
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

SENATOR LEMMOND, STATE GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 28, 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 PROVIDING FOR LOBBYING REGISTRATION, REGULATION AND DISCLOSURE; <—
6 CONFERRING POWERS AND IMPOSING DUTIES ON THE DEPARTMENT OF
7 STATE, THE OFFICE OF ATTORNEY GENERAL AND THE STATE ETHICS
8 COMMISSION; IMPOSING PENALTIES; ESTABLISHING THE LOBBYING
9 ACCOUNTABILITY FUND; AND MAKING A RELATED REPEAL.

10 The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12 ~~Section 1. Chapter 13 Heading and sections 1301, 1302, 1303,~~ <—
13 ~~1304, 1305, 1306, 1307, 1308, 1309, 1310 and 1311 of Title 65 of~~
14 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

15 ~~{CHAPTER 13~~

16 ~~LOBBY REGULATION AND DISCLOSURE~~

17 ~~§ 1301. Short title of chapter.~~

1 ~~This chapter shall be known and may be cited as the Lobbying~~
2 ~~Disclosure Act.~~

3 ~~§ 1302. Statement of intent and jurisdiction.~~

4 ~~(a) Intent. The Constitution of Pennsylvania recognizes the~~
5 ~~principle that all free government is founded upon the authority~~
6 ~~of the people. It further provides that the power to make law in~~
7 ~~this Commonwealth is vested in the General Assembly and the~~
8 ~~power to enforce law is vested in the Executive Department. The~~
9 ~~ability of the people to exercise their fundamental authority~~
10 ~~and to have confidence in the integrity of the process by which~~
11 ~~laws are made and enforced in this Commonwealth demands that the~~
12 ~~identity and the scope of activity of those employed to~~
13 ~~influence the actions of the General Assembly and the Executive~~
14 ~~Department be publicly and regularly disclosed.~~

15 ~~(b) Jurisdiction. The authority to regulate persons~~
16 ~~employed to influence the actions of the General Assembly and~~
17 ~~the Executive Department lies within the jurisdiction of those~~
18 ~~branches of government. To insure that the intent of this~~
19 ~~chapter is not evaded and that all such persons are regulated in~~
20 ~~a fair and equitable manner, lobbyists and the practice of~~
21 ~~lobbying shall be subject to this chapter, which shall prevail~~
22 ~~over any other regulation of professional activity when that~~
23 ~~activity constitutes lobbying. This chapter is not intended to~~
24 ~~govern professional activities which do not include lobbying and~~
25 ~~which are properly the subject of regulation by the judicial~~
26 ~~branch of government or by any government agency. Membership in~~
27 ~~a regulated profession shall not excuse a lobbyist from~~
28 ~~compliance with the provisions of this chapter.~~

29 ~~§ 1303. Definitions.~~

30 ~~The following words and phrases when used in this chapter~~

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Administrative action." Any of the following:

4 (1) An agency's:

5 (i) proposal, consideration, promulgation or
6 rescission of a regulation;

7 (ii) development or modification of a guideline or a
8 statement of policy; or

9 (iii) approval or rejection of a regulation.

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

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

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

16 (5) The proposal, consideration, promulgation or
17 rescission of an executive order.

18 "Affiliated political action committee." A political action
19 committee as defined in section 1621(1) of the act of June 3,
20 1937 (P.L.1333, No.320), known as the Pennsylvania Election
21 Code, which has a chairman, a treasurer or another officer who
22 is a principal, an employee of a principal, a lobbyist or an
23 employee of a lobbyist, provided if an employee of a registrant
24 serves as the officer of a political action committee in what is
25 clearly a personal capacity and the goals and mission of that
26 political action committee clearly have no relationship to the
27 goals and mission of the registrant, such political action
28 committee shall not be considered an affiliated political action
29 committee for the purposes of this definition.

30 "Agency." A State agency, board, commission, authority or

1 ~~department.~~

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

3 ~~"Compensation."—Anything of value, including benefits,~~
4 ~~received or to be received from a principal by one acting as a~~
5 ~~lobbyist.~~

6 ~~"Direct communication."—An effort, whether written, oral or~~
7 ~~by any other medium, made by a lobbyist or principal, directed~~
8 ~~to a State official or employee, the purpose or foreseeable~~
9 ~~effect of which is to influence legislative action or~~
10 ~~administrative action.~~

11 ~~"Economic consideration."—Anything of value offered or~~
12 ~~received.~~

13 ~~"Fund."—The Lobbying Disclosure Fund established in section~~
14 ~~1310(b) (relating to filing fees; fund established;~~
15 ~~regulations).~~

16 ~~"Gift."—As defined in section 1102 (relating to~~
17 ~~definitions).~~

18 ~~"Immediate family."—An individual's spouse, an individual's~~
19 ~~child and an individual's parent, brother, sister or like~~
20 ~~relative in law.~~

21 ~~"Indirect communication."—An effort, whether written, oral~~
22 ~~or by any other medium, to encourage others, including the~~
23 ~~general public, to take action, the purpose or foreseeable~~
24 ~~effect of which is to directly influence legislative action or~~
25 ~~administrative action. The term includes letter writing~~
26 ~~campaigns, mailings, telephone banks, print and electronic media~~
27 ~~advertising, billboards, publications and educational campaigns~~
28 ~~on public issues. The term does not include regularly published~~
29 ~~periodic newsletters primarily designed for and distributed to~~
30 ~~members of a bona fide association or charitable or fraternal~~

1 ~~nonprofit corporation.~~

2 ~~"Legislation." Bills, resolutions, amendments and~~
3 ~~nominations pending or proposed in either the Senate or the~~
4 ~~House of Representatives. The term includes any other matter~~
5 ~~which may become the subject of action by either chamber of the~~
6 ~~General Assembly.~~

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

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

17 ~~(1) providing any gift, entertainment, meal,~~
18 ~~transportation or lodging to a State official or employee for~~
19 ~~the purpose of advancing the interest of the lobbyist or~~
20 ~~principal; and~~

21 ~~(2) direct or indirect communication.~~

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 ~~The term includes an attorney who engages in lobbying.~~

26 ~~"Principal." Any individual, firm, association, corporation,~~
27 ~~partnership, business trust or business entity:~~

28 ~~(1) on whose behalf a lobbyist influences or attempts to~~
29 ~~influence an administrative action or a legislative action;~~
30 ~~or~~

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

3 ~~"Registrant." A registered lobbyist or a registered~~
4 ~~principal.~~

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

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

16 ~~§ 1304. Registration.~~

17 ~~(a) General rule. Unless excluded under section 1306~~
18 ~~(relating to exemption from registration and reporting), a~~
19 ~~lobbyist or a principal must register with the commission within~~
20 ~~ten days of acting in any capacity as a lobbyist or principal.~~
21 ~~Registration shall be biennial and be coincident with the terms~~
22 ~~of the members of the House of Representatives.~~

23 ~~(b) Principals.~~

24 ~~(1) A principal required to register shall file the~~
25 ~~following information with the commission:~~

26 ~~(i) Name.~~

27 ~~(ii) Permanent address.~~

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

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

30 ~~(v) Name, registration number and acronyms of~~

1 ~~affiliated political action committees.~~

2 ~~(vi) Name and permanent business address of each~~
3 ~~individual who will for economic consideration engage in~~
4 ~~lobbying on the principal's behalf.~~

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

8 ~~(c) Lobbyist.—~~

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

11 ~~(i) Name.~~

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

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

14 ~~(iv) A recent picture of the lobbyist.~~

15 ~~(v) Name, permanent business address and daytime~~
16 ~~telephone number of the principal the lobbyist~~
17 ~~represents.~~

18 ~~(vi) Name, registration number and acronyms of~~
19 ~~affiliated political action committees.~~

20 ~~(2) Each lobbyist shall file a separate registration~~
21 ~~statement for each principal he or she represents.~~

22 ~~(d) Amendments.—~~

23 ~~(1) When there is a change of information required for~~
24 ~~the registration statement under subsection (b)(1) or (c), an~~
25 ~~amended statement shall be filed with the commission within~~
26 ~~14 days after the change occurs.~~

27 ~~(2) When there is a change in information required for~~
28 ~~the registration statement under subsection (b)(2), an~~
29 ~~amended statement shall be filed with the commission within~~
30 ~~14 days of the end of the year in which the change occurs.~~

1 ~~(c) Termination.— A lobbyist or a principal may terminate~~
2 ~~registration by filing notice with the commission. Within 30~~
3 ~~days of filing the notice, the lobbyist or principal shall file~~
4 ~~a termination report, which shall include all information~~
5 ~~required by section 1305 (relating to reporting) through the~~
6 ~~final day of lobbying activity. After a reasonable review of the~~
7 ~~termination report but not later than 90 days after receipt of~~
8 ~~the notice, the commission shall issue to the lobbyist or~~
9 ~~principal a letter stating that the registrant has terminated~~
10 ~~registration. The filing of notice or a termination report shall~~
11 ~~not affect the commission's authority to conduct investigations~~
12 ~~and hearings pursuant to section 1308(h) (relating to~~
13 ~~administration and enforcement). No lobbying may occur after the~~
14 ~~filing of notice unless the lobbying is pursuant to a separate~~
15 ~~registration statement which is filed with the commission and~~
16 ~~which, at the time of the lobbying, has not been terminated.~~
17 ~~§ 1305.— Reporting.~~

18 ~~(a) General rule.— A lobbyist as required by subsection~~
19 ~~(b)(6) or a registered principal shall, under oath or~~
20 ~~affirmation, file quarterly expense reports with the commission.~~

21 ~~(b) Content.—~~

22 ~~(1) Reports must list the names of all lobbyists by whom~~
23 ~~the lobbying is conducted and the general subject matter or~~
24 ~~issue being lobbied.~~

25 ~~(2) Expense reports must contain the following~~
26 ~~categories:~~

27 ~~(i) A single aggregate good faith estimate of the~~
28 ~~total amount spent for personnel and office expenses~~
29 ~~related to lobbying. This subparagraph includes salaries~~
30 ~~and other forms of compensation, benefits, vehicle~~

1 allowances, bonuses and reimbursable expenses for those
2 involved in lobbying. If compensation is to be reported
3 by or for an individual or entity whose lobbying is
4 incidental to regular employment, it shall be sufficient
5 to report a good faith prorated estimate based on the
6 value of the time devoted to lobbying. Reportable
7 personnel costs include costs for lobbying staff,
8 research and monitoring staff, consultants, lawyers,
9 lobbyists, publications and public relations staff,
10 technical staff and clerical and administrative support
11 staff who engage in lobbying but are exempt from
12 reporting under section 1306(6) (relating to exemption
13 from registration and reporting). This subparagraph
14 includes costs for offices, equipment and supplies
15 utilized for lobbying.

16 (ii) ~~A single aggregate good faith estimate of the~~
17 total amount spent for direct communication.

18 (iii) ~~The total costs for gifts, entertainment,~~
19 meals, transportation, lodging and receptions given to or
20 provided to State officials or employees or their
21 immediate families.

22 (iv) ~~A single aggregate good faith estimate of the~~
23 total amount spent for indirect communication.

24 (3) ~~In addition to reporting the totals required under~~
25 this subsection, the expense report must identify, by name,
26 position and each occurrence, a State official or employee
27 who receives from a principal or lobbyist anything of value
28 which must be included in the statement under section
29 1105(b)(6) or (7) (relating to statement of financial
30 interests) as implemented by section 1105(d).

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

4 ~~(ii) Written notice must be given to each public~~
5 ~~official or employee of inclusion in the expense report~~
6 ~~within seven days of the report's submission to the~~
7 ~~commission. Notice under this subparagraph shall include~~
8 ~~the information which will enable the public official or~~
9 ~~employee to comply with section 1105(b)(6) and (7). For~~
10 ~~purposes of this chapter and Chapter 11 (relating to~~
11 ~~ethics standards and financial disclosure), section~~
12 ~~1105(b)(6) and (7) shall constitute mutually exclusive~~
13 ~~categories.~~

14 ~~(iii) Regulations shall be promulgated under section~~
15 ~~1310(c) (relating to filing fees; fund established;~~
16 ~~regulations) to define mutually exclusive categories~~
17 ~~under section 1105(b)(6) and (7) and to determine whether~~
18 ~~a thing of value is subject to disclosure under section~~
19 ~~1105(b)(6) or (7).~~

20 ~~(4) A lobbyist must sign the reports submitted by each~~
21 ~~principal represented to attest to the validity and accuracy~~
22 ~~to the best of the lobbyist's knowledge. A lobbyist may~~
23 ~~attach a statement to the report of any principal, describing~~
24 ~~the limits of the lobbyist's knowledge concerning the~~
25 ~~expenditures contained in the report.~~

26 ~~(5) The expense report shall also include the name,~~
27 ~~permanent business address and daytime telephone number of~~
28 ~~any individual, firm, association, corporation, partnership,~~
29 ~~business trust or business entity which contributed more than~~
30 ~~10% of the total resources received by the principal during~~

1 ~~the reporting period.~~

2 ~~(6) A lobbyist shall submit a separate report if, during~~
3 ~~the reporting period, the lobbyist engaged in lobbying which~~
4 ~~was not contained in the reports filed by the principal or~~
5 ~~principals represented by the lobbyist. A separate lobbyist~~
6 ~~report shall contain the identity of the principal for whom~~
7 ~~such lobbying was performed and shall contain all information~~
8 ~~required under paragraphs (2) and (3).~~

9 ~~(7) A registered principal or registered lobbyist that~~
10 ~~attempts to influence an agency's preparing, bidding,~~
11 ~~entering into or approving a contract shall ensure that the~~
12 ~~related expenses are included under paragraph (2).~~

13 ~~(c) Records retention. A registrant shall retain all~~
14 ~~documents reasonably necessary to substantiate the reports to be~~
15 ~~made under this section for four years from the date of filing~~
16 ~~the subject report. Upon request by the Office of the Attorney~~
17 ~~General or the commission, these materials shall be made~~
18 ~~available for inspection within a reasonable period of time.~~

19 ~~(d) Thresholds for reporting. An expense report shall be~~
20 ~~filed when total expenses for lobbying exceed \$500 for a~~
21 ~~registered principal or a registered lobbyist in a reporting~~
22 ~~period. In a reporting period in which total expenses are \$500~~
23 ~~or less, a statement to that effect shall be filed.~~

24 ~~(e) Voluntary disclosure. Nothing in this section shall~~
25 ~~prevent a principal or lobbyist from disclosing expenses in~~
26 ~~greater detail than required.~~

27 ~~§ 1306. Exemption from registration and reporting.~~

28 ~~The following individuals and activities shall be exempt from~~
29 ~~registration under section 1304 (relating to registration) and~~
30 ~~reporting under section 1305 (relating to reporting):~~

1 ~~(1) An individual who limits lobbying activities to~~
2 ~~preparing testimony and testifying before a committee of the~~
3 ~~legislature or participating in an administrative proceeding~~
4 ~~of an agency.~~

5 ~~(2) An individual who is an employee of an entity~~
6 ~~engaged in the business of publishing, broadcasting or~~
7 ~~televising while engaged in the gathering and dissemination~~
8 ~~of news and comment thereon to the general public in the~~
9 ~~ordinary course of business.~~

10 ~~(3) Any of the following:~~

11 ~~(i) An individual who does not receive compensation,~~
12 ~~other than traveling expenses, for lobbying.~~

13 ~~(ii) An individual whose compensation for lobbying,~~
14 ~~from all principals represented, does not exceed \$2,500~~
15 ~~in the aggregate during any reporting period.~~

16 ~~(iii) An individual who engages in lobbying on~~
17 ~~behalf of the individual's employer and where lobbying~~
18 ~~activity represents less than the equivalent of \$2,500 of~~
19 ~~the employee's time during any reporting period, based on~~
20 ~~an hourly proration of the employee's compensation.~~

21 ~~(iv) A principal whose total expenses for lobbying~~
22 ~~purposes do not exceed \$2,500 during any reporting~~
23 ~~period.~~

24 ~~(4) Any of the following:~~

25 ~~(i) An elected State officer acting in an official~~
26 ~~capacity.~~

27 ~~(ii) A State executive officer appointed by the~~
28 ~~Governor acting in an official capacity.~~

29 ~~(iii) An elected or appointed official or employee~~
30 ~~of a political subdivision acting in an official~~

1 capacity.

2 ~~(iv) An employee of the Commonwealth or independent~~
3 ~~agency of the Commonwealth acting in an official~~
4 ~~capacity.~~

5 ~~(5) An individual representing a bona fide church of~~
6 ~~which the individual is a member and the purpose of the~~
7 ~~lobbying is solely for the purpose of protecting the~~
8 ~~constitutional right to the free exercise of religion.~~

9 ~~(6) An employee, who is not a registered lobbyist, of a~~
10 ~~corporation which:~~

11 ~~(i) is registered as a principal under section 1304;~~

12 ~~(ii) has one or more registered lobbyists; and~~

13 ~~(iii) includes in its reports under section 1305 all~~
14 ~~of the employee's expenses related to lobbying.~~

15 ~~§ 1307. Prohibited activities.~~

16 ~~(a) Contingent compensation.—~~

17 ~~(1) No one may compensate or incur an obligation to~~
18 ~~compensate any lobbyist, principal or individual to engage in~~
19 ~~lobbying for compensation contingent in whole or in part upon~~
20 ~~any of the following:~~

21 ~~(i) Passage or defeat, or approval or veto, of~~
22 ~~legislation.~~

23 ~~(ii) Occurrence or nonoccurrence of an~~
24 ~~administrative action.~~

25 ~~(2) No lobbyist, principal or individual may engage or~~
26 ~~agree to engage in lobbying for compensation contingent in~~
27 ~~whole or in part upon any of the following:~~

28 ~~(i) Passage or defeat, or approval or veto, of~~
29 ~~legislation.~~

30 ~~(ii) Occurrence or nonoccurrence of an~~

1 ~~administrative action.~~

2 ~~(b) Political committees. A lobbyist may not serve as a~~
3 ~~treasurer or another officer for a candidate's political~~
4 ~~committee or a candidate's political action committee.~~

5 ~~(c) Fee restrictions. A lobbyist may not charge a fee or~~
6 ~~receive compensation or economic consideration based upon an~~
7 ~~understanding, either written or oral, that any part of the fee,~~
8 ~~compensation or economic consideration will be converted into a~~
9 ~~contribution to a candidate for public office or a political~~
10 ~~committee.~~

11 ~~(d) Falsification. No lobbyist or principal may, for the~~
12 ~~purpose of influencing legislative action or administrative~~
13 ~~action, transmit, utter or publish to any State official or~~
14 ~~employee any communication, knowing that such communication or~~
15 ~~any signature on the communication is false, forged, counterfeit~~
16 ~~or fictitious.~~

17 ~~§ 1308. Administration and enforcement.~~

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

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

27 ~~(c) Advice and opinions. The commission shall provide~~
28 ~~advice and opinions in accordance with procedures set forth in~~
29 ~~section 1107 (relating to powers and duties of commission) to a~~
30 ~~lobbyist, principal or State official or employee who has a~~

1 ~~question regarding compliance with this chapter. A principal, a~~
2 ~~lobbyist or an individual who acts in good faith based on the~~
3 ~~written advice or opinion of the commission shall not be held~~
4 ~~liable for a violation of this chapter.~~

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

13 ~~(e) Annual reporting. The commission shall prepare and~~
14 ~~publish an annual report on lobbying activities in this~~
15 ~~Commonwealth. The commission shall also annually publish a~~
16 ~~listing of principals, identifying affiliated political action~~
17 ~~committees and lobbyists, and a listing of lobbyists,~~
18 ~~identifying affiliated political action committees and~~
19 ~~principals.~~

20 ~~(f) Retention of records. Completed registration~~
21 ~~statements, expense reports, termination notices and termination~~
22 ~~reports shall remain on file with the commission for a four year~~
23 ~~period.~~

24 ~~(g) Audits. The commission shall initiate, by lottery,~~
25 ~~random annual audits of the registration statements and~~
26 ~~disclosure reports in sufficient number to ensure compliance~~
27 ~~with this chapter. The audit report and findings shall be~~
28 ~~confidential; however, the commission shall include the relevant~~
29 ~~portion of an audit as part of its findings of fact in a~~
30 ~~commission order which results from an investigation arising out~~

1 ~~of an audit.~~

2 ~~(h) Investigation and hearings. The commission, through its~~
3 ~~executive director, may initiate an investigation and hold a~~
4 ~~hearing concerning negligent conduct by a lobbyist or principal~~
5 ~~in accordance with sections 1107 and 1108 (relating to~~
6 ~~investigations by commission).~~

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

14 ~~(j) Computer file. The Legislative Data Processing~~
15 ~~Committee shall maintain updated registration statements,~~
16 ~~expense reports, termination notices and termination reports.~~

17 ~~(k) Cost of living adjustment. On a biennial basis~~
18 ~~commencing in January 2002, the commission shall review the~~
19 ~~threshold for reporting under section 1305(d) (relating to~~
20 ~~reporting) and the threshold for exemption under section~~
21 ~~1306(3)(ii) through (iv) (relating to exemption from~~
22 ~~registration and reporting) and may increase these amounts to~~
23 ~~rates deemed reasonable for assuring appropriate disclosure. The~~
24 ~~commission shall publish any such adjusted threshold amounts in~~
25 ~~the Pennsylvania Bulletin by June 1, 2002, and every two years~~
26 ~~thereafter as necessary.~~

27 ~~§ 1309. Penalties.~~

28 ~~(a) Notice of noncompliance. The commission shall issue a~~
29 ~~notice of noncompliance to any lobbyist, principal or individual~~
30 ~~that has failed to register or report as required by this~~

1 ~~chapter. The notice shall state the nature of the alleged~~
2 ~~noncompliance and the civil and criminal penalties for failure~~
3 ~~to register, failure to file or filing a report containing a~~
4 ~~false statement. The notice shall also advise of the right to a~~
5 ~~hearing before the commission and the time and manner in which~~
6 ~~to request a hearing.~~

7 ~~(b) Hearing. If a hearing is requested, the commission~~
8 ~~shall determine at the hearing whether the recipient of the~~
9 ~~notice is required to register or report under this chapter,~~
10 ~~whether the failure to register or report was negligent and, if~~
11 ~~the failure was negligent, the amount of the civil penalty to be~~
12 ~~imposed. If the commission finds that the failure to register or~~
13 ~~report was intentional, it shall refer the matter to the~~
14 ~~Attorney General for investigation and prosecution. Hearings~~
15 ~~under this subsection shall be conducted by the commission in~~
16 ~~accordance with sections 1107(14) (relating to powers and duties~~
17 ~~of commission) and 1108(c) (relating to investigations by~~
18 ~~commission).~~

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

30 ~~(d) Failure to comply after notice. After notice of~~

1 ~~noncompliance and after a hearing, if one is requested, a~~
2 ~~lobbyist or principal who fails to comply with the requirements~~
3 ~~of this chapter may be prohibited from lobbying for up to five~~
4 ~~years. The prohibition shall be imposed as provided by~~
5 ~~subsection (e)(4).~~

6 ~~(c) Intentional violations.—~~

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

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

13 ~~(3) Except as set forth in paragraph (1) or (2), any~~
14 ~~lobbyist, principal or individual that intentionally violates~~
15 ~~this chapter commits a misdemeanor of the third degree.~~

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

26 ~~§ 1310. Filing fees; fund established; regulations.~~

27 ~~(a) Filing fees.— A principal or lobbyist required to be~~
28 ~~registered under this chapter shall pay a biennial filing fee of~~
29 ~~\$100 to the commission.~~

30 ~~(b) Fund established.— All money received from filing fees~~

1 ~~under subsection (a) shall be deposited in a restricted receipts~~
2 ~~account to be known as the Lobbying Disclosure Fund. The money~~
3 ~~deposited in the fund is hereby appropriated to the commission~~
4 ~~as a continuing appropriation for the exclusive purpose of~~
5 ~~carrying out the provisions of this chapter.~~

6 ~~(c) Regulations. A committee comprised of the Secretary of~~
7 ~~the Senate, the Chief Clerk of the House of Representatives, the~~
8 ~~chairman of the State Ethics Commission, the Attorney General,~~
9 ~~the Secretary of the Commonwealth, the Auditor General and the~~
10 ~~General Counsel, or their designees, shall have continuing~~
11 ~~authority to promulgate regulations necessary to carry out this~~
12 ~~chapter. The chairman of the commission shall be designated as~~
13 ~~the chairman of the committee. The initial proposed regulations~~
14 ~~shall be submitted within 180 days of the effective date of this~~
15 ~~section to the Independent Regulatory Review Commission under~~
16 ~~section 5 of the act of June 25, 1982 (P.L.633, No.181), known~~
17 ~~as the Regulatory Review Act. Any meeting at which the committee~~
18 ~~plans to approve proposed regulations shall be held in~~
19 ~~accordance with Chapter 7 (relating to open meetings). The~~
20 ~~committee shall also prepare and publish a manual setting forth~~
21 ~~guidelines for accounting and reporting. The regulations and~~
22 ~~manual shall be drafted to accommodate the use of computerized~~
23 ~~recordkeeping, electronic filing of the reports provided for~~
24 ~~under this chapter and retention of registration statements and~~
25 ~~reports provided for under this chapter by electronic means. The~~
26 ~~Department of State shall provide sufficient staff and other~~
27 ~~administrative support to assist the committee.~~

28 ~~§ 1311. Severability.~~

29 ~~(a) General rule. Except as provided in subsection (b):~~

30 ~~(1) The provisions of this chapter are severable.~~

1 ~~(a) Intent. The Constitution of Pennsylvania recognizes the~~
2 ~~principle that all free government is founded upon the authority~~
3 ~~of the people. It further provides that the power to make law in~~
4 ~~this Commonwealth is vested in the General Assembly and the~~
5 ~~power to enforce law is vested in the Executive Department. The~~
6 ~~ability of the people to exercise their fundamental authority~~
7 ~~and to have confidence in the integrity of the process by which~~
8 ~~laws are made and enforced in this Commonwealth demands that the~~
9 ~~identity and the scope of activity of those who attempt to~~
10 ~~influence the actions of the General Assembly and the Executive~~
11 ~~Department be publicly and regularly disclosed.~~

12 ~~(b) Jurisdiction. The authority to regulate persons~~
13 ~~employed to influence the actions of the General Assembly and~~
14 ~~the Executive Department lies within the jurisdiction of those~~
15 ~~branches of government. To ensure that the intent of this~~
16 ~~chapter is not evaded and that all such persons are regulated in~~
17 ~~a fair and equitable manner, lobbyists and the practice of~~
18 ~~lobbying shall be subject to this chapter, which shall prevail~~
19 ~~over any other regulation of professional activity when that~~
20 ~~activity constitutes lobbying. This chapter is not intended to~~
21 ~~govern professional activities which do not include lobbying and~~
22 ~~which are properly the subject of regulation by the judicial~~
23 ~~branch of government or by any government agency. Membership in~~
24 ~~a regulated profession shall not excuse a lobbyist from~~
25 ~~compliance with the provisions of this chapter.~~

26 ~~§ 1303 A. Definitions.~~

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

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

1 ~~(1) An agency's:~~
2 ~~(i) proposal, consideration, promulgation or~~
3 ~~rescission of a regulation;~~
4 ~~(ii) development or modification of a statement of~~
5 ~~policy;~~
6 ~~(iii) approval or rejection of a regulation;~~
7 ~~(iv) procurement of supplies, services and~~
8 ~~construction under 62 Pa.C.S. (relating to procurement),~~
9 ~~except for any emergency procurement made under 62~~
10 ~~Pa.C.S. § 516 (relating to emergency procurement).~~
11 ~~(2) The review, revision, approval or disapproval of a~~
12 ~~regulation under the act of June 25, 1982 (P.L.633, No.181),~~
13 ~~known as the Regulatory Review Act.~~
14 ~~(3) The Governor's approval or veto of legislation.~~
15 ~~(4) The nomination or appointment of an individual as an~~
16 ~~officer or employee of the Commonwealth.~~
17 ~~(5) The proposal, consideration, promulgation or~~
18 ~~rescission of an executive order.~~
19 ~~"Affiliated political action committee." A political action~~
20 ~~committee as defined in section 1621(1) of the act of June 3,~~
21 ~~1937 (P.L.1333, No.320), known as the Pennsylvania Election~~
22 ~~Code, which has a chairman, a treasurer or another officer who~~
23 ~~is a principal, an employee of a principal, a lobbyist or an~~
24 ~~employee of a lobbyist, provided if an employee of a registrant~~
25 ~~serves as the officer of a political action committee in what is~~
26 ~~clearly a personal capacity and the goals and mission of that~~
27 ~~political action committee clearly have no relationship to the~~
28 ~~goals and mission of the registrant, such political action~~
29 ~~committee shall not be considered an affiliated political action~~
30 ~~committee for the purposes of this definition.~~

1 ~~"Agency."—A State agency, board, commission, authority or~~
2 ~~department.~~

3 ~~"Attorney at law."—A person admitted to practice law in this~~
4 ~~Commonwealth.~~

5 ~~"Board."—The Disciplinary Board of the Supreme Court of~~
6 ~~Pennsylvania.~~

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

8 ~~"Compensation."—Anything of value, including benefits,~~
9 ~~received or to be received from a principal by one acting as a~~
10 ~~lobbyist.~~

11 ~~"Department."—The Department of State of the Commonwealth.~~

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

15 ~~"Direct influence expense."—Any expenditure for direct~~
16 ~~influence, including any expenditure for research, monitoring,~~
17 ~~technical, clerical or administrative services provided by a~~
18 ~~lobbyist, lobbying firm or the staff of a lobbyist or lobbying~~
19 ~~firm, in support of direct influence. The term does not include~~
20 ~~any office expenses.~~

21 ~~"Economic consideration."—Anything of value offered or~~
22 ~~received.~~

23 ~~"Fund."—The Lobbying Disclosure Fund established in section~~
24 ~~1310 A(b) (relating to filing fees; fund established;~~
25 ~~regulations).~~

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

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

29 ~~(1)—Meals.~~

30 ~~(2)—Beverages.~~

1 ~~(3) Recreation and entertainment.~~

2 ~~"Immediate family." An individual's spouse, an individual's~~
3 ~~child and an individual's parent, brother, sister or like~~
4 ~~relative in law.~~

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

15 ~~"Indirect influence expense." Any expenditure for indirect~~
16 ~~influence, including any expenditure for research, monitoring,~~
17 ~~technical, clerical or administrative services provided by a~~
18 ~~lobbyist or lobbying firm, or the staff of a lobbyist or~~
19 ~~lobbying firm, in support of indirect influence. The term does~~
20 ~~not include any office expenses.~~

21 ~~"Legislation." Bills, resolutions, amendments and~~
22 ~~nominations pending or proposed in either the Senate or the~~
23 ~~House of Representatives. The term includes any other matter~~
24 ~~which may become the subject of action by either chamber of the~~
25 ~~General Assembly.~~

26 ~~"Legislative action." An action taken by a State official or~~
27 ~~employee involving the preparation, research, drafting,~~
28 ~~introduction, consideration, modification, amendment, approval,~~
29 ~~passage, enactment, tabling, postponement, defeat or rejection~~
30 ~~of legislation; legislative motions; overriding or sustaining a~~

1 ~~veto by the Governor; or confirmation of appointments by the~~
2 ~~Governor or of appointments to public boards or commissions by a~~
3 ~~member of the General Assembly.~~

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

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

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

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

15 ~~"Lobbyist." Any individual, firm, association, corporation,~~
16 ~~partnership, business trust or other business entity that~~
17 ~~engages in lobbying on behalf of a principal for economic~~
18 ~~consideration.~~

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

21 ~~"Personnel expense." Any expenditure for salaries or other~~
22 ~~forms of compensation, benefits, vehicle allowances, bonuses and~~
23 ~~reimbursable expenses.~~

24 ~~"Principal." Any individual, firm, association, corporation,~~
25 ~~partnership, business trust or other business entity:~~

26 ~~(1) on whose behalf a lobbyist influences or attempts to~~
27 ~~influence an administrative action or a legislative action;~~
28 ~~or~~

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

1 ~~"Registrant."—A registered lobbyist, lobbying firm or a~~
2 ~~registered principal.~~

3 ~~"Regulation."—Any rule, regulation, statement of policy or~~
4 ~~order in the nature of a rule or regulation, including formal~~
5 ~~and informal opinions of the Attorney General, of general~~
6 ~~application and future effect, promulgated by an agency under~~
7 ~~statutory authority in the administration of a statute~~
8 ~~administered by or relating to the agency, or prescribing the~~
9 ~~practice or procedure before the agency.~~

10 ~~"Reporting period."—Any of the following periods:~~

11 ~~(1) January 1 through March 31.~~

12 ~~(2) April 1 through June 30.~~

13 ~~(3) July 1 through September 30.~~

14 ~~(4) October 1 through December 31.~~

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

19 ~~"Vendor."—A person that, for economic consideration, sells~~
20 ~~or provides a service or supply or engages in construction. The~~
21 ~~term does not include an attorney at law, a lobbyist or lobbying~~
22 ~~firm.~~

23 ~~§ 1304 A. Registration.~~

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

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

3 ~~(i) receiving compensation for lobbying from all~~
4 ~~principals represented in excess of \$2,500 in the~~
5 ~~aggregate during any reporting period; or~~

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

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

13 ~~(b) Registration requirements for principals and lobbying~~
14 ~~firms.—~~

15 ~~(1) A principal or lobbying firm required to register~~
16 ~~under subsection (a) shall file the following information~~
17 ~~with the department:~~

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 all~~
23 ~~affiliated political action committees.~~

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

28 ~~(vii) A principal shall disclose in its filing the~~
29 ~~name, registration number and acronyms of all candidate~~
30 ~~political committees for which the principal serves as a~~

1 ~~treasurer or other officer.~~

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

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

8 ~~(c) Registration requirements for individuals who are~~
9 ~~lobbyists.—~~

10 ~~(1) A lobbyist who is required to register under~~
11 ~~subsection (a) shall file the following information with the~~
12 ~~department:~~

13 ~~(i) Name.~~

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

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

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

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

20 ~~(vi) Name of any lobbying firm with which the~~
21 ~~lobbyist has a relationship involving economic~~
22 ~~consideration.~~

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

25 ~~(viii) Name, registration number and acronyms of all~~
26 ~~candidate political committees of which the lobbyist is~~
27 ~~an officer, who must be included in a registration~~
28 ~~statement under section 1624(b)(2) and (3) of the act of~~
29 ~~June 3, 1937 (P.L.1333, No.320), known as the~~
30 ~~Pennsylvania Election Code.~~

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

3 ~~(d) Amendments.~~

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

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

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

23 ~~§ 1305 A. Reporting.~~

24 ~~(a) General rule. A registered principal shall, under oath~~
25 ~~or affirmation, file quarterly expense reports with the~~
26 ~~department no later than 30 days after the last day of the~~
27 ~~quarter.~~

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

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

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

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

4 ~~(ii) The total costs for indirect influence~~
5 ~~expenses.~~

6 ~~(iii) The total costs for gifts, hospitality,~~
7 ~~transportation, lodging and receptions given to or~~
8 ~~provided to State officials or employees or their~~
9 ~~immediate families.~~

10 ~~(3) In addition to reporting the totals required under~~
11 ~~this subsection, the expense report must identify, by name,~~
12 ~~position and each occurrence, a State official or employee~~
13 ~~who receives from a principal or lobbyist anything of value~~
14 ~~which must be reported on the statement required by Ch. 11~~
15 ~~(relating to ethics standards and financial disclosure) under~~
16 ~~section 1105(b)(6) or (7) (relating to statement of financial~~
17 ~~interests) as adjusted by section 1105(d). This paragraph~~
18 ~~shall not apply to anything of value received from immediate~~
19 ~~family when the circumstances make it clear that motivation~~
20 ~~for the action was a personal or family relationship.~~

21 ~~(i) For purposes of this chapter, the amount~~
22 ~~referred to in section 1105(b)(7) shall not include the~~
23 ~~cost of any reception, which the State official or~~
24 ~~employee attends in connection with public office or~~
25 ~~employment.~~

26 ~~(ii) Written notice must be given to each public~~
27 ~~official or employee identified in an expense report~~
28 ~~under this paragraph within five days of the report's~~
29 ~~submission to the department. Notice under this~~
30 ~~subparagraph shall include information upon which a~~

1 ~~public official or employee may rely in complying with~~
2 ~~section 1105(b)(6) and (7). For purposes of this chapter~~
3 ~~and Chapter 11 (relating to ethics standards and~~
4 ~~financial disclosure), section 1105(b)(6) and (7) shall~~
5 ~~constitute mutually exclusive categories.~~

6 ~~(iii) Regulations shall be promulgated under section~~
7 ~~1310 A(d) (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) The expense report shall also include the name,~~
13 ~~permanent business address and daytime telephone number of~~
14 ~~any individual, firm, association, corporation, partnership,~~
15 ~~business trust or other business entity which contributed~~
16 ~~more than 10% of the total resources received by the~~
17 ~~principal during the reporting period.~~

18 ~~(5) A lobbying firm or a lobbyist not associated with a~~
19 ~~lobbying firm shall submit a report if during the reporting~~
20 ~~period the lobbyist or lobbying firm engaged in lobbying~~
21 ~~which was not contained in any report filed by a principal or~~
22 ~~principals represented.~~

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

28 ~~(7) A lobbying firm or a lobbyist not associated with a~~
29 ~~lobbying firm shall submit a report if the lobbyist or~~
30 ~~lobbying firm engaged in lobbying for economic consideration~~

1 ~~on behalf of any entity that is exempt under section 1306-~~
2 ~~A(6), (7), (8) and (9) (relating to exemption from~~
3 ~~registration and reporting).~~

4 ~~(8) For each category enumerated in paragraph (2)(i),~~
5 ~~(ii) and (iii) and for each State official or employee~~
6 ~~identified under paragraph (3), the report shall include both~~
7 ~~the amount incurred during the quarter and the cumulative~~
8 ~~amount incurred from January 1 through the end of the~~
9 ~~applicable quarter.~~

10 ~~(c) Records retention. A registrant shall retain all~~
11 ~~documents reasonably necessary to substantiate a report to be~~
12 ~~made under this section for four years from the date of filing~~
13 ~~the report. Upon request by the Office of Attorney General, the~~
14 ~~board, the department or the commission, these materials shall~~
15 ~~be made available for inspection within a reasonable period of~~
16 ~~time.~~

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

23 ~~(e) Communication. Whenever any person makes an expenditure~~
24 ~~for indirect influence under this chapter, for the purpose of~~
25 ~~disseminating or initiating communication such as a mailing,~~
26 ~~telephone bank, print or electronic media advertisement,~~
27 ~~billboard, publication or educational campaign, the~~
28 ~~communication shall clearly and conspicuously state the name of~~
29 ~~the person who made or financed the expenditure for the~~
30 ~~communication.~~

1 ~~§ 1306 A. Exemption from registration and reporting.~~

2 ~~The following activities and individuals shall be exempt from~~
3 ~~registration under section 1304 A (relating to registration) and~~
4 ~~reporting under section 1305 A (relating to reporting):~~

5 ~~(1) Preparing testimony and testifying before a~~
6 ~~committee, commission or board of the legislative or~~
7 ~~executive branch.~~

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

10 ~~(3) Participating as a party or as an attorney at law or~~
11 ~~representative of a party, case or controversy in any~~
12 ~~administrative adjudication pursuant to 2 Pa.C.S. (relating~~
13 ~~to administrative law and procedure).~~

14 ~~(4) An individual who is an employee of an entity~~
15 ~~engaged in the business of publishing, broadcasting or~~
16 ~~televising while engaged in the gathering and dissemination~~
17 ~~of news and comment to the general public in the ordinary~~
18 ~~course of business.~~

19 ~~(5) An individual who does not receive economic~~
20 ~~consideration or gifts, other than traveling expenses, for~~
21 ~~lobbying.~~

22 ~~(6) An elected State officer acting in an official~~
23 ~~capacity.~~

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

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

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

30 ~~(10) An individual who appears on behalf of any~~

1 ~~religious organization with respect to subjects of~~
2 ~~legislation or regulation that directly relate to the~~
3 ~~religious beliefs and practices of that organization and who~~
4 ~~does not otherwise act as a lobbyist.~~

5 ~~(11) Expenditures and other transactions subject to~~
6 ~~reporting under Article XVI of the act of June 3, 1937~~
7 ~~(P.L.1333, No.320), known as the Pennsylvania Election Code.~~

8 ~~(12) Any vendor whose primary occupation is services,~~
9 ~~supplies or construction. Any lobbyist or lobbying firm~~
10 ~~employed by such a vendor shall not be exempt from~~
11 ~~registration under section 1304 A and reporting under section~~
12 ~~1305 A.~~

13 ~~§ 1307 A. Prohibited activities.~~

14 ~~(a) Contingent compensation.—~~

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

19 ~~(i) Occurrence, nonoccurrence or amendment of~~
20 ~~legislative action.~~

21 ~~(ii) Occurrence, nonoccurrence or amendment of an~~
22 ~~administrative action other than procurement described in~~
23 ~~paragraph (1)(iv) of the definition of "administrative~~
24 ~~action" under section 1303 A.~~

25 ~~(2) No lobbyist, principal, lobbying firm or individual~~
26 ~~may engage in or agree to engage in lobbying for compensation~~
27 ~~contingent in whole or in part upon any of the following:~~

28 ~~(i) Occurrence, nonoccurrence or amendment of~~
29 ~~legislative action.~~

30 ~~(ii) Occurrence, nonoccurrence or amendment of an~~

1 ~~administrative action other than procurement described in~~
2 ~~paragraph (1)(iv) of the definition of "administrative~~
3 ~~action" under section 1303 A.~~

4 ~~(b) Falsification. No lobbyist, lobbying firm, principal or~~
5 ~~individual may, for the purpose of influencing legislative~~
6 ~~action or administrative action, transmit, utter or publish to~~
7 ~~any State official or employee any communication, knowing that~~
8 ~~such communication or any signature on the communication is~~
9 ~~false, forged, counterfeit or fictitious.~~

10 ~~§ 1308 A. Administration and enforcement.~~

11 ~~(a) Criminal enforcement. If the department or the~~
12 ~~commission believes an intentional violation of this chapter has~~
13 ~~been committed, it shall refer all relevant documents and other~~
14 ~~information to the Office of Attorney General.~~

15 ~~(b) Attorney General. In addition to the authority~~
16 ~~conferred upon the Attorney General under the act of October 15,~~
17 ~~1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,~~
18 ~~the Attorney General has the authority to investigate and~~
19 ~~prosecute a violation of this chapter.~~

20 ~~(c) Advice and opinions. The commission shall provide~~
21 ~~advice and opinions in accordance with procedures set forth in~~
22 ~~section 1107 (relating to powers and duties of commission) to~~
23 ~~the department, a lobbyist, lobbying firm or principal or State~~
24 ~~official or employee who has a question regarding compliance~~
25 ~~with this chapter. A principal, a lobbyist, a lobbying firm or~~
26 ~~an individual who acts in good faith based on the written advice~~
27 ~~or opinion of the commission shall not be held liable for a~~
28 ~~violation of this chapter.~~

29 ~~(d) Public inspection and copying. The department shall~~
30 ~~make completed registrations, expense reports and termination~~

1 ~~notices which have been filed with the department available for~~
2 ~~public inspection and provide copies of these documents at a~~
3 ~~price which shall not exceed the actual cost of copying.~~

4 ~~Documents that are maintained and reproducible in an electronic~~
5 ~~format shall be provided in that format upon request.~~

6 ~~(c) Annual reporting. The department shall prepare and~~
7 ~~publish an annual report on lobbying activities in this~~
8 ~~Commonwealth. The department shall at least annually publish a~~
9 ~~listing of all registrants and shall identify affiliated~~
10 ~~political action committees.~~

11 ~~(f) Retention of records. Completed registrations, expense~~
12 ~~reports, termination notices and termination letters filed or~~
13 ~~issued pursuant to section 1304 A (relating to registration)~~
14 ~~shall remain on file with the department for a four year period.~~

15 ~~(g) Audits. The following shall apply:~~

16 ~~(1) Every two years, the Secretary of the Commonwealth~~
17 ~~shall contract for the services of a certified public~~
18 ~~accountant or certified public accounting firm. The contract~~
19 ~~shall be awarded in a manner consistent with the provisions~~
20 ~~of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement~~
21 ~~Code) and no certified public accountant or certified public~~
22 ~~accounting firm shall be eligible to obtain such a contract~~
23 ~~for two successive contract periods.~~

24 ~~(2) The Secretary of the Commonwealth shall randomly~~
25 ~~select, at a public drawing 60 days following the close of~~
26 ~~each fourth quarter reporting period, 3% of all registrations~~
27 ~~and expense reports filed with the department under this~~
28 ~~chapter.~~

29 ~~(3) The certified public accountant shall conduct the~~
30 ~~audits in accordance with generally accepted auditing~~

1 ~~standards and shall test as to whether each registration or~~
2 ~~expense report is materially correct.~~

3 ~~(4) The audit report and findings shall be confidential,~~
4 ~~except that the department shall make an audit report and~~
5 ~~findings available to the commission when the commission is~~
6 ~~investigating an alleged violation of this chapter involving~~
7 ~~the audited registration or expense report. The commission~~
8 ~~shall include the relevant portion of an audit as part of its~~
9 ~~findings of fact in a commission order which results from an~~
10 ~~investigation arising out of an audit.~~

11 ~~(h) Investigation and hearings. The commission, through its~~
12 ~~executive director, may initiate an investigation and hold a~~
13 ~~hearing concerning an alleged violation of this chapter in~~
14 ~~accordance with sections 1107 and 1108 (relating to~~
15 ~~investigations by commission).~~

16 ~~(i) Disciplinary board. If the subject of any complaint~~
17 ~~filed with or investigation initiated by the commission under~~
18 ~~this chapter is an attorney at law, the commission shall refer~~
19 ~~the alleged violation to the board to be investigated,~~
20 ~~considered and resolved in a manner consistent with the~~
21 ~~Pennsylvania Rules of Professional Conduct. If a court of~~
22 ~~competent jurisdiction determines that a complaint filed with or~~
23 ~~investigation initiated by the commission under this chapter,~~
24 ~~which involves an attorney at law, is under the jurisdiction of~~
25 ~~the board, the matter shall be referred by the court to the~~
26 ~~board to be investigated, considered and resolved in a manner~~
27 ~~consistent with the Pennsylvania Rules of Professional Conduct.~~

28 ~~(j) Directory. On or before May 1 of each odd numbered~~
29 ~~year, the department shall produce and distribute a directory of~~
30 ~~all registered lobbyists and registered lobbying firms retained~~

1 ~~by registered principals. The directory shall include~~
2 ~~photographs of each registered lobbyist. Copies of the directory~~
3 ~~shall be made available to the public at a price not to exceed~~
4 ~~the actual cost of production. All revenue received by the~~
5 ~~department from the sales of the directory shall be deposited~~
6 ~~into the fund.~~

7 ~~(k) Computer file. The department shall provide the~~
8 ~~Legislative Data Processing Committee with all data relating to~~
9 ~~registrations, expense reports and termination notices. The~~
10 ~~committee shall make all such information available on a~~
11 ~~publicly accessible Internet website in a fully searchable~~
12 ~~format.~~

13 ~~(l) Inflation adjustment. On a biennial basis commencing in~~
14 ~~January 2009, the department shall review the threshold for~~
15 ~~registration under section 1304 A (relating to registration),~~
16 ~~and the threshold for reporting under section 1305 A(c)~~
17 ~~(relating to reporting) and may increase these amounts to rates~~
18 ~~deemed reasonable for assuring appropriate disclosure. On a~~
19 ~~biennial basis commencing in January 2009, the department shall~~
20 ~~review the filing fee established under section 1310 A (relating~~
21 ~~to filing fees; fund established; regulations) and may adjust~~
22 ~~this amount if the department determines that a higher fee is~~
23 ~~needed to cover the costs of carrying out the provisions of this~~
24 ~~chapter. The department shall publish any such adjusted amounts~~
25 ~~in the Pennsylvania Bulletin by June 1, 2009, and by June 1~~
26 ~~every two years thereafter as necessary.~~

27 ~~§ 1309 A. Penalties.~~

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

29 ~~(1) The commission shall issue a notice of possible~~
30 ~~noncompliance to any lobbyist, principal, lobbying firm or~~

1 ~~individual that has failed to register or report as required~~
2 ~~by this chapter. The notice shall state the nature of the~~
3 ~~alleged noncompliance and the civil and criminal penalties~~
4 ~~for failure to register, failure to file or filing a report~~
5 ~~containing a false statement. The notice shall also advise of~~
6 ~~the right to a hearing before the commission and the time and~~
7 ~~manner in which to request a hearing.~~

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

20 ~~(3) Negligent failure to register or report as required~~
21 ~~by this chapter is punishable by a civil penalty of not more~~
22 ~~than \$50 for each late day. In the case of negligent failure~~
23 ~~to register or report, the commission may, upon the majority~~
24 ~~vote of its members, levy a civil penalty as provided for in~~
25 ~~this subsection. The total amount of the civil penalty levied~~
26 ~~shall not be limited by any other provision of law. The~~
27 ~~commission shall have standing to apply to Commonwealth Court~~
28 ~~to seek enforcement of an order imposing a civil penalty~~
29 ~~under this section.~~

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

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

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

7 ~~(3) Any lobbyist, lobbying firm or principal or~~
8 ~~individual that intentionally violates a provision of this~~
9 ~~chapter other than paragraph (1) or (2) commits a misdemeanor~~
10 ~~of the third degree.~~

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

13 ~~(i) Prohibit a lobbyist or lobbying firm from~~
14 ~~lobbying for economic consideration for a period of up to~~
15 ~~five years for committing an act which constitutes an~~
16 ~~offense under this subsection.~~

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

19 ~~(c) Publishing of names. The names of those found in~~
20 ~~violation of this chapter shall be published in the Pennsylvania~~
21 ~~Bulletin.~~

22 ~~(d) Affirmative defense. Reliance on advisory opinions of~~
23 ~~the commission, any notice given under section 1305 A(b)(3)(ii)~~
24 ~~or failure to receive notice under section 1305 A(b)(3)(ii)~~
25 ~~shall be a defense to an action brought under Chapter 11~~
26 ~~(relating to ethics standards and financial disclosure) or this~~
27 ~~chapter.~~

28 ~~§ 1310 A. Filing fees; fund established; regulations.~~

29 ~~(a) Filing fees. Each principal, lobbyist, lobbying firm or~~
30 ~~individual required to be registered under this chapter shall~~

1 ~~pay a biennial registration fee of \$100 to the department.~~

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

11 ~~(c) Computerized filing system. The department shall~~
12 ~~implement a fully accessible system to accommodate the use of~~
13 ~~computerized filing. Each registrant shall elect on an annual~~
14 ~~basis whether the registrant will file all of the documents~~
15 ~~required by this act either electronically or on paper with the~~
16 ~~department.~~

17 ~~(d) Regulations. A committee comprised of the chairman of~~
18 ~~the State Ethics Commission, the Attorney General, the General~~
19 ~~Counsel to the Governor, a member of the Senate appointed by the~~
20 ~~President pro tempore of the Senate, a member of the Senate~~
21 ~~appointed by the Minority Leader of the Senate, a member of the~~
22 ~~House of Representatives appointed by the Speaker of the House~~
23 ~~of Representatives and a member of the House of Representatives~~
24 ~~appointed by the Minority Leader of the House of~~
25 ~~Representatives, or their designees, shall have continuing~~
26 ~~authority to promulgate regulations necessary to carry out the~~
27 ~~provisions of this chapter. The chairman of the commission shall~~
28 ~~be designated as the chairman of the committee. The initial~~
29 ~~proposed regulations shall be submitted within 180 days of the~~
30 ~~effective date of this section to the Independent Regulatory~~

1 ~~Review Commission under section 5 of the act of June 25, 1982~~
2 ~~(P.L.633, No.181), known as the Regulatory Review Act. Any~~
3 ~~meeting at which the committee plans to approve proposed~~
4 ~~regulations shall be held in accordance with Chapter 7 (relating~~
5 ~~to open meetings). The committee shall also prepare and publish~~
6 ~~a manual setting forth guidelines for accounting and reporting.~~
7 ~~The regulations and manual shall be drafted to accommodate the~~
8 ~~use of computerized recordkeeping, electronic filing of the~~
9 ~~reports provided for under this chapter and retention of~~
10 ~~registrations and expense reports provided for under this~~
11 ~~chapter by electronic means. The Department of State shall~~
12 ~~provide sufficient staff and other administrative support to~~
13 ~~assist the committee. Any vacancy occurring among the appointed~~
14 ~~members of the committee shall be filled in the same manner as~~
15 ~~the original appointment. Any committee member who is a member~~
16 ~~of the General Assembly shall serve for a term that is~~
17 ~~coincident with his or her term of office.~~

18 ~~§ 1311 A. Severability.~~

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

24 ~~Section 3. The Secretary of the Commonwealth shall transmit~~
25 ~~to the Legislative Reference Bureau, for publication in the~~
26 ~~Pennsylvania Bulletin, notice of full implementation of the~~
27 ~~computerized filing system required under section 1310 A(c)~~
28 ~~(relating to registration fees; fund established; system;~~
29 ~~regulations).~~

30 ~~Section 4. Any funds remaining in the restricted receipts~~

1 ~~account created under 65 Pa.C.S. § 1310(b) may be utilized by~~
2 ~~the Department of State to implement the provisions of 65~~
3 ~~Pa.C.S. Ch. XVIII A.~~

4 ~~Section 5. This act shall take effect as follows:~~

5 ~~(1) The following provisions shall take effect~~
6 ~~immediately:~~

7 ~~(i) Section 1310 A(d).~~

8 ~~(ii) This section.~~

9 ~~(2) The remainder of this act shall take effect on the~~
10 ~~latter of either of the following:~~

11 ~~(i) Publication of the notice required under section~~
12 ~~3.~~

13 ~~(ii) The effective date of the regulations~~
14 ~~promulgated under section 1310 A(d).~~

15 SECTION 1. SHORT TITLE.

<—

16 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE LOBBYING
17 ACCOUNTABILITY ACT.

18 SECTION 2. STATEMENT OF INTENT.

19 THE CONSTITUTION OF PENNSYLVANIA RECOGNIZES THAT ALL FREE
20 GOVERNMENTS ARE FOUNDED UPON THE AUTHORITY OF THE PEOPLE. IT
21 FURTHER PROVIDES THAT THE POWER TO MAKE LAW IN THIS COMMONWEALTH
22 IS VESTED IN THE GENERAL ASSEMBLY, AND THE POWER TO ENFORCE LAW
23 IS VESTED IN THE EXECUTIVE DEPARTMENT. THE CONSTITUTION ALSO
24 GUARANTEES THE PEOPLE THE RIGHT TO PETITION THOSE INVESTED WITH
25 THE POWERS OF GOVERNMENT FOR REDRESS OF GRIEVANCES. THE ABILITY
26 OF THE PEOPLE TO EXERCISE THEIR FUNDAMENTAL AUTHORITY AND TO
27 HAVE CONFIDENCE IN THE INTEGRITY OF THE PROCESSES BY WHICH LAWS
28 ARE MADE AND ENFORCED IN THIS COMMONWEALTH DEMANDS THAT THE
29 IDENTITY AND SCOPE OF ACTIVITY OF THOSE WHO ARE PAID TO
30 INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND THE EXECUTIVE

1 DEPARTMENT BE PUBLICLY AND REGULARLY DISCLOSED.

2 SECTION 3. DEFINITIONS.

3 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
4 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
5 CONTEXT CLEARLY INDICATES OTHERWISE:

6 "ADMINISTRATIVE ACTION." ANY OF THE FOLLOWING:

7 (1) AN AGENCY'S:

8 (I) PROPOSAL, CONSIDERATION, PROMULGATION OR
9 RESCISSION OF A REGULATION;

10 (II) DEVELOPMENT OR MODIFICATION OF A GUIDELINE OR A
11 STATEMENT OF POLICY; OR

12 (III) APPROVAL OR REJECTION OF A REGULATION.

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

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

17 (4) THE NOMINATION OR APPOINTMENT OF AN INDIVIDUAL AS AN
18 OFFICER OR EMPLOYEE OF THE COMMONWEALTH.

19 (5) THE PROPOSAL, CONSIDERATION, PROMULGATION OR
20 RESCISSION OF AN EXECUTIVE ORDER.

21 "AFFILIATED POLITICAL ACTION COMMITTEE." A "POLITICAL ACTION
22 COMMITTEE" AS DEFINED IN SECTION 1621(L) OF THE ACT OF JUNE 3,
23 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
24 CODE, WHICH HAS A CHAIRMAN, A TREASURER OR OTHER OFFICER WHO IS
25 A PRINCIPAL, AN OFFICER OR EMPLOYEE OF A PRINCIPAL, A LOBBYIST
26 OR AN EMPLOYEE OF A LOBBYIST, PROVIDED IF AN EMPLOYEE OF A
27 REGISTRANT SERVES AS THE OFFICER OF A POLITICAL ACTION COMMITTEE
28 IN WHAT IS CLEARLY A PERSONAL CAPACITY AND THE GOALS AND MISSION
29 OF THAT POLITICAL ACTION COMMITTEE CLEARLY HAVE NO RELATIONSHIP
30 TO THE GOALS AND MISSION OF THE REGISTRANT, SUCH POLITICAL

1 ACTION COMMITTEE SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL
2 ACTION COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

3 "AGENCY." AN AGENCY, BOARD, COMMISSION, AUTHORITY OR
4 DEPARTMENT OF THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

5 "BOARD." THE DISCIPLINARY BOARD OF THE SUPREME COURT OF
6 PENNSYLVANIA.

7 "COMMISSION." THE STATE ETHICS COMMISSION.

8 "COMPENSATION." ANYTHING OF VALUE, INCLUDING BENEFITS,
9 RECEIVED OR TO BE RECEIVED FROM A PRINCIPAL BY ONE ACTING AS A
10 LOBBYIST.

11 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

12 "DIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL OR
13 BY ANY OTHER MEDIUM, MADE BY A LOBBYIST OR PRINCIPAL, DIRECTED
14 TO A STATE OFFICIAL OR EMPLOYEE, THE PURPOSE OR FORESEEABLE
15 EFFECT OF WHICH IS TO INFLUENCE LEGISLATIVE ACTION OR
16 ADMINISTRATIVE ACTION.

17 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR
18 RECEIVED.

19 "FUND." THE LOBBYING ACCOUNTABILITY FUND ESTABLISHED IN
20 SECTION 10(B) (RELATING TO REGISTRATION FEES; FUND ESTABLISHED;
21 SYSTEM; REGULATIONS).

22 "GIFT." AS DEFINED IN 65 PA.C.S. § 1102 (RELATING TO
23 DEFINITIONS).

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

26 "INDIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL
27 OR BY ANY OTHER MEDIUM, TO ENCOURAGE OTHERS, INCLUDING THE
28 GENERAL PUBLIC, TO TAKE ACTION, THE PURPOSE OR FORESEEABLE
29 EFFECT OF WHICH IS TO DIRECTLY INFLUENCE LEGISLATIVE ACTION OR
30 ADMINISTRATIVE ACTION. THE TERM INCLUDES LETTER-WRITING

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

7 "LEGISLATION." BILLS, RESOLUTIONS, AMENDMENTS AND
8 NOMINATIONS PENDING OR PROPOSED IN EITHER THE SENATE OR THE
9 HOUSE OF REPRESENTATIVES. THE TERM INCLUDES ANY OTHER MATTER
10 WHICH MAY BECOME THE SUBJECT OF ACTION BY EITHER CHAMBER OF THE
11 GENERAL ASSEMBLY.

12 "LEGISLATIVE ACTION." AN ACTION TAKEN BY A STATE OFFICIAL OR
13 EMPLOYEE INVOLVING THE PREPARATION, RESEARCH, DRAFTING,
14 INTRODUCTION, CONSIDERATION, MODIFICATION, AMENDMENT, APPROVAL,
15 PASSAGE, ENACTMENT, TABLING, POSTPONEMENT, DEFEAT OR REJECTION
16 OF LEGISLATION; LEGISLATIVE MOTIONS; OVERRIDING OR SUSTAINING A
17 VETO BY THE GOVERNOR; OR CONFIRMATION OF APPOINTMENTS BY THE
18 GOVERNOR OR APPOINTMENTS TO PUBLIC BOARDS OR COMMISSIONS BY A
19 MEMBER OF THE GENERAL ASSEMBLY.

20 "LOBBYING." AN EFFORT TO INFLUENCE LEGISLATIVE ACTION OR
21 ADMINISTRATIVE ACTION. THE TERM INCLUDES:

22 (1) DIRECT OR INDIRECT COMMUNICATION;

23 (2) PERSONNEL AND OFFICE EXPENSES IN ACCORDANCE WITH
24 SECTION 5(B)(2)(I)(A); AND

25 (3) PROVIDING ANY GIFT, ENTERTAINMENT, MEAL,
26 TRANSPORTATION OR LODGING TO A STATE OFFICIAL OR EMPLOYEE FOR
27 THE PURPOSE OF ADVANCING THE INTEREST OF THE LOBBYIST OR
28 PRINCIPAL.

29 "LOBBYIST." ANY INDIVIDUAL, ASSOCIATION, CORPORATION,
30 PARTNERSHIP, BUSINESS TRUST OR OTHER BUSINESS ENTITY THAT

1 ENGAGES IN LOBBYING ON BEHALF OF A PRINCIPAL FOR ECONOMIC
2 CONSIDERATION. THE TERM INCLUDES AN ATTORNEY AT LAW WHILE
3 ENGAGED IN LOBBYING.

4 "PRINCIPAL." ANY INDIVIDUAL, ASSOCIATION, CORPORATION,
5 PARTNERSHIP, BUSINESS TRUST OR OTHER BUSINESS ENTITY:

6 (1) ON WHOSE BEHALF A LOBBYIST INFLUENCES OR ATTEMPTS TO
7 INFLUENCE AN ADMINISTRATIVE ACTION OR A LEGISLATIVE ACTION;
8 OR

9 (2) THAT ENGAGES IN LOBBYING ON THE PRINCIPAL'S OWN
10 BEHALF.

11 "REGISTRANT." A REGISTERED LOBBYIST OR A REGISTERED
12 PRINCIPAL.

13 "REGULATION." ANY RULE, REGULATION OR ORDER IN THE NATURE OF
14 A RULE OR REGULATION, INCLUDING FORMAL AND INFORMAL OPINIONS OF
15 THE ATTORNEY GENERAL, OF GENERAL APPLICATION AND FUTURE EFFECT,
16 PROMULGATED BY AN AGENCY UNDER STATUTORY AUTHORITY IN THE
17 ADMINISTRATION OF A STATUTE ADMINISTERED BY OR RELATING TO THE
18 AGENCY, OR PRESCRIBING THE PRACTICE OR PROCEDURE BEFORE THE
19 AGENCY.

20 "STATE OFFICIAL OR EMPLOYEE." AN INDIVIDUAL ELECTED OR
21 APPOINTED TO A POSITION IN STATE GOVERNMENT OR EMPLOYED BY STATE
22 GOVERNMENT, WHETHER COMPENSATED OR UNCOMPENSATED, WHO IS
23 INVOLVED IN LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION.

24 SECTION 4. REGISTRATION.

25 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 6, A
26 LOBBYIST OR A PRINCIPAL MUST REGISTER WITH THE DEPARTMENT WITHIN
27 TEN DAYS OF ACTING IN ANY CAPACITY AS A LOBBYIST OR PRINCIPAL.
28 REGISTRATION SHALL BE BIENNIAL AND BE COINCIDENT WITH THE TERMS
29 OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

30 (B) PRINCIPALS.--

1 (1) A PRINCIPAL REQUIRED TO REGISTER SHALL FILE A
2 REGISTRATION STATEMENT SETTING FORTH THE FOLLOWING
3 INFORMATION WITH THE DEPARTMENT:

4 (I) NAME.

5 (II) PERMANENT ADDRESS.

6 (III) DAYTIME TELEPHONE NUMBER.

7 (IV) NAME AND NATURE OF BUSINESS.

8 (V) NAME, REGISTRATION NUMBER AND ACRONYM OF ANY
9 AFFILIATED POLITICAL ACTION COMMITTEES.

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

13 (2) IF A PRINCIPAL IS AN ASSOCIATION OR ORGANIZATION,
14 THE NUMBER OF DUES-PAYING MEMBERS OF THE ASSOCIATION OR
15 ORGANIZATION IN THE MOST RECENTLY COMPLETED CALENDAR YEAR
16 SHALL ALSO BE DISCLOSED.

17 (C) LOBBYIST.--A LOBBYIST WHO IS REQUIRED TO REGISTER SHALL
18 FILE A REGISTRATION STATEMENT SETTING FORTH THE FOLLOWING
19 INFORMATION WITH THE DEPARTMENT:

20 (1) NAME.

21 (2) PERMANENT BUSINESS ADDRESS.

22 (3) DAYTIME TELEPHONE NUMBER.

23 (4) A RECENT PHOTOGRAPH OF THE LOBBYIST.

24 (5) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME
25 TELEPHONE NUMBER OF EACH PRINCIPAL FOR WHOM THE LOBBYIST WILL
26 ENGAGE IN LOBBYING.

27 (6) NAME, REGISTRATION NUMBER AND ACRONYM OF ANY
28 AFFILIATED POLITICAL ACTION COMMITTEES.

29 (D) AMENDMENTS.--

30 (1) WHEN THERE IS A CHANGE OF INFORMATION REQUIRED FOR

1 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(1) OR (C), AN
2 AMENDED STATEMENT SHALL BE FILED WITH THE DEPARTMENT 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 (B)(2), AN
6 AMENDED STATEMENT SHALL BE FILED WITH THE DEPARTMENT WITHIN
7 14 DAYS OF THE END OF THE YEAR IN WHICH THE CHANGE OCCURS.

8 (E) TERMINATION.--A LOBBYIST OR A PRINCIPAL MAY TERMINATE
9 REGISTRATION BY FILING NOTICE OF TERMINATION WITH THE
10 DEPARTMENT. WITHIN 30 DAYS OF FILING THE NOTICE, THE LOBBYIST OR
11 PRINCIPAL SHALL FILE A TERMINATION REPORT, WHICH SHALL INCLUDE
12 ALL INFORMATION REQUIRED BY SECTION 5 THROUGH THE FINAL DAY OF
13 LOBBYING ACTIVITY. AFTER A REVIEW OF THE TERMINATION REPORT BUT
14 NOT LATER THAN 90 DAYS AFTER RECEIPT OF THE REPORT, THE
15 DEPARTMENT SHALL ISSUE TO THE LOBBYIST OR PRINCIPAL A LETTER
16 STATING THAT THE REGISTRANT HAS TERMINATED REGISTRATION. THE
17 FILING OF NOTICE OR A TERMINATION REPORT SHALL NOT AFFECT THE
18 COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS AND HEARINGS
19 PURSUANT TO SECTION 8(I). NO LOBBYING MAY OCCUR AFTER THE FILING
20 OF NOTICE OF TERMINATION UNLESS THE LOBBYING IS PURSUANT TO A
21 SEPARATE REGISTRATION STATEMENT WHICH IS FILED WITH THE
22 DEPARTMENT AND WHICH, AT THE TIME OF THE LOBBYING, HAS NOT BEEN
23 TERMINATED.

24 SECTION 5. REPORTING.

25 (A) GENERAL RULE.--A REGISTERED PRINCIPAL SHALL, UNDER OATH
26 OR AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE
27 DEPARTMENT.

28 (B) CONTENT.--

29 (1) REPORTS MUST LIST THE NAMES OF ALL LOBBYISTS BY WHOM
30 LOBBYING IS CONDUCTED AND THE GENERAL SUBJECT MATTER OR ISSUE

1 BEING LOBBIED.

2 (2) (I) EXPENSE REPORTS MUST CONTAIN THE FOLLOWING
3 CATEGORIES:

4 (A) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF
5 THE TOTAL AMOUNT SPENT FOR PERSONNEL AND OFFICE
6 EXPENSES RELATED TO LOBBYING. THIS SUBPARAGRAPH
7 INCLUDES SALARIES AND OTHER FORMS OF COMPENSATION,
8 BENEFITS, VEHICLE ALLOWANCES, BONUSES AND
9 REIMBURSABLE EXPENSES FOR THOSE INVOLVED IN LOBBYING.
10 IF COMPENSATION IS TO BE REPORTED BY OR FOR AN
11 INDIVIDUAL OR ENTITY WHOSE LOBBYING IS INCIDENTAL TO
12 REGULAR EMPLOYMENT, IT SHALL BE SUFFICIENT TO REPORT
13 A GOOD FAITH PRORATED ESTIMATE BASED ON THE VALUE OF
14 THE TIME DEVOTED TO LOBBYING. REPORTABLE PERSONNEL
15 COSTS INCLUDE COSTS FOR LOBBYING STAFF, RESEARCH AND
16 MONITORING STAFF, CONSULTANTS, ATTORNEYS AT LAW,
17 LOBBYISTS, PUBLICATIONS AND PUBLIC RELATIONS STAFF,
18 TECHNICAL STAFF AND CLERICAL AND ADMINISTRATIVE
19 SUPPORT STAFF WHO ENGAGE IN LOBBYING BUT ARE EXEMPT
20 FROM REPORTING UNDER SECTION 6(12). THIS SUBPARAGRAPH
21 INCLUDES COSTS FOR OFFICES, EQUIPMENT AND SUPPLIES
22 UTILIZED FOR LOBBYING.

23 (B) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF
24 THE TOTAL AMOUNT SPENT FOR DIRECT COMMUNICATION.

25 (C) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF
26 THE TOTAL AMOUNT SPENT FOR INDIRECT COMMUNICATION.

27 (D) THE TOTAL COSTS FOR GIFTS, ENTERTAINMENT,
28 MEALS, TRANSPORTATION, LODGING AND RECEPTIONS GIVEN
29 TO OR PROVIDED TO STATE OFFICIALS OR EMPLOYEES OR
30 THEIR IMMEDIATE FAMILIES.

1 (II) EXPENSES REQUIRED TO BE REPORTED PURSUANT TO
2 SUBPARAGRAPH (I) SHALL BE ASSIGNED TO ONE OF THE FOUR
3 CATEGORIES LISTED UNDER SUBPARAGRAPH (I) AND SHALL NOT BE
4 INCLUDED IN MORE THAN ONE CATEGORY.

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 65 PA.C.S. §
10 1105(B)(6) OR (7) (RELATING TO STATEMENT OF FINANCIAL
11 INTERESTS) AS IMPLEMENTED BY SECTION 65 PA.C.S. § 1105(D).

12 (I) FOR PURPOSES OF THIS ACT, THE AMOUNT REFERRED TO
13 IN 65 PA.C.S. § 1105(B)(7) SHALL BE CONSIDERED AN
14 AGGREGATE AMOUNT PER YEAR.

15 (II) WRITTEN NOTICE MUST BE GIVEN TO EACH STATE
16 OFFICIAL OR EMPLOYEE WHO IS LISTED IN THE EXPENSE REPORT
17 PURSUANT TO THIS PARAGRAPH WITHIN SEVEN DAYS OF THE
18 REPORT'S SUBMISSION TO THE DEPARTMENT. NOTICE UNDER THIS
19 SUBPARAGRAPH SHALL INCLUDE THE INFORMATION WHICH WILL
20 ENABLE THE STATE OFFICIAL OR EMPLOYEE TO COMPLY WITH 65
21 PA.C.S. § 1105(B)(6) AND (7). FOR PURPOSES OF THIS ACT
22 AND 65 PA.C.S. CH. 11 (RELATING TO ETHICS STANDARDS AND
23 FINANCIAL DISCLOSURE), 65 PA.C.S. § 1105(B)(6) AND (7)
24 SHALL CONSTITUTE MUTUALLY EXCLUSIVE CATEGORIES.

25 (III) REGULATIONS SHALL BE PROMULGATED UNDER SECTION
26 10(D) TO DEFINE MUTUALLY EXCLUSIVE CATEGORIES UNDER 65
27 PA.C.S. § 1105(B)(6) AND (7) AND TO DETERMINE WHETHER A
28 THING OF VALUE IS SUBJECT TO DISCLOSURE UNDER 65 PA.C.S.
29 § 1105(B)(6) OR (7).

30 (4) A LOBBYIST SHALL SIGN THE REPORTS SUBMITTED BY EACH

1 PRINCIPAL FOR WHOM THE LOBBYIST IS REGISTERED TO ATTEST TO
2 THE VALIDITY AND ACCURACY TO THE BEST OF THE LOBBYIST'S
3 KNOWLEDGE. A LOBBYIST MAY ATTACH A STATEMENT TO THE REPORT OF
4 ANY PRINCIPAL, DESCRIBING THE LIMITS OF THE LOBBYIST'S
5 KNOWLEDGE CONCERNING THE INFORMATION CONTAINED IN THE REPORT.

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

12 (6) A REGISTERED PRINCIPAL OR REGISTERED LOBBYIST THAT
13 ATTEMPTS TO INFLUENCE AN AGENCY'S PREPARING, BIDDING,
14 ENTERING INTO OR APPROVING A CONTRACT SHALL ENSURE THAT THE
15 RELATED EXPENSES ARE INCLUDED UNDER PARAGRAPH (2).

16 (C) SEPARATE REPORT.--A LOBBYIST SHALL SUBMIT A SEPARATE
17 REPORT FROM THE REPORT OF A REGISTERED PRINCIPAL FOR WHOM THE
18 LOBBYIST IS REGISTERED IF, DURING THE REPORTING PERIOD, THE
19 LOBBYIST ENGAGED IN LOBBYING WHICH WAS NOT REFLECTED IN THE
20 REPORTS FILED BY THE PRINCIPAL OR PRINCIPALS REPRESENTED BY THE
21 LOBBYIST. A SEPARATE LOBBYIST REPORT SHALL CONTAIN THE IDENTITY
22 OF THE PRINCIPAL FOR WHOM SUCH LOBBYING WAS PERFORMED, THE
23 GENERAL SUBJECT MATTER OR ISSUE BEING LOBBIED AND ALL
24 INFORMATION REQUIRED UNDER SUBSECTION (B)(2) AND (3).

25 (D) RECORDS RETENTION.--A REGISTRANT SHALL RETAIN ALL
26 DOCUMENTS REASONABLY NECESSARY TO SUBSTANTIATE THE REPORTS TO BE
27 MADE UNDER THIS SECTION FOR FOUR YEARS FROM THE DATE OF FILING
28 THE SUBJECT REPORT. UPON REQUEST BY THE OFFICE OF ATTORNEY
29 GENERAL, THE BOARD, THE COMMISSION OR THE DEPARTMENT, THESE
30 MATERIALS SHALL BE MADE AVAILABLE FOR INSPECTION WITHIN A

1 REASONABLE PERIOD OF TIME.

2 (E) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT SHALL BE
3 FILED WHEN TOTAL EXPENSES FOR LOBBYING EXCEED \$2,500 FOR A
4 REGISTERED PRINCIPAL OR A REGISTERED LOBBYIST IN A REPORTING
5 PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES ARE \$2,500
6 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED.

7 (F) VOLUNTARY DISCLOSURE.--NOTHING IN THIS SECTION SHALL
8 PREVENT A PRINCIPAL OR LOBBYIST FROM DISCLOSING EXPENSES IN
9 GREATER DETAIL THAN REQUIRED.

10 SECTION 6. EXEMPTION FROM REGISTRATION AND REPORTING.

11 THE FOLLOWING INDIVIDUALS AND ACTIVITIES SHALL BE EXEMPT FROM
12 REGISTRATION UNDER SECTION 4 AND REPORTING UNDER SECTION 5:

13 (1) AN INDIVIDUAL WHO LIMITS LOBBYING ACTIVITIES TO
14 PREPARING TESTIMONY AND TESTIFYING BEFORE A COMMITTEE OF THE
15 GENERAL ASSEMBLY OR PARTICIPATING IN AN ADMINISTRATIVE
16 PROCEEDING OF AN AGENCY.

17 (2) AN INDIVIDUAL WHO IS AN EMPLOYEE OF AN ENTITY
18 ENGAGED IN THE BUSINESS OF PUBLISHING OR BROADCASTING WHILE
19 ENGAGED IN THE GATHERING AND DISSEMINATION OF NEWS AND
20 COMMENT THEREON TO THE GENERAL PUBLIC IN THE ORDINARY COURSE
21 OF BUSINESS.

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

24 (4) AN INDIVIDUAL WHOSE COMPENSATION FOR LOBBYING, FROM
25 ALL PRINCIPALS REPRESENTED, DOES NOT EXCEED \$2,500 IN THE
26 AGGREGATE DURING ANY REPORTING PERIOD.

27 (5) AN INDIVIDUAL WHO ENGAGES IN LOBBYING ON BEHALF OF
28 THE INDIVIDUAL'S EMPLOYER AND WHERE LOBBYING ACTIVITY
29 REPRESENTS LESS THAN THE EQUIVALENT OF \$2,500 OF THE
30 EMPLOYEE'S TIME DURING ANY REPORTING PERIOD, BASED ON AN

1 HOURLY PRORATION OF THE EMPLOYEE'S COMPENSATION.

2 (6) A PRINCIPAL WHOSE TOTAL EXPENSES FOR LOBBYING
3 PURPOSES DO NOT EXCEED \$2,500 DURING ANY REPORTING PERIOD.

4 (7) AN ELECTED STATE OFFICIAL ACTING IN AN OFFICIAL
5 CAPACITY.

6 (8) A STATE OFFICIAL WHO IS APPOINTED BY THE GOVERNOR
7 ACTING IN AN OFFICIAL CAPACITY.

8 (9) AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE OF A
9 POLITICAL SUBDIVISION ACTING IN AN OFFICIAL CAPACITY. THIS
10 EXCEPTION SHALL NOT BE CONSTRUED TO EXEMPT LOBBYISTS OR
11 PRINCIPALS FROM REGISTRATION UNDER SECTION 4 AND REPORTING
12 UNDER SECTION 5 WHO ARE ENGAGED IN LOBBYING.

13 (10) AN EMPLOYEE OF THE COMMONWEALTH OR INDEPENDENT
14 AGENCY OF THE COMMONWEALTH ACTING IN AN OFFICIAL CAPACITY.

15 (11) AN INDIVIDUAL REPRESENTING A BONA FIDE CHURCH OR
16 BONA FIDE RELIGIOUS BODY OF WHICH THE INDIVIDUAL IS A MEMBER
17 WHERE THE LOBBYING IS SOLELY FOR THE PURPOSE OF PROTECTING
18 THE CONSTITUTIONAL RIGHT TO THE FREE EXERCISE OF RELIGION.

19 (12) AN INDIVIDUAL, WHO IS NOT A REGISTERED LOBBYIST,
20 WHO SERVES:

21 (I) ON AN ADVISORY BOARD, WORKING GROUP OR TASK
22 FORCE; AND

23 (II) AT THE REQUEST OF AN AGENCY OR THE GENERAL
24 ASSEMBLY.

25 (13) PARTICIPATING AS A PARTY OR AS AN ATTORNEY AT LAW
26 OR REPRESENTATIVE OF A PARTY IN ANY ADMINISTRATIVE
27 ADJUDICATION PURSUANT TO 2 PA.C.S. (RELATING TO
28 ADMINISTRATIVE LAW AND PROCEDURE).

29 (14) AN EMPLOYEE, WHO IS NOT A REGISTERED LOBBYIST, OF A
30 CORPORATION WHICH:

1 (I) IS REGISTERED AS A PRINCIPAL UNDER SECTION 4;
2 (II) HAS ONE OR MORE REGISTERED LOBBYISTS; AND
3 (III) INCLUDES IN ITS REPORTS UNDER SECTION 5 ALL OF
4 THE EMPLOYEE'S EXPENSES RELATED TO LOBBYING.

5 SECTION 7. PROHIBITED ACTIVITIES.

6 (A) POLITICAL COMMITTEES.--A LOBBYIST MAY NOT SERVE AS A
7 TREASURER OR OTHER OFFICER FOR A CANDIDATE'S POLITICAL COMMITTEE
8 OR A CANDIDATE'S POLITICAL ACTION COMMITTEE.

9 (B) FEE RESTRICTIONS.--A LOBBYIST MAY NOT CHARGE A FEE OR
10 RECEIVE COMPENSATION OR ECONOMIC CONSIDERATION BASED UPON AN
11 UNDERSTANDING, EITHER WRITTEN OR ORAL, THAT ANY PART OF THE FEE,
12 COMPENSATION OR ECONOMIC CONSIDERATION WILL BE CONVERTED INTO A
13 CONTRIBUTION TO A CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL
14 COMMITTEE.

15 (C) FALSIFICATION.--NO LOBBYIST OR PRINCIPAL MAY, FOR THE
16 PURPOSE OF INFLUENCING LEGISLATIVE ACTION OR ADMINISTRATIVE
17 ACTION, TRANSMIT, UTTER OR PUBLISH TO ANY STATE OFFICIAL OR
18 EMPLOYEE ANY COMMUNICATION, KNOWING THAT SUCH COMMUNICATION OR
19 ANY SIGNATURE ON THE COMMUNICATION IS FALSE, FORGED, COUNTERFEIT
20 OR FICTITIOUS.

21 (D) CONFLICTS OF INTEREST.--

22 (1) EXCEPT AS PERMITTED BY PARAGRAPH (2), A REGISTRANT
23 MAY NOT LOBBY ON BEHALF OF A PRINCIPAL:

24 (I) ON ANY SUBJECT MATTER IN WHICH THE PRINCIPAL'S
25 INTERESTS ARE DIRECTLY ADVERSE TO THE INTERESTS OF
26 ANOTHER PRINCIPAL CURRENTLY REPRESENTED BY THE LOBBYIST
27 OR PREVIOUSLY REPRESENTED BY THE LOBBYIST DURING THE
28 CURRENT SESSION OF THE GENERAL ASSEMBLY; OR

29 (II) IF THE LOBBYIST'S REPRESENTATION OF THE
30 PRINCIPAL APPEARS TO BE ADVERSELY LIMITED BY THE

1 LOBBYIST'S RESPONSIBILITIES TO:

2 (A) ANOTHER CURRENT PRINCIPAL;

3 (B) A PRINCIPAL PREVIOUSLY REPRESENTED BY THE
4 LOBBYIST DURING THE CURRENT SESSION OF THE GENERAL
5 ASSEMBLY; OR

6 (C) THE LOBBYIST'S OWN INTERESTS.

7 (2) A LOBBYIST MAY REPRESENT A PRINCIPAL IN
8 CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) IF:

9 (I) THE LOBBYIST REASONABLY BELIEVES THAT THE
10 LOBBYIST WILL BE ABLE TO PROVIDE COMPETENT AND DILIGENT
11 REPRESENTATION TO EACH AFFECTED PRINCIPAL;

12 (II) THE LOBBYIST PROVIDES WRITTEN NOTICE TO EACH
13 AFFECTED PRINCIPAL UPON BECOMING AWARE OF THE CONFLICT;
14 AND

15 (III) EACH AFFECTED PRINCIPAL PROVIDES INFORMED
16 CONSENT WAIVING THE CONFLICT OF INTEREST.

17 (3) IF A LOBBYIST REPRESENTS A PRINCIPAL IN VIOLATION OF
18 THIS SECTION OR, IF MULTIPLE REPRESENTATION PROPERLY ACCEPTED
19 BECOMES IMPROPER UNDER THIS SECTION AND THE CONFLICT IS NOT
20 WAIVED, THE LOBBYIST SHALL PROMPTLY WITHDRAW FROM ONE OR MORE
21 REPRESENTATIONS TO THE EXTENT NECESSARY FOR ANY REMAINING
22 REPRESENTATION TO NOT BE IN VIOLATION OF THIS SECTION.

23 (4) IF A LOBBYIST IS PROHIBITED BY THIS SECTION FROM
24 ENGAGING IN PARTICULAR CONDUCT, AN EMPLOYER OF THE LOBBYIST
25 OR A PARTNER OR OTHER PERSON ASSOCIATED WITH THE LOBBYIST MAY
26 NOT ENGAGE IN THE PARTICULAR CONDUCT.

27 (5) A PRINCIPAL OR LOBBYIST REQUIRED TO REPORT UNDER
28 SECTION 5 SHALL INCLUDE IN THE REPORT A STATEMENT AFFIRMING
29 THAT TO THE BEST OF THE PRINCIPAL'S OR LOBBYIST'S KNOWLEDGE
30 THE PRINCIPAL OR LOBBYIST HAS COMPLIED WITH THIS SECTION.

1 (6) EXCEPT AS PROVIDED IN PARAGRAPH (8), THE COMMISSION
2 MAY RECEIVE COMPLAINTS REGARDING VIOLATIONS OF THIS
3 SUBSECTION. IF THE COMMISSION DETERMINES A VIOLATION OF THIS
4 SUBSECTION HAS OCCURRED, THE COMMISSION, AFTER INVESTIGATION,
5 NOTICE AND HEARING:

6 (I) SHALL IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO
7 EXCEED \$2,000; AND

8 (II) MAY PROHIBIT A LOBBYIST OR PRINCIPAL FROM
9 LOBBYING FOR UP TO FIVE YEARS.

10 (7) A LOBBYIST AND PRINCIPAL SHALL MAINTAIN THE RECORDS
11 RELATING TO THE CONFLICT OF INTEREST SET FORTH IN PARAGRAPH
12 (2) FOR A FOUR-YEAR PERIOD BEGINNING ON THE DATE THE CONFLICT
13 IS DISCOVERED AND, IN THE CASE OF AN INVESTIGATION CONDUCTED
14 UNDER PARAGRAPH (6), PROVIDE COPIES OF THE RECORDS TO THE
15 COMMISSION UPON REQUEST.

16 (8) COMPLAINTS REGARDING VIOLATIONS OF THIS SUBSECTION
17 INVOLVING A LOBBYIST OR PRINCIPAL WHO IS AN ATTORNEY AT LAW
18 SHALL BE REFERRED TO THE BOARD TO BE INVESTIGATED, CONSIDERED
19 AND RESOLVED IN A MANNER CONSISTENT WITH THE PENNSYLVANIA
20 RULES OF PROFESSIONAL CONDUCT.

21 (E) UNLAWFUL ACTS.--

22 (1) A LOBBYIST OR PRINCIPAL MAY NOT:

23 (I) INSTIGATE THE INTRODUCTION OF ANY LEGISLATION
24 FOR THE PURPOSE OF OBTAINING EMPLOYMENT TO LOBBY IN
25 OPPOSITION THERETO.

26 (II) KNOWINGLY COUNSEL ANY PERSON TO VIOLATE ANY
27 PROVISIONS OF THIS ACT OR ANY OTHER FEDERAL OR STATE LAW.

28 (III) ENGAGE IN OR COUNSEL ANY PERSON TO ENGAGE IN
29 FRAUDULENT CONDUCT.

30 (IV) ATTEMPT TO INFLUENCE A STATE OFFICIAL OR

1 EMPLOYEE ON ANY LEGISLATIVE OR ADMINISTRATIVE ACTION BY
2 MAKING OR FACILITATING THE MAKING OF A LOAN TO THE STATE
3 OFFICIAL OR EMPLOYEE.

4 (V) WHILE ENGAGING IN LOBBYING ON BEHALF OF THE
5 PRINCIPAL, REFUSE TO DISCLOSE TO A STATE OFFICIAL OR
6 EMPLOYEE, UPON REQUEST, THE IDENTITY OF THE PRINCIPAL.

7 (VI) COMMIT A CRIMINAL OFFENSE ARISING FROM
8 LOBBYING.

9 (VII) INFLUENCE OR ATTEMPT TO INFLUENCE, BY
10 COERCION, BRIBERY OR THREAT OF ECONOMIC SANCTION, ANY
11 STATE OFFICIAL OR EMPLOYEE IN THE DISCHARGE OF THE DUTIES
12 OF HIS OR HER OFFICE.

13 (VIII) EXTORT OR OTHERWISE UNLAWFULLY RETALIATE
14 AGAINST A STATE OFFICIAL OR EMPLOYEE BY REASON OF THE
15 STATE OFFICIAL'S OR EMPLOYEE'S POSITION WITH RESPECT TO,
16 OR VOTE ON, ANY ADMINISTRATIVE OR LEGISLATIVE ACTION.

17 (IX) ATTEMPT TO INFLUENCE A STATE OFFICIAL OR
18 EMPLOYEE ON ANY LEGISLATIVE OR ADMINISTRATIVE ACTION BY
19 THE PROMISE OF FINANCIAL SUPPORT OR THE FINANCING OF
20 OPPOSITION TO HIS CANDIDACY AT ANY FUTURE ELECTION.

21 (X) ENGAGE IN CONDUCT WHICH BRINGS THE PRACTICE OF
22 LOBBYING OR THE LEGISLATIVE OR EXECUTIVE BRANCHES OF
23 GOVERNMENT INTO DISREPUTE.

24 (2) THE COMMISSION MAY RECEIVE COMPLAINTS REGARDING
25 VIOLATIONS OF THIS SUBSECTION. IF THE COMMISSION DETERMINES A
26 VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COMMISSION,
27 AFTER INVESTIGATION, NOTICE AND HEARING:

28 (I) SHALL IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO
29 EXCEED \$2,000; AND

30 (II) MAY PROHIBIT A LOBBYIST OR PRINCIPAL FROM

1 LOBBYING FOR UP TO FIVE YEARS.

2 (3) THE COMMISSION:

3 (I) MAY, AS IT DEEMS APPROPRIATE, REFER AN ALLEGED
4 VIOLATION OF THIS SUBSECTION TO THE ATTORNEY GENERAL FOR
5 INVESTIGATION AND PROSECUTION; AND

6 (II) SHALL, IF THE SUBJECT OF THE COMPLAINT IS AN
7 ATTORNEY AT LAW, REFER AN ALLEGED VIOLATION OF THIS
8 SUBSECTION TO THE BOARD.

9 SECTION 8. ADMINISTRATION AND ENFORCEMENT.

10 (A) CRIMINAL ENFORCEMENT.--IF THE DEPARTMENT OR COMMISSION
11 HAS REASON TO BELIEVE AN INTENTIONAL VIOLATION OF THIS ACT HAS
12 BEEN COMMITTED, IT SHALL REFER ALL RELEVANT DOCUMENTS AND OTHER
13 INFORMATION TO THE OFFICE OF ATTORNEY GENERAL AND, IF THE
14 LOBBYIST OR PRINCIPAL IS AN ATTORNEY AT LAW, TO THE BOARD.

15 (B) FORMS.--THE DEPARTMENT SHALL PRESCRIBE REGISTRATION AND
16 REPORTING FORMS TO BE USED PURSUANT TO THIS ACT. THE FORMS SHALL
17 BE AVAILABLE ON A PUBLICLY ACCESSIBLE WORLD WIDE WEB PAGE. ALL
18 INFORMATION REQUESTED ON THE FORMS SHALL BE PROVIDED TO THE BEST
19 OF THE KNOWLEDGE, INFORMATION AND BELIEF OF THE PERSON REQUIRED
20 TO FILE AND SHALL BE SIGNED UNDER OATH OR EQUIVALENT
21 AFFIRMATION.

22 (C) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY
23 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,
24 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
25 THE ATTORNEY GENERAL HAS THE AUTHORITY TO INVESTIGATE AND
26 PROSECUTE A VIOLATION OF THIS ACT.

27 (D) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
28 ADVICE AND OPINIONS IN ACCORDANCE WITH THE PROCEDURES AS SET
29 FORTH IN 65 PA.C.S. § 1107 (RELATING TO POWERS AND DUTIES OF
30 COMMISSION) TO A LOBBYIST, PRINCIPAL, THE DEPARTMENT, THE BOARD

1 OR A STATE OFFICIAL OR EMPLOYEE WHO SEEKS ADVICE REGARDING
2 COMPLIANCE WITH THIS ACT. A PRINCIPAL, LOBBYIST OR OTHER
3 INDIVIDUAL WHO ACTS IN GOOD FAITH BASED ON THE WRITTEN ADVICE OR
4 OPINION SHALL NOT BE HELD LIABLE FOR A VIOLATION OF THIS ACT,
5 PROVIDED THAT THE MATERIAL FACTS ARE AS STATED IN THE REQUEST.

6 (E) PUBLIC INSPECTION AND COPYING.--THE DEPARTMENT SHALL
7 MAKE REGISTRATION STATEMENTS, EXPENSE REPORTS, TERMINATION
8 NOTICES AND TERMINATION REPORTS WHICH HAVE BEEN FILED WITH THE
9 DEPARTMENT AVAILABLE FOR PUBLIC INSPECTION AND PROVIDE COPIES OF
10 THESE DOCUMENTS AT A PRICE WHICH SHALL NOT EXCEED THE ACTUAL
11 COST OF COPYING. DOCUMENTS THAT ARE MAINTAINED AND REPRODUCIBLE
12 IN AN ELECTRONIC FORMAT SHALL BE PROVIDED IN THAT FORMAT UPON
13 REQUEST.

14 (F) ANNUAL REPORTING.--THE DEPARTMENT SHALL PREPARE AND
15 PUBLISH AN ANNUAL REPORT ON LOBBYING ACTIVITIES IN THIS
16 COMMONWEALTH. THE DEPARTMENT SHALL ALSO ANNUALLY PUBLISH A
17 LISTING OF REGISTERED PRINCIPALS, IDENTIFYING AFFILIATED
18 POLITICAL ACTION COMMITTEES AND LOBBYISTS WHO ARE REGISTERED TO
19 LOBBY FOR THE PRINCIPAL, AND A LISTING OF LOBBYISTS, IDENTIFYING
20 AFFILIATED POLITICAL ACTION COMMITTEES AND THE PRINCIPALS FOR
21 WHOM THE LOBBYIST IS REGISTERED TO LOBBY.

22 (G) RETENTION OF RECORDS.--REGISTRATION STATEMENTS, EXPENSE
23 REPORTS, TERMINATION NOTICES AND TERMINATION REPORTS SHALL BE
24 AVAILABLE FOR PUBLIC INSPECTION WITH THE DEPARTMENT FOR A FOUR-
25 YEAR PERIOD WHICH COMMENCES ON THE DATE OF FILING.

26 (H) AUDITS.--ANNUALLY, THE COMMISSION SHALL CONDUCT AUDITS
27 OF THE REGISTRATION STATEMENTS AND EXPENSE REPORTS FILED BY
28 REGISTRANTS. THE REGISTRANTS TO BE AUDITED SHALL BE SELECTED BY
29 LOTTERY. THE NUMBER OF REGISTRANTS SELECTED FOR AUDITS SHALL BE
30 SUFFICIENT TO ENSURE COMPLIANCE WITH THIS ACT. AN AUDIT REPORT

1 AND RELATED FINDINGS SHALL BE CONFIDENTIAL; HOWEVER, THE
2 COMMISSION MAY INCLUDE THE RELEVANT PORTION OF AN AUDIT AS PART
3 OF ITS FINDINGS OF FACT IN AN ORDER WHICH RESULTS FROM AN
4 INVESTIGATION ARISING OUT OF AN AUDIT.

5 (I) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
6 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
7 HEARING, CONCERNING NEGLIGENT CONDUCT BY A LOBBYIST OR
8 PRINCIPAL, IN ACCORDANCE WITH 65 PA.C.S. §§ 1107 (RELATING TO
9 POWERS AND DUTIES OF COMMISSION) AND 1108 (RELATING TO
10 INVESTIGATIONS BY COMMISSION).

11 (J) DIRECTORY.--ON OR BEFORE MAY 1 OF EACH ODD-NUMBERED
12 YEAR, THE DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF
13 ALL REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS. COPIES OF THIS
14 DIRECTORY SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT
15 TO EXCEED THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY
16 THE DEPARTMENT FROM THE SALES OF THIS DIRECTORY SHALL BE
17 DEPOSITED INTO THE FUND.

18 (K) COMPUTER FILE.--THE DEPARTMENT SHALL PROVIDE THE
19 LEGISLATIVE DATA PROCESSING COMMITTEE ALL DATA RELATING TO
20 REGISTRATION STATEMENTS AND AMENDMENTS TO SUCH STATEMENTS,
21 EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION REPORTS,
22 AND THE COMMITTEE SHALL MAKE ALL SUCH INFORMATION AVAILABLE ON A
23 PUBLICLY ACCESSIBLE WORLD WIDE WEB PAGE.

24 (L) COST-OF-LIVING ADJUSTMENT.--ON A BIENNIAL BASIS
25 COMMENCING IN JANUARY 2008, THE COMMISSION SHALL REVIEW THE
26 THRESHOLD FOR REPORTING UNDER SECTION 5(E) AND THE THRESHOLD FOR
27 EXEMPTION UNDER SECTION 6 AND MAY INCREASE THESE AMOUNTS TO
28 LEVELS DEEMED REASONABLE FOR ASSURING APPROPRIATE DISCLOSURE.
29 THE COMMISSION SHALL PUBLISH ANY SUCH ADJUSTED THRESHOLD AMOUNTS
30 IN THE PENNSYLVANIA BULLETIN BY JUNE 1, 2008, AND EVERY TWO

1 YEARS THEREAFTER AS NECESSARY.

2 SECTION 9. PENALTIES.

3 (A) NOTICE OF NONCOMPLIANCE.--THE COMMISSION SHALL ISSUE A
4 NOTICE OF NONCOMPLIANCE TO ANY LOBBYIST OR PRINCIPAL THAT HAS
5 FAILED TO REGISTER OR REPORT AS REQUIRED BY THIS ACT. THE NOTICE
6 SHALL STATE THE NATURE OF THE ALLEGED NONCOMPLIANCE AND THE
7 CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO REGISTER, FAILURE TO
8 FILE OR FILING A REPORT CONTAINING A FALSE STATEMENT OR WHICH IS
9 INCOMPLETE. THE NOTICE SHALL ALSO ADVISE THAT IF THE LOBBYIST OR
10 PRINCIPAL DISAGREES WITH THE ALLEGED NONCOMPLIANCE, THE LOBBYIST
11 OR PRINCIPAL MAY APPEAL SUCH BEFORE THE COMMISSION. THE NOTICE
12 SHALL SET FORTH THE DEADLINE AND MANNER IN WHICH TO REQUEST A
13 HEARING.

14 (B) HEARING.--

15 (1) IF A HEARING IS REQUESTED, THE COMMISSION SHALL
16 DETERMINE AT THE HEARING:

17 (I) WHETHER THE RECIPIENT OF THE NOTICE IS REQUIRED
18 TO REGISTER OR REPORT UNDER THIS ACT; AND

19 (II) WHETHER THE FAILURE TO REGISTER OR REPORT WAS
20 NEGLIGENT OR INTENTIONAL.

21 (2) IF THE COMMISSION FINDS THAT THE FAILURE TO REGISTER
22 OR REPORT WAS INTENTIONAL, IT SHALL REFER THE MATTER TO THE
23 ATTORNEY GENERAL AND, IF THE LOBBYIST OR PRINCIPAL IS AN
24 ATTORNEY AT LAW, TO THE BOARD.

25 (3) IF THE COMMISSION FINDS THAT FAILURE TO REGISTER OR
26 REPORT WAS NEGLIGENT, IT SHALL DETERMINE THE AMOUNT OF THE
27 CIVIL PENALTY TO BE IMPOSED.

28 (4) HEARINGS UNDER THIS SUBSECTION SHALL BE CONDUCTED BY
29 THE COMMISSION IN ACCORDANCE WITH 65 PA.C.S. §§ 1107(14)

30 (RELATING TO POWERS AND DUTIES OF COMMISSION) AND 1108(E)

1 (RELATING TO INVESTIGATIONS BY COMMISSION).

2 (C) NEGLIGENT FAILURE TO REGISTER OR REPORT.--NEGLIGENT
3 FAILURE TO REGISTER OR REPORT AS REQUIRED BY THIS ACT IS
4 PUNISHABLE BY A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH LATE
5 DAY. AFTER A HEARING UNDER SUBSECTION (B), IN THE CASE OF
6 NEGLIGENT FAILURE TO REGISTER OR REPORT, THE COMMISSION MAY,
7 UPON THE MAJORITY VOTE OF ALL OF ITS MEMBERS, LEVY A CIVIL
8 PENALTY AS PROVIDED FOR IN THIS SUBSECTION. THE TOTAL AMOUNT OF
9 THE CIVIL PENALTY LEVIED SHALL NOT BE LIMITED BY ANY OTHER
10 PROVISION OF LAW. THE COMMISSION SHALL NOTIFY THE BOARD OF ANY
11 LOBBYIST OR PRINCIPAL WHO IS AN ATTORNEY AT LAW AGAINST WHOM A
12 CIVIL PENALTY IS IMPOSED. THE COMMISSION SHALL HAVE STANDING TO
13 APPLY TO THE COMMONWEALTH COURT TO SEEK ENFORCEMENT OF AN ORDER
14 IMPOSING A CIVIL PENALTY UNDER THIS SECTION.

15 (D) FAILURE TO COMPLY AFTER NOTICE.--A LOBBYIST OR PRINCIPAL
16 WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS ACT, AFTER
17 NOTICE OF NONCOMPLIANCE AND AFTER A HEARING, IF ONE IS
18 REQUESTED, MAY BE PROHIBITED FROM LOBBYING FOR UP TO FIVE YEARS.
19 THE PROHIBITION SHALL BE IMPOSED AS PROVIDED BY SUBSECTION
20 (E)(4).

21 (E) INTENTIONAL VIOLATIONS.--

22 (1) ANY LOBBYIST OR PRINCIPAL WHO INTENTIONALLY FAILS TO
23 REGISTER OR REPORT AS REQUIRED BY THIS ACT COMMITS A
24 MISDEMEANOR OF THE SECOND DEGREE.

25 (2) A REGISTRANT WHO FILES A REPORT UNDER THIS ACT WITH
26 KNOWLEDGE THAT THE REPORT CONTAINS A FALSE STATEMENT OR IS
27 INCOMPLETE COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

28 (3) EXCEPT AS SET FORTH IN PARAGRAPH (1) OR (2), ANY
29 LOBBYIST OR PRINCIPAL WHO INTENTIONALLY VIOLATES THIS ACT
30 COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

1 OF THE DOCUMENTS REQUIRED BY THIS ACT EITHER ELECTRONICALLY OR
2 ON PAPER WITH THE DEPARTMENT.

3 (D) REGULATIONS.--A COMMITTEE COMPRISED OF THE SECRETARY OF
4 THE SENATE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
5 ATTORNEY GENERAL, THE SECRETARY OF THE COMMONWEALTH, THE
6 EXECUTIVE DIRECTOR OF THE COMMISSION, THE CHIEF COUNSEL OF THE
7 BOARD AND THE GENERAL COUNSEL, OR THEIR DESIGNEES, SHALL HAVE
8 AUTHORITY TO PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THIS
9 ACT. THE EXECUTIVE DIRECTOR OF THE COMMISSION SHALL BE CHAIRMAN
10 OF THIS COMMITTEE. THE INITIAL PROPOSED REGULATIONS SHALL BE
11 SUBMITTED WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS SECTION
12 TO THE INDEPENDENT REGULATORY REVIEW COMMISSION UNDER SECTION 5
13 OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
14 REGULATORY REVIEW ACT. ANY MEETING AT WHICH THE COMMITTEE PLANS
15 TO APPROVE PROPOSED REGULATIONS OR OTHER OFFICIAL ACTIONS SHALL
16 BE HELD IN ACCORDANCE WITH 65 PA.C.S. CH. 7 (RELATING TO OPEN
17 MEETINGS). THE DEPARTMENT SHALL PROVIDE SUFFICIENT STAFF AND
18 OTHER ADMINISTRATIVE SUPPORT TO ASSIST THE COMMITTEE. THE
19 COMMITTEE SHALL ALSO PREPARE AND PUBLISH A MANUAL SETTING FORTH
20 GUIDELINES FOR ACCOUNTING AND REPORTING. THE REGULATIONS AND
21 MANUAL SHALL BE DRAFTED TO ACCOMMODATE THE USE OF COMPUTERIZED
22 RECORDKEEPING, ELECTRONIC FILING OF ALL REQUIRED REGISTRATIONS
23 AND REPORTS PROVIDED FOR UNDER THIS ACT AND RETENTION OF
24 REGISTRATION STATEMENTS AND REPORTS PROVIDED FOR UNDER THIS ACT
25 BY ELECTRONIC MEANS.

26 SECTION 11. NONAPPLICABILITY.

27 NOTHING IN THIS ACT SHALL BE CONSTRUED TO AFFECT THE
28 PROVISIONS OF 18 PA.C.S. § 7515.

29 SECTION 12. REPEAL.

30 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER

1 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

2 (2) THE PROVISIONS OF 65 PA.C.S. CH. 13 ARE REPEALED.
3 SECTION 13. NOTICE.

4 THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT TO THE
5 LEGISLATIVE REFERENCE BUREAU, FOR PUBLICATION IN THE
6 PENNSYLVANIA BULLETIN, NOTICE OF FULL IMPLEMENTATION OF THE
7 COMPUTERIZED FILING SYSTEM REQUIRED UNDER SECTION 10(C).
8 SECTION 14. EFFECTIVE DATE.

9 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
11 IMMEDIATELY:

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

13 (II) THIS SECTION.

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

16 (I) PUBLICATION OF THE NOTICE REQUIRED UNDER SECTION
17 13.

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