

STATE OF NEW YORK

3945

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. KOLB, ASHBY, BARCLAY, BLANKENBUSH, BRABENEC, BYRNE, CROUCH, DiPIETRO, FINCH, FITZPATRICK, FRIEND, GARBARINO, GIGLIO, GOODELL, HAWLEY, JOHNS, LALOR, LAWRENCE, MALLIOTAKIS, McDONOUGH, MIKULIN, B. MILLER, M. L. MILLER, MONTESANO, MORINELLO, NORRIS, PALMESANO, PALUMBO, RA, RAIA, SMITH, STEC, TAGUE, WALSH -- 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 joint commission on public ethics, 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 joint commission on public ethics; 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 statements (Part F); and to amend the legislative law, in relation to

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

LBD06132-01-9

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".

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.

18

PART A

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

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

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

33 (b) for personal service appropriations, separate appropriations shall
34 be made for regular personal service, temporary personal service, and
35 holiday and overtime pay;

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

39 (d) at the request or discretion of the governor or a member of the
40 legislature, such appropriation shall include the name of the governor
41 or member of the legislature.

42 ~~5. [Any appropriation added pursuant to section four of article seven~~
43 ~~of the constitution without designating a grantee shall be allocated~~
44 ~~only pursuant to a plan setting forth an itemized list of grantees with~~
45 ~~the amount to be received by each, or the methodology for allocating~~
46 ~~such appropriation. Such plan shall be subject to the approval of the~~
47 ~~chair of the senate finance committee, the chair of the assembly ways~~

~~1 and means committee, and the director of the budget, and thereafter~~
~~2 shall be included in a concurrent resolution calling for the expenditure~~
~~3 of such monies, which resolution must be approved by a majority vote of~~
~~4 all members elected to each house upon a roll call vote.] Any appropri-~~
5 ation submitted by the governor or added to such budget bills, pursuant
6 to section four of article seven of the constitution, shall be subject
7 to the following:

8 (a) the governor or member of the legislature requesting such appro-
9 riation shall be required to submit a signed conflict of interest form
10 and submit such form to the attorney general to ensure that no conflict
11 of interest exists; the attorney general shall designate the form and
12 content of the conflict of interest form. The governor or member of the
13 legislature shall disclose on the conflict of interest form all politi-
14 cal donations he or she is receiving or has received in the past from
15 the intended recipient of the appropriation funding. Such a conflict of
16 interest form shall be signed by the governor or member of the legisla-
17 ture under penalty of perjury; and

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

35 § 2. This act shall take effect immediately.

36 PART B

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

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

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

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

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

50 (d) Covered individual means all statewide elected officials, members
51 of the legislature and employees of the legislature, and state officers
52 and employees, as defined in sections 73 and 73-a of the public officers
53 law, candidates for statewide elected office and for the senate or
54 assembly, and the political party chairman as that term is defined in

1 section 73-a of the public officers law, lobbyists and the clients of
2 lobbyists as such terms are defined in article 1-A of the legislative
3 law, and individuals who have formerly held such positions, were lobby-
4 ists or clients of lobbyists, as such terms are defined in article 1-A
5 of the legislative law, or who have formerly been such candidates.

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

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

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

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

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

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

20 (b) Each member of the commission shall serve a term of five years
21 commencing on the first of January of the calendar year in which the
22 vacancy in such office occurs; provided, however, that for the members
23 initially appointed as members, the member appointed by the presiding
24 justice in the fourth department shall serve a term of one year, the
25 member appointed by the presiding justice in the second department shall
26 serve a term of two years, the member appointed by the presiding justice
27 in the third department shall serve a term of three years, the member
28 appointed by the presiding justice in the first department shall serve a
29 term of four years and the member appointed by the chief judge of the
30 court of appeals shall serve a term of five years.

31 Any vacancy occurring in the membership of the commission shall be
32 filled within sixty days of its occurrence in the same manner as the
33 member whose vacancy is being filled was appointed. A person appointed
34 to fill a vacancy occurring other than by expiration of a term of office
35 shall be appointed to the unexpired term of the member he or she
36 replaces.

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

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

43 (e) Members of the commission may be removed by the chief judge of the
44 court of appeals for substantial neglect of duty, gross misconduct in
45 office, inability to discharge the powers and duties of office or
46 violation of the provisions of this act, after written notice and oppor-
47 tunity to be heard by the court of appeals.

48 § 4. Executive director and staff. (a) The commission shall appoint
49 and employ an executive director who shall serve a term of six years.
50 Any vacancy in the office of executive director shall be filled within
51 ten days of its occurrence. A person appointed to fill a vacancy in the
52 office of executive director occurring other than by expiration of a
53 term of office shall be appointed to the unexpired term of the executive
54 director he or she replaces.

55 (b) The executive director shall act in accordance with the policies,
56 rules and regulations of the commission. He or she shall act in the name

1 of the commission pursuant to the specific powers delegated by the
2 commission to the office of executive director.

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

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

11 § 5. Powers and duties. The commission shall have the power and duty
12 to:

13 (a) fix the compensation of the executive director, staff members and
14 investigators;

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

21 (c) adopt, amend and rescind rules and regulations to govern the
22 procedures of the commission and to implement the provisions of this
23 act;

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

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

30 (f) review financial disclosure statements filed pursuant to section
31 73-a of the public officers law;

32 (g) receive and investigate complaints and referrals alleging
33 violations of section 73, 73-a or 74 of the public officers law, article
34 1-A of the legislative law, or section 107 of the civil service law;

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

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

44 (j) permit any person required to file a financial disclosure state-
45 ment pursuant to section 73-a of the public officers law to delete such
46 information pertaining to such person's spouse or unemancipated children
47 as shall be found by the commission will have no material bearing on the
48 discharge of the reporting person's official duties;

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

52 (l) permit any person who has not been determined by his or her
53 appointing authority to hold a policy-making position, but who is other-
54 wise required to file a financial disclosure statement, to be granted an
55 exemption from such filing requirement. The commission may grant such an
56 exemption where the public interest does not require disclosure and the

1 applicant's duties do not involve negotiation, authorization or approval
2 of:

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

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

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

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

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

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

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

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

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

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

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

31 (t) inform the heads of covered agencies of such allegations and the
32 progress of investigations related thereto, unless special circumstances
33 require confidentiality;

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

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

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

46 (x) recommend remedial acts to prevent or eliminate corruption, fraud,
47 criminal activity, conflicts of interest or abuse in covered agencies;

48 (y) establish programs for training state officers and employees
49 regarding the prevention and elimination of corruption, fraud, criminal
50 activity, conflicts of interest or abuse in covered agencies;

51 (z) subpoena and enforce the attendance of witnesses;

52 (aa) administer oaths or affirmations and examine witnesses under
53 oath;

54 (bb) require the production of any books and papers deemed relevant or
55 material to any investigation, examination or review;

1 (cc) examine and copy or remove documents or records of any kind
2 prepared, maintained or held by any covered agency or covered individ-
3 ual;

4 (dd) require any officer or employee in a covered agency or any
5 covered individual to answer questions concerning any matter related to
6 the performance of his or her official duties. No statement or other
7 evidence derived therefrom may be used against such officer or employee
8 in any subsequent criminal prosecution other than for perjury or
9 contempt arising from such testimony. The refusal of any officer or
10 employee to answer questions shall be cause for removal from office or
11 employment, or other appropriate penalty;

12 (ee) monitor the implementation by covered agencies of any recommenda-
13 tions made by the commission;

14 (ff) perform any other functions that are necessary or appropriate to
15 fulfill the provisions of this act;

16 (gg) conduct investigations in connection with:

17 (1) the faithful execution and enforcement of the laws of the state,
18 with particular reference but not limited to organized crime and racke-
19 teering,

20 (2) the conduct of public officers and public employees, and of offi-
21 cers and employees of public benefit corporations and public authori-
22 ties, and

23 (3) any matter concerning the public peace, public safety and public
24 justice;

25 (hh) at the direction of the governor, conduct investigations and
26 otherwise assist the governor in connection with:

27 (1) the removal of public officers by the governor,

28 (2) the making of recommendations by the governor to any other person
29 or body, with respect to the removal of public officers, and

30 (3) the making of recommendations by the governor to the legislature
31 with respect to changes in or additions to existing provisions of law
32 required for the more effective enforcement of the law;

33 (ii) at the direction or request of the governor or the head of any
34 department, board, bureau, commission or other agency of the state,
35 investigate the management or affairs of any such department, board,
36 bureau, commission or other agency;

37 (jj) upon the request of district attorneys and other law enforcement
38 officers, cooperate with, advise and assist them in the performance of
39 their official powers and duties;

40 (kk) cooperate with departments and officers of the United States
41 government in the investigation of violations of the federal laws within
42 this state;

43 (ll) examine into matters relating to law enforcement extending across
44 the boundaries of the state into other states, and may consult and
45 exchange information with officers and agencies of other states with
46 respect to law enforcement problems of mutual concern to this and other
47 states;

48 (mm) whenever it shall appear to the commission that there is cause
49 for the prosecution of a crime or for the removal of a public officer
50 for misconduct, refer the evidence of such crime or misconduct to the
51 officials authorized to conduct the prosecution or to remove the public
52 officer;

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

55 (oo) exercise any and all powers of the former commission on public
56 integrity and the former office of the state inspector general as they

1 existed immediately prior to the effective date of this act, and exer-
2 cise any and all powers of the former temporary state commission of
3 investigation as they existed on March 30, 2011.

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

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

33 (c)(1) If the commission receives a sworn complaint alleging a
34 violation of section 73, 73-a or 74 of the public officers law, section
35 107 of the civil service law or article 1-A of the legislative law by a
36 person or entity subject to the jurisdiction of the commission, or if a
37 reporting individual has filed a statement which reveals a possible
38 violation of these provisions, or if the commission determines on its
39 own initiative to investigate a possible violation, the commission shall
40 notify the individual in writing, describe the possible or alleged
41 violation of such laws and provide the person with a fifteen day period
42 in which to submit a written response setting forth information relating
43 to the activities cited as a possible or alleged violation of law. If
44 the commission thereafter makes a determination that further inquiry is
45 justified, it shall give the individual an opportunity to be heard. The
46 commission shall also inform the individual of its rules regarding the
47 conduct of adjudicatory proceedings and appeals and the due process
48 procedural mechanisms available to such individual. If the commission
49 determines at any stage of the proceeding that there is no violation or
50 that any potential conflict of interest violation has been rectified, it
51 shall so advise the individual and the complainant, if any. All of the
52 foregoing proceedings shall be confidential.

53 (2) If the commission determines that there is reasonable cause to
54 believe that a violation has occurred, it shall send a notice of reason-
55 able cause: (i) to the reporting person; (ii) to the complainant if any;
56 (iii) in the case of a statewide elected official, to the temporary

1 president of the senate and the speaker of the assembly; and (iv) in the
2 case of a state officer or employee, to the appointing authority for
3 such person.

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

17 (d) An individual subject to the jurisdiction of the commission who
18 knowingly and intentionally violates the provisions of subdivisions 2
19 through 5, 7, 8, 12 or 14 through 17 of section 73 of the public offi-
20 cers law, section 107 of the civil service law, or a reporting individ-
21 ual who knowingly and wilfully fails to file an annual statement of
22 financial disclosure or who knowingly and wilfully with intent to
23 deceive makes a false statement or fraudulent omission or gives informa-
24 tion which such individual knows to be false on such statement of finan-
25 cial disclosure filed pursuant to section 73-a of the public officers
26 law shall be subject to a civil penalty in an amount not to exceed
27 \$40,000 and the value of any gift, compensation or benefit received as a
28 result of such violation. An individual who knowingly and intentionally
29 violates the provisions of paragraphs b, c, d or i of subdivision 3 of
30 section 74 of the public officers law shall be subject to a civil penal-
31 ty in an amount not to exceed \$10,000 and the value of any gift, compen-
32 sation or benefit received as a result of such violation. An individual
33 who knowingly and intentionally violates the provisions of paragraphs a,
34 e or g of subdivision 3 of section 74 of the public officers law shall
35 be subject to a civil penalty in an amount not to exceed the value of
36 any gift, compensation or benefit received as a result of such
37 violation. An individual subject to the jurisdiction of the commission
38 who knowingly and wilfully violates article 1-A of the legislative law
39 shall be subject to civil penalty as provided for in that article.
40 Assessment of a civil penalty pursuant to this section shall be made by
41 the commission with respect to persons subject to its jurisdiction. In
42 assessing the amount of the civil penalties to be imposed, the commis-
43 sion shall consider the seriousness of the violation, the amount of gain
44 to the individual and whether the individual previously had any civil or
45 criminal penalties imposed pursuant to this section, and any other
46 factors the commission deems appropriate. For a violation of this subdivi-
47 sion, other than for conduct which constitutes a violation of section
48 107 of the civil service law, subdivisions 12 or 14 through 17 of
49 section 73 or section 74 of the public officers law or article 1-A of
50 the legislative law, the commission may, in lieu of a civil penalty,
51 refer a violation to the appropriate prosecutor and upon such
52 conviction, such violation shall be punishable as a class A misdemeanor.
53 A civil penalty for false filing may not be imposed pursuant to this
54 section in the event a category of "value" or "amount" reported pursuant
55 to this section is incorrect unless such reported information is falsely
56 understated. Notwithstanding any other provision of law to the contrary,

1 no other penalty, civil or criminal may be imposed for a failure to
2 file, or for a false filing, of such statement, or a violation of
3 section 73 of the public officers law, except that the appointing
4 authority may impose disciplinary action as otherwise provided by law.
5 The commission may refer violations of this section to the appointing
6 authority for disciplinary action as otherwise provided by law. The
7 commission shall be deemed to be an agency within the meaning of article
8 3 of the state administrative procedure act and shall adopt rules
9 governing the conduct of adjudicatory proceedings and appeals taken
10 pursuant to a proceeding commenced under article 78 of the civil prac-
11 tice law and rules relating to the assessment of the civil penalties
12 authorized by this subdivision and commission denials of requests for
13 certain deletions or exemptions to be made from a financial disclosure
14 statement as authorized by this act. Such rules, which shall not be
15 subject to the approval requirements of the state administrative proce-
16 dure act, shall provide for due process procedural mechanisms substan-
17 tially similar to those set forth in article 3 of the state administra-
18 tive procedure act but such mechanisms need not be identical in terms or
19 scope. Assessment of a civil penalty or commission denial of such a
20 request shall be final unless modified, suspended or vacated within
21 thirty days of imposition, with respect to the assessment of such penal-
22 ty, or unless such denial of request is reversed within such time peri-
23 od, and upon becoming final shall be subject to review at the instance
24 of the affected reporting individuals in a proceeding commenced against
25 the commission, pursuant to article 78 of the civil practice law and
26 rules.

27 (e) If the commission has a reasonable basis to believe that any
28 person subject to the jurisdiction of the legislative ethics commission
29 may have violated any provisions of section 73 or 74 of the public offi-
30 cers law, it may refer such violation to the legislative ethics commis-
31 sion. The referral by the commission to the legislative ethics commis-
32 sion shall include any information relating thereto coming into the
33 custody or under the control of the commission at any time prior or
34 subsequent to the time of the referral.

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

39 § 7. Website. Within one hundred twenty days of the effective date of
40 this section, the commission shall create and thereafter maintain a
41 publicly accessible website which shall set forth the procedure for
42 filing a complaint with the commission, and which shall contain the
43 documents identified in section eight of this act, other than financial
44 disclosure statements, and any other records or information which the
45 commission determines to be appropriate.

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

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

53 (2) notices of delinquency sent under subdivision (b) of section six
54 of this act;

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

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

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

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

9 (b) Pending any application for deletion or exemption to the commis-
10 sion, all information which is the subject or a part of the application
11 shall remain confidential. Upon an adverse determination by the commis-
12 sion, the reporting individual may request, and upon such request the
13 commission shall provide, that any information which is the subject or
14 part of the application remain confidential for a period of thirty days
15 following notice of such determination. In the event that the reporting
16 individual resigns his or her office and holds no other office subject
17 to the jurisdiction of the commission, the information shall not be made
18 public and shall be expunged in its entirety.

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

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

36 § 10. Confidentiality. Any person conducting or participating in any
37 examination or investigation who shall disclose to any person other than
38 the commission or an officer having the power to appoint one or more of
39 the commissioners the name of any witness examined, or any information
40 obtained or given upon such examination or investigation, except as
41 directed by the commission, shall be guilty of a misdemeanor.

42 § 11. Evidence to be impounded. Upon the application of the commis-
43 sion, the executive director or a duly authorized member of its staff,
44 the supreme court or a justice thereof may impound any exhibit marked in
45 evidence in any public or private hearing held in connection with an
46 investigation conducted by the commission, and may order such exhibit to
47 be retained by, or delivered to and placed in the custody of, the
48 commission. When so impounded such exhibit shall not be taken from the
49 custody of the commission, except upon further order of the court or a
50 justice thereof made upon five days' notice to the commission or upon
51 its application or with its consent.

52 § 12. Immunity from prosecution. In any investigation or hearing
53 conducted by the commission pursuant to this act, relating to any crime
54 or offense with respect to which, by express provision of statute, a
55 competent authority is authorized to confer immunity; the commission may
56 confer immunity in accordance with the provisions of section 50.20 of

1 the criminal procedure law, but only after affording the attorney gener-
2 al and the appropriate district attorney the opportunity to be heard in
3 respect to any objections which they may have to the granting of such
4 immunity.

5 § 13. Transfer of functions, powers and duties. All functions, powers,
6 duties and obligations of the former joint commission on public ethics
7 and the former office of the state inspector general are hereby trans-
8 ferred to the commission.

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

25 (b) A transferred employee shall remain in the same collective
26 bargaining unit as was the case prior to his or her transfer; successor
27 employees to the positions held by such transferred employees shall,
28 consistent with the provisions of article 14 of the civil service law,
29 be included in the same unit as their predecessors. Employees other than
30 management or confidential persons (as defined in article 14 of the
31 civil service law), serving positions in newly created titles shall be
32 assigned to the appropriate bargaining unit. Nothing contained in this
33 section shall be construed to affect:

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

36 (2) the representational relationships among employee organizations or
37 the bargaining relationships between the state and an employee organiza-
38 tion; or

39 (3) existing law with respect to an application to the public employ-
40 ment relations board, provided, however, that the merger of such negoti-
41 ating units of employees shall be effected only with the consent of the
42 recognized and certified representative of such units and of the depart-
43 ment of law.

44 § 15. Transfer of records. All books, papers and property of the
45 former joint commission on public ethics and the former office of the
46 state inspector general are to be delivered to the commission at such
47 place and time, and in such manner as the commission shall require.

48 § 16. Continuity of authority. For the purpose of succession to all
49 functions, powers, duties and obligations of the former joint commission
50 on public ethics and the former office of the state inspector general
51 transferred to and assumed by the commission, such commission shall
52 continue the operation thereof as if performed by such former agencies.

53 § 17. Completion of unfinished business. Any business or other matter
54 undertaken or commenced by the former joint commission on public ethics
55 and the former office of the state inspector general pertaining to or
56 connected with the functions, powers, duties and obligations transferred

1 and assigned to the commission and pending on the effective date of this
2 section shall be conducted and completed by the commission in the same
3 manner and under the same terms and conditions and with the same effect
4 as if conducted and completed by such former agencies.

5 § 18. Continuation of rules and regulations. All rules, regulations,
6 acts, orders, determinations and decisions of the former joint commis-
7 sion on public ethics and the former office of the state inspector
8 general in force at the time of such transfer and assumption, shall
9 continue in force and effect as rules, regulations, acts, orders, deter-
10 minations and decisions of the commission until duly modified or abro-
11 gated.

12 § 19. Terms occurring in laws, contracts and other documents. Whenever
13 the former joint commission on public ethics or the former office of the
14 state inspector general is referred to or designated in any law,
15 contract or document pertaining to the functions, powers, obligations
16 and duties transferred and assigned pursuant to this act, such reference
17 or designation shall be deemed to refer to the commission.

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

21 § 21. Pending actions or proceedings. No action or proceeding pending
22 upon the effective date of this section relating to the functions,
23 powers and duties of the former joint commission on public ethics and
24 the former office of the state inspector general transferred to the
25 commission, brought by or against any such former agency, shall be
26 affected by any provision of this act, but the same may be prosecuted or
27 defended in the name of the commission. In all such actions and
28 proceedings, the commission, upon application to the court, shall be
29 substituted as a party.

30 § 22. Transfer of appropriations heretofore made. Subject to the
31 approval of the director of the division of the budget, all appropri-
32 ations and reappropriations heretofore made to the former joint commis-
33 sion on public ethics and the former office of the state inspector
34 general for the purposes and functions transferred pursuant to this act
35 to the commission, to the extent of remaining unexpended or unencumbered
36 balance thereof, whether allocated or unallocated, and whether obligated
37 or unobligated, are hereby transferred to and made available for use and
38 expenditure by the commission for the same purposes for which originally
39 appropriated or reappropriated and shall be payable on vouchers certi-
40 fied or approved by the executive director on audit and warrant of the
41 comptroller. Payments for liabilities for expenses of personal services,
42 maintenance and operation heretofore incurred by and for liabilities
43 incurred and to be incurred in completing the affairs of the former
44 joint commission on public ethics and the former office of the state
45 inspector general with respect to the powers, duties and functions
46 transferred in this act, shall also be made on vouchers or certificates
47 approved by the executive director on audit and warrant of the comp-
48 troller.

49 § 23. Transfer of assets and liabilities. All assets and liabilities
50 of the former joint commission on public ethics and the former office of
51 the state inspector general are hereby transferred to and assumed by the
52 commission.

53 § 24. Actions of the commission. The commission is hereby directed to
54 immediately take any and all actions necessary to enable it to assume
55 all powers, duties and functions of the former joint commission on
56 public ethics, the former office of the state inspector general and the

1 former temporary state commission of investigation within ninety days of
2 the effective date of this act.

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

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

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

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

14 (f) The term "commission" shall mean the commission on ~~[public integ-~~
15 ~~rity created by section ninety four of the executive law]~~ official
16 conduct.

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

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

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

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

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

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

49 § 2350-dd. Jurisdiction of ~~[state inspector general]~~ commission on
50 official conduct. The agency is subject to the jurisdiction of the
51 ~~[office of the state inspector general]~~ commission on official conduct.

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

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

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

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

5 3. The deputy attorney general in charge of the organized crime task
6 force may request and shall receive from the division of state police,
7 the state department of taxation and finance, the state department of
8 labor, the [~~temporary state~~] commission [~~of investigation~~] on official
9 conduct, and from every department, division, board, bureau, commission
10 or other agency of the state, or of any political subdivision thereof,
11 cooperation and assistance in the performance of his duties. Such deputy
12 attorney general may provide technical and other assistance to any
13 district attorney or other local law enforcement official requesting
14 such assistance in the investigation or prosecution of organized crime
15 cases.

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

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

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

40 (8) Public safety agency record. The term "public safety agency
41 record" means a record of the state commission of correction, the
42 [~~temporary state~~] commission [~~of investigation~~] on official conduct, the
43 department of corrections and community supervision, the office of chil-
44 dren and family services, the office of victim services, the office of
45 probation and correctional alternatives or the division of state police
46 or of any agency or component thereof whose primary function is the
47 enforcement of civil or criminal statutes if such record pertains to
48 investigation, law enforcement, confinement of persons in correctional
49 facilities or supervision of persons pursuant to criminal conviction or
50 court order, and any records maintained by the division of criminal
51 justice services pursuant to sections eight hundred thirty-seven, eight
52 hundred thirty-seven-a, eight hundred thirty-seven-b, eight hundred
53 thirty-seven-c, eight hundred thirty-eight, eight hundred thirty-nine,
54 and eight hundred forty-five of the executive law and by the department
55 of state pursuant to section ninety-nine of the executive law.

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

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

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

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

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

40 § 40. Subparagraphs (ii) and (iii) of paragraph (c) and paragraph
41 (d-1) of subdivision 1 of section 73-a of the public officers law,
42 subparagraphs (ii) and (iii) of paragraph (c) as amended and paragraph
43 (d-1) as added by section 5 of part A of chapter 399 of the laws of
44 2011, are amended to read as follows:

45 (ii) officers and employees of statewide elected officials, officers
46 and employees of state departments, boards, bureaus, divisions, commis-
47 sions, councils or other state agencies, who receive annual compensation
48 in excess of the filing rate established by paragraph (1) of this subdivi-
49 sion or who hold policy-making positions, as annually determined by
50 the appointing authority and set forth in a written instrument which
51 shall be filed with the [~~joint~~] commission on [~~public ethics established~~
52 ~~by section ninety four of the executive law~~] official conduct during the
53 month of February, provided, however, that the appointing authority
54 shall amend such written instrument after such date within thirty days
55 after the undertaking of policy-making responsibilities by a new employ-

1 ee or any other employee whose name did not appear on the most recent
2 written instrument; and

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

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

25 § 41. Subparagraph (ii) of paragraph (a) and paragraph (c) of subdivi-
26 sion 2 of section 73-a of the public officers law, as amended by section
27 5 of part A of chapter 399 of the laws of 2011, are amended to read as
28 follows:

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

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

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

55 8. (a) If the reporting individual practices law, is licensed by the
56 department of state as a real estate broker or agent or practices a

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

12 _____
 13 _____
 14 _____
 15 _____
 16 _____

17 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
 18 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
 19 THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING
 20 CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON
 21 OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER
 22 THIRTY-FIRST, TWO THOUSAND FIFTEEN:

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

- 31 (i) A contract in an amount totaling \$50,000 or more from the state or
- 32 any state agency for services, materials, or property;
- 33 (ii) A grant of \$25,000 or more from the state or any state agency
- 34 during the reporting period;
- 35 (iii) A grant obtained through a legislative initiative during the
- 36 reporting period; or
- 37 (iv) A case, proceeding, application or other matter that is not a
- 38 ministerial matter before a state agency during the reporting period.

39 For purposes of this question, "referred to the firm" shall mean:
 40 having intentionally and knowingly taken a specific act or series of
 41 acts to intentionally procure for the reporting individual's firm or
 42 knowingly solicit or direct to the reporting individual's firm in whole
 43 or substantial part, a person or entity that becomes a client of that
 44 firm for the purposes of representation for a matter as defined in
 45 subparagraphs (i) through (iv) of this paragraph, as the result of such
 46 procurement, solicitation or direction of the reporting individual. A
 47 reporting individual need not disclose activities performed while
 48 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
 49 sion seven of section seventy-three of this article.

50 The disclosure requirement in this question shall not require disclo-
 51 sure of clients or customers receiving medical or dental services,
 52 mental health services, residential real estate brokering services, or
 53 insurance brokering services from the reporting individual or his or her
 54 firm. The reporting individual need not identify any client to whom he

1 or she or his or her firm provided legal representation with respect to
 2 investigation or prosecution by law enforcement authorities, bankruptcy,
 3 or domestic relations matters. With respect to clients represented in
 4 other matters, where disclosure of a client's identity is likely to
 5 cause harm, the reporting individual shall request an exemption from the
 6 [~~joint~~] commission [~~pursuant to paragraph (i-1) of subdivision nine of~~
 7 ~~section ninety-four of the executive law~~] on official conduct, provided,
 8 however, that a reporting individual who first enters public office
 9 after July first, two thousand twelve, need not report clients or
 10 customers with respect to matters for which the reporting individual or
 11 his or her firm was retained prior to entering public office.

12 Client	Nature of Services Provided
13	
14	
15	
16	
17	

18 (b-1) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
 19 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
 20 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
 21 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
 22 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
 23 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

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

- 33 (i) A contract in an amount totaling \$10,000 or more from the state or
- 34 any state agency for services, materials, or property;
- 35 (ii) A grant of \$10,000 or more from the state or any state agency
- 36 during the reporting period;
- 37 (iii) A grant obtained through a legislative initiative during the
- 38 reporting period; or
- 39 (iv) A case, proceeding, application or other matter that is not a
- 40 ministerial matter before a state agency during the reporting period.

41 For such services rendered by the reporting individual directly to
 42 each such client, describe each matter that was the subject of such
 43 representation, the services actually provided and the payment received.
 44 For payments received from clients referred to the firm by the reporting
 45 individual, if the reporting individual directly received a referral fee
 46 or fees for such referral, identify the client and the payment so
 47 received.

48 For purposes of this question, "referred to the firm" shall mean:
 49 having intentionally and knowingly taken a specific act or series of
 50 acts to intentionally procure for the reporting individual's firm or
 51 having knowingly solicited or directed to the reporting individual's
 52 firm in whole or substantial part, a person or entity that becomes a
 53 client of that firm for the purposes of representation for a matter as
 54 defined in clauses (i) through (iv) of this subparagraph, as the result
 55 of such procurement, solicitation or direction of the reporting individ-

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

5 Client	6 Matter	7 Nature of Services Provided	8 Category 9 of Amount 10 (in Table I)
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11			
12			

13 (b-2) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES
14 ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR
15 FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
16 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
17 SAND FIFTEEN (FOR PURPOSES OF THIS QUESTION, "SERVICES" SHALL MEAN
18 CONSULTATION, REPRESENTATION, ADVICE OR OTHER SERVICES):

19 (i) With respect to reporting individuals who receive ten thousand
20 dollars or more from employment or activity reportable under question
21 8(a), for each client or customer NOT otherwise disclosed or exempted in
22 question 8 or 13, disclose the name of each client or customer known to
23 the reporting individual to whom the reporting individual provided
24 services: (A) who paid the reporting individual in excess of five thou-
25 sand dollars for such services; or (B) who had been billed with the
26 knowledge of the reporting individual in excess of five thousand dollars
27 by the firm or other entity named in question 8(a) for the reporting
28 individual's services.

29 Client	30 Services Actually Provided	31 Category of Amount (in Table I)
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31 FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF
32 DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

- 33 * REVIEWED DOCUMENTS AND CORRESPONDENCE;
- 34 * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- 35 * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 36 * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/
37 MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- 38 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT
39 BY NAME);
- 40 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
41 REPRESENTATION OR CONSULTATION;
- 42 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
- 43 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
44 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
- 45 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

46 (ii) With respect to reporting individuals who disclosed in question
47 8(a) that the reporting individual did not provide services to a client
48 but provided services to a firm or business, identify the category of

1 amount received for providing such services and describe the services
2 rendered.

3 Services Actually Provided Category of Amount (Table I)

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

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

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

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

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

7 In reviewing the request for an exemption, the [~~joint~~] commission on
8 official conduct or the office of court administration may consult with
9 bar or other professional associations and the legislative ethics
10 commission for individuals subject to its jurisdiction and may consider
11 the rules of professional conduct. In making its determination, the
12 [~~joint~~] commission on official conduct or the office of court adminis-
13 tration shall conduct its own inquiry and shall consider factors includ-
14 ing, but not limited to: (i) the nature and the size of the client; (ii)
15 whether the client has any business before the state; and if so, how
16 significant the business is; and whether the client has any particular-
17 ized interest in pending legislation and if so how significant the
18 interest is; (iii) whether disclosure may reveal trade secrets; (iv)
19 whether disclosure could reasonably result in retaliation against the
20 client; (v) whether disclosure may cause undue harm to the client; (vi)
21 whether disclosure may result in undue harm to the attorney-client
22 relationship; and (vii) whether disclosure may result in an unnecessary
23 invasion of privacy to the client.

24 The [~~joint~~] commission on official conduct or, as the case may be, the
25 office of court administration shall promptly make a final determination
26 in response to such request, which shall include an explanation for its
27 determination. The office of court administration shall issue its final
28 determination within three days of receiving the request. Notwithstand-
29 ing any other provision of law or any professional disciplinary rule to
30 the contrary, the disclosure of the identity of any client or customer
31 in response to this question shall not constitute professional miscon-
32 duct or a ground for disciplinary action of any kind, or form the basis
33 for any civil or criminal cause of action or proceeding. A reporting
34 individual who first enters public office after January first, two thou-
35 sand sixteen, need not report clients or customers with respect to
36 matters for which the reporting individual or his or her firm was
37 retained prior to entering public office.

38 (c) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
39 PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR
40 NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE
41 SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-
42 SAND FIFTEEN:

43 If the reporting individual receives income of ten thousand dollars or
44 greater from any employment or activity reportable under question 8(a),
45 identify each registered lobbyist who has directly referred to such
46 individual a client who was successfully referred to the reporting indi-
47 vidual's business and from whom the reporting individual or firm
48 received a fee for services in excess of five thousand dollars. Report
49 only those referrals that were made to a reporting individual by direct
50 communication from a person known to such reporting individual to be a
51 registered lobbyist at the time the referral is made. With respect to
52 each such referral, the reporting individual shall identify the client,
53 the registered lobbyist who has made the referral, the category of value
54 of the compensation received and a general description of the type of
55 matter so referred. A reporting individual need not disclose activities
56 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and

1 (f) of subdivision seven of section seventy-three of this article. The
2 disclosure requirements in this question shall not require disclosing
3 clients or customers receiving medical, pharmaceutical or dental
4 services, mental health services, or residential real estate brokering
5 services from the reporting individual or his or her firm or if federal
6 law prohibits or limits disclosure. The reporting individual need not
7 identify any client to whom he or she or his or her firm provided legal
8 representation with respect to investigation or prosecution by law
9 enforcement authorities, bankruptcy, family court, estate planning, or
10 domestic relations matters, nor shall the reporting individual identify
11 individuals represented pursuant to an insurance policy but the report-
12 ing individual shall in such circumstances only report the entity that
13 provides compensation to the reporting individual; with respect to
14 matters in which the client's name is required by law to be kept confi-
15 dential (such as matters governed by the family court act) or in matters
16 in which the reporting individual represents or provides services to
17 minors, the client's name may be replaced with initials. To the extent
18 that the reporting individual, or his or her firm, provided legal repre-
19 sentation with respect to an initial public offering, and federal law or
20 regulations restricts the disclosure of information relating to such
21 work, the reporting individual shall (i) disclose the identity of the
22 client and the services provided relating to the initial public offering
23 to the office of court administration, who will maintain such informa-
24 tion confidentially in a locked box; and (ii) include in his or her
25 response a statement that pursuant to this paragraph, a disclosure to
26 the office of court administration has been made. Upon such time that
27 the disclosure of information maintained in the locked box is no longer
28 restricted by federal law or regulation, the reporting individual shall
29 disclose such information in an amended disclosure statement in response
30 to the disclosure requirements of this paragraph. The office of court
31 administration shall develop and maintain a secure portal through which
32 information submitted to it pursuant to this paragraph can be safely and
33 confidentially stored. With respect to clients represented in other
34 matters not otherwise exempt, the reporting individual may request an
35 exemption to publicly disclosing the name of that client from the
36 [~~joint~~] commission [~~pursuant to paragraph (i-1) of subdivision nine of~~
37 ~~section ninety-four of the executive law~~] on official conduct, or from
38 the office of court administration. In such application, the reporting
39 individual shall state the following: "My client is not currently
40 receiving my services or seeking my services in connection with:
41 (i) A proposed bill or resolution in the senate or assembly during the
42 reporting period;
43 (ii) A contract in an amount totaling \$10,000 or more from the state
44 or any state agency for services, materials, or property;
45 (iii) A grant of \$10,000 or more from the state or any state agency
46 during the reporting period;
47 (iv) A grant obtained through a legislative initiative during the
48 reporting period; or
49 (v) A case, proceeding, application or other matter that is not a
50 ministerial matter before a state agency during the reporting period."
51 In reviewing the request for an exemption, the [~~joint~~] commission on
52 official conduct or the office of court administration may consult with
53 bar or other professional associations and the legislative ethics
54 commission for individuals subject to its jurisdiction and may consider
55 the rules of professional conduct. In making its determination, the
56 [~~joint~~] commission on official conduct or the office of court adminis-

1 tration shall conduct its own inquiry and shall consider factors includ-
 2 ing, but not limited to: (i) the nature and the size of the client; (ii)
 3 whether the client has any business before the state; and if so, how
 4 significant the business is; and whether the client has any particular-
 5 ized interest in pending legislation and if so how significant the
 6 interest is; (iii) whether disclosure may reveal trade secrets; (iv)
 7 whether disclosure could reasonably result in retaliation against the
 8 client; (v) whether disclosure may cause undue harm to the client; (vi)
 9 whether disclosure may result in undue harm to the attorney-client
 10 relationship; and (vii) whether disclosure may result in an unnecessary
 11 invasion of privacy to the client.

12 The [~~joint~~] commission on official conduct or, as the case may be, the
 13 office of court administration shall promptly make a final determination
 14 in response to such request, which shall include an explanation for its
 15 determination. The office of court administration shall issue its final
 16 determination within three days of receiving the request. Notwithstand-
 17 ing any other provision of law or any professional disciplinary rule to
 18 the contrary, the disclosure of the identity of any client or customer
 19 in response to this question shall not constitute professional miscon-
 20 duct or a ground for disciplinary action of any kind, or form the basis
 21 for any civil or criminal cause of action or proceeding. A reporting
 22 individual who first enters public office after December thirty-first,
 23 two thousand fifteen, need not report clients or customers with respect
 24 to matters for which the reporting individual or his or her firm was
 25 retained prior to entering public office.

26 Client	Name of Lobbyist	Description	Category of Amount
		of Matter	(in Table 1)
27			
28			
29			
30			
31			
32			

33 (d) List the name, principal address and general description or the
 34 nature of the business activity of any entity in which the reporting
 35 individual or such individual's spouse had an investment in excess of
 36 \$1,000 excluding investments in securities and interests in real proper-
 37 ty.

38 4. A reporting individual who knowingly and wilfully fails to file an
 39 annual statement of financial disclosure or who knowingly and wilfully
 40 with intent to deceive makes a false statement or gives information
 41 which such individual knows to be false on such statement of financial
 42 disclosure filed pursuant to this section shall be subject to a civil
 43 penalty in an amount not to exceed forty thousand dollars. Assessment of
 44 a civil penalty hereunder shall be made by the [~~joint~~] commission on
 45 [~~public ethics~~] official conduct or by the legislative ethics commis-
 46 sion, as the case may be, with respect to persons subject to their
 47 respective jurisdictions. The [~~joint~~] commission on [~~public ethics~~
 48 ~~acting pursuant to subdivision fourteen of section ninety-four of the~~
 49 ~~executive law~~] official conduct or the legislative ethics commission
 50 acting pursuant to subdivision eleven of section eighty of the legisla-
 51 tive law, as the case may be, may, in lieu of or in addition to a civil
 52 penalty, refer a violation to the appropriate prosecutor and upon such
 53 conviction, but only after such referral, such violation shall be
 54 punishable as a class A misdemeanor. A civil penalty for false filing
 55 may not be imposed hereunder in the event a category of "value" or

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

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

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

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

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

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

47

PART C

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

50 § 14-131. Contribution funds; forfeiture after criminal conviction. 1.
51 All contributions received by an elected candidate for public office or
52 an elected official, who is charged with a felony where such felony was
53 directly related to his or her service as an elected official, or offi-
54 cer of the state or of a civil division thereof, shall be subject to

1 immediate audit and any unspent contributions shall be subject to
 2 forfeiture proceedings upon conviction or resignation of such elected
 3 candidate.

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

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

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

30 5. The comptroller shall provide the governor and the legislature with
 31 a list of charitable organizations that are eligible to receive
 32 donations pursuant to this section. Charitable organizations on such
 33 list may be deemed ineligible to receive donations pursuant to this
 34 section by the governor, the temporary president of the senate, the
 35 speaker of the assembly, the minority leader of the senate or the minor-
 36 ity leader of the assembly.

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

39 § 16-111. Proceedings as to forfeiture of funds. The attorney general
 40 or the district attorney may bring a special proceeding seeking to seize
 41 and cause to be forfeited the funds of a designated campaign account as
 42 outlined in section 14-131 of this chapter. Upon a showing of indictment
 43 or criminal arraignment, an action may be instituted pursuant to this
 44 section which will allow for the freezing of said designated campaign
 45 account.

46 § 3. This act shall take effect immediately.

PART D

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

ARTICLE 201

FAILURE TO REPORT CORRUPTION

52 Section 201.00 Failure to report corruption.

53 § 201.00 Failure to report corruption.

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

1 (a) A public servant knows that another person or public servant is
2 guilty of official misconduct pursuant to article one hundred ninety-
3 five of this title; is guilty of bribery or bribe receiving pursuant to
4 article two hundred of this title; or is guilty of a crime of corrupting
5 the government pursuant to article four hundred ninety-six of this
6 title; and

7 (b) Such public servant does not, as soon as reasonably practicable,
8 report such crime to a district attorney or to the Commission on Offi-
9 cial Conduct.

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

13 Failure to report corruption is a class A misdemeanor.

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

16 PART E

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

19 § 14-130. Campaign funds for personal use. 1. Contributions received
20 by a candidate or a political committee may be expended for any lawful
21 purpose that is directly related to promoting the nomination or election
22 of a candidate. Such funds shall not be converted by any person to a
23 personal use.

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

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

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

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

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

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

40 (i) criminal attorney or legal fees;

41 (ii) food;

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

43 (iv) automobile purchases or leases;

44 (v) travel and mileage;

45 (vi) residential or household items;

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

47 (viii) funeral, cremation, or burial;

48 (ix) clothing;

49 (x) tuition payments;

50 (xi) childcare;

51 (xii) dues, fees, or gratuities at a country club, health club,
52 fraternal organization or professional organization or recreational
53 facility;

1 (xiii) admission to a sporting event, concert, theater, or other form
2 of entertainment;

3 (xiv) payment of any fines, fees, or penalties; and

4 (xv) any other expenditure designated by the Commission on Official
5 Conduct as constituting personal use.

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

8

PART F

9 Section 1. Section 14-126 of the election law, as amended by section 6
10 of subpart C of part H of chapter 55 of the laws of 2014, subdivision 1
11 as separately amended by section 1 of subpart B of part H of chapter 55
12 of the laws of 2014, subdivision 3 as amended, subdivision 7 as added by
13 section 12 of part JJJ of chapter 59 of the laws of 2018, and subdivi-
14 sion 3-a as added by section 11 of part A of chapter 286 of the laws of
15 2016, is amended to read as follows:

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

26 (b) All payments received by the state board of elections pursuant to
27 this section shall be retained in the appropriate accounts as designated
28 by the division of the budget for enforcement activities by the board of
29 elections.

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

38 3. Any person who falsely identifies or knowingly fails to identify
39 any independent expenditure as required by subdivision two of section
40 14-107 of this article shall be subject to a civil penalty up to one
41 thousand dollars or up to the cost of the communication, whichever is
42 greater, in a special proceeding or civil action brought by the state
43 board of elections chief enforcement counsel pursuant to paragraph (a)
44 of subdivision five of section 3-104 of this chapter. For purposes of
45 this subdivision, the term "person" shall mean a person, group of
46 persons, corporation, unincorporated business entity, labor organization
47 or business, trade or professional association or organization or poli-
48 tical committee.

49 3-a. Any person who, acting as or on behalf of an independent expendi-
50 ture committee or a political action committee, knowingly and willfully
51 violates the provisions of section 14-107-a of this article shall be
52 subject to a civil penalty, up to one thousand dollars or up to the cost
53 of the communication, whichever is greater, to be recoverable in a

1 special proceeding or civil action to be brought by the state board of
2 elections.

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

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

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

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

31 7. Any online platform that fails to comply with the requirements of
32 section 14-107-b of this article shall be subject to a civil penalty up
33 to one thousand dollars for each violation in a special proceeding or
34 civil action brought by the state board of elections chief enforcement
35 counsel pursuant to paragraph (a) of subdivision five of section 3-104
36 of this chapter.

37 § 2. This act shall take effect immediately.

38 PART G

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

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

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

48 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
49 sion, section or part of this act shall be adjudged by any court of
50 competent jurisdiction to be invalid, such judgment shall not affect,
51 impair, or invalidate the remainder thereof, but shall be confined in
52 its operation to the clause, sentence, paragraph, subdivision, section
53 or part thereof directly involved in the controversy in which such judg-
54 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.

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