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TITLE 65
PUBLIC OFFICERS

Part
II. Accountability

Enactment. Unless otherwise noted, the provisions of Title 65 were added October 15, 1998, P.L.729, No.93, effective in 60 days.

PART II
ACCOUNTABILITY

Chapter
7. Open Meetings
11. Ethics Standards and Financial Disclosure
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Enactment. Part II was added October 15, 1998, P.L.729, No.93, effective in 60 days.
Special Provisions in Appendix. See sections 2 and 7 of Act 93 of 1998 in the appendix to this title for special provisions relating to transition provisions and legislative intent.

CHAPTER 7
OPEN MEETINGS

Sec.
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Enactment. Chapter 7 was added October 15, 1998, P.L.729, No.93, effective in 60 days.

Special Provisions in Appendix. See sections 4(a) and (b) and 5 of Act 93 of 1998 in the appendix to this title for special provisions relating to applicability and codification of existing law.

Cross References. Chapter 7 is referred to in section 13A10 of this title; sections 1511, 9311, 9319 of Title 3 (Agriculture); sections 1201.1, 1202.1 of Title 4 (Amusements); sections 1006, 1111, 1183, 1191, 24A04 of Title 8 (Boroughs and Incorporated Towns); sections 11005, 12416, 13706 of Title 11 (Cities); section 503 of Title 12 (Commerce and Trade); section 3115 of Title 27 (Environmental Resources); sections 3303, 5303, 5741, 7386, 8108 of Title 35 (Health and Safety); sections 9302, 9304 of Title 40 (Insurance); section 2152 of Title 42 (Judiciary and Judicial Procedure); section 3305 of Title 58 (Oil and Gas); sections 5007, 6163 of Title 61 (Prisons and Parole); section 3753 of Title 62 (Procurement); sections 1511, 6017, 6111 of Title 64 (Public Authorities and Quasi-Public Corporations); section 2113 of Title 68 (Real and Personal Property); sections 3101, 5958 of Title 71 (State Government); sections 1741, 8205, 9103 of Title 74 (Transportation); section 3345.1 of Title 75 (Vehicles).

§ 701. Short title of chapter.

This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

(a) Findings.--The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) Declarations.--The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

§ 703. Definitions.

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

"Administrative action." The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

"Agency." The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council, authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the

performance of an essential governmental function and through the joint action of its members exercises governmental authority and takes official action. The term shall include the governing board of any nonprofit corporation which by a mutually binding legal written agreement with a community college or State-aided, State-owned or State-related institution of higher education is granted legally enforceable supervisory and advisory powers regarding the degree programs of the institution of higher education. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

"Agency business." The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

"Caucus." A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

"Conference." Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

"Deliberation." The discussion of agency business held for the purpose of making a decision.

"Emergency meeting." A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

"Executive session." A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

"Litigation." Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

"Meeting." Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

"Official action."

(1) Recommendations made by an agency pursuant to statute, ordinance or executive order.

(2) The establishment of policy by an agency.

(3) The decisions on agency business made by an agency.

(4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

"Public notice."

(1) For a meeting:

(i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to

or greater than any newspaper published in the political subdivision.

(ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(iii) Giving notice to parties under section 709(c) (relating to public notice).

(2) For a recessed or reconvened meeting:

(i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(ii) Giving notice to parties under section 709(c).

"Special meeting." A meeting scheduled by an agency after the agency's regular schedule of meetings has been established. (July 15, 2004, P.L.743, No.88, eff. imd.)

2004 Amendment. Act 88 amended the def. of "agency."

§ 704. Open meetings.

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

Cross References. Section 704 is referred to in section 708 of this title.

§ 705. Recording of votes.

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

§ 706. Minutes of meetings, public records and recording of meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

(1) The date, time and place of the meeting.

(2) The names of members present.

(3) The substance of all official actions and a record by individual member of the roll call votes taken.

(4) The names of all citizens who appeared officially and the subject of their testimony.

§ 707. Exceptions to open meetings.

(a) Executive session.--An agency may hold an executive session under section 708 (relating to executive sessions).

(b) Conference.--An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.

(c) Certain working sessions.--Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

Cross References. Section 707 is referred to in sections 704, 708, 709, 712.1 of this title.

§ 708. Executive sessions.

(a) Purpose.--An agency may hold an executive session for one or more of the following reasons:

(1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.

(2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

(4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

(5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(7) To discuss, plan or review matters and records that are deemed necessary for emergency preparedness, protection of public safety and security of all property in a manner that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection.

(b) Procedure.--The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Limitation.--Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting

be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).
(Oct. 24, 2018, P.L.1144, No.156, eff. 60 days)

2018 Amendment. Act 156 added subsec. (a)(7).

Cross References. Section 708 is referred to in sections 704, 707, 709, 712.1 of this title.

§ 709. Public notice.

(a) Meetings.--An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) Notice.--With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) Copies.--In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(c.1) Notification of agency business to be considered.--

(1) In addition to any public notice required under this section, an agency shall provide the following notification of agency business to be considered at a meeting as follows:

(i) If the agency has a publicly accessible Internet website, the agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, on the website no later than 24 hours in advance of the time of the convening of the meeting.

(ii) The agency shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, at the location of the meeting and at the principal office of the agency.

(iii) The agency shall make available to individuals in attendance at the meeting copies of the agenda, which include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting.

(2) This subsection shall not apply to a conference or a working session under section 707 (relating to exceptions

to open meetings) or an executive session under section 708 (relating to executive sessions).

(d) Meetings of General Assembly in Capitol Complex.--Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

(1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing or the notice is provided via electronic means to an email address designated by the Pennsylvania Legislative Correspondents Association.

(2) There is a posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives or the notice is posted on the publicly accessible Internet website of the General Assembly.

(e) Announcement.--Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

(June 30, 2021, P.L.350, No.65, eff. 60 days)

2021 Amendment. Act 65 amended subsec. (d) and added subsec. (c.1).

Cross References. Section 709 is referred to in sections 703, 712.1 of this title; section 1511 of Title 3 (Agriculture).

§ 710. Rules and regulations for conduct of meetings.

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

Cross References. Section 710 is referred to in section 711 of this title.

§ 710.1. Public participation.

(a) General rule.--Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political

subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(b) Limitation on judicial relief.--If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) Objection.--Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) Exception.--The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).

§ 711. Use of equipment during meetings.

(a) Recording devices.--Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) Rules of the Senate and House of Representatives.--The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

§ 712. General Assembly meetings covered.

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

Cross References. Section 712 is referred to in section 704 of this title.

§ 712.1. Notification of agency business required and exceptions.

(a) Official action.--Except as provided in subsection (b), (c), (d) or (e), an agency may not take official action on a matter of agency business at a meeting if the matter was not included in the notification required under section 709(c.1) (relating to public notice).

(b) Emergency business.--An agency may take official action at a regularly scheduled meeting or an emergency meeting on a matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property regardless of whether public notice was given for the meeting.

(c) Business arising within 24 hours before meeting.--An agency may take official action on a matter of agency business that is not listed on a meeting agenda if:

(1) the matter arises or is brought to the attention of the agency within the 24-hour period prior to the meeting; and

(2) the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency.

(d) Business arising during meeting.--If, during the conduct of a meeting, a resident or taxpayer brings a matter of agency business that is not listed on the meeting agenda to the attention of the agency, the agency may take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter.

(e) Changes to agenda.--

(1) Upon majority vote of the individuals present and voting during the conduct of a meeting, an agency may add a matter of agency business to the agenda. The reasons for the changes to the agenda shall be announced at the meeting before any vote is conducted to make the changes to the agenda. The agency may subsequently take official action on the matter added to the agenda. The agency shall post the amended agenda on the agency's publicly accessible Internet website, if available, and at the agency's principal office location no later than the first business day following the meeting at which the agenda was changed.

(2) This subsection shall not apply to a conference or a working session under section 707 (relating to exceptions to open meetings) or an executive session under section 708 (relating to executive sessions).

(f) Minutes.--If action is taken upon a matter of agency business added to the agenda under this section, the minutes of the meeting shall reflect the substance of the matter added, the vote on the addition and the announced reasons for the addition.

(June 30, 2021, P.L.350, No.65, eff. 60 days)

2021 Amendment. Act 65 added section 712.1.

§ 713. Business transacted at unauthorized meeting void.

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

Cross References. Section 713 is referred to in section 710.1 of this title.

§ 714. Penalty.

(a) Fines and costs.--Any member of any agency who participates in a meeting with the intent and purpose by that

member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:

(1) For a first offense, the costs of prosecution plus a fine of at least $100 and, in the discretion of the sentencing authority, of not more than $1,000.

(2) For a second or subsequent offense, the costs of prosecution plus a fine of at least $500 and, in the discretion of the sentencing authority, of not more than $2,000.

(b) Payment.--An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.
(July 7, 2011, P.L.270, No.56, eff. 60 days)

§ 714.1. Attorney fees.

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

§ 715. Jurisdiction and venue of judicial proceedings.

The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this chapter by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

§ 716. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.

CHAPTER 11
ETHICS STANDARDS AND FINANCIAL DISCLOSURE

Sec.

1101. Short title of chapter.
1101.1. Purpose.
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1103. Restricted activities.
1104. Statement of financial interests required to be filed.
1105. Statement of financial interests.
1106. State Ethics Commission.
1107. Powers and duties of commission.
1108. Investigations by commission.
1109. Penalties.
1110. Wrongful use of chapter.
1111. Supplemental provisions.
1112. Conflict of law.
1113. Severability.

Enactment. Chapter 11 was added October 15, 1998, P.L.729, No.93, effective in 60 days.

2016 Partial Repeal. Section 8(3) of Act 132 of 2012 provided that Chapter 11 is repealed insofar as it is inconsistent with Act 132. Section 8(3) of Act 132 of 2012 was added June 13, 2016, P.L.334, No.41.

Special Provisions in Appendix. See sections 2(c) and (d) and 5 of Act 93 of 1998 in the appendix to this title for special provisions relating to continuation of members of State Ethics Commission, continuation of appropriations and codification of existing law.

Cross References. Chapter 11 is referred to in sections 13A05, 13A09 of this title; section 1201.1 of Title 4 (Amusements); sections 10A05, 1404 of Title 8 (Boroughs and Incorporated Towns); sections 11208, 11912 of Title 11 (Cities); section 9537 of Title 18 (Crimes and Offenses); section 9302 of Title 40 (Insurance); section 5508.3 of Title 53 (Municipalities Generally); sections 1511, 6017, 6111 of Title 64 (Public Authorities and Quasi-Public Corporations); section 2115 of Title 68 (Real and Personal Property); section 5958 of Title 71 (State Government); sections 8205, 9103 of Title 74 (Transportation).

§ 1101. Short title of chapter.

This chapter shall be known and may be cited as the Public Official and Employee Ethics Act.

§ 1101.1. Purpose.

(a) Declarations.--The Legislature hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In order to strengthen the faith and confidence of the people of this Commonwealth in their government, the Legislature further declares that the people have a right to be assured that the financial interests of holders of or nominees or candidates for public office do not conflict with the public trust. Because public confidence in government can best be sustained by assuring the people of the impartiality and honesty of public officials, this chapter shall be liberally construed to promote complete financial disclosure as specified in this chapter. Furthermore, it is recognized that clear guidelines are needed in order to guide public officials and employees in their actions. Thus, the General Assembly by this chapter intends to define as clearly as possible those areas which represent conflict with the public trust.

(b) Recognition.--It is recognized that many public officials, including most local officials and members of the General Assembly, are citizen-officials who bring to their public office the knowledge and concerns of ordinary citizens and taxpayers. They should not be discouraged from maintaining their contacts with their community through their occupations and professions. Thus, in order to foster maximum compliance with its terms, this chapter shall be administered in a manner that emphasizes guidance to public officials and public employees regarding the ethical standards established by this chapter.

(c) Legislative intent.--It is the intent of the General Assembly that this chapter be administered by an independent commission composed of members who are cognizant of the responsibilities and burdens of public officials and employees and who have demonstrated an interest in promoting public confidence in government.

§ 1102. Definitions.

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

"Advice." Any directive of the chief counsel of the State Ethics Commission issued under section 1107(11) (relating to powers and duties of commission) and based exclusively on prior commission opinions, this chapter, regulations promulgated pursuant to this chapter and court opinions which interpret this chapter.

"Aggregate." The total of all gifts received from a single source as provided in section 1105(b)(6) (relating to statement of financial interests).

"Authority of office or employment." The actual power provided by law, the exercise of which is necessary to the performance of duties and responsibilities unique to a particular public office or position of public employment.

"Business." Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

"Business with which he is associated." Any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.

"Candidate." Any individual who seeks nomination or election to public office by vote of the electorate, other than a judge of elections, inspector of elections or official of a political party, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he has:

(1) received a contribution or made an expenditure or given his consent for any other person or committee to receive a contribution or make an expenditure for the purpose of influencing his nomination or election to such office, whether or not the individual has announced the specific office for which he will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) taken the action necessary under the laws of this Commonwealth to qualify himself for nomination or election to such office.

The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

"Commission." The State Ethics Commission.

"Confidential information." Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

"Conflict" or **"conflict of interest."** Use by a public official or public employee of the authority of his office or employment or any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate

family or a business with which he or a member of his immediate family is associated.

"Contract." An agreement or arrangement for the acquisition, use or disposal by the Commonwealth or a political subdivision of consulting or other services or of supplies, materials, equipment, land or other personal or real property. The term shall not mean an agreement or arrangement between the State or political subdivision as one party and a public official or public employee as the other party, concerning his expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his current public employment with the Commonwealth or a political subdivision.

"De minimis economic impact." An economic consequence which has an insignificant effect.

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"Financial interest." Any financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

"Findings report." An initial report containing findings of fact as determined by the State Ethics Commission's investigation but not containing any conclusions of law or any determination of whether there has been a violation of law.

"Frivolous complaint." A complaint filed in a grossly negligent manner without basis in law or fact.

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

"Governmental body." Any department, authority, commission, committee, council, board, bureau, division, service, office, officer, administration, legislative body or other establishment in the executive, legislative or judicial branch of a state, a nation or a political subdivision thereof or any agency performing a governmental function.

"Governmental body with which a public official or public employee is or has been associated." The governmental body within State government or a political subdivision by which the public official or employee is or has been employed or to which the public official or employee is or has been appointed or elected and subdivisions and offices within that governmental body.

"Honorarium." Payment made in recognition of published works, appearances, speeches and presentations and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

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

"Immediate family." A parent, spouse, child, brother or sister.

"Income." Any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial

interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon assumption of public office or employment or any other form of recompense or any combination thereof. The term refers to gross income and includes prize winnings and tax-exempt income. The term does not include gifts, governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee, or miscellaneous, incidental income of minor dependent children.

"Indirect interest in real estate." Any business entity the assets of which are 80% or more in real property.

"Ministerial action." An action that a person performs in a prescribed manner in obedience to the mandate of legal authority without regard to or the exercise of the person's own judgment as to the desirability of the action being taken.

"Nominee." Any person whose name has been submitted to a public official or governmental body vested with the power to finally confirm or reject proposed appointments to public office or employment.

"Nonministerial actions." An action in which the person exercises his own judgment as to the desirability of the action taken.

"Opinion." A directive of the State Ethics Commission issued pursuant to section 1107(10) (relating to powers and duties of commission) setting forth a public official's or public employee's duties under this chapter.

"Order." A directive of the State Ethics Commission issued pursuant to section 1107(13) (relating to powers and duties of commission) at the conclusion of an investigation which contains findings of fact, conclusions of law and penalties.

"Person." A business, governmental body, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Political contribution." Any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fundraising affair, or subscription of money or anything of value except volunteer services, in connection with a political campaign, and any contract, agreement, promise or other obligations, whether or not legally enforceable, to make a political contribution.

"Political subdivision." Any county, city, borough, incorporated town, township, school district, vocational school, county institution district, and any authority, entity or body organized by the aforementioned.

"Public employee." Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(1) contracting or procurement;
(2) administering or monitoring grants or subsidies;
(3) planning or zoning;
(4) inspecting, licensing, regulating or auditing any person; or
(5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interests of any person.

The term shall not include individuals who are employed by this Commonwealth or any political subdivision thereof in teaching as distinguished from administrative duties.

"Public official." Any person elected by the public or elected or appointed by a governmental body or an appointed

official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or any political subdivision thereof.

"Represent." To act on behalf of any other person in any activity which includes, but is not limited to, the following: personal appearances, negotiations, lobbying and submitting bid or contract proposals which are signed by or contain the name of a former public official or public employee.

"Solicitor." A person elected or appointed to the office of solicitor for the political subdivision.

"Source." Any person who is a provider of an item reportable under section 1105 (relating to statement of financial interests).

"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for an agency of this Commonwealth and who receives a fee, honorarium or similar compensation for such services. A State consultant is not an executive-level employee. (Nov. 1, 2006, P.L.1213, No.134, eff. Jan. 1, 2007)

2006 Amendment. Act 134 amended the def. of "gift" and added the def. of "hospitality."

Cross References. Section 1102 is referred to in section 12448 of Title 11 (Cities); section 9512 of Title 18 (Crimes and Offenses).

§ 1103. Restricted activities.

(a) Conflict of interest.--No public official or public employee shall engage in conduct that constitutes a conflict of interest.

(b) Seeking improper influence.--No person shall offer or give to a public official, public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is associated anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(c) Accepting improper influence.--No public official, public employee or nominee or candidate for public office shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that public official, public employee or nominee that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(d) Honorarium.--No public official or public employee shall accept an honorarium.

(e) Contingent and severance payments.--

(1) No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.

(2) This subsection shall not prohibit:

(i) Payments received pursuant to an employment agreement in existence prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee or a person with appointive power that he is under consideration for public office or makes application for public employment.

(ii) Receipt of a salary, fees, severance payment or proceeds resulting from the sale of a person's interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of public office or employment.

(3) Payments made or received pursuant to paragraph (2)(i) and (ii) shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective public official or employee would be influenced thereby.

(f) Contract.--No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at $500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at $500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

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

(h) Misuse of statement of financial interest.--No person shall use for any commercial purpose information copied from statements of financial interests required by this chapter or from lists compiled from such statements.

(i) Former executive-level employee.--No former executive-level State employee may for a period of two years from the time that he terminates employment with this Commonwealth be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participated in recruiting to this Commonwealth or that he actively participated in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existent plant or facility within this Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

(j) Voting conflict.--Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing

body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.

Cross References. Section 1103 is referred to in section 1109 of this title; section 1201 of Title 4 (Amusements).

§ 1104. Statement of financial interests required to be filed.

(a) Public official or public employee.--Each public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the commission no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Each public employee and public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the department, agency, body or bureau in which he is employed or to which he is appointed or elected no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Any other public employee or public official shall file a statement of financial interests with the governing authority of the political subdivision by which he is employed or within which he is appointed or elected no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Persons who are full-time or part-time solicitors for political subdivisions are required to file under this section.

(b) Candidate.--

(1) Any candidate for a State-level public office shall file a statement of financial interests for the preceding calendar year with the commission on or before the last day for filing a petition to appear on the ballot for election. A copy of the statement of financial interests shall also be appended to such petition.

(2) Any candidate for county-level or local office shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for election. A copy of the statement of financial interests shall also be appended to such petition.

(3) No petition to appear on the ballot for election shall be accepted by the respective State or local election officials unless the petition has appended thereto a statement of financial interests as set forth in paragraphs (1) and (2). Failure to file the statement in accordance with the provisions of this chapter shall, in addition to any other penalties provided, be a fatal defect to a petition to appear on the ballot.

(c) Nominee.--Each State-level nominee for public office shall file a statement of financial interests for the preceding calendar year with the commission and with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination. Each nominee for a county-level or local office

shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he or she is a nominee and, if different, with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination.

(d) Failure to file required statement.--No public official shall be allowed to take the oath of office or enter or continue upon his duties, nor shall he receive compensation from public funds, unless he has filed a statement of financial interests as required by this chapter.

(e) Public inspection and copying.--All statements of financial interests filed pursuant to the provisions of this chapter shall be made available for public inspection and copying during regular office hours, and copying facilities shall be made available at a charge not to exceed actual cost.

Cross References. Section 1104 is referred to in section 1109 of this title.

§ 1105. Statement of financial interests.

(a) Form.--The statement of financial interests filed pursuant to this chapter shall be on a form prescribed by the commission. All information requested on the statement shall be provided to the best of the knowledge, information and belief of the person required to file and shall be signed under oath or equivalent affirmation.

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

(1) Name, address and public position.

(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 political subdivisions.

(4) The name and address of each creditor to whom is owed in excess of $6,500 and the interest rate thereon. However, loans or credit extended between members of the immediate family and mortgages securing real property which is the principal or secondary residence of the person filing shall not be included.

(5) The name and address of any direct or indirect source of income totaling in the aggregate $1,300 or more. However, this provision shall not be construed to require the divulgence of confidential information protected by statute or existing professional codes of ethics or common law privileges.

(6) The name and address of the source and the amount of any gift or gifts valued in the aggregate at $250 or more and the circumstances of each gift. 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 lobbyist.

(7) The name and address of the source and the amount of any payment for or reimbursement of actual expenses for

transportation and lodging or hospitality received in connection with public office or employment where such actual expenses for transportation and lodging or hospitality exceed $650 in an aggregate amount per year. This paragraph shall not apply to expenses reimbursed by a governmental body or to expenses reimbursed by an organization or association of public officials or employees of political subdivisions which the public official or employee serves in an official capacity.

(8) Any office, directorship or employment of any nature whatsoever in any business entity.

(9) Any financial interest in any legal entity engaged in business for profit.

(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 transferred to a member of the reporting person's immediate family.

(c) Reporting amounts.--Except where an amount is required to be reported pursuant to subsection (b)(6) and (7), the statement of financial interests need not include specific amounts for the items required to be listed.

(d) Cost-of-living adjustments.--On a biennial basis the commission shall review the dollar amounts set forth in this section and may increase these amounts to such rates as are deemed reasonable for assuring appropriate disclosure. The commission shall publish any such adjusted threshold amounts in the Pennsylvania Bulletin.

(Nov. 1, 2006, P.L.1213, No.134, eff. Jan. 1, 2007)

2006 Amendment. Act 134 amended subsec. (b)(7).

Cross References. Section 1105 is referred to in sections 1102, 1107, 1109, 13A05 of this title; section 12448 of Title 11 (Cities); section 8204 of Title 74 (Transportation).

§ 1106. State Ethics Commission.

(a) Continuation of commission.--The State Ethics Commission established under the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, is continued and shall be composed of seven members. The President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House and the Minority Leader of the House shall each appoint one member. Three members shall be appointed by the Governor without confirmation. No more than two of the members appointed by the Governor shall be of the same political party. No appointee shall have served as an officer in a political party for one year prior to his appointment.

(b) Term of service.--Members of the commission shall serve for terms of three years, except that members shall continue to serve until their successors are appointed and qualified.

(c) Maximum number of terms.--No member shall be appointed to more than two full three-year terms on the commission.

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

(1) hold or campaign for any other public office;

(2) hold office in any political party or political committee;

(3) actively participate in or contribute to any political campaign;

(4) directly or indirectly attempt to influence any decision by a governmental body other than a court of law or as a representative of the commission on a matter within the jurisdiction of the commission; or

(5) be employed by the Commonwealth or a political subdivision in any other capacity, whether or not for compensation.

(e) Vacancy.--A majority of the commission by resolution shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection (d). An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds and is eligible for appointment to two full three-year terms thereafter. Any vacancy occurring on the commission shall be filled within 30 days in the manner in which that position was originally filled.

(f) Election of chairman and vice chairman.--The commission shall elect a chairman and a vice chairman. The vice chairman shall act as chairman in the absence of the chairman or in the event of a vacancy in that position.

(g) Quorum.--Four members of the commission shall constitute a quorum, and, except as provided in section 1108(g) (relating to investigations by commission), the votes of a majority of the members present are required for any action or recommendation of the commission. The chairman or any four members of the commission may call a meeting provided that advance written notice is mailed to each member and to any person who requests notice of such meetings.

(h) Compensation.--Members of the commission shall be compensated at a rate of $250 per day and shall receive reimbursement for their actual and necessary expenses while performing the business of the commission.

(i) Staff.--The commission shall employ an executive director, a chief counsel and such other staff as are necessary to carry out its duties pursuant to this chapter. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him by the commission, except that the commission shall not delegate the making of regulations to the executive director. The chief counsel shall be the chief legal officer of the commission. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to this chapter. The State Treasurer and the Attorney General shall make available to the commission such personnel, facilities and other assistance as the commission may request.

(j) Regulations.--The commission shall develop regulations that provide for a code of conduct to govern the activities and ethical standards of its members, which code shall subject the members of the commission to no less than is required for public officials or public employees under this chapter.

§ 1107. Powers and duties of commission.

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

(1) Prescribe and publish rules and regulations to carry out the provisions of this chapter.

(2) Prescribe forms for statements and reports required to be filed by this chapter and furnish such forms to persons required to file such statements and reports.

(3) Prepare and publish guidelines setting forth recommended uniform methods of accounting and reporting for use by persons required to file statements and reports by this chapter.

(4) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(5) Inspect statements of financial interests which have been filed in order to ascertain whether any reporting person has failed to file such a statement or has filed a deficient statement. If, upon inspection, it is determined that a reporting person has failed to file a statement of financial interests or that any statement which has been filed fails to conform with the requirements of section 1105 (relating to statement of financial interests), then the commission shall in writing notify the person. Such notice shall state in detail the deficiency and the penalties for failure to file or for filing a deficient statement of financial interests.

(6) Provide that statements and reports filed with the commission be made available for public inspection and copying during regular office hours and provide that copying facilities be made available at a charge not to exceed actual cost and advise other State and local agencies of the provisions of this paragraph.

(7) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements and instruct other State and local agencies which receive and file financial interest statements in the maintenance of systems which facilitate public access to such statements.

(8) Prepare and publish annual summaries of statements and reports filed with the commission.

(9) Preserve statements and reports filed with the commission for a period of five years from date of receipt and advise other State and local agencies which receive and store financial interest statements to preserve such statements for a period of five years from date of receipt.

(10) Issue to any person upon such person's request or to the appointing authority or employer of that person upon the request of such appointing authority or employer an opinion with respect to such person's duties under this chapter. The commission shall, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published. The person requesting the opinion may, however, require that the opinion shall contain such deletions and changes as shall be necessary to protect the identity of the persons involved.

(11) Provide written advice to any person or the appointing authority or employer of such person upon their request with respect to such person's duties under this chapter. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the commission and evidence of good faith conduct in any other civil or criminal proceeding if the requester, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts and committed the acts complained of either in reliance on the advice or because of the failure of the commission to provide advice within 21 days of the request or such later extended time. The person requesting the advice may, however, require that the advice shall contain such

deletions and changes as shall be necessary to protect the identity of the persons involved.

(12) Initiate an inquiry pursuant to section 1108(a) (relating to investigations by commission) where a complaint has not been filed but where there is a reasonable belief that a conflict may exist.

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

(14) Hold hearings, take testimony, issue subpoenas and compel the attendance of witnesses.

(15) Make recommendations to law enforcement officials either for criminal prosecution or dismissal of charges arising out of violations of this chapter.

(16) Prepare and publish special reports, educational materials and technical studies to further the purposes of this chapter.

(17) Prepare and publish prior to June 1 of each year an annual report summarizing the activities of the commission.

(18) Transmit, free of charge, copies of each order, advice and opinion which has become a matter of public record quarterly to the law library of each county, one public library in each county, the State Library, the State Senate Library, each authority appointing commission members under this chapter, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania School Boards Association and the Pennsylvania League of Cities.

(19) Hold at least two public hearings each year, of which at least one shall be held in Harrisburg and at least one shall be held in a location other than Harrisburg, to seek input from persons and organizations who represent any individual subject to the provisions of this chapter and from other interested parties.

Cross References. Section 1107 is referred to in sections 1102, 1109, 13A08, 13A09 of this title.

§ 1108. Investigations by commission.

(a) Preliminary inquiry.--Upon a complaint signed under penalty of perjury by any person or upon its own motion, the commission, through its executive director, shall conduct a preliminary inquiry into any alleged violation of this chapter. The commission shall keep information, records and proceedings relating to a preliminary inquiry confidential. The commission shall, however, have the authority to refer the case to law enforcement officials during a preliminary inquiry or anytime thereafter without providing notice to the subject of the inquiry. The commission shall complete its preliminary inquiry within 60 days of its initiation.

(b) Termination of preliminary inquiry.--If a preliminary inquiry fails to establish reason to believe that this chapter has been violated, the commission shall terminate the inquiry and so notify the complainant and the person who had been the subject of the inquiry. If the commission determines that a complaint is frivolous, it shall so state.

(c) Initiation of investigation.--If a preliminary inquiry establishes reason to believe that this chapter has been violated, the commission may, through its executive director, initiate an investigation to determine if there has been a violation. The commission shall keep information, records and proceedings relating to an investigation confidential until a final determination is made, except as otherwise provided in subsection (g). No investigation may be commenced until the person who is the subject of the investigation has been notified and provided a general statement of the alleged violation or violations of this chapter and other applicable statutes with respect to such investigation. Service of notice is complete upon mailing which shall be by certified or registered mail. The commission shall notify the complainant within 72 hours of the commencement of an investigation, and, thereafter, the commission shall advise the complainant and the person who is the subject of the investigation of the status of the investigation at least every 90 days until the investigation is terminated. The commission shall, within 180 days of the initiation of an investigation, either terminate the investigation pursuant to subsection (d) or issue a findings report pursuant to subsection (e). Upon a showing by the executive director of the need for extension of this period, the commission may extend an investigation for up to two 90-day periods, provided that each 90-day extension shall be approved by a majority vote of members present. In no event shall a findings report be issued later than 360 days after initiation of an investigation.

(d) Termination of investigation.--If an investigation conducted under this chapter indicates that no violation has been committed, the commission shall immediately terminate the investigation and send written notice of such determination to the complainant and the person who was the subject of the investigation.

(e) Findings report.--The commission, upon the completion of an investigation, shall issue a findings report to the subject of the investigation setting forth the pertinent findings of fact. The subject shall have the right to respond to said findings and to request an evidentiary hearing on said matter. The commission shall grant any request for a hearing. Said hearing shall be held in Harrisburg or, at the request of the subject, in either Philadelphia or Pittsburgh. Any response to the findings report must either admit or deny by corresponding number and letter the pertinent facts set forth. The subject of the investigation shall have access to any evidence intended to be used by the commission at the hearing and any exculpatory evidence developed by the commission in the course of its investigation. Matters not specifically denied in the response shall be deemed admitted. The response must be filed within 30 days of the issuance of the findings report unless the time period is extended by the commission for good cause shown. Hearings conducted upon request shall be instituted within 45 days after the filing of the response.

(f) Final order.--Within 30 days of the receipt by the commission of the hearing record or, if no hearing is to be held, within 30 days of the receipt by the commission of the

response to the findings report, the commission shall issue an order which shall be final. Upon receipt of a final order, the subject shall have the right to file a petition for reconsideration in accordance with the regulations of the commission.

(g) Procedure for hearing.--Hearings conducted pursuant to this section shall be closed to the public unless the subject requests an open hearing. Any person who appears before the commission shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of this Commonwealth. All witnesses summoned for such hearings shall receive reimbursement for reasonable expenses in accordance with 42 Pa.C.S. § 5903 (relating to compensation and expenses of witnesses). At the conclusion of a hearing concerning an alleged violation and in a timely manner, the commission shall deliberate on the evidence and determine whether there has been a violation of this chapter. At least four members of the commission present at a meeting must find a violation by clear and convincing proof. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order. The determination of the commission, in the form of a final order and findings of fact, shall be a matter of public record.

(h) Availability of final orders, files and records.--Orders which become final in accordance with the provisions of this section shall be available as public documents, but the files and records of the commission relating to the case shall remain confidential.

(i) Appeal.--Any person aggrieved by an opinion or order which becomes final in accordance with the provisions of this chapter who has direct interest in such opinion or order shall have the right to appeal therefrom in accordance with law and general rules.

(j) Retaliation prohibited.--No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation or deny him a promotion or threaten to do so for filing a complaint with or providing information to the commission or testifying in any commission proceeding. No member of the commission and no employee of the commission shall discharge any employee of the commission or change his official rank, grade or compensation or threaten to do so for providing any information about the internal operations of the commission, not required by law to be kept secret, to any legislator or legislative staff member or testifying in any legislative proceeding.

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

(1) final orders of the commission as provided in subsection (h);

(2) hearings conducted in public pursuant to subsection (g);

(3) for the purpose of seeking advice of legal counsel;

(4) filing an appeal from a commission order;

(5) communicating with the commission or its staff, in the course of a preliminary inquiry, investigation, hearing or petition for reconsideration by the commission;

(6) consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency;

(7) testifying under oath before a governmental body or a similar body of the United States of America;

(8) any information, records or proceedings relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration which the person is the subject of; or

(9) such other exceptions as the commission by regulation may direct.

(l) Frivolous complaints and wrongful disclosure.--If a public official or public employee has reason to believe the complaint is frivolous as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter, or a person publicly disclosed or caused to be disclosed that a complaint against the public official or public employee has been filed with the commission, the public official or public employee shall notify the commission and the commission, through its executive director, shall conduct an investigation.

(m) Limitation of time.--The commission may conduct an investigation within five years after the alleged occurrence of any violation of this chapter.

Cross References. Section 1108 is referred to in sections 1106, 1107, 1109, 13A08, 13A09 of this title.

§ 1109. Penalties.

(a) Restricted activities violation.--Any person who violates the provisions of section 1103(a), (b) and (c) (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 years, or both.

(b) Financial interests statement violation.--Any person who violates the provisions of section 1103(d) through (j), 1104 (relating to statement of financial interests required to be filed) or 1105(a) (relating to statement of financial interests) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than one year, or both.

(c) Treble damages.--Any person who obtains financial gain from violating any provision of this chapter, in addition to any other penalty provided by law, shall pay a sum of money equal to three times the amount of the financial gain resulting from such violation into the State Treasury or the treasury of the political subdivision. Treble damages shall not be assessed against a person who acted in good faith reliance on the advice of legal counsel.

(d) Impeachment and disciplinary action.--The penalties prescribed in this chapter do not limit the power of either house of the Legislature to discipline its own members or impeach a public official and do not limit the power of agencies or commissions to discipline officials or employees.

(e) Other violations of chapter.--Any person who violates the confidentiality of a commission proceeding pursuant to section 1108 (relating to investigations by commission) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than one year, or both. Any person who engages in retaliatory activity proscribed by section 1108(j) commits a misdemeanor

and, in addition to any other penalty provided by law, shall, upon conviction, be sentenced to pay a fine of not more than $1,000 or to imprisonment for not more than one year, or both. Any person who willfully affirms or swears falsely in regard to any material matter before a commission proceeding pursuant to section 1108 commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than $5,000 or to imprisonment for not more than five years, or both.

(f) Civil penalty.--In addition to any other civil remedy or criminal penalty provided for in this chapter, the commission may, after notice has been served in accordance with section 1107(5) (relating to powers and duties of commission) and upon a majority vote of its members, levy a civil penalty upon any person subject to this chapter who fails to file a statement of financial interests in a timely manner or who files a deficient statement of financial interests, at a rate of not more than $25 for each day such statement remains delinquent or deficient. The maximum penalty payable under this paragraph is $250.

(g) Reliance on solicitor's opinion.--A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publicly stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in subsections (a) and (b) nor for the treble damages provided for in subsection (c). However, this subsection shall not apply in situations where the solicitor's opinion has been rendered under duress or where the parties seeking and rendering the solicitor's opinion have colluded to purposefully commit a violation of this chapter.

Cross References. Section 1109 is referred to in section 9311 of Title 3 (Agriculture); sections 1201, 1512, 1512.1, 4302, 4303, 4304 of Title 4 (Amusements).

§ 1110. Wrongful use of chapter.

(a) Liability.--A person who signs a complaint alleging a violation of this chapter against another is subject to liability for wrongful use of this chapter if:

(1) the complaint was frivolous, as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter; or

(2) he publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the commission.

(b) Probable cause.--A person who signs a complaint alleging a violation of this chapter has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either:

(1) reasonably believes that under those facts the complaint may be valid under this chapter; or

(2) believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information.

(c) Commission procedures.--When the commission determines that a complainant has violated the provisions set forth in subsection (a), the commission, upon receiving a written request from the subject of the complaint, shall provide the name and address of the complainant to said subject. If the commission

determines that a complainant has not violated the provisions of subsection (a), the commission shall notify the subject accordingly. The subject shall have the right to appeal the commission's determination, and the commission shall schedule an appeal hearing. The subject shall show cause why the complainant violated the provisions of this section. If the commission grants the appeal, the commission shall immediately release the complainant's name and address to the subject. If the commission denies the appeal, it shall present evidence why the complainant's name and address shall not be released.

(d) Damages.--When the essential elements of an action brought pursuant to this section have been established, the plaintiff is entitled to recover for the following:

(1) The harm to his reputation by a defamatory matter alleged as the basis of the proceeding.

(2) The expenses, including any reasonable attorney fees, that he has reasonably incurred in proceedings before the commission.

(3) Any specific pecuniary loss that has resulted from the proceedings.

(4) Any emotional distress that has been caused by the proceedings.

(5) Any punitive damages according to law in appropriate cases.

§ 1111. Supplemental provisions.

Any governmental body may adopt requirements to supplement this chapter, provided that no such requirements shall in any way be less restrictive than the chapter.

§ 1112. Conflict of law.

Except as otherwise provided in Chapter 13 (relating to lobby regulation and disclosure), if the provisions of this chapter conflict with any other statute, ordinance, regulation or rule, the provisions of this chapter shall control.

References in Text. Chapter 13, referred to in this section, was deleted by the act of November 1, 2006 (P.L.1213, No.134). The subject matter is now contained in Chapter 13A.

§ 1113. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this chapter and the application of such provisions to other persons and circumstances shall not be affected thereby.

CHAPTER 13
LOBBY REGULATION AND DISCLOSURE
(Deleted by amendment)

2006 Deletion. Chapter 13 (§§ 1301 - 1311) was added October 15, 1998, P.L.729, No.93, and deleted by amendment November 1, 2006, P.L.1213, No.134, effective January 1, 2007. The subject matter is now contained in Chapter 13A of this title.

CHAPTER 13A
LOBBYING DISCLOSURE

Sec.

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Enactment. Chapter 13A was added November 1, 2006, P.L.1213, No.134, effective January 1, 2007, unless otherwise noted.

§ 13A01. Scope of chapter.

This chapter relates to lobbying disclosure.

§ 13A02. Statement of intent and jurisdiction.

(a) Intent.--The Constitution of Pennsylvania recognizes that all free governments are founded upon the authority of the people. It further provides that the power to make law in this Commonwealth is vested in the General Assembly, and the power to enforce law is vested in the Executive Department. The Constitution also guarantees the people the right to petition those invested with the powers of government for redress of grievances. The ability of the people to exercise their fundamental authority and to have confidence in the integrity of the processes by which laws are made and enforced in this Commonwealth demands that the identity and scope of activity of those who are paid to influence the actions of the General Assembly and the Executive Department be publicly and regularly disclosed.

(b) Jurisdiction.--The authority to regulate persons employed to influence the actions of the General Assembly and the Executive Department lies within the jurisdiction of those branches of government. To ensure that the intent of this chapter is not evaded and that all such persons are regulated in a fair and equitable manner, lobbyists and the practice of lobbying shall be subject to this chapter, which shall prevail over any other regulation of professional activity when that activity constitutes lobbying. This chapter is not intended to govern professional activities which do not include lobbying and are properly the subject of regulation by the judicial branch of government or by any government agency.

(c) Regulated profession.--Membership in a regulated profession shall not excuse a lobbyist from compliance with this chapter.

(d) Administrative agency law.--Proceedings of the commission are subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

§ 13A03. Definitions.

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

"Administrative action." Any of the following:

(1) An agency's:

(i) proposal, consideration, promulgation or rescission of a regulation;

(ii) development or modification of a statement of policy;

(iii) approval or rejection of a regulation; or

(iv) procurement of supplies, services and construction under 62 Pa.C.S. (relating to procurement).

(2) The review, revision, approval or disapproval of a regulation under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) The Governor's approval or veto of legislation.

(4) The nomination or appointment of an individual as an officer or employee of the Commonwealth.

(5) The proposal, consideration, promulgation or rescission of an executive order.

"Affiliated political action committee." As follows:

(1) Except as set forth in paragraph (2), a "political action committee" as defined in section 1621(l) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, which has an officer who:

(i) must be included in a registration statement under section 1624(b)(2) and (3) of the Pennsylvania Election Code; and

(ii) is:

(A) a principal;

(B) an officer or an employee of a principal;

(C) a lobbyist; or

(D) an employee of a lobbyist.

(2) If an employee of a registrant serves as the officer of a political action committee in what is clearly a personal capacity and the goals and mission of that political action committee clearly have no relationship to the goals and mission of the registrant, that political action committee shall not be considered an affiliated political action committee for the purposes of this definition.

"Agency." An agency, board, commission, authority or department of the executive department of the Commonwealth.

"Attorney at law." An individual admitted to practice law by a court of record of this Commonwealth.

"Authorized representative, employee or agent." An individual designated by a principal or lobbying firm to accept notices issued by the department or commission in accordance with this chapter.

"Bidder." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Board." The Disciplinary Board of the Supreme Court of Pennsylvania.

"Commission." The State Ethics Commission.

"Compensation." Anything of value, including benefits, received or to be received from a principal by one acting as a lobbyist.

"Contractor." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Department." The Department of State of the Commonwealth.

"Direct communication." An effort, whether written, oral or by any other medium, made by a lobbyist or principal, directed to a State official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action. The term may include personnel expenses and office expenses.

"Economic consideration." Anything of value offered or received. The term includes compensation and reimbursement for expenses.

"Fund." The Lobbying Disclosure Fund established in section 13A10(b) (relating to registration fees; fund established; system; regulations).

"Gift." Anything which is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reportable as required by law

or a commercially reasonable loan made in the ordinary course of business. The term shall not include hospitality, transportation or lodging.

"Hospitality." Includes all of the following:

(1) Meals.

(2) Beverages.

(3) Recreation and entertainment.

The term shall not include gifts, transportation or lodging.

"Immediate family." An individual's spouse, child, parent, brother, sister and like relative-in-law.

"Indirect communication." An effort, whether written, oral or by any other medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action.

(1) The term includes letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.

(2) The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

(3) The term may include personnel expenses and office expenses.

"Legislation." Bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives. The term includes any other matter which may become the subject of action by either chamber of the General Assembly.

"Legislative action." An action taken by a State official or employee involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of:

(1) legislation;

(2) legislative motions;

(3) a veto by the Governor; or

(4) confirmation of appointments by the Governor or appointments to public boards or commissions by a member of the General Assembly.

"Lobbying." An effort to influence legislative action or administrative action in this Commonwealth. The term includes:

(1) direct or indirect communication;

(2) office expenses; and

(3) providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.

"Lobbying firm." An entity that engages in lobbying for economic consideration on behalf of a principal other than the entity itself.

"Lobbyist." Any individual, association, corporation, partnership, business trust or other entity that engages in lobbying on behalf of a principal for economic consideration. The term includes an attorney at law while engaged in lobbying.

"Offeror." As defined in 62 Pa.C.S. § 103 (relating to definitions).

"Office expense." An expenditure for an office, equipment or supplies, utilized for lobbying.

"Personnel expense." An expenditure for salaries or other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses paid to lobbyists, lobbying staff,

research and monitoring staff, consultants, publications and public relations staff, technical staff, clerical and administrative support staff and includes individuals who engage in lobbying but are exempt from reporting under section 13A06 (relating to exemption from registration and reporting). For an individual for whom lobbying is incidental to regular employment, the term means a good faith prorated estimate based on the value of the time devoted to lobbying.

"Principal." An individual, association, corporation, partnership, business trust or other entity:

(1) on whose behalf a lobbying firm or lobbyist engages in lobbying; or

(2) that engages in lobbying on the principal's own behalf.

"Registrant." A registered lobbyist, registered lobbying firm or registered principal.

"Regulation." Any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of a statute administered by or relating to the agency or prescribing the practice or procedure before the agency.

"Reporting period." Any of the following periods:

(1) January 1 through March 31.

(2) April 1 through June 30.

(3) July 1 through September 30.

(4) October 1 through December 31.

"State budget process." The consideration and passage of acts relating to expenditures of funds and the generation of revenues by the General Assembly.

"Statement of policy." The term includes a guideline.

"State official or employee." An individual elected or appointed to a position in State government or employed by State government, whether compensated or uncompensated, who is involved in legislative action or administrative action.

"Vendor." Any offeror, bidder or contractor that, for economic consideration, sells or provides a service or supply or engages in construction. The term does not include an attorney at law, a lobbyist or a lobbying firm.

(Feb. 14, 2018, P.L.2, No.2, eff. 60 days)

2018 Amendment. Act 2 added the def. of "authorized representative, employee or agent."

Cross References. Section 13A03 is referred to in sections 1102, 13A07 of this title.

§ 13A04. Registration.

(a) General rule.--Unless excluded under section 13A06 (relating to exemption from registration and reporting), a lobbyist, lobbying firm or a principal must register with the department electronically using the computerized filing system developed by the department that is consistent with the purposes of this chapter within ten days of acting in any capacity as a lobbyist, lobbying firm or principal. Registration shall be biennial and shall begin January 1, 2007.

(b) Principals and lobbying firms.--

(1) A principal or lobbying firm required to register under subsection (a) shall file a single registration statement setting forth the following information with the department:

(i) Name of the business.

(ii) Permanent address.

(iii) Daytime telephone number.

(iv) E-mail address of the authorized representative employee or agent, if available.

(v) Nature of business.

(vi) Name, registration number and acronym of any affiliated political action committees.

(vii) Name and permanent business address of each individual who will for economic consideration engage in lobbying on behalf of the principal or lobbying firm.

(viii) Registration number when available.

(ix) Name of the authorized representative, employee or agent.

(2) A lobbying firm shall include in its statement under paragraph (1) the following information for each principal it represents:

(i) Name.

(ii) Permanent business address.

(iii) Telephone number.

(iv) Registration number when available.

(3) A principal that is an association or organization shall include in its statement under paragraph (1) the number of dues-paying members of the association or organization in the most recently completed calendar year.

(c) Lobbyist.--A lobbyist who is required to register under subsection (a) shall file a single registration statement setting forth the following information with the department:

(1) Name.

(2) Permanent business address.

(3) Daytime telephone number.

(4) E-mail address, if available.

(5) A recent photograph of the lobbyist.

(6) Name, permanent business address, daytime telephone number and registration number when available of each principal for whom the lobbyist will engage in lobbying.

(7) Name and registration number when available of any lobbying firm with which the lobbyist has a relationship involving economic consideration.

(8) Name, registration number and acronym of any affiliated political action committees.

(9) Name, registration number and acronym of any candidate political committee of which the lobbyist is an officer who must be included in a registration statement under section 1624(b)(2) and (3) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) Amendments.--

(1) If there is a change of information required for the registration statement under subsection (b)(1) or (2) or (c), an amended registration statement shall be filed with the department electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter within 14 days after the change occurs.

(2) When there is a change in information required for the registration statement under subsection (b)(3), an amended registration statement shall be filed with the department electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter within 14 days of the end of the year in which the change occurs.

(e) Termination.--

(1) A lobbyist, lobbying firm or principal may terminate registration by filing notice of termination with the

department electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter.

(2) After a review of the notice of termination, but no later than 15 days after receipt of the notice, the department shall issue to the lobbyist, lobbying firm or principal a letter stating that the registrant has terminated registration. The filing of notice shall not affect the commission's authority to conduct investigations and hearings under section 13A08(g) (relating to administration).

(3) No lobbying may occur after the filing of notice of termination unless the lobbying is pursuant to a separate registration statement which is filed with the department and which, at the time of the lobbying, has not been terminated.

(4) Nothing in this subsection shall be construed to exempt a lobbyist, lobbying firm or principal from any of the requirements in section 13A05 (relating to reporting).

(Feb. 14, 2018, P.L.2, No.2, eff. 60 days)

2018 Amendment. Act 2 amended subsecs. (a), (b)(1), (d) and (e)(1).

Cross References. Section 13A04 is referred to in sections 13A06, 13A08 of this title.

§ 13A05. Reporting.

(a) General rule.--A registered principal shall, subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), file quarterly expense reports with the department electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter no later than 30 days after the last day of the quarter.

(b) Content.--

(1) Each expense report must list the names and registration numbers when available of all lobbyists by whom lobbying is conducted on behalf of the principal and the general subject matter or issue being lobbied.

(2) Each expense report shall include the total costs of all lobbying for the period. The total shall include all office expenses, personnel expenses, expenditures related to gifts, hospitality, transportation and lodging to State officials or employees, and any other lobbying costs. The total amount reported under this paragraph shall be allocated in its entirety among the following categories:

(i) The costs for gifts, hospitality, transportation and lodging given to or provided to State officials or employees or their immediate families.

(ii) The costs for direct communication.

(iii) The costs for indirect communication.

(iv) Expenses required to be reported under this subsection shall be allocated to one of the three categories listed under this section and shall not be included in more than one category.

(2.1) For purposes of filing an expense report under this subsection, a registrant may use any reasonable methods of estimation and allocation.

(3) The following apply:

(i) In addition to reporting the totals required under this subsection, the expense report must identify, by name, position and each occurrence, a State official or employee who receives from a principal or lobbyist anything of value which must be included in the statement

under section 1105(b)(6) or (7) (relating to statement of financial interests) as implemented by section 1105(d).

(ii) For purposes of this chapter, the amount referred to in section 1105(b)(7) shall be considered an aggregate amount per year.

(iii) For purposes of this chapter, the amount referred to in section 1105(b)(7) shall not include the cost of a reception which the State official or employee attends in connection with public office or employment.

(iv) Written notice must be given to each State official or employee who is listed in an expense report under this paragraph at least seven days prior to the report's submission to the department. Notice under this subparagraph shall include the information which will enable the State official or employee to comply with section 1105(b)(6) and (7). For purposes of this chapter and Chapter 11 (relating to ethics standards and financial disclosure), section 1105(b)(6) and (7) shall constitute mutually exclusive categories. For each category enumerated in paragraph (2)(i), each notice shall include both the amount incurred during the quarter and the cumulative amount incurred from January 1 through the end of the applicable quarter.

(v) This paragraph shall not apply to anything of value received from immediate family when the circumstances make it clear that motivation for the action was the personal or family relationship.

(4) A lobbying firm or a lobbyist not associated with a lobbying firm shall sign the reports electronically submitted by each principal for whom the lobbying firm or lobbyist is registered to attest to the validity and accuracy to the best of the attestor's knowledge. A lobbying firm or lobbyist may attach a statement to the electronic report of a principal, describing the limits of the knowledge of the lobbying firm or lobbyist concerning the information contained in the expense report.

(5) The expense report shall also include the name, permanent business address and daytime telephone number of any individual, association, corporation, partnership, business trust or other business entity which contributed more than 10% of the total resources received by the principal during the reporting period.

(6) A lobbying firm or a lobbyist not associated with a lobbying firm shall submit an expense report electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter if during the reporting period the lobbying firm or lobbyist engaged in lobbying which was not contained in any expense report filed by a principal or principals represented.

(7) A registered principal that attempts or that retains a lobbying firm or lobbyist to attempt to influence an agency's preparing, bidding, entering into or approving a contract shall ensure that the related expenses are included under paragraph (2).

(8) A lobbying firm or a lobbyist not associated with a lobbying firm shall submit a report electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter if the lobbying firm or lobbyist engaged in lobbying on behalf of any entity that is exempt under section 13A06(7), (8), (9)

or (10) (relating to exemption from registration and reporting).

(c) Records retention.--A registrant shall retain all documents reasonably necessary to substantiate the reports to be made under this section for four years from the date of filing the subject report. Upon request by the Office of Attorney General, the board, the commission or the department, these materials shall be made available for inspection within a reasonable period of time.

(d) Thresholds for reporting.--An expense report required under this section shall be filed electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter when total expenses for lobbying exceed $2,500 for a registered principal in a reporting period. In a reporting period in which total expenses are $2,500 or less, a statement to that effect shall be filed electronically using the computerized filing system developed by the department that is consistent with the purpose of this chapter.

(e) Indirect communication disclosure.--Whenever any person makes an expenditure for indirect communication under this chapter, for the purpose of disseminating or initiating a communication, such as a mailing, telephone bank, print or electronic media advertisement, billboard, publication or education campaign, the communication shall clearly and conspicuously state the name of the person who made or financed the expenditure for the communication.

(Feb. 14, 2018, P.L.2, No.2, eff. 60 days)

2018 Amendment. Act 2 amended subsecs. (a), (b)(4), (6) and (8) and (d).

Cross References. Section 13A05 is referred to in sections 13A04, 13A06, 13A07, 13A08, 13A09 of this title.

§ 13A06. Exemption from registration and reporting.

The following persons and activities shall be exempt from registration under section 13A04 (relating to registration) and reporting under section 13A05 (relating to reporting):

(1) An individual who limits lobbying to preparing testimony and testifying before a committee of the General Assembly or participating in an administrative proceeding of an agency.

(2) An individual who is an employee of an entity engaged in the business of publishing or broadcasting while engaged in the gathering and dissemination of news and comment on the news to the general public in the ordinary course of business.

(3) An individual who does not receive economic consideration for lobbying.

(4) An individual whose economic consideration for lobbying, from all principals represented, does not exceed $2,500 in the aggregate during any reporting period.

(5) An individual who engages in lobbying on behalf of the individual's employer if the lobbying represents less than 20 hours during any reporting period.

(6) Except as required under section 13A05(d), a principal whose total expenses for lobbying purposes do not exceed $2,500 during any reporting period.

(7) An elected State official who acts in an official capacity.

(8) An appointed State official acting in an official capacity.

(9) An elected or appointed official of a political subdivision who is acting in an official capacity for the political subdivision.

(10) An employee of the Commonwealth or an agency of the Commonwealth who is acting in an official capacity for the Commonwealth or agency.

(11) An individual representing a bona fide church or bona fide religious body of which the individual is a member where the lobbying is solely for the purpose of protecting the constitutional right to the free exercise of religion.

(12) An individual who is not a registered lobbyist and who serves on an advisory board, working group or task force at the request of an agency or the General Assembly.

(13) Participating as a party or as an attorney at law or representative of a party, case or controversy in any administrative adjudication pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

(14) Expenditures and other transactions subject to reporting under Article XVI of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(15) Vendor activities under 62 Pa.C.S. §§ 514 (relating to small procurements), 516 (relating to emergency procurements) and efforts directly related to responding to publicly advertised invitations to bid and requests for proposals.

Cross References. Section 13A06 is referred to in sections 13A03, 13A04, 13A05, 13A08 of this title.

§ 13A07. Prohibited activities.

(a) Political committees.--A lobbyist may not serve as a treasurer or other officer who must be included in a registration statement under section 1624(b)(2) and (3) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, for a candidate's political committee or a candidate's political action committee if the candidate is seeking a Statewide office or the office of Senator or Representative in the General Assembly.

(b) Fee restrictions.--A lobbyist may not charge a fee or receive economic consideration based on a contract, either written or oral, that any part of the fee or economic consideration will be converted into a contribution to a candidate for public office or a political committee subject to reporting under Article XVI of the Pennsylvania Election Code.

(c) Falsification.--A lobbyist, lobbying firm or principal may not, for the purpose of influencing legislative action or administrative action, transmit, utter or publish to a State official or employee a communication, knowing that the communication or a signature on the communication is false, forged, counterfeit or fictitious.

(d) Conflicts of interest.--

(1) Except as permitted by paragraph (2), a registrant may not lobby on behalf of a principal on any subject matter in which the principal's interests are directly adverse to the interests of another principal currently represented by the lobbyist or previously represented by the lobbyist during the current session of the General Assembly or the lobbyist's own interests.

(2) A lobbyist may represent a principal in circumstances described in paragraph (1) if:

(i) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each affected principal;

(ii) the lobbyist provides written notice to each affected principal upon becoming aware of the conflict; and

(iii) each affected principal provides informed consent waiving the conflict of interest.

(3) If a lobbyist represents a principal in violation of this section or if multiple representation properly accepted becomes improper under this section and the conflict is not waived, the lobbyist shall promptly withdraw from one or more representations to the extent necessary for remaining representation to not be in violation of this section.

(4) If a lobbyist is prohibited by this section from engaging in particular conduct, an employer of the lobbyist or a partner or other person associated with the lobbyist may not engage in the particular conduct.

(5) A principal or lobbyist required to report under section 13A05 (relating to reporting) shall include in the report a statement affirming that to the best of the principal's or lobbyist's knowledge the principal or lobbyist has complied with this section.

(6) Except as provided in paragraph (8), the commission may receive complaints regarding violations of this subsection. If the commission determines a violation of this subsection has occurred, the commission, after investigation, notice and hearing:

(i) shall impose an administrative penalty in an amount not to exceed $2,000; and

(ii) may prohibit a lobbyist from lobbying for economic consideration for up to five years.

(7) A lobbyist and principal shall maintain the records relating to the conflict of interest set forth in paragraph (2) for a four-year period beginning on the date the conflict is discovered and, in the case of an investigation conducted under paragraph (6), provide copies of the records to the commission upon request.

(8) Complaints regarding violations of this subsection involving a lobbyist or principal who is an attorney at law shall be referred to the board to be investigated, considered and resolved in a manner consistent with the Rules of Professional Conduct.

(d.1) Multiple principals.--Nothing in this section shall be construed to require a lobbyist representing multiple principals who each have an interest in the State Budget process to comply with subsection (d)(2) unless a conflict of interest exists under subsection (d)(1).

(e) Contingent compensation.--

(1) A person may not compensate or incur an obligation to compensate a person to engage in lobbying for compensation contingent in whole or in part upon any of the following:

(i) Occurrence, nonoccurrence or amendment of legislative action.

(ii) Occurrence, nonoccurrence or amendment of an administrative action other than procurement described in paragraph (1)(iv) of the definition of "administrative action" under section 13A03 (relating to definitions).

(2) A person may not engage in or agree to engage in lobbying for compensation contingent in whole or in part upon any:

(i) Occurrence, nonoccurrence or amendment of legislative action.

(ii) Occurrence, nonoccurrence or amendment of an administrative action other than procurement described in paragraph (1)(iv) of the definition of "administrative action" under section 13A03.

(3) This subsection shall not apply to vendors.

(f) Unlawful acts.--

(1) A lobbyist or principal may not:

(i) Instigate the introduction of legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

(ii) Knowingly counsel a person to violate this chapter or any other Federal or State statute.

(iii) Engage in or counsel a person to engage in fraudulent conduct.

(iv) Attempt to influence a State official or employee on legislative or administrative action by making or facilitating the making of a loan to the State official or employee.

(v) While engaging in lobbying on behalf of the principal, refuse to disclose to a State official or employee, upon request, the identity of the principal.

(vi) Commit a criminal offense arising from lobbying.

(vii) Influence or attempt to influence, by coercion, bribery or threat of economic sanction, a State official or employee in the discharge of the duties of office.

(viii) Extort or otherwise unlawfully retaliate against a State official or employee by reason of the State official's or employee's position with respect to or vote on administrative or legislative action.

(ix) Attempt to influence a State official or employee on legislative or administrative action by the promise of financial support or the financing of opposition to the candidacy of the State official or employee at a future election.

(x) Engage in conduct which brings the practice of lobbying or the legislative or executive branches of State government into disrepute.

(2) The commission may receive complaints regarding violations of this subsection. If the commission determines a violation of this subsection has occurred, the commission, after investigation, notice and hearing:

(i) shall impose an administrative penalty in an amount not to exceed $4,000; and

(ii) may prohibit a lobbyist from lobbying for economic consideration for up to five years.

(3) The commission:

(i) may, as it deems appropriate, refer an alleged violation of this subsection to the Attorney General for investigation and prosecution; and

(ii) shall, if the subject of the complaint is an attorney at law, refer an alleged violation of this subsection to the board.

(Feb. 14, 2018, P.L.2, No.2, eff. imd.)

2018 Amendment. Act 2 amended subsec. (f)(2).

§ 13A08. Administration.

(a) Advice and opinions.--The commission shall provide advice and opinions under section 1107 (relating to powers and

duties of commission) to a lobbyist, a lobbying firm, a principal, the department, the board or a State official or employee, that seeks advice regarding compliance with this chapter. A person that acts in good faith based on the written advice or opinion of the commission shall not be held liable for a violation of this chapter if the material facts are as stated in the request.

(b) Forms.--The department shall prescribe registration and reporting forms to be used under this chapter. The forms shall be available on a publicly accessible Internet website. All information requested on the forms shall be provided to the best of the knowledge, information and belief of the person required to file and shall be signed subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(c) Public inspection and copying.--The department shall make completed registration statements, expense reports and notices of termination, which have been filed with the department, available for public inspection and provide copies of these documents at a price not in excess of the actual cost of copying. The department shall make all registrations and reports available on a publicly accessible Internet website. Documents maintained and reproducible in an electronic format shall be provided in that format upon request.

(d) Annual reporting.--

(1) The department shall prepare and publish an annual report on lobbying activities in this Commonwealth.

(2) The department shall at least annually publish a list of all of the following:

(i) Registered principals. The department shall identify affiliated political action committees and lobbying firms and lobbyists that are registered to lobby for the principal.

(ii) Lobbying firms and lobbyists not associated with lobbying firms. The department shall identify affiliated political action committees and the principals for whom the lobbying firm or lobbyist is registered to lobby.

(iii) Registered lobbyists for each lobbying firm.

(e) Retention of records.--Completed registration statements, expense reports and notices of termination shall be available for public inspection with the department for a four-year period commencing on the date of filing.

(f) Audits.--The following shall apply:

(1) Every two years the Secretary of the Commonwealth shall contract for the services of one or more certified public accountants or certified public accounting firms. The contract shall be awarded in a manner consistent with the provisions of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code), and no certified public accountant or certified public accounting firm shall be eligible to obtain a contract for two successive contract periods.

(2) The secretary shall randomly select, at a public drawing 60 days following the close of each fourth quarter reporting period, 3% of all completed registrations and expense reports filed with the department under this chapter.

(3) The certified public accountant shall conduct the audits in accordance with generally accepted auditing standards and shall test as to whether each registration or expense report is materially correct.

(4) The audit report and findings shall be confidential, except that the department shall make an audit report and

findings available to the commission if the commission is investigating an alleged violation of this chapter involving the audited registration or expense report. The commission shall include the relevant portion of an audit as part of its findings of fact in a commission order which results from an investigation arising out of an audit.

(g) Investigation and hearings.--The commission, through its executive director, may initiate an investigation and hold a hearing concerning an alleged violation of this chapter by a lobbyist or principal in accordance with sections 1107 (relating to powers and duties of commission) and 1108 (relating to investigations by commission).

(h) Directory.--By May 1 of each odd-numbered year, the department shall produce and distribute a directory of all registered lobbyists, including photographs and registered lobbying firms. Copies of the directory shall be made available to the public at a price not to exceed the actual cost of production. All revenue received by the department from the sales of the directory shall be deposited into the fund.

(i) Computer file.--The department shall provide the Legislative Data Processing Committee data relating to registration statements and amendments to registration statements, expense reports and notices of termination. The committee shall make information under this subsection available on a publicly accessible Internet website.

(j) Inflation adjustment.--On a biennial basis commencing in January 2009, the department shall review the threshold under section 13A06 (relating to exemption from registration and reporting) for registration under section 13A04 (relating to registration) and the threshold for reporting under section 13A05(d) (relating to reporting) and shall increase these amounts to rates deemed reasonable for assuring appropriate disclosure. On a biennial basis commencing in January 2009, the department shall review the filing fee established under section 13A10 (relating to registration fees; fund established; system; regulations) and may by regulation adjust this amount if the department determines that a higher fee is needed to cover the costs of carrying out the provisions of this chapter. The department shall publish adjusted amounts in the Pennsylvania Bulletin by June 1, 2009, and by June 1 every two years thereafter as necessary.

(k) Notices.--Notices issued by the department or the commission to a principal or lobbying firm, in accordance with this chapter, shall be delivered to the authorized representative, employee or agent.

(Feb. 14, 2018, P.L.2, No.2)

2018 Amendment. Act 2 amended subsec. (b) and added subsec. (k). Section 6(2) of Act 2 provided that the amendment of subsec. (b) shall take effect immediately. Section 6(1) of Act 2 provided that the addition of subsec. (k) shall take effect in 60 days.

Cross References. Section 13A08 is referred to in section 13A04 of this title.

§ 13A09. Penalties.

(a) Notice of alleged noncompliance.--

(1) The commission shall issue a notice of alleged noncompliance to a person that has failed to register or report as required by this chapter.

(1.1) In the case of a principal or lobbying firm, the notice shall be delivered to the authorized representative, employee or agent.

(2) The notice shall state:

(i) the nature of the alleged noncompliance; and

(ii) the administrative and criminal penalties for:

(A) failure to register;

(B) failure to file; or

(C) filing a report which contains a false statement or which is incomplete.

(3) The notice shall advise that if the person disagrees with the alleged noncompliance, the person may appeal the determination before the commission.

(4) The notice shall set forth the deadline and manner in which to request a hearing.

(5) If the person does not request a hearing in accordance with the notice, the alleged noncompliance shall be deemed to constitute noncompliance with this chapter, and the commission shall impose a penalty in accordance with subsection (b)(3) or (4).

(b) Hearing.--

(1) If a hearing is requested, the commission shall determine at the hearing:

(i) whether the recipient of the notice is required to register or report under this chapter;

(ii) whether the recipient of the notice is an attorney at law; and

(iii) whether the failure to register or report was negligent or intentional.

(2) If the commission finds that failure to register or report was intentional, it shall refer the matter to the Attorney General and, if the person is an attorney at law, to the board.

(3) If the commission finds that failure to register or report was negligent, it shall determine the amount of the administrative penalty to be imposed.

(4) A hearing under this subsection shall be conducted by the commission in accordance with sections 1107(14) (relating to powers and duties of commission) and 1108(e) (relating to investigations by commission).

(5) Appeals of the commission's determination shall be in accordance with section 1108(i). If a court of competent jurisdiction determines that any complaint or investigation which involves an attorney at law is under the jurisdiction of the board, the matter shall be referred by the court to the board to be investigated, considered and resolved in a manner consistent with the Rules of Professional Conduct.

(c) Negligent failure to register or report.--

(1) Negligent failure to register or report as required by this chapter is punishable by an administrative penalty not exceeding the following:

(i) For the first 10 late days, $50 for each late day.

(ii) For each late day after the first 10 late days through the 20th late day, $100 for each late day.

(iii) For each late day after the first 20 late days, $200 for each late day.

(2) After a hearing under subsection (b), the commission may, upon the majority vote of all of its members, levy an administrative penalty. The total amount of the administrative penalty levied shall not be limited by any other provision of law.

(3) The commission shall notify the board of any lobbyist or principal who is an attorney at law against whom a civil penalty is imposed.

(4) The commission has standing to apply to the Commonwealth Court to seek enforcement of an order imposing an administrative penalty under this section.

(d) Failure to comply after notice.--A person that fails to comply with the requirements of this chapter, after notice of noncompliance and after a hearing if one is requested, may be prohibited from lobbying for economic consideration for up to five years. The prohibition shall be imposed under subsection (e)(4).

(e) Intentional violations.--

(1) A person that intentionally fails to register or report as required by this chapter commits a misdemeanor of the second degree.

(2) A registrant who files a report under this chapter with knowledge that the report contains a false statement or is incomplete commits a misdemeanor of the second degree.

(3) Except as set forth in paragraph (1) or (2), a person that intentionally violates this chapter commits a misdemeanor of the third degree. In addition to any other penalties imposed under this chapter, the court may impose a fine not to exceed $25,000 against a principal who is found guilty under this paragraph.

(4) In addition to any criminal penalties imposed under this chapter, the commission may prohibit a person from lobbying for economic consideration for up to five years for conduct which constitutes an offense under this subsection. Criminal prosecution or conviction is not required for the imposition of the prohibition authorized by this paragraph. The commission shall not impose the prohibition under this paragraph unless the person has been afforded the opportunity for a hearing, which shall be conducted by the commission in accordance with sections 1107(14) and 1108(e).

(f) Attorneys.--Nothing in this chapter shall be construed as restricting the board's authority to discipline an attorney at law who is acting as a lobbyist or principal.

(g) Affirmative defense.--Any of the following is an affirmative defense to an action brought under Chapter 11 (relating to ethics standards and financial disclosure) or this chapter:

(1) The respondent or defendant relied on advice and opinions of the commission.

(2) The respondent or defendant relied on notice under section 13A05(b)(3)(iv) (relating to reporting).

(3) The respondent or defendant did not receive notice under section 13A05(b)(3)(iv).

(h) Criminal enforcement.--If the department or commission has reason to believe an intentional violation of this chapter has been committed, it shall refer all relevant documents and other information to the Office of Attorney General and, if the lobbyist or principal is an attorney at law, to the board. The Attorney General shall have exclusive jurisdiction to prosecute criminal violations under this chapter.

(i) Attorney General.--In addition to the authority conferred upon the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General has the authority to investigate and prosecute a violation of this chapter.

(Feb. 14, 2018, P.L.2, No.2)

2018 Amendment. Act 2 added subsec. (a)(1.1) and amended subsec. (c)(1). Section 6(1) of Act 2 provided that the addition of subsec. (a)(1.1) shall take effect in 60 days. Section 6(2)

of Act 2 provided that the amendment of subsec. (c)(1) shall take effect immediately.

Cross References. Section 13A09 is referred to in sections 13A63, 1403 of Title 4 (Amusements).

§ 13A10. Registration fees; fund established; system; regulations.

(a) Registration fees.--At the time of registration, a person required to be registered under this chapter shall pay a biennial registration fee of $100 to the department.

(b) Fund.--

(1) The Lobbying Disclosure Fund is established as a special fund in the State Treasury.

(2) Money received from registration fees under subsection (a) shall be deposited in the fund. Money remaining in the fund established under former 65 Pa.C.S. § 1310(b) shall be transferred to the fund.

(3) Money deposited in the fund is appropriated to the department as a continuing appropriation for the exclusive purpose of carrying out this chapter.

(c) Computerized filing system.--The department shall implement a fully accessible system to accommodate the use of computerized filing. The department shall post all filings on its publicly accessible Internet website within seven days of receipt of the filing.

(d) Regulations.--

(1) A committee comprised of the chairman of the commission, the Attorney General, the chief counsel of the board, the Secretary of the Commonwealth, an individual appointed by the President pro tempore of the Senate, an individual appointed by the Minority Leader of the Senate, an individual appointed by the Speaker of the House of Representatives, an individual appointed by the Minority Leader of the House of Representatives, or their designees, and a lobbyist appointed by the Governor shall have authority to promulgate regulations necessary to carry out this chapter. The Attorney General shall be chairman of this committee. A vacancy occurring among the appointed members of the committee shall be filled in the same manner as the original appointment. A committee member who is a member of the General Assembly shall serve for a term that is coincident with the member's term of office.

(2) The committee shall submit the initial proposed regulations within 180 days of the effective date of this section to the Independent Regulatory Review Commission under section 5 of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) A meeting at which the committee plans to approve proposed regulations or other official actions shall be held in accordance with Chapter 7 (relating to open meetings).

(4) The department shall provide sufficient staff and other administrative support to assist the committee.

(5) The committee shall prepare and publish a manual setting forth guidelines for accounting and reporting.

(6) The regulations and manual shall be drafted to accommodate the use of computerized recordkeeping, electronic filing of required registrations and reports under this chapter and retention of registration statements and reports under this chapter by electronic means.

(Feb. 14, 2018, P.L.2, No.2, eff. imd.)

2018 Amendment. Act 2 amended subsec. (c).

Special Provisions in Appendix. See sections 4 and 5 of Act 134 of 2006 in the appendix to this title for special provisions relating to publication of notice and utilization of funds.

Cross References. Section 13A10 is referred to in sections 13A03, 13A08 of this title.

§ 13A11. Nonapplicability.

Nothing in this chapter shall be construed to affect 18 Pa.C.S. § 7515 (relating to contingent compensation).

APPENDIX TO TITLE 65
PUBLIC OFFICERS

Supplementary Provisions of Amendatory Statutes

1998, OCTOBER 15, P.L.729, NO.93

§ 2. Transition provisions.

(a) Continuation of existing law.--Except as otherwise specifically provided in this act, it is the intention of this act to continue existing law.

(b) Effect on litigation, hearings, investigations and other proceedings.--All litigation, hearings, investigations and other proceedings whatsoever under any statute repealed by this act shall continue and remain in full force and effect and may be completed under the provisions of this act. All orders, regulations or rules made under any statute repealed by this act and in full force and effect upon the effective date of such repeal shall remain in full force and effect until revoked, vacated or modified under the provisions of this act. All existing contracts and obligations entered into under any statute repealed by this act shall remain in full force and effect.

(c) Continuation of members.--The members of the State Ethics Commission shall continue in office until their terms of office expire in accordance with 65 Pa.C.S. Ch. 11 and shall exercise the powers and perform the duties prescribed in Chapter 11.

(d) Continuation of appropriations.--The appropriations to the State Ethics Commission established under the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, shall continue and remain in full force and effect for use by the State Ethics Commission continued under 65 Pa.C.S. Ch. 11.

Explanatory Note. Act 93 added Part II of Title 65.

§ 4. Applicability.

(a) Applicability to legal challenges.--The provisions of 65 Pa.C.S. § 714.1 shall be applicable to all legal challenges filed under 65 Pa.C.S. Ch. 7 on or after the effective date of that chapter.

(b) Applicability of attorney fees.--The provision for attorney fees in section 13 of the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, shall continue to apply to all legal challenges filed under that act before the effective date of 65 Pa.C.S. Ch. 7.

* * *

§ 5. Codification of existing law.

Except where specifically revised by this act, Chapters 7, 11 and 13 shall be a codification of existing law.

§ 7. Legislative intent.

This act is intended to provide for public confidence in government by consolidating and revising existing laws relating to open meetings, ethical standards and financial disclosure and lobbying regulation and disclosure.

2006, NOVEMBER 1, P.L.1213, NO.134

§ 4. Publication of notice.

The Secretary of the Commonwealth shall transmit to the Legislative Reference Bureau, for publication in the Pennsylvania Bulletin, notice of full implementation of the computerized filing system required under 65 Pa.C.S. § 13A10(c).

Explanatory Note. Act 134 amended, added or deleted sections 1102 and 1107 and Chapters 13 and 13A of Title 65.

§ 5. Utilization of funds.

Any funds remaining in the restricted receipts account created under the former 65 Pa.C.S. § 1310(b) may be utilized by the Department of State to implement the provisions of 65 Pa.C.S. Ch. 13A.