

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 855 Session of 2013

INTRODUCED BY DAVIS, MCGEEHAN, MUNDY, O'BRIEN, GINGRICH, TRUITT,
CARROLL, MULLERY, SWANGER, DeLUCA, GILLEN AND FREEMAN,
MARCH 11, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 11, 2013

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

14 (b) Hospitality.--Except as otherwise provided for in this
15 section, no public officer or candidate shall 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 any lobbyist, lobbying firm or principal

1 of 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 or candidate's
16 knowledge, the individual personally paid for the gift or
17 whether the individual sought a tax deduction or business
18 reimbursement for the cost of the gift.

19 (iii) Whether, to the public official or candidate's
20 knowledge, the individual at the same time gave the same
21 or similar gifts to other public officials or candidates
22 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,

refreshments and entertainment provided in the presentation
of the degrees and awards.

(6) Training provided to a public officer if the
training relates to the public officer's position. This shall
include food and refreshments furnished to all attendees as
an integral part of the training.

(7) Educational mission including meetings with
government officials, either foreign or domestic, intended to
educate public officials on matters of public policy, to
which the public officer or candidate may be invited to
participate along with other Federal, State or local public
officials and community leaders.

(8) Bequests, inheritances and other transfers at death.

(9) A plaque, trophy or other item that is substantially
commemorative in nature.

(10) Donations of products from a Pennsylvania company
that are intended primarily for promotional purposes, such as
display or free distribution, and are of minimal value to any
individual recipient.

(d) Definitions.--The following words and phrases when used
in this section shall have the meanings given to them in this
subsection:

"Lobbying firm." As defined in section 13A03 (relating to
definitions).

"Lobbyist." As defined in section 13A03.

"Principal." As defined in section 13A03.

"Public officer." A public official, executive-level State
employee or public employee.

"Relative." An individual related to the public official or
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.