

1004

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. SQUADRON, ADDABBO, KLEIN, KRUEGER, PERKINS, SAMPSON, STAVISKY, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the public officers law, the civil service law, the legislative law and the election law, in relation to financial disclosure by public officers; and to repeal certain provisions of the public officers law relating thereto

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

1 Section 1. Paragraph (f) of subdivision 9 of section 94 of the execu-  
2 tive law, as amended by chapter 14 of the laws of 2007, is amended to  
3 read as follows:

4 (f) Review financial disclosure statements in accordance with the  
5 provisions of this section AND SHALL CONDUCT A PROGRAM OF RANDOM AUDITS  
6 SUBJECT TO THE TERMS AND CONDITIONS OF THIS SECTION. ANY SUCH PROGRAM  
7 SHALL BE CARRIED OUT IN THE FOLLOWING MANNER, provided however, that the  
8 commission may delegate all or part of this review function to the exec-  
9 utive director who shall be responsible for completing staff review of  
10 such statements in a manner consistent with the terms of the commis-  
11 sion's delegation;

12 (I) THE COMMISSION SHALL RANDOMLY SELECT FINANCIAL DISCLOSURE FORMS  
13 REQUIRED TO BE FILED BY PUBLIC OFFICERS PURSUANT TO THIS ARTICLE FOR  
14 AUDIT. ANY SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH  
15 THE IDENTITY OF ANY PARTICULAR PUBLIC OFFICIAL WHOSE DISCLOSURE FORM IS  
16 SELECTED FOR AUDIT IS UNKNOWN TO THE COMMISSION, ITS STAFF OR ANY OF  
17 THEIR AGENTS PRIOR TO SELECTION.

18 (II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH  
19 RANDOM AUDITS. SUCH RANDOM AUDITS MAY REQUIRE THE PRODUCTION OF RECORDS  
20 RELEVANT AND MATERIAL TO THE PREPARATION OF THE FINANCIAL DISCLOSURE

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

LBD00984-01-1

1 FORMS FOR EXAMINATION BY THE COMMISSION. ANY SUCH PROTOCOLS SHALL ENSURE  
2 THAT DISCLOSURE FORMS ARE AUDITED IN A UNIFORM MANNER.

3 (III) THE COMMISSION SHALL CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,  
4 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS  
5 STATEMENTS OR REPORTS FOR AUDIT AND CARRIES OUT THE PROVISIONS OF  
6 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND CERTIFIES THAT SUCH  
7 PROCESS COMPLIES WITH THE PROVISIONS OF SUCH SUBPARAGRAPHS.

8 (IV) UPON COMPLETION OF A RANDOM AUDIT CONDUCTED IN ACCORDANCE WITH  
9 THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH,  
10 THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO  
11 BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR INCOMPLETE.  
12 UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE COMMISSION  
13 MAY REQUIRE THE PRODUCTION OF FURTHER RECORDS, SUBPOENA WITNESSES,  
14 COMPEL THEIR ATTENDANCE AND TESTIMONY AND ADMINISTER OATHS OR AFFIRMA-  
15 TIONS, TO THE EXTENT THE COMMISSION DETERMINES SUCH ACTIONS ARE NECES-  
16 SARY TO OBTAIN INFORMATION RELEVANT AND MATERIAL TO INVESTIGATING SUCH  
17 INACCURACIES OR OMISSIONS.

18 (V) IN THE EVENT THAT THE COMMISSION FAILS TO CONDUCT RANDOM AUDITS AS  
19 REQUIRED BY THIS SUBDIVISION, EACH MEMBER OF THE COMMISSION SHALL BE  
20 ASSESSED A CIVIL PENALTY OF FIVE HUNDRED DOLLARS;

21 S 2. Subdivision 11 of section 94 of the executive law, as amended by  
22 chapter 14 of the laws of 2007, is amended to read as follows:

23 11. If a person required to file a financial disclosure statement with  
24 the commission has failed to file a disclosure statement or has filed a  
25 deficient statement, the commission shall notify the reporting person in  
26 writing, state the failure to file or detail the deficiency, provide the  
27 person with a fifteen day period to cure the deficiency, and advise the  
28 person of the penalties for failure to comply with the reporting  
29 requirements. Such notice shall be confidential. If the person fails to  
30 make such filing or fails to cure the deficiency within the specified  
31 time period, the commission shall send a notice of delinquency: (a) to  
32 the reporting person; (b) in the case of a statewide elected official,  
33 to the temporary president of the senate [and], the speaker of the  
34 assembly AND THE GOVERNOR; [and] (c) in the case of a state officer or  
35 employee, to the appointing authority for such person; AND (D) IN THE  
36 CASE OF A LEGISLATOR OR LEGISLATIVE EMPLOYEE, TO THE TEMPORARY PRESIDENT  
37 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE GOVERNOR. Such  
38 notice of delinquency may be sent at any time during the reporting  
39 person's service as a [statewide] STATE elected official, state officer  
40 or employee, political party chair or while a candidate for [statewide]  
41 STATE office, or within one year after termination of such service or  
42 candidacy. The jurisdiction of the commission, when acting pursuant to  
43 subdivision thirteen of this section with respect to financial disclo-  
44 sure, shall continue notwithstanding that the reporting person separates  
45 from state service, or ceases to hold office as a [statewide] STATE  
46 elected official or political party chair, or ceases to be a candidate,  
47 provided the commission notifies such person of the alleged failure to  
48 file or deficient filing pursuant to this subdivision. FAILURE TO  
49 RESPOND TO THIS SECOND NOTICE OF DEFICIENCY SHALL REQUIRE THE COMMISSION  
50 TO MAKE PUBLIC ITS FILE IN THIS MATTER WITHIN SIXTY DAYS OF THE DATE OF  
51 THE SECOND NOTICE AND SHALL BE DEEMED A KNOWING AND WILLFUL FAILURE TO  
52 DISCLOSE FOR WHICH A CIVIL PENALTY MUST BE ASSESSED IN ADDITION TO OTHER  
53 REMEDY.

54 S 3. Paragraphs (f) and (g) of subdivision 2 of section 73-a of the  
55 public officers law are REPEALED.

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

5 3. (a) Marital Status \_\_\_\_\_. If married, please give spouse's  
6 full name including maiden name where applicable.  
7 \_\_\_\_\_ .

8 (b) List the names of all unemancipated children.

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

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

17 Whenever a "value" or "amount" is required to be reported herein, such  
18 value or amount shall be reported as being within one of the following  
19 Categories: Category A - under \$5,000; Category B - \$5,000 to under  
20 \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to  
21 under \$100,000; Category E - \$100,000 to under \$250,000; [and] Category  
22 F - \$250,000 TO UNDER \$1 MILLION; AND CATEOGRY G - \$1 MILLION or over. A  
23 reporting individual shall indicate the Category by letter only.

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

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

29 S 5. Subparagraph (a) of paragraph 5 of subdivision 3 of section 73-a  
30 of the public officers law, as amended by chapter 242 of the laws of  
31 1989, is amended to read as follows:

32 (a) List the name, address and description of any occupation, employ-  
33 ment (other than the employment listed under Item 2 above), trade, busi-  
34 ness or profession engaged in by the reporting individual. If such  
35 activity was licensed by any state or local agency, was regulated by any  
36 state regulatory agency or local agency, or, as a regular and signif-  
37 icant part of the business or activity of said entity, did business  
38 with, or had matters other than ministerial matters before, any state or  
39 local agency, list the name of any such agency. IN ADDITION, LIST THE  
40 NAME AND ADDRESS OF EACH GOVERNMENTAL AGENCY, CORPORATION, PARTNERSHIP,  
41 JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, UNION, OR OTHER BUSI-  
42 NESS OR COMMERCIAL ENTITY FROM WHOM COMPENSATION HAS BEEN RECEIVED FOR  
43 ANY VALUE OF FIVE HUNDRED DOLLARS OR MORE; THE VALUE OF THE COMPEN-  
44 SATION; AND THE CONSIDERATION GIVEN OR PERFORMED IN EXCHANGE FOR THE  
45 COMPENSATION.

46			State or
47	Name & Address		Local
48	Position of Organization	Description	Agency
49	_____	_____	_____
50	_____	_____	_____

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4 S 6. Subparagraph (a) of paragraph 8 of subdivision 3 of section 73-a  
5 of the public officers law, as added by chapter 813 of the laws of 1987,  
6 is amended to read as follows:

7 (a) If the reporting individual practices law, is licensed by the  
8 department of state as a real estate broker or agent or practices a  
9 profession licensed by the department of education, OR WORKS AS A MEMBER  
10 OR EMPLOYEE OF A FIRM REQUIRED TO REGISTER WITH THE COMMISSION AS  
11 REQUIRED UNDER SECTION ONE-E OF THE LEGISLATIVE LAW, give a general  
12 description of the principal subject areas of matters undertaken by such  
13 individual. Additionally, if such an individual practices with a firm or  
14 corporation and is a partner or shareholder of the firm or corporation,  
15 give a general description of principal subject areas of matters under-  
16 taken by such firm or corporation. Do not list the name of the individ-  
17 ual clients, customers or patients PROVIDED, HOWEVER THAT THE REPORTING  
18 INDIVIDUAL MUST LIST THE NAME AND ADDRESS OF EACH GOVERNMENTAL AGENCY,  
19 CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCI-  
20 ATION, UNION, OR OTHER BUSINESS OR COMMERCIAL ENTITY FROM WHOM COMPEN-  
21 SATION HAS BEEN RECEIVED FOR ANY VALUE OF FIVE HUNDRED DOLLARS OR MORE;  
22 THE VALUE OF THE COMPENSATION; AND THE CONSIDERATION GIVEN OR PERFORMED  
23 IN EXCHANGE FOR THE COMPENSATION.

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29 S 7. Subdivision 4 of section 73-a of the public officers law, as  
30 amended by chapter 242 of the laws of 1989, is amended to read as  
31 follows:

32 4. A reporting individual who knowingly and [wilfully] WILLFULLY fails  
33 to file an annual statement of financial disclosure or who knowingly and  
34 [wilfully] WILLFULLY with intent to deceive makes a false statement or  
35 gives information which such individual knows to be false on such state-  
36 ment of financial disclosure filed pursuant to this section shall be  
37 subject to a civil penalty in an amount not to BE LESS THAN FIVE HUNDRED  
38 DOLLARS AND NOT TO exceed ten thousand dollars. Assessment of a civil  
39 penalty hereunder shall be made by the [state ethics] commission ON  
40 PUBLIC INTEGRITY, or by the legislative ethics [committee] COMMISSION,  
41 as the case may be, with respect to persons subject to their respective  
42 jurisdictions. The [state ethics] commission ON PUBLIC INTEGRITY acting  
43 pursuant to subdivision thirteen of section ninety-four of the executive  
44 law, or the legislative ethics [committee] COMMISSION acting pursuant to  
45 subdivision twelve of section eighty of the legislative law, as the case  
46 may be, may, in lieu of a civil penalty, refer a violation to the appro-  
47 priate prosecutor and upon such conviction, but only after such refer-  
48 ral, such violation shall be punishable as a class A misdemeanor. A  
49 civil penalty for false filing may not be imposed hereunder in the event  
50 a category of "value" or "amount" reported hereunder is incorrect unless  
51 such reported information is falsely understated. [Notwithstanding any  
52 other provision of law to the contrary, no other penalty, civil or crim-  
53 inal may be imposed for a failure to file, or for a false filing, of  
54 such statement, except that the appointing authority may impose disci-

1 plinary action as otherwise provided by law.] The [state ethics] commis-  
2 sion ON PUBLIC INTEGRITY, and the legislative ethics [committee] COMMIS-  
3 SION shall each be deemed to be an agency within the meaning of article  
4 three of the state administrative procedure act and shall adopt rules  
5 governing the conduct of adjudicatory proceedings and appeals relating  
6 to the assessment of the civil penalties herein authorized. Such rules,  
7 which shall not be subject to the approval requirements of the state  
8 administrative procedure act, shall provide for due process procedural  
9 mechanisms substantially similar to those set forth in such article  
10 three but such mechanisms need not be identical in terms or scope.  
11 Assessment of a civil penalty shall be final unless modified, suspended  
12 or vacated within thirty days of imposition and upon becoming final  
13 shall be subject to review at the instance of the affected reporting  
14 individual in a proceeding commenced against the [state ethics] commis-  
15 sion ON PUBLIC INTEGRITY or legislative ethics [committee] COMMISSION,  
16 pursuant to article seventy-eight of the civil practice law and rules.

17 S 8. The public officers law is amended by adding a new section 74-b  
18 to read as follows:

19 S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. ANY PUBLIC  
20 OFFICER WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES BUSINESS WITH  
21 A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE DATE UPON WHICH  
22 SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE COMMISSION ON PUBLIC  
23 INTEGRITY CREATED BY SECTION NINETY-FOUR OF THE EXECUTIVE LAW, A REPORT  
24 OF SUCH BUSINESS DEALINGS.

25 2. SUCH REPORT SHALL BE FILED WITH THE COMMISSION ON PUBLIC INTEGRITY,  
26 ON FORMS SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

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

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

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

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

35 3. (A) ALL SUCH REPORTS SHALL BE SUBJECT TO REVIEW BY THE COMMISSION  
36 ON PUBLIC INTEGRITY.

37 (B) SUCH REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS AND  
38 SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD.

39 (C) EACH REPORT FILED BY A PUBLIC OFFICER PURSUANT TO THIS SECTION  
40 SHALL BE ACCOMPANIED BY A FILING FEE OF FIFTY DOLLARS. IN ADDITION TO  
41 THE FILING FEES AUTHORIZED BY THIS ARTICLE, THE COMMISSION ON PUBLIC  
42 INTEGRITY MAY IMPOSE A FEE FOR LATE FILING OF A REPORT REQUIRED BY THIS  
43 SECTION NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH DAY THAT THE REPORT  
44 REQUIRED TO BE FILED IS LATE, EXCEPT THAT IF THE PUBLIC OFFICER MAKING A  
45 LATE FILING HAS NOT PREVIOUSLY BEEN REQUIRED BY STATUTE TO FILE A  
46 REPORT, THE FEE FOR LATE FILING SHALL NOT EXCEED TEN DOLLARS FOR EACH  
47 DAY THAT THE REPORT REQUIRED TO BE FILED IS LATE.

48 S 9. Subdivision 5 of section 107 of the civil service law, as amended  
49 by chapter 14 of the laws of 2007, is amended to read as follows:

50 5. Violation of this section. Complaints alleging a violation of this  
51 section by a [statewide] STATE elected official or a state officer or  
52 employee, as defined in section seventy-three of the public officers  
53 law, may be directed to the commission on public integrity.

54 S 10. Section 60 of the legislative law, as amended by chapter 416 of  
55 the laws of 1954, is amended to read as follows:

1 S 60. Testimony before legislative committees. 1. A legislative  
2 committee may require the attendance of witnesses in this state whom the  
3 committee may wish to examine, or may issue a commission for the exam-  
4 ination of witnesses who are out of the state or unable to attend the  
5 committee or excused from attendance, which commission if directed by  
6 the house or legislature by which the committee is appointed may be  
7 executed during the recess of the legislature. A commission issued as  
8 provided by this section shall be in the form used in the courts of  
9 record of this state and shall be executed in like manner. Unless other-  
10 wise instructed by the committee appointing them the commissioners shall  
11 examine privately every witness attending before them and shall not make  
12 public the particulars of such examination. No committee of either house  
13 or a joint committee of both houses shall have the power to take testi-  
14 mony at a private hearing or at a public hearing unless at least two of  
15 its members are present at such hearing.

16 2. THE LEGISLATIVE COMMITTEES RESPONSIBLE FOR OVERSIGHT OF THE COMMIS-  
17 SION ON PUBLIC INTEGRITY CREATED PURSUANT TO SECTION NINETY-FOUR OF THE  
18 EXECUTIVE LAW SHALL HOLD HEARINGS REGARDING THE ANNUAL REPORT AND RECOM-  
19 MENDATIONS OF SUCH COMMISSION WITHIN THIRTY DAYS OF THE PUBLIC RELEASE  
20 OF SUCH COMMISSION'S ANNUAL REPORT.

21 S 11. Paragraph h of subdivision 7 of section 80 of the legislative  
22 law, as amended by chapter 14 of the laws of 2007, is amended to read as  
23 follows:

24 h. Review financial disclosure statements in accordance with the  
25 provisions of this section, AND SHALL CONDUCT A PROGRAM OF RANDOM AUDITS  
26 SUBJECT TO THE TERMS AND CONDITIONS OF THIS SECTION. ANY SUCH PROGRAM  
27 SHALL BE CARRIED OUT IN THE FOLLOWING MANNER, provided however, that the  
28 commission may delegate all or part of the review function relating to  
29 financial disclosure statements filed by legislative employees pursuant  
30 to sections seventy-three and seventy-three-a of the public officers law  
31 to the executive director who shall be responsible for completing staff  
32 review of such statements in a manner consistent with the terms of the  
33 commission's delegation;

34 (I) THE COMMISSION SHALL RANDOMLY SELECT FINANCIAL DISCLOSURE FORMS  
35 REQUIRED TO BE FILED BY PUBLIC OFFICERS PURSUANT TO THIS ARTICLE FOR  
36 AUDIT. ANY SUCH SELECTION SHALL BE DONE IN A MANNER PURSUANT TO WHICH  
37 THE IDENTITY OF ANY PARTICULAR PUBLIC OFFICIAL WHOSE DISCLOSURE FORM IS  
38 SELECTED FOR AUDIT IS UNKNOWN TO THE COMMISSION, ITS STAFF OR ANY OF  
39 THEIR AGENTS PRIOR TO SELECTION.

40 (II) THE COMMISSION SHALL DEVELOP PROTOCOLS FOR THE CONDUCT OF SUCH  
41 RANDOM AUDITS. SUCH RANDOM AUDITS MAY REQUIRE THE PRODUCTION OF RECORDS  
42 RELEVANT AND MATERIAL TO THE PREPARATION OF THE FINANCIAL DISCLOSURE  
43 FORMS FOR EXAMINATION BY THE COMMISSION. ANY SUCH PROTOCOLS SHALL ENSURE  
44 THAT DISCLOSURE FORMS ARE AUDITED IN A UNIFORM MANNER.

45 (III) THE COMMISSION SHALL CONTRACT WITH AN OUTSIDE ACCOUNTING ENTITY,  
46 WHICH SHALL MONITOR THE PROCESS PURSUANT TO WHICH THE COMMISSION SELECTS  
47 STATEMENTS OR REPORTS FOR AUDIT AND CARRIES OUT THE PROVISIONS OF  
48 SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AND CERTIFIES THAT SUCH  
49 PROCESS COMPLIES WITH THE PROVISIONS OF SUCH SUBPARAGRAPHS.

50 (IV) UPON COMPLETION OF A RANDOM AUDIT CONDUCTED IN ACCORDANCE WITH  
51 THE PROVISIONS OF SUBPARAGRAPHS (I), (II) AND (III) OF THIS PARAGRAPH,  
52 THE COMMISSION SHALL DETERMINE WHETHER THERE IS REASONABLE CAUSE TO  
53 BELIEVE THAT ANY SUCH STATEMENT OR REPORT IS INACCURATE OR INCOMPLETE.  
54 UPON A DETERMINATION THAT SUCH REASONABLE CAUSE EXISTS, THE COMMISSION  
55 MAY REQUIRE THE PRODUCTION OF FURTHER RECORDS, SUBPOENA WITNESSES,  
56 COMPEL THEIR ATTENDANCE AND TESTIMONY AND ADMINISTER OATHS OR AFFIRMA-

1 TIONS, TO THE EXTENT THE COMMISSION DETERMINES SUCH ACTIONS ARE NECES-  
2 SARY TO OBTAIN INFORMATION RELEVANT AND MATERIAL TO INVESTIGATING SUCH  
3 INACCURACIES OR OMISSIONS.

4 (V) IN THE EVENT THAT THE COMMISSION FAILS TO CONDUCT RANDOM AUDITS AS  
5 REQUIRED BY THIS SUBDIVISION, EACH MEMBER OF THE COMMISSION SHALL BE  
6 ASSESSED A CIVIL PENALTY OF FIVE HUNDRED DOLLARS;

7 S 12. Paragraph i of subdivision 7 of section 80 of the legislative  
8 law, as amended by chapter 14 of the laws of 2007, is amended to read as  
9 follows:

10 i. Permit any person required to file a financial disclosure statement  
11 to request the commission to delete from the copy thereof made available  
12 for public inspection and copying one or more items of information,  
13 which may be deleted by the commission upon a finding that the informa-  
14 tion which would otherwise be required to be disclosed will RESULT IN  
15 ECONOMIC OR PERSONAL HARDSHIP TO THE REPORTING PERSON AND WILL have no  
16 material bearing on the discharge of the reporting person's official  
17 duties;

18 S 13. Subdivision 1 of section 14-126 of the election law, as amended  
19 by chapter 128 of the laws of 1994, is amended to read as follows:

20 1. Any person who fails to file a statement required to be filed by  
21 this article shall be subject to a civil penalty, not [in excess of]  
22 LESS THAN five hundred dollars AND NOT TO EXCEED TEN THOUSAND DOLLARS,  
23 to be recoverable in a special proceeding or civil action to be brought  
24 by the state board of elections or other board of elections.

25 S 14. The provisions of this act shall apply to the commission on  
26 public integrity, the legislative ethics commission and to the state  
27 board of elections and to any successor body to any of such entities.

28 S 15. Separability clause. If any clause, sentence, paragraph, section  
29 or part of this act shall be adjudged by any court of competent juris-  
30 diction to be invalid, such judgment shall not affect, impair or invali-  
31 date the remainder thereof, but shall be confined in its operation to  
32 the clause, sentence, paragraph, section or part thereof directly  
33 involved in the controversy in which such judgment shall have been  
34 rendered.

35 S 16. This act shall take effect January 1, 2012.