

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1600 Session of 2021

INTRODUCED BY PENNYCUICK, CUTLER, KERWIN, B. MILLER, HAMM, 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 definitions, for registration and, for <--
4 reporting AND FOR EXEMPTION FROM REGISTRATION AND REPORTING; <--
5 and making editorial changes.

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

8 Section 1. Section 13A03 of Title 65 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:
10 § 13A03. Definitions.

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

14 * * *

15 "Campaign consultant." An individual who receives
16 compensation for PROFESSIONAL campaign-related professional <--
17 services, INCLUDING, BUT NOT LIMITED TO, POLITICAL, STRATEGIC, <--

1 ADVISORY OR FUNDRAISING SERVICES, rendered to a campaign to
2 elect an individual to office.

3 * * *

4 Section 2. Section 13A04(a) and (e) of Title 65 are amended
5 and the section is amended by adding a subsection to read:

6 § 13A04. Registration.

7 (a) General rule.--Unless excluded under section 13A06
8 (relating to exemption from registration and reporting), a
9 lobbyist, lobbying firm [or a], principal or campaign consultant
10 must register with the department electronically using the
11 computerized filing system developed by the department that is
12 consistent with the purposes of this chapter within ten days of
13 acting in any capacity as a lobbyist, lobbying firm [or],
14 principal or campaign consultant. Registration shall be biennial
15 and shall begin January 1, 2007.

16 * * *

17 (c.1) Campaign consultants.--A campaign consultant who is
18 required to register under subsection (a) shall file a single
19 registration statement providing the following information to
20 the department:

21 (1) Name.

22 (2) Permanent business address.

23 (3) Daytime telephone number.

24 (4) E-mail address, if available.

25 (5) Name of the political candidate or candidates for
26 whom the consultant will be working.

27 (6) Each office for which the political candidate is
28 seeking election.

29 * * *

30 (e) Termination.--

1 (1) A lobbyist, lobbying firm [or], principal or
2 campaign consultant may terminate registration by filing
3 notice of termination with the department electronically
4 using the computerized filing system developed by the
5 department that is consistent with the purpose of this
6 chapter.

7 (2) After a review of the notice of termination, but no
8 later than 15 days after receipt of the notice, the
9 department shall issue to the lobbyist, lobbying firm [or],
10 principal or campaign consultant a letter stating that the
11 registrant has terminated registration. The filing of notice
12 shall not affect the commission's authority to conduct
13 investigations and hearings under section 13A08(g) (relating
14 to administration).

15 (3) No lobbying may occur after the filing of notice of
16 termination unless the lobbying is pursuant to a separate
17 registration statement which is filed with the department and
18 which, at the time of the lobbying, has not been terminated.

19 (4) Nothing in this subsection shall be construed to
20 exempt a lobbyist, lobbying firm [or], principal or campaign
21 consultant from any of the requirements in section 13A05
22 (relating to expense reporting).

23 Section 3. The heading of section 13A05 of Title 65 is
24 amended to read:

25 § 13A05. [Reporting] Expense reporting.

26 * * *

27 Section 4. Sections 13A06 introductory paragraph, (3) AND <--
28 (4), 13A07(d) (5), 13A08(j) and 13A09(g) (2) of Title 65 are
29 amended to read:

30 § 13A06. Exemption from registration and reporting.

1 The following persons and activities shall be exempt from
2 registration under section 13A04 (relating to registration) and
3 reporting under section 13A05 (relating to expense reporting):

4 * * *

5 (3) AN INDIVIDUAL WHO DOES NOT RECEIVE ECONOMIC
6 CONSIDERATION FOR LOBBYING OR SERVICES RENDERED TO A
7 CAMPAIGN.

<--

8 (4) AN INDIVIDUAL WHOSE ECONOMIC CONSIDERATION FOR
9 LOBBYING, FROM ALL PRINCIPALS REPRESENTED, OR FOR SERVICES
10 RENDERED TO ALL CAMPAIGNS ASSISTED, DOES NOT EXCEED \$2,500 IN
11 THE AGGREGATE DURING ANY REPORTING PERIOD.

12 * * *

13 § 13A07. Prohibited activities.

14 * * *

15 (d) Conflicts of interest.--

16 * * *

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

22 * * *

23 § 13A08. Administration.

24 * * *

25 (j) Inflation adjustment.--On a biennial basis commencing in
26 January 2009, the department shall review the threshold under
27 section 13A06 (relating to exemption from registration and
28 reporting) for registration under section 13A04 (relating to
29 registration) and the threshold for reporting under section
30 13A05(d) (relating to expense reporting) and shall increase

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

11 * * *

12 § 13A09. Penalties.

13 * * *

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

18 * * *

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

21 * * *

22 Section 5. This act shall take effect in ~~60~~ 180 days.

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