

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1605 Session of 2021

INTRODUCED BY C. WILLIAMS, CUTLER, KERWIN, B. MILLER, PENNYCUICK, HAMM, KEEFER, LEWIS, 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 REGISTRATION, FOR REPORTING, PROVIDING FOR <--
4 REFERRAL REPORTING, FURTHER PROVIDING FOR EXEMPTION FROM
5 REGISTRATION AND REPORTING, FOR prohibited activities, FOR <--
6 ADMINISTRATION AND FOR PENALTIES.

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

9 ~~Section 1. Section 13A07 of Title 65 of the Pennsylvania <--~~

10 Consolidated Statutes is amended by adding a subsection to read:

11 ~~§ 13A07. Prohibited activities.~~

12 \* \* \*

13 ~~(g) Referral payments. A lobbyist, lobbying firm or
14 principal may not collect economic consideration from or give
15 economic consideration to a person for the referral of a client
16 for lobbying.~~

17 SECTION 1. SECTIONS 13A04 (E) (4) AND 13A05 HEADING OF TITLE <--

18 65 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO

1 READ:

2 § 13A04. REGISTRATION.

3 \* \* \*

4 (E) TERMINATION.--

5 \* \* \*

6 (4) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO  
7 EXEMPT A LOBBYIST, LOBBYING FIRM OR PRINCIPAL FROM ANY OF THE  
8 REQUIREMENTS IN SECTION 13A05 (RELATING TO EXPENSE  
9 REPORTING).

10 § 13A05. [REPORTING] EXPENSE REPORTING.

11 \* \* \*

12 SECTION 2. TITLE 65 IS AMENDED BY ADDING A SECTION TO READ:

13 § 13A05.2. REFERRAL REPORTING.

14 EACH LOBBYIST, LOBBYING FIRM OR PRINCIPAL SHALL, SUBJECT TO  
15 THE PENALTIES UNDER SECTION 13A09 (RELATING TO PENALTIES), FILE  
16 A REFERRAL REPORT WITH THE DEPARTMENT NO LATER THAN FIVE DAYS  
17 AFTER THE LOBBYIST HAS PAID OR RECEIVED ECONOMIC CONSIDERATION  
18 FOR THE REFERRAL OF A CLIENT FOR LOBBYING. REFERRAL REPORTS  
19 SHALL BE FILED USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY  
20 THE DEPARTMENT THAT IS CONSISTENT WITH THE PURPOSE OF THIS  
21 CHAPTER.

22 SECTION 3. SECTIONS 13A06 INTRODUCTORY PARAGRAPH, 13A07(D)  
23 (5), 13A08(C) AND (J) AND 13A09(G) (2) OF TITLE 65 ARE AMENDED TO  
24 READ:

25 § 13A06. EXEMPTION FROM REGISTRATION AND REPORTING.

26 THE FOLLOWING PERSONS AND ACTIVITIES SHALL BE EXEMPT FROM  
27 REGISTRATION UNDER SECTION 13A04 (RELATING TO REGISTRATION) AND  
28 REPORTING UNDER SECTION 13A05 (RELATING TO EXPENSE REPORTING):

29 \* \* \*

30 § 13A07. PROHIBITED ACTIVITIES.

1 \* \* \*

2 (D) CONFLICTS OF INTEREST.--

3 \* \* \*

4 (5) A PRINCIPAL OR LOBBYIST REQUIRED TO REPORT UNDER  
5 SECTION 13A05 (RELATING TO EXPENSE REPORTING) SHALL INCLUDE  
6 IN THE REPORT A STATEMENT AFFIRMING THAT TO THE BEST OF THE  
7 PRINCIPAL'S OR LOBBYIST'S KNOWLEDGE THE PRINCIPAL OR LOBBYIST  
8 HAS COMPLIED WITH THIS SECTION.

9 \* \* \*

10 § 13A08. ADMINISTRATION.

11 \* \* \*

12 (C) PUBLIC INSPECTION AND COPYING.--THE DEPARTMENT SHALL  
13 MAKE COMPLETED REGISTRATION STATEMENTS, EXPENSE REPORTS,  
14 CONFLICT REPORTS, REFERRAL REPORTS AND NOTICES OF TERMINATION,  
15 WHICH HAVE BEEN FILED WITH THE DEPARTMENT, AVAILABLE FOR PUBLIC  
16 INSPECTION AND PROVIDE COPIES OF THESE DOCUMENTS AT A PRICE NOT  
17 IN EXCESS OF THE ACTUAL COST OF COPYING. THE DEPARTMENT SHALL  
18 MAKE ALL REGISTRATIONS AND REPORTS AVAILABLE ON A PUBLICLY  
19 ACCESSIBLE INTERNET WEBSITE. DOCUMENTS MAINTAINED AND  
20 REPRODUCIBLE IN AN ELECTRONIC FORMAT SHALL BE PROVIDED IN THAT  
21 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 Section ~~2~~ 4. This act shall take effect in ~~60~~ 180 days. <--