

Proposal 3: IMPOSE TRAINING NON-COMPLIANCE PENALTIES FOR LOBBYISTS AND CLIENTS



THE CHALLENGE

Currently, there is no statutory penalty for lobbyists or clients when they fail to take the ethics training required by the Ethics Commission Reform Act.

ECRA and the Lobbying Act require lobbyists and clients to take an online ethics training course, developed and administered by the Commission on Ethics and Lobbying in Government once every three years. There are currently no statutory penalties associated with non-compliance.

Since the Commission's new online training course first launched in January 2023, the compliance rate is over 80%; however, a significant and consistent percentage of lobbyists and clients – over 17% – have failed to meet this requirement.

Absent a penalty for non-compliance, the Commission believes the current 82.83% compliance rate likely represents the ceiling for compliance. To fully effectuate the training requirement mandated by law, a penalty is required.

Individual Training Counts 2023 – 2024 (as of January 9, 2024)

Total # of Filers in a 'Training Required Role'		10,515
Total # of Filers who completed training		8,710
• Completed On Time	8,009	
• Completed Late	701	
Total # of Filers within 60-day Deadline		253
Total # of Filers who are Overdue		1,552
Percentage of Filers who are Compliant		82.83%

THE PROPOSAL

Amend the laws to impose penalties on lobbyists and clients when they fail to take the required ethics training in a timely manner.

Amend Executive Law Section 94(8) and Legislative Law Article 1-A (the Lobbying Act) Section 1-d(h) to authorize the Commission to impose late fees on lobbyists and clients who fail to timely comply with the mandated ethics training. The amendment imposing late fees for failure to timely complete mandatory ethics training could include language similar to the statutory language authorizing late filing fees, which authorizes the Commission to assess late fees of up to a stated dollar amount per day.

Please note, draft bill language is available upon request.