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

5228

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. GALEF, PAULIN, HOYT, SCHIMMINGER, GUNTHER, SPANO, 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:

Section 1. Subdivision 18 of section 73 of the public officers law, as amended by chapter 14 of the laws of 2007, is renumbered subdivision 19 and amended and a new subdivision 18 is added to read as follows:

18. NO STATEWIDE ELECTED OFFICIAL OR MEMBER OF THE LEGISLATURE SHALL OBTAIN ANY FUNDING THROUGH STATE GRANTS OR MEMBER ITEMS, AND SUBSEQUENTLY PROVIDE SUCH FUNDS TO ANY CORPORATION, PARTNERSHIP, LIMITED LIABILITY CORPORATION, OTHER BUSINESS ENTITY OR NOT-FOR-PROFIT ENTITY IN WHICH SUCH OFFICIAL OR MEMBER HOLDS AN OFFICIAL OR LEGAL POSITION.

19. In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the provisions of subdivisions two through five, seven, eight, twelve or fourteen through [seventeen] EIGHTEEN of this section 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 in connection with such violation. Assessment of a civil penalty hereunder shall be made by the state oversight body with jurisdiction over such person. A state oversight body acting pursuant to its jurisdiction, may, in lieu of a civil penalty, with respect to a violation of subdivisions two through five, seven or eight of this section, refer a violation of any such subdivision to the appropriate prosecutor and upon such conviction such violation shall be punishable as a class A misdemeanor.

S 2. This act shall take effect immediately.

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

LBD04626-02-1