STATE OF NEW YORK

8139

2021-2022 Regular Sessions

IN ASSEMBLY

June 16, 2021

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

AN ACT to amend the public officers law and the executive law, in relation to requiring certain state officials and officers to submit an application for approval by the joint commission on public ethics for compensation from advance payments from book deals or contracts

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

Section 1. Section 73 of the public officers law is amended by adding a new subdivision 7-b to read as follows:

7-b. Application for approval of compensation. No statewide elected official or state officer shall accept any compensation from an advanced payment from any deal or contract such individual is a party to pertaining to the writing or publishing of any book in excess of fifteen percent of such elected official or officer's annual base salary prior to submitting an application to the joint commission on public ethics. For purposes of this subdivision, "state officer" shall mean (a) heads of state departments and their deputies other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis, (b) officers of statewide elected officials, officers of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis, and (c) 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, who receive compensation other than on a per diem basis. No such elected official or state officer shall accept such compensation unless such application is unanimously approved by each commissioner of the joint commission on public ethics.

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

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§ 2. Paragraphs (m) and (n) of subdivision 9 of section 94 of the executive law, paragraph (m) as amended and paragraph (n) as added by section 6 of part A of chapter 399 of the laws of 2011, are amended and two new paragraphs (o) and (p) are added to read as follows:

(m) Determine a question 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~~]

(n) Promulgate guidelines for the commission to conduct a program of random reviews, to be carried out in the following manner: (i) annual statements of financial disclosure shall be selected for review in a manner pursuant to which the identity of any particular person whose statement is selected is unknown to the commission and its staff prior to its selection; (ii) such review shall include a preliminary examination of the selected statement for internal consistency, a comparison with other records maintained by the commission, including previously filed statements and requests for advisory opinions, and examination of relevant public information; (iii) upon completion of the preliminary examination, the commission shall determine whether further inquiry is warranted, whereupon it shall notify the reporting individual in writing that the statement is under review, advise the reporting individual of the specific areas of inquiry, and provide the reporting individual with the opportunity to provide any relevant information related to the specific areas of inquiry, and the opportunity to file amendments to the selected statement on forms provided by the commission; and (iv) if thereafter sufficient cause exists, the commission shall take additional actions, as appropriate and consistent with law[~~.~~]**;**

(o) Develop an application for use by statewide elected officials and state officers, as such term is defined by subdivision seven-b of section seventy-three of the public officers law, to apply for approval to receive compensation from an advanced payment from any deal or contract such individual is a party to pertaining to the writing or publishing of any book in excess of fifteen percent of such elected official or state officer's salary. Such application shall include, but not be limited to the terms of, the parties to, and the dollar amount of the advanced payment of such deal or contract; and

(p) Review applications for approval to receive compensation from an advanced payment from any deal or contract such individual is a party to pertaining to the writing or publishing of any book in excess of fifteen percent submitted by statewide elected officials and state officers; provided, however that such review shall be completed by the commissioners. Approval of any such application shall be unanimous.

§ 3. Subparagraphs 5 and 6 of paragraph (a) of subdivision 19 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, are amended and a new subparagraph 7 is added to read as follows:

(5) those required to be held or maintained publicly available pursuant to article one-A of the legislative law; [~~and~~]

(6) substantial basis investigation reports issued by the commission pursuant to subdivision fourteen-a or fourteen-b of this section. With respect to reports concerning members of the legislature or legislative employees or candidates for member of the legislature, the joint commission shall not publicly disclose or otherwise disseminate such reports except in conformance with the requirements of paragraph (b) of subdivision nine of section eighty of the legislative law[~~.~~]**; and**

(7) approved applications to receive compensation from an advanced payment from any deal or contract such individual is a party to pertaining to the writing or publishing of any book in excess of fifteen percent submitted by statewide elected officials and state officers, including the terms of, the parties to, and the dollar amount of the advanced payment of such deal or contract and an affirmative statement that no public resources or public employee shall be used by statewide elected officials or state officers for such compensation.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.