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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 700 Session of  
2005

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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

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 23, 2006

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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 AMENDING TITLE 65 (PUBLIC OFFICERS) OF THE PENNSYLVANIA <—  
6 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR ETHICAL  
7 STANDARDS DEFINITIONS AND FOR LOBBY REGULATION AND  
8 DISCLOSURE.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

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

14 ~~{CHAPTER 13~~  
15 ~~LOBBY REGULATION AND DISCLOSURE~~

16 ~~§ 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 ~~(2) If any provision of this chapter or its application~~  
2 ~~to any person or circumstance is held invalid, the invalidity~~  
3 ~~shall not affect other provisions or applications of this~~  
4 ~~chapter which can be given effect without the invalid~~  
5 ~~provision or application.~~

6 ~~(b) Practice of law. If any provision of this chapter or~~  
7 ~~its application to any person or circumstance is held invalid on~~  
8 ~~the basis of improper regulation of the practice of law, the~~  
9 ~~remaining provisions or applications of this chapter are void.]~~

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

11 ~~CHAPTER 13 A~~

12 ~~LOBBYING DISCLOSURE~~

13 ~~Sec.~~

14 ~~1301 A. Short title of chapter.~~

15 ~~1302 A. Statement of intent and jurisdiction.~~

16 ~~1303 A. Definitions.~~

17 ~~1304 A. Registration.~~

18 ~~1305 A. Reporting.~~

19 ~~1306 A. Exemption from registration and reporting.~~

20 ~~1307 A. Prohibited activities.~~

21 ~~1308 A. Administration and enforcement.~~

22 ~~1309 A. Penalties.~~

23 ~~1310 A. Filing fees; fund established; regulations.~~

24 ~~1311 A. Grounds for impeachment.~~

25 ~~1312 A. Use of public space.~~

26 ~~1313 A. Severability.~~

27 ~~§ 1301 A. Short title of chapter.~~

28 ~~This chapter shall be known and may be cited as the Lobbying~~  
29 ~~Disclosure Act.~~

30 ~~§ 1302 A. Statement of intent and jurisdiction.~~

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. SECTION 1102 OF TITLE 65 OF THE PENNSYLVANIA <—  
16 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:  
17 § 1102. DEFINITIONS.

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

21 \* \* \*

22 "GIFT." [ANYTHING WHICH IS RECEIVED WITHOUT CONSIDERATION OF  
23 EQUAL OR GREATER VALUE. THE TERM SHALL NOT INCLUDE A POLITICAL  
24 CONTRIBUTION OTHERWISE REPORTED AS REQUIRED BY LAW OR A  
25 COMMERCIALY REASONABLE LOAN MADE IN THE ORDINARY COURSE OF  
26 BUSINESS.] AS DEFINED IN SECTION 1303-A (RELATING TO  
27 DEFINITIONS).

28 \* \* \*

29 "HOSPITALITY." AS DEFINED IN SECTION 1303-A (RELATING TO  
30 DEFINITIONS).

1 \* \* \*

2 SECTION 1.1. SECTION 1105(B)(7) OF TITLE 65 IS AMENDED TO  
3 READ:

4 § 1105. STATEMENT OF FINANCIAL INTERESTS.

5 \* \* \*

6 (B) REQUIRED INFORMATION.--THE STATEMENT SHALL INCLUDE THE  
7 FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR WITH REGARD TO  
8 THE PERSON REQUIRED TO FILE THE STATEMENT:

9 \* \* \*

10 (7) THE NAME AND ADDRESS OF THE SOURCE AND THE AMOUNT OF  
11 ANY PAYMENT FOR OR REIMBURSEMENT OF ACTUAL EXPENSES FOR  
12 TRANSPORTATION AND LODGING OR HOSPITALITY RECEIVED IN  
13 CONNECTION WITH PUBLIC OFFICE OR EMPLOYMENT WHERE SUCH ACTUAL  
14 EXPENSES FOR TRANSPORTATION AND LODGING OR HOSPITALITY EXCEED  
15 \$650 IN [THE COURSE OF A SINGLE OCCURRENCE] AN AGGREGATE  
16 AMOUNT PER YEAR. THIS PARAGRAPH SHALL NOT APPLY TO EXPENSES  
17 REIMBURSED BY A GOVERNMENTAL BODY OR TO EXPENSES REIMBURSED  
18 BY AN ORGANIZATION OR ASSOCIATION OF PUBLIC OFFICIALS OR  
19 EMPLOYEES OF POLITICAL SUBDIVISIONS WHICH THE PUBLIC OFFICIAL  
20 OR EMPLOYEE SERVES IN AN OFFICIAL CAPACITY.

21 \* \* \*

22 SECTION 2. CHAPTER 13 HEADING AND SECTIONS 1301, 1302, 1303,  
23 1304, 1305, 1306, 1307, 1308, 1309, 1310 AND 1311 OF TITLE 65  
24 ARE AMENDED TO READ:

25 [CHAPTER 13  
26 LOBBY REGULATION AND DISCLOSURE  
27 § 1301. SHORT TITLE OF CHAPTER.

28 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE LOBBYING  
29 DISCLOSURE ACT.

30 § 1302. STATEMENT OF INTENT AND JURISDICTION.

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 EMPLOYED 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 INSURE 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. 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 GUIDELINE OR A
- 5 STATEMENT OF POLICY; OR
- 6 (III) APPROVAL OR REJECTION OF A REGULATION.
- 7 (2) THE REVIEW, REVISION, APPROVAL OR DISAPPROVAL OF A
- 8 REGULATION UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
- 9 KNOWN AS THE REGULATORY REVIEW ACT.
- 10 (3) THE GOVERNOR'S APPROVAL OR VETO OF LEGISLATION.
- 11 (4) THE NOMINATION OR APPOINTMENT OF AN INDIVIDUAL AS AN
- 12 OFFICER OR EMPLOYEE OF THE COMMONWEALTH.
- 13 (5) THE PROPOSAL, CONSIDERATION, PROMULGATION OR
- 14 RESCISSION OF AN EXECUTIVE ORDER.

15 "AFFILIATED POLITICAL ACTION COMMITTEE." A POLITICAL ACTION

16 COMMITTEE AS DEFINED IN SECTION 1621(L) OF THE ACT OF JUNE 3,

17 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION

18 CODE, WHICH HAS A CHAIRMAN, A TREASURER OR ANOTHER OFFICER WHO

19 IS A PRINCIPAL, AN EMPLOYEE OF A PRINCIPAL, A LOBBYIST OR AN

20 EMPLOYEE OF A LOBBYIST, PROVIDED IF AN EMPLOYEE OF A REGISTRANT

21 SERVES AS THE OFFICER OF A POLITICAL ACTION COMMITTEE IN WHAT IS

22 CLEARLY A PERSONAL CAPACITY AND THE GOALS AND MISSION OF THAT

23 POLITICAL ACTION COMMITTEE CLEARLY HAVE NO RELATIONSHIP TO THE

24 GOALS AND MISSION OF THE REGISTRANT, SUCH POLITICAL ACTION

25 COMMITTEE SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL ACTION

26 COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

27 "AGENCY." A STATE AGENCY, BOARD, COMMISSION, AUTHORITY OR

28 DEPARTMENT.

29 "COMMISSION." THE STATE ETHICS COMMISSION.

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

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

3 "DIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL OR  
4 BY ANY OTHER MEDIUM, MADE BY A LOBBYIST OR PRINCIPAL, DIRECTED  
5 TO A STATE OFFICIAL OR EMPLOYEE, THE PURPOSE OR FORESEEABLE  
6 EFFECT OF WHICH IS TO INFLUENCE LEGISLATIVE ACTION OR  
7 ADMINISTRATIVE ACTION.

8 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR  
9 RECEIVED.

10 "FUND." THE LOBBYING DISCLOSURE FUND ESTABLISHED IN SECTION  
11 1310(B) (RELATING TO FILING FEES; FUND ESTABLISHED;  
12 REGULATIONS).

13 "GIFT." AS DEFINED IN SECTION 1102 (RELATING TO  
14 DEFINITIONS).

15 "IMMEDIATE FAMILY." AN INDIVIDUAL'S SPOUSE, AN INDIVIDUAL'S  
16 CHILD AND AN INDIVIDUAL'S PARENT, BROTHER, SISTER OR LIKE  
17 RELATIVE-IN-LAW.

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

29 "LEGISLATION." BILLS, RESOLUTIONS, AMENDMENTS AND  
30 NOMINATIONS PENDING OR PROPOSED IN EITHER THE SENATE OR THE

1 HOUSE OF REPRESENTATIVES. THE TERM INCLUDES ANY OTHER MATTER  
2 WHICH MAY BECOME THE SUBJECT OF ACTION BY EITHER CHAMBER OF THE  
3 GENERAL ASSEMBLY.

4 "LEGISLATIVE ACTION." AN ACTION TAKEN BY A STATE OFFICIAL OR  
5 EMPLOYEE INVOLVING THE PREPARATION, RESEARCH, DRAFTING,  
6 INTRODUCTION, CONSIDERATION, MODIFICATION, AMENDMENT, APPROVAL,  
7 PASSAGE, ENACTMENT, TABLING, POSTPONEMENT, DEFEAT OR REJECTION  
8 OF LEGISLATION; LEGISLATIVE MOTIONS; OVERRIDING OR SUSTAINING A  
9 VETO BY THE GOVERNOR; OR CONFIRMATION OF APPOINTMENTS BY THE  
10 GOVERNOR OR OF APPOINTMENTS TO PUBLIC BOARDS OR COMMISSIONS BY A  
11 MEMBER OF THE GENERAL ASSEMBLY.

12 "LOBBYING." AN EFFORT TO INFLUENCE LEGISLATIVE ACTION OR  
13 ADMINISTRATIVE ACTION. THE TERM INCLUDES:

14 (1) PROVIDING ANY GIFT, ENTERTAINMENT, MEAL,  
15 TRANSPORTATION OR LODGING TO A STATE OFFICIAL OR EMPLOYEE FOR  
16 THE PURPOSE OF ADVANCING THE INTEREST OF THE LOBBYIST OR  
17 PRINCIPAL; AND

18 (2) DIRECT OR INDIRECT COMMUNICATION.

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

23 "PRINCIPAL." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,  
24 PARTNERSHIP, BUSINESS TRUST OR BUSINESS ENTITY:

25 (1) ON WHOSE BEHALF A LOBBYIST INFLUENCES OR ATTEMPTS TO  
26 INFLUENCE AN ADMINISTRATIVE ACTION OR A LEGISLATIVE ACTION;  
27 OR

28 (2) THAT ENGAGES IN LOBBYING ON THE PRINCIPAL'S OWN  
29 BEHALF.

30 "REGISTRANT." A REGISTERED LOBBYIST OR A REGISTERED



1 PRINCIPAL.

2 "REGULATION." ANY RULE, REGULATION OR ORDER IN THE NATURE OF  
3 A RULE OR REGULATION, INCLUDING FORMAL AND INFORMAL OPINIONS OF  
4 THE ATTORNEY GENERAL, OF GENERAL APPLICATION AND FUTURE EFFECT,  
5 PROMULGATED BY AN AGENCY UNDER STATUTORY AUTHORITY IN THE  
6 ADMINISTRATION OF A STATUTE ADMINISTERED BY OR RELATING TO THE  
7 AGENCY, OR PRESCRIBING THE PRACTICE OR PROCEDURE BEFORE THE  
8 AGENCY.

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

13 § 1304. REGISTRATION.

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

20 (B) PRINCIPALS.--

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

23 (I) NAME.

24 (II) PERMANENT ADDRESS.

25 (III) DAYTIME TELEPHONE NUMBER.

26 (IV) NAME AND NATURE OF BUSINESS.

27 (V) NAME, REGISTRATION NUMBER AND ACRONYMS OF  
28 AFFILIATED POLITICAL ACTION COMMITTEES.

29 (VI) NAME AND PERMANENT BUSINESS ADDRESS OF EACH  
30 INDIVIDUAL WHO WILL FOR ECONOMIC CONSIDERATION ENGAGE IN

1 LOBBYING ON THE PRINCIPAL'S BEHALF.

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

5 (C) LOBBYIST.--

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

8 (I) NAME.

9 (II) PERMANENT BUSINESS ADDRESS.

10 (III) DAYTIME TELEPHONE NUMBER.

11 (IV) A RECENT PICTURE OF THE LOBBYIST.

12 (V) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME  
13 TELEPHONE NUMBER OF THE PRINCIPAL THE LOBBYIST  
14 REPRESENTS.

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

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

19 (D) AMENDMENTS.--

20 (1) WHEN THERE IS A CHANGE OF INFORMATION REQUIRED FOR  
21 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(1) OR (C), AN  
22 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN  
23 14 DAYS AFTER THE CHANGE OCCURS.

24 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR  
25 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(2), AN  
26 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN  
27 14 DAYS OF THE END OF THE YEAR IN WHICH THE CHANGE OCCURS.

28 (E) TERMINATION.--A LOBBYIST OR A PRINCIPAL MAY TERMINATE  
29 REGISTRATION BY FILING NOTICE WITH THE COMMISSION. WITHIN 30  
30 DAYS OF FILING THE NOTICE, THE LOBBYIST OR PRINCIPAL SHALL FILE

1 A TERMINATION REPORT, WHICH SHALL INCLUDE ALL INFORMATION  
2 REQUIRED BY SECTION 1305 (RELATING TO REPORTING) THROUGH THE  
3 FINAL DAY OF LOBBYING ACTIVITY. AFTER A REASONABLE REVIEW OF THE  
4 TERMINATION REPORT BUT NOT LATER THAN 90 DAYS AFTER RECEIPT OF  
5 THE NOTICE, THE COMMISSION SHALL ISSUE TO THE LOBBYIST OR  
6 PRINCIPAL A LETTER STATING THAT THE REGISTRANT HAS TERMINATED  
7 REGISTRATION. THE FILING OF NOTICE OR A TERMINATION REPORT SHALL  
8 NOT AFFECT THE COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS  
9 AND HEARINGS PURSUANT TO SECTION 1308(H) (RELATING TO  
10 ADMINISTRATION AND ENFORCEMENT). NO LOBBYING MAY OCCUR AFTER THE  
11 FILING OF NOTICE UNLESS THE LOBBYING IS PURSUANT TO A SEPARATE  
12 REGISTRATION STATEMENT WHICH IS FILED WITH THE COMMISSION AND  
13 WHICH, AT THE TIME OF THE LOBBYING, HAS NOT BEEN TERMINATED.  
14 § 1305. REPORTING.

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

18 (B) CONTENT.--

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

22 (2) EXPENSE REPORTS MUST CONTAIN THE FOLLOWING  
23 CATEGORIES:

24 (I) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE  
25 TOTAL AMOUNT SPENT FOR PERSONNEL AND OFFICE EXPENSES  
26 RELATED TO LOBBYING. THIS SUBPARAGRAPH INCLUDES SALARIES  
27 AND OTHER FORMS OF COMPENSATION, BENEFITS, VEHICLE  
28 ALLOWANCES, BONUSES AND REIMBURSABLE EXPENSES FOR THOSE  
29 INVOLVED IN LOBBYING. IF COMPENSATION IS TO BE REPORTED  
30 BY OR FOR AN INDIVIDUAL OR ENTITY WHOSE LOBBYING IS

1           INCIDENTAL TO REGULAR EMPLOYMENT, IT SHALL BE SUFFICIENT  
2           TO REPORT A GOOD FAITH PRORATED ESTIMATE BASED ON THE  
3           VALUE OF THE TIME DEVOTED TO LOBBYING. REPORTABLE  
4           PERSONNEL COSTS INCLUDE COSTS FOR LOBBYING STAFF,  
5           RESEARCH AND MONITORING STAFF, CONSULTANTS, LAWYERS,  
6           LOBBYISTS, PUBLICATIONS AND PUBLIC RELATIONS STAFF,  
7           TECHNICAL STAFF AND CLERICAL AND ADMINISTRATIVE SUPPORT  
8           STAFF WHO ENGAGE IN LOBBYING BUT ARE EXEMPT FROM  
9           REPORTING UNDER SECTION 1306(6) (RELATING TO EXEMPTION  
10          FROM REGISTRATION AND REPORTING). THIS SUBPARAGRAPH  
11          INCLUDES COSTS FOR OFFICES, EQUIPMENT AND SUPPLIES  
12          UTILIZED FOR LOBBYING.

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

15                 (III) THE TOTAL COSTS FOR GIFTS, ENTERTAINMENT,  
16          MEALS, TRANSPORTATION, LODGING AND RECEPTIONS GIVEN TO OR  
17          PROVIDED TO STATE OFFICIALS OR EMPLOYEES OR THEIR  
18          IMMEDIATE FAMILIES.

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

21                 (3) IN ADDITION TO REPORTING THE TOTALS REQUIRED UNDER  
22          THIS SUBSECTION, THE EXPENSE REPORT MUST IDENTIFY, BY NAME,  
23          POSITION AND EACH OCCURRENCE, A STATE OFFICIAL OR EMPLOYEE  
24          WHO RECEIVES FROM A PRINCIPAL OR LOBBYIST ANYTHING OF VALUE  
25          WHICH MUST BE INCLUDED IN THE STATEMENT UNDER SECTION  
26          1105(B)(6) OR (7) (RELATING TO STATEMENT OF FINANCIAL  
27          INTERESTS) AS IMPLEMENTED BY SECTION 1105(D).

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

1 (II) WRITTEN NOTICE MUST BE GIVEN TO EACH PUBLIC  
2 OFFICIAL OR EMPLOYEE OF INCLUSION IN THE EXPENSE REPORT  
3 WITHIN SEVEN DAYS OF THE REPORT'S SUBMISSION TO THE  
4 COMMISSION. NOTICE UNDER THIS SUBPARAGRAPH SHALL INCLUDE  
5 THE INFORMATION WHICH WILL ENABLE THE PUBLIC OFFICIAL OR  
6 EMPLOYEE TO COMPLY WITH SECTION 1105(B)(6) AND (7). FOR  
7 PURPOSES OF THIS CHAPTER AND CHAPTER 11 (RELATING TO  
8 ETHICS STANDARDS AND FINANCIAL DISCLOSURE), SECTION  
9 1105(B)(6) AND (7) SHALL CONSTITUTE MUTUALLY EXCLUSIVE  
10 CATEGORIES.

11 (III) REGULATIONS SHALL BE PROMULGATED UNDER SECTION  
12 1310(C) (RELATING TO FILING FEES; FUND ESTABLISHED;  
13 REGULATIONS) TO DEFINE MUTUALLY EXCLUSIVE CATEGORIES  
14 UNDER SECTION 1105(B)(6) AND (7) AND TO DETERMINE WHETHER  
15 A THING OF VALUE IS SUBJECT TO DISCLOSURE UNDER SECTION  
16 1105(B)(6) OR (7).

17 (4) A LOBBYIST MUST SIGN THE REPORTS SUBMITTED BY EACH  
18 PRINCIPAL REPRESENTED TO ATTEST TO THE VALIDITY AND ACCURACY  
19 TO THE BEST OF THE LOBBYIST'S KNOWLEDGE. A LOBBYIST MAY  
20 ATTACH A STATEMENT TO THE REPORT OF ANY PRINCIPAL, DESCRIBING  
21 THE LIMITS OF THE LOBBYIST'S KNOWLEDGE CONCERNING THE  
22 EXPENDITURES CONTAINED IN THE REPORT.

23 (5) THE EXPENSE REPORT SHALL ALSO INCLUDE THE NAME,  
24 PERMANENT BUSINESS ADDRESS AND DAYTIME TELEPHONE NUMBER OF  
25 ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION, PARTNERSHIP,  
26 BUSINESS TRUST OR BUSINESS ENTITY WHICH CONTRIBUTED MORE THAN  
27 10% OF THE TOTAL RESOURCES RECEIVED BY THE PRINCIPAL DURING  
28 THE REPORTING PERIOD.

29 (6) A LOBBYIST SHALL SUBMIT A SEPARATE REPORT IF, DURING  
30 THE REPORTING PERIOD, THE LOBBYIST ENGAGED IN LOBBYING WHICH

1 WAS NOT CONTAINED IN THE REPORTS FILED BY THE PRINCIPAL OR  
2 PRINCIPALS REPRESENTED BY THE LOBBYIST. A SEPARATE LOBBYIST  
3 REPORT SHALL CONTAIN THE IDENTITY OF THE PRINCIPAL FOR WHOM  
4 SUCH LOBBYING WAS PERFORMED AND SHALL CONTAIN ALL INFORMATION  
5 REQUIRED UNDER PARAGRAPHS (2) AND (3).

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

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

16 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT SHALL BE  
17 FILED WHEN TOTAL EXPENSES FOR LOBBYING EXCEED \$500 FOR A  
18 REGISTERED PRINCIPAL OR A REGISTERED LOBBYIST IN A REPORTING  
19 PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES ARE \$500  
20 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED.

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

24 § 1306. EXEMPTION FROM REGISTRATION AND REPORTING.

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

28 (1) AN INDIVIDUAL WHO LIMITS LOBBYING ACTIVITIES TO  
29 PREPARING TESTIMONY AND TESTIFYING BEFORE A COMMITTEE OF THE  
30 LEGISLATURE OR PARTICIPATING IN AN ADMINISTRATIVE PROCEEDING

1 OF AN AGENCY.

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

7 (3) ANY OF THE FOLLOWING:

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

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

13 (III) AN INDIVIDUAL WHO ENGAGES IN LOBBYING ON  
14 BEHALF OF THE INDIVIDUAL'S EMPLOYER AND WHERE LOBBYING  
15 ACTIVITY REPRESENTS LESS THAN THE EQUIVALENT OF \$2,500 OF  
16 THE EMPLOYEE'S TIME DURING ANY REPORTING PERIOD, BASED ON  
17 AN HOURLY PRORATION OF THE EMPLOYEE'S COMPENSATION.

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

21 (4) ANY OF THE FOLLOWING:

22 (I) AN ELECTED STATE OFFICER ACTING IN AN OFFICIAL  
23 CAPACITY.

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

26 (III) AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE  
27 OF A POLITICAL SUBDIVISION ACTING IN AN OFFICIAL  
28 CAPACITY.

29 (IV) AN EMPLOYEE OF THE COMMONWEALTH OR INDEPENDENT  
30 AGENCY OF THE COMMONWEALTH ACTING IN AN OFFICIAL

1 CAPACITY.

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

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

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

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

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

12 § 1307. PROHIBITED ACTIVITIES.

13 (A) CONTINGENT COMPENSATION.--

14 (1) NO ONE MAY COMPENSATE OR INCUR AN OBLIGATION TO  
15 COMPENSATE ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL TO ENGAGE IN  
16 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON  
17 ANY OF THE FOLLOWING:

18 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF  
19 LEGISLATION.

20 (II) OCCURRENCE OR NONOCCURRENCE OF AN  
21 ADMINISTRATIVE ACTION.

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

25 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF  
26 LEGISLATION.

27 (II) OCCURRENCE OR NONOCCURRENCE OF AN  
28 ADMINISTRATIVE ACTION.

29 (B) POLITICAL COMMITTEES.--A LOBBYIST MAY NOT SERVE AS A  
30 TREASURER OR ANOTHER OFFICER FOR A CANDIDATE'S POLITICAL



1 COMMITTEE OR A CANDIDATE'S POLITICAL ACTION COMMITTEE.

2 (C) FEE RESTRICTIONS.--A LOBBYIST MAY NOT CHARGE A FEE OR  
3 RECEIVE COMPENSATION OR ECONOMIC CONSIDERATION BASED UPON AN  
4 UNDERSTANDING, EITHER WRITTEN OR ORAL, THAT ANY PART OF THE FEE,  
5 COMPENSATION OR ECONOMIC CONSIDERATION WILL BE CONVERTED INTO A  
6 CONTRIBUTION TO A CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL  
7 COMMITTEE.

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

14 § 1308. ADMINISTRATION AND ENFORCEMENT.

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

19 (B) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY  
20 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,  
21 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,  
22 THE ATTORNEY GENERAL HAS THE AUTHORITY TO INVESTIGATE AND  
23 PROSECUTE A VIOLATION OF THIS CHAPTER.

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

1 LIABLE FOR A VIOLATION OF THIS CHAPTER.

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

10 (E) ANNUAL REPORTING.--THE COMMISSION SHALL PREPARE AND  
11 PUBLISH AN ANNUAL REPORT ON LOBBYING ACTIVITIES IN THIS  
12 COMMONWEALTH. THE COMMISSION SHALL ALSO ANNUALLY PUBLISH A  
13 LISTING OF PRINCIPALS, IDENTIFYING AFFILIATED POLITICAL ACTION  
14 COMMITTEES AND LOBBYISTS, AND A LISTING OF LOBBYISTS,  
15 IDENTIFYING AFFILIATED POLITICAL ACTION COMMITTEES AND  
16 PRINCIPALS.

17 (F) RETENTION OF RECORDS.--COMPLETED REGISTRATION  
18 STATEMENTS, EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION  
19 REPORTS SHALL REMAIN ON FILE WITH THE COMMISSION FOR A FOUR-YEAR  
20 PERIOD.

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

29 (H) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS  
30 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A

1 HEARING CONCERNING NEGLIGENT CONDUCT BY A LOBBYIST OR PRINCIPAL  
2 IN ACCORDANCE WITH SECTIONS 1107 AND 1108 (RELATING TO  
3 INVESTIGATIONS BY COMMISSION).

4 (I) DIRECTORY.--ON OR BEFORE MAY 1 OF EACH ODD-NUMBERED  
5 YEAR, THE COMMISSION SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF  
6 ALL REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS. COPIES OF THIS  
7 DIRECTORY SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT  
8 TO EXCEED THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY  
9 THE COMMISSION FROM THE SALES OF THIS DIRECTORY SHALL BE  
10 DEPOSITED INTO THE FUND.

11 (J) COMPUTER FILE.--THE LEGISLATIVE DATA PROCESSING  
12 COMMITTEE SHALL MAINTAIN UPDATED REGISTRATION STATEMENTS,  
13 EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION REPORTS.

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

24 § 1309. PENALTIES.

25 (A) NOTICE OF NONCOMPLIANCE.--THE COMMISSION SHALL ISSUE A  
26 NOTICE OF NONCOMPLIANCE TO ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL  
27 THAT HAS FAILED TO REGISTER OR REPORT AS REQUIRED BY THIS  
28 CHAPTER. THE NOTICE SHALL STATE THE NATURE OF THE ALLEGED  
29 NONCOMPLIANCE AND THE CIVIL AND CRIMINAL PENALTIES FOR FAILURE  
30 TO REGISTER, FAILURE TO FILE OR FILING A REPORT CONTAINING A

1 FALSE STATEMENT. THE NOTICE SHALL ALSO ADVISE OF THE RIGHT TO A  
2 HEARING BEFORE THE COMMISSION AND THE TIME AND MANNER IN WHICH  
3 TO REQUEST A HEARING.

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

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

27 (D) FAILURE TO COMPLY AFTER NOTICE.--AFTER NOTICE OF  
28 NONCOMPLIANCE AND AFTER A HEARING, IF ONE IS REQUESTED, A  
29 LOBBYIST OR PRINCIPAL WHO FAILS TO COMPLY WITH THE REQUIREMENTS  
30 OF THIS CHAPTER MAY BE PROHIBITED FROM LOBBYING FOR UP TO FIVE

1 YEARS. THE PROHIBITION SHALL BE IMPOSED AS PROVIDED BY  
2 SUBSECTION (E)(4).

3 (E) INTENTIONAL VIOLATIONS.--

4 (1) ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL THAT  
5 INTENTIONALLY FAILS TO REGISTER OR REPORT AS REQUIRED BY THIS  
6 CHAPTER COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

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

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

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

23 § 1310. FILING FEES; FUND ESTABLISHED; REGULATIONS.

24 (A) FILING FEES.--A PRINCIPAL OR LOBBYIST REQUIRED TO BE  
25 REGISTERED UNDER THIS CHAPTER SHALL PAY A BIENNIAL FILING FEE OF  
26 \$100 TO THE COMMISSION.

27 (B) FUND ESTABLISHED.--ALL MONEY RECEIVED FROM FILING FEES  
28 UNDER SUBSECTION (A) SHALL BE DEPOSITED IN A RESTRICTED RECEIPTS  
29 ACCOUNT TO BE KNOWN AS THE LOBBYING DISCLOSURE FUND. THE MONEY  
30 DEPOSITED IN THE FUND IS HEREBY APPROPRIATED TO THE COMMISSION

1 AS A CONTINUING APPROPRIATION FOR THE EXCLUSIVE PURPOSE OF  
2 CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

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

25 § 1311. SEVERABILITY.

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

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

28 (2) IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION  
29 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY  
30 SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS

1 CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID  
2 PROVISION OR APPLICATION.

3 (B) PRACTICE OF LAW.--IF ANY PROVISION OF THIS CHAPTER OR  
4 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID ON  
5 THE BASIS OF IMPROPER REGULATION OF THE PRACTICE OF LAW, THE  
6 REMAINING PROVISIONS OR APPLICATIONS OF THIS CHAPTER ARE VOID.]

7 SECTION 3. TITLE 65 IS AMENDED BY ADDING A CHAPTER TO READ:

8 CHAPTER 13-A

9 LOBBYING DISCLOSURE

10 SEC.

11 1301-A. SCOPE OF CHAPTER.

12 1302-A. STATEMENT OF INTENT AND JURISDICTION.

13 1303-A. DEFINITIONS.

14 1304-A. REGISTRATION.

15 1305-A. REPORTING.

16 1306-A. EXEMPTION FROM REGISTRATION AND REPORTING.

17 1307-A. PROHIBITED ACTIVITIES.

18 1308-A. ADMINISTRATION.

19 1309-A. PENALTIES.

20 1310-A. REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;  
21 REGULATIONS.

22 1311-A. NONAPPLICABILITY.

23 § 1301-A. SCOPE OF CHAPTER.

24 THIS CHAPTER RELATES TO LOBBYING DISCLOSURE.

25 § 1302-A. STATEMENT OF INTENT AND JURISDICTION.

26 (A) INTENT.--THE CONSTITUTION OF PENNSYLVANIA RECOGNIZES  
27 THAT ALL FREE GOVERNMENTS ARE FOUNDED UPON THE AUTHORITY OF THE  
28 PEOPLE. IT FURTHER PROVIDES THAT THE POWER TO MAKE LAW IN THIS  
29 COMMONWEALTH IS VESTED IN THE GENERAL ASSEMBLY, AND THE POWER TO  
30 ENFORCE LAW IS VESTED IN THE EXECUTIVE DEPARTMENT. THE

1 CONSTITUTION ALSO GUARANTEES THE PEOPLE THE RIGHT TO PETITION  
2 THOSE INVESTED WITH THE POWERS OF GOVERNMENT FOR REDRESS OF  
3 GRIEVANCES. THE ABILITY OF THE PEOPLE TO EXERCISE THEIR  
4 FUNDAMENTAL AUTHORITY AND TO HAVE CONFIDENCE IN THE INTEGRITY OF  
5 THE PROCESSES BY WHICH LAWS ARE MADE AND ENFORCED IN THIS  
6 COMMONWEALTH DEMANDS THAT THE IDENTITY AND SCOPE OF ACTIVITY OF  
7 THOSE WHO ARE PAID TO INFLUENCE THE ACTIONS OF THE GENERAL  
8 ASSEMBLY AND THE EXECUTIVE DEPARTMENT BE PUBLICLY AND REGULARLY  
9 DISCLOSED.

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

22 (C) REGULATED PROFESSION.--MEMBERSHIP IN A REGULATED  
23 PROFESSION SHALL NOT EXCUSE A LOBBYIST FROM COMPLIANCE WITH THIS  
24 CHAPTER.

25 (D) ADMINISTRATIVE AGENCY LAW.--PROCEEDINGS OF THE  
26 COMMISSION ARE SUBJECT TO 2 PA.C.S. CHS. 5 SUBCH. A (RELATING TO  
27 PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES) AND 7 SUBCH. A  
28 (RELATING TO JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION).

29 § 1303-A. 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 STATEMENT OF  
8 POLICY;

9 (III) APPROVAL OR REJECTION OF A REGULATION; OR

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

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

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

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

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

20 "AFFILIATED POLITICAL ACTION COMMITTEE." AS FOLLOWS:

21 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A "POLITICAL  
22 ACTION COMMITTEE" AS DEFINED IN SECTION 1621(L) OF THE ACT OF  
23 JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA  
24 ELECTION CODE, WHICH HAS AN OFFICER WHO:

25 (I) MUST BE INCLUDED IN A REGISTRATION STATEMENT  
26 UNDER SECTION 1624(B)(2) AND (3) OF THE PENNSYLVANIA  
27 ELECTION CODE; AND

28 (II) IS:

29 (A) A PRINCIPAL;

30 (B) AN OFFICER OR AN EMPLOYEE OF A PRINCIPAL;

1 (C) A LOBBYIST; OR

2 (D) AN EMPLOYEE OF A LOBBYIST.

3 (2) IF AN EMPLOYEE OF A REGISTRANT SERVES AS THE OFFICER  
4 OF A POLITICAL ACTION COMMITTEE IN WHAT IS CLEARLY A PERSONAL  
5 CAPACITY AND THE GOALS AND MISSION OF THAT POLITICAL ACTION  
6 COMMITTEE CLEARLY HAVE NO RELATIONSHIP TO THE GOALS AND  
7 MISSION OF THE REGISTRANT, THAT POLITICAL ACTION COMMITTEE  
8 SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL ACTION  
9 COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

10 "AGENCY." AN AGENCY, BOARD, COMMISSION, AUTHORITY OR  
11 DEPARTMENT OF THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

12 "ATTORNEY AT LAW." AN INDIVIDUAL ADMITTED TO PRACTICE LAW BY  
13 A COURT OF RECORD OF THIS COMMONWEALTH.

14 "BIDDER." AS DEFINED IN 62 PA.C.S. § 103 (RELATING TO  
15 DEFINITIONS).

16 "BOARD." THE DISCIPLINARY BOARD OF THE SUPREME COURT OF  
17 PENNSYLVANIA.

18 "COMMISSION." THE STATE ETHICS COMMISSION.

19 "COMPENSATION." ANYTHING OF VALUE, INCLUDING BENEFITS,  
20 RECEIVED OR TO BE RECEIVED FROM A PRINCIPAL BY ONE ACTING AS A  
21 LOBBYIST.

22 "CONTRACTOR." AS DEFINED IN 62 PA.C.S. § 103 (RELATING TO  
23 DEFINITIONS).

24 "DEPARTMENT." THE DEPARTMENT OF STATE OF THE COMMONWEALTH.

25 "DIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL OR  
26 BY ANY OTHER MEDIUM, MADE BY A LOBBYIST OR PRINCIPAL, DIRECTED  
27 TO A STATE OFFICIAL OR EMPLOYEE, THE PURPOSE OR FORESEEABLE  
28 EFFECT OF WHICH IS TO INFLUENCE LEGISLATIVE ACTION OR  
29 ADMINISTRATIVE ACTION. THE TERM MAY INCLUDE PERSONNEL EXPENSES  
30 AND OFFICE EXPENSES.

1 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR  
2 RECEIVED. THE TERM INCLUDES COMPENSATION AND REIMBURSEMENT FOR  
3 EXPENSES.

4 "FUND." THE LOBBYING DISCLOSURE FUND ESTABLISHED IN SECTION  
5 1310-A (B) (RELATING TO REGISTRATION FEES; FUND ESTABLISHED;  
6 SYSTEM; REGULATIONS).

7 "GIFT." ANYTHING WHICH IS RECEIVED WITHOUT CONSIDERATION OF  
8 EQUAL OR GREATER VALUE. THE TERM SHALL NOT INCLUDE A POLITICAL  
9 CONTRIBUTION OTHERWISE REPORTABLE AS REQUIRED BY LAW OR A  
10 COMMERCIALY REASONABLE LOAN MADE IN THE ORDINARY COURSE OF  
11 BUSINESS. THE TERM SHALL NOT INCLUDE HOSPITALITY, TRANSPORTATION  
12 OR LODGING.

13 "HOSPITALITY." INCLUDES ALL OF THE FOLLOWING:

14 (1) MEALS.

15 (2) BEVERAGES.

16 (3) RECREATION AND ENTERTAINMENT.

17 THE TERM SHALL NOT INCLUDE GIFTS, TRANSPORTATION OR LODGING.

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

20 "INDIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL  
21 OR BY ANY OTHER MEDIUM, TO ENCOURAGE OTHERS, INCLUDING THE  
22 GENERAL PUBLIC, TO TAKE ACTION, THE PURPOSE OR FORESEEABLE  
23 EFFECT OF WHICH IS TO DIRECTLY INFLUENCE LEGISLATIVE ACTION OR  
24 ADMINISTRATIVE ACTION.

25 (1) THE TERM INCLUDES LETTER-WRITING CAMPAIGNS,  
26 MAILINGS, TELEPHONE BANKS, PRINT AND ELECTRONIC MEDIA  
27 ADVERTISING, BILLBOARDS, PUBLICATIONS AND EDUCATIONAL  
28 CAMPAIGNS ON PUBLIC ISSUES.

29 (2) THE TERM DOES NOT INCLUDE REGULARLY PUBLISHED  
30 PERIODIC NEWSLETTERS PRIMARILY DESIGNED FOR AND DISTRIBUTED

1 TO MEMBERS OF A BONA FIDE ASSOCIATION OR CHARITABLE OR  
2 FRATERNAL NONPROFIT CORPORATION.

3 (3) THE TERM MAY INCLUDE PERSONNEL EXPENSES AND OFFICE  
4 EXPENSES.

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

10 "LEGISLATIVE ACTION." AN ACTION TAKEN BY A STATE OFFICIAL OR  
11 EMPLOYEE INVOLVING THE PREPARATION, RESEARCH, DRAFTING,  
12 INTRODUCTION, CONSIDERATION, MODIFICATION, AMENDMENT, APPROVAL,  
13 PASSAGE, ENACTMENT, TABLING, POSTPONEMENT, DEFEAT OR REJECTION  
14 OF:

15 (1) LEGISLATION;

16 (2) LEGISLATIVE MOTIONS;

17 (3) A VETO BY THE GOVERNOR; OR

18 (4) CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OR  
19 APPOINTMENTS TO PUBLIC BOARDS OR COMMISSIONS BY A MEMBER OF  
20 THE GENERAL ASSEMBLY.

21 "LOBBYING." AN EFFORT TO INFLUENCE LEGISLATIVE ACTION OR  
22 ADMINISTRATIVE ACTION IN THIS COMMONWEALTH. THE TERM INCLUDES:

23 (1) DIRECT OR INDIRECT COMMUNICATION;

24 (2) OFFICE EXPENSES; AND

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

28 "LOBBYING FIRM." AN ENTITY THAT ENGAGES IN LOBBYING FOR  
29 ECONOMIC CONSIDERATION ON BEHALF OF A PRINCIPAL OTHER THAN THE  
30 ENTITY ITSELF.

1 "LOBBYIST." ANY INDIVIDUAL, ASSOCIATION, CORPORATION,  
2 PARTNERSHIP, BUSINESS TRUST OR OTHER ENTITY THAT ENGAGES IN  
3 LOBBYING ON BEHALF OF A PRINCIPAL FOR ECONOMIC CONSIDERATION.  
4 THE TERM INCLUDES AN ATTORNEY AT LAW WHILE ENGAGED IN LOBBYING.

5 "OFFEROR." AS DEFINED IN 62 PA.C.S. § 103 (RELATING TO  
6 DEFINITIONS).

7 "OFFICE EXPENSE." AN EXPENDITURE FOR AN OFFICE, EQUIPMENT OR  
8 SUPPLIES, UTILIZED FOR LOBBYING.

9 "PERSONNEL EXPENSE." AN EXPENDITURE FOR SALARIES OR OTHER  
10 FORMS OF COMPENSATION, BENEFITS, VEHICLE ALLOWANCES, BONUSES AND  
11 REIMBURSABLE EXPENSES PAID TO LOBBYISTS, LOBBYING STAFF,  
12 RESEARCH AND MONITORING STAFF, CONSULTANTS, PUBLICATIONS AND  
13 PUBLIC RELATIONS STAFF, TECHNICAL STAFF, CLERICAL AND  
14 ADMINISTRATIVE SUPPORT STAFF AND INCLUDES INDIVIDUALS WHO ENGAGE  
15 IN LOBBYING BUT ARE EXEMPT FROM REPORTING UNDER SECTION 1306-A  
16 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING). FOR AN  
17 INDIVIDUAL FOR WHOM LOBBYING IS INCIDENTAL TO REGULAR  
18 EMPLOYMENT, THE TERM MEANS A GOOD FAITH PRORATED ESTIMATE BASED  
19 ON THE VALUE OF THE TIME DEVOTED TO LOBBYING.

20 "PRINCIPAL." AN INDIVIDUAL, ASSOCIATION, CORPORATION,  
21 PARTNERSHIP, BUSINESS TRUST OR OTHER ENTITY:

22 (1) ON WHOSE BEHALF A LOBBYING FIRM OR LOBBYIST ENGAGES  
23 IN LOBBYING; OR

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

26 "REGISTRANT." A REGISTERED LOBBYIST, REGISTERED LOBBYING  
27 FIRM OR REGISTERED PRINCIPAL.

28 "REGULATION." ANY RULE, REGULATION OR ORDER IN THE NATURE OF  
29 A RULE OR REGULATION, INCLUDING FORMAL AND INFORMAL OPINIONS OF  
30 THE ATTORNEY GENERAL, OF GENERAL APPLICATION AND FUTURE EFFECT,

1 PROMULGATED BY AN AGENCY UNDER STATUTORY AUTHORITY IN THE  
2 ADMINISTRATION OF A STATUTE ADMINISTERED BY OR RELATING TO THE  
3 AGENCY OR PRESCRIBING THE PRACTICE OR PROCEDURE BEFORE THE  
4 AGENCY.

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

- 6 (1) JANUARY 1 THROUGH MARCH 31.
- 7 (2) APRIL 1 THROUGH JUNE 30.
- 8 (3) JULY 1 THROUGH SEPTEMBER 30.
- 9 (4) OCTOBER 1 THROUGH DECEMBER 31.

10 "STATE BUDGET PROCESS." THE CONSIDERATION AND PASSAGE OF  
11 ACTS RELATING TO EXPENDITURES OF FUNDS AND THE GENERATION OF  
12 REVENUES BY THE GENERAL ASSEMBLY.

13 "STATEMENT OF POLICY." THE TERM INCLUDES A GUIDELINE.

14 "STATE OFFICIAL OR EMPLOYEE." AN INDIVIDUAL ELECTED OR  
15 APPOINTED TO A POSITION IN STATE GOVERNMENT OR EMPLOYED BY STATE  
16 GOVERNMENT, WHETHER COMPENSATED OR UNCOMPENSATED, WHO IS  
17 INVOLVED IN LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION.

18 "VENDOR." ANY OFFEROR, BIDDER OR CONTRACTOR THAT, FOR  
19 ECONOMIC CONSIDERATION, SELLS OR PROVIDES A SERVICE OR SUPPLY OR  
20 ENGAGES IN CONSTRUCTION. THE TERM DOES NOT INCLUDE AN ATTORNEY  
21 AT LAW, A LOBBYIST OR A LOBBYING FIRM.

22 § 1304-A. REGISTRATION.

23 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 1306-A  
24 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A  
25 LOBBYIST, LOBBYING FIRM OR A PRINCIPAL MUST REGISTER WITH THE  
26 DEPARTMENT WITHIN TEN DAYS OF ACTING IN ANY CAPACITY AS A  
27 LOBBYIST, LOBBYING FIRM OR PRINCIPAL. REGISTRATION SHALL BE  
28 BIENNIAL AND SHALL BEGIN JANUARY 1, 2007.

29 (B) PRINCIPALS AND LOBBYING FIRMS.--

30 (1) A PRINCIPAL OR LOBBYING FIRM REQUIRED TO REGISTER

1 UNDER SUBSECTION (A) SHALL FILE A SINGLE REGISTRATION  
2 STATEMENT SETTING FORTH THE FOLLOWING INFORMATION WITH THE  
3 DEPARTMENT:

4 (I) NAME.

5 (II) PERMANENT ADDRESS.

6 (III) DAYTIME TELEPHONE NUMBER.

7 (IV) E-MAIL ADDRESS, IF AVAILABLE.

8 (V) NAME AND NATURE OF BUSINESS.

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

11 (VII) NAME AND PERMANENT BUSINESS ADDRESS OF EACH  
12 INDIVIDUAL WHO WILL FOR ECONOMIC CONSIDERATION ENGAGE IN  
13 LOBBYING ON BEHALF OF THE PRINCIPAL OR LOBBYING FIRM.

14 (VIII) REGISTRATION NUMBER WHEN AVAILABLE.

15 (2) A LOBBYING FIRM SHALL INCLUDE IN ITS STATEMENT UNDER  
16 PARAGRAPH (1) THE FOLLOWING INFORMATION FOR EACH  
17 PRINCIPAL IT REPRESENTS:

18 (I) NAME.

19 (II) PERMANENT BUSINESS ADDRESS.

20 (III) TELEPHONE NUMBER.

21 (IV) REGISTRATION NUMBER WHEN AVAILABLE.

22 (3) A PRINCIPAL THAT IS AN ASSOCIATION OR ORGANIZATION  
23 SHALL INCLUDE IN ITS STATEMENT UNDER PARAGRAPH (1) THE NUMBER  
24 OF DUES-PAYING MEMBERS OF THE ASSOCIATION OR ORGANIZATION IN  
25 THE MOST RECENTLY COMPLETED CALENDAR YEAR.

26 (C) LOBBYIST.--A LOBBYIST WHO IS REQUIRED TO REGISTER UNDER  
27 SUBSECTION (A) SHALL FILE A SINGLE REGISTRATION STATEMENT  
28 SETTING FORTH THE FOLLOWING INFORMATION WITH THE DEPARTMENT:

29 (1) NAME.

30 (2) PERMANENT BUSINESS ADDRESS.

1 (3) DAYTIME TELEPHONE NUMBER.

2 (4) E-MAIL ADDRESS, IF AVAILABLE.

3 (5) A RECENT PHOTOGRAPH OF THE LOBBYIST.

4 (6) NAME, PERMANENT BUSINESS ADDRESS, DAYTIME TELEPHONE  
5 NUMBER AND REGISTRATION NUMBER WHEN AVAILABLE OF EACH  
6 PRINCIPAL FOR WHOM THE LOBBYIST WILL ENGAGE IN LOBBYING.

7 (7) NAME AND REGISTRATION NUMBER WHEN AVAILABLE OF ANY  
8 LOBBYING FIRM WITH WHICH THE LOBBYIST HAS A RELATIONSHIP  
9 INVOLVING ECONOMIC CONSIDERATION.

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

12 (9) NAME, REGISTRATION NUMBER AND ACRONYM OF ANY  
13 CANDIDATE POLITICAL COMMITTEE OF WHICH THE LOBBYIST IS AN  
14 OFFICER WHO MUST BE INCLUDED IN A REGISTRATION STATEMENT  
15 UNDER SECTION 1624(B)(2) AND (3) OF THE ACT OF JUNE 3, 1937  
16 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE.

17 (D) AMENDMENTS.--

18 (1) IF THERE IS A CHANGE OF INFORMATION REQUIRED FOR THE  
19 REGISTRATION STATEMENT UNDER SUBSECTION (B)(1) OR (2) OR (C),  
20 AN AMENDED REGISTRATION STATEMENT SHALL BE FILED WITH THE  
21 DEPARTMENT WITHIN 14 DAYS AFTER THE CHANGE OCCURS.

22 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR  
23 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(3), AN  
24 AMENDED REGISTRATION STATEMENT SHALL BE FILED WITH THE  
25 DEPARTMENT WITHIN 14 DAYS OF THE END OF THE YEAR IN WHICH THE  
26 CHANGE OCCURS.

27 (E) TERMINATION.--

28 (1) A LOBBYIST, LOBBYING FIRM OR PRINCIPAL MAY TERMINATE  
29 REGISTRATION BY FILING NOTICE OF TERMINATION WITH THE  
30 DEPARTMENT.



1           (2) AFTER A REVIEW OF THE NOTICE OF TERMINATION, BUT NO  
2 LATER THAN 15 DAYS AFTER RECEIPT OF THE NOTICE, THE  
3 DEPARTMENT SHALL ISSUE TO THE LOBBYIST, LOBBYING FIRM OR  
4 PRINCIPAL A LETTER STATING THAT THE REGISTRANT HAS TERMINATED  
5 REGISTRATION. THE FILING OF NOTICE SHALL NOT AFFECT THE  
6 COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS AND HEARINGS  
7 UNDER SECTION 1308-A(G) (RELATING TO ADMINISTRATION).

8           (3) NO LOBBYING MAY OCCUR AFTER THE FILING OF NOTICE OF  
9 TERMINATION UNLESS THE LOBBYING IS PURSUANT TO A SEPARATE  
10 REGISTRATION STATEMENT WHICH IS FILED WITH THE DEPARTMENT AND  
11 WHICH, AT THE TIME OF THE LOBBYING, HAS NOT BEEN TERMINATED.

12           (4) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO  
13 EXEMPT A LOBBYIST, LOBBYING FIRM OR PRINCIPAL FROM ANY OF THE  
14 REQUIREMENTS IN SECTION 1305-A (RELATING TO REPORTING).

15 § 1305-A. REPORTING.

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

20           (B) CONTENT.--

21           (1) EACH EXPENSE REPORT MUST LIST THE NAMES AND  
22 REGISTRATION NUMBERS WHEN AVAILABLE OF ALL LOBBYISTS BY WHOM  
23 LOBBYING IS CONDUCTED ON BEHALF OF THE PRINCIPAL AND THE  
24 GENERAL SUBJECT MATTER OR ISSUE BEING LOBBIED.

25           (2) EACH EXPENSE REPORT SHALL INCLUDE THE TOTAL COSTS OF  
26 ALL LOBBYING FOR THE PERIOD. THE TOTAL SHALL INCLUDE ALL  
27 OFFICE EXPENSES, PERSONNEL EXPENSES, EXPENDITURES RELATED TO  
28 GIFTS, HOSPITALITY, TRANSPORTATION AND LODGING TO STATE  
29 OFFICIALS OR EMPLOYEES, AND ANY OTHER LOBBYING COSTS. THE  
30 TOTAL AMOUNT REPORTED UNDER THIS PARAGRAPH SHALL BE ALLOCATED

1 IN ITS ENTIRETY AMONG THE FOLLOWING CATEGORIES:

2 (I) THE COSTS FOR GIFTS, HOSPITALITY, TRANSPORTATION  
3 AND LODGING GIVEN TO OR PROVIDED TO STATE OFFICIALS OR  
4 EMPLOYEES OR THEIR IMMEDIATE FAMILIES.

5 (II) THE COSTS FOR DIRECT COMMUNICATION.

6 (III) THE COSTS FOR INDIRECT COMMUNICATION.

7 (IV) EXPENSES REQUIRED TO BE REPORTED UNDER THIS  
8 SUBSECTION SHALL BE ALLOCATED TO ONE OF THE THREE  
9 CATEGORIES LISTED UNDER THIS SECTION AND SHALL NOT BE  
10 INCLUDED IN MORE THAN ONE CATEGORY.

11 (2.1) FOR PURPOSES OF FILING AN EXPENSE REPORT UNDER  
12 THIS SUBSECTION, A REGISTRANT MAY USE ANY REASONABLE METHODS  
13 OF ESTIMATION AND ALLOCATION.

14 (3) THE FOLLOWING APPLY:

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

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

25 (III) FOR PURPOSES OF THIS CHAPTER, THE AMOUNT  
26 REFERRED TO IN SECTION 1105(B)(7) SHALL NOT INCLUDE THE  
27 COST OF A RECEPTION WHICH THE STATE OFFICIAL OR EMPLOYEE  
28 ATTENDS IN CONNECTION WITH PUBLIC OFFICE OR EMPLOYMENT.

29 (IV) WRITTEN NOTICE MUST BE GIVEN TO EACH STATE  
30 OFFICIAL OR EMPLOYEE WHO IS LISTED IN AN EXPENSE REPORT

1 UNDER THIS PARAGRAPH AT LEAST SEVEN DAYS PRIOR TO THE  
2 REPORT'S SUBMISSION TO THE DEPARTMENT. NOTICE UNDER THIS  
3 SUBPARAGRAPH SHALL INCLUDE THE INFORMATION WHICH WILL  
4 ENABLE THE STATE OFFICIAL OR EMPLOYEE TO COMPLY WITH  
5 SECTION 1105(B)(6) AND (7). FOR PURPOSES OF THIS CHAPTER  
6 AND CHAPTER 11 (RELATING TO ETHICS STANDARDS AND  
7 FINANCIAL DISCLOSURE), SECTION 1105(B)(6) AND (7) SHALL  
8 CONSTITUTE MUTUALLY EXCLUSIVE CATEGORIES. FOR EACH  
9 CATEGORY ENUMERATED IN PARAGRAPH (2)(I), EACH NOTICE  
10 SHALL INCLUDE BOTH THE AMOUNT INCURRED DURING THE QUARTER  
11 AND THE CUMULATIVE AMOUNT INCURRED FROM JANUARY 1 THROUGH  
12 THE END OF THE APPLICABLE QUARTER.

13 (V) THIS PARAGRAPH SHALL NOT APPLY TO ANYTHING OF  
14 VALUE RECEIVED FROM IMMEDIATE FAMILY WHEN THE  
15 CIRCUMSTANCES MAKE IT CLEAR THAT MOTIVATION FOR THE  
16 ACTION WAS THE PERSONAL OR FAMILY RELATIONSHIP.

17 (4) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A  
18 LOBBYING FIRM SHALL SIGN THE REPORTS SUBMITTED BY EACH  
19 PRINCIPAL FOR WHOM THE LOBBYING FIRM OR LOBBYIST IS  
20 REGISTERED TO ATTEST TO THE VALIDITY AND ACCURACY TO THE BEST  
21 OF THE ATTESTOR'S KNOWLEDGE. A LOBBYING FIRM OR LOBBYIST MAY  
22 ATTACH A STATEMENT TO THE REPORT OF A PRINCIPAL, DESCRIBING  
23 THE LIMITS OF THE KNOWLEDGE OF THE LOBBYING FIRM OR LOBBYIST  
24 CONCERNING THE INFORMATION CONTAINED IN THE EXPENSE REPORT.

25 (5) THE EXPENSE REPORT SHALL ALSO INCLUDE THE NAME,  
26 PERMANENT BUSINESS ADDRESS AND DAYTIME TELEPHONE NUMBER OF  
27 ANY INDIVIDUAL, ASSOCIATION, CORPORATION, PARTNERSHIP,  
28 BUSINESS TRUST OR OTHER BUSINESS ENTITY WHICH CONTRIBUTED  
29 MORE THAN 10% OF THE TOTAL RESOURCES RECEIVED BY THE  
30 PRINCIPAL DURING THE REPORTING PERIOD.

1 (6) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A  
2 LOBBYING FIRM SHALL SUBMIT AN EXPENSE REPORT IF DURING THE  
3 REPORTING PERIOD THE LOBBYING FIRM OR LOBBYIST ENGAGED IN  
4 LOBBYING WHICH WAS NOT CONTAINED IN ANY EXPENSE REPORT FILED  
5 BY A PRINCIPAL OR PRINCIPALS REPRESENTED.

6 (7) A REGISTERED PRINCIPAL THAT ATTEMPTS OR THAT RETAINS  
7 A LOBBYING FIRM OR LOBBYIST TO ATTEMPT TO INFLUENCE AN  
8 AGENCY'S PREPARING, BIDDING, ENTERING INTO OR APPROVING A  
9 CONTRACT SHALL ENSURE THAT THE RELATED EXPENSES ARE INCLUDED  
10 UNDER PARAGRAPH (2).

11 (8) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A  
12 LOBBYING FIRM SHALL SUBMIT A REPORT IF THE LOBBYING FIRM OR  
13 LOBBYIST ENGAGED IN LOBBYING ON BEHALF OF ANY ENTITY THAT IS  
14 EXEMPT UNDER SECTION 1306-A (7), (8), (9) OR (10) (RELATING  
15 TO EXEMPTION FROM REGISTRATION AND REPORTING).

16 (C) RECORDS RETENTION.--A REGISTRANT SHALL RETAIN ALL  
17 DOCUMENTS REASONABLY NECESSARY TO SUBSTANTIATE THE REPORTS TO BE  
18 MADE UNDER THIS SECTION FOR FOUR YEARS FROM THE DATE OF FILING  
19 THE SUBJECT REPORT. UPON REQUEST BY THE OFFICE OF ATTORNEY  
20 GENERAL, THE BOARD, THE COMMISSION OR THE DEPARTMENT, THESE  
21 MATERIALS SHALL BE MADE AVAILABLE FOR INSPECTION WITHIN A  
22 REASONABLE PERIOD OF TIME.

23 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT REQUIRED  
24 UNDER THIS SECTION SHALL BE FILED WHEN TOTAL EXPENSES FOR  
25 LOBBYING EXCEED \$2,500 FOR A REGISTERED PRINCIPAL IN A REPORTING  
26 PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES ARE \$2,500  
27 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED.

28 (E) INDIRECT COMMUNICATION DISCLOSURE.--WHENEVER ANY PERSON  
29 MAKES AN EXPENDITURE FOR INDIRECT COMMUNICATION UNDER THIS  
30 CHAPTER, FOR THE PURPOSE OF DISSEMINATING OR INITIATING A

1 COMMUNICATION, SUCH AS A MAILING, TELEPHONE BANK, PRINT OR  
2 ELECTRONIC MEDIA ADVERTISEMENT, BILLBOARD, PUBLICATION OR  
3 EDUCATION CAMPAIGN, THE COMMUNICATION SHALL CLEARLY AND  
4 CONSPICUOUSLY STATE THE NAME OF THE PERSON WHO MADE OR FINANCED  
5 THE EXPENDITURE FOR THE COMMUNICATION.

6 § 1306-A. EXEMPTION FROM REGISTRATION AND REPORTING.

7 THE FOLLOWING PERSONS AND ACTIVITIES SHALL BE EXEMPT FROM  
8 REGISTRATION UNDER SECTION 1304-A (RELATING TO REGISTRATION) AND  
9 REPORTING UNDER SECTION 1305-A (RELATING TO REPORTING):

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

14 (2) AN INDIVIDUAL WHO IS AN EMPLOYEE OF AN ENTITY  
15 ENGAGED IN THE BUSINESS OF PUBLISHING OR BROADCASTING WHILE  
16 ENGAGED IN THE GATHERING AND DISSEMINATION OF NEWS AND  
17 COMMENT ON THE NEWS TO THE GENERAL PUBLIC IN THE ORDINARY  
18 COURSE OF BUSINESS.

19 (3) AN INDIVIDUAL WHO DOES NOT RECEIVE ECONOMIC  
20 CONSIDERATION FOR LOBBYING.

21 (4) AN INDIVIDUAL WHOSE ECONOMIC CONSIDERATION FOR  
22 LOBBYING, FROM ALL PRINCIPALS REPRESENTED, DOES NOT EXCEED  
23 \$2,500 IN THE AGGREGATE DURING ANY REPORTING PERIOD.

24 (5) AN INDIVIDUAL WHO ENGAGES IN LOBBYING ON BEHALF OF  
25 THE INDIVIDUAL'S EMPLOYER IF THE LOBBYING REPRESENTS LESS  
26 THAN 20 HOURS DURING ANY REPORTING PERIOD.

27 (6) EXCEPT AS REQUIRED UNDER SECTION 1305-A(D), A  
28 PRINCIPAL WHOSE TOTAL EXPENSES FOR LOBBYING PURPOSES DO NOT  
29 EXCEED \$2,500 DURING ANY REPORTING PERIOD.

30 (7) AN ELECTED STATE OFFICIAL WHO ACTS IN AN OFFICIAL

1 CAPACITY.

2 (8) AN APPOINTED STATE OFFICIAL ACTING IN AN OFFICIAL  
3 CAPACITY.

4 (9) AN ELECTED OR APPOINTED OFFICIAL OF A POLITICAL  
5 SUBDIVISION WHO IS ACTING IN AN OFFICIAL CAPACITY FOR THE  
6 POLITICAL SUBDIVISION.

7 (10) AN EMPLOYEE OF THE COMMONWEALTH OR AN AGENCY OF THE  
8 COMMONWEALTH WHO IS ACTING IN AN OFFICIAL CAPACITY FOR THE  
9 COMMONWEALTH OR AGENCY.

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

14 (12) AN INDIVIDUAL WHO IS NOT A REGISTERED LOBBYIST AND  
15 WHO SERVES ON AN ADVISORY BOARD, WORKING GROUP OR TASK FORCE  
16 AT THE REQUEST OF AN AGENCY OR THE GENERAL ASSEMBLY.

17 (13) PARTICIPATING AS A PARTY OR AS AN ATTORNEY AT LAW  
18 OR REPRESENTATIVE OF A PARTY, CASE OR CONTROVERSY IN ANY  
19 ADMINISTRATIVE ADJUDICATION PURSUANT TO 2 PA.C.S. (RELATING  
20 TO ADMINISTRATIVE LAW AND PROCEDURE).

21 (14) EXPENDITURES AND OTHER TRANSACTIONS SUBJECT TO  
22 REPORTING UNDER ARTICLE XVI OF THE ACT OF JUNE 3, 1937  
23 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE.

24 (15) VENDOR ACTIVITIES UNDER 62 PA.C.S. §§ 514 (RELATING  
25 TO SMALL PROCUREMENTS), 516 (RELATING TO EMERGENCY  
26 PROCUREMENTS) AND EFFORTS DIRECTLY RELATED TO RESPONDING TO  
27 PUBLICLY ADVERTISED INVITATIONS TO BID AND REQUESTS FOR  
28 PROPOSALS.

29 § 1307-A. PROHIBITED ACTIVITIES.

30 (A) POLITICAL COMMITTEES.--A LOBBYIST MAY NOT SERVE AS A

1 TREASURER OR OTHER OFFICER WHO MUST BE INCLUDED IN A  
2 REGISTRATION STATEMENT UNDER SECTION 1624(B)(2) AND (3) OF THE  
3 ACT OF JUNE 3, 1937 (P.L.1333, NO.320), KNOWN AS THE  
4 PENNSYLVANIA ELECTION CODE, FOR A CANDIDATE'S POLITICAL  
5 COMMITTEE OR A CANDIDATE'S POLITICAL ACTION COMMITTEE IF THE  
6 CANDIDATE IS SEEKING A STATEWIDE OFFICE OR THE OFFICE OF SENATOR  
7 OR REPRESENTATIVE IN THE GENERAL ASSEMBLY.

8 (B) FEE RESTRICTIONS.--A LOBBYIST MAY NOT CHARGE A FEE OR  
9 RECEIVE ECONOMIC CONSIDERATION BASED ON A CONTRACT, EITHER  
10 WRITTEN OR ORAL, THAT ANY PART OF THE FEE OR ECONOMIC  
11 CONSIDERATION WILL BE CONVERTED INTO A CONTRIBUTION TO A  
12 CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL COMMITTEE SUBJECT TO  
13 REPORTING UNDER ARTICLE XVI OF THE ACT OF JUNE 3, 1937  
14 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION CODE.

15 (C) FALSIFICATION.--A LOBBYIST, LOBBYING FIRM OR PRINCIPAL  
16 MAY NOT, FOR THE PURPOSE OF INFLUENCING LEGISLATIVE ACTION OR  
17 ADMINISTRATIVE ACTION, TRANSMIT, UTTER OR PUBLISH TO A STATE  
18 OFFICIAL OR EMPLOYEE A COMMUNICATION, KNOWING THAT THE  
19 COMMUNICATION OR A SIGNATURE ON THE COMMUNICATION IS FALSE,  
20 FORGED, COUNTERFEIT 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 ON ANY SUBJECT MATTER  
24 IN WHICH THE PRINCIPAL'S INTERESTS ARE DIRECTLY ADVERSE TO  
25 THE INTERESTS OF ANOTHER PRINCIPAL CURRENTLY REPRESENTED BY  
26 THE LOBBYIST OR PREVIOUSLY REPRESENTED BY THE LOBBYIST DURING  
27 THE CURRENT SESSION OF THE GENERAL ASSEMBLY OR THE LOBBYIST'S  
28 OWN INTERESTS.

29 (2) A LOBBYIST MAY REPRESENT A PRINCIPAL IN  
30 CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) IF:

1 (I) THE LOBBYIST REASONABLY BELIEVES THAT THE  
2 LOBBYIST WILL BE ABLE TO PROVIDE COMPETENT AND DILIGENT  
3 REPRESENTATION TO EACH AFFECTED PRINCIPAL;

4 (II) THE LOBBYIST PROVIDES WRITTEN NOTICE TO EACH  
5 AFFECTED PRINCIPAL UPON BECOMING AWARE OF THE CONFLICT;  
6 AND

7 (III) EACH AFFECTED PRINCIPAL PROVIDES INFORMED  
8 CONSENT WAIVING THE CONFLICT OF INTEREST.

9 (3) IF A LOBBYIST REPRESENTS A PRINCIPAL IN VIOLATION OF  
10 THIS SECTION OR IF MULTIPLE REPRESENTATION PROPERLY ACCEPTED  
11 BECOMES IMPROPER UNDER THIS SECTION AND THE CONFLICT IS NOT  
12 WAIVED, THE LOBBYIST SHALL PROMPTLY WITHDRAW FROM ONE OR MORE  
13 REPRESENTATIONS TO THE EXTENT NECESSARY FOR REMAINING  
14 REPRESENTATION TO NOT BE IN VIOLATION OF THIS SECTION.

15 (4) IF A LOBBYIST IS PROHIBITED BY THIS SECTION FROM  
16 ENGAGING IN PARTICULAR CONDUCT, AN EMPLOYER OF THE LOBBYIST  
17 OR A PARTNER OR OTHER PERSON ASSOCIATED WITH THE LOBBYIST MAY  
18 NOT ENGAGE IN THE PARTICULAR CONDUCT.

19 (5) A PRINCIPAL OR LOBBYIST REQUIRED TO REPORT UNDER  
20 SECTION 1305-A (RELATING TO REPORTING) SHALL INCLUDE IN THE  
21 REPORT A STATEMENT AFFIRMING THAT TO THE BEST OF THE  
22 PRINCIPAL'S OR LOBBYIST'S KNOWLEDGE THE PRINCIPAL OR LOBBYIST  
23 HAS COMPLIED WITH THIS SECTION.

24 (6) EXCEPT AS PROVIDED IN PARAGRAPH (8), THE COMMISSION  
25 MAY RECEIVE COMPLAINTS REGARDING VIOLATIONS OF THIS  
26 SUBSECTION. IF THE COMMISSION DETERMINES A VIOLATION OF THIS  
27 SUBSECTION HAS OCCURRED, THE COMMISSION, AFTER INVESTIGATION,  
28 NOTICE AND HEARING:

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



1 (II) MAY PROHIBIT A LOBBYIST FROM LOBBYING FOR  
2 ECONOMIC CONSIDERATION FOR UP TO FIVE YEARS.

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

9 (8) COMPLAINTS REGARDING VIOLATIONS OF THIS SUBSECTION  
10 INVOLVING A LOBBYIST OR PRINCIPAL WHO IS AN ATTORNEY AT LAW  
11 SHALL BE REFERRED TO THE BOARD TO BE INVESTIGATED, CONSIDERED  
12 AND RESOLVED IN A MANNER CONSISTENT WITH THE RULES OF  
13 PROFESSIONAL CONDUCT.

14 (D.1) MULTIPLE PRINCIPALS.--NOTHING IN THIS SECTION SHALL BE  
15 CONSTRUED TO REQUIRE A LOBBYIST REPRESENTING MULTIPLE PRINCIPALS  
16 WHO EACH HAVE AN INTEREST IN THE STATE BUDGET PROCESS TO COMPLY  
17 WITH SUBSECTION (D)(2) UNLESS A CONFLICT OF INTEREST EXISTS  
18 UNDER SUBSECTION (D)(1).

19 (E) CONTINGENT COMPENSATION.--

20 (1) A PERSON MAY NOT COMPENSATE OR INCUR AN OBLIGATION  
21 TO COMPENSATE A PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION  
22 CONTINGENT IN WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

23 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF  
24 LEGISLATIVE ACTION.

25 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN  
26 ADMINISTRATIVE ACTION OTHER THAN PROCUREMENT DESCRIBED IN  
27 PARAGRAPH (1)(IV) OF THE DEFINITION OF "ADMINISTRATIVE  
28 ACTION" UNDER SECTION 1303-A (RELATING TO DEFINITIONS).

29 (2) A PERSON MAY NOT ENGAGE IN OR AGREE TO ENGAGE IN  
30 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON

1 ANY OF

2 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF  
3 LEGISLATIVE ACTION.

4 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN  
5 ADMINISTRATIVE ACTION OTHER THAN PROCUREMENT DESCRIBED IN  
6 PARAGRAPH (1)(IV) OF THE DEFINITION OF "ADMINISTRATIVE  
7 ACTION" UNDER SECTION 1303-A.

8 (3) THIS SUBSECTION SHALL NOT APPLY TO VENDORS.

9 (F) TRAVEL ON STATE-OWNED PLANE OR OTHER AIRCRAFT.--A  
10 LOBBYIST MAY NOT TRAVEL ON ANY STATE-OWNED PLANE OR OTHER STATE-  
11 OWNED AIRCRAFT.

12 (G) UNLAWFUL ACTS.--

13 (1) A LOBBYIST OR PRINCIPAL MAY NOT:

14 (I) INSTIGATE THE INTRODUCTION OF LEGISLATION FOR  
15 THE PURPOSE OF OBTAINING EMPLOYMENT TO LOBBY IN  
16 OPPOSITION TO THAT LEGISLATION.

17 (II) KNOWINGLY COUNSEL A PERSON TO VIOLATE THIS  
18 CHAPTER OR ANY OTHER FEDERAL OR STATE STATUTE.

19 (III) ENGAGE IN OR COUNSEL A PERSON TO ENGAGE IN  
20 FRAUDULENT CONDUCT.

21 (IV) ATTEMPT TO INFLUENCE A STATE OFFICIAL OR  
22 EMPLOYEE ON LEGISLATIVE OR ADMINISTRATIVE ACTION BY  
23 MAKING OR FACILITATING THE MAKING OF A LOAN TO THE STATE  
24 OFFICIAL OR EMPLOYEE.

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

28 (VI) COMMIT A CRIMINAL OFFENSE ARISING FROM  
29 LOBBYING.

30 (VII) INFLUENCE OR ATTEMPT TO INFLUENCE, BY

1 COERCION, BRIBERY OR THREAT OF ECONOMIC SANCTION, A STATE  
2 OFFICIAL OR EMPLOYEE IN THE DISCHARGE OF THE DUTIES OF  
3 OFFICE.

4 (VIII) EXTORT OR OTHERWISE UNLAWFULLY RETALIATE  
5 AGAINST A STATE OFFICIAL OR EMPLOYEE BY REASON OF THE  
6 STATE OFFICIAL'S OR EMPLOYEE'S POSITION WITH RESPECT TO,  
7 OR VOTE ON, ADMINISTRATIVE OR LEGISLATIVE ACTION.

8 (IX) ATTEMPT TO INFLUENCE A STATE OFFICIAL OR  
9 EMPLOYEE ON LEGISLATIVE OR ADMINISTRATIVE ACTION BY THE  
10 PROMISE OF FINANCIAL SUPPORT OR THE FINANCING OF  
11 OPPOSITION TO THE CANDIDACY OF THE STATE OFFICIAL OR  
12 EMPLOYEE AT A FUTURE ELECTION.

13 (X) ENGAGE IN CONDUCT WHICH BRINGS THE PRACTICE OF  
14 LOBBYING OR THE LEGISLATIVE OR EXECUTIVE BRANCHES OF  
15 STATE GOVERNMENT INTO DISREPUTE.

16 (2) THE COMMISSION MAY RECEIVE COMPLAINTS REGARDING  
17 VIOLATIONS OF THIS SUBSECTION. IF THE COMMISSION DETERMINES A  
18 VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COMMISSION,  
19 AFTER INVESTIGATION, NOTICE AND HEARING:

20 (I) SHALL IMPOSE AN ADMINISTRATIVE PENALTY IN AN  
21 AMOUNT NOT TO EXCEED \$2,000; AND

22 (II) MAY PROHIBIT A LOBBYIST FROM LOBBYING FOR  
23 ECONOMIC CONSIDERATION FOR UP TO FIVE YEARS.

24 (3) THE COMMISSION:

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

28 (II) SHALL, IF THE SUBJECT OF THE COMPLAINT IS AN  
29 ATTORNEY AT LAW, REFER AN ALLEGED VIOLATION OF THIS  
30 SUBSECTION TO THE BOARD.

1 § 1308-A. ADMINISTRATION.

2 (A) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE  
3 ADVICE AND OPINIONS UNDER SECTION 1107 (RELATING TO POWERS AND  
4 DUTIES OF COMMISSION) TO A LOBBYIST, A LOBBYING FIRM, A  
5 PRINCIPAL, THE DEPARTMENT, THE BOARD OR A STATE OFFICIAL OR  
6 EMPLOYEE, THAT SEEKS ADVICE REGARDING COMPLIANCE WITH THIS  
7 CHAPTER. A PERSON THAT ACTS IN GOOD FAITH BASED ON THE WRITTEN  
8 ADVICE OR OPINION OF THE COMMISSION SHALL NOT BE HELD LIABLE FOR  
9 A VIOLATION OF THIS CHAPTER IF THE MATERIAL FACTS ARE AS STATED  
10 IN THE REQUEST.

11 (B) FORMS.--THE DEPARTMENT SHALL PRESCRIBE REGISTRATION AND  
12 REPORTING FORMS TO BE USED UNDER THIS CHAPTER. THE FORMS SHALL  
13 BE AVAILABLE ON A PUBLICLY ACCESSIBLE INTERNET WEBSITE. ALL  
14 INFORMATION REQUESTED ON THE FORMS SHALL BE PROVIDED TO THE BEST  
15 OF THE KNOWLEDGE, INFORMATION AND BELIEF OF THE PERSON REQUIRED  
16 TO FILE AND SHALL BE SIGNED UNDER OATH OR EQUIVALENT  
17 AFFIRMATION.

18 (C) PUBLIC INSPECTION AND COPYING.--THE DEPARTMENT SHALL  
19 MAKE COMPLETED REGISTRATION STATEMENTS, EXPENSE REPORTS AND  
20 NOTICES OF TERMINATION, WHICH HAVE BEEN FILED WITH THE  
21 DEPARTMENT, AVAILABLE FOR PUBLIC INSPECTION AND PROVIDE COPIES  
22 OF THESE DOCUMENTS AT A PRICE NOT IN EXCESS OF THE ACTUAL COST  
23 OF COPYING. THE DEPARTMENT SHALL MAKE ALL REGISTRATIONS AND  
24 REPORTS AVAILABLE ON A PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
25 DOCUMENTS MAINTAINED AND REPRODUCIBLE IN AN ELECTRONIC FORMAT  
26 SHALL BE PROVIDED IN THAT FORMAT UPON REQUEST.

27 (D) ANNUAL REPORTING.--

28 (1) THE DEPARTMENT SHALL PREPARE AND PUBLISH AN ANNUAL  
29 REPORT ON LOBBYING ACTIVITIES IN THIS COMMONWEALTH.

30 (2) THE DEPARTMENT SHALL AT LEAST ANNUALLY PUBLISH A

1 LIST OF ALL OF THE FOLLOWING:

2 (I) REGISTERED PRINCIPALS. THE DEPARTMENT SHALL  
3 IDENTIFY AFFILIATED POLITICAL ACTION COMMITTEES AND  
4 LOBBYING FIRMS AND LOBBYISTS THAT ARE REGISTERED TO LOBBY  
5 FOR THE PRINCIPAL.

6 (II) LOBBYING FIRMS AND LOBBYISTS NOT ASSOCIATED  
7 WITH LOBBYING FIRMS. THE DEPARTMENT SHALL IDENTIFY  
8 AFFILIATED POLITICAL ACTION COMMITTEES AND THE PRINCIPALS  
9 FOR WHOM THE LOBBYING FIRM OR LOBBYIST IS REGISTERED TO  
10 LOBBY.

11 (III) REGISTERED LOBBYISTS FOR EACH LOBBYING FIRM.

12 (E) RETENTION OF RECORDS.--COMPLETED REGISTRATION  
13 STATEMENTS, EXPENSE REPORTS AND NOTICES OF TERMINATION SHALL BE  
14 AVAILABLE FOR PUBLIC INSPECTION WITH THE DEPARTMENT FOR A FOUR-  
15 YEAR PERIOD COMMENCING ON THE DATE OF FILING.

16 (F) AUDITS.--THE FOLLOWING SHALL APPLY:

17 (1) EVERY TWO YEARS, THE SECRETARY OF THE COMMONWEALTH  
18 SHALL CONTRACT FOR THE SERVICES OF ONE OR MORE CERTIFIED  
19 PUBLIC ACCOUNTANTS OR CERTIFIED PUBLIC ACCOUNTING FIRMS. THE  
20 CONTRACT SHALL BE AWARDED IN A MANNER CONSISTENT WITH THE  
21 PROVISIONS OF 62 PA.C.S. PT. I (RELATING TO COMMONWEALTH  
22 PROCUREMENT CODE), AND NO CERTIFIED PUBLIC ACCOUNTANT OR  
23 CERTIFIED PUBLIC ACCOUNTING FIRM SHALL BE ELIGIBLE TO OBTAIN  
24 A CONTRACT FOR TWO SUCCESSIVE CONTRACT PERIODS.

25 (2) THE SECRETARY SHALL RANDOMLY SELECT, AT A PUBLIC  
26 DRAWING 60 DAYS FOLLOWING THE CLOSE OF EACH FOURTH QUARTER  
27 REPORTING PERIOD, 3% OF ALL COMPLETED REGISTRATIONS AND  
28 EXPENSE REPORTS FILED WITH THE DEPARTMENT UNDER THIS 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 IF 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 (G) 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 BY A  
14 LOBBYIST OR PRINCIPAL IN ACCORDANCE WITH SECTIONS 1107 (RELATING  
15 TO POWERS AND DUTIES OF COMMISSION) AND 1108 (RELATING TO  
16 INVESTIGATIONS BY COMMISSION).

17 (H) DIRECTORY.--BY MAY 1 OF EACH ODD-NUMBERED YEAR, THE  
18 DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF ALL  
19 REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS AND REGISTERED  
20 LOBBYING FIRMS. COPIES OF THE DIRECTORY SHALL BE MADE AVAILABLE  
21 TO THE PUBLIC AT A PRICE NOT TO EXCEED THE ACTUAL COST OF  
22 PRODUCTION. ALL REVENUE RECEIVED BY THE DEPARTMENT FROM THE  
23 SALES OF THE DIRECTORY SHALL BE DEPOSITED INTO THE FUND.

24 (I) COMPUTER FILE.--THE DEPARTMENT SHALL PROVIDE THE  
25 LEGISLATIVE DATA PROCESSING COMMITTEE DATA RELATING TO  
26 REGISTRATION STATEMENTS AND AMENDMENTS TO REGISTRATION  
27 STATEMENTS, EXPENSE REPORTS AND NOTICES OF TERMINATION. THE  
28 COMMITTEE SHALL MAKE INFORMATION UNDER THIS SUBSECTION AVAILABLE  
29 ON A PUBLICLY ACCESSIBLE INTERNET WEBSITE.

30 (J) INFLATION ADJUSTMENT.--ON A BIENNIAL BASIS COMMENCING IN

1 JANUARY 2009, THE DEPARTMENT SHALL REVIEW THE THRESHOLD UNDER  
2 SECTION 1306-A (RELATING TO EXEMPTION FROM REGISTRATION AND  
3 REPORTING) FOR REGISTRATION UNDER SECTION 1304-A (RELATING TO  
4 REGISTRATION) AND THE THRESHOLD FOR REPORTING UNDER SECTION  
5 1305-A(D) (RELATING TO REPORTING) AND SHALL INCREASE THESE  
6 AMOUNTS TO RATES DEEMED REASONABLE FOR ASSURING APPROPRIATE  
7 DISCLOSURE. ON A BIENNIAL BASIS COMMENCING IN JANUARY 2009, THE  
8 DEPARTMENT SHALL REVIEW THE FILING FEE ESTABLISHED UNDER SECTION  
9 1310-A (RELATING TO REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;  
10 REGULATIONS) AND MAY BY REGULATION ADJUST THIS AMOUNT IF THE  
11 DEPARTMENT DETERMINES THAT A HIGHER FEE IS NEEDED TO COVER THE  
12 COSTS OF CARRYING OUT THE PROVISIONS OF THIS CHAPTER. THE  
13 DEPARTMENT SHALL PUBLISH ADJUSTED AMOUNTS IN THE PENNSYLVANIA  
14 BULLETIN BY JUNE 1, 2009, AND BY JUNE 1 EVERY TWO YEARS  
15 THEREAFTER AS NECESSARY.

16 § 1309-A. PENALTIES.

17 (A) NOTICE OF ALLEGED NONCOMPLIANCE.--

18 (1) THE COMMISSION SHALL ISSUE A NOTICE OF ALLEGED  
19 NONCOMPLIANCE TO A PERSON THAT HAS FAILED TO REGISTER OR  
20 REPORT AS REQUIRED BY THIS CHAPTER.

21 (2) THE NOTICE SHALL STATE:

22 (I) THE NATURE OF THE ALLEGED NONCOMPLIANCE; AND

23 (II) THE ADMINISTRATIVE AND CRIMINAL PENALTIES FOR:

24 (A) FAILURE TO REGISTER;

25 (B) FAILURE TO FILE; OR

26 (C) FILING A REPORT WHICH CONTAINS A FALSE  
27 STATEMENT OR WHICH IS INCOMPLETE.

28 (3) THE NOTICE SHALL ADVISE THAT IF THE PERSON DISAGREES  
29 WITH THE ALLEGED NONCOMPLIANCE, THE PERSON MAY APPEAL THE  
30 DETERMINATION BEFORE THE COMMISSION.

1 (4) THE NOTICE SHALL SET FORTH THE DEADLINE AND MANNER  
2 IN WHICH TO REQUEST A HEARING.

3 (5) IF THE PERSON DOES NOT REQUEST A HEARING IN  
4 ACCORDANCE WITH THE NOTICE, THE ALLEGED NONCOMPLIANCE SHALL  
5 BE DEEMED TO CONSTITUTE NONCOMPLIANCE WITH THIS CHAPTER AND  
6 THE COMMISSION SHALL IMPOSE A PENALTY IN ACCORDANCE WITH  
7 SUBSECTION (B)(3) OR (4).

8 (B) HEARING.--

9 (1) IF A HEARING IS REQUESTED, THE COMMISSION SHALL  
10 DETERMINE AT THE HEARING:

11 (I) WHETHER THE RECIPIENT OF THE NOTICE IS REQUIRED  
12 TO REGISTER OR REPORT UNDER THIS CHAPTER;

13 (II) WHETHER THE RECIPIENT OF THE NOTICE IS AN  
14 ATTORNEY AT LAW; AND

15 (III) WHETHER THE FAILURE TO REGISTER OR REPORT WAS  
16 NEGLIGENT OR INTENTIONAL.

17 (2) IF THE COMMISSION FINDS THAT FAILURE TO REGISTER OR  
18 REPORT WAS INTENTIONAL, IT SHALL REFER THE MATTER TO THE  
19 ATTORNEY GENERAL AND, IF THE PERSON IS AN ATTORNEY AT LAW, TO  
20 THE BOARD.

21 (3) IF THE COMMISSION FINDS THAT FAILURE TO REGISTER OR  
22 REPORT WAS NEGLIGENT, IT SHALL DETERMINE THE AMOUNT OF THE  
23 ADMINISTRATIVE PENALTY TO BE IMPOSED.

24 (4) A HEARING UNDER THIS SUBSECTION SHALL BE CONDUCTED  
25 BY THE COMMISSION IN ACCORDANCE WITH SECTIONS 1107(14)  
26 (RELATING TO POWERS AND DUTIES OF COMMISSION) AND 1108(E)  
27 (RELATING TO INVESTIGATIONS BY COMMISSION).

28 (5) APPEALS OF THE COMMISSION'S DETERMINATION SHALL BE  
29 IN ACCORDANCE WITH SECTION 1108(I). IF A COURT OF COMPETENT  
30 JURISDICTION DETERMINES THAT ANY COMPLAINT OR INVESTIGATION



1 WHICH INVOLVES AN ATTORNEY AT LAW IS UNDER THE JURISDICTION  
2 OF THE BOARD, THE MATTER SHALL BE REFERRED BY THE COURT TO  
3 THE BOARD TO BE INVESTIGATED, CONSIDERED AND RESOLVED IN A  
4 MANNER CONSISTENT WITH THE RULES OF PROFESSIONAL CONDUCT.

5 (C) NEGLIGENT FAILURE TO REGISTER OR REPORT.--

6 (1) NEGLIGENT FAILURE TO REGISTER OR REPORT AS REQUIRED  
7 BY THIS CHAPTER IS PUNISHABLE BY AN ADMINISTRATIVE PENALTY  
8 NOT EXCEEDING \$50 FOR EACH LATE DAY.

9 (2) AFTER A HEARING UNDER SUBSECTION (B), THE COMMISSION  
10 MAY, UPON THE MAJORITY VOTE OF ALL OF ITS MEMBERS, LEVY AN  
11 ADMINISTRATIVE PENALTY. THE TOTAL AMOUNT OF THE  
12 ADMINISTRATIVE PENALTY LEVIED SHALL NOT BE LIMITED BY ANY  
13 OTHER PROVISION OF LAW.

14 (3) THE COMMISSION SHALL NOTIFY THE BOARD OF ANY  
15 LOBBYIST OR PRINCIPAL WHO IS AN ATTORNEY AT LAW AGAINST WHOM  
16 A CIVIL PENALTY IS IMPOSED.

17 (4) THE COMMISSION HAS STANDING TO APPLY TO THE  
18 COMMONWEALTH COURT TO SEEK ENFORCEMENT OF AN ORDER IMPOSING  
19 AN ADMINISTRATIVE PENALTY UNDER THIS SECTION.

20 (D) FAILURE TO COMPLY AFTER NOTICE.--A PERSON THAT FAILS TO  
21 COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, AFTER NOTICE OF  
22 NONCOMPLIANCE AND AFTER A HEARING IF ONE IS REQUESTED, MAY BE  
23 PROHIBITED FROM LOBBYING FOR ECONOMIC CONSIDERATION FOR UP TO  
24 FIVE YEARS. THE PROHIBITION SHALL BE IMPOSED UNDER SUBSECTION  
25 (E)(4).

26 (E) INTENTIONAL VIOLATIONS.--

27 (1) A PERSON THAT INTENTIONALLY FAILS TO REGISTER OR  
28 REPORT AS REQUIRED BY THIS CHAPTER COMMITS A MISDEMEANOR OF  
29 THE SECOND DEGREE.

30 (2) A REGISTRANT WHO FILES A REPORT UNDER THIS CHAPTER

1 WITH KNOWLEDGE THAT THE REPORT CONTAINS A FALSE STATEMENT OR  
2 IS INCOMPLETE COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

3 (3) EXCEPT AS SET FORTH IN PARAGRAPH (1) OR (2), A  
4 PERSON THAT INTENTIONALLY VIOLATES THIS CHAPTER COMMITS A  
5 MISDEMEANOR OF THE THIRD DEGREE. IN ADDITION TO ANY OTHER  
6 PENALTIES IMPOSED UNDER THIS CHAPTER, THE COURT MAY IMPOSE A  
7 FINE NOT TO EXCEED \$25,000 AGAINST A PRINCIPAL WHO IS FOUND  
8 GUILTY UNDER THIS PARAGRAPH.

9 (4) IN ADDITION TO ANY CRIMINAL PENALTIES IMPOSED UNDER  
10 THIS CHAPTER, THE COMMISSION MAY PROHIBIT A PERSON FROM  
11 LOBBYING FOR ECONOMIC CONSIDERATION FOR UP TO FIVE YEARS FOR  
12 CONDUCT WHICH CONSTITUTES AN OFFENSE UNDER THIS SUBSECTION.  
13 CRIMINAL PROSECUTION OR CONVICTION ARE NOT REQUIRED FOR THE  
14 IMPOSITION OF THE PROHIBITION AUTHORIZED BY THIS PARAGRAPH.  
15 THE COMMISSION SHALL NOT IMPOSE THE PROHIBITION UNDER THIS  
16 PARAGRAPH UNLESS THE PERSON HAS BEEN AFFORDED THE OPPORTUNITY  
17 FOR A HEARING WHICH SHALL BE CONDUCTED BY THE COMMISSION IN  
18 ACCORDANCE WITH SECTIONS 1107(14) AND 1108(E).

19 (F) ATTORNEYS.--NOTHING IN THIS CHAPTER SHALL BE CONSTRUED  
20 AS RESTRICTING THE BOARD'S AUTHORITY TO DISCIPLINE AN ATTORNEY  
21 AT LAW WHO IS ACTING AS A LOBBYIST OR PRINCIPAL.

22 (G) AFFIRMATIVE DEFENSE.--ANY OF THE FOLLOWING IS AN  
23 AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT UNDER CHAPTER 11  
24 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE) OR THIS  
25 CHAPTER:

26 (1) THE RESPONDENT OR DEFENDANT RELIED ON ADVICE AND  
27 OPINIONS OF THE COMMISSION.

28 (2) THE RESPONDENT OR DEFENDANT RELIED ON NOTICE UNDER  
29 SECTION 1305-A(B)(3)(IV).

30 (3) THE RESPONDENT OR DEFENDANT DID NOT RECEIVE NOTICE

1 UNDER SECTION 1305-A(B)(3)(IV).

2 (H) CRIMINAL ENFORCEMENT.--IF THE DEPARTMENT OR COMMISSION  
3 HAS REASON TO BELIEVE AN INTENTIONAL VIOLATION OF THIS CHAPTER  
4 HAS BEEN COMMITTED, IT SHALL REFER ALL RELEVANT DOCUMENTS AND  
5 OTHER INFORMATION TO THE OFFICE OF ATTORNEY GENERAL AND, IF THE  
6 LOBBYIST OR PRINCIPAL IS AN ATTORNEY AT LAW, TO THE BOARD. THE  
7 ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO PROSECUTE  
8 CRIMINAL VIOLATIONS UNDER THIS CHAPTER.

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

14 § 1310-A. REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;  
15 REGULATIONS.

16 (A) REGISTRATION FEES.--AT THE TIME OF REGISTRATION, A  
17 PERSON REQUIRED TO BE REGISTERED UNDER THIS CHAPTER SHALL PAY A  
18 BIENNIAL REGISTRATION FEE OF \$100 TO THE DEPARTMENT.

19 (B) FUND.--

20 (1) THE LOBBYING DISCLOSURE FUND IS ESTABLISHED AS A  
21 SPECIAL FUND IN THE STATE TREASURY.

22 (2) MONEY RECEIVED FROM REGISTRATION FEES UNDER  
23 SUBSECTION (A) SHALL BE DEPOSITED IN THE FUND. MONEY  
24 REMAINING IN THE FUND ESTABLISHED UNDER FORMER 65 PA.C.S. §  
25 1310(B) SHALL BE TRANSFERRED TO THE FUND.

26 (3) MONEY DEPOSITED IN THE FUND IS APPROPRIATED TO THE  
27 DEPARTMENT AS A CONTINUING APPROPRIATION FOR THE EXCLUSIVE  
28 PURPOSE OF CARRYING OUT THIS CHAPTER.

29 (C) COMPUTERIZED FILING SYSTEM.--THE DEPARTMENT SHALL  
30 IMPLEMENT A FULLY ACCESSIBLE SYSTEM TO ACCOMMODATE THE USE OF

1 COMPUTERIZED FILING. EACH REGISTRANT SHALL ELECT ON AN ANNUAL  
2 BASIS WHETHER THE REGISTRANT WILL FILE ALL OF THE DOCUMENTS  
3 REQUIRED BY THIS CHAPTER EITHER ELECTRONICALLY OR ON PAPER WITH  
4 THE DEPARTMENT.

5 (D) REGULATIONS.--

6 (1) A COMMITTEE COMPRISED OF THE CHAIRMAN OF THE  
7 COMMISSION, THE ATTORNEY GENERAL, THE CHIEF COUNSEL OF THE  
8 BOARD, THE GENERAL COUNSEL, AN INDIVIDUAL APPOINTED BY THE  
9 PRESIDENT PRO TEMPORE OF THE SENATE, AN INDIVIDUAL APPOINTED  
10 BY THE MINORITY LEADER OF THE SENATE, AN INDIVIDUAL APPOINTED  
11 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AN INDIVIDUAL  
12 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF  
13 REPRESENTATIVES, OR THEIR DESIGNEES, AND A LOBBYIST APPOINTED  
14 BY THE GOVERNOR SHALL HAVE AUTHORITY TO PROMULGATE  
15 REGULATIONS NECESSARY TO CARRY OUT THIS CHAPTER. THE ATTORNEY  
16 GENERAL SHALL BE CHAIRMAN OF THIS COMMITTEE. A VACANCY  
17 OCCURRING AMONG THE APPOINTED MEMBERS OF THE COMMITTEE SHALL  
18 BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. A  
19 COMMITTEE MEMBER WHO IS A MEMBER OF THE GENERAL ASSEMBLY  
20 SHALL SERVE FOR A TERM THAT IS COINCIDENT WITH THE MEMBER'S  
21 TERM OF OFFICE.

22 (2) THE COMMITTEE SHALL SUBMIT THE INITIAL PROPOSED  
23 REGULATIONS WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS  
24 SECTION TO THE INDEPENDENT REGULATORY REVIEW COMMISSION UNDER  
25 SECTION 5 OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),  
26 KNOWN AS THE REGULATORY REVIEW ACT.

27 (3) A MEETING AT WHICH THE COMMITTEE PLANS TO APPROVE  
28 PROPOSED REGULATIONS OR OTHER OFFICIAL ACTIONS SHALL BE HELD  
29 IN ACCORDANCE WITH CHAPTER 7 (RELATING TO OPEN MEETINGS).

30 (4) THE DEPARTMENT SHALL PROVIDE SUFFICIENT STAFF AND

1 OTHER ADMINISTRATIVE SUPPORT TO ASSIST THE COMMITTEE.

2 (5) THE COMMITTEE SHALL PREPARE AND PUBLISH A MANUAL  
3 SETTING FORTH GUIDELINES FOR ACCOUNTING AND REPORTING.

4 (6) THE REGULATIONS AND MANUAL SHALL BE DRAFTED TO  
5 ACCOMMODATE THE USE OF COMPUTERIZED RECORDKEEPING, ELECTRONIC  
6 FILING OF REQUIRED REGISTRATIONS AND REPORTS UNDER THIS  
7 CHAPTER AND RETENTION OF REGISTRATION STATEMENTS AND REPORTS  
8 UNDER THIS CHAPTER BY ELECTRONIC MEANS.

9 § 1311-A. NONAPPLICABILITY.

10 (A) CONTINGENT COMPENSATION.--NOTHING IN THIS CHAPTER SHALL  
11 BE CONSTRUED TO AFFECT 18 PA.C.S. § 7515 (RELATING TO CONTINGENT  
12 COMPENSATION).

13 (B) SALES TAX.--AMOUNTS REPORTED UNDER THIS CHAPTER ARE NOT  
14 INTENDED TO APPLY TO ARTICLE II OF THE ACT OF MARCH 4, 1971  
15 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

16 SECTION 4. THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT  
17 TO THE LEGISLATIVE REFERENCE BUREAU, FOR PUBLICATION IN THE  
18 PENNSYLVANIA BULLETIN, NOTICE OF FULL IMPLEMENTATION OF THE  
19 COMPUTERIZED FILING SYSTEM REQUIRED UNDER 65 PA.C.S. § 1310-  
20 A(C).

21 SECTION 5. ANY FUNDS REMAINING IN THE RESTRICTED RECEIPTS  
22 ACCOUNT CREATED UNDER 65 PA.C.S. § 1310(B) MAY BE UTILIZED BY  
23 THE DEPARTMENT OF STATE TO IMPLEMENT THE PROVISIONS OF 65  
24 PA.C.S. CH. XIII-A.

25 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

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

28 (I) 65 PA.C.S. § 1308-A(B) AND § 1310-A(D).

29 (II) THIS SECTION.

30 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY

1 1, 2007.