

# Reform P

This proposal would amend paragraph (c) of subdivision 13 of Executive Law 94 to increase the period of time in which the Commission may initiate enforcement actions. Currently, the Commission has jurisdiction for only one year after the subject's departure from state service or termination from party service or candidacy, and one year from the subject's last filing made pursuant to the Lobbying Act. The proposal would extend the Commission's jurisdiction over a subject to two years. In addition, the proposed change allows for the tolling of any period of time during which another state or law enforcement agency investigating the matter requests that the Commission refrain from bringing an action. The added provision allows the Commission to work cooperatively with other investigating agencies without jeopardizing its own jurisdiction.

Paragraph (c) of subdivision 13 of section 94 of the executive law is amended to read as follows:

(c) (i) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a statewide elected official or a state officer or employee or member of the legislature or legislative employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law pursuant to paragraph (a) of this subdivision within ~~one year~~ **five two years** from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law.

(ii) In calculating the five-two year period under this paragraph (c)(i), any period of time commencing with for which the cCommission's is in receipt of a request from another law enforcement or investigative agency to refrain from initiating an investigation pursuant to paragraph (a) of this section and where the commission, in response thereto, refrains from initiating such investigation, such five-two year period shall be extended by a the period of time in which the commission refrains from initiating such investigation; however, equal to the time between the Commission's if the commission refrains from initiating an investigation for more than two years, the two year period provided for in subparagraph (i) of paragraph (c) of this subdivision, shall be extended by one year from the receipt by the commission of the receipt of the request and the other state or law law enforcement or investigative agency's termination or withdrawal of the request to refrain but in no event shall such total period be greater than five years from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law. Nothing in this paragraph shall limit the commission's discretion on whether to proceed with any investigation proceeding enforcement action. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.

**For easier reading -- not redlined:**

(c) (i) The jurisdiction of the commission when acting pursuant to this section shall continue notwithstanding that a statewide elected official or a state officer or employee or member of the legislature or legislative employee separates from state service, or a political party chair ceases to hold such office, or a candidate ceases to be a candidate, or a lobbyist or client of a lobbyist ceases to act as such, provided that the commission notifies such individual or entity of the alleged violation of law pursuant to paragraph (a) of this subdivision within two years from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law.

(ii) In calculating the two year period under this paragraph, any period of time commencing with the commission's receipt of a request from a law enforcement or investigative agency to refrain from initiating an investigation pursuant to paragraph (a) of this section and where the commission, in response thereto, refrains from initiating such investigation, such two year period shall be extended by the period of time in which the commission refrains from initiating such investigation; however, if the commission refrains from initiating an investigation for more than two years, the two year period provided for in subparagraph (i) of paragraph (c) of this subdivision, shall be extended by one year from the receipt by the commission of the law enforcement or investigative agency's termination or withdrawal of the request to refrain; provided that in no event shall such investigation be initiated any more than five years from his or her separation from state service or his or her termination of party service or candidacy, or from his, her or its last report filed pursuant to article one-A of the legislative law. Nothing in this paragraph shall limit the commission's discretion on whether to proceed with any investigation proceeding enforcement action. Nothing in this section shall serve to limit the jurisdiction of the commission in enforcement of subdivision eight of section seventy-three of the public officers law.