

**TESTIMONY OF THE AMERICAN COUNCIL OF ENGINEERING COMPANIES
OF NEW YORK METROPOLITAN REGION
ON THE PROPOSED RULE CHANGE GOVERNING LOBBYING IN NEW YORK
CITY BY THE OFFICE OF THE CITY CLERK**

May 15, 2015

Founded in New York City in 1921, ACEC New York is one of the oldest continuing organizations of professional consulting engineers in the U.S. ACEC New York represents over 280 engineering and affiliate firms throughout New York State that collectively employ more than 20,000 people statewide, with a concentrated presence of firms located within the five boroughs of New York City.

ACEC New York is dedicated to promoting growth of the industry through the education of our members, promotion of cooperative relationships, and by addressing specific areas of concern on behalf of our membership. While we appreciate the City Clerk's efforts to amend New York City's Lobbying Law pursuant to Local Law 129 of 2013, we respectfully request that the Clerk's office reconsider the provisions disqualifying amnesty applicants if they have registered at any time prior to January 1, 2016 (§1-15, page 30 – 31).

First, as made clear by the testimony before the Berman Commission and the City Council, the architectural and engineering community was largely unaware that the New York City's Lobbying Law might apply to aspects of their work. However, as a result of the public commentary, some firms may have registered in 2014 for activities clearly covered by the law, but not for activities where there is some ambiguity, such as which City Planning Authorizations are considered lobbying activity, and especially whether activities related to the City Environmental Quality Review are considered lobbying, as to which the Clerk has not yet made a determination. It would be unfair to penalize a firm which tried to comply with the law in good faith but omitted some other activity, particularly if it was unclear whether that constituted lobbying or not. Please note in this regard, the law's required education and outreach has not yet occurred, so firms have not yet been officially told of their obligations, although some may have tried to comply. Participation in the amnesty should be permitted even if the applicant has previously registered for other matters.

Second, the look-back period should begin one year from the conclusion of the education and outreach, and the promulgation of the reporting forms, as firms may not know what information they are required to collect for this purpose and may not be able to reconstruct records from the beginning of 2015.

Finally, we respectfully remind the Clerk that the request for an advisory opinion regarding CEQR was made approximately one year ago, and it is of critical importance that this matter be resolved (consistent with the Clerk's previous Advisory Opinion about CEQR matters before the Mayor's Office of Environmental Coordination). Thank you for your consideration.