

## Recording of Lobbying Contacts Related to the Influence of Rules and Regulations and/or Rate Making Proceedings

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Revision Date(For BCG Use Only)	Revision #	Description/Modification	Revision Section (s)	Author
1/1/2017	0	Original issue; rescinds and replaces Executive Instruction 2010-7		Karen Delince



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## 1 PURPOSE AND SCOPE

Pursuant to the Public Authorities Reform Act of 2009, the Public Authorities Law has recently been amended to compel uniform standards of transparency and accountability with regard to recording contacts made by lobbyists to members, officers or employees of state authorities. This policy directs compliance with these provisions.

## 2 APPLICABILITY

This policy applies to all members, officers and employees of Canal Corporation who have any potential to be contacted by a lobbyist as described in this section.

### Statutory Requirements

- Pursuant to Article 9 Title 12-A, Section 2987 of the Public Authority Law, every member, officer or employee of the Canal Corporation who is contacted by a lobbyist for the purposes of attempting to influence the adoption or rejection of any rule or regulation and/or the outcome of any rate-making proceeding must make a contemporaneous record of such a contact in order to provide a general summary of the substance of such contact.

## 3 INITIALISMS (ACRONYMS) AND DEFINITIONS

### 3.1 Contact

A contact is defined as any conversation, in person or by telephonic or other remote means, or correspondence between any lobbyist engaged in the act of lobbying and any person within a state authority who can make or influence a decision on the subject of the lobbying on behalf of the authority, and shall include, at a minimum, all members of the governing board and all officers of the state authority.

### 3.2 Lobbyist

A lobbyist is defined as every person or organization retained, employed or designated by any client to engage in lobbying. 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 of the education law (e.g., a legislator advocating on behalf of his/her constituents would not be considered a lobbyist; whereas a college president advocating on behalf of the student body would be considered a lobbyist).

## 4 RESPONSIBILITY

Responsibility and oversight of this policy resides with the approver unless otherwise noted herein.

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## 5 POLICY IMPLEMENTATION

### 5.1 Information regarding pending items

5.1.1 The Legal Department is responsible for keeping this list up-to-date.

### 5.2 Reporting Process

5.2.1 Any Authority member, officer or employee who is contacted by a lobbyist must collect the following information from the person initiating the contact:

- date and time of the contact;
- name, business address and telephone number of the lobbyist;
- lobbyist's principal place of employment; and
- a general summary of the substance of the contact.

5.2.2 This information must be recorded on the form entitled "Public Authorities Law Title 12-A, Section 2987 Record Of Lobbying Contact". A copy of this form is attached and can also be found on the Intranet Forms Portal page under the heading of Board and Executive.

### 5.3 Maintenance of Lobbying Contact Record

Send completed forms to the Vice President & Corporate Secretary. The Corporate Secretary's Office shall maintain the records so as to make such records useful to determine whether the decisions of the Authority were influenced by lobbying contacts.

### 5.4 Additional Information

- Attempts to influence *procurements* must be recorded, documented in the procurement file and, if necessary, referred for investigation in accordance with the Executive Instruction on Inappropriate Lobbying Influence in Canal Corporation Procurements.
- Questions regarding this Instruction should be directed to the Vice President & Corporate Secretary.
- Supervisors should share this Instruction with staff.

## 6 VIOLATIONS

Violations of this Policy and related policies and procedures by employees may result in disciplinary action up to and including termination. Violations of this Policy by contractors and other authorized third parties may result in the revocation of such party's access to Canal's



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premises and/or electronic access to its systems, and the termination of such party's contract for services. In addition, where the conduct engaged in is illegal, violators may be subject to prosecution under applicable federal, state or local laws.

## 7 REFERENCES

Public Authorities Reform Act of 2009

Public Authority Law

## 8 POLICY REVIEW AND EXPIRATION

This document will be reviewed and updated as business needs require. However, a mandatory review will be required on the anniversary date of the approved document.

**Revision cycle: Every Year**

## 9 ATTACHMENTS

**Purpose:** This form is used to record any contact (oral, written or electronic communication) by a lobbyist to a member, officer or employee of the Canal Corporation, where the communication was intended to influence the adoption or rejection of any rule or regulation and/or the outcome of any rate making proceeding. A lobbyist is defined as any person or organization retained, employed or designated by any client to engage in lobbying.

