

**LOBBYING:
THE SENATE SHOULD PASS ITS LEGISLATION AND HAMMER OUT A NEGOTIATED
AGREEMENT WITH THE ASSEMBLY**

Lobbying is a lucrative business. Lobbyists get contracts worth hundreds of thousands of dollars to represent powerful special interests. Their goals are simple: influence governmental decisions. New York State lobbyists and their clients reported spending well over \$140 million in 2004 persuading and cajoling state officials to grant favors or block policies that may affect them.

Action:

The Governor, Senate and Assembly should agree on reform legislation.

However, New York's lobbying law is one that narrowly defines reportable activities. Unlike many other states, for example, New York does not require lobbyists or their clients to report efforts to influence agency purchasing decisions. Thus, efforts to influence agency decisions on billions of dollars in purchases fall under the public's "radar screen." This "stealth lobbying" is extremely lucrative and has led to some questionable and sometimes illegal purchasing decisions by New York State agencies.

Reforming the law.

Clearly there is need for greater accountability and better oversight. The quality of services offered to New Yorkers is often determined by which business or not-for-profit receives the government contract and whether that entity has the capacity to deliver the contracted service. In this year of extreme fiscal difficulties, the lobbying for such contracts will be intense. Unscrupulous entities may seek to gain unfair advantage over competitors with unethical lobbying tactics that "fly under the radar" of current disclosure requirements.

Lobbying Reform in the 2005 Session.

We have supported the comprehensive Assembly reform in this area (A.9) that has passed. Senator Winner has introduced his own legislation (S.3173) that is similar to, although a more limited version of, the Assembly bill. The Governor has also advanced his own version of reform (Program bill 42). While the Governor's bill is more like the Senate bill, it contains serious problems.

Recommendation – Expand the lobbying law to cover procurement and other activities.

The Senate has signaled that it will try to come to an agreement with the Assembly on procurement lobbying reform this year. There is near-unanimous agreement that New York State must expand the jurisdiction of the Lobbying Commission to monitor procurement advocacy. The Lobbying Commission has requested changes, the Assembly has passed legislation, the Senate has offered legislation in a consistent, but more limited, fashion. Both the Comptroller and the Attorney General stand in support. The Governor has now offered a limited endorsement. The Senate should act quickly and hash out its differences with the Assembly.