
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 801 Session of
2021

INTRODUCED BY MENSCH, CORMAN, BAKER, PHILLIPS-HILL, TOMLINSON,
AUMENT, COSTA, DiSANTO, FONTANA, LAUGHLIN, MARTIN, MASTRIANO,
SCHWANK, STEFANO AND L. WILLIAMS, OCTOBER 13, 2021

REFERRED TO STATE GOVERNMENT, OCTOBER 13, 2021

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 65 (Public
2 Officers) of the Pennsylvania Consolidated Statutes, in other
3 offenses, further providing for the offense of contingent
4 compensation; in lobbying disclosure, further providing for
5 definitions, for registration and for reporting, providing
6 for equity reporting and for financial assistance reporting
7 and further providing for exemption from registration and
8 reporting, for prohibited activities, for administration and
9 for penalties; making a related repeal; and making editorial
10 changes.

11 Section 1. Section 7515(a) and (c) of Title 18 of the
12 Pennsylvania Consolidated Statutes are amended to read:

13 § 7515. Contingent compensation.

14 (a) Offense defined.--

15 (1) No person may compensate or incur an obligation to
16 compensate any person to engage in lobbying for compensation
17 contingent in whole or in part upon the passage, defeat,
18 approval or veto of legislation or the issuance of an
19 administrative action.

20 (2) No person may engage or agree to engage in lobbying
21 for compensation contingent in whole or in part upon the

1 passage, defeat, approval or veto of legislation or the
2 issuance of an administrative action.

3 * * *

4 (c) [Definition] Definitions.--As used in this section, the
5 [term "lobbying" means an] following words and phrases shall
6 have the meanings given to them in this subsection unless the
7 context clearly indicates otherwise:

8 "Administrative action." The administration of a grant, a
9 loan or an agreement involving the disbursement of public funds.

10 "Lobbying." An effort to influence State legislative action
11 for economic consideration.

12 Section 2. Section 13A03 of Title 65 is amended by adding a
13 definition to read:

14 § 13A03. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Third-party affiliate." Any business, organization or
20 person that is affiliated with a lobbyist, lobbying firm or
21 principal.

22 * * *

23 Section 3. Sections 13A04(e)(4) and 13A05 heading of Title
24 65 are amended to read:

25 § 13A04. Registration.

26 * * *

27 (e) Termination.--

28 * * *

29 (4) Nothing in this subsection shall be construed to
30 exempt a lobbyist, lobbying firm or principal from any of the

1 requirements in section 13A05 (relating to expense
2 reporting).

3 § 13A05. [Reporting] Expense reporting.

4 Section 4. Title 65 is amended by adding sections to read:

5 § 13A05.1. Equity reporting.

6 Each lobbying firm and lobbyist required to register under
7 section 13A04(a) (relating to registration) shall, subject to
8 the penalties under 18 Pa.C.S. § 4904 (relating to unsworn
9 falsification to authorities), electronically file a quarterly
10 equity report using the computerized filing system developed by
11 the department. Equity reports shall disclose financial interest
12 in any legal entity in business-for-profit that a lobbying firm
13 or lobbyist holds in the entity for which they are lobbying and
14 shall be consistent with the purpose of this chapter. Equity
15 reports shall be filed no later than 30 days after the last day
16 of the quarter and may include any additional information
17 required by the department. As used in this section, the term
18 "equity report" means a report with a list of each name and
19 address and financial interest held in any legal entity in
20 business-for-profit of which a lobbying firm or lobbyist owns
21 more than 5% of the equity or more than 5% of the assets of
22 economic interest in indebtedness.

23 § 13A05.2. Financial assistance reporting.

24 Each lobbyist shall, subject to the penalties under 18
25 Pa.C.S. § 4904 (relating to unsworn falsification to
26 authorities), file a quarterly financial assistance report with
27 the department electronically using the computerized filing
28 system developed by the department that is consistent with the
29 purpose of this chapter of the collection of economic
30 consideration through a third-party affiliate, lobbying firm or

1 principal for the successful award of a State or local grant
2 program which uses Commonwealth money. The quarterly financial
3 assistance report shall include the lobbyist's registration
4 number and the amount of economic consideration collected by the
5 lobbyist for the successful award of a State or local grant
6 program which uses Commonwealth money.

7 Section 5. Section 13A06 introductory paragraph of Title 65
8 is amended to read:

9 § 13A06. Exemption from registration and reporting.

10 The following persons and activities shall be exempt from
11 registration under section 13A04 (relating to registration) and
12 reporting under section 13A05 (relating to expense reporting):

13 * * *

14 Section 6. Section 13A07(d) (5) of Title 65 is amended and
15 the section is amended by adding a subsection to read:

16 § 13A07. Prohibited activities.

17 * * *

18 (d) Conflicts of interest.--

19 * * *

20 (5) A principal or lobbyist required to report under
21 section 13A05 (relating to expense reporting) shall include
22 in the report a statement affirming that to the best of the
23 principal's or lobbyist's knowledge the principal or lobbyist
24 has complied with this section.

25 * * *

26 (g) Third-party inducement.--A lobbyist, lobbying firm or
27 principal may not collect economic consideration for lobbying
28 through a third-party affiliate for a State or local grant
29 program that uses Commonwealth money.

30 Section 7. Sections 13A08(c) and (j) and 13A09(g) (2) of

1 Title 65 are amended to read:

2 § 13A08. Administration.

3 * * *

4 (c) Public inspection and copying.--The department shall
5 make completed registration statements, expense reports, equity
6 reports, financial assistance reports and notices of
7 termination, which have been filed with the department,
8 available for public inspection and provide copies of these
9 documents at a price not in excess of the actual cost of
10 copying. The department shall make all registrations and reports
11 available on a publicly accessible Internet website. Documents
12 maintained and reproducible in an electronic format shall be
13 provided in that format upon request.

14 * * *

15 (j) Inflation adjustment.--On a biennial basis commencing in
16 January 2009, the department shall review the threshold under
17 section 13A06 (relating to exemption from registration and
18 reporting) for registration under section 13A04 (relating to
19 registration) and the threshold for reporting under section
20 13A05(d) (relating to expense reporting) and shall increase
21 these amounts to rates deemed reasonable for assuring
22 appropriate disclosure. On a biennial basis commencing in
23 January 2009, the department shall review the filing fee
24 established under section 13A10 (relating to registration fees;
25 fund established; system; regulations) and may by regulation
26 adjust this amount if the department determines that a higher
27 fee is needed to cover the costs of carrying out the provisions
28 of this chapter. The department shall publish adjusted amounts
29 in the Pennsylvania Bulletin by June 1, 2009, and by June 1
30 every two years thereafter as necessary.

1 * * *

2 § 13A09. Penalties.

3 * * *

4 (g) Affirmative defense.--Any of the following is an
5 affirmative defense to an action brought under Chapter 11
6 (relating to ethics standards and financial disclosure) or this
7 chapter:

8 * * *

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

11 * * *

12 Section 8. Repeals are as follows:

13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate the addition of 65
15 Pa.C.S. § 13A05.1.

16 (2) Section 816 of the act of April 9, 1929 (P.L.177,
17 No.175), known as The Administrative Code of 1929, is
18 repealed.

19 Section 9. The addition of 65 Pa.C.S. § 13A05.1 is a
20 continuation of section 816 of the act of April 9, 1929
21 (P.L.177, No.175), known as The Administrative Code of 1929. The
22 following apply:

23 (1) All activities initiated under section 816 of The
24 Administrative Code of 1929 shall continue and remain in full
25 force and effect and may be completed under 65 Pa.C.S. §
26 13A05.1. Orders, regulations, rules and decisions which were
27 made under section 816 of The Administrative Code of 1929 and
28 which are in effect on the effective date of this section,
29 shall remain in full force and effect until revoked, vacated
30 or modified under 65 Pa.C.S. § 13A05.1. Contracts,

1 obligations and collective bargaining agreements entered into
2 under section 816 of The Administrative Code of 1929 are not
3 affected nor impaired by the repeal of section 816 of The
4 Administrative Code of 1929.

5 (2) Any difference in language between 65 Pa.C.S. §
6 13A05.1 and section 816 of The Administrative Code of 1929 is
7 intended only to conform to the style of the Pennsylvania
8 Consolidated Statutes and is not intended to change or affect
9 the legislative intent, judicial construction or
10 administration and implementation of section 816 of The
11 Administrative Code of 1929.
12 Section 10. This act shall take effect in 180 days.