Date: August 27, 1979

From: Office of the University Counsel and Vice Chancellor for Legal Affairs

Subject: Voting Rights for Student Members of State University Board of Trustees and Councils

As a result of legislation which became effective June 29, 1979 (L. 1979, Ch. 406), voting rights have been extended to the student member of the State University Board of Trustees and the student member of each Council of a State-operated campus. Such student members may now exercise full parliamentary privileges and be counted for quorum purposes.

We anticipate that the existing Board of Trustees' Guidelines concerning the election process for student members of Councils will remain unchanged except for the reference to "non-voting" which will be deleted. Similarly, references to the non-voting status of student members of Councils in earlier Memoranda to Presidents should be considered superseded. (See Memoranda to Presidents, Vol. 75, No. 17, September 12, 1975 and Vol. 77, No. 15, July 22, 1977.)

Please note: this legislation does not affect the current non-voting status of the student member of the Board of Trustees of the State University College of Environmental Science and Forestry or the student member of each Board of Trustees of a Community College. Accordingly, all references in the noted Memoranda to Presidents affecting these campuses and the regulations concerning the election process for student members of Community College Boards of Trustees remain unchanged.

Regardless of voting status, however, all student members of Boards and Councils continue to be subject to every provision of law which is applicable to the other Trustees and Council members, including those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. It is especially important, therefore, that each new student member of a Board or Council be made aware of these requirements:
Memorandum to Presidents
August 27, 1979

--At the State-operated campuses each student member should execute an oath of office which includes an acknowledgment of receipt of the provisions regarding conflicts of interest and standards of ethics in the Public Officers Law (see copy of form attached). All completed forms should be filed directly with the State Records and Law Bureau, Department of State, Albany, New York 12231. Additional copies of this form are available from the Office of University Counsel or from the Department of State.

--At the community colleges the form appropriate to the appointment of other Trustees at each community college should be used.

For your reference we are attaching the following:

A. Laws of 1979, Chapter 406
B. Regulations: Student Members of College Councils
   (8 NYCRR, Part 312)
C. Regulations: Student Members of Community College
   Boards of Trustees
   (8 NYCRR §604.4)
D. Department of State Form G 110-670
   Text of Public Officers Law, §§73-78

Enclosures

cc: Chairman, Councils
    Chairman, Board of Trustees of
    College of Environmental Science and Forestry
    Chairman, Boards of Trustees of Community Colleges

This memorandum addressed to:
Presidents, State-operated campuses
Presidents, Community Colleges

Copies for information only to:
Deans, Statutory Colleges
President Neville
Vice President Cook

Sanford H. Levine
AN ACT to amend the education law, in relation to state university trustees

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

Section 1. Subdivisions one, two and five of section three hundred fifty-three of the education law, subdivisions one and five as amended by chapter one hundred sixty-four of the laws of nineteen hundred seventy-seven, and subdivision two as amended by chapter nine hundred fifty-seven of the laws of nineteen hundred seventy-six, are amended to read as follows:

1. The state university shall be governed and all of its corporate powers exercised by a board of trustees. Such board shall consist of sixteen members, fifteen of whom shall be appointed by the governor by and with the advice and consent of the senate, and one of whom shall be the president of the student assembly of the state university, ex-officio, who shall serve as a non-voting member of the board. Except as to the authority to cast votes such non-voting member shall be afforded the same parliamentary privileges as are conferred upon voting members, including but not limited to the right to make and second motions and to place items on the agenda. Such ex-officio [non-voting] voting members shall be subject to every provision of any general, special or local law, ordinance, charter, code, rule or regulation applying to the voting members of such board with respect to the discharge of their duties including, but not limited to, those provisions setting forth codes of ethics, disclosure requirements and prohibiting business and professional activities. One [voting] member of the board shall be designated by the governor as chairman and one as vice-chairman. The term of office of each trustee except the student member shall be for ten years provided, however, that of the members first appointed, two shall

EXPLANATION—Matter in italics is new; matter in brackets [ ] is old law to be omitted.
be appointed for a term which shall expire on June thirtieth, nineteen hundred fifty-two; one for a term which shall expire on June thirtieth, nineteen hundred fifty-three; two for a term which shall expire on June thirtieth, nineteen hundred fifty-four; one for a term which shall expire on June thirtieth, nineteen hundred fifty-five; two for a term which shall expire on June thirtieth, nineteen hundred fifty-six; one for a term which shall expire on June thirtieth, nineteen hundred fifty-seven; two for a term which shall expire on June thirtieth, nineteen hundred fifty-eight; one for a term which shall expire on June thirtieth, nineteen hundred sixty; and one for a term which shall expire on June thirtieth, nineteen hundred sixty-one. No person shall hold the office of trustee longer than until and including the last day of December in the year in which he shall be seventy years of age. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Trustees shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this article.

2. The board may provide for regular meetings, and the chairman, or the vice-chairman, or any eight voting members by petition, may at any time call a special meeting of the board of trustees and fix the time and place therefor; and at least ten days notice of every meeting shall be mailed to the usual address of each trustee, unless such notice be waived by a majority of the board. Eight voting trustees attending shall be a quorum for the transaction of business and, unless a greater number is required by the by-laws, the act of a majority of the voting members present at any meeting shall be the act of the board. The board shall hold four public hearings each year; one in each of the four regional areas of the state university as defined as follows: Regional area No. 1 includes the following fourteen counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Wayne, Wyoming and Yates. Regional area No. 2 includes the following eighteen counties: Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, Otsego, Schuyler, Steuben, Tioga, and Tompkins. Regional area No. 3 includes the following fourteen counties: Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and St. Lawrence. Regional area No. 4 includes the following eight counties plus the metropolitan area of New York city: Dutchess, Nassau, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester. Two public hearings shall be held during the spring semester and two public hearings shall be held in the fall semester. The purpose of such hearings shall be to receive testimony and statements from concerned individuals about university wide issues. The board shall fix the time, place, duration and format of each hearing. At least three voting members of the board shall attend each hearing. At least thirty days notice of the hearing shall be given by the chairman of the board to all members of the board, to all presidents of state operated campuses, to the chair of faculty-senate bodies of state operated campuses, to all student government presidents of state operated campuses and to the media. Such notice shall contain the time and place of the public hearing.

5. The board may elect an executive committee of not less than five members, who, in intervals between meetings of the board may transact such business of the state university as the board may from time to time authorize, except to grant degrees or to make removals from office. The student member of the board shall be a not-voting member of such committee. Except as to the authority to cast votes such non-voting member shall be afforded the same parliamentary
privileges as are conferred upon voting members; including but not limited to
the right to make and second motions and to place items on the agenda.] A
majority of the whole of the executive committee, but in any event not less than
four [voting] members, attending shall be a quorum for the transaction of
business and the act of a majority of the [voting] members of the executive
committee present at any meeting thereof shall be the act of such committee.

§ 2. Subdivisions one and three of section three hundred fifty-six of such law,
subdivision one as amended by chapter one hundred sixty-four of the laws of
nineteen hundred seventy-seven, and subdivision three as amended by chapter
five hundred eighty-seven of the laws of nineteen hundred seventy-five, are
amended to read as follows:

1. Subject to the general management, supervision and control of and in
accordance with rules established by the state university trustees, the
operations and affairs of each state-operated institution of the state university,
other than the state institutes of applied arts and sciences, shall be supervised
locally by a council consisting of ten members. Nine of whom shall be appointed
by the governor and one of whom shall be elected by and from among the
students of the institution[1], who shall serve as a non-voting member of the
council. Except as to the authority to cast votes such non-voting member shall
be afforded the same parliamentary privileges as are conferred upon voting
members, including but not limited to the right to make and second motions and
to place items on the agenda. Such [non-voting] voting members shall be subject
to every provision of any general, special or local law, ordinance, charter, code,
rule or regulation applying to the voting members of such board with respect to
the discharge of their duties including, but not limited to, those provisions
setting forth codes of ethics, disclosure requirements and prohibiting business
and professional activities. The election of the student member shall be
conducted in accordance with rules and regulations promulgated by the
respective representative campus student association in accordance with
guidelines established by the state university trustees. One [voting] member
shall be designated by the governor as chairman. Where an undergraduate state-
operated institution of the state university is located adjacent to another
institution of higher education and students of such undergraduate state-
operated institution are, under arrangements made by the state university,
taking a substantial portion of their courses at such other institution, the
president or other head of such other institution shall be an ex-officio member of
the council for such undergraduate state-operated institution. Initial
appointments, other than the student member and ex-officio members, shall be
for terms expiring July first, nineteen hundred fifty-four, July first, nineteen
hundred fifty-five, July first, nineteen hundred fifty-six, July first, nineteen
hundred fifty-seven, July first, nineteen hundred fifty-eight, July first, nineteen
hundred fifty-nine, July first, nineteen hundred sixty, July first, nineteen
hundred sixty-one and, where there is no ex-officio member, July first, nineteen
hundred sixty-two, respectively, and subsequent appointments, other than the
student member, shall be for a full term of nine years from the first day of July
of the calendar year in which the appointment is made. No person shall serve as
a member of such council, except an ex-officio member, longer than until and
including the last day of December in the year in which he shall be seventy years
of age. Vacancies shall be filled for the unexpired term in the same manner as
original selections. The term of office for the student member shall be one year
commencing July first of the calendar year in which the election is conducted;
provided, however, that the term of the student member first elected shall be
nine months commencing October first, nineteen hundred seventy-five and
expiring June thirtieth, nineteen hundred seventy-six. In the event that the
student member ceases to be a student at the institution, he shall be required to resign. Members of such councils appointed by the governor may be removed by the governor. Members of such councils elected by the students of the institution may be removed by such students in accordance with rules and regulations promulgated by the respective representative campus student association in accordance with guidelines promulgated by the state university trustees. Members of such councils shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties hereunder.

3. The councils of state-operated institutions shall provide for regular meetings, and the chairman, or any five [voting] members by petition, may at any time call a special meeting of the council and fix the time and place therefor. At least ten days notice of every meeting shall be mailed to the usual address of each member, unless such notice be waived by a majority of the council. Five [voting] members attending shall constitute a quorum for the transaction of business and the act of a majority of the members present at any meeting shall be the act of the council.

§ 3. This act shall take effect immediately.
SECTION 312.1 General procedures. The following guidelines shall govern the rules and regulations to be promulgated regarding the election of the nonvoting student members of councils:

(a) The representative campus student association, hereinafter referred to as the "association", shall mean the campus duly recognized representative student governance organization. Where more than one representative student governance organization has been recognized at any campus, representatives of each shall advise, consult and share responsibility for the preparation and promulgation of rules and regulations in such manner as may be mutually agreed upon.

(b) The association, or such organization as may be mutually agreed upon pursuant to subdivision (a) of this section in the case of multiple student governance organizations, prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the college council. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1 and each elected member shall serve for one calendar year.

312.2 Guidelines. The rules and regulations to be promulgated by the association, or in such manner as may be mutually agreed upon pursuant to subdivision (a) of this section above in the case of multiple student governance organizations, shall fix and define the following:

(a) the time and place of such election;
(b) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only;
(c) the manner of qualifying as a candidate for election;
(d) the form and content of notification to the electors of the time and place of the election and the duties of the office;
(e) the form of ballots, the location of polling places, the time such polls shall be open, the manner of casting ballots, the procedure for tallying and reporting the completed vote;
(f) the manner in which election irregularities, if any, may be expeditiously resolved;
(g) the manner in which an elected student member may be removed.
TITLE 8 - Official Compilation of Codes, Rules and Regulations of the State of New York

CODE OF STANDARDS AND PROCEDURES FOR THE ADMINISTRATION AND OPERATION OF COMMUNITY COLLEGES UNDER THE PROGRAM OF STATE UNIVERSITY OF NEW YORK

604.4 Student members of boards of trustees. (a) General procedures. The following guidelines shall govern the rules and regulations to be promulgated regarding the election of the nonvoting student members of boards of trustees:

(1) The representative campus student association, hereinafter referred to as the association, shall mean the campus duly recognized representative student governance organization. Where more than one representative student governance organization has been recognized at any campus, representatives of each shall advise, consult and share responsibility for the preparation and promulgation of rules and regulations in such manner as may be mutually agreed upon.

(2) The association, or such organization as may be mutually agreed upon pursuant to this subdivision in the case of multiple student governance organizations prior to October 1, 1975, or as soon thereafter as may be practicable, shall conduct an election and certify a successful candidate to the chairman of the board of trustees. Such member-elect shall hold office from October 1, 1975. In each succeeding year, the election shall be conducted prior to July 1 and each elected member shall serve for one calendar year.

(b) Guidelines. The rules and regulations to be promulgated by the association, or in such manner as may be mutually agreed upon pursuant to paragraph (a) of subdivision (a) of this section in the case of multiple student governance organizations, shall fix and define the following:

(1) the time and place of such election;

(2) the eligibility of electors, except that eligibility shall not be limited to undergraduate students or full-time students only;

(3) the manner of qualifying as a candidate for election, except that in the event that a student member ceases to be a student at the institution, he shall be required to resign;

(4) the form and content of notification to the electors of the time and place of the election and the duties of the office;

(5) the form of ballots, the location of polling places, the time such polls shall be open, the manner of casting ballots, the procedures for tallying and reporting the completed vote;

(6) the manner in which election irregularities, if any, may be expeditiously resolved; and

(7) the manner in which an elected student member may be removed.

Historical Note
Sec. created Dec. 13, 1968; amd. filed Aug. 4, 1977
State of New York

COUNTY OF ________________________________

I do solemnly swear (or affirm) that I will support the constitution of the United States, the constitution of the State of New York, and that I will faithfully discharge the duties of the office of ________________________________

(Title of position)

________________________
(Department)

according to the best of my ability.

Subscribed and sworn to before me this ______ day of _____________, 19____

(Signature of appointee)

(Type name of appointee)

(Type address of appointee)

(Notary, Comm. of Deeds, or other qualified officer)

I hereby acknowledge receipt of a copy of Public Officers Law Sections 73 through 78, have read the same and agree to conform to the provisions thereof.

G 110-670 Signature of Appointee Date
Text of Public Officers Law, §§73–78

§ 73. Business or professional activities by state officers and employees and party officers

1. As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department.

The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered.

The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

The term "regulatory agency" shall mean the banking department, insurance department, state liquor authority, department of agriculture and markets, department of state, other than the division of corporations and state records, department of public service and the board of standards and appeals in the department of labor.

2. No officer or employee of a state agency, member of the legislature or legislative employee shall receive, or enter into any agreement express or implied for, compensation for services to be rendered in relation to any case, proceeding, application, or other matter before any state agency, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit; provided, however, that nothing in this subdivision shall be deemed to prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

3. No full-time salaried officer or employee of a state agency, full-time salaried legislative employee, or member of the legislature shall receive, directly or indirectly, or enter into any agreement express or implied for, any compensation, in whatever form, for the appearance or rendition of services by himself or another against the interest of the state in relation to any case, proceeding, application or other matter before, or the transaction of business by himself or another with, the court of claims.

4. No officer or employee of a state agency, member of the legislature or legislative employee or firm or association of which such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled directly or indirectly by such person, shall sell any goods or services having a value in excess of twenty-five dollars to any state agency unless pursuant to an award or contract let after public notice and competitive bidding. This subdivision shall not apply to the publication of resolutions, advertisements or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

5. No officer or employee of a state agency, member of the legislature or legislative employee shall, directly or indirectly, solicit, accept or receive any gift having a value of twenty-five dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part. No person shall, directly or indirectly, offer or make any such gift to any officer or employee of a state agency, member of the legislature or legislative employee under such circumstances.

6. (a) Every member of the legislature or legislative employee shall, on and after December fifteenth and before the following January fifteenth, in each year, file with the secretary of the senate, if a member or employee of that body, or with the clerk of the assembly, if a member or employee of that body a written statement of

(1) each financial interest, direct or indirect of himself, his spouse and his emancipated children under the age of eighteen years in any activity which is subject to the jurisdiction of a regulatory agency or name of the entity in which the interest is had and whether such interest is over or under five thousand dollars in value.
(2) every office and directorship held by him in any corporation firm
or enterprise which is subject to the jurisdiction of a regulatory agency,
including the name of such corporation, firm or enterprise.

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

(b) On or before January thirty-first in each year the secretary of the
senate and the clerk of the assembly shall prepare a report containing
the statements required to be filed pursuant to paragraph (a) of this
subdivision. Copies of such reports shall be open to public inspection in
the office of the secretary of the senate and the clerk of the assembly.
Each house may adopt rules to implement the provisions of this subdi-
vision, insofar as they relate to members of the legislature and legislative
employees.

e) A member of the legislature or legislative employee who knowingly
and wilfully makes a false statement or gives information which he knows
to be false in any written statement required to be filed pursuant to this
subdivision, shall be guilty of a misdemeanor.

7. No person who has served as an officer or employee of a state
agency shall within a period of two years after the termination of such
service or employment appear before such state agency or receive compen-
sation for any services rendered on behalf of any person, firm, corpo-
ration or association in relation to any case, proceeding or application
with respect to which such person was directly concerned and in which
he personally participated during the period of his service or employ-
ment; nor shall any person who has served as the head of a state de-
partment which is a regulatory agency, or the department of trans-
portation, or a deputy thereof, within a period of two years after the
termination of such service receive compensation for any services on behalf of any person, firm, corporation or association in
any case, proceeding or application before the department with which
he so served wherein his compensation is to be dependent or contingent
upon any action by such agency with respect to any license, contract,
certificate, ruling, decision, opinion, rate schedule, franchise, or other
benefit, or in promoting or opposing, directly or indirectly, the pas-
sage of bills or resolutions before either house of the legislature; nor
shall any person who has served as a member of the legislature within
a period of two years after the termination of such service receive compen-
sation for any services on behalf of any person, firm, corporation
or association to promote or oppose, directly or indirectly, the pas-
sage of bills or resolutions by either house of the legislature; pro-
vided, however, that nothing herein contained shall prohibit any state
agency from adopting rules concerning practice before it by former
officers or employees more restrictive than the requirements of this
subdivision.

8. No party officer while serving as such shall be eligible to serve as
a judge of any court of record, attorney-general, district attorney or as-
sistant district attorney. As used in this subdivision, the term "party
officer" shall mean a member of a national committee, an officer or mem-
er of a state committee or a county chairman of any political party.

9. Nothing herein contained shall be construed to prohibit any firm
or association, in which any officer or employee of a state agency is a
member, from appearing, rendering services in relation to any matter
before, or transacting business with a state agency, where such officer
or employee of a state agency does not share in the profits resulting there-
from; nor shall anything herein contained be construed to prohibit any
firm or association in which any full-time salaried officer or employee of
a state agency, full-time salaried legislative employee, or member of the
legislature is a member, from appearing, rendering services in relation to
any matter before, or transacting business with, the court of claims,
where such full-time salaried officer or employee of a state agency, full-
time salaried legislative employee, or member of the legislature does not
share in the profits resulting therefrom.

10. In addition to any penalty contained in any other provision of
law, any person who knowingly and intentionally violates the provisions
of subdivisions two through five or subdivision seven of this section shall
be guilty of a misdemeanor.
§ 74. Code of ethics

1. Definition. As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department.
   The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

2. Rule with respect to conflicts of interest. No officer or employee of a state agency, member of the legislature or legislative employees should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

3. Standards.
   a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
   b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
   c. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
   d. No officer or employee of a state agency, member of the legislature or legislative employee should accept or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
   e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
   f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
   g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
   h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
   i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.
   j. If any officer or employee of a state agency shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the secretary of state a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.
§ 74-a. Duty of public officers regarding the physically handicapped

It shall be the duty of each public officer responsible for the scheduling or sitting of any public hearing to make reasonable efforts to ensure that such hearings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law.

§ 75. Bribery of members of the legislature

A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a member of the legislature, or to a person who has been elected a member of the legislature, or attempts, directly or indirectly, by menace, deceit, suppression of truth, or other corrupt means, to influence such a member or person to give or withhold his vote, or to absent himself from the house of which he is, or is to become, a member, or from any committee thereof, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

§ 76. Receiving bribes by members of legislature

A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a member of the legislature, or to a person who has been elected a member of the legislature, or attempts, directly or indirectly, by menace, deceit, suppression of truth, or other corrupt means, to influence such a member or person to give or withhold his vote, or to absent himself from the house of which he is, or is to become, a member, or from any committee thereof, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

§ 77. Unlawful fees and payments

A member of the legislature or any officer or employee of the legislature who asks or receives or consents or agrees to receive any emolument, gratuity or reward or any promise of emolument, gratuity or reward or any money, property or thing of value or of personal advantage, except such as may be authorized by law, for doing or omitting to do any official act, or for performing or omitting to perform any act whatsoever directly or indirectly related to any matter in respect to which any duty or discretion is by or in pursuance of law imposed upon or vested in him, or may be exercised by him by virtue of his office, or appointment, employment or his actual relation to the matter in respect to which the official act, duty or discretion is imposed, without limiting the generality of the foregoing, approving or promoting the passage of legislation or resolutions or the confirmation of appointees, or the conduct of investigations, and a person who shall directly or indirectly offer or make such a transfer to any member of the legislature or any officer or employee of the legislature shall be guilty of a felony punishable by imprisonment for not more than ten years or by a fine of not more than five thousand dollars, or both.

§ 77-a. Members of the legislature liable to forfeiture of office

The conviction of a member of the legislature or any officer or employee of the legislature of any of the crimes defined in sections seventy-five, seventy-six or seventy-seven of this chapter, shall involve as a consequence in addition to the punishment provided in any such section a forfeiture of his office; and shall disqualify him from ever afterwards holding any office under this state.

§ 78. Certification of members, officers and employees

On or before the tenth day after any member, officer or employee commences the performance of his duties as such, he shall file, with the secretary of the senate, if a member, officer or employee of that house, or with the clerk of the assembly, if a member, officer or employee of that house, or with the secretary of state if an officer or employee of a state agency, a certificate acknowledging receipt of a copy of sections seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven and seventy-eight of this chapter together with such other material as the secretary of the senate, the clerk of the assembly or the secretary of state may require related thereto, that he has read the same and undertakes to conform to the provisions, purposes and intent thereof and to the norms of conduct for members, officers and employees of the legislature and state agencies.