

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1488 Session of 2008

INTRODUCED BY PICCOLA, BAKER, ORIE, FOLMER, WONDERLING, WAUGH, ARMSTRONG, PIPPY AND RHOADES, JUNE 16, 2008

SENATOR PICCOLA, STATE GOVERNMENT, AS AMENDED, JUNE 17, 2008

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in lobbying disclosure, further
3 providing for definitions, for reporting and for prohibited
4 activities.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 13A03 of Title 65 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 13A03. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 \* \* \*

14 "Widely attended." An event which must contain an audience
15 of invitees of 50 or more people.

16 Section 2. Sections ~~13A05(b)(3), (4), (5), (6), (7) and (8)~~ <—

17 13A05(B)(2) AND (3) and 13A07(f) of Title 65 are amended to <—

18 read:

1 § 13A05. Reporting.

2 \* \* \*

3 (b) Content.

4 \* \* \*

5 (2) EACH EXPENSE REPORT SHALL INCLUDE THE TOTAL COSTS OF <—  
6 ALL LOBBYING FOR THE PERIOD. THE TOTAL SHALL INCLUDE ALL  
7 OFFICE EXPENSES, PERSONNEL EXPENSES, EXPENDITURES RELATED TO  
8 [GIFTS, HOSPITALITY, TRANSPORTATION AND LODGING] ADMISSION,  
9 FOOD OR REFRESHMENTS TO STATE OFFICIALS OR EMPLOYEES, AND ANY  
10 OTHER LOBBYING COSTS. THE TOTAL AMOUNT REPORTED UNDER THIS  
11 PARAGRAPH SHALL BE ALLOCATED IN ITS ENTIRETY AMONG THE  
12 FOLLOWING CATEGORIES:

13 (I) THE COSTS FOR [GIFTS, HOSPITALITY,  
14 TRANSPORTATION AND LODGING] ADMISSION, FOOD OR  
15 REFRESHMENTS GIVEN TO OR PROVIDED TO STATE OFFICIALS OR  
16 EMPLOYEES OR THEIR IMMEDIATE FAMILIES.

17 (II) THE COSTS FOR DIRECT COMMUNICATION.

18 (III) THE COSTS FOR INDIRECT COMMUNICATION.

19 (IV) EXPENSES REQUIRED TO BE REPORTED UNDER THIS  
20 SUBSECTION SHALL BE ALLOCATED TO ONE OF THE THREE  
21 CATEGORIES LISTED UNDER THIS SECTION AND SHALL NOT BE  
22 INCLUDED IN MORE THAN ONE CATEGORY.

23 [(3) The following apply:

24 (i) In addition to reporting the totals required  
25 under this subsection, the expense report must identify,  
26 by name, position and each occurrence, a State official  
27 or employee who receives from a principal or lobbyist  
28 anything of value which must be included in the statement  
29 under section 1105(b)(6) or (7) (relating to statement of  
30 financial interests) as implemented by section 1105(d).

1 (ii) For purposes of this chapter, the amount  
2 referred to in section 1105(b)(7) shall be considered an  
3 aggregate amount per year.

4 (iii) For purposes of this chapter, the amount  
5 referred to in section 1105(b)(7) shall not include the  
6 cost of a reception which the State official or employee  
7 attends in connection with public office or employment.

8 (iv) Written notice must be given to each State  
9 official or employee who is listed in an expense report  
10 under this paragraph at least seven days prior to the  
11 report's submission to the department. Notice under this  
12 subparagraph shall include the information which will  
13 enable the State official or employee to comply with  
14 section 1105(b)(6) and (7). For purposes of this chapter  
15 and Chapter 11 (relating to ethics standards and  
16 financial disclosure), section 1105(b)(6) and (7) shall  
17 constitute mutually exclusive categories. For each  
18 category enumerated in paragraph (2)(i), each notice  
19 shall include both the amount incurred during the quarter  
20 and the cumulative amount incurred from January 1 through  
21 the end of the applicable quarter.

22 (v) This paragraph shall not apply to anything of  
23 value received from immediate family when the  
24 circumstances make it clear that motivation for the  
25 action was the personal or family relationship.] <—

26 \* \* \* <—

27 ~~(4) A lobbying firm or a lobbyist not associated with a~~ <—  
28 ~~lobbying firm shall sign the reports submitted by each~~  
29 ~~principal for whom the lobbying firm or lobbyist is~~  
30 ~~registered to attest to the validity and accuracy to the best~~

1 of the attester's knowledge. A lobbying firm or lobbyist may  
2 attach a statement to the report of a principal, describing  
3 the limits of the knowledge of the lobbying firm or lobbyist  
4 concerning the information contained in the expense report.

5 ~~(5) The expense report shall also include the name,~~  
6 ~~permanent business address and daytime telephone number of~~  
7 ~~any individual, association, corporation, partnership,~~  
8 ~~business trust or other business entity which contributed~~  
9 ~~more than 10% of the total resources received by the~~  
10 ~~principal during the reporting period.~~

11 ~~(6) A lobbying firm or a lobbyist not associated with a~~  
12 ~~lobbying firm shall submit an expense report if during the~~  
13 ~~reporting period the lobbying firm or lobbyist engaged in~~  
14 ~~lobbying which was not contained in any expense report filed~~  
15 ~~by a principal or principals represented.~~

16 ~~(7) A registered principal that attempts or that retains~~  
17 ~~a lobbying firm or lobbyist to attempt to influence an~~  
18 ~~agency's preparing, bidding, entering into or approving a~~  
19 ~~contract shall ensure that the related expenses are included~~  
20 ~~under paragraph (2).~~

21 ~~(8) A lobbying firm or a lobbyist not associated with a~~  
22 ~~lobbying firm shall submit a report if the lobbying firm or~~  
23 ~~lobbyist engaged in lobbying on behalf of any entity that is~~  
24 ~~exempt under section 13A06(7), (8), (9) or (10) (relating to~~  
25 ~~exemption from registration and reporting).]~~

26 \* \* \*

27 § 13A07. Prohibited activities.

28 \* \* \*

29 (f) Unlawful acts.--

30 (1) A lobbyist or principal may not:

1 (i) Instigate the introduction of legislation for  
2 the purpose of obtaining employment to lobby in  
3 opposition to that legislation.

4 (ii) Knowingly counsel a person to violate this  
5 chapter or any other Federal or State statute.

6 (iii) Engage in or counsel a person to engage in  
7 fraudulent conduct.

8 (iv) Attempt to influence a State official or  
9 employee on legislative or administrative action by  
10 making or facilitating the making of a loan to the State  
11 official or employee.

12 (v) While engaging in lobbying on behalf of the  
13 principal, refuse to disclose to a State official or  
14 employee, upon request, the identity of the principal.

15 (vi) Commit a criminal offense arising from  
16 lobbying.

17 (vii) Influence or attempt to influence, by  
18 coercion, bribery or threat of economic sanction, a State  
19 official or employee in the discharge of the duties of  
20 office.

21 (viii) Extort or otherwise unlawfully retaliate  
22 against a State official or employee by reason of the  
23 State official's or employee's position with respect to  
24 or vote on administrative or legislative action.

25 (ix) Attempt to influence a State official or  
26 employee on legislative or administrative action by the  
27 promise of financial support or the financing of  
28 opposition to the candidacy of the State official or  
29 employee at a future election.

30 (x) Engage in conduct which brings the practice of

1 lobbying or the legislative or executive branches of  
2 State government into disrepute.

3 (xi) Provide or reimburse a State official or  
4 employee with a gift, hospitality, lodging or travel  
5 expenses, except a State official or employee may  
6 receive:

7 (A) A plaque or decorative item recognizing an  
8 individual for an accomplishment, a trinket or  
9 memento of insignificant value.

10 (B) Complimentary admission or food or  
11 refreshments at an event that is not recreational in  
12 nature and is widely attended or was in good faith  
13 intended to be widely attended when attendance at the  
14 event is related to the State official's or  
15 employee's duties or responsibilities as a State  
16 official or employee or allows the State official or  
17 employee to perform a ceremonial function appropriate  
18 to the official's or employee's position.

19 (2) The commission may receive complaints regarding  
20 violations of this subsection. If the commission determines a  
21 violation of this subsection has occurred, the commission,  
22 after investigation, notice and hearing:

23 (i) shall impose an administrative penalty in an  
24 amount not to exceed \$2,000; and

25 (ii) may prohibit a lobbyist from lobbying for  
26 economic consideration for up to five years.

27 (3) The commission:

28 (i) may, as it deems appropriate, refer an alleged  
29 violation of this subsection to the Attorney General for  
30 investigation and prosecution; and

1           (ii) shall, if the subject of the complaint is an  
2           attorney at law, refer an alleged violation of this  
3           subsection to the board.

4           Section 3. This act shall take effect in 60 days.