
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1733

Session of
1987

INTRODUCED BY DeWEESE, MOEHLMANN, BORTNER, HECKLER, BLAUM,
KOSINSKI, HAGARTY, McHALE, CALTAGIRONE, MAIALE, KUKOVICH,
BALDWIN, JOSEPHS AND PRESSMANN, SEPTEMBER 28, 1987

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 29, 1988

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; AND MAKING A REPEAL. <—

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~~
16 ~~to as the Public Official and Employee Ethics Law, are reenacted~~
17 ~~and amended to read:~~

AN ACT

18
19 ~~Relating to conflicts of interest involving certain public~~
20 ~~officials serving in State or State agencies and local~~

~~political subdivision positions and prohibiting certain public employees from engaging in certain conflict of interest activities requiring certain disclosures and providing penalties.~~

~~Section 1. Purpose.~~

~~(a) The Legislature hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In order to strengthen the faith and confidence of the people of the State in their government, the Legislature further declares that the people have a right to be assured that the financial interests of holders of or nominees or candidates for public office do not [present neither a conflict nor the appearance of a] conflict with the public trust. Because public confidence in government can best be sustained by assuring the people of the impartiality and honesty of public officials, this act shall be liberally construed to promote complete disclosure.~~

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

~~Section 2. Definitions.~~

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

~~"Advice." Any directive of the general counsel of the commission issued under paragraph (11) of section 7 and based exclusively on prior commission opinions, this act, regulations~~

~~promulgated pursuant to this act, and court opinions which interpret this act.~~

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

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

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

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

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

~~(2) taken the action necessary under the laws of this Commonwealth to qualify himself for nomination or election to~~

1 ~~such office.~~

2 ~~The term shall include individuals nominated or elected as~~
3 ~~write in candidates.~~

4 ~~"Commission." The State Ethics Commission.~~

5 ~~["Compensation." Anything of economic value, however~~
6 ~~designated, which is paid, loaned, granted, given, donated or~~
7 ~~transferred, or to be paid, loaned, granted, given, donated or~~
8 ~~transferred for or in consideration of personal services to any~~
9 ~~person, official or to the State.].~~

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

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

~~or other matters in consideration of his current public
employment with a State or political subdivision.~~

~~"De minimis economic impact." An economic consequence which
has an insignificant effect upon the public interest.~~

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

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

~~"FINDINGS REPORT." AN INITIAL REPORT CONTAINING FINDINGS OF
FACT AS DETERMINED BY THE COMMISSION'S INVESTIGATION BUT NOT
CONTAINING ANY CONCLUSIONS OF LAW OR ANY DETERMINATION OF
WHETHER THERE HAS BEEN A VIOLATION OF LAW.~~

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

~~"Gift." [A payment, subscription, advance, forbearance,
rendering or deposit of money, services or anything of value,
unless consideration of equal or greater value is received]
Anything which is received without consideration. "Gift" shall
not include a political contribution otherwise reported as
required by law[,] or a commercially reasonable loan made in the
ordinary course of business[, or a gift received from a member
of the person's immediate family or from a relative within the
third degree of consanguinity of the person or of the person's~~

1 ~~spouse or from the spouse of any such relative].~~

2 ~~"Governmental body." Any department, authority, commission,~~
3 ~~committee, council, board, bureau, division, service, office,~~
4 ~~officer, administration, legislative body, or other~~
5 ~~establishment in the Executive, Legislative or Judicial Branch~~
6 ~~of the State or a political subdivision thereof.~~

7 ~~"Governmental body with which a public official or public~~
8 ~~employee is or has been associated." The entity within State~~
9 ~~government or a political subdivision by which the public~~
10 ~~official or employee is or has been employed or to which the~~
11 ~~public official or employee is or has been appointed or elected,~~
12 ~~and not only the particular subdivision or office within that~~
13 ~~entity to which the official or employee is or has been~~
14 ~~assigned.~~

15 ~~"Honorarium." Payment made in recognition of published~~
16 ~~works, appearances, speeches and presentations and which is not~~
17 ~~intended as consideration for the value of such services.~~

18 ~~"Immediate family." [A spouse residing in the person's~~
19 ~~household and minor dependent children] A parent, spouse, child,~~
20 ~~brother, sister or like relative in law.~~

21 ~~"Income." Any money or thing of value received, or to be~~
22 ~~received as a claim on future services or in recognition of~~
23 ~~services rendered in the past, whether in the form of a payment,~~
24 ~~fee, salary, expense, allowance, forbearance, forgiveness,~~
25 ~~interest, dividend, royalty, rent, capital gain, reward,~~
26 ~~severance payment, proceeds from the sale of a financial~~
27 ~~interest in a corporation, professional corporation, partnership~~
28 ~~or other entity resulting from termination or withdrawal~~
29 ~~therefrom upon assumption of public office or employment or any~~
30 ~~other form of recompense or any combination thereof. "Income"~~

~~refers to gross income and includes prize winnings and tax
exempt income. The term does not include honoraria, gifts,
retirement, pension or annuity payments funded totally by
contributions of the public official or employee, or
miscellaneous, incidental income of minor dependent children.~~

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

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

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

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

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

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

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

~~"Political contribution." Any advance, conveyance, deposit,
distribution, transfer of funds, loan, payment, pledge, purchase~~

~~of a ticket to a testimonial or similar fund raising affair, or subscription of money or anything of value, except volunteer services, in connection with a political campaign, and any contract, agreement, promise, or other obligations, whether or not legally enforceable, to make a political contribution.~~

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

~~"Preliminary finding." An initial decision of the commission issued at the conclusion of an investigation as set forth in paragraph (13) of section 7.~~

~~"Proposed order." An initial directive of the commission issued at the conclusion of an investigation as set forth in paragraph (13) of section 7.~~

~~"Public employee." Any individual employed by the Commonwealth or a political subdivision 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.~~

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

~~"Public official." Any elected or appointed official in the Executive, Legislative or Judicial Branch of the State 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. ["Public official" shall not include any appointed official who receives no compensation other than reimbursement for actual expenses.]~~

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

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

~~Section 3. Restricted activities.~~

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

~~(b) No person shall offer or give to a public official, [or] public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is~~

1 associated, and no public official, [or] public employee or
2 ~~nominee or candidate for public office shall solicit or accept,~~
3 ~~anything of monetary value, including a gift, loan, political~~
4 ~~contribution, reward, or promise of future employment based on~~
5 ~~[any] his understanding that the vote, official action, or~~
6 ~~judgment of the public official or public employee or nominee or~~
7 ~~candidate for public office would be influenced thereby.~~

8 ~~(c) (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 under consideration for public office~~
15 ~~or makes application for public employment.~~

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

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

27 ~~(4) This subsection shall not be applied retroactively.~~

28 ~~[(c)] (d) No public official or public employee or [a member~~
29 ~~of his immediate family or any business in which the person or a~~
30 ~~member of the person's immediate family is a director, officer,~~

1 owner or holder of stock exceeding 5% of the equity at fair
2 market value of the business] ~~his spouse or child or any~~
3 ~~business in which the person or his spouse or child is~~
4 ~~associated shall enter into any contract valued at \$500 or more~~
5 ~~[with a governmental body unless the contract has been awarded~~
6 ~~through an open and public process, including prior public~~
7 ~~notice and subsequent public disclosure of all proposals~~
8 ~~considered and contracts awarded] with the governmental body~~
9 ~~with which the public official or public employee is associated~~
10 ~~or any subcontract valued at \$500 or more with any person who~~
11 ~~has been awarded a contract with the governmental body with~~
12 ~~which the public official or public employee is associated,~~
13 ~~unless the contract has been awarded through an open and public~~
14 ~~process, including prior public notice and subsequent public~~
15 ~~disclosure of all proposals considered and contracts awarded.~~
16 Any contract or subcontract made in violation of this subsection
17 shall be voidable by a court of competent jurisdiction if the
18 suit is commenced within 90 days of ~~the~~ making of the contract
19 ~~or subcontract.~~

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

22 (e) No former ~~public~~ official or public employee shall
23 represent a person, with or without compensation, on any matter
24 before the governmental body with which he has been associated
25 for one year after he leaves that body.

26 (f) No person shall use for any commercial purpose
27 information copied from statements of financial interests
28 required by this act or from lists compiled from such
29 statements.

30 (g) No former executive level State employee may for a

~~period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.~~

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

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

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

~~(h) Where voting conflicts are not otherwise addressed by law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being~~

~~taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because a majority of members of the body are required to abstain from voting under the provisions of this subsection, then such members shall be permitted to vote if disclosures are made as otherwise provided herein.~~

~~Section 4. Statement of financial interests required to be filed.~~

~~(a) Each public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the commission no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Each public employee [employed by] and public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the department, agency, body or bureau in which he is employed or to which he is appointed or elected no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Any other public employee or public official shall file a statement of financial interests with the governing authority of the political subdivision by which he is employed or within which he is appointed or elected no later than May 1 of each year that he holds such a position and of the year after he leaves such a position.~~

~~[(b) Each candidate for public office shall file a statement of financial interests for the preceding calendar year with the commission prior to filing a petition to appear on the ballot~~

1 ~~for election as a public official. A petition to appear on the~~
2 ~~ballot shall not be accepted by an election official unless the~~
3 ~~petition includes an affidavit that the candidate has filed the~~
4 ~~required statement of financial interests with the commission.]~~

5 ~~(b) (1) Any candidate for a State level public office shall~~
6 ~~file a statement of financial interests for the preceding~~
7 ~~calendar year with the commission on or before the last day~~
8 ~~for filing a petition to appear on the ballot for election. A~~
9 ~~copy of the statement of financial interests shall also be~~
10 ~~appended to such petition.~~

11 ~~(2) Any candidate for county level or local office shall~~
12 ~~file a statement of financial interests for the preceding~~
13 ~~calendar year with the governing authority of the political~~
14 ~~subdivision in which he is a candidate on or before the last~~
15 ~~day for filing a petition to appear on the ballot for~~
16 ~~election. A copy of the statement of financial interests~~
17 ~~shall also be appended to such petition.~~

18 ~~(3) No petition to appear on the ballot for election~~
19 ~~shall be accepted by the respective State or local election~~
20 ~~officials unless the petition has appended thereto a~~
21 ~~statement of financial interests as set forth in paragraphs~~
22 ~~(1) and (2). Failure to file the statement in accordance with~~
23 ~~the provisions of this act shall, in addition to any other~~
24 ~~penalties provided, be a fatal defect to a petition to appear~~
25 ~~on the ballot.~~

26 ~~(c) Each [candidate] nominee for public office [nominated by~~
27 ~~a public official or governmental body and subject to~~
28 ~~confirmation by a public official or governmental body] shall~~
29 ~~file a statement of financial interests for the preceding~~
30 ~~calendar year with the commission and with the official or body~~

1 ~~that is vested with the power of confirmation at least ten days~~
2 ~~before the official or body shall approve or reject the~~
3 ~~nomination.~~

4 ~~(d) No public official shall be allowed to take the oath of~~
5 ~~office or enter or continue upon his duties, nor shall he~~
6 ~~receive compensation from public funds, unless he has filed a~~
7 ~~statement of financial interests [with the commission] as~~ <—
8 ~~required by this act.~~

9 ~~(e) [(1) Any candidate for State or county wide public~~
10 ~~office shall file a statement of financial interests with the~~
11 ~~commission pursuant to this act and shall file a copy of that~~
12 ~~statement with the Board of Elections in the county in which~~
13 ~~the candidate resides.~~

14 ~~(2) Any candidate for local office shall file a~~
15 ~~statement of financial interests with the commission pursuant~~
16 ~~to this act and shall file a copy of that statement with the~~
17 ~~governing authority of the political subdivision in which he~~
18 ~~is a candidate.~~

19 ~~(f)] All statements of financial interest filed pursuant to~~
20 ~~the provisions of this act shall be made available for public~~
21 ~~inspection and copying during regular office hours, and copying~~
22 ~~facilities shall be made available at a charge not to exceed~~
23 ~~actual cost.~~

24 ~~Section 5. Statement of financial interests.~~

25 ~~(a) The statement of financial interests filed pursuant to~~
26 ~~this act shall be on a form prescribed by the commission. All~~
27 ~~information requested on the statement shall be provided to the~~
28 ~~best of the knowledge, information and belief of the person~~
29 ~~required to file and shall be signed under [penalty of perjury~~
30 ~~by the person required to file the statement] oath or equivalent~~

1 ~~affirmation.~~

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

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

7 ~~(2) [The occupations or professions of the person~~
8 ~~required to file the statement and those of his immediate~~
9 ~~family] Occupation or profession.~~

10 ~~(3) Any direct or indirect interest in any real estate~~
11 ~~which was sold or leased to the Commonwealth, any of its~~
12 ~~agencies or political subdivisions; purchased or leased from~~
13 ~~the Commonwealth, any of its agencies or political~~
14 ~~subdivisions; or which was the subject of any condemnation~~
15 ~~proceedings by the Commonwealth, any of its agencies or~~
16 ~~political subdivisions.~~

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

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

29 ~~[(6) The name and address of any person from whom a gift~~
30 ~~or gifts valued in the aggregate at \$200 or more were~~

1 received, and the value and the circumstances of each gift.
2 However, this provision shall not be applicable to gifts
3 received from the individual's spouse, parents, parents by
4 marriage, siblings, children or grandchildren.

5 ~~(7) The source of any honorarium received which is in~~
6 ~~excess of \$100.]~~

7 ~~(6) (i) The name and address of the source and the~~
8 ~~amount of any gift or gifts valued in the aggregate at~~
9 ~~\$200 or more and the circumstances of each gift. This~~
10 ~~paragraph shall not apply to the payment for or~~
11 ~~reimbursement of actual expenses for transportation and~~
12 ~~lodging or hospitality received in connection with public~~
13 ~~office or employment, unless such actual expenses for~~
14 ~~transportation and lodging exceed \$150 in the course of a~~
15 ~~single occurrence or unless the value received for such~~
16 ~~hospitality exceeds \$50 in the course of a single~~
17 ~~occurrence. This paragraph shall not apply to expenses~~
18 ~~eligible for reimbursement by the governmental body with~~
19 ~~which the public official or employee is associated; nor~~
20 ~~shall this paragraph apply to a gift or gifts received~~
21 ~~from a spouse, parent, parent by marriage, sibling,~~
22 ~~child, grandchild, other family member or friend when the~~
23 ~~circumstances make it clear that the motivation for the~~
24 ~~action was a personal or family relationship.~~

25 ~~(ii) A person who is the source of any gift or gifts~~
26 ~~required to be reported pursuant to this subsection~~
27 ~~shall, quarterly, inform the recipient of the value and~~
28 ~~aggregate value and circumstances of such gift or gifts.~~

29 ~~(7) The name and address of the source and the amount of~~
30 ~~any honorarium received which is in excess of \$100.~~

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

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

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

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

~~Section 6. State Ethics Commission.~~

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

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

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

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

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

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

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

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

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

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

~~(4) directly or indirectly attempt to influence any decision by a governmental body, other than a court of law or as a representative of the commission on a matter within the jurisdiction of the commission; or~~

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

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

~~(f) The commission shall elect a chairman and a vice chairman. The vice chairman shall act as chairman in the absence~~

~~of the chairman or in the event of a vacancy in that position.~~

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

~~(h) Members of the commission shall be compensated at a rate of [\$50] \$75 per day and shall receive reimbursement for their actual and necessary expenses while performing the business of the commission.~~

~~(i) The commission shall employ an executive director, a [general] CHIEF counsel, and such other staff as are necessary to carry out its duties pursuant to this act. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him by the commission, except that the commission shall not delegate the making of regulations to the executive director. The [general] CHIEF counsel shall be the chief legal officer of the commission. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to this act. The State Treasurer and the Attorney General shall make available to the commission such personnel, facilities, and other assistance as the commission may request.~~

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

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

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

1 ~~(2) Prescribe forms for statements and reports required~~
2 ~~to be filed by this act and furnish such forms to persons~~
3 ~~required to file such statements and reports.~~

4 ~~(3) Prepare and publish guidelines setting forth~~
5 ~~recommended uniform methods of accounting and reporting for~~
6 ~~use by persons required to file statements and reports by~~
7 ~~this act.~~

8 ~~(4) Accept and file any information voluntarily supplied~~
9 ~~that exceeds the requirements of this act.~~

10 ~~(5) Inspect statements of financial interests which have~~
11 ~~been filed in order to ascertain whether any reporting person~~
12 ~~has failed to file such a statement or has filed a deficient~~
13 ~~statement. If, upon inspection, it is determined that a~~
14 ~~reporting person has failed to file a statement of financial~~
15 ~~interests or that any statement which has been filed fails to~~
16 ~~conform with the requirements of section 5, then the~~
17 ~~commission shall, in writing, notify the person. Such notice~~
18 ~~shall state in detail the deficiency and the penalties for~~
19 ~~failure to file or for filing a deficient statement of~~
20 ~~financial interests.~~

21 ~~[(5) Make] (6) Provide that statements and reports~~
22 ~~filed with the commission be made available for public~~
23 ~~inspection and copying during regular office hours and [make]~~
24 ~~provide that copying facilities be made available at a charge~~
25 ~~not to exceed actual cost and advise other State and local~~
26 ~~agencies of the provisions of this paragraph.~~

27 ~~[(6)] (7) Compile and maintain an index of all reports~~
28 ~~and statements filed with the commission to facilitate public~~
29 ~~access to such reports and statements and instruct other~~
30 ~~State and local agencies which receive and file financial~~

~~interest statements in the maintenance of systems which
facilitate public access to such statements.~~

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

~~[(8)] (9) Preserve statements and reports filed with the
commission for a period of five years from date of receipt
and advise other State and local agencies which receive and
store financial interest INTERESTS statements to preserve
such statements for a period of five years from date of
receipt.~~ <—

~~[(9) (i)] (10) Issue to any person, upon such person's
request, an opinion with respect to such person's duties
under this act. The commission shall, within 14 days, either
issue the opinion or advise the person who made the request
whether an opinion will be issued. No person who acts in good
faith on an opinion issued to him by the commission shall be
subject to criminal or civil penalties for so acting,
provided that the material facts are as stated in the opinion
request. The commission's opinions shall be public records
and may from time to time be published.~~

~~[(ii)] (11) Provide written advice to any person OR
THE APPOINTING AUTHORITY OR EMPLOYER OF SAID OFFICIAL, upon
their request with respect to such person's duties under this
act. Such advice shall be provided within 21 working days of
the request, provided that the time may be extended for good
cause. It shall be a complete defense in any enforcement
proceeding initiated by the commission, and evidence of good
faith conduct in any other civil or criminal proceeding, if
the requester, at least 21 working days prior to the alleged
violation, requested written advice from the commission in~~ <—

1 ~~good faith, disclosed truthfully all the material facts and~~
2 ~~committed the acts complained of either in reliance on the~~
3 ~~advice or because of the failure of the commission to provide~~
4 ~~advice within 21 days of the request [of] or such later~~
5 ~~extended time.~~

6 ~~[(iii)] (12) Initiate an inquiry, pursuant to~~
7 ~~section 8(a), where [an opinion] a complaint has not been~~
8 ~~[requested] filed but where there [is a reasonable belief]~~
9 ~~may be reason to believe that a conflict [may exist] exists.~~
10 ~~[Such inquiry shall be conducted in privacy with full respect~~
11 ~~to the confidentiality of all the parties involved in the~~
12 ~~alleged conflict. If the commission finds that there is a~~
13 ~~conflict, the information shall be provided for criminal~~
14 ~~proceedings unless the alleged offender removes himself from~~
15 ~~the conflict with receiving financial gain.~~

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

presented to the commission.}

~~(13) Issue preliminary findings, proposed orders
FINDINGS REPORTS and orders relating to investigations
initiated pursuant to section 8, 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 act may, after affording the person who is the subject
of the investigation an opportunity for a hearing in
accordance with section 8(g), require the restitution plus
interest of that gain to the appropriate governmental body.
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 act.~~

~~{(10)} (14) Hold hearings, take testimony, issue
subpoenas and compel the attendance of witnesses.~~

~~{(11)} (15) Make recommendations to law enforcement
officials either for criminal prosecution or dismissal of
charges arising out of violations of this act.~~

~~{(12)} (16) Prepare and publish special reports,
educational materials, and technical studies to further the
purposes of this act.~~

~~{(13)} (17) Prepare and publish, prior to June 1 of each
year, an annual report summarizing the activities of the
commission.~~

~~(18) Transmit, free of charge, copies of each order,
advice and opinion which has become a matter of public record~~

~~to the appointing authorities specified in section 6(a).~~

~~Section 8. Investigations by the commission.~~

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

~~(b) If a preliminary [investigation] inquiry fails to [indicate probable cause for belief] establish reason to believe that this act has been violated, the commission shall terminate the [investigation] inquiry and so notify the complainant and the person who had been [under investigation.] the subject of the inquiry. The latter notice shall include the name and address of the complainant. If the commission determines that a~~

~~complaint is frivolous, it shall so state.~~

~~(c) If a preliminary inquiry establishes reason to believe that this act has been violated, the commission may, through its executive director, initiate an investigation to determine if there has been a violation. The commission shall keep information, records and proceedings relating to an investigation confidential until a final determination is made, except as otherwise provided in subsection (f). No investigation may be commenced until the person who is the subject of the investigation has been notified and provided a general statement of the alleged violation or violations of the act and other applicable statutes with respect to such investigation. Service of notice is complete upon mailing which shall be by certified or registered mail. The commission shall notify the complainant within 72 hours of the commencement of an investigation and, thereafter, the commission shall advise the complainant and the person who is the subject of the investigation of the status of the investigation at least every 90 days until the investigation is terminated. The commission shall, within 180 days of the initiation of an investigation, either terminate the investigation pursuant to subsection (d) or issue preliminary findings and a proposed order A FINDINGS REPORT pursuant to subsection (e). Upon a showing by the executive director of the need for extension of this period, the commission may extend an investigation for up to two 90 day periods, provided that each 90 day extension shall be approved by a majority vote of members present. In no event shall preliminary findings and a proposed order A FINDINGS REPORT be issued later than 360 days after initiation of an investigation.~~

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

~~that no violation has been committed, the commission shall immediately terminate the investigation and send written notice of such determination to the complainant and the person who was the subject of the investigation. The latter notice shall include the name and address of the complainant.~~

~~(c) If the commission determines that a violation has been committed, it shall issue preliminary findings and a proposed order to the subject of the investigation. The subject shall have the right to a hearing. Within 30 days of the conclusion of the hearing, or, when no hearing is held, then within 30 days of the issuance of the preliminary findings and proposed order, the commission shall issue an order which shall be final. If the final order dismisses the complaint, the person who had been the subject of the investigation shall be given the name and address of the complainant.~~

~~(f) Upon receipt of a final order, the subject shall have the right to file a petition for reconsideration by the commission which may include a request for a hearing.~~

~~(E) THE COMMISSION, UPON THE COMPLETION OF AN INVESTIGATION, SHALL ISSUE A FINDINGS REPORT TO THE SUBJECT OF THE INVESTIGATION SETTING FORTH THE PERTINENT FINDINGS OF FACT. THE SUBJECT SHALL HAVE THE RIGHT TO RESPOND TO SAID FINDINGS AND TO REQUEST AN EVIDENTIARY HEARING ON SAID MATTER. ANY RESPONSE TO THE FINDINGS REPORT MUST EITHER ADMIT OR DENY BY CORRESPONDING NUMBER AND LETTER THE PERTINENT FACTS SET FORTH. THE SUBJECT OF THE INVESTIGATION SHALL HAVE ACCESS TO ANY EVIDENCE INTENDED TO BE USED BY THE COMMISSION AT THE HEARING. MATTERS NOT SPECIFICALLY DENIED IN THE RESPONSE SHALL BE DEEMED ADMITTED. THE RESPONSE MUST BE FILED WITHIN 30 DAYS OF THE ISSUANCE OF THE FINDINGS REPORT UNLESS THE TIME PERIOD IS EXTENDED BY THE~~

<—

~~COMMISSION FOR GOOD CAUSE SHOWN. HEARINGS CONDUCTED UPON REQUEST SHALL BE INSTITUTED WITHIN 45 DAYS AFTER THE FILING OF THE RESPONSE.~~

~~(F) WITHIN 30 DAYS OF THE RECEIPT BY THE COMMISSION OF THE HEARING RECORD, OR IF NO HEARING IS TO BE HELD, WITHIN 30 DAYS OF THE RECEIPT BY THE COMMISSION OF THE RESPONSE TO THE FINDINGS REPORT, THE COMMISSION SHALL ISSUE AN ORDER WHICH SHALL BE FINAL. UPON RECEIPT OF A FINAL ORDER, THE SUBJECT SHALL HAVE THE RIGHT TO FILE A PETITION FOR RECONSIDERATION IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION.~~

~~(g) Hearings conducted pursuant to subsections (c) and (f) THIS SECTION shall be closed to the public unless the subject requests an open hearing. Any person who appears before the commission shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of this Commonwealth. All witnesses summoned for such hearings shall receive reimbursement for reasonable expenses in accordance with 42 Pa.C.S. § 5903 (relating to compensation and expenses of witnesses). At the conclusion of a hearing concerning an alleged violation and in a timely manner, the commission shall deliberate on the evidence and determine, by majority vote of the members present, whether there has been a violation of this act. The determination of the commission, in the form of a final order and findings of fact, shall be a matter of public record. If the final order dismisses the complaint, the person who had been the subject of the investigation shall be given the name and address of the complainant.~~

~~(h) Orders which become final in accordance with the provisions of this section shall be available as public~~

~~documents, but the files and records of the commission relating to the case shall remain confidential.~~

~~(i) No action may be taken by the commission on a complaint filed against a public official or public employee unless the alleged offense was committed during the period of time within which the official or employee was in public office, was a nominee or candidate for public office, or was employed as a public employee, or within five years thereafter.~~

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

~~(k) No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion, or threaten to do so, for filing a complaint with or providing information to the commission or testifying in any commission proceeding.~~

~~Section 9. Penalties.~~

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

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

~~(c) Any person who obtains financial gain from violating any provision of this act, in addition to any other penalty provided~~

1 ~~by law, shall pay [into the State Treasury] a sum of money equal~~
2 ~~to three times the amount of the financial gain resulting from~~
3 ~~such violation into the State Treasury or the treasury of the~~
4 ~~political subdivision. TREBLE DAMAGES SHALL NOT BE ASSESSED~~ <—
5 ~~AGAINST A PERSON WHO ACTED IN GOOD FAITH RELIANCE ON THE ADVICE~~
6 ~~OF LEGAL COUNSEL.~~

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

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

25 ~~(f) In addition to any other civil remedy or criminal~~
26 ~~penalty provided for in this act, the commission may, after~~
27 ~~notice has been served in accordance with paragraph (5) of~~
28 ~~section 7 and upon a majority vote of its members, levy a civil~~
29 ~~penalty upon any person subject to this act who fails to file a~~
30 ~~statement of financial interest INTERESTS in a timely manner or~~ <—

~~who files a deficient statement of financial interests, at a rate of not more than \$25 for each day such statement remains delinquent or deficient. The maximum penalty payable under this paragraph is \$250.~~

~~Section 10. [Court employees.] Constables.~~

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

~~Section 2. The act is amended by adding a section to read:~~
~~Section 10.1. Wrongful use of act.~~

~~(a) A person who signs a complaint alleging a violation of this act against another is subject to liability for wrongful use of this act if:~~

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

~~(2) he publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the commission; and~~

~~(3) the commission determined that the complaint was frivolous as defined by this act or concluded that there was a lack of probable cause for belief that this act had been~~

~~violated by the person.~~

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

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

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

~~(C) WHEN THE COMMISSION DETERMINES THAT A COMPLAINANT HAS VIOLATED THE PROVISIONS SET FORTH IN SECTION 10.1(A) THE COMMISSION UPON RECEIVING A WRITTEN REQUEST FROM THE SUBJECT OF THE COMPLAINT SHALL PROVIDE THE NAME AND ADDRESS OF THE COMPLAINANT TO SAID SUBJECT.~~

~~(c) (D) When the essential elements of an action brought pursuant to this section have been established, the plaintiff is entitled to recover the following:~~

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

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

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

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

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

1 ~~Section 3. Section 11 of the act is reenacted and amended to~~
2 ~~read:~~

3 ~~Section 11. Supplemental provisions.~~

4 ~~Any governmental body may adopt requirements to supplement~~
5 ~~this act, provided that no such [requirement] requirements shall~~
6 ~~in any way be less restrictive than the act.~~

7 ~~Section 4. Sections 12 and 13 of the act are reenacted to~~
8 ~~read:~~

9 ~~Section 12. Conflict of law.~~

10 ~~If the provisions of this act conflict with any other~~
11 ~~statute, ordinance, regulation or rule, the provisions of this~~
12 ~~act shall control.~~

13 ~~Section 13. Severability.~~

14 ~~If any provision of this act, or the application thereof to~~
15 ~~any person or circumstance, is held invalid, the validity of the~~
16 ~~remainder of this act and the application of such provisions to~~
17 ~~other persons and circumstances shall not be affected thereby.~~

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

20 ~~Section 14. Effective date.~~

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

30 ~~Section 6. Persons who are members of the State Ethics~~

~~1 Commission on the effective date of this act shall serve until~~
~~2 their current terms have expired and shall be subject to the~~
~~3 additional restrictions of section 6(d)(3) and (5) of the act of~~
~~4 October 4, 1978 (P.L.883, No.170), referred to as the Public~~
~~5 Official and Employee Ethics Law, unless a current commissioner~~
~~6 was employed by a political subdivision on or before the~~
~~7 effective date of this amendatory act, in which case the~~
~~8 restriction set forth in section 6(d)(5) shall not apply.~~

~~9 Section 7. All rules and regulations promulgated by the~~
~~10 State Ethics Commission shall remain in full force and effect~~
~~11 until amended or rescinded by the commission, provided that the~~
~~12 commission shall immediately initiate action to rescind or amend~~
~~13 any rule or regulation that is in conflict with the provisions~~
~~14 of this amendatory act or to promulgate additional regulations~~
~~15 which may be required to implement the provisions of this~~
~~16 amendatory act.~~

~~17 Section 8. This act, with respect to the State Ethics~~
~~18 Commission, constitutes the legislation required to reestablish~~
~~19 an agency pursuant to the act of December 22, 1981 (P.L.508,~~
~~20 No.142), known as the Sunset Act. The State Ethics Commission~~
~~21 shall continue, together with its statutory functions and~~
~~22 duties, until December 31, 1992, when it shall terminate and go~~
~~23 out of existence unless reestablished or continued by the~~
~~24 General Assembly for an additional ten years. Evaluation,~~
~~25 review, termination, reestablishment and continuation of the~~
~~26 agency beyond December 31, 1992, and every tenth year~~
~~27 thereafter, shall be conducted pursuant to the Sunset Act.~~

~~28 Section 9. This amendatory act shall not apply to violations~~
~~29 committed prior to the effective date of this act, and causes of~~
~~30 action initiated for such violations shall be governed by the~~

~~prior law, which is continued in effect for that purpose as if this act were not in force. For the purposes of this section, a violation was committed prior to the effective date of this act if any elements of the violation occurred prior thereto.~~

~~Section 10. The sum of \$30,000 is hereby appropriated to the State Ethics Commission for the indexing of all opinions, orders or advice of the commission, and for the maintenance of this index.~~

~~Section 11. This act shall take effect January 1, 1988-1989.~~

SECTION 1. THE TITLE AND SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 OF THE ACT OF OCTOBER 4, 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW, ARE REENACTED AND AMENDED TO READ:

AN ACT

RELATING TO CONFLICTS OF INTEREST INVOLVING CERTAIN PUBLIC OFFICIALS SERVING IN STATE OR STATE AGENCIES AND LOCAL POLITICAL SUBDIVISION POSITIONS AND PROHIBITING CERTAIN PUBLIC EMPLOYEES FROM ENGAGING IN CERTAIN CONFLICT OF INTEREST ACTIVITIES REQUIRING CERTAIN DISCLOSURES AND PROVIDING PENALTIES.

SECTION 1. PURPOSE.

(A) THE LEGISLATURE HEREBY DECLARES THAT PUBLIC OFFICE IS A PUBLIC TRUST AND THAT ANY CONFLICTING EFFORT TO REALIZE PERSONAL FINANCIAL GAIN THROUGH PUBLIC OFFICE OTHER THAN COMPENSATION PROVIDED BY LAW IS A VIOLATION OF THAT TRUST. IN ORDER TO STRENGTHEN THE FAITH AND CONFIDENCE OF THE PEOPLE OF THE STATE IN THEIR GOVERNMENT, THE LEGISLATURE FURTHER DECLARES THAT THE PEOPLE HAVE A RIGHT TO BE ASSURED THAT THE FINANCIAL INTERESTS OF HOLDERS OF OR NOMINEES OR CANDIDATES FOR PUBLIC OFFICE DO NOT [PRESENT NEITHER A CONFLICT NOR THE APPEARANCE OF A] CONFLICT

1 WITH THE PUBLIC TRUST. BECAUSE PUBLIC CONFIDENCE IN GOVERNMENT
2 CAN BEST BE SUSTAINED BY ASSURING THE PEOPLE OF THE IMPARTIALITY
3 AND HONESTY OF PUBLIC OFFICIALS, THIS ACT SHALL BE LIBERALLY
4 CONSTRUED TO PROMOTE COMPLETE DISCLOSURE. FURTHERMORE, IT IS
5 RECOGNIZED THAT CLEAR GUIDELINES ARE NEEDED IN ORDER TO GUIDE
6 PUBLIC OFFICIALS AND EMPLOYEES IN THEIR ACTIONS. THUS, THE
7 GENERAL ASSEMBLY BY THIS ACT INTENDS TO DEFINE AS CLEARLY AS
8 POSSIBLE THOSE AREAS WHICH REPRESENT CONFLICT WITH THE PUBLIC
9 TRUST.

10 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS ACT
11 BE ADMINISTERED BY AN INDEPENDENT COMMISSION COMPOSED OF MEMBERS
12 WHO ARE COGNIZANT OF THE RESPONSIBILITIES AND BURDENS OF PUBLIC
13 OFFICIALS AND EMPLOYEES AND WHO HAVE DEMONSTRATED AN INTEREST IN
14 PROMOTING PUBLIC CONFIDENCE IN GOVERNMENT.

15 (C) IT IS RECOGNIZED THAT MANY PUBLIC OFFICIALS, INCLUDING
16 MOST LOCAL OFFICIALS AND MEMBERS OF THE GENERAL ASSEMBLY ARE
17 CITIZEN-OFFICIALS WHO BRING TO THEIR PUBLIC OFFICE THE KNOWLEDGE
18 AND CONCERNS OF ORDINARY CITIZENS AND TAXPAYERS. THEY SHOULD NOT
19 BE DISCOURAGED FROM MAINTAINING THEIR CONTACTS WITH THEIR
20 COMMUNITY THROUGH THEIR OCCUPATIONS AND PROFESSIONS. THUS, IN
21 ORDER TO FOSTER MAXIMUM COMPLIANCE WITH ITS TERMS, THIS ACT
22 SHALL BE ADMINISTERED IN A MANNER THAT EMPHASIZES GUIDANCE TO
23 PUBLIC OFFICIALS AND PUBLIC EMPLOYEES REGARDING THE ETHICAL
24 STANDARDS ESTABLISHED BY THIS ACT.

25 SECTION 2. DEFINITIONS.

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

29 "ADVICE." ANY DIRECTIVE OF THE CHIEF COUNSEL OF THE
30 COMMISSION ISSUED UNDER PARAGRAPH (11) OF SECTION 7 AND BASED

1 EXCLUSIVELY ON PRIOR COMMISSION OPINIONS, THIS ACT, REGULATIONS
2 PROMULGATED PURSUANT TO THIS ACT, AND COURT OPINIONS WHICH
3 INTERPRET THIS ACT.

4 "AUTHORITY OF OFFICE OR EMPLOYMENT." THE ACTUAL POWER
5 PROVIDED BY LAW, THE EXERCISE OF WHICH IS NECESSARY TO THE
6 PERFORMANCE OF DUTIES AND RESPONSIBILITIES UNIQUE TO THE PUBLIC
7 OFFICE, PUBLIC OFFICIAL OR POSITION OF PUBLIC EMPLOYMENT AS
8 DEFINED IN THIS SECTION.

9 "BUSINESS." ANY CORPORATION, PARTNERSHIP, SOLE
10 PROPRIETORSHIP, FIRM, ENTERPRISE, FRANCHISE, ASSOCIATION,
11 ORGANIZATION, SELF-EMPLOYED INDIVIDUAL, HOLDING COMPANY, JOINT
12 STOCK COMPANY, RECEIVERSHIP, TRUST OR ANY LEGAL ENTITY ORGANIZED
13 FOR PROFIT.

14 "BUSINESS WITH WHICH HE IS ASSOCIATED." ANY BUSINESS IN
15 WHICH THE PERSON OR A MEMBER OF THE PERSON'S IMMEDIATE FAMILY IS
16 A DIRECTOR, OFFICER, OWNER, EMPLOYEE OR [HOLDER OF STOCK] HAS A
17 FINANCIAL INTEREST.

18 "CANDIDATE." ANY INDIVIDUAL WHO SEEKS NOMINATION OR ELECTION
19 TO PUBLIC OFFICE BY VOTE OF THE ELECTORATE, OTHER THAN A JUDGE
20 OR INSPECTOR OF ELECTIONS OR OFFICIALS OF A POLITICAL PARTY,
21 WHETHER OR NOT SUCH INDIVIDUAL IS NOMINATED OR ELECTED. AN
22 INDIVIDUAL SHALL BE DEEMED TO BE SEEKING NOMINATION OR ELECTION
23 TO SUCH OFFICE IF HE HAS:

24 (1) RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE OR
25 GIVEN HIS CONSENT FOR ANY OTHER PERSON OR COMMITTEE TO
26 RECEIVE A CONTRIBUTION OR MAKE AN EXPENDITURE FOR THE PURPOSE
27 OF INFLUENCING HIS NOMINATION OR ELECTION TO SUCH OFFICE,
28 WHETHER OR NOT THE INDIVIDUAL HAS ANNOUNCED THE SPECIFIC
29 OFFICE FOR WHICH HE WILL SEEK NOMINATION OR ELECTION AT THE
30 TIME THE CONTRIBUTION IS RECEIVED OR THE EXPENDITURE IS MADE;

OR

(2) TAKEN THE ACTION NECESSARY UNDER THE LAWS OF THIS
COMMONWEALTH TO QUALIFY HIMSELF FOR NOMINATION OR ELECTION TO
SUCH OFFICE.

THE TERM SHALL INCLUDE INDIVIDUALS NOMINATED OR ELECTED AS
WRITE-IN CANDIDATES UNLESS THEY RESIGN SUCH NOMINATION OR
ELECTION WITHIN 30 DAYS OF HAVING BEEN NOMINATED OR ELECTED.

"COMMISSION." THE STATE ETHICS COMMISSION.

["COMPENSATION." ANYTHING OF ECONOMIC VALUE, HOWEVER
DESIGNATED, WHICH IS PAID, LOANED, GRANTED, GIVEN, DONATED OR
TRANSFERRED, OR TO BE PAID, LOANED, GRANTED, GIVEN, DONATED OR
TRANSFERRED FOR OR IN CONSIDERATION OF PERSONAL SERVICES TO ANY
PERSON, OFFICIAL OR TO THE STATE.]

"CONFLICT" OR "CONFLICT OF INTEREST." USE BY A PUBLIC
OFFICIAL OR PUBLIC EMPLOYEE OF THE AUTHORITY OF HIS OFFICE OR
EMPLOYMENT OR ANY CONFIDENTIAL INFORMATION RECEIVED THROUGH HIS
HOLDING PUBLIC OFFICE OR EMPLOYMENT FOR THE PRIVATE PECUNIARY
BENEFIT OF HIMSELF, A MEMBER OF HIS IMMEDIATE FAMILY OR A
BUSINESS WITH WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY IS
ASSOCIATED. "CONFLICT" OR "CONFLICT OF INTEREST" DOES NOT
INCLUDE AN ACTION HAVING A DE MINIMIS ECONOMIC IMPACT OR WHICH
AFFECTS TO THE SAME DEGREE A CLASS CONSISTING OF THE GENERAL
PUBLIC OR A SUBCLASS CONSISTING OF AN INDUSTRY, OCCUPATION OR
OTHER GROUP WHICH INCLUDES THE PUBLIC OFFICIAL OR PUBLIC
EMPLOYEE, A MEMBER OF HIS IMMEDIATE FAMILY OR A BUSINESS WITH
WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY IS ASSOCIATED.

"CONTRACT." AN AGREEMENT OR ARRANGEMENT FOR THE ACQUISITION,
USE OR DISPOSAL BY A STATE OR POLITICAL SUBDIVISION OF
CONSULTING OR OTHER SERVICES OR OF SUPPLIES, MATERIALS,
EQUIPMENT, LAND OR OTHER PERSONAL OR REAL PROPERTY. "CONTRACT"

1 SHALL NOT MEAN AN AGREEMENT OR ARRANGEMENT BETWEEN THE STATE OR
2 POLITICAL SUBDIVISION AS ONE PARTY AND A PUBLIC OFFICIAL OR
3 PUBLIC EMPLOYEE AS THE OTHER PARTY, CONCERNING HIS EXPENSE,
4 REIMBURSEMENT, SALARY, WAGE, RETIREMENT OR OTHER BENEFIT, TENURE
5 OR OTHER MATTERS IN CONSIDERATION OF HIS CURRENT PUBLIC
6 EMPLOYMENT WITH A STATE OR POLITICAL SUBDIVISION.

7 "DE MINIMIS ECONOMIC IMPACT." AN ECONOMIC CONSEQUENCE WHICH
8 HAS AN INSIGNIFICANT EFFECT UPON THE PUBLIC INTEREST.

9 "EXECUTIVE-LEVEL STATE EMPLOYEE." THE GOVERNOR, LIEUTENANT
10 GOVERNOR, CABINET MEMBERS, DEPUTY SECRETARIES, THE GOVERNOR'S
11 OFFICE STAFF, ANY STATE EMPLOYEE WITH DISCRETIONARY POWERS WHICH
12 MAY AFFECT THE OUTCOME OF A STATE AGENCY'S DECISION IN RELATION
13 TO A PRIVATE CORPORATION OR BUSINESS OR ANY EMPLOYEE WHO BY
14 VIRTUE OF HIS JOB FUNCTION COULD INFLUENCE THE OUTCOME OF SUCH A
15 DECISION.

16 "FINANCIAL INTEREST." A FINANCIAL INTEREST IN A LEGAL ENTITY
17 ENGAGED IN BUSINESS FOR PROFIT WHICH COMPRISES MORE THAN 5% OF
18 THE EQUITY OF THE BUSINESS.

19 "FINDINGS REPORT." AN INITIAL REPORT CONTAINING FINDINGS OF
20 FACT AS DETERMINED BY THE COMMISSION'S INVESTIGATION BUT NOT
21 CONTAINING ANY CONCLUSIONS OF LAW OR ANY DETERMINATION OF
22 WHETHER THERE HAS BEEN A VIOLATION OF LAW.

23 "FRIVOLOUS COMPLAINT." A COMPLAINT FILED IN A GROSSLY
24 NEGLIGENT MANNER WITHOUT BASIS IN LAW OR FACT.

25 "GIFT." [A PAYMENT, SUBSCRIPTION, ADVANCE, FORBEARANCE,
26 RENDERING OR DEPOSIT OF MONEY, SERVICES OR ANYTHING OF VALUE,
27 UNLESS CONSIDERATION OF EQUAL OR GREATER VALUE IS RECEIVED]
28 ANYTHING WHICH IS RECEIVED WITHOUT CONSIDERATION. "GIFT" SHALL
29 NOT INCLUDE A POLITICAL CONTRIBUTION OTHERWISE REPORTED AS
30 REQUIRED BY LAW[,] OR A COMMERCIALLY REASONABLE LOAN MADE IN THE

1 ORDINARY COURSE OF BUSINESS[, OR A GIFT RECEIVED FROM A MEMBER
2 OF THE PERSON'S IMMEDIATE FAMILY OR FROM A RELATIVE WITHIN THE
3 THIRD DEGREE OF CONSANGUINITY OF THE PERSON OR OF THE PERSON'S
4 SPOUSE OR FROM THE SPOUSE OF ANY SUCH RELATIVE].

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

10 "GOVERNMENTAL BODY WITH WHICH A PUBLIC OFFICIAL OR PUBLIC
11 EMPLOYEE IS OR HAS BEEN ASSOCIATED." THE ENTITY WITHIN STATE
12 GOVERNMENT OR A POLITICAL SUBDIVISION BY WHICH THE PUBLIC
13 OFFICIAL OR EMPLOYEE IS OR HAS BEEN EMPLOYED OR TO WHICH THE
14 PUBLIC OFFICIAL OR EMPLOYEE IS OR HAS BEEN APPOINTED OR ELECTED.

15 "HONORARIUM." PAYMENT MADE IN RECOGNITION OF PUBLISHED
16 WORKS, APPEARANCES, SPEECHES AND PRESENTATIONS AND WHICH IS NOT
17 INTENDED AS CONSIDERATION FOR THE VALUE OF SUCH SERVICES.

18 "IMMEDIATE FAMILY." [A SPOUSE RESIDING IN THE PERSON'S
19 HOUSEHOLD AND MINOR DEPENDENT CHILDREN] A SPOUSE OR DEPENDENT AS
20 DEFINED BY SECTION 152(A) OF THE INTERNAL REVENUE CODE OF 1986
21 (PUBLIC LAW 99-514, 26 U.S.C. § 152(A)).

22 "INCOME." ANY MONEY OR THING OF VALUE RECEIVED, OR TO BE
23 RECEIVED AS A CLAIM ON FUTURE SERVICES OR IN RECOGNITION OF
24 SERVICES RENDERED IN THE PAST, WHETHER IN THE FORM OF A PAYMENT,
25 FEE, SALARY, EXPENSE, ALLOWANCE, FORBEARANCE, FORGIVENESS,
26 INTEREST, DIVIDEND, ROYALTY, RENT, CAPITAL GAIN, REWARD,
27 SEVERANCE PAYMENT, PROCEEDS FROM THE SALE OF A FINANCIAL
28 INTEREST IN A CORPORATION, PROFESSIONAL CORPORATION, PARTNERSHIP
29 OR OTHER ENTITY RESULTING FROM TERMINATION OR WITHDRAWAL
30 THEREFROM UPON ASSUMPTION OF PUBLIC OFFICE OR EMPLOYMENT OR ANY

1 OTHER FORM OF RECOMPENSE OR ANY COMBINATION THEREOF. "INCOME"
2 REFERS TO GROSS INCOME AND INCLUDES PRIZE WINNINGS AND TAX-
3 EXEMPT INCOME. THE TERM DOES NOT INCLUDE HONORARIA, GIFTS,
4 RETIREMENT, PENSION OR ANNUITY PAYMENTS FUNDED TOTALLY BY
5 CONTRIBUTIONS OF THE PUBLIC OFFICIAL OR EMPLOYEE, OR
6 MISCELLANEOUS, INCIDENTAL INCOME OF MINOR DEPENDENT CHILDREN.

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

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

13 "NOMINEE." ANY PERSON WHOSE NAME HAS BEEN SUBMITTED TO A
14 PUBLIC OFFICIAL OR GOVERNMENTAL BODY VESTED WITH THE POWER TO
15 FINALLY CONFIRM OR REJECT PROPOSED APPOINTMENTS TO PUBLIC OFFICE
16 OR EMPLOYMENT.

17 "NONMINISTERIAL ACTIONS." AN ACTION IN WHICH THE PERSON
18 EXERCISES HIS OWN JUDGMENT AS TO THE DESIRABILITY OF THE ACTION
19 TAKEN.

20 "OPINION." A DIRECTIVE OF THE COMMISSION ISSUED PURSUANT TO
21 PARAGRAPH (10) OF SECTION 7 SETTING FORTH A PUBLIC OFFICIAL'S OR
22 PUBLIC EMPLOYEE'S DUTIES UNDER THIS ACT.

23 "ORDER." A DIRECTIVE OF THE COMMISSION ISSUED PURSUANT TO
24 PARAGRAPH (13) OF SECTION 7 AT THE CONCLUSION OF AN
25 INVESTIGATION WHICH CONTAINS FINDINGS OF FACT, CONCLUSIONS OF
26 LAW AND PENALTIES.

27 "PERSON." A BUSINESS, GOVERNMENTAL BODY, INDIVIDUAL,
28 CORPORATION, UNION, ASSOCIATION, FIRM, PARTNERSHIP, COMMITTEE,
29 CLUB OR OTHER ORGANIZATION OR GROUP OF PERSONS.

30 "POLITICAL CONTRIBUTION." ANY ADVANCE, CONVEYANCE, DEPOSIT,

1 DISTRIBUTION, TRANSFER OF FUNDS, LOAN, PAYMENT, PLEDGE, PURCHASE
2 OF A TICKET TO A TESTIMONIAL OR SIMILAR FUND-RAISING AFFAIR, OR
3 SUBSCRIPTION OF MONEY OR ANYTHING OF VALUE, EXCEPT VOLUNTEER
4 SERVICES, IN CONNECTION WITH A POLITICAL CAMPAIGN, AND ANY
5 CONTRACT, AGREEMENT, PROMISE, OR OTHER OBLIGATIONS, WHETHER OR
6 NOT LEGALLY ENFORCEABLE, TO MAKE A POLITICAL CONTRIBUTION.

7 "POLITICAL SUBDIVISION." ANY COUNTY, CITY, BOROUGH,
8 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT, VOCATIONAL SCHOOL,
9 COUNTY INSTITUTION DISTRICT, AND ANY AUTHORITY, ENTITY OR BODY
10 ORGANIZED BY THE AFOREMENTIONED.

11 "PUBLIC EMPLOYEE." ANY INDIVIDUAL EMPLOYED BY THE
12 COMMONWEALTH OR A POLITICAL SUBDIVISION WHO IS RESPONSIBLE FOR
13 TAKING OR RECOMMENDING OFFICIAL ACTION OF A NONMINISTERIAL
14 NATURE WITH REGARD TO:

15 (1) CONTRACTING OR PROCUREMENT;
16 (2) ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES;
17 (3) PLANNING OR ZONING;
18 (4) INSPECTING, LICENSING, REGULATING OR AUDITING ANY
19 PERSON; OR

20 (5) ANY OTHER ACTIVITY WHERE THE OFFICIAL ACTION HAS AN
21 ECONOMIC IMPACT OF GREATER THAN A DE MINIMIS NATURE ON THE
22 INTERESTS OF ANY PERSON.

23 "PUBLIC EMPLOYEE" SHALL NOT INCLUDE INDIVIDUALS WHO ARE EMPLOYED
24 BY THE STATE OR ANY POLITICAL SUBDIVISION THEREOF IN TEACHING AS
25 DISTINGUISHED FROM ADMINISTRATIVE DUTIES.

26 "PUBLIC OFFICIAL." ANY [ELECTED] PERSON ELECTED BY THE
27 PUBLIC OR APPOINTED OFFICIAL IN THE EXECUTIVE, LEGISLATIVE OR
28 JUDICIAL BRANCH OF THE STATE OR ANY POLITICAL SUBDIVISION
29 THEREOF, PROVIDED THAT IT SHALL NOT INCLUDE MEMBERS OF ADVISORY
30 BOARDS THAT HAVE NO AUTHORITY TO EXPEND PUBLIC FUNDS OTHER THAN

1 REIMBURSEMENT FOR PERSONAL EXPENSE, OR TO OTHERWISE EXERCISE THE
2 POWER OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF. "PUBLIC
3 OFFICIAL" SHALL NOT INCLUDE ANY APPOINTED OFFICIAL WHO RECEIVES
4 NO COMPENSATION OTHER THAN REIMBURSEMENT FOR ACTUAL EXPENSES[.]
5 AND WHOSE FUNCTION IS MERELY TO ADVISE PUBLIC OFFICIALS.

6 "REPRESENT." TO ACT ON BEHALF OF ANY OTHER PERSON IN ANY
7 ACTIVITY WHICH INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:
8 PERSONAL APPEARANCES, NEGOTIATIONS, LOBBYING AND SUBMITTING BID
9 OR CONTRACT PROPOSALS WHICH ARE SIGNED BY OR CONTAIN THE NAME OF
10 A FORMER PUBLIC OFFICIAL OR PUBLIC EMPLOYEE.

11 "STATE CONSULTANT." A PERSON WHO, AS AN INDEPENDENT
12 CONTRACTOR, PERFORMS PROFESSIONAL, SCIENTIFIC, TECHNICAL OR
13 ADVISORY SERVICE FOR A STATE AGENCY, AND WHO RECEIVES A FEE,
14 HONORARIUM OR SIMILAR COMPENSATION FOR SUCH SERVICES. A "STATE
15 CONSULTANT" IS NOT AN EXECUTIVE-LEVEL EMPLOYEE.

16 SECTION 3. RESTRICTED ACTIVITIES.

17 (A) [NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL USE HIS
18 PUBLIC OFFICE OR ANY CONFIDENTIAL INFORMATION RECEIVED THROUGH
19 HIS HOLDING PUBLIC OFFICE TO OBTAIN FINANCIAL GAIN OTHER THAN
20 COMPENSATION PROVIDED BY LAW FOR HIMSELF, A MEMBER OF HIS
21 IMMEDIATE FAMILY, OR A BUSINESS WITH WHICH HE IS ASSOCIATED] NO
22 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL ENGAGE IN CONDUCT THAT
23 CONSTITUTES A CONFLICT OF INTEREST.

24 (B) NO PERSON SHALL OFFER OR GIVE TO A PUBLIC OFFICIAL, [OR]
25 PUBLIC EMPLOYEE OR NOMINEE OR CANDIDATE FOR PUBLIC OFFICE OR A
26 MEMBER OF HIS IMMEDIATE FAMILY OR A BUSINESS WITH WHICH HE IS
27 ASSOCIATED, AND NO PUBLIC OFFICIAL, [OR] PUBLIC EMPLOYEE OR
28 NOMINEE OR CANDIDATE FOR PUBLIC OFFICE SHALL SOLICIT OR ACCEPT,
29 ANYTHING OF MONETARY VALUE, INCLUDING A GIFT, LOAN, POLITICAL
30 CONTRIBUTION, REWARD, OR PROMISE OF FUTURE EMPLOYMENT BASED ON

1 [ANY] THEIR MUTUAL UNDERSTANDING THAT THE VOTE, OFFICIAL ACTION,
2 OR JUDGMENT OF THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR NOMINEE
3 OR CANDIDATE FOR PUBLIC OFFICE WOULD [BE INFLUENCED THEREBY] ACT
4 IN RESPONSE THERETO.

5 (C) (1) NO PERSON SHALL SOLICIT OR ACCEPT A SEVERANCE
6 PAYMENT OR ANYTHING OF MONETARY VALUE CONTINGENT UPON THE
7 ASSUMPTION OR ACCEPTANCE OF PUBLIC OFFICE OR EMPLOYMENT.

8 (2) THIS SUBSECTION SHALL NOT PROHIBIT:

9 (I) PAYMENTS RECEIVED PURSUANT TO AN EMPLOYMENT
10 AGREEMENT IN EXISTENCE PRIOR TO THE TIME A PERSON BECOMES
11 A CANDIDATE OR RECEIVES NOTICE THAT HE IS UNDER
12 CONSIDERATION FOR APPOINTED PUBLIC OFFICE OR MAKES
13 APPLICATION FOR PUBLIC EMPLOYMENT.

14 (II) RECEIPT OF A SALARY, FEES, SEVERANCE PAYMENT OR
15 PROCEEDS RESULTING FROM THE SALE OF A PERSON'S INTEREST
16 IN A BUSINESS CORPORATION, PROFESSIONAL CORPORATION,
17 PARTNERSHIP OR OTHER ENTITY RESULTING FROM TERMINATION OR
18 WITHDRAWAL THEREFROM UPON THE ASSUMPTION OR ACCEPTANCE OF
19 PUBLIC OFFICE OR EMPLOYMENT.

20 (3) PAYMENTS MADE OR RECEIVED PURSUANT TO PARAGRAPH
21 (2)(I) AND (II) SHALL NOT BE BASED ON THE MUTUAL
22 UNDERSTANDING, WRITTEN OR OTHERWISE, THAT THE VOTE OR
23 OFFICIAL ACTION OF THE PROSPECTIVE PUBLIC OFFICIAL OR
24 EMPLOYEE WOULD BE INFLUENCED THEREBY.

25 (4) THIS SUBSECTION SHALL NOT BE APPLIED RETROACTIVELY.

26 [(C)] (D) NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR [A MEMBER
27 OF HIS IMMEDIATE FAMILY OR ANY BUSINESS IN WHICH THE PERSON OR A
28 MEMBER OF THE PERSON'S IMMEDIATE FAMILY IS A DIRECTOR, OFFICER,
29 OWNER OR HOLDER OF STOCK EXCEEDING 5% OF THE EQUITY AT FAIR
30 MARKET VALUE OF THE BUSINESS] HIS IMMEDIATE FAMILY OR ANY

1 BUSINESS IN WHICH THE PERSON OR HIS IMMEDIATE FAMILY IS
2 ASSOCIATED SHALL ENTER INTO ANY CONTRACT VALUED AT \$500 OR MORE
3 [WITH A GOVERNMENTAL BODY UNLESS THE CONTRACT HAS BEEN AWARDED
4 THROUGH AN OPEN AND PUBLIC PROCESS, INCLUDING PRIOR PUBLIC
5 NOTICE AND SUBSEQUENT PUBLIC DISCLOSURE OF ALL PROPOSALS
6 CONSIDERED AND CONTRACTS AWARDED] WITH THE GOVERNMENTAL BODY
7 WITH WHICH THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IS ASSOCIATED
8 OR ANY SUBCONTRACT VALUED AT \$500 OR MORE WITH ANY PERSON WHO
9 HAS BEEN AWARDED A CONTRACT WITH THE GOVERNMENTAL BODY WITH
10 WHICH THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IS ASSOCIATED,
11 UNLESS THE CONTRACT HAS BEEN AWARDED THROUGH A CUSTOMARY OPEN
12 AND PUBLIC PROCESS, INCLUDING PRIOR PUBLIC NOTICE AND SUBSEQUENT
13 PUBLIC DISCLOSURE OF ALL PROPOSALS CONSIDERED AND CONTRACTS
14 AWARDED. ANY CONTRACT OR SUBCONTRACT MADE IN VIOLATION OF THIS
15 SUBSECTION SHALL BE VOIDABLE BY A COURT OF COMPETENT
16 JURISDICTION IF THE SUIT IS COMMENCED WITHIN 90 DAYS OF THE
17 MAKING OF THE CONTRACT OR SUBCONTRACT.

18 [(D) OTHER AREAS OF POSSIBLE CONFLICT SHALL BE ADDRESSED BY
19 THE COMMISSION PURSUANT TO PARAGRAPH (9) OF SECTION 7.]

20 (E) NO FORMER PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL
21 REPRESENT A PERSON, WITH OR WITHOUT COMPENSATION, ON ANY MATTER
22 BEFORE THE GOVERNMENTAL BODY WITH WHICH HE HAS BEEN ASSOCIATED
23 FOR ONE YEAR AFTER HE LEAVES THAT BODY.

24 (F) NO PERSON SHALL USE FOR ANY COMMERCIAL PURPOSE
25 INFORMATION COPIED FROM STATEMENTS OF FINANCIAL INTERESTS
26 REQUIRED BY THIS ACT OR FROM LISTS COMPILED FROM SUCH
27 STATEMENTS.

28 (G) NO FORMER EXECUTIVE-LEVEL STATE EMPLOYEE MAY FOR A
29 PERIOD OF TWO YEARS FROM THE TIME THAT HE TERMINATES HIS STATE
30 EMPLOYMENT BE EMPLOYED BY, RECEIVE COMPENSATION FROM, ASSIST OR

1 ACT IN A REPRESENTATIVE CAPACITY FOR A BUSINESS OR CORPORATION
2 THAT HE ACTIVELY PARTICIPATES IN RECRUITING TO THE COMMONWEALTH
3 OF PENNSYLVANIA OR THAT HE ACTIVELY PARTICIPATED IN INDUCING TO
4 OPEN A NEW PLANT, FACILITY OR BRANCH IN THE COMMONWEALTH OR THAT
5 HE ACTIVELY PARTICIPATED IN INDUCING TO EXPAND AN EXISTENT PLANT
6 OR FACILITY WITHIN THE COMMONWEALTH, PROVIDED THAT THE ABOVE
7 PROHIBITION SHALL BE INVOKED ONLY WHEN THE RECRUITMENT OR
8 INDUCEMENT IS ACCOMPLISHED BY A GRANT OR LOAN OF MONEY OR A
9 PROMISE OF A GRANT OR LOAN OF MONEY FROM THE COMMONWEALTH TO THE
10 BUSINESS OR CORPORATION RECRUITED OR INDUCED TO EXPAND.

11 [(H) (1) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OFFICE IN
12 ANY POLITICAL SUBDIVISION SHALL NOT HAVE AN INTEREST IN ANY
13 CONTRACT OR CONSTRUCTION IN WHICH THAT POLITICAL SUBDIVISION
14 SHALL ENTER OR HAVE AN INTEREST.

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

19 (3) FOR PURPOSES OF THIS SUBSECTION THE TERM "INTEREST"
20 SHALL NOT INCLUDE THE OWNERSHIP OF SHARES OF STOCK IN ANY
21 CORPORATION IN AN AMOUNT OF 5% OR LESS OF THE TOTAL ISSUE FOR
22 SAID CORPORATION.]

23 (H) WHERE VOTING CONFLICTS ARE NOT OTHERWISE ADDRESSED BY
24 THE PENNSYLVANIA CONSTITUTION OR ANY LAW, RULE, REGULATION,
25 ORDER OR ORDINANCE, THE FOLLOWING PROCEDURE SHALL BE EMPLOYED.
26 ANY PUBLIC OFFICIAL OR PUBLIC EMPLOYEE, WHO IN THE DISCHARGE OF
27 HIS OFFICIAL DUTIES, WOULD BE REQUIRED TO VOTE ON A MATTER THAT
28 WOULD RESULT IN A CONFLICT OF INTEREST SHALL ABSTAIN FROM VOTING
29 AND, PRIOR TO THE VOTE BEING TAKEN, PUBLICLY ANNOUNCE AND
30 DISCLOSE THE NATURE OF HIS INTEREST AS A PUBLIC RECORD IN A

1 WRITTEN MEMORANDUM FILED WITH THE PERSON RESPONSIBLE FOR
2 RECORDING THE MINUTES OF THE MEETING AT WHICH THE VOTE IS TAKEN,
3 PROVIDED THAT WHENEVER A GOVERNING BODY WOULD BE UNABLE TO TAKE
4 ANY ACTION ON A MATTER BEFORE IT BECAUSE A MAJORITY OF MEMBERS
5 OF THE BODY ARE REQUIRED TO ABSTAIN FROM VOTING UNDER THE
6 PROVISIONS OF THIS SUBSECTION, THEN SUCH MEMBERS SHALL BE
7 PERMITTED TO VOTE IF DISCLOSURES ARE MADE AS OTHERWISE PROVIDED
8 HEREIN.

9 (I) NOTHING IN THIS ACT SHALL BE CONSTRUED TO REGULATE,
10 LIMIT, RESTRICT OR OTHERWISE AFFECT IN ANY MANNER THE
11 PROCEDURES, POLICIES OR ACTIONS OF ANY GOVERNMENTAL BODY OR ANY
12 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE RELATING TO THE HIRING,
13 FIRING, PROMOTION OR COMPENSATION OF GOVERNMENTAL EMPLOYEES
14 HAVING THE QUALIFICATIONS TO MEET THE JOB DESCRIPTION OF THE
15 POSITION FOR WHICH THEY WERE HIRED, PROVIDED THAT THE TERMS OF
16 EMPLOYMENT OF SAID GOVERNMENT EMPLOYEES ARE DISCLOSED AT LEAST
17 ANNUALLY TO THE GENERAL PUBLIC.

18 (J) (1) NO MEMBER OF THE GENERAL ASSEMBLY OR OFFICER OR
19 EMPLOYEE OF THE GENERAL ASSEMBLY OR ANY COMMITTEE THEREOF
20 SHALL RECEIVE ANY COMPENSATION OR ENTER INTO ANY AGREEMENT
21 WITH ANY PERSON FOR COMPENSATION FOR SERVICES RENDERED OR TO
22 BE RENDERED, FOR ASSISTING ANY PERSON IN ANY TRANSACTION
23 INVOLVING THE COMMONWEALTH OR ANY OF ITS OFFICIALS OR
24 AGENCIES UNLESS HE SHALL FILE WITH THE CHIEF CLERK OF THE
25 HOUSE OF REPRESENTATIVES OR SECRETARY OF THE SENATE AS THE
26 CASE MAY BE, A WRITTEN STATEMENT, GIVING THE FOLLOWING
27 INFORMATION:

28 (I) NAME AND ADDRESS OF THE MEMBER.

29 (II) THE NAME AND ADDRESS OF THE PERSON EMPLOYING OR
30 RETAINING THE MEMBER TO PERFORM SUCH SERVICES.

1 (III) WHETHER THE AMOUNT OF THE COMPENSATION FOR
2 SERVICES RENDERED OR TO BE RENDERED IS:

3 (A) ONE THOUSAND DOLLARS, OR MORE; OR

4 (B) LESS THAN \$1,000.

5 (IV) A BRIEF DESCRIPTION OF THE TRANSACTION IN
6 REFERENCE TO WHICH SERVICE IS RENDERED OR IS TO BE
7 RENDERED AND OF THE NATURE OF THE SERVICE.

8 (2) THE SWORN STATEMENT SHALL BE FILED WITH THE CHIEF
9 CLERK OR SECRETARY WITHIN TEN DAYS FROM THE DATE SUCH
10 AGREEMENT, EXPRESS OR IMPLIED WAS ENTERED INTO, OR THE
11 COMPENSATION WAS RECEIVED. SUCH STATEMENT OF DISCLOSURE SHALL
12 BE DEEMED CONFIDENTIAL AND PRIVILEGED AND SHALL ONLY BE MADE
13 PUBLIC IN CONNECTION WITH A PUBLIC HEARING FOR AN ALLEGED
14 VIOLATION OF THIS ACT WHERE SUCH WOULD BE RELEVANT TO THE
15 CHARGES MADE REGARDING THE MEMBER, OFFICER OR EMPLOYEE OF THE
16 GENERAL ASSEMBLY. THE STATEMENT OF DISCLOSURE REQUIRED BY
17 THIS SUBSECTION SHALL NOT APPLY TO THE RECEIPT OF
18 COMPENSATION, DIRECTLY OR INDIRECTLY, BY A MEMBER, OFFICER OR
19 EMPLOYEE OF THE GENERAL ASSEMBLY WHO IS AN ATTORNEY-AT-LAW,
20 FOR SERVICES IN A PROCEEDING WHERE HE REPRESENTS AN INTEREST
21 ADVERSE TO THAT OF THE COMMONWEALTH, WHERE THE PROCEEDING IS
22 BEFORE ANY COURT, WHERE THE COMMONWEALTH HAS A RIGHT TO
23 JUDICIAL REVIEW IN A PROCEEDING NOT INITIALLY BEFORE A COURT,
24 OR WHERE THE PROCEEDING INVOLVES ONLY THE UNCONTESTED AND
25 ROUTINE ACTION OF ADMINISTRATIVE OFFICERS OR EMPLOYEES OF THE
26 COMMONWEALTH IN ISSUING OR RENEWING A LICENSE, CHARTER,
27 CERTIFICATE OR SIMILAR DOCUMENT. THE COMMONWEALTH SHALL NOT
28 BE DEEMED A CLIENT OF AN ATTORNEY OR OTHER PROFESSIONAL
29 MERELY BECAUSE THE ATTORNEY OR OTHER PROFESSIONAL IS A
30 MEMBER, OFFICER OR EMPLOYEE OF THE GENERAL ASSEMBLY NOR SHALL

1 IT BE A CONFLICT OF INTEREST FOR AN ATTORNEY OR OTHER
2 PROFESSIONAL TO REPRESENT ENTITIES RECEIVING FUNDS FROM THE
3 COMMONWEALTH THROUGH CONTRACTS OR GRANTS MERELY BECAUSE THE
4 ATTORNEY OR OTHER PROFESSIONAL IS A MEMBER, OFFICER OR
5 EMPLOYEE OF THE GENERAL ASSEMBLY.

6 (3) FOR THE PURPOSES OF THIS SUBSECTION THE FOLLOWING
7 PHRASES WHEN USED HEREIN SHALL HAVE THE RESPECTIVE MEANINGS
8 DEFINED AS FOLLOWS:

9 "STATE ACTION." ANY ACTION ON THE PART OF THE COMMONWEALTH
10 OR A COMMONWEALTH AGENCY, INCLUDING, BUT NOT LIMITED TO:

11 (I) ANY DECISION, DETERMINATION, FINDING, RULING OR
12 ORDER, INCLUDING THE JUDGMENT OR VERDICT OF A COURT OR A
13 QUASI-JUDICIAL BOARD, IN WHICH THE COMMONWEALTH OR ANY OF
14 ITS AGENCIES, BOARDS AND COMMISSIONS HAS AN INTEREST,
15 EXCEPT IN SUCH MATTERS INVOLVING CRIMINAL PROSECUTIONS;

16 (II) ANY GRANT, PAYMENT, AWARD, LICENSE, CONTRACT,
17 TRANSACTION, DECISION, SANCTION OR APPROVAL, OR THE
18 DENIAL THEREOF, OR THE FAILURE TO ACT WITH RESPECT
19 THERE TO, IN WHICH THE COMMONWEALTH OR ANY OF ITS AGENCIES
20 HAS AN INTEREST, EXCEPT IN SUCH MATTERS INVOLVING
21 CRIMINAL PROSECUTIONS;

22 (III) ANY DISPOSITION OF ANY MATTER BY THE GENERAL
23 ASSEMBLY OR ANY COMMITTEE THEREOF.

24 "TRANSACTION INVOLVING THE COMMONWEALTH." ANY PROCEEDING,
25 APPLICATION, SUBMISSION, REQUEST FOR A RULING OR OTHER
26 DETERMINATION, CONTRACT, CLAIM, CASE OR OTHER SUCH PARTICULAR
27 MATTER WHICH THE OFFICIAL IN QUESTION BELIEVES OR HAS REASON TO
28 BELIEVE:

29 (I) IS, OR WILL BE, THE SUBJECT OF STATE ACTION;

30 (II) IS ONE TO WHICH THE COMMONWEALTH IS OR WILL BE

1 A PARTY; OR

2 (III) IS ONE IN WHICH THE COMMONWEALTH HAS A DIRECT
3 INTEREST.

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

6 (A) EACH PUBLIC OFFICIAL OF THE COMMONWEALTH SHALL FILE A
7 STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR
8 WITH THE COMMISSION NO LATER THAN MAY 1 OF EACH YEAR THAT HE
9 HOLDS SUCH A POSITION AND OF THE YEAR AFTER HE LEAVES SUCH A
10 POSITION. EACH PUBLIC EMPLOYEE [EMPLOYED BY] AND PUBLIC OFFICIAL
11 OF THE COMMONWEALTH SHALL FILE A STATEMENT OF FINANCIAL
12 INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE DEPARTMENT,
13 AGENCY, BODY OR BUREAU IN WHICH HE IS EMPLOYED OR TO WHICH HE IS
14 APPOINTED OR ELECTED NO LATER THAN MAY 1 OF EACH YEAR THAT HE
15 HOLDS SUCH A POSITION AND OF THE YEAR AFTER HE LEAVES SUCH A
16 POSITION. ANY OTHER PUBLIC EMPLOYEE OR PUBLIC OFFICIAL SHALL
17 FILE A STATEMENT OF FINANCIAL INTERESTS WITH THE GOVERNING
18 AUTHORITY OF THE POLITICAL SUBDIVISION BY WHICH HE IS EMPLOYED
19 OR WITHIN WHICH HE IS APPOINTED OR ELECTED NO LATER THAN MAY 1
20 OF EACH YEAR THAT HE HOLDS SUCH A POSITION AND OF THE YEAR AFTER
21 HE LEAVES SUCH A POSITION.

22 [(B) EACH CANDIDATE FOR PUBLIC OFFICE SHALL FILE A STATEMENT
23 OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE
24 COMMISSION PRIOR TO FILING A PETITION TO APPEAR ON THE BALLOT
25 FOR ELECTION AS A PUBLIC OFFICIAL. A PETITION TO APPEAR ON THE
26 BALLOT SHALL NOT BE ACCEPTED BY AN ELECTION OFFICIAL UNLESS THE
27 PETITION INCLUDES AN AFFIDAVIT THAT THE CANDIDATE HAS FILED THE
28 REQUIRED STATEMENT OF FINANCIAL INTERESTS WITH THE COMMISSION.]

29 (B) ANY CANDIDATE FOR A STATE-LEVEL PUBLIC OFFICE AND ANY
30 CANDIDATE FOR COUNTY-LEVEL OR LOCAL OFFICE SHALL ATTACH THE

1 STATEMENT OF FINANCIAL INTERESTS TO HIS PETITION TO APPEAR ON
2 THE BALLOT. 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 ATTACHED THERETO A STATEMENT
5 OF FINANCIAL INTERESTS. FAILURE TO FILE THE STATEMENT IN
6 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL, IN
7 ADDITION TO ANY OTHER PENALTIES PROVIDED, BE A FATAL DEFECT TO A
8 PETITION TO APPEAR ON THE BALLOT.

9 (C) EACH [CANDIDATE] STATE-LEVEL NOMINEE FOR PUBLIC OFFICE
10 [NOMINATED BY A PUBLIC OFFICIAL OR GOVERNMENTAL BODY AND SUBJECT
11 TO CONFIRMATION BY A PUBLIC OFFICIAL OR GOVERNMENTAL BODY] SHALL
12 FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
13 CALENDAR YEAR WITH THE COMMISSION AND WITH THE OFFICIAL OR BODY
14 THAT IS VESTED WITH THE POWER OF CONFIRMATION AT LEAST TEN DAYS
15 BEFORE THE OFFICIAL OR BODY SHALL APPROVE OR REJECT THE
16 NOMINATION. EACH NOMINEE FOR A COUNTY-LEVEL OR LOCAL OFFICE
17 SHALL FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
18 CALENDAR YEAR WITH THE GOVERNING AUTHORITY OF THE POLITICAL
19 SUBDIVISION IN WHICH HE IS A NOMINEE AND, IF DIFFERENT, WITH THE
20 OFFICIAL OR BODY THAT IS VESTED WITH THE POWER OF CONFIRMATION
21 AT LEAST TEN DAYS BEFORE THE OFFICIAL OR BODY SHALL APPROVE OR
22 REJECT THE NOMINATION.

23 (D) NO PUBLIC OFFICIAL SHALL BE ALLOWED TO TAKE THE OATH OF
24 OFFICE OR ENTER OR CONTINUE UPON HIS DUTIES, NOR SHALL HE
25 RECEIVE COMPENSATION FROM PUBLIC FUNDS, UNLESS HE HAS FILED A
26 STATEMENT OF FINANCIAL INTERESTS [WITH THE COMMISSION] AS
27 REQUIRED BY THIS ACT.

28 (E) [(1) ANY CANDIDATE FOR STATE OR COUNTY-WIDE PUBLIC
29 OFFICE SHALL FILE A STATEMENT OF FINANCIAL INTERESTS WITH THE
30 COMMISSION PURSUANT TO THIS ACT AND SHALL FILE A COPY OF THAT

1 STATEMENT WITH THE BOARD OF ELECTIONS IN THE COUNTY IN WHICH
2 THE CANDIDATE RESIDES.

3 (2) ANY CANDIDATE FOR LOCAL OFFICE SHALL FILE A
4 STATEMENT OF FINANCIAL INTERESTS WITH THE COMMISSION PURSUANT
5 TO THIS ACT AND SHALL FILE A COPY OF THAT STATEMENT WITH THE
6 GOVERNING AUTHORITY OF THE POLITICAL SUBDIVISION IN WHICH HE
7 IS A CANDIDATE.

8 (F)] ALL STATEMENTS OF FINANCIAL [INTEREST] INTERESTS FILED
9 PURSUANT TO THE PROVISIONS OF THIS ACT SHALL BE MADE AVAILABLE
10 FOR PUBLIC INSPECTION AND COPYING DURING REGULAR OFFICE HOURS,
11 AND COPYING FACILITIES SHALL BE MADE AVAILABLE AT A CHARGE NOT
12 TO EXCEED ACTUAL COST.

13 SECTION 5. STATEMENT OF FINANCIAL INTERESTS.

14 (A) THE STATEMENT OF FINANCIAL INTERESTS FILED PURSUANT TO
15 THIS ACT SHALL BE ON A FORM PRESCRIBED BY THE COMMISSION. ALL
16 INFORMATION REQUESTED ON THE STATEMENT SHALL BE PROVIDED TO THE
17 BEST OF THE KNOWLEDGE, INFORMATION AND BELIEF OF THE PERSON
18 REQUIRED TO FILE AND SHALL BE SIGNED UNDER [PENALTY OF PERJURY
19 BY THE PERSON REQUIRED TO FILE THE STATEMENT] OATH OR EQUIVALENT
20 AFFIRMATION.

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

24 (1) [THE NAME] NAME, ADDRESS AND PUBLIC POSITION [OF THE
25 PERSON REQUIRED TO FILE THE STATEMENT].

26 (2) [THE OCCUPATIONS OR PROFESSIONS OF THE PERSON
27 REQUIRED TO FILE THE STATEMENT AND THOSE OF HIS IMMEDIATE
28 FAMILY] OCCUPATION OR PROFESSION.

29 (3) ANY DIRECT OR INDIRECT INTEREST IN ANY REAL ESTATE
30 WHICH WAS SOLD OR LEASED TO THE COMMONWEALTH, ANY OF ITS

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

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

13 (5) THE NAME AND ADDRESS OF ANY [PERSON WHO IS THE]
14 DIRECT OR INDIRECT SOURCE OF INCOME TALLING IN THE
15 AGGREGATE [\$500] \$1,000 OR MORE. HOWEVER, THIS PROVISION
16 SHALL NOT BE CONSTRUED TO REQUIRE THE DIVULGENCE OF
17 CONFIDENTIAL INFORMATION PROTECTED BY STATUTE OR EXISTING
18 PROFESSIONAL CODES OF ETHICS OR COMMON LAW PRIVILEGES.

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

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

27 (6) (1) THE NAME AND ADDRESS OF THE SOURCE AND THE
28 AMOUNT OF ANY GIFT OR GIFTS VALUED IN THE AGGREGATE AT
29 \$500 OR MORE AND THE CIRCUMSTANCES OF EACH GIFT. THIS
30 PARAGRAPH SHALL NOT APPLY TO THE PAYMENT FOR OR

1 REIMBURSEMENT OF ACTUAL EXPENSES FOR TRANSPORTATION AND
2 LODGING OR HOSPITALITY RECEIVED IN CONNECTION WITH PUBLIC
3 OFFICE OR EMPLOYMENT. THIS PARAGRAPH SHALL NOT APPLY TO
4 EXPENSES ELIGIBLE FOR REIMBURSEMENT BY THE GOVERNMENTAL
5 BODY WITH WHICH THE PUBLIC OFFICIAL OR EMPLOYEE IS
6 ASSOCIATED; NOR SHALL THIS PARAGRAPH APPLY TO A GIFT OR
7 GIFTS RECEIVED FROM A SPOUSE, PARENT, PARENT BY MARRIAGE,
8 SIBLING, CHILD, GRANDCHILD, OR OTHER FAMILY MEMBER OR A
9 FRIEND WHEN THE CIRCUMSTANCES MAKE IT CLEAR THAT THE
10 MOTIVATION FOR THE ACTION WAS A PERSONAL RELATIONSHIP.

11 (II) A PERSON WHO IS THE SOURCE OF ANY GIFT OR GIFTS
12 REQUIRED TO BE REPORTED PURSUANT TO THIS SUBSECTION
13 SHALL, ANNUALLY, INFORM THE RECIPIENT OF THE VALUE AND
14 AGGREGATE VALUE AND CIRCUMSTANCES OF SUCH GIFT OR GIFTS.

15 (7) THE NAME AND ADDRESS OF THE SOURCE AND THE AMOUNT OF
16 ANY HONORARIUM RECEIVED WHICH IS IN EXCESS OF \$500.

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 (C) [THE] EXCEPT WHERE AN AMOUNT IS REQUIRED TO BE REPORTED
22 BY PARAGRAPH (6), THE STATEMENT OF FINANCIAL [INTEREST]
23 INTERESTS NEED NOT INCLUDE SPECIFIC AMOUNTS FOR ANY OF THE ITEMS
24 REQUIRED TO BE LISTED.

25 SECTION 6. STATE ETHICS COMMISSION.

26 (A) THERE IS ESTABLISHED A STATE ETHICS COMMISSION COMPOSED
27 OF SEVEN MEMBERS[,]. THE PRESIDENT PRO TEMPORE OF THE SENATE,
28 THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE HOUSE, AND
29 THE MINORITY LEADER OF THE HOUSE SHALL EACH APPOINT ONE MEMBER.
30 THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITHOUT

1 CONFIRMATION. NO MORE THAN TWO OF THE MEMBERS APPOINTED BY THE
2 GOVERNOR SHALL BE OF THE SAME POLITICAL PARTY. NO APPOINTEE
3 SHALL HAVE SERVED AS AN OFFICER IN A POLITICAL PARTY FOR ONE
4 YEAR PRIOR TO HIS APPOINTMENT.

5 (B) MEMBERS OF THE COMMISSION SHALL SERVE FOR TERMS OF
6 [FIVE] THREE YEARS[, EXCEPT THAT, OF THE MEMBERS FIRST
7 APPOINTED:

8 (1) THE TWO MEMBERS APPOINTED BY THE PRESIDENT PRO
9 TEMPORE AND MINORITY LEADER OF THE SENATE SHALL SERVE FOR
10 FOUR YEARS;

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

13 (3) OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR TWO
14 SHALL SERVE FOR THREE YEARS, AND ONE SHALL SERVE FOR FIVE
15 YEARS] AND UNTIL THEIR SUCCESSORS ARE APPOINTED.

16 (C) NO MEMBER SHALL BE APPOINTED TO MORE THAN [ONE FULL
17 FIVE-YEAR TERM] TWO CONSECUTIVE FULL THREE-YEAR TERMS ON THE
18 COMMISSION.

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

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

22 (2) HOLD OFFICE IN ANY POLITICAL PARTY OR POLITICAL
23 COMMITTEE;

24 (3) ACTIVELY PARTICIPATE IN ANY POLITICAL CAMPAIGN;

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

29 (5) BE EMPLOYED BY THE COMMONWEALTH OR A POLITICAL
30 SUBDIVISION IN ANY OTHER CAPACITY, WHETHER OR NOT FOR

1 COMPENSATION.

2 (E) A MAJORITY OF THE COMMISSION BY RESOLUTION SHALL DECLARE
3 VACANT THE POSITION ON THE COMMISSION OF ANY MEMBER WHO TAKES
4 PART IN ACTIVITIES PROHIBITED BY SUBSECTION (D). AN INDIVIDUAL
5 APPOINTED TO FILL A VACANCY OCCURRING OTHER THAN BY THE
6 EXPIRATION OF A TERM OF OFFICE SHALL BE APPOINTED FOR THE
7 UNEXPIRED TERM OF THE MEMBER HE SUCCEEDS, AND IS ELIGIBLE FOR
8 APPOINTMENT TO ONE FULL FIVE-YEAR TERM THEREAFTER. ANY VACANCY
9 OCCURRING ON THE COMMISSION SHALL BE FILLED WITHIN 30 DAYS IN
10 THE MANNER IN WHICH THAT POSITION WAS ORIGINALLY FILLED.

11 (F) THE COMMISSION SHALL ELECT A CHAIRMAN AND A VICE
12 CHAIRMAN. THE VICE CHAIRMAN SHALL ACT AS CHAIRMAN IN THE ABSENCE
13 OF THE CHAIRMAN OR IN THE EVENT OF A VACANCY IN THAT POSITION.

14 (G) FOUR MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM
15 AND THE VOTES OF A MAJORITY OF THE MEMBERS PRESENT IS REQUIRED
16 FOR ANY ACTION OR RECOMMENDATION OF THE COMMISSION. THE CHAIRMAN
17 OR ANY FOUR MEMBERS OF THE COMMISSION MAY CALL A MEETING
18 PROVIDED THAT ADVANCE WRITTEN NOTICE IS MAILED TO EACH MEMBER
19 AND TO ANY PERSON WHO REQUESTS NOTICE OF SUCH MEETINGS.

20 (H) MEMBERS OF THE COMMISSION SHALL BE COMPENSATED AT A RATE
21 OF [\$50] \$125 PER DAY AND SHALL RECEIVE REIMBURSEMENT FOR THEIR
22 ACTUAL AND NECESSARY EXPENSES WHILE PERFORMING THE BUSINESS OF
23 THE COMMISSION.

24 (I) THE COMMISSION SHALL EMPLOY AN EXECUTIVE DIRECTOR, A
25 [GENERAL] CHIEF COUNSEL, AND SUCH OTHER STAFF AS ARE NECESSARY
26 TO CARRY OUT ITS DUTIES PURSUANT TO THIS ACT. THE EXECUTIVE
27 DIRECTOR SHALL BE RESPONSIBLE FOR THE ADMINISTRATIVE OPERATIONS
28 OF THE COMMISSION AND SHALL PERFORM SUCH OTHER DUTIES AS MAY BE
29 DELEGATED OR ASSIGNED TO HIM BY THE COMMISSION, EXCEPT THAT THE
30 COMMISSION SHALL NOT DELEGATE THE MAKING OF REGULATIONS TO THE

EXECUTIVE DIRECTOR. THE [GENERAL] CHIEF COUNSEL SHALL BE THE
CHIEF LEGAL OFFICER OF THE COMMISSION. THE COMMISSION MAY OBTAIN
THE SERVICES OF EXPERTS AND CONSULTANTS AS NECESSARY TO CARRY
OUT ITS DUTIES PURSUANT TO THIS ACT. THE STATE TREASURER AND THE
ATTORNEY GENERAL SHALL MAKE AVAILABLE TO THE COMMISSION IN
RETURN FOR ADEQUATE COMPENSATION SUCH PERSONNEL, FACILITIES, AND
OTHER ASSISTANCE AS THE COMMISSION MAY REQUEST.

(J) THE DOLLAR AMOUNTS SET FORTH IN SECTIONS 3 AND 5 SHALL
BE REVISED TO THE CLOSEST DOLLAR IN ACCORDANCE WITH CHANGES IN
THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS AS DETERMINED
AND PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR. THE
REVISED AMOUNTS SHALL BE COMPUTED ANNUALLY BY THE COMMISSION AND
PUBLISHED IN THE PENNSYLVANIA BULLETIN.

SECTION 7. [DUTIES] POWERS AND DUTIES OF THE COMMISSION.

IN ADDITION TO OTHER POWERS AND DUTIES PRESCRIBED BY LAW, THE
COMMISSION SHALL:

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

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

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

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

(5) INSPECT STATEMENTS OF FINANCIAL INTERESTS WHICH HAVE
BEEN FILED IN ORDER TO ASCERTAIN WHETHER ANY REPORTING PERSON
HAS FAILED TO FILE SUCH A STATEMENT OR HAS FILED A DEFICIENT

1 STATEMENT. IF, UPON INSPECTION, IT IS DETERMINED THAT A
2 REPORTING PERSON HAS FAILED TO FILE A STATEMENT OF FINANCIAL
3 INTERESTS OR THAT ANY STATEMENT WHICH HAS BEEN FILED FAILS TO
4 CONFORM WITH THE REQUIREMENTS OF SECTION 5, THEN THE
5 COMMISSION SHALL, IN WRITING, NOTIFY THE PERSON. SUCH NOTICE
6 SHALL STATE IN DETAIL THE DEFICIENCY AND THE PENALTIES FOR
7 FAILURE TO FILE OR FOR FILING A DEFICIENT STATEMENT OF
8 FINANCIAL INTERESTS.

9 [(5) MAKE] (6) PROVIDE THAT STATEMENTS AND REPORTS
10 FILED WITH THE COMMISSION BE MADE AVAILABLE FOR PUBLIC
11 INSPECTION AND COPYING DURING REGULAR OFFICE HOURS AND [MAKE]
12 PROVIDE THAT COPYING FACILITIES BE MADE AVAILABLE AT A CHARGE
13 NOT TO EXCEED ACTUAL COST AND ADVISE OTHER STATE AND LOCAL
14 AGENCIES OF THE PROVISIONS OF THIS PARAGRAPH.

15 [(6)] (7) COMPILE AND MAINTAIN AN INDEX OF ALL REPORTS
16 AND STATEMENTS FILED WITH THE COMMISSION TO FACILITATE PUBLIC
17 ACCESS TO SUCH REPORTS AND STATEMENTS AND INSTRUCT OTHER
18 STATE AND LOCAL AGENCIES WHICH RECEIVE AND FILE FINANCIAL
19 INTEREST STATEMENTS IN THE MAINTENANCE OF SYSTEMS WHICH
20 FACILITATE PUBLIC ACCESS TO SUCH STATEMENTS.

21 [(7)] (8) PREPARE AND PUBLISH ANNUAL SUMMARIES OF
22 STATEMENTS AND REPORTS FILED WITH THE COMMISSION.

23 [(8)] (9) PRESERVE STATEMENTS AND REPORTS FILED WITH THE
24 COMMISSION FOR A PERIOD OF FIVE YEARS FROM DATE OF RECEIPT
25 AND ADVISE OTHER STATE AND LOCAL AGENCIES WHICH RECEIVE AND
26 STORE FINANCIAL INTERESTS STATEMENTS TO PRESERVE SUCH
27 STATEMENTS FOR A PERIOD OF FIVE YEARS FROM DATE OF RECEIPT.

28 [(9) (1)] (10) ISSUE TO ANY PERSON OR THE APPOINTING
29 AUTHORITY OR EMPLOYER OF SUCH PERSON, UPON SUCH PERSON'S OR
30 SUCH AUTHORITY OR EMPLOYER'S REQUEST, AN OPINION WITH RESPECT

1 TO SUCH PERSON'S DUTIES UNDER THIS ACT. THE COMMISSION SHALL,
2 WITHIN 14 DAYS, EITHER ISSUE THE OPINION OR ADVISE THE PERSON
3 WHO MADE THE REQUEST WHETHER AN OPINION WILL BE ISSUED. NO
4 PERSON WHO ACTS IN GOOD FAITH ON AN OPINION ISSUED TO HIM BY
5 THE COMMISSION SHALL BE SUBJECT TO CRIMINAL OR CIVIL
6 PENALTIES FOR SO ACTING, PROVIDED THAT THE MATERIAL FACTS ARE
7 AS STATED IN THE OPINION REQUEST. THE COMMISSION'S OPINIONS
8 SHALL BE PUBLIC RECORDS AND MAY FROM TIME TO TIME BE
9 PUBLISHED UNLESS THE PERSON REQUESTING THE OPINION SPECIFIES
10 THAT THE OPINION BE KEPT CONFIDENTIAL.

11 [(II)] (11) PROVIDE WRITTEN ADVICE TO ANY PERSON OR
12 THE APPOINTING AUTHORITY OR EMPLOYER OF SUCH PERSON, UPON
13 THEIR REQUEST WITH RESPECT TO SUCH PERSON'S DUTIES UNDER THIS
14 ACT. SUCH ADVICE SHALL BE PROVIDED WITHIN 21 WORKING DAYS OF
15 THE REQUEST, PROVIDED THAT THE TIME MAY BE EXTENDED FOR GOOD
16 CAUSE. IT SHALL BE A COMPLETE DEFENSE IN ANY ENFORCEMENT
17 PROCEEDING INITIATED BY THE COMMISSION, AND EVIDENCE OF GOOD
18 FAITH CONDUCT IN ANY OTHER CIVIL OR CRIMINAL PROCEEDING, IF
19 THE REQUESTER, AT LEAST 21 WORKING DAYS PRIOR TO THE ALLEGED
20 VIOLATION, REQUESTED WRITTEN ADVICE FROM THE COMMISSION IN
21 GOOD FAITH, DISCLOSED TRUTHFULLY ALL THE MATERIAL FACTS AND
22 COMMITTED THE ACTS COMPLAINED OF EITHER IN RELIANCE ON THE
23 ADVICE OR BECAUSE OF THE FAILURE OF THE COMMISSION TO PROVIDE
24 ADVICE WITHIN 21 DAYS OF THE REQUEST [OF] OR SUCH LATER
25 EXTENDED TIME.

26 [(III)] (12) INITIATE AN INQUIRY, PURSUANT TO
27 SECTION 8(A), WHERE [AN OPINION] A COMPLAINT HAS NOT BEEN
28 [REQUESTED] FILED BUT WHERE THERE IS A REASONABLE BELIEF THAT
29 A CONFLICT [MAY EXIST] EXISTS. [SUCH INQUIRY SHALL BE
30 CONDUCTED IN PRIVACY WITH FULL RESPECT TO THE CONFIDENTIALITY

1 OF ALL THE PARTIES INVOLVED IN THE ALLEGED CONFLICT. IF THE
2 COMMISSION FINDS THAT THERE IS A CONFLICT, THE INFORMATION
3 SHALL BE PROVIDED FOR CRIMINAL PROCEEDINGS UNLESS THE ALLEGED
4 OFFENDER REMOVES HIMSELF FROM THE CONFLICT WITH RECEIVING
5 FINANCIAL GAIN.

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

22 (13) ISSUE FINDINGS REPORTS AND ORDERS RELATING TO
23 INVESTIGATIONS INITIATED PURSUANT TO SECTION 8, WHICH SET
24 FORTH THE ALLEGED VIOLATION, FINDINGS OF FACT AND CONCLUSIONS
25 OF LAW. AN ORDER MAY INCLUDE RECOMMENDATIONS TO LAW
26 ENFORCEMENT OFFICIALS. ANY ORDER RESULTING FROM A FINDING
27 THAT A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS OBTAINED A
28 FINANCIAL GAIN IN VIOLATION OF THIS ACT MAY REQUIRE THE
29 RESTITUTION PLUS INTEREST OF THAT GAIN TO THE APPROPRIATE
30 GOVERNMENTAL BODY. THE COMMISSION OR THE OFFICE OF ATTORNEY

1 GENERAL SHALL HAVE STANDING TO APPLY TO THE COMMONWEALTH
2 COURT TO SEEK ENFORCEMENT OF AN ORDER REQUIRING SUCH
3 RESTITUTION. THIS RESTITUTION REQUIREMENT SHALL BE IN
4 ADDITION TO ANY OTHER PENALTIES PROVIDED FOR IN THIS ACT.

5 [(10)] (14) HOLD HEARINGS, TAKE TESTIMONY, ISSUE
6 SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES.

7 [(11)] (15) MAKE RECOMMENDATIONS TO LAW ENFORCEMENT
8 OFFICIALS EITHER FOR CRIMINAL PROSECUTION OR DISMISSAL OF
9 CHARGES ARISING OUT OF VIOLATIONS OF THIS ACT.

10 [(12)] (16) PREPARE AND PUBLISH SPECIAL REPORTS,
11 EDUCATIONAL MATERIALS, AND TECHNICAL STUDIES TO FURTHER THE
12 PURPOSES OF THIS ACT.

13 [(13)] (17) PREPARE AND PUBLISH, PRIOR TO JUNE 1 OF EACH
14 YEAR, AN ANNUAL REPORT SUMMARIZING THE ACTIVITIES OF THE
15 COMMISSION.

16 (18) TRANSMIT, FREE OF CHARGE, COPIES OF EACH ORDER,
17 ADVICE AND OPINION WHICH HAS BECOME A MATTER OF PUBLIC RECORD
18 TO THE APPOINTING AUTHORITIES SPECIFIED IN SECTION 6(A).

19 SECTION 8. INVESTIGATIONS BY THE COMMISSION.

20 (A) UPON A COMPLAINT SIGNED UNDER PENALTY OF PERJURY BY ANY
21 PERSON OR UPON ITS OWN MOTION, THE COMMISSION [SHALL
22 INVESTIGATE], THROUGH ITS EXECUTIVE DIRECTOR, SHALL CONDUCT A
23 PRELIMINARY INQUIRY INTO ANY ALLEGED VIOLATION OF THIS ACT. [ALL
24 COMMISSION PROCEEDINGS AND RECORDS RELATING TO AN INVESTIGATION
25 SHALL BE CONFIDENTIAL UNTIL A FINAL DETERMINATION IS MADE BY THE
26 COMMISSION. THE EXECUTIVE DIRECTOR SHALL NOTIFY ANY PERSON UNDER
27 INVESTIGATION BY THE COMMISSION OF THE INVESTIGATION AND OF THE
28 NATURE OF THE ALLEGED VIOLATION WITHIN FIVE DAYS OF THE
29 COMMENCEMENT OF THE INVESTIGATION. WITHIN 15 DAYS OF THE FILING
30 OF A SWORN COMPLAINT BY A PERSON ALLEGING A VIOLATION, AND EVERY

1 30 DAYS THEREAFTER UNTIL THE MATTER IS TERMINATED, THE EXECUTIVE
2 DIRECTOR SHALL NOTIFY THE COMPLAINANT OF THE ACTION TAKEN TO
3 DATE BY THE COMMISSION TOGETHER WITH THE REASONS FOR SUCH ACTION
4 OR NONACTION.] THE COMMISSION SHALL KEEP INFORMATION, RECORDS
5 AND PROCEEDINGS RELATING TO A PRELIMINARY INQUIRY CONFIDENTIAL.
6 THE COMMISSION SHALL, HOWEVER, HAVE THE AUTHORITY TO REFER THE
7 CASE TO LAW ENFORCEMENT OFFICIALS DURING A PRELIMINARY INQUIRY
8 OR ANYTIME THEREAFTER WITHOUT PROVIDING NOTICE TO THE SUBJECT OF
9 THE INQUIRY. THE COMMISSION SHALL COMPLETE ITS PRELIMINARY
10 INQUIRY WITHIN 60 DAYS OF ITS INITIATION.

11 (B) IF A PRELIMINARY [INVESTIGATION] INQUIRY FAILS TO
12 [INDICATE PROBABLE CAUSE FOR BELIEF] ESTABLISH REASON TO BELIEVE
13 THAT THIS ACT HAS BEEN VIOLATED, THE COMMISSION SHALL TERMINATE
14 THE [INVESTIGATION] INQUIRY AND SO NOTIFY THE COMPLAINANT AND
15 THE PERSON WHO HAD BEEN [UNDER INVESTIGATION.] THE SUBJECT OF
16 THE INQUIRY. IF THE COMMISSION DETERMINES THAT A COMPLAINT IS
17 FRIVOLOUS, IT SHALL SO STATE.

18 (C) IF A PRELIMINARY INQUIRY ESTABLISHES REASON TO BELIEVE
19 THAT THIS ACT HAS BEEN VIOLATED, THE COMMISSION MAY, THROUGH ITS
20 EXECUTIVE DIRECTOR, INITIATE AN INVESTIGATION TO DETERMINE IF
21 THERE HAS BEEN A VIOLATION. THE COMMISSION SHALL KEEP
22 INFORMATION, RECORDS AND PROCEEDINGS RELATING TO AN
23 INVESTIGATION CONFIDENTIAL UNTIL A FINAL DETERMINATION IS MADE,
24 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (F). NO INVESTIGATION
25 MAY BE COMMENCED UNTIL THE PERSON WHO IS THE SUBJECT OF THE
26 INVESTIGATION HAS BEEN NOTIFIED AND PROVIDED A GENERAL STATEMENT
27 OF THE ALLEGED VIOLATION OR VIOLATIONS OF THE ACT AND OTHER
28 APPLICABLE STATUTES WITH RESPECT TO SUCH INVESTIGATION. SERVICE
29 OF NOTICE IS COMPLETE UPON MAILING WHICH SHALL BE BY CERTIFIED
30 OR REGISTERED MAIL. THE COMMISSION SHALL NOTIFY THE COMPLAINANT

1 WITHIN 72 HOURS OF THE COMMENCEMENT OF AN INVESTIGATION AND,
2 THEREAFTER, THE COMMISSION SHALL ADVISE THE COMPLAINANT AND THE
3 PERSON WHO IS THE SUBJECT OF THE INVESTIGATION OF THE STATUS OF
4 THE INVESTIGATION AT LEAST EVERY 90 DAYS UNTIL THE INVESTIGATION
5 IS TERMINATED. THE COMMISSION SHALL, WITHIN 180 DAYS OF THE
6 INITIATION OF AN INVESTIGATION, EITHER TERMINATE THE
7 INVESTIGATION PURSUANT TO SUBSECTION (D) OR ISSUE A FINDINGS
8 REPORT PURSUANT TO SUBSECTION (E). UPON A SHOWING BY THE
9 EXECUTIVE DIRECTOR OF THE NEED FOR EXTENSION OF THIS PERIOD, THE
10 COMMISSION MAY EXTEND AN INVESTIGATION FOR UP TO TWO 90-DAY
11 PERIODS, PROVIDED THAT EACH 90-DAY EXTENSION SHALL BE APPROVED
12 BY A MAJORITY VOTE OF MEMBERS PRESENT. IN NO EVENT SHALL A
13 FINDINGS REPORT BE ISSUED LATER THAN 360 DAYS AFTER INITIATION
14 OF AN INVESTIGATION.

15 (D) IF AN INVESTIGATION CONDUCTED UNDER THIS ACT INDICATES
16 THAT NO VIOLATION HAS BEEN COMMITTED, THE COMMISSION SHALL
17 IMMEDIATELY TERMINATE THE INVESTIGATION AND SEND WRITTEN NOTICE
18 OF SUCH DETERMINATION TO THE COMPLAINANT AND THE PERSON WHO WAS
19 THE SUBJECT OF THE INVESTIGATION.

20 (E) THE COMMISSION, UPON THE COMPLETION OF AN INVESTIGATION,
21 SHALL ISSUE A FINDINGS REPORT TO THE SUBJECT OF THE
22 INVESTIGATION SETTING FORTH THE PERTINENT FINDINGS OF FACT. THE
23 SUBJECT SHALL HAVE THE RIGHT TO RESPOND TO SAID FINDINGS AND TO
24 REQUEST AN EVIDENTIARY HEARING ON SAID MATTER. ANY RESPONSE TO
25 THE FINDINGS REPORT MUST EITHER ADMIT OR DENY BY CORRESPONDING
26 NUMBER AND LETTER THE PERTINENT FACTS SET FORTH. THE SUBJECT OF
27 THE INVESTIGATION SHALL HAVE ACCESS TO ANY EVIDENCE INTENDED TO
28 BE USED BY THE COMMISSION AT THE HEARING. MATTERS NOT
29 SPECIFICALLY DENIED IN THE RESPONSE SHALL BE DEEMED ADMITTED.
30 THE RESPONSE MUST BE FILED WITHIN 30 DAYS OF THE ISSUANCE OF THE

1 FINDINGS REPORT UNLESS THE TIME PERIOD IS EXTENDED BY THE
2 COMMISSION FOR GOOD CAUSE SHOWN. HEARINGS CONDUCTED UPON REQUEST
3 SHALL BE INSTITUTED WITHIN 45 DAYS AFTER THE FILING OF THE
4 RESPONSE.

5 (F) WITHIN 30 DAYS OF THE RECEIPT BY THE COMMISSION OF THE
6 HEARING RECORD, OR IF NO HEARING IS TO BE HELD, WITHIN 30 DAYS
7 OF THE RECEIPT BY THE COMMISSION OF THE RESPONSE TO THE FINDINGS
8 REPORT, THE COMMISSION SHALL ISSUE AN ORDER WHICH SHALL BE
9 FINAL. UPON RECEIPT OF A FINAL ORDER, THE SUBJECT SHALL HAVE THE
10 RIGHT TO FILE A PETITION FOR RECONSIDERATION IN ACCORDANCE WITH
11 THE REGULATIONS OF THE COMMISSION.

12 (G) HEARINGS CONDUCTED PURSUANT TO THIS SECTION SHALL BE
13 CLOSED TO THE PUBLIC UNLESS THE SUBJECT REQUESTS AN OPEN
14 HEARING. ANY PERSON WHO APPEARS BEFORE THE COMMISSION SHALL HAVE
15 ALL OF THE DUE PROCESS RIGHTS, PRIVILEGES AND RESPONSIBILITIES
16 OF A PARTY OR WITNESS APPEARING BEFORE AN ADMINISTRATIVE AGENCY
17 OF THIS COMMONWEALTH. ALL WITNESSES SUMMONED FOR SUCH HEARINGS
18 SHALL RECEIVE REIMBURSEMENT FOR REASONABLE EXPENSES IN
19 ACCORDANCE WITH 42 PA.C.S. § 5903 (RELATING TO COMPENSATION AND
20 EXPENSES OF WITNESSES). AT THE CONCLUSION OF A HEARING
21 CONCERNING AN ALLEGED VIOLATION AND IN A TIMELY MANNER, THE
22 COMMISSION SHALL DELIBERATE ON THE EVIDENCE AND DETERMINE, BY
23 MAJORITY VOTE OF THE MEMBERS PRESENT, WHETHER THERE HAS BEEN A
24 VIOLATION OF THIS ACT. THE DETERMINATION OF THE COMMISSION, IN
25 THE FORM OF A FINAL ORDER AND FINDINGS OF FACT, SHALL BE A
26 MATTER OF PUBLIC RECORD.

27 (H) ORDERS WHICH BECOME FINAL IN ACCORDANCE WITH THE
28 PROVISIONS OF THIS SECTION SHALL BE AVAILABLE AS PUBLIC
29 DOCUMENTS, BUT THE FILES AND RECORDS OF THE COMMISSION RELATING
30 TO THE CASE SHALL REMAIN CONFIDENTIAL.

1 (I) NO ACTION MAY BE TAKEN BY THE COMMISSION ON A COMPLAINT
2 FILED AGAINST A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE UNLESS THE
3 ALLEGED OFFENSE WAS COMMITTED DURING THE PERIOD OF TIME WITHIN
4 WHICH THE OFFICIAL OR EMPLOYEE WAS IN PUBLIC OFFICE, WAS A
5 NOMINEE OR CANDIDATE FOR PUBLIC OFFICE, OR WAS EMPLOYED AS A
6 PUBLIC EMPLOYEE, OR WITHIN FIVE YEARS THEREAFTER.

7 (J) ANY PERSON AGGRIEVED BY AN OPINION OR ORDER WHICH
8 BECOMES FINAL IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT WHO
9 HAS DIRECT INTEREST IN SUCH OPINION OR ORDER SHALL HAVE THE
10 RIGHT TO APPEAL THEREFROM IN ACCORDANCE WITH LAW AND GENERAL
11 RULES.

12 (K) NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL DISCHARGE
13 ANY OFFICIAL OR EMPLOYEE OR CHANGE HIS OFFICIAL RANK, GRADE OR
14 COMPENSATION, OR DENY HIM A PROMOTION, OR THREATEN TO DO SO, FOR
15 FILING A COMPLAINT WITH OR PROVIDING INFORMATION TO THE
16 COMMISSION OR TESTIFYING IN ANY COMMISSION PROCEEDING.

17 SECTION 9. PENALTIES.

18 (A) ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION 3(A)
19 AND (B) IS GUILTY OF A FELONY AND SHALL BE FINED NOT MORE THAN
20 \$10,000 OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BE BOTH
21 FINED AND IMPRISONED.

22 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF SECTION 3(C)
23 THROUGH [(H) OR] (H), SECTION 4 OR SECTION 5(A) IS GUILTY OF A
24 MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$1,000 OR
25 IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BE BOTH FINED AND
26 IMPRISONED.

27 (C) ANY PERSON WHO OBTAINS FINANCIAL GAIN FROM VIOLATING ANY
28 PROVISION OF THIS ACT, IN ADDITION TO ANY OTHER PENALTY PROVIDED
29 BY LAW, SHALL PAY [INTO THE STATE TREASURY] A SUM OF MONEY EQUAL
30 TO THREE TIMES THE AMOUNT OF THE FINANCIAL GAIN RESULTING FROM

1 SUCH VIOLATION INTO THE STATE TREASURY OR THE TREASURY OF THE
2 POLITICAL SUBDIVISION. TREBLE DAMAGES SHALL NOT BE ASSESSED
3 AGAINST A PERSON WHO ACTED IN GOOD FAITH RELIANCE ON THE ADVICE
4 OF LEGAL COUNSEL.

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

9 (E) ANY PERSON WHO VIOLATES THE CONFIDENTIALITY OF A
10 COMMISSION PROCEEDING PURSUANT TO SECTION 8, IS GUILTY OF A
11 MISDEMEANOR AND SHALL BE FINED NOT MORE THAN [\$1,000] \$10,000 OR
12 IMPRISONED FOR NOT MORE THAN [ONE YEAR] TWO YEARS, OR BE BOTH
13 FINED AND IMPRISONED. ANY PERSON WHO WILLFULLY AFFIRMS OR SWEARS
14 FALSELY IN REGARD TO ANY MATERIAL MATTER BEFORE A COMMISSION
15 PROCEEDING PURSUANT TO SECTION 8 IS GUILTY OF A FELONY AND SHALL
16 BE FINED NOT MORE THAN \$5,000 OR IMPRISONED FOR NOT MORE THAN
17 FIVE YEARS, OR BE BOTH FINED AND IMPRISONED.

18 (F) IN ADDITION TO ANY OTHER CIVIL REMEDY OR CRIMINAL
19 PENALTY PROVIDED FOR IN THIS ACT, THE COMMISSION MAY, AFTER
20 NOTICE HAS BEEN SERVED IN ACCORDANCE WITH PARAGRAPH (5) OF
21 SECTION 7 AND UPON A MAJORITY VOTE OF ITS MEMBERS, LEVY A CIVIL
22 PENALTY UPON ANY PERSON SUBJECT TO THIS ACT WHO FAILS TO FILE A
23 STATEMENT OF FINANCIAL INTERESTS IN A TIMELY MANNER OR WHO FILES
24 A DEFICIENT STATEMENT OF FINANCIAL INTERESTS, AT A RATE OF NOT
25 MORE THAN \$25 FOR EACH DAY SUCH STATEMENT REMAINS DELINQUENT OR
26 DEFICIENT. THE MAXIMUM PENALTY PAYABLE UNDER THIS PARAGRAPH IS
27 \$250.

28 SECTION 10. [COURT EMPLOYEES.] CONSTABLES.

29 NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT RULE SHALL
30 BE CONSTRUED TO PROHIBIT ANY CONSTABLE [OR ANY EMPLOYEE OF A

1 COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE
2 TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT
3 JUSTICE] FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR
4 POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3,
5 1937 (P.L.1333, NO.320), KNOWN AS THE "PENNSYLVANIA ELECTION
6 CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR
7 NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND
8 HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION
9 DAY ACTIVITIES.

10 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
11 SECTION 10.1. WRONGFUL USE OF ACT.

12 (A) A PERSON WHO SIGNS A COMPLAINT ALLEGING A VIOLATION OF
13 THIS ACT AGAINST ANOTHER IS SUBJECT TO LIABILITY FOR WRONGFUL
14 USE OF THIS ACT IF:

15 (1) HE ACTED IN A GROSSLY NEGLIGENT MANNER OR WITHOUT
16 PROBABLE CAUSE AND PRIMARILY FOR A PURPOSE OTHER THAN THAT OF
17 REPORTING A VIOLATION OF THIS ACT;

18 (2) HE PUBLICLY DISCLOSED OR CAUSED TO BE DISCLOSED THAT
19 A COMPLAINT AGAINST A PERSON HAD BEEN FILED WITH THE
20 COMMISSION; OR

21 (3) THE COMPLAINT WAS FRIVOLOUS AS DEFINED BY THIS ACT
22 OR THERE WAS A LACK OF PROBABLE CAUSE FOR BELIEF THAT THIS
23 ACT HAD BEEN VIOLATED BY THE PERSON.

24 (B) A PERSON WHO SIGNS A COMPLAINT ALLEGING A VIOLATION OF
25 THIS ACT HAS PROBABLE CAUSE FOR DOING SO IF HE REASONABLY
26 BELIEVES IN THE EXISTENCE OF THE FACTS UPON WHICH THE CLAIM IS
27 BASED AND EITHER:

28 (1) REASONABLY BELIEVES THAT UNDER THOSE FACTS THE
29 COMPLAINT MAY BE VALID UNDER THIS ACT; OR

30 (2) BELIEVES TO THIS EFFECT IN RELIANCE UPON THE ADVICE

1 OF COUNSEL, SOUGHT IN GOOD FAITH AND GIVEN AFTER FULL
2 DISCLOSURE OF ALL RELEVANT FACTS WITHIN HIS KNOWLEDGE AND
3 INFORMATION.

4 (C) WHEN THE COMMISSION DETERMINES THAT A COMPLAINANT HAS
5 VIOLATED THE PROVISIONS SET FORTH IN SECTION 10.1(A) THE
6 COMMISSION UPON RECEIVING A WRITTEN REQUEST FROM THE SUBJECT OF
7 THE COMPLAINT SHALL PROVIDE THE NAME AND ADDRESS OF THE
8 COMPLAINANT TO SAID SUBJECT.

9 (D) WHEN THE ESSENTIAL ELEMENTS OF AN ACTION BROUGHT
10 PURSUANT TO THIS SECTION HAVE BEEN ESTABLISHED, THE PLAINTIFF IS
11 ENTITLED TO RECOVER THE FOLLOWING:

12 (1) THE HARM TO HIS REPUTATION BY A DEFAMATORY MATTER
13 ALLEGED AS THE BASIS OF THE PROCEEDING.

14 (2) THE EXPENSES, INCLUDING ANY REASONABLE ATTORNEY
15 FEES, THAT HE HAS REASONABLY INCURRED IN PROCEEDINGS BEFORE
16 THE COMMISSION.

17 (3) ANY SPECIFIC PECUNIARY LOSS THAT HAS RESULTED FROM
18 THE PROCEEDINGS.

19 (4) ANY EMOTIONAL DISTRESS THAT HAS BEEN CAUSED BY THE
20 PROCEEDINGS.

21 (5) ANY PUNITIVE DAMAGES ACCORDING TO LAW IN APPROPRIATE
22 CASES.

23 SECTION 3. SECTION 11 OF THE ACT IS REENACTED AND AMENDED TO
24 READ:

25 SECTION 11. SUPPLEMENTAL PROVISIONS.

26 ANY GOVERNMENTAL BODY MAY ADOPT REQUIREMENTS TO SUPPLEMENT
27 THIS ACT, PROVIDED THAT NO SUCH [REQUIREMENT] REQUIREMENTS SHALL
28 IN ANY WAY BE LESS RESTRICTIVE THAN THE ACT.

29 SECTION 4. SECTION 12 OF THE ACT IS REENACTED TO READ:

30 SECTION 12. CONFLICT OF LAW.

1 IF THE PROVISIONS OF THIS ACT CONFLICT WITH ANY OTHER
2 STATUTE, ORDINANCE, REGULATION OR RULE, THE PROVISIONS OF THIS
3 ACT SHALL CONTROL.

4 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
5 SECTION 12.1. LEGISLATIVE INTENT.

6 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ALL LAW
7 RELATING TO THE ETHICS OF PUBLIC OFFICIALS AND PUBLIC EMPLOYEES
8 SHALL BE UNAMBIGUOUSLY STATED IN THIS ACT. THEREFORE IN THE
9 EVENT OF A CONFLICT BETWEEN THIS ACT AND ANY OTHER CIVIL OR
10 CRIMINAL STATUTE, WHETHER ENACTED PRIOR OR SUBSEQUENT TO THE
11 PASSAGE OF THIS ACT, THIS ACT SHALL PREVAIL UNLESS ALL OR A
12 PORTION OF THIS ACT IS SPECIFICALLY AND EXPRESSLY REPEALED.

13 SECTION 6. SECTION 13 OF THE ACT IS REENACTED TO READ:
14 SECTION 13. SEVERABILITY.

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

19 SECTION 7. PERSONS WHO ARE MEMBERS OF THE STATE ETHICS
20 COMMISSION ON THE EFFECTIVE DATE OF THIS ACT SHALL SERVE UNTIL
21 THEIR CURRENT TERMS HAVE EXPIRED AND THE SUCCESSORS SHALL HAVE
22 BEEN APPOINTED AND SHALL BE SUBJECT TO THE ADDITIONAL
23 RESTRICTIONS OF SECTION 6(D)(3) AND (5) OF THE ACT OF OCTOBER 4,
24 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND
25 EMPLOYEE ETHICS LAW, UNLESS A CURRENT COMMISSIONER WAS EMPLOYED
26 BY A POLITICAL SUBDIVISION ON OR BEFORE THE EFFECTIVE DATE OF
27 THIS AMENDATORY ACT, IN WHICH CASE THE RESTRICTION SET FORTH IN
28 SECTION 6(D)(5) SHALL NOT APPLY.

29 SECTION 8. ALL RULES AND REGULATIONS PROMULGATED BY THE
30 STATE ETHICS COMMISSION SHALL REMAIN IN FULL FORCE AND EFFECT

1 UNTIL AMENDED OR RESCINDED BY THE COMMISSION, PROVIDED THAT THE
2 COMMISSION SHALL IMMEDIATELY INITIATE ACTION TO RESCIND OR AMEND
3 ANY RULE OR REGULATION THAT IS IN CONFLICT WITH THE PROVISIONS
4 OF THIS AMENDATORY ACT OR TO PROMULGATE ADDITIONAL REGULATIONS
5 WHICH MAY BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THIS
6 AMENDATORY ACT.

7 SECTION 9. THIS ACT, WITH RESPECT TO THE STATE ETHICS
8 COMMISSION, CONSTITUTES THE LEGISLATION REQUIRED TO REESTABLISH
9 AN AGENCY PURSUANT TO THE ACT OF DECEMBER 22, 1981 (P.L.508,
10 NO.142), KNOWN AS THE SUNSET ACT. THE STATE ETHICS COMMISSION
11 SHALL CONTINUE, TOGETHER WITH ITS STATUTORY FUNCTIONS AND
12 DUTIES, UNTIL DECEMBER 31, 1992, WHEN IT SHALL TERMINATE AND GO
13 OUT OF EXISTENCE UNLESS REESTABLISHED OR CONTINUED BY THE
14 GENERAL ASSEMBLY. EVALUATION, REVIEW, TERMINATION,
15 REESTABLISHMENT AND CONTINUATION OF THE AGENCY SHALL BE
16 CONDUCTED PURSUANT TO THE SUNSET ACT.

17 SECTION 10. THIS AMENDATORY ACT SHALL NOT APPLY TO
18 PROCEDURES USED FOR INVESTIGATION AND FINDING VIOLATIONS
19 COMMITTED PRIOR TO THE EFFECTIVE DATE OF THIS ACT, PROVIDED THAT
20 CONDUCT PREVIOUSLY CONSIDERED A VIOLATION, BUT NOT SO CONSIDERED
21 UNDER THIS ACT, SHALL BE GOVERNED BY THIS ACT, AND AS TO SUCH
22 CONDUCT NO PROCEEDINGS MAY BE INSTITUTED OR CONTINUED AFTER THE
23 EFFECTIVE DATE HEREOF.

24 SECTION 11. THE SUM OF \$30,000 IS HEREBY APPROPRIATED TO THE
25 STATE ETHICS COMMISSION FOR THE INDEXING OF ALL OPINIONS, ORDERS
26 OR ADVICE OF THE COMMISSION, AND FOR THE MAINTENANCE OF THIS
27 INDEX.

28 SECTION 12. THE ADDITIONAL DISCLOSURE REQUIREMENTS IN THE
29 AMENDMENTS TO SECTION 5 OF THE ACT SHALL BE APPLICABLE TO
30 FINANCIAL INTERESTS STATEMENTS FILED FOR CALENDAR YEAR 1989 AND

1 FOR CALENDAR YEARS THEREAFTER.

2 SECTION 13. THE ACT OF JULY 10, 1968 (P.L.316, NO.154) IS
3 REPEALED.

4 SECTION 14. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1989.