

No. 212

AN ACT

SB 33

Amending the act of September 30, 1961 (P.L.1778, No.712), entitled "An act requiring persons employed or engaged for compensation to advocate the passage or defeat of legislation to submit registration statements, and imposing a penalty," revising the laws relating to lobbying and imposing penalties.

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

Section 1. The title and sections 1, 2 and 3, act of September 30, 1961 (P.L.1778, No.712), known as the "Lobbying Registration Act," are amended to read:

AN ACT

**[Requiring persons employed or engaged for compensation to advocate the passage or defeat of legislation to submit registration statements, and imposing a penalty.]**

***Regulating the practice of lobbying and providing penalties.***

Section 1. Short Title.—This act shall be known and may be cited as the "Lobbying Registration ***and Regulation*** Act."

Section 2. Definitions.—As used in this act:

***"Agency" means any department, departmental administrative board or commission, independent administrative board or commission, officer or other agency of this Commonwealth, now in existence or hereafter created, having Statewide jurisdiction, empowered to determine or affect private rights, privileges, immunities or obligations by regulation or adjudication, but shall not include a court of record nor a magistrate, alderman or justice of the peace.***

***"Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred, or to be paid, loaned, granted, given, donated or transferred for or in consideration to any person for lobbying: Provided, however, That such thing of economic value be in excess of five hundred dollars (\$500) per calendar year.***

***"Expenses" means any expenditures made or obligations incurred for meals and entertainment of others, the costs of communication to the General Assembly or any agency and any other expenditure connected with lobbying. Expenses shall not be construed to mean the salaries or fees paid to or received by a lobbyist or the cost of a lobbyist maintaining office facilities.***

***"Formal action" means promulgation, amendment or repeal of any regulation.***

*“Legislation” means bills, resolutions, amendments and nominations pending or proposed in either the House of Representatives or the Senate, including any other matter which may become the subject of action by either House.*

*“Lobbying” and “lobby” mean:*

*(i) to advocate the passage or defeat of legislation to members or staff of the General Assembly, or the approval or veto of legislation to the Governor or his staff; or*

*(ii) to advocate to officers or employes of any agency that the agency take or refrain from taking any formal action, or that any agency engage in lobbying as defined in subparagraph<sup>1</sup> (i).*

**[(1) “Lobbyist” means any natural person who: [is employed or engaged, for compensation, by any other person or any partnership, committee, association, corporation or any other organization, to advocate the passage or defeat of legislation by the General Assembly of the Commonwealth of Pennsylvania, except that an officer or employe of the Commonwealth or any political subdivision thereof, who acts only in his official capacity, shall not be deemed a lobbyist.]**

*(i) Is employed or engaged for compensation, by any other person or any partnership, committee, association, corporation or any other organization to lobby.*

*(ii) Makes expenditures or incurs obligations on behalf of any one person he represents in excess of three hundred dollars (\$300) in any calendar month except that a natural person shall not be considered a lobbyist when he:*

*(A) Formally communicates with or formally presents testimony before an agency of the Commonwealth or the General Assembly.*

*(B) Testifies before a committee of the General Assembly.*

*(C) Is an officer, official or employe of the Commonwealth of Pennsylvania or any political subdivision thereof and is acting in his official capacity.*

**[(2) “Legislation” means bills, resolutions, amendments, nominations and other matters pending or proposed in either the House of Representatives or the Senate, including any other matter which may be the subject of action by either House.]**

*“Pecuniary benefit” means money, goods, services, or anything else having a monetary value.*

*“Person” means any individual, partnership, committee, association, corporation or other organization.*

*“Regulation” means any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of any statute administered by or relating to the agency, or prescribing the practice or procedure before such agency.*

<sup>1</sup>“subclause” in original.

Section 3. Registration of Lobbyists Required.—(a) [Every lobbyist before advocating the passage or defeat of any legislation] *Within five days after a lobbyist engages in lobbying for the first time in any calendar year such lobbyist* shall submit to the Chief Clerk of the House of Representatives and the Secretary of the Senate a registration statement made under oath or affirmation before an officer authorized by law to administer oaths, setting forth the name and business address of the lobbyist, the name and address of the person, partnership, committee, association, corporation or other organization by whom he is employed or engaged, [the name and address of the person, partnership, committee, association, corporation or other organization in whose interest he will advocate the passage or defeat of legislation, and the duration of its] *in whose interest he will lobby and the duration of his employment.*

(b) *Each time during any calendar year that a lobbyist first represents the interests of, or is first compensated by, a person not listed in the registration statement required in subsection (a), he shall within five days file a supplemental statement containing the information required in subsection (a).*

Section 2. Sections 4 and 5 of the act are repealed.

Section 3. Section 7 of the act is amended to read:

Section 7. [Penalty.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment not exceeding one year, or both.] *Filing of Statement of Expenses and Obligations Required.—(a) Every lobbyist subject to the expenditures provision of subparagraph (ii) of section 2<sup>1</sup>, defining lobbyist, for any month, shall on January 30 and July 30 for the periods ending December 31 and June 30 respectively file with the Chief Clerk of the House of Representatives and the Secretary of the Senate a sworn statement of the expenditures made and obligations incurred by him or any agent in connection with or relative to his activities as such lobbyist for the preceding months of the period. Such statements should separately state amounts spent for (i) meals, (ii) entertainment, (iii) the cost of communication to the General Assembly or to the Governor or his staff or to an agency, and (iv) other expenditures connected with lobbying. In addition to stating the expenses incurred, the sworn statement shall identify by name and position any elected or appointed official or any other employe of the Commonwealth of Pennsylvania who receives any pecuniary benefit in connection with such lobbying in excess of one hundred fifty dollars (\$150) in any period as a result of expenses paid or obligations incurred by the lobbyist or his agent. The statement shall separately set forth the monthly expenses incurred in connection with lobbying on behalf of each person in whose interest the lobbyist has engaged in lobbying during the preceding period.*

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<sup>1</sup>“3” in original.

*(b) Where lobbyist fails or refuses to comply with subsection (a) of section 7, the person, partnership, committee, association, corporation or other organization in whose interest the lobbyist is employed, must report the amount advanced or reimbursed the lobbyist for the reporting period.*

*(c) All information required to be reported or filed under any provision of this act shall be rendered in such form as shall be prescribed jointly by the Chief Clerk of the House of Representatives and the Secretary of the Senate. These statements shall be open to the public for inspection during regular business hours, and copies shall be furnished to any member of the public upon request at cost.*

Section 4. The act is amended by adding sections to read:

*Section 7.1. Contingent Compensation Forbidden.—No person shall compensate, or incur an obligation to compensate, any person to engage in lobbying, and no person shall engage or agree to engage in lobbying, for compensation contingent in whole or in part upon:*

- (1) the passage or defeat, or approval or veto, of any legislation; or*
- (2) the occurrence or nonoccurrence of any formal action by an agency.*

*Section 7.2. Penalty.—Any natural person violating any of the provisions of this act shall be guilty of a misdemeanor of the third degree and, upon conviction, shall be disqualified to act as a lobbyist for a period of five years from the date of conviction and may be sentenced to pay a fine not exceeding two thousand five hundred dollars (\$2,500) or to undergo imprisonment not exceeding one year, or both. Any person, other than a natural person, violating any of the provisions of this act shall be guilty of a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand five hundred dollars (\$2,500).*

Section 5. This act shall take effect immediately except that section 7 shall not be effective until 90 days after notice that forms prescribed under section 7 are available is published in the Pennsylvania Bulletin, and no report need include any expenses made or obligations incurred prior to the expiration of 90 days following such notice.

APPROVED—The 7th day of October, A. D. 1976.

MILTON J. SHAPP