STATE OF NEW YORK

7085

2021-2022 Regular Sessions

IN ASSEMBLY

April 21, 2021

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

AN ACT to amend the public officers law, the executive law and the legislative law, in relation to requiring the disclosure of information pertaining to 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. No member of the legislature, legislative employee, statewide elected official, or state officer or employee shall enter into any deal or contract pertaining to the writing or publishing of any book prior to submitting an application to the joint commission on public ethics and receiving unanimous approval of such application from each commissioner of the joint commission on public ethics.

§ 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

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

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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 members of the legislature, legislative employees, statewide elected officials, or state officers or employees, to apply for approval to enter into any deal or contract pertaining to the writing or publishing of any book. Such application shall require the deal or contract be submitted to the commission in its entirety; and

(p) Review applications for approval to enter into any deal or contract pertaining to the writing or publishing of any book submitted by members of the legislature, legislative employees, statewide elected officials, or state officers or employees and the deals or contracts submitted therewith pursuant to paragraph (o) of this subdivision; 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 enter into any deal or contract pertaining to the writing or publishing of any book, including such deal or contract in its entirety.

§ 4. Paragraph (h) of subdivision 9 of section 94 of the executive law, as amended by section 6 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

(h) Permit any person who is required to file a financial disclosure statement with the joint commission on public ethics to request that the commission delete from the copy thereof made available for public inspection and copying one or more items of information which may be deleted by the commission upon a finding by the commission 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. **Such request shall not be granted for any person seeking to delete information pertaining to the terms of any deal or contract such person is a party to pertaining to the writing or publishing of any book, including any request to delete the deal or contract in its entirety.** If [~~such~~] **a** request for deletion **of any other information** is denied, the commission, in its notification of denial, shall inform the person of his or her right to appeal the commission's determination pursuant to its rules governing

adjudicatory proceedings and appeals adopted pursuant to subdivision fourteen of this section;

§ 5. Paragraph 13 of subdivision 3 of section 73-a of the public officers law, as amended by section 1 of part CC of chapter 56 of the laws of 2015, is amended to read as follows:

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Each such source must be described with particularity. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. **If such income is from any deal or contract pertaining to the writing or publishing of any book, such deal or contract shall be attached to this form and submitted in its entirety.** Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount (In Table I)

§ 6. Subdivision 13 of section 80 of the legislative law, as amended by section 9 of part A of chapter 399 of the laws of 2011, is amended to read as follows:

13. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the joint commission on public ethics, and which shall contain **all information pertaining to a book deal or contract disclosed by a member of the legislature in the annual statement of financial disclosure required by section seventy-three-a of the public officers law, including the deal or contract in its entirety, and** any other records or information which the commission determines to be appropriate.

§ 7. 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.