
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1009 Session of
2021

INTRODUCED BY KAUFER, HILL-EVANS, COOK, THOMAS, SAPPEY, RYAN,
GROVE, SCHMITT, SHUSTERMAN, WEBSTER, SCHLEGEL CULVER AND
INNAMORATO, MARCH 24, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 24, 2021

AN ACT

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

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

10 Section 1. Title 65 of the Pennsylvania Consolidated
11 Statutes is amended by adding a heading between Chapters 7 and
12 11 to read:

13 PART III. ETHICS AND DISCLOSURE

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

17 § 1102. Definitions.

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

1 * * *

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

4 * * *

5 "Lodging." As defined in section 13A03.

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

7 * * *

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

9 * * *

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

14 * * *

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

18 "Transportation." As defined in section 13A03.

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

21 § 1103. Restricted activities.

22 * * *

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

29 (1) A gift or gifts from a source which are valued in
30 the aggregate at \$250 or more in a calendar year. This

1 paragraph does not apply to a gift or gifts received from a
2 spouse, parent, parent by marriage, sibling, child,
3 grandchild or other family member when the circumstances make
4 it clear that the motivation for the action was a family
5 relationship.

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

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

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

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

14 § 1105. Statement of financial interests.

15 * * *

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

19 * * *

20 (7) The name and address of the source and the amount of
21 any payment for or reimbursement of actual expenses for
22 transportation [and], lodging [or hospitality], recreation
23 and entertainment or meals and beverages received in
24 connection with public office or employment where such actual
25 expenses for transportation [and], lodging [or hospitality],
26 recreation and entertainment or meals and beverages exceed
27 \$650 in an aggregate amount per year. This paragraph shall
28 not apply to expenses reimbursed by a governmental body or to
29 expenses reimbursed by an organization or association of
30 public officials or employees of political subdivisions which

1 the public official or employee serves in an official
2 capacity.

3 * * *

4 § 1109. Penalties.

5 * * *

6 (f) Civil penalty.--In addition to any other civil remedy or
7 criminal penalty provided for in this chapter, the commission
8 may, after notice has been served in accordance with section
9 1107(5) (relating to powers and duties of commission) and upon a
10 majority vote of its members, levy a civil penalty upon any
11 person subject to this chapter in accordance with the following:

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

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

23 * * *

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

27 § 13A03. Definitions.

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

1 * * *

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

9 ["Hospitality." Includes all of the following:

10 (1) Meals.

11 (2) Beverages.

12 (3) Recreation and entertainment.

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

14 * * *

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

17 (1) direct or indirect communication;

18 (2) office expenses; and

19 (3) providing any gift, [hospitality] meals and
20 beverages, recreation and entertainment, transportation or
21 lodging to a State official or employee for the purpose of
22 advancing the interest of the lobbyist or principal.

23 * * *

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

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

28 * * *

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

1 value.

2 * * *

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

6 * * *

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

9 § 13A05. Reporting.

10 * * *

11 (b) Content.--

12 * * *

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

20 (i) The costs for gifts, [hospitality] meals and
21 beverages, recreation and entertainment, transportation
22 and lodging given to or provided to State officials or
23 employees or their immediate families.

24 * * *

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

27 § 13A07. Prohibited activities.

28 * * *

29 (f) Unlawful acts.--

30 (1) A lobbyist or principal may not:

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2
3
4
5
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7

* * *

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

* * *

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