
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **744** Session of
2013

INTRODUCED BY CUTLER, NEUMAN, METCALFE, HICKERNELL, D. COSTA,
AUMENT, GINGRICH, WHITE, DeLUCA, SANTARSIERO, MURT, LAWRENCE,
GALLOWAY, ENGLISH AND MATZIE, FEBRUARY 14, 2013

SENATOR SMUCKER, STATE GOVERNMENT, IN SENATE, AS AMENDED,
MAY 6, 2014

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in lobbying disclosure, further
3 providing FOR REGISTRATION, FOR REPORTING, for prohibited <--
4 activities, for penalties and, for registration filing system <--
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 13A07(f)(2), 13A09(c)(1) and (e) and <--~~
10 ~~13A10(c) of Title 65 of the Pennsylvania Consolidated Statutes~~
11 ~~are amended to read:~~

12 ~~§ 13A07. Prohibited activities.~~

13 ~~* * *~~

14 ~~(f) Unlawful acts.—~~

15 ~~* * *~~

16 ~~(2) The commission may receive complaints regarding~~
17 ~~violations of this subsection. If the commission determines a~~
18 ~~violation of this subsection has occurred, the commission,~~

1 after investigation, notice and hearing:

2 (i) shall impose an administrative penalty in an
3 amount not to exceed [\$2,000] \$10,000; and

4 (ii) may prohibit a lobbyist from lobbying for
5 economic consideration for up to [five] ten years.

6 * * *

7 ~~§ 13A09. Penalties.~~

8 * * *

9 (c) ~~Negligent failure to register or report.~~

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

13 ~~(i) For the first ten late days, \$50 for each late~~
14 ~~day.~~

15 ~~(ii) For each late day after the first ten late~~
16 ~~days, \$250 for each late day.~~

17 * * *

18 (e) ~~Intentional violations.~~

19 (1) ~~A person that intentionally fails to register or~~
20 ~~report as required by this chapter commits a misdemeanor of~~
21 ~~the [second] first degree.~~

22 (2) ~~A registrant who files a report under this chapter~~
23 ~~with knowledge that the report contains a false statement or~~
24 ~~is incomplete commits a misdemeanor of the [second] first~~
25 ~~degree.~~

26 (3) ~~Except as set forth in paragraph (1) or (2), a~~
27 ~~person that intentionally violates this chapter commits a~~
28 ~~misdemeanor of the [third] second degree. In addition to any~~
29 ~~other penalties imposed under this chapter, the court may~~
30 ~~impose a fine not to exceed [\$25,000] \$100,000 against a~~

1 principal who is found guilty under this paragraph.

2 ~~(4) In addition to any criminal penalties imposed under~~
3 ~~this chapter, the commission may prohibit a person from~~
4 ~~lobbying for economic consideration for up to [five] ten~~
5 ~~years for conduct which constitutes an offense under this~~
6 ~~subsection. Criminal prosecution or conviction is not~~
7 ~~required for the imposition of the prohibition authorized by~~
8 ~~this paragraph. The commission shall not impose the~~
9 ~~prohibition under this paragraph unless the person has been~~
10 ~~afforded the opportunity for a hearing, which shall be~~
11 ~~conducted by the commission in accordance with sections~~
12 ~~1107(14) and 1108(e).~~

13 * * *

14 ~~§ 13A10. Registration fees; fund established; system;~~
15 ~~regulations.~~

16 * * *

17 ~~(c) Computerized filing system.~~

18 ~~(1) The department shall implement a fully accessible~~
19 ~~system to accommodate the use of computerized filing. [Each~~
20 ~~registrant shall elect on an annual basis whether the~~
21 ~~registrant will file all of the documents required by this~~
22 ~~chapter either electronically or on paper with the~~
23 ~~department.] At the time of filing a document required under~~
24 ~~this chapter, a registrant may elect to file the document~~
25 ~~electronically or on paper with the department.~~

26 ~~(2) If a document is filed electronically, the~~
27 ~~department shall issue to the registrant an electronic~~
28 ~~receipt which includes a confirmation number and the date and~~
29 ~~time of filing. The registrant may rely on the electronic~~
30 ~~receipt as proof of the time of filing.~~

1 * * *

2 ~~Section 2. This act shall take effect immediately.~~

3 SECTION 1. SECTIONS 13A04(A), (D) AND (E) (1), 13A05(A), (B) <--
4 (4), (6) AND (8) AND (D), 13A07(F) (2), 13A09(C) (1) AND 13A10(C)
5 OF TITLE 65 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
6 AMENDED TO READ:

7 § 13A04. REGISTRATION.

8 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 13A06
9 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A
10 LOBBYIST, LOBBYING FIRM OR A PRINCIPAL MUST REGISTER WITH THE
11 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM
12 DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSES
13 OF THIS CHAPTER WITHIN TEN DAYS OF ACTING IN ANY CAPACITY AS A
14 LOBBYIST, LOBBYING FIRM OR PRINCIPAL. REGISTRATION SHALL BE
15 BIENNIAL AND SHALL BEGIN JANUARY 1, 2007.

16 * * *

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 ELECTRONICALLY USING THE COMPUTERIZED FILING
22 SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH
23 THE PURPOSE OF THIS CHAPTER WITHIN 14 DAYS AFTER THE CHANGE
24 OCCURS.

25 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR
26 THE REGISTRATION STATEMENT UNDER SUBSECTION (B) (3), AN
27 AMENDED REGISTRATION STATEMENT SHALL BE FILED 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 WITHIN 14 DAYS OF THE END OF THE

1 YEAR IN WHICH THE CHANGE OCCURS.

2 (E) TERMINATION.--

3 (1) A LOBBYIST, LOBBYING FIRM OR PRINCIPAL MAY TERMINATE
4 REGISTRATION BY FILING NOTICE OF TERMINATION WITH THE
5 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING
6 SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH
7 THE PURPOSE OF THIS CHAPTER.

8 * * *

9 § 13A05. REPORTING.

10 (A) GENERAL RULE.--A REGISTERED PRINCIPAL SHALL, UNDER OATH
11 OR AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE
12 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM
13 DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE
14 OF THIS CHAPTER NO LATER THAN 30 DAYS AFTER THE LAST DAY OF THE
15 QUARTER.

16 (B) CONTENT.--

17 * * *

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

27 * * *

28 (6) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
29 LOBBYING FIRM SHALL SUBMIT AN EXPENSE REPORT ELECTRONICALLY
30 USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY THE

1 DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE OF THIS
2 CHAPTER IF DURING THE REPORTING PERIOD THE LOBBYING FIRM OR
3 LOBBYIST ENGAGED IN LOBBYING WHICH WAS NOT CONTAINED IN ANY
4 EXPENSE REPORT FILED BY A PRINCIPAL OR PRINCIPALS
5 REPRESENTED.

6 * * *

7 (8) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
8 LOBBYING FIRM SHALL SUBMIT A REPORT ELECTRONICALLY USING THE
9 COMPUTERIZED FILING SYSTEM DEVELOPED BY THE DEPARTMENT THAT
10 IS CONSISTENT WITH THE PURPOSE OF THIS CHAPTER IF THE
11 LOBBYING FIRM OR LOBBYIST ENGAGED IN LOBBYING ON BEHALF OF
12 ANY ENTITY THAT IS EXEMPT UNDER SECTION 13A06(7), (8), (9) OR
13 (10) (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING).

14 * * *

15 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT REQUIRED
16 UNDER THIS SECTION SHALL BE FILED ELECTRONICALLY USING THE
17 COMPUTERIZED FILING SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS
18 CONSISTENT WITH THE PURPOSE OF THIS CHAPTER WHEN TOTAL EXPENSES
19 FOR LOBBYING EXCEED \$2,500 FOR A REGISTERED PRINCIPAL IN A
20 REPORTING PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES
21 ARE \$2,500 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED
22 ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY
23 THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE OF THIS
24 CHAPTER.

25 * * *

26 § 13A07. PROHIBITED ACTIVITIES.

27 * * *

28 (F) UNLAWFUL ACTS.--

29 * * *

30 (2) THE COMMISSION MAY RECEIVE COMPLAINTS REGARDING

1 VIOLATIONS OF THIS SUBSECTION. IF THE COMMISSION DETERMINES A
2 VIOLATION OF THIS SUBSECTION HAS OCCURRED, THE COMMISSION,
3 AFTER INVESTIGATION, NOTICE AND HEARING:

4 (I) SHALL IMPOSE AN ADMINISTRATIVE PENALTY IN AN
5 AMOUNT NOT TO EXCEED [\$2,000] \$4,000; AND

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

8 * * *

9 § 13A09. PENALTIES.

10 * * *

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

12 (1) NEGLIGENT FAILURE TO REGISTER OR REPORT AS REQUIRED
13 BY THIS CHAPTER IS PUNISHABLE BY AN ADMINISTRATIVE PENALTY
14 NOT EXCEEDING [\$50 FOR EACH LATE DAY.] THE FOLLOWING:

15 (I) FOR THE FIRST TEN LATE DAYS, \$50 FOR EACH LATE
16 DAY.

17 (II) FOR EACH LATE DAY AFTER THE FIRST TEN LATE
18 DAYS, \$100 FOR EACH LATE DAY.

19 (III) FOR EACH LATE DAY AFTER THE FIRST 20 LATE DAYS
20 \$200 FOR EACH LATE DAY.

21 * * *

22 § 13A10. REGISTRATION FEES; FUND ESTABLISHED; SYSTEM;
23 REGULATIONS.

24 * * *

25 (C) COMPUTERIZED FILING SYSTEM.--THE FOLLOWING APPLY:

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

1 DEPARTMENT.

2 (2) THE DEPARTMENT SHALL POST ALL FILINGS ON ITS
3 PUBLICLY ACCESSIBLE INTERNET WEBSITE WITHIN SEVEN DAYS OF
4 RECEIPT OF THE FILING.

5 (3) IF A DOCUMENT IS FILED ELECTRONICALLY, THE
6 DEPARTMENT SHALL ISSUE AN ELECTRONIC RECEIPT TO THE
7 REGISTRANT THAT INCLUDES A CONFIRMATION NUMBER AND DATE. THE
8 REGISTRANT MAY RELY ON THE RECEIPT AS PROOF OF THE TIME OF
9 FILING.

10 * * *

11 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

12 (1) THE AMENDMENT OF 65 PA.C.S. §§ 13A04(A), (D) AND
13 (E)(1) AND 13A05(A), (B)(4), (6) AND (8) AND (D) SHALL TAKE
14 EFFECT JANUARY 1, 2015.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
16 IMMEDIATELY.