

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 169 Session of 2017

INTRODUCED BY LAUGHLIN, EICHELBERGER, SCARNATI, YAW, ALLOWAY, FOLMER, YUDICHAK, COSTA, SCHWANK, RESCHENTHALER, VULAKOVICH, AUMENT, RAFFERTY, BAKER, BOSCOLA, WARD AND WAGNER, JANUARY 20, 2017

AS AMENDED ON THIRD CONSIDERATION, MARCH 21, 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 and for registration fees, fund established,
5 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) and 13A10(c) of Title 65 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 SECTION 1. SECTIONS 13A04(A), (D) AND (E) (1) AND 13A05(A), <--
12 (B) (4), (6) AND (8) AND (D) OF TITLE 65 OF THE PENNSYLVANIA
13 CONSOLIDATED STATUTES ARE AMENDED TO READ:

14 § 13A04. Registration.

15 (a) General rule.--Unless excluded under section 13A06
16 (relating to exemption from registration and reporting), a
17 lobbyist, lobbying firm or a principal must register with the
18 department electronically using the computerized filing system

1 developed by the department that is consistent with the purpose
2 of this chapter within ten days of acting in any capacity as a
3 lobbyist, lobbying firm or principal. Registration shall be
4 biennial and shall begin January 1, 2007.

5 * * *

6 (d) Amendments.--

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

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

21 (e) Termination.--

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

27 * * *

28 § 13A05. Reporting.

29 (a) General rule.--A registered principal shall, under oath
30 or affirmation, file quarterly expense reports with the

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

5 (b) Content.--

6 * * *

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

16 * * *

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

25 * * *

26 (8) A lobbying firm or a lobbyist not associated with a
27 lobbying firm shall submit a report electronically using the
28 computerized filing system developed by the department that
29 is consistent with the purpose of this chapter if the
30 lobbying firm or lobbyist engaged in lobbying on behalf of

1 any entity that is exempt under section 13A06(7), (8), (9) or
2 (10) (relating to exemption from registration and reporting).

3 * * *

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

14 * * *

15 SECTION 2. SECTION 13A07(E) (1) AND (2) OF TITLE 65 ARE <--
16 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
17 READ:

18 § 13A07. PROHIBITED ACTIVITIES.

19 * * *

20 (E) CONTINGENT COMPENSATION.--

21 (1) A PERSON MAY NOT COMPENSATE OR INCUR AN OBLIGATION
22 TO COMPENSATE A PERSON TO ENGAGE IN LOBBYING FOR COMPENSATION
23 CONTINGENT IN WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

24 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF
25 LEGISLATIVE ACTION.

26 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN
27 ADMINISTRATIVE ACTION [OTHER THAN PROCUREMENT DESCRIBED
28 IN PARAGRAPH (1) (IV) OF THE DEFINITION OF "ADMINISTRATIVE
29 ACTION" UNDER SECTION 13A03 (RELATING TO DEFINITIONS)].

30 (III) THE RECEIPT OR AWARD OF A GRANT, CREDIT, LOAN,

1 CAPITAL FUNDING, CONTRACT OR ANY OTHER FORM OF
2 COMMONWEALTH FUNDS AWARDED BY AN AGENCY. THE PROVISIONS
3 OF THIS SUBPARAGRAPH SHALL APPLY TO AN AFFILIATED ENTITY.

4 (2) A PERSON MAY NOT ENGAGE IN OR AGREE TO ENGAGE IN
5 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON
6 ANY:

7 (I) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF
8 LEGISLATIVE ACTION.

9 (II) OCCURRENCE, NONOCCURRENCE OR AMENDMENT OF AN
10 ADMINISTRATIVE ACTION [OTHER THAN PROCUREMENT DESCRIBED
11 IN PARAGRAPH (1) (IV) OF THE DEFINITION OF "ADMINISTRATIVE
12 ACTION" UNDER SECTION 13A03].

13 (III) THE RECEIPT OR AWARD OF ANY GRANT, CREDIT,
14 LOAN, CAPITAL FUNDING, CONTRACT OR ANY OTHER FORM OF
15 COMMONWEALTH FUNDS AWARDED BY AN AGENCY. THE PROVISIONS
16 OF THIS SUBPARAGRAPH SHALL APPLY TO AN AFFILIATED ENTITY.

17 * * *

18 (G) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
19 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
20 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

21 "AFFILIATED ENTITY." ANY OF THE FOLLOWING:

22 (1) A SUBSIDIARY OR HOLDING COMPANY OF A LOBBYING FIRM
23 OR OTHER BUSINESS ENTITY OWNED IN WHOLE OR IN PART BY A
24 LOBBYING FIRM.

25 (2) AN ORGANIZATION RECOGNIZED BY THE INTERNAL REVENUE
26 SERVICE AS A TAX-EXEMPT ORGANIZATION UNDER SECTION 501(C) OF
27 THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
28 U.S.C. § 501(C)) ESTABLISHED BY A LOBBYIST OR LOBBYING FIRM
29 OR AN AFFILIATED ENTITY.

30 SECTION 3. SECTION 13A10(C) OF TITLE 65 IS AMENDED TO READ:

1 § 13A10. Registration fees; fund established; system;
2 regulations.

3 * * *

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

12 * * *

13 Section 2 4. This act shall take effect as follows: <--

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

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