



DANIEL SQUADRON
SENATOR, 25TH DISTRICT

THE SENATE
STATE OF NEW YORK

RANKING MINORITY MEMBER
INVESTIGATIONS AND
GOVERNMENT OPERATIONS
SOCIAL SERVICES
COMMITTEES
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CONSUMER PROTECTION
CORPORATIONS, AUTHORITIES
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FINANCE
JUDICIARY
TRANSPORTATION

Senator Dean G. Skelos
Temporary President and Majority Leader
New York State Senate
State Capitol, Room 330
Albany, New York 12247

Senator Carl L. Marcellino
Chair, Senate Investigations and Government Operations Committee
188 State Street, Room 811
Legislative Office Building
Albany, New York 12247

May 9, 2012

Dear Senator Skelos and Senator Marcellino,

I write in my capacity as the ranking member of the Senate Investigations and Government Operations Committee to request a hearing of the committee in relation to the activities of the American Legislative Exchange Council (ALEC). It has come to my attention that despite not being a registered lobbying organization in the State, ALEC may be influencing government operations and legislative activities in a form that constitutes "lobbying" and "lobbying activities" as defined under New York State law.

Lobbying or lobbying activities are defined in New York State law as "any attempt to influence the passage or defeat of any legislation by either house of the state legislature." An "attempt to influence" is defined in guidance provided by the Joint Commission on Public Ethics (JCOPE) as "any activity intended to support, oppose, modify, delay, expedite or otherwise affect" the passage of legislation. Further, Section 1-e (a)(1) of the Lobbying Act requires that "every lobbyist shall annually file with the commission" if they receive in excess of five thousand dollars of "reportable compensation and expenses."

The following information regarding ALEC's activities, based on information from Common Cause, forms the basis of my request for a hearing:

- ALEC's 2010 tax returns, recently made public, indicate that it receives funding from more than 200 private-sector "members" whose annual "contributions" are between \$7,000 and \$25,000; in addition, elected officials reportedly pay \$50 for "membership."
- According to ALEC's own promotional material, these "members...draft, introduce, debate, and vote on model legislation throughout the year."

- A “legislative scorecard” circulated by ALEC states that 39 pieces of “model legislation” were introduced in New York in 2010.
- It is unclear whether the 39 pieces of legislation introduced in New York in 2010 are currently active in the legislature; however, initial analysis strongly indicates that Senate bills S281 (so-called “Stand Your Ground” legislation), S5769 (which prohibits state regulation of Voice over Internet Protocol services), and S7112 (which requires that voters produce a Department of Motor Vehicles ID card to vote) are closely based on ALEC model legislation.
- ALEC also circulates “model resolutions” to be introduced in the legislature.

ALEC's activities give the appearance of lobbying based on both New York State law and JCOPE's guidelines. ALEC seems to engage in activity intended to influence the passage of legislation in New York State, to draft model legislation itself, and to receive significant compensation from corporations to do so. Its role and its influence in New York State government must be addressed.

I urge you to call a hearing of the Senate Investigations and Government Operations Committee to investigate ALEC. This committee is the appropriate venue for such a hearing, as it has historically considered possible improprieties in government operations. The hearing would consider the following questions, among others:

- How many bills currently active in the legislature have their origins in ALEC model legislation?
- How was the legislation ALEC claims to have introduced brought to the attention of the sponsors?
- What role did ALEC play in the authorship and development of the bills?
- Did ALEC provide modifications to the legislation in the drafting process?
- Do the activities that ALEC undertakes amount to “lobbying” as defined by New York State law?
- What other influence does ALEC have in the operation of New York State government?

I believe questions of untoward influence in our government are of great importance. I hope you agree, and I look forward to hearing from you on this important issue.

Sincerely,



Daniel Squadron
State Senator
25th District