

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1154 Session of
1987

INTRODUCED BY SHOWERS, J. L. WRIGHT, ROBBINS, BATTISTO, ITKIN,
CORRIGAN, YANDRISEVITS, BUNT, GEIST, MERRY, LESCOVITZ,
MRKONIC, VAN HORNE, BARLEY, COY, MELIO, JADLOWIEC, SAURMAN,
PHILLIPS, GODSHALL, HALUSKA, SEMMEL, VEON, DISTLER,
D. W. SNYDER, BALDWIN, BORTNER, FARGO, TRELLO, NOYE AND
SWEET, APRIL 27, 1987

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 27, 1987

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," further prohibiting personal interest in contracts.

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

7 Section 1. Section 802(f) of the act of May 1, 1933
8 (P.L.103, No.69), known as The Second Class Township Code,
9 reenacted and amended July 10, 1947 (P.L.1481, No.567) and
10 amended October 4, 1978 (P.L.1026, No.228), is amended to read:

11 Section 802. Letting Contracts.--* * *

12 (f) Except as herein provided, no township official, either
13 elected or appointed, who knows, or who by the exercise of
14 reasonable diligence, could know, shall be interested to any
15 appreciable degree, either directly or indirectly, in any
16 contract for the sale or furnishing of any supplies or materials
17 for the use of the township, or for any work to be done for such

1 township involving the expenditure by the township of more than
2 [three hundred dollars (\$300)] five hundred dollars (\$500) in
3 any year unless the contract has been awarded through an open
4 and public process, including prior public notice and subsequent
5 public disclosure in conformance with this article, but this
6 limitation shall not apply to cases where such officer, or
7 appointee of the township, is an employe of the person, firm or
8 corporation to which the money is to be paid in a capacity with
9 no possible influence on the transaction, and in which he cannot
10 be possibly benefited thereby, either financially or otherwise:
11 Provided, however, That in the case of a supervisor, if he knows
12 that he is within the exception just mentioned, he shall so
13 inform the supervisors and shall refrain from voting on the
14 expenditures, or any ordinance relating thereto, and shall in no
15 manner participate therein: Provided, further, That any such
16 official or appointee who shall knowingly violate this provision
17 shall be subject to surcharge to the extent of the damage shown
18 to be thereby sustained by the township, ouster from office, and
19 shall be guilty of a misdemeanor, and upon conviction thereof,
20 shall be sentenced to pay a fine not exceeding five hundred
21 dollars (\$500): Provided, That in the case of the purchase of
22 material for the construction, reconstruction, maintenance and
23 improvement of roads and bridges, the contract, which shall be
24 in writing, and shall be let only on standard specifications of
25 the Department of Transportation, and materials so purchased
26 shall only be used in accordance with specifications of said
27 department.

28 * * *

29 Section 2. This act shall take effect immediately.