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:

Section 1. Short title. This act shall be known and may be cited as the "ethics reform act of 2021".

§ 2. This act enacts into law major components of legislation which 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

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

PART A

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

ARTICLE 7-A

DEPARTMENT OF OVERSIGHT AND INVESTIGATION

Section 113. Definitions.
113-a. Establishment of department of oversight and investigation.
113-b. Board of public integrity; establishment, organization, and powers.
113-c. Commissioner; appointment, duties, and powers.
113-d. Responsibilities of covered agencies, officers, and employees.
113-e. Financial disclosure.
113-f. Investigations; financial disclosure and ethical violations.
113-g. Investigation; other.
113-h. Violations.
113-i. Adjudicatory process.

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

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

2. "commissioner" means the commissioner of the department of oversight and investigation.

3. "covered agency" shall include all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities, and public benefit corporations, the heads of which are appointed by the governor.

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

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

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

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

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

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

b. Each member of the board shall serve a term of four years, commencing on the first of January of the calendar year in which the vacancy on such board occurs; provided, however, that the members initially appointed by the senate leaders, and by the governor upon the recommendation of the senate leaders, shall serve only two years. All subsequent appointments shall be for a full four-year term.

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

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

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

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

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

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

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

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

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

a. elect a commissioner for the department;

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

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

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

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

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

g. promulgate rules and regulation necessary to govern investigations of complaints filed with the commissioner, including rules and regulations necessary to ensure due process for the subject of a complaint; and

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

All information deemed confidential by statute or other rule or regulation shall be redacted or withheld from the report.

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

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

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

2. The commissioner shall have the following duties and responsibilities:

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

b. assist covered agencies and other subject individuals with the implementation of any ethics training programs established by the department; provided, however that any ethics training for the legislature and legislative employees shall be overseen by the legislative ethics commission;

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

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

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

f. forward matters, including all relevant documentation, to appropriate governmental agencies, federal or state, for prosecution, if an

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

g. enforce determinations of the department, including fines or other findings levied by the department, against covered agencies, state officers, employees, lobbyists, clients of lobbyists, and political party chairs; and

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

3. In addition to the duties and responsibilities provided in subdivision two of this section, the commissioner shall exercise the following powers in the execution of his or her duties:

a. subpoena and require the attendance of witnesses;

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

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

d. notwithstanding any law to the contrary, examine and copy or remove documents or records of any kind prepared, maintained or held by any covered agency, employee thereof, state officer, legislator, or legislative employee;

e. question any relevant party concerning any matter related to the performance of his or her official duties or related to an investigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(x) conduct investigations into any complaints.

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

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

a. to the reporting person;

b. in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and

c. in the case of a state officer or employee, to the appointing authority for such person. Such notice of delinquency may be sent at any time during the reporting person's service as a statewide elected official, state officer or employee, political party chair or while a candidate for statewide office, or within one year after termination of such service or candidacy.

§ 113-f. Investigations; financial disclosure and ethical violations. 1. If the department receives a sworn complaint alleging a violation of section one hundred seven of the civil service law, sections seventy-three, seventy-three-a or seventy-four of this chapter, or article one-A of the legislative law by a person or entity subject to the oversight of the department, or if a reporting individual has filed a statement which reveals a possible violation of any such provision, or if the department determines on its own initiative to investigate a possible violation, the department shall notify the individual in writing, within five business days of receipt of a complaint or action of its own, so as to describe the possible or alleged violation of such laws and provide the person who is the subject of the complaint with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law.

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

a. to the complainant, if any; and

b. to the subject of the report or complaint.

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

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

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

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

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

(ii) a determination that the department has concluded that a violation has occurred, and the reasons and basis for such determination.

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

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

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

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

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

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

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

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

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

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

PART B

Section 1. Section 94 of the executive law is REPEALED.

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

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

PART C

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

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

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

(1) the rights of employees pursuant to a collective bargaining agreement;

(2) the representational relationships among employee organizations or the bargaining relationships between the state and an employee organization; or

(3) existing law with respect to an application to the public employment relations board, provided, however, that the merger of such negotiating units of employees shall be effected only with the consent of the recognized and certified representative of such units and of the department of law.

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

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

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

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

§ 6. Continuation of rules and regulations. All rules, regulations, acts, orders, determinations and decisions of the former joint commission on public ethics and the former office of the state inspector general in force at the time of such transfer and assumption, shall continue in force and effect as rules, regulations, acts, orders, determinations and decisions of the department of oversight and investigation until duly modified or abrogated.

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

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

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

§ 10. Transfer of appropriations heretofore made. Subject to the approval of the director of the division of the budget, all appropriations and reappropriations heretofore made to the former joint commission on public ethics and the former office of the state inspector general for the purposes and functions transferred pursuant to this act to the department of oversight and investigation, to the extent of remaining unexpended or unencumbered balance thereof, whether allocated or unallocated, and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by such department for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the commissioner of the department of oversight and investigation on audit and warrant of the comptroller. Payments for liabilities for expenses of personal services, maintenance and operation heretofore incurred by and for liabilities incurred and to be incurred in completing the affairs of the former joint commission on public ethics and the former office of the state inspector general with respect to the powers, duties and functions transferred in this act, shall also be made on vouchers or certif-

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

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

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

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

PART D

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

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

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

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

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

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

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

3. Upon request of the governor, comptroller, secretary of state, commissioner of transportation, superintendent of financial services, commissioner of taxation and finance, commissioner of motor vehicles, or the [~~state inspector general~~] **commissioner of the department of oversight and investigation**, or the head of any other department, authority, division or agency of the state, investigate the alleged commission of any indictable offense or offenses in violation of the law which the

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

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

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

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

3. Investigators [~~of the office of the state commission of investigation~~] **acting for, or at the request of the department of oversight and investigation**.

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

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

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

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

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

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

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

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

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

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (l) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the [~~joint commission on public ethics established by section ninety-four of the executive law~~] **department of oversight and investigation** during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

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

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

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

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

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

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three of this section. On or before the fifteenth day of May with respect to the preceding calendar year: (1) every member of the legislature, every candidate for member of the legislature and legislative employee shall file such statement with the legislative ethics commission which shall provide such statement along with any requests for exemptions or deletions to the [~~joint commission on public ethics~~] **department of oversight and investigation** for filing and rulings with respect to such requests for exemptions or deletions, on or before the thirtieth day of June; and (2) all other individuals required to file such statement shall file it with the [~~joint commission on public ethics~~] **department of oversight and investigation**, except that:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

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

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

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

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

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

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within ten days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election;

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

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

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

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

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with both the legislative ethics commission established by section eighty of the legislative law and the [~~joint commission on public ethics~~] **department of oversight and investigation** in accordance with paragraph (d-1) of subdivision one of this section. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political party chairman, such statement shall be filed with the joint commission on public ethics established by section ninety-four of the executive law.

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

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

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

(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the [~~joint commission on public ethics~~] department of oversight and investigation and the legislative ethics commission in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.

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

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

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

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

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

elected official on its website for public review within thirty days of its receipt of such statement or within ten days of its receipt of such amendment that reflects any corrections of deficiencies identified by [~~the commission~~] **such department** or by the reporting individual after the reporting individual's initial filing. Except upon an individual determination by the [~~commission~~] **department of oversight and investigation** that certain information may be deleted from a reporting individual's annual statement of financial disclosure, none of the information in the statement posted on [~~the commission's~~] **such department's** website shall be otherwise deleted.

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

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

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

(i) A contract in an amount totaling $50,000 or more from the state or any state agency for services, materials, or property;

(ii) A grant of $25,000 or more from the state or any state agency during the reporting period;

(iii) A grant obtained through a legislative initiative during the reporting period; or

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

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

The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy,

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

Client	Nature of Services Provided

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

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

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

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

* REVIEWED DOCUMENTS AND CORRESPONDENCE;
* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/ MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY NAME);
* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION;
* COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
* PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
* COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).

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

Services Actually Provided	Category of Amount (Table I)

A reporting individual need not disclose activities performed while lawfully acting in his or her capacity as provided in paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article. The disclosure requirement in questions (b-1) and (b-2) shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and professional disciplinary rules, federal law or regulations restrict the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response to questions (b-1) and (b-2) that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by professional disciplinary rules, federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements in questions (b-1) and (b-2). The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the [~~joint commission pursuant to paragraph (i-1) of subdivision nine of section ninety-four of the executive law~~] **department of oversight and investigation**, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

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

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

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

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

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

In reviewing the request for an exemption, the [~~joint commission~~] **department of oversight and investigation** or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the [~~joint commission~~] **department of oversight and investigation** or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

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

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

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

the registered lobbyist who has made the referral, the category of value of the compensation received and a general description of the type of matter so referred. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article. The disclosure requirements in this question shall not require disclosing clients or customers receiving medical, pharmaceutical or dental services, mental health services, or residential real estate brokering services from the reporting individual or his or her firm or if federal law prohibits or limits disclosure. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, family court, estate planning, or domestic relations matters, nor shall the reporting individual identify individuals represented pursuant to an insurance policy but the reporting individual shall in such circumstances only report the entity that provides compensation to the reporting individual; with respect to matters in which the client's name is required by law to be kept confidential (such as matters governed by the family court act) or in matters in which the reporting individual represents or provides services to minors, the client's name may be replaced with initials. To the extent that the reporting individual, or his or her firm, provided legal representation with respect to an initial public offering, and federal law or regulations restricts the disclosure of information relating to such work, the reporting individual shall (i) disclose the identity of the client and the services provided relating to the initial public offering to the office of court administration, who will maintain such information confidentially in a locked box; and (ii) include in his or her response a statement that pursuant to this paragraph, a disclosure to the office of court administration has been made. Upon such time that the disclosure of information maintained in the locked box is no longer restricted by federal law or regulation, the reporting individual shall disclose such information in an amended disclosure statement in response to the disclosure requirements of this paragraph. The office of court administration shall develop and maintain a secure portal through which information submitted to it pursuant to this paragraph can be safely and confidentially stored. With respect to clients represented in other matters not otherwise exempt, the reporting individual may request an exemption to publicly disclosing the name of that client from the [~~joint commission pursuant to paragraph (i-1) of subdivision nine of section ninety-four of the executive law~~] **department of oversight and investigation**, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with:

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

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

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

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

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

In reviewing the request for an exemption, the [~~joint commission~~] **department of oversight and investigation** or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individuals subject to its jurisdiction and may consider the rules of professional conduct. In making its determination, the [~~joint commission~~] **department of oversight and investigation** or the office of court administration shall conduct its own inquiry and shall consider factors including, but not limited to: (i) the nature and the size of the client; (ii) whether the client has any business before the state; and if so, how significant the business is; and whether the client has any particularized interest in pending legislation and if so how significant the interest is; (iii) whether disclosure may reveal trade secrets; (iv) whether disclosure could reasonably result in retaliation against the client; (v) whether disclosure may cause undue harm to the client; (vi) whether disclosure may result in undue harm to the attorney-client relationship; and (vii) whether disclosure may result in an unnecessary invasion of privacy to the client.

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

Client	Name of Lobbyist	Description of Matter	Category of Amount (in Table 1)

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

to a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The [~~joint commission on public ethics~~] **department of oversight and investigation** and the legislative ethics commission shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the [~~joint commission on public ethics~~] **department of oversight and investigation** or the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

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

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

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

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

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

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

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

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

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

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

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

8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the [~~joint commission on public ethics~~] department of oversight and investigation, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the [~~joint commission on public ethics~~] department of oversight and investigation, provides to [~~the joint commission on public ethics~~] such department a written certification which meets the requirements of this subdivision. For purposes of this subdivision the term "permitted activities" shall mean generally any activity performed at the request of the attorney general or the attorney general's designee, or in cases where the state agency is not represented by the attorney general, the general counsel of such state agency, including without limitation:

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

(b) gathering, reviewing or analyzing information, including documentary or oral information concerning facts or opinions, attending depositions or participating in document review or discovery;

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

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

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

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

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

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

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

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

10. Nothing contained in this section, the judiciary law, the education law or any other law or disciplinary rule shall be construed or applied to prohibit any firm, association or corporation, in which any present or former statewide elected official, state officer or employee, or political party chairman, member of the legislature or legislative employee is a member, associate, retired member, of counsel or shareholder, from appearing, practicing, communicating or otherwise rendering services in relation to any matter before, or transacting business with a state agency, or a city agency with respect to a political party chairman in a county wholly included in a city with a population of more than one million, otherwise proscribed by this section, the judiciary law, the education law or any other law or disciplinary rule with respect to such official, member of the legislature or officer or employee, or political party chairman, where such statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chairman does not share in the net revenues, as defined in accordance with generally accepted accounting principles by the [~~joint commission on public ethics or by the~~] legislative ethics commission **or the department of oversight and investigation** in relation to persons subject to their respective jurisdictions, resulting therefrom, or, acting in good faith, reasonably believed that he or she would not share in the net revenues as so defined; nor shall anything contained in this section, the judiciary law, the education law or any other law or disciplinary rule be construed to prohibit any firm, association or corporation in which any present or former statewide

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

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

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

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