

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2023

Session of
1981

INTRODUCED BY RYBAK, KOWALYSHYN, WARGO, MORRIS, MRKONIC,
SPENCER, SIEMINSKI, GRUPPO, MADIGAN, DEAL, SWAIM, EVANS,
BORSKI, McMONAGLE, ZWIKL, WAMBACH, BROWN, WESTON,
A. C. FOSTER, JR., CAWLEY, KANUCK, SNYDER AND H. WILLIAMS,
OCTOBER 27, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 24, 1982

AN ACT

1 Amending the act of October 4, 1978 (P.L.883, No.170), entitled
2 "An act relating to conflicts of interest involving certain
3 public officials serving in State or State agencies and local
4 political subdivision positions and prohibiting certain
5 public employees from engaging in certain conflict of
6 interest activities requiring certain disclosures and
7 providing penalties," further providing for the filing of
8 statements or financial interests BY MEMBERS OF THE JUDICIARY <—
9 OR OTHER JUDICIAL OFFICERS AND for county and municipal
10 offices.

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

13 ~~Section 1. Subsections (b), (d) and (e) of section 4, act of~~ <—
14 ~~October 4, 1978 (P.L.883, No.170), referred to as the Public~~
15 ~~Official and Employee Ethics Law, are amended to read:~~
16 ~~Section 4. Statement of financial interests required to be~~
17 ~~filed.~~

18 * * *

19 SECTION 1. SUBSECTION (E) OF SECTION 3, ACT OF OCTOBER 4, <—
20 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC OFFICIAL AND

1 EMPLOYEE ETHICS LAW, IS REENACTED TO READ:

2 SECTION 3. RESTRICTED ACTIVITIES.

3 * * *

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

8 * * *

9 SECTION 2. SECTION 4 OF THE ACT IS REENACTED AND AMENDED TO
10 READ:

11 SECTION 4. STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE
12 FILED.

13 (A) EACH PUBLIC EMPLOYEE EMPLOYED BY THE COMMONWEALTH SHALL
14 FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
15 CALENDAR YEAR WITH THE DEPARTMENT, AGENCY OR BUREAU IN WHICH HE
16 IS EMPLOYED NO LATER THAN MAY 1 OF EACH YEAR THAT HE HOLDS SUCH
17 A POSITION AND OF THE YEAR AFTER HE LEAVES SUCH A POSITION. ANY
18 OTHER PUBLIC EMPLOYEE SHALL FILE A STATEMENT OF FINANCIAL
19 INTERESTS WITH THE GOVERNING AUTHORITY OF THE POLITICAL
20 SUBDIVISION BY WHICH HE IS EMPLOYED NO LATER THAN MAY 1 OF EACH
21 YEAR THAT HE HOLDS SUCH A POSITION AND OF THE YEAR AFTER HE
22 LEAVES SUCH A POSITION.

23 (b) Each candidate for public office except county and
24 municipal offices shall file a statement of financial interests
25 for the preceding calendar year with the commission prior to
26 filing a petition to appear on the ballot for election as a
27 public official. A petition to appear on the ballot for a public
28 office other than county and municipal offices shall not be
29 accepted by an election official unless the petition includes an
30 affidavit that the candidate has filed the required statement of

1 financial interests with the commission. Each candidate for a
2 county or municipal office shall file a statement of financial
3 interests for the preceding calendar year with the county
4 election board at the time of or prior to filing a petition to
5 appear on the ballot for election as a local public official. A
6 petition to appear on the ballot for a county or municipal
7 office shall not be accepted by an election official unless the
8 petition is accompanied by the financial statement or the
9 petition includes an affidavit that the candidate has filed the
10 required statement of financial interests with the board.

11 * * *

12 (C) EACH CANDIDATE FOR PUBLIC OFFICE NOMINATED BY A PUBLIC
13 OFFICIAL OR GOVERNMENTAL BODY AND SUBJECT TO CONFIRMATION BY A
14 PUBLIC OFFICIAL OR GOVERNMENTAL BODY SHALL FILE A STATEMENT OF
15 FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE
16 COMMISSION AND WITH THE OFFICIAL OR BODY THAT IS VESTED WITH THE
17 POWER OF CONFIRMATION AT LEAST TEN DAYS BEFORE THE OFFICIAL OR
18 BODY SHALL APPROVE OR REJECT THE NOMINATION.

19 (d) No public official shall be allowed to take the oath of
20 office or enter or continue upon his duties, nor shall he
21 receive compensation from public funds, unless he has filed a
22 statement of financial interests [with the commission] as
23 required by this act.

24 (e) (1) Any candidate for State [or county-wide] public
25 office shall file a statement of financial interests with the
26 commission pursuant to this act and shall file a copy of that
27 statement with the Board of Elections in the county in which
28 the candidate resides.

29 (2) Any candidate for county-wide or local office shall
30 file a statement of financial interests [with the commission]

1 pursuant to this act and shall file a copy of that statement
2 with the governing authority of the political subdivision in
3 which he is a candidate or with the Board of Elections in the
4 county in which the candidate resides, as the case may be.

5 * * *

6 ~~Section 2. This act shall take effect January 1, 1983.~~

7 (F) ALL STATEMENTS OF FINANCIAL INTEREST FILED PURSUANT TO
8 THE PROVISIONS OF THIS ACT SHALL BE MADE AVAILABLE FOR PUBLIC
9 INSPECTION AND COPYING DURING REGULAR OFFICE HOURS.

10 SECTION 3. SECTION 5 OF THE ACT IS REENACTED TO READ:

11 SECTION 5. STATEMENT OF FINANCIAL INTERESTS.

12 (A) THE STATEMENT OF FINANCIAL INTERESTS FILED PURSUANT TO
13 THIS ACT SHALL BE ON A FORM PRESCRIBED BY THE COMMISSION AND
14 SHALL BE SIGNED UNDER PENALTY OF PERJURY BY THE PERSON REQUIRED
15 TO FILE THE STATEMENT.

16 (B) THE STATEMENT SHALL INCLUDE THE FOLLOWING INFORMATION
17 FOR THE PRIOR CALENDAR YEAR WITH REGARD TO THE PERSON REQUIRED
18 TO FILE THE STATEMENT AND THE MEMBERS OF HIS IMMEDIATE FAMILY.

19 (1) THE NAME, ADDRESS AND POSITION OF THE PERSON
20 REQUIRED TO FILE THE STATEMENT.

21 (2) THE OCCUPATIONS OR PROFESSIONS OF THE PERSON
22 REQUIRED TO FILE THE STATEMENT AND THOSE OF HIS IMMEDIATE
23 FAMILY.

24 (3) ANY DIRECT OR INDIRECT INTEREST IN ANY REAL ESTATE
25 WHICH WAS SOLD OR LEASED TO THE COMMONWEALTH, ANY OF ITS
26 AGENCIES OR POLITICAL SUBDIVISIONS; PURCHASED OR LEASED FROM
27 THE COMMONWEALTH, ANY OF ITS AGENCIES OR POLITICAL
28 SUBDIVISIONS; OR WHICH WAS THE SUBJECT OF ANY CONDEMNATION
29 PROCEEDINGS BY THE COMMONWEALTH, ANY OF ITS AGENCIES OR
30 POLITICAL SUBDIVISIONS.

1 (4) THE NAME AND ADDRESS OF EACH CREDITOR TO WHOM IS
2 OWED IN EXCESS OF \$5,000 AND THE INTEREST RATE THEREON.
3 HOWEVER, LOANS OR CREDIT EXTENDED BETWEEN MEMBERS OF THE
4 IMMEDIATE FAMILY AND MORTGAGES SECURING REAL PROPERTY WHICH
5 IS THE PRINCIPAL RESIDENCE OF THE PERSON FILING OR OF HIS
6 SPOUSE SHALL NOT BE INCLUDED.

7 (5) THE NAME AND ADDRESS OF ANY PERSON WHO IS THE DIRECT
8 OR INDIRECT SOURCE OF INCOME TALLING IN THE AGGREGATE \$500
9 OR MORE. HOWEVER, THIS PROVISION SHALL NOT BE CONSTRUED TO
10 REQUIRE THE DIVULGENCE OF CONFIDENTIAL INFORMATION PROTECTED
11 BY STATUTE OR EXISTING PROFESSIONAL CODES OF ETHICS.

12 (6) THE NAME AND ADDRESS OF ANY PERSON FROM WHOM A GIFT
13 OR GIFTS VALUED IN THE AGGREGATE AT \$200 OR MORE WERE
14 RECEIVED, AND THE VALUE AND THE CIRCUMSTANCES OF EACH GIFT.
15 HOWEVER, THIS PROVISION SHALL NOT BE APPLICABLE TO GIFTS
16 RECEIVED FROM THE INDIVIDUAL'S SPOUSE, PARENTS, PARENTS BY
17 MARRIAGE, SIBLINGS, CHILDREN OR GRANDCHILDREN.

18 (7) THE SOURCE OF ANY HONORARIUM RECEIVED WHICH IS IN
19 EXCESS OF \$100.

20 (8) ANY OFFICE, DIRECTORSHIP OR EMPLOYMENT OF ANY NATURE
21 WHATSOEVER IN ANY BUSINESS ENTITY.

22 (9) ANY FINANCIAL INTEREST IN ANY LEGAL ENTITY ENGAGED
23 IN BUSINESS FOR PROFIT.

24 (C) THE STATEMENT OF FINANCIAL INTEREST NEED NOT INCLUDE
25 SPECIFIC AMOUNTS FOR ANY OF THE ITEMS REQUIRED TO BE LISTED.

26 SECTION 4. THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF
27 PENNSYLVANIA, FULLY AWARE OF THE IMPACT AND EFFECT OF THE
28 DECISION OF THE SUPREME COURT OF THE COMMONWEALTH OF
29 PENNSYLVANIA IN WAJERT V STATE ETHICS COMMISSION (491PA.255) AND
30 THE DECISIONS OF THE COMMONWEALTH COURT IN KREMER V STATE ETHICS

1 COMMISSION ET AL. (56 COMMONWEALTH CT. 160) AND BALLOU V STATE
2 ETHICS COMMISSION ET AL. (56 COMMONWEALTH CT. 240), DECLARES
3 THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
4 PROVISIONS OF THE ACT OF OCTOBER 4, 1978 (P.L.883, NO.170) SHALL
5 APPLY TO ALL MEMBERS OF THE JUDICIARY, OTHER JUDICIAL OFFICERS
6 AND SOLICITORS.

7 SECTION 5. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1983.