

Reference: EXECUTIVE
Section: CORRESPONDENCE / COMMUNICATION
Title: LOBBYING ACTIVITIES REPORTING POLICY
Policy Number: 01-03-06
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I. PURPOSE

The purpose of this policy is to comply with the requirements of the New York State Lobbying Act and applicable regulations.

II. BACKGROUND

The Lobbying Act states that “[the] legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and that, to preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to influence the passage or defeat of any legislation by either house of the legislature or the approval, or veto, of any legislation by the governor and attempts to influence 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, and the attempts to influence the passage or defeat of any local law, ordinance, or regulation be publicly and regularly disclosed.” (NY Legislative Law Article 1-a.)

III. APPLICABILITY

This policy applies to the Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc., (collectively referred to as “NFTA”) and NFTA employees and Commissioners.

IV. DEFINED TERMS

The term “**lobbyist**” shall mean every person or organization retained, employed or designated by any client to engage in lobbying. (NY Legislative Law Article 1-c(a).)

The term “**lobbyist**” shall not include any officer, director, trustee, employee, counsel or agent of the state, or any municipality or subdivision thereof of New York when discharging their official duties; except those officers, directors, trustees, employees, counsels, or agents of colleges, as defined by [section two \(2\) of the education law](#). (NY Legislative Law Article 1-c(a).)

The term “**client**” shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client. (NY Legislative Law Article 1-c(b).)

The term “**lobbying**” or “**lobbying activities**” shall mean and include any attempt to influence:

- (i) the passage or defeat of any legislation or resolution by either house of the state legislature including but not limited to the introduction or intended introduction of such legislation or resolution or approval or disapproval of any legislation by the Governor;
- (ii) the adoption, issuance, rescission, modification or terms of a gubernatorial executive order;
- (iii) the adoption or rejection of any rule or regulation having the force and effect of law by a state agency;
- (iv) the outcome of any rate making proceeding by a state agency;
- (v) any determination: (A) by a public official, or by a person or entity working in cooperation with a public official related to a governmental procurement, or (B) by an officer or employee of the unified court system, or by a person or entity working in cooperation with an officer or employee of the unified court system

related to a governmental procurement;

(vi) the approval, disapproval, implementation or administration of tribal-state compacts, memoranda of understanding, or any other tribal-state agreements and any other state actions related to Class III gaming as provided in [25 U.S.C. § 2701](#), except to the extent designation of such activities as “lobbying” is barred by the federal Indian Gaming Regulatory Act, by a public official or by a person or entity working in cooperation with a public official in relation to such approval, disapproval, implementation or administration;

(vii) the passage or defeat of any local law, ordinance, resolution, or regulation by any municipality or subdivision thereof;

(viii) the adoption, issuance, rescission, modification or terms of an executive order issued by the chief executive officer of a municipality;

(ix) the adoption or rejection of any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, or regulation; or

(x) the outcome of any rate making proceeding by any municipality or subdivision thereof. (NY Legislative Law Article 1-c(c).)

V. POLICY

In general, lobbying is an attempt to influence government decision-making. The Lobbying Act requires the registration and reporting of individuals and organizations that either spend, or anticipate spending, more than the lobbying threshold on efforts to influence certain government activities including legislation, executive orders, regulations, and governmental procurements.

The Lobbying Act exempts NFTA employees and Commissioners from filing a statement of registration as a lobbyist when discharging their official duties. However, if NFTA employees and/or Commissioners are engaged in lobbying activities when discharging their official duties on behalf of the NFTA, the Lobbying Act requires the NFTA to file periodic lobbying reports as required by the Lobbying Act. The NFTA’s Manager of Government Affairs is responsible for filing these reports and ensuring overall compliance with the Lobbying Act.

VI. ACCOUNTABLE OFFICIAL

The NFTA’s Manager of Government Affairs is the accountable official who ensures compliance with the Lobbying Act. Questions regarding the Lobbying Act and related matters should be directed to the NFTA’s Manager of Government Affairs.

VII. RELATED POLICIES

NFTA Lobbying Contact Policy Number 01-03-04.