

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 198 Session of  
1977

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INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS, COLE, RUGGIERO,  
O'KEEFE, STAPLETON, TENAGLIO, REED AND FREIND,  
FEBRUARY 9, 1977

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AS AMENDED IN THE HOUSE OF REPRESENTATIVES, SEPTEMBER 20, 1978

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AN ACT

1 ~~Regulating the contractual powers of individuals serving~~ <—  
2 RELATING TO CONFLICTS OF INTEREST INVOLVING CERTAIN PUBLIC <—  
3 OFFICIALS SERVING in STATE OR STATE AGENCIES AND local <—  
4 political subdivision positions and prohibiting certain  
5 public employees from engaging in CERTAIN conflict of <—  
6 interest activities REQUIRING CERTAIN DISCLOSURES AND <—  
7 PROVIDING PENALTIES.

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5       The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7       ~~Section 1. (a) Any individual who holds an appointive or~~       <—  
8 ~~elective office in a political subdivision of this Commonwealth~~  
9 ~~shall not have an interest respectively in any contract or~~  
10 ~~construction in which the political subdivision shall enter or~~  
11 ~~have an interest.~~

12       ~~(b) Any person violating the provisions of this section~~  
13 ~~shall be barred for a period of five years from engaging in any~~  
14 ~~business or contract with any political subdivision of this~~  
15 ~~Commonwealth.~~

16       ~~(c) For purposes of this section the term "interest" shall~~  
17 ~~mean and include a financial interest in which the individual,~~  
18 ~~or a partnership, corporation or association of which the~~  
19 ~~individual is a member or owner, may receive monetary profit,~~  
20 ~~directly or indirectly as a result of the activities, actions,~~  
21 ~~orders or decisions made by such individual or a proprietary~~  
22 ~~interest in which real estate owned by the individual, or by a~~  
23 ~~partnership, corporation or association of which the individual~~  
24 ~~is a member or owner, may benefit directly or indirectly as a~~  
25 ~~result of the activities, actions, orders or decisions made by~~  
26 ~~such individual. The term "interest" shall not include the~~  
27 ~~ownership of shares of stock in any corporation in an amount of~~  
28 ~~5% or less of the total issue for said corporation nor shall it~~  
29 ~~include any contract or construction award where more than two~~  
30 ~~competitive bids were received after public notice of bidding~~

1 ~~and where such bids were publicly opened.~~

2 ~~Section 2. No individual who holds an appointive or elective~~  
3 ~~office in a political subdivision of this Commonwealth shall:~~

4 ~~(1) accept other employment which will impair his~~  
5 ~~independence of judgment in the exercise of his official~~  
6 ~~duties;~~

7 ~~(2) improperly disclose confidential information~~  
8 ~~acquired by him in the course of his official duties nor use~~  
9 ~~such information to further his personal interests;~~

10 ~~(3) use or attempt to use his official position to~~  
11 ~~secure unwarranted privileges or exemptions for himself or~~  
12 ~~others; or~~

13 ~~(4) accept any gift, favor or service that might~~  
14 ~~reasonably tend to influence him in the discharge of his~~  
15 ~~official duties.~~

16 ~~Section 3. Any person who violates any of the provisions of~~  
17 ~~this act shall be guilty of a misdemeanor and, upon conviction~~  
18 ~~thereof, shall be sentenced to pay a fine not exceeding \$1,000~~  
19 ~~or to be imprisoned for a term not exceeding one year, or both,~~  
20 ~~and in addition shall EITHER forfeit the proscribed employment, <—~~  
21 ~~contract, assistance or representation and any fees, salaries or~~  
22 ~~consideration obtained through that employment, contract,~~  
23 ~~assistance or representation or forfeit his office of public~~  
24 ~~trust.~~

25 ~~Section 4. Any individual covered by this act shall on or <—~~  
26 ~~before January 31 of each year, file with the county clerk of~~  
27 ~~the county in which they reside a written statement of which~~  
28 ~~shall become a matter of public record and shall include:~~

29 ~~(1) Every office or directorship held by himself or his~~  
30 ~~spouse in any corporation, partnership or association which~~

1 ~~is subject to the jurisdiction of the political subdivision~~  
2 ~~in which he lives.~~

3 ~~(2) A list showing each type of business or business~~  
4 ~~activity from which he received compensation in excess of~~  
5 ~~\$1,500 during the preceding 12 month period by virtue of his~~  
6 ~~being an official, director, employee, partner or member of,~~  
7 ~~or being retained by, any person, corporation, partnership or~~  
8 ~~other business association, conducting or carrying on such~~  
9 ~~business or business activity.~~

10 ~~(3) As to attorneys, accountants or others practicing~~  
11 ~~before regulatory agencies during the preceding 12 month~~  
12 ~~period, the name of the agency or agencies and the name of~~  
13 ~~the firm, partnership or association of which he is a member,~~  
14 ~~partner or employee.~~

15 SECTION 1. PURPOSE.

<—

16 THE LEGISLATURE HEREBY DECLARES THAT PUBLIC OFFICE IS A  
17 PUBLIC TRUST AND THAT ANY EFFORT TO REALIZE PERSONAL FINANCIAL  
18 GAIN THROUGH PUBLIC OFFICE OTHER THAN COMPENSATION PROVIDED BY  
19 LAW IS A VIOLATION OF THAT TRUST. IN ORDER TO STRENGTHEN THE  
20 FAITH AND CONFIDENCE OF THE PEOPLE OF THE STATE IN THEIR  
21 GOVERNMENT, THE LEGISLATURE FURTHER DECLARES THAT THE PEOPLE  
22 HAVE A RIGHT TO BE ASSURED THAT THE FINANCIAL INTERESTS OF  
23 HOLDERS OF OR CANDIDATES FOR PUBLIC OFFICE PRESENT NEITHER A  
24 CONFLICT NOR THE APPEARANCE OF A CONFLICT WITH THE PUBLIC TRUST.  
25 BECAUSE PUBLIC CONFIDENCE IN GOVERNMENT CAN BEST BE SUSTAINED BY  
26 ASSURING THE PEOPLE OF THE IMPARTIALITY AND HONESTY OF PUBLIC  
27 OFFICIALS, THIS ACT SHALL BE LIBERALLY CONSTRUED TO PROMOTE  
28 COMPLETE DISCLOSURE.

29 SECTION 2. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
2 MEANINGS GIVEN TO THEM IN THIS SECTION:

3 "BUSINESS." ANY CORPORATION, PARTNERSHIP, SOLE  
4 PROPRIETORSHIP, FIRM, ENTERPRISE, FRANCHISE, ASSOCIATION,  
5 ORGANIZATION, SELF-EMPLOYED INDIVIDUAL, HOLDING COMPANY, JOINT  
6 STOCK COMPANY, RECEIVERSHIP, TRUST OR ANY LEGAL ENTITY ORGANIZED  
7 FOR PROFIT.

8 "BUSINESS WITH WHICH HE IS ASSOCIATED." ANY BUSINESS IN  
9 WHICH THE PERSON OR A MEMBER OF THE PERSON'S IMMEDIATE FAMILY IS  
10 A DIRECTOR, OFFICER, OWNER, EMPLOYEE OR HOLDER OF STOCK.

11 "COMMISSION." THE STATE ETHICS COMMISSION.

12 "COMPENSATION." ANY THING OF ECONOMIC VALUE, HOWEVER  
13 DESIGNATED, WHICH IS PAID, LOANED, GRANTED, GIVEN, DONATED OR  
14 TRANSFERRED, OR TO BE PAID, LOANED, GRANTED, GIVEN, DONATED OR  
15 TRANSFERRED FOR OR IN CONSIDERATION OF PERSONAL SERVICES TO ANY  
16 PERSON, OFFICIAL OR TO THE STATE.

17 "EXECUTIVE-LEVEL STATE EMPLOYEE." THE GOVERNOR, LIEUTENANT  
18 GOVERNOR, CABINET MEMBERS, DEPUTY SECRETARIES, THE GOVERNOR'S  
19 OFFICE STAFF, ANY STATE EMPLOYEE WITH DISCRETIONARY POWERS WHICH  
20 MAY AFFECT THE OUTCOME OF A STATE AGENCY'S DECISION IN RELATION  
21 TO A PRIVATE CORPORATION OR BUSINESS OR ANY EMPLOYEE WHO BY  
22 VIRTUE OF HIS JOB FUNCTION COULD INFLUENCE THE OUTCOME OF SUCH A  
23 DECISION.

24 "GIFT." A PAYMENT, SUBSCRIPTION, ADVANCE, FORBEARANCE,  
25 RENDERING OR DEPOSIT OF MONEY, SERVICES OR ANYTHING OF VALUE,  
26 UNLESS CONSIDERATION OF EQUAL OR GREATER VALUE IS RECEIVED.

27 "GIFT" SHALL NOT INCLUDE A POLITICAL CONTRIBUTION OTHERWISE  
28 REPORTED AS REQUIRED BY LAW, A COMMERCIALLY REASONABLE LOAN MADE  
29 IN THE ORDINARY COURSE OF BUSINESS, OR A GIFT RECEIVED FROM A  
30 MEMBER OF THE PERSON'S IMMEDIATE FAMILY OR FROM A RELATIVE

1 WITHIN THE THIRD DEGREE OF CONSANGUINITY OF THE PERSON OR OF THE  
2 PERSON'S SPOUSE OR FROM THE SPOUSE OF ANY SUCH RELATIVE.

3 "GOVERNMENTAL BODY." ANY DEPARTMENT, AUTHORITY, COMMISSION,  
4 COMMITTEE, COUNCIL, BOARD, BUREAU, DIVISION, SERVICE, OFFICE,  
5 OFFICER, ADMINISTRATION, LEGISLATIVE BODY, OR OTHER  
6 ESTABLISHMENT IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH  
7 OF THE STATE OR A POLITICAL SUBDIVISION THEREOF.

8 "IMMEDIATE FAMILY." A SPOUSE RESIDING IN THE PERSON'S  
9 HOUSEHOLD AND MINOR DEPENDENT CHILDREN.

10 "INCOME." ANY MONEY OR THING OF VALUE RECEIVED, OR TO BE  
11 RECEIVED AS A CLAIM ON FUTURE SERVICES, WHETHER IN THE FORM OF A  
12 FEE, SALARY, EXPENSE, ALLOWANCE, FORBEARANCE, FORGIVENESS,  
13 INTEREST, DIVIDEND, ROYALTY, RENT, CAPITAL GAIN OR ANY OTHER  
14 FORM OF RECOMPENSE OR ANY COMBINATION THEREOF.

15 "INDIRECT INTEREST IN REAL ESTATE." ANY BUSINESS ENTITY THE  
16 ASSETS OF WHICH ARE 80% OR MORE IN REAL PROPERTY.

17 "MINISTERIAL ACTION." AN ACTION THAT A PERSON PERFORMS IN A  
18 PRESCRIBED MANNER IN OBEDIENCE TO THE MANDATE OF LEGAL  
19 AUTHORITY, WITHOUT REGARD TO, OR THE EXERCISE OF, THE PERSON'S  
20 OWN JUDGMENT AS TO THE DESIRABILITY OF THE ACTION BEING TAKEN.

21 "PERSON." A BUSINESS, INDIVIDUAL, CORPORATION, UNION,  
22 ASSOCIATION, FIRM, PARTNERSHIP, COMMITTEE, CLUB OR OTHER  
23 ORGANIZATION OR GROUP OF PERSONS.

24 "POLITICAL CONTRIBUTION." ANY ADVANCE, CONVEYANCE, DEPOSIT,  
25 DISTRIBUTION, TRANSFER OF FUNDS, LOAN, PAYMENT, PLEDGE, PURCHASE  
26 OF A TICKET TO A TESTIMONIAL OR SIMILAR FUND-RAISING AFFAIR, OR  
27 SUBSCRIPTION OF MONEY OR ANYTHING OF VALUE, EXCEPT VOLUNTEER  
28 SERVICES, IN CONNECTION WITH A POLITICAL CAMPAIGN, AND ANY  
29 CONTRACT, AGREEMENT, PROMISE, OR OTHER OBLIGATIONS, WHETHER OR  
30 NOT LEGALLY ENFORCEABLE, TO MAKE A POLITICAL CONTRIBUTION.

1 "PUBLIC EMPLOYEE." ANY INDIVIDUAL EMPLOYED BY THE  
2 COMMONWEALTH OR A POLITICAL SUBDIVISION WHO IS RESPONSIBLE FOR  
3 TAKING OR RECOMMENDING OFFICIAL ACTION OF A NONMINISTERIAL  
4 NATURE WITH REGARD TO:

- 5 (1) CONTRACTING OR PROCUREMENT;
- 6 (2) ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES;
- 7 (3) PLANNING OR ZONING;
- 8 (4) INSPECTING, LICENSING, REGULATING OR AUDITING ANY  
9 PERSON; OR

10 (5) ANY OTHER ACTIVITY WHERE THE OFFICIAL ACTION HAS AN  
11 ECONOMIC IMPACT OF GREATER THAN A DE MINIMUS NATURE ON THE  
12 INTERESTS OF ANY PERSON. "PUBLIC EMPLOYEE" SHALL NOT INCLUDE  
13 INDIVIDUALS WHO ARE EMPLOYED BY THE STATE OR ANY POLITICAL  
14 SUBDIVISION THEREOF IN TEACHING AS DISTINGUISHED FROM  
15 ADMINISTRATIVE DUTIES.

16 "PUBLIC OFFICIAL." ANY ELECTED OR APPOINTED OFFICIAL IN THE  
17 EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OF THE STATE OR ANY  
18 POLITICAL SUBDIVISION THEREOF, PROVIDED THAT IT SHALL NOT  
19 INCLUDE MEMBERS OF ADVISORY BOARDS THAT HAVE NO AUTHORITY TO  
20 EXPEND PUBLIC FUNDS OTHER THAN REIMBURSEMENT FOR PERSONAL  
21 EXPENSE, OR TO OTHERWISE EXERCISE THE POWER OF THE STATE OR ANY  
22 POLITICAL SUBDIVISION THEREOF. "PUBLIC OFFICIAL" SHALL NOT  
23 INCLUDE ANY APPOINTED OFFICIAL WHO RECEIVES NO COMPENSATION  
24 OTHER THAN REIMBURSEMENT FOR ACTUAL EXPENSES.

25 "STATE CONSULTANT." A PERSON WHO, AS AN INDEPENDENT  
26 CONTRACTOR, PERFORMS PROFESSIONAL, SCIENTIFIC, TECHNICAL OR  
27 ADVISORY SERVICE FOR A STATE AGENCY, AND WHO RECEIVES A FEE,  
28 HONORARIUM OR SIMILAR COMPENSATION FOR SUCH SERVICES. A "STATE  
29 CONSULTANT" IS NOT AN EXECUTIVE-LEVEL EMPLOYEE.

30 SECTION 3. RESTRICTED ACTIVITIES.

1 (A) NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL USE HIS  
2 PUBLIC OFFICE OR ANY CONFIDENTIAL INFORMATION RECEIVED THROUGH  
3 HIS HOLDING PUBLIC OFFICE TO OBTAIN FINANCIAL GAIN OTHER THAN  
4 COMPENSATION PROVIDED BY LAW FOR HIMSELF, A MEMBER OF HIS  
5 IMMEDIATE FAMILY, OR A BUSINESS WITH WHICH HE IS ASSOCIATED.

6 (B) NO PERSON SHALL OFFER OR GIVE TO A PUBLIC OFFICIAL OR  
7 PUBLIC EMPLOYEE OR CANDIDATE FOR PUBLIC OFFICE OR A MEMBER OF  
8 HIS IMMEDIATE FAMILY OR A BUSINESS WITH WHICH HE IS ASSOCIATED,  
9 AND NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR CANDIDATE FOR  
10 PUBLIC OFFICE SHALL SOLICIT OR ACCEPT, ANYTHING OF VALUE,  
11 INCLUDING A GIFT, LOAN, POLITICAL CONTRIBUTION, REWARD, OR  
12 PROMISE OF FUTURE EMPLOYMENT BASED ON ANY UNDERSTANDING THAT THE  
13 VOTE, OFFICIAL ACTION, OR JUDGMENT OF THE PUBLIC OFFICIAL OR  
14 PUBLIC EMPLOYEE OR CANDIDATE FOR PUBLIC OFFICE WOULD BE  
15 INFLUENCED THEREBY.

16 (C) NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR A MEMBER OF HIS  
17 IMMEDIATE FAMILY OR ANY BUSINESS IN WHICH THE PERSON OR A MEMBER  
18 OF THE PERSON'S IMMEDIATE FAMILY IS A DIRECTOR, OFFICER, OWNER  
19 OR HOLDER OF STOCK EXCEEDING 5% OF THE EQUITY AT FAIR MARKET  
20 VALUE OF THE BUSINESS SHALL ENTER INTO ANY CONTRACT VALUED AT  
21 \$500 OR MORE WITH A GOVERNMENTAL BODY UNLESS THE CONTRACT HAS  
22 BEEN AWARDED THROUGH AN OPEN AND PUBLIC PROCESS, INCLUDING PRIOR  
23 PUBLIC NOTICE AND SUBSEQUENT PUBLIC DISCLOSURE OF ALL PROPOSALS  
24 CONSIDERED AND CONTRACTS AWARDED. ANY CONTRACT MADE IN VIOLATION  
25 OF THIS SUBSECTION SHALL BE VOIDABLE BY A COURT OF COMPETENT  
26 JURISDICTION IF THE SUIT IS COMMENCED WITHIN 90 DAYS OF MAKING  
27 OF THE CONTRACT.

28 (D) OTHER AREAS OF POSSIBLE CONFLICT SHALL BE ADDRESSED BY  
29 THE COMMISSION PURSUANT TO PARAGRAPH (9) OF SECTION 7.

30 (E) NO FORMER OFFICIAL OR PUBLIC EMPLOYEE SHALL REPRESENT A



1 PERSON, WITH OR WITHOUT COMPENSATION, ON ANY MATTER BEFORE THE  
2 GOVERNMENTAL BODY WITH WHICH HE HAS BEEN ASSOCIATED FOR ONE YEAR  
3 AFTER HE LEAVES THAT BODY.

4 (F) NO PERSON SHALL USE FOR ANY COMMERCIAL PURPOSE  
5 INFORMATION COPIED FROM STATEMENTS OF FINANCIAL INTERESTS  
6 REQUIRED BY THIS ACT OR FROM LISTS COMPILED FROM SUCH  
7 STATEMENTS.

8 (G) NO FORMER EXECUTIVE-LEVEL STATE EMPLOYEE MAY FOR A  
9 PERIOD OF TWO YEARS FROM THE TIME THAT HE TERMINATES HIS STATE  
10 EMPLOYMENT BE EMPLOYED BY, RECEIVE COMPENSATION FROM, ASSIST OR  
11 ACT IN A REPRESENTATIVE CAPACITY FOR A BUSINESS OR CORPORATION  
12 THAT HE ACTIVELY PARTICIPATES IN RECRUITING TO THE COMMONWEALTH  
13 OF PENNSYLVANIA OR THAT HE ACTIVELY PARTICIPATED IN INDUCING TO  
14 OPEN A NEW PLANT, FACILITY OR BRANCH IN THE COMMONWEALTH OR THAT  
15 HE ACTIVELY PARTICIPATED IN INDUCING TO EXPAND AN EXISTENT PLANT  
16 OR FACILITY WITHIN THE COMMONWEALTH, PROVIDED THAT THE ABOVE  
17 PROHIBITION SHALL BE INVOKED ONLY WHEN THE RECRUITMENT OR  
18 INDUCEMENT IS ACCOMPLISHED BY A GRANT OR LOAN OF MONEY OR A  
19 PROMISE OF A GRANT OR LOAN OF MONEY FROM THE COMMONWEALTH TO THE  
20 BUSINESS OR CORPORATION RECRUITED OR INDUCED TO EXPAND.

21 (H) (1) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OFFICE IN ANY  
22 POLITICAL SUBDIVISION SHALL NOT HAVE AN INTEREST IN ANY  
23 CONTRACT OR CONSTRUCTION IN WHICH THAT POLITICAL SUBDIVISION  
24 SHALL ENTER OR HAVE AN INTEREST.

25 (2) ANY PERSON VIOLATING THE PROVISIONS OF THIS  
26 SUBSECTION SHALL BE BARRED FOR A PERIOD OF FIVE YEARS FROM  
27 ENGAGING IN ANY BUSINESS OR CONTRACT WITH ANY POLITICAL  
28 SUBDIVISION OR THE COMMONWEALTH OR ANY OF ITS AGENCIES.

29 (3) FOR PURPOSES OF THIS SUBSECTION THE TERM "INTEREST"  
30 SHALL NOT INCLUDE THE OWNERSHIP OF SHARES OF STOCK IN ANY

1 CORPORATION IN AN AMOUNT OF 5% OR LESS OF THE TOTAL ISSUE FOR  
2 SAID CORPORATION.

3 SECTION 4. STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE  
4 FILED.

5 (A) EACH PUBLIC EMPLOYEE EMPLOYED BY THE COMMONWEALTH SHALL  
6 FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING  
7 CALENDAR YEAR WITH THE DEPARTMENT, AGENCY OR BUREAU IN WHICH HE  
8 IS EMPLOYED NO LATER THAN MAY 1 OF EACH YEAR THAT HE HOLDS SUCH  
9 A POSITION AND OF THE YEAR AFTER HE LEAVES SUCH A POSITION. ANY  
10 OTHER PUBLIC EMPLOYEE SHALL FILE A STATEMENT OF FINANCIAL  
11 INTERESTS WITH THE GOVERNING AUTHORITY OF THE POLITICAL  
12 SUBDIVISION BY WHICH HE IS EMPLOYED NO LATER THAN MAY 1 OF EACH  
13 YEAR THAT HE HOLDS SUCH A POSITION AND OF THE YEAR AFTER HE  
14 LEAVES SUCH A POSITION.

15 (B) EACH CANDIDATE FOR PUBLIC OFFICE SHALL FILE A STATEMENT  
16 OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE  
17 COMMISSION PRIOR TO FILING A PETITION TO APPEAR ON THE BALLOT  
18 FOR ELECTION AS A PUBLIC OFFICIAL. A PETITION TO APPEAR ON THE  
19 BALLOT SHALL NOT BE ACCEPTED BY AN ELECTION OFFICIAL UNLESS THE  
20 PETITION INCLUDES AN AFFIDAVIT THAT THE CANDIDATE HAS FILED THE  
21 REQUIRED STATEMENT OF FINANCIAL INTERESTS WITH THE COMMISSION.

22 (C) EACH CANDIDATE FOR PUBLIC OFFICE NOMINATED BY A PUBLIC  
23 OFFICIAL OR GOVERNMENTAL BODY AND SUBJECT TO CONFIRMATION BY A  
24 PUBLIC OFFICIAL OR GOVERNMENTAL BODY SHALL FILE A STATEMENT OF  
25 FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE  
26 COMMISSION AND WITH THE OFFICIAL OR BODY THAT IS VESTED WITH THE  
27 POWER OF CONFIRMATION AT LEAST TEN DAYS BEFORE THE OFFICIAL OR  
28 BODY SHALL APPROVE OR REJECT THE NOMINATION.

29 (D) NO PUBLIC OFFICIAL SHALL BE ALLOWED TO TAKE THE OATH OF  
30 OFFICE OR ENTER OR CONTINUE UPON HIS DUTIES, NOR SHALL HE

1 RECEIVE COMPENSATION FROM PUBLIC FUNDS, UNLESS HE HAS FILED A  
2 STATEMENT OF FINANCIAL INTERESTS WITH THE COMMISSION AS REQUIRED  
3 BY THIS ACT.

4 (E) (1) ANY CANDIDATE FOR STATE OR COUNTY-WIDE PUBLIC  
5 OFFICE SHALL FILE A STATEMENT OF FINANCIAL INTERESTS WITH THE  
6 COMMISSION PURSUANT TO THIS ACT AND SHALL FILE A COPY OF THAT  
7 STATEMENT WITH THE BOARD OF ELECTIONS IN THE COUNTY IN WHICH  
8 THE CANDIDATE RESIDES.

9 (2) ANY CANDIDATE FOR LOCAL OFFICE SHALL FILE A  
10 STATEMENT OF FINANCIAL INTERESTS WITH THE COMMISSION PURSUANT  
11 TO THIS ACT AND SHALL FILE A COPY OF THAT STATEMENT WITH THE  
12 GOVERNING AUTHORITY OF THE POLITICAL SUBDIVISION IN WHICH HE  
13 IS A CANDIDATE.

14 (F) ALL STATEMENTS OF FINANCIAL INTEREST FILED PURSUANT TO  
15 THE PROVISIONS OF THIS ACT SHALL BE MADE AVAILABLE FOR PUBLIC  
16 INSPECTION AND COPYING DURING REGULAR OFFICE HOURS.

17 SECTION 5. STATEMENT OF FINANCIAL INTERESTS.

18 (A) THE STATEMENT OF FINANCIAL INTERESTS FILED PURSUANT TO  
19 THIS ACT SHALL BE ON A FORM PRESCRIBED BY THE COMMISSION AND  
20 SHALL BE SIGNED UNDER PENALTY OF PERJURY BY THE PERSON REQUIRED  
21 TO FILE THE STATEMENT.

22 (B) THE STATEMENT SHALL INCLUDE THE FOLLOWING INFORMATION  
23 FOR THE PRIOR CALENDAR YEAR WITH REGARD TO THE PERSON REQUIRED  
24 TO FILE THE STATEMENT AND THE MEMBERS OF HIS IMMEDIATE FAMILY:

25 (1) THE NAME, ADDRESS AND POSITION OF THE PERSON  
26 REQUIRED TO FILE THE STATEMENT.

27 (2) THE OCCUPATIONS OR PROFESSIONS OF THE PERSON  
28 REQUIRED TO FILE THE STATEMENT AND THOSE OF HIS IMMEDIATE  
29 FAMILY.

30 (3) ANY DIRECT OR INDIRECT INTEREST IN ANY REAL ESTATE

1 WHICH WAS SOLD OR LEASED TO THE COMMONWEALTH, ANY OF ITS  
2 AGENCIES OR POLITICAL SUBDIVISIONS; PURCHASED OR LEASED FROM  
3 THE COMMONWEALTH, ANY OF ITS AGENCIES OR POLITICAL  
4 SUBDIVISIONS; OR WHICH WAS THE SUBJECT OF ANY CONDEMNATION  
5 PROCEEDINGS BY THE COMMONWEALTH, ANY OF ITS AGENCIES OR  
6 POLITICAL SUBDIVISIONS.

7 (4) THE NAME AND ADDRESS OF EACH CREDITOR TO WHOM IS  
8 OWED IN EXCESS OF \$5,000 AND THE INTEREST RATE THEREON.  
9 HOWEVER, LOANS OR CREDIT EXTENDED BETWEEN MEMBERS OF THE  
10 IMMEDIATE FAMILY AND MORTGAGES SECURING REAL PROPERTY WHICH  
11 IS THE PRINCIPAL RESIDENCE OF THE PERSON FILING OR OF HIS  
12 SPOUSE SHALL NOT BE INCLUDED.

13 (5) THE NAME AND ADDRESS OF ANY PERSON WHO IS THE DIRECT  
14 OR INDIRECT SOURCE OF INCOME TALLING IN THE AGGREGATE \$500  
15 OR MORE. HOWEVER, THIS PROVISION SHALL NOT BE CONSTRUED TO  
16 REQUIRE THE DIVULGENCE OF CONFIDENTIAL INFORMATION PROTECTED  
17 BY STATUTE OR EXISTING PROFESSIONAL CODES OF ETHICS.

18 (6) THE NAME AND ADDRESS OF ANY PERSON FROM WHOM A GIFT  
19 OR GIFTS VALUED IN THE AGGREGATE AT \$200 OR MORE WERE  
20 RECEIVED, AND THE VALUE AND THE CIRCUMSTANCES OF EACH GIFT.  
21 HOWEVER, THIS PROVISION SHALL NOT BE APPLICABLE TO GIFTS  
22 RECEIVED FROM THE INDIVIDUAL'S SPOUSE, PARENTS, PARENTS BY  
23 MARRIAGE, SIBLINGS, CHILDREN OR GRANDCHILDREN.

24 (7) THE SOURCE OF ANY HONORARIUM RECEIVED WHICH IS IN  
25 EXCESS OF \$100.

26 (8) ANY OFFICE, DIRECTORSHIP OR EMPLOYMENT OF ANY NATURE  
27 WHATSOEVER IN ANY BUSINESS ENTITY.

28 (9) ANY FINANCIAL INTEREST IN ANY LEGAL ENTITY ENGAGED  
29 IN BUSINESS FOR PROFIT.

30 (C) THE STATEMENT OF FINANCIAL INTEREST NEED NOT INCLUDE

1 SPECIFIC AMOUNTS FOR ANY OF THE ITEMS REQUIRED TO BE LISTED.

2 SECTION 6. STATE ETHICS COMMISSION.

3 (A) THERE IS ESTABLISHED A STATE ETHICS COMMISSION COMPOSED  
4 OF SEVEN MEMBERS PRESIDENT PRO TEMPORE OF THE SENATE, THE  
5 MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE, AND THE  
6 MINORITY LEADER OF THE HOUSE SHALL EACH APPOINT ONE MEMBER.  
7 THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITHOUT  
8 CONFIRMATION.

9 (B) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF FIVE  
10 YEARS, EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED:

11 (1) THE TWO MEMBERS APPOINTED BY THE PRESIDENT PRO  
12 TEMPORE AND MINORITY LEADER OF THE SENATE SHALL SERVE FOR  
13 FOUR YEARS;

14 (2) THE TWO MEMBERS APPOINTED BY THE SPEAKER AND THE  
15 MINORITY LEADER OF THE HOUSE SHALL SERVE FOR TWO YEARS; AND

16 (3) OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR TWO  
17 SHALL SERVE FOR THREE YEARS, AND ONE SHALL SERVE FOR FIVE  
18 YEARS.

19 (C) NO MEMBER SHALL BE APPOINTED TO MORE THAN ONE FULL FIVE-  
20 YEAR TERM ON THE COMMISSION.

21 (D) NO INDIVIDUAL, WHILE A MEMBER OR EMPLOYEE OF THE  
22 COMMISSION, SHALL:

23 (1) HOLD OR CAMPAIGN FOR ANY OTHER PUBLIC OFFICE;

24 (2) HOLD OFFICE IN ANY POLITICAL PARTY OR POLITICAL  
25 COMMITTEE;

26 (3) ACTIVELY PARTICIPATE IN TO ANY POLITICAL CAMPAIGN;

27 (4) DIRECTLY OR INDIRECTLY ATTEMPT TO INFLUENCE ANY  
28 DECISION BY A GOVERNMENTAL BODY, OTHER THAN A COURT OF LAW OR  
29 AS A REPRESENTATIVE OF THE COMMISSION ON A MATTER WITHIN THE  
30 JURISDICTION OF THE COMMISSION; OR

(5) BE EMPLOYED BY THE COMMONWEALTH IN ANY OTHER  
CAPACITY, WHETHER OR NOT FOR COMPENSATION.

(E) 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 ONE FULL FIVE-YEAR TERM THEREAFTER. ANY VACANCY  
OCCURRING ON THE COMMISSION SHALL BE FILLED WITHIN 30 DAYS IN  
THE MANNER IN WHICH THAT POSITION WAS ORIGINALLY FILLED.

(F) 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) FOUR MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM  
AND THE VOTES OF A MAJORITY OF THE MEMBERS PRESENT IS 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) MEMBERS OF THE COMMISSION SHALL BE COMPENSATED AT A RATE  
OF \$50 PER DAY AND SHALL RECEIVE REIMBURSEMENT FOR THEIR ACTUAL  
AND NECESSARY EXPENSES WHILE PERFORMING THE BUSINESS OF THE  
COMMISSION.

(I) THE COMMISSION SHALL EMPLOY AN EXECUTIVE DIRECTOR, A  
GENERAL COUNSEL, AND SUCH OTHER STAFF AS ARE NECESSARY TO CARRY  
OUT ITS DUTIES PURSUANT TO THIS ACT. 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

1 COMMISSION SHALL NOT DELEGATE THE MAKING OF REGULATIONS TO THE  
2 EXECUTIVE DIRECTOR. THE GENERAL COUNSEL SHALL BE THE CHIEF LEGAL  
3 OFFICER OF THE COMMISSION. THE COMMISSION MAY OBTAIN THE  
4 SERVICES OF EXPERTS AND CONSULTANTS AS NECESSARY TO CARRY OUT  
5 ITS DUTIES PURSUANT TO THIS ACT. THE STATE TREASURER AND THE  
6 ATTORNEY GENERAL SHALL MAKE AVAILABLE TO THE COMMISSION SUCH  
7 PERSONNEL, FACILITIES, AND OTHER ASSISTANCE AS THE COMMISSION  
8 MAY REQUEST.

9 SECTION 7. DUTIES OF THE COMMISSION.

10 IN ADDITION TO OTHER DUTIES PRESCRIBED BY LAW, THE COMMISSION  
11 SHALL:

12 (1) PRESCRIBE AND PUBLISH RULES AND REGULATIONS TO CARRY  
13 OUT THE PROVISIONS OF THIS ACT.

14 (2) PRESCRIBE FORMS FOR STATEMENTS AND REPORTS REQUIRED  
15 TO BE FILED BY THIS ACT AND FURNISH SUCH FORMS TO PERSONS  
16 REQUIRED TO FILE SUCH STATEMENTS AND REPORTS.

17 (3) PREPARE AND PUBLISH GUIDELINES SETTING FORTH  
18 RECOMMENDED UNIFORM METHODS OF ACCOUNTING AND REPORTING FOR  
19 USE BY PERSONS REQUIRED TO FILE STATEMENTS AND REPORTS BY  
20 THIS ACT.

21 (4) ACCEPT AND FILE ANY INFORMATION VOLUNTARILY SUPPLIED  
22 THAT EXCEEDS THE REQUIREMENTS OF THIS ACT.

23 (5) MAKE STATEMENTS AND REPORTS FILED WITH THE  
24 COMMISSION AVAILABLE FOR PUBLIC INSPECTION AND COPYING DURING  
25 REGULAR OFFICE HOURS AND MAKE COPYING FACILITIES AVAILABLE AT  
26 A CHARGE NOT TO EXCEED ACTUAL COST.

27 (6) COMPILE AND MAINTAIN AN INDEX OF ALL REPORTS AND  
28 STATEMENTS FILED WITH THE COMMISSION TO FACILITATE PUBLIC  
29 ACCESS TO SUCH REPORTS AND STATEMENTS.

30 (7) PREPARE AND PUBLISH ANNUAL SUMMARIES OF STATEMENTS

1 AND REPORTS FILED WITH THE COMMISSION.

2 (8) PRESERVE STATEMENTS AND REPORTS FILED WITH THE  
3 COMMISSION FOR A PERIOD OF FIVE YEARS FROM DATE OF RECEIPT.

4 (9) (I) ISSUE TO ANY PERSON, UPON SUCH PERSON'S  
5 REQUEST, AN OPINION WITH RESPECT TO SUCH PERSON'S DUTIES  
6 UNDER THIS ACT. THE COMMISSION SHALL, WITHIN 14 DAYS,  
7 EITHER ISSUE THE OPINION OR ADVISE THE PERSON WHO MADE  
8 THE REQUEST WHETHER AN OPINION WILL BE ISSUED. NO PERSON  
9 WHO ACTS IN GOOD FAITH ON AN OPINION ISSUED TO HIM BY THE  
10 COMMISSION SHALL BE SUBJECT TO CRIMINAL OR CIVIL  
11 PENALTIES FOR SO ACTING, PROVIDED THAT THE MATERIAL FACTS  
12 ARE AS STATED IN THE OPINION REQUEST. THE COMMISSION'S  
13 OPINIONS SHALL BE PUBLIC RECORDS AND MAY FROM TIME TO  
14 TIME BE PUBLISHED.

15 (II) PROVIDE WRITTEN ADVICE TO ANY PERSON UPON THEIR  
16 REQUEST WITH RESPECT TO SUCH PERSON'S DUTIES UNDER THIS  
17 ACT. SUCH ADVICE SHALL BE PROVIDED WITHIN 21 WORKING DAYS  
18 OF THE REQUEST, PROVIDED THAT THE TIME MAY BE EXTENDED  
19 FOR GOOD CAUSE. IF SHALL BE A COMPLETE DEFENSE IN ANY  
20 ENFORCEMENT PROCEEDING INITIATED BY THE COMMISSION, AND  
21 EVIDENCE OF GOOD FAITH CONDUCT IN ANY OTHER CIVIL OR  
22 CRIMINAL PROCEEDING, IF THE REQUESTER, AT LEAST 21  
23 WORKING DAYS PRIOR TO THE ALLEGED VIOLATION, REQUESTED  
24 WRITTEN ADVICE FROM THE COMMISSION IN GOOD FAITH,  
25 DISCLOSED TRUTHFULLY ALL THE MATERIAL FACTS AND COMMITTED  
26 THE ACTS COMPLAINED OF EITHER IN RELIANCE ON THE ADVICE  
27 OR BECAUSE OF THE FAILURE OF THE COMMISSION TO PROVIDE  
28 ADVICE WITHIN 21 DAYS OF THE REQUEST OF SUCH LATER  
29 EXTENDED TIME.

30 (III) INITIATE AN INQUIRY WHERE AN OPINION HAS NOT



1 BEEN REQUESTED BUT WHERE THERE IS A REASONABLE BELIEF  
2 THAT A CONFLICT MAY EXIST. SUCH INQUIRY SHALL BE  
3 CONDUCTED IN PRIVACY WITH FULL RESPECT TO THE  
4 CONFIDENTIALITY OF ALL THE PARTIES INVOLVED IN THE  
5 ALLEGED CONFLICT. IF THE COMMISSION FINDS THAT THERE IS A  
6 CONFLICT, THE INFORMATION SHALL BE PROVIDED FOR CRIMINAL  
7 PROCEEDINGS UNLESS THE ALLEGED OFFENDER REMOVES HIMSELF  
8 FROM THE CONFLICT WITH RECEIVING FINANCIAL GAIN.

9 (IV) ISSUE ADVISORY OPINIONS TO ANY PRESENT OR  
10 FORMER STATE EMPLOYEE WHO CONTEMPLATES TERMINATING HIS  
11 STATE EMPLOYMENT AND/OR BECOMING EMPLOYED BY, CONTRACTING  
12 WITH, ASSISTING OR ACTING IN A REPRESENTATIVE CAPACITY  
13 FOR A BUSINESS OR CORPORATION, UPON SUCH EMPLOYEES  
14 REQUEST. THAT OPINION SHALL STATE WHETHER, UPON THE FACTS  
15 PRESENTED, SUCH EMPLOYMENT, CONTRACT, ASSISTANCE OR  
16 REPRESENTATION WOULD BE IN VIOLATION OF SECTION 3(G). IF  
17 THE ADVISORY OPINION STATES THAT SUCH EMPLOYMENT,  
18 CONTRACT, ASSISTANCE OR REPRESENTATION WOULD NOT BE IN  
19 VIOLATION OF THE PROVISIONS OF SECTION 3(G), THE PERSON  
20 WHO REQUESTED THE OPINION MAY NOT BE PROSECUTED OR  
21 PENALIZED, EITHER CRIMINALLY OR CIVILLY, UNDER THE  
22 PROVISIONS OF THIS ACT PROVIDED THAT THE ACTIONS UNDER  
23 QUESTION BEAR A SUBSTANTIAL SIMILARITY TO THE FACTS  
24 PRESENTED TO THE COMMISSION.

25 (10) HOLD HEARINGS, TAKE TESTIMONY, ISSUE SUBPOENAS AND  
26 COMPEL THE ATTENDANCE OF WITNESSES.

27 (11) MAKE RECOMMENDATIONS TO LAW ENFORCEMENT OFFICIALS  
28 EITHER FOR CRIMINAL PROSECUTION OR DISMISSAL OF CHARGES  
29 ARISING OUT OF VIOLATIONS OF THIS ACT.

30 (12) PREPARE AND PUBLISH SPECIAL REPORTS AND TECHNICAL

1 STUDIES TO FURTHER THE PURPOSES OF THIS ACT.

2 (13) PREPARE AND PUBLISH, PRIOR TO JUNE 1 OF EACH YEAR,  
3 AN ANNUAL REPORT SUMMARIZING THE ACTIVITIES OF THE  
4 COMMISSION.

5 SECTION 8. INVESTIGATIONS BY THE COMMISSION.

6 (A) UPON A COMPLAINT SIGNED UNDER PENALTY OF PERJURY BY ANY  
7 PERSON OR UPON ITS OWN MOTION, THE COMMISSION SHALL INVESTIGATE  
8 ANY ALLEGED VIOLATION OF THIS ACT. ALL COMMISSION PROCEEDINGS  
9 AND RECORDS RELATING TO AN INVESTIGATION SHALL BE CONFIDENTIAL  
10 UNTIL A FINAL DETERMINATION IS MADE BY THE COMMISSION. THE  
11 EXECUTIVE DIRECTOR SHALL NOTIFY ANY PERSON UNDER INVESTIGATION  
12 BY THE COMMISSION OF THE INVESTIGATION AND OF THE NATURE OF THE  
13 ALLEGED VIOLATION WITHIN FIVE DAYS OF THE COMMENCEMENT OF THE  
14 INVESTIGATION. WITHIN 15 DAYS OF THE FILING OF A SWORN COMPLAINT  
15 BY A PERSON ALLEGING A VIOLATION, AND EVERY 30 DAYS THEREAFTER  
16 UNTIL THE MATTER IS TERMINATED, THE EXECUTIVE DIRECTOR SHALL  
17 NOTIFY THE COMPLAINANT OF THE ACTION TAKEN TO DATE BY THE  
18 COMMISSION TOGETHER WITH THE REASONS FOR SUCH ACTION OR  
19 NONACTION.

20 (B) IF A PRELIMINARY INVESTIGATION FAILS TO INDICATE  
21 PROBABLE CAUSE FOR BELIEF THAT THIS ACT HAS BEEN VIOLATED, THE  
22 COMMISSION SHALL TERMINATE THE INVESTIGATION AND SO NOTIFY THE  
23 COMPLAINANT AND THE PERSON WHO HAD BEEN UNDER INVESTIGATION.

24 SECTION 9. PENALTIES.

25 (A) ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION 3(A)  
26 AND (B) IS GUILTY OF A FELONY AND SHALL BE FINED NOT MORE THAN  
27 \$10,000 OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BE BOTH  
28 FINED AND IMPRISONED.

29 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION 3(C)  
30 THROUGH (H) OR SECTION 4 IS GUILTY OF A MISDEMEANOR AND SHALL BE

1 FINED NOT MORE THAN \$1,000 OR IMPRISONED FOR NOT MORE THAN ONE  
2 YEAR, OR BE BOTH FINED AND IMPRISONED.

3 (C) ANY PERSON WHO OBTAINS FINANCIAL GAIN FROM VIOLATING ANY  
4 PROVISION OF THIS ACT, IN ADDITION TO ANY OTHER PENALTY PROVIDED  
5 BY LAW, SHALL PAY INTO THE STATE TREASURY A SUM OF MONEY EQUAL  
6 TO THREE TIMES THE FINANCIAL GAIN RESULTING FROM SUCH VIOLATION.

7 (D) THE PENALTIES PRESCRIBED IN THIS ACT DO NOT LIMIT THE  
8 POWER OF EITHER HOUSE OF THE LEGISLATURE TO DISCIPLINE ITS OWN  
9 MEMBERS OR IMPEACH A PUBLIC OFFICIAL, AND DO NOT LIMIT THE POWER  
10 OF AGENCIES OR COMMISSIONS TO DISCIPLINE OFFICIALS OR EMPLOYEES.

11 (E) ANY PERSON WHO VIOLATES THE CONFIDENTIALITY OF A  
12 COMMISSION PROCEEDING PURSUANT TO SECTION 8, IS GUILTY OF A  
13 MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$1,000 OR  
14 IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BE BOTH FINED AND  
15 IMPRISONED. ANY PERSON WHO WILLFULLY AFFIRMS OR SWEARS FALSELY  
16 IN REGARD TO ANY MATERIAL MATTER BEFORE A COMMISSION PROCEEDING  
17 PURSUANT TO SECTION 8 IS GUILTY OF A FELONY AND SHALL BE FINED  
18 NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN FIVE YEARS,  
19 OR BE BOTH FINED AND IMPRISONED.

20 ~~Section 5. Nothing in this act, or in any other law or court~~ <—  
21 ~~rule~~

22 SECTION 10. COURT EMPLOYEES. <—

23 NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT rule shall  
24 be construed to prohibit any constable or any employee of a  
25 court of common pleas, the Municipal Court of Philadelphia, the  
26 Traffic Court of Philadelphia, or any employee of a district  
27 justice from also being an officer of a political body or  
28 political party as such terms are defined in the act of June 3,  
29 1937 (P.L.1333, No.320), known as the "Pennsylvania Election  
30 Code," and the same may hold the office of a county, State or

1 national committee of any political party, and may run for and  
2 hold any elective office, and may participate in any election  
3 day activities.

4 ~~Section 6. This act shall take effect in six months.~~ <—

5 SECTION 11. SUPPLEMENTAL PROVISIONS. <—

6 ANY GOVERNMENTAL BODY MAY ADOPT REQUIREMENTS TO SUPPLEMENT  
7 THIS ACT, PROVIDED THAT NO SUCH REQUIREMENT SHALL IN ANY WAY BE  
8 LESS RESTRICTIVE THAN THE ACT.

9 SECTION 12. CONFLICT OF LAW.

10 IF THE PROVISIONS OF THIS ACT CONFLICT WITH ANY OTHER  
11 STATUTE, ORDINANCE, REGULATION OR RULE, THE PROVISIONS OF THIS  
12 ACT SHALL CONTROL.

13 SECTION 13. SEVERABILITY.

14 IF ANY PROVISION OF THIS ACT, OR THE APPLICATION THEREOF TO  
15 ANY PERSON OR CIRCUMSTANCE, IS HELD INVALID, THE VALIDITY OF THE  
16 REMAINDER OF THIS ACT AND THE APPLICATION OF SUCH PROVISIONS TO  
17 OTHER PERSONS AND CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY.

18 SECTION 14. EFFECTIVE DATE.

19 THIS ACT SHALL TAKE EFFECT JANUARY 1, 1979 EXCEPT THAT  
20 SUBSECTIONS (A) AND (D) OF SECTION 4 SHALL TAKE EFFECT JANUARY  
21 1, 1980.