

5647

2013-2014 Regular Sessions

I N S E N A T E

May 31, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to making technical corrections thereto; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Sections 13, 14, 15, 16, 17, 18, 19 and 813 of the general
2 municipal law are REPEALED.
3 S 2. Article 12 of the general municipal law is REPEALED.
4 S 3. Subdivision 3 of section 806 of the general municipal law is
5 REPEALED.
6 S 4. Subdivision 5 of section 808 of the general municipal law, as
7 added by chapter 813 of the laws of 1987, is amended to read as follows:
8 5. A board of ethics of a political subdivision (as defined in section
9 eight hundred ten of this article) and of any other municipality, which
10 is required by local law, ordinance or resolution to be, or which pursu-
11 ant to legal authority, in practice is, the repository for completed
12 annual statements of financial disclosure shall [notify the temporary
13 state commission on local government ethics if such commission be in
14 existence and if not, shall] file a statement with the clerk of its
15 municipality, that it is the authorized repository for completed annual
16 statements of financial disclosure [and that on account thereof, such
17 completed statements will be filed with it and not with the commission.
18 Should any local law, ordinance or resolution be adopted which provides
19 for the filing of such completed annual statements with the temporary
20 state commission on local government ethics instead of with such board
21 of ethics, such board of ethics shall notify the temporary state commis-
22 sion on local government ethics of that fact].

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

LBD10553-01-3

1 S 5. The opening paragraph and subdivision 9 of section 810 of the
2 general municipal law, as added by chapter 813 of the laws of 1987, are
3 amended to read as follows:

4 As used in sections eight hundred eleven[,] AND eight hundred twelve
5 [and eight hundred thirteen] of this article:

6 9. The term "appropriate body" or "appropriate bodies" shall mean[:]

7 (a) in the case of any political subdivision which has created or
8 hereafter creates a board of ethics which is in existence at the time an
9 annual statement of financial disclosure is due, and which has been
10 designated by local law, ordinance or resolution to be the repository
11 for such completed statements, such board of ethics;

12 (b) in the case of any political subdivision which has created or
13 hereafter creates a board of ethics which is in existence at the time an
14 annual statement of financial disclosure is due, and which has not been
15 designated by local law, ordinance or resolution to be the repository
16 for such completed statements, the temporary state commission on local
17 government ethics;

18 (c) in the case of any political subdivision for which no board of
19 ethics is in existence at the time an annual statement of financial
20 disclosure is due, the temporary state commission on local government
21 ethics] THE BOARD OF ETHICS FOR THE POLITICAL SUBDIVISION.

22 S 6. Paragraphs (c) and (d) of subdivision 1 of section 811 of the
23 general municipal law, as added by chapter 813 of the laws of 1987, are
24 amended to read as follows:

25 (c) The governing body of a political subdivision or any other county,
26 city, town or village which requires any local or municipal officer or
27 employee or any local elected official or any local political party
28 official to complete and file either of such annual statements of finan-
29 cial disclosure shall have, possess, exercise and enjoy all the rights,
30 powers and privileges attendant thereto which are necessary and proper
31 to the enforcement of such requirement, including but not limited to,
32 the promulgation of rules and regulations pursuant to local law, ordi-
33 nance or resolution, which rules or regulations may provide for the
34 public availability of items of information to be contained on such form
35 of statement of financial disclosure, the determination of penalties for
36 violation of such rules or regulations, and such other powers as are
37 [conferred upon the temporary state commission on local government
38 ethics pursuant to section eight hundred thirteen of this article as
39 such local governing body determines are] warranted under the circum-
40 stances existing in its county, city, town or village.

41 (d) The local law, ordinance or resolution, if and when adopted, shall
42 provide for the annual filing of completed statements [with either the
43 temporary state commission on local government ethics or] with the board
44 of ethics of the political subdivision or other municipality and shall
45 contain the procedure for filing such statements and the date by which
46 such filing shall be required. If the board of ethics is designated as
47 the appropriate body, then such local law, ordinance or resolution shall
48 confer upon the board appropriate authority to enforce such filing
49 requirement, including the authority to promulgate rules and regulations
50 [of the same import as those which the temporary state commission on
51 local government ethics enjoys under section eight hundred thirteen of
52 this article]. Any such local law, ordinance or resolution shall author-
53 ize exceptions with respect to complying with timely filing of such
54 disclosure statements due to justifiable cause or undue hardship. The
55 appropriate body shall prescribe rules and regulations related to such
56 exceptions with respect to extensions and additional periods of time

1 within which to file such statement including the imposition of a time
2 limitation upon such extensions.

3 S 7. Paragraph (a) of subdivision 1 and paragraph (a) of subdivision 3
4 of section 812 of the general municipal law, as amended by chapter 813
5 of the laws of 1987, the opening paragraph of paragraph (a) of subdivi-
6 sion 1 as amended by chapter 85 of the laws of 2004, are amended to read
7 as follows:

8 (a) Any political subdivision or other county, city, town or village
9 to which all of the provisions of this section are made applicable,
10 whether as the result of the provisions contained in subdivision two of
11 section eight hundred eleven of this article or as a result of an
12 election to be subject to the provisions of this section as permitted by
13 subdivision two of this section, shall require (i) each of its local
14 elected officials and local officers and employees, (ii) each local
15 political party official and (iii) each candidate for local elected
16 official with respect to such political subdivision, to file an annual
17 statement of financial disclosure containing the information and in the
18 form set forth in subdivision five of this section except that disclo-
19 sure requirements for assessors who are not covered by this article
20 shall be governed by the requirements of section three hundred thirty-
21 six of the real property tax law. Such statement shall be filed on or
22 before the fifteenth day of May with respect to the preceding calendar
23 year, except that:

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

42 (ii) [a person who is required to file an annual financial disclosure
43 statement with the temporary state commission on local government
44 ethics, and who is granted an additional period of time within which to
45 file such statement due to justifiable cause or undue hardship, in
46 accordance with required rules and regulations on the subject adopted
47 pursuant to paragraph c of subdivision nine of section eight hundred
48 thirteen of this article, shall file such statement within the addi-
49 tional period of time granted;

50 (iii)] candidates for local elected official who file designating
51 petitions for nomination at a primary election shall file such statement
52 within seven days after the last day allowed by law for the filing of
53 designating petitions naming them as candidates for the next succeeding
54 primary election;

55 [(iv)] (III) candidates for independent nomination for local elected
56 official who have not been designated by a party to receive a nomination

1 shall file such statement within seven days after the last day allowed
2 by law for the filing of independent nominating petitions naming them as
3 candidates for local elected official in the next succeeding general or
4 special or village election; and
5 [(v)] (IV) candidates for local elected official who receive the nomi-
6 nation of a party for a special election or who receive the nomination
7 of a party other than at a primary election (whether or not for an
8 uncontested office) shall file such statement within seven days after
9 the date of the meeting of the party committee at which they are nomi-
10 nated.
11 (a) Such local law, ordinance or resolution must provide for the
12 promulgation of a form of an annual statement of financial disclosure
13 described in subdivision one of section eight hundred eleven of this
14 article for use with respect to information the governing body requires
15 to be reported for the calendar year next succeeding the year in which
16 such local law, ordinance or resolution is adopted and for use with
17 respect to information required to be reported for subsequent calendar
18 years; and shall provide for the filing of completed statements with
19 [either the temporary state commission on local government ethics or
20 with] the board of ethics of the political subdivision or other munici-
21 pality[, as specified in subdivision one of section eight hundred eleven
22 of this article].
23 S 8. This act shall take effect immediately.