

STATE OF NEW YORK

6490

2025-2026 Regular Sessions

IN SENATE

March 14, 2025

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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.

22 (b) Subject to the conditions set forth in paragraph (a) of this
23 subdivision, the employee shall be entitled to be represented by the
24 attorney general, provided, however, that the employee shall be entitled

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

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

34 § 3. This act shall take effect immediately and shall apply to all
35 cases filed on or after such date.