

STATE OF NEW YORK

5864

2017-2018 Regular Sessions

IN ASSEMBLY

February 16, 2017

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

20	
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				
19				
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.