

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1415 Session of  
2011

INTRODUCED BY MUNDY, MURPHY, GOODMAN, FABRIZIO, BOBACK,  
CALTAGIRONE, FARRY AND SWANGER, APRIL 28, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 28, 2011

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, further providing for restricted  
3 activities.

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

6 Section 1. Section 1103(j) of Title 65 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 1103. Restricted activities.

9 \* \* \*

10 (j) Voting conflict.--

11 (1) Where voting conflicts are not otherwise addressed  
12 by the Constitution of Pennsylvania or by any law, rule,  
13 regulation, order or ordinance, the following procedure shall  
14 be employed. Any public official or public employee who in  
15 the discharge of his official duties would be required to  
16 vote on a matter that would result in a conflict of interest  
17 shall abstain from voting and, prior to the vote being taken,  
18 publicly announce and disclose the nature of his interest as

1 a public record in a written memorandum filed with the person  
2 responsible for recording the minutes of the meeting at which  
3 the vote is taken[, provided that whenever a governing body  
4 would be unable to take any action on a matter before it  
5 because the number of members of the body required to abstain  
6 from voting under the provisions of this section makes the  
7 majority or other legally required vote of approval  
8 unattainable, then such members shall be permitted to vote if  
9 disclosures are made as otherwise provided herein. In the  
10 case of a three-member governing body of a political  
11 subdivision, where one member has abstained from voting as a  
12 result of a conflict of interest and the remaining two  
13 members of the governing body have cast opposing votes, the  
14 member who has abstained shall be permitted to vote to break  
15 the tie vote if disclosure is made as otherwise provided  
16 herein].

17 (2) If a governing body would be unable to take any  
18 action on a matter before it because the number of members of  
19 the body required to abstain from voting under this section  
20 makes the majority or other legally required vote of approval  
21 unattainable or if, in the case of a three-member governing  
22 body of a political subdivision, where one member has  
23 abstained from voting as a result of a conflict of interest  
24 and the remaining two members of the governing body have cast  
25 opposing votes, the governing body shall, immediately after  
26 disclosure of the conflict of interest by the member, appoint  
27 alternate members as follows:

28 (i) If the appointment of alternate members is  
29 provided for by law, the appointment shall be made  
30 according to that law.

1           (ii) If the appointment of alternate members is not  
2           provided for by law, the appointment shall be made by the  
3           chairperson of the governing body.

4           Section 2. This act shall take effect in 60 days.