

Annual Report

LOBBYING DISCLOSURE IN PA

2018



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Summary of Act 134 of 2006

This Act amends Title 65 (relating to public officers) providing for regulation and disclosure of lobbying activity.

The Act establishes the authority of the legislature to regulate persons employed to influence the actions of the General Assembly and the Executive Department in a "fair and equitable manner." It expressly states that membership in a regulated profession shall not excuse a lobbyist from compliance. The Act defines lobbying as "an effort to influence legislative action or administrative action" and includes direct or indirect communication, office expenses, and providing any gift, hospitality, transportation or lodging to a state official or employee for the purpose of advancing the interest of a lobbyist or principal.

The Act defines "administrative action" to include:

An agency's:

- proposal, consideration, promulgation or rescission of a regulation; development or modification of a statement of policy;
- approval or rejection of a regulation; or
- procurement of supplies, services and construction under 62 Pa C.S.(relating procurement).

The review, revision, approval or disapproval of a regulation under the Regulatory Review Act.

- The Governor's approval or veto of legislation.
- The nomination or appointment of an individual as an officer or employee of the Commonwealth.
- The proposal, consideration, promulgation or rescission of an executive order.

The Act defines "legislative action" to include an action taken by a state official or employee involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of:

- Legislation;
- Legislative motions;
- a veto by the Governor; or
- confirmation of appointments by the Governor; or appointments to public boards; or commissions by a member of the General Assembly.

Registration

Unless exempt under 65 Pa.C.S. § 13A06, lobbyists, lobbying firms, and principals must register biennially with the Department of State (Department). The most common exemptions from registration include:

- §13A06(4): “an individual whose economic consideration for lobbying, from all principals presented, does not exceed ‘\$2,500’ [Effective January 1, 2017, the threshold increased to \$3,000] in the aggregate during any reporting period” and
- §13A06(5): an individual who engages in lobbying on behalf of the individual’s employer of the lobbying represents less than 20 hours during any reporting period.”

With the enactment of Act 2 of 2018, registration must be done electronically using the Department’s computerized filing system. The fee to register is \$300, and must be received within five days of filing the registration statement. This registration statement must be filed within ten days of acting in any capacity as a lobbyist, lobbying firm or principal. See the definition of “engaging in lobbying” in the regulations at 51 Pa. Code § 51.1. A full list of registration exemptions can be found at 65 Pa.C.S. §13A06.

With the enactment of Act 2 of 2018, effective April 16, 2018, registration must be done electronically using the Department’s computerized filing system. The registration portal may be found at www.palobbyingservices.pa.gov. The registration statement must be filed within ten days of acting in any capacity as a lobbyist, lobbying firm or principal. Lobbyists who register must also supply a photo within five days of filing a registration statement.

The fee to register is \$300, and must be received within five days of filing the registration statement. Registrants may pay the registration fee online with a credit card via the website or may pay by check. To pay by check, registrant must print a remittance form that has been pre-populated with their specific information and mail it along with the registration fee.

New Lobbying Activity for 2018

Reported 2018

200

LOBBYISTS

21

LOBBYING FIRMS

216

PRINCIPALS

437

TOTAL

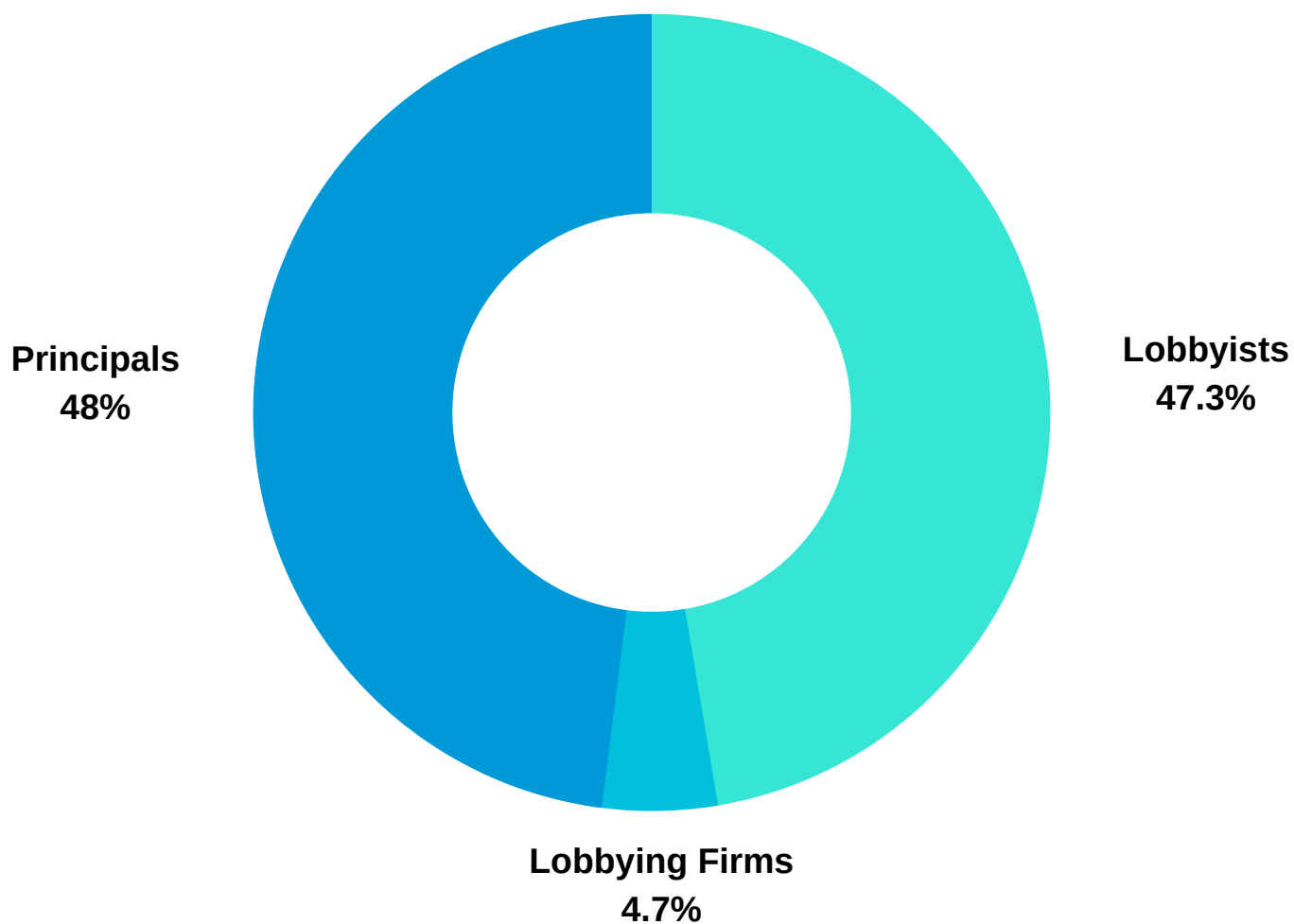


Figure 1: Percentage of newly registered lobbyists, lobbying firms, and principals in 2018

Registration Renewals

A lobbyist, lobbying firm or principal must renew their registration with the Department of State (Department) at the beginning of each new biennial registration period, unless exempt under §13A06 of Act 134 of 2006.

Lobbying registrations expire 10 business days after the beginning of the new registration period. A registration renewal must be filed within ten days of acting in any capacity as a lobbyist, lobbying firm or principal. See the definition of engaging in lobbying” in the regulations at 51 PA. Code § 51.1. Registration must include a \$300 registration fee to be received within five days of filing the registration statement, either online or by paper. At the time of renewal, registrants are responsible for reviewing their current registration record for any updates or changes that should be made to ensure accurate disclosure.

Effective April 16, 2018, with the enactment of Act 2 of 2018, registrants must renew their registration online. Registrants also have the option of paying their renewal fee by credit card if they are completing the renewal online. Registrants are strongly encouraged to use their current registration record to complete their renewal. Some registrants erroneously create new registration records when attempting to renew their registration. This can create gaps in the continuity of registration information and problems in accurately assessing non-compliance issues. To continue to use your current registration, please renew using your registration number. This can be completed online by selecting the action “Renew” next to your expired registration.

Registration Renewals Continued

All registrations that are not renewed by mid-January of the new registration period automatically change to a status of “expired.” If a registrant is not actively lobbying at the time, they may choose to wait until they exceed the income thresholds for registration before renewing their registration.

A registration with a status of “expired” does not prevent the registrant from amending any prior Quarterly Expense Reports.

Once a registration has expired, it may not be transferred electronically to a new user unless the registrant renews by check or by having the registration renewed by the previous owner by credit card. The Department gives a 15 day grace period for registrations to be transferred to users who will be filing on behalf of the registrant.

Terminations

If a registrant intends to cease lobbying activity in the Commonwealth, the registrant may file a notice of termination by paper or online.

If a former registrant wishes to begin lobbying activity after filing a notice of termination, the former registrant must initiate a new registration statement.



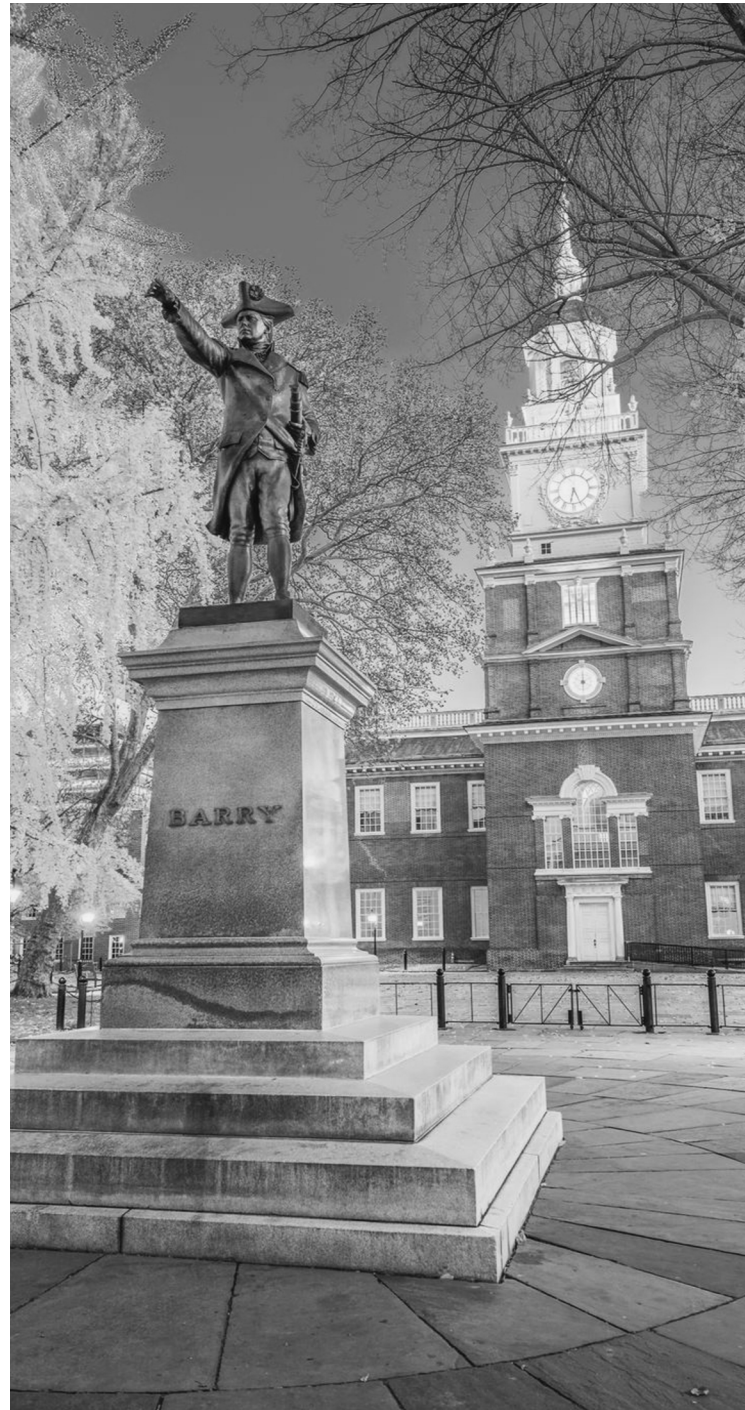
Expense Reporting

Section 13A05 (a) of the Act requires a registered principal to file quarterly expense reports. If a lobbyist or lobbying firm reports all expenses to and through their respective principals, then the lobbyist or lobbying firm is not required to file expense reports.

Under certain circumstances, a lobbying firm or lobbyist may be required to submit a quarterly expense report. According to §13A05(b)(6) of Act 134, a lobbying firm or lobbyist not associated with a firm shall submit an expense report if lobbying expenses were not contained in any expense report filed by a represented principal.

A lobbying firm or lobbyist may attach a statement to the report filed by a represented principal describing the limits of the lobbyist's or lobbying firm's knowledge concerning the expenditures contained in the principal's report.

With the enactment of Act 2 of 2018, principals, lobbying firms, and lobbyists who are required to file expense reports must do so electronically using the Department's computerized filing system.



Top 10 General Subjects of Lobbying*

2017

Health Care: \$29,109,770

Budget (State): \$19,601,605

Energy: \$18,959,217

Education: \$15,553,601

Taxation: \$15,522,938

Insurance: \$12,811,063

Medicaid/Medicare: \$12,398,976

Environment: \$11,208,558

Hospitals: \$10,276,375

Managed Care: \$10,123,1365

2018

Health Care: \$28,603,327

Budget (State): \$18,372,268

Taxation: \$17,244,355

Energy: \$17,175,046

Education: \$15,851,139

Insurance: \$12,914,367

Medicaid/Medicare: \$11,676,867

Environment: \$11,065,173

Managed Care: \$10,812,216

Hospitals: \$9,583,176

*Subjects of lobbying include costs associated with direct and indirect communication, as well as gifts, hospitality, transportation and lodging.

Allocated Lobbying Cost Categories

Reported 2017

\$1,667,564

TOTAL EXPENDITURE COSTS*

\$82,930,776

TOTAL DIRECT
COMMUNICATION COSTS

\$35,390,906

TOTAL INDIRECT
COMMUNICATION COSTS

\$119,989,246

GRAND TOTAL

Reported 2018

\$1,449,322

TOTAL EXPENDITURE COSTS*

\$81,744,919

TOTAL DIRECT
COMMUNICATION COSTS

\$34,422,531

TOTAL INDIRECT
COMMUNICATION COSTS

\$117,616,772

GRAND TOTAL

*Total expenditure category includes gifts, hospitality, transportation and lodging for state officials or employees or their immediate families.

Lobbying Disclosure Audit

The Department's Division of Campaign Finance and Lobbying Disclosure (Department) holds an audit lottery within 60 days of the close of the 4th Quarter. The Department randomly selects 3% of all registrants for the purpose of auditing registration and expense records. The Department sends notification letters to all selected registrants, informing them of the auditing procedures. The Department then provides all registration and reporting records to an independent auditor.

The auditors contact the registrants directly to request any records that are deemed necessary to complete the audit. Based on their review of their records, the independent auditors draft a report to the Department and registrant. At that time, the registrant is invited to respond to the findings. The auditors then issue a final report to the registrant and the Department. When required the Department acts as an intermediary between the auditors and the registrant throughout the auditing process.

In 2018, the Department selected 92 registrants to be audited by Zelenkofske Axelrod LLC. All audit reports remain confidential, except when requested by the State Ethics Commission as part of an investigation into an alleged violation. As such, the audits are a part of the enforcement mechanism under the Act.

Online Services

The Department launched its Lobbying Service website in January 2007. The website provides, valuable information to the registrant, the public and the Department. Registrants and other public site users can use a search engine that allows them to view all registrations and expense reports that have been filed with the Department.

The online filing system provides a search feature that can search by a registration number, the first or last name of a lobbyist, the name of a firm or principal, or even the letter P, F, or L entered into the registration number field to see all registered principals, firms or lobbyist. The Department's website provides instructions on how to register and file reports, amendments and terminations. Individuals can print these forms for submission to the Department if they choose not to use the online system.

The PA Lobbying Services website provides the option to view and print the Department's Lobbying Directory, which lists all registered lobbyists and firms with accompanying photo and contact information. Individuals can also access printable versions of Act 134 of 2006, the final regulations, the Manual for Accounting and Reporting and reporting deadlines through the Department of State's website.

The PA Lobbying Services website allows registrants to create a username and password that provides them with access to many other areas of the site. Once they log in, they will be able to file a registration online.

Online Services Continued

The online system allows users to manage their registration(s) and file their expense reports at any time prior to filing deadlines. Access is available 24 hours a day, seven days a week. This allows the user to view the status of their registration or report and also assures them the Department is in receipt of their filings.

In addition, the Department of State website offers information on procedures to obtain ID badges for lobbyists. The ID badges for lobbyists provide access to the Capitol Building allowing entrance without going through security.

The Department completed an upgrade to the PA Lobbying Services website in 2013. There is now the option for payment of registration fees online by credit card.

Given that all required information has been provided, this immediately completes a registration without delay. Also, the Department now provides an advanced search engine including subjects of lobbying, affiliated political action committees, affirmations, gifts and subjects of lobbying.

Administration

Responsibility for administration and enforcement of Act 134 is assigned to three state agencies and the Pennsylvania Disciplinary Board of the Supreme Court as follows:

- The duties of the Pennsylvania Department of State include overseeing registration, quarterly expense reporting and audits.
- The Pennsylvania State Ethics Commission is responsible for administrative enforcement of the Act and for giving advice and opinions of the Act.
- The Pennsylvania Attorney General is responsible for criminal enforcement of the Act.
- The Disciplinary Board of the Pennsylvania Supreme Court is responsible for administrative enforcement of the Act as it pertains to attorneys.

Contact Information

**Pennsylvania Department of State
Division of Campaign Finance and Lobbying Disclosure**

www.dos.pa.gov

717-787-5280

Pennsylvania State Ethics Commission

www.ethics.pa.gov

717-783-1610

Pennsylvania Office of Attorney General

www.attorneygeneral.gov

717-787-3391

**Pennsylvania Department of State
Office of Communications and Press**

717-783-1621

**Pennsylvania Department of State
Office of Legislative Affairs**

717-783-1771