

**PUBLIC OFFICERS (65 PA.C.S.) - REGISTRATION, REPORTING,
PROHIBITED ACTIVITIES, ADMINISTRATION, PENALTIES AND
REGISTRATION FEES, FUND ESTABLISHED, SYSTEM AND REGULATIONS**
Act of Feb. 14, 2018, P.L. 2, No. 2 **Cl. 65**
Session of 2018
No. 2018-2

HB 1175

AN ACT

Amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for definitions, for registration, for reporting, for prohibited activities, for administration, for penalties and for registration fees, fund established, system and regulations.

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

Section 1. Section 13A03 of Title 65 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read: § 13A03. Definitions.

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

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"Authorized representative, employee or agent." An individual designated by a principal or lobbying firm to accept notices issued by the department or commission in accordance with this chapter.

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Section 2. Sections 13A04(a), (b)(1), (d) and (e)(1), 13A05(a), (b)(4), (6) and (8) and (d) and 13A07(f)(2) of Title 65 are amended to read:
§ 13A04. Registration.

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

(b) Principals and lobbying firms.--

(1) A principal or lobbying firm required to register under subsection (a) shall file a single registration statement setting forth the following information with the department:

- (i) Name **of the business.**
- (ii) Permanent address.
- (iii) Daytime telephone number.
- (iv) E-mail address **of the authorized representative employee or agent**, if available.
- (v) [Name and nature] **Nature** of business.
- (vi) Name, registration number and acronym of any affiliated political action committees.
- (vii) Name and permanent business address of each individual who will for economic consideration engage in lobbying on behalf of the principal or lobbying firm.

(viii) Registration number when available.

(ix) **Name of the authorized representative, employee or agent.**

* * *

(d) Amendments.--

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

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

(e) Termination.--

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

* * *

§ 13A05. Reporting.

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

(b) Content.--

* * *

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

* * *

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

* * *

(8) A lobbying firm or a lobbyist not associated with a lobbying firm shall submit a report **electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter** if the lobbying firm or lobbyist engaged in lobbying on behalf of any entity that is exempt under section 13A06(7), (8), (9)

or (10) (relating to exemption from registration and reporting).

* * *

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

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§ 13A07. Prohibited activities.

* * *

(f) Unlawful acts.--

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

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

(ii) may prohibit a lobbyist from lobbying for economic consideration for up to five years.

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Section 3. Section 13A08(b) of Title 65 is amended and the section is amended by adding a subsection to read:

§ 13A08. Administration.

* * *

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

* * *

(k) Notices.--Notices issued by the department or the commission to a principal or lobbying firm, in accordance with this chapter, shall be delivered to the authorized representative, employee or agent.

Section 4. Section 13A09(c)(1) of Title 65 is amended and subsection (a) is amended by adding a paragraph to read:

§ 13A09. Penalties.

(a) Notice of alleged noncompliance.--

* * *

(1.1) In the case of a principal or lobbying firm, the notice shall be delivered to the authorized representative, employee or agent.

* * *

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

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

(i) For the first 10 late days, \$50 for each late day.

(ii) For each late day after the first 10 late days through the 20th late day, \$100 for each late day.

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

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Section 5. Section 13A10(c) of Title 65 is amended to read:
§ 13A10. Registration fees; fund established; system; regulations.

* * *

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

* * *

Section 6. This act shall take effect as follows:

(1) The amendment or addition of 65 Pa.C.S. §§ 13A03, 13A04(a), (b)(1), (d) and (e)(1), 13A05(a), (b)(4), (6) and (8) and (d), 13A08(k) and 13A09(a)(1.1) shall take effect in 60 days.

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

APPROVED--The 14th day of February, A.D. 2018.

TOM WOLF