Date: October 30, 1987

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

Subject: Ethics in Government

To: Presidents, State-Operated Campuses
     Presidents, Community Colleges

With the adoption of the Ethics in Government Act (L. 1987, ch. 813), significant new obligations are imposed on public officers and employees in the State of New York. The purpose of this memorandum is to summarize the principal features of the Ethics Act, a copy of which is attached for your further review.

This memorandum addresses primarily the impact of the Ethics Act on State employees and officers, since the Act has a direct effect on those employees’ legal obligations. By contrast, the impact of the Ethics Act on community college officers and employees will depend upon actions taken by local sponsors. Although these actions are not mandated until 1991, local governments may act at any time before that date. The Ethics Act does not apply, however, to officers and employees of the statutory colleges.

With respect to officers and employees of State agencies, including all State-operated campuses of the State University, the Ethics Act affects two primary areas:

1. By amendment to Public Officers Law, §73, the Ethics Act

   -- prohibits for two years after leaving an agency any appearances or practice before an employee’s former agency;

   -- prohibits indefinitely any appearances or practice before an employee’s former agency regarding matters with which the employee was directly involved for the agency;

   -- prohibits receipt of or agreeing to receive compensation for rendition of services involving a State agency, other than in the
discharge of official duties, in the areas of, among others -

- real property transactions;
- contracts for purchases of goods or services;
- rulemaking;
- obtaining grants or loans.

-- changes the prohibition upon receipt or acceptance of gifts valued at $25.00 or more to those valued at $75.00 or more.

2. By the enactment of Public Officers Law, §73-a, the Ethics Act

-- creates a State Ethics Commission;

-- imposes a financial disclosure requirement on State officers and employees

- in policy-making positions, or
- earning more than $30,000 per year;

-- requires the appointing authority to file an annual written instrument with the Ethics Commission listing employees in the above categories.

In our opinion, the financial disclosure requirement applies to the State University Trustees, members of campus Councils, and all State University employees in policy-making positions or earning more than $30,000 per year. This latter category based on income alone will include many faculty members. Sanctions for failure to file or for falsifying items of information include $10,000 civil penalties, criminal prosecution and/or employee discipline. As you will note from the text of the law, the annual disclosure statements are extremely comprehensive, including information on the finances of spouses and unemancipated children.

The Ethics Act does provide, however, for procedures by which certain information may be deleted or exempted from the reporting requirement, or by which certain employees may seek exemption from the reporting requirement entirely. For example, individuals or representatives of classes of employees may apply
for such exemptions if they are not deemed by their appointing authority to hold a policy-making position but are otherwise subject to the disclosure requirement (i.e., earn over $30,000 per year). These financial disclosure sections do not take effect until January 1, 1989, and the first financial disclosure statement will not be due until May 15, 1989. The majority of the remainder of the Ethics Act also becomes effective on January 1, 1989, with the exception of the amendment to the gift acceptance rule, which becomes effective December 31, 1987.

We will be sending further advisories regarding the details of the Ethics Act as the effective date approaches and as implementing regulations are issued. Any questions regarding the application of the Ethics Act should be addressed to the Office of University Counsel (518-443-5400).

Sanford H. Levine  
Sanford H. Levine

Attachment
Copies for information only:
   Deans, Statutory Colleges
   President Coll
   Vice Provost Neisheim
AN ACT to amend the public officers law, the executive law and the legislative law, in relation to regulating business or professional

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.
activities of, and requiring financial disclosure by, statewide elected officials, members of the legislature, legislative employees and state officers and employees and certain political party chairmen, creating an ethics commission and committee in connection therewith; to amend the judiciary law, in relation to providing for financial disclosure by certain judges, officers and employees of the courts of record of the unified court system; to amend the general municipal law, in relation to requiring financial disclosure statements for elected officials and certain officers and employees of certain counties, cities, towns and villages and for certain state and local political party officials and creating a temporary state commission on local government ethics; to amend the lobbying act, in relation to the threshold for listing of expenses in the aggregate; to amend chapter one thousand forty of the laws of nineteen hundred eighty-one relating to the New York temporary state commission on lobbying, in relation to extending the expiration date of such chapter; and repealing paragraph (d) of subdivision two of section eighty-eight of the public officers law, relating to public inspection of financial disclosure statements, and section eighty of the legislative law, relating to the creation of a legislative committee on ethics.

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

Section 1. Short title. Sections two through seventeen of this act shall be known and may be cited as the "Ethics in Government Act".

§ 2. Section seventy-three of the public officers law, as amended by chapter nine hundred forty-one of the laws of nineteen hundred sixty-four, subdivisions one, two, four and nine as amended and subdivisions three, six and ten as added and subdivision eight as renumbered by chapter one thousand twelve of the laws of nineteen hundred sixty-five, the opening paragraph of subdivision one as amended by chapter seven hundred sixty-four of the laws of nineteen hundred eighty-three, subparagraph one of paragraph (a) of subdivision six as amended by chapter nine hundred forty of the laws of nineteen hundred seventy-four, subdivision five as amended by section twenty of this act, and subdivision seven as amended by chapter four hundred twenty of the laws of nineteen hundred sixty-eight, is amended to read as follows:

§ 73. Business or professional activities by state officers and employees and party officers. 1. As used in this section:

(a) The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the state ethics commission or legislative ethics committee in relation to persons subject to their respective jurisdictions.

(b) The term "licensing" shall mean any state agency activity, other than before the division of corporations and state records in the department of state, respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency.
as defined herein, which in the absence of such license, permit or other
form of permission would be prohibited.

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

(d) The term "ministerial matter" shall mean an administrative act
carried out in a prescribed manner not allowing for substantial personal
discretion.

(e) The term "regulatory agency" shall mean the banking department,
insurance department, state liquor authority, department of agriculture
and markets, department of education, department of environmental con-
servation, department of health, division of housing and community rene-
wal, department of state, other than the division of corporations and
state records, department of public service [and], the industrial board
of [standards and] appeals in the department of labor and the department
of law, other than when the attorney general or his agents or employees
are performing duties specified in section sixty-three of the executive
law.

(f) The term "representative capacity" shall mean the presentation of
the interests of a client or other person pursuant to an agreement, ex-
press or implied, for compensation for services.

(g) The term "state agency" shall mean any state department, or divi-
sion, board, commission, or bureau of any state department [or] any pub-
lic benefit corporation [or], public authority or commission at least
one of whose members is appointed by the governor [or] the state univer-
sity of New York or the city university of New York, including all their
constituent units except community colleges and the independent institu-
tions operating statutory or contract colleges on behalf of the state.

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

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

(ii) heads of state departments and their deputies and assistants;

(iii) officers and employees of statewide elected officials;

(div) members or directors of public authorities, other than multi-
state authorities, public benefit corporations and commissions at least
one of whose members is appointed by the governor, who receive compensa-
tion other than on a per diem basis, and employees of such authorities,
corporations and commissions.

(j) The term "city agency" shall mean a city, county, borough or other
office, position, administration, department, division, bureau, board,
commission, authority, corporation or other agency of government, the
expenses of which are paid in whole or in part from the city treasury,
and shall include the board of education, the board of higher education,
school boards, city and community colleges, community boards, the New
York city transit authority, the New York city housing authority and the
Triborough bridge and tunnel authority, but shall not include any court
or corporation or institution maintaining or operating a public library,
museum, botanical garden, arboretum, tomb, memorial building, aquarium,
zoo logical garden or similar facility.

(k) The term "political party chairman" shall mean:

(i) the chairman of the state committee of a party elected as provided
in section 2-112 of the election law and his or her successor in office;
(ii) the chairman of a county committee elected as provided in section
2-112 of the election law and his or her successor in office from a
county having a population of three hundred thousand or more or who
receives compensation or expenses, or both, during the calendar year aggregating thirty thousand dollars or more; and

(iii) that person (usually designated by the rules of a county committee as the "county leader" or "chairman of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person was elected from a county having a population of three hundred thousand or more or was a person who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(A) the principal political, executive and administrative officer of the county committee;
(B) the power of general management over the affairs of the county committee;
(C) the power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;
(D) the power to preside at all meetings of the county executive committee, if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;
(E) the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law; or
(F) the power to direct the treasurer of the party to expend funds of the county committee.

The terms "constituted committee" and "political committee", as used in this paragraph (k), shall have the same meanings as those contained in section 14-100 of the election law.

2. [No] In addition to the prohibitions contained in subdivision seven hereof, no statewide elected official, state 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 statewide elected official, member of the legislature, legislative employee, full-time salaried state officer or employee [of a state agency, full-time salaried legislative employee, or member of the legislature] or state officer or employee who is subject to the provisions of section seventy-three-a of this chapter 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. (a) No statewide elected official, state officer or employee [of a state agency], member of the legislature [or], legislative employee or political party chairman 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 (i) sell any goods or services having a value in excess of twenty-five dollars to any state agency, or (ii) contract for or provide such services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a state agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This [subdivision] paragraph 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.

(b) No political party chairman of a county wholly included in a city with a population of more than one million, 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 (i) sell any goods or services having a value in excess of twenty-five dollars to any city agency, or (ii) contract for or provide such services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised directly or indirectly, by a city agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding. This paragraph 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 statewide elected official, state 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 seventy-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 a statewide elected official, or any state 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 not subject to the provisions of section seventy-three-a of this chapter 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 of that body, or with the clerk of the assembly, if a member of that body] legislative ethics committee established by section eighty of the legislative law a [written] financial disclosure statement of (1) each financial interest, direct or indirect of himself, his spouse and his unemancipated 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 legislative 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] statements 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 subdivision, insofar as they relate to members of the legislature and legislative employees].

(c) [A member of the legislature or] Any such legislative employee who knowingly and willfully with intent to deceive 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] assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty shall be made by the legislative ethics committee in accordance with the provisions of subdivision twelve of section eighty of the legislative law. For a violation of this subdivision, the committee may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

7. (a) No statewide elected official, or state officer or employee, other than in the proper discharge of official duties, or member of the legislature or legislative employee, or political party chairman 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 in relation to any case, proceeding, application or other matter before a state agency where such appearance or rendition of services is in connection with:

(i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such agency;

(ii) any proceeding relating to rate making;

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

(iv) the obtaining of grants of money or loans;

(v) licensing; or

(vi) any proceeding relating to a franchise provided for in the public service law.

(b) No political party chairman in a county wholly included in a city having a population of one million or more 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 in relation to any case, proceeding, application or other matter before any city agency where such appearance or rendition of services is in connection with:

(i) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor, from, to or with any such agency;

(ii) any proceeding relating to rate making;

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

(iv) the obtaining of grants of money or loans:
(v) Licensing. For purposes of this paragraph, the term "licensing" shall mean any city agency activity respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency of a city agency which in the absence of such license, permit or other form of permission would be prohibited; and

(vi) any proceeding relating to a franchise.

(c) Nothing contained in this subdivision shall prohibit a statewide elected official, or a state officer or employee, unless otherwise prohibited, or a member of the legislature or legislative employee, or political party chairman, from appearing before a state agency in a representative capacity if such appearance in a representative capacity is in connection with a ministerial matter.

(d) Nothing contained in this subdivision shall prohibit a member of the legislature, or a legislative employee on behalf of such member, from participating in or advocating any position in any matter in an official or legislative capacity, including, but not limited to, acting as a public advocate whether or not on behalf of a constituent. Nothing in this paragraph shall be construed to limit the application of the provisions of section seventy-seven of this chapter.

(e) Nothing contained in this subdivision shall prohibit a state officer or employee from appearing before a state agency in a representative capacity on behalf of an employee organization in any matter where such appearance is duly authorized by an employee organization.

(f) Nothing contained in this subdivision shall prohibit a political party chairman from participating in or advocating any matter in an official capacity.

(g) Nothing contained in this subdivision shall prohibit internal research or discussion of a matter, provided, however, that the time is not charged to the client and the person does not share in the net revenues generated or produced by the matter.

8. No person who has served as [an] a state officer or employee [of a state agency] shall within a period of two years after the termination of such service or employment appear or practice before such state agency or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation or association in relation to any case, proceeding or application or other matter before such agency. No person who has served as a state officer or employee shall after the termination of such service or employment appear, practice, communicate or otherwise render services before any state agency or receive compensation for any such services rendered by such former officer or employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment; nor shall any person who has served as the head of a state department which is a regulatory agency, or the department of transportation, or a deputy thereof, within a period of two years after the termination of such service receive compensation for any services rendered 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 passage of
bills or resolutions before either house of the legislature; nor shall
any], or which was under his or her active consideration. No person who
has served as a member of the legislature shall 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 to
promote or oppose, directly or indirectly, the passage of bills or
resolutions by either house of the legislature[; provided, however, that
nothing]. No legislative employee who is subject to the provisions of
section seventy-three-a of this chapter shall during the term of office
of the legislature in which he or she was so employed, receive compensa-
tion at any time during the remainder of such term after leaving the em-
ploy of the legislature for any services on behalf of any person, firm,
corporation or association to promote or oppose, directly or indirectly,
the passage of bills or resolutions by either house of the legislature
in relation to any matter with respect to which such person was directly
concerned and in which he personally participated during the period of
his service or employment. A legislative employee who acted primarily in
a supervisory capacity in such matter and who was not personally in-
volved in the development, negotiation or implementation of the matter
to an important and material degree, may, with the approval of the
legislative ethics committee, receive such compensation and perform such
services. Nothing herein contained shall prohibit any state agency from
adopting rules concerning practice before it by former officers or em-
ployees more restrictive than the requirements of this subdivision.
[8] 2. No party officer while serving as such shall be eligible to
serve as a judge of any court of record, attorney-general or deputy or
assistant attorney-general or solicitor general, district attorney or
assistant district attorney. As used in this subdivision, the term
"party officer" shall mean a member of a national committee, an officer
or member of a state committee or a county chairman of any political
divi
[9] 10. Nothing [herein] contained in this section, the judiciary law,
the education law or any other law or disciplinary rule shall be con-
strued or applied to prohibit any firm [or], association or corporation,
in which any present or former statewide elected official, state officer
or employee [of a state agency], or political party chairman, member of
the legislature or legislative employee is a member, associate, retired
member, of counsel or shareholder, from appearing, practicing, communi-
cating or otherwise rendering services in relation to any matter before,
or transacting business with a state agency, or a city agency with
respect to a political party chairman in a county wholly included in a
city with a population of more than one million, otherwise proscribed by
this section, the judiciary law, the education law or any other law or
disciplinary rule, with respect to such official, member of the legisla-
ture or officer or employee, or political party chairman, where such
statewide elected official, state officer or employee [of a state
agency], member of the legislature or legislative employee, or political
party chairman does not share in the [profits] net revenues, as defined
in accordance with generally accepted accounting principles by the state
ethics commission or by the legislative ethics committee in relation to
persons subject to their respective jurisdictions, resulting therefrom,
or, acting in good faith, reasonably believed that he or she would not
share in the net revenues as so defined; nor shall anything [herein]
contained in this section, the judiciary law, the education law or any
other law or disciplinary rule be construed to prohibit any firm [or],
association or corporation in which any present or former statewide
elected official, member of the legislature, legislative employee, full-
time salaried state officer or employee [of a state agency, full-time
salaried legislative employee, or member of the legislature] or state
officer or employee who is subject to the provisions of section seventy-
three-a of this chapter is a member, associate, retired member, of coun-
sel or shareholder, from appearing, practicing, communicating or other-
wise rendering services in relation to any matter before, or transacting
business with, the court of claims, where such statewide elected offi-
cial, member of the legislature, legislative employee, full-time
salaried state officer or employee [of a state agency, full-time
salaried legislative employee, or member of the legislature] or state
officer or employee who is subject to the provisions of section seventy-
three-a of this chapter does not share in the [profits] net revenues, as
defined in accordance with generally accepted accounting principles by
the state ethics commission or by the legislative ethics committee in
relation to persons subject to their respective jurisdictions, resulting
therefrom, or, acting in good faith, reasonably believed that he or she
would not share in the net revenues as so defined.

[10] 11. Notwithstanding any provision of the judiciary law, the edu-
cation law or any other law or disciplinary rule to the contrary:
(a) Conduct authorized pursuant to subdivision eight of this section
by a person who has served as a member of the legislature or as a
legislative employee shall not constitute professional misconduct or
grounds for disciplinary action of any kind;
(b) No member of the legislature or former member of the legislature
shall be prohibited from appearing, practicing, communicating or other-
wise rendering services in relation to any matter before, or transacting
business with, any state agency solely by reason of any vote or other
action by such member or former member in respect to the confirmation or
election of any member, commissioner, director or other person affiliated
with such state agency, but nothing in this paragraph shall limit
the prohibition contained in subdivision eight of this section;
(c) The appearance, practice, communication or rendition of services
in relation to any matter before, or transaction of business with a
state agency, or with the court of claims, or the promotion or opposi-
tion to the passage of bills or resolutions by either house of the
legislature, by a member, associate, retired member, of counsel or
shareholder of a firm, association or corporation, in accordance with
subdivision ten of this section, is hereby authorized and shall not consti-
tute professional misconduct or grounds for disciplinary action of
any kind solely by reason of the professional relationship between the
statewide elected official, state officer or employee, political party
chairman, member of the legislature, or legislative employee and any
firm, association, corporation or any member, associate, retired member,
of counsel, or shareholder thereof, or by reason of the appearance
created by any such professional relationship.

12. A statewide elected official, state officer or employee, or a mem-
ber of the legislature or legislative employee, or political party
chairman, who is a member, associate, retired member, of counsel to, or
shareholder of any firm, association or corporation which is appearing
or rendering services in connection with any case, proceeding, applica-
tion or other matter listed in paragraph (a) or (h) of subdivision seven
of this section shall not orally communicate, with or without compensa-
tion, as to the merits of such cause with an officer or an employee of
the agency concerned with the matter.
13. For the purposes of this section, a statewide elected official or state officer or employee or member of the legislature or legislative employee or political party chairman who is a member, associate, retired member, of counsel to, or shareholder of any firm, association or corporation shall not be deemed to have made an appearance under the provisions of this section solely by the submission to a state agency or city agency of any printed material or document bearing his or her name, but unsigned by him or her, such as by limited illustrations the name of the firm, association or corporation or the letterhead of any stationery, which pro forma serves only as an indication that he or she is such a member, associate, retired member, of counsel to, or shareholder.

14. 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, eight or twelve of this section shall be guilty of a misdemeanor subject to a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the state ethics commission or the legislative ethics committee, as the case may be, with respect to persons subject to their respective jurisdictions. The state ethics commission acting pursuant to subdivision thirteen of section ninety-four of the executive law, or the legislative ethics committee acting pursuant to subdivision twelve of section eighty of the legislative law, as the case may be, may, in lieu of a civil penalty, with respect to a violation of subdivisions two through five or subdivision seven or eight of this section, refer a violation of any such subdivision to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor.

§ 3. Such law is amended by adding a new section seventy-three-a to read as follows:

§ 73-a. Financial disclosure. 1. As used in this section:
(a) The term "statewide elected official" shall mean the governor, lieutenant governor, comptroller, or attorney general.
(b) The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state.
(c) The term "state officer or employee" shall mean:
(i) heads of state departments and their deputies and assistants;
(ii) officers and employees of statewide elected officials, officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies, who receive annual compensation in excess of thirty thousand dollars or hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the state ethics commission established by section ninety-four of the executive law during the month of February, provided however, that the appointing authority shall amend such written instrument thereafter such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument; and
(iii) members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, and employees of such
authorities, corporations and commissions who receive annual compensation in excess of thirty thousand dollars or who hold policy-making positions, as determined annually by the appointing authority and set forth in a written instrument which shall be filed with the state ethics commission established by section ninety-four of the executive law during the month of February, provided however, that the appointing authority shall amend such written instrument thereafter such date within thirty days after the undertaking of policy-making responsibilities by a new employee or any other employee whose name did not appear on the most recent written instrument.  

(d) The term "legislative employee" shall mean any officer or employee of the legislature who receives annual compensation in excess of thirty thousand dollars or is determined to hold a policy-making position by the appointing authority as set forth in a written instrument which shall be filed with the legislative ethics committee established by section eighty of the legislative law.  

(e) The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (i) a judicial order, decree or judgment, or (ii) a legally binding separation agreement.  

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

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

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

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

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

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

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

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

2. (a) Every statewide elected official, state officer or employee, member of the legislature, legislative employee and political party chairman and every candidate for statewide elected office or for member of the legislature shall file an annual statement of financial disclosure containing the information and in the form set forth in subdivision three hereof. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:  

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any
A civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the state ethics commission or with the legislative ethics committee, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section ninety-four of the executive law or pursuant to paragraph c of subdivision eight of section eighty of the legislative law, shall file such statement within the additional period of time granted;

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

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

(v) candidates for member of the legislature who file party designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of party designating petitions naming them as candidates for the next succeeding primary election;

(vi) candidates for independent nomination who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates in the next succeeding general or special election; and

(vii) candidates who receive the nomination of a party for a special election shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

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

(c) If the reporting individual is a senator or member of assembly, candidate for the senate or member of assembly or a legislative employee, such statement shall be filed with the legislative ethics committee established by section eighty of the legislative law. If the reporting individual is a statewide elected official, candidate for statewide elected office, a state officer or employee or a political
party chairman, such statement shall be filed with the state ethics commission established by section ninety-four of the executive law.

(d) The legislative ethics committee and the state ethics commission shall obtain from the state board of elections a list of all candidates for statewide office and for member of the legislature, and from such list, shall determine and publish a list of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Political party chairmen and any person required to file such statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of political party chairman, as the case may be.

(f) A person who may otherwise be required to file more than one annual financial disclosure statement with both the state ethics commission and the legislative ethics committee in any one calendar year may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.

(g) A person who is employed in more than one employment capacity for one or more employers certain of whose officers and employees are subject to filing a financial disclosure statement with the same ethics commission or ethics committee, as the case may be, and who receives distinctly separate payments of compensation for such employment shall be subject to the filing requirements of this section if the aggregate annual compensation for all such employment capacities is in excess of thirty thousand dollars notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity. A person not otherwise required to file a financial disclosure statement hereunder who is employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the state ethics commission and who is also employed by an employer certain of whose officers or employees are subject to filing a financial disclosure statement with the legislative ethics committee shall not be subject to filing such statement with either such commission or such committee on the basis that his aggregate annual compensation from all such employers is in excess of thirty thousand dollars.

(h) A statewide elected official or member of the legislature, who is simultaneously a candidate for statewide elected office or member of the legislature, shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds a statewide elected office or who holds the office of member of the legislature.

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

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

2. (a) Title of Position ____________________________________________

(b) Department, Agency or other Governmental Entity

(c) Address of Present Office _________________________________________

(d) Office Telephone Number _________________________________________

3. (a) Marital Status ________ . If married, please give spouse's

   full name including maiden name where applicable.

   (b) List the names of all unemancipated children.


4. (a) List any office, trusteeship, directorship, partnership, or posi-

   tion of any nature including honorary positions, if known, and ex-

   cluding membership positions, whether compensated or not, held by

   the reporting individual with any firm, corporation, association,

   partnership, or other organization other than the State of New York.

   If said entity was licensed by any state or local agency, was regu-

   lated by any state regulatory agency or local agency, or, as a regu-

   lar and significant part of the business or activity of said entity,

   did business with, or had matters other than ministerial matters

   before, any state or local agency, list the name of any such agency.

   Answer each of the following questions completely, with respect to

   calendar year ________, unless another period or date is otherwise

   specified. If additional space is needed, attach additional pages.
5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.
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<th>Position</th>
<th>Name &amp; Address of Organization</th>
<th>Description</th>
<th>State or Local Agency</th>
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9. (b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

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<th>Position</th>
<th>Name &amp; Address of Organization</th>
<th>Description</th>
<th>State or Local Agency</th>
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6. List any interest, in excess of $1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except for guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any
interest in a contract made or executed by a local agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

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<thead>
<tr>
<th>Entity</th>
<th>Relationship to Entity</th>
<th>Contracting State or Local Agency</th>
<th>Category of Contract</th>
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<td>Self, Spouse or</td>
<td>and Interest in</td>
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<td>Value of Contract</td>
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<td>Child Interest in Contract in Contract</td>
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7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.
(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property.

<table>
<thead>
<tr>
<th>Category of</th>
<th>Self, Spouse or Child of Donor</th>
<th>Name of Donor</th>
<th>Address of Gift</th>
<th>Nature of Gift</th>
<th>Value of Gift</th>
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</table>

9. List each source of gifts, excluding campaign contributions, in excess of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the state, in excess of $1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does not include gifts reported under item 9.
11. List the identity and value, if reasonably ascertainable, of each
interest in a trust, estate or other beneficial interest, including
retirement plans other than retirement plans of the state of New
York or the city of New York, and deferred compensation plans esta-
blished in accordance with the internal revenue code, in which the
reporting individual held a beneficial interest in excess of $1,000
at any time during the preceding year. Do not report interests in a
trust, estate or other beneficial interest established by or for, or
the estate of, a relative.

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<tr>
<th>Category</th>
<th>Identity</th>
<th>Value</th>
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* The value of such interest shall be reported only if reasonably
ascertainable.

12. (a) Describe the terms of, and the parties to, any contract,
promise, or other agreement between the reporting individual
and any person, firm, or corporation with respect to the em-
ployment of such individual after leaving office or position
(other than a leave of absence).

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<tr>
<th>Category</th>
<th>Identity</th>
<th>Value</th>
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* | | |
(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of $1,000 from a prior employer other than the State. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

13. List below the nature and amount of any income in excess of $1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, state salary, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

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<tr>
<th>Self/ Spouse</th>
<th>Source</th>
<th>Nature</th>
<th>Amount</th>
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</table>
14. List the sources of any deferred income in excess of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

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<th>Source</th>
<th>Category of Amount</th>
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</table>
15. List each assignment of income in excess of $1000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1000, which would otherwise be required to be reported herein and is not or has not been so reported.

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<tr>
<th>Item</th>
<th>Assigned or Transferred</th>
<th>Assigned to</th>
<th>Category of Value</th>
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16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security
is corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

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<tr>
<th>Self/ Spouse</th>
<th>Issuing Entity</th>
<th>Type of Security</th>
<th>Category of Market Value as of the close of the taxable year last occurring prior to the filing of this statement</th>
<th>Percentage of corporate stock owned or controlled</th>
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List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

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<tr>
<th>Self/ Spouse</th>
<th>Category of Party</th>
<th>Location</th>
<th>Size</th>
<th>General Nature</th>
<th>Acquisition Date</th>
<th>Market Value</th>
<th>Percentage of Ownership</th>
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List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding...
scurities reported in item 16 hereinabove. Debts, notes and ac-
counts receivable owed to the individual by a relative shall not be
reported.

<table>
<thead>
<tr>
<th>Name of Debtor</th>
<th>Type of Obligation, Date Due, and Nature of Collateral, if any</th>
<th>Category of Amount</th>
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19. List below all liabilities of the reporting individual and such
individual’s spouse, in excess of $5,000 as of the date of filing of
this statement, other than liabilities to a relative. Do not list
liabilities incurred by, or guarantees made by, the reporting indivi-
dual or such individual’s spouse or by any proprietorship, partner-
ship or corporation in which the reporting individual or such
individual’s spouse has an interest, when incurred or made in the
ordinary course of the trade, business or professional practice of
the reporting individual or such individual’s spouse. Include the
name of the creditor and any collateral pledged by such individual
to secure payment of any such liability. A reporting individual
shall not list any obligation to pay maintenance in connection with
a matrimonial action, alimony or child support payments. Revolving
charge account information shall only be set forth if liability
thereon is in excess of $5,000 at the time of filing. Any loan is-
issued in the ordinary course of business by a financial institution
to finance educational costs, the cost of home purchase or improve-
ments for a primary or secondary residence, or purchase of a per-
sonally owned motor vehicle, household furniture or appliances shall
be excluded. If any such reportable liability has been guaranteed
by any third person, list the liability and name the guarantor.

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<thead>
<tr>
<th>Name of Creditor or Guarantor</th>
<th>Type of Liability and Collateral, if any</th>
<th>Category of Amount</th>
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The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)   Date (month/day/year)

4. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the state ethics commission or by the legislative ethics committee, as the case may be, with respect to persons subject to their respective jurisdictions. The state ethics commission acting pursuant to subdivision thirteen of section ninety-four of the executive law or the legislative ethics committee acting pursuant to subdivision twelve of section eighty of the legislative law, as the case may be, may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. The state ethics commission and the legislative ethics committee shall each be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the state ethics commission or legislative ethics committee, pursuant to article seventy-eight of the civil practice law and rules.

5. Nothing contained in this section shall be construed as precluding any public authority or public benefit corporation from exercising any authority or power now or hereafter existing to require any of its members, directors, officers or employees to file financial disclosure statements with such public authority or public benefit corporation that are the same as, different from or supplemental to any of the requirements contained herein and to provide only for internal employment discipline for any violation arising out of such internal filing.

§ 4. Section seventy-six of such law, as added by chapter ten hundred twelve of the laws of nineteen hundred sixty-five, is amended to read as follows:

§ 76. Receiving bribes by members of legislature. A member of either of the houses composing the legislature of this state, or a person elected to become a member thereof, who asks, receives, or agrees to
receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, [or who gives or offers or promises to give any official vote in consideration that another member of the legislature, or person elected to become such member, shall give any such vote, either upon the same or another question, is punishable by imprisonment in a state prison not exceeding ten years, or by a fine not exceeding five thousand dollars, or by both] shall be guilty of a class D felony.

§ 5. Section seventy-eight of such law, as amended by chapter six hundred fifty-six of the laws of nineteen hundred sixty-nine, is amended to read as follows:

§ 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-three-a, 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 prepare 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.

§ 6. Paragraph (d) of subdivision two of section eighty-eight of such law is REPEALED and paragraphs (e) through (j) are relettered paragraphs (d) through (i).

§ 7. The executive law is amended by adding a new section ninety-four to read as follows:

§ 94. State ethics commission: functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement. 1. There is established within the department of state a state ethics commission which shall consist of five members and shall have and exercise the powers and duties set forth in this section only with respect to statewide elected officials and state officers and employees, as defined in section seventy-three of the public officers law, and candidates for statewide elected office, and with respect to the political party chairman as that term is defined in section seventy-three-a of the public officers law.

2. The members of the commission shall be appointed by the governor provided, however, that one member shall be appointed on the nomination of the comptroller and one member shall be appointed on the nomination of the attorney general. Of the three members appointed by the governor without prior nomination, no more than two members shall belong to the same political party and at least two members shall not be public officers or employees or hold any public office, elected or appointed. No member shall hold office in any political party or be employed as a lobbyist.

3. Members of the commission shall serve for terms of five years; provided, however, that of the members first appointed without prior nomination, one shall serve for one year, one shall serve for three years, and one shall serve for five years, as designated by the governor; the member first appointed on the nomination of the comptroller
shall serve for four years and the member first appointed on the nomina-
tion of the attorney general shall serve for two years.

4. The governor shall designate the chairman of the commission from
among the members thereof, who shall serve as chairman at the pleasure
of the governor. The chairman or any three members of the commission may
call a meeting.

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

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

7. Members of the commission may be removed by the governor for sub-
stantial neglect of duty, gross misconduct in office, inability to dis-
charge the powers or duties of office or violation of this section, af-
ter written notice and opportunity for a reply.

8. The members of the commission shall not receive compensation but
shall be reimbursed for reasonable expenses incurred in the performance
of their official duties.

9. The commission shall:
   (a) Appoint an executive director who shall act in accordance with the
       policies of the commission. The commission may delegate authority to the
       executive director to act in the name of the commission between meetings
       of the commission provided such delegation is in writing and the spe-
       cific powers to be delegated are enumerated;
   (b) Appoint such other staff as are necessary to carry out its duties
       under this section;
   (c) Adopt, amend, and rescind rules and regulations to govern proce-
       dures of the commission, which shall include, but not be limited to, the
       procedure whereby a person who is required to file an annual financial
disclosure statement with the commission may request an additional
period of time within which to file such statement, due to justifiable
cause or undue hardship; such rules or regulations shall provide for a
date beyond which in all cases of justifiable cause or undue hardship no
further extension of time will be granted;
   (d) Promulgate guidelines to assist appointing authorities in deter-
       mining which persons hold policy-making positions for purposes of sec-
       tion seventy-three-a of the public officers law;
   (e) Make available forms for annual statements of financial disclosure
       required to be filed pursuant to section seventy-three-a of the public
       officers law;
   (f) Review financial disclosure statements in accordance with the
       provisions of this section, provided however, that the commission may
delegate all or part of this review function to the executive director
who shall be responsible for completing staff review of such statements
in a manner consistent with the terms of the commission's delegation;
   (g) Receive complaints alleging a violation of section seventy-three,
       seventy-three-a or seventy-four of the public officers law;
   (h) Permit any person required to file a financial disclosure state-
       ment to request the commission to delete from the copy thereof made
available for public inspection one or more items of information which
may be deleted by the commission, after denial of a request for deletion
by the public advisory council as provided in subdivision eighteen of
this section, upon a finding by a majority of the total number of mem-
bers of the commission without vacancy that the information which would otherwise be required to be made available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the commission, in its notification of denial, shall inform the person of his or her right to appeal the commission's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section. The commission shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the advisory council;

(i) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted by the commission, after denial of a request for exemption by the public advisory council as provided in subdivision eighteen of this section, upon a finding by a majority of the total number of members of the commission without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the commission, in its notification of denial, shall inform the person of his or her right to appeal the commission's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section. The commission shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the advisory council;

(j) Advise and assist any state agency in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former statewide elected officials and state officers and employees;

(k) Permit any person who has not been determined by his or her appointing authority to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of an individual or on behalf of persons who share the same job title or employment classification which the commission deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

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

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

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

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

(l) Prepare an annual report to the governor and the legislature summarizing the activities of the commission and recommending changes in
the laws governing the conduct of statewide elected officials, state officers and employees and political party chairmen.

1. Upon certification of a question by the public advisory council to the commission, as provided in paragraph (k) of subdivision eighteen of this section, the commission may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section.

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

11. If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency: (a) to the reporting person; and (b) in the case of a statewide elected official, to the temporary president of the senate and the speaker of the assembly; and (c) in the case of a state officer or employee, to the appointing authority for such person.

12. (a) If a reporting person has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law, or the commission receives a sworn complaint alleging such a violation by a reporting person or a state officer or employee subject to the provisions of section seventy-three of the public officers law, or if the commission determines on its own initiative to investigate a possible violation, the commission shall notify the reporting person in writing, describe the possible or alleged violation of such section seventy-three, seventy-three-a or seventy-four and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the commission thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The commission shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the commission determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

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

13. An individual who knowingly and intentionally violates the provi-
sions of subdivisions two through five or subdivision seven, eight or
twelve of section seventy-three of the public officers law or a report-
ing individual who knowingly and wilfully fails to file an annual state-
ment of financial disclosure or who knowingly and wilfully with intent
to deceive makes a false statement or gives information which such in-
dividual knows to be false on such statement of financial disclosure
filed pursuant to this section shall be assessed a civil penalty in an
amount not to exceed ten thousand dollars. Assessment of a civil penalty
hereunder shall be made by the commission with respect to persons sub-
ject to its jurisdiction. For a violation of this subdivision, other
than for conduct which constitutes a violation of subdivision twelve of
section seventy-three of the public officers law, the commission may, in
lieu of a civil penalty, refer a violation to the appropriate prosecutor
and upon such conviction, but only after such referral, such violation
shall be punishable as a class A misdemeanor. A civil penalty for false
filing may not be imposed hereunder in the event a category of "value"
or "amount" reported hereunder is incorrect unless such reported in-
formation is falsely understated. Notwithstanding any other provision of
law to the contrary, no other penalty, civil or criminal may be imposed
for a failure to file, or for a false filing, of such statement, or a
violation of section seventy-three of the public officers law, except
that the appointing authority may impose disciplinary action as other-
wise provided by law. The state ethics commission shall be deemed to be
an agency within the meaning of article three of the state administra-
tive procedure act and shall adopt rules governing the conduct of adju-
dicatory proceedings and appeals taken pursuant to a proceeding com-
menced under article seventy-eight of the civil practice law and rules
relating to the assessment of the civil penalties herein authorized and
commission denials of requests for certain deletions or exemptions to be
made from a financial disclosure statement as authorized in paragraph
(h) or paragraph (i) of subdivision nine of this section. Such rules,
which shall not be subject to the approval requirements of the state ad-
ministrative procedure act, shall provide for due process procedural
mechanisms substantially similar to those set forth in such article
three but such mechanisms need not be identical in terms or scope. As-
essment of a civil penalty or commission denial of such a request shall
be final unless modified, suspended or vacated within thirty days of im-
position, with respect to the assessment of such penalty, or unless such
denial of request is reversed within such time period, and upon becoming
final shall be subject to review at the instance of the affected report-
ing individuals in a proceeding commenced against the state ethics com-
mission, pursuant to article seventy-eight of the civil practice law and
rules.

14. A copy of any notice of delinquency or notice of reasonable cause
sent pursuant to subdivisions eleven and twelve of this section shall be
included in the reporting person's file and be available for public
inspection.

15. Upon written request from any person who is subject to the
requirements of sections seventy-three, seventy-three-a and seventy-four
of the public officers law, the commission shall render advisory opin-
ions on the requirements of said provisions. An opinion rendered by the
commission, until and unless amended or revoked, shall be binding on the
commission in any subsequent proceeding concerning the person who
requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential but the commission may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

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

(a) Promulgate rules concerning restrictions on outside activities and limitations on the receipt of honoraria by persons subject to its jurisdiction, provided, however, a violation of such rules in and of itself shall not be punishable pursuant to subdivision thirteen of this section unless the conduct constituting the violation would otherwise constitute a violation of this section; and

(b) Administer and enforce all the provisions of this section; and

(c) Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

17. (a) Notwithstanding the provisions of article six of the public officers law, the only records of the commission which shall be available for public inspection are:

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

(2) notices of delinquency sent under subdivision eleven of this section;

(3) notices of reasonable cause sent under paragraph (b) of subdivision twelve of this section; and

(4) notices of civil assessments imposed under this section.

(b) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section, of the commission shall be open to the public, except if expressly provided otherwise by the commission.

18. (a) There is established within the state ethics commission a public advisory council which shall consist of five members and shall have

(b) The members of the public advisory council shall be appointed by the governor provided, however, that one member shall be appointed on the nomination of the comptroller and one member shall be appointed on the nomination of the attorney general. Of the three members appointed by the governor without prior nomination, no more than two members shall belong to the same political party and at least two members shall not be public officials or employees or hold any public office, elected or appointed. No member shall hold office in any political party or be employed as a lobbyist.

(c) Members of the public advisory council shall serve for terms of four years concurrent with the terms of office of the governor with respect to members appointed without prior nomination or concurrent with the term of office of the comptroller or attorney general, as the case may be, who nominated their appointment by the governor. The initial members appointed by the governor shall serve until December thirty-
first, nineteen hundred ninety or until his successor is qualified if later than such date.

(d) The governor shall designate the chairman of the public advisory council from among the members thereof, who shall serve as chairman at the pleasure of the governor. The chairman or any three members of the public advisory council may call a meeting.

(e) Any vacancy occurring on the public advisory council shall be filled within sixty days of its occurrence, by the governor, in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds.

(f) Three members of the public advisory council shall constitute a quorum, and the public advisory council shall have power to act by majority vote of the total number of members of the public advisory council without vacancy. Members of the council may be removed by the governor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section after written notice and opportunity for reply.

(g) The members of the public advisory council shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(h) The public advisory council shall: (1) Permit any person required to file a financial disclosure statement to request the public advisory council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted upon a finding by a majority of the total number of members of the public advisory council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the public advisory council, in its notification of denial, shall inform the person of his or her right to appeal the public advisory council's determination to the commission pursuant to the commission's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section; and

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the public advisory council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the public advisory council, in its notification of denial, shall inform the person of his or her right to appeal the public advisory council's determination to the commission pursuant to the commission's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section.

(i) Pending any application for deletion or exemption either to the public advisory council or to the commission upon appeal of an adverse determination by the public advisory council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the commission, the reporting individ-
ual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

(j) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph (h) or (i) of subdivision nine of this section, of the commission shall be open to the public, except if expressly provided otherwise by the public advisory council.

(k) Where the council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will prevent undue repetition of such requests or undue complication, the council may certify the question to the commission for resolution and disposition in accordance with paragraph (m) of subdivision nine of this section.

§ 8. Section one hundred sixty-six of such law, as added by chapter six hundred ninety-seven of the laws of nineteen hundred fifty-four, is amended to read as follows:

§ 166. Record of appearances. Every regulatory agency of the state shall keep a record of appearances before it or its appropriate divisions or bureaus of attorneys, agents and representatives appearing on behalf of any person, firm, corporation or association subject to its regulatory jurisdiction, for which they receive a fee, which record shall be open to public inspection. The term "regulatory agency" as used in this section shall mean the banking department, insurance department, state liquor authority, department of agriculture and markets, department of education, department of environmental conservation, department of health, division of housing and community renewal, department of state, other than the division of corporations and state records, department of public service [and], the industrial board of appeals in the department of labor and the department of law, other than when the attorney general or his agents or employees are performing duties specified in section sixty-three of this chapter.

§ 9. Section eighty of the legislative law is REPEALED and a new section eighty is added to read as follows:

§ 80. Legislative ethics committee; functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement. 1. There is established a legislative ethics committee which shall consist of eight members of the legislature and shall have and exercise the powers and duties set forth in this section only with respect to members of the legislature, legislative employees as defined in section seventy-three of the public officers law and candidates for member of the legislature.

2. Two members of the committee shall be appointed by the temporary president of the senate, two by the speaker of the assembly, two by the minority leader of the senate, and two by the minority leader of the assembly.

3. Members of the committee shall serve for terms of two years concurrent with their legislative terms of office.

4. The temporary president of the senate and the speaker of the assembly shall each designate one member of the committee from his respective
house as a co-chairperson thereof. The co-chairpersons jointly or any
five members of the committee may call a meeting.

5. Any vacancy occurring on the committee shall be filled within sixty
days by the appointing authority.
6. Five members of the committee shall constitute a quorum, and the
committee shall have power to act by majority vote of the total number
of members of the committee without vacancy.
7. The members of the committee shall be reimbursed for reasonable ex-
penses incurred in the performance of their official duties.
8. The committee shall:
a. Appoint an executive director who shall act in accordance with the
policies of the committee;
b. Appoint such other staff as are necessary to carry out its duties
under this section;
c. Adopt, amend, and rescind rules and regulations to govern proce-
dures of the committee which shall not be subject to the promulgation
and hearing requirements of the state administrative procedure act,
which shall include, but not be limited to, the procedure whereby a per-
son who is required to file an annual financial disclosure statement
with the committee may request an additional period of time within which
to file such statement, due to justifiable cause or undue hardship; such
rules or regulations shall provide for a date beyond which in all cases
of justifiable cause or undue hardship no further extension of time will
be granted;
d. Promulgate guidelines to assist appointing authorities in determin-
ing which persons hold policy-making positions for purposes of section
seventy-three-a of the public officers law and may promulgate guidelines
to assist firms, associations and corporations in separating affected
persons from net revenues for purposes of subdivision ten of section
seventy-three of the public officers law, and promulgate guidelines to
assist any firm, association or corporation in which any present or for-
mer statewide elected official, state officer or employee, member of the
legislature or legislative employee, or political party chairman is a
member, associate, retired member, of counsel or shareholder, in com-
plying with the provisions of subdivision ten of section seventy-three
of the public officers law with respect to the separation of such pre-
sent or former statewide elected official, state officer or employee,
member of the legislature or legislative employee, or political party
chairman from the net revenues of the firm, association or corporation.
Such firm, association or corporation shall not be required to adopt the
procedures contained in the guidelines to establish compliance with sub-
division ten of section seventy-three of the public officers law, but if
such firm, association or corporation does adopt such procedures, it
shall be deemed to be in compliance with such subdivision ten;
e. Make available forms for financial disclosure statements required
to be filed pursuant to subdivision six of section seventy-three and
section seventy-three-a of the public officers law;
f. Review financial disclosure statements in accordance with the
provisions of this section, provided however, that the committee may
delegate all or part of the review function relating to financial dis-
losure statements filed by legislative employees pursuant to sections
seventy-three and seventy-three-a of the public officers law to the exe-
cutive director who shall be responsible for completing staff review of
such statements in a manner consistent with the terms of the committee's
degregation:
g. Receive complaints alleging a violation of section seventy-three, seventy-three-a or seventy-four of the public officers law;

h. Permit any person required to file a financial disclosure statement to request the committee to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the committee, after denial of a request for deletion made to the legislative advisory council as provided in subdivision seventeen of this section, upon a finding by a majority of the total number of members of the committee without vacancy that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. In the event that four members of the committee find in favor of the request and four members find against the request, a deciding vote shall be cast by an advisory member to the committee who shall be a person, other than a member of the legislature, legislative employee, person employed as a lobbyist, officer in a political party or member of the legislative advisory council, designated by joint nomination of the temporary president of the senate and the speaker of the assembly. If such request for deletion is denied, the committee, in its notification of denial, shall inform the person of his or her right to appeal the committee's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision twelve of this section. The committee shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the advisory council;

i. Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted by the committee, after denial of a request for exemption made to the legislative advisory council as provided in subdivision seventeen of this section, upon a finding by a majority of the total number of members of the committee without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. In the event that four members of the committee find in favor of the request and four members find against the request, a deciding vote shall be cast by an advisory member to the committee who shall be a person, other than a member of the legislature, legislative employee, person employed as a lobbyist, officer in a political party or member of the legislative advisory council, designated by joint nomination of the temporary president of the senate and the speaker of the assembly. If such request for exemption is denied, the committee, in its notification of denial, shall inform the person of his or her right to appeal the committee's determination pursuant to its rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision twelve of this section. The committee shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals from the advisory council;

j. Advise and assist the legislature in establishing rules and regulations relating to possible conflicts between private interests and official duties of present members of the legislature and legislative employees:
k. Prepare an annual report to the legislature summarizing the activities of the committee and recommending changes in the laws governing the conduct of members of the legislature and legislative employees.

1. Upon certification of a question by the public advisory council to the committee, as provided in paragraph h of subdivision eighteen of this section, the committee may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section.

2. The committee, or the executive director and staff of the committee if responsibility regarding such financial disclosure statements filed by legislative employees has been delegated, shall inspect all financial disclosure statements filed with the committee to ascertain whether any person subject to the reporting requirements of subdivision six of section seventy-three or section seventy-three-a of the public officers law has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law.

10. If a person required to file a financial disclosure statement with the committee has failed to file a financial disclosure statement or has filed a deficient statement, the committee shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the committee shall send a notice of delinquency: (a) to the reporting person; (b) in the case of a senator, to the temporary president of the senate, and if a member of assembly, to the speaker of the assembly; and (c) in the case of a legislative employee, to the appointing authority for such person and to the temporary president of the senate and/or the speaker of the assembly, as the case may be, who has jurisdiction over such appointing authority.

11. a. If a reporting person has filed a statement which reveals a possible violation of section seventy-three, seventy-three-a or seventy-four of the public officers law, or the committee receives a sworn complaint alleging such a violation by a reporting person or a legislative employee subject to the provisions of section seventy-three of the public officers law, or if the committee determines on its own initiative to investigate a possible violation by a reporting person or a legislative employee subject to the provisions of section seventy-three of the public officers law, the committee shall notify the reporting person in writing, describe the possible or alleged violation of such section seventy-three, seventy-three-a or seventy-four and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the committee thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The committee shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the committee determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the
reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

b. If the committee determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause: (i) to the reporting person; (ii) to the complainant if any; (iii) in the case of a senator, to the temporary president of the senate, and if a member of the assembly, to the speaker of the assembly; and (iv) in the case of a legislative employee, to the appointing authority for such person and to the temporary president of the senate and/or the speaker of the assembly, as the case may be, who has jurisdiction over such appointing authority.

12. An individual who knowingly and intentionally violates the provisions of subdivisions two through five or subdivision seven, eight or twelve of section seventy-three of the public officers law or a reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the committee with respect to persons subject to its jurisdiction. For a violation of this section, the legislative ethics committee may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, or a violation of section seventy-three of the public officers law, except that the appointing authority may impose disciplinary action as otherwise provided by law. The legislative ethics committee shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under article seventy-eight of the civil practice law and rules relating to the assessment of the civil penalties herein authorized and committee denials of requests for certain deletions or exemptions to be made from a financial disclosure statement as authorized in paragraph h or paragraph i of subdivision eight of this section. Such rules, which shall not be subject to the promulgation and hearing requirements of the state administrative procedure act, shall provide for due process procedural mechanisms substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty or committee denial of such a request shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, or unless such denial of request is reversed within such time period, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the legislative ethics committee, pursuant to article seventy-eight of the civil practice law and rules.

13. A copy of any notice of delinquency or notice of reasonable cause sent pursuant to subdivisions ten and eleven of this section shall be
1. Included in the reporting person's file and be available for public inspection.

14. Upon written request from any person who is subject to the requirements of sections seventy-three, seventy-three-a and seventy-four of the public officers law, the committee shall render advisory opinions on the requirements of said provisions. An opinion rendered by the committee, until and unless amended or revoked, shall be binding on the committee in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense in any criminal or civil action. Such requests shall be confidential, but the committee may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

15. In addition to any other powers and duties specified by law, the committee shall have the power and duty to:

a. Administer and enforce all the provisions of this section;

b. Conduct any investigation necessary to carry out the provisions of this section. Pursuant to this power and duty, the committee may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

16. a. Notwithstanding the provisions of article six of the public officers law, the only records of the committee which shall be available for public inspection are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to section seventy-three-a of the public officers law except the categories of value or amount which shall be confidential, and any other item of information deleted pursuant to paragraph h of subdivision eight of this section;

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

(3) notices of delinquency sent under subdivision ten of this section;

(4) notices of reasonable cause sent under paragraph b of subdivision eleven of this section; and

(5) notices of civil assessment imposed under this section.

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

c. Pending any application for deletion or exemption either to the legislative advisory council or to the committee upon appeal of an adverse determination by the legislative advisory council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the committee, the reporting individual may request, and upon such request the committee shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the committee, the information shall not be made public and shall be expunged in its entirety.

17. a. There is established within the legislative ethics committee a legislative advisory council which shall consist of five members and shall have and exercise the powers and duties set forth in this subdivision.
b. Three members of the legislative advisory council shall be persons, other than members of the legislature or legislative employees or persons employed as lobbyists or officers in any political party, no more than two of whom shall belong to the same political party, who shall be appointed upon the joint nomination of the temporary president of the senate and the speaker of the assembly. The chairman of the senate judiciary committee and the chairman of the assembly judiciary committee shall also serve as members of the legislative advisory council.

c. Members of the legislative advisory council shall serve for terms of two years or, in the case of members of the legislature, during their term in office as chairmen of their respective judiciary committees.

d. One member of the legislative advisory council, other than a member who is also a member of the legislature shall be designated chairman of the legislative advisory council. The chairman or any three members of the committee may call a meeting.

e. Any vacancy occurring on the legislative advisory council shall be filled within sixty days of its occurrence in the same manner as the member whose vacancy is being filled was appointed. A person appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member he succeeds.

f. Three members of the legislative advisory council shall constitute a quorum, and the legislative advisory council shall have power to act by majority vote of the total number of members of the legislative advisory council without vacancy.

g. The legislative advisory council shall:

(1) Permit any person required to file a financial disclosure statement to request the legislative advisory council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted by such council upon a finding by a majority of the total number of members of such council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, such council, in its notification of denial, shall inform the person of his or her right to appeal the council's determination to the committee pursuant to the committee's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision twelve of this section; and

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the legislative advisory council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the council in its notification of denial, shall inform the person of his or her right to appeal the council's determination to the committee pursuant to the committee's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision twelve of this section.

h. Where the council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will pre-
vent undue repetition of such requests or undue complication, the council may certify the question to the committee for resolution and disposition in accordance with paragraph 1 of subdivision eight of this section.

§ 10. Subdivision one of section eight hundred six of the general municipal law, as amended by chapter one thousand nineteen of the laws of nineteen hundred seventy, is amended to read as follows:

1. (a) The governing body of each county, city, town, village and school district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth the guidance of its officers and employees the standards of conduct reasonably expected of them. Such code shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.

(b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph (b), adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or other municipality may at any time thereafter, or at any time subsequent to the effective date of any such local law, ordinance or resolution, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or other municipality, acting by its governing body, may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven.

§ 11. Subdivision three of section eight hundred six of such law, as amended by chapter one thousand nineteen of the laws of nineteen hundred seventy, is amended to read as follows:

3. [The] Until January first, nineteen hundred ninety-one, the clerk of each municipality shall file in the office of the state comptroller and on or after January first, nineteen hundred ninety-one, the clerk of each municipality and of each political subdivision, as defined in section eight hundred ten of this article, shall file with the temporary state commission on local government ethics established by section eight...
(i) a report that sets forth, (A) the name of each political subdivision, as such term is defined in section eight hundred ten of this article, the governing body of which has elected to satisfy the requirements of subdivision one of section eight hundred eleven of this article by continuing to use the annual statement form in existence at the time such election is made as authorized by subdivision one of section eight hundred eleven of this article, and (B) the name of each political subdivision, as so defined, other than those listed in clause (A) of this subparagraph (i), that timely promulgated an annual statement form of financial disclosure in accordance with subdivision one of section eight hundred eleven of this article, and (C) in a separate category, sets forth the name of those political subdivisions that failed to continue
using its existing form or to promulgate a form and which, therefore, by
operation of subdivision two of section eight hundred eleven of this ar-
ticle have become subject, as of January first, nineteen hundred ninety-
one, to the provisions of section eight hundred twelve of this article.
The comptroller shall, at the same time such report is submitted to the
temporary state commission on local government ethics, notify each
political subdivision which is contained in the latter category that it
is subject to section eight hundred twelve of this article; and
(ii) a copy of the most recent filing by all municipalities and
political subdivisions, made pursuant to paragraphs (a), (b), (c) and
(d) of this subdivision.
§ 12. Section eight hundred eight of such law is amended by adding a
new subdivision five to read as follows:
5. A board of ethics of a political subdivision (as defined in section
eight hundred ten of this article) and of any other municipality, which
is required by local law, ordinance or resolution to be, or which pur-
suant to legal authority, in practice is, the repository for completed
annual statements of financial disclosure shall notify the temporary
state commission on local government ethics if such commission be in ex-
istence and if not, shall file a statement with the clerk of its munici-
pality, that it is the authorized repository for completed annual state-
ments of financial disclosure and that on account thereof, such com-
pleted statements will be filed with it and not with the commission.
Should any local law, ordinance or resolution be adopted which provides
for the filing of such completed annual statements with the temporary
state commission on local government ethics instead of with such board
of ethics, such board of ethics shall notify the temporary state commis-
sion on local government ethics of that fact.
§ 13. Such law is amended by adding a new section eight hundred ten to
read as follows:
§ 810. Additional definitions. As used in sections eight hundred
eleven, eight hundred twelve and eight hundred thirteen of this article:
1. The term "political subdivision" shall mean a county, city, town or
village having a population of fifty thousand or more and shall include
a city with a population of one million or more.
2. The term "local elected official" shall mean an elected official of
the political subdivision, except judges or justices of the unified
court system.
3. The term "local officer or employee" shall mean the heads (other
than local elected officials) of any agency, department, division, coun-
cil, board, commission, or bureau of a political subdivision and their
deputies and assistants, and the officers and employees of such agen-
cies, departments, divisions, boards, bureaus, commissions or councils
who hold policy-making positions, as annually determined by the appoint-
ing authority and set forth in a written instrument which shall be filed
with the appropriate body during the month of February; except that the
term "local officer or employee" shall not mean a judge, justice, offi-
cer or employee of the unified court system.
4. The term "state agency" shall mean any state department, or divi-
sion, board, commission, or bureau of any state department, any public
benefit corporation, public authority or commission at least one of
whose members is appointed by the governor, or the state university of
New York or the city university of New York, including all their consti-
tuent units except community colleges and the independent institutions
operating statutory or contract colleges on behalf of the state.
5. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

6. The term "local political party official" shall mean:

(a) any chairman of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

(b) that person (usually designated by the rules of a county committee as the "county leader" or "chairman of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(i) the principal political, executive and administrative officer of the county committee;

(ii) the power of general management over the affairs of the county committee;

(iii) the power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;

(iv) the power to preside at all meetings of the county executive committee, if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

(v) the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

(vi) the power to direct the treasurer of the party to expend funds of the county committee; or

(vii) the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee; and

(c) the city, town or village chairman or leader of a city, town or village committee of a party as the term party is defined in section 1-104 of the election law, but only with respect to a city, town or vil-
large having a population of fifty thousand or more, and only if such chairman or leader received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more. The term chairman or leader is intended to refer to the person who performs the functions and duties of the chief official of a party in the city, town or village by whatever title designated.

The terms "constituted committee" and "political committee", as used in this subdivision six, shall have the same meanings as those contained in section 14-100 of the election law.

7. The term "relative" shall mean such individual’s spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

8. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

9. The term "appropriate body" or "appropriate bodies" shall mean:
(a) in the case of any political subdivision which has created or hereafter creates a board of ethics which is in existence at the time an annual statement of financial disclosure is due, and which has been designated by local law, ordinance or resolution to be the repository for such completed statements, such board of ethics;
(b) in the case of any political subdivision which has created or hereafter creates a board of ethics which is in existence at the time an annual statement of financial disclosure is due, and which has not been designated by local law, ordinance or resolution to be the repository for such completed statements, the temporary state commission on local government ethics;
(c) in the case of any political subdivision for which no board of ethics is in existence at the time an annual statement of financial disclosure is due, the temporary state commission on local government ethics.

10. The term "regulatory agency" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of the public officers law.

11. The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of the public officers law.

12. The term "local agency" shall mean:
(a) any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and
(b) any public benefit corporation or public authority not included in the definition of a state agency.

§ 14. Such law is amended by adding a new section eight hundred eleven to read as follows:

§ 811. Promulgation of form of annual statement of financial disclosure: authority of governing body with respect to persons subject thereto. 1. (a) The governing body of each political subdivision may, not later than January first, nineteen hundred ninety-one, and the governing body of any other municipality may at any time subsequent to the effective date of this section, adopt a local law, ordinance, or resolution; (1) wherein it promulgates a form of annual statement of financial disclosure which is designed to assure disclosure by municipal officers and employees, which for the purposes of this section, the
definition for which shall be modified so as to also include a city with
a population of one million or more, and (in the case of a political
subdivision or any other county, city, town or village) which is
designed to assure disclosure by local elected officials and/or by local
political party officials of such financial information as is determined
necessary by the governing body, or (ii) wherein it resolves to continue
the use of an authorized form of annual statement of financial disclo-
sure in use on the date such local law, ordinance or resolution is
adopted. In either event, such local law, ordinance or resolution if and
when adopted shall specify by name of office or by title or classifica-
tion those municipal officers and employees and (in the case of a polit-
ical subdivision or any other county, city, town or village) those local
elected officials and/or those local political party officials which
shall be required to complete and file such annual statement. In a city
with a population of one million or more, such local law, ordinance or
resolution shall be at least as stringent in scope and substance as the
provisions of section eight hundred twelve of this article.

(b) The governing body of a political subdivision or any other county,
city, town or village, which requires the completion and filing of
either of such forms of annual statements of financial disclosure by
local or municipal officers and employees and/or by local elected official
shall have the power, if it so chooses, to require the completion
and filing of such annual statements of financial disclosure by local
political party officials as if such officials were officers or em-
ployees of such county, city, town or village, provided however, that a
person who is subject to the filing requirements of both subdivision two
of section seventy-three-a of the public officers law and of this sub-
division may satisfy the requirements of this subdivision by filing a
copy of the statement filed pursuant to section seventy-three-a of the
public officers law with the appropriate body, as defined in section
eight hundred ten of this article, on or before the filing deadline
provided in such section seventy-three-a, notwithstanding the filing
deadline otherwise imposed by this subdivision.

(c) The governing body of a political subdivision or any other county,
city, town or village which requires any local or municipal officer or
employee or any local elected official or any local political party off-
cial to complete and file either of such annual statements of financial
disclosure shall have, possess, exercise and enjoy all the rights,
powers and privileges attendant thereto which are necessary and proper
to the enforcement of such requirement, including but not limited to,
the promulgation of rules and regulations pursuant to local law, ordi-
nance or resolution, which rules or regulations may provide for the pub-
lic availability of items of information to be contained on such form
of statement of financial disclosure, the determination of penalties for
violation of such rules or regulations, and such other powers as are
conferred upon the temporary state commission on local government ethics
pursuant to section eight hundred thirteen of this article as such local
governing body determines are warranted under the circumstances existing
in its county, city, town or village.

(d) The local law, ordinance or resolution, if and when adopted, shall
provide for the annual filing of completed statements with either the
temporary state commission on local government ethics or with the board
of ethics of the political subdivision or other municipality and shall
contain the procedure for filing such statements and the date by which
such filing shall be required. If the board of ethics is designated as
the appropriate body, then such local law, ordinance or resolution shall
confer upon the board appropriate authority to enforce such filing
requirement, including the authority to promulgate rules and regulations
of the same import as those which the temporary state commission on
local government ethics enjoys under section eight hundred thirteen of
this article. Any such local law, ordinance or resolution shall
authorize exceptions with respect to complying with timely filing of
such disclosure statements due to justifiable cause or undue hardship.
The appropriate body shall prescribe rules and regulations related to
such exceptions with respect to extensions and additional periods of
time within which to file such statement including the imposition of a
time limitation upon such extensions.

(e) Nothing herein shall be construed to prohibit a political subdiv-
ision or other municipality from promulgating the form of annual finan-
cial disclosure statement set forth in section eight hundred twelve of
this article. Promulgation of the same form of annual financial disclo-
sure statement set forth in section eight hundred twelve of this article
shall not be deemed an automatic election to be subject to the provi-
sions of such section.

2. In the event that a political subdivision fails by January first,
nineteen hundred ninety-one, to elect to continue using, a form of annual statement of financial disclo-
sure in the manner authorized in subdivision one of this section then
the provisions of section eight hundred twelve of this article shall ap-
ply on and after such date to any such political subdivision subject to
the provisions of subdivision three of such section eight hundred
twelve.

§ 15. Such law is amended by adding a new section eight hundred twelve
to read as follows:

§ 812. Financial disclosure for local elected officials and certain
officers and employees of counties, cities, towns and villages.

1. (a) Any political subdivision or other county, city, town or vil-
lage to which all of the provisions of this section are made applicable,
whether as the result of the provisions contained in subdivision two of
section eight hundred eleven of this article or as a result of an elec-
tion to be subject to the provisions of this section as permitted by
subdivision two of this section, shall require (i) each of its local
elected officials and local officers and employees, (ii) each local
political party official and (iii) each candidate for local elected of-
official with respect to such political subdivision, to file an annual
statement of financial disclosure containing the information and in the
form set forth in subdivision five hereof. Such statement shall be filed
on or before the fifteenth day of May with respect to the preceding
calendar year, except that:

(1) a person who is subject to the reporting requirements of this sub-
division and who timely filed with the internal revenue service an ap-
plication for automatic extension of time in which to file his or her
individual income tax return for the immediately preceding calendar or
fiscal year shall be required to file such financial disclosure state-
ment on or before May fifteenth but may, without being subjected to any
civil penalty on account of a deficient statement, indicate with respect
to any item of the disclosure statement that information with respect
thereto is lacking but will be supplied in a supplementary statement of
financial disclosure, which shall be filed on or before the seventh day
after the expiration of the period of such automatic extension of time
within which to file such individual income tax return, provided that
failure to file or timely file such supplementary statement of finan-
cial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) a person who is required to file an annual financial disclosure statement with the temporary state commission on local government ethics, and who is granted an additional period of time within which to file such statement due to justifiable cause or undue hardship, in accordance with required rules and regulations on the subject adopted pursuant to paragraph c of subdivision nine of section eighty-three of this article, shall file such statement within the additional period of time granted;

(iii) candidates for local elected official who file designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary election;

(iv) candidates for independent nomination for local elected official who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates for local elected official in the next succeeding general or special or village election; and

(v) candidates for local elected official who receive the nomination of a party for a special election or who receive the nomination of a party other than at a primary election (whether or not for an uncontested office) shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

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

(c) Such statement shall be filed with the appropriate body, as defined in section eight hundred ten of this article.

(d) The appropriate body, as defined in section eight hundred ten of this article, shall obtain from the "board of elections", as such term is defined in section l-104 of the election law, lists of all candidates for local elected official, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Local political party officials and any person required to file such statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of local political party official, as the case may be.

(f) A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the statement filed pursuant to section seventy-three-a of the public officers law with the appropriate body, as defined in section eight hundred ten of this article, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.
(g) A person who is subject to the filing requirements of this subdivision from more than one political subdivision within the same county may satisfy the requirements of this subdivision by filing only one annual statement of financial disclosure with the appropriate body (as is required in that county) for the county in which such political subdivisions are located or if such political subdivisions cross one or more county boundary lines, then such single filing may be made for any of the counties in which one of such political subdivisions is located provided, however, that the appropriate bodies (as required by such other counties) are notified of the name of the county of such compliance by the person who is subject to the filing requirements of this subdivision, within the time limit for filing specified in this subdivision.

(h) A local elected official who is simultaneously a candidate for local elected official shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds such local elected office.

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

2. The governing body of a county, city, town or village having a population of less than fifty thousand may by local law or ordinance elect to be subject to the provisions of this section. In such event, any such city, county, town or village shall be deemed to be a political subdivision under this section.

3. Any political subdivision or other county, city, town or village to which all of the provisions of this section are made applicable, whether as a result of the provisions contained in subdivision two of section eight hundred eleven of this article or as a result of an election to be subject to the provisions of this section as permitted by subdivision two of this section, may elect to remove itself from the ambit of all (but not some) provisions of this section (other than this subdivision) by adopting a local law, ordinance or resolution specifically referring to the authority conferred by this subdivision. Provided, however, that the terms of such local law, ordinance or resolution shall be subject to the following conditions and limitations:

(a) Such local law, ordinance or resolution must provide for the promulgation of a form of an annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article for use with respect to information the governing body requires to be reported for the calendar year next succeeding the year in which such local law, ordinance or resolution is adopted and for use with respect to information required to be reported for subsequent calendar years; and shall provide for the filing of completed statements with either the temporary state commission on local government ethics or with the board of ethics of the political subdivision or other municipality, as specified in subdivision one of section eight hundred eleven of this article.

(b) Such removal shall not be effective with respect to the annual financial disclosure statement for the calendar year in which the local law, ordinance or resolution is adopted (the filing of which statement is due on May fifteenth of the next succeeding year with certain exceptions), nor shall such removal be effective with respect to any required annual financial disclosure statement for the immediately preceding calendar year (the filing of which statement is due on May
fifteenth (with certain exceptions) of the calendar year in which such
local law, ordinance or resolution is adopted), nor shall such removal
be effective with respect to any other preceding year but such removal
shall apply first to the statement which would have been due on May fif-
teenth (with certain exceptions) of the second year next succeeding the
year in which such local law, ordinance or resolution is adopted, and
such removal shall apply thereafter to subsequent statements otherwise
due pursuant to this section.
   (c) Such removal shall not affect the power to impose, or the imposi-
tion of, a penalty for failure to file, or for false filing, of any
required annual financial disclosure statement.
   (d) The local law, ordinance or resolution referred to in paragraph
(a) of this subdivision or any other such local law, ordinance or
resolution so adopted may make provision for any other right, power or
privilege granted by subdivision one of such section eight hundred
eleven.
4. Nothing contained in this section shall be construed as preclud-
ing the governing body of a political subdivision from requiring additional
and/or more detailed items of financial disclosure than are set forth in
subdivision five hereinbelow.
5. The annual statement of financial disclosure shall contain the in-
formation and shall be in the form set forth hereinbelow:
   ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR
   (Insert Name of Political Subdivision) - (For calendar year ____________)

1. Name ____________________________________________

2. (a) Title of Position ________________________________
   (b) Department, Agency or other Governmental Entity ________
   (c) Address of Present Office ____________________________
   (d) Office Telephone Number ____________________________

3. (a) Marital Status _________________________________. If married, please give spouse's
   full name including maiden name where applicable.
   _____________________________________________________
   (b) List the names of all unemancipated children.
   _____________________________________________________
   _____________________________________________________
   _____________________________________________________
   Answer each of the following questions completely, with respect to
calendar year __________, unless another period or date is otherwise
specified. If additional space is needed, attach additional pages.
Whenever a "value" or "amount" is required to be reported herein, such
value or amount shall be reported as being within one of the following
Categories: Category A - under $5,000; Category B - $5,000 to under
$20,000; Category C - $20,000 to under $60,000; Category D - $60,000 to
For the purposes of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law, of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

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<th>Position</th>
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(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.
5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

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<th>Position</th>
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(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.
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<tr>
<th>Position</th>
<th>Name &amp; Address of Organization</th>
<th>Description</th>
<th>State or Local Agency</th>
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6. List any interest, in excess of $1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or emancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except from guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

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<tr>
<th>Self, Spouse or Child</th>
<th>Entity Which Held Interest in Contract</th>
<th>Relationship to Entity and Interest in Contract</th>
<th>Contracting State or Local Agency</th>
<th>Category of Value of Contract</th>
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7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property.
9. List each source of gifts, excluding campaign contributions, in excess of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or emancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

<table>
<thead>
<tr>
<th>Category of Gift</th>
<th>Name of Donor</th>
<th>Address</th>
<th>Nature of Gift</th>
<th>Value of Gift</th>
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<td>Self, Spouse or Child</td>
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10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of $1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or fact-finding events. The term "reimbursements" does not include gifts reported under item 9.

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<th>Source</th>
<th>Description</th>
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11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the state of New York or the city of New York, and deferred compensation plans established in accordance with the internal revenue code, in which the reporting individual held a beneficial interest in excess of $1,000 at any time during the preceding year. Do not report interests in a
The value of such interest shall be reported only if reasonably ascertainable.  

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

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of $1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)
13. List below the nature and amount of any income in excess of $1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

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<tr>
<th>Category</th>
<th>Self</th>
<th>Spouse</th>
<th>Source</th>
<th>Nature</th>
<th>Amount</th>
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14. List the sources of any deferred income in excess of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinafore. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

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<th>Source</th>
<th>Category of Amount</th>
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15. List each assignment of income in excess of $1,000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1,000, which would otherwise be required to be reported herein and is not or has not been so reported.

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<th>Item Assigned</th>
<th>Assigned or Transferred</th>
<th>Category of Value</th>
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16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security
is corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

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<tr>
<th>Self/ Spouse</th>
<th>Issuing Spouse/ Spouse</th>
<th>Type of Security</th>
<th>Category of Market</th>
<th>Value as of the close of the taxable year last occurring prior to the filing of this statement</th>
<th>Percentage of corporate stock owned or controlled</th>
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17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

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<thead>
<tr>
<th>Self/ Spouse</th>
<th>Issuing Spouse/ Spouse</th>
<th>Type of Security</th>
<th>Category of Market</th>
<th>Value as of the close of the taxable year last occurring prior to the filing of this statement</th>
<th>Percentage of corporate stock owned or controlled</th>
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18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and ac-
counts receivable owed to the individual by a relative shall not be reported.

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<tr>
<th>Name of Debtor</th>
<th>Type of Obligation, Date Due, and Nature of Collateral, if any</th>
<th>Category of Amount</th>
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19. List below all liabilities of the reporting individual and such individual's spouse, in excess of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership, or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of $5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the guarantor.

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<th>Name of Creditor or Guarantor</th>
<th>Type of Liability and Collateral, if any</th>
<th>Category of Amount</th>
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The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

(Signature of Reporting Individual)  Date (month/day/year)

6. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the appropriate body, as such term is defined in section eight hundred ten of this article. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the Public Officers Law, the board of ethics of the political subdivision or other municipality may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. Each appropriate body, as such term is defined in section eight hundred ten of this article, shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body, pursuant to article seventy-eight of the civil practice law and rules.

§ 16. Such law is amended by adding a new section eight hundred thirteen to read as follows:

§ 813. Temporary state commission on local government ethics; functions, powers and duties; review of financial disclosure statements; advisory opinions; investigation and enforcement. 1. There is established a temporary state commission on local government ethics which shall consist of nine members and shall have and exercise the powers and duties set forth in this section.

2. The members of the commission shall be appointed by the governor, provided, however, that one member shall be appointed on the nomination of the temporary president of the senate; one on the nomination of the minority leader of the senate; one on the nomination of the speaker of the assembly; and one on the nomination of the minority leader of the assembly. Of the five members appointed by the governor without prior nomination, no more than three members shall belong to the same political party and at least three members shall not be public officers or em-
ployees or hold any public office, elected or appointed. No member shall
hold office in any political party or be employed as a lobbyist.

3. Members of the commission shall serve for terms of four years.

4. The governor shall designate the chairman of the commission from
among the members thereof, who shall serve as chairman at the pleasure
of the governor. The chairman or any five members of the commission may
call a meeting.

5. Any vacancy occurring on the commission shall be filled within
sixty days of its occurrence, by the governor, in the same manner as the
member whose vacancy is being filled was appointed. A person appointed
to fill a vacancy shall be appointed for the unexpired term of the mem-
ber he succeeds.

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

7. Members of the commission may be removed by the governor for sub-
stantial neglect of duty, gross misconduct in office, inability to dis-
charge the powers or duties of office or violation of this section, af-

8. The members of the commission shall not receive compensation but
shall be reimbursed for reasonable expenses incurred in the performance
of their official duties.

9. The commission shall:
   a. Appoint an executive director who shall act in accordance with the
      policies of the commission. The commission may delegate authority to the
      executive director to act in the name of the commission between meetings
      of the commission provided such delegation is in writing and the spe-
      cific powers to be delegated are enumerated;
   b. Appoint such other staff as are necessary to carry out its duties
      under this section;
   c. Adopt, amend, and rescind rules and regulations to govern proce-
      dures of the commission, which shall include, but not be limited to, the
      procedure whereby a person who is required to file an annual financial
      disclosure statement with the commission may request an additional
      period of time within which to file such statement, due to justifiable
      cause or undue hardship; such rules or regulations shall provide for a
date beyond which in all cases of justifiable cause or undue hardship no
further extension of time will be granted. The commission may utilize or
modify such rules or regulations or adopt separate rules or regulations
for the purposes of paragraph (d) of subdivision one of section eight
hundred eleven of this article;
   d. Promulgate guidelines to assist appointing authorities in determin-
ing which persons hold policy-making positions for purposes of sections
eight hundred eleven and eight hundred twelve of this article;
   e. Make available forms for annual statements of financial disclosure
required to be filed pursuant to section eight hundred twelve of this
article;
   f. Review completed financial disclosure statements in accordance with
the provisions of sections eight hundred eleven, eight hundred twelve
and this section, and in the case of a political subdivision which has
elected to require the filing of completed statements with the commis-
sion, in accordance with the criteria established by duly adopted code
of ethics, local law, ordinance or resolution, provided however, that
the commission may delegate all or part of this review function to the
executive director who shall be responsible for completing staff review
of such statements in a manner consistent with the terms of the
commission's delegation;
g. Receive complaints alleging a violation of section eight hundred
eleven or eight hundred twelve of this article or a violation of the
criteria for reporting requirements established by duly adopted code of
ethics, local law, ordinance or resolution with respect to political
subdivisions which have elected to require the filing of completed
statements with the commission;
h. Permit any person required to file a financial disclosure statement
to request the commission to delete from the copy thereof made available
for public inspection one or more items of information, which may be
deleted by the commission, after denial of a request for deletion made
to the local government advisory council as provided in subdivision
seventeen of this section, upon a finding by a majority of the total
number of members of the commission without vacancy that the information
which would otherwise be required to be disclosed will have no material
bearing on the discharge of the reporting person's official duties. If
such request for deletion is denied, the commission, in its notification
of denial, shall inform the person of his or her right to appeal the
commission's determination pursuant to its rules governing adjudicatory
proceedings and appeals adopted pursuant to subdivision twelve of this
section. The commission shall promulgate rules and regulations governing
the issuance of written decisions in connection with appeals from the
advisory council;
i. Permit any person required to file a financial disclosure statement
to request an exemption from any requirement to report one or more items
of information which pertain to such person's spouse or unemancipated
children which item or items may be exempted by the commission, after
denial of a request for exemption made to the local government advisory
council as provided in subdivision seventeen of this section, upon a
finding by a majority of the total number of members of the commission
without vacancy that the reporting individual's spouse, on his or her
own behalf or on behalf of an unemancipated child, objects to providing
the information necessary to make such disclosure and that the informa-
tion which would otherwise be required to be reported will have no
material bearing on the discharge of the reporting person's official
duties. If such request for exemption is denied, the commission, in its
notification of denial, shall inform the person of his or her right to
appeal the commission's determination pursuant to its rules governing
adjudicatory proceedings and appeals adopted pursuant to subdivision
twelve of this section. The commission shall promulgate rules and regu-
lations governing the issuance of written decisions in connection with
appeals from the advisory council;
j. Advise and assist any local agency in establishing rules and regu-
lations relating to possible conflicts between private interests and offi-
cicial duties of present or former local elected officials, local political
party officials and local officers and employees;
k. Permit any person who has not been determined by his or her ap-
pointing authority to hold a policy-making position but who is otherwise
required to file a financial disclosure statement to request an exempt-
tion from such requirement in accordance with rules and regulations govern-
ning such exemptions. Such rules and regulations shall provide for
exemptions to be granted either on the application of an individual or
on behalf of persons who share the same job title or employment classi-
fication which the commission deems to be comparable for purposes of this
section. Such rules and regulations may permit the granting of an
exemption where, in the discretion of the commission, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

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

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

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

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

1. Prepare an annual report to the governor and the legislature summarizing the activities of the commission and recommending changes in the laws governing the conduct of local elected officials, local political party officials and local officers and employees. In addition, such report shall list the names of political subdivisions which have created boards of ethics, adopted codes of ethics and adopted forms of annual statements of financial disclosure:

m. Act as a repository for completed financial disclosure forms filed pursuant to section eight hundred eleven or eight hundred twelve of this article;

n. Upon certification of a question by the public advisory council to the commission, as provided in paragraph (k) of subdivision seventeen of this section, the commission may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of such section.

10. The commission, or the executive director and staff of the commission if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed with the commission to ascertain whether any person subject to the reporting requirements of section eight hundred eleven or eight hundred twelve of this article, and in the case of a political subdivision which has elected to require the filing of completed annual financial statements with the commission, subject to the reporting requirements contained in duly adopted code of ethics, local law, ordinance or resolution, has failed to file such a statement, has filed a deficient statement or has filed a statement which reveals a possible violation of section eight hundred eleven or eight hundred twelve of this article, or of duly adopted code of ethics, local law, ordinance or resolution, as the case may be.

11. If a person required to file a financial disclosure statement with the commission has failed to file a disclosure statement or has filed a deficient statement, the commission shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the commission shall send a notice of delinquency: (a) to the reporting person; and (b) in the case of a local officer or employee, to the appointing authority for such person.

12. a. If a reporting person has filed a statement which reveals a possible violation of duly adopted code of ethics, local law, ordinance or resolution or of section eight hundred eleven or eight hundred twelve of this article, or the commission receives a sworn complaint alleging
such a violation, or if the commission determines on its own initiative
to investigate a possible violation, the commission shall notify the
reporting person in writing, describe the possible or alleged violation
of such code of ethics, local law, ordinance or resolution or of such
section eight hundred eleven or eight hundred twelve of this article and
provide the person with a fifteen day period in which to submit a writ-
ten response setting forth information relating to the activities cited
as a possible or alleged violation of law. If the commission thereafter
makes a determination that further inquiry is justified, it shall give
the reporting person an opportunity to be heard. The commission shall
also inform the reporting individual of its rules regarding the conduct
of adjudicatory proceedings and appeals and the due process procedural
mechanisms available to such individual. If the commission determines
at any stage of the proceeding, that there is no violation or that any
potential conflict of interest violation has been rectified, it shall so
advise the reporting person and the complainant, if any. All of the
foregoing proceedings shall be confidential.

b. If the commission determines that there is reasonable cause to
believe that a violation has occurred, it shall send a notice of reason-
able cause: (i) to the reporting person; (ii) to the complainant if
any; and (iii) in the case of a local officer or employee, to the ap-
pointing authority for such person.

13. A reporting individual who knowingly and wilfully fails to file an
annual statement of financial disclosure or who knowingly and wilfully
with intent to deceive makes a false statement or gives information
which such individual knows to be false on such statement of financial
disclosure filed pursuant to this section shall be assessed a civil
penalty in an amount not to exceed ten thousand dollars. Assessment of a
civil penalty hereunder shall be made by the commission with respect to
persons subject to its jurisdiction. For a violation of this subdivi-
sion, other than for conduct which constitutes a violation of subdivi-
sion twelve of section seventy-three of the public officers law, the
temporary state commission on local government ethics may, in lieu of a
civil penalty, refer a violation to the appropriate prosecutor and upon
such conviction, but only after such referral, such violation shall be
punishable as a class A misdemeanor. A civil penalty for false filing
may not be imposed hereunder in the event a category of "value" or
"amount" reported hereunder is incorrect unless such reported informa-
tion is falsely understated. Notwithstanding any other provision of law
to the contrary, no other penalty, civil or criminal may be imposed for
a failure to file, or for a false filing, of such statement, except that
the appointing authority may impose disciplinary action as otherwise
provided by law. The commission shall be deemed to be an agency within
the meaning of article three of the state administrative procedure act
and shall adopt rules governing the conduct of adjudicatory proceedings
and appeals taken pursuant to a proceeding commenced under article
seventy-eight of the civil practice law and rules relating to the as-
sessment of the civil penalties herein authorized and commission denials
of requests for certain deletions or exemptions to be made from a finan-
cial disclosure statement as authorized in paragraph h or paragraph i of
subdivision nine of this section. Such rules, which shall not be subject
to the approval requirements of the state administrative procedure act,
shall provide for due process procedural mechanisms substantially sim-
ilar to those set forth in such article three but such mechanisms need
not be identical in terms or scope. Assessment of a civil penalty or
commission denial of such a request shall be final unless modified,
suspended or vacated within thirty days of imposition, with respect to
the assessment of such penalty, or unless such denial of request is rev-
ersed within such time period, and upon becoming final shall be subject
to review at the instance of the affected reporting individuals in a
proceeding commenced against the temporary state commission on local
government ethics, pursuant to article seventy-eight of the civil prac-
tice law and rules.

14. A copy of any notice of delinquency or notice of reasonable cause
sent pursuant to subdivisions eleven and twelve of this section shall be
included in the reporting person's file and be available for public
inspection.

15. Upon written request from any person who is subject to the juris-
diction of the commission, the commission shall render advisory opinions
on the requirements of said provisions. An opinion rendered by the com-
misison, until and unless amended or revoked, shall be binding on the
commission in any subsequent proceeding concerning the person who
requested the opinion and who acted in good faith, unless material facts
were omitted or misstated by the person in the request for an opinion.
Such opinion may also be relied upon by such person, and may be intro-
duced and shall be a defense, in any criminal or civil action. Such
requests shall be confidential, but the commission may publish such
opinions provided that the name of the requesting person and other iden-
tifying details shall not be included in the publication.

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

a. Administer and enforce all the provisions of this section;
b. Conduct any investigation necessary to carry out the provisions of
this section. Pursuant to this power and duty, the commission may admin-
ister oaths or affirmations, subpoena witnesses, compel their attendance
and require the production of any books or records which it may deem
relevant or material.

17. (a) There is established within the temporary state commission on
local government ethics a public advisory council which shall consist of
five members and shall have and exercise the powers and duties set forth
in this subdivision.

(b) The members of the public advisory council shall be appointed by
the governor provided, however, that one member shall be appointed on
the nomination of the temporary president of the senate and one member
shall be appointed on the nomination of the speaker of the assembly. Of
the three members appointed by the governor without prior nomination, no
more than two members shall belong to the same political party and at
least two members shall not be public officers or employees or hold any
public office, elected or appointed. No member shall hold office in any
political party or be employed as a lobbyist.

(c) Members of the public advisory council shall serve for terms of
four years concurrent with the term of office of the governor.

(d) The governor shall designate the chairman of the public advisory
council from among the members thereof, who shall serve as chairman at
the pleasure of the governor. The chairman or any three members of the
public advisory council may call a meeting.

(e) Any vacancy occurring on the public advisory council shall be
filled within sixty days of its occurrence, by the governor, in the same
manner as the member whose vacancy is being filled was appointed. A per-
son appointed to fill a vacancy occurring other than by expiration of a
term of office shall be appointed for the unexpired term of the member
he succeeds.
(f) Three members of the public advisory council shall constitute a quorum, and the public advisory council shall have power to act by majority vote of the total number of members of the public advisory council without vacancy. Members of the council may be removed by the governor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office, or violation of this section after written notice and opportunity for reply.

(g) The members of the public advisory council shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

(h) The public advisory council shall: (1) Permit any person required to file a financial disclosure statement to request the public advisory council to delete from the copy thereof made available for public inspection one or more items of information which may be deleted upon a finding by a majority of the total number of members of the public advisory council without vacancy that the information which would otherwise be available for public inspection will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the public advisory council, in its notification of denial, shall inform the person of his or her right to appeal the public advisory council's determination to the commission pursuant to the commission's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section; and

(2) Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted upon a finding by a majority of the total number of members of the public advisory council without vacancy that the reporting individual's spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties. If such request for exemption is denied, the public advisory council, in its notification of denial, shall inform the person of his or her right to appeal the public advisory council's determination to the commission pursuant to the commission's rules governing adjudicatory proceedings and appeals adopted pursuant to subdivision thirteen of this section.

(i) Pending any application for deletion or exemption either to the public advisory council or to the commission upon appeal of an adverse determination by the public advisory council, all information which is the subject or a part of the application shall remain confidential. Upon an adverse determination by the commission, the reporting individual may request, and upon such request the commission shall provide, that any information which is the subject or part of the application remain confidential for a period of thirty days following notice of such determination. In the event that the reporting individual resigns his office and holds no other office subject to the jurisdiction of the commission, the information shall not be made public and shall be expunged in its entirety.

(j) Notwithstanding the provisions of article seven of the public officers law, no meeting or proceeding, including any such proceeding contemplated under paragraph h or i of subdivision nine of this section, of the commission shall be open to the public, except if expressly provided otherwise by the public advisory council.
(k) Where the council is of the opinion that a determination of a question common to a class or defined category of persons or items of information with respect to requests for deletion or exemption will prevent undue repetition of such requests or undue complication, the council may certify the question to the commission for resolution and disposition in accordance with paragraph (n) of subdivision nine of this section.

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

1) the information set forth in an annual statement of financial disclosure filed pursuant to local law, ordinance or resolution or filed pursuant to section eight hundred eleven or eight hundred twelve of this article except the categories of value or amount which shall remain confidential and any other item of information deleted pursuant to paragraph h of subdivision nine of this section, as the case may be;

2) notices of delinquency sent under subdivision eleven of this section;

3) notices of reasonable cause sent sent under paragraph b of subdivision twelve of this section; and

4) notices of civil assessments imposed under this section.

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

19. There is hereby established a local government advisory board to assist the commission in the performance of its powers and duties. Such board shall consist of twelve members to be appointed by the governor: four shall be appointed on the nomination of the state conference of mayors; four shall be appointed on the nomination of the state association of towns; and four shall be appointed on the nomination of the state association of counties. The board shall inform the commission of policies and concerns of local governments with respect to the administration of the provisions of this article and disseminate information to local governments with respect to the operations of the commission.

§ 17. Section two hundred eleven of the judiciary law is amended by adding a new subdivision four to read as follows:

4. By September first, nineteen hundred eighty-eight, the chief judge, after consultation with the administrative board, shall approve a form of annual statement of financial disclosure which form shall apply to all judges, justices, officers and employees of the courts of record of the unified court system, who receive annual compensation in excess of thirty thousand dollars. Such form of annual statement of financial disclosure shall be substantially similar to the form set forth in subdivision three of section seventy-three-a of the public officers law. Within one year after approval of such form, the chief judge shall cause the chief administrator of the courts to promulgate rules or regulations which require every judge, justice, officer and employees of the courts of record of the unified court system, who receives annual compensation in excess of thirty thousand dollars, to report the information required by the approved form effective first with respect to a filing which shall be required in nineteen hundred ninety-one (generally applicable to information for the preceding calendar year) and thereafter, effective for future annual filings. Any judge, justice, officer or employee of the courts of record of the unified court system who, pursuant to such rules or regulations, is required to file a completed annual statement of financial disclosure and who makes such filing in accordance...
with the requirements contained in such rules or regulations, shall be
deemed to have satisfied the requirements of any other law mandating the
filing of a completed annual statement of financial disclosure for the
applicable calendar year which might otherwise apply to such judges,
justices, officers or employees, and no duplicate filing shall be
required on account of any other such law, notwithstanding the provi-
sions of such other law.
§ 18. The provisions of subdivision seven of section seventy-three of
the public officers law, as amended by section two of this act, shall
not apply to the appearance or rendition of services before a state or
local government agency, where the person subject to such restrictions
was substantially and actively involved in the case, proceeding, appli-
cation or other matter, or transaction of business, as of January first,
nineteen hundred eighty-eight and the substitution of a new counsel
would impose a substantial hardship on the client.
§ 19. It is the intention of the legislature in enacting the amend-
ments to subdivisions seven, eight, eleven, twelve and thirteen of sec-
section seventy-three of the public officers law made by section two of
this act that all of such amendments were made in conjunction with the
amendments to subdivision ten of such section and that such amendments
form one interdependent and connected whole, and the legislature hereby
declares that it would not have made any amendment to such subdivisions
of section seventy-three of the public officers law in section two of
this act without making all of the other amendments to such subdivisions
made therein. Therefore, if any clause, sentence, paragraph or part of
subdivision ten of section seventy-three of the public officers law af-
affected by such amendments shall be adjudged, by a court of competent
jurisdiction and after any and all appeals have been exhausted in such
case or proceeding, to be invalid with respect to conduct prohibited by
subdivision seven, eight, eleven, twelve or thirteen of such section,
the judgment shall invalidate the remainder of such amendments to such
subdivisions and render all of the amendments to such subdivisions of
section seventy-three of the public officers law made in section two of
this act null and void, in which event, the provisions of such subdivi-
sions of section seventy-three of the public officers law as they ex-
isted immediately prior to the amendments made in section two hereof
shall be deemed revived.
§ 20. Subdivision five of section seventy-three of the public officers
law, as added by chapter ten hundred twelve of the laws of nineteen hun-
dred sixty-five, is amended to read as follows:
5. No officer or employee of a state agency, member of the legisla-
ture or legislative employee shall, directly or indirectly, solicit, ac-
cept or receive any gift having a value of [twenty-five] seventy-five
dollars or more whether in the form of money, service, loan, travel, en-
tertainment, hospitality, thing or promise, or in any other form, under
circumstances 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.
§ 21. Subdivision one of section eight hundred five-a of the general
municipal law, as added by chapter one thousand nineteen of the laws of
nineteen hundred seventy, is amended to read as follows:
1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of [twenty-five] seventy-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;
b. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;
c. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or
d. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

§ 22. Subparagraph (ii) of paragraph five of subdivision (b) of section eight of section one of chapter one thousand forty of the laws of nineteen hundred eighty-one, constituting the lobbying act, is amended to read as follows:
(ii) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if [fifty] seventy-five dollars or less and if more than [fifty] seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than [fifty] seventy-five dollars on behalf of any one person, the name of such person shall be listed.

§ 23. Subparagraph (ii) of paragraph six of subdivision (b) of section nine of such act, as added by chapter nine hundred forty-six of the laws of nineteen hundred eighty-three, is amended to read as follows:
(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if [fifty] seventy-five dollars or less and if more than [fifty] seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than [fifty] seventy-five dollars on behalf of any one person, the name of such person shall be listed.

§ 24. Subparagraph (ii) of paragraph five of subdivision (c) of section ten of such act, such section as renumbered by chapter nine hundred forty-six of the laws of nineteen hundred eighty-three, is amended to read as follows:
(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if [fifty] seventy-five dollars or less and if more than [fifty] seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than [fifty] seventy-five dollars on behalf of any one person, the name of such person shall be listed.

§ 25. Section five of chapter one thousand forty of the laws of nineteen hundred eighty-one, relating to the New York temporary state commission on lobbying, as amended by chapter nine hundred forty-six of
the laws of nineteen hundred eighty-three, is amended to read as
follows:
§ 5. This act shall take effect January first, nineteen hundred
eighty-two, except that prior to such date the New York temporary
state commission on regulation of lobbying, created pursuant to chapter nine
hundred thirty-seven of the laws of nineteen hundred seventy-seven,
shall prepare for the orderly transition of duties between it and the
New York temporary state commission on lobbying, created pursuant to
section four of section one of this act, and the implementation of the
provisions of chapter nine hundred thirty-seven of the laws of nineteen
hundred seventy-seven and of this act. This act shall remain in effect
until December thirty-first, nineteen hundred [eighty-seven] ninety-one,
provided, however, that the existence of the New York state temporary
commission on lobbying shall continue until March thirty-first, nineteen
hundred [eighty-eight] ninety-two for the purpose of receiving and
processing registrations and reports required to be filed pursuant to
sections five, eight, nine and ten of section one of this act.
§ 26. This act shall take effect immediately, except that sections two
through sixteen and sections eighteen and nineteen of this act shall
take effect January first, nineteen hundred eighty-nine and sections
twenty through twenty-five of this act shall take effect December
thirty-first, nineteen hundred eighty-seven; provided, however, that:
(a) the provisions of subdivision eight of section seventy-three of
the public officers law, as renumbered and amended by section two of
this act, with respect to legislative employees shall apply only to such
employees who terminate their service or employment on or after January
first, nineteen hundred eighty-nine;
(b) the provisions of section eight hundred thirteen of the general
municipal law, as added by section sixteen of this act, shall remain in
effect until and including December thirty-first, nineteen hundred
ninety-two; upon the expiration of such provisions, the powers, duties
and functions of the temporary state commission on local government
ethics shall be transferred, assigned and devolved upon the respective
board of ethics, if there be one, or if not, upon the governing body, of
political subdivisions which are required by the provisions of sections
eight hundred eleven and eight hundred twelve of the general municipal
law, or which have elected pursuant to such sections, to be subject to
the jurisdiction of such temporary state commission;
(c) the amendments made by sections twenty-two, twenty-three and
twenty-four of this act shall apply to reports required to be filed af-
after December thirty-first, nineteen hundred eighty-seven; and
(d) the provisions of sections twenty-two, twenty-three and twenty-
four of this act shall remain in full force and effect for only so long
as the lobbying act remains in effect pursuant to section five of chap-
ter one thousand forty of the laws of nineteen hundred eighty-one as
from time to time amended.
REPEAL NOTE.—Paragraph (d) of subdivision two of section eighty-eight
of the public officers law, repealed by section six of this act, relates
to public inspection and copying of members' code of ethics statements.
These provisions were supplanted by new provisions contained in this act
relating to public disclosure.
Section eighty of the legislative law, repealed by section nine of
this act, relates to the special legislative committees on ethics. Such
provisions were rendered unnecessary by the creation of a new legisla-
tive ethics committee in the same section of this act.