

7187

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 6, 2013

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Introduced by M. of A. HEVESI -- read once and referred to the Committee  
on Local Governments

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2     municipal law are REPEALED.  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 Article 12 of the general municipal law is REPEALED.  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5     REPEALED.  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 pursuant  
11    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 commission  
22    on local government ethics of that fact].

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

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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.