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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2786** Session of  
1978

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INTRODUCED BY SCIRICA, BERSON, O'DONNELL AND YOHN,  
SEPTEMBER 19, 1978

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 19, 1978

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AN ACT

1 Relating to lobbying and providing penalties.

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21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the "Lobbyist

25 Reporting Act."

26 Section 2. Definitions.

27 The following words and phrases when used in this act shall

28 have, unless the context clearly indicates otherwise, the

29 meanings given to them in this section:

30 "Agency." All State agencies and all local agencies. "State

1 agency" includes every State office, public official,  
2 department, division, bureau, board, commission or other State  
3 agency. "Local agency" includes every political subdivision, or  
4 any board, commission or agency thereof, or other local public  
5 agency.

6 "Candidate." Any individual who seeks election to public  
7 office. An individual shall be deemed to seek election when he  
8 first:

9 (1) receives contributions or makes expenditures or  
10 reserves space or facilities with intent to promote his  
11 candidacy for office; or

12 (2) announces publicly or files for office.

13 "Commission." The Public Disclosure Commission which is  
14 established by this act.

15 "Compensation." Includes payment in any form for real or  
16 personal property or services of any kind.

17 "Contribution." A loan, gift, deposit, subscription,  
18 forgiveness of indebtedness, donation, advance, pledge, payment  
19 or transfer of anything of value, including personal and  
20 professional services for less than full consideration, but does  
21 not include ordinary home hospitality and the rendering of  
22 "part-time" personal services of the sort commonly performed by  
23 volunteer campaign workers or incidental expenses personally  
24 incurred by volunteer campaign workers not in excess of \$25  
25 personally paid for by such worker. "Part-time" services, for  
26 the purposes of this act, means services in addition to regular  
27 full-time employment, or, in the case of an unemployed person,  
28 services not in excess of 20 hours per week, excluding weekends.  
29 For the purposes of this act, contributions other than money or  
30 its equivalents shall be deemed to have a money value equivalent

1 to the fair market value of the contribution. Sums paid for  
2 tickets to fund-raising events such as dinners and parties are  
3 contributions; however, the amount of any such contribution may  
4 be reduced for the purpose of complying with the reporting  
5 requirements of this act, by the actual cost of consumables  
6 furnished in connection with the purchase of such tickets, and  
7 only the excess over actual cost of such consumables shall be  
8 deemed a contribution.

9 "Expenditure." Includes a payment, contribution,  
10 subscription, distribution, loan, advance, deposit or gift of  
11 money or anything of value, and includes a contract, promise or  
12 agreement, whether or not legally enforceable, to make an  
13 expenditure. The term "expenditure" also includes a promise to  
14 pay, a payment or a transfer of anything of value in exchange  
15 for goods, services, property, facilities, or anything of value  
16 for the purpose of assisting, benefiting or honoring any public  
17 official or candidate or assisting in furthering or opposing any  
18 election campaign. For the purposes of this act, agreements to  
19 make expenditures, contracts and promises to pay may be reported  
20 as estimated obligations until actual payment is made.

21 "Legislation." Bills, resolutions, motions, amendments,  
22 nominations and other matters pending or proposed in either  
23 House of the State Legislature, and includes any other matter  
24 which may be the subject of action by either House, or any  
25 committee of the Legislature and all bills and resolutions which  
26 having passed both Houses, are pending approval by the Governor.

27 "Lobby" and "lobbying." Attempting to influence the passage  
28 or defeat of any legislation by the Legislature of the  
29 Commonwealth, or the adoption or rejection of any rule,  
30 standard, rate or other legislative enactment of any State

1 agency.

2 "Lobbyist." Any person who shall lobby either in his own or  
3 another's behalf.

4 "Lobbyist's employer." The person or persons by whom a  
5 lobbyist is employed and all persons by whom he is compensated  
6 for acting as a lobbyist.

7 Section 3. Registration of lobbyists.

8 (a) Before doing any lobbying, or within 30 days after being  
9 employed as a lobbyist, whichever occurs first, a lobbyist shall  
10 register by filing with the commission a lobbyist registration  
11 statement, in such detail as the commission shall prescribe,  
12 containing:

13 (1) His name, permanent business address and any  
14 temporary residential and business addresses in the county  
15 during the legislative session.

16 (2) The name, address and occupation or business of the  
17 lobbyist's employer.

18 (3) The duration of his employment.

19 (4) His compensation for lobbying; how much he is to be  
20 paid for expenses, and what expenses are to be reimbursed;  
21 and a full and particular description of any agreement,  
22 arrangement or understanding according to which his  
23 compensation, or any portion thereof, is or will be  
24 contingent upon the success of any attempt to influence  
25 legislation.

26 (5) Whether the person from whom he receives said  
27 compensation employs him solely as a lobbyist or whether he  
28 is a regular employee performing services for his employer  
29 which include but are not limited to the influencing of  
30 legislation.

1           (6) The general subject or subjects of his legislative  
2 interest.

3           (7) A written authorization from each of the lobbyist's  
4 employers confirming such employment.

5           (8) The name and address of the person who will have  
6 custody of the accounts, bills, receipts, books, papers and  
7 documents required to be kept under this act.

8           (9) If the lobbyist's employer is an entity (including,  
9 but not limited to, business and trade associations) whose  
10 members include, or which as a representative entity  
11 undertakes lobbying activities for, businesses, groups,  
12 associations or organizations, the name and address of each  
13 member of such entity or person represented by such entity  
14 whose fees, dues, payments or other consideration paid to  
15 such entity during either of the prior two years have  
16 exceeded \$500 or who is obligated to or has agreed to pay  
17 fees, dues, payments or other consideration exceeding \$500 to  
18 such entity during the current year.

19       (b) Any lobbyist who receives or is to receive compensation  
20 from more than one person for his services as a lobbyist shall  
21 file a separate notice of representation with respect to each  
22 such person; except that where a lobbyist whose fee for acting  
23 as such in respect to the same legislation or type of  
24 legislation is, or is to be, paid or contributed to by more than  
25 one person then such lobbyist may file a single statement, in  
26 which he shall detail the name, business address and occupation  
27 of each person so paying or contributing, and the amount of the  
28 respective payments or contributions made by each such person.

29       (c) Whenever a change, modification or termination of the  
30 lobbyist's employment occurs, the lobbyist shall, within one

1 week of such change, modification or termination, furnish full  
2 information regarding the same by filing with the commission an  
3 amended registration statement.

4 (d) Each lobbyist who has registered shall file a new  
5 registration statement, revised as appropriate, each January,  
6 and failure to do so shall terminate his registration.

7 Section 4. Photograph and information; booklet; publication;  
8 Lobbyists' Booklet Revolving Fund.

9 (a) Each lobbyist shall at the time he registers submit to  
10 the commission a recent three inch by five inch black and white  
11 photograph of himself together with the name of the lobbyist's  
12 employer, the length of his employment as a lobbyist before the  
13 Legislature, a brief biographical description and any other  
14 information he may wish to submit not to exceed 50 words in  
15 length. Such photograph and information will be published at  
16 least annually in booklet form by the commission for  
17 distribution to legislators and the public.

18 (b) There is established a fund to be known as the  
19 Lobbyists' Booklet Revolving Fund which shall consist of all  
20 receipts from sales of the booklets described in subsection (a).  
21 This fund shall be used for expenses of production and sale of  
22 such booklets and for no other purpose.

23 Section 5. Exemption from registration.

24 The following persons and activities shall be exempt from  
25 registration and reporting under this act:

26 (1) Persons who limit their lobbying activities to  
27 appearance before public sessions of committees of the  
28 Legislature, or public hearings of State agencies.

29 (2) News or feature reporting activities and editorial  
30 comment by working members of the press, radio or television

1 and the publication or dissemination thereof by a newspaper,  
2 book publisher, regularly published periodical, radio station  
3 or television station.

4 (3) Persons who lobby without compensation or other  
5 consideration for acting as a lobbyist, provided, such person  
6 makes no expenditure for or on behalf of any member of the  
7 Legislature or elected official or public officer or employee  
8 of the Commonwealth in connection with such lobbying. Any  
9 person exempt under this clause may at his option register  
10 and report under this act.

11 (4) Persons who restrict their lobbying activities to no  
12 more than four days or parts thereof during any three-month  
13 period and whose total expenditures during such three-month  
14 period for or on behalf of any one or more members of the  
15 Legislature or State elected officials or public officers or  
16 employees of the Commonwealth in connection with such  
17 lobbying do not exceed \$15: Provided, That the commission  
18 shall promulgate regulations to require disclosure by persons  
19 exempt under this subsection or their employers or entities  
20 which sponsor or coordinate the lobbying activities of such  
21 persons if it determines that such regulations are necessary  
22 to prevent frustration of the purposes of this act. Any  
23 person exempt under this clause may at his option register  
24 and report under this act.

25 (5) The Governor.

26 (6) The Lieutenant Governor.

27 (7) Except as provided by section 8, members of the  
28 Legislature.

29 (8) Except as provided by section 8, persons employed by  
30 the Legislature for the purpose of aiding in the preparation



1 or enactment of legislation or the performance of legislative  
2 duties.

3 (9) Except as provided by section 8, elected State  
4 officers, State officers appointed by the Governor subject to  
5 confirmation by the Senate and employees of any State agency.

6 Section 6. Reporting by lobbyists.

7 (a) Any lobbyist registered under this act and any person  
8 who lobbies shall file with the commission periodic reports of  
9 his activities signed by both the lobbyist and the lobbyist's  
10 employers. The reports shall be made in the form and manner  
11 prescribed by the commission. They shall be due quarterly and  
12 shall be filed within 30 days after the end of the calendar  
13 quarter covered by the report. In addition to the quarterly  
14 reports, while the Legislature is in session, any lobbyist who  
15 lobbies with respect to any legislation shall file interim  
16 weekly periodic reports for each week that the Legislature is in  
17 session, which reports need be signed only by the lobbyist and  
18 which shall be filed on each Tuesday for the activities of the  
19 week ending on the preceding Saturday: Provided, That it shall  
20 not be necessary to file any such interim weekly periodic  
21 reports for any week during which no expenditure reportable  
22 under subsection (b) was made by the reporting person.

23 (b) Each such quarterly and weekly periodic report shall  
24 contain:

25 (1) The totals of all expenditures made or incurred by  
26 such lobbyist or on behalf of such lobbyist by the lobbyist's  
27 employer during the period covered by the report, which  
28 totals shall be segregated according to financial category,  
29 including food and refreshments; living accommodations;  
30 advertising; travel; telephone; contributions; office

1 expenses, including rent and the salaries and wages paid for  
2 staff and secretarial assistance, or the proportionate amount  
3 thereof, paid or incurred for lobbying activities; and other  
4 expenses or services: Provided however, That unreimbursed  
5 personal living and travel expenses of a lobbyist not  
6 incurred directly or indirectly for any lobbying purpose need  
7 not be reported: And, provided further, That the interim  
8 weekly reports of legislative lobbyists for the legislative  
9 session need show only the expenditures for food and  
10 refreshments; living accommodations; travel; contributions;  
11 and such other categories as the commission shall prescribe  
12 by rule. Each individual expenditure of more than \$15 for  
13 entertainment shall be identified by date, place, amount and  
14 the names of all persons in the group partaking in or of such  
15 entertainment including any portion thereof attributable to  
16 the lobbyist's participation therein but without allocating  
17 any portion of such expenditure to individual participants.

18 (2) In the case of a lobbyist employed by more than one  
19 employer, the proportionate amount of such expenditures in  
20 each category incurred on behalf of each of his employers.

21 (3) An itemized listing of each such expenditure in the  
22 nature of a contribution of money or of tangible or  
23 intangible personal property to any legislator, or for or on  
24 behalf of any legislator. All contributions made to, or for  
25 the benefit of, any legislator shall be identified by date,  
26 amount and the name of the legislator receiving, or to be  
27 benefited by each such contribution.

28 (4) The subject matter of proposed legislation or rule-  
29 making; the proposed rules, regulations, standards, rates or  
30 other legislative or administrative enactments (the State

administrative procedure acts) and the State agency considering the same; and the number of each Senate or House bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: Provided, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Section 7. Reports by employers of registered lobbyists.

(a) Every employer of a lobbyist registered under this act during the preceding calendar year shall file with the commission on or before March 31 of each year a statement disclosing for the preceding calendar year the following information:

(1) The name of each State elected official and the name of each candidate for State office who was elected to such office and any member of the immediate family of such persons to whom such employer has paid any compensation in the amount of \$500 or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union or other entity in which such person holds any office, directorship or any general partnership interest or an ownership interest of 10% or more, the value of such compensation in accordance with the reporting provisions set out in subsection (b), as now or hereafter amended, and the consideration given or performed in exchange for such compensation.

(2) The name of each State elected official, successful candidate for State office or members of his immediate family to whom the lobbyist employer made expenditures, directly or

1 indirectly, either through a lobbyist or otherwise, the  
2 amount of such expenditures and the purpose for such  
3 expenditures: Provided, That for the purposes of this  
4 subsection, the term expenditure shall not include any  
5 expenditure made by the employer in the ordinary course of  
6 business if such expenditure is not made for the purpose of  
7 influencing, honoring or benefiting such elected official,  
8 successful candidate or member of his immediate family, as an  
9 elected official or candidate.

10 (3) The total expenditures made by the employer for  
11 lobbying purposes, whether through or on behalf of a  
12 registered lobbyist or otherwise.

13 (4) All contributions made to a candidate for State  
14 office, to a political committee supporting or opposing a  
15 candidate for State office, or to a political committee  
16 supporting or opposing a Statewide ballot proposition. Such  
17 contributions shall be identified by the name and the address  
18 of the recipient and the aggregate amount contributed to each  
19 such recipient.

20 (5) The name and address of each registered lobbyist  
21 employed by such employer.

22 (6) Such other information as the commission shall by  
23 rule prescribe.

24 (b) Where an amount of money is required to be reported, it  
25 shall be sufficient to comply with such requirement to report  
26 whether the amount is less than \$1,000, at least \$1,000 but less  
27 than \$5,000, at least \$5,000 but less than \$10,000, at least  
28 \$10,000 but less than \$25,000, or \$25,000 or more. An amount of  
29 stock may be reported by number of shares instead of by market  
30 value. No provision of this subsection shall be interpreted to

1 prevent any person from filing more information or more detailed  
2 information than required.

3 Section 8. Legislative activities of State agencies and other  
4 units of government.

5 (a) Every legislator and every committee of the Legislature  
6 shall file with the commission quarterly reports listing the  
7 names, addresses and salaries of all persons employed by the  
8 person or committee making the filing for the purpose of aiding  
9 in the preparation or enactment of legislation or the  
10 performance of legislative duties of such legislator or  
11 committee during the preceding quarter. The reports shall be  
12 made in the form and the manner prescribed by the commission and  
13 shall be filed between the first and tenth days of each calendar  
14 quarter: Provided, That the information required by this  
15 subsection may be supplied, insofar as it is available, by the  
16 Chief Clerk of the House of Representatives or by the Secretary  
17 of the Senate on a form prepared by the commission.

18 (b) Unless expressly authorized by law, no State funds shall  
19 be used directly or indirectly for lobbying, provided, this  
20 shall not prevent State officers or employees from communicating  
21 with a member of the Legislature on the request of that member;  
22 or communicating to the Legislature, through the proper official  
23 channels, requests for legislative action or appropriations  
24 which are deemed necessary for the efficient conduct of the  
25 public business or actually made in the proper performance of  
26 their official duties: Provided further, That this subsection  
27 shall not apply to the Legislative Branch.

28 (c) Each State agency which expends State funds for lobbying  
29 pursuant to an express authorization by law or whose officers or  
30 employees communicate on legislation directly affecting the

1 agency to members of the Legislature on request of any member or  
2 communicate to the Legislature requests for legislation shall  
3 file with the commission quarterly statements providing the  
4 following information for the quarter just completed:

5 (1) The name of the agency filing the statement.

6 (2) The name, title and job description and salary of  
7 each employee engaged in such legislative activity, a general  
8 description of the nature of his legislative activities and  
9 the proportionate amount of his time spent on such  
10 activities.

11 The statement shall be in the form and the manner prescribed  
12 by the commission and shall be filed within 30 days after the  
13 end of the quarter covered by the report.

14 (d) The provisions of this section shall not relieve any  
15 State officer or any employee of a State agency from complying  
16 with other provisions of this act, if such officer or employee  
17 is not otherwise exempted.

18 Section 9. Intergovernmental information and communications;  
19 reimbursement of employees for expenses incurred  
20 authorized; reporting.

21 (a) Any political subdivision may individually compensate  
22 and pay for the necessary travel and living expenses incurred by  
23 its officers or employees for services rendered on behalf of  
24 said political subdivision in connection with providing  
25 information to or communicating with any Federal, State or local  
26 elected official or public employee: Provided, That this section  
27 shall not permit the use of such funds as a direct or indirect  
28 emolument, or direct or indirect campaign contribution, provided  
29 to any Federal, State or local elected official or public  
30 employee who is so contacted by any officer or employee of a

1 political subdivision.

2 (b) For the purposes of promoting open government, any  
3 political subdivision which expends funds pursuant to subsection  
4 (a) shall report such funds in the same manner as a State agency  
5 would report the expenditures of funds for such purposes  
6 pursuant to section ?.

7 Section 10. Lobbying campaigns.

8 (a) Any person who has made expenditures, not reported under  
9 other sections of this act, exceeding \$500 in the aggregate  
10 within any three-month period or exceeding \$200 in the aggregate  
11 within any one-month period in presenting a program addressed to  
12 the public, a substantial portion of which is intended, designed  
13 or calculated primarily to influence legislation shall be  
14 required to register and report, as provided in subsection (b),  
15 as a sponsor of a lobbying campaign.

16 (b) Within 30 days after becoming a sponsor of a lobbying  
17 campaign, the sponsor shall register by filing with the  
18 commission a registration statement, in such detail as the  
19 commission shall prescribe, showing:

20 (1) The sponsor's name, address and business or  
21 occupation, and, if the sponsor is not an individual, the  
22 names, addresses and titles of the controlling persons  
23 responsible for managing the sponsor's affairs.

24 (2) The names, addresses and business or occupation of  
25 all persons organizing and managing the campaign or hired to  
26 assist the campaign, including any public relations or  
27 advertising firms participating in the campaign, and the  
28 terms of compensation for all such persons.

29 (3) The names and addresses of all persons contributing  
30 to the campaign and the amount contributed by each

1 contributor.

2 (4) The purpose of the campaign, including the specific  
3 legislation, rules, regulations, rates, standards or  
4 proposals which are the subject matter of the campaign.

5 (5) The totals of all expenditures made or incurred to  
6 date on behalf of the campaign, which totals shall be  
7 segregated according to financial category, including but not  
8 limited to the following: advertising, segregated by media,  
9 and in the case of large expenditures (as provided by rule of  
10 the commission), by outlet; contributions; entertainment,  
11 including food and refreshments; office expenses including  
12 rent and the salaries and wages paid for staff and  
13 secretarial assistance or the proportionate amount thereof  
14 paid or incurred for lobbying campaign activities;  
15 consultants; and printing and mailing expenses.

16 (b) Every sponsor who has registered under this section  
17 shall file monthly reports with the commission, which shall be  
18 filed by the tenth day of the month for the activity during the  
19 preceding month. The reports shall update the information  
20 contained in the sponsor's registration statement and in prior  
21 reports and shall show contributions received and totals of  
22 expenditures made during the month, in the same manner as  
23 provided for in the registration statement.

24 (c) When the campaign has been terminated, the sponsor shall  
25 file a notice of termination with the final monthly report,  
26 which notice shall state the totals of all contributions and  
27 expenditures made on behalf of the campaign, in the same manner  
28 as provided for in the registration statement.

29 Section 11. Employment of legislators, attaches or State  
30 employees; statement, contents and filing.



1 If any person registered or required to be registered as a  
2 lobbyist under this act employs, or if any employer of any  
3 person registered or required to be registered as a lobbyist  
4 under this act, employs any member of the Legislature, or any  
5 member of any State board or commission, or any employee of the  
6 Legislature, or any full-time State employee, if such new  
7 employee shall remain in the partial employ of the State or any  
8 agency thereof, then the new employer shall file a statement  
9 under oath with the commission setting out the nature of the  
10 employment, the name of the person to be paid thereunder, and  
11 the amount of pay or consideration to be paid thereunder. The  
12 statement shall be filed within 15 days after the commencement  
13 of such employment.

14 Section 12. Employment of unregistered persons.

15 It shall be a violation of this act for any person to employ  
16 for pay or any consideration, or pay or agree to pay any  
17 consideration to, a person to lobby who is not registered under  
18 this act except upon condition that such person register as a  
19 lobbyist as provided by this act and such person does in fact so  
20 register as soon as practicable.

21 Section 13. Duties of lobbyists.

22 (a) A person required to register as a lobbyist under this  
23 act shall also have the following obligations, the violation of  
24 which shall constitute cause for revocation of his registration,  
25 and may subject such person, and such person's employer, if such  
26 employer aids, abets, ratifies or confirms any such act, to  
27 other civil liabilities, as provided by this act. Such persons  
28 shall obtain and preserve all accounts, bills, receipts, books,  
29 papers and documents necessary to substantiate the financial  
30 reports required to be made under this act for a period of at

1 least six years from the date of the filing of the statement  
2 containing such items, which accounts, bills, receipts, books,  
3 papers and documents shall be made available for inspection by  
4 the commission at any time: Provided, That if a lobbyist is  
5 required under the terms of his employment contract to turn any  
6 records over to his employer, responsibility for the  
7 preservation of such records under this subsection shall rest  
8 with such employer.

9 (b) In addition, a person required to register as a lobbyist  
10 shall not:

11 (1) Engage in any activity as a lobbyist before  
12 registering as such.

13 (2) Knowingly deceive or attempt to deceive any  
14 legislator as to any fact pertaining to any pending or  
15 proposed legislation.

16 (3) Cause or influence the introduction of any bill or  
17 amendment thereto for the purpose of thereafter being  
18 employed to secure its defeat.

19 (4) Knowingly represent an interest adverse to any of  
20 his employers without first obtaining such employer's written  
21 consent thereto after full disclosure to such employer of  
22 such adverse interest.

23 (5) Exercise any undue influence, extortion or unlawful  
24 retaliation upon any legislator by reason of such  
25 legislator's position with respect to, or his vote upon, any  
26 pending or proposed legislation.

27 Section 14. Public disclosure commission; established;  
28 membership; compensation; travel expenses.

29 (a) There is hereby established a "Public Disclosure  
30 Commission" which shall be composed of five members who shall be

1 appointed by the Governor, with the consent of the Senate. All  
2 appointees shall be persons of the highest integrity and  
3 qualifications. No more than three members shall have an  
4 identification with the same political party. The original  
5 members shall be appointed within sixty days after the effective  
6 date of this act. The term of each member shall be five years  
7 except that the original five members shall serve initial terms  
8 of one, two, three, four and five years, respectively, as  
9 designated by the Governor. No member of the commission, during  
10 his tenure, shall:

11 (1) hold or campaign for elective office;

12 (2) be an officer of any political party or political  
13 committee;

14 (3) permit his name to be used, or make contributions,  
15 in support of or in opposition to any candidate or  
16 proposition;

17 (4) participate in any way in any election campaign; or

18 (5) lobby or employ or assist a lobbyist.

19 No member shall be eligible for appointment to more than one  
20 full term. A vacancy on the commission shall be filled within  
21 thirty days of the vacancy by the Governor, with the consent of  
22 the Senate, and the appointee shall serve for the remaining term  
23 of his predecessor. A vacancy shall not impair the powers of the  
24 remaining members to exercise all of the powers of the  
25 commission. Three members of the commission shall constitute a  
26 quorum. The commission shall elect its own chairman and adopt  
27 its own rules of procedure. Any member of the commission may be  
28 removed by the Governor, but only upon grounds of neglect of  
29 duty or misconduct in office.

30 (b) Each member shall receive \$75 for each day or portion

1   thereof spent in performance of his duties as a member of the  
2   commission, and in addition shall be reimbursed for travel  
3   expenses incurred while engaged in the business of the  
4   commission. The compensation provided pursuant to this section  
5   shall not be considered salary for purposes of the provisions of  
6   any retirement system created pursuant to the laws of this  
7   State.

8       (c) Nothing in this section shall prohibit the commission,  
9   or any of its members or staff on the authority of the  
10   commission, from responding to communications from the  
11   Legislature or any of its members or from any State agency or  
12   from appearing and testifying at an open public meeting or a  
13   hearing to adopt rules held on matters directly affecting the  
14   exercise of their duties and powers under this act.

15   Section 15. Commission's duties.

16       The commission shall:

17           (1) develop and provide forms for the reports and  
18       statements required to be made under this act;

19           (2) prepare and publish a manual setting forth  
20       recommended uniform methods of bookkeeping and reporting for  
21       use by persons required to make reports and statements under  
22       this act;

23           (3) compile and maintain a current list of all filed  
24       reports and statements;

25           (4) investigate whether properly completed statements  
26       and reports have been filed within the times required by this  
27       act;

28           (5) upon complaint or upon its own motion, investigate  
29       and report apparent violations of this act to the appropriate  
30       law enforcement authorities;

1           (6) prepare and publish an annual report to the Governor  
2 as to the effectiveness of this act and its enforcement by  
3 appropriate law enforcement authorities; and

4           (7) enforce this act according to the powers granted it  
5 by law.

6 Section 16. Commission; additional powers.

7 The commission is empowered to:

8           (1) Adopt, promulgate, amend and rescind suitable  
9 administrative rules and regulations to carry out the  
10 policies and purposes of this act.

11           (2) Prepare and publish such reports and technical  
12 studies as in its judgment will tend to promote the purposes  
13 of this act.

14           (3) Make from time to time, on its own motion, audits  
15 and field investigations.

16           (4) Make public the time and date of any formal hearing  
17 set to determine whether a violation has occurred, the  
18 question or questions to be considered, and the results  
19 thereof.

20           (5) Administer oaths and affirmations, issue subpoenas,  
21 and compel attendance, take evidence and require the  
22 production of any books, papers, correspondence, memorandums  
23 or other records which the commission deems relevant or  
24 material for the purpose of any investigation authorized  
25 under this act or any other proceeding under this act.

26           (6) Enact regulations prescribing reasonable  
27 requirements for keeping accounts of and reporting on a  
28 quarterly basis costs incurred by State agencies, counties,  
29 cities and other municipalities and political subdivisions in  
30 preparing, publishing and distributing legislative

1 information. The term "legislative information," for the  
2 purposes of this subsection, means books, pamphlets, reports  
3 and other materials prepared, published or distributed at  
4 substantial cost, a substantial purpose of which is to  
5 influence the passage or defeat of any legislation. The State  
6 Auditor in his regular examination of each agency shall  
7 review such regulations, accounts and reports and make  
8 appropriate findings, comments and recommendations in his  
9 examination reports concerning those agencies.

10 (7) The commission, after hearing, by order approved and  
11 ratified by a majority of the membership of the commission,  
12 may suspend or modify any of the reporting requirements  
13 hereunder in a particular case if it finds that literal  
14 application of this act works a manifestly unreasonable  
15 hardship and if it also finds that such suspension or  
16 modification will not frustrate the purposes of the act. Any  
17 such suspension or modification shall be only to the extent  
18 necessary to substantially relieve the hardship. The  
19 commission shall act to suspend or modify any reporting  
20 requirements only if it determines that facts exist that are  
21 clear and convincing proof of the findings required  
22 hereunder. Any citizen shall have standing to bring an action  
23 in a court of competent jurisdiction to contest the propriety  
24 of any order entered hereunder within one year from the date  
25 of the entry of such order.

26 Section 17. Secretary of State, Attorney General; duties.

27 (a) The Secretary of State, through his office, shall  
28 perform such ministerial functions as may be necessary to enable  
29 the commission to carry out its responsibilities under this act.  
30 The Office of the Secretary of State shall be designated as the

1 place where the public may file papers or correspond with the  
2 commission and receive any form or instruction from the  
3 commission.

4 (b) The Attorney General, through his office, shall supply  
5 such assistance as the commission may require in order to carry  
6 out its responsibilities under this act. The commission may  
7 employ attorneys who are neither the Attorney General nor an  
8 assistant attorney general to carry out any function of the  
9 Attorney General prescribed in this act.

10 Section 18. Civil remedies and sanctions.

11 One or more of the following civil remedies and sanctions may  
12 be imposed by court order in addition to any other remedies  
13 provided by law:

14 (1) If any lobbyist or sponsor of any lobbying campaign  
15 violates any of the provisions of this act, his registration  
16 may be revoked or suspended and he may be enjoined from  
17 receiving compensation or making expenditures for lobbying:  
18 Provided, however, That imposition of such sanction shall not  
19 excuse said lobbyist from filing statements and reports  
20 required by this act.

21 (2) Any person who violates any of the provisions of  
22 this act may be subject to a civil penalty of not more than  
23 \$10,000 for each such violation.

24 (3) Any person who fails to file a properly completed  
25 statement or report within the time required by this act may  
26 be subject to a civil penalty of \$10 per day for each day  
27 each such delinquency continues.

28 (4) Any person who fails to report a contribution or  
29 expenditure may be subject to a civil penalty equivalent to  
30 the amount he failed to report.

1           (5) The court may enjoin any person to prevent the doing  
2       of any act herein prohibited, or to compel the performance of  
3       any act required herein.

4 Section 19. Civil penalty for untimely filing; payment; waiver;  
5                       enforcement.

6       (a) Upon the failure of any person to file with the  
7       commission on or before the time specified in this act any  
8       statement or report herein required to be filed, a civil penalty  
9       in the amount of \$10 shall be forthwith due and payable by the  
10      person responsible for the filing thereof. Except as provided in  
11      subsection (b), payment of such civil penalty shall be made to  
12      the commission upon the filing of such statement or report  
13      subsequent to its due date.

14      (b) Upon application by the person responsible for such  
15      filing the commission may waive the imposition of the civil  
16      penalty specified in subsection (a), if the commission finds  
17      that failure to file in timely manner was unavoidable.

18      Application for waiver of penalty shall be by petition in  
19      writing, setting forth the circumstances upon which the  
20      petitioner relies, and verified under oath by the petitioner.  
21      Such written application shall be submitted with the statement  
22      or report and shall operate to defer the payment of the civil  
23      penalty pending action upon the application by the commission.  
24      If the commission finds that failure to file in timely manner  
25      was unavoidable, the commission shall enter its order waiving  
26      imposition of the penalty. If no such report is timely filed and  
27      if the commission finds that failure to file in a timely manner  
28      was avoidable, the commission may either:

29           (1) enter an order directing immediate payment of the  
30      amount of the penalty. The person against whom such order is



1 directed shall be designated as the respondent; or

2 (2) find that an apparent violation of this act has  
3 occurred and take or direct appropriate action in accordance  
4 with the provisions of this act.

5 (c) No action taken by the commission pursuant to subsection  
6 (b) shall be subject to any provision of law requiring the prior  
7 holding of a hearing: Provided, That action taken or directed  
8 after a finding of an apparent violation under subsection (b)(2)  
9 shall be fully subject to the provisions of this act under which  
10 the commission chooses to proceed.

11 (d) Any order issued by the commission under this section  
12 shall be subject to judicial review. If the commission's order  
13 is not satisfied and no petition for review is filed within 30  
14 days, the commission may petition the court of common pleas of  
15 any county in which a petition for review could be filed under  
16 that section, for an order of enforcement.

17 Section 20. Violations; determination by commission; issuance  
18 and enforcement of order; hearing; referral;  
19 judicial review; petition for order of enforcement.

20 (a) The commission may:

21 (1) determine whether an actual violation of this act  
22 has occurred; and

23 (2) issue and enforce an appropriate order following  
24 such determination.

25 (b) The commission, in cases where it chooses to determine  
26 whether an actual violation of this act has occurred, shall hold  
27 a contested case hearing to make such determination. Any order  
28 which the commission issues under this section shall be pursuant  
29 to such hearing.

30 (c) In lieu of holding a hearing or issuing an order under

1 this section, the commission may refer the matter to the  
2 Attorney General or other enforcement agency.

3 (d) The person against whom an order is directed under this  
4 section shall be designated as the respondent. Such order may  
5 require the respondent to cease and desist from the activity  
6 which constitutes a violation and in addition, or alternatively,  
7 may impose one or more of the remedies provided in sections 18  
8 (2), (3), (4) or (5): Provided, That no individual penalty  
9 assessed by the commission shall exceed \$250, and in any case  
10 where multiple violations are involved in a single complaint or  
11 hearing, the maximum aggregate penalty shall not exceed \$500.

12 (e) An order issued by the commission under this section  
13 shall be subject to judicial review. If the commission's order  
14 is not satisfied and no petition for review is filed within 30  
15 days, the commission may petition the common pleas court of any  
16 county of competent jurisdiction in which a petition for review  
17 could be filed under that section, for an order of enforcement.  
18 Section 21. Certification of reports.

19 Every report and statement required to be filed under this  
20 act shall identify the person preparing it, and shall be  
21 certified as complete and correct, both by the person preparing  
22 it and by the person on whose behalf it is filed.

23 Section 22. Statements and reports to be public records.

24 All statements and reports filed under this act shall be  
25 public records of the agency where they are filed, and shall be  
26 available for public inspection and copying during normal  
27 business hours at the expense of the person requesting copies,  
28 provided that the charge for such copies shall not exceed actual  
29 cost to the agency.

30 Section 23. Duty to preserve statements and reports.

1       Persons with whom statements or reports or copies of  
2 statements or reports are required to be filed under this act  
3 shall preserve them for not less than six years. The commission,  
4 however, shall preserve such statements or reports for not less  
5 than ten years.

6 Section 24. Repeal.

7       The act of September 30, 1961 (P.L.1778, No.712), known as  
8 the "Lobbying Registration Act," is repealed.

9 Section 25. Effective date.

10       This act shall take effect in 90 days.