

6794

I N S E N A T E

February 8, 2010

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

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

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

- 1 Section 1. Subdivision 2 of section 94 of the executive law is
2 REPEALED and a new subdivision 2 is added to read as follows:
3 2. (A) FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE
4 THE FOLLOWING MEANINGS:
5 (I) "DESIGNATING PANEL" MEANS THE DESIGNATING ENTITY FOR THE SIX
6 MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;
7 (II) "DESIGNATING MEMBERS" MEANS THE MEMBERS OF THE DESIGNATING PANEL;
8 (III) "CANDIDATE" MEANS ANY INDIVIDUAL UNDER CONSIDERATION FOR THE SIX
9 MEMBERS OF THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION;
10 (IV) "APPOINTING OFFICER" MEANS THE STATEWIDE ELECTED OFFICIAL RESPON-
11 SIBLE FOR APPOINTING A DESIGNATING MEMBER.
12 (B) A DESIGNATING PANEL IS HEREBY ESTABLISHED TO APPOINT SIX MEMBERS
13 TO THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION.
14 (C) THE DESIGNATING PANEL SHALL CONSIST OF NINE DESIGNATING MEMBERS OF
15 WHOM THREE SHALL BE APPOINTED BY THE GOVERNOR, THREE BY THE ATTORNEY
16 GENERAL, AND THREE BY THE STATE COMPTROLLER. NO MORE THAN TWO OF THE
17 THREE APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE
18 COMPTROLLER MAY BE A MEMBER OF A MAJOR POLITICAL PARTY. ONE OF THE THREE
19 APPOINTMENTS MADE BY THE GOVERNOR, ATTORNEY GENERAL, AND STATE COMP-
20 TROLLER SHALL BE A FORMER JUDGE OR JUSTICE OF THE UNIFIED COURT SYSTEM
21 TO SUCH DESIGNATING PANEL. NO DESIGNATING MEMBER SHALL BE OR SHALL HAVE
22 BEEN WITHIN THE PRECEDING FIVE YEARS:
23 (I) A STATEWIDE ELECTED OFFICIAL,

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

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1 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
2 (III) A MEMBER OF THE LEGISLATURE,
3 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
4 (V) AN EMPLOYEE OF THE LEGISLATURE,
5 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-
6 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
7 (VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF
8 SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
9 (VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER
10 JURISDICTION, OR
11 (IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBY-
12 ING FIRM.

13 (D) OF THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE GOVERNOR,
14 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND
15 ONE SHALL SERVE A ONE-YEAR TERM. OF THE THREE DESIGNATING MEMBERS FIRST
16 APPOINTED BY THE ATTORNEY GENERAL, ONE SHALL SERVE A THREE-YEAR TERM,
17 ONE SHALL SERVE A TWO-YEAR TERM, AND ONE SHALL SERVE A ONE-YEAR TERM. OF
18 THE THREE DESIGNATING MEMBERS FIRST APPOINTED BY THE STATE COMPTROLLER,
19 ONE SHALL SERVE A THREE-YEAR TERM, ONE SHALL SERVE A TWO-YEAR TERM, AND
20 ONE SHALL SERVE A ONE-YEAR TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE
21 FOR A TERM OF FOUR YEARS.

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

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

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

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

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

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

47 (I) A STATEWIDE ELECTED OFFICIAL,
48 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
49 (III) A MEMBER OF THE LEGISLATURE,
50 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
51 (V) AN EMPLOYEE OF THE LEGISLATURE,
52 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-
53 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
54 (VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF
55 SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,

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

3 (IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBY-
4 ING FIRM.

5 (K) THE APPOINTMENTS SHALL BE TRANSMITTED TO THE GOVERNOR, THE ATTOR-
6 NEY GENERAL, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT OF THE
7 SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE
8 AND THE MINORITY LEADER OF THE ASSEMBLY IN A WRITTEN REPORT, WHICH SHALL
9 BE RELEASED TO THE PUBLIC BY THE DESIGNATING PANEL AT THE TIME IT IS
10 SUBMITTED.

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

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

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

25 5. Any vacancy occurring on the commission shall be filled within
26 sixty days of its occurrence, by the [governor, attorney general, or
27 comptroller] DESIGNATING PANEL in the same manner as [the member whose
28 vacancy is being filled was appointed] PRESCRIBED IN SUBDIVISION TWO OF
29 THIS SECTION. A person appointed to fill a vacancy occurring other than
30 by expiration of a term of office shall be appointed for the unexpired
31 term of the member he OR SHE succeeds. In the event of a vacancy, the
32 [appointing authority] DESIGNATING PANEL must appoint a member of the
33 commission from a political party other than that of the [appointing
34 authority's already seated member of the commission] MEMBER OF THE
35 COMMISSION WHO CREATED SUCH VACANCY.

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

40 7. Members of the commission may be removed by the [appointing author-
41 ity] DESIGNATING PANEL for substantial neglect of duty, gross misconduct
42 in office, inability to discharge the powers or duties of office or
43 violation of this section, after written notice and opportunity for a
44 reply.

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

49 9. The commission shall:

50 (a) Appoint an executive director who shall act in accordance with the
51 policies of the commission. The commission may delegate authority to the
52 executive director to act in the name of the commission between meetings
53 of the commission provided such delegation is in writing and the specif-
54 ic powers to be delegated are enumerated. The executive director shall
55 be appointed for a term of three years and shall be dismissed only for
56 cause by a majority vote of the commission;

- 1 (b) Appoint such other staff as are necessary to carry out its duties
2 under this section;
- 3 (c) Adopt, amend, and rescind rules and regulations to govern proce-
4 dures of the commission, which shall include, but not be limited to, the
5 procedure whereby a person who is required to file an annual financial
6 disclosure statement with the commission may request an additional peri-
7 od of time within which to file such statement, due to justifiable cause
8 or undue hardship; such rules or regulations shall provide for a date
9 beyond which in all cases of justifiable cause or undue hardship no
10 further extension of time will be granted;
- 11 (d) Adopt, amend, and rescind rules and regulations to assist appoint-
12 ing authorities in determining which persons hold policy-making posi-
13 tions for purposes of section seventy-three-a of the public officers
14 law;
- 15 (e) Make available forms for annual statements of financial disclosure
16 required to be filed pursuant to section seventy-three-a of the public
17 officers law;
- 18 (f) Review financial disclosure statements in accordance with the
19 provisions of this section, provided however, that the commission may
20 delegate all or part of this review function to the executive director
21 who shall be responsible for completing staff review of such statements
22 in a manner consistent with the terms of the commission's delegation.
23 Such review shall require that all statements of financial disclosure
24 filed with the commission be examined to ensure that each statement is
25 facially complete and signed by the reporting individual;
- 26 (g) Initiate or receive complaints and referrals alleging violations
27 of section seventy-three, seventy-three-a or seventy-four of the public
28 officers law or section one hundred seven of the civil service law;
- 29 (h) Permit any person subject to the jurisdiction of the commission
30 who is required to file a financial disclosure statement to request the
31 commission to delete from the copy thereof made available for public
32 inspection and copying one or more items of information which may be
33 deleted by the commission upon a finding by the commission that the
34 information which would otherwise be required to be made available for
35 public inspection and copying will have no material bearing on the
36 discharge of the reporting person's official duties. If such request for
37 deletion is denied, the commission, in its notification of denial, shall
38 inform the person of his or her right to appeal the commission's deter-
39 mination pursuant to its rules governing adjudicatory proceedings and
40 appeals adopted pursuant to subdivision thirteen of this section;
- 41 (i) Permit any person subject to the jurisdiction of the commission
42 who is required to file a financial disclosure statement to request an
43 exemption from any requirement to report one or more items of informa-
44 tion which pertain to such person's spouse or unemancipated children
45 which item or items may be exempted by the commission upon a finding by
46 the commission that the reporting individual's spouse, on his or her own
47 behalf or on behalf of an unemancipated child, objects to providing the
48 information necessary to make such disclosure and that the information
49 which would otherwise be required to be reported will have no material
50 bearing on the discharge of the reporting person's official duties. If
51 such request for exemption is denied, the commission, in its notifica-
52 tion of denial, shall inform the person of his or her right to appeal
53 the commission's determination pursuant to its rules governing adjudica-
54 tory proceedings and appeals adopted pursuant to subdivision thirteen of
55 this section;

1 (j) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDI-
2 DATE FOR STATEWIDE ELECTED OFFICE MAY NOT DISCLOSE INFORMATION REGARDING
3 A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF
4 FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARA-
5 GRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE
6 PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTI-
7 TY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE
8 UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVI-
9 LEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH
10 DISCLOSURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION
11 BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S
12 REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH
13 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC
14 OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

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

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

35 (III) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE
36 STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR
37 STATEWIDE ELECTED OFFICE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION
38 SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARD-
39 SHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL
40 STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR
41 (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A
42 OF THE PUBLIC OFFICERS LAW BE MADE. THE STATEWIDE ELECTED OFFICIAL,
43 STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE
44 SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE
45 DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHAL-
46 LENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR APPEAL THE DETERMI-
47 NATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR
48 GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

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

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

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

7 (VI) IF THE COMMISSION ORDERS A STATEWIDE ELECTED OFFICIAL, STATE
8 OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE TO
9 DISCLOSE, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR
10 CANDIDATE FOR STATEWIDE ELECTED OFFICE MUST COMPLY WITHIN FOURTEEN DAYS.
11 THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR
12 ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL
13 DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT
14 OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS
15 LAW, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S
16 DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY
17 PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS
18 SECTION;

19 (K) Advise and assist any state agency in establishing rules and regulations
20 relating to possible conflicts between private interests and
21 official duties of present or former statewide elected officials and
22 state officers and employees;

23 [(k)] (L) Permit any person who has not been determined by his or her
24 appointing authority to hold a policy-making position but who is otherwise
25 required to file a financial disclosure statement to request an
26 exemption from such requirement in accordance with rules and regulations
27 governing such exemptions. Such rules and regulations shall provide for
28 exemptions to be granted either on the application of an individual or
29 on behalf of persons who share the same job title or employment classification
30 which the commission deems to be comparable for purposes of
31 this section. Such rules and regulations may permit the granting of an
32 exemption where, in the discretion of the commission, the public interest
33 does not require disclosure and the applicant's duties do not
34 involve the negotiation, authorization or approval of:

35 (i) contracts, leases, franchises, revocable consents, concessions,
36 variances, special permits, or licenses as defined in section seventy-three
37 of the public officers law;

38 (ii) the purchase, sale, rental or lease of real property, goods or
39 services, or a contract therefor;

40 (iii) the obtaining of grants of money or loans; or

41 (iv) the adoption or repeal of any rule or regulation having the force
42 and effect of law;

43 [(l)] (M) Prepare an annual report to the governor and legislature
44 summarizing the activities of the commission during the previous year
45 and recommending any changes in the laws governing the conduct of
46 persons subject to the jurisdiction of the commission, or the rules,
47 regulations and procedures governing the commission's conduct. Such
48 report shall be posted on the commission's website and shall include:

49 (i) the number of reporting individuals whose files were reviewed pursuant
50 to subdivision [(o)] (P) of this section during the previous year
51 and which, if any, classes of reporting individuals were selected for
52 class review rather than random review; (ii) a listing by assigned
53 number of each complaint and referral received which alleged a possible
54 violation within its jurisdiction, including the current status of each
55 complaint; and (iii) where a matter has been resolved, the date and
56 nature of the disposition and any sanction imposed, subject to the

1 confidentiality requirements of this section, provided, however, that
2 such annual report shall not contain any information for which disclo-
3 sure is not permitted pursuant to subdivision seventeen of this section;

4 [(m)] (N) Determine a question common to a class or defined category
5 of persons or items of information required to be disclosed, where
6 determination of the question will prevent undue repetition of requests
7 for exemption or deletion or prevent undue complication in complying
8 with the requirements of such section;

9 [(n)] (O) Prepare and issue a report by December first, two thousand
10 eleven to the governor and the legislature recommending any changes to
11 the law governing the filing of annual statements of financial disclo-
12 sure, which shall include an analysis of the statutes which require
13 individuals to file financial disclosure statements, the scope of
14 disclosure required, and alternative approaches to the current system,
15 and recommendations as to the appropriate scope of disclosure for
16 different classes of individuals, including those who serve in uncompen-
17 sated positions; and

18 [(o)] (P) Promulgate guidelines for the commission to conduct a
19 program of random reviews, to be carried out in the following manner:
20 (i) annual statements of financial disclosure shall be selected for
21 review in a manner pursuant to which the identity of any particular
22 person whose statement is selected is unknown to the commission and its
23 staff prior to its selection; (ii) such review shall include a prelimi-
24 nary examination of the selected statement for internal consistency, a
25 comparison with other records maintained by the commission, including
26 previously filed statements and requests for advisory opinions, and an
27 examination of relevant public information, including, but not limited
28 to, records filed with the commission on lobbying ethics and compliance
29 and the department of state; (iii) upon completion of the preliminary
30 examination, the commission shall determine whether further inquiry is
31 warranted, whereupon it shall notify the reporting individual in writing
32 that the statement is under review, advise the reporting individual of
33 the specific areas of inquiry, and provide the reporting individual with
34 the opportunity to provide the commission with any relevant information
35 related to the specific areas of inquiry, and the opportunity to file
36 amendments to the selected statement on forms provided by the commis-
37 sion; and (iv) if thereafter sufficient cause exists, the commission
38 shall initiate an investigation to determine whether the reporting indi-
39 vidual has filed a deficient statement; provided, however if the commis-
40 sion conducts a review of all statements of financial disclosure filed
41 by a class of reporting individuals in the manner set forth in this
42 paragraph with respect to a given calendar year, the individuals within
43 such class shall not be subject to random review. For the purposes of
44 this paragraph, the classes of reporting individuals are (A) statewide
45 elected officials, (B) candidates for statewide office, (C) heads of
46 state departments and their deputies and assistants pursuant to subpara-
47 graph (i) of paragraph (i) of subdivision one of section seventy-three
48 of the public officers law, and (D) other state officers and employees.

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

53 13. An individual subject to the jurisdiction of the commission who
54 knowingly and intentionally violates the provisions of subdivisions two
55 through five-a, seven, eight, twelve, fourteen through sixteen or eigh-
56 teen of section seventy-three of the public officers law, section one

1 hundred seven of the civil service law, or a reporting individual who
2 knowingly and wilfully fails to file an annual statement of financial
3 disclosure or who knowingly and wilfully with intent to deceive makes a
4 false statement or fraudulent omission or gives information which such
5 individual knows to be false on such statement of financial disclosure
6 filed pursuant to section seventy-three-a of the public officers law, OR
7 A REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT
8 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH
9 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH
10 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS
11 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION
12 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW shall be subject to a civil
13 penalty in an amount not to exceed forty thousand dollars and the value
14 of any gift, compensation or benefit received as a result of such
15 violation. An individual who knowingly and intentionally violates the
16 provisions of paragraph b, c, d or i of subdivision three of section
17 seventy-four of the public officers law shall be subject to a civil
18 penalty in an amount not to exceed ten thousand dollars and the value of
19 any gift, compensation or benefit received as a result of such
20 violation. An individual who knowingly and intentionally violates the
21 provisions of paragraph a, e or g of subdivision three of section seven-
22 ty-four of the public officers law shall be subject to a civil penalty
23 in an amount not to exceed the value of any gift, compensation or bene-
24 fit received as a result of such violation. Assessment of a civil
25 penalty hereunder shall be made by the commission with respect to
26 persons subject to its jurisdiction. In assessing the amount of the
27 civil penalties to be imposed, the commission shall consider the seri-
28 ousness of the violation, the amount of gain to the individual and
29 whether the individual previously had any civil or criminal penalties
30 imposed pursuant to this section, and any other factors the commission
31 deems appropriate. For a violation of this subdivision, other than for
32 conduct which constitutes a violation of section one hundred seven of
33 the civil service law, subdivisions twelve or fourteen through sixteen
34 or eighteen of section seventy-three or section seventy-four of the
35 public officers law the commission may, in [lieu of] ADDITION TO a civil
36 penalty, refer a violation to the appropriate prosecutor and upon such
37 conviction, such violation shall be punishable as a class A misdemeanor.
38 A civil penalty for false filing may not be imposed hereunder in the
39 event a category of "value" or "amount" reported hereunder is incorrect
40 unless such reported information is falsely understated. Notwithstanding
41 any [other provision of law to the contrary, no other penalty,] civil or
42 criminal [may be] PENALTY imposed for a failure to file, or for a false
43 filing, of such statement, or a violation of section seventy-three of
44 the public officers law, [except that] the appointing authority may
45 impose disciplinary action as otherwise provided by law. The commission
46 may refer violations of this subdivision to the appointing authority for
47 disciplinary action as otherwise provided by law. The commission shall
48 be deemed to be an agency within the meaning of article three of the
49 state administrative procedure act and shall adopt rules governing the
50 conduct of adjudicatory proceedings and appeals taken pursuant to a
51 proceeding commenced under article seventy-eight of the civil practice
52 law and rules relating to the assessment of the civil penalties herein
53 authorized and commission denials of requests for certain deletions or
54 exemptions to be made from a financial disclosure statement as author-
55 ized in paragraph (h) [or], paragraph (i) OR PARAGRAPH (J) of subdivi-
56 sion nine of this section. Such rules, which shall not be subject to the

1 approval requirements of the state administrative procedure act, shall
2 provide for due process procedural mechanisms substantially similar to
3 those set forth in article three of the state administrative procedure
4 act but such mechanisms need not be identical in terms or scope. Assess-
5 ment of a civil penalty or commission denial of such a request shall be
6 final unless modified, suspended or vacated within thirty days of impo-
7 sition, with respect to the assessment of such penalty, or unless such
8 denial of request is reversed within such time period, and upon becoming
9 final shall be subject to review at the instance of the affected report-
10 ing individuals in a proceeding commenced against the commission, pursu-
11 ant to article seventy-eight of the civil practice law and rules.

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

14 S 1-m. Prohibition of gifts. No individual or entity required to be
15 listed on a statement of registration pursuant to this article shall
16 offer or give a gift to any public official as defined within this arti-
17 cle, unless under the circumstances it is not reasonable to infer that
18 the gift was intended to influence such public official. No individual
19 or entity required to be listed on a statement of registration pursuant
20 to this article shall offer or give a gift to the spouse or unemancipat-
21 ed child of any public official as defined within this article under
22 circumstances where it is reasonable to infer that the gift was intended
23 to influence such public official. No spouse or unemancipated child of
24 an individual required to be listed on a statement of registration
25 pursuant to this article shall offer or give a gift to a public official
26 under circumstances where it is reasonable to infer that the gift was
27 intended to influence such public official. [This section shall not
28 apply to gifts to officers, members or directors of boards, commissions,
29 councils, public authorities or public benefit corporations who receive
30 no compensation or are compensated on a per diem basis, unless the
31 person listed on the statement of registration appears or has matters
32 pending before the board, commission or council on which the recipient
33 sits.]

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

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

53 S 9. Subparagraph (B) of paragraph (iii) and paragraphs (iv) and (v)
54 of subdivision (b) of section 1-o of the legislative law, as added by
55 chapter 14 of the laws of 2007, are amended to read as follows:

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

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

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

30 S 10. Paragraphs (a), (b), (c), (d) and (j) of subdivision 2 of
31 section 80 of the legislative law, as added by a chapter of the laws of
32 2010, amending the executive law and other laws relating to governmental
33 ethics and compliance, as proposed in legislative bill numbers S.6457
34 and A.9544, are amended to read as follows:

35 (a) The office shall be governed by a board consisting of eight indi-
36 viduals [of whom two] WHO shall be appointed by [the speaker of the
37 assembly; two shall be appointed by the minority leader of the assembly;
38 two shall be appointed by the temporary president of the senate; and two
39 shall be appointed by the minority leader of the senate] A MAJORITY VOTE
40 OF THE TOTAL NUMBER OF MEMBERS ON THE JOINT LEGISLATIVE COMMISSION ON
41 ETHICS STANDARDS.

42 (b) The [legislative leaders each] MEMBERS OF THE COMMISSION shall
43 appoint individuals who are qualified to serve on the board by virtue of
44 their education, training or experience in one or more of the following
45 disciplines or processes: legislative, judicial, administrative,
46 professional ethics, business, legal, and academic.

47 (c) The [speaker and the temporary president of the senate] MEMBERS OF
48 THE GOVERNING BOARD shall [each designate one member] VOTE FOR TWO
49 MEMBERS of the board TO SERVE as [co-chairperson] CO-CHAIRPERSONS.

50 (d) No individual shall be eligible for appointment to, or service on,
51 the GOVERNING board who currently or within the last five years:

52 [(i) is required to register as a lobbyist or has been a lobbyist in
53 New York state or in any other jurisdiction;

54 [(ii) is or has been a candidate for a position in the New York state
55 legislature;

1 (iii) is or has been a member, officer, or employee of the New York
2 state legislature; or
3 (iv) is or has been a political party chairman, as defined in para-
4 graph (k) of subdivision one of section seventy-three of the public
5 officers law.]
6 (I) A STATEWIDE ELECTED OFFICIAL,
7 (II) A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
8 (III) A MEMBER OF THE LEGISLATURE,
9 (IV) A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
10 (V) AN EMPLOYEE OF THE LEGISLATURE,
11 (VI) A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDI-
12 VISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
13 (VII) A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF
14 SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
15 (VIII) A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER
16 JURISDICTION, OR
17 (IX) HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBY-
18 ING FIRM.

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

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

26 S 81. Joint legislative commission on ethics standards. a. There is
27 established a joint legislative commission on ethics standards which
28 shall consist of eight members and which shall be responsible for train-
29 ing, education, and advice regarding sections seventy-three, seventy-
30 three-a and seventy-four of the public officers law and review the
31 enforcement of such sections. [Four members shall be members of the
32 legislature and shall be appointed as follows: one by the temporary
33 president of the senate, one by the speaker of the assembly, one by the
34 minority leader of the senate and one by the minority leader of the
35 assembly. The remaining four members shall not be present or former
36 members of the legislature and shall not be and shall not have been in
37 the previous five years, candidates for member of the legislature,
38 employees of the legislature, or persons who have been employees of the
39 legislature, political party chairmen as defined in paragraph (k) of
40 subdivision one of section seventy-three of the public officers law, or
41 lobbyists required to register in New York state or any other jurisdic-
42 tion. The four members who are not legislators shall be appointed as
43 follows: one by the temporary president of the senate, one by the speak-
44 er of the assembly, one by the minority leader of the senate, and one by
45 the minority leader of the assembly.] The commission shall serve as
46 described in this section and have and exercise the powers and duties
47 set forth in this section only with respect to members of the legisla-
48 ture, legislative employees as defined in section seventy-three of the
49 public officers law, candidates for member of the legislature and indi-
50 viduals who have formerly held such positions or who have formerly been
51 such candidates. THE JURISDICTION OF THE COMMISSION WHEN ACTING PURSU-
52 ANT TO THIS SECTION SHALL CONTINUE NOTWITHSTANDING THAT A MEMBER OF THE
53 LEGISLATURE OR A LEGISLATIVE EMPLOYEE SEPARATES FROM STATE SERVICE, OR A
54 CANDIDATE FOR MEMBER OF THE LEGISLATURE CEASES TO BE A CANDIDATE,
55 PROVIDED THAT THE COMMISSION NOTIFIES SUCH INDIVIDUAL OF THE ALLEGED
56 VIOLATION OF LAW PURSUANT TO THIS SECTION WITHIN ONE YEAR FROM HIS OR

1 HER SEPARATION FROM STATE SERVICE OR THE TERMINATION OF HIS OR HER
2 CANDIDACY. NOTHING IN THIS SECTION SHALL SERVE TO LIMIT THE JURISDIC-
3 TION OF THE COMMISSION IN ENFORCEMENT OF SUBDIVISION EIGHT OF SECTION
4 SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

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

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

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

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

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

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

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

28 1. A STATEWIDE ELECTED OFFICIAL,

29 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,

30 3. A MEMBER OF THE LEGISLATURE,

31 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,

32 5. AN EMPLOYEE OF THE LEGISLATURE,

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

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

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

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

41 E. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE SPEAKER OF
42 THE ASSEMBLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A
43 ONE-YEAR TERM. OF THE TWO DESIGNATING MEMBERS FIRST APPOINTED BY THE
44 TEMPORARY PRESIDENT OF THE STATE SENATE, ONE SHALL SERVE A THREE-YEAR
45 TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO DESIGNATING MEMBERS
46 FIRST APPOINTED BY THE MINORITY LEADER OF THE STATE SENATE, ONE SHALL
47 SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A TWO-YEAR TERM. OF THE TWO
48 DESIGNATING MEMBERS FIRST APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
49 BLY, ONE SHALL SERVE A THREE-YEAR TERM AND ONE SHALL SERVE A ONE-YEAR
50 TERM. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF FOUR YEARS.

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

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

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

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

10 I. FIVE DESIGNATING MEMBERS SHALL CONSTITUTE A QUORUM.

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

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

- 20 1. A STATEWIDE ELECTED OFFICIAL,
- 21 2. A CANDIDATE FOR STATEWIDE ELECTED OFFICE,
- 22 3. A MEMBER OF THE LEGISLATURE,
- 23 4. A CANDIDATE FOR MEMBER OF THE LEGISLATURE,
- 24 5. AN EMPLOYEE OF THE LEGISLATURE,
- 25 6. A POLITICAL PARTY CHAIRMAN AS DEFINED IN PARAGRAPH (K) OF SUBDIVI-
26 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 27 7. A STATE OFFICER OR EMPLOYEE AS DEFINED BY PARAGRAPH (I) OF SUBDIVI-
28 SION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW,
- 29 8. A LOBBYIST REQUIRED TO REGISTER IN NEW YORK STATE OR ANY OTHER
30 JURISDICTION, OR
- 31 9. HAVE BEEN A PARTNER, OF COUNSEL OR OTHERWISE EMPLOYED BY A LOBBYING
32 FIRM.

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

39 M. The members of the commission [who are not members of the legisla-
40 ture and] who are first appointed by the [temporary president of the
41 senate, speaker of the assembly, minority leader of the senate, and
42 minority leader of the assembly] DESIGNATING PANEL shall BE DIVIDED INTO
43 FOUR CLASSES AND serve STAGGERED TERMS OF one, two, three and four year
44 [terms], respectively. Each member of the commission [who is not a
45 member of the legislature] shall be appointed thereafter for a term of
46 four years and may be removed by the [appointing authority] DESIGNATING
47 PANEL for substantial neglect of duty, misconduct in office, inability
48 to discharge the powers or duties of the office or violations of this
49 section after written notice and opportunity for a reply.

50 [c. The temporary president of the senate and the speaker of the
51 assembly shall each designate one member of the commission as a
52 co-chairperson thereof.] N. THE COMMISSION SHALL ELECT TWO CO-CHAIRPER-
53 SONS BY A MAJORITY VOTE OF THE TOTAL NUMBER OF MEMBERS OF THE COMMIS-
54 SION. The commission shall meet at least bi-monthly and at such addi-
55 tional times as may be called for by the co-chairpersons jointly or any
56 four members of the commission.

1 [d.] O. Any vacancy occurring on the commission shall be filled within
2 sixty days by the [appointing authority] DESIGNATING PANEL IN THE SAME
3 MANNER AS PRESCRIBED IN SUBDIVISION F OF THIS SECTION.

4 [e.] P. Five members of the commission shall constitute a quorum, and
5 the commission shall have power to act by majority vote of the total
6 number of members of the commission without vacancy.

7 [f.] Q. Each member of the commission [who is not a member of the
8 legislature] shall receive, as compensation for his or her services
9 under this article, a per diem allowance in the sum of one hundred
10 dollars for each day actually spent in the performance of his or her
11 duties under this article, not exceeding, however, the sum of five thou-
12 sand dollars in any calendar year, and, in addition thereto, shall be
13 reimbursed for all reasonable expenses actually and necessarily incurred
14 by him or her in the performance of his or her duties under this arti-
15 cle.

16 [g.] R. The commission shall:

17 1. Appoint an executive director for a three year term who shall act
18 in accordance with the policies of the commission and who shall be
19 dismissed only for cause by a majority vote of the commission;

20 2. Appoint such other staff as are necessary to assist it to carry
21 out its duties under this section;

22 3. Adopt, amend, and rescind policies, rules and regulations consist-
23 ent with this section to govern procedures of the commission which shall
24 not be subject to the promulgation and hearing requirements of the state
25 administrative procedure act;

26 4. Administer the provisions of this section;

27 5. Specify the procedures whereby a person who is required to file an
28 annual financial disclosure statement with the commission may request an
29 additional period of time within which to file such statement, due to
30 justifiable cause or undue hardship; such rules or regulations shall
31 provide for a date beyond which in all cases of justifiable cause or
32 undue hardship no further extension of time will be granted;

33 6. Promulgate guidelines to assist appointing authorities in deter-
34 mining which persons hold policy-making positions for purposes of
35 section seventy-three-a of the public officers law and may promulgate
36 guidelines to assist firms, associations and corporations in separating
37 affected persons from net revenues for purposes of subdivision ten of
38 section seventy-three of the public officers law, and promulgate guide-
39 lines to assist any firm, association or corporation in which any pres-
40 ent or former statewide elected official, state officer or employee,
41 member of the legislature or legislative employee, or political party
42 chair is a member, associate, retired member, of counsel or shareholder,
43 in complying with the provisions of subdivision ten of section seventy-
44 three of the public officers law with respect to the separation of such
45 present or former statewide elected official, state officer or employee,
46 member of the legislature or legislative employee, or political party
47 chairman from the net revenues of the firm, association or corporation.
48 Such firm, association or corporation shall not be required to adopt the
49 procedures contained in the guidelines to establish compliance with
50 subdivision ten of section seventy-three of the public officers law, but
51 if such firm, association or corporation does adopt such procedures, it
52 shall be deemed to be in compliance with such subdivision ten;

53 7. Make available forms for financial disclosure statements required
54 to be filed pursuant to subdivision six of section seventy-three and
55 section seventy-three-a of the public officers law;

1 8. Review financial disclosure statements in accordance with the
2 provisions of this section, provided however, that the commission may
3 delegate all or part of the review function relating to financial
4 disclosure statements pursuant to sections seventy-three and seventy-
5 three-a of the public officers law to the executive director who shall
6 be responsible for completing staff review of such statements in a
7 manner consistent with the terms of the commission's delegation. Such
8 review shall require that all statements of financial disclosure filed
9 with the commission be examined to ensure that each statement is facial-
10 ly complete and signed by the reporting individual;

11 9. Permit any person required to file a financial disclosure state-
12 ment to request the commission to delete from the copy thereof made
13 available for public inspection and copying one or more items of infor-
14 mation, which may be deleted by the commission upon a finding that the
15 information which would otherwise be required to be disclosed will have
16 no material bearing on the discharge of the reporting person's official
17 duties;

18 10. Permit any person required to file a financial disclosure state-
19 ment to request an exemption from any requirement to report one or more
20 items of information which pertain to such person's spouse or unemanci-
21 pated children which item or items may be exempted by the commission
22 upon a finding that the reporting individual's spouse, on his or her own
23 behalf or on behalf of an unemancipated child, objects to providing the
24 information necessary to make such disclosure and that the information
25 which would otherwise be required to be reported will have no material
26 bearing on the discharge of the reporting person's official duties;

27 11. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR
28 MEMBER OF THE LEGISLATURE MAY NOT DISCLOSE INFORMATION REGARDING A
29 CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINAN-
30 CIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH
31 EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC
32 OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S
33 REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER
34 NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE,
35 DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLO-
36 SURE WOULD CONVEY THE SUBSTANCE OF CONFIDENTIAL COMMUNICATION BETWEEN
37 CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFOR-
38 MATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVI-
39 SION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE
40 WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

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

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

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

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

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

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

32 (F) IF THE COMMISSION ORDERS A MEMBER OF THE LEGISLATURE, LEGISLATIVE
33 EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE TO DISCLOSE, THE
34 MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER
35 OF THE LEGISLATURE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN
36 ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION
37 REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO
38 SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF
39 SECTION SEVENTY-THREE-A, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO
40 APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING
41 ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION
42 THIRTEEN OF THIS SECTION;

43 12. Advise and assist the legislature in establishing rules and regu-
44 lations relating to possible conflicts between private interests and
45 official duties of present members of the legislature and legislative
46 employees;

47 [12.] 13. Receive complaints regarding persons subject to its juris-
48 diction alleging a possible violation of section seventy-three, seven-
49 ty-three-a or seventy-four of the public officers law, and refer such
50 complaints for investigation to the legislative office of ethics inves-
51 tigation as well as any other possible violations of such sections by
52 such persons that the commission determines on its own initiative
53 warrants investigation;

54 [13.] 14. Receive and refer as appropriate, as if it were a sworn
55 complaint, any referral from another state oversight body indicating
56 that a violation of section seventy-three or seventy-four of the public

1 officers law may have occurred involving persons subject to the juris-
2 diction of the commission;

3 [14.] 15. Upon written request from any person who is subject to the
4 jurisdiction of the commission and the requirements of sections seven-
5 ty-three, seventy-three-a and seventy-four of the public officers law
6 render formal advisory opinions on the requirements of said provisions.
7 A formal opinion rendered by the commission, until and unless amended or
8 revoked, shall be binding on the legislative office of ethics investi-
9 gations in any subsequent proceeding concerning the person who requested
10 the opinion and who acted in good faith, unless material facts were
11 omitted or misstated by the person in the request for an opinion. Such
12 opinion may also be relied upon by such person, and may be introduced
13 and shall be a defense in any criminal or civil action;

14 [15.] 16. Issue and publish generic advisory opinions covering ques-
15 tions frequently posed to the commission, or questions common to a class
16 or defined category of persons, or that will tend to prevent undue repe-
17 tition of requests or undue complication, and which are intended to
18 provide general guidance and information to persons subject to the
19 commission's jurisdiction;

20 [16.] 17. Develop educational materials and training with regard to
21 legislative ethics for members of the legislature and legislative
22 employees;

23 [17.] 18. Prepare an annual report to the governor and legislature
24 summarizing the activities of the commission during the previous year
25 and recommending any changes in the laws governing the conduct of
26 persons subject to the jurisdiction of the commission, or the rules,
27 regulations and procedures governing the commission's conduct. Such
28 report shall be posted on the commission's website and shall include:
29 (i) the number of reporting individuals whose files were reviewed pursu-
30 ant to subdivision [eighteen] NINETEEN of this section during the previ-
31 ous year and which, if any, classes were selected for class review rath-
32 er than random review, (ii) a listing by assigned number of each
33 complaint and referral received which alleged a possible violation with-
34 in its jurisdiction, including the current status of each complaint, and
35 (iii) where a matter has been resolved, the date and nature of the
36 disposition and any sanction imposed, subject to the confidentiality
37 requirements of this section. Such annual report shall not contain any
38 information for which disclosure is not permitted pursuant to subdivi-
39 sion fourteen of this section; and

40 [18.] 19. Promulgate guidelines for the commission to conduct a
41 program of random reviews, to be carried out in the following manner:
42 (i) annual statements of financial disclosure shall be selected for
43 review in a manner pursuant to which the identity of any particular
44 person whose statement is selected is unknown to the commission, its
45 staff and to the legislative office of ethics investigation prior to its
46 selection; (ii) such review shall include a preliminary examination of
47 the selected statement for internal consistency, a comparison with other
48 records maintained by the commission, including previously filed state-
49 ments and requests for advisory opinions, and examination of relevant
50 public information, including, but not limited to, records filed with
51 the commission on lobbying ethics and compliance and the department of
52 state; (iii) upon completion of the preliminary examination, the commis-
53 sion shall determine whether further inquiry is warranted, whereupon it
54 shall notify the reporting individual in writing that the statement is
55 under review, advise the reporting individual of the specific areas of
56 inquiry, and provide the reporting individual with the opportunity to

1 provide the commission with any relevant information related to the
2 specific areas of inquiry, and the opportunity to file amendments to the
3 selected statement on forms provided by the commission; and (iv) if
4 thereafter sufficient cause exists, the commission shall refer the
5 matter to the legislative office of ethics investigations; provided,
6 however if the commission conducts a review of all statements of finan-
7 cial disclosure filed by a class of reporting individuals in the manner
8 set forth in this paragraph with respect to a given calendar year, the
9 individuals within such class shall not be subject to random review. For
10 the purposes of this paragraph, the classes of reporting individuals are
11 members of the legislature, candidates for member of the legislature,
12 legislative employees subject to the provisions of section seventy-
13 three-a of the public officers law, and legislative employees required
14 to file a financial disclosure statement pursuant to subdivision six of
15 section seventy-three of the public officers law.

16 [h.] S. The commission, or the executive director and staff of the
17 commission if responsibility regarding such financial disclosure state-
18 ments filed has been delegated, shall inspect all financial disclosure
19 statements filed with the commission to ascertain whether any person
20 subject to the reporting requirements of subdivision six of section
21 seventy-three or section seventy-three-a of the public officers law has
22 failed to file such a statement, has filed a deficient statement or has
23 filed a statement which reveals a possible violation of section seven-
24 ty-three, seventy-three-a or seventy-four of the public officers law.

25 [i.] T. 1. If a person required to file a financial disclosure state-
26 ment with the commission has failed to file a financial disclosure
27 statement or has filed a deficient statement, the commission shall noti-
28 fy the reporting person in writing, state the failure to file or detail
29 the deficiency, provide the person with a fifteen day period to cure the
30 deficiency, and advise the person of the penalties for failure to comply
31 with the reporting requirements. Such notice shall be confidential. If
32 the person fails to make such filing or fails to cure the deficiency
33 within the specified time period, the commission shall send a notice of
34 delinquency: (a) to the reporting person; (b) in the case of a senator,
35 to the temporary president of the senate, and if a member of assembly,
36 to the speaker of the assembly; and (c) in the case of a legislative
37 employee, to the appointing authority for such person and to the tempo-
38 rary president of the senate or the speaker of the assembly, as appro-
39 priate, who has jurisdiction over such appointing authority. Such
40 notice of delinquency may be sent at any time during the reporting
41 person's service as a member of the legislature or legislative employee
42 or while a candidate for member of the legislature, or within one year
43 after separation from such service or the termination of such candidacy.
44 The jurisdiction of the commission, when acting pursuant to subdivision
45 [k] V of this section with respect to financial disclosure, shall
46 continue notwithstanding that the reporting person separates from state
47 service or terminates his or her candidacy, provided the commission
48 notifies such person of the alleged failure to file or deficient filing
49 pursuant to this subdivision.

50 2. If the person required to file fails to make the required filing
51 within the fifteen days of the notice of delinquency, the commission
52 shall notify the person in writing, describe the alleged violation ther-
53 eof and provide the person with a fifteen day period in which to submit
54 a written response setting forth information relating to the alleged
55 violation. If the commission thereafter makes a determination that
56 further inquiry is justified, it shall give the person an opportunity

1 to be heard. The commission shall also provide the person with its rules
2 regarding the conduct of adjudicatory proceedings and appeals and the
3 due process procedural mechanisms available to such person. If the
4 commission determines at any stage of the proceeding that there is no
5 violation or that such violation has been cured, it shall so advise the
6 person. All of the foregoing proceedings shall be confidential.

7 [j.] U. 1. If a reporting person has filed a statement which reveals a
8 possible violation of section seventy-three, seventy-three-a or seven-
9 ty-four of the public officers law, or the commission receives a refer-
10 ral from another state oversight body, or the commission receives a
11 sworn complaint alleging such a violation by a reporting person or a
12 legislative employee subject to the provisions of such laws, or if the
13 person fails to make the required filing within fifteen days of the
14 notice of delinquency, the commission shall refer the matter to the
15 legislative office of ethics investigations for investigation and a
16 report to the commission containing findings and recommendations. If the
17 commission thereafter makes a determination that further inquiry is
18 justified, it shall give the reporting person an opportunity to be
19 heard. The commission shall also inform the reporting individual of its
20 rules regarding the conduct of adjudicatory proceedings and appeals and
21 the due process procedural mechanisms available to such individual. If
22 the commission determines at any stage of the proceeding that there is
23 no violation or that any potential conflict of interest violation or
24 deficiency has been rectified, it shall so advise the reporting person
25 and the complainant, if any. All of the foregoing proceedings shall be
26 confidential.

27 2. If the commission determines that there is reasonable cause to
28 believe that a violation has occurred, it shall send a notice of reason-
29 able cause: (a) to the reporting person; (b) to the complainant if any;
30 (c) in the case of a senator, to the temporary president of the senate,
31 and if a member of the assembly, to the speaker of the assembly; and (d)
32 in the case of a legislative employee, to the appointing authority for
33 such person and to the temporary president of the senate and/or the
34 speaker of the assembly, as the case may be, who has jurisdiction over
35 such appointing authority.

36 3. The jurisdiction of the commission when acting pursuant to this
37 section shall continue notwithstanding that a member of the legislature
38 or a legislative employee separates from state service, or a candidate
39 for member of the legislature ceases to be a candidate, provided that
40 the commission notifies such individual of the alleged violation of law
41 pursuant to this section within one year from his or her separation from
42 state service or the termination of his or her candidacy. Nothing in
43 this section shall serve to limit the jurisdiction of the commission in
44 enforcement of subdivision eight of section seventy-three of the public
45 officers law.

46 [k.] V. An individual subject to the jurisdiction of the commission
47 who knowingly and intentionally violates the provisions of subdivisions
48 two through five-a, seven, eight, twelve, fourteen, fifteen or seventeen
49 of section seventy-three of the public officers law or a reporting indi-
50 vidual who knowingly and wilfully fails to file an annual statement of
51 financial disclosure or who knowingly and wilfully with intent to
52 deceive makes a false statement or gives information which such individ-
53 ual knows to be false on such statement of financial disclosure filed
54 pursuant to section seventy-three-a of the public officers law, OR A
55 REPORTING INDIVIDUAL WHO KNOWINGLY AND WILFULLY FAILS TO FILE A REPORT
56 OF BUSINESS DEALINGS WITH LOBBYISTS OR WHO KNOWINGLY AND WILFULLY WITH

1 INTENT TO DECEIVE MAKES A FALSE STATEMENT OR GIVES INFORMATION WHICH
2 SUCH INDIVIDUAL KNOWS TO BE FALSE ON SUCH A REPORT OF BUSINESS DEALINGS
3 WITH LOBBYISTS FILED PURSUANT TO SUBDIVISION ONE OF SECTION
4 SEVENTY-FOUR-B OF THE PUBLIC OFFICERS LAW shall be subject to a civil
5 penalty in an amount not to exceed forty thousand dollars and the value
6 of any gift, compensation or benefit received as a result of such
7 violation. Any such individual who knowingly and intentionally violates
8 the provisions of paragraph b, c, d, or i of subdivision three of
9 section seventy-four of the public officers law shall be subject to a
10 civil penalty in an amount not to exceed ten thousand dollars and the
11 value of any gift, compensation or benefit received as a result of such
12 violation. Any such individual who knowingly and intentionally violates
13 the provisions of paragraph a, e or g of subdivision three of section
14 seventy-four of the public officers law shall be subject to a civil
15 penalty in an amount equal to the value of any gift, compensation or
16 benefit received as a result of such violation. Assessment of a civil
17 penalty hereunder shall be made by the commission with respect to
18 persons subject to its jurisdiction but not before its receipt of a
19 report from the legislative office of ethics investigations; provided
20 that it does not need to obtain such report before assessing a civil
21 penalty for failure to file. In assessing the amount of the civil
22 penalties to be imposed, the commission shall consider the seriousness
23 of the violation, the amount of gain to the individual and whether the
24 individual previously had any civil or criminal penalties imposed pursu-
25 ant to this section, and any other factors the commission deems appro-
26 priate. For a violation of this section, other than for conduct which
27 constitutes a violation of subdivision twelve, fourteen or fifteen of
28 section seventy-three or section seventy-four of the public officers
29 law, the commission may, in [lieu of] ADDITION TO a civil penalty, refer
30 a violation to the appropriate prosecutor and upon such conviction, but
31 only after such referral, such violation shall be punishable as a class
32 A misdemeanor. A civil penalty for false filing may not be imposed here-
33 under in the event a category of "value" or "amount" reported hereunder
34 is incorrect unless such reported information is falsely understated.
35 Notwithstanding any [other provision of law to the contrary, no other
36 penalty,] civil or criminal[, may be] PENALTY imposed for a failure to
37 file, or for a false filing, of such statement, or a violation of
38 section seventy-three of the public officers law, [except that] the
39 appointing authority may impose disciplinary action as otherwise
40 provided by law. The commission shall be deemed to be an agency within
41 the meaning of article three of the state administrative procedure act
42 and shall adopt rules governing the conduct of adjudicatory proceedings
43 and appeals taken pursuant to a proceeding commenced under article
44 seventy-eight of the civil practice law and rules relating to the
45 assessment of the civil penalties herein authorized and commission
46 denials of requests for certain deletions or exemptions to be made from
47 a financial disclosure statement as authorized in paragraphs nine [and],
48 ten AND ELEVEN of subdivision [g] R of this section. Such rules, which
49 shall not be subject to the promulgation and hearing requirements of the
50 state administrative procedure act, shall provide for due process proce-
51 dural mechanisms substantially similar to those set forth in such arti-
52 cle three but such mechanisms need not be identical in terms or scope.
53 Assessment of a civil penalty or commission denial of such a deletion or
54 exemption request shall be final unless modified, suspended or vacated
55 within thirty days of imposition, with respect to the assessment of such
56 penalty, or unless such denial of request is reversed within such time

1 period, and upon becoming final shall be subject to review at the
2 instance of the affected reporting individuals in a proceeding commenced
3 against the commission, pursuant to article seventy-eight of the civil
4 practice law and rules.

5 [l.] W. If the commission has a reasonable basis to believe that any
6 person subject to the jurisdiction of another state oversight body may
7 have violated section seventy-three or seventy-four of the public offi-
8 cers law, or that any person subject to the jurisdiction of the state
9 board of elections may have violated article fourteen of the election
10 law, it shall refer such violation to such oversight body or to the
11 board of elections, as appropriate, unless the commission determines
12 that such a referral would compromise the prosecution or confidentiality
13 of its or the legislative office of ethics investigations' investi-
14 gations and, if so, shall make such a referral as soon as practicable.
15 The referral by the commission shall include any information relating
16 thereto coming into the custody or under the control of the commission
17 at any time prior or subsequent to the time of the referral.

18 [m.] X. A copy of any notice of delinquency sent pursuant to subdivi-
19 sion [i] T of this section shall be included in the reporting person's
20 file and be available for public inspection and copying.

21 [n.] Y. 1. Notwithstanding the provisions of article six of the
22 public officers law, the only records of the commission which shall be
23 available for public inspection and copying are as follows:

24 (a) the information set forth in an annual statement of financial
25 disclosure filed pursuant to section seventy-three-a of the public offi-
26 cers law, except any item of information deleted OR EXEMPTED pursuant to
27 paragraph nine, TEN OR ELEVEN of subdivision [g] R of this section,
28 which shall be made available to the public no later than thirty days
29 after receipt;

30 (b) financial disclosure statements filed pursuant to subdivision six
31 of section seventy-three of the public officers law which shall be made
32 available to the public no later than thirty days after their receipt;

33 (c) notices of delinquency sent under subdivision [i] T of this
34 section;

35 (d) notices of civil assessment imposed under this section which shall
36 include a description of the nature of the alleged wrongdoing, the
37 procedural history of the complaint, the findings and determinations
38 made by the commission, and any sanction imposed;

39 (e) generic advisory opinions; and

40 (f) all reports required by this section.

41 2. Notwithstanding the provisions of article seven of the public
42 officers law, no meeting or proceeding of the commission shall be open
43 to the public, except if expressly provided otherwise by this section or
44 the commission provided, however, that the commission shall meet public-
45 ly whenever it adopts, amends or rescinds its policies, rules or regu-
46 lations, promulgates its guidelines, approves educational material, or
47 adopts its annual report.

48 3. Notwithstanding any other provision of law, the commission shall
49 make available to the legislative office of ethics investigation all
50 records maintained by the commission and shall regularly forward to such
51 office copies of all advisory opinions adopted by the commission.

52 [o.] Z. The commission shall maintain a publicly accessible website
53 which shall set forth the procedure for filing a complaint and which
54 shall contain the documents identified in subdivision [n] Y of this
55 section, other than financial disclosure statements filed by legislative

1 employees, and any other records or information which the commission
2 determines to be appropriate.

3 [p.] AA. The legislative committees responsible for oversight of the
4 commission shall hold one or more public hearings regarding the effec-
5 tiveness of the commission at least five months before this section
6 expires pursuant to the provisions of the chapter of the laws of two
7 thousand ten which added this section.

8 [q.] BB. This section shall not revoke or rescind any policies, rules,
9 regulations or advisory opinions issued by the legislative ethics
10 committee and legislative ethics commission in effect upon the effective
11 date of this subdivision, to the extent that such regulations or opin-
12 ions are not inconsistent with any laws of the state of New York. The
13 commission shall undertake a comprehensive review of all such policies,
14 rules, regulations or advisory opinions which will address the consist-
15 ency of such policies, rules, regulations or advisory opinions with the
16 laws of the state of New York. The commission shall, before December
17 first, two thousand ten, report to the governor and legislature regard-
18 ing such review and shall propose any regulatory changes and issue any
19 advisory opinions necessitated by such review.

20 [r.] CC. Separability clause. If any part or provision of this section
21 or the application thereof to any person is adjudged by a court of
22 competent jurisdiction to be unconstitutional or otherwise invalid, such
23 judgment shall not affect or impair any other part or provision or the
24 application thereof to any other person, but shall be confined to such
25 part or provision.

26 S 12. Subdivision 19 of section 73 of the public officers law, as
27 amended by chapter 14 of the laws of 2007 and renumbered by a chapter of
28 the laws of 2010, amending the executive law and other laws relating to
29 governmental ethics and compliance, as proposed in legislative bill
30 numbers S. 6457 and A. 9544, is amended to read as follows:

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

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

49 3. The annual statement of financial disclosure shall contain the
50 language set forth hereinbelow:

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

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

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

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

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

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

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

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

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

45		State or
46	Position	Local Agency
	Organization	

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

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

	Position	Organization	State or Local Agency
18			
19			
20			
21			
22			
23			
24			

25 5. (a) List the name, address and description of any employment (other
 26 than the employment listed under Item 2 above), trade, business,
 27 profession or occupation engaged in by the reporting individual. If
 28 such activity was licensed by any state or local agency or was regu-
 29 lated by any state regulatory agency or local agency, list the name
 30 of any such agency.

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

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

	Name & Address of Organization	Description	State or Local Agency
45			
46			
47			

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

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

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

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

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

1 _____
2 _____

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

10 _____
11 _____
12 _____
13 _____
14 _____

15 8. (a) If the reporting individual practices law, [is licensed by the
16 department of state as a real estate broker or agent or practices a
17 profession licensed by the department of education, give] LIST THE
18 NAME AND ADDRESS OF EACH CLIENT, PERSON OR ENTITY FOR WHOM LEGAL OR
19 CONSULTING SERVICES WERE RENDERED; THE VALUE OF THE COMPENSATION FOR
20 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, AND a
21 general description of the [principal subject areas of matters
22 undertaken by such individual] SERVICES RENDERED. [If the nature of
23 the] IN ADDITION, IF THE reporting [individual's practice or activ-
24 ities were such that no principal subject areas or matters were
25 undertaken, give a general description of the practice or activities
26 undertaken. Additionally, if such an] individual practices LAW OR
27 PROVIDES CONSULTING SERVICES with a LAW firm or [corporation and is
28 a partner or shareholder of the firm or corporation] BUSINESS
29 ENTITY, [give] PROVIDE a general description of the principal
30 subject areas of matters undertaken by such LAW firm or [corpo-
31 ration] BUSINESS ENTITY. [If the matters undertaken by such firm or
32 corporation were such that no principal subject areas or matters
33 were undertaken, give a general description of the practice or
34 activities undertaken.] Do not list the [name of the individual
35 clients, customers or patients] VALUE OF COMPENSATION IF THE
36 SERVICES RENDERED INVOLVE A CONTINGENCY FEE AS PROVIDED BY LAW.

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

40 _____
41 _____
42 _____
43 _____
44 _____

45 (b) [List the name, principal address and general description or the
46 nature of the business activity of any entity in which the reporting
47 individual or such individual's spouse had an investment in excess
48 of \$1,000 excluding investments in securities and interests in real
49 property.] IF THE REPORTING INDIVIDUAL PRACTICES LAW AND IS A PART-
50 NER OR SHAREHOLDER OF A LAW FIRM OR CORPORATION ("LAW FIRM"), LIST
51 THE NAME AND ADDRESS OF EACH CLIENT OF SUCH LAW FIRM THAT IS A
52 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSO-
53 CIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION FROM WHOM

1 COMPENSATION IS RECEIVED BY SUCH LAW FIRM IN EXCESS OF \$5,000 FOR
 2 THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE
 3 VALUE OF THE COMPENSATION; AND A GENERAL DESCRIPTION OF THE SERVICES
 4 RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO
 5 NOT LIST CLIENTS OR COMPENSATION REQUIRED TO BE REPORTED IN ITEM
 6 8(A) ABOVE.

7 CLIENT	ADDRESS	SERVICES/ 8 CONSIDERATION	CATEGORY 9 OF VALUE
----------	---------	------------------------------	------------------------

14 (c) If the reporting individual [received income] IS LICENSED BY THE
 15 DEPARTMENT OF STATE AS A REAL ESTATE BROKER OR AGENT, PRACTICES A
 16 PROFESSION LICENSED BY THE DEPARTMENT OF EDUCATION OR PERFORMS
 17 CONSULTING SERVICES, LIST THE NAME AND ADDRESS OF EACH CLIENT FROM
 18 WHOM COMPENSATION HAS BEEN RECEIVED BY SUCH REPORTING INDIVIDUAL FOR
 19 A VALUE in EXCESS of \$1,000 [from] FOR THE TAXABLE YEAR LAST OCCUR-
 20 RING PRIOR TO THE DATE OF FILING; THE VALUE OF THE COMPENSATION
 21 RECEIVED FROM EACH CLIENT; AND A GENERAL DESCRIPTION OF THE SERVICES
 22 RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO
 23 NOT LIST THE NAMES OF CLIENTS OF consulting OR OTHER services[, not
 24 including any services] rendered as part of any practice or activity
 25 required to be [disclosed] REPORTED in item 8(a) ABOVE [or services
 26 rendered as part of the practice or activity identified in sections
 27 forty-five hundred four, forty-five hundred five, forty-five hundred
 28 seven, forty-five hundred eight and forty-five hundred ten of the
 29 civil practice law and rules, provide the name and address of each
 30 client, the compensation received from each client, and a general
 31 description of the services rendered or consideration given].

32 Client	Address	Services/Consideration	Category of Value
-----------	---------	------------------------	-------------------

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

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

3 _____
 4 _____
 5 _____
 6 _____

7 (E) IF THE REPORTING INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR THE
 8 INDIVIDUAL'S DOMESTIC PARTNER HAD AN INVESTMENT IN EXCESS OF
 9 \$1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF
 10 FILING, LIST THE NAME, PRINCIPAL ADDRESS AND GENERAL DESCRIPTION
 11 OR THE NATURE OF THE BUSINESS ACTIVITY AND THE CATEGORY OF VALUE
 12 OF SUCH INVESTMENT. DO NOT LIST INVESTMENTS IN SECURITIES OR
 13 REAL PROPERTY.

14	INVESTMENT	ADDRESS	GENERAL DESCRIPTION,	CATEGORY
15			OR NATURE OF BUSINESS	OF VALUE

16 _____
 17 _____
 18 _____
 19 _____

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

28	Self,			Category
29	Spouse,			of
30	DOMESTIC			Value of
31	PARTNER, Name of		Nature	Gift
32	or Child Donor	Address	of Gift	

33 _____
 34 _____
 35 _____
 36 _____
 37 _____

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

47	Source	Description
----	--------	-------------

1 _____
 2 _____
 3 _____
 4 _____
 5 _____

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

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

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

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

29 _____
 30 _____
 31 _____
 32 _____
 33 _____

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

40 _____
 41 _____
 42 _____
 43 _____
 44 _____

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

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

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

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

40	Source	Category of Amount
42		
43		
44		
45		
46		

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

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

4 5	Item Assigned or Transferred	Assigned or Transferred to	Category of Value
6			
7			
8			
9			
10			

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

1				of corporate	
2				stock owned	
3				or controlled	Category of
4				(if more than	Market Value
5				5% of pub-	as of the close
6				licly traded	of the
7				stock, or	taxable year
8	Self/			more than	last occurring
9	Spouse,			10% if stock	prior to
10	OR DOMESTIC	Issuing	Type of	not publicly	the filing of
11	PARTNER	Entity	Security	traded, is held)	this statement
12	<hr/>				
13	<hr/>				
14	<hr/>				
15	<hr/>				
16	<hr/>				

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

30	Self/						
31	Spouse						Category
32	DOMESTIC				Percentage		of
33	PARTNER/		General	Acquisition	of		Market
34	Corporation	Location	Nature	Date	Ownership		Value
35	<hr/>						
36	<hr/>						
37	<hr/>						
38	<hr/>						
39	<hr/>						

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

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

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

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

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

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

45 S 14. The public officers law is amended by adding a new section 74-b
46 to read as follows:
47 S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFI-
48 CER WHO IS SUBJECT TO THE JURISDICTION OF THE EXECUTIVE ETHICS AND
49 COMPLIANCE COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES

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

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

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

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

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

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

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

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

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

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

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

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

34 S 15. Separability clause. If any clause, sentence, paragraph, section
35 or part of this act shall be adjudged by any court of competent juris-
36 diction to be invalid, such judgment shall not affect, impair or invali-
37 date the remainder thereof, but shall be confided in its operation to
38 the clause, sentence, paragraph, section or part thereof directly
39 involved in the controversy in which such judgment shall have been
40 rendered.

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