

Pursuant to the authority vested in section 94 of the Executive Law, Part 941 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon filing as an Emergency Adoption and upon publication of a Notice of Adoption in the New York State Register, to add a new section 941.3-a to read as follows:

Section 941.3-a Subpoenas and other process; delegation.

(a) In accordance with Executive Law § 94(10)(c), and to facilitate the expeditious and efficient performance of its duties under section 94 of the Executive Law, the Commission on Ethics and Lobbying in Government (“COELIG” or “the Commission”) may by majority vote delegate to the Executive Director the power and the authority to administer oaths or affirmations, to subpoena witnesses, compel their attendance and testimony, and to require the production of any books or records that the Commission or the Executive Director may deem relevant or material when, pursuant to Executive Law § 94(10), the Commission or COELIG staff decides to conduct an investigation necessary to carry out the provisions of Executive Law § 94 or to elevate a preliminary review of any complaint or referral received or initiated by COELIG into an investigation pursuant to Executive Law § 94(10)(f).

(b) Any delegation made pursuant to subdivision (a) shall be in writing and shall:

- (i) specify whether it is general or limited to a specifically stated subject matter, transaction or transactions, complaint, referral or staff, or Commission-initiated matter; and
- (ii) require that the chair of the Commission be notified prior to the issuance of any subpoena by the Executive Director pursuant thereto, and that the Commission be informed thereof and of the status of the matter at its next meeting occurring thereafter.

(c) In connection with, and for the purposes of, the preliminary review and investigation, called for by Executive Law § 94(10)(d), of information in the nature of a complaint or referral received by the Commission or initiated by the Commission, and of determining whether there is specific and credible evidence that a violation of section seventy-three, seventy-three-a, or seventy-four of the Public Officers Law, section one hundred seven of the Civil Service Law or article one-A of the Legislative Law by a person or entity subject to the jurisdiction of the Commission including members of the legislature and legislative employees and candidates for members of the legislature, the Executive Director and Commission staff are authorized, pursuant to Executive Law § 94(10)(d) and (11)(b), to disclose confidentially to persons or entities outside the Commission testimony or confidential information related to matters pending before the Commission solely to the extent necessary to conduct such preliminary review and investigation and to make such determination, provided that the chair of the Commission is notified prior to any such disclosure or communication occurring, and that the Commission is informed of

such disclosure and of the status of the matter or matters under review and investigation at its next meeting occurring thereafter.