

# STATE OF NEW YORK

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5864

2017-2018 Regular Sessions

## IN ASSEMBLY

February 16, 2017

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Introduced by M. of A. KOLB, BARCLAY, BLANKENBUSH, BRABENEC, BUTLER, BYRNE, CASTORINA, CROUCH, CURRAN, DiPIETRO, ERRIGO, FINCH, FITZPATRICK, FRIEND, GARBARINO, GIGLIO, GOODELL, GRAF, HAWLEY, JOHNS, LALOR, LAWRENCE, LOPEZ, LUPINACCI, MALLIOTAKIS, McDONOUGH, McKEVITT, McLAUGHLIN, B. MILLER, M. L. MILLER, MONTESANO, MORINELLO, MURRAY, NORRIS, OAKS, PALMESANO, PALUMBO, RA, RAIA, STEC, WALSH, WALTER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring transparency, identification and disclosure of certain appropriations and intended recipients (Part A); to establish the commission on official conduct, providing for its powers, duties and functions, and providing for the transfer of the functions, powers and duties of the commission on public integrity, the office of the state inspector general and the former temporary state commission of investigation to the commission on official conduct; to amend the civil service law and the legislative law, in relation to the commission on public integrity; to amend the racing, pari-mutuel wagering and breeding law in relation to membership on the franchise oversight board; to amend the public authorities law and the executive law, in relation to the state inspector general; to amend the criminal procedure law, the executive law and the public officers law, in relation to the former temporary state commission of investigation; to repeal section 94 of the executive law relating to the joint commission on public ethics; to repeal article 4-A of the executive law and subdivision 68 of section 2.10 of the criminal procedure law relating to the office of the state inspector general; and to repeal chapter 989 of the laws of 1958, relating to creating a temporary state commission of investigation, relating thereto (Part B); to amend the election law, in relation to forfeiture of unspent campaign funds after criminal conviction and resignation of the elected official (Part C); to amend the penal law, in relation to failure to report corruption (Part D); to amend the election law, in relation to limitations on use of campaign contributions and to repeal certain provisions of such law relating thereto (Part E); to amend the election law, in relation to filing late campaign disclosure state-

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

LBD08084-01-7

ments (Part F); and to amend the legislative law, in relation to limiting the amount of time a legislator may serve as a legislative leader (Part G)

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "public officers accountability act of 2017".

3 § 2. This act enacts into law major components of legislation provid-  
4 ing for member item reform, creating a new Commission on Official  
5 Conduct, requiring forfeiture of campaign funds upon felony convictions,  
6 creating a new crime for failure to report corruption, limiting use of  
7 campaign funds, enhancing penalties for filing late campaign disclosure  
8 statements, and limiting terms of leaders and committee chairs. Each  
9 component is wholly contained within a Part identified as Parts A  
10 through G. The effective date for each particular provision contained  
11 within such Part is set forth in the last section of such Part. Any  
12 provision in any section contained within a Part, including the effec-  
13 tive date of the Part, which makes a reference to a section "of this  
14 act", when used in connection with that particular component, shall be  
15 deemed to mean and refer to the corresponding section of the Part in  
16 which it is found. Section four of this act sets forth the general  
17 effective date of this act. The "public officers accountability act of  
18 2017" provided in this act, includes the support of constitutional  
19 amendments that are consistent with the intent of this act. The legisla-  
20 ture supports constitutional proposals that remove pension benefits from  
21 public officials who are convicted of a felony related to such individ-  
22 ual's official duties and to provide that no person who is convicted of  
23 a felony, related to such official duties, shall be eligible to serve in  
24 the legislature.

25 PART A

26 Section 1. Subdivisions 4 and 5 of section 24 of the state finance  
27 law, as added by chapter 1 of the laws of 2007, are amended to read as  
28 follows:

29 4. Any appropriation submitted by the governor or added to such budget  
30 bills, pursuant to section four of article seven of the constitution,  
31 shall only contain itemized appropriations which shall not be in the  
32 form of lump sum appropriations, and provided further that for all non-  
33 federal state operations appropriations, such bill or bills shall only  
34 contain itemized appropriations and shall be made, where practicable, by  
35 agency, and within each agency by program and within each program at the  
36 following level of detail and in the following order:

37 (a) by fund type, which at a minimum shall include general fund,  
38 special revenue-other funds, capital projects funds and debt service  
39 funds;

40 (b) for personal service appropriations, separate appropriations shall  
41 be made for regular personal service, temporary personal service, and  
42 holiday and overtime pay;

43 (c) for nonpersonal service appropriations, separate appropriations  
44 shall be made for supplies and materials, travel, contractual services,  
45 equipment and fringe benefits, as appropriate; and

1 (d) at the request or discretion of the governor or a member of the  
2 legislature, such appropriation shall include the name of the governor  
3 or member of the legislature.

4 5. [~~Any appropriation added pursuant to section four of article seven~~  
5 ~~of the constitution without designating a grantee shall be allocated~~  
6 ~~only pursuant to a plan setting forth an itemized list of grantees with~~  
7 ~~the amount to be received by each, or the methodology for allocating~~  
8 ~~such appropriation. Such plan shall be subject to the approval of the~~  
9 ~~chair of the senate finance committee, the chair of the assembly ways~~  
10 ~~and means committee, and the director of the budget, and thereafter~~  
11 ~~shall be included in a concurrent resolution calling for the expenditure~~  
12 ~~of such monies, which resolution must be approved by a majority vote of~~  
13 ~~all members elected to each house upon a roll call vote.] Any appropri-  
14 ation submitted by the governor or added to such budget bills, pursuant  
15 to section four of article seven of the constitution, shall be subject  
16 to the following:~~

17 (a) the governor or member of the legislature requesting such appro-  
18 priation shall be required to submit a signed conflict of interest form  
19 and submit such form to the attorney general to ensure that no conflict  
20 of interest exists; the attorney general shall designate the form and  
21 content of the conflict of interest form. The governor or member of the  
22 legislature shall disclose on the conflict of interest form all politi-  
23 cal donations he or she is receiving or has received in the past from  
24 the intended recipient of the appropriation funding. Such a conflict of  
25 interest form shall be signed by the governor or member of the legisla-  
26 ture under penalty of perjury; and

27 (b) an appropriation provided at the discretion of the governor or  
28 member of the legislature shall not be provided if a conflict of inter-  
29 est exists between the governor or a member of the legislature designat-  
30 ing the appropriation and the potential recipient. These appropriations  
31 cannot fund organizations that employ or otherwise compensate the gover-  
32 nor or member of the legislature, governor's family or member of the  
33 legislator's family, any person sharing the home of the governor or  
34 member of the legislature or the governor's or a member of the legisla-  
35 tor's staff for services or labor rendered. Furthermore, the governor or  
36 members of the legislature shall not designate appropriations if the  
37 governor or member of the legislature, a member of the governor's or  
38 member of the legislator's family, any person sharing the home of the  
39 governor or member of the legislature or a member of the governor's or  
40 member of the legislator's staff is involved with the operations of the  
41 organization in a decision-making capacity including but not limited to  
42 working on an unpaid, volunteer basis or as a member of the directing  
43 board of an organization.

44 § 2. This act shall take effect immediately.

45 PART B

46 Section 1. Short title. This act shall be known and may be cited as  
47 the "commission on official conduct act".

48 § 2. Definitions. As used in this act, the following terms shall have  
49 the following meanings:

50 (a) "Commission" means the commission on official conduct established  
51 by section three of this act.

52 (b) "Executive director" means the executive director of the commis-  
53 sion, appointed pursuant to section four of this act.

1 (c) "Covered agency" means all executive branch agencies, departments,  
2 divisions, officers, boards and commissions, public authorities (other  
3 than multi-state or multi-national authorities) and public benefit  
4 corporations, the heads of which are appointed by the governor, and  
5 which do not have their own inspector general by statute.

6 (d) Covered individual means all statewide elected officials, members  
7 of the legislature and employees of the legislature, and state officers  
8 and employees, as defined in sections 73 and 73-a of the public officers  
9 law, candidates for statewide elected office and for the senate or  
10 assembly, and the political party chairman as that term is defined in  
11 section 73-a of the public officers law, lobbyists and the clients of  
12 lobbyists as such terms are defined in article 1-A of the legislative  
13 law, and individuals who have formerly held such positions, were lobby-  
14 ists or clients of lobbyists, as such terms are defined in article 1-A  
15 of the legislative law, or who have formerly been such candidates.

16 § 3. Commission on official conduct; established. (a) There is hereby  
17 established, as an independent state agency, the commission on official  
18 conduct. The commission shall consist of five members appointed as  
19 follows:

20 (1) one member appointed by the chief judge of the court of appeals,  
21 who shall serve as the chair of the commission;

22 (2) one member appointed by the presiding justice of the appellate  
23 division in the first department;

24 (3) one member appointed by the presiding justice of the appellate  
25 division in the second department;

26 (4) one member appointed by the presiding justice of the appellate  
27 division in the third department; and

28 (5) one member appointed by the presiding justice of the appellate  
29 division in the fourth department.

30 (b) Each member of the commission shall serve a term of five years  
31 commencing on the first of January of the calendar year in which the  
32 vacancy in such office occurs; provided, however, that for the members  
33 initially appointed as members, the member appointed by the presiding  
34 justice in the fourth department shall serve a term of one year, the  
35 member appointed by the presiding justice in the second department shall  
36 serve a term of two years, the member appointed by the presiding justice  
37 in the third department shall serve a term of three years, the member  
38 appointed by the presiding justice in the first department shall serve a  
39 term of four years and the member appointed by the chief judge of the  
40 court of appeals shall serve a term of five years.

41 Any vacancy occurring in the membership of the commission shall be  
42 filled within sixty days of its occurrence in the same manner as the  
43 member whose vacancy is being filled was appointed. A person appointed  
44 to fill a vacancy occurring other than by expiration of a term of office  
45 shall be appointed to the unexpired term of the member he or she  
46 replaces.

47 (c) Four members of the commission shall constitute a quorum, and the  
48 commission shall have power to act by majority vote of the total number  
49 of members of the commission without vacancy.

50 (d) The members of the commission shall receive no compensation for  
51 their services, but shall be allowed their actual and necessary expenses  
52 incurred in the performance of their duties pursuant to this act.

53 (e) Members of the commission may be removed by the chief judge of the  
54 court of appeals for substantial neglect of duty, gross misconduct in  
55 office, inability to discharge the powers and duties of office or

1 violation of the provisions of this act, after written notice and oppor-  
2 tunity to be heard by the court of appeals.

3 § 4. Executive director and staff. (a) The commission shall appoint  
4 and employ an executive director who shall serve a term of six years.  
5 Any vacancy in the office of executive director shall be filled within  
6 ten days of its occurrence. A person appointed to fill a vacancy in the  
7 office of executive director occurring other than by expiration of a  
8 term of office shall be appointed to the unexpired term of the executive  
9 director he or she replaces.

10 (b) The executive director shall act in accordance with the policies,  
11 rules and regulations of the commission. He or she shall act in the name  
12 of the commission pursuant to the specific powers delegated by the  
13 commission to the office of executive director.

14 (c) The commission shall appoint and employ such other staff and  
15 investigators as shall be necessary to carry out its powers and duties  
16 pursuant to this act.

17 (d) The executive director, staff members and investigators may be  
18 removed by the commission for substantial neglect of duty, gross miscon-  
19 duct in office, inability to perform their duties or violation of the  
20 provisions of this act, after written notice and opportunity to be  
21 heard.

22 § 5. Powers and duties. The commission shall have the power and duty  
23 to:

24 (a) fix the compensation of the executive director, staff members and  
25 investigators;

26 (b) request and receive, and shall utilize and be provided with such  
27 facilities, resources and data of any court, department, division,  
28 board, bureau, commission or agency of the state or any political subdi-  
29 vision thereof, or of any public authority or public benefit corpo-  
30 ration, as it may reasonably request to properly carry out its powers  
31 and duties pursuant to this act;

32 (c) adopt, amend and rescind rules and regulations to govern the  
33 procedures of the commission and to implement the provisions of this  
34 act;

35 (d) adopt, amend and rescind rules and regulations to assist appoint-  
36 ing authorities in determining which persons hold policy-making posi-  
37 tions for the purposes of section 73-a of the public officers law;

38 (e) make available forms for annual statements of financial disclosure  
39 required to be filed pursuant to section 73-a of the public officers  
40 law;

41 (f) review financial disclosure statements filed pursuant to section  
42 73-a of the public officers law;

43 (g) receive and investigate complaints and referrals alleging  
44 violations of section 73, 73-a or 74 of the public officers law, article  
45 1-A of the legislative law, or section 107 of the civil service law;

46 (h) permit any person required to file a financial disclosure state-  
47 ment pursuant to section 73-a of the public officers law to delete from  
48 the copy thereof made available for public inspection such information  
49 as shall be determined by the commission will have no material bearing  
50 on the discharge of the reporting person's official duties;

51 (i) grant any person required to file a financial disclosure statement  
52 pursuant to section 73-a of the public officers law, an additional peri-  
53 od of time within which to file such statement due to justifiable cause  
54 or undue hardship;

55 (j) permit any person required to file a financial disclosure state-  
56 ment pursuant to section 73-a of the public officers law to delete such

1 information pertaining to such person's spouse or unemancipated children  
2 as shall be found by the commission will have no material bearing on the  
3 discharge of the reporting person's official duties;

4 (k) advise and assist any state agency in establishing rules and regu-  
5 lations relating to possible conflicts between private interests and  
6 official duties of present and former state officers and employees;

7 (l) permit any person who has not been determined by his or her  
8 appointing authority to hold a policy-making position, but who is other-  
9 wise required to file a financial disclosure statement, to be granted an  
10 exemption from such filing requirement. The commission may grant such an  
11 exemption where the public interest does not require disclosure and the  
12 applicant's duties do not involve negotiation, authorization or approval  
13 of:

14 (1) contracts, leases, franchises, revocable consents, concessions,  
15 variances, special permits or licenses as defined in section 73 of the  
16 public officers law,

17 (2) the purchase, sale, rental or lease of real property, goods or  
18 services, or a contract therefor,

19 (3) the obtaining of grants of money or loans, or

20 (4) the adoption or repeal of any rule or regulation having the force  
21 and effect of law;

22 (m) determine questions common to a class or defined category of  
23 persons or items of information required to be disclosed, where determi-  
24 nation of the question will prevent undue repetition of requests for  
25 exemption or deletion, or prevent undue complication in complying with  
26 the provisions of this act;

27 (n) upon written request from a person subject to the requirements of  
28 section 73, 73-a or 74 of the public officers law, render an advisory  
29 opinion on the requirements of such provisions;

30 (o) promulgate rules concerning restrictions on outside activities and  
31 limitations or the receipt of gifts and honoraria;

32 (p) conduct training programs, in cooperation with the governor's  
33 office of employee relations, to provide instruction to persons subject  
34 to its jurisdiction;

35 (q) administer and enforce all provisions of this act;

36 (r) conduct any investigation necessary to carry out the provisions of  
37 this act;

38 (s) receive and investigate complaints from any source, or upon its  
39 own initiative, concerning allegations of corruption, fraud, criminal  
40 activity, conflicts of interest or abuse in any covered agency or by any  
41 covered individual;

42 (t) inform the heads of covered agencies of such allegations and the  
43 progress of investigations related thereto, unless special circumstances  
44 require confidentiality;

45 (u) determine with respect to such allegations whether disciplinary  
46 action, civil or criminal prosecution, or further investigation by an  
47 appropriate federal, state or local agency is warranted, and to assist  
48 in such investigations;

49 (v) prepare and release to the public written reports of such investi-  
50 gations, as appropriate and to the extent permitted by law, subject to  
51 redaction to protect the confidentiality of witnesses. The release of  
52 all or portions of such reports may be deferred to protect the confiden-  
53 tiality of ongoing investigations;

54 (w) review and examine periodically the policies and procedures of  
55 covered agencies with regard to the prevention and detection of  
56 corruption, fraud, criminal activity, conflicts of interest or abuse;

1 (x) recommend remedial acts to prevent or eliminate corruption, fraud,  
2 criminal activity, conflicts of interest or abuse in covered agencies;  
3 (y) establish programs for training state officers and employees  
4 regarding the prevention and elimination of corruption, fraud, criminal  
5 activity, conflicts of interest or abuse in covered agencies;  
6 (z) subpoena and enforce the attendance of witnesses;  
7 (aa) administer oaths or affirmations and examine witnesses under  
8 oath;  
9 (bb) require the production of any books and papers deemed relevant or  
10 material to any investigation, examination or review;  
11 (cc) examine and copy or remove documents or records of any kind  
12 prepared, maintained or held by any covered agency or covered individ-  
13 ual;  
14 (dd) require any officer or employee in a covered agency or any  
15 covered individual to answer questions concerning any matter related to  
16 the performance of his or her official duties. No statement or other  
17 evidence derived therefrom may be used against such officer or employee  
18 in any subsequent criminal prosecution other than for perjury or  
19 contempt arising from such testimony. The refusal of any officer or  
20 employee to answer questions shall be cause for removal from office or  
21 employment, or other appropriate penalty;  
22 (ee) monitor the implementation by covered agencies of any recommenda-  
23 tions made by the commission;  
24 (ff) perform any other functions that are necessary or appropriate to  
25 fulfill the provisions of this act;  
26 (gg) conduct investigations in connection with:  
27 (1) the faithful execution and enforcement of the laws of the state,  
28 with particular reference but not limited to organized crime and racke-  
29 teering,  
30 (2) the conduct of public officers and public employees, and of offi-  
31 cers and employees of public benefit corporations and public authori-  
32 ties, and  
33 (3) any matter concerning the public peace, public safety and public  
34 justice;  
35 (hh) at the direction of the governor, conduct investigations and  
36 otherwise assist the governor in connection with:  
37 (1) the removal of public officers by the governor,  
38 (2) the making of recommendations by the governor to any other person  
39 or body, with respect to the removal of public officers, and  
40 (3) the making of recommendations by the governor to the legislature  
41 with respect to changes in or additions to existing provisions of law  
42 required for the more effective enforcement of the law;  
43 (ii) at the direction or request of the governor or the head of any  
44 department, board, bureau, commission or other agency of the state,  
45 investigate the management or affairs of any such department, board,  
46 bureau, commission or other agency;  
47 (jj) upon the request of district attorneys and other law enforcement  
48 officers, cooperate with, advise and assist them in the performance of  
49 their official powers and duties;  
50 (kk) cooperate with departments and officers of the United States  
51 government in the investigation of violations of the federal laws within  
52 this state;  
53 (ll) examine into matters relating to law enforcement extending across  
54 the boundaries of the state into other states, and may consult and  
55 exchange information with officers and agencies of other states with

1 respect to law enforcement problems of mutual concern to this and other  
2 states;

3 (mm) whenever it shall appear to the commission that there is cause  
4 for the prosecution of a crime or for the removal of a public officer  
5 for misconduct, refer the evidence of such crime or misconduct to the  
6 officials authorized to conduct the prosecution or to remove the public  
7 officer;

8 (nn) keep the public informed as to the operations of organized crime  
9 and problems of law enforcement in the state; and

10 (oo) exercise any and all powers of the former commission on public  
11 integrity and the former office of the state inspector general as they  
12 existed immediately prior to the effective date of this act, and exer-  
13 cise any and all powers of the former temporary state commission of  
14 investigation as they existed on March 30, 2011.

15 § 6. Financial disclosure. (a) The commission shall inspect all finan-  
16 cial disclosure statements filed with the commission to ascertain wheth-  
17 er any person subject to the reporting requirements of section 73-a of  
18 the public officers law has failed to file such a statement, has filed a  
19 deficient statement or has filed a statement which reveals a possible  
20 violation of section 73, 73-a or 74 of the public officers law.

21 (b) If a person required to file a financial disclosure statement with  
22 the commission has failed to file a disclosure statement or has filed a  
23 deficient statement, the commission shall notify the reporting person in  
24 writing, state the failure to file or detail the deficiency, provide the  
25 person with a fifteen day period to cure the deficiency, and advise the  
26 person of the penalties for failure to comply with the reporting  
27 requirements. Such notice shall be confidential. If the person fails to  
28 make such filing or fails to cure the deficiency within the specified  
29 time period, the commission shall send a notice of delinquency: (1) to  
30 the reporting person; (2) in the case of a statewide elected official,  
31 to the temporary president of the senate and the speaker of the assem-  
32 bly; and (3) in the case of a state officer or employee, to the appoint-  
33 ing authority for such person. Such notice of delinquency may be sent at  
34 any time during the reporting person's service as a statewide elected  
35 official, state officer or employee, political party chair or while a  
36 candidate for statewide office, or within one year after termination of  
37 such service or candidacy. The jurisdiction of the commission, when  
38 acting pursuant to subdivision (d) of this section with respect to  
39 financial disclosure, shall continue notwithstanding that the reporting  
40 person separates from state service, or ceases to hold office as a  
41 statewide elected official or political party chair, or ceases to be a  
42 candidate, provided the commission notifies such person of the alleged  
43 failure to file or deficient filing pursuant to this subdivision.

44 (c)(1) If the commission receives a sworn complaint alleging a  
45 violation of section 73, 73-a or 74 of the public officers law, section  
46 107 of the civil service law or article 1-A of the legislative law by a  
47 person or entity subject to the jurisdiction of the commission, or if a  
48 reporting individual has filed a statement which reveals a possible  
49 violation of these provisions, or if the commission determines on its  
50 own initiative to investigate a possible violation, the commission shall  
51 notify the individual in writing, describe the possible or alleged  
52 violation of such laws and provide the person with a fifteen day period  
53 in which to submit a written response setting forth information relating  
54 to the activities cited as a possible or alleged violation of law. If  
55 the commission thereafter makes a determination that further inquiry is  
56 justified, it shall give the individual an opportunity to be heard. The



1 commission shall also inform the individual of its rules regarding the  
2 conduct of adjudicatory proceedings and appeals and the due process  
3 procedural mechanisms available to such individual. If the commission  
4 determines at any stage of the proceeding that there is no violation or  
5 that any potential conflict of interest violation has been rectified, it  
6 shall so advise the individual and the complainant, if any. All of the  
7 foregoing proceedings shall be confidential.

8 (2) If the commission determines that there is reasonable cause to  
9 believe that a violation has occurred, it shall send a notice of reason-  
10 able cause: (i) to the reporting person; (ii) to the complainant if any;  
11 (iii) in the case of a statewide elected official, to the temporary  
12 president of the senate and the speaker of the assembly; and (iv) in the  
13 case of a state officer or employee, to the appointing authority for  
14 such person.

15 (3) The jurisdiction of the commission when acting pursuant to this  
16 act shall continue notwithstanding that a statewide elected official or  
17 a state officer or employee separates from state service, or a political  
18 party chair ceases to hold such office, or a candidate ceases to be a  
19 candidate, or a lobbyist or client of a lobbyist ceases to act as such,  
20 provided that the commission notifies such individual or entity of the  
21 alleged violation of law pursuant to paragraph one of this subdivision  
22 within one year from his or her separation from state service or his or  
23 her termination of party service or candidacy, or from his, her or its  
24 last report filed pursuant to article 1-A of the legislative law. Noth-  
25 ing in this section shall serve to limit the jurisdiction of the commis-  
26 sion in enforcement of subdivision 8 of section 73 of the public offi-  
27 cers law.

28 (d) An individual subject to the jurisdiction of the commission who  
29 knowingly and intentionally violates the provisions of subdivisions 2  
30 through 5, 7, 8, 12 or 14 through 17 of section 73 of the public offi-  
31 cers law, section 107 of the civil service law, or a reporting individ-  
32 ual who knowingly and wilfully fails to file an annual statement of  
33 financial disclosure or who knowingly and wilfully with intent to  
34 deceive makes a false statement or fraudulent omission or gives informa-  
35 tion which such individual knows to be false on such statement of finan-  
36 cial disclosure filed pursuant to section 73-a of the public officers  
37 law shall be subject to a civil penalty in an amount not to exceed  
38 \$40,000 and the value of any gift, compensation or benefit received as a  
39 result of such violation. An individual who knowingly and intentionally  
40 violates the provisions of paragraphs b, c, d or i of subdivision 3 of  
41 section 74 of the public officers law shall be subject to a civil penal-  
42 ty in an amount not to exceed \$10,000 and the value of any gift, compen-  
43 sation or benefit received as a result of such violation. An individual  
44 who knowingly and intentionally violates the provisions of paragraphs a,  
45 e or g of subdivision 3 of section 74 of the public officers law shall  
46 be subject to a civil penalty in an amount not to exceed the value of  
47 any gift, compensation or benefit received as a result of such  
48 violation. An individual subject to the jurisdiction of the commission  
49 who knowingly and wilfully violates article 1-A of the legislative law  
50 shall be subject to civil penalty as provided for in that article.  
51 Assessment of a civil penalty pursuant to this section shall be made by  
52 the commission with respect to persons subject to its jurisdiction. In  
53 assessing the amount of the civil penalties to be imposed, the commis-  
54 sion shall consider the seriousness of the violation, the amount of gain  
55 to the individual and whether the individual previously had any civil or  
56 criminal penalties imposed pursuant to this section, and any other

1 factors the commission deems appropriate. For a violation of this subdi-  
2 vision, other than for conduct which constitutes a violation of section  
3 107 of the civil service law, subdivisions 12 or 14 through 17 of  
4 section 73 or section 74 of the public officers law or article 1-A of  
5 the legislative law, the commission may, in lieu of a civil penalty,  
6 refer a violation to the appropriate prosecutor and upon such  
7 conviction, such violation shall be punishable as a class A misdemeanor.  
8 A civil penalty for false filing may not be imposed pursuant to this  
9 section in the event a category of "value" or "amount" reported pursuant  
10 to this section is incorrect unless such reported information is falsely  
11 understated. Notwithstanding any other provision of law to the contrary,  
12 no other penalty, civil or criminal may be imposed for a failure to  
13 file, or for a false filing, of such statement, or a violation of  
14 section 73 of the public officers law, except that the appointing  
15 authority may impose disciplinary action as otherwise provided by law.  
16 The commission may refer violations of this section to the appointing  
17 authority for disciplinary action as otherwise provided by law. The  
18 commission shall be deemed to be an agency within the meaning of article  
19 3 of the state administrative procedure act and shall adopt rules  
20 governing the conduct of adjudicatory proceedings and appeals taken  
21 pursuant to a proceeding commenced under article 78 of the civil prac-  
22 tice law and rules relating to the assessment of the civil penalties  
23 authorized by this subdivision and commission denials of requests for  
24 certain deletions or exemptions to be made from a financial disclosure  
25 statement as authorized by this act. Such rules, which shall not be  
26 subject to the approval requirements of the state administrative proce-  
27 dure act, shall provide for due process procedural mechanisms substan-  
28 tially similar to those set forth in article 3 of the state administra-  
29 tive procedure act but such mechanisms need not be identical in terms or  
30 scope. Assessment of a civil penalty or commission denial of such a  
31 request shall be final unless modified, suspended or vacated within  
32 thirty days of imposition, with respect to the assessment of such penal-  
33 ty, or unless such denial of request is reversed within such time peri-  
34 od, and upon becoming final shall be subject to review at the instance  
35 of the affected reporting individuals in a proceeding commenced against  
36 the commission, pursuant to article 78 of the civil practice law and  
37 rules.

38 (e) If the commission has a reasonable basis to believe that any  
39 person subject to the jurisdiction of the legislative ethics commission  
40 may have violated any provisions of section 73 or 74 of the public offi-  
41 cers law, it may refer such violation to the legislative ethics commis-  
42 sion. The referral by the commission to the legislative ethics commis-  
43 sion shall include any information relating thereto coming into the  
44 custody or under the control of the commission at any time prior or  
45 subsequent to the time of the referral.

46 (f) A copy of any notice of delinquency or notice of reasonable cause  
47 sent pursuant to subdivisions (b) and (c) of this section shall be  
48 included in the reporting person's file and be available for public  
49 inspection and copying.

50 § 7. Website. Within one hundred twenty days of the effective date of  
51 this section, the commission shall create and thereafter maintain a  
52 publicly accessible website which shall set forth the procedure for  
53 filing a complaint with the commission, and which shall contain the  
54 documents identified in section eight of this act, other than financial  
55 disclosure statements, and any other records or information which the  
56 commission determines to be appropriate.

1 § 8. Public access to records. (a) Notwithstanding the provisions of  
2 article 6 of the public officers law, the only records of the commission  
3 which shall be available for public inspection and copying are:

4 (1) the information set forth in an annual statement of financial  
5 disclosure filed pursuant to section 73-a of the public officers law  
6 except the categories of value or amount, which shall remain confiden-  
7 tial, and any other item of information deleted pursuant to this act;

8 (2) notices of delinquency sent under subdivision (b) of section six  
9 of this act;

10 (3) notices of reasonable cause sent under paragraph two of subdivi-  
11 sion (c) of section six of this act;

12 (4) notices of civil assessments imposed under this act which shall  
13 include a description of the nature of the alleged wrongdoing, the  
14 procedural history of the complaint, the findings and determinations  
15 made by the commission, and any sanction imposed;

16 (5) the terms of any settlement or compromise of a complaint or refer-  
17 ral which includes a fine, penalty or other remedy; and

18 (6) those required to be held or maintained publicly available pursu-  
19 ant to article 1-A of the legislative law.

20 (b) Pending any application for deletion or exemption to the commis-  
21 sion, all information which is the subject or a part of the application  
22 shall remain confidential. Upon an adverse determination by the commis-  
23 sion, the reporting individual may request, and upon such request the  
24 commission shall provide, that any information which is the subject or  
25 part of the application remain confidential for a period of thirty days  
26 following notice of such determination. In the event that the reporting  
27 individual resigns his or her office and holds no other office subject  
28 to the jurisdiction of the commission, the information shall not be made  
29 public and shall be expunged in its entirety.

30 § 9. Responsibilities of covered agencies, covered individuals, state  
31 officers and employees. (a) Every state officer or employee in a  
32 covered agency and every covered individual shall report promptly to the  
33 commission any information concerning corruption, fraud, criminal activ-  
34 ity, conflicts of interest or abuse by another state officer or employee  
35 relating to his or her office or employment, or by a person having busi-  
36 ness dealings with a covered agency relating to those dealings. The  
37 knowing failure of any officer or employee to so report shall be cause  
38 for removal from office or employment or other appropriate penalty. Any  
39 officer or employee who acts pursuant to this subdivision by reporting  
40 to the commission improper governmental action as defined in section  
41 75-b of the civil service law shall not be subject to dismissal, disci-  
42 pline or other adverse personnel action.

43 (b) The head of any covered agency shall advise the governor within  
44 ninety days of the issuance of a report by the commission as to the  
45 remedial action that the agency has taken in response to any recommenda-  
46 tion for such action contained in such report.

47 § 10. Confidentiality. Any person conducting or participating in any  
48 examination or investigation who shall disclose to any person other than  
49 the commission or an officer having the power to appoint one or more of  
50 the commissioners the name of any witness examined, or any information  
51 obtained or given upon such examination or investigation, except as  
52 directed by the commission, shall be guilty of a misdemeanor.

53 § 11. Evidence to be impounded. Upon the application of the commis-  
54 sion, the executive director or a duly authorized member of its staff,  
55 the supreme court or a justice thereof may impound any exhibit marked in  
56 evidence in any public or private hearing held in connection with an

1 investigation conducted by the commission, and may order such exhibit to  
2 be retained by, or delivered to and placed in the custody of, the  
3 commission. When so impounded such exhibit shall not be taken from the  
4 custody of the commission, except upon further order of the court or a  
5 justice thereof made upon five days' notice to the commission or upon  
6 its application or with its consent.

7 § 12. Immunity from prosecution. In any investigation or hearing  
8 conducted by the commission pursuant to this act, relating to any crime  
9 or offense with respect to which, by express provision of statute, a  
10 competent authority is authorized to confer immunity; the commission may  
11 confer immunity in accordance with the provisions of section 50.20 of  
12 the criminal procedure law, but only after affording the attorney gener-  
13 al and the appropriate district attorney the opportunity to be heard in  
14 respect to any objections which they may have to the granting of such  
15 immunity.

16 § 13. Transfer of functions, powers and duties. All functions, powers,  
17 duties and obligations of the former commission on public integrity and  
18 the former office of the state inspector general are hereby trans-  
19 ferred to the commission.

20 § 14. Transfer of employees. (a) Upon transfer of the functions of the  
21 former commission on public integrity and the former office of the state  
22 inspector general to the commission, provisions shall be made for the  
23 transfer to the commission of those employees of such former agencies  
24 who were engaged in carrying out the functions transferred by this act  
25 in accordance with section 70 of the civil service law or, where not  
26 subject to the civil service law, the provisions of such section 70  
27 shall be deemed applicable, except where the context clearly requires  
28 otherwise. Any such employee who, at the time of such transfer, has a  
29 temporary or provisional appointment shall be transferred subject to the  
30 same right of removal, examination or termination as though such trans-  
31 fer had not been made except to the extent such rights are modified by a  
32 collective bargaining agreement. Employees holding permanent appoint-  
33 ments in competitive class positions who are not transferred pursuant to  
34 this section shall have their names entered upon an appropriate  
35 preferred list for reinstatement pursuant to the civil service law.

36 (b) A transferred employee shall remain in the same collective  
37 bargaining unit as was the case prior to his or her transfer; successor  
38 employees to the positions held by such transferred employees shall,  
39 consistent with the provisions of article 14 of the civil service law,  
40 be included in the same unit as their predecessors. Employees other than  
41 management or confidential persons (as defined in article 14 of the  
42 civil service law), serving positions in newly created titles shall be  
43 assigned to the appropriate bargaining unit. Nothing contained in this  
44 section shall be construed to affect:

45 (1) the rights of employees pursuant to a collective bargaining agree-  
46 ment;

47 (2) the representational relationships among employee organizations or  
48 the bargaining relationships between the state and an employee organiza-  
49 tion; or

50 (3) existing law with respect to an application to the public employ-  
51 ment relations board, provided, however, that the merger of such negoti-  
52 ating units of employees shall be effected only with the consent of the  
53 recognized and certified representative of such units and of the depart-  
54 ment of law.

55 § 15. Transfer of records. All books, papers and property of the  
56 former commission on public integrity and the former office of the state

1 inspector general are to be delivered to the commission at such place  
2 and time, and in such manner as the commission shall require.

3 § 16. Continuity of authority. For the purpose of succession to all  
4 functions, powers, duties and obligations of the former commission on  
5 public integrity and the former office of the state inspector general  
6 transferred to and assumed by the commission, such commission shall  
7 continue the operation thereof as if performed by such former agencies.

8 § 17. Completion of unfinished business. Any business or other matter  
9 undertaken or commenced by the former commission on public integrity and  
10 the former office of the state inspector general pertaining to or  
11 connected with the functions, powers, duties and obligations transferred  
12 and assigned to the commission and pending on the effective date of this  
13 section shall be conducted and completed by the commission in the same  
14 manner and under the same terms and conditions and with the same effect  
15 as if conducted and completed by such former agencies.

16 § 18. Continuation of rules and regulations. All rules, regulations,  
17 acts, orders, determinations and decisions of the former commission on  
18 public integrity and the former office of the state inspector general in  
19 force at the time of such transfer and assumption, shall continue in  
20 force and effect as rules, regulations, acts, orders, determinations and  
21 decisions of the commission until duly modified or abrogated.

22 § 19. Terms occurring in laws, contracts and other documents. Whenever  
23 the former commission on public integrity or the former office of the  
24 state inspector general is referred to or designated in any law,  
25 contract or document pertaining to the functions, powers, obligations  
26 and duties transferred and assigned pursuant to this act, such reference  
27 or designation shall be deemed to refer to the commission.

28 § 20. Existing rights and remedies preserved. No existing right or  
29 remedy of any character shall be lost, impaired or affected by reason of  
30 any transfer or assignment pursuant to this act.

31 § 21. Pending actions or proceedings. No action or proceeding pending  
32 upon the effective date of this section relating to the functions,  
33 powers and duties of the former commission on public integrity and the  
34 former office of the state inspector general transferred to the commis-  
35 sion, brought by or against any such former agency, shall be affected by  
36 any provision of this act, but the same may be prosecuted or defended in  
37 the name of the commission. In all such actions and proceedings, the  
38 commission, upon application to the court, shall be substituted as a  
39 party.

40 § 22. Transfer of appropriations heretofore made. Subject to the  
41 approval of the director of the division of the budget, all appropri-  
42 ations and reappropriations heretofore made to the former commission on  
43 public integrity and the former office of the state inspector general  
44 for the purposes and functions transferred pursuant to this act to the  
45 commission, to the extent of remaining unexpended or unencumbered  
46 balance thereof, whether allocated or unallocated, and whether obligated  
47 or unobligated, are hereby transferred to and made available for use and  
48 expenditure by the commission for the same purposes for which originally  
49 appropriated or reappropriated and shall be payable on vouchers certi-  
50 fied or approved by the executive director on audit and warrant of the  
51 comptroller. Payments for liabilities for expenses of personal services,  
52 maintenance and operation heretofore incurred by and for liabilities  
53 incurred and to be incurred in completing the affairs of the former  
54 commission on public integrity and the former office of the state  
55 inspector general with respect to the powers, duties and functions  
56 transferred in this act, shall also be made on vouchers or certificates

1 approved by the executive director on audit and warrant of the comp-  
2 troller.

3 § 23. Transfer of assets and liabilities. All assets and liabilities  
4 of the former commission on public integrity and the former office of  
5 the state inspector general are hereby transferred to and assumed by the  
6 commission.

7 § 24. Actions of the commission. The commission is hereby directed to  
8 immediately take any and all actions necessary to enable it to assume  
9 all powers, duties and functions of the former commission on public  
10 integrity, the former office of the state inspector general and the  
11 former temporary state commission of investigation within ninety days of  
12 the effective date of this act.

13 § 25. Subdivision 5 of section 107 of the civil service law, as  
14 amended by chapter 14 of the laws of 2007, is amended to read as  
15 follows:

16 5. Violation of this section. Complaints alleging a violation of this  
17 section by a statewide elected official or a state officer or employee,  
18 as defined in section seventy-three of the public officers law, may be  
19 directed to the commission on [~~public integrity~~] official conduct.

20 § 26. Section 94 of the executive law is REPEALED.

21 § 27. Subdivision (f) of section 1-c of the legislative law, as  
22 amended by chapter 14 of the laws of 2007, is amended to read as  
23 follows:

24 (f) The term "commission" shall mean the commission on [~~public integ-~~  
25 ~~riety created by section ninety four of the executive law~~] official  
26 conduct.

27 § 28. Subdivision 3 of section 212 of the racing, pari-mutuel wagering  
28 and breeding law, as amended by chapter 18 of the laws of 2008, is  
29 amended to read as follows:

30 3. Such members, except as otherwise provided by law, may engage in  
31 private or public employment, or in a profession or business. The board,  
32 its members, officers and employees shall be subject to the provisions  
33 of sections seventy-three and seventy-four of the public officers law.  
34 No former trustee or officer of a non-profit racing association known as  
35 The New York Racing Association, Inc. or its predecessor, no current  
36 director or officer of a franchised corporation or any individual regis-  
37 tered with the [~~New York~~] commission on [~~public integrity~~] official  
38 conduct shall be appointed as members to the board nor shall any member  
39 of the board have any direct or indirect interest in any racehorse,  
40 thoroughbred racing or pari-mutuel wagering business, video lottery  
41 terminal facility or any development at any racing facility.

42 § 29. Article 4-A of the executive law is REPEALED.

43 § 30. Subdivision 3 of section 63 of the executive law, as amended by  
44 chapter 155 of the laws of 2012, is amended to read as follows:

45 3. Upon request of the governor, comptroller, secretary of state,  
46 commissioner of transportation, superintendent of financial services,  
47 commissioner of taxation and finance, commissioner of motor vehicles, or  
48 the [~~state inspector general~~] commission on official conduct, or the  
49 head of any other department, authority, division or agency of the  
50 state, investigate the alleged commission of any indictable offense or  
51 offenses in violation of the law which the officer making the request is  
52 especially required to execute or in relation to any matters connected  
53 with such department, and to prosecute the person or persons believed to  
54 have committed the same and any crime or offense arising out of such  
55 investigation or prosecution or both, including but not limited to  
56 appearing before and presenting all such matters to a grand jury.

1 § 31. Section 2350-dd of the public authorities law, as added by chap-  
2 ter 762 of the laws of 2005, is amended to read as follows:

3 § 2350-dd. Jurisdiction of [~~state-inspector-general~~] commission on  
4 official conduct. The agency is subject to the jurisdiction of the  
5 [~~office-of-the-state-inspector-general~~] commission on official conduct.

6 § 32. Subdivision 3 of section 2.10 of the criminal procedure law, as  
7 added by chapter 843 of the laws of 1980, is amended to read as follows:

8 3. [~~Investigators~~] The executive director and investigators of the  
9 [~~office-of-the-state~~] commission [~~of investigation~~] on official conduct.

10 § 33. Subdivision 68 of section 2.10 of the criminal procedure law, as  
11 added by chapter 168 of the laws of 2000, is REPEALED.

12 § 34. Subdivision 3 of section 70-a of the executive law, as added by  
13 chapter 1003 of the laws of 1970, is amended to read as follows:

14 3. The deputy attorney general in charge of the organized crime task  
15 force may request and shall receive from the division of state police,  
16 the state department of taxation and finance, the state department of  
17 labor, the [~~temporary-state~~] commission [~~of investigation~~] on official  
18 conduct, and from every department, division, board, bureau, commission  
19 or other agency of the state, or of any political subdivision thereof,  
20 cooperation and assistance in the performance of his duties. Such deputy  
21 attorney general may provide technical and other assistance to any  
22 district attorney or other local law enforcement official requesting  
23 such assistance in the investigation or prosecution of organized crime  
24 cases.

25 § 35. Subdivision 9 of section 835 of the executive law, as separately  
26 amended by chapters 14 and 155 of the laws of 2012, is amended to read  
27 as follows:

28 9. "Qualified agencies" means courts in the unified court system, the  
29 administrative board of the judicial conference, probation departments,  
30 sheriffs' offices, district attorneys' offices, the state department of  
31 corrections and community supervision, the department of correction of  
32 any municipality, the financial frauds and consumer protection unit of  
33 the state department of financial services, the office of professional  
34 medical conduct of the state department of health for the purposes of  
35 section two hundred thirty of the public health law, the child protec-  
36 tive services unit of a local social services district when conducting  
37 an investigation pursuant to subdivision six of section four hundred  
38 twenty-four of the social services law, the office of Medicaid inspector  
39 general, the [~~temporary-state~~] commission [~~of investigation~~] on official  
40 conduct, police forces and departments having responsibility for  
41 enforcement of the general criminal laws of the state, the Onondaga  
42 County Center for Forensic Sciences Laboratory when acting within the  
43 scope of its law enforcement duties and the division of forensic  
44 services of the Nassau county medical examiner's office when acting  
45 within the scope of its law enforcement duties.

46 § 36. Subdivision 8 of section 92 of the public officers law, as  
47 amended by section 135 of subpart B of part C of chapter 62 of the laws  
48 of 2011, is amended to read as follows:

49 (8) Public safety agency record. The term "public safety agency  
50 record" means a record of the state commission of correction, the  
51 [~~temporary-state~~] commission [~~of investigation~~] on official conduct, the  
52 department of corrections and community supervision, the office of chil-  
53 dren and family services, the office of victim services, the office of  
54 probation and correctional alternatives or the division of state police  
55 or of any agency or component thereof whose primary function is the  
56 enforcement of civil or criminal statutes if such record pertains to

1 investigation, law enforcement, confinement of persons in correctional  
2 facilities or supervision of persons pursuant to criminal conviction or  
3 court order, and any records maintained by the division of criminal  
4 justice services pursuant to sections eight hundred thirty-seven, eight  
5 hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred  
6 thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine,  
7 and eight hundred forty-five of the executive law and by the department  
8 of state pursuant to section ninety-nine of the executive law.

9 § 37. Chapter 989 of the laws of 1958, creating a temporary state  
10 commission of investigation, is REPEALED.

11 § 38. Paragraph (b) of subdivision 9 of section 80 of the legislative  
12 law, as added by section 9 of part A of chapter 399 of the laws of 2011,  
13 is amended to read as follows:

14 (b) Not later than forty-five calendar days after receipt from the  
15 [~~joint~~] commission on [~~public ethics~~] official conduct of a written  
16 substantial basis investigation report and any supporting documentation  
17 or other materials regarding a matter before the commission [~~pursuant to~~  
18 ~~subdivision fourteen-a of section ninety-four of the executive law~~],  
19 unless requested by a law enforcement agency to suspend the commission's  
20 action because of an ongoing criminal investigation, the legislative  
21 ethics commission shall make public such report in its entirety;  
22 provided, however, that the commission may withhold such information for  
23 not more than one additional period of the same duration or refer the  
24 matter back to the [~~joint~~] commission on [~~public ethics~~] official  
25 conduct once for additional investigation, in which case the legislative  
26 ethics commission shall, upon the termination of such additional period  
27 or upon receipt of a new report by the [~~joint~~] commission on [~~public~~  
28 ~~ethics~~] official conduct after such additional investigation, make  
29 public the written report and publish it on the commission's website. If  
30 the legislative ethics commission fails to make public the written  
31 report received from the [~~joint~~] commission in accordance with this  
32 paragraph, the [~~joint~~] commission shall release such report publicly  
33 promptly and in any event no later than ten days after the legislative  
34 ethics commission is required to release such report. The legislative  
35 ethics commission shall not refer the matter back to the [~~joint~~] commis-  
36 sion on [~~public ethics~~] official conduct for additional investigation  
37 more than once. If the commission refers the matter back to the [~~joint~~]  
38 commission for additional fact-finding, the [~~joint~~] commission's  
39 original report shall remain confidential.

40 § 39. Subparagraph 1 of paragraph a of subdivision 12 of section 80 of  
41 the legislative law, as amended by section 9 of part A of chapter 399 of  
42 the laws of 2011, is amended to read as follows:

43 (1) the terms of any settlement or compromise of a complaint or refer-  
44 ral or report which includes a fine, penalty or other remedy reached  
45 after the commission has received a report from the [~~joint~~] commission  
46 on [~~public ethics pursuant to subdivision fourteen-a of section ninety-~~  
47 ~~four of the executive law~~] official conduct;

48 § 40. Subparagraphs (ii) and (iii) of paragraph (c) and paragraph  
49 (d-1) of subdivision 1 of section 73-a of the public officers law,  
50 subparagraphs (ii) and (iii) of paragraph (c) as amended and paragraph  
51 (d-1) as added by section 5 of part A of chapter 399 of the laws of  
52 2011, are amended to read as follows:

53 (ii) officers and employees of statewide elected officials, officers  
54 and employees of state departments, boards, bureaus, divisions, commis-  
55 sions, councils or other state agencies, who receive annual compensation  
56 in excess of the filing rate established by paragraph (1) of this subdi-



1 vision or who hold policy-making positions, as annually determined by  
2 the appointing authority and set forth in a written instrument which  
3 shall be filed with the [~~joint~~] commission on [~~public ethics established~~  
4 ~~by section ninety-four of the executive law~~] official conduct during the  
5 month of February, provided, however, that the appointing authority  
6 shall amend such written instrument after such date within thirty days  
7 after the undertaking of policy-making responsibilities by a new employ-  
8 ee or any other employee whose name did not appear on the most recent  
9 written instrument; and

10 (iii) members or directors of public authorities, other than multi-  
11 state authorities, public benefit corporations and commissions at least  
12 one of whose members is appointed by the governor, and employees of such  
13 authorities, corporations and commissions who receive annual compen-  
14 sation in excess of the filing rate established by paragraph (1) of this  
15 subdivision or who hold policy-making positions, as determined annually  
16 by the appointing authority and set forth in a written instrument which  
17 shall be filed with the [~~joint~~] commission on [~~public ethics established~~  
18 ~~by section ninety-four of the executive law~~] official conduct during the  
19 month of February, provided, however, that the appointing authority  
20 shall amend such written instrument after such date within thirty days  
21 after the undertaking of policy-making responsibilities by a new employ-  
22 ee or any other employee whose name did not appear on the most recent  
23 written instrument.

24 (d-1) A financial disclosure statement required pursuant to section  
25 seventy-three of this article and this section shall be deemed "filed"  
26 with the [~~joint~~] commission on [~~public ethics~~] official conduct upon its  
27 filing, in accordance with this section, with the legislative ethics  
28 commission for all purposes including, but not limited to, [~~subdivision~~  
29 ~~fourteen of section ninety-four of the executive law,~~] subdivision nine  
30 of section eighty of the legislative law and subdivision four of this  
31 section.

32 § 41. Subparagraph (ii) of paragraph (a) and paragraph (c) of subdivi-  
33 sion 2 of section 73-a of the public officers law, as amended by section  
34 5 of part A of chapter 399 of the laws of 2011, are amended to read as  
35 follows:

36 (ii) a person who is required to file an annual financial disclosure  
37 statement with the [~~joint~~] commission on [~~public ethics~~] official  
38 conduct, and who is granted an additional period of time within which to  
39 file such statement due to justifiable cause or undue hardship[, ~~in~~  
40 ~~accordance with required rules and regulations on the subject adopted~~  
41 ~~pursuant to paragraph c of subdivision nine of section ninety-four of~~  
42 ~~the executive law~~] shall file such statement within the additional peri-  
43 od of time granted; and the legislative ethics commission shall notify  
44 the [~~joint~~] commission on [~~public ethics~~] official conduct of any exten-  
45 sion granted pursuant to this paragraph;

46 (c) If the reporting individual is a senator or member of assembly,  
47 candidate for the senate or member of assembly or a legislative employ-  
48 ee, such statement shall be filed with both the legislative ethics  
49 commission established by section eighty of the legislative law and the  
50 [~~joint~~] commission on [~~public ethics~~] official conduct in accordance  
51 with paragraph (d-1) of subdivision one of this section. If the report-  
52 ing individual is a statewide elected official, candidate for statewide  
53 elected office, a state officer or employee or a political party chair-  
54 man, such statement shall be filed with the [~~joint~~] commission on  
55 [~~public ethics established by section ninety-four of the executive law~~]  
56 official conduct.

1 § 42. Paragraph 8 of subdivision 3 and subdivision 4 of section 73-a  
2 of the public officers law, paragraph 8 of subdivision 3 as amended by  
3 section 6 of part K of chapter 286 of the laws of 2016 and subdivision 4  
4 as amended by section 5 of part A of chapter 399 of the laws of 2011,  
5 are amended to read as follows:

6 8. (a) If the reporting individual practices law, is licensed by the  
7 department of state as a real estate broker or agent or practices a  
8 profession licensed by the department of education, or works as a member  
9 or employee of a firm required to register pursuant to section one-e of  
10 the legislative law as a lobbyist, describe the services rendered for  
11 which compensation was paid including a general description of the prin-  
12 cipal subject areas of matters undertaken by such individual and princi-  
13 pal duties performed. Specifically state whether the reporting individ-  
14 ual provides services directly to clients. Additionally, if such an  
15 individual practices with a firm or corporation and is a partner or  
16 shareholder of the firm or corporation, give a general description of  
17 principal subject areas of matters undertaken by such firm or corpo-  
18 ration.

19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_

24 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
25 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
26 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING  
27 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON  
28 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER  
29 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

30 If the reporting individual personally provides services to any person  
31 or entity, or works as a member or employee of a partnership or corpo-  
32 ration that provides such services (referred to hereinafter as a  
33 "firm"), then identify each client or customer to whom the reporting  
34 individual personally provided services, or who was referred to the firm  
35 by the reporting individual, and from whom the reporting individual or  
36 his or her firm earned fees in excess of \$10,000 during the reporting  
37 period for such services rendered in direct connection with:

- 38 (i) A contract in an amount totaling \$50,000 or more from the state or  
39 any state agency for services, materials, or property;
- 40 (ii) A grant of \$25,000 or more from the state or any state agency  
41 during the reporting period;
- 42 (iii) A grant obtained through a legislative initiative during the  
43 reporting period; or
- 44 (iv) A case, proceeding, application or other matter that is not a  
45 ministerial matter before a state agency during the reporting period.

46 For purposes of this question, "referred to the firm" shall mean:  
47 having intentionally and knowingly taken a specific act or series of  
48 acts to intentionally procure for the reporting individual's firm or  
49 knowingly solicit or direct to the reporting individual's firm in whole  
50 or substantial part, a person or entity that becomes a client of that  
51 firm for the purposes of representation for a matter as defined in  
52 subparagraphs (i) through (iv) of this paragraph, as the result of such  
53 procurement, solicitation or direction of the reporting individual. A  
54 reporting individual need not disclose activities performed while

1 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-  
2 sion seven of section seventy-three of this article.

3 The disclosure requirement in this question shall not require disclo-  
4 sure of clients or customers receiving medical or dental services,  
5 mental health services, residential real estate brokering services, or  
6 insurance brokering services from the reporting individual or his or her  
7 firm. The reporting individual need not identify any client to whom he  
8 or she or his or her firm provided legal representation with respect to  
9 investigation or prosecution by law enforcement authorities, bankruptcy,  
10 or domestic relations matters. With respect to clients represented in  
11 other matters, where disclosure of a client's identity is likely to  
12 cause harm, the reporting individual shall request an exemption from the  
13 [~~joint~~] commission [~~pursuant to paragraph (i-1) of subdivision nine of~~  
14 ~~section ninety-four of the executive law~~] on official misconduct,  
15 provided, however, that a reporting individual who first enters public  
16 office after July first, two thousand twelve, need not report clients or  
17 customers with respect to matters for which the reporting individual or  
18 his or her firm was retained prior to entering public office.

19 Client Nature of Services Provided

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21	
22	
23	
24	

25 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
26 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
27 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
28 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
29 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
30 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

31 If the reporting individual receives income from employment reportable  
32 in question 8(a) and personally provides services to any person or enti-  
33 ty, or works as a member or employee of a partnership or corporation  
34 that provides such services (referred to hereinafter as a "firm"), the  
35 reporting individual shall identify each client or customer to whom the  
36 reporting individual personally provided services, or who was referred  
37 to the firm by the reporting individual, and from whom the reporting  
38 individual or his or her firm earned fees in excess of \$10,000 during  
39 the reporting period in direct connection with:

- 40 (i) A contract in an amount totaling \$10,000 or more from the state or
- 41 any state agency for services, materials, or property;
- 42 (ii) A grant of \$10,000 or more from the state or any state agency
- 43 during the reporting period;
- 44 (iii) A grant obtained through a legislative initiative during the
- 45 reporting period; or
- 46 (iv) A case, proceeding, application or other matter that is not a
- 47 ministerial matter before a state agency during the reporting period.

48 For such services rendered by the reporting individual directly to  
49 each such client, describe each matter that was the subject of such  
50 representation, the services actually provided and the payment received.  
51 For payments received from clients referred to the firm by the reporting  
52 individual, if the reporting individual directly received a referral fee  
53 or fees for such referral, identify the client and the payment so  
54 received.

1 For purposes of this question, "referred to the firm" shall mean:  
 2 having intentionally and knowingly taken a specific act or series of  
 3 acts to intentionally procure for the reporting individual's firm or  
 4 having knowingly solicited or directed to the reporting individual's  
 5 firm in whole or substantial part, a person or entity that becomes a  
 6 client of that firm for the purposes of representation for a matter as  
 7 defined in clauses (i) through (iv) of this subparagraph, as the result  
 8 of such procurement, solicitation or direction of the reporting individ-  
 9 ual. A reporting individual need not disclose activities performed while  
 10 lawfully acting in his or her capacity as provided in paragraphs (c),  
 11 (d), (e) and (f) of subdivision seven of section seventy-three of this  
 12 article.

13	Client	Matter	Nature of Services Provided	Category of Amount (in Table I)
14				
15				
16				
17				
18				
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20				

21 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES  
 22 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR  
 23 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
 24 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
 25 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN  
 26 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

27 (i) With respect to reporting individuals who receive ten thousand  
 28 dollars or more from employment or activity reportable under question  
 29 8(a), for each client or customer NOT otherwise disclosed or exempted in  
 30 question 8 or 13, disclose the name of each client or customer known to  
 31 the reporting individual to whom the reporting individual provided  
 32 services: (A) who paid the reporting individual in excess of five thou-  
 33 sand dollars for such services; or (B) who had been billed with the  
 34 knowledge of the reporting individual in excess of five thousand dollars  
 35 by the firm or other entity named in question 8(a) for the reporting  
 36 individual's services.

37	Client	Services Actually Provided	Category of Amount (in Table I)
38			

39 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF  
 40 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 41 \* REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 42 \* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 43 \* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 44 \* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS
- 45 OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 46 \* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
- 47 NAME);

- 1 \* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
- 2 REPRESENTATION OR CONSULTATION;
- 3 \* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 4 \* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
- 5 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 6 \* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).
- 7 (ii) With respect to reporting individuals who disclosed in question
- 8 8(a) that the reporting individual did not provide services to a client
- 9 but provided services to a firm or business, identify the category of
- 10 amount received for providing such services and describe the services
- 11 rendered.
- 12 Services Actually Provided Category of Amount (Table I)

13 A reporting individual need not disclose activities performed while  
 14 lawfully acting in his or her capacity as provided in paragraphs (c),  
 15 (d), (e) and (f) of subdivision seven of section seventy-three of this  
 16 article.

17 The disclosure requirement in questions (b-1) and (b-2) shall not  
 18 require disclosing clients or customers receiving medical, pharmaceu-  
 19 tical or dental services, mental health services, or residential real  
 20 estate brokering services from the reporting individual or his or her  
 21 firm or if federal law prohibits or limits disclosure. The reporting  
 22 individual need not identify any client to whom he or she or his or her  
 23 firm provided legal representation with respect to investigation or  
 24 prosecution by law enforcement authorities, bankruptcy, family court,  
 25 estate planning, or domestic relations matters, nor shall the reporting  
 26 individual identify individuals represented pursuant to an insurance  
 27 policy but the reporting individual shall in such circumstances only  
 28 report the entity that provides compensation to the reporting individ-  
 29 ual; with respect to matters in which the client's name is required by  
 30 law to be kept confidential (such as matters governed by the family  
 31 court act) or in matters in which the reporting individual represents or  
 32 provides services to minors, the client's name may be replaced with  
 33 initials. To the extent that the reporting individual, or his or her  
 34 firm, provided legal representation with respect to an initial public  
 35 offering, and professional disciplinary rules, federal law or regu-  
 36 lations restrict the disclosure of information relating to such work,  
 37 the reporting individual shall (i) disclose the identity of the client  
 38 and the services provided relating to the initial public offering to the  
 39 office of court administration, who will maintain such information  
 40 confidentially in a locked box; and (ii) include in his or her response  
 41 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-  
 42 sure to the office of court administration has been made. Upon such time  
 43 that the disclosure of information maintained in the locked box is no  
 44 longer restricted by professional disciplinary rules, federal law or  
 45 regulation, the reporting individual shall disclose such information in  
 46 an amended disclosure statement in response to the disclosure require-  
 47 ments in questions (b-1) and (b-2). The office of court administration  
 48 shall develop and maintain a secure portal through which information  
 49 submitted to it pursuant to this paragraph can be safely and confiden-  
 50 tially stored. With respect to clients represented in other matters not  
 51 otherwise exempt, the reporting individual may request an exemption to  
 52 publicly disclosing the name of that client from the [joint] commission  
 53 [~~pursuant to paragraph (i-1) of subdivision nine of section ninety-four~~]

1 ~~of the executive law~~ on official misconduct, or from the office of  
2 court administration. In such application, the reporting individual  
3 shall state the following: "My client is not currently receiving my  
4 services or seeking my services in connection with:

5 (i) A proposed bill or resolution in the senate or assembly during the  
6 reporting period;

7 (ii) A contract in an amount totaling \$10,000 or more from the state  
8 or any state agency for services, materials, or property;

9 (iii) A grant of \$10,000 or more from the state or any state agency  
10 during the reporting period;

11 (iv) A grant obtained through a legislative initiative during the  
12 reporting period; or

13 (v) A case, proceeding, application or other matter that is not a  
14 ministerial matter before a state agency during the reporting period."

15 In reviewing the request for an exemption, the joint commission or the  
16 office of court administration may consult with bar or other profes-  
17 sional associations and the legislative ethics commission for individ-  
18 uals subject to its jurisdiction and may consider the rules of profes-  
19 sional conduct. In making its determination, the joint commission or the  
20 office of court administration shall conduct its own inquiry and shall  
21 consider factors including, but not limited to: (i) the nature and the  
22 size of the client; (ii) whether the client has any business before the  
23 state; and if so, how significant the business is; and whether the  
24 client has any particularized interest in pending legislation and if so  
25 how significant the interest is; (iii) whether disclosure may reveal  
26 trade secrets; (iv) whether disclosure could reasonably result in retal-  
27 iation against the client; (v) whether disclosure may cause undue harm  
28 to the client; (vi) whether disclosure may result in undue harm to the  
29 attorney-client relationship; and (vii) whether disclosure may result in  
30 an unnecessary invasion of privacy to the client.

31 The joint commission or, as the case may be, the office of court  
32 administration shall promptly make a final determination in response to  
33 such request, which shall include an explanation for its determination.  
34 The office of court administration shall issue its final determination  
35 within three days of receiving the request. Notwithstanding any other  
36 provision of law or any professional disciplinary rule to the contrary,  
37 the disclosure of the identity of any client or customer in response to  
38 this question shall not constitute professional misconduct or a ground  
39 for disciplinary action of any kind, or form the basis for any civil or  
40 criminal cause of action or proceeding. A reporting individual who first  
41 enters public office after January first, two thousand sixteen, need not  
42 report clients or customers with respect to matters for which the  
43 reporting individual or his or her firm was retained prior to entering  
44 public office.

45 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE  
46 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR  
47 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE  
48 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-  
49 SAND FIFTEEN:

50 If the reporting individual receives income of ten thousand dollars or  
51 greater from any employment or activity reportable under question 8(a),  
52 identify each registered lobbyist who has directly referred to such  
53 individual a client who was successfully referred to the reporting indi-  
54 vidual's business and from whom the reporting individual or firm  
55 received a fee for services in excess of five thousand dollars. Report  
56 only those referrals that were made to a reporting individual by direct

1 communication from a person known to such reporting individual to be a  
2 registered lobbyist at the time the referral is made. With respect to  
3 each such referral, the reporting individual shall identify the client,  
4 the registered lobbyist who has made the referral, the category of value  
5 of the compensation received and a general description of the type of  
6 matter so referred. A reporting individual need not disclose activities  
7 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and  
8 (f) of subdivision seven of section seventy-three of this article. The  
9 disclosure requirements in this question shall not require disclosing  
10 clients or customers receiving medical, pharmaceutical or dental  
11 services, mental health services, or residential real estate brokering  
12 services from the reporting individual or his or her firm or if federal  
13 law prohibits or limits disclosure. The reporting individual need not  
14 identify any client to whom he or she or his or her firm provided legal  
15 representation with respect to investigation or prosecution by law  
16 enforcement authorities, bankruptcy, family court, estate planning, or  
17 domestic relations matters, nor shall the reporting individual identify  
18 individuals represented pursuant to an insurance policy but the report-  
19 ing individual shall in such circumstances only report the entity that  
20 provides compensation to the reporting individual; with respect to  
21 matters in which the client's name is required by law to be kept confi-  
22 dential (such as matters governed by the family court act) or in matters  
23 in which the reporting individual represents or provides services to  
24 minors, the client's name may be replaced with initials. To the extent  
25 that the reporting individual, or his or her firm, provided legal repre-  
26 sentation with respect to an initial public offering, and federal law or  
27 regulations restricts the disclosure of information relating to such  
28 work, the reporting individual shall (i) disclose the identity of the  
29 client and the services provided relating to the initial public offering  
30 to the office of court administration, who will maintain such informa-  
31 tion confidentially in a locked box; and (ii) include in his or her  
32 response a statement that pursuant to this paragraph, a disclosure to  
33 the office of court administration has been made. Upon such time that  
34 the disclosure of information maintained in the locked box is no longer  
35 restricted by federal law or regulation, the reporting individual shall  
36 disclose such information in an amended disclosure statement in response  
37 to the disclosure requirements of this paragraph. The office of court  
38 administration shall develop and maintain a secure portal through which  
39 information submitted to it pursuant to this paragraph can be safely and  
40 confidentially stored. With respect to clients represented in other  
41 matters not otherwise exempt, the reporting individual may request an  
42 exemption to publicly disclosing the name of that client from the  
43 [~~joint~~] commission [~~pursuant to paragraph (i-1) of subdivision nine of~~  
44 ~~section ninety-four of the executive law~~] on official misconduct, or  
45 from the office of court administration. In such application, the  
46 reporting individual shall state the following: "My client is not  
47 currently receiving my services or seeking my services in connection  
48 with:

- 49 (i) A proposed bill or resolution in the senate or assembly during the  
50 reporting period;
- 51 (ii) A contract in an amount totaling \$10,000 or more from the state  
52 or any state agency for services, materials, or property;
- 53 (iii) A grant of \$10,000 or more from the state or any state agency  
54 during the reporting period;
- 55 (iv) A grant obtained through a legislative initiative during the  
56 reporting period; or



(v) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period."

In reviewing the request for an exemption, the joint commission or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the joint commission or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

The joint commission or, as the case may be, the office of court administration shall promptly make a final determination in response to such request, which shall include an explanation for its determination. The office of court administration shall issue its final determination within three days of receiving the request. Notwithstanding any other provision of law or any professional disciplinary rule to the contrary, the disclosure of the identity of any client or customer in response to this question shall not constitute professional misconduct or a ground for disciplinary action of any kind, or form the basis for any civil or criminal cause of action or proceeding. A reporting individual who first enters public office after December thirty-first, two thousand fifteen, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Name of Lobbyist	Description of Matter	Category of Amount (in Table 1)
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(d) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars. Assessment of a civil penalty hereunder shall be made by the [joint] commission on [public ethics] official conduct or by the legislative ethics commission, as the case may be, with respect to persons subject to their respective jurisdictions. The [joint] commission on [public ethics acting pursuant to subdivision fourteen of section ninety four of the



1 ~~executive law~~] official conduct or the legislative ethics commission  
2 acting pursuant to subdivision eleven of section eighty of the legisla-  
3 tive law, as the case may be, may, in lieu of or in addition to a civil  
4 penalty, refer a violation to the appropriate prosecutor and upon such  
5 conviction, but only after such referral, such violation shall be  
6 punishable as a class A misdemeanor. A civil penalty for false filing  
7 may not be imposed hereunder in the event a category of "value" or  
8 "amount" reported hereunder is incorrect unless such reported informa-  
9 tion is falsely understated. Notwithstanding any other provision of law  
10 to the contrary, no other penalty, civil or criminal may be imposed for  
11 a failure to file, or for a false filing, of such statement, except that  
12 the appointing authority may impose disciplinary action as otherwise  
13 provided by law. The [~~joint~~] commission on [~~public ethics~~] official  
14 conduct and the legislative ethics commission shall each be deemed to be  
15 an agency within the meaning of article three of the state administra-  
16 tive procedure act and shall adopt rules governing the conduct of adju-  
17 dicatory proceedings and appeals relating to the assessment of the civil  
18 penalties herein authorized. Such rules, which shall not be subject to  
19 the approval requirements of the state administrative procedure act,  
20 shall provide for due process procedural mechanisms substantially simi-  
21 lar to those set forth in such article three but such mechanisms need  
22 not be identical in terms or scope. Assessment of a civil penalty shall  
23 be final unless modified, suspended or vacated within thirty days of  
24 imposition and upon becoming final shall be subject to review at the  
25 instance of the affected reporting individual in a proceeding commenced  
26 against the [~~joint~~] commission on [~~public ethics~~] official conduct or  
27 the legislative ethics commission, pursuant to article seventy-eight of  
28 the civil practice law and rules.

29 § 43. The opening paragraph of section 1-d of the legislative law, as  
30 amended by chapter 14 of the laws of 2007, is amended to read as  
31 follows:

32 In addition to any other powers and duties [~~provided by section nine-~~  
33 ~~ty-four of the executive law,~~] the commission shall, with respect to its  
34 lobbying-related functions only, have the power and duty to:

35 § 44. Subdivision 3 of section 2986 of the public authorities law, as  
36 added by chapter 506 of the laws of 2009, is amended to read as follows:

37 3. Any communications between an employee and the authorities budget  
38 office pursuant to this section shall be held strictly confidential by  
39 the authorities budget office, unless the employee specifically waives  
40 in writing the right to confidentiality, except that such confidentiali-  
41 ty shall not exempt the authorities budget office from disclosing such  
42 information, where appropriate, to the commission on official conduct  
43 [~~state inspector general in accordance with section fifty-five of the~~  
44 ~~executive law,~~] or prevent disclosure to any law enforcement authority.

45 § 45. This act shall take effect on the first of January next succeed-  
46 ing the date on which it shall have become a law; provided that sections  
47 six through twenty-three and sections twenty-five through thirty-seven  
48 of this act shall take effect on the first of April next succeeding the  
49 date on which it shall have become a law; and provided further that the  
50 amendments to subdivision 3 of section 212 of the racing, pari-mutuel  
51 wagering and breeding law made by section twenty-eight of this act shall  
52 not affect the repeal of such section and shall be deemed repealed ther-  
53 ewith.

1 Section 1. The election law is amended by adding a new section 14-131  
2 to read as follows:

3 § 14-131. Contribution funds; forfeiture after criminal conviction. 1.  
4 All contributions received by an elected candidate for public office or  
5 an elected official, who is charged with a felony where such felony was  
6 directly related to his or her service as an elected official, or offi-  
7 cer of the state or of a civil division thereof, shall be subject to  
8 immediate audit and any unspent contributions shall be subject to  
9 forfeiture proceedings upon conviction or resignation of such elected  
10 candidate.

11 2. The attorney general, or district attorney of the county wherein  
12 the election occurred, shall have standing to initiate a forfeiture  
13 proceeding brought pursuant to article sixteen of this chapter. To the  
14 extent possible, this special proceeding shall be governed by the proce-  
15 dures of article thirteen-A of the civil practice law and rules shall  
16 govern the proceedings and actions under this section.

17 3. The comptroller shall receive any forfeited unspent contributions  
18 and, to the extent practicable, return such funds to the private source  
19 of such funds, as long as the private source of such funds is located  
20 within the district that is represented by the elected candidate for  
21 public office or elected official or statewide for governor, comp-  
22 troller, and attorney general. If the comptroller fails to locate the  
23 private source of such funds, or if the private source of such funds  
24 resides outside of the election district that is represented by the  
25 elected candidate for public office or elected official or statewide for  
26 governor, comptroller, and attorney general, the unspent contributions  
27 shall be donated to a charitable organization that is, to the extent  
28 practicable, located in the election district that is represented by the  
29 elected candidate for public office or elected official or statewide for  
30 governor, comptroller, and attorney general. Any forfeited unspent  
31 contributions shall be returned to the private source of such funds, or  
32 donated to a charitable organization, within one hundred eighty days of  
33 the receipt of such funds by the comptroller.

34 4. For the purposes of this section, "charitable organization" shall  
35 mean any non-profit corporation organized for bona fide charitable or  
36 philanthropic purposes.

37 5. The comptroller shall provide the governor and the legislature with  
38 a list of charitable organizations that are eligible to receive  
39 donations pursuant to this section. Charitable organizations on such  
40 list may be deemed ineligible to receive donations pursuant to this  
41 section by the governor, the temporary president of the senate, the  
42 speaker of the assembly, the minority leader of the senate or the minor-  
43 ity leader of the assembly.

44 § 2. The election law is amended by adding a new section 16-111 to  
45 read as follows:

46 § 16-111. Proceedings as to forfeiture of funds. The attorney general  
47 or the district attorney may bring a special proceeding seeking to seize  
48 and cause to be forfeited the funds of a designated campaign account as  
49 outlined in section 14-131 of this chapter. Upon a showing of indictment  
50 or criminal arraignment, an action may be instituted pursuant to this  
51 section which will allow for the freezing of said designated campaign  
52 account.

53 § 3. This act shall take effect immediately.

1 Section 1. The penal law is amended by adding a new article 201 to  
2 read as follows:

3 ARTICLE 201

4 FAILURE TO REPORT CORRUPTION

5 Section 201.00 Failure to report corruption.

6 § 201.00 Failure to report corruption.

7 1. A public servant is guilty of failure to report corruption when:

8 (a) A public servant knows that another person or public servant is  
9 guilty of official misconduct pursuant to article one hundred ninety-  
10 five of this title; is guilty of bribery or bribe receiving pursuant to  
11 article two hundred of this title; or is guilty of a crime of corrupting  
12 the government pursuant to article four hundred ninety-six of this  
13 title; and

14 (b) Such public servant does not, as soon as reasonably practicable,  
15 report such crime to a district attorney or to the Commission on Offi-  
16 cial Misconduct.

17 2. Any public servant who makes a report pursuant to this section  
18 shall not be subject to dismissal, discipline or other personnel action  
19 as a result of making such report.

20 Failure to report corruption is a class A misdemeanor.

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

23 PART E

24 Section 1. Section 14-130 of the election law is REPEALED and a new  
25 section 14-130 is added to read as follows:

26 § 14-130. Campaign funds for personal use. 1. Contributions received  
27 by a candidate or a political committee may be expended for any lawful  
28 purpose that is directly related to promoting the nomination or election  
29 of a candidate. Such funds shall not be converted by any person to a  
30 personal use.

31 2. (a) As used in this section, expenditures for "personal use" are  
32 defined as expenditures that:

33 (i) are for the personal benefit of the candidate or any other indi-  
34 vidual;

35 (ii) defray normal living expenses of the candidate, immediate family  
36 of the candidate, or any other individual;

37 (iii) are used to fulfill any commitment, obligation, or expense of a  
38 person that would exist irrespective of the candidate's election  
39 campaign;

40 (iv) are put to any use for which the candidate would be required to  
41 treat the amount of the expenditure as gross income under section  
42 sixty-one of the Internal Revenue Code, or any subsequent corresponding  
43 section of the Internal Revenue Code of the United States.

44 (b) Expenditures for personal use shall include, but are not limited  
45 to, expenses for the following that are not related to campaign purposes  
46 or activities:

47 (i) criminal attorney or legal fees;

48 (ii) food;

49 (iii) salary payments to a person or a family member;

50 (iv) automobile purchases or leases;

51 (v) travel and mileage;

52 (vi) residential or household items;

53 (vii) mortgage, rent, or utility payments;

54 (viii) funeral, cremation, or burial;

- 1 (ix) clothing;
- 2 (x) tuition payments;
- 3 (xi) childcare;
- 4 (xii) dues, fees, or gratuities at a country club, health club,
- 5 fraternal organization or professional organization or recreational
- 6 facility;
- 7 (xiii) admission to a sporting event, concert, theater, or other form
- 8 of entertainment;
- 9 (xiv) payment of any fines, fees, or penalties; and
- 10 (xv) any other expenditure designated by the Commission on Official
- 11 Conduct as constituting personal use.

12 § 2. This act shall take effect on the first of January next succeed-  
 13 ing the date on which it shall have become a law.

14 PART F

15 Section 1. Section 14-126 of the election law, as amended by section 6  
 16 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1  
 17 as separately amended by section 1 of subpart B of part H of chapter 55  
 18 of the laws of 2014 and subdivision 3-a as added by section 11 of part A  
 19 of chapter 286 of the laws of 2016, is amended to read as follows:

20 § 14-126. Violations; penalties. 1. (a) Any person who fails to file a  
 21 statement required to be filed by this article shall be subject to a  
 22 civil penalty, not in excess of one thousand dollars, to be recoverable  
 23 in a special proceeding or civil action to be brought by the chief  
 24 enforcement counsel pursuant to section 16-114 of this chapter or by the  
 25 Commission on Official Conduct. Any person who, three or more times  
 26 within a given election cycle for such term of office, fails to file a  
 27 statement or statements required to be filed by this article, shall be  
 28 subject to a civil penalty, not in excess of ten thousand dollars, to be  
 29 recoverable as provided for in this subdivision.

30 (b) All payments received by the state board of elections pursuant to  
 31 this section shall be retained in the appropriate accounts as designated  
 32 by the division of the budget for enforcement activities by the board of  
 33 elections.

34 2. Any person who, acting as or on behalf of a candidate or political  
 35 committee, under circumstances evincing an intent to violate such law,  
 36 unlawfully accepts a contribution in excess of a contribution limitation  
 37 established in this article, shall be required to refund such excess  
 38 amount and shall be subject to a civil penalty equal to the excess  
 39 amount plus a fine of up to ten thousand dollars, to be recoverable in a  
 40 special proceeding or civil action to be brought by the state board of  
 41 elections chief enforcement counsel.

42 3. Any person who falsely identifies or knowingly fails to identify  
 43 any independent expenditure as required by subdivision two of section  
 44 14-107 of this article shall be subject to a civil penalty up to one  
 45 thousand dollars or up to the cost of the communication, whichever is  
 46 greater, in a special proceeding or civil action brought by the state  
 47 board of elections chief enforcement counsel or imposed directly by the  
 48 state board of elections. For purposes of this subdivision, the term  
 49 "person" shall mean a person, group of persons, corporation, unincorpo-  
 50 rated business entity, labor organization or business, trade or profes-  
 51 sional association or organization or political committee.

52 3-a. Any person who, acting as or on behalf of an independent expendi-  
 53 ture committee or a political action committee, knowingly and willfully  
 54 violates the provisions of section 14-107-a of this article shall be

1 subject to a civil penalty, up to one thousand dollars or up to the cost  
2 of the communication, whichever is greater, to be recoverable in a  
3 special proceeding or civil action to be brought by the state board of  
4 elections.

5 4. (a) Any person who knowingly and willfully fails to file a state-  
6 ment required to be filed by this article within ten days after the date  
7 provided for filing such statement or any person who knowingly and will-  
8 fully violates any other provision of this article shall be guilty of a  
9 misdemeanor.

10 (b) Any candidate or person acting as or on behalf of a candidate or  
11 political committee who knowingly and willfully fails to file a state-  
12 ment required to be filed by this article within thirty days after the  
13 date provided for filing such statement, unless granted an extension by  
14 the state board of elections or other board of elections, shall be  
15 subject to a civil penalty of one thousand dollars for the first offense  
16 and two thousand five hundred dollars for the second offense and every  
17 offense committed thereafter to be recoverable in a special proceeding  
18 or civil action to be brought by the Commission on Official Conduct.  
19 Candidates shall be placed on notice by the board of elections, and will  
20 be liable for any criminal or civil penalties for the treasurer's fail-  
21 ure to file required disclosure reports.

22 5. Any person who knowingly and willfully contributes, accepts or aids  
23 or participates in the acceptance of a contribution in an amount exceed-  
24 ing an applicable maximum specified in this article shall be guilty of a  
25 class A misdemeanor.

26 6. Any person who shall, acting on behalf of a candidate or political  
27 committee, knowingly and willfully solicit, organize or coordinate the  
28 formation of activities of one or more unauthorized committees, make  
29 expenditures in connection with the nomination for election or election  
30 of any candidate, or solicit any person to make any such expenditures,  
31 for the purpose of evading the contribution limitations of this article,  
32 shall be guilty of a class E felony.

33 § 2. This act shall take effect immediately.

34 PART G

35 Section 1. The legislative law is amended by adding a new section 5-b  
36 to read as follows:

37 § 5-b. Limits on time a legislator may serve as a legislative leader.  
38 No member of the legislature may be elected to serve more than four  
39 consecutive two year terms as the temporary president of the senate,  
40 minority leader of the senate, speaker of the assembly, minority leader  
41 of the assembly or the chairperson of any senate or assembly committee.

42 § 2. This act shall take effect on the first of January next succeed-  
43 ing the date on which it shall have become a law.

44 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
45 sion, section or part of this act shall be adjudged by any court of  
46 competent jurisdiction to be invalid, such judgment shall not affect,  
47 impair, or invalidate the remainder thereof, but shall be confined in  
48 its operation to the clause, sentence, paragraph, subdivision, section  
49 or part thereof directly involved in the controversy in which such judg-  
50 ment shall have been rendered. It is hereby declared to be the intent of  
51 the legislature that this act would have been enacted even if such  
52 invalid provisions had not been included herein.

1 § 4. This act shall take effect immediately; provided, however, that  
2 the applicable effective dates of Parts A through G of this act shall be  
3 as specifically set forth in the last section of such Parts.