DISCLOSURES RECEIVED FROM ANY INVESTMENT FIRM.

4. IF AN INVESTMENT FIRM ENGAGES IN BUSINESS DURING ANY CALENDAR QUARTER AFTER NOT HAVING REPORTED THE INFORMATION DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION FOR ONE OR MORE CONTRIBUTIONS OR PAYMENTS MADE DURING THE TWO-YEAR PERIOD PRECEDING SUCH CALENDAR QUARTER SOLELY AS A RESULT OF PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION, THEN SUCH INVESTMENT FIRM SHALL INCLUDE IN THE INFORMATION FOR SUCH CALENDAR QUARTER ALL SUCH INFORMATION (INCLUDING YEAR AND CALENDAR QUARTER OF SUCH CONTRIBUTIONS OR PAYMENTS) NOT SO REPORTED DURING SUCH TWO-YEAR PERIOD.

5. AN INVESTMENT FIRM THAT SUBMITS INFORMATION TO THE COMMISSION ON PUBLIC INTEGRITY SHALL:

(A) SEND TWO COPIES OF SUCH DISCLOSURE TO THE COMMISSION ON PUBLIC INTEGRITY BY CERTIFIED OR REGISTERED MAIL, OR SOME OTHER EQUALLY PROMPT MEANS THAT PROVIDES A RECORD OF SENDING; OR

(B) SUBMIT AN ELECTRONIC VERSION OF SUCH DISCLOSURE TO THE COMMISSION ON PUBLIC INTEGRITY IN SUCH FORMAT AND MANNER SPECIFIED IN REGULATIONS PROMULGATED BY THE COMMISSION ON PUBLIC INTEGRITY.

S 1306. VOLUNTARY DISCLOSURE TO COMMISSION ON PUBLIC INTEGRITY. THE COMMISSION ON PUBLIC INTEGRITY SHALL ACCEPT ADDITIONAL DISCLOSURES RELATED TO CONTRIBUTIONS MADE TO OFFICIALS OF ISSUERS AND PAYMENTS TO POLITICAL PARTIES AND POLITICAL SUBDIVISIONS VOLUNTARILY SUBMITTED BY AN INVESTMENT FIRM PROVIDED THAT SUCH DISCLOSURES ARE SUBMITTED IN ACCORDANCE WITH SECTION THIRTEEN HUNDRED FIVE OF THIS ARTICLE.

S 1307. PROHIBITION OF CERTAIN EMPLOYMENT. NO INVESTMENT FIRM SHALL EMPLOY OR COMPENSATE IN ANY MANNER A BOARD MEMBER, OFFICIAL, RETIREMENT FUND OFFICIAL, EMPLOYEE OR FIDUCIARY OF THE COMMON RETIREMENT FUND FOR TWO YEARS AFTER THE TERMINATION OF SUCH PERSON'S RELATIONSHIP WITH THE

1 COMMON RETIREMENT FUND UNLESS SUCH PERSON SHALL NOT HAVE CONTACT WITH,  
2 OR PROVIDE SERVICES TO, THE COMMON RETIREMENT FUND.

3 S 1308. PROHIBITION OF CERTAIN FINANCIAL RELATIONSHIPS. NO INVESTMENT  
4 FIRM OR RELATED PARTY SHALL HAVE A DIRECT OR INDIRECT FINANCIAL, COMMER-  
5 CIAL OR BUSINESS RELATIONSHIP WITH AN OFFICIAL OR ISSUER OF PENSION  
6 FUNDS, UNLESS THE BOARD CONSENTS AFTER FULL DISCLOSURE BY THE INVESTMENT  
7 FIRM OR RELATED PARTY.

8 S 1309. INTERNAL PROCEDURES. AN INVESTMENT FIRM SHALL ADOPT INTERNAL  
9 PROCEDURES TO MONITOR AND ENSURE ITS COMPLIANCE WITH THIS ARTICLE, AND  
10 SHALL PROVIDE TO THE BOARD AND THE ATTORNEY GENERAL A COPY OF THESE  
11 PROCEDURES, INCLUDING ANY UPDATES THERETO.

12 S 1310. PROHIBITION OF CERTAIN CONTACTS. UPON THE COMMON RETIREMENT  
13 FUND'S RELEASE OF ANY REQUEST FOR PROPOSAL, INVITATION FOR BID, OR  
14 COMPARABLE PROCUREMENT VEHICLE FOR ANY INVESTMENT SERVICES, THERE SHALL  
15 BE NO COMMUNICATION BETWEEN ANY BOARD MEMBER, OFFICIAL, RETIREMENT FUND  
16 OFFICIAL, EMPLOYEE OR FIDUCIARY OF THE COMMON RETIREMENT FUND CONCERNING  
17 THE PROCUREMENT PROCESS UNTIL THE PROCESS IS COMPLETE, PROVIDED, HOWEV-  
18 ER, THAT A REQUEST FOR TECHNICAL CLARIFICATION REGARDING THE PROCUREMENT  
19 PROCESS ITSELF SHALL BE PERMISSIBLE, AND AN INVESTMENT FIRM SHALL DIRECT  
20 SUCH REQUEST TO THE PERSON DESIGNATED BY THE COMMON RETIREMENT FUND.  
21 NOTHING HEREIN SHALL PROHIBIT AN INVESTMENT FIRM FROM COMPLYING WITH A  
22 REQUEST FOR INFORMATION FROM THE COMMON RETIREMENT FUND DURING THE  
23 PROCUREMENT PROCESS.

24 S 1311. GIFTS. AN INVESTMENT FIRM SHALL NOT GIVE OR OFFER TO GIVE ANY  
25 GIFT TO ANY BOARD MEMBER, OFFICIAL, RETIREMENT FUND OFFICIAL, EMPLOYEE  
26 OR FIDUCIARY OF THE COMMON RETIREMENT FUND OTHER THAN AN ARTICLE OF  
27 MERCHANDISE NOT EXCEEDING FIFTEEN DOLLARS IN VALUE, WHICH SHALL HAVE  
28 CONSPICUOUSLY STAMPED OR PRINTED THEREON THE ADVERTISEMENT OF THE  
29 INVESTMENT FIRM. FOR THE PURPOSE OF THIS SECTION, A GIFT SHALL INCLUDE,  
30 BUT IS NOT LIMITED TO, MONEY, LOANS, LODGING, MEALS, REFRESHMENTS,  
31 VACATIONS, PRIZES, DISCOUNTS, AND ENTERTAINMENT.

32 S 1312. MANDATORY REPORTING. ANY PERSON OR ENTITY THAT HAS A REASON-  
33 ABLE BASIS TO BELIEVE THAT ANY OTHER PERSON OR ENTITY HAS VIOLATED THIS  
34 ARTICLE SHALL REPORT TO THE BOARD AND THE ATTORNEY GENERAL EVIDENCE OF  
35 THE VIOLATION.

36 S 1313. ATTORNEY GENERAL ACTION. THE ATTORNEY GENERAL MAY ENFORCE THE  
37 PROVISIONS OF THIS ARTICLE AND MAY SEEK AN INJUNCTION, ON NOTICE OF FIVE  
38 DAYS, ENJOINING A PERSON OR ENTITY FROM CONTINUING TO ENGAGE IN ANY  
39 CONDUCT IN VIOLATION OF THIS ARTICLE. NOTHING IN THIS ARTICLE SHALL BE  
40 CONSTRUED TO LIMIT ANY RIGHT OR REMEDY OTHERWISE AVAILABLE UNDER LAW TO  
41 ANY PERSON OR ENTITY, INCLUDING THE ATTORNEY GENERAL.

42 S 1314. CRIMINAL SANCTIONS. ANY VIOLATION OF THIS ARTICLE OR REGU-  
43 LATIONS PROMULGATED THEREUNDER SHALL BE A MISDEMEANOR, PUNISHABLE BY A  
44 FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS OR BY IMPRISONMENT NOT  
45 TO EXCEED SIX MONTHS OR BY BOTH SUCH FINE AND IMPRISONMENT. ANY SECOND  
46 OR SUBSEQUENT VIOLATION SHALL BE A FELONY PUNISHABLE BY A FINE NOT TO  
47 EXCEED ONE HUNDRED THOUSAND DOLLARS OR BY IMPRISONMENT FOR A CLASS E  
48 FELONY OR BY BOTH SUCH FINE AND IMPRISONMENT.

49 S 15. Section 98 of the state finance law, subdivision 2-a as added by  
50 chapter 61 of the laws of 1989, subdivision 3-a as amended by chapter  
51 219 of the laws of 1999, subdivision 5 as amended by chapter 6 of the  
52 laws of 1960, subdivision 6 as amended by chapter 527 of the laws of  
53 1950, subdivision 7 as amended by chapter 243 of the laws of 1952,  
54 subdivisions 8, 9 and 10 as amended by chapter 870 of the laws of 1948,  
55 subdivision 11 as amended by chapter 458 of the laws of 1950, the open-  
56 ing paragraph and paragraphs b, c and i of subdivision 11 as amended by

1 chapter 250 of the laws of 1951, paragraph w of subdivision 11 as added  
2 by chapter 259 of the laws of 1952, paragraph x of subdivision 11 as  
3 added by chapter 364 of the laws of 1955, paragraph y of subdivision 11  
4 as amended by chapter 865 of the laws of 1955 and as relettered by chap-  
5 ter 864 of the laws of 1956, paragraph z of subdivision 11 as amended by  
6 chapter 809 of the laws of 1968, paragraph aa of subdivision 11 as  
7 amended by chapter 339 of the laws of 1961, paragraph aa of subdivision  
8 11 as added by chapter 261 of the laws of 1957, paragraph bb of subdivi-  
9 sion 11 as added by chapter 826 of the laws of 1958, paragraph cc of  
10 subdivision 11 as added by chapter 324 of the laws of 1965, paragraph dd  
11 of subdivision 11 as added by chapter 717 of the laws of 1967, paragraph  
12 dd of subdivision 11 as added by chapter 722 of the laws of 1967, para-  
13 graph ee of subdivision 11 as added by chapter 1124 of the laws of 1969,  
14 paragraph ff of subdivision 11 as added by chapter 460 of the laws of  
15 1970, paragraph ff of subdivision 11 as added by chapter 714 of the laws  
16 of 1970, subdivision 12 as added by chapter 499 of the laws of 1952,  
17 subdivision 13 as added by chapter 311 of the laws of 1960, subdivision  
18 13-a as added by chapter 113 of the laws of 1968, subdivision 13-b as  
19 added by chapter 234 of the laws of 1988, subdivision 13-c as added by  
20 chapter 144 of the laws of 1991, subdivision 14 as added by chapter 797  
21 of the laws of 1963, subdivision 14 as added by chapter 932 of the laws  
22 of 1963, subdivision 15 as added by chapter 392 of the laws of 1973,  
23 subdivision 16 as added by chapter 7 of the laws of 1975, subdivision 17  
24 as added by chapter 169 of the laws of 1975, subdivision 18 as amended  
25 by chapter 219 of the laws of 1999, subdivision 19 as amended by chapter  
26 201 of the laws of 1996, subdivision 20 as added by chapter 545 of the  
27 laws of 2005 and the closing paragraph as amended by chapter 317 of the  
28 laws of 1994, is amended to read as follows:

29 S 98. Investment of state funds. The comptroller, AS AUTHORIZED BY THE  
30 EMPLOYEE RETIREMENT SYSTEM BOARD OF TRUSTEES ESTABLISHED PURSUANT TO  
31 SECTION TEN-B OF THE RETIREMENT AND SOCIAL SECURITY LAW, shall invest  
32 and keep invested all moneys belonging to any and all funds which the  
33 comptroller OR SUCH BOARD now is or hereafter shall be authorized to  
34 invest, in any of the following securities:

35 1. Bonds and notes of the United States.

36 2. Bonds and notes of this state.

37 2-a. General obligation bonds and notes of any state other than this  
38 state, provided that such bonds and notes receive the highest rating of  
39 at least one independent rating agency designated by the comptroller.

40 3. Obligations for the payment of which the faith and credit of the  
41 United States or of this state are pledged.

42 3-a. Notes, bonds, debentures, mortgages and other evidences of  
43 indebtedness of the United States Postal Service; the federal national  
44 mortgage association; federal home loan mortgage corporation; student  
45 loan marketing association; federal farm credit system or any other  
46 United States government sponsored agency, provided that at the time of  
47 the investment such agency or its obligations are rated and the agency  
48 receives, or its obligations receive, the highest rating of all inde-  
49 pendent rating agencies that rate such agency or its obligations,  
50 provided, however, that no more than two hundred fifty million dollars  
51 may be invested in the obligations of any one agency.

52 4. Judgments or awards of the court of claims of this state.

53 5. Stocks, bonds, or notes of any county, town, city, village, fire  
54 district or school district of this state issued pursuant to law.

55 6. Mortgage bonds or any obligations for the payment of money, no  
56 matter how designated, secured by another instrument representing a lien

1 on specific real property or a leasehold thereof, heretofore or hereaft-  
2 er and at the time of the assignment thereof to the comptroller insured  
3 by the federal housing administrator or any of his successors in office  
4 and guaranteed by the United States under the provisions of the national  
5 housing act, as amended or supplemented. Any such mortgage bonds or  
6 obligations as aforesaid in which the comptroller has invested or shall  
7 have invested pursuant to this subdivision shall be serviced by the  
8 comptroller or in his discretion, by mortgagees, as such are defined by  
9 the national housing act, as amended or supplemented, duly appointed by  
10 him and subject to the inspection and supervision of some governmental  
11 agency. The comptroller may receive and hold such debentures and certif-  
12 icates or other obligations as are issued in payment of such insurance  
13 or guarantee.

14 7. Bonds and notes of the Savings and Loan Bank of the state of New  
15 York.

16 8. Bonds or notes of any housing authority of this state duly issued  
17 pursuant to law.

18 9. Bonds or notes of any regulating district of this state duly issued  
19 pursuant to law.

20 10. Bonds or notes of any drainage improvement district of this state  
21 duly issued pursuant to law.

22 11. Bonds or notes of the authorities or commissions set forth below  
23 when issued pursuant to law:

24 a. Port of New York Authority.

25 b. Niagara Frontier Authority.

26 c. Triborough bridge and tunnel authority.

27 d. Thousand Islands Bridge Authority.

28 e. New York State Bridge Authority.

29 f. New York City Tunnel Authority.

30 g. Lake Champlain Bridge Commission.

31 h. Lower Hudson Regional Market Authority.

32 i. Albany Regional Market Authority.

33 k. American Museum of Natural History Planetarium Authority.

34 l. Industrial Exhibit Authority.

35 m. Buffalo Sewer Authority.

36 n. Whiteface Mountain Authority.

37 o. Pelham-Portchester Parkway Authority.

38 p. Jones Beach State Parkway Authority.

39 q. Bethpage Park Authority.

40 r. Dormitory Authority.

41 s. Central New York Regional Market Authority.

42 t. Erie County Water Authority.

43 u. Suffolk County Water Authority.

44 v. New York State Thruway Authority.

45 w. Genesee Valley Regional Market Authority.

46 x. Onondaga county water authority.

47 y. Power Authority of the state of New York.

48 z. Ogdensburg Bridge and Port Authority.

49 aa. East Hudson Parkway Authority.

50 aa. Niagara Frontier Port Authority.

51 bb. Northwestern New York Water Authority.

52 cc. Metropolitan Commuter Transportation Authority.

53 dd. Niagara Frontier Transportation Authority.

54 dd. New York State Pure Waters Authority.

55 ee. Rochester-Genesee Regional Transportation Authority.

56 ff. Capital District Transportation Authority.

1 ff. Central New York Regional Transportation Authority.  
2 12. Obligations of the International Bank for Reconstruction and  
3 Development duly issued pursuant to law.  
4 13. Obligations of the inter-American development bank duly issued  
5 pursuant to law.  
6 13-a. Obligations of the Asian Development Bank duly issued pursuant  
7 to law.  
8 13-b. Obligations of the African Development Bank duly issued pursuant  
9 to law.  
10 13-c. Obligations of the International Finance Corporation duly issued  
11 pursuant to law.  
12 14. Collateral trust notes issued by a trust company, all of the capi-  
13 tal stock of which is owned by not less than twenty savings banks of the  
14 state of New York.  
15 14. Bonds and notes issued for any of the corporate purposes of the  
16 New York state housing finance agency.  
17 15. Bonds and notes issued for any of the corporate purposes of the  
18 New York state medical care facilities finance agency.  
19 16. Bonds and notes issued for any of the corporate purposes of the  
20 New York state project finance agency.  
21 17. Bonds and notes issued for any of the corporate purposes of the  
22 municipal assistance corporation for New York City.  
23 18. Obligations of any corporation organized under the laws of any  
24 state in the United States maturing within two hundred seventy days  
25 provided that such obligations receive the highest rating of two inde-  
26 pendent rating services designated by the comptroller and that the  
27 issuer of such obligations has maintained such ratings on similar obli-  
28 gations during the preceding six months provided, however, that the  
29 issuer of such obligations need not have received such rating during the  
30 prior six month period if such issuer has received the highest rating of  
31 two independent rating services designated by the state comptroller and  
32 is the successor or wholly owned subsidiary of an issuer that has main-  
33 tained such ratings on similar obligations during the preceding six  
34 month period or if the issuer is the product of a merger of two or more  
35 issuers, one of which has maintained such ratings on similar obligations  
36 during the preceding six month period, provided, however, that no more  
37 than two hundred fifty million dollars may be invested in such obli-  
38 gations of any one corporation.  
39 19. Bankers' acceptances maturing within ninety days which are eligi-  
40 ble for purchase in the open market by federal reserve banks and which  
41 have been accepted by a bank or trust company, which is organized under  
42 the laws of the United States or of any state thereof and which is a  
43 member of the federal reserve system and whose short-term obligations  
44 meet the criteria outlined in subdivision eighteen of this section.  
45 Provided, however, that no more than two hundred fifty million dollars  
46 may be invested in such bankers' acceptance of any one bank or trust  
47 company.  
48 20. No-load money market mutual funds registered under the Securities  
49 Act of 1933, as amended, and operated in accordance with Rule 2a-7 of  
50 the Investment Company Act of 1940, as amended, provided that such funds  
51 are limited to investments in obligations issued or guaranteed by the  
52 United States of America or in obligations of agencies or instrumentalities  
53 of the United States of America where the payment of principal and  
54 interest are guaranteed by the United States of America (including  
55 contracts for the sale and repurchase of any such obligations), and are  
56 rated in the highest rating category by at least one nationally recog-

1 nized statistical rating organization, provided, however, that no more  
2 than two hundred fifty million dollars may be invested in such funds.

3 The comptroller, AS AUTHORIZED BY THE EMPLOYEE RETIREMENT SYSTEM  
4 BOARD, whenever he, SHE OR IT deems it for the best interest of any of  
5 such funds, may dispose of any of the securities therein or investments  
6 therefor, in making other investments authorized by law, and he, SHE OR  
7 IT may exchange any such securities for those held in any other of such  
8 funds, and the comptroller OR SUCH BOARD may take such action as may be  
9 necessary to obtain the benefits of the insurance provided for in the  
10 national housing act, and may draw his, HER OR ITS warrant upon the  
11 treasurer for the amount required for such investments and exchanges.

12 Notwithstanding the provisions of any other general or special law,  
13 the comptroller shall not invest the moneys of any fund in any security  
14 or securities except as above described, provided, however, that: (a)  
15 the comptroller may, in order to maximize the rate of return on invest-  
16 ments, invest the moneys belonging to the New York interest on lawyer  
17 account fund in notes, securities and deposits of banking institutions  
18 which accept IOLA accounts, and (b) the provisions of this section shall  
19 not limit the types of investments that may be made with moneys belong-  
20 ing to the volunteer ambulance service award fund established by section  
21 two hundred nineteen-h of the general municipal law.

22 S 16. The public officers law is amended by adding a new section 73-f  
23 to read as follows:

24 S 73-F. DESIGNATING COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM  
25 BOARD. 1. DEFINITIONS. FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING  
26 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

27 A. "DESIGNATING COMMISSION" MEANS THE DESIGNATING COMMISSION FOR THE  
28 EMPLOYEE RETIREMENT SYSTEM BOARD.

29 B. "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING COMMIS-  
30 SION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD.

31 C. "COMMISSIONER" MEANS A MEMBER OF THE STATE GOVERNMENT ETHICS  
32 COMMISSION.

33 D. "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION BY THE DESIG-  
34 NATING COMMISSION FOR THE POSITION OF TRUSTEE OF THE EMPLOYEE RETIREMENT  
35 SYSTEM BOARD.

36 E. "APPOINTING OFFICER" MEANS THE STATE ELECTED OFFICIAL RESPONSIBLE  
37 FOR APPOINTING THE DESIGNATING MEMBERS.

38 2. ORGANIZATION OF THE DESIGNATING COMMISSION. A. A DESIGNATING  
39 COMMISSION FOR THE EMPLOYEE RETIREMENT SYSTEM BOARD IS HEREBY ESTAB-  
40 LISHED. THE DESIGNATING COMMISSION SHALL CONSIST OF TEN MEMBERS OF WHOM  
41 FOUR SHALL BE APPOINTED BY THE GOVERNOR, AND ONE EACH BY THE ATTORNEY  
42 GENERAL, THE STATE COMPTROLLER, THE SPEAKER OF THE ASSEMBLY, THE TEMPO-  
43 RARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE SENATE, AND THE  
44 MINORITY LEADER OF THE ASSEMBLY. OF THE FOUR MEMBERS APPOINTED BY THE  
45 GOVERNOR, NO MORE THAN TWO SHALL BE ENROLLED IN THE SAME POLITICAL  
46 PARTY. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A MEMBER OF THE  
47 LEGISLATURE, AN EMPLOYEE OF STATE GOVERNMENT, HOLD ANY OFFICE IN ANY  
48 POLITICAL PARTY OR BE A REGISTERED LOBBYIST IN THIS STATE OR IN ANY  
49 OTHER STATE. NO MEMBER OF THE DESIGNATING COMMISSION SHALL BE A PARTNER,  
50 OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING FIRM OR ANY ENTITY  
51 RECEIVING A STATE CONTRACT THAT SHARES IN ANY PART OF THE PROFIT DERIVED  
52 FROM LOBBYING. TO THE EXTENT POSSIBLE, THE MEMBERS OF THE DESIGNATING  
53 COMMISSION SHALL BE INDIVIDUALS WITH KNOWLEDGE OR EXPERIENCE IN THE  
54 FIELD OF SECURITIES INVESTMENTS, PENSION ADMINISTRATION, PENSION LAW OR  
55 GOVERNMENTAL FINANCE.

1 B. THE MEMBERS FIRST APPOINTED BY THE GOVERNOR SHALL HAVE RESPECTIVELY  
2 ONE, TWO, THREE AND FOUR-YEAR TERMS AS HE SHALL DESIGNATE. THE MEMBER  
3 FIRST APPOINTED BY THE ATTORNEY GENERAL SHALL HAVE A TWO-YEAR TERM. THE  
4 MEMBER FIRST APPOINTED BY THE STATE COMPTROLLER SHALL HAVE A TWO-YEAR  
5 TERM. THE MEMBER FIRST APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
6 SENATE SHALL HAVE A ONE-YEAR TERM. THE MEMBER FIRST APPOINTED BY THE  
7 MINORITY LEADER OF THE SENATE SHALL HAVE A TWO-YEAR TERM. THE MEMBER  
8 FIRST APPOINTED BY THE SPEAKER OF THE ASSEMBLY SHALL HAVE A FOUR-YEAR  
9 TERM. THE MEMBER FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY  
10 SHALL HAVE A THREE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR  
11 A TERM OF FOUR YEARS.

12 C. A VACANCY SHALL BE DEEMED TO OCCUR IMMEDIATELY UPON THE APPOINTMENT  
13 OR ELECTION OF ANY MEMBER TO AN OFFICE THAT WOULD DISQUALIFY HIM OR HER  
14 FOR APPOINTMENT TO, OR MEMBERSHIP ON, THE DESIGNATING COMMISSION. A  
15 VACANCY OCCURRING FOR ANY REASON OTHER THAN BY EXPIRATION OF TERM SHALL  
16 BE FILLED BY THE APPOINTING OFFICER FOR THE REMAINDER OF THE UNEXPIRED  
17 TERM. NO MEMBER OF THE DESIGNATING COMMISSION SHALL HOLD OFFICE FOR  
18 MORE THAN NINETY DAYS AFTER THE EXPIRATION OF HIS OR HER TERM. IF THE  
19 APPOINTING OFFICER FAILS TO APPOINT A PERSON TO A VACANT OFFICE, BY A  
20 MAJORITY VOTE WITHOUT VACANCY, THE DESIGNATING COMMISSION SHALL SELECT A  
21 PERSON TO FILL THE VACANT OFFICE.

22 D. THE MEMBERS SHALL DESIGNATE ONE OF THEIR NUMBER TO SERVE AS CHAIR-  
23 MAN FOR A PERIOD OF TWO YEARS OR UNTIL HIS OR HER TERM OF OFFICE  
24 EXPIRES, WHICHEVER PERIOD IS SHORTER.

25 E. NO MEMBER OF THE DESIGNATING COMMISSION SHALL RECEIVE COMPENSATION,  
26 BUT MAY RECEIVE HIS OR HER ACTUAL AND NECESSARY EXPENSES INCURRED IN THE  
27 DISCHARGE OF HIS OR HER DUTIES.

28 F. EIGHT MEMBERS OF THE DESIGNATING COMMISSION SHALL CONSTITUTE A  
29 QUORUM.

30 3. FUNCTIONS OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMIS-  
31 SION SHALL CONSIDER AND EVALUATE THE QUALIFICATIONS OF CANDIDATES FOR  
32 APPOINTMENT AS A MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD AND, AS  
33 A VACANCY OCCURS IN ANY SUCH OFFICE, SHALL APPOINT PERSONS WHO BY THEIR  
34 CHARACTER, TEMPERAMENT, PROFESSIONAL APTITUDE AND EXPERIENCE ARE WELL  
35 QUALIFIED TO HOLD SUCH OFFICE. THE DESIGNATING COMMISSION SHALL SELECT  
36 ONE SUCH PERSON TO SERVE AS CHAIR OF THE BOARD.

37 B. AN APPOINTMENT AS MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD BY  
38 THE DESIGNATING COMMISSION SHALL REQUIRE THE CONCURRENCE OF SEVEN  
39 MEMBERS OF THE DESIGNATING COMMISSION. THE APPOINTMENT SHALL BE TRANS-  
40 MITTED TO THE GOVERNOR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE  
41 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE  
42 MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY IN  
43 A SINGLE WRITTEN REPORT, WHICH SHALL BE RELEASED TO THE PUBLIC BY THE  
44 DESIGNATING COMMISSION AT THE TIME IT IS SUBMITTED. THE REPORT SHALL BE  
45 IN WRITING, SIGNED ONLY BY THE CHAIRMAN, AND SHALL INCLUDE THE DESIGNAT-  
46 ING COMMISSION'S FINDINGS RELATING TO THE CHARACTER, TEMPERAMENT,  
47 PROFESSIONAL APTITUDE, EXPERIENCE, QUALIFICATIONS AND FITNESS FOR OFFICE  
48 OF EACH CANDIDATE WHO IS APPOINTED COMMISSIONER.

49 C. NO PERSON SHALL BE APPOINTED MEMBER OF THE BOARD BY THE DESIGNATING  
50 COMMISSION WHO HAS NOT CONSENTED TO BE A CANDIDATE, WHO HAS NOT BEEN  
51 PERSONALLY INTERVIEWED BY A QUORUM OF THE MEMBERSHIP OF THE DESIGNATING  
52 COMMISSION, AND WHO HAS NOT FILED A FINANCIAL STATEMENT WITH THE DESIG-  
53 NATING COMMISSION, ON A FORM TO BE PRESCRIBED BY THE DESIGNATING COMMIS-  
54 SION. THE FINANCIAL STATEMENT SHALL CONSIST OF A SWORN STATEMENT OF THE  
55 PERSON'S ASSETS, LIABILITIES AND SOURCES OF INCOME, AND ANY OTHER RELE-  
56 VANT FINANCIAL INFORMATION WHICH THE DESIGNATING COMMISSION MAY REQUIRE.

1 THE DESIGNATING COMMISSION SHALL TRANSMIT THE FINANCIAL STATEMENT FILED  
2 BY EACH PERSON WHO IS APPOINTED TO THE GOVERNOR, THE ATTORNEY GENERAL,  
3 THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAK-  
4 ER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY  
5 LEADER OF THE ASSEMBLY. THE DESIGNATING COMMISSION SHALL MAKE AVAILABLE  
6 TO THE PUBLIC THE FINANCIAL STATEMENT FILED BY THE PERSON WHO IS  
7 APPOINTED TO FILL A VACANCY. THE FINANCIAL STATEMENTS FILED BY ALL OTHER  
8 PERSONS NOT APPOINTED BY THE DESIGNATING COMMISSION SHALL BE CONFIDEN-  
9 TIAL.

10 4. ADDITIONAL FUNCTIONS OF THE DESIGNATING COMMISSION. THE DESIGNATING  
11 COMMISSION SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

12 A. ESTABLISH DETAILED COMMUNICATION PROCEDURES TO ASSURE THAT PERSONS  
13 WHO MAY BE QUALIFIED FOR APPOINTMENT TO THE BOARD, OTHER THAN THOSE WHO  
14 HAVE REQUESTED CONSIDERATION OR WHO HAVE BEEN RECOMMENDED FOR CONSIDER-  
15 ATION BY OTHERS, ARE ENCOURAGED TO AGREE TO BE CONSIDERED BY THE DESIG-  
16 NATING COMMISSION. THE TOTAL NUMBER OF REQUESTS FOR CONSIDERATION SHALL  
17 BE DOCUMENTED FOR THE PUBLIC RECORD.

18 B. CONDUCT INVESTIGATIONS, ADMINISTER OATHS OR AFFIRMATIONS, INTERVIEW  
19 WITNESSES AND COMPEL THEIR ATTENDANCE, EXAMINE THEM UNDER OATH OR AFFIR-  
20 MATION AND REQUIRE THE PRODUCTION OF ANY BOOKS, RECORDS, DOCUMENTS OR  
21 OTHER EVIDENCE THAT IT MAY DEEM RELEVANT OR MATERIAL TO ITS EVALUATION  
22 OF CANDIDATES FOR TRUSTEE.

23 C. REQUIRE FROM ANY COURT, DEPARTMENT, DIVISION, BOARD, BUREAU,  
24 COMMISSION, OR OTHER AGENCY OF THE STATE OR POLITICAL SUBDIVISION THERE-  
25 OF OR ANY PUBLIC AUTHORITY SUCH ASSISTANCE, INFORMATION AND DATA, AS  
26 WILL ENABLE IT PROPERLY TO EVALUATE THE QUALIFICATIONS OF CANDIDATES,  
27 SUBJECT TO ANY ABSOLUTE JUDICIAL OR EXECUTIVE PRIVILEGE, WHERE ONE  
28 EXISTS.

29 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DESIGNATING COMMIS-  
30 SION, WITH THE CONSENT OF THE APPLICANT, SHALL BE ENTITLED TO REQUIRE  
31 FROM ANY FORMAL DELIBERATIVE BODY ANY FORMAL WRITTEN COMPLAINT AGAINST A  
32 CANDIDATE, IN WHICH THE APPLICANT'S MISCONDUCT WAS ESTABLISHED, ANY  
33 PENDING COMPLAINT AGAINST A CANDIDATE, AND THE RECORD TO DATE OF ANY  
34 PENDING PROCEEDING PURSUANT TO A FORMAL WRITTEN COMPLAINT AGAINST SUCH  
35 CANDIDATE. THE DELIBERATIVE BODY THAT HAS JURISDICTION OVER SUCH  
36 COMPLAINT SHALL HAVE FIFTEEN DAYS WITHIN WHICH TO RESPOND TO A REQUEST  
37 MADE PURSUANT TO THIS SUBDIVISION.

38 D. REQUIRE THE APPEARANCE OF ANY CANDIDATE BEFORE IT AND INTERVIEW ANY  
39 PERSON CONCERNING THE QUALIFICATIONS OF ANY CANDIDATE.

40 E. ESTABLISH PROCEDURES TO COMMUNICATE WITH THE GOVERNOR, THE ATTORNEY  
41 GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE SENATE,  
42 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE  
43 MINORITY LEADER OF THE ASSEMBLY CONCERNING THE QUALIFICATIONS OF ANY  
44 PERSON WHO IT HAS APPOINTED AS TRUSTEE.

45 F. APPOINT, AND AT PLEASURE REMOVE, A COUNSEL AND SUCH OTHER STAFF AS  
46 IT MAY REQUIRE FROM TIME TO TIME, AND PRESCRIBE THEIR POWERS AND DUTIES.  
47 THE DESIGNATING COMMISSION SHALL FIX THE COMPENSATION OF ITS STAFF AND  
48 PROVIDE FOR REIMBURSEMENT OF THEIR EXPENSES WITHIN THE AMOUNTS APPROPRI-  
49 ATED BY LAW.

50 G. DO ALL OTHER THINGS NECESSARY AND CONVENIENT TO CARRY OUT ITS FUNC-  
51 TIONS PURSUANT TO THIS ARTICLE.

52 5. RULES OF THE DESIGNATING COMMISSION. A. THE DESIGNATING COMMISSION  
53 SHALL ADOPT, AND MAY AMEND, WRITTEN RULES OF PROCEDURE NOT INCONSISTENT  
54 WITH LAW.

55 B. RULES OF THE DESIGNATING COMMISSION SHALL BE FILED WITH THE SECRE-  
56 TARY OF STATE AND SHALL BE PUBLISHED IN THE OFFICIAL COMPILATION OF

1 CODES, RULES AND REGULATIONS OF THE STATE. UPON REQUEST OF ANY PERSON,  
2 THE SECRETARY OF STATE SHALL FURNISH A COPY OF THE DESIGNATING COMMIS-  
3 SION'S RULES WITHOUT CHARGE.

4 C. RULES OF THE DESIGNATING COMMISSION MAY PRESCRIBE FORMS AND QUES-  
5 TIONNAIRES TO BE COMPLETED AND, IF REQUIRED BY THE DESIGNATING COMMIS-  
6 SION, VERIFIED BY CANDIDATES.

7 D. RULES OF THE DESIGNATING COMMISSION SHALL PROVIDE THAT UPON THE  
8 COMPLETION BY THE DESIGNATING COMMISSION OF ITS CONSIDERATION AND EVALU-  
9 ATION OF THE QUALIFICATIONS OF A CANDIDATE, THERE SHALL BE NO RECONSID-  
10 ERATION OF SUCH CANDIDATE FOR THE VACANCY FOR WHICH HE WAS CONSIDERED,  
11 EXCEPT WITH THE CONCURRENCE OF EIGHT MEMBERS OF THE DESIGNATING COMMIS-  
12 SION.

13 6. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS. A. ALL COMMUNICATIONS  
14 TO THE DESIGNATING COMMISSION, AND ITS PROCEEDINGS, AND ALL APPLICA-  
15 TIONS, CORRESPONDENCE, INTERVIEWS, TRANSCRIPTS, REPORTS AND ALL OTHER  
16 PAPERS, FILES AND RECORDS OF THE DESIGNATING COMMISSION SHALL BE CONFID-  
17 ENTIAL AND PRIVILEGED AND, EXCEPT FOR THE PURPOSES OF ARTICLE TWO  
18 HUNDRED TEN OF THE PENAL LAW, SHALL NOT BE MADE AVAILABLE TO ANY PERSON  
19 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

20 B. NEITHER THE MEMBERS OF THE BOARD, MEMBERS OF THE DESIGNATING  
21 COMMISSION NOR ITS STAFF SHALL PUBLICLY DIVULGE THE NAMES OF, OR ANY  
22 INFORMATION CONCERNING, ANY CANDIDATE EXCEPT AS OTHERWISE PROVIDED IN  
23 THIS ARTICLE. ANY VIOLATION OF THIS SUBDIVISION SHALL BE A CLASS A  
24 MISDEMEANOR.

25 7. PROCEDURES WHEN VACANCIES OCCUR. A. WHENEVER A VACANCY WILL OCCUR  
26 FOR THE POSITION OF MEMBER OF THE EMPLOYEE RETIREMENT SYSTEM BOARD BY  
27 EXPIRATION OF A TERM, THE MEMBER OF THE BOARD SHALL NOTIFY THE DESIGNAT-  
28 ING COMMISSION OF THE ANTICIPATED VACANCY NO LATER THAN SEVEN MONTHS  
29 PRECEDING THE VACANCY. THE DESIGNATING COMMISSION SHALL MAKE ITS  
30 APPOINTMENT TO THE BOARD ON OR BEFORE THE DATE OF EXPIRATION, TO TAKE  
31 EFFECT ON THE DAY FOLLOWING SUCH EXPIRATION.

32 B. WHENEVER A VACANCY OCCURS OTHER THAN BY EXPIRATION OF TERM, THE  
33 COMMISSIONERS OF STATE GOVERNMENT ETHICS SHALL IMMEDIATELY NOTIFY THE  
34 DESIGNATING COMMISSION OF SUCH VACANCY. THE DESIGNATING COMMISSION SHALL  
35 MAKE ITS APPOINTMENT NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER RECEIPT  
36 OF SUCH NOTICE.

37 S 17. Severability. If any title, section, subdivision, paragraph or  
38 other part of this act shall be adjudged invalid by any court of compe-  
39 tent jurisdiction, such judgment shall not invalidate the remainder  
40 thereof, but shall be confined in its operation to the part directly  
41 involved in the controversy wherein such judgment shall have been  
42 rendered.

43 S 18. This act shall take effect on the ninetieth day after it shall  
44 have become a law.

45 PART C

46 Section 1. Subdivisions 1, 8, 9 and 11 of section 3-102 of the  
47 election law, subdivisions 1 and 9 as redesignated and subdivision 11 as  
48 amended by chapter 9 of the laws of 1978 and subdivision 8 as amended by  
49 chapter 695 of the laws of 1985, are amended to read as follows:

50 1. issue instructions and promulgate rules and regulations relating to  
51 the administration of the election process[,] AND election campaign  
52 practices [and campaign financing practices] consistent with the  
53 provisions of law;

1 8. prepare [uniform forms for the statements required by article four-  
2 teen of this chapter and] uniform forms for use by local election offi-  
3 cials in the conduct of registration and voting; design, prepare and  
4 make available to county boards of election and to such other insti-  
5 tutions and groups as such board in its discretion shall determine  
6 uniform application forms for registration and enrollment, transfer of  
7 registration and/or enrollment and special enrollment upon application  
8 filed by mail pursuant to the provisions of section 5-210 of this chap-  
9 ter;

10 9. study and examine the administration of elections within the state  
11 including [campaign financing, campaign financing reporting, and]  
12 campaign practices;

13 11. recommend such legislation or administrative measures as it finds  
14 appropriate to promote fair, honest and efficiently administered  
15 elections[, including, but not limited to, legislation to adjust the  
16 contribution limitations set forth in article fourteen of this chapter];

17 S 2. Subdivision 9-A of section 3-102 of the election law is REPEALED.

18 S 3. Subdivision 7 of section 3-102 of the election law is REPEALED.

19 S 4. Section 3-104 of the election law, subdivisions 1, 3, 4 and 5 as  
20 redesignated and subdivision 2 as amended by chapter 9 of the laws of  
21 1978, is amended to read as follows:

22 S 3-104. State board of elections; enforcement powers. 1. The state  
23 board of elections shall have jurisdiction of, and be responsible for,  
24 the execution and enforcement of the provisions of [article fourteen of]  
25 this chapter, EXCEPT ARTICLE FOURTEEN, WHICH THE STATE GOVERNMENT ETHICS  
26 COMMISSION SHALL HAVE JURISDICTION OF, and other statutes governing  
27 campaigns, elections and related procedures.

28 2. Whenever the state board of elections or other board of elections  
29 shall determine, on its own initiative or upon complaint, or otherwise,  
30 that there is substantial reason to believe a violation of this chapter  
31 or any code or regulation promulgated thereunder has occurred, it shall  
32 expeditiously make an investigation which shall also include investi-  
33 gation of reports and statements made or failed to be made by the  
34 complainant and any political committee supporting his candidacy if the  
35 complainant is a candidate or, if the complaint was made by an officer  
36 or member of a political committee, of reports and statements made or  
37 failed to be made by such political committee and any candidates  
38 supported by it. The state board of elections, in lieu of making such an  
39 investigation, may direct the appropriate board of elections to make an  
40 investigation. The state board of elections may request, and shall  
41 receive, the assistance of the state police in any investigation it  
42 shall conduct.

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

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

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

1 S 5. Subdivision 1 of section 14-100 of the election law, as amended  
2 by chapter 71 of the laws of 1988, is amended to read as follows:

3 1. "political committee" means any [corporation] BUSINESS ENTITY  
4 aiding or promoting and any committee, political club or combination of  
5 one or more persons operating or co-operating to aid or to promote the  
6 success or defeat of a political party or principle, or of any ballot  
7 proposal; or to aid or take part in the election or defeat of a candi-  
8 date for public office or to aid or take part in the election or defeat  
9 of a candidate for nomination at a primary election or convention,  
10 including all proceedings prior to such primary election, or of a candi-  
11 date for any party position voted for at a primary election, or to aid  
12 or defeat the nomination by petition of an independent candidate for  
13 public office; OR ANY POLITICAL ACTION COMMITTEE ESTABLISHED, FINANCED,  
14 MAINTAINED OR CONTROLLED BY ANY BUSINESS ENTITY, LABOR ORGANIZATION OR  
15 ANY OTHER PERSON OR ENTITY WHICH MAKES NO EXPENDITURE TO AID OR TAKE  
16 PART IN THE ELECTION OR DEFEAT OF A CANDIDATE, OTHER THAN IN THE FORM OF  
17 CONTRIBUTIONS; but nothing in this article shall apply to any committee  
18 or organization for the discussion or advancement of political questions  
19 or principles without connection with any vote or to a national commit-  
20 tee organized for the election of presidential or vice-presidential  
21 candidates; provided, however, that a person or [corporation] BUSINESS  
22 ENTITY making a contribution or contributions to a candidate or a poli-  
23 tical committee which has filed pursuant to section 14-118 shall not, by  
24 that fact alone, be deemed to be a political committee as herein  
25 defined.

26 S 6. Paragraph 2 of subdivision 9 of section 14-100 of the election  
27 law, as amended by chapter 70 of the laws of 1983, is amended and a new  
28 subdivision 9-a is added to read as follows:

29 (2) any funds received by a political committee from another political  
30 committee [to the extent such funds do not constitute a transfer] BY ANY  
31 MEANS, INCLUDING BUT NOT LIMITED TO TRANSFERS,

32 9-A. "INTERMEDIARY" MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
33 POLITICAL COMMITTEE, EMPLOYEE ORGANIZATION OR OTHER ENTITY WHICH:

34 (A) OTHER THAN IN THE REGULAR COURSE OF BUSINESS AS A POSTAL, DELIVERY  
35 OR MESSENGER SERVICE, DELIVERS ANY CONTRIBUTION FROM ANOTHER PERSON OR  
36 ENTITY TO A CANDIDATE OR AUTHORIZED COMMITTEE; OR

37 (B) SUCCESSFULLY SOLICITS CONTRIBUTIONS TO A CANDIDATE OR OTHER  
38 AUTHORIZED COMMITTEE WHERE SUCH SOLICITATION IS KNOWN TO SUCH CANDIDATE  
39 OR HIS OR HER AUTHORIZED COMMITTEE. FOR PURPOSES OF THIS PARAGRAPH, ONLY  
40 PERSONS CLEARLY IDENTIFIED AS THE SOLICITOR OF A CONTRIBUTION TO THE  
41 CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE SHALL BE PRESUMED TO BE  
42 KNOWN TO SUCH CANDIDATE OR HIS OR HER AUTHORIZED COMMITTEE. "INTERME-  
43 DIARY" SHALL NOT INCLUDE SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN  
44 OR SIBLINGS OF THE PERSON MAKING SUCH CONTRIBUTION, OR ANY PAID OR  
45 VOLUNTEER FULL-TIME CAMPAIGN WORKERS OR COMMERCIAL FUNDRAISING FIRMS  
46 RETAINED BY THE CANDIDATE AND THE AGENTS THEREOF.

47 S 7. Subdivisions 1 and 3 of section 14-102 of the election law, as  
48 amended by chapter 8 of the laws of 1978, subdivision 1 as redesignated  
49 by chapter 9 of the laws of 1978 and subdivision 3 as renumbered by  
50 chapter 70 of the laws of 1983, are amended to read as follows:

51 1. The treasurer of every political committee which, or any officer,  
52 member or agent of any such committee who, in connection with any  
53 election, receives or expends any money or other [valuable thing] ITEM  
54 OF VALUE or incurs any liability to pay money or its equivalent shall  
55 file statements sworn, or subscribed and bearing a form notice that  
56 false statements made therein are punishable as a class A misdemeanor

1 pursuant to section 210.45 of the penal law, at the times prescribed by  
2 this article setting forth all the receipts, contributions to and the  
3 expenditures by and liabilities of the committee, and of its officers,  
4 members and agents in its behalf. Such statements shall include the  
5 dollar amount of any receipt, contribution or transfer, or the fair  
6 market value of any receipt, contribution or transfer, which is other  
7 than of money, the name [and], address AND OCCUPATION of the transferor,  
8 contributor or person from whom received, OTHER THAN IN THE REGULAR  
9 COURSE OF A LENDER'S BUSINESS, AND FOR A NATURAL PERSON CONTRIBUTING TWO  
10 HUNDRED DOLLARS OR MORE, THE NAME AND ADDRESS OF SUCH PERSON'S EMPLOYER,  
11 AND THE BUSINESS ADDRESS OF EACH POLITICAL COMMITTEE OR OTHER ENTITY  
12 MAKING SUCH CONTRIBUTION, OR ANY LOAN, GUARANTEE, OR OTHER SECURITY FOR  
13 SUCH A LOAN and if the transferor, contributor or person is a political  
14 committee; the name of and the political unit represented by the commit-  
15 tee, the date of its receipt, the dollar amount of every expenditure,  
16 the name and address of the person to whom it was made or the name of  
17 and the political unit represented by the committee to which it was made  
18 and the date thereof, and shall state clearly the purpose of such  
19 expenditure. IF ANY ONE EXPENDITURE IS MADE FOR MORE THAN ONE PURPOSE,  
20 OR AS PAYMENT FOR GOODS OR SERVICES SUPPLIED BY MORE THAN ONE SUPPLIER,  
21 SUCH STATEMENT SHALL SET FORTH SEPARATELY EACH SUCH PURPOSE OR SUPPLIER  
22 AND THE AMOUNT EXPENDED FOR EACH SUCH PURPOSE OR TO EACH SUCH SUPPLIER.  
23 Any statement reporting a loan shall have attached to it a copy of the  
24 evidence of indebtedness. Expenditures in sums under fifty dollars need  
25 not be specifically accounted for by separate items in said statements,  
26 and receipts and contributions aggregating not more than ninety-nine  
27 dollars, from any one contributor need not be specifically accounted for  
28 by separate items in said statements, provided however, that such  
29 expenditures, receipts and contributions shall be subject to the other  
30 provisions of section 14-118 of this article.

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

37 S 8. Subdivisions 4 and 5 of section 14-102 of the election law,  
38 subdivision 4 as amended and subdivision 5 as added by chapter 406 of  
39 the laws of 2005, are amended to read as follows:

40 4. Any committee which is required to file statements with [any board  
41 of elections] THE STATE GOVERNMENT ETHICS COMMISSION pursuant to this  
42 article and which raises or spends or expects to raise or spend more  
43 than one thousand dollars in any calendar year shall file all such  
44 statements pursuant to the electronic reporting system prescribed by  
45 [the state board of elections as set forth in subdivision nine-A of  
46 section 3-102 of this chapter] SECTION SEVENTY-THREE-C OF THE PUBLIC  
47 OFFICERS LAW. Notwithstanding the provisions of this subdivision, upon  
48 the filing of a sworn statement by the treasurer of a political commit-  
49 tee which states that such political committee does not have access to  
50 the technology necessary to comply with the electronic filing require-  
51 ments [of subdivision nine-A of section 3-102 of this chapter]  
52 PRESCRIBED BY SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW and  
53 that filing by such means would constitute a substantial hardship for  
54 such political committee, the state [board of elections] GOVERNMENT  
55 ETHICS COMMISSION may issue an exemption from the electronic filing  
56 requirements of this article.

1 [5. Any committee which is required to file statements pursuant to  
2 this article with county boards of elections shall file in paper format  
3 to the county board of elections or in electronic format if the legisla-  
4 tive body of any county provides, by local law, an electronic filing  
5 system and shall file such statements by electronic reporting process to  
6 the state board of elections.]

7 S 9. Section 14-104 of the election law, as amended by chapter 430 of  
8 the laws of 1997, subdivision 2 as amended and subdivision 3 as added by  
9 chapter 406 of the laws of 2005, is amended to read as follows:

10 S 14-104. Statements of campaign receipts, contributions, transfers  
11 and expenditures by and to candidates. 1. Any candidate for election to  
12 public office, or for nomination for public office at a contested prima-  
13 ry election or convention, or for election to a party position at a  
14 primary election, shall file statements sworn, or subscribed and bearing  
15 a form notice that false statements made therein are punishable as a  
16 class A misdemeanor pursuant to section 210.45 of the penal law, at the  
17 times prescribed by this article setting forth the particulars specified  
18 by section 14-102 of this article, as to all moneys or other valuable  
19 things, paid, given, expended or promised by him to aid his own nomi-  
20 nation or election, or to promote the success or defeat of a political  
21 party, or to aid or influence the nomination or election or the defeat  
22 of any other candidate to be voted for at the election or primary  
23 election or at a convention, including contributions to political  
24 committees, officers, members or agents thereof, and transfers, receipts  
25 and contributions to him to be used for any of the purposes above speci-  
26 fied, or in lieu thereof, any such candidate may file such a sworn  
27 statement at the first filing period, on a form prescribed by [the state  
28 board of elections] SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW  
29 that such candidate has made no such expenditures and does not intend to  
30 make any such expenditures, except through a political committee author-  
31 ized by such candidate pursuant to this article. A committee authorized  
32 by such a candidate may fulfill all of the filing requirements of this  
33 [act] ARTICLE on behalf of such candidate.

34 2. Statements filed by any political committee authorized by a candi-  
35 date pursuant to this article which is required to file such statements  
36 with [any board of elections] THE STATE GOVERNMENT ETHICS COMMISSION and  
37 which raises or spends or expects to raise or spend more than one thou-  
38 sand dollars in any calendar year shall file all such statements pursu-  
39 ant to the electronic reporting system prescribed by [the state board of  
40 elections as set forth in subdivision nine-A of section 3-102 of this  
41 chapter] SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS LAW. Notwith-  
42 standing the provisions of this subdivision, upon the filing of a sworn  
43 statement by the treasurer of a political committee authorized by a  
44 candidate pursuant to this article which states that such committee does  
45 not have access to the technology necessary to comply with the electron-  
46 ic filing requirements [of subdivision nine-A of section 3-102 of this  
47 chapter] PRESCRIBED BY SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS  
48 LAW and that filing by such means would constitute a substantial hard-  
49 ship for such committee, the state [board of elections] GOVERNMENT  
50 ETHICS COMMISSION may issue an exemption from the electronic filing  
51 requirements of this article.

52 [3. Any committee which is required to file statements pursuant to  
53 this article with county boards of elections shall file in paper format  
54 to the county board of elections or in electronic format if the legisla-  
55 tive body of any county provides, by local law, an electronic filing

1 system and shall file such statements by electronic reporting process to  
2 the state board of elections.]

3 S 10. Section 14-108 of the election law, subdivision 1 as amended by  
4 chapter 955 of the laws of 1983, subdivision 2 as amended by chapter 109  
5 of the laws of 1997, subdivisions 3, 4 and 6 as redesignated by chapter  
6 9 of the laws of 1978, subdivision 5 as amended and subdivision 7 as  
7 added by chapter 146 of the laws of 1994 and subdivision 6 as amended by  
8 chapter 323 of the laws of 1977, is amended to read as follows:

9 S 14-108. Time for filing statements. 1. The statements required by  
10 this article shall be filed at such times as the state [board of  
11 elections] GOVERNMENT ETHICS COMMISSION, by rule or regulation, shall  
12 specify; provided, however, that in no event shall the [board] STATE  
13 GOVERNMENT ETHICS COMMISSION provide for fewer than three filings in the  
14 aggregate in connection with any primary, general or special election,  
15 or in connection with a question to be voted on and two of said filings  
16 shall be before any such election, including one such filing not less  
17 than thirty days nor more than forty-five days prior to such election  
18 and one such filing not less than eleven days nor more than fifteen days  
19 prior to such election. In addition, the [board] STATE GOVERNMENT ETHICS  
20 COMMISSION shall provide that every political committee which has filed  
21 a statement of treasurer and depository shall make [at least] one filing  
22 [every six months between the time such statement of treasurer and  
23 depository is filed and the time such committee goes out of business] ON  
24 JANUARY THIRTY-FIRST, ONE FILING ON APRIL THIRTIETH AND ONE FILING ON  
25 JULY THIRTY-FIRST OF EACH YEAR. If any candidate or committee shall be  
26 required by the provisions of this section, or by rule or regulation  
27 hereunder, to effect two filings within a period of five days, the state  
28 [board of elections] GOVERNMENT ETHICS COMMISSION may, by rule or regu-  
29 lation, waive the requirement of filing the earlier of such statements.  
30 If a statement filed by a candidate or committee after the election to  
31 which it pertains is not a final statement showing satisfaction of all  
32 liabilities and disposition of all assets, such candidate or committee  
33 shall file such additional statements as the [board] STATE GOVERNMENT  
34 ETHICS COMMISSION shall, by rule or regulation provide until such a  
35 final statement is filed.

36 2. Each statement shall cover the period up to and including the  
37 fourth day next preceding the day specified for the filing thereof;  
38 provided, however, that any contribution or loan in excess of one thou-  
39 sand dollars, if received after the close of the period to be covered in  
40 the last statement filed before any primary, general or special election  
41 but before such election, shall be reported, in the same manner as other  
42 contributions, within twenty-four hours after receipt.

43 3. Each statement shall be preserved by the officer with whom or the  
44 [board] STATE GOVERNMENT ETHICS COMMISSION with which it is required to  
45 be filed for a period of five years from the date of filing thereof.

46 4. Each statement shall constitute a part of the public records of  
47 such officer or [board] STATE GOVERNMENT ETHICS COMMISSION and shall be  
48 open to public inspection.

49 5. The state [board of elections or other board of elections, as the  
50 case may be,] GOVERNMENT ETHICS COMMISSION shall not later than ten days  
51 after the last day to file any such statement notify each person  
52 required to file any such statement which has not been received by such  
53 [board] COMMISSION by such tenth day in accordance with this article of  
54 such person's failure to file such statement timely. Such notice shall  
55 be in writing and mailed to the last known residence or business address  
56 of such person by certified mail, return receipt requested. Failure to

1 file within five days of receipt of such notice shall constitute prima  
2 facie evidence of a willful failure to file. If the person required to  
3 file such statement is a treasurer who has stated that the committee has  
4 been authorized by one or more candidates, a copy of such notice shall  
5 be sent to each such candidate by first class mail. [A copy of any such  
6 notice sent by a board of elections other than the state board of  
7 elections shall be sent by such other board to the state board.]

8 6. A statement shall be deemed properly filed when deposited in an  
9 established post-office within the prescribed time, duly stamped, certi-  
10 fied and directed to the officer with whom or to the [board] STATE  
11 GOVERNMENT ETHICS COMMISSION with which the statement is required to be  
12 filed, but in the event it is not received, a duplicate of such state-  
13 ment shall be promptly filed upon notice by such officer or such [board]  
14 COMMISSION of its non-receipt; PROVIDED, HOWEVER, ALL STATEMENTS  
15 REQUIRED TO BE FILED DURING THE PERIOD OF FIFTEEN DAYS BEFORE ANY  
16 ELECTION SHALL BE FILED ELECTRONICALLY OR BY GUARANTEED OVERNIGHT DELIV-  
17 ERY THROUGH THE UNITED STATES POSTAL SERVICE OR SOME OTHER OVERNIGHT  
18 DELIVERY SERVICE.

19 7. On the twentieth day following the date by which such statements  
20 were required to be filed, the state [board of elections] GOVERNMENT  
21 ETHICS COMMISSION shall prepare and make available for public inspection  
22 and distribution a list of those persons and committees from whom it has  
23 not yet received such statement.

24 S 11. Section 14-110 of the election law, as amended by chapter 46 of  
25 the laws of 1984, is amended to read as follows:

26 S 14-110. Place for filing statements. The places for filing the  
27 statements required by this article shall be determined by rule or regu-  
28 lation of the state [board of elections] GOVERNMENT ETHICS COMMISSION;  
29 provided, however, that the statements of a candidate for election to  
30 the office of governor, lieutenant governor, attorney general, comp-  
31 troller, member of the legislature, delegate to a constitutional conven-  
32 tion, justice of the supreme court or for nomination for any such office  
33 at a primary election and of any committee aiding or taking part in the  
34 designation, nomination, election or defeat of candidates for one or  
35 more of such offices or promoting the success or defeat of a question to  
36 be voted on by the voters of the entire state shall be filed with the  
37 state [board of elections] GOVERNMENT ETHICS COMMISSION and in such  
38 other places as the state [board of elections] GOVERNMENT ETHICS COMMIS-  
39 SION may, by rule or regulation provide.

40 S 12. Section 14-112 of the election law, as amended by chapter 930 of  
41 the laws of 1981, is amended to read as follows:

42 S 14-112. [Political] AUTHORIZED COMMITTEE; POLITICAL committee  
43 authorization statement. 1. Any political committee aiding or taking  
44 part in the election or nomination of any candidate[, other than by  
45 making contributions,] shall file, in the office in which the statements  
46 of such committee are to be filed pursuant to this article, either a  
47 sworn verified statement by the treasurer of such committee AND THE  
48 CANDIDATE that [the] SUCH candidate has authorized the political commit-  
49 tee to aid or take part in his OR HER election or A SWORN VERIFIED  
50 STATEMENT BY THE TREASURER OF SUCH COMMITTEE that the candidate has not  
51 authorized the committee to aid or take part in his OR HER election.

52 2. NO CANDIDATE MAY AUTHORIZE MORE THAN ONE POLITICAL COMMITTEE FOR  
53 ANY ONE ELECTION. ANY CANDIDATE WHO, ON DECEMBER FIRST, TWO THOUSAND  
54 TEN, HAS AUTHORIZED MORE THAN ONE POLITICAL COMMITTEE FOR ANY ONE  
55 ELECTION SHALL, NOT LATER THAN THIRTY DAYS AFTER SAID DATE, DISAVOW ALL  
56 BUT ONE OF SUCH COMMITTEES, IN WRITING, TO THE STATE GOVERNMENT ETHICS

1 COMMISSION. THIS SUBDIVISION SHALL NOT APPLY TO THE AUTHORIZATION OF AN  
2 EXPLORATORY COMMITTEE BY AN ELECTED PUBLIC OFFICIAL. A MULTI-CANDIDATE  
3 COMMITTEE MAY NOT BE AN AUTHORIZED COMMITTEE.

4 3. CAMPAIGN FUNDS REMAINING IN ANY DISAVOWED COMMITTEE SHALL BE  
5 DISPOSED OF PURSUANT TO SECTION 14-132 OF THIS ARTICLE.

6 S 13. Subdivision 1 of section 14-114 of the election law, as amended  
7 by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
8 chapter 659 of the laws of 1994, is amended to read as follows:

9 1. The following limitations apply to all contributions to candidates  
10 for election to any public office or for nomination for any such office,  
11 or for election to any party positions, and to all contributions to  
12 political committees working directly or indirectly with any candidate  
13 to aid or participate in such candidate's nomination or election, other  
14 than any contributions to any party committee or constituted committee:

15 a. In any election for a public office to be voted on by the voters of  
16 the entire state, or for nomination to any such office, no contributor  
17 may make a contribution to any candidate or political committee, and no  
18 candidate or political committee may accept any contribution from any  
19 contributor, which is in [the aggregate amount greater than: (i) in the  
20 case of any nomination to public office, the product of the total number  
21 of enrolled voters in the candidate's party in the state, excluding  
22 voters in inactive status, multiplied by \$.005, but such amount shall be  
23 not less than four thousand dollars nor more than twelve thousand  
24 dollars] EXCESS OF ONE THOUSAND DOLLARS as increased or decreased by the  
25 cost of living adjustment described in paragraph c of this subdivision[,  
26 and (ii) in the case of any election to a public office, twenty-five  
27 thousand dollars as increased or decreased by the cost of living adjust-  
28 ment described in paragraph c of this subdivision; provided however,  
29 that the maximum amount which may be so contributed or accepted, in the  
30 aggregate, from any candidate's child, parent, grandparent, brother and  
31 sister, and the spouse of any such persons, shall not exceed in the case  
32 of any nomination to public office an amount equivalent to the product  
33 of the number of enrolled voters in the candidate's party in the state,  
34 excluding voters in inactive status, multiplied by \$.025, and in the  
35 case of any election for a public office, an amount equivalent to the  
36 product of the number of registered voters in the state excluding voters  
37 in inactive status, multiplied by \$.025].

38 b. In any other election for party position or for election to a  
39 public office or for nomination for any such office, no contributor may  
40 make a contribution to any candidate or political committee and no  
41 candidate or political committee may accept any contribution from any  
42 contributor, which is in [the aggregate amount greater than: (i) in the  
43 case of any election for party position, or for nomination to public  
44 office, the product of the total number of enrolled voters in the candi-  
45 date's party in the district in which he is a candidate, excluding  
46 voters in inactive status, multiplied by \$.05, and (ii) in the case of  
47 any election for a public office, the product of the total number of  
48 registered voters in the district, excluding voters in inactive status,  
49 multiplied by \$.05,] EXCESS OF ONE THOUSAND DOLLARS AS INCREASED OR  
50 DECREASED BY THE COST OF LIVING ADJUSTMENT DESCRIBED IN PARAGRAPH C OF  
51 THIS SUBDIVISION; however in the case of a nomination OR ELECTION within  
52 the city of New York for the office of mayor, public advocate [or],  
53 comptroller, BOROUGH PRESIDENT OR MEMBER OF THE CITY COUNCIL, such  
54 amount shall be [not less than four thousand dollars nor more than  
55 twelve thousand dollars as increased or decreased by the cost of living  
56 adjustment described in paragraph c of this subdivision; in the case of

1 an election within the city of New York for the office of mayor, public  
2 advocate or comptroller, twenty-five thousand dollars as increased or  
3 decreased by the cost of living adjustment described in paragraph c of  
4 this subdivision] EQUAL TO THE CONTRIBUTION LIMITS SET FORTH IN PARA-  
5 GRAPH (F) OF SUBDIVISION ONE OF SECTION 3-703 OF THE ADMINISTRATIVE CODE  
6 OF THE CITY OF NEW YORK OR ANY SUCCESSOR PROVISION; PROVIDED HOWEVER in  
7 the case of a nomination OR ELECTION for state senator, [four] ONE thou-  
8 sand dollars as increased or decreased by the cost of living adjustment  
9 described in paragraph c of this subdivision; [in the case of an  
10 election for state senator, six thousand two hundred fifty dollars as  
11 increased or decreased by the cost of living adjustment described in  
12 paragraph c of this subdivision;] in the case of [an election or] A  
13 nomination OR ELECTION for a member of the assembly, [twenty-five  
14 hundred] ONE THOUSAND dollars as increased or decreased by the cost of  
15 living adjustment described in paragraph c of this subdivision[; but in  
16 no event shall any such maximum exceed fifty thousand dollars or be less  
17 than one thousand dollars; provided however, that the maximum amount  
18 which may be so contributed or accepted, in the aggregate, from any  
19 candidate's child, parent, grandparent, brother and sister, and the  
20 spouse of any such persons, shall not exceed in the case of any election  
21 for party position or nomination for public office an amount equivalent  
22 to the number of enrolled voters in the candidate's party in the  
23 district in which he is a candidate, excluding voters in inactive  
24 status, multiplied by \$.25 and in the case of any election to public  
25 office, an amount equivalent to the number of registered voters in the  
26 district, excluding voters in inactive status, multiplied by \$.25; or  
27 twelve hundred fifty dollars, whichever is greater, or in the case of a  
28 nomination or election of a state senator, twenty thousand dollars,  
29 whichever is greater, or in the case of a nomination or election of a  
30 member of the assembly twelve thousand five hundred dollars, whichever  
31 is greater, but in no event shall any such maximum exceed one hundred  
32 thousand dollars].

33 c. At the beginning of each fourth calendar year, commencing in [nine-  
34 teen hundred ninety-five] TWO THOUSAND TWELVE, the state [board] GOVERN-  
35 MENT ETHICS COMMISSION shall determine the percentage of the difference  
36 between the [most recent available monthly] consumer price index for all  
37 urban consumers published by the United States bureau of labor statis-  
38 tics and such consumer price index published for the same month four  
39 years previously. The amount of each contribution limit fixed in this  
40 subdivision shall be adjusted by the amount of such percentage differ-  
41 ence to the closest one hundred dollars by the state [board] GOVERNMENT  
42 ETHICS COMMISSION which, not later than the first day of February in  
43 each such year, shall issue a regulation publishing the amount of each  
44 such contribution limit. Each contribution limit as so adjusted shall be  
45 the contribution limit in effect for any election held before the next  
46 such adjustment.

47 S 14. Subdivision 2 of section 14-114 of the election law, as redesign-  
48 nated by chapter 9 of the laws of 1978, is amended to read as follows:

49 2. For purposes of this section, contributions other than of money  
50 shall be evaluated at their fair market value. The state [board of  
51 elections] GOVERNMENT ETHICS COMMISSION shall promulgate regulations,  
52 consistent with law, governing the manner of computing fair market  
53 value.

54 S 15. Subdivision 8 of section 14-114 of the election law, as amended  
55 by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the  
56 laws of 1978, is amended to read as follows:

1 8. A. Except as may otherwise be provided [for] BY a candidate [and  
2 his family] FOR HIS OR HER OWN CAMPAIGN, no NATURAL person may contrib-  
3 ute, loan or guarantee in excess of [one hundred fifty] TWENTY-FIVE  
4 thousand dollars within the state OF NEW YORK IN ANY CALENDAR YEAR in  
5 connection with the nomination or election of [persons to] CANDIDATES  
6 FOR state [and] OR local public offices [and] OR party positions [within  
7 the state of New York in any one calendar year].

8 B. For the purposes of this subdivision "loan" or "guarantee" shall  
9 mean a loan or guarantee which is not repaid or discharged in the calen-  
10 dar year in which it is made.

11 S 16. Subdivision 10 of section 14-114 of the election law, as added  
12 by chapter 79 of the laws of 1992, is amended to read as follows:

13 10. a. No contributor may make a contribution to a party or consti-  
14 tuted committee and no such committee may accept a contribution from any  
15 contributor which, in the aggregate, is greater than [sixty-two] ONE  
16 thousand [five hundred] dollars per annum.

17 b. At the beginning of each fourth calendar year, commencing in [nine-  
18 teen hundred ninety-five] TWO THOUSAND TWELVE, the state [board] GOVERN-  
19 MENT ETHICS COMMISSION shall determine the percentage of the difference  
20 between the most recent available monthly consumer price index for all  
21 urban consumers published by the United States bureau of labor statis-  
22 tics and such consumer price index published for the same month four  
23 years previously. The amount of such contribution limit fixed in para-  
24 graph a of this subdivision shall be adjusted by the amount of such  
25 percentage difference to the closest one hundred dollars by the state  
26 [board] GOVERNMENT ETHICS COMMISSION which, not later than the first day  
27 of February in each such year, shall issue a regulation publishing the  
28 amount of such contribution limit. Such contribution limit as so  
29 adjusted shall be the contribution limit in effect for any election held  
30 before the next such adjustment.

31 S 17. Section 14-116 of the election law, subdivision 1 as redesign-  
32 nated by chapter 9 of the laws of 1978 and subdivision 2 as amended by  
33 chapter 260 of the laws of 1981, is amended to read as follows:

34 S 14-116. Political contributions by certain organizations OR INDIVID-  
35 UALS. 1. No corporation [or], joint-stock association, LIMITED LIABIL-  
36 ITY COMPANY, PROFESSIONAL LIMITED LIABILITY COMPANY, PARTNERSHIP OR  
37 LIMITED LIABILITY PARTNERSHIP doing business in this state, except [a  
38 corporation or association] AN ENTITY organized or maintained for poli-  
39 tical purposes only, shall directly or indirectly pay or use or offer,  
40 consent or agree to pay or use any money or property for or in aid of  
41 any political party, committee or organization, or for, or in aid of,  
42 any [corporation, joint-stock or other association] ENTITY organized or  
43 maintained for political purposes, or for, or in aid of, any candidate  
44 for political office or for nomination for such office, or for any poli-  
45 tical purpose whatever, or for the reimbursement or indemnification of  
46 any person for moneys or property so used. Any officer, director, stock-  
47 holder, MEMBER, PARTNER, attorney or agent of any corporation [or],  
48 joint-stock association, LIMITED LIABILITY COMPANY, PROFESSIONAL LIMITED  
49 LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP which  
50 violates any of the provisions of this section, who participates in,  
51 aids, abets or advises or consents to any such violations, and any  
52 person who solicits or knowingly receives any money or property in  
53 violation of this section, shall be guilty of a misdemeanor.

54 2. [Notwithstanding the provisions of subdivision one of this section,  
55 any corporation or an organization financially supported in whole or in  
56 part, by such corporation may make expenditures, including contrib-

1 utions, not otherwise prohibited by law, for political purposes, in an  
2 amount not to exceed five thousand dollars in the aggregate in any  
3 calendar year; provided that no public utility shall use revenues  
4 received from the rendition of public service within the state for  
5 contributions for political purposes unless such cost is charged to the  
6 shareholders of such a public service corporation.] CONTRIBUTION DELIV-  
7 ERY ACTIVITIES BY AN INTERMEDIARY AS DEFINED IN THIS ARTICLE ARE PROHIB-  
8 ITED, AND ANY PERSON WHO SOLICITS OR KNOWINGLY RECEIVES ANY MONEY OR  
9 PROPERTY IN VIOLATION OF THIS SECTION, SHALL BE GUILTY OF A MISDEMEANOR.

10 S 18. Subdivision 1 of section 14-118 of the election law, as amended  
11 by chapter 70 of the laws of 1983, is amended to read as follows:

12 1. Every political committee shall have a treasurer and a depository,  
13 and shall cause the treasurer to keep detailed, bound accounts of all  
14 receipts, transfers, loans, liabilities, contributions and expenditures,  
15 made by the committee or any of its officers, members or agents acting  
16 under its authority or in its behalf. All such accounts shall be  
17 retained by a treasurer for a period of five years from the date of the  
18 filing of the final statement with respect to the election, primary  
19 election or convention to which they pertain. No officer, member or  
20 agent of any political committee shall receive any receipt, transfer or  
21 contribution, or make any expenditure or incur any liability until the  
22 committee shall have chosen a treasurer and depository and filed their  
23 names in accordance with this subdivision. There shall be filed in the  
24 office in which the committee is required to file its statements under  
25 section 14-110 of this article, within five days after the choice of a  
26 treasurer and depository, a statement giving the name and address of the  
27 treasurer chosen, the name and address of any person authorized to sign  
28 checks by such treasurer, the name and address of the depository chosen  
29 and the candidate or candidates or ballot proposal or proposals the  
30 success or defeat of which the committee is to aid or take part;  
31 provided, however, that such statement shall not be required of a  
32 constituted committee [and provided further that a political committee  
33 which makes no expenditures, to aid or take part in the election or  
34 defeat of a candidate, other than in the form of contributions, shall  
35 not be required to list the candidates being supported or opposed by  
36 such committee]. SUCH A STATEMENT FROM ANY COMMITTEE OTHER THAN A PARTY  
37 OR AUTHORIZED COMMITTEE ALSO SHALL CLEARLY IDENTIFY THE ECONOMIC OR  
38 OTHER SPECIAL INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS CONTRIBU-  
39 TORS, AND IF A MAJORITY OF ITS CONTRIBUTORS SHARE A COMMON EMPLOYER,  
40 SHALL IDENTIFY SUCH EMPLOYER. IF THE ECONOMIC OR OTHER SPECIAL INTEREST  
41 OR COMMON EMPLOYER ARE NOT IDENTIFIABLE, SUCH STATEMENT OF A MULTI-CAN-  
42 DIDATE COMMITTEE SHALL CLEARLY IDENTIFY THE ECONOMIC OR OTHER SPECIAL  
43 INTEREST, IF IDENTIFIABLE, OF A MAJORITY OF ITS ORGANIZERS, AND IF A  
44 MAJORITY OF ITS ORGANIZERS SHARE A COMMON EMPLOYER, SHALL IDENTIFY SUCH  
45 EMPLOYER, AND IF ORGANIZED, CONTROLLED OR MAINTAINED BY AN INDIVIDUAL,  
46 SHALL IDENTIFY SUCH INDIVIDUAL. Such statement shall be signed by the  
47 treasurer and all other persons authorized to sign checks. Any change in  
48 the information required in any statement shall be reported, in an  
49 amended statement filed in the same manner and in the same office as an  
50 original statement filed under this section, within two days after it  
51 occurs. Only a banking organization authorized to do business in this  
52 state may be designated a depository hereunder.

53 S 18-a. Subdivision 2 of section 14-120 of the election law is  
54 REPEALED.

55 S 19. Subdivision 2 of section 14-124 of the election law, as redesign-  
56 nated by chapter 323 of the laws of 1977, is amended to read as follows:

1 2. The filing requirements and the expenditure, contribution and  
2 receipt limits of this article shall not apply to any candidate or  
3 committee who or which engages exclusively in activities on account of  
4 which, pursuant to the laws of the United States, there is required to  
5 be filed a statement or report of the campaign receipts, expenditures  
6 and liabilities of such candidate or committee with an office or offi-  
7 cers of the government of the United States, provided a copy of each  
8 such statement or report is filed in the office of the state [board of  
9 elections] GOVERNMENT ETHICS COMMISSION.

10 S 20. Subdivision 3 of section 14-124 of the election law is REPEALED.

11 S 21. Section 14-126 of the election law, as amended by chapter 8 of  
12 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of  
13 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the  
14 laws of 1978, is amended to read as follows:

15 S 14-126. Violations; penalties. 1. Any person who fails to file a  
16 statement required to be filed by this article shall be subject to a  
17 civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, [to  
18 be recoverable in a special proceeding or civil action to be brought by  
19 the state board of elections or other board of elections] ASSESSED BY  
20 THE STATE GOVERNMENT ETHICS COMMISSION IN ACCORDANCE WITH THE PROVISIONS  
21 OF SUBDIVISION TWELVE OF SECTION SEVENTY-THREE-C OF THE PUBLIC OFFICERS  
22 LAW.

23 2. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
24 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
25 UNLAWFULLY ACCEPTS A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION  
26 LIMITATION ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH  
27 EXCESS AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO TWO TIMES  
28 THE EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE  
29 RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE  
30 STATE GOVERNMENT ETHICS COMMISSION PURSUANT TO SECTION 16-120 OF THIS  
31 CHAPTER.

32 3. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL  
33 COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW,  
34 UNLAWFULLY (A) EXPENDS CAMPAIGN FUNDS FOR A PERSONAL USE IN VIOLATION OF  
35 THIS ARTICLE, OR (B) CONDUCTS ACTIVITIES PROHIBITED BY THIS ARTICLE,  
36 SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND  
37 DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE  
38 BROUGHT BY THE STATE GOVERNMENT ETHICS COMMISSION PURSUANT TO SECTION  
39 16-120 OF THIS CHAPTER.

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

45 [3.] 5. Any person who knowingly and willfully contributes, accepts or  
46 aids or participates in the acceptance of a contribution in an amount  
47 exceeding an applicable maximum specified in this article shall be guilt-  
48 ty of a misdemeanor.

49 [4.] 6. Any person who shall, acting on behalf of a candidate or poli-  
50 tical committee, knowingly and willfully solicit, organize or coordinate  
51 the formation of activities of one or more unauthorized committees, make  
52 expenditures in connection with the nomination for election or election  
53 of any candidate, or solicit any person to make any such expenditures,  
54 for the purpose of evading the contribution limitations of this article,  
55 shall be guilty of a class E felony.

56 S 22. Section 14-127 of the election law is REPEALED.

1 S 23. Section 14-130 of the election law, as added by chapter 152 of  
2 the laws of 1985, is amended to read as follows:

3 S 14-130. Campaign funds for personal use. [Contributions] 1. CAMPAIGN  
4 FUNDS received by a candidate or a political committee may ONLY be  
5 expended for [any] lawful [purpose] PURPOSES THAT ARE DIRECTLY RELATED  
6 TO PROMOTING THE NOMINATION OR ELECTION OF A CANDIDATE. Such funds shall  
7 not be converted by any person to a personal use [which is unrelated to  
8 a political campaign or the holding of a public office or party posi-  
9 tion].

10 2. AS USED IN THIS SECTION, THE TERM "CAMPAIGN FUNDS" MEANS ANY FUNDS  
11 RECEIVED BY A CANDIDATE OR POLITICAL COMMITTEE INCLUDING, BUT NOT LIMIT-  
12 ED TO, CONTRIBUTIONS AND TRANSFERS FROM ANY SOURCE AND INTEREST RECEIVED  
13 AS THE RESULT OF THE LOAN OR INVESTMENT OF SUCH FUNDS.

14 3. NO CAMPAIGN FUNDS SHALL BE USED TO PAY INTEREST OR ANY OTHER  
15 FINANCE CHARGES UPON MONIES LOANED TO THE CAMPAIGN BY SUCH CANDIDATE OR  
16 THE SPOUSE OF SUCH CANDIDATE.

17 4. NO CAMPAIGN FUND SHALL BE USED TO PAY ATTORNEY'S FEES OR ANY COSTS  
18 OF DEFENDING AGAINST CIVIL OR CRIMINAL INVESTIGATION OR PROSECUTION FOR  
19 ALLEGED VIOLATIONS OF STATE, FEDERAL OR LOCAL LAW COMMITTED WHILE HOLD-  
20 ING PUBLIC OFFICE OR PARTY POSITION, OR BEING A CANDIDATE FOR SUCH  
21 OFFICE OR POSITION, UNLESS THE ALLEGED VIOLATION ARISES IN CONNECTION  
22 WITH THE NOMINATION OR ELECTION OF SUCH CANDIDATE TO PUBLIC OFFICE OR  
23 PARTY POSITION.

24 5. (A) AS USED IN THIS SECTION, EXPENDITURES FOR "PERSONAL USE" ARE  
25 DEFINED AS EXPENDITURES THAT:

26 (I) ARE FOR THE PERSONAL BENEFIT OF THE CANDIDATE OR ANY OTHER INDI-  
27 VIDUAL;

28 (II) DEFRAY NORMAL LIVING EXPENSES OF THE CANDIDATE, IMMEDIATE FAMILY  
29 OF THE CANDIDATE OR ANY OTHER INDIVIDUAL;

30 (III) ARE USED TO FULFILL ANY COMMITMENT, OBLIGATION OR EXPENSE OF A  
31 PERSON THAT WOULD EXIST IRRESPECTIVE OF THE CANDIDATE'S ELECTION  
32 CAMPAIGN INCLUDING, BUT NOT LIMITED TO, ANY EXPENSE INCURRED MORE THAN  
33 THIRTY DAYS AFTER THE CANDIDATE CEASES TO BE A CANDIDATE; OR

34 (IV) ARE PUT TO ANY USE FOR WHICH THE CANDIDATE WOULD BE REQUIRED TO  
35 TREAT THE AMOUNT OF THE EXPENDITURE AS GROSS INCOME UNDER SECTION 61 OF  
36 THE INTERNAL REVENUE CODE, OR ANY SUBSEQUENT CORRESPONDING SECTION OF  
37 THE INTERNAL REVENUE CODE.

38 (B) PROHIBITED EXPENDITURES FOR PERSONAL USE OF CAMPAIGN FUNDS SHALL  
39 INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

40 (I) ANY RESIDENTIAL OR HOUSEHOLD ITEMS, SUPPLIES OR EXPENDITURES,  
41 INCLUDING MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY  
42 PERSONAL RESIDENCE OF A CANDIDATE OR OFFICEHOLDER OR A MEMBER OF THE  
43 CANDIDATE'S OR OFFICEHOLDER'S FAMILY.

44 (II) MORTGAGE, RENT OR UTILITY PAYMENTS FOR ANY PART OF ANY NON-RESI-  
45 DENTIAL PROPERTY THAT IS OWNED BY A CANDIDATE OR OFFICEHOLDER OR A  
46 MEMBER OF A CANDIDATE'S OR OFFICEHOLDER'S FAMILY AND USED FOR CAMPAIGN  
47 PURPOSES, TO THE EXTENT THE PAYMENTS EXCEED THE FAIR MARKET VALUE OF THE  
48 PROPERTY USAGE;

49 (III) FUNERAL, CREMATION OR BURIAL EXPENSES, INCLUDING ANY EXPENSES  
50 RELATED TO A DEATH WITHIN A CANDIDATE'S OR OFFICEHOLDER'S FAMILY;

51 (IV) CLOTHING, OR OTHER THAN ITEMS OF NOMINAL VALUE THAT ARE USED IN  
52 THE CAMPAIGN;

53 (V) TUITION PAYMENTS;

54 (VI) CHILDCARE COSTS;

55 (VII) DUES, FEES OR GRATUITIES AT A COUNTRY CLUB, HEALTH CLUB, RECRE-  
56 ATIONAL FACILITY OR OTHER NONPOLITICAL ORGANIZATION, UNLESS THEY ARE

1 PART OF A SPECIFIC FUNDRAISING EVENT THAT TAKES PLACE ON THE ORGANIZA-  
2 TION'S PREMISES;

3 (VIII) SALARY PAYMENTS TO ANY PERSON FOR SERVICES THAT ARE NOT SOLELY  
4 FOR CAMPAIGN PURPOSES;

5 (IX) SALARY PAYMENTS TO A MEMBER OF A CANDIDATE'S FAMILY, UNLESS THE  
6 FAMILY MEMBER IS PROVIDING BONA FIDE SERVICES TO THE CAMPAIGN. IF A  
7 FAMILY MEMBER PROVIDES BONA FIDE SERVICES TO A CAMPAIGN, ANY SALARY  
8 PAYMENTS IN EXCESS OF THE FAIR MARKET VALUE OF THE SERVICES PROVIDED  
9 SHALL BE CONSIDERED PAYMENTS FOR PERSONAL USE;

10 (X) ADMISSION TO A SPORTING EVENT, CONCERT, THEATER OR OTHER FORM OF  
11 ENTERTAINMENT, UNLESS PART OF A SPECIFIC CAMPAIGN OR OFFICEHOLDER ACTIV-  
12 ITY;

13 (XI) PAYMENT OF ANY FINES, FEES OR PENALTIES ASSESSED PURSUANT TO THIS  
14 CHAPTER;

15 (XII) AUTOMOBILE PURCHASES;

16 (XIII) AUTOMOBILE LEASES;

17 (XIV) TRAVEL EXPENSES, UNLESS USED SOLELY FOR CAMPAIGN PURPOSES. IF A  
18 CANDIDATE USES CAMPAIGN FUNDS TO PAY EXPENSES ASSOCIATED WITH TRAVEL  
19 THAT INVOLVES BOTH PERSONAL ACTIVITIES AND CAMPAIGN ACTIVITIES, THE  
20 INCREMENTAL EXPENSES THAT RESULT FROM THE PERSONAL ACTIVITIES SHALL BE  
21 CONSIDERED FOR PERSONAL USE UNLESS THE PERSON OR PERSONS BENEFITING FROM  
22 THE USE REIMBURSES THE CAMPAIGN ACCOUNT WITHIN THIRTY DAYS FOR THE FULL  
23 AMOUNT OF THE INCREMENTAL EXPENSES; AND

24 (XV) ANY OTHER EXPENDITURES DESIGNATED BY THE STATE GOVERNMENT ETHICS  
25 COMMISSION AS CONSTITUTING PERSONAL USE.

26 6. NOTHING IN THIS SECTION SHALL PROHIBIT A CANDIDATE FROM PURCHASING  
27 EQUIPMENT OR PROPERTY FROM HIS PERSONAL FUNDS AND LEASING OR RENTING  
28 SUCH EQUIPMENT OR PROPERTY TO A COMMITTEE WORKING DIRECTLY OR INDIRECTLY  
29 WITH HIM TO AID OR PARTICIPATE IN HIS NOMINATION OR ELECTION, INCLUDING  
30 AN EXPLORATORY COMMITTEE; PROVIDED THAT THE CANDIDATE AND HIS CAMPAIGN  
31 TREASURER SIGN A WRITTEN LEASE OR RENTAL AGREEMENT. SUCH AGREEMENT SHALL  
32 INCLUDE THE LEASE OR RENTAL PRICE, WHICH SHALL NOT EXCEED THE FAIR LEASE  
33 OR RENTAL VALUE OF THE EQUIPMENT. THE CANDIDATE SHALL NOT RECEIVE LEASE  
34 OR RENTAL PAYMENTS WHICH, IN THE AGGREGATE, EXCEED THE COST OF PURCHAS-  
35 ING THE EQUIPMENT OR PROPERTY.

36 7. (A) NOTWITHSTANDING THIS SECTION, AN INDIVIDUAL WHO DOES NOT HOLD A  
37 PUBLIC OFFICE OR A PARTY POSITION AND IS NOT A DECLARED CANDIDATE FOR  
38 PUBLIC OFFICE OR PARTY POSITION MAY NOT EXPEND CAMPAIGN FUNDS FOR  
39 PERSONAL USE INCLUDING, BUT NOT LIMITED TO, MEALS, ENTERTAINMENT, AND  
40 SALARIES FOR IMMEDIATE FAMILY MEMBERS; PROVIDED, HOWEVER, NOTHING IN  
41 THIS SUBDIVISION PROHIBITS THE USE OF CAMPAIGN FUNDS TO SUPPORT ONE OR  
42 MORE DECLARED CANDIDATES AS AUTHORIZED BY THIS ARTICLE.

43 (B) FOR PURPOSES OF THIS SECTION, A "DECLARED CANDIDATE" MEANS AN  
44 INDIVIDUAL WHO HAS FILED WITH THE STATE GOVERNMENT ETHICS COMMISSION  
45 BOTH AN "AUTHORIZATION OR NON-AUTHORIZATION BY A CANDIDATE" FORM PURSU-  
46 ANT TO SECTION 14-102 OF THIS ARTICLE AND A "COMMITTEE DESIGNATION OF  
47 TREASURER AND DEPOSITORY" FORM PURSUANT TO SECTION 14-118 OF THIS ARTI-  
48 CLE, BOTH OF WHICH INDICATE THE SPECIFIC OFFICE AND DISTRICT SOUGHT AND  
49 THE YEAR OF THE ELECTION.

50 S 24. The election law is amended by adding a new section 14-132 to  
51 read as follows:

52 S 14-132. DISPOSITION OF CAMPAIGN FUNDS. 1. A POLITICAL COMMITTEE  
53 AIDING OR TAKING PART IN THE ELECTION OR NOMINATION OF ANY CANDIDATE,  
54 OTHER THAN BY MAKING CONTRIBUTIONS, AUTHORIZED BY A CANDIDATE, MUST  
55 DISPOSE OF ALL CAMPAIGN FUNDS AND CLOSE WITHIN TWO YEARS AFTER THE LATER  
56 OF (A) THE END OF THE INDIVIDUAL'S MOST RECENT TERM OF OFFICE, OR (B)

1 THE DATE OF THE ELECTION IN WHICH THE INDIVIDUAL LAST WAS A FILED CANDI-  
2 DATE.

3 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
4 A COMMITTEE DISAVOWED PURSUANT TO SECTION 14-112 OF THIS ARTICLE SHALL  
5 DISPOSE OF ALL CAMPAIGN FUNDS NO LATER THAN DECEMBER THIRTY-FIRST, TWO  
6 THOUSAND TEN.

7 3. ANY CANDIDATE COMMITTEE REQUIRED TO DISPOSE OF FUNDS PURSUANT TO  
8 THIS SECTION SHALL, AT THE OPTION OF THE CANDIDATE, DISPOSE OF SUCH  
9 FUNDS BY ANY OF THE FOLLOWING MEANS, OR ANY COMBINATION THEREOF:

10 (A) RETURNING, PRO RATA, TO EACH CONTRIBUTOR THE FUNDS THAT HAVE NOT  
11 BEEN SPENT OR OBLIGATED;

12 (B) DONATING THE FUNDS TO A CHARITABLE ORGANIZATION OR ORGANIZATIONS  
13 THAT MEET THE QUALIFICATIONS OF SECTION 501(C)(3) OF THE INTERNAL REVEN-  
14 UE CODE;

15 (C) DONATING THE FUNDS TO THE STATE UNIVERSITY OF NEW YORK;

16 (D) DONATING THE FUNDS TO THE STATE'S GENERAL FUND;

17 (E) TRANSFERRING THE FUNDS TO A POLITICAL PARTY COMMITTEE REGISTERED  
18 WITH THE STATE BOARD OF ELECTIONS; OR

19 (F) CONTRIBUTING THE FUNDS TO A CANDIDATE OR POLITICAL COMMITTEE SUCH  
20 THAT THIS DOES NOT EXCEED THE LIMITS SET FORTH IN SECTION 14-114 OF THIS  
21 ARTICLE.

22 4. NO POLITICAL COMMITTEE SHALL DISPOSE OF CAMPAIGN FUNDS BY MAKING  
23 EXPENDITURES FOR PERSONAL USE AS DEFINED IN SECTION 14-130 OF THIS ARTI-  
24 CLE.

25 5. UPON THE DEATH OF A CANDIDATE, FORMER CANDIDATE OR HOLDER OF ELEC-  
26 TIVE OFFICE, WHO RECEIVED CAMPAIGN CONTRIBUTIONS, ALL CONTRIBUTIONS  
27 SHALL BE DISPOSED OF ACCORDING TO THIS SECTION WITHIN TWELVE MONTHS OF  
28 THE DEATH OF THE CANDIDATE.

29 S 25. Section 16-100 of the election law is amended to read as  
30 follows:

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

35 2. The county court is vested with jurisdiction to summarily determine  
36 any question of law or fact except proceedings as to a nomination or  
37 election at a primary election or a nomination at a judicial convention,  
38 proceedings as to the casting and canvass of ballots [and], proceedings  
39 for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE  
40 THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER AS PROVIDED IN  
41 SECTION 16-120 OF THIS ARTICLE.

42 S 26. Section 16-114 of the election law, subdivisions 1, 2, 3 and 4  
43 as redesignated by chapter 9 of the laws of 1978, is amended to read as  
44 follows:

45 S 16-114. Proceedings to compel filing of statements or corrected  
46 statements of campaign receipts, expenditures and contributions. 1. The  
47 supreme court or a justice thereof, in a proceeding instituted by any  
48 candidate voted for at the election or primary or by any five qualified  
49 voters or by the state [or other board of elections] GOVERNMENT ETHICS  
50 COMMISSION may compel by order, any person required to file a statement  
51 of receipts, expenditures or contributions for campaign purposes, who  
52 has not filed any such statement within the time prescribed by this  
53 chapter, to file such statement within five days after notice of the  
54 order.

55 2. The supreme court or a justice thereof, in a proceeding instituted  
56 by any candidate voted for at the election or primary or by any five

1 qualified voters, or by the state [or other board of elections] GOVERN-  
2 MENT ETHICS COMMISSION in accordance with the provision of this chapter  
3 may compel by order any person required under the provisions of this  
4 chapter to file a statement of receipts, expenditures or contributions  
5 for campaign purposes, who has filed a statement which does not conform  
6 to the requirements of this chapter in respect to its truth, sufficiency  
7 in detail or otherwise, to file a new or supplemental statement which  
8 shall make the statement or statements true and complete within five  
9 days after notice of the order. The state [board of elections] GOVERN-  
10 MENT ETHICS COMMISSION shall be a necessary party in any such proceed-  
11 ing.

12 3. The supreme court or a justice thereof, in a proceeding instituted  
13 by any candidate voted for at the election or primary or by any five  
14 qualified voters, or by the state [or other board of elections] GOVERN-  
15 MENT ETHICS COMMISSION may compel by order any person who has failed to  
16 comply, or the members of any committee which has failed to comply, with  
17 any of the provisions of this chapter, to comply therewith.

18 4. In every proceeding instituted under this section, except a  
19 proceeding to compel the filing of a statement by a candidate for nomi-  
20 nation to a public office at a primary election or for election thereto,  
21 or by the treasurer of a political committee, who has failed to file any  
22 statement, the petitioner or petitioners, upon the institution of the  
23 proceeding shall file with the county clerk an undertaking in a sum to  
24 be determined and with sureties to be approved by a justice of the  
25 supreme court conditioned to pay any costs imposed against him or them;  
26 provided, however, that no such undertaking shall be required in a  
27 proceeding instituted by the state [or other board of elections] GOVERN-  
28 MENT ETHICS COMMISSION.

29 S 27. The election law is amended by adding a new section 16-120 to  
30 read as follows:

31 S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE  
32 THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE GOVERNMENT ETHICS  
33 COMMISSION, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISIONS  
34 TWO AND THREE OF SECTION 14-126 OF THIS CHAPTER, UPON ANY PERSON WHO,  
35 ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE UNDER  
36 CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, HAS UNLAWFULLY (A)  
37 ACCEPTED A MONETARY CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION  
38 ESTABLISHED IN ARTICLE FOURTEEN OF THIS CHAPTER, (B) EXPENDED CAMPAIGN  
39 FUNDS FOR A PERSONAL USE IN VIOLATION OF THIS ARTICLE OR (C) IN THE CASE  
40 OF A POLITICAL COMMITTEE, CONDUCTED ACTIVITIES PROHIBITED BY ARTICLE  
41 FOURTEEN OF THIS CHAPTER.

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

52 S 28. The legislative law is amended by adding a new article 1-B to  
53 read as follows:

54 ARTICLE 1-B  
55 PARTICIPATION IN FUNDRAISERS DURING  
56 A LEGISLATIVE SESSION

## 1 SECTION 1-AA. DEFINITIONS.

## 2 1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION.

3 S 1-AA. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS  
4 SHALL HAVE THE FOLLOWING MEANINGS:

5 1. "FUNDRAISER" SHALL MEAN AN EVENT OR FUNCTION AT WHICH OR IN  
6 CONNECTION WITH FUNDS ARE SOLICITED FOR OR ON BEHALF OF (A) A GOVERNOR,  
7 LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OR MEMBERS OF  
8 THE STATE LEGISLATURE, OR A CANDIDATE FOR ANY OF THE FOREGOING OFFICES;  
9 (B) A POLITICAL COMMITTEE ORGANIZED TO SUPPORT OR OPPOSE THE ELECTION OF  
10 ANY SUCH PERSON OR PERSONS; (C) A STATE COMMITTEE OR A SUBCOMMITTEE OF  
11 SUCH STATE COMMITTEE, PROVIDED THAT THE TERM "FUNDRAISER" WHEN APPLIED  
12 TO AN EVENT OR FUNCTION HELD BY A STATE COMMITTEE OR SUBCOMMITTEE THERE-  
13 OF SHALL NOT INCLUDE AN EVENT OR FUNCTION AT WHICH FUNDS ARE RAISED  
14 EXCLUSIVELY TO SUPPORT OR OPPOSE A CANDIDATE OR CANDIDATES FOR FEDERAL  
15 ELECTIVE OFFICE, OR A POLITICAL COMMITTEE AUTHORIZED BY SUCH A CANDIDATE  
16 OR CANDIDATES, WHERE SUCH FUNDS ARE NOT USED FOR ANY OTHER PURPOSE; OR  
17 (D) ANY LOBBYIST OR CLIENT POLITICAL COMMITTEE, WHERE SUCH AN EVENT OR  
18 FUNCTION IS HELD FOR THE EXPLICIT PURPOSE OF RAISING FUNDS FOR OR ON  
19 BEHALF OF ANY OF THE FOREGOING ENTITIES.

20 2. "LOBBYIST OR CLIENT POLITICAL COMMITTEE" SHALL MEAN A POLITICAL  
21 COMMITTEE ORGANIZED TO SUPPORT THE ACTIVITIES OF A LOBBYIST OR CLIENT  
22 PROVIDED, HOWEVER, THAT THE TERM "LOBBYIST OR CLIENT POLITICAL COMMIT-  
23 TEE" AS USED IN THIS ARTICLE, SHALL NOT INCLUDE A FUNDRAISING EVENT OR  
24 FUNCTION HOSTED BY SUCH A COMMITTEE TO RAISE FUNDS FOR THE COMMITTEE'S  
25 GENERAL USE WHERE SUCH AN EVENT OR FUNCTION IS NOT TARGETED TO BENEFIT  
26 ANY OF THE SPECIFIC PERSONS OR ENTITIES DESCRIBED IN SUBDIVISION ONE OF  
27 THIS SECTION.

28 3. THE TERM "LEGISLATIVE SESSION" SHALL MEAN THE PERIOD BEGINNING ON  
29 THE WEDNESDAY SUCCEEDING THE FIRST MONDAY OF JANUARY AND ENDING ON THE  
30 LATER OF (A) THE THIRTIETH DAY OF JUNE OR (B) TWO WEEKS AFTER THE DAY ON  
31 WHICH THE LEGISLATURE HAS TAKEN FINAL ACTION ON ALL OF THE APPROPRIATION  
32 BILLS SUBMITTED BY THE GOVERNOR PURSUANT TO ARTICLE SEVEN OF THE STATE  
33 CONSTITUTION, THEREBY ENACTING A STATE BUDGET THAT PROVIDED SUFFICIENT  
34 APPROPRIATION AUTHORITY FOR THE ONGOING OPERATION AND SUPPORT OF STATE  
35 GOVERNMENT AND LOCAL ASSISTANCE FOR THE ENSUING FISCAL YEAR.

36 S 1-BB. PARTICIPATION IN FUNDRAISERS DURING A LEGISLATIVE SESSION. 1.  
37 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON OR ENTITY SHALL  
38 HOLD, PARTICIPATE IN, CONTRIBUTE TO, PURCHASE A TICKET FOR, OR ATTEND  
39 ANY FUNDRAISER WITHIN FORTY MILES OF THE NEW YORK STATE CAPITOL DURING  
40 THE LEGISLATIVE SESSION.

41 2. THIS SECTION SHALL NOT APPLY TO FUNDRAISERS WITHIN THE DISTRICT OF  
42 MEMBERS OF THE LEGISLATURE OR CANDIDATES THEREFOR WHOSE DISTRICTS ARE  
43 LOCATED IN WHOLE OR IN PART WITHIN FORTY MILES OF THE NEW YORK STATE  
44 CAPITOL, PROVIDED, HOWEVER THAT SUCH FUNDRAISERS SHALL BE SOLELY FOR THE  
45 BENEFIT OF THE LEGISLATOR OR THE CANDIDATE OR THE AUTHORIZED POLITICAL  
46 COMMITTEE OF SUCH LEGISLATOR OR CANDIDATE AND NO OTHER ELECTED OFFICIAL,  
47 POLITICAL COMMITTEE OR CANDIDATE FOR ELECTED OFFICE; AND FURTHER  
48 PROVIDED THAT SUCH FUNDRAISERS SHALL NOT BE HELD ON ANY DAY WHEN A  
49 QUORUM OF EITHER HOUSE OF THE LEGISLATURE IS IN ATTENDANCE OF A SESSION  
50 OF THEIR RESPECTIVE HOUSE.

51 S 29. Sections 14-100 through 14-130 of article 14 of the election law  
52 are designated title 1 and a new title heading is added to read as  
53 follows:

## 54 CAMPAIGN RECEIPTS AND EXPENDITURES

55 S 30. Article 14 of the election law is amended by adding a new title  
56 2 to read as follows:

TITLE II  
PUBLIC FINANCING

SECTION 14-200. DEFINITIONS.  
14-202. ELIGIBILITY.  
14-204. QUALIFIED CAMPAIGN EXPENDITURES.  
14-206. OPTIONAL PUBLIC FINANCING.  
14-208. CONTRIBUTION AND RECEIPT LIMITATIONS.  
14-210. EXPENDITURE LIMITATIONS.  
14-212. EXAMINATIONS AND AUDITS; REPAYMENTS.  
14-214. CIVIL PENALTIES.

S 14-200. DEFINITIONS. AS USED IN THIS TITLE, UNLESS ANOTHER MEANING IS CLEARLY INDICATED:

1. THE TERM "ETHICS COMMISSION" SHALL MEAN THE STATE GOVERNMENT ETHICS COMMISSION.

2. THE TERM "ELIGIBLE CANDIDATE" SHALL MEAN A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER, ATTORNEY GENERAL, MEMBER OF THE STATE LEGISLATURE, AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION OR DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION.

3. THE TERM "PARTICIPATING COMMITTEE" SHALL MEAN A SINGLE POLITICAL COMMITTEE WHICH A CANDIDATE CERTIFIES IS THE COMMITTEE THAT WILL SOLELY BE USED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY, GENERAL OR SPECIAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT. A MULTI-CANDIDATE COMMITTEE MAY NOT BE A PARTICIPATING COMMITTEE.

4. THE TERM "PARTICIPATING CANDIDATE" SHALL MEAN A CANDIDATE WHO IS ELIGIBLE TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM ESTABLISHED BY THIS TITLE AND HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM.

5. THE TERM "MATCHABLE CONTRIBUTIONS" SHALL MEAN THAT PORTION OF THE AGGREGATE CONTRIBUTIONS MADE (A) IN THE CASE OF A PRIMARY OR GENERAL ELECTION, AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS HELD FOR THE PUBLIC OFFICE SOUGHT OR (B) IN THE CASE OF A SPECIAL ELECTION, WITHIN SIX MONTHS OF SUCH ELECTION BY NATURAL PERSONS RESIDENT IN THE STATE OF NEW YORK TO A CANDIDATE FOR NOMINATION OR ELECTION TO ANY OF THE OFFICES COVERED BY THE PROVISIONS OF THIS TITLE WHICH DO NOT EXCEED TWO HUNDRED FIFTY DOLLARS, WHICH HAVE BEEN REPORTED IN FULL BY THE CANDIDATE'S PARTICIPATING COMMITTEE TO THE ETHICS COMMISSION, INCLUDING THE CONTRIBUTOR'S FULL NAME AND RESIDENTIAL ADDRESS. "MATCHABLE CONTRIBUTIONS" SHALL BE THE NET AMOUNT OF ANY MONETARY CONTRIBUTION REALIZED BY A CANDIDATE OR DESIGNATED COMMITTEE AFTER DEDUCTING THE REASONABLE VALUE OF ANY GOODS OR SERVICES PROVIDED THE CONTRIBUTOR IN CONNECTION WITH THE CONTRIBUTION, EXCEPT THAT CONTRIBUTIONS FROM ANY PERSON WHO HAS RECEIVED A PAYMENT OR ANYTHING OF VALUE FROM SUCH COMMITTEE OR FROM A PERSON WHO IS AN OFFICER, DIRECTOR OR EMPLOYEE OF, OR A PERSON WHO HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST IN ANY ENTITY WHICH HAS RECEIVED SUCH A PAYMENT OR THING OF VALUE SHALL NOT BE MATCHABLE. A LOAN MAY NOT BE TREATED AS A MATCHABLE CONTRIBUTION.

6. THE TERM "QUALIFIED CAMPAIGN EXPENDITURE" SHALL MEAN AN EXPENDITURE FOR WHICH PUBLIC FUNDS MAY BE USED.

7. THE TERM "THRESHOLD FOR ELIGIBILITY" SHALL MEAN THE AMOUNT OF TOTAL MATCHABLE CONTRIBUTIONS THAT THE PARTICIPATING COMMITTEE OF AN OTHERWISE ELIGIBLE CANDIDATE MUST RECEIVE, AS REQUIRED BY SECTION 14-202 OF THIS TITLE, IN ORDER TO QUALIFY FOR OPTIONAL PUBLIC FINANCING PURSUANT TO THIS TITLE.

1 8. THE TERM "CONTRIBUTION" SHALL HAVE THE SAME MEANING AS IN SUBDIVI-  
2 SION NINE OF SECTION 14-100 OF THIS ARTICLE.

3 S 14-202. ELIGIBILITY. 1. TO BE ELIGIBLE FOR OPTIONAL PUBLIC FINANCING  
4 UNDER THIS TITLE, A CANDIDATE FOR NOMINATION OR ELECTION MUST:

5 (A) MEET ALL THE REQUIREMENTS OF THIS CHAPTER AND OTHER PROVISIONS OF  
6 LAW TO HAVE HIS OR HER NAME ON THE BALLOT;

7 (B) BE A CANDIDATE FOR STATEWIDE OFFICE, THE STATE LEGISLATURE OR  
8 DELEGATE TO A CONSTITUTIONAL CONVENTION AT A PRIMARY, GENERAL OR SPECIAL  
9 ELECTION AND MEET THE THRESHOLD FOR ELIGIBILITY SET FORTH IN SUBDIVISION  
10 TWO OF THIS SECTION;

11 (C) ELECT TO PARTICIPATE IN THE PUBLIC FINANCING SYSTEM ESTABLISHED BY  
12 THIS TITLE BY FILING A WRITTEN CERTIFICATION IN SUCH FORM AS MAY BE  
13 PRESCRIBED BY THE ETHICS COMMISSION, WHICH SETS FORTH HIS OR HER ACCEPT-  
14 ANCE OF AND AGREEMENT TO COMPLY WITH THE TERMS AND CONDITIONS FOR THE  
15 PROVISIONS OF SUCH FUNDS, NOT LATER THAN SEVEN DAYS AFTER THE LAST DAY  
16 TO FILE DESIGNATING PETITIONS FOR THE OFFICE SUCH CANDIDATE IS SEEKING  
17 OR, IN THE CASE OF A SPECIAL ELECTION, NOT LATER THAN THE LAST DAY TO  
18 FILE NOMINATING CERTIFICATES FOR SUCH OFFICE;

19 (D) AGREE TO OBTAIN AND FURNISH TO THE ETHICS COMMISSION ANY EVIDENCE  
20 IT MAY REASONABLY REQUEST RELATING TO HIS OR HER CAMPAIGN EXPENDITURES  
21 OR CONTRIBUTIONS AND FURNISH SUCH OTHER PROOF OF COMPLIANCE WITH THIS  
22 TITLE AS MAY BE REQUESTED BY THE ETHICS COMMISSION;

23 (E) HAVE A SINGLE AUTHORIZED POLITICAL COMMITTEE WHICH HE OR SHE  
24 CERTIFIES AS THE PARTICIPATING COMMITTEE FOR THE PURPOSES OF THIS TITLE;  
25 AND

26 (F) AGREE TO IDENTIFY ACCURATELY IN ALL CAMPAIGN MATERIALS THE PERSON  
27 OR ENTITY THAT PAID FOR SUCH CAMPAIGN MATERIAL.

28 2. THE THRESHOLD FOR ELIGIBILITY FOR PUBLIC FUNDING FOR CANDIDATES IN  
29 A PRIMARY, GENERAL OR SPECIAL ELECTION FOR THE FOLLOWING OFFICES SHALL  
30 BE:

31 (A) GOVERNOR IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN EIGHT  
32 HUNDRED THOUSAND DOLLARS FROM AT LEAST EIGHT THOUSAND MATCHABLE CONTRIB-  
33 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL  
34 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

35 (B) LIEUTENANT GOVERNOR IN A PRIMARY ELECTION AND COMPTROLLER OR  
36 ATTORNEY GENERAL IN A PRIMARY OR GENERAL ELECTION. NOT LESS THAN FOUR  
37 HUNDRED THOUSAND DOLLARS FROM AT LEAST FOUR THOUSAND MATCHABLE CONTRIB-  
38 UTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER INDIVIDUAL  
39 CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

40 (C) MEMBERS OF THE STATE SENATE IN A PRIMARY, GENERAL OR SPECIAL  
41 ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST TWO  
42 HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED  
43 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE SENATE  
44 DISTRICT IN WHICH THE SEAT IS TO BE FILLED.

45 (D) MEMBERS OF THE ASSEMBLY IN A PRIMARY, GENERAL OR SPECIAL ELECTION.  
46 NOT LESS THAN EIGHT THOUSAND DOLLARS FROM AT LEAST ONE HUNDRED MATCHABLE  
47 CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY DOLLARS PER  
48 INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE ASSEMBLY DISTRICT IN WHICH THE  
49 SEAT IS TO BE FILLED.

50 (E) AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
51 GENERAL ELECTION. NOT LESS THAN TWENTY THOUSAND DOLLARS FROM AT LEAST  
52 TWO HUNDRED MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED  
53 FIFTY DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN NEW YORK STATE.

54 (F) DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION IN A PRIMARY OR  
55 GENERAL ELECTION. NOT LESS THAN FIVE THOUSAND DOLLARS FROM AT LEAST  
56 FIFTY MATCHABLE CONTRIBUTIONS MADE UP OF SUMS OF UP TO TWO HUNDRED FIFTY

1 DOLLARS PER INDIVIDUAL CONTRIBUTOR WHO RESIDES IN THE DISTRICT IN WHICH  
2 THE SEAT IS TO BE FILLED.

3 3. IN ORDER TO BE ELIGIBLE TO RECEIVE PUBLIC FUNDS IN A PRIMARY  
4 ELECTION A CANDIDATE MUST AGREE, BY FILING A WRITTEN CERTIFICATION IN  
5 SUCH FORM AS MAY BE PRESCRIBED BY THE ETHICS COMMISSION, THAT IN THE  
6 EVENT SUCH CANDIDATE IS A CANDIDATE FOR SUCH OFFICE IN THE GENERAL  
7 ELECTION IN SUCH YEAR, THAT SUCH CANDIDATE WILL BE BOUND BY THE  
8 PROVISIONS OF THIS TITLE, INCLUDING, BUT NOT LIMITED TO, THE RECEIPT AND  
9 EXPENDITURE LIMITS OF THIS TITLE.

10 4. CANDIDATES WHO ARE CONTESTED IN A PRIMARY ELECTION AND WHO DO NOT  
11 SEEK PUBLIC FUNDS SHALL NOT BE ELIGIBLE FOR PUBLIC FUNDS FOR THE GENERAL  
12 ELECTION IN THAT YEAR. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT  
13 APPLY TO CANDIDATES FOR THE OFFICE OF LIEUTENANT GOVERNOR.

14 5. CANDIDATES WHO ARE UNOPPOSED IN A PRIMARY, GENERAL OR SPECIAL  
15 ELECTION SHALL NOT BE ELIGIBLE TO RECEIVE PUBLIC FUNDS.

16 6. NO CANDIDATE FOR ELECTION TO AN OFFICE IN A PRIMARY, GENERAL OR  
17 SPECIAL ELECTION WHO HAS ELECTED TO PARTICIPATE IN THE PUBLIC FINANCING  
18 SYSTEM SHALL BE DEEMED OPPOSED AND RECEIVE PUBLIC FUNDS UNLESS AT LEAST  
19 ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION WHO ALSO ELECTED TO  
20 PARTICIPATE IN THE PUBLIC FINANCING SYSTEM, OR SUCH CANDIDATE'S COMMIT-  
21 TEE, OR AT LEAST ONE OTHER CANDIDATE FOR SUCH OFFICE IN SUCH ELECTION  
22 WHO HAS NOT ELECTED TO PARTICIPATE, OR SUCH CANDIDATE'S COMMITTEE, HAVE  
23 EITHER SPENT, CONTRACTED OR OBLIGATED TO SPEND, OR HAVE CONTRIBUTED SUCH  
24 CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR HAVE  
25 RECEIVED IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF  
26 THE EXPENDITURE LIMIT FOR SUCH OFFICE IN SUCH ELECTION WHICH IS FIXED BY  
27 THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT SUCH PUBLIC FUNDS.  
28 IF ANY CANDIDATE FOR AN OFFICE AND THE COMMITTEE OF SUCH CANDIDATE  
29 REACHES THE THRESHOLD TO QUALIFY TO RECEIVE PUBLIC FUNDS, OR SPENDS,  
30 CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S  
31 PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR  
32 CONTRIBUTIONS, AN AMOUNT EXCEEDING TEN PERCENT OF THE EXPENDITURE LIMIT  
33 FOR SUCH OFFICE IN SUCH ELECTION AT ANY TIME AFTER THE FILING DEADLINE  
34 FOR THE LAST REPORT REQUIRED TO BE FILED BEFORE THE FIRST DISTRIBUTION  
35 OF PUBLIC FUNDS FOR SUCH ELECTION, SUCH CANDIDATE OR COMMITTEE MUST  
36 NOTIFY THE ETHICS COMMISSION OF THAT FACT WITHIN TWENTY-FOUR HOURS IN  
37 THE SAME MANNER AS PROVIDED IN SUBDIVISION TWO OF SECTION 14-108 OF THIS  
38 ARTICLE.

39 S 14-204. QUALIFIED CAMPAIGN EXPENDITURES. 1. PUBLIC FUNDS PROVIDED  
40 UNDER THE PROVISIONS OF THIS TITLE MAY ONLY BE USED FOR EXPENDITURES BY  
41 THE PARTICIPATING COMMITTEE AUTHORIZED BY THE CANDIDATE TO MAKE EXPENDI-  
42 TURES ON SUCH CANDIDATE'S BEHALF, TO FURTHER THE CANDIDATE'S NOMINATION  
43 OR ELECTION AFTER JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR  
44 GENERAL ELECTION IS HELD FOR THE OFFICE SOUGHT, FOR SERVICES, MATERIALS,  
45 FACILITIES OR OTHER THINGS OF VALUE USED DURING THAT CAMPAIGN CYCLE OR,  
46 IN THE CASE OF A SPECIAL ELECTION, FOR EXPENDITURES DURING THE PERIOD  
47 COMMENCING THREE MONTHS BEFORE AND ENDING ONE MONTH AFTER SUCH SPECIAL  
48 ELECTION. THE TOTAL OF ALL EXPENDITURES MADE BY THE CANDIDATE AND SUCH  
49 CANDIDATE'S PARTICIPATING COMMITTEE, INCLUDING ALL PAYMENTS RECEIVED  
50 FROM THE FUND, SHALL NOT EXCEED THE EXPENDITURE LIMITATIONS ESTABLISHED  
51 IN SECTION 14-210 OF THIS TITLE, EXCEPT INsofar AS SUCH PAYMENTS ARE  
52 MADE TO REPAY LOANS USED TO PAY CAMPAIGN EXPENDITURES.

53 2. SUCH PUBLIC FUNDS MAY NOT BE USED FOR:

54 (A) AN EXPENDITURE IN VIOLATION OF ANY LAW OF THE UNITED STATES OR OF  
55 THIS STATE;

(B) PAYMENTS OR ANYTHING OF VALUE GIVEN OR MADE TO THE CANDIDATE, A RELATIVE OF THE CANDIDATE, OR TO A BUSINESS ENTITY IN WHICH ANY SUCH PERSON HAS A TEN PERCENT OR GREATER OWNERSHIP INTEREST OR OF WHICH ANY SUCH PERSON IS AN OFFICER, DIRECTOR OR EMPLOYEE;

(C) PAYMENT IN EXCESS OF THE FAIR MARKET VALUE OF SERVICES, MATERIALS, FACILITIES OR OTHER THINGS OF VALUE RECEIVED IN EXCHANGE;

(D) ANY EXPENDITURE MADE AFTER THE PARTICIPATING CANDIDATE, OR THE ONLY REMAINING OPPONENT OF SUCH CANDIDATE, HAS BEEN DISQUALIFIED OR HAD SUCH CANDIDATE'S PETITIONS DECLARED INVALID BY A BOARD OF ELECTIONS OR A COURT OF COMPETENT JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY.

(E) ANY EXPENDITURE MADE TO CHALLENGE THE VALIDITY OF ANY PETITION OF DESIGNATION OR NOMINATION OR ANY CERTIFICATE OF NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION;

(F) EXPENDITURE FOR NONCAMPAIGN RELATED FOOD, DRINK OR ENTERTAINMENT; AND

(G) GIFTS, EXCEPT BROCHURES, BUTTONS, SIGNS AND OTHER CAMPAIGN MATERIAL OF NOMINAL VALUE.

S 14-206. OPTIONAL PUBLIC FINANCING. 1. PARTICIPATING CANDIDATES FOR NOMINATION OR ELECTION IN PRIMARY, GENERAL AND SPECIAL ELECTIONS MAY OBTAIN PAYMENT TO A PARTICIPATING COMMITTEE FROM PUBLIC FUNDS FOR QUALIFIED CAMPAIGN EXPENDITURES. NO SUCH PUBLIC FUNDS SHALL BE PAID TO A PARTICIPATING COMMITTEE UNTIL THE CANDIDATE HAS QUALIFIED TO APPEAR ON THE BALLOT AND FILED A SWORN STATEMENT WITH THE ETHICS COMMISSION ELECTING TO PARTICIPATE IN THE OPTIONAL PUBLIC FINANCING SYSTEM AND AGREEING TO ABIDE BY THE REQUIREMENTS OF THIS TITLE. PAYMENTS SHALL NOT EXCEED THE AMOUNTS SPECIFIED IN THIS TITLE, AND SHALL BE MADE ONLY IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE. SUCH PAYMENTS MAY ONLY BE MADE TO A PARTICIPATING CANDIDATE'S PARTICIPATING COMMITTEE. NO PUBLIC FUNDS SHALL BE USED EXCEPT AS REIMBURSEMENT OR PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES ACTUALLY AND LAWFULLY INCURRED OR TO REPAY LOANS USED TO PAY QUALIFIED CAMPAIGN EXPENDITURES.

2. THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE SHALL BE ENTITLED TO FOUR DOLLARS IN PUBLIC FUNDS FOR EACH ONE DOLLAR OF MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE, PROVIDED, HOWEVER, SUCH PUBLIC FUNDS SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

3. (A) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE, ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO A GRANT OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN EXPENDITURES.

1 (B) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
2 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
3 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
4 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
5 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
6 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
7 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
8 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE TWENTY-FIVE PERCENT  
9 GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN (I) SUCH  
10 CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE FACT  
11 WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC FILING  
12 SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE DOES  
13 NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT  
14 MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDI-  
15 DATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC  
16 FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS  
17 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS  
18 OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE PAID  
19 WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED CAMPAIGN  
20 EXPENDITURES.

21 (C) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
22 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
23 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
24 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
25 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
26 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
27 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
28 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE FIFTY PERCENT TOTAL  
29 AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE, THEN  
30 (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION OF THE  
31 FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELECTRONIC  
32 FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH CANDIDATE  
33 DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR OVERNIGHT  
34 MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPATING CANDI-  
35 DATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT OF PUBLIC  
36 FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF PUBLIC FUNDS  
37 RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE CONTRIBUTIONS  
38 OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH GRANT SHALL BE  
39 PAID WITHIN TWO BUSINESS DAYS AND SHALL ONLY BE USED FOR QUALIFIED  
40 CAMPAIGN EXPENDITURES.

41 (D) HOWEVER, IF ANY CANDIDATE IN ANY ELECTION FOR AN OFFICE FOR WHICH  
42 PUBLIC FUNDS ARE AVAILABLE PURSUANT TO THE PROVISIONS OF THIS TITLE,  
43 ELECTS NOT TO ACCEPT PUBLIC FUNDS AND SUCH CANDIDATE OR SUCH CANDIDATE'S  
44 COMMITTEE EITHER SPENDS, CONTRACTS OR OBLIGATES TO SPEND, OR CONTRIBUTES  
45 SUCH CANDIDATE'S PERSONAL FUNDS TO SUCH CANDIDATE'S COMMITTEE OR  
46 RECEIVES IN LOANS OR CONTRIBUTIONS, AN AMOUNT EXCEEDING THE TOTAL OF THE  
47 EXPENDITURE LIMIT FOR SUCH OFFICE, AS FIXED BY THIS TITLE FOR CANDIDATES  
48 WHO HAVE ELECTED TO ACCEPT PUBLIC FUNDS, PLUS THE SEVENTY-FIVE PERCENT  
49 TOTAL AGGREGATE GRANT ALREADY RECEIVED BY THE PARTICIPATING CANDIDATE,  
50 THEN (I) SUCH CANDIDATE OR COMMITTEE MUST NOTIFY THE ETHICS COMMISSION  
51 OF THE FACT WITHIN TWENTY-FOUR HOURS VIA THE INTERNET USING THE ELEC-  
52 TRONIC FILING SYSTEM ESTABLISHED BY THE ETHICS COMMISSION, OR IF SUCH  
53 CANDIDATE DOES NOT FILE ELECTRONICALLY VIA THE INTERNET, BY FACSIMILE OR  
54 OVERNIGHT MAIL; AND (II) THE PARTICIPATING COMMITTEE OF EACH PARTICIPAT-  
55 ING CANDIDATE FOR SUCH OFFICE SHALL BE ENTITLED TO AN ADDITIONAL GRANT  
56 OF PUBLIC FUNDS EQUAL TO TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT OF

1 PUBLIC FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE FOR MATCHABLE  
2 CONTRIBUTIONS OBTAINED AND REPORTED TO THE ETHICS COMMISSION. SUCH  
3 GRANT SHALL BE PAID WITHIN TWO BUSINESS DAYS AND MAY ONLY BE USED FOR  
4 QUALIFIED CAMPAIGN EXPENDITURES.

5 4. NO PARTICIPATING CANDIDATE FOR NOMINATION FOR AN OFFICE WHO IS  
6 UNOPPOSED IN A PRIMARY ELECTION SHALL BE ENTITLED TO PAYMENT FROM THE  
7 FUND FOR QUALIFIED CAMPAIGN EXPENDITURES.

8 5. THE ETHICS COMMISSION SHALL PROMPTLY EXAMINE ALL REPORTS OF  
9 CONTRIBUTIONS TO DETERMINE WHETHER, ON THEIR FACE, THEY MEET THE  
10 REQUIREMENTS FOR MATCHABLE CONTRIBUTIONS, AND SHALL KEEP A RECORD OF  
11 SUCH CONTRIBUTIONS.

12 6. THE ETHICS COMMISSION SHALL PROMULGATE REGULATIONS FOR THE CERTIF-  
13 ICATION OF THE AMOUNT OF FUNDS PAYABLE TO A PARTICIPATING CANDIDATE THAT  
14 HAS QUALIFIED TO RECEIVE SUCH PAYMENT. THESE REGULATIONS SHALL INCLUDE  
15 THE PROMULGATION AND DISTRIBUTION OF FORMS ON WHICH CONTRIBUTIONS AND  
16 EXPENDITURES ARE TO BE REPORTED, THE PERIODS DURING WHICH SUCH REPORTS  
17 MUST BE FILED AND THE VERIFICATION REQUIRED. THE ETHICS COMMISSION SHALL  
18 INSTITUTE PROCEDURES WHICH WILL MAKE POSSIBLE PAYMENT FROM THE FUND  
19 WITHIN FOUR BUSINESS DAYS AFTER RECEIPT OF THE REQUIRED FORMS AND  
20 VERIFICATIONS.

21 S 14-208. CONTRIBUTION AND RECEIPT LIMITATIONS. 1. IN ANY PRIMARY,  
22 SPECIAL OR GENERAL ELECTION FOR ANY STATEWIDE OFFICE, STATE LEGISLATIVE  
23 OFFICE OR CONSTITUTIONAL CONVENTION DELEGATE NO CONTRIBUTOR MAY MAKE A  
24 CONTRIBUTION TO ANY PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S PARTIC-  
25 IPATING COMMITTEE, AND NO PARTICIPATING CANDIDATE OR PARTICIPATING  
26 COMMITTEE MAY ACCEPT ANY CONTRIBUTION FROM ANY CONTRIBUTOR WHICH, IN THE  
27 AGGREGATE AMOUNT, IS GREATER THAN TWO HUNDRED FIFTY DOLLARS.

28 2. A PARTICIPATING CANDIDATE FOR A PUBLIC OFFICE FOR WHICH PUBLIC  
29 FUNDS ARE AVAILABLE PURSUANT TO THIS TITLE SHALL NOT ACCEPT ANY CONTRIB-  
30 UTIONS ANY EARLIER THAN ONE DAY AFTER THE PREVIOUS GENERAL ELECTION FOR  
31 THE OFFICE WHICH SUCH CANDIDATE IS SEEKING, OR ANY LATER THAN THE DAY OF  
32 THE GENERAL ELECTION FOR THE OFFICE SOUGHT. CONTRIBUTIONS TO A PARTIC-  
33 IPATING CANDIDATE OR PARTICIPATING COMMITTEE WHICH WERE RECEIVED BEFORE  
34 JANUARY FIRST OF THE YEAR IN WHICH THE PRIMARY OR GENERAL ELECTION IS  
35 HELD FOR THE PUBLIC OFFICE SOUGHT OR, IN THE CASE OF A SPECIAL ELECTION  
36 RECEIVED MORE THAN SIX MONTHS BEFORE THE SPECIAL ELECTION, MAY NOT BE  
37 EXPENDED IN ANY ELECTION FOR ANY SUCH OFFICE.

38 3. EXCEPT FOR THE LIMITATIONS SPECIFICALLY SET FORTH IN THIS SECTION,  
39 PARTICIPATING CANDIDATES SHALL BE SUBJECT TO THE PROVISIONS OF THIS  
40 ARTICLE.

41 S 14-210. EXPENDITURE LIMITATIONS. THE FOLLOWING EXPENDITURE LIMITA-  
42 TIONS APPLY TO ALL EXPENDITURES BY PARTICIPATING CANDIDATES AND THEIR  
43 PARTICIPATING COMMITTEES RECEIVING PUBLIC FUNDS PURSUANT TO THE  
44 PROVISIONS OF THIS TITLE:

45 1. (A) IN ANY PRIMARY ELECTION, EXPENDITURES BY PARTICIPATING CANDI-  
46 DATES AND BY THEIR PARTICIPATING COMMITTEES SHALL NOT EXCEED:

47 (I) FOR GOVERNOR, THE SUM OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER  
48 ENROLLED IN THE CANDIDATE'S PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH  
49 SUM SHALL NOT BE LESS THAN EIGHT HUNDRED THOUSAND DOLLARS NOR MORE THAN  
50 EIGHT MILLION DOLLARS;

51 (II) FOR LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL, THE SUM  
52 OF ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S  
53 PARTY IN THE STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN  
54 FIVE HUNDRED THOUSAND DOLLARS NOR MORE THAN FIVE MILLION DOLLARS;

55 (III) FOR SENATOR, THE SUM OF TWO DOLLARS AND FIFTY CENTS FOR EACH  
56 VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE SENATE DISTRICT;

1 PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN TWENTY THOUSAND  
2 DOLLARS NOR MORE THAN TWO HUNDRED THOUSAND DOLLARS;

3 (IV) FOR MEMBER OF THE ASSEMBLY, THE SUM OF TWO DOLLARS AND FIFTY  
4 CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE ASSEMBLY  
5 DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN EIGHT THOU-  
6 SAND DOLLARS NOR MORE THAN EIGHTY THOUSAND DOLLARS;

7 (V) FOR AT-LARGE DELEGATE TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
8 FIFTEEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S PARTY IN THE  
9 STATE; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS THAN SEVENTY-FIVE  
10 THOUSAND DOLLARS NOR MORE THAN ONE HUNDRED SEVENTY-FIVE THOUSAND  
11 DOLLARS;

12 (VI) FOR DISTRICT DELEGATES TO A CONSTITUTIONAL CONVENTION, THE SUM OF  
13 ONE DOLLAR AND TEN CENTS FOR EACH VOTER ENROLLED IN THE CANDIDATE'S  
14 PARTY IN THE DISTRICT; PROVIDED, HOWEVER, SUCH SUM SHALL NOT BE LESS  
15 THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS;

16 (B) THE ENROLLMENT NUMBERS USED TO CALCULATE THE EXPENDITURE LIMITS  
17 PROVIDED FOR IN THIS SUBDIVISION SHALL BE THE ENROLLMENTS DULY REPORTED  
18 BY THE APPROPRIATE BOARD OR BOARDS OF ELECTION AS OF THE LAST GENERAL  
19 ELECTION PRECEDING THE PRIMARY ELECTION.

20 2. IN ANY GENERAL OR SPECIAL ELECTION, EXPENDITURES BY PARTICIPATING  
21 CANDIDATES FOR THE FOLLOWING OFFICES AND BY THEIR PARTICIPATING COMMIT-  
22 TEES SHALL NOT EXCEED THE FOLLOWING AMOUNTS:

|                                                     |              |
|-----------------------------------------------------|--------------|
| 23 CANDIDATES FOR ELECTION TO THE OFFICE OF:        |              |
| 24 GOVERNOR AND LIEUTENANT GOVERNOR (COMBINED)      | \$12,000,000 |
| 25 ATTORNEY GENERAL                                 | \$8,000,000  |
| 26 COMPTROLLER                                      | \$8,000,000  |
| 27 MEMBER OF SENATE                                 | \$300,000    |
| 28 MEMBER OF ASSEMBLY                               | \$125,000    |
| 29 DELEGATE AT-LARGE TO A CONSTITUTIONAL CONVENTION | \$300,000    |
| 30 DISTRICT DELEGATE TO A CONSTITUTIONAL CONVENTION | \$75,000     |

31 3. EXPENDITURES FOR LEGAL FEES AND REASONABLE EXPENSES TO DEFEND THE  
32 VALIDITY OF PETITIONS OF DESIGNATION OR NOMINATION OR CERTIFICATES OF  
33 NOMINATION, ACCEPTANCE, AUTHORIZATION, DECLINATION OR SUBSTITUTION, OR  
34 TO SUCCESSFULLY CHALLENGE ANY SUCH PETITION OR CERTIFICATE ON GROUNDS OF  
35 FRAUD, OR FOR EXPENSES INCURRED TO COMPLY WITH THE CAMPAIGN FINANCE  
36 REPORTING REQUIREMENTS OF THIS ARTICLE, SHALL NOT BE SUBJECT TO THE  
37 EXPENDITURE LIMITS OF THIS SUBDIVISION.

38 4. MONIES OF THE PUBLIC FINANCING SYSTEM, FOLLOWING APPROPRIATION BY  
39 THE LEGISLATURE, MAY BE EXPENDED FOR THE PURPOSE OF MAKING PAYMENTS TO  
40 CANDIDATES PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THE ELECTION LAW.  
41 MONIES SHALL BE PAID OUT BY THE ETHICS COMMISSION ON VOUCHERS CERTIFIED  
42 OR APPROVED BY THE ETHICS COMMISSION, OR ITS DULY DESIGNATED REPRESENTATIVE,  
43 IN THE MANNER PRESCRIBED BY LAW, NOT MORE THAN FOUR WORKING DAYS  
44 AFTER SUCH VOUCHER IS RECEIVED.

45 5. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
46 PRIMARY ELECTION ANY EARLIER THAN THE DAY THAT SUCH CANDIDATE IS CERTI-  
47 FIED AS BEING ON THE BALLOT FOR SUCH PRIMARY ELECTION.

48 6. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
49 GENERAL ELECTION ANY EARLIER THAN THE DAY AFTER THE DAY OF THE PRIMARY  
50 ELECTION HELD TO NOMINATE CANDIDATES FOR SUCH ELECTION.

51 7. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATES IN A  
52 SPECIAL ELECTION ANY EARLIER THAN THE DAY AFTER THE LAST DAY TO FILE  
53 CERTIFICATES OF PARTY NOMINATION FOR SUCH SPECIAL ELECTION.

54 8. NO PUBLIC FUNDS SHALL BE PAID TO ANY PARTICIPATING CANDIDATE WHO  
55 HAS BEEN DISQUALIFIED OR WHOSE DESIGNATING PETITIONS HAVE BEEN DECLARED  
56 INVALID BY THE APPROPRIATE BOARD OF ELECTIONS OR A COURT OF COMPETENT

JURISDICTION UNTIL AND UNLESS SUCH FINDING IS REVERSED BY A HIGHER AUTHORITY. NO PAYMENT FROM THE FUND IN THE POSSESSION OF SUCH A CANDIDATE OR SUCH CANDIDATE'S PARTICIPATING COMMITTEE ON THE DATE OF SUCH DISQUALIFICATION OR INVALIDATION MAY THEREAFTER BE EXPENDED FOR ANY PURPOSE EXCEPT THE PAYMENT OF LIABILITIES INCURRED BEFORE SUCH DATE. ALL SUCH MONEYS SHALL BE REPAYED TO THE FUND.

S 14-212. EXAMINATIONS AND AUDITS; REPAYMENTS; REPORT. 1. THE ETHICS COMMISSION SHALL HAVE THE POWER TO AUDIT AND EXAMINE ALL MATTERS RELATING TO THE PROPER ADMINISTRATION OF THIS ARTICLE. THE ETHICS COMMISSION SHALL PROMULGATE RULES AND REGULATIONS REGARDING WHAT DOCUMENTATION IS SUFFICIENT IN DEMONSTRATING FINANCIAL ACTIVITY AND THE METHOD OF CONDUCTING AUDITS, INCLUDING REAL TIME AUDITS. THESE AUDIT AND EXAMINATION POWERS EXTEND TO ALL PARTICIPATING CANDIDATES AND NON-PARTICIPATING CANDIDATES, AND THE AUTHORIZED COMMITTEES OF ALL PARTICIPATING AND NON-PARTICIPATING CANDIDATES.

2. (A) IF THE ETHICS COMMISSION DETERMINES THAT ANY PORTION OF THE PAYMENT MADE TO A PARTICIPATING COMMITTEE WAS IN EXCESS OF THE AGGREGATE AMOUNT OF PAYMENTS TO WHICH SUCH ELIGIBLE CANDIDATE WAS ENTITLED PURSUANT TO SECTION 14-206 OF THIS TITLE, IT SHALL NOTIFY SUCH COMMITTEE OF THE EXCESS AMOUNT AND SUCH COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO THE AMOUNT OF EXCESS PAYMENTS.

(B) IF THE ETHICS COMMISSION DETERMINES THAT ANY AMOUNT OF PAYMENT MADE TO A PARTICIPATING COMMITTEE WAS USED FOR PURPOSES OTHER THAN TO DEFRAY QUALIFIED CAMPAIGN EXPENSES, IT SHALL NOTIFY SUCH PARTICIPATING COMMITTEE OF THE AMOUNT DISQUALIFIED AND SUCH PARTICIPATING COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO SUCH DISQUALIFIED AMOUNT.

(C) IF THE TOTAL OF CONTRIBUTIONS AND PAYMENTS RECEIVED BY ANY PARTICIPATING CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE, EXCEEDS THE CAMPAIGN EXPENDITURES OF SUCH CANDIDATE AND COMMITTEE, SUCH CANDIDATE AND COMMITTEE SHALL USE SUCH EXCESS FUNDS TO REIMBURSE THE ETHICS COMMISSION FOR PAYMENTS RECEIVED BY SUCH COMMITTEE, UP TO THE AMOUNT OF PUBLIC FUNDS RECEIVED BY SUCH PARTICIPATING CANDIDATE, NOT LATER THAN TEN DAYS AFTER ALL PERMISSIBLE LIABILITIES HAVE BEEN PAID AND IN ANY EVENT, NOT LATER THAN MARCH THIRTY-FIRST OF THE YEAR FOLLOWING THE YEAR OF THE ELECTION FOR WHICH SUCH PAYMENTS WERE INTENDED. NO SUCH EXCESS FUNDS SHALL BE USED FOR ANY OTHER PURPOSE.

3. IF A COURT OF COMPETENT JURISDICTION DISQUALIFIES A CANDIDATE WHOSE PARTICIPATING COMMITTEE HAS RECEIVED PUBLIC FUNDS ON THE GROUNDS THAT SUCH CANDIDATE COMMITTED FRAUDULENT ACTS IN ORDER TO OBTAIN A PLACE ON THE BALLOT AND SUCH DECISION IS NOT REVERSED BY A HIGHER COURT, SUCH CANDIDATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE SHALL PAY TO THE ETHICS COMMISSION AN AMOUNT EQUAL TO THE TOTAL OF PUBLIC FUNDS RECEIVED BY SUCH PARTICIPATING COMMITTEE.

4. THE ETHICS COMMISSION MUST PROVIDE WRITTEN NOTICE OF ALL PAYMENTS DUE FROM A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE TO THE ETHICS COMMISSION AND PROVIDE AN OPPORTUNITY FOR THE CANDIDATE OR COMMITTEE TO REBUT, IN WHOLE OR IN PART, THE ALLEGED AMOUNT DUE. UPON A FINAL WRITTEN DETERMINATION BY THE ETHICS COMMISSION, THE AMOUNT DUE SHALL BE PAID TO THE ETHICS COMMISSION WITHIN THIRTY DAYS OF SUCH DETERMINATION.

5. THE ETHICS COMMISSION SHALL REVIEW THE IMPLEMENTATION OF PUBLIC FINANCING UNDER THIS ARTICLE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE ON JANUARY FIRST, TWO THOUSAND THIRTEEN. THE REPORT SHALL INCLUDE BUT NOT BE LIMITED TO: (A) THE NUMBER OF CANDIDATES QUALIFYING AND OPTING FOR PUBLIC FINANCING, THE AMOUNTS EXPENDED FOR THIS PURPOSE IN

1 THE PRECEDING FISCAL YEAR AND A PROJECTION OF THE NUMBER OF CANDIDATES  
2 LIKELY TO QUALIFY AND OPT FOR PUBLIC FINANCING AND THEIR EXPENDITURES IN  
3 FUTURE ELECTIONS; (B) AN ANALYSIS OF THE EFFECT OF PUBLIC FINANCING ON  
4 POLITICAL CAMPAIGNS, INCLUDING ITS EFFECT ON THE SOURCES AND AMOUNTS OF  
5 PRIVATE FINANCING, THE LEVEL OF CAMPAIGN EXPENDITURES, VOTER PARTIC-  
6 IPATION, THE NUMBER OF CANDIDATES AND THE CANDIDATE'S ABILITY TO  
7 CAMPAIGN EFFECTIVELY FOR PUBLIC OFFICE; (C) A REVIEW OF THE PROCEDURES  
8 UTILIZED IN PROVIDING PUBLIC FUNDS TO CANDIDATES; AND (D) SUCH RECOM-  
9 MENDED CHANGES IN PUBLIC FINANCING UNDER THIS ARTICLE AS IT DEEMS APPRO-  
10 PRIATE.

11 S 14-214. CIVIL PENALTIES. 1. ANY PERSON WHO FAILS TO FILE A STATEMENT  
12 OR RECORD REQUIRED TO BE FILED BY THIS TITLE OR THE RULES OR REGULATIONS  
13 OF THE ETHICS COMMISSION IN IMPLEMENTATION THEREOF SHALL BE SUBJECT TO A  
14 CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE  
15 IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE ETHICS COMMISS-  
16 SION.

17 2. IF THE AGGREGATE AMOUNT OF EXPENDITURES BY A PARTICIPATING CANDI-  
18 DATE AND SUCH CANDIDATE'S PARTICIPATING COMMITTEE EXCEEDS THE EXPENDI-  
19 TURE LIMITATIONS CONTAINED IN THIS TITLE SUCH PARTICIPATING CANDIDATE  
20 SHALL BE LIABLE FOR A CIVIL PENALTY IN AN AMOUNT EQUAL TO THREE TIMES  
21 THE SUM BY WHICH SUCH EXPENDITURES EXCEED THE PERMITTED AMOUNT, TO BE  
22 RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION BROUGHT BY THE  
23 ETHICS COMMISSION.

24 S 31. The election law is amended by adding a new section 16-103 to  
25 read as follows:

26 S 16-103. PROCEEDINGS AS TO PUBLIC FINANCING. 1. THE DETERMINATION OF  
27 ELIGIBILITY PURSUANT TO SECTION 14-202 OF THIS CHAPTER AND ANY QUESTION  
28 OR ISSUE RELATING TO PAYMENTS FOR QUALIFIED CAMPAIGN EXPENDITURES PURSU-  
29 ANT TO SECTION 14-206 OF THIS CHAPTER MAY BE CONTESTED IN A PROCEEDING  
30 INSTITUTED IN THE SUPREME COURT, ALBANY COUNTY, BY ANY AGGRIEVED CANDI-  
31 DATE.

32 2. A PROCEEDING WITH RESPECT TO SUCH A DETERMINATION OF ELIGIBILITY OR  
33 PAYMENT FOR QUALIFIED CAMPAIGN EXPENDITURES PURSUANT TO SECTION 14-206  
34 OF THIS CHAPTER SHALL BE INSTITUTED WITHIN SEVEN DAYS AFTER SUCH DETER-  
35 MINATION WAS MADE. THE ETHICS COMMISSION SHALL BE MADE A PARTY TO ANY  
36 SUCH PROCEEDING.

37 3. UPON THE ETHICS COMMISSION'S FAILURE TO RECEIVE THE AMOUNT DUE FROM  
38 A PARTICIPATING CANDIDATE OR SUCH CANDIDATE'S COMMITTEE AFTER THE ISSU-  
39 ANCE OF WRITTEN NOTICE OF SUCH AMOUNT DUE, AS REQUIRED BY SUBDIVISION  
40 FOUR OF SECTION 14-212 OF THIS CHAPTER, THE ETHICS COMMISSION IS AUTHOR-  
41 IZED TO INSTITUTE A SPECIAL PROCEEDING OR CIVIL ACTION IN SUPREME COURT,  
42 ALBANY COUNTY, TO OBTAIN A JUDGMENT FOR ANY AMOUNTS DETERMINED TO BE  
43 PAYABLE TO THE ETHICS COMMISSION AS A RESULT OF AN EXAMINATION AND AUDIT  
44 MADE PURSUANT TO TITLE II OF ARTICLE FOURTEEN OF THIS CHAPTER.

45 4. THE ETHICS COMMISSION IS AUTHORIZED TO INSTITUTE A SPECIAL PROCEED-  
46 ING OR CIVIL ACTION IN SUPREME COURT, ALBANY COUNTY, TO OBTAIN A JUDG-  
47 MENT FOR CIVIL PENALTIES DETERMINED TO BE PAYABLE TO THE ETHICS COMMISS-  
48 SION PURSUANT TO SECTION 14-214 OF THIS CHAPTER.

49 S 32. Severability clause. If any clause, sentence, paragraph, subdivi-  
50 sion, section or part of this act shall be adjudged by any court of  
51 competent jurisdiction to be invalid, such judgment shall not affect,  
52 impair or invalidate the remainder thereof, but shall be confined in its  
53 operation to the clause, sentence, paragraph, subdivision, section or  
54 part thereof directly involved in the controversy in which such judgment  
55 shall have been rendered. It is hereby declared to be the intent of the

1 legislature that this act would have been enacted even if such invalid  
2 provisions had not been included herein.  
3 S 33. This act shall take effect immediately; provided however that:  
4 a. sections one through twenty-eight of this act shall take effect on  
5 the sixtieth day after it shall have become a law;  
6 b. all amendments to article 14 of the election law made by this act,  
7 which establish new contribution limits, shall apply January 1, 2011;  
8 c. contributions legally received prior to the effective date of this  
9 act may be retained and expended for lawful purposes and shall not  
10 provide the basis for a violation of article 14 of the election law, as  
11 amended by this act;  
12 d. the state board of elections shall notify all candidates and poli-  
13 tical committees of the applicable provisions of this act within thirty  
14 days after this act shall have become a law; and  
15 e. sections twenty-nine, thirty and thirty-one of this act shall take  
16 effect immediately; provided, however, state legislature candidates will  
17 be eligible to participate in the public financing system beginning with  
18 the 2012 election, and all state candidates and constitutional conven-  
19 tion delegates will be eligible to participate in the public financing  
20 system beginning with the 2014 election.

21 PART D

22 Section 1. The retirement and social security law is amended by adding  
23 a new article 3-C to read as follows:

24 ARTICLE 3-C  
25 PENSION FORFEITURE FOR PUBLIC CORRUPTION ACT  
26 SECTION 157. SHORT TITLE.  
27 157-A. DEFINITIONS.  
28 157-B. PENSION FORFEITURE.  
29 157-C. MISCELLANEOUS.

30 S 157. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
31 THE "PENSION FORFEITURE FOR PUBLIC CORRUPTION ACT".

32 S 157-A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, AS USED IN THIS  
33 ARTICLE, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS A DIFFERENT MEANING  
34 IS PLAINLY REQUIRED BY THE CONTEXT:

35 1. "DEFENDANT" SHALL MEAN A PERSON AGAINST WHOM A FORFEITURE ACTION IS  
36 COMMENCED.

37 2. "DESIGNATED FELONY OFFENSE" SHALL MEAN: (A) ANY FELONY OFFENSE SET  
38 FORTH IN THE PENAL LAW; (B) A CONSPIRACY TO COMMIT ANY FELONY OFFENSE  
39 SET FORTH IN THE PENAL LAW; OR (C) ANY CRIMINAL OFFENSE COMMITTED IN ANY  
40 OTHER STATE, DISTRICT, OR TERRITORY OF THE UNITED STATES AND CLASSIFIED  
41 AS A FELONY THEREIN, WHICH IF COMMITTED WITHIN THIS STATE, WOULD CONSTI-  
42 TUTE AN OFFENSE DESIGNATED IN PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

43 3. "COMPTROLLER" SHALL MEAN THE COMPTROLLER OF THE STATE OF NEW YORK  
44 IN HIS OR HER CAPACITY AS ADMINISTRATIVE HEAD OF THE NEW YORK STATE AND  
45 LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK STATE AND LOCAL  
46 POLICE AND FIRE RETIREMENT SYSTEM.

47 4. "MEMBER" SHALL MEAN A MEMBER OF THE NEW YORK STATE AND LOCAL  
48 EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND  
49 FIRE RETIREMENT SYSTEM WHO JOINED SUCH SYSTEM ON OR AFTER THE EFFECTIVE  
50 DATE OF THIS ARTICLE.

51 5. "RETIRED MEMBER" SHALL MEAN A PERSON WHO IS RETIRED FROM AND WHO IS  
52 RECEIVING A RETIREMENT ALLOWANCE FROM A RETIREMENT SYSTEM AND WHO HAD  
53 JOINED SUCH SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

1 6. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOY-  
2 EES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND FIRE  
3 RETIREMENT SYSTEM.

4 S 157-B. PENSION FORFEITURE. NOTWITHSTANDING ANY OTHER PROVISION OF  
5 GENERAL, SPECIAL OR LOCAL LAW, RULE OR REGULATION TO THE CONTRARY:

6 1. IN THE CASE OF A MEMBER OR RETIRED MEMBER WHO IS CONVICTED OF ANY  
7 DESIGNATED FELONY OFFENSE SET FORTH IN PARAGRAPH (A) OR (B) OF SUBDIVI-  
8 SION TWO OF SECTION ONE HUNDRED FIFTY-SEVEN-A OF THIS ARTICLE, THE  
9 COMMISSION OF WHICH IS RELATED TO THE PERFORMANCE OR FAILURE TO PERFORM  
10 SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND RESPONSIBILITIES, AN  
11 ACTION MAY BE COMMENCED IN SUPREME COURT BY THE DISTRICT ATTORNEY HAVING  
12 JURISDICTION OVER THE OFFENSE FOR THE FORFEITURE OF ALL OR A PORTION OF  
13 THOSE RIGHTS AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED AS  
14 A MEMBER OR RETIRED MEMBER PROVIDED THAT ANY CONTRIBUTIONS MADE BY THE  
15 OFFICIAL TO HIS OR HER RETIREMENT SYSTEM SHALL NOT BE SUBJECT TO FORFEI-  
16 TURE, BUT SHALL BE RETURNED TO SUCH OFFICIAL. SUCH ACTION SHALL BE  
17 COMMENCED WITHIN SIX MONTHS OF SUCH CONVICTION. FOR PURPOSES OF THIS  
18 ARTICLE, A DESIGNATED FELONY OFFENSE IS RELATED TO THE PERFORMANCE OR  
19 FAILURE TO PERFORM SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND  
20 RESPONSIBILITIES IF IT: (A) CONSTITUTED A MATERIAL VIOLATION OF SUCH  
21 MEMBER OR RETIRED MEMBER'S DUTIES AND RESPONSIBILITIES AS A PUBLIC SERV-  
22 ANT; OR (B) EVEN THOUGH COMMITTED OUTSIDE THE SCOPE OF SUCH MEMBER'S  
23 OFFICIAL DUTIES OR RESPONSIBILITIES, INVOLVED ACTIONS OR CONDUCT BY  
24 WHICH SUCH MEMBER OR RETIRED MEMBER INDICATED OR CONVEYED THAT HE OR SHE  
25 WAS ACTING WITH THE AUTHORITY OF, OR UNDER COLOR OF THE AUTHORITY OF,  
26 ANY GOVERNMENTAL ENTITY.

27 2. WHERE THE ATTORNEY GENERAL FINDS THAT A MEMBER OR A RETIRED MEMBER  
28 HAS BEEN CONVICTED OF A DESIGNATED FELONY OFFENSE AS DEFINED IN PARA-  
29 GRAPH (C) OF SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-SEVEN-A OF  
30 THIS ARTICLE, THE COMMISSION OF WHICH IS RELATED TO THE PERFORMANCE OR  
31 FAILURE TO PERFORM SUCH MEMBER OR RETIRED MEMBER'S OFFICIAL DUTIES AND  
32 RESPONSIBILITIES, AN ACTION MAY BE COMMENCED IN SUPREME COURT BY THE  
33 ATTORNEY GENERAL FOR THE FORFEITURE OF ALL OR A PORTION OF THOSE RIGHTS  
34 AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED AS A MEMBER OR  
35 RETIRED MEMBER. SUCH ACTION SHALL BE COMMENCED WITHIN ONE YEAR OF SUCH  
36 CONVICTION.

37 3. PRIOR TO COMMENCEMENT OF SUCH ACTION DESCRIBED IN SUBDIVISION ONE  
38 OR TWO OF THIS SECTION, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL,  
39 AS THE CASE MAY BE, SHALL PROVIDE NOTICE TO THE COMPTROLLER STATING THAT  
40 HE OR SHE HAS REASON TO BELIEVE THAT THE PERSON CONVICTED COMMITTED THE  
41 FELONY RELATED TO HIS OR HER OFFICIAL DUTIES AND RESPONSIBILITIES.  
42 WITHIN TWENTY DAYS OF RECEIPT OF SUCH NOTICE, THE COMPTROLLER SHALL  
43 SUBMIT A NOTICE OF APPLICABILITY TO THE DISTRICT ATTORNEY OR THE ATTOR-  
44 NEY GENERAL AS THE CASE MAY BE. THE NOTICE OF APPLICABILITY SHALL  
45 CONTAIN A STATEMENT SPECIFYING WHETHER THE PERSON CONVICTED IS OR HAS  
46 BEEN A MEMBER OR RETIRED MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOY-  
47 EES' RETIREMENT SYSTEM OR THE NEW YORK STATE AND LOCAL POLICE AND FIRE  
48 RETIREMENT SYSTEM AND SHALL DESCRIBE THE RIGHTS AND BENEFITS TO WHICH  
49 SUCH PERSON IS OR WILL BE ENTITLED FROM SUCH PUBLIC RETIREMENT SYSTEM.

50 4. NO FORFEITURE ACTION MAY BE COMMENCED BY THE DISTRICT ATTORNEY OR  
51 THE ATTORNEY GENERAL UNTIL RECEIPT OF THE NOTICE OF APPLICABILITY AS SET  
52 FORTH IN SUBDIVISION THREE OF THIS SECTION. IN DETERMINING WHETHER TO  
53 SEEK FORFEITURE OF A PORTION, RATHER THAN ALL, OF SUCH RETIREMENT BENE-  
54 FITS, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL MAY CONSIDER MITI-  
55 GATING FACTORS INCLUDING, BUT NOT LIMITED TO: THE NATURE AND SERIOUSNESS  
56 OF THE OFFENSE COMMITTED IN RELATION TO THE AMOUNT OF THE FORFEITURE

1 PENALTY; WHETHER THE DEFENDANT'S CONDUCT IN COMMITTING THE OFFENSE WAS  
2 WILLFUL OR MALICIOUS; WHETHER THE DEFENDANT MADE ANY SUBSTANTIAL GOOD  
3 FAITH EFFORTS TO PREVENT OR MITIGATE THE HARM CAUSED BY THE OFFENSE;  
4 WHETHER THE DEFENDANT'S PARTICIPATION IN THE CRIME WAS UNDER DURESS,  
5 COERCION OR INDUCED BY OTHERS; THE IMPACT OF THE CRIME ON THE STATE OR  
6 LOCAL GOVERNMENT AND THE NUMBER OF YEARS OF THE DEFENDANT'S PUBLIC  
7 SERVICE PERFORMED WITHOUT CRIMINAL CONDUCT; THE PECUNIARY BENEFIT TO THE  
8 DEFENDANT FROM THE CRIME; AND WHETHER AND TO WHAT EXTENT THE DEFENDANT'S  
9 FAMILY IS DEPENDENT UPON THE DEFENDANT'S PRESENT AND FUTURE RETIREMENT  
10 BENEFITS.

11 5. UPON MOTION BY THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS  
12 THE CASE MAY BE, MADE UPON COMMENCEMENT OF OR AT ANY TIME DURING THE  
13 PENDENCY OF A FORFEITURE ACTION, PURSUANT TO THE PROCEDURE SET FORTH IN  
14 SUBDIVISION ONE OF SECTION SIXTY-THREE HUNDRED ELEVEN OR SECTION SIXTY-  
15 THREE HUNDRED THIRTEEN OF THE CIVIL PRACTICE LAW AND RULES, THE COURT  
16 MAY ISSUE A TEMPORARY RESTRAINING ORDER OR A PRELIMINARY INJUNCTION  
17 PROHIBITING THE DEFENDANT FROM RECEIVING ANY RIGHTS OR BENEFITS FROM THE  
18 APPROPRIATE RETIREMENT SYSTEM. A PRELIMINARY INJUNCTION MAY BE GRANTED  
19 WHERE THE COURT FINDS THAT THERE IS A SUBSTANTIAL PROBABILITY THAT THE  
20 DISTRICT ATTORNEY OR ATTORNEY GENERAL WILL PREVAIL ON THE ISSUE OF  
21 FORFEITURE. NO SHOWING OF IRREPARABLE HARM SHALL BE REQUIRED. THE COURT  
22 MAY NOT CONSIDER ON SUCH MOTION ANY ISSUES PRESENTED TO THE COURT WHICH  
23 HEARD THE CRIMINAL ACTION IN WHICH THE DEFENDANT WAS CONVICTED OR WHICH  
24 ARISE OUT OF SUCH CRIMINAL ACTION AND MAY BE PRESENTED ON APPEAL.

25 6. ALL DEFENDANTS IN A FORFEITURE ACTION BROUGHT PURSUANT TO THIS  
26 ARTICLE SHALL HAVE THE RIGHT TO TRIAL BY JURY ON ANY ISSUE OF FACT.

27 7. THE BURDEN OF PROOF SHALL BE UPON THE DISTRICT ATTORNEY OR THE  
28 ATTORNEY GENERAL, AS THE CASE MAY BE, TO PROVE BY CLEAR AND CONVINCING  
29 EVIDENCE THE FACTS NECESSARY TO ESTABLISH A CLAIM OF PENSION FORFEITURE.

30 8. AT ANY TIME DURING THE PENDENCY OF A FORFEITURE ACTION, THE COURT  
31 MAY DISMISS THE ACTION IF IT FINDS THAT SUCH RELIEF IS WARRANTED BY THE  
32 EXISTENCE OF SOME COMPELLING FACTOR, CONSIDERATION OR CIRCUMSTANCE  
33 INCLUDING, BUT NOT LIMITED TO, ONE OR MORE OF THE MITIGATING FACTORS SET  
34 FORTH IN SUBDIVISION FOUR OF THIS SECTION, OR OTHER INFORMATION OR  
35 EVIDENCE WHICH DEMONSTRATES THAT SUCH FORFEITURE WOULD NOT SERVE THE  
36 ENDS OF JUSTICE. THE COURT SHALL ISSUE A WRITTEN DECISION STATING THE  
37 BASIS FOR AN ORDER ISSUED PURSUANT TO THIS SUBDIVISION.

38 9. (A) UPON A FINDING BY THE COURT THAT THE DEFENDANT HAS COMMITTED A  
39 FELONY IN CONNECTION WITH HIS OR HER OFFICIAL DUTIES AND RESPONSIBIL-  
40 ITIES IN THIS STATE, THE COURT SHALL ISSUE AN ORDER TO THE APPROPRIATE  
41 RETIREMENT SYSTEM FOR: (I) THE FORFEITURE OR RECOUPMENT OF ALL OR A  
42 PORTION OF THE DEFENDANT'S RIGHTS AND BENEFITS AS A MEMBER OR RETIRED  
43 MEMBER OF SUCH SYSTEM; (II) THE RECOUPMENT OF ALL OR A PORTION OF THE  
44 RETIREMENT BENEFITS PAID TO THE DEFENDANT; AND (III) THE REFUND TO THE  
45 DEFENDANT OF ANY CONTRIBUTIONS MADE BY THE DEFENDANT TO THE RETIREMENT  
46 SYSTEM FOR ANY PERIOD FOR WHICH THE DEFENDANT'S RIGHTS AND BENEFITS AS A  
47 MEMBER OR RETIRED MEMBER OF SUCH RETIREMENT SYSTEM HAVE BEEN ORDERED  
48 FORFEIT.

49 (B) IN DETERMINING THE EXTENT OF THE FORFEITURE OR RECOUPMENT THAT IS  
50 WARRANTED, THE COURT MAY CONSIDER ONE OR MORE OF THE MITIGATING FACTORS  
51 SET FORTH IN SUBDIVISION FOUR OF THIS SECTION. ALL ORDERS AND FINDINGS  
52 MADE BY THE COURT PURSUANT TO THIS SECTION SHALL BE SERVED UPON THE  
53 COMPTROLLER.

54 10. UPON A FINAL DETERMINATION THAT REVERSES OR VACATES THE CONVICTION  
55 OR CONVICTIONS OF A DESIGNATED OFFENSE OR OFFENSES, THE MEMBER OR  
56 RETIRED MEMBER WHO HAS FORFEITED RETIREMENT RIGHTS AND BENEFITS PURSUANT

1 TO THIS SECTION SHALL HAVE SUCH RIGHTS AND BENEFITS RETROACTIVELY  
2 RESTORED UPON APPLICATION TO THE COURT WITH JURISDICTION OVER THE  
3 FORFEITURE ACTION, REGARDLESS OF ANY TEMPORARY RESTRAINING ORDER OR  
4 PRELIMINARY INJUNCTION WHICH MAY BE OUTSTANDING OR ORDER WHICH MAY HAVE  
5 BEEN ISSUED. SUCH COURT, UPON FINDING THAT SUCH A FINAL DETERMINATION  
6 HAS OCCURRED, SHALL ISSUE AN ORDER RETROACTIVELY RESTORING SUCH RIGHTS  
7 AND BENEFITS, TOGETHER WITH SUCH OTHER RELIEF DEEMED APPROPRIATE. AS A  
8 CONDITION TO FULL RESTORATION OF RIGHTS AND BENEFITS AS PROVIDED IN THIS  
9 SUBDIVISION, THE MEMBER OR RETIRED MEMBER SHALL REIMBURSE THE RETIREMENT  
10 SYSTEM FOR ANY CONTRIBUTIONS THAT WERE REFUNDED TO THE MEMBER OR RETIRED  
11 MEMBER PURSUANT TO THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION NINE  
12 OF THIS SECTION.

13 11. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE CIVIL PRACTICE  
14 LAW AND RULES SHALL GOVERN THE PROCEDURE IN ACTIONS COMMENCED UNDER THIS  
15 ARTICLE, EXCEPT WHERE THE ACTION IS REGULATED BY ANY INCONSISTENT  
16 PROVISIONS HEREIN. IN SUCH ACTIONS, THE COURT MAY NOT CONSIDER ANY  
17 ISSUES PRESENTED TO THE COURT WHICH HEARD THE CRIMINAL ACTION IN WHICH  
18 THE DEFENDANT WAS CONVICTED OR WHICH ARISE OUT OF SUCH CRIMINAL ACTION  
19 AND MAY BE PRESENTED ON APPEAL.

20 S 157-C. MISCELLANEOUS. THE REMEDIES PROVIDED FOR IN THIS ARTICLE ARE  
21 NOT INTENDED TO SUBSTITUTE FOR, LIMIT OR SUPERSEDE THE LAWFUL AUTHORITY  
22 OF ANY PUBLIC OFFICER, AGENCY OR OTHER PERSON TO ENFORCE ANY OTHER RIGHT  
23 OR REMEDY PROVIDED FOR BY LAW.

24 S 2. This act shall take effect immediately.

25 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
26 sion, section or part of this act shall be adjudged by any court of  
27 competent jurisdiction to be invalid, such judgment shall not affect,  
28 impair, or invalidate the remainder thereof, but shall be confined in  
29 its operation to the clause, sentence, paragraph, subdivision, section  
30 or part thereof directly involved in the controversy in which such judg-  
31 ment shall have been rendered. It is hereby declared to be the intent of  
32 the legislature that this act would have been enacted even if such  
33 invalid provisions had not been included herein.

34 S 3. This act shall take effect immediately provided, however, that  
35 the applicable effective date of Parts A through D of this act shall be  
36 as specifically set forth in the last section of such Parts.