

STATE OF NEW YORK

6263--A

2021-2022 Regular Sessions

IN SENATE

April 19, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Ethics and Internal Governance -- recommitted to the Committee on Ethics and Internal Governance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to required financial disclosures for certain state and legislative officials, officers and employees

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

1 Section 1. Paragraph 8 and table I of subdivision 3 of section 73-a of
2 the public officers law, paragraph 8 as amended by section 6 of part K
3 of chapter 286 of the laws of 2016, table I as amended by section 5 of
4 part A of chapter 399 of the laws of 2011, are amended to read as
5 follows:
6 8. (a) If the reporting individual practices law, is licensed by the
7 department of state as a real estate broker or agent or practices a
8 profession licensed by the department of education, or works as a member
9 or employee of a firm required to register pursuant to section one-e of
10 the legislative law as a lobbyist, describe the services rendered for
11 which compensation was paid including a general description of the prin-
12 cipal subject areas of matters undertaken by such individual and princi-
13 pal duties performed. Specifically state whether the reporting individ-
14 ual provides services directly to clients. Additionally, if such an
15 individual practices with a firm or corporation and is a partner or
16 shareholder of the firm or corporation, give a general description of
17 principal subject areas of matters undertaken by such firm or corpo-
18 ration.

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

LBD10922-02-2

~~(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, 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-1) 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).]~~

If the reporting individual receives income from employment reportable in question 8(a) and 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"), the reporting individual shall 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 in direct connection with:

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

(ii) A grant of \$10,000 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 such services rendered by the reporting individual directly to each such client, describe each matter that was the subject of such representation, the services actually provided and the payment received. For payments received from clients referred to the firm by the reporting individual, if the reporting individual directly received a referral fee or fees for such referral, identify the client and the payment so received. For the purposes of this question, "services" shall mean consultation, representation, advice or other services.

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 having knowingly solicited or directed 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 clauses (i) through (iv) of this subparagraph, as the result of such procurement, solicitation or direction of the reporting individual. 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.

| Client | Matter | Nature of Services Provided | Category of Amount (in Table I) |
|--------|--------|-----------------------------|---------------------------------------|
|--------|--------|-----------------------------|---------------------------------------|

~~[(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).]~~

(b-1) For the 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) and (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) and (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) and (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, 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 or the office of court administration may consult with bar or other professional associations and the legislative ethics commission for individ-

1 uals subject to its jurisdiction and may consider the rules of profes-
2 sional conduct. In making its determination, the joint commission or the
3 office of court administration shall conduct its own inquiry and shall
4 consider factors including, but not limited to: (i) the nature and the
5 size of the client; (ii) whether the client has any business before the
6 state; and if so, how significant the business is; and whether the
7 client has any particularized interest in pending legislation and if so
8 how significant the interest is; (iii) whether disclosure may reveal
9 trade secrets; (iv) whether disclosure could reasonably result in retal-
10 iation against the client; (v) whether disclosure may cause undue harm
11 to the client; (vi) whether disclosure may result in undue harm to the
12 attorney-client relationship; and (vii) whether disclosure may result in
13 an unnecessary invasion of privacy to the client.

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

28 (c) [~~APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE~~
29 ~~PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR~~
30 ~~NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE~~
31 ~~SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-~~
32 ~~SAND FIFTEEN.~~]

33 If the reporting individual receives income of ten thousand dollars or
34 greater from any employment or activity reportable under question 8(a),
35 identify each registered lobbyist who has directly referred to such
36 individual a client who was successfully referred to the reporting indi-
37 vidual's business and from whom the reporting individual or firm
38 received a fee for services in excess of five thousand dollars. Report
39 only those referrals that were made to a reporting individual by direct
40 communication from a person known to such reporting individual to be a
41 registered lobbyist at the time the referral is made. With respect to
42 each such referral, the reporting individual shall identify the client,
43 the registered lobbyist who has made the referral, the category of value
44 of the compensation received and a general description of the type of
45 matter so referred. A reporting individual need not disclose activities
46 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
47 (f) of subdivision seven of section seventy-three of this article. The
48 disclosure requirements in this question shall not require disclosing
49 clients or customers receiving medical, pharmaceutical or dental
50 services, mental health services, or residential real estate brokering
51 services from the reporting individual or his or her firm or if federal
52 law prohibits or limits disclosure. The reporting individual need not
53 identify any client to whom he or she or his or her firm provided legal
54 representation with respect to investigation or prosecution by law
55 enforcement authorities, bankruptcy, family court, estate planning, or
56 domestic relations matters, nor shall the reporting individual identify

1 individuals represented pursuant to an insurance policy but the report-
2 ing individual shall in such circumstances only report the entity that
3 provides compensation to the reporting individual; with respect to
4 matters in which the client's name is required by law to be kept confi-
5 dential (such as matters governed by the family court act) or in matters
6 in which the reporting individual represents or provides services to
7 minors, the client's name may be replaced with initials. To the extent
8 that the reporting individual, or his or her firm, provided legal repre-
9 sentation with respect to an initial public offering, and federal law or
10 regulations restricts the disclosure of information relating to such
11 work, the reporting individual shall (i) disclose the identity of the
12 client and the services provided relating to the initial public offering
13 to the office of court administration, who will maintain such informa-
14 tion confidentially in a locked box; and (ii) include in his or her
15 response a statement that pursuant to this paragraph, a disclosure to
16 the office of court administration has been made. Upon such time that
17 the disclosure of information maintained in the locked box is no longer
18 restricted by federal law or regulation, the reporting individual shall
19 disclose such information in an amended disclosure statement in response
20 to the disclosure requirements of this paragraph. The office of court
21 administration shall develop and maintain a secure portal through which
22 information submitted to it pursuant to this paragraph can be safely and
23 confidentially stored. With respect to clients represented in other
24 matters not otherwise exempt, the reporting individual may request an
25 exemption to publicly disclosing the name of that client from the joint
26 commission pursuant to paragraph (i-1) of subdivision nine of section
27 ninety-four of the executive law, or from the office of court adminis-
28 tration. In such application, the reporting individual shall state the
29 following: "My client is not currently receiving my services or seeking
30 my services in connection with:

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

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

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

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

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

41 In reviewing the request for an exemption, the joint commission or the
42 office of court administration may consult with bar or other profes-
43 sional associations and the legislative ethics commission for individ-
44 uals subject to its jurisdiction and may consider the rules of profes-
45 sional conduct. In making its determination, the joint commission or the
46 office of court administration shall conduct its own inquiry and shall
47 consider factors including, but not limited to: (i) the nature and the
48 size of the client; (ii) whether the client has any business before the
49 state; and if so, how significant the business is; and whether the
50 client has any particularized interest in pending legislation and if so
51 how significant the interest is; (iii) whether disclosure may reveal
52 trade secrets; (iv) whether disclosure could reasonably result in retal-
53 iation against the client; (v) whether disclosure may cause undue harm
54 to the client; (vi) whether disclosure may result in undue harm to the
55 attorney-client relationship; and (vii) whether disclosure may result in
56 an unnecessary invasion of privacy to the client.

The joint commission 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 [I] I) |
|--------|------------------|-----------------------|-------------------------------------|
|--------|------------------|-----------------------|-------------------------------------|

(d) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

TABLE I

| | |
|-------------|----------------------------------|
| Category A | none |
| Category B | \$ 1 to under \$ 1,000 |
| Category C | \$ 1,000 to under \$ 5,000 |
| Category D | \$ 5,000 to under \$ 20,000 |
| Category E | \$ 20,000 to under \$ 50,000 |
| Category F | \$ 50,000 to under \$ 75,000 |
| Category G | \$ 75,000 to under \$ 100,000 |
| Category H | \$ 100,000 to under \$ 150,000 |
| Category I | \$ 150,000 to under \$ 250,000 |
| Category J | \$ 250,000 to under \$ 350,000 |
| Category K | \$ 350,000 to under \$ 450,000 |
| Category L | \$ 450,000 to under \$ 550,000 |
| Category M | \$ 550,000 to under \$ 650,000 |
| Category N | \$ 650,000 to under \$ 750,000 |
| Category O | \$ 750,000 to under \$ 850,000 |
| Category P | \$ 850,000 to under \$ 950,000 |
| Category Q | \$ 950,000 to under \$1,050,000 |
| Category R | \$1,050,000 to under \$1,150,000 |
| Category S | \$1,150,000 to under \$1,250,000 |
| Category T | \$1,250,000 to under \$1,350,000 |
| Category U | \$1,350,000 to under \$1,450,000 |
| Category V | \$1,450,000 to under \$1,550,000 |
| Category W | \$1,550,000 to under \$1,650,000 |
| Category X | \$1,650,000 to under \$1,750,000 |
| Category Y | \$1,750,000 to under \$1,850,000 |
| Category Z | \$1,850,000 to under \$1,950,000 |
| Category AA | \$1,950,000 to under \$2,050,000 |

| | | | | |
|----|---------------|------------------------|--------------------|----------------------|
| 1 | Category BB | \$2,050,000 | to under | \$2,150,000 |
| 2 | Category CC | \$2,150,000 | to under | \$2,250,000 |
| 3 | Category DD | \$2,250,000 | to under | \$2,350,000 |
| 4 | Category EE | \$2,350,000 | to under | \$2,450,000 |
| 5 | Category FF | \$2,450,000 | to under | \$2,550,000 |
| 6 | Category GG | \$2,550,000 | to under | \$2,650,000 |
| 7 | Category HH | \$2,650,000 | to under | \$2,750,000 |
| 8 | Category II | \$2,750,000 | to under | \$2,850,000 |
| 9 | Category JJ | \$2,850,000 | to under | \$2,950,000 |
| 10 | Category KK | \$2,950,000 | to under | \$3,050,000 |
| 11 | Category LL | \$3,050,000 | to under | \$3,150,000 |
| 12 | Category MM | \$3,150,000 | to under | \$3,250,000 |
| 13 | Category NN | \$3,250,000 | to under | \$3,350,000 |
| 14 | Category OO | \$3,350,000 | to under | \$3,450,000 |
| 15 | Category PP | \$3,450,000 | to under | \$3,550,000 |
| 16 | Category QQ | \$3,550,000 | to under | \$3,650,000 |
| 17 | Category RR | \$3,650,000 | to under | \$3,750,000 |
| 18 | Category SS | \$3,750,000 | to under | \$3,850,000 |
| 19 | Category TT | \$3,850,000 | to under | \$3,950,000 |
| 20 | Category UU | \$3,950,000 | to under | \$4,050,000 |
| 21 | Category VV | \$4,050,000 | to under | \$4,150,000 |
| 22 | Category WW | \$4,150,000 | to under | \$4,250,000 |
| 23 | Category XX | \$4,250,000 | to under | \$4,350,000 |
| 24 | Category YY | \$4,350,000 | to under | \$4,450,000 |
| 25 | Category ZZ | \$4,450,000 | to under | \$4,550,000 |
| 26 | Category AAA | \$4,550,000 | to under | \$4,650,000 |
| 27 | Category BBB | \$4,650,000 | to under | \$4,750,000 |
| 28 | Category CCC | \$4,750,000 | to under | \$4,850,000 |
| 29 | Category DDD | \$4,850,000 | to under | \$4,950,000 |
| 30 | Category EEE | \$4,950,000 | to under | \$5,050,000 |
| 31 | Category FFF | \$5,050,000 | to under | \$5,150,000 |
| 32 | Category GGG | \$5,150,000 | to under | \$5,250,000 |
| 33 | Category HHH | \$5,250,000 | to under | \$5,350,000 |
| 34 | Category III | \$5,350,000 | to under | \$5,450,000 |
| 35 | Category JJJ | \$5,450,000 | to under | \$5,550,000 |
| 36 | Category KKK | \$5,550,000 | to under | \$5,650,000 |
| 37 | Category LLL | \$5,650,000 | to under | \$5,750,000 |
| 38 | Category MMM | \$5,750,000 | to under | \$5,850,000 |
| 39 | Category NNN | \$5,580,000 | <u>\$5,850,000</u> | to under \$5,950,000 |
| 40 | Category OOO | \$5,950,000 | to under | \$6,050,000 |
| 41 | Category PPP | \$6,050,000 | to under | \$6,150,000 |
| 42 | Category QQQ | \$6,150,000 | to under | \$6,250,000 |
| 43 | Category RRR | \$6,250,000 | to under | \$6,350,000 |
| 44 | Category SSS | \$6,350,000 | to under | \$6,450,000 |
| 45 | Category TTT | \$6,450,000 | to under | \$6,550,000 |
| 46 | Category UUU | \$6,550,000 | to under | \$6,650,000 |
| 47 | Category VVV | \$6,650,000 | to under | \$6,750,000 |
| 48 | Category WWW | \$6,750,000 | to under | \$6,850,000 |
| 49 | Category XXX | \$6,850,000 | to under | \$6,950,000 |
| 50 | Category YYY | \$6,950,000 | to under | \$7,050,000 |
| 51 | Category ZZZ | \$7,050,000 | to under | \$7,150,000 |
| 52 | Category AAAA | \$7,150,000 | to under | \$7,250,000 |
| 53 | Category BBBB | \$7,250,000 | to under | \$7,350,000 |
| 54 | Category CCCC | \$7,350,000 | to under | \$7,450,000 |
| 55 | Category DDDD | \$7,450,000 | to under | \$7,550,000 |
| 56 | Category EEEE | \$7,550,000 | to under | \$7,650,000 |

| | | |
|----|----------------|-----------------------------------|
| 1 | Category FFFF | \$7,650,000 to under \$7,750,000 |
| 2 | Category GGGG | \$7,750,000 to under \$7,850,000 |
| 3 | Category HHHH | \$7,850,000 to under \$7,950,000 |
| 4 | Category IIII | \$7,950,000 to under \$8,050,000 |
| 5 | Category JJJJ | \$8,050,000 to under \$8,150,000 |
| 6 | Category KKKK | \$8,150,000 to under \$8,250,000 |
| 7 | Category LLLL | \$8,250,000 to under \$8,350,000 |
| 8 | Category MMMM | \$8,350,000 to under \$8,450,000 |
| 9 | Category NNNN | \$8,450,000 to under \$8,550,000 |
| 10 | Category OOOO | \$8,550,000 to under \$8,650,000 |
| 11 | Category PPPP | \$8,650,000 to under \$8,750,000 |
| 12 | Category QQQQ | \$8,750,000 to under \$8,850,000 |
| 13 | Category RRRR | \$8,850,000 to under \$8,950,000 |
| 14 | Category SSSS | \$8,950,000 to under \$9,050,000 |
| 15 | Category TTTT | \$9,050,000 to under \$9,150,000 |
| 16 | Category UUUU | \$9,150,000 to under \$9,250,000 |
| 17 | Category VVVV | \$9,250,000 to under \$9,350,000 |
| 18 | Category WWWW | \$9,350,000 to under \$9,450,000 |
| 19 | Category XXXX | \$9,450,000 to under \$9,550,000 |
| 20 | Category YYYY | \$9,550,000 to under \$9,650,000 |
| 21 | Category ZZZZ | \$9,650,000 to under \$9,750,000 |
| 22 | Category AAAAA | \$9,750,000 to under \$9,850,000 |
| 23 | Category BBBBB | \$9,850,000 to under \$9,950,000 |
| 24 | Category CCCCC | \$9,950,000 to under \$10,000,000 |
| 25 | Category DDDDD | \$10,000,000 or over |

26 § 2. Paragraph 8 of subdivision 3 of section 73-a of the public offi-
 27 cers law, as amended by section 18 of part QQ of chapter 56 of the laws
 28 of 2022, subparagraphs (b), (b-2) and (c) as separately amended by
 29 section 8 of part QQ of chapter 56 of the laws of 2022, is amended to
 30 read as follows:

31 8. (a) If the reporting individual practices law, is licensed by the
 32 department of state as a real estate broker or agent or practices a
 33 profession licensed by the department of education, or works as a member
 34 or employee of a firm required to register pursuant to section one-e of
 35 the legislative law as a lobbyist, describe the services rendered for
 36 which compensation was paid including a general description of the prin-
 37 cipal subject areas of matters undertaken by such individual and princi-
 38 pal duties performed. Specifically state whether the reporting individ-
 39 ual provides services directly to clients. Additionally, if such an
 40 individual practices with a firm or corporation and is a partner or
 41 shareholder of the firm or corporation, give a general description of
 42 principal subject areas of matters undertaken by such firm or corpo-
 43 ration.

44 _____
 45 _____
 46 _____
 47 _____
 48 _____

49 (b) ~~[(b) [APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE~~
 50 ~~PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER~~
 51 ~~THIRTY FIRST, TWO THOUSAND FIFTEEN, OR FOR NEW MATTERS FOR EXISTING~~
 52 ~~CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON~~
 53 ~~OR AFTER JULY FIRST, TWO THOUSAND TWELVE AND BEFORE DECEMBER~~
 54 ~~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 commission on ethics and lobbying in government pursuant to section ninety-four of the executive law, 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-1) 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).]~~

If the reporting individual receives income from employment reportable in question 8(a) and 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"), the reporting individual shall 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 in direct connection with:

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

(ii) A grant of \$10,000 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 such services rendered by the reporting individual directly to each such client, describe each matter that was the subject of such representation, the services actually provided and the payment received. For payments received from clients referred to the firm by the reporting individual, if the reporting individual directly received a referral fee or fees for such referral, identify the client and the payment so received. For the purposes of this question, "services" shall mean consultation, representation, advice or other services.

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 having knowingly solicited or directed 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 clauses (i) through (iv) of this subparagraph, as the result of such procurement, solicitation or direction of the reporting individual. 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.

| Client | Matter | Nature of Services Provided | Category of Amount (in Table I) |
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|--------|--------|-----------------------------|---------------------------------------|

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~~[(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).]~~

(b-1) For the 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) and (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

1 policy but the reporting individual shall in such circumstances only
2 report the entity that provides compensation to the reporting individ-
3 ual; with respect to matters in which the client's name is required by
4 law to be kept confidential (such as matters governed by the family
5 court act) or in matters in which the reporting individual represents or
6 provides services to minors, the client's name may be replaced with
7 initials. To the extent that the reporting individual, or his or her
8 firm, provided legal representation with respect to an initial public
9 offering, and professional disciplinary rules, federal law or regu-
10 lations restrict the disclosure of information relating to such work,
11 the reporting individual shall (i) disclose the identity of the client
12 and the services provided relating to the initial public offering to the
13 office of court administration, who will maintain such information
14 confidentially in a locked box; and (ii) include in his or her response
15 to questions (b) and (b-1) [~~and (b-2)~~] that pursuant to this paragraph,
16 a disclosure to the office of court administration has been made. Upon
17 such time that the disclosure of information maintained in the locked
18 box is no longer restricted by professional disciplinary rules, federal
19 law or regulation, the reporting individual shall disclose such informa-
20 tion in an amended disclosure statement in response to the disclosure
21 requirements in questions (b) and (b-1) [~~and (b-2)~~]. The office of court
22 administration shall develop and maintain a secure portal through which
23 information submitted to it pursuant to this paragraph can be safely and
24 confidentially stored. With respect to clients represented in other
25 matters not otherwise exempt, the reporting individual may request an
26 exemption to publicly disclosing the name of that client from the
27 commission on ethics and [~~lobbying~~] lobbying in government pursuant to
28 section ninety-four of the executive law, or from the office of court
29 administration. In such application, the reporting individual shall
30 state the following: "My client is not currently receiving my services
31 or seeking my services in connection with:

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

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

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

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

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

42 In reviewing the request for an exemption, the commission on ethics
43 and lobbying in government or the office of court administration may
44 consult with bar or other professional associations and the legislative
45 ethics commission for individuals subject to its jurisdiction and may
46 consider the rules of professional conduct. In making its determination,
47 the commission on ethics and lobbying in government or the office of
48 court administration shall conduct its own inquiry and shall consider
49 factors including, but not limited to: (i) the nature and the size of
50 the client; (ii) whether the client has any business before the state;
51 and if so, how significant the business is; and whether the client has
52 any particularized interest in pending legislation and if so how signif-
53 icant the interest is; (iii) whether disclosure may reveal trade
54 secrets; (iv) whether disclosure could reasonably result in retaliation
55 against the client; (v) whether disclosure may cause undue harm to the
56 client; (vi) whether disclosure may result in undue harm to the attor-

1 ney-client relationship; and (vii) whether disclosure may result in an
2 unnecessary invasion of privacy to the client.

3 The commission on ethics and lobbying in government or, as the case
4 may be, the office of court administration shall promptly make a final
5 determination in response to such request, which shall include an expla-
6 nation for its determination. The office of court administration shall
7 issue its final determination within three days of receiving the
8 request. Notwithstanding any other provision of law or any professional
9 disciplinary rule to the contrary, the disclosure of the identity of any
10 client or customer in response to this question shall not constitute
11 professional misconduct or a ground for disciplinary action of any kind,
12 or form the basis for any civil or criminal cause of action or proceed-
13 ing. A reporting individual who first enters public office after January
14 first, two thousand sixteen, need not report clients or customers with
15 respect to matters for which the reporting individual or his or her firm
16 was retained prior to entering public office.

17 (c) [~~APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE~~
18 ~~PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN, OR FOR~~
19 ~~NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE~~
20 ~~SERVICES THAT ARE PROVIDED ON OR AFTER DECEMBER THIRTY-FIRST, TWO THOU-~~
21 ~~SAND FIFTEEN.~~]

22 If the reporting individual receives income of ten thousand dollars or
23 greater from any employment or activity reportable under question 8(a),
24 identify each registered lobbyist who has directly referred to such
25 individual a client who was successfully referred to the reporting indi-
26 vidual's business and from whom the reporting individual or firm
27 received a fee for services in excess of five thousand dollars. Report
28 only those referrals that were made to a reporting individual by direct
29 communication from a person known to such reporting individual to be a
30 registered lobbyist at the time the referral is made. With respect to
31 each such referral, the reporting individual shall identify the client,
32 the registered lobbyist who has made the referral, the category of value
33 of the compensation received and a general description of the type of
34 matter so referred. A reporting individual need not disclose activities
35 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
36 (f) of subdivision seven of section seventy-three of this article. The
37 disclosure requirements in this question shall not require disclosing
38 clients or customers receiving medical, pharmaceutical or dental
39 services, mental health services, or residential real estate brokering
40 services from the reporting individual or his or her firm or if federal
41 law prohibits or limits disclosure. The reporting individual need not
42 identify any client to whom he or she or his or her firm provided legal
43 representation with respect to investigation or prosecution by law
44 enforcement authorities, bankruptcy, family court, estate planning, or
45 domestic relations matters, nor shall the reporting individual identify
46 individuals represented pursuant to an insurance policy but the report-
47 ing individual shall in such circumstances only report the entity that
48 provides compensation to the reporting individual; with respect to
49 matters in which the client's name is required by law to be kept confi-
50 dential (such as matters governed by the family court act) or in matters
51 in which the reporting individual represents or provides services to
52 minors, the client's name may be replaced with initials. To the extent
53 that the reporting individual, or his or her firm, provided legal repre-
54 sentation with respect to an initial public offering, and federal law or
55 regulations restricts the disclosure of information relating to such
56 work, the reporting individual shall (i) disclose the identity of the

1 client and the services provided relating to the initial public offering
2 to the office of court administration, who will maintain such informa-
3 tion confidentially in a locked box; and (ii) include in his or her
4 response a statement that pursuant to this paragraph, a disclosure to
5 the office of court administration has been made. Upon such time that
6 the disclosure of information maintained in the locked box is no longer
7 restricted by federal law or regulation, the reporting individual shall
8 disclose such information in an amended disclosure statement in response
9 to the disclosure requirements of this paragraph. The office of court
10 administration shall develop and maintain a secure portal through which
11 information submitted to it pursuant to this paragraph can be safely and
12 confidentially stored. With respect to clients represented in other
13 matters not otherwise exempt, the reporting individual may request an
14 exemption to publicly disclosing the name of that client from the
15 commission on ethics and lobbying in government pursuant to section
16 ninety-four of the executive law, or from the office of court adminis-
17 tration. In such application, the reporting individual shall state the
18 following: "My client is not currently receiving my services or seeking
19 my services in connection with:

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

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

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

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

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

30 In reviewing the request for an exemption, the commission on ethics
31 and lobbying in government or the office of court administration may
32 consult with bar or other professional associations and the legislative
33 ethics commission for individuals subject to its jurisdiction and may
34 consider the rules of professional conduct. In making its determination,
35 the commission on ethics and lobbying in government or the office of
36 court administration shall conduct its own inquiry and shall consider
37 factors including, but not limited to: (i) the nature and the size of
38 the client; (ii) whether the client has any business before the state;
39 and if so, how significant the business is; and whether the client has
40 any particularized interest in pending legislation and if so how signif-
41 icant the interest is; (iii) whether disclosure may reveal trade
42 secrets; (iv) whether disclosure could reasonably result in retaliation
43 against the client; (v) whether disclosure may cause undue harm to the
44 client; (vi) whether disclosure may result in undue harm to the attor-
45 ney-client relationship; and (vii) whether disclosure may result in an
46 unnecessary invasion of privacy to the client.

47 The commission on ethics and lobbying in government or, as the case
48 may be, the office of court administration shall promptly make a final
49 determination in response to such request, which shall include an expla-
50 nation for its determination. The office of court administration shall
51 issue its final determination within three days of receiving the
52 request. Notwithstanding any other provision of law or any professional
53 disciplinary rule to the contrary, the disclosure of the identity of any
54 client or customer in response to this question shall not constitute
55 professional misconduct or a ground for disciplinary action of any kind,
56 or form the basis for any civil or criminal cause of action or proceed-

ing. 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 [I] I) |
|--------|------------------|--------------------------|--|
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(d) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse or domestic partner had an investment in excess of \$1,000 excluding investments in securities and interests in real property.

§ 3. This act shall take effect July 8, 2022; provided, however, that if part QQ of chapter 56 of the laws of 2022 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such part of such chapter of the laws of 2022 takes effect.