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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1602 Session of  
2021

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INTRODUCED BY B. MILLER, CUTLER, KERWIN, PENNYCUICK, HAMM,  
KEEFER, LEWIS, C. WILLIAMS, STAMBAUGH, DIAMOND, DOWLING,  
SMITH, GROVE, FEE, RYAN, SCHMITT, ROZZI, HELM, MIZGORSKI,  
HERSHEY, OWLETT, MENTZER, BERNSTINE, THOMAS, ROWE AND GLEIM,  
JUNE 10, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 10, 2021

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AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, in lobbying disclosure, providing for  
3 financial assistance reporting and further providing for  
4 administration; and making editorial changes.

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

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

10 § 13A04. Registration.

11 \* \* \*

12 (e) Termination.--

13 \* \* \*

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

1 § 13A05. [Reporting] Expense reporting.

2 \* \* \*

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

4 § 13A05.1. Financial assistance reporting.

5 A lobbyist shall, subject to the penalties under 18 Pa.C.S. §  
6 4904 (relating to unsworn falsification to authorities), file a  
7 financial assistance report with the department electronically  
8 using the computerized filing system developed by the department  
9 that is consistent with the purpose of this chapter. The  
10 financial assistance report shall include information about the  
11 lobbyist's collection of economic consideration through a third-  
12 party affiliate for the successful award of a State or local  
13 grant or program that uses State funds.

14 Section 3. Sections 13A06 introductory paragraph, 13A07(d)  
15 (5), 13A08(c) and (j) and 13A09(g) (2) of Title 65 are amended to  
16 read:

17 § 13A06. Exemption from registration and reporting.

18 The following persons and activities shall be exempt from  
19 registration under section 13A04 (relating to registration) and  
20 reporting under section 13A05 (relating to expense reporting):

21 \* \* \*

22 § 13A07. Prohibited activities.

23 \* \* \*

24 (d) Conflicts of interest.--

25 \* \* \*

26 (5) A principal or lobbyist required to report under  
27 section 13A05 (relating to expense reporting) shall include  
28 in the report a statement affirming that to the best of the  
29 principal's or lobbyist's knowledge the principal or lobbyist  
30 has complied with this section.

1 \* \* \*

2 § 13A08. Administration.

3 \* \* \*

4 (c) Public inspection and copying.--The department shall  
5 make completed registration statements, expense reports,  
6 financial assistance reports and notices of termination, which  
7 have been filed with the department, available for public  
8 inspection and provide copies of these documents at a price not  
9 in excess of the actual cost of copying. The department shall  
10 make all registrations and reports available on a publicly  
11 accessible Internet website. Documents maintained and  
12 reproducible in an electronic format shall be provided in that  
13 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 4. This act shall take effect in 60 days.