

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1421 Session of  
1995

INTRODUCED BY VITALI, CAPPABIANCA, TIGUE, BOSCOLA, KUKOVICH,  
JOSEPHS, LEVDANSKY, ROBINSON, PLATTS, BROWNE, KREBS, COWELL,  
STETLER, STEELMAN AND PISTELLA, APRIL 25, 1995

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 1995

AN ACT

1 Amending the act of October 4, 1978 (P.L.883, No.170), entitled,  
2 as reenacted, "An act relating to conflicts of interest  
3 involving certain public officials serving in State or State  
4 agencies and local political subdivision positions and  
5 prohibiting certain public employees from engaging in certain  
6 conflict of interest activities requiring certain disclosures  
7 and providing penalties," providing for regulation of  
8 campaign finances and lobbying expenses, for public access to  
9 reports and for computer data bases.

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

12 Section 1. The title of the act of October 4, 1978 (P.L.883,  
13 No.170), referred to as the Public Official and Employee Ethics  
14 Law, reenacted and amended June 26, 1989 (P.L.26, No.9), is  
15 amended to read:

AN ACT

17 Relating to conflicts of interest involving certain public  
18 officials serving in State or State agencies and local  
19 political subdivision positions [and], prohibiting certain  
20 public employees from engaging in certain conflict of  
21 interest activities, requiring certain disclosures,

1 authorizing regulation of campaign finances and lobbying  
2 expenses and providing penalties.

3 Section 2. The act is amended by adding a section to read:

4 Section 1.1. Short title.

5 This act shall be known and may be cited as the "Public  
6 Disclosure and Ethics Act."

7 Section 3. The definition of "commission" in section 2 of  
8 the act is amended to read:

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have, unless the context clearly indicates otherwise, the  
12 meanings given to them in this section:

13 \* \* \*

14 "Commission." The [State] Public Disclosure and Ethics  
15 Commission.

16 \* \* \*

17 Section 4. Section 6(a) of the act is amended to read:

18 Section 6. [State] Public Disclosure and Ethics Commission.

19 (a) There is established a [State] Public Disclosure and  
20 Ethics Commission composed of seven members. The President pro  
21 tempore of the Senate, the Minority Leader of the Senate, the  
22 Speaker of the House, and the Minority Leader of the House shall  
23 each appoint one member. Three members shall be appointed by the  
24 Governor without confirmation. No more than two of the members  
25 appointed by the Governor shall be of the same political party.  
26 No appointee shall have served as an officer in a political  
27 party for one year prior to his appointment.

28 \* \* \*

29 Section 5. Section 7 of the act is amended by adding  
30 paragraphs to read:

1 Section 7. Powers and duties of the commission.

2 In addition to other powers and duties prescribed by law, the  
3 commission shall:

4 \* \* \*

5 (20) Administer the provisions of Article XVI of the act  
6 of June 3, 1937 (P.L.1333, No.320), known as the  
7 "Pennsylvania Election Code," relating to campaign finances  
8 for State Senators, State Representatives and elective State  
9 officers, issue opinions and advice, initiate inquiries,  
10 receive complaints, make investigations, hold hearings and  
11 make reports related to violations thereof.

12 (21) Administer the provisions of the act of September  
13 30, 1961 (P.L.1778, No.712), known as the "Lobbying  
14 Registration and Regulation Act," and any other act of the  
15 Commonwealth regulating lobbying, issue opinions and advice,  
16 initiate inquiries, receive complaints, make investigations,  
17 hold hearings and make findings relating to violations  
18 thereof.

19 Section 6. Section 8(a), (b) and (c) of the act are amended  
20 to read:

21 Section 8. Investigations by the commission.

22 (a) Upon a complaint signed under penalty of perjury by any  
23 person or upon its own motion, the commission, through its  
24 executive director, shall conduct a preliminary inquiry into any  
25 alleged violation of this act[.], of the provisions of Article  
26 XVI of the act of June 3, 1937 (P.L.1333, No.320), known as the  
27 "Pennsylvania Election Code," and the provisions of the act of  
28 September 30, 1961 (P.L.1778, No.712), known as the "Lobbying  
29 Registration and Regulation Act." The commission shall keep  
30 information, records and proceedings relating to a preliminary

1 inquiry confidential. The commission shall, however, have the  
2 authority to refer the case to law enforcement officials during  
3 a preliminary inquiry or anytime thereafter without providing  
4 notice to the subject of the inquiry. The commission shall  
5 complete its preliminary inquiry within 60 days of its  
6 initiation.

7 (b) If a preliminary inquiry fails to establish reason to  
8 believe that this act [has] or the provisions of Article XVI of  
9 the "Pennsylvania Election Code" or of the "Lobbying  
10 Registration and Regulation Act" have been violated, the  
11 commission shall terminate the inquiry and so notify the  
12 complainant and the person who had been the subject of the  
13 inquiry. If the commission determines that a complaint is  
14 frivolous, it shall so state.

15 (c) If a preliminary inquiry establishes reason to believe  
16 that this act [has] or the provisions of Article XVI of the  
17 "Pennsylvania Election Code" or of the "Lobbying Registration  
18 and Regulation Act" have been violated, the commission may,  
19 through its executive director, initiate an investigation to  
20 determine if there has been a violation. The commission shall  
21 keep information, records and proceedings relating to an  
22 investigation confidential until a final determination is made,  
23 except as otherwise provided in subsection (g). No investigation  
24 may be commenced until the person who is the subject of the  
25 investigation has been notified and provided a general statement  
26 of the alleged violation or violations of the act and other  
27 applicable statutes with respect to such investigation. Service  
28 of notice is complete upon mailing which shall be by certified  
29 or registered mail. The commission shall notify the complainant  
30 within 72 hours of the commencement of an investigation and,

1 thereafter, the commission shall advise the complainant and the  
2 person who is the subject of the investigation of the status of  
3 the investigation at least every 90 days until the investigation  
4 is terminated. The commission shall, within 180 days of the  
5 initiation of an investigation, either terminate the  
6 investigation pursuant to subsection (d) or issue a findings  
7 report pursuant to subsection (e). Upon a showing by the  
8 executive director of the need for extension of this period, the  
9 commission may extend an investigation for up to two 90-day  
10 periods, provided that each 90-day extension shall be approved  
11 by a majority vote of members present. In no event shall a  
12 findings report be issued later than 360 days after initiation  
13 of an investigation.

14 \* \* \*

15 Section 7. The act is amended by adding a section to read:  
16 Section 10.2. Reports, data base and public access.

17 (a) The commission shall develop a computer data base that  
18 shall contain all information necessary for the proper  
19 administration of section 7(20) and (21) of this act, including  
20 information on contributions to and expenditures by candidates  
21 and their authorized committees. Such data base shall be  
22 accessible to the public by means including direct access  
23 through personal computer.

24 (b) The commission shall prepare and make available  
25 materials, including, to the extent feasible, computer software  
26 to facilitate the task of compliance with the disclosure and  
27 recordkeeping requirements of this act.

28 (c) (1) A list of campaign contributions and expenditures  
29 and campaign financial reports shall be made available for  
30 public inspection at the office of the commission no later

1     than two business days after receipt.

2             (2) The commission shall not require the viewer to  
3     provide any information or identification as a condition of  
4     viewing the computer data base.

5             (3) The commission shall ensure that the reports are  
6     available for copying or purchase at a reasonable cost, not  
7     to exceed actual cost.

8     Section 8. The provisions of this act regulating the  
9     administration of Article XVI of the act of June 3, 1937  
10    (P.L.1333, No.320), known as the Pennsylvania Election Code, and  
11    the provisions of the act of September 30, 1961 (P.L.1778,  
12    No.712), known as the Lobbying Registration and Regulation Act,  
13    shall be implemented by the commission no later than 180 days  
14    from the effective date of this act.

15    Section 9. This act shall take effect immediately.