

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2222

Session of
1978

INTRODUCED BY WISE, HARPER, IRVIS, MANDERINO, REED, FLAHERTY,
DAVIES, GLEESON, J. L. WRIGHT JR., MEBUS, BROWN, HOFFEL,
KUKOVICH, COLE, RHODES, ITKIN, HASKELL, MILANOVICH, COHEN,
O'DONNELL, SWEET, ZEARFOSS, LEVIN, HONAMAN, E. Z. TAYLOR,
PICCOLA, SCIRICA, COWELL, WILSON, M. H. GEORGE, GILLETTE,
KERNICK, POTT, RICHARDSON AND WHITE, APRIL 3, 1978

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

AN ACT

~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—
~~"An act providing for and reorganizing the conduct of the~~
~~executive and administrative work of the Commonwealth by the~~
~~Executive Department thereof and the administrative~~
~~departments, boards, commissions, and officers thereof,~~
~~including the boards of trustees of State Normal Schools, or~~
~~Teachers Colleges; abolishing, creating, reorganizing or~~
~~authorizing the reorganization of certain administrative~~
~~departments, boards, and commissions; defining the powers and~~
~~duties of the Governor and other executive and administrative~~
~~officers, and of the several administrative departments,~~
~~boards, commissions, and officers; fixing the salaries of the~~
~~Governor, Lieutenant Governor, and certain other executive~~
~~and administrative officers; providing for the appointment of~~
~~certain administrative officers, and of all deputies and~~
~~other assistants and employes in certain departments, boards,~~
~~and commissions; and prescribing the manner in which the~~
~~number and compensation of the deputies and all other~~
~~assistants and employes of certain departments, boards and~~
~~commissions shall be determined," providing for equal rights~~
~~between men and women.~~

ESTABLISHING A PENNSYLVANIA ETHICS COMMISSION, PROHIBITING <—
CONFLICT OF INTEREST ACTIVITIES BY ELECTED MEMBERS OF THE
LEGISLATIVE, EXECUTIVE, OR JUDICIAL BRANCH OF STATE
GOVERNMENT, MUNICIPAL OFFICERS, STATE EMPLOYEES AND FORMER
STATE EMPLOYEES; REQUIRING CERTAIN DISCLOSURES; AND PROVIDING
PENALTIES.

TABLE OF CONTENTS

CHAPTER 1. SHORT TITLE, PURPOSE, AND DEFINITIONS

1 SECTION 101. SHORT TITLE.
2 SECTION 102. PURPOSE.
3 SECTION 103. DEFINITIONS.
4 CHAPTER 2. COMMISSION CREATED
5 SECTION 201. PENNSYLVANIA ETHICS COMMISSION CREATED.
6 SECTION 202. POWERS AND DUTIES OF THE PENNSYLVANIA ETHICS
7 COMMISSION.
8 CHAPTER 3. PROHIBITED ACTS
9 SECTION 301. LEGISLATORS.
10 SECTION 302. MUNICIPAL OFFICERS.
11 SECTION 303. STATE EMPLOYEES AND AGENCIES.
12 CHAPTER 4. DISCLOSURE
13 SECTION 401. INTERESTS REQUIRED TO BE DISCLOSED.
14 SECTION 402. DISCLOSURE STATEMENTS CONTAINING INFORMATION IN
15 EXCESS OF THE REQUIREMENTS OF THIS ACT.
16 SECTION 403. INTEREST OF FAMILY DEEMED INTEREST OF PUBLIC
17 SERVANT.
18 SECTION 404. DISCLOSURE STATEMENTS TO BE PUBLIC RECORD.
19 SECTION 405. PROCEDURES.
20 CHAPTER 5. PENALTIES
21 SECTION 501. VOID CONTRACTS.
22 SECTION 502. FORFEITURE OF OFFICE.
23 SECTION 503. UNLAWFUL EMPLOYMENT.
24 SECTION 504. FINE AND IMPRISONMENT.
25 CHAPTER 6. NONSEVERABILITY CLAUSE; EFFECTIVE DATE
26 SECTION 601. NONSEVERABILITY CLAUSE.
27 SECTION 602. EFFECTIVE DATE.

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

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

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

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

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

7 ~~* * *~~

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

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

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

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

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

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

25 ~~* * *~~

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

1 ~~and who are without means for planning and providing for the~~
2 ~~rehabilitation and care of veterans.~~

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

11 ~~* * *~~

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

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

18 ~~* * *~~

19 ~~(b) To procure automobile liability insurance, covering~~
20 ~~vehicles owned by the Commonwealth of Pennsylvania or the United~~
21 ~~States of America or its instrumentalities, which are loaned to~~
22 ~~and operated by State officers or employes or officers and~~
23 ~~enlisted [men] personnel of the Pennsylvania National Guard, the~~
24 ~~Pennsylvania Reserve Corps or its successor, and to procure~~
25 ~~public liability insurance covering all State employes,~~
26 ~~including members of boards and commissions, while engaged in~~
27 ~~the performance of their duties, and to purchase such insurance~~
28 ~~on a group basis, or otherwise, and the issuance of such~~
29 ~~insurance for State employes by any duly authorized insurance~~
30 ~~company in Pennsylvania, is hereby declared to be lawful, and,~~

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

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

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

29 ~~Section 5. Clause (d) of section 2702 of the act, amended~~
30 ~~April 25, 1949 (P.L.729, No.180), is amended to read:~~

1 SECTION 101. SHORT TITLE.

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

4 SECTION 102. PURPOSE.

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

11 SECTION 103. DEFINITIONS.

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

15 "COMMISSION." THE PENNSYLVANIA ETHICS COMMISSION.

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

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

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

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

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

30 "MUNICIPAL OFFICER." ALL ELECTED AND APPOINTED OFFICERS OF A

1 MUNICIPALITY, ALL EMPLOYEES THEREOF, AND SPECIALLY RETAINED
2 ADVISORS AND COUNSELORS.

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

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

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

13 "THING OF ECONOMIC VALUE":

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

18 (2) AN OPTION, IRRESPECTIVE OF THE CONDITIONS TO THE
19 EXERCISE OF SUCH OPTION;

20 (3) A PROMISE OR UNDERTAKING FOR PRESENT OR FUTURE
21 DELIVERY OR PROCUREMENT; OR

22 (4) AN ASSUMPTION OF A DEBT.

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

29 "TRANSACTION INVOLVING THE STATE." ANY PROCEEDING,
30 APPLICATION, SUBMISSION, REQUEST FOR A RULING OR OTHER

1 DETERMINATION, CONTRACT, CLAIM, CASE, OR OTHER SUCH PARTICULAR
2 MATTER WHICH THE STATE EMPLOYEE OR FORMER STATE EMPLOYEE IN
3 QUESTION BELIEVES, OR HAS REASON TO BELIEVE:

4 (1) IS, OR WILL BE, THE SUBJECT OF STATE ACTION;

5 (2) IS ONE TO WHICH THE STATE IS OR WILL BE A PARTY; OR

6 (3) IS ONE IN WHICH THE STATE HAS A DIRECT AND
7 SUBSTANTIAL PROPRIETARY INTEREST: PROVIDED, THAT NOTHING IN
8 THIS DEFINITION SHALL BE CONSTRUED TO PROHIBIT LEGISLATORS
9 WHO ARE ATTORNEYS AT LAW FROM:

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

13 (II) REPRESENTING CLIENTS BEFORE THE JUDICIAL BRANCH OF
14 STATE GOVERNMENT; OR

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

25 CHAPTER 2

26 COMMISSION CREATED

27 SECTION 201. PENNSYLVANIA ETHICS COMMISSION CREATED.

28 THERE IS HEREBY CREATED THE PENNSYLVANIA ETHICS COMMISSION
29 AND IT SHALL CONSIST OF THREE MEMBERS ALL BEING PRIVATE
30 CITIZENS. THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH

1 THE CONFIRMATION OF TWO-THIRDS OF THE SENATE. THE TERMS OF THE
2 FIRST MEMBERS SHALL BE ONE FOR ONE YEAR, ONE FOR THREE YEARS AND
3 ONE FOR FIVE YEARS. NO MORE THAN TWO MEMBERS SHALL BE FROM THE
4 SAME POLITICAL PARTY.

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

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

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

16 SECTION 202. POWERS AND DUTIES OF THE PENNSYLVANIA ETHICS
17 COMMISSION.

18 THE PENNSYLVANIA ETHICS COMMISSION SHALL HAVE THE POWER AND
19 ITS DUTIES SHALL BE:

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

28 (2) TO HOLD HEARINGS, TAKE TESTIMONY, ISSUE SUBPOENAS
29 AND COMPEL THE ATTENDANCE OF WITNESSES.

30 (3) TO MAKE RECOMMENDATIONS AND ADVISORY OPINIONS WHEN

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

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

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

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

20 CHAPTER 3

21 PROHIBITED ACTS

22 SECTION 301. LEGISLATORS.

23 NO LEGISLATOR SHALL:

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

28 (2) FOR A THING OF ECONOMIC VALUE SEEK TO INFLUENCE THE
29 AWARDED OF A CONTRACT.

30 (3) USE HIS OFFICIAL POSITION TO SECURE FOR HIMSELF OR

1 OTHERS A THING OF ECONOMIC VALUE, EXCEPT AS MAY BE PROVIDED
2 BY LAW.

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

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

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

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

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

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

29 SECTION 302. MUNICIPAL OFFICERS.

30 (A) NO MUNICIPAL OFFICER SHALL BE BENEFICIALLY INTERESTED,

1 DIRECTLY OR INDIRECTLY, IN ANY CONTRACT WHICH MAY BE MADE BY,
2 THROUGH OR UNDER THE SUPERVISION OF SUCH OFFICER, OR WHICH MAY
3 BE MADE FOR THE BENEFIT OF HIS OFFICE, OR ACCEPT, DIRECTLY OR
4 INDIRECTLY, ANY THING OF ECONOMIC VALUE IN CONNECTION WITH SUCH
5 CONTRACT FROM ANY PERSON BENEFICIALLY INTERESTED THEREIN:

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

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

17 (I) THAT OF A NONSALARIED OFFICER OF A NONPROFIT
18 CORPORATION.

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

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

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

29 (B) NO MUNICIPAL OFFICER SHALL PARTICIPATE IN A TRANSACTION
30 INVOLVING THE MUNICIPALITY IN THE CONSEQUENCES OF WHICH HE HAS

1 AN ECONOMIC INTEREST OF WHICH HE MAY REASONABLY BE EXPECTED TO
2 KNOW.

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

7 (1) HIS IMMEDIATE FAMILY;

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

11 (3) A PERSON WHO IS HIS TRUSTEE, PARTNER, OR EMPLOYEE;
12 OR

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

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

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

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

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

27 (E) NO MUNICIPAL OFFICER SHALL, EXCEPT IN THE COURSE OF HIS
28 OFFICIAL DUTIES OR INCIDENT THERETO, ASSIST ANOTHER PERSON IN
29 ANY TRANSACTION INVOLVING THE MUNICIPALITY:

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

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

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

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

(A) NO STATE EMPLOYEE SHALL:

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

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

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

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

(5) RECEIVE ANY THING OF ECONOMIC VALUE THAT WOULD
IMPAIR HIS INDEPENDENCE OF JUDGMENT, FOR HIS SERVICES AS AN

1 OFFICER OR EMPLOYEE OF ANY STATE AGENCY, FROM ANY SOURCE
2 OTHER THAN THE COMMONWEALTH, UNLESS OTHERWISE EXEMPTED BY LAW
3 OR DISCLOSED PURSUANT TO THIS ACT.

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

8 (B) NO STATE AGENCY SHALL:

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

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

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

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

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

29 (2) IF SUCH TRANSACTION IS OR HAS BEEN UNDER HIS

30 OFFICIAL RESPONSIBILITY AT ANY TIME WITHIN A PERIOD OF TWO

1 YEARS PRECEDING SUCH ASSISTANCE.

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

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

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

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

19 (1) HIS IMMEDIATE FAMILY.

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

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

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

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

29 (H) EVERY STATE EMPLOYEE SHALL DISQUALIFY HIMSELF FROM
30 PARTICIPATING IN A TRANSACTION INVOLVING THE STATE WHEN A

1 VIOLATION OF THIS ACT WOULD OTHERWISE RESULT. AN EMPLOYEE'S
2 ECONOMIC INTEREST SHALL NOT INCLUDE:

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

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

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

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

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

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

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

29 (4) THE SERVICES ARE NOT PERFORMED FOR OR COMPENSATED
30 FOR BY A PERSON FROM WHOM SUCH EMPLOYEE WOULD BE PROHIBITED

1 BY THE PROVISIONS OF THIS SECTION FROM RECEIVING A GIFT OR
2 ALTERNATELY, THE SERVICES AND COMPENSATION ARE FULLY
3 DISCLOSED IN WRITING TO THE HEAD OF THE EMPLOYEE'S AGENCY AND
4 ARE APPROVED IN WRITING BY HIM.

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

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

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

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

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

27 (K) NO STATE EMPLOYEE SHALL RECEIVE, ACCEPT, TAKE, SEEK, OR
28 SOLICIT, DIRECTLY OR INDIRECTLY, ANY THING OF ECONOMIC VALUE AS
29 A GIFT, GRATUITY, OR FAVOR FROM ANY PERSON IF SUCH STATE
30 EMPLOYEE HAS REASON TO BELIEVE THE DONOR WOULD NOT GIVE THE

1 GIFT, GRATUITY, OR FAVOR BUT FOR SUCH EMPLOYEE'S OFFICE OR
2 POSITION WITH THE STATE.

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

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

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

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

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

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

27 (O) NO STATE EMPLOYEE SHALL, EXCEPT IN THE COURSE OF HIS
28 OFFICIAL DUTIES OR INCIDENT THERETO, USE THE POWER OR AUTHORITY
29 OF HIS OFFICE OR POSITION WITH THE STATE IN HIS RELATIONSHIPS
30 WITH A PERSON MENTIONED IN THIS SECTION IN A MANNER INTENDED TO

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

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

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

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

18 (2) SUCH PERSON IS IN A STATUS SPECIFIED IN THIS
19 CHAPTER.

20 CHAPTER 4

21 DISCLOSURE

22 SECTION 401. INTERESTS REQUIRED TO BE DISCLOSED.

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

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

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

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

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

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

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

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

1 THAT THIS SECTION SHALL NOT APPLY TO PROCEEDINGS INVOLVING
2 ONLY THE UNCONTESTED AND ROUTINE ACTION OF ADMINISTRATIVE
3 OFFICERS OR EMPLOYEES OF THE COMMONWEALTH IN ISSUING OR
4 RENEWING A LICENSE, CHARTER, CERTIFICATE OR SIMILAR DOCUMENT.

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

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

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

8 SECTION 402. DISCLOSURE STATEMENTS CONTAINING INFORMATION IN
9 EXCESS OF THE REQUIREMENT OF THIS ACT.

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

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

18 SECTION 403. INTEREST OF FAMILY DEEMED INTEREST OF PUBLIC
19 SERVANT.

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

23 SECTION 404. DISCLOSURE STATEMENTS TO BE PUBLIC RECORD.

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

29 SECTION 405. PROCEDURES.

30 (A) THE DISCLOSURE STATEMENT SHALL BE FILED BY THE PUBLIC

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

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

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

20 CHAPTER 5

21 PENALTIES

22 SECTION 501. VOID CONTRACTS.

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

30 (B) IN ANY ACTION TO AVOID A CONTRACT PURSUANT TO THIS

1 SECTION THE INTERESTS OF THIRD PARTIES WHO MAY BE DAMAGED
2 THEREBY SHALL BE TAKEN INTO ACCOUNT.

3 SECTION 502. FORFEITURE OF OFFICE.

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

10 SECTION 503. UNLAWFUL EMPLOYMENT.

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

20 SECTION 504. FINE AND IMPRISONMENT.

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

30 CHAPTER 6

1 NONSEVERABILITY CLAUSE; EFFECTIVE DATE

2 SECTION 601. NONSEVERABILITY CLAUSE.

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

9 SECTION 602. EFFECTIVE DATE.

10 THE ACT SHALL TAKE EFFECT JULY 1, 1979.