

New York Enacts Lobbying and Ethics Changes

September 2011

On Monday, August 15, 2011, New York Governor Andrew Cuomo signed into law the "Public Integrity Reform Act of 2011." This legislation makes a number of significant amendments to the state's lobbying, gift and campaign finance laws. Many of the changes are focused directly on public officials, including expanded financial disclosure requirements and the possible loss of their pension when such persons are convicted of certain crimes. However, a number of changes directly impact lobbyists, lobbyist employers and other members of the regulated community. A few of these are highlighted below:

New Oversight Agency. The current New York Commission on Public Integrity will be replaced by a "Joint Commission on Public Ethics." The legislative history accompanying the underlying bill notes that this was done primarily to subject "all legislators and legislative employees to [the] investigative jurisdiction of a unified, independent body."

Expanded Definition of Lobbying. The new law broadens the definition of lobbying in the legislative context. As amended, the law now covers efforts to influence "resolutions"-not just "legislation." Moreover, while the previous version of the statute only addressed efforts to influence the passage or defeat of legislation, the new law also covers attempts to influence the introduction or intended introduction of legislation or resolutions.

Revised Exceptions to the Lobbyist and Lobbyist Employer Gift Restrictions. The new law contains a number of amendments to the lobbyist and lobbyist employer gift restrictions, although the legislative history indicates that these are intended principally to

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clarify certain definitions for compliance and enforcement purposes rather than as any type of substantive change. Among other amendments, the exception for "food and beverage of a nominal value offered other than as part of a meal" is replaced with a cleaner exception for food or beverage valued at \$15 or less.

New Training Requirement for Lobbyists. Each individual lobbyist must complete a training course at least once in any three-year period during which he or she is registered as a lobbyist. The course will be made available over the Internet.

In addition to these changes, a number of other provisions will take effect in the months and years ahead. These include a requirement-effective June 1, 2012-that certain corporations, trade associations and other organizations disclose funding sources of more than \$5,000 "that were used to fund the lobbying activities reported." A separate provision effective beginning in 2013 charges the New York State Office of General Services with creating an electronic, publicly accessible database to aggregate information concerning which firms and individuals are appearing in a representative capacity before state agencies, public boards and commissions.