

SERS Board Governance Policy Manual

Standards of Conduct

EXHIBIT E

**Commonwealth of Pennsylvania
Legislative Code of Ethics**

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Commonwealth of Pennsylvania Legislative Code of Ethics

Title 46. Legislature and Statutes Chapter 1. Legislature Code of Ethics

§ 143.4. 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 required 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.

§ 143.5. 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 per cent, 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 the court, or where the proceeding involves only the uncontested and routine action of administrative officers or employes 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.

§ 143.6. 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.