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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 845 Session of  
2015

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INTRODUCED BY CALTAGIRONE, MCGINNIS, COHEN, McNEILL, DeLUCA,  
BENNINGHOFF, MURT, MALONEY AND MACKENZIE, MARCH 26, 2015

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 26, 2015

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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, for restricted  
4 activities and for statement of financial interests.

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

7 Section 1. The definition of "public employee" in section  
8 1102 of Title 65 of the Pennsylvania Consolidated Statutes is  
9 amended and the section is amended by adding a definition to  
10 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 "Public employee." Any individual employed by the  
17 Commonwealth or a political subdivision who is responsible for  
18 taking or recommending official action of a nonministerial  
19 nature with regard to:

- 1 (1) contracting or procurement;  
2 (2) administering or monitoring grants or subsidies;  
3 (3) planning or zoning;  
4 (4) inspecting, licensing, regulating or auditing any  
5 person; or  
6 (5) any other activity where the official action has an  
7 economic impact of greater than a de minimis nature on the  
8 interests of any person.

9 The term includes an individual who has been appointed as a  
10 member of the board of a public pension fund and an individual  
11 with the legal authority to appoint another individual as a  
12 member of such board. The term shall not include [individuals  
13 who are] an individual who is employed by this Commonwealth or  
14 any political subdivision thereof in teaching as distinguished  
15 from administrative duties.

16 \* \* \*

17 "Public pension fund." The Public School Employees'  
18 Retirement System, the State Employees' Retirement System, the  
19 Pennsylvania Municipal Retirement System and any pension fund of  
20 a municipality.

21 \* \* \*

22 Section 2. Section 1103(g) of Title 65 is amended and the  
23 section is amended by adding a subsection to read:

24 § 1103. Restricted activities.

25 \* \* \*

26 (g) Former official or employee.--

27 (1) No former public official or public employee shall  
28 represent a person, with promised or actual compensation, on  
29 any matter before the governmental body with which he has  
30 been associated for one year after he leaves that body.

1           (2) No individual who is appointed as a member of the  
2 board of a public pension fund or an individual with the  
3 legal authority to appoint another to such board may  
4 represent any individual or entity on any matter before the  
5 board for a period of five years.

6           \* \* \*

7           (k) Activities relating to public pension funds.--It shall  
8 be unlawful for:

9           (1) An individual who is a member of the board of a  
10 public pension fund, an individual who has the legal  
11 authority to appoint another to such board or any of their  
12 family members to accept any political contribution, directly  
13 or indirectly, from any person, political action committee or  
14 entity who represents, is employed by or is affiliated with  
15 any entity that has done business with the board within the  
16 previous five years.

17           (2) A candidate or political committee to accept or  
18 receive any contribution, directly or indirectly, from an  
19 individual who represents, is employed by or is affiliated  
20 with any entity that has done business with the board within  
21 the previous three years.

22           (3) (i) An individual who is a member of the board of a  
23 public pension fund, an individual who has the legal  
24 authority to appoint another to such board or any of  
25 their family members to accept any gift, transportation,  
26 lodging or hospitality from any person or entity that  
27 represents, is employed by or is affiliated with any  
28 entity that has done business with the board within five  
29 years.

30           (ii) Subparagraph (i) shall not apply to

1           transportation, lodging or hospitality expenses  
2           reimbursed by such board.

3           Section 3. Section 1105(b)(4), (5), (6) and (7) of Title 65  
4 are amended to read:

5 § 1105. Statement of financial interests.

6           \* \* \*

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

10           \* \* \*

11           (4) [The] (i) Except as otherwise provided in  
12 subparagraph (ii), the name and address of each creditor to  
13 whom is owed in excess of \$6,500 and the interest rate  
14 thereon.

15           (ii) For an individual who is a member of the board  
16 of a public pension fund, an individual who has the legal  
17 authority to appoint another as a member of such board or  
18 any family members the name and address of each creditor  
19 and the interest rate on the amount borrowed.

20           (iii) However, loans or credit extended between  
21 members of the immediate family and mortgages securing  
22 real property which is the principal or secondary  
23 residence of the person filing shall not be included.

24           (5) [The] (i) Except as otherwise provided in  
25 subparagraph (ii), the name and address of any direct or  
26 indirect source of income totaling in the aggregate \$1,300 or  
27 more.

28           (ii) For an individual who is a member of the board  
29 of a public pension fund, an individual who has the legal  
30 authority to appoint another as a member of such board or

1 any family members, with specificity, the name and  
2 address of any direct or indirect source of income.

3 (iii) However, this [provision] paragraph shall not  
4 be construed to require the divulgence of confidential  
5 information protected by statute or existing professional  
6 codes of ethics or common law privileges.

7 (6) [The] (i) Except as otherwise provided in  
8 subparagraph (ii), the name and address of the source and the  
9 amount of any gift or gifts valued in the aggregate at \$250  
10 or more and the circumstances of each gift.

11 (ii) For an individual who is a member of the board  
12 of a public pension fund, individual who has the legal  
13 authority to appoint another as a member of such board or  
14 any family members shall not accept any gifts from any  
15 individual or entity that has done business with a public  
16 pension board.

17 (iii) This paragraph shall not apply to a gift or  
18 gifts received from a spouse, parent, parent by marriage,  
19 sibling, child, grandchild, other family member or friend  
20 when the circumstances make it clear that the motivation  
21 for the action was a personal or family relationship.

22 (iv) However, for the purposes of this paragraph,  
23 the term "friend" shall not include a registered lobbyist  
24 or an employee of a registered lobbyist.

25 (7) [The] (i) Except as otherwise provided in  
26 subparagraph (ii), the name and address of the source and the  
27 amount of any payment for or reimbursement of actual expenses  
28 for transportation and lodging or hospitality received in  
29 connection with public office or employment where such actual  
30 expenses for transportation and lodging or hospitality exceed

1 \$650 in an aggregate amount per year.

2 (ii) For an individual who is a member of the board  
3 of a public pension fund, individual who has the legal  
4 authority to appoint another as a member of such board or  
5 any family members shall not accept any transportation,  
6 lodging or hospitality from any individual or entity that  
7 has done business with the board of the public pension  
8 fund.

9 (iii) This paragraph shall not apply to expenses  
10 reimbursed by a governmental body or to expenses  
11 reimbursed by an organization or association of public  
12 officials or employees of political subdivisions which  
13 the public official or employee serves in an official  
14 capacity.

15 \* \* \*

16 Section 2. This act shall take effect in 60 days.