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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1214 Session of  
2021

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INTRODUCED BY SCHEMEL, SOLOMON, ZABEL, STAMBAUGH, HILL-EVANS,  
SCHLEGEL CULVER, RYAN, SAPPEY, CIRESI, McNEILL, ISAACSON,  
KAUFFMAN AND DeLUCA, APRIL 16, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 16, 2021

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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.

18 \* \* \*

19 "Lobbyist." As defined in section 13A03 (relating to

1 definitions).

2 \* \* \*

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

7 \* \* \*

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

9 § 1103.1. Gift ban.

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

14 (1) Gifts, other than gifts of cash, having either an  
15 aggregate fair market value or aggregate actual cost greater  
16 than \$50 from any one person in a calendar year.

17 (2) Hospitality, transportation or lodging having either  
18 an aggregate fair market value or aggregate actual cost  
19 greater than \$500 from any one person in a calendar year.

20 (3) A gift of cash.

21 § 1103.2. Gift ban exceptions.

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

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

26 (i) A parent, sibling, spouse, child, stepchild,  
27 stepparent, stepsibling, grandparent, grandchild, parent-  
28 in-law, sibling-in-law or other family member or friend  
29 when the circumstances make it clear that the motivation  
30 for the gift or hospitality, transportation or lodging

1 was a personal or family relationship. The exception  
2 under this subparagraph does not apply to a gift of cash  
3 to a nominee or candidate for public office. For the  
4 purposes of this subparagraph, the term "friend" does not  
5 include a registered lobbyist or an employee of a  
6 registered lobbyist.

7 (ii) A registered lobbyist or employee of a  
8 registered lobbyist for the celebration of a major life  
9 event, including, but not limited to, a wedding,  
10 graduation or the birth of a child.

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

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

25 (3) Informational material sent to the office of a  
26 public official or public employee in the form of a book,  
27 article, periodical, other written material, audiotape,  
28 videotape or other forms of communication for  
29 nonentertainment purposes.

30 (4) An award or prize given to competitors in a contest

1 or event open to the public, including random drawings.

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

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

10 (7) Food and beverage for consumption at any of the  
11 following:

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

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

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

17 (iv) A regularly scheduled event sponsored by a  
18 constituent, Statewide organization or nonprofit  
19 organization.

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

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

29 (10) Anything paid for by a Federal, State or other  
30 government or governmental entity under a government

1 contract.

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

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

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

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

12 (15) The following:

13 (i) Reimbursement of hospitality, transportation or  
14 lodging expenses by:

15 (A) A governmental body.

16 (B) An organization or association of public  
17 officials or employees of political subdivisions,  
18 which a public official or public employee serves in  
19 an official capacity.

20 (C) A private foundation as defined under  
21 section 509 of the Internal Revenue Code of 1986  
22 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

23 (D) An organization exempt from taxes under  
24 section 501(c)(4), (6), (19) or (23) of the Internal  
25 Revenue Code of 1986.

26 (ii) Hospitality, transportation or lodging expenses  
27 shall only be reimbursed if directly related to the  
28 duties and responsibilities of a public official or  
29 public employee.

30 Section 3. Section 1105(b)(6) and (7) of Title 65 are

1 amended and the subsection is amended by adding paragraphs to  
2 read:

3 § 1105. Statement of financial interests.

4 \* \* \*

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

8 \* \* \*

9 (6) The name and address of the source and the amount of  
10 any gift or gifts valued in the aggregate at [\$250 or more]  
11 \$50 or less and the circumstances of each gift. This  
12 paragraph shall not apply to a gift [or gifts received from a  
13 spouse, parent, parent by marriage, sibling, child,  
14 grandchild, other family member or friend when the  
15 circumstances make it clear that the motivation for the  
16 action was a personal or family relationship. However, for  
17 the purposes of this paragraph, the term "friend" shall not  
18 include a registered lobbyist or an employee of a registered  
19 lobbyist.] under section 1103.2(1) (relating to gift ban  
20 exceptions).

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 [received in  
24 connection with public office or employment where such actual  
25 expenses for transportation and lodging or hospitality exceed  
26 \$650 in an aggregate amount per year.] valued in the  
27 aggregate at \$500 or less and the circumstances surrounding  
28 the payment or reimbursement. This paragraph shall not apply  
29 to [expenses reimbursed by a governmental body or to expenses  
30 reimbursed by an organization or association of public

1 officials or employees of political subdivisions which the  
2 public official or employee serves in an official capacity.]  
3 transportation, lodging or hospitality under section  
4 1103.2(1).

5 (7.1) The name and address of the source of any  
6 honorarium valued at more than \$50 and the circumstances  
7 surrounding the receipt of the honorarium.

8 (7.2) The name and address of the source and the amount  
9 of any awards or prizes valued in the aggregate of more than  
10 \$500 and the circumstances surrounding each award or prize.

11 \* \* \*

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