

FINANCIAL DISCLOSURE LEGISLATIVE HISTORY

<u>LOCAL LAW</u>	<u>YEAR</u>	<u>COMMENTS</u>
1	1975	<p>Salary threshold of \$25,000.</p> <ul style="list-style-type: none">• Amended administrative code so that all elected officials are required to file such report no later than June 30 of each year, except in the year in which such elected official is a candidate for re-election or a candidate for other offices, and in that event, such elected official, as a candidate, shall file on or before the last day for filing his designating petitions pursuant to the election law.• Amended administrative code so that all candidates for elected office are required to file such report on or before the last day for filing his designating petitions pursuant to the election law.• Amended administrative code so that each head of an administration, each deputy administrator, assistant administrator, each agency head or board member of such agency, commissioner, deputy commissioner, assistant commissioner and any city employee whose salary is \$25,000 or more are required to file such report no later than June 30 of each year.• See Local law for details of required questions.• Amended administrative code so that these reports would be maintained by the city clerk and shall be made available to the public.• Amended administrative code so that any intentional violation of this section shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed \$1,000 or by both.
48	1979	<p>Introduced as 711-A. Approved 7/27/79-salary threshold of \$30,000.</p> <ul style="list-style-type: none">• Amended administrative code so that any person required to file a report may, at the time the report is filed or anytime thereafter (except when the request for inspection is pending) submit a request to withhold any item from public inspection on the ground that such inspection is an invasion of privacy. Criteria were established for reviewing such requests – <u>see law for details</u>.

- Amended administrative code that whenever a request is made by a member of the public to examine a report, whether a privacy request has been made or not, the city clerk shall notify the filer.
- Amended administrative code so that all reports filed would be kept for two years following termination of public employment of the person who filed. See law for details, including criteria for candidates who run for office and lose.
- Amended administrative code so that all referrals in law to board of ethics would mean public members of the board appointed pursuant to section twenty-six of the charter.
- Amended administrative code so that any elected officials are required to file report no later than July 1 of each year, except in the year in which such elected official is a candidate for re-election or a candidate for other offices, and in that event, such elected official, as a candidate, shall file on or before the last day for filing his designating petitions pursuant to the election law.

27 1984 Introduced 3/20/94 – 749-A. Approved 6/5/84. Raised salary threshold to **\$38,000**, and to **\$42,000** for June 30, 1984 & following. Also amended to include HHC filers (Health and Hospitals Corporation).

- Amended administrative code to include all members of the Management Pay Plan.

16 1986 Introduced 564-A 4/10/86 – passed 5/21/86.

- Raised salary threshold to **\$47,000**.
- Amended administrative code for questions #2, 6, 14, 16, 17, 19 – see law for details.
- Amended administrative code that no notification be made to filer if request to examine report is made by IG /DOI.
- Any info re financial interests of spouse of filer in which the person filing has no financial interest shall be withheld from public inspection.
- Amendments and changes to report after filing must be on separate form and shall contain corresponding page and item numbers, signature of filer and can be made only by filer.
- Amended code re violations – see law for details.
- Amended administrative code so that elected officials are required to file financial disclosure report on May 1 of each

year (prior to this amendment, elected officials were required to file no later than July 1 of each year).

- Amended administrative code so that elected officials are required to file financial disclosure report for the previous calendar year, if such official has not previously filed such a report and the official is required to file the report within 60 days of his or her last day in office or on the May 1st next succeeding, whichever is earlier.
- Amended administrative code to include “each city employee whose duties directly involve the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits, without regard to civil service status, membership in the management pay plan or salary.”
- Amended administrative code to change filing due date from not later than July 1st to May 1 of each year for all filers.
- Amended administrative code to include that the Commissioner of Investigation, in consultation with each agency head shall determine which persons occupy the positions involving contract duties mentioned above and shall inform these employees of the obligation to file no later than December 31 of each year.
- Amended administrative code to include that each officer and employee described above shall, following separation from service, file a report for the portion of the last calendar year in which he or she served in his or her position within 60 days of his or separation from service or on May 1 next succeeding, whichever is earlier. Also, each such officer or employee who leaves service prior to May 1 shall also file a report for the previous calendar year on May 1.
- Amended administrative code to include failure to file, failure to include assets or liabilities and misstatement of assets or liabilities shall constitute a misdemeanor and shall constitute grounds for imposition of disciplinary penalties, including removal from office.

23	1986	Approved by Mayor 7/8/86 – amended administrative code in relation to extending coverage and application of real property to include transfers of economic interests in real property – affected questions #17 and 29.
18	1987	Introduced 821, passed 4/23/87, salary threshold raised to \$49,000 .

9	1990	Introduced 394, adopted 4/5/90 – salary threshold of \$57,650 and amended code to read conflicts of interest board rather than city clerk.
84	1990	<p>Introduced 595 – 12/20/90, passed 12/20/90, approved by Mayor 12/31/90.</p> <ul style="list-style-type: none"> • Amended administrative code to include “local party official” which includes any chairman of a county committee or his or her successor who received compensation or expenses or both of \$30,000 or more, “county leader” or “chairman of executive committee” who received compensation or expenses as described above. <u>See law for details.</u> • Amended administrative code to have conflicts of interest board establish procedures for consideration of privacy requests, receiving complaints alleging violations. Re privacy requests, the board will inform the person of his or her right to seek judicial review. • Board shall promulgate rules establishing procedures for extension of filing period. • Board shall obtain from the Board of Elections lists of all candidates for elected positions. • Amended code so that person violating provisions can be assessed civil penalty in an amount not to exceed \$10,000. • Amended administrative code-re Page A, -i.e. definition of “unemancipated child”, and questions 3-10,15,16,17 and 20-29. See law for details. • Amended administrative code re category of value amounts in financial disclosure report (A-G). See law for details.
25	1993	Introduced 675 – 2/22/93 – passed 3/10/93 – salary threshold raised to \$61,000 .
6	1994	Introduced 275 – passed 4/13/94 – approved by Mayor 4/25/94 – salary threshold raised to \$62,300 .
	1994	<p>***Introduced new final rule-Section 1-10 of Title 53 of the Rules of the City of New York, governing the retention of financial disclosure reports. Adopted July 8, 1994.</p> <ul style="list-style-type: none"> • Whenever a Financial Disclosure Report is filed with the Board, it shall be retained by the Board for a period commencing on the date such Report was filed with the

Board and expiring on the sixth anniversary of December 31 of the calendar year to which such Report relates.

28	1995	Approved by Mayor 4/10/95 – raised salary threshold to \$64,200 .
19	1998	Approved by Mayor 4/27/98 – raised salary threshold to \$66,100 .
27	1998	Amended charter and administrative code in relation to domestic partners.
13	1999	Approved by Mayor 4/29/99 – raised salary threshold to \$68,100 .
16	2000	Introduced 717 – approved by Mayor 4/6/00 – raised salary threshold to \$72,200 .
	2000	***Introduced December 28, 2000-Adopted February 1, 2001. The Board adopted an amendment to its rule on retention of financial disclosure reports, Section 1-10 (b) (2) of Title 53 of the Rules of the City of New York. <ul style="list-style-type: none">• All financial disclosure reports will be maintained on file for at least one year. The amendment addresses the situation where a report is filed less than a year before it is scheduled to be destroyed pursuant to section 1-10(b)(1). Although infrequent, such situations have occurred where the public servant’s obligation to file, or his or her failure to file, must be litigated. If, for example, a report for calendar year 1994 is not filed until December 20, 2000, the retention rule would require the report to be destroyed less than two weeks after it was filed. Destroying a report almost immediately upon filing makes little sense and undermines the purpose of financial disclosure. The amendment requires that every financial disclosure report be maintained on file by the Board for at least one year.
5	2002	Approved by Mayor 4/30/02 – raised salary threshold to \$83,500 .
43	2003	Introduced 64-A – 6/27/03, passed 6/27/03, approved by Mayor <ul style="list-style-type: none">• Eliminate filing by low-level managers (titles M1-M3) not otherwise required to file (proposed § 12-101(b)(3)(a)(3).• Replace the salary threshold with a requirement that policymakers file (proposed § 12-110(b)(3)(a)(3).• Make the NYC Industrial Development Agency, District Attorneys and Special Narcotics Prosecutor offices subject

to financial disclosure law (proposed §12-110(a)(2), (b)(1)(a), (b)(3)(2)).

- Authorize the Conflicts of Interest Board to require filing in electronic form (“e-filing”) (proposed § 12-110(b)), and mandate e-filing as of 2006.
- Conform financial disclosure law to state law by eliminating “directly” that now modifies “involved” for contract negotiators, transfer from DOI to agencies (with COIB review) designation of contracting filers, and authorize such filers to appeal their filing status to COIB (proposed § 12-110(b)(3)(a), 12-110(c)(2)). Will require COIB to adopt rules establishing procedures for employees to seek review of their agency’s determination that they fall within this filing category.
- Require filing by write-in candidates and candidates filling vacancies (proposed §§ 12-110(b)(2)(b), (b)(2)(c)).
- Replace Management Pay Plan filing requirement for Council and District Attorney employees with a filing requirement for employees in those agencies who exercise policymaking responsibilities or perform duties similar to managerial employees in other agencies (proposed §§ 12-110(b)(3)(a)(2), (b)(3)(a)(3)).
- Make explicit that safety and security concerns are grounds for withholding from public inspection information in a financial disclosure report (proposed §§ 12-110(e)(1)(a), (e)(1)(b)).
- Make explicit that disclosure of spousal information in a financial disclosure report is subject to privacy, safety, and security concerns (proposed § 12-110(d)(1) (c)).
- Make it a misdemeanor to intentionally and willfully disclose confidential information contained in a financial disclosure report (proposed § 12-110(g)(3)).
- Clarify the date for determining eligibility for filing (proposed § 12-110(b)(3)(a)).
- Combine the annual report and termination report for employees leaving before May 1 (proposed § 12-110(b)(3)(b)(1)).
- Change from December 31 to filing deadline (May 1) the date for notifying employees involved in contracting, etc. of their obligation to file (proposed § 12-110(c)(2)).
- Codify Mayoral Directive 97-1 and recent changes in the Citywide collective bargaining agreement that requires public servants to comply with the financial disclosure law prior to receiving their final paycheck and/or lump sum payment.

- Raising the late filing penalty from \$100 to a minimum of \$250 and a maximum of \$10,000 (proposed § 12-110(g)(1).
- Change the category of amount B on the FD form from \$5,000-\$20,000 to \$5,000-\$32,000 (and Category C from \$20,000-\$60,000 to \$32,000-\$60,000) (proposed § 12-110(d)(16)).
- Replace limitation of “as a regular and significant part of the business or activity of said entity” with non-ministerial in the requirement that the filer disclose business that the filer’s outside interests have with state or local agencies (proposed §§ 12-110(d)(2), (d)(3).
- Make certain technical amendments (e.g. adding subparagraph numbers to list of types of filers and placing all definitions in a single subdivision) and reorganize section 12-110.
- Revision of Administrative Code 3-703 (Campaign Finance Act). This amendment provides that candidates for elective office do not receive matching funds from the Campaign Finance Board until and unless they file their required financial disclosure forms with the COIB. The candidate would provide the CFB with the original receipt from the COIB indicating that the FD form was filed at the time that the candidate files his/her first campaign finance disclosure statement seeking public funds. The candidate who fails to meet this deadline will not receive public funds for the campaign until such time as he/she files the FD form with the COIB. The candidate may submit the receipt from the COIB to the CFB only at the time(s) specified by the CFB for filing campaign finance disclosure statements.

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June 13, 2006

- Include employees of New York City Housing Development Corporation in definition of “city employees” as required filers.
- Amend definition of “relative” to include spouse, domestic partner, parent, grandparent, child, stepchild or stepparent.
- Amend categories of required filers to include members of the Board of New York City Housing Development Corporation-who shall be deemed to be compensated members.
- Amend categories of required filers to include employees of the Mayor’s office, City Council, District Attorney’s office or the office of the special narcotics prosecutor any other agency that does not employ M-level mayors management plan indicators for its managers to include

policymakers as determined by the appointing authority of the agency.

- Require request for reports be written request on such form as the board shall prescribe.
- Require COIB to provide written determination to filer of the board's determination re privacy request. Require COIB to advise filer of his or her right to seek review of such determination by the Supreme Court and that COIB will not release information in report until ten days after mailing the notification.
- Whether or not a filer submits a privacy request, COIB may grant privacy to any information in the report, upon a finding by the board that the release of such information would constitute a risk to the safety or security of any person.
- If a filer submits an amendment, both the original response and the amendment shall be available for public inspection.
- Amend definition of "reimbursements" to mean any travel-related expenses provided by non-governmental sources whether directly or as repayment for activities relating to the reporting person's official duties, such as speaking engagements, conferences, or fact-finding events.
- When a request is received for a filer's report, COIB will notify the filer of the production of the report and the identity of the person to whom such report was produced except that no such notification shall be required if the request to examine the report is made by the department of investigation, or any governmental unit, or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.
- Nothing in this section shall preclude the Conflicts of Interest Board from disclosing any and all information in a financial disclosure report to the department of investigation or any other governmental unit or component thereof, which performs as one of its principal functions any activity pertaining to the enforcement of criminal laws, provided that such report is requested solely for a law enforcement function.

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December 12, 2012 Intro. 968, Introduced and passed 11/27/12

- Amend definition of "relative" to include brothers and sisters and dependents of the filer and spouses of the listed

relatives of the filer. Eliminates from the definition of “relative” aunts, uncles, and cousins of the filer.

- Adds definitions for:
 - “affiliated”,
 - “agency”,
 - “city agency”,
 - “business dealings”,
 - “city”,
 - “gift”,
 - “local authority”, “local public authority”, “city public authority”, and
 - “policymaking position.”
- Eliminates certificates of deposit from definition of “security.”
- Requires disclosure of agreements for future payments or benefits from current as well as former employers.
Requires disclosure of gifts less than \$1,000 if the donor had business dealings with the City at any time between the beginning of the reporting period and the date of filing. Exempts from disclosure any gifts of less than \$50 and aggregates gifts from the same or affiliated donors in determining value of gifts.
- Requires disclosure of businesses, securities, and real property of the filer’s unemancipated children.
- Requires disclosure of name, title, and position of any relative of the filer holding a position in City service, and makes this information public.
- Adds “service” as an alternative to “employment” with respect to termination of an employee’s tenure with the City.
- To conform to State law, requires uncompensated members of NYC policymaking boards and commissions to file an annual financial disclosure report.
- Makes explicit that policymaking and contracting officers, as well as policymaking and contracting employees, must file a report.
- Makes filing procedures applicable to City public authorities as well as to City agencies and explicitly applies the categories of required filers (e.g., agency heads, policymakers, contract filers) to filers who file pursuant to the Public Authorities Accountability Act of 2005 (“PAAA”).
- Creates a new form with the minimum disclosure required by State law for PAAA filers and for uncompensated members of NYC policymaking boards and commissions,

neither of whom currently file (12-110(d)(2), (d)(3)). Those filers must disclose:

(1) real property within NYC except property that is the primary or secondary residence of the filer or a relative of the filer;

(2) outside employment or businesses if the employer or business engaged in business with the filer's agency or authority at any time between the beginning of the reporting period and the date of filing;

(3) investments in a business if that business engaged in business with the filer's agency or authority at any time between the beginning of the reporting period and the date of filing; and

(4) gifts if the donor has engaged in business with the filer's agency or authority at any time between the beginning of the reporting period and the date of filing.

- Transfers information to be reported by tax assessors from current § 12-110(b)(3)(a)(5).
- Makes explicit that a public servant who falls within more than one filing category must file the most extensive form required by any of the filing categories within which he or she falls.
- Changes "financial disclosure" to "annual disclosure" throughout the section to be consistent with the title and purpose of the section.
- Changes filing deadline from fixed date to one determined by the Board each year, as necessitated by the technical and support matters related to e-filing.
- Extends deadline by which the Board must notify filer's agency and the Commissioner of Investigation of the failure of a filer to file an annual disclosure report (to account for time required to ensure that filer was required to file and was properly notified of that requirement).
- Makes explicit that only unlawful disclosure is prohibited; adds removal from position as well as removal from office.

***Although this is technically not an amendment to the Administrative Code, but rather a change to the retention rule, we are including this in the law index because it does pertain to the financial disclosure law.

[law index]