LEGISLATIVE LAW

Laws 1909, Chap. 37

AN ACT in relation to legislation, constituting chapter thirty-two of the consolidated laws.

Became a law February 17, 1909, with the approval of the Governor. Passed, three-fifths being present.

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

CHAPTER 32 OF THE CONSOLIDATED LAWS

LEGISLATIVE LAW

ARTICLE 1

Short Title

Section 1. Short title.

§ 1. Short title. This chapter shall be known as the "Legislative Law."

ARTICLE 1-A

LOBBYING ACT

§ 1-a. Legislative declaration. The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and that, to preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to influence the passage or defeat of any legislation by either house of the legislature or the approval, or veto, of any legislation by the governor and attempts to influence the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency, and the attempts to influence the passage or defeat of any local law, ordinance, or regulation be publicly and regularly disclosed.

§ 1-b. Short title. This article shall be known and may be cited as the "Lobbying act".

§ 1-c. Definitions. As used in this article unless the context otherwise requires:

(a) The term "lobbyist" shall mean every person or organization retained, employed or designated by any client to engage in lobbying. The term "lobbyist" shall not include any officer, director, trustee, employee, counsel or agent of the state, or any municipality or subdivision thereof of New York when discharging their official duties; except those officers, directors, trustees, employees, counsels, or agents of colleges, as defined by section two of the education law.

(i) Any individual who stands convicted of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law may not be retained, employed or designated by any client to engage in lobbying for compensation.

(ii) Any individual who stands convicted of a misdemeanor defined in article two hundred, article four hundred ninety-six, section 195.00 or an attempt to commit a violation of section 195.20 of the penal law may not be retained, employed or designated by any client to engage in lobbying for compensation for a period of five years from the date of conviction, provided that in the event such conviction is the result of a plea agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in section 195.20, article two hundred or article four hundred ninety-six of the penal law, all parties to such agreement may agree that the period of such bar may be for a period of up to ten years from the date of conviction.

(b) The term "client" shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

(c) The term "lobbying" or "lobbying activities" shall mean and include any attempt to influence:

(i) the passage or defeat of any legislation or resolution by either house of the state legislature including but not limited to the introduction or intended introduction of such legislation or resolution or approval or disapproval of any legislation by the governor;

(ii) the adoption, issuance, rescission, modification or terms of a gubernatorial executive order;

(iii) the adoption or rejection of any rule or regulation having the force and effect of law by a state agency;

(iv) the outcome of any rate making proceeding by a state agency;

(v) any determination: (A) by a public official, or by a person or entity working in cooperation with a public official related to a governmental procurement, or (B) by an officer or employee of the unified court system, or by a person or entity working in cooperation with an officer or employee of the unified court system related to a governmental procurement;

(vi) the approval, disapproval, implementation or administration of tribal-state compacts, memoranda of understanding, or any other tribal-state agreements and any other state actions related to Class III gaming as provided in 25 U.S.C. § 2701, except to the extent designation of such activities as "lobbying" is barred by the federal Indian Gaming Regulatory Act, by a public official or by a person or entity working in cooperation with a public official in relation to such approval, disapproval, implementation or administration;

(vii) the passage or defeat of any local law, ordinance, resolution, or regulation by any municipality or subdivision thereof;

(viii) the adoption, issuance, rescission, modification or terms of an executive order issued by the chief executive officer of a municipality;

(ix) the adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, or regulation; or

(x) the outcome of any rate making proceeding by any municipality or subdivision thereof.

The term "lobbying" shall not include:

(A) Persons engaged in drafting, advising clients on or rendering opinions on proposed legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, procurement contracts, or tribal-state compacts, memoranda of understanding, or any other tribal-state agreements or other written materials related to Class III gaming as provided in 25 U.S.C. § 2701, when such professional services are not otherwise connected with state or municipal legislative or executive action on such legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, procurement contracts, or tribal-state compacts, memoranda of understanding, or any other tribal-state agreements or other written materials related to Class III gaming as provided in 25 U.S.C. § 2701;

(B) (i) Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates, municipal ordinances and resolutions, executive orders, tribal-state compacts, memoranda of understanding or other tribal-state agreements related to Class III gaming as provided in 25 U.S.C. § 2701, or procurement contracts by a state agency, municipal agency, local legislative body, the state legislature, or the unified court system, are limited to the publication or broadcast of news items, editorials or other comments, or paid advertisements;

(ii) Communications with a professional journalist, or newscaster, including an editorial board or editorial writer of a newspaper, magazine, news agency, press association or wire service, relating to news, as these terms are defined in section seventy-nine-h of the civil rights law, and communications relating to confidential and non-confidential news as described in subdivisions (b) and (c) of section seventy-nine-h of the civil rights law respectively and communications made pursuant to community outreach efforts for broadcast stations required by federal law.

(C) Persons who participate as witnesses, attorneys or other representatives in public proceedings of a state or municipal agency with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation;

(D) Persons who attempt to influence a state or municipal agency in an adjudicatory proceeding, as "adjudicatory proceeding" is defined by section one hundred two of the state administrative procedure act;

(E) Persons who prepare or submit a response to a request for information or comments by the state legislature, the governor, or a state agency or a committee or officer of the legislature or a state agency, or by the unified court system, or by a legislative or executive body or officer of a municipality or a commission, committee or officer of a municipal legislative or executive body;

(F) Any attempt by a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a federal income tax return under paragraph 2(A)(i) of section 6033(a) of Title 26 of the United States Code or a religious order that is exempt from filing a federal income tax return under paragraph (2)(A)(iii) of such section 6033(a) to influence passage or defeat of a local law, ordinance, resolution or regulation or any rule or regulation having the force and effect of a local law, ordinance or regulation;

(G) Any activity relating to governmental procurements made under section one hundred sixty-two of the state finance law undertaken by (i) the non-profit-making agencies appointed pursuant to paragraph e of subdivision six of section one hundred sixty-two of the state finance law by the commissioner of the office of children and family services, the commission for the blind, or the commissioner of education, and (ii) the qualified charitable non-profit-making agencies for the blind, and qualified charitable non-profit-making agencies for other severely disabled persons as identified in subdivision two of section one hundred sixty-two of the state finance law; provided, however, that any attempt to influence the issuance or terms of the specifications that serve as the basis for bid documents, requests for proposals, invitations for bids, or solicitations of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a state agency, the state legislature, the unified court system, a municipal agency or local legislative body shall not be exempt from the definition of "lobbying" or "lobbying activities" under this subparagraph;

(H) Participants, including those appearing on behalf of a client, in a conference provided for in a request for proposals, invitation for bids, or any other method for soliciting a response from offerers intending to result in a procurement contract;

(I) Offerers who have been tentatively awarded a contract and are engaged in communications with a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body solely for the purpose of negotiating the terms of the procurement contract after being notified of such award or, when a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body is purchasing an article of procurement pursuant to an existing state procurement contract, offerers who are engaged in communications with the procuring entity solely for the purpose of negotiating terms applicable to that purchase; or persons who currently hold a franchise and who are engaged in negotiating the terms of a tentative franchise renewal contract with a municipality, but such negotiations, which do not constitute lobbying, do not include communications to the local legislative body that must approve the contract;

(J) (i) Offerers or other persons who are a party to a protest, appeal or other review proceeding (including the apparent successful bidder or proposer and his or her representatives) before the governmental entity conducting the procurement seeking a final administrative determination, or in a subsequent judicial proceeding; or

(ii) Offerers or other persons who bring complaints of alleged improper conduct in a governmental procurement to the attorney general, inspector general, district attorney, or court of competent jurisdiction; or

(iii) Offerers or other persons who submit written protests, appeals or complaints to the state comptroller's office during the process of contract approval, where the state comptroller's approval is required by law, and where such communications and any responses thereto are made in writing and shall be entered in the procurement record pursuant to section one hundred sixty-three of the state finance law; or

(iv) Offerers or other persons who bring complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller's office;

provided, however, that nothing in this paragraph shall be construed as recognizing or creating any new rights, duties or responsibilities or abrogating any existing rights, duties or responsibilities of any governmental entity as it pertains to implementation and enforcement of article eleven of the state finance law or any other provision of law dealing with the governmental procurement process;

(K) The submission of a bid or proposal (whether submitted orally, in writing or electronically) in response to a request for proposals, invitation for bids or any other method for soliciting a response from offerers intending to result in a procurement contract;

(L) Offerers submitting written questions to a designated contact of a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body set forth in a request for proposals, or invitation for bids or any other method for soliciting a response from offerers intending to result in a procurement contract, when all written questions and responses are to be disseminated to all offerers who have expressed an interest in the request for proposals, or invitation for bids, or any other method for soliciting a response from offerers intending to result in a procurement contract;

(M) Contacts during governmental procurements between designated staff of a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body involved in governmental procurements and officers or employees of bidders or potential bidders, or officers or employees of subcontractors of bidders or potential bidders, who are charged with the performance of functions relating to contracts and who are qualified by education, training or experience to provide technical services to explain, clarify or demonstrate the qualities, characteristics or advantages of an article of procurement. Such authorized contacts shall: (i) be limited to providing information to the staff of a state agency, either house of the state legislature, the unified court system, a municipal agency and local legislative body to assist them in understanding and assessing the qualities, characteristics or anticipated performance of an article of procurement; (ii) not include any recommendations or advocate any contract provisions; and (iii) occur only at such times and in such manner as authorized under the procuring entity's solicitation or guidelines and procedures. For the purposes of this paragraph, the term "technical services" shall be limited to analysis directly applying any accounting, engineering, scientific, or other similar technical disciplines;

(N) Applications for licenses, certificates, and permits authorized by statutes or local laws or ordinances;

(O) The activities of persons who are commission salespersons with respect to governmental procurements;

(P) Communications made by an officer or employee of the offerer after the award of the procurement contract when such communications are in the ordinary course of providing the article of procurement provided by the procurement contract and in the ordinary course of the assigned duties of the officer or employee; provided, however, that nothing herein shall exempt: (i) an officer or employee whose primary purpose of employment is to engage in lobbying activities with regard to governmental procurements, or (ii) an agent or independent contractor hired by an offerer and whose primary duty is to engage in lobbying activities with regard to governmental procurements; and

(Q) Persons who communicate with public officials where such communications are limited to obtaining factual information related to benefits or incentives offered by a state or municipal agency and where such communications do not include any recommendations or advocate governmental action or contract provisions, and further where such communications are not otherwise connected with pending legislative or executive action or determinations; provided, however, that any person who is otherwise required to file a statement or report pursuant to this article by virtue of engaging in lobbying activities as defined in this section shall not be deemed to fall within the exception provided for under this paragraph.

(d) The term "organization" shall mean any corporation, company, foundation, association, college as defined by section two of the education law, labor organization, firm, partnership, society, joint stock company, state agency or public corporation.

(e) The term "state agency" shall mean any department, board, bureau, commission, division, office, council, committee or officer of the state, whether permanent or temporary, or a public benefit corporation or public authority at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings but shall not include the judicial branch or agencies created by interstate compact or international agreement.

(f) The term "commission" shall mean the commission on ethics and lobbying in government created by section ninety-four of the executive law.

(g) The term "expense" or "expenses" shall mean any expenditures incurred by or reimbursed to the lobbyist for lobbying but shall not include contributions reportable pursuant to article fourteen of the election law.

(h) The term "compensation" shall mean any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the lobbyist by the client for lobbying but shall not include contributions reportable pursuant to article fourteen of the election law.

(i) The term "public corporation" shall mean a municipal corporation, a district corporation, or a public benefit corporation as defined in section sixty-six of the general construction law.

(j) The term "gift" shall mean anything of more than nominal value given to a public official in any form including, but not limited to money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance, or promise, having a monetary value. The following are excluded from the definition of a gift:

(i) complimentary attendance, including food and beverage, at bona fide charitable or political events;

(ii) complimentary attendance, food and beverage offered by the sponsor of a widely attended event. The term "widely attended event" shall mean an event: (A) which at least twenty-five individuals other than members, officers, or employees from the governmental entity in which the public official serves attend or were, in good faith, invited to attend, and (B) which is related to the attendee's duties or responsibilities or which allows the public official to perform a ceremonial function appropriate to his or her position. For the purposes of this exclusion, a public official's duties or responsibilities shall include but not be limited to either (1) attending an event or a meeting at which a speaker or attendee addresses an issue of public interest or concern as a significant activity at such event or meeting; or (2) for elected public officials, or their staff attending with or on behalf of such elected officials, attending an event or a meeting at which more than one-half of the attendees, or persons invited in good faith to attend, are residents of the county, district or jurisdiction from which the elected public official was elected;

(iii) awards, plaques, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;

(iv) an honorary degree bestowed upon a public official by a public or private college or university;

(v) promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;

(vi) goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;

(vii) gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; in determining motivation, the following factors shall be among those considered: (A) the history and nature of the relationship between the donor and the recipient, including whether or not items have previously been exchanged; (B) whether the item was purchased by the donor; and (C) whether or not the donor at the same time gave similar items to other public officials; the transfer shall not be considered to be motivated by a family, household, or personal relationship if the donor seeks to charge or deduct the value of such item as a business expense or seeks reimbursement from a client;

(viii) contributions reportable under article fourteen of the election law, including contributions made in violation of that article of the election law;

(ix) travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event or informational meeting when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event or meeting;

(x) provision of local transportation to inspect or tour facilities, operations or property located in New York state, provided, however, that such inspection or tour is related to the individual's official duties or responsibilities and that payment or reimbursement for expenses for lodging or travel expenses to and from the locality where such facilities, operations or property are located shall be considered to be gifts unless otherwise permitted under this subdivision;

(xi) meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants; and

(xii) food or beverage valued at fifteen dollars or less.

(k) The term "municipality" shall mean any jurisdictional subdivision of the state, including but not limited to counties, cities, towns, villages, improvement districts and special districts, with a population of more than five thousand, and industrial development agencies in jurisdictional subdivisions with a population of more than five thousand; and public authorities, and public corporations.

(l) The term "public official" shall mean:

(i) the governor, lieutenant governor, comptroller or attorney general;

(ii) members of the state legislature;

(iii) state officers and employees including:

(A) heads of state departments and their deputies and assistants other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis,

(B) officers and employees of statewide elected officials,

(C) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies,

(D) 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;

(iv) officers and employees of the legislature; and

(v) municipal officers and employees including an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a fire chief or assistant fire chief.

(m) The term "restricted period" shall mean the period of time commencing with the earliest written notice, advertisement or solicitation of a request for proposal, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from offerers intending to result in a procurement contract with a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined by paragraph (ii) of subdivision (s) of this section, and ending with the final contract award and approval by the state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined by paragraph (ii) of subdivision (s) of this section, and, where applicable, the state comptroller.

(n) The term "revenue contract" shall mean any written agreement between a state or municipal agency or a local legislative body and an offerer whereby the state or municipal agency or local legislative body gives or grants a concession or a franchise.

(o) The term "article of procurement" shall mean a commodity, service, technology, public work, construction, revenue contract, the purchase, sale or lease of real property or an acquisition or granting of other interest in real property, that is the subject of a governmental procurement.

(p) The term "governmental procurement" shall mean: (i) the public announcement, public notice, or public communication to any potential vendor of a determination of need for a procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, request for proposals, or evaluation criteria for a procurement contract, (ii) solicitation for a procurement contract, (iii) evaluation of a procurement contract, (iv) award, approval, denial or disapproval of a procurement contract, or (v) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as it was finally awarded or approved by the comptroller, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offerer.

(q) The term "offerer" shall mean the individual or entity, or any employee, agent or consultant of such individual or entity, that contacts a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body about a governmental procurement provided, however, that a governmental agency or its employees that communicate with the procuring agency regarding a governmental procurement in the exercise of its oversight duties shall not be considered an offerer.

(r) The term "procurement contract" shall mean any contract or other agreement, including an amendment, extension, renewal, or change order to an existing contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the contract as it was finally awarded or approved by the comptroller, as applicable), for an article of procurement involving an estimated annualized expenditure in excess of fifteen thousand dollars. Grants, article XI-B state finance law contracts, program contracts between not-for-profit organizations, as defined in article XI-B of the state finance law, and the unified court system, intergovernmental agreements, railroad and utility force accounts, utility relocation project agreements or orders, contracts governing organ transplants, contracts allowing for state participation in trade shows, and eminent domain transactions shall not be deemed procurement contracts.

(s) The term "municipal agency" shall mean: (i) any department, board, bureau, commission, division, office, council, committee or officer of a municipality, whether permanent or temporary; or (ii) an industrial development agency, located in a jurisdictional subdivision of the state with a population of more than fifty thousand, or local public benefit corporation, as that term is defined in section sixty-six of the general construction law.

(t) The term "local legislative body" shall mean the board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body of a municipality now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws, ordinances and budgets, whether or not such local laws, ordinances or budgets require approval of the elective chief executive officer or other official or body to become effective.

(u) The term "commission salesperson" shall mean any person the primary purpose of whose employment is to cause or promote the sale of, or to influence or induce another to make a purchase of an article of procurement, whether such person is an employee (as that term is defined for tax purposes) of or an independent contractor for a vendor, provided that an independent contractor shall have a written contract for a term of not less than six months or for an indefinite term, and which person shall be compensated, in whole or in part, by the payment of a percentage amount of all or a substantial part of the sales which such person has caused, promoted, influenced or induced, provided, however, that no person shall be considered a commission salesperson with respect to any sale to or purchase by a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body if the percentage amount of any commission payable with respect to such sale or purchase is substantially in excess of any commission payable with respect to any comparable sale to a purchaser that is not a state agency, either house of the state legislature, the unified court system, a municipal agency or local legislative body; further, provided, however, that any person that is required to file a statement or report pursuant to this article by virtue of engaging in lobbying activities as defined in paragraphs (i) through (iv) and (vi) through (x) of subdivision (c) of this section shall not be deemed to be a "commission salesperson" for purposes of this article.

(v) The term "unified court system" shall, for the purposes of this article only, mean the unified court system of the state of New York, or the office of court administration, where appropriate, other than town and village justice courts in jurisdictions with a population under fifty thousand, when it acts solely in an administrative capacity to engage in governmental procurements and shall not include the unified court system or any court of the state judiciary when it acts to hear and decide cases of original or appellate jurisdiction or otherwise acts in its judicial, as opposed to administrative, capacity.

(w) The term "reportable business relationship" shall mean a relationship in which compensation is paid by a lobbyist or by a client of a lobbyist, in exchange for any goods, services or anything of value, the total value of which is in excess of one thousand dollars annually, to be performed or provided by or intended to be performed or provided by (i) any statewide elected official, state officer, state employee, member of the legislature or legislative employee, or (ii) any entity in which the lobbyist or the client of a lobbyist knows or has reason to know the statewide elected official, state officer, state employee, member of the legislature or legislative employee is a proprietor, partner, director, officer or manager, or owns or controls ten percent or more of the stock of such entity (or one percent in the case of a corporation whose stock is regularly traded on an established securities exchange).

§ 1-d. Lobby-related powers of the commission. In addition to any other powers and duties provided by section ninety-four of the executive law, the commission shall, with respect to its lobbying-related functions only, have the power and duty to:

(a) administer and enforce all the provisions of this article;

(b) conduct a program of random audits subject to the terms and conditions of this section. Any such program shall be carried out in the following manner:

(i) The commission may randomly select reports or registration statements required to be filed by lobbyists or clients pursuant to this article for audit. Any such selection shall be done in a manner pursuant to which the identity of any particular lobbyist or client whose statement or report is selected for audit is unknown to the commission, its staff or any of their agents prior to selection.

(ii) The commission shall develop protocols for the conduct of such random audits. Such random audits may require the production of books, papers, records or memoranda relevant and material to the preparation of the selected statements or reports, for examination by the commission. Any such protocols shall ensure that similarly situated statements or reports are audited in a uniform manner.

(iii) The commission shall contract with an outside accounting entity, which shall monitor the process pursuant to which the commission selects statements or reports for audit and carries out the provisions of paragraphs (i) and (ii) of this subdivision and certifies that such process complies with the provisions of such paragraphs.

(iv) Upon completion of a random audit conducted in accordance with the provisions of paragraphs (i), (ii) and (iii) of this subdivision, the commission shall determine whether there is reasonable cause to believe that any such statement or report is inaccurate or incomplete. Upon a determination that such reasonable cause exists, the commission may require the production of further books, records or memoranda, subpoena witnesses, compel their attendance and testimony and administer oaths or affirmations, to the extent the commission determines such actions are necessary to obtain information relevant and material to investigating such inaccuracies or omissions;

(c) conduct hearings pursuant to article seven of the public officers law. Any hearing may be conducted as a video conference in accordance with the provisions of subdivision four of section one hundred four of the public officers law;

(d) prepare uniform forms for the statements and reports required by this article;

(e) meet at least once during each bi-monthly reporting period of the year as established by subdivision (a) of section one-h of this article and may meet at such other times as the commission, or the chair and vice-chair jointly, shall determine;

(f) issue advisory opinions to those under its jurisdiction. Such advisory opinions, which shall be published and made available to the public, shall not be binding upon such commission except with respect to the person to whom such opinion is rendered, provided, however, that a subsequent modification by such commission of such an advisory opinion shall operate prospectively only; and

(g) submit by the first day of March next following the year for which such report is made to the governor and the members of the legislature an annual report summarizing the commission's work, listing the lobbyists and clients required to register pursuant to this article and the expenses and compensation reported pursuant to this article and making recommendations with respect to this article. The commission shall make this report available free of charge to the public.

(h) provide an online ethics training course for lobbyists and clients listed on a statement of registration submitted pursuant to section one-e of this article. The curriculum for the course shall include, but not be limited to, explanations and discussions of the statutes and regulations of New York concerning ethics in the public officers law, the election law, the legislative law, summaries of advisory opinions, underlying purposes and principles of the relevant laws, and examples of practical application of these laws and principles. The commission shall prepare those methods and materials necessary to implement the curriculum. Through calendar year two thousand twenty-six, each lobbyist and client shall complete such training course at least once in any three-year period during which the lobbyist or client is listed on a statement of registration submitted pursuant to section one-e of this article in accordance with procedures adopted by the commission. Commencing with the two thousand twenty-seven--two thousand twenty-eight biennial period and thereafter, each lobbyist and client shall complete such training course at least once in each biennial period and at least once every two years during which the lobbyist or client is listed on a statement of registration submitted pursuant to section one-e of this article, in accordance with procedures adopted by the commission.

(i) impose a fee for failure to complete the online ethics training course in a timely manner as required by this section, not to exceed twenty-five dollars for each day that the lobbyist or client is late, in accordance with procedures adopted by the commission.

§ 1-e. Statement of registration. (a) (1) Every lobbyist shall annually file with the commission, on forms provided by the commission, a statement of registration for each calendar year; provided, however, that the filing of such statement of registration shall not be required of any lobbyist who (i) in any year does not expend, incur or receive an amount in excess of two thousand dollars for years prior to two thousand six and in excess of five thousand dollars in the year two thousand six and the years thereafter of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing in this section shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this article. The amounts expended, incurred, or received of reportable compensation and expenses for lobbying activities shall be computed cumulatively for all lobbying activities when determining whether the thresholds set forth in this section have been met.

(2) (i) Through calendar year two thousand three, such filing shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars; for those lobbyists retained, employed or designated after December fifteenth, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(ii) For calendar year two thousand four, such filings shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth, two thousand three who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars; for those lobbyists retained, employed or designated after

December fifteenth, two thousand three, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(3) Commencing calendar year two thousand five and thereafter every lobbyist shall biennially file with the commission, on forms provided by the commission, a statement of registration for each biennial period beginning with the first year of the biennial cycle commencing calendar year two thousand five and thereafter; provided, however, that the biennial filing of such statement of registration shall not be required of any lobbyist who (i) in any year prior to calendar year two thousand six does not expend, incur or receive an amount in excess of two thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying and commencing with calendar year two thousand six does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation, as provided in paragraph five of subdivision (b) of section one-h of this article for the purposes of lobbying or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing in this section shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this article.

(4) Such biennial filings shall be completed on or before January first of the first year of a biennial cycle commencing in calendar year two thousand five and thereafter, by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth of the previous calendar year and who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars in years prior to calendar year two thousand six and five thousand dollars commencing in two thousand six; for those lobbyists retained, employed or designated after the previous December fifteenth, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable

compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(b) (i) Such statements of registration shall be kept on file for a period of three years for those filing periods where annual statements are required, and shall be open to public inspection during such period; (ii) Biennial statements of registration shall be kept on file for a period of three biennial filing periods where biennial statements are required, and shall be open to public inspection during such period.

(c) Such statement of registration shall contain:

(1) the name, address and telephone number of the lobbyist, and if the lobbyist is an organization the names, addresses and telephone numbers of any officer or employee of such lobbyist who engages in any lobbying activities or who is employed in an organization's division that engages in lobbying activities of the organization;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) if such lobbyist is retained or employed pursuant to a written agreement of retainer or employment, a copy of such shall also be attached and if such retainer or employment is oral, a statement of the substance thereof; such written retainer, or if it is oral, a statement of the substance thereof, and any amendment thereto, shall be retained for a period of three years;

(4) a written authorization from the client by whom the lobbyist is authorized to lobby, unless such lobbyist has filed a written agreement of retainer or employment pursuant to paragraph three of this subdivision;

(5) the following information on which the lobbyist expects to lobby: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understanding, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. § 2701, (v) the rule, regulation, and

ratemaking numbers of any rules, regulations, rates, or municipal ordinances and resolutions, or proposed rules, regulations, or rates, or municipal ordinances and resolutions, and (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement;

(6) the name of the person, organization, or legislative body before which the lobbyist is lobbying or expects to lobby;

(7) if the lobbyist is retained, employed or designated by more than one client, a separate statement of registration shall be required for each such client.

(8) (i) the name and public office address of any statewide elected official, state officer or employee, member of the legislature or legislative employee and entity with whom the lobbyist has a reportable business relationship;

(ii) a description of the general subject or subjects of the transactions between the lobbyist or lobbyists and the statewide elected official, state officer or employee, member of the legislature or legislative employee and entity; and

(iii) the compensation, including expenses, to be paid and paid by virtue of the business relationship.

(d) Any amendment to the information filed by the lobbyist in the original statement of registration shall be submitted to the commission on forms supplied by the commission within ten days after such amendment, however, this shall not require the lobbyist to amend the entire registration form.

(e) (i) The first statement of registration filed annually by each lobbyist for calendar years through two thousand three shall be accompanied by a registration fee of fifty dollars except that no registration fee shall be required of a public corporation. A fee of fifty dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same calendar year; (ii) The first statement of registration filed annually by each lobbyist for calendar year two thousand four shall be accompanied by a registration fee of one hundred dollars except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A fee of one hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same calendar year; (iii) The first statement of registration filed biennially by each lobbyist for the first biennial registration requirements for calendar years two thousand five and two thousand six through the thirty-first day of March two thousand twenty-six shall be accompanied by a registration fee of two hundred dollars except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. A fee of two hundred dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same biennial period through the thirty-first day of March two thousand twenty-six; (iv) The statement of registration filed after the due date of a biennial registration for calendar years two thousand five and two thousand six through the thirty-first day of March two thousand twenty-six shall be accompanied by a registration fee that is prorated to one hundred dollars for any such registration filed after January first of the second calendar year covered by the biennial reporting requirement; (v) Beginning with the first statement of registration filed by each lobbyist on or after the first day of April two thousand twenty-six and thereafter, there shall be an annual registration fee of two hundred and fifty dollars for each calendar year in which such registration remains in effect, except that no registration fee shall be required from any lobbyist who in any year does not expend, incur or receive an amount in excess of five thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section one-h of this article, for the purposes of lobbying or of a public corporation. An annual registration fee of two hundred fifty dollars shall be required for any subsequent statement of registration filed by a lobbyist during the same biennial period and for each calendar year in which such registration remains in effect; (vi) In addition to the fees authorized by this section, the commission may impose a fee for late filing of a registration statement required by this section not to exceed twenty-five dollars for each day that the statement required to be filed is late, except that if the lobbyist making a late filing has not previously been required by statute to file such a statement, the fee for late filing shall not exceed ten dollars for each day that the statement required to be filed is late.

§ 1-f. Monthly registration docket. It shall be the duty of the commission to compile a monthly docket of statements of registration containing all information required by section one-e of this article. Each such monthly docket shall contain all statements of registration filed during such month and all amendments to previously filed statements of registration. Copies shall be made available for public inspection.

§ 1-g. Termination of retainer, employment or designation. Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall both give written notice to the commission within thirty days after the lobbyist ceases the activity that required such lobbyist to file a statement of registration; however, such lobbyist shall nevertheless comply with the bi-monthly reporting requirements up to the date such activity has ceased as required by this article and both such parties shall each file the semi-annual report required by section one-j of this article. The commission shall enter notice of such termination in the appropriate monthly registration docket required by section one-f of this article.

§ 1-h. Bi-monthly reports of certain lobbyists. (a) Any lobbyist required to file a statement of registration pursuant to section one-e of this article who in any lobbying year reasonably anticipates that during the year such lobbyist will expend, incur or receive combined reportable compensation and expenses in an amount in excess of five thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the commission a bi-monthly written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the lobbyist was first required to file a statement of registration. Such reporting periods shall be the period of January first to the last day of February, March first to April thirtieth, May first to June thirtieth, July first to August thirty-first, September first to October thirty-first and November first to December thirty-first.

(b) Such bi-monthly report shall contain:

(1) the name, address and telephone number of the lobbyist;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) the following information on which the lobbyist has lobbied: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understanding, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. § 2701, (v) the rule, regulation, and ratemaking or municipal ordinance or resolution numbers of any rules, regulations, or rates or ordinance or proposed rules, regulations, or rates or municipal ordinances or resolutions, and (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement;

(4) the name of the person, organization, or legislative body before which the lobbyist has lobbied;

(5) (i) the compensation paid or owed to the lobbyist, and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying.

(ii) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expense is more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist;

(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars shall be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by the lobbyist for a period of three years.

(c) (1) All such bi-monthly reports shall be subject to review by the commission.

(2) Such bi-monthly reports shall be kept on file for three years and shall be open to public inspection during such time.

(3) In addition to the filing fees authorized by this article, the commission may impose a fee for late filing of a bi-monthly report required by this section not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the lobbyist making a late filing has not previously been required by statute to file such a report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(4) Any lobbyist registered pursuant to section one-e of this article whose lobbying activity is performed on its own behalf and not pursuant to retention by a client:

(i) that has spent over fifteen thousand dollars in the aggregate for reportable compensation and expenses for lobbying, either during the calendar year, or during the twelve-month period, prior to the date of this bi-monthly report, and

(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying in New York shall report to the commission the names of each source of funding that has contributed over two thousand five hundred dollars from a single source that were used to fund the lobbying activities reported and the amount of each contribution received from each identified source of funding; provided, however, that amounts received from each identified source of funding shall not be required to be disclosed if such amounts constitute membership dues, fees, or assessments charged by the reporting entity to enable an individual or entity to be a member of the reporting entity.

This disclosure shall not require disclosure of the sources of funding whose disclosure, in the determination of the commission based upon a review of the relevant facts presented by the reporting lobbyist, may cause harm, threats, harassment, or reprisals to the source or to individuals or property affiliated with the source. The reporting lobbyist may appeal the commission's determination and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the commission, pursuant to regulations promulgated by the commission. The reporting lobbyist shall not be required to disclose the sources of funding that are the subject of such appeal pending final judgment on appeal.

The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(3); provided, however, that this disclosure shall apply to any in-kind donations of staff, staff time, personnel, offices, office supplies, financial support of any kind or any other resources to any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(4) when such in-kind donations are over two thousand five hundred dollars and from any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(3). In such case the entity receiving such in-kind donations shall disclose the fair market value and identify the I.R.C. 501(c)(3) entity providing such in-kind donations and give notice within a reasonable time to the 501(c)(3) entity that it shall be required to file a report with the department of law pursuant to section one hundred seventy-two-e of the executive law;

(ii) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(4) and whose primary activities concern any area of public concern determined by the commission to create a substantial likelihood that application of this disclosure requirement would lead to harm, threats, harassment, or reprisals to a source of funding or to individuals or property affiliated with such source, including but not limited to the area of civil rights and civil liberties and any other area of public concern determined pursuant to regulations promulgated by the commission to form a proper basis for exemption on this basis from this disclosure requirement; or

(iii) any governmental entity.

The commission on ethics and lobbying in government shall promulgate regulations to implement these requirements.

§ 1-i. Bi-monthly reports of public corporations. (a) Every public corporation required to file a statement of registration pursuant to section one-e of this article which in any lobbying year reasonably anticipates that during the year it will expend or incur expenses in an amount in excess of five thousand dollars, as provided in paragraph six of subdivision (b) of this section, for the purpose of lobbying shall file with the commission a bi-monthly written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the public corporation was first required to file a statement of registration. Such reporting periods shall be the period of January first to the last day of February, March first to April thirtieth, May first to June thirtieth, July first to August thirty-first, September first to October thirty-first and November first to December thirty-first.

(b) Such bi-monthly report shall contain:

(1) the name, address and telephone number of such public corporation;

(2) the name, address and telephone number of each lobbyist retained, employed or designated by such public corporation;

(3) copies of any amendments relating to a retainer, employment or designation, as filed in the original statement of registration pursuant to section one-e of this article;

(4) a description of the general subject or subjects, the legislative bill numbers of any bills and the rule, regulation, and ratemaking numbers of any rules, regulations, or rates or proposed rules, regulations, or rates on which the lobbyist has lobbied, and on which such public corporation has lobbied;

(5) the name of the person, organization or legislative body before which the public corporation, or its lobbyists, has lobbied;

(6) (i) the compensation paid or owed to the lobbyist and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying; provided, however, any such expenses paid by such public corporation to a lobbyist for the purpose of lobbying on behalf of such public corporation shall be itemized in the same manner as if such public corporation had directly paid or incurred such expenses.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of each such lobbyist;

(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for compensation other than that of each lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by such public corporation for a period of three years.

(c) (1) All such bi-monthly reports shall be subject to review by the commission.

(2) Such bi-monthly reports shall be kept on file for a period of

three years and shall be open to public inspection during such period.

(3) In addition to the filing fees authorized by this article, the commission may impose a fee for late filing of a bi-monthly report required by this section not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the public corporation making a late filing has not previously been required by statute to file such a report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

§ 1-j. Semi-annual reports. (a) Semi-annual reports shall be filed by any client retaining, employing or designating a lobbyist or lobbyists, whether or not any such lobbyist was required to file a bi-monthly report, if such client reasonably anticipates that during the year such client will expend or incur an amount in excess of five thousand dollars of combined reportable compensation and expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.

(b) Such report shall be filed with the commission, on forms supplied by the commission, by the fifteenth day of July of the year and by the fifteenth day of January next following the year for which such report is made and shall contain:

(1) the name, address and telephone number of the client;

(2) the name, address and telephone number of each lobbyist retained, employed or designated by such client;

(3) the following information on which each lobbyist retained, employed or designated by such client has lobbied, and on which such client has lobbied: (i) a description of the general subject or subjects, (ii) the legislative bill numbers of any bills, (iii) the numbers or subject matter (if there are no numbers) of gubernatorial executive orders or executive orders issued by the chief executive officer of a municipality, (iv) the subject matter of and tribes involved in tribal-state compacts, memoranda of understanding, or any other state-tribal agreements and any state actions related to class III gaming as provided in 25 U.S.C. 2701, (v) the rule, regulation, and ratemaking or municipal resolution or ordinance numbers of any rules, regulations, or rates, or municipal resolutions or ordinances or

proposed rules, regulations, or rates, or municipal ordinances or resolutions and (vi) the titles and any identifying numbers of any procurement contracts and other documents disseminated by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body in connection with a governmental procurement;

(4) the name of the person, organization, or legislative body before which such client has lobbied;

(5) (i) the compensation paid or owed to each such lobbyist, and any other expenses paid or incurred by such client for the purpose of lobbying.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist and client;

(B) expenses, not in excess of five hundred dollars, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by such client for a period of three years.

(6) (i) the name and public office address of any statewide elected official, state officer or employee, member of the legislature or legislative employee and entity with whom the client of a lobbyist has a reportable business relationship;

(ii) a description of the general subject or subjects of the transactions between the client of a lobbyist and the statewide elected official, state officer or employee, member of the legislature or legislative employee and entity; and

(iii) the compensation, including expenses, to be paid and paid by virtue of the business relationship.

(c) (1) All such semi-annual reports shall be subject to review by the commission.

(2) Such semi-annual reports shall be kept on file for a period of three years and shall be open to public inspection during such period.

(3) Each semi-annual report filed by a client pursuant to this section shall be accompanied by a filing fee of fifty dollars. In addition to the filing fees authorized by this article, the commission may impose a fee for late filing of a semi-annual report required by this section not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the client making a late filing has not previously been required by statute to file an annual or semi-annual report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(4) Any client of a lobbyist that is required to file a semi-annual report and:

(i) that has spent over fifteen thousand dollars in the aggregate for reportable compensation and expenses for lobbying, either during the calendar year, or during the twelve-month period, prior to the date of this semi-annual report, and

(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying in New York shall report to the commission the names of each source of funding that has contributed over two thousand five hundred dollars from a single source that were used to fund the lobbying activities reported and the amount of each contribution received from each identified source of funding; provided, however, that amounts received from each identified source of funding shall not be required to be disclosed if such amounts constitute membership dues, fees, or assessments charged by the reporting entity to enable an individual or entity to be a member of the reporting entity.

This disclosure shall not require disclosure of the sources of funding whose disclosure, in the determination of the commission based upon a review of the relevant facts presented by the reporting client or lobbyist, may cause harm, threats, harassment, or reprisals to the source or to individuals or property affiliated with the source. The reporting lobbyist may appeal the commission's determination and such appeal shall be heard by a judicial hearing officer who is independent and not affiliated with or employed by the commission, pursuant to regulations promulgated by the commission. The reporting lobbyist shall not be required to disclose the sources of funding that are the subject of such appeal pending final judgment on appeal.

The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(3); provided, however, that this disclosure shall apply to any in-kind donations of staff, staff time, personnel, offices, office supplies, financial support of any kind or any other resources to any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(4) when such in-kind donations are over two thousand five hundred dollars and from any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(3). In such case the entity receiving such in-kind donations shall disclose the fair market value and identify the I.R.C. 501(c)(3) entity providing such in-kind donations and give notice within a reasonable time to the 501(c)(3) entity that it shall be required to file a report with the department of law pursuant to section one hundred seventy-two-e of the executive law;

(ii) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(4) and whose primary activities concern any area of public concern determined by the commission to create a substantial likelihood that application of this disclosure requirement would lead to harm, threats, harassment, or reprisals to a source of funding or to individuals or property affiliated with such source, including but not limited to the area of civil rights and civil liberties and any other area of public concern determined pursuant to regulations promulgated by the commission to form a proper basis for exemption on this basis from this disclosure requirement; or

(iii) any governmental entity.

The commission on ethics and lobbying in government shall promulgate regulations to implement these requirements.

§ 1-k. Contingent retainer. (a) No client shall retain or employ any lobbyist for compensation, the rate or amount of which compensation in whole or part is contingent or dependent upon:

(1) (A) the passage or defeat of any legislative bill or the approval or veto of any legislation by the governor, (B) the terms, issuance, modification or rescission of a gubernatorial executive order, (C) the terms, approval or disapproval, or the implementation and administration of tribal-state compacts, memoranda of understanding, or any other tribal-state agreements and any state actions related to class III gaming as provided in 25 U.S.C. 2701, or (D) the adoption or rejection of any code, rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency;

(2)(A) the passage or defeat of any local law, ordinance, regulation or resolution by any municipality or subdivision thereof, (B) the terms, issuance, modification or rescission of an executive order issued by the chief executive officer of a municipality, or (C) the adoption, rejection or implementation of any rule, resolution or regulation having the force and effect of a local law, ordinance or regulation or any rate making proceeding by any municipality or subdivision thereof;

(3) any determination by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body with respect to a governmental procurement or a grant, loan or agreement involving the disbursement of public monies.

(b) No person shall accept such a retainer or employment. Any person who violates this section shall be subject to a civil penalty not to exceed the greater of ten thousand dollars or the value of the contingent fee, and such violation shall be a class A misdemeanor.

§ 1-l. Reports of lobbying involving disbursement of public monies. (a) Any lobbyist required to file a statement of registration pursuant to section one-e of this article who in any lobbying year reasonably anticipates that during the year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of five thousand dollars shall file with the commission, on forms supplied by the commission, a report of any attempts to influence a determination by a public official, or by a person or entity working in cooperation with a public official, with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies in excess of fifteen thousand dollars other than a governmental procurement as defined in section one-c of this article.

(b) Such public monies lobbying reports shall contain:

(i) the name, address and telephone number of the lobbyist and the individuals employed by the lobbyist engaged in such public monies lobbying activities;

(ii) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated on whose behalf the lobbyist has engaged in lobbying reportable under this paragraph;

(iii) a description of the grant, loan, or agreement involving the disbursement of public monies on which the lobbyist has lobbied;

(iv) the name of the person, organization, or legislative body before which the lobbyist has engaged in lobbying reportable under this paragraph; and

(v) the compensation paid or owed to the lobbyist, and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying reportable under this paragraph.

(c) Public monies lobbying reports required pursuant to this section shall be filed in accordance with the schedule applicable to the filing of bi-monthly reports pursuant to section one-h of this article and shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

(d) In addition to any other fees authorized by this section, the commission may impose a fee for late filing of a report required by this subdivision not to exceed twenty-five dollars for each day that the report required to be filed is late, except that if the lobbyist making a late filing has not previously been required by statute to file such a report, the fee for late filing shall not exceed ten dollars for each day that the report required to be filed is late.

(e) All reports filed pursuant to this subdivision shall be subject to review by the commission. Such reports shall be kept in electronic form by the commission and shall be available for public inspection.

§ 1-m. Prohibition of gifts. No individual or entity required to be listed on a statement of registration pursuant to this article shall offer or give a gift to any public official as defined within this article, unless under the circumstances it is not reasonable to infer that the gift was intended to influence such public official. No individual or entity required to be listed on a statement of registration pursuant to this article shall offer or give a gift to the spouse or unemancipated child of any public official as defined within this article under circumstances where it is reasonable to infer that the gift was intended to influence such public official. No spouse or unemancipated child of an individual required to be listed on a statement of registration pursuant to this article shall offer or give a gift to a public official under circumstances where it is reasonable to infer that the gift was intended to influence such public official. This section shall not apply to gifts to officers, members or directors of boards, commissions, councils, public authorities or public benefit corporations who receive no compensation or are compensated on a per diem basis, unless the person listed on the statement of registration appears or has matters pending before the board, commission or council on which the recipient sits.

§ 1-n. Restricted contacts. 1. During the restricted period, no person or organization required to file a statement or report pursuant to this article shall engage in lobbying activities concerning a governmental procurement by a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined by paragraph (ii) of subdivision (s) of section one-c of this article, by contacting a person within the procuring entity who has not been designated pursuant to section one hundred thirty-nine-j of the state finance law to receive communications relative to the governmental procurement. Further, during the restricted period, no person or organization required to file a statement or report pursuant to this article shall engage in lobbying activities concerning a governmental procurement by contacting any person in a state agency other than the state agency conducting the governmental procurement about that governmental procurement. The prohibitions set forth in this subdivision shall not apply to any contacts described in subdivision two or three of this section.

2. A complaint by an offerer regarding the failure of the person or persons designated by the procuring entity pursuant to section one hundred thirty-nine-j of the state finance law to respond in a timely manner to authorized offerer contacts shall not be deemed to be "lobbying" or "lobbying activities" and shall be exempt from the provisions of subdivision one of this section and shall be made in writing to the office of general counsel of the state agency, either house of the state legislature or the unified court system that is conducting the procurement. Further, the following contacts shall not be deemed to be "lobbying" or "lobbying activities" and shall be exempt from the provisions of subdivision one of this section:

(a) contacts by offerers in protests, appeals or other review proceedings (including the apparent successful bidder or proposer and his or her representatives) before the governmental entity conducting the procurement seeking a final administrative determination, or in a subsequent judicial proceeding; or

(b) complaints of alleged improper conduct in a governmental procurement to the attorney general, inspector general, district attorney, or court of competent jurisdiction; or

(c) written protests, appeals or complaints to the state comptroller's office during the process of contract approval, where the state comptroller's approval is required by law, and where such communications and any responses thereto are made in writing and shall be entered in the procurement record pursuant to section one hundred sixty-three of the state finance law; or

(d) complaints of alleged improper conduct in a governmental procurement conducted by a municipal agency or local legislative body to the state comptroller's office;

provided, however, that nothing in this subdivision shall be construed as recognizing or creating any new rights, duties or responsibilities or abrogating any existing rights, duties or responsibilities of any governmental entity as it pertains to implementation and enforcement of article eleven of the state finance law or any other provision of law dealing with the governmental procurement process.

3. Nothing in this section shall be deemed to prohibit a person or organization required to file a statement or report pursuant to this article from contacting a member of the state legislature concerning a governmental procurement in a state agency, the unified court system, or a municipal agency, as that term is defined by paragraph (ii) of subdivision (s) of section one-c of this article.

§ 1-o. Penalties. (a) (i) Any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article shall be guilty of a class A misdemeanor; and

(ii) any lobbyist, public corporation, or client who knowingly and wilfully fails to file timely a report or statement required by this section or knowingly and wilfully files false information or knowingly and wilfully violates section one-m of this article, after having previously been convicted in the preceding five years of the crime described in paragraph (i) of this subdivision, shall be guilty of a class E felony. Any lobbyist convicted of or pleading guilty to a felony under the provisions of this section may be barred from acting as a lobbyist for a period of one year from the date of the conviction. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(b)(i) A lobbyist, public corporation, or client who knowingly and wilfully fails to file a statement or report within the time required for the filing of such report or knowingly and wilfully violates section one-m of this article shall be subject to a civil penalty for each such failure or violation, in an amount not to exceed the greater of twenty-five thousand dollars or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received, to be assessed by the commission.

(ii) A lobbyist, public corporation, or client who knowingly and wilfully files a false statement or report shall be subject to a civil penalty, in an amount not to exceed the greater of fifty thousand dollars or five times the amount the person failed to report properly, to be assessed by the commission.

(iii)(A) A lobbyist or client who knowingly and wilfully violates the provisions of subdivision one of section one-n of this article shall be subject to a civil penalty not to exceed ten thousand dollars for an initial violation.

(B) If, after a lobbyist or client has been found to have violated subdivision one of section one-n of this article, a lobbyist or client knowingly and wilfully violates the provisions of subdivision one of section one-n of this article within four years of such finding, the lobbyist or client shall be subject to a civil penalty not to exceed twenty-five thousand dollars.

(iv) Any lobbyist or client that knowingly and wilfully fails to file a statement or report within the time required for the filing of such report, knowingly and wilfully files a false statement or report, or knowingly and wilfully violates section one-m of this article, after having been found by the commission to have knowing and wilfully committed such conduct or violation in the preceding five years, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of one year.

(v) Any lobbyist or client that knowingly and wilfully engages in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, during the period in which they are prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article pursuant to this subdivision, may be subject to a determination that the lobbyist or client is prohibited from engaging in lobbying activities, as that term is defined in paragraph (v) of subdivision (c) of section one-c of this article, for a period of up to four years, and shall be subject to a civil penalty not to exceed fifty thousand dollars, plus a civil penalty in an amount equal to five times the value of any gift, compensation or benefit received as a result of the violation.

(vi) A lobbyist, public corporation, or client who knowingly and wilfully fails to retain their records pursuant to paragraph three of subdivision (c) of section one-e of this article, subparagraph (v) of paragraph five of subdivision (b) of section one-h of this article, or paragraph five of subdivision (b) of section one-j of this article shall be subject to a civil penalty in an amount of two thousand dollars per violation to be assessed by the commission.

(c)(i) Any assessment or order to debar shall be determined only after a hearing at which the party shall be entitled to appear, present evidence and be heard. Any assessment or order to debar pursuant to this section may only be imposed after the commission sends by certified and first-class mail written notice of intent to assess a penalty or order to debar and the basis for the penalty or order to debar. Any assessment may be recovered in an action brought by the attorney general.

(ii) In assessing any fine or penalty pursuant to this section, the commission shall consider: (A) as a mitigating factor that the lobbyist, public corporation or client has not previously been required to register, and (B) as an aggravating factor that the lobbyist, public corporation or client has had fines or penalties assessed against it in the past. The amount of compensation expended, incurred or received shall be a factor to consider in determining a proportionate penalty.

(iii) Any lobbyist, public corporation or client who receives a notice of intent to assess a penalty for knowingly and wilfully failing to file a report or statement pursuant to subdivision (b) of this section and who has never previously received a notice of intent to assess a penalty for failing to file a report or statement required under this section shall be granted fifteen days within which to file the statement of registration or report without being subject to the fine or penalty set forth in subdivision (b) of this section. Upon the failure of such lobbyist, public corporation or client to file within such fifteen day period, such lobbyist, public corporation or client shall be subject to a fine or penalty pursuant to subdivision (b) of this section.

(d) All moneys recovered by the attorney general or received by the commission from the assessment of civil penalties authorized by this section shall be deposited to the general fund.

§ 1-p. Enforcement. (a) All statements and reports required under this article shall be subject to a declaration by the person making and filing such statement and report that the information is true, correct and complete to the best knowledge and belief of the signer under the penalties of perjury.

(b) The commission shall be charged with the duty of reviewing all statements and reports required under this article for violations, and it shall be their duty, if they deem such to be wilful, to report such determination to the attorney general or other appropriate authority.

(c) Upon receipt of notice of such failure from the commission, the attorney general or other appropriate authority shall take such action as he deems appropriate to secure compliance with the provisions of this article.

§ 1-q. Record of appearances. The commission shall promulgate all rules or regulations and any procedures, forms, or instructions necessary to implement the provisions of section one hundred sixty-six of the executive law relating to the quarterly filing of the record of appearances before regulatory agencies.

§ 1-r. Publication of statement on lobbying regulations. The commission shall publish a statement on lobbying regulations setting forth the requirements of this article in a clear and brief manner. Such statement shall contain an explanation of the registration and filing requirements and the penalties for violation thereof, together with such other information as the commission shall determine, and copies thereof shall be made available to the public at convenient locations throughout the state.

§ 1-s. Public access to records; format of records and reports. The commission shall make information furnished by lobbyists and clients available to the public for inspection and copying in electronic and paper formats. Access to such information shall also be made available for remote computer users through the internet network.

§ 1-t. Advisory council on procurement lobbying. (a) There is hereby established an advisory council on procurement lobbying. The council shall be composed of eleven members as follows:

(1) the commissioner of the office of general services, or his or her designee, who shall be chair;

(2) the commissioner of the state department of transportation, or his or her designee;

(3) the director of the division of the budget, or his or her designee;

(4) three members appointed by the governor as follows: (i) one member shall be representative of public authorities or public benefit corporations, (ii) one member shall be a representative of local governments, and (iii) one member shall be a representative of the contracting community;

(5) one member appointed by the temporary president of the senate;

(6) one member appointed by the speaker of the assembly;

(7) one member appointed by the chief judge of the court of appeals;

(8) the state comptroller, or his or her designee;

(9) one member appointed by the mayor of the city of New York.

(b) The members of the council shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(c) The council shall provide advice to the commission with respect to the implementation of the provisions of this article as such provisions pertain to procurement lobbying.

(d) The council shall annually report to the legislature any problems in the implementation of the provisions of this article as such provisions pertain to procurement lobbying. The council shall include in the report any recommended changes to increase the effectiveness of that implementation.

(e) The council may, pursuant to section one hundred thirty-nine-j of the state finance law, establish model guidelines for:

(1) contacts during the restricted period between designated staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of this article, involved in governmental procurements and officers or employees of offerers, or officers or employees of subcontractors of offerers, who are charged with the performance of functions relating to contracts and who are qualified by education, training or experience to provide technical services to explain, clarify or demonstrate the qualities, characteristics or advantages of an article of procurement. Such authorized contacts shall: (i) be limited to providing information to staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of this article, to assist them in understanding and assessing the qualities, characteristics or anticipated performance of an article of procurement, (ii) not include any recommendations or advocate any contract provisions, and (iii) occur only at such times and in such manner as authorized under the procuring entity's solicitation or guidelines and procedures. For the purposes of this paragraph, the term "technical services" shall be limited to analysis directly applying any accounting, engineering, scientific, or other similar technical disciplines;

(2) contacts between offerers and public officials and officers or employees of the unified court system during the preparation of specifications, bid documents or request for proposals, invitation for bids, or any other method for soliciting a response from offerers for a procurement contract prior to the restricted period.

(f) The council shall: (1) by December thirty-first, two thousand five submit a preliminary report to the governor and legislature on potential implementation issues arising out of the procurement lobbying provisions as set forth in this article that were added by a chapter of the laws of two thousand five that added this section that are to take effect on January first, two thousand six, and (2) by October thirtieth, two thousand seven, submit a report to the governor and legislature on the effects of the procurement lobbying provisions as set forth in this article including but not limited to any changes in the number and nature of offerers after January first, two thousand six.

§ 1-u. Applicability of certain laws. The provisions of this article including, but not limited to, any proceeding or hearing conducted pursuant hereto, shall be subject to the applicable provisions of the state administrative procedure act and section seventy-three of the civil rights law.

§ 1-v. Separability clause. If any part or provision of this article or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional, such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to the part, provision, person or organization directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 2

MEMBERS, OFFICERS AND EMPLOYEES OF THE LEGISLATURE

office of the temporary president of the senate and speaker of the assembly.

§ 2. Exemption of members and officers from arrest. A member of the legislature shall be privileged from arrest in a civil action or proceeding other than for a forfeiture or breach of trust in public office or employment, while attending upon its session, and for fourteen days before and after each session, or while absent for not more than fourteen days during the session with the leave of the house of which he is a member.

An officer of either house shall be privileged from arrest in such a civil action or proceeding while in actual attendance upon the house. Either house shall have the power to discharge from arrest any of its members or officers arrested in violation of his privilege from arrest.

§ 3. Expulsion of members. Each house has the power to expel any of its members, after the report of a committee to inquire into the charges against him shall have been made.

§ 4. Contempts of either house. Each house may punish by imprisonment not extending beyond the same session of the legislature, as for a contempt, for the following offenses only:

1. Arresting a member or officer of either house in violation of his privilege from arrest;

2. Disorderly conduct of its members, officers or others in the immediate view and presence of the house, tending to interrupt its proceedings;

3. The publication of a false and malicious report of its proceedings, or of the conduct of a member in his legislative capacity;

4. Giving or offering a bribe to a member, or attempting, by menace or other corrupt means, directly or indirectly, to influence a member in giving or withholding his vote, or in not attending meetings of the house of which he is a member;

5. Neglect to attend or to be examined as a witness before the house or committee thereof, or upon reasonable notice to produce any material books, papers, or documents, when duly required to give testimony or to produce such books, papers or documents in a legislative proceeding, inquiry or investigation.

§ 5. Compensation of members. 1. Effective January first, two thousand twenty-three, each member of the legislature shall receive a salary of one hundred forty-two thousand dollars per annum. Such salary of a member of the legislature shall be payable in twenty-six bi-weekly installments provided, however, that if legislative passage of the budget as defined in subdivision three of this section has not occurred prior to the first day of any fiscal year, the net amount of any such bi-weekly salary installment payments to be paid on or after such day shall be withheld and not paid until such legislative passage of the budget has occurred whereupon bi-weekly salary installment payments shall resume and an amount equal to the accrued, withheld and unpaid installments shall be promptly paid to each member.

For purposes of this section, net amount shall mean gross salary minus any or all of the following deductions: federal taxes, state taxes, social security taxes, city taxes, payments on retirement loans, retirement contributions, contributions to health insurance or other group insurance programs, child support and court ordered payments.

2. (a) Each member of the legislature, upon verification of attendance, which shall be by electronic verification when practicable, in compliance with the policies set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies, shall be eligible to receive payment of actual and necessary travel expenses and a per diem equivalent to the most recent federal per diem

rates published by the general services administration as set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A, for the time in which the member was in travel status in the performance of his or her duties during the months in which the legislature is scheduled to be in regular session. During the months when the legislature is not scheduled to be in regular session, members shall receive such actual and necessary travel expenses and per diems, in compliance with verification policies and in accord with standards and limits for reimbursable events set forth by the speaker of the assembly and the temporary president of the senate for their respective bodies. The per diem allowances including partial per diem allowances shall be made on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and speaker of the assembly or his or her designee for their respective houses.

(b) Each house shall make available on its website all documentation otherwise available to the public pursuant to section eighty-eight of the public officers law related to the payment of travel expenses and per diems.

3. "Legislative passage of the budget", solely for the purposes of this section and section five-a of this article, shall mean that the appropriation bill or bills submitted by the governor pursuant to section three of article seven of the state constitution have been finally acted on by both houses of the legislature in accordance with article seven of the state constitution and the state comptroller has determined that such appropriation bill or bills that have been finally acted on by the legislature are sufficient for the ongoing operation and support of state government and local assistance for the ensuing fiscal year. In addition, legislation submitted by the governor pursuant to section three of article seven of the state constitution determined necessary by the legislature for the effective implementation of such appropriation bill or bills shall have been acted on. Nothing in this section shall be construed to affect the prohibition contained in section five of article seven of the state constitution.

§ 5-a. Allowances for member serving as an officer of either house of

the legislature or in a special capacity therein.

1. Any member of either house of the legislature serving as an officer of his house or in any other special capacity therein or directly connected therewith shall be paid an allowance in accordance with the following schedule:

SENATE OFFICERS

Temporary president of the senate	41,500
Vice President pro tempore	34,000
Deputy majority leader for legislative operations of the senate	34,000
Chairman of majority program development committee of senate	25,000
Minority leader of the senate	34,500
Deputy minority leader of the senate	20,500
Chairman of the senate majority conference	25,000
Chairman of the senate minority conference	16,500
Senior assistant majority leader of the senate	27,500
Assistant majority leader on conference operations of senate	25,000
Assistant majority leader for house operations of senate	25,000
Assistant minority leader for policy and administration	16,500
Majority whip of the senate	22,000
Minority whip of the senate	14,500
Assistant minority leader for conference operations	14,500
Assistant minority leader for floor operations	14,500
Vice chairman of the senate majority conference	22,000
Vice chairman of the senate minority conference	14,500
Secretary of the senate majority conference	22,000
Deputy majority whip of the senate	20,500
Chairman of majority steering committee of the senate	20,500
Secretary of the senate minority conference	14,500
Assistant senate majority whip	19,500
Assistant senate minority whip	13,000

SENATORS SERVING IN SPECIAL CAPACITY

Chairman of senate finance committee 34,000
Ranking minority member of senate finance
 committee 20,500
Chairman of senate judiciary committee 18,000
Ranking minority member of senate judiciary
 committee 11,000
Chairman of senate aging committee 12,500
Ranking minority member of senate aging committee 9,000
Chairman of the senate alcoholism and drug abuse
 committee 12,500
Ranking minority member of the senate alcoholism
 and drug abuse committee 9,000
Chairman of senate children and families committee 12,500
Ranking minority member of senate children and families
 committee 9,000
Chairman of senate codes committee 18,000
Ranking minority member of senate codes committee 11,000
Chairman of senate banks committee 15,000
Ranking minority member of senate banks committee 9,500
Chairman of senate education committee 18,000
Ranking minority member of senate education
 committee 11,000
Chairman of senate energy and telecommunications
 committee 12,500
Ranking minority member of senate energy and
 telecommunications committee 9,000
Chairman of senate ethics committee 12,500
Ranking minority member of senate ethics committee 9,000
Chairman of senate health committee 15,000
Ranking minority member of senate health committee 9,500
Chairman of senate local government committee 12,500
Ranking minority member of senate local government
 committee 9,000
Chairman of senate labor committee 12,500
Ranking minority member of senate labor committee 9,000
Chairman of senate mental health and developmental

disabilities committee 12,500
Ranking minority member of senate mental health and
developmental disabilities committee 9,000
Chairman of senate insurance committee 12,500
Ranking minority member of senate insurance
committee 9,000
Chairman of senate social services committee 12,500
Ranking minority member of senate social services
committee 9,000
Chairman of senate investigations and government
operations committee 15,000
Ranking minority member of senate investigations and
government operations committee 9,500
Chairman of senate corporations, authorities and
commissions committee 15,000
Ranking minority member of senate corporations,
authorities and commissions committee 9,500
Chairman of senate transportation committee 15,000
Ranking minority member of senate transportation
committee 9,500
Chairman of senate agriculture committee 12,500
Ranking minority member of senate agriculture
committee 9,000
Chairman of senate consumer protection committee 12,500
Ranking minority member of senate consumer protection
committee 9,000
Chairman of senate cities committee 15,000
Ranking minority member of senate cities committee 9,500
Chairman of senate civil service and pensions
committee 12,500
Ranking minority member of senate civil service and
pensions committee 9,000
Chairman of senate commerce, economic development
and small business committee 12,500
Ranking minority member of senate commerce,
economic development and small business committee 9,000
Chairman of senate environmental conservation

committee 12,500
Ranking minority member of senate environmental
conservation committee 9,000
Chairman of senate crime victims, crime and correction
committee 12,500
Ranking minority member of senate crime victims,
crime and correction committee 9,000
Chairman of senate elections committee 12,500
Ranking minority member of senate elections
committee 9,000
Chairman of senate higher education committee 12,500
Ranking minority member of senate higher education
committee 9,000
Chairman of senate housing, construction and community development
committee 12,500
Ranking minority member of senate housing, construction and
community development committee 9,000
Chairman of senate cultural affairs, tourism, parks and recreation
committee 12,500
Ranking minority member of senate cultural affairs, tourism, parks
and recreation committee 9,000
Chairman of senate veterans, homeland security and military
affairs committee 12,500
Ranking minority member of senate veterans, homeland security
and military affairs committee 9,000
Co-chairman of administrative regulations review commission 12,500

ASSEMBLY OFFICERS

Speaker of the assembly 41,500
Speaker pro tempore of the assembly 25,000
Majority leader of the assembly 34,500
Minority leader of the assembly 34,500
Deputy speaker of the assembly 25,000
Assistant speaker of the assembly 25,000
Assistant speaker pro tempore of the assembly 22,000
Minority leader pro tempore of the assembly 20,500
Assistant minority leader pro tempore of the
assembly 18,000

Chairman of the committee on standing committees	22,000
Ranking minority member of the committee on standing committees	18,000
Deputy majority leader of the assembly	19,500
Deputy minority leader of the assembly	18,000
Assistant majority leader of the assembly	19,500
Assistant minority leader of the assembly	18,000
Assistant minority leader	18,000
Majority whip of the assembly	18,000
Minority whip of the assembly	16,500
Deputy majority whip of the assembly	16,500
Deputy minority whip of the assembly	15,000
Assistant majority whip of the assembly	15,000
Assistant minority whip of the assembly	9,500
Chairman of the assembly majority conference	16,500
Chairman of the assembly minority conference	15,000
Vice chairman of the assembly majority conference	12,500
Vice chairman of the assembly minority conference	11,000
Secretary of the assembly majority conference	11,000
Secretary of the assembly minority conference	9,500
Chairman of the assembly majority steering committee	15,000
Vice chairman of the assembly majority steering committee	12,500
Chairman of the assembly minority steering committee	14,000
Vice chairman of the assembly minority steering committee	9,000
Chairman of the assembly majority program committee	15,000
Chairman of the assembly minority program committee	14,000

ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

Chairman of assembly ways and means committee	34,000
Ranking minority member of assembly ways and means committee	20,500
Chairman of assembly judiciary committee	18,000

Ranking minority member of assembly judiciary committee 11,000
Chairman of assembly codes committee 18,000
Ranking minority member of assembly codes committee 11,000
Chairman of assembly banks committee 15,000
Ranking minority member of assembly banks committee 9,500
Chairman of assembly committee on cities 15,000
Ranking minority member of assembly committee on cities 9,500
Chairman of assembly education committee 18,000
Ranking minority member of assembly education committee 11,000
Chairman of assembly health committee 15,000
Ranking minority member of assembly health committee 9,500
Chairman of assembly local governments committee 15,000
Ranking minority member of assembly local governments committee 9,500
Chairman of assembly agriculture committee 12,500
Ranking minority member of assembly agriculture committee 9,000
Chairman of assembly economic development, job creation, commerce and industry committee 18,000
Ranking minority member of assembly economic development, job creation, commerce and industry committee 11,000
Chairman of assembly environmental conservation committee 12,500
Ranking minority member of assembly environmental conservation committee 9,000
Chairman of assembly corporations, authorities and commissions committee 15,000
Ranking minority member of assembly corporations, authorities, and commissions committee 9,500
Chairman of assembly correction committee 12,500
Ranking minority member of assembly correction committee 9,000
Chairman of assembly ethics and guidance committee 12,500
Ranking minority member of assembly ethics and guidance committee 9,000
Chairman of assembly governmental employees committee 12,500
Ranking minority member of assembly governmental employees committee 9,000

Chairman of assembly governmental operations committee	12,500
Ranking minority member of assembly governmental operations committee	9,000
Chairman of assembly housing committee	12,500
Ranking minority member of assembly housing committee	9,000
Chairman of assembly insurance committee	12,500
Ranking minority member of assembly insurance committee	9,000
Chairman of assembly labor committee	14,000
Ranking minority member of assembly labor committee	9,000
Chairman of assembly racing and wagering committee	12,500
Ranking minority member of assembly racing and wagering committee	9,000
Chairman of assembly social services committee	12,500
Ranking minority member of assembly social services committee	9,000
Chairman of assembly small business committee	12,500
Ranking minority member of assembly small business committee	9,000
Chairman of assembly transportation committee	15,000
Ranking minority member of assembly transportation committee	9,500
Chairman of assembly veterans' affairs committee	12,500
Ranking minority member of assembly veterans' affairs committee	9,000
Chairman of assembly aging committee	12,500
Ranking minority member of assembly aging committee	9,000
Chairman of the assembly alcoholism and drug abuse committee	12,500
Ranking minority member of the assembly alcoholism and drug abuse committee	9,000
Chairman of assembly committee on mental health, mental retardation and developmental disabilities	12,500
Ranking minority member of assembly committee on mental health, mental retardation and developmental disabilities	9,000
Chairman of assembly higher education committee	12,500
Ranking minority member of assembly higher education committee	9,000

Chairman of assembly real property taxation committee 12,500
Ranking minority member of assembly real property taxation committee 9,000
Chairman of assembly election law committee 12,500
Ranking minority member of assembly election law committee 9,000
Chairman of assembly children and families committee 12,500
Ranking minority member of assembly children and families committee 9,000
Chairman of assembly consumer affairs and protection committee 12,500
Ranking minority member of assembly consumer affairs and protection committee 9,000
Chairman of the assembly energy committee 12,500
Ranking minority member of assembly energy committee 9,000
Chairman of assembly tourism, parks, arts and sports development committee 12,500
Ranking minority member of assembly tourism, parks, arts and sports development committee 9,000
Chairman of assembly oversight, analysis and investigation committee 12,500
Ranking minority member of assembly oversight, analysis and investigation committee 9,000
Chairman of assembly office of state-federal relations 12,500
Chairman of majority house operations 12,500
Chairman of minority house operations 9,000
Co-chairman of the administrative regulations review commission 12,500

2. a. No member of the legislature may, at the same time, receive payment of more than one allowance provided for in this section.

b. The allowances set forth in this section shall be paid at such time or times as the temporary president of the senate or speaker of the assembly shall direct for their respective houses.

c. If legislative passage of the budget as defined in subdivision three of section five of this article has not occurred prior to the first day of any fiscal year, the net amount of any allowances authorized pursuant to this section to be paid on or after such date shall be withheld and not paid until such legislative passage of the budget has occurred whereupon the payment of such allowances in an amount equal to the withheld and unpaid payments shall be paid pursuant to paragraph b of this subdivision.

For purposes of this section, net amount shall mean gross salary minus any or all of the following deductions: federal taxes, state taxes, social security taxes, city taxes, payments on retirement loans, retirement contributions, contributions to health insurance or other group insurance programs, child support and court ordered payments.

d. No payment of an allowance to a member of the legislature pursuant to this section shall exceed one-fourth of such authorized allowance during the period of January first through March thirty-first in any year.

3. Any member of the assembly serving in a special capacity in a position set forth in the following schedule shall be paid the allowance set forth in such schedule only for the legislative term commencing January first, two thousand nineteen and terminating December thirty-first, two thousand twenty:

ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

Chairman of legislative commission on public management systems	12,500
Chairman of legislative commission on science and technology	12,500
Co-chairman of the legislative commission on water resource needs of New York state and Long Island	no allowance
Co-chairman of the legislative task force on demographic research and reapportionment	15,000
Chairman of the assembly task force on farm, food and nutrition	12,500
Ranking minority member of the assembly task force on farm, food and nutrition	9,000

Chairman of the legislative commission on skills
development and career education 12,500
Vice-Chairman of the legislative commission on the
development of rural resources 12,500

§ 5-b. Limit on outside earned income by members. 1. Effective January first, two thousand twenty-five a member of the legislature receiving a salary for legislative work from the state of New York shall be permitted to earn outside income each year for performing fee for service activities and compensated outside activities approved under the permanent joint rules of the Senate and Assembly in an amount totaling no greater than the earning limitations for retired persons in positions of public service allowed for the same year under subdivision two of section two hundred twelve of the retirement and social security law. Effective January first, two thousand twenty-seven, compliance with the limit on outside earned income described in this section shall be a condition precedent to receiving a salary for legislative activities from the state of New York, and voting as a member of the legislature of the state of New York.

2. a. For purposes of this section, the term "outside earned income" shall mean wages, salaries, fees and other forms of compensation for services actually rendered.

b. For the purposes of this section, the term "outside earned income" shall not include:

(1) salary, benefits and allowances paid by the state;

(2) income and allowances attributable to service in the reserves of the armed forces of the United States, national guard or other active military service;

(3) copyright royalties, fees, and their functional equivalent, from the use of copyrights, patents and similar forms of intellectual property rights, when received from established users or purchasers of such rights;

(4) income from retirement plans of the state of New York or the city of New York, private pension plans or deferred compensation plans (e.g.,

401, 403(b), 457, etc.) established in accordance with the internal revenue code;

(5) income from investments and capital gains, where the member's services are not a material factor in the production of income;

(6) income from a trade or business in which a member of their family holds a controlling interest, where the member's services are not a material factor in the production of income; and

(7) compensation from services actually rendered prior to January first, two thousand twenty-five, or prior to being sworn in as a member of the legislature.

3. Effective January first, two thousand twenty-seven, a member of the legislature who knowingly and intentionally violates the provisions of this section shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received in connection with such violation. Assessment of a civil penalty shall be made by the legislative ethics commission, provided however, that no civil penalty shall be assessed pursuant to paragraph (a) of subdivision nine of section eighty of this chapter for violations of this section occurring prior to January first, two thousand twenty-seven.

§ 6. Officers and employees of the senate. 1. The senate may choose a secretary, a sergeant-at-arms, and an official stenographer. The secretary of the senate shall be elected for the term of the senate. If the senate shall be unable to choose any such officer at the time of the organization of the senate, the temporary president of the senate may appoint a person to fill the vacancy thus created, and the person so appointed shall serve as such officer until his successor has been chosen by the senate and thus qualified.

2. The president of the senate, the temporary president of the senate and the minority leader of the senate may each appoint such employees to assist him in the performance of his duties as may be authorized and provided for in the legislative appropriation bill. Employees of the president of the senate who are paid from appropriations made for the

legislature shall be considered as employees of the legislature for all purposes. The secretary of the senate may appoint a stenographer-secretary and a stenographer.

3. A general clerk, or stenographer, or other employee shall be designated by and appointed for and assigned to each member of the senate for whom no provision is made for employees in the legislative appropriation bill.

4. The temporary president of the senate may from time to time appoint such additional employees as may be necessary for the work of the senate and fix their compensation, respectively, within the amounts appropriated and available therefor.

5. In case of the death or resignation of the secretary of the senate, or his inability to exercise the powers or discharge the duties of his office, and notwithstanding any inconsistent provision of law, the temporary president of the senate shall appoint an acting secretary to serve until a secretary is chosen by the senate to fill the vacancy. The acting secretary shall have and exercise all of the powers of the secretary of the senate until a secretary has been chosen and has qualified.

6. When an appropriation has been made for the services, temporary or otherwise, of employees of the senate, and their appointment is not otherwise authorized or provided for by law, the temporary president of the senate may appoint such employees and fix their compensation, respectively, within the amounts appropriated and available therefor.

7. Whenever the temporary president of the senate is authorized or required, singly or jointly, to certify or approve warrants or vouchers for the compensation of any person, it shall be sufficient if he execute the first such warrant or voucher, and thereafter the same may be certified or approved by his designee or designees, so long as the rate of such compensation is not increased, and upon proof by affidavit or otherwise that the same is due. Such designation shall be in writing and filed in the office of the temporary president and in the office of the

comptroller, and shall remain in effect during the term of office of the temporary president unless sooner revoked by him.

8. Notwithstanding any law to the contrary, the temporary president of the senate or his or her designee may authorize expenditures to be made from appropriations or reappropriations made to the senate finance committee, or the allocable portion of an appropriation or reappropriation so made to a legislative council, commission or task force the expenditures from which are for senate purposes in whole or in allocable part; and may also suballocate or transfer such appropriations or reappropriations, or any portion thereof, to any department or agency deemed necessary for the purpose of implementing such expenditures. The temporary president of the senate may effect such authorization by filing his or her approval of such authorization with the state comptroller.

§ 7. Officers and employees of the assembly. The assembly may choose a clerk, a sergeant-at-arms and a stenographer. When an appropriation has been made for the services, temporary or otherwise, of officers and employees of the assembly and their appointment is not otherwise authorized by law, the speaker of the assembly may appoint such officers and employees and fix their compensation, respectively, within the amount provided by appropriation. The majority leader of the assembly may appoint a counsel to majority leader, an assistant counsel to majority leader, a secretary to majority leader, and a clerk to majority leader. The minority leader of the assembly may appoint a counsel to minority leader, a clerk to minority, an assistant clerk to minority, a secretary to minority leader, a clerk to minority leader, an assistant clerk to minority leader, a ways and means minority clerk, two stenographers, a clerk-chauffeur and a messenger to minority. In case of the death or resignation of the clerk of the assembly, or his inability to exercise the powers and/or discharge the duties of said office, notwithstanding any other provisions of law the speaker of the assembly shall appoint an acting clerk or designate the assistant clerk as acting clerk to serve until a clerk is chosen by the assembly to fill the vacancy or until the disability shall cease. The acting clerk so appointed or designated as such shall have and exercise all of the powers of the clerk of the assembly until a clerk has been chosen and has qualified or until the disability shall cease.

Whenever the speaker of the assembly is authorized or required, singly or jointly, to certify or approve warrants or vouchers for the compensation of any person, it shall be sufficient if he execute the first such warrant or voucher, and thereafter the same may be certified or approved by his designee or designees, so long as the rate of such compensation is not increased, and upon proof by affidavit or otherwise that the same is due. Such designation shall be in writing and filed in the office of the speaker and in the office of the comptroller, and shall remain in effect during the term of office of the speaker unless sooner revoked by him.

Notwithstanding any law to the contrary, the speaker of the assembly or his or her designee may authorize expenditures to be made from appropriations or reappropriations made to the assembly ways and means committee, or the allocable portion of an appropriation or reappropriation so made to a legislative council, commission or task force the expenditures from which are for assembly purposes in whole or in allocable part. The speaker of the assembly may effect such authorization by filing his or her approval of such authorization with the state comptroller.

§ 7-a. Legislative library, librarian and assistants. There shall be a legislative library to be located in the state capitol in rooms assigned by the commissioner of general services, conveniently accessible to the members of both houses of legislature, and such library shall be open throughout the year.

Such library shall be suitably furnished, equipped and maintained under the direction of the legislative librarian, within the amount of any moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation thereto. There shall be, for such library, a legislative librarian and such assistant librarians and other employees as may be provided for in the legislative appropriation bill. Such librarian, assistant librarians and other employees shall be chosen by the temporary president of the senate and speaker of the assembly. One of the assistant librarians shall be assigned by the legislative librarian to have charge of the legislative correspondents' room in the capitol. The legislative librarian and assistant librarians heretofore chosen by the president of the senate and speaker of the assembly, and in office when this section as hereby amended takes effect, shall continue to serve until their successors shall be chosen. The salaries and compensation of the legislative librarian, assistant librarians and other employees shall be payable from moneys appropriated in the legislative appropriation bill. During a vacancy in the office of legislative librarian, the assistant librarian who shall have been longest in the service of the state as a legislative employee, shall be employed as acting legislative librarian with the powers and duties of such librarian, and shall receive during such period the compensation herein prescribed for the legislative librarian. Such librarian shall have charge of the legislative library, but the two houses of the legislature may, by joint rules, regulate the use of the library and prescribe the powers and duties of the legislative librarian and the assistant librarians.

The legislative librarian, the assistant librarians and employees of the legislative library shall be considered to be employees of the legislature for all purposes.

§ 7-b. Legislative emergency health station. 1. There shall be a legislative emergency health station, available for the use of members and employees of both houses of the legislature, and official reporters of the senate and assembly duly designated upon certificate of the legislative correspondent's association, to be located on the third floor of the state capitol, conveniently accessible to the legislature, and such emergency health station shall be open at all times while the legislature is in session. Such emergency health station shall be suitable and adequately equipped to administer first aid, within the amount of moneys available therefor by appropriation, subject to joint rules, if any, that may be adopted by the senate and assembly in relation thereto and maintained under the direction of a nurse registered under the laws of the state. The nurse provided for in this section shall be chosen by the temporary president of the senate and the speaker of the assembly and shall serve until his or her successor shall be chosen in like manner. The salary and compensation of such nurse shall be payable monthly from moneys appropriated for compensation of officers and employees of the senate and assembly.

2. The nurse and employees of the legislative emergency health station shall be considered to be employees of the legislature for all purposes.

§ 7-c. Member of assembly defined. The term "member of assembly" shall include assemblyman and assemblywoman.

§ 7-d. Employees of the legislature. Employees of any legislative committee, commission, task force, council or similar body, where all the members of such body are members of the legislature, shall be considered to be employees of the legislature for all purposes.

§ 7-e. Assistive listening system for the deaf and hard of hearing. (a) The temporary president of the senate and the speaker of the assembly shall have the power and it shall be their individual duty to equip the senate chambers, the assembly chambers and any hearing rooms located in the legislative office building in Albany which accommodate more than one hundred persons with an assistive listening system for use by the deaf and hard of hearing.

(b) For purposes of this section, the term "assistive listening system" shall mean situational-personal acoustic communication equipment designed to improve the transmission and auditory reception of sound. Such system shall include but not be limited to the use of standard amplitude modulation (AM), frequency modulation (FM), audio induction loop, infrared light sound, or hard wire systems.

§ 7-f. Assembly historian. The speaker of the assembly may appoint an official historian, who shall compile an annual record of significant assembly accomplishments during each year and submit to the speaker such written record within one hundred twenty days after the close of each session. The historian shall serve without compensation, at the pleasure of the speaker, and be responsible for preparation of the history of the assembly during such speaker's tenure.

Appointment as assembly historian shall be made from names submitted by the majority and minority leaders of the assembly. No person shall simultaneously hold the positions of assembly historian and senate historian.

§ 7-g. Senate historian. The temporary president of the senate may appoint an official historian, who shall compile an annual record of significant senate accomplishments during each year and submit to the temporary president such written record within one hundred twenty days after the close of each session. The historian shall serve without compensation, at the pleasure of the temporary president, and be responsible for preparation of the history of the senate during such temporary president's tenure.

Appointment as senate historian shall be made from names submitted by the deputy majority and the minority leaders of the senate. No person shall simultaneously hold the positions of assembly historian and senate historian.

§ 8. Appointments to be filed with the comptroller. All appointments made under this chapter shall be filed with the respective secretary or clerk of the house wherein made, and certified to the comptroller by the appointing officer with a statement of the date of appointment and the compensation. In case of the death, resignation or removal by the appointing officer of an officer or employee appointed by him pursuant to this chapter, the vacancy shall be filled by the officer making the original appointment and he shall file with the comptroller a notice of such vacancy and the name of the person appointed as successor, with the date of such appointment and the compensation.

§ 9. Additional employees. A committee of investigation or other special committee of the legislature or of either house thereof may employ needed assistants and fix their compensation within the amount available to the committee by appropriation.

§ 10. Compensation of officers and employees. The secretary of the senate, the clerk of the assembly, and all other officers and employees of the senate and assembly, shall be paid the compensation fixed by the appointing officer within the amount provided by appropriation.

§ 11. Designation of payrolls as annual, session or temporary. Any person having the statutory power to appoint, or fix the compensation and/or approve vouchers of officers and/or employees paid from appropriations made for the legislature shall place all such officers and/or employees on an annual, session or temporary payroll, as such person shall, in his sole discretion, determine. Any payroll which was paid from appropriations made for the legislature prior to the effective date of this section and which was not designated as annual, session or temporary shall be considered as an annual payroll for all purposes.

§ 12. Authorization of expenditures. 1. Notwithstanding any provision of law to the contrary, expenditures from appropriations made for the legislature for services and expenses of the senate and the assembly may include provision for district offices for members, acquisition and operation of electronic data processing and telecommunications equipment, rentals and leases, materials, supplies and equipment, repairs, furniture and furnishings, postage and shipping, printing, utilities, travel expenses of officers and employees and the lease, purchase or exchange of automobiles and utility vehicles, personal service and salary adjustments for the officers and employees, fixed charges, engineering, architectural and other professional services, alterations, restoration, rehabilitation and repairs or any incidental work to premises and facilities occupied or utilized by the senate or assembly notwithstanding the provisions of the public buildings law.

2. Notwithstanding any provision of law to the contrary, expenditures from appropriations made for the legislature for services and expenses of the office of lieutenant governor may include provision for materials, office supplies, equipment, furniture, furnishings, contingencies, printing, purchasing of books and travel expenses.

3. The senate and the assembly may each accept gifts and grants from the federal government and from public or private organizations and individuals for the purposes specified in subdivisions one and two of this section and hold and administer them in accordance with the terms thereof.

4. Notwithstanding any provision of law to the contrary, appropriations made for the legislature for services and expenses of the senate shall be paid upon approval of the temporary president of the senate or his or her designee and all services and expenses of the assembly shall be paid upon approval of the speaker of the assembly or his or her designee.

5. Notwithstanding any provision of law to the contrary, services and expenses of the legislative health service, legislative library, legislative messenger service, legislative ethics committee, joint operations of the legislative task force on demographic research and reapportionment, and contributions to the national conference of state legislatures shall be payable after audit by and on the warrant of the comptroller upon vouchers certified by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee.

6. Expenditures from all appropriations and reappropriations made for the support of senate purposes in whole or in allocable part shall be

payable after audit by and on the warrant of the comptroller upon vouchers certified by the temporary president of the senate or his or her designee.

7. Expenditures from all appropriations and reappropriations made for the support of assembly purposes in whole or in allocable part shall be payable after audit by and on the warrant of the comptroller upon vouchers certified by the speaker of the assembly or his or her designee.

§ 15. Duties of secretary and clerk. The secretary of the senate and the clerk of the assembly shall from time to time revise, and send to the members of the legislature, the clerk's manual, and shall as soon as practicable after the organization of the legislature, prepare a directory of the members and elected officers, with their public office addresses while in the city of Albany. Within the discretion of the temporary president of the senate and the speaker of the assembly, such directory may contain the names of other officers and employees of the senate and assembly.

The respective secretary or clerk of each house shall, as soon as practicable after the close of each session, prepare and deliver to the legislative printer the indexes to the journals and bills of such house.

The respective secretary and clerk shall prepare a list of mailing addresses of senators and members of the assembly which shall be submitted to the state board of elections by February twentieth of each year.

§ 16. Supplies furnished by secretary and clerk. a. The secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate and the clerk of the assembly, or such other officers or employees of the assembly as the speaker of the assembly shall designate, respectively, shall purchase all stationery, office supplies and equipment necessary for the official use of the members, officers and employees, and shall prepay the postage on all official mail deposited in the post office of the respective houses for transmission through the mails by members of the senate and assembly, respectively.

b. All products purchased shall be recycled products, which meet contract specifications, unless the only available product does not contain recycled content, and provided that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product. For the purpose of this section and until July first, nineteen hundred ninety-six, "recycled product" shall mean any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and meets secondary material content requirements adopted by the office of general services under subdivision one of section one hundred seventy-seven of the state finance law for products available to the legislature under state contract or, if no such contract for such product is available, any product which meets the secondary material content requirements adopted by the secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate, and the clerk of the assembly, or such other officers or employees as the speaker of the assembly shall designate, respectively, with respect to a specific commodity procurement by such entity. On or after July first, nineteen hundred ninety-six, "recycled product" shall mean, for the purposes of this section, any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto. Whenever purchasing or causing the purchase of printing on recycled paper pursuant to this section, the secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate, and the clerk of the assembly, or such other officers or employees as the speaker of the assembly shall designate, respectively, shall require the printed material to contain the official state recycling emblem established pursuant to subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

§ 17. Accountability of secretary and clerk to comptroller. The secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate and the clerk of the assembly, or such other officers or employees of the assembly as the speaker of the assembly shall designate, respectively, shall, from time to time, file with the comptroller vouchers of all bills incurred by their respective houses for the purchase of material and services except personal service. Such vouchers duly certified by such secretary or clerk or designee, shall be accompanied by the certification of each payee to the effect that each invoice or bill covered by such voucher is just, true and correct and that the balance is actually due and owing.

The respective fiscal officers shall from time to time notify the comptroller of the appointment of personnel and the rendering of personal services, at such times and in such manner as the comptroller shall prescribe, and stating the name and title of the payee, the period of service, the compensation and the amount due.

This section shall not apply to employees of the committee on finance of the senate, of the committee on ways and means of the assembly or of special joint legislative committees.

§ 18. Duties of postmasters and assistants. The postmasters and assistant postmasters and post-office messengers shall perform all the labors in the post-offices of their respective houses.

§ 19. Duties of official stenographers. The official stenographers of each house shall attend at every session of the body for which they are elected and take stenographic notes of the debates of such body and in the committee of the whole thereof.

§ 20. Detail of officers and employees for special duties. The presiding officer and the respective secretary or clerk of each house or either of them, may detail any of the officers or employees thereof to perform such duties in addition to those ordinarily performed as they may deem advisable to promote the business of such house.

§ 21. Limitation of legislative expenses. Neither house shall, without the consent of the other, order to be printed more than ten thousand copies of any paper, bill or document, the aggregate cost of which shall exceed one thousand dollars; or appoint any committee of its own members or others at the public expense, except in case of contested elections; or incur any expense whatever except as provided by this chapter.

§ 22. Custody of legislative papers and documents. The secretary or clerk of each house, as the case may be, shall take charge of and keep on file all legislative papers and documents of such house, and those presented to it; and shall cause all such papers and documents in his charge to be so classified and arranged that they can be easily found. As used in this section, "legislative papers and documents" means: bills and amendments thereto; fiscal notes; introducers' bill memoranda; resolutions and amendments thereto; and index records; messages received from the governor or the other house of the legislature; home rule messages; legislative notification of the proposed adoption of rules by a state agency; members' code of ethics statements; transcripts, minutes or journal records of public sessions, including meetings of committees and subcommittees and public hearings, with the records of attendance of members thereat and records of any votes taken; final reports and formal opinions submitted to the legislature; and final reports or recommendations and minority or dissenting reports and opinions of members of committees, subcommittees, or commissions of the legislature.

No such paper or document shall be withdrawn from the files of either house, whether the same be in charge of the regents of the university or the secretary or clerk of such house, except that such secretary or clerk, or a deputy appointed by him, shall have access to the papers and documents of such house in charge of the regents for the purpose of taking copies. Any person may obtain a certified copy of any such paper or document in such files by applying to the secretary or clerk or such deputy in charge thereof and paying to such secretary, clerk or deputy such fees as are prescribed pursuant to the provisions of the public officers law. Either house may, by resolution, order title deeds or original documents accompanying any petition to be delivered to the persons entitled thereto. The journals of proceedings and legislative papers and documents of each house, heretofore published and now in the custody of its secretary or clerk, and such papers and documents of each house hereafter published and kept in custody of its secretary or clerk, shall be deemed for all purposes to be the original journals of the proceedings and the original papers and documents of such house. The journal clerk of each house shall compare a printed volume or volumes of its journal of proceedings hereafter published under the direction of the secretary or clerk of such house with the original manuscript copy thereof, and having noted in such printed volume or volumes each error contained therein, shall attach thereto a certificate, under his hand and official seal, that each such printed volume, as corrected, is a correct transcript of the text of such original manuscript copy. He shall thereupon deposit such printed volume or volumes, so corrected and certified, in the custody of the secretary or clerk of such house, and the same shall thereupon become and be deemed for all purposes to be the original journal or journals of proceedings of such house; and the same, or a copy certified by the secretary or clerk, or journal clerk may be read in evidence. The manuscript copy of the journal prepared by the journal clerk shall be kept continuously in the custody of the secretary or clerk until the journal shall have been printed, compared, corrected and certified in the form and manner provided herein, thereafter, in the discretion of the secretary or clerk, such manuscript copy and the original copies of introduced bills and resolutions may be destroyed. The secretary or clerk shall cause a duplicate or typewritten copy of said manuscript copy of each day's journal to be prepared and furnished to the printer for his use in printing the journal.

§ 22-a. Reproduction and destruction of certain records, books and papers of the senate. 1. Notwithstanding any other provision of law, the officers or employees of the senate designated by the temporary president of the senate may cause any of the following described records, books and papers on file with or in the custody of such officers or employees to be photographed, microphotographed or reproduced on film or otherwise and may destroy or otherwise dispose of such original records, books and papers, after such reproductions have been made. Such reproductions may be destroyed or otherwise disposed of by such officers or employees after the lapse of the following periods of time from the dates upon which the originals thereof were filed in their offices or placed in their custody:

AFTER TWENTY-FIVE YEARS

Senate committee books of standing committees and home rule record books in the office of the journal clerk,

AFTER FIFTEEN YEARS

Record books of printed bills and index to documents,

AFTER TEN YEARS

Miscellaneous reports from other than state agencies, submitted pursuant to special acts,

Records in the financial clerk's office, except those relating to retirement matters and senators' and employees' pay account books, Material relating to specifications, bids, awards and correspondence relating thereto, in connection with alterations, improvements, purchase of material,

Record books used at the senate desk and engrossing room,

Senators' receipts,

Senators' warrants,

Social security information and records,

AFTER SEVEN YEARS

General correspondence,

Duplicate copies of payroll schedules, the originals having been transmitted to the office of the state comptroller,

Duplicate copies of maintenance and operation schedules with duplicate copy of each bill, the original schedules and original bills having been transmitted to the office of the state comptroller,

Duplicate copies of purchase orders,

Personnel applications,

Personal service certification forms of employees,

Lists of personnel prepared pursuant to joint rules for members of the press,

Copies of certification lists of employees transmitted to the office of the state comptroller.

2. Such photographic film or other material shall be of durable quality, and the device used to produce such records, books or papers

shall be one which accurately reproduces the originals in all details. Such photographic film or other material shall be deemed to be an original record, book or paper for all purposes, including introduction in evidence in all courts and administrative agencies. A transcript, exemplification or certified copy thereof shall be deemed to be a transcript, exemplification or certified copy of the original for all purposes.

3. At least thirty days previous to the destruction or other disposition of any of such original records, books or papers, or any reproductions thereof, such officers or employees shall notify the commissioner of education of their intention to destroy or otherwise dispose thereof and afford the commissioner of education reasonable opportunity to examine the same to enable him to ascertain whether any of such original or reproduced records, books or papers are of historical value. Any such original or reproduced records, books and papers so ascertained to be of historical value shall not be destroyed and shall be transferred to depositories designated by the temporary president of the senate.

§ 22-b. Destruction and reproductions of assembly books and records. 1. Notwithstanding any other provision of law, the officers or employees of the assembly designated by the speaker of the assembly may cause any of the following described records, books and papers on file with or in the custody of such officers or employees to be photographed, microphotographed or reproduced on film or otherwise and may destroy or otherwise dispose of such original records, books and papers after such reproductions have been made. Such reproductions may be destroyed or otherwise disposed of by such officers or employees after the lapse of the following periods of time from the date upon which the originals thereof were filed in their offices or placed in their custody:

AFTER TWENTY-FIVE YEARS

Assembly committee books of standing committees and home rule record books in the office of the journal clerk.

AFTER FIFTEEN YEARS

Record books of printed bills and index to documents.

AFTER TEN YEARS

Miscellaneous reports from other than state agencies, submitted pursuant to special acts.

Material relating to specifications, bids, awards and correspondence relating thereto, in connection with alterations, improvements and purchase of materials.

Record books used at the assembly desk and engrossing clerk's office.

Social security information and records.

AFTER SEVEN YEARS

General correspondence.

Duplicate copies of payroll forms, the originals having been transmitted to the office of the state comptroller.

Duplicate copies of maintenance and operation schedules with duplicate copy of each bill, the original schedules and bills having been transmitted to the office of the state comptroller.

Duplicate copies of purchase orders.

Personnel records and lists.

Personal service voucher certification forms of employees.

Duplicate copies of certification lists of employees, the originals having been transmitted to the office of the state comptroller.

2. Such photographic film or other material shall be of durable quality, and the device used to produce such records, books or papers shall be one which accurately reproduces the originals in all details.

Such photographic film or other material shall be deemed to be an original record, book or paper for all purposes, including introduction in evidence in all courts and administrative agencies. A transcript, exemplification or certified copy thereof shall be deemed to be a transcript, exemplification or certified copy of the original for all purposes.

3. At least thirty days prior to the destruction or other disposition of any records, books or papers of any assembly standing committee, or of the journal clerk's office, or of the assembly desk, or of the engrossing clerk's office, such officers or employees shall notify the commissioner of education of his intention to destroy or otherwise dispose thereof and afford the commissioner of education reasonable opportunity to examine the same to ascertain whether any of such records, books or papers are of historical value. Any such records, books or papers so ascertained to be of historical value shall not be destroyed and shall be transferred to depositories designated by the speaker of the assembly.

§ 23. Appropriation bills, how referred. All bills that involve any appropriation from the treasury of the state, when introduced in the senate, shall be referred to the committee on finance, and when introduced in the assembly, shall be referred to the committee on ways and means.

§ 24. Legislative bill drafting commission. A legislative bill drafting commission is hereby created to consist of two commissioners, one of whom shall be the commissioner for administration and the other of whom shall be the commissioner for operations. Each such commissioner shall be appointed jointly by the temporary president of the senate and the speaker of the assembly. Such appointments shall be evidenced by the joint certificate of the appointing officers filed in the office of the secretary of state. Each such commissioner shall hold office until his successor is appointed in the same manner as hereinabove provided. The commissioners shall receive such compensation as may be provided within the amount of the appropriation made by law for the maintenance and operation of the commission. The commissioners and employees of the commission shall be considered as employees of the legislature for all purposes.

§ 25. Duties of the commission. The commission shall:

1. Draft or aid in drafting or examine legislative bills and resolutions and amendments thereto, upon request of a member or committee of either house of the legislature;

2. Advise as to the constitutionality, consistency or effect of proposed legislation upon request of a member or committee of either house of the legislature;

3. Make researches and examinations as to any subject of proposed legislation upon request of either house or of a committee of either house of the legislature;

4. Expend monies made available to the commission by appropriation for the employment of personnel, including temporary services, and for expenses of maintenance and operation, including labor, materials, office supplies, communication equipment, furniture, alterations, repairs, furnishings, purchase of books, development and operation of systems in support of the legislature and traveling expenses, and for services and expenses related to the legislative printing for the legislature contract pursuant to section four of the New York State printing and public documents law, including with respect to such contract the printing of bills, additional copies of bills, the printing and binding of session laws and the classification of appropriations (black book), the senate and assembly journals and certain other miscellaneous documents and messages set forth in such section four; and for services and expenses incurred in the installation, rental, development, maintenance and operation of centralized data processing systems, programs and equipment for the creation of a data bank containing the official statutes of the state and miscellaneous

information, including, but not limited to, the text of the rules and regulations of state agencies as filed with the secretary of state for use in the preparation and composition of bills; preparation and composition of calendars, journals, session laws and miscellaneous documents; the operation of a bill status retrieval system for the senate and assembly; and the development of a statutory and other miscellaneous information retrieval system for the legislature and other entities; and for services and expenses related to the contract for the printing, publication and distribution of the State of New York Legislative Digest pursuant to section five of the New York state printing and public documents law. Such funds shall be expended upon approval of the temporary president of the senate and the speaker of the assembly or their respective designees, notwithstanding and unrestricted by the provisions of any general or special law. All products purchased shall be recycled products, which meet contract specifications, unless the only available product does not contain recycled content, and provided that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product. For the purpose of this section and until July first, nineteen hundred ninety-six, "recycled product" shall mean any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and meets secondary material content requirements adopted by the office of general services under subdivision one of section one hundred seventy-seven of the state finance law for products available to the senate under state contract or, if no such contract for such product is available, any product which meets the secondary material content requirements adopted by the secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate, and the clerk of the assembly, or such other officers or employees as the speaker of the assembly shall designate, respectively, with respect to a specific commodity procurement by such entity. On and after July first, nineteen hundred ninety-six, "recycled product" shall mean, for the purposes of this section, any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto. Whenever purchasing or causing the purchase of printing on recycled paper pursuant to this section, the secretary of the senate, or such other officers or employees of the senate as the temporary president of the senate shall designate, and the clerk of the assembly, or such other officers or employees as the speaker of the assembly shall designate, respectively, shall require the printed material to contain the official state recycling emblem established pursuant to subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

§ 27. Appointment of secretaries of finance and ways and means committees. The committee on finance of the senate and the committee on ways and means of the assembly shall serve throughout the year, with power to make, through the chairman of the respective committees or through sub-committees appointed by them, such investigation of the various activities of the state as will aid them in their consideration of the budget submitted by the executive and any further appropriations proposed to the legislature. The temporary president of the senate shall appoint a secretary for the senate finance committee and the speaker of the assembly shall appoint a secretary for the assembly ways and means committee. Each appointment shall be evidenced by certificate duly executed by the officer making the appointment, and filed in the office of the secretary of state. Such secretaries shall hold office until their successors are appointed.

§ 28. Compensation, expenses, employees. Such secretaries shall receive an annual salary to be fixed by the appointing officer within the amount appropriated therefor and shall be paid their office, traveling and other expenses necessarily incurred by them in the performance of their duties. The chairman of the finance committee of the senate and the chairman of the ways and means committee of the assembly may each appoint for the committee of which he is chairman such accounting, clerical and stenographic employees as may be necessary to assist such committee and the secretaries thereof in performing the duties prescribed by this article. The compensation of such employees shall be fixed by the appointing officer within the amount appropriated therefor.

Expenditures made from appropriations by the legislature for the senate finance committee and the assembly ways and means committee may include studies and surveys and for expenses of maintenance and operation including personal service and the expenses of the chairpersons while in travel in the performance of committee duties or while in Albany during the recess of the legislature, the traveling expenses of the employees of such committees while visiting state institutions or performing other committee duties, and the purchase or exchange, maintenance or hiring of automobiles.

§ 29. Sub-committees of finance and ways and means committees. For the purpose of more effectively carrying out the provisions of this article, and those of article two of the state departments law, the chairman of the committee on finance appointed under the rules of the senate and the chairman of the committee on ways and means appointed under the rules of the assembly shall have the power to name sub-committees to perform such duties as they may prescribe. The members of such sub-committees so serving shall be paid their necessary traveling expenses in the performance of their duties.

§ 30. Duties of finance and ways and means committees and secretaries.

The committees and their secretaries shall have access at all reasonable times to offices of state departments, commissions, boards, bureaus and offices, to institutions and to all state authorities and public works of the state and they may, for the purpose of obtaining information as to the method of operation, general condition, management and needs thereof, examine the books, papers and public records therein. Notwithstanding any other provision of law such state departments, commissions, boards, bureaus, offices, state authorities and institutions shall through their proper officers or deputies furnish to such committees such data, information or statements as may be necessary for the proper exercise of their powers and duties and for the purpose of carrying into effect the provisions of this article. The finance and ways and means committee in exercising the powers and performing the duties prescribed by this article may act jointly, or separately, as they deem advisable.

§ 31. Appearances and inquiries in respect to the budget; procedure regulated. The governor and the heads of departments, divisions and offices each shall have the right to appear voluntarily and be heard in respect to the budget before the committees of the houses of the legislature to which such budget may be referred under the rules of such houses, as herein provided. Such voluntary appearance by the head of a department, division or office may be made either in person or by an accredited representative of the department, division or office. If the governor or the head of any department, division or office shall request a hearing before the committee, in respect to the budget, the committee shall notify him or them of the time or times when the committee is prepared to hear him or them on such voluntary appearance. At any time before the bills accompanying the budget shall have been reported, the committee to which they were referred may request the head of any department, division or office, other than the governor, to appear before it, at a time stated or forthwith, and answer relevant inquiries in respect to the budget. If, pursuant to section three of article seven of the constitution, a house of the legislature directly requests the head of a department, division or office to appear before it or a committee thereof, to answer inquiries in respect to the budget, at a time stated or forthwith, the secretary or clerk of such house, as the case may be, shall notify him of such request and of the time when his appearance is desired, immediately upon the adoption of the resolution therefor. If the head of a department, division or office whose appearance is requested by such house or committee be a board or commission, the request may be directed to one or more of its members, naming him or them.

§ 32. Representation of certain legislative committees during revision of the budget. The chairman of the finance committee of the senate and the chairman of the ways and means committee of the assembly and the ranking minority members of each of such committees shall be notified of, and they and/or their representatives shall attend, the hearings on the estimates for the budget and revision thereof made pursuant to section one of article seven of the constitution, and they shall be permitted to make inquiry with respect to such estimates and revision, including all items thereof and all matters and facts relevant thereto. Such inquiry shall be conducted subject to such reasonable regulation as may be prescribed by the governor with a view to facilitating the inquiry without unnecessary delay in the investigation and revision by the governor.

§ 32-a. Budget; public hearings. After submission and prior to enactment of the executive budget, the senate finance committee and the assembly ways and means committee jointly or separately shall conduct public hearings on the budget. Such hearings may be conducted regionally to provide individuals and organizations throughout the state with an opportunity to comment on the budget. The committees shall make every effort to hear all those who wish to present statements at such public hearings. The chairs of the committees jointly or separately shall publish a schedule of hearings.

§ 33. Exercise of certain statutory powers during a vacancy in office of the temporary president of the senate and speaker of the assembly. A statutory power of the temporary president of the senate or speaker of the assembly, jointly or singly to approve vouchers, to direct the expenditure of moneys appropriated for a legislative purpose, to appoint or fix the compensation of legislative employees, to appoint a member or members of a legislative committee of investigation or other special legislative committee, or of a temporary commission lawfully constituted, or to act ex officio as a member of such a committee or commission, may be exercised during a vacancy or vacancies in such office or offices, between final adjournment of the annual session of the legislature and the ensuing first day of January, by the chairman of the finance committee of the senate, acting in the place and stead of the temporary president of the senate, if such vacancy be in that office, and by the chairman of the ways and means committee of the assembly, in the place and stead of the speaker of the assembly, if such vacancy be in that office.

In case of the disability of the chairman of such a committee, or of a vacancy in such chairmanship, if the occasion arises for the exercise by the chairman of the powers conferred by this section, a majority of the members of the committee, by certificate in triplicate filed with the respective secretary and clerk of the senate and assembly and with the comptroller, may designate one of the members of the committee to exercise such powers.

ARTICLE 2-A

PROCEDURE FOR CONVENING EXTRAORDINARY SESSIONS OF THE LEGISLATURE BY PETITION

§ 34. Definitions. The words and phrases used in this article shall have the following meanings:

a. "House" means the senate or assembly of the state of New York.

b. "Initiating house" means the house wherein a request is filed with the secretary or clerk, as the case may be, under the provisions of subdivision a of section thirty-five of this article.

c. "Petition" means a document distributed by the secretary or clerk of the initiating house to the members thereof transmitting the request of a member or members of such house for the convening of an extraordinary session.

d. "Receiving house" means the house to which is transmitted a certified copy of a petition timely executed by two-thirds of the members of the initiating house.

e. "Concurring petition" means a document distributed by the secretary or clerk of the receiving house to the members thereof upon receipt from the clerk or secretary of the initiating house of a certified copy of a petition timely executed by two-thirds of the members of the initiating house duly requesting the convening of an extraordinary session. A concurring petition shall transmit such request in language identical to that contained in such certified copy.

f. "Joint petition" means a document distributed jointly by the secretary and clerk to the members of both houses, transmitting the joint written request of at least one member of each house for the convening of an extraordinary session.

g. "Perfected concurring petition" means a concurring petition timely executed by two-thirds of the members of the receiving house.

h. "Perfected joint petition" means a joint petition timely executed by two-thirds of the members of each house.

§ 35. Form of request for the convening of an extraordinary session. a. A request for the convening of an extraordinary session, which may be submitted by at least one member of an individual house, shall state the subject or subjects sought to be acted upon, and shall be on forms prepared and provided by the clerk or secretary of such house.

b. A joint request for the convening of an extraordinary session, which may be submitted by at least one member of each house, shall state the subject or subjects sought to be acted upon, and shall be on forms prepared and provided by the clerk and secretary of both houses jointly.

§ 36. Convening extraordinary sessions of the legislature by petition. a. (1) The secretary or clerk of the initiating house, upon the receipt of the written request of any member or members elected thereto that the legislature be convened in extraordinary session and stating the subject matter sought to be acted upon, shall forthwith cause a petition to be served personally on, or sent by registered mail, return receipt requested, to each member of such house at his voting address or such other address as he shall have designated therefor in writing.

(2) Upon timely return to the temporary president or speaker, as the case may be, of the signatures of two-thirds of the members of such house, the respective secretary or clerk shall forthwith transmit a certified copy of such petition to the secretary or clerk of the receiving house.

b. The secretary or clerk of the receiving house, as the case may be, upon receipt of such certified copy of the petition from the secretary or clerk of the initiating house, shall forthwith cause a concurring petition to be served personally on, or sent by registered mail, return receipt requested, to each member of the receiving house, at his voting address or such other address as he shall have designated therefor in writing.

c. The secretary and clerk, upon the receipt of a joint written request by at least one member of each house that the legislature be convened in extraordinary session and stating the subject matter sought to be acted upon, shall forthwith cause a joint petition to be served personally on, or sent by registered mail, return receipt requested, to each member of both houses, at such member's voting address or such other address as he shall have designated therefor in writing. The secretary or clerk, upon the receipt of such a joint written request, shall forthwith transmit to the other such officer a copy thereof.

d. No signature of any member upon any petition, joint petition, or concurring petition shall be effective unless received by the temporary president or the speaker, as the case may be, of the member's house, at the capitol, within twenty-one days of the date of service or mailing of such petition on or to such member.

§ 37. Time of convening an extraordinary session. Upon receipt of a perfected concurring petition by the temporary president or the speaker, as the case may be, or upon the receipt of a perfected joint petition by both the temporary president and the speaker, the legislature shall convene in an extraordinary session at noon on the first Monday after the first Tuesday after the last day for the return of signatures on such petition, or on any other day jointly agreed upon by the temporary president and the speaker, but no later than the second Monday after such Tuesday. The secretary and clerk shall forthwith notify the members of the respective houses and the governor of the date and time when the legislature shall convene, and of the subjects to be considered, as enumerated in the perfected joint or concurring petition.

§ 38. Subjects to be acted upon. At an extraordinary session of the legislature convened pursuant to the provisions of this article, no subject may be acted upon except such as may be specified in the perfected joint or concurring petition pursuant to which such session is convened, or such as may be specified in any perfected joint or concurring petition received by the temporary president and the speaker prior to or during such extraordinary session, or such as may be added to such petition or petitions by amendment thereof by joint resolution adopted by two-thirds of the members elected to each house.

§ 39. Duty of the secretary and clerk under article. It shall be the duty of the secretary and clerk of the house, as the case may be, to take charge of and keep on file the original of any request, petition, concurring petition, joint petition, perfected joint or concurring petition, record or other document issued by or returned to them pursuant to or in the course of the discharge of their duties imposed by this article.

ARTICLE 3

THE ENACTMENT AND PUBLICATION OF LAWS

§ 40. Certificate of presiding officer. Upon the passage by either house of the legislature of a bill, concurrent resolution proposing amendments to the state constitution, or concurrent resolution proposing or ratifying amendments to the constitution of the United States, the presiding or other officer designated by the rules of such house shall append to such bill or resolution a certificate, to be signed by him, which shall disclose the date of its passage in such house, and whether passed by the votes of a majority of all the members elected to such house or of two-thirds thereof, or of a majority of such members, three-fifths thereof being present. In addition, if any such bill has been passed on a message required by the constitution, that fact also shall be stated, and if the message so specifies, the applicable portion of the constitution shall be identified. Upon the passage of a bill as to which a part becomes law immediately and a part requires further action by the governor, two copies shall be certified as above provided, one of which, upon final passage by both houses, shall be transmitted to the governor and the other to the secretary of state. No bills shall be deemed to have so passed unless certified in the manner provided by this section, which certificate to such effect shall be conclusive evidence thereof.

§ 41. Evidence of when bill becomes a law. If a bill becomes a law by the approval of the governor, the certificate of the governor shall be the evidence of the time when the bill becomes a law. If appropriations for the legislature or judiciary or separate items added to a bill by the legislature pursuant to article seven of the constitution become part of law previously enacted by the passage of the bill therefor by both houses of the legislature as provided in such article of the constitution, the certificate of the governor shall be evidence of the time when such appropriations and added items become part of such law. If a bill becomes a law by the failure of the governor to sign it or to return it to the house where it originated without his approval within the time required by the constitution, or if, under article seven of the constitution, a bill containing two or more appropriations becomes a law immediately as to all or as to part of the bill, upon the passage thereof by both houses of the legislature and without further action by the governor, the certificate of the secretary of state of the time when the bill was filed in his office shall be evidence of the time when the bill, or the part thereof not requiring further action by the governor, became a law.

§ 42. Deposit of laws and concurrent resolutions with legislative leaders and secretary of state. 1. The governor, upon approval of any bill or part thereof or if the bill be one as to which all or any part becomes law immediately upon its passage by both houses of the legislature pursuant to article seven of the constitution, shall, in either event, assign a chapter number to such bill and deposit the original thereof with the secretary of state and a certified official copy thereof with the temporary president of the senate and the speaker of the assembly. Both the original and certified copy shall have appended thereto the certificate of the presiding officer of each house and the chapter number assigned by the governor.

2. Every concurrent resolution proposing amendments to the constitution of the state and concurrent resolutions proposing or ratifying amendments to the constitution of the United States shall be deposited with the secretary of state upon passage, with the certificate of the presiding officer of each house appended thereto. The secretary of state shall forthwith upon any such deposit endorse upon each such concurrent resolution his certificate of the day, month and year it was filed in his office, and his certificate to such effect shall be presumptive evidence thereof. A certified official copy thereof with such certificate appended thereto shall be delivered to the temporary president of the senate and the speaker of the assembly.

§ 43. Time of taking effect of laws. Every law, unless a different time shall be prescribed therein, shall take effect on the twentieth day after it shall have become a law.

§ 44. Printing of session laws. The temporary president of the senate and the speaker of the assembly or a person or persons designated by each legislative leader shall annually cause the session laws to be printed in a bound volume or volumes as soon as possible after the adjournment of the legislature. Each such law shall be printed in the same form as the official copy of the bill which became such law except that line numbers, the printed number of the bill and explanatory matter shall be omitted. There shall be inserted immediately under the title of the law, a statement to the effect that it became a law upon the properly specified date, with or without the approval of the governor, or notwithstanding his objections, as the case may be, and adding the words "passed by a majority vote," "passed by a two-thirds vote," or "passed by a majority vote, three-fifths being present," and if passed on a message required by the constitution, that fact also shall be stated, and, if the certificate so specifies, the applicable portion of the constitution shall be identified, in accordance with the certificates appended to the original bill. In the case of an appropriation law passed pursuant to the provisions of sections three and four of article seven of the constitution the statement in addition to the other matter prescribed in this section shall also be to the effect that part of it became a law upon a properly specified date by the action of both houses of the legislature and that part of it became a law upon a properly specified date with or without the approval of the governor, or notwithstanding his objections, as the case may be. Such statement shall be presumptive evidence that the original law was certified by the presiding officer of each house accordingly.

The temporary president of the senate and the speaker of the assembly shall determine the price at which copies of such session laws shall be made available to the public. Such copies may be made available in paperback editions.

The legislature may appropriate such state moneys as may be necessary to secure the printing of the session laws in accordance with the provisions of this section.

§ 44-a. Printing of concurrent resolutions. In printing concurrent resolutions proposing amendments to the constitution of the state, or concurrent resolutions proposing or ratifying amendments to the constitution of the United States, all new matter shall be set out in italics and all matter to be eliminated shall be enclosed in brackets.

§ 45. Contents of printed volumes of session laws. The volumes of the session laws shall contain:

1. A statement of the names and residences of the governor, lieutenant-governor, senators and members of assembly, the presiding officers and the respective secretary or clerk of each house in office during each session.

2. The laws, and concurrent resolutions proposing amendments to the constitution of the state and concurrent resolutions proposing or ratifying amendments to the constitution of the United States, passed at each session.

3. Amendments to the state constitution, approved and ratified by the people at the last preceding general election.

4. Tables showing the laws and parts thereof amended or repealed by such laws.

5. Indexes of the laws and concurrent resolutions contained in such volumes.

6. Such other matters as are required by law to be contained in such volumes.

Such laws, concurrent resolutions, tables, indexes and other matters so required to be printed shall be prepared for printing under the direction of and by experienced persons employed by the temporary president of the senate and speaker of the assembly, who shall fix the compensation and approve necessary expenses of such employees within amounts appropriated therefor. Suitable references to existing general or consolidated laws, codes, or special or local laws may be made in footnotes or otherwise. Each volume printed for the state shall contain a certificate of the temporary president of the senate and speaker of the assembly that it was printed pursuant to the provisions of this section and section forty-four of this chapter and is in compliance with the provisions thereof.

§ 46. Distribution of session laws. The volumes of the session laws shall be provided, to the extent funds have been made available therefor, in such reasonable numbers as may be required by the various branches of state government and distributed in accordance with the schedule of distribution ordered by the temporary president of the senate and the speaker of the assembly.

§ 47. Officers and institutions entitled to receive volumes of journals, bills and public documents. The secretary of the senate and the clerk of the assembly for their respective houses shall distribute bound volumes of journals and bound volumes of bills, and other public documents of each house of the legislature or any of its standing, special, select or joint committees, subcommittees, or legislative commissions as follows:

1. To the legislative library, three copies of the journals, bills, and public documents;

2. To the New York state library, for its depositories, the United States Library of Congress and general exchange, thirty copies of the journals, thirty copies of the public documents, and one copy of the bills;

3. To the executive chamber, one copy of the bills;

4. To the office of the secretary of state, one copy of the bills;

5. To the office of the attorney general, one copy of the journals and

bills.

6. The term "public document" as used in this section shall mean those documents defined by rules and regulations of the temporary president of the senate and the speaker of the assembly for their respective houses of the legislature.

§ 48. Publication of concurrent resolutions. The secretary of state shall send to each newspaper designated pursuant to law, in the order in which they are passed, and as soon as the slips are printed, copies of such concurrent resolutions as are required to be published. Concurrent resolutions proposing amendments to the constitution shall be published in such newspapers, at the times prescribed by the election law, under the direction of the secretary of state, at the expense of the state, in such manner, by the use of italics or bold face and brackets, as to indicate the new matter added and the old matter eliminated.

§ 50. Fiscal note in retirement bills. A bill which enacts or amends any provision of law relating to a retirement system or plan of the state of New York or of any of its political subdivisions shall contain a fiscal note stating the estimated annual cost to the employer affected and the source of such estimate.

§ 51. Fiscal impact notes on bills affecting political subdivisions. 1. For the purpose of this section, the term "political subdivision" means any county, city, town, village, special district or school district.

2. The legislature shall by concurrent resolution of the senate and assembly prescribe rules requiring fiscal notes to accompany, on a separate form, bills and amendments to bills, except as otherwise prescribed by such rules, which would substantially affect the revenues or expenses, or both, of any political subdivision.

3. Fiscal notes shall not, however, be required for bills: (a) subject to the provisions of section fifty of this chapter, or (b) accompanied by special home rule requests submitted by political subdivisions, or (c) which provide discretionary authority to political subdivisions, or (d) submitted pursuant to section twenty-four of the state finance law.

4. If the estimate or estimates contained in a fiscal note are inaccurate, such inaccuracies shall not affect, impair or invalidate such bill.

§ 52. Requirements with respect to bills affecting tax expenditures. 1. For purposes of this section, the terms "tax expenditures" and "cost of tax expenditure" shall have the same meanings that they have in section one hundred eighty-one of the executive law.

2. Tax expenditure impact statement. In addition to any other fiscal note required, a bill that enacts or amends any tax expenditures shall be accompanied by an impact statement consisting of a fiscal note separately stating the estimated cost of the tax expenditures in the bill (a) for the first year it is to be in effect and (b) for the next succeeding year, as well as a statement of the public purpose to be served by such tax expenditures, unless the legislature affirmatively sets forth that no such public purpose statement is required.

3. Hearings. Hearings held by the legislature pursuant to article seven of the constitution shall include sufficient time for discussion and review of tax expenditures.

4. Joint report. The chairmen of the fiscal committees shall issue a joint report on the governor's annual tax expenditure report. Such joint report shall include: a summary of the legislature's action on any recommendations by the governor to continue, modify or repeal any tax expenditures; a summary of any legislative initiative to continue, modify or repeal any tax expenditures; and any revisions in the estimated costs of any tax expenditures included in the tax expenditure report submitted pursuant to section one hundred eighty-one of the

executive law.

§ 53. Budget review process. Within ten days after submission of the budget by the governor pursuant to article seven of the constitution, the temporary president of the senate and the speaker of the assembly shall jointly or separately promulgate a schedule for the specific budget-related actions of each house, including but not limited to the following:

1. a preliminary response by the houses to the governor's budget submission;

2. fiscal committee hearings on the budget, hearings with heads of departments and divisions pursuant to section three of article seven of the constitution, and other actions which may be taken by the fiscal committees, which shall be designed to inform the public of the contents of the governor's budget, policy issues relating to such budget and such other information as the senate and the assembly shall jointly or separately determine. Such hearings and other actions may be conducted jointly or separately;

3. a date for the production of a forecast or forecasts on receipts which shall constitute an evaluation developed by the fiscal committees of each house, jointly or separately, of the receipts likely to be available to the state absent passage of any new revenue measures. Such forecast or forecasts shall also contain an evaluation of the receipts likely to be available to the state upon passage of any revenue measure submitted and proposed by the governor pursuant to section three of article seven of the state constitution; and

4. the dates for public hearings required by the provisions of section thirty-two-a of this chapter.

§ 54. Report on the budget. 1. Upon passage of appropriation bills by both the senate and the assembly, the senate and the assembly shall issue either jointly or separately a summary of changes to the budget submitted by the governor in accordance with article seven of the constitution. The summary shall be in such a form as to indicate whether the budget as amended provides that, for the general fund, any changes in anticipated disbursements are balanced by changes in anticipated receipts. The summary shall be accompanied by descriptions of changes to both receipts and disbursements in sufficient detail as is necessary to describe legislative action on the governor's budget submission. The summary shall be in such format as determined by the senate and the assembly, either jointly or separately, and may be issued separately, as part of the report required by section twenty-two-b of the state finance law or may be included within the introductory memoranda or fiscal committee memoranda relating to such legislation or in such other manner as may be determined by the senate and the assembly, either separately or jointly.

2. (a) The legislature shall enact a budget for the upcoming fiscal year that it determines is balanced in the general fund.

(b) Before voting upon an appropriation bill submitted by the governor and related legislation, as amended, in accordance with article seven of the constitution, each house shall place on the desks of its members a report relating to each such bill and, preceding final action on all such appropriation bills and legislation, members shall be so provided with a comprehensive, cumulative report relating to all such bills and legislation.

(c) The reports prepared by each house shall include for the general fund a summary of proposed legislative revisions to the executive budget for the ensuing fiscal year, and shall separately identify and present all legislative additions, reestimates and other revisions that increase or decrease disbursements, and separately identify and present all legislative reestimates and other revisions that increase or decrease available resources. Such report shall, where practicable, display and separately identify and present all legislative additions, reestimates, and other revisions that increase or decrease state funds and all funds spending, including an estimate of the impact of the proposed revisions on local governments and the state workforce.

§ 54-a. Scheduling of legislative consideration of budget bills. The legislature shall by concurrent resolution of the senate and assembly prescribe by joint rule or rules a procedure for:

1. establishing a joint budget conference committee or joint budget conference committees within ten days following the submission of the budget by the governor pursuant to article seven of the constitution, to consider and reconcile such budget resolution or budget bills as may be passed by each house; and

2. promulgating a schedule within ten days following the submission of the budget by the governor pursuant to article seven of the constitution, for considering and acting upon such budget appropriation and related bills which shall include:

(a) dates for those actions required to be taken by the legislature pursuant to section fifty-three of this chapter;

(b) dates for public hearings on submissions by the governor as required by section thirty-two-a of this chapter;

(c) a date for the establishment of joint budget conference committee or committees; and

(d) a date by which such joint budget conference committee or committees shall issue their final reports.

ARTICLE 3-A

REQUESTS FROM LOCAL GOVERNMENTS FOR ENACTMENT OF SPECIAL LAWS

§ 55. Requests from local governments for enactment of special laws. The legislature shall prescribe by rules to be promulgated from time to time by concurrent resolution of the Senate and Assembly the forms of requests to be submitted to it by counties, cities, towns and villages with respect to the enactment of special laws pursuant to paragraph two of subdivision (b) of section two of article nine of the constitution and the manner of communication of such requests to the legislature.

§ 56. Effect of requests from local governments. The enactment of any law under paragraph two of subdivision (b) of section two of article nine of the constitution shall be conclusive as to the facts that (1) a necessity as set forth in the request existed at the time of enactment and (2) that sufficient facts were set forth in such request to establish such necessity.

ARTICLE 4

LEGISLATIVE COMMITTEES; TESTIMONY IN LEGISLATIVE PROCEEDINGS

§ 60. Testimony before legislative committees. A legislative committee may require the attendance of witnesses in this state whom the committee may wish to examine, or may issue a commission for the examination of witnesses who are out of the state or unable to attend the committee or excused from attendance, which commission if directed by the house or legislature by which the committee is appointed may be executed during the recess of the legislature. A commission issued as provided by this section shall be in the form used in the courts of record of this state and shall be executed in like manner. Unless otherwise instructed by the committee appointing them the commissioners shall examine privately every witness attending before them and shall not make public the particulars of such examination. No committee of either house or a joint committee of both houses shall have the power to take testimony at a private hearing or at a public hearing unless at least two of its members are present at such hearing.

§ 61. Subcommittees. Whenever any committee of either house or a joint committee of both houses of the legislature shall be required to make an inquiry or investigation, such committee may appoint a subcommittee of not less than three of its own members to make such inquiry or investigation, and to take testimony in relation thereto; and such committee or subcommittee and the chairman thereof shall respectively have all the powers and authority, which are conferred by law upon any committee which is authorized to send for persons or papers, or upon the chairman thereof. No subcommittee shall have the power to take testimony at a private hearing or at a public hearing unless at least two of its members are present at such hearing.

§ 62. Witnesses' fees. Any person attending as a witness under the provisions of the last two sections shall receive the same fees as are allowed witnesses in civil actions in courts of record. Such fees need not be prepaid, but the comptroller upon the certificate of the chairman of the committee, and proof by affidavit or otherwise that the same is due, shall draw his warrant for the payment of the amount thereof.

§ 62-a. Subpoenas; oaths. The chairman, vice-chairman or a majority of a legislative committee may issue a subpoena requiring a person to attend before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, and, in a proper case, to bring with him, a book or paper. The provisions of the civil practice law and rules in relation to enforcing obedience to a subpoena lawfully issued by a judge, arbitrator, referee or other person in a matter not arising in an action in a court of record apply to a subpoena issued by a legislative committee as authorized by this section. Any member of a legislative committee may administer an oath to a witness.

§ 62-b. Joint legislative committee competent authority to confer immunity. In any inquiry or investigation by a joint legislative committee, such committee is a competent authority to confer immunity in accordance with section 50.20 of the criminal procedure law. Immunity may be conferred only upon the concurrence of a majority of the full membership of such committee and provided that at least twenty-four hours prior written notice is given to the attorney general of the state of New York and to the appropriate district attorney having an official interest therein.

§ 63. Expenses of committees. Whenever by resolution of either house, a committee or joint committee duly appointed pursuant thereto shall be directed to conduct an investigation or take testimony, the comptroller shall draw his warrant for the payment of the actual and necessary expenses of the committee or subcommittee having in charge such investigation, inquiry or taking of testimony, and of the officers and employees authorized to accompany them, upon the rendition of an itemized bill of such expenses certified by the chairman of the committee, and approved by the temporary president of the senate in the case of a senate committee, or the speaker of the assembly in the case of an assembly committee, or by both such officers in the case of a joint committee, or by his or their designee or designees, respectively, and upon proof by affidavit or otherwise that the same is due.

Such designation shall be in writing and filed in the office of such officer or officers and in the office of the comptroller and shall remain in effect during the term of office of such officer or officers unless sooner revoked. The approval of any such designee shall be for expenses other than personal service and in amounts not to exceed the sum fixed in such designation for any such item.

§ 64. Contested elections. Upon the application of any person desirous of obtaining testimony respecting the election of a member of either house, for the purpose of contesting an election, or resisting a contest thereof, any county judge of the county, or justice of the supreme court of the district, or the mayor or recorder of a city in which the member or applicant shall reside, may require the attendance of persons named by the applicant, at a specified time and place, to be examined respecting such election; and shall, at the same time, issue a notice to the opposite party of the time, place and object of such examination. The notice shall be served in the same manner as a notice of motion in a court of record. At the time appointed for the examination, upon proof of the due service of such notice, the witnesses who shall attend or who shall be produced by either party, shall be examined under oath before such officer, respecting such matters relating to the election about to be contested, as shall be proposed by either party. The testimony given upon such examination shall be reduced to writing, signed by the witnesses respectively, certified by the officer before whom it was taken, and with the subpoena, notice and proof of the service thereof, shall be sent by him under seal to the secretary or the clerk of the house to which the election pertains.

A witness attending before such officer, by virtue of a subpoena, shall receive the same fees as are allowed to witnesses in civil suits in courts of record, to be paid by the party at whose instance such witness was summoned.

§ 65. Expenses of unsuccessful contestant. When the seat of any member of the legislature shall be contested, no expense incurred by the contestant, in prosecuting his claim, shall be paid by the state, unless such seat be awarded to the contestant.

§ 66-a. Prohibited activity by legislative employees. No legislative employee shall, except within the scope of legislative employment, directly or indirectly, promote or oppose the passage of bills or resolutions by either house. Notwithstanding the provisions of this section, a legislative employee who serves as an elected chief executive officer or member of a governing body of a municipal corporation or district corporation shall be authorized to participate while carrying out the official duties of such office in the discussion, drafting, preparation, voting and dispatch of a resolution, message or proclamation addressed to either house. A violation of this section shall constitute a misdemeanor.

*** § 66-b. Registration and reports by certain persons promoting or opposing the adoption of proposed constitutional amendments by the constitutiona**l convention convening in the year nineteen hundred sixty-seven. 1. Every person retained or employed for compensation by any person, firm, corporation or association who, on behalf of such principal or employer, promotes or opposes directly or indirectly the adoption of a proposed constitutional amendment or amendments by the constitutional convention convening in the year nineteen hundred sixty-seven, whether or not he has a personal interest therein, shall, before any service is entered upon in promoting or opposing such proposed constitutional amendment or amendments, file in the office of the secretary of state a writing subscribed by such person stating the name or names of the person or persons, firm or firms, corporation or corporations, association or associations, by whom or on whose behalf he is retained or employed, together with a brief description of the proposed constitutional amendment or amendments in reference to which such service is to be rendered.

2. It shall be the duty of the secretary of state to provide a docket to be known as the docket of constitutional convention appearances, with appropriate blanks and indices, and to forthwith enter therein the names of the persons so retained or employed and of the persons, firms,

corporations or associations retaining or employing them, together with a brief description of the proposed constitutional amendment or amendments in reference to which the service is to be rendered, which docket shall be open to public inspection.

3. Upon the termination of such retainer or employment the fact of such termination, with the date thereof, shall be entered in the docket by the secretary of state upon receiving written notice to that effect from such person or from the person, firm, corporation or association in whose behalf such service has been rendered.

4. No person, firm, corporation or association shall retain or employ any person to promote or oppose any proposed constitutional amendment or amendments for compensation contingent in whole or in part upon the adoption or defeat of any such amendment or amendments by the constitutional convention, and no person shall accept any such employment or render any such service for compensation contingent upon such adoption or defeat.

5. No person shall for compensation engage in promoting or opposing any proposed constitutional amendment or amendments by such constitutional convention except upon appearance entered in accordance with the foregoing provisions of this section.

6. It shall be the duty of every person, firm, corporation, public or private, or association, (whether or not required to file pursuant to the provisions of subdivision one hereof), not later than April fifteenth, nineteen hundred sixty-seven, to file in the office of the secretary of state an itemized statement verified by the oath of such person, or in case of a firm by the oath of a member thereof, or in case of a domestic corporation or association by the oath of an officer thereof, or in case of a foreign corporation or association by the oath of an officer or agent thereof, showing in detail all expenses paid, incurred or promised directly or indirectly through April third, nineteen hundred sixty-seven, in connection with promoting or opposing any constitutional amendment or amendments which may be proposed at such constitutional convention, with the names of the payees and the amount

paid to each, including all disbursements paid, incurred or promised to persons employed or retained up to such date, and also specifying the nature of such constitutional amendment or amendments, and the interest therein of such person, firm, corporation or association; provided however no such itemized statement need be filed if the total of such itemized expenses for the period ending April third, nineteen hundred sixty-seven is less than two hundred fifty dollars.

7. The provisions of this section shall not apply to the state nor shall subdivisions one, five and nine of this section apply to a county, city, town, village, public board or institution, or their agents or employees; nor shall the provisions of this section be construed as affecting professional services in drafting a proposed constitutional amendment or amendments or in advising clients or in rendering opinions as to the construction and effect of any constitutional amendment or amendments which may be proposed at such convention where such professional service is not otherwise connected with constitutional convention action.

8. On or before April twenty-fourth, nineteen hundred sixty-seven, the secretary of state shall furnish to each delegate to such convention a summary of the information contained in the docket of constitutional convention appearances, and on or before such date shall also transmit to the president of such constitutional convention a copy of every statement filed in his office up to and including such date pursuant to subdivision six of this section.

9. Every person, every member of any firm, and every association or corporation violating any provision of this section and every person causing or participating in a violation thereof shall be guilty of a misdemeanor and, in case of an individual, shall be punishable by imprisonment in a penitentiary or county jail for not more than one year or by a fine of not more than one thousand dollars or by both, and, in case of an association or corporation, by a fine of not more than one thousand dollars. And in addition to the penalties hereinbefore imposed any corporation or association failing to file the statement of expenses prescribed by this section shall forfeit to the people of the state of

New York the sum of one hundred dollars per day for each day following the expiration of thirty days after the time fixed by subdivision six for filing such statement, to be recovered in an action to be brought by the attorney general.

* NB (Expired see § 2 of Ch. 7 of the Laws of 1967)

§ 67. Data for financial committees to be preserved. All books, papers, transcripts of records, pamphlets, statements, reports, documents, data, memoranda and written or printed matter used by or submitted to the finance committee of the senate and ways and means committee of the assembly during any session of the legislature shall be preserved until the adjournment of the next ensuing annual session of the legislature, in the senate finance committee room. All such matters and things in the committee room of the ways and means committee of the assembly at the close of an annual session of the legislature shall be transferred to the committee room of the senate finance committee. The duty of caring for such matters and things, and keeping them intact, between sessions of the legislature shall devolve on the superintendent of public buildings.

ARTICLE 4-A

LAW REVISION COMMISSION

§ 70. Commission created; terms and qualifications of members. A law revision commission is hereby created, to consist of the chairman of the committees on the judiciary and codes of the senate and assembly, ex-officio, and five additional members, to be appointed by the governor. The members first appointed by the governor shall be appointed for such terms that the term of one member will expire on each succeeding thirty-first day of December. The term of a member thereafter appointed, except to fill a vacancy occurring otherwise than by expiration of term, shall be five years from the expiration of the term of his predecessor. A vacancy in the office of a member appointed by the governor occurring otherwise than by expiration of term, shall be filled by the governor for the remainder only of the term. Upon making the original appointments, the governor shall designate one of the appointed members as chairman of the commission. Upon the appointment of a successor to the chairman of the commission, the governor shall designate such successor or other member of the commission as chairman. Four members appointed by the governor shall be attorneys and counselors at law, admitted to practice in the courts of this state, and at least two of them shall be members of law faculties of universities or law schools within the state recognized by the board of regents of the state of New York.

§ 71. Expenses; employees. Each of the members of the commission appointed by the governor shall receive necessary expenses incurred in the performance of official duty. The commission may appoint such employees as may be needed, prescribe their duties, and fix their compensation within the amount appropriated for the commission.

§ 72. Purposes of commission. It shall be the duty of the law revision commission:

1. To examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

2. To receive and consider proposed changes in the law recommended by the American law institute, the commissioners for the promotion of uniformity of legislation in the United States, any bar association or other learned bodies.

3. To receive and consider suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law.

4. To recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.

5. To report its proceedings annually to the legislature on or before February first, and, if it deems advisable, to accompany its report with proposed bills to carry out any of its recommendations.

ARTICLE FIVE
LEGISLATIVE ETHICS

§ 80. Legislative ethics commission; functions, powers and duties; review of financial disclosure statements; advisory opinions; imposition of penalties or other enforcement actions. 1. There is established a legislative ethics commission which shall consist of nine members. Four members shall be members of the legislature and shall be appointed as follows: one by the temporary president of the senate, one by the speaker of the assembly, one by the minority leader of the senate and one by the minority leader of the assembly. The remaining five members shall not be present or former members of the legislature, candidates for member of the legislature, employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or lobbyists, as defined in section one-c of this chapter, or persons who have been employees of the legislature, political party chairmen as defined in paragraph (k) of subdivision one of section seventy-three of the public officers law, or lobbyists, as defined in section one-c of this chapter in the previous five years, and shall be appointed as follows: one by the temporary president of the senate, one by the speaker of the assembly, one by the minority leader of the senate, one by the minority leader of the assembly, and one jointly by the speaker of the assembly and majority leader of the senate. The commission shall serve as described in this section and have and exercise the powers and duties set forth in this section only with respect to members of the legislature, legislative employees as defined in section seventy-three of the public officers law, candidates for member of the legislature and individuals who have formerly held such positions or who have formerly been such candidates.

2. Members of the legislature who serve on the commission shall each have a two year term concurrent with their legislative terms of office. The members of the commission who are not members of the legislature and who are first appointed by the temporary president of the senate, speaker of the assembly, minority leader of the senate, and minority leader of the assembly shall serve one, two, three and four year terms, respectively. The member of the commission first appointed jointly by the temporary president of the senate and speaker of the assembly shall serve a four year term. Each member of the commission who is not a member of the legislature shall be appointed thereafter for a term of four years.

3. The temporary president of the senate and the speaker of the assembly shall each designate one member of the commission as a co-chairperson thereof. The commission shall meet at least bi-monthly and at such additional times as may be called for by the co-chairpersons jointly or any five members of the commission.

4. Any vacancy occurring on the commission shall be filled within thirty days by the appointing authority.

5. Five members of the commission shall constitute a quorum, and the commission shall have power to act by majority vote of the total number of members of the commission without vacancy.

6. The members of the commission who are not members of the legislature shall be reimbursed for reasonable expenses and receive a per diem allowance in the sum of three hundred dollars for each day

spent in the performance of their official duties.

7. The commission shall:

a. Appoint an executive director who shall act in accordance with the policies of the commission, provided that the commission may remove the executive director for neglect of duty, misconduct in office, or inability or failure to discharge the powers or duties of office;

b. Appoint such other staff as are necessary to assist it to carry out its duties under this section;

c. Adopt, amend, and rescind policies, rules and regulations consistent with this section to govern procedures of the commission which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act;

d. Administer the provisions of this section;

e. Specify the procedures whereby a person who is required to file an annual financial disclosure statement with the commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules or regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted;

f. Promulgate guidelines to assist appointing authorities in determining which persons hold policy-making positions for purposes of section seventy-three-a of the public officers law and may promulgate guidelines to assist firms, associations and corporations in separating affected persons from net revenues for purposes of subdivision ten of section seventy-three of the public officers law, and promulgate guidelines to assist any firm, association or corporation in which any present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chair is a member, associate, retired member, of counsel or shareholder, in complying with the provisions of subdivision ten of section seventy-three of the public officers law with respect to the separation of such present or former statewide elected official, state officer or employee, member of the legislature or legislative employee, or political party chair from the net revenues of the firm, association or corporation. Such firm, association or corporation shall not be required to adopt the procedures contained in the guidelines to establish compliance with subdivision ten of section seventy-three of the public officers law, but if such firm, association or corporation does adopt such procedures, it shall be deemed to be in compliance with such subdivision ten;

g. Make available forms for financial disclosure statements required to be filed pursuant to subdivision six of section seventy-three and section seventy-three-a of the public officers law as provided by the commission on ethics and lobbying in government;

h. Review financial disclosure statements in accordance with the provisions of this section, provided however, that the commission may delegate all or part of the review function relating to financial disclosure statements filed by legislative employees pursuant to sections seventy-three and seventy-three-a of the public officers law to the executive director who shall be responsible for completing staff review of such statements in a manner consistent with the terms of the commission's delegation;

i. Upon written request from any person who is subject to the jurisdiction of the commission and the requirements of sections seventy-three, seventy-three-a and seventy-four of the public officers law, and section five-b of this chapter render formal advisory opinions on the requirements of said provisions. A formal written opinion rendered by the commission, until and unless amended or revoked, shall be binding on the legislative ethics commission in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense in any criminal or civil action. The commission on ethics and lobbying in government shall not investigate an individual for potential violations of law based upon conduct approved and covered in its entirety by such an opinion, except that such opinion shall not prevent or preclude an investigation of and report to the legislative ethics commission concerning the conduct of the person who obtained it by the commission on ethics and lobbying in government for violations of section seventy-three, seventy-three-a or seventy-four of the public officers law and section 5-b of this chapter to determine whether the person accurately and fully represented to the legislative ethics commission the facts relevant to the formal advisory opinion and whether the person's conduct conformed to those factual representations. The commission on ethics and lobbying in government shall be authorized and shall have jurisdiction to investigate potential violations of the law arising from conduct outside of the scope of the terms of the advisory opinion; and

j. Issue and publish generic advisory opinions covering questions frequently posed to the commission, or questions common to a class or defined category of persons, or that will tend to prevent undue repetition of requests or undue complication, and which are intended to provide general guidance and information to persons subject to the commission's jurisdiction;

k. Develop educational materials and training with regard to legislative ethics for members of the legislature and legislative employees including an online ethics orientation course for newly-hired employees and, as requested by the senate or the assembly, materials and training in relation to a comprehensive ethics training program; and

l. Prepare an annual report to the governor and legislature summarizing the activities of the commission during the previous year and recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission's conduct. Such report shall include: (i) a listing by assigned number of each complaint and report received from the commission on ethics and lobbying in government which alleged a possible violation within its jurisdiction, including the current status of each complaint, and (ii) where a matter has been resolved, the date and nature of the disposition and any sanction imposed, subject to the confidentiality requirements of this section. Such annual report shall not contain any information for which disclosure is not permitted pursuant to subdivision twelve of this section.

8. The jurisdiction of the commission to impose penalties when acting pursuant to this section shall continue notwithstanding that a member of the legislature or a legislative employee separates from state service, or a candidate for member of the legislature ceases to be a candidate, provided that such individual has been notified of the alleged violation of law within one year from his or her separation from state service or the termination of his or her candidacy.

9. (a) An individual subject to the jurisdiction of the commission with respect to the imposition of penalties who knowingly and intentionally violates the provisions of subdivisions two through five-a, seven, eight, twelve, fourteen or fifteen of section seventy-three of the public officers law or section five-b of this chapter or 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 section seventy-three-a of the public officers law shall be subject to a civil penalty in an amount not to exceed forty thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, b, c, d, e, g, or i of subdivision three of section seventy-four of the public officers law shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Assessment of a civil penalty hereunder shall be made by the commission with respect to persons subject to its jurisdiction. In assessing the amount of the civil penalties to be imposed, the commission shall consider the seriousness of the violation, the amount of gain to the individual and

whether the individual previously had any civil or criminal penalties imposed pursuant to this section, and any other factors the commission deems appropriate. For a violation of this section, other than for conduct which constitutes a violation of subdivision twelve, fourteen or fifteen of section seventy-three or section seventy-four of the public officers law, the legislative ethics commission may, in lieu of or in addition to a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. Where the commission finds sufficient cause, it shall refer such matter to the appropriate prosecutor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of subdivision six of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The legislative ethics commission shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the legislative ethics commission, pursuant to article seventy-eight of the civil practice law and rules.

(b) Not later than twenty calendar days after receipt from the commission on ethics and lobbying in government of a written substantial basis investigation report and any supporting documentation or other materials regarding a matter before the commission pursuant to section ninety-four of the executive law, unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation, the legislative ethics commission shall make public such report in its entirety; provided, however, that the commission may withhold such information for not more than one additional period of the same duration or refer the matter back to the commission on ethics and lobbying in government once for additional investigation, in which case the legislative ethics commission shall, upon the termination of such additional period or upon receipt of a new report by the commission on ethics and lobbying in government after such additional investigation, make public the written report and publish it on the commission's website. If the legislative ethics commission fails to make public the written report received from the commission on ethics and lobbying in government in accordance with this paragraph, the commission on ethics and lobbying in government shall release such report publicly promptly and in any event no later than ten days after the legislative ethics commission is required to release such report. The legislative ethics commission shall not refer the matter back to the commission on ethics and lobbying in government for additional investigation more than once. If the commission refers the matter back to the commission on ethics and lobbying in government for additional fact-finding, the commission on ethics and lobbying in government's original report shall remain confidential.

10. Upon receipt of a written report from the commission on ethics and lobbying in government pursuant to subdivision fourteen-a of section seventy-three of the public officers law, the legislative ethics commission shall commence its review of the matter addressed in such report. No later than ninety days after receipt of such report, the legislative ethics commission shall dispose of the matter by making one or more of the following determinations:

a. whether the legislative ethics commission concurs with the commission on ethics and lobbying in government's conclusions of law and the reasons therefor;

b. whether and which penalties have been assessed pursuant to applicable law or rule and the reasons therefor; and

c. whether further actions have been taken by the commission to punish or deter the misconduct at issue and the reasons therefor.

The commission's disposition shall be reported in writing and published on its website no later than ten days after such disposition unless requested by a law enforcement agency to suspend the commission's action because of an ongoing criminal investigation.

11. If the commission has a reasonable basis to believe that any person subject to the jurisdiction of another state oversight body may have violated section seventy-three or seventy-four of the public officers law, section one hundred seven of the civil service law, or article one-A of this chapter, it shall refer such violation to such oversight body unless the commission determines that such a referral would compromise the prosecution or confidentiality of its proceedings and, if so, shall make such a referral as soon as practicable. The referral by the commission shall include any information relating thereto coming into the custody or under the control of the commission at any time prior or subsequent to the time of the referral.

12. a. Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection and copying are:

(1) the terms of any settlement or compromise of a complaint or referral or report which includes a fine, penalty or other remedy reached after the commission has received a report from the commission on ethics and lobbying in government pursuant to section ninety-four of the executive law;

(2) generic advisory opinions;

(3) all reports required by this section; and

(4) all reports received from the commission on ethics and lobbying in government pursuant to section ninety-four of the executive law and in

conformance with paragraph (b) of subdivision nine of this section.

b. Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding of the commission shall be open to the public, except if expressly provided otherwise by this section or the commission.

13. Within one hundred twenty days of the effective date of this subdivision, the commission shall create and thereafter maintain a publicly accessible website which shall set forth the procedure for filing a complaint with the commission on ethics and lobbying in government, and which shall contain any other records or information which the commission determines to be appropriate.

14. This section shall not revoke or rescind any policies, rules, regulations or advisory opinions issued by the legislative ethics committee in effect upon the effective date of this subdivision, to the extent that such regulations or opinions are not inconsistent with any laws of the state of New York. The legislative ethics commission shall undertake a comprehensive review of all such policies, rules, regulations or advisory opinions which will address the consistency of such policies, rules, regulations or advisory opinions with the laws of the state of New York. The legislative ethics commission shall, before April first, two thousand eight, report to the governor and legislature regarding such review and shall propose any regulatory changes and issue any advisory opinions necessitated by such review.

15. Separability clause. If any part or provision of this section or the application thereof to any person is adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect or impair any other part or provision or the application thereof to any other person, but shall be confined to such part or provision.

* ARTICLE 5-A

LEGISLATIVE COMMISSIONS

*** § 82. Legislative commissions.** Expenditures made from appropriations and reappropriations to the legislature for services and expenses of shared legislative commissions, task forces and councils, including, but not limited to those set forth in this article and article five-B of this chapter, shall be paid upon the approval of the temporary president of the senate and the speaker of the assembly, unless otherwise specified by law. Such expenditures shall be payable after audit by and on the warrant of the comptroller upon vouchers certified by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee.

* NB Repealed June 30, 2027

*** § 83. Council on health care financing; continued.** Notwithstanding any other provision of law, the council on health care financing as established by chapter five hundred twenty of the laws of nineteen hundred seventy-eight, as last amended and continued by chapter fifty-one of the laws of nineteen hundred ninety-three, is hereby continued.

* NB Repealed June 30, 2027

*** § 83-a. Legislative commission on critical transportation choices.** 1. (a) The legislature hereby finds and declares that the economic and social well-being of the people of the state are inextricably linked to the quality of the state's transportation services and that the delivery of that service has grown increasingly expensive for governmental agencies at all levels as well as for individuals and families in the state.

(b) Recent surveys of New York's transportation system indicate that portions of said system are badly in need of rehabilitation and improvement and such surveys warn that the transportation infrastructure may begin to deteriorate rapidly unless action is taken quickly to prevent such deterioration. The transportation systems serving the regions of the state can be characterized as contributing to or having facilitated sprawling and inefficient land use patterns and as a result are also subject to severe dislocations or disruptions of fuel supplies in the future, which will affect appreciably the standard of living of all New York residents and call into question the ability to sustain the system in light of relatively new energy and environmental policy goals.

2. There is hereby created a legislative commission to be known as the legislative commission on critical transportation choices. Such commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate

shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members as appointed, a chairman and vice chairman shall be appointed jointly by the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the chairmanship, vice chairmanship or other membership of the commission shall be filled in the same manner in which the original appointment was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

3. The commission hereby created shall have the power to: (a) recommend a statewide plan of action to meet critical transportation needs within the state; (b) assess the transportation needs of localities with respect to various modes of moving people and goods and their energy efficiency and environmental sustainability thereof; (c) evaluate probable impact of energy shortages on the ability to sustain the various modes of transportation; (d) identify and study long-term transportation needs under attenuated energy supplies and new environmental policy objectives; (e) assess impact of federal and state regulations on transportation systems; (f) evaluate the impact of public projects on existing transportation networks; (g) study and assess the future of commercial and private air service and make recommendations for the preservation and improvement of such service; (h) undertake research and develop proposals in connection with the development of ports, free trade zones, transportation hubs and facilities related thereto; (i) undertake research and develop proposals in connection with safety and safety related programs in the various transportation modes; (j) evaluate the short-term and long-term capital needs and operating assistance requirements of the state's public transit systems; (k) identify and study potential revenue sources for the dedicated highway and bridge trust fund; (l) cooperate with local, state and federal officials in the analysis of possible changes in rules, regulations and laws relating to transportation; (m) assess the relationship between transportation, the environment and long term, sustainable economic

development; (n) research and evaluate proposals related to the federal, state and local government organizational environment with respect to planning, design and construction of transportation programs, projects and services; and (o) evaluate the transportation system in light of the current social, economic and environmental regulatory climate including but not limited to energy efficiency, air quality, quality communities or smart growth objectives, environmental justice, sustainability and costs per household.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefore. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this section.

* NB Repealed June 30, 2027

*** § 83-b. Legislative commission on dairy industry development.** 1. (a) The legislature hereby finds and declares that the dairy industry is a vital component of the economy of New York state and that continuing to assure the sound condition of the dairy industry is important to the well-being of those people of the state who are employed in this business sector and to consumers of dairy products. The dairy industry of the state generates a retail value of well over three and a half billion dollars annually and provides employment for sixty thousand people in the production, processing and distribution of its products through to the retail level. The importance of employment and income derived from the dairy industry is particularly great in rural local economies, where dairy production is usually the predominant industry. Milk is an important item in the food budget and is regarded as an indispensable food to many making its availability to consumers at reasonable prices of much importance.

(b) The legislature further finds that, although New York state remains the third leading state in milk production, concerns exist regarding the continued vitality of the state's dairy industry and the continued availability to the consumers of the state of high quality, reasonably priced dairy products. Changes in consumption preferences, calls for changes in marketing practices and newly developing technologies require the adaptation of all facets of the state's dairy industry if they are to maintain and enhance that industry's competitive position. It is apparent that positive efforts are warranted to investigate these circumstances and to determine corrective legislative action.

2. A legislative commission on dairy industry development is hereby established to: (a) review existing laws and regulations of New York and other states, as well as those of the federal government, pertaining to the dairy industry, including, but not limited to fair trade practice, standards and labeling of dairy products and their imitations, sanitary regulations, testing and quality control, dairy promotion, organization of market orders, and interstate barriers to the free movement of milk amongst the states of the northeast; (b) examine current and likely economic forces affecting the producer in order to identify causes of and remedies for the severe economic pressures which are affecting or which may affect the industry and dairy farmers in particular; (c) examine the level of milk dealer and retail outlet margins to determine if such margins substantially exceed costs and a reasonable return on

investment; (d) examine the adequacy of availability of milk to consumers at reasonable prices, and for the reasons for the wide variability in retail milk prices in the various markets of the state and as between the various markets; (e) identify policies to strengthen and improve the organization and effectiveness of the dairy industry; (f) examine current research funding and research objectives pertaining to the industry; (g) identify equitable regional dairy policies in consultation with the federal market administrator and officials of other states as necessary; and (h) recommend, to the legislature, action as it determines necessary to stabilize and modernize the industry, to insure that the highest quality dairy products reach the consumer and to improve the competitive stance of the industry.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members as appointed, a chairman and vice chairman shall be appointed jointly by the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the chairmanship, vice chairmanship or other membership of the commission shall be filled in the same manner in which the original appointment was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings, and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the

performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purpose and objectives of this section.

* NB Repealed June 30, 2027

*** § 83-c. Legislative commission on public management systems.** 1. The legislative commission created and known as the legislative commission on economy and efficiency in government renamed and continued as the legislative commission on public management systems shall also be known as the legislative commission on government administration. Notwithstanding any inconsistent provision of law, any reference in any other provision of law to the legislative commission on economy and efficiency in government shall be construed as if the legislative commission on public management systems had been set forth in any such provision of law. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and a vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission or in the chairmanship or vice chairmanship shall be filled in the same manner in which the original appointment or designation was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

2. The commission shall examine specific methods for increasing economy, efficiency, effectiveness and accountability in state government. Organization, management, administration, operations, technologies, procedures, and practices in the public sector will be considered by the commission for the purpose of examining the feasibility of and making legislative recommendations for:

(a) improving administration and operations in state government;

(b) increasing efficiency, economy and effectiveness by measures of consolidation and reorganization; and

(c) improving the delivery of services and enhancing accountability by organizational changes.

3. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

4. Employees of the commission shall be considered to be employees of the legislature for all purposes.

5. The commission may request and shall receive from any court, department, division, board, or bureau, commission, or agency of the state, recommendations as to the administration, operating guidelines, procedures, workload output, and incentive and disincentive workload measurements which, if monitored, would provide accurate indications

quantitatively and qualitatively of the performance and cost efficiency of its activities and/or programs, and such assistance and data as will enable the commission properly to carry out its powers and duties hereunder.

6. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this section.

* NB Repealed June 30, 2027

*** § 83-e. Legislative commission on science and technology.** 1. The legislature hereby finds that the number and variety of issues under consideration which require a detailed scientific and technological knowledge is growing larger each year. Radioactive waste, hazardous materials, the development and application of new technologies, pesticide management and a wide spectrum of energy and environmentally-related issues are only a few examples of the complex scientifically-based problems currently confronting the legislature.

2. A legislative commission on science and technology is hereby created to study technical and scientific changes that are occurring or likely to occur so that the opportunities for economic development made possible by such changes and the other consequences of such changes may be anticipated and be made known to the legislature in such a way as to aid the legislature in the formulation and development of state policy including the promotion of identifiable growth industries.

3. The commission shall provide the legislature with early indications of probable beneficial and adverse impacts of pending or proposed applications of technology.

4. The commission shall upon the request of the chairman of any standing committee of either house, or any joint committee or commission, review any bill which relates to a subject with scientific or technical implications.

5. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. No member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

6. An advisory board is hereby established to provide technical support and policy making assistance to the commission. The board shall be made up of six members with knowledge and current experience in any pertinent field of science and/or technology and who belong to and are active in several professional scientific societies. The members shall be appointed as follows: three members shall be appointed by the temporary president of the senate; and three members shall be appointed by the speaker of the assembly. From among the members so appointed, a chairman and vice chairman shall be elected. Any vacancy that occurs in the advisory board shall be filled in the same manner in which the original appointment was made.

7. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission and advisory board shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses

incurred in the performance of their duties hereunder.

8. Employees of the commission shall be considered to be employees of the legislature for all purposes.

9. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

10. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives set forth in this section.

* NB Repealed June 30, 2027

*** § 83-f. Legislative commission on skills development and career education.** 1. The legislature hereby finds and declares that the economic and social well-being of the people of the state and the future shape and strength of the state's economy will be greatly influenced by the development and availability of a pool of workers equipped to meet the demands of a rapidly changing economy. The legislature further finds that no comprehensive review of skill development and job training by the public and private sectors or of the state's massive career education system has been undertaken in recent years and that such review is essential for legislative consideration of unified, effective and coordinated policies, programs and delivery systems for career education and skills development that will enhance economic growth and economic opportunity for state residents.

2. A legislative commission on skills development and career education is hereby established to examine both public and private skills development and job training programs and the adequacy of delivery systems for state-assisted programs, to assess the career education system and its relevance to the needs of youth, adults and the economy,

to evaluate the increasing mismatch between skills of the existing labor force and those needed by growth sectors of the economy, to assess how existing and new job training initiatives can increase employability of disadvantaged persons, to explore the adequacy of private sector investment in human resource development and alternatives for state action to encourage company efforts, and to make recommendations to the legislature for such actions as it determines necessary to enhance skills development and career education programs.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and a vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission or in the chairmanship or vice chairmanship shall be filled in the same manner in which the original appointment or designation was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of

the legislature for all purposes.

6. The commission may request and shall receive from any court, department, division, board, or bureau, commission, or agency of the state such assistance and data as will enable the commission properly to carry out its powers and duties thereunder.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this section.
* NB Repealed June 30, 2027

*** § 83-g. Legislative commission on solid waste management.** 1. (a) The legislature hereby finds that the improper landfilling of municipal and industrial waste presents a serious threat to the health and welfare of the people of the state and to the state's air, land and water resources; in particular, to the state's surface and groundwater, which constitute irreplaceable resources which are critical to public health and the general well being of the people of the state.

(b) The legislature also finds that due to the state's severely limited landfill capacity and due to the unacceptability of burying certain wastes, alternative technologies such as waste reduction, recycling and resource recovery are preferable to landfilling because they hold the potential to replace dwindling landfill capacity and thereby afford a higher degree of protection to the public health and environment of this state.

(c) The legislature further finds that the disposal of solid waste through the uncontrolled and improper use of such technologies as resource recovery may also cause public health and environmental problems and have therefore not been uniformly accepted by the public.

2. A legislative commission on solid waste management is hereby established: (a) to evaluate present solid waste management practices employed in New York state with particular attention to those areas of the state which are experiencing a severe shortage of landfill capacity; (b) to assess new technologies available for solid waste management and

to evaluate environmental and performance standards and criteria as may be proposed for such technologies; (c) to examine economic and legal impediments to the implementation of such technologies, including recommendations to mitigate such impediments; (d) to examine impacts to local communities in which solid waste management facilities are sited, including any incentives which may be offered to such communities in the process of siting such facilities; and (e) to make recommendation to the legislature for action it may determine is necessary to provide for the proper disposal of solid waste in New York state with specific recommendation for areas of the state experiencing a severe shortage of landfill capacity.

3. The commission shall consist of twelve members to be appointed as follows: four members of the senate shall be appointed by the temporary president of the senate; four members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. No member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives set forth in this section.

* NB Repealed June 30, 2027

*** § 83-h. Legislative commission on state-local relations.** 1. (a) The legislature hereby finds that a strong relationship between the state and its counties, cities, towns, villages, school districts and other units of government is central to the effective provision of government services for the benefit of the people of the state. This relationship encompasses state mandates on local governments to provide certain services and perform certain activities; state limits on the ability of local governments to provide services, raise revenue and incur debt; and state programs of assistance to relieve local governments of a portion of the responsibility for raising revenues to meet the costs of local services. Categorical programs of state assistance help local governments finance specific services of importance to the people of the state, while programs of state general purpose aid provide local governments with general assistance in meeting the costs of services, including state mandated activities.

(b) The legislature further finds that proposals to amend state categorical or general purpose assistance programs, to shift costs or responsibilities between the state and local governments, or to alter or impose local taxing, borrowing or spending limits should be evaluated in the context of all the various elements of state-local relations. The variation among local governments, including fiscal condition, local economy and demand for services, should be considered, and opportunities for intergovernmental cooperation and efficiencies should be identified.

2. A legislative commission on state-local relations is hereby established to examine, evaluate and make recommendations concerning the state's system of aid to localities, the division of state and local responsibilities, state mandates on local governments and limits on the ability of local governments to raise revenue, incur debt and manage resources. The commission shall make such recommendations as it may deem necessary to provide an equitable system of state aid to local governments, to encourage the most effective use of state and local resources, to preserve the fiscal integrity of both state and local governments and otherwise to strengthen the partnership between the state and its local governments.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and a vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission or in the chairmanship or vice chairmanship shall be filled in the same manner in which the original appointment or designation was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amounts made available therefor.

5. Employees of the commission shall be considered to be employees of

the legislature for all purposes.

6. The commission in addition to the above mentioned powers shall have all the powers and privileges of a legislative committee pursuant to this chapter.

7. For the accomplishment of its purpose, the commission shall be authorized and empowered to undertake any study, inquiry, survey, or analysis it may deem relevant through its own personnel in cooperation with or by agreement with any other public or private agency.

8. The commission may require and shall receive from any department, board, bureau, commission, authority, office, or other instrumentality of the state, and from any county, city, town or village of this state, such facilities, assistance, and data, as it deems necessary or desirable for proper execution of its powers and duties.

9. The commission may hold public or private hearings and shall have full powers to subpoena witnesses and all records or data it shall deem necessary or desirable pursuant to this chapter.

10. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

* NB Repealed June 30, 2027

*** § 83-i. Legislative commission on the development of rural resources.** 1. The legislature hereby finds and declares that the economic and social well-being of the people of the state is clearly related to the state's rural resources. The rural economy and environment contribute greatly to the quality and maintenance of life in New York state. Rural areas offer an important alternative to urban living. Agriculture, forestry, mineral extractions, tourism and recreation in rural areas constitute much of New York's agricultural base. New York's indispensable rural resources are decentralized, diverse and unique, and their enhancement and protection require special attention in view of their special characterization and needs. The legislature further finds that a commission is necessary to review and reassess state policies and programs and their impact upon rural resources and to make recommendations thereon to promote the enhancement and protection of such resources.

2. A legislative commission on the development of rural resources is hereby established (a) to examine the impact of rural resources upon the state's economy; (b) to review existing laws and regulations as they pertain to rural resources; (c) to assess the effect of state policies generally on rural areas; (d) to reassess the effectiveness of programs specifically addressed to rural resource needs and problems, such as agricultural districting, agricultural product promotion, maintenance of agricultural land, forest management, tax exemptions for agricultural and forest land, oil and gas regulation, and tourism and recreation; and (e) to make such recommendations to the legislature for action as it determines necessary for the enhancement and protection of the state's rural resources.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members as appointed, a senate chairman and an assembly chairman shall be appointed jointly by the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the chairmanships or other membership of the commission shall be filled in the same manner in which the original appointment was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as

it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings, and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any court, department, division, board, or bureau, commission, or agency of the state such assistance and data as will enable the commission properly to carry out its powers and duties hereunder.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purpose and objectives of this section.

* NB Repealed June 30, 2027

*** § 83-j. Legislative commission on the modernization and simplification of tax administration and the tax law.** 1. The legislature hereby finds and declares that the economic and social well-being of the people of the state is clearly related to the tax policies of the state government and the manner in which such policies are administered. The legislature further finds that no comprehensive review of the provisions of the tax law has been undertaken since the Mastick Commission and that since the time of that commission's last report, many significant changes have been made in the tax law, frequently in an uncoordinated manner, with results that are, in many instances, contrary to the principles of simplicity, ease of administration, fairness, and equity. Moreover, actions which have been taken by the federal government, significant court decisions, and changes in the nature of the American economy have had an impact on the operation and impact of the state tax system.

2. A legislative commission on the modernization and simplification of tax administration and the tax law is hereby established: (a) to review the tax law and the way in which it is administered to determine the effectiveness of such law and administration in achieving state policy goals, while achieving the traditional objectives of simplicity, fairness, ease of administration and equity; and (b) to make recommendations to the legislature for such actions as it determines necessary to the achievement of those goals and objectives.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and a vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission or in the chairmanship or vice chairmanship shall be filled in the same manner in which the original appointment or designation was made. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any court, department, division, board, or bureau, commission, or agency of the state such assistance and data as will enable the commission properly to carry out its powers and duties hereunder.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purpose and objectives of this section.

* NB Repealed June 30, 2027

*** § 83-k. Legislative commission on toxic substances and hazardous wastes.** 1. (a) The legislature hereby finds that New York state has initiated a massive clean up of inactive toxic waste dump sites; this program is unique in the nation and is highly complex, requiring a large commitment of public and private resources.

(b) The legislature further finds that efforts to prevent, in the first instance, the generation of toxic wastes must receive major new emphasis in the development and adoption of new technologies and manufacturing and production processes.

(c) The legislature further finds that New York's waste exchange program has been successful in directing wastes to a productive use, thereby reducing the volume of wastes requiring managed disposal, but that the potential exists for even greater quantities of waste to be recycled and reused.

(d) The legislature further finds that for those waste products which require disposal, carefully maintained facilities must be available to ensure that disposal protects our irreplaceable surface and ground water resources and the public health generally, while allowing for a continued viable economy.

(e) The legislature further finds that a strong and effective enforcement program is essential and the full cooperation and coordination of all state agencies involved in the state's overall hazardous waste prevention, control and clean up program are absolutely essential.

2. A legislative commission on toxic substances and hazardous wastes is hereby established to: (a) examine the adequacy and enforcement of state programs relating to all aspects of the prevention, control, disposal and clean up of toxic substances and hazardous wastes; (b) evaluate the quantity and types of toxic substances and hazardous wastes being generated in the state; (c) assess efforts to recycle, reuse and otherwise reduce the quantity of toxic substances and hazardous wastes requiring disposal; (d) examine emerging technologies for the safe management and disposal of toxic substances and hazardous wastes; (e) examine legal, regulatory and economic elements as they may relate to the development, testing and adaptation of such technologies; (f) address the feasibility of a joint public and private cooperative research and development effort on new methods for reducing the generation of toxic substances and for managing the disposal of hazardous wastes; (g) monitor the state's program to clean up existing hazardous waste disposal sites, estimate the continuing resources needed to sustain the effort and assess the feasibility and impact on the state, its municipalities and the private sector of any recommended means of funding continuing program needs; and (h) make recommendations to the legislature for such actions which the commission may determine are necessary to provide for any and all aspects of the state's program to reduce the generation of toxic substances, clean up existing hazardous waste sites and assure the safe, future disposal of toxic substances and hazardous wastes.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and vice chairman shall be designated by the joint action of the temporary

president of the senate and the speaker of the assembly. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. No member, officer or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives set forth in this section.

* NB Repealed June 30, 2027

*** § 83-l. Legislative commission on water resource needs of New York state and Long Island.** 1. The legislature hereby finds and declares that the state has the sovereign power to regulate and control the water resources of this state and an adequate and suitable water supply for water supply, domestic, municipal, industrial, agricultural and commercial uses, power, irrigation, transportation, fire protection, sewage and water assimilation, the growth of the forest, maintenance of fish and wildlife, recreational enjoyment and other uses is essential to the health, safety and welfare of the people and economic growth and prosperity of the state.

2. A legislative commission is hereby established: (a) to investigate and evaluate said reports; (b) to make recommendations for provisions to be made for the regulation and supervision of activities that deplete, defile, damage or otherwise adversely affect the waters of the state and the land resources associated therewith; (c) to determine where uncontaminated or virgin sources of water exist; and (d) to recommend legislative or administrative actions that are required to preserve and protect such resources for future use.

3. The commission shall consist of ten members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. Co-chairmen of the commission shall be designated by the temporary president of the senate and the speaker of the assembly respectively. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he forfeit any such office or employment by reason of his appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members

of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

5. Employees of the commission shall be considered to be employees of the legislature for all purposes.

6. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties.

7. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives set forth in this section.

* NB Repealed June 30, 2027

*** § 83-m. Legislative task force on demographic research and reapportionment.** 1. The legislature hereby finds and declares that: (a) there is a need for intensive and thorough legislative study, research and inquiry into the techniques and methodology to be used by the bureau of the census of the United States commerce department in carrying out the decennial federal census; (b) a technical plan will be needed to meet the requirements of a legislative timetable for a reapportionment of the senate and assembly districts and the congressional districts of the state based on such census; and (c) the task force herein continued is necessary to assist the legislature in the performance of its responsibilities and in the conduct of legislative research projects relating thereto.

2. The legislative task force on demographic research and reapportionment is hereby continued, consisting of six members of whom two shall be appointed by the temporary president of the senate, two by

the speaker of the assembly and one each by the minority leader of the senate and the minority leader of the assembly. The appointments shall be of members of the respective houses of the legislature, except that one member appointed by the temporary president of the senate and one member appointed by the speaker of the assembly shall not be members of the legislature. A member of the senate appointed to the task force by the temporary president of the senate and a member of the assembly appointed to the task force by the speaker of the assembly shall be designated by each to serve as the co-chairmen of the task force. Each member of the task force who is not a member of the legislature shall be entitled to receive actual and necessary expenses incurred in the discharge of his duties and shall be entitled to compensation as determined by the co-chairmen within the appropriations available therefor, except that such member, who is serving in such capacity in a transient, occasional and incidental manner, shall not be entitled to receive more than the actual and necessary expenses incurred in the discharge of his duties.

3. The task force shall engage in such research studies and other activities as its co-chairmen may deem necessary or appropriate in the preparation and formulation of a reapportionment plan for the next ensuing reapportionment of senate and assembly districts and congressional districts of the state and in the utilization of census and other demographic and statistical data for policy analysis, program development and program evaluation purposes for the legislature.

4. The co-chairmen of the task force may employ such personnel, experts and consultants as may be necessary for the performance of its work and shall fix their compensation within the amounts appropriated therefor.

5. The primary function of the task force shall be to compile and analyze data, conduct research for and make reports and recommendations to the legislature, legislative commissions and other legislative task forces.

6. The task force, with the approval of its co-chairmen and subject to

guidelines submitted by the co-chairmen and approved by the temporary president of the senate and speaker of the assembly, may sell surveys, data, copies of tabulations and other special statistical compilations and materials to departments, agencies and other entities of federal, state or local government, of foreign countries, and to public benefit corporations, or other public, not-for-profit and private persons and agencies, upon payment of fees at least sufficient to pay the actual or estimated cost of such projects. In furtherance of such sale, the task force, with the approval of its co-chairmen, may execute contracts for such purpose. Any contract executed heretofore by the task force or the advisory task force on reapportionment, without express statutory authorization, of a nature similar in import as the contract for sale herein authorized is hereby validated, ratified and confirmed as an exercise of the inherent power of such task force or such advisory task force to execute such contract. The co-chairmen shall take such action as shall be necessary to assure that any survey, data, tabulation, special statistical compilation or material made available for sale shall not identify the name of any corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity.

7. Moneys heretofore or hereafter received by or on behalf of the legislative task force on demographic research and reapportionment from the sale of surveys, data, copies of tabulations and other special statistical compilations and materials available to such task force shall be deposited to the credit of the legislative computer services fund established by section ninety-seven-uu of the state finance law. The moneys hereby credited to such fund may be made available for the legislative task force on demographic research and reapportionment and shall, when made available, be payable out of the state treasury on the audit and warrant of the comptroller in the manner provided by section ninety-seven-uu of the state finance law.

8. The co-chairmen of the task force are hereby authorized and empowered to make and sign any agreements in the name and on behalf of the task force and to do and perform any acts that may be necessary, desirable or proper to carry out the powers, purposes and objectives of

the task force and the provisions thereof.

9. The task force, with the approval of its co-chairmen, may complete any contract executed and conduct any business undertaken or commenced by the legislature or the advisory task force on reapportionment pertaining to or connected with the reapportionment and readjustment or alteration of senate and assembly and congressional districts prior to the enactment of these provisions into law, and the same shall be completed and conducted in the same manner and under the same terms and conditions and with the same effect as if completed and conducted by the legislature or such advisory task force.

10. The task force may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter.

11. The co-chairmen of the task force may request and receive from any court, department, division, board, bureau, commission or agency of the state or any political subdivision thereof such assistance and data as will enable the task force to properly carry out its powers and duties hereunder.

12. Employees of the task force shall be considered to be employees of the legislature for all purposes.

13. (a) The task force shall specify the form in which the department of corrections and community supervision shall provide such information required to be reported to the task force pursuant to subdivision eight of section seventy-one of the correction law.

(b) Upon receipt of such information for each incarcerated person subject to the jurisdiction of the department of corrections and community supervision, the task force shall determine the census block corresponding to the street address of each such person's residential address prior to incarceration (if any), and the census block corresponding to the street address of the correctional facility in which such person was held subject to the jurisdiction of such department. Until such time as the United States bureau of the census shall implement a policy of reporting each such incarcerated person at such person's residential address prior to incarceration, the task force shall use such data to develop a database in which all incarcerated persons shall be, where possible, allocated for redistricting purposes, such that each geographic unit reflects incarcerated populations at their respective residential addresses prior to incarceration rather than at the addresses of such correctional facilities. For all incarcerated persons whose residential address prior to incarceration was outside of the state, or for whom the task force cannot identify their prior residential address, and for all persons confined in a federal correctional facility on census day, the task force shall consider those persons to have been counted at an address unknown and persons at such unknown address shall not be included in such data set created pursuant to this paragraph. The task force shall develop and maintain such amended population data set and shall make such amended data set available to local governments, as defined in subdivision eight of section two of the municipal home rule law, and for the drawing of assembly and senate districts. The assembly and senate districts shall be drawn using such amended population data set.

(c) Notwithstanding any other provision of law, the information required to be provided pursuant to subdivision eight of section seventy-one of the correction law shall be treated as confidential and shall not be disclosed by the task force except as aggregated by census block for purpose specified in this subdivision.

* NB Repealed June 30, 2027

*** § 83-n. Legislative commission on the future of the Long Island Power Authority.** 1. The legislature hereby finds and declares that chapter 517 of the laws of 1986 created the Long Island Power Authority (LIPA). Said authority was created, in part, because the decisions by LILCO, the private utility that provided electricity to Long Island and part of Queens, "to commence construction of the Shoreham nuclear power plant and thereafter to continue such construction were imprudent". Further, the legislature found in chapter 517 of the laws of 1986 that "a situation threatening the economy, health and safety exists in the service area". One of the two express purposes of the act was the closure of the Shoreham nuclear power plant. In 1992, LIPA bought the

Shoreham nuclear power plant. The plant was fully decommissioned in 1994.

The second purpose of such chapter 517 was to replace LILCO with a publicly owned power authority. The legislature found that "There is a lack of confidence that the needs of the residents and of commerce and industry in the service area for electricity can be supplied in a reliable, efficient and economic manner by the Long Island lighting company (hereinafter referred to as "LILCO")" and "Such matters of state concern best can be dealt with by replacing such investor owned utility with a publicly owned power authority."

In 1995, LIPA replaced LILCO as the electric company for its service area. However, LIPA was never established as a true "publicly owned power authority" as originally envisioned by the State Legislature. Rather, since 1995, LIPA has opted for a third-party management model whereby LIPA contracts its responsibility to manage the utility to a private, investor owned utility company.

LIPA is the only utility in the nation that is operated under a third-party management model. This model has repeatedly failed its customers. There has been a lack of transparency, oversight, and accountability. This failure has been most dramatically evidenced in the unacceptable storm response by LIPA and its third-party contractors during Superstorm Sandy in 2012 and Tropical Storm Isaias in 2020.

After more than 25 years of unsatisfactory management under the third-party management model, a better alternative must be implemented. That inquiry must begin with the original intent of chapter 517 of the laws of 1986, whereby LIPA was to directly manage and operate the utility as a true public power utility. Initial investigations by LIPA after Tropical Storm Isaias in 2020-2021 indicate that both ratepayer savings and increased management efficiencies could be achieved through the public power model.

Consequently, it is the purpose of this section to implement the original vision for LIPA intended by chapter 517 of the laws of 1986, as a publicly owned power company. The legislature hereby creates a commission to provide the legislature with the specific actions, legislation, and timeline necessary to restructure LIPA into a true publicly owned power authority. The public must participate in that process so that the new LIPA becomes transparent with proper oversight and accountability. The legislative commission shall submit its final report to the legislature no later than November thirtieth, two thousand twenty-three.

2. A legislative commission is hereby established to investigate and report to the legislature on the establishment of a public power model for the operation of LIPA, whereby the authority would directly operate the utility as a true public power authority. The commission shall report to the legislature on the specific actions, legislation, and timeline necessary to restructure LIPA into a true publicly owned power authority. The commission shall consider: (a) the method of governance of the public authority; (b) improved transparency, accountability, and public involvement; (c) improved reliability of the system; (d) the impact on electric rates; (e) improved storm response; (f) the powers required by LIPA to more effectively operate the utility; (g) the oversight role of the department of public service and the public service commission over LIPA's operation; (h) the impact on existing bonded indebtedness; (i) improved long term energy planning; (j) compliance with the goals of the New York state climate leadership and community protection act; (k) increased reliance on renewable energy sources to produce electricity; (l) taxation and payments in lieu of taxes; (m) the special needs of communities that are or have been impacted by the siting of power generating facilities; and (n) any other matter relevant to the establishment of a public power model for the operation of LIPA. In its report to the legislature, the commission shall provide for the implementation of the public power model by LIPA no later than December thirty-first, two thousand twenty-five.

3. The commission shall consist of eight members to be appointed as follows: three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; one member of the senate shall

be appointed by the minority leader of the senate; and one member of the assembly shall be appointed by the minority leader of the assembly. Any vacancy that occurs in the commission shall be filled in the same manner in which the original appointment was made. Co-chairs of the commission shall be designated by the temporary president of the senate and the speaker of the assembly, respectively. No member, officer, or employee of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment hereunder, notwithstanding the provisions of any general, special, or local law, ordinance, or city charter.

4. The commission shall establish an advisory committee to actively assist and advise the commission in the preparation of the public power report required to be prepared pursuant to this section. The committee shall consist of not more than fifteen members which shall include but not be limited to representatives of organizations and institutions representing business, labor, local government, Indian nations and tribes, economic development, environmental, energy, social justice, consumer, civic, school districts or higher education interests. The committee by a majority vote shall elect a chairperson. The commission shall meet periodically with the advisory committee, make available working draft and other documents, and shall provide services to the advisory committee as are necessary and appropriate to carry out its functions under this section. Members of the advisory committee shall be residents of the service area.

5. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of the commission's functions and fix their compensation within the amount appropriated therefor. The commission may hold public and private hearings and otherwise have all of the powers of a legislative committee under this chapter. The members of the commission shall receive no compensation for their services, except as provided pursuant to section five-a of this chapter, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

6. Employees of the commission shall be considered to be employees of the legislature for all purposes.

7. The commission may request and shall receive from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof, including but not limited to the department of public service and the public service commission, such facilities, assistance and data as it deems necessary or desirable for the proper execution of its powers and duties. The office of the state comptroller may, at its discretion, provide to the commission such facilities, assistance, and data as may be requested by the commission.

8. The commission is hereby authorized and empowered to make and sign any agreements, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives set forth in this section.

9. The commission shall hold at least one public hearing with a public comment period in each of the counties comprising the service area of the Long Island Power Authority on the establishment of public power by September thirtieth, two thousand twenty-two and before issuing a draft report.

10. No later than May first, two thousand twenty-three, the commission shall issue a draft report to the members of the legislature regarding the establishment of a public power model for the Long Island Power Authority. The commission shall hold at least one public hearing with a public comment period in each of the counties comprising the service area of the Long Island Power Authority on the draft report no later than October first, two thousand twenty-three and before issuing a final report.

11. Within thirty days of the issuance of the commission's draft report, the comptroller shall have the discretion to review the draft report and issue to the legislature any recommendations relative to the findings contained in the draft report which relates to the

establishment of a public power model for the Long Island Power Authority.

12. No later than November thirtieth, two thousand twenty-three, the commission shall issue a final report to the members of the legislature regarding the establishment of a public power model for the Long Island Power Authority. Such report shall provide any legislation required to implement the public power model.

* NB This section survives the repeal of A5-A

ARTICLE 5-B

LEGISLATIVE REVIEW OF ADMINISTRATIVE REGULATIONS

§ 86. Administrative regulations review commission. There is hereby created an administrative regulations review commission to consist of two members of the senate to be appointed by the temporary president of the senate, two members of the assembly to be appointed by the speaker of the assembly, one member of the senate to be appointed by the minority leader of the senate and one member of the assembly to be appointed by the minority leader of the assembly. The temporary president of the senate and the speaker of the assembly shall each appoint a co-chairman from among the commission membership. Any vacancies shall be filled in the same manner as the original appointment. Such appointees shall serve at the pleasure of the respective legislative member making such appointment.

§ 87. Powers and duties. 1. The commission shall exercise continuous oversight of the process of rule making and examine rules, as defined in subdivision two of section one hundred two of the state administrative procedure act, adopted or proposed by each agency with respect to (i) statutory authority, (ii) compliance with legislative intent, (iii) impact on the economy and on the government operations of the state and its local governments, and (iv) impact on affected parties; and, in furtherance of such duties, may examine other issues it deems appropriate. For purpose of this article, the term agency shall mean any department, board, bureau, commission, division, office, council, committee or officer of the state or a public benefit corporation or public authority at least one of whose members is appointed by the governor.

2. The commission may employ such staff and retain such consultants and expert services as may be necessary and fix their compensation and expenses within the amounts appropriated therefor. Employment by the commission shall be deemed to be employment by the legislature for all purposes.

3. The commission shall have the power, subject to the provisions of section seventy-three of the civil rights law, to hold hearings, subpoena witnesses, administer oaths, take testimony and compel the production of books, papers, documents and other evidence in furtherance of its duties; provided, however, that no subpoena shall issue except upon the affirmative vote of a majority of the whole membership of the commission. The commission may request and shall receive from all agencies such assistance and data as will enable it properly to consummate any such examination, and review.

4. The commission shall be authorized to request and receive, from a state agency, all rulemaking notices, statements and analyses as provided for pursuant to the state administrative procedure act, data, rules, regulations and other information by electronic means as provided for by article three of the state technology law.

§ 88. Reports. The commission shall, from time to time, report its findings and recommendations to the governor, the temporary president of the senate and the speaker of the assembly, and to the members of the legislature, and may at any time make recommendations to an agency based upon its review of that agency's rule making process, or any of the agency's proposed, revised or adopted rules.

ARTICLE 6

INTERNAL CONTROL RESPONSIBILITIES OF THE STATE LEGISLATURE

§ 89. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Internal control". A process that integrates the activities, plans, attitudes, policies, systems, resources and efforts of the people of an organization working together, and that is designed to provide reasonable assurance that the organization will achieve its objectives and mission. The objectives of an internal control system include, but are not limited to: the safeguarding of assets; checking the accuracy and reliability of accounting data and financial reporting; promoting the effectiveness and efficiency of operations; ensuring compliance with applicable laws and regulations; and encouraging adherence to prescribed managerial policies. Internal control review processes are used periodically to evaluate the ongoing internal control system and to assess and monitor the implementation of necessary corrective actions.

2. "Internal audit". An appraisal activity established by the management of an organization for review of operations as a means of assuring conformance with management policies and the effectiveness of internal control, and conducted in conformance with generally accepted standards for internal auditing.

3. "Legislature". The legislature of the state of New York, including all components thereof as provided in subdivision two of section ninety of this chapter.

§ 90. Internal control responsibilities. 1. The senate and the assembly shall each:

a. establish and maintain by rule guidelines for a system of internal control; and

b. establish and maintain a system of internal control and a program of internal control review for their respective house.

2. In order to identify all the components of the legislature and their responsibilities for the purposes of implementing the provisions of this article, the temporary president of the senate and the speaker of the assembly shall jointly issue, and at their discretion, periodically revise a schedule which lists all components of each of their respective houses of the legislature. The temporary president of the senate and the speaker of the assembly may identify in a schedule components for which joint internal controls and internal control reviews will be established and maintained.

§ 91. Internal audit responsibilities. 1. The temporary president of the senate and the speaker of the assembly or their designees shall determine, and periodically review such determination of, whether an internal audit function within their respective house is required. Establishment of such function shall be based upon an evaluation of costs and benefits of implementation and other factors that are determined to be relevant. In the event it is determined that an internal audit function is required for one or both houses, the temporary president of the senate or the speaker of the assembly shall establish an internal audit function within the respective house which operates in accordance with generally accepted standards for internal auditing. Any such internal audit function shall be directed and shall report in a manner prescribed by the respective house. The internal audit function shall evaluate the respective house's internal controls, identify internal control weaknesses that have not been corrected and make recommendations to correct these weaknesses.

2. In the event the temporary president of the senate or the speaker of the assembly does not establish an internal audit function pursuant to subdivision one of this section he or she shall nevertheless establish and maintain the program of internal control review required by section ninety of this article.

§ 92. Independent audits. 1. At least once every three years, the independent certified public accountants selected pursuant to this section shall conduct audits of the internal controls of each house of the legislature. Such audits shall be performed in accordance with generally accepted government auditing standards and shall include a report on whether the respective house's internal controls are established and functioning in a manner that provides reasonable assurance that they meet the objectives of internal control as defined in section eighty-nine of this article. The report shall identify the internal controls both evaluated and not evaluated and shall identify internal control weaknesses that have not been corrected and actions that are recommended to correct these weaknesses. If any such internal control weaknesses are significant or material with respect to each house, the independent auditor shall so state. The temporary president of the senate and the speaker of the assembly shall make available to the public the results of such audits, including any related management letters. The temporary president and the speaker and any officer or employee of each house shall make available upon request to such independent certified public accountants all books and records relevant to such independent audits.

2. The temporary president of the senate and the speaker of the assembly shall request proposals from independent certified public accountants for audits of the internal controls of their respective house. The requests for proposals shall include a reference to the requirements for audits conducted pursuant to subdivision one of this section. The temporary president and the speaker shall select such independent auditors in accordance with a competitive procedure including an evaluation, based on quality and price factors, of those

proposals received in response to such requests for proposals.

ARTICLE 6-A
VETERANS INTERNSHIP PROGRAM
(V.I.P. NY)

Section 95. Veterans internship program (V.I.P. NY).

§ 95. Veterans internship program (V.I.P. NY). 1. There is hereby established within the legislature a veterans internship program (V.I.P. NY) to provide opportunities for veterans to participate in the assembly youth participation program and the senate student program. Such program shall award ten percent of available internships in the assembly youth participation program and the senate student program to eligible honorably discharged veterans. Veterans who are awarded internships pursuant to the V.I.P. NY program shall receive a stipend that is equivalent to the stipend awarded to graduate student participants in the assembly youth participation program and senate student program for a one semester internship.

2. To be eligible to participate in the V.I.P. NY program, a candidate shall:

(a) be honorably discharged from the armed forces of the United States;

(b) be unemployed or underemployed;

(c) have demonstrated an interest in future employment in public service, government or public policy; and

(d) submit an application for participation in the V.I.P. NY program to the senate or assembly. Such application shall be made in a manner and form as determined by the senate and the assembly.

3. In an effort to foster and encourage participation in the V.I.P. NY program, the assembly intern office and the senate intern office shall coordinate with each other and with county veterans' services agencies to identify and recruit eligible candidates.

ARTICLE 7

LAWS REPEALED; WHEN TO TAKE EFFECT

§ 100. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 101. When to take effect. This chapter shall take effect immediately.