

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1601 Session of 2021

INTRODUCED BY HAMM, CUTLER, KERWIN, B. MILLER, PENNYCUICK, KEEFER, LEWIS, C. WILLIAMS, STAMBAUGH, DIAMOND, DOWLING, SMITH, GROVE, FEE, RYAN, SCHMITT, ROZZI, HELM, HERSHEY, OWLETT, MENTZER, BERNSTINE, ROWE, GLEIM, HICKERNELL, GILLEN AND WHEELAND, JUNE 10, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 25, 2021

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in lobbying disclosure, further <--
3 providing for reporting, providing for equity reporting and
4 further providing for administration; and making editorial
5 changes. IN LOBBYING DISCLOSURE, FURTHER PROVIDING FOR <--
6 DEFINITIONS, FOR REGISTRATION AND FOR REPORTING, PROVIDING
7 FOR STATEMENT OF FINANCIAL INTERESTS AND FURTHER PROVIDING
8 FOR EXEMPTION FROM REGISTRATION AND REPORTING, FOR PROHIBITED
9 ACTIVITIES, FOR ADMINISTRATION AND FOR PENALTIES; MAKING A
10 RELATED REPEAL; AND MAKING EDITORIAL CHANGES.

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

13 Section 1. The heading of section 13A05 of Title 65 of the <--
14 Pennsylvania Consolidated Statutes is amended to read:

15 SECTION 1. SECTION 13A03 OF TITLE 65 OF THE PENNSYLVANIA <--
16 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
17 § 13A03. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "CAMPAIGN CONSULTANT." AN INDIVIDUAL WHO RECEIVES
3 COMPENSATION FOR PROFESSIONAL CAMPAIGN-RELATED SERVICES,
4 INCLUDING, BUT NOT LIMITED TO, POLITICAL, STRATEGIC, ADVISORY OR
5 FUNDRAISING SERVICES, RENDERED TO A CAMPAIGN TO ELECT AN
6 INDIVIDUAL TO OFFICE.

7 * * *

8 SECTION 2. SECTION 13A04(A), (D)(1) AND (E)(1), (2) AND (4)
9 OF TITLE 65 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
10 SUBSECTION TO READ:

11 § 13A04. REGISTRATION.

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

21 * * *

22 (C.1) CAMPAIGN CONSULTANTS.--A CAMPAIGN CONSULTANT WHO IS
23 REQUIRED TO REGISTER UNDER SUBSECTION (A) SHALL FILE A SINGLE
24 REGISTRATION STATEMENT PROVIDING THE FOLLOWING INFORMATION TO
25 THE DEPARTMENT:

26 (1) NAME.

27 (2) PERMANENT BUSINESS ADDRESS.

28 (3) DAYTIME TELEPHONE NUMBER.

29 (4) E-MAIL ADDRESS, IF AVAILABLE.

30 (5) NAME OF THE POLITICAL CANDIDATE OR CANDIDATES FOR

1 WHOM THE CAMPAIGN CONSULTANT WILL BE PROVIDING SERVICES OR
2 ASSISTANCE OR FOR WHOM THE CAMPAIGN CONSULTANT HAS PROVIDED
3 SERVICES OR ASSISTANCE IN THE PAST 12 MONTHS.

4 (6) EACH OFFICE FOR WHICH A POLITICAL CANDIDATE
5 IDENTIFIED IN PARAGRAPH (5) IS SEEKING OR SOUGHT ELECTION.

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],
9 (C) OR (C.1), AN AMENDED REGISTRATION STATEMENT SHALL BE
10 FILED WITH THE DEPARTMENT ELECTRONICALLY USING THE
11 COMPUTERIZED FILING SYSTEM DEVELOPED BY THE DEPARTMENT THAT
12 IS CONSISTENT WITH THE PURPOSE OF THIS CHAPTER WITHIN 14 DAYS
13 AFTER THE CHANGE OCCURS.

14 * * *

15 (E) TERMINATION.--

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

22 (2) AFTER A REVIEW OF THE NOTICE OF TERMINATION, BUT NO
23 LATER THAN 15 DAYS AFTER RECEIPT OF THE NOTICE, THE
24 DEPARTMENT SHALL ISSUE TO THE LOBBYIST, LOBBYING FIRM [OR],
25 PRINCIPAL OR CAMPAIGN CONSULTANT A LETTER STATING THAT THE
26 REGISTRANT HAS TERMINATED REGISTRATION. THE FILING OF NOTICE
27 SHALL NOT AFFECT THE COMMISSION'S AUTHORITY TO CONDUCT
28 INVESTIGATIONS AND HEARINGS UNDER SECTION 13A08(G) (RELATING
29 TO ADMINISTRATION).

30 * * *

1 (4) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
2 EXEMPT A LOBBYIST, LOBBYING FIRM [OR], PRINCIPAL OR CAMPAIGN
3 CONSULTANT FROM ANY OF THE REQUIREMENTS IN SECTION 13A05
4 (RELATING TO EXPENSE REPORTING).

5 SECTION 3. THE HEADING OF SECTION 13A05 OF TITLE 65 IS
6 AMENDED TO READ:

7 § 13A05. [Reporting] Expense reporting.

8 * * *

9 Section 2 4. Title 65 is amended by adding a section to <--
10 read:

11 ~~§ 13A05.1. Equity reporting.~~ <--

12 ~~Each lobbying firm and lobbyist required to register under~~
13 ~~section 13A04(a) (relating to registration) shall, subject to~~
14 ~~the penalties under 18 Pa.C.S. § 4904 (relating to unsworn~~
15 ~~falsification to authorities), electronically file an annual~~
16 ~~equity report using the computerized filing system developed by~~
17 ~~the department. Equity reports shall disclose any equity a~~
18 ~~lobbying firm or lobbyist holds in an entity for which they are~~
19 ~~lobbying and shall be consistent with the purpose of this~~
20 ~~chapter. Equity reports shall be filed no later than 30 days~~
21 ~~after the last day of the quarter and may include any additional~~
22 ~~information required by the department.~~

23 Section 3. Sections 13A06 introductory paragraph, 13A07(d)
24 (5), 13A08(c) and (j) and 13A09(g) (2) of Title 65 are amended to
25 read:

26 ~~§ 13A06. Exemption from registration and reporting.~~

27 ~~The following persons and activities shall be exempt from~~
28 ~~registration under section 13A04 (relating to registration) and~~
29 ~~reporting under section 13A05 (relating to expense reporting):~~

30 * * *

1 ~~§ 13A07. Prohibited activities.~~

2 ~~* * *~~

3 ~~(d) Conflicts of interest.~~

4 ~~* * *~~

5 ~~(5) A principal or lobbyist required to report under~~
6 ~~section 13A05 (relating to expense reporting) shall include~~
7 ~~in the report a statement affirming that to the best of the~~
8 ~~principal's or lobbyist's knowledge the principal or lobbyist~~
9 ~~has complied with this section.~~

10 ~~* * *~~

11 ~~§ 13A08. Administration.~~

12 ~~* * *~~

13 ~~(c) Public inspection and copying. The department shall~~
14 ~~make completed registration statements, expense reports, equity~~
15 ~~reports and notices of termination, which have been filed with~~
16 ~~the department, available for public inspection and provide~~
17 ~~copies of these documents at a price not in excess of the actual~~
18 ~~cost of copying. The department shall make all registrations and~~
19 ~~reports available on a publicly accessible Internet website.~~
20 ~~Documents maintained and reproducible in an electronic format~~
21 ~~shall be provided in that format upon request.~~

22 ~~* * *~~

23 ~~(j) Inflation adjustment. On a biennial basis commencing in~~
24 ~~January 2009, the department shall review the threshold under~~
25 ~~section 13A06 (relating to exemption from registration and~~
26 ~~reporting) for registration under section 13A04 (relating to~~
27 ~~registration) and the threshold for reporting under section~~
28 ~~13A05(d) (relating to expense reporting) and shall increase~~
29 ~~these amounts to rates deemed reasonable for assuring~~
30 ~~appropriate disclosure. On a biennial basis commencing in~~

1 ~~January 2009, the department shall review the filing fee~~
2 ~~established under section 13A10 (relating to registration fees;~~
3 ~~fund established; system; regulations) and may by regulation~~
4 ~~adjust this amount if the department determines that a higher~~
5 ~~fee is needed to cover the costs of carrying out the provisions~~
6 ~~of this chapter. The department shall publish adjusted amounts~~
7 ~~in the Pennsylvania Bulletin by June 1, 2009, and by June 1~~
8 ~~every two years thereafter as necessary.~~

9 * * *

10 ~~§ 13A09. Penalties.~~

11 * * *

12 ~~(g) Affirmative defense. Any of the following is an~~
13 ~~affirmative defense to an action brought under Chapter 11~~
14 ~~(relating to ethics standards and financial disclosure) or this~~
15 ~~chapter:~~

16 * * *

17 ~~(2) The respondent or defendant relied on notice under~~
18 ~~section 13A05(b)(3)(iv) (relating to expense reporting).~~

19 * * *

20 § 13A05.1. STATEMENT OF FINANCIAL INTERESTS.

<--

21 EACH LOBBYING FIRM, LOBBYIST AND CAMPAIGN CONSULTANT REQUIRED
22 TO REGISTER UNDER SECTION 13A04 (RELATING TO REGISTRATION)
23 SHALL, SUBJECT TO THE PENALTIES UNDER 18 PA.C.S. § 4904
24 (RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES), FILE A
25 STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR
26 NO LATER THAN MAY 1 OF EACH YEAR THAT THE FIRM, LOBBYIST OR
27 CAMPAIGN CONSULTANT IS REQUIRED TO REGISTER, AND OF THE YEAR
28 AFTER THE FIRM, LOBBYIST OR CAMPAIGN CONSULTANT IS NO LONGER
29 REQUIRED TO REGISTER. THE STATEMENT SHALL BE FILED WITH THE
30 DEPARTMENT AND THE COMMISSION AND SHALL CONTAIN ALL THE

1 INFORMATION REQUIRED UNDER SECTION 1105 (RELATING TO STATEMENT
2 OF FINANCIAL INTERESTS).

3 SECTION 5. SECTIONS 13A06 HEADING, INTRODUCTORY PARAGRAPH,
4 (1), (3), (4), (5), (11) AND (12) AND 13A07(C), (D) (1), (2),
5 (3), (4), (5), (6) (II), (7) AND (8) AND (F) (1) (I), (VI) AND (X)
6 OF TITLE 65 ARE AMENDED TO READ:

7 § 13A06. EXEMPTION FROM REGISTRATION AND EXPENSE REPORTING.

8 THE FOLLOWING PERSONS AND ACTIVITIES SHALL BE EXEMPT FROM
9 REGISTRATION UNDER SECTION 13A04 (RELATING TO REGISTRATION) AND
10 REPORTING UNDER SECTION 13A05 (RELATING TO EXPENSE REPORTING):

11 (1) AN INDIVIDUAL WHO LIMITS LOBBYING OR CAMPAIGN
12 CONSULTING TO PREPARING TESTIMONY AND TESTIFYING BEFORE A
13 COMMITTEE OF THE GENERAL ASSEMBLY OR PARTICIPATING IN AN
14 ADMINISTRATIVE PROCEEDING OF AN AGENCY.

15 * * *

16 (3) AN INDIVIDUAL WHO DOES NOT RECEIVE ECONOMIC
17 CONSIDERATION FOR LOBBYING OR CAMPAIGN CONSULTING.

18 (4) AN INDIVIDUAL WHOSE ECONOMIC CONSIDERATION FOR
19 LOBBYING OR CAMPAIGN CONSULTING, FROM ALL PRINCIPALS
20 REPRESENTED, DOES NOT EXCEED \$2,500 IN THE AGGREGATE DURING
21 ANY REPORTING PERIOD.

22 (5) AN INDIVIDUAL WHO ENGAGES IN LOBBYING OR CAMPAIGN
23 CONSULTING ON BEHALF OF THE INDIVIDUAL'S EMPLOYER IF THE
24 LOBBYING OR CAMPAIGN CONSULTING REPRESENTS LESS THAN 20 HOURS
25 DURING ANY REPORTING PERIOD.

26 * * *

27 (11) AN INDIVIDUAL REPRESENTING A BONA FIDE CHURCH OR
28 BONA FIDE RELIGIOUS BODY OF WHICH THE INDIVIDUAL IS A MEMBER
29 WHERE THE LOBBYING OR CAMPAIGN CONSULTING IS SOLELY FOR THE
30 PURPOSE OF PROTECTING THE CONSTITUTIONAL RIGHT TO THE FREE

1 EXERCISE OF RELIGION.

2 (12) AN INDIVIDUAL WHO IS NOT A REGISTERED LOBBYIST OR A
3 REGISTERED CAMPAIGN CONSULTANT AND WHO SERVES ON AN ADVISORY
4 BOARD, WORKING GROUP OR TASK FORCE AT THE REQUEST OF AN
5 AGENCY OR THE GENERAL ASSEMBLY.

6 * * *

7 § 13A07. PROHIBITED ACTIVITIES.

8 * * *

9 (C) FALSIFICATION.--A LOBBYIST, LOBBYING FIRM [OR],
10 PRINCIPAL OR CAMPAIGN CONSULTANT MAY NOT, FOR THE PURPOSE OF
11 INFLUENCING LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION,
12 TRANSMIT, UTTER OR PUBLISH TO A STATE OFFICIAL OR EMPLOYEE A
13 COMMUNICATION, KNOWING THAT THE COMMUNICATION OR A SIGNATURE ON
14 THE COMMUNICATION IS FALSE, FORGED, COUNTERFEIT OR FICTITIOUS.

15 (D) CONFLICTS OF INTEREST.--

16 (1) EXCEPT AS PERMITTED BY PARAGRAPH (2), A REGISTRANT
17 MAY NOT LOBBY NOR PROVIDE CAMPAIGN CONSULTING SERVICES ON
18 BEHALF OF A PRINCIPAL ON ANY SUBJECT MATTER IN WHICH THE
19 PRINCIPAL'S INTERESTS ARE DIRECTLY ADVERSE TO THE INTERESTS
20 OF ANOTHER PRINCIPAL CURRENTLY REPRESENTED BY THE LOBBYIST OR
21 CAMPAIGN CONSULTANT OR WAS PREVIOUSLY REPRESENTED BY THE
22 LOBBYIST OR CAMPAIGN CONSULTANT DURING THE CURRENT SESSION OF
23 THE GENERAL ASSEMBLY OR THE LOBBYIST'S OR CAMPAIGN
24 CONSULTANT'S OWN INTERESTS.

25 (2) A LOBBYIST OR CAMPAIGN CONSULTANT MAY REPRESENT A
26 PRINCIPAL IN CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) IF:

27 (I) THE LOBBYIST OR CAMPAIGN CONSULTANT REASONABLY
28 BELIEVES THAT THE LOBBYIST OR CAMPAIGN CONSULTANT WILL BE
29 ABLE TO PROVIDE COMPETENT AND DILIGENT REPRESENTATION TO
30 EACH AFFECTED PRINCIPAL;

1 (II) THE LOBBYIST OR CAMPAIGN CONSULTANT PROVIDES
2 WRITTEN NOTICE TO EACH AFFECTED PRINCIPAL UPON BECOMING
3 AWARE OF THE CONFLICT; AND

4 (III) EACH AFFECTED PRINCIPAL PROVIDES INFORMED
5 CONSENT WAIVING THE CONFLICT OF INTEREST.

6 (3) IF A LOBBYIST OR CAMPAIGN CONSULTANT REPRESENTS A
7 PRINCIPAL IN VIOLATION OF THIS SECTION OR IF MULTIPLE
8 REPRESENTATION PROPERLY ACCEPTED BECOMES IMPROPER UNDER THIS
9 SECTION AND THE CONFLICT IS NOT WAIVED, THE LOBBYIST OR
10 CAMPAIGN CONSULTANT SHALL PROMPTLY WITHDRAW FROM ONE OR MORE
11 REPRESENTATIONS TO THE EXTENT NECESSARY FOR REMAINING
12 REPRESENTATION TO NOT BE IN VIOLATION OF THIS SECTION.

13 (4) IF A LOBBYIST OR CAMPAIGN CONSULTANT IS PROHIBITED
14 BY THIS SECTION FROM ENGAGING IN PARTICULAR CONDUCT, AN
15 EMPLOYER OF THE LOBBYIST [OR A PARTNER OR OTHER PERSON
16 ASSOCIATED WITH THE LOBBYIST] OR CAMPAIGN CONSULTANT MAY NOT
17 ENGAGE IN THE PARTICULAR CONDUCT.

18 (5) A PRINCIPAL [OR LOBBYIST], LOBBYIST OR CAMPAIGN
19 CONSULTANT REQUIRED TO REPORT UNDER SECTION 13A05 (RELATING
20 TO EXPENSE REPORTING) SHALL INCLUDE IN THE REPORT A STATEMENT
21 AFFIRMING THAT TO THE BEST OF THE [PRINCIPAL'S OR LOBBYIST'S
22 KNOWLEDGE THE PRINCIPAL OR LOBBYIST] PRINCIPAL'S, LOBBYIST'S
23 OR CAMPAIGN CONSULTANT'S KNOWLEDGE, THE PRINCIPAL, LOBBYIST
24 OR CAMPAIGN CONSULTANT HAS COMPLIED WITH THIS SECTION.

25 (6) EXCEPT AS PROVIDED IN PARAGRAPH (8), THE COMMISSION
26 MAY RECEIVE COMPLAINTS REGARDING VIOLATIONS OF THIS
27 SUBSECTION. IF THE COMMISSION DETERMINES A VIOLATION OF THIS
28 SUBSECTION HAS OCCURRED, THE COMMISSION, AFTER INVESTIGATION,
29 NOTICE AND HEARING:

30 * * *

1 (II) MAY PROHIBIT A LOBBYIST FROM LOBBYING OR A
2 CAMPAIGN CONSULTANT FROM PROVIDING CAMPAIGN CONSULTING
3 SERVICES FOR ECONOMIC CONSIDERATION FOR UP TO FIVE YEARS.

4 (7) A LOBBYIST [AND], PRINCIPAL AND CAMPAIGN CONSULTANT
5 SHALL MAINTAIN THE RECORDS RELATING TO THE CONFLICT OF
6 INTEREST SET FORTH IN PARAGRAPH (2) FOR A FOUR-YEAR PERIOD
7 BEGINNING ON THE DATE THE CONFLICT IS DISCOVERED AND, IN THE
8 CASE OF AN INVESTIGATION CONDUCTED UNDER PARAGRAPH (6),
9 PROVIDE COPIES OF THE RECORDS TO THE COMMISSION UPON REQUEST.

10 (8) COMPLAINTS REGARDING VIOLATIONS OF THIS SUBSECTION
11 INVOLVING A LOBBYIST [OR], PRINCIPAL OR CAMPAIGN CONSULTANT
12 WHO IS AN ATTORNEY AT LAW SHALL BE REFERRED TO THE BOARD TO
13 BE INVESTIGATED, CONSIDERED AND RESOLVED IN A MANNER
14 CONSISTENT WITH THE RULES OF PROFESSIONAL CONDUCT.

15 * * *

16 (F) UNLAWFUL ACTS.--

17 (1) A LOBBYIST [OR], PRINCIPAL OR CAMPAIGN CONSULTANT
18 MAY NOT:

19 (I) INSTIGATE THE INTRODUCTION OF LEGISLATION FOR
20 THE PURPOSE OF OBTAINING EMPLOYMENT TO LOBBY OR PROVIDING
21 CAMPAIGN CONSULTING SERVICES IN OPPOSITION TO THAT
22 LEGISLATION.

23 * * *

24 (VI) COMMIT A CRIMINAL OFFENSE ARISING FROM LOBBYING
25 OR CAMPAIGN CONSULTING.

26 * * *

27 (X) ENGAGE IN CONDUCT WHICH BRINGS THE PRACTICE OF
28 LOBBYING, CAMPAIGN CONSULTING OR THE LEGISLATIVE OR
29 EXECUTIVE BRANCHES OF STATE GOVERNMENT INTO DISREPUTE.

30 * * *

1 SECTION 6. SECTION 13A08(A), (D)(1), (G), (H), (J) AND (K)
2 OF TITLE 65 ARE AMENDED AND SUBSECTION (D)(2) IS AMENDED BY
3 ADDING A SUBPARAGRAPH TO READ:

4 § 13A08. ADMINISTRATION.

5 (A) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
6 ADVICE AND OPINIONS UNDER SECTION 1107 (RELATING TO POWERS AND
7 DUTIES OF COMMISSION) TO A LOBBYIST, A LOBBYING FIRM, A
8 PRINCIPAL, A CAMPAIGN CONSULTANT, THE DEPARTMENT, THE BOARD OR A
9 STATE OFFICIAL OR EMPLOYEE, THAT SEEKS ADVICE REGARDING
10 COMPLIANCE WITH THIS CHAPTER. A PERSON THAT ACTS IN GOOD FAITH
11 BASED ON THE WRITTEN ADVICE OR OPINION OF THE COMMISSION SHALL
12 NOT BE HELD LIABLE FOR A VIOLATION OF THIS CHAPTER IF THE
13 MATERIAL FACTS ARE AS STATED IN THE REQUEST.

14 * * *

15 (D) ANNUAL REPORTING.--

16 (1) THE DEPARTMENT SHALL PREPARE AND PUBLISH AN ANNUAL
17 REPORT ON LOBBYING AND CAMPAIGN CONSULTING ACTIVITIES IN THIS
18 COMMONWEALTH.

19 (2) THE DEPARTMENT SHALL AT LEAST ANNUALLY PUBLISH A
20 LIST OF ALL OF THE FOLLOWING:

21 * * *

22 (IV) REGISTERED CAMPAIGN CONSULTANTS.

23 * * *

24 (G) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
25 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
26 HEARING CONCERNING AN ALLEGED VIOLATION OF THIS CHAPTER BY A
27 LOBBYIST [OR], PRINCIPAL OR CAMPAIGN CONSULTANT IN ACCORDANCE
28 WITH SECTIONS 1107 (RELATING TO POWERS AND DUTIES OF COMMISSION)
29 AND 1108 (RELATING TO INVESTIGATIONS BY COMMISSION).

30 (H) DIRECTORY.--BY MAY 1 OF EACH ODD-NUMBERED YEAR, THE

1 DEPARTMENT SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF ALL
2 REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS, REGISTERED CAMPAIGN
3 CONSULTANTS AND REGISTERED LOBBYING FIRMS. COPIES OF THE
4 DIRECTORY SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT
5 TO EXCEED THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY
6 THE DEPARTMENT FROM THE SALES OF THE DIRECTORY SHALL BE
7 DEPOSITED INTO THE FUND.

8 * * *

9 (J) INFLATION ADJUSTMENT.--ON A BIENNIAL BASIS [COMMENCING
10 IN JANUARY 2009], THE DEPARTMENT SHALL REVIEW THE THRESHOLD
11 UNDER SECTION 13A06 (RELATING TO EXEMPTION FROM REGISTRATION AND
12 EXPENSE REPORTING) FOR REGISTRATION UNDER SECTION 13A04
13 (RELATING TO REGISTRATION) AND THE THRESHOLD FOR REPORTING UNDER
14 SECTION 13A05(D) (RELATING TO EXPENSE REPORTING) AND SHALL
15 INCREASE THESE AMOUNTS TO RATES DEEMED REASONABLE FOR ASSURING
16 APPROPRIATE DISCLOSURE. ON A BIENNIAL BASIS [COMMENCING IN
17 JANUARY 2009], THE DEPARTMENT SHALL REVIEW THE FILING FEE
18 ESTABLISHED UNDER SECTION 13A10 (RELATING TO REGISTRATION FEES;
19 FUND ESTABLISHED; SYSTEM; REGULATIONS) AND MAY BY REGULATION
20 ADJUST THIS AMOUNT IF THE DEPARTMENT DETERMINES THAT A HIGHER
21 FEE IS NEEDED TO COVER THE COSTS OF CARRYING OUT THE PROVISIONS
22 OF THIS CHAPTER. THE DEPARTMENT SHALL [PUBLISH], BY JUNE 1 OF
23 EVERY ODD-NUMBERED YEAR, SUBMIT ADJUSTED AMOUNTS TO THE
24 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
25 BULLETIN [BY JUNE 1, 2009, AND BY JUNE 1 EVERY TWO YEARS
26 THEREAFTER AS NECESSARY].

27 (K) NOTICES.--NOTICES ISSUED BY THE DEPARTMENT OR THE
28 COMMISSION TO A PRINCIPAL OR LOBBYING FIRM, OR TO A CAMPAIGN
29 CONSULTANT, IN ACCORDANCE WITH THIS CHAPTER, SHALL BE DELIVERED
30 TO THE AUTHORIZED REPRESENTATIVE, EMPLOYEE OR AGENT.

1 SECTION 7. SECTION 13A09(A) (1.1), (C) (3), (D) AND (G) (2) OF
2 TITLE 65 ARE AMENDED TO READ:

3 § 13A09. PENALTIES.

4 (A) NOTICE OF ALLEGED NONCOMPLIANCE.--

5 * * *

6 (1.1) IN THE CASE OF A PRINCIPAL [OR], LOBBYING FIRM OR
7 CAMPAIGN CONSULTANT, THE NOTICE SHALL BE DELIVERED TO THE
8 AUTHORIZED REPRESENTATIVE, EMPLOYEE OR AGENT.

9 * * *

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

11 * * *

12 (3) THE COMMISSION SHALL NOTIFY THE BOARD OF ANY
13 LOBBYIST [OR], PRINCIPAL OR CAMPAIGN CONSULTANT WHO IS AN
14 ATTORNEY AT LAW [AGAINST WHOM A CIVIL PENALTY IS IMPOSED] AND
15 WHO HAS BEEN DETERMINED TO BE IN NONCOMPLIANCE.

16 * * *

17 (D) FAILURE TO COMPLY AFTER NOTICE.--A PERSON THAT FAILS TO
18 COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, AFTER NOTICE OF
19 NONCOMPLIANCE AND AFTER A HEARING IF ONE IS REQUESTED, MAY BE
20 PROHIBITED FROM LOBBYING OR FROM PROVIDING CAMPAIGN CONSULTING
21 SERVICES FOR ECONOMIC CONSIDERATION FOR UP TO FIVE YEARS. THE
22 PROHIBITION SHALL BE IMPOSED UNDER SUBSECTION (E) (4).

23 * * *

24 (G) AFFIRMATIVE DEFENSE.--ANY OF THE FOLLOWING IS AN
25 AFFIRMATIVE DEFENSE TO AN ACTION BROUGHT UNDER CHAPTER 11
26 (RELATING TO ETHICS STANDARDS AND FINANCIAL DISCLOSURE) OR THIS
27 CHAPTER:

28 * * *

29 (2) THE RESPONDENT OR DEFENDANT RELIED ON NOTICE UNDER
30 SECTION 13A05(B) (3) (IV) (RELATING TO EXPENSE REPORTING).

1 * * *

2 SECTION 8. REPEALS ARE AS FOLLOWS:

3 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
4 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 65
5 PA.C.S. § 13A05.1.

6 (2) SECTION 816 OF THE ACT OF APRIL 9, 1929 (P.L.177,
7 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS
8 REPEALED.

9 Section ~~4~~ 9. This act shall take effect in ~~60~~ 180 days. <--