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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1291 Session of  
2019

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INTRODUCED BY T. DAVIS, MURT, SCHLOSSBERG, SHUSTERMAN, MULLERY,  
CALTAGIRONE, ZABEL, SAPPEY, ROZZI, FREEMAN, CIRESI, HANBIDGE,  
GALLOWAY, McNEILL, JONES, DALEY, BARRAR AND VITALI,  
APRIL 25, 2019

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 25, 2019

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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, prohibiting certain transportation, lodging,  
4 hospitality, cash and gifts and further providing for  
5 statement of financial interests.

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

8 Section 1. Title 65 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 1103.1. Transportation, lodging, hospitality, cash and gifts.

11 (a) General rule.--No public official or public employee or  
12 the spouse of a public official or public employee shall solicit  
13 or accept, directly or indirectly, any transportation, lodging,  
14 hospitality, cash, gift or anything of economic value as a gift  
15 from any person who:

16 (1) Has or is seeking a contractual, business or  
17 financial relationship with the public official's or public  
18 employee's governmental body, including the acquisition of a

1 grant or loan.

2 (2) Is compensated to influence the passage or defeat of  
3 legislation by the public official's or public employee's  
4 governmental body.

5 (3) Conducts operations or activities which are  
6 regulated by the public official's or public employee's  
7 governmental body.

8 (4) Has an economic interest which may be substantially  
9 affected by the performance or nonperformance of the public  
10 official's or public employee's official job duties.

11 (b) Exceptions.--The prohibition stated in subsection (a)  
12 shall not apply to the following:

13 (1) Gifts from a relative or friend, unless the relative  
14 or friend is in a restricted relationship as delineated in  
15 subsection (a). The term "friend" shall not include a  
16 registered lobbyist or principal.

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

20 (3) Informational materials that are sent to the office  
21 of the public official in the form of books, articles,  
22 periodicals, other written materials, audiotapes, videotapes  
23 or other forms of communication for nonentertainment  
24 purposes.

25 (4) Awards or prizes that are given to competitors in  
26 contests or events open to the public, including random  
27 drawings.

28 (5) Honorary academic degrees and academic awards from  
29 not-for-profit educational institutions in this Commonwealth  
30 and associated travel, food, refreshments and entertainment

1 provided in the presentation of the academic degrees and  
2 academic awards. Associated travel, food, refreshments and  
3 entertainment provided in the presentation of academic  
4 degrees and academic awards shall be reported in accordance  
5 with section 1105(b) (relating to statement of financial  
6 interests).

7 (6) Training provided to a public official or public  
8 employee, if the training is in the interest of the  
9 governmental entity. This paragraph shall include food and  
10 refreshments furnished to all attendees as an integral part  
11 of the training. Training provided under this paragraph and  
12 food and refreshments furnished to attendees as an integral  
13 part of the training shall be reported in accordance with  
14 section 1105(b). The exception under this paragraph shall not  
15 apply in any of the following circumstances:

16 (i) The organization sponsoring the training is  
17 funded or sponsored, directly or indirectly, by a  
18 registered lobbyist or principal.

19 (ii) The public official or public employee or the  
20 spouse of the public official or public employee is  
21 prohibited from soliciting or accepting transportation,  
22 lodging, hospitality, cash, a gift or anything of  
23 economic value as a gift from the organization sponsoring  
24 the training.

25 (7) An educational mission, including a meeting with  
26 government officials, either foreign or domestic, intended to  
27 educate public officials on matters of public policy, to  
28 which the public official may be invited to participate along  
29 with other Federal, State or local public officials and  
30 community leaders. Transportation, lodging, hospitality,

1 cash, a gift or anything of economic value received as a gift  
2 as part of an educational mission shall be reported in  
3 accordance with section 1105(b). The exception under this  
4 paragraph shall not apply in any of the following  
5 circumstances:

6 (i) The organization sponsoring the educational  
7 mission is funded or sponsored, directly or indirectly,  
8 by a registered lobbyist or principal.

9 (ii) The public official or public employee or the  
10 spouse of the public official or public employee is  
11 prohibited from soliciting or accepting transportation,  
12 lodging, hospitality, cash, a gift or anything of  
13 economic value as a gift from the organization sponsoring  
14 the educational mission.

15 (8) Anything paid for by the Federal Government, State  
16 government or other government or governmental entity under a  
17 government contract.

18 (9) A plaque, trophy or other item that is substantially  
19 commemorative in nature and has minimal value.

20 (10) Light food or refreshments, such as hors d'oeuvres,  
21 provided in a group setting and intended for mass consumption  
22 and not intended for the consumption of a specific employee.  
23 Light food or refreshments as specified under this paragraph  
24 shall be reported in accordance with section 1105(b). The  
25 exception under this paragraph shall not apply in any of the  
26 following circumstances:

27 (i) The organization providing the light food or  
28 refreshments is funded or sponsored, directly or  
29 indirectly, by a registered lobbyist or principal.

30 (ii) The public official or public employee or the

1 spouse of the public official or public employee is  
2 prohibited from soliciting or accepting transportation,  
3 lodging, hospitality, cash, a gift or anything of  
4 economic value as a gift from the organization providing  
5 the light food or refreshments.

6 (11) Items of nominal economic value such as greeting  
7 cards, pens, caps or shirts or refreshments provided within  
8 the context of a meeting such as complimentary water, coffee,  
9 tea or similar refreshments.

10 Section 2. Section 1105(b)(6) and (7) of Title 65 are  
11 amended to read:

12 § 1105. Statement of financial interests.

13 \* \* \*

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

17 \* \* \*

18 (6) The name and address of the source and the amount of  
19 any gift or gifts valued in the aggregate at [~~\$250~~] \$50 per  
20 year or more from the same source and the circumstances of  
21 each gift. This paragraph shall not apply to a gift or gifts  
22 received from a spouse, parent, parent by marriage, sibling,  
23 child, grandchild[, ] or other family member or friend when  
24 the circumstances make it clear that the motivation for the  
25 action was a personal or family relationship. However, for  
26 the purposes of this paragraph, the term "friend" shall not  
27 include a registered lobbyist or an employee of a registered  
28 lobbyist.

29 (7) The name and address of the source and the amount of  
30 any payment for or reimbursement of actual expenses for

1 transportation and lodging or hospitality, a cash payment, a  
2 gift or anything of economic value as a gift received in  
3 connection with public office or employment where such actual  
4 expenses for transportation and lodging or hospitality exceed  
5 [~~\$650~~] \$0 in an aggregate amount per year. The payment for or  
6 reimbursement of actual expenses shall be identified by the  
7 type of expenses. This paragraph shall not apply to expenses  
8 reimbursed by a governmental body or to expenses reimbursed  
9 by an organization or association of public officials or  
10 employees of political subdivisions which the public official  
11 or employee serves in an official capacity.

12 \* \* \*

13 Section 3. This act shall take effect in 60 days.