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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1009 Session of  
2021

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INTRODUCED BY KAUFER, HILL-EVANS, COOK, THOMAS, SAPPEY, RYAN,  
GROVE, SCHMITT, SHUSTERMAN, WEBSTER, SCHLEGEL CULVER,  
INNAMORATO, MENTZER, DELOZIER, O'MARA, HANBIDGE AND JONES,  
MARCH 24, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 24, 2021

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AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, providing for ethics and disclosure;  
3 in ethics standards and financial disclosure, further  
4 providing for definitions, for restricted activities, for  
5 statement of financial interests and for penalties; and, in  
6 lobbying disclosure, further providing for definitions, for  
7 reporting and for prohibited activities.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 65 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a heading between Chapters 7 and  
12 11 to read:

13 PART III. ETHICS AND DISCLOSURE

14 Section 2. The definitions of "hospitality" and "source" in  
15 section 1102 of Title 65 are amended and the section is amended  
16 by adding definitions to read:

17 § 1102. Definitions.

18 The following words and phrases when used in this chapter  
19 shall have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 \* \* \*

3 ["Hospitality." As defined in section 13A03 (relating to  
4 definitions).]

5 \* \* \*

6 "Lodging." As defined in section 13A03.

7 "Meals and beverages." As defined in section 13A03.

8 \* \* \*

9 "Recreation and entertainment." As defined in section 13A03.

10 \* \* \*

11 "Source." Any person who is a provider of an item reportable  
12 under section 1105 (relating to statement of financial  
13 interests) or an item under section 1103(g) (relating to  
14 restricted activities).

15 \* \* \*

16 "State public official or public employee." A public  
17 official elected or appointed to a position in State Government  
18 or a public employee employed by State Government.

19 "Transportation." As defined in section 13A03.

20 Section 3. Section 1103 of Title 65 is amended by adding a  
21 subsection to read:

22 § 1103. Restricted activities.

23 \* \* \*

24 (k) Acceptance of prohibited gift, transportation, lodging  
25 or recreation and entertainment by a public official or public  
26 employee.--A State public official or public employee may not  
27 solicit or accept any of the following from a lobbyist,  
28 principal or lobbying firm for the non-governmental use of the  
29 State public official or public employee or another:

30 (1) A gift or gifts from a source which are valued in

1 the aggregate at \$250 or more in a calendar year. This  
2 paragraph does not apply to a gift or gifts received from a  
3 spouse, parent, parent by marriage, sibling, child,  
4 grandchild or other family member when the circumstances make  
5 it clear that the motivation for the action was a family  
6 relationship.

7 (2) Transportation received in connection with public  
8 office or employment.

9 (3) Lodging received in connection with public office or  
10 employment.

11 (4) Recreation and entertainment received in connection  
12 with public office or employment.

13 Section 4. Sections 1105(b)(7) and 1109(f) of Title 65 are  
14 amended to read:

15 § 1105. Statement of financial interests.

16 \* \* \*

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

20 \* \* \*

21 (7) The name and address of the source and the amount of  
22 any payment for or reimbursement of actual expenses for  
23 transportation [and], lodging [or hospitality], recreation  
24 and entertainment or meals and beverages received in  
25 connection with public office or employment where such actual  
26 expenses for transportation [and], lodging [or hospitality],  
27 recreation and entertainment or meals and beverages exceed  
28 \$650 in an aggregate amount per year. This paragraph shall  
29 not apply to expenses reimbursed by a governmental body or to  
30 expenses reimbursed by an organization or association of

1 public officials or employees of political subdivisions which  
2 the public official or employee serves in an official  
3 capacity.

4 \* \* \*

5 § 1109. Penalties.

6 \* \* \*

7 (f) Civil penalty.--In addition to any other civil remedy or  
8 criminal penalty provided for in this chapter, the commission  
9 may, after notice has been served in accordance with section  
10 1107(5) (relating to powers and duties of commission) and upon a  
11 majority vote of its members, levy a civil penalty upon any  
12 person subject to this chapter in accordance with the following:

13 (1) A person who fails to file a statement of financial  
14 interests in a timely manner or who files a deficient  
15 statement of financial interests[,] shall be subject to a  
16 civil penalty at a rate of not more than \$25 for each day  
17 such statement remains delinquent or deficient. The maximum  
18 penalty payable under this paragraph is \$250.

19 (2) A person who violates section 1103(k) shall be  
20 subject to a civil penalty of not more than \$500 per  
21 violation plus the value of the gift, transportation, lodging  
22 or recreation and entertainment received in violation of  
23 section 1103(k).

24 \* \* \*

25 Section 5. The definitions of "gift," "hospitality" and  
26 "lobbying" in section 13A03 of Title 65 are amended and the  
27 section is amended by adding definitions to read:

28 § 13A03. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

3 "Gift." Anything which is received without consideration of  
4 equal or greater value. The term shall not include a political  
5 contribution otherwise reportable as required by law or a  
6 commercially reasonable loan made in the ordinary course of  
7 business. The term shall not include [hospitality] meals and  
8 beverages, recreation and entertainment, transportation or  
9 lodging.

10 ["Hospitality." Includes all of the following:

11 (1) Meals.

12 (2) Beverages.

13 (3) Recreation and entertainment.

14 The term shall not include gifts, transportation or lodging.]

15 \* \* \*

16 "Lobbying." An effort to influence legislative action or  
17 administrative action in this Commonwealth. The term includes:

18 (1) direct or indirect communication;

19 (2) office expenses; and

20 (3) providing any gift, [hospitality] meals and  
21 beverages, recreation and entertainment, transportation or  
22 lodging to a State official or employee for the purpose of  
23 advancing the interest of the lobbyist or principal.

24 \* \* \*

25 "Lodging." Sleeping accommodations for a public official or  
26 public employee, received without consideration of equal or  
27 greater value.

28 "Meals and beverages." Food and drink for human consumption.

29 \* \* \*

30 "Recreation and entertainment." An activity for enjoyment or

1 amusement, received without consideration of equal or greater  
2 value.

3 \* \* \*

4 "Transportation." The movement of a person from one place to  
5 another, received without consideration of equal or greater  
6 value.

7 \* \* \*

8 Section 6. Section 13A05(b)(2)(i) of Title 65 is amended to  
9 read:

10 § 13A05. Reporting.

11 \* \* \*

12 (b) Content.--

13 \* \* \*

14 (2) Each expense report shall include the total costs of  
15 all lobbying for the period. The total shall include all  
16 office expenses, personnel expenses, expenditures related to  
17 gifts, hospitality, transportation and lodging to State  
18 officials or employees, and any other lobbying costs. The  
19 total amount reported under this paragraph shall be allocated  
20 in its entirety among the following categories:

21 (i) The costs for gifts, [hospitality] meals and  
22 beverages, recreation and entertainment, transportation  
23 and lodging given to or provided to State officials or  
24 employees or their immediate families.

25 \* \* \*

26 Section 7. Section 13A07(f)(1) of Title 65 is amended by  
27 adding a subparagraph to read:

28 § 13A07. Prohibited activities.

29 \* \* \*

30 (f) Unlawful acts.--

1 (1) A lobbyist or principal may not:

2 \* \* \*

3 (xi) Offer or give as a gift, transportation,  
4 lodging or recreation and entertainment the acceptance of  
5 which would violate section 1103(k) (relating to ◀  
6 restricted activities).

7 \* \* \*

8 Section 8. This act shall take effect in 60 days.