

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1175 Session of 2017

INTRODUCED BY CUTLER, NEUMAN, MATZIE, B. MILLER, McNEILL, HICKERNELL, ENGLISH, FEE, ROZZI, DeLUCA, D. COSTA, FREEMAN, SOLOMON, WATSON, KAUFER, D. MILLER, ROE, MICCARELLI AND JOZWIAK, APRIL 12, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 30, 2017

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 ADMINISTRATION, for penalties and for <--
5 registration fees, fund 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), 13A08(B), 13A09(c)(1) and <--
10 13A10(c) of Title 65 of the Pennsylvania Consolidated Statutes
11 are 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] SUBJECT TO THE PENALTIES UNDER 18 PA.C.S. § 4904 <--  
29 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES), file  
30 quarterly expense reports with the department electronically

1 using the computerized filing system developed by the department  
2 that is consistent with the purpose of this chapter no later  
3 than 30 days after the last day of the quarter.

4 (b) Content.--

5 \* \* \*

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

15 \* \* \*

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

24 \* \* \*

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

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

2 \* \* \*

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

13 \* \* \*

14 § 13A07. Prohibited activities.

15 \* \* \*

16 (f) Unlawful acts.--

17 \* \* \*

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

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

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

26 \* \* \*

27 § 13A08. ADMINISTRATION.

<--

28 \* \* \*

29 (B) FORMS.--THE DEPARTMENT SHALL PRESCRIBE REGISTRATION AND  
30 REPORTING FORMS TO BE USED UNDER THIS CHAPTER. THE FORMS SHALL

1 BE AVAILABLE ON A PUBLICLY ACCESSIBLE INTERNET WEBSITE. ALL  
2 INFORMATION REQUESTED ON THE FORMS SHALL BE PROVIDED TO THE BEST  
3 OF THE KNOWLEDGE, INFORMATION AND BELIEF OF THE PERSON REQUIRED  
4 TO FILE AND SHALL BE SIGNED [UNDER OATH OR EQUIVALENT  
5 AFFIRMATION] SUBJECT TO THE PENALTIES UNDER 18 PA.C.S. § 4904  
6 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES).

7 \* \* \*

8 § 13A09. Penalties.

9 \* \* \*

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

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

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

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

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

20 \* \* \*

21 § 13A10. Registration fees; fund established; system;  
22 regulations.

23 \* \* \*

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

1 receipt of the filing.

2 \* \* \*

3 Section 2. This act shall take effect as follows:

4 (1) The amendment of 65 Pa.C.S. §§ 13A04(a), (d) and (e)  
5 (1) and 13A05(a), (b) (4), (6) and (8) and (d) shall take  
6 effect January 1, 2018.

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