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

8301

2011-2012 Regular Sessions

I N A S S E M B L Y

June 10, 2011

Introduced by M. of A. SILVER, KOLB, O'DONNELL, MILLMAN, ENGLEBRIGHT, CANESTRARI, FARRELL, JORDAN, SMARDZ -- Multi-Sponsored by -- M. of A. BRONSON, CAHILL, GABRYSZAK, GIGLIO, MAGNARELLI, OAKS, RAMOS, REILLY, ROBERTS, RUSSELL, SPANO, WEISENBERG, ZEBROWSKI -- (at request of the Governor) -- read once and referred to the Committee on Governmental Operations

AN ACT in relation to establishing the public integrity reform act of 2011; to amend the public officers law, in relation to the business or professional activities of state employees; to amend the executive law, in relation to the commission on public integrity; to amend the legislative law, in relation to the legislative ethics office; to amend the public officers law, in relation to the joint commission on public ethics; and in relation to the transfer of certain powers and duties to the joint commission on public ethics (Part A); to amend the legislative law, in relation to reports by lobbyists (Part B); to amend the retirement and social security law, in relation to pension forfeiture for certain public officials; and to amend the criminal procedure law, in relation to notice of entry of plea involving a public official (Part C); to amend the legislative law, in relation to the definition of lobbying and gifts (Part D); and to amend the election law, in relation to political communication, independent expenditure reporting, enforcement proceeding and penalties for violations (Part E)

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

Section 1. This act shall be known and may be cited as the "Public Integrity Reform Act of 2011."

S 2. This act enacts into law major components of legislation which are necessary to enact ethics reform. Each component is wholly contained within a Part identified as Parts A through E. The effective date for each particular provision contained within such Part is set

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

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forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section four of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph (a) of subdivision 1 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the [state] JOINT COMMISSION ON PUBLIC ethics [commission] or legislative ethics [committee] COMMISSION in relation to persons subject to their respective jurisdictions.

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

2. In addition to the prohibitions contained in subdivision seven [hereof] OF THIS SECTION, no statewide elected official, state officer or employee, member of the legislature or legislative employee shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, OR ANY EXECUTIVE ORDER, OR ANY LEGISLATION OR RESOLUTION BEFORE THE STATE LEGISLATURE, whereby his OR HER compensation is to be dependent or contingent upon any action by such agency OR LEGISLATURE with respect to any license, contract, certificate, ruling, decision, EXECUTIVE ORDER, opinion, rate schedule, franchise, LEGISLATION, RESOLUTION or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

S 3. Paragraph (a) of subdivision 6 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

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

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

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

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

S 4. Every state agency, department, division, office, and board; every public benefit corporation, public authority and commission at least one of whose members is appointed by the governor; the state university of New York and the city university of New York, including all their constituent units except community colleges of the state university of New York; and the independent institutions operating statutory or contract colleges on behalf of the state, shall cooperate with the office of general services and supply to that office on a schedule and in a format determined by the office of general services in consultation with such governmental bodies, a list of all individuals, firms, or other entities (other than state or local governmental agencies) who have appeared before such governmental body in a representative capacity on behalf of a client or customer for purposes of: (a) procuring a state contract for real property, goods or services for such client; (b) representing such client or customer in a proceeding relating to rate making; (c) representing such client in a regulatory matter; (d) representing such client or customer in a judicial or quasi-judicial proceeding; or (e) representing such client or customer in the adoption or repeal of a rule or regulation. The office of general services shall create forms upon which such information shall be supplied and a database which shall collect and systemize the collection of such information. The office of general services shall make the database available and accessible to members of the public on a webpage subject to statutory confidentiality restrictions, and shall ensure that the information contained in the database is readily searchable and available for download. The database shall be known as "project sunlight".

S 5. Section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chapter 283 of the laws of 1996, subparagraphs (ii) and (iii) of paragraph (c) and paragraph (d) of subdivision 1, subparagraphs (v), (vi) and (vii) of paragraph (a) and paragraphs (e) and (g) of subdivision 2, paragraph 4, subparagraph (a) of paragraph 5, paragraphs 6, 9, 10, 11, subparagraph (b) of paragraph 12, paragraphs 13, 14, 15, 16, 17, 18 and 19 of subdivision 3 and subdivision 4 as amended and paragraph (l) of subdivision 1, subparagraph (viii) of paragraph (a) and paragraph (j) of subdivision 2 and the third and fourth undesignated paragraphs of paragraph 3 of subdivision 3 as added by chapter 242 of the laws of 1989, is amended to read as follows:

S 73-a. Financial disclosure. 1. As used in this section:

(a) The term "statewide elected official" shall mean the governor, lieutenant governor, comptroller, or attorney general.

(b) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges of the state university of New York and the independent institutions operating statutory or contract colleges on behalf of the state.

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

(i) heads of state departments and their deputies and assistants;

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commis-

sions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the [state] JOINT COMMISSION ON PUBLIC ethics [commission] established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the [state] JOINT COMMISSION ON PUBLIC ethics [commission] established by section ninety-four of the executive law during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (l) below or who is determined to hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the legislative ETHICS COMMISSION AND THE JOINT COMMISSION ON PUBLIC ethics [committee established by section eighty of the legislative law].

(D-1) A FINANCIAL DISCLOSURE STATEMENT REQUIRED PURSUANT TO SECTION SEVENTY-THREE OF THIS ARTICLE AND THIS SECTION SHALL BE DEEMED "FILED" WITH THE JOINT COMMISSION ON PUBLIC ETHICS UPON ITS FILING, IN ACCORDANCE WITH THIS SECTION, WITH THE LEGISLATIVE ETHICS COMMISSION FOR ALL PURPOSES INCLUDING, BUT NOT LIMITED TO, SUBDIVISION FOURTEEN OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW, SUBDIVISION NINE OF SECTION EIGHTY OF THE LEGISLATIVE LAW AND SUBDIVISION FOUR OF THIS SECTION.

(e) The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (i) a judicial order, decree or judgment, or (ii) a legally binding separation agreement.

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

(g) The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

(h) The term "political party chairman" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of this [chapter] ARTICLE.

(i) The term "local agency" shall mean:

(i) any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and

(ii) any public benefit corporation or public authority not included in the definition of a state agency.

(j) The term "regulatory agency" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of this [chapter] ARTICLE.

(k) The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of this [chapter] ARTICLE.

(l) The term "filing rate" shall mean the job rate of SG-24 as set forth in paragraph a of subdivision one of section one hundred thirty of the civil service law as of April first of the year in which an annual financial disclosure statement shall be filed.

(M) THE TERM "LOBBYIST" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM IN SUBDIVISION (A) OF SECTION ONE-C OF THE LEGISLATIVE LAW.

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three [hereof] OF THIS SECTION. [Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that] ON OR BEFORE THE FIFTEENTH DAY OF MAY WITH RESPECT TO THE PRECEDING CALENDAR YEAR: (1) EVERY MEMBER OF THE LEGISLATURE, EVERY CANDIDATE FOR MEMBER OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEE SHALL FILE SUCH STATEMENT WITH THE LEGISLATIVE ETHICS COMMISSION WHICH SHALL PROVIDE SUCH STATEMENT ALONG WITH ANY REQUESTS FOR EXEMPTIONS OR DELETIONS TO THE JOINT COMMISSION ON PUBLIC ETHICS FOR FILING AND RULINGS WITH RESPECT TO SUCH REQUESTS FOR EXEMPTIONS OR DELETIONS, ON OR BEFORE THE THIRTIETH DAY OF JUNE; AND (2) ALL OTHER INDIVIDUALS REQUIRED TO FILE SUCH STATEMENT SHALL FILE IT WITH THE JOINT COMMISSION ON PUBLIC ETHICS, EXCEPT THAT:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the [state] JOINT COMMISSION ON PUBLIC ethics [commission or with the legislative ethics committee], and who is granted an additional period of time within which to file such statement due to justi-

fiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law [or pursuant to paragraph c of subdivision eight of section eighty of the legislative law,] shall file such statement within the additional period of time granted; AND THE LEGISLATIVE ETHICS COMMISSION SHALL NOTIFY THE JOINT COMMISSION ON PUBLIC ETHICS OF ANY EXTENSION GRANTED PURSUANT TO THIS PARAGRAPH;

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

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

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

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within [seven] TEN days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election;

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

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

(IX) WITH RESPECT TO ALL CANDIDATES FOR MEMBER OF THE LEGISLATURE, THE LEGISLATIVE ETHICS COMMISSION SHALL WITHIN FIVE DAYS OF RECEIPT PROVIDE THE JOINT COMMISSION ON PUBLIC ETHICS THE STATEMENT FILED PURSUANT TO SUBPARAGRAPHS (V), (VI), (VII) AND (VIII) OF THIS PARAGRAPH.

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

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with BOTH the legislative ethics [committee] COMMISSION established by section eighty of the legislative law AND THE JOINT COMMISSION ON PUBLIC ETHICS IN ACCORDANCE WITH PARAGRAPH (D-1) OF SUBDIVISION ONE OF THIS SECTION. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such

statement shall be filed with the [state] JOINT COMMISSION ON PUBLIC ethics [commission] established by section ninety-four of the executive law.

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

(e) Any person required to file such statement who commences employment after May fifteenth of any year and political party chairman shall file such statement within thirty days after commencing employment or of taking the position of political party chairman, as the case may be. IN THE CASE OF MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES, SUCH STATEMENTS SHALL BE FILED WITH THE LEGISLATIVE ETHICS COMMISSION WITHIN THIRTY DAYS AFTER COMMENCING EMPLOYMENT, AND THE LEGISLATIVE ETHICS COMMISSION SHALL PROVIDE SUCH STATEMENTS TO THE JOINT COMMISSION ON PUBLIC ETHICS WITHIN FORTY-FIVE DAYS OF RECEIPT.

(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the [state ethics commission] JOINT COMMISSION ON PUBLIC ETHICS and the legislative ethics [committee] COMMISSION in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.

(g) A person who is employed in more than one employment capacity for one or more employers certain of whose officers and employees are subject to filing a financial disclosure statement with the same ethics commission [or ethics committee], as the case may be, and who receives distinctly separate payments of compensation for such employment shall be subject to the filing requirements of this section if the aggregate annual compensation for all such employment capacities is in excess of the filing rate notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity. A person not otherwise required to file a financial disclosure statement hereunder who is employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the [state ethics] JOINT commission ON PUBLIC ETHICS and who is also employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the legislative ethics [committee] COMMISSION shall not be subject to filing such statement with either such commission [or such committee] on the basis that his aggregate annual compensation from all such employers is in excess of the filing rate.

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

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

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

(K) THE JOINT COMMISSION ON PUBLIC ETHICS SHALL POST FOR AT LEAST FIVE YEARS BEGINNING FOR FILINGS MADE ON JANUARY FIRST, TWO THOUSAND THIRTEEN THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AND ANY AMENDMENTS FILED BY EACH PERSON SUBJECT TO THE REPORTING REQUIREMENTS OF THIS SUBDIVISION WHO IS AN ELECTED OFFICIAL ON ITS WEBSITE FOR PUBLIC REVIEW WITHIN THIRTY DAYS OF ITS RECEIPT OF SUCH STATEMENT OR WITHIN TEN DAYS OF ITS RECEIPT OF SUCH AMENDMENT THAT REFLECTS ANY CORRECTIONS OF DEFICIENCIES IDENTIFIED BY THE COMMISSION OR BY THE REPORTING INDIVIDUAL AFTER THE REPORTING INDIVIDUAL'S INITIAL FILING. EXCEPT UPON AN INDIVIDUAL DETERMINATION BY THE COMMISSION THAT CERTAIN INFORMATION MAY BE DELETED FROM A REPORTING INDIVIDUAL'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE, NONE OF THE INFORMATION IN THE STATEMENT POSTED ON THE COMMISSION'S WEBSITE SHALL BE OTHERWISE DELETED.

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.

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

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories IN TABLE I OR TABLE II OF THIS SUBDIVISION AS CALLED FOR IN THE QUESTION: [Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under $60,000; Category D - $60,000 to under $100,000; Category E - $100,000 to under $250,000; and Category F - $250,000 or over.] A reporting individual shall indicate the Category by letter only.

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

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

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

Position	Organization	State or Local Agency

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

Position	Organization	State or Local Agency

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

Position	Name & Address of Organization	Description	State or Local Agency

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

Position	Name & Address of Organization	Description	State or Local Agency

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

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract (IN TABLE II)

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

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8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, OR WORKS AS A MEMBER OR EMPLOYEE OF A FIRM REQUIRED TO REGISTER PURSUANT TO SECTION ONE-E OF THE LEGISLATIVE LAW AS A LOBBYIST, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. [Do not list the name of the individual clients, customers or patients.]

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(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

IF THE REPORTING INDIVIDUAL PERSONALLY PROVIDES SERVICES TO ANY PERSON OR ENTITY, OR WORKS AS A MEMBER OR EMPLOYEE OF A PARTNERSHIP OR CORPORATION THAT PROVIDES SUCH SERVICES (REFERRED TO HEREINAFTER AS A "FIRM"), THEN IDENTIFY EACH CLIENT OR CUSTOMER TO WHOM THE REPORTING INDIVIDUAL PERSONALLY PROVIDED SERVICES, OR WHO WAS REFERRED TO THE FIRM BY THE REPORTING INDIVIDUAL, AND FROM WHOM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM EARNED FEES IN EXCESS OF $10,000 DURING THE REPORTING PERIOD FOR SUCH SERVICES RENDERED IN DIRECT CONNECTION WITH:

(I) A PROPOSED BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY DURING THE REPORTING PERIOD;

(II) A CONTRACT IN AN AMOUNT TOTALING $50,000 OR MORE FROM THE STATE OR ANY STATE AGENCY FOR SERVICES, MATERIALS, OR PROPERTY;

(III) A GRANT OF $25,000 OR MORE FROM THE STATE OR ANY STATE AGENCY DURING THE REPORTING PERIOD;

(IV) A GRANT OBTAINED THROUGH A LEGISLATIVE INITIATIVE DURING THE REPORTING PERIOD; OR

(V) A CASE, PROCEEDING, APPLICATION OR OTHER MATTER THAT IS NOT A MINISTERIAL MATTER BEFORE A STATE AGENCY DURING THE REPORTING PERIOD.

FOR PURPOSES OF THIS QUESTION, "REFERRED TO THE FIRM" SHALL MEAN: HAVING INTENTIONALLY AND KNOWINGLY TAKEN A SPECIFIC ACT OR SERIES OF ACTS TO INTENTIONALLY PROCURE FOR THE REPORTING INDIVIDUAL'S FIRM OR KNOWINGLY SOLICIT OR DIRECT TO THE REPORTING INDIVIDUAL'S FIRM IN WHOLE OR SUBSTANTIAL PART, A PERSON OR ENTITY THAT BECOMES A CLIENT OF THAT FIRM FOR THE PURPOSES OF REPRESENTATION FOR A MATTER AS DEFINED IN SUBPARAGRAPHS (I) THROUGH (V) OF THIS PARAGRAPH, AS THE RESULT OF SUCH PROCUREMENT, SOLICITATION OR DIRECTION OF THE REPORTING INDIVIDUAL. A REPORTING INDIVIDUAL NEED NOT DISCLOSE ACTIVITIES PERFORMED WHILE LAWFULLY ACTING PURSUANT TO PARAGRAPHS (C), (D), (E) AND (F) OF SUBDIVISION SEVEN OF SECTION SEVENTY-THREE OF THIS ARTICLE.

THE DISCLOSURE REQUIREMENT IN THIS QUESTION SHALL NOT REQUIRE DISCLOSURE OF CLIENTS OR CUSTOMERS RECEIVING MEDICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES, RESIDENTIAL REAL ESTATE BROKERING SERVICES, OR INSURANCE BROKERING SERVICES FROM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM. THE REPORTING INDIVIDUAL NEED NOT IDENTIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL REPRESENTATION WITH RESPECT TO INVESTIGATION OR PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, OR DOMESTIC RELATIONS MATTERS. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS, WHERE DISCLOSURE OF A CLIENT'S IDENTITY IS LIKELY TO CAUSE HARM, THE REPORTING INDIVIDUAL SHALL REQUEST AN EXEMPTION FROM THE JOINT COMMISSION PURSUANT TO PARAGRAPH (I) OF SUBDIVISION NINE OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW. ONLY A REPORTING INDIVIDUAL WHO FIRST ENTERS PUBLIC OFFICE AFTER JULY FIRST, TWO THOUSAND TWELVE, NEED NOT REPORT CLIENTS OR CUSTOMERS WITH RESPECT TO MATTERS FOR WHICH THE REPORTING INDIVIDUAL OR HIS OR HER FIRM WAS RETAINED PRIOR TO ENTERING PUBLIC OFFICE.

CLIENT NATURE OF SERVICES PROVIDED

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(c) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property.

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

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift (IN TABLE I)

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

Source	Description

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

Identity	Category of Value* (IN TABLE II)

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

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such

individual after leaving office or position (other than a leave of absence).

_____
_____
_____
_____
_____

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

_____
_____
_____
_____
_____

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount (IN TABLE I)

14. List the sources of any deferred income (not retirement income) in EXCESS of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the

practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of Amount (IN TABLE I)

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

Item Assigned or Transferred	Assigned or Transferred to	Category of Value (IN TABLE I)

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in EXCESS of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed ONLY IF the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person or the reporting person's spouse holds more than five percent (5%) of the stock of a corporation in which the stock is publicly traded or more than ten percent (10%) of the stock of a corporation in which the stock is NOT publicly traded. Also list securities owned for investment

purposes by a corporation more than fifty percent (50%) of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean mutual funds, bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits (CDs) and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is corporate stock, NOT publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

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

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

Self/ Spouse/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value (IN TABLE II)

_____
_____
_____

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

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount (IN TABLE II)

19. List below all liabilities of the reporting individual and such individual's spouse, in EXCESS of [$5,000] $10,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount (IN TABLE II)

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

_____ _____

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

TABLE I

CATEGORY A	NONE	
CATEGORY B	$ 1 TO UNDER $	1,000
CATEGORY C	$ 1,000 TO UNDER $	5,000
CATEGORY D	$ 5,000 TO UNDER $	20,000
CATEGORY E	$ 20,000 TO UNDER $	50,000
CATEGORY F	$ 50,000 TO UNDER $	75,000
CATEGORY G	$ 75,000 TO UNDER $	100,000
CATEGORY H	$ 100,000 TO UNDER $	150,000
CATEGORY I	$ 150,000 TO UNDER $	250,000
CATEGORY J	$ 250,000 TO UNDER $	350,000
CATEGORY K	$ 350,000 TO UNDER $	450,000
CATEGORY L	$ 450,000 TO UNDER $	550,000
CATEGORY M	$ 550,000 TO UNDER $	650,000
CATEGORY N	$ 650,000 TO UNDER $	750,000
CATEGORY O	$ 750,000 TO UNDER $	850,000
CATEGORY P	$ 850,000 TO UNDER $	950,000
CATEGORY Q	$ 950,000 TO UNDER $1	050,000
CATEGORY R	$1,050,000 TO UNDER $1	150,000
CATEGORY S	$1,150,000 TO UNDER $1	250,000
CATEGORY T	$1,250,000 TO UNDER $1	350,000
CATEGORY U	$1,350,000 TO UNDER $1	450,000
CATEGORY V	$1,450,000 TO UNDER $1	550,000
CATEGORY W	$1,550,000 TO UNDER $1	650,000
CATEGORY X	$1,650,000 TO UNDER $1	750,000
CATEGORY Y	$1,750,000 TO UNDER $1	850,000
CATEGORY Z	$1,850,000 TO UNDER $1	950,000
CATEGORY AA	$1,950,000 TO UNDER $2	050,000
CATEGORY BB	$2,050,000 TO UNDER $2	150,000
CATEGORY CC	$2,150,000 TO UNDER $2	250,000
CATEGORY DD	$2,250,000 TO UNDER $2	350,000
CATEGORY EE	$2,350,000 TO UNDER $2	450,000
CATEGORY FF	$2,450,000 TO UNDER $2	550,000
CATEGORY GG	$2,550,000 TO UNDER $2	650,000
CATEGORY HH	$2,650,000 TO UNDER $2	750,000
CATEGORY II	$2,750,000 TO UNDER $2	850,000
CATEGORY JJ	$2,850,000 TO UNDER $2	950,000
CATEGORY KK	$2,950,000 TO UNDER $3	050,000
CATEGORY LL	$3,050,000 TO UNDER $3	150,000
CATEGORY MM	$3,150,000 TO UNDER $3	250,000
CATEGORY NN	$3,250,000 TO UNDER $3	350,000
CATEGORY OO	$3,350,000 TO UNDER $3	450,000
CATEGORY PP	$3,450,000 TO UNDER $3	550,000
CATEGORY QQ	$3,550,000 TO UNDER $3	650,000
CATEGORY RR	$3,650,000 TO UNDER $3	750,000
CATEGORY SS	$3,750,000 TO UNDER $3	850,000
CATEGORY TT	$3,850,000 TO UNDER $3	950,000
CATEGORY UU	$3,950,000 TO UNDER $4	050,000

CATEGORY VV	$4,050,000 TO UNDER	$4,150,000
CATEGORY WW	$4,150,000 TO UNDER	$4,250,000
CATEGORY XX	$4,250,000 TO UNDER	$4,350,000
CATEGORY YY	$4,350,000 TO UNDER	$4,450,000
CATEGORY ZZ	$4,450,000 TO UNDER	$4,550,000
CATEGORY AAA	$4,550,000 TO UNDER	$4,650,000
CATEGORY BBB	$4,650,000 TO UNDER	$4,750,000
CATEGORY CCC	$4,750,000 TO UNDER	$4,850,000
CATEGORY DDD	$4,850,000 TO UNDER	$4,950,000
CATEGORY EEE	$4,950,000 TO UNDER	$5,050,000
CATEGORY FFF	$5,050,000 TO UNDER	$5,150,000
CATEGORY GGG	$5,150,000 TO UNDER	$5,250,000
CATEGORY HHH	$5,250,000 TO UNDER	$5,350,000
CATEGORY III	$5,350,000 TO UNDER	$5,450,000
CATEGORY JJJ	$5,450,000 TO UNDER	$5,550,000
CATEGORY KKK	$5,550,000 TO UNDER	$5,650,000
CATEGORY LLL	$5,650,000 TO UNDER	$5,750,000
CATEGORY MMM	$5,750,000 TO UNDER	$5,850,000
CATEGORY NNN	$5,580,000 TO UNDER	$5,950,000
CATEGORY OOO	$5,950,000 TO UNDER	$6,050,000
CATEGORY PPP	$6,050,000 TO UNDER	$6,150,000
CATEGORY QQQ	$6,150,000 TO UNDER	$6,250,000
CATEGORY RRR	$6,250,000 TO UNDER	$6,350,000
CATEGORY SSS	$6,350,000 TO UNDER	$6,450,000
CATEGORY TTT	$6,450,000 TO UNDER	$6,550,000
CATEGORY UUU	$6,550,000 TO UNDER	$6,650,000
CATEGORY VVV	$6,650,000 TO UNDER	$6,750,000
CATEGORY WWW	$6,750,000 TO UNDER	$6,850,000
CATEGORY XXX	$6,850,000 TO UNDER	$6,950,000
CATEGORY YYY	$6,950,000 TO UNDER	$7,050,000
CATEGORY ZZZ	$7,050,000 TO UNDER	$7,150,000
CATEGORY AAAA	$7,150,000 TO UNDER	$7,250,000
CATEGORY BBBB	$7,250,000 TO UNDER	$7,350,000
CATEGORY CCCC	$7,350,000 TO UNDER	$7,450,000
CATEGORY DDDD	$7,450,000 TO UNDER	$7,550,000
CATEGORY EEEE	$7,550,000 TO UNDER	$7,650,000
CATEGORY FFFF	$7,650,000 TO UNDER	$7,750,000
CATEGORY GGGG	$7,750,000 TO UNDER	$7,850,000
CATEGORY HHHH	$7,850,000 TO UNDER	$7,950,000
CATEGORY IIII	$7,950,000 TO UNDER	$8,050,000
CATEGORY JJJJ	$8,050,000 TO UNDER	$8,150,000
CATEGORY KKKK	$8,150,000 TO UNDER	$8,250,000
CATEGORY LLLL	$8,250,000 TO UNDER	$8,350,000
CATEGORY MMMM	$8,350,000 TO UNDER	$8,450,000
CATEGORY NNNN	$8,450,000 TO UNDER	$8,550,000
CATEGORY OOOO	$8,550,000 TO UNDER	$8,650,000
CATEGORY PPPP	$8,650,000 TO UNDER	$8,750,000
CATEGORY QQQQ	$8,750,000 TO UNDER	$8,850,000
CATEGORY RRRR	$8,850,000 TO UNDER	$8,950,000
CATEGORY SSSS	$8,950,000 TO UNDER	$9,050,000
CATEGORY TTTT	$9,050,000 TO UNDER	$9,150,000
CATEGORY UUUU	$9,150,000 TO UNDER	$9,250,000
CATEGORY VVVV	$9,250,000 TO UNDER	$9,350,000
CATEGORY WWWW	$9,350,000 TO UNDER	$9,450,000
CATEGORY XXXX	$9,450,000 TO UNDER	$9,550,000
CATEGORY YYYY	$9,550,000 TO UNDER	$9,650,000

CATEGORY ZZZZ $9,650,000 TO UNDER $9,750,000
CATEGORY AAAAA $9,750,000 TO UNDER $9,850,000
CATEGORY BBBBB $9,850,000 TO UNDER $9,950,000
CATEGORY CCCCC $9,950,000 TO UNDER $10,000,000
CATEGORY DDDDD $10,000,000 OR OVER

TABLE II

CATEGORY A	NONE	
CATEGORY B	$ 1 TO UNDER	$ 1,000
CATEGORY C	$ 1,000 TO UNDER	$ 5,000
CATEGORY D	$ 5,000 TO UNDER	$ 20,000
CATEGORY E	$ 20,000 TO UNDER	$ 50,000
CATEGORY F	$ 50,000 TO UNDER	$ 75,000
CATEGORY G	$ 75,000 TO UNDER	$ 100,000
CATEGORY H	$ 100,000 TO UNDER	$ 150,000
CATEGORY I	$ 150,000 TO UNDER	$ 250,000
CATEGORY J	$ 250,000 TO UNDER	$ 500,000
CATEGORY K	$ 500,000 TO UNDER	$ 750,000
CATEGORY L	$ 750,000 TO UNDER	$1,000,000
CATEGORY M	$1,000,000 TO UNDER	$1,250,000
CATEGORY N	$1,250,000 TO UNDER	$1,500,000
CATEGORY O	$1,500,000 TO UNDER	$1,750,000
CATEGORY P	$1,750,000 TO UNDER	$2,000,000
CATEGORY Q	$2,000,000 TO UNDER	$2,250,000
CATEGORY R	$2,250,000 TO UNDER	$2,500,000
CATEGORY S	$2,500,000 TO UNDER	$2,750,000
CATEGORY T	$2,750,000 TO UNDER	$3,000,000
CATEGORY U	$3,000,000 TO UNDER	$3,250,000
CATEGORY V	$3,250,000 TO UNDER	$3,500,000
CATEGORY W	$3,500,000 TO UNDER	$3,750,000
CATEGORY X	$3,750,000 TO UNDER	$4,000,000
CATEGORY Y	$4,000,000 TO UNDER	$4,250,000
CATEGORY Z	$4,250,000 TO UNDER	$4,500,000
CATEGORY AA	$4,500,000 TO UNDER	$4,750,000
CATEGORY BB	$4,750,000 TO UNDER	$5,000,000
CATEGORY CC	$5,000,000 TO UNDER	$5,250,000
CATEGORY DD	$5,250,000 TO UNDER	$5,500,000
CATEGORY EE	$5,500,000 TO UNDER	$5,750,000
CATEGORY FF	$5,750,000 TO UNDER	$6,000,000
CATEGORY GG	$6,000,000 TO UNDER	$6,250,000
CATEGORY HH	$6,250,000 TO UNDER	$6,500,000
CATEGORY II	$6,500,000 TO UNDER	$6,750,000
CATEGORY JJ	$6,750,000 TO UNDER	$7,000,000
CATEGORY KK	$7,000,000 TO UNDER	$7,250,000
CATEGORY LL	$7,250,000 TO UNDER	$7,500,000
CATEGORY MM	$7,500,000 TO UNDER	$7,750,000
CATEGORY NN	$7,750,000 TO UNDER	$8,000,000
CATEGORY OO	$8,000,000 TO UNDER	$8,250,000
CATEGORY PP	$8,250,000 TO UNDER	$8,500,000
CATEGORY QQ	$8,500,000 TO UNDER	$8,750,000
CATEGORY RR	$8,750,000 TO UNDER	$9,000,000
CATEGORY SS	$9,000,000 TO UNDER	$9,250,000
CATEGORY TT	$9,250,000 TO UNDER	$9,500,000
CATEGORY UU	$9,500,000 OR OVER	

4. 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 this section shall be subject to a civil penalty in an amount not to exceed [ten] FORTY thousand dollars. Assessment of a civil penalty hereunder shall be made by the [state] JOINT COMMISSION ON PUBLIC ethics [commission] or by the legislative ethics [committee] COMMISSION, as the case may be, with respect to persons subject to their respective jurisdictions. The [state] JOINT COMMISSION ON PUBLIC ethics [commission] acting pursuant to subdivision [thirteen] FOURTEEN of section ninety-four of the executive law or the legislative ethics [committee] COMMISSION acting pursuant to subdivision [twelve] ELEVEN of section eighty of the legislative law, as the case may be, may, in lieu of OR IN ADDITION TO 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, except that the appointing authority may impose disciplinary action as otherwise provided by law. The [state] JOINT COMMISSION ON PUBLIC ethics [commission] and the legislative ethics [committee] COMMISSION shall each 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 relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval 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 shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the [state] JOINT COMMISSION ON PUBLIC ethics [commission or legislative ethics committee] OR THE LEGISLATIVE ETHICS COMMISSION, pursuant to article seventy-eight of the civil practice law and rules.

5. Nothing contained in this section shall be construed as precluding any public authority or public benefit corporation from exercising any authority or power now or hereafter existing to require any of its members, directors, officers or employees to file financial disclosure statements with such public authority or public benefit corporation that are the same as, different from or supplemental to any of the requirements contained herein and to provide only for internal employment discipline for any violation arising out of such internal filing.

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY PROFESSIONAL DISCIPLINARY RULE TO THE CONTRARY, THE DISCLOSURE OF THE IDENTITY OF ANY CLIENT OR CUSTOMER ON A REPORTING INDIVIDUAL'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE SHALL NOT CONSTITUTE PROFESSIONAL MISCONDUCT OR A GROUND FOR DISCIPLINARY ACTION OF ANY KIND, OR FORM THE BASIS FOR ANY CIVIL OR CRIMINAL CAUSE OF ACTION OR PROCEEDING.

S 6. Section 94 of the executive law, as added by chapter 813 of the laws of 1987, the section heading and subdivisions 1, 2, 3, 4, 5, 6, 7 and 8 as amended by section 2, subdivisions 9, 10, 11, 12, 13, 14, 16 and 17 as amended and subdivisions 13-a, 16-a and 18 as added by section

2-a, paragraph (l) of subdivision 9 as amended by section 3, paragraph (c) of subdivision 12 as amended by section 4, subdivision 15 as amended by section 5, and paragraphs (a) and (b) of subdivision 17 as amended by section 6 of chapter 14 of the laws of 2007, is amended to read as follows:

S 94. [Commission] JOINT COMMISSION on public [integrity] ETHICS; functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement.

1. There is established within the department of state a JOINT commission on public [integrity] ETHICS which shall consist of [thirteen] FOURTEEN members and shall have and exercise the powers and duties set forth in this section [only] with respect to statewide elected officials, MEMBERS OF THE LEGISLATURE AND EMPLOYEES OF THE LEGISLATURE, and state officers and employees, as defined in sections seventy-three and seventy-three-a of the public officers law, candidates for statewide elected office AND FOR THE SENATE OR ASSEMBLY, and the political party chairman as that term is defined in section seventy-three-a of the public officers law, lobbyists and the clients of lobbyists as such terms are defined in article one-A of the legislative law, and individuals who have formerly held such positions, were lobbyists or clients of lobbyists, as such terms are defined in article one-A of the legislative law, or who have formerly been such candidates. This section shall not [revoke or rescind] BE DEEMED TO HAVE REVOKED OR RESCINDED any regulations or advisory opinions issued by THE LEGISLATIVE ETHICS COMMISSION, THE COMMISSION ON PUBLIC INTEGRITY, the state ethics commission and the temporary lobbying commission in effect upon the effective date of [a] chapter FOURTEEN of the laws of two thousand seven which amended this section to the extent that such regulations or opinions are not inconsistent with any law of the state of New York, but such regulations and opinions shall apply only to matters over which such commissions had jurisdiction at the time such regulations and opinions were promulgated or issued. The commission shall undertake a comprehensive review of all such regulations and opinions, which will address the consistency of such regulations and opinions among each other and with the new statutory language, AND OF THE EFFECTIVENESS OF THE EXISTING LAWS, REGULATIONS, GUIDANCE AND ETHICS ENFORCEMENT STRUCTURE TO ADDRESS THE ETHICS OF COVERED PUBLIC OFFICIALS AND RELATED PARTIES. SUCH REVIEW SHALL BE CONDUCTED WITH THE LEGISLATIVE ETHICS COMMISSION AND, TO THE EXTENT POSSIBLE, THE REPORT'S FINDINGS SHALL REFLECT THE FULL INPUT AND DELIBERATIONS OF BOTH COMMISSIONS AFTER JOINT CONSULTATION. The commission shall, before [April first, two thousand eight] FEBRUARY FIRST, TWO THOUSAND FIFTEEN, report to the governor and legislature regarding such review and shall propose any regulatory OR STATUTORY changes and issue any advisory opinions necessitated by such review.

2. The members of the commission shall be appointed [by the governor provided, however, that one member shall be appointed on the nomination of the comptroller, one member shall be appointed on the nomination of the attorney general, one member] AS FOLLOWS: THREE MEMBERS shall be appointed [on the nomination of] BY the temporary president of the senate, [one member] THREE MEMBERS shall be appointed [on the nomination of] BY the speaker of the assembly, one member shall be appointed [on the nomination of] BY the minority leader of the senate, [and] one member shall be appointed [on the nomination of] BY the minority leader of the assembly, AND SIX MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND THE LIEUTENANT GOVERNOR. IN THE EVENT THAT A VACANCY ARISES WITH RESPECT TO A MEMBER OF THE COMMISSION FIRST APPOINTED PURSUANT TO THE

CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SUBDIVISION BY A LEGISLATIVE LEADER, THE LEGISLATIVE LEADERS OF THE SAME POLITICAL PARTY IN THE SAME HOUSE SHALL APPOINT A MEMBER TO FILL SUCH VACANCY IRRESPECTIVE OF WHETHER THAT LEGISLATIVE LEADER'S POLITICAL PARTY IS IN THE MAJORITY OR MINORITY. Of the [seven] members appointed by the governor [without prior nomination, no more than four members shall belong to the same political party and no members shall be public officers or employees or hold any public office, elected or appointed. No member shall be a member of the legislature, a candidate for member of the legislature, an employee of the legislature, a political party chairman as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or a lobbyist as defined in subdivision (a) of section one-c of the legislative law] AND THE LIEUTENANT GOVERNOR, AT LEAST THREE MEMBERS SHALL BE AND SHALL HAVE BEEN FOR AT LEAST THREE YEARS ENROLLED MEMBERS OF THE MAJOR POLITICAL PARTY IN WHICH THE GOVERNOR IS NOT ENROLLED. IN THE EVENT OF A VACANCY IN A POSITION PREVIOUSLY APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR, THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL APPOINT A MEMBER OF THE SAME POLITICAL PARTY AS THE MEMBER THAT VACATED THAT POSITION. PRIOR TO MAKING THEIR RESPECTIVE APPOINTMENTS, THE GOVERNOR AND THE LIEUTENANT GOVERNOR AND THE LEGISLATIVE LEADERS SHALL SOLICIT AND RECEIVE RECOMMENDATIONS FOR APPOINTEES FROM THE ATTORNEY GENERAL AND THE COMPTROLLER OF THE STATE OF NEW YORK, WHICH RECOMMENDATIONS SHALL BE FULLY AND PROPERLY CONSIDERED BUT SHALL NOT BE BINDING.

NO INDIVIDUAL SHALL BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE COMMISSION WHO CURRENTLY OR WITHIN THE LAST THREE YEARS:

(I) IS OR HAS BEEN REGISTERED AS A LOBBYIST IN NEW YORK STATE;

(II) IS OR HAS BEEN A MEMBER OF THE NEW YORK STATE LEGISLATURE OR A STATEWIDE ELECTED OFFICIAL OR A COMMISSIONER OF AN EXECUTIVE AGENCY APPOINTED BY THE GOVERNOR; OR

(III) IS OR HAS BEEN A POLITICAL PARTY CHAIRMAN, AS DEFINED IN PARAGRAPH (K) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THIS ARTICLE.

NO INDIVIDUAL SHALL BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE COMMISSION WHO CURRENTLY OR WITHIN THE LAST YEAR IS OR HAS BEEN A STATE OFFICER OR EMPLOYEE OR LEGISLATIVE EMPLOYEE AS DEFINED IN SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW.

3. Members of the commission shall serve for terms of five years; provided, however, that of the members first appointed [without prior nomination] BY THE GOVERNOR AND LIEUTENANT GOVERNOR, one shall serve for one year, one shall serve for two years, one shall serve for three years, and one shall serve for four years, as designated by the governor; the members first appointed [on the nominations of the comptroller and] BY the temporary president of the senate AND BY THE SPEAKER OF THE ASSEMBLY shall serve for four years and the members first appointed [on the nominations of the attorney general and the speaker of] BY THE MINORITY LEADERS OF THE SENATE AND the assembly shall serve for two years.

4. The governor shall designate the chairman of the commission from among the members thereof, who shall serve as chairman at the pleasure of the governor. The chairman or any [seven] EIGHT members of the commission may call a meeting.

5. Any vacancy occurring on the commission shall be filled within [sixty] THIRTY days of its occurrence[, by the governor,] in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of

a term of office shall be appointed for the unexpired term of the member he OR SHE succeeds.

6. [Seven] EIGHT 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 EXCEPT WHERE THE COMMISSION ACTS PURSUANT TO SUBDIVISION THIRTEEN, SUBDIVISION FOURTEEN-A OR SUBDIVISION FOURTEEN-B OF THIS SECTION.

7. Members of the commission may be removed by the [governor] APPOINTING AUTHORITY SOLELY for substantial neglect of duty, gross misconduct in office, VIOLATION OF THE CONFIDENTIALITY RESTRICTIONS IN SUBDIVISION NINE-A OF THIS SECTION, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

8. [The members of the commission shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties] THE MEMBERS OF THE JOINT COMMISSION SHALL RECEIVE A PER DIEM ALLOWANCE IN THE SUM OF THREE HUNDRED DOLLARS FOR EACH DAY ACTUALLY SPENT IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE, AND, IN ADDITION THERETO, SHALL BE REIMBURSED FOR ALL REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED BY HIM OR HER IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS ARTICLE.

9. The commission shall:

(a) Appoint an executive director who shall act in accordance with the policies of the commission. THE APPOINTMENT AND REMOVAL OF THE EXECUTIVE DIRECTOR SHALL BE MADE SOLELY BY A VOTE OF A MAJORITY OF THE COMMISSION, WHICH MAJORITY SHALL INCLUDE AT LEAST ONE MEMBER APPOINTED BY THE GOVERNOR FROM EACH OF THE TWO MAJOR POLITICAL PARTIES, AND ONE MEMBER APPOINTED BY A LEGISLATIVE LEADER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES. The commission may delegate authority to the executive director to act in the name of the commission between meetings of the commission provided such delegation is in writing [and], the specific powers to be delegated are enumerated, AND THE COMMISSION SHALL NOT DELEGATE ANY DECISIONS SPECIFIED IN THIS SECTION THAT REQUIRE A VOTE OF THE COMMISSION. THE EXECUTIVE DIRECTOR SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES ASSIGNED BY THIS ARTICLE, AND SHALL BE A QUALIFIED, INDEPENDENT PROFESSIONAL. THE COMMISSION MAY REMOVE THE EXECUTIVE DIRECTOR FOR NEGLECT OF DUTY, MISCONDUCT IN OFFICE, VIOLATION OF THE CONFIDENTIALITY RESTRICTIONS IN SUBDIVISION NINE-A OF THIS SECTION, OR INABILITY OR FAILURE TO DISCHARGE THE POWERS OR DUTIES OF OFFICE, INCLUDING THE FAILURE TO FOLLOW THE LAWFUL INSTRUCTIONS OF THE COMMISSION;

(b) Appoint such other staff as are necessary to carry out its duties under this section;

(B-1) REVIEW AND APPROVE A STAFFING PLAN PROVIDED AND PREPARED BY THE EXECUTIVE DIRECTOR WHICH SHALL CONTAIN, AT A MINIMUM, A LIST OF THE VARIOUS UNITS AND DIVISIONS AS WELL AS THE NUMBER OF POSITIONS IN EACH UNIT, TITLES AND THEIR DUTIES, AND SALARIES, AS WELL AS THE VARIOUS QUALIFICATIONS FOR EACH POSITION INCLUDING, BUT NOT LIMITED TO, EDUCATION AND PRIOR EXPERIENCE FOR EACH POSITION.

(c) Adopt, amend, and rescind rules and regulations to govern procedures of the commission, which shall include, but not be limited to, the procedure 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, OTHER THAN MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBERS OF THE LEGISLATURE AND LEGISLA-

TIVE EMPLOYEES, 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;

(d) Adopt, amend, and rescind rules and regulations to assist appointing authorities in determining which persons hold policy-making positions for purposes of section seventy-three-a of the public officers law;

(D-1) ADOPT, AMEND AND RESCIND RULES AND REGULATIONS DEFINING THE PERMISSIBLE USE OF AND PROMOTING THE PROPER USE OF PUBLIC SERVICE ANNOUNCEMENTS;

(e) Make available forms for annual statements of financial disclosure required to be filed pursuant to section seventy-three-a of the public officers law;

(f) Review financial disclosure statements in accordance with the provisions of this section, provided however, that the commission may delegate all or part of this review function 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;

(g) Receive complaints and referrals alleging violations of section seventy-three, seventy-three-a or seventy-four of the public officers law, article one-A of the legislative law or section one hundred seven of the civil service law;

(h) Permit any person [subject to the jurisdiction of the commission] who is required to file a financial disclosure statement WITH THE JOINT COMMISSION ON PUBLIC ETHICS to request THAT the commission [to] delete from the copy thereof made available for public inspection and copying one or more items of information which may be deleted by the commission upon a finding by the commission that the information which would otherwise be required to be made available for public inspection and copying will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the commission, in its notification of denial, shall inform the person of his or her right to appeal the commission's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision [thirteen] FOURTEEN of this section;

(i) Permit any person [subject to the jurisdiction of the commission] who is required to file a financial disclosure statement WITH THE JOINT COMMISSION ON PUBLIC ETHICS 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 by the commission 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. If such request for exemption is denied, the commission, in its notification of denial, shall inform the person of his or her right to appeal the commission's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision [thirteen] FOURTEEN of this section;

(I-1) PERMIT ANY PERSON REQUIRED TO FILE A FINANCIAL DISCLOSURE STATEMENT TO REQUEST AN EXEMPTION FROM ANY REQUIREMENT TO REPORT THE IDENTITY OF A CLIENT PURSUANT TO QUESTION 8(B) IN SUCH STATEMENT BASED UPON AN EXEMPTION SET FORTH IN THAT QUESTION. THE REPORTING INDIVIDUAL NEED NOT

SEEK AN EXEMPTION TO REFRAIN FROM DISCLOSING THE IDENTITY OF ANY CLIENT WITH RESPECT TO ANY MATTER HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL REPRESENTATION TO THE CLIENT IN CONNECTION WITH AN INVESTIGATION OR PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, OR DOMESTIC RELATIONS MATTERS; IN ADDITION, CLIENTS OR CUSTOMERS RECEIVING MEDICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES, RESIDENTIAL REAL ESTATE BROKERING SERVICES, OR INSURANCE BROKERING SERVICES NEED NOT BE DISCLOSED.

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

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

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

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

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

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

(l) 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, provided, however, that such annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision [seventeen] NINETEEN of this section; [and]

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

(N) PROMULGATE GUIDELINES FOR THE COMMISSION TO CONDUCT A PROGRAM OF RANDOM REVIEWS, TO BE CARRIED OUT IN THE FOLLOWING MANNER: (I) ANNUAL STATEMENTS OF FINANCIAL DISCLOSURE SHALL BE SELECTED FOR REVIEW IN A MANNER PURSUANT TO WHICH THE IDENTITY OF ANY PARTICULAR PERSON WHOSE STATEMENT IS SELECTED IS UNKNOWN TO THE COMMISSION AND ITS STAFF PRIOR TO ITS SELECTION; (II) SUCH REVIEW SHALL INCLUDE A PRELIMINARY EXAMINA-

TION OF THE SELECTED STATEMENT FOR INTERNAL CONSISTENCY, A COMPARISON WITH OTHER RECORDS MAINTAINED BY THE COMMISSION, INCLUDING PREVIOUSLY FILED STATEMENTS AND REQUESTS FOR ADVISORY OPINIONS, AND EXAMINATION OF RELEVANT PUBLIC INFORMATION; (III) UPON COMPLETION OF THE PRELIMINARY EXAMINATION, THE COMMISSION SHALL DETERMINE WHETHER FURTHER INQUIRY IS WARRANTED, WHEREUPON IT SHALL NOTIFY THE REPORTING INDIVIDUAL IN WRITING THAT THE STATEMENT IS UNDER REVIEW, ADVISE THE REPORTING INDIVIDUAL OF THE SPECIFIC AREAS OF INQUIRY, AND PROVIDE THE REPORTING INDIVIDUAL WITH THE OPPORTUNITY TO PROVIDE ANY RELEVANT INFORMATION RELATED TO THE SPECIFIC AREAS OF INQUIRY, AND THE OPPORTUNITY TO FILE AMENDMENTS TO THE SELECTED STATEMENT ON FORMS PROVIDED BY THE COMMISSION; AND (IV) IF THEREAFTER SUFFICIENT CAUSE EXISTS, THE COMMISSION SHALL TAKE ADDITIONAL ACTIONS, AS APPROPRIATE AND CONSISTENT WITH LAW.

9-A. (A) WHEN AN INDIVIDUAL BECOMES A COMMISSIONER OR STAFF OF THE COMMISSION, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE STATEMENT.

(B) EXCEPT AS OTHERWISE REQUIRED OR PROVIDED BY LAW, TESTIMONY RECEIVED OR ANY OTHER INFORMATION OBTAINED BY A COMMISSIONER OR STAFF OF THE COMMISSION SHALL NOT BE DISCLOSED BY ANY SUCH INDIVIDUAL TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION DURING THE PENDENCY OF ANY MATTER. ANY CONFIDENTIAL COMMUNICATION TO ANY PERSON OR ENTITY OUTSIDE THE COMMISSION RELATED TO THE MATTERS BEFORE THE COMMISSION MAY OCCUR ONLY AS AUTHORIZED BY THE COMMISSION.

(C) THE COMMISSION SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE COMMISSION OR STAFF OF THE COMMISSION. ANY BREACHES OF CONFIDENTIALITY SHALL BE INVESTIGATED BY THE INSPECTOR GENERAL AND APPROPRIATE ACTION SHALL BE TAKEN. ANY COMMISSIONER OR PERSON EMPLOYED BY THE COMMISSION WHO INTENTIONALLY AND WITHOUT AUTHORIZATION RELEASES CONFIDENTIAL INFORMATION RECEIVED BY THE COMMISSION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

9-B. DURING THE PERIOD OF HIS OR HER SERVICE AS A COMMISSIONER OF THE COMMISSION, EACH COMMISSIONER SHALL REFRAIN FROM MAKING, OR SOLICITING FROM OTHER PERSONS, ANY CONTRIBUTIONS TO CANDIDATES FOR ELECTION TO THE OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, MEMBER OF THE ASSEMBLY OR THE SENATE, ATTORNEY GENERAL OR STATE COMPTROLLER.

10. THE COMMISSION SHALL PREPARE MATERIALS AND DESIGN AND ADMINISTER AN ETHICS TRAINING PROGRAM FOR INDIVIDUALS SUBJECT TO THE FINANCIAL DISCLOSURE REQUIREMENTS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW WITH RESPECT TO THE PROVISIONS OF SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW AND ANY OTHER LAW, ADMINISTRATIVE REGULATION, OR INTERNAL POLICY THAT IS OF RELEVANCE TO THE ETHICAL CONDUCT OF SUCH INDIVIDUALS IN PUBLIC SERVICE, AS FOLLOWS:

(A) THE COMMISSION SHALL DEVELOP AND ADMINISTER A COMPREHENSIVE ETHICS TRAINING COURSE AND SHALL DESIGNATE AND TRAIN INSTRUCTORS TO CONDUCT SUCH TRAINING. SUCH COURSE SHALL BE DESIGNED AS A TWO-HOUR PROGRAM AND SHALL INCLUDE PRACTICAL APPLICATION OF THE MATERIAL COVERED AND A QUESTION-AND-ANSWER PARTICIPATORY SEGMENT. UNLESS THE COMMISSION GRANTS AN EXTENSION OR WAIVER FOR GOOD CAUSE SHOWN, ALL INDIVIDUALS SUBJECT TO THE FINANCIAL DISCLOSURE REQUIREMENTS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW SHALL COMPLETE SUCH COURSE WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION, OR FOR THOSE INDIVIDUALS ELECTED OR APPOINTED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SECTION, WITHIN TWO YEARS OF BECOMING SUBJECT

TO THE FINANCIAL DISCLOSURE REQUIREMENTS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW.

(B) THE COMMISSION SHALL DEVELOP AND ADMINISTER AN ONLINE ETHICS ORIENTATION COURSE AND SHALL NOTIFY ALL INDIVIDUALS NEWLY SUBJECT TO THE FINANCIAL DISCLOSURE REQUIREMENTS OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW OF SUCH COURSE, WHICH SHALL BE COMPLETED BY SUCH INDIVIDUALS WITHIN THREE MONTHS OF BECOMING SUBJECT TO SUCH REQUIREMENTS, UNLESS THE COMMISSION GRANTS AN EXTENSION OR WAIVER FOR GOOD CAUSE SHOWN. INDIVIDUALS WHO HAVE COMPLETED THE COMPREHENSIVE ETHICS TRAINING COURSE SHALL NOT BE REQUIRED TO COMPLETE THE ONLINE ETHICS ORIENTATION COURSE.

(C) THE COMMISSION SHALL DEVELOP AND ADMINISTER AN ETHICS SEMINAR OR ETHICS SEMINARS FOR INDIVIDUALS WHO HAVE PREVIOUSLY COMPLETED THE COMPREHENSIVE ETHICS TRAINING COURSE. SUCH SEMINARS SHALL BE DESIGNED AS NINETY-MINUTE PROGRAMS AND SHALL INCLUDE ANY CHANGES IN LAW, REGULATION, OR POLICY OR IN THE INTERPRETATION THEREOF, PRACTICAL APPLICATION OF THE MATERIAL COVERED, AND A QUESTION-AND-ANSWER SEGMENT. UNLESS THE COMMISSION GRANTS AN EXTENSION OR WAIVER FOR GOOD CAUSE SHOWN, SUCH INDIVIDUALS SHALL BE SCHEDULED TO ATTEND A SEMINAR AT LEAST ONCE EVERY THREE YEARS AFTER HAVING COMPLETED THE COMPREHENSIVE ETHICS TRAINING COURSE. IN LIEU OF ATTENDING AN ETHICS SEMINAR, SUCH INDIVIDUALS MAY COMPLETE A SUBSEQUENT COMPREHENSIVE ETHICS TRAINING PROGRAM.

(D) THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE TO THE LEGISLATURE EXCEPT TO THE EXTENT THAT AN ETHICS TRAINING PROGRAM IS OTHERWISE ESTABLISHED BY THE ASSEMBLY OR SENATE FOR THEIR RESPECTIVE MEMBERS AND EMPLOYEES AND SUCH PROGRAM MEETS OR EXCEEDS EACH OF THE REQUIREMENTS SET FORTH IN THIS SECTION.

(E) ON AN ANNUAL BASIS, THE JOINT COMMISSION IN COORDINATION WITH THE LEGISLATIVE ETHICS COMMISSION SHALL DETERMINE THE STATUS OF COMPLIANCE WITH THESE TRAINING REQUIREMENTS BY EACH STATE AGENCY AND BY THE SENATE AND THE ASSEMBLY. SUCH DETERMINATION SHALL INCLUDE AGGREGATE STATISTICS REGARDING PARTICIPATION IN SUCH TRAINING, AND SHALL BE REPORTED TO THE GOVERNOR AND THE LEGISLATURE IN WRITING.

11. The commission, or the executive director and staff of the commission if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the commission to ascertain whether any person subject to the reporting requirements of 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.

[11.] 12. If a person required to file a financial disclosure statement with the commission has failed to file a 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 statewide elected official, MEMBER OF THE LEGISLATURE, OR A LEGISLATIVE EMPLOYEE, to the temporary president of the senate and the speaker of the assembly; and (c) in the case of a state officer or employee, to the appointing authority for such person. Such notice of delinquency may be sent at any time during the reporting person's service as a statewide elected offi-

cial, state officer or employee, MEMBER OF THE ASSEMBLY OR THE SENATE, OR A LEGISLATIVE EMPLOYEE OR A political party chair or while a candidate for statewide office, or within one year after termination of such service or candidacy. The jurisdiction of the commission, when acting pursuant to subdivision [thirteen] FOURTEEN of this section with respect to financial disclosure, shall continue notwithstanding that the reporting person separates from state service, or ceases to hold PUBLIC OR POLITICAL PARTY office [as a statewide elected official or political party chair], or ceases to be a candidate, provided the commission notifies such person of the alleged failure to file or deficient filing pursuant to this subdivision.

[12.] 13. (a) INVESTIGATIONS. If the commission receives a sworn complaint alleging a violation of section seventy-three, seventy-three-a, or seventy-four of the public officers law, section one hundred seven of the civil service law or article one-A of the legislative law by a person or entity subject to the jurisdiction of the commission INCLUDING MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES AND CANDIDATES FOR MEMBER OF THE LEGISLATURE, or if a reporting individual has filed a statement which reveals a possible violation of these provisions, or if the commission determines on its own initiative to investigate a possible violation, the commission shall notify the individual in writing, describe the possible or alleged violation of such laws 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 individual an opportunity to be heard.] THE COMMISSION SHALL, WITHIN FORTY-FIVE CALENDAR DAYS AFTER A COMPLAINT OR A REFERRAL IS RECEIVED OR AN INVESTIGATION IS INITIATED ON THE COMMISSION'S OWN INITIATIVE, VOTE ON WHETHER TO COMMENCE A FULL INVESTIGATION OF THE MATTER UNDER CONSIDERATION TO DETERMINE WHETHER A SUBSTANTIAL BASIS EXISTS TO CONCLUDE THAT A VIOLATION OF LAW HAS OCCURRED. THE STAFF OF THE JOINT COMMISSION SHALL PROVIDE TO THE MEMBERS PRIOR TO SUCH VOTE INFORMATION REGARDING THE LIKELY SCOPE AND CONTENT OF THE INVESTIGATION, AND A SUBPOENA PLAN, TO THE EXTENT SUCH INFORMATION IS AVAILABLE. SUCH INVESTIGATION SHALL BE CONDUCTED IF AT LEAST EIGHT MEMBERS OF THE COMMISSION VOTE TO AUTHORIZE IT. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE OR A CANDIDATE FOR MEMBER OF THE LEGISLATURE, AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH AN INVESTIGATION MUST HAVE BEEN APPOINTED BY A LEGISLATIVE LEADER OR LEADERS FROM THE MAJOR POLITICAL PARTY IN WHICH THE SUBJECT OF THE PROPOSED INVESTIGATION IS ENROLLED IF SUCH PERSON IS ENROLLED IN A MAJOR POLITICAL PARTY. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A STATE OFFICER OR STATE EMPLOYEE, AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH AN INVESTIGATION MUST HAVE BEEN APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A STATEWIDE ELECTED OFFICIAL OR A DIRECT APPOINTEE OF SUCH AN OFFICIAL, AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH AN INVESTIGATION MUST HAVE BEEN APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR AND BE ENROLLED IN THE MAJOR POLITICAL PARTY IN WHICH THE SUBJECT OF THE PROPOSED INVESTIGATION IS ENROLLED, IF SUCH PERSON IS ENROLLED IN A MAJOR POLITICAL PARTY.

(B) SUBSTANTIAL BASIS INVESTIGATION. UPON THE AFFIRMATIVE VOTE OF NOT LESS THAN EIGHT COMMISSION MEMBERS TO COMMENCE A SUBSTANTIAL BASIS INVESTIGATION, WRITTEN NOTICE OF THE COMMISSION'S DECISION SHALL BE

PROVIDED TO THE INDIVIDUAL WHO IS THE SUBJECT OF SUCH SUBSTANTIAL BASIS INVESTIGATION. SUCH WRITTEN NOTICE SHALL INCLUDE A COPY OF THE COMMISSION'S RULES AND PROCEDURES AND SHALL ALSO INCLUDE NOTIFICATION OF SUCH INDIVIDUAL'S RIGHT TO BE HEARD WITHIN THIRTY CALENDAR DAYS OF THE DATE OF THE COMMISSION'S WRITTEN NOTICE. The commission shall also inform the individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the other 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 individual 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, 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 statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (iv) in the case of a state officer or employee, to the appointing authority for such person.]

(c) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a statewide elected official or a state officer or employee OR MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity 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 his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law. 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.

[13.] 14. An individual subject to the jurisdiction of the commission who knowingly and intentionally violates the provisions of subdivisions two through [five] FIVE-A, seven, eight, twelve or fourteen through seventeen of section seventy-three of the public officers law, section one hundred seven of the civil service 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 fraudulent omission 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. An 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. [An 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 not to exceed the value of any gift, compensation or benefit received as a result of such violation.] An individual subject to the jurisdiction of the commission who knowing-

ly and willfully violates article one-A of the legislative law shall be subject to civil penalty as provided for in that article. [Assessment] EXCEPT WITH RESPECT TO MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES, ASSESSMENT of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. WITH RESPECT TO A VIOLATION OF ANY LAW OTHER THAN SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, WHERE THE COMMISSION FINDS SUFFICIENT CAUSE BY A VOTE HELD IN THE SAME MANNER AS SET FORTH IN PARAGRAPH (B) OF SUBDIVISION THIRTEEN OF THIS SECTION, IT SHALL REFER SUCH MATTER TO THE APPROPRIATE PROSECUTOR FOR FURTHER INVESTIGATION. 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] EXCEPT WITH RESPECT TO MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES, FOR a violation of this subdivision, other than for conduct which constitutes a violation of section one hundred seven of the civil service law, subdivisions twelve or fourteen through seventeen of section seventy-three or section seventy-four of the public officers law or article one-A of the legislative law, the commission [may, in lieu of a civil penalty,] MAY, IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY, refer a violation to the appropriate prosecutor and upon such conviction, 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 SUBDIVISION SIX OF section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The commission may refer violations of this subdivision to the appointing authority for disciplinary action as otherwise provided by law. The 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 (h) or paragraph (i) of subdivision nine of this section. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or commission denial of such a 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 commission, pursuant to article seventy-eight of the civil practice law and rules.

[13-a. If the commission has a reasonable basis to believe that any person subject to the jurisdiction of the legislative ethics commission

may have violated any provisions of section seventy-three or seventy-four of the public officers law, it shall refer such violation to the legislative ethics commission 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 to the legislative ethics 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.

14.] 14-A. THE JOINT COMMISSION ON PUBLIC ETHICS SHALL HAVE JURISDICTION TO INVESTIGATE, BUT SHALL HAVE NO JURISDICTION TO IMPOSE PENALTIES UPON MEMBERS OF OR CANDIDATES FOR MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEES FOR ANY VIOLATION OF THE PUBLIC OFFICERS LAW. IF, AFTER ITS SUBSTANTIAL BASIS INVESTIGATION, BY A VOTE OF AT LEAST EIGHT MEMBERS, TWO OF WHOM ARE ENROLLED MEMBERS OF THE INVESTIGATED INDIVIDUAL'S POLITICAL PARTY IF THE INDIVIDUAL IS ENROLLED IN A MAJOR POLITICAL PARTY AND WERE APPOINTED BY A LEGISLATIVE LEADER OF SUCH POLITICAL PARTY, THE JOINT COMMISSION ON PUBLIC ETHICS HAS FOUND A SUBSTANTIAL BASIS TO CONCLUDE THAT A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE HAS VIOLATED ANY PROVISIONS OF SUCH LAWS, IT SHALL PRESENT A WRITTEN REPORT TO THE LEGISLATIVE ETHICS COMMISSION, AND DELIVER A COPY OF THE REPORT TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE REPORT. SUCH WRITTEN REPORT SHALL INCLUDE:

(A) THE COMMISSION'S FINDINGS OF FACT AND ANY EVIDENCE ADDRESSED IN SUCH FINDINGS; CONCLUSIONS OF LAW AND CITATIONS TO ANY RELEVANT LAW, RULE, OPINION, REGULATION OR STANDARD OF CONDUCT UPON WHICH IT RELIED; AND

(B) A DETERMINATION THAT A SUBSTANTIAL BASIS EXISTS TO CONCLUDE THAT A VIOLATION HAS OCCURRED, AND THE REASONS AND BASIS FOR SUCH DETERMINATION.

THE JOINT COMMISSION SHALL ALSO SEPARATELY PROVIDE TO THE LEGISLATIVE ETHICS COMMISSION COPIES OF ADDITIONAL DOCUMENTS OR OTHER EVIDENCE CONSIDERED INCLUDING EVIDENCE THAT MAY CONTRADICT THE JOINT COMMISSION'S FINDINGS, THE NAMES OF AND OTHER INFORMATION REGARDING ANY ADDITIONAL WITNESSES, AND ANY OTHER MATERIALS. WITH RESPECT TO A VIOLATION OF ANY LAW OTHER THAN SECTIONS SEVENTY-THREE, SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, WHERE THE JOINT COMMISSION FINDS SUFFICIENT CAUSE BY A VOTE HELD IN THE SAME MANNER AS SET FORTH IN PARAGRAPH (B) OF SUBDIVISION THIRTEEN OF THIS SECTION, IT SHALL REFER SUCH MATTER TO THE APPROPRIATE PROSECUTOR.

14-B. WITH RESPECT TO THE INVESTIGATION OF ANY INDIVIDUAL WHO IS NOT A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE, IF AFTER ITS INVESTIGATION THE JOINT COMMISSION HAS FOUND A SUBSTANTIAL BASIS TO CONCLUDE THAT THE INDIVIDUAL HAS VIOLATED THE PUBLIC OFFICERS LAW OR THE LEGISLATIVE LAW, THE JOINT COMMISSION SHALL SEND A SUBSTANTIAL BASIS INVESTIGATION REPORT CONTAINING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE INDIVIDUAL. WITH RESPECT TO AN INDIVIDUAL WHO IS A STATEWIDE ELECTED OFFICIAL OR A DIRECT APPOINTEE OF SUCH AN OFFICIAL, NO VIOLATION MAY BE FOUND UNLESS THE MAJORITY VOTING IN SUPPORT OF SUCH A FINDING INCLUDES AT LEAST TWO MEMBERS APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR AND ENROLLED IN THE INDIVIDUAL'S MAJOR POLITICAL PARTY, IF HE OR SHE IS ENROLLED IN A MAJOR POLITICAL PARTY. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A STATE OFFICER OR EMPLOYEE WHO IS NOT A DIRECT APPOINTEE OF A STATEWIDE ELECTED OFFICIAL, AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO VOTE TO

ISSUE A SUBSTANTIAL BASIS INVESTIGATION REPORT MUST HAVE BEEN APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR. THE COMMISSION SHALL RELEASE SUCH REPORT PUBLICLY WITHIN FORTY-FIVE DAYS OF ITS ISSUANCE.

14-C. WITH RESPECT TO AN INVESTIGATION OF A LOBBYIST, IF AFTER ITS INVESTIGATION THE JOINT COMMISSION HAS FOUND A SUBSTANTIAL BASIS TO CONCLUDE THAT THE LOBBYIST HAS VIOLATED THE LEGISLATIVE LAW, THE JOINT COMMISSION SHALL ISSUE A SUBSTANTIAL BASIS INVESTIGATION REPORT CONTAINING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE LOBBYIST AND SHALL MAKE PUBLIC SUCH REPORT WITHIN FORTY-FIVE DAYS OF ITS ISSUANCE.

15. A copy of any notice of delinquency or [notice of reasonable cause sent pursuant to subdivisions eleven and twelve of this section] SUBSTANTIAL BASIS INVESTIGATION REPORT shall be included in the reporting person's file and be available for public inspection and copying PURSUANT TO THE PROVISIONS OF THIS SECTION.

[15.] 16. 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 or seventy-four of the public officers law, OTHER THAN MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE LEGISLATURE AND EMPLOYEES OF THE LEGISLATURE, the commission shall render WRITTEN advisory opinions on the requirements of said provisions. An 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. Such requests shall be confidential but the commission may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

[16.] 17. In addition to any other powers and duties specified by law, the commission shall have the power and duty to:

(a) Promulgate rules concerning restrictions on outside activities and limitations on the receipt of gifts and honoraria by persons subject to its jurisdiction, provided, however, a violation of such rules in and of itself shall not be punishable pursuant to subdivision [thirteen] FOURTEEN of this section unless the conduct constituting the violation would otherwise constitute a violation of this section; and

(b) [Conduct training programs in cooperation with the governor's office of employee relations to provide education to individuals subject to its jurisdiction; and

(c)] Administer and enforce all the provisions of this section; and

[(d)] (C) Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, 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;

[16-a.] 18. 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 [seventeen] NINETEEN of this section, other than financial disclosure statements[,] FILED BY STATE OFFICERS OR EMPLOYEES OR LEGISLATIVE EMPLOYEES, and any other records or information which the commission determines to be appropriate.

[17.] 19. (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 remain confidential, and any other item of] information deleted pursuant to paragraph (h) of subdivision nine of this section;

(2) notices of delinquency sent under subdivision [eleven] TWELVE of this section;

(3) [notices of reasonable cause sent under paragraph (b) of subdivision twelve of this section;

(4)] notices of civil assessments 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;

[(5)] (4) the terms of any settlement or compromise of a complaint or referral which includes a fine, penalty or other remedy; [and

(6)] (5) those required to be held or maintained publicly available pursuant to article one-A of the legislative law[.]; AND

(6) SUBSTANTIAL BASIS INVESTIGATION REPORTS ISSUED BY THE COMMISSION PURSUANT TO SUBDIVISION FOURTEEN-A OR FOURTEEN-B OF THIS SECTION. WITH RESPECT TO REPORTS CONCERNING MEMBERS OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEES OR CANDIDATES FOR MEMBER OF THE LEGISLATURE, THE JOINT COMMISSION SHALL NOT PUBLICLY DISCLOSE OR OTHERWISE DISSEMINATE SUCH REPORTS EXCEPT IN CONFORMANCE WITH THE REQUIREMENTS OF PARAGRAPH (B) OF SUBDIVISION NINE OF SECTION EIGHTY OF THE LEGISLATIVE LAW.

(b) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section, of the commission shall be open to the public, except if expressly provided otherwise by the commission or as is required by article one-A of the legislative law.

(c) Pending any application for deletion or exemption to the commission, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

[18] 20. If any part or provision of this section or the application thereof to any person or organization 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 or organization, but shall be confined in its operation to such part or provision.

S 7. Section 1-d of the legislative law is amended by adding a new subdivision (h) to read as follows:

(H) PROVIDE AN ONLINE ETHICS TRAINING COURSE FOR INDIVIDUALS REGISTERED AS LOBBYISTS PURSUANT TO SECTION ONE-E OF THIS ARTICLE. THE CURRICULUM FOR THE COURSE SHALL INCLUDE, BUT NOT BE LIMITED TO, EXPLANATIONS AND DISCUSSIONS OF THE STATUTES AND REGULATIONS OF NEW YORK CONCERNING ETHICS IN THE PUBLIC OFFICERS LAW, THE ELECTION LAW, THE

LEGISLATIVE LAW, SUMMARIES OF ADVISORY OPINIONS, UNDERLYING PURPOSES AND PRINCIPLES OF THE RELEVANT LAWS, AND EXAMPLES OF PRACTICAL APPLICATION OF THESE LAWS AND PRINCIPLES. THE COMMISSION SHALL PREPARE THOSE METHODS AND MATERIALS NECESSARY TO IMPLEMENT THE CURRICULUM. EACH INDIVIDUAL REGISTERED AS A LOBBYIST PURSUANT TO SECTION ONE-E OF THIS ARTICLE SHALL COMPLETE SUCH TRAINING COURSE AT LEAST ONCE IN ANY THREE-YEAR PERIOD DURING WHICH HE OR SHE IS REGISTERED AS A LOBBYIST.

S 7-a. Subdivision (c) of section 1-e of the legislative law is amended by adding a new paragraph 8 to read as follows:

(8) (I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP;

(II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY; AND

(III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID AND PAID BY VIRTUE OF THE BUSINESS RELATIONSHIP.

S 7-b. Subdivision (b) of section 1-j of the legislative law is amended by adding a new paragraph 6 to read as follows:

(6) (I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY WITH WHOM THE CLIENT OF A LOBBYIST HAS A REPORTABLE BUSINESS RELATIONSHIP;

(II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE CLIENT OF A LOBBYIST AND THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE AND ENTITY; AND

(III) THE COMPENSATION, INCLUDING EXPENSES, TO BE PAID AND PAID BY VIRTUE OF THE BUSINESS RELATIONSHIP.

S 8. Section 1-c of the legislative law is amended by adding a new subdivision (w) to read as follows:

(W) THE TERM "REPORTABLE BUSINESS RELATIONSHIP" SHALL MEAN A RELATIONSHIP IN WHICH COMPENSATION IS PAID BY A LOBBYIST OR BY A CLIENT OF A LOBBYIST, IN EXCHANGE FOR ANY GOODS, SERVICES OR ANYTHING OF VALUE, THE TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS ANNUALLY, TO BE PERFORMED OR PROVIDED BY OR INTENDED TO BE PERFORMED OR PROVIDED BY (I) ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR (II) ANY ENTITY IN WHICH THE LOBBYIST OR THE CLIENT OF A LOBBYIST KNOWS OR HAS REASON TO KNOW THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRIETOR, PARTNER, DIRECTOR, OFFICER OR MANAGER, OR OWNS OR CONTROLS TEN PERCENT OR MORE OF THE STOCK OF SUCH ENTITY (OR ONE PERCENT IN THE CASE OF A CORPORATION WHOSE STOCK IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES EXCHANGE).

S 9. 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] IMPOSITION OF PENALTIES OR OTHER ENFORCEMENT ACTIONS. 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 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 jointly by the speaker of the assembly and majority leader of the senate. 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 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 member of the commission first appointed jointly by the TEMPORARY president of the senate and speaker of the assembly shall serve a four year term. 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 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 WHO ARE NOT MEMBERS OF THE LEGISLATURE shall be reimbursed for reasonable expenses [incurred] AND RECEIVE A PER DIEM ALLOWANCE IN THE SUM OF THREE HUNDRED DOLLARS FOR EACH DAY SPENT 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, PROVIDED THAT THE COMMISSION MAY REMOVE THE EXECUTIVE DIRECTOR FOR NEGLECT OF DUTY, MISCONDUCT IN OFFICE, OR INABILITY OR FAILURE TO DISCHARGE THE POWERS OR DUTIES OF OFFICE;

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 AS PROVIDED BY THE JOINT COMMISSION ON PUBLIC ETHICS;

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 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 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 information, 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;

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. Receive and 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. 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 or seventy-four of the public officers law may have occurred involving persons subject to the jurisdiction of the commission;

n.] 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 WRITTEN opinion rendered by the commission, until and unless amended or revoked, shall be binding on the LEGISLATIVE ETHICS 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. THE JOINT COMMISSION ON PUBLIC ETHICS SHALL NOT INVESTIGATE AN INDIVIDUAL FOR POTENTIAL VIOLATIONS OF LAW BASED UPON CONDUCT APPROVED AND COVERED IN ITS ENTIRETY BY SUCH AN OPINION, EXCEPT THAT SUCH OPINION SHALL NOT PREVENT OR PRECLUDE AN INVESTIGATION OF AND REPORT TO THE LEGISLATIVE ETHICS COMMISSION CONCERNING THE CONDUCT OF THE PERSON WHO OBTAINED IT BY THE JOINT COMMISSION ON PUBLIC ETHICS FOR VIOLATIONS OF SECTION SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW TO DETERMINE WHETHER THE PERSON ACCURATELY AND FULLY REPRESENTED TO THE LEGISLATIVE ETHICS COMMISSION THE FACTS RELEVANT TO THE FORMAL ADVISORY OPINION AND WHETHER THE PERSON'S CONDUCT CONFORMED TO THOSE FACTUAL REPRESENTATIONS. THE JOINT COMMISSION SHALL BE AUTHORIZED AND SHALL HAVE JURISDICTION TO INVESTIGATE POTENTIAL VIOLATIONS OF THE LAW ARISING FROM CONDUCT OUTSIDE OF THE SCOPE OF THE TERMS OF THE ADVISORY OPINION; AND

[o.] J. 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.] K. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees INCLUDING AN ONLINE ETHICS ORIENTATION COURSE FOR NEWLY-HIRED EMPLOYEES AND, AS REQUESTED BY THE SENATE OR THE ASSEMBLY, MATERIALS AND TRAINING IN RELATION TO A COMPREHENSIVE ETHICS TRAINING PROGRAM; and

[q.] L. 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] REPORT received FROM THE JOINT COMMISSION ON PUBLIC ETHICS 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] TWELVE of this section.

8. [The commission, or the executive director and staff of the commission if responsibility regarding such financial disclosure statements filed by 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.

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 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 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, 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 TO IMPOSE PENALTIES 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 HAS BEEN NOTIFIED 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.] 9. (A) An individual subject to the jurisdiction of the commission WITH RESPECT TO THE IMPOSITION OF PENALTIES who knowingly and intentionally violates the provisions of subdivisions two through [five] FIVE-A, 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 seri-

ousness 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, the legislative ethics commission may, in lieu of OR IN ADDITION TO 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. WHERE THE COMMISSION FINDS SUFFICIENT CAUSE, IT SHALL REFER SUCH MATTER TO THE APPROPRIATE PROSECUTOR. 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 SUBDIVISION SIX 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.] (B) NOT LATER THAN FORTY-FIVE CALENDAR DAYS AFTER RECEIPT FROM THE JOINT COMMISSION ON PUBLIC ETHICS OF A WRITTEN SUBSTANTIAL BASIS INVESTIGATION REPORT AND ANY SUPPORTING DOCUMENTATION OR OTHER MATERIALS REGARDING A MATTER BEFORE THE COMMISSION PURSUANT TO SUBDIVISION FOURTEEN-A OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW, UNLESS REQUESTED BY A LAW ENFORCEMENT AGENCY TO SUSPEND THE COMMISSION'S ACTION BECAUSE OF AN ONGOING CRIMINAL INVESTIGATION, THE LEGISLATIVE ETHICS COMMISSION SHALL MAKE PUBLIC SUCH REPORT IN ITS ENTIRETY; PROVIDED, HOWEVER, THAT THE COMMISSION MAY WITHHOLD SUCH INFORMATION FOR NOT MORE THAN ONE ADDITIONAL PERIOD OF THE SAME DURATION OR REFER THE MATTER BACK TO THE JOINT COMMISSION ON PUBLIC ETHICS ONCE FOR ADDITIONAL INVESTIGATION, IN WHICH CASE THE LEGISLATIVE ETHICS COMMISSION SHALL, UPON THE TERMINATION OF SUCH ADDITIONAL PERIOD OR UPON RECEIPT OF A NEW REPORT BY THE JOINT COMMISSION ON PUBLIC ETHICS AFTER SUCH ADDITIONAL INVESTIGATION, MAKE PUBLIC THE WRITTEN REPORT AND PUBLISH IT ON THE COMMISSION'S WEBSITE.

IF THE LEGISLATIVE ETHICS COMMISSION FAILS TO MAKE PUBLIC THE WRITTEN REPORT RECEIVED FROM THE JOINT COMMISSION IN ACCORDANCE WITH THIS PARAGRAPH, THE JOINT COMMISSION SHALL RELEASE SUCH REPORT PUBLICLY PROMPTLY AND IN ANY EVENT NO LATER THAN TEN DAYS AFTER THE LEGISLATIVE ETHICS COMMISSION IS REQUIRED TO RELEASE SUCH REPORT. THE LEGISLATIVE ETHICS COMMISSION SHALL NOT REFER THE MATTER BACK TO THE JOINT COMMISSION ON PUBLIC ETHICS FOR ADDITIONAL INVESTIGATION MORE THAN ONCE. IF THE COMMISSION REFERS THE MATTER BACK TO THE JOINT COMMISSION FOR ADDITIONAL FACT-FINDING, THE JOINT COMMISSION'S ORIGINAL REPORT SHALL REMAIN CONFIDENTIAL.

10. UPON RECEIPT OF A WRITTEN REPORT FROM THE JOINT COMMISSION ON PUBLIC ETHICS PURSUANT TO SUBDIVISION FOURTEEN-A OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, THE LEGISLATIVE ETHICS COMMISSION SHALL COMMENCE ITS REVIEW OF THE MATTER ADDRESSED IN SUCH REPORT. NO LATER THAN NINETY DAYS AFTER RECEIPT OF SUCH REPORT, THE LEGISLATIVE ETHICS COMMISSION SHALL DISPOSE OF THE MATTER BY MAKING ONE OR MORE OF THE FOLLOWING DETERMINATIONS:

A. WHETHER THE LEGISLATIVE ETHICS COMMISSION CONCURS WITH THE JOINT COMMISSION'S CONCLUSIONS OF LAW AND THE REASONS THEREFOR;

B. WHETHER AND WHICH PENALTIES HAVE BEEN ASSESSED PURSUANT TO APPLICABLE LAW OR RULE AND THE REASONS THEREFOR; AND

C. WHETHER FURTHER ACTIONS HAVE BEEN TAKEN BY THE COMMISSION TO PUNISH OR DETER THE MISCONDUCT AT ISSUE AND THE REASONS THEREFOR.

THE COMMISSION'S DISPOSITION SHALL BE REPORTED IN WRITING AND PUBLISHED ON ITS WEBSITE NO LATER THAN TEN DAYS AFTER SUCH DISPOSITION UNLESS REQUESTED BY A LAW ENFORCEMENT AGENCY TO SUSPEND THE COMMISSION'S ACTION BECAUSE OF AN ONGOING CRIMINAL INVESTIGATION.

11. 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] PROCEEDINGS 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.] 12. 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 OR REPORT which includes a fine, penalty or other remedy REACHED AFTER THE COMMISSION HAS RECEIVED A REPORT FROM THE JOINT COMMISSION ON PUBLIC ETHICS PURSUANT TO SUBDIVISION FOURTEEN-A OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW;

[(7)] (2) generic advisory opinions; [and

(8)] (3) all reports required by this section[.]; AND

(4) ALL REPORTS RECEIVED FROM THE JOINT COMMISSION ON PUBLIC ETHICS PURSUANT TO SUBDIVISION FOURTEEN-A OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW AND IN CONFORMANCE WITH PARAGRAPH (B) OF SUBDIVISION NINE-B OF 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.] 13. 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 JOINT commission ON PUBLIC ETHICS, 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.] 14. This section shall not revoke or rescind any policies, rules, regulations or advisory opinions issued by the legislative ethics committee 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.] 15. 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 10. Paragraph (h) of subdivision 8 of section 73 of the public officers law, as added by chapter 514 of the laws of 2002, is amended to read as follows:

(h) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency when the agency head certifies in writing to the [state ethics] JOINT commission ON PUBLIC ETHICS that the services of such former officer or employee are required in connection with the agency's response to a disaster

emergency declared by the governor pursuant to section twenty-eight of the executive law.

S 11. The opening paragraph of subdivision 8-a of section 73 of the public officers law, as amended by chapter 357 of the laws of 2001, is amended to read as follows:

The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the [state ethics] JOINT commission ON PUBLIC ETHICS, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the [state ethics] JOINT commission ON PUBLIC ETHICS, provides to the [state ethics] JOINT commission ON PUBLIC ETHICS a written certification which meets the requirements of this subdivision. For purposes of this subdivision the term "permitted activities" shall mean generally any activity performed at the request of the attorney general or the attorney general's designee, or in cases where the state agency is not represented by the attorney general, the general counsel of such state agency, including without limitation:

S 12. Subdivision 8-b of section 73 of the public officers law, as added by chapter 523 of the laws of 2004, is amended to read as follows:

8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section, a former state officer or employee may contract individually, or as a member or employee of a firm, corporation or association, to render services to any state agency if, prior to engaging in such service, the agency head certifies in writing to the [state ethics] JOINT commission ON PUBLIC ETHICS that such former officer or employee has expertise, knowledge or experience with respect to a particular matter which meets the needs of the agency and is otherwise unavailable at a comparable cost. Where approval of the contract is required under section one hundred twelve of the state finance law, the comptroller shall review and consider the reasons for such certification. The [state ethics] JOINT commission ON PUBLIC ETHICS must review and approve all certifications made pursuant to this subdivision.

S 13. Subdivision 10 of section 73 of the public officers law, as amended by chapter 813 of the laws of 1987, is amended to read as follows:

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative

employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [state] JOINT COMMISSION ON PUBLIC ethics [commission] or by the legislative ethics committee in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this [chapter] ARTICLE is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with, the court of claims, where such statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee or state officer or employee who is subject to the provisions of section seventy-three-a of this [chapter] ARTICLE does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [state] JOINT COMMISSION ON PUBLIC ethics [commission] or by the legislative ethics committee in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined.

S 14. Transfer of records. The state commission on public integrity, shall deliver to the joint commission on public ethics all books, papers, records, and property as requested by the joint commission.

S 15. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the joint commission on public ethics shall be deemed and held to constitute the continuation of the state commission on public integrity.

S 16. Completion of unfinished business. Any business or other matter undertaken or commenced by the state commission on public integrity or the legislative ethics commission pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the joint commission on public ethics, and pending on the effective date of this act may be conducted and completed by the joint commission on public ethics in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the former state commission on public integrity or the legislative ethics commission.

S 17. Terms occurring in laws, contracts and other documents. Whenever the state commission on public integrity is referred to or designated in

any law, contract or documents pertaining solely to those functions, powers, obligations and duties hereby transferred and assigned to the joint commission on public ethics, such reference or designation shall be deemed to refer to the joint commission on public ethics as created by this act.

S 18. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

S 19. Pending actions and proceedings. No action or proceeding pending at the time when this act shall take effect, brought by or against the state commission on public integrity shall be affected by this act, but the same may be prosecuted or defended in the name of the joint commission on public ethics and upon application to the court, the joint commission on public ethics shall be substituted as a party.

S 20. Notwithstanding any contrary provision of the state finance law, transfer of appropriations heretofore made to the state commission on public integrity, all appropriations or reappropriations for the functions herein transferred heretofore made to the state commission on public integrity, or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to the joint commission on public ethics to the extent necessary to carry out its functions, powers and duties subject to the approval of the director of the budget for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the joint commission on public ethics on audit and warrant of the comptroller.

S 21. No later than June 1, 2014, the governor and the legislative leaders shall jointly appoint a review commission to review and evaluate the activities and performance of the joint commission on public ethics and the legislative ethics commission in implementing the provisions of this act. On or before March 1, 2015, the review commission shall report to the governor and the legislature on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the ethics law in New York state. The review commission shall be comprised of eight members and the governor and the legislative leaders shall jointly designate a chair from among the members.

S 22. This act shall take effect immediately, provided that:

1. the state commission on public integrity shall continue to accept filings and provide records as otherwise required but shall not otherwise investigate, discipline or provide advisory opinions;

2. the joint commission on public ethics shall be fully operational on or before the one hundred twentieth day after this act shall have become a law and until such time as it becomes operational (a) the state commission on public integrity shall deposit all records in its possession with the inspector general and (b) the legislative ethics commission shall continue to exercise such functions, powers, obligations and duties to be transferred to the joint commission on public ethics; and

3. section four of this act, the amendments to subdivision 3 of section 73-a of the public officers law made by section five of this act, paragraph (i-1) of subdivision 9 of section 94 of the executive law, as added by section six of this act, and the amendments to subparagraph 1 of paragraph (a) of subdivision 19 of section 94 of the execu-

tive law, made by section six of this act, shall take effect January 1, 2013.

PART B

Section 1. Subdivision (c) of section 1-h of the legislative law is amended by adding a new paragraph 4 to read as follows:

(4) ANY LOBBYIST REGISTERED PURSUANT TO SECTION ONE-E OF THIS ARTICLE WHOSE LOBBYING ACTIVITY IS PERFORMED ON ITS OWN BEHALF AND NOT PURSUANT TO RETENTION BY A CLIENT:

(I) THAT HAS SPENT OVER FIFTY THOUSAND DOLLARS FOR REPORTABLE COMPENSATION AND EXPENSES FOR LOBBYING EITHER DURING THE CALENDAR YEAR, OR DURING THE TWELVE-MONTH PERIOD, PRIOR TO THE DATE OF THIS BI-MONTHLY REPORT, AND

(II) AT LEAST THREE PERCENT OF WHOSE TOTAL EXPENDITURES DURING THE SAME PERIOD WERE DEVOTED TO LOBBYING IN NEW YORK

SHALL REPORT TO THE COMMISSION THE NAMES OF EACH SOURCE OF FUNDING OVER FIVE THOUSAND DOLLARS FROM A SINGLE SOURCE THAT WERE USED TO FUND THE LOBBYING ACTIVITIES REPORTED AND THE AMOUNTS RECEIVED FROM EACH IDENTIFIED SOURCE OF FUNDING.

THIS DISCLOSURE SHALL NOT REQUIRE DISCLOSURE OF THE SOURCES OF FUNDING WHOSE DISCLOSURE, IN THE DETERMINATION OF THE COMMISSION BASED UPON A REVIEW OF THE RELEVANT FACTS PRESENTED BY THE REPORTING LOBBYIST, MAY CAUSE HARM, THREATS, HARASSMENT, OR REPRISALS TO THE SOURCE OR TO INDIVIDUALS OR PROPERTY AFFILIATED WITH THE SOURCE. THE REPORTING LOBBYIST MAY APPEAL THE COMMISSION'S DETERMINATION AND SUCH APPEAL SHALL BE HEARD BY A JUDICIAL HEARING OFFICER WHO IS INDEPENDENT AND NOT AFFILIATED WITH OR EMPLOYED BY THE COMMISSION, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSION. THE REPORTING LOBBYIST SHALL NOT BE REQUIRED TO DISCLOSE THE SOURCES OF FUNDING THAT ARE THE SUBJECT OF SUCH APPEAL PENDING FINAL JUDGMENT ON APPEAL.

THE DISCLOSURE SHALL NOT APPLY TO:

(I) ANY CORPORATION REGISTERED PURSUANT TO ARTICLE SEVEN-A OF THE EXECUTIVE LAW THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPARTMENT OF THE TREASURY UNDER I.R.C. S 501(C)(3);

(II) ANY CORPORATION REGISTERED PURSUANT TO ARTICLE SEVEN-A OF THE EXECUTIVE LAW THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPARTMENT OF THE TREASURY UNDER I.R.C. S 501(C)(4) AND WHOSE PRIMARY ACTIVITIES CONCERN ANY AREA OF PUBLIC CONCERN DETERMINED BY THE COMMISSION TO CREATE A SUBSTANTIAL LIKELIHOOD THAT APPLICATION OF THIS DISCLOSURE REQUIREMENT WOULD LEAD TO HARM, THREATS, HARASSMENT, OR REPRISALS TO A SOURCE OF FUNDING OR TO INDIVIDUALS OR PROPERTY AFFILIATED WITH SUCH SOURCE, INCLUDING BUT NOT LIMITED TO THE AREA OF CIVIL RIGHTS AND CIVIL LIBERTIES AND ANY OTHER AREA OF PUBLIC CONCERN DETERMINED PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSION TO FORM A PROPER BASIS FOR EXEMPTION ON THIS BASIS FROM THIS DISCLOSURE REQUIREMENT; OR

(III) ANY GOVERNMENTAL ENTITY.

THE JOINT COMMISSION ON PUBLIC ETHICS SHALL PROMULGATE REGULATIONS TO IMPLEMENT THESE REQUIREMENTS.

S 2. Subdivision (c) of section 1-j of the legislative law is amended by adding a new paragraph 4 to read as follows:

(4) ANY CLIENT OF A LOBBYIST THAT IS REQUIRED TO FILE A SEMI-ANNUAL REPORT AND:

(I) THAT HAS SPENT OVER FIFTY THOUSAND DOLLARS FOR REPORTABLE COMPENSATION AND EXPENSES FOR LOBBYING EITHER DURING THE CALENDAR YEAR, OR

DURING THE TWELVE-MONTH PERIOD, PRIOR TO THE DATE OF THIS SEMI-ANNUAL REPORT, AND

(II) AT LEAST THREE PERCENT OF WHOSE TOTAL EXPENDITURES DURING THE SAME PERIOD WERE DEVOTED TO LOBBYING IN NEW YORK

SHALL REPORT TO THE COMMISSION THE NAMES OF EACH SOURCE OF FUNDING OVER FIVE THOUSAND DOLLARS FROM A SINGLE SOURCE THAT WERE USED TO FUND THE LOBBYING ACTIVITIES REPORTED AND THE AMOUNTS RECEIVED FROM EACH IDENTIFIED SOURCE OF FUNDING.

THIS DISCLOSURE SHALL NOT REQUIRE DISCLOSURE OF THE SOURCES OF FUNDING WHOSE DISCLOSURE, IN THE DETERMINATION OF THE COMMISSION BASED UPON A REVIEW OF THE RELEVANT FACTS PRESENTED BY THE REPORTING CLIENT OR LOBBYIST, MAY CAUSE HARM, THREATS, HARASSMENT, OR REPRISALS TO THE SOURCE OR TO INDIVIDUALS OR PROPERTY AFFILIATED WITH THE SOURCE. THE REPORTING LOBBYIST MAY APPEAL THE COMMISSION'S DETERMINATION AND SUCH APPEAL SHALL BE HEARD BY A JUDICIAL HEARING OFFICER WHO IS INDEPENDENT AND NOT AFFILIATED WITH OR EMPLOYED BY THE COMMISSION, PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSION. THE REPORTING LOBBYIST SHALL NOT BE REQUIRED TO DISCLOSE THE SOURCES OF FUNDING THAT ARE THE SUBJECT OF SUCH APPEAL PENDING FINAL JUDGMENT ON APPEAL.

THE DISCLOSURE SHALL NOT APPLY TO:

(I) ANY CORPORATION REGISTERED PURSUANT TO ARTICLE SEVEN-A OF THE EXECUTIVE LAW THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPARTMENT OF THE TREASURY UNDER I.R.C. S 501(C)(3);

(II) ANY CORPORATION REGISTERED PURSUANT TO ARTICLE SEVEN-A OF THE EXECUTIVE LAW THAT IS QUALIFIED AS AN EXEMPT ORGANIZATION BY THE UNITED STATES DEPARTMENT OF THE TREASURY UNDER I.R.C. S 501(C)(4) AND WHOSE PRIMARY ACTIVITIES CONCERN ANY AREA OF PUBLIC CONCERN DETERMINED BY THE COMMISSION TO CREATE A SUBSTANTIAL LIKELIHOOD THAT APPLICATION OF THIS DISCLOSURE REQUIREMENT WOULD LEAD TO HARM, THREATS, HARASSMENT, OR REPRISALS TO A SOURCE OF FUNDING OR TO INDIVIDUALS OR PROPERTY AFFILIATED WITH SUCH SOURCE, INCLUDING BUT NOT LIMITED TO THE AREA OF CIVIL RIGHTS AND CIVIL LIBERTIES AND ANY OTHER AREA OF PUBLIC CONCERN DETERMINED PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSION TO FORM A PROPER BASIS FOR EXEMPTION ON THIS BASIS FROM THIS DISCLOSURE REQUIREMENT; OR

(III) ANY GOVERNMENTAL ENTITY.

THE JOINT COMMISSION ON PUBLIC ETHICS SHALL PROMULGATE REGULATIONS TO IMPLEMENT THESE REQUIREMENTS.

S 3. This act shall take effect June 1, 2012.

PART C

Section 1. The retirement and social security law is amended by adding a new article 3-B to read as follows:

ARTICLE 3-B

PENSION FORFEITURE FOR PUBLIC OFFICIALS

SECTION 156. DEFINITIONS.
157. PENSION FORFEITURE.
158. PENSION CONTRIBUTIONS RETURNED.
159. MISCELLANEOUS.

S 156. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, AS USED IN THIS ARTICLE, SHALL HAVE THE FOLLOWING MEANINGS, UNLESS A DIFFERENT MEANING IS PLAINLY REQUIRED BY THE CONTEXT:

1. "CRIME RELATED TO PUBLIC OFFICE" SHALL MEAN ANY OF THE FOLLOWING CRIMINAL OFFENSES WHETHER COMMITTED IN THIS STATE OR IN ANY OTHER JURISDICTION BY A PUBLIC OFFICIAL THROUGH THE USE OF HIS OR HER PUBLIC OFFICE

OR BY THE INDIVIDUAL REPRESENTING THAT HE OR SHE WAS ACTING WITH THE AUTHORITY OF ANY GOVERNMENTAL ENTITY, AND ACTING AS A PUBLIC OFFICIAL:

(A) A FELONY FOR COMMITTING, AIDING OR ABETTING A LARCENY OF PUBLIC FUNDS FROM THE STATE OR A MUNICIPALITY;

(B) A FELONY COMMITTED IN DIRECT CONNECTION WITH SERVICE AS A PUBLIC OFFICIAL; OR

(C) A FELONY COMMITTED BY SUCH PERSON WHO, WITH THE INTENT TO DEFRAUD, REALIZES OR OBTAINS, OR ATTEMPTS TO REALIZE OR OBTAIN, A PROFIT, GAIN OR ADVANTAGE FOR HIMSELF OR HERSELF OR FOR SOME OTHER PERSON, THROUGH THE USE OR ATTEMPTED USE OF THE POWER, RIGHTS, PRIVILEGES OR DUTIES OF HIS OR HER POSITION AS A PUBLIC OFFICIAL.

2. "CHIEF ADMINISTRATOR OF THE RETIREMENT SYSTEM" SHALL MEAN THE COMPTROLLER OF THE STATE OF NEW YORK WITH RESPECT TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE BOARDS OF TRUSTEES WITH RESPECT TO THE OTHER PUBLIC RETIREMENT SYSTEMS AND PENSION FUNDS OF THE STATE AND THE CITY OF NEW YORK.

3. "DEFENDANT" SHALL MEAN A STATE OR LOCAL OFFICER AGAINST WHOM A FORFEITURE ACTION IS COMMENCED.

4. "DEPENDENT PERSON" SHALL MEAN AND INCLUDE:

(A) ANY CHILD OF A PUBLIC OFFICIAL OR OTHER PERSON FOR WHOM SUCH PERSON IS LEGALLY RESPONSIBLE TO PROVIDE SUPPORT;

(B) ANY PRESENT OR FORMER SPOUSE OR DOMESTIC PARTNER OF A PUBLIC OFFICIAL;

(C) ANY FAMILY OR HOUSEHOLD MEMBER OF A PUBLIC OFFICIAL, REGARDLESS OF SUCH PERSON'S AGE, WHERE SUCH PERSON HAS A DISABILITY, AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION TWO HUNDRED NINETY-TWO OF THE EXECUTIVE LAW; AND

(D) ANY PERSON TO WHOM A PUBLIC OFFICIAL HAS PROVIDED SUPPORT.

5. "PENSION" SHALL MEAN THE ANNUAL ALLOWANCE FOR LIFE, PAYABLE IN MONTHLY INSTALLMENTS, DERIVED FROM CONTRIBUTIONS MADE BY A PUBLIC OFFICIAL TO THE APPROPRIATE PENSION ACCUMULATION FUND OF A RETIREMENT SYSTEM PURSUANT TO APPLICABLE LAW.

6. (A) "PUBLIC OFFICIAL" SHALL MEAN ANY OF THE FOLLOWING INDIVIDUALS WHO WERE NOT MEMBERS OF ANY RETIREMENT SYSTEM PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH ADDED THIS ARTICLE BUT WHO HAVE BECOME MEMBERS OF A COVERED RETIREMENT SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH ADDED THIS ARTICLE:

(I) THE GOVERNOR, LIEUTENANT GOVERNOR, COMPTROLLER OR ATTORNEY GENERAL;

(II) MEMBERS OF THE STATE LEGISLATURE;

(III) STATE OFFICERS AND EMPLOYEES INCLUDING:

(A) HEADS OF STATE DEPARTMENTS AND THEIR DEPUTIES AND ASSISTANTS OTHER THAN MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK WHO RECEIVE NO COMPENSATION OR ARE COMPENSATED ON A PER DIEM BASIS;

(B) OFFICERS AND EMPLOYEES OF STATEWIDE ELECTED OFFICIALS;

(C) OFFICERS AND EMPLOYEES OF STATE DEPARTMENTS, BOARDS, BUREAUS, DIVISIONS, COMMISSIONS, COUNCILS OR OTHER STATE AGENCIES; AND

(D) MEMBERS OR DIRECTORS OF PUBLIC AUTHORITIES, OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATIONS AND COMMISSIONS AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR, AND EMPLOYEES OF SUCH AUTHORITIES, CORPORATIONS AND COMMISSIONS;

(IV) JUDGES, JUSTICES AND EMPLOYEES OF THE UNIFIED COURT SYSTEM;

(V) OFFICERS AND EMPLOYEES OF THE LEGISLATURE; AND

(VI) PAID MUNICIPAL OFFICERS AND EMPLOYEES INCLUDING AN OFFICER OR EMPLOYEE OF A MUNICIPALITY, PAID MEMBERS OF ANY ADMINISTRATIVE BOARD, COMMISSION OR OTHER AGENCY THEREOF AND IN THE CASE OF A COUNTY, SHALL BE DEEMED TO ALSO INCLUDE ANY OFFICER OR EMPLOYEE PAID FROM COUNTY FUNDS.

(B) A PERSON WHO RECEIVES NO COMPENSATION OR IS COMPENSATED ON A PER DIEM BASIS FOR HIS OR HER DUTIES AS A PUBLIC OFFICIAL SHALL NOT BE DEEMED A PUBLIC OFFICIAL PURSUANT TO THIS SUBDIVISION.

7. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AND THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM.

S 157. PENSION FORFEITURE. 1. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, IT SHALL BE A TERM AND CONDITION OF MEMBERSHIP FOR EVERY PUBLIC OFFICIAL WHO BECOMES A MEMBER OF ANY RETIREMENT SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH ADDED THIS ARTICLE, THAT SUCH PUBLIC OFFICIAL'S RIGHTS TO A PENSION IN A RETIREMENT SYSTEM THAT ACCRUE IN SUCH RETIREMENT SYSTEM AFTER HIS OR HER DATE OF INITIAL MEMBERSHIP IN THE RETIREMENT SYSTEM SHALL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

2. IN THE CASE OF A PUBLIC OFFICIAL WHO STANDS CONVICTED, BY PLEA OF NOLO CONTENDERE OR PLEA OF GUILTY TO, OR BY CONVICTION AFTER TRIAL, OF ANY CRIME RELATED TO PUBLIC OFFICE, AN ACTION MAY BE COMMENCED IN SUPREME COURT OF THE COUNTY IN WHICH SUCH PUBLIC OFFICIAL WAS CONVICTED OF SUCH FELONY CRIME, BY THE DISTRICT ATTORNEY HAVING JURISDICTION OVER SUCH CRIME, OR BY THE ATTORNEY GENERAL IF THE ATTORNEY GENERAL BROUGHT THE CRIMINAL CHARGE WHICH RESULTED IN SUCH CONVICTION, FOR AN ORDER TO REDUCE OR REVOKE THE PENSION TO WHICH SUCH PUBLIC OFFICIAL IS OTHERWISE ENTITLED FOR SERVICE AS A PUBLIC OFFICIAL. SUCH COMPLAINT SHALL SPECIFY WITH PARTICULARITY WHICH CATEGORY OF FELONY PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED FIFTY-SIX OF THIS ARTICLE THE DEFENDANT HAS COMMITTED, AND ALL OTHER FACTS THAT ARE ALLEGED TO QUALIFY SUCH CRIME AS A FELONY CRIME RELATED TO PUBLIC OFFICE SUBJECT TO PENSION REDUCTION OR REVOCATION PURSUANT TO THIS ARTICLE, AND THE AMOUNT OF PENSION REDUCTION OR REVOCATION REQUESTED. SUCH ACTION SHALL BE COMMENCED WITHIN SIX MONTHS AFTER SUCH CONVICTION.

3. BEFORE COMMENCING AN ACTION DESCRIBED IN SUBDIVISION TWO OF THIS SECTION, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, SHALL SERVE WRITTEN NOTICE ON THE CHIEF ADMINISTRATOR OF THE DEFENDANT'S RETIREMENT SYSTEM STATING THAT HE OR SHE HAS REASON TO BELIEVE THAT THE PERSON CONVICTED COMMITTED THE CRIME RELATED TO PUBLIC OFFICE IN THE PERFORMANCE OF OR FAILURE TO PERFORM THE PUBLIC OFFICIAL'S DUTIES AND RESPONSIBILITIES. SUCH NOTICE SHALL SPECIFY WITH PARTICULARITY WHICH CATEGORY OF FELONY PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED FIFTY-SIX OF THIS ARTICLE THE DEFENDANT HAS COMMITTED. WITHIN TWENTY DAYS AFTER RECEIPT OF SUCH NOTICE, THE CHIEF ADMINISTRATOR OF THE DEFENDANT'S RETIREMENT SYSTEM SHALL SUBMIT A NOTICE OF APPLICABILITY TO THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL AS THE CASE MAY BE. THE NOTICE OF APPLICABILITY SHALL CONTAIN A STATEMENT SPECIFYING WHETHER THE PERSON CONVICTED IS OR HAS BEEN A MEMBER OR RETIRED MEMBER OF A RETIREMENT SYSTEM AND SHALL DESCRIBE THE PORTION OF SUCH RIGHTS AND BENEFITS TO WHICH SUCH PERSON IS OR WILL BE ENTITLED TO SOLELY FROM SERVICE AS SUCH A PUBLIC OFFICIAL.

4. NO FORFEITURE ACTION MAY BE COMMENCED BY THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL UNTIL SUCH DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, HAS RECEIVED AND SERVED ON THE DEFENDANT THE NOTICE OF APPLICABILITY AS SET FORTH IN SUBDIVISION THREE OF THIS SECTION.

5. THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, OR ANY INTERESTED PARTY, MAY SEEK, OR THE COURT ON ITS OWN MOTION MAY ORDER, THAT SOME OR ALL OF THE PENSION THAT WOULD OTHERWISE BE REDUCED OR REVOKED PURSUANT TO THIS ARTICLE BE PAID FOR THE BENEFIT OF ANY DEPENDENT PERSONS, AS MAY BE IN THE INTERESTS OF JUSTICE.

6. THE DEFENDANT SHALL HAVE THE RIGHT TO A HEARING.

7. THE BURDEN OF PROOF SHALL BE UPON THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, AS THE CASE MAY BE, TO PROVE BY CLEAR AND CONVINCING EVIDENCE THE FACTS NECESSARY TO ESTABLISH A CLAIM OF PENSION FORFEITURE. THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL AS THE CASE MAY BE MUST, AT THE TIME OF THE HEARING, PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT KNOWINGLY AND INTENTIONALLY COMMITTED THE CRIME RELATED TO PUBLIC OFFICE.

8. IN DETERMINING WHETHER THE PENSION SHALL BE REDUCED OR REVOKED, THE SUPREME COURT SHALL CONSIDER AND MAKE FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT INCLUDE, BUT SHALL NOT BE LIMITED TO, A CONSIDERATION OF THE FOLLOWING FACTORS:

(A) WHETHER THE DEFENDANT STANDS CONVICTED OF SUCH A FELONY OF A CRIME RELATED TO PUBLIC OFFICE, AND THE SPECIFIC PARAGRAPH OR PARAGRAPHS OF SUBDIVISION ONE OF SECTION ONE HUNDRED FIFTY-SIX OF THIS ARTICLE THAT HAVE BEEN PROVEN OR NOT PROVEN;

(B) THE SEVERITY OF THE CRIME RELATED TO PUBLIC OFFICE OF WHICH THE DEFENDANT STANDS CONVICTED;

(C) THE AMOUNT OF MONETARY LOSS SUFFERED BY SUCH STATE OR MUNICIPALITY AS A RESULT OF SUCH CRIME RELATED TO PUBLIC OFFICE;

(D) THE DEGREE OF PUBLIC TRUST REPOSED IN THE PUBLIC OFFICIAL BY VIRTUE OF THE PERSON'S POSITION AS A PUBLIC OFFICIAL;

(E) IF THE CRIME RELATED TO PUBLIC OFFICE WAS PART OF A FRAUDULENT SCHEME AGAINST THE STATE OR A MUNICIPALITY, THE ROLE OF THE PUBLIC OFFICIAL IN SUCH FRAUDULENT SCHEME AGAINST SUCH STATE OR A MUNICIPALITY;

(F) THE DEFENDANT'S CRIMINAL HISTORY, IF ANY;

(G) THE IMPACT OF FORFEITURE, IN WHOLE OR IN PART, ON DEFENDANT'S DEPENDENTS, PRESENT OR FORMER SPOUSES, OR DOMESTIC PARTNERS;

(H) THE PROPORTIONALITY OF FORFEITURE OF ALL OR PART OF THE PENSION TO THE CRIME COMMITTED; AND

(I) ANY SUCH OTHER FACTORS AS, IN THE JUDGMENT OF THE SUPREME COURT, JUSTICE MAY REQUIRE.

9. AT ANY TIME DURING THE PENDENCY OF A FORFEITURE ACTION, THE COURT MAY DISMISS THE ACTION IF IT FINDS THAT SUCH RELIEF IS WARRANTED BY THE EXISTENCE OF SOME COMPELLING FACTOR, CONSIDERATION OR CIRCUMSTANCE OR OTHER INFORMATION OR EVIDENCE WHICH DEMONSTRATES THAT FORFEITURE WOULD NOT SERVE THE ENDS OF JUSTICE. THE COURT MAY ORDER THAT SOME OR ALL OF THE REDUCED OR REVOKED PENSION BE PAID TO SATISFY THE TERMS OF ANY EXISTING ORDER FOR THE PAYMENT OF MAINTENANCE, CHILD SUPPORT OR RESTITUTION OR FOR THE BENEFIT OF ANY DEPENDENT PERSONS, AS MAY BE IN THE INTERESTS OF JUSTICE, AFTER TAKING INTO CONSIDERATION THE FINANCIAL NEEDS AND RESOURCES AVAILABLE FOR SUPPORT OF SUCH PERSONS.

10. UPON A FINDING BY THE COURT BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT KNOWINGLY AND INTENTIONALLY COMMITTED A CRIME RELATED TO PUBLIC OFFICE, THE COURT MAY ISSUE AN ORDER TO THE APPROPRIATE RETIREMENT SYSTEM TO REDUCE OR REVOKE THE DEFENDANT'S PENSION TO WHICH HE OR SHE IS OTHERWISE ENTITLED AS SUCH A PUBLIC OFFICIAL. ALL ORDERS AND FINDINGS MADE BY THE COURT PURSUANT TO THIS SECTION SHALL BE SERVED BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY, AS THE CASE MAY BE UPON THE CHIEF ADMINISTRATOR OF THE DEFENDANT'S RETIREMENT SYSTEM AND THE DEFENDANT.

11. THE COURT SHALL ISSUE A WRITTEN DECISION INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW THAT ARE THE BASIS FOR ANY ORDER ISSUED PURSUANT TO THIS SECTION.

12. UPON A FINAL DETERMINATION THAT REVERSES OR VACATES THE CONVICTION OR CONVICTIONS OF A CRIME RELATED TO PUBLIC OFFICE, OR REDUCES SUCH CRIME TO A VIOLATION, MISDEMEANOR OR OTHER CRIMINAL ACT THAT IS NOT A CRIME RELATED TO PUBLIC OFFICE, THE PUBLIC OFFICIAL, OR IF HE OR SHE SHALL BE DECEASED, HIS OR HER ESTATE, SHALL HAVE SUCH PENSION RETROACTIVELY RESTORED UPON APPLICATION TO THE COURT WITH JURISDICTION OVER THE FORFEITURE ACTION. SUCH COURT, UPON FINDING THAT SUCH A FINAL DETERMINATION HAS OCCURRED, SHALL ISSUE AN ORDER RETROACTIVELY RESTORING SUCH PENSION, TOGETHER WITH SUCH OTHER RELIEF DEEMED APPROPRIATE.

13. A FINAL JUDGMENT ENTERED PURSUANT TO THIS ARTICLE MAY BE APPEALED PURSUANT TO SUBDIVISION (A) OF SECTION FIFTY-SEVEN HUNDRED ONE AND SECTION FIFTY-SIX HUNDRED TWO OF THE CIVIL PRACTICE LAW AND RULES.

14. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE CIVIL PRACTICE LAW AND RULES SHALL GOVERN THE PROCEDURE IN ALL ACTIONS COMMENCED PURSUANT TO THIS ARTICLE, EXCEPT WHERE THE ACTION IS SPECIFICALLY REGULATED BY ANY INCONSISTENT PROVISIONS HEREIN.

S 158. PENSION CONTRIBUTIONS RETURNED. 1. ANY PUBLIC OFFICIAL WHOSE PENSION IS REDUCED OR REVOKED PURSUANT TO THIS ARTICLE SHALL BE ENTITLED TO A RETURN OF HIS OR HER CONTRIBUTION PAID INTO THE RELEVANT RETIREMENT SYSTEM, WITHOUT INTEREST.

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, NO PAYMENTS IN RETURN OF CONTRIBUTIONS SHALL BE MADE OR ORDERED UNLESS AND UNTIL THE SUPREME COURT DETERMINES THAT THE PUBLIC OFFICIAL WHOSE PENSION HAS BEEN REDUCED OR REVOKED HAS SATISFIED IN FULL ANY JUDGMENTS OR ORDERS RENDERED BY ANY COURT OF COMPETENT JURISDICTION FOR THE PAYMENT OF RESTITUTION TO THE STATE OR A MUNICIPALITY FOR LOSSES INCURRED AS A RESULT OF SUCH CRIME RELATED TO PUBLIC OFFICE. IF THE SUPREME COURT DETERMINES THAT SUCH PUBLIC OFFICIAL WHOSE PENSION IS TO BE REDUCED OR REVOKED HAS FAILED TO SATISFY ANY OUTSTANDING JUDGMENT OR ORDER OF RESTITUTION RENDERED BY A COURT OF COMPETENT JURISDICTION, IT MAY ORDER THAT ANY FUNDS OTHERWISE DUE TO SUCH PUBLIC OFFICIAL AS A RETURN OF CONTRIBUTION, OR ANY PORTION THEREOF, BE PAID IN SATISFACTION OF SUCH JUDGMENT OR ORDER.

S 159. MISCELLANEOUS. THE REMEDIES PROVIDED FOR IN THIS ARTICLE ARE NOT INTENDED TO SUBSTITUTE FOR, LIMIT OR SUPERSEDE THE LAWFUL AUTHORITY OF ANY PUBLIC OFFICER, AGENCY OR OTHER PERSON TO ENFORCE ANY OTHER RIGHT OR REMEDY PROVIDED FOR BY LAW.

S 2. The criminal procedure law is amended by adding a new section 220.51 to read as follows:

S 220.51 NOTICE BEFORE ENTRY OF PLEA OR TRIAL INVOLVING A PUBLIC OFFICIAL.

PRIOR TO TRIAL, AND BEFORE ACCEPTING A DEFENDANT'S PLEA TO A COUNT OR COUNTS OF AN INDICTMENT OR A SUPERIOR COURT INFORMATION CHARGING A FELONY OFFENSE, THE COURT MUST INDIVIDUALLY ADVISE THE DEFENDANT, ON THE RECORD, THAT IF AT THE TIME OF THE ALLEGED FELONY CRIME THE DEFENDANT WAS A PUBLIC OFFICIAL, AS DEFINED IN SUBDIVISION SIX OF SECTION ONE HUNDRED FIFTY-SIX OF THE RETIREMENT AND SOCIAL SECURITY LAW, THE DEFENDANT'S PLEA OF GUILTY AND THE COURT'S ACCEPTANCE THEREOF OR CONVICTION AFTER TRIAL MAY RESULT IN PROCEEDINGS FOR THE REDUCTION OR REVOCATION OF SUCH DEFENDANT'S PENSION PURSUANT TO ARTICLE THREE-B OF THE RETIREMENT AND SOCIAL SECURITY LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall only apply to acts committed by public officials on or after such date.

PART D

Section 1. Paragraph (i) of subdivision (c) and subdivision (j) of section 1-c of the legislative law, paragraph (i) of subdivision (c) as added by chapter 1 of the laws of 2005 and subdivision (j) as added by chapter 14 of the laws of 2007, are amended to read as follows:

(i) the passage or defeat of any legislation OR RESOLUTION by either house of the state legislature INCLUDING BUT NOT LIMITED TO THE INTRODUCTION OR INTENDED INTRODUCTION OF SUCH LEGISLATION OR RESOLUTION or approval or disapproval of any legislation by the governor;

(j) The term "gift" shall mean anything of more than nominal value given to a public official in any form including, but not limited to money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance, or promise, having a monetary value. The following are excluded from the definition of a gift:

(i) complimentary attendance, including food and beverage, at bona fide charitable or political events[, and food and beverage of a nominal value offered other than as part of a meal];

(ii) complimentary attendance, food and beverage offered by the sponsor of [an event that is] A widely attended [or was in good faith intended to be widely attended, when attendance at the event is related to the attendee's duties or responsibilities as a public official or allows the public official to perform a ceremonial function appropriate to his or her position] EVENT. THE TERM "WIDELY ATTENDED EVENT" SHALL MEAN AN EVENT: (A) WHICH AT LEAST TWENTY-FIVE INDIVIDUALS OTHER THAN MEMBERS, OFFICERS, OR EMPLOYEES FROM THE GOVERNMENTAL ENTITY IN WHICH THE PUBLIC OFFICIAL SERVES ATTEND OR WERE, IN GOOD FAITH, INVITED TO ATTEND, AND (B) WHICH IS RELATED TO THE ATTENDEE'S DUTIES OR RESPONSIBILITIES OR WHICH ALLOWS THE PUBLIC OFFICIAL TO PERFORM A CEREMONIAL FUNCTION APPROPRIATE TO HIS OR HER POSITION. FOR THE PURPOSES OF THIS EXCLUSION, A PUBLIC OFFICIAL'S DUTIES OR RESPONSIBILITIES SHALL INCLUDE BUT NOT BE LIMITED TO EITHER (1) ATTENDING AN EVENT OR A MEETING AT WHICH A SPEAKER OR ATTENDEE ADDRESSES AN ISSUE OF PUBLIC INTEREST OR CONCERN AS A SIGNIFICANT ACTIVITY AT SUCH EVENT OR MEETING; OR (2) FOR ELECTED PUBLIC OFFICIALS, OR THEIR STAFF ATTENDING WITH OR ON BEHALF OF SUCH ELECTED OFFICIALS, ATTENDING AN EVENT OR A MEETING AT WHICH MORE THAN ONE-HALF OF THE ATTENDEES, OR PERSONS INVITED IN GOOD FAITH TO ATTEND, ARE RESIDENTS OF THE COUNTY, DISTRICT OR JURISDICTION FROM WHICH THE ELECTED PUBLIC OFFICIAL WAS ELECTED;

(iii) awards, plaques, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;

(iv) an honorary degree bestowed upon a public official by a public or private college or university;

(v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;

(vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;

(vii) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;

(viii) contributions reportable under article fourteen of the election law, INCLUDING CONTRIBUTIONS MADE IN VIOLATION OF THAT ARTICLE OF THE ELECTION LAW;

(ix) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event OR INFORMATIONAL MEETING when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event OR MEETING;

(x) provision of local transportation to inspect or tour facilities, operations or property [owned or operated by the entity providing such transportation] LOCATED IN NEW YORK STATE, provided, however, THAT SUCH INSPECTION OR TOUR IS RELATED TO THE INDIVIDUAL'S OFFICIAL DUTIES OR RESPONSIBILITIES AND that payment or reimbursement [of] FOR EXPENSES FOR lodging[, meals] or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision; [and]

(xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants; AND

(XII) FOOD OR BEVERAGE VALUED AT FIFTEEN DOLLARS OR LESS.

S 2. This act shall take effect immediately.

PART E

Section 1. The state board of elections shall, no later than January 1, 2012, issue regulations setting forth and implementing the requirements under existing law for individuals, organizations, corporations, political committees, or any other entities to disclose independent expenditures made for advertisements or any other type of advocacy that expressly identifies a political candidate or ballot proposal. Such regulations shall require such disclosure to the fullest extent of the law.

S 2. Section 14-106 of the election law, as amended by chapter 8 of the laws of 1978, is amended to read as follows:

S 14-106. Political [advertisements and literature] COMMUNICATION. The statements required to be filed under the provisions of this article next succeeding a primary, general or special election shall be accompanied by a [facsimile or] copy of all BROADCAST, CABLE OR SATELLITE SCHEDULES AND SCRIPTS, INTERNET, PRINT AND OTHER TYPES OF advertisements, pamphlets, circulars, flyers, brochures, letterheads and other printed matter purchased or produced [and a schedule of all radio or television time, and scripts used therein], purchased in connection with such election by or under the authority of the person filing the statement or the committee or the person on whose behalf it is filed, as the case may be. Such [facsimiles,] copies, schedules and scripts shall be preserved by the officer with whom or the board with which it is required to be filed for a period of one year from the date of filing thereof.

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

S 14-126. Violations; penalties. 1. Any person who fails to file a statement required to be filed by this article shall be subject to a civil penalty, not in excess of [five hundred] ONE THOUSAND dollars, to be recoverable in a special proceeding or civil action to be brought by the state board of elections or other board of elections. ANY PERSON WHO, THREE OR MORE TIMES WITHIN A GIVEN ELECTION CYCLE FOR SUCH TERM OF OFFICE, FAILS TO FILE A STATEMENT OR STATEMENTS REQUIRED TO BE FILED BY THIS ARTICLE, SHALL BE SUBJECT TO A CIVIL PENALTY, NOT IN EXCESS OF TEN THOUSAND DOLLARS, TO BE RECOVERABLE AS PROVIDED FOR IN THIS SUBDIVISION.

2. ANY PERSON WHO, ACTING AS OR ON BEHALF OF A CANDIDATE OR POLITICAL COMMITTEE, UNDER CIRCUMSTANCES EVINCING AN INTENT TO VIOLATE SUCH LAW, UNLAWFULLY ACCEPTS A CONTRIBUTION IN EXCESS OF A CONTRIBUTION LIMITATION ESTABLISHED IN THIS ARTICLE, SHALL BE REQUIRED TO REFUND SUCH EXCESS AMOUNT AND SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO THE EXCESS AMOUNT PLUS A FINE OF UP TO TEN THOUSAND DOLLARS, TO BE RECOVERABLE IN A SPECIAL PROCEEDING OR CIVIL ACTION TO BE BROUGHT BY THE STATE BOARD OF ELECTIONS.

3. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and willfully violates any other provision of this article shall be guilty of a misdemeanor.

[3.] 4. Any person who knowingly and willfully contributes, accepts or aids or participates in the acceptance of a contribution in an amount exceeding an applicable maximum specified in this article shall be guilty of a misdemeanor.

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

S 4. Section 16-100 of the election law is amended to read as follows:

S 16-100. Jurisdiction; supreme court, county court. 1. The supreme court is vested with jurisdiction to summarily determine any question of

law or fact arising as to any subject set forth in this article, which shall be construed liberally.

2. The county court is vested with jurisdiction to summarily determine any question of law or fact except proceedings as to a nomination or election at a primary election or a nomination at a judicial convention, proceedings as to the casting and canvass of ballots [and], proceedings for examination or preservation of ballots AND PROCEEDINGS TO ENFORCE THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER.

S 5. The election law is amended by adding a new section 16-120 to read as follows:

S 16-120. ENFORCEMENT PROCEEDINGS. 1. THE SUPREME COURT OR A JUSTICE THEREOF, IN A PROCEEDING INSTITUTED BY THE STATE BOARD OF ELECTIONS, MAY IMPOSE A CIVIL PENALTY, AS PROVIDED FOR IN SUBDIVISIONS ONE AND TWO OF SECTION 14-126 OF THIS CHAPTER.

2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISIONS ONE AND TWO OF SECTION 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

S 6. Separability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 7. This act shall take effect immediately.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through E of this act shall be as specifically set forth in the last section of such Parts.