
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 254 Session of
1997

INTRODUCED BY JUBELIRER, HELFRICK, HART, PUNT, SALVATORE,
LEMMOND, MOWERY, DELP, CORMAN, BRIGHTBILL, THOMPSON AND
TOMLINSON, JANUARY 29, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 6, 1998

AN ACT

1 ~~Amending the act of July 3, 1986 (P.L.388, No.84), entitled "An~~ <—
2 ~~act requiring public agencies to hold certain meetings and~~
3 ~~hearings open to the public; and providing penalties,"~~
4 ~~further providing for attorney fees.~~

5 AMENDING TITLE 65 (PUBLIC OFFICERS) OF THE PENNSYLVANIA <—
6 CONSOLIDATED STATUTES, PROVIDING FOR PUBLIC CONFIDENCE IN
7 GOVERNMENT BY CONSOLIDATING AND REVISING EXISTING LAWS
8 RELATING TO OPEN MEETINGS, ETHICAL STANDARDS AND FINANCIAL
9 DISCLOSURE AND LOBBYING REGULATION AND DISCLOSURE; AND
10 CONTINUING THE EXISTENCE OF THE STATE ETHICS COMMISSION.

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

13 ~~Section 1. Section 13 of the act of July 3, 1986 (P.L.388,~~ <—
14 ~~No.84), known as the Sunshine Act, is amended to read:~~

15 ~~Section 13. Business transacted at unauthorized meeting void.~~

16 ~~A legal challenge under this act shall be filed within 30~~
17 ~~days from the date of a meeting which is open, or within 30 days~~
18 ~~from the discovery of any action that occurred at a meeting~~
19 ~~which was not open at which the act was violated, provided that,~~
20 ~~in the case of a meeting which was not open, no legal challenge~~

1 ~~may be commenced more than one year from the date of said~~
2 ~~meeting. The court may enjoin any challenged action until a~~
3 ~~judicial determination of the legality of the meeting at which~~
4 ~~the action was adopted is reached. Should the court determine~~
5 ~~that the meeting did not meet the requirements of this act, it~~
6 ~~may in its discretion find that any or all official action taken~~
7 ~~at the meeting shall be invalid. Should the court determine that~~
8 ~~the meeting met the requirements of this act, all official~~
9 ~~action taken at the meeting shall be fully effective. [The court~~
10 ~~may impose attorney fees for legal challenges commenced in bad~~
11 ~~faith.]~~

12 ~~Section 2. The act is amended by adding a section to read:~~
13 ~~Section 14.1. Attorney fees.~~

14 ~~Should the court determine that an agency willfully,~~
15 ~~recklessly or negligently violated a provision of this act, in~~
16 ~~whole or in part, the court may award reasonable attorney fees~~
17 ~~and costs of litigation or an appropriate portion thereof. If~~
18 ~~the court finds that the legal challenge was of a frivolous~~
19 ~~nature and was brought with no substantial justification, it may~~
20 ~~award reasonable attorney fees and costs of litigation or an~~
21 ~~appropriate portion thereof to the prevailing party.~~

22 ~~Section 3. This act shall be applicable to all legal~~
23 ~~challenges filed under this act on or after the effective date.~~

24 ~~Section 4. This act shall take effect in 60 days.~~

25 SECTION 1. TITLE 65 OF THE PENNSYLVANIA CONSOLIDATED
26 STATUTES IS AMENDED BY ADDING A PART TO READ:

27 PART II
28 ACCOUNTABILITY
29 CHAPTER

30 7. OPEN MEETINGS

1 11. ETHICS STANDARDS AND FINANCIAL DISCLOSURE

2 13. LOBBY REGULATION AND DISCLOSURE

3 CHAPTER 7

4 OPEN MEETINGS

5 SEC.

6 701. SHORT TITLE OF CHAPTER.

7 702. LEGISLATIVE FINDINGS AND DECLARATION.

8 703. DEFINITIONS.

9 704. OPEN MEETINGS.

10 705. RECORDING OF VOTES.

11 706. MINUTES OF MEETINGS, PUBLIC RECORDS AND RECORDING OF
12 MEETINGS.

13 707. EXCEPTIONS TO OPEN MEETINGS.

14 708. EXECUTIVE SESSIONS.

15 709. PUBLIC NOTICE.

16 710. RULES AND REGULATIONS FOR CONDUCT OF MEETINGS.

17 710.1. PUBLIC PARTICIPATION.

18 711. USE OF EQUIPMENT DURING MEETINGS.

19 712. GENERAL ASSEMBLY MEETINGS COVERED.

20 713. BUSINESS TRANSACTED AT UNAUTHORIZED MEETING VOID.

21 714. PENALTY.

22 714.1. ATTORNEY FEES.

23 715. JURISDICTION AND VENUE OF JUDICIAL PROCEEDINGS.

24 716. CONFIDENTIALITY.

25 § 701. SHORT TITLE OF CHAPTER.

26 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE SUNSHINE
27 ACT.

28 § 702. LEGISLATIVE FINDINGS AND DECLARATION.

29 (A) FINDINGS.--THE GENERAL ASSEMBLY FINDS THAT THE RIGHT OF
30 THE PUBLIC TO BE PRESENT AT ALL MEETINGS OF AGENCIES AND TO

1 WITNESS THE DELIBERATION, POLICY FORMULATION AND DECISIONMAKING
2 OF AGENCIES IS VITAL TO THE ENHANCEMENT AND PROPER FUNCTIONING
3 OF THE DEMOCRATIC PROCESS AND THAT SECRECY IN PUBLIC AFFAIRS
4 UNDERMINES THE FAITH OF THE PUBLIC IN GOVERNMENT AND THE
5 PUBLIC'S EFFECTIVENESS IN FULFILLING ITS ROLE IN A DEMOCRATIC
6 SOCIETY.

7 (B) DECLARATIONS.--THE GENERAL ASSEMBLY HEREBY DECLARES IT
8 TO BE THE PUBLIC POLICY OF THIS COMMONWEALTH TO INSURE THE RIGHT
9 OF ITS CITIZENS TO HAVE NOTICE OF AND THE RIGHT TO ATTEND ALL
10 MEETINGS OF AGENCIES AT WHICH ANY AGENCY BUSINESS IS DISCUSSED
11 OR ACTED UPON AS PROVIDED IN THIS CHAPTER.

12 § 703. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ADMINISTRATIVE ACTION." THE EXECUTION OF POLICIES RELATING
17 TO PERSONS OR THINGS AS PREVIOUSLY AUTHORIZED OR REQUIRED BY
18 OFFICIAL ACTION OF THE AGENCY ADOPTED AT AN OPEN MEETING OF THE
19 AGENCY. THE TERM DOES NOT, HOWEVER, INCLUDE THE DELIBERATION OF
20 AGENCY BUSINESS.

21 "AGENCY." THE BODY, AND ALL COMMITTEES THEREOF AUTHORIZED BY
22 THE BODY TO TAKE OFFICIAL ACTION OR RENDER ADVICE ON MATTERS OF
23 AGENCY BUSINESS, OF ALL THE FOLLOWING: THE GENERAL ASSEMBLY, THE
24 EXECUTIVE BRANCH OF THE GOVERNMENT OF THIS COMMONWEALTH,
25 INCLUDING THE GOVERNOR'S CABINET WHEN MEETING ON OFFICIAL
26 POLICYMAKING BUSINESS, ANY BOARD, COUNCIL, AUTHORITY OR
27 COMMISSION OF THE COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION
28 OF THE COMMONWEALTH OR ANY STATE, MUNICIPAL, TOWNSHIP OR SCHOOL
29 AUTHORITY, SCHOOL BOARD, SCHOOL GOVERNING BODY, COMMISSION, THE
30 BOARDS OF TRUSTEES OF ALL STATE-AIDED COLLEGES AND UNIVERSITIES,

1 THE COUNCILS OF TRUSTEES OF ALL STATE-OWNED COLLEGES AND
2 UNIVERSITIES, THE BOARDS OF TRUSTEES OF ALL STATE-RELATED
3 UNIVERSITIES AND ALL COMMUNITY COLLEGES OR SIMILAR ORGANIZATIONS
4 CREATED BY OR PURSUANT TO A STATUTE WHICH DECLARES IN SUBSTANCE
5 THAT THE ORGANIZATION PERFORMS, OR HAS FOR ITS PURPOSE THE
6 PERFORMANCE OF, AN ESSENTIAL GOVERNMENTAL FUNCTION AND THROUGH
7 THE JOINT ACTION OF ITS MEMBERS EXERCISES GOVERNMENTAL AUTHORITY
8 AND TAKES OFFICIAL ACTION. THE TERM DOES NOT INCLUDE A CAUCUS OR
9 A MEETING OF AN ETHICS COMMITTEE CREATED UNDER RULES OF THE
10 SENATE OR HOUSE OF REPRESENTATIVES.

11 "AGENCY BUSINESS." THE FRAMING, PREPARATION, MAKING OR
12 ENACTMENT OF LAWS, POLICY OR REGULATIONS, THE CREATION OF
13 LIABILITY BY CONTRACT OR OTHERWISE OR THE ADJUDICATION OF
14 RIGHTS, DUTIES AND RESPONSIBILITIES, BUT NOT INCLUDING
15 ADMINISTRATIVE ACTION.

16 "CAUCUS." A GATHERING OF MEMBERS OF A POLITICAL PARTY OR
17 COALITION WHICH IS HELD FOR PURPOSES OF PLANNING POLITICAL
18 STRATEGY AND HOLDING DISCUSSIONS DESIGNED TO PREPARE THE MEMBERS
19 FOR TAKING OFFICIAL ACTION IN THE GENERAL ASSEMBLY.

20 "CONFERENCE." ANY TRAINING PROGRAM OR SEMINAR, OR ANY
21 SESSION ARRANGED BY STATE OR FEDERAL AGENCIES FOR LOCAL
22 AGENCIES, ORGANIZED AND CONDUCTED FOR THE SOLE PURPOSE OF
23 PROVIDING INFORMATION TO AGENCY MEMBERS ON MATTERS DIRECTLY
24 RELATED TO THEIR OFFICIAL RESPONSIBILITIES.

25 "DELIBERATION." THE DISCUSSION OF AGENCY BUSINESS HELD FOR
26 THE PURPOSE OF MAKING A DECISION.

27 "EMERGENCY MEETING." A MEETING CALLED FOR THE PURPOSE OF
28 DEALING WITH A REAL OR POTENTIAL EMERGENCY INVOLVING A CLEAR AND
29 PRESENT DANGER TO LIFE OR PROPERTY.

30 "EXECUTIVE SESSION." A MEETING FROM WHICH THE PUBLIC IS

1 EXCLUDED, ALTHOUGH THE AGENCY MAY ADMIT THOSE PERSONS NECESSARY
2 TO CARRY OUT THE PURPOSE OF THE MEETING.

3 "LITIGATION." ANY PENDING, PROPOSED OR CURRENT ACTION OR
4 MATTER SUBJECT TO APPEAL BEFORE A COURT OF LAW OR ADMINISTRATIVE
5 ADJUDICATIVE BODY, THE DECISION OF WHICH MAY BE APPEALED TO A
6 COURT OF LAW.

7 "MEETING." ANY PREARRANGED GATHERING OF AN AGENCY WHICH IS
8 ATTENDED OR PARTICIPATED IN BY A QUORUM OF THE MEMBERS OF AN
9 AGENCY HELD FOR THE PURPOSE OF DELIBERATING AGENCY BUSINESS OR
10 TAKING OFFICIAL ACTION.

11 "OFFICIAL ACTION."

12 (1) RECOMMENDATIONS MADE BY AN AGENCY PURSUANT TO
13 STATUTE, ORDINANCE OR EXECUTIVE ORDER.

14 (2) THE ESTABLISHMENT OF POLICY BY AN AGENCY.

15 (3) THE DECISIONS ON AGENCY BUSINESS MADE BY AN AGENCY.

16 (4) THE VOTE TAKEN BY ANY AGENCY ON ANY MOTION,
17 PROPOSAL, RESOLUTION, RULE, REGULATION, ORDINANCE, REPORT OR
18 ORDER.

19 "POLITICAL SUBDIVISION." ANY COUNTY, CITY, BOROUGH,
20 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT, INTERMEDIATE UNIT,
21 VOCATIONAL SCHOOL DISTRICT OR COUNTY INSTITUTION DISTRICT.

22 "PUBLIC NOTICE."

23 (1) FOR A MEETING:

24 (I) PUBLICATION OF NOTICE OF THE PLACE, DATE AND
25 TIME OF A MEETING IN A NEWSPAPER OF GENERAL CIRCULATION,
26 AS DEFINED BY 45 PA.C.S. § 101 (RELATING TO DEFINITIONS),
27 WHICH IS PUBLISHED AND CIRCULATED IN THE POLITICAL
28 SUBDIVISION WHERE THE MEETING WILL BE HELD, OR IN A
29 NEWSPAPER OF GENERAL CIRCULATION WHICH HAS A BONA FIDE
30 PAID CIRCULATION IN THE POLITICAL SUBDIVISION EQUAL TO OR

1 GREATER THAN ANY NEWSPAPER PUBLISHED IN THE POLITICAL
2 SUBDIVISION.

3 (II) POSTING A NOTICE OF THE PLACE, DATE AND TIME OF
4 A MEETING PROMINENTLY AT THE PRINCIPAL OFFICE OF THE
5 AGENCY HOLDING THE MEETING OR AT THE PUBLIC BUILDING IN
6 WHICH THE MEETING IS TO BE HELD.

7 (III) GIVING NOTICE TO PARTIES UNDER SECTION 709(C)
8 (RELATING TO PUBLIC NOTICE).

9 (2) FOR A RECESSED OR RECONVENED MEETING:

10 (I) POSTING A NOTICE OF THE PLACE, DATE AND TIME OF
11 THE MEETING PROMINENTLY AT THE PRINCIPAL OFFICE OF THE
12 AGENCY HOLDING THE MEETING OR AT THE PUBLIC BUILDING IN
13 WHICH THE MEETING IS TO BE HELD.

14 (II) GIVING NOTICE TO PARTIES UNDER SECTION 709(C).

15 "SPECIAL MEETING." A MEETING SCHEDULED BY AN AGENCY AFTER
16 THE AGENCY'S REGULAR SCHEDULE OF MEETINGS HAS BEEN ESTABLISHED.

17 § 704. OPEN MEETINGS.

18 OFFICIAL ACTION AND DELIBERATIONS BY A QUORUM OF THE MEMBERS
19 OF AN AGENCY SHALL TAKE PLACE AT A MEETING OPEN TO THE PUBLIC
20 UNLESS CLOSED UNDER SECTION 707 (RELATING TO EXCEPTIONS TO OPEN
21 MEETINGS), 708 (RELATING TO EXECUTIVE SESSIONS) OR 712 (RELATING
22 TO GENERAL ASSEMBLY MEETINGS COVERED).

23 § 705. RECORDING OF VOTES.

24 IN ALL MEETINGS OF AGENCIES, THE VOTE OF EACH MEMBER WHO
25 ACTUALLY VOTES ON ANY RESOLUTION, RULE, ORDER, REGULATION,
26 ORDINANCE OR THE SETTING OF OFFICIAL POLICY MUST BE PUBLICLY
27 CAST AND, IN THE CASE OF ROLL CALL VOTES, RECORDED.

28 § 706. MINUTES OF MEETINGS, PUBLIC RECORDS AND RECORDING OF
29 MEETINGS.

30 WRITTEN MINUTES SHALL BE KEPT OF ALL OPEN MEETINGS OF

1 AGENCIES. THE MINUTES SHALL INCLUDE:

2 (1) THE DATE, TIME AND PLACE OF THE MEETING.

3 (2) THE NAMES OF MEMBERS PRESENT.

4 (3) THE SUBSTANCE OF ALL OFFICIAL ACTIONS AND A RECORD
5 BY INDIVIDUAL MEMBER OF THE ROLL CALL VOTES TAKEN.

6 (4) THE NAMES OF ALL CITIZENS WHO APPEARED OFFICIALLY
7 AND THE SUBJECT OF THEIR TESTIMONY.

8 § 707. EXCEPTIONS TO OPEN MEETINGS.

9 (A) EXECUTIVE SESSION.--AN AGENCY MAY HOLD AN EXECUTIVE
10 SESSION UNDER SECTION 708 (RELATING TO EXECUTIVE SESSIONS).

11 (B) CONFERENCE.--AN AGENCY IS AUTHORIZED TO PARTICIPATE IN A
12 CONFERENCE WHICH NEED NOT BE OPEN TO THE PUBLIC. DELIBERATION OF
13 AGENCY BUSINESS MAY NOT OCCUR AT A CONFERENCE.

14 (C) CERTAIN WORKING SESSIONS.--BOARDS OF AUDITORS MAY
15 CONDUCT WORKING SESSIONS NOT OPEN TO THE PUBLIC FOR THE PURPOSE
16 OF EXAMINING, ANALYZING, DISCUSSING AND DELIBERATING THE VARIOUS
17 ACCOUNTS AND RECORDS WITH RESPECT TO WHICH SUCH BOARDS ARE
18 RESPONSIBLE, SO LONG AS OFFICIAL ACTION OF A BOARD WITH RESPECT
19 TO SUCH RECORDS AND ACCOUNTS IS TAKEN AT A MEETING OPEN TO THE
20 PUBLIC AND SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

21 § 708. EXECUTIVE SESSIONS.

22 (A) PURPOSE.--AN AGENCY MAY HOLD AN EXECUTIVE SESSION FOR
23 ONE OR MORE OF THE FOLLOWING REASONS:

24 (1) TO DISCUSS ANY MATTER INVOLVING THE EMPLOYMENT,
25 APPOINTMENT, TERMINATION OF EMPLOYMENT, TERMS AND CONDITIONS
26 OF EMPLOYMENT, EVALUATION OF PERFORMANCE, PROMOTION OR
27 DISCIPLINING OF ANY SPECIFIC PROSPECTIVE PUBLIC OFFICER OR
28 EMPLOYEE OR CURRENT PUBLIC OFFICER OR EMPLOYEE EMPLOYED OR
29 APPOINTED BY THE AGENCY, OR FORMER PUBLIC OFFICER OR
30 EMPLOYEE, PROVIDED, HOWEVER, THAT THE INDIVIDUAL EMPLOYEES OR

1 APPOINTEES WHOSE RIGHTS COULD BE ADVERSELY AFFECTED MAY
2 REQUEST, IN WRITING, THAT THE MATTER OR MATTERS BE DISCUSSED
3 AT AN OPEN MEETING. THE AGENCY'S DECISION TO DISCUSS SUCH
4 MATTERS IN EXECUTIVE SESSION SHALL NOT SERVE TO ADVERSELY
5 AFFECT THE DUE PROCESS RIGHTS GRANTED BY LAW, INCLUDING THOSE
6 GRANTED BY TITLE 2 (RELATING TO ADMINISTRATIVE LAW AND
7 PROCEDURE). THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY
8 TO ANY MEETING INVOLVING THE APPOINTMENT OR SELECTION OF ANY
9 PERSON TO FILL A VACANCY IN ANY ELECTED OFFICE.

10 (2) TO HOLD INFORMATION, STRATEGY AND NEGOTIATION
11 SESSIONS RELATED TO THE NEGOTIATION OR ARBITRATION OF A
12 COLLECTIVE BARGAINING AGREEMENT OR, IN THE ABSENCE OF A
13 COLLECTIVE BARGAINING UNIT, RELATED TO LABOR RELATIONS AND
14 ARBITRATION.

15 (3) TO CONSIDER THE PURCHASE OR LEASE OF REAL PROPERTY
16 UP TO THE TIME AN OPTION TO PURCHASE OR LEASE THE REAL
17 PROPERTY IS OBTAINED OR UP TO THE TIME AN AGREEMENT TO
18 PURCHASE OR LEASE SUCH PROPERTY IS OBTAINED IF THE AGREEMENT
19 IS OBTAINED DIRECTLY WITHOUT AN OPTION.

20 (4) TO CONSULT WITH ITS ATTORNEY OR OTHER PROFESSIONAL
21 ADVISOR REGARDING INFORMATION OR STRATEGY IN CONNECTION WITH
22 LITIGATION OR WITH ISSUES ON WHICH IDENTIFIABLE COMPLAINTS
23 ARE EXPECTED TO BE FILED.

24 (5) TO REVIEW AND DISCUSS AGENCY BUSINESS WHICH, IF
25 CONDUCTED IN PUBLIC, WOULD VIOLATE A LAWFUL PRIVILEGE OR LEAD
26 TO THE DISCLOSURE OF INFORMATION OR CONFIDENTIALITY PROTECTED
27 BY LAW, INCLUDING MATTERS RELATED TO THE INITIATION AND
28 CONDUCT OF INVESTIGATIONS OF POSSIBLE OR CERTAIN VIOLATIONS
29 OF THE LAW AND QUASI-JUDICIAL DELIBERATIONS.

30 (6) FOR DULY CONSTITUTED COMMITTEES OF A BOARD OR

1 COUNCIL OF TRUSTEES OF A STATE-OWNED, STATE-AIDED OR STATE-
2 RELATED COLLEGE OR UNIVERSITY OR COMMUNITY COLLEGE OR OF THE
3 BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION TO
4 DISCUSS MATTERS OF ACADEMIC ADMISSION OR STANDINGS.

5 (B) PROCEDURE.--THE EXECUTIVE SESSION MAY BE HELD DURING AN
6 OPEN MEETING, AT THE CONCLUSION OF AN OPEN MEETING, OR MAY BE
7 ANNOUNCED FOR A FUTURE TIME. THE REASON FOR HOLDING THE
8 EXECUTIVE SESSION MUST BE ANNOUNCED AT THE OPEN MEETING
9 OCCURRING IMMEDIATELY PRIOR OR SUBSEQUENT TO THE EXECUTIVE
10 SESSION. IF THE EXECUTIVE SESSION IS NOT ANNOUNCED FOR A FUTURE
11 SPECIFIC TIME, MEMBERS OF THE AGENCY SHALL BE NOTIFIED 24 HOURS
12 IN ADVANCE OF THE TIME OF THE CONVENING OF THE MEETING
13 SPECIFYING THE DATE, TIME, LOCATION AND PURPOSE OF THE EXECUTIVE
14 SESSION.

15 (C) LIMITATION.--OFFICIAL ACTION ON DISCUSSIONS HELD
16 PURSUANT TO SUBSECTION (A) SHALL BE TAKEN AT AN OPEN MEETING.
17 NOTHING IN THIS SECTION OR SECTION 707 (RELATING TO EXCEPTIONS
18 TO OPEN MEETINGS) SHALL BE CONSTRUED TO REQUIRE THAT ANY MEETING
19 BE CLOSED TO THE PUBLIC, NOR SHALL ANY EXECUTIVE SESSION BE USED
20 AS A SUBTERFUGE TO DEFEAT THE PURPOSES OF SECTION 704 (RELATING
21 TO OPEN MEETINGS).

22 § 709. PUBLIC NOTICE.

23 (A) MEETINGS.--AN AGENCY SHALL GIVE PUBLIC NOTICE OF ITS
24 FIRST REGULAR MEETING OF EACH CALENDAR OR FISCAL YEAR NOT LESS
25 THAN THREE DAYS IN ADVANCE OF THE MEETING AND SHALL GIVE PUBLIC
26 NOTICE OF THE SCHEDULE OF ITS REMAINING REGULAR MEETINGS. AN
27 AGENCY SHALL GIVE PUBLIC NOTICE OF EACH SPECIAL MEETING OR EACH
28 RESCHEDULED REGULAR OR SPECIAL MEETING AT LEAST 24 HOURS IN
29 ADVANCE OF THE TIME OF THE CONVENING OF THE MEETING SPECIFIED IN
30 THE NOTICE. PUBLIC NOTICE IS NOT REQUIRED IN THE CASE OF AN

1 EMERGENCY MEETING OR A CONFERENCE. PROFESSIONAL LICENSING BOARDS
2 WITHIN THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS OF
3 THE DEPARTMENT OF STATE OF THE COMMONWEALTH SHALL INCLUDE IN THE
4 PUBLIC NOTICE EACH MATTER INVOLVING A PROPOSAL TO REVOKE,
5 SUSPEND OR RESTRICT A LICENSE.

6 (B) NOTICE.--WITH RESPECT TO ANY PROVISION OF THIS CHAPTER
7 THAT REQUIRES PUBLIC NOTICE TO BE GIVEN BY A CERTAIN DATE, THE
8 AGENCY, TO SATISFY ITS LEGAL OBLIGATION, MUST GIVE THE NOTICE IN
9 TIME TO ALLOW IT TO BE PUBLISHED OR CIRCULATED WITHIN THE
10 POLITICAL SUBDIVISION WHERE THE PRINCIPAL OFFICE OF THE AGENCY
11 IS LOCATED OR THE MEETING WILL OCCUR BEFORE THE DATE OF THE
12 SPECIFIED MEETING.

13 (C) COPIES.--IN ADDITION TO THE PUBLIC NOTICE REQUIRED BY
14 THIS SECTION, THE AGENCY HOLDING A MEETING SHALL SUPPLY, UPON
15 REQUEST, COPIES OF THE PUBLIC NOTICE THEREOF TO ANY NEWSPAPER OF
16 GENERAL CIRCULATION IN THE POLITICAL SUBDIVISION IN WHICH THE
17 MEETING WILL BE HELD, TO ANY RADIO OR TELEVISION STATION WHICH
18 REGULARLY BROADCASTS INTO THE POLITICAL SUBDIVISION AND TO ANY
19 INTERESTED PARTIES IF THE NEWSPAPER, STATION OR PARTY PROVIDES
20 THE AGENCY WITH A STAMPED, SELF-ADDRESSED ENVELOPE PRIOR TO THE
21 MEETING.

22 (D) MEETINGS OF GENERAL ASSEMBLY IN CAPITOL COMPLEX.--
23 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
24 IN CASE OF SESSIONS OF THE GENERAL ASSEMBLY, ALL MEETINGS OF
25 LEGISLATIVE COMMITTEES HELD WITHIN THE CAPITOL COMPLEX WHERE
26 BILLS ARE CONSIDERED, INCLUDING CONFERENCE COMMITTEES, ALL
27 LEGISLATIVE HEARINGS HELD WITHIN THE CAPITOL COMPLEX WHERE
28 TESTIMONY IS TAKEN AND ALL MEETINGS OF LEGISLATIVE COMMISSIONS
29 HELD WITHIN THE CAPITOL COMPLEX, THE REQUIREMENT FOR PUBLIC
30 NOTICE THEREOF SHALL BE COMPLIED WITH IF, NOT LATER THAN THE

1 PRECEDING DAY:

2 (1) THE SUPERVISOR OF THE NEWSROOM OF THE STATE CAPITOL
3 BUILDING IN HARRISBURG IS SUPPLIED FOR DISTRIBUTION TO THE
4 MEMBERS OF THE PENNSYLVANIA LEGISLATIVE CORRESPONDENTS
5 ASSOCIATION WITH A MINIMUM OF 30 COPIES OF THE NOTICE OF THE
6 DATE, TIME AND PLACE OF EACH SESSION, MEETING OR HEARING.

7 (2) THERE IS A POSTING OF THE COPY OF THE NOTICE AT
8 PUBLIC PLACES WITHIN THE MAIN CAPITOL BUILDING DESIGNATED BY
9 THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE
10 OF REPRESENTATIVES.

11 (E) ANNOUNCEMENT.--NOTWITHSTANDING ANY PROVISION OF THIS
12 CHAPTER TO THE CONTRARY, COMMITTEES MAY BE CALLED INTO SESSION
13 IN ACCORDANCE WITH THE PROVISIONS OF THE RULES OF THE SENATE OR
14 THE HOUSE OF REPRESENTATIVES AND AN ANNOUNCEMENT BY THE
15 PRESIDING OFFICER OF THE SENATE OR THE HOUSE OF REPRESENTATIVES.
16 THE ANNOUNCEMENT SHALL BE MADE IN OPEN SESSION OF THE SENATE OR
17 THE HOUSE OF REPRESENTATIVES.

18 § 710. RULES AND REGULATIONS FOR CONDUCT OF MEETINGS.

19 NOTHING IN THIS CHAPTER SHALL PROHIBIT THE AGENCY FROM
20 ADOPTING, BY OFFICIAL ACTION, THE RULES AND REGULATIONS
21 NECESSARY FOR THE CONDUCT OF ITS MEETINGS AND THE MAINTENANCE OF
22 ORDER. THE RULES AND REGULATIONS SHALL NOT BE MADE TO VIOLATE
23 THE INTENT OF THIS CHAPTER.

24 § 710.1. PUBLIC PARTICIPATION.

25 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (D), THE
26 BOARD OR COUNCIL OF A POLITICAL SUBDIVISION OR OF AN AUTHORITY
27 CREATED BY A POLITICAL SUBDIVISION SHALL PROVIDE A REASONABLE
28 OPPORTUNITY AT EACH ADVERTISED REGULAR MEETING AND ADVERTISED
29 SPECIAL MEETING FOR RESIDENTS OF THE POLITICAL SUBDIVISION OR OF
30 THE AUTHORITY CREATED BY A POLITICAL SUBDIVISION OR FOR

1 TAXPAYERS OF THE POLITICAL SUBDIVISION OR OF THE AUTHORITY
2 CREATED BY A POLITICAL SUBDIVISION OR FOR BOTH TO COMMENT ON
3 MATTERS OF CONCERN, OFFICIAL ACTION OR DELIBERATION WHICH ARE OR
4 MAY BE BEFORE THE BOARD OR COUNCIL PRIOR TO TAKING OFFICIAL
5 ACTION. THE BOARD OR COUNCIL HAS THE OPTION TO ACCEPT ALL PUBLIC
6 COMMENT AT THE BEGINNING OF THE MEETING. IF THE BOARD OR COUNCIL
7 DETERMINES THAT THERE IS NOT SUFFICIENT TIME AT A MEETING FOR
8 RESIDENTS OF THE POLITICAL SUBDIVISION OR OF THE AUTHORITY
9 CREATED BY A POLITICAL SUBDIVISION OR FOR TAXPAYERS OF THE
10 POLITICAL SUBDIVISION OR OF THE AUTHORITY CREATED BY A POLITICAL
11 SUBDIVISION OR FOR BOTH TO COMMENT, THE BOARD OR COUNCIL MAY
12 DEFER THE COMMENT PERIOD TO THE NEXT REGULAR MEETING OR TO A
13 SPECIAL MEETING OCCURRING IN ADVANCE OF THE NEXT REGULAR
14 MEETING. THE BOARD OR COUNSEL HAS THE OPTION TO ACCEPT ALL
15 PUBLIC COMMENT AT THE BEGINNING OF THE MEETING.

16 (B) LIMITATION ON JUDICIAL RELIEF.--IF A BOARD OR COUNCIL OF
17 A POLITICAL SUBDIVISION OR AN AUTHORITY CREATED BY A POLITICAL
18 SUBDIVISION HAS COMPLIED WITH THE PROVISIONS OF SUBSECTION (A),
19 THE JUDICIAL RELIEF UNDER SECTION 713 (RELATING TO BUSINESS
20 TRANSACTED AT UNAUTHORIZED MEETING VOID) SHALL NOT BE AVAILABLE
21 ON A SPECIFIC ACTION SOLELY ON THE BASIS OF LACK OF COMMENT ON
22 THAT ACTION.

23 (C) OBJECTION.--ANY PERSON HAS THE RIGHT TO RAISE AN
24 OBJECTION AT ANY TIME TO A PERCEIVED VIOLATION OF THIS CHAPTER
25 AT ANY MEETING OF A BOARD OR COUNCIL OF A POLITICAL SUBDIVISION
26 OR AN AUTHORITY CREATED BY A POLITICAL SUBDIVISION.

27 (D) EXCEPTION.--THE BOARD OR COUNCIL OF A POLITICAL
28 SUBDIVISION OR OF AN AUTHORITY CREATED BY A POLITICAL
29 SUBDIVISION WHICH HAD, BEFORE JANUARY 1, 1993, ESTABLISHED A
30 PRACTICE OR POLICY OF HOLDING SPECIAL MEETINGS SOLELY FOR THE

1 PURPOSE OF PUBLIC COMMENT IN ADVANCE OF ADVERTISED REGULAR
2 MEETINGS SHALL BE EXEMPT FROM THE PROVISIONS OF SUBSECTION (A).
3 § 711. USE OF EQUIPMENT DURING MEETINGS.

4 (A) RECORDING DEVICES.--EXCEPT AS PROVIDED IN SUBSECTION
5 (B), A PERSON ATTENDING A MEETING OF AN AGENCY SHALL HAVE THE
6 RIGHT TO USE RECORDING DEVICES TO RECORD ALL THE PROCEEDINGS.
7 NOTHING IN THIS SECTION SHALL PROHIBIT THE AGENCY FROM ADOPTING
8 AND ENFORCING REASONABLE RULES FOR THEIR USE UNDER SECTION 710
9 (RELATING TO RULES AND REGULATIONS FOR CONDUCT OF MEETINGS).

10 (B) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.--THE
11 SENATE AND HOUSE OF REPRESENTATIVES MAY ADOPT RULES GOVERNING
12 THE RECORDING OR BROADCAST OF THEIR SESSIONS AND MEETINGS AND
13 HEARINGS OF COMMITTEES.

14 § 712. GENERAL ASSEMBLY MEETINGS COVERED.

15 NOTWITHSTANDING ANY OTHER PROVISION, FOR THE PURPOSE OF THIS
16 CHAPTER, MEETINGS OF THE GENERAL ASSEMBLY WHICH ARE COVERED ARE
17 AS FOLLOWS: ALL MEETINGS OF COMMITTEES WHERE BILLS ARE
18 CONSIDERED, ALL HEARINGS WHERE TESTIMONY IS TAKEN AND ALL
19 SESSIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. NOT
20 INCLUDED IN THE INTENT OF THIS CHAPTER ARE CAUCUSES OR MEETINGS
21 OF ANY ETHICS COMMITTEE CREATED PURSUANT TO THE RULES OF THE
22 SENATE OR THE HOUSE OF REPRESENTATIVES.

23 § 713. BUSINESS TRANSACTED AT UNAUTHORIZED MEETING VOID.

24 A LEGAL CHALLENGE UNDER THIS CHAPTER SHALL BE FILED WITHIN 30
25 DAYS FROM THE DATE OF A MEETING WHICH IS OPEN, OR WITHIN 30 DAYS
26 FROM THE DISCOVERY OF ANY ACTION THAT OCCURRED AT A MEETING
27 WHICH WAS NOT OPEN AT WHICH THE CHAPTER WAS VIOLATED, PROVIDED
28 THAT, IN THE CASE OF A MEETING WHICH WAS NOT OPEN, NO LEGAL
29 CHALLENGE MAY BE COMMENCED MORE THAN ONE YEAR FROM THE DATE OF
30 SAID MEETING. THE COURT MAY ENJOIN ANY CHALLENGED ACTION UNTIL A

1 JUDICIAL DETERMINATION OF THE LEGALITY OF THE MEETING AT WHICH
2 THE ACTION WAS ADOPTED IS REACHED. SHOULD THE COURT DETERMINE
3 THAT THE MEETING DID NOT MEET THE REQUIREMENTS OF THIS CHAPTER,
4 IT MAY IN ITS DISCRETION FIND THAT ANY OR ALL OFFICIAL ACTION
5 TAKEN AT THE MEETING SHALL BE INVALID. SHOULD THE COURT
6 DETERMINE THAT THE MEETING MET THE REQUIREMENTS OF THIS CHAPTER,
7 ALL OFFICIAL ACTION TAKEN AT THE MEETING SHALL BE FULLY
8 EFFECTIVE.

9 § 714. PENALTY.

10 ANY MEMBER OF ANY AGENCY WHO PARTICIPATES IN A MEETING WITH
11 THE INTENT AND PURPOSE BY THAT MEMBER OF VIOLATING THIS CHAPTER
12 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
13 SENTENCED TO PAY A FINE NOT EXCEEDING \$100 PLUS COSTS OF
14 PROSECUTION.

15 § 714.1. ATTORNEY FEES.

16 IF THE COURT DETERMINES THAT AN AGENCY WILLFULLY OR WITH
17 WANTON DISREGARD VIOLATED A PROVISION OF THIS CHAPTER, IN WHOLE
18 OR IN PART, THE COURT SHALL AWARD THE PREVAILING PARTY
19 REASONABLE ATTORNEY FEES AND COSTS OF LITIGATION OR AN
20 APPROPRIATE PORTION OF THE FEES AND COSTS. IF THE COURT FINDS
21 THAT THE LEGAL CHALLENGE WAS OF A FRIVOLOUS NATURE OR WAS
22 BROUGHT WITH NO SUBSTANTIAL JUSTIFICATION, THE COURT SHALL AWARD
23 THE PREVAILING PARTY REASONABLE ATTORNEY FEES AND COSTS OF
24 LITIGATION OR AN APPROPRIATE PORTION OF THE FEES AND COSTS.

25 § 715. JURISDICTION AND VENUE OF JUDICIAL PROCEEDINGS.

26 THE COMMONWEALTH COURT SHALL HAVE ORIGINAL JURISDICTION OF
27 ACTIONS INVOLVING STATE AGENCIES AND THE COURTS OF COMMON PLEAS
28 SHALL HAVE ORIGINAL JURISDICTION OF ACTIONS INVOLVING OTHER
29 AGENCIES TO RENDER DECLARATORY JUDGMENTS OR TO ENFORCE THIS
30 CHAPTER, BY INJUNCTION OR OTHER REMEDY DEEMED APPROPRIATE BY THE

1 COURT. THE ACTION MAY BE BROUGHT BY ANY PERSON WHERE THE AGENCY
2 WHOSE ACT IS COMPLAINED OF IS LOCATED OR WHERE THE ACT
3 COMPLAINED OF OCCURRED.

4 § 716. CONFIDENTIALITY.

5 ALL ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS THEY ARE
6 INCONSISTENT WITH THIS CHAPTER, EXCEPTING THOSE STATUTES WHICH
7 SPECIFICALLY PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION.
8 THOSE DELIBERATIONS OR OFFICIAL ACTIONS WHICH, IF CONDUCTED IN
9 PUBLIC, WOULD VIOLATE A LAWFUL PRIVILEGE OR LEAD TO THE
10 DISCLOSURE OF INFORMATION OR CONFIDENTIALITY PROTECTED BY LAW,
11 INCLUDING MATTER RELATED TO THE INVESTIGATION OF POSSIBLE OR
12 CERTAIN VIOLATIONS OF THE LAW AND QUASI-JUDICIAL DELIBERATIONS,
13 SHALL NOT FALL WITHIN THE SCOPE OF THIS CHAPTER.

14 CHAPTER 11

15 ETHICS STANDARDS AND FINANCIAL DISCLOSURE

16 SEC.

17 1101. SHORT TITLE OF CHAPTER.

18 1101.1. PURPOSE.

19 1102. DEFINITIONS.

20 1103. RESTRICTED ACTIVITIES.

21 1104. STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE FILED.

22 1105. STATEMENT OF FINANCIAL INTERESTS.

23 1106. STATE ETHICS COMMISSION.

24 1107. POWERS AND DUTIES OF COMMISSION.

25 1108. INVESTIGATIONS BY COMMISSION.

26 1109. PENALTIES.

27 1110. WRONGFUL USE OF CHAPTER.

28 1111. SUPPLEMENTAL PROVISIONS.

29 1112. CONFLICT OF LAW.

30 1113. SEVERABILITY.

1 § 1101. SHORT TITLE OF CHAPTER.

2 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE PUBLIC
3 OFFICIAL AND EMPLOYEE ETHICS ACT.

4 § 1101.1. PURPOSE.

5 (A) DECLARATIONS.--THE LEGISLATURE HEREBY DECLARES THAT
6 PUBLIC OFFICE IS A PUBLIC TRUST AND THAT ANY EFFORT TO REALIZE
7 PERSONAL FINANCIAL GAIN THROUGH PUBLIC OFFICE OTHER THAN
8 COMPENSATION PROVIDED BY LAW IS A VIOLATION OF THAT TRUST. IN
9 ORDER TO STRENGTHEN THE FAITH AND CONFIDENCE OF THE PEOPLE OF
10 THIS COMMONWEALTH IN THEIR GOVERNMENT, THE LEGISLATURE FURTHER
11 DECLARES THAT THE PEOPLE HAVE A RIGHT TO BE ASSURED THAT THE
12 FINANCIAL INTERESTS OF HOLDERS OF OR NOMINEES OR CANDIDATES FOR
13 PUBLIC OFFICE DO NOT CONFLICT WITH THE PUBLIC TRUST. BECAUSE
14 PUBLIC CONFIDENCE IN GOVERNMENT CAN BEST BE SUSTAINED BY
15 ASSURING THE PEOPLE OF THE IMPARTIALITY AND HONESTY OF PUBLIC
16 OFFICIALS, THIS CHAPTER SHALL BE LIBERALLY CONSTRUED TO PROMOTE
17 COMPLETE FINANCIAL DISCLOSURE AS SPECIFIED IN THIS CHAPTER.
18 FURTHERMORE, IT IS RECOGNIZED THAT CLEAR GUIDELINES ARE NEEDED
19 IN ORDER TO GUIDE PUBLIC OFFICIALS AND EMPLOYEES IN THEIR
20 ACTIONS. THUS, THE GENERAL ASSEMBLY BY THIS CHAPTER INTENDS TO
21 DEFINE AS CLEARLY AS POSSIBLE THOSE AREAS WHICH REPRESENT
22 CONFLICT WITH THE PUBLIC TRUST.

23 (B) RECOGNITION.--IT IS RECOGNIZED THAT MANY PUBLIC
24 OFFICIALS, INCLUDING MOST LOCAL OFFICIALS AND MEMBERS OF THE
25 GENERAL ASSEMBLY, ARE CITIZEN-OFFICIALS WHO BRING TO THEIR
26 PUBLIC OFFICE THE KNOWLEDGE AND CONCERNS OF ORDINARY CITIZENS
27 AND TAXPAYERS. THEY SHOULD NOT BE DISCOURAGED FROM MAINTAINING
28 THEIR CONTACTS WITH THEIR COMMUNITY THROUGH THEIR OCCUPATIONS
29 AND PROFESSIONS. THUS, IN ORDER TO FOSTER MAXIMUM COMPLIANCE
30 WITH ITS TERMS, THIS CHAPTER SHALL BE ADMINISTERED IN A MANNER

1 THAT EMPHASIZES GUIDANCE TO PUBLIC OFFICIALS AND PUBLIC
2 EMPLOYEES REGARDING THE ETHICAL STANDARDS ESTABLISHED BY THIS
3 CHAPTER.

4 (C) LEGISLATIVE INTENT.--IT IS THE INTENT OF THE GENERAL
5 ASSEMBLY THAT THIS CHAPTER BE ADMINISTERED BY AN INDEPENDENT
6 COMMISSION COMPOSED OF MEMBERS WHO ARE COGNIZANT OF THE
7 RESPONSIBILITIES AND BURDENS OF PUBLIC OFFICIALS AND EMPLOYEES
8 AND WHO HAVE DEMONSTRATED AN INTEREST IN PROMOTING PUBLIC
9 CONFIDENCE IN GOVERNMENT.

10 § 1102. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
12 SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
13 MEANINGS GIVEN TO THEM IN THIS SECTION:

14 "ADVICE." ANY DIRECTIVE OF THE CHIEF COUNSEL OF THE STATE
15 ETHICS COMMISSION ISSUED UNDER SECTION 1107(11) (RELATING TO
16 POWERS AND DUTIES OF COMMISSION) AND BASED EXCLUSIVELY ON PRIOR
17 COMMISSION OPINIONS, THIS CHAPTER, REGULATIONS PROMULGATED
18 PURSUANT TO THIS CHAPTER, AND COURT OPINIONS WHICH INTERPRET
19 THIS CHAPTER.

20 "AGGREGATE." THE TOTAL OF ALL GIFTS RECEIVED FROM A SINGLE
21 SOURCE AS PROVIDED IN SECTION 1105(B)(6) (RELATING TO STATEMENT
22 OF FINANCIAL INTERESTS).

23 "AUTHORITY OF OFFICE OR EMPLOYMENT." THE ACTUAL POWER
24 PROVIDED BY LAW, THE EXERCISE OF WHICH IS NECESSARY TO THE
25 PERFORMANCE OF DUTIES AND RESPONSIBILITIES UNIQUE TO A
26 PARTICULAR PUBLIC OFFICE OR POSITION OF PUBLIC EMPLOYMENT.

27 "BUSINESS." ANY CORPORATION, PARTNERSHIP, SOLE
28 PROPRIETORSHIP, FIRM, ENTERPRISE, FRANCHISE, ASSOCIATION,
29 ORGANIZATION, SELF-EMPLOYED INDIVIDUAL, HOLDING COMPANY, JOINT
30 STOCK COMPANY, RECEIVERSHIP, TRUST OR ANY LEGAL ENTITY ORGANIZED

1 FOR PROFIT.

2 "BUSINESS WITH WHICH HE IS ASSOCIATED." ANY BUSINESS IN
3 WHICH THE PERSON OR A MEMBER OF THE PERSON'S IMMEDIATE FAMILY IS
4 A DIRECTOR, OFFICER, OWNER, EMPLOYEE OR HAS A FINANCIAL
5 INTEREST.

6 "CANDIDATE." ANY INDIVIDUAL WHO SEEKS NOMINATION OR ELECTION
7 TO PUBLIC OFFICE BY VOTE OF THE ELECTORATE, OTHER THAN A JUDGE
8 OF ELECTIONS, INSPECTOR OF ELECTIONS OR OFFICIAL OF A POLITICAL
9 PARTY, WHETHER OR NOT SUCH INDIVIDUAL IS NOMINATED OR ELECTED.
10 AN INDIVIDUAL SHALL BE DEEMED TO BE SEEKING NOMINATION OR
11 ELECTION TO SUCH OFFICE IF HE HAS:

12 (1) RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE OR
13 GIVEN HIS CONSENT FOR ANY OTHER PERSON OR COMMITTEE TO
14 RECEIVE A CONTRIBUTION OR MAKE AN EXPENDITURE FOR THE PURPOSE
15 OF INFLUENCING HIS NOMINATION OR ELECTION TO SUCH OFFICE,
16 WHETHER OR NOT THE INDIVIDUAL HAS ANNOUNCED THE SPECIFIC
17 OFFICE FOR WHICH HE WILL SEEK NOMINATION OR ELECTION AT THE
18 TIME THE CONTRIBUTION IS RECEIVED OR THE EXPENDITURE IS MADE;
19 OR

20 (2) TAKEN THE ACTION NECESSARY UNDER THE LAWS OF THIS
21 COMMONWEALTH TO QUALIFY HIMSELF FOR NOMINATION OR ELECTION TO
22 SUCH OFFICE.

23 THE TERM SHALL INCLUDE INDIVIDUALS NOMINATED OR ELECTED AS
24 WRITE-IN CANDIDATES UNLESS THEY RESIGN SUCH NOMINATION OR
25 ELECTED OFFICE WITHIN 30 DAYS OF HAVING BEEN NOMINATED OR
26 ELECTED.

27 "COMMISSION." THE STATE ETHICS COMMISSION.

28 "CONFIDENTIAL INFORMATION." INFORMATION NOT OBTAINABLE FROM
29 REVIEWING A PUBLIC DOCUMENT OR FROM MAKING INQUIRY TO A PUBLICLY
30 AVAILABLE SOURCE OF INFORMATION.

1 "CONFLICT" OR "CONFLICT OF INTEREST." USE BY A PUBLIC
2 OFFICIAL OR PUBLIC EMPLOYEE OF THE AUTHORITY OF HIS OFFICE OR
3 EMPLOYMENT OR ANY CONFIDENTIAL INFORMATION RECEIVED THROUGH HIS
4 HOLDING PUBLIC OFFICE OR EMPLOYMENT FOR THE PRIVATE PECUNIARY
5 BENEFIT OF HIMSELF, A MEMBER OF HIS IMMEDIATE FAMILY OR A
6 BUSINESS WITH WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY IS
7 ASSOCIATED. THE TERM DOES NOT INCLUDE AN ACTION HAVING A DE
8 MINIMIS ECONOMIC IMPACT OR WHICH AFFECTS TO THE SAME DEGREE A
9 CLASS CONSISTING OF THE GENERAL PUBLIC OR A SUBCLASS CONSISTING
10 OF AN INDUSTRY, OCCUPATION OR OTHER GROUP WHICH INCLUDES THE
11 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE, A MEMBER OF HIS IMMEDIATE
12 FAMILY OR A BUSINESS WITH WHICH HE OR A MEMBER OF HIS IMMEDIATE
13 FAMILY IS ASSOCIATED.

14 "CONTRACT." AN AGREEMENT OR ARRANGEMENT FOR THE ACQUISITION,
15 USE OR DISPOSAL BY THE COMMONWEALTH OR A POLITICAL SUBDIVISION
16 OF CONSULTING OR OTHER SERVICES OR OF SUPPLIES, MATERIALS,
17 EQUIPMENT, LAND OR OTHER PERSONAL OR REAL PROPERTY. THE TERM
18 SHALL NOT MEAN AN AGREEMENT OR ARRANGEMENT BETWEEN THE STATE OR
19 POLITICAL SUBDIVISION AS ONE PARTY AND A PUBLIC OFFICIAL OR
20 PUBLIC EMPLOYEE AS THE OTHER PARTY, CONCERNING HIS EXPENSE,
21 REIMBURSEMENT, SALARY, WAGE, RETIREMENT OR OTHER BENEFIT, TENURE
22 OR OTHER MATTERS IN CONSIDERATION OF HIS CURRENT PUBLIC
23 EMPLOYMENT WITH THE COMMONWEALTH OR A POLITICAL SUBDIVISION.

24 "DE MINIMIS ECONOMIC IMPACT." AN ECONOMIC CONSEQUENCE WHICH
25 HAS AN INSIGNIFICANT EFFECT.

26 "EXECUTIVE-LEVEL STATE EMPLOYEE." THE GOVERNOR, LIEUTENANT
27 GOVERNOR, CABINET MEMBERS, DEPUTY SECRETARIES, THE GOVERNOR'S
28 OFFICE STAFF, ANY STATE EMPLOYEE WITH DISCRETIONARY POWERS WHICH
29 MAY AFFECT THE OUTCOME OF A STATE AGENCY'S DECISION IN RELATION
30 TO A PRIVATE CORPORATION OR BUSINESS OR ANY EMPLOYEE WHO BY

1 VIRTUE OF HIS JOB FUNCTION COULD INFLUENCE THE OUTCOME OF SUCH A
2 DECISION.

3 "FINANCIAL INTEREST." ANY FINANCIAL INTEREST IN A LEGAL
4 ENTITY ENGAGED IN BUSINESS FOR PROFIT WHICH COMPRISES MORE THAN
5 5% OF THE EQUITY OF THE BUSINESS OR MORE THAN 5% OF THE ASSETS
6 OF THE ECONOMIC INTEREST IN INDEBTEDNESS.

7 "FINDINGS REPORT." AN INITIAL REPORT CONTAINING FINDINGS OF
8 FACT AS DETERMINED BY THE STATE ETHICS COMMISSION'S
9 INVESTIGATION BUT NOT CONTAINING ANY CONCLUSIONS OF LAW OR ANY
10 DETERMINATION OF WHETHER THERE HAS BEEN A VIOLATION OF LAW.

11 "FRIVOLOUS COMPLAINT." A COMPLAINT FILED IN A GROSSLY
12 NEGLIGENT MANNER WITHOUT BASIS IN LAW OR FACT.

13 "GIFT." ANYTHING WHICH IS RECEIVED WITHOUT CONSIDERATION OF
14 EQUAL OR GREATER VALUE. THE TERM SHALL NOT INCLUDE A POLITICAL
15 CONTRIBUTION OTHERWISE REPORTED AS REQUIRED BY LAW OR A
16 COMMERCIALY REASONABLE LOAN MADE IN THE ORDINARY COURSE OF
17 BUSINESS.

18 "GOVERNMENTAL BODY." ANY DEPARTMENT, AUTHORITY, COMMISSION,
19 COMMITTEE, COUNCIL, BOARD, BUREAU, DIVISION, SERVICE, OFFICE,
20 OFFICER, ADMINISTRATION, LEGISLATIVE BODY, OR OTHER
21 ESTABLISHMENT IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH
22 OF A STATE, A NATION OR A POLITICAL SUBDIVISION THEREOF OR ANY
23 AGENCY PERFORMING A GOVERNMENTAL FUNCTION.

24 "GOVERNMENTAL BODY WITH WHICH A PUBLIC OFFICIAL OR PUBLIC
25 EMPLOYEE IS OR HAS BEEN ASSOCIATED." THE GOVERNMENTAL BODY
26 WITHIN STATE GOVERNMENT OR A POLITICAL SUBDIVISION BY WHICH THE
27 PUBLIC OFFICIAL OR EMPLOYEE IS OR HAS BEEN EMPLOYED OR TO WHICH
28 THE PUBLIC OFFICIAL OR EMPLOYEE IS OR HAS BEEN APPOINTED OR
29 ELECTED AND SUBDIVISIONS AND OFFICES WITHIN THAT GOVERNMENTAL
30 BODY.

1 "HONORARIUM." PAYMENT MADE IN RECOGNITION OF PUBLISHED
2 WORKS, APPEARANCES, SPEECHES AND PRESENTATIONS AND WHICH IS NOT
3 INTENDED AS CONSIDERATION FOR THE VALUE OF SUCH SERVICES WHICH
4 ARE NONPUBLIC OCCUPATIONAL OR PROFESSIONAL IN NATURE. THE TERM
5 DOES NOT INCLUDE TOKENS PRESENTED OR PROVIDED WHICH ARE OF DE
6 MINIMIS ECONOMIC IMPACT.

7 "IMMEDIATE FAMILY." A PARENT, SPOUSE, CHILD, BROTHER OR
8 SISTER.

9 "INCOME." ANY MONEY OR THING OF VALUE RECEIVED, OR TO BE
10 RECEIVED AS A CLAIM ON FUTURE SERVICES OR IN RECOGNITION OF
11 SERVICES RENDERED IN THE PAST, WHETHER IN THE FORM OF A PAYMENT,
12 FEE, SALARY, EXPENSE, ALLOWANCE, FORBEARANCE, FORGIVENESS,
13 INTEREST, DIVIDEND, ROYALTY, RENT, CAPITAL GAIN, REWARD,
14 SEVERANCE PAYMENT, PROCEEDS FROM THE SALE OF A FINANCIAL
15 INTEREST IN A CORPORATION, PROFESSIONAL CORPORATION, PARTNERSHIP
16 OR OTHER ENTITY RESULTING FROM TERMINATION OR WITHDRAWAL
17 THEREFROM UPON ASSUMPTION OF PUBLIC OFFICE OR EMPLOYMENT OR ANY
18 OTHER FORM OF RECOMPENSE OR ANY COMBINATION THEREOF. THE TERM
19 REFERS TO GROSS INCOME AND INCLUDES PRIZE WINNINGS AND TAX-
20 EXEMPT INCOME. THE TERM DOES NOT INCLUDE GIFTS, GOVERNMENTALLY
21 MANDATED PAYMENTS OR BENEFITS, RETIREMENT, PENSION OR ANNUITY
22 PAYMENTS FUNDED TOTALLY BY CONTRIBUTIONS OF THE PUBLIC OFFICIAL
23 OR EMPLOYEE, OR MISCELLANEOUS, INCIDENTAL INCOME OF MINOR
24 DEPENDENT CHILDREN.

25 "INDIRECT INTEREST IN REAL ESTATE." ANY BUSINESS ENTITY THE
26 ASSETS OF WHICH ARE 80% OR MORE IN REAL PROPERTY.

27 "MINISTERIAL ACTION." AN ACTION THAT A PERSON PERFORMS IN A
28 PRESCRIBED MANNER IN OBEDIENCE TO THE MANDATE OF LEGAL
29 AUTHORITY, WITHOUT REGARD TO, OR THE EXERCISE OF, THE PERSON'S
30 OWN JUDGMENT AS TO THE DESIRABILITY OF THE ACTION BEING TAKEN.

1 "NOMINEE." ANY PERSON WHOSE NAME HAS BEEN SUBMITTED TO A
2 PUBLIC OFFICIAL OR GOVERNMENTAL BODY VESTED WITH THE POWER TO
3 FINALLY CONFIRM OR REJECT PROPOSED APPOINTMENTS TO PUBLIC OFFICE
4 OR EMPLOYMENT.

5 "NONMINISTERIAL ACTIONS." AN ACTION IN WHICH THE PERSON
6 EXERCISES HIS OWN JUDGMENT AS TO THE DESIRABILITY OF THE ACTION
7 TAKEN.

8 "OPINION." A DIRECTIVE OF THE STATE ETHICS COMMISSION ISSUED
9 PURSUANT TO SECTION 1107(10) (RELATING TO POWERS AND DUTIES OF
10 COMMISSION) SETTING FORTH A PUBLIC OFFICIAL'S OR PUBLIC
11 EMPLOYEE'S DUTIES UNDER THIS CHAPTER.

12 "ORDER." A DIRECTIVE OF THE STATE ETHICS COMMISSION ISSUED
13 PURSUANT TO SECTION 1107(13) (RELATING TO POWERS AND DUTIES OF
14 COMMISSION) AT THE CONCLUSION OF AN INVESTIGATION WHICH CONTAINS
15 FINDINGS OF FACT, CONCLUSIONS OF LAW AND PENALTIES.

16 "PERSON." A BUSINESS, GOVERNMENTAL BODY, INDIVIDUAL,
17 CORPORATION, UNION, ASSOCIATION, FIRM, PARTNERSHIP, COMMITTEE,
18 CLUB OR OTHER ORGANIZATION OR GROUP OF PERSONS.

19 "POLITICAL CONTRIBUTION." ANY ADVANCE, CONVEYANCE, DEPOSIT,
20 DISTRIBUTION, TRANSFER OF FUNDS, LOAN, PAYMENT, PLEDGE, PURCHASE
21 OF A TICKET TO A TESTIMONIAL OR SIMILAR FUND-RAISING AFFAIR, OR
22 SUBSCRIPTION OF MONEY OR ANYTHING OF VALUE, EXCEPT VOLUNTEER
23 SERVICES, IN CONNECTION WITH A POLITICAL CAMPAIGN, AND ANY
24 CONTRACT, AGREEMENT, PROMISE, OR OTHER OBLIGATIONS, WHETHER OR
25 NOT LEGALLY ENFORCEABLE, TO MAKE A POLITICAL CONTRIBUTION.

26 "POLITICAL SUBDIVISION." ANY COUNTY, CITY, BOROUGH,
27 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT, VOCATIONAL SCHOOL,
28 COUNTY INSTITUTION DISTRICT, AND ANY AUTHORITY, ENTITY OR BODY
29 ORGANIZED BY THE AFOREMENTIONED.

30 "PUBLIC EMPLOYEE." ANY INDIVIDUAL EMPLOYED BY THE

1 COMMONWEALTH OR A POLITICAL SUBDIVISION WHO IS RESPONSIBLE FOR
2 TAKING OR RECOMMENDING OFFICIAL ACTION OF A NONMINISTERIAL
3 NATURE WITH REGARD TO:

4 (1) CONTRACTING OR PROCUREMENT;

5 (2) ADMINISTERING OR MONITORING GRANTS OR SUBSIDIES;

6 (3) PLANNING OR ZONING;

7 (4) INSPECTING, LICENSING, REGULATING OR AUDITING ANY
8 PERSON; OR

9 (5) ANY OTHER ACTIVITY WHERE THE OFFICIAL ACTION HAS AN
10 ECONOMIC IMPACT OF GREATER THAN A DE MINIMIS NATURE ON THE
11 INTERESTS OF ANY PERSON.

12 THE TERM SHALL NOT INCLUDE INDIVIDUALS WHO ARE EMPLOYED BY THIS
13 COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF IN TEACHING AS
14 DISTINGUISHED FROM ADMINISTRATIVE DUTIES.

15 "PUBLIC OFFICIAL." ANY PERSON ELECTED BY THE PUBLIC OR
16 ELECTED OR APPOINTED BY A GOVERNMENTAL BODY, OR AN APPOINTED
17 OFFICIAL IN THE EXECUTIVE, LEGISLATIVE OR JUDICIAL BRANCH OF
18 THIS COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF, PROVIDED
19 THAT IT SHALL NOT INCLUDE MEMBERS OF ADVISORY BOARDS THAT HAVE
20 NO AUTHORITY TO EXPEND PUBLIC FUNDS OTHER THAN REIMBURSEMENT FOR
21 PERSONAL EXPENSE, OR TO OTHERWISE EXERCISE THE POWER OF THE
22 STATE OR ANY POLITICAL SUBDIVISION THEREOF.

23 "REPRESENT." TO ACT ON BEHALF OF ANY OTHER PERSON IN ANY
24 ACTIVITY WHICH INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:
25 PERSONAL APPEARANCES, NEGOTIATIONS, LOBBYING AND SUBMITTING BID
26 OR CONTRACT PROPOSALS WHICH ARE SIGNED BY OR CONTAIN THE NAME OF
27 A FORMER PUBLIC OFFICIAL OR PUBLIC EMPLOYEE.

28 "SOLICITOR." A PERSON ELECTED OR APPOINTED TO THE OFFICE OF
29 SOLICITOR FOR THE POLITICAL SUBDIVISION.

30 "SOURCE." ANY PERSON WHO IS A PROVIDER OF AN ITEM REPORTABLE

1 UNDER SECTION 1105 (RELATING TO STATEMENT OF FINANCIAL
2 INTERESTS).

3 "STATE CONSULTANT." A PERSON WHO, AS AN INDEPENDENT
4 CONTRACTOR, PERFORMS PROFESSIONAL, SCIENTIFIC, TECHNICAL OR
5 ADVISORY SERVICE FOR AN AGENCY OF THIS COMMONWEALTH, AND WHO
6 RECEIVES A FEE, HONORARIUM OR SIMILAR COMPENSATION FOR SUCH
7 SERVICES. A STATE CONSULTANT IS NOT AN EXECUTIVE-LEVEL EMPLOYEE.
8 § 1103. RESTRICTED ACTIVITIES.

9 (A) CONFLICT OF INTEREST.--NO PUBLIC OFFICIAL OR PUBLIC
10 EMPLOYEE SHALL ENGAGE IN CONDUCT THAT CONSTITUTES A CONFLICT OF
11 INTEREST.

12 (B) SEEKING IMPROPER INFLUENCE.--NO PERSON SHALL OFFER OR
13 GIVE TO A PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR NOMINEE OR
14 CANDIDATE FOR PUBLIC OFFICE OR A MEMBER OF HIS IMMEDIATE FAMILY
15 OR A BUSINESS WITH WHICH HE IS ASSOCIATED, ANYTHING OF MONETARY
16 VALUE, INCLUDING A GIFT, LOAN, POLITICAL CONTRIBUTION, REWARD OR
17 PROMISE OF FUTURE EMPLOYMENT BASED ON THE OFFEROR'S OR DONOR'S
18 UNDERSTANDING THAT THE VOTE, OFFICIAL ACTION OR JUDGMENT OF THE
19 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR NOMINEE OR CANDIDATE FOR
20 PUBLIC OFFICE WOULD BE INFLUENCED THEREBY.

21 (C) ACCEPTING IMPROPER INFLUENCE.--NO PUBLIC OFFICIAL,
22 PUBLIC EMPLOYEE OR NOMINEE OR CANDIDATE FOR PUBLIC OFFICE SHALL
23 SOLICIT OR ACCEPT, ANYTHING OF MONETARY VALUE, INCLUDING A GIFT,
24 LOAN, POLITICAL CONTRIBUTION, REWARD, OR PROMISE OF FUTURE
25 EMPLOYMENT BASED ON ANY UNDERSTANDING OF THAT PUBLIC OFFICIAL,
26 PUBLIC EMPLOYEE OR NOMINEE THAT THE VOTE, OFFICIAL ACTION, OR
27 JUDGMENT OF THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR NOMINEE OR
28 CANDIDATE FOR PUBLIC OFFICE WOULD BE INFLUENCED THEREBY.

29 (D) HONORARIUM.--NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL
30 ACCEPT AN HONORARIUM.

1 (E) CONTINGENT AND SEVERANCE PAYMENTS.--

2 (1) NO PERSON SHALL SOLICIT OR ACCEPT A SEVERANCE
3 PAYMENT OR ANYTHING OF MONETARY VALUE CONTINGENT UPON THE
4 ASSUMPTION OR ACCEPTANCE OF PUBLIC OFFICE OR EMPLOYMENT.

5 (2) THIS SUBSECTION SHALL NOT PROHIBIT:

6 (I) PAYMENTS RECEIVED PURSUANT TO AN EMPLOYMENT
7 AGREEMENT IN EXISTENCE PRIOR TO THE TIME A PERSON BECOMES
8 A CANDIDATE OR IS NOTIFIED BY A MEMBER OF A TRANSITION
9 TEAM, A SEARCH COMMITTEE OR A PERSON WITH APPOINTIVE
10 POWER THAT HE IS UNDER CONSIDERATION FOR PUBLIC OFFICE OR
11 MAKES APPLICATION FOR PUBLIC EMPLOYMENT.

12 (II) RECEIPT OF A SALARY, FEES, SEVERANCE PAYMENT OR
13 PROCEEDS RESULTING FROM THE SALE OF A PERSON'S INTEREST
14 IN A CORPORATION, PROFESSIONAL CORPORATION, PARTNERSHIP
15 OR OTHER ENTITY RESULTING FROM TERMINATION OR WITHDRAWAL
16 THEREFROM UPON THE ASSUMPTION OR ACCEPTANCE OF PUBLIC
17 OFFICE OR EMPLOYMENT.

18 (3) PAYMENTS MADE OR RECEIVED PURSUANT TO PARAGRAPH
19 (2)(I) AND (II) SHALL NOT BE BASED ON THE AGREEMENT, WRITTEN
20 OR OTHERWISE, THAT THE VOTE OR OFFICIAL ACTION OF THE
21 PROSPECTIVE PUBLIC OFFICIAL OR EMPLOYEE WOULD BE INFLUENCED
22 THEREBY.

23 (F) CONTRACT.--NO PUBLIC OFFICIAL OR PUBLIC EMPLOYEE OR HIS
24 SPOUSE OR CHILD OR ANY BUSINESS IN WHICH THE PERSON OR HIS
25 SPOUSE OR CHILD IS ASSOCIATED SHALL ENTER INTO ANY CONTRACT
26 VALUED AT \$500 OR MORE WITH THE GOVERNMENTAL BODY WITH WHICH THE
27 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IS ASSOCIATED OR ANY
28 SUBCONTRACT VALUED AT \$500 OR MORE WITH ANY PERSON WHO HAS BEEN
29 AWARDED A CONTRACT WITH THE GOVERNMENTAL BODY WITH WHICH THE
30 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IS ASSOCIATED, UNLESS THE

1 CONTRACT HAS BEEN AWARDED THROUGH AN OPEN AND PUBLIC PROCESS,
2 INCLUDING PRIOR PUBLIC NOTICE AND SUBSEQUENT PUBLIC DISCLOSURE
3 OF ALL PROPOSALS CONSIDERED AND CONTRACTS AWARDED. IN SUCH A
4 CASE, THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL NOT HAVE ANY
5 SUPERVISORY OR OVERALL RESPONSIBILITY FOR THE IMPLEMENTATION OR
6 ADMINISTRATION OF THE CONTRACT. ANY CONTRACT OR SUBCONTRACT MADE
7 IN VIOLATION OF THIS SUBSECTION SHALL BE VOIDABLE BY A COURT OF
8 COMPETENT JURISDICTION IF THE SUIT IS COMMENCED WITHIN 90 DAYS
9 OF THE MAKING OF THE CONTRACT OR SUBCONTRACT.

10 (G) FORMER OFFICIAL OR EMPLOYEE.--NO FORMER PUBLIC OFFICIAL
11 OR PUBLIC EMPLOYEE SHALL REPRESENT A PERSON, WITH PROMISED OR
12 ACTUAL COMPENSATION, ON ANY MATTER BEFORE THE GOVERNMENTAL BODY
13 WITH WHICH HE HAS BEEN ASSOCIATED FOR ONE YEAR AFTER HE LEAVES
14 THAT BODY.

15 (H) MISUSE OF STATEMENT OF FINANCIAL INTEREST.--NO PERSON
16 SHALL USE FOR ANY COMMERCIAL PURPOSE INFORMATION COPIED FROM
17 STATEMENTS OF FINANCIAL INTERESTS REQUIRED BY THIS CHAPTER OR
18 FROM LISTS COMPILED FROM SUCH STATEMENTS.

19 (I) FORMER EXECUTIVE-LEVEL EMPLOYEE.--NO FORMER EXECUTIVE-
20 LEVEL STATE EMPLOYEE MAY FOR A PERIOD OF TWO YEARS FROM THE TIME
21 THAT HE TERMINATES EMPLOYMENT WITH THIS COMMONWEALTH BE EMPLOYED
22 BY, RECEIVE COMPENSATION FROM, ASSIST OR ACT IN A REPRESENTATIVE
23 CAPACITY FOR A BUSINESS OR CORPORATION THAT HE ACTIVELY
24 PARTICIPATES IN RECRUITING TO THIS COMMONWEALTH OR THAT HE
25 ACTIVELY PARTICIPATED IN INDUCING TO OPEN A NEW PLANT, FACILITY
26 OR BRANCH IN THIS COMMONWEALTH OR THAT HE ACTIVELY PARTICIPATED
27 IN INDUCING TO EXPAND AN EXISTENT PLANT OR FACILITY WITHIN THIS
28 COMMONWEALTH, PROVIDED THAT THE ABOVE PROHIBITION SHALL BE
29 INVOKED ONLY WHEN THE RECRUITMENT OR INDUCEMENT IS ACCOMPLISHED
30 BY A GRANT OR LOAN OF MONEY OR A PROMISE OF A GRANT OR LOAN OF

1 MONEY FROM THE COMMONWEALTH TO THE BUSINESS OR CORPORATION
2 RECRUITED OR INDUCED TO EXPAND.

3 (J) VOTING CONFLICT.--WHERE VOTING CONFLICTS ARE NOT
4 OTHERWISE ADDRESSED BY THE CONSTITUTION OF PENNSYLVANIA OR BY
5 ANY LAW, RULE, REGULATION, ORDER OR ORDINANCE, THE FOLLOWING
6 PROCEDURE SHALL BE EMPLOYED. ANY PUBLIC OFFICIAL OR PUBLIC
7 EMPLOYEE WHO IN THE DISCHARGE OF HIS OFFICIAL DUTIES WOULD BE
8 REQUIRED TO VOTE ON A MATTER THAT WOULD RESULT IN A CONFLICT OF
9 INTEREST SHALL ABSTAIN FROM VOTING AND, PRIOR TO THE VOTE BEING
10 TAKEN, PUBLICLY ANNOUNCE AND DISCLOSE THE NATURE OF HIS INTEREST
11 AS A PUBLIC RECORD IN A WRITTEN MEMORANDUM FILED WITH THE PERSON
12 RESPONSIBLE FOR RECORDING THE MINUTES OF THE MEETING AT WHICH
13 THE VOTE IS TAKEN, PROVIDED THAT WHENEVER A GOVERNING BODY WOULD
14 BE UNABLE TO TAKE ANY ACTION ON A MATTER BEFORE IT BECAUSE THE
15 NUMBER OF MEMBERS OF THE BODY REQUIRED TO ABSTAIN FROM VOTING
16 UNDER THE PROVISIONS OF THIS SECTION MAKES THE MAJORITY OR OTHER
17 LEGALLY REQUIRED VOTE OF APPROVAL UNATTAINABLE, THEN SUCH
18 MEMBERS SHALL BE PERMITTED TO VOTE IF DISCLOSURES ARE MADE AS
19 OTHERWISE PROVIDED HEREIN. IN THE CASE OF A THREE-MEMBER
20 GOVERNING BODY OF A POLITICAL SUBDIVISION, WHERE ONE MEMBER HAS
21 ABSTAINED FROM VOTING AS A RESULT OF A CONFLICT OF INTEREST, AND
22 THE REMAINING TWO MEMBERS OF THE GOVERNING BODY HAVE CAST
23 OPPOSING VOTES, THE MEMBER WHO HAS ABSTAINED SHALL BE PERMITTED
24 TO VOTE TO BREAK THE TIE VOTE IF DISCLOSURE IS MADE AS OTHERWISE
25 PROVIDED HEREIN.

26 § 1104. STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE FILED.

27 (A) PUBLIC OFFICIAL OR PUBLIC EMPLOYEE.--EACH PUBLIC
28 OFFICIAL OF THE COMMONWEALTH SHALL FILE A STATEMENT OF FINANCIAL
29 INTERESTS FOR THE PRECEDING CALENDAR YEAR WITH THE COMMISSION NO
30 LATER THAN MAY 1 OF EACH YEAR THAT HE HOLDS SUCH A POSITION AND

1 OF THE YEAR AFTER HE LEAVES SUCH A POSITION. EACH PUBLIC
2 EMPLOYEE AND PUBLIC OFFICIAL OF THE COMMONWEALTH SHALL FILE A
3 STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING CALENDAR YEAR
4 WITH THE DEPARTMENT, AGENCY, BODY OR BUREAU IN WHICH HE IS
5 EMPLOYED OR TO WHICH HE IS APPOINTED OR ELECTED NO LATER THAN
6 MAY 1 OF EACH YEAR THAT HE HOLDS SUCH A POSITION AND OF THE YEAR
7 AFTER HE LEAVES SUCH A POSITION. ANY OTHER PUBLIC EMPLOYEE OR
8 PUBLIC OFFICIAL SHALL FILE A STATEMENT OF FINANCIAL INTERESTS
9 WITH THE GOVERNING AUTHORITY OF THE POLITICAL SUBDIVISION BY
10 WHICH HE IS EMPLOYED OR WITHIN WHICH HE IS APPOINTED OR ELECTED
11 NO LATER THAN MAY 1 OF EACH YEAR THAT HE HOLDS SUCH A POSITION
12 AND OF THE YEAR AFTER HE LEAVES SUCH A POSITION. PERSONS WHO ARE
13 FULL-TIME OR PART-TIME SOLICITORS FOR POLITICAL SUBDIVISIONS ARE
14 REQUIRED TO FILE UNDER THIS SECTION.

15 (B) CANDIDATE.--

16 (1) ANY CANDIDATE FOR A STATE-LEVEL PUBLIC OFFICE SHALL
17 FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
18 CALENDAR YEAR WITH THE COMMISSION ON OR BEFORE THE LAST DAY
19 FOR FILING A PETITION TO APPEAR ON THE BALLOT FOR ELECTION. A
20 COPY OF THE STATEMENT OF FINANCIAL INTERESTS SHALL ALSO BE
21 APPENDED TO SUCH PETITION.

22 (2) ANY CANDIDATE FOR COUNTY-LEVEL OR LOCAL OFFICE SHALL
23 FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
24 CALENDAR YEAR WITH THE GOVERNING AUTHORITY OF THE POLITICAL
25 SUBDIVISION IN WHICH HE IS A CANDIDATE ON OR BEFORE THE LAST
26 DAY FOR FILING A PETITION TO APPEAR ON THE BALLOT FOR
27 ELECTION. A COPY OF THE STATEMENT OF FINANCIAL INTERESTS
28 SHALL ALSO BE APPENDED TO SUCH PETITION.

29 (3) NO PETITION TO APPEAR ON THE BALLOT FOR ELECTION
30 SHALL BE ACCEPTED BY THE RESPECTIVE STATE OR LOCAL ELECTION

1 OFFICIALS UNLESS THE PETITION HAS APPENDED THERETO A
2 STATEMENT OF FINANCIAL INTERESTS AS SET FORTH IN PARAGRAPHS
3 (1) AND (2). FAILURE TO FILE THE STATEMENT IN ACCORDANCE WITH
4 THE PROVISIONS OF THIS CHAPTER SHALL, IN ADDITION TO ANY
5 OTHER PENALTIES PROVIDED, BE A FATAL DEFECT TO A PETITION TO
6 APPEAR ON THE BALLOT.

7 (C) NOMINEE.--EACH STATE-LEVEL NOMINEE FOR PUBLIC OFFICE
8 SHALL FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
9 CALENDAR YEAR WITH THE COMMISSION AND WITH THE OFFICIAL OR BODY
10 THAT IS VESTED WITH THE POWER OF CONFIRMATION AT LEAST TEN DAYS
11 BEFORE THE OFFICIAL OR BODY SHALL APPROVE OR REJECT THE
12 NOMINATION. EACH NOMINEE FOR A COUNTY-LEVEL OR LOCAL OFFICE
13 SHALL FILE A STATEMENT OF FINANCIAL INTERESTS FOR THE PRECEDING
14 CALENDAR YEAR WITH THE GOVERNING AUTHORITY OF THE POLITICAL
15 SUBDIVISION IN WHICH HE OR SHE IS A NOMINEE AND, IF DIFFERENT,
16 WITH THE OFFICIAL OR BODY THAT IS VESTED WITH THE POWER OF
17 CONFIRMATION AT LEAST TEN DAYS BEFORE THE OFFICIAL OR BODY SHALL
18 APPROVE OR REJECT THE NOMINATION.

19 (D) FAILURE TO FILE REQUIRED STATEMENT.--NO PUBLIC OFFICIAL
20 SHALL BE ALLOWED TO TAKE THE OATH OF OFFICE OR ENTER OR CONTINUE
21 UPON HIS DUTIES, NOR SHALL HE RECEIVE COMPENSATION FROM PUBLIC
22 FUNDS, UNLESS HE HAS FILED A STATEMENT OF FINANCIAL INTERESTS AS
23 REQUIRED BY THIS CHAPTER.

24 (E) PUBLIC INSPECTION AND COPYING.--ALL STATEMENTS OF
25 FINANCIAL INTERESTS FILED PURSUANT TO THE PROVISIONS OF THIS
26 CHAPTER SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AND
27 COPYING DURING REGULAR OFFICE HOURS, AND COPYING FACILITIES
28 SHALL BE MADE AVAILABLE AT A CHARGE NOT TO EXCEED ACTUAL COST.
29 § 1105. STATEMENT OF FINANCIAL INTERESTS.

30 (A) FORM.--THE STATEMENT OF FINANCIAL INTERESTS FILED

1 PURSUANT TO THIS CHAPTER SHALL BE ON A FORM PRESCRIBED BY THE
2 COMMISSION. ALL INFORMATION REQUESTED ON THE STATEMENT SHALL BE
3 PROVIDED TO THE BEST OF THE KNOWLEDGE, INFORMATION AND BELIEF OF
4 THE PERSON REQUIRED TO FILE AND SHALL BE SIGNED UNDER OATH OR
5 EQUIVALENT AFFIRMATION.

6 (B) REQUIRED INFORMATION.--THE STATEMENT SHALL INCLUDE THE
7 FOLLOWING INFORMATION FOR THE PRIOR CALENDAR YEAR WITH REGARD TO
8 THE PERSON REQUIRED TO FILE THE STATEMENT.

9 (1) NAME, ADDRESS AND PUBLIC POSITION.

10 (2) OCCUPATION OR PROFESSION.

11 (3) ANY DIRECT OR INDIRECT INTEREST IN ANY REAL ESTATE
12 WHICH WAS SOLD OR LEASED TO THE COMMONWEALTH, ANY OF ITS
13 AGENCIES OR POLITICAL SUBDIVISIONS; PURCHASED OR LEASED FROM
14 THE COMMONWEALTH, ANY OF ITS AGENCIES OR POLITICAL
15 SUBDIVISIONS; OR WHICH WAS THE SUBJECT OF ANY CONDEMNATION
16 PROCEEDINGS BY THE COMMONWEALTH, ANY OF ITS AGENCIES OR
17 POLITICAL SUBDIVISIONS.

18 (4) THE NAME AND ADDRESS OF EACH CREDITOR TO WHOM IS
19 OWED IN EXCESS OF \$6,500 AND THE INTEREST RATE THEREON.
20 HOWEVER, LOANS OR CREDIT EXTENDED BETWEEN MEMBERS OF THE
21 IMMEDIATE FAMILY AND MORTGAGES SECURING REAL PROPERTY WHICH
22 IS THE PRINCIPAL OR SECONDARY RESIDENCE OF THE PERSON FILING
23 SHALL NOT BE INCLUDED.

24 (5) THE NAME AND ADDRESS OF ANY DIRECT OR INDIRECT
25 SOURCE OF INCOME TOTALING IN THE AGGREGATE \$1,300 OR MORE.
26 HOWEVER, THIS PROVISION SHALL NOT BE CONSTRUED TO REQUIRE THE
27 DIVULGENCE OF CONFIDENTIAL INFORMATION PROTECTED BY STATUTE
28 OR EXISTING PROFESSIONAL CODES OF ETHICS OR COMMON LAW
29 PRIVILEGES.

30 (6) THE NAME AND ADDRESS OF THE SOURCE AND THE AMOUNT OF

1 ANY GIFT OR GIFTS VALUED IN THE AGGREGATE AT \$250 OR MORE AND
2 THE CIRCUMSTANCES OF EACH GIFT. THIS PARAGRAPH SHALL NOT
3 APPLY TO A GIFT OR GIFTS RECEIVED FROM A SPOUSE, PARENT,
4 PARENT BY MARRIAGE, SIBLING, CHILD, GRANDCHILD, OTHER FAMILY
5 MEMBER OR FRIEND WHEN THE CIRCUMSTANCES MAKE IT CLEAR THAT
6 THE MOTIVATION FOR THE ACTION WAS A PERSONAL OR FAMILY
7 RELATIONSHIP. HOWEVER, FOR THE PURPOSES OF THIS PARAGRAPH,
8 THE TERM "FRIEND" SHALL NOT INCLUDE A REGISTERED LOBBYIST OR
9 AN EMPLOYEE OF A REGISTERED LOBBYIST.

10 (7) THE NAME AND ADDRESS OF THE SOURCE AND THE AMOUNT OF
11 ANY PAYMENT FOR OR REIMBURSEMENT OF ACTUAL EXPENSES FOR
12 TRANSPORTATION AND LODGING OR HOSPITALITY RECEIVED IN
13 CONNECTION WITH PUBLIC OFFICE OR EMPLOYMENT WHERE SUCH ACTUAL
14 EXPENSES FOR TRANSPORTATION AND LODGING OR HOSPITALITY EXCEED
15 \$650 IN THE COURSE OF A SINGLE OCCURRENCE. THIS PARAGRAPH
16 SHALL NOT APPLY TO EXPENSES REIMBURSED BY A GOVERNMENTAL
17 BODY, OR TO EXPENSES REIMBURSED BY AN ORGANIZATION OR
18 ASSOCIATION OF PUBLIC OFFICIALS OR EMPLOYEES OF POLITICAL
19 SUBDIVISIONS WHICH THE PUBLIC OFFICIAL OR EMPLOYEE SERVES IN
20 AN OFFICIAL CAPACITY.

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

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

25 (10) THE IDENTITY OF ANY FINANCIAL INTEREST IN A
26 BUSINESS WITH WHICH THE REPORTING PERSON IS OR HAS BEEN
27 ASSOCIATED IN THE PRECEDING CALENDAR YEAR WHICH HAS BEEN
28 TRANSFERRED TO A MEMBER OF THE REPORTING PERSON'S IMMEDIATE
29 FAMILY.

30 (C) REPORTING AMOUNTS.--EXCEPT WHERE AN AMOUNT IS REQUIRED

1 TO BE REPORTED PURSUANT TO SUBSECTION (B)(6) AND (7), THE
2 STATEMENT OF FINANCIAL INTERESTS NEED NOT INCLUDE SPECIFIC
3 AMOUNTS FOR THE ITEMS REQUIRED TO BE LISTED.

4 (D) COST-OF-LIVING ADJUSTMENTS.--ON A BIENNIAL BASIS THE
5 COMMISSION SHALL REVIEW THE DOLLAR AMOUNTS SET FORTH IN THIS
6 SECTION AND MAY INCREASE THESE AMOUNTS TO SUCH RATES AS ARE
7 DEEMED REASONABLE FOR ASSURING APPROPRIATE DISCLOSURE. THE
8 COMMISSION SHALL PUBLISH ANY SUCH ADJUSTED THRESHOLD AMOUNTS IN
9 THE PENNSYLVANIA BULLETIN.

10 § 1106. STATE ETHICS COMMISSION.

11 (A) CONTINUATION OF COMMISSION.--THE STATE ETHICS COMMISSION
12 ESTABLISHED UNDER THE ACT OF OCTOBER 4, 1978 (P.L.883, NO.170),
13 REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW, IS
14 CONTINUED AND SHALL BE COMPOSED OF SEVEN MEMBERS. THE PRESIDENT
15 PRO TEMPORE OF THE SENATE, THE MINORITY LEADER OF THE SENATE,
16 THE SPEAKER OF THE HOUSE, AND THE MINORITY LEADER OF THE HOUSE
17 SHALL EACH APPOINT ONE MEMBER. THREE MEMBERS SHALL BE APPOINTED
18 BY THE GOVERNOR WITHOUT CONFIRMATION. NO MORE THAN TWO OF THE
19 MEMBERS APPOINTED BY THE GOVERNOR SHALL BE OF THE SAME POLITICAL
20 PARTY. NO APPOINTEE SHALL HAVE SERVED AS AN OFFICER IN A
21 POLITICAL PARTY FOR ONE YEAR PRIOR TO HIS APPOINTMENT.

22 (B) TERM OF SERVICE.--MEMBERS OF THE COMMISSION SHALL SERVE
23 FOR TERMS OF THREE YEARS, EXCEPT THAT MEMBERS SHALL CONTINUE TO
24 SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.

25 (C) MAXIMUM NUMBER OF TERMS.--NO MEMBER SHALL BE APPOINTED
26 TO MORE THAN TWO FULL THREE-YEAR TERMS ON THE COMMISSION.

27 (D) PROHIBITED ACTIVITIES.--NO INDIVIDUAL, WHILE A MEMBER OR
28 EMPLOYEE OF THE COMMISSION, SHALL:

29 (1) HOLD OR CAMPAIGN FOR ANY OTHER PUBLIC OFFICE;

30 (2) HOLD OFFICE IN ANY POLITICAL PARTY OR POLITICAL

1 COMMITTEE;

2 (3) ACTIVELY PARTICIPATE IN OR CONTRIBUTE TO ANY
3 POLITICAL CAMPAIGN;

4 (4) DIRECTLY OR INDIRECTLY ATTEMPT TO INFLUENCE ANY
5 DECISION BY A GOVERNMENTAL BODY, OTHER THAN A COURT OF LAW OR
6 AS A REPRESENTATIVE OF THE COMMISSION ON A MATTER WITHIN THE
7 JURISDICTION OF THE COMMISSION; OR

8 (5) BE EMPLOYED BY THE COMMONWEALTH OR A POLITICAL
9 SUBDIVISION IN ANY OTHER CAPACITY, WHETHER OR NOT FOR
10 COMPENSATION.

11 (E) VACANCY.--A MAJORITY OF THE COMMISSION BY RESOLUTION
12 SHALL DECLARE VACANT THE POSITION ON THE COMMISSION OF ANY
13 MEMBER WHO TAKES PART IN ACTIVITIES PROHIBITED BY SUBSECTION
14 (D). AN INDIVIDUAL APPOINTED TO FILL A VACANCY OCCURRING OTHER
15 THAN BY THE EXPIRATION OF A TERM OF OFFICE SHALL BE APPOINTED
16 FOR THE UNEXPIRED TERM OF THE MEMBER HE SUCCEEDS, AND IS
17 ELIGIBLE FOR APPOINTMENT TO TWO FULL THREE-YEAR TERMS
18 THEREAFTER. ANY VACANCY OCCURRING ON THE COMMISSION SHALL BE
19 FILLED WITHIN 30 DAYS IN THE MANNER IN WHICH THAT POSITION WAS
20 ORIGINALLY FILLED.

21 (F) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.--THE COMMISSION
22 SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN. THE VICE CHAIRMAN
23 SHALL ACT AS CHAIRMAN IN THE ABSENCE OF THE CHAIRMAN OR IN THE
24 EVENT OF A VACANCY IN THAT POSITION.

25 (G) QUORUM.--FOUR MEMBERS OF THE COMMISSION SHALL CONSTITUTE
26 A QUORUM AND, EXCEPT AS PROVIDED IN SECTION 1108(G) (RELATING TO
27 INVESTIGATIONS BY COMMISSION), THE VOTES OF A MAJORITY OF THE
28 MEMBERS PRESENT IS REQUIRED FOR ANY ACTION OR RECOMMENDATION OF
29 THE COMMISSION. THE CHAIRMAN OR ANY FOUR MEMBERS OF THE
30 COMMISSION MAY CALL A MEETING PROVIDED THAT ADVANCE WRITTEN

1 NOTICE IS MAILED TO EACH MEMBER AND TO ANY PERSON WHO REQUESTS
2 NOTICE OF SUCH MEETINGS.

3 (H) COMPENSATION.--MEMBERS OF THE COMMISSION SHALL BE
4 COMPENSATED AT A RATE OF \$250 PER DAY AND SHALL RECEIVE
5 REIMBURSEMENT FOR THEIR ACTUAL AND NECESSARY EXPENSES WHILE
6 PERFORMING THE BUSINESS OF THE COMMISSION.

7 (I) STAFF.--THE COMMISSION SHALL EMPLOY AN EXECUTIVE
8 DIRECTOR, A CHIEF COUNSEL AND SUCH OTHER STAFF AS ARE NECESSARY
9 TO CARRY OUT ITS DUTIES PURSUANT TO THIS CHAPTER. THE EXECUTIVE
10 DIRECTOR SHALL BE RESPONSIBLE FOR THE ADMINISTRATIVE OPERATIONS
11 OF THE COMMISSION AND SHALL PERFORM SUCH OTHER DUTIES AS MAY BE
12 DELEGATED OR ASSIGNED TO HIM BY THE COMMISSION, EXCEPT THAT THE
13 COMMISSION SHALL NOT DELEGATE THE MAKING OF REGULATIONS TO THE
14 EXECUTIVE DIRECTOR. THE CHIEF COUNSEL SHALL BE THE CHIEF LEGAL
15 OFFICER OF THE COMMISSION. THE COMMISSION MAY OBTAIN THE
16 SERVICES OF EXPERTS AND CONSULTANTS AS NECESSARY TO CARRY OUT
17 ITS DUTIES PURSUANT TO THIS CHAPTER. THE STATE TREASURER AND THE
18 ATTORNEY GENERAL SHALL MAKE AVAILABLE TO THE COMMISSION SUCH
19 PERSONNEL, FACILITIES, AND OTHER ASSISTANCE AS THE COMMISSION
20 MAY REQUEST.

21 (J) REGULATIONS.--THE COMMISSION SHALL DEVELOP REGULATIONS
22 THAT PROVIDE FOR A CODE OF CONDUCT TO GOVERN THE ACTIVITIES AND
23 ETHICAL STANDARDS OF ITS MEMBERS, WHICH CODE SHALL SUBJECT THE
24 MEMBERS OF THE COMMISSION TO NO LESS THAN IS REQUIRED FOR PUBLIC
25 OFFICIALS OR PUBLIC EMPLOYEES UNDER THIS CHAPTER.

26 § 1107. POWERS AND DUTIES OF COMMISSION.

27 IN ADDITION TO OTHER POWERS AND DUTIES PRESCRIBED BY LAW, THE
28 COMMISSION SHALL:

29 (1) PRESCRIBE AND PUBLISH RULES AND REGULATIONS TO CARRY
30 OUT THE PROVISIONS OF THIS CHAPTER.

1 (2) PRESCRIBE FORMS FOR STATEMENTS AND REPORTS REQUIRED
2 TO BE FILED BY THIS CHAPTER AND FURNISH SUCH FORMS TO PERSONS
3 REQUIRED TO FILE SUCH STATEMENTS AND REPORTS.

4 (3) PREPARE AND PUBLISH GUIDELINES SETTING FORTH
5 RECOMMENDED UNIFORM METHODS OF ACCOUNTING AND REPORTING FOR
6 USE BY PERSONS REQUIRED TO FILE STATEMENTS AND REPORTS BY
7 THIS CHAPTER.

8 (4) ACCEPT AND FILE ANY INFORMATION VOLUNTARILY SUPPLIED
9 THAT EXCEEDS THE REQUIREMENTS OF THIS CHAPTER.

10 (5) INSPECT STATEMENTS OF FINANCIAL INTERESTS WHICH HAVE
11 BEEN FILED IN ORDER TO ASCERTAIN WHETHER ANY REPORTING PERSON
12 HAS FAILED TO FILE SUCH A STATEMENT OR HAS FILED A DEFICIENT
13 STATEMENT. IF, UPON INSPECTION, IT IS DETERMINED THAT A
14 REPORTING PERSON HAS FAILED TO FILE A STATEMENT OF FINANCIAL
15 INTERESTS OR THAT ANY STATEMENT WHICH HAS BEEN FILED FAILS TO
16 CONFORM WITH THE REQUIREMENTS OF SECTION 1105 (RELATING TO
17 STATEMENT OF FINANCIAL INTERESTS), THEN THE COMMISSION SHALL,
18 IN WRITING, NOTIFY THE PERSON. SUCH NOTICE SHALL STATE IN
19 DETAIL THE DEFICIENCY AND THE PENALTIES FOR FAILURE TO FILE
20 OR FOR FILING A DEFICIENT STATEMENT OF FINANCIAL INTERESTS.

21 (6) PROVIDE THAT STATEMENTS AND REPORTS FILED WITH THE
22 COMMISSION BE MADE AVAILABLE FOR PUBLIC INSPECTION AND
23 COPYING DURING REGULAR OFFICE HOURS AND PROVIDE THAT COPYING
24 FACILITIES BE MADE AVAILABLE AT A CHARGE NOT TO EXCEED ACTUAL
25 COST AND ADVISE OTHER STATE AND LOCAL AGENCIES OF THE
26 PROVISIONS OF THIS PARAGRAPH.

27 (7) COMPILE AND MAINTAIN AN INDEX OF ALL REPORTS AND
28 STATEMENTS FILED WITH THE COMMISSION TO FACILITATE PUBLIC
29 ACCESS TO SUCH REPORTS AND STATEMENTS AND INSTRUCT OTHER
30 STATE AND LOCAL AGENCIES WHICH RECEIVE AND FILE FINANCIAL

1 INTEREST STATEMENTS IN THE MAINTENANCE OF SYSTEMS WHICH
2 FACILITATE PUBLIC ACCESS TO SUCH STATEMENTS.

3 (8) PREPARE AND PUBLISH ANNUAL SUMMARIES OF STATEMENTS
4 AND REPORTS FILED WITH THE COMMISSION.

5 (9) PRESERVE STATEMENTS AND REPORTS FILED WITH THE
6 COMMISSION FOR A PERIOD OF FIVE YEARS FROM DATE OF RECEIPT
7 AND ADVISE OTHER STATE AND LOCAL AGENCIES WHICH RECEIVE AND
8 STORE FINANCIAL INTEREST STATEMENTS TO PRESERVE SUCH
9 STATEMENTS FOR A PERIOD OF FIVE YEARS FROM DATE OF RECEIPT.

10 (10) ISSUE TO ANY PERSON, UPON SUCH PERSON'S REQUEST, OR
11 TO THE APPOINTING AUTHORITY OR EMPLOYER OF THAT PERSON UPON
12 THE REQUEST OF SUCH APPOINTING AUTHORITY OR EMPLOYER, AN
13 OPINION WITH RESPECT TO SUCH PERSON'S DUTIES UNDER THIS
14 CHAPTER. THE COMMISSION SHALL, WITHIN 14 DAYS, EITHER ISSUE
15 THE OPINION OR ADVISE THE PERSON WHO MADE THE REQUEST WHETHER
16 AN OPINION WILL BE ISSUED. NO PERSON WHO ACTS IN GOOD FAITH
17 ON AN OPINION ISSUED TO HIM BY THE COMMISSION SHALL BE
18 SUBJECT TO CRIMINAL OR CIVIL PENALTIES FOR SO ACTING,
19 PROVIDED THAT THE MATERIAL FACTS ARE AS STATED IN THE OPINION
20 REQUEST. THE COMMISSION'S OPINIONS SHALL BE PUBLIC RECORDS
21 AND MAY FROM TIME TO TIME BE PUBLISHED. THE PERSON REQUESTING
22 THE OPINION MAY, HOWEVER, REQUIRE THAT THE OPINION SHALL
23 CONTAIN SUCH DELETIONS AND CHANGES AS SHALL BE NECESSARY TO
24 PROTECT THE IDENTITY OF THE PERSONS INVOLVED.

25 (11) PROVIDE WRITTEN ADVICE TO ANY PERSON OR THE
26 APPOINTING AUTHORITY OR EMPLOYER OF SUCH PERSON, UPON THEIR
27 REQUEST WITH RESPECT TO SUCH PERSON'S DUTIES UNDER THIS
28 CHAPTER. SUCH ADVICE SHALL BE PROVIDED WITHIN 21 WORKING DAYS
29 OF THE REQUEST, PROVIDED THAT THE TIME MAY BE EXTENDED FOR
30 GOOD CAUSE. IT SHALL BE A COMPLETE DEFENSE IN ANY ENFORCEMENT

1 PROCEEDING INITIATED BY THE COMMISSION, AND EVIDENCE OF GOOD
2 FAITH CONDUCT IN ANY OTHER CIVIL OR CRIMINAL PROCEEDING, IF
3 THE REQUESTER, AT LEAST 21 WORKING DAYS PRIOR TO THE ALLEGED
4 VIOLATION, REQUESTED WRITTEN ADVICE FROM THE COMMISSION IN
5 GOOD FAITH, DISCLOSED TRUTHFULLY ALL THE MATERIAL FACTS AND
6 COMMITTED THE ACTS COMPLAINED OF EITHER IN RELIANCE ON THE
7 ADVICE OR BECAUSE OF THE FAILURE OF THE COMMISSION TO PROVIDE
8 ADVICE WITHIN 21 DAYS OF THE REQUEST OR SUCH LATER EXTENDED
9 TIME. THE PERSON REQUESTING THE ADVICE MAY, HOWEVER, REQUIRE
10 THAT THE ADVICE SHALL CONTAIN SUCH DELETIONS AND CHANGES AS
11 SHALL BE NECESSARY TO PROTECT THE IDENTITY OF THE PERSONS
12 INVOLVED.

13 (12) INITIATE AN INQUIRY, PURSUANT TO SECTION 1108(A)
14 (RELATING TO INVESTIGATIONS BY COMMISSION), WHERE A COMPLAINT
15 HAS NOT BEEN FILED BUT WHERE THERE IS A REASONABLE BELIEF
16 THAT A CONFLICT MAY EXIST.

17 (13) ISSUE FINDINGS, REPORTS AND ORDERS RELATING TO
18 INVESTIGATIONS INITIATED PURSUANT TO SECTION 1108, WHICH SET
19 FORTH THE ALLEGED VIOLATION, FINDINGS OF FACT AND CONCLUSIONS
20 OF LAW. AN ORDER MAY INCLUDE RECOMMENDATIONS TO LAW
21 ENFORCEMENT OFFICIALS. ANY ORDER RESULTING FROM A FINDING
22 THAT A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS OBTAINED A
23 FINANCIAL GAIN IN VIOLATION OF THIS CHAPTER MAY REQUIRE THE
24 RESTITUTION PLUS INTEREST OF THAT GAIN TO THE APPROPRIATE
25 GOVERNMENTAL BODY. THE COMMISSION OR THE OFFICE OF ATTORNEY
26 GENERAL SHALL HAVE STANDING TO APPLY TO THE COMMONWEALTH
27 COURT TO SEEK ENFORCEMENT OF AN ORDER REQUIRING SUCH
28 RESTITUTION. THIS RESTITUTION REQUIREMENT SHALL BE IN
29 ADDITION TO ANY OTHER PENALTIES PROVIDED FOR IN THIS CHAPTER.

30 (14) HOLD HEARINGS, TAKE TESTIMONY, ISSUE SUBPOENAS AND

1 COMPEL THE ATTENDANCE OF WITNESSES.

2 (15) MAKE RECOMMENDATIONS TO LAW ENFORCEMENT OFFICIALS
3 EITHER FOR CRIMINAL PROSECUTION OR DISMISSAL OF CHARGES
4 ARISING OUT OF VIOLATIONS OF THIS CHAPTER.

5 (16) PREPARE AND PUBLISH SPECIAL REPORTS, EDUCATIONAL
6 MATERIALS, AND TECHNICAL STUDIES TO FURTHER THE PURPOSES OF
7 THIS CHAPTER.

8 (17) PREPARE AND PUBLISH, PRIOR TO JUNE 1 OF EACH YEAR,
9 AN ANNUAL REPORT SUMMARIZING THE ACTIVITIES OF THE
10 COMMISSION.

11 (18) TRANSMIT, FREE OF CHARGE, COPIES OF EACH ORDER,
12 ADVICE AND OPINION WHICH HAS BECOME A MATTER OF PUBLIC RECORD
13 QUARTERLY TO THE LAW LIBRARY OF EACH COUNTY, ONE PUBLIC
14 LIBRARY IN EACH COUNTY, THE STATE LIBRARY, THE STATE SENATE
15 LIBRARY, EACH AUTHORITY APPOINTING COMMISSION MEMBERS UNDER
16 THIS CHAPTER, THE PENNSYLVANIA ASSOCIATION OF COUNTY
17 COMMISSIONERS, THE PENNSYLVANIA ASSOCIATION OF BOROUGHES, THE
18 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS, THE
19 PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP COMMISSIONERS, THE
20 PENNSYLVANIA SCHOOL BOARDS ASSOCIATION AND THE PENNSYLVANIA
21 LEAGUE OF CITIES.

22 (19) HOLD AT LEAST TWO PUBLIC HEARINGS EACH YEAR, OF
23 WHICH AT LEAST ONE SHALL BE HELD IN HARRISBURG AND AT LEAST
24 ONE SHALL BE HELD IN A LOCATION OTHER THAN HARRISBURG, TO
25 SEEK INPUT FROM PERSONS AND ORGANIZATIONS WHO REPRESENT ANY
26 INDIVIDUAL SUBJECT TO THE PROVISIONS OF THIS CHAPTER AND FROM
27 OTHER INTERESTED PARTIES.

28 § 1108. INVESTIGATIONS BY COMMISSION.

29 (A) PRELIMINARY INQUIRY.--UPON A COMPLAINT SIGNED UNDER
30 PENALTY OF PERJURY BY ANY PERSON OR UPON ITS OWN MOTION, THE

1 COMMISSION, THROUGH ITS EXECUTIVE DIRECTOR, SHALL CONDUCT A
2 PRELIMINARY INQUIRY INTO ANY ALLEGED VIOLATION OF THIS CHAPTER.
3 THE COMMISSION SHALL KEEP INFORMATION, RECORDS AND PROCEEDINGS
4 RELATING TO A PRELIMINARY INQUIRY CONFIDENTIAL. THE COMMISSION
5 SHALL, HOWEVER, HAVE THE AUTHORITY TO REFER THE CASE TO LAW
6 ENFORCEMENT OFFICIALS DURING A PRELIMINARY INQUIRY OR ANYTIME
7 THEREAFTER WITHOUT PROVIDING NOTICE TO THE SUBJECT OF THE
8 INQUIRY. THE COMMISSION SHALL COMPLETE ITS PRELIMINARY INQUIRY
9 WITHIN 60 DAYS OF ITS INITIATION.

10 (B) TERMINATION OF PRELIMINARY INQUIRY.--IF A PRELIMINARY
11 INQUIRY FAILS TO ESTABLISH REASON TO BELIEVE THAT THIS CHAPTER
12 HAS BEEN VIOLATED, THE COMMISSION SHALL TERMINATE THE INQUIRY
13 AND SO NOTIFY THE COMPLAINANT AND THE PERSON WHO HAD BEEN THE
14 SUBJECT OF THE INQUIRY. IF THE COMMISSION DETERMINES THAT A
15 COMPLAINT IS FRIVOLOUS, IT SHALL SO STATE.

16 (C) INITIATION OF INVESTIGATION.--IF A PRELIMINARY INQUIRY
17 ESTABLISHES REASON TO BELIEVE THAT THIS CHAPTER HAS BEEN
18 VIOLATED, THE COMMISSION MAY, THROUGH ITS EXECUTIVE DIRECTOR,
19 INITIATE AN INVESTIGATION TO DETERMINE IF THERE HAS BEEN A
20 VIOLATION. THE COMMISSION SHALL KEEP INFORMATION, RECORDS AND
21 PROCEEDINGS RELATING TO AN INVESTIGATION CONFIDENTIAL UNTIL A
22 FINAL DETERMINATION IS MADE, EXCEPT AS OTHERWISE PROVIDED IN
23 SUBSECTION (G). NO INVESTIGATION MAY BE COMMENCED UNTIL THE
24 PERSON WHO IS THE SUBJECT OF THE INVESTIGATION HAS BEEN NOTIFIED
25 AND PROVIDED A GENERAL STATEMENT OF THE ALLEGED VIOLATION OR
26 VIOLATIONS OF THIS CHAPTER AND OTHER APPLICABLE STATUTES WITH
27 RESPECT TO SUCH INVESTIGATION. SERVICE OF NOTICE IS COMPLETE
28 UPON MAILING WHICH SHALL BE BY CERTIFIED OR REGISTERED MAIL. THE
29 COMMISSION SHALL NOTIFY THE COMPLAINANT WITHIN 72 HOURS OF THE
30 COMMENCEMENT OF AN INVESTIGATION AND, THEREAFTER, THE COMMISSION

1 SHALL ADVISE THE COMPLAINANT AND THE PERSON WHO IS THE SUBJECT
2 OF THE INVESTIGATION OF THE STATUS OF THE INVESTIGATION AT LEAST
3 EVERY 90 DAYS UNTIL THE INVESTIGATION IS TERMINATED. THE
4 COMMISSION SHALL, WITHIN 180 DAYS OF THE INITIATION OF AN
5 INVESTIGATION, EITHER TERMINATE THE INVESTIGATION PURSUANT TO
6 SUBSECTION (D) OR ISSUE A FINDINGS REPORT PURSUANT TO SUBSECTION
7 (E). UPON A SHOWING BY THE EXECUTIVE DIRECTOR OF THE NEED FOR
8 EXTENSION OF THIS PERIOD, THE COMMISSION MAY EXTEND AN
9 INVESTIGATION FOR UP TO TWO 90-DAY PERIODS, PROVIDED THAT EACH
10 90-DAY EXTENSION SHALL BE APPROVED BY A MAJORITY VOTE OF MEMBERS
11 PRESENT. IN NO EVENT SHALL A FINDINGS REPORT BE ISSUED LATER
12 THAN 360 DAYS AFTER INITIATION OF AN INVESTIGATION.

13 (D) TERMINATION OF INVESTIGATION.--IF AN INVESTIGATION
14 CONDUCTED UNDER THIS CHAPTER INDICATES THAT NO VIOLATION HAS
15 BEEN COMMITTED, THE COMMISSION SHALL IMMEDIATELY TERMINATE THE
16 INVESTIGATION AND SEND WRITTEN NOTICE OF SUCH DETERMINATION TO
17 THE COMPLAINANT AND THE PERSON WHO WAS THE SUBJECT OF THE
18 INVESTIGATION.

19 (E) FINDINGS REPORT.--THE COMMISSION, UPON THE COMPLETION OF
20 AN INVESTIGATION, SHALL ISSUE A FINDINGS REPORT TO THE SUBJECT
21 OF THE INVESTIGATION SETTING FORTH THE PERTINENT FINDINGS OF
22 FACT. THE SUBJECT SHALL HAVE THE RIGHT TO RESPOND TO SAID
23 FINDINGS AND TO REQUEST AN EVIDENTIARY HEARING ON SAID MATTER.
24 THE COMMISSION SHALL GRANT ANY REQUEST FOR A HEARING. SAID
25 HEARING SHALL BE HELD IN HARRISBURG OR, AT THE REQUEST OF THE
26 SUBJECT, IN EITHER PHILADELPHIA OR PITTSBURGH. ANY RESPONSE TO
27 THE FINDINGS REPORT MUST EITHER ADMIT OR DENY BY CORRESPONDING
28 NUMBER AND LETTER THE PERTINENT FACTS SET FORTH. THE SUBJECT OF
29 THE INVESTIGATION SHALL HAVE ACCESS TO ANY EVIDENCE INTENDED TO
30 BE USED BY THE COMMISSION AT THE HEARING AND ANY EXCULPATORY

1 EVIDENCE DEVELOPED BY THE COMMISSION IN THE COURSE OF ITS
2 INVESTIGATION. MATTERS NOT SPECIFICALLY DENIED IN THE RESPONSE
3 SHALL BE DEEMED ADMITTED. THE RESPONSE MUST BE FILED WITHIN 30
4 DAYS OF THE ISSUANCE OF THE FINDINGS REPORT UNLESS THE TIME
5 PERIOD IS EXTENDED BY THE COMMISSION FOR GOOD CAUSE SHOWN.
6 HEARINGS CONDUCTED UPON REQUEST SHALL BE INSTITUTED WITHIN 45
7 DAYS AFTER THE FILING OF THE RESPONSE.

8 (F) FINAL ORDER.--WITHIN 30 DAYS OF THE RECEIPT BY THE
9 COMMISSION OF THE HEARING RECORD, OR, IF NO HEARING IS TO BE
10 HELD, WITHIN 30 DAYS OF THE RECEIPT BY THE COMMISSION OF THE
11 RESPONSE TO THE FINDINGS REPORT, THE COMMISSION SHALL ISSUE AN
12 ORDER WHICH SHALL BE FINAL. UPON RECEIPT OF A FINAL ORDER, THE
13 SUBJECT SHALL HAVE THE RIGHT TO FILE A PETITION FOR
14 RECONSIDERATION IN ACCORDANCE WITH THE REGULATIONS OF THE
15 COMMISSION.

16 (G) PROCEDURE FOR HEARING.--HEARINGS CONDUCTED PURSUANT TO
17 THIS SECTION SHALL BE CLOSED TO THE PUBLIC UNLESS THE SUBJECT
18 REQUESTS AN OPEN HEARING. ANY PERSON WHO APPEARS BEFORE THE
19 COMMISSION SHALL HAVE ALL OF THE DUE PROCESS RIGHTS, PRIVILEGES
20 AND RESPONSIBILITIES OF A PARTY OR WITNESS APPEARING BEFORE AN
21 ADMINISTRATIVE AGENCY OF THIS COMMONWEALTH. ALL WITNESSES
22 SUMMONED FOR SUCH HEARINGS SHALL RECEIVE REIMBURSEMENT FOR
23 REASONABLE EXPENSES IN ACCORDANCE WITH 42 PA.C.S. § 5903
24 (RELATING TO COMPENSATION AND EXPENSES OF WITNESSES). AT THE
25 CONCLUSION OF A HEARING CONCERNING AN ALLEGED VIOLATION AND IN A
26 TIMELY MANNER, THE COMMISSION SHALL DELIBERATE ON THE EVIDENCE
27 AND DETERMINE WHETHER THERE HAS BEEN A VIOLATION OF THIS
28 CHAPTER. AT LEAST FOUR MEMBERS OF THE COMMISSION PRESENT AT A
29 MEETING MUST FIND A VIOLATION BY CLEAR AND CONVINCING PROOF. THE
30 NAMES OF THE MEMBERS FINDING A VIOLATION AND THE NAMES OF THOSE

1 DISSENTING AND ABSTAINING SHALL BE LISTED IN THE ORDER. THE
2 DETERMINATION OF THE COMMISSION, IN THE FORM OF A FINAL ORDER
3 AND FINDINGS OF FACT, SHALL BE A MATTER OF PUBLIC RECORD.

4 (H) AVAILABILITY OF FINAL ORDERS, FILES AND RECORDS.--ORDERS
5 WHICH BECOME FINAL IN ACCORDANCE WITH THE PROVISIONS OF THIS
6 SECTION SHALL BE AVAILABLE AS PUBLIC DOCUMENTS, BUT THE FILES
7 AND RECORDS OF THE COMMISSION RELATING TO THE CASE SHALL REMAIN
8 CONFIDENTIAL.

9 (I) APPEAL.--ANY PERSON AGGRIEVED BY AN OPINION OR ORDER
10 WHICH BECOMES FINAL IN ACCORDANCE WITH THE PROVISIONS OF THIS
11 CHAPTER WHO HAS DIRECT INTEREST IN SUCH OPINION OR ORDER SHALL
12 HAVE THE RIGHT TO APPEAL THEREFROM IN ACCORDANCE WITH LAW AND
13 GENERAL RULES.

14 (J) RETALIATION PROHIBITED.--NO PUBLIC OFFICIAL OR PUBLIC
15 EMPLOYEE SHALL DISCHARGE ANY OFFICIAL OR EMPLOYEE OR CHANGE HIS
16 OFFICIAL RANK, GRADE OR COMPENSATION, OR DENY HIM A PROMOTION,
17 OR THREATEN TO DO SO, FOR FILING A COMPLAINT WITH OR PROVIDING
18 INFORMATION TO THE COMMISSION OR TESTIFYING IN ANY COMMISSION
19 PROCEEDING. NO MEMBER OF THE COMMISSION AND NO EMPLOYEE OF THE
20 COMMISSION SHALL DISCHARGE ANY EMPLOYEE OF THE COMMISSION OR
21 CHANGE HIS OFFICIAL RANK, GRADE OR COMPENSATION, OR THREATEN TO
22 DO SO, FOR PROVIDING ANY INFORMATION ABOUT THE INTERNAL
23 OPERATIONS OF THE COMMISSION, NOT REQUIRED BY LAW TO BE KEPT
24 SECRET, TO ANY LEGISLATOR OR LEGISLATIVE STAFF MEMBER, OR
25 TESTIFYING IN ANY LEGISLATIVE PROCEEDING.

26 (K) CONFIDENTIALITY.--AS A GENERAL RULE, NO PERSON SHALL
27 DISCLOSE OR ACKNOWLEDGE, TO ANY OTHER PERSON, ANY INFORMATION
28 RELATING TO A COMPLAINT, PRELIMINARY INQUIRY, INVESTIGATION,
29 HEARING OR PETITION FOR RECONSIDERATION WHICH IS BEFORE THE
30 COMMISSION. HOWEVER, A PERSON MAY DISCLOSE OR ACKNOWLEDGE TO

1 ANOTHER PERSON MATTERS HELD CONFIDENTIAL IN ACCORDANCE WITH THIS
2 SUBSECTION WHEN THE MATTERS PERTAIN TO ANY OF THE FOLLOWING:

3 (1) FINAL ORDERS OF THE COMMISSION AS PROVIDED IN
4 SUBSECTION (H);

5 (2) HEARINGS CONDUCTED IN PUBLIC PURSUANT TO SUBSECTION
6 (G);

7 (3) FOR THE PURPOSE OF SEEKING ADVICE OF LEGAL COUNSEL;

8 (4) FILING AN APPEAL FROM A COMMISSION ORDER;

9 (5) COMMUNICATING WITH THE COMMISSION OR ITS STAFF, IN
10 THE COURSE OF A PRELIMINARY INQUIRY, INVESTIGATION, HEARING
11 OR PETITION FOR RECONSIDERATION BY THE COMMISSION;

12 (6) CONSULTING WITH A LAW ENFORCEMENT OFFICIAL OR AGENCY
13 FOR THE PURPOSE OF INITIATING, PARTICIPATING IN OR RESPONDING
14 TO AN INVESTIGATION OR PROSECUTION BY THE LAW ENFORCEMENT
15 OFFICIAL OR AGENCY;

16 (7) TESTIFYING UNDER OATH BEFORE A GOVERNMENTAL BODY OR
17 A SIMILAR BODY OF THE UNITED STATES OF AMERICA;

18 (8) ANY INFORMATION, RECORDS OR PROCEEDINGS RELATING TO
19 A COMPLAINT, PRELIMINARY INQUIRY, INVESTIGATION, HEARING OR
20 PETITION FOR RECONSIDERATION WHICH THE PERSON IS THE SUBJECT
21 OF; OR

22 (9) SUCH OTHER EXCEPTIONS AS THE COMMISSION, BY
23 REGULATION, MAY DIRECT.

24 (L) FRIVOLOUS COMPLAINTS AND WRONGFUL DISCLOSURE.--IF A
25 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS REASON TO BELIEVE THE
26 COMPLAINT IS FRIVOLOUS AS DEFINED BY THIS CHAPTER, OR WITHOUT
27 PROBABLE CAUSE AND MADE PRIMARILY FOR A PURPOSE OTHER THAN THAT
28 OF REPORTING A VIOLATION OF THIS CHAPTER, OR A PERSON PUBLICLY
29 DISCLOSED OR CAUSED TO BE DISCLOSED THAT A COMPLAINT AGAINST THE
30 PUBLIC OFFICIAL OR PUBLIC EMPLOYEE HAS BEEN FILED WITH THE

1 COMMISSION, THE PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SHALL NOTIFY
2 THE COMMISSION AND THE COMMISSION, THROUGH ITS EXECUTIVE
3 DIRECTOR, SHALL CONDUCT AN INVESTIGATION.

4 (M) LIMITATION OF TIME.--THE COMMISSION MAY CONDUCT AN
5 INVESTIGATION WITHIN FIVE YEARS AFTER THE ALLEGED OCCURRENCE OF
6 ANY VIOLATION OF THIS CHAPTER.

7 § 1109. PENALTIES.

8 (A) RESTRICTED ACTIVITIES VIOLATION.--ANY PERSON WHO
9 VIOLATES THE PROVISIONS OF SECTION 1103(A), (B) AND (C)
10 (RELATING TO RESTRICTED ACTIVITIES) COMMITS A FELONY AND SHALL,
11 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN
12 \$10,000 OR TO IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR
13 BOTH.

14 (B) FINANCIAL INTERESTS STATEMENT VIOLATION.--ANY PERSON WHO
15 VIOLATES THE PROVISIONS OF SECTION 1103(D) THROUGH (J), 1104
16 (RELATING TO STATEMENT OF FINANCIAL INTERESTS REQUIRED TO BE
17 FILED) OR 1105(A) (RELATING TO STATEMENT OF FINANCIAL INTERESTS)
18 COMMITS A MISDEMEANOR AND SHALL, UPON CONVICTION, BE SENTENCED
19 TO PAY A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT
20 MORE THAN ONE YEAR, OR BOTH.

21 (C) TREBLE DAMAGES.--ANY PERSON WHO OBTAINS FINANCIAL GAIN
22 FROM VIOLATING ANY PROVISION OF THIS CHAPTER, IN ADDITION TO ANY
23 OTHER PENALTY PROVIDED BY LAW, SHALL PAY A SUM OF MONEY EQUAL TO
24 THREE TIMES THE AMOUNT OF THE FINANCIAL GAIN RESULTING FROM SUCH
25 VIOLATION INTO THE STATE TREASURY OR THE TREASURY OF THE
26 POLITICAL SUBDIVISION. TREBLE DAMAGES SHALL NOT BE ASSESSED
27 AGAINST A PERSON WHO ACTED IN GOOD FAITH RELIANCE ON THE ADVICE
28 OF LEGAL COUNSEL.

29 (D) IMPEACHMENT AND DISCIPLINARY ACTION.--THE PENALTIES
30 PRESCRIBED IN THIS CHAPTER DO NOT LIMIT THE POWER OF EITHER

1 HOUSE OF THE LEGISLATURE TO DISCIPLINE ITS OWN MEMBERS OR
2 IMPEACH A PUBLIC OFFICIAL, AND DO NOT LIMIT THE POWER OF
3 AGENCIES OR COMMISSIONS TO DISCIPLINE OFFICIALS OR EMPLOYEES.

4 (E) OTHER VIOLATIONS OF CHAPTER.--ANY PERSON WHO VIOLATES
5 THE CONFIDENTIALITY OF A COMMISSION PROCEEDING PURSUANT TO
6 SECTION 1108 (RELATING TO INVESTIGATIONS BY COMMISSION), COMMITS
7 A MISDEMEANOR AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY A
8 FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE
9 THAN ONE YEAR, OR BOTH. ANY PERSON WHO ENGAGES IN RETALIATORY
10 ACTIVITY PROSCRIBED BY SECTION 1108(J) COMMITS A MISDEMEANOR
11 AND, IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, SHALL,
12 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE THAN
13 \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.
14 ANY PERSON WHO WILLFULLY AFFIRMS OR SWEARS FALSELY IN REGARD TO
15 ANY MATERIAL MATTER BEFORE A COMMISSION PROCEEDING PURSUANT TO
16 SECTION 1108 COMMITS A FELONY AND SHALL, UPON CONVICTION, BE
17 SENTENCED TO PAY A FINE OF NOT MORE THAN \$5,000 OR TO
18 IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

19 (F) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR
20 CRIMINAL PENALTY PROVIDED FOR IN THIS CHAPTER, THE COMMISSION
21 MAY, AFTER NOTICE HAS BEEN SERVED IN ACCORDANCE WITH SECTION
22 1107(5) (RELATING TO POWERS AND DUTIES OF COMMISSION) AND UPON A
23 MAJORITY VOTE OF ITS MEMBERS, LEVY A CIVIL PENALTY UPON ANY
24 PERSON SUBJECT TO THIS CHAPTER WHO FAILS TO FILE A STATEMENT OF
25 FINANCIAL INTERESTS IN A TIMELY MANNER OR WHO FILES A DEFICIENT
26 STATEMENT OF FINANCIAL INTERESTS, AT A RATE OF NOT MORE THAN \$25
27 FOR EACH DAY SUCH STATEMENT REMAINS DELINQUENT OR DEFICIENT. THE
28 MAXIMUM PENALTY PAYABLE UNDER THIS PARAGRAPH IS \$250.

29 (G) RELIANCE ON SOLICITOR'S OPINION.--A PUBLIC OFFICIAL OF A
30 POLITICAL SUBDIVISION WHO ACTS IN GOOD FAITH RELIANCE ON A

1 WRITTEN, NONCONFIDENTIAL OPINION OF THE SOLICITOR OF THE
2 POLITICAL SUBDIVISION OR UPON AN OPINION OF THE SOLICITOR OF THE
3 POLITICAL SUBDIVISION, PUBLICLY STATED AT AN OPEN MEETING OF THE
4 POLITICAL SUBDIVISION AND RECORDED IN THE OFFICIAL MINUTES OF
5 THE MEETING, SHALL NOT BE SUBJECT TO THE PENALTIES PROVIDED FOR
6 IN SUBSECTIONS (A) AND (B), NOR FOR THE TREBLE DAMAGES PROVIDED
7 FOR IN SUBSECTION (C). HOWEVER, THIS SUBSECTION SHALL NOT APPLY
8 IN SITUATIONS WHERE THE SOLICITOR'S OPINION HAS BEEN RENDERED
9 UNDER DURESS OR WHERE THE PARTIES SEEKING AND RENDERING THE
10 SOLICITOR'S OPINION HAVE COLLUDED TO PURPOSEFULLY COMMIT A
11 VIOLATION OF THIS CHAPTER.

12 § 1110. WRONGFUL USE OF CHAPTER.

13 (A) LIABILITY.--A PERSON WHO SIGNS A COMPLAINT ALLEGING A
14 VIOLATION OF THIS CHAPTER AGAINST ANOTHER IS SUBJECT TO
15 LIABILITY FOR WRONGFUL USE OF THIS CHAPTER IF:

16 (1) THE COMPLAINT WAS FRIVOLOUS, AS DEFINED BY THIS
17 CHAPTER, OR WITHOUT PROBABLE CAUSE AND MADE PRIMARILY FOR A
18 PURPOSE OTHER THAN THAT OF REPORTING A VIOLATION OF THIS
19 CHAPTER; OR

20 (2) HE PUBLICLY DISCLOSED OR CAUSED TO BE DISCLOSED THAT
21 A COMPLAINT AGAINST A PERSON HAD BEEN FILED WITH THE
22 COMMISSION.

23 (B) PROBABLE CAUSE.--A PERSON WHO SIGNS A COMPLAINT ALLEGING
24 A VIOLATION OF THIS CHAPTER HAS PROBABLE CAUSE FOR DOING SO IF
25 HE REASONABLY BELIEVES IN THE EXISTENCE OF THE FACTS UPON WHICH
26 THE CLAIM IS BASED AND EITHER:

27 (1) REASONABLY BELIEVES THAT UNDER THOSE FACTS THE
28 COMPLAINT MAY BE VALID UNDER THIS CHAPTER; OR

29 (2) BELIEVES TO THIS EFFECT IN RELIANCE UPON THE ADVICE
30 OF COUNSEL, SOUGHT IN GOOD FAITH AND GIVEN AFTER FULL

1 DISCLOSURE OF ALL RELEVANT FACTS WITHIN HIS KNOWLEDGE AND
2 INFORMATION.

3 (C) COMMISSION PROCEDURES.--WHEN THE COMMISSION DETERMINES
4 THAT A COMPLAINANT HAS VIOLATED THE PROVISIONS SET FORTH IN
5 SUBSECTION (A), THE COMMISSION, UPON RECEIVING A WRITTEN REQUEST
6 FROM THE SUBJECT OF THE COMPLAINT, SHALL PROVIDE THE NAME AND
7 ADDRESS OF THE COMPLAINANT TO SAID SUBJECT. IF THE COMMISSION
8 DETERMINES THAT A COMPLAINANT HAS NOT VIOLATED THE PROVISIONS OF
9 SUBSECTION (A), THE COMMISSION SHALL NOTIFY THE SUBJECT
10 ACCORDINGLY. THE SUBJECT SHALL HAVE THE RIGHT TO APPEAL THE
11 COMMISSION'S DETERMINATION, AND THE COMMISSION SHALL SCHEDULE AN
12 APPEAL HEARING. THE SUBJECT SHALL SHOW CAUSE WHY THE COMPLAINANT
13 VIOLATED THE PROVISIONS OF THIS SECTION. IF THE COMMISSION
14 GRANTS THE APPEAL, THE COMMISSION SHALL IMMEDIATELY RELEASE THE
15 COMPLAINANT'S NAME AND ADDRESS TO THE SUBJECT. IF THE COMMISSION
16 DENIES THE APPEAL, IT SHALL PRESENT EVIDENCE WHY THE
17 COMPLAINANT'S NAME AND ADDRESS SHALL NOT BE RELEASED.

18 (D) DAMAGES.--WHEN THE ESSENTIAL ELEMENTS OF AN ACTION
19 BROUGHT PURSUANT TO THIS SECTION HAVE BEEN ESTABLISHED, THE
20 PLAINTIFF IS ENTITLED TO RECOVER FOR THE FOLLOWING:

21 (1) THE HARM TO HIS REPUTATION BY A DEFAMATORY MATTER
22 ALLEGED AS THE BASIS OF THE PROCEEDING.

23 (2) THE EXPENSES, INCLUDING ANY REASONABLE ATTORNEY
24 FEES, THAT HE HAS REASONABLY INCURRED IN PROCEEDINGS BEFORE
25 THE COMMISSION.

26 (3) ANY SPECIFIC PECUNIARY LOSS THAT HAS RESULTED FROM
27 THE PROCEEDINGS.

28 (4) ANY EMOTIONAL DISTRESS THAT HAS BEEN CAUSED BY THE
29 PROCEEDINGS.

30 (5) ANY PUNITIVE DAMAGES ACCORDING TO LAW IN APPROPRIATE

1 CASES.

2 § 1111. SUPPLEMENTAL PROVISIONS.

3 ANY GOVERNMENTAL BODY MAY ADOPT REQUIREMENTS TO SUPPLEMENT
4 THIS CHAPTER, PROVIDED THAT NO SUCH REQUIREMENTS SHALL IN ANY
5 WAY BE LESS RESTRICTIVE THAN THE CHAPTER.

6 § 1112. CONFLICT OF LAW.

7 EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 13, IF THE PROVISIONS
8 OF THIS CHAPTER CONFLICT WITH ANY OTHER STATUTE, ORDINANCE,
9 REGULATION OR RULE, THE PROVISIONS OF THIS CHAPTER SHALL
10 CONTROL.

11 § 1113. SEVERABILITY.

12 IF ANY PROVISION OF THIS CHAPTER, OR THE APPLICATION THEREOF
13 TO ANY PERSON OR CIRCUMSTANCE, IS HELD INVALID, THE VALIDITY OF
14 THE REMAINDER OF THIS CHAPTER AND THE APPLICATION OF SUCH
15 PROVISIONS TO OTHER PERSONS AND CIRCUMSTANCES SHALL NOT BE
16 AFFECTED THEREBY.

17 CHAPTER 13

18 LOBBY REGULATION AND DISCLOSURE

19 SEC.

20 1301. SHORT TITLE OF CHAPTER.

21 1302. STATEMENT OF INTENT AND JURISDICTION.

22 1303. DEFINITIONS.

23 1304. REGISTRATION.

24 1305. REPORTING.

25 1306. EXEMPTION FROM REGISTRATION AND REPORTING.

26 1307. PROHIBITED ACTIVITIES.

27 1308. ADMINISTRATION AND ENFORCEMENT.

28 1309. PENALTIES.

29 1310. FILING FEES; FUND ESTABLISHED; REGULATIONS.

30 1311. SEVERABILITY.

1 § 1301. SHORT TITLE OF CHAPTER.

2 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE LOBBYING
3 DISCLOSURE ACT.

4 § 1302. STATEMENT OF INTENT AND JURISDICTION.

5 (A) INTENT.--THE CONSTITUTION OF PENNSYLVANIA RECOGNIZES THE
6 PRINCIPLE THAT ALL FREE GOVERNMENT IS FOUNDED UPON THE AUTHORITY
7 OF THE PEOPLE. IT FURTHER PROVIDES THAT THE POWER TO MAKE LAW IN
8 THIS COMMONWEALTH IS VESTED IN THE GENERAL ASSEMBLY AND THE
9 POWER TO ENFORCE LAW IS VESTED IN THE EXECUTIVE DEPARTMENT. THE
10 ABILITY OF THE PEOPLE TO EXERCISE THEIR FUNDAMENTAL AUTHORITY
11 AND TO HAVE CONFIDENCE IN THE INTEGRITY OF THE PROCESS BY WHICH
12 LAWS ARE MADE AND ENFORCED IN THIS COMMONWEALTH DEMANDS THAT THE
13 IDENTITY AND THE SCOPE OF ACTIVITY OF THOSE EMPLOYED TO
14 INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND THE EXECUTIVE
15 DEPARTMENT BE PUBLICLY AND REGULARLY DISCLOSED.

16 (B) JURISDICTION.--THE AUTHORITY TO REGULATE PERSONS
17 EMPLOYED TO INFLUENCE THE ACTIONS OF THE GENERAL ASSEMBLY AND
18 THE EXECUTIVE DEPARTMENT LIES WITHIN THE JURISDICTION OF THOSE
19 BRANCHES OF GOVERNMENT. TO INSURE THAT THE INTENT OF THIS
20 CHAPTER IS NOT EVADED AND THAT ALL SUCH PERSONS ARE REGULATED IN
21 A FAIR AND EQUITABLE MANNER, LOBBYISTS AND THE PRACTICE OF
22 LOBBYING SHALL BE SUBJECT TO THIS CHAPTER, WHICH SHALL PREVAIL
23 OVER ANY OTHER REGULATION OF PROFESSIONAL ACTIVITY WHEN THAT
24 ACTIVITY CONSTITUTES LOBBYING. THIS CHAPTER IS NOT INTENDED TO
25 GOVERN PROFESSIONAL ACTIVITIES WHICH DO NOT INCLUDE LOBBYING AND
26 WHICH ARE PROPERLY THE SUBJECT OF REGULATION BY THE JUDICIAL
27 BRANCH OF GOVERNMENT OR BY ANY GOVERNMENT AGENCY. MEMBERSHIP IN
28 A REGULATED PROFESSION SHALL NOT EXCUSE A LOBBYIST FROM
29 COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

30 § 1303. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 "ADMINISTRATIVE ACTION." ANY OF THE FOLLOWING:

5 (1) AN AGENCY'S:

6 (I) PROPOSAL, CONSIDERATION, PROMULGATION OR
7 RESCISSION OF A REGULATION;

8 (II) DEVELOPMENT OR MODIFICATION OF A GUIDELINE OR A
9 STATEMENT OF POLICY; OR

10 (III) APPROVAL OR REJECTION OF A REGULATION.

11 (2) THE REVIEW, REVISION, APPROVAL OR DISAPPROVAL OF A
12 REGULATION UNDER THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
13 KNOWN AS THE REGULATORY REVIEW ACT.

14 (3) THE GOVERNOR'S APPROVAL OR VETO OF LEGISLATION.

15 (4) THE NOMINATION OR APPOINTMENT OF AN INDIVIDUAL AS AN
16 OFFICER OR EMPLOYEE OF THE COMMONWEALTH.

17 (5) THE PROPOSAL, CONSIDERATION, PROMULGATION OR
18 RESCISSION OF AN EXECUTIVE ORDER.

19 "AFFILIATED POLITICAL ACTION COMMITTEE." A "POLITICAL ACTION
20 COMMITTEE" AS DEFINED IN SECTION 1621(L) OF THE ACT OF JUNE 3,
21 1937 (P.L.1333, NO.320), KNOWN AS THE PENNSYLVANIA ELECTION
22 CODE, WHICH HAS A CHAIRMAN, A TREASURER OR ANOTHER OFFICER WHO
23 IS A PRINCIPAL, AN EMPLOYEE OF A PRINCIPAL, A LOBBYIST OR AN
24 EMPLOYEE OF A LOBBYIST: PROVIDED, IF AN EMPLOYEE OF A REGISTRANT
25 SERVES AS THE OFFICER OF A POLITICAL ACTION COMMITTEE IN WHAT IS
26 CLEARLY A PERSONAL CAPACITY, AND THE GOALS AND MISSION OF THAT
27 POLITICAL ACTION COMMITTEE CLEARLY HAVE NO RELATIONSHIP TO THE
28 GOALS AND MISSION OF THE REGISTRANT, SUCH POLITICAL ACTION
29 COMMITTEE SHALL NOT BE CONSIDERED AN AFFILIATED POLITICAL ACTION
30 COMMITTEE FOR THE PURPOSES OF THIS DEFINITION.

1 "AGENCY." A STATE AGENCY, BOARD, COMMISSION, AUTHORITY OR
2 DEPARTMENT.

3 "COMMISSION." THE STATE ETHICS COMMISSION.

4 "COMPENSATION." ANYTHING OF VALUE, INCLUDING BENEFITS,
5 RECEIVED OR TO BE RECEIVED FROM A PRINCIPAL BY ONE ACTING AS A
6 LOBBYIST.

7 "DIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL OR
8 BY ANY OTHER MEDIUM, MADE BY A LOBBYIST OR PRINCIPAL, DIRECTED
9 TO A STATE OFFICIAL OR EMPLOYEE, THE PURPOSE OR FORESEEABLE
10 EFFECT OF WHICH IS TO INFLUENCE LEGISLATIVE ACTION OR
11 ADMINISTRATIVE ACTION.

12 "ECONOMIC CONSIDERATION." ANYTHING OF VALUE OFFERED OR
13 RECEIVED.

14 "FUND." THE LOBBYING DISCLOSURE FUND ESTABLISHED IN SECTION
15 1310(B) (RELATING TO FILING FEES; FUND ESTABLISHED;
16 REGULATIONS).

17 "GIFT." AS DEFINED IN SECTION 1102 (RELATING TO
18 DEFINITIONS).

19 "IMMEDIATE FAMILY." AN INDIVIDUAL'S SPOUSE; AND INDIVIDUAL'S
20 CHILD; AND AN INDIVIDUAL'S PARENT, BROTHER, SISTER OR LIKE
21 RELATIVE-IN-LAW.

22 "INDIRECT COMMUNICATION." AN EFFORT, WHETHER WRITTEN, ORAL
23 OR BY ANY OTHER MEDIUM, TO ENCOURAGE OTHERS, INCLUDING THE
24 GENERAL PUBLIC, TO TAKE ACTION, THE PURPOSE OR FORESEEABLE
25 EFFECT OF WHICH IS TO DIRECTLY INFLUENCE LEGISLATIVE ACTION OR
26 ADMINISTRATIVE ACTION. THE TERM INCLUDES LETTER-WRITING
27 CAMPAIGNS, MAILINGS, TELEPHONE BANKS, PRINT AND ELECTRONIC MEDIA
28 ADVERTISING, BILLBOARDS, PUBLICATIONS AND EDUCATIONAL CAMPAIGNS
29 ON PUBLIC ISSUES. THE TERM DOES NOT INCLUDE REGULARLY PUBLISHED
30 PERIODIC NEWSLETTERS PRIMARILY DESIGNED FOR AND DISTRIBUTED TO

1 MEMBERS OF A BONA FIDE ASSOCIATION OR CHARITABLE OR FRATERNAL
2 NONPROFIT CORPORATION.

3 "LEGISLATION." BILLS, RESOLUTIONS, AMENDMENTS AND
4 NOMINATIONS PENDING OR PROPOSED IN EITHER THE SENATE OR THE
5 HOUSE OF REPRESENTATIVES. THE TERM INCLUDES ANY OTHER MATTER
6 WHICH MAY BECOME THE SUBJECT OF ACTION BY EITHER CHAMBER OF THE
7 GENERAL ASSEMBLY.

8 "LEGISLATIVE ACTION." AN ACTION TAKEN BY A STATE OFFICIAL OR
9 EMPLOYEE INVOLVING THE PREPARATION, RESEARCH, DRAFTING,
10 INTRODUCTION, CONSIDERATION, MODIFICATION, AMENDMENT, APPROVAL,
11 PASSAGE, ENACTMENT, TABLING, POSTPONEMENT, DEFEAT OR REJECTION
12 OF LEGISLATION; LEGISLATIVE MOTIONS; OVERRIDING OR SUSTAINING A
13 VETO BY THE GOVERNOR; OR CONFIRMATION OF APPOINTMENTS BY THE
14 GOVERNOR OR OF APPOINTMENTS TO PUBLIC BOARDS OR COMMISSIONS BY A
15 MEMBER OF THE GENERAL ASSEMBLY.

16 "LOBBYING." AN EFFORT TO INFLUENCE LEGISLATIVE ACTION OR
17 ADMINISTRATIVE ACTION. THE TERM INCLUDES:

18 (1) PROVIDING ANY GIFT, ENTERTAINMENT, MEAL,
19 TRANSPORTATION OR LODGING TO A STATE OFFICIAL OR EMPLOYEE FOR
20 THE PURPOSE OF ADVANCING THE INTEREST OF THE LOBBYIST OR
21 PRINCIPAL; AND

22 (2) DIRECT OR INDIRECT COMMUNICATION.

23 "LOBBYIST." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
24 PARTNERSHIP, BUSINESS TRUST OR BUSINESS ENTITY THAT ENGAGES IN
25 LOBBYING ON BEHALF OF A PRINCIPAL FOR ECONOMIC CONSIDERATION.
26 THE TERM INCLUDES AN ATTORNEY WHO ENGAGES IN LOBBYING.

27 "PRINCIPAL." ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION,
28 PARTNERSHIP, BUSINESS TRUST OR BUSINESS ENTITY:

29 (1) ON WHOSE BEHALF A LOBBYIST INFLUENCES OR ATTEMPTS TO
30 INFLUENCE AN ADMINISTRATIVE ACTION OR A LEGISLATIVE ACTION;

1 OR

2 (2) THAT ENGAGES IN LOBBYING ON THE PRINCIPAL'S OWN
3 BEHALF.

4 "REGISTRANT." A REGISTERED LOBBYIST OR A REGISTERED
5 PRINCIPAL.

6 "REGULATION." ANY RULE, REGULATION OR ORDER IN THE NATURE OF
7 A RULE OR REGULATION, INCLUDING FORMAL AND INFORMAL OPINIONS OF
8 THE ATTORNEY GENERAL, OF GENERAL APPLICATION AND FUTURE EFFECT,
9 PROMULGATED BY AN AGENCY UNDER STATUTORY AUTHORITY IN THE
10 ADMINISTRATION OF A STATUTE ADMINISTERED BY OR RELATING TO THE
11 AGENCY, OR PRESCRIBING THE PRACTICE OR PROCEDURE BEFORE THE
12 AGENCY.

13 "STATE OFFICIAL OR EMPLOYEE." AN INDIVIDUAL ELECTED OR
14 APPOINTED TO A POSITION IN STATE GOVERNMENT OR EMPLOYED BY STATE
15 GOVERNMENT, WHETHER COMPENSATED OR UNCOMPENSATED, WHO IS
16 INVOLVED IN LEGISLATIVE ACTION OR ADMINISTRATIVE ACTION.

17 § 1304. REGISTRATION.

18 (A) GENERAL RULE.--UNLESS EXCLUDED UNDER SECTION 1306
19 (RELATING TO EXEMPTION FROM REGISTRATION AND REPORTING), A
20 LOBBYIST OR A PRINCIPAL MUST REGISTER WITH THE COMMISSION WITHIN
21 TEN DAYS OF ACTING IN ANY CAPACITY AS A LOBBYIST OR PRINCIPAL.
22 REGISTRATION SHALL BE BIENNIAL, AND BE COINCIDENT WITH THE TERMS
23 OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

24 (B) PRINCIPALS.--

25 (1) A PRINCIPAL REQUIRED TO REGISTER SHALL FILE THE
26 FOLLOWING INFORMATION WITH THE COMMISSION:

27 (I) NAME.

28 (II) PERMANENT ADDRESS.

29 (III) DAYTIME TELEPHONE NUMBER.

30 (IV) NAME AND NATURE OF BUSINESS.

1 (V) NAME, REGISTRATION NUMBER AND ACRONYMS OF
2 AFFILIATED POLITICAL ACTION COMMITTEES.

3 (VI) NAME AND PERMANENT BUSINESS ADDRESS OF EACH
4 INDIVIDUAL WHO WILL FOR ECONOMIC CONSIDERATION ENGAGE IN
5 LOBBYING ON THE PRINCIPAL'S BEHALF.

6 (2) IF AN ORGANIZATION OR ASSOCIATION IS A PRINCIPAL,
7 THE NUMBER OF DUES-PAYING MEMBERS IN THE PAST CALENDAR YEAR
8 SHALL ALSO BE DISCLOSED.

9 (C) LOBBYIST.--

10 (1) A LOBBYIST WHO IS REQUIRED TO REGISTER SHALL FILE
11 THE FOLLOWING INFORMATION WITH THE COMMISSION:

12 (I) NAME.

13 (II) PERMANENT BUSINESS ADDRESS.

14 (III) DAYTIME TELEPHONE NUMBER.

15 (IV) A RECENT PICTURE OF THE LOBBYIST.

16 (V) NAME, PERMANENT BUSINESS ADDRESS AND DAYTIME
17 TELEPHONE NUMBER OF THE PRINCIPAL THE LOBBYIST
18 REPRESENTS.

19 (VI) NAME, REGISTRATION NUMBER AND ACRONYMS OF
20 AFFILIATED POLITICAL ACTION COMMITTEES.

21 (2) EACH LOBBYIST SHALL FILE A SEPARATE REGISTRATION
22 STATEMENT FOR EACH PRINCIPAL HE OR SHE REPRESENTS.

23 (D) AMENDMENTS.--

24 (1) WHEN THERE IS A CHANGE OF INFORMATION REQUIRED FOR
25 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(1) OR (C), AN
26 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN
27 14 DAYS AFTER THE CHANGE OCCURS.

28 (2) WHEN THERE IS A CHANGE IN INFORMATION REQUIRED FOR
29 THE REGISTRATION STATEMENT UNDER SUBSECTION (B)(2), AN
30 AMENDED STATEMENT SHALL BE FILED WITH THE COMMISSION WITHIN

1 14 DAYS OF THE END OF THE YEAR IN WHICH THE CHANGE OCCURS.

2 (E) TERMINATION.--A LOBBYIST OR A PRINCIPAL MAY TERMINATE
3 REGISTRATION BY FILING NOTICE WITH THE COMMISSION. WITHIN 30
4 DAYS OF FILING THE NOTICE, THE LOBBYIST OR PRINCIPAL SHALL FILE
5 A TERMINATION REPORT, WHICH SHALL INCLUDE ALL INFORMATION
6 REQUIRED BY SECTION 1305 (RELATING TO REPORTING) THROUGH THE
7 FINAL DAY OF LOBBYING ACTIVITY. AFTER A REASONABLE REVIEW OF THE
8 TERMINATION REPORT BUT NOT LATER THAN 90 DAYS AFTER RECEIPT OF
9 THE NOTICE, THE COMMISSION SHALL ISSUE TO THE LOBBYIST OR
10 PRINCIPAL A LETTER STATING THAT THE REGISTRANT HAS TERMINATED
11 REGISTRATION. THE FILING OF NOTICE OR A TERMINATION REPORT SHALL
12 NOT AFFECT THE COMMISSION'S AUTHORITY TO CONDUCT INVESTIGATIONS
13 AND HEARINGS PURSUANT TO SECTION 1308(H) (RELATING TO
14 ADMINISTRATION AND ENFORCEMENT). NO LOBBYING MAY OCCUR AFTER THE
15 FILING OF NOTICE UNLESS THE LOBBYING IS PURSUANT TO A SEPARATE
16 REGISTRATION STATEMENT WHICH IS FILED WITH THE COMMISSION AND
17 WHICH, AT THE TIME OF THE LOBBYING, HAS NOT BEEN TERMINATED.
18 § 1305. REPORTING.

19 (A) GENERAL RULE.--A LOBBYIST AS REQUIRED BY SUBSECTION
20 (B)(6) OR A REGISTERED PRINCIPAL SHALL, UNDER OATH OR
21 AFFIRMATION, FILE QUARTERLY EXPENSE REPORTS WITH THE COMMISSION.

22 (B) CONTENT.--

23 (1) REPORTS MUST LIST THE NAMES OF ALL LOBBYISTS BY WHOM
24 THE LOBBYING IS CONDUCTED AND THE GENERAL SUBJECT MATTER OR
25 ISSUE BEING LOBBIED.

26 (2) EXPENSE REPORTS MUST CONTAIN THE FOLLOWING
27 CATEGORIES:

28 (I) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
29 TOTAL AMOUNT SPENT FOR PERSONNEL AND OFFICE EXPENSES
30 RELATED TO LOBBYING. THIS SUBPARAGRAPH INCLUDES SALARIES

1 AND OTHER FORMS OF COMPENSATION, BENEFITS, VEHICLE
2 ALLOWANCES, BONUSES AND REIMBURSABLE EXPENSES FOR THOSE
3 INVOLVED IN LOBBYING. IF COMPENSATION IS TO BE REPORTED
4 BY OR FOR AN INDIVIDUAL OR ENTITY WHOSE LOBBYING IS
5 INCIDENTAL TO REGULAR EMPLOYMENT, IT SHALL BE SUFFICIENT
6 TO REPORT A GOOD FAITH PRORATED ESTIMATE BASED ON THE
7 VALUE OF THE TIME DEVOTED TO LOBBYING. REPORTABLE
8 PERSONNEL COSTS INCLUDE COSTS FOR LOBBYING STAFF,
9 RESEARCH AND MONITORING STAFF, CONSULTANTS, LAWYERS,
10 LOBBYISTS, PUBLICATIONS AND PUBLIC RELATIONS STAFF,
11 TECHNICAL STAFF AND CLERICAL AND ADMINISTRATIVE SUPPORT
12 STAFF WHO ENGAGE IN LOBBYING BUT ARE EXEMPT FROM
13 REPORTING UNDER SECTION 1306(6) (RELATING TO EXEMPTION
14 FROM REGISTRATION AND REPORTING). THIS SUBPARAGRAPH
15 INCLUDES COSTS FOR OFFICES, EQUIPMENT AND SUPPLIES
16 UTILIZED FOR LOBBYING.

17 (II) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
18 TOTAL AMOUNT SPENT FOR DIRECT COMMUNICATION.

19 (III) THE TOTAL COSTS FOR GIFTS, ENTERTAINMENT,
20 MEALS, TRANSPORTATION, LODGING AND RECEPTIONS, GIVEN TO
21 OR PROVIDED TO STATE OFFICIALS OR EMPLOYEES OR THEIR
22 IMMEDIATE FAMILIES.

23 (IV) A SINGLE AGGREGATE GOOD FAITH ESTIMATE OF THE
24 TOTAL AMOUNT SPENT FOR INDIRECT COMMUNICATION.

25 (3) IN ADDITION TO REPORTING THE TOTALS REQUIRED UNDER
26 THIS SUBSECTION, THE EXPENSE REPORT MUST IDENTIFY, BY NAME,
27 POSITION AND EACH OCCURRENCE, A STATE OFFICIAL OR EMPLOYEE
28 WHO RECEIVES FROM A PRINCIPAL OR LOBBYIST ANYTHING OF VALUE
29 WHICH MUST BE INCLUDED IN THE STATEMENT UNDER SECTION
30 1105(B)(6) OR (7) (RELATING TO STATEMENT OF FINANCIAL

1 INTERESTS) AS IMPLEMENTED BY SECTION 1105(D).

2 (I) FOR PURPOSES OF THIS CHAPTER, THE AMOUNT
3 REFERRED TO IN SECTION 1105(B)(7) SHALL BE CONSIDERED AN
4 AGGREGATE AMOUNT PER YEAR.

5 (II) WRITTEN NOTICE MUST BE GIVEN TO EACH PUBLIC
6 OFFICIAL OR EMPLOYEE OF INCLUSION IN THE EXPENSE REPORT
7 WITHIN SEVEN DAYS OF THE REPORT'S SUBMISSION TO THE
8 COMMISSION. NOTICE UNDER THIS SUBPARAGRAPH SHALL INCLUDE
9 THE INFORMATION WHICH WILL ENABLE THE PUBLIC OFFICIAL OR
10 EMPLOYEE TO COMPLY WITH SECTION 1105(B)(6) AND (7). FOR
11 PURPOSES OF THIS CHAPTER AND CHAPTER 11 (RELATING TO
12 ETHICS STANDARDS AND FINANCIAL DISCLOSURE), SECTION
13 1105(B)(6) AND (7) SHALL CONSTITUTE MUTUALLY EXCLUSIVE
14 CATEGORIES.

15 (III) REGULATIONS SHALL BE PROMULGATED UNDER SECTION
16 1310(C) (RELATING TO FILING FEES; FUND ESTABLISHED;
17 REGULATIONS) TO DEFINE MUTUALLY EXCLUSIVE CATEGORIES
18 UNDER SECTION 1105(B)(6) AND (7) AND TO DETERMINE WHETHER
19 A THING OF VALUE IS SUBJECT TO DISCLOSURE UNDER SECTION
20 1105(B)(6) OR (7).

21 (4) A LOBBYIST MUST SIGN THE REPORTS SUBMITTED BY EACH
22 PRINCIPAL REPRESENTED TO ATTEST TO THE VALIDITY AND ACCURACY
23 TO THE BEST OF THE LOBBYIST'S KNOWLEDGE. A LOBBYIST MAY
24 ATTACH A STATEMENT TO THE REPORT OF ANY PRINCIPAL, DESCRIBING
25 THE LIMITS OF THE LOBBYIST'S KNOWLEDGE CONCERNING THE
26 EXPENDITURES CONTAINED IN THE REPORT.

27 (5) THE EXPENSE REPORT SHALL ALSO INCLUDE THE NAME,
28 PERMANENT BUSINESS ADDRESS AND DAYTIME TELEPHONE NUMBER OF
29 ANY INDIVIDUAL, FIRM, ASSOCIATION, CORPORATION, PARTNERSHIP,
30 BUSINESS TRUST OR BUSINESS ENTITY WHICH CONTRIBUTED MORE THAN

1 10% OF THE TOTAL RESOURCES RECEIVED BY THE PRINCIPAL DURING
2 THE REPORTING PERIOD.

3 (6) A LOBBYIST SHALL SUBMIT A SEPARATE REPORT IF, DURING
4 THE REPORTING PERIOD, THE LOBBYIST ENGAGED IN LOBBYING WHICH
5 WAS NOT CONTAINED IN THE REPORTS FILED BY THE PRINCIPAL OR
6 PRINCIPALS REPRESENTED BY THE LOBBYIST. A SEPARATE LOBBYIST
7 REPORT SHALL CONTAIN THE IDENTITY OF THE PRINCIPAL FOR WHOM
8 SUCH LOBBYING WAS PERFORMED AND SHALL CONTAIN ALL INFORMATION
9 REQUIRED UNDER PARAGRAPHS (2) AND (3).

10 (7) A REGISTERED PRINCIPAL OR REGISTERED LOBBYIST THAT
11 ATTEMPTS TO INFLUENCE AN AGENCY'S PREPARING, BIDDING,
12 ENTERING INTO OR APPROVING A CONTRACT SHALL ENSURE THAT THE
13 RELATED EXPENSES ARE INCLUDED UNDER PARAGRAPH (2).

14 (C) RECORDS RETENTION.--A REGISTRANT SHALL RETAIN ALL
15 DOCUMENTS REASONABLY NECESSARY TO SUBSTANTIATE THE REPORTS TO BE
16 MADE UNDER THIS SECTION FOR FOUR YEARS FROM THE DATE OF FILING
17 THE SUBJECT REPORT. UPON REQUEST BY THE OFFICE OF THE ATTORNEY
18 GENERAL OR THE COMMISSION, THESE MATERIALS SHALL BE MADE
19 AVAILABLE FOR INSPECTION WITHIN A REASONABLE PERIOD OF TIME.

20 (D) THRESHOLDS FOR REPORTING.--AN EXPENSE REPORT SHALL BE
21 FILED WHEN TOTAL EXPENSES FOR LOBBYING EXCEED \$500 FOR A
22 REGISTERED PRINCIPAL OR A REGISTERED LOBBYIST IN A REPORTING
23 PERIOD. IN A REPORTING PERIOD IN WHICH TOTAL EXPENSES ARE \$500
24 OR LESS, A STATEMENT TO THAT EFFECT SHALL BE FILED.

25 (E) VOLUNTARY DISCLOSURE.--NOTHING IN THIS SECTION SHALL
26 PREVENT A PRINCIPAL OR LOBBYIST FROM DISCLOSING EXPENSES IN
27 GREATER DETAIL THAN REQUIRED.

28 § 1306. EXEMPTION FROM REGISTRATION AND REPORTING.

29 THE FOLLOWING INDIVIDUALS AND ACTIVITIES SHALL BE EXEMPT FROM
30 REGISTRATION UNDER SECTION 1304 (RELATING TO REGISTRATION) AND

1 REPORTING UNDER SECTION 1305 (RELATING TO REPORTING):

2 (1) AN INDIVIDUAL WHO LIMITS LOBBYING ACTIVITIES TO
3 PREPARING TESTIMONY AND TESTIFYING BEFORE A COMMITTEE OF THE
4 LEGISLATURE OR PARTICIPATING IN AN ADMINISTRATIVE PROCEEDING
5 OF AN AGENCY.

6 (2) AN INDIVIDUAL WHO IS AN EMPLOYEE OF AN ENTITY
7 ENGAGED IN THE BUSINESS OF PUBLISHING, BROADCASTING OR
8 TELEVISIONING WHILE ENGAGED IN THE GATHERING AND DISSEMINATION
9 OF NEWS AND COMMENT THEREON TO THE GENERAL PUBLIC IN THE
10 ORDINARY COURSE OF BUSINESS.

11 (3) ANY OF THE FOLLOWING:

12 (I) AN INDIVIDUAL WHO DOES NOT RECEIVE COMPENSATION,
13 OTHER THAN TRAVELING EXPENSES, FOR LOBBYING.

14 (II) AN INDIVIDUAL WHOSE COMPENSATION FOR LOBBYING,
15 FROM ALL PRINCIPALS REPRESENTED, DOES NOT EXCEED \$2,500
16 IN THE AGGREGATE DURING ANY REPORTING PERIOD.

17 (III) AN INDIVIDUAL WHO ENGAGES IN LOBBYING ON
18 BEHALF OF THE INDIVIDUAL'S EMPLOYER AND WHERE LOBBYING
19 ACTIVITY REPRESENTS LESS THAN THE EQUIVALENT OF \$2,500 OF
20 THE EMPLOYEE'S TIME DURING ANY REPORTING PERIOD, BASED ON
21 AN HOURLY PRORATION OF THE EMPLOYEE'S COMPENSATION.

22 (IV) A PRINCIPAL WHOSE TOTAL EXPENSES FOR LOBBYING
23 PURPOSES DO NOT EXCEED \$2,500 DURING ANY REPORTING
24 PERIOD.

25 (4) ANY OF THE FOLLOWING:

26 (I) AN ELECTED STATE OFFICER ACTING IN AN OFFICIAL
27 CAPACITY.

28 (II) A STATE EXECUTIVE OFFICER APPOINTED BY THE
29 GOVERNOR ACTING IN AN OFFICIAL CAPACITY.

30 (III) AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE

1 OF A POLITICAL SUBDIVISION ACTING IN AN OFFICIAL
2 CAPACITY.

3 (IV) AN EMPLOYEE OF THE COMMONWEALTH OR INDEPENDENT
4 AGENCY OF THE COMMONWEALTH ACTING IN AN OFFICIAL
5 CAPACITY.

6 (5) AN INDIVIDUAL REPRESENTING A BONA FIDE CHURCH OF
7 WHICH THE INDIVIDUAL IS A MEMBER AND THE PURPOSE OF THE
8 LOBBYING IS SOLELY FOR THE PURPOSE OF PROTECTING THE
9 CONSTITUTIONAL RIGHT TO THE FREE EXERCISE OF RELIGION.

10 (6) AN EMPLOYEE, WHO IS NOT A REGISTERED LOBBYIST, OF A
11 CORPORATION WHICH:

12 (I) IS REGISTERED AS A PRINCIPAL UNDER SECTION 1304;

13 (II) HAS ONE OR MORE REGISTERED LOBBYISTS; AND

14 (III) INCLUDES IN ITS REPORTS UNDER SECTION 1305 ALL
15 OF THE EMPLOYEE'S EXPENSES RELATED TO LOBBYING.

16 § 1307. PROHIBITED ACTIVITIES.

17 (A) CONTINGENT COMPENSATION.--

18 (1) NO ONE MAY COMPENSATE OR INCUR AN OBLIGATION TO
19 COMPENSATE ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL TO ENGAGE IN
20 LOBBYING FOR COMPENSATION CONTINGENT IN WHOLE OR IN PART UPON
21 ANY OF THE FOLLOWING:

22 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF
23 LEGISLATION.

24 (II) OCCURRENCE OR NONOCCURRENCE OF AN
25 ADMINISTRATIVE ACTION.

26 (2) NO LOBBYIST, PRINCIPAL OR INDIVIDUAL MAY ENGAGE OR
27 AGREE TO ENGAGE IN LOBBYING FOR COMPENSATION CONTINGENT IN
28 WHOLE OR IN PART UPON ANY OF THE FOLLOWING:

29 (I) PASSAGE OR DEFEAT, OR APPROVAL OR VETO, OF
30 LEGISLATION.

1 (II) OCCURRENCE OR NONOCCURRENCE OF AN
2 ADMINISTRATIVE ACTION.

3 (B) POLITICAL COMMITTEES.--A LOBBYIST MAY NOT SERVE AS A
4 TREASURER OR ANOTHER OFFICER FOR A CANDIDATE'S POLITICAL
5 COMMITTEE OR A CANDIDATE'S POLITICAL ACTION COMMITTEE.

6 (C) FEE RESTRICTIONS.--A LOBBYIST MAY NOT CHARGE A FEE OR
7 RECEIVE COMPENSATION OR ECONOMIC CONSIDERATION BASED UPON AN
8 UNDERSTANDING, EITHER WRITTEN OR ORAL, THAT ANY PART OF THE FEE,
9 COMPENSATION OR ECONOMIC CONSIDERATION WILL BE CONVERTED INTO A
10 CONTRIBUTION TO A CANDIDATE FOR PUBLIC OFFICE OR A POLITICAL
11 COMMITTEE.

12 (D) FALSIFICATION.--NO LOBBYIST OR PRINCIPAL MAY, FOR THE
13 PURPOSE OF INFLUENCING LEGISLATIVE ACTION OR ADMINISTRATIVE
14 ACTION, TRANSMIT, UTTER OR PUBLISH TO ANY STATE OFFICIAL OR
15 EMPLOYEE ANY COMMUNICATION, KNOWING THAT SUCH COMMUNICATION OR
16 ANY SIGNATURE ON THE COMMUNICATION IS FALSE, FORGED, COUNTERFEIT
17 OR FICTITIOUS.

18 § 1308. ADMINISTRATION AND ENFORCEMENT.

19 (A) CRIMINAL ENFORCEMENT.--IF THE COMMISSION BELIEVES AN
20 INTENTIONAL VIOLATION OF THIS CHAPTER HAS BEEN COMMITTED, IT
21 SHALL REFER ALL RELEVANT DOCUMENTS AND OTHER INFORMATION TO THE
22 OFFICE OF ATTORNEY GENERAL.

23 (B) ATTORNEY GENERAL.--IN ADDITION TO THE AUTHORITY
24 CONFERRED UPON THE ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15,
25 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT,
26 THE ATTORNEY GENERAL HAS THE AUTHORITY TO INVESTIGATE AND
27 PROSECUTE A VIOLATION OF THIS CHAPTER.

28 (C) ADVICE AND OPINIONS.--THE COMMISSION SHALL PROVIDE
29 ADVICE AND OPINIONS IN ACCORDANCE WITH PROCEDURES SET FORTH IN
30 SECTION 1107 (RELATING TO POWERS AND DUTIES OF COMMISSION) TO A

1 LOBBYIST, PRINCIPAL OR STATE OFFICIAL OR EMPLOYEE WHO HAS A
2 QUESTION REGARDING COMPLIANCE WITH THIS CHAPTER. A PRINCIPAL, A
3 LOBBYIST OR AN INDIVIDUAL WHO ACTS IN GOOD FAITH BASED ON THE
4 WRITTEN ADVICE OR OPINION OF THE COMMISSION SHALL NOT BE HELD
5 LIABLE FOR A VIOLATION OF THIS CHAPTER.

6 (D) PUBLIC INSPECTION AND COPYING.--THE COMMISSION SHALL
7 MAKE COMPLETED REGISTRATION STATEMENTS, EXPENSE REPORTS,
8 TERMINATION NOTICES AND TERMINATION REPORTS, WHICH HAVE BEEN
9 FILED WITH THE COMMISSION, AVAILABLE FOR PUBLIC INSPECTION AND
10 PROVIDE COPIES OF THESE DOCUMENTS AT A PRICE WHICH SHALL NOT
11 EXCEED THE ACTUAL COST OF COPYING. DOCUMENTS THAT ARE MAINTAINED
12 AND REPRODUCIBLE IN AN ELECTRONIC FORMAT SHALL BE PROVIDED IN
13 THAT FORMAT UPON REQUEST.

14 (E) ANNUAL REPORTING.--THE COMMISSION SHALL PREPARE AND
15 PUBLISH AN ANNUAL REPORT ON LOBBYING ACTIVITIES IN THIS
16 COMMONWEALTH. THE COMMISSION SHALL ALSO ANNUALLY PUBLISH A
17 LISTING OF PRINCIPALS, IDENTIFYING AFFILIATED POLITICAL ACTION
18 COMMITTEES AND LOBBYISTS AND A LISTING OF LOBBYISTS, IDENTIFYING
19 AFFILIATED POLITICAL ACTION COMMITTEES AND PRINCIPALS.

20 (F) RETENTION OF RECORDS.--COMPLETED REGISTRATION
21 STATEMENTS, EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION
22 REPORTS SHALL REMAIN ON FILE WITH THE COMMISSION FOR A FOUR-YEAR
23 PERIOD.

24 (G) AUDITS.--THE COMMISSION SHALL INITIATE, BY LOTTERY,
25 RANDOM ANNUAL AUDITS OF THE REGISTRATION STATEMENTS AND
26 DISCLOSURE REPORTS IN SUFFICIENT NUMBER TO ENSURE COMPLIANCE
27 WITH THIS CHAPTER. THE AUDIT REPORT AND FINDINGS SHALL BE
28 CONFIDENTIAL; HOWEVER, THE COMMISSION SHALL INCLUDE THE RELEVANT
29 PORTION OF AN AUDIT AS PART OF ITS FINDINGS OF FACT IN A
30 COMMISSION ORDER WHICH RESULTS FROM AN INVESTIGATION ARISING OUT

1 OF AN AUDIT.

2 (H) INVESTIGATION AND HEARINGS.--THE COMMISSION, THROUGH ITS
3 EXECUTIVE DIRECTOR, MAY INITIATE AN INVESTIGATION AND HOLD A
4 HEARING, CONCERNING NEGLIGENT CONDUCT BY A LOBBYIST OR
5 PRINCIPAL, IN ACCORDANCE WITH SECTIONS 1107 AND 1108 (RELATING
6 TO INVESTIGATIONS BY COMMISSION).

7 (I) DIRECTORY.--ON OR BEFORE MAY 1 OF EACH ODD-NUMBERED
8 YEAR, THE COMMISSION SHALL PRODUCE AND DISTRIBUTE A DIRECTORY OF
9 ALL REGISTERED LOBBYISTS, INCLUDING PHOTOGRAPHS. COPIES OF THIS
10 DIRECTORY SHALL BE MADE AVAILABLE TO THE PUBLIC AT A PRICE NOT
11 TO EXCEED THE ACTUAL COST OF PRODUCTION. ALL REVENUE RECEIVED BY
12 THE COMMISSION FROM THE SALES OF THIS DIRECTORY SHALL BE
13 DEPOSITED INTO THE FUND.

14 (J) COMPUTER FILE.--THE LEGISLATIVE DATA PROCESSING
15 COMMITTEE SHALL MAINTAIN UPDATED REGISTRATION STATEMENTS,
16 EXPENSE REPORTS, TERMINATION NOTICES AND TERMINATION REPORTS.

17 (K) COST-OF-LIVING ADJUSTMENT.--ON A BIENNIAL BASIS
18 COMMENCING IN JANUARY 2002, THE COMMISSION SHALL REVIEW THE
19 THRESHOLD FOR REPORTING UNDER SECTION 1305(D) (RELATING TO
20 REPORTING) AND THE THRESHOLD FOR EXEMPTION UNDER SECTION
21 1306(3)(II) THROUGH (IV) (RELATING TO EXEMPTION FROM
22 REGISTRATION AND REPORTING) AND MAY INCREASE THESE AMOUNTS TO
23 RATES DEEMED REASONABLE FOR ASSURING APPROPRIATE DISCLOSURE. THE
24 COMMISSION SHALL PUBLISH ANY SUCH ADJUSTED THRESHOLD AMOUNTS IN
25 THE PENNSYLVANIA BULLETIN BY JUNE 1, 2002, AND EVERY TWO YEARS
26 THEREAFTER, AS NECESSARY.

27 § 1309. PENALTIES.

28 (A) NOTICE OF NONCOMPLIANCE.--THE COMMISSION SHALL ISSUE A
29 NOTICE OF NONCOMPLIANCE TO ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL
30 THAT HAS FAILED TO REGISTER OR REPORT AS REQUIRED BY THIS

1 CHAPTER. THE NOTICE SHALL STATE THE NATURE OF THE ALLEGED
2 NONCOMPLIANCE AND THE CIVIL AND CRIMINAL PENALTIES FOR FAILURE
3 TO REGISTER, FAILURE TO FILE OR FILING A REPORT CONTAINING A
4 FALSE STATEMENT. THE NOTICE SHALL ALSO ADVISE OF THE RIGHT TO A
5 HEARING BEFORE THE COMMISSION AND THE TIME AND MANNER IN WHICH
6 TO REQUEST A HEARING.

7 (B) HEARING.--IF A HEARING IS REQUESTED, THE COMMISSION
8 SHALL DETERMINE AT THE HEARING WHETHER THE RECIPIENT OF THE
9 NOTICE IS REQUIRED TO REGISTER OR REPORT UNDER THIS CHAPTER;
10 WHETHER THE FAILURE TO REGISTER OR REPORT WAS NEGLIGENT; AND IF
11 THE FAILURE WAS NEGLIGENT, THE AMOUNT OF THE CIVIL PENALTY TO BE
12 IMPOSED. IF THE COMMISSION FINDS THAT THE FAILURE TO REGISTER OR
13 REPORT WAS INTENTIONAL, IT SHALL REFER THE MATTER TO THE
14 ATTORNEY GENERAL FOR INVESTIGATION AND PROSECUTION. HEARINGS
15 UNDER THIS SUBSECTION SHALL BE CONDUCTED BY THE COMMISSION IN
16 ACCORDANCE WITH SECTIONS 1107(14) (RELATING TO POWERS AND DUTIES
17 OF COMMISSION) AND 1108(E) (RELATING TO INVESTIGATIONS BY
18 COMMISSION).

19 (C) NEGLIGENT FAILURE TO REGISTER OR REPORT.--NEGLIGENT
20 FAILURE TO REGISTER OR REPORT AS REQUIRED BY THIS CHAPTER IS
21 PUNISHABLE BY A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH LATE
22 DAY. AFTER A HEARING UNDER SUBSECTION (B), IN THE CASE OF
23 NEGLIGENT FAILURE TO REGISTER OR REPORT, THE COMMISSION MAY,
24 UPON THE MAJORITY VOTE OF ITS MEMBERS, LEVY A CIVIL PENALTY AS
25 PROVIDED FOR IN THIS SUBSECTION. THE TOTAL AMOUNT OF THE CIVIL
26 PENALTY LEVIED SHALL NOT BE LIMITED BY ANY OTHER PROVISION OF
27 LAW. THE COMMISSION SHALL HAVE STANDING TO APPLY TO COMMONWEALTH
28 COURT TO SEEK ENFORCEMENT OF AN ORDER IMPOSING A CIVIL PENALTY
29 UNDER THIS SECTION.

30 (D) FAILURE TO COMPLY AFTER NOTICE.--AFTER NOTICE OF

1 NONCOMPLIANCE AND AFTER A HEARING, IF ONE IS REQUESTED, A
2 LOBBYIST OR PRINCIPAL WHO FAILS TO COMPLY WITH THE REQUIREMENTS
3 OF THIS CHAPTER MAY BE PROHIBITED FROM LOBBYING FOR UP TO FIVE
4 YEARS. THE PROHIBITION SHALL BE IMPOSED AS PROVIDED BY
5 SUBSECTION (E)(4).

6 (E) INTENTIONAL VIOLATIONS.--

7 (1) ANY LOBBYIST, PRINCIPAL OR INDIVIDUAL THAT
8 INTENTIONALLY FAILS TO REGISTER OR REPORT AS REQUIRED BY THIS
9 CHAPTER COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

10 (2) A REGISTRANT THAT FILES A REPORT UNDER THIS CHAPTER
11 WITH KNOWLEDGE THAT THE REPORT CONTAINS A FALSE STATEMENT
12 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

13 (3) EXCEPT AS SET FORTH IN PARAGRAPH (1) OR (2), ANY
14 LOBBYIST, PRINCIPAL OR INDIVIDUAL THAT INTENTIONALLY VIOLATES
15 THIS CHAPTER COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

16 (4) IN ADDITION TO THE CRIMINAL PENALTIES IMPOSED BY
17 THIS SUBSECTION, THE COMMISSION MAY PROHIBIT A LOBBYIST OR
18 PRINCIPAL FROM LOBBYING FOR UP TO FIVE YEARS FOR DOING AN ACT
19 WHICH CONSTITUTES AN OFFENSE UNDER THIS SUBSECTION. NO
20 CRIMINAL PROSECUTION OR CONVICTION SHALL BE REQUIRED FOR THE
21 IMPOSITION OF THE PROHIBITION AUTHORIZED BY THIS PARAGRAPH.
22 THE PROHIBITION UNDER THIS PARAGRAPH SHALL NOT BE IMPOSED
23 UNLESS THE DEFENDANT HAS BEEN AFFORDED THE OPPORTUNITY FOR A
24 HEARING, WHICH SHALL BE CONDUCTED BY THE COMMISSION IN
25 ACCORDANCE WITH SECTIONS 1107(14) AND 1108(E).

26 § 1310. FILING FEES; FUND ESTABLISHED; REGULATIONS.

27 (A) FILING FEES.--A PRINCIPAL OR LOBBYIST REQUIRED TO BE
28 REGISTERED UNDER THIS CHAPTER SHALL PAY A BIENNIAL FILING FEE OF
29 \$100 TO THE COMMISSION.

30 (B) FUND ESTABLISHED.--ALL MONEY RECEIVED FROM FILING FEES

1 UNDER SUBSECTION (A) SHALL BE DEPOSITED IN A RESTRICTED RECEIPTS
2 ACCOUNT TO BE KNOWN AS THE LOBBYING DISCLOSURE FUND. THE MONEY
3 DEPOSITED IN THE FUND IS HEREBY APPROPRIATED TO THE COMMISSION
4 AS A CONTINUING APPROPRIATION FOR THE EXCLUSIVE PURPOSE OF
5 CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

6 (C) REGULATIONS.--A COMMITTEE COMPRISED OF THE SECRETARY OF
7 THE SENATE, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
8 CHAIRMAN OF THE STATE ETHICS COMMISSION, THE ATTORNEY GENERAL,
9 THE SECRETARY OF THE COMMONWEALTH, THE AUDITOR GENERAL AND THE
10 GENERAL COUNSEL, OR THEIR DESIGNEES, SHALL HAVE CONTINUING
11 AUTHORITY TO PROMULGATE REGULATIONS NECESSARY TO CARRY OUT THIS
12 CHAPTER. THE CHAIRMAN OF THE COMMISSION SHALL BE DESIGNATED AS
13 THE CHAIRMAN OF THE COMMITTEE. THE INITIAL PROPOSED REGULATIONS
14 SHALL BE SUBMITTED WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
15 SECTION TO THE INDEPENDENT REGULATORY REVIEW COMMISSION UNDER
16 SECTION 5 OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN
17 AS THE REGULATORY REVIEW ACT. ANY MEETING AT WHICH THE COMMITTEE
18 PLANS TO APPROVE PROPOSED REGULATIONS SHALL BE HELD IN
19 ACCORDANCE WITH CHAPTER 7 (RELATING TO OPEN MEETINGS). THE
20 COMMITTEE SHALL ALSO PREPARE AND PUBLISH A MANUAL SETTING FORTH
21 GUIDELINES FOR ACCOUNTING AND REPORTING. THE REGULATIONS AND
22 MANUAL SHALL BE DRAFTED TO ACCOMMODATE THE USE OF COMPUTERIZED
23 RECORDKEEPING, ELECTRONIC FILING OF THE REPORTS PROVIDED FOR
24 UNDER THIS CHAPTER AND RETENTION OF REGISTRATION STATEMENTS AND
25 REPORTS PROVIDED FOR UNDER THIS CHAPTER BY ELECTRONIC MEANS. THE
26 DEPARTMENT OF STATE SHALL PROVIDE SUFFICIENT STAFF AND OTHER
27 ADMINISTRATIVE SUPPORT TO ASSIST THE COMMITTEE.

28 § 1311. SEVERABILITY.

29 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B):

30 (1) THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE.

1 (2) IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION
2 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY
3 SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS
4 CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
5 PROVISION OR APPLICATION.

6 (B) PRACTICE OF LAW.--IF ANY PROVISION OF THIS CHAPTER OR
7 ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID ON
8 THE BASIS OF IMPROPER REGULATION OF THE PRACTICE OF LAW, THE
9 REMAINING PROVISIONS OR APPLICATIONS OF THIS CHAPTER ARE VOID.

10 SECTION 2. (A) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN
11 THIS ACT, IT IS THE INTENTION OF THIS ACT TO CONTINUE EXISTING
12 LAW.

13 (B) ALL LITIGATION, HEARINGS, INVESTIGATIONS AND OTHER
14 PROCEEDINGS WHATSOEVER UNDER ANY STATUTE REPEALED BY THIS ACT
15 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE
16 COMPLETED UNDER THE PROVISIONS OF THIS ACT. ALL ORDERS,
17 REGULATIONS OR RULES MADE UNDER ANY STATUTE REPEALED BY THIS ACT
18 AND IN FULL FORCE AND EFFECT UPON THE EFFECTIVE DATE OF SUCH
19 REPEAL SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED,
20 VACATED OR MODIFIED UNDER THE PROVISIONS OF THIS ACT. ALL
21 EXISTING CONTRACTS AND OBLIGATIONS ENTERED INTO UNDER ANY
22 STATUTE REPEALED BY THIS ACT SHALL REMAIN IN FULL FORCE AND
23 EFFECT.

24 (C) THE MEMBERS OF THE STATE ETHICS COMMISSION SHALL
25 CONTINUE IN OFFICE UNTIL THEIR TERMS OF OFFICE EXPIRE IN
26 ACCORDANCE WITH 65 PA.C.S. CH. 11 AND SHALL EXERCISE THE POWERS
27 AND PERFORM THE DUTIES PRESCRIBED IN CHAPTER 11.

28 (D) THE APPROPRIATIONS TO THE STATE ETHICS COMMISSION
29 ESTABLISHED UNDER THE ACT OF OCTOBER 4, 1978 (P.L.883, NO.170),
30 REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW,

1 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT FOR USE BY
2 THE STATE ETHICS COMMISSION CONTINUED UNDER 65 PA.C.S. CH. 11.

3 SECTION 3. THE SUM OF \$165,000 IS HEREBY APPROPRIATED TO THE
4 STATE ETHICS COMMISSION FOR THE FISCAL YEAR JULY 1, 1998, TO
5 JUNE 30, 1999, TO CARRY OUT THE PROVISIONS OF 65 PA.C.S. CH. 13.

6 SECTION 4. (A) THE PROVISIONS OF 65 PA.C.S. § 714.1 SHALL
7 BE APPLICABLE TO ALL LEGAL CHALLENGES FILED UNDER 65 PA.C.S. CH.
8 7 ON OR AFTER THE EFFECTIVE DATE OF THAT CHAPTER.

9 (B) THE PROVISION FOR ATTORNEY FEES IN SECTION 13 OF THE ACT
10 OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE SUNSHINE ACT,
11 SHALL CONTINUE TO APPLY TO ALL LEGAL CHALLENGES FILED UNDER THAT
12 ACT BEFORE THE EFFECTIVE DATE OF 65 PA.C.S. CH. 7.

13 (C) THE PROVISIONS OF 65 PA.C.S. §§ 1103(D) AND (E) AND
14 1105(B)(6) AND (7) SHALL NOT APPLY TO ANY MATTER THAT OCCURRED
15 BEFORE JUNE 26, 1989.

16 SECTION 5. EXCEPT WHERE SPECIFICALLY REVISED BY THIS ACT,
17 CHAPTERS 7, 11 AND 13 SHALL BE A CODIFICATION OF EXISTING LAW.

18 SECTION 6. (A) THE FOLLOWING ACTS AND PARTS OF ACTS ARE
19 REPEALED:

20 (1) ACT OF SEPTEMBER 30, 1961 (P.L.1778, NO.712), KNOWN AS
21 THE LOBBYING REGISTRATION AND REGULATION ACT.

22 (2) SECTIONS 1 THROUGH 9 AND 10.1 THROUGH 14 OF THE ACT OF
23 OCTOBER 4, 1978 (P.L.883, NO.170), REFERRED TO AS THE PUBLIC
24 OFFICIAL AND EMPLOYEE ETHICS LAW.

25 (3) ACT OF JULY 3, 1986 (P.L.388, NO.84), KNOWN AS THE
26 SUNSHINE ACT.

27 (B) THE FOLLOWING REPEALS DEAL WITH THE STATE ETHICS
28 COMMISSION:

29 (1) SECTION 8 OF THE ACT OF JUNE 26, 1989 (P.L.26,
30 NO.9), ENTITLED "AN ACT REENACTING AND AMENDING THE ACT OF

1 OCTOBER 4, 1978 (P.L.883, NO.170), ENTITLED 'AN ACT RELATING
2 TO CONFLICTS OF INTEREST INVOLVING CERTAIN PUBLIC OFFICIALS
3 SERVING IN STATE OR STATE AGENCIES AND LOCAL POLITICAL
4 SUBDIVISION POSITIONS AND PROHIBITING CERTAIN PUBLIC
5 EMPLOYEES FROM ENGAGING IN CERTAIN CONFLICT OF INTEREST
6 ACTIVITIES REQUIRING CERTAIN DISCLOSURES AND PROVIDING
7 PENALTIES,' ADDING DEFINITIONS; FURTHER PROVIDING FOR THE
8 MEMBERSHIP, POWERS AND DUTIES OF THE STATE ETHICS COMMISSION
9 AND FOR PERSONS WHO MUST FILE STATEMENTS OF FINANCIAL
10 INTERESTS; REESTABLISHING THE STATE ETHICS COMMISSION; AND
11 MAKING AN APPROPRIATION," IS REPEALED.

12 (2) ALL OTHER PROVISIONS OF LAW ARE REPEALED INsofar AS
13 THEY LIMIT THE EXISTENCE OF THE STATE ETHICS COMMISSION.

14 (C) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS
15 THEY ARE INCONSISTENT WITH THIS ACT.

16 SECTION 7. THIS ACT IS INTENDED TO PROVIDE FOR PUBLIC
17 CONFIDENCE IN GOVERNMENT BY CONSOLIDATING AND REVISING EXISTING
18 LAWS RELATING TO OPEN MEETINGS, ETHICAL STANDARDS AND FINANCIAL
19 DISCLOSURE AND LOBBYING REGULATION AND DISCLOSURE.

20 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

21 (1) EXCEPT AS SET FORTH IN PARAGRAPHS (2) AND (3), THE
22 ADDITION OF 65 PA.C.S. CH. 13 SHALL TAKE EFFECT AUGUST 1,
23 1999.

24 (2) THE ADDITION OF 65 PA.C.S. §§ 1305(B)(3)(III) AND
25 1310(C) SHALL TAKE EFFECT IMMEDIATELY.

26 (3) THE ADDITION OF 65 PA.C.S. § 1305(3)(I) AND (II)
27 SHALL TAKE EFFECT ON THE EARLIER OF:

28 (I) THE EFFECTIVE DATE OF THE REGULATIONS
29 PROMULGATED UNDER 65 PA.C.S. § 1305(B)(3)(III); OR

30 (II) AUGUST 1, 1999.

1 (4) SECTION 3 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

2 (5) SECTION 6(A)(1) OF THIS ACT SHALL TAKE EFFECT AUGUST
3 1, 1999.

4 (6) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

5 (7) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
6 DAYS.