STATE OF NEW YORK

7046

2017-2018 Regular Sessions

IN ASSEMBLY

March 29, 2017

Introduced by M. of A. TITONE, MORELLE, FARRELL, ORTIZ -- Multi-Sponsored by -- M. of A. ABINANTI, AUBRY, BICHOTTE, BLAKE, BRINDISI, CAHILL, COOK, CRESPO, DILAN, ENGLEBRIGHT, FAHY, GJONAJ, GLICK, GOTTFRIED, HEVESI, HOOPER, JAFFEE, JEAN-PIERRE, JOYNER, KEARNS, LAVINE, LIFTON, LUPARDO, MAGNARELLI, McDONALD, MOYA, PAULIN, PEOPLES-STOKES, PICHARDO, PRETLOW, RICHARDSON, 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:

Section 1. The second undesignated paragraph of subdivision (c) of section 1-c of the legislative law is amended by adding a new subparagraph (R) to read as follows:

(R) Communications with a professional journalist or newscaster relating to news, as these terms are defined in section seventy-nine-h of the civil rights law, and communications relating to confidential and non-confidential news as described in subdivisions (b) and (c) of section seventy-nine-h of the civil rights law respectively.

§ 2. Paragraph 4 of subdivision (c) of section 1-h of the legislative law, as added by section 1 of part D of chapter 286 of the laws of 2016, is amended to read as follows:

(4) Any lobbyist registered pursuant to section one-e of this article whose lobbying activity is performed on its own behalf and not pursuant to retention by a client[~~:~~

~~(i)~~] that has spent over [~~fifteen~~] five thousand dollars in the aggregate for reportable compensation and expenses for lobbying, either during the calendar year, or during the twelve-month period, prior to the date of this bi-monthly report[~~, and~~

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

LBD09159-01-7

~~(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying in New York~~] shall report to the commission the names of each source of funding that has contributed over [~~two thousand five hundred~~] **one thousand** dollars from a single source that were used to fund the lobbying activities reported and the amount of each contribution received from each identified source of funding; provided, however, that amounts received from each identified source of funding shall not be required to be disclosed if such amounts constitute membership dues, fees, or assessments charged by the reporting entity to enable an individual or entity to be a member of the reporting entity.

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

The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(3); provided, however, that this disclosure shall apply to any in-kind donations of staff, staff time, personnel, offices, office supplies, financial support of any kind or any other resources to any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(4) when such in-kind donations are over two thousand five hundred dollars and from any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(3). In such case the entity receiving such in-kind donations shall disclose the fair market value and identify the I.R.C. 501(c)(3) entity providing such in-kind donations and give notice within a reasonable time to the 501(c)(3) entity that it shall be required to file a report with the department of law pursuant to section one hundred seventy-two-e of the executive law;

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

(iii) any governmental entity.

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

§ 3. Paragraph 4 of subdivision (c) of section 1-j of the legislative law, as added by section 2 of part D of chapter 286 of the laws of 2016, is amended to read as follows:

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

~~(i) that~~] has spent over [~~fifteen~~] five thousand dollars in the aggregate for reportable compensation and expenses for lobbying, either during the calendar year, or during the twelve-month period, prior to the date of this semi-annual report[~~, and~~

~~(ii) at least three percent of whose total expenditures during the same period were devoted to lobbying in New York~~] shall report to the commission the names of each source of funding that has contributed over [~~two thousand five hundred~~] one thousand dollars from a single source that were used to fund the lobbying activities reported and the amount of each contribution received from each identified source of funding; provided, however, that amounts received from each identified source of funding shall not be required to be disclosed if such amounts constitute membership dues, fees, or assessments charged by the reporting entity to enable an individual or entity to be a member of the reporting entity.

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

The disclosure shall not apply to:

(i) any corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(3); provided, however, that this disclosure shall apply to any in-kind donations of staff, staff time, personnel, offices, office supplies, financial support of any kind or any other resources to any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(4) when such in-kind donations are over two thousand five hundred dollars and from any corporation or entity that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. 501(c)(3). In such case the entity receiving such in-kind donations shall disclose the fair market value and identify the I.R.C. 501(c)(3) entity providing such in-kind donations and give notice within a reasonable time to the 501(c)(3) entity that it shall be required to file a report with the department of law pursuant to section one hundred seventy-two-e of the executive law;

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

(iii) any governmental entity.

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

§ 4. This act shall take effect immediately.