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382

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. RIVERA, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the public officers law, the executive law and the legislative law, in relation to financial disclosure forms

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

Section 1. Subdivision 3 of section 73-a of the public officers law, as added by chapter 813 of the laws of 1987, the third and fourth undesignated paragraphs of paragraph 3 as added and paragraph 4, subparagraph (a) of paragraph 5, paragraphs 6, 9, 10, 11, subparagraph (b) of paragraph 12 and paragraphs 13, 14, 15, 16, 17, 18 and 19 as amended by chapter 242 of the laws of 1989, is amended to read as follows:

3. The annual statement of financial disclosure shall contain the [information and shall be in the form] LANGUAGE 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, OR IN A DOMESTIC PARTNERSHIP, please give spouse's OR DOMESTIC PARTNER'S full name including maiden name where applicable.

____ .

(b) List the names of all unemancipated children.

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

LBD05460-04-1

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: Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under [$60,000] $50,000; Category D - [$60,000] $50,000 to under $100,000; Category E - $100,000 to under [$250,000] $150,000; [and] Category F - [$250,000] $150,000 TO UNDER $200,000; CATEGORY G - $200,000 TO UNDER $300,000; CATEGORY H - $300,000 TO UNDER $400,000; CATEGORY I - $400,000 TO UNDER $500,000; CATEGORY J - $500,000 TO UNDER $600,000; CATEGORY K - $600,000 TO UNDER $700,000; CATEGORY L - $700,000 TO UNDER $800,000; CATEGORY M - $800,000 TO UNDER $900,000; CATEGORY N - $900,000 TO UNDER $1,000,000; AND CATEGORY O - $1,000,000 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.

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

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature, whether compensated or not, held by the spouse, DOMESTIC PARTNER or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. Include compensated honorary positions; do NOT list membership or uncompensated honorary positions. If the listed entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any [occupation,] employment (other than the employment listed under Item 2 above), trade, business [or], profession OR OCCUPATION engaged in by the reporting individual. If such activity was licensed by any state or local agency[,] OR was regulated by any state regulatory agency or local agency, [or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency,] list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) IF THE REPORTING INDIVIDUAL DID BUSINESS WITH OR HAD MATTERS OTHER THAN MINISTERIAL MATTERS BEFORE ANY STATE OR LOCAL AGENCY IN THE COURSE OF ANY EMPLOYMENT, TRADE, BUSINESS, PROFESSION OR OCCUPATION ENGAGED IN BY THE REPORTING INDIVIDUAL, LIST THE NAME AND ADDRESS OF THE ENTITY, A BRIEF DESCRIPTION OF THE ACTIVITY AND THE NAME OF ANY SUCH AGENCY.

NAME & ADDRESS OF ORGANIZATION	DESCRIPTION	STATE OR LOCAL AGENCY

(C) If the spouse, DOMESTIC PARTNER or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in EXCESS of $1,000, held by the reporting individual, such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER or unemancipated child, or partnership of which any such person is a member, or corporation, 10% or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER or such child to such entity and the interest in such contract. Do NOT include bonds and notes. Do NOT list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do NOT list any interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse, DOMESTIC PARTNER, or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

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, give] LIST THE NAME AND ADDRESS OF EACH CLIENT, PERSON OR ENTITY FOR WHOM LEGAL OR CONSULTING SERVICES WERE RENDERED; THE VALUE OF THE COMPENSATION FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, AND a general description of the [principal subject areas of matters undertaken by such individual] SERVICES RENDERED. [Additionally, if such an] IN ADDITION, IF THE REPORTING individual practices LAW OR PROVIDES CONSULTING SERVICES with a LAW firm or [corporation and is a partner or shareholder of the firm or corporation] BUSINESS ENTITY, [give] PROVIDE a general description of THE principal subject areas of matters undertaken by such LAW firm or [corporation] BUSINESS ENTITY. Do not list the [name of the individual clients, customers or patients] VALUE OF COMPENSATION IF THE SERVICES RENDERED INVOLVE A CONTINGENCY FEE AS PROVIDED BY LAW.

CLIENT/ PERSON/OR ENTITY	ADDRESS	SERVICES RENDERED	PRINCIPAL SUBJECT AREA	CATEGORY OF VALUE

(b) [List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property] IF THE REPORTING INDIVIDUAL PRACTICES LAW AND IS A PARTNER OR SHAREHOLDER OF A LAW FIRM OR CORPORATION ("LAW FIRM"), LIST THE NAME AND ADDRESS OF EACH CLIENT OF SUCH LAW FIRM THAT IS A CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION FROM WHOM COMPENSATION IS RECEIVED BY SUCH LAW FIRM IN EXCESS OF $5,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE VALUE OF THE COMPENSATION; AND A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST CLIENTS OR COMPENSATION REQUIRED TO BE REPORTED IN ITEM 8(A) ABOVE.

CLIENT	ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE

(C) IF THE REPORTING INDIVIDUAL IS LICENSED BY THE DEPARTMENT OF STATE AS A REAL ESTATE BROKER OR AGENT, PRACTICES A PROFESSION LICENSED BY THE DEPARTMENT OF EDUCATION OR PERFORMS CONSULTING SERVICES, LIST THE NAME AND ADDRESS OF EACH CLIENT FROM WHOM COMPENSATION HAS BEEN

RECEIVED BY SUCH REPORTING INDIVIDUAL FOR A VALUE IN EXCESS OF $1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING; THE VALUE OF THE COMPENSATION RECEIVED FROM EACH CLIENT; AND A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN IN EXCHANGE FOR THE COMPENSATION. DO NOT LIST THE NAMES OF CLIENTS OF CONSULTING OR OTHER SERVICES RENDERED AS PART OF ANY PRACTICE OR ACTIVITY REQUIRED TO BE REPORTED IN ITEM 8(A) ABOVE.

CLIENT	ADDRESS	SERVICES/CONSIDERATION	CATEGORY OF VALUE

(D) IF THE REPORTING INDIVIDUAL RECEIVED COMPENSATION FROM A CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("COMPENSATING ENTITY") AND THE REPORTING INDIVIDUAL SOLICITED BUSINESS OF ANOTHER CORPORATION, PARTNERSHIP, JOINT VENTURE, SOLE PROPRIETORSHIP, ASSOCIATION, BUSINESS OR COMMERCIAL ENTITY OR ORGANIZATION ("THIRD-PARTY ENTITY") FOR COMPENSATION, FEES OR OTHER CONSIDERATION PAID TO THE COMPENSATING ENTITY IN EXCESS OF $1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME AND BUSINESS ADDRESS OF, AND THE VALUE OF THE COMPENSATION, FEES OR OTHER CONSIDERATION PAID BY, THE THIRD-PARTY ENTITY TO THE COMPENSATING ENTITY. ALSO, LIST THE NAME AND ADDRESS OF THE COMPENSATING ENTITY AND GIVE A GENERAL DESCRIPTION OF THE SERVICES RENDERED OR CONSIDERATION GIVEN BY THE COMPENSATING ENTITY TO THE THIRD-PARTY ENTITY IN EXCHANGE FOR SUCH COMPENSATION.

COMPENSATING ENTITY/ ADDRESS	THIRD PARTY ENTITY/ADDRESS	SERVICES/ CONSIDERATION	CATEGORY OF VALUE

(E) IF THE REPORTING INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S DOMESTIC PARTNER HAD AN INVESTMENT IN EXCESS OF $1,000 FOR THE TAXABLE YEAR LAST OCCURRING PRIOR TO THE DATE OF FILING, LIST THE NAME, PRINCIPAL ADDRESS AND GENERAL DESCRIPTION OR THE NATURE OF THE BUSINESS ACTIVITY AND THE CATEGORY OF VALUE OF SUCH INVESTMENT. DO NOT LIST INVESTMENTS IN SECURITIES OR REAL PROPERTY.

INVESTMENT	ADDRESS	GENERAL DESCRIPTION, OR NATURE OF BUSINESS	CATEGORY OF VALUE

9. List each source of gifts, EXCLUDING campaign contributions, in EXCESS of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse, SUCH INDIVIDUAL'S DOMESTIC PARTNER or unemancipated child from the same donor, EXCLUDING gifts from a relative. INCLUDE

the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse, DOMESTIC PARTNER, or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

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

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*

* 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 OR SUCH INDIVIDUAL'S DOMESTIC PARTNER 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[,] OR clients [or tenants], with the aggregate net income before taxes for each building address or [entity] CLIENT. [The] A SOURCE IS IDENTIFIED AS THE ORIGINAL PAYER OF COMPENSATION TO THE REPORTING INDIVIDUAL OR AN ENTITY ESTABLISHED BY THE REPORTING INDIVIDUAL, NOT AN INTERMEDIARY ENTITY ESTABLISHED BY THE REPORTING INDIVIDUAL TO RECEIVE SUCH COMPENSATION. DO NOT LIST COMPENSATION RECEIVED FROM THE EMPLOYMENT LISTED UNDER ITEM 2 ABOVE, OR CLIENTS AND COMPENSATION REQUIRED TO BE REPORTED IN ITEMS 8(A), 8(B) OR 8(C) ABOVE, OR THE receipt of maintenance received in connection with a matrimonial action, alimony and child support payments [shall not be listed].

Self/ Spouse, OR DOMESTIC PARTNER	Source	Nature	Category of Amount

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

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

16. List below the type and market value of securities held by the reporting individual [or], such individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER is the owner of record but in which such individual [or], the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER has no beneficial interest shall not be listed. Indicate percentage of ownership ONLY if the reporting person [or], the reporting person's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER 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 OR SUCH INDIVIDUAL'S DOMESTIC PARTNER. 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 OR A REPORTING INDIVIDUAL'S DOMESTIC PARTNER.

Self/ Spouse, OR DOMESTIC PARTNER	Issuing Entity	Type of Security	Percentage of corporate stock owned or controlled (if more than 5% of publicly 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

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

OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. 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 OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER. Do NOT list any real property which is the primary or secondary personal residence of the reporting individual [or], the reporting individual's spouse OR THE REPORTING INDIVIDUAL'S DOMESTIC PARTNER, except where there is a co-owner who is other than a relative.

Self/ Spouse DOMESTIC PARTNER/ Corporation	Location	Size	General Nature	Acquisition Date	Percentage of Ownership	Category of Market Value

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

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount

19. List below all liabilities of the reporting individual and such individual's spouse[,] OR SUCH INDIVIDUAL'S DOMESTIC PARTNER in EXCESS of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do NOT list liabilities incurred by, or guarantees made by, the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER or by any proprietorship, partnership or corporation in which the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual [or], such individual's spouse OR SUCH INDIVIDUAL'S DOMESTIC PARTNER. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such

liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount

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)

S 2. The public officers law is amended by adding a new section 74-b to read as follows:

S 74-B. REPORTS OF BUSINESS DEALINGS WITH LOBBYISTS. 1. A PUBLIC OFFICER WHO IS SUBJECT TO THE JURISDICTION OF THE RELEVANT ETHICS COMMISSION WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE EXECUTIVE ETHICS AND COMPLIANCE COMMISSION A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

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

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

(C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

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

2. A LEGISLATOR OR LEGISLATIVE EMPLOYEE WHO RETAINS, EMPLOYS, DESIGNATES OR OTHERWISE DOES BUSINESS WITH A LOBBYIST OR LOBBYISTS SHALL, WITHIN THIRTY DAYS OF THE DATE UPON WHICH SUCH BUSINESS DEALINGS COMMENCE, FILE WITH THE JOINT LEGISLATIVE COMMISSION ON ETHICS STANDARDS A REPORT OF SUCH BUSINESS DEALINGS. SUCH REPORTS SHALL BE FILED ON FORMS SUPPLIED BY SUCH COMMISSION AND SHALL CONTAIN:

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

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

(C) A DESCRIPTION OF THE GENERAL SUBJECT OR SUBJECTS OF THE TRANSACTIONS BETWEEN THE PUBLIC OFFICER AND THE LOBBYIST OR LOBBYISTS; AND

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

3. ALL SUCH REPORTS SHALL BE SUBJECT TO REVIEW BY THE RELEVANT ETHICS COMMISSION.

4. SUCH REPORTS SHALL BE KEPT ON FILE FOR A PERIOD OF THREE YEARS, SHALL BE OPEN TO PUBLIC INSPECTION DURING SUCH PERIOD AND ACCESS TO SUCH INFORMATION SHALL ALSO BE MADE AVAILABLE FOR REMOTE COMPUTER USERS THROUGH THE INTERNET NETWORK.

S 3. Subdivision 9 of section 94 of the executive law is amended by adding a new paragraph (n) to read as follows:

(N) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE MAY NOT DISCLOSE INFORMATION REGARDING A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLOSURE WOULD CONVEY THE SUBSTANCE OF A CONFIDENTIAL COMMUNICATION BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

(I) A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARDSHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE LEGAL BASIS FOR ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

(II) WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

(III) THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW BE MADE. THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE

DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHALLENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR APPEAL THE DETERMINATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

(IV) IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTIFIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP, THE MATTER SHALL BE REFERRED TO THE COMMISSION.

(V) THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH OR A RECOMMENDATION MADE BY THE EXECUTIVE DIRECTOR UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH AT A MEETING HELD NO LESS THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE. THE COMMISSION SHALL DECIDE WHETHER NONDISCLOSURE IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPANYING THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AS AN OPINION REQUEST.

(VI) IF THE COMMISSION ORDERS A STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE TO DISCLOSE, THE STATEWIDE ELECTED OFFICIAL, STATE OFFICER OR EMPLOYEE OR CANDIDATE FOR STATEWIDE ELECTED OFFICE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION;

S 4. The legislative law is amended by adding a new section 81 to read as follows:

S 81. EXCEPTIONS TO FINANCIAL DISCLOSURE. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE MAY NOT DISCLOSE INFORMATION REGARDING A CLIENT, PERSON, OR ENTITY REQUIRED UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW, IF SUCH DISCLOSURE OF THE CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION WOULD VIOLATE A LEGALLY RECOGNIZED PRIVILEGE UNDER NEW YORK LAW OR WITHIN THE PURVIEW OF THE ATTORNEY-CLIENT PRIVILEGE, DISCLOSURE WOULD CREATE AN UNREASONABLE HARDSHIP, IN THAT SUCH DISCLOSURE WOULD CONVEY THE SUBSTANCE OF CONFIDENTIAL COMMUNICATION BETWEEN CLIENT AND ATTORNEY. SUCH A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW MAY BE WITHHELD IN ACCORDANCE WITH THE FOLLOWING PROCEDURE:

1. A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE WHO BELIEVES THAT A CLIENT, PERSON, OR ENTITY'S REQUIRED INFORMATION UNDER THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW IS PROTECTED BY A LEGALLY RECOGNIZED PRIVILEGE OR UNREASONABLE HARDSHIP MAY DECLINE TO REPORT THE REQUIRED INFORMATION, BUT SHALL FILE WITH HIS OR HER ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AN EXPLANATION FOR SUCH NONDISCLOSURE. THE EXPLANATION SHALL SEPARATELY STATE FOR EACH

UNDISCLOSED CLIENT, PERSON, OR ENTITY THE LEGAL BASIS FOR ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP AND, AS SPECIFICALLY AS POSSIBLE WITHOUT DEFEATING THE PRIVILEGE OR UNREASONABLE HARDSHIP, FACTS WHICH DEMONSTRATE WHY THE PRIVILEGE OR UNREASONABLE HARDSHIP IS APPLICABLE.

2. WITH RESPECT TO EACH UNDISCLOSED CLIENT, PERSON, OR ENTITY, THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE SHALL STATE THAT TO THE BEST OF HIS OR HER KNOWLEDGE HE OR SHE HAS NOT AND WILL NOT MAKE, PARTICIPATE IN MAKING, OR IN ANY WAY ATTEMPT TO USE AN OFFICIAL POSITION TO INFLUENCE A GOVERNMENTAL DECISION WHEN TO DO SO CONSTITUTED OR WOULD CONSTITUTE A CRIME OR VIOLATION OF ANY LOCAL, STATE OR FEDERAL LAW.

3. THE EXECUTIVE DIRECTOR MAY REQUEST FURTHER INFORMATION FROM THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE AND, IF NO LEGAL OR FACTUAL JUSTIFICATION SUFFICIENT TO SUPPORT ASSERTION OF THE PRIVILEGE OR UNREASONABLE HARDSHIP IS SHOWN, MAY ORDER THAT THE DISCLOSURE REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW BE MADE. THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE SHALL, WITHIN FOURTEEN DAYS AFTER RECEIPT OF AN ORDER FROM THE EXECUTIVE DIRECTOR, EITHER COMPLY WITH THE ORDER OR, IF HE OR SHE WANTS TO CHALLENGE THE DETERMINATION OF THE EXECUTIVE DIRECTOR, APPEAL THE DETERMINATION, IN WRITING, TO THE COMMISSION. THE EXECUTIVE DIRECTOR MAY, FOR GOOD CAUSE, EXTEND ANY OF THE TIME FOR A PERIOD OF FOURTEEN DAYS.

4. IF THE EXECUTIVE DIRECTOR DETERMINES THAT NONDISCLOSURE IS JUSTIFIED BECAUSE OF THE EXISTENCE OF A PRIVILEGE OR UNREASONABLE HARDSHIP, THE MATTER SHALL BE REFERRED TO THE COMMISSION.

5. THE COMMISSION SHALL REVIEW AN APPEAL FILED UNDER SUBDIVISION THREE OF THIS SECTION OR A RECOMMENDATION MADE BY THE EXECUTIVE DIRECTOR UNDER SUBDIVISION FOUR OF THIS SECTION AT A MEETING HELD NO LESS THAN FOURTEEN DAYS AFTER NOTICE OF THE MEETING IS MAILED TO THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE. THE COMMISSION SHALL DECIDE WHETHER SUCH NONDISCLOSURE IS WARRANTED BY ISSUING AN OPINION PURSUANT TO SUBDIVISION FIFTEEN OF THIS SECTION AND SHALL TREAT THE EXPLANATION FOR NONDISCLOSURE ACCOMPANYING THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE'S ANNUAL STATEMENT OF FINANCIAL DISCLOSURE AS AN OPINION REQUEST.

6. IF THE COMMISSION ORDERS A MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE TO DISCLOSE, THE MEMBER OF THE LEGISLATURE, LEGISLATIVE EMPLOYEE OR CANDIDATE FOR MEMBER OF THE LEGISLATURE MUST COMPLY WITHIN FOURTEEN DAYS. THE COMMISSION, IN ITS NOTIFICATION TO DISCLOSE A CLIENT, PERSON, OR ENTITY'S INFORMATION REQUIRED BY THE ANNUAL STATEMENT OF FINANCIAL DISCLOSURE PURSUANT TO SUBPARAGRAPH (A), (B) OR (C) OF PARAGRAPH EIGHT OF SUBDIVISION THREE OF SECTION SEVENTY-THREE-A, SHALL INFORM THE PERSON OF HIS OR HER RIGHT TO APPEAL THE COMMISSION'S DETERMINATION PURSUANT TO ITS RULES GOVERNING ADJUDICATORY PROCEEDINGS AND APPEALS ADOPTED PURSUANT TO SUBDIVISION THIRTEEN OF THIS SECTION.

S 5. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the reminder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 6. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law, and shall apply to all fiscal years commencing on or after such date.