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I N   A S S E M B L Y

March 9, 2016

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Introduced by M. of A. TITONE, MORELLE, FARRELL, SCHIMEL -- Multi-Sponsored by -- M. of A. ABINANTI, AUBRY, BICHOTTE, BLAKE, BRENNAN, BRINDISI, CAHILL, CERETTO, COOK, CRESPO, DILAN, ENGLEBRIGHT, FAHY, GJONAJ, GLICK, GOTTFRIED, HEVESI, HOOPER, JAFFEE, JEAN-PIERRE, JOYNER, KEARNS, LAVINE, LIFTON, LINARES, LUPARDO, MAGNARELLI, MARKEY, McDONALD, MOYA, PAULIN, PEOPLES-STOKES, PRETLOW, RICHARDSON, RUSSELL, RYAN, SEAWRIGHT, SIMANOWITZ, SOLAGES, STECK, STIRPE, THIELE, WEINSTEIN, WOERNER, ZEBROWSKI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the legislative law, in relation to communications with professional journalists and newscasters; and in relation to reporting of certain funding by lobbyists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The second undesignated paragraph of subdivision (c) of  
2     section 1-c of the legislative law is amended by adding a new subpara-  
3     graph (R) to read as follows:  
4     (R) COMMUNICATIONS WITH A PROFESSIONAL JOURNALIST OR NEWSCASTER RELAT-  
5     ING TO NEWS, AS THESE TERMS ARE DEFINED IN SECTION SEVENTY-NINE-H OF THE  
6     CIVIL RIGHTS LAW, AND COMMUNICATIONS RELATING TO CONFIDENTIAL AND  
7     NON-CONFIDENTIAL NEWS AS DESCRIBED IN SUBDIVISIONS (B) AND (C) OF  
8     SECTION SEVENTY-NINE-H OF THE CIVIL RIGHTS LAW RESPECTIVELY.  
9     S 2. Paragraph 4 of subdivision (c) of section 1-h of the legislative  
10    law, as added by section 1 of part B of chapter 399 of the laws of 2011,  
11    is amended to read as follows:  
12    (4) Any lobbyist registered pursuant to section one-e of this article  
13    whose lobbying activity is performed on its own behalf and not pursuant  
14    to retention by a client[:  
15    (i)] that has spent over [fifty] FIVE thousand dollars for reportable  
16    compensation and expenses for lobbying either during the calendar year,  
17    or during the twelve-month period, prior to the date of this bi-monthly  
18    report[, and  
19    (ii) at least three percent of whose total expenditures during the  
20    same period were devoted to lobbying in New York]

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 shall report to the commission the names of each source of funding over  
2 [five] ONE thousand dollars from a single source that were used to fund  
3 the lobbying activities reported and the amounts received from each  
4 identified source of funding.

5 This disclosure shall not require disclosure of the sources of funding  
6 whose disclosure, in the determination of the commission based upon a  
7 review of the relevant facts presented by the reporting lobbyist, may  
8 cause harm, threats, harassment, or reprisals to the source or to indi-  
9 viduals or property affiliated with the source. The reporting lobbyist  
10 may appeal the commission's determination and such appeal shall be heard  
11 by a judicial hearing officer who is independent and not affiliated with  
12 or employed by the commission, pursuant to regulations promulgated by  
13 the commission. The reporting lobbyist shall not be required to disclose  
14 the sources of funding that are the subject of such appeal pending final  
15 judgment on appeal.

16 The disclosure shall not apply to:

17 (i) any corporation registered pursuant to article seven-A of the  
18 executive law that is qualified as an exempt organization by the United  
19 States Department of the Treasury under I.R.C. S 501(c)(3);

20 (ii) any corporation registered pursuant to article seven-A of the  
21 executive law that is qualified as an exempt organization by the United  
22 States Department of the Treasury under I.R.C. S 501(c)(4) and whose  
23 primary activities concern any area of public concern determined by the  
24 commission to create a substantial likelihood that application of this  
25 disclosure requirement would lead to harm, threats, harassment, or  
26 reprisals to a source of funding or to individuals or property affil-  
27 iated with such source, including but not limited to the area of civil  
28 rights and civil liberties and any other area of public concern deter-  
29 mined pursuant to regulations promulgated by the commission to form a  
30 proper basis for exemption on this basis from this disclosure require-  
31 ment; or

32 (iii) any governmental entity.

33 The joint commission on public ethics shall promulgate regulations to  
34 implement these requirements.

35 S 3. Paragraph 4 of subdivision (c) of section 1-j of the legislative  
36 law, as added by section 2 of part B of chapter 399 of the laws of 2011,  
37 is amended to read as follows:

38 (4) Any client of a lobbyist that is required to file a semi-annual  
39 report and[:

40 (i) that] has spent over [fifty] FIVE thousand dollars for reportable  
41 compensation and expenses for lobbying either during the calendar year,  
42 or during the twelve-month period, prior to the date of this semi-annual  
43 report[, and

44 (ii) at least three percent of whose total expenditures during the  
45 same period were devoted to lobbying in New York]

46 shall report to the commission the names of each source of funding over  
47 [five] ONE thousand dollars from a single source that were used to fund  
48 the lobbying activities reported and the amounts received from each  
49 identified source of funding.

50 This disclosure shall not require disclosure of the sources of funding  
51 whose disclosure, in the determination of the commission based upon a  
52 review of the relevant facts presented by the reporting client or lobby-  
53 ist, may cause harm, threats, harassment, or reprisals to the source or  
54 to individuals or property affiliated with the source. The reporting  
55 lobbyist may appeal the commission's determination and such appeal shall  
56 be heard by a judicial hearing officer who is independent and not affil-

1 iated with or employed by the commission, pursuant to regulations  
2 promulgated by the commission. The reporting lobbyist shall not be  
3 required to disclose the sources of funding that are the subject of such  
4 appeal pending final judgment on appeal.

5 The disclosure shall not apply to:

6 (i) any corporation registered pursuant to article seven-A of the  
7 executive law that is qualified as an exempt organization by the United  
8 States Department of the Treasury under I.R.C. S 501(c)(3);

9 (ii) any corporation registered pursuant to article seven-A of the  
10 executive law that is qualified as an exempt organization by the United  
11 States Department of the Treasury under I.R.C. S 501(c)(4) and whose  
12 primary activities concern any area of public concern determined by the  
13 commission to create a substantial likelihood that application of this  
14 disclosure requirement would lead to harm, threats, harassment, or  
15 reprisals to a source of funding or to individuals or property affil-  
16 iated with such source, including but not limited to the area of civil  
17 rights and civil liberties and any other area of public concern deter-  
18 mined pursuant to regulations promulgated by the commission to form a  
19 proper basis for exemption on this basis from this disclosure require-  
20 ment; or

21 (iii) any governmental entity.

22 The joint commission on public ethics shall promulgate regulations to  
23 implement these requirements.

24 S 4. This act shall take effect immediately.