

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 533

Session of
1979

INTRODUCED BY FREIND, MARCH 6, 1979

REFERRED TO COMMITTEE ON RULES, MARCH 6, 1979

AN ACT

1 Creating the Legislative Investigating Committee, providing for
2 its powers and duties, requiring reports by certain persons
3 and corporations and providing penalties.

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

6 Section 1. Committee on investigations.

7 There is hereby created the Joint House-Senate Committee on
8 Investigations, herein called the committee, which shall consist
9 of six members, three from the Senate and three from the House
10 of Representatives. The President pro tempore of the Senate
11 shall appoint the three members of the Senate, two of whom shall
12 be of a different political party from the Governor. The Speaker
13 of the House of Representatives shall appoint three members of
14 the House of Representatives, two of whom shall be of a
15 different political party from the Governor. Members of the
16 committee shall be appointed or reappointed for a term ending
17 the first Tuesday of the next odd-numbered year and until their
18 successors are appointed and qualified. The committee shall have
19 a continuing existence, and may meet and conduct business during

1 sessions of the General Assembly, or any recess thereof, or in
2 the interim between sessions.

3 Section 2. Expenses.

4 The members of the committee shall be entitled to the same
5 payments, expenses and mileage as are paid to members of the
6 General Assembly serving on other legislative commissions and
7 committees created by statute.

8 Section 3. Organization and staff.

9 (a) The committee shall select its officers and make rules
10 and regulations governing its proceedings and investigations.

11 (b) A staff for the committee shall be employed through the
12 legislative management committees of the General Assembly.

13 Section 4. Powers and duties.

14 The committee shall have the power and its duty shall be to
15 investigate and review all matters and functions of State
16 Government as the committee shall determine, including but not
17 limited to the awarding of State non-bid contracts and political
18 contributions by individuals and organizations having
19 contractual relationships with the Commonwealth.

20 Section 5. Maintenance of certain records.

21 (a) In addition to its other duties, the committee shall
22 prepare and maintain a permanent computerized cross-reference
23 of:

24 (1) Contributors to political parties and candidates.

25 (2) Recipients of State non-bid contracts utilizing the
26 data made available to it pursuant to the requirements of
27 this act.

28 (b) All candidates for public office, political committees
29 and other parties required by Federal or State election laws to
30 file statements of contributions or of expenses with the

1 Commonwealth, a county, the Federal General Accounting Office,
2 the Clerk of the United States Senate, or the Clerk of the
3 United States House of Representatives shall file copies of said
4 statements with the committee.

5 (c) All individuals having non-bid contracts with the
6 Commonwealth, the officers, directors and management or
7 executive consultants of corporations having non-bid contracts
8 with the Commonwealth, and the members of any partnership or
9 professional association having non-bid contracts with the
10 Commonwealth or any of whose members has non-bid contracts with
11 the Commonwealth, shall file with the committee a report of any
12 contribution to any political party or candidate made by such
13 individual, corporate officer, director, or consultant member of
14 such partnership or professional association, or any member of
15 their family during the year in which the non-bid contract was
16 awarded and any such contributions made during the next
17 succeeding three years in the year made. The report shall
18 include:

19 (1) The name, address and occupation of the contributor.

20 (2) The date and amount of the contribution.

21 (3) Whether the contribution was made in the form of
22 cash, check, money order, services in kind or some other
23 manner.

24 (4) By whom it was solicited, if anyone, and to whom it
25 was given or by whom it was received. For the purpose of this
26 subsection, "member of their family" shall mean spouse, any
27 unemancipated child or any member of the same household.

28 (d) All individuals and all officers and directors required
29 to file reports under subsection (c) shall file with the
30 committee identifying data concerning the non-bid contracts,

1 including:

2 (1) The date of the contract.

3 (2) The department or agency entering into the contract.

4 (3) The consideration for the contract.

5 (4) The term or duration of the contract.

6 (5) Its agency or department identifying number or code.

7 (e) All corporations registered or doing business in the
8 Commonwealth shall identify themselves as Pennsylvania
9 corporations or otherwise, and shall file annually with the
10 Department of State a current list of all officers, directors
11 and management or executive consultants of the corporation.

12 (f) The Bureau of Corporations shall annually, and at any
13 time when requested by the committee, provide the committee with
14 a current list of corporate officers, directors and consultants.

15 (g) (1) The following corporations having non-bid contracts
16 with the Commonwealth, and all partnerships and professional
17 associations having contracts with the Commonwealth, shall,
18 in addition to the requirements of subsection (c) also file
19 with the committee a listing of all contributions by
20 employees and shareholders of the corporation, or employees
21 of the partnership or professional association, at such time
22 and in such manner as otherwise provided in this act:

23 (i) All corporations with fewer than 100 employees,
24 or with fewer than 30 voting shareholders.

25 (ii) All corporations in which over 30% of the
26 voting shares are controlled by members of the same
27 family. For the purpose of this subsection, "members of
28 the same family" shall mean members of the same
29 household, any individuals entitled to take under the
30 laws of intestate succession, or any parents-in-law,

1 brothers-in-law, or sisters-in-law.

2 (2) Such corporations, partnerships or professional
3 associations shall not be required to report contributions
4 made by individuals while not shareholders, members, or
5 employees of the corporation, partnership or professional
6 association.

7 Section 6. Subpoena power.

8 (a) The committee may issue subpoenas, under the hand and
9 seal of the chairman, to compel the attendance of witnesses and
10 the production of any papers, books, accounts, documents, or
11 other materials, and testimony touching matters properly being
12 inquired into by the committee, to administer oaths, and to
13 cause the deposition of witnesses, either residing within or
14 without the State, to be taken in the manner prescribed by laws
15 for taking depositions in civil actions.

16 (b) Any person who willfully neglects or refuses to comply
17 with any subpoena issued in behalf of the committee, or refuses
18 to testify to any matters regarding which he may be lawfully
19 interrogated, shall be subject to the penalties provided by the
20 laws of the Commonwealth in such cases.

21 (c) Each witness who appears before the committee by its
22 order, other than an officer or employee of the Commonwealth,
23 shall receive for his attendance the fees and mileage provided
24 for witnesses in civil cases in courts of record, which shall be
25 audited and paid out of the General Fund upon the presentation
26 of proper vouchers signed by such witness and approved by the
27 chairman of the committee.

28 Section 7. Reports.

29 The committee shall report at least annually the scope of its
30 investigations and the results therefrom, and within 90 days

1 after the completion of any specific inquiry or investigation
2 undertaken by it and authorized pursuant to section 4.

3 Section 8. Penalties.

4 (a) Any willful failure to comply with the provisions of
5 section 5(b), (c), (d), (e) and (g) shall be punishable as a
6 misdemeanor of the third degree. Each such willful violation
7 shall constitute a separate offense. Upon conviction, the
8 offender shall be sentenced to pay a fine of not more than
9 \$1,000 for each such separate offense, no portion of which shall
10 be suspended, or be sentenced to a term of imprisonment, the
11 maximum of which is not more than one year for each separate
12 offense, or both for each separate offense.

13 (b) In addition to penalties provided elsewhere in this act
14 or in the Statutes of the Commonwealth, any offender, upon
15 conviction for a violation of this act, shall be prohibited from
16 entering into any contractual relationship with or in any way
17 transacting business with, or entering into any commercial,
18 industrial or financial relationship with the Commonwealth or
19 any of its subdivisions, agencies, boards, departments,
20 authorities and commissions.

21 Section 9. Repeals.

22 All acts or parts of acts are hereby repealed insofar as
23 inconsistent with the provisions of this act.

24 Section 10. Effective date.

25 This act shall take effect in 90 days.