

6/23/95

COMMITTEE ON EXECUTIVE BRANCH AND LOCAL GOVERNMENT

SUMMARY OF ISSUES WITH RESPECT TO ARTICLE XIX: CODE OF ETHICS

ARTICLE XIX: CODE OF ETHICS now reads:

Section 1: Code of Ethics

The legislature shall enact a comprehensive code of ethics which shall apply to appointed and elected officers and employees of the Commonwealth and its political subdivisions, including members of boards, commissions, and other instrumentalities. The code of ethics shall include a definition of proper conduct for members of the legislature with conflicts of interest and a definition of the proper scope of debate in the legislature, shall require disclosure of financial or personal interests sufficient to prevent conflicts of interest in the performance of official duties, shall define the offense or corrupt solicitation of public officials, and shall provide for punishment of offenses by fine and imprisonment.

1. This section is entirely legislative. It provides only that the legislature shall take action to create a code of ethics. Part of this section was included in the 1976 Constitution to apply to the executive branch. This section was made into a separate article and expanded by the 1985 amendments. Should it be deleted?
2. Should this section be replaced with a provision that prohibits any elected official paid by the government on a full-time basis from holding any other office or employment for compensation during the term of office.
 - Should this be limited to the public sector
 - Should this cover the public sector and the private sector?
3. The reference to "the offense or corrupt solicitation of public officials" is probably a typographical error. This should be corrected to "the offense of corrupt solicitation of public officials if this section is left in the Constitution.