
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 75

Session of
1989

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SCRIMENTI, BISHOP, LANGTRY AND BROUJOS, JANUARY 24, 1989

SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, AS
AMENDED, MAY 23, 1989

AN ACT

1 Reenacting and amending the act of October 4, 1978 (P.L.883,
2 No.170), entitled "An act relating to conflicts of interest
3 involving certain public officials serving in State or State
4 agencies and local political subdivision positions and
5 prohibiting certain public employees from engaging in certain
6 conflict of interest activities requiring certain disclosures
7 and providing penalties," adding definitions; further
8 providing for the membership, powers and duties of the State
9 Ethics Commission and for persons who must file statements of
10 financial interests; reestablishing the State Ethics
11 Commission; and making an appropriation.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9
15 and 10 of the act of October 4, 1978 (P.L.883, No.170), referred

1 to as the Public Official and Employee Ethics Law, are reenacted
2 and amended to read:

3 AN ACT

4 Relating to conflicts of interest involving certain public
5 officials serving in State or State agencies and local
6 political subdivision positions and prohibiting certain
7 public employees from engaging in certain conflict of
8 interest activities requiring certain disclosures and
9 providing penalties.

10 Section 1. Purpose.

11 (a) The Legislature hereby declares that public office is a
12 public trust and that any effort to realize personal financial
13 gain through public office other than compensation provided by
14 law is a violation of that trust. In order to strengthen the
15 faith and confidence of the people of the State in their
16 government, the Legislature further declares that the people
17 have a right to be assured that the financial interests of
18 holders of or nominees or candidates for public office do not
19 [present neither a conflict nor the appearance of a] conflict
20 with the public trust. Because public confidence in government
21 can best be sustained by assuring the people of the impartiality
22 and honesty of public officials, this act shall be liberally
23 construed to promote complete disclosure. Furthermore, it is
24 recognized that clear guidelines are needed in order to guide
25 public officials and employees in their actions. Thus, the
26 General Assembly by this act intends to define as clearly as
27 possible those areas which represent conflict with the public
28 trust.

29 (b) It is recognized that many public officials, including
30 most local officials and members of the General Assembly, are

1 citizen-officials who bring to their public office the knowledge
2 and concerns of ordinary citizens and taxpayers. They should not
3 be discouraged from maintaining their contacts with their
4 community through their occupations and professions. Thus, in
5 order to foster maximum compliance with its terms, this act
6 shall be administered in a manner that emphasizes guidance to
7 public officials and public employees regarding the ethical
8 standards established by this act.

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

14 Section 2. Definitions.

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

18 "Advice." Any directive of the general counsel of the
19 commission issued under section 7(11) and based exclusively on
20 prior commission opinions, this act, regulations promulgated
21 pursuant to this act, and court opinions which interpret this
22 act.

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

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

1 for profit.

2 "Business with which he is associated." Any business in
3 which the person or a member of the person's immediate family is
4 a director, officer, owner, employee or [holder of stock] has a
5 financial interest.

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

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

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

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

27 "Commission." The State Ethics Commission.

28 ["Compensation." Anything of economic value, however
29 designated, which is paid, loaned, granted, given, donated or
30 transferred, or to be paid, loaned, granted, given, donated or

1 transferred for or in consideration of personal services to any
2 person, official or to the State.]

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

6 "Conflict" or "conflict of interest." Use by a public
7 official or public employee of the authority of his office or
8 employment or any confidential information received through his
9 holding public office or employment for the private pecuniary
10 benefit of himself, a member of his immediate family or a
11 business with which he or a member of his immediate family is
12 associated. "Conflict" or "conflict of interest" does not
13 include an action having a de minimis economic impact or which
14 affects to the same degree a class consisting of the general
15 public or a subclass consisting of an industry, occupation or
16 other group which includes the public official or public
17 employee, a member of his immediate family or a business with
18 which he or a member of his immediate family is associated.

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

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

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

8 "Financial interest." Any financial interest in a legal
9 entity engaged in business for profit which comprises more than
10 5% of the equity of the business or more than 5% of the assets
11 of the economic interest in indebtedness.

12 "Findings report." An initial report containing findings of
13 fact as determined by the commission's investigation but not
14 containing any conclusions of law or any determination of
15 whether there has been a violation of law.

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

18 "Gift." [A payment, subscription, advance, forbearance,
19 rendering or deposit of money, services or anything of value,
20 unless consideration of equal or greater value is received]
21 Anything which is received without the exchange of consideration <—
22 of equal OR GREATER value. "Gift" shall not include a political <—
23 contribution otherwise reported as required by law[,] or a
24 commercially reasonable loan made in the ordinary course of
25 business[, or a gift received from a member of the person's
26 immediate family or from a relative within the third degree of
27 consanguinity of the person or of the person's spouse or from
28 the spouse of any such relative].

29 "Governmental body." Any department, authority, commission,
30 committee, council, board, bureau, division, service, office,

1 officer, administration, legislative body, or other
2 establishment in the Executive, Legislative or Judicial Branch
3 of the State or a political subdivision thereof.

4 "Governmental body with which a public official or public
5 employee is or has been associated." The entity within State
6 government or a political subdivision by which the public
7 official or employee is or has been employed or to which the
8 public official or employee is or has been appointed or elected
9 and subdivisions and offices within that entity.

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

16 "Immediate family." [A spouse residing in the person's
17 household and minor dependent children.] A parent, spouse,
18 child, brother or sister.

19 "Income." Any money or thing of value received, or to be
20 received as a claim on future services or in recognition of
21 services rendered in the past, whether in the form of a payment,
22 fee, salary, expense, allowance, forbearance, forgiveness,
23 interest, dividend, royalty, rent, capital gain, reward,
24 severance payment, proceeds from the sale of a financial
25 interest in a corporation, professional corporation, partnership
26 or other entity resulting from termination or withdrawal
27 therefrom upon assumption of public office or employment or any
28 other form of recompense or any combination thereof. "Income"
29 refers to gross income and includes prize winnings and tax-
30 exempt income. The term does not include honoraria, gifts,

1 governmentally mandated payments or benefits, retirement,
2 pension or annuity payments funded totally by contributions of
3 the public official or employee, or miscellaneous, incidental
4 income of minor dependent children.

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

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

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

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

18 "Opinion." A directive of the commission issued pursuant to
19 section 7(10) setting forth a public official's or public
20 employee's duties under this act.

21 "Order." A directive of the commission issued pursuant to
22 section 7(13) at the conclusion of an investigation which
23 contains findings of fact, conclusions of law and penalties.

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

27 "Political contribution." Any advance, conveyance, deposit,
28 distribution, transfer of funds, loan, payment, pledge, purchase
29 of a ticket to a testimonial or similar fund-raising affair, or
30 subscription of money or anything of value, except volunteer

1 services, in connection with a political campaign, and any
2 contract, agreement, promise, or other obligations, whether or
3 not legally enforceable, to make a political contribution.

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

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

12 (1) contracting or procurement;

13 (2) administering or monitoring grants or subsidies;

14 (3) planning or zoning;

15 (4) inspecting, licensing, regulating or auditing any
16 person; or

17 (5) any other activity where the official action has an
18 economic impact of greater than a de minimis nature on the
19 interests of any person.

20 "Public employee" shall not include individuals who are employed
21 by the State or any political subdivision thereof in teaching as
22 distinguished from administrative duties.

23 "Public official." Any [elected] person elected by the
24 public or appointed official in the Executive, Legislative or
25 Judicial Branch of the State or any political subdivision
26 thereof, provided that it shall not include members of advisory
27 boards that have no authority to expend public funds other than
28 reimbursement for personal expense, or to otherwise exercise the
29 power of the State or any political subdivision thereof.

30 ["Public official" shall not include any appointed official who

1 receives no compensation other than reimbursement for actual
2 expenses.]

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

8 "State consultant." A person who, as an independent
9 contractor, performs professional, scientific, technical or
10 advisory service for a State agency, and who receives a fee,
11 honorarium or similar compensation for such services. A "State
12 consultant" is not an executive-level employee.

13 Section 3. Restricted activities.

14 (a) [No public official or public employee shall use his
15 public office or any confidential information received through
16 his holding public office to obtain financial gain other than
17 compensation provided by law for himself, a member of his
18 immediate family, or a business with which he is associated] No
19 public official or public employee shall engage in conduct that
20 constitutes a conflict of interest.

21 (b) No person shall offer or give to a public official, [or]
22 public employee or nominee or candidate for public office or a
23 member of his immediate family or a business with which he is
24 associated, based on the offeror's or donor's understanding that
25 the vote, official action or judgment of the public official or
26 public employee or nominee or candidate for public office would
27 be influenced thereby, and no public official, [or] public
28 employee or nominee or candidate for public office shall solicit
29 or accept, anything of monetary value, including a gift, loan,
30 political contribution, reward, or promise of future employment

1 based on any understanding of that public official, public
2 employee or nominee that the vote, official action, or judgment
3 of the public official or public employee or nominee or
4 candidate for public office would be influenced thereby.

5 (c) (1) No public official or public employee shall accept
6 an honorarium.

7 (2) This subsection shall not be applied retroactively.

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

11 (2) This subsection shall not prohibit:

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

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

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

29 (4) This subsection shall not be applied retroactively.

30 [(c)] (e) No public official or public employee or [a member

1 of his immediate family or any business in which the person or a
2 member of the person's immediate family is a director, officer,
3 owner or holder of stock exceeding 5% of the equity at fair
4 market value of the business] his spouse or child or any
5 business in which the person or his spouse or child is
6 associated shall enter into any contract valued at \$500 or more
7 [with a governmental body unless the contract has been awarded
8 through an open and public process, including prior public
9 notice and subsequent public disclosure of all proposals
10 considered and contracts awarded.] with the governmental body
11 with which the public official or public employee is associated
12 or any subcontract valued at \$500 or more with any person who
13 has been awarded a contract with the governmental body with
14 which the public official or public employee is associated,
15 unless the contract has been awarded through an open and public
16 process, including prior public notice and subsequent public
17 disclosure of all proposals considered and contracts awarded. IN ←
18 SUCH A CASE, THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL NOT
19 HAVE ANY SUPERVISORY OR OVERALL RESPONSIBILITY FOR THE
20 IMPLEMENTATION OR ADMINISTRATION OF THE CONTRACT. Any contract
21 or subcontract made in violation of this subsection shall be
22 voidable by a court of competent jurisdiction if the suit is
23 commenced within 90 days of the making of the contract or
24 subcontract.

25 [(d) Other areas of possible conflict shall be addressed by
26 the commission pursuant to paragraph (9) of section 7.]

27 [(e)] (f) No former public official or public employee shall
28 represent a person, with [or without] promised or actual
29 compensation, on any matter before the governmental body with
30 which he has been associated for one year after he leaves that

1 body.

2 [(f)] (g) No person shall use for any commercial purpose
3 information copied from statements of financial interests
4 required by this act or from lists compiled from such
5 statements.

6 [(g)] (h) No former executive-level State employee may for a
7 period of two years from the time that he terminates his State
8 employment be employed by, receive compensation from, assist or
9 act in a representative capacity for a business or corporation
10 that he actively participates in recruiting to the Commonwealth
11 of Pennsylvania or that he actively participated in inducing to
12 open a new plant, facility or branch in the Commonwealth or that
13 he actively participated in inducing to expand an existent plant
14 or facility within the Commonwealth, provided that the above
15 prohibition shall be invoked only when the recruitment or
16 inducement is accomplished by a grant or loan of money or a
17 promise of a grant or loan of money from the Commonwealth to the
18 business or corporation recruited or induced to expand.

19 [(h) (1) Any individual who holds an appointive office in
20 any political subdivision shall not have an interest in any
21 contract or construction in which that political subdivision
22 shall enter or have an interest.

23 (2) Any person violating the provisions of this
24 subsection shall be barred for a period of five years from
25 engaging in any business or contract with any political
26 subdivision or the Commonwealth or any of its agencies.

27 (3) For purposes of this subsection the term "interest"
28 shall not include the ownership of shares of stock in any
29 corporation in an amount of 5% or less of the total issue for
30 said corporation.]

1 agency, body or bureau in which he is employed or to which he is
2 appointed or elected no later than May 1 of each year that he
3 holds such a position and of the year after he leaves such a
4 position. Any other public employee or public official shall
5 file a statement of financial interests with the governing
6 authority of the political subdivision by which he is employed
7 or within which he is appointed or elected no later than May 1
8 of each year that he holds such a position and of the year after
9 he leaves such a position. Persons who are full-time or part-
10 time solicitors for political subdivisions are required to file
11 under this section.

12 [(b) Each candidate for public office shall file a statement
13 of financial interests for the preceding calendar year with the
14 commission prior to filing a petition to appear on the ballot
15 for election as a public official. A petition to appear on the
16 ballot shall not be accepted by an election official unless the
17 petition includes an affidavit that the candidate has filed the
18 required statement of financial interests with the commission.]

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

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

1 shall also be appended to such petition.

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

10 (c) Each [candidate] nominee for public office [nominated by
11 a public official or governmental body and subject to
12 confirmation by a public official or governmental body] shall
13 file a statement of financial interests for the preceding
14 calendar year with the commission and with the official or body
15 that is vested with the power of confirmation at least ten days
16 before the official or body shall approve or reject the
17 nomination.

18 (d) No public official shall be allowed to take the oath of
19 office or enter or continue upon his duties, nor shall he
20 receive compensation from public funds, unless he has filed a
21 statement of financial interests [with the commission] as
22 required by this act.

23 (e) [(1) Any candidate for State or county-wide public
24 office shall file a statement of financial interests with the
25 commission pursuant to this act and shall file a copy of that
26 statement with the Board of Elections in the county in which
27 the candidate resides.

28 (2) Any candidate for local office shall file a
29 statement of financial interests with the commission pursuant
30 to this act and shall file a copy of that statement with the

1 governing authority of the political subdivision in which he
2 is a candidate.

3 (f)] All statements of financial interest filed pursuant to
4 the provisions of this act shall be made available for public
5 inspection and copying during regular office hours, and copying
6 facilities shall be made available at a charge not to exceed
7 actual cost.

8 Section 5. Statement of financial interests.

9 (a) The statement of financial interests filed pursuant to
10 this act shall be on a form prescribed by the commission. All
11 information requested on the statement shall be provided to the
12 best of the knowledge, information and belief of the person
13 required to file and shall be signed under [penalty of perjury
14 by the person required to file the statement] oath or equivalent
15 affirmation.

16 (b) The statement shall include the following information
17 for the prior calendar year with regard to the person required
18 to file the statement [and the members of his immediate family].

19 (1) [The name] Name, address and public position [of the
20 person required to file the statement].

21 (2) [The occupations or professions of the person
22 required to file the statement and those of his immediate
23 family] Occupation or profession.

24 (3) Any direct or indirect interest in any real estate
25 which was sold or leased to the Commonwealth, any of its
26 agencies or political subdivisions; purchased or leased from
27 the Commonwealth, any of its agencies or political
28 subdivisions; or which was the subject of any condemnation
29 proceedings by the Commonwealth, any of its agencies or
30 political subdivisions.

1 (4) The name and address of each creditor to whom is
2 owed in excess of \$5,000 and the interest rate thereon.
3 However, loans or credit extended between members of the
4 immediate family and mortgages securing real property which
5 is the principal or secondary residence of the person filing
6 [or of his spouse] shall not be included.

7 (5) The name and address of any [person who is the]
8 direct or indirect source of income totalling in the
9 aggregate [\$500] \$1,000 or more. However, this provision
10 shall not be construed to require the divulgence of
11 confidential information protected by statute or existing
12 professional codes of ethics or common law privileges.

13 [(6) The name and address of any person from whom a gift
14 or gifts valued in the aggregate at \$200 or more were
15 received, and the value and the circumstances of each gift.
16 However, this provision shall not be applicable to gifts
17 received from the individual's spouse, parents, parents by
18 marriage, siblings, children or grandchildren.

19 (7) The source of any honorarium received which is in
20 excess of \$100.]

21 (6) The name and address of the source and the amount of
22 any gift or gifts valued in the aggregate at \$200 or more and
23 the circumstances of each gift. This paragraph shall not
24 apply to a gift or gifts received from a spouse, parent,
25 parent by marriage, sibling, child, grandchild, other family
26 member or friend when the circumstances make it clear that
27 the motivation for the action was a personal or family
28 relationship. However, for the purposes of this subsection,
29 the term "friend" shall not include a registered lobbyist or
30 an employee of a registered lobbyist. This paragraph shall

1 not be applied retroactively.

2 (7) (i) The name and address of the source and the
3 amount of any payment for or reimbursement of actual
4 expenses for transportation and lodging or hospitality
5 received in connection with public office or employment
6 where such actual expenses for transportation, lodging or
7 hospitality exceed \$200 in the course of a single
8 occurrence. This paragraph shall not apply to expenses
9 reimbursed by the governmental body with which the public
10 official or employee is associated, OR TO EXPENSES ←
11 REIMBURSED BY AN ORGANIZATION OR ASSOCIATION OF PUBLIC
12 OFFICIALS OR EMPLOYEES OF POLITICAL SUBDIVISIONS WHICH
13 THE PUBLIC OFFICIAL OR EMPLOYEE SERVES IN AN OFFICIAL
14 CAPACITY.

15 (ii) This paragraph shall not be applied
16 retroactively.

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

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

21 (10) The identity of any financial interest in a
22 business with which the reporting person is or has been
23 associated in the preceding calendar year which has been
24 transferred to a member of the reporting person's immediate
25 family.

26 (c) [The] Except where an amount is required to be reported
27 pursuant to paragraphs (6) and (7), the statement of financial
28 [interest] interests need not include specific amounts for [any
29 of] the items required to be listed.

30 Section 6. State Ethics Commission.

1 (a) There is established a State Ethics Commission composed
2 of seven members[,]. The President pro tempore of the Senate,
3 the Minority Leader of the Senate, the Speaker of the House, and
4 the Minority Leader of the House shall each appoint one member.
5 Three members shall be appointed by the Governor without
6 confirmation. No more than two of the members appointed by the
7 Governor shall be of the same political party. No appointee
8 shall have served as an officer in a political party for one
9 year prior to his appointment.

10 (b) Members of the commission shall serve for terms of five
11 years[, except that, of the members first appointed:

12 (1) the two members appointed by the President pro
13 tempore and Minority Leader of the Senate shall serve for
14 four years;

15 (2) the two members appointed by the Speaker and the
16 Minority Leader of the House shall serve for two years; and

17 (3) of the three members appointed by the Governor two
18 shall serve for three years, and one shall serve for five
19 years].

20 (c) No member shall be appointed to more than one full five-
21 year term on the commission.

22 (d) No individual, while a member or employee of the
23 commission, shall:

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

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

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

29 (4) directly or indirectly attempt to influence any
30 decision by a governmental body, other than a court of law or

1 as a representative of the commission on a matter within the
2 jurisdiction of the commission; or

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

6 (e) A majority of the commission by resolution shall declare
7 vacant the position on the commission of any member who takes
8 part in activities prohibited by subsection (d). An individual
9 appointed to fill a vacancy occurring other than by the
10 expiration of a term of office shall be appointed for the
11 unexpired term of the member he succeeds, and is eligible for
12 appointment to one full five-year term thereafter. Any vacancy
13 occurring on the commission shall be filled within 30 days in
14 the manner in which that position was originally filled.

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

18 (g) Four members of the commission shall constitute a quorum
19 and the votes of a majority of the members present is required
20 for any action or recommendation of the commission. The chairman
21 or any four members of the commission may call a meeting
22 provided that advance written notice is mailed to each member
23 and to any person who requests notice of such meetings.

24 (h) Members of the commission shall be compensated at a rate
25 of [~~\$50~~] \$125 per day and shall receive reimbursement for their
26 actual and necessary expenses while performing the business of
27 the commission.

28 (i) The commission shall employ an executive director, a
29 [general] chief counsel, and such other staff as are necessary
30 to carry out its duties pursuant to this act. The executive

1 director shall be responsible for the administrative operations
2 of the commission and shall perform such other duties as may be
3 delegated or assigned to him by the commission, except that the
4 commission shall not delegate the making of regulations to the
5 executive director. The [general] chief counsel shall be the
6 chief legal officer of the commission. The commission may obtain
7 the services of experts and consultants as necessary to carry
8 out its duties pursuant to this act. The State Treasurer and the
9 Attorney General shall make available to the commission such
10 personnel, facilities, and other assistance as the commission
11 may request.

12 Section 7. [Duties] Powers and duties of the commission.

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

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

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

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

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

26 (5) Inspect statements of financial interests which have
27 been filed in order to ascertain whether any reporting person
28 has failed to file such a statement or has filed a deficient
29 statement. If, upon inspection, it is determined that a
30 reporting person has failed to file a statement of financial

1 interests or that any statement which has been filed fails to
2 conform with the requirements of section 5, then the
3 commission shall, in writing, notify the person. Such notice
4 shall state in detail the deficiency and the penalties for
5 failure to file or for filing a deficient statement of
6 financial interests.

7 [(5) Make] (6) Provide that statements and reports
8 filed with the commission be made available for public
9 inspection and copying during regular office hours and [make]
10 provide that copying facilities be made available at a charge
11 not to exceed actual cost and advise other State and local
12 agencies of the provisions of this paragraph.

13 [(6)] (7) Compile and maintain an index of all reports
14 and statements filed with the commission to facilitate public
15 access to such reports and statements and instruct other
16 State and local agencies which receive and file financial
17 interest statements in the maintenance of systems which
18 facilitate public access to such statements.

19 [(7)] (8) Prepare and publish annual summaries of
20 statements and reports filed with the commission.

21 [(8)] (9) Preserve statements and reports filed with the
22 commission for a period of five years from date of receipt
23 and advise other State and local agencies which receive and
24 store financial interests statements to preserve such
25 statements for a period of five years from date of receipt.

26 [(9) (i)] (10) Issue to any person, upon such person's
27 request, an opinion with respect to such person's duties
28 under this act. The commission shall, within 14 days, either
29 issue the opinion or advise the person who made the request
30 whether an opinion will be issued. No person who acts in good

1 faith on an opinion issued to him by the commission shall be
2 subject to criminal or civil penalties for so acting,
3 provided that the material facts are as stated in the opinion
4 request. The commission's opinions shall be public records
5 and may from time to time be published. The person requesting
6 the opinion may, however, require that the opinion shall
7 contain such deletions and changes as shall be necessary to
8 protect the identity of the persons involved.

9 [(ii)] (11) Provide written advice to any person or
10 the appointing authority or employer of said official, upon
11 their request with respect to such person's duties under this
12 act. Such advice shall be provided within 21 working days of
13 the request, provided that the time may be extended for good
14 cause. It shall be a complete defense in any enforcement
15 proceeding initiated by the commission, and evidence of good
16 faith conduct in any other civil or criminal proceeding, if
17 the requester, at least 21 working days prior to the alleged
18 violation, requested written advice from the commission in
19 good faith, disclosed truthfully all the material facts and
20 committed the acts complained of either in reliance on the
21 advice or because of the failure of the commission to provide
22 advice within 21 days of the request [of] or such later
23 extended time. The person requesting the advice may, however,
24 require that the advice shall contain such deletions and
25 changes as shall be necessary to protect the identity of the
26 persons involved.

27 [(iii)] (12) Initiate an inquiry, pursuant to
28 section 8(a), where [an opinion] a complaint has not been
29 [requested] filed but where there is a reasonable belief that
30 a conflict may exist. [Such inquiry shall be conducted in

1 privacy with full respect to the confidentiality of all the
2 parties involved in the alleged conflict. If the commission
3 finds that there is a conflict, the information shall be
4 provided for criminal proceedings unless the alleged offender
5 removes himself from the conflict with receiving financial
6 gain.

7 (iv) Issue advisory opinions to any present or
8 former State employee who contemplates terminating his
9 State employment and/or becoming employed by, contracting
10 with, assisting or acting in a representative capacity
11 for a business or corporation, upon such employee's
12 request. That opinion shall state whether, upon the facts
13 presented, such employment, contract, assistance or
14 representation would be in violation of section 3(g). If
15 the advisory opinion states that such employment,
16 contract, assistance or representation would not be in
17 violation of the provisions of section 3(g), the person
18 who requested the opinion may not be prosecuted or
19 penalized, either criminally or civilly, under the
20 provisions of this act provided that the actions under
21 question bear a substantial similarity to the facts
22 presented to the commission.]

23 (13) Issue findings reports and orders relating to
24 investigations initiated pursuant to section 8, which set
25 forth the alleged violation, findings of fact and conclusions
26 of law. An order may include recommendations to law
27 enforcement officials. Any order resulting from a finding
28 that a public official or public employee has obtained a
29 financial gain in violation of this act may require the
30 restitution plus interest of that gain to the appropriate

1 governmental body. The commission or the Office of Attorney
2 General shall have standing to apply to the Commonwealth
3 Court to seek enforcement of an order requiring such
4 restitution. This restitution requirement shall be in
5 addition to any other penalties provided for in this act.

6 [(10)] (14) Hold hearings, take testimony, issue
7 subpoenas and compel the attendance of witnesses.

8 [(11)] (15) Make recommendations to law enforcement
9 officials either for criminal prosecution or dismissal of
10 charges arising out of violations of this act.

11 [(12)] (16) Prepare and publish special reports,
12 educational materials, and technical studies to further the
13 purposes of this act.

14 [(13)] (17) Prepare and publish, prior to June 1 of each
15 year, an annual report summarizing the activities of the
16 commission.

17 (18) Transmit, free of charge, copies of each order,
18 advice and opinion which has become a matter of public record
19 to the Governor, each member of the General Assembly and at <—
20 least one public library in each county. QUARTERLY TO THE LAW <—
21 LIBRARY OF EACH COUNTY, ONE PUBLIC LIBRARY IN EACH COUNTY,
22 THE STATE LIBRARY, THE STATE SENATE LIBRARY, THE PENNSYLVANIA
23 ASSOCIATION OF COUNTY COMMISSIONERS, THE PENNSYLVANIA
24 ASSOCIATION OF BOROUGHs, THE PENNSYLVANIA STATE ASSOCIATION
25 OF TOWNSHIP SUPERVISORS, THE PENNSYLVANIA STATE ASSOCIATION
26 OF TOWNSHIP COMMISSIONERS, THE PENNSYLVANIA SCHOOL BOARDS
27 ASSOCIATION AND THE PENNSYLVANIA LEAGUE OF CITIES.

28 (19) Hold at least two public hearings each year, of
29 which at least one shall be held in Harrisburg and at least
30 one shall be held in a location other than Harrisburg, to

1 seek input from persons and organizations who represent any
2 individual subject to the provisions of this act and from
3 other interested parties.

4 Section 8. Investigations by the commission.

5 (a) Upon a complaint signed under penalty of perjury by any
6 person or upon its own motion, the commission [shall
7 investigate], through its executive director, shall conduct a
8 preliminary inquiry into any alleged violation of this act. [All
9 commission proceedings and records relating to an investigation
10 shall be confidential until a final determination is made by the
11 commission. The executive director shall notify any person under
12 investigation by the commission of the investigation and of the
13 nature of the alleged violation within five days of the
14 commencement of the investigation. Within 15 days of the filing
15 of a sworn complaint by a person alleging a violation, and every
16 30 days thereafter until the matter is terminated, the executive
17 director shall notify the complainant of the action taken to
18 date by the commission together with the reasons for such action
19 or nonaction.] The commission shall keep information, records
20 and proceedings relating to a preliminary inquiry confidential.
21 The commission shall, however, have the authority to refer the
22 case to law enforcement officials during a preliminary inquiry
23 or anytime thereafter without providing notice to the subject of
24 the inquiry. The commission shall complete its preliminary
25 inquiry within 60 days of its initiation.

26 (b) If a preliminary [investigation] inquiry fails to
27 [indicate probable cause for belief] establish reason to believe
28 that this act has been violated, the commission shall terminate
29 the [investigation] inquiry and so notify the complainant and
30 the person who had been [under investigation.] the subject of

1 the inquiry. If the commission determines that a complaint is
2 frivolous, it shall so state.

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

30 (d) If an investigation conducted under this act indicates

1 that no violation has been committed, the commission shall
2 immediately terminate the investigation and send written notice
3 of such determination to the complainant and the person who was
4 the subject of the investigation.

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

24 (f) Within 30 days of the receipt by the commission of the
25 hearing record, or if no hearing is to be held, within 30 days
26 of the receipt by the commission of the response to the findings
27 report, the commission shall issue an order which shall be
28 final. Upon receipt of a final order, the subject shall have the
29 right to file a petition for reconsideration in accordance with
30 the regulations of the commission.

1 (g) Hearings conducted pursuant to this section shall be
2 closed to the public unless the subject requests an open
3 hearing. Any person who appears before the commission shall have
4 all of the due process rights, privileges and responsibilities
5 of a party or witness appearing before an administrative agency
6 of this Commonwealth. All witnesses summoned for such hearings
7 shall receive reimbursement for reasonable expenses in
8 accordance with 42 Pa.C.S. § 5903 (relating to compensation and
9 expenses of witnesses). At the conclusion of a hearing
10 concerning an alleged violation and in a timely manner, the
11 commission shall deliberate on the evidence and determine, by
12 majority vote of the members present, whether there has been a
13 violation of this act. At least four members of the commission
14 present at a meeting must find a violation beyond a reasonable <—
15 doubt CLEAR AND CONVINCING PROOF. The names of the members <—
16 finding a violation and the names of those dissenting and
17 abstaining shall be listed in the order. The determination of
18 the commission, in the form of a final order and findings of
19 fact, shall be a matter of public record.

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

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

29 (j) No public official or public employee shall discharge
30 any official or employee or change his official rank, grade or

1 compensation, or deny him a promotion, or threaten to do so, for
2 filing a complaint with or providing information to the
3 commission or testifying in any commission proceeding. No member
4 of the commission and no employee of the commission shall
5 discharge any employee of the commission or change his official
6 rank, grade or compensation, or threaten to do so, for providing
7 any information about the internal operations of the commission,
8 not required by law to be kept secret, to any legislator or
9 legislative staff member, or testifying in any legislative
10 proceeding.

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

18 (1) final orders of the commission as provided in
19 section 8(h);

20 (2) hearings conducted in public pursuant to section
21 8(g);

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

23 (4) filing an appeal from a commission order;

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

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

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

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

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

9 (L) IF A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS REASON TO <—
10 BELIEVE THE COMPLAINT IS FRIVOLOUS AS DEFINED BY THIS ACT, OR
11 WITHOUT PROBABLE CAUSE AND MADE PRIMARILY FOR A PURPOSE OTHER
12 THAN THAT OF REPORTING A VIOLATION OF THIS ACT, OR A PERSON
13 PUBLICLY DISCLOSED OR CAUSED TO BE DISCLOSED THAT A COMPLAINT
14 AGAINST THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS BEEN FILED
15 WITH THE COMMISSION, THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE
16 SHALL NOTIFY THE COMMISSION AND THE COMMISSION, THROUGH ITS
17 EXECUTIVE DIRECTOR, SHALL CONDUCT AN INVESTIGATION.

18 ~~(L)~~ (M) The commission may conduct an investigation within <—
19 five years after the alleged occurrence of any violation of this
20 act.

21 Section 9. Penalties.

22 (a) Any person who violates the provisions of section 3(a)
23 [and (b)] , (b) and (c) is guilty of a felony and shall be fined
24 not more than \$10,000 or imprisoned for not more than five
25 years, or be both fined and imprisoned.

26 (b) Any person who violates the provisions of section [3(c)]
27 3(d) through [(h) or] (i), section 4 or section 5(a) is guilty
28 of a misdemeanor and shall be fined not more than \$1,000 or
29 imprisoned for not more than one year, or be both fined and
30 imprisoned.

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

9 (d) The penalties prescribed in this act do not limit the
10 power of either House of the Legislature to discipline its own
11 members or impeach a public official, and do not limit the power
12 of agencies or commissions to discipline officials or employees.

13 (e) Any person who violates the confidentiality of a
14 commission proceeding pursuant to section 8, is guilty of a
15 misdemeanor and shall be fined not more than \$1,000 or
16 imprisoned for not more than one year, or be both fined and
17 imprisoned. Any person who engages in retaliatory activity
18 proscribed by section 8(j) is guilty of a misdemeanor and, in
19 addition to any other penalty provided by law, shall be fined
20 not more than \$1,000 or imprisoned for not more than one year,
21 or be both fined and imprisoned. Any person who willfully
22 affirms or swears falsely in regard to any material matter
23 before a commission proceeding pursuant to section 8 is guilty
24 of a felony and shall be fined not more than \$5,000 or
25 imprisoned for not more than five years, or be both fined and
26 imprisoned.

27 (f) In addition to any other civil remedy or criminal
28 penalty provided for in this act, the commission may, after
29 notice has been served in accordance with paragraph (5) of
30 section 7 and upon a majority vote of its members, levy a civil

1 penalty upon any person subject to this act who fails to file a
2 statement of financial interests in a timely manner or who files
3 a deficient statement of financial interests, at a rate of not
4 more than \$25 for each day such statement remains delinquent or
5 deficient. The maximum penalty payable under this paragraph is
6 \$250.

7 (g) A public official of a political subdivision who acts in
8 good faith reliance on a written, nonconfidential opinion of the
9 solicitor of the political subdivision or upon an opinion of the
10 solicitor of the political subdivision, publicly stated at an
11 open meeting of the political subdivision and recorded in the
12 official minutes of the meeting shall not be subject to the
13 penalties provided for in subsections (a) and (b), nor for the
14 treble damages provided for in subsection (c).

15 Section 10. [Court employees.] Constables.

16 Nothing in this act, or in any other law or court rule shall
17 be construed to prohibit any constable [or any employee of a
18 court of common pleas, the Municipal Court of Philadelphia, the
19 Traffic Court of Philadelphia, or any employee of a district
20 justice] from also being an officer of a political body or
21 political party as such terms are defined in the act of June 3,
22 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
23 Code," and the same may hold the office of a county, State or
24 national committee of any political party, and may run for and
25 hold any elective office, and may participate in any election
26 day activities.

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

28 Section 10.1. Wrongful use of act.

29 (a) A person who signs a complaint alleging a violation of
30 this act against another is subject to liability for wrongful

1 use of this act if:

2 ~~(1) (i) he acted in a grossly negligent manner or~~ <—
3 ~~without probable cause and primarily for a purpose other than~~
4 ~~that of reporting a violation of this act; or~~

5 ~~(ii) he publicly disclosed or caused to be disclosed~~
6 ~~that a complaint against a person had been filed with the~~
7 ~~commission; and~~

8 ~~(2) the complaint was frivolous as defined by this act~~
9 ~~or there was a lack of probable cause for belief that this~~
10 ~~act had been violated by the person.~~

11 (1) THE COMPLAINT WAS FRIVOLOUS, AS DEFINED BY THIS ACT, <—
12 OR WITHOUT PROBABLE CAUSE AND MADE PRIMARILY FOR A PURPOSE
13 OTHER THAN THAT OF REPORTING A VIOLATION OF THIS ACT; OR

14 (2) HE PUBLICLY DISCLOSED OR CAUSED TO BE DISCLOSED THAT
15 A COMPLAINT AGAINST A PERSON HAD BEEN FILED WITH THE
16 COMMISSION.

17 (b) A person who signs a complaint alleging a violation of
18 this act has probable cause for doing so if he reasonably
19 believes in the existence of the facts upon which the claim is
20 based and either:

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

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

27 (c) When the commission determines that a complainant has
28 violated the provisions set forth in section 10.1(a) the
29 commission upon receiving a written request from the subject of
30 the complaint shall provide the name and address of the

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

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

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

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

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

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

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

26 Section 3. Section 11 of the act is reenacted and amended to
27 read:

28 Section 11. Supplemental provisions.

29 Any governmental body may adopt requirements to supplement
30 this act, provided that no such [requirement] requirements shall

1 in any way be less restrictive than the act.

2 Section 4. Sections 12 and 13 of the act are reenacted to
3 read:

4 Section 12. Conflict of law.

5 If the provisions of this act conflict with any other
6 statute, ordinance, regulation or rule, the provisions of this
7 act shall control.

8 Section 13. Severability.

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

13 Section 5. Section 14 of the act, amended February 26, 1979
14 (P.L.1, No.1), is reenacted to read:

15 Section 14. Effective date.

16 This act shall take effect January 1, 1979 except that
17 subsections (b) and (e) of section 4 shall take effect August 1,
18 1979 and subsections (a) and (d) of section 4 shall take effect
19 January 1, 1980: Provided, however, That the Ethics Commission
20 shall have the power and duty to require the filing of the
21 financial disclosure statements of candidates for elective
22 office between August 1, 1979 and January 1, 1980 at least 60
23 days prior to such election, or in the case of a special
24 election at least 15 days prior to such election.

25 Section 6. Persons who are members of the State Ethics
26 Commission on the effective date of this act shall serve until
27 their current terms have expired and shall be subject to the
28 additional restrictions of section 6(d)(3) and (5) of the act of
29 October 4, 1978 (P.L.883, No.170), referred to as the Public
30 Official and Employee Ethics Law, unless a current commissioner

1 was employed by a political subdivision on or before the
2 effective date of this amendatory act, in which case the
3 restriction set forth in section 6(d)(5) shall not apply.

4 Section 7. All rules and regulations promulgated by the
5 State Ethics Commission shall remain in full force and effect
6 until amended or rescinded by the commission, provided that the
7 commission shall immediately initiate action to rescind or amend
8 any rule or regulation that is in conflict with the provisions
9 of this amendatory act or to promulgate additional regulations
10 which may be required to implement the provisions of this
11 amendatory act.

12 Section 8. This act, with respect to the State Ethics
13 Commission, constitutes the legislation required to reestablish
14 an agency pursuant to the act of December 22, 1981 (P.L.508,
15 No.142), known as the Sunset Act. The State Ethics Commission
16 shall continue, together with its statutory functions and
17 duties, until December 31, 1994, when it shall terminate and go
18 out of existence unless reestablished or continued by the
19 General Assembly for an additional ten years. Evaluation,
20 review, termination, reestablishment and continuation of the
21 agency beyond December 31, 1994, and every tenth year
22 thereafter, shall be conducted pursuant to the Sunset Act.

23 Section 9. This amendatory act shall not apply to violations
24 committed prior to the effective date of this act, and causes of
25 action initiated for such violations shall be governed by the
26 prior law, which is continued in effect for that purpose as if
27 this act were not in force. For the purposes of this section, a
28 violation was committed prior to the effective date of this act
29 if any elements of the violation occurred prior thereto.

30 Section 10. The sum of \$30,000 is hereby appropriated to the

1 State Ethics Commission for the indexing of all opinions, orders
2 or advice of the commission, and for the maintenance of this
3 index.

4 Section 11. This act shall apply as follows:

5 (1) Section 1 (the definitions in section 2 of the act
6 that are used in sections 4 and 5 of the act, insofar as the
7 definitions relate to sections 4 and 5) shall apply to
8 occurrences which take place after the effective date of this
9 act.

10 (2) Section 1 (sections 4 and 5 of the act) shall apply
11 to occurrences which take place after the effective date of
12 this act.

13 Section 12. This act shall take effect immediately.