STATE OF NEW YORK

2975

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the eligibility of individuals appointed to JCOPE

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

Section 1. Subdivision 2 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

2. The members of the commission shall be appointed as follows: three members shall be appointed by the temporary president of the senate, three members shall be appointed by the speaker of the assembly, one member shall be appointed by the minority leader of the senate, one member shall be appointed by the minority leader of the assembly, and six members shall be appointed by the governor and the lieutenant governor. In the event that a vacancy arises with respect to a member of the commission first appointed pursuant to the chapter of the laws of two thousand eleven which amended this subdivision by a legislative leader, the legislative leaders of the same political party in the same house shall appoint a member to fill such vacancy irrespective of whether that legislative leader's political party is in the majority or minority. Of the members appointed by the governor and the lieutenant governor, at least three members shall be and shall have been for at least three years enrolled members of the major political party in which the governor is not enrolled. In the event of a vacancy in a position previously appointed by the governor and lieutenant governor, the governor and lieutenant governor shall appoint a member of the same political party as the member that vacated that position. Prior to making their respective appointments, the governor and the lieutenant governor and the legislative leaders shall solicit and receive recommendations for appointees from the attorney general and the comptroller of the state of

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

LBD01769-01-7

New York, which recommendations shall be fully and properly considered but shall not be binding.

No individual shall be eligible for appointment as a member of the commission who currently or within the last [~~three~~] **ten** years:

(i) is or has been registered as a lobbyist in New York state;

(ii) is or has been a member of the New York state legislature**, is** or [~~a statewide~~] **has been an** elected official **of any capacity** or a commissioner of an executive agency appointed by the governor; or

(iii) is or has been a political party chairman, as defined in paragraph (k) of subdivision one of section seventy-three of this article.

No individual shall be eligible for appointment as a member of the commission who currently or within the last [~~year~~] **ten years** is or has been a state officer or employee or legislative employee as defined in section seventy-three of the public officers law.

§ 2. This act shall take effect immediately.