

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 575

Session of
1985

INTRODUCED BY DeWEESE, O'DONNELL, LLOYD, MICHLOVIC, BELFANTI,
HALUSKA, KUKOVICH, FREEMAN, BALDWIN AND SCHEETZ, MARCH 20,
1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 20, 1985

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 of the 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, the Governor or a member of the
19 Governor's staff, or any officer or employe of an agency either
20 directly or by agents or employes for the purpose of advocating:

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

23 (ii) taking, refraining from taking or modifying any 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 contracts with
28 any person, partnership, committee, association, corporation or
29 other organization and expends one thousand dollars (\$1,000) or
30 more per year in connection with such lobbying activity. A

1 lobbyist shall not include a member of the press or an officer,
2 official or employe of the Commonwealth or any political
3 subdivision thereof who 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)]
16 Within [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
23 address of the person, partnership, committee, association,
24 corporation or other organization by whom he is employed or
25 engaged, in whose interest he will lobby and the duration of his
26 employment.

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

1 statement containing the information required in subsection
2 (a).]

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

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

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

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

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

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

15 (b) Where one lobbyist is employed, hired or under contract
16 with another lobbyist, (i) the statement required to be filed
17 under subsection (a) may be filed by either lobbyist; (ii) the
18 lobbyist who does not file the statement shall file an
19 affidavit, on a form to be supplied by the commission, stating
20 the name of the lobbyist whose statement includes the
21 expenditures made by the lobbyist filing the affidavit; (iii) if
22 the lobbyist filing the statement is the lobbyist employed,
23 hired or under contract, the statement shall separately set
24 forth the expenditures made on behalf of each employing, hiring
25 or contracting lobbyist; and (iv) if neither such lobbyist files
26 a statement, nothing herein shall prevent the law from being
27 enforced against both such lobbyists.

28 (c) All information required to be reported or filed under
29 any provision of this act shall be rendered in such form as
30 shall be prescribed [jointly by the Chief Clerk of the House of

1 Representatives and the Secretary of the Senate] by the
2 commission. These statements shall be open to the public for
3 inspection during regular business hours, and copies shall be
4 furnished to any member of the public upon request at cost.

5 Section 4. This act shall take effect January 1, 1986.