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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2095** Session of  
1981

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INTRODUCED BY O'DONNELL, MANDERINO, HOEFFEL, COWELL, DUFFY,  
ZWIKL, BLAUM, BROWN, KUKOVICH, WACHOB, CUNNINGHAM, PERZEL,  
PISTELLA, MICHLOVIC, MORRIS, SHOWERS, RYBAK, CLARK AND  
KOWALYSHYN, NOVEMBER 24, 1981

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 24, 1981

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AN ACT

1 Amending the act of September 30, 1961 (P.L.1778, No.712),  
2 entitled, as amended, "An act regulating the practice of  
3 lobbying and providing penalties," adding and changing  
4 certain definitions, further providing for lobbyist  
5 registration and expense statements and providing further  
6 powers and duties of the State Ethics Commission.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 2 and 3, act of September 30, 1961  
10 (P.L.1778, No.712), known as the "Lobbying Registration and  
11 Regulation Act," amended October 7, 1976 (P.L.1051, No.212), are  
12 amended to read:

13 Section 2. Definitions.--As used in this act:

14 "Agency" means any department, departmental administrative  
15 board or commission, independent administrative board or  
16 commission, officer or other agency of this Commonwealth, now in  
17 existence or hereafter created, having Statewide jurisdiction,  
18 empowered to determine or affect private rights, privileges,  
19 immunities or obligations by regulation or adjudication, but

1 shall not include a court of record nor a magistrate, alderman  
2 or justice of the peace.

3 ["Compensation" means anything of economic value, however  
4 designated, which is paid, loaned, granted, given, donated or  
5 transferred, or to be paid, loaned, granted, given, donated or  
6 transferred for or in consideration to any person for lobbying:  
7 Provided, however, That such thing of economic value be in  
8 excess of five hundred dollars (\$500) per calendar year.

9 ["Expenses"] "Expenditures" means any [expenditures] expenses  
10 made or obligations incurred [for], including meals and  
11 entertainment of others, the costs of communication to the  
12 General Assembly or any agency and any other expenditure  
13 connected with lobbying[. Expenses shall not be construed to  
14 mean the salaries or fees paid to or received by a lobbyist or  
15 the cost of a lobbyist maintaining office facilities], salaries,  
16 benefits, rent, office expenses and travel.

17 "Commission" means the State Ethics Commission.

18 "Formal action" means promulgation, adoption, amendment or  
19 repeal of any regulation.

20 "Legislation" means bills, resolutions, amendments and  
21 nominations pending or proposed in either the House of  
22 Representatives or the Senate, including any other matter which  
23 may become the subject of action by either House.

24 ["Lobbying" and "lobby" mean:

25 (i) to advocate the passage or defeat of legislation to  
26 members or staff of the General Assembly, or the approval or  
27 veto of legislation to the Governor or his staff; or

28 (ii) to advocate to officers or employes of any agency that  
29 the agency take or refrain from taking any formal action, or  
30 that any agency engage in lobbying as defined in subparagraph

1 (i).

2 "Lobbyist" means any natural person who:

3 (i) Is employed or engaged for compensation, by any other  
4 person or any partnership, committee, association, corporation  
5 or any other organization to lobby.

6 (ii) Makes expenditures or incurs obligations on behalf of  
7 any one person he represents in excess of three hundred dollars  
8 (\$300) in any calendar month except that a natural person shall  
9 not be considered a lobbyist when he:

10 (A) Formally communicates with or formally presents  
11 testimony before an agency of the Commonwealth or the General  
12 Assembly.

13 (B) Testifies before a committee of the General Assembly.

14 (C) Is an officer, official or employe of the Commonwealth  
15 of Pennsylvania or any political subdivision thereof and is  
16 acting in his official capacity.]

17 "Lobbying" and "lobby" means to communicate to members or  
18 staff of the General Assembly or any officer or employe of an  
19 agency directly or by agents or employes for the purpose of  
20 advocating:

21 (i) the passage, defeat, amendments, approval or veto of  
22 legislation; or

23 (ii) taking, refraining from taking or modifying and formal  
24 action by any agency.

25 "Lobbyist" means any person, partnership, committee,  
26 association, corporation or other organization who lobbies  
27 directly or by agents or who employs, hires or constructs with  
28 any person, partnership, committee, association, corporation or  
29 other organization and expends five hundred dollars (\$500) or  
30 more per year in connection with such lobbying activity. A

1 lobbyist shall not include an officer, official or employe of  
2 the Commonwealth of Pennsylvania or any political subdivision  
3 thereof and is acting in his official capacity.

4 "Pecuniary benefit" means money, goods, services, or anything  
5 else having a monetary value.

6 ["Person" means any individual, partnership, committee,  
7 association, corporation or other organization.

8 "Regulation" means any rule, regulation or order in the  
9 nature of a rule or regulation, including formal and informal  
10 opinions of the Attorney General, of general application and  
11 future effect, promulgated by an agency under statutory  
12 authority in the administration of any statute administered by  
13 or relating to the agency, or prescribing the practice or  
14 procedure before such agency.]

15 Section 3. Registration of Lobbyists Required.--(a) Within  
16 [five] the first thirty days [after a lobbyist engages in  
17 lobbying for the first time] in any calendar year [such] each  
18 lobbyist shall submit to the [Chief Clerk of the House of  
19 Representatives and the Secretary of the Senate] commission a  
20 registration statement made under oath or affirmation before an  
21 officer authorized by law to administer oaths, setting forth the  
22 name and business address of the lobbyist[, the name and address  
23 of the person, partnership, committee, association, corporation  
24 or other organization by whom he is employed or engaged, in  
25 whose interest he will lobby and the duration of his employment.

26 (b) Each time during any calendar year that a lobbyist first  
27 represents the interests of, or is first compensated by, a  
28 person not listed in the registration statement required in  
29 subsection (a), he shall within five days file a supplemental  
30 statement containing the information required in subsection

1 (a)].

2 Section 2. Section 6 of the act is amended to read:

3 Section 6. Compilation and Printing of Facts from  
4 Registration Statements.--The facts set forth in registration  
5 statements submitted to the [Chief Clerk of the House of  
6 Representatives and the Secretary of the Senate] commission  
7 during each month of each session of the General Assembly shall  
8 be compiled [by them, acting jointly,] and printed within thirty  
9 days [thereafter in the Appendix].

10 Section 3. Section 7 of the act, amended October 7, 1976  
11 (P.L.1051, No.212), is amended to read:

12 Section 7. Filing of Statement of Expenses and Obligations  
13 Required.--(a) Every lobbyist subject to the expenditures  
14 provision of subparagraph (ii) of section 2, defining lobbyist,  
15 for any month, shall on January 30 and July 30 for the periods  
16 ending December 31 and June 30 respectively file with the [Chief  
17 Clerk of the House of Representatives and the Secretary of the  
18 Senate] commission a sworn statement of [the] all expenditures  
19 made and obligations incurred [by him or any agent] in  
20 connection with or relative to his lobbying activities [as such  
21 lobbyist] for the preceding months of the period. Such  
22 statements should separately state amounts spent for (i) meals,  
23 (ii) entertainment, (iii) the cost of communication to the  
24 General Assembly or to the Governor or his staff or to an  
25 agency, (iv) expenses incurred for salaries and other  
26 employment benefits, rent and other office expenses and travel,  
27 and [(iv)] (v) other expenditures connected with lobbying. In  
28 addition to stating the expenses incurred, the sworn statement  
29 shall identify by name and position any elected or appointed  
30 official or any other employe of the Commonwealth of

1 Pennsylvania who receives any pecuniary benefit in connection  
2 with such lobbying in excess of one hundred fifty dollars (\$150)  
3 in any period as a result of expenses paid or obligations  
4 incurred by the lobbyist or his agent. The statement shall  
5 separately set forth the monthly expenses incurred in connection  
6 with lobbying on behalf of each person in whose interest the  
7 lobbyist has engaged in lobbying during the preceding period.

8 [(b) Where lobbyist fails or refuses to comply with  
9 subsection (a) of section 7, the person, partnership, committee,  
10 association, corporation or other organization in whose interest  
11 the lobbyist is employed, must report the amount advanced or  
12 reimbursed the lobbyist for the reporting period.

13 (c)] (b) All information required to be reported or filed  
14 under any provision of this act shall be rendered in such form  
15 as shall be prescribed [jointly by the Chief Clerk of the House  
16 of Representatives and the Secretary of the Senate] by the  
17 commission. These statements shall be open to the public for  
18 inspection during regular business hours, and copies shall be  
19 furnished to any member of the public upon request at cost.

20 Section 4. This act shall take effect January 1, 1982.