* **Section 1. Legislative declaration.** The legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to appropriate officials their opinions on legislation and governmental operations; and that, to preserve and maintain the integrity of the governmental decision-making process in this state, it is necessary that the identity, expenditures and activities of persons and organizations retained, employed or designated to influence the passage or defeat of any legislation by either house of the legislature or the approval, or veto, of any legislation by the governor and attempts to influence the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency, be publicly and regularly disclosed.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 2. Short title.** This act shall be known and may be cited as the "Lobbying act".

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 3. Definitions.** As used in this act unless the context otherwise requires:

(a) The term "lobbyist" shall mean 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 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.

(b) The term "client" shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

(c) The term "lobbying" or "lobbying activities" shall mean any attempt to influence the passage or defeat of any legislation by either house of the legislature or the approval or disapproval of any legislation by the governor, or the adoption or rejection of any rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency. The term "lobbying" shall not include:

(1) Persons engaged in drafting legislation, rules, regulations or rates, advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such legislation, or administrative action on such rules, regulations or rates;

(2) Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;

(3) Persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of a state agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation;

(4) Persons who attempt to influence a state agency in an adjudicatory proceeding, as defined by section one hundred two of the state administrative procedure act; and

(5) Persons who prepare or submit a response to a request for information or comments by the legislature, the governor, or a state agency or a committee or officer of the legislature or a state agency.

(d) The term "organization" shall mean any corporation, company, foundation, association, college as defined by section two of the education law, labor organization, firm, partnership, society, joint stock company, state agency or public corporation.

(e) The term "state agency" shall mean any department, board, bureau, commission, division, office, council, committee or officer of the state, whether permanent or temporary, or a public benefit corporation or public authority at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings but shall not include the judicial branch or agencies created by interstate compact or international agreement.

(f) The term "commission" shall mean the New York temporary state commission on lobbying created by section four of this act.

(g) The term "expense" or "expenses" shall mean any expenditures incurred by or reimbursed to the lobbyist for lobbying but shall not include contributions reportable pursuant to article fourteen of the election law.

(h) The term "compensation" shall mean any salary, fee, gift, payment, benefit, loan, advance or any other thing of value paid, owed, given or promised to the lobbyist by the client for lobbying but shall not include contributions reportable pursuant to article fourteen of the election law.

(i) The term "public corporation" shall mean a municipal corporation, a district corporation, or a public benefit corporation as defined in section sixty-six of the general construction law.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

* **§ 4. New York temporary state commission on lobbying.** (a) There shall be established a commission to be known as the New York temporary state commission on lobbying which shall consist of six members. The members of the commission shall be appointed by the governor, provided, however, that one member shall be appointed on nomination of the temporary president of the senate, one member shall be appointed on nomination of the speaker of the assembly, one member shall be appointed on nomination of the minority leader of the senate, and one member shall be appointed on nomination of the minority leader of the assembly. Of the two members appointed by the governor without prior nomination by a legislative leader, one shall be a member of the same political party as the temporary president of the senate and one shall be a member of the same political party as the minority leader of the senate. The term of office of the members shall be for two years commencing with the first day of January, nineteen hundred eighty-two. No member of the commission shall hold any other state or local public office for which he receives compensation; nor shall any member be employed by the state or any local political subdivision. No person subject to the jurisdiction of the commission and the provisions of this act may serve on the commission. The chairman and the vice chairman of the commission shall be elected by a majority of the members of the commission to serve a one year term. The chairman shall be a member of a different political party than the chairman of the commission during the preceding term. The chairman and vice chairman shall each be a member of a different major political party as such term is defined in the election law. Vacancies in the membership of the commission occurring for any cause shall be filled for the balance of the unexpired term in the same manner as the original appointment of the member whose office becomes vacant. Any matter upon which the commission must act by a vote of the membership must be by an affirmative vote of a majority of the members of the commission. No such vote may be taken until all members of the original commission are appointed; thereafter, each member shall continue to serve until a successor is appointed in the manner provided herein. Each of the members of the commission shall receive, as compensation for his

services hereunder, a per diem allowance in the sum of one hundred dollars for each day actually spent in the performance of his duties hereunder, not exceeding, however, the sum of five thousand dollars in any calendar year, and, in addition thereto, shall be reimbursed for all expenses actually and necessarily incurred by him in the performance of his duties under this act.

(b) The chief administrative officer of the commission shall be the executive director, who shall be appointed jointly by the chairman and vice chairman of the commission and shall serve a two year term, except that he may be removed from such position by joint action of the chairman and the vice chairman.

(c) In addition to any other powers and duties specified by law, the commission shall have the power and duty to:

(1) administer and enforce all the provisions of this act;

(2) conduct any investigation necessary to carry out the provisions of this act. Pursuant to this power and duty, the commission may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material;

(3) conduct private and public hearings pursuant to article seven of the public officers law;

(4) prepare uniform forms for the statements and reports required by this act;

(5) meet at least once during each reporting period as established by subdivision (a) of section eight of this act and may meet at such other times as the commission, or the chairman and vice chairman jointly, shall determine;

(6) issue advisory opinions to those under its jurisdiction; and

(7) submit by the first day of March next following the year for which such report is made to the governor and the members of the legislature an annual report summarizing the commission's work, listing the lobbyists and clients required to register pursuant to this act and the expenses and compensation reported pursuant to this act and making recommendations with respect to this act. The commission shall make this report available free of charge to the public.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the

laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 5. Statement of registration.** (a) (1) Every lobbyist shall annually file with the commission, on forms provided by the commission, a statement of registration for each calendar year; provided, however, that the filing of such statement of registration shall not be required of any lobbyist who (i) in any year does not expend, incur or receive an amount in excess of two thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section eight of this act, for the purposes of lobbying or (ii) is an officer, director, trustee or employee of any public corporation, when acting in such official capacity; provided however, that nothing herein shall be construed to relieve any public corporation of the obligation to file such statements and reports as required by this act.

(2) Such filing shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyist on or before December fifteenth who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation

and expenses in an amount in excess of two thousand dollars; for those lobbyists retained, employed or designated after December fifteenth, and for those lobbyists who subsequent to their retainer, employment or designation reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(b) Such statements of registration shall be kept on file for a period of three years and shall be open to public inspection during such period.

(c) Such statement of registration shall contain:

(1) the name, address and telephone number of the lobbyist;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) if such lobbyist is retained or employed pursuant to a written agreement of retainer or employment, a copy of such shall also be attached and if such retainer or employment is oral, a statement of the substance thereof;

(4) a written authorization from the client by whom the lobbyist is authorized to lobby, unless such lobbyist has filed a written agreement of retainer or employment pursuant to paragraph three of this subdivision;

(5) a description of the general subject or subjects on which the lobbyist is lobbying or expects to lobby;

(6) the name of the person, organization, or legislative body before which the lobbyist is lobbying or expects to lobby; and

(7) if the lobbyist is retained, employed or designated by more than one client, a separate statement of registration shall be required for each such client.

(d) Any amendment to the information filed by the lobbyist in the original statement of registration shall be submitted to the commission on forms supplied by the commission within ten days after such amendment, however, this shall not require the lobbyist to amend the entire registration form.

(e) The first statement of registration filed annually by each lobbyist shall be accompanied by a registration fee of fifty dollars except that no registration fee shall be required of a public corporation. No fee shall be required for any subsequent statement of registration filed by a lobbyist during the same lobbying year.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 6. Monthly registration docket.** It shall be the duty of the commission to compile a monthly docket of statements of registration containing all information required by section five of this act. Each such monthly docket shall contain all statements of registration filed during such month and all amendments to previously filed statements of registration. Copies shall be made available for public inspection.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 7. Termination of retainer, employment or designation.** Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall both give written notice to the commission within thirty days after the lobbyist ceases the activity that required such lobbyist to file a statement of registration; however, such lobbyist shall nevertheless comply with the reporting requirements for the last periodic reporting period up to the date such activity has ceased as required by this act and both such parties shall each file the annual report required by section nine of this act. The commission shall enter notice of such termination in the appropriate monthly registration docket required by section six of this act.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 8. Periodic reports of certain lobbyists.** (a) (1) Any lobbyist required to file a statement of registration pursuant to section five of this act who in any lobbying year expends, receives or incurs combined reportable compensation and expenses in an amount in excess of two thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the commission a first periodic written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the cumulative total for such lobbying year equalled such sum. Such reporting periods shall be the period from January first to March thirty-first, April first to May thirty-first and June first to August thirty-first.

(2) Any lobbyist making a report pursuant to paragraph one of this subdivision shall thereafter file with the commission, on forms supplied by the commission, a periodic report for each reporting period that such person expends, receives or incurs combined reportable compensation and expenses in an amount in excess of five hundred dollars for the purposes of lobbying during such reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amounts so expended, received or incurred during such reporting period and the cumulative total thereof during the

lobbying year.

(b) Such periodic report shall contain:

(1) the name, address and telephone number of the lobbyist;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) a description of the general subject or subjects on which the lobbyist has lobbied;

(4) the name of the person, organization, or legislative body before which the lobbyist has lobbied;

(5) (i) the compensation paid or owed to the lobbyist, and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying.

(ii) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expense is more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist;

(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars shall be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by the lobbyist for a period of three years.

(c) (1) All such periodic reports shall be subject to review by the commission.

(2) Such periodic reports shall be kept on file for three years and shall be open to public inspection during such time.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the

legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 9. Periodic reports of public corporations.** (a) 1. Every public corporation required to file a statement of registration pursuant to section five of this act which in any lobbying year expends or incurs expenses in an amount in excess of two thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying shall file with the commission a first periodic written report, on forms supplied by the commission, by the fifteenth day next succeeding the end of the reporting period in which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to March thirty-first, April first to May thirty-first, and June first to August thirty-first.

2. Any public corporation making a report pursuant to paragraph one of this subdivision shall thereafter file with the commission, on forms supplied by the commission, a periodic report for each reporting period that such public corporation expends or incurs expenses in an amount in excess of five hundred dollars for the purposes of lobbying during such

reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amount so expended during such reporting period and the cumulative total thereof during the lobbying year.

(b) Such periodic report shall contain:

1. the name, address and telephone number of such public corporation;

2. the name, address and telephone number of each lobbyist retained, employed or designated by such public corporation;

3. copies of all agreements relating to each such retainer, employment or designation, and if such retainer, employment or designation be oral, a statement of the substance of such agreement;

4. a description of the general subject or subjects on which the lobbyist has lobbied, and on which such public corporation has lobbied;

5. the name of the person, organization or legislative body before which the public corporation, or its lobbyists, has lobbied;

6. (i) the compensation paid or owed to the lobbyist and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying; provided, however, any such expenses paid by such public corporation to a lobbyist for the purpose of lobbying on behalf of such public corporation shall be itemized in the same manner as if such public corporation had directly paid or incurred such expenses.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of each such lobbyist;

(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for compensation other than that of each lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by such public corporation for a period of three years.

(c) 1. All such periodic reports shall be subject to review by the commission.

2. Such periodic reports shall be kept on file for a period of three years and shall be open to public inspection during such period.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 10. Annual reports.** (a) Annual reports shall be filed by:

(1) every lobbyist or public corporation required to file a statement of registration or a periodic report pursuant to section eight or nine of this act;

(2) any client retaining, employing or designating a lobbyist or lobbyists, whether or not any such lobbyist was required to file a periodic report, if during the year such client expended, received or incurred an amount in excess of two thousand dollars of combined reportable compensation and expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.

(b) Such report pursuant to paragraph one of subdivision (a) of this section shall be filed with the commission, on forms supplied by the commission, by the fifteenth day of January next following the year for which such report is made and shall contain on an annual cumulative basis all the information required in periodic reports by section eight or nine of this act.

(c) Such report pursuant to paragraph two of subdivision (a) of this section shall be filed with the commission, on forms supplied by the commission, by the fifteenth day of January next following the year for which such report is made and shall contain:

(1) the name, address and telephone number of the client;

(2) the name, address and telephone number of each lobbyist retained, employed or designated by such client;

(3) a description of the general subject or subjects on which each lobbyist retained, employed or designated by such client has lobbied, and on which such client has lobbied;

(4) the name of the person, organization, or legislative body before which such client has lobbied;

(5) (i) the compensation paid or owed to each such lobbyist, and any other expenses paid or incurred by such client for the purpose of lobbying.

(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purposes of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist and client;

(B) expenses, not in excess of five hundred dollars, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.

(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts and such checks and receipts shall be kept on file by such client for a period of three years.

(d) (1) All such annual reports shall be subject to review by the commission.

(2) Such annual reports shall be kept on file for a period of three years and shall be open to public inspection during such period.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 11. Contingent retainer.** No client shall retain or employ any lobbyist for compensation, the rate or amount of which compensation in whole or part is contingent or dependent upon the passage or defeat of any legislative bill or the approval or veto of any legislation by the governor, or the adoption or rejection of any code, rule or regulation having the force and effect of law or the outcome of any rate making proceeding by a state agency and no person shall accept such a retainer or employment. A violation of this section shall be a class A misdemeanor.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 12. Penalties.** (a) Except as provided for in section ten of this act, any person or organization who knowingly and wilfully violates any provision of this act, shall be guilty of a class A misdemeanor. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(b) A person or organization who fails to file a statement or report within the time required for the filing of such report shall be subject to a civil penalty, in an amount not to exceed five thousand dollars, to be assessed by the commission. Such assessment may only be imposed after written notice of such failure and the expiration of a reasonable period within which to cure the failure. The amount of such assessment shall be determined only after a hearing at which the party shall be entitled to appear and be heard. Such assessment may be recovered in an action brought by the attorney general.

(c) There is hereby established in the custody of the state comptroller a special fund to be known as the "Lobbying Act Enforcement Fund". Such fund shall consist of all moneys recovered by the attorney general or received by the commission from the assessment of civil penalties authorized by this section. Such moneys shall be deposited to the credit of such fund and shall, in addition to any other moneys made available for such purpose, be available to the commission generally for the purpose of enforcing the provisions of the lobbying act. All payments from the lobbying act enforcement fund shall be made on the audit and warrant of the state comptroller on vouchers certified and submitted by the chairman of the commission or the executive director of the commission if so designated by the chairman.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 13. Enforcement.** (a) All statements and reports required under this act shall be subject to a declaration by the person making and filing such statement and report that the information is true, correct and complete to the best knowledge and belief of the signer under the penalties of perjury.

(b) (1) Following a failure to make and file a statement or report required by this act, the commission shall notify the person or organization of such fact by certified mail, and that such filing must be made within fifteen days of the date of such notice.

(2) The failure to file any statement or report within the time provided for in paragraph one of this subdivision shall constitute a class A misdemeanor.

(3) Upon receipt of notice of such failure from the commission, the attorney general or other appropriate authority shall take such action as he deems appropriate to secure compliance with the provisions of this act.

(c) The commission shall be charged with the duty of reviewing all statements and reports required under this act for violations, and it shall be their duty, if they deem such to be wilful, to report such determination to the attorney general or other appropriate authority.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 13-a. Record of appearances.** The commission shall promulgate all rules or regulations and any procedures, forms, or instructions necessary to implement the provisions of section 166 of the executive law relating to the quarterly filing of the record of appearances before regulatory agencies.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 14. Publication of statement on lobbying regulations.** The commission shall publish a statement on lobbying regulations setting forth the requirements of this act in a clear and brief manner. Such statement shall contain an explanation of the registration and filing requirements and the penalties for violation thereof, together with such other information as the commission shall determine, and copies thereof shall be made available to the public at convenient locations throughout the state.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.

*** § 15. Separability clause.** If any part or provision of this act or the application thereof to any person or organization is adjudged by a court of competent jurisdiction to be unconstitutional, such judgment shall not affect or impair any other part or provision or the application thereof to any other person or organization, but shall be confined in its operation to the part, provision, person or organization directly involved in the controversy in which such judgment shall have been rendered.

* NB Chapter 2 of the laws of 1999 repealed, effective January 1, 2000, the lobbying act as enacted by section 1 of chapter 1040 of the laws of 1981. A new lobbying act was enacted as Article 1-A of the legislative law.

Section 5 of such chapter 2 transfers all of the functions and powers of the New York temporary state commission on lobbying created by such chapter 1040 to the New York temporary state commission on lobbying created by Article 1-A of the legislative law with respect to receiving the periodic and annual reports required to be filed pursuant to sections 8, 9 and 10 of the repealed chapter 1040. Also, pursuant to section 7 of such chapter 2, any action or proceeding commenced prior to January 1, 2000 under the old lobbying act shall be continued, prosecuted and defended pursuant to the old lobbying act as in effect on December 31, 1999.

Because of these provisions, the Commission will continue to set out the full text of the repealed lobbying act through December 31, 2000 in order that lobbyists who were subject to the former lobbying act may be adequately apprised of the responsibilities and obligations imposed upon them as continued by sections 5 and 7 of chapter 2 of the laws of 1999.