STATE OF NEW YORK

11342

IN ASSEMBLY

September 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Goodell) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, the election law and the public officers law, in relation to the prohibiting pay-to-play in New York act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "prohibiting pay-to-play in New York act".

§ 2. Sections 1-u and 1-v of the legislative law, section 1-v as relettered by chapter 1 of the laws of 2005, are relettered sections 1-x and 1-y and three new sections 1-u, 1-v and 1-w are added to read as follows:

§ 1-u. Restrictions on political contributions, referral fees or other compensation by lobbyists. A lobbyist who appears before any state or municipal corporation shall not solicit, make or transmit a campaign contribution or a request for a campaign contribution or a referral fee or any other compensation to any public official or candidate, including a political committee for the benefit of a public official or party committee, of such state or municipal corporation office.

§ 1-v. Restrictions on acceptance of political contributions by public officials. A public official or candidate for any state or municipal corporation shall not knowingly accept, solicit or transmit a campaign contribution or a request for a campaign contribution for himself or herself or any public official, political committee, or candidate from or on behalf of any lobbyist who appears before such public entity.

§ 1-w. Restrictions on certain political contributions. 1. Any person or entity that communicates for or against any legislation pending before the state or municipal corporation since the date of the last election, where such action or legislation would have a direct financial impact on such individual or entity in an amount exceeding twenty-five thousand dollars per year shall not solicit, make or transmit a campaign contribution for any public official or candidate for such public entity.

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

LBD16405-01-8

2. Any person or entity who has or is seeking a contract with such public entity or any agency or department thereof, unless such contract was the result of submitting the lowest responsible bid in an open competitive bid process shall not solicit, make or transmit a campaign contribution or referral fee, or other compensation to any public official or candidate for said public entity or agency or department thereof.

§ 3. Section 14-116 of the election law, subdivision 1 as redesignated by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter 260 of the laws of 1981, is amended to read as follows:

§ 14-116. Political contributions by certain organizations. 1. No corporation**, limited liability company, labor union** or joint-stock association doing business in this state, except a corporation or association organized or maintained for political purposes only, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for, or in aid of, any corporation, **limited liability company, labor union,** joint-stock or other association organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stockholder, attorney or agent of any corporation**, limited liability company, labor union** or joint-stock association which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violations, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor.

2. Notwithstanding the provisions of subdivision one of this section, any corporation**, limited liability company** or an organization financially supported in whole or in part, by such corporation **or limited liability company** may make expenditures, including contributions, not otherwise prohibited by law, for political purposes, in an amount not to exceed five thousand dollars in the aggregate in any calendar year; provided that no public utility shall use revenues received from the rendition of public service within the state for contributions for political purposes unless such cost is charged to the shareholders of such a public service corporation.

3. Notwithstanding the provisions of subdivisions one and two of this section, no public sector employee, or labor union which represents public sector employees, may make expenditures, including contributions, to any public official or any political candidate for public office for any public entity that employs such public sector employee or whose employees are represented by such union or whose employees are funded by such public entity.

§ 4. The public officers law is amended by adding a new section 73-c to read as follows:

§ 73-c. Family member disclosure. 1. Every member of the legislature shall file a statement with the joint commission on public ethics in the event that any family member is or becomes employed by:

(a) any registered lobbyist or registered lobbying firm that is lobbying such public entity (including local municipalities or school boards);

(b) any person or entity that communicates for or against any legislation pending before such legislator since the date of the last election, where such action or legislation would have a direct financial

impact on such individual or entity in an amount exceeding twenty-five thousand dollars per year;

(c) any person or entity who has or is seeking a contract with such public entity or any agency or department thereof, unless such contract was the result of submitting the lowest responsible bid in an open competitive bid process; or

(d) any public employees or public employee unions whose members are funded by such public entity.

2. For the purposes of this section the term "family member" shall mean such member's spouse, child, stepchild, parent, stepparent, siblings, domestic partner, and the parent of any child of the member.

§ 5. The election law is amended by adding a new section 14-117 to read as follows:

§ 14-117. Limits on referral fees and other compensation. No referral fee or compensation shall be paid to any public official or any candidate for public office from:

1. any person or entity that communicates for or against any action by such public entity since the date of the last election, where such action by the public entity would have a direct financial impact on such individual or entity in an amount exceeding twenty-five thousand dollars per year;

2. any person or entity that has or is seeking a contract with such public entity or any agency or department thereof, unless such contract was the result of submitting the lowest responsible bid in an open competitive bid process; and

3. any public employees or public employee unions whose members are funded by such public entity.

§ 6. The state board of elections and the joint commission on public ethics are hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act.

§ 7. This act shall take effect on the one hundred twentieth day after it shall have become a law.