

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL****No. 1**Session of  
2004

INTRODUCED BY JUBELIRER, MELLOW, PIPPY, GORDNER, PUNT,  
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SCHWARTZ, C. WILLIAMS, WONDERLING, WOZNIAK AND CONTI,  
JUNE 29, 2004

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 4, 2004

## AN ACT

1 Providing for lobbying registration, regulation and disclosure;  
2 conferring powers and imposing duties on the Department of  
3 State, the Office of Attorney General and the State Ethics  
4 Commission; imposing penalties; establishing the Lobbying  
5 Accountability Fund; and making a related repeal.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Lobbying  
10 Accountability Act.

11 Section 2. Statement of intent.

12 The Constitution of Pennsylvania recognizes that all free  
13 governments are founded upon the authority of the people. It  
14 further provides that the power to make law in this Commonwealth  
15 is vested in the General Assembly, and the power to enforce law  
16 is vested in the Executive Department. The Constitution also

1 guarantees the people the right to petition those invested with  
2 the powers of government for redress of grievances. The ability  
3 of the people to exercise their fundamental authority and to  
4 have confidence in the integrity of the processes by which laws  
5 are made and enforced in this Commonwealth demands that the  
6 identity and scope of activity of those who are paid to  
7 influence the actions of the General Assembly and the Executive  
8 Department be publicly and regularly disclosed.

9 Section 3. Definitions.

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

13 "Administrative action." Any of the following:

14 (1) An agency's:

15 (i) proposal, consideration, promulgation or  
16 rescission of a regulation;

17 (ii) development or modification of a guideline or a  
18 statement of policy; or

19 (iii) approval or rejection of a regulation.

20 (2) The review, revision, approval or disapproval of a  
21 regulation under the act of June 25, 1982 (P.L.633, No.181),  
22 known as the Regulatory Review Act.

23 (3) The Governor's approval or veto of legislation.

24 (4) The nomination or appointment of an individual as an  
25 officer or employee of the Commonwealth.

26 (5) The proposal, consideration, promulgation or  
27 rescission of an executive order.

28 "Affiliated political action committee." A "political action  
29 committee" as defined in section 1621(1) of the act of June 3,  
30 1937 (P.L.1333, No.320), known as the Pennsylvania Election

1 Code, which has a chairman, a treasurer or other officer who is  
2 a principal, an officer or employee of a principal, a lobbyist  
3 or an employee of a lobbyist, provided if an employee of a  
4 registrant serves as the officer of a political action committee  
5 in what is clearly a personal capacity and the goals and mission  
6 of that political action committee clearly have no relationship  
7 to the goals and mission of the registrant, such political  
8 action committee shall not be considered an affiliated political  
9 action committee for the purposes of this definition.

10 "Agency." An agency, board, commission, authority or  
11 department of the executive department of the Commonwealth.

12 "Board." The Disciplinary Board of the Supreme Court of  
13 Pennsylvania.

14 "Commission." The State Ethics Commission.

15 "Compensation." Anything of value, including benefits,  
16 received or to be received from a principal by one acting as a  
17 lobbyist.

18 "Department." The Department of State of the Commonwealth.

19 "Direct communication." An effort, whether written, oral or  
20 by any other medium, made by a lobbyist or principal, directed  
21 to a State official or employee, the purpose or foreseeable  
22 effect of which is to influence legislative action or  
23 administrative action.

24 "Economic consideration." Anything of value offered or  
25 received.

26 "Fund." The Lobbying Accountability Fund established in  
27 section 10(b).

28 "Gift." As defined in 65 Pa.C.S. § 1102 (relating to  
29 definitions).

30 "Immediate family." An individual's spouse, child, parent,

1 brother, sister and like relative-in-law.

2 "Indirect communication." An effort, whether written, oral  
3 or by any other medium, to encourage others, including the  
4 general public, to take action, the purpose or foreseeable  
5 effect of which is to directly influence legislative action or  
6 administrative action. The term includes letter-writing  
7 campaigns, mailings, telephone banks, print and electronic media  
8 advertising, billboards, publications and educational campaigns  
9 on public issues. The term does not include regularly published  
10 periodic newsletters primarily designed for and distributed to  
11 members of a bona fide association or charitable or fraternal  
12 nonprofit corporation.

13 "Legislation." Bills, resolutions, amendments and  
14 nominations pending or proposed in either the Senate or the  
15 House of Representatives. The term includes any other matter  
16 which may become the subject of action by either chamber of the  
17 General Assembly.

18 "Legislative action." An action taken by a State official or  
19 employee involving the preparation, research, drafting,  
20 introduction, consideration, modification, amendment, approval,  
21 passage, enactment, tabling, postponement, defeat or rejection  
22 of legislation; legislative motions; overriding or sustaining a  
23 veto by the Governor; or confirmation of appointments by the  
24 Governor or appointments to public boards or commissions by a  
25 member of the General Assembly.

26 "Lobbying." An effort to influence legislative action or  
27 administrative action. The term includes:

28 (1) direct or indirect communication;

29 (2) personnel and office expenses in accordance with

30 section ~~5(b)(2)(i)~~ 5(B)(2)(I)(A); and

←

1 (3) providing any gift, entertainment, meal,  
2 transportation or lodging to a State official or employee for  
3 the purpose of advancing the interest of the lobbyist or  
4 principal.

5 "Lobbyist." Any individual, association, corporation,  
6 partnership, business trust or other business entity that  
7 engages in lobbying on behalf of a principal for economic  
8 consideration. The term includes an attorney while engaged in  
9 lobbying.

10 "Principal." Any individual, association, corporation,  
11 partnership, business trust or other business entity:

12 (1) on whose behalf a lobbyist influences or attempts to  
13 influence an administrative action or a legislative action;  
14 or

15 (2) that engages in lobbying on the principal's own  
16 behalf.

17 "Registrant." A registered lobbyist or a registered  
18 principal.

19 "Regulation." Any rule, regulation or order in the nature of  
20 a rule or regulation, including formal and informal opinions of  
21 the Attorney General, of general application and future effect,  
22 promulgated by an agency under statutory authority in the  
23 administration of a statute administered by or relating to the  
24 agency, or prescribing the practice or procedure before the  
25 agency.

26 "State official or employee." An individual elected or  
27 appointed to a position in State government or employed by State  
28 government, whether compensated or uncompensated, who is  
29 involved in legislative action or administrative action.

30 Section 4. Registration.

1 (a) General rule.--Unless excluded under section 6, a  
2 lobbyist or a principal must register with the department within  
3 ten days of acting in any capacity as a lobbyist or principal.  
4 Registration shall be biennial and be coincident with the terms  
5 of the members of the House of Representatives.

6 (b) Principals.--

7 (1) A principal required to register shall file a  
8 registration statement setting forth the following  
9 information with the department:

10 (i) Name.

11 (ii) Permanent address.

12 (iii) Daytime telephone number.

13 (iv) Name and nature of business.

14 (v) Name, registration number and acronym of any  
15 affiliated political action committees.

16 (vi) Name and permanent business address of each  
17 individual who will for economic consideration engage in  
18 lobbying on the principal's behalf.

19 (2) If a principal is an association, the number of  
20 dues-paying members of the association in the most recently  
21 completed calendar year shall also be disclosed.

22 (c) Lobbyist.--A lobbyist who is required to register shall  
23 file a registration statement setting forth the following  
24 information with the department:

25 (1) Name.

26 (2) Permanent business address.

27 (3) Daytime telephone number.

28 (4) A recent photograph of the lobbyist.

29 (5) Name, permanent business address and daytime  
30 telephone number of each principal for whom the lobbyist will

1 engage in lobbying.

2 (6) Name, registration number and acronym of any  
3 affiliated political action committees.

4 (d) Amendments.--

5 (1) When there is a change of information required for  
6 the registration statement under subsection (b)(1) or (c), an  
7 amended statement shall be filed with the department within  
8 14 days after the change occurs.

9 (2) When there is a change in information required for  
10 the registration statement under subsection (b)(2), an  
11 amended statement shall be filed with the department within  
12 14 days of the end of the year in which the change occurs.

13 (e) Termination.--A lobbyist or a principal may terminate  
14 registration by filing notice of termination with the  
15 department. Within 30 days of filing the notice, the lobbyist or  
16 principal shall file a termination report, which shall include  
17 all information required by section 5 through the final day of  
18 lobbying activity. After a review of the termination report but  
19 not later than 90 days after receipt of the report, the  
20 department shall issue to the lobbyist or principal a letter  
21 stating that the registrant has terminated registration. The  
22 filing of notice or a termination report shall not affect the  
23 commission's authority to conduct investigations and hearings.  
24 No lobbying may occur after the filing of notice of termination  
25 unless the lobbying is pursuant to a separate registration  
26 statement which is filed with the department and which, at the  
27 time of the lobbying, has not been terminated.

28 Section 5. Reporting.

29 (a) General rule.--A registered principal shall, under oath  
30 or affirmation, file quarterly expense reports with the

1 department.

2 (b) Content.--

3 (1) Reports must list the names of all lobbyists by whom  
4 lobbying is conducted and the general subject matter or issue  
5 being lobbied.

6 ~~(2) Expense reports must contain the following~~ <—

7 (2) (I) EXPENSE REPORTS MUST CONTAIN THE FOLLOWING <—

8 categories:

9 ~~(i) A single aggregate good faith estimate of the~~ <—

10 (A) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF <—

11 THE total amount spent for personnel and office  
12 expenses related to lobbying. This subparagraph  
13 includes salaries and other forms of compensation,  
14 benefits, vehicle allowances, bonuses and  
15 reimbursable expenses for those involved in lobbying.  
16 If compensation is to be reported by or for an  
17 individual or entity whose lobbying is incidental to  
18 regular employment, it shall be sufficient to report  
19 a good faith prorated estimate based on the value of  
20 the time devoted to lobbying. Reportable personnel  
21 costs include costs for lobbying staff, research and  
22 monitoring staff, consultants, lawyers, lobbyists,  
23 publications and public relations staff, technical  
24 staff and clerical and administrative support staff  
25 who engage in lobbying but are exempt from reporting  
26 under section 6(12). This subparagraph includes costs  
27 for offices, equipment and supplies utilized for  
28 lobbying.

29 ~~(ii) A single aggregate good faith estimate of the~~ <—

30 (B) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF <—

1 THE total amount spent for direct communication.

2 ~~(iii) A single aggregate good faith estimate of the~~ <—

3 (C) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF <—  
4 THE total amount spent for indirect communication.

5 ~~(iv) The total costs for gifts, entertainment,~~ <—

6 (D) THE TOTAL COSTS FOR GIFTS, ENTERTAINMENT, <—  
7 meals, transportation, lodging and receptions given  
8 to or provided to State officials or employees or  
9 their immediate families.

10 (II) EXPENSES REQUIRED TO BE REPORTED PURSUANT TO <—

11 SUBPARAGRAPH (I) SHALL BE ASSIGNED TO ONE OF THE FOUR  
12 CATEGORIES LISTED UNDER SUBPARAGRAPH (I) AND SHALL NOT BE  
13 INCLUDED IN MORE THAN ONE CATEGORY.

14 (3) In addition to reporting the totals required under  
15 this subsection, the expense report must identify, by name,  
16 position and each occurrence, a State official or employee  
17 who receives from a principal or lobbyist anything of value  
18 which must be included in the statement under 65 Pa.C.S. §  
19 1105(b)(6) or (7) (relating to statement of financial  
20 interests) as implemented by section 65 Pa.C.S. § 1105(d).

21 (i) For purposes of this act, the amount referred to  
22 in 65 Pa.C.S. § 1105(b)(7) shall be considered an  
23 aggregate amount per year.

24 (ii) Written notice must be given to each State  
25 official or employee who is listed in the expense report  
26 pursuant to this paragraph within seven days of the  
27 report's submission to the department. Notice under this  
28 subparagraph shall include the information which will  
29 enable the State official or employee to comply with 65  
30 Pa.C.S. § 1105(b)(6) and (7). For purposes of this act

1 and 65 Pa.C.S. Ch. 11 (relating to ethics standards and  
2 financial disclosure), 65 Pa.C.S. § 1105(b)(6) and (7)  
3 shall constitute mutually exclusive categories.

4 (iii) Regulations shall be promulgated under section  
5 ~~10(e)~~ 10(D) to define mutually exclusive categories under ←  
6 65 Pa.C.S. § 1105(b)(6) and (7) and to determine whether  
7 a thing of value is subject to disclosure under 65  
8 Pa.C.S. § 1105(b)(6) or (7).

9 (4) A lobbyist shall sign the reports submitted by each  
10 principal for whom the lobbyist is registered to attest to  
11 the validity and accuracy to the best of the lobbyist's  
12 knowledge. A lobbyist may attach a statement to the report of  
13 any principal, describing the limits of the lobbyist's  
14 knowledge concerning the information contained in the report.

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

21 (c) Separate report.--A lobbyist shall submit a separate  
22 report from the report of a registered principal for whom the  
23 lobbyist is registered if, during the reporting period, the  
24 lobbyist engaged in lobbying which was not reflected in the  
25 reports filed by the principal or principals represented by the  
26 lobbyist. A separate lobbyist report shall contain the identity  
27 of the principal for whom such lobbying was performed, the  
28 general subject matter or issue being lobbied and all  
29 information required under subsection (b)(2) and (3).

30 (d) Records retention.--A registrant shall retain all

1 documents reasonably necessary to substantiate the reports to be  
2 made under this section for four years from the date of filing  
3 the subject report. Upon request by the Office of Attorney  
4 General, the board, the commission or the department, these  
5 materials shall be made available for inspection within a  
6 reasonable period of time.

7 (e) Thresholds for reporting.--An expense report shall be  
8 filed when total expenses for lobbying exceed \$2,500 for a  
9 registered principal or a registered lobbyist in a reporting  
10 period. In a reporting period in which total expenses are \$2,500  
11 or less, a statement to that effect shall be filed.

12 (f) Voluntary disclosure.--Nothing in this section shall  
13 prevent a principal or lobbyist from disclosing expenses in  
14 greater detail than required.

15 Section 6. Exemption from registration and reporting.

16 The following individuals and activities shall be exempt from  
17 registration under section 4 and reporting under section 5:

18 (1) An individual who limits lobbying activities to  
19 preparing testimony and testifying before a committee of the  
20 General Assembly or participating in an administrative  
21 proceeding of an agency.

22 (2) An individual who is an employee of an entity  
23 engaged in the business of publishing or broadcasting while  
24 engaged in the gathering and dissemination of news and  
25 comment thereon to the general public in the ordinary course  
26 of business.

27 (3) An individual who does not receive compensation,  
28 other than traveling expenses, for lobbying.

29 (4) An individual whose compensation for lobbying, from  
30 all principals represented, does not exceed \$2,500 in the

1 aggregate during any reporting period.

2 (5) An individual who engages in lobbying on behalf of  
3 the individual's employer and where lobbying activity  
4 represents less than the equivalent of \$2,500 of the  
5 employee's time during any reporting period, based on an  
6 hourly proration of the employee's compensation.

7 (6) A principal whose total expenses for lobbying  
8 purposes do not exceed \$2,500 during any reporting period.

9 (7) An elected State official acting in an official  
10 capacity.

11 (8) A State official who is appointed by the Governor  
12 acting in an official capacity.

13 (9) An elected or appointed official or employee of a  
14 political subdivision acting in an official capacity. This  
15 exception shall not be construed to exempt lobbyists or  
16 principals from registration under section 4 and reporting  
17 under section 5 who are engaged in lobbying.

18 (10) An employee of the Commonwealth or independent  
19 agency of the Commonwealth acting in an official capacity.

20 (11) An individual representing a bona fide church or  
21 bona fide religious body of which the individual is a member  
22 where the lobbying is solely for the purpose of protecting  
23 the constitutional right to the free exercise of religion.

24 (12) AN INDIVIDUAL, WHO IS NOT A REGISTERED LOBBYIST, <—  
25 WHO SERVES:

26 (I) ON AN ADVISORY BOARD, WORKING GROUP OR TASK  
27 FORCE; AND

28 (II) AT THE REQUEST OF AN AGENCY OR THE GENERAL  
29 ASSEMBLY.

30 (13) PARTICIPATING AS A PARTY OR AS A LAWYER OR

1 REPRESENTATIVE OF A PARTY IN ANY ADMINISTRATIVE ADJUDICATION  
2 PURSUANT TO 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND  
3 PROCEDURE).

4 ~~(12)~~ (14) An employee, who is not a registered lobbyist, ←  
5 of a corporation which:

6 (i) is registered as a principal under section 4;

7 (ii) has one or more registered lobbyists; and

8 (iii) includes in its reports under section 5 all of

9 the employee's expenses related to lobbying.

10 Section 7. Prohibited activities.

11 (a) Political committees.--A lobbyist may not serve as a  
12 treasurer or other officer for a candidate's political committee  
13 or a candidate's political action committee.

14 (b) Fee restrictions.--A lobbyist may not charge a fee or  
15 receive compensation or economic consideration based upon an  
16 understanding, either written or oral, that any part of the fee,  
17 compensation or economic consideration will be converted into a  
18 contribution to a candidate for public office or a political  
19 committee.

20 (c) Falsification.--No lobbyist or principal may, for the  
21 purpose of influencing legislative action or administrative  
22 action, transmit, utter or publish to any State official or  
23 employee any communication, knowing that such communication or  
24 any signature on the communication is false, forged, counterfeit  
25 or fictitious.

26 Section 8. Administration and enforcement.

27 (a) Criminal enforcement.--If the department or commission  
28 has reason to believe an intentional violation of this act has  
29 been committed, it shall refer all relevant documents and other  
30 information to the Office of Attorney General and, if the

1 lobbyist or principal is an attorney, to the board.

2 (b) Forms.--The department shall prescribe registration and  
3 reporting forms to be used pursuant to this act. The forms shall  
4 be available on a publicly accessible World Wide Web page. All  
5 information requested on the forms shall be provided to the best  
6 of the knowledge, information and belief of the person required  
7 to file and shall be signed under oath or equivalent  
8 affirmation.

9 (c) Attorney General.--In addition to the authority  
10 conferred upon the Attorney General under the act of October 15,  
11 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,  
12 the Attorney General has the authority to investigate and  
13 prosecute a violation of this act.

14 (d) Advice and opinions.--The commission shall provide  
15 advice and opinions to a lobbyist, principal, the department,  
16 the board or a State official or employee who seeks advice  
17 regarding compliance with this act. A principal, lobbyist or  
18 other individual who acts in good faith based on the written  
19 advice or opinion shall not be held liable for a violation of  
20 this act.

21 (e) Public inspection and copying.--The department shall  
22 make registration statements, expense reports, termination  
23 notices and termination reports which have been filed with the  
24 department available for public inspection and provide copies of  
25 these documents at a price which shall not exceed the actual  
26 cost of copying. Documents that are maintained and reproducible  
27 in an electronic format shall be provided in that format upon  
28 request.

29 (f) Annual reporting.--The department shall prepare and  
30 publish an annual report on lobbying activities in this

1 Commonwealth. The department shall also annually publish a  
2 listing of registered principals, identifying lobbyists who are  
3 registered to lobby for the principal, and a listing of  
4 lobbyists, identifying the principals for whom the lobbyist is  
5 registered to lobby.

6 (g) Retention of records.--Registration statements, expense  
7 reports, termination notices and termination reports shall be  
8 available for public inspection with the department for a four-  
9 year period which commences on the date of filing.

10 (h) Audits.--Annually, the commission shall conduct audits  
11 of the registration statements and expense reports filed by  
12 registrants. The registrants to be audited shall be selected by  
13 lottery. The number of registrants selected for audits shall be  
14 sufficient to ensure compliance with this act. An audit report  
15 and related findings shall be confidential; however, the  
16 commission may include the relevant portion of an audit as part  
17 of its findings of fact in an order which results from an  
18 investigation arising out of an audit.

19 (i) Investigation and hearings.--The commission, through its  
20 executive director, may initiate an investigation and hold a  
21 hearing, concerning negligent conduct by a lobbyist or  
22 principal, in accordance with 65 Pa.C.S. §§ 1107 (relating to  
23 powers and duties of commission) and 1108 (relating to  
24 investigations by commission).

25 (j) Directory.--On or before May 1 of each odd-numbered  
26 year, the department shall produce and distribute a directory of  
27 all registered lobbyists, including photographs. Copies of this  
28 directory shall be made available to the public at a price not  
29 to exceed the actual cost of production. All revenue received by  
30 the department from the sales of this directory shall be

1 deposited into the fund.

2 (k) Computer file.--The department shall provide the  
3 Legislative Data Processing Committee all data relating to  
4 registration statements and amendments to such statements,  
5 expense reports, termination notices and termination reports,  
6 and the committee shall make all such information available on a  
7 publicly accessible World Wide Web page.

8 (l) Cost-of-living adjustment.--On a biennial basis  
9 commencing in January 2008, the commission shall review the  
10 threshold for reporting under section 5(e) and the threshold for  
11 exemption under section 6 and may increase these amounts to  
12 levels deemed reasonable for assuring appropriate disclosure.  
13 The commission shall publish any such adjusted threshold amounts  
14 in the Pennsylvania Bulletin by June 1, 2008, and every two  
15 years thereafter as necessary.

16 Section 9. Penalties.

17 (a) Notice of noncompliance.--The commission shall issue a  
18 notice of noncompliance to any lobbyist or principal that has  
19 failed to register or report as required by this act. The notice  
20 shall state the nature of the alleged noncompliance and the  
21 civil and criminal penalties for failure to register, failure to  
22 file or filing a report containing a false statement or which is  
23 incomplete. The notice shall also advise that if the lobbyist or  
24 principal disagrees with the alleged noncompliance, the lobbyist  
25 or principal may appeal such before the commission. The notice  
26 shall set forth the deadline and manner in which to request a  
27 hearing.

28 (b) Hearing.--

29 (1) If a hearing is requested, the commission shall  
30 determine at the hearing:

1 (i) whether the recipient of the notice is required  
2 to register or report under this act; and

3 (ii) whether the failure to register or report was  
4 negligent or intentional.

5 (2) If the commission finds that the failure to register  
6 or report was intentional, it shall refer the matter to the  
7 Attorney General and, if the lobbyist or principal is an  
8 attorney, to the board.

9 (3) If the commission finds that failure to register or  
10 report was negligent, it shall determine the amount of the  
11 civil penalty to be imposed.

12 (4) Hearings under this subsection shall be conducted by  
13 the commission in accordance with 65 Pa.C.S. §§ 1107(14)  
14 (relating to powers and duties of commission) and 1108(e)  
15 (relating to investigations by commission).

16 (c) Negligent failure to register or report.--Negligent  
17 failure to register or report as required by this act is  
18 punishable by a civil penalty not exceeding \$50 for each late  
19 day. After a hearing under subsection (b), in the case of  
20 negligent failure to register or report, the commission may,  
21 upon the majority vote of its members, levy a civil penalty as  
22 provided for in this subsection. The total amount of the civil  
23 penalty levied shall not be limited by any other provision of  
24 law. The commission shall notify the board of any lobbyist or  
25 principal who is an attorney against whom a civil penalty is  
26 imposed. The commission shall have standing to apply to the  
27 Commonwealth Court to seek enforcement of an order imposing a  
28 civil penalty under this section.

29 (d) Failure to comply after notice.--A lobbyist or principal  
30 who fails to comply with the requirements of this act, after

1 notice of noncompliance and after a hearing, if one is  
2 requested, may be prohibited from lobbying for up to five years.  
3 The prohibition shall be imposed as provided by subsection  
4 (e)(4).

5 (e) Intentional violations.--

6 (1) Any lobbyist or principal who intentionally fails to  
7 register or report as required by this act commits a  
8 misdemeanor of the second degree.

9 (2) A registrant who files a report under this act with  
10 knowledge that the report contains a false statement or is  
11 incomplete commits a misdemeanor of the second degree.

12 (3) Except as set forth in paragraph (1) or (2), any  
13 lobbyist or principal who intentionally violates this act  
14 commits a misdemeanor of the third degree.

15 (4) In addition to any criminal penalties imposed  
16 pursuant to this act, the commission may prohibit a lobbyist  
17 or principal from lobbying for up to five years for conduct  
18 which constitutes an offense under this subsection. No  
19 criminal prosecution or conviction shall be required for the  
20 imposition of the prohibition authorized by this paragraph.  
21 The commission shall not impose the prohibition under this  
22 paragraph unless the lobbyist or principal has been afforded  
23 the opportunity for a hearing which shall be conducted by the  
24 commission in accordance with 65 Pa.C.S. §§ 1107(14) and  
25 1108(e).

26 (f) Attorneys.--Nothing in this act shall be construed as  
27 restricting the board's authority to discipline an attorney who  
28 is acting as a lobbyist or principal.

29 Section 10. Registration fees; fund established; SYSTEM;  
30 regulations.

<—

1 (a) Registration fees.--At the time of registration, a  
2 principal or lobbyist required to be registered under this act  
3 shall pay a biennial registration fee of \$100 to the department.

4 (b) Fund established.--All money received from registration  
5 fees under subsection (a) shall be deposited in a restricted  
6 receipts account to be known as the Lobbying Accountability  
7 Fund, which is hereby established as a separate fund in the  
8 State Treasury. All moneys deposited in the fund are hereby  
9 appropriated to the department as a continuing appropriation for  
10 the exclusive purpose of carrying out this act.

11 (C) COMPUTERIZED FILING SYSTEM.--THE DEPARTMENT SHALL  
12 IMPLEMENT A FULLY ACCESSIBLE SYSTEM TO ACCOMMODATE THE USE OF  
13 COMPUTERIZED FILING. EACH REGISTERED LOBBYIST AND PRINCIPAL  
14 SHALL ELECT ON AN ANNUAL BASIS WHETHER HE OR SHE WILL FILE ALL  
15 OF THE DOCUMENTS REQUIRED BY THIS ACT EITHER ELECTRONICALLY OR  
16 ON PAPER WITH THE DEPARTMENT. ←

17 ~~(e)~~ (D) Regulations.--A committee comprised of the Secretary ←  
18 of the Senate, the Chief Clerk of the House of Representatives,  
19 the Attorney General, the Secretary of the Commonwealth, the  
20 executive director of the commission, the chief counsel of the  
21 board and the General Counsel, or their designees, shall have  
22 authority to promulgate regulations necessary to carry out this  
23 act. The executive director of the commission shall be chairman  
24 of this committee. The initial proposed regulations shall be  
25 submitted within 180 days of the effective date of this section  
26 to the Independent Regulatory Review Commission under section 5  
27 of the act of June 25, 1982 (P.L.633, No.181), known as the  
28 Regulatory Review Act. Any meeting at which the committee plans  
29 to approve proposed regulations or other official actions shall  
30 be held in accordance with 65 Pa.C.S. Ch. 7 (relating to open

1 meetings). The department shall provide sufficient staff and  
2 other administrative support to assist the committee. The  
3 committee shall also prepare and publish a manual setting forth  
4 guidelines for accounting and reporting. The regulations and  
5 manual shall be drafted to accommodate the use of computerized  
6 recordkeeping, electronic filing of all required registrations  
7 and reports provided for under this act and retention of  
8 registration statements and reports provided for under this act  
9 by electronic means.

10 Section 11. Nonapplicability.

11 Nothing in this act shall be construed to effect the  
12 provisions of 18 Pa.C.S. § 7515.

13 Section 12. Repeal.

14 The provisions of 65 Pa.C.S. Ch. 13 are repealed.

15 ~~Section 13. Effective date.~~ <—

16 ~~This act shall take effect as follows:~~

17 ~~(1) Sections 5(b)(3)(iii) and 10(c) shall take effect~~  
18 ~~immediately.~~

19 ~~(2) Section 5(b)(3)(i) and (ii) shall take effect on the~~  
20 ~~effective date of the regulations promulgated under section~~  
21 ~~5(b)(3)(iii).~~

22 ~~(3) This section shall take effect immediately.~~

23 ~~(4) The remainder of this act shall take effect in 60~~  
24 ~~days.~~

25 SECTION 13. NOTICE. <—

26 THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT TO THE  
27 LEGISLATIVE REFERENCE BUREAU, FOR PUBLICATION IN THE  
28 PENNSYLVANIA BULLETIN, NOTICE OF FULL IMPLEMENTATION OF THE  
29 COMPUTERIZED FILING SYSTEM REQUIRED UNDER SECTION 10(C).

30 SECTION 14. EFFECTIVE DATE.

1 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

2 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
3 IMMEDIATELY:

4 (I) SECTIONS 5(B)(3)(III) AND 10(D).

5 (II) THIS SECTION.

6 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT ON THE  
7 LATTER OF EITHER OF THE FOLLOWING:

8 (I) PUBLICATION OF THE NOTICE REQUIRED UNDER SECTION  
9 13.

10 (II) THE EFFECTIVE DATE OF THE REGULATIONS  
11 PROMULGATED UNDER SECTION 10(D).