

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1945 Session of 2019

INTRODUCED BY EVERETT, HELM, RYAN, ROAE, TURZAI, SCHLOSSBERG, MURT, SOLOMON, GROVE, JONES, KNOWLES, BROWN, MULLERY, HILL-EVANS, GILLESPIE, SCHLEGEL CULVER, ISAACSON, O'MARA, LAWRENCE, DeLUCA, T. DAVIS, SCHMITT, DUNBAR, BOROWICZ, VITALI, WHEELAND, ZABEL, B. MILLER, SAYLOR, HENNESSEY AND WEBSTER, OCTOBER 18, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 2019

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, providing for
4 gift ban and for gift ban exceptions and further providing
5 for statement of financial interests.

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

8 Section 1. The definition of "person" in section 1102 of
9 Title 65 of the Pennsylvania Consolidated Statutes is amended
10 and the section is amended by adding definitions to read:

11 § 1102. Definitions.

12 The following words and phrases when used in this chapter
13 shall have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section:

15 * * *

16 "Cash." United States currency and coin and foreign currency
17 and coin.

1 * * *

2 "Lobbyist." As defined in section 13A03 (relating to
3 definitions).

4 * * *

5 "Person." A business, governmental body, individual,
6 including an individual lobbyist or employee of a lobbyist,
7 corporation, union, association, firm, partnership, committee,
8 club or other organization or group of persons.

9 * * *

10 Section 2. Title 65 is amended by adding sections to read:

11 § 1103.1. Gift ban.

12 Except as provided in section 1103.2 (relating to gift ban
13 exceptions), no public official, public employee or nominee or
14 candidate for public office may receive, accept, take, seek or
15 solicit any of the following:

16 (1) ~~A gift~~ GIFTS, other than ~~a gift~~ GIFTS of cash, <--
17 having either ~~a~~ AN AGGREGATE fair market value or aggregate <--
18 actual cost greater than \$50 from any one person in a
19 calendar year.

20 (2) Hospitality, transportation or lodging having either
21 ~~a~~ AN AGGREGATE fair market value or aggregate actual cost <--
22 greater than \$500 from any one person in a calendar year.

23 (3) A gift of cash.

24 § 1103.2. Gift ban exceptions.

25 The prohibitions listed in section 1103.1 (relating to gift
26 ban) shall not apply to any of the following:

27 (1) A gift or any hospitality, transportation or lodging
28 from any of the following:

29 (i) A parent, sibling, spouse, child, stepchild,
30 stepparent, stepsibling, grandparent, grandchild, parent-

1 in-law, sibling-in-law or other family member or friend
2 when the circumstances make it clear that the motivation
3 for the gift or hospitality, transportation or lodging
4 was a personal or family relationship. The exception
5 under this subparagraph does not apply to a gift of cash
6 to a nominee or candidate for public office. For the
7 purposes of this subparagraph, the term "friend" does not
8 include a registered lobbyist or an employee of a
9 registered lobbyist.

10 (II) A REGISTERED LOBBYIST OR EMPLOYEE OF A <--
11 REGISTERED LOBBYIST FOR THE CELEBRATION OF A MAJOR LIFE
12 EVENT, INCLUDING, BUT NOT LIMITED TO, A WEDDING,
13 GRADUATION OR THE BIRTH OF A CHILD.

14 ~~(ii)~~ (III) A registered lobbyist or employee of a <--
15 registered lobbyist if the public official, public
16 employee or nominee or candidate for public office who
17 receives the gift or hospitality, transportation or
18 lodging is involved in a personal romantic relationship
19 with the registered lobbyist or employee of a registered
20 lobbyist and the circumstances make it clear that the
21 motivation for the gift or hospitality, transportation or
22 lodging is related to the personal romantic relationship.
23 The exception under this subparagraph does not apply to a
24 gift of cash to a nominee or candidate for public office.

25 (2) A "contribution," as defined in section 1621 of the
26 act of June 3, 1937 (P.L.1333, No.320), known as the
27 Pennsylvania Election Code, lawfully made under that act.

28 (3) Informational material sent to the office of a
29 public official or public employee in the form of a book,
30 article, periodical, other written material, audiotape,

1 videotape or other forms of communication for
2 nonentertainment purposes.

3 (4) An award or prize given to competitors in a contest
4 or event open to the public, including random drawings.

5 (5) An honorary degree or award and associated travel,
6 food, refreshments and entertainment provided in the
7 presentation of the degree or award.

8 (6) Training provided to a public official or public
9 employee if the training is in the interest of a governmental
10 entity. This paragraph shall include food and refreshments
11 furnished to all attendees as an integral part of the
12 training.

13 (7) Food and beverage for consumption at any of the
14 following:

15 (i) A public event, including a public meeting.

16 (ii) An event directly related to the duties and
17 responsibilities of a public official or public employee.

18 (iii) An event where a public official or public
19 employee is a speaker or a member of a panel.

20 (iv) A regularly scheduled event sponsored by a
21 constituent, Statewide organization or nonprofit
22 organization.

23 (8) Gifts exchanged between public officials or public
24 employees and their staffs on a voluntary basis.

25 (9) An educational mission, including a meeting with
26 governmental officials, either foreign or domestic, intended
27 to educate a public official or public employee on matters of
28 public policy, to which the public official or public
29 employee may be invited to participate along with other
30 Federal, State or local public officials or community

1 leaders.

2 (10) Anything paid for by a Federal, State or other
3 government or governmental entity under a government
4 contract.

5 (11) An honorarium, including an award, plaque, trophy
6 or other item, valued at \$100 or less that is substantially
7 commemorative in nature.

8 (12) Tokens having de minimis economic impact, such as a
9 greeting card, pen, cap or t-shirt.

10 (13) Light food or refreshments, such as hors d'oeuvres,
11 in a group setting and intended for mass consumption and not
12 intended for consumption by a specific individual.

13 (14) Complimentary attendance and food or beverage at a
14 bona fide charitable or political event.

15 ~~(15) Reimbursement of expenses by a governmental body or~~ <--
16 ~~by an~~

17 (15) THE FOLLOWING: <--

18 (I) REIMBURSEMENT OF HOSPITALITY, TRANSPORTATION OR
19 LODGING EXPENSES BY:

20 (A) A GOVERNMENTAL BODY.

21 (B) AN organization or association of public
22 officials or employees of political subdivisions,
23 which a public official or public employee serves in
24 an official capacity.

25 (C) A PRIVATE FOUNDATION AS DEFINED UNDER <--
26 SECTION 509 OF THE INTERNAL REVENUE CODE OF 1986
27 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.).

28 (D) AN ORGANIZATION EXEMPT FROM TAXES UNDER
29 SECTION 501(C) (4), (6), (19) OR (23) OF THE INTERNAL
30 REVENUE CODE OF 1986.

1 (II) HOSPITALITY, TRANSPORTATION OR LODGING EXPENSES
2 SHALL ONLY BE REIMBURSED IF DIRECTLY RELATED TO THE
3 DUTIES AND RESPONSIBILITIES OF A PUBLIC OFFICIAL OR
4 PUBLIC EMPLOYEE.

5 Section 3. Section 1105(b) (6) and (7) of Title 65 are
6 amended and the subsection is amended by adding ~~a paragraph~~ <--
7 PARAGRAPHS to read: <--

8 § 1105. Statement of financial interests.

9 * * *

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

13 * * *

14 (6) The name and address of the source and the amount of
15 any gift or gifts valued in the aggregate at [~~\$250 or more~~]
16 \$50 OR LESS and the circumstances of each gift. This <--
17 paragraph shall not apply to a gift [~~or gifts received from a~~
18 ~~spouse, parent, parent by marriage, sibling, child,~~
19 ~~grandchild, other family member or friend when the~~
20 ~~circumstances make it clear that the motivation for the~~
21 ~~action was a personal or family relationship. However, for~~
22 ~~the purposes of this paragraph, the term "friend" shall not~~
23 ~~include a registered lobbyist or an employee of a registered~~
24 ~~lobbyist.] under section 1103.2(1) (relating to gift ban
25 exceptions).~~

26 (7) The name and address of the source and the amount of
27 any payment for or reimbursement of actual expenses for
28 transportation [~~and~~], lodging or hospitality [~~received in~~
29 ~~connection with public office or employment where such actual~~
30 ~~expenses for transportation and lodging or hospitality exceed~~

1 \$650 in an aggregate amount per year.] valued in the
2 aggregate at \$500 OR LESS and the circumstances surrounding <--
3 the payment or reimbursement. This paragraph shall not apply
4 to [expenses reimbursed by a governmental body or to expenses
5 reimbursed by an organization or association of public
6 officials or employees of political subdivisions which the
7 public official or employee serves in an official capacity.]
8 transportation, lodging or hospitality under section
9 1103.2(1).

10 (7.1) The name and address of the source of any
11 honorarium valued at more than \$50 and the circumstances
12 surrounding the receipt of the honorarium.

13 (7.2) THE NAME AND ADDRESS OF THE SOURCE AND THE AMOUNT <--
14 OF ANY AWARDS OR PRIZES VALUED IN THE AGGREGATE OF MORE THAN
15 \$500 AND THE CIRCUMSTANCES SURROUNDING EACH AWARD OR PRIZE.

16 * * *

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