

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, S. MILLER, GERBER, BEYER, REED, MELIO AND HUTCHINSON, MARCH 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 22, 2006

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8 ~~Consolidated Statutes is repealed.~~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.~~

- 1 ~~1304 A. Registration.~~
- 2 ~~1305 A. Reporting.~~
- 3 ~~1306 A. Exemption from registration and reporting.~~
- 4 ~~1307 A. Prohibited activities.~~
- 5 ~~1308 A. Administration and enforcement.~~
- 6 ~~1309 A. Penalties.~~
- 7 ~~1310 A. Filing fees; fund established; regulations.~~
- 8 ~~1311 A. Severability.~~
- 9 ~~§ 1301 A. Short title of chapter.~~

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

12 ~~§ 1302 A. Statement of intent and jurisdiction.~~

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

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

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

8 ~~§ 1303 A. Definitions.~~

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

12 ~~"Administrative action." Any of the following:~~

13 ~~(1) An agency's:~~

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

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

18 ~~(iii) approval or rejection of a regulation;~~

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

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

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

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

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

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

13 ~~"Agency."—A State agency, board, commission, authority or~~
14 ~~department.~~

15 ~~"Commission."—The State Ethics Commission.~~

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

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

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

28 ~~"Economic consideration."—Anything of value offered or~~
29 ~~received.~~

30 ~~"Fund."—The Lobbying Disclosure Fund established in section~~

1 ~~1310 A(b) (relating to filing fees; fund established;~~
2 ~~regulations).~~

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

5 ~~"Hospitality."—Includes all of the following:~~

6 ~~(1)—Meals.~~

7 ~~(2)—Beverages.~~

8 ~~(3)—Recreation and entertainment.~~

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

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

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

28 ~~"Legislation."—Bills, resolutions, amendments and~~
29 ~~nominations pending or proposed in either the Senate or the~~
30 ~~House of Representatives. The term includes any other matter~~

1 ~~which may become the subject of action by either chamber of the~~
2 ~~General Assembly.~~

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

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

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

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

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

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

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

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

30 ~~"Principal." Any individual, firm, association, corporation,~~

1 ~~partnership, business trust or business entity:~~

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

4 ~~or~~

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

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

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

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

20 ~~§ 1304 A. Registration.~~

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

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

30 ~~(i) receiving compensation for lobbying from all~~

~~principals represented in excess of \$2,500 in the aggregate during any reporting period; or~~

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

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

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

~~(c) Registration requirements for principals and lobbying firms.—~~

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

~~(i) Name.~~

~~(ii) Permanent address.~~

~~(iii) Daytime telephone number.~~

~~(iv) Name and nature of business.~~

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

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

1 ~~(vii) A principal shall disclose in its filing the~~
2 ~~name, registration number and acronyms of all candidate~~
3 ~~political committees for which the principal serves as a~~
4 ~~treasurer or other officer.~~

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

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

11 ~~(d) Registration requirements for individuals who are~~
12 ~~lobbyists.—~~

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

15 ~~(i) Name.~~

16 ~~(ii) Permanent business address.~~

17 ~~(iii) Daytime telephone number.~~

18 ~~(iv) A recent photograph of the lobbyist.~~

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

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

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

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

29 ~~(c) Amendments.—~~

30 ~~(1) When there is a change of information required for~~

1 ~~the registration statement under subsection (c)(1) or (d), an~~
2 ~~amended statement shall be filed with the commission within~~
3 ~~14 days after the change occurs.~~

4 ~~(2) When there is a change in information required for~~
5 ~~the registration statement under subsection (c)(2), an~~
6 ~~amended statement shall be filed with the commission within~~
7 ~~14 days of the end of the year in which the change occurs.~~

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

19 ~~§ 1305 A. Reporting.~~

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

23 ~~(b) Content. The following shall apply:~~

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

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

28 ~~(i) The total costs for direct influence expenses.~~

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

1 ~~(iii) The total costs for gifts, hospitality,~~
2 ~~transportation, lodging and receptions given to or~~
3 ~~provided to State officials or employees or their~~
4 ~~immediate families.~~

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

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

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

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

30 ~~(iv) Regulations shall be promulgated under section~~

1 ~~1310 A(c) (relating to filing fees; fund established;~~
2 ~~regulations) to define mutually exclusive categories~~
3 ~~under section 1105(b)(6) and (7) and to determine whether~~
4 ~~a thing of value is subject to disclosure under section~~
5 ~~1105(b)(6) or (7).~~

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

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

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

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

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

1 ~~available for inspection within a reasonable period of time.~~

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

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

11 ~~§ 1306 A. Exemption from registration and reporting.~~

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

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

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

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

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

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

1 ~~lobbying.~~

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

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

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

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

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

15 ~~(11) Any vendor whose primary occupation is services,~~
16 ~~supplies or construction. Any lobbyist or lobbying firm~~
17 ~~employed by such a vendor shall not be exempt from~~
18 ~~registration under section 1304 A and reporting under section~~
19 ~~1305 A.~~

20 ~~§ 1307 A. Prohibited activities.~~

21 ~~(a) Contingent compensation.—~~

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

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

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

30 ~~(2) No lobbyist, principal, lobbying firm or individual~~

1 ~~may engage in or agree to engage in lobbying for compensation~~
2 ~~contingent in whole or in part upon any of the following:~~

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

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

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

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

20 ~~§ 1308 A. Administration and enforcement.~~

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

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

30 ~~(c) Advice and opinions. The commission shall provide~~

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

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

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

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

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

1 ~~confidential; however, the commission shall include the relevant~~
2 ~~portion of an audit as part of its findings of fact in a~~
3 ~~commission order which results from an investigation arising out~~
4 ~~of an audit.~~

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

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

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

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

1 ~~needed to cover the costs of carrying out the provisions of this~~
2 ~~chapter. The commission shall publish any such adjusted amounts~~
3 ~~in the Pennsylvania Bulletin by June 1, 2007, and every two~~
4 ~~years thereafter as necessary.~~

5 ~~§ 1309 A. Penalties.~~

6 ~~(a) Notice of possible noncompliance.—~~

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

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

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

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

8 ~~(b) Intentional violations of this chapter.—~~

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

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

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

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

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

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

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

30 ~~§ 1310 A. Filing fees; fund established; regulations.~~

1 ~~(a) Filing fees. Each principal, lobbyist, lobbying firm or~~
2 ~~individual required to be registered under this chapter shall~~
3 ~~pay a biennial registration fee of \$100 to the commission.~~

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

13 ~~(c) Regulations. A committee comprised of the chairman of~~
14 ~~the State Ethics Commission, the Attorney General, the General~~
15 ~~Counsel to the Governor, a member of the Senate appointed by the~~
16 ~~President pro tempore of the Senate, a member of the Senate~~
17 ~~appointed by the Minority Leader of the Senate, a member of the~~
18 ~~House of Representatives appointed by the Speaker of the House~~
19 ~~of Representatives, a member of the House of Representatives~~
20 ~~appointed by the Minority Leader of the House of~~
21 ~~Representatives, or their designees, and two lobbyists~~
22 ~~registered pursuant to the Lobbying Registration Rules of the~~
23 ~~Senate on the effective date of this section, each of whom shall~~
24 ~~be appointed by the Governor, shall have continuing authority to~~
25 ~~promulgate regulations necessary to carry out the provisions of~~
26 ~~this chapter. The chairman of the commission shall be designated~~
27 ~~as the chairman of the committee. The initial proposed~~
28 ~~regulations shall be submitted within 180 days of the effective~~
29 ~~date of this section to the Independent Regulatory Review~~
30 ~~Commission under section 5 of the act of June 25, 1982 (P.L.633,~~

1 ~~No.181), known as the Regulatory Review Act. Any meeting at~~
2 ~~which the committee plans to approve proposed regulations shall~~
3 ~~be held in accordance with Chapter 7 (relating to open~~
4 ~~meetings). The committee shall also prepare and publish a manual~~
5 ~~setting forth guidelines for accounting and reporting. The~~
6 ~~regulations and manual shall be drafted to accommodate the use~~
7 ~~of computerized recordkeeping, electronic filing of the reports~~
8 ~~provided for under this chapter and retention of registration~~
9 ~~statements and reports provided for under this chapter by~~
10 ~~electronic means. The Department of State shall provide~~
11 ~~sufficient staff and other administrative support to assist the~~
12 ~~committee. Any vacancy occurring among the appointed members of~~
13 ~~the committee shall be filled in the same manner as the original~~
14 ~~appointment. Any committee member who is a member of the General~~
15 ~~Assembly shall serve for a term that is coincident with his or~~
16 ~~her term of office.~~

17 ~~§ 1311 A. Severability.~~

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

23 ~~Section 3. The sum of \$100,000 is hereby appropriated to the~~
24 ~~State Ethics Commission for the fiscal year July 1, 2005, to~~
25 ~~June 30, 2006, to carry out the provisions of this act. Any~~
26 ~~funds remaining in the restricted receipts account created in 65~~
27 ~~Pa.C.S. § 1310(b), may be utilized by the State Ethics~~
28 ~~Commission's implementation of the provisions of 65 Pa.C.S. Ch.~~
29 ~~13.~~

30 ~~Section 4. This act shall take effect as follows:~~

1 ABILITY OF THE PEOPLE TO EXERCISE THEIR FUNDAMENTAL AUTHORITY
2 AND TO HAVE CONFIDENCE IN THE INTEGRITY OF THE PROCESS BY WHICH
3 LAWS ARE MADE AND ENFORCED IN THIS COMMONWEALTH DEMANDS THAT THE
4 IDENTITY AND THE SCOPE OF ACTIVITY OF THOSE EMPLOYED TO
5 INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND THE EXECUTIVE
6 DEPARTMENT BE PUBLICLY AND REGULARLY DISCLOSED.

7 (B) JURISDICTION.--THE AUTHORITY TO REGULATE PERSONS
8 EMPLOYED TO INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND
9 THE EXECUTIVE DEPARTMENT LIES WITHIN THE JURISDICTION OF THOSE
10 BRANCHES OF GOVERNMENT. TO INSURE THAT THE INTENT OF THIS
11 CHAPTER IS NOT EVADED AND THAT ALL SUCH PERSONS ARE REGULATED IN
12 A FAIR AND EQUITABLE MANNER, LOBBYISTS AND THE PRACTICE OF
13 LOBBYING SHALL BE SUBJECT TO THIS CHAPTER, WHICH SHALL PREVAIL
14 OVER ANY OTHER REGULATION OF PROFESSIONAL ACTIVITY WHEN THAT
15 ACTIVITY CONSTITUTES LOBBYING. THIS CHAPTER IS NOT INTENDED TO
16 GOVERN PROFESSIONAL ACTIVITIES WHICH DO NOT INCLUDE LOBBYING AND
17 WHICH ARE PROPERLY THE SUBJECT OF REGULATION BY THE JUDICIAL
18 BRANCH OF GOVERNMENT OR BY ANY GOVERNMENT AGENCY. MEMBERSHIP IN
19 A REGULATED PROFESSION SHALL NOT EXCUSE A LOBBYIST FROM
20 COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

21 § 1303. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 "ADMINISTRATIVE ACTION." ANY OF THE FOLLOWING:

26 (1) AN AGENCY'S:

27 (I) PROPOSAL, CONSIDERATION, PROMULGATION OR
28 RESCISSION OF A REGULATION;

29 (II) DEVELOPMENT OR MODIFICATION OF A GUIDELINE OR A
30 STATEMENT OF POLICY; OR

1 (III) APPROVAL OR REJECTION OF A REGULATION.

2 (2) THE REVIEW, REVISION, APPROVAL OR DISAPPROVAL OF A
3 REGULATION UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
4 KNOWN AS THE REGULATORY REVIEW ACT.

5 (3) THE GOVERNOR'S APPROVAL OR VETO OF LEGISLATION.

6 (4) THE NOMINATION OR APPOINTMENT OF AN INDIVIDUAL AS AN
7 OFFICER OR EMPLOYEE OF THE COMMONWEALTH.

8 (5) THE PROPOSAL, CONSIDERATION, PROMULGATION OR
9 RESCISSION OF AN EXECUTIVE ORDER.

10 "AFFILIATED POLITICAL ACTION COMMITTEE." A POLITICAL ACTION
11 COMMITTEE AS DEFINED IN SECTION 1621(L) OF THE ACT OF JUNE 3,
12 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
13 CODE, WHICH HAS A CHAIRMAN, A TREASURER OR ANOTHER OFFICER WHO
14 IS A PRINCIPAL, AN EMPLOYEE OF A PRINCIPAL, A LOBBYIST OR AN
15 EMPLOYEE OF A LOBBYIST, PROVIDED IF AN EMPLOYEE OF A REGISTRANT
16 SERVES AS THE OFFICER OF A POLITICAL ACTION COMMITTEE IN WHAT IS
17 CLEARLY A PERSONAL CAPACITY AND THE GOALS AND MISSION OF THAT
18 POLITICAL ACTION COMMITTEE CLEARLY HAVE NO RELATIONSHIP TO THE
19 GOALS AND MISSION OF THE REGISTRANT, SUCH POLITICAL ACTION
20 COMMITTEE SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL ACTION
21 COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

22 "AGENCY." A STATE AGENCY, BOARD, COMMISSION, AUTHORITY OR
23 DEPARTMENT.

24 "COMMISSION." THE STATE ETHICS COMMISSION.

25 "COMPENSATION." ANYTHING OF VALUE, INCLUDING BENEFITS,
26 RECEIVED OR TO BE RECEIVED FROM A PRINCIPAL BY ONE ACTING AS A
27 LOBBYIST.

28 "DIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL OR
29 BY ANY OTHER MEDIUM, MADE BY A LOBBYIST OR PRINCIPAL, DIRECTED
30 TO A STATE OFFICIAL OR EMPLOYEE, THE PURPOSE OR FORESEEABLE

1 EFFECT OF WHICH IS TO INFLUENCE LEGISLATIVE ACTION OR
2 ADMINISTRATIVE ACTION.

3 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR
4 RECEIVED.

5 "FUND." THE LOBBYING DISCLOSURE FUND ESTABLISHED IN SECTION
6 1310(B) (RELATING TO FILING FEES; FUND ESTABLISHED;
7 REGULATIONS).

8 "GIFT." AS DEFINED IN SECTION 1102 (RELATING TO
9 DEFINITIONS).

10 "IMMEDIATE FAMILY." AN INDIVIDUAL'S SPOUSE, AN INDIVIDUAL'S
11 CHILD AND AN INDIVIDUAL'S PARENT, BROTHER, SISTER OR LIKE
12 RELATIVE-IN-LAW.

13 "INDIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL
14 OR BY ANY OTHER MEDIUM, TO ENCOURAGE OTHERS, INCLUDING THE
15 GENERAL PUBLIC, TO TAKE ACTION, THE PURPOSE OR FORESEEABLE
16 EFFECT OF WHICH IS TO DIRECTLY INFLUENCE LEGISLATIVE ACTION OR
17 ADMINISTRATIVE ACTION. THE TERM INCLUDES LETTER-WRITING
18 CAMPAIGNS, MAILINGS, TELEPHONE BANKS, PRINT AND ELECTRONIC MEDIA
19 ADVERTISING, BILLBOARDS, PUBLICATIONS AND EDUCATIONAL CAMPAIGNS
20 ON PUBLIC ISSUES. THE TERM DOES NOT INCLUDE REGULARLY PUBLISHED
21 PERIODIC NEWSLETTERS PRIMARILY DESIGNED FOR AND DISTRIBUTED TO
22 MEMBERS OF A BONA FIDE ASSOCIATION OR CHARITABLE OR FRATERNAL
23 NONPROFIT CORPORATION.

24 "LEGISLATION." BILLS, RESOLUTIONS, AMENDMENTS AND
25 NOMINATIONS PENDING OR PROPOSED IN EITHER THE SENATE OR THE
26 HOUSE OF REPRESENTATIVES. THE TERM INCLUDES ANY OTHER MATTER
27 WHICH MAY BECOME THE SUBJECT OF ACTION BY EITHER CHAMBER OF THE
28 GENERAL ASSEMBLY.

29 "LEGISLATIVE ACTION." AN ACTION TAKEN BY A STATE OFFICIAL OR
30 EMPLOYEE INVOLVING THE PREPARATION, RESEARCH, DRAFTING,

1 INTRODUCTION, CONSIDERATION, MODIFICATION, AMENDMENT, APPROVAL,
2 PASSAGE, ENACTMENT, TABLING, POSTPONEMENT, DEFEAT OR REJECTION
3 OF LEGISLATION; LEGISLATIVE MOTIONS; OVERRIDING OR SUSTAINING A
4 VETO BY THE GOVERNOR; OR CONFIRMATION OF APPOINTMENTS BY THE
5 GOVERNOR OR OF APPOINTMENTS TO PUBLIC BOARDS OR COMMISSIONS BY A
6 MEMBER OF THE GENERAL ASSEMBLY.

7 "LOBBYING." AN EFFORT TO INFLUENCE LEGISLATIVE ACTION OR
8 ADMINISTRATIVE ACTION. THE TERM INCLUDES:

9 (1) PROVIDING ANY GIFT, ENTERTAINMENT, MEAL,
10 TRANSPORTATION OR LODGING TO A STATE OFFICIAL OR EMPLOYEE FOR
11 THE PURPOSE OF ADVANCING THE INTEREST OF THE LOBBYIST OR
12 PRINCIPAL; AND

13 (2) DIRECT OR INDIRECT COMMUNICATION.

14 "LOBBYIST." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
15 PARTNERSHIP, BUSINESS TRUST OR BUSINESS ENTITY THAT ENGAGES IN
16 LOBBYING ON BEHALF OF A PRINCIPAL FOR ECONOMIC CONSIDERATION.
17 THE TERM INCLUDES AN ATTORNEY WHO ENGAGES IN LOBBYING.

18 "PRINCIPAL." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
19 PARTNERSHIP, BUSINESS TRUST OR BUSINESS ENTITY:

20 (1) ON WHOSE BEHALF A LOBBYIST INFLUENCES OR ATTEMPTS TO
21 INFLUENCE AN ADMINISTRATIVE ACTION OR A LEGISLATIVE ACTION;
22 OR

23 (2) THAT ENGAGES IN LOBBYING ON THE PRINCIPAL'S OWN
24 BEHALF.

25 "REGISTRANT." A REGISTERED LOBBYIST OR A REGISTERED
26 PRINCIPAL.

27 "REGULATION." ANY RULE, REGULATION OR ORDER IN THE NATURE OF
28 A RULE OR REGULATION, INCLUDING FORMAL AND INFORMAL OPINIONS OF
29 THE ATTORNEY GENERAL, OF GENERAL APPLICATION AND FUTURE EFFECT,
30 PROMULGATED BY AN AGENCY UNDER STATUTORY AUTHORITY IN THE

1 ADMINISTRATION OF A STATUTE ADMINISTERED BY OR RELATING TO THE
2 AGENCY, OR PRESCRIBING THE PRACTICE OR PROCEDURE BEFORE THE
3 AGENCY.

4 "STATE OFFICIAL OR EMPLOYEE." AN INDIVIDUAL ELECTED OR
5 APPOINTED TO A POSITION IN STATE GOVERNMENT OR EMPLOYED BY STATE
6 GOVERNMENT, WHETHER COMPENSATED OR UNCOMPENSATED, WHO IS
7 INVOLVED IN LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION.

8 § 1304. REGISTRATION.

9 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 1306
10 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A
11 LOBBYIST OR A PRINCIPAL MUST REGISTER WITH THE COMMISSION WITHIN
12 TEN DAYS OF ACTING IN ANY CAPACITY AS A LOBBYIST OR PRINCIPAL.
13 REGISTRATION SHALL BE BIENNIAL AND BE COINCIDENT WITH THE TERMS
14 OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

15 (B) PRINCIPALS.--

16 (1) A PRINCIPAL REQUIRED TO REGISTER SHALL FILE THE
17 FOLLOWING INFORMATION WITH THE COMMISSION:

18 (I) NAME.

19 (II) PERMANENT ADDRESS.

20 (III) DAYTIME TELEPHONE NUMBER.

21 (IV) NAME AND NATURE OF BUSINESS.

22 (V) NAME, REGISTRATION NUMBER AND ACRONYMS OF
23 AFFILIATED POLITICAL ACTION COMMITTEES.

24 (VI) NAME AND PERMANENT BUSINESS ADDRESS OF EACH
25 INDIVIDUAL WHO WILL FOR ECONOMIC CONSIDERATION ENGAGE IN
26 LOBBYING ON THE PRINCIPAL'S BEHALF.

27 (2) IF AN ORGANIZATION OR ASSOCIATION IS A PRINCIPAL,
28 THE NUMBER OF DUES-PAYING MEMBERS IN THE PAST CALENDAR YEAR
29 SHALL ALSO BE DISCLOSED.

30 (C) LOBBYIST.--

1 (1) A LOBBYIST WHO IS REQUIRED TO REGISTER SHALL FILE
2 THE FOLLOWING INFORMATION WITH THE COMMISSION:

3 (I) NAME.

4 (II) PERMANENT BUSINESS ADDRESS.

5 (III) DAYTIME TELEPHONE NUMBER.

6 (IV) A RECENT PICTURE OF THE LOBBYIST.

7 (V) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME
8 TELEPHONE NUMBER OF THE PRINCIPAL THE LOBBYIST
9 REPRESENTS.

10 (VI) NAME, REGISTRATION NUMBER AND ACRONYMS OF
11 AFFILIATED POLITICAL ACTION COMMITTEES.

12 (2) EACH LOBBYIST SHALL FILE A SEPARATE REGISTRATION
13 STATEMENT FOR EACH PRINCIPAL HE OR SHE REPRESENTS.

14 (D) AMENDMENTS.--

15 (1) WHEN THERE IS A CHANGE OF INFORMATION REQUIRED FOR
16 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(1) OR (C), AN
17 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN
18 14 DAYS AFTER THE CHANGE OCCURS.

19 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR
20 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(2), AN
21 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN
22 14 DAYS OF THE END OF THE YEAR IN WHICH THE CHANGE OCCURS.

23 (E) TERMINATION.--A LOBBYIST OR A PRINCIPAL MAY TERMINATE
24 REGISTRATION BY FILING NOTICE WITH THE COMMISSION. WITHIN 30
25 DAYS OF FILING THE NOTICE, THE LOBBYIST OR PRINCIPAL SHALL FILE
26 A TERMINATION REPORT, WHICH SHALL INCLUDE ALL INFORMATION
27 REQUIRED BY SECTION 1305 (RELATING TO REPORTING) THROUGH THE
28 FINAL DAY OF LOBBYING ACTIVITY. AFTER A REASONABLE REVIEW OF THE
29 TERMINATION REPORT BUT NOT LATER THAN 90 DAYS AFTER RECEIPT OF
30 THE NOTICE, THE COMMISSION SHALL ISSUE TO THE LOBBYIST OR

1 PRINCIPAL A LETTER STATING THAT THE REGISTRANT HAS TERMINATED
2 REGISTRATION. THE FILING OF NOTICE OR A TERMINATION REPORT SHALL
3 NOT AFFECT THE COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS
4 AND HEARINGS PURSUANT TO SECTION 1308(H) (RELATING TO
5 ADMINISTRATION AND ENFORCEMENT). NO LOBBYING MAY OCCUR AFTER THE
6 FILING OF NOTICE UNLESS THE LOBBYING IS PURSUANT TO A SEPARATE
7 REGISTRATION STATEMENT WHICH IS FILED WITH THE COMMISSION AND
8 WHICH, AT THE TIME OF THE LOBBYING, HAS NOT BEEN TERMINATED.
9 § 1305. REPORTING.

10 (A) GENERAL RULE.--A LOBBYIST AS REQUIRED BY SUBSECTION
11 (B)(6) OR A REGISTERED PRINCIPAL SHALL, UNDER OATH OR
12 AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE COMMISSION.

13 (B) CONTENT.--

14 (1) REPORTS MUST LIST THE NAMES OF ALL LOBBYISTS BY WHOM
15 THE LOBBYING IS CONDUCTED AND THE GENERAL SUBJECT MATTER OR
16 ISSUE BEING LOBBIED.

17 (2) EXPENSE REPORTS MUST CONTAIN THE FOLLOWING
18 CATEGORIES:

19 (I) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
20 TOTAL AMOUNT SPENT FOR PERSONNEL AND OFFICE EXPENSES
21 RELATED TO LOBBYING. THIS SUBPARAGRAPH INCLUDES SALARIES
22 AND OTHER FORMS OF COMPENSATION, BENEFITS, VEHICLE
23 ALLOWANCES, BONUSES AND REIMBURSABLE EXPENSES FOR THOSE
24 INVOLVED IN LOBBYING. IF COMPENSATION IS TO BE REPORTED
25 BY OR FOR AN INDIVIDUAL OR ENTITY WHOSE LOBBYING IS
26 INCIDENTAL TO REGULAR EMPLOYMENT, IT SHALL BE SUFFICIENT
27 TO REPORT A GOOD FAITH PRORATED ESTIMATE BASED ON THE
28 VALUE OF THE TIME DEVOTED TO LOBBYING. REPORTABLE
29 PERSONNEL COSTS INCLUDE COSTS FOR LOBBYING STAFF,
30 RESEARCH AND MONITORING STAFF, CONSULTANTS, LAWYERS,

1 LOBBYISTS, PUBLICATIONS AND PUBLIC RELATIONS STAFF,
2 TECHNICAL STAFF AND CLERICAL AND ADMINISTRATIVE SUPPORT
3 STAFF WHO ENGAGE IN LOBBYING BUT ARE EXEMPT FROM
4 REPORTING UNDER SECTION 1306(6) (RELATING TO EXEMPTION
5 FROM REGISTRATION AND REPORTING). THIS SUBPARAGRAPH
6 INCLUDES COSTS FOR OFFICES, EQUIPMENT AND SUPPLIES
7 UTILIZED FOR LOBBYING.

8 (II) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
9 TOTAL AMOUNT SPENT FOR DIRECT COMMUNICATION.

10 (III) THE TOTAL COSTS FOR GIFTS, ENTERTAINMENT,
11 MEALS, TRANSPORTATION, LODGING AND RECEPTIONS GIVEN TO OR
12 PROVIDED TO STATE OFFICIALS OR EMPLOYEES OR THEIR
13 IMMEDIATE FAMILIES.

14 (IV) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
15 TOTAL AMOUNT SPENT FOR INDIRECT COMMUNICATION.

16 (3) IN ADDITION TO REPORTING THE TOTALS REQUIRED UNDER
17 THIS SUBSECTION, THE EXPENSE REPORT MUST IDENTIFY, BY NAME,
18 POSITION AND EACH OCCURRENCE, A STATE OFFICIAL OR EMPLOYEE
19 WHO RECEIVES FROM A PRINCIPAL OR LOBBYIST ANYTHING OF VALUE
20 WHICH MUST BE INCLUDED IN THE STATEMENT UNDER SECTION
21 1105(B)(6) OR (7) (RELATING TO STATEMENT OF FINANCIAL
22 INTERESTS) AS IMPLEMENTED BY SECTION 1105(D).

23 (I) FOR PURPOSES OF THIS CHAPTER, THE AMOUNT
24 REFERRED TO IN SECTION 1105(B)(7) SHALL BE CONSIDERED AN
25 AGGREGATE AMOUNT PER YEAR.

26 (II) WRITTEN NOTICE MUST BE GIVEN TO EACH PUBLIC
27 OFFICIAL OR EMPLOYEE OF INCLUSION IN THE EXPENSE REPORT
28 WITHIN SEVEN DAYS OF THE REPORT'S SUBMISSION TO THE
29 COMMISSION. NOTICE UNDER THIS SUBPARAGRAPH SHALL INCLUDE
30 THE INFORMATION WHICH WILL ENABLE THE PUBLIC OFFICIAL OR

1 EMPLOYEE TO COMPLY WITH SECTION 1105(B)(6) AND (7). FOR
2 PURPOSES OF THIS CHAPTER AND CHAPTER 11 (RELATING TO
3 ETHICS STANDARDS AND FINANCIAL DISCLOSURE), SECTION
4 1105(B)(6) AND (7) SHALL CONSTITUTE MUTUALLY EXCLUSIVE
5 CATEGORIES.

6 (III) REGULATIONS SHALL BE PROMULGATED UNDER SECTION
7 1310(C) (RELATING TO FILING FEES; FUND ESTABLISHED;
8 REGULATIONS) TO DEFINE MUTUALLY EXCLUSIVE CATEGORIES
9 UNDER SECTION 1105(B)(6) AND (7) AND TO DETERMINE WHETHER
10 A THING OF VALUE IS SUBJECT TO DISCLOSURE UNDER SECTION
11 1105(B)(6) OR (7).

12 (4) A LOBBYIST MUST SIGN THE REPORTS SUBMITTED BY EACH
13 PRINCIPAL REPRESENTED TO ATTEST TO THE VALIDITY AND ACCURACY
14 TO THE BEST OF THE LOBBYIST'S KNOWLEDGE. A LOBBYIST MAY
15 ATTACH A STATEMENT TO THE REPORT OF ANY PRINCIPAL, DESCRIBING
16 THE LIMITS OF THE LOBBYIST'S KNOWLEDGE CONCERNING THE
17 EXPENDITURES CONTAINED IN THE REPORT.

18 (5) THE EXPENSE REPORT SHALL ALSO INCLUDE THE NAME,
19 PERMANENT BUSINESS ADDRESS AND DAYTIME TELEPHONE NUMBER OF
20 ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION, PARTNERSHIP,
21 BUSINESS TRUST OR BUSINESS ENTITY WHICH CONTRIBUTED MORE THAN
22 10% OF THE TOTAL RESOURCES RECEIVED BY THE PRINCIPAL DURING
23 THE REPORTING PERIOD.

24 (6) A LOBBYIST SHALL SUBMIT A SEPARATE REPORT IF, DURING
25 THE REPORTING PERIOD, THE LOBBYIST ENGAGED IN LOBBYING WHICH
26 WAS NOT CONTAINED IN THE REPORTS FILED BY THE PRINCIPAL OR
27 PRINCIPALS REPRESENTED BY THE LOBBYIST. A SEPARATE LOBBYIST
28 REPORT SHALL CONTAIN THE IDENTITY OF THE PRINCIPAL FOR WHOM
29 SUCH LOBBYING WAS PERFORMED AND SHALL CONTAIN ALL INFORMATION
30 REQUIRED UNDER PARAGRAPHS (2) AND (3).

1 (7) A REGISTERED PRINCIPAL OR REGISTERED LOBBYIST THAT
2 ATTEMPTS TO INFLUENCE AN AGENCY'S PREPARING, BIDDING,
3 ENTERING INTO OR APPROVING A CONTRACT SHALL ENSURE THAT THE
4 RELATED EXPENSES ARE INCLUDED UNDER PARAGRAPH (2).

5 (C) RECORDS RETENTION.--A REGISTRANT SHALL RETAIN ALL
6 DOCUMENTS REASONABLY NECESSARY TO SUBSTANTIATE THE REPORTS TO BE
7 MADE UNDER THIS SECTION FOR FOUR YEARS FROM THE DATE OF FILING
8 THE SUBJECT REPORT. UPON REQUEST BY THE OFFICE OF THE ATTORNEY
9 GENERAL OR THE COMMISSION, THESE MATERIALS SHALL BE MADE
10 AVAILABLE FOR INSPECTION WITHIN A REASONABLE PERIOD OF TIME.

11 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT SHALL BE
12 FILED WHEN TOTAL EXPENSES FOR LOBBYING EXCEED \$500 FOR A
13 REGISTERED PRINCIPAL OR A REGISTERED LOBBYIST IN A REPORTING
14 PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES ARE \$500
15 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED.

16 (E) VOLUNTARY DISCLOSURE.--NOTHING IN THIS SECTION SHALL
17 PREVENT A PRINCIPAL OR LOBBYIST FROM DISCLOSING EXPENSES IN
18 GREATER DETAIL THAN REQUIRED.

19 § 1306. EXEMPTION FROM REGISTRATION AND REPORTING.

20 THE FOLLOWING INDIVIDUALS AND ACTIVITIES SHALL BE EXEMPT FROM
21 REGISTRATION UNDER SECTION 1304 (RELATING TO REGISTRATION) AND
22 REPORTING UNDER SECTION 1305 (RELATING TO REPORTING):

23 (1) AN INDIVIDUAL WHO LIMITS LOBBYING ACTIVITIES TO
24 PREPARING TESTIMONY AND TESTIFYING BEFORE A COMMITTEE OF THE
25 LEGISLATURE OR PARTICIPATING IN AN ADMINISTRATIVE PROCEEDING
26 OF AN AGENCY.

27 (2) AN INDIVIDUAL WHO IS AN EMPLOYEE OF AN ENTITY
28 ENGAGED IN THE BUSINESS OF PUBLISHING, BROADCASTING OR
29 TELEVISIONING WHILE ENGAGED IN THE GATHERING AND DISSEMINATION
30 OF NEWS AND COMMENT THEREON TO THE GENERAL PUBLIC IN THE

1 ORDINARY COURSE OF BUSINESS.

2 (3) ANY OF THE FOLLOWING:

3 (I) AN INDIVIDUAL WHO DOES NOT RECEIVE COMPENSATION,
4 OTHER THAN TRAVELING EXPENSES, FOR LOBBYING.

5 (II) AN INDIVIDUAL WHOSE COMPENSATION FOR LOBBYING,
6 FROM ALL PRINCIPALS REPRESENTED, DOES NOT EXCEED \$2,500
7 IN THE AGGREGATE DURING ANY REPORTING PERIOD.

8 (III) AN INDIVIDUAL WHO ENGAGES IN LOBBYING ON
9 BEHALF OF THE INDIVIDUAL'S EMPLOYER AND WHERE LOBBYING
10 ACTIVITY REPRESENTS LESS THAN THE EQUIVALENT OF \$2,500 OF
11 THE EMPLOYEE'S TIME DURING ANY REPORTING PERIOD, BASED ON
12 AN HOURLY PRORATION OF THE EMPLOYEE'S COMPENSATION.

13 (IV) A PRINCIPAL WHOSE TOTAL EXPENSES FOR LOBBYING
14 PURPOSES DO NOT EXCEED \$2,500 DURING ANY REPORTING
15 PERIOD.

16 (4) ANY OF THE FOLLOWING:

17 (I) AN ELECTED STATE OFFICER ACTING IN AN OFFICIAL
18 CAPACITY.

19 (II) A STATE EXECUTIVE OFFICER APPOINTED BY THE
20 GOVERNOR ACTING IN AN OFFICIAL CAPACITY.

21 (III) AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE
22 OF A POLITICAL SUBDIVISION ACTING IN AN OFFICIAL
23 CAPACITY.

24 (IV) AN EMPLOYEE OF THE COMMONWEALTH OR INDEPENDENT
25 AGENCY OF THE COMMONWEALTH ACTING IN AN OFFICIAL
26 CAPACITY.

27 (5) AN INDIVIDUAL REPRESENTING A BONA FIDE CHURCH OF
28 WHICH THE INDIVIDUAL IS A MEMBER AND THE PURPOSE OF THE
29 LOBBYING IS SOLELY FOR THE PURPOSE OF PROTECTING THE
30 CONSTITUTIONAL RIGHT TO THE FREE EXERCISE OF RELIGION.

1 (6) AN EMPLOYEE, WHO IS NOT A REGISTERED LOBBYIST, OF A
2 CORPORATION WHICH:

3 (I) IS REGISTERED AS A PRINCIPAL UNDER SECTION 1304;

4 (II) HAS ONE OR MORE REGISTERED LOBBYISTS; AND

5 (III) INCLUDES IN ITS REPORTS UNDER SECTION 1305 ALL
6 OF THE EMPLOYEE'S EXPENSES RELATED TO LOBBYING.

7 § 1307. PROHIBITED ACTIVITIES.

8 (A) CONTINGENT COMPENSATION.--

9 (1) NO ONE MAY COMPENSATE OR INCUR AN OBLIGATION TO
10 COMPENSATE ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL TO ENGAGE IN
11 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON
12 ANY OF THE FOLLOWING:

13 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF
14 LEGISLATION.

15 (II) OCCURRENCE OR NONOCCURRENCE OF AN
16 ADMINISTRATIVE ACTION.

17 (2) NO LOBBYIST, PRINCIPAL OR INDIVIDUAL MAY ENGAGE OR
18 AGREE TO ENGAGE IN LOBBYING FOR COMPENSATION CONTINGENT IN
19 WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

20 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF
21 LEGISLATION.

22 (II) OCCURRENCE OR NONOCCURRENCE OF AN
23 ADMINISTRATIVE ACTION.

24 (B) POLITICAL COMMITTEES.--A LOBBYIST MAY NOT SERVE AS A
25 TREASURER OR ANOTHER OFFICER FOR A CANDIDATE'S POLITICAL
26 COMMITTEE OR A CANDIDATE'S POLITICAL ACTION COMMITTEE.

27 (C) FEE RESTRICTIONS.--A LOBBYIST MAY NOT CHARGE A FEE OR
28 RECEIVE COMPENSATION OR ECONOMIC CONSIDERATION BASED UPON AN
29 UNDERSTANDING, EITHER WRITTEN OR ORAL, THAT ANY PART OF THE FEE,
30 COMPENSATION OR ECONOMIC CONSIDERATION WILL BE CONVERTED INTO A

1 CONTRIBUTION TO A CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL
2 COMMITTEE.

3 (D) FALSIFICATION.--NO LOBBYIST OR PRINCIPAL MAY, FOR THE
4 PURPOSE OF INFLUENCING LEGISLATIVE ACTION OR ADMINISTRATIVE
5 ACTION, TRANSMIT, UTTER OR PUBLISH TO ANY STATE OFFICIAL OR
6 EMPLOYEE ANY COMMUNICATION, KNOWING THAT SUCH COMMUNICATION OR
7 ANY SIGNATURE ON THE COMMUNICATION IS FALSE, FORGED, COUNTERFEIT
8 OR FICTITIOUS.

9 § 1308. ADMINISTRATION AND ENFORCEMENT.

10 (A) CRIMINAL ENFORCEMENT.--IF THE COMMISSION BELIEVES AN
11 INTENTIONAL VIOLATION OF THIS CHAPTER HAS BEEN COMMITTED, IT
12 SHALL REFER ALL RELEVANT DOCUMENTS AND OTHER INFORMATION TO THE
13 OFFICE OF ATTORNEY GENERAL.

14 (B) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY
15 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,
16 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
17 THE ATTORNEY GENERAL HAS THE AUTHORITY TO INVESTIGATE AND
18 PROSECUTE A VIOLATION OF THIS CHAPTER.

19 (C) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
20 ADVICE AND OPINIONS IN ACCORDANCE WITH PROCEDURES SET FORTH IN
21 SECTION 1107 (RELATING TO POWERS AND DUTIES OF COMMISSION) TO A
22 LOBBYIST, PRINCIPAL OR STATE OFFICIAL OR EMPLOYEE WHO HAS A
23 QUESTION REGARDING COMPLIANCE WITH THIS CHAPTER. A PRINCIPAL, A
24 LOBBYIST OR AN INDIVIDUAL WHO ACTS IN GOOD FAITH BASED ON THE
25 WRITTEN ADVICE OR OPINION OF THE COMMISSION SHALL NOT BE HELD
26 LIABLE FOR A VIOLATION OF THIS CHAPTER.

27 (D) PUBLIC INSPECTION AND COPYING.--THE COMMISSION SHALL
28 MAKE COMPLETED REGISTRATION STATEMENTS, EXPENSE REPORTS,
29 TERMINATION NOTICES AND TERMINATION REPORTS WHICH HAVE BEEN
30 FILED WITH THE COMMISSION AVAILABLE FOR PUBLIC INSPECTION AND

1 PROVIDE COPIES OF THESE DOCUMENTS AT A PRICE WHICH SHALL NOT
2 EXCEED THE ACTUAL COST OF COPYING. DOCUMENTS THAT ARE MAINTAINED
3 AND REPRODUCIBLE IN AN ELECTRONIC FORMAT SHALL BE PROVIDED IN
4 THAT FORMAT UPON REQUEST.

5 (E) ANNUAL REPORTING.--THE COMMISSION SHALL PREPARE AND
6 PUBLISH AN ANNUAL REPORT ON LOBBYING ACTIVITIES IN THIS
7 COMMONWEALTH. THE COMMISSION SHALL ALSO ANNUALLY PUBLISH A
8 LISTING OF PRINCIPALS, IDENTIFYING AFFILIATED POLITICAL ACTION
9 COMMITTEES AND LOBBYISTS, AND A LISTING OF LOBBYISTS,
10 IDENTIFYING AFFILIATED POLITICAL ACTION COMMITTEES AND
11 PRINCIPALS.

12 (F) RETENTION OF RECORDS.--COMPLETED REGISTRATION
13 STATEMENTS, EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION
14 REPORTS SHALL REMAIN ON FILE WITH THE COMMISSION FOR A FOUR-YEAR
15 PERIOD.

16 (G) AUDITS.--THE COMMISSION SHALL INITIATE, BY LOTTERY,
17 RANDOM ANNUAL AUDITS OF THE REGISTRATION STATEMENTS AND
18 DISCLOSURE REPORTS IN SUFFICIENT NUMBER TO ENSURE COMPLIANCE
19 WITH THIS CHAPTER. THE AUDIT REPORT AND FINDINGS SHALL BE
20 CONFIDENTIAL; HOWEVER, THE COMMISSION SHALL INCLUDE THE RELEVANT
21 PORTION OF AN AUDIT AS PART OF ITS FINDINGS OF FACT IN A
22 COMMISSION ORDER WHICH RESULTS FROM AN INVESTIGATION ARISING OUT
23 OF AN AUDIT.

24 (H) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
25 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
26 HEARING CONCERNING NEGLIGENT CONDUCT BY A LOBBYIST OR PRINCIPAL
27 IN ACCORDANCE WITH SECTIONS 1107 AND 1108 (RELATING TO
28 INVESTIGATIONS BY COMMISSION).

29 (I) DIRECTORY.--ON OR BEFORE MAY 1 OF EACH ODD-NUMBERED
30 YEAR, THE COMMISSION SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF

1 ALL REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS. COPIES OF THIS
2 DIRECTORY SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT
3 TO EXCEED THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY
4 THE COMMISSION FROM THE SALES OF THIS DIRECTORY SHALL BE
5 DEPOSITED INTO THE FUND.

6 (J) COMPUTER FILE.--THE LEGISLATIVE DATA PROCESSING
7 COMMITTEE SHALL MAINTAIN UPDATED REGISTRATION STATEMENTS,
8 EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION REPORTS.

9 (K) COST-OF-LIVING ADJUSTMENT.--ON A BIENNIAL BASIS
10 COMMENCING IN JANUARY 2002, THE COMMISSION SHALL REVIEW THE
11 THRESHOLD FOR REPORTING UNDER SECTION 1305(D) (RELATING TO
12 REPORTING) AND THE THRESHOLD FOR EXEMPTION UNDER SECTION
13 1306(3)(II) THROUGH (IV) (RELATING TO EXEMPTION FROM
14 REGISTRATION AND REPORTING) AND MAY INCREASE THESE AMOUNTS TO
15 RATES DEEMED REASONABLE FOR ASSURING APPROPRIATE DISCLOSURE. THE
16 COMMISSION SHALL PUBLISH ANY SUCH ADJUSTED THRESHOLD AMOUNTS IN
17 THE PENNSYLVANIA BULLETIN BY JUNE 1, 2002, AND EVERY TWO YEARS
18 THEREAFTER AS NECESSARY.

19 § 1309. PENALTIES.

20 (A) NOTICE OF NONCOMPLIANCE.--THE COMMISSION SHALL ISSUE A
21 NOTICE OF NONCOMPLIANCE TO ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL
22 THAT HAS FAILED TO REGISTER OR REPORT AS REQUIRED BY THIS
23 CHAPTER. THE NOTICE SHALL STATE THE NATURE OF THE ALLEGED
24 NONCOMPLIANCE AND THE CIVIL AND CRIMINAL PENALTIES FOR FAILURE
25 TO REGISTER, FAILURE TO FILE OR FILING A REPORT CONTAINING A
26 FALSE STATEMENT. THE NOTICE SHALL ALSO ADVISE OF THE RIGHT TO A
27 HEARING BEFORE THE COMMISSION AND THE TIME AND MANNER IN WHICH
28 TO REQUEST A HEARING.

29 (B) HEARING.--IF A HEARING IS REQUESTED, THE COMMISSION
30 SHALL DETERMINE AT THE HEARING WHETHER THE RECIPIENT OF THE

1 NOTICE IS REQUIRED TO REGISTER OR REPORT UNDER THIS CHAPTER,
2 WHETHER THE FAILURE TO REGISTER OR REPORT WAS NEGLIGENT AND, IF
3 THE FAILURE WAS NEGLIGENT, THE AMOUNT OF THE CIVIL PENALTY TO BE
4 IMPOSED. IF THE COMMISSION FINDS THAT THE FAILURE TO REGISTER OR
5 REPORT WAS INTENTIONAL, IT SHALL REFER THE MATTER TO THE
6 ATTORNEY GENERAL FOR INVESTIGATION AND PROSECUTION. HEARINGS
7 UNDER THIS SUBSECTION SHALL BE CONDUCTED BY THE COMMISSION IN
8 ACCORDANCE WITH SECTIONS 1107(14) (RELATING TO POWERS AND DUTIES
9 OF COMMISSION) AND 1108(E) (RELATING TO INVESTIGATIONS BY
10 COMMISSION).

11 (C) NEGLIGENT FAILURE TO REGISTER OR REPORT.--NEGLIGENT
12 FAILURE TO REGISTER OR REPORT AS REQUIRED BY THIS CHAPTER IS
13 PUNISHABLE BY A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH LATE
14 DAY. AFTER A HEARING UNDER SUBSECTION (B), IN THE CASE OF
15 NEGLIGENT FAILURE TO REGISTER OR REPORT, THE COMMISSION MAY,
16 UPON THE MAJORITY VOTE OF ITS MEMBERS, LEVY A CIVIL PENALTY AS
17 PROVIDED FOR IN THIS SUBSECTION. THE TOTAL AMOUNT OF THE CIVIL
18 PENALTY LEVIED SHALL NOT BE LIMITED BY ANY OTHER PROVISION OF
19 LAW. THE COMMISSION SHALL HAVE STANDING TO APPLY TO COMMONWEALTH
20 COURT TO SEEK ENFORCEMENT OF AN ORDER IMPOSING A CIVIL PENALTY
21 UNDER THIS SECTION.

22 (D) FAILURE TO COMPLY AFTER NOTICE.--AFTER NOTICE OF
23 NONCOMPLIANCE AND AFTER A HEARING, IF ONE IS REQUESTED, A
24 LOBBYIST OR PRINCIPAL WHO FAILS TO COMPLY WITH THE REQUIREMENTS
25 OF THIS CHAPTER MAY BE PROHIBITED FROM LOBBYING FOR UP TO FIVE
26 YEARS. THE PROHIBITION SHALL BE IMPOSED AS PROVIDED BY
27 SUBSECTION (E)(4).

28 (E) INTENTIONAL VIOLATIONS.--

29 (1) ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL THAT
30 INTENTIONALLY FAILS TO REGISTER OR REPORT AS REQUIRED BY THIS

1 CHAPTER COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

2 (2) A REGISTRANT THAT FILES A REPORT UNDER THIS CHAPTER
3 WITH KNOWLEDGE THAT THE REPORT CONTAINS A FALSE STATEMENT
4 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

5 (3) EXCEPT AS SET FORTH IN PARAGRAPH (1) OR (2), ANY
6 LOBBYIST, PRINCIPAL OR INDIVIDUAL THAT INTENTIONALLY VIOLATES
7 THIS CHAPTER COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

8 (4) IN ADDITION TO THE CRIMINAL PENALTIES IMPOSED BY
9 THIS SUBSECTION, THE COMMISSION MAY PROHIBIT A LOBBYIST OR
10 PRINCIPAL FROM LOBBYING FOR UP TO FIVE YEARS FOR DOING AN ACT
11 WHICH CONSTITUTES AN OFFENSE UNDER THIS SUBSECTION. NO
12 CRIMINAL PROSECUTION OR CONVICTION SHALL BE REQUIRED FOR THE
13 IMPOSITION OF THE PROHIBITION AUTHORIZED BY THIS PARAGRAPH.
14 THE PROHIBITION UNDER THIS PARAGRAPH SHALL NOT BE IMPOSED
15 UNLESS THE DEFENDANT HAS BEEN AFFORDED THE OPPORTUNITY FOR A
16 HEARING, WHICH SHALL BE CONDUCTED BY THE COMMISSION IN
17 ACCORDANCE WITH SECTIONS 1107(14) AND 1108(E).

18 § 1310. FILING FEES; FUND ESTABLISHED; REGULATIONS.

19 (A) FILING FEES.--A PRINCIPAL OR LOBBYIST REQUIRED TO BE
20 REGISTERED UNDER THIS CHAPTER SHALL PAY A BIENNIAL FILING FEE OF
21 \$100 TO THE COMMISSION.

22 (B) FUND ESTABLISHED.--ALL MONEY RECEIVED FROM FILING FEES
23 UNDER SUBSECTION (A) SHALL BE DEPOSITED IN A RESTRICTED RECEIPTS
24 ACCOUNT TO BE KNOWN AS THE LOBBYING DISCLOSURE FUND. THE MONEY
25 DEPOSITED IN THE FUND IS HEREBY APPROPRIATED TO THE COMMISSION
26 AS A CONTINUING APPROPRIATION FOR THE EXCLUSIVE PURPOSE OF
27 CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

28 (C) REGULATIONS.--A COMMITTEE COMPRISED OF THE SECRETARY OF
29 THE SENATE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
30 CHAIRMAN OF THE STATE ETHICS COMMISSION, THE ATTORNEY GENERAL,

1 THE SECRETARY OF THE COMMONWEALTH, THE AUDITOR GENERAL AND THE
2 GENERAL COUNSEL, OR THEIR DESIGNEES, SHALL HAVE CONTINUING
3 AUTHORITY TO PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THIS
4 CHAPTER. THE CHAIRMAN OF THE COMMISSION SHALL BE DESIGNATED AS
5 THE CHAIRMAN OF THE COMMITTEE. THE INITIAL PROPOSED REGULATIONS
6 SHALL BE SUBMITTED WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
7 SECTION TO THE INDEPENDENT REGULATORY REVIEW COMMISSION UNDER
8 SECTION 5 OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN
9 AS THE REGULATORY REVIEW ACT. ANY MEETING AT WHICH THE COMMITTEE
10 PLANS TO APPROVE PROPOSED REGULATIONS SHALL BE HELD IN
11 ACCORDANCE WITH CHAPTER 7 (RELATING TO OPEN MEETINGS). THE
12 COMMITTEE SHALL ALSO PREPARE AND PUBLISH A MANUAL SETTING FORTH
13 GUIDELINES FOR ACCOUNTING AND REPORTING. THE REGULATIONS AND
14 MANUAL SHALL BE DRAFTED TO ACCOMMODATE THE USE OF COMPUTERIZED
15 RECORDKEEPING, ELECTRONIC FILING OF THE REPORTS PROVIDED FOR
16 UNDER THIS CHAPTER AND RETENTION OF REGISTRATION STATEMENTS AND
17 REPORTS PROVIDED FOR UNDER THIS CHAPTER BY ELECTRONIC MEANS. THE
18 DEPARTMENT OF STATE SHALL PROVIDE SUFFICIENT STAFF AND OTHER
19 ADMINISTRATIVE SUPPORT TO ASSIST THE COMMITTEE.

20 § 1311. SEVERABILITY.

21 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B):

22 (1) THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE.

23 (2) IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION
24 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY
25 SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS
26 CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
27 PROVISION OR APPLICATION.

28 (B) PRACTICE OF LAW.--IF ANY PROVISION OF THIS CHAPTER OR
29 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID ON
30 THE BASIS OF IMPROPER REGULATION OF THE PRACTICE OF LAW, THE

1 REMAINING PROVISIONS OR APPLICATIONS OF THIS CHAPTER ARE VOID.]

2 SECTION 2. TITLE 65 IS AMENDED BY ADDING A CHAPTER TO READ:

3 CHAPTER 13-A

4 LOBBYING DISCLOSURE

5 SEC.

6 1301-A. SHORT TITLE OF CHAPTER.

7 1302-A. STATEMENT OF INTENT AND JURISDICTION.

8 1303-A. DEFINITIONS.

9 1304-A. REGISTRATION.

10 1305-A. REPORTING.

11 1306-A. EXEMPTION FROM REGISTRATION AND REPORTING.

12 1307-A. PROHIBITED ACTIVITIES.

13 1308-A. ADMINISTRATION AND ENFORCEMENT.

14 1309-A. PENALTIES.

15 1310-A. FILING FEES; FUND ESTABLISHED; REGULATIONS.

16 1311-A. GROUNDS FOR IMPEACHMENT.

17 1312-A. USE OF PUBLIC SPACE.

18 1313-A. SEVERABILITY.

19 § 1301-A. SHORT TITLE OF CHAPTER.

20 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE LOBBYING
21 DISCLOSURE ACT.

22 § 1302-A. STATEMENT OF INTENT AND JURISDICTION.

23 (A) INTENT.--THE CONSTITUTION OF PENNSYLVANIA RECOGNIZES THE
24 PRINCIPLE THAT ALL FREE GOVERNMENT IS FOUNDED UPON THE AUTHORITY
25 OF THE PEOPLE. IT FURTHER PROVIDES THAT THE POWER TO MAKE LAW IN
26 THIS COMMONWEALTH IS VESTED IN THE GENERAL ASSEMBLY AND THE
27 POWER TO ENFORCE LAW IS VESTED IN THE EXECUTIVE DEPARTMENT. THE
28 ABILITY OF THE PEOPLE TO EXERCISE THEIR FUNDAMENTAL AUTHORITY
29 AND TO HAVE CONFIDENCE IN THE INTEGRITY OF THE PROCESS BY WHICH
30 LAWS ARE MADE AND ENFORCED IN THIS COMMONWEALTH DEMANDS THAT THE

1 IDENTITY AND THE SCOPE OF ACTIVITY OF THOSE WHO ATTEMPT TO
2 INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND THE EXECUTIVE
3 DEPARTMENT BE PUBLICLY AND REGULARLY DISCLOSED.

4 (B) JURISDICTION.--THE AUTHORITY TO REGULATE PERSONS
5 EMPLOYED TO INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND
6 THE EXECUTIVE DEPARTMENT LIES WITHIN THE JURISDICTION OF THOSE
7 BRANCHES OF GOVERNMENT. TO ENSURE THAT THE INTENT OF THIS
8 CHAPTER IS NOT EVADED AND THAT ALL SUCH PERSONS ARE REGULATED IN
9 A FAIR AND EQUITABLE MANNER, LOBBYISTS AND THE PRACTICE OF
10 LOBBYING SHALL BE SUBJECT TO THIS CHAPTER, WHICH SHALL PREVAIL
11 OVER ANY OTHER REGULATION OF PROFESSIONAL ACTIVITY WHEN THAT
12 ACTIVITY CONSTITUTES LOBBYING. THIS CHAPTER IS NOT INTENDED TO
13 GOVERN PROFESSIONAL ACTIVITIES WHICH DO NOT INCLUDE LOBBYING AND
14 WHICH ARE PROPERLY THE SUBJECT OF REGULATION BY THE JUDICIAL
15 BRANCH OF GOVERNMENT OR BY ANY GOVERNMENT AGENCY. MEMBERSHIP IN
16 A REGULATED PROFESSION SHALL NOT EXCUSE A LOBBYIST FROM
17 COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

18 § 1303-A. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "ADMINISTRATIVE ACTION." ANY OF THE FOLLOWING:

23 (1) AN AGENCY'S:

24 (I) PROPOSAL, CONSIDERATION, PROMULGATION OR
25 RESCISSION OF A REGULATION;

26 (II) DEVELOPMENT OR MODIFICATION OF A STATEMENT OF
27 POLICY;

28 (III) APPROVAL OR REJECTION OF A REGULATION;

29 (IV) PROCUREMENT OF SUPPLIES, SERVICES AND
30 CONSTRUCTION UNDER 62 PA.C.S. (RELATING TO PROCUREMENT),

1 EXCEPT FOR ANY EMERGENCY PROCUREMENT MADE UNDER 62
2 PA.C.S. § 516 (RELATING TO EMERGENCY PROCUREMENT).

3 (2) THE REVIEW, REVISION, APPROVAL OR DISAPPROVAL OF A
4 REGULATION UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
5 KNOWN AS THE REGULATORY REVIEW ACT.

6 (3) THE GOVERNOR'S APPROVAL OR VETO OF LEGISLATION.

7 (4) THE NOMINATION OR APPOINTMENT OF AN INDIVIDUAL AS AN
8 OFFICER OR EMPLOYEE OF THE COMMONWEALTH.

9 (5) THE PROPOSAL, CONSIDERATION, PROMULGATION OR
10 RESCISSION OF AN EXECUTIVE ORDER.

11 "AFFILIATED POLITICAL ACTION COMMITTEE." A POLITICAL ACTION
12 COMMITTEE AS DEFINED IN SECTION 1621(L) OF THE ACT OF JUNE 3,
13 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
14 CODE, WHICH HAS A CHAIRMAN, A TREASURER OR ANOTHER OFFICER WHO
15 IS A PRINCIPAL, AN EMPLOYEE OF A PRINCIPAL, A LOBBYIST OR AN
16 EMPLOYEE OF A LOBBYIST, PROVIDED IF AN EMPLOYEE OF A REGISTRANT
17 SERVES AS THE OFFICER OF A POLITICAL ACTION COMMITTEE IN WHAT IS
18 CLEARLY A PERSONAL CAPACITY AND THE GOALS AND MISSION OF THAT
19 POLITICAL ACTION COMMITTEE CLEARLY HAVE NO RELATIONSHIP TO THE
20 GOALS AND MISSION OF THE REGISTRANT, SUCH POLITICAL ACTION
21 COMMITTEE SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL ACTION
22 COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

23 "AGENCY." A STATE AGENCY, BOARD, COMMISSION, AUTHORITY OR
24 DEPARTMENT.

25 "ATTORNEY AT LAW." A PERSON ADMITTED TO PRACTICE LAW IN THIS
26 COMMONWEALTH.

27 "BOARD." THE DISCIPLINARY BOARD OF THE SUPREME COURT OF
28 PENNSYLVANIA.

29 "COMMISSION." THE STATE ETHICS COMMISSION.

30 "COMPENSATION." ANYTHING OF VALUE, INCLUDING BENEFITS,

1 RECEIVED OR TO BE RECEIVED FROM A PRINCIPAL BY ONE ACTING AS A
2 LOBBYIST.

3 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

4 "DIRECT INFLUENCE." ANY EFFORT TO LOBBY OR COMMUNICATE TO A
5 STATE OFFICIAL OR STATE EMPLOYEE, WHICH IS INTENDED TO AFFECT
6 LEGISLATIVE OR ADMINISTRATIVE ACTION.

7 "DIRECT INFLUENCE EXPENSE." ANY EXPENDITURE FOR DIRECT
8 INFLUENCE, INCLUDING ANY EXPENDITURE FOR RESEARCH, MONITORING,
9 TECHNICAL, CLERICAL OR ADMINISTRATIVE SERVICES PROVIDED BY A
10 LOBBYIST, LOBBYING FIRM OR THE STAFF OF A LOBBYIST OR LOBBYING
11 FIRM, IN SUPPORT OF DIRECT INFLUENCE. THE TERM DOES NOT INCLUDE
12 ANY OFFICE EXPENSES.

13 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR
14 RECEIVED.

15 "FUND." THE LOBBYING DISCLOSURE FUND ESTABLISHED IN SECTION
16 1310-A(B) (RELATING TO FILING FEES; FUND ESTABLISHED;
17 REGULATIONS).

18 "GIFT." ANYTHING WHICH IS GIVEN OR RECEIVED WITHOUT
19 CONSIDERATION OF EQUAL OR GREATER VALUE.

20 "HOSPITALITY." INCLUDES ALL OF THE FOLLOWING:

21 (1) MEALS.

22 (2) BEVERAGES.

23 (3) RECREATION AND ENTERTAINMENT.

24 "IMMEDIATE FAMILY." AN INDIVIDUAL'S SPOUSE, AN INDIVIDUAL'S
25 CHILD AND AN INDIVIDUAL'S PARENT, BROTHER, SISTER OR LIKE
26 RELATIVE-IN-LAW.

27 "INDIRECT INFLUENCE." ANY EFFORT TO ENCOURAGE OTHERS,
28 INCLUDING THE GENERAL PUBLIC, TO COMMUNICATE TO A STATE OFFICIAL
29 OR EMPLOYEE TO AFFECT LEGISLATIVE OR ADMINISTRATIVE ACTION. THE
30 TERM INCLUDES ACTIVITIES SUCH AS LETTER-WRITING CAMPAIGNS,

1 MAILINGS, TELEPHONE BANKS, PRINT AND ELECTRONIC MEDIA
2 ADVERTISING, BILLBOARDS, PUBLICATIONS AND EDUCATIONAL CAMPAIGNS.
3 THE TERM DOES NOT INCLUDE REGULARLY PUBLISHED PERIODIC
4 NEWSLETTERS PRIMARILY DESIGNED FOR AND DISTRIBUTED TO MEMBERS OF
5 A BONA FIDE ASSOCIATION OR CHARITABLE OR FRATERNAL NONPROFIT
6 CORPORATION.

7 "INDIRECT INFLUENCE EXPENSE." ANY EXPENDITURE FOR INDIRECT
8 INFLUENCE, INCLUDING ANY EXPENDITURE FOR RESEARCH, MONITORING,
9 TECHNICAL, CLERICAL OR ADMINISTRATIVE SERVICES PROVIDED BY A
10 LOBBYIST OR LOBBYING FIRM, OR THE STAFF OF A LOBBYIST OR
11 LOBBYING FIRM, IN SUPPORT OF INDIRECT INFLUENCE. THE TERM DOES
12 NOT INCLUDE ANY OFFICE EXPENSES.

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 OF 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) COMMUNICATING IN WRITING, ORALLY, ELECTRONICALLY OR
29 BY ANY OTHER MEDIUM TO A STATE OFFICIAL OR EMPLOYEE FOR THE
30 PURPOSE OF INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION.

1 (2) PROVIDING ANY GIFT, HOSPITALITY, TRANSPORTATION OR
2 LODGING TO A STATE OFFICIAL OR EMPLOYEE FOR THE PURPOSE OF
3 ADVANCING THE INTEREST OF THE LOBBYIST OR PRINCIPAL.

4 "LOBBYING FIRM." A BUSINESS ENTITY THAT ENGAGES IN LOBBYING
5 FOR ECONOMIC CONSIDERATION ON BEHALF OF A PRINCIPAL, OR
6 PRINCIPALS, OTHER THAN THE BUSINESS ENTITY ITSELF.

7 "LOBBYIST." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
8 PARTNERSHIP, BUSINESS TRUST OR OTHER BUSINESS ENTITY THAT
9 ENGAGES IN LOBBYING ON BEHALF OF A PRINCIPAL FOR ECONOMIC
10 CONSIDERATION.

11 "OFFICE EXPENSE." ANY EXPENDITURE FOR OFFICES, EQUIPMENT OR
12 SUPPLIES OTHER THAN PERSONNEL EXPENSES.

13 "PERSONNEL EXPENSE." ANY EXPENDITURE FOR SALARIES OR OTHER
14 FORMS OF COMPENSATION, BENEFITS, VEHICLE ALLOWANCES, BONUSES AND
15 REIMBURSABLE EXPENSES.

16 "PRINCIPAL." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
17 PARTNERSHIP, BUSINESS TRUST OR OTHER BUSINESS ENTITY:

18 (1) ON WHOSE BEHALF A LOBBYIST INFLUENCES OR ATTEMPTS TO
19 INFLUENCE AN ADMINISTRATIVE ACTION OR A LEGISLATIVE ACTION;
20 OR

21 (2) THAT ENGAGES IN LOBBYING ON THE PRINCIPAL'S OWN
22 BEHALF.

23 "REGISTRANT." A REGISTERED LOBBYIST, LOBBYING FIRM OR A
24 REGISTERED PRINCIPAL.

25 "REGULATION." ANY RULE, REGULATION, STATEMENT OF POLICY OR
26 ORDER IN THE NATURE OF A RULE OR REGULATION, INCLUDING FORMAL
27 AND INFORMAL OPINIONS OF THE ATTORNEY GENERAL, OF GENERAL
28 APPLICATION AND FUTURE EFFECT, PROMULGATED BY AN AGENCY UNDER
29 STATUTORY AUTHORITY IN THE ADMINISTRATION OF A STATUTE
30 ADMINISTERED BY OR RELATING TO THE AGENCY, OR PRESCRIBING THE

1 PRACTICE OR PROCEDURE BEFORE THE AGENCY.

2 "REPORTING PERIOD." ANY OF THE FOLLOWING PERIODS:

3 (1) JANUARY 1 THROUGH MARCH 31.

4 (2) APRIL 1 THROUGH JUNE 30.

5 (3) JULY 1 THROUGH SEPTEMBER 30.

6 (4) OCTOBER 1 THROUGH DECEMBER 31.

7 "STATE OFFICIAL OR EMPLOYEE." AN INDIVIDUAL ELECTED OR
8 APPOINTED TO A POSITION IN STATE GOVERNMENT OR EMPLOYED BY STATE
9 GOVERNMENT, WHETHER COMPENSATED OR UNCOMPENSATED, WHO IS
10 INVOLVED IN LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION.

11 "VENDOR." A PERSON THAT, FOR ECONOMIC CONSIDERATION, SELLS
12 OR PROVIDES A SERVICE OR SUPPLY OR ENGAGES IN CONSTRUCTION. THE
13 TERM DOES NOT INCLUDE AN ATTORNEY AT LAW, A LOBBYIST OR LOBBYING
14 FIRM.

15 § 1304-A. REGISTRATION.

16 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 1306-A
17 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A
18 LOBBYIST, PRINCIPAL OR LOBBYING FIRM MUST REGISTER WITH THE
19 DEPARTMENT BIENNIALLY. EACH BIENNIAL REGISTRATION CYCLE SHALL
20 BEGIN ON JANUARY 1 OF EACH ODD-NUMBERED YEAR AND SHALL CONCLUDE
21 ON DECEMBER 31 OF THE IMMEDIATELY FOLLOWING EVEN NUMBERED YEAR.

22 THE FOLLOWING SHALL APPLY:

23 (1) A LOBBYIST OR LOBBYING FIRM MUST REGISTER WITHIN TEN
24 DAYS OF:

25 (I) RECEIVING COMPENSATION FOR LOBBYING FROM ALL
26 PRINCIPALS REPRESENTED IN EXCESS OF \$2,500 IN THE
27 AGGREGATE DURING ANY REPORTING PERIOD; OR

28 (II) ENGAGING IN LOBBYING ON BEHALF OF HIS EMPLOYER
29 WHERE LOBBYING ACTIVITY ACCOUNTS FOR OVER \$2,500 OF THE
30 EMPLOYEE'S TIME DURING ANY REPORTING PERIOD BASED ON AN

1 HOURLY PRORATION OF THE EMPLOYEE'S COMPENSATION.

2 (2) A PRINCIPAL MUST REGISTER WITHIN TEN DAYS OF
3 EXPENDING IN EXCESS OF \$2,500 FOR LOBBYING PURPOSES DURING
4 ANY REPORTING PERIOD.

5 (B) REGISTRATION REQUIREMENTS FOR PRINCIPALS AND LOBBYING
6 FIRMS.--

7 (1) A PRINCIPAL OR LOBBYING FIRM REQUIRED TO REGISTER
8 UNDER SUBSECTION (A) SHALL FILE THE FOLLOWING INFORMATION
9 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 ACRONYMS OF ALL
15 AFFILIATED POLITICAL ACTION COMMITTEES.

16 (VI) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME
17 TELEPHONE NUMBER OF EACH INDIVIDUAL OR ENTITY WHO WILL
18 FOR ECONOMIC CONSIDERATION ENGAGE IN LOBBYING ON THE
19 PRINCIPAL'S OR LOBBYING FIRM'S BEHALF.

20 (VII) A PRINCIPAL SHALL DISCLOSE IN ITS FILING THE
21 NAME, REGISTRATION NUMBER AND ACRONYMS OF ALL CANDIDATE
22 POLITICAL COMMITTEES FOR WHICH THE PRINCIPAL SERVES AS A
23 TREASURER OR OTHER OFFICER.

24 (VIII) A LOBBYING FIRM SHALL DISCLOSE IN ITS FILING
25 THE NAME, PERMANENT BUSINESS ADDRESS AND TELEPHONE NUMBER
26 OF EACH PRINCIPAL REPRESENTED.

27 (2) IF AN ORGANIZATION OR ASSOCIATION IS A PRINCIPAL,
28 THE NUMBER OF DUES-PAYING MEMBERS IN THE PAST CALENDAR YEAR
29 SHALL ALSO BE DISCLOSED.

30 (C) REGISTRATION REQUIREMENTS FOR INDIVIDUALS WHO ARE

1 LOBBYISTS.--

2 (1) A LOBBYIST WHO IS REQUIRED TO REGISTER UNDER
3 SUBSECTION (A) SHALL FILE THE FOLLOWING INFORMATION WITH THE
4 DEPARTMENT:

5 (I) NAME.

6 (II) PERMANENT BUSINESS ADDRESS.

7 (III) DAYTIME TELEPHONE NUMBER.

8 (IV) A RECENT PHOTOGRAPH OF THE LOBBYIST.

9 (V) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME
10 TELEPHONE NUMBER OF EACH PRINCIPAL THE LOBBYIST
11 REPRESENTS.

12 (VI) NAME OF ANY LOBBYING FIRM WITH WHICH THE
13 LOBBYIST HAS A RELATIONSHIP INVOLVING ECONOMIC
14 CONSIDERATION.

15 (VII) NAME, REGISTRATION NUMBER AND ACRONYMS OF ALL
16 AFFILIATED POLITICAL ACTION COMMITTEES.

17 (VIII) NAME, REGISTRATION NUMBER AND ACRONYMS OF ALL
18 CANDIDATE POLITICAL COMMITTEES OF WHICH THE LOBBYIST IS
19 AN OFFICER, WHO MUST BE INCLUDED IN A REGISTRATION
20 STATEMENT UNDER SECTION 1624(B)(2) AND (3) OF THE ACT OF
21 JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE
22 PENNSYLVANIA ELECTION CODE.

23 (2) EACH LOBBYIST SHALL FILE A SINGLE REGISTRATION
24 IDENTIFYING ALL PRINCIPALS HE OR SHE REPRESENTS.

25 (D) AMENDMENTS.--

26 (1) WHEN THERE IS A CHANGE IN THE INFORMATION REQUIRED
27 FOR REGISTRATION UNDER SUBSECTION (B)(1) OR (C)(1), AN
28 AMENDED REGISTRATION SHALL BE FILED WITH THE DEPARTMENT
29 WITHIN 14 DAYS AFTER THE CHANGE OCCURS.

30 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR

1 REGISTRATION UNDER SUBSECTION (B)(2), AN AMENDED REGISTRATION
2 SHALL BE FILED WITH THE DEPARTMENT WITHIN 14 DAYS OF THE END
3 OF THE YEAR IN WHICH THE CHANGE OCCURS.

4 (E) TERMINATION.--A LOBBYIST, A PRINCIPAL OR A LOBBYING FIRM
5 MAY TERMINATE REGISTRATION BY FILING A NOTICE WITH THE
6 DEPARTMENT. NO LATER THAN 15 DAYS AFTER RECEIPT OF THE NOTICE,
7 THE DEPARTMENT SHALL ISSUE A LETTER STATING THAT THE REGISTRANT
8 HAS TERMINATED REGISTRATION. THE FILING OF A NOTICE SHALL NOT
9 AFFECT THE COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS AND
10 HEARINGS PURSUANT TO SECTION 1308-A(H) (RELATING TO
11 ADMINISTRATION AND ENFORCEMENT). NO LOBBYING MAY OCCUR AFTER THE
12 FILING OF A NOTICE UNLESS THE LOBBYING IS PURSUANT TO A SEPARATE
13 REGISTRATION WHICH IS FILED WITH THE DEPARTMENT AND WHICH, AT
14 THE TIME OF THE LOBBYING, HAS NOT BEEN TERMINATED.

15 § 1305-A. REPORTING.

16 (A) GENERAL RULE.--A REGISTERED PRINCIPAL SHALL, UNDER OATH
17 OR AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE
18 DEPARTMENT NO LATER THAN 30 DAYS AFTER THE LAST DAY OF THE
19 QUARTER.

20 (B) CONTENT.--THE FOLLOWING SHALL APPLY:

21 (1) EACH EXPENSE REPORT MUST INCLUDE THE GENERAL SUBJECT
22 MATTER OR ISSUES BEING LOBBIED.

23 (2) EACH EXPENSE REPORT MUST CONTAIN THE FOLLOWING
24 CATEGORIES:

25 (I) THE TOTAL COSTS FOR DIRECT INFLUENCE EXPENSES.

26 (II) THE TOTAL COSTS FOR INDIRECT INFLUENCE
27 EXPENSES.

28 (III) THE TOTAL COSTS FOR GIFTS, HOSPITALITY,
29 TRANSPORTATION, LODGING AND RECEPTIONS GIVEN TO OR
30 PROVIDED TO STATE OFFICIALS OR EMPLOYEES OR THEIR

1 IMMEDIATE FAMILIES.

2 (3) IN ADDITION TO REPORTING THE TOTALS REQUIRED UNDER
3 THIS SUBSECTION, THE EXPENSE REPORT MUST IDENTIFY, BY NAME,
4 POSITION AND EACH OCCURRENCE, A STATE OFFICIAL OR EMPLOYEE
5 WHO RECEIVES FROM A PRINCIPAL OR LOBBYIST ANYTHING OF VALUE
6 WHICH MUST BE REPORTED ON THE STATEMENT REQUIRED BY CH. 11
7 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE) UNDER
8 SECTION 1105(B)(6) OR (7) (RELATING TO STATEMENT OF FINANCIAL
9 INTERESTS) AS ADJUSTED BY SECTION 1105(D). THIS PARAGRAPH
10 SHALL NOT APPLY TO ANYTHING OF VALUE RECEIVED FROM IMMEDIATE
11 FAMILY WHEN THE CIRCUMSTANCES MAKE IT CLEAR THAT MOTIVATION
12 FOR THE ACTION WAS A PERSONAL OR FAMILY RELATIONSHIP.

13 (I) FOR PURPOSES OF THIS CHAPTER, THE AMOUNT
14 REFERRED TO IN SECTION 1105(B)(7) SHALL NOT INCLUDE THE
15 COST OF ANY RECEPTION, WHICH THE STATE OFFICIAL OR
16 EMPLOYEE ATTENDS IN CONNECTION WITH PUBLIC OFFICE OR
17 EMPLOYMENT.

18 (II) WRITTEN NOTICE MUST BE GIVEN TO EACH PUBLIC
19 OFFICIAL OR EMPLOYEE IDENTIFIED IN AN EXPENSE REPORT
20 UNDER THIS PARAGRAPH WITHIN FIVE DAYS OF THE REPORT'S
21 SUBMISSION TO THE DEPARTMENT. NOTICE UNDER THIS
22 SUBPARAGRAPH SHALL INCLUDE INFORMATION UPON WHICH A
23 PUBLIC OFFICIAL OR EMPLOYEE MAY RELY IN COMPLYING WITH
24 SECTION 1105(B)(6) AND (7). FOR PURPOSES OF THIS CHAPTER
25 AND CHAPTER 11 (RELATING TO ETHICS STANDARDS AND
26 FINANCIAL DISCLOSURE), SECTION 1105(B)(6) AND (7) SHALL
27 CONSTITUTE MUTUALLY EXCLUSIVE CATEGORIES.

28 (III) REGULATIONS SHALL BE PROMULGATED UNDER SECTION
29 1310-A(D) (RELATING TO FILING FEES; FUND ESTABLISHED;
30 REGULATIONS) TO DEFINE MUTUALLY EXCLUSIVE CATEGORIES

1 UNDER SECTION 1105(B)(6) AND (7) AND TO DETERMINE WHETHER
2 A THING OF VALUE IS SUBJECT TO DISCLOSURE UNDER SECTION
3 1105(B)(6) OR (7).

4 (4) THE EXPENSE REPORT SHALL ALSO INCLUDE THE NAME,
5 PERMANENT BUSINESS ADDRESS AND DAYTIME TELEPHONE NUMBER OF
6 ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION, PARTNERSHIP,
7 BUSINESS TRUST OR OTHER BUSINESS ENTITY WHICH CONTRIBUTED
8 MORE THAN 10% OF THE TOTAL RESOURCES RECEIVED BY THE
9 PRINCIPAL DURING THE REPORTING PERIOD.

10 (5) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
11 LOBBYING FIRM SHALL SUBMIT A REPORT IF DURING THE REPORTING
12 PERIOD THE LOBBYIST OR LOBBYING FIRM ENGAGED IN LOBBYING
13 WHICH WAS NOT CONTAINED IN ANY REPORT FILED BY A PRINCIPAL OR
14 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 LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
21 LOBBYING FIRM SHALL SUBMIT A REPORT IF THE LOBBYIST OR
22 LOBBYING FIRM ENGAGED IN LOBBYING FOR ECONOMIC CONSIDERATION
23 ON BEHALF OF ANY ENTITY THAT IS EXEMPT UNDER SECTION 1306-
24 A(6), (7), (8) AND (9) (RELATING TO EXEMPTION FROM
25 REGISTRATION AND REPORTING).

26 (8) FOR EACH CATEGORY ENUMERATED IN PARAGRAPH (2)(I),
27 (II) AND (III) AND FOR EACH STATE OFFICIAL OR EMPLOYEE
28 IDENTIFIED UNDER PARAGRAPH (3), THE REPORT SHALL INCLUDE BOTH
29 THE AMOUNT INCURRED DURING THE QUARTER AND THE CUMULATIVE
30 AMOUNT INCURRED FROM JANUARY 1 THROUGH THE END OF THE

1 APPLICABLE QUARTER.

2 (C) RECORDS RETENTION.--A REGISTRANT SHALL RETAIN ALL
3 DOCUMENTS REASONABLY NECESSARY TO SUBSTANTIATE A REPORT TO BE
4 MADE UNDER THIS SECTION FOR FOUR YEARS FROM THE DATE OF FILING
5 THE REPORT. UPON REQUEST BY THE OFFICE OF ATTORNEY GENERAL, THE
6 BOARD, THE DEPARTMENT OR THE COMMISSION, THESE MATERIALS SHALL
7 BE MADE AVAILABLE FOR INSPECTION WITHIN A REASONABLE PERIOD OF
8 TIME.

9 (D) THRESHOLDS FOR QUARTERLY REPORTING.--A REGISTERED
10 PRINCIPAL SHALL FILE AN EXPENSE REPORT WHEN THE PRINCIPAL'S
11 AGGREGATE EXPENSES FOR LOBBYING OR GIFTS EXCEED \$2,500 IN A
12 REPORTING PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES
13 ARE \$2,500 OR LESS, THE PRINCIPAL SHALL FILE A STATEMENT TO THAT
14 EFFECT.

15 (E) COMMUNICATION.--WHENEVER ANY PERSON MAKES AN EXPENDITURE
16 FOR INDIRECT INFLUENCE UNDER THIS CHAPTER, FOR THE PURPOSE OF
17 DISSEMINATING OR INITIATING COMMUNICATION SUCH AS A MAILING,
18 TELEPHONE BANK, PRINT OR ELECTRONIC MEDIA ADVERTISEMENT,
19 BILLBOARD, PUBLICATION OR EDUCATIONAL CAMPAIGN, THE
20 COMMUNICATION SHALL CLEARLY AND CONSPICUOUSLY STATE THE NAME OF
21 THE PERSON WHO MADE OR FINANCED THE EXPENDITURE FOR THE
22 COMMUNICATION.

23 § 1306-A. EXEMPTION FROM REGISTRATION AND REPORTING.

24 THE FOLLOWING ACTIVITIES AND INDIVIDUALS SHALL BE EXEMPT FROM
25 REGISTRATION UNDER SECTION 1304-A (RELATING TO REGISTRATION) AND
26 REPORTING UNDER SECTION 1305-A (RELATING TO REPORTING):

27 (1) PREPARING TESTIMONY AND TESTIFYING BEFORE A
28 COMMITTEE, COMMISSION OR BOARD OF THE LEGISLATIVE OR
29 EXECUTIVE BRANCH.

30 (2) SERVING ON A WORKING GROUP, TASK FORCE OR ADVISORY

1 BOARD AT THE REQUEST OF AN AGENCY OR THE GENERAL ASSEMBLY.

2 (3) PARTICIPATING AS A PARTY OR AS AN ATTORNEY AT LAW OR
3 REPRESENTATIVE OF A PARTY, CASE OR CONTROVERSY IN ANY
4 ADMINISTRATIVE ADJUDICATION PURSUANT TO 2 PA.C.S. (RELATING
5 TO ADMINISTRATIVE LAW AND PROCEDURE).

6 (4) AN INDIVIDUAL WHO IS AN EMPLOYEE OF AN ENTITY
7 ENGAGED IN THE BUSINESS OF PUBLISHING, BROADCASTING OR
8 TELEVISIONING WHILE ENGAGED IN THE GATHERING AND DISSEMINATION
9 OF NEWS AND COMMENT TO THE GENERAL PUBLIC IN THE ORDINARY
10 COURSE OF BUSINESS.

11 (5) AN INDIVIDUAL WHO DOES NOT RECEIVE ECONOMIC
12 CONSIDERATION OR GIFTS, OTHER THAN TRAVELING EXPENSES, FOR
13 LOBBYING.

14 (6) AN ELECTED STATE OFFICER ACTING IN AN OFFICIAL
15 CAPACITY.

16 (7) A STATE EXECUTIVE OFFICER APPOINTED BY THE GOVERNOR
17 ACTING IN AN OFFICIAL CAPACITY.

18 (8) AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE OF A
19 POLITICAL SUBDIVISION ACTING IN AN OFFICIAL CAPACITY.

20 (9) AN EMPLOYEE OF THE COMMONWEALTH OR INDEPENDENT
21 AGENCY OF THE COMMONWEALTH ACTING IN AN OFFICIAL CAPACITY.

22 (10) AN INDIVIDUAL WHO APPEARS ON BEHALF OF ANY
23 RELIGIOUS ORGANIZATION WITH RESPECT TO SUBJECTS OF
24 LEGISLATION OR REGULATION THAT DIRECTLY RELATE TO THE
25 RELIGIOUS BELIEFS AND PRACTICES OF THAT ORGANIZATION AND WHO
26 DOES NOT OTHERWISE ACT AS A LOBBYIST.

27 (11) EXPENDITURES AND OTHER TRANSACTIONS SUBJECT TO
28 REPORTING UNDER ARTICLE XVI OF THE ACT OF JUNE 3, 1937
29 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE.

30 (12) ANY VENDOR WHOSE PRIMARY OCCUPATION IS SERVICES,

1 SUPPLIES OR CONSTRUCTION. ANY LOBBYIST OR LOBBYING FIRM
2 EMPLOYED BY SUCH A VENDOR SHALL NOT BE EXEMPT FROM
3 REGISTRATION UNDER SECTION 1304-A AND REPORTING UNDER SECTION
4 1305-A.

5 § 1307-A. PROHIBITED ACTIVITIES.

6 (A) CONTINGENT COMPENSATION.--

7 (1) NO ONE MAY COMPENSATE OR INCUR AN OBLIGATION TO
8 COMPENSATE ANY LOBBYIST OR LOBBYING FIRM, PRINCIPAL OR
9 INDIVIDUAL TO ENGAGE IN LOBBYING FOR COMPENSATION CONTINGENT
10 IN WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

11 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF
12 LEGISLATIVE ACTION.

13 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN
14 ADMINISTRATIVE ACTION OTHER THAN PROCUREMENT DESCRIBED IN
15 PARAGRAPH (1)(IV) OF THE DEFINITION OF "ADMINISTRATIVE
16 ACTION" UNDER SECTION 1303-A.

17 (2) NO LOBBYIST, PRINCIPAL, LOBBYING FIRM OR INDIVIDUAL
18 MAY ENGAGE IN OR AGREE TO ENGAGE IN LOBBYING FOR COMPENSATION
19 CONTINGENT IN WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

20 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF
21 LEGISLATIVE ACTION.

22 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN
23 ADMINISTRATIVE ACTION OTHER THAN PROCUREMENT DESCRIBED IN
24 PARAGRAPH (1)(IV) OF THE DEFINITION OF "ADMINISTRATIVE
25 ACTION" UNDER SECTION 1303-A.

26 (B) FALSIFICATION.--NO LOBBYIST, LOBBYING FIRM, PRINCIPAL OR
27 INDIVIDUAL MAY, FOR THE PURPOSE OF INFLUENCING LEGISLATIVE
28 ACTION OR ADMINISTRATIVE ACTION, TRANSMIT, UTTER OR PUBLISH TO
29 ANY STATE OFFICIAL OR EMPLOYEE ANY COMMUNICATION, KNOWING THAT
30 SUCH COMMUNICATION OR ANY SIGNATURE ON THE COMMUNICATION IS

1 FALSE, FORGED, COUNTERFEIT OR FICTITIOUS.

2 § 1308-A. ADMINISTRATION AND ENFORCEMENT.

3 (A) CRIMINAL ENFORCEMENT.--IF THE DEPARTMENT OR THE
4 COMMISSION BELIEVES AN INTENTIONAL VIOLATION OF THIS CHAPTER HAS
5 BEEN COMMITTED, IT SHALL REFER ALL RELEVANT DOCUMENTS AND OTHER
6 INFORMATION TO THE OFFICE OF ATTORNEY GENERAL.

7 (B) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY
8 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,
9 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
10 THE ATTORNEY GENERAL HAS THE AUTHORITY TO INVESTIGATE AND
11 PROSECUTE A VIOLATION OF THIS CHAPTER.

12 (C) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
13 ADVICE AND OPINIONS IN ACCORDANCE WITH PROCEDURES SET FORTH IN
14 SECTION 1107 (RELATING TO POWERS AND DUTIES OF COMMISSION) TO
15 THE DEPARTMENT, A LOBBYIST, LOBBYING FIRM OR PRINCIPAL OR STATE
16 OFFICIAL OR EMPLOYEE WHO HAS A QUESTION REGARDING COMPLIANCE
17 WITH THIS CHAPTER. A PRINCIPAL, A LOBBYIST, A LOBBYING FIRM OR
18 AN INDIVIDUAL WHO ACTS IN GOOD FAITH BASED ON THE WRITTEN ADVICE
19 OR OPINION OF THE COMMISSION SHALL NOT BE HELD LIABLE FOR A
20 VIOLATION OF THIS CHAPTER.

21 (D) PUBLIC INSPECTION AND COPYING.--THE DEPARTMENT SHALL
22 MAKE COMPLETED REGISTRATIONS, EXPENSE REPORTS AND TERMINATION
23 NOTICES WHICH HAVE BEEN FILED WITH THE DEPARTMENT AVAILABLE FOR
24 PUBLIC INSPECTION AND PROVIDE COPIES OF THESE DOCUMENTS AT A
25 PRICE WHICH SHALL NOT EXCEED THE ACTUAL COST OF COPYING.
26 DOCUMENTS THAT ARE MAINTAINED AND REPRODUCIBLE IN AN ELECTRONIC
27 FORMAT SHALL BE PROVIDED IN THAT FORMAT UPON REQUEST.

28 (E) ANNUAL REPORTING.--THE DEPARTMENT SHALL PREPARE AND
29 PUBLISH AN ANNUAL REPORT ON LOBBYING ACTIVITIES IN THIS
30 COMMONWEALTH. THE DEPARTMENT SHALL AT LEAST ANNUALLY PUBLISH A

1 LISTING OF ALL REGISTRANTS AND SHALL IDENTIFY AFFILIATED
2 POLITICAL ACTION COMMITTEES.

3 (F) RETENTION OF RECORDS.--COMPLETED REGISTRATIONS, EXPENSE
4 REPORTS, TERMINATION NOTICES AND TERMINATION LETTERS FILED OR
5 ISSUED PURSUANT TO SECTION 1304-A (RELATING TO REGISTRATION)
6 SHALL REMAIN ON FILE WITH THE DEPARTMENT FOR A FOUR-YEAR PERIOD.

7 (G) AUDITS.--THE FOLLOWING SHALL APPLY:

8 (1) EVERY TWO YEARS, THE SECRETARY OF THE COMMONWEALTH
9 SHALL CONTRACT FOR THE SERVICES OF A CERTIFIED PUBLIC
10 ACCOUNTANT OR CERTIFIED PUBLIC ACCOUNTING FIRM. THE CONTRACT
11 SHALL BE AWARDED IN A MANNER CONSISTENT WITH THE PROVISIONS
12 OF 62 PA.C.S. PT. I (RELATING TO COMMONWEALTH PROCUREMENT
13 CODE) AND NO CERTIFIED PUBLIC ACCOUNTANT OR CERTIFIED PUBLIC
14 ACCOUNTING FIRM SHALL BE ELIGIBLE TO OBTAIN SUCH A CONTRACT
15 FOR TWO SUCCESSIVE CONTRACT PERIODS.

16 (2) THE SECRETARY OF THE COMMONWEALTH SHALL RANDOMLY
17 SELECT, AT A PUBLIC DRAWING 60 DAYS FOLLOWING THE CLOSE OF
18 EACH FOURTH QUARTER REPORTING PERIOD, 3% OF ALL REGISTRATIONS
19 AND EXPENSE REPORTS FILED WITH THE DEPARTMENT UNDER THIS
20 CHAPTER.

21 (3) THE CERTIFIED PUBLIC ACCOUNTANT SHALL CONDUCT THE
22 AUDITS IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING
23 STANDARDS AND SHALL TEST AS TO WHETHER EACH REGISTRATION OR
24 EXPENSE REPORT IS MATERIALLY CORRECT.

25 (4) THE AUDIT REPORT AND FINDINGS SHALL BE CONFIDENTIAL,
26 EXCEPT THAT THE DEPARTMENT SHALL MAKE AN AUDIT REPORT AND
27 FINDINGS AVAILABLE TO THE COMMISSION WHEN THE COMMISSION IS
28 INVESTIGATING AN ALLEGED VIOLATION OF THIS CHAPTER INVOLVING
29 THE AUDITED REGISTRATION OR EXPENSE REPORT. THE COMMISSION
30 SHALL INCLUDE THE RELEVANT PORTION OF AN AUDIT AS PART OF ITS

1 FINDINGS OF FACT IN A COMMISSION ORDER WHICH RESULTS FROM AN
2 INVESTIGATION ARISING OUT OF AN AUDIT.

3 (H) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
4 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
5 HEARING CONCERNING AN ALLEGED VIOLATION OF THIS CHAPTER IN
6 ACCORDANCE WITH SECTIONS 1107 AND 1108 (RELATING TO
7 INVESTIGATIONS BY COMMISSION).

8 (I) DISCIPLINARY BOARD.--IF THE SUBJECT OF ANY COMPLAINT
9 FILED WITH OR INVESTIGATION INITIATED BY THE COMMISSION UNDER
10 THIS CHAPTER IS AN ATTORNEY AT LAW, THE COMMISSION SHALL REFER
11 THE ALLEGED VIOLATION TO THE BOARD TO BE INVESTIGATED,
12 CONSIDERED AND RESOLVED IN A MANNER CONSISTENT WITH THE
13 PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT. IF A COURT OF
14 COMPETENT JURISDICTION DETERMINES THAT A COMPLAINT FILED WITH OR
15 INVESTIGATION INITIATED BY THE COMMISSION UNDER THIS CHAPTER,
16 WHICH INVOLVES AN ATTORNEY AT LAW, IS UNDER THE JURISDICTION OF
17 THE BOARD, THE MATTER SHALL BE REFERRED BY THE COURT TO THE
18 BOARD TO BE INVESTIGATED, CONSIDERED AND RESOLVED IN A MANNER
19 CONSISTENT WITH THE PENNSYLVANIA RULES OF PROFESSIONAL CONDUCT.

20 (J) DIRECTORY.--ON OR BEFORE MAY 1 OF EACH ODD-NUMBERED
21 YEAR, THE DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF
22 ALL REGISTERED LOBBYISTS AND REGISTERED LOBBYING FIRMS RETAINED
23 BY REGISTERED PRINCIPALS. THE DIRECTORY SHALL INCLUDE
24 PHOTOGRAPHS OF EACH REGISTERED LOBBYIST. COPIES OF THE DIRECTORY
25 SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT TO EXCEED
26 THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY THE
27 DEPARTMENT FROM THE SALES OF THE DIRECTORY SHALL BE DEPOSITED
28 INTO THE FUND.

29 (K) COMPUTER FILE.--THE DEPARTMENT SHALL PROVIDE THE
30 LEGISLATIVE DATA PROCESSING COMMITTEE WITH ALL DATA RELATING TO

1 REGISTRATIONS, EXPENSE REPORTS AND TERMINATION NOTICES. THE
2 COMMITTEE SHALL MAKE ALL SUCH INFORMATION AVAILABLE ON A
3 PUBLICLY ACCESSIBLE INTERNET WEBSITE IN A FULLY SEARCHABLE
4 FORMAT.

5 (L) INFLATION ADJUSTMENT.--ON A BIENNIAL BASIS COMMENCING IN
6 JANUARY 2009, THE DEPARTMENT SHALL REVIEW THE THRESHOLD FOR
7 REGISTRATION UNDER SECTION 1304-A (RELATING TO REGISTRATION),
8 AND THE THRESHOLD FOR REPORTING UNDER SECTION 1305-A(C)
9 (RELATING TO REPORTING) AND MAY INCREASE THESE AMOUNTS TO RATES
10 DEEMED REASONABLE FOR ASSURING APPROPRIATE DISCLOSURE. ON A
11 BIENNIAL BASIS COMMENCING IN JANUARY 2009, THE DEPARTMENT SHALL
12 REVIEW THE FILING FEE ESTABLISHED UNDER SECTION 1310-A (RELATING
13 TO FILING FEES; FUND ESTABLISHED; REGULATIONS) AND MAY ADJUST
14 THIS AMOUNT IF THE DEPARTMENT DETERMINES THAT A HIGHER FEE IS
15 NEEDED TO COVER THE COSTS OF CARRYING OUT THE PROVISIONS OF THIS
16 CHAPTER. THE DEPARTMENT SHALL PUBLISH ANY SUCH ADJUSTED AMOUNTS
17 IN THE PENNSYLVANIA BULLETIN BY JUNE 1, 2009, AND BY JUNE 1
18 EVERY TWO YEARS THEREAFTER AS NECESSARY.

19 § 1309-A. PENALTIES.

20 (A) NOTICE OF POSSIBLE NONCOMPLIANCE.--

21 (1) THE COMMISSION SHALL ISSUE A NOTICE OF POSSIBLE
22 NONCOMPLIANCE TO ANY LOBBYIST, PRINCIPAL, LOBBYING FIRM OR
23 INDIVIDUAL THAT HAS FAILED TO REGISTER OR REPORT AS REQUIRED
24 BY THIS CHAPTER. THE NOTICE SHALL STATE THE NATURE OF THE
25 ALLEGED NONCOMPLIANCE AND THE CIVIL AND CRIMINAL PENALTIES
26 FOR FAILURE TO REGISTER, FAILURE TO FILE OR FILING A REPORT
27 CONTAINING A FALSE STATEMENT. THE NOTICE SHALL ALSO ADVISE OF
28 THE RIGHT TO A HEARING BEFORE THE COMMISSION AND THE TIME AND
29 MANNER IN WHICH TO REQUEST A HEARING.

30 (2) IF A HEARING IS REQUESTED, THE COMMISSION SHALL

1 DETERMINE AT THE HEARING WHETHER THE RECIPIENT OF THE NOTICE
2 IS REQUIRED TO REGISTER OR REPORT UNDER THIS CHAPTER, WHETHER
3 THE FAILURE TO REGISTER OR REPORT WAS NEGLIGENT AND, IF THE
4 FAILURE WAS NEGLIGENT, THE AMOUNT OF THE CIVIL PENALTY TO BE
5 IMPOSED. IF THE COMMISSION FINDS THAT THE FAILURE TO REGISTER
6 OR REPORT WAS INTENTIONAL, IT SHALL REFER THE MATTER TO THE
7 ATTORNEY GENERAL FOR INVESTIGATION AND PROSECUTION. HEARINGS
8 UNDER THIS SUBSECTION SHALL BE CONDUCTED BY THE COMMISSION IN
9 ACCORDANCE WITH SECTIONS 1107 (RELATING TO POWERS AND DUTIES
10 OF COMMISSION) AND 1108 (RELATING TO INVESTIGATIONS BY
11 COMMISSION).

12 (3) NEGLIGENT FAILURE TO REGISTER OR REPORT AS REQUIRED
13 BY THIS CHAPTER IS PUNISHABLE BY A CIVIL PENALTY OF NOT MORE
14 THAN \$50 FOR EACH LATE DAY. IN THE CASE OF NEGLIGENT FAILURE
15 TO REGISTER OR REPORT, THE COMMISSION MAY, UPON THE MAJORITY
16 VOTE OF ITS MEMBERS, LEVY A CIVIL PENALTY AS PROVIDED FOR IN
17 THIS SUBSECTION. THE TOTAL AMOUNT OF THE CIVIL PENALTY LEVIED
18 SHALL NOT BE LIMITED BY ANY OTHER PROVISION OF LAW. THE
19 COMMISSION SHALL HAVE STANDING TO APPLY TO COMMONWEALTH COURT
20 TO SEEK ENFORCEMENT OF AN ORDER IMPOSING A CIVIL PENALTY
21 UNDER THIS SECTION.

22 (B) INTENTIONAL VIOLATIONS OF THIS CHAPTER.--

23 (1) ANY LOBBYIST, LOBBYING FIRM, PRINCIPAL OR INDIVIDUAL
24 THAT INTENTIONALLY FAILS TO REGISTER OR REPORT AS REQUIRED BY
25 THIS CHAPTER COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

26 (2) A REGISTRANT THAT FILES A REPORT UNDER THIS CHAPTER
27 WITH KNOWLEDGE THAT THE REPORT CONTAINS A FALSE STATEMENT
28 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

29 (3) ANY LOBBYIST, LOBBYING FIRM OR PRINCIPAL OR
30 INDIVIDUAL THAT INTENTIONALLY VIOLATES A PROVISION OF THIS

1 CHAPTER OTHER THAN PARAGRAPH (1) OR (2) COMMITS A MISDEMEANOR
2 OF THE THIRD DEGREE.

3 (4) IN ADDITION TO THE PENALTIES IMPOSED PURSUANT TO
4 THIS SUBSECTION, THE COMMISSION MAY:

5 (I) PROHIBIT A LOBBYIST OR LOBBYING FIRM FROM
6 LOBBYING FOR ECONOMIC CONSIDERATION FOR A PERIOD OF UP TO
7 FIVE YEARS FOR COMMITTING AN ACT WHICH CONSTITUTES AN
8 OFFENSE UNDER THIS SUBSECTION.

9 (II) SUBJECT A PRINCIPAL TO A CIVIL FINE OF NOT MORE
10 THAN \$50,000.

11 (C) PUBLISHING OF NAMES.--THE NAMES OF THOSE FOUND IN
12 VIOLATION OF THIS CHAPTER SHALL BE PUBLISHED IN THE PENNSYLVANIA
13 BULLETIN.

14 (D) AFFIRMATIVE DEFENSE.--RELIANCE ON ADVISORY OPINIONS OF
15 THE COMMISSION, ANY NOTICE GIVEN UNDER SECTION 1305-A(B)(3)(II)
16 OR FAILURE TO RECEIVE NOTICE UNDER SECTION 1305-A(B)(3)(II)
17 SHALL BE A DEFENSE TO AN ACTION BROUGHT UNDER CHAPTER 11
18 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE) OR THIS
19 CHAPTER.

20 § 1310-A. FILING FEES; FUND ESTABLISHED; REGULATIONS.

21 (A) FILING FEES.--EACH PRINCIPAL, LOBBYIST, LOBBYING FIRM OR
22 INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS CHAPTER SHALL
23 PAY A BIENNIAL REGISTRATION FEE OF \$100 TO THE DEPARTMENT.

24 (B) FUND ESTABLISHED.--ALL MONEY RECEIVED FROM FILING FEES
25 UNDER SUBSECTION (A) SHALL BE DEPOSITED IN A RESTRICTED RECEIPTS
26 ACCOUNT TO BE KNOWN AS THE LOBBYING DISCLOSURE FUND. THE MONEY
27 DEPOSITED IN THE FUND IS HEREBY APPROPRIATED TO THE DEPARTMENT
28 AS A CONTINUING APPROPRIATION FOR THE EXCLUSIVE PURPOSE OF
29 CARRYING OUT THE PROVISIONS OF THIS CHAPTER. ANY MONEYS
30 REMAINING IN THE FUND ESTABLISHED PURSUANT TO THE FORMER SECTION

1 1310(B) (RELATING TO FILING FEES; FUND ESTABLISHED; REGULATIONS)
2 SHALL BE TRANSFERRED TO THE LOBBYING DISCLOSURE FUND.

3 (C) COMPUTERIZED FILING SYSTEM.--THE DEPARTMENT SHALL
4 IMPLEMENT A FULLY ACCESSIBLE SYSTEM TO ACCOMMODATE THE USE OF
5 COMPUTERIZED FILING. EACH REGISTRANT SHALL ELECT ON AN ANNUAL
6 BASIS WHETHER THE REGISTRANT WILL FILE ALL OF THE DOCUMENTS
7 REQUIRED BY THIS ACT EITHER ELECTRONICALLY OR ON PAPER WITH THE
8 DEPARTMENT.

9 (D) REGULATIONS.--A COMMITTEE COMPRISED OF THE CHAIRMAN OF
10 THE STATE ETHICS COMMISSION, THE ATTORNEY GENERAL, THE GENERAL
11 COUNSEL TO THE GOVERNOR, A MEMBER OF THE SENATE APPOINTED BY THE
12 PRESIDENT PRO TEMPORE OF THE SENATE, A MEMBER OF THE SENATE
13 APPOINTED BY THE MINORITY LEADER OF THE SENATE, A MEMBER OF THE
14 HOUSE OF REPRESENTATIVES APPOINTED BY THE SPEAKER OF THE HOUSE
15 OF REPRESENTATIVES AND A MEMBER OF THE HOUSE OF REPRESENTATIVES
16 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
17 REPRESENTATIVES, OR THEIR DESIGNEES, SHALL HAVE CONTINUING
18 AUTHORITY TO PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THE
19 PROVISIONS OF THIS CHAPTER. THE CHAIRMAN OF THE COMMISSION SHALL
20 BE DESIGNATED AS THE CHAIRMAN OF THE COMMITTEE. THE INITIAL
21 PROPOSED REGULATIONS SHALL BE SUBMITTED WITHIN 180 DAYS OF THE
22 EFFECTIVE DATE OF THIS SECTION TO THE INDEPENDENT REGULATORY
23 REVIEW COMMISSION UNDER SECTION 5 OF THE ACT OF JUNE 25, 1982
24 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT. ANY
25 MEETING AT WHICH THE COMMITTEE PLANS TO APPROVE PROPOSED
26 REGULATIONS SHALL BE HELD IN ACCORDANCE WITH CHAPTER 7 (RELATING
27 TO OPEN MEETINGS). THE COMMITTEE SHALL ALSO PREPARE AND PUBLISH
28 A MANUAL SETTING FORTH GUIDELINES FOR ACCOUNTING AND REPORTING.
29 THE REGULATIONS AND MANUAL SHALL BE DRAFTED TO ACCOMMODATE THE
30 USE OF COMPUTERIZED RECORDKEEPING, ELECTRONIC FILING OF THE

1 REPORTS PROVIDED FOR UNDER THIS CHAPTER AND RETENTION OF
2 REGISTRATIONS AND EXPENSE REPORTS PROVIDED FOR UNDER THIS
3 CHAPTER BY ELECTRONIC MEANS. THE DEPARTMENT OF STATE SHALL
4 PROVIDE SUFFICIENT STAFF AND OTHER ADMINISTRATIVE SUPPORT TO
5 ASSIST THE COMMITTEE. ANY VACANCY OCCURRING AMONG THE APPOINTED
6 MEMBERS OF THE COMMITTEE SHALL BE FILLED IN THE SAME MANNER AS
7 THE ORIGINAL APPOINTMENT. ANY COMMITTEE MEMBER WHO IS A MEMBER
8 OF THE GENERAL ASSEMBLY SHALL SERVE FOR A TERM THAT IS
9 COINCIDENT WITH HIS OR HER TERM OF OFFICE.

10 § 1311-A. SEVERABILITY.

11 THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE. IF ANY
12 PROVISION OF THIS CHAPTER OR ITS APPLICATION TO ANY PERSON OR
13 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
14 OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER WHICH CAN BE
15 GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

16 SECTION 3. THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT
17 TO THE LEGISLATIVE REFERENCE BUREAU, FOR PUBLICATION IN THE
18 PENNSYLVANIA BULLETIN, NOTICE OF FULL IMPLEMENTATION OF THE
19 COMPUTERIZED FILING SYSTEM REQUIRED UNDER SECTION 1310-A(C)
20 (RELATING TO REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;
21 REGULATIONS).

22 SECTION 4. ANY FUNDS REMAINING IN THE RESTRICTED RECEIPTS
23 ACCOUNT CREATED UNDER 65 PA.C.S. § 1310(B) MAY BE UTILIZED BY
24 THE DEPARTMENT OF STATE TO IMPLEMENT THE PROVISIONS OF 65
25 PA.C.S. CH. XVIII-A.

26 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

27 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
28 IMMEDIATELY:

29 (I) SECTION 1310-A(D).

30 (II) THIS SECTION.

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

3 (I) PUBLICATION OF THE NOTICE REQUIRED UNDER SECTION
4 3.

5 (II) THE EFFECTIVE DATE OF THE REGULATIONS
6 PROMULGATED UNDER SECTION 1310-A(D).