

STATE OF NEW YORK

2496

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

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

AN ACT to amend the public officers law, in relation to establishing the department of oversight and investigation, providing for its powers, duties and functions (Part A); to repeal section 94 of the executive law relating to the commission on ethics and lobbying in government; and to repeal article 4-A of the executive law relating to the office of the state inspector general (Part B); in relation to providing for the transfer of the functions, powers and duties of the commission on ethics and lobbying in government, the office of the state inspector general and the former temporary state commission of investigation to the department of oversight and investigation (Part C); and to amend the civil service law and the legislative law, in relation to the commission on ethics and lobbying in government; to amend the racing, pari-mutuel wagering and breeding law, in relation to membership on the franchise oversight board; to amend the executive law and the public authorities law, in relation to the state inspector general; to amend the criminal procedure law, the executive law and the public officers law, in relation to the former temporary state commission of investigation; to amend the public officers law, in relation to the commission on ethics and lobbying in government and the legislative ethics commission; to repeal subdivision 68 of section 2.10 of the criminal procedure law relating to the office of the state inspector general; and to repeal chapter 989 of the laws of 1958 creating a temporary state commission of investigation, relating thereto (Part D)

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

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "ethics reform act of 2023".
- 3 § 2. This act enacts into law major components of legislation which
- 4 are necessary to establish meaningful ethics reform and oversight within

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

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

PART A

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

ARTICLE 7-ADEPARTMENT OF OVERSIGHT AND INVESTIGATIONSection 113. Definitions.

113-a. Establishment of department of oversight and investigation.

113-b. Board of public integrity; establishment, organization, and powers.

113-c. Commissioner; appointment, duties, and powers.

113-d. Responsibilities of covered agencies, officers, and employees.

113-e. Financial disclosure.

113-f. Investigations; financial disclosure and ethical violations.

113-g. Investigation; other.

113-h. Violations.

113-i. Adjudicatory process.

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

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

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

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

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

§ 113-a. Establishment of department of oversight and investigation.

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

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

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

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

20 § 113-b. Board of public integrity; establishment, organization, and
21 powers. 1. a. There shall be created within the department a board, to
22 be known as the board of public integrity, consisting of twelve members
23 appointed as follows: two members appointed by the speaker of the assem-
24 bly; two members appointed by the temporary president of the senate; two
25 members appointed by the minority leader of the assembly; two members
26 appointed by the minority leader of the senate; and four members
27 appointed by the governor, provided, however, that the appointments by
28 the governor shall be made upon the recommendation of the legislative
29 leaders. The speaker of the assembly, the temporary president of the
30 senate, the minority leader of the assembly, and the minority leader of
31 the senate shall each submit a list of no less than three names to the
32 governor for consideration. The governor shall select one name from each
33 of the legislative leader's lists for appointment to the board.

34 b. Each member of the board shall serve a term of four years, commenc-
35 ing on the first of January of the calendar year in which the vacancy on
36 such board occurs; provided, however, that the members initially
37 appointed by the senate leaders, and by the governor upon the recommen-
38 dation of the senate leaders, shall serve only two years. All subsequent
39 appointments shall be for a full four-year term.

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

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

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

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

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

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

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

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

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

25 a. elect a commissioner for the department;

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

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

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

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

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

47 g. promulgate rules and regulations necessary to govern investigations
48 of complaints filed with the commissioner, including rules and regu-
49 lations necessary to ensure due process for the subject of a complaint;
50 and

51 h. publish an annual report, no later than December thirty-first of
52 each year, to the governor and the legislature on annual activities of
53 the board and the department, and include therein all generally applica-
54 ble advisory opinions issued during the year and recommendations for
55 statutory changes necessary to further provide for integrity in govern-
56 ment. Such report shall be made available on the department's public

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

3 § 113-c. Commissioner; appointment, duties, and powers. 1. a. The
4 commissioner shall be chosen by a majority vote of the board of public
5 integrity. Notwithstanding any law to the contrary, the commission need
6 not be a resident of the state of New York at the time of appointment,
7 but shall be required to reside within the state at all times he or she
8 serves and is exercising the functions of the office of commissioner.
9 The commissioner shall also be prohibited from holding any other elected
10 position within New York state, or any political subdivision thereof.
11 Moreover, the commissioner, and his or her spouse, shall, during his or
12 her term of service, not make or solicit from any other person any
13 contributions to candidates for election to the offices of governor,
14 lieutenant governor, member of the assembly or the senate, attorney
15 general, or state comptroller, nor may he or she make or solicit any
16 contributions to a political party or committee.

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

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

29 2. The commissioner shall have the following duties and responsibil-
30 ities:

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

33 b. assist covered agencies and other subject individuals with the
34 implementation of any ethics training programs established by the
35 department; provided, however that any ethics training for the legisla-
36 ture and legislative employees shall be overseen by the legislative
37 ethics commission;

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

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

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

54 f. forward matters, including all relevant documentation, to appropri-
55 ate governmental agencies, federal or state, for prosecution, if an

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

3 g. enforce determinations of the department, including fines or other
4 findings levied by the department, against covered agencies, state offi-
5 cers, employees, lobbyists, clients of lobbyists, and political party
6 chairs; and

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

14 3. In addition to the duties and responsibilities provided in subdivi-
15 sion two of this section, the commissioner shall exercise the following
16 powers in the execution of his or her duties:

17 a. subpoena and require the attendance of witnesses;

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

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

21 d. notwithstanding any law to the contrary, examine and copy or remove
22 documents or records of any kind prepared, maintained or held by any
23 covered agency, employee thereof, state officer, legislator, or legisla-
24 tive employee;

25 e. question any relevant party concerning any matter related to the
26 performance of his or her official duties or related to an investi-
27 gation;

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

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

32 § 113-d. Responsibilities of covered agencies, officers, and employ-
33 ees. 1. Every officer and employee in a covered agency, state officer,
34 legislator, legislative employee, lobbyist, client of a lobbyist, and
35 political party chair, shall report promptly to the department material
36 information concerning corruption, fraud, criminal activity, conflicts
37 of interest, ethical violations or abuse by another relating to his or
38 her office or employment, or by a person having business dealings with a
39 covered agency relating to those dealings, including lobbyist as defined
40 under article one-A of the legislative law.

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

49 § 113-e. Financial disclosure. 1. a. The commissioner, or any desig-
50 nated staff, shall inspect all financial disclosure statements filed
51 with the department in order to ascertain whether any person subject to
52 the reporting requirements of this chapter has failed to file such a
53 statement, has filed a deficient statement or has filed a statement
54 which reveals a possible violation of law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (x) conduct investigations into any complaints.

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

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

- 5 a. to the reporting person;
- 6 b. in the case of a statewide elected official, to the temporary pres-
7 ident of the senate and the speaker of the assembly; and
- 8 c. in the case of a state officer or employee, to the appointing
9 authority for such person. Such notice of delinquency may be sent at any
10 time during the reporting person's service as a statewide elected offi-
11 cial, state officer or employee, political party chair or while a candi-
12 date for statewide office, or within one year after termination of such
13 service or candidacy.

14 § 113-f. Investigations; financial disclosure and ethical violations.

15 1. If the department receives a sworn complaint alleging a violation of
16 section one hundred seven of the civil service law, sections seventy-
17 three, seventy-three-a or seventy-four of this chapter, or article one-A
18 of the legislative law by a person or entity subject to the oversight of
19 the department, or if a reporting individual has filed a statement which
20 reveals a possible violation of any such provision, or if the department
21 determines on its own initiative to investigate a possible violation,
22 the department shall notify the individual in writing, within five busi-
23 ness days of receipt of a complaint or action of its own, so as to
24 describe the possible or alleged violation of such laws and provide the
25 person who is the subject of the complaint with a fifteen-day period in
26 which to submit a written response setting forth information relating to
27 the activities cited as a possible or alleged violation of law.

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

- 31 a. to the complainant, if any; and
- 32 b. to the subject of the report or complaint.

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

42 4. Upon completion of an investigation, the department shall issue a
43 determination in writing to the individual and the complainant, if any;
44 and the appointing authority of any state employee. If the investigation
45 involved a member of the legislature or a legislative employee, such
46 determinations shall be forwarded to the legislative ethics commission;
47 while determinations involving the governor, the lieutenant governor,
48 the attorney general or the state comptroller shall be provided to the
49 governor, the speaker of the assembly and the temporary president of the
50 senate. Such final determinations shall be available for public
51 inspection, including findings of fact and conclusions of law that a
52 violation of law occurred; provided that no other reports or investi-
53 gative materials shall be publicly reviewable and shall remain confiden-
54 tial.

55 5. a. The department shall have jurisdiction to investigate, but shall
56 have no jurisdiction to impose penalties upon members of or candidates

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

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

13 (ii) a determination that the department has concluded that a
14 violation has occurred, and the reasons and basis for such determi-
15 nation.

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

24 § 113-g. Investigations; other. 1. The department shall also be
25 authorized to undertake, upon a submitted complaint or its own initi-
26 ative, any investigation into potential criminal activity, or other
27 conduct over which it has jurisdiction, by a person or entity subject to
28 the oversight of the department.

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

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

40 § 113-h. Violations. 1. An individual subject to the jurisdiction of
41 the department who knowingly and intentionally violates the provisions
42 of subdivisions two through five, seven, eight, twelve or fourteen
43 through seventeen of section seventy-three of this chapter, section one
44 hundred seven of the civil service law, or a reporting individual who
45 knowingly and willfully fails to file an annual statement of financial
46 disclosure or who knowingly and willfully with intent to deceive makes a
47 false statement or fraudulent omission or gives information which such
48 individual knows to be false on such statement of financial disclosure
49 filed pursuant to section seventy-three-a of this chapter shall be
50 subject to a civil penalty in an amount not to exceed forty thousand
51 dollars and the value of any gift, compensation or benefit received as a
52 result of such violation. An individual who knowingly and intentionally
53 violates the provisions of paragraph b, c, d or i of subdivision three
54 of section seventy-four of this chapter shall be subject to a civil
55 penalty in an amount not to exceed ten thousand dollars and the value of
56 any gift, compensation or benefit received as a result of such

1 violation. An individual who knowingly and intentionally violates the
2 provisions of paragraph a, e or g of subdivision three of section seven-
3 ty-four of this chapter shall be subject to a civil penalty in an amount
4 not to exceed the value of any gift, compensation or benefit received as
5 a result of such violation. An individual subject to the jurisdiction of
6 the department who knowingly and willfully violates article one-A of the
7 legislative law shall be subject to civil penalty as provided for in
8 such article. Assessment of a civil penalty pursuant to this section
9 shall be made by the department with respect to individuals subject to
10 its jurisdiction. In assessing the amount of the civil penalties to be
11 imposed, the department shall consider the seriousness of the violation,
12 the amount of gain to the individual and whether such individual previ-
13 ously had any civil or criminal penalties imposed pursuant to this
14 section, and any other factors the department deems appropriate.

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

20 3. All determinations of any civil fine made by the department pursu-
21 ant to this section shall be forwarded to an appointing authority of the
22 subject individual, and shall be reviewed for any other possible crimi-
23 nal violations that may arise from such violations. Violations of
24 section one hundred seven of the civil service law, subdivision twelve,
25 fourteen, fifteen, sixteen or seventeen of section seventy-three or
26 section seventy-four of this chapter or article one-A of the legislative
27 law shall constitute class A misdemeanors.

28 § 113-i. Adjudicatory process. The department shall be deemed to be an
29 agency within the meaning of article three of the state administrative
30 procedure act and shall adopt rules governing the conduct of adjudicato-
31 ry proceedings and appeals taken pursuant to a proceeding commenced
32 under article seventy-eight of the civil practice law and rules relating
33 to the assessment of the civil penalties authorized by this article and
34 department denials of requests for certain deletions or exemptions to be
35 made from a financial disclosure statement as authorized by this arti-
36 cle. Such rules, which shall not be subject to the approval requirements
37 of the state administrative procedure act, shall provide for due process
38 procedural mechanisms substantially similar to those set forth in arti-
39 cle three of the state administrative procedure act but such mechanisms
40 need not be identical in terms or scope. Assessment of a civil penalty
41 or department denial of such a request shall be final unless modified,
42 suspended or vacated within thirty days of imposition, with respect to
43 the assessment of such penalty, or unless such denial of request is
44 reversed within such time period, and upon becoming final shall be
45 subject to review at the instance of the affected reporting individuals
46 in a proceeding commenced against the department, pursuant to article
47 seventy-eight of the civil practice law and rules.

48 § 2. This act shall take effect on the first of January next succeed-
49 ing the date on which it shall have become a law; provided, however,
50 that appointments to the board of public integrity authorized by section
51 113-b of the public officers law shall be made within sixty days of the
52 date on which this act shall have become a law and such board members
53 shall be authorized to hold meetings upon appointment necessary to
54 ensure proper administration of such department.

1 Section 1. Section 94 of the executive law is REPEALED.
2 § 2. Article 4-A of the executive law is REPEALED.
3 § 3. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.

PART C

6 Section 1. Transfer of functions, powers and duties. All functions,
7 powers, duties and obligations of the former commission on ethics and
8 lobbying in government, and the former office of the state inspector
9 general are hereby transferred to the department of oversight and inves-
10 tigation.

11 § 2. Transfer of employees. (a) Upon transfer of the functions of the
12 former commission on ethics and lobbying in government, and the former
13 office of the state inspector general to the department of oversight and
14 investigation, provisions shall be made for the transfer to such depart-
15 ment of those employees of such former agencies who were engaged in
16 carrying out the functions transferred by this act in accordance with
17 section 70 of the civil service law or, where not subject to the civil
18 service law, the provisions of such section 70 shall be deemed applica-
19 ble, except where the context clearly requires otherwise. Any such
20 employee who, at the time of such transfer, has a temporary or provi-
21 sional appointment shall be transferred subject to the same right of
22 removal, examination or termination as though such transfer had not been
23 made except to the extent such rights are modified by a collective
24 bargaining agreement. Employees holding permanent appointments in
25 competitive class positions who are not transferred pursuant to this
26 section shall have their names entered upon an appropriate preferred
27 list for reinstatement pursuant to the civil service law.

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

37 (1) the rights of employees pursuant to a collective bargaining agree-
38 ment;

39 (2) the representational relationships among employee organizations or
40 the bargaining relationships between the state and an employee organiza-
41 tion; or

42 (3) existing law with respect to an application to the public employ-
43 ment relations board, provided, however, that the merger of such negoti-
44 ating units of employees shall be effected only with the consent of the
45 recognized and certified representative of such units and of the depart-
46 ment of law.

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

52 § 4. Continuity of authority. For the purpose of succession to all
53 functions, powers, duties and obligations of the former commission on
54 ethics and lobbying in government and the former office of the state

1 inspector general transferred to and assumed by the department of over-
2 sight and investigation, such department shall continue the operation
3 thereof as if performed by such former agencies.

4 § 5. Completion of unfinished business. Any business or other matter
5 undertaken or commenced by the former commission on ethics and lobbying
6 in government, or the former office of the state inspector general
7 pertaining to or connected with the functions, powers, duties and obli-
8 gations transferred and assigned to the department of oversight and
9 investigation, and pending on the effective date of this section shall
10 be conducted and completed by such department in the same manner and
11 under the same terms and conditions and with the same effect as if
12 conducted and completed by such former agencies.

13 § 6. Continuation of rules and regulations. All rules, regulations,
14 acts, orders, determinations and decisions of the former commission on
15 ethics and lobbying in government and the former office of the state
16 inspector general in force at the time of such transfer and assumption,
17 shall continue in force and effect as rules, regulations, acts, orders,
18 determinations and decisions of the department of oversight and investi-
19 gation until duly modified or abrogated.

20 § 7. Terms occurring in laws, contracts and other documents. Whenever
21 the former commission on ethics and lobbying in government or the former
22 office of the state inspector general is referred to or designated in
23 any law, contract or document pertaining to the functions, powers, obli-
24 gations and duties transferred and assigned pursuant to this act, such
25 reference or designation shall be deemed to refer to the department of
26 oversight and investigation.

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

30 § 9. Pending actions or proceedings. No action or proceeding pending
31 upon the effective date of this section relating to the functions,
32 powers and duties of the former commission on ethics and lobbying in
33 government, and the former office of the state inspector general trans-
34 ferred to the department of oversight and investigation, brought by or
35 against any such former agency or individual, shall be affected by any
36 provision of this act, but the same may be prosecuted or defended in the
37 name of such department. In all such actions and proceedings, the
38 department of oversight and investigation, upon application to the
39 court, shall be substituted as a party.

40 § 10. Transfer of appropriations heretofore made. Subject to the
41 approval of the director of the division of the budget, all appropri-
42 ations and reappropriations heretofore made to the former commission on
43 ethics and lobbying in government and the former office of the state
44 inspector general for the purposes and functions transferred pursuant to
45 this act to the department of oversight and investigation, to the extent
46 of remaining unexpended or unencumbered balance thereof, whether allo-
47 cated or unallocated, and whether obligated or unobligated, are hereby
48 transferred to and made available for use and expenditure by such
49 department for the same purposes for which originally appropriated or
50 reappropriated and shall be payable on vouchers certified or approved by
51 the commissioner of the department of oversight and investigation on
52 audit and warrant of the comptroller. Payments for liabilities for
53 expenses of personal services, maintenance and operation heretofore
54 incurred by and for liabilities incurred and to be incurred in complet-
55 ing the affairs of the former commission on ethics and lobbying in
56 government and the former office of the state inspector general with

1 respect to the powers, duties and functions transferred in this act,
2 shall also be made on vouchers or certificates approved by the commis-
3 sioner of the department of oversight and investigation on audit and
4 warrant of the comptroller.

5 § 11. Transfer of assets and liabilities. All assets and liabilities
6 of the former commission on ethics and lobbying in government and the
7 former office of the state inspector general are hereby transferred to
8 and assumed by the department of oversight and investigation.

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

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

18 PART D

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

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

27 § 2. Subdivision (f) of section 1-c of the legislative law, as amended
28 by section 3 of part QQ of chapter 56 of the laws of 2022, is amended to
29 read as follows:

30 (f) The term "commission" shall mean the [~~commission on ethics and~~
31 ~~lobbying in government created by section ninety-four of the executive~~
32 ~~law~~] department of oversight and investigation.

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

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

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

51 3. Upon request of the governor, comptroller, secretary of state,
52 commissioner of transportation, superintendent of financial services,
53 commissioner of taxation and finance, commissioner of motor vehicles, or
54 the [~~state inspector general~~] commissioner of the department of over-

1 sight and investigation, or the head of any other department, authority,
2 division or agency of the state, investigate the alleged commission of
3 any indictable offense or offenses in violation of the law which the
4 officer making the request is especially required to execute or in
5 relation to any matters connected with such department, and to prosecute
6 the person or persons believed to have committed the same and any crime
7 or offense arising out of such investigation or prosecution or both,
8 including but not limited to appearing before and presenting all such
9 matters to a grand jury.

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

12 § 2350-dd. Jurisdiction of [~~state inspector general~~] the department of
13 oversight and investigation. The agency is subject to the jurisdiction
14 of the [~~office of the state inspector general~~] commissioner of the
15 department of oversight and investigation.

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

18 3. Investigators [~~of the office of the state commission of investi-~~
19 ~~gation~~] acting for, or at the request of the department of oversight and
20 investigation.

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

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

25 3. The deputy attorney general in charge of the organized crime task
26 force may request and shall receive from the division of state police,
27 the state department of taxation and finance, the state department of
28 labor, the [~~temporary state commission of investigation~~] department of
29 oversight and investigation, and from every department, division, board,
30 bureau, commission or other agency of the state, or of any political
31 subdivision thereof, cooperation and assistance in the performance of
32 his duties. Such deputy attorney general may provide technical and other
33 assistance to any district attorney or other local law enforcement offi-
34 cial requesting such assistance in the investigation or prosecution of
35 organized crime cases.

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

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

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

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

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

§ 12. Subparagraphs (ii) and (iii) of paragraph (c), and paragraphs (d) and (d-1) of subdivision 1 of section 73-a of the public officers law, as amended by section 5 of part QQ of chapter 56 of the laws of 2022, are amended to read as follows:

(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of the filing rate established by paragraph (1) of this subdivision or who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the ~~[commission on ethics and lobbying in government established by section ninety-four of the executive law]~~ department of oversight and investigation during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and

(iii) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such authorities, corporations and commissions who receive annual compensation in excess of the filing rate established by paragraph (1) of this subdivision or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the ~~[commission on ethics and lobbying in government established by section ninety-four of the executive law]~~ department of oversight and investigation during the month of February, provided, however, that the appointing authority shall amend such written instrument after such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of the filing rate established by paragraph (1) below or who is determined to

1 hold a policy-making position by the appointing authority as set forth
2 in a written instrument which shall be filed with the legislative ethics
3 commission and the [~~commission on ethics and lobbying in government~~]
4 department of oversight and investigation.

5 (d-1) A financial disclosure statement required pursuant to section
6 seventy-three of this article and this section shall be deemed "filed"
7 with the [~~commission on ethics and lobbying in government~~] department of
8 oversight and investigation upon its filing, in accordance with this
9 section, with the legislative ethics commission for all purposes includ-
10 ing, but not limited to, [~~section ninety-four of the executive law~~]
11 article seven-A of this chapter, subdivision nine of section eighty of
12 the legislative law and subdivision four of this section.

13 § 13. Subdivision 2 of section 73-a of the public officers law, as
14 amended by section 7 of part QQ of chapter 56 of the laws of 2022, is
15 amended to read as follows:

16 2. (a) Every statewide elected official, state officer or employee,
17 member of the legislature, legislative employee and political party
18 chair and every candidate for statewide elected office or for member of
19 the legislature shall file an annual statement of financial disclosure
20 containing the information and in the form set forth in subdivision
21 three of this section. On or before the fifteenth day of May with
22 respect to the preceding calendar year: (1) every member of the legisla-
23 ture, every candidate for member of the legislature and legislative
24 employee shall file such statement with the legislative ethics commis-
25 sion which shall provide such statement along with any requests for
26 exemptions or deletions to the [~~commission on ethics and lobbying in~~
27 ~~government~~] department of oversight and investigation for filing and
28 rulings with respect to such requests for exemptions or deletions, on or
29 before the thirtieth day of June; and (2) all other individuals required
30 to file such statement shall file it with the [~~commission on ethics and~~
31 ~~lobbying in government~~] department of oversight and investigation,
32 except that:

33 (i) a person who is subject to the reporting requirements of this
34 subdivision and who timely filed with the internal revenue service an
35 application for automatic extension of time in which to file his or her
36 individual income tax return for the immediately preceding calendar or
37 fiscal year shall be required to file such financial disclosure state-
38 ment on or before May fifteenth but may, without being subjected to any
39 civil penalty on account of a deficient statement, indicate with respect
40 to any item of the disclosure statement that information with respect
41 thereto is lacking but will be supplied in a supplementary statement of
42 financial disclosure, which shall be filed on or before the seventh day
43 after the expiration of the period of such automatic extension of time
44 within which to file such individual income tax return, provided that
45 failure to file or to timely file such supplementary statement of finan-
46 cial disclosure or the filing of an incomplete or deficient supplementa-
47 ry statement of financial disclosure shall be subject to the notice and
48 penalty provisions of this section respecting annual statements of
49 financial disclosure as if such supplementary statement were an annual
50 statement;

51 (ii) a person who is required to file an annual financial disclosure
52 statement with the [~~commission on ethics and lobbying in government~~]
53 department of oversight and investigation, and who is granted an addi-
54 tional period of time within which to file such statement due to justi-
55 fiable cause or undue hardship[, ~~in accordance with required rules and~~
56 ~~regulations adopted pursuant to section ninety-four of the executive~~

1 ~~law]~~ shall file such statement within the additional period of time
2 granted~~[, and the legislative ethics commission shall notify the commis-~~
3 ~~sion on ethics and lobbying in government of any extension granted~~
4 ~~pursuant to this paragraph]~~;

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

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

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

21 (vi) candidates for independent nomination who have not been desig-
22 nated by a party to receive a nomination shall file such statement with-
23 in ten days after the last day allowed by law for the filing of inde-
24 pendent nominating petitions naming them as candidates in the next
25 succeeding general or special election;

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

29 (viii) a candidate substituted for another candidate, who fills a
30 vacancy in a party designation or in an independent nomination, caused
31 by declination, shall file such statement within ten days after the last
32 day allowed by law to file a certificate to fill a vacancy in such party
33 designation or independent nomination~~[+]~~.

34 (ix) ~~[with]~~ With respect to all candidates for member of the legisla-
35 ture, the legislative ethics commission shall within five days of
36 receipt provide the ~~[commission on ethics and lobbying in government]~~
37 department of oversight and investigations the statement filed pursuant
38 to subparagraphs (v), (vi), (vii) and (viii) of this paragraph.

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

44 (c) If the reporting individual is a senator or member of assembly,
45 candidate for the senate or member of assembly or a legislative employ-
46 ee, such statement shall be filed with both the legislative ethics
47 commission established by section eighty of the legislative law and the
48 ~~[commission on ethics and lobbying in government]~~ department of over-
49 sight and investigation in accordance with paragraph (d-1) of subdivi-
50 sion one of this section. If the reporting individual is a statewide
51 elected official, candidate for statewide elected office, a state offi-
52 cer or employee or a political party chair, such statement shall be
53 filed with the ~~[commission on ethics and lobbying in government estab-~~
54 ~~lished by section ninety-four of the executive law]~~ department of over-
55 sight and investigation.

(d) The [~~commission on ethics and lobbying in government~~] department of oversight and investigation shall obtain from the state board of elections a list of all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

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

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

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

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

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

(j) A member of the legislature who is elected to such office at a special election prior to May fifteenth in any year shall satisfy the

1 filing requirements of this subdivision in such year by complying with
2 the earliest applicable deadline only.

3 (k) The [~~commission on ethics and lobbying in government~~] department
4 of oversight and investigation shall post for at least five years begin-
5 ning for filings made on January first, two thousand thirteen the annual
6 statement of financial disclosure and any amendments filed by each
7 person subject to the reporting requirements of this subdivision who is
8 an elected official on its website for public review within thirty days
9 of its receipt of such statement or within ten days of its receipt of
10 such amendment that reflects any corrections of deficiencies identified
11 by [~~the commission~~] such department or by the reporting individual after
12 the reporting individual's initial filing. Except upon an individual
13 determination by the [~~commission~~] department of oversight and investi-
14 gation that certain information may be deleted from a reporting individ-
15 ual's annual statement of financial disclosure, none of the information
16 in the statement posted on [~~the commission's~~] such department's website
17 shall be otherwise deleted.

18 § 14. Subparagraphs (b), (b-2) and (c) of paragraph 8 of subdivision 3
19 and subdivision 4 of section 73-a of the public officers law, subpara-
20 graphs (b), (b-2) and (c) of paragraph 8 of subdivision 3 as separately
21 amended by sections 8 and 18, and subdivision 4 as amended by section 9
22 of part QQ of chapter 56 of the laws of 2022, are amended to read as
23 follows:

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

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

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

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

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

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

46 For purposes of this question, "referred to the firm" shall mean:
47 having intentionally and knowingly taken a specific act or series of
48 acts to intentionally procure for the reporting individual's firm or
49 knowingly solicit or direct to the reporting individual's firm in whole
50 or substantial part, a person or entity that becomes a client of that
51 firm for the purposes of representation for a matter as defined in
52 subparagraphs (i) through (iv) of this paragraph, as the result of such
53 procurement, solicitation or direction of the reporting individual. A
54 reporting individual need not disclose activities performed while
55 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
56 sion 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]~~ department of oversight and investigation, provided, however, that a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Nature of Services Provided

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

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

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

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

- * REVIEWED DOCUMENTS AND CORRESPONDENCE;
- * REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
- * PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
- * CONSULTED WITH CLIENT OR CONSULTED WITH LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

1 * PREPARED CERTIFIED FINANCIAL STATEMENT FOR CLIENT (IDENTIFY CLIENT BY
 2 NAME);
 3 * REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR
 4 REPRESENTATION OR CONSULTATION;
 5 * COMMERCIAL BROKERING SERVICES (IDENTIFY CUSTOMER BY NAME);
 6 * PREPARED CERTIFIED ARCHITECTURAL OR ENGINEERING
 7 RENDERINGS FOR CLIENT (IDENTIFY CUSTOMER BY NAME);
 8 * COURT APPOINTED GUARDIAN OR EVALUATOR (IDENTIFY COURT NOT CLIENT).
 9 (ii) With respect to reporting individuals who disclosed in question
 10 8(a) that the reporting individual did not provide services to a client
 11 but provided services to a firm or business, identify the category of
 12 amount received for providing such services and describe the services
 13 rendered.
 14 Services Actually Provided Category of Amount (Table I)

15 A reporting individual need not disclose activities performed while
 16 lawfully acting in his or her capacity as provided in paragraphs (c),
 17 (d), (e) and (f) of subdivision seven of section seventy-three of this
 18 article.
 19 The disclosure requirement in questions (b-1) and (b-2) shall not
 20 require disclosing clients or customers receiving medical, pharmaceu-
 21 tical or dental services, mental health services, or residential real
 22 estate brokering services from the reporting individual or his or her
 23 firm or if federal law prohibits or limits disclosure. The reporting
 24 individual need not identify any client to whom he or she or his or her
 25 firm provided legal representation with respect to investigation or
 26 prosecution by law enforcement authorities, bankruptcy, family court,
 27 estate planning, or domestic relations matters, nor shall the reporting
 28 individual identify individuals represented pursuant to an insurance
 29 policy but the reporting individual shall in such circumstances only
 30 report the entity that provides compensation to the reporting individ-
 31 ual; with respect to matters in which the client's name is required by
 32 law to be kept confidential (such as matters governed by the family
 33 court act) or in matters in which the reporting individual represents or
 34 provides services to minors, the client's name may be replaced with
 35 initials. To the extent that the reporting individual, or his or her
 36 firm, provided legal representation with respect to an initial public
 37 offering, and professional disciplinary rules, federal law or regu-
 38 lations restrict the disclosure of information relating to such work,
 39 the reporting individual shall (i) disclose the identity of the client
 40 and the services provided relating to the initial public offering to the
 41 office of court administration, who will maintain such information
 42 confidentially in a locked box; and (ii) include in his or her response
 43 to questions (b-1) and (b-2) that pursuant to this paragraph, a disclo-
 44 sure to the office of court administration has been made. Upon such time
 45 that the disclosure of information maintained in the locked box is no
 46 longer restricted by professional disciplinary rules, federal law or
 47 regulation, the reporting individual shall disclose such information in
 48 an amended disclosure statement in response to the disclosure require-
 49 ments in questions (b-1) and (b-2). The office of court administration
 50 shall develop and maintain a secure portal through which information
 51 submitted to it pursuant to this paragraph can be safely and confiden-
 52 tially stored. With respect to clients represented in other matters not
 53 otherwise exempt, the reporting individual may request an exemption to

publicly disclosing the name of that client from the [~~commission on ethics and lobbying in government pursuant to section ninety four of the executive law~~] department of oversight and investigation, or from the office of court administration. In such application, the reporting individual shall state the following: "My client is not currently receiving my services or seeking my services in connection with: (i) A proposed bill or resolution in the senate or assembly during the reporting period;

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

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

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

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

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

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

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

If the reporting individual receives income of ten thousand dollars or greater from any employment or activity reportable under question 8(a),

1 identify each registered lobbyist who has directly referred to such
2 individual a client who was successfully referred to the reporting indi-
3 vidual's business and from whom the reporting individual or firm
4 received a fee for services in excess of five thousand dollars. Report
5 only those referrals that were made to a reporting individual by direct
6 communication from a person known to such reporting individual to be a
7 registered lobbyist at the time the referral is made. With respect to
8 each such referral, the reporting individual shall identify the client,
9 the registered lobbyist who has made the referral, the category of value
10 of the compensation received and a general description of the type of
11 matter so referred. A reporting individual need not disclose activities
12 performed while lawfully acting pursuant to paragraphs (c), (d), (e) and
13 (f) of subdivision seven of section seventy-three of this article. The
14 disclosure requirements in this question shall not require disclosing
15 clients or customers receiving medical, pharmaceutical or dental
16 services, mental health services, or residential real estate brokering
17 services from the reporting individual or his or her firm or if federal
18 law prohibits or limits disclosure. The reporting individual need not
19 identify any client to whom he or she or his or her firm provided legal
20 representation with respect to investigation or prosecution by law
21 enforcement authorities, bankruptcy, family court, estate planning, or
22 domestic relations matters, nor shall the reporting individual identify
23 individuals represented pursuant to an insurance policy but the report-
24 ing individual shall in such circumstances only report the entity that
25 provides compensation to the reporting individual; with respect to
26 matters in which the client's name is required by law to be kept confi-
27 dential (such as matters governed by the family court act) or in matters
28 in which the reporting individual represents or provides services to
29 minors, the client's name may be replaced with initials. To the extent
30 that the reporting individual, or his or her firm, provided legal repre-
31 sentation with respect to an initial public offering, and federal law or
32 regulations restricts the disclosure of information relating to such
33 work, the reporting individual shall (i) disclose the identity of the
34 client and the services provided relating to the initial public offering
35 to the office of court administration, who will maintain such informa-
36 tion confidentially in a locked box; and (ii) include in his or her
37 response a statement that pursuant to this paragraph, a disclosure to
38 the office of court administration has been made. Upon such time that
39 the disclosure of information maintained in the locked box is no longer
40 restricted by federal law or regulation, the reporting individual shall
41 disclose such information in an amended disclosure statement in response
42 to the disclosure requirements of this paragraph. The office of court
43 administration shall develop and maintain a secure portal through which
44 information submitted to it pursuant to this paragraph can be safely and
45 confidentially stored. With respect to clients represented in other
46 matters not otherwise exempt, the reporting individual may request an
47 exemption to publicly disclosing the name of that client from the
48 ~~[commission on ethics and lobbying in government pursuant to section~~
49 ~~ninety-four of the executive law]~~ department of oversight and investi-
50 gation, or from the office of court administration. In such application,
51 the reporting individual shall state the following: "My client is not
52 currently receiving my services or seeking my services in connection
53 with:

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

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

Client	Name of Lobbyist	Description of Matter	Category of Amount (in Table 1)
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4. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars. Assessment of a civil penalty hereunder shall be made by the [~~commission on ethics and~~]

1 ~~lobbying in government or by the legislative ethics commission, as the~~
2 ~~case may be~~ department of oversight and investigation or the legisla-
3 tive ethics commission, with respect to persons subject to their respec-
4 tive jurisdictions. The [~~commission on ethics and lobbying in government~~
5 ~~acting pursuant to subdivision fourteen of section ninety-four of the~~
6 ~~executive law~~] department of oversight and investigation or the legisla-
7 tive ethics commission acting pursuant to subdivision eleven of section
8 eighty of the legislative law, as the case may be, may, in lieu of or in
9 addition to a civil penalty, refer a violation to the appropriate prose-
10 cutor and upon such conviction, but only after such referral, such
11 violation shall be punishable as a class A misdemeanor. A civil penalty
12 for false filing may not be imposed hereunder in the event a category of
13 "value" or "amount" reported hereunder is incorrect unless such reported
14 information is falsely understated. Notwithstanding any other provision
15 of law to the contrary, no other penalty, civil or criminal may be
16 imposed for a failure to file, or for a false filing, of such statement,
17 except that the appointing authority may impose disciplinary action as
18 otherwise provided by law. The [~~commission on ethics and lobbying in~~
19 ~~government~~] department of oversight and investigation and the legisla-
20 tive ethics commission shall each be deemed to be an agency within the
21 meaning of article three of the state administrative procedure act and
22 shall adopt rules governing the conduct of adjudicatory proceedings and
23 appeals relating to the assessment of the civil penalties herein author-
24 ized. Such rules, which shall not be subject to the approval require-
25 ments of the state administrative procedure act, shall provide for due
26 process procedural mechanisms substantially similar to those set forth
27 in such article three but such mechanisms need not be identical in terms
28 or scope. Assessment of a civil penalty shall be final unless modified,
29 suspended or vacated within thirty days of imposition and upon becoming
30 final shall be subject to review at the instance of the affected report-
31 ing individual in a proceeding commenced against the [~~commission on~~
32 ~~ethics and lobbying in government~~] department of oversight and investi-
33 gation or the legislative ethics commission, pursuant to article seven-
34 ty-eight of the civil practice law and rules.

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

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

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

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

53 § 17. Paragraph (a) of subdivision 1 of section 73 of the public offi-
54 cers law, as amended by section 13 of part QQ of chapter 56 of the laws
55 of 2022, is amended to read as follows:

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

§ 18. The opening paragraph of paragraph (a) of subdivision 6 of section 73 of the public officers law, as amended by section 15 of part QQ of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 19. Paragraph (h) of subdivision 8 of section 73 of the public officers law, as amended by section 16 of part QQ of chapter 56 of the laws of 2022, is amended to read as follows:

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

§ 20. Subdivision 8-a of section 73 of the public officers law, as amended by chapter 357 of the laws of 2001 and the opening paragraph as amended by section 17 of part QQ of chapter 56 of the laws of 2022, is amended to read as follows:

8-a. The provisions of subparagraphs (i) and (ii) of paragraph (a) of subdivision eight of this section shall not apply to any such former state officer or employee engaged in any of the specific permitted activities defined in this subdivision that are related to any civil action or proceeding in any state or federal court, provided that the attorney general has certified in writing to the ~~[commission on ethics and lobbying in government]~~ department of oversight and investigation, with a copy to such former state officer or employee, that the services are rendered on behalf of the state, a state agency, state officer or employee, or other person or entity represented by the attorney general, and that such former state officer or employee has expertise, knowledge or experience which is unique or outstanding in a field or in a particular matter or which would otherwise be generally unavailable at a comparable cost to the state, a state agency, state officer or employee, or other person or entity represented by the attorney general in such civil action or proceeding. In those instances where a state agency is not represented by the attorney general in a civil action or proceeding in state or federal court, a former state officer or employee may engage in permitted activities provided that the general counsel of the state agency, after consultation with the ~~[commission on ethics and lobbying in government]~~ department of oversight and investigation, provides to ~~[the commission on ethics and lobbying in government]~~ such department a written certification which meets the requirements of this subdivision.

1 For purposes of this subdivision the term "permitted activities" shall
2 mean generally any activity performed at the request of the attorney
3 general or the attorney general's designee, or in cases where the state
4 agency is not represented by the attorney general, the general counsel
5 of such state agency, including without limitation:

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

7 (b) gathering, reviewing or analyzing information, including documen-
8 tary or oral information concerning facts or opinions, attending deposi-
9 tions or participating in document review or discovery;

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

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

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

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

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

20 § 21. Subdivision 8-b of section 73 of the public officers law, as
21 amended by section 17 of part QQ of chapter 56 of the laws of 2022, is
22 amended to read as follows:

23 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of
24 paragraph (a) of subdivision eight of this section, a former state offi-
25 cer or employee may contract individually, or as a member or employee of
26 a firm, corporation or association, to render services to any state
27 agency if, prior to engaging in such service, the agency head certifies
28 in writing to the [~~commission on ethics and lobbying in government~~]
29 department of oversight and investigation that such former officer or
30 employee has expertise, knowledge or experience with respect to a
31 particular matter which meets the needs of the agency and is otherwise
32 unavailable at a comparable cost. Where approval of the contract is
33 required under section one hundred twelve of the state finance law, the
34 comptroller shall review and consider the reasons for such certifi-
35 cation. The [~~commission on ethics and lobbying in government~~] depart-
36 ment of oversight and investigation must review and approve all certifi-
37 cations made pursuant to this subdivision.

38 § 22. Subdivision 10 of section 73 of the public officers law, as
39 amended by section 17 of part QQ of chapter 56 of the laws of 2022, is
40 amended to read as follows:

41 10. Nothing contained in this section, the judiciary law, the educa-
42 tion law or any other law or disciplinary rule shall be construed or
43 applied to prohibit any firm, association or corporation, in which any
44 present or former statewide elected official, state officer or employee,
45 or political party chair, member of the legislature or legislative
46 employee is a member, associate, retired member, of counsel or share-
47 holder, from appearing, practicing, communicating or otherwise rendering
48 services in relation to any matter before, or transacting business with
49 a state agency, or a city agency with respect to a political party chair
50 in a county wholly included in a city with a population of more than one
51 million, otherwise proscribed by this section, the judiciary law, the
52 education law or any other law or disciplinary rule with respect to such
53 official, member of the legislature or officer or employee, or political
54 party chair, where such statewide elected official, state officer or
55 employee, member of the legislature or legislative employee, or poli-
56 tical party chair does not share in the net revenues, as defined in

1 accordance with generally accepted accounting principles by the [~~commis-~~
2 ~~sion on ethics and lobbying in government or by the~~] legislative ethics
3 commission or the department of oversight and investigation in relation
4 to persons subject to their respective jurisdictions, resulting there-
5 from, or, acting in good faith, reasonably believed that he or she would
6 not share in the net revenues as so defined; nor shall anything
7 contained in this section, the judiciary law, the education law or any
8 other law or disciplinary rule be construed to prohibit any firm, asso-
9 ciation or corporation in which any present or former statewide elected
10 official, member of the legislature, legislative employee, full-time
11 salaried state officer or employee or state officer or employee who is
12 subject to the provisions of section seventy-three-a of this article is
13 a member, associate, retired member, of counsel or shareholder, from
14 appearing, practicing, communicating or otherwise rendering services in
15 relation to any matter before, or transacting business with, the court
16 of claims, where such statewide elected official, member of the legisla-
17 ture, legislative employee, full-time salaried state officer or employee
18 or state officer or employee who is subject to the provisions of section
19 seventy-three-a of this article does not share in the net revenues, as
20 defined in accordance with generally accepted accounting principles by
21 the [~~commission on ethics and lobbying in government or by the~~] legisla-
22 tive ethics commission or the department of oversight and investigation
23 in relation to persons subject to their respective jurisdictions,
24 resulting therefrom, or, acting in good faith, reasonably believed that
25 he or she would not share in the net revenues as so defined.

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

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

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