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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 570 Session of  
2017

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INTRODUCED BY DAVIS, DEAN, KINSEY, McNEILL, THOMAS, VITALI,  
SOLOMON, O'BRIEN, MULLERY AND MURT, FEBRUARY 21, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 21, 2017

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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, 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 may receive, accept,  
11 take, seek or solicit any gift having either a fair market value  
12 or aggregate actual cost greater than \$50 from a 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 may 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 a lobbyist, lobbying firm or principal of

1 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) An 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 a display or free distribution, and are of minimal value to  
19 any 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.