



MEMO OF OPPOSITION

S202 (Kaplan) / A5321 (Sillitti)

Amends Definition of “Reportable Business Relationship”

August 29, 2022

TITLE OF BILL

An act to amend the legislative law, in relation to the term "reportable business relationship" as it relates to certain employees of the state university of New York and the city university of New York.

SUMMARY OF PROVISIONS

Section 1 amends the definition of “reportable business relationship” under Legislative Law §1-C(w) to make it so that colleges or universities do not have to report to the state when a faculty member is also employed “in a similar role” at another college or university.

Section 2 states that the bill takes effect immediately.

STATEMENT OF OPPOSITION

Reinvent Albany urges Governor Hochul to veto [A5321/S202](#), which changes the definition of “reportable business relationship” in lobbying law. We believe this legislation has a drafting error, as the text is not consistent with the sponsor’s memo explaining the intent.

According to the sponsor’s memo, “this legislation would exempt an individual whose only state employment is as a SUNY or CUNY professor who then is hired to teach at an independent college.”

However, the bill's text does not include the word "independent" or anything to suggest that the exemption will only apply to professors who also teach at an independent college (change to law in green, emphasis ours):

(w) The term "reportable business relationship" shall mean a relationship in which compensation is paid by a lobbyist or by a client of a lobbyist, in exchange for any goods, services or anything of value, the total value of which is in excess of one thousand dollars annually, to be performed or provided by or intended to be performed or provided by
5 (i) any statewide elected official, state officer, state employee,
6 member of the legislature or legislative employee [...]
7
17 Provided, however, that such term shall not include any
18 relationship between **an individual and a college or university**, as such
19 terms are defined in section two of the education law, when such individual's only state employment is through the state university of New
20 York or the city university of New York as a professor, adjunct profes-
21 sor, lecturer, instructor, assistant professor, associate professor, or
22 similar teaching role **and is employed in a similar role at the college**
23
24 **or university.**

Twice the bill refers to a/the "college or university" but does not refer to an independent or private college. In fact, the only type of universities mentioned are the State University of New York (SUNY) and the City University of New York (CUNY). The phrase "in a similar role" is also vague and could be interpreted to include roles that involve both teaching and non-teaching activities. It is also not clear if this would exempt professors who also have unpaid roles with SUNY or CUNY research institutes, subsidiaries, affiliates, or centers that study state government activities or policies.

The effect of this bill is unclear, and we believe it may be interpreted in an overly broad way that reduces transparency and keeps information about entities seeking to influence state government from being disclosed. The current law requiring disclosure does not prohibit the hiring of SUNY or CUNY professors by private colleges and universities. The law simply requires reporting the professor's relationship with another university. Therefore the stated harm that the bill intends to correct is minimal or nonexistent.

We urge you to veto this bill.