

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2222 Session of
1978

INTRODUCED BY WISE, HARPER, IRVIS, MANDERINO, REED, FLAHERTY,
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KERNICK, POTT, RICHARDSON AND WHITE, APRIL 3, 1978

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, SEPTEMBER 25, 1978

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—
2 ~~"An act providing for and reorganizing the conduct of the~~
3 ~~executive and administrative work of the Commonwealth by the~~
4 ~~Executive Department thereof and the administrative~~
5 ~~departments, boards, commissions, and officers thereof,~~
6 ~~including the boards of trustees of State Normal Schools, or~~
7 ~~Teachers Colleges; abolishing, creating, reorganizing or~~
8 ~~authorizing the reorganization of certain administrative~~
9 ~~departments, boards, and commissions; defining the powers and~~
10 ~~duties of the Governor and other executive and administrative~~
11 ~~officers, and of the several administrative departments,~~
12 ~~boards, commissions, and officers; fixing the salaries of the~~
13 ~~Governor, Lieutenant Governor, and certain other executive~~
14 ~~and administrative officers; providing for the appointment of~~
15 ~~certain administrative officers, and of all deputies and~~
16 ~~other assistants and employes in certain departments, boards,~~
17 ~~and commissions; and prescribing the manner in which the~~
18 ~~number and compensation of the deputies and all other~~
19 ~~assistants and employes of certain departments, boards and~~
20 ~~commissions shall be determined," providing for equal rights~~
21 ~~between men and women.~~
22 ESTABLISHING A PENNSYLVANIA ETHICS COMMISSION, PROHIBITING <—
23 CONFLICT OF INTEREST ACTIVITIES BY ELECTED MEMBERS OF THE
24 LEGISLATIVE, EXECUTIVE, OR JUDICIAL BRANCH OF STATE
25 GOVERNMENT, MUNICIPAL OFFICERS, STATE EMPLOYEES AND FORMER
26 STATE EMPLOYEES; REQUIRING CERTAIN DISCLOSURES; AND PROVIDING
27 PENALTIES.

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29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

31 ~~Section 1. Subsection (b) of section 205, act of April 9,~~ <—
32 ~~1929 (P.L.177, No.175), known as "The Administrative Code of~~
33 ~~1929," amended December 28, 1972 (P.L.1649, No.349), is amended~~
34 ~~to read:~~

35 ~~Section 205. Pennsylvania State Police. * * *~~

36 ~~(b) The State Police Force shall consist of such number of~~
37 ~~officers and [men] enlisted personnel, and shall be organized in~~
38 ~~such manner, as the Commissioner of Pennsylvania State Police,~~
39 ~~with the approval of the Governor, shall from time to time~~
40 ~~determine: Provided, however, That during the fiscal year 1971-~~
41 ~~1972, the number of officers and [men] enlisted personnel shall~~
42 ~~not exceed in the aggregate at any time, three thousand seven~~
43 ~~hundred ninety persons, and during the fiscal year 1972-1973 and~~

1 thereafter, the number of officers and ~~[men] enlisted personnel~~
2 shall not exceed in the aggregate at any time three thousand
3 nine hundred and forty persons. State policemen, both officers
4 and ~~[men] enlisted personnel~~, assigned to duty with the
5 Pennsylvania Turnpike Commission, shall not be counted in
6 determining the total number of officers and ~~[men] enlisted~~
7 ~~personnel~~ in the State Police Force.

8 * * *

9 Section 2. ~~Section 445 of the act, amended June 21, 1937~~
10 ~~(P.L.1865, No.373), is amended to read:~~

11 Section 445. ~~The Industrial Board. The Industrial Board~~
12 ~~shall consist of the Secretary of Labor and Industry, and four~~
13 ~~additional members, one of whom shall be an employer of labor~~
14 ~~and one a wage earner [and one a woman], provided, however, the~~
15 ~~board shall not be composed entirely of members of one sex.~~ The
16 Secretary of Labor and Industry shall be the ~~[chairman] chair~~ of
17 the board.

18 ~~Three members of the board shall be a quorum.~~

19 ~~The members of the Industrial Board, other than the~~
20 ~~[chairman] chair, shall receive fifteen dollars per day while in~~
21 ~~the performance of their official duties.~~

22 Section 3. ~~Clause (d) of section 1411 of the act, amended~~
23 ~~July 22, 1969 (P.L.174, No.72), is amended to read:~~

24 Section 1411. ~~State Veterans Commission. The State Veterans~~
25 ~~Commission shall have the power, and its duty shall be:~~

26 * * *

27 ~~(d) To expend funds, appropriations to or for it, for the~~
28 ~~purpose of providing the necessities of life, and to otherwise~~
29 ~~assist such Pennsylvania veterans of any war or armed conflict,~~
30 ~~or the [widows] surviving spouses and infant children or~~

~~dependents of such veterans as are sick, disabled or indigent,
and who are without means for planning and providing for the
rehabilitation and care of veterans.~~

~~Such expenditures shall be made for the stated purposes by
the issuance of checks in direct payment to the veteran, [widow]
surviving spouse or proper representative of infant children or
dependents in accordance with rules, regulations and standards
established by the State Veterans Commission. In no event shall
payments made by the State Veterans Commission exceed the
maximum assistance payable under the "Public Assistance Law" and
no payments shall be made in the form of relief orders.~~

~~* * *~~

~~Section 4. The introductory paragraph and clause (b) of
section 2404 of the act, clause (b) amended July 20, 1968
(P.L.457, No.215), are amended to read:~~

~~Section 2404. Bonds and Liability Insurance. The Department
of [Property and Supplies] General Services shall have the
power, and its duty shall be:~~

~~* * *~~

~~(b) To procure automobile liability insurance, covering
vehicles owned by the Commonwealth of Pennsylvania or the United
States of America or its instrumentalities, which are loaned to
and operated by State officers or employees or officers and
enlisted [men] personnel of the Pennsylvania National Guard, the
Pennsylvania Reserve Corps or its successor, and to procure
public liability insurance covering all State employees,
including members of boards and commissions, while engaged in
the performance of their duties, and to purchase such insurance
on a group basis, or otherwise, and the issuance of such
insurance for State employees by any duly authorized insurance~~

1 ~~company in Pennsylvania, is hereby declared to be lawful, and,~~
2 ~~in the department's discretion, to purchase excess fire~~
3 ~~insurance on State buildings, and any other kind of insurance~~
4 ~~which it may be lawful for the Commonwealth, or any department,~~
5 ~~board, commission, or officer thereof, to carry and for which an~~
6 ~~appropriation has been made to the department, or to any other~~
7 ~~administrative department, board, or commission.~~

8 ~~The department shall pay for such insurance, out of the~~
9 ~~moneys appropriated to it, except that it shall not pay for~~
10 ~~insurance covering (1) officers, employes, or property of the~~
11 ~~departments, boards, and commissions, whose expenses are wholly~~
12 ~~paid out of funds other than the General Fund of the State~~
13 ~~Treasury; or (2) officers, employes, and property of~~
14 ~~departments, boards, and commissions receiving appropriations~~
15 ~~out of the General Fund for such purpose. Insurance covering the~~
16 ~~officers, employes, and property of such departments, boards,~~
17 ~~and commissions shall be paid for out of the special funds~~
18 ~~appropriated to them, or out of the moneys of the General Fund,~~
19 ~~appropriated to them, as the case may be.~~

20 ~~All automobile liability insurance procured by the Department~~
21 ~~of [Property and Supplies] General Services hereunder shall~~
22 ~~protect both the Commonwealth and the State officer or employe~~
23 ~~operating the vehicle, or State officers and employes and~~
24 ~~officers and enlisted [men] personnel of the Pennsylvania~~
25 ~~National Guard, the Pennsylvania Reserve Corps, or its successor~~
26 ~~operating vehicles loaned by the Federal Government, against~~
27 ~~claims for damages for injury to person or property, within such~~
28 ~~limits as the department, with the approval of the Executive~~
29 ~~Board shall prescribe.~~

30 ~~Section 5. Clause (d) of section 2702 of the act, amended~~

1 ~~April 25, 1949 (P.L.729, No.180), is amended to read:~~

2 ~~Section 2702. Enforcement of Fish Laws. The Pennsylvania~~
3 ~~Fish Commission shall have the power, and its duty shall be:~~

4 ~~* * *~~

5 ~~(d) To appoint such number of competent [men] persons as in~~
6 ~~its opinion may be needed to discharge properly the duties~~
7 ~~devolving upon said commission, whose powers and duties are~~
8 ~~hereinafter defined and who shall be known as fish wardens. Such~~
9 ~~number shall include [men] persons appointed fish wardens and~~
10 ~~detailed to such administrative or office duty as in the opinion~~
11 ~~of the commission may be advisable. The commission shall also~~
12 ~~appoint such employes and stenographers as may be deemed~~
13 ~~necessary.~~

14 ~~The compensation and duties of such fish wardens, employes~~
15 ~~and stenographers shall be fixed by the commission. All fish~~
16 ~~wardens and such other employes as the commission may designate~~
17 ~~shall give a bond in the amount of one thousand dollars (\$1000),~~
18 ~~unless a larger amount is required by the commission.~~

19 ~~Fish wardens and all other employes shall be removable at the~~
20 ~~discretion of the commission or may be suspended without~~
21 ~~compensation by the director pending action of the commission:~~
22 ~~Provided, however, That prior to such removal, all fish wardens~~
23 ~~and other regular employes shall be given a fair and impartial~~
24 ~~hearing before the commission's established trial board, unless~~
25 ~~the employe waives such hearing. The trial board's findings and~~
26 ~~recommendations shall be given due consideration by the~~
27 ~~commission.~~

28 ~~* * *~~

29 ~~Section 6. This act shall take effect in 60 days.~~

30 CHAPTER 1

<—

1 SHORT TITLE, PURPOSE, AND DEFINITIONS

2 SECTION 101. SHORT TITLE.

3 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "PUBLIC
4 OFFICIALS ETHICS ACT."

5 SECTION 102. PURPOSE.

6 IT IS THE PURPOSE OF THIS ACT TO BALANCE THE DUAL OBJECTIVES
7 OF PROTECTING THE INTEGRITY OF THE STATE AND LOCAL GOVERNMENTS
8 OF THE COMMONWEALTH AND OF FACILITATING THE RECRUITMENT AND
9 RETENTION OF THE PERSONNEL NEEDED BY THEM BY PRESCRIBING
10 RESTRICTIONS AGAINST CONFLICTS OF INTEREST WITHOUT CREATING
11 UNNECESSARY BARRIERS TO PUBLIC SERVICE.

12 SECTION 103. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
14 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
15 MEANINGS GIVEN TO THEM IN THIS SECTION:

16 "COMMISSION." THE PENNSYLVANIA ETHICS COMMISSION.

17 "CONTRACT." ANY CONTRACT, OPTION, LEASE, SALE OR PURCHASE.

18 "CONTRACTING PARTY." ANY PERSON, PARTNERSHIP, ASSOCIATION,
19 COOPERATIVE, CORPORATION OR OTHER BUSINESS ENTITY WHICH IS A
20 PARTY TO A CONTRACT WITH A MUNICIPALITY.

21 "FINANCIAL INTEREST." AN INTEREST THAT COULD RESULT IN
22 DIRECTLY OR INDIRECTLY RECEIVING A PECUNIARY GAIN OR SUSTAINING
23 A PECUNIARY LOSS AS A RESULT OF OWNERSHIP OR INTEREST IN A
24 BUSINESS ENTITY, OR AS A RESULT OF SALARY, GRATUITY, OR OTHER
25 COMPENSATION OR REMUNERATION FROM ANY INDIVIDUAL, PARTNERSHIP,
26 ORGANIZATION OR ASSOCIATION.

27 "IMMEDIATE FAMILY." THE SPOUSE, DEPENDENT CHILDREN AND OTHER
28 DEPENDENT RELATIVES LIVING IN THE SAME HOUSEHOLD.

29 "LEGISLATOR." ANY DULY ELECTED MEMBER OF THE SENATE OR HOUSE
30 OF REPRESENTATIVES DURING HIS TERM OF OFFICE.

1 "MUNICIPAL OFFICER." ALL ELECTED AND APPOINTED OFFICERS OF A
2 MUNICIPALITY, ALL EMPLOYEES THEREOF, AND SPECIALLY RETAINED
3 ADVISORS AND COUNSELORS.

4 "MUNICIPALITY." ALL POLITICAL SUBDIVISIONS, INCLUDING BUT
5 NOT LIMITED TO, COUNTIES, CITIES, SCHOOL DISTRICTS, AUTHORITIES,
6 INCORPORATED BOROUGHES, TOWNS AND TOWNSHIPS.

7 "STATE AGENCY." ANY STATE OFFICE, DEPARTMENT, COMMISSION,
8 BOARD, AUTHORITY, COURT OR OTHER ENTITY CREATED BY THE
9 CONSTITUTION OR STATUTES OF THIS COMMONWEALTH.

10 "STATE EMPLOYEE." AN ELECTED OR APPOINTED OFFICER OR
11 EMPLOYEE OF THE EXECUTIVE OR LEGISLATIVE BRANCH OF GOVERNMENT
12 AND AN ELECTED OR APPOINTED JUSTICE OR JUDGE OF ANY COURT OR AN
13 EMPLOYEE OR OFFICER OF ANY COURT EXCEPT A LEGISLATOR BUT SHALL
14 INCLUDE CONSULTANTS.

15 "THING OF ECONOMIC VALUE":

16 (1) A PROPERTY INTEREST, COMPENSATION, THING OF VALUE,
17 INTEREST IN A CONTRACT OR OTHER CHOSE IN ACTION, AND ANY
18 EMPLOYMENT OR OTHER ARRANGEMENT INVOLVING A RIGHT TO
19 COMPENSATION;

20 (2) AN OPTION, IRRESPECTIVE OF THE CONDITIONS TO THE
21 EXERCISE OF SUCH OPTION;

22 (3) A PROMISE OR UNDERTAKING FOR PRESENT OR FUTURE
23 DELIVERY OR PROCUREMENT; OR

24 (4) AN ASSUMPTION OF A DEBT.

25 IN THE CASE OF AN OPTION, PROMISE, OR UNDERTAKING, THE TIME
26 OF RECEIPT OF THE THING OF ECONOMIC VALUE SHALL BE DEEMED TO BE,
27 RESPECTIVELY, THE TIME THE OPTION BECOMES FIXED, REGARDLESS OF
28 THE CONDITIONS OF ITS EXERCISE, AND THE TIME THE PROMISE OR
29 UNDERTAKING IS MADE, REGARDLESS OF THE CONDITION TO ITS
30 PERFORMANCE.

1 "TRANSACTION INVOLVING THE STATE." ANY PROCEEDING,
2 APPLICATION, SUBMISSION, REQUEST FOR A RULING OR OTHER
3 DETERMINATION, CONTRACT, CLAIM, CASE, OR OTHER SUCH PARTICULAR
4 MATTER WHICH THE STATE EMPLOYEE OR FORMER STATE EMPLOYEE IN
5 QUESTION BELIEVES, OR HAS REASON TO BELIEVE:

6 (1) IS, OR WILL BE, THE SUBJECT OF STATE ACTION;
7 (2) IS ONE TO WHICH THE STATE IS OR WILL BE A PARTY; OR
8 (3) IS ONE IN WHICH THE STATE HAS A DIRECT AND
9 SUBSTANTIAL PROPRIETARY INTEREST: PROVIDED, THAT NOTHING IN
10 THIS DEFINITION SHALL BE CONSTRUED TO PROHIBIT LEGISLATORS
11 WHO ARE ATTORNEYS AT LAW FROM:

12 (I) REPRESENTING CLIENTS IN TRANSACTIONS OR CASES
13 INVOLVING THE FILING OF DOCUMENTS OR TAX RETURNS IN THE
14 COUNTY COURTHOUSES OF THE COMMONWEALTH;

15 (II) REPRESENTING CLIENTS BEFORE THE JUDICIAL BRANCH OF
16 STATE GOVERNMENT; OR

17 (III) REPRESENTING CLIENTS IN PROCEEDINGS OR CASES
18 INVOLVING ONLY THE UNCONTESTED AND ROUTINE ACTION OF
19 ADMINISTRATIVE OFFICERS OR EMPLOYEES OF THE COMMONWEALTH IN
20 ISSUING OR RENEWING A LICENSE, CHARTER, CERTIFICATE OR
21 SIMILAR DOCUMENT OR INVOLVING INDUSTRIAL ASSISTANCE THROUGH
22 NONPROFIT INDUSTRIAL AUTHORITIES UNDER THE ACT OF MAY 31,
23 1956 (1955 P.L.1911, NO.635), KNOWN AS THE "INDUSTRIAL
24 DEVELOPMENT ASSISTANCE LAW" OR THE ACT OF AUGUST 23, 1967
25 (P.L.251, NO.102), KNOWN AS THE "INDUSTRIAL AND COMMERCIAL
26 DEVELOPMENT AUTHORITY LAW."

27 CHAPTER 2

28 COMMISSION CREATED

29 SECTION 201. PENNSYLVANIA ETHICS COMMISSION CREATED.

30 THERE IS HEREBY CREATED THE PENNSYLVANIA ETHICS COMMISSION

1 AND IT SHALL CONSIST OF THREE MEMBERS ALL BEING PRIVATE
2 CITIZENS. THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH
3 THE CONFIRMATION OF TWO-THIRDS OF THE SENATE. THE TERMS OF THE
4 FIRST MEMBERS SHALL BE ONE FOR ONE YEAR, ONE FOR THREE YEARS AND
5 ONE FOR FIVE YEARS. NO MORE THAN TWO MEMBERS SHALL BE FROM THE
6 SAME POLITICAL PARTY.

7 THEIR SUCCESSORS SHALL BE APPOINTED FOR A TERM OF THREE YEARS
8 BY THE ORIGINAL APPOINTING AUTHORITY. MEMBERS SHALL BE ELIGIBLE
9 FOR REAPPOINTMENT. NO MORE THAN TWO MEMBERS SHALL BE FROM THE
10 SAME POLITICAL PARTY.

11 THE MEMBERS OF THE COMMISSION SHALL NOT BE EMPLOYED BY THE
12 COMMONWEALTH OR ANY MUNICIPALITY IN ANY CAPACITY WHETHER
13 COMPENSATED OR NOT, WHILE SERVING ON THIS COMMISSION.

14 THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO SALARY BUT
15 SHALL BE REIMBURSED FOR THEIR EXPENSES ACTUALLY AND NECESSARILY
16 INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND A PER DIEM OF
17 \$150.

18 SECTION 202. POWERS AND DUTIES OF THE PENNSYLVANIA ETHICS
19 COMMISSION.

20 THE PENNSYLVANIA ETHICS COMMISSION SHALL HAVE THE POWER AND
21 ITS DUTIES SHALL BE:

22 (1) TO RECEIVE SIGNED SWORN COMPLAINTS CHARGING A
23 VIOLATION UNDER THIS ACT SIGNED BY A CITIZEN OF THE
24 COMMONWEALTH. THE COMMISSION SHALL NOTIFY IN WRITING ANY
25 PERSON AGAINST WHOM A CHARGE IS RECEIVED, HEREINAFTER
26 REFERRED TO AS THE PERSON CHARGED AND AFFORD HIM AN
27 OPPORTUNITY TO EXPLAIN THE CONDUCT ALLEGED TO BE IN VIOLATION
28 OF THE ACT. THE COMMISSION SHALL INVESTIGATE ALL CHARGES ON A
29 CONFIDENTIAL BASIS, HAVING ALL THE POWERS HEREIN PROVIDED.

30 (2) TO HOLD HEARINGS, TAKE TESTIMONY, ISSUE SUBPOENAS

1 AND COMPEL THE ATTENDANCE OF WITNESSES.

2 (3) TO MAKE RECOMMENDATIONS AND ADVISORY OPINIONS WHEN
3 REQUESTED BY ANY MEMBER OF THE GENERAL ASSEMBLY OR ANY
4 MUNICIPAL OFFICER ON ANY MATTER PROPERLY BEFORE THE
5 COMMISSION, TO ISSUE REPORTS WHICH MAY INCLUDE MINORITY
6 REPORTS AND TO DISMISS COMPLAINTS IF EVIDENCE SO WARRANTS.
7 RELIANCE ON AN ADVISORY OPINION ISSUED BY THE COMMISSION TO A
8 MEMBER SHALL BE A DEFENSE AGAINST ANY CHARGE ARISING OUT OF
9 THE MATTER FOR WHICH THE OPINION WAS SOUGHT. ALL
10 RECOMMENDATIONS AND ADVISORY OPINIONS OF THE COMMISSION SHALL
11 BE TREATED IN A CONFIDENTIAL MANNER.

12 (4) TO REQUIRE ANY STATE AGENCY TO FORWARD TO THE
13 COMMISSION, UPON REQUEST, THE NAMES OF ANYONE WHO HAS MADE AN
14 APPEARANCE BEFORE SAID AGENCY ON BEHALF OF ANY BUSINESS
15 ENTITY WHERE RELEVANT TO AN INVESTIGATION BEING CONDUCTED.

16 (5) TO EMPLOY SUCH PERSONNEL AS THE COMMISSION DEEMS
17 NECESSARY TO PERFORM ITS DUTIES SUBJECT HOWEVER TO ITS
18 BUDGETARY LIMITATIONS.

19 (6) TO MAKE RECOMMENDATIONS TO LAW ENFORCEMENT OFFICIALS
20 EITHER FOR CRIMINAL PROSECUTION OR DISMISSAL OF CHARGES
21 ARISING OUT OF VIOLATIONS OF THIS ACT.

22 CHAPTER 3

23 PROHIBITED ACTS

24 SECTION 301. LEGISLATORS.

25 NO LEGISLATOR SHALL:

26 (1) REPRESENT FOR COMPENSATION OTHER THAN COMPENSATION
27 RECEIVED FROM THE COMMONWEALTH ANY PARTY BEFORE A STATE BOARD
28 OR REGULATORY AGENCY OR IN ANY TRANSACTION INVOLVING THE
29 STATE.

30 (2) FOR A THING OF ECONOMIC VALUE SEEK TO INFLUENCE THE

1 AWARDING OF A CONTRACT.

2 (3) USE HIS OFFICIAL POSITION TO SECURE FOR HIMSELF OR
3 OTHERS A THING OF ECONOMIC VALUE, EXCEPT AS MAY BE PROVIDED
4 BY LAW.

5 (4) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY REASON
6 OF HIS OFFICIAL POSITION TO ANY PERSON, OR GROUP, NOT
7 ENTITLED TO RECEIVE SUCH INFORMATION, NOR USE SUCH
8 INFORMATION FOR HIS PERSONAL GAIN OR BENEFIT.

9 (5) SELL OR CAUSE TO BE SOLD, EITHER AS AN INDIVIDUAL OR
10 THROUGH ANY BUSINESS ENTERPRISE IN WHICH HE HOLDS A
11 SUBSTANTIAL FINANCIAL INTEREST, GOODS OR SERVICES TO ANY
12 STATE AGENCY UNLESS THE CONTRACT IS AWARDED PURSUANT TO
13 COMPETITIVE BIDDING PROCEDURES.

14 (6) RECEIVE ANY COMPENSATION FOR HIS SERVICES AS A
15 LEGISLATOR OR HIS USE OF INFLUENCE DERIVED FROM HIS CAPACITY
16 AS A LEGISLATOR FROM ANY SOURCE OTHER THAN THE COMMONWEALTH
17 OF PENNSYLVANIA, UNLESS OTHERWISE PROVIDED BY LAW. THIS
18 SECTION SHALL NOT BE LIMITED TO TRANSACTIONS INVOLVING THE
19 COMMONWEALTH.

20 (7) RECEIVE OR AGREE TO RECEIVE COMPENSATION FOR
21 REPRESENTING OR ASSISTING ANY PERSON OR BUSINESS IN ANY
22 TRANSACTION INVOLVING THE COMMONWEALTH.

23 (8) BE EMPLOYED BY OR RECEIVE ANY COMMISSION, FEE, OR
24 COMPENSATION FROM THE STATE, EXCEPT THE COMPENSATION AND
25 ALLOWANCE FOR EXPENSES PROVIDED TO A LEGISLATOR.

26 (9) DIRECTLY OR INDIRECTLY ACCEPT ANY THING OF ECONOMIC
27 VALUE GIVEN FOR THE PURPOSE OF INFLUENCING SUCH LEGISLATOR IN
28 THE DISCHARGE OF HIS OFFICIAL DUTIES: PROVIDED, HOWEVER,
29 THAT THIS SECTION SHALL NOT APPLY TO BONA FIDE CAMPAIGN
30 CONTRIBUTIONS.

1 SECTION 302. MUNICIPAL OFFICERS.

2 (A) NO MUNICIPAL OFFICER SHALL BE BENEFICIALLY INTERESTED,
3 DIRECTLY OR INDIRECTLY, IN ANY CONTRACT WHICH MAY BE MADE BY,
4 THROUGH OR UNDER THE SUPERVISION OF SUCH OFFICER, OR WHICH MAY
5 BE MADE FOR THE BENEFIT OF HIS OFFICE, OR ACCEPT, DIRECTLY OR
6 INDIRECTLY, ANY THING OF ECONOMIC VALUE IN CONNECTION WITH SUCH
7 CONTRACT FROM ANY PERSON BENEFICIALLY INTERESTED THEREIN:

8 (1) A MUNICIPAL OFFICER SHALL NOT BE DEEMED TO BE
9 INTERESTED IN A CONTRACT IF HE HAS ONLY A REMOTE INTEREST IN
10 THE CONTRACT AND IF THE FACT AND EXTENT OF SUCH INTEREST IS
11 DISCLOSED TO THE GOVERNING BODY OF THE MUNICIPALITY OF WHICH
12 HE IS AN OFFICER AND NOTED IN THE OFFICIAL MINUTES OR SIMILAR
13 RECORDS OF THE MUNICIPALITY PRIOR TO THE FORMATION OF THE
14 CONTRACT, AND THEREAFTER THE GOVERNING BODY AUTHORIZES,
15 APPROVES, OR RATIFIES THE CONTRACT IN GOOD FAITH BY A VOTE OF
16 ITS MEMBERSHIP SUFFICIENT FOR THE PURPOSE WITHOUT COUNTING
17 THE VOTE OR VOTES OF THE OFFICER HAVING THE REMOTE INTEREST.

18 (2) AS USED IN THIS PARAGRAPH "REMOTE INTEREST" MEANS:

19 (I) THAT OF A NONSALARIED OFFICER OF A NONPROFIT
20 CORPORATION.

21 (II) THAT OF A HOLDER OF LESS THAN 3% OF THE SHARES
22 OF A CORPORATION OR COOPERATIVE WHICH IS A CONTRACTING
23 PARTY.

24 (III) THAT OF AN EMPLOYEE OF A CONTRACTING PARTY NOT
25 IN A POSITION TO INFLUENCE HIS EMPLOYER'S DECISIONS.

26 THE PROVISIONS OF THIS SUBSECTION SHALL NOT BE APPLICABLE TO
27 ANY OFFICER INTERESTED IN A CONTRACT, THOUGH HIS INTEREST BE
28 ONLY REMOTE, WHO INFLUENCES OR ATTEMPTS TO INFLUENCE ANOTHER
29 OFFICER OF THE MUNICIPALITY OF WHICH HE IS AN OFFICER TO ENTER
30 INTO THE CONTRACT.

1 (B) NO MUNICIPAL OFFICER SHALL PARTICIPATE IN A TRANSACTION
2 INVOLVING THE MUNICIPALITY IN THE CONSEQUENCES OF WHICH HE HAS
3 AN ECONOMIC INTEREST OF WHICH HE MAY REASONABLY BE EXPECTED TO
4 KNOW.

5 (C) NO MUNICIPAL OFFICER SHALL PARTICIPATE IN A TRANSACTION
6 INVOLVING THE MUNICIPALITY WHO KNOWS OR THROUGH THE EXERCISE OF
7 REASONABLE DILIGENCE SHOULD KNOW THAT ANY OF THE FOLLOWING
8 PERSONS HAS A DIRECT AND SUBSTANTIAL ECONOMIC INTEREST:

9 (1) HIS IMMEDIATE FAMILY;

10 (2) A PERSON IN WHOM HE HAS AN ECONOMIC INTEREST OF
11 WHICH HE KNOWS OR THROUGH THE EXERCISE OF REASONABLE
12 DILIGENCE SHOULD KNOW;

13 (3) A PERSON WHO IS HIS TRUSTEE, PARTNER, OR EMPLOYEE;
14 OR

15 (4) A PERSON WITH WHOM HE IS NEGOTIATING OR HAS AN
16 ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT.

17 (D) A MUNICIPAL OFFICER SHALL DISQUALIFY HIMSELF FROM
18 PARTICIPATING IN A TRANSACTION INVOLVING THE MUNICIPALITY WHEN A
19 VIOLATION OF THIS SECTION WOULD OTHERWISE RESULT. AN EMPLOYEE'S
20 INTEREST SHALL NOT INCLUDE:

21 (1) THE INTEREST OF A MUNICIPAL OFFICER IN HIS GRADE,
22 SALARY, OR OTHER MATTERS ARISING SOLELY FROM HIS MUNICIPAL
23 EMPLOYMENT.

24 (2) THE INTEREST OF A MUNICIPAL OFFICER OR OF A PERSON
25 REFERRED TO IN THIS SECTION SOLELY AS A MEMBER OF THE GENERAL
26 PUBLIC; OR ANY SIGNIFICANT ECONOMIC OR ANY OTHER SEGMENT OF
27 THE GENERAL PUBLIC.

28 (3) REMOTE INTERESTS AS DEFINED IN PARAGRAPH (2).

29 (E) NO MUNICIPAL OFFICER SHALL, EXCEPT IN THE COURSE OF HIS
30 OFFICIAL DUTIES OR INCIDENT THERETO, ASSIST ANOTHER PERSON IN

1 ANY TRANSACTION INVOLVING THE MUNICIPALITY:

2 (1) IN WHICH HE HAS AT ANY TIME PARTICIPATED; OR

3 (2) IF SUCH TRANSACTION IS OR HAS BEEN UNDER HIS
4 OFFICIAL RESPONSIBILITY AT ANY TIME WITHIN A PERIOD OF TWO
5 YEARS PRECEDING SUCH ASSISTANCE.

6 (F) NO MUNICIPAL OFFICER SHALL SHARE IN ANY COMPENSATION
7 RECEIVED BY ANOTHER FOR ASSISTANCE WHICH SUCH MUNICIPAL OFFICER
8 IS PROHIBITED FROM RENDERING PURSUANT TO THIS SECTION.

9 (G) THE PROHIBITED ACTS OF A STATE EMPLOYEE, OFFICER, OR
10 AGENCY DETAILED IN SECTION 303 ARE HEREBY INCORPORATED INTO THIS
11 SECTION AS PROHIBITED ACTS FOR MUNICIPAL OFFICERS AND EMPLOYEES.
12 SECTION 303. STATE EMPLOYEES AND AGENCIES.

13 (A) NO STATE EMPLOYEE SHALL:

14 (1) DIRECTLY OR INDIRECTLY ACCEPT ANY THING OF ECONOMIC
15 VALUE GIVEN FOR THE PURPOSE OF INFLUENCING SUCH EMPLOYEE IN
16 THE DISCHARGE OF HIS OFFICIAL DUTIES: PROVIDED, HOWEVER, THAT
17 THIS SECTION SHALL NOT APPLY TO BONA FIDE CAMPAIGN
18 CONTRIBUTIONS.

19 (2) USE HIS OFFICIAL POSITION TO SECURE FOR HIMSELF OR
20 OTHERS A THING OF ECONOMIC VALUE, EXCEPT AS MAY BE PROVIDED
21 BY LAW.

22 (3) DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY REASON
23 OF HIS OFFICIAL POSITION TO ANY PERSON, GROUP, OR OTHERS NOT
24 ENTITLED TO RECEIVE SUCH CONFIDENTIAL INFORMATION, NOR SHALL
25 HE USE SUCH INFORMATION FOR HIS PERSONAL GAIN OR BENEFIT.

26 (4) SELL OR CAUSE TO BE SOLD, EITHER AS AN INDIVIDUAL OR
27 THROUGH ANY BUSINESS ENTERPRISE IN WHICH HE HOLDS A
28 FINANCIAL INTEREST, GOODS OR SERVICES TO ANY STATE AGENCY OR
29 TO ANY BUSINESS ENTITY LICENSED BY OR REGULATED BY THE STATE
30 AGENCY EXCEPT AS PROVIDED IN THIS ACT.

1 (5) RECEIVE ANY THING OF ECONOMIC VALUE THAT WOULD
2 IMPAIR HIS INDEPENDENCE OF JUDGMENT, FOR HIS SERVICES AS AN
3 OFFICER OR EMPLOYEE OF ANY STATE AGENCY, FROM ANY SOURCE
4 OTHER THAN THE COMMONWEALTH, UNLESS OTHERWISE EXEMPTED BY LAW
5 OR DISCLOSED PURSUANT TO THIS ACT.

6 (6) ACCEPT OTHER EMPLOYMENT WHICH WOULD IMPAIR HIS
7 EFFICIENCY OF INDEPENDENCE OF JUDGMENT IN THE PERFORMANCE OF
8 HIS PUBLIC DUTIES UNLESS OTHERWISE EXEMPTED BY LAW OR
9 DISCLOSED PURSUANT TO THIS ACT.

10 (B) NO STATE AGENCY SHALL:

11 (1) ENTER INTO ANY CONTRACT WITH AN EMPLOYEE OF THE
12 AGENCY, OR WITH A BUSINESS IN WHICH SUCH PERSON SHALL HAVE A
13 FINANCIAL INTEREST UNLESS THE CONTRACT IS MADE AFTER PUBLIC
14 NOTICE AND COMPETITIVE BIDDING. THE PROVISIONS HEREOF SHALL
15 NOT APPLY TO A CONTRACT OF EMPLOYMENT WITH THE STATE.

16 (2) ENTER INTO A CONTRACT WITH OR MAKE ANY RULING OR
17 TAKE ANY ACTION IN FAVOR OF ANY PERSON OR BUSINESS WHICH IS
18 REPRESENTED BEFORE SUCH AGENCY BY A FORMER STATE EMPLOYEE
19 WHO, WHILE A STATE EMPLOYEE, PARTICIPATED IN THE SAME MATTER
20 BEFORE THE AGENCY.

21 (3) PURCHASE REAL PROPERTY FROM AN EMPLOYEE OF THE STATE
22 AGENCY OR FROM A PERSON WHO WITHIN TWO YEARS PRIOR TO SUCH
23 PURCHASE HELD SUCH A POSITION, UNLESS THE PROPERTY IS
24 ACQUIRED BY CONDEMNATION PROCEEDINGS OR THE PRICE TO BE PAID
25 FOR SUCH PROPERTY IS APPROVED IN WRITING BY THE HEAD OF THE
26 AGENCY ACQUIRING SUCH PROPERTY AND THE GOVERNOR.

27 (C) NO STATE EMPLOYEE SHALL, EXCEPT IN THE COURSE OF HIS
28 OFFICIAL DUTIES OR INCIDENT THERETO, ASSIST ANOTHER PERSON IN
29 ANY TRANSACTION INVOLVING THE STATE:

30 (1) IN WHICH HE HAS AT ANY TIME PARTICIPATED; OR

(2) IF SUCH TRANSACTION IS OR HAS BEEN UNDER HIS
OFFICIAL RESPONSIBILITY AT ANY TIME WITHIN A PERIOD OF TWO
YEARS PRECEDING SUCH ASSISTANCE.

(D) NO STATE EMPLOYEE SHALL SHARE IN ANY COMPENSATION
RECEIVED BY ANOTHER FOR ASSISTANCE WHICH SUCH STATE EMPLOYEE IS
PROHIBITED FROM RENDERING PURSUANT TO THE PROVISIONS OF THIS
ACT.

(E) NO PARTNERSHIP OF WHICH A STATE EMPLOYEE IS A PARTNER
AND NO PARTNER OR EMPLOYEE OF SUCH A PARTNERSHIP, SHALL ASSIST
ANOTHER PERSON IN ANY TRANSACTION INVOLVING THE STATE IF SUCH
STATE EMPLOYEE IS PROHIBITED FROM DOING SO BY THE PROVISIONS OF
THIS ACT.

(F) NO STATE EMPLOYEE SHALL PARTICIPATE IN A TRANSACTION
INVOLVING THE STATE IN THE CONSEQUENCES OF WHICH HE HAS AN
ECONOMIC INTEREST OF WHICH HE KNOWS OR THROUGH THE EXERCISE OF
REASONABLE DILIGENCE SHOULD KNOW.

(G) NO STATE EMPLOYEE SHALL PARTICIPATE IN A TRANSACTION
INVOLVING THE STATE IN THE CONSEQUENCES OF WHICH, HE KNOWS OR
THROUGH THE EXERCISE OF REASONABLE DILIGENCE SHOULD KNOW THAT
ANY OF THE FOLLOWING PERSONS HAS A DIRECT AND ECONOMIC INTEREST:

(1) HIS IMMEDIATE FAMILY.

(2) A PERSON IN WHICH HE HAS AN ECONOMIC INTEREST.

(3) A PERSON WHO IS HIS TRUSTEE, PARTNER, OR EMPLOYEE.

(4) A PERSON WITH WHOM HE IS NEGOTIATING OR HAS AN
ARRANGEMENT CONCERNING PROSPECTIVE EMPLOYMENT.

(5) A PERSON WHO IS A PARTY TO AN EXISTING CONTRACT WITH
SUCH STATE EMPLOYEE OR AN OBLIGEE OF SUCH STATE EMPLOYEE AS
TO A THING OF ECONOMIC VALUE AND WHO, BY REASON THEREOF, IS
IN A POSITION TO AFFECT DIRECTLY AND SUBSTANTIALLY SUCH
EMPLOYEE'S ECONOMIC INTERESTS.

(H) EVERY STATE EMPLOYEE SHALL DISQUALIFY HIMSELF FROM PARTICIPATING IN A TRANSACTION INVOLVING THE STATE WHEN A VIOLATION OF THIS ACT WOULD OTHERWISE RESULT. AN EMPLOYEE'S ECONOMIC INTEREST SHALL NOT INCLUDE:

(1) THE INTEREST OF A STATE EMPLOYEE IN HIS GRADE, SALARY, OR OTHER MATTERS ARISING SOLELY FROM HIS STATE EMPLOYMENT.

(2) THE INTEREST OF A STATE EMPLOYEE OR A PERSON REFERRED TO IN THIS SECTION SOLELY AS A MEMBER OF THE GENERAL PUBLIC.

(3) IF THE PUBLIC INTEREST SO REQUIRES, THE GOVERNOR MAY ISSUE AN ORDER SUSPENDING THE OPERATION OF THIS SECTION IN WHOLE OR IN PART, AS TO A PARTICULAR EMPLOYEE IN A SPECIFIED TRANSACTION INVOLVING THE STATE, BY EXPRESSING THE SUSPENSION AND THE REASONS FOR IT IN WRITING. THE WRITING SHALL BE FILED WITH THE SECRETARY OF THE COMMONWEALTH AND SHALL BE OPEN TO PUBLIC INSPECTION.

(I) NO REGULAR STATE EMPLOYEE SHALL RECEIVE ANY THING OF ECONOMIC VALUE, OTHER THAN COMPENSATION FOR HIS SERVICES TO THE COMMONWEALTH, FOR OR IN CONSIDERATION OF HIS PERSONAL SERVICES RENDERED, OR TO BE RENDERED, TO OR FOR ANY PERSON DURING THE TERM OF HIS STATE EMPLOYMENT UNLESS SUCH SERVICES MEET THE FOLLOWING QUALIFICATIONS:

(1) THE SERVICES ARE BONA FIDE AND ACTUALLY PERFORMED BY SUCH EMPLOYEE.

(2) THE SERVICES ARE NOT WITHIN THE COURSE OF HIS OFFICIAL DUTIES.

(3) THE SERVICES ARE NOT PROHIBITED BY THE PROVISIONS OF THIS ACT OR BY APPLICABLE LAWS OR REGULATIONS GOVERNING NONSTATE EMPLOYMENT FOR SUCH EMPLOYEE.

1 (4) THE SERVICES ARE NOT PERFORMED FOR OR COMPENSATED
2 FOR BY A PERSON FROM WHOM SUCH EMPLOYEE WOULD BE PROHIBITED
3 BY THE PROVISIONS OF THIS SECTION FROM RECEIVING A GIFT OR
4 ALTERNATELY, THE SERVICES AND COMPENSATION ARE FULLY
5 DISCLOSED IN WRITING TO THE HEAD OF THE EMPLOYEE'S AGENCY AND
6 ARE APPROVED IN WRITING BY HIM.

7 (J) THE PROVISIONS OF THIS SECTION SHALL NOT PREVENT A STATE
8 EMPLOYEE FROM RECEIVING COMPENSATION FROM THE UNITED STATES,
9 ANOTHER STATE OR COUNTRY, OR MUNICIPALITY IF:

10 (1) THE COMPENSATION IS RECEIVED PURSUANT TO
11 ARRANGEMENTS ENTERED INTO BETWEEN SUCH STATE, COUNTRY,
12 MUNICIPALITY, OR THE UNITED STATES AND SUCH EMPLOYEE'S
13 AGENCY.

14 (2) THE COMPENSATION AND THE SERVICES FOR WHICH IT IS
15 RECEIVED ARE FULLY DISCLOSED IN WRITING TO THE HEAD OF THE
16 EMPLOYEE'S AGENCY AND ARE APPROVED IN WRITING BY HIM.

17 (3) EXCEPTIONS TO THE PROVISIONS OF THIS SECTION MAY BE
18 MADE BY REGULATIONS IN SITUATIONS WHERE THE CIRCUMSTANCES DO
19 NOT LEAD TO THE INFERENCE THAT THE OFFICIAL JUDGMENT OR
20 ACTION OF THE STATE EMPLOYEE RECEIVING, DIRECTLY OR
21 INDIRECTLY, THE GIFT, GRATUITY, OR FAVOR WAS INTENDED TO BE
22 INFLUENCED THEREBY.

23 (4) FOR THE PURPOSES OF THIS SECTION, THE TERM "REGULAR
24 STATE EMPLOYEE" SHALL NOT INCLUDE A STATE EMPLOYEE WHO, IN
25 ACCORDANCE WITH THE TERMS OF HIS APPOINTMENT, IS SERVING
26 WITHOUT COMPENSATION FROM THE COMMONWEALTH OF PENNSYLVANIA,
27 OR IS RECEIVING FROM THE STATE ONLY REIMBURSEMENT OF EXPENSES
28 INCURRED OR A PREDETERMINED ALLOWANCE FOR SUCH EXPENSES.

29 (K) NO STATE EMPLOYEE SHALL RECEIVE, ACCEPT, TAKE, SEEK, OR
30 SOLICIT, DIRECTLY OR INDIRECTLY, ANY THING OF ECONOMIC VALUE AS

1 A GIFT, GRATUITY, OR FAVOR FROM ANY PERSON IF SUCH STATE
2 EMPLOYEE HAS REASON TO BELIEVE THE DONOR WOULD NOT GIVE THE
3 GIFT, GRATUITY, OR FAVOR BUT FOR SUCH EMPLOYEE'S OFFICE OR
4 POSITION WITH THE STATE.

5 (L) NO REGULAR STATE EMPLOYEE SHALL RECEIVE, ACCEPT, TAKE,
6 SEEK OR SOLICIT, DIRECTLY OR INDIRECTLY, ANY THING OF ECONOMIC
7 VALUE AS A GIFT, GRATUITY, OR FAVOR FROM ANY PERSON, OR FROM AN
8 OFFICER OR DIRECTOR OF A CORPORATION, IF HE KNOWS OR THROUGH THE
9 EXERCISE OF REASONABLE DILIGENCE SHOULD KNOW THAT SUCH PERSON:

10 (1) HAS OR IS SEEKING TO OBTAIN CONTRACTUAL OR OTHER
11 BUSINESS OR FINANCIAL RELATIONSHIPS WITH SUCH EMPLOYEE'S
12 AGENCY;

13 (2) CONDUCTS OPERATIONS OR ACTIVITIES WHICH ARE
14 REGULATED BY SUCH EMPLOYEE'S AGENCY; OR

15 (3) HAS INTERESTS WHICH MAY BE SUBSTANTIALLY AFFECTED BY
16 SUCH EMPLOYEE'S PERFORMANCE OR NONPERFORMANCE OF OFFICIAL
17 DUTY.

18 (M) NO FORMER STATE EMPLOYEE SHALL ASSIST ANOTHER PERSON IN
19 A TRANSACTION OR SERVICE PURCHASE CONTRACT INVOLVING THE STATE
20 IN WHICH HE AT ANY TIME PARTICIPATED DURING HIS STATE
21 EMPLOYMENT, NOT TO EXCEED A PERIOD OF TWO YEARS. HE SHALL NOT,
22 WITHIN A PERIOD OF TWO YEARS AFTER TERMINATION OF EMPLOYMENT
23 WITH AN AGENCY, APPEAR BEFORE THE AGENCY AT WHICH HE WAS
24 EMPLOYED.

25 (N) NO FORMER STATE EMPLOYEE SHALL SHARE IN ANY COMPENSATION
26 RECEIVED BY ANOTHER PERSON FOR ASSISTANCE WHICH SUCH FORMER
27 STATE EMPLOYEE IS PROHIBITED FROM RENDERING BY THE PROVISIONS OF
28 THIS SECTION.

29 (O) NO STATE EMPLOYEE SHALL, EXCEPT IN THE COURSE OF HIS
30 OFFICIAL DUTIES OR INCIDENT THERETO, USE THE POWER OR AUTHORITY

1 OF HIS OFFICE OR POSITION WITH THE STATE IN HIS RELATIONSHIPS
2 WITH A PERSON MENTIONED IN THIS SECTION IN A MANNER INTENDED TO
3 INDUCE OR COERCE SUCH PERSON TO PROVIDE SUCH STATE EMPLOYEE OR
4 ANY OTHER PERSON WITH ANY THING OF ECONOMIC VALUE. THIS SECTION
5 SHALL APPLY TO RELATIONSHIPS WITH A PERSON OR AN OFFICER OR
6 DIRECTOR OF A CORPORATION FROM WHOM SUCH STATE EMPLOYEE, IF HE
7 WERE A REGULAR STATE EMPLOYEE, WOULD BE PROHIBITED BY THIS ACT
8 FROM RECEIVING A GIFT.

9 (P) NO PERSON SHALL GIVE, PAY, LOAN, TRANSFER, OR DELIVER,
10 DIRECTLY OR INDIRECTLY, TO ANOTHER ANY THING OF ECONOMIC VALUE
11 WHO KNOWS OR THROUGH THE EXERCISE OF REASONABLE DILIGENCE SHOULD
12 KNOW THAT THERE EXIST CIRCUMSTANCES MAKING THE RECEIPT THEREOF A
13 VIOLATION OF THIS ACT.

14 (Q) NO PERSON SHALL GIVE, TRANSFER, OR DELIVER, DIRECTLY OR
15 INDIRECTLY, TO A STATE EMPLOYEE, ANY THING OF ECONOMIC VALUE AS
16 A GIFT, GRATUITY, OR FAVOR IF:

17 (1) SUCH PERSON WOULD NOT GIVE THE GIFT, GRATUITY, OR
18 FAVOR BUT FOR SUCH EMPLOYEE'S OFFICE OR POSITION WITH THE
19 STATE; OR

20 (2) SUCH PERSON IS IN A STATUS SPECIFIED IN THIS
21 CHAPTER.

22 CHAPTER 4

23 DISCLOSURE

24 SECTION 401. INTERESTS REQUIRED TO BE DISCLOSED.

25 ALL PERSONS SUBJECT TO THIS ACT SHALL FILE A SWORN STATEMENT
26 OF ECONOMIC INTERESTS WITH THE COMMISSION. THE PUBLIC DISCLOSURE
27 STATEMENT SHALL CONTAIN THE FOLLOWING INFORMATION FOR THE
28 PRECEDING CALENDAR YEAR CONCERNING THE PUBLIC SERVANT AND
29 MEMBERS OF HIS IMMEDIATE FAMILY, UNLESS OTHERWISE NOTED, BUT NO
30 DOLLAR AMOUNT OR VALUE NEED BE ATTRIBUTED THERETO:

1 (1) NAME, POSITION HELD WITH A STATE AGENCY OF THE
2 PUBLIC SERVANT.

3 (2) OCCUPATIONS OR PROFESSIONS OF THE PUBLIC SERVANT AND
4 HIS IMMEDIATE FAMILY.

5 (3) THE NAME, RELATIONSHIP, SALARY, POSITION AND AGENCY
6 OF ANY MEMBER OF HIS IMMEDIATE FAMILY WHO IS EMPLOYED BY A
7 STATE AGENCY OR A MUNICIPALITY.

8 (4) DIRECT OR INDIRECT SOURCES, BY NAME, OF ANY INCOME
9 IN EXCESS OF \$500, INCLUDING CAPITAL GAINS, WHETHER OR NOT
10 TAXABLE, RECEIVED DURING THE PRECEDING YEAR.

11 (5) DIRECT OR INDIRECT INTERESTS IN REAL ESTATE SITUATE
12 IN THE COMMONWEALTH BY LOCATION; PROVIDED A PUBLIC SERVANT'S
13 PRIMARY RESIDENCE SHALL NOT BE INCLUDED.

14 (6) THE NAME OF EACH CREDITOR TO WHOM IS OWED IN EXCESS
15 OF \$5,000 AND THE INTEREST RATE THEREON: PROVIDED, THAT LOANS
16 OR CREDIT EXTENDED BETWEEN MEMBERS OF THE IMMEDIATE FAMILY
17 AND MORTGAGES OF PUBLIC RECORD SHALL NOT BE INCLUDED: AND
18 PROVIDED FURTHER, THAT ANY LOAN OR EXTENSION OF CREDIT
19 REGARDLESS OF THE AMOUNT THEREOF USED FOR THE PURPOSE OF
20 CONDUCTING A POLITICAL CAMPAIGN, INCLUDING THE LAST CAMPAIGN
21 FOR A STATEWIDE ELECTIVE OFFICE OF THE COMMONWEALTH OF
22 PENNSYLVANIA, THE INTEREST RATE THEREON, THE METHOD OF
23 REPAYMENT AND THE SOURCE OF THE FUNDS USED FOR SUCH
24 REPAYMENT.

25 (7) DIRECT OR INDIRECT FINANCIAL INTERESTS EXCEEDING 5%
26 OF THE EQUITY OR \$5,000 AT FAIR MARKET VALUE IN ANY LEGAL
27 ENTITY ENGAGED IN BUSINESS FOR PROFIT; FOR WHICH DOING
28 BUSINESS WITH THE COMMONWEALTH REPRESENTS A SIGNIFICANT
29 PORTION OF THE TOTAL BUSINESS OF SUCH ENTITY; OR WHICH IS
30 LICENSED OR REGULATED BY THE COMMONWEALTH OR ITS AGENCIES; OR

1 WHICH IS SUBJECT TO THE RATE MAKING OR OTHER NONMINISTERIAL
2 PROCESS OF THE COMMONWEALTH OR ITS AGENCIES; EXCEPT, HOWEVER,
3 THAT THIS SECTION SHALL NOT APPLY TO PROCEEDINGS INVOLVING
4 ONLY THE UNCONTESTED AND ROUTINE ACTION OF ADMINISTRATIVE
5 OFFICERS OR EMPLOYEES OF THE COMMONWEALTH IN ISSUING OR
6 RENEWING A LICENSE, CHARTER, CERTIFICATE OR SIMILAR DOCUMENT.

7 (8) ANY OFFICE, DIRECTORSHIP OR EMPLOYMENT OF ANY NATURE
8 WHATSOEVER IN ANY BUSINESS ENTITY; DOING BUSINESS WITH THE
9 COMMONWEALTH OR WHICH IS LICENSED OR REGULATED BY THE
10 COMMONWEALTH OR ITS AGENCIES; OR WHICH IS SUBJECT TO THE RATE
11 MAKING OR NONMINISTERIAL PROCESS OF THE COMMONWEALTH OR ITS
12 AGENCIES; HOWEVER, THIS CLAUSE SHALL NOT APPLY TO PROCEEDINGS
13 INVOLVING ONLY THE UNCONTESTED AND ROUTINE ACTION OF
14 ADMINISTRATIVE OFFICERS OR EMPLOYEES OF THE COMMONWEALTH IN
15 ISSUING OR RENEWING A LICENSE, CHARTER, CERTIFICATE OR
16 SIMILAR DOCUMENT.

17 (9) CLIENTS OR CUSTOMERS OF A PUBLIC SERVANT ENGAGED IN
18 A PROFESSION OR BUSINESS, INCLUDING BUT NOT LIMITED TO THE
19 PROFESSIONS OR BUSINESSES OF INSURANCE AGENT OR BROKER, SALES
20 REPRESENTATIVE, ARCHITECT, ATTORNEY OR ACCOUNTANT, WHICH HE
21 ACTUALLY REPRESENTED APPEARED FOR OR INTERCEDED IN BEHALF OF
22 FOR COMPENSATION IN A TRANSACTION INVOLVING THE COMMONWEALTH
23 OR ITS AGENCIES; OR FOR WHICH DOING BUSINESS WITH THE
24 COMMONWEALTH REPRESENTS A SIGNIFICANT PORTION OF THE TOTAL
25 BUSINESS OF THE CLIENT OR CUSTOMER; WHERE THE SERVICE
26 PERFORMED FOR THE CLIENT OR CUSTOMER BEARS A REASONABLE
27 RELATIONSHIP TO THE BUSINESS BEING DONE WITH THE
28 COMMONWEALTH; OR WHICH ARE LICENSED OR REGULATED BY THE
29 COMMONWEALTH OR ITS AGENCIES, WHERE THE SERVICE PERFORMED FOR
30 THE CLIENT OR CUSTOMER BEARS A REASONABLE RELATIONSHIP TO THE

1 BUSINESS BEING DONE WITH THE COMMONWEALTH; OR WHICH ARE
2 SUBJECT TO RATE MAKING OR OTHER NONMINISTERIAL PROCESS WHERE
3 THE SERVICE PERFORMED FOR THE CLIENT OR CUSTOMER BEARS A
4 REASONABLE RELATIONSHIP TO THE BUSINESS BEING DONE WITH THE
5 COMMONWEALTH; HOWEVER, THIS PARAGRAPH SHALL NOT APPLY TO
6 PROCEEDINGS INVOLVING ONLY THE UNCONTESTED AND ROUTINE ACTION
7 OF ADMINISTRATIVE OFFICERS OR EMPLOYEES OF THE COMMONWEALTH
8 IN ISSUING OR RENEWING A LICENSE, CHARTER, CERTIFICATE OR
9 SIMILAR DOCUMENT.

10 SECTION 402. DISCLOSURE STATEMENTS CONTAINING INFORMATION IN
11 EXCESS OF THE REQUIREMENT OF THIS ACT.

12 (A) NOTHING IN THIS ACT SHALL PROHIBIT THE GOVERNOR FROM
13 REQUIRING ANY PUBLIC SERVANT THAT HE HAS APPOINTED TO A PUBLIC
14 OFFICE FROM FILING WITH THE GOVERNOR A STATEMENT REQUIRING
15 DISCLOSURE OF INFORMATION IN EXCESS OF THE REQUIREMENTS OF THIS
16 ACT.

17 (B) NOTHING IN THIS ACT SHALL BE CONSTRUED AS PROHIBITING A
18 PUBLIC SERVANT FROM FILING WITH THE COMMISSION ADDITIONAL
19 INFORMATION IN EXCESS OF THE REQUIREMENTS OF THIS ACT.

20 SECTION 403. INTEREST OF FAMILY DEEMED INTEREST OF PUBLIC
21 SERVANT.

22 THE INTEREST OF THE IMMEDIATE FAMILY OF A PUBLIC SERVANT
23 SHALL BE CONSIDERED THE SAME INTEREST AS THAT OF THE PUBLIC
24 SERVANT.

25 SECTION 404. DISCLOSURE STATEMENTS TO BE PUBLIC RECORD.

26 THE COMMISSION SHALL MAINTAIN ALL DISCLOSURE STATEMENTS FILED
27 BY PUBLIC SERVANTS AS PUBLIC RECORDS WHICH SHALL BE AVAILABLE TO
28 THE PUBLIC FOR EXAMINATION AND COPYING AT ALL REASONABLE TIMES.
29 SUCH DISCLOSURE STATEMENTS SHALL REMAIN ON FILE FOR FOUR YEARS
30 FROM THE INITIAL DATE OF FILING.

1 SECTION 405. PROCEDURES.

2 (A) THE DISCLOSURE STATEMENT SHALL BE FILED BY THE PUBLIC
3 SERVANT WITH THE COMMISSION BY APRIL 15 PERTAINING TO INTERESTS
4 MAINTAINED BY THE PUBLIC SERVANT IN THE PRECEDING CALENDAR YEAR.
5 IN THE CASE OF PERSONS SEEKING ELECTIVE OFFICE IN THE EXECUTIVE,
6 LEGISLATIVE OR JUDICIAL BRANCHES OF THE COMMONWEALTH, SUCH
7 PERSONS SHALL FILE A DISCLOSURE STATEMENT WITH THE COMMISSION
8 AND THE SECRETARY OF STATE WITHIN TEN DAYS AFTER FILING
9 NOMINATION PAPERS.

10 (B) ONCE AN ECONOMIC INTEREST STATEMENT HAS BEEN FILED UNDER
11 THIS ACT, SUCH STATEMENT MAY BE UPDATED ANNUALLY BY FILING A
12 SUPPLEMENTAL STATEMENT THERETO.

13 (C) THE COMMISSION SHALL PREPARE A DISCLOSURE STATEMENT
14 WHICH SHALL BE A REGULATION SUBJECT TO THE PROVISIONS OF THE
15 COMMONWEALTH DOCUMENTS LAW. EACH STATE AGENCY SHALL INFORM ALL
16 PUBLIC SERVANTS WITHIN ITS JURISDICTION OF THEIR DUTY TO COMPLY
17 WITH THE PROVISIONS OF THIS ACT, AND SHALL PROVIDE SUCH PUBLIC
18 SERVANTS WITH A DISCLOSURE STATEMENT FORM. FAILURE BY A PUBLIC
19 SERVANT TO RECEIVE A COPY OF A DISCLOSURE STATEMENT FORM FROM
20 THE COMMISSION SHALL NOT CONSTITUTE A DEFENSE FOR NONCOMPLIANCE
21 WITH THE PROVISIONS OF THIS ACT.

22 CHAPTER 5

23 PENALTIES

24 SECTION 501. VOID CONTRACTS.

25 (A) A CONTRACT MADE IN VIOLATION OF THE PROVISIONS OF THIS
26 ACT SHALL BE VOID EXCEPT THAT THE RIGHTS OF NONMOVING, INNOCENT
27 CONTRACTING PARTIES SHALL BE TERMINATED ONLY AS OF THE DATE OF
28 THE DISCOVERY OF THE VIOLATION. THE PERFORMANCE THEREAFTER, BY
29 AN INNOCENT, NONMOVING CONTRACTING PARTY OR ANY PERFORMANCE BY
30 THE MOVING, CONTRACTING PARTY, IN WHOLE OR IN PART SHALL NOT BE

1 THE BASIS OF ANY CLAIM AGAINST THE MUNICIPALITY.

2 (B) IN ANY ACTION TO AVOID A CONTRACT PURSUANT TO THIS
3 SECTION THE INTERESTS OF THIRD PARTIES WHO MAY BE DAMAGED
4 THEREBY SHALL BE TAKEN INTO ACCOUNT.

5 SECTION 502. FORFEITURE OF OFFICE.

6 IN ADDITION TO ANY OTHER PENALTY PROVIDED FOR IN THIS ACT OR
7 BY LAW, A STATE OR MUNICIPAL OFFICIAL OR EMPLOYEE CONVICTED OF A
8 VIOLATION OF THIS ACT SHALL THEREBY, EXCEPT WHERE THE
9 CONSTITUTION PROVIDES THE EXCLUSIVE PROCEDURE FOR REMOVAL,
10 FORFEIT HIS OFFICE OR POSITION WHICH SHALL THEREUPON BE DEEMED
11 VACANT.

12 SECTION 503. UNLAWFUL EMPLOYMENT.

13 IT SHALL BE UNLAWFUL FOR ANY MEMBER OF THE IMMEDIATE FAMILY
14 OF ANY ELECTED MEMBERS OF THE LEGISLATIVE, EXECUTIVE OR JUDICIAL
15 BRANCH OF STATE GOVERNMENT OR MUNICIPAL OFFICER TO SEEK OR
16 ACCEPT ANY EMPLOYMENT WITH ANY STATE OR MUNICIPAL AGENCY WHICH
17 FALLS UNDER THE BROAD CLASSIFICATION OF EXECUTIVE, LEGISLATIVE
18 OR JUDICIAL BRANCH OF GOVERNMENT WHEN THE LEGISLATOR, STATE
19 EMPLOYEE OR MUNICIPAL OFFICER WORKS FOR OR IS EMPLOYED BY A
20 STATE OR MUNICIPAL AGENCY FALLING WITHIN THE SAME
21 CLASSIFICATION.

22 SECTION 504. FINE AND IMPRISONMENT.

23 ANY PERSON WHO WILLFULLY OR KNOWINGLY, OR WHO HAS REASON
24 THROUGH THE EXERCISE OF REASONABLE DILIGENCE TO KNOW, OR WHO
25 INTENTIONALLY VIOLATES ANY OF THE PROVISIONS OF THIS ACT IS
26 GUILTY OF A FELONY AND SHALL, UPON CONVICTION THEREOF, BE
27 SENTENCED TO PAY A FINE NOT LESS THAN \$1,000 AND AS GREAT AS THE
28 TRIAL JUDGE IN HIS DISCRETION FINDS TO BE AN ADEQUATE PENALTY
29 FOR THE CRIME, TAKING INTO CONSIDERATION THE VALUE OF THE
30 INTERESTS INVOLVED, AND TO UNDERGO IMPRISONMENT FOR NOT MORE

1 THAN THREE YEARS.

2 CHAPTER 6

3 NONSEVERABILITY CLAUSE; EFFECTIVE DATE

4 SECTION 601. NONSEVERABILITY CLAUSE.

5 IF ANY WORD, PHRASE, CLAUSE, SENTENCE, SECTION OR PROVISION
6 OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL, THE
7 REMAINING PROVISIONS OF THIS ACT SHALL BE VOID. IT IS HEREBY
8 DECLARED AS THE LEGISLATIVE INTENT THAT THIS ACT WOULD NOT HAVE
9 BEEN ADOPTED HAD SUCH UNCONSTITUTIONAL WORD, PHRASE, CLAUSE,
10 SENTENCE, SECTION OR PROVISION THEREOF BEEN INCLUDED HEREIN.

11 SECTION 602. EFFECTIVE DATE.

12 THE ACT SHALL TAKE EFFECT JULY 1, 1979.