

**NEW YORK
TEMPORARY STATE COMMISSION
ON LOBBYING**

OPINION NO. 38 (84-1)

FACTS

This matter comes before our Commission as a consequence of the various parties, receptions, and events which are frequently hosted by registered lobbyists and their clients to which government and state officials customarily are invited.

At the time the party, reception, or event takes place, there is pending legislation, or a proposed rule or regulation having the force and effect of law, in which the lobbyist or the client is interested, and concerning which some or all of the invitees may have some input by virtue of their official capacities, whether in the legislative or executive branch of government.

ISSUE

The question before us is whether the costs of such parties, receptions, and events are reportable as a lobbying expense by the registered lobbyist and the client under the Lobbying Act. (Lobbying Act, Section 8(a)(1) and (2); *Guidelines*, Section VII(C)).

OPINION

We are of the opinion that, absent special circumstances, the funding of parties, receptions, and events, which are hosted by registered lobbyists and clients with a special interest in pending legislation or in a proposed rule or regulation, constitutes a lobbying expense within the statute.

Section 3(c) of the Lobbying Act provides as follows:

"The term 'lobbying' or 'lobbying activities' shall mean any attempt to influence the passage or defeat of any legislation by either house of the legislature or the approval or disapproval of any legislation by the governor, or the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate-making proceeding by a state agency."

We consider that such events are part of a lobbying effort which ordinarily would not take place unless there was at the time pending legislation or a proposed rule or regulation in which the sponsor or sponsors of the event were interested.

We hold, therefore, that disclosure is required of all expenses in connection therewith, when a registered lobbyist or the client is a sponsor or participating sponsor of an event, from which it may reasonably be assumed that influencing or advancing the interest of the lobbyist or the client with respect to pending legislation or a proposed rule or regulation was an objective.

In our opinion, such event is another method by which the registered lobbyist or the client seeks to attract the attention of a public official in order to promote or facilitate the lobbying effort and is reportable within the statute and our Guidelines.

APPROVED BY COMMISSION: MARCH 7, 1984

CONCURRING: RICHARD A. BERNSTEIN, S. STANLEY KREUTZER, ARTHUR A. LORENZO, AND NATHANIEL T. HELMAN.

/S/

RICHARD A. BERNSTEIN
Chairman