AN ACT

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

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

Section 1. The definitions of "public employee" and "public official" in section 1102 of Title 65 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a definition to read:

§ 1102. Definitions.

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

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

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

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

"Public official."

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

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

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

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

§ 1103. Restricted activities.

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

(g) Former official or employee.--No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body or a State-related institution with which he has been associated for one year after he leaves that body.
§ 1105. Statement of financial interests.

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

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

§ 1106. State Ethics Commission.

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

(4) directly or indirectly attempt to influence any decision by a governmental body or a State-related institution other than a court of law or as a representative of the commission on a matter within the jurisdiction of the commission; or
§ 1107. Powers and duties of commission.

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

* * *

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

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§ 1108. Investigations by commission.

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

* * *

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

* * *

§ 1111. Supplemental provisions.

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

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