

HB 2519 -- Redline

Printer's No. 4075 to Printer's No. 3771 -- An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for definitions and for restricted activities, providing for gift ban and further providing for statement of financial interests and for penalties.

Deletions ~~struck~~ · Insertions underlined

~~PRIOR~~ PRINTER'S NO.

3771 ~~PRINTER'S~~ THE NO. GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.

40752519 THE 2018 GENERAL INTRODUCED ASSEMBLY BY OF WALSH, PENNSYLVANIA METCALFE, HOUSE DEAN, BILL STEPHENS, Session BARRAR, THOMAS, DUNBAR, RYAN, SACCONI, CALTAGIRONE AND BERNSTINE, JUNE 20, 2018 REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 20, 2018 AN ACT Amending Title 65 (Public Officers) of No. the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for definitions, for restricted activities, for statement of financial interests and for penalties.

~~2510 2018 INTRODUCED BY WALSH, METCALFE, DEAN, STEPHENS, BARRAR, THOMAS, HILL, JUNE 20, 2018 NE, CALTAGIRONE, BERNSTINE AND PHILLIPS AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 25, 2018 AN ACT Amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for definitions, AND for <-- restricted activities, PROVIDING FOR GIFT BAN AND FURTHER <-- PROVIDING for statement of financial interests and for penalties.~~

Section 1102 of Title 65 of the Pennsylvania ~~<--~~ Consolidated Statutes is amended by adding a definition to read:

~~SECTION 1.~~

~~THE DEFINITION OF "PERSON" IN SECTION 1102 OF <-- TITLE 65 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:~~

~~* * * "LOBBYIST," AS DEFINED IN SECTION 13A03 (RELATING TO <-- DEFINITIONS).~~

~~* * * "PERSON." A BUSINESS, GOVERNMENTAL BODY, INDIVIDUAL, LOBBYIST, EMPLOYEE OF A LOBBYIST, CORPORATION, UNION, ASSOCIATION, FIRM, PARTNERSHIP, COMMITTEE, CLUB OR OTHER ORGANIZATION OR GROUP OF PERSONS.~~

~~* * * SECTION~~ Section 3.

~~TITLE~~ Section 1105(b) and (c) of Title 65 ~~IS ARE~~ AMENDED amended BY and ADDING the A section SECTION is ~~TO amended READ by adding a subsection to read:~~

~~<-- Sec. 1103.1.~~

~~GIFT BAN.~~

~~(A) GENERAL RULE. -- EXCEPT AS OTHERWISE PROVIDED FOR IN 20180HB2510PN4075 - 2 - SUBSECTION (B), NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE MAY RECEIVE, ACCEPT, TAKE, SEEK OR SOLICIT A GIFT HAVING EITHER A FAIR MARKET VALUE OR AGGREGATE ACTUAL COST GREATER THAN \$50 FROM ANY PERSON IN A CALENDAR YEAR.~~

~~(B) EXCEPTIONS. -- THE PROHIBITION LISTED IN SUBSECTION (A) SHALL NOT APPLY TO THE FOLLOWING:~~

~~(1) A GIFT OR GIFT OF CASH FROM A PARENT, SIBLING, SPOUSE, CHILD, STEPCHILD, STEPPARENT, STEPSIBLING, GRANDPARENT, GRANDCHILD, PARENT-IN-LAW, SIBLING-IN-LAW OR OTHER FAMILY MEMBER OR FRIEND WHEN THE CIRCUMSTANCES MAKE IT CLEAR THAT THE MOTIVATION FOR THE GIFT WAS A PERSONAL OR FAMILY RELATIONSHIP. FOR THE PURPOSE OF THIS PARAGRAPH, THE TERM "FRIEND" DOES NOT INCLUDE A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST.~~

~~(2) A "CONTRIBUTION," AS DEFINED IN SECTION 1621 OF THE ACT OF JUNE 3, 1937 (P.L. 1333, NO. 320), KNOWN AS THE PENNSYLVANIA ELECTION CODE, LAWFULLY MADE UNDER THAT ACT.~~

~~(3) INFORMATIONAL MATERIAL THAT IS SENT TO THE OFFICE OF THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IN THE FORM OF A BOOK, ARTICLE, PERIODICAL, OTHER WRITTEN MATERIAL, AUDIOTAPE, VIDEOTAPE OR OTHER FORMS OF COMMUNICATION FOR NONENTERTAINMENT PURPOSES.~~

~~(4) AN AWARD OR PRIZE THAT IS GIVEN TO COMPETITORS IN A CONTEST OR EVENT OPEN TO THE PUBLIC, INCLUDING RANDOM DRAWINGS.~~

~~(5) AN HONORARY DEGREE OR AWARD.~~

~~(6) TRAINING PROVIDED TO A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE, IF THE TRAINING IS IN THE INTEREST OF THE GOVERNMENTAL ENTITY.~~

~~(7) GIFTS EXCHANGED BETWEEN PUBLIC OFFICIALS OR PUBLIC 20180HB2510PN4075 - 3 - EMPLOYEES AND THEIR STAFFS ON A VOLUNTARY BASIS.~~

~~(8) EDUCATIONAL MATERIAL PROVIDED AT A MEETING, INCLUDING A MEETING WITH GOVERNMENTAL OFFICIALS, EITHER FOREIGN OR DOMESTIC, INTENDED TO EDUCATE A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE ON MATTERS OF PUBLIC POLICY, TO WHICH THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE MAY BE INVITED TO PARTICIPATE ALONG WITH OTHER FEDERAL, STATE OR LOCAL PUBLIC OFFICIALS AND COMMUNITY LEADERS.~~

~~(9) ANYTHING PAID FOR BY THE FEDERAL, STATE OR OTHER GOVERNMENT OR GOVERNMENTAL ENTITY UNDER A~~

~~GOVERNMENT CONTRACT.~~

~~(10) AN HONORARIUM AS DEFINED UNDER SECTION 1103(D) (RELATING TO RESTRICTED ACTIVITIES), INCLUDING AN AWARD, PLAQUE, TROPHY OR OTHER ITEM VALUED AT \$100 OR LESS THAT IS SUBSTANTIALLY COMMEMORATIVE IN NATURE.~~

~~(11) TOKENS OF DE MINIMIS ECONOMIC IMPACT SUCH AS A GREETING CARD, PEN, CAP OR T-SHIRT.~~

~~(12) REIMBURSEMENT OF EXPENSES TO A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE BY A GOVERNMENTAL BODY OR BY AN ORGANIZATION OR ASSOCIATION OF PUBLIC OFFICIALS OR EMPLOYEES OF PUBLIC POLITICAL SUBDIVISIONS IN WHICH THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SERVES IN AN OFFICIAL CAPACITY.~~

~~Section 3-4.~~

~~Section 1105(b) and (c) of Title 65 are amended ~~and the section is amended by adding a subsection to read:~~~~

~~20180HB2519PN4075 - 4 -~~ (2) Occupation or profession.

(3) Any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions, or purchased or leased from the Commonwealth, any of its agencies or political subdivisions, or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or 20180HB2519PN3771 - 2 - political subdivisions.

~~[This~~This ~~paragraph shall not apply to a gift or gifts received from a spouse, parent, parent by marriage, sibling, child, grandchild, other family member or friend when the circumstances make it clear that the motivation for the action was a personal or family relationship.~~

However, for the purposes of this paragraph, the term "friend" shall not include a registered lobbyist or an employee of a registered ~~20180HB2519PN4075 lobbyist.~~ 5 - lobbyist.] ~~(7) The name and address of the source and the amount of any payment for or reimbursement of an actual [expenses] expense for transportation [and], lodging or hospitality received in connection with public office or employment where such actual [expenses] expense for transportation [and], lodging or hospitality [exceed \$650 in an aggregate amount per year] exceeds \$100.~~

This (7) paragraph shall name not and apply address to of the expenses source reimbursed and by the amount governmental of body any or payment to for expenses or reimbursed reimbursement by of an organization actual [expenses] expense for transportation and lodging or association hospitality of received in connection with public officials office or employee employment of where political such subdivisions actual which [expenses] the expense public for official transportation and lodging or employee hospitality serves [exceed \$650 in an official aggregate capacity amount per year] 20180HB2519PN3771 - 3 - exceeds \$100.

~~(7.1) This A paragraph HOSPITALITY, shall TRANSPORTATION not OR apply LODGING to RECEIVED expenses reimbursed FROM by A PARENT, governmental SIBLING, body SPOUSE, or CHILD, to STEPCCHILD, expenses STEPPARENT, reimbursed STEPSIBLING, by GRANDPARENT, an GRANDCHILD, organization PARENT-IN-LAW, or SIBLING-association IN-LAW of OR public OTHER officials FAMILY or MEMBER employees OR of FRIEND political WHEN subdivisions THE which CIRCUMSTANCES the MAKE public I official CLEAR or THAT employee THE serves MOTIVATION in FOR an THE official GIFT capacity. WAS A PERSONAL OR FAMILY RELATIONSHIP. FOR THE PURPOSE OF THIS SUBSECTION, THE TERM "FRIEND" DOES NOT INCLUDE A REGISTERED LOBBYIST OR AN EMPLOYEE OF A REGISTERED LOBBYIST.~~

~~(7.2) THE NAME AND ADDRESS OF THE SOURCE OF AN HONORARIUM VALUED AT MORE THAN \$50 AND THE CIRCUMSTANCES SURROUNDING THE RECEIPT OF THE HONORARIUM.~~

(10) The identity of any financial interest in a business with which the reporting person is or has been associated in the preceding calendar year which has been ~~20180HB2519PN4075 - 6 -~~ transferred to a member of the reporting person's immediate family.

* * * Section ~~44.~~ 5.

~~Sec.~~ 1109.

(a) Restricted activities violation.--Any person who violates the provisions of section 1103(a), (b) [and (c)], (c) and (c.1) (relating to restricted activities) commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five 20180HB2519PN3771 - 4 - years, or both.

* * * Section ~~55.~~ 6.

~~(1) The following provisions shall take effect immediately:~~

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