

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2675 Session of
2018

INTRODUCED BY BERNSTINE, CHRISTIANA, MAHER, MILLARD, RYAN,
THOMAS, MUSTIO, WARD, EVERETT, PHILLIPS-HILL, B. MILLER,
CORR, KORTZ, QUIGLEY, COOK, MARSHALL, OBERLANDER, IRVIN,
MALONEY, BARRAR, TOOIL, GROVE, KEEFER, WATSON, DAVIS,
SACCONE, MACKENZIE, ROTHMAN, A. HARRIS, CONKLIN, KAUFER,
FRITZ, HELM, WARNER, KAVULICH, CORBIN, MOUL, ROE, LEWIS,
ENGLISH, TALLMAN AND REESE, SEPTEMBER 26, 2018

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 26, 2018

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, further providing for definitions, for restricted
4 activities, for statement of financial interests, for State
5 Ethics Commission, for powers and duties of commission, for
6 investigations by commission and for supplemental provisions.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. The definitions of "public employee" and "public
10 official" in section 1102 of Title 65 of the Pennsylvania

11 Consolidated Statutes are amended and the section is amended by
12 adding a definition to read:

13 § 1102. Definitions.

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

17 * * *

1 "Public employee." Any individual employed by the
2 Commonwealth [or], a political subdivision or a State-related
3 institution who is responsible for taking or recommending
4 official action of a nonministerial nature with regard to:

- 5 (1) contracting or procurement;
- 6 (2) administering or monitoring grants or subsidies;
- 7 (3) planning or zoning;
- 8 (4) inspecting, licensing, regulating or auditing any
9 person; or

- 10 (5) any other activity where the official action has an
11 economic impact of greater than a de minimis nature on the
12 interests of any person.

13 The term shall not include individuals who are employed by this
14 Commonwealth or any political subdivision thereof, or a State-
15 related institution, in teaching as distinguished from
16 administrative duties.

17 "Public official."

18 (1) Any person elected by the public or elected or
19 appointed by a governmental body or a State-related
20 institution or an appointed official in the executive,
21 legislative or judicial branch of this Commonwealth or any
22 political subdivision thereof, provided that it shall not
23 include members of advisory boards that have no authority to
24 expend public funds other than reimbursement for personal
25 expense or to otherwise exercise the power of the State or
26 any political subdivision thereof.

27 (2) A trustee or a State-related institution.

28 * * *

29 "State-related institution." Any of the following:

30 (1) Temple University.

1 (2) The University of Pittsburgh.

2 (3) The Pennsylvania State University.

3 (4) Lincoln University.

4 Section 2. Sections 1103(f) and (g), 1105(b)(7), 1106(d)(4),
5 1107(13), 1108(k)(7) and 1111 of Title 65 are amended to read:

6 § 1103. Restricted activities.

7 * * *

8 (f) Contract.--No public official or public employee or his
9 spouse or child or any business in which the person or his
10 spouse or child is associated shall enter into any contract
11 valued at \$500 or more with the governmental body or a State-
12 related institution with which the public official or public
13 employee is associated or any subcontract valued at \$500 or more
14 with any person who has been awarded a contract with the
15 governmental body or a State-related institution with which the
16 public official or public employee is associated unless the
17 contract has been awarded through an open and public process,
18 including prior public notice and subsequent public disclosure
19 of all proposals considered and contracts awarded. In such a
20 case, the public official or public employee shall not have any
21 supervisory or overall responsibility for the implementation or
22 administration of the contract. Any contract or subcontract made
23 in violation of this subsection shall be voidable by a court of
24 competent jurisdiction if the suit is commenced within 90 days
25 of the making of the contract or subcontract.

26 (g) Former official or employee.--No former public official
27 or public employee shall represent a person, with promised or
28 actual compensation, on any matter before the governmental body
29 or a State-related institution with which he has been associated
30 for one year after he leaves that body.

1 * * *

2 § 1105. Statement of financial interests.

3 * * *

4 (b) Required information.--The statement shall include the
5 following information for the prior calendar year with regard to
6 the person required to file the statement:

7 * * *

8 (7) The name and address of the source and the amount of
9 any payment for or reimbursement of actual expenses for
10 transportation and lodging or hospitality received in
11 connection with public office or employment where such actual
12 expenses for transportation and lodging or hospitality exceed
13 \$650 in an aggregate amount per year. This paragraph shall
14 not apply to expenses reimbursed by a governmental body or a
15 State-related institution or to expenses reimbursed by an
16 organization or association of public officials or employees
17 of political subdivisions which the public official or
18 employee serves in an official capacity.

19 * * *

20 § 1106. State Ethics Commission.

21 * * *

22 (d) Prohibited activities.--No individual while a member or
23 employee of the commission shall:

24 * * *

25 (4) directly or indirectly attempt to influence any
26 decision by a governmental body or a State-related
27 institution other than a court of law or as a representative
28 of the commission on a matter within the jurisdiction of the
29 commission; or

30 * * *

1 § 1107. Powers and duties of commission.

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

4 * * *

5 (13) Issue findings, reports and orders relating to
6 investigations initiated pursuant to section 1108 which set
7 forth the alleged violation, findings of fact and conclusions
8 of law. An order may include recommendations to law
9 enforcement officials. Any order resulting from a finding
10 that a public official or public employee has obtained a
11 financial gain in violation of this chapter may require the
12 restitution plus interest of that gain to the appropriate
13 governmental body or State-related institution. The
14 commission or the Office of Attorney General shall have
15 standing to apply to the Commonwealth Court to seek
16 enforcement of an order requiring such restitution. This
17 restitution requirement shall be in addition to any other
18 penalties provided for in this chapter.

19 * * *

20 § 1108. Investigations by commission.

21 * * *

22 (k) Confidentiality.--As a general rule, no person shall
23 disclose or acknowledge to any other person any information
24 relating to a complaint, preliminary inquiry, investigation,
25 hearing or petition for reconsideration which is before the
26 commission. However, a person may disclose or acknowledge to
27 another person matters held confidential in accordance with this
28 subsection when the matters pertain to any of the following:

29 * * *

30 (7) testifying under oath before a governmental body or

1 a State-related institution or a similar body of the United
2 States of America;

3 * * *

4 § 1111. Supplemental provisions.

5 Any governmental body or State-related institution may adopt
6 requirements to supplement this chapter, provided that no such
7 requirements shall in any way be less restrictive than the
8 chapter.

9 Section 3. This act shall take effect in 60 days.