

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1348 Session of 2015

INTRODUCED BY CUTLER, NEUMAN, DIAMOND, ROZZI, HICKERNELL, TOPPER, McNEILL, MARSICO, MATZIE, SNYDER, KAUFFMAN, MILNE, FEE, D. COSTA, WATSON AND DEAN, JUNE 24, 2015

SENATOR FOLMER, STATE GOVERNMENT, IN SENATE, AS AMENDED, OCTOBER 19, 2016

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 fees, fund
5 established, system and regulations.

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

8 Section 1. Sections 13A04(A), (D) AND (E) (1), 13A05(A), (B) <--
9 (4), (6) AND (8) AND (D), 13A07(f) (2), 13A09(c) (1) and 13A10(c)
10 of Title 65 of the Pennsylvania Consolidated Statutes are
11 amended to read:

12 § 13A04. REGISTRATION. <--

13 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 13A06
14 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A
15 LOBBYIST, LOBBYING FIRM OR A PRINCIPAL MUST REGISTER WITH THE
16 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM
17 DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSES
18 OF THIS CHAPTER WITHIN TEN DAYS OF ACTING IN ANY CAPACITY AS A

1 LOBBYIST, LOBBYING FIRM OR PRINCIPAL. REGISTRATION SHALL BE
2 BIENNIAL AND SHALL BEGIN JANUARY 1, 2007.

3 * * *

4 (D) AMENDMENTS.--

5 (1) IF THERE IS A CHANGE OF INFORMATION REQUIRED FOR THE
6 REGISTRATION STATEMENT UNDER SUBSECTION (B) (1) OR (2) OR (C),
7 AN AMENDED REGISTRATION STATEMENT SHALL BE FILED WITH THE
8 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING
9 SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH
10 THE PURPOSE OF THIS CHAPTER WITHIN 14 DAYS AFTER THE CHANGE
11 OCCURS.

12 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR
13 THE REGISTRATION STATEMENT UNDER SUBSECTION (B) (3), AN
14 AMENDED REGISTRATION STATEMENT SHALL BE FILED WITH THE
15 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING
16 SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH
17 THE PURPOSE OF THIS CHAPTER WITHIN 14 DAYS OF THE END OF THE
18 YEAR IN WHICH THE CHANGE OCCURS.

19 (E) TERMINATION.--

20 (1) A LOBBYIST, LOBBYING FIRM OR PRINCIPAL MAY TERMINATE
21 REGISTRATION BY FILING NOTICE OF TERMINATION WITH THE
22 DEPARTMENT[.] ELECTRONICALLY USING THE COMPUTERIZED FILING
23 SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH
24 THE PURPOSE OF THIS CHAPTER.

25 * * *

26 § 13A05. REPORTING.

27 (A) GENERAL RULE.--A REGISTERED PRINCIPAL SHALL, UNDER OATH
28 OR AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE
29 DEPARTMENT ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM
30 DEVELOPED BY THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE

1 OF THIS CHAPTER NO LATER THAN 30 DAYS AFTER THE LAST DAY OF THE
2 QUARTER.

3 (B) CONTENT.--

4 * * *

5 (4) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
6 LOBBYING FIRM SHALL SIGN THE REPORTS ELECTRONICALLY SUBMITTED
7 BY EACH PRINCIPAL FOR WHOM THE LOBBYING FIRM OR LOBBYIST IS
8 REGISTERED TO ATTEST TO THE VALIDITY AND ACCURACY TO THE BEST
9 OF THE ATTESTOR'S KNOWLEDGE. A LOBBYING FIRM OR LOBBYIST MAY
10 ATTACH A STATEMENT TO THE ELECTRONIC REPORT OF A PRINCIPAL,
11 DESCRIBING THE LIMITS OF THE KNOWLEDGE OF THE LOBBYING FIRM
12 OR LOBBYIST CONCERNING THE INFORMATION CONTAINED IN THE
13 EXPENSE REPORT.

14 * * *

15 (6) A LOBBYING FIRM OR A LOBBYIST NOT ASSOCIATED WITH A
16 LOBBYING FIRM SHALL SUBMIT AN EXPENSE REPORT ELECTRONICALLY
17 USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY THE
18 DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE OF THIS
19 CHAPTER IF DURING THE REPORTING PERIOD THE LOBBYING FIRM OR
20 LOBBYIST ENGAGED IN LOBBYING WHICH WAS NOT CONTAINED IN ANY
21 EXPENSE REPORT FILED BY A PRINCIPAL OR PRINCIPALS
22 REPRESENTED.

23 * * *

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

1 * * *

2 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT REQUIRED
3 UNDER THIS SECTION SHALL BE FILED ELECTRONICALLY USING THE
4 COMPUTERIZED FILING SYSTEM DEVELOPED BY THE DEPARTMENT THAT IS
5 CONSISTENT WITH THE PURPOSE OF THIS CHAPTER WHEN TOTAL EXPENSES
6 FOR LOBBYING EXCEED \$2,500 FOR A REGISTERED PRINCIPAL IN A
7 REPORTING PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES
8 ARE \$2,500 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED
9 ELECTRONICALLY USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY
10 THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE OF THIS
11 CHAPTER.

12 * * *

13 § 13A07. Prohibited activities.

14 * * *

15 (f) Unlawful acts.--

16 * * *

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

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

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

25 * * *

26 § 13A09. Penalties.

27 * * *

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

29 (1) Negligent failure to register or report as required
30 by this chapter is punishable by an administrative penalty

1 not exceeding [\$50 for each late day.] the following:

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

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

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

8 * * *

9 ~~§ 13A10. Registration fees; fund established; system;~~ <--
10 ~~regulations.~~

11 * * *

12 ~~(c) Computerized filing system. The following apply:~~

13 ~~(1) The department shall implement a fully accessible~~
14 ~~system to accommodate the use of computerized filing. Each~~
15 ~~registrant shall elect on an annual basis whether the~~
16 ~~registrant will file all of the documents required by this~~
17 ~~chapter either electronically or on paper with the~~
18 ~~department.~~

19 ~~(2) The department shall post all filings on its~~
20 ~~publicly accessible Internet website within seven days of~~
21 ~~receipt of the filing.~~

22 ~~(3) If a document is filed electronically, the~~
23 ~~department shall issue an electronic receipt to the~~
24 ~~registrant that includes a confirmation number and date. The~~
25 ~~registrant may rely on the receipt as proof of the time of~~
26 ~~filing.~~

27 * * *

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

29 § 13A10. REGISTRATION FEES; FUND ESTABLISHED; SYSTEM; <--
30 REGULATIONS.

1 * * *

2 (C) COMPUTERIZED FILING SYSTEM.--THE DEPARTMENT SHALL
3 IMPLEMENT A FULLY ACCESSIBLE SYSTEM TO ACCOMMODATE THE USE OF
4 COMPUTERIZED FILING. EACH REGISTRANT SHALL ELECT ON AN ANNUAL
5 BASIS WHETHER THE REGISTRANT WILL FILE ALL OF THE DOCUMENTS
6 REQUIRED BY THIS CHAPTER EITHER ELECTRONICALLY OR ON PAPER WITH
7 THE DEPARTMENT. THE DEPARTMENT SHALL POST ALL FILINGS ON ITS
8 PUBLICLY ACCESSIBLE INTERNET WEBSITE WITHIN SEVEN DAYS OF
9 RECEIPT OF THE 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 (E)
13 (1) AND 13A05(A), (B) (4), (6) AND (8) AND (D) SHALL TAKE
14 EFFECT JANUARY 1, 2017.

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