
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 700 Session of
2005

INTRODUCED BY MAHER, BROWNE, CLYMER, ARGALL, ARMSTRONG, BAKER,
BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, CREIGHTON, DALLY,
DENLINGER, FAIRCHILD, FREEMAN, GINGRICH, HANNA, HARPER,
HENNESSEY, JOSEPHS, KAUFFMAN, LEVDANSKY, MANDERINO, MARKOSEK,
McILHATTAN, MUNDY, NAILOR, NICKOL, READSHAW, REICHLEY, ROSS,
RUBLEY, SATHER, SCHRODER, SHAPIRO, B. SMITH, STEIL,
R. STEVENSON, TANGRETTI, TIGUE, TRUE, WATSON, WRIGHT, HARHART
AND S. MILLER, MARCH 14, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 14, 2005

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, providing for provisions relating to
3 lobby regulation and disclosure; making an appropriation; and
4 making a related repeal.

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

7 Section 1. Chapter 13 of Title 65 of the Pennsylvania
8 Consolidated Statutes is repealed.

9 Section 2. Title 65 is amended by adding a chapter to read:

10 CHAPTER 13-A

11 LOBBYING DISCLOSURE

12 Sec.

13 1301-A. Short title of chapter.

14 1302-A. Statement of intent and jurisdiction.

15 1303-A. Definitions.

16 1304-A. Registration.

- 1 1305-A. Reporting.
- 2 1306-A. Exemption from registration and reporting.
- 3 1307-A. Prohibited activities.
- 4 1308-A. Administration and enforcement.
- 5 1309-A. Penalties.
- 6 1310-A. Filing fees; fund established; regulations.
- 7 1311-A. Severability.
- 8 § 1301-A. Short title of chapter.

9 This chapter shall be known and may be cited as the Lobbying
10 Disclosure Act.

11 § 1302-A. Statement of intent and jurisdiction.

12 (a) Intent.--The Constitution of Pennsylvania recognizes the
13 principle that all free government is founded upon the authority
14 of the people. It further provides that the power to make law in
15 this Commonwealth is vested in the General Assembly and the
16 power to enforce law is vested in the Executive Department. The
17 ability of the people to exercise their fundamental authority
18 and to have confidence in the integrity of the process by which
19 laws are made and enforced in this Commonwealth demands that the
20 identity and the scope of activity of those who attempt to
21 influence the actions of the General Assembly and the Executive
22 Department be publicly and regularly disclosed.

23 (b) Jurisdiction.--The authority to regulate persons
24 employed to influence the actions of the General Assembly and
25 the Executive Department lies within the jurisdiction of those
26 branches of government. To ensure that the intent of this
27 chapter is not evaded and that all such persons are regulated in
28 a fair and equitable manner, lobbyists and the practice of
29 lobbying shall be subject to this chapter, which shall prevail
30 over any other regulation of professional activity when that

1 activity constitutes lobbying. This chapter is not intended to
2 govern professional activities which do not include lobbying and
3 which are properly the subject of regulation by the judicial
4 branch of government or by any government agency. Membership in
5 a regulated profession shall not excuse a lobbyist from
6 compliance with the provisions of this chapter.

7 § 1303-A. Definitions.

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

11 "Administrative action." Any of the following:

12 (1) An agency's:

13 (i) proposal, consideration, promulgation or
14 rescission of a regulation;

15 (ii) development or modification of a guideline or a
16 statement of policy;

17 (iii) approval or rejection of a regulation;

18 (iv) procurement of supplies, services and
19 construction under 62 Pa.C.S. (relating to procurement),
20 except for any emergency procurement made under 62
21 Pa.C.S. § 516 (relating to emergency procurement).

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

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

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

28 (5) The proposal, consideration, promulgation or
29 rescission of an executive order.

30 "Affiliated political action committee." A political action

1 committee as defined in section 1621(1) of the act of June 3,
2 1937 (P.L.1333, No.320), known as the Pennsylvania Election
3 Code, which has a chairman, a treasurer or another officer who
4 is a principal, an employee of a principal, a lobbyist or an
5 employee of a lobbyist, provided if an employee of a registrant
6 serves as the officer of a political action committee in what is
7 clearly a personal capacity and the goals and mission of that
8 political action committee clearly have no relationship to the
9 goals and mission of the registrant, such political action
10 committee shall not be considered an affiliated political action
11 committee for the purposes of this definition.

12 "Agency." A State agency, board, commission, authority or
13 department.

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 "Direct influence." Any effort to lobby or communicate to a
19 State official or State employee, which is intended to affect
20 legislative or administrative action.

21 "Direct influence expense." Any expenditure for direct
22 influence, including any expenditure for research, monitoring,
23 technical, clerical or administrative services provided by a
24 lobbyist, lobbying firm or the staff of a lobbyist or lobbying
25 firm, in support of direct influence. The term does not include
26 any office expenses.

27 "Economic consideration." Anything of value offered or
28 received.

29 "Fund." The Lobbying Disclosure Fund established in section
30 1310-A(b) (relating to filing fees; fund established;

1 regulations).

2 "Gift." Anything which is given or received without
3 consideration of equal or greater value.

4 "Hospitality." Includes all of the following:

5 (1) Meals.

6 (2) Beverages.

7 (3) Recreation and entertainment.

8 "Immediate family." An individual's spouse, an individual's
9 child and an individual's parent, brother, sister or like
10 relative-in-law.

11 "Indirect influence." Any effort to encourage others,
12 including the general public, to communicate to a State official
13 or employee to affect legislative or administrative action. The
14 term includes activities such as letter-writing campaigns,
15 mailings, telephone banks, print and electronic media
16 advertising, billboards, publications and educational campaigns.
17 The term does not include regularly published periodic
18 newsletters primarily designed for and distributed to members of
19 a bona fide association or charitable or fraternal nonprofit
20 corporation.

21 "Indirect influence expense." Any expenditure for indirect
22 influence, including any expenditure for research, monitoring,
23 technical, clerical or administrative services provided by a
24 lobbyist or lobbying firm, or the staff of a lobbyist or
25 lobbying firm, in support of indirect influence. The term does
26 not include any office expenses.

27 "Legislation." Bills, resolutions, amendments and
28 nominations pending or proposed in either the Senate or the
29 House of Representatives. The term includes any other matter
30 which may become the subject of action by either chamber of the

1 General Assembly.

2 "Legislative action." An action taken by a State official or
3 employee involving the preparation, research, drafting,
4 introduction, consideration, modification, amendment, approval,
5 passage, enactment, tabling, postponement, defeat or rejection
6 of legislation; legislative motions; overriding or sustaining a
7 veto by the Governor; or confirmation of appointments by the
8 Governor or of appointments to public boards or commissions by a
9 member of the General Assembly.

10 "Lobbying." An effort to influence legislative action or
11 administrative action. The term includes:

12 (1) Communicating in writing, orally or by any other
13 medium to a State official or employee for the purpose of
14 influencing legislative or administrative action.

15 (2) Providing any gift, hospitality, transportation or
16 lodging to a State official or employee for the purpose of
17 advancing the interest of the lobbyist or principal.

18 "Lobbying firm." A business entity that engages in lobbying
19 for economic consideration on behalf of a principal, or
20 principals, other than the business entity itself.

21 "Lobbyist." Any individual, firm, association, corporation,
22 partnership, business trust or business entity that engages in
23 lobbying on behalf of a principal for economic consideration.

24 "Office expense." Any expenditure for offices, equipment or
25 supplies other than personnel expenses.

26 "Personnel expense." Any expenditure for salaries or other
27 forms of compensation, benefits, vehicle allowances, bonuses and
28 reimbursable expenses.

29 "Principal." Any individual, firm, association, corporation,
30 partnership, business trust or business entity:

1 (1) on whose behalf a lobbyist influences or attempts to
2 influence an administrative action or a legislative action;
3 or

4 (2) that engages in lobbying on the principal's own
5 behalf.

6 "Registrant." A registered lobbyist, lobbying firm or a
7 registered principal.

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

15 "State official or employee." An individual elected or
16 appointed to a position in State government or employed by State
17 government, whether compensated or uncompensated, who is
18 involved in legislative action or administrative action.

19 § 1304-A. Registration.

20 (a) General rule.--Unless excluded under section 1306-A
21 (relating to exemption from registration and reporting), a
22 lobbyist, principal or lobbying firm must register with the
23 commission biennially. Each biennial registration cycle shall
24 begin on January 1 of each odd-numbered year and shall conclude
25 on December 31 of the immediately following even numbered year.
26 The following shall apply:

27 (1) A lobbyist or lobbying firm must register within ten
28 days of:

29 (i) receiving compensation for lobbying from all
30 principals represented in excess of \$2,500 in the

1 aggregate during any reporting period; or

2 (ii) engaging in lobbying on behalf of his employer
3 where lobbying activity accounts for over \$2,500 of the
4 employee's time during any reporting period based on an
5 hourly proration of the employee's compensation.

6 (2) A principal must register within ten days of
7 expending in excess of \$2,500 for lobbying purposes during
8 any reporting period.

9 (b) Alternate registration.--A lobbyist, lobbying firm,
10 principal or individual who has not otherwise registered
11 pursuant to subsection (a) must register with the commission
12 within ten days of expending in excess of \$500 in the aggregate
13 during any reporting period on gifts, hospitality,
14 transportation and lodging to Commonwealth officials or
15 employees or members of their immediate families.

16 (c) Registration requirements for principals and lobbying
17 firms.--

18 (1) A principal or lobbying firm required to register
19 shall file the following information with the commission:

20 (i) Name.

21 (ii) Permanent address.

22 (iii) Daytime telephone number.

23 (iv) Name and nature of business.

24 (v) Name, registration number and acronyms of all
25 affiliated political action committees.

26 (vi) Name, permanent business address and daytime
27 telephone number of each individual or entity who will
28 for economic consideration engage in lobbying on the
29 principal's or lobbying firm's behalf.

30 (vii) A principal shall disclose in its filing the

1 name, registration number and acronyms of all candidate
2 political committees for which the principal serves as a
3 treasurer or other officer.

4 (viii) A lobbying firm shall disclose in its filing
5 the name, permanent business address and telephone number
6 of each principal represented.

7 (2) If an organization or association is a principal,
8 the number of dues-paying members in the past calendar year
9 shall also be disclosed.

10 (d) Registration requirements for individuals who are
11 lobbyists.--

12 (1) A lobbyist who is required to register shall file
13 the following information with the commission:

14 (i) Name.

15 (ii) Permanent business address.

16 (iii) Daytime telephone number.

17 (iv) A recent photograph of the lobbyist.

18 (v) Name, permanent business address and daytime
19 telephone number of each principal the lobbyist
20 represents.

21 (vi) Name, registration number and acronyms of all
22 affiliated political action committees.

23 (vii) Name, registration number and acronyms of all
24 candidate political committees for which the lobbyist
25 serves as a treasurer or other officer.

26 (2) Each lobbyist shall file a single registration
27 statement identifying all principals he or she represents.

28 (e) Amendments.--

29 (1) When there is a change of information required for
30 the registration statement under subsection (c)(1) or (d), an

1 amended statement shall be filed with the commission within
2 14 days after the change occurs.

3 (2) When there is a change in information required for
4 the registration statement under subsection (c)(2), an
5 amended statement shall be filed with the commission within
6 14 days of the end of the year in which the change occurs.

7 (f) Termination.--A lobbyist, a principal or a lobbying firm
8 may terminate registration by filing a notice with the
9 commission. No later than 15 days after receipt of the notice,
10 the commission shall issue a letter stating that the registrant
11 has terminated registration. The filing of a notice shall not
12 affect the commission's authority to conduct investigations and
13 hearings pursuant to section 1308-A(h) (relating to
14 administration and enforcement). No lobbying may occur after the
15 filing of a notice unless the lobbying is pursuant to a separate
16 registration statement which is filed with the commission and
17 which, at the time of the lobbying, has not been terminated.

18 § 1305-A. Reporting.

19 (a) General rule.--A registered principal shall, under oath
20 or affirmation, file quarterly expense reports with the
21 commission.

22 (b) Content.--The following shall apply:

23 (1) Each expense report must include the general subject
24 matter or issues being lobbied.

25 (2) Each expense report must contain the following
26 categories:

27 (i) The total costs for direct influence expenses.

28 (ii) The total costs for indirect influence
29 expenses.

30 (iii) The total costs for gifts, hospitality,

1 transportation, lodging and receptions given to or
2 provided to State officials or employees or their
3 immediate families.

4 (3) In addition to reporting the totals required under
5 this subsection, the expense report must identify, by name,
6 position and each occurrence, a State official or employee
7 who receives from a principal or lobbyist anything of value
8 which must be included in the statement under section
9 1105(b)(6) or (7) (relating to statement of financial
10 interests) as implemented by section 1105(d).

11 (i) For purposes of this chapter, the amount
12 referred to in section 1105(b)(7) shall be considered an
13 aggregate amount per year.

14 (ii) For purposes of this chapter, the amount
15 referred to in section 1105(b)(7) shall not include the
16 cost of any reception, which the State official or
17 employee attends in connection with public office or
18 employment.

19 (iii) Written notice must be given to each public
20 official or employee of inclusion in the expense report
21 within seven days of the report's submission to the
22 commission. Notice under this subparagraph shall include
23 the information which will enable the public official or
24 employee to comply with section 1105(b)(6) and (7). For
25 purposes of this chapter and Chapter 11 (relating to
26 ethics standards and financial disclosure), section
27 1105(b)(6) and (7) shall constitute mutually exclusive
28 categories.

29 (iv) Regulations shall be promulgated under section
30 1310-A(c) (relating to filing fees; fund established;

1 regulations) to define mutually exclusive categories
2 under section 1105(b)(6) and (7) and to determine whether
3 a thing of value is subject to disclosure under section
4 1105(b)(6) or (7).

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

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

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

20 (7) A lobbyist or lobbying firm shall submit a report if
21 the lobbyist or lobbying firm engaged in lobbying for
22 economic consideration on behalf of any entity that is exempt
23 under section 1306-A(6), (7), (8) and (9) (relating to
24 exemption from registration and reporting).

25 (c) Records retention.--A registrant shall retain all
26 documents reasonably necessary to substantiate the reports to be
27 made under this section for four years from the date of filing
28 the subject report. Upon request by the Office of Attorney
29 General or the commission, these materials shall be made
30 available for inspection within a reasonable period of time.

1 (d) Thresholds for quarterly reporting.--A registered
2 principal shall file an expense report when the principal's
3 aggregate expenses for lobbying or gifts exceed \$500 in a
4 reporting period. In a reporting period in which total expenses
5 are \$500 or less, the principal shall file a statement to that
6 effect.

7 (e) Voluntary disclosure.--Nothing in this section shall
8 prevent a principal, lobbying firm or lobbyist from disclosing
9 expenses in greater detail than required.

10 § 1306-A. Exemption from registration and reporting.

11 The following activities and individuals shall be exempt from
12 registration under section 1304-A (relating to registration) and
13 reporting under section 1305-A (relating to reporting):

14 (1) Preparing testimony and testifying before a
15 committee, commission or board of the legislative or
16 executive branch.

17 (2) Serving on a working group, task force or advisory
18 board at the request of an agency or the General Assembly.

19 (3) Participating as a party or as a lawyer or
20 representative of a party in any administrative adjudication
21 pursuant to 2 Pa.C.S. (relating to administrative law and
22 procedure).

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

28 (5) An individual who does not receive economic
29 consideration or gifts, other than traveling expenses, for
30 lobbying.

1 (6) An elected State officer acting in an official
2 capacity.

3 (7) A State executive officer appointed by the Governor
4 acting in an official capacity.

5 (8) An elected or appointed official or employee of a
6 political subdivision acting in an official capacity.

7 (9) An employee of the Commonwealth or independent
8 agency of the Commonwealth acting in an official capacity.

9 (10) An individual who appears on behalf of any
10 religious organization with respect to subjects of
11 legislation or regulation that directly relate to the
12 religious beliefs and practices of that organization and who
13 does not otherwise act as a lobbyist.

14 (11) Any vendor whose primary occupation is services,
15 supplies or construction. Any lobbyist or lobbying firm
16 employed by such a vendor shall not be exempt from
17 registration under section 1304-A and reporting under section
18 1305-A.

19 § 1307-A. Prohibited activities.

20 (a) Contingent compensation.--

21 (1) No one may compensate or incur an obligation to
22 compensate any lobbyist or lobbying firm, principal or
23 individual to engage in lobbying for compensation contingent
24 in whole or in part upon any of the following:

25 (i) Passage, amendment, defeat, approval or veto of
26 legislation.

27 (ii) Occurrence, nonoccurrence or amendment of an
28 administrative action.

29 (2) No lobbyist, principal, lobbying firm or individual
30 may engage in or agree to engage in lobbying for compensation

1 contingent in whole or in part upon any of the following:

2 (i) Passage, amendment, defeat, approval or veto of
3 legislation.

4 (ii) Occurrence, nonoccurrence or amendment of an
5 administrative action.

6 (b) Fee restrictions.--A lobbyist, lobbying firm, principal
7 or individual may not charge a fee or render payment of a fee,
8 compensation or other economic consideration based upon an
9 understanding, either written or oral, that any part of the fee,
10 compensation or economic consideration will be converted into a
11 contribution to a candidate for public office or a political
12 committee.

13 (c) Falsification.--No lobbyist, lobbying firm, principal or
14 individual may, for the purpose of influencing legislative
15 action or administrative action, transmit, utter or publish to
16 any State official or employee any communication, knowing that
17 such communication or any signature on the communication is
18 false, forged, counterfeit or fictitious.

19 § 1308-A. Administration and enforcement.

20 (a) Criminal enforcement.--If the commission believes an
21 intentional violation of this chapter has been committed, it
22 shall refer all relevant documents and other information to the
23 Office of Attorney General.

24 (b) Attorney General.--In addition to the authority
25 conferred upon the Attorney General under the act of October 15,
26 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
27 the Attorney General has the authority to investigate and
28 prosecute a violation of this chapter.

29 (c) Advice and opinions.--The commission shall provide
30 advice and opinions in accordance with procedures set forth in

1 section 1107 (relating to powers and duties of commission) to a
2 lobbyist, lobbying firm or principal or State official or
3 employee who has a question regarding compliance with this
4 chapter. A principal, a lobbyist, a lobbying firm or an
5 individual who acts in good faith based on the written advice or
6 opinion of the commission shall not be held liable for a
7 violation of this chapter.

8 (d) Public inspection and copying.--The commission shall
9 make completed registration statements, expense reports,
10 termination notices and termination reports which have been
11 filed with the commission available for public inspection and
12 provide copies of these documents at a price which shall not
13 exceed the actual cost of copying. Documents that are maintained
14 and reproducible in an electronic format shall be provided in
15 that format upon request.

16 (e) Annual reporting.--The commission shall prepare and
17 publish an annual report on lobbying activities in this
18 Commonwealth. The commission shall at least annually publish a
19 listing of all registered principals, lobbyists and lobbying
20 firms and shall identify affiliated political action committees.

21 (f) Retention of records.--Completed registration
22 statements, expense reports, termination notices and termination
23 letters issued pursuant to section 1304-A(f) (relating to
24 registration) shall remain on file with the commission for a
25 four-year period.

26 (g) Audits.--The commission shall initiate, by lottery,
27 random annual audits of the registration statements and
28 disclosure reports in sufficient number to ensure compliance
29 with this chapter. The audit report and findings shall be
30 confidential; however, the commission shall include the relevant

1 portion of an audit as part of its findings of fact in a
2 commission order which results from an investigation arising out
3 of an audit.

4 (h) Investigation and hearings.--The commission, through its
5 executive director, may initiate an investigation and hold a
6 hearing concerning any alleged violation of this chapter in
7 accordance with sections 1107 and 1108 (relating to
8 investigations by commission).

9 (i) Directory.--On or before May 1 of each odd-numbered
10 year, the commission shall produce and distribute a directory of
11 all registered lobbyists and lobbying firms retained by
12 registered principals, including photographs of lobbyists.
13 Copies of this directory shall be made available to the public
14 at a price not to exceed the actual cost of production. All
15 revenue received by the commission from the sales of this
16 directory shall be deposited into the fund.

17 (j) Computer file.--The Legislative Data Processing
18 Committee shall maintain updated registration statements,
19 expense reports, termination notices and termination reports.

20 (k) Inflation adjustment.--On a biennial basis commencing in
21 January 2007, the commission shall review the threshold for
22 registration under section 1304-A (relating to registration),
23 and the threshold for reporting under section 1305-A(d)
24 (relating to reporting) and may increase these amounts to rates
25 deemed reasonable for assuring appropriate disclosure. On a
26 biennial basis commencing in January 2007, the commission shall
27 review the filing fee established under section 1310-A (relating
28 to filing fees; fund established; regulations) and may adjust
29 this amount if the commission determines that a higher fee is
30 needed to cover the costs of carrying out the provisions of this

1 chapter. The commission shall publish any such adjusted amounts
2 in the Pennsylvania Bulletin by June 1, 2007, and every two
3 years thereafter as necessary.

4 § 1309-A. Penalties.

5 (a) Notice of possible noncompliance.--

6 (1) The commission shall issue a notice of possible
7 noncompliance to any lobbyist, principal, lobbying firm or
8 individual that has failed to register or report as required
9 by this chapter. The notice shall state the nature of the
10 alleged noncompliance and the civil and criminal penalties
11 for failure to register, failure to file or filing a report
12 containing a false statement. The notice shall also advise of
13 the right to a hearing before the commission and the time and
14 manner in which to request a hearing.

15 (2) If a hearing is requested, the commission shall
16 determine at the hearing whether the recipient of the notice
17 is required to register or report under this chapter, whether
18 the failure to register or report was negligent and, if the
19 failure was negligent, the amount of the civil penalty to be
20 imposed. If the commission finds that the failure to register
21 or report was intentional, it shall refer the matter to the
22 Attorney General for investigation and prosecution. Hearings
23 under this subsection shall be conducted by the commission in
24 accordance with sections 1107 (relating to powers and duties
25 of commission) and 1108 (relating to investigations by
26 commission).

27 (3) Negligent failure to register or report as required
28 by this chapter is punishable by a civil penalty of not more
29 than \$50 for each late day. After a hearing under paragraph

30 (2), in the case of negligent failure to register or report,

1 the commission may, upon the majority vote of its members,
2 levy a civil penalty as provided for in this subsection. The
3 total amount of the civil penalty levied shall not be limited
4 by any other provision of law. The commission shall have
5 standing to apply to Commonwealth Court to seek enforcement
6 of an order imposing a civil penalty under this section.

7 (b) Intentional violations of this chapter.--

8 (1) Any lobbyist, lobbying firm, principal or individual
9 that intentionally fails to register or report as required by
10 this chapter commits a misdemeanor of the second degree.

11 (2) A registrant that files a report under this chapter
12 with knowledge that the report contains a false statement
13 commits a misdemeanor of the second degree.

14 (3) Any lobbyist, lobbying firm or principal or
15 individual that intentionally violates a provision of this
16 chapter other than paragraph (1) or (2) commits a misdemeanor
17 of the third degree.

18 (4) In addition to the penalties imposed pursuant to
19 this subsection, the commission may:

20 (i) Prohibit a lobbyist or lobbying firm from
21 receiving economic consideration to lobby for a period of
22 up to five years for committing an act which constitutes
23 an offense under this subsection.

24 (ii) Subject a principal to a civil fine of not more
25 than \$50,000.

26 (c) Publishing of names.--The names of those found in
27 violation of this chapter shall be published in the Pennsylvania
28 Bulletin.

29 § 1310-A. Filing fees; fund established; regulations.

30 (a) Filing fees.--Each principal, lobbyist, lobbying firm or

1 individual required to be registered under this chapter shall
2 pay a biennial registration fee of \$100 to the commission.

3 (b) Fund established.--All money received from filing fees
4 under subsection (a) shall be deposited in a restricted receipts
5 account to be known as the Lobbying Disclosure Fund. The money
6 deposited in the fund is hereby appropriated to the commission
7 as a continuing appropriation for the exclusive purpose of
8 carrying out the provisions of this chapter. Any moneys
9 remaining in the fund established pursuant to the former section
10 1310(b) (relating to filing fees; fund established; regulations)
11 shall be transferred to the Lobbying Disclosure Fund.

12 (c) Regulations.--A committee comprised of the chairman of
13 the State Ethics Commission, the Attorney General, the General
14 Counsel to the Governor, a member of the Senate appointed by the
15 President pro tempore of the Senate, a member of the Senate
16 appointed by the Minority Leader of the Senate, a member of the
17 House of Representatives appointed by the Speaker of the House
18 of Representatives, a member of the House of Representatives
19 appointed by the Minority Leader of the House of
20 Representatives, or their designees, and two lobbyists
21 registered pursuant to the Lobbying Registration Rules of the
22 Senate on the effective date of this section, each of whom shall
23 be appointed by the Governor, shall have continuing authority to
24 promulgate regulations necessary to carry out the provisions of
25 this chapter. The chairman of the commission shall be designated
26 as the chairman of the committee. The initial proposed
27 regulations shall be submitted within 180 days of the effective
28 date of this section to the Independent Regulatory Review
29 Commission under section 5 of the act of June 25, 1982 (P.L.633,
30 No.181), known as the Regulatory Review Act. Any meeting at

1 which the committee plans to approve proposed regulations shall
2 be held in accordance with Chapter 7 (relating to open
3 meetings). The committee shall also prepare and publish a manual
4 setting forth guidelines for accounting and reporting. The
5 regulations and manual shall be drafted to accommodate the use
6 of computerized recordkeeping, electronic filing of the reports
7 provided for under this chapter and retention of registration
8 statements and reports provided for under this chapter by
9 electronic means. The Department of State shall provide
10 sufficient staff and other administrative support to assist the
11 committee. Any vacancy occurring among the appointed members of
12 the committee shall be filled in the same manner as the original
13 appointment. Any committee member who is a member of the General
14 Assembly shall serve for a term that is coincident with his or
15 her term of office.

16 § 1311-A. Severability.

17 The provisions of this chapter are severable. If any
18 provision of this chapter or its application to any person or
19 circumstance is held invalid, the invalidity shall not affect
20 other provisions or applications of this chapter which can be
21 given effect without the invalid provision or application.

22 Section 3. The sum of \$100,000 is hereby appropriated to the
23 State Ethics Commission for the fiscal year July 1, 2005, to
24 June 30, 2006, to carry out the provisions of this act. Any
25 funds remaining in the restricted receipts account created in 65
26 Pa.C.S. § 1310(b), may be utilized by the State Ethics
27 Commission's implementation of the provisions of 65 Pa.C.S. Ch.
28 13.

29 Section 4. This act shall take effect as follows:

30 (1) The following provisions shall take effect

1 immediately:

2 (i) This section.

3 (ii) Section 3 of this act.

4 (iii) The addition of 65 Pa.C.S. §§ 1305-
5 A(b)(3)(iii) and 1310-A(c).

6 (2) The addition of 65 Pa.C.S. § 1305-A(b)(3)(i) and
7 (ii) shall take effect the earlier of:

8 (i) the effective date of the regulations
9 promulgated under 65 Pa.C.S. § 1305-A(b)(3)(iii); or

10 (ii) July 1, 2005.

11 (3) Except as provided in paragraphs (1)(iii) and (2),
12 the addition of 65 Pa.C.S. Ch. 13-A shall take effect July 1,
13 2005, or immediately, whichever is earlier.

14 (4) The remainder of this act shall take effect July 1,
15 2005, or immediately, whichever is earlier.