

# STATE OF NEW YORK

5883--B

2025-2026 Regular Sessions

## IN ASSEMBLY

February 24, 2025

Introduced by M. of A. LEE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to enacting the "state taxpayer oversight and protection (STOP) act"

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 "state taxpayer oversight and protection (STOP) act".  
3 § 2. Paragraphs (a) and (b) of subdivision 2 of section 17 of the  
4 public officers law, paragraph (a) as amended by chapter 768 of the laws  
5 of 1985 and paragraph (b) as added by chapter 466 of the laws of 1978,  
6 are amended to read as follows:  
7 (a) Upon compliance by the employee with the provisions of subdivision  
8 four of this section, the state shall provide for the defense of the  
9 employee in any civil action or proceeding in any state or federal court  
10 arising out of any alleged act or omission which occurred or is alleged  
11 in the complaint to have occurred while the employee was acting within  
12 the scope of [~~his~~] their public employment or duties; or which is  
13 brought to enforce a provision of section nineteen hundred eighty-one or  
14 nineteen hundred eighty-three of title forty-two of the United States  
15 code and the act or omission underlying the action occurred or is  
16 alleged in the complaint to have occurred while the employee was acting  
17 within the scope of [~~his~~] their public employment or duties. This duty  
18 to provide for a defense shall not arise where such civil action or  
19 proceeding is brought by or on behalf of the state. No attorneys' fees  
20 or expenses shall be paid if incurred on behalf of an employee in any  
21 action brought by the employee against the state.

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

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1 (b) Subject to the conditions set forth in paragraph (a) of this  
2 subdivision, the employee shall be entitled to be represented by the  
3 attorney general, provided, however, that the employee shall be entitled  
4 to representation by private counsel of [~~his~~] their choice in any civil  
5 judicial proceeding whenever the attorney general determines based upon  
6 [~~his~~] their investigation and review of the facts and circumstances of  
7 the case that representation by the attorney general would be inappro-  
8 priate, or whenever a court of competent jurisdiction, upon appropriate  
9 motion or by a special proceeding, determines that a conflict of inter-  
10 est exists and that the employee is entitled to be represented by  
11 private counsel of [~~his~~] their choice. The attorney general shall notify  
12 the employee in writing of such determination that the employee is enti-  
13 tled to be represented by private counsel. The attorney general may  
14 require, as a condition to payment of the fees and expenses of such  
15 representation, that appropriate groups of such employees be represented  
16 by the same counsel. If the employee or group of employees is entitled  
17 to representation by private counsel under the provisions of this  
18 section, the attorney general shall so certify to the comptroller.  
19 Reasonable attorneys' fees and litigation expenses shall be paid by the  
20 state to such private counsel from time to time during the pendency of  
21 the civil action or proceeding subject to certification that the employ-  
22 ee is entitled to representation under the terms and conditions of this  
23 section by the head of the department, commission, division, office or  
24 agency in which such employee is employed and upon the audit and warrant  
25 of the comptroller, and which shall include a determination by the comp-  
26 troller that any such fees paid by the state are proportional to the  
27 needs of the case and consistent with the manner and methods of defense  
28 employed in similar or representative cases. Attorneys' fees shall be  
29 presumptively unreasonable where an individual hires or employs multiple  
30 law firms on the same matter unless such employee can demonstrate the  
31 need for additional attorneys with distinct subject matter expertise.  
32 The state shall not pay any attorneys' fees deemed unreasonable by the  
33 comptroller. Any dispute with respect to representation of multiple  
34 employees by a single counsel or the amount of litigation expenses or  
35 the reasonableness of attorneys' fees shall be resolved by the court  
36 upon motion or by way of a special proceeding.

37 § 3. This act shall take effect immediately and shall apply to any  
38 pending claim not paid by the state before such effective date, and to  
39 any new claim submitted to the state on or after such effective date.