
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 174 Session of
2015

INTRODUCED BY SMUCKER, BAKER, TEPLITZ, GREENLEAF, EICHELBERGER,
YUDICHAK, BREWSTER, BLAKE, SCHWANK, STACK, FONTANA,
VULAKOVICH, SMITH, WARD, RAFFERTY, VANCE, MENSCH, PILEGGI AND
AUMENT, JANUARY 16, 2015

REFERRED TO STATE GOVERNMENT, JANUARY 16, 2015

AN ACT

1 Amending Titles 65 (Public Officers) and 74 (Transportation) of
2 the Pennsylvania Consolidated Statutes, in ethics standards
3 and financial disclosure, further providing for definitions,
4 for restricted activities and for statement of financial
5 interests; prescribing penalties; in lobbying disclosure,
6 further providing for definitions and for reporting; and, in
7 Turnpike Commission standards of conduct, further providing
8 for code of conduct.

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

11 Section 1. The definitions of "aggregate" and "gift" in
12 section 1102 of Title 65 of the Pennsylvania Consolidated
13 Statutes are amended and the section is amended by adding
14 definitions to read:

15 § 1102. Definitions.

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

19 * * *

20 ["Aggregate." The total of all gifts received from a single

1 source as provided in section 1105(b)(6) (relating to statement
2 of financial interests).]

3 * * *

4 "Commercial loan made in the ordinary course of business." A
5 loan from a bank or other financial institution on terms
6 generally available to the public.

7 * * *

8 "Gift." [As defined in section 13A03 (relating to
9 definitions).] Money or a thing of value received, other than
10 income, for which a consideration of equal or greater value is
11 not received. The term shall not include the following:

12 (1) A gift from a person other than a principal or
13 lobbyist that is valued at \$50 or less. Gifts under this
14 paragraph shall be limited to \$250 annually.

15 (2) A political contribution reported in accordance with
16 law.

17 (3) A gift from a parent, sibling, spouse, child,
18 stepchild, stepparent, stepsibling, grandparent, grandchild,
19 parent-in-law, sibling-in-law or other close relative when
20 the circumstances make it clear that the motivation for the
21 action was a personal or family relationship, including an
22 invitation to attend a personal or family social event.

23 (4) A devise, bequest, intestate estate distribution or
24 principal distribution of a trust.

25 (5) A gift available to the public or offered to members
26 of a group or class in which membership is not related to
27 being a public official or public employee.

28 (6) An award or prize given to competitors in any
29 contest or event open to the public, including a random
30 drawing.

1 (7) An award, plaque and other ceremonial item valued at
2 \$100 or less that is publicly presented or intended to be
3 publicly presented in recognition of public service of the
4 type customarily bestowed at similar ceremonies or that are
5 otherwise reasonable.

6 (8) An honorary degree bestowed by a public or private
7 college or university.

8 (9) A gift of nominal value, including, but not limited
9 to, a greeting card, pen, cap or t-shirt.

10 (10) Informational material.

11 (11) An item paid for by Federal, State or local
12 government.

13 (12) Complimentary attendance or food and beverage at a
14 bona fide charitable or political event.

15 (13) Food and beverage for consumption at any of the
16 following:

17 (i) A public event, including a public meeting.

18 (ii) An event directly related to the official or
19 employee's duties or responsibilities.

20 (iii) An event where the official or employee is a
21 speaker or a member of a panel.

22 (iv) A regularly scheduled event sponsored by a
23 constituent, Statewide organization or nonprofit
24 organization.

25 (14) Gifts exchanged between public officials and their
26 staffs on a voluntary basis.

27 (15) Gifts given on the basis of legitimate personal
28 friendship.

29 (16) Entertainment provided as part of an event at a
30 private residence for a nonofficial purpose.

1 * * *

2 "Lobbyist." Any individual, association, corporation,
3 partnership, business trust or other entity that is registered
4 as a lobbyist under Chapter 13A (relating to lobbying
5 disclosure).

6 * * *

7 "Official action." An administrative action or legislative
8 action, as those terms are defined in section 13A03 (relating to
9 definitions), or an equivalent action taken by a political
10 subdivision.

11 * * *

12 "Principal." Any individual, association, corporation,
13 partnership, business trust or other entity that is registered
14 as a principal under Chapter 13A.

15 * * *

16 Section 2. Section 1103 of Title 65 is amended by adding a
17 subsection to read:

18 § 1103. Restricted activities.

19 * * *

20 (k) Gifts.--No public official or public employee shall
21 accept or solicit a gift from any of the following:

22 (1) A lobbyist or principal.

23 (2) A person that is seeking official action from the
24 public official or public employee.

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

27 § 1105. Statement of financial interests.

28 * * *

29 (b) Required information.--The statement shall include the
30 following information for the prior calendar year with regard to

1 the person required to file the statement:

2 * * *

3 [(5) The name and address of any direct or indirect
4 source of income totaling in the aggregate \$1,300 or more.
5 However, this provision shall not be construed to require the
6 divulgence of confidential information protected by statute
7 or existing professional codes of ethics or common law
8 privileges.

9 (6) The name and address of the source and the amount of
10 any gift or gifts valued in the aggregate at \$250 or more and
11 the circumstances of each gift. This paragraph shall not
12 apply to a gift or gifts received from a spouse, parent,
13 parent by marriage, sibling, child, grandchild, other family
14 member or friend when the circumstances make it clear that
15 the motivation for the action was a personal or family
16 relationship. However, for the purposes of this paragraph,
17 the term "friend" shall not include a registered lobbyist or
18 an employee of a registered lobbyist.

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

30 * * *

1 Section 4. Section 1109 of Title 65 is amended by adding a
2 subsection to read:

3 § 1109. Penalties.

4 * * *

5 (a.1) Gifts.--

6 (1) Any person who intentionally violates the provisions
7 of section 1103(k) involving an amount of \$250 or more
8 commits a felony and shall, upon conviction, be sentenced to
9 pay a fine of not more than \$10,000 plus costs or
10 imprisonment for not more than five years, or both.

11 (2) A fine and penalty imposed under this section shall
12 be paid into the General Fund.

13 * * *

14 Section 5. The definitions of "gift," "hospitality" and
15 "lobbying" in section 13A03 of Title 65 are amended to read:

16 § 13A03. Definitions.

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

20 * * *

21 ["Gift." Anything which is received without consideration of
22 equal or greater value. The term shall not include a political
23 contribution otherwise reportable as required by law or a
24 commercially reasonable loan made in the ordinary course of
25 business. The term shall not include hospitality, transportation
26 or lodging.

27 "Hospitality." Includes all of the following:

28 (1) Meals.

29 (2) Beverages.

30 (3) Recreation and entertainment.

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

2 * * *

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

5 (1) [direct] Direct or indirect communication[;].

6 (2) [office] Office expenses[; and].

7 [(3) providing any gift, hospitality, transportation or
8 lodging to a State official or employee for the purpose of
9 advancing the interest of the lobbyist or principal.]

10 * * *

11 Section 6. Section 13A05(b)(2) and (3) and 13A09(g) of Title
12 65 are amended to read:

13 § 13A05. Reporting.

14 * * *

15 (b) Content.--

16 * * *

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

24 [(i) The costs for gifts, hospitality,
25 transportation and lodging given to or provided to State
26 officials or employees or their immediate families.

27 (ii)] (i) The costs for direct communication.

28 [(iii)] (ii) The costs for indirect communication.

29 [(iv)] (iii) Expenses required to be reported under
30 this subsection shall be allocated to one of the three

1 categories listed under this section and shall not be
2 included in more than one category.

3 * * *

4 [(3) The following apply:

5 (i) In addition to reporting the totals required
6 under this subsection, the expense report must identify,
7 by name, position and each occurrence, a State official
8 or employee who receives from a principal or lobbyist
9 anything of value which must be included in the statement
10 under section 1105(b)(6) or (7) (relating to statement of
11 financial interests) as implemented by section 1105(d).

12 (ii) For purposes of this chapter, the amount
13 referred to in section 1105(b)(7) shall be considered an
14 aggregate amount per year.

15 (iii) For purposes of this chapter, the amount
16 referred to in section 1105(b)(7) shall not include the
17 cost of a reception which the State official or employee
18 attends in connection with public office or employment.

19 (iv) Written notice must be given to each State
20 official or employee who is listed in an expense report
21 under this paragraph at least seven days prior to the
22 report's submission to the department. Notice under this
23 subparagraph shall include the information which will
24 enable the State official or employee to comply with
25 section 1105(b)(6) and (7). For purposes of this chapter
26 and Chapter 11 (relating to ethics standards and
27 financial disclosure), section 1105(b)(6) and (7) shall
28 constitute mutually exclusive categories. For each
29 category enumerated in paragraph (2)(i), each notice
30 shall include both the amount incurred during the quarter

1 and the cumulative amount incurred from January 1 through
2 the end of the applicable quarter.

3 (v) This paragraph shall not apply to anything of
4 value received from immediate family when the
5 circumstances make it clear that motivation for the
6 action was the personal or family relationship.]

7 * * *

8 § 13A09. Penalties.

9 * * *

10 (g) Affirmative defense.--[Any of the following is an
11 affirmative defense to an action brought under Chapter 11
12 (relating to ethics standards and financial disclosure) or this
13 chapter:

14 (1) The respondent or defendant relied on advice and
15 opinions of the commission.

16 (2) The respondent or defendant relied on notice under
17 section 13A05(b) (3) (iv) (relating to reporting).

18 (3) The respondent or defendant did not receive notice
19 under section 13A05(b) (3) (iv).] The respondent or defendant
20 relying on advice and opinions of the commission is an
21 affirmative defense to an action brought under Chapter 11
22 (relating to ethics standards and financial disclosure) or
23 this chapter.

24 * * *

25 Section 7. Section 8204(a) (1) of Title 74 is amended to
26 read:

27 § 8204. Code of conduct.

28 (a) Contents.--The commission shall adopt a comprehensive
29 code of conduct within 90 days of the effective date of this
30 section. The code of conduct shall supplement all other

1 requirements under this chapter and shall provide guidelines
2 applicable to members and executive-level employees and the
3 immediate families of the members and executive-level employees
4 to enable them to avoid any perceived or actual conflict of
5 interest and to promote public confidence in the integrity and
6 impartiality of the commission. At a minimum, the code of
7 conduct adopted under this section shall provide that:

8 [(1) No member or executive-level employee may accept
9 any discount, gift, gratuity, compensation, travel, lodging
10 or other thing of value, in excess of the limits under 65
11 Pa.C.S. § 1105(b)(6) and (7) (relating to statement of
12 financial interests) directly or indirectly, from any
13 facility or business with which the commission has a
14 contractual relationship.]

15 * * *

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