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

2545

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 13 of the constitution, in relation to codes of ethics

Section 1. Resolved (if the Senate concur), That article 13 of the constitution be amended by adding a new section 15 to read as follows:

S 15. A PUBLIC OFFICE IS A PUBLIC TRUST. THE PEOPLE SHALL HAVE THE RIGHT TO SECURE AND SUSTAIN THAT TRUST AGAINST ABUSE. PUBLIC OFFICERS AND EMPLOYEES MUST EXHIBIT THE HIGHEST STANDARDS OF ETHICAL CONDUCT AND DEMONSTRATE THE PERSONAL INTEGRITY OF EACH INDIVIDUAL IN GOVERNMENT. TO KEEP FAITH WITH THIS BELIEF, EACH BRANCH OF STATE GOVERNMENT AND EACH POLITICAL SUBDIVISION OF THE STATE SHALL ADOPT A CODE OF ETHICS WHICH SHALL APPLY TO APPOINTED AND ELECTED OFFICERS AND EMPLOYEES OF THE STATE WHO HAVE INFLUENCE OVER POLICY OR THE POLITICAL SUBDIVISION, AS THE CASE MAY BE, INCLUDING MEMBERS OF THE BOARDS, COMMISSIONS AND OTHER BODIES.

EACH CODE OF ETHICS SHALL BE ADMINISTERED BY A SEPARATE ETHICS COMMISSION. ETHICS COMMISSIONERS SHALL BE SELECTED IN A MANNER WHICH ASSURES THEIR INDEPENDENCE AND IMPARTIALITY.

EACH CODE OF ETHICS SHALL INCLUDE, BUT NOT BE LIMITED TO, PROVISIONS ON GIFTS, CONFIDENTIAL INFORMATION, USE OF POSITION, CONTRACTS WITH GOVERNMENT AGENCIES, POST-EMPLOYMENT, FINANCIAL DISCLOSURE, CONFLICT OF INTEREST AND LOBBYIST REGISTRATION AND RESTRICTION. THE FINANCIAL DISCLOSURE PROVISIONS SHALL REQUIRE ALL ELECTED OFFICERS, ALL CANDIDATES FOR ELECTIVE OFFICE AND SUCH APPOINTED OFFICERS AND EMPLOYEES AS MAY BE PROVIDED BY LAW TO MAKE PUBLIC FINANCIAL DISCLOSURES. OTHER PUBLIC OFFICIALS HAVING SIGNIFICANT DISCRETIONARY OR FISCAL POWERS, AS PROVIDED BY LAW, SHALL MAKE CONFIDENTIAL FINANCIAL DISCLOSURES. ALL FINANCIAL DISCLOSURE STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, SOURCES AND AMOUNTS OF INCOME, BUSINESS OWNERSHIP, OFFICER AND DIRECTOR POSITIONS, OWNERSHIP OF REAL PROPERTY, DEBTS, CREDITOR INTERESTS IN INSOLVENT BUSINESSES AND THE NAMES OF PERSONS REPRESENTED BEFORE GOVERNMENT AGENCIES.

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

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S 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.