

Title 19 NYCRR Part 931 is amended to read as follows:

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 19. DEPARTMENT OF STATE

CHAPTER XX. COMMISSION ON PUBLIC INTEGRITY

PART 931 LIMITATIONS ON THE RECEIPT OF PAYMENT FOR OFFICIAL SERVICES AND RELATED TRAVEL EXPENSES

931.1 Applicability.

This part shall apply to statewide elected officials and State officers and employees as defined in Section 931.2 of this Part.

931.2 Definitions.

(a) *Approving authority* shall mean the head of a State agency or appointing authority, as appropriate, or his or her designee for State officers or employees, and, in the case of the statewide elected officials and heads of State agencies, it shall mean the Commission.

(b) *Commission* shall mean the New York State Commission on Public Integrity.

(c) *Covered persons* shall mean :

- (1) State officers or employees as defined in subdivision (g) of this Subpart; and
- (2) Statewide elected officials as defined in subdivision (h) of this Subpart.

(d) *Ministerial matter* shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

(e) *Official service rendered* shall mean a service rendered by a statewide elected official or State officer or employee that is part of his or her official duties, which includes, but is not limited to, delivering a speech, writing or authoring an article or publication, attending and participating in a meeting, public or private conference, convention or social event.

(f) *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 of the State University of New York and the independent institutions operating statutory or contract colleges on behalf of the State.

(g) *State officer or employee* shall mean:

(1) heads of State departments and their deputies and assistants, other than members of the board of regents of the university of the State of New York, who receive no compensation or are compensated on a per diem basis;

(2) officers and employees of statewide elected officials;

(3) officers and employees of State departments, boards, bureaus, divisions, commissions, councils or other State agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and

(4) members or directors of public authorities, other than multistate authorities, public benefit corporations and commissions at least one of whose members is appointed by the Governor, who receive compensation on other than a per diem basis, and employees of such authorities, corporations and commissions.

(h) *Statewide elected official* shall mean the Governor, Lieutenant Governor, Comptroller or Attorney General.

(i) *Travel expense* shall mean the travel, food and lodging expense incurred by a statewide elected official or State official or employee that is associated with his or her official service rendered as defined in this Subpart.

931.3 Conditions for acceptance of payment in consideration for official services rendered.

An approving authority may approve a payment, fee or other compensation in consideration for an official service rendered, and the use of State equipment, personnel and time to render such official service, provided that the payment will be made by the granting organization or individual directly to the general fund of the State or to such fund as is appropriate for a public authority, public benefit corporation or commission not funded through State general fund appropriations.

931.4 Conditions for acceptance of payment for travel expenses.

(a) Covered persons may accept payment for travel expenses, as defined in this Part, from the federal government, other State or municipal government entities, non-State agency organizations or individuals under the following conditions:

(1) the covered person files a written request with the appropriate approving authority within a reasonable period of time in advance of the event or activity, for approval to receive payment for travel expenses; and the approving authority determines that the conditions for acceptance are met and so approves such payment for travel expenses; and

(2) the payment for travel expenses, if not made by the offeror, could be lawfully paid by the State agency according to its travel reimbursement procedure; and

(3) the payment for travel expenses made on behalf of the covered person would be at a rate not greater than the rate at which the State agency would reimburse the State officer or employee under its travel rules or regulations, unless otherwise specifically approved by the approving authority; and

(4) the offeror makes a payment for the covered person's travel expenses for no longer a period of time than the covered person is reasonably required to be present at such event; and

(5) the payment for travel expenses is not received from or on behalf of an individual or non-governmental entity, or from a non-governmental entity in which any of its officers, directors or trustees are associated with a separate non-governmental entity, that:

(i) is regulated by, regularly negotiates with, appears before on other than a ministerial matter, has contracts with or does other business with either the State agency employing the covered person or the covered person in his or her official capacity; or

(ii) attempts to lobby or to influence action or positions on legislation or action on rules, regulations or rate making before either the State agency employing the covered person or the covered person in his or her official capacity; or

(iii) is involved in litigation, adverse to the State, with the State agency with which the covered person is employed or affiliated, or the covered person in his or her official capacity, and no final unappealable order has been issued; or

(iv) has received or applied for funds from the State agency employing the covered person at any time during the previous calendar year, up to and including the date of the proposed receipt of the payment for travel expenses.

(b) Any payment for travel expenses in excess of \$1,000 from each source, received by a covered person who is required to file a financial disclosure statement pursuant to §73-a of the Public Officers Law, shall be reported in paragraph 10 of the financial disclosure statement.

(c) Nothing herein shall preclude the use of either State vehicles (or other transportation) or personnel where such have been specifically assigned for use to a covered person and such use is authorized or provided to such covered person as part of his or her employment or for his or her security.