AN ACT

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

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

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

PART III. ETHICS AND DISCLOSURE

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

§ 1102. Definitions.

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

* * *

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

* * *

"Lodging." As defined in section 13A03.

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

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

* * *

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

* * *

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

"Transportation." As defined in section 13A03.

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

§ 1103. Restricted activities.

* * *

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

(1) A gift or gifts from a source which are valued in
the aggregate at $250 or more in a calendar year. This paragraph does not apply to a gift or gifts received from a spouse, parent, parent by marriage, sibling, child, grandchild or other family member when the circumstances make it clear that the motivation for the action was a family relationship.

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

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

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

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

§ 1105. Statement of financial interests.

* * *

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

* * *

(7) The name and address of the source and the amount of any payment for or reimbursement of actual expenses for transportation [and], lodging [or hospitality], recreation and entertainment or meals and beverages received in connection with public office or employment where such actual expenses for transportation [and], lodging [or hospitality], recreation and entertainment or meals and beverages exceed $650 in an aggregate amount per year. This paragraph shall not apply to expenses reimbursed by a governmental body or to expenses reimbursed by an organization or association of
public officials or employees of political subdivisions which
the public official or employee serves in an official
capacity.

* * *

§ 1109. Penalties.

* * *

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

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

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

* * *

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

§ 13A03. Definitions.

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

* * *

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

["Hospitality." Includes all of the following:

(1) Meals.
(2) Beverages.
(3) Recreation and entertainment.

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

* * *

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

(1) direct or indirect communication;
(2) office expenses; and
(3) providing any gift, [hospitality] meals and beverages, recreation and entertainment, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.

* * *

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

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

"Recreation and entertainment." An activity for enjoyment or
amusement, received without consideration of equal or greater value.

* * *

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

* * *

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

§ 13A05. Reporting.

* * *

(b) Content.--

* * *

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

(i) The costs for gifts, meals and beverages, recreation and entertainment, transportation and lodging given to or provided to State officials or employees or their immediate families.

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

§ 13A07. Prohibited activities.

* * *

(f) Unlawful acts.--
(1) A lobbyist or principal may not:

* * *

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

* * *

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