

STATE OF NEW YORK

6602

2021-2022 Regular Sessions

IN ASSEMBLY

March 19, 2021

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

AN ACT to amend the public officers law, in relation to establishing the department of oversight and investigation, providing for its powers, duties and functions (Part A); to repeal section 94 of the executive law relating to the joint commission on public ethics; and to repeal article 4-A of the executive law relating to the office of the state inspector general (Part B); 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 department of oversight and investigation (Part C); 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 executive law and the public authorities 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 amend the public officers law, in relation to the joint commission on public ethics and the legislative ethics commission; to repeal 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 D)

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 "ethics reform act of 2021".

3 § 2. This act enacts into law major components of legislation which
4 are necessary to establish meaningful ethics reform and oversight within

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

LBD09728-02-1

1 the state of New York. Each component is wholly contained within a Part
 2 identified as Parts A through D. The effective date for each particular
 3 provision contained within such Part is set forth in the last section of
 4 such Part. Any provision in any section contained within a Part, includ-
 5 ing the effective date of the Part, which makes reference to a section
 6 "of this act", when used in connection with that particular component,
 7 shall be deemed to mean and refer to the corresponding section of the
 8 Part in which it is found. Section four of this act sets forth the
 9 general effective date of this act.

10 PART A

11 Section 1. The public officers law is amended by adding a new article
 12 7-A to read as follows:

13 ARTICLE 7-A

14 DEPARTMENT OF OVERSIGHT AND INVESTIGATION

15 Section 113. Definitions.

16 113-a. Establishment of department of oversight and investi-
 17 gation.

18 113-b. Board of public integrity; establishment, organization,
 19 and powers.

20 113-c. Commissioner; appointment, duties, and powers.

21 113-d. Responsibilities of covered agencies, officers, and
 22 employees.

23 113-e. Financial disclosure.

24 113-f. Investigations; financial disclosure and ethical
 25 violations.

26 113-g. Investigation; other.

27 113-h. Violations.

28 113-i. Adjudicatory process.

29 § 113. Definitions. As used in this article, the following terms shall
 30 have the following meaning:

31 1. "department" means the department of oversight and investigation as
 32 established by section one hundred thirteen-a of this article.

33 2. "commissioner" means the commissioner of the department of over-
 34 sight and investigation.

35 3. "covered agency" shall include all executive branch agencies,
 36 departments, divisions, officers, boards and commissions, public author-
 37 ities, and public benefit corporations, the heads of which are appointed
 38 by the governor.

39 4. "board" means the board of public integrity established by section
 40 one hundred thirteen-b of this article.

41 § 113-a. Establishment of department of oversight and investigation.

42 1. There is established within New York state a department of oversight
 43 and investigation to be headed by a commissioner appointed pursuant to
 44 this article. The department shall have and exercise the powers and
 45 duties set forth in this article with respect to all covered agencies,
 46 statewide elected officials, members of the legislature and employees of
 47 the legislature, and state officers and employees, as defined in
 48 sections seventy-three and seventy-three-A of this chapter, candidates
 49 for statewide elected office and for the senate or assembly, and the
 50 political party chairman as that term is defined in section
 51 seventy-three-A of this chapter, lobbyists and the clients of lobbyists
 52 as such terms are defined in article one-A of the legislative law, and
 53 individuals who have formerly held such positions, were lobbyists or

1 clients of lobbyists, as such terms are defined in article one-A of the
2 legislative law, or who have formerly been such candidates.

3 2. The establishment of the department of oversight and investigation
4 by this article, nor any provisions contained herein, shall be deemed to
5 have revoked or rescinded any regulations or advisory opinions issued by
6 the legislative ethics commission, the joint commission on public
7 ethics, the commission on public integrity, or the state ethics commis-
8 sion and the temporary lobbying commission in effect upon the effective
9 date of this article.

10 3. The department shall undertake a comprehensive review of all regu-
11 lations and opinions, which will address the consistency of such regu-
12 lations and opinions among each other, and of the effectiveness of
13 existing laws, regulations, guidance and ethics enforcement structure to
14 address the ethics of covered public officials and related parties. Such
15 review shall be conducted with the legislative ethics commission. The
16 department shall, before December thirty-first, two thousand twenty-two,
17 report to the governor and legislature regarding such review and shall
18 propose any regulatory or statutory changes and issue any advisory opin-
19 ions necessitated by such review.

20 § 113-b. Board of public integrity; establishment, organization, and
21 powers. 1. a. There shall be created within the department a board, to
22 be known as the board of public integrity, consisting of twelve members
23 appointed as follows: two members appointed by the speaker of the assem-
24 bly; two members appointed by the temporary president of the senate; two
25 members appointed by the minority leader of the assembly; two members
26 appointed by the minority leader of the senate; and four members
27 appointed by the governor, provided, however, that the appointments by
28 the governor shall be made upon the recommendation of the legislative
29 leaders. The speaker of the assembly, temporary president of the senate,
30 minority leader of the assembly, and minority leader of the senate shall
31 each submit a list of no less than three names to the governor for
32 consideration. The governor shall select one name from each of the
33 legislative leader's lists for appointment to the board.

34 b. Each member of the board shall serve a term of four years, commenc-
35 ing on the first of January of the calendar year in which the vacancy on
36 such board occurs; provided, however, that the members initially
37 appointed by the senate leaders, and by the governor upon the recommen-
38 dation of the senate leaders, shall serve only two years. All subsequent
39 appointments shall be for a full four-year term.

40 c. Any vacancy occurring on the board shall be filled within thirty
41 days of its occurrence in the same manner as the member whose vacancy is
42 being filled was appointed. A person appointed to fill a vacancy occur-
43 ring other than by expiration of a term of office shall be appointed for
44 the unexpired term of the member he or she succeeds.

45 d. There shall be no ex-officio members of the board, and no member
46 shall delegate his or her duties to another individual.

47 e. No person shall be eligible to serve as a member of the board if at
48 the time of appointment, or at any time during a term, he or she serves
49 in any other elected position or is an employee of the state of New
50 York, a municipal corporation, a public authority, or public benefit
51 corporation. Additionally, no member of the board, or his or her spouse,
52 shall, during the period of his or her service on the board, make or
53 solicit from another person any contributions to candidates for election
54 to the offices of governor, lieutenant governor, member of the assembly
55 or the senate, attorney general, or state comptroller, nor may he or she
56 make or solicit any contributions to a political party or committee.

1 f. Members of the board shall be considered public officers and shall
2 be required to take all necessary oaths and file any disclosures as
3 required by law, which shall be made available to the public on the
4 department's website.

5 g. The board shall, annually, elect from its appointed members a chair
6 and vice chair by a majority vote of the total number of members of the
7 board. The chair shall preside over all board meetings and shall have
8 the power to schedule meetings of the board as he or she deems necessary
9 for the proper execution of its duties. The vice-chair, in the absence
10 or incapacity of the chair, shall exercise all powers of the chair.

11 h. Seven members shall constitute a quorum of the board, and the board
12 shall have the power to act by majority vote of the total number of the
13 members of the board without vacancies except where otherwise specified
14 under this article.

15 i. Members of the board may be removed by the appointing authority for
16 substantial neglect of duty, gross misconduct in office, inability to
17 discharge the powers or duties of the office, or violations of this
18 article, after written notice and an opportunity for a reply has been
19 provided.

20 j. Members of the board shall receive a per diem allowance in the sum
21 of three hundred dollars for each day spent in the performance of his or
22 her duties, and, in addition thereto, shall be reimbursed for all
23 reasonable expenses incurred in the performance of his or her duties.

24 2. The board shall have the following duties and responsibilities:

25 a. elect a commissioner for the department;

26 b. review and examine annually the policies and procedures of covered
27 agencies with regard to the prevention and detection of corruption,
28 fraud, criminal activity, and conflicts of interest or abuse;

29 c. create, in consultation with the commissioner, model training and
30 programming that may be used by covered agencies to inform and educate
31 employees and officers of such agencies of the code of ethics and other
32 relevant policies and practices meant to prevent fraud, criminality or
33 any other misconduct;

34 d. monitor the implementation by covered agencies of any policies or
35 practices put in place to combat corruption, fraud, criminal activity,
36 conflicts of interest or abuse;

37 e. in consultation with the commissioner, promulgate rules and regu-
38 lations necessary to effectuate section one hundred seven of the civil
39 service law, sections seventy-three, seventy-three-a, and seventy-four
40 of this chapter, article one-A of the legislative law, and any other
41 provision of law relating to corruption within the government.

42 f. in consultation with the commissioner, issue official advisory
43 opinions necessary to clarify interpretations of laws, rules, and regu-
44 lations; provided, however, that informal opinions may be provided by
45 appointed staff of the department upon request by a covered agency,
46 employee, state officers, or other subject individual.

47 g. promulgate rules and regulation necessary to govern investigations
48 of complaints filed with the commissioner, including rules and regu-
49 lations necessary to ensure due process for the subject of a complaint;
50 and

51 h. publish an annual report, no later than December thirty-first of
52 each year, to the governor and legislature on annual activities of the
53 board and the department, and include therein all generally applicable
54 advisory opinions issued during the year and recommendations for statu-
55 tory changes necessary to further provide for integrity in government.
56 Such report shall be made available on the department's public website.

1 All information deemed confidential by statute or other rule or regula-
2 tion shall be redacted or withheld from the report.

3 § 113-c. Commissioner; appointment, duties, and powers. 1. a. The
4 commissioner shall be chosen by a majority vote of the board of public
5 integrity. Notwithstanding any law to the contrary, the commissioner need
6 not be a resident of the state of New York at the time of appointment,
7 but shall be required to reside within the state at all times he or she
8 serves and is exercising the functions of the office of commissioner.
9 The commissioner shall also be prohibited from holding any other elected
10 position within New York state, or any political subdivision thereof.
11 Moreover, the commissioner, and his or her spouse, shall, during his or
12 her term of service, not make or solicit from any other person any
13 contributions to candidates for election to the offices of governor,
14 lieutenant governor, member of the assembly or the senate, attorney
15 general, or state comptroller, nor may he or she make or solicit any
16 contributions to a political party or committee.

17 b. The commissioner shall be appointed to serve a term of six years
18 and shall serve the entirety of such term unless a vacancy arises pursu-
19 ant to section thirty of this chapter, or the board of public integrity,
20 voting unanimously, approves a motion to remove the commissioner from
21 office. In the event the board of public integrity votes unanimously to
22 remove an individual from office, the board of public integrity shall
23 publish a statement, signed by all members of the board, articulating
24 the reasoning for such action.

25 c. The commissioner shall serve in his or her capacity beyond the
26 six-year term in office only upon re-appointment by the board of public
27 integrity or, if necessary, as a holdover until such time as such board
28 appoints a replacement.

29 2. The commissioner shall have the following duties and responsibil-
30 ities:

31 a. appoint any necessary deputies, assistants, or staff as required to
32 efficiently carry out the duties and purpose of the department;

33 b. assist covered agencies and other subject individuals with the
34 implementation of any ethics training programs established by the
35 department; provided, however that any ethics training for the legisla-
36 ture and legislative employees shall be overseen by the legislative
37 ethics commission;

38 c. receive and investigate complaints from any source, or upon his or
39 her own initiative, concerning allegations of corruption, fraud, crimi-
40 nal activity, conflicts of interest or abuse in any covered agency, by a
41 state officer, legislator, legislative employee, candidate for state
42 office, candidate for state assembly or senate, lobbyist, client of a
43 lobbyist, or political party chair;

44 d. when applicable, inform the heads of covered agencies of any
45 complaints and the progress of investigations related to such
46 complaints; unless circumstances require confidentiality; provided,
47 however, information regarding complaints and status of investigations
48 related to members of the legislature or employees of the legislature
49 shall be provided to the legislative ethics commission;

50 e. make determinations with respect to any allegations whether disci-
51 plinary actions, civil or criminal prosecution, or further investigation
52 by another governmental agency, federal, state or local, is necessary,
53 and to assist in any such investigation;

54 f. forward matters, including all relevant documentation, to appropri-
55 ate governmental agencies, federal or state, for prosecution, if an

1 investigation by the department finds there is probable cause to believe
2 that a violation of federal or state law occurred;

3 g. enforce determinations of the department, including fines or other
4 findings levied by the department, against covered agencies, state offi-
5 cers, employees, lobbyists, clients of lobbyists, and political party
6 chairs; and

7 h. issue an annual report to the board, no later than April first of
8 each year, summarizing all investigations and actions taken by the
9 department related to any such investigations or actions in the prior
10 calendar year. Such report shall be used by the board in compiling its
11 annual report to the governor and legislature; provided such report
12 shall be confidential and not subject to disclosure pursuant to article
13 six of this chapter.

14 3. In addition to the duties and responsibilities provided in subdivi-
15 sion two of this section, the commissioner shall exercise the following
16 powers in the execution of his or her duties:

17 a. subpoena and require the attendance of witnesses;

18 b. administer oaths of affirmation and examine witnesses under oath;

19 c. require the production of any books and papers deemed relevant or
20 material to any investigation, examination or review;

21 d. notwithstanding any law to the contrary, examine and copy or remove
22 documents or records of any kind prepared, maintained or held by any
23 covered agency, employee thereof, state officer, legislator, or legisla-
24 tive employee;

25 e. question any relevant party concerning any matter related to the
26 performance of his or her official duties or related to an investi-
27 gation;

28 f. monitor adherence to disciplinary determinations rendered by the
29 department; and

30 g. perform any other function necessary and appropriate to fulfill the
31 duties and responsibilities of the department.

32 § 113-d. Responsibilities of covered agencies, officers, and employ-
33 ees. 1. Every officer and employee in a covered agency, state officer,
34 legislator, legislative employee, lobbyist, client of a lobbyist, and
35 political party chair, shall report promptly to the department material
36 information concerning corruption, fraud, criminal activity, conflicts
37 of interest, ethical violations or abuse by another relating to his or
38 her office or employment, or by a person having business dealings with a
39 covered agency relating to those dealings, including lobbyist as defined
40 under article one-A of the legislative law.

41 2. The knowing failure of any subject individual to so report may be
42 cause for sanctions and punitive actions against such individual who
43 fails to report such conduct. Any individual who acts pursuant to this
44 section by reporting to the department improper governmental action as
45 defined in section seventy-five-b of the civil service law shall not be
46 subject to discipline by the department for failure to report such
47 activity; provided, however, that such protection from departmental
48 sanctions does not provide legal immunity for criminal actions.

49 § 113-e. Financial disclosure. 1. a. The commissioner, or any desig-
50 ated staff, shall inspect all financial disclosure statements filed
51 with the department in order to ascertain whether any person subject to
52 the reporting requirements of this chapter has failed to file such a
53 statement, has filed a deficient statement or has filed a statement
54 which reveals a possible violation of law.

55 b. The commissioner, or any designated staff, in relation to financial
56 disclosures:

1 (i) shall make available forms for annual statements of financial
2 disclosure required to be filed pursuant to section seventy-three-a of
3 this chapter;

4 (ii) receive complaints directly or through a referral from any other
5 covered agency or the department alleging violations of section seven-
6 ty-three, seventy-three-a or seventy-four of this chapter, article one-A
7 of the legislative law or section one hundred seven of the civil service
8 law;

9 (iii) permit any person required to file a financial disclosure state-
10 ment with the department to request deletion from the copy of such
11 statement made available for public inspection and copying one or more
12 items of information which may be deleted by the department upon a find-
13 ing by the department that the information which would otherwise be
14 required to be made available for public inspection and copying will
15 have no material bearing on the discharge of the reporting person's
16 official duties;

17 (iv) grant any person required to file a financial disclosure state-
18 ment an additional period of time within which to file such statement
19 due to justifiable cause or undue hardship;

20 (v) permit any person required to file a financial disclosure state-
21 ment to delete such information pertaining to such person's spouse or
22 emancipated children as shall be found by the department to have no
23 material bearing on the discharge of the reporting person's official
24 duties;

25 (vi) advise and assist any covered agency in establishing rules and
26 regulations relating to possible conflicts between private interests and
27 official duties of present and former state officers and employees;

28 (vii) advise and assist any covered agency with training programs
29 relating to ethical compliance;

30 (viii) permit any person who has not been determined by his or her
31 appointing authority to hold a policy-making position, but who is other-
32 wise required to file a financial disclosure statement, to be granted an
33 exemption from such filing requirement. The commissioner may grant such
34 an exemption where the public interest does not require disclosure and
35 the applicant's duties do not involve negotiation, authorization or
36 approval of:

37 A. contracts, leases, franchises, revocable consents, concessions,
38 variances, special permits or licenses as set forth in section seventy-
39 three of this chapter;

40 B. the purchase, sale, rental or lease of real property, goods or
41 services, or a contract therefor;

42 C. the obtaining of grants of money or loans; or

43 D. the adoption or repeal of any rule or regulation having the force
44 and effect of law;

45 (ix) determine questions common to a class or defined category of
46 persons or items of information required to be disclosed, where determi-
47 nation of the question will prevent undue repetition of requests for
48 exemption or deletion or prevent undue complication in complying with
49 the requirements of such section; and

50 (x) conduct investigations into any complaints.

51 2. If a person required to file a financial disclosure statement with
52 the department has failed to file a disclosure statement or has filed a
53 deficient statement, the commission shall notify the reporting person in
54 writing, state the failure to file or detail the deficiency, provide the
55 person with a fifteen-day period to cure the deficiency, and advise the
56 person of the penalties for failure to comply with the reporting

1 requirements. Such notice shall be confidential. If the person fails to
2 make such filing or fails to cure the deficiency within the specified
3 time period, the commissioner, or designated staff, shall send a notice
4 of delinquency:

5 a. to the reporting person;

6 b. in the case of a statewide elected official, to the temporary pres-
7 ident of the senate and the speaker of the assembly; and

8 c. in the case of a state officer or employee, to the appointing
9 authority for such person. Such notice of delinquency may be sent at any
10 time during the reporting person's service as a statewide elected offi-
11 cial, state officer or employee, political party chair or while a candi-
12 date for statewide office, or within one year after termination of such
13 service or candidacy.

14 § 113-f. Investigations; financial disclosure and ethical violations.

15 1. If the department receives a sworn complaint alleging a violation of
16 section one hundred seven of the civil service law, sections seventy-
17 three, seventy-three-a or seventy-four of this chapter, or article one-A
18 of the legislative law by a person or entity subject to the oversight of
19 the department, or if a reporting individual has filed a statement which
20 reveals a possible violation of any such provision, or if the department
21 determines on its own initiative to investigate a possible violation,
22 the department shall notify the individual in writing, within five busi-
23 ness days of receipt of a complaint or action of its own, so as to
24 describe the possible or alleged violation of such laws and provide the
25 person who is the subject of the complaint with a fifteen day period in
26 which to submit a written response setting forth information relating to
27 the activities cited as a possible or alleged violation of law.

28 2. If the department determines, following an initial review of the
29 complaint and any response, that there is a substantial basis to believe
30 that a violation has occurred, it shall send a notice of such findings:

31 a. to the complainant, if any; and

32 b. to the subject of the report or complaint.

33 3. An investigation undertaken by the department following a complaint
34 or action on its own initiative shall take no more than thirty days,
35 commencing from the day upon which the department determines there is
36 reasonable cause to believe that a violation occurred and sends notice
37 of such to the subject of the investigation. However, if completion of
38 an investigation is not possible within thirty days, such investigation
39 shall be completed as soon as practicable thereafter; provided notice of
40 the extended investigation is given to the complainant and subject of
41 the investigation.

42 4. Upon completion of an investigation, the department shall issue a
43 determination in writing to the individual and the complainant, if any;
44 and the appointing authority of any state employee. If the investigation
45 involved a member of the legislature or a legislative employee, such
46 determinations shall be forwarded to the legislative ethics commission;
47 while determinations involving the governor, the lieutenant governor,
48 attorney general or state comptroller shall be provided to the governor
49 and the speaker of the assembly and temporary president of the senate.
50 Such final determinations shall be available for public inspection,
51 including findings of fact and conclusions of law that a violation of
52 law occurred; provided that no other reports or investigative materials
53 shall be publicly reviewable and shall remain confidential.

54 5. a. The department shall have jurisdiction to investigate, but shall
55 have no jurisdiction to impose penalties upon members of or candidates
56 for member of the legislature or legislative employees for any violation

1 of this chapter. If upon completion of its investigation the department
2 concludes that a member of the legislature or a legislative employee or
3 candidate for member of the legislature has violated any provisions of
4 law over which the department has oversight, it shall present a written
5 report to the legislative ethics commission, and deliver a copy of the
6 report to the individual who is the subject of the report. Such written
7 report shall include:

8 (i) the department's findings of fact and any evidence addressed in
9 such findings; and conclusions of law and citations to any relevant law,
10 rule, opinion, regulation or standard of conduct upon which it relied;
11 and

12 (ii) a determination that the department has concluded that a
13 violation has occurred, and the reasons and basis for such determi-
14 nation.

15 b. The department shall also separately provide to the legislative
16 ethics commission copies of additional documents or other evidence
17 considered including evidence that may contradict the department's find-
18 ings, the names of and other information regarding any additional
19 witnesses, and any other materials. With respect to a violation of any
20 law other than sections seventy-three, seventy-three-a, and seventy-four
21 of this chapter, where the department finds sufficient cause, it shall
22 refer such matter to the appropriate prosecutor.

23 § 113-g. Investigations; other. 1. The department shall also be
24 authorized to undertake, upon a submitted complaint or its own initi-
25 ative, any investigation into potential criminal activity, or other
26 conduct over which it has jurisdiction, by a person or entity subject to
27 the oversight of the department.

28 2. The board of public integrity, in consultation with the commission-
29 er, shall promulgate any rules and regulations necessary to, among other
30 things, ensure investigatory integrity, due process, and appropriate
31 criminal and/or civil prosecution, if warranted.

32 3. Notwithstanding review and publication of a final determination of
33 the department, any person conducting or participating in any examina-
34 tion or investigation under this section or section one hundred thir-
35 teen-f this article who shall disclose to any person not involved in
36 such examination or investigation, or who the commissioner may otherwise
37 have authorized to receive such information related to or detailing an
38 investigation, shall be guilty of a misdemeanor.

39 § 113-h. Violations. 1. An individual subject to the jurisdiction of
40 the department who knowingly and intentionally violates the provisions
41 of subdivisions two through five, seven, eight, twelve or fourteen
42 through seventeen of section seventy-three of this chapter, section one
43 hundred seven of the civil service law, or a reporting individual who
44 knowingly and willfully fails to file an annual statement of financial
45 disclosure or who knowingly and willfully with intent to deceive makes a
46 false statement or fraudulent omission or gives information which such
47 individual knows to be false on such statement of financial disclosure
48 filed pursuant to section seventy-three-a of this chapter shall be
49 subject to a civil penalty in an amount not to exceed forty thousand
50 dollars and the value of any gift, compensation or benefit received as a
51 result of such violation. An individual who knowingly and intentionally
52 violates the provisions of paragraph b, c, d or i of subdivision three
53 of section seventy-four of this chapter shall be subject to a civil
54 penalty in an amount not to exceed ten thousand dollars and the value of
55 any gift, compensation or benefit received as a result of such
56 violation. An individual who knowingly and intentionally violates the

1 provisions of paragraph a, e or g of subdivision three of section seven-
2 ty-four of this chapter shall be subject to a civil penalty in an amount
3 not to exceed the value of any gift, compensation or benefit received as
4 a result of such violation. An individual subject to the jurisdiction of
5 the department who knowingly and willfully violates article one-A of the
6 legislative law shall be subject to civil penalty as provided for in
7 such article. Assessment of a civil penalty pursuant to this section
8 shall be made by the department with respect to individuals subject to
9 its jurisdiction. In assessing the amount of the civil penalties to be
10 imposed, the department shall consider the seriousness of the violation,
11 the amount of gain to the individual and whether such individual previ-
12 ously had any civil or criminal penalties imposed pursuant to this
13 section, and any other factors the department deems appropriate.

14 2. A civil penalty for false filing relating to financial disclosures
15 made pursuant to section seventy-three or seventy-three-a of this chap-
16 ter may not be imposed pursuant to this section in the event a category
17 of "value" or "amount" reported pursuant to this section is incorrect
18 unless such reported information is materially false.

19 3. All determinations of any civil fine made by the department pursu-
20 ant to this section shall be forwarded to appointing authority of the
21 subject individual, and shall reviewed any other possible criminal
22 violations that may arise from such violations. Violations of section
23 one hundred seven of the civil service law, subdivision twelve, four-
24 teen, fifteen, sixteen or seventeen of section seventy-three or section
25 seventy-four of this chapter or article one-A of the legislative law
26 shall constitute class A misdemeanors.

27 § 113-i. Adjudicatory process. The department shall be deemed to be an
28 agency within the meaning of article three of the state administrative
29 procedure act and shall adopt rules governing the conduct of adjudicato-
30 ry proceedings and appeals taken pursuant to a proceeding commenced
31 under article seventy-eight of the civil practice law and rules relating
32 to the assessment of the civil penalties authorized by this article and
33 department denials of requests for certain deletions or exemptions to be
34 made from a financial disclosure statement as authorized by this arti-
35 cle. Such rules, which shall not be subject to the approval requirements
36 of the state administrative procedure act, shall provide for due process
37 procedural mechanisms substantially similar to those set forth in arti-
38 cle three of the state administrative procedure act but such mechanisms
39 need not be identical in terms or scope. Assessment of a civil penalty
40 or department denial of such a request shall be final unless modified,
41 suspended or vacated within thirty days of imposition, with respect to
42 the assessment of such penalty, or unless such denial of request is
43 reversed within such time period, and upon becoming final shall be
44 subject to review at the instance of the affected reporting individuals
45 in a proceeding commenced against the department, pursuant to article
46 seventy-eight of the civil practice law and rules.

47 § 2. This act shall take effect on the first of January next succeed-
48 ing the date on which it shall have become a law; provided further,
49 however, that appointments to the board of public integrity authorized
50 by section 113-b of the public officers law shall be made within sixty
51 days of the date on which this act shall have become a law and such
52 board members shall be authorized to hold meetings upon appointment
53 necessary to ensure proper administration of such department.

1 Section 1. Section 94 of the executive law is REPEALED.
2 § 2. Article 4-A of the executive law is REPEALED.
3 § 3. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.

5 PART C

6 Section 1. Transfer of functions, powers and duties. All functions,
7 powers, duties and obligations of the former joint commission on public
8 ethics, and the former office of the state inspector general are hereby
9 transferred to the department of oversight and investigation.

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

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

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

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

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

46 § 3. Transfer of records. All books, papers and property of the former
47 joint commission on public ethics, and the former office of the state
48 inspector general are to be delivered to the department of oversight and
49 investigation at such place and time, and in such manner as the depart-
50 ment of oversight and investigation shall require.

51 § 4. Continuity of authority. For the purpose of succession to all
52 functions, powers, duties and obligations of the former joint commission
53 on public ethics and the former office of the state inspector general
54 transferred to and assumed by the department of oversight and investi-

1 gation, such department shall continue the operation thereof as if
2 performed by such former agencies.

3 § 5. Completion of unfinished business. Any business or other matter
4 undertaken or commenced by the former joint commission on public ethics,
5 or the former office of the state inspector general pertaining to or
6 connected with the functions, powers, duties and obligations transferred
7 and assigned to the department of oversight and investigation, and pend-
8 ing on the effective date of this section shall be conducted and
9 completed by such department in the same manner and under the same terms
10 and conditions and with the same effect as if conducted and completed by
11 such former agencies.

12 § 6. Continuation of rules and regulations. All rules, regulations,
13 acts, orders, determinations and decisions of the former joint commis-
14 sion on public ethics and the former office of the state inspector
15 general in force at the time of such transfer and assumption, shall
16 continue in force and effect as rules, regulations, acts, orders, deter-
17 minations and decisions of the department of oversight and investigation
18 until duly modified or abrogated.

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

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

29 § 9. Pending actions or proceedings. No action or proceeding pending
30 upon the effective date of this section relating to the functions,
31 powers and duties of the former joint commission on public ethics, and
32 the former office of the state inspector general transferred to the
33 department of oversight and investigation, brought by or against any
34 such former agency or individual, shall be affected by any provision of
35 this act, but the same may be prosecuted or defended in the name of such
36 department. In all such actions and proceedings, the department of over-
37 sight and investigation, upon application to the court, shall be substi-
38 tuted as a party.

39 § 10. Transfer of appropriations heretofore made. Subject to the
40 approval of the director of the division of the budget, all appropri-
41 ations and reappropriations heretofore made to the former joint commis-
42 sion on public ethics and the former office of the state inspector
43 general for the purposes and functions transferred pursuant to this act
44 to the department of oversight and investigation, to the extent of
45 remaining unexpended or unencumbered balance thereof, whether allocated
46 or unallocated, and whether obligated or unobligated, are hereby trans-
47 ferred to and made available for use and expenditure by such department
48 for the same purposes for which originally appropriated or reappropri-
49 ated and shall be payable on vouchers certified or approved by the
50 commissioner of the department of oversight and investigation on audit
51 and warrant of the comptroller. Payments for liabilities for expenses of
52 personal services, maintenance and operation heretofore incurred by and
53 for liabilities incurred and to be incurred in completing the affairs of
54 the former joint commission on public ethics and the former office of
55 the state inspector general with respect to the powers, duties and func-
56 tions transferred in this act, shall also be made on vouchers or certifi-

1 icates approved by the commissioner of the department of oversight and
2 investigation on audit and warrant of the comptroller.

3 § 11. Transfer of assets and liabilities. All assets and liabilities
4 of the former joint commission on public ethics and the former office of
5 the state inspector general are hereby transferred to and assumed by the
6 department of oversight and investigation.

7 § 12. The department of oversight and investigation is hereby directed
8 to immediately take any and all actions necessary to enable it to assume
9 all powers, duties and functions of the former joint commission on
10 public ethics and the former office of the state inspector general with-
11 in 90 days of the effective date of this act.

12 § 13. This act shall take effect on the first of January next succeed-
13 ing the date on which it shall have become a law; provided that sections
14 one through eleven of this act shall take effect on the first of April
15 next succeeding the date on which it shall have become a law.

16 PART D

17 Section 1. Subdivision 5 of section 107 of the civil service law, as
18 amended by chapter 14 of the laws of 2007, is amended to read as
19 follows:

20 5. Violation of this section. Complaints alleging a violation of this
21 section by a statewide elected official or a state officer or employee,
22 as defined in section seventy-three of the public officers law, may be
23 directed to the [~~commission on public integrity~~] department of oversight
24 and investigation.

25 § 2. Subdivision (f) of section 1-c of the legislative law, as amended
26 by chapter 14 of the laws of 2007, is amended to read as follows:

27 (f) The term "commission" shall mean the [~~commission on public integ-~~
28 ~~riety created by section ninety-four of the executive law~~] department of
29 oversight and investigation.

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

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

46 § 4. Subdivision 3 of section 63 of the executive law, as amended by
47 chapter 155 of the laws of 2012, is amended to read as follows:

48 3. Upon request of the governor, comptroller, secretary of state,
49 commissioner of transportation, superintendent of financial services,
50 commissioner of taxation and finance, commissioner of motor vehicles, or
51 the [~~state inspector general~~] commissioner of the department of over-
52 sight and investigation, or the head of any other department, authority,
53 division or agency of the state, investigate the alleged commission of
54 any indictable offense or offenses in violation of the law which the

1 officer making the request is especially required to execute or in
2 relation to any matters connected with such department, and to prosecute
3 the person or persons believed to have committed the same and any crime
4 or offense arising out of such investigation or prosecution or both,
5 including but not limited to appearing before and presenting all such
6 matters to a grand jury.

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

9 § 2350-dd. Jurisdiction of [~~state inspector general~~] department of
10 oversight and investigation. The agency is subject to the jurisdiction
11 of the [~~office of the state inspector general~~] commissioner of the
12 department of oversight and investigation.

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

15 3. Investigators [~~of the office of the state commission of investi-~~
16 ~~gation~~] acting for, or at the request of the department of oversight and
17 investigation.

18 § 7. Subdivision 68 of section 2.10 of the criminal procedure law, as
19 added by chapter 168 of the laws of 2000, is REPEALED.

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

22 3. The deputy attorney general in charge of the organized crime task
23 force may request and shall receive from the division of state police,
24 the state department of taxation and finance, the state department of
25 labor, the [~~temporary state commission of investigation~~] department of
26 oversight and investigation, and from every department, division, board,
27 bureau, commission or other agency of the state, or of any political
28 subdivision thereof, cooperation and assistance in the performance of
29 his duties. Such deputy attorney general may provide technical and other
30 assistance to any district attorney or other local law enforcement offi-
31 cial requesting such assistance in the investigation or prosecution of
32 organized crime cases.

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

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

54 § 10. Subdivision 8 of section 92 of the public officers law, as
55 amended by section 135 of subpart B of part C of chapter 62 of the laws
56 of 2011, is amended to read as follows:

1 (8) Public safety agency record. The term "public safety agency
2 record" means a record of the state commission of correction, the
3 [~~temporary state commission of investigation~~] department of oversight
4 and investigation, the department of corrections and community super-
5 vision, the office of children and family services, the office of victim
6 services, the office of probation and correctional alternatives or the
7 division of state police or of any agency or component thereof whose
8 primary function is the enforcement of civil or criminal statutes if
9 such record pertains to investigation, law enforcement, confinement of
10 persons in correctional facilities or supervision of persons pursuant to
11 criminal conviction or court order, and any records maintained by the
12 division of criminal justice services pursuant to sections eight hundred
13 thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-sev-
14 en-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight
15 hundred thirty-nine, and eight hundred forty-five of the executive law
16 and by the department of state pursuant to section ninety-nine of the
17 executive law.

18 § 11. Chapter 989 of the laws of 1958, creating a temporary state
19 commission of investigation, is REPEALED.

20 § 12. Subparagraphs (ii) and (iii) of paragraph (c), and paragraphs
21 (d) and (d-1) of subdivision 1 of section 73-a of the public officers
22 law, subparagraphs (ii) and (iii) of paragraph (c) and paragraph (d) as
23 amended and paragraph (d-1) as added by section 5 of part A of chapter
24 399 of the laws of 2011, are amended to read as follows:

25 (ii) officers and employees of statewide elected officials, officers
26 and employees of state departments, boards, bureaus, divisions, commis-
27 sions, councils or other state agencies, who receive annual compensation
28 in excess of the filing rate established by paragraph (1) of this subdivi-
29 sion or who hold policy-making positions, as annually determined by
30 the appointing authority and set forth in a written instrument which
31 shall be filed with the [~~joint commission on public ethics established~~
32 ~~by section ninety-four of the executive law~~] department of oversight and
33 investigation during the month of February, provided, however, that the
34 appointing authority shall amend such written instrument after such date
35 within thirty days after the undertaking of policy-making responsibil-
36 ities by a new employee or any other employee whose name did not appear
37 on the most recent written instrument; and

38 (iii) members or directors of public authorities, other than multi-
39 state authorities, public benefit corporations and commissions at least
40 one of whose members is appointed by the governor, and employees of such
41 authorities, corporations and commissions who receive annual compen-
42 sation in excess of the filing rate established by paragraph (1) of this
43 subdivision or who hold policy-making positions, as determined annually
44 by the appointing authority and set forth in a written instrument which
45 shall be filed with the [~~joint commission on public ethics established~~
46 ~~by section ninety-four of the executive law~~] department of oversight and
47 investigation during the month of February, provided, however, that the
48 appointing authority shall amend such written instrument after such date
49 within thirty days after the undertaking of policy-making responsibil-
50 ities by a new employee or any other employee whose name did not appear
51 on the most recent written instrument.

52 (d) The term "legislative employee" shall mean any officer or employee
53 of the legislature who receives annual compensation in excess of the
54 filing rate established by paragraph (1) [~~below~~] of this subdivision or
55 who is determined to hold a policy-making position by the appointing
56 authority as set forth in a written instrument which shall be filed with

1 the legislative ethics commission and the [~~joint commission on public~~
2 ~~ethics~~] department of oversight and investigation.

3 (d-1) A financial disclosure statement required pursuant to section
4 seventy-three of this article and this section shall be deemed "filed"
5 with the [~~joint commission on public ethics~~] department of oversight and
6 investigation upon its filing, in accordance with this section, with the
7 legislative ethics commission for all purposes including, but not limit-
8 ed to, [~~subdivision fourteen of section ninety-four of the executive~~
9 ~~law,~~] article seven-A of this chapter, subdivision nine of section
10 eighty of the legislative law and subdivision four of this section.

11 § 13. Subdivision 2 of section 73-a of the public officers law, as
12 amended by section 5 of part A of chapter 399 of the laws of 2011, is
13 amended to read as follows:

14 2. (a) Every statewide elected official, state officer or employee,
15 member of the legislature, legislative employee and political party
16 chairman and every candidate for statewide elected office or for member
17 of the legislature shall file an annual statement of financial disclo-
18 sure containing the information and in the form set forth in subdivision
19 three of this section. On or before the fifteenth day of May with
20 respect to the preceding calendar year: (1) every member of the legisla-
21 ture, every candidate for member of the legislature and legislative
22 employee shall file such statement with the legislative ethics commis-
23 sion which shall provide such statement along with any requests for
24 exemptions or deletions to the [~~joint commission on public ethics~~]
25 department of oversight and investigation for filing and rulings with
26 respect to such requests for exemptions or deletions, on or before the
27 thirtieth day of June; and (2) all other individuals required to file
28 such statement shall file it with the [~~joint commission on public~~
29 ~~ethics~~] department of oversight and investigation, except that:

30 (i) a person who is subject to the reporting requirements of this
31 subdivision and who timely filed with the internal revenue service an
32 application for automatic extension of time in which to file his or her
33 individual income tax return for the immediately preceding calendar or
34 fiscal year shall be required to file such financial disclosure state-
35 ment on or before May fifteenth but may, without being subjected to any
36 civil penalty on account of a deficient statement, indicate with respect
37 to any item of the disclosure statement that information with respect
38 thereto is lacking but will be supplied in a supplementary statement of
39 financial disclosure, which shall be filed on or before the seventh day
40 after the expiration of the period of such automatic extension of time
41 within which to file such individual income tax return, provided that
42 failure to file or to timely file such supplementary statement of finan-
43 cial disclosure or the filing of an incomplete or deficient supplementa-
44 ry statement of financial disclosure shall be subject to the notice and
45 penalty provisions of this section respecting annual statements of
46 financial disclosure as if such supplementary statement were an annual
47 statement;

48 (ii) a person who is required to file an annual financial disclosure
49 statement with the [~~joint commission on public ethics~~] department of
50 oversight and investigation, and who is granted an additional period of
51 time within which to file such statement due to justifiable cause or
52 undue hardship[, ~~in accordance with required rules and regulations on~~
53 ~~the subject adopted pursuant to paragraph e of subdivision nine of~~
54 ~~section ninety-four of the executive law~~] shall file such statement
55 within the additional period of time granted[, ~~and the legislative~~

1 ~~ethics commission shall notify the joint commission on public ethics of~~
2 ~~any extension granted pursuant to this paragraph~~];

3 (iii) candidates for statewide office who receive a party designation
4 for nomination by a state committee pursuant to section 6-104 of the
5 election law shall file such statement within ten days after the date of
6 the meeting at which they are so designated;

7 (iv) candidates for statewide office who receive twenty-five percent
8 or more of the vote cast at the meeting of the state committee held
9 pursuant to section 6-104 of the election law and who demand to have
10 their names placed on the primary ballot and who do not withdraw within
11 fourteen days after such meeting shall file such statement within ten
12 days after the last day to withdraw their names in accordance with the
13 provisions of such section of the election law;

14 (v) candidates for statewide office and candidates for member of the
15 legislature who file party designating petitions for nomination at a
16 primary election shall file such statement within ten days after the
17 last day allowed by law for the filing of party designating petitions
18 naming them as candidates for the next succeeding primary election;

19 (vi) candidates for independent nomination who have not been desig-
20 nated by a party to receive a nomination shall file such statement with-
21 in ten days after the last day allowed by law for the filing of inde-
22 pendent nominating petitions naming them as candidates in the next
23 succeeding general or special election;

24 (vii) candidates who receive the nomination of a party for a special
25 election shall file such statement within ten days after the date of the
26 meeting of the party committee at which they are nominated; and

27 (viii) a candidate substituted for another candidate, who fills a
28 vacancy in a party designation or in an independent nomination, caused
29 by declination, shall file such statement within ten days after the last
30 day allowed by law to file a certificate to fill a vacancy in such party
31 designation or independent nomination;

32 (ix) with respect to all candidates for member of the legislature, the
33 legislative ethics commission shall within five days of receipt provide
34 the joint commission on public ethics the statement filed pursuant to
35 subparagraphs (v), (vi), (vii) and (viii) of this paragraph.

36 (b) As used in this subdivision, the terms "party", "committee" (when
37 used in conjunction with the term "party"), "designation", "primary",
38 "primary election", "nomination", "independent nomination" and "ballot"
39 shall have the same meanings as those contained in section 1-104 of the
40 election law.

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

52 (d) The [~~joint commission on public ethics~~] department of oversight
53 and investigation shall obtain from the state board of elections a list
54 of all candidates for statewide office and for member of the legisla-
55 ture, and from such list, shall determine and publish a list of those

1 candidates who have not, within ten days after the required date for
2 filing such statement, filed the statement required by this subdivision.

3 (e) Any person required to file such statement who commences employ-
4 ment after May fifteenth of any year and political party chairman shall
5 file such statement within thirty days after commencing employment or of
6 taking the position of political party chairman, as the case may be. In
7 the case of members of the legislature and legislative employees, such
8 statements shall be filed with the legislative ethics commission within
9 thirty days after commencing employment, and the legislative ethics
10 commission shall provide such statements to the joint commission on
11 public ethics within forty-five days of receipt.

12 (f) A person who may otherwise be required to file more than one annu-
13 al financial disclosure statement with both the [~~joint commission on~~
14 ~~public ethics~~] department of oversight and investigation and the legis-
15 lative ethics commission in any one calendar year may satisfy such
16 requirement by filing one such statement with either body and by notify-
17 ing the other body of such compliance.

18 (g) A person who is employed in more than one employment capacity for
19 one or more employers certain of whose officers and employees are
20 subject to filing a financial disclosure statement with the same ethics
21 commission, as the case may be, and who receives distinctly separate
22 payments of compensation for such employment shall be subject to the
23 filing requirements of this section if the aggregate annual compensation
24 for all such employment capacities is in excess of the filing rate
25 notwithstanding that such person would not otherwise be required to file
26 with respect to any one particular employment capacity. A person not
27 otherwise required to file a financial disclosure statement hereunder
28 who is employed by an employer certain of whose officers or employees
29 are subject to filing a financial disclosure statement with the [~~joint~~
30 ~~commission on public ethics~~] department of oversight and investigation
31 and who is also employed by an employer certain of whose officers or
32 employees are subject to filing a financial disclosure statement with
33 the legislative ethics commission shall not be subject to filing such
34 statement with either such commission on the basis that his aggregate
35 annual compensation from all such employers is in excess of the filing
36 rate.

37 (h) A statewide elected official or member of the legislature, who is
38 simultaneously a candidate for statewide elected office or member of the
39 legislature, shall satisfy the filing deadline requirements of this
40 subdivision by complying only with the deadline applicable to one who
41 holds a statewide elected office or who holds the office of member of
42 the legislature.

43 (i) A candidate whose name will appear on both a party designating
44 petition and on an independent nominating petition for the same office
45 or who will be listed on the election ballot for the same office more
46 than once shall satisfy the filing deadline requirements of this subdivi-
47 sion by complying with the earliest applicable deadline only.

48 (j) A member of the legislature who is elected to such office at a
49 special election prior to May fifteenth in any year shall satisfy the
50 filing requirements of this subdivision in such year by complying with
51 the earliest applicable deadline only.

52 (k) The [~~joint commission on public ethics~~] department of oversight
53 and investigation shall post for at least five years beginning for
54 filings made on January first, two thousand thirteen the annual state-
55 ment of financial disclosure and any amendments filed by each person
56 subject to the reporting requirements of this subdivision who is an

1 elected official on its website for public review within thirty days of
2 its receipt of such statement or within ten days of its receipt of such
3 amendment that reflects any corrections of deficiencies identified by
4 [~~the commission~~] such department or by the reporting individual after
5 the reporting individual's initial filing. Except upon an individual
6 determination by the [~~commission~~] department of oversight and investi-
7 gation that certain information may be deleted from a reporting individ-
8 ual's annual statement of financial disclosure, none of the information
9 in the statement posted on [~~the commission's~~] such department's website
10 shall be otherwise deleted.

11 § 14. Subparagraphs (b), (b-2) and (c) of paragraph 8 of subdivision 3
12 and subdivision 4 of section 73-a of the public officers law, subpara-
13 graphs (b), (b-2) and (c) of paragraph 8 of subdivision 3 as amended by
14 section 6 of part K of chapter 286 of the laws of 2016, and subdivision
15 4 as amended by section 5 of part A of chapter 399 of the laws of 2011,
16 are amended to read as follows:

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
55 or she or his or her firm provided legal representation with respect to
56 investigation or prosecution by law enforcement authorities, bankruptcy,

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

11 Client	Nature of Services Provided
12	
13	
14	
15	
16	

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

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

33 Client	Services	Category of Amount
	Actually Provided	(in Table I)
34		

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

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

1 (ii) With respect to reporting individuals who disclosed in question
 2 8(a) that the reporting individual did not provide services to a client
 3 but provided services to a firm or business, identify the category of
 4 amount received for providing such services and describe the services
 5 rendered.

6 Services Actually Provided Category of Amount (Table I)

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

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

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

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

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

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

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

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

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

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

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

- 46 (i) A proposed bill or resolution in the senate or assembly during the
47 reporting period;
- 48 (ii) A contract in an amount totaling \$10,000 or more from the state
49 or any state agency for services, materials, or property;
- 50 (iii) A grant of \$10,000 or more from the state or any state agency
51 during the reporting period;
- 52 (iv) A grant obtained through a legislative initiative during the
53 reporting period; or
- 54 (v) A case, proceeding, application or other matter that is not a
55 ministerial matter before a state agency during the reporting period."

1 In reviewing the request for an exemption, the [~~joint commission~~
2 department of oversight and investigation or the office of court admin-
3 istration may consult with bar or other professional associations and
4 the legislative ethics commission for individuals subject to its juris-
5 diction and may consider the rules of professional conduct. In making
6 its determination, the [~~joint commission~~ department of oversight and
7 investigation or the office of court administration shall conduct its
8 own inquiry and shall consider factors including, but not limited to:
9 (i) the nature and the size of the client; (ii) whether the client has
10 any business before the state; and if so, how significant the business
11 is; and whether the client has any particularized interest in pending
12 legislation and if so how significant the interest is; (iii) whether
13 disclosure may reveal trade secrets; (iv) whether disclosure could
14 reasonably result in retaliation against the client; (v) whether disclo-
15 sure may cause undue harm to the client; (vi) whether disclosure may
16 result in undue harm to the attorney-client relationship; and (vii)
17 whether disclosure may result in an unnecessary invasion of privacy to
18 the client.

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

34 Client	Name of Lobbyist	Description 35 of Matter	Category of Amount (in Table 1)
36			
37			
38			
39			
40			

41 4. A reporting individual who knowingly and wilfully fails to file an
42 annual statement of financial disclosure or who knowingly and wilfully
43 with intent to deceive makes a false statement or gives information
44 which such individual knows to be false on such statement of financial
45 disclosure filed pursuant to this section shall be subject to a civil
46 penalty in an amount not to exceed forty thousand dollars. Assessment of
47 a civil penalty hereunder shall be made by the [~~joint commission on~~
48 ~~public ethics or by the legislative ethics commission, as the case may~~
49 ~~be~~] department of oversight and investigation or the legislative ethics
50 commission, with respect to persons subject to their respective juris-
51 dictions. The [~~joint commission on public ethics acting pursuant to~~
52 ~~subdivision fourteen of section ninety-four of the executive law~~]
53 department of oversight and investigation or the legislative ethics
54 commission acting pursuant to subdivision eleven of section eighty of
55 the legislative law, as the case may be, may, in lieu of or in addition

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

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

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

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

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

45 § 17. Paragraph (a) of subdivision 1 of section 73 of the public offi-
46 cers law, as amended by section 1 of part A of chapter 399 of the laws
47 of 2011, is amended to read as follows:

48 (a) The term "compensation" shall mean any money, thing of value or
49 financial benefit conferred in return for services rendered or to be
50 rendered. With regard to matters undertaken by a firm, corporation or
51 association, compensation shall mean net revenues, as defined in accord-
52 ance with generally accepted accounting principles as defined by the
53 [~~joint commission on public ethics or~~] legislative ethics commission or
54 the department of oversight and investigation in relation to persons
55 subject to their respective jurisdictions.

1 § 18. The opening paragraph of paragraph (a) of subdivision 6 of
2 section 73 of the public officers law, as amended by section 3 of part K
3 of chapter 286 of the laws of 2016, is amended to read as follows:

4 Every legislative employee not subject to the provisions of section
5 seventy-three-a of this chapter shall, on and after December fifteenth
6 and before the following January fifteenth, in each year, file with the
7 [~~joint commission on public ethics and the~~] legislative ethics commis-
8 sion a financial disclosure statement of

9 § 19. Paragraph (h) of subdivision 8 of section 73 of the public offi-
10 cers law, as amended by section 10 of part A of chapter 399 of the laws
11 of 2011, is amended to read as follows:

12 (h) Notwithstanding the provisions of subparagraphs (i) and (ii) of
13 paragraph (a) of this subdivision, a former state officer or employee
14 may contract individually, or as a member or employee of a firm, corpo-
15 ration or association, to render services to any state agency when the
16 agency head certifies in writing to the [~~joint commission on public~~
17 ~~ethics~~] department of oversight and investigation that the services of
18 such former officer or employee are required in connection with the
19 agency's response to a disaster emergency declared by the governor
20 pursuant to section twenty-eight of the executive law.

21 § 20. Subdivision 8-a of section 73 of the public officers law, as
22 amended by chapter 357 of the laws of 2001 and the opening paragraph as
23 amended by section 11 of part A of chapter 399 of the laws of 2011, is
24 amended to read as follows:

25 8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of
26 subdivision eight of this section shall not apply to any such former
27 state officer or employee engaged in any of the specific permitted
28 activities defined in this subdivision that are related to any civil
29 action or proceeding in any state or federal court, provided that the
30 attorney general has certified in writing to the [~~joint commission on~~
31 ~~public ethics~~] department of oversight and investigation, with a copy to
32 such former state officer or employee, that the services are rendered on
33 behalf of the state, a state agency, state officer or employee, or other
34 person or entity represented by the attorney general, and that such
35 former state officer or employee has expertise, knowledge or experience
36 which is unique or outstanding in a field or in a particular matter or
37 which would otherwise be generally unavailable at a comparable cost to
38 the state, a state agency, state officer or employee, or other person or
39 entity represented by the attorney general in such civil action or
40 proceeding. In those instances where a state agency is not represented
41 by the attorney general in a civil action or proceeding in state or
42 federal court, a former state officer or employee may engage in permit-
43 ted activities provided that the general counsel of the state agency,
44 after consultation with the [~~joint commission on public ethics~~] depart-
45 ment of oversight and investigation, provides to [~~the joint commission~~
46 ~~on public ethics~~] such department a written certification which meets
47 the requirements of this subdivision. For purposes of this subdivision
48 the term "permitted activities" shall mean generally any activity
49 performed at the request of the attorney general or the attorney gener-
50 al's designee, or in cases where the state agency is not represented by
51 the attorney general, the general counsel of such state agency, includ-
52 ing without limitation:

53 (a) preparing or giving testimony or executing one or more affidavits;

54 (b) gathering, reviewing or analyzing information, including documen-
55 tary or oral information concerning facts or opinions, attending deposi-
56 tions or participating in document review or discovery;

1 (c) performing investigations, examinations, inspections or tests of
2 persons, documents or things;

3 (d) performing audits, appraisals, compilations or computations, or
4 reporting about them;

5 (e) identifying information to be sought concerning facts or opinions;
6 or

7 (f) otherwise assisting in the preparation for, or conduct of, such
8 litigation.

9 Nothing in this subdivision shall apply to the provision of legal
10 representation by any former state officer or employee.

11 § 21. Subdivision 8-b of section 73 of the public officers law, as
12 amended by section 12 of part A of chapter 399 of the laws of 2011, is
13 amended to read as follows:

14 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of
15 paragraph (a) of subdivision eight of this section, a former state offi-
16 cer or employee may contract individually, or as a member or employee of
17 a firm, corporation or association, to render services to any state
18 agency if, prior to engaging in such service, the agency head certifies
19 in writing to the [~~joint commission on public ethics~~] department of
20 oversight and investigation that such former officer or employee has
21 expertise, knowledge or experience with respect to a particular matter
22 which meets the needs of the agency and is otherwise unavailable at a
23 comparable cost. Where approval of the contract is required under
24 section one hundred twelve of the state finance law, the comptroller
25 shall review and consider the reasons for such certification. The [~~joint~~
26 ~~commission on public ethics~~] department of oversight and investigation
27 must review and approve all certifications made pursuant to this subdivi-
28 sion.

29 § 22. Subdivision 10 of section 73 of the public officers law, as
30 amended by section 5 of part K of chapter 286 of the laws of 2016, is
31 amended to read as follows:

32 10. Nothing contained in this section, the judiciary law, the educa-
33 tion law or any other law or disciplinary rule shall be construed or
34 applied to prohibit any firm, association or corporation, in which any
35 present or former statewide elected official, state officer or employee,
36 or political party chairman, member of the legislature or legislative
37 employee is a member, associate, retired member, of counsel or share-
38 holder, from appearing, practicing, communicating or otherwise rendering
39 services in relation to any matter before, or transacting business with
40 a state agency, or a city agency with respect to a political party
41 chairman in a county wholly included in a city with a population of more
42 than one million, otherwise proscribed by this section, the judiciary
43 law, the education law or any other law or disciplinary rule with
44 respect to such official, member of the legislature or officer or
45 employee, or political party chairman, where such statewide elected
46 official, state officer or employee, member of the legislature or legis-
47 lative employee, or political party chairman does not share in the net
48 revenues, as defined in accordance with generally accepted accounting
49 principles by the [~~joint commission on public ethics or by the~~] legisla-
50 tive ethics commission or the department of oversight and investigation
51 in relation to persons subject to their respective jurisdictions,
52 resulting therefrom, or, acting in good faith, reasonably believed that
53 he or she would not share in the net revenues as so defined; nor shall
54 anything contained in this section, the judiciary law, the education law
55 or any other law or disciplinary rule be construed to prohibit any firm,
56 association or corporation in which any present or former statewide

1 elected official, member of the legislature, legislative employee, full-
2 time salaried state officer or employee or state officer or employee who
3 is subject to the provisions of section seventy-three-a of this article
4 is a member, associate, retired member, of counsel or shareholder, from
5 appearing, practicing, communicating or otherwise rendering services in
6 relation to any matter before, or transacting business with, the court
7 of claims, where such statewide elected official, member of the legisla-
8 ture, legislative employee, full-time salaried state officer or employee
9 or state officer or employee who is subject to the provisions of section
10 seventy-three-a of this article does not share in the net revenues, as
11 defined in accordance with generally accepted accounting principles by
12 the [~~joint commission on public ethics or by the~~] legislative ethics
13 commission or the department of oversight and investigation in relation
14 to persons subject to their respective jurisdictions, resulting there-
15 from, or, acting in good faith, reasonably believed that he or she would
16 not share in the net revenues as so defined.

17 § 23. This act shall take effect on the first of January next succeed-
18 ing the date on which it shall have become a law; provided that the
19 amendment to subdivision 3 of section 212 of the racing, pari-mutuel
20 wagering and breeding law made by section three of this act shall not
21 affect the repeal of such section and shall be deemed repealed there-
22 with.

23 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section or part of this act shall be adjudged by any court of
25 competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in
27 its operation to the clause, sentence, paragraph, subdivision, section
28 or part thereof directly involved in the controversy in which such judg-
29 ment shall have been rendered. It is hereby declared to be the intent of
30 the legislature that this act would have been enacted even if such
31 invalid provisions had not been included herein.

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