

No. 1980-143

AN ACT

SB 1346

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," prohibiting fee sharing among township officers, employes and consultants or persons contracting for personal service with the township.

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

Section 1. Section 802, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567), is amended by adding a subsection to read:

Section 802. Letting Contracts.—* * *

(h) No person, consultant, firm or corporation contracting with a township for purposes of rendering personal or professional services to the township shall share with any township officer or employe, and no township officer or employe shall accept, any portion of the compensation or fees paid by the township for the contracted services provided to the township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of supervisors.

(2) The board of supervisors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of the commensurate for similar personal or professional services.

Section 2. Section 806 of the act is amended to read:

Section 806. Engineers and Architects Not to Be Interested in Contracts.—It shall be unlawful for any architect or engineer, in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, to bid on any public work at any letting of such work in such township.

It shall also be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect or engineer in the employ of the township.

It shall also be unlawful for any architect or engineer in the employ of a township to be in any wise interested in any contract for public work in such township, or receive any remuneration or gratuity from

any person interested in such contract *except under the terms and conditions as provided in section 802(h)*.

Any person who violates any of the provisions of this section, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or undergo imprisonment of not more than six months, or both, in the discretion of the court, and shall forfeit his office.

Section 3. This act shall take effect in 60 days.

APPROVED—The 5th day of October, A. D. 1980.

DICK THORNBURGH