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

8014

I N S E N A T E

June 3, 2016

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public officers law and the New York city charter, in relation to contracts involving state agencies; and to amend the general municipal law, in relation to restrictions on appearance before a municipal department or agency

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

Section 1. Subparagraph iv of paragraph (g) of subdivision 2 of section 87 of the public officers law, as added by chapter 510 of the laws of 1999, is amended and a new subparagraph v is added to read as follows:

iv. external audits, including but not limited to audits performed by the comptroller and the federal government; [or]

V. MATERIALS EXCHANGED BETWEEN AN AGENCY AND ANY ENTITY NOT DEFINED AS AN AGENCY PURSUANT TO THIS ARTICLE THAT HAS NOT BEEN RETAINED BY FORMAL CONTRACT OR AGREEMENT; OR

S 2. Subdivision 7 of section 73 of the public officers law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) THE PROVISIONS OF THIS SUBDIVISION SHALL ALSO APPLY TO ANY PERSON OR ENTITY CONTRACTING WITH A STATE AGENCY FOR THE PERIOD WHICH THE CONTRACT REMAINS IN EFFECT.

S 3. Paragraph 6 of subdivision b of section 2604 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 1988, is amended to read as follows:

6. (A) No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.

(B) NO PERSON OR ENTITY NOT DEFINED AS A PUBLIC SERVANT FOR PURPOSES OF THIS CHARTER WHO CONTRACTS WITH A CITY AGENCY SHALL THEREAFTER BE AUTHORIZED TO APPEAR BEFORE ANY SUCH AGENCY FOR ANY OTHER CLIENT FOR A

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

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FEE UNTIL AFTER THE EXPIRATION OF SUCH CONTRACT; PROVIDED, HOWEVER, THAT IF SUCH CONTRACT IS WITH THE OFFICE OF THE MAYOR, OR CITY COUNCIL, SUCH PERSON OR ENTITY SHALL BE PROHIBITED FROM APPEARING BEFORE ANY AGENCY FOR ANY OTHER CLIENT FOR A FEE UNTIL AFTER THE EXPIRATION OF SUCH CONTRACT.

S 4. The general municipal law is amended by adding a new section 801-a to read as follows:

S 801-A. RESTRICTIONS ON APPEARANCE BEFORE A MUNICIPAL DEPARTMENT OR AGENCY. 1. NO MUNICIPAL OFFICER OR EMPLOYEE SHALL, FOR COMPENSATION, REPRESENT PRIVATE INTERESTS BEFORE ANY MUNICIPAL AGENCY OR APPEAR DIRECTLY OR INDIRECTLY ON BEHALF OF PRIVATE INTERESTS IN MATTERS INVOLVING THE RESPECTIVE MUNICIPALITY. FOR A MUNICIPAL OFFICER OR EMPLOYEE WHO IS NOT A REGULAR EMPLOYEE, THIS PROHIBITION SHALL APPLY ONLY TO THE DEPARTMENT OR AGENCY SERVED BY THE MUNICIPAL OFFICER OR EMPLOYEE.

2. NO PERSON OR ENTITY THAT IS NOT DEFINED AS A MUNICIPAL OFFICER OR EMPLOYEE FOR PURPOSES OF THIS ARTICLE WHO CONTRACTS WITH A MUNICIPAL AGENCY OR DEPARTMENT SHALL THEREAFTER BE AUTHORIZED TO APPEAR BEFORE ANY SUCH MUNICIPAL AGENCY OR DEPARTMENT FOR ANY OTHER CLIENT FOR A FEE UNTIL AFTER THE EXPIRATION OF SUCH CONTRACT; PROVIDED, HOWEVER, THAT IF SUCH CONTRACT IS WITH THE CHIEF EXECUTIVE OFFICER, OR THE CONTROLLING LEGISLATIVE BODY OF THE MUNICIPALITY, SUCH PERSON OR ENTITY SHALL BE PROHIBITED FROM APPEARING BEFORE ANY MUNICIPAL DEPARTMENT OR AGENCY OF THE RESPECTIVE MUNICIPALITY FOR ANY OTHER CLIENT FOR A FEE UNTIL AFTER THE EXPIRATION OF SUCH CONTRACT.

S 5. This act shall take effect on the forty-fifth day after it shall have become a law.