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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1599 Session of  
2021

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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 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, 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  
18 reporting).

1 § 13A05. [Reporting] Expense reporting.

2 \* \* \*

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

4 § 13A05.1. Conflict reporting.

5 Each lobbyist shall, subject to the penalties under 18

6 Pa.C.S. § 4904 (relating to unsworn falsification to

7 authorities), file a conflict report with the department

8 electronically using the computerized filing system developed by

9 the department that is consistent with the purpose of this

10 chapter no later than five days after the lobbyist has sought a

11 waiver from a client due to a conflict of interest with the

12 client and another client. The lobbyist shall file the response

13 of the client concerning the waiver.

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 conflict reports and notices of termination, which have been  
7 filed with the department, available for public inspection and  
8 provide copies of these documents at a price not in excess of  
9 the actual cost of copying. The department shall make all  
10 registrations and reports available on a publicly accessible  
11 Internet website. Documents maintained and reproducible in an  
12 electronic format shall be provided in that format upon request.

13 \* \* \*

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

30 \* \* \*

1 § 13A09. Penalties.

2 \* \* \*

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

7 \* \* \*

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

10 \* \* \*

11 Section 4. This act shall take effect in 60 days.