

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1599 Session of 2021

INTRODUCED BY KERWIN, B. MILLER, CUTLER, PENNYCUICK, HAMM, KEEFER, LEWIS, C. WILLIAMS, STAMBAUGH, DIAMOND, DOWLING, SMITH, GROVE, FEE, RYAN, SCHMITT, ROZZI, HELM, HERSHEY, OWLETT, MENTZER, BERNSTINE, ROWE, GLEIM, CIRESI, 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 conflict reporting and
4 further providing for administration; and making editorial
5 changes.

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

8 Section 1. Sections 13A04(e)(4) and 13A05 heading of Title
9 65 of the Pennsylvania Consolidated Statutes are amended to
10 read:

11 § 13A04. Registration.

12 * * *

13 (e) Termination.--

14 * * *

15 (4) Nothing in this subsection shall be construed to
16 exempt a lobbyist, lobbying firm or principal from any of the
17 requirements in section 13A05 (relating to expense

1 reporting).

2 § 13A05. [Reporting] Expense reporting.

3 * * *

4 Section 2. Title 65 is amended by adding a section to read:

5 § 13A05.1. Conflict reporting.

6 Each lobbyist shall, subject to the penalties under 18- <--

7 Pa.C.S. § 4904 (relating to unsworn falsification to
8 authorities) SECTION 13A09 (RELATING TO PENALTIES), file a <--

9 conflict report with the department electronically using the <--

10 computerized filing system developed by the department that is

11 consistent with the purpose of this chapter no later than five

12 days after the lobbyist has sought a waiver from a client due to

13 a conflict of interest with the client and another client. The

14 lobbyist shall file the response of the client concerning the

15 waiver. WITHIN FIVE DAYS OF RECEIVING A RESPONSE FROM THE <--

16 CLIENT. CONFLICT REPORTS AND CLIENT RESPONSES SHALL BE FILED

17 USING THE COMPUTERIZED FILING SYSTEM DEVELOPED BY THE DEPARTMENT

18 THAT IS CONSISTENT WITH THE PURPOSE OF THIS CHAPTER.

19 Section 3. Sections 13A06 introductory paragraph, 13A07(d)

20 (5), 13A08(c) and (j) and 13A09(g)(2) of Title 65 are amended to

21 read:

22 § 13A06. Exemption from registration and reporting.

23 The following persons and activities shall be exempt from

24 registration under section 13A04 (relating to registration) and

25 reporting under section 13A05 (relating to expense reporting):

26 * * *

27 § 13A07. Prohibited activities.

28 * * *

29 (d) Conflicts of interest.--

30 * * *

1 (5) A principal or lobbyist required to report under
2 section 13A05 (relating to expense reporting) shall include
3 in the report a statement affirming that to the best of the
4 principal's or lobbyist's knowledge the principal or lobbyist
5 has complied with this section.

6 * * *

7 § 13A08. Administration.

8 * * *

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

18 * * *

19 (j) Inflation adjustment.--On a biennial basis commencing in
20 January 2009, the department shall review the threshold under
21 section 13A06 (relating to exemption from registration and
22 reporting) for registration under section 13A04 (relating to
23 registration) and the threshold for reporting under section
24 13A05(d) (relating to expense reporting) and shall increase
25 these amounts to rates deemed reasonable for assuring
26 appropriate disclosure. On a biennial basis commencing in
27 January 2009, the department shall review the filing fee
28 established under section 13A10 (relating to registration fees;
29 fund established; system; regulations) and may by regulation
30 adjust this amount if the department determines that a higher

1 fee is needed to cover the costs of carrying out the provisions
2 of this chapter. The department shall publish adjusted amounts
3 in the Pennsylvania Bulletin by June 1, 2009, and by June 1
4 every two years thereafter as necessary.

5 * * *

6 § 13A09. Penalties.

7 * * *

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

12 * * *

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

15 * * *

16 Section 4. This act shall take effect in ~~60~~ 180 days.

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