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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 1175 Session of  
2017

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INTRODUCED BY CUTLER, NEUMAN, MATZIE, B. MILLER, McNEILL,  
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SOLOMON, WATSON, KAUFER, D. MILLER, ROE, MICCARELLI, JOZWIAK,  
BARBIN AND THOMAS, APRIL 12, 2017

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SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, DECEMBER 11, 2017

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AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in lobbying disclosure, further  
3 providing for DEFINITIONS, FOR registration, for reporting, <--  
4 for prohibited activities, for administration, for penalties  
5 and for registration fees, fund established, system and  
6 regulations.

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

9 ~~Section 1. Sections 13A04(a), (d) and (e) (1), 13A05(a), (b) <--~~  
10 ~~(4), (6) and (8) and (d), 13A07(f) (2), 13A08(b), 13A09(c) (1) and~~  
11 ~~13A10(c) of Title 65 of the Pennsylvania Consolidated Statutes~~  
12 ~~are amended to read:~~

13 SECTION 1. SECTION 13A03 OF TITLE 65 OF THE PENNSYLVANIA <--  
14 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:  
15 § 13A03. DEFINITIONS.

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

1 \* \* \*

2 "AUTHORIZED REPRESENTATIVE, EMPLOYEE OR AGENT." AN  
3 INDIVIDUAL DESIGNATED BY A PRINCIPAL OR LOBBYING FIRM TO ACCEPT  
4 NOTICES ISSUED BY THE DEPARTMENT OR COMMISSION IN ACCORDANCE  
5 WITH THIS CHAPTER.

6 \* \* \*

7 SECTION 2. SECTIONS 13A04(A), (B)(1), (D) AND (E)(1),  
8 13A05(A), (B)(4), (6) AND (8) AND (D) AND 13A07(F)(2) OF TITLE  
9 65 ARE AMENDED TO READ:

10 § 13A04. Registration.

11 (a) General rule.--Unless excluded under section 13A06  
12 (relating to exemption from registration and reporting), a  
13 lobbyist, lobbying firm or a principal must register with the  
14 department electronically using the computerized filing system  
15 developed by the department that is consistent with the purposes  
16 of this chapter within ten days of acting in any capacity as a  
17 lobbyist, lobbying firm or principal. Registration shall be  
18 biennial and shall begin January 1, 2007.

19 \* \* \*

<--

20 (B) PRINCIPALS AND LOBBYING FIRMS.--

<--

21 (1) A PRINCIPAL OR LOBBYING FIRM REQUIRED TO REGISTER  
22 UNDER SUBSECTION (A) SHALL FILE A SINGLE REGISTRATION  
23 STATEMENT SETTING FORTH THE FOLLOWING INFORMATION WITH THE  
24 DEPARTMENT:

25 (I) NAME OF THE BUSINESS.

26 (II) PERMANENT ADDRESS.

27 (III) DAYTIME TELEPHONE NUMBER.

28 (IV) E-MAIL ADDRESS OF THE AUTHORIZED REPRESENTATIVE  
29 EMPLOYEE OR AGENT, IF AVAILABLE.

30 (V) [NAME AND NATURE] NATURE OF BUSINESS.

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

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

6 (VIII) REGISTRATION NUMBER WHEN AVAILABLE.

7 (IX) NAME OF THE AUTHORIZED REPRESENTATIVE, EMPLOYEE  
8 OR AGENT.

9 \* \* \*

10 (d) Amendments.--

11 (1) If there is a change of information required for the  
12 registration statement under subsection (b) (1) or (2) or (c),  
13 an amended registration statement shall be filed with the  
14 department electronically using the computerized filing  
15 system developed by the department that is consistent with  
16 the purpose of this chapter within 14 days after the change  
17 occurs.

18 (2) When there is a change in information required for  
19 the registration statement under subsection (b) (3), an  
20 amended registration statement shall be filed with the  
21 department electronically using the computerized filing  
22 system developed by the department that is consistent with  
23 the purpose of this chapter within 14 days of the end of the  
24 year in which the change occurs.

25 (e) Termination.--

26 (1) A lobbyist, lobbying firm or principal may terminate  
27 registration by filing notice of termination with the  
28 department[.] electronically using the computerized filing  
29 system developed by the department that is consistent with  
30 the purpose of this chapter.

1 \* \* \*

2 § 13A05. Reporting.

3 (a) General rule.--A registered principal shall, [under oath  
4 or affirmation] subject to the penalties under 18 Pa.C.S. § 4904  
5 (relating to unsworn falsification to authorities), file  
6 quarterly expense reports with the department electronically  
7 using the computerized filing system developed by the department  
8 that is consistent with the purpose of this chapter no later  
9 than 30 days after the last day of the quarter.

10 (b) Content.--

11 \* \* \*

12 (4) A lobbying firm or a lobbyist not associated with a  
13 lobbying firm shall sign the reports electronically submitted  
14 by each principal for whom the lobbying firm or lobbyist is  
15 registered to attest to the validity and accuracy to the best  
16 of the attestor's knowledge. A lobbying firm or lobbyist may  
17 attach a statement to the electronic report of a principal,  
18 describing the limits of the knowledge of the lobbying firm  
19 or lobbyist concerning the information contained in the  
20 expense report.

21 \* \* \*

22 (6) A lobbying firm or a lobbyist not associated with a  
23 lobbying firm shall submit an expense report electronically  
24 using the computerized filing system developed by the  
25 department that is consistent with the purpose of this  
26 chapter if during the reporting period the lobbying firm or  
27 lobbyist engaged in lobbying which was not contained in any  
28 expense report filed by a principal or principals  
29 represented.

30 \* \* \*

1 (8) A lobbying firm or a lobbyist not associated with a  
2 lobbying firm shall submit a report electronically using the  
3 computerized filing system developed by the department that  
4 is consistent with the purpose of this chapter if the  
5 lobbying firm or lobbyist engaged in lobbying on behalf of  
6 any entity that is exempt under section 13A06(7), (8), (9) or  
7 (10) (relating to exemption from registration and reporting).

8 \* \* \*

9 (d) Thresholds for reporting.--An expense report required  
10 under this section shall be filed electronically using the  
11 computerized filing system developed by the department that is  
12 consistent with the purpose of this chapter when total expenses  
13 for lobbying exceed \$2,500 for a registered principal in a  
14 reporting period. In a reporting period in which total expenses  
15 are \$2,500 or less, a statement to that effect shall be filed  
16 electronically using the computerized filing system developed by  
17 the department that is consistent with the purpose of this  
18 chapter.

19 \* \* \*

20 § 13A07. Prohibited activities.

21 \* \* \*

22 (f) Unlawful acts.--

23 \* \* \*

24 (2) The commission may receive complaints regarding  
25 violations of this subsection. If the commission determines a  
26 violation of this subsection has occurred, the commission,  
27 after investigation, notice and hearing:

28 (i) shall impose an administrative penalty in an  
29 amount not to exceed [~~\$2,000~~] \$4,000; and

30 (ii) may prohibit a lobbyist from lobbying for

1 economic consideration for up to five years.

2 \* \* \*

3 SECTION 3. SECTION 13A08(B) OF TITLE 65 IS AMENDED AND THE <--  
4 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

5 § 13A08. Administration.

6 \* \* \*

7 (b) Forms.--The department shall prescribe registration and  
8 reporting forms to be used under this chapter. The forms shall  
9 be available on a publicly accessible Internet website. All  
10 information requested on the forms shall be provided to the best  
11 of the knowledge, information and belief of the person required  
12 to file and shall be signed [under oath or equivalent  
13 affirmation] subject to the penalties under 18 Pa.C.S. § 4904  
14 (relating to unsworn falsification to authorities).

15 \* \* \*

16 (K) NOTICES.--NOTICES ISSUED BY THE DEPARTMENT OR THE <--  
17 COMMISSION TO A PRINCIPAL OR LOBBYING FIRM, IN ACCORDANCE WITH  
18 THIS CHAPTER, SHALL BE DELIVERED TO THE AUTHORIZED  
19 REPRESENTATIVE, EMPLOYEE OR AGENT.

20 SECTION 4. SECTION 13A09(C) (1) OF TITLE 65 IS AMENDED AND  
21 SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:

22 § 13A09. Penalties.

23 \* \* \* <--

24 (A) NOTICE OF ALLEGED NONCOMPLIANCE.-- <--

25 \* \* \*

26 (1.1) IN THE CASE OF A PRINCIPAL OR LOBBYING FIRM, THE  
27 NOTICE SHALL BE DELIVERED TO THE AUTHORIZED REPRESENTATIVE,  
28 EMPLOYEE OR AGENT.

29 \* \* \*

30 (c) Negligent failure to register or report.--

1 (1) Negligent failure to register or report as required  
2 by this chapter is punishable by an administrative penalty  
3 not exceeding [\$50 for each late day.] the following:

4 (i) For the first ten late days, \$50 for each late  
5 day.

6 (ii) For each late day after the first ten late days  
7 through the 20th late day, \$100 for each late day.

8 (iii) For each late day after the first 20 late  
9 days, \$200 for each late day.

10 \* \* \*

11 SECTION 5. SECTION 13A10(C) OF TITLE 65 IS AMENDED TO READ: <--

12 § 13A10. Registration fees; fund established; system;  
13 regulations.

14 \* \* \*

15 (c) Computerized filing system.--The department shall  
16 implement a fully accessible system to accommodate the use of  
17 computerized filing. [Each registrant shall elect on an annual  
18 basis whether the registrant will file all of the documents  
19 required by this chapter either electronically or on paper with  
20 the department.] The department shall post all filings on its  
21 publicly accessible Internet website within seven days of  
22 receipt of the filing.

23 \* \* \*

24 Section ~~2~~ 6. This act shall take effect as follows: <--

25 (1) The amendment of 65 Pa.C.S. §§ 13A03, 13A04(a), (B) <--  
26 (1), (d) and (e) (1) ~~and~~, 13A05(a), (b) (4), (6) and (8) and <--  
27 (d), 13A08(K) AND 13A09(A) (1.1) shall take effect ~~January 1,~~ <--  
28 ~~2018~~ IN 60 DAYS. <--

29 (2) The remainder of this act shall take effect  
30 immediately.