

PROGRAM BILL # 9

S.

Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

PUBOFFLA

(Enacts the public integrity reform
act of 2011)

Pub Off. ethics reform 2011

AN ACT

in relation to establishing the
public integrity reform act of 2011;
to amend the public officers law, in
relation to the business or profes-
sional activities of state employ-
ees; to amend the executive law, in
relation to the commission on public
integrity; to amend the legislative
law, in relation to the legislative
ethics office; to amend the public
officers law, in relation to the
joint commission on public ethics;
and in relation to the transfer of
certain powers and duties to the

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a095 Jaffee	a038 Miller, M.	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a052 Millman	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a103 Molinaro	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a132 Morelle	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a039 Moya	a145 Schroeder
a040 Barron	a114 Duprey	a065 Kellner	a003 Murray	a064 Silver
a082 Benedetto	a004 Englebright	a100 Kirwan	a037 Nolan	a036 Simotas
a073 Bing	a071 Farrell	a129 Kolb	a128 Oaks	a146 Swardz
a122 Blankenbush	a123 Finch	a025 Lancman	a069 O'Donnell	a093 Spano
a055 Boyland	a007 Fitzpatrick	a091 Latimer	a051 Ortiz	a079 Stevenson
a008 Boyle	a137 Friend	a013 Lavine	a136 Palmesano	a011 Sweeney
a026 Braunstein	a143 Gabryszak	a050 Lentol	a088 Paulin	a110 Tedisco
a044 Brennan	a090 Galef	a125 Lifton	a141 Peoples-	a115 Tenney
a131 Bronson	a133 Gantt	a072 Linares	Stokes	a002 Thiele
a046 Brook-Krasny	a077 Gibson	a127 Lopez, P.	a058 Perry	a061 Titone
a147 Burling	a149 Giglio	a053 Lopez, V.	a087 Pretlow	a031 Titus
a117 Butler	a066 Glick	a001 Losquadro	a021 Ra	a062 Tobacco
a101 Cahill	a150 Goodell	a126 Lupardo	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a075 Gottfried	a111 Magee	a009 Raia	a020 Weisenberg
a043 Camara	a005 Graf	a120 Magnarelli	a006 Ramos	a024 Weprin
a106 Canestrari	a098 Gunther	a059 Maisel	a134 Reilich	a070 Wright
a089 Castelli	a130 Hanna	a060 Malliotakis	a109 Reilly	a094 Zebrowski
a086 Castro	a139 Hawley	a030 Markey	a078 Rivera, J.	a023
a138 Ceretto	a148 Hayes	a019 McDonough	a080 Rivera, N.	a027
a033 Clark	a083 Heastie	a104 McEneny	a076 Rivera, P.	a054
a047 Colton	a028 Hevesi	a017 McKevitt	a119 Roberts	a116
a010 Conte	a048 Hikind	a108 McLaughlin	a056 Robinson	
a032 Cook	a018 Hooper	a022 Meng	a068 Rodriguez	
a142 Corwin	a144 Hoyt	a121 Miller, D.	a067 Rosenthal	
a085 Crespo	a042 Jacobs	a102 Miller, J.	a118 Russell	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

joint commission on public ethics (Part A); to amend the legislative law, in relation to reports by lobbyists (Part B); to amend the retirement and social security law, in relation to pension forfeiture for certain public officials; and to amend the criminal procedure law, in relation to notice of entry of plea involving a public official (Part C); to amend the legislative law, in relation to the definition of lobbying and gifts (Part D); and to amend the election law, in relation to political communication, independent expenditure reporting, enforcement proceeding and penalties for violations (Part E)

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

1 Section 1. This act shall be known and may be cited as the "Public
2 Integrity Reform Act of 2011."

3 § 2. This act enacts into law major components of legislation which
4 are necessary to enact ethics reform. Each component is wholly
5 contained within a Part identified as Parts A through E. The effective
6 date for each particular provision contained within such Part is set
7 forth in the last section of such Part. Any provision in any section
8 contained within a Part, including the effective date of the Part, which
9 makes a reference to a section "of this act", when used in connection
10 with that particular component, shall be deemed to mean and refer to the
11 corresponding section of the Part in which it is found. Section four of
12 this act sets forth the general effective date of this act.

13

PART A

14 Section 1. Paragraph (a) of subdivision 1 of section 73 of the public
15 officers law, as amended by chapter 813 of the laws of 1987, is amended
16 to read as follows:

17 (a) The term "compensation" shall mean any money, thing of value or
18 financial benefit conferred in return for services rendered or to be
19 rendered. With regard to matters undertaken by a firm, corporation or
20 association, compensation shall mean net revenues, as defined in accord-
21 ance with generally accepted accounting principles as defined by the
22 [state] joint commission on public ethics [commission] or legislative
23 ethics [committee] commission in relation to persons subject to their
24 respective jurisdictions.

1 § 2. Subdivision 2 of section 73 of the public officers law, as
2 amended by chapter 813 of the laws of 1987, is amended to read as
3 follows:

4 2. In addition to the prohibitions contained in subdivision seven
5 [hereof] of this section, no statewide elected official, state officer
6 or employee, member of the legislature or legislative employee shall
7 receive, or enter into any agreement express or implied for, compen-
8 sation for services to be rendered in relation to any case, proceeding,
9 application, or other matter before any state agency, or any executive
10 order, or any legislation or resolution before the state legislature,
11 whereby his or her compensation is to be dependent or contingent upon
12 any action by such agency or legislature with respect to any license,
13 contract, certificate, ruling, decision, executive order, opinion, rate
14 schedule, franchise, legislation, resolution or other benefit; provided,
15 however, that nothing in this subdivision shall be deemed to prohibit
16 the fixing at any time of fees based upon the reasonable value of the
17 services rendered.

18 § 3. Paragraph (a) of subdivision 6 of section 73 of the public offi-
19 cers law, as amended by chapter 813 of the laws of 1987, is amended to
20 read as follows:

21 (a) Every legislative employee not subject to the provisions of
22 section seventy-three-a of this chapter shall, on and after December
23 fifteenth and before the following January fifteenth, in each year, file
24 with the [legislative] joint commission on public ethics [committee
25 established by section eighty of the legislative law] and the legisla-
26 tive ethics commission a financial disclosure statement of

27 (1) each financial interest, direct or indirect of himself, his spouse
28 and his unemancipated children under the age of eighteen years in any

1 activity which is subject to the jurisdiction of a regulatory agency or
2 name of the entity in which the interest is had and whether such inter-
3 est is over or under five thousand dollars in value.

4 (2) every office and directorship held by him in any corporation, firm
5 or enterprise which is subject to the jurisdiction of a regulatory agen-
6 cy, including the name of such corporation, firm or enterprise.

7 (3) any other interest or relationship which he determines in his
8 discretion might reasonably be expected to be particularly affected by
9 legislative action or in the public interest should be disclosed.

10 § 4. Every state agency, department, division, office, and board;
11 every public benefit corporation, public authority and commission at
12 least one of whose members is appointed by the governor; the state
13 university of New York and the city university of New York, including
14 all their constituent units except community colleges of the state
15 university of New York; and the independent institutions operating stat-
16 utory or contract colleges on behalf of the state, shall cooperate with
17 the office of general services and supply to that office on a schedule
18 and in a format determined by the office of general services in consul-
19 tation with such governmental bodies, a list of all individuals, firms,
20 or other entities (other than state or local governmental agencies) who
21 have appeared before such governmental body in a representative capacity
22 on behalf of a client or customer for purposes of: (a) procuring a state
23 contract for real property, goods or services for such client; (b)
24 representing such client or customer in a proceeding relating to rate
25 making; (c) representing such client in a regulatory matter; (d) repres-
26 enting such client or customer in a judicial or quasi-judicial proceed-
27 ing; or (e) representing such client or customer in the adoption or
28 repeal of a rule or regulation. The office of general services shall

1 create forms upon which such information shall be supplied and a data-
2 base which shall collect and systemize the collection of such informa-
3 tion. The office of general services shall make the database available
4 and accessible to members of the public on a webpage subject to statuto-
5 ry confidentiality restrictions, and shall ensure that the information
6 contained in the database is readily searchable and available for down-
7 load. The database shall be known as "project sunlight".

8 § 5. Section 73-a of the public officers law, as added by chapter 813
9 of the laws of 1987, paragraph (b) of subdivision 1 as amended by chap-
10 ter 283 of the laws of 1996, subparagraphs (ii) and (iii) of paragraph
11 (c) and paragraph (d) of subdivision 1, subparagraphs (v), (vi) and
12 (vii) of paragraph (a) and paragraphs (e) and (g) of subdivision 2,
13 paragraph 4, subparagraph (a) of paragraph 5, paragraphs 6, 9, 10, 11,
14 subparagraph (b) of paragraph 12, paragraphs 13, 14, 15, 16, 17, 18 and
15 19 of subdivision 3 and subdivision 4 as amended and paragraph (l) of
16 subdivision 1, subparagraph (viii) of paragraph (a) and paragraph (j) of
17 subdivision 2 and the third and fourth undesignated paragraphs of para-
18 graph 3 of subdivision 3 as added by chapter 242 of the laws of 1989, is
19 amended to read as follows:

20 § 73-a. Financial disclosure. 1. As used in this section:

21 (a) The term "statewide elected official" shall mean the governor,
22 lieutenant governor, comptroller, or attorney general.

23 (b) The term "state agency" shall mean any state department, or divi-
24 sion, board, commission, or bureau of any state department, any public
25 benefit corporation, public authority or commission at least one of
26 whose members is appointed by the governor, or the state university of
27 New York or the city university of New York, including all their
28 constituent units except community colleges of the state university of

1 New York and the independent institutions operating statutory or
2 contract colleges on behalf of the state.

3 (c) The term "state officer or employee" shall mean:

4 (i) heads of state departments and their deputies and assistants;

5 (ii) officers and employees of statewide elected officials, officers
6 and employees of state departments, boards, bureaus, divisions, commis-
7 sions, councils or other state agencies, who receive annual compensation
8 in excess of the filing rate established by paragraph (1) of this subdivi-
9 sion or who hold policy-making positions, as annually determined by
10 the appointing authority and set forth in a written instrument which
11 shall be filed with the [state] joint commission on public ethics
12 [commission] established by section ninety-four of the executive law
13 during the month of February, provided, however, that the appointing
14 authority shall amend such written instrument after such date within
15 thirty days after the undertaking of policy-making responsibilities by a
16 new employee or any other employee whose name did not appear on the most
17 recent written instrument; and

18 (iii) members or directors of public authorities, other than multi-
19 state authorities, public benefit corporations and commissions at least
20 one of whose members is appointed by the governor, and employees of such
21 authorities, corporations and commissions who receive annual compen-
22 sation in excess of the filing rate established by paragraph (1) of this
23 subdivision or who hold policy-making positions, as determined annually
24 by the appointing authority and set forth in a written instrument which
25 shall be filed with the [state] joint commission on public ethics
26 [commission] established by section ninety-four of the executive law
27 during the month of February, provided, however, that the appointing
28 authority shall amend such written instrument after such date within

1 thirty days after the undertaking of policy-making responsibilities by a
2 new employee or any other employee whose name did not appear on the most
3 recent written instrument.

4 (d) The term "legislative employee" shall mean any officer or employee
5 of the legislature who receives annual compensation in excess of the
6 filing rate established by paragraph (1) below or who is determined to
7 hold a policy-making position by the appointing authority as set forth
8 in a written instrument which shall be filed with the legislative ethics
9 commission and the joint commission on public ethics [committee estab-
10 lished by section eighty of the legislative law].

11 (d-1) A financial disclosure statement required pursuant to section
12 seventy-three of this article and this section shall be deemed "filed"
13 with the joint commission on public ethics upon its filing, in accord-
14 ance with this section, with the legislative ethics commission for all
15 purposes including, but not limited to, subdivision fourteen of section
16 ninety-four of the executive law, subdivision nine of section eighty of
17 the legislative law and subdivision four of this section.

18 (e) The term "spouse" shall mean the husband or wife of the reporting
19 individual unless living separate and apart from the reporting individ-
20 ual with the intention of terminating the marriage or providing for
21 permanent separation or unless separated pursuant to: (i) a judicial
22 order, decree or judgment, or (ii) a legally binding separation agree-
23 ment.

24 (f) The term "relative" shall mean such individual's spouse, child,
25 stepchild, stepparent, or any person who is a direct descendant of the
26 grandparents of the reporting individual or of the reporting individ-
27 ual's spouse.

1 (g) The term "unemancipated child" shall mean any son, daughter, step-
2 son or stepdaughter who is under age eighteen, unmarried and living in
3 the household of the reporting individual.

4 (h) The term "political party chairman" shall have the same meaning as
5 ascribed to such term by subdivision one of section seventy-three of
6 this [chapter] article.

7 (i) The term "local agency" shall mean:

8 (i) any county, city, town, village, school district or district
9 corporation, or any agency, department, division, board, commission or
10 bureau thereof; and

11 (ii) any public benefit corporation or public authority not included
12 in the definition of a state agency.

13 (j) The term "regulatory agency" shall have the same meaning as
14 ascribed to such term by subdivision one of section seventy-three of
15 this [chapter] article.

16 (k) The term "ministerial matter" shall have the same meaning as
17 ascribed to such term by subdivision one of section seventy-three of
18 this [chapter] article.

19 (l) The term "filing rate" shall mean the job rate of SG-24 as set
20 forth in paragraph a of subdivision one of section one hundred thirty of
21 the civil service law as of April first of the year in which an annual
22 financial disclosure statement shall be filed.

23 (m) The term "lobbyist" shall have the same meaning as ascribed to
24 such term in subdivision (a) of section one-c of the legislative law.

25 2. (a) Every statewide elected official, state officer or employee,
26 member of the legislature, legislative employee and political party
27 chairman and every candidate for statewide elected office or for member
28 of the legislature shall file an annual statement of financial disclo-

1 sure containing the information and in the form set forth in subdivision
2 three [hereof] of this section. [Such statement shall be filed on or
3 before the fifteenth day of May with respect to the preceding calendar
4 year, except that] On or before the fifteenth day of May with respect to
5 the preceding calendar year: (1) every member of the legislature, every
6 candidate for member of the legislature and legislative employee shall
7 file such statement with the legislative ethics commission which shall
8 provide such statement along with any requests for exemptions or
9 deletions to the joint commission on public ethics for filing and
10 rulings with respect to such requests for exemptions or deletions, on or
11 before the thirtieth day of June; and (2) all other individuals required
12 to file such statement shall file it with the joint commission on public
13 ethics, except that:

14 (i) a person who is subject to the reporting requirements of this
15 subdivision and who timely filed with the internal revenue service an
16 application for automatic extension of time in which to file his or her
17 individual income tax return for the immediately preceding calendar or
18 fiscal year shall be required to file such financial disclosure state-
19 ment on or before May fifteenth but may, without being subjected to any
20 civil penalty on account of a deficient statement, indicate with respect
21 to any item of the disclosure statement that information with respect
22 thereto is lacking but will be supplied in a supplementary statement of
23 financial disclosure, which shall be filed on or before the seventh day
24 after the expiration of the period of such automatic extension of time
25 within which to file such individual income tax return, provided that
26 failure to file or to timely file such supplementary statement of finan-
27 cial disclosure or the filing of an incomplete or deficient supplementa-
28 ry statement of financial disclosure shall be subject to the notice and

1 penalty provisions of this section respecting annual statements of
2 financial disclosure as if such supplementary statement were an annual
3 statement;

4 (ii) a person who is required to file an annual financial disclosure
5 statement with the [state] joint commission on public ethics [commission
6 or with the legislative ethics committee], and who is granted an addi-
7 tional period of time within which to file such statement due to justi-
8 fiable cause or undue hardship, in accordance with required rules and
9 regulations on the subject adopted pursuant to paragraph c of subdivi-
10 sion nine of section ninety-four of the executive law [or pursuant to
11 paragraph c of subdivision eight of section eighty of the legislative
12 law,] shall file such statement within the additional period of time
13 granted; and the legislative ethics commission shall notify the joint
14 commission on public ethics of any extension granted pursuant to this
15 paragraph;

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

20 (iv) candidates for statewide office who receive twenty-five percent
21 or more of the vote cast at the meeting of the state committee held
22 pursuant to section 6-104 of the election law and who demand to have
23 their names placed on the primary ballot and who do not withdraw within
24 fourteen days after such meeting shall file such statement within
25 [seven] ten days after the last day to withdraw their names in accord-
26 ance with the provisions of such section of the election law;

27 (v) candidates for statewide office and candidates for member of the
28 legislature who file party designating petitions for nomination at a

1 primary election shall file such statement within [seven] ten days after
2 the last day allowed by law for the filing of party designating
3 petitions naming them as candidates for the next succeeding primary
4 election;

5 (vi) candidates for independent nomination who have not been desig-
6 nated by a party to receive a nomination shall file such statement with-
7 in [seven] ten days after the last day allowed by law for the filing of
8 independent nominating petitions naming them as candidates in the next
9 succeeding general or special election;

10 (vii) candidates who receive the nomination of a party for a special
11 election shall file such statement within [seven] ten days after the
12 date of the meeting of the party committee at which they are nominated;
13 [and]

14 (viii) a candidate substituted for another candidate, who fills a
15 vacancy in a party designation or in an independent nomination, caused
16 by declination, shall file such statement within [seven] ten days after
17 the last day allowed by law to file a certificate to fill a vacancy in
18 such party designation or independent nomination[.];

19 (ix) with respect to all candidates for member of the legislature, the
20 legislative ethics commission shall within five days of receipt provide
21 the joint commission on public ethics the statement filed pursuant to
22 subparagraphs (v), (vi), (vii) and (viii) of this paragraph.

23 (b) As used in this subdivision, the terms "party", "committee" (when
24 used in conjunction with the term "party"), "designation", "primary",
25 "primary election", "nomination", "independent nomination" and "ballot"
26 shall have the same meanings as those contained in section 1-104 of the
27 election law.

1 (c) If the reporting individual is a senator or member of assembly,
2 candidate for the senate or member of assembly or a legislative employ-
3 ee, such statement shall be filed with both the legislative ethics
4 [committee] commission established by section eighty of the legislative
5 law and the joint commission on public ethics in accordance with para-
6 graph (d-1) of subdivision one of this section. If the reporting indi-
7 vidual is a statewide elected official, candidate for statewide elected
8 office, a state officer or employee or a political party chairman, such
9 statement shall be filed with the [state] joint commission on public
10 ethics [commission] established by section ninety-four of the executive
11 law.

12 (d) The [legislative ethics committee and the state] joint commission
13 on public ethics [commission] shall obtain from the state board of
14 elections a list of all candidates for statewide office and for member
15 of the legislature, and from such list, shall determine and publish a
16 list of those candidates who have not, within ten days after the
17 required date for filing such statement, filed the statement required by
18 this subdivision.

19 (e) Any person required to file such statement who commences employ-
20 ment after May fifteenth of any year and political party chairman shall
21 file such statement within thirty days after commencing employment or of
22 taking the position of political party chairman, as the case may be. In
23 the case of members of the legislature and legislative employees, such
24 statements shall be filed with the legislative ethics commission within
25 thirty days after commencing employment, and the legislative ethics
26 commission shall provide such statements to the joint commission on
27 public ethics within forty-five days of receipt.

1 (f) A person who may otherwise be required to file more than one annu-
2 al financial disclosure statement with both the [state ethics commis-
3 sion] joint commission on public ethics and the legislative ethics
4 [committee] commission in any one calendar year may satisfy such
5 requirement by filing one such statement with either body and by notify-
6 ing the other body of such compliance.

7 (g) A person who is employed in more than one employment capacity for
8 one or more employers certain of whose officers and employees are
9 subject to filing a financial disclosure statement with the same ethics
10 commission [or ethics committee], as the case may be, and who receives
11 distinctly separate payments of compensation for such employment shall
12 be subject to the filing requirements of this section if the aggregate
13 annual compensation for all such employment capacities is in excess of
14 the filing rate notwithstanding that such person would not otherwise be
15 required to file with respect to any one particular employment capacity.
16 A person not otherwise required to file a financial disclosure statement
17 hereunder who is employed by an employer certain of whose officers or
18 employees are subject to filing a financial disclosure statement with
19 the [state ethics] joint commission on public ethics and who is also
20 employed by an employer certain of whose officers or employees are
21 subject to filing a financial disclosure statement with the legislative
22 ethics [committee] commission shall not be subject to filing such state-
23 ment with either such commission [or such committee] on the basis that
24 his aggregate annual compensation from all such employers is in excess
25 of the filing rate.

26 (h) A statewide elected official or member of the legislature, who is
27 simultaneously a candidate for statewide elected office or member of the
28 legislature, shall satisfy the filing deadline requirements of this

1 subdivision by complying only with the deadline applicable to one who
2 holds a statewide elected office or who holds the office of member of
3 the legislature.

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

9 (j) A member of the legislature who is elected to such office at a
10 special election prior to May fifteenth in any year shall satisfy the
11 filing requirements of this subdivision in such year by complying with
12 the earliest applicable deadline only.

13 (k) The joint commission on public ethics shall post for at least five
14 years beginning for filings made on January first, two thousand thirteen
15 the annual statement of financial disclosure and any amendments filed by
16 each person subject to the reporting requirements of this subdivision
17 who is an elected official on its website for public review within thir-
18 ty days of its receipt of such statement or within ten days of its
19 receipt of such amendment that reflects any corrections of deficiencies
20 identified by the commission or by the reporting individual after the
21 reporting individual's initial filing. Except upon an individual deter-
22 mination by the commission that certain information may be deleted from
23 a reporting individual's annual statement of financial disclosure, none
24 of the information in the statement posted on the commission's website
25 shall be otherwise deleted.

26 3. The annual statement of financial disclosure shall contain the
27 information and shall be in the form set forth hereinbelow:

1 ANNUAL STATEMENT OF FINANCIAL DISCLOSURE - (For calendar year _____)

2 1. Name _____

3 2. (a) Title of Position _____

4 (b) Department, Agency or other Governmental Entity _____

5 (c) Address of Present Office _____

6 (d) Office Telephone Number _____

7 3. (a) Marital Status _____. If married, please give spouse's
8 full name including maiden name where applicable.

9 _____

10 (b) List the names of all unemancipated children.

11 _____
12 _____
13 _____
14 _____
15 _____

16 Answer each of the following questions completely, with respect to
17 calendar year _____, unless another period or date is otherwise
18 specified. If additional space is needed, attach additional pages.

19 Whenever a "value" or "amount" is required to be reported herein, such
20 value or amount shall be reported as being within one of the following
21 Categories in Table I or Table II of this subdivision as called for in
22 the question: [Category A - under \$5,000; Category B - \$5,000 to under
23 \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to

1 under \$100,000; Category E - \$100,000 to under \$250,000; and Category F
 2 - \$250,000 or over.] A reporting individual shall indicate the Category
 3 by letter only.

4 Whenever "income" is required to be reported herein, the term "income"
 5 shall mean the aggregate net income before taxes from the source identi-
 6 fied.

7 The term "calendar year" shall mean the year ending the December 31st
 8 preceding the date of filing of the annual statement.

9 4. (a) List any office, trusteeship, directorship, partnership, or
 10 position of any nature, whether compensated or not, held by the
 11 reporting individual with any firm, corporation, association, part-
 12 nership, or other organization other than the State of New York.
 13 Include compensated honorary positions; do NOT list membership or
 14 uncompensated honorary positions. If the listed entity was licensed
 15 by any state or local agency, was regulated by any state regulatory
 16 agency or local agency, or, as a regular and significant part of the
 17 business or activity of said entity, did business with, or had
 18 matters other than ministerial matters before, any state or local
 19 agency, list the name of any such agency.

20	State or		
21	Position	Organization	Local Agency
22	<hr/>		
23	<hr/>		
24	<hr/>		

1 _____
 2 _____

3 (b) List any office, trusteeship, directorship, partnership, or position
 4 of any nature, whether compensated or not, held by the spouse or
 5 unemancipated child of the reporting individual, with any firm,
 6 corporation, association, partnership, or other organization other
 7 than the State of New York. Include compensated honorary positions;
 8 do NOT list membership or uncompensated honorary positions. If the
 9 listed entity was licensed by any state or local agency, was regu-
 10 lated by any state regulatory agency or local agency, or, as a regu-
 11 lar and significant part of the business or activity of said entity,
 12 did business with, or had matters other than ministerial matters
 13 before, any state or local agency, list the name of any such agency.

14			State or
15	Position	Organization	Local Agency
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____

21 5. (a) List the name, address and description of any occupation,
 22 employment (other than the employment listed under Item 2 above),
 23 trade, business or profession engaged in by the reporting individ-
 24 ual. If such activity was licensed by any state or local agency, was

1 regulated by any state regulatory agency or local agency, or, as a
 2 regular and significant part of the business or activity of said
 3 entity, did business with, or had matters other than ministerial
 4 matters before, any state or local agency, list the name of any such
 5 agency.

	Name & Address		State or Local
8	Position of Organization	Description	Agency
9	<hr/>		
10	<hr/>		
11	<hr/>		
12	<hr/>		
13	<hr/>		

14 (b) If the spouse or unemancipated child of the reporting individual was
 15 engaged in any occupation, employment, trade, business or profession
 16 which activity was licensed by any state or local agency, was regu-
 17 lated by any state regulatory agency or local agency, or, as a regu-
 18 lar and significant part of the business or activity of said entity,
 19 did business with, or had matters other than ministerial matters
 20 before, any state or local agency, list the name, address and
 21 description of such occupation, employment, trade, business or
 22 profession and the name of any such agency.

23 State or

1	Name & Address		Local
2	Position	of Organization	Description
			Agency
3	<hr/>		
4	<hr/>		
5	<hr/>		
6	<hr/>		
7	<hr/>		

8 6. List any interest, in EXCESS of \$1,000, held by the reporting indi-
9 vidual, such individual's spouse or unemancipated child, or partner-
10 ship of which any such person is a member, or corporation, 10% or
11 more of the stock of which is owned or controlled by any such
12 person, whether vested or contingent, in any contract made or
13 executed by a state or local agency and include the name of the
14 entity which holds such interest and the relationship of the report-
15 ing individual or such individual's spouse or such child to such
16 entity and the interest in such contract. Do NOT include bonds and
17 notes. Do NOT list any interest in any such contract on which final
18 payment has been made and all obligations under the contract except
19 for guarantees and warranties have been performed, provided, howev-
20 er, that such an interest must be listed if there has been an ongo-
21 ing dispute during the calendar year for which this statement is
22 filed with respect to any such guarantees or warranties. Do NOT list
23 any interest in a contract made or executed by a local agency after
24 public notice and pursuant to a process for competitive bidding or a
25 process for competitive requests for proposals.

1	Entity	Relationship	Contracting	Category
2	Self,	Which Held	to Entity	State or
3	Spouse or	Interest in	and Interest	Local
4	Child	Contract	in Contract	Agency
5				Value of Contract <u>(In Table II)</u>

6 _____

7 _____

8 _____

9 _____

10 _____

11 7. List any position the reporting individual held as an officer of any

12 political party or political organization, as a member of any poli-

13 tical party committee, or as a political party district leader. The

14 term "party" shall have the same meaning as "party" in the election

15 law. The term "political organization" means any party or independ-

16 ent body as defined in the election law or any organization that is

17 affiliated with or a subsidiary of a party or independent body.

18 _____

19 _____

20 _____

21 _____

22 _____

1 8. (a) If the reporting individual practices law, is licensed by the
2 department of state as a real estate broker or agent or practices a
3 profession licensed by the department of education, or works as a
4 member or employee of a firm required to register pursuant to
5 section one-e of the legislative law as a lobbyist, give a general
6 description of the principal subject areas of matters undertaken by
7 such individual. Additionally, if such an individual practices with
8 a firm or corporation and is a partner or shareholder of the firm or
9 corporation, give a general description of principal subject areas
10 of matters undertaken by such firm or corporation. [Do not list the
11 name of the individual clients, customers or patients.]

12 _____
13 _____
14 _____
15 _____
16 _____

17 (b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE
18 PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS
19 FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT
20 ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

21 If the reporting individual personally provides services to any person
22 or entity, or works as a member or employee of a partnership or corpo-
23 ration that provides such services (referred to hereinafter as a
24 "firm"), then identify each client or customer to whom the reporting
25 individual personally provided services, or who was referred to the firm
26 by the reporting individual, and from whom the reporting individual or

1 his or her firm earned fees in excess of \$10,000 during the reporting
2 period for such services rendered in direct connection with:

3 (i) A proposed bill or resolution in the senate or assembly during the
4 reporting period;

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

7 (iii) A grant of \$25,000 or more from the state or any state agency
8 during the reporting period;

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

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

13 For purposes of this question, "referred to the firm" shall mean:
14 having intentionally and knowingly taken a specific act or series of
15 acts to intentionally procure for the reporting individual's firm or
16 knowingly solicit or direct to the reporting individual's firm in whole
17 or substantial part, a person or entity that becomes a client of that
18 firm for the purposes of representation for a matter as defined in
19 subparagraphs (i) through (v) of this paragraph, as the result of such
20 procurement, solicitation or direction of the reporting individual. A
21 reporting individual need not disclose activities performed while
22 lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivi-
23 sion seven of section seventy-three of this article.

24 The disclosure requirement in this question shall not require disclo-
25 sure of clients or customers receiving medical or dental services,
26 mental health services, residential real estate brokering services, or
27 insurance brokering services from the reporting individual or his or her
28 firm. The reporting individual need not identify any client to whom he

1 or she or his or her firm provided legal representation with respect to
 2 investigation or prosecution by law enforcement authorities, bankruptcy,
 3 or domestic relations matters. With respect to clients represented in
 4 other matters, where disclosure of a client's identity is likely to
 5 cause harm, the reporting individual shall request an exemption from the
 6 joint commission pursuant to paragraph (i) of subdivision nine of
 7 section ninety-four of the executive law. Only a reporting individual
 8 who first enters public office after July first, two thousand twelve,
 9 need not report clients or customers with respect to matters for which
 10 the reporting individual or his or her firm was retained prior to enter-
 11 ing public office.

12 <u>Client</u>	<u>Nature of Services Provided</u>
13	
14	
15	
16	
17	

18 (c) List the name, principal address and general description or the
 19 nature of the business activity of any entity in which the reporting
 20 individual or such individual's spouse had an investment in excess of
 21 \$1,000 excluding investments in securities and interests in real proper-
 22 ty.

23 _____
 24 _____
 25 _____

1 _____
 2 _____

3 9. List each source of gifts, EXCLUDING campaign contributions, in
 4 EXCESS of \$1,000, received during the reporting period for which
 5 this statement is filed by the reporting individual or such individ-
 6 ual's spouse or unemancipated child from the same donor, EXCLUDING
 7 gifts from a relative. INCLUDE the name and address of the donor.
 8 The term "gifts" does not include reimbursements, which term is
 9 defined in item 10. Indicate the value and nature of each such
 10 gift.

11				Category
12	Self,			of
13	Spouse or	Name of	Nature	Value of
14	Child	Donor	Address	of Gift
15				Gift

(In Table I)

16 _____
 17 _____
 18 _____
 19 _____
 20 _____

21 10. Identify and briefly describe the source of any reimbursements for
 22 expenditures, EXCLUDING campaign expenditures and expenditures in
 23 connection with official duties reimbursed by the state, in EXCESS
 24 of \$1,000 from each such source. For purposes of this item, the term

1 "reimbursements" shall mean any travel-related expenses provided by
 2 nongovernmental sources and for activities related to the reporting
 3 individual's official duties such as, speaking engagements, confer-
 4 ences, or factfinding events. The term "reimbursements" does NOT
 5 include gifts reported under item 9.

6	Source	Description
7		
8		
9		
10		
11		

12 11. List the identity and value, if reasonably ascertainable, of each
 13 interest in a trust, estate or other beneficial interest, including
 14 retirement plans (other than retirement plans of the state of New
 15 York or the city of New York), and deferred compensation plans
 16 (e.g., 401, 403(b), 457, etc.) established in accordance with the
 17 internal revenue code, in which the REPORTING INDIVIDUAL held a
 18 beneficial interest in EXCESS of \$1,000 at any time during the
 19 preceding year. Do NOT report interests in a trust, estate or other
 20 beneficial interest established by or for, or the estate of, a rela-
 21 tive.

22 Category
 23 Identity of Value*
 24 (In Table II)

1 _____
2 _____
3 _____
4 _____
5 _____

6 * The value of such interest shall be reported only if reasonably
7 ascertainable.

8 12. (a) Describe the terms of, and the parties to, any contract, prom-
9 ise, or other agreement between the reporting individual and any
10 person, firm, or corporation with respect to the employment of such
11 individual after leaving office or position (other than a leave of
12 absence).

13 _____
14 _____
15 _____
16 _____
17 _____

18 (b) Describe the parties to and the terms of any agreement providing
19 for continuation of payments or benefits to the REPORTING INDIVIDUAL
20 in EXCESS of \$1,000 from a prior employer OTHER THAN the State.
21 (This includes interests in or contributions to a pension fund,
22 profit-sharing plan, or life or health insurance; buy-out agree-
23 ments; severance payments; etc.)

1 _____

2 _____

3 _____

4 _____

5 _____

6 13. List below the nature and amount of any income in EXCESS of \$1,000
7 from EACH SOURCE for the reporting individual and such individual's
8 spouse for the taxable year last occurring prior to the date of
9 filing. Nature of income includes, but is not limited to, all
10 income (other than that received from the employment listed under
11 Item 2 above) from compensated employment whether public or private,
12 directorships and other fiduciary positions, contractual arrange-
13 ments, teaching income, partnerships, honorariums, lecture fees,
14 consultant fees, bank and bond interest, dividends, income derived
15 from a trust, real estate rents, and recognized gains from the sale
16 or exchange of real or other property. Income from a business or
17 profession and real estate rents shall be reported with the source
18 identified by the building address in the case of real estate rents
19 and otherwise by the name of the entity and not by the name of the
20 individual customers, clients or tenants, with the aggregate net
21 income before taxes for each building address or entity. The
22 receipt of maintenance received in connection with a matrimonial
23 action, alimony and child support payments shall not be listed.

24 Self/ Category
25 Spouse Source Nature of Amount
26 (In Table I)

1 _____

2 _____

3 _____

4 _____

5 _____

6 14. List the sources of any deferred income (not retirement income) in
 7 EXCESS of \$1,000 from each source to be paid to the reporting indi-
 8 vidual following the close of the calendar year for which this
 9 disclosure statement is filed, other than deferred compensation
 10 reported in item 11 hereinabove. Deferred income derived from the
 11 practice of a profession shall be listed in the aggregate and shall
 12 identify as the source, the name of the firm, corporation, partner-
 13 ship or association through which the income was derived, but shall
 14 not identify individual clients.

15 Category

16 Source of Amount

17 (In Table I)

18 _____

19 _____

20 _____

21 _____

22 _____

23 15. List each assignment of income in EXCESS of \$1,000, and each trans-
 24 fer other than to a relative during the reporting period for which

1 this statement is filed for less than fair consideration of an
 2 interest in a trust, estate or other beneficial interest, securities
 3 or real property, by the reporting individual, in excess of \$1,000,
 4 which would otherwise be required to be reported herein and is not
 5 or has not been so reported.

6	Item Assigned	Assigned or	Category
7	or Transferred	Transferred to	of Value
8			<u>(In Table I)</u>

9	_____
10	_____
11	_____
12	_____
13	_____

14 16. List below the type and market value of securities held by the
 15 reporting individual or such individual's spouse from each issuing
 16 entity in EXCESS of \$1,000 at the close of the taxable year last
 17 occurring prior to the date of filing, including the name of the
 18 issuing entity exclusive of securities held by the reporting indi-
 19 vidual issued by a professional corporation. Whenever an interest in
 20 securities exists through a beneficial interest in a trust, the
 21 securities held in such trust shall be listed ONLY IF the reporting
 22 individual has knowledge thereof except where the reporting individ-
 23 ual or the reporting individual's spouse has transferred assets to
 24 such trust for his or her benefit in which event such securities
 25 shall be listed unless they are not ascertainable by the reporting

1 individual because the trustee is under an obligation or has been
2 instructed in writing not to disclose the contents of the trust to
3 the reporting individual. Securities of which the reporting individ-
4 ual or the reporting individual's spouse is the owner of record but
5 in which such individual or the reporting individual's spouse has no
6 beneficial interest shall not be listed. Indicate percentage of
7 ownership ONLY if the reporting person or the reporting person's
8 spouse holds more than five percent (5%) of the stock of a corpo-
9 ration in which the stock is publicly traded or more than ten
10 percent (10%) of the stock of a corporation in which the stock is
11 NOT publicly traded. Also list securities owned for investment
12 purposes by a corporation more than fifty percent (50%) of the stock
13 of which is owned or controlled by the reporting individual or such
14 individual's spouse. For the purpose of this item the term "securi-
15 ties" shall mean mutual funds, bonds, mortgages, notes, obligations,
16 warrants and stocks of any class, investment interests in limited or
17 general partnerships and certificates of deposits (CDs) and such
18 other evidences of indebtedness and certificates of interest as are
19 usually referred to as securities. The market value for such secu-
20 rities shall be reported only if reasonably ascertainable and shall
21 not be reported if the security is an interest in a general partner-
22 ship that was listed in item 8 (a) or if the security is corporate
23 stock, NOT publicly traded, in a trade or business of a reporting
24 individual or a reporting individual's spouse.

25 Percentage
26 of corporate
27 stock owned

1			or controlled	Category of
2			(if more than	Market Value
3			5% of pub-	as of the close
4			licly traded	of the
5			stock, or	taxable year
6			more than	last occurring
7			10% if stock	prior to
8	Self/	Issuing	not publicly	the filing of
9	Spouse	Entity	traded, is held)	this statement
10				<u>(In Table II)</u>

11 _____

12 _____

13 _____

14 _____

15 _____

16 17. List below the location, size, general nature, acquisition date,
 17 market value and percentage of ownership of any real property in
 18 which any vested or contingent interest in EXCESS of \$1,000 is held
 19 by the reporting individual or the reporting individual's spouse.
 20 Also list real property owned for investment purposes by a corpo-
 21 ration more than fifty percent (50%) of the stock of which is owned
 22 or controlled by the reporting individual or such individual's
 23 spouse. Do NOT list any real property which is the primary or
 24 secondary personal residence of the reporting individual or the
 25 reporting individual's spouse, except where there is a co-owner who
 26 is other than a relative.

1							Category
2	Self/					Percentage	of
3	Spouse/			General	Acquisition	of	Market
4	Corporation	Location	Size	Nature	Date	Ownership	Value
5							<u>(In</u>
6							<u>Table</u>
7							<u>II)</u>

8 _____

9 _____

10 _____

11 _____

12 _____

13 18. List below all notes and accounts receivable, other than from goods

14 or services sold, held by the reporting individual at the close of

15 the taxable year last occurring prior to the date of filing and

16 other debts owed to such individual at the close of the taxable year

17 last occurring prior to the date of filing, in EXCESS of \$1,000,

18 including the name of the debtor, type of obligation, date due and

19 the nature of the collateral securing payment of each, if any,

20 excluding securities reported in item 16 hereinabove. Debts, notes

21 and accounts receivable owed to the individual by a relative shall

22 not be reported.

23	Type of Obligation,	Category
24	Date Due, and Nature	of

1	Name of Debtor	of Collateral, if any	Amount
2			<u>(In Table II)</u>
3	<hr/>		
4	<hr/>		
5	<hr/>		
6	<hr/>		
7	<hr/>		

8 19. List below all liabilities of the reporting individual and such
9 individual's spouse, in EXCESS of [\$5,000] \$10,000 as of the date of
10 filing of this statement, other than liabilities to a relative. Do
11 NOT list liabilities incurred by, or guarantees made by, the report-
12 ing individual or such individual's spouse or by any proprietorship,
13 partnership or corporation in which the reporting individual or such
14 individual's spouse has an interest, when incurred or made in the
15 ordinary course of the trade, business or professional practice of
16 the reporting individual or such individual's spouse. Include the
17 name of the creditor and any collateral pledged by such individual
18 to secure payment of any such liability. A reporting individual
19 shall not list any obligation to pay maintenance in connection with
20 a matrimonial action, alimony or child support payments. Any loan
21 issued in the ordinary course of business by a financial institution
22 to finance educational costs, the cost of home purchase or improve-
23 ments for a primary or secondary residence, or purchase of a
24 personally owned motor vehicle, household furniture or appliances
25 shall be excluded. If any such reportable liability has been guaran-
26 teed by any third person, list the liability and name the guarantor.

1			Category
2	Name of Creditor	Type of Liability	of
3	or Guarantor	and Collateral, if any	Amount
4			<u>(In Table II)</u>
5	<hr/>		
6	<hr/>		
7	<hr/>		
8	<hr/>		
9	<hr/>		

10 The requirements of law relating to the reporting of financial
 11 interests are in the public interest and no adverse inference of
 12 unethical or illegal conduct or behavior will be drawn merely from
 13 compliance with these requirements.

14 _____
 15 (Signature of Reporting Individual) Date (month/day/year)

16 TABLE I

17	<u>Category A</u>	<u>none</u>
18	<u>Category B</u>	<u>\$ 1 to under \$ 1,000</u>
19	<u>Category C</u>	<u>\$ 1,000 to under \$ 5,000</u>
20	<u>Category D</u>	<u>\$ 5,000 to under \$ 20,000</u>
21	<u>Category E</u>	<u>\$ 20,000 to under \$ 50,000</u>
22	<u>Category F</u>	<u>\$ 50,000 to under \$ 75,000</u>
23	<u>Category G</u>	<u>\$ 75,000 to under \$ 100,000</u>
24	<u>Category H</u>	<u>\$ 100,000 to under \$ 150,000</u>

1	<u>Category I</u>	<u>\$ 150,000 to under \$ 250,000</u>
2	<u>Category J</u>	<u>\$ 250,000 to under \$ 350,000</u>
3	<u>Category K</u>	<u>\$ 350,000 to under \$ 450,000</u>
4	<u>Category L</u>	<u>\$ 450,000 to under \$ 550,000</u>
5	<u>Category M</u>	<u>\$ 550,000 to under \$ 650,000</u>
6	<u>Category N</u>	<u>\$ 650,000 to under \$ 750,000</u>
7	<u>Category O</u>	<u>\$ 750,000 to under \$ 850,000</u>
8	<u>Category P</u>	<u>\$ 850,000 to under \$ 950,000</u>
9	<u>Category Q</u>	<u>\$ 950,000 to under \$1,050,000</u>
10	<u>Category R</u>	<u>\$1,050,000 to under \$1,150,000</u>
11	<u>Category S</u>	<u>\$1,150,000 to under \$1,250,000</u>
12	<u>Category T</u>	<u>\$1,250,000 to under \$1,350,000</u>
13	<u>Category U</u>	<u>\$1,350,000 to under \$1,450,000</u>
14	<u>Category V</u>	<u>\$1,450,000 to under \$1,550,000</u>
15	<u>Category W</u>	<u>\$1,550,000 to under \$1,650,000</u>
16	<u>Category X</u>	<u>\$1,650,000 to under \$1,750,000</u>
17	<u>Category Y</u>	<u>\$1,750,000 to under \$1,850,000</u>
18	<u>Category Z</u>	<u>\$1,850,000 to under \$1,950,000</u>
19	<u>Category AA</u>	<u>\$1,950,000 to under \$2,050,000</u>
20	<u>Category BB</u>	<u>\$2,050,000 to under \$2,150,000</u>
21	<u>Category CC</u>	<u>\$2,150,000 to under \$2,250,000</u>
22	<u>Category DD</u>	<u>\$2,250,000 to under \$2,350,000</u>
23	<u>Category EE</u>	<u>\$2,350,000 to under \$2,450,000</u>
24	<u>Category FF</u>	<u>\$2,450,000 to under \$2,550,000</u>
25	<u>Category GG</u>	<u>\$2,550,000 to under \$2,650,000</u>
26	<u>Category HH</u>	<u>\$2,650,000 to under \$2,750,000</u>
27	<u>Category II</u>	<u>\$2,750,000 to under \$2,850,000</u>
28	<u>Category JJ</u>	<u>\$2,850,000 to under \$2,950,000</u>

1	<u>Category KK</u>	<u>\$2,950,000 to under \$3,050,000</u>
2	<u>Category LL</u>	<u>\$3,050,000 to under \$3,150,000</u>
3	<u>Category MM</u>	<u>\$3,150,000 to under \$3,250,000</u>
4	<u>Category NN</u>	<u>\$3,250,000 to under \$3,350,000</u>
5	<u>Category OO</u>	<u>\$3,350,000 to under \$3,450,000</u>
6	<u>Category PP</u>	<u>\$3,450,000 to under \$3,550,000</u>
7	<u>Category QQ</u>	<u>\$3,550,000 to under \$3,650,000</u>
8	<u>Category RR</u>	<u>\$3,650,000 to under \$3,750,000</u>
9	<u>Category SS</u>	<u>\$3,750,000 to under \$3,850,000</u>
10	<u>Category TT</u>	<u>\$3,850,000 to under \$3,950,000</u>
11	<u>Category UU</u>	<u>\$3,950,000 to under \$4,050,000</u>
12	<u>Category VV</u>	<u>\$4,050,000 to under \$4,150,000</u>
13	<u>Category WW</u>	<u>\$4,150,000 to under \$4,250,000</u>
14	<u>Category XX</u>	<u>\$4,250,000 to under \$4,350,000</u>
15	<u>Category YY</u>	<u>\$4,350,000 to under \$4,450,000</u>
16	<u>Category ZZ</u>	<u>\$4,450,000 to under \$4,550,000</u>
17	<u>Category AAA</u>	<u>\$4,550,000 to under \$4,650,000</u>
18	<u>Category BBB</u>	<u>\$4,650,000 to under \$4,750,000</u>
19	<u>Category CCC</u>	<u>\$4,750,000 to under \$4,850,000</u>
20	<u>Category DDD</u>	<u>\$4,850,000 to under \$4,950,000</u>
21	<u>Category EEE</u>	<u>\$4,950,000 to under \$5,050,000</u>
22	<u>Category FFF</u>	<u>\$5,050,000 to under \$5,150,000</u>
23	<u>Category GGG</u>	<u>\$5,150,000 to under \$5,250,000</u>
24	<u>Category HHH</u>	<u>\$5,250,000 to under \$5,350,000</u>
25	<u>Category III</u>	<u>\$5,350,000 to under \$5,450,000</u>
26	<u>Category JJJ</u>	<u>\$5,450,000 to under \$5,550,000</u>
27	<u>Category KKK</u>	<u>\$5,550,000 to under \$5,650,000</u>
28	<u>Category LLL</u>	<u>\$5,650,000 to under \$5,750,000</u>

1	<u>Category MMM</u>	<u>\$5,750,000 to under \$5,850,000</u>
2	<u>Category NNN</u>	<u>\$5,580,000 to under \$5,950,000</u>
3	<u>Category OOO</u>	<u>\$5,950,000 to under \$6,050,000</u>
4	<u>Category PPP</u>	<u>\$6,050,000 to under \$6,150,000</u>
5	<u>Category QQQ</u>	<u>\$6,150,000 to under \$6,250,000</u>
6	<u>Category RRR</u>	<u>\$6,250,000 to under \$6,350,000</u>
7	<u>Category SSS</u>	<u>\$6,350,000 to under \$6,450,000</u>
8	<u>Category TTT</u>	<u>\$6,450,000 to under \$6,550,000</u>
9	<u>Category UUU</u>	<u>\$6,550,000 to under \$6,650,000</u>
10	<u>Category VVV</u>	<u>\$6,650,000 to under \$6,750,000</u>
11	<u>Category WWW</u>	<u>\$6,750,000 to under \$6,850,000</u>
12	<u>Category XXX</u>	<u>\$6,850,000 to under \$6,950,000</u>
13	<u>Category YYY</u>	<u>\$6,950,000 to under \$7,050,000</u>
14	<u>Category ZZZ</u>	<u>\$7,050,000 to under \$7,150,000</u>
15	<u>Category AAAA</u>	<u>\$7,150,000 to under \$7,250,000</u>
16	<u>Category BBBB</u>	<u>\$7,250,000 to under \$7,350,000</u>
17	<u>Category CCCC</u>	<u>\$7,350,000 to under \$7,450,000</u>
18	<u>Category DDDD</u>	<u>\$7,450,000 to under \$7,550,000</u>
19	<u>Category EEEE</u>	<u>\$7,550,000 to under \$7,650,000</u>
20	<u>Category FFFF</u>	<u>\$7,650,000 to under \$7,750,000</u>
21	<u>Category GGGG</u>	<u>\$7,750,000 to under \$7,850,000</u>
22	<u>Category HHHH</u>	<u>\$7,850,000 to under \$7,950,000</u>
23	<u>Category IIII</u>	<u>\$7,950,000 to under \$8,050,000</u>
24	<u>Category JJJJ</u>	<u>\$8,050,000 to under \$8,150,000</u>
25	<u>Category KKKK</u>	<u>\$8,150,000 to under \$8,250,000</u>
26	<u>Category LLLL</u>	<u>\$8,250,000 to under \$8,350,000</u>
27	<u>Category MMMM</u>	<u>\$8,350,000 to under \$8,450,000</u>
28	<u>Category NNNN</u>	<u>\$8,450,000 to under \$8,550,000</u>

1	<u>Category OOOO</u>	<u>\$8,550,000 to under \$8,650,000</u>
2	<u>Category PPPP</u>	<u>\$8,650,000 to under \$8,750,000</u>
3	<u>Category QQQQ</u>	<u>\$8,750,000 to under \$8,850,000</u>
4	<u>Category RRRR</u>	<u>\$8,850,000 to under \$8,950,000</u>
5	<u>Category SSSS</u>	<u>\$8,950,000 to under \$9,050,000</u>
6	<u>Category TTTT</u>	<u>\$9,050,000 to under \$9,150,000</u>
7	<u>Category UUUU</u>	<u>\$9,150,000 to under \$9,250,000</u>
8	<u>Category VVVV</u>	<u>\$9,250,000 to under \$9,350,000</u>
9	<u>Category WWWW</u>	<u>\$9,350,000 to under \$9,450,000</u>
10	<u>Category XXXX</u>	<u>\$9,450,000 to under \$9,550,000</u>
11	<u>Category YYYY</u>	<u>\$9,550,000 to under \$9,650,000</u>
12	<u>Category ZZZZ</u>	<u>\$9,650,000 to under \$9,750,000</u>
13	<u>Category AAAAA</u>	<u>\$9,750,000 to under \$9,850,000</u>
14	<u>Category BBBBB</u>	<u>\$9,850,000 to under \$9,950,000</u>
15	<u>Category CCCCC</u>	<u>\$9,950,000 to under \$10,000,000</u>
16	<u>Category DDDDD</u>	<u>\$10,000,000 or over</u>

TABLE II

17		
18	<u>Category A</u>	<u>none</u>
19	<u>Category B</u>	<u>\$ 1 to under \$ 1,000</u>
20	<u>Category C</u>	<u>\$ 1,000 to under \$ 5,000</u>
21	<u>Category D</u>	<u>\$ 5,000 to under \$ 20,000</u>
22	<u>Category E</u>	<u>\$ 20,000 to under \$ 50,000</u>
23	<u>Category F</u>	<u>\$ 50,000 to under \$ 75,000</u>
24	<u>Category G</u>	<u>\$ 75,000 to under \$ 100,000</u>
25	<u>Category H</u>	<u>\$ 100,000 to under \$ 150,000</u>
26	<u>Category I</u>	<u>\$ 150,000 to under \$ 250,000</u>
27	<u>Category J</u>	<u>\$ 250,000 to under \$ 500,000</u>

1	<u>Category K</u>	<u>\$ 500,000 to under \$ 750,000</u>
2	<u>Category L</u>	<u>\$ 750,000 to under \$1,000,000</u>
3	<u>Category M</u>	<u>\$1,000,000 to under \$1,250,000</u>
4	<u>Category N</u>	<u>\$1,250,000 to under \$1,500,000</u>
5	<u>Category O</u>	<u>\$1,500,000 to under \$1,750,000</u>
6	<u>Category P</u>	<u>\$1,750,000 to under \$2,000,000</u>
7	<u>Category Q</u>	<u>\$2,000,000 to under \$2,250,000</u>
8	<u>Category R</u>	<u>\$2,250,000 to under \$2,500,000</u>
9	<u>Category S</u>	<u>\$2,500,000 to under \$2,750,000</u>
10	<u>Category T</u>	<u>\$2,750,000 to under \$3,000,000</u>
11	<u>Category U</u>	<u>\$3,000,000 to under \$3,250,000</u>
12	<u>Category V</u>	<u>\$3,250,000 to under \$3,500,000</u>
13	<u>Category W</u>	<u>\$3,500,000 to under \$3,750,000</u>
14	<u>Category X</u>	<u>\$3,750,000 to under \$4,000,000</u>
15	<u>Category Y</u>	<u>\$4,000,000 to under \$4,250,000</u>
16	<u>Category Z</u>	<u>\$4,250,000 to under \$4,500,000</u>
17	<u>Category AA</u>	<u>\$4,500,000 to under \$4,750,000</u>
18	<u>Category BB</u>	<u>\$4,750,000 to under \$5,000,000</u>
19	<u>Category CC</u>	<u>\$5,000,000 to under \$5,250,000</u>
20	<u>Category DD</u>	<u>\$5,250,000 to under \$5,500,000</u>
21	<u>Category EE</u>	<u>\$5,500,000 to under \$5,750,000</u>
22	<u>Category FF</u>	<u>\$5,750,000 to under \$6,000,000</u>
23	<u>Category GG</u>	<u>\$6,000,000 to under \$6,250,000</u>
24	<u>Category HH</u>	<u>\$6,250,000 to under \$6,500,000</u>
25	<u>Category II</u>	<u>\$6,500,000 to under \$6,750,000</u>
26	<u>Category JJ</u>	<u>\$6,750,000 to under \$7,000,000</u>
27	<u>Category KK</u>	<u>\$7,000,000 to under \$7,250,000</u>
28	<u>Category LL</u>	<u>\$7,250,000 to under \$7,500,000</u>

1	<u>Category MM</u>	<u>\$7,500,000 to under \$7,750,000</u>
2	<u>Category NN</u>	<u>\$7,750,000 to under \$8,000,000</u>
3	<u>Category OO</u>	<u>\$8,000,000 to under \$8,250,000</u>
4	<u>Category PP</u>	<u>\$8,250,000 to under \$8,500,000</u>
5	<u>Category QQ</u>	<u>\$8,500,000 to under \$8,750,000</u>
6	<u>Category RR</u>	<u>\$8,750,000 to under \$9,000,000</u>
7	<u>Category SS</u>	<u>\$9,000,000 to under \$9,250,000</u>
8	<u>Category TT</u>	<u>\$9,250,000 to under \$9,500,000</u>
9	<u>Category UU</u>	<u>\$9,500,000 or over</u>

10 4. A reporting individual who knowingly and wilfully fails to file an
11 annual statement of financial disclosure or who knowingly and wilfully
12 with intent to deceive makes a false statement or gives information
13 which such individual knows to be false on such statement of financial
14 disclosure filed pursuant to this section shall be subject to a civil
15 penalty in an amount not to exceed [ten] forty thousand dollars. Assess-
16 ment of a civil penalty hereunder shall be made by the [state] joint
17 commission on public ethics [commission] or by the legislative ethics
18 [committee] commission, as the case may be, with respect to persons
19 subject to their respective jurisdictions. The [state] joint commission
20 on public ethics [commission] acting pursuant to subdivision [thirteen]
21 fourteen of section ninety-four of the executive law or the legislative
22 ethics [committee] commission acting pursuant to subdivision [twelve]
23 eleven of section eighty of the legislative law, as the case may be,
24 may, in lieu of or in addition to a civil penalty, refer a violation to
25 the appropriate prosecutor and upon such conviction, but only after such
26 referral, such violation shall be punishable as a class A misdemeanor. A
27 civil penalty for false filing may not be imposed hereunder in the event
28 a category of "value" or "amount" reported hereunder is incorrect unless

1 such reported information is falsely understated. Notwithstanding any
2 other provision of law to the contrary, no other penalty, civil or crim-
3 inal may be imposed for a failure to file, or for a false filing, of
4 such statement, except that the appointing authority may impose disci-
5 plinary action as otherwise provided by law. The [state] joint commis-
6 sion on public ethics [commission] and the legislative ethics [commit-
7 tee] commission shall each be deemed to be an agency within the meaning
8 of article three of the state administrative procedure act and shall
9 adopt rules governing the conduct of adjudicatory proceedings and
10 appeals relating to the assessment of the civil penalties herein author-
11 ized. Such rules, which shall not be subject to the approval require-
12 ments of the state administrative procedure act, shall provide for due
13 process procedural mechanisms substantially similar to those set forth
14 in such article three but such mechanisms need not be identical in terms
15 or scope. Assessment of a civil penalty shall be final unless modified,
16 suspended or vacated within thirty days of imposition and upon becoming
17 final shall be subject to review at the instance of the affected report-
18 ing individual in a proceeding commenced against the [state] joint
19 commission on public ethics [commission or legislative ethics committee]
20 or the legislative ethics commission, pursuant to article seventy-eight
21 of the civil practice law and rules.

22 5. Nothing contained in this section shall be construed as precluding
23 any public authority or public benefit corporation from exercising any
24 authority or power now or hereafter existing to require any of its
25 members, directors, officers or employees to file financial disclosure
26 statements with such public authority or public benefit corporation that
27 are the same as, different from or supplemental to any of the require-

1 ments contained herein and to provide only for internal employment
2 discipline for any violation arising out of such internal filing.

3 6. Notwithstanding any other provision of law or any professional
4 disciplinary rule to the contrary, the disclosure of the identity of any
5 client or customer on a reporting individual's annual statement of
6 financial disclosure shall not constitute professional misconduct or a
7 ground for disciplinary action of any kind, or form the basis for any
8 civil or criminal cause of action or proceeding.

9 § 6. Section 94 of the executive law, as added by chapter 813 of the
10 laws of 1987, the section heading and subdivisions 1, 2, 3, 4, 5, 6, 7
11 and 8 as amended by section 2, subdivisions 9, 10, 11, 12, 13, 14, 16
12 and 17 as amended and subdivisions 13-a, 16-a and 18 as added by section
13 2-a, paragraph (1) of subdivision 9 as amended by section 3, paragraph
14 (c) of subdivision 12 as amended by section 4, subdivision 15 as amended
15 by section 5, and paragraphs (a) and (b) of subdivision 17 as amended by
16 section 6 of chapter 14 of the laws of 2007, is amended to read as
17 follows:

18 § 94. [Commission] Joint commission on public [integrity] ethics;
19 functions, powers and duties; review of financial disclosure statements;
20 advisory opinions; investigation and enforcement.

21 1. There is established within the department of state a joint commis-
22 sion on public [integrity] ethics which shall consist of [thirteen]
23 fourteen members and shall have and exercise the powers and duties set
24 forth in this section [only] with respect to statewide elected
25 officials, members of the legislature and employees of the legislature,
26 and state officers and employees, as defined in sections seventy-three
27 and seventy-three-a of the public officers law, candidates for statewide
28 elected office and for the senate or assembly, and the political party

1 chairman as that term is defined in section seventy-three-a of the
2 public officers law, lobbyists and the clients of lobbyists as such
3 terms are defined in article one-A of the legislative law, and individ-
4 uals who have formerly held such positions, were lobbyists or clients of
5 lobbyists, as such terms are defined in article one-A of the legislative
6 law, or who have formerly been such candidates. This section shall not
7 [revoke or rescind] be deemed to have revoked or rescinded any regu-
8 lations or advisory opinions issued by the legislative ethics commis-
9 sion, the commission on public integrity, the state ethics commission
10 and the temporary lobbying commission in effect upon the effective date
11 of [a] chapter fourteen of the laws of two thousand seven which amended
12 this section to the extent that such regulations or opinions are not
13 inconsistent with any law of the state of New York, but such regulations
14 and opinions shall apply only to matters over which such commissions had
15 jurisdiction at the time such regulations and opinions were promulgated
16 or issued. The commission shall undertake a comprehensive review of all
17 such regulations and opinions, which will address the consistency of
18 such regulations and opinions among each other and with the new statuto-
19 ry language, and of the effectiveness of the existing laws, regulations,
20 guidance and ethics enforcement structure to address the ethics of
21 covered public officials and related parties. Such review shall be
22 conducted with the legislative ethics commission and, to the extent
23 possible, the report's findings shall reflect the full input and delib-
24 erations of both commissions after joint consultation. The commission
25 shall, before [April first, two thousand eight] February first, two
26 thousand fifteen, report to the governor and legislature regarding such
27 review and shall propose any regulatory or statutory changes and issue
28 any advisory opinions necessitated by such review.

1 2. The members of the commission shall be appointed [by the governor
2 provided, however, that one member shall be appointed on the nomination
3 of the comptroller, one member shall be appointed on the nomination of
4 the attorney general, one member] as follows: three members shall be
5 appointed [on the nomination of] by the temporary president of the
6 senate, [one member] three members shall be appointed [on the nomination
7 of] by the speaker of the assembly, one member shall be appointed [on
8 the nomination of] by the minority leader of the senate, [and] one
9 member shall be appointed [on the nomination of] by the minority leader
10 of the assembly, and six members shall be appointed by the governor and
11 the lieutenant governor. In the event that a vacancy arises with
12 respect to a member of the commission first appointed pursuant to the
13 chapter of the laws of two thousand eleven which amended this subdivi-
14 sion by a legislative leader, the legislative leaders of the same poli-
15 tical party in the same house shall appoint a member to fill such vacan-
16 cy irrespective of whether that legislative leader's political party is
17 in the majority or minority. Of the [seven] members appointed by the
18 governor [without prior nomination, no more than four members shall
19 belong to the same political party and no members shall be public offi-
20 cers or employees or hold any public office, elected or appointed. No
21 member shall be a member of the legislature, a candidate for member of
22 the legislature, an employee of the legislature, a political party
23 chairman as defined in paragraph (k) of subdivision one of section
24 seventy-three of the public officers law, or a lobbyist as defined in
25 subdivision (a) of section one-c of the legislative law] and the lieu-
26 tenant governor, at least three members shall be and shall have been for
27 at least three years enrolled members of the major political party in
28 which the governor is not enrolled. In the event of a vacancy in a

1 position previously appointed by the governor and lieutenant governor,
2 the governor and lieutenant governor shall appoint a member of the same
3 political party as the member that vacated that position. Prior to
4 making their respective appointments, the governor and the lieutenant
5 governor and the legislative leaders shall solicit and receive recommen-
6 dations for appointees from the attorney general and the comptroller of
7 the state of New York, which recommendations shall be fully and properly
8 considered but shall not be binding.

9 No individual shall be eligible for appointment as a member of the
10 commission who currently or within the last three years:

11 (i) is or has been registered as a lobbyist in New York state;

12 (ii) is or has been a member of the New York state legislature or a
13 statewide elected official or a commissioner of an executive agency
14 appointed by the governor; or

15 (iii) is or has been a political party chairman, as defined in para-
16 graph (k) of subdivision one of section seventy-three of this article.

17 No individual shall be eligible for appointment as a member of the
18 commission who currently or within the last year is or has been a state
19 officer or employee or legislative employee as defined in section seven-
20 ty-three of the public officers law.

21 3. Members of the commission shall serve for terms of five years;
22 provided, however, that of the members first appointed [without prior
23 nomination] by the governor and lieutenant governor, one shall serve for
24 one year, one shall serve for two years, one shall serve for three
25 years, and one shall serve for four years, as designated by the gover-
26 nor; the members first appointed [on the nominations of the comptroller
27 and] by the temporary president of the senate and by the speaker of the
28 assembly shall serve for four years and the members first appointed [on

1 the nominations of the attorney general and the speaker of] by the
2 minority leaders of the senate and the assembly shall serve for two
3 years.

4 4. The governor shall designate the chairman of the commission from
5 among the members thereof, who shall serve as chairman at the pleasure
6 of the governor. The chairman or any [seven] eight members of the
7 commission may call a meeting.

8 5. Any vacancy occurring on the commission shall be filled within
9 [sixty] thirty days of its occurrence[, by the governor,] in the same
10 manner as the member whose vacancy is being filled was appointed. A
11 person appointed to fill a vacancy occurring other than by expiration of
12 a term of office shall be appointed for the unexpired term of the member
13 he or she succeeds.

14 6. [Seven] Eight members of the commission shall constitute a quorum,
15 and the commission shall have power to act by majority vote of the total
16 number of members of the commission without vacancy except where the
17 commission acts pursuant to subdivision thirteen, subdivision fourteen-a
18 or subdivision fourteen-b of this section.

19 7. Members of the commission may be removed by the [governor] appoint-
20 ing authority solely for substantial neglect of duty, gross misconduct
21 in office, violation of the confidentiality restrictions in subdivision
22 nine-a of this section, inability to discharge the powers or duties of
23 office or violation of this section, after written notice and opportu-
24 nity for a reply.

25 8. [The members of the commission shall not receive compensation but
26 shall be reimbursed for reasonable expenses incurred in the performance
27 of their official duties] The members of the joint commission shall
28 receive a per diem allowance in the sum of three hundred dollars for

1 each day actually spent in the performance of his or her duties under
2 this article, and, in addition thereto, shall be reimbursed for all
3 reasonable expenses actually and necessarily incurred by him or her in
4 the performance of his or her duties under this article.

5 9. The commission shall:

6 (a) Appoint an executive director who shall act in accordance with the
7 policies of the commission. The appointment and removal of the execu-
8 tive director shall be made solely by a vote of a majority of the
9 commission, which majority shall include at least one member appointed
10 by the governor from each of the two major political parties, and one
11 member appointed by a legislative leader from each of the two major
12 political parties. The commission may delegate authority to the execu-
13 tive director to act in the name of the commission between meetings of
14 the commission provided such delegation is in writing [and], the specif-
15 ic powers to be delegated are enumerated, and the commission shall not
16 delegate any decisions specified in this section that require a vote of
17 the commission. The executive director shall be appointed without
18 regard to political affiliation and solely on the basis of fitness to
19 perform the duties assigned by this article, and shall be a qualified,
20 independent professional. The commission may remove the executive
21 director for neglect of duty, misconduct in office, violation of the
22 confidentiality restrictions in subdivision nine-a of this section, or
23 inability or failure to discharge the powers or duties of office,
24 including the failure to follow the lawful instructions of the commis-
25 sion;

26 (b) Appoint such other staff as are necessary to carry out its duties
27 under this section;

1 (b-1) Review and approve a staffing plan provided and prepared by the
2 executive director which shall contain, at a minimum, a list of the
3 various units and divisions as well as the number of positions in each
4 unit, titles and their duties, and salaries, as well as the various
5 qualifications for each position including, but not limited to, educa-
6 tion and prior experience for each position.

7 (c) Adopt, amend, and rescind rules and regulations to govern proce-
8 dures of the commission, which shall include, but not be limited to, the
9 procedure whereby a person who is required to file an annual financial
10 disclosure statement with the commission may request an additional peri-
11 od of time within which to file such statement, other than members of
12 the legislature, candidates for members of the legislature and legisla-
13 tive employees, due to justifiable cause or undue hardship; such rules
14 or regulations shall provide for a date beyond which in all cases of
15 justifiable cause or undue hardship no further extension of time will be
16 granted;

17 (d) Adopt, amend, and rescind rules and regulations to assist appoint-
18 ing authorities in determining which persons hold policy-making posi-
19 tions for purposes of section seventy-three-a of the public officers
20 law;

21 (d-1) Adopt, amend and rescind rules and regulations defining the
22 permissible use of and promoting the proper use of public service
23 announcements;

24 (e) Make available forms for annual statements of financial disclosure
25 required to be filed pursuant to section seventy-three-a of the public
26 officers law;

27 (f) Review financial disclosure statements in accordance with the
28 provisions of this section, provided however, that the commission may

1 delegate all or part of this review function to the executive director
2 who shall be responsible for completing staff review of such statements
3 in a manner consistent with the terms of the commission's delegation;

4 (g) Receive complaints and referrals alleging violations of section
5 seventy-three, seventy-three-a or seventy-four of the public officers
6 law, article one-A of the legislative law or section one hundred seven
7 of the civil service law;

8 (h) Permit any person [subject to the jurisdiction of the commission]
9 who is required to file a financial disclosure statement with the joint
10 commission on public ethics to request that the commission [to] delete
11 from the copy thereof made available for public inspection and copying
12 one or more items of information which may be deleted by the commission
13 upon a finding by the commission that the information which would other-
14 wise be required to be made available for public inspection and copying
15 will have no material bearing on the discharge of the reporting person's
16 official duties. If such request for deletion is denied, the commission,
17 in its notification of denial, shall inform the person of his or her
18 right to appeal the commission's determination pursuant to its rules
19 governing adjudicatory proceedings and appeals adopted pursuant to
20 subdivision [~~thirteen~~] fourteen of this section;

21 (i) Permit any person [subject to the jurisdiction of the commission]
22 who is required to file a financial disclosure statement with the joint
23 commission on public ethics to request an exemption from any requirement
24 to report one or more items of information which pertain to such
25 person's spouse or unemancipated children which item or items may be
26 exempted by the commission upon a finding by the commission that the
27 reporting individual's spouse, on his or her own behalf or on behalf of
28 an unemancipated child, objects to providing the information necessary

1 to make such disclosure and that the information which would otherwise
2 be required to be reported will have no material bearing on the
3 discharge of the reporting person's official duties. If such request for
4 exemption is denied, the commission, in its notification of denial,
5 shall inform the person of his or her right to appeal the commission's
6 determination pursuant to its rules governing adjudicatory proceedings
7 and appeals adopted pursuant to subdivision [thirteen] fourteen of this
8 section;

9 (i-1) Permit any person required to file a financial disclosure state-
10 ment to request an exemption from any requirement to report the identity
11 of a client pursuant to question 8(b) in such statement based upon an
12 exemption set forth in that question. The reporting individual need not
13 seek an exemption to refrain from disclosing the identity of any client
14 with respect to any matter he or she or his or her firm provided legal
15 representation to the client in connection with an investigation or
16 prosecution by law enforcement authorities, bankruptcy, or domestic
17 relations matters; in addition, clients or customers receiving medical
18 or dental services, mental health services, residential real estate
19 brokering services, or insurance brokering services need not be
20 disclosed.

21 (j) Advise and assist any state agency in establishing rules and regu-
22 lations relating to possible conflicts between private interests and
23 official duties of present or former statewide elected officials and
24 state officers and employees;

25 (k) Permit any person who has not been determined by his or her
26 appointing authority to hold a policy-making position but who is other-
27 wise required to file a financial disclosure statement to request an
28 exemption from such requirement in accordance with rules and regulations

1 governing such exemptions. Such rules and regulations shall provide for
2 exemptions to be granted either on the application of an individual or
3 on behalf of persons who share the same job title or employment classi-
4 fication which the commission deems to be comparable for purposes of
5 this section. Such rules and regulations may permit the granting of an
6 exemption where, in the discretion of the commission, the public inter-
7 est does not require disclosure and the applicant's duties do not
8 involve the negotiation, authorization or approval of:

9 (i) contracts, leases, franchises, revocable consents, concessions,
10 variances, special permits, or licenses as defined in section seventy-
11 three of the public officers law;

12 (ii) the purchase, sale, rental or lease of real property, goods or
13 services, or a contract therefor;

14 (iii) the obtaining of grants of money or loans; or

15 (iv) the adoption or repeal of any rule or regulation having the force
16 and effect of law;

17 (1) Prepare an annual report to the governor and legislature summariz-
18 ing the activities of the commission during the previous year and recom-
19 mending any changes in the laws governing the conduct of persons subject
20 to the jurisdiction of the commission, or the rules, regulations and
21 procedures governing the commission's conduct. Such report shall
22 include: (i) a listing by assigned number of each complaint and referral
23 received which alleged a possible violation within its jurisdiction,
24 including the current status of each complaint, and (ii) where a matter
25 has been resolved, the date and nature of the disposition and any sanc-
26 tion imposed, subject to the confidentiality requirements of this
27 section, provided, however, that such annual report shall not contain

1 any information for which disclosure is not permitted pursuant to subdi-
2 vision [seventeen] nineteen of this section; [and]

3 (m) Determine a question common to a class or defined category of
4 persons or items of information required to be disclosed, where determi-
5 nation of the question will prevent undue repetition of requests for
6 exemption or deletion or prevent undue complication in complying with
7 the requirements of such section[.]; and

8 (n) Promulgate guidelines for the commission to conduct a program of
9 random reviews, to be carried out in the following manner: (i) annual
10 statements of financial disclosure shall be selected for review in a
11 manner pursuant to which the identity of any particular person whose
12 statement is selected is unknown to the commission and its staff prior
13 to its selection; (ii) such review shall include a preliminary examina-
14 tion of the selected statement for internal consistency, a comparison
15 with other records maintained by the commission, including previously
16 filed statements and requests for advisory opinions, and examination of
17 relevant public information; (iii) upon completion of the preliminary
18 examination, the commission shall determine whether further inquiry is
19 warranted, whereupon it shall notify the reporting individual in writing
20 that the statement is under review, advise the reporting individual of
21 the specific areas of inquiry, and provide the reporting individual with
22 the opportunity to provide any relevant information related to the
23 specific areas of inquiry, and the opportunity to file amendments to the
24 selected statement on forms provided by the commission; and (iv) if
25 thereafter sufficient cause exists, the commission shall take additional
26 actions, as appropriate and consistent with law.

1 9-a. (a) When an individual becomes a commissioner or staff of the
2 commission, that individual shall be required to sign a non-disclosure
3 statement.

4 (b) Except as otherwise required or provided by law, testimony
5 received or any other information obtained by a commissioner or staff of
6 the commission shall not be disclosed by any such individual to any
7 person or entity outside the commission during the pendency of any
8 matter. Any confidential communication to any person or entity outside
9 the commission related to the matters before the commission may occur
10 only as authorized by the commission.

11 (c) The commission shall establish procedures necessary to prevent the
12 unauthorized disclosure of any information received by any member of the
13 commission or staff of the commission. Any breaches of confidentiality
14 shall be investigated by the inspector general and appropriate action
15 shall be taken. Any commissioner or person employed by the commission
16 who intentionally and without authorization releases confidential infor-
17 mation received by the commission shall be guilty of a class A misdemea-
18 nor.

19 9-b. During the period of his or her service as a commissioner of the
20 commission, each commissioner shall refrain from making, or soliciting
21 from other persons, any contributions to candidates for election to the
22 offices of governor, lieutenant governor, member of the assembly or the
23 senate, attorney general or state comptroller.

24 10. The commission shall prepare materials and design and administer
25 an ethics training program for individuals subject to the financial
26 disclosure requirements of section seventy-three-a of the public offi-
27 cers law with respect to the provisions of sections seventy-three,
28 seventy-three-a, and seventy-four of the public officers law and any

1 other law, administrative regulation, or internal policy that is of
2 relevance to the ethical conduct of such individuals in public service,
3 as follows:

4 (a) The commission shall develop and administer a comprehensive ethics
5 training course and shall designate and train instructors to conduct
6 such training. Such course shall be designed as a two-hour program and
7 shall include practical application of the material covered and a ques-
8 tion-and-answer participatory segment. Unless the commission grants an
9 extension or waiver for good cause shown, all individuals subject to the
10 financial disclosure requirements of section seventy-three-a of the
11 public officers law shall complete such course within two years of the
12 effective date of the chapter of the laws of two thousand eleven which
13 amended this section, or for those individuals elected or appointed
14 after the effective date of the chapter of the laws of two thousand
15 eleven which amended this section, within two years of becoming subject
16 to the financial disclosure requirements of section seventy-three-a of
17 the public officers law.

18 (b) The commission shall develop and administer an online ethics
19 orientation course and shall notify all individuals newly subject to the
20 financial disclosure requirements of section seventy-three-a of the
21 public officers law of such course, which shall be completed by such
22 individuals within three months of becoming subject to such require-
23 ments, unless the commission grants an extension or waiver for good
24 cause shown. Individuals who have completed the comprehensive ethics
25 training course shall not be required to complete the online ethics
26 orientation course.

27 (c) The commission shall develop and administer an ethics seminar or
28 ethics seminars for individuals who have previously completed the

1 comprehensive ethics training course. Such seminars shall be designed as
2 ninety-minute programs and shall include any changes in law, regulation,
3 or policy or in the interpretation thereof, practical application of the
4 material covered, and a question-and-answer segment. Unless the commis-
5 sion grants an extension or waiver for good cause shown, such individ-
6 uals shall be scheduled to attend a seminar at least once every three
7 years after having completed the comprehensive ethics training course.
8 In lieu of attending an ethics seminar, such individuals may complete a
9 subsequent comprehensive ethics training program.

10 (d) The provisions of this subdivision shall be applicable to the
11 legislature except to the extent that an ethics training program is
12 otherwise established by the assembly or senate for their respective
13 members and employees and such program meets or exceeds each of the
14 requirements set forth in this section.

15 (e) On an annual basis, the joint commission in coordination with the
16 legislative ethics commission shall determine the status of compliance
17 with these training requirements by each state agency and by the senate
18 and the assembly. Such determination shall include aggregate statistics
19 regarding participation in such training, and shall be reported to the
20 governor and the legislature in writing.

21 11. The commission, or the executive director and staff of the commis-
22 sion if responsibility therefor has been delegated, shall inspect all
23 financial disclosure statements filed with the commission to ascertain
24 whether any person subject to the reporting requirements of section
25 seventy-three-a of the public officers law has failed to file such a
26 statement, has filed a deficient statement or has filed a statement
27 which reveals a possible violation of section seventy-three, seventy-
28 three-a or seventy-four of the public officers law.

1 [11.] 12. If a person required to file a financial disclosure state-
2 ment with the commission has failed to file a disclosure statement or
3 has filed a deficient statement, the commission shall notify the report-
4 ing person in writing, state the failure to file or detail the deficien-
5 cy, provide the person with a fifteen day period to cure the deficiency,
6 and advise the person of the penalties for failure to comply with the
7 reporting requirements. Such notice shall be confidential. If the person
8 fails to make such filing or fails to cure the deficiency within the
9 specified time period, the commission shall send a notice of delinquen-
10 cy: (a) to the reporting person; (b) in the case of a statewide elected
11 official, member of the legislature, or a legislative employee, to the
12 temporary president of the senate and the speaker of the assembly; and
13 (c) in the case of a state officer or employee, to the appointing
14 authority for such person. Such notice of delinquency may be sent at any
15 time during the reporting person's service as a statewide elected offi-
16 cial, state officer or employee, member of the assembly or the senate,
17 or a legislative employee or a political party chair or while a candi-
18 date for statewide office, or within one year after termination of such
19 service or candidacy. The jurisdiction of the commission, when acting
20 pursuant to subdivision [thirteen] fourteen of this section with respect
21 to financial disclosure, shall continue notwithstanding that the report-
22 ing person separates from state service, or ceases to hold public or
23 political party office [as a statewide elected official or political
24 party chair], or ceases to be a candidate, provided the commission noti-
25 fies such person of the alleged failure to file or deficient filing
26 pursuant to this subdivision.

27 [12.] 13. (a) Investigations. If the commission receives a sworn
28 complaint alleging a violation of section seventy-three,

1 seventy-three-a, or seventy-four of the public officers law, section one
2 hundred seven of the civil service law or article one-A of the legisla-
3 tive law by a person or entity subject to the jurisdiction of the
4 commission including members of the legislature and legislative employ-
5 ees and candidates for member of the legislature, or if a reporting
6 individual has filed a statement which reveals a possible violation of
7 these provisions, or if the commission determines on its own initiative
8 to investigate a possible violation, the commission shall notify the
9 individual in writing, describe the possible or alleged violation of
10 such laws and provide the person with a fifteen day period in which to
11 submit a written response setting forth information relating to the
12 activities cited as a possible or alleged violation of law. [If the
13 commission thereafter makes a determination that further inquiry is
14 justified, it shall give the individual an opportunity to be heard.] The
15 commission shall, within forty-five calendar days after a complaint or a
16 referral is received or an investigation is initiated on the commis-
17 sion's own initiative, vote on whether to commence a full investigation
18 of the matter under consideration to determine whether a substantial
19 basis exists to conclude that a violation of law has occurred. The
20 staff of the joint commission shall provide to the members prior to such
21 vote information regarding the likely scope and content of the investi-
22 gation, and a subpoena plan, to the extent such information is avail-
23 able. Such investigation shall be conducted if at least eight members
24 of the commission vote to authorize it. Where the subject of such
25 investigation is a member of the legislature or a legislative employee
26 or a candidate for member of the legislature, at least two of the eight
27 or more members who so vote to authorize such an investigation must have
28 been appointed by a legislative leader or leaders from the major poli-

1 tical party in which the subject of the proposed investigation is
2 enrolled if such person is enrolled in a major political party. Where
3 the subject of such investigation is a state officer or state employee,
4 at least two of the eight or more members who so vote to authorize such
5 an investigation must have been appointed by the governor and lieutenant
6 governor. Where the subject of such investigation is a statewide elected
7 official or a direct appointee of such an official, at least two of the
8 eight or more members who so vote to authorize such an investigation
9 must have been appointed by the governor and lieutenant governor and be
10 enrolled in the major political party in which the subject of the
11 proposed investigation is enrolled, if such person is enrolled in a
12 major political party.

13 (b) Substantial basis investigation. Upon the affirmative vote of not
14 less than eight commission members to commence a substantial basis
15 investigation, written notice of the commission's decision shall be
16 provided to the individual who is the subject of such substantial basis
17 investigation. Such written notice shall include a copy of the commis-
18 sion's rules and procedures and shall also include notification of such
19 individual's right to be heard within thirty calendar days of the date
20 of the commission's written notice. The commission shall also inform the
21 individual of its rules regarding the conduct of adjudicatory
22 proceedings and appeals and the other due process procedural mechanisms
23 available to such individual. If the commission determines at any stage
24 [of the proceeding,] that there is no violation or that any potential
25 conflict of interest violation has been rectified, it shall so advise
26 the individual and the complainant, if any. All of the foregoing
27 proceedings shall be confidential.

1 [(b) If the commission determines that there is reasonable cause to
2 believe that a violation has occurred, it shall send a notice of reason-
3 able cause: (i) to the reporting person; (ii) to the complainant if any;
4 (iii) in the case of a statewide elected official, to the temporary
5 president of the senate and the speaker of the assembly; and (iv) in the
6 case of a state officer or employee, to the appointing authority for
7 such person.]

8 (c) The jurisdiction of the commission when acting pursuant to this
9 section shall continue notwithstanding that a statewide elected official
10 or a state officer or employee or member of the legislature or legisla-
11 tive employee separates from state service, or a political party chair
12 ceases to hold such office, or a candidate ceases to be a candidate, or
13 a lobbyist or client of a lobbyist ceases to act as such, provided that
14 the commission notifies such individual or entity of the alleged
15 violation of law pursuant to paragraph (a) of this subdivision within
16 one year from his or her separation from state service or his or her
17 termination of party service or candidacy, or from his, her or its last
18 report filed pursuant to article one-A of the legislative law. Nothing
19 in this section shall serve to limit the jurisdiction of the commission
20 in enforcement of subdivision eight of section seventy-three of the
21 public officers law.

22 [13.] 14. An individual subject to the jurisdiction of the commission
23 who knowingly and intentionally violates the provisions of subdivisions
24 two through [five] five-a, seven, eight, twelve or fourteen through
25 seventeen of section seventy-three of the public officers law, section
26 one hundred seven of the civil service law, or a reporting individual
27 who knowingly and wilfully fails to file an annual statement of finan-
28 cial disclosure or who knowingly and wilfully with intent to deceive

1 makes a false statement or fraudulent omission or gives information
2 which such individual knows to be false on such statement of financial
3 disclosure filed pursuant to section seventy-three-a of the public offi-
4 cers law shall be subject to a civil penalty in an amount not to exceed
5 forty thousand dollars and the value of any gift, compensation or bene-
6 fit received as a result of such violation. An individual who knowingly
7 and intentionally violates the provisions of paragraph a, b, c, d, e, g,
8 or i of subdivision three of section seventy-four of the public officers
9 law shall be subject to a civil penalty in an amount not to exceed ten
10 thousand dollars and the value of any gift, compensation or benefit
11 received as a result of such violation. [An individual who knowingly and
12 intentionally violates the provisions of paragraph a, e or g of subdivi-
13 sion three of section seventy-four of the public officers law shall be
14 subject to a civil penalty in an amount not to exceed the value of any
15 gift, compensation or benefit received as a result of such violation.]
16 An individual subject to the jurisdiction of the commission who know-
17 ingly and willfully violates article one-A of the legislative law shall be
18 subject to civil penalty as provided for in that article. [Assessment]
19 Except with respect to members of the legislature and legislative
20 employees, assessment of a civil penalty hereunder shall be made by the
21 commission with respect to persons subject to its jurisdiction. With
22 respect to a violation of any law other than sections seventy-three,
23 seventy-three-a, and seventy-four of the public officers law, where the
24 commission finds sufficient cause by a vote held in the same manner as
25 set forth in paragraph (b) of subdivision thirteen of this section, it
26 shall refer such matter to the appropriate prosecutor for further inves-
27 tigation. In assessing the amount of the civil penalties to be imposed,
28 the commission shall consider the seriousness of the violation, the

1 amount of gain to the individual and whether the individual previously
2 had any civil or criminal penalties imposed pursuant to this section,
3 and any other factors the commission deems appropriate. [For] Except
4 with respect to members of the legislature and legislative employees,
5 for a violation of this subdivision, other than for conduct which
6 constitutes a violation of section one hundred seven of the civil
7 service law, subdivisions twelve or fourteen through seventeen of
8 section seventy-three or section seventy-four of the public officers law
9 or article one-A of the legislative law, the commission [may, in lieu of
10 a civil penalty,] may, in lieu of or in addition to a civil penalty,
11 refer a violation to the appropriate prosecutor and upon such
12 conviction, such violation shall be punishable as a class A misdemeanor.
13 A civil penalty for false filing may not be imposed hereunder in the
14 event a category of "value" or "amount" reported hereunder is incorrect
15 unless such reported information is falsely understated. Notwithstanding
16 any other provision of law to the contrary, no other penalty, civil or
17 criminal may be imposed for a failure to file, or for a false filing, of
18 such statement, or a violation of subdivision six of section seventy-
19 three of the public officers law, except that the appointing authority
20 may impose disciplinary action as otherwise provided by law. The commis-
21 sion may refer violations of this subdivision to the appointing authori-
22 ty for disciplinary action as otherwise provided by law. The commission
23 shall be deemed to be an agency within the meaning of article three of
24 the state administrative procedure act and shall adopt rules governing
25 the conduct of adjudicatory proceedings and appeals taken pursuant to a
26 proceeding commenced under article seventy-eight of the civil practice
27 law and rules relating to the assessment of the civil penalties herein
28 authorized and commission denials of requests for certain deletions or

1 exemptions to be made from a financial disclosure statement as author-
2 ized in paragraph (h) or paragraph (i) of subdivision nine of this
3 section. Such rules, which shall not be subject to the approval require-
4 ments of the state administrative procedure act, shall provide for due
5 process procedural mechanisms substantially similar to those set forth
6 in article three of the state administrative procedure act but such
7 mechanisms need not be identical in terms or scope. Assessment of a
8 civil penalty or commission denial of such a request shall be final
9 unless modified, suspended or vacated within thirty days of imposition,
10 with respect to the assessment of such penalty, or unless such denial of
11 request is reversed within such time period, and upon becoming final
12 shall be subject to review at the instance of the affected reporting
13 individuals in a proceeding commenced against the commission, pursuant
14 to article seventy-eight of the civil practice law and rules.

15 [13-a. If the commission has a reasonable basis to believe that any
16 person subject to the jurisdiction of the legislative ethics commission
17 may have violated any provisions of section seventy-three or seventy-
18 four of the public officers law, it shall refer such violation to the
19 legislative ethics commission unless the commission determines that such
20 a referral would compromise the prosecution or confidentiality of its
21 investigations and, if so, shall make such a referral as soon as practi-
22 cable. The referral by the commission to the legislative ethics commis-
23 sion shall include any information relating thereto coming into the
24 custody or under the control of the commission at any time prior or
25 subsequent to the time of the referral.

26 14.] 14-a. The joint commission on public ethics shall have jurisdic-
27 tion to investigate, but shall have no jurisdiction to impose penalties
28 upon members of or candidates for member of the legislature or legisla-

1 tive employees for any violation of the public officers law. If, after
2 its substantial basis investigation, by a vote of at least eight
3 members, two of whom are enrolled members of the investigated individ-
4 ual's political party if the individual is enrolled in a major political
5 party and were appointed by a legislative leader of such political
6 party, the joint commission on public ethics has found a substantial
7 basis to conclude that a member of the legislature or a legislative
8 employee or candidate for member of the legislature has violated any
9 provisions of such laws, it shall present a written report to the legis-
10 lative ethics commission, and deliver a copy of the report to the indi-
11 vidual who is the subject of the report. Such written report shall
12 include:

13 (a) the commission's findings of fact and any evidence addressed in
14 such findings; conclusions of law and citations to any relevant law,
15 rule, opinion, regulation or standard of conduct upon which it relied;
16 and

17 (b) a determination that a substantial basis exists to conclude that a
18 violation has occurred, and the reasons and basis for such determi-
19 nation.

20 The joint commission shall also separately provide to the legislative
21 ethics commission copies of additional documents or other evidence
22 considered including evidence that may contradict the joint commission's
23 findings, the names of and other information regarding any additional
24 witnesses, and any other materials. With respect to a violation of any
25 law other than sections seventy-three, seventy-three-a, and seventy-four
26 of the public officers law, where the joint commission finds sufficient
27 cause by a vote held in the same manner as set forth in paragraph (b) of

1 subdivision thirteen of this section, it shall refer such matter to the
2 appropriate prosecutor.

3 14-b. With respect to the investigation of any individual who is not a
4 member of the legislature or a legislative employee or candidate for
5 member of the legislature, if after its investigation the joint commis-
6 sion has found a substantial basis to conclude that the individual has
7 violated the public officers law or the legislative law, the joint
8 commission shall send a substantial basis investigation report contain-
9 ing its findings of fact and conclusions of law to the individual. With
10 respect to an individual who is a statewide elected official or a direct
11 appointee of such an official, no violation may be found unless the
12 majority voting in support of such a finding includes at least two
13 members appointed by the governor and lieutenant governor and enrolled
14 in the individual's major political party, if he or she is enrolled in a
15 major political party. Where the subject of such investigation is a
16 state officer or employee who is not a direct appointee of a statewide
17 elected official, at least two of the eight or more members who vote to
18 issue a substantial basis investigation report must have been appointed
19 by the governor and lieutenant governor. The commission shall release
20 such report publicly within forty-five days of its issuance.

21 14-c. With respect to an investigation of a lobbyist, if after its
22 investigation the joint commission has found a substantial basis to
23 conclude that the lobbyist has violated the legislative law, the joint
24 commission shall issue a substantial basis investigation report contain-
25 ing its findings of fact and conclusions of law to the lobbyist and
26 shall make public such report within forty-five days of its issuance.

27 15. A copy of any notice of delinquency or [notice of reasonable cause
28 sent pursuant to subdivisions eleven and twelve of this section]

1 substantial basis investigation report shall be included in the report-
2 ing person's file and be available for public inspection and copying
3 pursuant to the provisions of this section.

4 [15.] 16. Upon written request from any person who is subject to the
5 jurisdiction of the commission and the requirements of sections seven-
6 ty-three, seventy-three-a or seventy-four of the public officers law,
7 other than members of the legislature, candidates for member of the
8 legislature and employees of the legislature, the commission shall
9 render written advisory opinions on the requirements of said provisions.
10 An opinion rendered by the commission, until and unless amended or
11 revoked, shall be binding on the commission in any subsequent proceeding
12 concerning the person who requested the opinion and who acted in good
13 faith, unless material facts were omitted or misstated by the person in
14 the request for an opinion. Such opinion may also be relied upon by such
15 person, and may be introduced and shall be a defense, in any criminal or
16 civil action. Such requests shall be confidential but the commission may
17 publish such opinions provided that the name of the requesting person
18 and other identifying details shall not be included in the publication.

19 [16.] 17. In addition to any other powers and duties specified by law,
20 the commission shall have the power and duty to:

21 (a) Promulgate rules concerning restrictions on outside activities and
22 limitations on the receipt of gifts and honoraria by persons subject to
23 its jurisdiction, provided, however, a violation of such rules in and of
24 itself shall not be punishable pursuant to subdivision [thirteen] four-
25 teen of this section unless the conduct constituting the violation would
26 otherwise constitute a violation of this section; and

1 (b) [Conduct training programs in cooperation with the governor's
2 office of employee relations to provide education to individuals subject
3 to its jurisdiction; and

4 (c)] Administer and enforce all the provisions of this section; and

5 [(d)] (c) Conduct any investigation necessary to carry out the
6 provisions of this section. Pursuant to this power and duty, the commis-
7 sion may administer oaths or affirmations, subpoena witnesses, compel
8 their attendance and require the production of any books or records
9 which it may deem relevant or material;

10 [16-a.] 18. Within one hundred twenty days of the effective date of
11 this subdivision, the commission shall create and thereafter maintain a
12 publicly accessible website which shall set forth the procedure for
13 filing a complaint with the commission, and which shall contain the
14 documents identified in subdivision [seventeen] nineteen of this
15 section, other than financial disclosure statements[,] filed by state
16 officers or employees or legislative employees, and any other records or
17 information which the commission determines to be appropriate.

18 [17.] 19. (a) Notwithstanding the provisions of article six of the
19 public officers law, the only records of the commission which shall be
20 available for public inspection and copying are:

21 (1) the information set forth in an annual statement of financial
22 disclosure filed pursuant to section seventy-three-a of the public offi-
23 cers law except [the categories of value or amount, which shall remain
24 confidential, and any other item of] information deleted pursuant to
25 paragraph (h) of subdivision nine of this section;

26 (2) notices of delinquency sent under subdivision [eleven] twelve of
27 this section;

1 (3) [notices of reasonable cause sent under paragraph (b) of subdivi-
2 sion twelve of this section;

3 (4)] notices of civil assessments imposed under this section which
4 shall include a description of the nature of the alleged wrongdoing, the
5 procedural history of the complaint, the findings and determinations
6 made by the commission, and any sanction imposed;

7 [(5)] (4) the terms of any settlement or compromise of a complaint or
8 referral which includes a fine, penalty or other remedy; [and

9 (6)] (5) those required to be held or maintained publicly available
10 pursuant to article one-A of the legislative law[.]; and

11 (6) substantial basis investigation reports issued by the commission
12 pursuant to subdivision fourteen-a or fourteen-b of this section. With
13 respect to reports concerning members of the legislature or legislative
14 employees or candidates for member of the legislature, the joint commis-
15 sion shall not publicly disclose or otherwise disseminate such reports
16 except in conformance with the requirements of paragraph (b) of subdivi-
17 sion nine of section eighty of the legislative law.

18 (b) Notwithstanding the provisions of article seven of the public
19 officers law, no meeting or proceeding, including any such proceeding
20 contemplated under paragraph (h) or (i) of subdivision nine of this
21 section, of the commission shall be open to the public, except if
22 expressly provided otherwise by the commission or as is required by
23 article one-A of the legislative law.

24 (c) Pending any application for deletion or exemption to the commis-
25 sion, all information which is the subject or a part of the application
26 shall remain confidential. Upon an adverse determination by the commis-
27 sion, the reporting individual may request, and upon such request the
28 commission shall provide, that any information which is the subject or

1 part of the application remain confidential for a period of thirty days
2 following notice of such determination. In the event that the reporting
3 individual resigns his office and holds no other office subject to the
4 jurisdiction of the commission, the information shall not be made public
5 and shall be expunged in its entirety.

6 [18] 20. If any part or provision of this section or the application
7 thereof to any person or organization is adjudged by a court of compe-
8 tent jurisdiction to be unconstitutional or otherwise invalid, such
9 judgment shall not affect or impair any other part or provision or the
10 application thereof to any other person or organization, but shall be
11 confined in its operation to such part or provision.

12 § 7. Section 1-d of the legislative law is amended by adding a new
13 subdivision (h) to read as follows:

14 (h) provide an online ethics training course for individuals regis-
15 tered as lobbyists pursuant to section one-e of this article. The
16 curriculum for the course shall include, but not be limited to, explana-
17 tions and discussions of the statutes and regulations of New York
18 concerning ethics in the public officers law, the election law, the
19 legislative law, summaries of advisory opinions, underlying purposes and
20 principles of the relevant laws, and examples of practical application
21 of these laws and principles. The commission shall prepare those methods
22 and materials necessary to implement the curriculum. Each individual
23 registered as a lobbyist pursuant to section one-e of this article shall
24 complete such training course at least once in any three-year period
25 during which he or she is registered as a lobbyist.

26 § 7-a. Subdivision (c) of section 1-e of the legislative law is
27 amended by adding a new paragraph 8 to read as follows:

1 (8) (i) the name and public office address of any statewide elected
2 official, state officer or employee, member of the legislature or legis-
3 lative employee and entity with whom the lobbyist has a reportable busi-
4 ness relationship;

5 (ii) a description of the general subject or subjects of the trans-
6 actions between the lobbyist or lobbyists and the statewide elected
7 official, state officer or employee, member of the legislature or legis-
8 lative employee and entity; and

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

11 § 7-b. Subdivision (b) of section 1-j of the legislative law is
12 amended by adding a new paragraph 6 to read as follows:

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

17 (ii) a description of the general subject or subjects of the trans-
18 actions between the client of a lobbyist and the statewide elected offi-
19 cial, state officer or employee, member of the legislature or legisla-
20 tive employee and entity; and

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

23 § 8. Section 1-c of the legislative law is amended by adding a new
24 subdivision (w) to read as follows:

25 (w) The term "reportable business relationship" shall mean a relation-
26 ship in which compensation is paid by a lobbyist or by a client of a
27 lobbyist, in exchange for any goods, services or anything of value, the
28 total value of which is in excess of one thousand dollars annually, to

1 be performed or provided by or intended to be performed or provided by
2 (i) any statewide elected official, state officer, state employee,
3 member of the legislature or legislative employee, or (ii) any entity in
4 which the lobbyist or the client of a lobbyist knows or has reason to
5 know the statewide elected official, state officer, state employee,
6 member of the legislature or legislative employee is a proprietor, part-
7 ner, director, officer or manager, or owns or controls ten percent or
8 more of the stock of such entity (or one percent in the case of a corpo-
9 ration whose stock is regularly traded on an established securities
10 exchange).

11 § 9. Section 80 of the legislative law, as amended by chapter 14 of
12 the laws of 2007, is amended to read as follows:

13 § 80. Legislative ethics commission; functions, powers and duties;
14 review of financial disclosure statements; advisory opinions; [investi-
15 gation and enforcement] imposition of penalties or other enforcement
16 actions. 1. There is established a legislative ethics commission which
17 shall consist of nine members. Four members shall be members of the
18 legislature and shall be appointed as follows: one by the temporary
19 president of the senate, one by the speaker of the assembly, one by the
20 minority leader of the senate and one by the minority leader of the
21 assembly. The remaining five members shall not be present or former
22 members of the legislature, candidates for member of the legislature,
23 employees of the legislature, political party chairmen as defined in
24 paragraph (k) of subdivision one of section seventy-three of the public
25 officers law, or lobbyists, as defined in section one-c of this chapter,
26 or persons who have been employees of the legislature, political party
27 chairmen as defined in paragraph (k) of subdivision one of section
28 seventy-three of the public officers law, or lobbyists, as defined in

1 section one-c of this chapter in the previous five years, and shall be
2 appointed as follows: one by the temporary president of the senate, one
3 by the speaker of the assembly, one by the minority leader of the
4 senate, one by the minority leader of the assembly, and one jointly by
5 the speaker of the assembly and majority leader of the senate. The
6 commission shall serve as described in this section and have and exer-
7 cise the powers and duties set forth in this section only with respect
8 to members of the legislature, legislative employees as defined in
9 section seventy-three of the public officers law, candidates for member
10 of the legislature and individuals who have formerly held such positions
11 or who have formerly been such candidates.

12 2. Members of the legislature who serve on the commission shall each
13 have a two year term concurrent with their legislative terms of office.
14 The members of the commission who are not members of the legislature and
15 who are first appointed by the temporary president of the senate, speak-
16 er of the assembly, minority leader of the senate, and minority leader
17 of the assembly shall serve one, two, three and four year terms, respec-
18 tively. The member of the commission first appointed jointly by the
19 temporary president of the senate and speaker of the assembly shall
20 serve a four year term. Each member of the commission who is not a
21 member of the legislature shall be appointed thereafter for a term of
22 four years.

23 3. The temporary president of the senate and the speaker of the assem-
24 bly shall each designate one member of the commission as a co-chairper-
25 son thereof. The commission shall meet at least bi-monthly and at such
26 additional times as may be called for by the co-chairpersons jointly or
27 any five members of the commission.

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

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

6 6. The members of the commission who are not members of the legisla-
7 ture shall be reimbursed for reasonable expenses [incurred] and receive
8 a per diem allowance in the sum of three hundred dollars for each day
9 spent in the performance of their official duties.

10 7. The commission shall:

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

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

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

21 d. Administer the provisions of this section;

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

1 f. Promulgate guidelines to assist appointing authorities in determin-
2 ing which persons hold policy-making positions for purposes of section
3 seventy-three-a of the public officers law and may promulgate guidelines
4 to assist firms, associations and corporations in separating affected
5 persons from net revenues for purposes of subdivision ten of section
6 seventy-three of the public officers law, and promulgate guidelines to
7 assist any firm, association or corporation in which any present or
8 former statewide elected official, state officer or employee, member of
9 the legislature or legislative employee, or political party chairman is
10 a member, associate, retired member, of counsel or shareholder, in
11 complying with the provisions of subdivision ten of section seventy-
12 three of the public officers law with respect to the separation of such
13 present or former statewide elected official, state officer or employee,
14 member of the legislature or legislative employee, or political party
15 chairman from the net revenues of the firm, association or corporation.
16 Such firm, association or corporation shall not be required to adopt the
17 procedures contained in the guidelines to establish compliance with
18 subdivision ten of section seventy-three of the public officers law, but
19 if such firm, association or corporation does adopt such procedures, it
20 shall be deemed to be in compliance with such subdivision ten;

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

25 h. Review financial disclosure statements in accordance with the
26 provisions of this section, provided however, that the commission may
27 delegate all or part of the review function relating to financial
28 disclosure statements filed by legislative employees pursuant to

1 sections seventy-three and seventy-three-a of the public officers law to
2 the executive director who shall be responsible for completing staff
3 review of such statements in a manner consistent with the terms of the
4 commission's delegation;

5 i. [Permit any person required to file a financial disclosure state-
6 ment to request the commission to delete from the copy thereof made
7 available for public inspection and copying one or more items of infor-
8 mation, which may be deleted by the commission upon a finding that the
9 information which would otherwise be required to be disclosed will have
10 no material bearing on the discharge of the reporting person's official
11 duties;

12 j. Permit any person required to file a financial disclosure statement
13 to request an exemption from any requirement to report one or more items
14 of information which pertain to such person's spouse or unemancipated
15 children which item or items may be exempted by the commission upon a
16 finding that the reporting individual's spouse, on his or her own behalf
17 or on behalf of an unemancipated child, objects to providing the infor-
18 mation necessary to make such disclosure and that the information which
19 would otherwise be required to be reported will have no material bearing
20 on the discharge of the reporting person's official duties;

21 k. Advise and assist the legislature in establishing rules and regu-
22 lations relating to possible conflicts between private interests and
23 official duties of present members of the legislature and legislative
24 employees;

25 l. Receive and act on complaints regarding persons subject to its
26 jurisdiction alleging a possible violation of section seventy-three,
27 seventy-three-a or seventy-four of the public officers law, and conduct
28 such investigations and proceedings as are authorized and necessary to

1 carry out the provisions of this section. In connection with such inves-
2 tigations, the commission may administer oaths or affirmations, subpoena
3 witnesses, compel their attendance and require the production of any
4 books or records which it may deem relevant or material;

5 m. Accept and act upon, as if it were a sworn complaint, any referral
6 from another state oversight body indicating that a violation of section
7 seventy-three or seventy-four of the public officers law may have
8 occurred involving persons subject to the jurisdiction of the commis-
9 sion;

10 n.] Upon written request from any person who is subject to the juris-
11 diction of the commission and the requirements of sections seventy-
12 three, seventy-three-a and seventy-four of the public officers law,
13 render formal advisory opinions on the requirements of said provisions.
14 A formal written opinion rendered by the commission, until and unless
15 amended or revoked, shall be binding on the legislative ethics commis-
16 sion in any subsequent proceeding concerning the person who requested
17 the opinion and who acted in good faith, unless material facts were
18 omitted or misstated by the person in the request for an opinion. Such
19 opinion may also be relied upon by such person, and may be introduced
20 and shall be a defense in any criminal or civil action. The joint
21 commission on public ethics shall not investigate an individual for
22 potential violations of law based upon conduct approved and covered in
23 its entirety by such an opinion, except that such opinion shall not
24 prevent or preclude an investigation of and report to the legislative
25 ethics commission concerning the conduct of the person who obtained it
26 by the joint commission on public ethics for violations of section
27 seventy-three, seventy-three-a or seventy-four of the public officers
28 law to determine whether the person accurately and fully represented to

1 the legislative ethics commission the facts relevant to the formal advi-
2 sory opinion and whether the person's conduct conformed to those factual
3 representations. The joint commission shall be authorized and shall have
4 jurisdiction to investigate potential violations of the law arising from
5 conduct outside of the scope of the terms of the advisory opinion; and

6 [o.] j. Issue and publish generic advisory opinions covering questions
7 frequently posed to the commission, or questions common to a class or
8 defined category of persons, or that will tend to prevent undue repe-
9 tition of requests or undue complication, and which are intended to
10 provide general guidance and information to persons subject to the
11 commission's jurisdiction;

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

17 [q.] l. Prepare an annual report to the governor and legislature
18 summarizing the activities of the commission during the previous year
19 and recommending any changes in the laws governing the conduct of
20 persons subject to the jurisdiction of the commission, or the rules,
21 regulations and procedures governing the commission's conduct. Such
22 report shall include: (i) a listing by assigned number of each complaint
23 and [referral] report received from the joint commission on public
24 ethics which alleged a possible violation within its jurisdiction,
25 including the current status of each complaint, and (ii) where a matter
26 has been resolved, the date and nature of the disposition and any sanc-
27 tion imposed, subject to the confidentiality requirements of this
28 section. Such annual report shall not contain any information for which

1 disclosure is not permitted pursuant to subdivision [fourteen] twelve of
2 this section.

3 8. [The commission, or the executive director and staff of the commis-
4 sion if responsibility regarding such financial disclosure statements
5 filed by legislative employees has been delegated, shall inspect all
6 financial disclosure statements filed with the commission to ascertain
7 whether any person subject to the reporting requirements of subdivision
8 six of section seventy-three or section seventy-three-a of the public
9 officers law has failed to file such a statement, has filed a deficient
10 statement or has filed a statement which reveals a possible violation of
11 section seventy-three, seventy-three-a or seventy-four of the public
12 officers law.

13 9. If a person required to file a financial disclosure statement with
14 the commission has failed to file a financial disclosure statement or
15 has filed a deficient statement, the commission shall notify the report-
16 ing person in writing, state the failure to file or detail the deficien-
17 cy, provide the person with a fifteen day period to cure the deficiency,
18 and advise the person of the penalties for failure to comply with the
19 reporting requirements. Such notice shall be confidential. If the person
20 fails to make such filing or fails to cure the deficiency within the
21 specified time period, the commission shall send a notice of delinquen-
22 cy: (a) to the reporting person; (b) in the case of a senator, to the
23 temporary president of the senate, and if a member of assembly, to the
24 speaker of the assembly; and (c) in the case of a legislative employee,
25 to the appointing authority for such person and to the temporary presi-
26 dent of the senate and/or the speaker of the assembly, as the case may
27 be, who has jurisdiction over such appointing authority. Such notice of
28 delinquency may be sent at any time during the reporting person's

1 service as a member of the legislature or legislative employee or while
2 a candidate for member of the legislature, or within one year after
3 separation from such service or the termination of such candidacy. The
4 jurisdiction of the commission, when acting pursuant to subdivision
5 eleven of this section with respect to financial disclosure, shall
6 continue notwithstanding that the reporting person separates from state
7 service or terminates his or her candidacy, provided the commission
8 notifies such person of the alleged failure to file or deficient filing
9 pursuant to this subdivision.

10 10. a. If a reporting person has filed a statement which reveals a
11 possible violation of section seventy-three, seventy-three-a or seven-
12 ty-four of the public officers law, or the commission receives a refer-
13 ral from another state oversight body, or the commission receives a
14 sworn complaint alleging such a violation by a reporting person or a
15 legislative employee subject to the provisions of such laws, or if the
16 commission determines on its own initiative to investigate a possible
17 violation by a reporting person or a legislative employee subject to the
18 provisions of such laws, the commission shall notify the reporting
19 person in writing, describe the possible or alleged violation thereof
20 and provide the person with a fifteen day period in which to submit a
21 written response setting forth information relating to the activities
22 cited as a possible or alleged violation of law. If the commission ther-
23 eafter makes a determination that further inquiry is justified, it shall
24 give the reporting person an opportunity to be heard. The commission
25 shall also inform the reporting individual of its rules regarding the
26 conduct of adjudicatory proceedings and appeals and the due process
27 procedural mechanisms available to such individual. If the commission
28 determines at any stage of the proceeding, that there is no violation or

1 that any potential conflict of interest violation has been rectified, it
2 shall so advise the reporting person and the complainant, if any. All of
3 the foregoing proceedings shall be confidential.

4 b. If the commission determines that there is reasonable cause to
5 believe that a violation has occurred, it shall send a notice of reason-
6 able cause: (i) to the reporting person; (ii) to the complainant if any;
7 (iii) in the case of a senator, to the temporary president of the
8 senate, and if a member of the assembly, to the speaker of the assembly;
9 and (iv) in the case of a legislative employee, to the appointing
10 authority for such person and to the temporary president of the senate
11 and/or the speaker of the assembly, as the case may be, who has juris-
12 diction over such appointing authority.

13 c.] The jurisdiction of the commission to impose penalties when acting
14 pursuant to this section shall continue notwithstanding that a member of
15 the legislature or a legislative employee separates from state service,
16 or a candidate for member of the legislature ceases to be a candidate,
17 provided that [the commission notifies] such individual has been noti-
18 fied of the alleged violation of law [pursuant to paragraph a of this
19 subdivision] within one year from his or her separation from state
20 service or the termination of his or her candidacy. [Nothing in this
21 section shall serve to limit the jurisdiction of the commission in
22 enforcement of subdivision eight of section seventy-three of the public
23 officers law.

24 11.] 9. (a) An individual subject to the jurisdiction of the commis-
25 sion with respect to the imposition of penalties who knowingly and
26 intentionally violates the provisions of subdivisions two through [five]
27 five-a, seven, eight, twelve, fourteen or fifteen of section seventy-
28 three of the public officers law or a reporting individual who knowingly

1 and wilfully fails to file an annual statement of financial disclosure
2 or who knowingly and wilfully with intent to deceive makes a false
3 statement or gives information which such individual knows to be false
4 on such statement of financial disclosure filed pursuant to section
5 seventy-three-a of the public officers law shall be subject to a civil
6 penalty in an amount not to exceed forty thousand dollars and the value
7 of any gift, compensation or benefit received as a result of such
8 violation. Any such individual who knowingly and intentionally violates
9 the provisions of paragraph a, b, c, d, e, g, or i of subdivision three
10 of section seventy-four of the public officers law shall be subject to a
11 civil penalty in an amount not to exceed ten thousand dollars and the
12 value of any gift, compensation or benefit received as a result of such
13 violation. [Any such individual who knowingly and intentionally violates
14 the provisions of paragraph a, e or g of subdivision three of section
15 seventy-four of the public officers law shall be subject to a civil
16 penalty in an amount equal to the value of any gift, compensation or
17 benefit received as a result of such violation.] Assessment of a civil
18 penalty hereunder shall be made by the commission with respect to
19 persons subject to its jurisdiction. In assessing the amount of the
20 civil penalties to be imposed, the commission shall consider the seri-
21 ousness of the violation, the amount of gain to the individual and
22 whether the individual previously had any civil or criminal penalties
23 imposed pursuant to this section, and any other factors the commission
24 deems appropriate. For a violation of this section, other than for
25 conduct which constitutes a violation of subdivision twelve, fourteen or
26 fifteen of section seventy-three or section seventy-four of the public
27 officers law, the legislative ethics commission may, in lieu of or in
28 addition to a civil penalty, refer a violation to the appropriate prose-

1 cutor and upon such conviction, but only after such referral, such
2 violation shall be punishable as a class A misdemeanor. Where the
3 commission finds sufficient cause, it shall refer such matter to the
4 appropriate prosecutor. A civil penalty for false filing may not be
5 imposed hereunder in the event a category of "value" or "amount"
6 reported hereunder is incorrect unless such reported information is
7 falsely understated. Notwithstanding any other provision of law to the
8 contrary, no other penalty, civil or criminal may be imposed for a fail-
9 ure to file, or for a false filing, of such statement, or a violation of
10 subdivision six of section seventy-three of the public officers law,
11 except that the appointing authority may impose disciplinary action as
12 otherwise provided by law. The legislative ethics commission shall be
13 deemed to be an agency within the meaning of article three of the state
14 administrative procedure act and shall adopt rules governing the conduct
15 of adjudicatory proceedings and appeals taken pursuant to a proceeding
16 commenced under article seventy-eight of the civil practice law and
17 rules relating to the assessment of the civil penalties herein author-
18 ized [and commission denials of requests for certain deletions or
19 exemptions to be made from a financial disclosure statement as author-
20 ized in paragraph i or paragraph j of subdivision seven of this
21 section]. Such rules, which shall not be subject to the promulgation and
22 hearing requirements of the state administrative procedure act, shall
23 provide for due process procedural mechanisms substantially similar to
24 those set forth in such article three but such mechanisms need not be
25 identical in terms or scope. Assessment of a civil penalty [or commis-
26 sion denial of such a deletion or exemption request] shall be final
27 unless modified, suspended or vacated within thirty days of imposition,
28 with respect to the assessment of such penalty, or unless such denial of

1 request is reversed within such time period, and upon becoming final
2 shall be subject to review at the instance of the affected reporting
3 individuals in a proceeding commenced against the legislative ethics
4 commission, pursuant to article seventy-eight of the civil practice law
5 and rules.

6 [12.] (b) Not later than forty-five calendar days after receipt from
7 the joint commission on public ethics of a written substantial basis
8 investigation report and any supporting documentation or other materials
9 regarding a matter before the commission pursuant to subdivision four-
10 teen-a of section ninety-four of the executive law, unless requested by
11 a law enforcement agency to suspend the commission's action because of
12 an ongoing criminal investigation, the legislative ethics commission
13 shall make public such report in its entirety; provided, however, that
14 the commission may withhold such information for not more than one addi-
15 tional period of the same duration or refer the matter back to the joint
16 commission on public ethics once for additional investigation, in which
17 case the legislative ethics commission shall, upon the termination of
18 such additional period or upon receipt of a new report by the joint
19 commission on public ethics after such additional investigation, make
20 public the written report and publish it on the commission's website.
21 If the legislative ethics commission fails to make public the written
22 report received from the joint commission in accordance with this para-
23 graph, the joint commission shall release such report publicly promptly
24 and in any event no later than ten days after the legislative ethics
25 commission is required to release such report. The legislative ethics
26 commission shall not refer the matter back to the joint commission on
27 public ethics for additional investigation more than once. If the
28 commission refers the matter back to the joint commission for additional

1 fact-finding, the joint commission's original report shall remain confi-
2 dential.

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

10 a. whether the legislative ethics commission concurs with the joint
11 commission's conclusions of law and the reasons therefor;

12 b. whether and which penalties have been assessed pursuant to applica-
13 ble law or rule and the reasons therefor; and

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

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

20 11. If the commission has a reasonable basis to believe that any
21 person subject to the jurisdiction of another state oversight body may
22 have violated section seventy-three or seventy-four of the public offi-
23 cers law, section one hundred seven of the civil service law, or article
24 one-A of this chapter, it shall refer such violation to such oversight
25 body unless the commission determines that such a referral would compro-
26 mise the prosecution or confidentiality of its [investigations]
27 proceedings and, if so, shall make such a referral as soon as practica-
28 ble. The referral by the commission shall include any information relat-

1 ing thereto coming into the custody or under the control of the commis-
2 sion at any time prior or subsequent to the time of the referral.

3 [13. A copy of any notice of delinquency or notice of reasonable cause
4 sent pursuant to subdivisions nine and ten of this section shall be
5 included in the reporting person's file and be available for public
6 inspection and copying.

7 14.] 12. a. Notwithstanding the provisions of article six of the
8 public officers law, the only records of the commission which shall be
9 available for public inspection and copying are:

10 (1) [the information set forth in an annual statement of financial
11 disclosure filed pursuant to section seventy-three-a of the public offi-
12 cers law except the categories of value or amount which shall be confi-
13 dential, and any other item of information deleted pursuant to paragraph
14 i of subdivision seven of this section;

15 (2) financial disclosure statements filed pursuant to subdivision six
16 of section seventy-three of the public officers law;

17 (3) notices of delinquency sent under subdivision nine of this
18 section;

19 (4) notices of reasonable cause sent under paragraph b of subdivision
20 ten of this section;

21 (5) notices of civil assessment imposed under this section which shall
22 include a description of the nature of the alleged wrongdoing, the
23 procedural history of the complaint, the findings and determinations
24 made by the commission, and any sanction imposed;

25 (6)] the terms of any settlement or compromise of a complaint or
26 referral or report which includes a fine, penalty or other remedy
27 reached after the commission has received a report from the joint

1 commission on public ethics pursuant to subdivision fourteen-a of
2 section ninety-four of the executive law;
3 [(7)] (2) generic advisory opinions; [and
4 (8)] (3) all reports required by this section[.]; and
5 (4) all reports received from the joint commission on public ethics
6 pursuant to subdivision fourteen-a of section ninety-four of the execu-
7 tive law and in conformance with paragraph (b) of subdivision nine-b of
8 this section.

9 b. Notwithstanding the provisions of article seven of the public offi-
10 cers law, no meeting or proceeding of the commission shall be open to
11 the public, except if expressly provided otherwise by this section or
12 the commission.

13 [15.] 13. Within one hundred twenty days of the effective date of this
14 subdivision, the commission shall create and thereafter maintain a
15 publicly accessible website which shall set forth the procedure for
16 filing a complaint with the joint commission on public ethics, and which
17 shall contain [the documents identified in subdivision fourteen of this
18 section, other than financial disclosure statements, and] any other
19 records or information which the commission determines to be appropri-
20 ate.

21 [16.] 14. This section shall not revoke or rescind any policies,
22 rules, regulations or advisory opinions issued by the legislative ethics
23 committee in effect upon the effective date of this subdivision, to the
24 extent that such regulations or opinions are not inconsistent with any
25 laws of the state of New York. The legislative ethics commission shall
26 undertake a comprehensive review of all such policies, rules, regu-
27 lations or advisory opinions which will address the consistency of such
28 policies, rules, regulations or advisory opinions with the laws of the

1 state of New York. The legislative ethics commission shall, before April
2 first, two thousand eight, report to the governor and legislature
3 regarding such review and shall propose any regulatory changes and issue
4 any advisory opinions necessitated by such review.

5 [17.] 15. Separability clause. If any part or provision of this
6 section or the application thereof to any person is adjudged by a court
7 of competent jurisdiction to be unconstitutional or otherwise invalid,
8 such judgment shall not affect or impair any other part or provision or
9 the application thereof to any other person, but shall be confined to
10 such part or provision.

11 § 10. Paragraph (h) of subdivision 8 of section 73 of the public offi-
12 cers law, as added by chapter 514 of the laws of 2002, is amended to
13 read as follows:

14 (h) Notwithstanding the provisions of subparagraphs (i) and (ii) of
15 paragraph (a) of this subdivision, a former state officer or employee
16 may contract individually, or as a member or employee of a firm, corpo-
17 ration or association, to render services to any state agency when the
18 agency head certifies in writing to the [state ethics] joint commission
19 on public ethics that the services of such former officer or employee
20 are required in connection with the agency's response to a disaster
21 emergency declared by the governor pursuant to section twenty-eight of
22 the executive law.

23 § 11. The opening paragraph of subdivision 8-a of section 73 of the
24 public officers law, as amended by chapter 357 of the laws of 2001, is
25 amended to read as follows:

26 The provisions of subparagraphs (i) and (ii) of paragraph (a) of
27 subdivision eight of this section shall not apply to any such former
28 state officer or employee engaged in any of the specific permitted

1 activities defined in this subdivision that are related to any civil
2 action or proceeding in any state or federal court, provided that the
3 attorney general has certified in writing to the [state ethics] joint
4 commission on public ethics, with a copy to such former state officer or
5 employee, that the services are rendered on behalf of the state, a state
6 agency, state officer or employee, or other person or entity represented
7 by the attorney general, and that such former state officer or employee
8 has expertise, knowledge or experience which is unique or outstanding in
9 a field or in a particular matter or which would otherwise be generally
10 unavailable at a comparable cost to the state, a state agency, state
11 officer or employee, or other person or entity represented by the attor-
12 ney general in such civil action or proceeding. In those instances where
13 a state agency is not represented by the attorney general in a civil
14 action or proceeding in state or federal court, a former state officer
15 or employee may engage in permitted activities provided that the general
16 counsel of the state agency, after consultation with the [state ethics]
17 joint commission on public ethics, provides to the [state ethics] joint
18 commission on public ethics a written certification which meets the
19 requirements of this subdivision. For purposes of this subdivision the
20 term "permitted activities" shall mean generally any activity performed
21 at the request of the attorney general or the attorney general's desig-
22 nee, or in cases where the state agency is not represented by the attor-
23 ney general, the general counsel of such state agency, including without
24 limitation:

25 § 12. Subdivision 8-b of section 73 of the public officers law, as
26 added by chapter 523 of the laws of 2004, is amended to read as follows:

27 8-b. Notwithstanding the provisions of subparagraphs (i) and (ii) of
28 paragraph (a) of subdivision eight of this section, a former state offi-

1 cer or employee may contract individually, or as a member or employee of
2 a firm, corporation or association, to render services to any state
3 agency if, prior to engaging in such service, the agency head certifies
4 in writing to the [state ethics] joint commission on public ethics that
5 such former officer or employee has expertise, knowledge or experience
6 with respect to a particular matter which meets the needs of the agency
7 and is otherwise unavailable at a comparable cost. Where approval of the
8 contract is required under section one hundred twelve of the state
9 finance law, the comptroller shall review and consider the reasons for
10 such certification. The [state ethics] joint commission on public ethics
11 must review and approve all certifications made pursuant to this subdi-
12 vision.

13 § 13. Subdivision 10 of section 73 of the public officers law, as
14 amended by chapter 813 of the laws of 1987, is amended to read as
15 follows:

16 10. Nothing contained in this section, the judiciary law, the educa-
17 tion law or any other law or disciplinary rule shall be construed or
18 applied to prohibit any firm, association or corporation, in which any
19 present or former statewide elected official, state officer or employee,
20 or political party chairman, member of the legislature or legislative
21 employee is a member, associate, retired member, of counsel or share-
22 holder, from appearing, practicing, communicating or otherwise rendering
23 services in relation to any matter before, or transacting business with
24 a state agency, or a city agency with respect to a political party
25 chairman in a county wholly included in a city with a population of more
26 than one million, otherwise proscribed by this section, the judiciary
27 law, the education law or any other law or disciplinary rule with
28 respect to such official, member of the legislature or officer or

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

1 § 14. Transfer of records. The state commission on public integrity,
2 shall deliver to the joint commission on public ethics all books,
3 papers, records, and property as requested by the joint commission.

4 § 15. Continuity of authority. For the purpose of succession to all
5 functions, powers, duties and obligations transferred and assigned to,
6 devolved upon and assumed by it pursuant to this act, the joint commis-
7 sion on public ethics shall be deemed and held to constitute the contin-
8 uation of the state commission on public integrity.

9 § 16. Completion of unfinished business. Any business or other matter
10 undertaken or commenced by the state commission on public integrity or
11 the legislative ethics commission pertaining to or connected with the
12 functions, powers, obligations and duties hereby transferred and
13 assigned to the joint commission on public ethics, and pending on the
14 effective date of this act may be conducted and completed by the joint
15 commission on public ethics in the same manner and under the same terms
16 and conditions and with the same effect as if conducted and completed by
17 the former state commission on public integrity or the legislative
18 ethics commission.

19 § 17. Terms occurring in laws, contracts and other documents. Whenever
20 the state commission on public integrity is referred to or designated in
21 any law, contract or documents pertaining solely to those functions,
22 powers, obligations and duties hereby transferred and assigned to the
23 joint commission on public ethics, such reference or designation shall
24 be deemed to refer to the joint commission on public ethics as created
25 by this act.

26 § 18. Existing rights and remedies preserved. No existing right or
27 remedy of any character shall be lost, impaired or affected by reason of
28 this act.

1 § 19. Pending actions and proceedings. No action or proceeding pending
2 at the time when this act shall take effect, brought by or against the
3 state commission on public integrity shall be affected by this act, but
4 the same may be prosecuted or defended in the name of the joint commis-
5 sion on public ethics and upon application to the court, the joint
6 commission on public ethics shall be substituted as a party.

7 § 20. Notwithstanding any contrary provision of the state finance law,
8 transfer of appropriations heretofore made to the state commission on
9 public integrity, all appropriations or reappropriations for the func-
10 tions herein transferred heretofore made to the state commission on
11 public integrity, or segregated pursuant to law, to the extent of
12 remaining unexpended or unencumbered balances thereof, whether allocated
13 or unallocated and whether obligated or unobligated, are hereby trans-
14 ferred to the joint commission on public ethics to the extent necessary
15 to carry out its functions, powers and duties subject to the approval of
16 the director of the budget for the same purposes for which originally
17 appropriated or reappropriated and shall be payable on vouchers certi-
18 fied or approved by the joint commission on public ethics on audit and
19 warrant of the comptroller.

20 § 21. No later than June 1, 2014, the governor and the legislative
21 leaders shall jointly appoint a review commission to review and evaluate
22 the activities and performance of the joint commission on public ethics
23 and the legislative ethics commission in implementing the provisions of
24 this act. On or before March 1, 2015, the review commission shall report
25 to the governor and the legislature on its review and evaluation which
26 report shall include any administrative and legislative recommendations
27 on strengthening the administration and enforcement of the ethics law in
28 New York state. The review commission shall be comprised of eight

1 members and the governor and the legislative leaders shall jointly
2 designate a chair from among the members.

3 § 22. This act shall take effect immediately, provided that:

4 1. the state commission on public integrity shall continue to accept
5 filings and provide records as otherwise required but shall not other-
6 wise investigate, discipline or provide advisory opinions;

7 2. the joint commission on public ethics shall be fully operational on
8 or before the one hundred twentieth day after this act shall have become
9 a law and until such time as it becomes operational (a) the state
10 commission on public integrity shall deposit all records in its
11 possession with the inspector general and (b) the legislative ethics
12 commission shall continue to exercise such functions, powers, obli-
13 gations and duties to be transferred to the joint commission on public
14 ethics; and

15 3. section four of this act, the amendments to subdivision 3 of
16 section 73-a of the public officers law made by section five of this
17 act, paragraph (i-1) of subdivision 9 of section 94 of the executive
18 law, as added by section six of this act, and the amendments to subpara-
19 graph 1 of paragraph (a) of subdivision 19 of section 94 of the execu-
20 tive law, made by section six of this act, shall take effect January 1,
21 2013.

22

PART B

23 Section 1. Subdivision (c) of section 1-h of the legislative law is
24 amended by adding a new paragraph 4 to read as follows:

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

4 (i) that has spent over fifty thousand dollars for reportable compen-
5 sation and expenses for lobbying either during the calendar year, or
6 during the twelve-month period, prior to the date of this bi-monthly
7 report, and

8 (ii) at least three percent of whose total expenditures during the
9 same period were devoted to lobbying in New York
10 shall report to the commission the names of each source of funding over
11 five thousand dollars from a single source that were used to fund the
12 lobbying activities reported and the amounts received from each identi-
13 fied source of funding.

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

25 The disclosure shall not apply to:

26 (i) any corporation registered pursuant to article seven-A of the
27 executive law that is qualified as an exempt organization by the United
28 States Department of the Treasury under I.R.C. § 501(c)(3);

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

13 (iii) any governmental entity.

14 The joint commission on public ethics shall promulgate regulations to
15 implement these requirements.

16 § 2. Subdivision (c) of section 1-j of the legislative law is amended
17 by adding a new paragraph 4 to read as follows:

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

20 (i) that has spent over fifty thousand dollars for reportable compen-
21 sation and expenses for lobbying either during the calendar year, or
22 during the twelve-month period, prior to the date of this semi-annual
23 report, and

24 (ii) at least three percent of whose total expenditures during the
25 same period were devoted to lobbying in New York
26 shall report to the commission the names of each source of funding over
27 five thousand dollars from a single source that were used to fund the

1 lobbying activities reported and the amounts received from each identi-
2 fied source of funding.

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

14 The disclosure shall not apply to:

15 (i) any corporation registered pursuant to article seven-A of the
16 executive law that is qualified as an exempt organization by the United
17 States Department of the Treasury under I.R.C. § 501(c)(3);

18 (ii) any corporation registered pursuant to article seven-A of the
19 executive law that is qualified as an exempt organization by the United
20 States Department of the Treasury under I.R.C. § 501(c)(4) and whose
21 primary activities concern any area of public concern determined by the
22 commission to create a substantial likelihood that application of this
23 disclosure requirement would lead to harm, threats, harassment, or
24 reprisals to a source of funding or to individuals or property affil-
25 iated with such source, including but not limited to the area of civil
26 rights and civil liberties and any other area of public concern deter-
27 mined pursuant to regulations promulgated by the commission to form a

1 proper basis for exemption on this basis from this disclosure require-
2 ment; or

3 (iii) any governmental entity.

4 The joint commission on public ethics shall promulgate regulations to
5 implement these requirements.

6 § 3. This act shall take effect June 1, 2012.

7 PART C

8 Section 1. The retirement and social security law is amended by adding
9 a new article 3-B to read as follows:

10 ARTICLE 3-B

11 PENSION FORFEITURE FOR PUBLIC OFFICIALS

12 Section 156. Definitions.

13 157. Pension forfeiture.

14 158. Pension contributions returned.

15 159. Miscellaneous.

16 § 156. Definitions. The following words and phrases, as used in this
17 article, shall have the following meanings, unless a different meaning
18 is plainly required by the context:

19 1. "Crime related to public office" shall mean any of the following
20 criminal offenses whether committed in this state or in any other juris-
21 diction by a public official through the use of his or her public office
22 or by the individual representing that he or she was acting with the
23 authority of any governmental entity, and acting as a public official:

24 (a) a felony for committing, aiding or abetting a larceny of public
25 funds from the state or a municipality;

1 (b) a felony committed in direct connection with service as a public
2 official; or

3 (c) a felony committed by such person who, with the intent to defraud,
4 realizes or obtains, or attempts to realize or obtain, a profit, gain or
5 advantage for himself or herself or for some other person, through the
6 use or attempted use of the power, rights, privileges or duties of his
7 or her position as a public official.

8 2. "Chief administrator of the retirement system" shall mean the comp-
9 troller of the state of New York with respect to the New York state and
10 local employees' retirement system and the boards of trustees with
11 respect to the other public retirement systems and pension funds of the
12 state and the city of New York.

13 3. "Defendant" shall mean a state or local officer against whom a
14 forfeiture action is commenced.

15 4. "Dependent person" shall mean and include:

16 (a) any child of a public official or other person for whom such
17 person is legally responsible to provide support;

18 (b) any present or former spouse or domestic partner of a public offi-
19 cial;

20 (c) any family or household member of a public official, regardless of
21 such person's age, where such person has a disability, as defined in
22 subdivision twenty-one of section two hundred ninety-two of the execu-
23 tive law; and

24 (d) any person to whom a public official has provided support.

25 5. "Pension" shall mean the annual allowance for life, payable in
26 monthly installments, derived from contributions made by a public offi-
27 cial to the appropriate pension accumulation fund of a retirement system
28 pursuant to applicable law.

1 6. (a) "Public official" shall mean any of the following individuals
2 who were not members of any retirement system prior to the effective
3 date of the chapter of the laws of two thousand eleven which added this
4 article but who have become members of a covered retirement system on or
5 after the effective date of the chapter of the laws of two thousand
6 eleven which added this article:

7 (i) the governor, lieutenant governor, comptroller or attorney gener-
8 al;

9 (ii) members of the state legislature;

10 (iii) state officers and employees including:

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

15 (B) officers and employees of statewide elected officials;

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

18 (D) members or directors of public authorities, other than multi-state
19 authorities, public benefit corporations and commissions at least one of
20 whose members is appointed by the governor, and employees of such
21 authorities, corporations and commissions;

22 (iv) judges, justices and employees of the unified court system;

23 (v) officers and employees of the legislature; and

24 (vi) paid municipal officers and employees including an officer or
25 employee of a municipality, paid members of any administrative board,
26 commission or other agency thereof and in the case of a county, shall be
27 deemed to also include any officer or employee paid from county funds.

1 (b) A person who receives no compensation or is compensated on a per
2 diem basis for his or her duties as a public official shall not be
3 deemed a public official pursuant to this subdivision.

4 7. "Retirement system" shall mean the New York state and local employ-
5 ees' retirement system, and the New York city employees' retirement
6 system.

7 § 157. Pension forfeiture. 1. Notwithstanding any other law to the
8 contrary, it shall be a term and condition of membership for every
9 public official who becomes a member of any retirement system on or
10 after the effective date of the chapter of the laws of two thousand
11 eleven which added this article, that such public official's rights to a
12 pension in a retirement system that accrue in such retirement system
13 after his or her date of initial membership in the retirement system
14 shall be subject to the provisions of this article.

15 2. In the case of a public official who stands convicted, by plea of
16 nolo contendere or plea of guilty to, or by conviction after trial, of
17 any crime related to public office, an action may be commenced in
18 supreme court of the county in which such public official was convicted
19 of such felony crime, by the district attorney having jurisdiction over
20 such crime, or by the attorney general if the attorney general brought
21 the criminal charge which resulted in such conviction, for an order to
22 reduce or revoke the pension to which such public official is otherwise
23 entitled for service as a public official. Such complaint shall specify
24 with particularity which category of felony pursuant to subdivision one
25 of section one hundred fifty-six of this article the defendant has
26 committed, and all other facts that are alleged to qualify such crime as
27 a felony crime related to public office subject to pension reduction or
28 revocation pursuant to this article, and the amount of pension reduction

1 or revocation requested. Such action shall be commenced within six
2 months after such conviction.

3 3. Before commencing an action described in subdivision two of this
4 section, the district attorney or the attorney general, as the case may
5 be, shall serve written notice on the chief administrator of the defend-
6 ant's retirement system stating that he or she has reason to believe
7 that the person convicted committed the crime related to public office
8 in the performance of or failure to perform the public official's duties
9 and responsibilities. Such notice shall specify with particularity
10 which category of felony pursuant to subdivision one of section one
11 hundred fifty-six of this article the defendant has committed. Within
12 twenty days after receipt of such notice, the chief administrator of the
13 defendant's retirement system shall submit a notice of applicability to
14 the district attorney or the attorney general as the case may be. The
15 notice of applicability shall contain a statement specifying whether the
16 person convicted is or has been a member or retired member of a retire-
17 ment system and shall describe the portion of such rights and benefits
18 to which such person is or will be entitled to solely from service as
19 such a public official.

20 4. No forfeiture action may be commenced by the district attorney or
21 the attorney general until such district attorney or the attorney gener-
22 al, as the case may be, has received and served on the defendant the
23 notice of applicability as set forth in subdivision three of this
24 section.

25 5. The district attorney or the attorney general, or any interested
26 party, may seek, or the court on its own motion may order, that some or
27 all of the pension that would otherwise be reduced or revoked pursuant

1 to this article be paid for the benefit of any dependent persons, as may
2 be in the interests of justice.

3 6. The defendant shall have the right to a hearing.

4 7. The burden of proof shall be upon the district attorney or the
5 attorney general, as the case may be, to prove by clear and convincing
6 evidence the facts necessary to establish a claim of pension forfeiture.
7 The district attorney or the attorney general as the case may be must,
8 at the time of the hearing, prove by clear and convincing evidence that
9 the defendant knowingly and intentionally committed the crime related to
10 public office.

11 8. In determining whether the pension shall be reduced or revoked, the
12 supreme court shall consider and make findings of fact and conclusions
13 of law that include, but shall not be limited to, a consideration of the
14 following factors:

15 (a) Whether the defendant stands convicted of such a felony of a crime
16 related to public office, and the specific paragraph or paragraphs of
17 subdivision one of section one hundred fifty-six of this article that
18 have been proven or not proven;

19 (b) The severity of the crime related to public office of which the
20 defendant stands convicted;

21 (c) The amount of monetary loss suffered by such state or municipality
22 as a result of such crime related to public office;

23 (d) The degree of public trust reposed in the public official by
24 virtue of the person's position as a public official;

25 (e) If the crime related to public office was part of a fraudulent
26 scheme against the state or a municipality, the role of the public offi-
27 cial in such fraudulent scheme against such state or a municipality;

28 (f) The defendant's criminal history, if any;

1 (g) The impact of forfeiture, in whole or in part, on defendant's
2 dependents, present or former spouses, or domestic partners;

3 (h) The proportionality of forfeiture of all or part of the pension to
4 the crime committed; and

5 (i) Any such other factors as, in the judgment of the supreme court,
6 justice may require.

7 9. At any time during the pendency of a forfeiture action, the court
8 may dismiss the action if it finds that such relief is warranted by the
9 existence of some compelling factor, consideration or circumstance or
10 other information or evidence which demonstrates that forfeiture would
11 not serve the ends of justice. The court may order that some or all of
12 the reduced or revoked pension be paid to satisfy the terms of any
13 existing order for the payment of maintenance, child support or restitu-
14 tion or for the benefit of any dependent persons, as may be in the
15 interests of justice, after taking into consideration the financial
16 needs and resources available for support of such persons.

17 10. Upon a finding by the court by clear and convincing evidence that
18 the defendant knowingly and intentionally committed a crime related to
19 public office, the court may issue an order to the appropriate retire-
20 ment system to reduce or revoke the defendant's pension to which he or
21 she is otherwise entitled as such a public official. All orders and
22 findings made by the court pursuant to this section shall be served by
23 the attorney general or the district attorney, as the case may be upon
24 the chief administrator of the defendant's retirement system and the
25 defendant.

26 11. The court shall issue a written decision including findings of
27 fact and conclusions of law that are the basis for any order issued
28 pursuant to this section.

1 12. Upon a final determination that reverses or vacates the conviction
2 or convictions of a crime related to public office, or reduces such
3 crime to a violation, misdemeanor or other criminal act that is not a
4 crime related to public office, the public official, or if he or she
5 shall be deceased, his or her estate, shall have such pension retroac-
6 tively restored upon application to the court with jurisdiction over the
7 forfeiture action. Such court, upon finding that such a final determi-
8 nation has occurred, shall issue an order retroactively restoring such
9 pension, together with such other relief deemed appropriate.

10 13. A final judgment entered pursuant to this article may be appealed
11 pursuant to subdivision (a) of section fifty-seven hundred one and
12 section fifty-six hundred two of the civil practice law and rules.

13 14. Except as otherwise provided by this article, the civil practice
14 law and rules shall govern the procedure in all actions commenced pursu-
15 ant to this article, except where the action is specifically regulated
16 by any inconsistent provisions herein.

17 § 158. Pension contributions returned. 1. Any public official whose
18 pension is reduced or revoked pursuant to this article shall be entitled
19 to a return of his or her contribution paid into the relevant retirement
20 system, without interest.

21 2. Notwithstanding the provisions of subdivision one of this section,
22 no payments in return of contributions shall be made or ordered unless
23 and until the supreme court determines that the public official whose
24 pension has been reduced or revoked has satisfied in full any judgments
25 or orders rendered by any court of competent jurisdiction for the
26 payment of restitution to the state or a municipality for losses
27 incurred as a result of such crime related to public office. If the
28 supreme court determines that such public official whose pension is to

1 be reduced or revoked has failed to satisfy any outstanding judgment or
2 order of restitution rendered by a court of competent jurisdiction, it
3 may order that any funds otherwise due to such public official as a
4 return of contribution, or any portion thereof, be paid in satisfaction
5 of such judgment or order.

6 § 159. Miscellaneous. The remedies provided for in this article are
7 not intended to substitute for, limit or supersede the lawful authority
8 of any public officer, agency or other person to enforce any other right
9 or remedy provided for by law.

10 § 2. The criminal procedure law is amended by adding a new section
11 220.51 to read as follows:

12 § 220.51 Notice before entry of plea or trial involving a public offi-
13 cial.

14 Prior to trial, and before accepting a defendant's plea to a count or
15 counts of an indictment or a superior court information charging a felo-
16 ny offense, the court must individually advise the defendant, on the
17 record, that if at the time of the alleged felony crime the defendant
18 was a public official, as defined in subdivision six of section one
19 hundred fifty-six of the retirement and social security law, the defend-
20 ant's plea of guilty and the court's acceptance thereof or conviction
21 after trial may result in proceedings for the reduction or revocation of
22 such defendant's pension pursuant to article three-B of the retirement
23 and social security law.

24 § 3. This act shall take effect on the ninetieth day after it shall
25 have become a law and shall only apply to acts committed by public offi-
26 cials on or after such date.

1 Section 1. Paragraph (i) of subdivision (c) and subdivision (j) of
2 section 1-c of the legislative law, paragraph (i) of subdivision (c) as
3 added by chapter 1 of the laws of 2005 and subdivision (j) as added by
4 chapter 14 of the laws of 2007, are amended to read as follows:

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

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

14 (i) complimentary attendance, including food and beverage, at bona
15 fide charitable or political events[, and food and beverage of a nominal
16 value offered other than as part of a meal];

17 (ii) complimentary attendance, food and beverage offered by the spon-
18 sor of [an event that is] a widely attended [or was in good faith
19 intended to be widely attended, when attendance at the event is related
20 to the attendee's duties or responsibilities as a public official or
21 allows the public official to perform a ceremonial function appropriate
22 to his or her position] event. The term "widely attended event" shall
23 mean an event: (A) which at least twenty-five individuals other than
24 members, officers, or employees from the governmental entity in which
25 the public official serves attend or were, in good faith, invited to
26 attend, and (B) which is related to the attendee's duties or responsi-
27 bilities or which allows the public official to perform a ceremonial
28 function appropriate to his or her position. For the purposes of this

1 exclusion, a public official's duties or responsibilities shall include
2 but not be limited to either (1) attending an event or a meeting at
3 which a speaker or attendee addresses an issue of public interest or
4 concern as a significant activity at such event or meeting; or (2) for
5 elected public officials, or their staff attending with or on behalf of
6 such elected officials, attending an event or a meeting at which more
7 than one-half of the attendees, or persons invited in good faith to
8 attend, are residents of the county, district or jurisdiction from which
9 the elected public official was elected;

10 (iii) awards, plaques, and other ceremonial items which are publicly
11 presented, or intended to be publicly presented, in recognition of
12 public service, provided that the item or items are of the type custom-
13 arily bestowed at such or similar ceremonies and are otherwise reason-
14 able under the circumstances, and further provided that the functionali-
15 ty of such items shall not determine whether such items are permitted
16 under this paragraph;

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

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

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

27 (vii) gifts from a family member, member of the same household, or
28 person with a personal relationship with the public official, including

1 invitations to attend personal or family social events, when the circum-
2 stances establish that it is the family, household, or personal
3 relationship that is the primary motivating factor; in determining moti-
4 vation, the following factors shall be among those considered: (A) the
5 history and nature of the relationship between the donor and the recipi-
6 ent, including whether or not items have previously been exchanged; (B)
7 whether the item was purchased by the donor; and (C) whether or not the
8 donor at the same time gave similar items to other public officials; the
9 transfer shall not be considered to be motivated by a family, household,
10 or personal relationship if the donor seeks to charge or deduct the
11 value of such item as a business expense or seeks reimbursement from a
12 client;

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

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

26 (x) provision of local transportation to inspect or tour facilities,
27 operations or property [owned or operated by the entity providing such
28 transportation] located in New York state, provided, however, that such

1 inspection or tour is related to the individual's official duties or
2 responsibilities and that payment or reimbursement [of] for expenses for
3 lodging[, meals] or travel expenses to and from the locality where such
4 facilities, operations or property are located shall be considered to be
5 gifts unless otherwise permitted under this subdivision; [and]

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

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

10 § 2. This act shall take effect immediately.

11 PART E

12 Section 1. The state board of elections shall, no later than January
13 1, 2012, issue regulations setting forth and implementing the require-
14 ments under existing law for individuals, organizations, corporations,
15 political committees, or any other entities to disclose independent
16 expenditures made for advertisements or any other type of advocacy that
17 expressly identifies a political candidate or ballot proposal. Such
18 regulations shall require such disclosure to the fullest extent of the
19 law.

20 § 2. Section 14-106 of the election law, as amended by chapter 8 of
21 the laws of 1978, is amended to read as follows:

22 § 14-106. Political [advertisements and literature] communication.
23 The statements required to be filed under the provisions of this article
24 next succeeding a primary, general or special election shall be accompa-
25 nied by a [facsimile or] copy of all broadcast, cable or satellite sche-
26 dules and scripts, internet, print and other types of advertisements,

1 pamphlets, circulars, flyers, brochures, letterheads and other printed
2 matter purchased or produced [and a schedule of all radio or television
3 time, and scripts used therein], purchased in connection with such
4 election by or under the authority of the person filing the statement or
5 the committee or the person on whose behalf it is filed, as the case may
6 be. Such [facsimiles,] copies, schedules and scripts shall be preserved
7 by the officer with whom or the board with which it is required to be
8 filed for a period of one year from the date of filing thereof.

9 § 3. Section 14-126 of the election law, as amended by chapter 8 of
10 the laws of 1978, subdivision 1 as amended by chapter 128 of the laws of
11 1994 and subdivisions 2, 3 and 4 as redesignated by chapter 9 of the
12 laws of 1978, is amended to read as follows:

13 § 14-126. Violations; penalties. 1. Any person who fails to file a
14 statement required to be filed by this article shall be subject to a
15 civil penalty, not in excess of [five hundred] one thousand dollars, to
16 be recoverable in a special proceeding or civil action to be brought by
17 the state board of elections or other board of elections. Any person
18 who, three or more times within a given election cycle for such term of
19 office, fails to file a statement or statements required to be filed by
20 this article, shall be subject to a civil penalty, not in excess of ten
21 thousand dollars, to be recoverable as provided for in this subdivision.

22 2. Any person who, acting as or on behalf of a candidate or political
23 committee, under circumstances evincing an intent to violate such law,
24 unlawfully accepts a contribution in excess of a contribution limitation
25 established in this article, shall be required to refund such excess
26 amount and shall be subject to a civil penalty equal to the excess
27 amount plus a fine of up to ten thousand dollars, to be recoverable in a

1 special proceeding or civil action to be brought by the state board of
2 elections.

3 3. Any person who knowingly and willfully fails to file a statement
4 required to be filed by this article within ten days after the date
5 provided for filing such statement or any person who knowingly and will-
6 fully violates any other provision of this article shall be guilty of a
7 misdemeanor.

8 [3.] 4. Any person who knowingly and willfully contributes, accepts or
9 aids or participates in the acceptance of a contribution in an amount
10 exceeding an applicable maximum specified in this article shall be guil-
11 ty of a misdemeanor.

12 [4.] 5. Any person who shall, acting on behalf of a candidate or poli-
13 tical committee, knowingly and willfully solicit, organize or coordinate
14 the formation of activities of one or more unauthorized committees, make
15 expenditures in connection with the nomination for election or election
16 of any candidate, or solicit any person to make any such expenditures,
17 for the purpose of evading the contribution limitations of this article,
18 shall be guilty of a class E felony.

19 § 4. Section 16-100 of the election law is amended to read as follows:

20 § 16-100. Jurisdiction; supreme court, county court. 1. The supreme
21 court is vested with jurisdiction to summarily determine any question of
22 law or fact arising as to any subject set forth in this article, which
23 shall be construed liberally.

24 2. The county court is vested with jurisdiction to summarily determine
25 any question of law or fact except proceedings as to a nomination or
26 election at a primary election or a nomination at a judicial convention,
27 proceedings as to the casting and canvass of ballots [and], proceedings

1 for examination or preservation of ballots and proceedings to enforce
2 the provisions of article fourteen of this chapter.

3 § 5. The election law is amended by adding a new section 16-120 to
4 read as follows:

5 § 16-120. Enforcement proceedings. 1. The supreme court or a justice
6 thereof, in a proceeding instituted by the state board of elections, may
7 impose a civil penalty, as provided for in subdivisions one and two of
8 section 14-126 of this chapter.

9 2. Upon proof that a violation of article fourteen of this chapter, as
10 provided in subdivision one of this section, has occurred, the court may
11 impose a civil penalty, pursuant to subdivisions one and two of section
12 14-126 of this chapter, after considering, among other factors, the
13 severity of the violation or violations, whether the subject of the
14 violation made a good faith effort to correct the violation and whether
15 the subject of the violation has a history of similar violations. All
16 such determinations shall be made on a fair and equitable basis without
17 regard to the status of the candidate or political committee.

18 § 6. Separability clause. If any clause, sentence, paragraph, section
19 or part of this act shall be adjudged by any court of competent juris-
20 diction to be invalid, such judgment shall not affect, impair or invali-
21 date the remainder thereof, but shall be confined in its operation to
22 the clause, sentence, paragraph, section or part thereof directly
23 involved in the controversy in which such judgment shall have been
24 rendered.

25 § 7. This act shall take effect immediately.

26 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
27 sion, section or part of this act shall be adjudged by any court of
28 competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 § 4. This act shall take effect immediately provided, however, that
8 the applicable effective date of Parts A through E of this act shall be
9 as specifically set forth in the last section of such Parts.

