STATE ADVERSE INTEREST ACT
Act of Jul. 19, 1957, P.L. 1017, No. 451 Cl. 71
AN ACT

Prohibiting advisors, consultants, officers and employes of the Commonwealth, the Pennsylvania Turnpike Commission and State authorities, from having adverse interests in certain contracts; prohibiting employes thereof from representing other persons in certain circumstances; and prescribing penalties.

Compiler's Note: Section 8(2) of Act 132 of 2012 provided that Act 451 is repealed insofar as it is inconsistent with Act 132.
Compiler's Note: Section 6(d) of Act 57 of 1998 provided that nothing in Act 57 shall repeal, modify or supplant Act 451.

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

Section 1. This act shall be known and may be cited as the "State Adverse Interest Act."

Section 2. The following terms shall have the following meanings, when used in this act:

1. "Abstain." To recuse from influencing, attempting to influence, voting in, supervising or, in any manner, dealing with a contract in which there is an adverse interest.

2. "Contract." A contract or arrangement for the acquisition, use or disposal by a State agency of services or of supplies, materials, equipment, land or other personal or real property. The term "contract" shall not mean an agreement between the Commonwealth or a State agency as one party and a State advisor, consultant or employe as the other party, concerning his expense, reimbursement, fee, salary, wage, retirement benefit, tenure or other matters touching his personal service to the Commonwealth or State agency.

3. "Disclosure." To submit the material facts of an adverse interest in a contract to the State agency by which he is employed and to the party or agency which has a contract with the State agency by which he is employed.

4. "Have an Adverse Interest." Be the party to a contract, as herein defined, other than the Commonwealth or a State agency or be a stockholder, partner, member, agent, representative or employe of such party.

5. "Municipal Body." A locally elected or appointed governmental body, including but not limited to political subdivisions and authorities.

6. "Municipal Officer." Persons who serve the public domain as an elected or appointed member of a municipal body.

7. "State Advisor." A person who performs professional, scientific, technical or advisory service for a State agency or serves as a member of an advisory board, professional licensing board or similar part of a State agency and who receives no compensation for his service other than reimbursement for expenses incurred by him in furnishing such service.

8. "State Agency." A department, board, commission or other part of the executive branch of the government of the Commonwealth or the Pennsylvania Turnpike Commission, the General State Authority or other State authority, created by a statute which declares in substance that such authority performs or has for its purpose the performance of an essential
governmental function and that its bonds shall not pledge the
faith or credit or be obligations of the Commonwealth.

(9) "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 service.

(10) "State Employe." An appointed officer or employe in
the service of a State agency and who receives a salary or wage
for such service.

(2 amended Dec. 9, 1982, P.L.1044, No.245)

Section 3. No State advisor or State consultant having
recommended to the State agency which he serves, either the
making of a contract or a course of action of which the making
of a contract is an express or implied part, shall, at any time
thereafter, have an adverse interest in such contract.

Section 4. No State employe shall influence, or attempt to
influence, the making of or supervise or in any manner deal
with any contract in which he has an adverse interest.

Section 5. No State employe shall have an adverse interest
in any contract with the State agency by which he is employed.

Section 6. No person having an adverse interest in a
contract with a State agency, shall become an employe of such
agency until such adverse interest shall have been wholly
divested.

Section 7. No State employe, except in the performance of
his duties as such employe, shall, for remuneration, directly
or indirectly, represent any other person upon any matter
pending before or involving any State agency.

Section 7.1. (a) Notwithstanding any other provisions of
this act, a State employe who serves in an elected or appointed
capacity as a municipal officer shall not be deemed to have an
adverse interest by virtue of any action taken by the municipal
body of which he is a member if he properly abstains and submits
a disclosure.

(b) Whenever a municipal body would be unable to take any
action on a matter before the municipal body because a majority
of the members of the municipal body are required to abstain
under the provisions of subsection (a), then such municipal
officers shall be permitted to participate in the action and
may vote on, supervise or otherwise deal with a contract if
such municipal officers submit a disclosure to the municipal
bodies and as otherwise provided herein.

(7.1 added Dec. 9, 1982, P.L.1044, No.245)

Section 8. Any person who violates any of the provisions
of this act shall be guilty of a misdemeanor, and upon
conviction thereof, shall be sentenced to pay a fine not
exceeding one thousand dollars ($1,000) or to be imprisoned for
a term not exceeding one year, or both, and in addition, shall
automatically forfeit any office or employment under a State
agency which he may then hold.

Section 9. This act shall take effect in ninety days.