



Legislation Text

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Int. No. 1172-A

By The Speaker (Council Member Quinn) and Council Members Brewer, Koo, Koslowitz, Van Bramer, Rodriguez, Gennaro and Halloran (in conjunction with the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of lobbying, and to repeal section 3-214 of the administrative code of the city of New York, relating to the monthly docket of statements of registration required to be compiled by the city clerk.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision (c) of section 3-211 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

(1) The term “lobbying” or “lobbying activities” shall mean any attempt to influence:

(i) any determination made by the city council or any member thereof with respect to the introduction, passage [or], defeat, or substance of any local [law] legislation or resolution [by the city council],

(ii) [the approval or disapproval of any local law or resolution by the mayor] any determination made by the mayor to support, oppose, approve, or disapprove any local legislation or resolution, whether or not such legislation or resolution has been introduced in the city council,

(iii) any determination made by an elected city official or an officer or employee of the city with respect to the procurement of goods, services or construction, including the preparation of contract specifications, or the solicitation, award or administration of a contract, or with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies,

(iv) any determination made by the mayor, the city council, the city planning commission, a borough president, a borough board or a community board with respect to zoning or the use, development or improvement of real property subject to city regulation,

(v) any determination made by an elected city official or an officer or employee of the city with respect to the terms of the acquisition or disposition by the city of any interest in real property, with respect to a license or permit for the use of real property of or by the city, or with respect to a franchise, concession or revocable consent,

(vi) the proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law,

(vii) the decision to hold, timing or outcome of any rate making proceeding before an agency, [or]

(viii) the agenda or any determination of a board or commission[.],

(ix) any determination regarding the calendaring or scope of any city council oversight hearing,

(x) the issuance, repeal, modification or substance of a mayoral executive order, or

(xi) any determination made by an elected city official or an officer or employee of the city to support or oppose any state or federal legislation, rule or regulation, including any determination made to support or oppose that is contingent on any amendment of such legislation, rule or regulation, whether or not such legislation has been formally introduced and whether or not such rule or regulation has been formally proposed.

§ 2. Paragraph 3 of subdivision (c) of section 3-211 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

(3) The following persons and organizations shall be deemed not to be engaged in “lobbying activities”:

(i) persons engaged in advising clients, rendering opinions and drafting, in relation to proposed legislation, resolutions, rules, rates, or other proposed legislative, executive or administrative action, where such persons do not themselves engage in an attempt to influence such action;

(ii) newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities are limited to the publication or broadcast of news items, editorials or

other comment, or paid advertisements;

(iii) persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of an 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;

(iv) persons who appear before an agency in an adjudicatory proceeding;

(v) persons who prepare or submit a response to a request for information or comments by the city council or one of its committees, the mayor, or other elected city official or an agency;

(vi) (A) contractors or prospective contractors who communicate with or appear before city contracting officers or employees in the regular course of procurement planning, contract development, the contractor selection process, the administration of a contract, or the audit of a contract, when such communications or appearances are made by such contractors or prospective contractors personally, or through;

1. such officers and employees of the contractor or prospective contractor who are charged with the performance of functions relating to contracts:

2. subcontractors or prospective subcontractors who are or will be engaged in the delivery of goods, services or construction pursuant to the contract of such officers and employees of the subcontractor or prospective subcontractor who are charged with the performance of functions relating to contracts; or

3. persons who provide technical or professional services, as defined in clause (B) of this subparagraph, on behalf of such contractor, prospective contractor, subcontractor or prospective subcontractor.

(B) For the purposes of clause (A) of this subparagraph:

1. “technical services” shall be limited to advice and analysis directly applying any engineering, scientific, or other similar technical discipline;

2. “professional services” shall be limited to advice and analysis directly applying any legal, accounting or other similar professional discipline in connection with the following elements of the procurement process only: dispute resolution, vendor protests, responsiveness and responsibility determinations, determinations of

prequalification, suspensions, debarments, objections to registration pursuant to section 328 of the charter, contract interpretation, negotiation of contract terms after the award of a contract, defaults, the termination of contracts and audit of contracts. Any person who provides professional services pursuant to this subparagraph in connection with elements of the procurement process not specified above in this item, whether prior to, in connection with or after the award of a contract, shall be deemed to be engaged in lobbying activities, unless such person is deemed not to be engaged in lobbying activities under another provision of this paragraph; and

3. “city contracting officers or employees” shall not include elected officials or deputies of elected officials or any person not duly authorized to enter into and administer contracts and make determinations with respect thereto; [and]

(vii) persons or organizations who advertise the availability of goods or services with fliers, leaflets or other advertising circulars[.];

(viii) architects and engineers who communicate with or appear before a community board with respect to any action of such board, provided that the proceeding before the final decision-making board or commission to which the action relates is an adjudicatory proceeding;

(ix) architects and engineers who perform design work and draft plans pursuant to their state-issued professional license, or persons who work under the direct supervision of an architect or engineer who holds such a license, even if such work is preceded or followed by lobbying or lobbying activity as defined in paragraph one of this subdivision;

(x) (A) architects and engineers who communicate with or appear before boards or commissions with respect to:

1. an authorization by the city planning commission pursuant to the zoning resolution designated as minor by the city clerk; or

2. a decision related to real property by any other board or commission designated as minor by the city clerk.

(B) For the purposes of clause (A) of this subparagraph, the city clerk shall promulgate rules designating authorizations and decisions as “minor” based on the following factors:

1. the size and cost of the relevant project;
2. the size, class, and/or value of the property to which the relevant project relates; and
3. the size of the architecture or engineering firm typically involved in the type of project at issue.

(C) For the purposes of this subparagraph, “class” shall mean any of the classes of property defined in section 1802 of the real property tax law; and

(xi) architects and engineers, or their designees, who perform work, including communications with and appearances before boards or commissions, on capital projects under the direction of a city agency, provided that such work is performed pursuant to a contract, or subcontract of such contract, between such architects or engineers and the city agency directing such capital project.

§ 3. Subdivision (f) of section 3-211 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(f) The [term] terms “expenditure” or “expense” shall mean any expenditures or expenses, respectively, incurred by or reimbursed to the lobbyist for lobbying.

§ 4. Section 3-211 of the administrative code of the city of New York is amended by adding a new subdivision (j) to read as follows:

(j) The terms “architect” or “architecture firm” shall include landscape architects and landscape architecture firms, respectively.

§ 5. Subdivision (c) of section 3-212 of the administrative code of the city of New York, as added by local law number 15 for the year 2006, is amended to read as follows:

(c) The city clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and

amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the city clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; [and] (vi) the types and number of requests for assistance related to the lobbying law received by the city clerk, and, as soon as practicable, the average response and resolution times of such requests; (vii) the number of lobbyists filing statements of registration pursuant to section 3-213 of this subchapter for the first time; (viii) the subject matter of lobbying activity most frequently reported by lobbyists; (ix) the lobbying targets most frequently reported by lobbyists; (x) the lobbyists that received the highest compensation; and (xi) such other information and analysis as the city clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

§ 6. Section 3-212 of the administrative code of the city of New York is amended by adding new subdivisions (e) and (f) to read as follows:

(e) (1) The city clerk shall develop a protocol to review sources of information that may assist the city clerk in identifying lobbyists required to file statements of registration pursuant to section 3-213 of this subchapter who have not filed. Such review shall include, but need not be limited to, the following sources:

(i) statements of registration filed with the state joint commission on public ethics pursuant to section 1-e of the legislative law that contain information indicating that the lobbyist expects to engage in “lobbying” or “lobbying activities” as defined in paragraph one of subdivision c of section 3-211 of this subchapter;

(ii) notices of appearances compiled by city agencies, including, but not limited to, the landmarks preservation commission and the city planning commission, identifying the representative of an applicant; and

(iii) the “doing business database” as defined in subdivision twenty of section 3-702 of the code.

(2) The city clerk shall work with city agencies and the city council to develop notices and advertisements to be placed in print and electronic media intended to reach persons and organizations doing

business with the city that will inform them of the requirements set forth in this subchapter.

(f) The city clerk shall develop an online training program for lobbyists. Such program shall include information and training regarding conduct that may subject lobbyists and clients to the criminal and civil penalties set forth in this subchapter. As soon as practicable, the city clerk, in conjunction with the department of investigation, shall incorporate an anti-corruption component in such training.

§ 7. Subdivision (e) of the section 3-212 of the administrative code of the city of New York, as added by local law number 15 for the year 2006, is relettered subdivision (g) and amended to read as follows:

~~[(e) Twenty-four]~~ (g) ~~Between thirty-six and forty-eight~~ months after the effective date of the section of the local law that [added] amended this subdivision, the mayor and the city council shall jointly appoint a commission to review and evaluate the activities and performance of the city clerk in implementing the provisions of this subchapter. Within six months of such appointment the commission shall report to the mayor and city council on its review and evaluation which report shall include any administrative and legislative recommendations on [strengthening] improving the administration and enforcement of this subchapter[, as well as whether the commission would recommend raising the dollar threshold for the filing of a statement of registration]. The commission shall be comprised of five members and the mayor and the city council shall jointly designate a chair from among the members.

§ 8. Subdivision (a) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(a) (1) Every lobbyist shall annually file with the city clerk, on forms prescribed by the city clerk, 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 in any year does not [expend,] earn or incur [or receive] an amount in excess of [two] five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm, ten thousand dollars, of combined reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section 3-216 of this subchapter, for the purposes of lobbying.

(2) Such filing shall be completed on or before January [first] fifteenth by those persons who have been retained, employed or designated as lobbyists on or before December [fifteenth] thirty-first of the previous calendar year who reasonably anticipate that in the coming year they will [expend,] earn or incur [or receive] combined reportable compensation and expenses in an amount in excess of [two] five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm, ten thousand dollars. For those lobbyists retained, employed or designated after December [fifteenth] thirty-first, 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].

(3) Before a lobbyist files a statement of registration pursuant to paragraph one of this subdivision, the lobbyist and its client shall enroll in the electronic filing system.

§ 9. Paragraph 6 of subdivision (c) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(6) the [name] names of the [person or agency] persons and agencies before which the lobbyist [is lobbying] has lobbied or expects to lobby;

§ 10. Subdivision (c) of section 3-213 of the administrative code of the city of New York is amended by adding a new paragraph 8 to read as follows:

(8) 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.

§ 11. Paragraph 1 of subdivision (d) of section 3-213 of the administrative code of the city of New York, as amended by local law number 23 for the year 2007, is amended to read as follows:

(1) Whenever there is a change in the information filed by the lobbyist in the [original] statement of registration, other than a change to information submitted pursuant to paragraphs five and six of subdivision (c)

of this section, an amended statement shall be submitted to the city clerk on forms prescribed by the city clerk within ten days after such change occurs, except as provided in paragraph two of this subdivision[; however, this shall not require the lobbyist to amend the entire registration form].

§ 12. Section 3-213 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) If the city clerk grants an extension allowing a lobbyist to file a statement of registration later than the deadline contained in paragraph two of subdivision (a) of this section, the city clerk shall forward notice of such extension no later than the end of the following business day to the mayor's office of contract services for inclusion in the "doing business database" as defined in subdivision twenty of section 3-702 of the code.

§ 13. Section 3-214 of the administrative code of the city of New York is REPEALED.

§ 14. Section 3-215 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

§3-215 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 city clerk in the electronic filing system 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 of section 3-216.1 of this subchapter and the reporting requirements for the last periodic reporting period up to the date such activity has ceased as required by this subchapter and both such parties shall each file the annual report required by section 3-217 of this subchapter. [The city clerk shall enter notice of such termination in the appropriate monthly registration docket required by section 3-214 of this subchapter.]

§ 15. Subdivision (a) of section 3-216 of the administrative code of the city of New York, as amended by local law number 23 for the year 2007, is amended to read as follows:

(a) (1) [any] Any lobbyist, except a lobbyist described in paragraph two of this subdivision, required to

file a statement of registration pursuant to section 3-213 of this subchapter who in any lobbying year [expends, receives] earns or incurs combined reportable compensation and expenses in an amount in excess of [two] five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm, ten thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk [a first] periodic [written report] reports, on forms prescribed by the city clerk, [which to the extent practicable shall be identical in form to the periodic reporting forms used by the New York Temporary State Commission on Lobbying, or any successor thereto,] by the fifteenth day next succeeding the end of the reporting period on 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, June first to September thirtieth, and October first to] through the last day of February, March first through April thirtieth, May first through June thirtieth, July first through August thirty-first, September first through October thirty-first, and November first through December thirty-first[, or such other dates as the city clerk shall designate by rule to conform the periodic reporting periods with the periodic reporting periods of the New York Temporary State Commission on Lobbying, or any successor thereto].

(2) Any lobbyist that is an organization required to file a statement of registration pursuant to section 3-213 of this subchapter that lobbies solely on its own behalf by utilizing the services of its employees and that, in any lobbying year, earns or incurs combined reportable compensation and expenses in an amount in excess of five thousand dollars, but equal to or less than ten thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk periodic reports, on forms prescribed by the city clerk, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to June thirtieth, and July first to December thirty-first.

(3) Any lobbyist making a report pursuant to paragraph one or two of this subdivision shall thereafter file with the city clerk, on forms prescribed by the city clerk, a periodic report for each reporting period that

such person [expends, receives] earns or incurs combined reportable compensation and expenses in an amount in excess of [five hundred] one thousand 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] earned or incurred during such reporting period and the cumulative total during the lobbying year.

§ 16. Paragraph 4 of subdivision (b) of section 3-216 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(4) the [person or agency] names of the persons and agencies before which the lobbyist has lobbied;

§ 17. Subparagraph (i) of paragraph 5 of subdivision (b) of section 3-216 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

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

§ 18. Paragraph 5 of subdivision (b) of section 3-216 of the administrative code of the city of New York is amended by adding a new subparagraph (vi) to read as follows:

(vi) the expenses reimbursed by the client.

§ 19. Subdivision (c) of section 3-216 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(c) Notwithstanding any inconsistent provision of this section, where a lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter is not required to file a periodic report pursuant to subdivision (a) or (b) of this section because [he or she] such lobbyist has not [expended, received] earned or incurred compensation and expenses as therein specified, [he or she] such lobbyist shall file a periodic report stating that [he or she] such lobbyist has not [expended, received] earned or incurred such compensation and expenses by the fifteenth day next succeeding the end of the reporting period.

§ 20. Subdivision (d) of section 3-216 of the administrative code of the city of New York is relettered

subdivision (e).

§ 21. Section 3-216 of the administrative code of the city of New York is amended by adding new subdivisions (d) and (e) to read as follows:

(d) Whenever there is a change in the information filed by a lobbyist in a report filed pursuant to this section, an amended report shall be submitted to the city clerk on forms prescribed by the city clerk.

(e) If the city clerk grants an extension allowing a lobbyist to file a periodic report later than the deadline contained in paragraph one or two of subdivision (a) of this section, as applicable, the city clerk shall forward notice of such extension no later than the end of the following business day to the mayor's office of contract services for inclusion in the "doing business database" as defined in subdivision twenty of section 3-702 of the code.

§ 22. Subparagraph (i) of paragraph 3 of subdivision (b) of section 3-216.1 of the administrative code of the city of New York, as added by local law number 15 for the year 2006, is amended to read as follows:

(i) the compensation paid or owed to the lobbyist and any expenses incurred by the lobbyist for such fundraising and/or political consulting activities[.];

§ 23. Subdivision (d) of section 3-216.1 of the administrative code of the city of New York is relettered subdivision (e).

§ 24. Section 3-216.1 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) Whenever there is a change in the information filed by a lobbyist in a report filed pursuant to this section, an amended report shall be submitted to the city clerk on forms prescribed by the city clerk.

§ 25. Paragraph 2 of subdivision (a) of section 3-217 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(2) any client retaining, employing or designating a lobbyist or lobbyists, if during the year such client [expended, received or incurred] owed an amount in excess of [two] five thousand dollars or, if the lobbyist is

an architect or engineer, or an architecture or engineering firm, ten thousand dollars, of combined reportable compensation [or] and expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.

§ 26. Paragraph 4 of subdivision (c) of section 3-217 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

(4) the [person or agency] names of the persons and agencies before which such lobbyist has lobbied;

§ 27. Subparagraph (i) of paragraph 5 of subdivision (c) of section 3-217 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

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

§ 28. Section 3-219 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. To complete a training program on the requirements of this subchapter, developed by the city clerk, as follows:

(1) Each lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter that (i) lists five or more officers or employees who engage in lobbying activities or who are employed in the division that engages in lobbying activities and (ii) identifies thirty or more clients on whose behalf such organization has been retained shall designate two officers or employees to complete the training program biennially. At least one such officer or employee shall have engaged in lobbying activities in the year prior to such training.

(2) All other lobbyists required to file a statement of registration pursuant to section 3-213 of this subchapter shall designate at least one officer or employee to complete the training program biennially.

(3) Any lobbyist filing a statement of registration pursuant to section 3-213 of this subchapter for the

first time shall designate at least one officer or employee who shall register for such training program within fifteen days of the lobbyist's commencement of lobbying.

§ 29. Section 3-220 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

§3-220 Retention of records. Every person to whom this subchapter is applicable shall keep for at least five years a detailed and exact account of:

[(1)] (a) all compensation of any amount or value whatsoever;

[(2)] (b) the name and address of every person paying or promising to pay compensation of fifty dollars or more and the date thereof;

[(3)] (c) all expenditures made by or on behalf of the client; and

[(4)] (d) the name and address of every person to whom any item of expenditure exceeding fifty dollars is made, the date thereof and receipted bill for [said] such expenditure.

§ 30. Section 3-221 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

§3-221 Filing of statements and reports. (a) Any statement or report required by this subchapter shall be filed by electronic transmission in a standard format as required by the city clerk. Statements, reports[, dockets] and any other information required to be kept on file in the office of the city clerk for public inspection pursuant to this subchapter shall be kept in a computerized database and shall be posted on the internet as soon as practicable.

(b) The computerized database maintained pursuant to subdivision (a) of this section shall be searchable by, at a minimum, lobbyist name, client name, person or agency before which lobbying activities took place, and the local law number with year, bill number, resolution number, rule number, or other information sufficient to identify the matter on which lobbying has occurred.

§ 31. Section 3-222 of the administrative code of the city of New York, as added by local law number

14 for the year 1986, is amended to read as follows:

§3-222 Certification. All statements and reports required under this subchapter shall contain the following declaration: “I certify that all statements made on this statement are true and correct to the best of my knowledge and belief and I understand that the [wilful] willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render such statement null and void.”

§ 32. Subdivision (a) of section 3-223 of the administrative code of the city of New York, as amended by local law number 15 for the year 2006, is amended to read as follows:

(a) Except as provided for in subdivision (b) of this section, any person or organization who knowingly and [wilfully] willfully violates any provision of this subchapter shall be guilty of a class A misdemeanor. In addition to such criminal penalties, [said] such person or organization shall be subject to a civil penalty, in an amount not to exceed thirty thousand dollars, to be assessed by the city clerk, or an order to cease all lobbying activities subject to the jurisdiction of the city clerk for a period of time as determined by [said] such clerk not to exceed sixty days, or both such civil penalty and order.

§ 33. Subdivision (c) of section 3-223 of the administrative code of the city of New York, as amended by local law number 23 for the year 2007, is amended to read as follows:

(c) [The city clerk shall designate by rule penalties for late filing of any statement or report required by this subchapter, which shall conform with the schedule established by the New York Temporary State Commission on Lobbying, or any successor thereto, for such charges.] (1) Following a failure to make and file any [such] statement or report required by this subchapter, the city clerk shall notify the person or organization of such fact by certified mail that such filing must be made within fourteen business days of the date of mailing of such notice. The failure to file any statement or report within such time shall constitute a class A misdemeanor. In addition to such criminal [and late] penalties, [said] such person or organization shall be subject to a civil penalty, in an amount not to exceed twenty thousand dollars, to be assessed by the city clerk.

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.

(2) Any lobbyist or client who has never previously filed a statement of registration or any other report required by this subchapter shall be charged a late filing penalty of ten dollars for each day a required statement or report is late. If more than one statement or report is late, the total late filing penalty shall be equal to the sum of ten dollars per day multiplied by the number of such late statements or reports. Any other lobbyist or client shall be charged a late filing penalty of twenty-five dollars for each day a required statement or report is late. If more than one statement or report is late, the total late filing penalty shall be equal to the sum of twenty-five dollars per day multiplied by the number of such late statements or reports. Late filing penalties may be waived or reduced at the discretion of the city clerk. A lobbyist or client seeking a waiver or reduction of late filing penalties shall submit documentation as required by the city clerk. A decision to grant such a waiver or reduction shall be made in writing by the city clerk. The city clerk shall take the following factors into account in determining whether a waiver or reduction is appropriate:

- (i) whether and how often the lobbyist or client has filed late in the past;
- (ii) the annual operating budget of the lobbyist or client;
- (iii) whether the lobbyist lobbies solely on its own behalf;
- (iv) for periodic reports, the number of lobbying matters, number of hours spent working on those matters, and amount of compensation and expenditures that were not reported during the relevant period; and
- (v) the significance of the impediments to timely filing faced by the lobbyist or client.

§ 34. Section 3-223 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

(i)(1) The city clerk shall by rule establish an amnesty program for any lobbyist who was required to have filed, but has never filed, a statement of registration pursuant to section 3-213 of this subchapter, or any

client who was required to have filed, but has never filed, an annual report pursuant to section 3-217 of this subchapter, at any time on or after December tenth, two thousand six.

(2) Any lobbyist or client intending to participate in the amnesty program may file a written notice of intent to participate with the city clerk on forms prescribed by the city clerk, stating his, her or its intention to participate in such program, at any time prior to the effective date of the amnesty program. The city clerk shall not assess any late filing penalties or any civil penalties authorized by this section that could be assessed against any such lobbyist or client for the period from December tenth, two thousand six to the date of the filing of such notice. Any lobbyist or client filing a notice pursuant to this paragraph shall comply with all applicable provisions of this subchapter beginning on the day of such filing.

(3) Any lobbyist or client intending to participate in the amnesty program, including any lobbyist or client who has filed a notice pursuant to paragraph two of this subdivision, shall file a written application on forms prescribed by the city clerk on or after the effective date of the amnesty program, but prior to the expiration of such program. Such application shall include a summary, which shall meet the requirements of the city clerk, of the lobbying activities, fundraising activities or political consulting activities performed by such lobbyist or received by such client from one year prior to the effective date of the amnesty program until the date of such application or valid filing pursuant to paragraph two of this subdivision. Such amnesty program shall provide that upon the filing of such application and upon compliance with all applicable provisions of this subchapter, the city clerk shall waive any late filing penalties and any civil penalties authorized by this section that could be assessed against any such lobbyist or client for the period from December tenth, two thousand six to the date of the filing of such application or, if the lobbyist or client made a valid filing pursuant to paragraph two of this subdivision, to the date of such filing. In addition, any such lobbyist or client shall not be subject to any criminal penalties authorized by this section for the period from December tenth, two thousand six to the date of the filing of such application or, if the lobbyist or client made a valid filing pursuant to paragraph two of this subdivision, to the date of such filing.

(4) The term of the amnesty program established pursuant to this subdivision by rule of the city clerk shall not exceed six months, after which no application for amnesty shall be accepted. Prior to the commencement of, and during the term of, the amnesty program, the city clerk shall publicize the amnesty program so as to maximize public awareness of and participation in such program. The city clerk shall consult with city agencies and the city council to develop notices and advertisements to be placed in print and electronic media that are intended to reach persons and organizations doing business with the city.

(5) Notwithstanding any provision of this subdivision to the contrary, any lobbyist or client who is the subject of any criminal investigation relating to any violation of this subchapter and any lobbyist or client who is a party to any criminal litigation in any court of this state or the United States relating to any violation of this subchapter shall be ineligible to file the notice pursuant to paragraph two of this subdivision or the application pursuant to paragraph three of this subdivision or to otherwise receive relief from late filing penalties, or civil or criminal penalties under the amnesty program established pursuant to this subdivision.

(6) The city clerk shall promulgate such rules, issue forms and instructions, and take any and all other actions necessary to implement the provisions of this subdivision.

§ 35. This local law shall take effect one hundred fifty days after its enactment, except that subdivision (f) of section 3-212 of the administrative code of the city of New York, as added by section six of this local law; paragraph two of subdivision (a) of section 3-216 of the administrative code of the city of New York, as amended by section fifteen of this local law; and subdivision (b) of section 3-221 of the administrative code of the city of New York, as added by section thirty of this local law, shall each separately take effect when the city clerk and the department of information technology and telecommunications have certified that the city clerk and department of information technology and telecommunications are capable of implementing such respective provision, or two years after the enactment of this local law, whichever is earlier, and except that subdivision (a) of section 3-213 of the administrative code of the city of New York, as amended by section eight of this local law; paragraphs one and three of subdivision (a) of section 3-216 of the administrative code

of the city of New York, as amended by section fifteen of this local law; and paragraph two of subdivision (a) of section 3-217 of the administrative code of the city of New York, as amended by section twenty-five of this local law, shall take effect on January 1, 2014, and except that subdivision h of section 3-219, as added by section twenty-eight of this local law, shall take effect one year after its enactment.

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