

8301

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 10, 2011

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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:

1     Section 1. This act shall be known and may be cited as the "Public  
2 Integrity Reform Act of 2011."  
3     S 2. This act enacts into law major components of legislation which  
4 are necessary to enact ethics reform. Each component is wholly  
5 contained within a Part identified as Parts A through E. The effective  
6 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-

1 sions, councils or other state agencies, who receive annual compensation  
2 in excess of the filing rate established by paragraph (1) of this subdi-  
3 vision or who hold policy-making positions, as annually determined by  
4 the appointing authority and set forth in a written instrument which  
5 shall be filed with the [state] JOINT COMMISSION ON PUBLIC ethics  
6 [commission] established by section ninety-four of the executive law  
7 during the month of February, provided, however, that the appointing  
8 authority shall amend such written instrument after such date within  
9 thirty days after the undertaking of policy-making responsibilities by a  
10 new employee or any other employee whose name did not appear on the most  
11 recent written instrument; and

12 (iii) members or directors of public authorities, other than multi-  
13 state authorities, public benefit corporations and commissions at least  
14 one of whose members is appointed by the governor, and employees of such  
15 authorities, corporations and commissions who receive annual compen-  
16 sation in excess of the filing rate established by paragraph (1) of this  
17 subdivision or who hold policy-making positions, as determined annually  
18 by the appointing authority and set forth in a written instrument which  
19 shall be filed with the [state] JOINT COMMISSION ON PUBLIC ethics  
20 [commission] established by section ninety-four of the executive law  
21 during the month of February, provided, however, that the appointing  
22 authority shall amend such written instrument after such date within  
23 thirty days after the undertaking of policy-making responsibilities by a  
24 new employee or any other employee whose name did not appear on the most  
25 recent written instrument.

26 (d) The term "legislative employee" shall mean any officer or employee  
27 of the legislature who receives annual compensation in excess of the  
28 filing rate established by paragraph (1) below or who is determined to  
29 hold a policy-making position by the appointing authority as set forth  
30 in a written instrument which shall be filed with the legislative ETHICS  
31 COMMISSION AND THE JOINT COMMISSION ON PUBLIC ethics [committee estab-  
32 lished by section eighty of the legislative law].

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

40 (e) The term "spouse" shall mean the husband or wife of the reporting  
41 individual unless living separate and apart from the reporting individ-  
42 ual with the intention of terminating the marriage or providing for  
43 permanent separation or unless separated pursuant to: (i) a judicial  
44 order, decree or judgment, or (ii) a legally binding separation agree-  
45 ment.

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

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

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

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

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

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

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

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

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

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

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

35 (i) a person who is subject to the reporting requirements of this  
36 subdivision and who timely filed with the internal revenue service an  
37 application for automatic extension of time in which to file his or her  
38 individual income tax return for the immediately preceding calendar or  
39 fiscal year shall be required to file such financial disclosure state-  
40 ment on or before May fifteenth but may, without being subjected to any  
41 civil penalty on account of a deficient statement, indicate with respect  
42 to any item of the disclosure statement that information with respect  
43 thereto is lacking but will be supplied in a supplementary statement of  
44 financial disclosure, which shall be filed on or before the seventh day  
45 after the expiration of the period of such automatic extension of time  
46 within which to file such individual income tax return, provided that  
47 failure to file or to timely file such supplementary statement of finan-  
48 cial disclosure or the filing of an incomplete or deficient supplementa-  
49 ry statement of financial disclosure shall be subject to the notice and  
50 penalty provisions of this section respecting annual statements of  
51 financial disclosure as if such supplementary statement were an annual  
52 statement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (f) A person who may otherwise be required to file more than one annu-  
21 al financial disclosure statement with both the [state ethics commis-  
22 sion] JOINT COMMISSION ON PUBLIC ETHICS and the legislative ethics  
23 [committee] COMMISSION in any one calendar year may satisfy such  
24 requirement by filing one such statement with either body and by notify-  
25 ing the other body of such compliance.

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

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

51 (i) A candidate whose name will appear on both a party designating  
52 petition and on an independent nominating petition for the same office  
53 or who will be listed on the election ballot for the same office more  
54 than once shall satisfy the filing deadline requirements of this subdi-  
55 vision 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

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

12		State or
13	Position	Local Agency
14		
15		
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19 (b) List any office, trusteeship, directorship, partnership, or position  
 20 of any nature, whether compensated or not, held by the spouse or  
 21 unemancipated child of the reporting individual, with any firm,  
 22 corporation, association, partnership, or other organization other  
 23 than the State of New York. Include compensated honorary positions;  
 24 do NOT list membership or uncompensated honorary positions. If the  
 25 listed entity was licensed by any state or local agency, was regu-  
 26 lated by any state regulatory agency or local agency, or, as a regu-  
 27 lar and significant part of the business or activity of said entity,  
 28 did business with, or had matters other than ministerial matters  
 29 before, any state or local agency, list the name of any such agency.

30		State or
31	Position	Local Agency
32		
33		
34		
35		
36		

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

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

1	
2	
3	
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6 (b) If the spouse or unemancipated child of the reporting individual was  
 7 engaged in any occupation, employment, trade, business or profession  
 8 which activity was licensed by any state or local agency, was regu-  
 9 lated by any state regulatory agency or local agency, or, as a regu-  
 10 lar and significant part of the business or activity of said entity,  
 11 did business with, or had matters other than ministerial matters  
 12 before, any state or local agency, list the name, address and  
 13 description of such occupation, employment, trade, business or  
 14 profession and the name of any such agency.

15				State or
16		Name & Address		Local
17	Position	of Organization	Description	Agency
18				
19				
20				
21				
22				

23 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-  
 24 vidual, such individual's spouse or unemancipated child, or partner-  
 25 ship of which any such person is a member, or corporation, 10% or  
 26 more of the stock of which is owned or controlled by any such  
 27 person, whether vested or contingent, in any contract made or  
 28 executed by a state or local agency and include the name of the  
 29 entity which holds such interest and the relationship of the report-  
 30 ing individual or such individual's spouse or such child to such  
 31 entity and the interest in such contract. Do NOT include bonds and  
 32 notes. Do NOT list any interest in any such contract on which final  
 33 payment has been made and all obligations under the contract except  
 34 for guarantees and warranties have been performed, provided, howev-  
 35 er, that such an interest must be listed if there has been an ongo-  
 36 ing dispute during the calendar year for which this statement is  
 37 filed with respect to any such guarantees or warranties. Do NOT list  
 38 any interest in a contract made or executed by a local agency after  
 39 public notice and pursuant to a process for competitive bidding or a  
 40 process for competitive requests for proposals.

41		Entity	Relationship	Contracting	Category
42	Self,	Which Held	to Entity	State or	of
43	Spouse or	Interest in	and Interest	Local	Value of
44	Child	Contract	in Contract	Agency	Contract
45					(IN TABLE II)
46					
47					
48					
49					
50					

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.

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.]

(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.

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

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

28	CLIENT	NATURE OF SERVICES PROVIDED
29		
30		
31		
32		
33		

34 (c) List the name, principal address and general description or the  
35 nature of the business activity of any entity in which the reporting  
36 individual or such individual's spouse had an investment in excess of  
37 \$1,000 excluding investments in securities and interests in real proper-  
38 ty.

39	
40	
41	
42	
43	

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

	Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift (IN TABLE I)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

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
20		
21		
22		
23		
24		
25		

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)
36		
37		
38		
39		
40		
41		
42		
43		

\* 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).

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(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.)

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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)
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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)
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_____
_____
_____
_____
_____

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 pub- licly 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)
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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)
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1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

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

14	Type of Obligation,	Category
15	Date Due, and Nature	of
16	of Collateral, if any	Amount
17		(IN TABLE II)

18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_

23 19. List below all liabilities of the reporting individual and such  
 24 individual's spouse, in EXCESS of [\$5,000] \$10,000 as of the date of  
 25 filing of this statement, other than liabilities to a relative. Do  
 26 NOT list liabilities incurred by, or guarantees made by, the report-  
 27 ing individual or such individual's spouse or by any proprietorship,  
 28 partnership or corporation in which the reporting individual or such  
 29 individual's spouse has an interest, when incurred or made in the  
 30 ordinary course of the trade, business or professional practice of  
 31 the reporting individual or such individual's spouse. Include the  
 32 name of the creditor and any collateral pledged by such individual  
 33 to secure payment of any such liability. A reporting individual  
 34 shall not list any obligation to pay maintenance in connection with  
 35 a matrimonial action, alimony or child support payments. Any loan  
 36 issued in the ordinary course of business by a financial institution  
 37 to finance educational costs, the cost of home purchase or improve-  
 38 ments for a primary or secondary residence, or purchase of a  
 39 personally owned motor vehicle, household furniture or appliances  
 40 shall be excluded. If any such reportable liability has been guaran-  
 41 teed by any third person, list the liability and name the guarantor.

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

46 \_\_\_\_\_  
 47 \_\_\_\_\_  
 48 \_\_\_\_\_  
 49 \_\_\_\_\_  
 50 \_\_\_\_\_

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

1	CATEGORY VV	\$4,050,000	TO UNDER	\$4,150,000
2	CATEGORY WW	\$4,150,000	TO UNDER	\$4,250,000
3	CATEGORY XX	\$4,250,000	TO UNDER	\$4,350,000
4	CATEGORY YY	\$4,350,000	TO UNDER	\$4,450,000
5	CATEGORY ZZ	\$4,450,000	TO UNDER	\$4,550,000
6	CATEGORY AAA	\$4,550,000	TO UNDER	\$4,650,000
7	CATEGORY BBB	\$4,650,000	TO UNDER	\$4,750,000
8	CATEGORY CCC	\$4,750,000	TO UNDER	\$4,850,000
9	CATEGORY DDD	\$4,850,000	TO UNDER	\$4,950,000
10	CATEGORY EEE	\$4,950,000	TO UNDER	\$5,050,000
11	CATEGORY FFF	\$5,050,000	TO UNDER	\$5,150,000
12	CATEGORY GGG	\$5,150,000	TO UNDER	\$5,250,000
13	CATEGORY HHH	\$5,250,000	TO UNDER	\$5,350,000
14	CATEGORY III	\$5,350,000	TO UNDER	\$5,450,000
15	CATEGORY JJJ	\$5,450,000	TO UNDER	\$5,550,000
16	CATEGORY KKK	\$5,550,000	TO UNDER	\$5,650,000
17	CATEGORY LLL	\$5,650,000	TO UNDER	\$5,750,000
18	CATEGORY MMM	\$5,750,000	TO UNDER	\$5,850,000
19	CATEGORY NNN	\$5,850,000	TO UNDER	\$5,950,000
20	CATEGORY OOO	\$5,950,000	TO UNDER	\$6,050,000
21	CATEGORY PPP	\$6,050,000	TO UNDER	\$6,150,000
22	CATEGORY QQQ	\$6,150,000	TO UNDER	\$6,250,000
23	CATEGORY RRR	\$6,250,000	TO UNDER	\$6,350,000
24	CATEGORY SSS	\$6,350,000	TO UNDER	\$6,450,000
25	CATEGORY TTT	\$6,450,000	TO UNDER	\$6,550,000
26	CATEGORY UUU	\$6,550,000	TO UNDER	\$6,650,000
27	CATEGORY VVV	\$6,650,000	TO UNDER	\$6,750,000
28	CATEGORY WWW	\$6,750,000	TO UNDER	\$6,850,000
29	CATEGORY XXX	\$6,850,000	TO UNDER	\$6,950,000
30	CATEGORY YYY	\$6,950,000	TO UNDER	\$7,050,000
31	CATEGORY ZZZ	\$7,050,000	TO UNDER	\$7,150,000
32	CATEGORY AAAA	\$7,150,000	TO UNDER	\$7,250,000
33	CATEGORY BBBB	\$7,250,000	TO UNDER	\$7,350,000
34	CATEGORY CCCC	\$7,350,000	TO UNDER	\$7,450,000
35	CATEGORY DDDD	\$7,450,000	TO UNDER	\$7,550,000
36	CATEGORY EEEE	\$7,550,000	TO UNDER	\$7,650,000
37	CATEGORY FFFF	\$7,650,000	TO UNDER	\$7,750,000
38	CATEGORY GGGG	\$7,750,000	TO UNDER	\$7,850,000
39	CATEGORY HHHH	\$7,850,000	TO UNDER	\$7,950,000
40	CATEGORY IIII	\$7,950,000	TO UNDER	\$8,050,000
41	CATEGORY JJJJ	\$8,050,000	TO UNDER	\$8,150,000
42	CATEGORY KKKK	\$8,150,000	TO UNDER	\$8,250,000
43	CATEGORY LLLL	\$8,250,000	TO UNDER	\$8,350,000
44	CATEGORY MMMM	\$8,350,000	TO UNDER	\$8,450,000
45	CATEGORY NNNN	\$8,450,000	TO UNDER	\$8,550,000
46	CATEGORY OOOO	\$8,550,000	TO UNDER	\$8,650,000
47	CATEGORY PPPP	\$8,650,000	TO UNDER	\$8,750,000
48	CATEGORY QQQQ	\$8,750,000	TO UNDER	\$8,850,000
49	CATEGORY RRRR	\$8,850,000	TO UNDER	\$8,950,000
50	CATEGORY SSSS	\$8,950,000	TO UNDER	\$9,050,000
51	CATEGORY TTTT	\$9,050,000	TO UNDER	\$9,150,000
52	CATEGORY UUUU	\$9,150,000	TO UNDER	\$9,250,000
53	CATEGORY VVVV	\$9,250,000	TO UNDER	\$9,350,000
54	CATEGORY WWWW	\$9,350,000	TO UNDER	\$9,450,000
55	CATEGORY XXXX	\$9,450,000	TO UNDER	\$9,550,000
56	CATEGORY YYYY	\$9,550,000	TO UNDER	\$9,650,000

1	CATEGORY ZZZZ	\$9,650,000	TO UNDER	\$9,750,000
2	CATEGORY AAAAA	\$9,750,000	TO UNDER	\$9,850,000
3	CATEGORY BBBBB	\$9,850,000	TO UNDER	\$9,950,000
4	CATEGORY CCCCC	\$9,950,000	TO UNDER	\$10,000,000
5	CATEGORY DDDDD	\$10,000,000	OR OVER	

TABLE II

6				
7	CATEGORY A		NONE	
8	CATEGORY B	\$	1	TO UNDER \$ 1,000
9	CATEGORY C	\$	1,000	TO UNDER \$ 5,000
10	CATEGORY D	\$	5,000	TO UNDER \$ 20,000
11	CATEGORY E	\$	20,000	TO UNDER \$ 50,000
12	CATEGORY F	\$	50,000	TO UNDER \$ 75,000
13	CATEGORY G	\$	75,000	TO UNDER \$ 100,000
14	CATEGORY H	\$	100,000	TO UNDER \$ 150,000
15	CATEGORY I	\$	150,000	TO UNDER \$ 250,000
16	CATEGORY J	\$	250,000	TO UNDER \$ 500,000
17	CATEGORY K	\$	500,000	TO UNDER \$ 750,000
18	CATEGORY L	\$	750,000	TO UNDER \$1,000,000
19	CATEGORY M	\$1,000,000	TO UNDER	\$1,250,000
20	CATEGORY N	\$1,250,000	TO UNDER	\$1,500,000
21	CATEGORY O	\$1,500,000	TO UNDER	\$1,750,000
22	CATEGORY P	\$1,750,000	TO UNDER	\$2,000,000
23	CATEGORY Q	\$2,000,000	TO UNDER	\$2,250,000
24	CATEGORY R	\$2,250,000	TO UNDER	\$2,500,000
25	CATEGORY S	\$2,500,000	TO UNDER	\$2,750,000
26	CATEGORY T	\$2,750,000	TO UNDER	\$3,000,000
27	CATEGORY U	\$3,000,000	TO UNDER	\$3,250,000
28	CATEGORY V	\$3,250,000	TO UNDER	\$3,500,000
29	CATEGORY W	\$3,500,000	TO UNDER	\$3,750,000
30	CATEGORY X	\$3,750,000	TO UNDER	\$4,000,000
31	CATEGORY Y	\$4,000,000	TO UNDER	\$4,250,000
32	CATEGORY Z	\$4,250,000	TO UNDER	\$4,500,000
33	CATEGORY AA	\$4,500,000	TO UNDER	\$4,750,000
34	CATEGORY BB	\$4,750,000	TO UNDER	\$5,000,000
35	CATEGORY CC	\$5,000,000	TO UNDER	\$5,250,000
36	CATEGORY DD	\$5,250,000	TO UNDER	\$5,500,000
37	CATEGORY EE	\$5,500,000	TO UNDER	\$5,750,000
38	CATEGORY FF	\$5,750,000	TO UNDER	\$6,000,000
39	CATEGORY GG	\$6,000,000	TO UNDER	\$6,250,000
40	CATEGORY HH	\$6,250,000	TO UNDER	\$6,500,000
41	CATEGORY II	\$6,500,000	TO UNDER	\$6,750,000
42	CATEGORY JJ	\$6,750,000	TO UNDER	\$7,000,000
43	CATEGORY KK	\$7,000,000	TO UNDER	\$7,250,000
44	CATEGORY LL	\$7,250,000	TO UNDER	\$7,500,000
45	CATEGORY MM	\$7,500,000	TO UNDER	\$7,750,000
46	CATEGORY NN	\$7,750,000	TO UNDER	\$8,000,000
47	CATEGORY OO	\$8,000,000	TO UNDER	\$8,250,000
48	CATEGORY PP	\$8,250,000	TO UNDER	\$8,500,000
49	CATEGORY QQ	\$8,500,000	TO UNDER	\$8,750,000
50	CATEGORY RR	\$8,750,000	TO UNDER	\$9,000,000
51	CATEGORY SS	\$9,000,000	TO UNDER	\$9,250,000
52	CATEGORY TT	\$9,250,000	TO UNDER	\$9,500,000
53	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

1 with intent to deceive makes a false statement or gives information  
2 which such individual knows to be false on such statement of financial  
3 disclosure filed pursuant to this section shall be subject to a civil  
4 penalty in an amount not to exceed [ten] FORTY thousand dollars. Assess-  
5 ment of a civil penalty hereunder shall be made by the [state] JOINT  
6 COMMISSION ON PUBLIC ethics [commission] or by the legislative ethics  
7 [committee] COMMISSION, as the case may be, with respect to persons  
8 subject to their respective jurisdictions. The [state] JOINT COMMISSION  
9 ON PUBLIC ethics [commission] acting pursuant to subdivision [thirteen]  
10 FOURTEEN of section ninety-four of the executive law or the legislative  
11 ethics [committee] COMMISSION acting pursuant to subdivision [twelve]  
12 ELEVEN of section eighty of the legislative law, as the case may be,  
13 may, in lieu of OR IN ADDITION TO a civil penalty, refer a violation to  
14 the appropriate prosecutor and upon such conviction, but only after such  
15 referral, such violation shall be punishable as a class A misdemeanor. A  
16 civil penalty for false filing may not be imposed hereunder in the event  
17 a category of "value" or "amount" reported hereunder is incorrect unless  
18 such reported information is falsely understated. Notwithstanding any  
19 other provision of law to the contrary, no other penalty, civil or crim-  
20 inal may be imposed for a failure to file, or for a false filing, of  
21 such statement, except that the appointing authority may impose disci-  
22 plinary action as otherwise provided by law. The [state] JOINT COMMIS-  
23 SION ON PUBLIC ethics [commission] and the legislative ethics [commit-  
24 tee] COMMISSION shall each be deemed to be an agency within the meaning  
25 of article three of the state administrative procedure act and shall  
26 adopt rules governing the conduct of adjudicatory proceedings and  
27 appeals relating to the assessment of the civil penalties herein author-  
28 ized. Such rules, which shall not be subject to the approval require-  
29 ments of the state administrative procedure act, shall provide for due  
30 process procedural mechanisms substantially similar to those set forth  
31 in such article three but such mechanisms need not be identical in terms  
32 or scope. Assessment of a civil penalty shall be final unless modified,  
33 suspended or vacated within thirty days of imposition and upon becoming  
34 final shall be subject to review at the instance of the affected report-  
35 ing individual in a proceeding commenced against the [state] JOINT  
36 COMMISSION ON PUBLIC ethics [commission or legislative ethics committee]  
37 OR THE LEGISLATIVE ETHICS COMMISSION, pursuant to article seventy-eight  
38 of the civil practice law and rules.

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

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

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

2-a, paragraph (1) 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

1 CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN WHICH AMENDED THIS SUBDIVI-  
2 SION BY A LEGISLATIVE LEADER, THE LEGISLATIVE LEADERS OF THE SAME POLI-  
3 TICAL PARTY IN THE SAME HOUSE SHALL APPOINT A MEMBER TO FILL SUCH VACAN-  
4 CY IRRESPECTIVE OF WHETHER THAT LEGISLATIVE LEADER'S POLITICAL PARTY IS  
5 IN THE MAJORITY OR MINORITY. Of the [seven] members appointed by the  
6 governor [without prior nomination, no more than four members shall  
7 belong to the same political party and no members shall be public offi-  
8 cers or employees or hold any public office, elected or appointed. No  
9 member shall be a member of the legislature, a candidate for member of  
10 the legislature, an employee of the legislature, a political party  
11 chairman as defined in paragraph (k) of subdivision one of section  
12 seventy-three of the public officers law, or a lobbyist as defined in  
13 subdivision (a) of section one-c of the legislative law] AND THE LIEU-  
14 TENANT GOVERNOR, AT LEAST THREE MEMBERS SHALL BE AND SHALL HAVE BEEN FOR  
15 AT LEAST THREE YEARS ENROLLED MEMBERS OF THE MAJOR POLITICAL PARTY IN  
16 WHICH THE GOVERNOR IS NOT ENROLLED. IN THE EVENT OF A VACANCY IN A  
17 POSITION PREVIOUSLY APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR,  
18 THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL APPOINT A MEMBER OF THE SAME  
19 POLITICAL PARTY AS THE MEMBER THAT VACATED THAT POSITION. PRIOR TO  
20 MAKING THEIR RESPECTIVE APPOINTMENTS, THE GOVERNOR AND THE LIEUTENANT  
21 GOVERNOR AND THE LEGISLATIVE LEADERS SHALL SOLICIT AND RECEIVE RECOMMEN-  
22 DATIONS FOR APPOINTEES FROM THE ATTORNEY GENERAL AND THE COMPTROLLER OF  
23 THE STATE OF NEW YORK, WHICH RECOMMENDATIONS SHALL BE FULLY AND PROPERLY  
24 CONSIDERED BUT SHALL NOT BE BINDING.

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

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

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

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

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

37 3. Members of the commission shall serve for terms of five years;  
38 provided, however, that of the members first appointed [without prior  
39 nomination] BY THE GOVERNOR AND LIEUTENANT GOVERNOR, one shall serve for  
40 one year, one shall serve for two years, one shall serve for three  
41 years, and one shall serve for four years, as designated by the gover-  
42 nor; the members first appointed [on the nominations of the comptroller  
43 and] BY the temporary president of the senate AND BY THE SPEAKER OF THE  
44 ASSEMBLY shall serve for four years and the members first appointed [on  
45 the nominations of the attorney general and the speaker of] BY THE  
46 MINORITY LEADERS OF THE SENATE AND the assembly shall serve for two  
47 years.

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

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

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

3 6. [Seven] EIGHT members of the commission shall constitute a quorum,  
4 and the commission shall have power to act by majority vote of the total  
5 number of members of the commission without vacancy EXCEPT WHERE THE  
6 COMMISSION ACTS PURSUANT TO SUBDIVISION THIRTEEN, SUBDIVISION FOURTEEN-A  
7 OR SUBDIVISION FOURTEEN-B OF THIS SECTION.

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

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

22 9. The commission shall:

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

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

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

51 (c) Adopt, amend, and rescind rules and regulations to govern proce-  
52 dures of the commission, which shall include, but not be limited to, the  
53 procedure whereby a person who is required to file an annual financial  
54 disclosure statement with the commission may request an additional peri-  
55 od of time within which to file such statement, OTHER THAN MEMBERS OF  
56 THE LEGISLATURE, CANDIDATES FOR MEMBERS OF THE LEGISLATURE AND LEGISLA-

1 TIVE EMPLOYEES, due to justifiable cause or undue hardship; such rules  
2 or regulations shall provide for a date beyond which in all cases of  
3 justifiable cause or undue hardship no further extension of time will be  
4 granted;

5 (d) Adopt, amend, and rescind rules and regulations to assist appoint-  
6 ing authorities in determining which persons hold policy-making posi-  
7 tions for purposes of section seventy-three-a of the public officers  
8 law;

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

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

15 (f) Review financial disclosure statements in accordance with the  
16 provisions of this section, provided however, that the commission may  
17 delegate all or part of this review function to the executive director  
18 who shall be responsible for completing staff review of such statements  
19 in a manner consistent with the terms of the commission's delegation;

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

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

37 (i) Permit any person [subject to the jurisdiction of the commission]  
38 who is required to file a financial disclosure statement WITH THE JOINT  
39 COMMISSION ON PUBLIC ETHICS to request an exemption from any requirement  
40 to report one or more items of information which pertain to such  
41 person's spouse or unemancipated children which item or items may be  
42 exempted by the commission upon a finding by the commission that the  
43 reporting individual's spouse, on his or her own behalf or on behalf of  
44 an unemancipated child, objects to providing the information necessary  
45 to make such disclosure and that the information which would otherwise  
46 be required to be reported will have no material bearing on the  
47 discharge of the reporting person's official duties. If such request for  
48 exemption is denied, the commission, in its notification of denial,  
49 shall inform the person of his or her right to appeal the commission's  
50 determination pursuant to its rules governing adjudicatory proceedings  
51 and appeals adopted pursuant to subdivision [thirteen] FOURTEEN of this  
52 section;

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

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

9 (j) Advise and assist any state agency in establishing rules and regu-  
10 lations relating to possible conflicts between private interests and  
11 official duties of present or former statewide elected officials and  
12 state officers and employees;

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

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

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

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

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

33 (l) Prepare an annual report to the governor and legislature summariz-  
34 ing the activities of the commission during the previous year and recom-  
35 mending any changes in the laws governing the conduct of persons subject  
36 to the jurisdiction of the commission, or the rules, regulations and  
37 procedures governing the commission's conduct. Such report shall  
38 include: (i) a listing by assigned number of each complaint and referral  
39 received which alleged a possible violation within its jurisdiction,  
40 including the current status of each complaint, and (ii) where a matter  
41 has been resolved, the date and nature of the disposition and any sanc-  
42 tion imposed, subject to the confidentiality requirements of this  
43 section, provided, however, that such annual report shall not contain  
44 any information for which disclosure is not permitted pursuant to subdi-  
45 vision [seventeen] NINETEEN of this section; [and]

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

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

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

14 9-A. (A) WHEN AN INDIVIDUAL BECOMES A COMMISSIONER OR STAFF OF THE  
15 COMMISSION, THAT INDIVIDUAL SHALL BE REQUIRED TO SIGN A NON-DISCLOSURE  
16 STATEMENT.

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

24 (C) THE COMMISSION SHALL ESTABLISH PROCEDURES NECESSARY TO PREVENT THE  
25 UNAUTHORIZED DISCLOSURE OF ANY INFORMATION RECEIVED BY ANY MEMBER OF THE  
26 COMMISSION OR STAFF OF THE COMMISSION. ANY BREACHES OF CONFIDENTIALITY  
27 SHALL BE INVESTIGATED BY THE INSPECTOR GENERAL AND APPROPRIATE ACTION  
28 SHALL BE TAKEN. ANY COMMISSIONER OR PERSON EMPLOYED BY THE COMMISSION  
29 WHO INTENTIONALLY AND WITHOUT AUTHORIZATION RELEASES CONFIDENTIAL INFOR-  
30 MATION RECEIVED BY THE COMMISSION SHALL BE GUILTY OF A CLASS A MISDEMEA-  
31 NOR.

32 9-B. DURING THE PERIOD OF HIS OR HER SERVICE AS A COMMISSIONER OF THE  
33 COMMISSION, EACH COMMISSIONER SHALL REFRAIN FROM MAKING, OR SOLICITING  
34 FROM OTHER PERSONS, ANY CONTRIBUTIONS TO CANDIDATES FOR ELECTION TO THE  
35 OFFICES OF GOVERNOR, LIEUTENANT GOVERNOR, MEMBER OF THE ASSEMBLY OR THE  
36 SENATE, ATTORNEY GENERAL OR STATE COMPTROLLER.

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

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

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

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

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

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

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

34 11. The commission, or the executive director and staff of the commis-  
35 sion if responsibility therefor has been delegated, shall inspect all  
36 financial disclosure statements filed with the commission to ascertain  
37 whether any person subject to the reporting requirements of section  
38 seventy-three-a of the public officers law has failed to file such a  
39 statement, has filed a deficient statement or has filed a statement  
40 which reveals a possible violation of section seventy-three, seventy-  
41 three-a or seventy-four of the public officers law.

42 [11.] 12. If a person required to file a financial disclosure state-  
43 ment with the commission has failed to file a disclosure statement or  
44 has filed a deficient statement, the commission shall notify the report-  
45 ing person in writing, state the failure to file or detail the deficien-  
46 cy, provide the person with a fifteen day period to cure the deficiency,  
47 and advise the person of the penalties for failure to comply with the  
48 reporting requirements. Such notice shall be confidential. If the person  
49 fails to make such filing or fails to cure the deficiency within the  
50 specified time period, the commission shall send a notice of delinquen-  
51 cy: (a) to the reporting person; (b) in the case of a statewide elected  
52 official, MEMBER OF THE LEGISLATURE, OR A LEGISLATIVE EMPLOYEE, to the  
53 temporary president of the senate and the speaker of the assembly; and  
54 (c) in the case of a state officer or employee, to the appointing  
55 authority for such person. Such notice of delinquency may be sent at any  
56 time during the reporting person's service as a statewide elected offi-

1 cial, state officer or employee, MEMBER OF THE ASSEMBLY OR THE SENATE,  
2 OR A LEGISLATIVE EMPLOYEE OR A political party chair or while a candi-  
3 date for statewide office, or within one year after termination of such  
4 service or candidacy. The jurisdiction of the commission, when acting  
5 pursuant to subdivision [thirteen] FOURTEEN of this section with respect  
6 to financial disclosure, shall continue notwithstanding that the report-  
7 ing person separates from state service, or ceases to hold PUBLIC OR  
8 POLITICAL PARTY office [as a statewide elected official or political  
9 party chair], or ceases to be a candidate, provided the commission noti-  
10 fies such person of the alleged failure to file or deficient filing  
11 pursuant to this subdivision.

12 [12.] 13. (a) INVESTIGATIONS. If the commission receives a sworn  
13 complaint alleging a violation of section seventy-three,  
14 seventy-three-a, or seventy-four of the public officers law, section one  
15 hundred seven of the civil service law or article one-A of the legisla-  
16 tive law by a person or entity subject to the jurisdiction of the  
17 commission INCLUDING MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOY-  
18 EES AND CANDIDATES FOR MEMBER OF THE LEGISLATURE, or if a reporting  
19 individual has filed a statement which reveals a possible violation of  
20 these provisions, or if the commission determines on its own initiative  
21 to investigate a possible violation, the commission shall notify the  
22 individual in writing, describe the possible or alleged violation of  
23 such laws and provide the person with a fifteen day period in which to  
24 submit a written response setting forth information relating to the  
25 activities cited as a possible or alleged violation of law. [If the  
26 commission thereafter makes a determination that further inquiry is  
27 justified, it shall give the individual an opportunity to be heard.] THE  
28 COMMISSION SHALL, WITHIN FORTY-FIVE CALENDAR DAYS AFTER A COMPLAINT OR A  
29 REFERRAL IS RECEIVED OR AN INVESTIGATION IS INITIATED ON THE COMMIS-  
30 SION'S OWN INITIATIVE, VOTE ON WHETHER TO COMMENCE A FULL INVESTIGATION  
31 OF THE MATTER UNDER CONSIDERATION TO DETERMINE WHETHER A SUBSTANTIAL  
32 BASIS EXISTS TO CONCLUDE THAT A VIOLATION OF LAW HAS OCCURRED. THE  
33 STAFF OF THE JOINT COMMISSION SHALL PROVIDE TO THE MEMBERS PRIOR TO SUCH  
34 VOTE INFORMATION REGARDING THE LIKELY SCOPE AND CONTENT OF THE INVESTI-  
35 GATION, AND A SUBPOENA PLAN, TO THE EXTENT SUCH INFORMATION IS AVAIL-  
36 ABLE. SUCH INVESTIGATION SHALL BE CONDUCTED IF AT LEAST EIGHT MEMBERS  
37 OF THE COMMISSION VOTE TO AUTHORIZE IT. WHERE THE SUBJECT OF SUCH  
38 INVESTIGATION IS A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE  
39 OR A CANDIDATE FOR MEMBER OF THE LEGISLATURE, AT LEAST TWO OF THE EIGHT  
40 OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH AN INVESTIGATION MUST HAVE  
41 BEEN APPOINTED BY A LEGISLATIVE LEADER OR LEADERS FROM THE MAJOR POLI-  
42 TICAL PARTY IN WHICH THE SUBJECT OF THE PROPOSED INVESTIGATION IS  
43 ENROLLED IF SUCH PERSON IS ENROLLED IN A MAJOR POLITICAL PARTY. WHERE  
44 THE SUBJECT OF SUCH INVESTIGATION IS A STATE OFFICER OR STATE EMPLOYEE,  
45 AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH  
46 AN INVESTIGATION MUST HAVE BEEN APPOINTED BY THE GOVERNOR AND LIEUTENANT  
47 GOVERNOR. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A STATEWIDE ELECTED  
48 OFFICIAL OR A DIRECT APPOINTEE OF SUCH AN OFFICIAL, AT LEAST TWO OF THE  
49 EIGHT OR MORE MEMBERS WHO SO VOTE TO AUTHORIZE SUCH AN INVESTIGATION  
50 MUST HAVE BEEN APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR AND BE  
51 ENROLLED IN THE MAJOR POLITICAL PARTY IN WHICH THE SUBJECT OF THE  
52 PROPOSED INVESTIGATION IS ENROLLED, IF SUCH PERSON IS ENROLLED IN A  
53 MAJOR POLITICAL PARTY.

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

1 PROVIDED TO THE INDIVIDUAL WHO IS THE SUBJECT OF SUCH SUBSTANTIAL BASIS  
2 INVESTIGATION. SUCH WRITTEN NOTICE SHALL INCLUDE A COPY OF THE COMMIS-  
3 SION'S RULES AND PROCEDURES AND SHALL ALSO INCLUDE NOTIFICATION OF SUCH  
4 INDIVIDUAL'S RIGHT TO BE HEARD WITHIN THIRTY CALENDAR DAYS OF THE DATE  
5 OF THE COMMISSION'S WRITTEN NOTICE. The commission shall also inform the  
6 individual of its rules regarding the conduct of adjudicatory  
7 proceedings and appeals and the other due process procedural mechanisms  
8 available to such individual. If the commission determines at any stage  
9 [of the proceeding,] that there is no violation or that any potential  
10 conflict of interest violation has been rectified, it shall so advise  
11 the individual and the complainant, if any. All of the foregoing  
12 proceedings shall be confidential.

13 [(b) If the commission determines that there is reasonable cause to  
14 believe that a violation has occurred, it shall send a notice of reason-  
15 able cause: (i) to the reporting person; (ii) to the complainant if any;  
16 (iii) in the case of a statewide elected official, to the temporary  
17 president of the senate and the speaker of the assembly; and (iv) in the  
18 case of a state officer or employee, to the appointing authority for  
19 such person.]

20 (c) The jurisdiction of the commission when acting pursuant to this  
21 section shall continue notwithstanding that a statewide elected official  
22 or a state officer or employee OR MEMBER OF THE LEGISLATURE OR LEGISLA-  
23 TIVE EMPLOYEE separates from state service, or a political party chair  
24 ceases to hold such office, or a candidate ceases to be a candidate, or  
25 a lobbyist or client of a lobbyist ceases to act as such, provided that  
26 the commission notifies such individual or entity of the alleged  
27 violation of law pursuant to paragraph (a) of this subdivision within  
28 one year from his or her separation from state service or his or her  
29 termination of party service or candidacy, or from his, her or its last  
30 report filed pursuant to article one-A of the legislative law. Nothing  
31 in this section shall serve to limit the jurisdiction of the commission  
32 in enforcement of subdivision eight of section seventy-three of the  
33 public officers law.

34 [13.] 14. An individual subject to the jurisdiction of the commission  
35 who knowingly and intentionally violates the provisions of subdivisions  
36 two through [five] FIVE-A, seven, eight, twelve or fourteen through  
37 seventeen of section seventy-three of the public officers law, section  
38 one hundred seven of the civil service law, or a reporting individual  
39 who knowingly and wilfully fails to file an annual statement of finan-  
40 cial disclosure or who knowingly and wilfully with intent to deceive  
41 makes a false statement or fraudulent omission or gives information  
42 which such individual knows to be false on such statement of financial  
43 disclosure filed pursuant to section seventy-three-a of the public offi-  
44 cers law shall be subject to a civil penalty in an amount not to exceed  
45 forty thousand dollars and the value of any gift, compensation or bene-  
46 fit received as a result of such violation. An individual who knowingly  
47 and intentionally violates the provisions of paragraph A, b, c, d, E, G,  
48 or i of subdivision three of section seventy-four of the public officers  
49 law shall be subject to a civil penalty in an amount not to exceed ten  
50 thousand dollars and the value of any gift, compensation or benefit  
51 received as a result of such violation. [An individual who knowingly and  
52 intentionally violates the provisions of paragraph a, e or g of subdivi-  
53 sion three of section seventy-four of the public officers law shall be  
54 subject to a civil penalty in an amount not to exceed the value of any  
55 gift, compensation or benefit received as a result of such violation.]  
56 An individual subject to the jurisdiction of the commission who knowing-

1 ly and willfully violates article one-A of the legislative law shall be  
2 subject to civil penalty as provided for in that article. [Assessment]  
3 EXCEPT WITH RESPECT TO MEMBERS OF THE LEGISLATURE AND LEGISLATIVE  
4 EMPLOYEES, ASSESSMENT of a civil penalty hereunder shall be made by the  
5 commission with respect to persons subject to its jurisdiction. WITH  
6 RESPECT TO A VIOLATION OF ANY LAW OTHER THAN SECTIONS SEVENTY-THREE,  
7 SEVENTY-THREE-A, AND SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW, WHERE THE  
8 COMMISSION FINDS SUFFICIENT CAUSE BY A VOTE HELD IN THE SAME MANNER AS  
9 SET FORTH IN PARAGRAPH (B) OF SUBDIVISION THIRTEEN OF THIS SECTION, IT  
10 SHALL REFER SUCH MATTER TO THE APPROPRIATE PROSECUTOR FOR FURTHER INVE-  
11 TIGATION. In assessing the amount of the civil penalties to be imposed,  
12 the commission shall consider the seriousness of the violation, the  
13 amount of gain to the individual and whether the individual previously  
14 had any civil or criminal penalties imposed pursuant to this section,  
15 and any other factors the commission deems appropriate. [For] EXCEPT  
16 WITH RESPECT TO MEMBERS OF THE LEGISLATURE AND LEGISLATIVE EMPLOYEES,  
17 FOR a violation of this subdivision, other than for conduct which  
18 constitutes a violation of section one hundred seven of the civil  
19 service law, subdivisions twelve or fourteen through seventeen of  
20 section seventy-three or section seventy-four of the public officers law  
21 or article one-A of the legislative law, the commission [may, in lieu of  
22 a civil penalty,] MAY, IN LIEU OF OR IN ADDITION TO A CIVIL PENALTY,  
23 refer a violation to the appropriate prosecutor and upon such  
24 conviction, such violation shall be punishable as a class A misdemeanor.  
25 A civil penalty for false filing may not be imposed hereunder in the  
26 event a category of "value" or "amount" reported hereunder is incorrect  
27 unless such reported information is falsely understated. Notwithstanding  
28 any other provision of law to the contrary, no other penalty, civil or  
29 criminal may be imposed for a failure to file, or for a false filing, of  
30 such statement, or a violation of SUBDIVISION SIX OF section seventy-  
31 three of the public officers law, except that the appointing authority  
32 may impose disciplinary action as otherwise provided by law. The commis-  
33 sion may refer violations of this subdivision to the appointing authori-  
34 ty for disciplinary action as otherwise provided by law. The commission  
35 shall be deemed to be an agency within the meaning of article three of  
36 the state administrative procedure act and shall adopt rules governing  
37 the conduct of adjudicatory proceedings and appeals taken pursuant to a  
38 proceeding commenced under article seventy-eight of the civil practice  
39 law and rules relating to the assessment of the civil penalties herein  
40 authorized and commission denials of requests for certain deletions or  
41 exemptions to be made from a financial disclosure statement as author-  
42 ized in paragraph (h) or paragraph (i) of subdivision nine of this  
43 section. Such rules, which shall not be subject to the approval require-  
44 ments of the state administrative procedure act, shall provide for due  
45 process procedural mechanisms substantially similar to those set forth  
46 in article three of the state administrative procedure act but such  
47 mechanisms need not be identical in terms or scope. Assessment of a  
48 civil penalty or commission denial of such a request shall be final  
49 unless modified, suspended or vacated within thirty days of imposition,  
50 with respect to the assessment of such penalty, or unless such denial of  
51 request is reversed within such time period, and upon becoming final  
52 shall be subject to review at the instance of the affected reporting  
53 individuals in a proceeding commenced against the commission, pursuant  
54 to article seventy-eight of the civil practice law and rules.

55 [13-a. If the commission has a reasonable basis to believe that any  
56 person subject to the jurisdiction of the legislative ethics commission

1 may have violated any provisions of section seventy-three or seventy-  
2 four of the public officers law, it shall refer such violation to the  
3 legislative ethics commission unless the commission determines that such  
4 a referral would compromise the prosecution or confidentiality of its  
5 investigations and, if so, shall make such a referral as soon as practi-  
6 cable. The referral by the commission to the legislative ethics commis-  
7 sion shall include any information relating thereto coming into the  
8 custody or under the control of the commission at any time prior or  
9 subsequent to the time of the referral.

10 14.] 14-A. THE JOINT COMMISSION ON PUBLIC ETHICS SHALL HAVE JURISDIC-  
11 TION TO INVESTIGATE, BUT SHALL HAVE NO JURISDICTION TO IMPOSE PENALTIES  
12 UPON MEMBERS OF OR CANDIDATES FOR MEMBER OF THE LEGISLATURE OR LEGISLA-  
13 TIVE EMPLOYEES FOR ANY VIOLATION OF THE PUBLIC OFFICERS LAW. IF, AFTER  
14 ITS SUBSTANTIAL BASIS INVESTIGATION, BY A VOTE OF AT LEAST EIGHT  
15 MEMBERS, TWO OF WHOM ARE ENROLLED MEMBERS OF THE INVESTIGATED INDIVID-  
16 UAL'S POLITICAL PARTY IF THE INDIVIDUAL IS ENROLLED IN A MAJOR POLITICAL  
17 PARTY AND WERE APPOINTED BY A LEGISLATIVE LEADER OF SUCH POLITICAL  
18 PARTY, THE JOINT COMMISSION ON PUBLIC ETHICS HAS FOUND A SUBSTANTIAL  
19 BASIS TO CONCLUDE THAT A MEMBER OF THE LEGISLATURE OR A LEGISLATIVE  
20 EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE HAS VIOLATED ANY  
21 PROVISIONS OF SUCH LAWS, IT SHALL PRESENT A WRITTEN REPORT TO THE LEGIS-  
22 LATIVE ETHICS COMMISSION, AND DELIVER A COPY OF THE REPORT TO THE INDI-  
23 VIDUAL WHO IS THE SUBJECT OF THE REPORT. SUCH WRITTEN REPORT SHALL  
24 INCLUDE:

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

29 (B) A DETERMINATION THAT A SUBSTANTIAL BASIS EXISTS TO CONCLUDE THAT A  
30 VIOLATION HAS OCCURRED, AND THE REASONS AND BASIS FOR SUCH DETERMI-  
31 NATION.

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

42 14-B. WITH RESPECT TO THE INVESTIGATION OF ANY INDIVIDUAL WHO IS NOT A  
43 MEMBER OF THE LEGISLATURE OR A LEGISLATIVE EMPLOYEE OR CANDIDATE FOR  
44 MEMBER OF THE LEGISLATURE, IF AFTER ITS INVESTIGATION THE JOINT COMMIS-  
45 SION HAS FOUND A SUBSTANTIAL BASIS TO CONCLUDE THAT THE INDIVIDUAL HAS  
46 VIOLATED THE PUBLIC OFFICERS LAW OR THE LEGISLATIVE LAW, THE JOINT  
47 COMMISSION SHALL SEND A SUBSTANTIAL BASIS INVESTIGATION REPORT CONTAIN-  
48 ING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE INDIVIDUAL. WITH  
49 RESPECT TO AN INDIVIDUAL WHO IS A STATEWIDE ELECTED OFFICIAL OR A DIRECT  
50 APPOINTEE OF SUCH AN OFFICIAL, NO VIOLATION MAY BE FOUND UNLESS THE  
51 MAJORITY VOTING IN SUPPORT OF SUCH A FINDING INCLUDES AT LEAST TWO  
52 MEMBERS APPOINTED BY THE GOVERNOR AND LIEUTENANT GOVERNOR AND ENROLLED  
53 IN THE INDIVIDUAL'S MAJOR POLITICAL PARTY, IF HE OR SHE IS ENROLLED IN A  
54 MAJOR POLITICAL PARTY. WHERE THE SUBJECT OF SUCH INVESTIGATION IS A  
55 STATE OFFICER OR EMPLOYEE WHO IS NOT A DIRECT APPOINTEE OF A STATEWIDE  
56 ELECTED OFFICIAL, AT LEAST TWO OF THE EIGHT OR MORE MEMBERS WHO VOTE TO

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

4 14-C. WITH RESPECT TO AN INVESTIGATION OF A LOBBYIST, IF AFTER ITS  
5 INVESTIGATION THE JOINT COMMISSION HAS FOUND A SUBSTANTIAL BASIS TO  
6 CONCLUDE THAT THE LOBBYIST HAS VIOLATED THE LEGISLATIVE LAW, THE JOINT  
7 COMMISSION SHALL ISSUE A SUBSTANTIAL BASIS INVESTIGATION REPORT CONTAIN-  
8 ING ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE LOBBYIST AND  
9 SHALL MAKE PUBLIC SUCH REPORT WITHIN FORTY-FIVE DAYS OF ITS ISSUANCE.

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

15 [15.] 16. Upon written request from any person who is subject to the  
16 jurisdiction of the commission and the requirements of sections seven-  
17 ty-three, seventy-three-a or seventy-four of the public officers law,  
18 OTHER THAN MEMBERS OF THE LEGISLATURE, CANDIDATES FOR MEMBER OF THE  
19 LEGISLATURE AND EMPLOYEES OF THE LEGISLATURE, the commission shall  
20 render WRITTEN advisory opinions on the requirements of said provisions.  
21 An opinion rendered by the commission, until and unless amended or  
22 revoked, shall be binding on the commission in any subsequent proceeding  
23 concerning the person who requested the opinion and who acted in good  
24 faith, unless material facts were omitted or misstated by the person in  
25 the request for an opinion. Such opinion may also be relied upon by such  
26 person, and may be introduced and shall be a defense, in any criminal or  
27 civil action. Such requests shall be confidential but the commission may  
28 publish such opinions provided that the name of the requesting person  
29 and other identifying details shall not be included in the publication.

30 [16.] 17. In addition to any other powers and duties specified by law,  
31 the commission shall have the power and duty to:

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

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

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

42 [(d)] (C) Conduct any investigation necessary to carry out the  
43 provisions of this section. Pursuant to this power and duty, the commis-  
44 sion may administer oaths or affirmations, subpoena witnesses, compel  
45 their attendance and require the production of any books or records  
46 which it may deem relevant or material;

47 [16-a.] 18. Within one hundred twenty days of the effective date of  
48 this subdivision, the commission shall create and thereafter maintain a  
49 publicly accessible website which shall set forth the procedure for  
50 filing a complaint with the commission, and which shall contain the  
51 documents identified in subdivision [seventeen] NINETEEN of this  
52 section, other than financial disclosure statements[, ] FILED BY STATE  
53 OFFICERS OR EMPLOYEES OR LEGISLATIVE EMPLOYEES, and any other records or  
54 information which the commission determines to be appropriate.

1 [17.] 19. (a) Notwithstanding the provisions of article six of the  
2 public officers law, the only records of the commission which shall be  
3 available for public inspection and copying are:

4 (1) the information set forth in an annual statement of financial  
5 disclosure filed pursuant to section seventy-three-a of the public offi-  
6 cers law except [the categories of value or amount, which shall remain  
7 confidential, and any other item of] information deleted pursuant to  
8 paragraph (h) of subdivision nine of this section;

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

11 (3) [notices of reasonable cause sent under paragraph (b) of subdivi-  
12 sion twelve of this section;

13 (4)] notices of civil assessments imposed under this section which  
14 shall include a description of the nature of the alleged wrongdoing, the  
15 procedural history of the complaint, the findings and determinations  
16 made by the commission, and any sanction imposed;

17 [(5)] (4) the terms of any settlement or compromise of a complaint or  
18 referral which includes a fine, penalty or other remedy; [and

19 (6)] (5) those required to be held or maintained publicly available  
20 pursuant to article one-A of the legislative law[.]; AND

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

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

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

44 [18] 20. If any part or provision of this section or the application  
45 thereof to any person or organization is adjudged by a court of compe-  
46 tent jurisdiction to be unconstitutional or otherwise invalid, such  
47 judgment shall not affect or impair any other part or provision or the  
48 application thereof to any other person or organization, but shall be  
49 confined in its operation to such part or provision.

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

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

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

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

10 (8) (I) THE NAME AND PUBLIC OFFICE ADDRESS OF ANY STATEWIDE ELECTED  
11 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-  
12 LATIVE EMPLOYEE AND ENTITY WITH WHOM THE LOBBYIST HAS A REPORTABLE BUSI-  
13 NESS RELATIONSHIP;

14 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
15 ACTIONS BETWEEN THE LOBBYIST OR LOBBYISTS AND THE STATEWIDE ELECTED  
16 OFFICIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGIS-  
17 LATIVE EMPLOYEE AND ENTITY; AND

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

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

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

26 (II) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANS-  
27 ACTIONS BETWEEN THE CLIENT OF A LOBBYIST AND THE STATEWIDE ELECTED OFFI-  
28 CIAL, STATE OFFICER OR EMPLOYEE, MEMBER OF THE LEGISLATURE OR LEGISLA-  
29 TIVE EMPLOYEE AND ENTITY; AND

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

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

34 (W) THE TERM "REPORTABLE BUSINESS RELATIONSHIP" SHALL MEAN A RELATION-  
35 SHIP IN WHICH COMPENSATION IS PAID BY A LOBBYIST OR BY A CLIENT OF A  
36 LOBBYIST, IN EXCHANGE FOR ANY GOODS, SERVICES OR ANYTHING OF VALUE, THE  
37 TOTAL VALUE OF WHICH IS IN EXCESS OF ONE THOUSAND DOLLARS ANNUALLY, TO  
38 BE PERFORMED OR PROVIDED BY OR INTENDED TO BE PERFORMED OR PROVIDED BY  
39 (I) ANY STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE,  
40 MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE, OR (II) ANY ENTITY IN  
41 WHICH THE LOBBYIST OR THE CLIENT OF A LOBBYIST KNOWS OR HAS REASON TO  
42 KNOW THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER, STATE EMPLOYEE,  
43 MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE IS A PROPRIETOR, PART-  
44 NER, DIRECTOR, OFFICER OR MANAGER, OR OWNS OR CONTROLS TEN PERCENT OR  
45 MORE OF THE STOCK OF SUCH ENTITY (OR ONE PERCENT IN THE CASE OF A CORPO-  
46 RATION WHOSE STOCK IS REGULARLY TRADED ON AN ESTABLISHED SECURITIES  
47 EXCHANGE).

48 S 9. Section 80 of the legislative law, as amended by chapter 14 of  
49 the laws of 2007, is amended to read as follows:

50 S 80. Legislative ethics commission; functions, powers and duties;  
51 review of financial disclosure statements; advisory opinions; [investi-  
52 gation and enforcement] IMPOSITION OF PENALTIES OR OTHER ENFORCEMENT  
53 ACTIONS. 1. There is established a legislative ethics commission which  
54 shall consist of nine members. Four members shall be members of the  
55 legislature and shall be appointed as follows: one by the temporary  
56 president of the senate, one by the speaker of the assembly, one by the

1 minority leader of the senate and one by the minority leader of the  
2 assembly. The remaining five members shall not be present or former  
3 members of the legislature, candidates for member of the legislature,  
4 employees of the legislature, political party chairmen as defined in  
5 paragraph (k) of subdivision one of section seventy-three of the public  
6 officers law, or lobbyists, as defined in section one-c of this chapter,  
7 or persons who have been employees of the legislature, political party  
8 chairmen as defined in paragraph (k) of subdivision one of section  
9 seventy-three of the public officers law, or lobbyists, as defined in  
10 section one-c of this chapter in the previous five years, and shall be  
11 appointed as follows: one by the temporary president of the senate, one  
12 by the speaker of the assembly, one by the minority leader of the  
13 senate, one by the minority leader of the assembly, and one jointly by  
14 the speaker of the assembly and majority leader of the senate. The  
15 commission shall serve as described in this section and have and exer-  
16 cise the powers and duties set forth in this section only with respect  
17 to members of the legislature, legislative employees as defined in  
18 section seventy-three of the public officers law, candidates for member  
19 of the legislature and individuals who have formerly held such positions  
20 or who have formerly been such candidates.

21 2. Members of the legislature who serve on the commission shall each  
22 have a two year term concurrent with their legislative terms of office.  
23 The members of the commission who are not members of the legislature and  
24 who are first appointed by the temporary president of the senate, speak-  
25 er of the assembly, minority leader of the senate, and minority leader  
26 of the assembly shall serve one, two, three and four year terms, respec-  
27 tively. The member of the commission first appointed jointly by the  
28 TEMPORARY president of the senate and speaker of the assembly shall  
29 serve a four year term. Each member of the commission who is not a  
30 member of the legislature shall be appointed thereafter for a term of  
31 four years.

32 3. The temporary president of the senate and the speaker of the assem-  
33 bly shall each designate one member of the commission as a co-chairper-  
34 son thereof. The commission shall meet at least bi-monthly and at such  
35 additional times as may be called for by the co-chairpersons jointly or  
36 any five members of the commission.

37 4. Any vacancy occurring on the commission shall be filled within  
38 thirty days by the appointing authority.

39 5. Five members of the commission shall constitute a quorum, and the  
40 commission shall have power to act by majority vote of the total number  
41 of members of the commission without vacancy.

42 6. The members of the commission WHO ARE NOT MEMBERS OF THE LEGISLA-  
43 TURE shall be reimbursed for reasonable expenses [incurred] AND RECEIVE  
44 A PER DIEM ALLOWANCE IN THE SUM OF THREE HUNDRED DOLLARS FOR EACH DAY  
45 SPENT in the performance of their official duties.

46 7. The commission shall:

47 a. Appoint an executive director who shall act in accordance with the  
48 policies of the commission, PROVIDED THAT THE COMMISSION MAY REMOVE THE  
49 EXECUTIVE DIRECTOR FOR NEGLECT OF DUTY, MISCONDUCT IN OFFICE, OR INABIL-  
50 ITY OR FAILURE TO DISCHARGE THE POWERS OR DUTIES OF OFFICE;

51 b. Appoint such other staff as are necessary to assist it to carry out  
52 its duties under this section;

53 c. Adopt, amend, and rescind policies, rules and regulations consist-  
54 ent with this section to govern procedures of the commission which shall  
55 not be subject to the promulgation and hearing requirements of the state  
56 administrative procedure act;

1 d. Administer the provisions of this section;

2 e. Specify the procedures whereby a person who is required to file an  
3 annual financial disclosure statement with the commission may request an  
4 additional period of time within which to file such statement, due to  
5 justifiable cause or undue hardship; such rules or regulations shall  
6 provide for a date beyond which in all cases of justifiable cause or  
7 undue hardship no further extension of time will be granted;

8 f. Promulgate guidelines to assist appointing authorities in determin-  
9 ing which persons hold policy-making positions for purposes of section  
10 seventy-three-a of the public officers law and may promulgate guidelines  
11 to assist firms, associations and corporations in separating affected  
12 persons from net revenues for purposes of subdivision ten of section  
13 seventy-three of the public officers law, and promulgate guidelines to  
14 assist any firm, association or corporation in which any present or  
15 former statewide elected official, state officer or employee, member of  
16 the legislature or legislative employee, or political party chairman is  
17 a member, associate, retired member, of counsel or shareholder, in  
18 complying with the provisions of subdivision ten of section seventy-  
19 three of the public officers law with respect to the separation of such  
20 present or former statewide elected official, state officer or employee,  
21 member of the legislature or legislative employee, or political party  
22 chairman from the net revenues of the firm, association or corporation.  
23 Such firm, association or corporation shall not be required to adopt the  
24 procedures contained in the guidelines to establish compliance with  
25 subdivision ten of section seventy-three of the public officers law, but  
26 if such firm, association or corporation does adopt such procedures, it  
27 shall be deemed to be in compliance with such subdivision ten;

28 g. Make available forms for financial disclosure statements required  
29 to be filed pursuant to subdivision six of section seventy-three and  
30 section seventy-three-a of the public officers law AS PROVIDED BY THE  
31 JOINT COMMISSION ON PUBLIC ETHICS;

32 h. Review financial disclosure statements in accordance with the  
33 provisions of this section, provided however, that the commission may  
34 delegate all or part of the review function relating to financial  
35 disclosure statements filed by legislative employees pursuant to  
36 sections seventy-three and seventy-three-a of the public officers law to  
37 the executive director who shall be responsible for completing staff  
38 review of such statements in a manner consistent with the terms of the  
39 commission's delegation;

40 i. [Permit any person required to file a financial disclosure state-  
41 ment to request the commission to delete from the copy thereof made  
42 available for public inspection and copying one or more items of infor-  
43 mation, which may be deleted by the commission upon a finding that the  
44 information which would otherwise be required to be disclosed will have  
45 no material bearing on the discharge of the reporting person's official  
46 duties;

47 j. Permit any person required to file a financial disclosure statement  
48 to request an exemption from any requirement to report one or more items  
49 of information which pertain to such person's spouse or unemancipated  
50 children which item or items may be exempted by the commission upon a  
51 finding that the reporting individual's spouse, on his or her own behalf  
52 or on behalf of an unemancipated child, objects to providing the infor-  
53 mation necessary to make such disclosure and that the information which  
54 would otherwise be required to be reported will have no material bearing  
55 on the discharge of the reporting person's official duties;

1 k. Advise and assist the legislature in establishing rules and regu-  
2 lations relating to possible conflicts between private interests and  
3 official duties of present members of the legislature and legislative  
4 employees;

5 l. Receive and act on complaints regarding persons subject to its  
6 jurisdiction alleging a possible violation of section seventy-three,  
7 seventy-three-a or seventy-four of the public officers law, and conduct  
8 such investigations and proceedings as are authorized and necessary to  
9 carry out the provisions of this section. In connection with such inves-  
10 tigation, the commission may administer oaths or affirmations, subpoena  
11 witnesses, compel their attendance and require the production of any  
12 books or records which it may deem relevant or material;

13 m. Accept and act upon, as if it were a sworn complaint, any referral  
14 from another state oversight body indicating that a violation of section  
15 seventy-three or seventy-four of the public officers law may have  
16 occurred involving persons subject to the jurisdiction of the commis-  
17 sion;

18 n.] Upon written request from any person who is subject to the juris-  
19 diction of the commission and the requirements of sections seventy-  
20 three, seventy-three-a and seventy-four of the public officers law,  
21 render formal advisory opinions on the requirements of said provisions.  
22 A formal WRITTEN opinion rendered by the commission, until and unless  
23 amended or revoked, shall be binding on the LEGISLATIVE ETHICS commis-  
24 sion in any subsequent proceeding concerning the person who requested  
25 the opinion and who acted in good faith, unless material facts were  
26 omitted or misstated by the person in the request for an opinion. Such  
27 opinion may also be relied upon by such person, and may be introduced  
28 and shall be a defense in any criminal or civil action. THE JOINT  
29 COMMISSION ON PUBLIC ETHICS SHALL NOT INVESTIGATE AN INDIVIDUAL FOR  
30 POTENTIAL VIOLATIONS OF LAW BASED UPON CONDUCT APPROVED AND COVERED IN  
31 ITS ENTIRETY BY SUCH AN OPINION, EXCEPT THAT SUCH OPINION SHALL NOT  
32 PREVENT OR PRECLUDE AN INVESTIGATION OF AND REPORT TO THE LEGISLATIVE  
33 ETHICS COMMISSION CONCERNING THE CONDUCT OF THE PERSON WHO OBTAINED IT  
34 BY THE JOINT COMMISSION ON PUBLIC ETHICS FOR VIOLATIONS OF SECTION  
35 SEVENTY-THREE, SEVENTY-THREE-A OR SEVENTY-FOUR OF THE PUBLIC OFFICERS  
36 LAW TO DETERMINE WHETHER THE PERSON ACCURATELY AND FULLY REPRESENTED TO  
37 THE LEGISLATIVE ETHICS COMMISSION THE FACTS RELEVANT TO THE FORMAL ADVI-  
38 SORY OPINION AND WHETHER THE PERSON'S CONDUCT CONFORMED TO THOSE FACTUAL  
39 REPRESENTATIONS. THE JOINT COMMISSION SHALL BE AUTHORIZED AND SHALL HAVE  
40 JURISDICTION TO INVESTIGATE POTENTIAL VIOLATIONS OF THE LAW ARISING FROM  
41 CONDUCT OUTSIDE OF THE SCOPE OF THE TERMS OF THE ADVISORY OPINION; AND

42 [o.] J. Issue and publish generic advisory opinions covering questions  
43 frequently posed to the commission, or questions common to a class or  
44 defined category of persons, or that will tend to prevent undue repe-  
45 tition of requests or undue complication, and which are intended to  
46 provide general guidance and information to persons subject to the  
47 commission's jurisdiction;

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

53 [q.] L. Prepare an annual report to the governor and legislature  
54 summarizing the activities of the commission during the previous year  
55 and recommending any changes in the laws governing the conduct of  
56 persons subject to the jurisdiction of the commission, or the rules,

1 regulations and procedures governing the commission's conduct. Such  
2 report shall include: (i) a listing by assigned number of each complaint  
3 and [referral] REPORT received FROM THE JOINT COMMISSION ON PUBLIC  
4 ETHICS which alleged a possible violation within its jurisdiction,  
5 including the current status of each complaint, and (ii) where a matter  
6 has been resolved, the date and nature of the disposition and any sanc-  
7 tion imposed, subject to the confidentiality requirements of this  
8 section. Such annual report shall not contain any information for which  
9 disclosure is not permitted pursuant to subdivision [fourteen] TWELVE of  
10 this section.

11 8. [The commission, or the executive director and staff of the commis-  
12 sion if responsibility regarding such financial disclosure statements  
13 filed by legislative employees has been delegated, shall inspect all  
14 financial disclosure statements filed with the commission to ascertain  
15 whether any person subject to the reporting requirements of subdivision  
16 six of section seventy-three or section seventy-three-a of the public  
17 officers law has failed to file such a statement, has filed a deficient  
18 statement or has filed a statement which reveals a possible violation of  
19 section seventy-three, seventy-three-a or seventy-four of the public  
20 officers law.

21 9. If a person required to file a financial disclosure statement with  
22 the commission has failed to file a financial disclosure statement or  
23 has filed a deficient statement, the commission shall notify the report-  
24 ing person in writing, state the failure to file or detail the deficien-  
25 cy, provide the person with a fifteen day period to cure the deficiency,  
26 and advise the person of the penalties for failure to comply with the  
27 reporting requirements. Such notice shall be confidential. If the person  
28 fails to make such filing or fails to cure the deficiency within the  
29 specified time period, the commission shall send a notice of delinquen-  
30 cy: (a) to the reporting person; (b) in the case of a senator, to the  
31 temporary president of the senate, and if a member of assembly, to the  
32 speaker of the assembly; and (c) in the case of a legislative employee,  
33 to the appointing authority for such person and to the temporary presi-  
34 dent of the senate and/or the speaker of the assembly, as the case may  
35 be, who has jurisdiction over such appointing authority. Such notice of  
36 delinquency may be sent at any time during the reporting person's  
37 service as a member of the legislature or legislative employee or while  
38 a candidate for member of the legislature, or within one year after  
39 separation from such service or the termination of such candidacy. The  
40 jurisdiction of the commission, when acting pursuant to subdivision  
41 eleven of this section with respect to financial disclosure, shall  
42 continue notwithstanding that the reporting person separates from state  
43 service or terminates his or her candidacy, provided the commission  
44 notifies such person of the alleged failure to file or deficient filing  
45 pursuant to this subdivision.

46 10. a. If a reporting person has filed a statement which reveals a  
47 possible violation of section seventy-three, seventy-three-a or seven-  
48 ty-four of the public officers law, or the commission receives a refer-  
49 ral from another state oversight body, or the commission receives a  
50 sworn complaint alleging such a violation by a reporting person or a  
51 legislative employee subject to the provisions of such laws, or if the  
52 commission determines on its own initiative to investigate a possible  
53 violation by a reporting person or a legislative employee subject to the  
54 provisions of such laws, the commission shall notify the reporting  
55 person in writing, describe the possible or alleged violation thereof  
56 and provide the person with a fifteen day period in which to submit a

1 written response setting forth information relating to the activities  
2 cited as a possible or alleged violation of law. If the commission ther-  
3 eafter makes a determination that further inquiry is justified, it shall  
4 give the reporting person an opportunity to be heard. The commission  
5 shall also inform the reporting individual of its rules regarding the  
6 conduct of adjudicatory proceedings and appeals and the due process  
7 procedural mechanisms available to such individual. If the commission  
8 determines at any stage of the proceeding, that there is no violation or  
9 that any potential conflict of interest violation has been rectified, it  
10 shall so advise the reporting person and the complainant, if any. All of  
11 the foregoing proceedings shall be confidential.

12 b. If the commission determines that there is reasonable cause to  
13 believe that a violation has occurred, it shall send a notice of reason-  
14 able cause: (i) to the reporting person; (ii) to the complainant if any;  
15 (iii) in the case of a senator, to the temporary president of the  
16 senate, and if a member of the assembly, to the speaker of the assembly;  
17 and (iv) in the case of a legislative employee, to the appointing  
18 authority for such person and to the temporary president of the senate  
19 and/or the speaker of the assembly, as the case may be, who has juris-  
20 diction over such appointing authority.

21 c.] The jurisdiction of the commission TO IMPOSE PENALTIES when acting  
22 pursuant to this section shall continue notwithstanding that a member of  
23 the legislature or a legislative employee separates from state service,  
24 or a candidate for member of the legislature ceases to be a candidate,  
25 provided that [the commission notifies] such individual HAS BEEN NOTI-  
26 FIED of the alleged violation of law [pursuant to paragraph a of this  
27 subdivision] within one year from his or her separation from state  
28 service or the termination of his or her candidacy. [Nothing in this  
29 section shall serve to limit the jurisdiction of the commission in  
30 enforcement of subdivision eight of section seventy-three of the public  
31 officers law.

32 11.] 9. (A) An individual subject to the jurisdiction of the commis-  
33 sion WITH RESPECT TO THE IMPOSITION OF PENALTIES who knowingly and  
34 intentionally violates the provisions of subdivisions two through [five]  
35 FIVE-A, seven, eight, twelve, fourteen or fifteen of section seventy-  
36 three of the public officers law or a reporting individual who knowingly  
37 and wilfully fails to file an annual statement of financial disclosure  
38 or who knowingly and wilfully with intent to deceive makes a false  
39 statement or gives information which such individual knows to be false  
40 on such statement of financial disclosure filed pursuant to section  
41 seventy-three-a of the public officers law shall be subject to a civil  
42 penalty in an amount not to exceed forty thousand dollars and the value  
43 of any gift, compensation or benefit received as a result of such  
44 violation. Any such individual who knowingly and intentionally violates  
45 the provisions of paragraph A, b, c, d, E, G, or i of subdivision three  
46 of section seventy-four of the public officers law shall be subject to a  
47 civil penalty in an amount not to exceed ten thousand dollars and the  
48 value of any gift, compensation or benefit received as a result of such  
49 violation. [Any such individual who knowingly and intentionally violates  
50 the provisions of paragraph a, e or g of subdivision three of section  
51 seventy-four of the public officers law shall be subject to a civil  
52 penalty in an amount equal to the value of any gift, compensation or  
53 benefit received as a result of such violation.] Assessment of a civil  
54 penalty hereunder shall be made by the commission with respect to  
55 persons subject to its jurisdiction. In assessing the amount of the  
56 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.

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

10  
11 10. UPON RECEIPT OF A WRITTEN REPORT FROM THE JOINT COMMISSION ON  
12 PUBLIC ETHICS PURSUANT TO SUBDIVISION FOURTEEN-A OF SECTION  
13 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:

14  
15 A. WHETHER THE LEGISLATIVE ETHICS COMMISSION CONCURS WITH THE JOINT  
16 COMMISSION'S CONCLUSIONS OF LAW AND THE REASONS THEREFOR;

17  
18 B. WHETHER AND WHICH PENALTIES HAVE BEEN ASSESSED PURSUANT TO APPLICABLE LAW OR RULE AND THE REASONS THEREFOR; AND

19  
20 C. WHETHER FURTHER ACTIONS HAVE BEEN TAKEN BY THE COMMISSION TO PUNISH  
21 OR DETER THE MISCONDUCT AT ISSUE AND THE REASONS THEREFOR.

22  
23 THE COMMISSION'S DISPOSITION SHALL BE REPORTED IN WRITING AND  
24 PUBLISHED ON ITS WEBSITE NO LATER THAN TEN DAYS AFTER SUCH DISPOSITION  
25 UNLESS REQUESTED BY A LAW ENFORCEMENT AGENCY TO SUSPEND THE COMMISSION'S  
26 ACTION BECAUSE OF AN ONGOING CRIMINAL INVESTIGATION.

27  
28 11. If the commission has a reasonable basis to believe that any  
29 person subject to the jurisdiction of another state oversight body may  
30 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.

31  
32 [13. A copy of any notice of delinquency or notice of reasonable cause  
33 sent pursuant to subdivisions nine and ten of this section shall be  
34 included in the reporting person's file and be available for public  
35 inspection and copying.

36  
37 14.] 12. a. Notwithstanding the provisions of article six of the  
38 public officers law, the only records of the commission which shall be  
39 available for public inspection and copying are:

40  
41 (1) [the information set forth in an annual statement of financial  
42 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;

43  
44 (2) financial disclosure statements filed pursuant to subdivision six  
45 of section seventy-three of the public officers law;

46  
47 (3) notices of delinquency sent under subdivision nine of this  
48 section;

49  
50 (4) notices of reasonable cause sent under paragraph b of subdivision  
51 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

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

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

6 The provisions of subparagraphs (i) and (ii) of paragraph (a) of  
7 subdivision eight of this section shall not apply to any such former  
8 state officer or employee engaged in any of the specific permitted  
9 activities defined in this subdivision that are related to any civil  
10 action or proceeding in any state or federal court, provided that the  
11 attorney general has certified in writing to the [state ethics] JOINT  
12 commission ON PUBLIC ETHICS, with a copy to such former state officer or  
13 employee, that the services are rendered on behalf of the state, a state  
14 agency, state officer or employee, or other person or entity represented  
15 by the attorney general, and that such former state officer or employee  
16 has expertise, knowledge or experience which is unique or outstanding in  
17 a field or in a particular matter or which would otherwise be generally  
18 unavailable at a comparable cost to the state, a state agency, state  
19 officer or employee, or other person or entity represented by the attor-  
20 ney general in such civil action or proceeding. In those instances where  
21 a state agency is not represented by the attorney general in a civil  
22 action or proceeding in state or federal court, a former state officer  
23 or employee may engage in permitted activities provided that the general  
24 counsel of the state agency, after consultation with the [state ethics]  
25 JOINT commission ON PUBLIC ETHICS, provides to the [state ethics] JOINT  
26 commission ON PUBLIC ETHICS a written certification which meets the  
27 requirements of this subdivision. For purposes of this subdivision the  
28 term "permitted activities" shall mean generally any activity performed  
29 at the request of the attorney general or the attorney general's desig-  
30 nee, or in cases where the state agency is not represented by the attor-  
31 ney general, the general counsel of such state agency, including without  
32 limitation:

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

35 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of  
36 paragraph (a) of subdivision eight of this section, a former state offi-  
37 cer or employee may contract individually, or as a member or employee of  
38 a firm, corporation or association, to render services to any state  
39 agency if, prior to engaging in such service, the agency head certifies  
40 in writing to the [state ethics] JOINT commission ON PUBLIC ETHICS that  
41 such former officer or employee has expertise, knowledge or experience  
42 with respect to a particular matter which meets the needs of the agency  
43 and is otherwise unavailable at a comparable cost. Where approval of the  
44 contract is required under section one hundred twelve of the state  
45 finance law, the comptroller shall review and consider the reasons for  
46 such certification. The [state ethics] JOINT commission ON PUBLIC ETHICS  
47 must review and approve all certifications made pursuant to this subdi-  
48 vision.

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

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

1 employee is a member, associate, retired member, of counsel or share-  
2 holder, from appearing, practicing, communicating or otherwise rendering  
3 services in relation to any matter before, or transacting business with  
4 a state agency, or a city agency with respect to a political party  
5 chairman in a county wholly included in a city with a population of more  
6 than one million, otherwise proscribed by this section, the judiciary  
7 law, the education law or any other law or disciplinary rule with  
8 respect to such official, member of the legislature or officer or  
9 employee, or political party chairman, where such statewide elected  
10 official, state officer or employee, member of the legislature or legis-  
11 lative employee, or political party chairman does not share in the net  
12 revenues, as defined in accordance with generally accepted accounting  
13 principles by the [state] JOINT COMMISSION ON PUBLIC ethics [commission]  
14 or by the legislative ethics committee in relation to persons subject to  
15 their respective jurisdictions, resulting therefrom, or, acting in good  
16 faith, reasonably believed that he or she would not share in the net  
17 revenues as so defined; nor shall anything contained in this section,  
18 the judiciary law, the education law or any other law or disciplinary  
19 rule be construed to prohibit any firm, association or corporation in  
20 which any present or former statewide elected official, member of the  
21 legislature, legislative employee, full-time salaried state officer or  
22 employee or state officer or employee who is subject to the provisions  
23 of section seventy-three-a of this [chapter] ARTICLE is a member, asso-  
24 ciate, retired member, of counsel or shareholder, from appearing, prac-  
25 ticing, communicating or otherwise rendering services in relation to any  
26 matter before, or transacting business with, the court of claims, where  
27 such statewide elected official, member of the legislature, legislative  
28 employee, full-time salaried state officer or employee or state officer  
29 or employee who is subject to the provisions of section seventy-three-a  
30 of this [chapter] ARTICLE does not share in the net revenues, as defined  
31 in accordance with generally accepted accounting principles by the  
32 [state] JOINT COMMISSION ON PUBLIC ethics [commission] or by the legis-  
33 lative ethics committee in relation to persons subject to their respec-  
34 tive jurisdictions, resulting therefrom, or, acting in good faith,  
35 reasonably believed that he or she would not share in the net revenues  
36 as so defined.

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

40 S 15. Continuity of authority. For the purpose of succession to all  
41 functions, powers, duties and obligations transferred and assigned to,  
42 devolved upon and assumed by it pursuant to this act, the joint commis-  
43 sion on public ethics shall be deemed and held to constitute the contin-  
44 uation of the state commission on public integrity.

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

55 S 17. Terms occurring in laws, contracts and other documents. Whenever  
56 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-

1 tive law, made by section six of this act, shall take effect January 1,  
2 2013.

3 PART B

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

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

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

13 (II) AT LEAST THREE PERCENT OF WHOSE TOTAL EXPENDITURES DURING THE  
14 SAME PERIOD WERE DEVOTED TO LOBBYING IN NEW YORK  
15 SHALL REPORT TO THE COMMISSION THE NAMES OF EACH SOURCE OF FUNDING OVER  
16 FIVE THOUSAND DOLLARS FROM A SINGLE SOURCE THAT WERE USED TO FUND THE  
17 LOBBYING ACTIVITIES REPORTED AND THE AMOUNTS RECEIVED FROM EACH IDENTI-  
18 FIED SOURCE OF FUNDING.

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

30 THE DISCLOSURE SHALL NOT APPLY TO:

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

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

46 (III) ANY GOVERNMENTAL ENTITY.

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

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

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

53 (I) THAT HAS SPENT OVER FIFTY THOUSAND DOLLARS FOR REPORTABLE COMPEN-  
54 SATION AND EXPENSES FOR LOBBYING EITHER DURING THE CALENDAR YEAR, OR

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

3 (II) AT LEAST THREE PERCENT OF WHOSE TOTAL EXPENDITURES DURING THE  
4 SAME PERIOD WERE DEVOTED TO LOBBYING IN NEW YORK  
5 SHALL REPORT TO THE COMMISSION THE NAMES OF EACH SOURCE OF FUNDING OVER  
6 FIVE THOUSAND DOLLARS FROM A SINGLE SOURCE THAT WERE USED TO FUND THE  
7 LOBBYING ACTIVITIES REPORTED AND THE AMOUNTS RECEIVED FROM EACH IDENTI-  
8 FIED SOURCE OF FUNDING.

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

20 THE DISCLOSURE SHALL NOT APPLY TO:

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

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

36 (III) ANY GOVERNMENTAL ENTITY.

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

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

## 40 PART C

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

### 43 ARTICLE 3-B

44 PENSION FORFEITURE FOR PUBLIC OFFICIALS  
45 SECTION 156. DEFINITIONS.

46 157. PENSION FORFEITURE.

47 158. PENSION CONTRIBUTIONS RETURNED.

48 159. MISCELLANEOUS.

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

52 1. "CRIME RELATED TO PUBLIC OFFICE" SHALL MEAN ANY OF THE FOLLOWING  
53 CRIMINAL OFFENSES WHETHER COMMITTED IN THIS STATE OR IN ANY OTHER JURIS-  
54 DICTION 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

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

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

8 7. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL EMPLOY-  
9 EES' RETIREMENT SYSTEM, AND THE NEW YORK CITY EMPLOYEES' RETIREMENT  
10 SYSTEM.

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

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

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

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

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

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

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

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

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

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

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

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

28 (E) IF THE CRIME RELATED TO PUBLIC OFFICE WAS PART OF A FRAUDULENT  
29 SCHEME AGAINST THE STATE OR A MUNICIPALITY, THE ROLE OF THE PUBLIC OFFI-  
30 CIAL IN SUCH FRAUDULENT SCHEME AGAINST SUCH STATE OR A MUNICIPALITY;

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

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

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

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

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

48 10. UPON A FINDING BY THE COURT BY CLEAR AND CONVINCING EVIDENCE THAT  
49 THE DEFENDANT KNOWINGLY AND INTENTIONALLY COMMITTED A CRIME RELATED TO  
50 PUBLIC OFFICE, THE COURT MAY ISSUE AN ORDER TO THE APPROPRIATE RETIRE-  
51 MENT SYSTEM TO REDUCE OR REVOKE THE DEFENDANT'S PENSION TO WHICH HE OR  
52 SHE IS OTHERWISE ENTITLED AS SUCH A PUBLIC OFFICIAL. ALL ORDERS AND  
53 FINDINGS MADE BY THE COURT PURSUANT TO THIS SECTION SHALL BE SERVED BY  
54 THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY, AS THE CASE MAY BE UPON  
55 THE CHIEF ADMINISTRATOR OF THE DEFENDANT'S RETIREMENT SYSTEM AND THE  
56 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.

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

4 PART D

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

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

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

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

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

42 (iii) awards, plaques, and other ceremonial items which are publicly  
43 presented, or intended to be publicly presented, in recognition of  
44 public service, provided that the item or items are of the type custom-  
45 arily bestowed at such or similar ceremonies and are otherwise reason-  
46 able under the circumstances, and further provided that the functionali-  
47 ty of such items shall not determine whether such items are permitted  
48 under this paragraph;

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

51 (v) promotional items having no substantial resale value such as pens,  
52 mugs, calendars, hats, and t-shirts which bear an organization's name,  
53 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.

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

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

16 S 3. Section 14-126 of the election law, as amended by chapter 8 of  
17 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of  
18 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the  
19 laws of 1978, is amended to read as follows:

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

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

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

42 [3.] 4. Any person who knowingly and willfully contributes, accepts or  
43 aids or participates in the acceptance of a contribution in an amount  
44 exceeding an applicable maximum specified in this article shall be guilty  
45 of a misdemeanor.

46 [4.] 5. Any person who shall, acting on behalf of a candidate or poli-  
47 tical committee, knowingly and willfully solicit, organize or coordinate  
48 the formation of activities of one or more unauthorized committees, make  
49 expenditures in connection with the nomination for election or election  
50 of any candidate, or solicit any person to make any such expenditures,  
51 for the purpose of evading the contribution limitations of this article,  
52 shall be guilty of a class E felony.

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

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

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

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

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

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

15 2. UPON PROOF THAT A VIOLATION OF ARTICLE FOURTEEN OF THIS CHAPTER, AS  
16 PROVIDED IN SUBDIVISION ONE OF THIS SECTION, HAS OCCURRED, THE COURT MAY  
17 IMPOSE A CIVIL PENALTY, PURSUANT TO SUBDIVISIONS ONE AND TWO OF SECTION  
18 14-126 OF THIS CHAPTER, AFTER CONSIDERING, AMONG OTHER FACTORS, THE  
19 SEVERITY OF THE VIOLATION OR VIOLATIONS, WHETHER THE SUBJECT OF THE  
20 VIOLATION MADE A GOOD FAITH EFFORT TO CORRECT THE VIOLATION AND WHETHER  
21 THE SUBJECT OF THE VIOLATION HAS A HISTORY OF SIMILAR VIOLATIONS. ALL  
22 SUCH DETERMINATIONS SHALL BE MADE ON A FAIR AND EQUITABLE BASIS WITHOUT  
23 REGARD TO THE STATUS OF THE CANDIDATE OR POLITICAL COMMITTEE.

24 S 6. Separability clause. If any clause, sentence, paragraph, section  
25 or part of this act shall be adjudged by any court of competent juris-  
26 diction to be invalid, such judgment shall not affect, impair or invali-  
27 date the remainder thereof, but shall be confined in its operation to  
28 the clause, sentence, paragraph, section or part thereof directly  
29 involved in the controversy in which such judgment shall have been  
30 rendered.

31 S 7. This act shall take effect immediately.

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

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