

STATE OF NEW YORK

11733

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Vanel) --
read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law and the executive law, in relation
to limits on outside earned income by members; and to repeal certain
provisions of the legislative law relating thereto

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

1 Section 1. Section 5-b of the legislative law is REPEALED.
2 § 2. Paragraph i of subdivision 7 of section 80 of the legislative
3 law, as amended by chapter 841 of the laws of 2022, is amended to read
4 as follows:
5 i. Upon written request from any person who is subject to the juris-
6 diction of the commission and the requirements of sections seventy-
7 three, seventy-three-a and seventy-four of the public officers law, [~~and~~
8 ~~section five b of this chapter~~] render formal advisory opinions on the
9 requirements of said provisions. A formal written opinion rendered by
10 the commission, until and unless amended or revoked, shall be binding on
11 the legislative ethics commission in any subsequent proceeding concern-
12 ing the person who requested the opinion and who acted in good faith,
13 unless material facts were omitted or misstated by the person in the
14 request for an opinion. Such opinion may also be relied upon by such
15 person, and may be introduced and shall be a defense in any criminal or
16 civil action. The commission on ethics and lobbying in government shall
17 not investigate an individual for potential violations of law based upon
18 conduct approved and covered in its entirety by such an opinion, except
19 that such opinion shall not prevent or preclude an investigation of and
20 report to the legislative ethics commission concerning the conduct of
21 the person who obtained it by the commission on ethics and lobbying in
22 government for violations of section seventy-three, seventy-three-a or
23 seventy-four of the public officers law [~~and section 5-b of this chap-~~
24 ~~ter~~] to determine whether the person accurately and fully represented to
25 the legislative ethics commission the facts relevant to the formal advi-
26 sory opinion and whether the person's conduct conformed to those factual
27 representations. The commission on ethics and lobbying in government

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

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1 shall be authorized and shall have jurisdiction to investigate potential
2 violations of the law arising from conduct outside of the scope of the
3 terms of the advisory opinion; and

4 § 3. Paragraph (a) of subdivision 9 of section 80 of the legislative
5 law, as amended by chapter 841 of the laws of 2022, is amended to read
6 as follows:

7 (a) An individual subject to the jurisdiction of the commission with
8 respect to the imposition of penalties who knowingly and intentionally
9 violates the provisions of subdivisions two through five-a, seven,
10 eight, twelve, fourteen or fifteen of section seventy-three of the
11 public officers law [~~or section five-b of this chapter~~] or a reporting
12 individual who knowingly and wilfully fails to file an annual statement
13 of financial disclosure or who knowingly and wilfully with intent to
14 deceive makes a false statement or gives information which such individ-
15 ual knows to be false on such statement of financial disclosure filed
16 pursuant to section seventy-three-a of the public officers law shall be
17 subject to a civil penalty in an amount not to exceed forty thousand
18 dollars and the value of any gift, compensation or benefit received as a
19 result of such violation. Any such individual who knowingly and inten-
20 tionally violates the provisions of paragraph a, b, c, d, e, g, or i of
21 subdivision three of section seventy-four of the public officers law
22 shall be subject to a civil penalty in an amount not to exceed ten thou-
23 sand dollars and the value of any gift, compensation or benefit received
24 as a result of such violation. Assessment of a civil penalty hereunder
25 shall be made by the commission with respect to persons subject to its
26 jurisdiction. In assessing the amount of the civil penalties to be
27 imposed, the commission shall consider the seriousness of the violation,
28 the amount of gain to the individual and whether the individual previ-
29 ously had any civil or criminal penalties imposed pursuant to this
30 section, and any other factors the commission deems appropriate. For a
31 violation of this section, other than for conduct which constitutes a
32 violation of subdivision twelve, fourteen or fifteen of section seven-
33 ty-three or section seventy-four of the public officers law, the legis-
34 lative ethics commission may, in lieu of or in addition to a civil
35 penalty, refer a violation to the appropriate prosecutor and upon such
36 conviction, but only after such referral, such violation shall be
37 punishable as a class A misdemeanor. Where the commission finds suffi-
38 cient cause, it shall refer such matter to the appropriate prosecutor. A
39 civil penalty for false filing may not be imposed hereunder in the event
40 a category of "value" or "amount" reported hereunder is incorrect unless
41 such reported information is falsely understated. Notwithstanding any
42 other provision of law to the contrary, no other penalty, civil or crim-
43 inal may be imposed for a failure to file, or for a false filing, of
44 such statement, or a violation of subdivision six of section seventy-
45 three of the public officers law, except that the appointing authority
46 may impose disciplinary action as otherwise provided by law. The legis-
47 lative ethics commission shall be deemed to be an agency within the
48 meaning of article three of the state administrative procedure act and
49 shall adopt rules governing the conduct of adjudicatory proceedings and
50 appeals taken pursuant to a proceeding commenced under article seventy-
51 eight of the civil practice law and rules relating to the assessment of
52 the civil penalties herein authorized. Such rules, which shall not be
53 subject to the promulgation and hearing requirements of the state admin-
54 istrative procedure act, shall provide for due process procedural mech-
55 anisms substantially similar to those set forth in such article three
56 but such mechanisms need not be identical in terms or scope. Assessment

1 of a civil penalty shall be final unless modified, suspended or vacated
2 within thirty days of imposition, with respect to the assessment of such
3 penalty, or unless such denial of request is reversed within such time
4 period, and upon becoming final shall be subject to review at the
5 instance of the affected reporting individuals in a proceeding commenced
6 against the legislative ethics commission, pursuant to article seventy-
7 eight of the civil practice law and rules.

8 § 4. Paragraph (a) of subdivision 10 of section 94 of the executive
9 law, as amended by chapter 841 of the laws of 2022, is amended to read
10 as follows:

11 (a) The commission shall receive complaints and referrals alleging
12 violations of section seventy-three, seventy-three-a or seventy-four of
13 the public officers law, article one-A [~~and section five-b~~] of the
14 legislative law, or section one hundred seven of the civil service law.

15 § 5. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect on and after January 1, 2025.