
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 700 Session of
2005

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, OCTOBER 23, 2006

AN ACT

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

5 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 ~~(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) UNLAWFUL ACTS.--

10 (1) A LOBBYIST OR PRINCIPAL MAY NOT:

11 (I) INSTIGATE THE INTRODUCTION OF LEGISLATION FOR
12 THE PURPOSE OF OBTAINING EMPLOYMENT TO LOBBY IN
13 OPPOSITION TO THAT LEGISLATION.

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

16 (III) ENGAGE IN OR COUNSEL A PERSON TO ENGAGE IN
17 FRAUDULENT CONDUCT.

18 (IV) ATTEMPT TO INFLUENCE A STATE OFFICIAL OR
19 EMPLOYEE ON LEGISLATIVE OR ADMINISTRATIVE ACTION BY
20 MAKING OR FACILITATING THE MAKING OF A LOAN TO THE STATE
21 OFFICIAL OR EMPLOYEE.

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

25 (VI) COMMIT A CRIMINAL OFFENSE ARISING FROM
26 LOBBYING.

27 (VII) INFLUENCE OR ATTEMPT TO INFLUENCE, BY
28 COERCION, BRIBERY OR THREAT OF ECONOMIC SANCTION, A STATE
29 OFFICIAL OR EMPLOYEE IN THE DISCHARGE OF THE DUTIES OF
30 OFFICE.

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

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

10 (X) ENGAGE IN CONDUCT WHICH BRINGS THE PRACTICE OF
11 LOBBYING OR THE LEGISLATIVE OR EXECUTIVE BRANCHES OF
12 STATE GOVERNMENT INTO DISREPUTE.

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

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

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

21 (3) THE COMMISSION:

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

25 (II) SHALL, IF THE SUBJECT OF THE COMPLAINT IS AN
26 ATTORNEY AT LAW, REFER AN ALLEGED VIOLATION OF THIS
27 SUBSECTION TO THE BOARD.

28 § 1308-A. ADMINISTRATION.

29 (A) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
30 ADVICE AND OPINIONS UNDER SECTION 1107 (RELATING TO POWERS AND

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

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

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

24 (D) ANNUAL REPORTING.--

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

27 (2) THE DEPARTMENT SHALL AT LEAST ANNUALLY PUBLISH A
28 LIST OF ALL OF THE FOLLOWING:

29 (I) REGISTERED PRINCIPALS. THE DEPARTMENT SHALL
30 IDENTIFY AFFILIATED POLITICAL ACTION COMMITTEES AND

1 LOBBYING FIRMS AND LOBBYISTS THAT ARE REGISTERED TO LOBBY
2 FOR THE PRINCIPAL.

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

8 (III) REGISTERED LOBBYISTS FOR EACH LOBBYING FIRM.

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

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

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

22 (2) THE SECRETARY SHALL RANDOMLY SELECT, AT A PUBLIC
23 DRAWING 60 DAYS FOLLOWING THE CLOSE OF EACH FOURTH QUARTER
24 REPORTING PERIOD, 3% OF ALL COMPLETED REGISTRATIONS AND
25 EXPENSE REPORTS FILED WITH THE DEPARTMENT UNDER THIS CHAPTER.

26 (3) THE CERTIFIED PUBLIC ACCOUNTANT SHALL CONDUCT THE
27 AUDITS IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING
28 STANDARDS AND SHALL TEST AS TO WHETHER EACH REGISTRATION OR
29 EXPENSE REPORT IS MATERIALLY CORRECT.

30 (4) THE AUDIT REPORT AND FINDINGS SHALL BE CONFIDENTIAL,

1 EXCEPT THAT THE DEPARTMENT SHALL MAKE AN AUDIT REPORT AND
2 FINDINGS AVAILABLE TO THE COMMISSION IF THE COMMISSION IS
3 INVESTIGATING AN ALLEGED VIOLATION OF THIS CHAPTER INVOLVING
4 THE AUDITED REGISTRATION OR EXPENSE REPORT. THE COMMISSION
5 SHALL INCLUDE THE RELEVANT PORTION OF AN AUDIT AS PART OF ITS
6 FINDINGS OF FACT IN A COMMISSION ORDER WHICH RESULTS FROM AN
7 INVESTIGATION ARISING OUT OF AN AUDIT.

8 (G) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
9 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
10 HEARING CONCERNING AN ALLEGED VIOLATION OF THIS CHAPTER BY A
11 LOBBYIST OR PRINCIPAL IN ACCORDANCE WITH SECTIONS 1107 (RELATING
12 TO POWERS AND DUTIES OF COMMISSION) AND 1108 (RELATING TO
13 INVESTIGATIONS BY COMMISSION).

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

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

27 (J) INFLATION ADJUSTMENT.--ON A BIENNIAL BASIS COMMENCING IN
28 JANUARY 2009, THE DEPARTMENT SHALL REVIEW THE THRESHOLD UNDER
29 SECTION 1306-A (RELATING TO EXEMPTION FROM REGISTRATION AND
30 REPORTING) FOR REGISTRATION UNDER SECTION 1304-A (RELATING TO

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

13 § 1309-A. PENALTIES.

14 (A) NOTICE OF ALLEGED NONCOMPLIANCE.--

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

18 (2) THE NOTICE SHALL STATE:

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

20 (II) THE ADMINISTRATIVE AND CRIMINAL PENALTIES FOR:

21 (A) FAILURE TO REGISTER;

22 (B) FAILURE TO FILE; OR

23 (C) FILING A REPORT WHICH CONTAINS A FALSE

24 STATEMENT OR WHICH IS INCOMPLETE.

25 (3) THE NOTICE SHALL ADVISE THAT IF THE PERSON DISAGREES
26 WITH THE ALLEGED NONCOMPLIANCE, THE PERSON MAY APPEAL THE
27 DETERMINATION BEFORE THE COMMISSION.

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

30 (5) IF THE PERSON DOES NOT REQUEST A HEARING IN

1 ACCORDANCE WITH THE NOTICE, THE ALLEGED NONCOMPLIANCE SHALL
2 BE DEEMED TO CONSTITUTE NONCOMPLIANCE WITH THIS CHAPTER AND
3 THE COMMISSION SHALL IMPOSE A PENALTY IN ACCORDANCE WITH
4 SUBSECTION (B)(3) OR (4).

5 (B) HEARING.--

6 (1) IF A HEARING IS REQUESTED, THE COMMISSION SHALL
7 DETERMINE AT THE HEARING:

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

10 (II) WHETHER THE RECIPIENT OF THE NOTICE IS AN
11 ATTORNEY AT LAW; AND

12 (III) WHETHER THE FAILURE TO REGISTER OR REPORT WAS
13 NEGLIGENT OR INTENTIONAL.

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

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

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

25 (5) APPEALS OF THE COMMISSION'S DETERMINATION SHALL BE
26 IN ACCORDANCE WITH SECTION 1108(I). IF A COURT OF COMPETENT
27 JURISDICTION DETERMINES THAT ANY COMPLAINT OR INVESTIGATION
28 WHICH INVOLVES AN ATTORNEY AT LAW IS UNDER THE JURISDICTION
29 OF THE BOARD, THE MATTER SHALL BE REFERRED BY THE COURT TO
30 THE BOARD TO BE INVESTIGATED, CONSIDERED AND RESOLVED IN A

1 MANNER CONSISTENT WITH THE RULES OF PROFESSIONAL CONDUCT.

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

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

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

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

14 (4) THE COMMISSION HAS STANDING TO APPLY TO THE
15 COMMONWEALTH COURT TO SEEK ENFORCEMENT OF AN ORDER IMPOSING
16 AN ADMINISTRATIVE PENALTY UNDER THIS SECTION.

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

23 (E) INTENTIONAL VIOLATIONS.--

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

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

30 (3) EXCEPT AS SET FORTH IN PARAGRAPH (1) OR (2), A

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

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

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

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

23 (1) THE RESPONDENT OR DEFENDANT RELIED ON ADVICE AND
24 OPINIONS OF THE COMMISSION.

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

27 (3) THE RESPONDENT OR DEFENDANT DID NOT RECEIVE NOTICE
28 UNDER SECTION 1305-A(B)(3)(IV).

29 (H) CRIMINAL ENFORCEMENT.--IF THE DEPARTMENT OR COMMISSION
30 HAS REASON TO BELIEVE AN INTENTIONAL VIOLATION OF THIS CHAPTER

1 HAS BEEN COMMITTED, IT SHALL REFER ALL RELEVANT DOCUMENTS AND
2 OTHER INFORMATION TO THE OFFICE OF ATTORNEY GENERAL AND, IF THE
3 LOBBYIST OR PRINCIPAL IS AN ATTORNEY AT LAW, TO THE BOARD. THE
4 ATTORNEY GENERAL SHALL HAVE EXCLUSIVE JURISDICTION TO PROSECUTE
5 CRIMINAL VIOLATIONS UNDER THIS CHAPTER.

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

11 § 1310-A. REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;
12 REGULATIONS.

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

16 (B) FUND.--

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

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

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

26 (C) COMPUTERIZED FILING SYSTEM.--THE DEPARTMENT SHALL
27 IMPLEMENT A FULLY ACCESSIBLE SYSTEM TO ACCOMMODATE THE USE OF
28 COMPUTERIZED FILING. EACH REGISTRANT SHALL ELECT ON AN ANNUAL
29 BASIS WHETHER THE REGISTRANT WILL FILE ALL OF THE DOCUMENTS
30 REQUIRED BY THIS CHAPTER EITHER ELECTRONICALLY OR ON PAPER WITH

1 THE DEPARTMENT.

2 (D) REGULATIONS.--

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

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

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

27 (4) THE DEPARTMENT SHALL PROVIDE SUFFICIENT STAFF AND
28 OTHER ADMINISTRATIVE SUPPORT TO ASSIST THE COMMITTEE.

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

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

6 § 1311-A. NONAPPLICABILITY.

7 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO AFFECT 18
8 PA.C.S. § 7515 (RELATING TO CONTINGENT COMPENSATION).

9 SECTION 4. THE SECRETARY OF THE COMMONWEALTH SHALL TRANSMIT
10 TO THE LEGISLATIVE REFERENCE BUREAU, FOR PUBLICATION IN THE
11 PENNSYLVANIA BULLETIN, NOTICE OF FULL IMPLEMENTATION OF THE
12 COMPUTERIZED FILING SYSTEM REQUIRED UNDER 65 PA.C.S. § 1310-
13 A(C).

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

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

19 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
20 IMMEDIATELY:

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

22 (II) THIS SECTION.

23 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
24 1, 2007.