

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1872 Session of 2013

INTRODUCED BY DUNBAR, BENNINGHOFF, CUTLER, DELOZIER, EVANKOVICH, GRELL, MULLERY, MURT, SWANGER, GILLEN, KIM, R. BROWN, D. MILLER AND DeLISSIO, DECEMBER 9, 2013

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 6, 2014

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, further providing for DEFINITIONS, FOR RESTRICTED <--
4 ACTIVITIES, FOR statement of financial interests AND FOR <--
5 PENALTIES.

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

8 Section 1. Section 1105(b) and (c) of Title 65 of the <--
9 Pennsylvania Consolidated Statutes are amended and the section-
10 is amended by adding a subsection to read:

11 SECTION 1. SECTION 1102 OF TITLE 65 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
13 § 1102. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
15 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
16 MEANINGS GIVEN TO THEM IN THIS SECTION:

17 \* \* \*

18 "CASH." UNITED STATES CURRENCY AND COIN AND FOREIGN CURRENCY

1 AND COIN.

2 \* \* \*

3 SECTION 2. SECTION 1103 OF TITLE 65 IS AMENDED BY ADDING A  
4 SUBSECTION TO READ:

5 § 1103. RESTRICTED ACTIVITIES.

6 \* \* \*

7 (C.1) ACCEPTING A GIFT OF CASH.--

8 (1) NO PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR NOMINEE OR  
9 CANDIDATE FOR PUBLIC OFFICE SHALL SOLICIT OR ACCEPT ANY GIFT  
10 OF CASH.

11 (2) THIS SUBSECTION SHALL NOT APPLY TO ANY GIFT OR GIFTS  
12 RECEIVED FROM A SPOUSE, PARENT, PARENT BY MARRIAGE, SIBLING,  
13 CHILD, GRANDCHILD, OTHER FAMILY MEMBER OR FRIEND WHEN THE  
14 CIRCUMSTANCES MAKE IT CLEAR THAT THE MOTIVATION FOR THE  
15 ACTION WAS A PERSONAL OR FAMILY RELATIONSHIP.

16 (3) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM  
17 "FRIEND" SHALL NOT INCLUDE A REGISTERED LOBBYIST OR AN  
18 EMPLOYEE OF A REGISTERED LOBBYIST.

19 \* \* \*

20 SECTION 3. SECTION 1105(B) AND (C) OF TITLE 65 ARE AMENDED  
21 AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

22 § 1105. Statement of financial interests.

23 \* \* \*

24 (b) Required information.--The statement shall include the  
25 following information for the prior calendar year with regard to  
26 the person required to file the statement:

27 (1) Name, address and public position.

28 (2) Occupation or profession.

29 (3) Any direct or indirect interest in any real estate  
30 which was sold or leased to the Commonwealth, any of its

1 agencies or political subdivisions, or purchased or leased  
2 from the Commonwealth, any of its agencies or political  
3 subdivisions, or which was the subject of any condemnation  
4 proceedings by the Commonwealth, any of its agencies or  
5 political subdivisions.

6 (4) The name and address of each creditor to whom is  
7 owed in excess of \$6,500 and the interest rate thereon.  
8 However, loans or credit extended between members of the  
9 immediate family and mortgages securing real property which  
10 is the principal or secondary residence of the person filing  
11 shall not be included.

12 (5) The name and address of any direct or indirect  
13 source of income totaling in the aggregate \$1,300 or more.  
14 However, this provision shall not be construed to require the  
15 divulgence of confidential information protected by statute  
16 or existing professional codes of ethics or common law  
17 privileges.

18 (6) The name and address of the source and the amount of  
19 any gift [or gifts valued in the aggregate at \$250 or] of  
20 more than \$50 and the circumstances of each gift. This  
21 paragraph shall not apply to a gift or gifts received from a  
22 spouse, parent, parent by marriage, sibling, child,  
23 grandchild, other family member or friend when the  
24 circumstances make it clear that the motivation for the  
25 action was a personal or family relationship. However, for  
26 the purposes of this paragraph, the term "friend" shall not  
27 include a registered lobbyist or an employee of a registered  
28 lobbyist.

29 (7) The name and address of the source and the amount of  
30 any payment for or reimbursement of an actual [expenses]

1 expense for transportation and lodging or hospitality  
2 received in connection with public office or employment where  
3 such actual [expenses] expense for transportation and lodging  
4 or hospitality [exceed \$650 in an aggregate amount per year]  
5 exceeds \$100. This paragraph shall not apply to expenses  
6 reimbursed by a governmental body or to expenses reimbursed  
7 by an organization or association of public officials or  
8 employees of political subdivisions which the public official  
9 or employee serves in an official capacity.

10 (8) Any office, directorship or employment of any nature  
11 whatsoever in any business entity.

12 (9) Any financial interest in any legal entity engaged  
13 in business for profit.

14 (10) The identity of any financial interest in a  
15 business with which the reporting person is or has been  
16 associated in the preceding calendar year which has been  
17 transferred to a member of the reporting person's immediate  
18 family.

19 (b.1) Voluntary information.--A person required to file a  
20 statement of financial interests may voluntarily report a gift,  
21 payment or reimbursement that is below the monetary threshold  
22 for reporting under subsection (b) (6) or (7).

23 (c) Reporting amounts.--Except [where an amount is] as  
24 required to be reported pursuant to subsection (b) (6) and (7),  
25 the statement of financial interests need not include specific  
26 amounts for the items required to be listed.

27 \* \* \*

28 SECTION 4. SECTION 1109(A) OF TITLE 65 IS AMENDED TO READ: <--  
29 § 1109. PENALTIES.

30 (A) RESTRICTED ACTIVITIES VIOLATION.--ANY PERSON WHO

1 VIOLATES THE PROVISIONS OF SECTION 1103(A), (B) [AND (C)], (C)  
2 AND (C.1) (RELATING TO RESTRICTED ACTIVITIES) COMMITS A FELONY  
3 AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT  
4 MORE THAN \$10,000 OR TO IMPRISONMENT FOR NOT MORE THAN FIVE  
5 YEARS, OR BOTH.

6 \* \* \*

7 Section ~~2~~ 5. This act shall take effect ~~in 60 days~~. AS <--  
8 FOLLOWS:

9 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
10 IMMEDIATELY:

11 (I) THE ADDITION OF THE DEFINITION OF "CASH" IN 65  
12 PA.C.S. § 1102 AND THE AMENDMENT OR ADDITION OF 65  
13 PA.C.S. §§ 1103(C.1) AND 1109(A).

14 (II) THIS SECTION.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
16 DAYS.