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

6929

2011-2012 Regular Sessions

I N A S S E M B L Y

April 6, 2011

Introduced by M. of A. SCHROEDER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the public officers law, in relation to state legislative ethics

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

Section 1. Short title. This act shall be known and may be cited as the "ethics in state government now act".

S 2. Section 80 of the legislative law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

S 80. Legislative ethics commission; functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement.

1. There is established a legislative ethics commission which shall consist of nine members. Four members shall be [members of the legislature and shall be] appointed as follows: one by the temporary president of the senate, one by the speaker of the assembly, one by the minority leader of the senate and one by the minority leader of the assembly. [The remaining five] SUCH FOUR members shall not be present or former members of the legislature, candidates for member of the legislature, employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or lobbyists, as defined in section one-c of this chapter, or persons who have been employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or lobbyists, as defined in section one-c of this chapter in the previous five years[, and shall be appointed as follows: one by the temporary president of the senate, one by the speaker of the assembly, one by the minority leader of the senate, one by the minority leader of the assembly, and one]. THE LEGISLATIVE LEADERS SHALL APPOINT INDIVIDUALS WHO ARE QUALIFIED TO SERVE ON

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

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THE COMMISSION BY VIRTUE OF THEIR EDUCATION, TRAINING OR EXPERIENCE IN ONE OR MORE OF THE FOLLOWING DISCIPLINES: LEGISLATIVE, JUDICIAL, ADMINISTRATIVE OR PROFESSIONAL ETHICS; BUSINESS; LAW; AND/OR ACADEMICS. FIVE MEMBERS OF THE COMMISSION SHALL BE APPOINTED AS FOLLOWS: ONE BY THE GOVERNOR, ONE BY THE ATTORNEY GENERAL, ONE BY THE STATE COMPTROLLER, ONE BY THE CHIEF JUDGE OF THE COURT OF APPEALS AND ONE BY THE CHAIRMAN OF THE COMMISSION ON PUBLIC INTEGRITY. THE CHAIR OF THE LEGISLATIVE ETHICS COMMISSION SHALL BE jointly DESIGNATED by the speaker of the assembly and [majority leader] THE TEMPORARY PRESIDENT of the senate FROM AMONGST THE FIVE MEMBERS APPOINTED BY THE GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, CHIEF JUDGE OF THE COURT OF APPEALS AND CHAIRMAN OF THE COMMISSION ON PUBLIC INTEGRITY. NO MORE THAN FIVE MEMBERS OF THE COMMISSION SHALL BELONG TO THE SAME POLITICAL PARTY. The commission shall serve as described in this section and have and exercise the powers and duties set forth in this section only with respect to members of the legislature, legislative employees as defined in section seventy-three of the public officers law, candidates for member of the legislature and individuals who have formerly held such positions or who have formerly been such candidates.

2. [Members of the legislature who serve on the commission shall each have a two year term concurrent with their legislative terms of office.] The members of the commission [who are not members of the legislature and] who are first appointed, AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION, by the temporary president of the senate, speaker of the assembly, minority leader of the senate, and minority leader of the assembly shall serve one, two, three and four year terms, respectively. THE MEMBERS OF THE COMMISSION WHO ARE FIRST APPOINTED, AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION, BY THE GOVERNOR, ATTORNEY GENERAL, STATE COMPTROLLER, CHIEF JUDGE OF THE COURT OF APPEALS AND THE CHAIRMAN OF THE COMMISSION ON PUBLIC INTEGRITY SHALL SERVE TERMS OF FOUR YEARS. The [member] CHAIR of the commission [first appointed] DESIGNATED jointly by the TEMPORARY president of the senate and speaker of the assembly shall serve a four year term AS CHAIR. Each member of the commission [who is not a member of the legislature] shall be appointed thereafter for a term of four years.

3. [The temporary president of the senate and the speaker of the assembly shall each designate one member of the commission as a co-chairperson thereof.] The commission shall meet at least bi-monthly and at such additional times as may be called for by the [co-chairpersons jointly] CHAIR or any five members of the commission.

4. Any vacancy occurring on the commission shall be filled within thirty days by the appointing authority.

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

6. The members of the commission shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

7. The commission shall:

a. Appoint an executive director who shall act in accordance with the policies of the commission;

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

c. Adopt, amend, and rescind policies, rules and regulations consistent with this section to govern procedures of the commission which shall

[not] be subject to the promulgation and hearing requirements of the state administrative procedure act;

d. Administer the provisions of this section;

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

f. Promulgate guidelines to assist appointing authorities in determining which persons hold policy-making positions for purposes of section seventy-three-a of the public officers law and may promulgate guidelines to assist firms, associations and corporations in separating affected persons from net revenues for purposes of subdivision ten of section seventy-three of the public officers law, and promulgate guidelines to assist any firm, association or corporation in which any present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman is a member, associate, retired member, of counsel or shareholder, in complying with the provisions of subdivision ten of section seventy-three of the public officers law with respect to the separation of such present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman from the net revenues of the firm, association or corporation. Such firm, association or corporation shall not be required to adopt the procedures contained in the guidelines to establish compliance with subdivision ten of section seventy-three of the public officers law, but if such firm, association or corporation does adopt such procedures, it shall be deemed to be in compliance with such subdivision ten;

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

h. Review financial disclosure statements in accordance with the provisions of this section, provided however, that the commission may delegate all or part of the review function relating to financial disclosure statements filed by MEMBERS OF THE LEGISLATURE AND legislative employees pursuant to sections seventy-three and seventy-three-a of the public officers law to the executive director who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the commission's delegation;

i. Permit [any person] A MEMBER OF THE LEGISLATURE, A CANDIDATE FOR MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE required to file a financial disclosure statement to request the commission to delete from the copy thereof made available for public inspection and copying [one or more items] OF ALL OR A PORTION OF AN ITEM of information INCLUDED IN SUBPARAGRAPH (C) OF PARAGRAPH EIGHT OF SUCH FINANCIAL DISCLOSURE STATEMENT, which may be deleted by the commission upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties, OR WHICH WOULD CAUSE A VIOLATION OF THE CODE OF PROFESSIONAL ETHICS OF THE PROFESSION IN WHICH THE APPLICANT IS ENGAGED. THE COMMISSION IN GRANTING DELETIONS PURSUANT TO THIS PARAGRAPH, SHALL CONSIDER EACH ITEM OF INFORMATION REQUESTED TO BE DELETED ON AN INDIVIDUAL BASIS, AND SHALL LIMIT ANY DELETIONS PURSUANT TO THIS PARAGRAPH TO THE GREATEST EXTENT THAT IS NECESSARY TO SUPPORT THE GROUNDS FOR THE DELETION;

j. [Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted by the commission upon a finding that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties;

k.] Advise and assist the legislature in establishing rules and regulations relating to possible conflicts between private interests and official duties of present members of the legislature and legislative employees;

[l.] K. Receive and act PURSUANT TO ARTICLE THREE OF THE STATE ADMINISTRATIVE PROCEDURE ACT on complaints regarding persons subject to its jurisdiction alleging a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law, and conduct such investigations and proceedings as are authorized and necessary to carry out the provisions of this section. In connection with such investigations, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material;

[m.] L. Accept and act upon, as if it were a sworn complaint, any referral from another state oversight body indicating that a violation of section seventy-three, SEVENTY-THREE-A or seventy-four of the public officers law may have occurred involving persons subject to the jurisdiction of the commission;

[n.] M. Upon written request from any person who is subject to the jurisdiction of the commission and the requirements of sections seventy-three, seventy-three-a and seventy-four of the public officers law, render formal advisory opinions on the requirements of said provisions. A formal opinion rendered by the commission, until and unless amended or revoked, shall be binding on the commission in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense in any criminal or civil action;

[o.] N. Issue and publish generic advisory opinions covering questions frequently posed to the commission, or questions common to a class or defined category of persons, or that will tend to prevent undue repetition of requests or undue complication, and which are intended to provide general guidance and information to persons subject to the commission's jurisdiction;

[p.] O. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees; and

[q.] P. Prepare an annual report to the governor and legislature summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include: (i) a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition

and any sanction imposed[, subject to the confidentiality requirements of this section]. Such annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision fourteen of this section.

8. The commission, or the executive director and staff of the commission if responsibility regarding such financial disclosure statements filed by MEMBERS OF THE LEGISLATURE AND legislative employees has been delegated, shall inspect all financial disclosure statements filed with the commission to ascertain whether any person subject to the reporting requirements of subdivision six of section seventy-three or section seventy-three-a of the public officers law has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law. THE COMMISSION, EXECUTIVE DIRECTOR OR STAFF OF THE COMMISSION MAY REEXAMINE ANY PREVIOUSLY SUBMITTED FINANCIAL DISCLOSURE STATEMENT THAT HAS BEEN FILED WITHIN THE PAST FIVE YEARS IF NEW INFORMATION HAS COME TO THE ATTENTION OF THE COMMISSION WHICH MAY REVEAL A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

9. If a person required to file a financial disclosure statement with the commission has failed to file a financial disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency: (a) to the reporting person; (b) in the case of a senator, to the temporary president of the senate, and if a member of assembly, to the speaker of the assembly; and (c) in the case of a legislative employee, to the appointing authority for such person and to the temporary president of the senate and/or the speaker of the assembly, as the case may be, who has jurisdiction over such appointing authority. Such notice of delinquency may be sent at any time during the reporting person's service as a member of the legislature or legislative employee or while a candidate for member of the legislature, or within one year after separation from such service or the termination of such candidacy. The jurisdiction of the commission, when acting pursuant to subdivision eleven of this section with respect to financial disclosure, shall continue notwithstanding that the reporting person separates from state service or terminates his or her candidacy, provided the commission notifies such person of the alleged failure to file or deficient filing pursuant to this subdivision.

10. a. If a reporting person has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law, or the commission receives a referral from another state oversight body, OR THE COMMISSION RECEIVES OR DISCOVERS INFORMATION AT ANY TIME THAT REVEALS A POSSIBLE VIOLATION OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, or the commission receives a sworn complaint alleging such a violation by a reporting person or a legislative employee subject to the provisions of such laws, or if the commission determines on its own initiative to investigate a possible violation by a reporting person or a legislative employee subject to the provisions of such laws, the commission shall notify the reporting person in writing, describe the

possible or alleged violation thereof and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the commission thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. THE COMMISSION SHALL REVIEW AND MAKE AN AFFIRMATIVE DETERMINATION ON SUCH POSSIBLE VIOLATION WITHIN THIRTY DAYS OF SUCH REPORTING INDIVIDUAL'S WRITTEN RESPONSE. THE COMMISSION MAY EXTEND SUCH THIRTY DAY PERIOD OF TIME ONCE FOR AN ADDITIONAL THIRTY DAYS. The commission shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the commission determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

b. If the commission determines that there is reasonable cause to believe that a violation has occurred, OR THAT A REQUIRED FINANCIAL DISCLOSURE STATEMENT HAS NOT BEEN FILED ON A TIMELY BASIS AFTER ALL EXTENSIONS TO FILE HAVE BEEN EXHAUSTED OR THAT A FILED FINANCIAL STATEMENT IS MATERIALLY INCOMPLETE OR INACCURATE, it shall send a notice of reasonable cause: (i) to the reporting person; (ii) to the complainant if any; (iii) in the case of a senator, to the temporary president of the senate, and if a member of the assembly, to the speaker of the assembly; and (iv) in the case of a legislative employee, to the appointing authority for such person and to the temporary president of the senate and/or the speaker of the assembly, as the case may be, who has jurisdiction over such appointing authority.

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

11. An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve, fourteen or fifteen of section seventy-three of the public officers law or a reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph A, b, c, d, E, G or i of subdivision three of section seventy-four of the public officers law shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. [Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of section

seventy-four of the public officers law shall be subject to a civil penalty in an amount equal to the value of any gift, compensation or benefit received as a result of such violation.] Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve, fourteen or fifteen of section seventy-three or section seventy-four of the public officers law, OR FOR A SECOND OR SUBSEQUENT VIOLATION OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, the legislative ethics commission may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. [Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law.] The legislative ethics commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized [and commission denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraph i or paragraph j of subdivision seven of this section]. Such rules[, which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act,] shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or commission denial of such a deletion [or exemption request] shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

12. If the commission has a reasonable basis to believe that any person subject to the jurisdiction of another state oversight body may have violated section seventy-three or seventy-four of the public officers law, section one hundred seven of the civil service law, or article one-A of this chapter, it shall refer such violation to such oversight body unless the commission determines that such a referral would compromise the prosecution or confidentiality of its investigations and, if so, shall make such a referral as soon as practicable. The referral by the commission shall include any information relating thereto coming

into the custody or under the control of the commission at any time prior or subsequent to the time of the referral.

13. A copy of any notice of delinquency or notice of reasonable cause sent pursuant to subdivisions nine and ten of this section shall be included in the reporting person's file and be available for public inspection and copying.

14. a. Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law [except the categories of value or amount which shall be confidential, and any other item of information deleted pursuant to paragraph i of subdivision seven of this section];

(2) financial disclosure statements filed pursuant to subdivision six of section seventy-three of the public officers law;

(3) notices of delinquency sent under subdivision nine of this section;

(4) notices of reasonable cause sent under paragraph b of subdivision ten of this section;

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

(6) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy;

(7) generic advisory opinions; and

(8) all reports required by this section.

b. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the commission shall be open to the public, except if expressly provided otherwise by this section or the commission.

15. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission, and which shall contain the documents identified in subdivision fourteen of this section, other than financial disclosure statements, and any other records or information which the commission determines to be appropriate.

16. This section shall not revoke or rescind any policies, rules, regulations or advisory opinions issued by the legislative ethics [committee] COMMISSION in effect upon the effective date of this subdivision, to the extent that such regulations or opinions are not inconsistent with any laws of the state of New York. The legislative ethics commission shall undertake a comprehensive review of all such policies, rules, regulations or advisory opinions which will address the consistency of such policies, rules, regulations or advisory opinions with the laws of the state of New York. The legislative ethics commission shall, before April first, two thousand eight, report to the governor and legislature regarding such review and shall propose any regulatory changes and issue any advisory opinions necessitated by such review.

17. Separability clause. If any part or provision of this section or the application thereof to any person is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provision or the

application thereof to any other person, but shall be confined to such part or provision.

S 3. Section 73 of the public officers law is amended by adding two new subdivisions 14-a and 14-b to read as follows:

14-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF THIS SECTION, NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, AS DEFINED BY PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE-A OF THIS ARTICLE, SHALL PARTICIPATE IN ANY DECISION TO HIRE, PROMOTE, PROCESS EMPLOYMENT PAPERWORK FOR OR HAVE KNOWLEDGE OF THE PROSPECTIVE EMPLOYMENT OR CHANGE OF EMPLOYMENT STATUS OF ANY RELATIVE FOR ANY COMPENSATED POSITION AT, FOR OR WITHIN THE SAME LEGISLATIVE CHAMBER WHICH EMPLOYS SUCH MEMBER OR LEGISLATIVE EMPLOYEE. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PERSONS TO WHICH PARAGRAPH (B) OF SUBDIVISION FOURTEEN OF THIS SECTION APPLIES.

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

S 4. Paragraph 3 of subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, the third and fourth undesignated paragraphs as added by chapter 242 of the laws of 1989, is amended to read as follows:

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

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

1. Name _____

2. (a) Title of Position _____

(b) Department, Agency or other Governmental Entity _____

(c) Address of Present Office _____

(d) Office Telephone Number _____

3. (a) Marital Status _____. If married, please give spouse's full name including maiden name where applicable.

_____ .

(b) List the names of all unemancipated children.

_____

_____

_____

_____

_____

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

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under [$60,000] $40,000; Category D - [$60,000] $40,000 to under [$100,000] $60,000; Category E - [$100,000] $60,000 to under [$250,000] $100,000; [and] Category F - [$250,000 or over] $100,000 TO UNDER $150,000; AND CATEGORY G - $150,000 OR OVER. A

reporting individual shall indicate the Category by letter only; PROVIDED, HOWEVER, THAT, FOR A VALUE OR AMOUNT IN CATEGORY G, THE REPORTING INDIVIDUAL SHALL STATE SUCH VALUE OR AMOUNT ROUNDED TO THE NEAREST TEN THOUSAND DOLLARS.

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

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

S 5. Paragraph 8 of subdivision 3 of section 73-a of the public officers law is amended by adding two new subparagraphs (c) and (d) to read as follows:

(C) IF THE REPORTING INDIVIDUAL IS A MEMBER OF THE LEGISLATURE, A CANDIDATE FOR MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE, AND PRACTICES LAW, IS LICENSED BY THE DEPARTMENT OF STATE AS A REAL ESTATE BROKER OR AGENT, PROVIDES CONSULTING SERVICES OR IS A LOBBYIST AS DEFINED IN ARTICLE ONE-A OF THE LEGISLATIVE LAW, AND RECEIVED COMPENSATION IN EXCESS OF $1,000 FOR APPEARANCES BEFORE A STATE OR MUNICIPAL AGENCY, OR FROM SOLICITING ANY CONTRACT TO PROVIDE SERVICES OR GOODS TO A STATE OR MUNICIPAL AGENCY, WITH RESPECT TO MATTERS OTHER THAN MINISTERIAL MATTERS, OR FROM REPRESENTING A CLIENT WHO IS A LOBBYIST OR EMPLOYS A LOBBYIST, PROVIDE THE NAME AND ADDRESS OF THE CLIENTS, THE NATURE OF THE SERVICES PROVIDED, AND THE CATEGORY OF VALUE.

CLIENT	ADDRESS	NATURE OF SERVICES	CATEGORY OF VALUE

(D) IF THE REPORTING INDIVIDUAL IS A MEMBER OF THE LEGISLATURE, A CANDIDATE FOR MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE, AND A MEMBER, EMPLOYEE, RETIRED MEMBER, OF COUNSEL OR SHAREHOLDER OF A FIRM, ASSOCIATION OR CORPORATION THAT PRACTICES LAW, IS LICENSED BY THE DEPARTMENT OF STATE TO PROVIDE REAL ESTATE BROKERAGE SERVICES, PROVIDES CONSULTING SERVICES OR ENGAGES IN LOBBYING PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW, WHEN THE REPORTING INDIVIDUAL RECEIVED COMPENSATION IN EXCESS OF $1,000 FROM SUCH FIRM, ASSOCIATION OR CORPORATION WHEN THE FIRM, ASSOCIATION OR CORPORATION OR AN EMPLOYEE THEREOF APPEARED BEFORE A STATE OR MUNICIPAL AGENCY, OR SOLICITED ANY CONTRACT TO PROVIDE SERVICES OR GOODS TO A STATE OR MUNICIPAL AGENCY, WITH RESPECT TO MATTERS OTHER THAN MINISTERIAL MATTERS, OR FROM REPRESENTING A CLIENT WHO IS A LOBBYIST OR EMPLOYS A LOBBYIST, PROVIDE THE NAME AND ADDRESS OF THE CLIENTS, THE NATURE OF THE SERVICES PROVIDED, AND THE CATEGORY OF VALUE PAID FOR SUCH SERVICES.

CLIENT	ADDRESS	NATURE OF SERVICES	CATEGORY OF VALUE

S 6. Paragraphs a, b, d and g of subdivision 3 of section 74 of the public officers law, paragraphs a, b and g as amended by chapter 1012 of the laws of 1965 and paragraph d as amended by chapter 1 of the laws of 2010, are amended to read as follows:

a. No officer or employee of a state agency, member of the legislature or legislative employee should accept, NOR RETAIN UPON ACCEPTANCE OF EMPLOYMENT BY THE LEGISLATURE, other employment which [will] MAY REASONABLY impair his OR HER independence of judgment in the exercise of his OR HER official duties.

b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which [will] MAY REASONABLY require him OR HER to disclose confidential information which he OR SHE has gained by reason of his OR HER official position or authority.

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself, HIS OR HER RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE, or others, including but not limited to, the misappropriation to himself, herself, HIS OR HER RELATIVE, AS DEFINED IN PARAGRAPH (M) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE, or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.

g. An officer or employee of a state agency, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE should abstain from making personal investments in enterprises which he OR SHE has reason to believe may be directly involved in decisions to be made by him OR HER or which will otherwise create substantial conflict between his OR HER duty in the public interest and his OR HER private interest.

S 7. The nine members of the legislative ethics commission holding office immediately prior to the effective date of this act are hereby removed from their positions as such members, and nine new members shall be appointed in accordance with section 80 of the legislative law, as amended by section two of this act.

S 8. This act shall take effect on the ninetieth day after it shall have become a law.