

Section 17.2. Increase of County Share for Certain Employees.—

(a) When the board has adopted the one-eightieth (1/80) class, the county may, in the case of an employe who has retired or who retires in the future and has his monthly allowance calculated under the one one-hundredth (1/100) class, increase their share of such employe's monthly allowance by twenty-five per centum and in the case of an employe who has his allowance calculated under the one one-hundred twentieth (1/120) class, increase their share of such employe's monthly allowance by fifty per centum.

(b) When the board has not adopted the one-eightieth (1/80) class, but only has the one one-hundredth (1/100) and the one one-hundred twentieth (1/120) class, the county may, in the case of an employe who has retired or who retires in the future and has his monthly allowance calculated under the one one-hundred twentieth (1/120) class, increase their share of such employe's monthly allowance by twenty per centum.

APPROVED—The 10th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 154

AN ACT

HB 1943

Establishing a code of ethics for the General Assembly, its officers and employes, and providing remedies for its enforcement and penalties.

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

Section 1. Short Title.—This act shall be known and may be cited as the "Legislative Code of Ethics."

Section 2. Legislative Findings and Declaration of Policy.—The General Assembly finds as follows:

(1) Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government.

(2) It is deemed by the General Assembly to be the duty of each member, officer, or employe of the legislative branch to help earn and honor that trust by his own integrity and conduct in all official actions.

(3) Although the vast majority of these public servants are dedicated and serve with high integrity, most of them would welcome a code of ethics to clearly guide them in areas which are not now clearly defined, and

(4) It is the desire of the General Assembly to protect the public confidence in its Legislature, to establish a guide for all legislative members, officers and employes in decisions of personal interest conflicts and to curb any tendencies for exploitation of official position.

Section 3. Definitions.—Unless the context clearly indicates otherwise, the following words and terms when used herein shall have the respective meanings defined as follows:

(1) "Agency" means any department, agency, commission, board, committee, authority or other instrumentality which is created by or under the Constitution or laws of the Commonwealth of Pennsylvania or by executive order, except local political subdivisions or agencies, the majority of the members of whose governing bodies are locally elected or appointed.

(2) "Agency head" and "head of any agency" mean the chief executive or administrative officer of each of the State agencies.

(3) "Assist" means to act, or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person believing that such action is of help, aid, advice, or assistance to such person and with intent to so assist such person.

(4) "Compensation" means any thing of economic value, however designated, which is paid, loaned, granted, given, donated or transferred, or to be paid, loaned, granted, given, donated or transferred for or in consideration of personal services to any person, official or to the State.

(5) "Gift," as used in section 5, includes any thing of economic value with the exception of public awards, insignificant nonpecuniary gifts, political contributions for which an accounting is required by and is made pursuant to the election laws, or compensation or gifts not connected with or related to either the legislative processes or the donee's services as a member.

(6) "Member" shall include a Senator, Representative, officer or employe of the General Assembly or any committee thereof; but not a person employed on a contractual basis or without compensation for a particular project.

(7) "State action" means any action on the part of the Commonwealth or a Commonwealth agency, including, but not limited to: (i) any decision, determination, finding, ruling or order, including the judgment or verdict of a court or a quasi-judicial board, in which the Commonwealth or any of its agencies, boards and commissions has

an interest, except in such matters, involving criminal prosecutions; (ii) any grant, payment, award, license, contract, transaction, decision, sanction or approval, or the denial thereof, or the failure to act with respect thereto, in which the Commonwealth or any of its agencies has an interest, except in such matters involving criminal prosecutions; (iii) any disposition of any matter by the General Assembly or any committee thereof.

(8) "Participate" in connection with a transaction involving the Commonwealth means to take part in State action or a proceeding personally as a Commonwealth official, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

(9) "Person" means: (i) an individual, other than a Commonwealth agency or official; (ii) a partnership, association, corporation, firm, institution, trust, foundation or other legal entity (other than an agency), whether or not operated for profit; (iii) a district, county, municipality or other political subdivision of the State, or any subdivision thereof, provided such is not an agency; (iv) a foreign country or subdivision thereof, or (v) any other entity which is not a Commonwealth agency or official.

(10) "Responsibility" in connection with a transaction involving the Commonwealth means the direct administration or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through or with others or subordinates, to effectively approve, disapprove, fail to act or perform a duty, or otherwise direct State action in respect of such transaction.

(11) "Thing of economic value" means any money or other thing having economic value except food, drink or refreshments consumed by an official including reasonable transportation and entertainment incident thereto, while the personal guest of some person, and includes, without limiting the generality of the foregoing: (i) any loan, except a bona fide loan made by a duly licensed bank or savings and loan association at the normal rate of interest, any property interest, interest in a contract, merchandise, service and any employment or other arrangement involving a right to compensation; (ii) any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option; and (iii) any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

In the case of an option, promise or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, regardless of the conditions to its exercise, and the time when the promise or undertaking is made, regardless of the conditions to its performance.

(12) "Transaction involving the Commonwealth" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case or other such particular matter which the official in question believes, or has reason to believe: (i) is, or will be, the subject of State action, or (ii) is one to which the Com-

monwealth is or will be a party, or (iii) is one in which the Commonwealth has a direct interest.

Section 4. Standards of Conduct.—In addition to the other provisions of this act, and in supplement thereto, the following are established as standards of conduct for members. No member shall:

(1) Accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

(2) Improperly disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

(3) Use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

Section 5. Prohibitions.—(a) No member shall knowingly solicit, accept, or receive any gift or compensation other than that to which he is duly entitled from the Commonwealth which is intended to influence the performance of his official duties or which would influence the performance of his official duties nor shall any member solicit, accept, or receive any such gift or compensation for advocating the passage or defeat of any legislation or for doing any act intended to influence the passage or defeat of legislation including, in the case of a Senator or Representative, his vote thereon.

(b) No member shall receive compensation or any thing of economic value for any consultation, the subject matter of which:

(1) Is devoted substantially to the responsibilities, programs, or operations of the General Assembly, or

(2) Draws substantially upon official data or ideas which have not become part of the body of public information.

(c) No member shall participate as a principal in any transaction involving the Commonwealth or any Commonwealth agency in which he, his spouse or child, or any person of which he is an officer, director, trustee, partner or employe has a substantial personal economic interest as distinguished from that of a general class or general group of persons of which he may reasonably be expected to know.

(d) No member shall receive any compensation or enter into any agreement with any person for compensation for services rendered or to be rendered, for assisting any person in any transaction involving the Commonwealth or any of its officials or agencies unless he shall file with the Chief Clerk of the House of Representatives or Secretary of the Senate, as the case may be, a written statement, giving the following information:

(1) Name and address of member.

(2) The name and address of the person employing or retaining the member to perform such services.

(3) Whether the amount of compensation for services rendered or to be rendered is (i) one thousand dollars (\$1000), or more, or (ii) less than one thousand dollars (\$1000).

(4) A brief description of the transaction in reference to which

service is rendered or is to be rendered, and of the nature of the service.

The sworn statement shall be filed with the chief clerk or secretary within ten days from the date such agreement, express or implied, was entered into, or the compensation was received. Such statement of disclosure shall be deemed confidential and privileged and shall only be made public in connection with a public hearing for an alleged violation of this code where such would be relevant to the charges made and for which the member is being tried.

(e) Subsections (a), (b), (c) and (d) of this section 5, shall not apply to:

(1) Receipt of bona fide reimbursement, to the extent permitted by law, for actual expenses for travel and such other necessary subsistence as is compatible with this act and for which no Commonwealth payment or reimbursement is made.

(2) Participation in the affairs of charitable, religious, nonprofit educational, public service or civic organizations, or the activities of national or State political parties not proscribed by law.

(3) Awards for meritorious public contribution given by public service or civic organizations.

(4) Sharing in any compensation received from the Commonwealth or from any political subdivision of the Commonwealth by a person of which such member owns or controls any portion thereof, provided such compensation was received by such person as a result of having made the lowest competitive bid on a Commonwealth contract or subcontract and having had such bid accepted by the Commonwealth or the general contractor, or by reason of an engagement by the Commonwealth in emergency circumstances where dispensation with bidding is permitted by law, and provided such member did not assist in the procurement of the Commonwealth's or the subdivision's or the general contractor's acceptance of such low bid or engagement without bidding.

(5) Campaign contributions for use in meeting campaign expenses by any official who is or becomes a candidate for election to the same or another public office.

(6) Receipt of compensation from the Commonwealth, directly or indirectly, where: (i) the total interest of the member and his immediate family in the person receiving said compensation is less than ten percent, or (ii) the member or the person in which he has an interest is the exclusive supplier of the real or personal property or service purchased by the Commonwealth, or (iii) the service purchased is newspaper advertising required by law.

(7) Receipt of compensation, directly or indirectly, by a member who is an attorney-at-law, for services in a proceeding where he represents an interest adverse to that of the Commonwealth, where the proceeding is before any court, where the Commonwealth has a right to judicial review in a proceeding not initially before a court, or where the proceeding involves only the uncontested and routine action of administrative officers or employees of the Commonwealth

in issuing or renewing a license, charter, certificate or similar document.

(f) No member shall use for private gain any information not available to the public at large and acquired by him solely by virtue of his position.

(g) No information described in subsection (f) of this section 5 shall be disclosed by a member to others for purposes of their use for private gain, in circumstances where the use of such information by the member would violate subsection (f) of this section 5.

Section 6. Penalties.—(a) Any person violating section 5 of this act shall be guilty of a misdemeanor, and upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars (\$1000) and costs and, in default of the payment of such fine and costs, shall undergo imprisonment for not more than two years.

(b) All fines and penalties imposed under the provisions of this section shall be paid into the General Fund of the Commonwealth.

Section 7. Civil Remedies.—(a) Any agency head having final authority to approve or execute a contract between the Commonwealth and a private party may cancel or rescind any such contract without further liability to the Commonwealth where he finds that a violation of this act has influenced the making of said contract; provided, such rescission shall be limited so as not to affect adversely the interests of innocent third parties; and provided further, that no such action shall be initiated before the affirmative finding of the appropriate House or Senate Committee on Ethics that a violation has occurred.

(b) The finding referred to in subsection (a) supra shall be made in accordance with the act of June 4, 1945 (P. L. 1388), as amended, known as the "Administrative Agency Law," and shall be subject to judicial review, provided that the executive officer may suspend the contract pending determination of the merits of the controversy.

(c) The Attorney General may bring a civil action against any member or former member in the judicial district in which said person is domiciled, who shall, to his economic advantage, have acted in violation of this act, to recover on behalf of the Commonwealth an amount equal to such economic advantage, with interest; provided, that no such action shall be brought before the affirmative finding of the appropriate House or Senate Committee on Ethics that a violation has occurred.

(d) No action under subsection (c) of this section 7 shall be commenced after the expiration of two years following the discovery by an agency head or an Ethics Committee of the General Assembly of the occurrence of the alleged violation, or four years after the occurrence of the alleged violation, whichever period is shorter.

(e) The Senator or Representative having responsibility for hiring an employe of the General Assembly may, and if so ordered by the Ethics Committee of his respective house, shall, dismiss, suspend or take such other action as may be appropriate under the circumstances with respect to any employe upon a finding by the Senator or Repre-

sentative or by said committee that such employe has violated any of the provisions of this act.

Section 8. Severability Clause.—The provisions of this act are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of the act.

APPROVED—The 10th day of July, A. D. 1968.

RAYMOND P. SHAFER.

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No. 155

AN ACT

HB 2000

Amending the act of March 31, 1949 (P. L. 372), entitled "An act to promote the welfare of the people of the Commonwealth; creating The General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds for said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; empowering The General State Authority to sell and convey projects and property to the Commonwealth; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," further regulating acquisition of materials and services.

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

Section 1. Section 4, act of March 31, 1949 (P. L. 372), known as "The General State Authority Act of one thousand nine hundred forty-nine," is amended by adding after clause (j), a new clause to read:

Section 4. Purposes and Powers; General.—The Authority is created for the purpose of constructing, improving, equipping, furnishing, maintaining, acquiring and operating sewers, sewer systems, and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed), public buildings for the use of the Commonwealth, an official residence in the City of Harrisburg which shall thereafter be used as the official residence of the Governor of the Commonwealth, municipal exhibition halls, State arsenals, armories, and military reserves, State airports and landing fields, State institutions of every kind and character (heretofore or hereafter constructed), additions and improvements to land