

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 303

Session of
1975

INTRODUCED BY WILSON, SCHMITT, RENNINGER, M. E. MILLER, WRIGHT,
BURNS, CESSAR, KNEPPER AND ZORD, FEBRUARY 10, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 1975

AN ACT

1 Providing for the public disclosure of income by all public
2 officials and candidates for elective office and employees;
3 defining certain terms; regulating the time and manner of
4 filing such disclosures; imposing certain powers and duties
5 on certain public administrative officers; and providing
6 penalties.

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

9 Section 1. Short Title.--This act shall be known and may be
10 cited as the "Public Official Disclosure Act."

11 Section 2. Definitions.--Unless the context clearly
12 indicates otherwise, the following words and terms when used
13 herein shall have the respective meanings defined as follows:

14 "Administrative officer" means: (i) the Secretary of the
15 Commonwealth in the case of disclosure statements to be filed by
16 officers and candidates for elective office or employees of the
17 Executive Department of the Commonwealth or any agency thereof;
18 (ii) the State Court Administrator in the case of members and
19 candidates for elective office and employees of the judicial
20 branch of the Commonwealth, including justices, judges, district

1 justices and justices of the peace; (iii) the Chief Clerk of the
2 House of Representatives in the case of members and candidates
3 for the office of member, officers and employees of the House of
4 Representatives, (iv) the Secretary of the Senate in the case of
5 members and candidates for the office of member, officers and
6 employees of the Senate and joint legislative agencies, and (v)
7 the prothonotary of the court of common pleas in the case of
8 officers and employees of local political subdivisions or
9 agencies thereof.

10 "Agency" means any department, agency, commission, board,
11 committee, authority, instrumentality or other legal entity
12 which is created by or under the Constitution or laws of the
13 Commonwealth or by executive order, including local political
14 subdivisions or agencies.

15 "Income" means the reception of any thing of economic value,
16 however designated, which is paid, loaned, granted, given,
17 donated or transferred or to be paid, loaned, granted, given,
18 donated or transferred to any public official.

19 "Joint legislative agency" means any agency of the
20 Legislature operated jointly by the Senate and House of
21 Representatives for the benefit of the General Assembly
22 including but not limited to the Joint State Government
23 Commission, the Legislative Budget and Finance Committee, the
24 Local Government Commission, the Joint Legislative Data
25 Processing Committee, the Legislative Reference Bureau and the
26 Joint Legislative Air and Water Pollution Control and
27 Conservation Committee.

28 "Public official" means any elected or appointed officer of
29 the Commonwealth without regard to compensation paid by the
30 Commonwealth for his services and any candidate for an elective

1 office, including any member of the General Assembly, any member
2 of an agency, any justice, judge, district justice or justice of
3 the peace; it shall also mean any elected or appointed officer
4 of any local political subdivision or agency thereof without
5 regard to compensation paid; it shall also mean any employee of
6 the Executive Department, or any agency, the judicial system, or
7 the General Assembly, or any local political subdivision or
8 agency thereof, whose annual gross income is \$10,000 or more.

9 "Thing of economic value" means money in excess of \$50 or
10 other thing of economic value in excess of \$50 except for gifts
11 received from a spouse or person related by blood or marriage.
12 It shall include, without limiting the generality of the
13 foregoing:

14 (i) any loan, except (A) a bona fide loan made by a duly
15 licensed or authorized lending institution at the prevailing
16 rate of interest and (B) loans by and between spouses or persons
17 related by blood or marriage;

18 (ii) any property interest, interest in a contract,
19 merchandise, service and employment or other arrangement
20 involving the right to compensation or income;

21 (iii) any option to obtain a thing of economic value,
22 irrespective of the conditions to the exercise of such option;

23 (iv) any fee or other honorarium not representing
24 reimbursement of expenses actually incurred, received for or in
25 connection with (A) the preparation or delivery of any speech or
26 address, or (B) attendance at any convention or other assembly
27 of individuals;

28 (v) any promise or undertaking for present or future
29 delivery of a thing of economic value. In the case of an option,
30 promise or undertaking, the time of receipt of the thing of

1 economic value shall be deemed to be, respectively, the time the
2 right to the option becomes fixed, regardless of the conditions
3 to its exercise, and the time when the promise or undertaking is
4 made, regardless of the conditions of its performance.

5 Section 3. Time and Place of Filing.--(a) As a condition of
6 entering upon or continuing in office every public official
7 shall file with the proper administrative officer a sworn
8 written statement. This statement shall be filed within 30 days
9 after the effective date of this act and on or before February 1
10 of each year thereafter. In the case of a candidate for elective
11 office, this statement shall be filed on or before the final
12 date for filing candidacy, or equivalent, in the year of such
13 candidacy.

14 (b) Employees of joint legislative agencies shall file
15 duplicate copies of disclosure statements with the Chief Clerk
16 of the House of Representatives.

17 Section 4. Contents of Statement.--(a) The sworn written
18 statement required by this act shall disclose the following:

19 (1) Title, name, and address of the public official.

20 (2) Public official's occupation, profession or employment,
21 together with the name and address of his firm or enterprise, if
22 self-employed, or if employed by another person, the name and
23 address of such employer: Provided, That if said official has
24 more than one occupation, profession or employment, all shall be
25 listed: And provided further, That if public office constitutes
26 said official's only occupation, profession or employment, only
27 that fact need be listed.

28 (3) Each financial interest, direct or indirect, of himself,
29 his spouse, and his unemancipated minor children in any
30 corporation, partnership, firm, association, institution, trust

1 or other legal entity engaged in business for profit, including
2 the name of the entity in which the interest is held and the
3 type of interest held as of the end of the preceding calendar
4 year, provided, however, that checking and savings accounts and
5 certificates of deposit shall not be considered a financial
6 interest for the purposes of this clause.

7 (4) Every office and directorship held by him, his spouse or
8 his unemancipated minor children in any corporation,
9 partnership, firm, association, institution, trust or other
10 legal entity engaged in business for profit, including the name
11 of such legal entity in which the office or directorship is held
12 as of the end of the preceding calendar year.

13 (5) The disclosure of each source of income by profession,
14 business, occupation or other general category received during
15 the preceding calendar year other than that compensation,
16 reimbursement of expenses, or thing of economic value received
17 as a public official, or political contribution for which an
18 accounting is required by and is made pursuant to election laws:
19 Provided, however, That nothing in this clause (5) shall require
20 the disclosure of the amount of income received from such
21 sources.

22 (6) As to each disclosure under clauses (2) to (5) herein,
23 the public official shall disclose whether the respective
24 position, interest or source of income involves doing business
25 with, or representation of others in appearances before, any
26 agency of the Commonwealth, and shall state which agencies of
27 the Commonwealth are involved in such business or
28 representation.

29 (b) Sixty days after the effective date of this act and
30 March 1 of each year thereafter, or, in the case of a candidate

1 for elective office, within 1 month of the filing of the
2 disclosure statement required to be filed, the administrative
3 officers shall make the disclosure statements required to be
4 filed by this act, accessible to public examination and
5 publication.

6 Section 5. Printed Copies of Law; Certifications.--The
7 administrative officers shall have printed copies of this act
8 available for all public officials and give the same without
9 charge to each public official on the day the public official is
10 sworn in and assumes his duties of office or commences
11 employment.

12 Section 6. Failure to File; Procedure.--(a) In the event
13 that any public official fails to file such sworn disclosure
14 statement within the time prescribed by this act or in the event
15 such statement is filed, but the statement is incomplete, the
16 administrative officer shall within 30 days notify such public
17 official in writing of such failure to file or that such
18 statement is incomplete. The public official shall have 30 days
19 from receipt of such notification to file or complete his
20 statement.

21 (b) In case any public official shall wilfully fail to file
22 or complete the sworn written statement required by this act,
23 the administrative officer shall in not less than 30 days nor
24 more than 60 days after such written notification petition the
25 appropriate court for a rule upon such public official to show
26 cause why his office should not be declared vacant. Such rule
27 shall be made returnable not less than 2 weeks from its date of
28 issue. Upon hearing and proof that the public official has
29 wilfully failed to file or complete such sworn written statement
30 the court shall declare the office vacant. Petitions by the

1 Secretary of the Commonwealth, the Chief Clerk of the House of
2 Representatives, the State Court Administrator and the Secretary
3 of the Senate shall be filed in the Commonwealth Court.

4 Petitions filed by the prothonotary of the court of common pleas
5 shall be filed in the court of common pleas of the applicable
6 judicial district.

7 Section 7. Effective Date.--This act shall take effect
8 immediately.