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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Mr. Chairman and members of the State Government Subcommittee on Campaign Finance and Elections, I appreciate the invitation to submit written testimony on the topic of reforming our Lobbyist Disclosure Act.

This is a policy area of significant importance to our Commonwealth. I appreciate the efforts of this subcommittee to look at ways to ensure that the voices of the people of Pennsylvania are not silenced by the presence of any undue access or influence. Since my first election to the House of Representatives, lobbying reform has been a major legislative focus of mine. Many of you may remember that one of the first bills I introduced as a member of the House was a lobbying reform bill. At that time, I was proud to work with a bipartisan coalition of reform-minded members to help usher that bill through the House and, ultimately, have it signed into law.

It is important to point out that during that process the lobbyist community played a key role in helping to pass that legislation because they were cognizant of the effect negative public perception would have on their profession. As a result, they helped to strengthen the transparency measures enshrined in our lobbyist disclosure and reporting laws. I make that note because if you spend enough time in the city of Harrisburg and our beautiful capitol building, you are probably aware that lobbyists are sometimes unfairly given a bad reputation. However, we know that lobbyists play an important – often necessary – role in our legislative process.

As elected members of the General Assembly, we come from a wide variety of backgrounds and carry with us our own areas of expertise. Despite that, we are expected to be experts on every issue that comes before us for a vote. Our lobby community carries with them a message and a voice for constituencies that are often not easily defined by geographic areas, district lines or political party. They bring forward issues on behalf of Pennsylvanians and thus provide an important benefit to the work that we do. Nevertheless, their roles, like every other role in government and every other facet of democracy, must have the proper checks and balances in place. Like every participant in our legislative process, lobbyists must also be held to the highest standards.

In the nearly fifteen years since the enactment of The Lobbyist Disclosure Act, the lobbying community in Pennsylvania has seen significant growth. Despite this, very few updates have been made to the original checks and balances included in Act 134. For that reason, I committed to making significant reform in this policy area a primary focus of my work in the 2021-22 sessions. The beginning of that work includes a recently introduced, twelve-bill package that seeks to reform our lobbyist disclosure laws in three important areas: (1) increasing openness and transparency in the lobbying process, (2) limiting the influence of professional lobbyists, and (3) holding lobbyists to the highest standards of ethical behavior. Each of these primary objectives is outlined in greater detail below:

Increasing Openness and Transparency:

- **HB 1599 (Kerwin and Miller, B.)** Requires lobbyists to disclose and register any lobbying client conflicts with the Department of State.
- **HB 1600 (Pennycuik)** Requires campaign consultants who operate within the Commonwealth to register with the Department of State.
- **HB 1601 (Hamm, Kerwin and Miller, B.)** Requires lobbyists to register with the Department of State any equity they may hold in an entity on whose behalf they are lobbying.

Limiting Undue Influence:

- **HB 1603 (Lewis, A. and Keefer)** Prohibits campaign consultants from concurrently being registered lobbyists and engaging in lobbying elected officials.
- **HB 1605 (Williams, C.)** Prohibits lobbyists from receiving/paying referral payments from/to another individual, lobbying firm or campaign consultant.
- **HB 1607 (Diamond, Stambaugh, Keefer, Hamm & Miller, B.)** Prohibits any state entity from hiring an outside lobbyist or consultant to influence the Legislature, Administration or Judiciary.
- **HB 1608 (Stambaugh and Kerwin)** Prohibits new employees of the General Assembly (who were previously registered lobbyists) from being lobbied for one year after their registered lobby status expires.
- **HB 1606 (Grove)** Implements recommendations made by the House Government Oversight Committee. These include making lobbyists primary reporters, strengthening audit requirements and restructuring the fees used to cover the expenses of the Department of State to administer the lobby disclosure law.
- **HR 114 (Cutler)** Urges the Supreme Court of Pennsylvania to reform their rules to promote openness, transparency and greater confidence in the integrity of the

Judiciary, judicial employees and attorneys formerly employed by government entities.

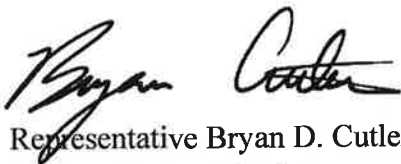
Ensuring Ethical Behavior:

- **HB 1602 (Miller, B.)** Requires lobbyists to register with the Department of State any client for which they seek state financial assistance or grant program funds.
- **HB 1604 (Keefer)** Prohibits lobbyists from collecting an inducement through a third-party affiliate upon successful application and receipt of a public taxpayer dollar-funded state grant program.
- **HB 1609 (Dowling and Smith)** Requires all registered lobbyists to complete mandatory ethics training on an annual basis.

We know that the General Assembly belongs to the people of our Commonwealth. The goal of this package is to reinforce and affirm that principle. Our lawmaking process only works effectively when the voices of our constituents drive our decisions and our votes. Their voices must never be silenced or manipulated by those who attempt to improperly use influence, access, relationship or money to sway the legislature.

As we continue to seek ways to ensure the public trust in our legislative process, it is my hope that the lobbyist community will embrace these reforms which would help dispel some of the more harmful stereotypes from their industry. I have often said, "if you do not believe in the process you will not believe in the product." I believe that is especially applicable in relation to this specific area of reform. Process is important. Hearing disparate voices and opinions is important. We as a legislature must work tirelessly to preserve and protect the integrity of the legislative process and this is an integral part of that worthy goal.

Again, Mr. Chairman and members of the State Government Subcommittee on Campaign Finance and Elections, I appreciate the opportunity to provide these thoughts for the consideration of the subcommittee.



Representative Bryan D. Cutler
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