

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8503. Definitions.

As used in this part:

(a) “Administrative action” means a decision on, or proposal, consideration, enactment or making of, any rule, regulation, or other official nonministerial action or nonaction by any executive department, or by any public official or public employee of an executive department, or any matter which is within the official jurisdiction of the executive branch.

(b) “Commonwealth government” means any administrative unit, board, commission, committee, department, division, executive branch, independent agency, judiciary, legislature, political subdivision, public corporation, or public school system of the Commonwealth.

(c) “Compensation” means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

(d) “Doing business” means any one or any combination of sales, purchases, leases or contracts to, from, or with the Commonwealth or any Commonwealth agency in an amount in excess of \$5,000 in any 12 consecutive months.

(e) “Expenditure” means a payment, distribution, loan advance, deposit, or gift of money or anything of value.

(f) “Financial interest” means:

(1) Any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$5,000 per year;

(2) Any interest with a cost or present value of \$5,000 or more; or

(3) Any interest representing more than 10 percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organization for profit; provided, however, financial interest shall not include:

(i) Any interest of the spouse of an official or employee which interest is related to the spouse’s independent occupation, profession or employment;

(ii) Any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934 [15 U.S.C. § 77b et seq.];

(iii) The authorized compensation paid to a public official or public employee for his office or employment;

(iv) Any economic benefit provided equally to all residents of the Commonwealth;

(v) A time or demand deposit in a financial institution; or

(vi) An endowment or insurance policy or annuity contract purchased from an insurance company.

(g) “Gift” means a payment or enrichment to the extent that consideration of equal or greater value is not received. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person’s status as a candidate. The term does not include the following:

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(1) Informational material such as books, reports, pamphlets, calendars, or periodicals.

(2) A gift that:

(i) Is not used; and

(ii) No later than 30 days after receipt is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for tax purposes.

(3) A gift from an individual's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subsection.

(4) A devise or inheritance.

(5) A personalized plaque or trophy with a value that does not exceed \$500.

(6) A campaign contribution required to be reported under this part.

(h) "Immediate family" means an unemancipated child residing in a candidate's household, a spouse of a candidate, or an individual claimed by that candidate or that candidate's spouse as a dependent for tax purposes.

(i) "Loan" means a transfer of money, property, or anything of value in exchange for an obligation, conditional or not, to repay in whole or in part.

(j) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

(k) "Public employee" means an individual who is an appointed employee of the Commonwealth government, whether part-time or full-time.

(l) "Public official" means any person holding any elected office of the Commonwealth or any appointed, nonemployee member of the Commonwealth government, including members of boards, commissions, and task forces.

(m) "Relative" means a person who is related to an official or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

Source: PL 8-11, § 1 (§ 8404), modified.