A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public officers law, the legislative law, the state finance law, the election law and the retirement and social security law, in relation to qualifications for holding office

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

Section 1. Subdivision 1-a of section 3 of the public officers law, as added by section 31-b of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

(i) No person shall be capable of holding a civil office who shall stand convicted of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law.

(ii) Any individual who stands convicted of a misdemeanor defined in article two hundred, article four hundred ninety-six or section 195.00 of the penal law, or who has failed to disclose such information required under subdivision four of section seventy-three-a of this chapter, may not hold civil office for a period of five years from the date of conviction, provided that in the event such conviction is the result of a plea agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in [section] sections 195.20 or 175.35, or article two hundred or article four hundred ninety-six of the penal law, all parties to such agreement may agree that the period of such bar may be for a period of up to ten years from the date of conviction.

§ 2. Subparagraphs (a) and (b) of paragraph 8 and paragraph 13 of subdivision 3 of section 73-a of the public officers law, subparagraphs
(a) and (b) of paragraph 8 as amended by section 37 of subpart A of part H of chapter 55 of the laws of 2014 and paragraph 13 as amended by section 5 of part A of chapter 399 of the laws of 2011, are amended and a new subparagraph (b-1) is added to paragraph 8 to read as follows:

(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, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, [give a general] describe the services rendered to which compensation was paid including a general description of the principal subject areas of matters undertaken by such individual or principal duties performed. 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.

(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:
If the reporting individual personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), then identify each client or customer to whom the reporting individual personally provided services and the services actually provided, or each client or customer, [or] who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm [earned fees] was paid in excess of [$10,000] $5,000 during the reporting period [for]. For such services rendered [in direct connection with] by the filer directly to each such client, describe each matter that was the subject of such representation, and payment received. For payments received from clients originated by the filer for whom the filer did not perform services, identify the client and the payment so received. Also, indicate whether such services were rendered in direct connection with:

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

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

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

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

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

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

(The disclosure requirement in this question shall not require disclo-
sure of clients or customers receiving medical or dental services,
mental health services, residential real estate brokering services, or
insurance brokering services from the reporting individual or his or her
firm. The reporting individual need not identify any client to whom he
or she or his or her firm provided legal representation with respect to
investigation or prosecution by law enforcement authorities, bankruptcy,
or domestic relations matters. With respect to clients represented in
other matters, where disclosure of a client's identity is likely to
cause harm, the reporting individual shall request an exemption from the
joint commission pursuant to paragraph (i) of subdivision nine of
section ninety-four of the executive law. Only a reporting individual
who first enters public office after July first, two thousand twelve,
need not report clients or customers with respect to matters for which
the reporting individual or his or her firm was retained prior to enter-
ing public office.

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(b-1) For all other clients or customers (exclusive of those for whom disclosure is not required) by whom the filer was paid in excess of $5,000, disclose the name of each such client or customer and the services actually rendered for which money was received:

Client Services Actually Provided

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FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

* REVIEWED DOCUMENTS AND CORRESPONDENCE;

* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;

* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

* CONSULTED WITH CLIENT OR LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);

* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION.

The disclosure requirement in questions (b) and (b-1) shall not require disclosing clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her
firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, surrogate court and estate planning work, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law.

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. Each such source must be described with particularity. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from 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.
§ 3. Subdivision 3 of section 73 of the public officers law is amended by adding a new paragraph (c) to read as follows:

(c) No member of the legislature or legislative employee 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 herself or another in connection with any proposed or pending bill or resolution in the senate or assembly nor may a member of the assembly or senate refer any client or customer in connection with lobbying or advocating on behalf of any proposed or pending bill or resolution before such legislative body to any entity with whom such member has a business relationship either as a member or employee including any such entity that is disclosed in question eight of the financial disclosure statement required pursuant to section seventy-three-a of this chapter.

§ 4. Subdivisions (k) and (t) of section 1-c of the legislative law, subdivision (k) as amended and subdivision (t) as added by chapter 1 of the laws of 2005, are amended to read as follows:
(k) The term "municipality" shall mean any jurisdictional subdivision of the state, including but not limited to counties, cities, towns, villages, improvement districts and special districts, with a population of more than five thousand, and industrial development agencies in jurisdictional subdivisions with a population of more than five thousand; and public authorities, and public corporations, but shall not include school districts.

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

§ 5. Subdivision 2 of section 5 of the legislative law, as amended by section 1 of part M-1 of chapter 407 of the laws of 1999, is amended to read as follows:

2. Each member of the legislature shall receive payment of actual and necessary transportation expenses and [a per diem equivalent to the most recent federal per diem rates published by the General Services Administration and set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A] reasonable and necessary travel expenses for lodging, meals and incidentals that are actually incurred while performing his or her duties and for which receipts and other appropriate documentation are submitted which shall be reimbursed at the same rates as such receipted expenses are otherwise allowed state employees by the state comptroller, while in travel status in the performance of [his or her] their duties[;
and such other reasonable expenses as may be necessary for the performance of the member's responsibilities as determined by the temporary president of the senate or speaker of the assembly for their respective houses. The per diem allowances, including partial per diem allowances, shall be made pursuant to regulations promulgated by the temporary president of the senate and the speaker of the assembly for their respective houses, on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee for their respective houses].

§ 6. Subdivision 6 of section 109 of the state finance law, as added by chapter 881 of the laws of 1980, is amended to read as follows:

6. Notwithstanding the provisions of this or any other law, on and after January first, nineteen hundred eighty-one, the heads of the executive department, the department of law and the department of audit and control and the lieutenant governor, upon certification to the department of audit and control by such officer or his or her duly designated representative that the amounts in lieu of expenses currently provided or the currently provided payment in reimbursement of all necessary and actual expenses incurred incidental to the performance of official duties and obligations applicable on the effective date of this act have been expended, shall receive reimbursement for actual, reasonable and necessary expenses incurred incidental to the performance of official duties and obligations for expenses in excess of such amounts in lieu of expenses or such payments in reimbursement currently provided. Reimbursement for such expenses provided by this subdivision in excess of the amounts currently provided shall be obtained by submitting travel or other expense claims to the comptroller, in accordance with rules and
regulations of the comptroller. Provided however, that while in travel status in the performance of their official duties, with respect to expenses incurred for lodging, meals and incidentals during such status, the heads of the executive department, the department of law and the department of audit and control and the lieutenant governor shall only be entitled to and may only receive reasonable and necessary travel expenses for lodging, meals and incidentals at the same rates such expenses are otherwise allowed state employees that are actually incurred while performing such duties and for which they provide receipts and other appropriate documentation.

§ 7. Paragraph (a) of subdivision 1 and paragraph (d) of subdivision 3 of section 14-107 of the election law, as added by section 4 of subpart C of part H of chapter 55 of the laws of 2014, are amended to read as follows:

(a) "Independent expenditure" means an expenditure made by a person conveyed to five hundred or more members of a general public audience in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements which: (i) irrespective of when such communication is made, contains words such as "vote," "oppose," "support," "elect," "defeat," or "reject," which call for the election or defeat of the clearly identified candidate, [or] (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot, or (iii) within sixty days before a general or special election for the office sought by the candidate or thirty days before a primary election, includes or
references a clearly identified candidate. An independent expenditure shall not include communications where such candidate, the candidate's political committee or its agents, or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.

(d) A knowing and willful violation of the provisions of this subdivision shall subject the person to a civil penalty equal to five thousand dollars or the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the chief enforcement counsel.

§ 8. The opening paragraph of paragraph (a) of subdivision 6 of section 156 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

"Public official" shall mean any of the following individuals [who were not members of any retirement system prior to the effective date of the chapter of the laws of two thousand eleven which added this article but who have become members of a covered retirement system on or after the effective date of the chapter of the laws of two thousand eleven which added this article]:

§ 9. Subdivision 1 of section 157 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

1. Notwithstanding any other law to the contrary, it shall be a term and condition of membership for every public official [who becomes a member of any retirement system on or after the effective date of the chapter of the laws of two thousand eleven which added this article,] that such public official's rights to a pension in a retirement system
that accrue in such retirement system after his or her date of initial membership in the retirement system shall be subject to the provisions of this article.

§ 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall take effect upon the people approving and ratifying by a majority of the electors voting thereon a constitutional amendment entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section 7 of article 5 of the constitution, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment".