
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1172 Session of
2015

INTRODUCED BY AUMENT, RAFFERTY, VOGEL, ARGALL, VULAKOVICH,
FOLMER, MENSCH, BROWNE AND WAGNER, APRIL 1, 2016

REFERRED TO STATE GOVERNMENT, APRIL 1, 2016

AN ACT

1 Establishing standards and procedures for gubernatorial
2 conflicts of interest.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Gubernatorial
7 Conflict of Interest Act.

8 Section 2. Legislative declarations.

9 The General Assembly declares that:

10 (1) The office of Governor is a public trust and any
11 effort to realize personal financial gain through public
12 office other than compensation provided by law is a violation
13 of that trust.

14 (2) To strengthen the faith and confidence of the people
15 of this Commonwealth in the office of Governor, the people
16 have a right to be assured that the financial interests of
17 the Governor do not conflict with the public trust.

18 (3) Public confidence in government can best be

1 sustained by assuring the people of the impartiality and
2 honesty of the Governor.

3 Section 3. Legislative intent.

4 It is the intent of the General Assembly that this act:

5 (1) Be construed to promote complete disclosure as
6 specified in this act.

7 (2) Establish clear guidelines to guide the Governor in
8 discharging certain official actions of the office of
9 Governor.

10 (3) Define as clearly as possible those areas that
11 represent conflict with the public trust.

12 Section 4. Gubernatorial conflict of interest.

13 (a) Disclosure.--In addition to the requirements for ethical
14 standards and financial disclosure for the Governor under 65
15 Pa.C.S. Ch. 11 (relating to ethics standards and financial
16 disclosure), if the Governor has a personal or private interest
17 in an official action, the Governor shall disclose the interest
18 in a message to the General Assembly under section 11 of Article
19 IV of the Constitution of Pennsylvania.

20 (b) Recusal.--If the Governor has a personal or private
21 interest in an official action, the Governor may declare under
22 section 13 of Article IV of the Constitution of Pennsylvania
23 that a disability exists and therefore that the Governor cannot
24 discharge the duties of the office of Governor.

25 (c) Definition.--As used in this act, the term "official
26 action" means an action that includes:

27 (1) The approval or veto of a bill under section 15 of
28 Article IV of the Constitution of Pennsylvania.

29 (2) The approval or disapproval of an item of a bill
30 making appropriations of money under section 16 of Article IV

1 of the Constitution of Pennsylvania.

2 (3) The authorization of indebtedness for a project
3 enumerated in a capital budget.

4 (4) Expenditure of Federal or State funds by executive
5 authorization.

6 Section 5. Lieutenant Governor to act as Governor.

7 Under the authority of and in accordance with the limitations
8 of section 13 of Article IV of the Constitution of Pennsylvania,
9 if the Governor declares that a disability exists under section
10 4(b), the Lieutenant Governor shall discharge the duties of the
11 Governor until the disability is removed.

12 Section 6. Construction of conflict of interest.

13 This act shall be liberally construed to promote full
14 disclosure regarding gubernatorial conflicts of interest.
15 Notwithstanding any limitation under this act, in complying with
16 this act, the Governor may make a disclosure of a conflict of
17 interest and may seek recusal whenever the action would promote
18 complete disclosure.

19 Section 7. Effective date.

20 This act shall take effect immediately.