

6942

2011-2012 Regular Sessions

I N A S S E M B L Y

April 6, 2011

Introduced by M. of A. GALEF, PAULIN -- Multi-Sponsored by -- M. of A. CAMARA, SAYWARD, THIELE -- read once and referred to the Committee on Governmental Operations

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

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

1 Section 1. The legislative law is amended by adding a new section
2 1-m-1 to read as follows:
3 S 1-M-1. CERTAIN FUNCTIONS PROHIBITED IN ALBANY COUNTY. NOTWITHSTAND-
4 ING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON OR ENTITY SHALL
5 HOLD, PARTICIPATE IN, OR ATTEND A FUNCTION DESIGNED TO SOLICIT FUNDS
6 THAT ARE SUBJECT TO THE REPORTING REQUIREMENTS OF ARTICLE FOURTEEN OF
7 THE ELECTION LAW IN THE COUNTY OF ALBANY WHENEVER THE LEGISLATURE IS IN
8 SESSION. THE FOREGOING SHALL NOT APPLY TO A STATEWIDE ELECTED OFFICIAL,
9 STATE OFFICER OR EMPLOYEE, OR MEMBER OF THE LEGISLATURE, WHO REPRESENTS
10 OR HOLDS OFFICE IN THE COUNTY OF ALBANY.
11 S 2. Subdivision (a) and paragraphs (i) and (iv) of subdivision (b) of
12 section 1-o of the legislative law, as added by chapter 14 of the laws
13 of 2007, are amended to read as follows:
14 (a) (i) Any lobbyist, public corporation, or client who knowingly and
15 wilfully fails to file timely a report or statement required by this
16 section or knowingly and wilfully files false information or knowingly
17 and wilfully violates section one-m OR ONE-M-ONE of this article shall
18 be guilty of a class A misdemeanor; and
19 (ii) any lobbyist, public corporation, or client who knowingly and
20 wilfully fails to file timely a report or statement required by this
21 section or knowingly and wilfully files false information or knowingly
22 and wilfully violates section one-m OR ONE-M-ONE of this article, after
23 having previously been convicted in the preceding five years of the

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

LBD09935-01-1

1 crime described in paragraph (i) of this subdivision, shall be guilty of
2 a class E felony. Any lobbyist convicted of or pleading guilty to a
3 felony under the provisions of this section may be barred from acting as
4 a lobbyist for a period of one year from the date of the conviction. For
5 the purposes of this subdivision, the chief administrative officer of
6 any organization required to file a statement or report shall be the
7 person responsible for making and filing such statement or report unless
8 some other person prior to the due date thereof has been duly designated
9 to make and file such statement or report.

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

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

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

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

36 S 4. This act shall take effect immediately.