STATE OF NEW YORK

4478

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. MORINELLO, WALCZYK, McDONOUGH, SMULLEN, DiPIETRO, REILLY, SALKA, J. M. GIGLIO, DeSTEFANO -- Multi-Sponsored by -- M. of A. MANKTELOW -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, the legislative law, the election law and the executive law, in relation to ethics reform

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

Section 1. Subdivision 4 of section 74 of the public officers law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed [~~ten~~] **forty** thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section 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.

§ 2. The legislative law is amended by adding a new section 5-b to read as follows:

§ 5-b. Term limits. No member of the legislature may be elected to serve more than four consecutive two-year terms as temporary president of the senate, minority leader of the senate, speaker of the assembly, minority leader of the assembly or chairperson of any senate or assembly committee.

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

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§ 3. The election law is amended by adding a new section 14-115 to read as follows:

§ 14-115. Restrictions on campaign contributions for individuals, businesses or corporations that were awarded contracts with the state or any municipal corporation. 1. Individuals, businesses or corporations that enter into a contract with this state or any municipal corporation shall be prohibited from making any contribution to any state official elected to public office or his or her family, any political committee, or any independent expenditure committee as defined under section 14-100 of this article within one year of the contract being awarded to the person, business or corporation.

2. Individuals, businesses or corporations that submit a response to a duly issued request for proposal with the state or any municipality in regard to a contract shall disclose in the proposal any campaign contributions made in the previous three hundred sixty-five days to any state official elected to public office or his or her family, any political committee or any independent expenditure and if the individual, business or corporation is awarded the contract, any state official elected to public office or his or her family, any political committee or any independent expenditure that received any campaign contributions from said individual, business or corporation within the last three hundred sixty-five days shall refund such campaign contributions to the respective individual, business or corporation in full.

§ 4. Paragraphs a, b and c of subdivision 1 of section 14-114 of the election law, paragraphs a and b as amended by chapter 659 of the laws of 1994, and paragraph c as amended by chapter 79 of the laws of 1992, are amended to read as follows:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: (i) in the case of any nomination to public office, the product of the total number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.005, but such amount shall be not less than four thousand dollars nor more than [~~twelve~~] **ten** thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision, and (ii) in the case of any election to a public office, [~~twenty-five~~] **ten** thousand dollars [~~as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025~~].

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee and no candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than: [~~(i) in the case of any election for party position, or for nomination to public~~

~~office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05,~~] ten thousand dollars, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than [~~twelve~~] ten thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, [~~twenty-five~~] ten thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of a nomination for state senator, four thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election for state senator, six thousand two hundred fifty dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election or nomination for a member of the assembly, twenty-five hundred dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; but in no event shall any such maximum exceed [~~fifty~~] ten thousand dollars or be less than one thousand dollars; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to [~~the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25; or~~] twelve hundred fifty dollars, [~~whichever is greater,~~] or in the case of a nomination or election of a state senator, [~~twenty~~] ten thousand dollars, [~~whichever is greater,~~] or in the case of a nomination or election of a member of the assembly [~~twelve~~] ten thousand [~~five hundred~~] dollars, [~~whichever is greater,~~] but in no event shall any such maximum exceed [~~one hundred~~] ten thousand dollars.

c. At the beginning of each fourth calendar year, commencing in [~~nineteen hundred ninety-five~~] two thousand twenty-two, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

§ 4-a. Subdivision 1 of section 14-114 of the election law, as amended by section 3 of part ZZZ of chapter 58 of the laws of 2020, is amended to read as follows:

1. The following limitations apply to all contributions to candidates for election to any public office or for nomination for any such office, or for election to any party positions, and to all contributions to political committees working directly or indirectly with any candidate to aid or participate in such candidate's nomination or election, other than any contributions to any party committee or constituted committee:

a. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee, participating in the state's public campaign financing system pursuant to title two of this article and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than [~~eighteen~~] ten thousand dollars divided equally among the primary and general election in an election cycle[~~; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state excluding voters in inactive status, multiplied by $.025~~].

b. In any other election for party position or for election to a public office or for nomination for any such office, no contributor may make a contribution to any candidate or political committee participating in the state's public campaign financing system pursuant to title two of this article and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than [~~election for party position, or for nomination to public office, the product of the total number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.05, and (ii) in the case of any election for a public office, the product of the total number of registered voters in the district, excluding voters in inactive status, multiplied by $.05~~] ten thousand dollars, however in the case of a nomination within the city of New York for the office of mayor, public advocate or comptroller, such amount shall be not less than four thousand dollars nor more than [~~twelve~~] ten thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of an election within the city of New York for the office of mayor, public advocate or comptroller, [~~twenty-five~~] ten thousand dollars as increased or decreased by the cost of living adjustment described in paragraph c of this subdivision; in the case of a nomination or election for state senator, ten thousand dollars, divided equally among the primary and general election in an election cycle; in the case of an election or nomination for a member of the assembly, six thousand dollars, divided equally among the primary and general election in an election cycle; [~~provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any election for party position or nomination for public office an amount equivalent to the number of enrolled voters in the candidate's party in the district in which he is a candidate, excluding voters in inactive status, multiplied by $.25 and in the case of any election to public~~

~~office, an amount equivalent to the number of registered voters in the district, excluding voters in inactive status, multiplied by $.25;~~] or twelve hundred fifty dollars, [~~whichever is greater,~~] or in the case of a nomination or election of a state senator, [~~twenty~~] ten thousand dollars, [~~whichever is greater,~~] or in the case of a nomination or election of a member of the assembly [~~twelve~~] ten thousand [~~five hundred~~] dollars, [~~whichever is greater,~~] but in no event shall any such maximum exceed [~~one hundred~~] ten thousand dollars.

c. In any election for a public office to be voted on by the voters of the entire state, or for nomination to any such office, no contributor may make a contribution to any candidate or political committee in connection with a candidate who is not a participating candidate as defined in subdivision fourteen of section 14-200-a of this article, and no such candidate or political committee may accept any contribution from any contributor, which is in the aggregate amount greater than [~~eighteen~~] ten thousand dollars, divided equally among the primary and general election in an election cycle[~~; provided however, that the maximum amount which may be so contributed or accepted, in the aggregate, from any candidate's child, parent, grandparent, brother and sister, and the spouse of any such persons, shall not exceed in the case of any nomination to public office an amount equivalent to the product of the number of enrolled voters in the candidate's party in the state, excluding voters in inactive status, multiplied by $.025, and in the case of any election for a public office, an amount equivalent to the product of the number of registered voters in the state, excluding voters in inactive status, multiplied by $.025~~].

d. In any nomination or election of a candidate who is not a participating candidate for state senator, ten thousand dollars, divided equally among the primary and general election in an election cycle; in the case of an election or nomination for a member of the assembly, six thousand dollars, divided equally among the primary and general election in an election cycle.

e. (1) At the beginning of each fourth calendar year, commencing in [~~nineteen hundred ninety-five~~] two thousand twenty-two, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of each contribution limit fixed in this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of each such contribution limit. Each contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

(2) Provided, however, that such adjustments shall not occur for candidates seeking statewide office, or the position of state senator or member of the assembly, whether such candidate does or does not participate in the public finance program established pursuant to title two of this article.

f. Notwithstanding any other contribution limit in this section, participating candidates as defined in subdivision fourteen of section 14-200-a of this article may contribute, out of their own money, three times the applicable contribution limit to their own authorized committee.

§ 5. Subdivision 8 of section 14-114 of the election law, as amended by chapter 8 of the laws of 1978 and as redesignated by chapter 9 of the laws of 1978, is amended to read as follows:

8. a. Except as may otherwise be provided [~~for~~] by a candidate [~~and his family~~] for his or her own campaign, no natural person may contribute, loan or guarantee in excess of [~~one hundred fifty~~] ten thousand dollars within the state of New York in any calendar year in connection with the nomination or election of [~~persons to~~] candidates for state [~~and~~] or local public offices [~~and~~] or party positions [~~within the state of New York in any one calendar year~~].

b. For the purposes of this subdivision "loan" or "guarantee" shall mean a loan or guarantee which is not repaid or discharged in the calendar year in which it is made.

§ 6. Subdivision 10 of section 14-114 of the election law, as added by chapter 79 of the laws of 1992, is amended to read as follows:

10. a. No contributor may make a contribution to a party or constituted committee and no such committee may accept a contribution from any contributor which, in the aggregate, is greater than [~~sixty-two~~] ten thousand [~~five hundred~~] dollars per annum.

b. At the beginning of each fourth calendar year, commencing in [~~nineteen hundred ninety-five~~] two thousand twenty-two, the state board shall determine the percentage of the difference between the most recent available monthly consumer price index for all urban consumers published by the United States bureau of labor statistics and such consumer price index published for the same month four years previously. The amount of such contribution limit fixed in paragraph a of this subdivision shall be adjusted by the amount of such percentage difference to the closest one hundred dollars by the state board which, not later than the first day of February in each such year, shall issue a regulation publishing the amount of such contribution limit. Such contribution limit as so adjusted shall be the contribution limit in effect for any election held before the next such adjustment.

§ 7. The legislative law is amended by adding a new section 33-a to read as follows:

§ 33-a. Directing of state funds. No member of the legislature shall direct any state funds to any individual, business or corporation that has, at any time during the member's candidacy for office or elected term, made any contribution to any member of the legislature, statewide elected official, political committee or independent expenditure committee as defined by section 14-100 of the election law.

§ 8. The executive law is amended by adding a new section 204 to read as follows:

§ 204. Statewide database of all contracts awarded by the state. 1. The commissioner shall establish a single statewide database of all contracts awarded by the state or entity thereof and shall include therein information of all contracts awarded by the state or entity thereof and shall include therein information related to all bids submitted in response to any solicitations for such awards.

2. Every department, division, commission, agency, authority, board or any other entity of the state shall submit all awarded contracts and bids related to such contracts to the commissioner on a schedule and in a format determined by the commissioner.

3. Such database shall be available online for public review in a searchable, downloadable format. Such database shall include, but not be limited to:

(a) descriptions of requests for proposals and contracts;

(b) all bids for state contracts; and

(c) contact information for all parties to the contract.

4. The commissioner shall promulgate any rules and regulations necessary for the implementation of such database established pursuant to this section and ensure the privacy of any confidential or proprietary information that may be contained within a bid or contract.

§ 9. This act shall take effect immediately; provided, however, section four-a of this act shall take effect on the same date and in the same manner as section 3 of part ZZZ of chapter 58 of the laws of 2020 takes effect.