STATE OF NEW YORK

4874

2019-2020 Regular Sessions

IN SENATE

March 28, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Ethics and Internal Governance

AN ACT to amend the legislative law and the election law, in relation to prohibiting certain functions whenever the legislature is in session

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

Section 1. The legislative law is amended by adding a new section 1-m-1 to read as follows:

§ 1-m-1. Certain functions prohibited within a fifteen mile radius of the New York state Capitol. Notwithstanding any provision of law to the contrary, no person or entity shall hold, participate in, or attend a function designed to solicit funds that are subject to the reporting requirements of article fourteen of the election law within a fifteen mile radius of the New York state Capitol whenever the legislature is in session.

§ 2. Subdivision (a) and paragraphs (i) and (iv) of subdivision (b) of section 1-o of the legislative law, as added by chapter 14 of the laws of 2007, are amended to read as follows:

(a) (i) Any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m **or one-m-one** of this article shall be guilty of a class A misdemeanor; and

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m **or one-m-one** of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. Any lobbyist convicted of or pleading guilty to a

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

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felony under the provisions of this section may be barred from acting as a lobbyist for a period of one year from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(i) A lobbyist, public corporation, or client who knowingly and wilfully fails to file a statement or report within the time required for the filing of such report or knowingly and wilfully violates section one-m **or one-m-one** of this article shall be subject to a civil penalty for each such failure or violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, to be assessed by the commission.

(iv) Any lobbyist or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m **or one-m-one** of this article, after having been found by the commission to have [~~**knowing**~~] **knowingly** and wilfully committed such conduct or violation in the preceding five years, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of one year.

§ 3. Subdivision 4 of section 14-126 of the election law, as amended by section 6 of subpart C of part H of chapter 55 of the laws of 2014, is amended to read as follows:

4. Any person who knowingly and willfully fails to file a statement required to be filed by this article within ten days after the date provided for filing such statement or any person who knowingly and wilfully violates any other provision of this article **or who knowingly and willfully violates the provisions of section one-m-one of the legislative law** shall be guilty of a misdemeanor.

§ 4. This act shall take effect immediately.