

New York State Joint Commission on Public Ethics

# Reform L

This proposal would amend subdivision (a) of section 1-k of article 1-A of the Legislative Law to clarify that the contingent retainer prohibition applies to agreements with third parties.

Subdivision (a) of section 1-k of article 1-A of the Legislative Law is amended to read as follows:

§ 1-k. Contingent retainer.

- (a) No [client] **person** shall retain or employ any lobbyist for compensation **or enable, authorize, or facilitate the retention or employment of any lobbyist for another for compensation,** the rate or amount of which compensation in whole or part is contingent or dependent upon:
- (1) (A) the passage or defeat of any legislative bill or the approval or veto of any legislation by the governor, (B) the terms, issuance, modification or rescission of a gubernatorial executive order, (C) the terms, approval or disapproval, or the implementation and administration of tribal-state compacts, memoranda of understanding, or any other tribal-state agreements and any state actions related to class III gaming as provided in 25 U.S.C. 2701, or (D) the adoption or rejection of any code, rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency;
  - (2) (A) the passage or defeat of any local law, ordinance, regulation or resolution by any municipality or subdivision thereof, (B) the terms, issuance, modification or rescission of an executive order issued by the chief executive officer of a municipality, or (C) the adoption, rejection or implementation of any rule, resolution or regulation having the force and effect of a local law, ordinance or regulation or any rate making proceeding by any municipality or subdivision thereof;
  - (3) any determination by a state agency, either house of the state legislature, the unified court system, municipal agency or local legislative body with respect to a governmental procurement or a grant, loan or agreement involving the disbursement of public monies.
- (b) No person shall accept such a retainer or employment. Any person who violates this section shall be subject to a civil penalty not to exceed the greater of ten thousand dollars or the value of the contingent fee, and such violation shall be a class A misdemeanor.