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I N   A S S E M B L Y

April 18, 2012

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Introduced by M. of A. GALEF, PAULIN, SCHIMMINGER, GUNTHER, CALHOUN, CASTELLI, CORWIN, CROUCH, FINCH, GIGLIO, J. MILLER, SAYWARD, TEDISCO -- Multi-Sponsored by -- M. of A. CONTE, DUPREY, GABRYSZAK, KATZ, KOLB, P. LOPEZ, MAGEE, THIELE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to prohibiting members of the legislature from obtaining funding and providing such funds to any business entity or not-for-profit entities in which such officials or members hold official or legal positions

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

1     Section 1. Subdivision 18 of section 73 of the public officers law, as  
2     amended by chapter 14 of the laws of 2007, is renumbered subdivision 19  
3     and amended and a new subdivision 18 is added to read as follows:  
4     18. NO STATEWIDE ELECTED OFFICIAL OR MEMBER OF THE LEGISLATURE SHALL  
5     OBTAIN ANY FUNDING THROUGH STATE GRANTS OR MEMBER ITEMS, AND SUBSEQUENT-  
6     LY PROVIDE SUCH FUNDS TO ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
7     CORPORATION, OTHER BUSINESS ENTITY OR NOT-FOR-PROFIT ENTITY IN WHICH  
8     SUCH OFFICIAL OR MEMBER HOLDS AN OFFICIAL OR LEGAL POSITION.  
9     19. In addition to any penalty contained in any other provision of  
10    law, any person who knowingly and intentionally violates the provisions  
11    of subdivisions two through five, seven, eight, twelve or fourteen  
12    through [seventeen] EIGHTEEN of this section shall be subject to a civil  
13    penalty in an amount not to exceed forty thousand dollars and the value  
14    of any gift, compensation or benefit received in connection with such  
15    violation. Assessment of a civil penalty hereunder shall be made by the  
16    state oversight body with jurisdiction over such person. A state over-  
17    sight body acting pursuant to its jurisdiction, may, in lieu of a civil  
18    penalty, with respect to a violation of subdivisions two through five,  
19    seven or eight of this section, refer a violation of any such subdivi-  
20    sion to the appropriate prosecutor and upon such conviction such  
21    violation shall be punishable as a class A misdemeanor.  
22    S 2. This act shall take effect immediately.

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

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