

8014

I N   S E N A T E

June 3, 2016

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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:

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

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

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

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

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

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

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

24    (B) NO PERSON OR ENTITY NOT DEFINED AS A PUBLIC SERVANT FOR PURPOSES  
25    OF THIS CHARTER WHO CONTRACTS WITH A CITY AGENCY SHALL THEREAFTER BE  
26    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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1 FEE UNTIL AFTER THE EXPIRATION OF SUCH CONTRACT; PROVIDED, HOWEVER, THAT  
2 IF SUCH CONTRACT IS WITH THE OFFICE OF THE MAYOR, OR CITY COUNCIL, SUCH  
3 PERSON OR ENTITY SHALL BE PROHIBITED FROM APPEARING BEFORE ANY AGENCY  
4 FOR ANY OTHER CLIENT FOR A FEE UNTIL AFTER THE EXPIRATION OF SUCH  
5 CONTRACT.

6 S 4. The general municipal law is amended by adding a new section  
7 801-a to read as follows:

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

15 2. NO PERSON OR ENTITY THAT IS NOT DEFINED AS A MUNICIPAL OFFICER OR  
16 EMPLOYEE FOR PURPOSES OF THIS ARTICLE WHO CONTRACTS WITH A MUNICIPAL  
17 AGENCY OR DEPARTMENT SHALL THEREAFTER BE AUTHORIZED TO APPEAR BEFORE ANY  
18 SUCH MUNICIPAL AGENCY OR DEPARTMENT FOR ANY OTHER CLIENT FOR A FEE UNTIL  
19 AFTER THE EXPIRATION OF SUCH CONTRACT; PROVIDED, HOWEVER, THAT IF SUCH  
20 CONTRACT IS WITH THE CHIEF EXECUTIVE OFFICER, OR THE CONTROLLING LEGIS-  
21 LATIVE BODY OF THE MUNICIPALITY, SUCH PERSON OR ENTITY SHALL BE PROHIB-  
22 ITED FROM APPEARING BEFORE ANY MUNICIPAL DEPARTMENT OR AGENCY OF THE  
23 RESPECTIVE MUNICIPALITY FOR ANY OTHER CLIENT FOR A FEE UNTIL AFTER THE  
24 EXPIRATION OF SUCH CONTRACT.

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