
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1933 Session of
2015

INTRODUCED BY DAVIS, THOMAS, KAUFFMAN, MULLERY, CARROLL, MURT,
SANTARSIERO, McCARTER, DEAN, VITALI, M. DALEY AND KIM,
APRIL 1, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 1, 2016

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, providing for gift ban.

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

6 Section 1. Title 65 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1103.1. Gift ban.

9 (a) Gifts.--Except as otherwise provided for in this
10 section, no public officer or candidate shall receive, accept,
11 take, seek or solicit any gift having either a fair market value
12 or aggregate actual cost greater than \$50 from any lobbyist,
13 lobbying firm or principal in a calendar year.

14 (b) Hospitality.--Except as otherwise provided for in this
15 section, no public officer or candidate shall receive, accept,
16 take, seek or solicit hospitality, transportation or lodging
17 having either a fair market value or aggregate actual cost
18 greater than \$500 from any lobbyist, lobbying firm or principal

1 of a lobbyist in a calendar year.

2 (c) Exception.--The prohibition in subsections (a) and (b)
3 shall not apply to the following:

4 (1) A gift from a relative.

5 (2) A gift from an individual on the basis of a personal
6 friendship unless the public officer or candidate has reason
7 to believe the gift was made because of the official position
8 or employment of the public officer or candidate. In
9 determining whether a gift is provided on the basis of a
10 personal friendship, a public official or candidate must
11 consider the following:

12 (i) The history of the public official or
13 candidate's relationship with the individual, including
14 any previous exchange of gifts.

15 (ii) Whether, to the public official's or
16 candidate's knowledge, the individual personally paid for
17 the gift or whether the individual sought a tax deduction
18 or business reimbursement for the cost of the gift.

19 (iii) Whether, to the public official's or
20 candidate's knowledge, the individual at the same time
21 gave the same or similar gifts to other public officials
22 or candidates or their staff.

23 (3) Informational materials that are sent to an office
24 of the public officer in the form of books, articles,
25 periodicals, other written materials, audiotapes, videotapes
26 or other forms of communication.

27 (4) Awards or prizes that are given to competitors in
28 contests or events open to the public, including random
29 drawings.

30 (5) Honorary degrees and associated travel, food,

1 refreshments and entertainment provided in the presentation
2 of the degrees and awards.

3 (6) Training provided to a public officer if the
4 training relates to the public officer's position. This shall
5 include food and refreshments furnished to all attendees as
6 an integral part of the training.

7 (7) Educational mission, including meetings with
8 government officials, either foreign or domestic, intended to
9 educate public officials on matters of public policy, to
10 which the public officer or candidate may be invited to
11 participate along with other Federal, State or local public
12 officials and community leaders.

13 (8) Bequests, inheritances and other transfers at death.

14 (9) A plaque, trophy or other item that is substantially
15 commemorative in nature.

16 (10) Donations of products from a Pennsylvania company
17 that are intended primarily for promotional purposes, such as
18 display or free distribution, and are of minimal value to any
19 individual recipient.

20 (d) Definitions.--The following words and phrases when used
21 in this section shall have the meanings given to them in this
22 subsection:

23 "Lobbying firm." As defined in section 13A03 (relating to
24 definitions).

25 "Lobbyist." As defined in section 13A03.

26 "Principal." As defined in section 13A03.

27 "Public officer." A public official, executive-level State
28 employee or public employee.

29 "Relative." An individual related to the public official or
30 candidate as:

- 1 (1) (i) father or mother;
2 (ii) husband or wife;
3 (iii) brother, sister, half-brother or half-sister;
4 (iv) son or daughter;
5 (v) grandfather or grandmother;
6 (vi) grandson or granddaughter;
7 (vii) uncle or aunt;
8 (viii) niece or nephew;
9 (ix) first cousin;
10 (x) great uncle or great aunt;
11 (xi) mother-in-law or father-in-law;
12 (xii) daughter-in-law or son-in-law;
13 (xiii) stepfather or stepmother;
14 (xiv) stepson or stepdaughter; or
15 (xv) stepsister or stepbrother.

16 (2) The term shall include the grandfather and
17 grandmother of the public official's or candidate's spouse.

18 Section 2. This act shall take effect in 60 days.