
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1338 Session of
2014

INTRODUCED BY WILLIAMS, STACK, WASHINGTON, TEPLITZ, SCHWANK,
ARGALL, YUDICHAK, COSTA, FARNESE, BROWNE, SMITH AND BRUBAKER,
APRIL 10, 2014

REFERRED TO STATE GOVERNMENT, APRIL 10, 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, statement of financial interests required to be
5 filed, statement of financial interests, providing for ethics
6 training program and further providing for penalties.

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

9 Section 1. Section 1102 of Title 65 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:

11 * * *

12 § 1102. Definitions.

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

16 * * *

17 "Cash." United States currency and coin.

18 "Cash equivalent." An asset that is readily convertible to
19 cash, including, but not limited to, any of the following:

- 1 (1) Travelers checks.
2 (2) Foreign currency and coin.
3 (3) Certified checks, cashier's checks and money orders.
4 (4) Personal checks or drafts.
5 (5) A negotiable instrument applied against credit
6 extended by a certificate holder or a financial institution.
7 (6) Any other instrument or representation of value that
8 the commission deems a cash equivalent.

9 * * *

10 Section 2. Section 1103(b) and (c) of Title 65 are amended
11 and the section is amended by adding subsections to read:

12 § 1103. Restricted activities.

13 * * *

14 (b) Seeking improper influence.--No person shall offer or
15 give to a public official, public employee or nominee or
16 candidate for public office or a member of his immediate family
17 or a business with which he is associated anything of monetary
18 value, including a gift, loan, political contribution, reward
19 [or], promise of future employment or pro bono services valued
20 in excess of \$100 per year, based on the offeror's or donor's
21 understanding that the vote, official action or judgment of the
22 public official or public employee or nominee or candidate for
23 public office would be influenced thereby

24 (b.1) Cash gifts prohibited.--

25 (1) A person may not offer or give a cash gift or cash
26 equivalent gift to any of the following:

27 (i) A public official, public employee or nominee or
28 candidate for public office.

29 (ii) An immediate family member of an individual
30 under subparagraph (i) or a business who is associated

1 with an individual under subparagraph (i).

2 (2) This subsection shall not apply to a gift offered or
3 given by a spouse, parent, parent by marriage, sibling,
4 child, grandchild, other family member or friend of an
5 individual under paragraph (1)(i) when the circumstances make
6 it clear that the motivation for the action was a personal or
7 family relationship.

8 (3) As used in the subsection, the term "friend" does
9 not include a registered lobbyist or an employee of a
10 registered lobbyist.

11 (c) Accepting improper influence.--No public official,
12 public employee or nominee or candidate for public office shall
13 solicit or accept anything of monetary value, including a gift,
14 loan, political contribution, reward [or], promise of future
15 employment or pro bono services valued in excess of \$100 per
16 year, based on any understanding of that public official, public
17 employee or nominee that the vote, official action or judgment
18 of the public official or public employee or nominee or
19 candidate for public office would be influenced thereby.

20 (c.1) Accepting cash gifts.--

21 (1) A public official, public employee or nominee or
22 candidate for public office may not solicit or accept a cash
23 gift or a cash equivalent gift.

24 (2) This subsection shall not apply to a gift solicited
25 or accepted from a spouse, parent, parent by marriage,
26 sibling, child, grandchild, other family member or friend of
27 an individual under paragraph (1) when the circumstances make
28 it clear that the motivation for the action was a personal or
29 family relationship.

30 (3) As used in the subsection, the term "friend" does

1 not include a registered lobbyist or an employee of a
2 registered lobbyist.

3 * * *

4 Section 3. Sections 1104(a) and 1105(b)(6) and (7) of Title
5 65 are amended to read:

6 § 1104. Statement of financial interests required to be filed.

7 (a) Public official or public employee.--Each public
8 official of the Commonwealth shall file a current statement of
9 financial interests [for the preceding calendar year] with the
10 commission [no later than May 1 of] once every 90 days in each
11 year that he holds such a position and [of] once every 90 days
12 in the year after he leaves such a position. Each public
13 employee and public official of the Commonwealth shall file a
14 current statement of financial interests [for the preceding
15 calendar year] with the department, agency, body or bureau in
16 which he is employed or to which he is appointed or elected [no
17 later than May 1 of] once every 90 days in each year that he
18 holds such a position and [of] once every 90 days in the year
19 after he leaves such a position. Any other public employee or
20 public official shall file a current statement of financial
21 interests with the governing authority of the political
22 subdivision by which he is employed or within which he is
23 appointed or elected [no later than May 1 of] once every 90 days
24 in each year that he holds such a position and [of] once every
25 90 days in the year after he leaves such a position. Persons who
26 are full-time or part-time solicitors for political subdivisions
27 are required to file under this section.

28 * * *

29 § 1105. Statement of financial interests.

30 * * *

1 (b) Required information.--The statement shall include the
2 following information [for the prior calendar year] with regard
3 to the person required to file the statement:

4 * * *

5 (6) The name and address of the source and the amount of
6 any gift or gifts valued in the aggregate at [\$250] \$100 or
7 more and the circumstances of each gift. This paragraph shall
8 not apply to a gift or gifts received from a spouse, parent,
9 parent by marriage, sibling, child, grandchild, other family
10 member or friend when the circumstances make it clear that
11 the motivation for the action was a personal or family
12 relationship. However, for the purposes of this paragraph,
13 the term "friend" shall not include a registered lobbyist or
14 an employee of a registered lobbyist.

15 (7) The name and address of the source and the amount of
16 any payment for or reimbursement of actual expenses for
17 transportation and lodging or hospitality received in
18 connection with public office or employment where such actual
19 expenses for transportation and lodging or hospitality exceed
20 [\$650] \$100 in an aggregate amount per year. This paragraph
21 shall not apply to expenses reimbursed by a governmental body
22 or to expenses reimbursed by an organization or association
23 of public officials or employees of political subdivisions
24 which the public official or employee serves in an official
25 capacity.

26 * * *

27 Section 4. Title 65 is amended by adding a section to read:
28 § 1108.1. Ethics training program.

29 (a) Program.--The commission shall provide an ethics
30 training program to public employees and public officials.

1 (b) Training.--A public employee or public official shall
2 receive training under the program provided under subsection (a)
3 within 30 days of the date of employment.

4 (c) Additional training.--

5 (1) In addition to the program provided under subsection
6 (a), an agency may provide an ethics training program
7 designed for the agency to a public employee.

8 (2) An agency providing a program under paragraph (1)
9 shall maintain a record of the content of the program.

10 Section 5. Section 1109(a) and (f) of Title 65 are amended
11 to read:

12 § 1109. Penalties.

13 (a) Restricted activities violation.--

14 (1) Any public official or executive-level State
15 employee who violates the provisions of section 1103(a), (b)
16 and (c) (relating to restricted activities) commits a felony
17 of the second degree.

18 (2) Any person who is not a public official or an
19 executive-level State employee who violates the provisions of
20 section 1103(a), (b) and (c) [(relating to restricted
21 activities)] commits a felony and shall, upon conviction, be
22 sentenced to pay a fine of not more than \$10,000 or to
23 imprisonment for not more than five years, or both.

24 * * *

25 (f) Civil penalty.--In addition to any other civil remedy or
26 criminal penalty provided for in this chapter, the commission
27 may, after notice has been served in accordance with section
28 1107(5) (relating to powers and duties of commission) and upon a
29 majority vote of its members, levy a civil penalty upon any
30 person subject to this chapter who fails to file a statement of

1 financial interests in a timely manner or who files a deficient
2 statement of financial interests, at a rate of not more than \$25
3 for each day such statement remains delinquent or deficient.

4 [The maximum penalty payable under this paragraph is \$250.]

5 * * *

6 Section 6. This act shall take effect in 60 days.