

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, FEBRUARY 15, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 15

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

O Gracious God, our Father, who has given us the privilege of helping to govern this great Commonwealth which You have given, we give You thanks. We thank You for our executive office, our legislative domain, our halls of justice, our colleges and universities, and all of our other institutions.

Bless and keep all of us who hold positions of trust. We are grateful for the honor vouchsafed to us and ask You to prepare us for greater service.

Reform whatever is amiss in our temper and disposition so that inordinate desires may never overrule our good sense and our decisions. Grant that we may always keep the welfare of Your people ever before us.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the Journal of Tuesday, February 14, 1989, will be postponed in its approval until printed. The Chair hears no objection.

Members are requested to assemble promptly on the floor of the House. We will be taking the master roll call very shortly and begin our deliberations. We have much business to conclude today, and we ask all members to come promptly to the floor of the House so we may begin.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip for leaves of absence.

Mr. DeWEESE. Mr. Speaker, the gentleman from Philadelphia, Mr. CARN, a temporary leave for today - a temporary leave. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the temporary leave for Mr. Carn will be granted. The Chair hears no objection.

The Chair recognizes the minority whip, who indicates there are no leaves requested this morning for the minority.

HOUSE BILLS INTRODUCED AND REFERRED

No. 492 By Representatives J. L. WRIGHT, MORRIS, GODSHALL, DIETTERICK, HERSHEY, GIGLIOTTI, BIRMELIN, SAURMAN, SEMMEL, TRELLO, VROON, B. SMITH, LEH, LAUGHLIN, COY, FARGO, MELIO, BUNT, HAGARTY, ARGALL, MAIALE, FOX, SERAFINI, PITTS, E. Z. TAYLOR, CORRIGAN, WILSON, LANGTRY and ROBINSON

An Act prohibiting the operation of any railroad engine by a person convicted of driving under the influence; requiring employers to make certain background checks; and providing penalties.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 493 By Representatives CORRIGAN, COLE, FOX, DALEY, KOSINSKI, REBER, CAWLEY, McCALL, MELIO, MICOZZIE, HALUSKA, NAHILL, PISTELLA, COLAIZZO, SERAFINI, VAN HORNE, RAYMOND, HECKLER, LEVDANSKY, BILLOW and VEON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the fee for registration plates for volunteer firemen.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 494 By Representatives CORRIGAN, LETTERMAN, COLE, COWELL, FOX, DALEY, KOSINSKI, REBER, CAWLEY, McCALL, MELIO, MICOZZIE, STABACK, HALUSKA, NAHILL, DeLUCA, PISTELLA, JOHNSON, CORNELL,

COLAIZZO, COY, SERAFINI,
VAN HORNE, RAYMOND, BELARDI,
LEVDANSKY, BILLOW, LAUGHLIN and
VEON

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for an exclusion from the Pennsylvania personal income tax of earnings expended for work as a volunteer firefighter, ambulance or rescue squad member.

Referred to Committee on FINANCE, February 15, 1989.

No. 495 By Representatives CORRIGAN,
LETTERMAN, FOX, DALEY, KOSINSKI,
CAWLEY, McCALL, MICOZZIE,
STABACK, HALUSKA, NAHILL,
PISTELLA, JOHNSON, CORNELL,
COLAIZZO, COY, RAYMOND, BILLOW,
LAUGHLIN, VEON and PETRARCA

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing an exclusion for sales to public or private libraries.

Referred to Committee on FINANCE, February 15, 1989.

No. 496 By Representatives CORRIGAN, DALEY,
KOSINSKI, CAWLEY, MICOZZIE,
PISTELLA, JOHNSON, COLAIZZO,
VAN HORNE, BILLOW and VEON

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further exempting certain retail sales to certain organizations.

Referred to Committee on FINANCE, February 15, 1989.

No. 497 By Representatives CORRIGAN, DALEY,
KOSINSKI, CAWLEY, MICOZZIE,
PISTELLA, JOHNSON, COLAIZZO,
GODSHALL and VEON

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining "tangible personal property" with respect to new manufactured housing; and further providing for the imposition of the tax thereon.

Referred to Committee on FINANCE, February 15, 1989.

No. 498 By Representatives CORRIGAN,
LETTERMAN, COLE, DALEY,
KOSINSKI, REBER, CAWLEY, MELIO,
MICOZZIE, PISTELLA, JOHNSON,
COLAIZZO, SERAFINI, HECKLER,
BELARDI, LEVDANSKY, BILLOW and
VEON

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," providing for an increase in use and occupancy permit fees for the support of volunteer fire departments and ambulance and rescue squads.

Referred to Committee on LOCAL GOVERNMENT,
February 15, 1989.

No. 499 By Representatives CORRIGAN, FOX,
DALEY, KOSINSKI, CAWLEY,
STABACK, PISTELLA, JOHNSON,
COLAIZZO, BELARDI, BILLOW and
VEON

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable non-school service.

Referred to Committee on EDUCATION, February 15, 1989.

No. 500 By Representatives CORRIGAN,
LASHINGER, DALEY, REBER, CAWLEY,
HALUSKA, PISTELLA, COLAIZZO,
BILLOW and VEON

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," authorizing the establishment of boards of health; providing for their powers and duties; and making repeals.

Referred to Committee on LOCAL GOVERNMENT,
February 15, 1989.

No. 501 By Representatives CORRIGAN, DALEY,
CAWLEY, HALUSKA, DeLUCA,
PISTELLA, JOHNSON, COLAIZZO and
VEON

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for the mailing of tax notices.

Referred to Committee on LOCAL GOVERNMENT,
February 15, 1989.

No. 502 By Representatives CORRIGAN,
LETTERMAN, DALEY, CAWLEY,
PISTELLA, COLAIZZO, BILLOW and
VEON

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for tax levies; and making a repeal.

Referred to Committee on LOCAL GOVERNMENT,
February 15, 1989.

No. 503 By Representatives CORRIGAN, DALEY,
CAWLEY, PISTELLA and COLAIZZO

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," prohibiting an elected official of a borough from serving as an employee of that borough in certain instances.

Referred to Committee on LOCAL GOVERNMENT,
February 15, 1989.

No. 504 By Representatives CORRIGAN, DALEY,
CAWLEY, PISTELLA, LAUGHLIN and
VEON

An Act imposing limitations on the use of eminent domain by municipalities to obtain certain real estate or facilities; providing for certain additional court proceedings; and making certain repeals.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 505 By Representatives FREEMAN, DURHAM, DeLUCA, PRESSMANN, RITTER, LETTERMAN, PERZEL, McHALE, PISTELLA, KUKOVICH, MARKOSEK, KOSINSKI, TIGUE, OLIVER, MICHLOVIC, MICOZZIE, BELARDI, BILLOW, VEON, ACOSTA, HOWLETT, ITKIN and LAUGHLIN

An Act providing for item pricing.

Referred to Committee on CONSUMER AFFAIRS, February 15, 1989.

No. 506 By Representatives BATTISTO, McCALL, STABACK, BRANDT, BIRMELIN, VROON, OLASZ, B. D. CLARK, NOYE, CARN, EVANS, OLIVER, KOSINSKI, J. TAYLOR and BURNS

An Act amending the act of April 28, 1961 (P. L. 111, No. 50), known as the "Tourist Promotion Law," further defining "eligible costs" and "regional tourist promotion agency."

Referred to Committee on BUSINESS AND COMMERCE, February 15, 1989.

No. 507 By Representatives HALUSKA, FEE, ITKIN, GODSHALL, CAPPABIANCA, KOSINSKI, TRELLO, GRUPPO, TIGUE, CORRIGAN, DALEY, MELIO, STISH, COLAIZZO, HARPER, NAHILL, DISTLER, JOHNSON, YANDRISEVITS, LEVDANSKY, BELARDI, JOSEPHS, MERRY, MAIALE, McVERRY, STABACK, HERMAN, GLADECK, PETRONE, FREEMAN, O'DONNELL, COY, VAN HORNE, RIEGER, BURNS, VROON, OLIVER, KENNEY, EVANS, BATTISTO, COLAFELLA, LESCOVITZ, LANGTRY, FOX, PRESTON, COWELL, KAISER and SCRIMENTI

An Act concerning the fluoridation of public water.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 508 By Representatives BISHOP, HAYDEN, KOSINSKI, RITTER, VEON, KUKOVICH, ROBINSON, MICOZZIE, THOMAS, NAHILL, CIVERA, TRELLO and HARPER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the changing of oil heat to gas or electric heat.

Referred to Committee on CONSUMER AFFAIRS, February 15, 1989.

No. 509 By Representatives FREIND, VROON, TRELLO, FLICK, GODSHALL, DeLUCA, CLYMER, JOHNSON, BUNT, SERAFINI, GRUPPO, ROBBINS, ADOLPH, KOSINSKI, GLADECK, GEIST, FOX, MORRIS, NAHILL, MOEHLMANN, TIGUE, DEMPSEY, ACOSTA, MICOZZIE, CAWLEY, BELARDI, CALTAGIRONE, McCALL, MERRY, SCHEETZ, D. W. SNYDER, MELIO, WESTON, SAURMAN, CIVERA, RAYMOND, BURD, RITTER, HASAY, E. Z. TAYLOR and LANGTRY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, abrogating the defense of insanity.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 510 By Representatives REINARD, RYBAK, BELARDI, SAURMAN, HALUSKA, MRKONIC, NAHILL, TIGUE, BOYES, CARLSON, SEMMEL, FARGO, RITTER, JOHNSON, PRESTON, TRELLO, LINTON, PETRONE, FLICK, CORRIGAN, FOX, O'BRIEN, NOYE, CAWLEY, GIGLIOTTI, CAPPABIANCA, MORRIS, MICOZZIE, ROBBINS, BELARDI, RAYMOND, LASHINGER, SERAFINI and DeLUCA

An Act regulating auto insurance surcharge rates.

Referred to Committee on INSURANCE, February 15, 1989.

No. 511 By Representatives REINARD, MAIALE, McVERRY, LASHINGER, TIGUE, CESSAR, RYBAK, J. L. WRIGHT, JADLOWIEC, NOYE, CORRIGAN, NAHILL, HERMAN, SCHEETZ, MELIO, PETRONE, MERRY, HECKLER, CARLSON, SEMMEL, STAIRS, CLYMER, RITTER, GLADECK, CIVERA, B. SMITH, RAYMOND, LEVDANSKY, STABACK, HOWLETT, PRESTON, BUNT, DISTLER, PHILLIPS, HAYDEN, FLICK, BOYES, CAWLEY, GIGLIOTTI, CAPPABIANCA, HALUSKA, TRICH, MORRIS, MICOZZIE, E. Z. TAYLOR, FARGO, CORNELL, COLAIZZO and MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the ownership and possession of certain weapons.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 512 By Representatives REINARD, McHALE, COY, TRELLO, GEIST, CARLSON,

HALUSKA, KUKOVICH, RAYMOND, MERRY, BUNT, HERMAN, ITKIN, DISTLER, SEMMEL, FOX, MICOZZIE, E. Z. TAYLOR, J. L. WRIGHT, MELIO, BOYES, NOYE, CAWLEY, VROON, SCHULER, GIGLIOTTI, CAPPABIANCA, LEVDANSKY, CORNELL, COLAIZZO, CIVERA and MORRIS

An Act amending the act of June 1, 1945 (P. L. 1242, No. 428), known as the "State Highway Law," requiring written notification prior to performing certain work.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 513 By Representative REINARD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighting equipment on vehicles.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 514 By Representatives SAURMAN and RYAN

An Act authorizing the release of Project 500 restrictions imposed on certain land owned by the Township of Upper Dublin, Montgomery County in return for the imposition of Project 500 restrictions on certain other land owned by the Township of Upper Dublin, Montgomery County.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 515 By Representatives REBER, MORRIS, LEH, VROON, NAHILL, KUKOVICH, LEVDANSKY, BUNT, ITKIN, E. Z. TAYLOR, ANGSTADT, MORRIS, CIVERA, ALLEN, G. SNYDER, HAGARTY, VEON and SERAFINI

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for administrative action on permits and licenses.

Referred to Committee on CONSERVATION, February 15, 1989.

No. 516 By Representatives REBER, MORRIS, KUKOVICH, VROON, BUNT, NOYE, ANGSTADT, CORNELL, LEH, G. SNYDER, HAGARTY, CARLSON, VEON and SERAFINI

An Act providing for permits for certain landfills.

Referred to Committee on CONSERVATION, February 15, 1989.

No. 517 By Representatives REBER, MORRIS, LETTERMAN, NOYE, TIGUE, BOYES, MELIO, FOX, LASHINGER, NAHILL, MICOZZIE, McVERRY, CIVERA, SCHULER, TRELLO, MERRY, G. SNYDER, DIETTERICK, S. H. SMITH,

HECKLER, SERAFINI, BISHOP, LAUGHLIN, B. SMITH, STABACK, LEH, BUNT, KUKOVICH, STEIGHNER, FLICK and RICHARDSON

An Act providing for compensation for individuals whose private water supply is rendered unusable as the result of groundwater contamination; providing for penalties; and making an appropriation.

Referred to Committee on CONSERVATION, February 15, 1989.

No. 518 By Representatives REBER, MORRIS, VEON, LASHINGER, BUNT, E. Z. TAYLOR, SCHULER, HERMAN, ALLEN, LEH, G. SNYDER and HAGARTY

An Act authorizing the incurring of indebtedness with the approval of the electors of \$40,000,000 for compensation for any person whose private water supply is rendered unusable as the result of groundwater contamination.

Referred to Committee on CONSERVATION, February 15, 1989.

No. 519 By Representatives HASAY, STUBAN and STAIRS

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," requiring certain school attendance as a condition for assistance.

Referred to Committee on YOUTH AND AGING, February 15, 1989.

No. 520 By Representatives DeLUCA, SERAFINI, BILLOW, LEVDANSKY, COHEN, S. H. SMITH, SALOOM, MRKONIC, JOHNSON, HALUSKA, DALEY, BUNT, VEON and BELARDI

An Act amending the act of December 20, 1985 (P. L. 457, No. 112), known as the "Medical Practice Act of 1985," further providing for the writing of drug prescriptions by physicians.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 521 By Representatives DeLUCA, MORRIS, MELIO, PISTELLA, COLAIZZO, COWELL, WOZNIAK, BILLOW, COHEN, VEON, LANGTRY, JOHNSON, BISHOP, DALEY, MERRY and ITKIN

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," providing for installment payment of county real estate taxes.

Referred to Committee on URBAN AFFAIRS, February 15, 1989.

No. 522 By Representatives DeLUCA, BILLOW, SERAFINI, McVERRY, HALUSKA, TIGUE, LEVDANSKY, HERMAN, PISTELLA, CAWLEY, LASHINGER, PETRARCA, VEON, MELIO, OLIVER,

LANGTRY, MICHLOVIC, JOHNSON,
BISHOP, DALEY, ITKIN and
COLAFELLA

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the location and storage of public records; and making editorial changes.

Referred to Committee on URBAN AFFAIRS, February 15, 1989.

No. 523 By Representatives DeLUCA, KOSINSKI, BILLOW, SERAFINI, FOX, McVERRY, HALUSKA, TIGUE, LEVDANSKY, MORRIS, PISTELLA, CAWLEY, LASHINGER, PETRARCA, KUKOVICH, COLAIZZO, VEON, VROON, MELIO, REBER, MICHLOVIC, JOHNSON, BISHOP, OLASZ, DALEY, FREEMAN and COLAFELLA

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," providing for the dissemination of information on job placement and job training.

Referred to Committee on LABOR RELATIONS, February 15, 1989.

No. 524 By Representatives DeLUCA, MARKOSEK, NAHILL, DISTLER, SERAFINI, HALUSKA, OLASZ, LEVDANSKY, TIGUE, PISTELLA, CAWLEY, PETRARCA, CORRIGAN, KUKOVICH, BELARDI, MELIO, RITTER, REBER, BISHOP, DALEY and COLAFELLA

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," requiring certain employers to file information concerning employees with municipalities and school districts.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 525 By Representatives DeLUCA, KOSINSKI, MARKOSEK, NAHILL, COY, MILLER, CARLSON, BUNT, McNALLY, DISTLER, SERAFINI, MICOZZIE, McVERRY, HALUSKA, HASAY, CIVERA, OLASZ, LEVDANSKY, HERMAN, BELFANTI, WOGAN, TIGUE, PISTELLA, CAWLEY, PETRARCA, CORRIGAN, BELARDI, GANNON, VEON, MELIO, RITTER, REBER, JOHNSON, MAINE, GIGLIOTTI, VAN HORNE, TRICH, DALEY and COLAFELLA

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," reducing the age requirement for claimants.

Referred to Committee on YOUTH AND AGING, February 15, 1989.

No. 526 By Representatives DeLUCA, MARKOSEK, NAHILL, KOSINSKI, COY, MILLER, CARLSON, BUNT, GODSHALL, McNALLY, DISTLER, SERAFINI, MICOZZIE, McVERRY, HALUSKA, HASAY, CIVERA, OLASZ, LEVDANSKY, HERMAN, RUDY, BELFANTI, WOGAN, TIGUE, PISTELLA, CAWLEY, PETRARCA, CORRIGAN, COLAIZZO, BELARDI, GANNON, MELIO, JOHNSON, GIGLIOTTI, DALEY and COLAFELLA

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," changing the definition of "eligible claimant."

Referred to Committee on YOUTH AND AGING, February 15, 1989.

No. 527 By Representatives J. TAYLOR, KOSINSKI, RAYMOND, KENNEY, PERZEL, WESTON, WOGAN, ACOSTA, ANGSTADT, ARGALL, BELARDI, BELFANTI, CESSAR, CIVERA, CLYMER, CORNELL, FOX, GANNON, GEIST, GODSHALL, HERMAN, JOHNSON, LASHINGER, LETTERMAN, McCALL, MILLER, NAHILL, PRESTON, REBER, RYBAK, SCHULER, SEMMEL, THOMAS, TRELLO, VEON, VROON, WOZNAK and KASUNIC

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses against elderly persons.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 528 By Representatives J. TAYLOR, KOSINSKI, EVANS, KENNEY, WESTON, CIVERA, CLYMER, GODSHALL, HOWLETT, THOMAS, TRELLO and VROON

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for truancy in school districts of the first class.

Referred to Committee on EDUCATION, February 15, 1989.

No. 529 By Representatives J. TAYLOR, KOSINSKI, KENNEY, WESTON, ANGSTADT, ARGALL, BELARDI, CIVERA, CLYMER, CORNELL, EVANS, GODSHALL, HOWLETT, NAHILL, PRESTON, RAYMOND, SERAFINI, THOMAS and WOZNAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the suspension of owner operator's license for certain abandoned vehicles.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 530 By Representatives J. TAYLOR, O'BRIEN, KOSINSKI, ACOSTA, ANGSTADT, ARGALL, BELARDI, BELFANTI, CIVERA, CORNELL, GANNON, GODSHALL, HERMAN, HOWLETT, JOHNSON, KENNEY, McCALL, MILLER, PERZEL, RAYMOND, REBER, RYBAK, SEMMEL, SERAFINI, E. Z. TAYLOR, TRELLO, THOMAS, VROON, WESTON and WOGAN

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further determining eligibility.

Referred to Committee on YOUTH AND AGING, February 15, 1989.

No. 531 By Representatives J. TAYLOR, KOSINSKI, ANGSTADT, ARGALL, CIVERA, CORNELL, GEIST, GODSHALL, HOWLETT, KENNEY, LETTERMAN, McCALL, MERRY, MILLER, NOYE, RAYMOND, RYBAK, SEMMEL, SERAFINI, TRELLO, VROON, WESTON, WOGAN, WOZNIAK and HECKLER

An Act amending the act of July 27, 1967 (P. L. 186, No. 58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the wilful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery," further providing for limitation of liability.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 532 By Representatives GLADECK, NAHILL, GEIST, E. Z. TAYLOR, FOX, CIVERA, DORR, VEON, WOGAN, REBER, TIGUE, BUNT, SAURMAN, CORNELL, J. L. WRIGHT, FARMER, BELARDI, COY, NOYE, MAIALE, KASUNIC and RAYMOND

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), known as the "Emergency Medical Services Act," further providing for the duties of the Secretary of Health, of the Pennsylvania Trauma Systems Foundation and of the emergency medical services councils.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 533 By Representatives GLADECK, BUNT, TRELLO, J. L. WRIGHT, FOX, MAIALE, LASHINGER, GIGLIOTTI, WILLIAMS, SAURMAN, NAHILL, HERMAN, CORNELL, MICHLOVIC, VEON, ROBINSON and ANGSTADT

An Act requiring radon testing and notice before certain transactions in real property; and providing a remedy.

Referred to Committee on CONSUMER AFFAIRS, February 15, 1989.

No. 534 By Representatives RICHARDSON, O'DONNELL, LINTON, ITKIN, TRELLO, COHEN, CARN, KUKOVICH, TIGUE, KASUNIC, VEON, HARPER, DORR, SAURMAN, FREEMAN, BATTISTO, COWELL, McVERRY, LASHINGER, CAWLEY, ACOSTA, BISHOP, EVANS, HUGHES, JAMES, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, REBER and DeWEESE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," changing the Department of Public Welfare to the Department of Human Services; and making related substantive and editorial changes.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 535 By Representatives RICHARDSON, O'DONNELL, LINTON, ITKIN, TRELLO, COHEN, CARN, KUKOVICH, TIGUE, KASUNIC, VEON, HARPER, DORR, SAURMAN, FREEMAN, BATTISTO, COWELL, McVERRY, LASHINGER, CAWLEY, ACOSTA, BISHOP, EVANS, HUGHES, JAMES, OLIVER, PRESTON, ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, REBER and DeWEESE

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," changing references to the Department of Public Welfare and Secretary of Public Welfare to the Department of Human Services and Secretary of Human Services; and making editorial changes.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 536 By Representatives CLYMER, PETRARCA, DININNI, PHILLIPS, FLEAGLE, BURNS and REINARD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle."

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 537 By Representative PIEVSKY

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Referred to Committee on APPROPRIATIONS, February 15, 1989.

No. 538 By Representative PIEVSKY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Referred to Committee on APPROPRIATIONS, February 15, 1989.

No. 539 By Representatives DeWEESE, KUKOVICH, CALTAGIRONE, O'DONNELL, KOSINSKI, BLAUM, EVANS, ROBINSON, VEON, McHALE, MORRIS, BOYES, FLICK, CORRIGAN, MELIO, BELARDI, CAPPABIANCA, FREEMAN, TIGUE, FOX, DALEY, HAGARTY, CAWLEY, MERRY, BUNT, JOSEPHS, D. W. SNYDER, COY, COLAIZZO, BELFANTI, BATTISTO, PISTELLA, GIGLIOTTI, RITTER, HASAY, HECKLER, LEVDANSKY, HERMAN, BILLOW, HAYDEN and PRESSMANN

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, changing provisions relating to judicial discipline; and providing for financial disclosure.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 540 By Representatives SCRIMENTI and KUKOVICH

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," reestablishing and continuing the Pennsylvania Housing Finance Agency.

Referred to Committee on APPROPRIATIONS, February 15, 1989.

No. 541 By Representatives SALOOM, BILLOW, MORRIS, DALEY, VAN HORNE, McVERRY, BISHOP, LAUGHLIN, TANGRETTI, B. D. CLARK, VEON, RICHARDSON, HUGHES, GEORGE, DeWEESE and RIEGER

An Act amending the act of September 27, 1961 (P. L. 1700, No. 699), known as the "Pharmacy Act," defining "support personnel"; requiring certain medical practitioners to comply with the act; requiring the board to register support personnel, regulate mail-order pharmacies and certain contracts; and imposing restrictions on certain contracts by licensed pharmacists.

Referred to Committee on PROFESSIONAL LICENSURE, February 15, 1989.

No. 542 By Representatives SALOOM, TIGUE, VEON, DALEY, REBER, KENNEY, BISHOP and PETRARCA

An Act amending the act of December 19, 1988 (P. L. , No. 156), known as the "Local Option Small Games of Chance Act," further providing for age restrictions for small games of chance participation.

Referred to Committee on LIQUOR CONTROL, February 15, 1989.

No. 543 By Representatives SALOOM, VEON, DALEY, BISHOP, LAUGHLIN and PETRARCA

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for membership on the county salary board.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 544 By Representatives PERZEL, SERAFINI, FOX, CIVERA, DEMPSEY, JOHNSON, KOSINSKI, WOGAN, RITTER, NOYE, HERMAN, BARLEY, REBER, GRUPPO, GEIST, HUGHES, HECKLER, TRELLO, HESS, McHALE, BOYES, OLASZ, CORNELL, J. TAYLOR, B. SMITH and McVERRY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a space to insert a driver's blood type on a driver's license.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 545 By Representatives PERZEL, CIVERA, JOHNSON, KOSINSKI, MRKONIC, REBER, GEIST, TRELLO, BOYES and HUGHES

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for hijack lights.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 546 By Representatives PERZEL, FOX, CIVERA, DEMPSEY, KOSINSKI, TRELLO and BOYES

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further prohibiting unfair practices relating to certain adopted disabled minor children.

Referred to Committee on INSURANCE, February 15, 1989.

No. 547 By Representatives PERZEL and TRELLO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a defense for certain victims of crimes in civil cases.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 548 By Representatives PERZEL, SERAFINI, FOX, DEMPSEY, KOSINSKI, BARLEY, LEH, GEIST, TRELLO, McHALE, CLYMER and OLASZ

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," providing for readings from the Declaration of Independence in the schools; and making an editorial correction.

Referred to Committee on EDUCATION, February 15, 1989.

No. 549 By Representatives REINARD, McHALE, KUKOVICH, COY, VEON, HECKLER, BUNT, NOYE, HALUSKA, ITKIN, WOGAN, ROBBINS, E. Z. TAYLOR, McVERRY, CAWLEY, VROON, GIGLIOTTI, CAPPABIANCA, TRICH, MORRIS, MICOZZIE, LEVDANSKY, OLASZ, CORNELL, RAYMOND and LASHINGER

An Act amending the act of November 26, 1978 (P. L. 1212, No. 286), referred to as the "Inspection of Employment Records Law," changing the definition of "employee."

Referred to Committee on LABOR RELATIONS, February 15, 1989.

No. 550 By Representatives REINARD, HALUSKA, COY, RAYMOND, BUNT, FARMER, DISTLER, E. Z. TAYLOR, MELIO, NOYE, CAWLEY, GIGLIOTTI, CAPPABIANCA, CORRIGAN, MICOZZIE, COLAIZZO and CIVERA

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ordinances setting fines and penalties.

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

No. 551 By Representatives REINARD, COY, BUNT, HALUSKA, CARLSON, HECKLER, D. W. SNYDER, STABACK, HERMAN, ANGSTADT, DISTLER, SEMMEL, MICOZZIE, E. Z. TAYLOR, CAWLEY, GIGLIOTTI, CAPPABIANCA, OLASZ and RAYMOND

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," providing that no lottery funds shall be used for the benefit of persons who are not citizens of the United States.

Referred to Committee on FINANCE, February 15, 1989.

No. 552 By Representatives REINARD, TRELLO, J. L. WRIGHT, PETRARCA, TIGUE, HALUSKA, DISTLER, FOX, FARMER, JADLOWIEC, STABACK, KOSINSKI, WOGAN, McVERRY, CIVERA, GEIST, JOHNSON, LANGTRY, SEMMEL, NOYE, CAWLEY, GIGLIOTTI, CAPPABIANCA, DORR, MORRIS, MICOZZIE and CORNELL

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," further providing for the examination of applicants.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 553 By Representatives GEORGE, SALOOM, RITTER, COLAIZZO, VEON, VROON,

PRESTON, BOYES, MERRY, DISTLER, HERMAN, FOX, CIVERA, TRELLO, BUNT and BELARDI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of a junior driver's license only upon completion of a standardized driver training course.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 554 By Representatives CALTAGIRONE, MAYERNIK, LaGROTTA and MOEHLMANN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing and penalties for trafficking drugs to minors.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 555 By Representatives CALTAGIRONE, MAYERNIK and LaGROTTA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the arrest and detention of persons wanted in other counties.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 556 By Representatives CALTAGIRONE, MAYERNIK and LaGROTTA

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing for the restriction of motor vehicle operating privileges for violations of the act.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 557 By Representatives WOGAN, KOSINSKI, WESTON, LANGTRY, TRELLO, PHILLIPS, ITKIN, NAHILL, LASHINGER, RAYMOND, KENNEY, J. TAYLOR, CIVERA, SAURMAN, BELARDI, GANNON and OLASZ

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," imposing maintenance responsibilities concerning certain streets on the authority, municipalities and the Commonwealth of Pennsylvania.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 558 By Representatives WOGAN, KOSINSKI, FOX, STAIRS, STABACK, J. L. WRIGHT, NAHILL, DeLUCA, COY, HECKLER, SERAFINI, CARLSON, BUNT, WESTON, McVERRY, MAIALE, TIGUE, OLASZ, BELFANTI, CIVERA, MICOZZIE, McHALE, FARMER, SAURMAN, BILLOW, HESS, CORNELL, GANNON,

RYBAK, VEON, WOZNIAK, J. TAYLOR, GEIST, BELARDI, HAGARTY, MICHLOVIC, RAYMOND, GIGLIOTTI, O'DONNELL, RICHARDSON, DALEY, ITKIN, COLAFELLA and E. Z. TAYLOR

An Act regulating the operation of pet shops; providing for the licensing of pet shop operators; imposing duties on the Department of Agriculture; and providing for penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 15, 1989.

No. 559 By Representatives PISTELLA, CAWLEY, RICHARDSON, TIGUE, BELARDI, BLAUM, DeWEESE, KUKOVICH, LASHINGER, LINTON, JOSEPHS, HUGHES, KASUNIC, PRESSMANN, WAMBACH, NAHILL, SERAFINI, RITTER, MAINE, DIETTERICK, CIVERA, DOMBROWSKI, COWELL, BELFANTI, MRKONIC, JAROLIN, CAPPABIANCA, STEIGHNER, STABACK, McCALL, FEE, LESCOVITZ, COLAFELLA, VEON, WOZNIAK, FOX, RUDY, HALUSKA, MICHLOVIC, MELIO, DeLUCA, PETRONE, TRELLO, VAN HORNE, LEVDANSKY, BUNT, RYBAK, BORTNER, SALOOM, KOSINSKI, DALEY, COHEN and HARPER

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for eligibility for assistance.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 560 By Representatives PETRONE, FEE, DeLUCA, HALUSKA, TRELLO, BELFANTI, VEON, PISTELLA, McCALL, NOYE, DISTLER, GIGLIOTTI, HERMAN, CAWLEY, HESS, VAN HORNE, CORRIGAN, COLAIZZO, FARGO, J. L. WRIGHT, DALEY, WOZNIAK, GRUPPO, PETRARCA and HOWLETT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing an opportunity for municipalities to purchase real property being disposed of by public utilities engaged in a railroad business.

Referred to Committee on CONSUMER AFFAIRS, February 15, 1989.

No. 561 By Representatives PETRONE, GEIST, LINTON, TRELLO, McVERRY, B. SMITH, VEON, COLAFELLA, LESCOVITZ, CARLSON, LaGROTTA, JACKSON, PICCOLA, NAILOR, LAUGHLIN, MARSICO, COLE, PRESTON, CAPPABIANCA, FOX, GIGLIOTTI and DeLUCA

An Act providing for the selection of registered architects, professional engineers, landscape architects and land surveyors to provide professional services to Commonwealth agencies.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 562 By Representatives PETRONE, CAWLEY, BELFANTI, DISTLER, TRELLO, HOWLETT, JOHNSON, PETRARCA, LETTERMAN, KOSINSKI, VEON, PISTELLA, McCALL, COLAFELLA, FEE, GIGLIOTTI, FOX, McVERRY, VAN HORNE, COLAIZZO, HALUSKA, J. L. WRIGHT, CORNELL, DALEY, WOZNIAK and GRUPPO

An Act providing for tax credits for investments that result in new jobs.

Referred to Committee on FINANCE, February 15, 1989.

No. 563 By Representatives PETRONE, ITKIN, OLIVER and HOWLETT

An Act making an additional appropriation to the Department of Transportation.

Referred to Committee on APPROPRIATIONS, February 15, 1989.

No. 564 By Representatives PETRONE, LETTERMAN, DeLUCA, McVERRY, TRELLO, KOSINSKI, HOWLETT, JOHNSON, OLASZ, OLIVER, PETRARCA, REBER, DALEY, CORNELL, J. L. WRIGHT, FARGO, HALUSKA, WOGAN, CAWLEY, GIGLIOTTI, PISTELLA and VEON

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further providing for notices of cancellation of insurance policies.

Referred to Committee on INSURANCE, February 15, 1989.

No. 565 By Representatives PETRONE, TRELLO, CAWLEY, HALUSKA, RYBAK, LAUGHLIN, PISTELLA, KOSINSKI, DALEY, J. L. WRIGHT and HOWLETT

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for election expenses.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 566 By Representatives PETRONE, MELIO, CAWLEY, SAURMAN, CORNELL, PETRARCA, TRELLO, GIGLIOTTI, KOSINSKI, VEON, PISTELLA, LAUGHLIN, J. L. WRIGHT, DALEY, OLIVER, GEIST and HOWLETT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for antitheft devices; and providing a penalty.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 567 By Representatives PETRONE, BELFANTI, FOX, VAN HORNE, KOSINSKI, VEON, PISTELLA, LAUGHLIN, TRELLO, GIGLIOTTI, SAURMAN, HERMAN, CAWLEY, LASHINGER, MELIO, J. L. WRIGHT, CORNELL, DALEY, REBER, OLIVER, OLASZ, GEIST and HOWLETT

An Act providing for reductions in automobile insurance rates for motor vehicles equipped with antitheft devices.

Referred to Committee on INSURANCE, February 15, 1989.

No. 568 By Representatives WESTON, HAGARTY, JOSEPHS, McCALL, BELFANTI, DeLUCA, FOX, GIGLIOTTI, PERZEL, NAHILL, CAWLEY, KASUNIC, RITTER, SERAFINI, E. Z. TAYLOR, MAIALE, LEVDANSKY, BELARDI, J. L. WRIGHT, WOGAN, PISTELLA, HUGHES, CIVERA, J. TAYLOR, GRUPPO, OLIVER and RAYMOND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring seat belts for school buses; and providing penalties.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 569 By Representatives HAGARTY, MORRIS, HECKLER, LETTERMAN, FOX, RYBAK, NAHILL, VROON, BUNT, SAURMAN, CIVERA, RICHARDSON, BISHOP, SERAFINI, VEON, LAUGHLIN, SEMMEL, MICHLOVIC, BILLOW, ITKIN and E. Z. TAYLOR

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for conversion condominiums.

Referred to Committee on CONSUMER AFFAIRS, February 15, 1989.

No. 570 By Representatives HAGARTY, BLAUM, MOEHLMANN, HECKLER, RITTER, McVERRY, VEON, O'BRIEN, MORRIS, JACKSON, TIGUE, FARMER, BATTISTO, HERMAN, DEMPSEY, KUKOVICH, NAHILL, VROON, SCHEETZ, BELARDI, MERRY, MAINE, CLYMER, JOHNSON, WESTON, SAURMAN, CIVERA, BISHOP, LEVDANSKY, MICHLOVIC, BILLOW, MARSICO, GRUPPO, J. TAYLOR and E. Z. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for spousal privilege in evidence.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 571 By Representatives LUCYK, STUBAN, BROUJOS, BATTISTO and CALTAGIRONE

An Act designating February 16 of each year as "Lithuanian Independence Day."

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 572 By Representatives LEVDANSKY, GEORGE, MANDERINO, MICHLOVIC, JAROLIN, KUKOVICH, VEON, MORRIS, CORRIGAN, TIGUE, MELIO, KOSINSKI, SERAFINI, PISTELLA, HERMAN, LUCYK, BELARDI, E. Z. TAYLOR, COLAIZZO, LAUGHLIN, BILLOW, BISHOP, TRELLO, GIGLIOTTI and RICHARDSON

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for powers and duties of the department, the Environmental Quality Board and the Environmental Hearing Board, for the management of hazardous waste, for permits and licenses and for enforcement; establishing the Host Municipalities Fund and providing for its administration; and making an appropriation.

Referred to Committee on CONSERVATION, February 15, 1989.

No. 573 By Representatives LEVDANSKY, VEON, TIGUE, REBER, BELARDI, SERAFINI, COLAIZZO, BUNT, PISTELLA, JOHNSON, CORRIGAN, ROBINSON, MORRIS, MELIO, BISHOP, TRELLO, BILLOW, E. Z. TAYLOR and GIGLIOTTI

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," authorizing members of the Pennsylvania State Police to enforce ordinances of political subdivisions which do not have a police force.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 574 By Representatives LEVDANSKY, PISTELLA, TRELLO, JOHNSON, CORRIGAN, MELIO, BILLOW and GIGLIOTTI

An Act providing for the qualifications and training of correctional officers and for the powers of correctional officers.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 575 By Representatives LEVDANSKY, DeWEESE, TRELLO, SERAFINI, VEON, SCHULER, CORRIGAN, BUNT, MELIO,

PISTELLA, GIGLIOTTI, BISHOP and
BILLOW

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 576 By Representatives LEVDANSKY, CORRIGAN, VEON, ROBINSON, FOX, MELIO, HERMAN, BISHOP, E. Z. TAYLOR, PISTELLA, RAYMOND, TRELLO, BILLOW, McCALL, BELARDI, COLAIZZO, RICHARDSON, MICHLOVIC and GIGLIOTTI

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the standardized driver-education program.

Referred to Committee on EDUCATION, February 15, 1989.

No. 577 By Representatives ARGALL, G. SNYDER, MARKOSEK, JAROLIN, J. L. WRIGHT, WOGAN, GODSHALL, HERSHEY, STABACK, CESSAR, NOYE, JOHNSON, DORR, BUSH, SERAFINI, SAURMAN, FOX, BURD, DEMPSEY, PHILLIPS, MRKONIC, PETRARCA, SCHULER, NAHILL, VEON, HALUSKA, REBER, GRUPPO, ALLEN, ANGSTADT, GEIST, ROBBINS, D. W. SNYDER, CIVERA, LASHINGER, McHALE, FREEMAN, DIETTERICK, RAYMOND, HESS, BORTNER, J. H. CLARK, KAISER, McCALL, CORNELL, MAINE, FLICK, McVERRY and MARSICO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," adding an exclusion from sales and use tax.

Referred to Committee on FINANCE, February 15, 1989.

No. 578 By Representatives ARGALL, SCHEETZ, RYBAK, J. L. WRIGHT, BOYES, WOGAN, B. SMITH, STABACK, CESSAR, ITKIN, NOYE, MERRY, FOX, BURD, DEMPSEY, MRKONIC, SCHULER, BARLEY, ALLEN, ANGSTADT, DeLUCA, CIVERA, McHALE, DIETTERICK, RAYMOND, HESS, J. H. CLARK, CORNELL, BELARDI, McVERRY and HECKLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the fleeing or attempting to elude police officers and for subsequent convictions of certain offenses.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 579 By Representatives ARGALL, SCHEETZ, RYBAK, J. L. WRIGHT, BOYES, WOGAN, B. SMITH, STABACK, ITKIN, NOYE, FOX, DEMPSEY, MRKONIC, SCHULER, BARLEY, GRUPPO, ALLEN, ANGSTADT, DeLUCA, McHALE, DIETTERICK, RAYMOND, McVERRY and HECKLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving while operating privilege is suspended or revoked; and for subsequent convictions of certain offenses.

Referred to Committee on TRANSPORTATION, February 15, 1989.

No. 580 By Representatives ARGALL, G. SNYDER, J. L. WRIGHT, NOYE, E. Z. TAYLOR, FOX, BURD, MRKONIC, PETRARCA, HERMAN, HALUSKA, REBER, ANGSTADT, GEIST, LASHINGER, McHALE, FREEMAN, BUNT, OLASZ and BISHOP

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," adding an exclusion from sales and use tax.

Referred to Committee on FINANCE, February 15, 1989.

No. 581 By Representatives ARGALL, ALLEN, G. SNYDER, MARKOSEK, JAROLIN, PERZEL, J. L. WRIGHT, BOYES, GODSHALL, CESSAR, NOYE, JOHNSON, DISTLER, HASAY, DORR, BUSH, SERAFINI, E. Z. TAYLOR, FOX, BURD, DEMPSEY, PHILLIPS, MRKONIC, PETRARCA, SCHULER, CLYMER, VEON, HALUSKA, MORRIS, REBER, GANNON, LEVDANSKY, FARGO, GRUPPO, ANGSTADT, ROBBINS, DeLUCA, D. W. SNYDER, CIVERA, LASHINGER, LEH, McHALE, WOZNIAK, DIETTERICK, RAYMOND, HESS, BUNT, J. H. CLARK, KAISER, REINARD, McCALL, CORNELL, FLICK, MELIO, McVERRY, HECKLER and MARSICO

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing that no tax shall be imposed on sales by volunteer firemen's, ambulance or rescue organizations.

Referred to Committee on FINANCE, February 15, 1989.

No. 582 By Representatives ARGALL, BOYES, J. L. WRIGHT, ITKIN, NOYE, JOHNSON, TIGUE, E. Z. TAYLOR, FOX, BURD, MRKONIC, PETRARCA, BARLEY, VEON, HALUSKA, MORRIS, REBER,

GANNON, FARGO, ANGSTADT, GEIST, CIVERA, McHALE, WOZNIAK, FREEMAN, DIETTERICK, RAYMOND, KAISER, REINARD, OLASZ, BELARDI and BISHOP

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," requiring notices to policyholders concerning the servicing of policies.

Referred to Committee on INSURANCE, February 15, 1989.

No. 584 By Representatives SAURMAN, ROBINSON, JACKSON, MARKOSEK, DISTLER, MELIO, TIGUE, CHADWICK, DEMPSEY, SCHULER, COLAIZZO, FOX, REBER, HALUSKA, DeLUCA, BISHOP, FREEMAN, PHILLIPS, LEVDANSKY, JOHNSON, GEIST, HERSHEY, VROON, J. H. CLARK, CIVERA, PRESTON, TRELLO, CORNELL, MICHLOVIC, STABACK, HECKLER, RYBAK, DORR, GLADECK and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the sale of tobacco; and imposing minimum penalties.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 585 By Representatives SAURMAN, ROBINSON, MARKOSEK, DISTLER, MELIO, CHADWICK, DEMPSEY, FOX, REBER, DeLUCA, KUKOVICH, PHILLIPS, GEIST, HERSHEY, JOSEPHS, CIVERA, TRELLO, COHEN, LAUGHLIN, CORNELL, MICHLOVIC, RYBAK, GLADECK and E. Z. TAYLOR

An Act prohibiting smoking in Commonwealth buildings.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 586 By Representatives SAURMAN, ROBINSON, MARKOSEK, DISTLER, CHADWICK, FOX, REBER, HALUSKA, BISHOP, KUKOVICH, FREEMAN, PHILLIPS, LEVDANSKY, GEIST, HERSHEY, McVERRY, CIVERA, TRELLO, COHEN, CORNELL, STABACK, RYBAK and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining an offense relating to free tobacco samples and confections.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 587 By Representatives SAURMAN, ROBINSON, MARKOSEK, DISTLER, MELIO, TIGUE, DEMPSEY, SCHULER,

CARLSON, FOX, REBER, HALUSKA, BISHOP, KUKOVICH, FREEMAN, PHILLIPS, LEVDANSKY, JOHNSON, GEIST, HERSHEY, VROON, JOSEPHS, CIVERA, B. SMITH, TRELLO, COHEN, LAUGHLIN, CORNELL, STABACK, HECKLER, RYBAK and E. Z. TAYLOR

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for a warning on the consumption of alcohol during pregnancy.

Referred to Committee on LIQUOR CONTROL, February 15, 1989.

No. 588 By Representatives SAURMAN, BOYES, ROBINSON, JACKSON, DIETTERICK, FARMER, MARKOSEK, DISTLER, WOGAN, NAHILL, DEMPSEY, SCHULER, CARLSON, COLAIZZO, FOX, REBER, HALUSKA, FREEMAN, GEIST, HERSHEY, VROON, McVERRY, CIVERA, HASAY, TRELLO, COHEN, D. F. CLARK, LAUGHLIN, PETRONE, CORNELL, HECKLER, LANGTRY, LASHINGER, DORR, RYBAK and E. Z. TAYLOR

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," authorizing loan forgiveness for certain nurses.

Referred to Committee on EDUCATION, February 15, 1989.

No. 589 By Representatives CARN, WESTON, JOSEPHS, THOMAS, JAMES, ROEBUCK, ACOSTA, COHEN, PRESTON, SALOOM, FOX, OLIVER, TIGUE, CAWLEY, HARPER, DALEY, ROBINSON, BELARDI, RICHARDSON, EVANS, WILLIAMS and J. TAYLOR

An Act to provide an optional automobile insurance plan to cover, at an affordable rate, all responsible drivers in cities of the first class; and creating the Philadelphia Automobile Insurance Authority and defining its powers and duties; and making an appropriation.

Referred to Committee on INSURANCE, February 15, 1989.

No. 590 By Representatives ARGALL, FREEMAN, ALLEN, J. L. WRIGHT, RYBAK, BOYES, GODSHALL, NOYE, JOHNSON, DISTLER, TIGUE, J. TAYLOR, MERRY, BURD, PHILLIPS, MRKONIC, BARLEY, MORRIS, FARGO, PISTELLA, ANGSTADT, D. W. SNYDER, LASHINGER, LEH, McHALE, WOZNIAK, VROON, DIETTERICK, RAYMOND, McCALL and BISHOP

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, establishing criteria to be followed by the Legislative Reapportionment Commission in performing its duties.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 591 By Representatives ARGALL, McCALL, ALLEN, G. SNYDER, J. L. WRIGHT, BOYES, GODSHALL, STABACK, CESSAR, NOYE, JOHNSON, DISTLER, TIGUE, HASAY, DORR, BUSH, SERAFINI, E. Z. TAYLOR, FOX, BURD, DEMPSEY, MRKONIC, PETRARCA, SCHULER, CLYMER, HERMAN, VEON, HALUSKA, MORRIS, REBER, GANNON, LEVDANSKY, GRUPPO, ANGSTADT, GEIST, ROBBINS, DeLUCA, D. W. SNYDER, LASHINGER, LEH, McHALE, FREEMAN, VROON, DIETTERICK, RAYMOND, HESS, J. H. CLARK, KAISER, CORNELL, FLICK, BELARDI, MELIO, HECKLER and MARSICO

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," providing for an exception to loan limits.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 592 By Representatives ARGALL, ALLEN, McHALE, SCHEETZ, TIGUE, PERZEL, J. L. WRIGHT, WOGAN, GODSHALL, NOYE, DISTLER, MERRY, FARMER, SAURMAN, DEMPSEY, BARLEY, ANGSTADT, CIVERA, FREEMAN, VROON, DIETTERICK, RAYMOND, BUNT and CORNELL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for vacancies in office involving members of the General Assembly.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 593 By Representatives HAGARTY, MICOZZIE, JOHNSON, BISHOP, GIGLIOTTI, E. Z. TAYLOR, J. H. CLARK, NAHILL and REBER

An Act declaring and adopting the song "Pennsylvania - Gee! It's GreatLeggiero, as the State song of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 594 By Representatives HAGARTY, LASHINGER, MICOZZIE, JOHNSON,

SAURMAN, BISHOP, GIGLIOTTI, ITKIN, BUNT, NAHILL and REBER

An Act creating the Official Pennsylvania State Song Album.

Referred to Committee on STATE GOVERNMENT, February 15, 1989.

No. 595 By Representatives PERZEL, KOSINSKI, DEMPSEY, CIVERA, CAWLEY and GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, clarifying a certain exception to the Pennsylvania Uniform Firearms Act relating to prison guards.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 596 By Representatives PERZEL, KOSINSKI, CAWLEY, CIVERA, ROBINSON, THOMAS, GANNON and SERAFINI

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for medical assistance eligibility.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 597 By Representatives PERZEL, CAWLEY, CIVERA, GANNON and SERAFINI

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for spousal property.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 598 By Representatives PERZEL, MRKONIC, RYBAK, KOSINSKI, CORNELL, DIETTERICK, NAHILL, COLAIZZO, CAWLEY, FARGO, CIVERA, RITTER, J. TAYLOR, ROBINSON, GANNON, OLASZ, SERAFINI and ACOSTA

An Act authorizing economically disadvantaged senior citizens to defer their property tax liabilities.

Referred to Committee on YOUTH AND AGING, February 15, 1989.

No. 599 By Representatives PERZEL, MRKONIC, BOYES, GEIST, KOSINSKI, SCHULER, E. Z. TAYLOR, CORNELL, NAHILL, COLAIZZO, CAWLEY, FOX, CIVERA, GANNON and SERAFINI

An Act providing for the waiver of tuition at certain colleges and universities for dependent children of police officers, firefighters and members of ambulance services and rescue squads who are killed in the performance of their duties; and making a repeal.

Referred to Committee on EDUCATION, February 15, 1989.

No. 600 By Representatives PERZEL,
E. Z. TAYLOR, CAWLEY, LEH and
CIVERA

An Act providing for the testing of certain persons for acquired immune deficiency syndrome and for further duties of the Department of Health; and providing penalties.

Referred to Committee on HEALTH AND WELFARE, February 15, 1989.

No. 601 By Representatives PERZEL, BOYES,
KOSINSKI, SCHULER, E. Z. TAYLOR,
CORNELL, CAWLEY, REINARD,
CIVERA and J. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of graffiti mischief; and providing penalties.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 602 By Representatives HAGARTY and
LASHINGER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for penalties for certain indirect criminal contempts.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 603 By Representative HAGARTY

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the "Loan Interest and Protection Law," imposing a limitation on service charges and finance charges.

Referred to Committee on BUSINESS AND COMMERCE, February 15, 1989.

No. 604 By Representative HAGARTY

An Act amending the act of January 30, 1974 (P. L. 13, No. 6), referred to as the "Loan Interest and Protection Law," providing for the payment of interest by residential mortgage lenders on certain amounts held in escrow.

Referred to Committee on BUSINESS AND COMMERCE, February 15, 1989.

No. 605 By Representatives BARLEY, HARPER,
VROON, SCHULER, LETTERMAN,
D. W. SNYDER, SEMMEL, STAIRS,
PHILLIPS, MORRIS, SAURMAN,
HERSHEY, BILLOW, GODSHALL,
CIVERA, VEON, J. TAYLOR, LEH,
McVERRY, E. Z. TAYLOR,
YANDRISEVITS and CORRIGAN

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), known as the "Board of Vehicles Act," further providing for mobile home parks.

Referred to Committee on PROFESSIONAL LICENSURE, February 15, 1989.

No. 606 By Representatives BARLEY, HARPER,
VROON, SCHULER, LETTERMAN,

D. W. SNYDER, SEMMEL, STAIRS,
PHILLIPS, MORRIS, SAURMAN,
HERSHEY, BILLOW, GODSHALL,
CIVERA, VEON, J. TAYLOR, LEH,
McVERRY, E. Z. TAYLOR,
YANDRISEVITS and CORRIGAN

An Act amending the act of November 24, 1976 (P. L. 1176, No. 261), known as the "Mobile Home Park Rights Act," further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment, and for overnight guests.

Referred to Committee on APPROPRIATIONS, February 15, 1989.

No. 607 By Representatives CAPPABIANCA,
FARGO, ITKIN, SERAFINI, SALOOM,
DISTLER, TIGUE, GRUPPO,
VAN HORNE, SEMMEL, MORRIS,
MOEHLMANN, DeLUCA, HERMAN,
RITTER, McVERRY, TRELLO,
LEVDANSKY, WOZNIK, VEON,
ACOSTA, BOWLEY, HALUSKA,
BELARDI, ROBINSON, PRESTON,
MAIALE, CAWLEY and SCRIMENTI

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," extending the scope of the corporate net income tax.

Referred to Committee on FINANCE, February 15, 1989.

No. 608 By Representatives HAGARTY, GANNON,
REINARD, LASHINGER, GEIST,
WOGAN, JADLOWIEC, MORRIS,
JACKSON, J. L. WRIGHT, FOX,
RAYMOND, HERMAN, MICOZZIE,
ARGALL, REBER, NAHILL, MERRY,
CAPPABIANCA, DeLUCA,
D. W. SNYDER, JOHNSON, CIVERA,
BISHOP, McVERRY, SERAFINI,
LAUGHLIN, SEMMEL, MICHLOVIC,
BILLOW, RITTER, J. TAYLOR,
HECKLER, ITKIN and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing enforcement procedures with respect to providing financial responsibility and penalties for failure to provide financial responsibility.

Referred to Committee on INSURANCE, February 15, 1989.

No. 609 By Representatives HAGARTY, CAWLEY,
DURHAM, MELIO, FLICK, LASHINGER,
GEIST, JACKSON, LETTERMAN, TIGUE,
FOX, RAYMOND, MICOZZIE, TRELLO,
REBER, NAHILL, SCHEETZ, STABACK,
BUNT, CAPPABIANCA, HALUSKA,
DeLUCA, LINTON, JOHNSON,
SAURMAN, CIVERA, RICHARDSON,
McVERRY, KENNEY, SERAFINI,

GIGLIOTTI, LAUGHLIN, B. SMITH,
MICHLOVIC, BILLOW, RITTER,
J. TAYLOR, HECKLER, ITKIN and
E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for limitations on insurance premium increases.

Referred to Committee on INSURANCE, February 15, 1989.

No. 610 By Representatives MAYERNIK,
CALTAGIRONE, McVERRY, KOSINSKI,
REBER, McNALLY, HAGARTY,
HECKLER, PICCOLA and MOEHLMANN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful collection agency practices.

Referred to Committee on JUDICIARY, February 15, 1989.

No. 611 By Representatives PRESSMANN, PERZEL,
TRELLO, COY, COLAIZZO, RITTER,
WASS, COWELL, LETTERMAN,
CAPPABIANCA, DALEY, VAN HORNE,
WOZNAK, PISTELLA, MARKOSEK,
SEMMEL, KOSINSKI, KUKOVICH,
RYBAK, PHILLIPS, REBER, ROBINSON,
EVANS, CAWLEY, JOSEPHS, GEIST,
TANGRETTI, DeLUCA, VEON,
FREEMAN, DORR, WAMBACH,
DOMBROWSKI, FOX, ANGSTADT,
MAIALE, J. L. WRIGHT, BELFANTI,
RAYMOND, MELIO, E. Z. TAYLOR,
HAGARTY, McVERRY, CARN, CIVERA,
MAINE, McHALE, YANDRISEVITS,
MORRIS, WILLIAMS, BELARDI,
BILLOW, CORRIGAN, LESCOVITZ,
LINTON, McCALL, TRICH, MILLER,
PRESTON, DeWEESE, HUGHES,
HOWLETT, KASUNIC, CORNELL,
GODSHALL, GLADECK, BUNT and
NAHILL

An Act amending the act of November 29, 1967 (P. L. 636, No. 292), known as the "Neighborhood Assistance Act," further providing for the maximum amount of tax credit.

Referred to Committee on FINANCE, February 15, 1989.

No. 612 By Representatives RICHARDSON,
HAGARTY, LINTON, DeWEESE,
ACOSTA, BISHOP, CARN, EVANS,
HARPER, HUGHES, JAMES, OLIVER,
PRESTON, ROBINSON, ROEBUCK,
THOMAS, WILLIAMS, R. C. WRIGHT,
KOSINSKI, KUKOVICH, CAWLEY,
TIGUE, BILLOW, DALEY, HECKLER,
HAYDEN, BORTNER, REBER, McVERRY
and MILLER

An Act providing for official visitation of prisons.

Referred to Committee on JUDICIARY, February 15, 1989.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 144, PN 556

Referred to Committee on INSURANCE, February 15, 1989.

SB 145, PN 562

Referred to Committee on INSURANCE, February 15, 1989.

SB 188, PN 188

Referred to Committee on JUDICIARY, February 15, 1989.

SB 194, PN 194

Referred to Committee on JUDICIARY, February 15, 1989.

SB 232, PN 232

Referred to Committee on LOCAL GOVERNMENT, February 15, 1989.

SB 280, PN 555

Referred to Committee on CONSERVATION, February 15, 1989.

SB 281, PN 288

Referred to Committee on CONSERVATION, February 15, 1989.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 22 By Representatives J. L. WRIGHT, RYBAK,
VROON, MARKOSEK, PERZEL,
DEMPSEY, LETTERMAN, NOYE,
CAWLEY, BIRMELIN, SCHULER,
DALEY, KOSINSKI, MILLER, HERMAN,
CARLSON, ANGSTADT, WILSON,
JACKSON, MAIALE, SCHEETZ,
BARLEY, HERSHEY, PHILLIPS,
FAIRCHILD, CIVERA, OLASZ,
KASUNIC, HECKLER, PITTS, FOX,
CORNELL, TRELLO, COY, MORRIS,
MERRY, BUNT, E. Z. TAYLOR,
MAYERNIK, MELIO, CLYMER, KAISER,
CORRIGAN, STAIRS, J. TAYLOR,
JOHNSON, COLAFELLA, BILLOW, LEH,
BELFANTI and DeLUCA

Memorializing the Congress of the United States to direct the United States Postal Service to require, through regulation, that

all pieces of mail containing sexually oriented material shall have indicated on the outside of the mailing piece in a prominent location that the mailing contains such material.

Referred to Committee on RULES, February 15, 1989.

No. 23 By Representatives J. L. WRIGHT, RYBAK, VROON, MARKOSEK, PERZEL, DEMPSEY, LETTERMAN, NOYE, CAWLEY, BIRMEIN, SCHULER, DALEY, KOSINSKI, FARGO, MILLER, HERMAN, CARLSON, ANGSTADT, WILSON, JACKSON, MAIALE, WOGAN, SCHEETZ, BARLEY, HERSHEY, PITTS, FOX, CORNELL, TRELLO, COY, MORRIS, MERRY, BUNT, E. Z. TAYLOR, MAYERNIK, MELIO, CLYMER, KAISER, CORRIGAN, STAIRS, J. TAYLOR, FARMER, JOHNSON, OLASZ, COLAFELLA, BILLOW, LEH, BELFANTI, DeLUCA, PHILLIPS, FAIRCHILD, CIVERA, KASUNIC and HECKLER

Memorializing the Congress of the United States to enact legislation that would ban the distribution of mail containing sexually oriented advertisements.

Referred to Committee on RULES, February 15, 1989.

No. 25 By Representatives SALOOM, RYBAK, ROBINSON, TIGUE, PETRARCA, TRELLO, MORRIS, CARLSON, FOX, HERMAN, VEON, DALEY, E. Z. TAYLOR, BELARDI, STABACK, MELIO, COLAFELLA, DeLUCA, JOHNSON, PISTELLA, CIVERA, SERAFINI, BISHOP, HALUSKA, FREEMAN, LAUGHLIN, TRICH, TANGRETTI, HUGHES, RICHARDSON, GEORGE and DeWEESE

Memorializing Congress to enact legislation establishing a National Health Care Program.

Referred to Committee on RULES, February 15, 1989.

No. 27 By Representatives GODSHALL, ITKIN, PERZEL, VROON, COHEN, J. L. WRIGHT, JACKSON, GIGLIOTTI, KUKOVICH, STUBAN, WASS, COLAIZZO, FAIRCHILD, DEMPSEY, HECKLER, HALUSKA, BISHOP, REBER, CARLSON, TRICH, FOX, McVERRY, NAHILL, GLADECK, TRELLO, CLYMER, FARMER, BUNT, STAIRS and GRUPPO

Providing for the appointment of a select committee to investigate steroid use and abuse by adolescents and adults within the Commonwealth.

Referred to Committee on RULES, February 15, 1989.

No. 28 By Representatives LUCYK, GEORGE, WOZNIAK, STISH, BLACK, BURD, DALEY, DeWEESE, KASUNIC and ARGALL

Directing the Conservation Committee to conduct a study of regulations relating to the anthracite coal industry.

Referred to Committee on RULES, February 15, 1989.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that the following bills be removed from the tabled calendar:

HB 97;
HB 125;
HB 227;
HB 243; and
HB 310.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that the following bills be recommended to the Appropriations Committee for a fiscal note:

HB 97;
HB 125;
HB 227;
HB 243; and
HB 310.

On the question,
Will the House agree to the motion?
Motion was agreed to.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip. Mr. HAYES. Mr. Speaker, would you please return to requests for leaves?

The SPEAKER. Yes. Without objection, we will return to requests for leaves of absence. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Allegheny County, Mr. CESSAR, for the day.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the leave of Mr. Cessar will be granted. The Chair hears no objection.

MASTER ROLL CALL

The **SPEAKER**. The Chair is about to take the master roll. Members' presence is indicated by a "yea" vote on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—192

Acosta	Donatucci	Laughlin	Robinson
Adolph	Dorr	Lee	Roebuck
Allen	Durham	Leh	Rudy
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Petrarca	Vroon
Colaizzo	Jackson	Petrone	Wambach
Cole	Jadlowiec	Phillips	Wass
Cornell	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Pressmann	Wogan
DeLuca	Kaiser	Preston	Wozniak
DeWeese	Kasunic	Raymond	Wright, D. R.
Daley	Kenney	Reber	Wright, J. L.
Davies	Kondrich	Reinard	Wright, R. C.
Dempsey	Kosinski	Richardson	Yandrisevits
Dietterick	Kukovich	Rieger	
Dininni	LaGrotta	Ritter	Manderino,
Distler	Langtry	Robbins	Speaker
Dombrowski	Lashingner		

ADDITIONS—1

Pistella

NOT VOTING—0

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

LEAVES ADDED—1

Rudy

LEAVES CANCELED—1

Carn

ADDITIONS AND DELETIONS OF SPONSORS

The **SPEAKER**. The Speaker acknowledges receipt of additions and deletions to House bills, which will be filed with the clerk for the record.

The following list was submitted:

ADDITIONS:

HB 1, Bishop; HB 3, Michlovic, Cawley, Durham; HB 7, Olasz, Bishop; HB 52, Saurman, Broujos; HB 54, Scrimenti; HB 63, Serafini, Kasunic; HB 75, Scrimenti, Bishop; HB 78, Kasunic; HB 79, Kasunic; HB 83, Kasunic; HB 85, Kasunic; HB 86, Kasunic; HB 88, Kasunic; HB 92, Kasunic; HB 93, Kasunic; HB 97, Kasunic; HB 106, Laughlin; HB 110, Kasunic; HB 117, Kasunic; HB 122, Bishop; HB 123, Bishop; HB 124, Bishop; HB 125, Bishop; HB 126, Bishop; HB 127, Bishop; HB 128, Bishop; HB 129, Bishop; HB 130, Bishop; HB 150, Heckler; HB 157, Heckler; HB 162, Kasunic, Bunt, McVerry, Laughlin, Veon, Bush, Cessar; HB 164, Heckler; HB 169, Kasunic; HB 171, Maiale; HB 177, Olasz; HB 180, Serafini, Kasunic; HB 181, Kasunic, Serafini; HB 182, Pistella; HB 183, Pistella; HB 184, Pistella; HB 185, Rybak, Johnson, Langtry; HB 188, Heckler; HB 190, Bishop; HB 191, Bishop; HB 193, Kasunic; HB 194, Kasunic; HB 214, Kenney; HB 215, Kasunic; HB 216, Olasz, Kasunic, Itkin; HB 217, Kasunic, Itkin, Olasz; HB 218, Olasz, Kasunic, Itkin; HB 219, Kasunic, Itkin, Olasz; HB 220, Itkin, Olasz; HB 234, Trich, Langtry, Josephs; HB 236, Heckler; HB 237, Kasunic; HB 238, Kasunic; HB 239, Kasunic; HB 245, Michlovic, Levdansky, Pistella, Itkin, Cessar; HB 248, Reber; HB 254, Colafella, Bishop, Richardson; HB 255, Hayden, McNally, Langtry, Evans; HB 256, Kasunic; HB 257, Kasunic; HB 258, Kasunic; HB 260, Itkin; HB 262, Itkin; HB 265, Itkin; HB 266, Itkin; HB 267, Itkin; HB 268, Itkin; HB 270, Itkin; HB 271, Itkin; HB 272, Itkin; HB 273, E. Z. Taylor, Gigliotti, Daley; HB 277, Kasunic, Serafini; HB 284, Fox; HB 285, Fox; HB 286, Belardi; HB 287, Belardi; HB 288, Itkin; HB 290, Mrkonic; HB 291, Itkin; HB 292, Itkin; HB 293, Itkin; HB 303, Kasunic; HB 305, Kasunic; HB 307, Richardson, Itkin; HB 309, Geist, Barley, Fairchild, Burd, Bishop, Jackson, Hagarty, Clymer, Mowery, Scheetz, Pitts, Cornell; HB 311, Richardson, Colafella; HB 320, Marsico; HB 323, Kasunic; HB 324, Kasunic; HB 327, Colafella; HB 328, Itkin; HB 334, Kasunic; HB 340, Kasunic; HB 341, Kasunic; HB 342, Kasunic; HB 348, Kasunic; HB 353, Veon, Laughlin, Bishop; HB 354, Yandrisevits, Bishop, J. J. Taylor; HB 360, Richardson; HB 361, Richardson; HB 364, Bishop, Richardson, Markosek, Harper, McCall, Broujos, Corrigan, J. J. Taylor; HB 366, Richardson, Gigliotti, Petrone; HB 371, Kasunic; HB 372, Kasunic; HB 378, Colafella; HB 386, Staback, Wogan, Michlovic, Colafella, Dorr; HB 387, Petrone; HB 414, Dorr, Allen, Robbins; HB 415, Kasunic; HB 416, Kasunic; HB 417, Kasunic; HB 418, Kasunic; HB 420, Kasunic; HB 421, Kasunic; HB 422, Kasunic; HB 423, Kasunic; HB 458, Dorr; HB 18, J. J. Taylor, Perzel, Kenney, Roebuck, Lucyk, Vroon, Robbins, Pressmann, Pistella, Gruitza, Wass, Godshall.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 17, PN 547 (Amended)

By Rep. OLIVER

An Act requiring State heating systems to be fueled by coal.

STATE GOVERNMENT.

HB 53, PN 548 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Chancellor of the State System of Higher Education, to convey to Pocono Medical Center a certain tract of land situate in the Borough of East Stroudsburg, Monroe County, in exchange for a certain monetary consideration and a certain tract of land.

STATE GOVERNMENT.

HB 201, PN 549 (Amended)

By Rep. OLIVER

An Act amending the act of March 30, 1937 (P. L. 115, No. 40), known as "The First Class City Permanent Registration Act," further providing for the election of city commissioners.

STATE GOVERNMENT.

WELCOME

The SPEAKER. The Chair, on behalf of the House, welcomes to the hall of the House this morning from Teledyne Vasco Corporation, Tom Keefe; from J&L Specialty Steel Corporation, Al Orlor; and from Washington Steel Corporation, Ram Singh. They are the guests of the Steel Caucus and are to the left of the Speaker's rostrum.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 62, PN 69**, entitled:

An Act amending the act of July 1, 1985 (P. L. 120, No. 32), entitled "An act creating a special fund in the Treasury Department for use in attracting major industry into this Commonwealth; establishing a procedure for the appropriation and use of moneys in the fund; establishing the Tax Stabilization Reserve Fund; and providing for expenditures from such account," extending the use of the Sunny Day Fund moneys to job retention.

On the question,

Will the House agree to the bill on third consideration?

Mr. WASS offered the following amendments No. A0222:

Amend Sec. 1 (Sec. 102), page 2, lines 25 and 26, by striking out "large numbers of"

Amend Sec. 1 (Sec. 102), page 3, line 3, by striking out "or retaining"

Amend Sec. 1 (Sec. 102), page 3, line 4, by inserting after "plants"

or retaining industrial, manufacturing or research and development plants

On the question,

Will the House agree to the amendments?

FILMING PERMISSION

The SPEAKER. Before the gentleman begins on the amendment, the Chair would like to announce to the House that Cliff Jernigan from WTAE-TV, channel 4, in Pittsburgh, has been given permission to film in the hall of the House for the next 10 minutes.

CONSIDERATION OF HB 62 CONTINUED

The SPEAKER. The gentleman from Indiana, Mr. Wass, is in order on his amendment.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, coming from the 62d Legislative District where we have many, many, many small businesses, we are determined to protect those businesses because they play a major role in holding down our unemployment figures. We do have unemployment figures of around 9 percent, and it is through small business that that is being held down.

As I read the legislation, in the area of retention, I thought it was very, very important that this Sunny Day Fund be accessible to the small business people also, where we have a need for Sunny Day funds to retain small business in our areas. I am just trusting that this legislation would move to that direction, that we could also use the Sunny Day funds to protect our small businesses in this State of Pennsylvania and especially in the 62d District.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Although I am not sure the language is necessarily needed, it will at least rectify a problem that Representative Wass perceives. I do not think it will change the substance of the bill; it maintains the flexibility intended in the bill, and for that reason I would have no objection to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

Acosta	Donatucci	Laughlin	Robinson
Adolph	Dorr	Lee	Roebuck
Allen	Durham	Leh	Ryan
Angstadt	Evans	Lescovitz	Rybak
Argall	Fairchild	Levdansky	Saloom
Barley	Farmer	Linton	Saurman
Battisto	Fleagle	Lloyd	Scheetz
Belardi	Flick	Lucy	Schuler
Belfanti	Foster	McCall	Semmel
Billow	Fox	McHale	Serafini
Bishop	Freeman	McNally	Smith, B.
Black	Freind	McVerry	Smith, S. H.
Blaum	Gallen	Maiale	Snyder, D. W.
Bortner	Gannon	Maine	Snyder, G.
Bowley	Geist	Markosek	Staback
Boyes	George	Marsico	Stairs
Brandt	Gigliotti	Melio	Steighner
Broujos	Gladeck	Merry	Stish
Bunt	Godshall	Micozzie	Strittmatter
Burd	Gruppo	Miller	Stuban
Burns	Hagarty	Moehlmann	Tangretti
Bush	Haluska	Morris	Taylor, E. Z.
Caltagirone	Hasay	Mowery	Taylor, F.

Cappabianca	Hayden	Mrkonic	Taylor, J.
Carlson	Hayes	Murphy	Telek
Cawley	Heckler	Nahill	Thomas
Chadwick	Herman	Nailor	Tigue
Civera	Hershey	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Colaifella	Itkin	Petrarca	Vroon
Colaizzo	Jackson	Petrone	Wambach
Cole	Jadlowiec	Phillips	Wass
Cornell	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pitts	Wilson
Coy	Josephs	Pressmann	Wogan
DeLuca	Kaiser	Preston	Wozniak
DeWeese	Kasunic	Raymond	Wright, D. R.
Daley	Kenney	Reber	Wright, J. L.
Davies	Kondrich	Reinard	Wright, R. C.
Dempsey	Kukovich	Richardson	Yandrisevits
Dietterick	LaGrotta	Rieger	
Dininni	Langtry	Ritter	Manderino,
Distler	Lashingier	Robbins	Speaker
Dombrowski			

NAYS—0

NOT VOTING—10

Clark, B. D.	Harper	Michlovic	Rudy
Cohen	Kosinski	Pistella	Scrimenti
Gruitza	Mayernik		

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—189

Acosta	Donatucci	Laughlin	Roebuck
Adolph	Dorr	Lee	Rudy
Allen	Durham	Leh	Ryan
Angstadt	Evans	Lescovitz	Rybak
Argall	Fairchild	Levdansky	Saloom
Barley	Farmer	Linton	Saurman
Belardi	Fleagle	Lloyd	Scheetz
Belfanti	Flick	Lucyk	Schuler
Billow	Foster	McCall	Scrimenti
Bishop	Fox	McHale	Semmel
Black	Freeman	McNally	Serafini
Blaum	Freind	McVerry	Smith, B.
Bortner	Gallen	Maiale	Smith, S. H.
Bowley	Gannon	Maine	Snyder, D. W.
Boyes	Geist	Markosek	Snyder, G.
Brandt	George	Marsico	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Miller	Stuban
Caltagirone	Hagarty	Moehlmann	Tangretti

Cappabianca	Haluska	Morris	Taylor, E. Z.
Carlson	Harper	Mowery	Taylor, F.
Cawley	Hasay	Mrkonic	Taylor, J.
Chadwick	Hayden	Murphy	Telek
Civera	Hayes	Nahill	Thomas
Clark, B. D.	Heckler	Nailor	Tigue
Clark, D. F.	Herman	O'Brien	Trello
Clark, J. H.	Hershey	O'Donnell	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Howlett	Perzel	Veon
Colaifella	Hughes	Petrarca	Vroon
Colaizzo	Itkin	Petrone	Wambach
Cole	Jackson	Phillips	Wass
Cornell	Jadlowiec	Piccola	Weston
Corrigan	James	Pievsky	Williams
Cowell	Jarolin	Pitts	Wilson
Coy	Johnson	Pressmann	Wogan
DeLuca	Josephs	Preston	Wozniak
DeWeese	Kaiser	Raymond	Wright, D. R.
Daley	Kasunic	Reber	Wright, J. L.
Davies	Kenney	Reinard	Wright, R. C.
Dempsey	Kondrich	Richardson	Yandrisevits
Dietterick	Kukovich	Rieger	
Dininni	LaGrotta	Ritter	Manderino,
Distler	Langtry	Robbins	Speaker
Dombrowski	Lashingier	Robinson	

NAYS—0

NOT VOTING—4

Battisto	Kosinski	Mayernik	Pistella
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EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 75, PN 470**, entitled:

An Act reenacting and amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the "Public Official and Employee Ethics Law," adding definitions; further providing for the membership, powers and duties of the State Ethics Commission and for persons who must file statements of financial interests; reestablishing the State Ethics Commission; and making an appropriation.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendments No. A0294:

Amend Sec. 1 (Sec. 7), page 24, line 9, by striking out "~~requested~~ ~~filed~~" and inserting [requested] filed

Amend Sec. 1 (Sec. 8), page 27, line 5, by striking out "~~(f)~~" and inserting (g)

Amend Sec. 1 (Sec. 8), page 29, lines 12 through 18, by striking out all of lines 12 through 17, "~~(j)~~" in line 18 and inserting (i)

Amend Sec. 1 (Sec. 8), page 29, line 23, by striking out “(k)” and inserting

(j)
Amend Sec. 1 (Sec. 8), page 29, line 28, by striking out “(L)” and inserting

(k)
Amend Sec. 1 (Sec. 9), page 30, line 27, by striking out “8(k)” and inserting

8(j)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

This and the following amendments, I believe, are each agreed to by the prime sponsor of this legislation.

This amendment would strike the section which provides for a statute of limitations beyond 5 years on actions by the commission. This language is rendered in conflict by an amendment that was placed in the bill in the Appropriations Committee, which provides for a 5-year statute of limitations for action by the commission.

Let me make clear that the criminal statute of limitations, which is contained in other parts of Pennsylvania law, is not affected by this change. Criminal penalties for violation of the Ethics Act brought in the court of common pleas are unaffected by this, but it does shorten the period of time in which actions would be brought before the Ethics Commission.

I would urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. O'DONNELL. I would like to interrogate the gentleman, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Heckler, indicates that he will stand for interrogation. You may proceed.

Mr. O'DONNELL. I am just trying to understand first what the amendment is and then what it does.

You are striking the statute of limitations that is in the bill and returning it to current law. Is that correct?

Mr. HECKLER. I do not have current law before me, and I will confess ignorance. I believe section (L) on page 29, which was the amendment that went in in the Appropriations Committee, says, “The commission may conduct an investigation within five years after the alleged occurrence of any violation of this act.” That was inserted.

I am not aware of whether there is in fact any statute of limitations in current law. It is—

Mr. O'DONNELL. Let me interrupt you, Mr. Speaker. What page are you referring to and what line?

Mr. HECKLER. Page 29. The language which was inserted is at lines 28 and 29, the bottom of the page, and that would appear to be in conflict with the language I am removing, which is at lines 12 through 17 on that same page.

Mr. O'DONNELL. And your amendment is removing the language from lines 12 to 17?

Mr. HECKLER. That is correct.

Mr. O'DONNELL. Is it also removing the language at lines 28 and 29?

Mr. HECKLER. No; it is not. That language remains, and that language would now control.

Mr. O'DONNELL. I see.

What do you understand to be the impact of the deletion of that language from 12 to 17?

Mr. HECKLER. In other words, the impact if my amendment were not enacted?

Mr. O'DONNELL. What is the impact of the adoption of your amendment deleting that language?

Mr. HECKLER. It eliminates the conflicting language, and the language which is being deleted provides that there may be actions by the commission during the entire period of time that a person is in public office or public employment or 5 years thereafter. That is similar to language in Title 42 concerning violations of public office which involve criminal conduct. That, of course, is unaffected by this. So we are not affecting the criminal statute of limitations for criminal violations but we are now saying that the Ethics Commission can only commence an investigation and an action under the commission law within 5 years of the occurrence.

Mr. O'DONNELL. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Donatucci	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Durham	Leh	Rudy
Argall	Evans	Lescovitz	Ryan
Barley	Fairchild	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fleagle	Lloyd	Saurman
Belfanti	Flick	Lucyk	Scheetz
Billow	Foster	McCall	Schuler
Bishop	Fox	McHale	Scrimenti
Black	Freeman	McNally	Semmel
Blaum	Freind	McVerry	Serafini
Bortner	Gallen	Maiale	Smith, B.
Bowley	Gannon	Maine	Smith, S. H.
Boyes	Geist	Markosek	Snyder, D. W.
Brandt	George	Marsico	Snyder, G.
Broujos	Gigliotti	Mayernik	Staback
Bunt	Gladeck	Melio	Stairs
Burd	Godshall	Merry	Steighner
Burns	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Strittmatter
Caltagirone	Hagarty	Miller	Suban
Cappabianca	Haluska	Moehlmann	Tangretti
Carlson	Harper	Morris	Taylor, E. Z.
Cawley	Hasay	Mowery	Taylor, F.
Chadwick	Hayden	Mrkonic	Taylor, J.
Civera	Hayes	Murphy	Telek
Clark, B. D.	Heckler	Nahill	Thomas
Clark, D. F.	Herman	Nailor	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Hughes	Oliver	Van Horne
Colafiglia	Itkin	Perzel	Veon
Colaizzo	Jackson	Petrarca	Vroon
Cole	Jadlowiec	Petrone	Wambach
Cornell	James	Phillips	Wass
Corrigan	Jarolin	Piccola	Weston
Cowell	Johnson	Pievsky	Williams

Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Pressmann	Wogan
DeWeese	Kasunic	Preston	Wozniak
Daley	Kenney	Raymond	Wright, D. R.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Dininni	LaGrotta	Rieger	Manderino,
Distler	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—3

Howlett	Pistella	Wright, J. L.
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EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendments No. A0300:

Amend Sec. 3 (Sec. 12), page 33, line 24, by striking out “(A)”

Amend Sec. 3 (Sec. 12), page 33, lines 27 through 30; page 34, lines 1 through 3, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

This amendment corrects what I think would be a major weakening of the bill by part of an amendment which was inserted in the Appropriations Committee. This amendment would remove the language at the bottom of page 33 which provides that this legislation be the exclusive place in which all language concerning ethical conduct by public officials is located and specifically repealing all other such language.

I would suggest, Mr. Speaker, that the language of this amendment which I seek to remove is at best ill considered. As the bill reads presently, I would suggest that even direct criminal conduct, let us say a police officer accepting a bribe, might be argued to now be controlled only by the provisions of the Ethics Law as opposed to the criminal statutes of Pennsylvania. Certainly the various enactments of this legislature in which we have specifically held various public agencies and authorities to higher standards of conduct than are set forth in the Ethics Law would be repealed. I think that is something we do not want to do, and I would urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally, on the amendment.

Mr. McNALLY. Would the gentleman stand for interrogation, please?

The SPEAKER. The gentleman indicates that he will stand for interrogation. Mr. McNally may proceed.

Mr. McNALLY. Mr. Speaker, according to the bill on page 33, line 29 and continuing on line 30, and then on page 34, it states that “Therefore, in the event of a conflict between this act and any other civil or criminal statute,...” and then it continues on. Your statement before was that this provision would make the Ethics Act the exclusive statute or regulation governing governmental ethics. Does not this provision in fact say that it is exclusive only in the event of a conflict? Therefore, when there is no conflict between this act and another statute, both may apply.

Mr. HECKLER. That is correct, Mr. Speaker. However, the very point of this matter is that there are many conflicts, as I pointed out, potentially with criminal statutes, also with a number of the statutes creating various State boards and agencies, in which there are conflicts in which the requirements we have placed on those particular entities are more stringent than those enacted in the ethics bill that is before us.

I would also point out that this language at least attempts to be prospective. I am not sure that that can be done based on the Statutory Construction Act, but the language that I am seeking to take out of this bill attempts to say that even if we decide in the future that we are going to impose a more restrictive provision upon some agency we would create, that we cannot do that and that it is the Ethics Act that governs.

So you are correct to the extent that if there would not be a conflict, this issue would not arise, but in fact there are a number of conflicts in existing law, let alone what we might choose to do in the future.

Mr. McNALLY. Would the gentleman stand for another question?

Mr. Speaker, the sponsor of the amendment indicated before that this amendment would weaken the Ethics Act. However, in fact this provision states that where there is a conflict, this Ethics Act will prevail. Would that not in fact make the Ethics Act stronger because it would prevail over other statutes and other regulations?

Mr. HECKLER. Well, I will stand corrected on my nomenclature. Let us say that this amendment, that the language that I am seeking to take out, weakens the overall ethics requirements we have imposed upon various bodies of government to the extent that it makes this act, with provisions we have deemed appropriate for all entities, prevail over other law. Whether that is weaker or stronger, it leads to weaker ethical standards, at least in certain parts of our government. And as I say, in particular, I am concerned that given the language that I am seeking to remove, which refers to both criminal and civil proceedings, we may be creating a defense for people who step over the line, who plainly involve themselves in acts which have traditionally been criminal violations in this Commonwealth.

Mr. McNALLY. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Acosta	Donatucci	Laughlin	Robinson
Adolph	Dorr	Lee	Roebuck
Allen	Durham	Leh	Rudy
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimanti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, B. D.	Herman	Nailor	Tigue
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	O'Donnell	Van Horne
Clymer	Hughes	Oliver	Veon
Colafella	Itkin	Perzel	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	Jarolin	Phillips	Weston
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pievsy	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Raymond	Wright, D. R.
Daley	Kondrich	Reber	Wright, J. L.
Davies	Kosinski	Reinard	Wright, R. C.
Dempsey	Kukovich	Richardson	Yandrisevits
Dietterick	LaGrotta	Rieger	
Dininni	Langtry	Ritter	Manderino,
Distler	Lashinger	Robbins	Speaker
Dombrowski			

NAYS—3

Cohen	James	Trello
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NOT VOTING—3

Howlett	Pistella	Preston
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EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendments No. A0313:

Amend Bill, page 35, by inserting after line 30 Section 11. This act shall apply as follows:

(1) Section 1 (the definitions in section 2 of the act that are used in sections 4 and 5 of the act, insofar as the definitions relate to sections 4 and 5) shall apply to filings and statements for calendar year 1989 and each calendar year thereafter.

(2) Section 1 (sections 4 and 5 of the act) shall apply to filings and statements for calendar year 1989 and each calendar year thereafter.

Amend Sec. 11, page 36, line 1, by striking out "11" and inserting

12

On the question,

Will the House agree to the amendments?

FILMING PERMISSION

The SPEAKER. The Chair has granted to John Sanks of WPVI-TV, who is to the left of the Speaker, permission to film on the floor of the House for the next 10 minutes.

CONSIDERATION OF HB 75 CONTINUED

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Mr. Speaker, I would withdraw this amendment. It deals with a problem that needs to be dealt with in this act, but I understand that other amendments have been drawn.

The SPEAKER. The Chair thanks the gentleman.

The amendment is being withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HECKLER offered the following amendment No. A0315:

Amend Sec. 1 (Sec. 2), page 7, line 4, by inserting after "elected"

and subdivisions and offices within that entity

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman from Bucks, Mr. Heckler, is recognized on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

This amendment deals with a narrow situation which we discovered in hearings on this subject in the Judiciary Committee last session.

Employees, for instance, of the Pennsylvania Department of Transportation who worked for one engineering district were found by a decision of the Ethics Commission to be able to, immediately upon retiring or leaving employment, represent clients in practice with other parts of the Pennsylvania Department of Transportation, including their neighboring engineering district. We sought to make particularly clear that when we are prohibiting for 1 year that revolving-door kind of

conduct, we are dealing not only with a particular subdivision of an agency or a local government but the entire unit, and my language simply makes it clear in the definition of "governmental body" that we are including subdivisions and offices within that entity.

I would urge the enactment of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

Acosta	Donatucci	Lee	Robinson
Adolph	Dorr	Leh	Roebuck
Allen	Durham	Lescovitz	Rudy
Angstadt	Evans	Levdansky	Ryan
Argall	Fairchild	Linton	Rybak
Barley	Farmer	Lloyd	Saloom
Battisto	Fleagle	Lucyk	Saurman
Belardi	Flick	McCall	Scheetz
Belfanti	Foster	McHale	Schuler
Billow	Fox	McNally	Scrimenti
Bishop	Freeman	McVerry	Semmel
Black	Freind	Maiale	Serafini
Blaum	Gannon	Maine	Smith, B.
Bortner	Geist	Markosek	Smith, S. H.
Bowley	George	Marsico	Snyder, D. W.
Boyes	Gigliotti	Mayernik	Snyder, G.
Brandt	Gladeck	Melio	Staback
Broujos	Godshall	Merry	Stairs
Bunt	Gruitza	Michlovic	Steighner
Burd	Gruppo	Micozzie	Stish
Burns	Hagarty	Miller	Strittmatter
Bush	Haluska	Moehlmann	Stuban
Caltagirone	Hayden	Morris	Tangretti
Cappabianca	Hayes	Mowery	Taylor, E. Z.
Carlson	Heckler	Mrkonic	Taylor, J.
Cawley	Herman	Murphy	Telek
Chadwick	Hershey	Nahill	Thomas
Civera	Hess	Nailor	Tigue
Clark, D. F.	Howlett	O'Brien	Trello
Clark, J. H.	Hughes	O'Donnell	Trich
Clymer	Itkin	Oliver	Van Horne
Cohen	Jackson	Perzel	Veon
Colafella	Jadlowiec	Petrarca	Vroon
Colaizzo	James	Petrone	Wambach
Cole	Jarolin	Phillips	Wass
Cornell	Johnson	Piccola	Weston
Corrigan	Josephs	Pievsky	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Pressmann	Wogan
DeLuca	Kenney	Preston	Wozniak
DeWeese	Kondrich	Raymond	Wright, D. R.
Daley	Kosinski	Reber	Wright, J. L.
Davies	Kukovich	Reinard	Wright, R. C.
Dempsey	LaGrotta	Richardson	Yandrisevits
Dietterick	Langtry	Rieger	
Dininni	Lashinger	Ritter	Manderino,
Distler	Laughlin	Robbins	Speaker
Dombrowski			

NAYS—0

NOT VOTING—6

Clark, B. D.	Harper	Pistella	Taylor, F.
Gallen	Hasay		

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. DAVIES offered the following amendments No. A0292:

Amend Title, page 1, line 7, by inserting after "definitions;" further providing for restricted activities;

Amend Sec. 1 (Sec. 3), page 14, by inserting between lines 5 and 6

(j) After January 1, 1991:

(1) A member of the General Assembly may not receive any income, remuneration or gift having a value in excess of \$200 per year from a corporation, partnership, proprietorship or individual which conducts any business with the Commonwealth or any of its commissions, boards, authorities or agencies.

(2) A member of the General Assembly may not receive any income, remuneration or gift having a value in excess of \$200 per year from a corporation, partnership, proprietorship or individual which is registered under the act of September 30, 1961 (P.L.1778, No.712), known as the "Lobbying Registration and Regulation Act." This paragraph does not prohibit campaign contributions from a political action committee as defined in the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code," or from an individual.

(3) A member of the General Assembly may receive dividends and interest from corporations or other types of business or from individuals which conduct business with the Commonwealth or its commissions, boards, authorities and agencies only if the member places all such holdings into a blind trust. Any and all additional holdings purchased in such entities after January 1, 1991, must be placed into a blind trust.

(4) A member of the General Assembly may not receive any income, remuneration or gift having a value in excess of \$200 per year from any institution in the Commonwealth which receives more than 25% of its annual income from Commonwealth funds.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, on the amendment.

Mr. DAVIES. Thank you, Mr. Speaker.

The first provision of the amendment would place a restriction upon any remuneration from any corporation, partnership, or proprietorship or any individual that would conduct business with the Commonwealth or any of its entities. The second one would restrict it to any of those enterprises which would lobby either of the Houses of the General Assembly. The third one would say that it would be permissible for individuals to have holdings with corporations that have contracts and other business entities with the Commonwealth, but after January 1, 1991, those would have to be placed in a blind trust. The last provision is that any institution within the Commonwealth that would exceed 25 percent of its funding or its annual income from funds from the Commonwealth—of course, an individual would not be able to receive any remunerations, gifts, or income from that institution.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I oppose this amendment. I think it is outrageous what we do to ourselves sometimes, and I would like you just to think for a minute; I would like you just to think for a minute what this amendment does.

If this amendment is adopted, there is an excellent chance that anyone who owns any stock will violate this provision of the Ethics Act. In other words, those of us—and I suspect that all of us at one time or another have ventured into the stock market. You might as well forget about it. If you buy five shares of AT&T, you have got to put it into a blind trust. I do not know where you are going to get anybody to run your blind trust consisting of five shares of AT&T, but if you do not get someone to run it, then you are going to be violative of this amendment. Why AT&T? Because AT&T rents telephones or sells telephone services to the Commonwealth of Pennsylvania.

If you want one share, if you own one share of IBM, then you have got to put that one share of IBM into a blind trust—I do not know where you get the trustee—because IBM sells us typewriters. The same thing is true with fax machines, with Xerox equipment, I guess with Chevrolets that the General State Authority buys in fleets for our cars or Fords for the State Police. Effectively, you really could not own a thing, and probably the worst part of it is, how many of us even know what companies do business with the State? I mean, big-board companies, probably every one of them in some fashion does business with the State. I think it is just crazy to suggest that we are so crooked that we cannot own some IBM stock in our own name without putting it in a blind trust.

Now, the law today makes more sense. The law today says, if you have 5 percent of a company—and none of us, with the possible exception of Sam Morris, owns 5 percent of IBM or General Motors. Oh, was that 1 percent? “The Sam and Matt Show” on public television Saturday.

The law today says, if you have an interest in 5 percent or more of a corporation that does business with the State, then you are caught under the Ethics Act, and that is right. That is the way it should be. That is what it was originally designed to do, so that if you or any member of your immediate family has a substantial interest in a corporation that is doing business with the Commonwealth, then you are precluded from doing—or whatever the law says. You have to disclose it or divest yourself. Well, that is what we are supposed to do, but really, I find this offensive and somewhat outrageous to suggest that this need be done to police us.

Now, number (4), “A member of the General Assembly may not receive any income, remuneration or gift having a value in excess of \$200 per year from any institution in the Commonwealth which receives more than 25% of its annual income from Commonwealth funds.” Now, I do not know just what this is designed to do, but if you are a lawyer and you represent a school district, you will have to give up representing that school district. If you go to a Penn State game, perhaps you cannot go anymore, if you go up to Penn State to

one of their football games. If you are an insurance man and you sell any insurance to anybody who has a 25-percent funding from the Commonwealth, you could not do it. All of these organizations at home - the so-called (c)(3) organizations - you would not be able to do any business whatsoever with any of them, because some of them are funded by the Commonwealth.

I think it is wrong. I think we are painting ourselves as thieves, is what we are doing with some of these amendments, and I do not believe that we are thieves, and I think that we should occasionally stand up and say, that is enough.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, this is one occasion where the minority leader and I would agree. For those members who are concerned about whether this amendment could be categorized as a strengthening amendment, I guess you could look at it that way. I would suggest to you that what this amendment would do with the various limits and restrictions it has in it is basically love this bill to death. I think if you are concerned about having a strong ethics bill, I think the way it is drafted now is adequate. Putting this amendment in, I think, will help kill the bill, not make it a better bill.

For that reason, and with the arguments that Representative Ryan made, I would ask for a “no” vote on the Davies amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. I would just say, Mr. Speaker, that the gentleman, Mr. Ryan, I think, summed it all up as to why this amendment should not go in our bill, and I ask for a negative vote.

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the second time on the amendment.

Mr. DAVIES. Mr. Speaker, as was characterized to paint ourselves as thieves or some of the other remarks that were made, that may well be the acceptance of the minority leader or others may make the same inference. I do not quite look at it that way. I just do not know how serious people are about whether or not they are going to do the ethics thing and present the ethics thing as maybe a puristic approach, but in light of their concerns about it, I will withdraw the amendment, Mr. Speaker.

The SPEAKER. The gentleman indicates that the amendment will be withdrawn. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. VEON offered the following amendment No. A0266:

Amend Sec. 1 (Sec. 8), page 28, line 5, by inserting after “matte.”

The commission shall grant any request for a hearing. Said hearing shall be held in Harrisburg or, at the request of the subject, in either Philadelphia or Pittsburgh.

On the question,
Will the House agree to the amendment?

The SPEAKER. On the first amendment, the Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, in my attempt to amend this section of the bill, on page 28, the section of the bill says that the commission shall issue a findings report, and it follows up by saying that the subject shall have the right to respond to said findings and to request an evidentiary hearing on said matter. Mr. Speaker, I would just like to follow that up by clarifying that the commission has no choice but to grant that request for a hearing, which I think would be eminently fair, and I also would follow that up by allowing for regional hearings—as is my understanding that other administrative agencies within State Government allow regional hearings—in Pittsburgh, Philadelphia, or Harrisburg.

Mr. Speaker, I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to support the Veon amendment and ask the members to vote in the affirmative.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally, on the amendment.

Mr. McNALLY. I would also like to add my support to Mr. Veon's amendment. This makes a significant change in current law. As the law stands today, the Ethics Commission has within its discretion the right to refuse a person who is the subject of a complaint a hearing on that matter. I think it is important that we give a mandate, an absolute right to a person who requests a hearing, to grant that hearing, and as Mr. Blaum has indicated, I would urge the House to support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Langtry	Robbins
Adolph	Donatucci	Lashingier	Robinson
Allen	Dorr	Laughlin	Roebuck
Angstadt	Durham	Lee	Rudy
Argall	Evans	Leh	Ryan
Barley	Fairchild	Lescovitz	Rybak
Battisto	Farmer	Levdansky	Saloom
Belardi	Fleagle	Linton	Saurman
Belfanti	Flick	Lloyd	Scheetz
Billow	Foster	Lucyk	Schuler
Bishop	Fox	McCall	Scrimenti
Black	Freeman	McHale	Semmel
Blaum	Freind	McNally	Serafini
Bortner	Gallen	McVerry	Smith, B.
Bowley	Gannon	Maiale	Smith, S. H.
Boyes	Geist	Maine	Snyder, D. W.
Brandt	George	Markosek	Snyder, G.
Broujos	Gigliotti	Marsico	Staback
Bunt	Gladeck	Mayernik	Stairs
Burd	Godshall	Melio	Steighner
Burns	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter

Caltagirone	Hagarty	Micozzie	Stuban
Cappabianca	Haluska	Miller	Tangretti
Carlson	Harper	Moehlmann	Taylor, E. Z.
Cawley	Hasay	Morris	Taylor, J.
Chadwick	Hayden	Mowery	Telek
Civera	Hayes	Mrkonic	Thomas
Clark, B. D.	Heckler	Murphy	Tigue
Clark, D. F.	Herman	Nahill	Trello
Clark, J. H.	Hershey	Nailor	Trich
Clymer	Hess	O'Brien	Van Horne
Cohen	Howlett	O'Donnell	Veon
Colafella	Hughes	Oliver	Vroon
Colaizzo	Itkin	Perzel	Wambach
Cole	Jackson	Petrarca	Wass
Cornell	Jadlowiec	Petrone	Weston
Corrigan	James	Phillips	Williams
Cowell	Jarolin	Piccola	Wilson
Coy	Johnson	Pievsky	Wogan
DeLuca	Josephs	Pitts	Wozniak
DeWeese	Kaiser	Pressmann	Wright, D. R.
Daley	Kasunic	Preston	Wright, J. L.
Davies	Kenney	Raymond	Wright, R. C.
Dempsey	Kondrich	Reber	Yandrisevits
Dieterick	Kosinski	Reinard	
Dininni	Kukovich	Rieger	Manderino,
Distler	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Pistella	Richardson	Taylor, F.
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EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendment was agreed to.

WELCOME

The SPEAKER. The Chair acknowledges visitors in the House today - Roberta Rourke of the Meadville Redevelopment Authority and Robert Kurtz of the Titusville Redevelopment Authority - who are here as the guests of Representative Connie Maine from Crawford County. They are seated to the right of the podium.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. VEON offered the following amendment No. A0267:

Amend Sec. 2 (Sec. 10.1), page 32, line 30, by inserting after "subject."
If the commission determines that a complainant has not violated the provisions of subsection (a), the commission shall notify the subject accordingly. The subject shall have the right to appeal the commission's determination and the commission shall schedule an appeal hearing. The subject shall show cause why the complainant violated the provisions of this section. If the commission grants the appeal, the commission shall immediately release the complainant's name and address to the subject. If the commission denies the appeal, it shall present evidence why the complainant's name and address shall not be released.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Beaver County, Mr. Veon, on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment attempts to add some language to the wrongful-use-of-act section. Mr. Speaker, this amendment would simply allow for a further appeal by the subject of the wrongful-use-of-act complaint. It is my understanding that the language as now drafted would not permit that direct appeal of that particular finding that there was no wrongful use of the act other than taking the commission to Commonwealth Court. I would just like to add this one further appeal step to give the subject one further attempt to clarify and have his shot that in fact there may have been a wrongful use of the act before incurring the expense of going to Commonwealth Court.

I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. I would ask if I might interrogate the maker of the amendment, Mr. Speaker.

The SPEAKER. The gentleman indicates he will stand for interrogation. Mr. Heckler may proceed.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, is it the intent of this amendment to provide someone who was accused of violating the act who has been found by the commission not to have violated the act, that the commission is not going forward with an investigation, to give them some right of appeal from that decision in their favor?

Mr. VEON. If I understand the question correctly, Mr. Speaker, the intent is to give the subject who has asked the commission to find for a wrongful use of the act by a complainant an opportunity to appeal the commission's decision that there was in fact no wrongful use of the act.

Mr. HECKLER. And if I may, Mr. Speaker, to whom would that appeal be taken?

Mr. VEON. This appeal would be taken to the commission, and I understand the question being, is that not repetitive in that the commission just granted or just made that decision in the first place? I think if you look at the language in the middle of the paragraph, Mr. Speaker, my intent is to give the subject one further opportunity to better make his case in front of the commission that in fact there was a wrongful use of the act. That is the intent; no hidden motives, just one further opportunity back to the commission to further make their case that there was a wrongful use of the act before having to incur the expense of going to Commonwealth Court with an appeal.

Mr. HECKLER. If I could speak on the amendment.

The SPEAKER. The gentleman, Mr. Heckler, has indicated he has completed his interrogation and is in order to debate the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, as I read the language of this amendment and hear the intent of the maker, it appears, at least to me—and

every member is going to have to read this amendment for themselves—that the maker of the amendment may misconstrue what this process is all about. The wrongful use of act intends to create an action in the court of common pleas. It is not an issue that would be decided before the Ethics Commission. It is a matter which enables you essentially to sue someone who has wrongfully accused you in the court of common pleas. That being the case, I would suggest that, at best, this language is going to muddy the waters and that it simply misconstrues the process which is going to take place as set up in the statute.

I would oppose the adoption of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

I, too, would rise to oppose the amendment, because I think it is unclear as to what it is going to do. They are able to appeal the commission's determination, but it does not say how long. The whole purpose of the wrongful use of act is that you can turn around after being accused falsely and sue the person who has besmirched you. That is the purpose of the wrongful use of act, and if somebody has used the act in a wrong manner, you have the recourse, as Mr. Heckler said, in the court of common pleas, and that is where your appeal is to a judge and a jury in a civil case.

So I ask that the amendment be defeated.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

Mr. Veon's amendment is not only a good amendment but I believe it is absolutely essential that it be passed in order to satisfy the basic requirements of fairness for people who are the subject of a complaint.

Under wrongful use of act, one of the requirements that a person suing for wrongful use of the act must prove is that the commission found the complaint to be frivolous or without probable cause. Now, the procedure that this act sets up for a complaint is that after a complaint has been filed, the commission, through its executive director, begins a preliminary inquiry. At the end of the preliminary inquiry, the commission decides whether to proceed with an investigation or to dismiss the complaint. At that point, if they decide to dismiss the complaint, they can first determine that the complaint was frivolous or not determine that the complaint was frivolous. What Mr. Veon's amendment does is that if the complaint is dismissed, if there is no further investigation, but the commission fails to determine that the complaint was frivolous or that there was a lack of probable cause, the person who is the subject of the complaint has the opportunity to proceed further with the commission and ask them to reconsider that determination of whether the complaint was frivolous or there was a lack of probable cause. That is essential.

Mr. Veon's amendment, I repeat, is essential, and the reason is that a person who is the subject of a complaint is not even notified that the complaint has been filed until after this

preliminary inquiry stage has been completed. In other words, without Mr. Veon's amendment, what could happen is a complaint could be filed; a preliminary inquiry could entail; the commission could dismiss the complaint without notifying the subject of the complaint that a complaint has been filed; and they may not make a finding that the complaint was frivolous. Therefore, the subject of the complaint is out of court. He cannot sue for wrongful use of the act, in light of the fact that he never even had an opportunity to make a case in front of the commission.

This bill, as it is written today, would violate fundamental principles of procedural due process. All Mr. Veon's amendment does is let the subject of the complaint have his day in court, and that is what he is entitled to.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the amendment.

Mr. KUKOVICH. Mr. Speaker, within the bill there is adequate due process. What happens if you accept this amendment, you cause a number of problems. I think the maker of the amendment's intentions are well taken, but there are a few problems.

Number one, there is no timeframe within this amendment. It is unclear when there would be a deadline to schedule an appeal hearing. It is unclear how soon a subject would have to show cause. It could create a tremendous backlog.

Secondly, it is going to create additional fiscal and administrative burdens by setting up another bureaucratic process. I think if you would vote for this amendment, you had better be prepared to come back and vote for more funding for the Ethics Commission, because they will totally bog down if this is adopted, and there are a few other amendments that are yet to be seen that are going to create more layers of bureaucracy.

I think we better be very careful whenever we consider amendments like this no matter how well intentioned, and I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally, on the amendment.

Mr. McNALLY. Thank you, Mr. Speaker.

One of the last comments made that there are adequate procedural safeguards and due process safeguards in this bill as it is drafted is, I think, one of the most mistaken statements that can be made about this bill. In fact, there are a number of areas throughout this bill in which fundamental, constitutional rights are breached or are ignored. This amendment seeks to address one of those deficiencies in the bill. Throughout this debate on this bill, other amendments will come forward to discuss the deficiencies of the bill and in particular the problems that it presents in violating people's constitutional rights.

I repeat that Mr. Veon's amendment gives the subject of a complaint his right, his day in court. It gives him the opportunity to dispute with the commission if it decides that a complaint was not frivolous.

So once again I urge the support of Mr. Veon's amendment. As I said, I consider his amendment not only important but essential to maintain the constitutionality of this part of the bill. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, would the gentleman, Mr. Blaum, consent to a brief interrogation on this point?

The SPEAKER. The gentleman, Mr. Blaum, indicates he will consent to interrogation. Mr. Lashinger may proceed.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I understand the concerns of the gentleman, Mr. Veon, and I am wondering if subsection (c) on page 32, that talks about the commission determining that a complainant has violated the provisions set forth in section 10.1(a), only refers to when the commission has to release the name of the individual filing the complaint and does not create a new threshold which, I think, Mr. McNally is suggesting that you have to cross in order to create the cause of action for wrongful use of the act.

Mr. BLAUM. That is my understanding; yes.

Mr. LASHINGER. If that is the case, and I understand—Thank you, Mr. Speaker.

Permission to make a few brief comments.

The SPEAKER. The gentleman is in order.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, with Mr. Blaum's comments, I think that clears up that concern that subsection (c) now only relates to when the subject of a complaint wanted to get the name disclosed by the commission, that the commission would first have to make the determination that it was frivolous, but that only related to the release of the individual's name who filed the complaint; it does not create a new threshold that is necessary to cross to create a cause of action that we are now calling wrongful use of the Ethics Act.

So with Mr. Blaum's statement that we do not now need to go back to the commission to create the wrongful use of the act, I do not believe we need the amendment. I would suggest that Mr. Blaum is correct in that assessment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I just rise in support of this amendment. I want to disagree a little bit with Mr. Kukovich in his statement earlier about the court systems and this would bog down the proceedings. What more of a backlog do we have than in the court systems today? If we can come up with a remedy through the system as it is now, we are better off handling it there than going into the court systems and waiting 2, 3, or 5 years to resolve this in the courts.

I believe this is a good amendment, and I would appreciate everybody's support on it.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to support the amendment. First of all, as a gentleman who has been in politics most of his adult life, I think all of us can say we have had a few political enemies. And if some of my opponents would happen to go to the Ethics Commission with a wrongful use of this act by making innuendos about my character, then I think we should have a right to go back to that commission.

Then Mr. Kukovich refers to funding. Well, that does not make any difference to me. If we have to spend another few dollars to make sure that everybody gets their due process of the law, then it is okay with me.

He also made a statement about the statute of limitations. I think that has already been established in this act about the statute of limitations, and I am sure it would apply to this.

I believe that everybody should support the amendment. It is a good amendment. It gives the gentleman who cannot afford to have an attorney with him every day a chance in this Ethics Act. Thank you for the support.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Allegheny, Mr. Pistella, is on the floor of the House and is to be added to the master roll call.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—148

Adolph	Donatucci	Lescovitz	Roebuck
Angstadt	Dorr	Levdansky	Rudy
Battisto	Durham	Linton	Ryan
Belardi	Evans	Lucy	Saloom
Belfanti	Fairchild	McCall	Saurman
Billow	Farmer	McNally	Semmel
Bishop	Fleagle	McVerry	Serafini
Black	Flick	Maiale	Smith, B.
Bowley	Foster	Markosek	Smith, S. H.
Boyes	Fox	Mayermik	Snyder, D. W.
Brandt	Freeman	Melio	Staback
Broujos	Freind	Merry	Stairs
Bunt	Gallen	Michlovic	Steighner
Burd	Geist	Micozzie	Stish
Bush	Gigliotti	Miller	Strittmatter
Caltagirone	Gladeck	Moehlmann	Stuban
Cappabianca	Godshall	Morris	Tangretti
Carlson	Gruitza	Mowery	Taylor, E. Z.
Cawley	Gruppo	Mrkonic	Taylor, J.
Civera	Haluska	Murphy	Telek
Clark, B. D.	Harper	Nahill	Thomas
Clark, D. F.	Hasay	Nailor	Tigue
Clark, J. H.	Hayes	O'Brien	Trello
Cohen	Herman	Oliver	Trich
Colaella	Hess	Perzel	Van Horne
Colaizzo	Jackson	Petrarca	Veon
Cole	Jadlowiec	Petrone	Wambach
Cornell	James	Phillips	Wass
Corrigan	Johnson	Pievsky	Weston
Cowell	Kaiser	Pistella	Williams
Coy	Kasunic	Pitts	Wogan
DeLuca	Kenney	Pressmann	Wozniak
DeWeese	Kondrich	Raymond	Wright, D. R.
Daley	Kosinski	Reber	Wright, J. L.
Davies	LaGrotta	Rieger	
Dempsey	Langtry	Robbins	
Dietterick	Laughlin	Robinson	
Distler	Leh		

NAYS—39

Allen	Gannon	Lashingier	Ritter
Argall	George	Lee	Rybak
Barley	Hagarty	Lloyd	Scheetz
Blaum	Hayden	McHale	Schuler
Bortner	Heckler	Maine	Scrimenti
Burns	Hershey	Marsico	Snyder, G.
Chadwick	Itkin	O'Donnell	Vroon
Clymer	Jarolin	Piccola	Wilson
Dininni	Josephs	Preston	Yandrisevits
Dombrowski	Kukovich	Reinard	

NOT VOTING—6

Acosta	Hughes	Taylor, F.	Wright, R. C.
Howlett	Richardson		

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. VEON offered the following amendment No. A0309:

Amend Sec. 1 (Sec. 2), page 7, line 9, by inserting after "services."

The term does not include tokens presented or provided which are of de minimis economic impact.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to take this opportunity to thank the gentleman, Mr. McNally, for his defense of my position in a much more articulate fashion than I could have ever done. Thank you.

Mr. Speaker, on this amendment I attempt to clarify the definition of "honorarium" by making sure that it does not include, as the language that is on the amendment, "...tokens presented or provided which are of de minimis economic impact." I use that phrase "de minimis economic impact" because that is defined in the bill and used in some other places, and I am attempting to make sure that the letter openers, the paperweights, and those mementos that are provided at the fire department speeches, et cetera, would clearly not be considered honorariums for the purposes of this bill.

I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Acosta	Donatucci	Lashingier	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Farmer	Levdansky	Rybak

Battisto	Fleagle	Linton	Saloom
Belardi	Flick	Lloyd	Saurman
Belfanti	Foster	Lucyk	Scheetz
Billow	Fox	McCall	Schuler
Bishop	Freeman	McHale	Scrimenti
Black	Freind	McNally	Semmel
Blaum	Gallen	McVerry	Serafini
Bortner	Gannon	Maiale	Smith, B.
Bowley	Geist	Maine	Smith, S. H.
Boyes	George	Markosek	Snyder, D. W.
Brandt	Gigliotti	Marsico	Snyder, G.
Broujos	Gladeck	Mayernik	Staback
Bunt	Godshall	Melio	Stairs
Burd	Gruitza	Merry	Steighner
Burns	Gruppo	Michlovic	Stish
Bush	Hagarty	Micozzie	Strittmatter
Caltagirone	Haluska	Miller	Stuban
Cappabianca	Harper	Moehlmann	Tangretti
Carlson	Hasay	Morris	Taylor, E. Z.
Cawley	Hayden	Mowery	Taylor, F.
Chadwick	Hayes	Mrkonic	Taylor, J.
Civera	Heckler	Murphy	Telek
Clark, B. D.	Herman	Nahill	Thomas
Clark, D. F.	Hershey	Nailor	Tigue
Clark, J. H.	Hess	O'Brien	Trello
Clymer	Howlett	O'Donnell	Trich
Cohen	Hughes	Oliver	Van Horne
Colaella	Itkin	Perzel	Veon
Colaizzo	Jackson	Petrarca	Vroon
Cole	Jadlowiec	Petrone	Wambach
Cornell	James	Phillips	Wass
Corrigan	Jarolin	Piccola	Weston
Cowell	Johnson	Pievsky	Williams
Coy	Josephs	Pistella	Wilson
DeLuca	Kaiser	Pitts	Wogan
DeWeese	Kasunic	Pressmann	Wozniak
Daley	Kenney	Preston	Wright, D. R.
Davies	Kondrich	Raymond	Wright, J. L.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Dininni	LaGrotta	Rieger	Manderino,
Distler	Langtry	Ritter	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Richardson Wright, R. C.

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. MAYERNIK offered the following amendment No. A0318:

Amend Sec. 1 (Sec. 9), page 31, by inserting between lines 15 and 16

(g) A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publicly stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting shall not be subject to the penalties provided for in subsections (a) and (b), nor for the treble damages provided for in subsection (c).

On the question,
Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Amendment A318 exempts local officials from penalties if, upon finding of a violation of the Ethics Act, it was determined that the official had acted on prior advice of the solicitor of the political subdivision.

Many of us in this room have been local elected officials before coming to the chamber and we know that anytime there is a question we ask our solicitor, what is your opinion? What my amendment would do is, if you as a local elected official would act in good-faith reliance on the opinion of the solicitor, being a written opinion or an oral opinion, given on a nonconfidential matter in the minutes of a public meeting and you follow the solicitor's advice, this amendment would state that you would not be subject to penalties under this section of the Ethics Act.

It is a commonsense amendment. It would keep people in public office in the local municipalities.

I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Will the gentleman stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation.

Mr. RYAN. This amendment differs, does it not, from one of the earlier amendments in that here the opinion must be given in a public forum as opposed to a private opinion?

Mr. MAYERNIK. That is correct, Mr. Speaker. It would have to be a nonconfidential opinion. It would either have to be written or in a public meeting recorded in the public minutes of the meeting.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know about the rest of you, but I am going to vote for the amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment, and I want to direct the attention of the members to page 30 of the bill, line 15.

Already in HB 75, in HB 75 from its original drafting, has been the language that treble damages, meaning that if you are found to have gone astray of the Ethics Act, you can make restitution, give back whatever financial gain had been got, or if it is a flagrant violation, you would have to give back the financial gain times three, treble damages.

Already in HB 75 we recognize the arguments that the gentleman, Mr. Mayernik, has made, and that is, if you rely on the advice, good-faith reliance on the legal advice of your solicitor, you cannot be assessed the treble damages. Under the Mayernik amendment, what it says is that a criminal act can be committed, a criminal act could be committed which goes way beyond, way beyond just the treble damages

penalty, but a criminal act could be committed, and if the solicitor was in any way in collusion on that act, that nothing could happen to them.

This amendment was removed by the Appropriations Committee simply because of that reason, that already HB 75, I believe, takes care of the situations that we are interested in, and that is the good-faith reliance on the advice of a solicitor that you need not be assessed, you cannot be assessed the treble damages. But that does not mean that we want to allow an unscrupulous board member somewhere who gets together with his solicitor, we do not want to allow them to commit a criminal act and have a blanket shield of protection that we adopted because we adopted this amendment today.

So I think the concerns that many of us have who served in local government—and I am a former city councilman—are already taken care of in HB 75. We need not go beyond that and adopt this amendment which gives a total shield of protection, even if a criminal act was committed, simply because a solicitor said it was okay. I do not believe that is what we want to do. I believe the protection is already in HB 75, and I think it is very, very important that this amendment be defeated. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, again I am listening to the gentleman, Mr. Blaum, and I am thinking to myself, he starts off with everybody in public life being potentially guilty of wrongdoing, and that is wrong. Here we are talking about a situation where a man—and I am going to use an example that was asked of you yesterday—a man is elected mayor of a borough and a woman who is the secretary in the borough mayor's office is still the secretary there and he marries her, and the new mayor asks his solicitor, do I have to fire her because of the Ethics Act? Yesterday you said, I do not think you do because there is no official action needed. And let us assume for a minute, Mr. Speaker, that the city solicitor or the borough solicitor says, yes, you are right; you do not have to fire this woman whom you have married who is your secretary because no official action is taken. Let us suppose, though, that 2 months later a political opponent of that mayor writes to the Ethics Commission, the Ethics Commission writes back and says, no, that is official action because you sign the payroll every month and you should have taken her off the payroll. That person is guilty of a crime under the Ethics Act despite the fact that he in good faith relied on his solicitor.

I think the amendment offered by Mr. Mayernik— And it is for political subdivisions. This one does not even apply to us. This applies to local government, this amendment. This applies to the boroughs and the townships. It does not apply to the legislature. So it is not something that even the press can say that we are doing on a self-dealing basis. This is your local government and your local government official who relies on the opinion of a solicitor at an open meeting with the opinion filed. And I think it is wrong for us to say that lawyers and public officials are going to get together. If they do that, that is a separate crime and they will be prosecuted for it and the guy will get disbarred.

The SPEAKER. The Chair recognizes the lady from Lehigh County, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

The gentleman, Mr. Ryan, set forth very accurately the type of situation that is more likely to occur than the heinous crimes that the gentleman, Mr. Blaum, would want you to think would happen.

I want to deal with the question of collusion. I was a member of the city council in Allentown, and for collusion to occur between a solicitor and a single member of city council would require the tacit approval of the other members of council, the press, who covers the meetings, and the public, who reads about it in the newspaper. You cannot just have one member of the local government body sit down with a solicitor and say, well, let us do this so we can get away with it, not with the requirements that are in the Mayernik amendment now requiring that it be a public, nonconfidential opinion or requiring that the action take place at a public meeting. So you cannot talk about collusion between one member and the solicitor. You really are requiring that everyone in that city or borough say, okay, we are not going to worry about this, because it will just take one or two people to make the complaint to the press and that will be the end of these kinds of actions.

So I think, again, we have to allow our local government officials to be able to rely on the advice of their solicitors. We cannot require that they get an opinion from the solicitor and then have to get an opinion from the Ethics Commission. It is an undue burden that we are putting on our local government officials. They have the right to be able to rely on the legal advice. "Good faith reliance" I think also takes care of the problem of collusion, but they have to be able to in good faith rely on the advice of the solicitor for the body on which they serve.

I would urge a vote in the affirmative on the Mayernik amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. McNally.

Mr. McNALLY. Thank you, Mr. Speaker.

The opponents of this amendment have referred to it on occasion as the solicitor's collusion amendment. I think that term is unfair, it is unjustified, and it is in fact cynical.

What this amendment would provide is that a person who relies in good faith upon the advice of counsel has a defense in a criminal prosecution. What does good faith mean? It means that your belief and your reliance upon that advice was reasonable; it was prudent. It is what any normal, typical person would have done. This amendment would not make a person immune from prosecution in a criminal prosecution under this act; it would simply allow them a defense. It would allow that defendant accused of a breach of the Ethics Act to go to the jury and say, look, I asked for advice; I was sincere; I was genuine; I wanted some advice about whether my conduct would breach the Ethics Act and that solicitor gave me what I believed was sound advice. If that is the circumstance in which a person received the advice, should they be prosecuted for a

felony? Should they be convicted for a prison term of more than a year and a \$1,000 fine? I do not think so. I think that that person, that public official or employee, ought to have the opportunity to assert that defense, to go to the jury, to prove their case, and that is what Mr. Mayernik's amendment does.

I would ask that the people who oppose this amendment would simply be reasonable and fair about this Mayernik amendment, allow our public officials and employees, if they are prosecuted, if they are subject to a criminal prosecution under this bill, allow them to go to a jury and prove their case. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York County, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

If the members of the House would indulge me for just a couple of minutes, I will not have to deal in hypotheticals in this matter. I will give you a precise example of what can happen.

Dallastown Borough in my district sought to abolish its borough police force several years back. They asked their solicitor what the proper steps were and would they need an ordinance, and they were advised by their solicitor in checking the records, no, your police force was never established way back when by ordinance; therefore, you do not need an ordinance. They took a vote in a public meeting after discussion to abolish the police force.

What is the result today? They are in Federal Court. They are being sued and the individual council members are being sued, and the judge has ruled, because they acted not by ordinance in this matter, that they have lost their individual immunity. In other words, those members of borough council can conceivably lose their homes because of the erroneous opinion of a solicitor. And it tears me apart that I cannot do anything retroactively about that, but I can darn sure stand on the floor of this House and urge you to not repeat a mistake of that type.

I strongly support the Mayernik amendment and urge every member to vote for it.

The SPEAKER. The Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, the point that the gentleman, Mr. Ryan, made earlier I think is well taken. This amendment does not directly affect the members of the legislature; it affects local government officials.

For those of us who represent more rural parts of this State, I submit to you that the solicitor who is employed by that board of supervisors or that school board is the law to them. What that solicitor says in his professional opinion as a solicitor is all that local township board of supervisors or local school board has to go by to be the law. They cannot rely on high-paid Philadelphia lawyers or other lawyers from other parts of the State. They must rely simply on the advice of small-town lawyers, the advice of lawyers who might not always have the benefit of the whole body of law that we

have. All they can do is believe what they are told, believe what is represented to them to be the law on any particular case, and the law on a particular case is what that individual solicitor says to them. He may be right or he may be wrong, but those local government officials must depend on him to be right.

Mr. Speaker, if we interject our feelings here that the solicitor, regardless of what opinion he gives that local government, is right or wrong, then we may as well not have solicitors. I cannot believe that the members of this legislature who also happen to serve under every ethical circumstance as an attorney, as a solicitor in many respects earning extra income to tide them over from week to week as a solicitor, I cannot believe that they would not want solicitors to have the power to render legal opinions about matters and hope that they do that in the form and the manner which may be as close to being law and real law as possible.

What I am saying to you, Mr. Speaker, and to the members of the House is that local government officials must listen to someone. That someone on every given issue has to be the solicitor that they employ. If they cannot give a legal opinion which in good faith, as was stated earlier, is listened to and responded to and believed by that local board of supervisors, that local school board, that local borough council, then whom can they believe?

Certainly a person admitted to practice law before the bar of the Supreme Court of Pennsylvania - a solicitor - would try to give the best opinions possible, and I think this amendment serves to certify to that local government official, who many times is acting without much pay, sometimes without any pay at all - local borough councilmen and local township supervisors - that the one person they pay and give a fee to to tell them what the law is, that when they tell them what the law is, they ought to be able to believe them. This amendment does that, Mr. Speaker, and I wholeheartedly support it. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Thank you, Mr. Speaker.

For just a brief minute I felt great about the debate here this morning, because I heard lawyers being regarded in a way that I had never heard before, and it personally made me feel terrific that we were about to provide a full criminal defense merely on the word of our attorneys. I thought how the profession must have risen in the eyes of this legislature remarkably; in fact, since yesterday.

I was a little disheartened, however, to see that this new confidence only applies to small-town lawyers. Apparently the big Philadelphia lawyers are still evil, but our small-town lawyer. I think this is about to become another one of those mythical creatures; you know, like the little guy that we always vote for. We are now about to have the small-town lawyer, this fellow who, according to the debate this morning, is not somebody acquainted with the whole body of law, and so he has to be forgiven for that, but his innate honesty—I guess that comes from living in a small town. It has got to be. This is America. But that innate honesty somehow enables

him to throw a shield around his employers in such a way that they are utterly immune from criminal prosecution. Well, I think that is probably the wrong thing to do, and I think we ought to vote against this amendment, and the reason why does not depend upon the evildoing of lawyers, et cetera.

I think it is an almost impossible situation for our local government people to employ a lawyer, ask him for an opinion that is going to shield that employer from all criminal prosecution under the Ethics Act, and expect that lawyer, innately honest though he is, to withstand that inherent pressure of giving his client a favorable opinion. I think that is impossible.

The other thing to keep in mind is that I believe in any criminal prosecution, even under the Ethics Act, for any of the criminal activity—we are not talking about failing to file a form here—when you are talking about criminal behavior, you have to have the intent, and if a local government official is truly acting in good faith and has no intent to break the law—and I realize those are terms of art—you really cannot be successfully prosecuted without that intent.

So on those grounds, I would urge the defeat of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would respectfully disagree with the majority leader, who has asked us to vote against this amendment. I would urge that we vote in favor of the Mayernik amendment.

A previous speaker, also in opposition to it, suggested that this issue was taken care of by other language in the bill that provides that treble damages cannot be applied. I would suggest to you that the local official - a school official or a local council member - who in good faith does follow the advice of their solicitor and then in turn is successfully prosecuted, and then in turn is sent to jail for a year or two and fined \$10,000, is going to find little solace in the fact that we protected them from the treble-damage provision of the law.

The language that Representative Mayernik has proposed in this particular amendment does not allow for a casual opinion that some other drafts of amendments did. It provides for a formal opinion to be provided by the solicitor to the member of the subdivision, a political subdivision, who seeks that opinion. It will be on the public record. As Representative Ritter and others have suggested, it in fact will be subject to a lot of other scrutiny. It is not just going to be a deal or an agreement between the member and the solicitor. I think that this is appropriate.

I would suggest one other twist in terms of an interpretation also. As I read the language of the Mayernik amendment, it does not shield one from prosecution. It does not shield one from conviction. The language says that the penalties will not be applied - the penalty of treble damages; the penalty of going to prison; the penalty of the fine. As I read it, it does not necessarily say you are going to be immune from prosecution and conviction if in fact you have been found guilty of violating the pertinent sections of the law.

I think that Representative Mayernik proposes a very reasonable amendment. It is responsive to some very real problems that have been identified during the life of this law and the life of local government in the State. I would urge that we approve the amendment.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

I suspect too much has probably been said about this amendment already, and I intend to be very brief. I do want to make a couple of comments on some things that I think have been stated that are just plain wrong and somewhat misleading perhaps to some members.

Mr. Blaum, I believe, was correct in his initial statement, if we can remember back that far, when he stated that the bill adequately addresses this problem already. He points out that there is already language which protects a public official from the treble-damage provision. Then the question becomes, what about a criminal violation? Well, I am one small-town lawyer that has practiced some criminal law as a district attorney and as a defense attorney, and I may not know everything, but I know that to commit a criminal offense, you have got to have criminal intent. As the majority leader points out, if you rely in good faith—in good faith—on the advice of your solicitor, you do not have the required mens rea or criminal intent to be convicted of a crime. That is a defense. Not having criminal intent is always a defense.

So I think that there are adequate safeguards already built into the bill. I am not cynical. I do not believe there is going to be a lot of collusion about this. I do think it creates a potential loophole, and it adds an amendment that, at very best, is going to be ambiguous and is not necessary. Thank you.

Excuse me, Mr. Speaker; one last point. I do want to address the point Mr. Foster made. I understand his concern, but nobody should be confused. This does not create any kind of civil immunity to any public official. It just does not address that problem.

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Just to respond to the gentleman, Mr. Ryan. I do not believe that all public officials are out to be devious; just the opposite is true, but I understand that it is easy for him to say that. What we are about today, 99.99999 percent of all public officials are not going to go anywhere near this amendment, but as the gentleman, Mr. Bortner, says, it creates a loophole for the remainder.

I ask that the amendment be defeated. I think it is important. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. McVerry.

Mr. McVERRY. Thank you, Mr. Speaker.

I rise in support of the Mayernik amendment. I think it is indeed unfortunate that although Mr. Blaum contests to the contrary, I believe that the opposition to this amendment comes from the perception that people who are engaged in

their responsibility as public officials are looking for some loophole in order to feather their own nest.

I believe that in a situation such as this, public officials in small towns and in big towns, because political subdivision does not happen to have a population definition to it in this amendment, and therefore, it would apply to first-class cities and second-class cities and all of those all the way down to the boroughs and the second-class townships in the State. I believe that if you have an individual who has been elected and goes into public office with the purpose of serving the members of their community—and those people come from all walks of life—and they hire a solicitor—and the purpose of hiring a solicitor is to advise them with regard to their legal responsibilities—they have a right to call upon that solicitor; and when in fact they do and they rely upon that advice, either written or given in a public forum where it becomes a part of the minutes, they should be able to rely upon that, and if it is in good faith, they should be shielded from having the potential of being fined \$10,000 or going to jail. It is very little solace to say that they are shielded from treble damages, which may amount to nothing in the way of dollars, but be placed in jail and/or fined up to \$10,000.

The key words, I believe, in this amendment are “good faith reliance.” Criminal activity requires intent. It requires a mens rea. It requires in this instance an actual collusion between the solicitor and the member of council or the township supervisor to in fact engage in criminal activity. I submit to you that if it can be established that that type of activity took place, there is no good-faith reliance. You cannot, in good faith, rely on an intent to commit a criminal act. If you are intending to commit a criminal act, all the good faith in the world will not shield you or protect you from the provisions of this act or Title 18, the Criminal Code, because there are many other statutes in place that will deal with public official criminal intent and actions to evade or to avoid criminal prosecution.

I submit to you that this is an amendment that warrants your favorable consideration. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I think that Mr. Blaum and some of the other speakers that have said that this legislation adequately protects public officials in other provisions of the act are wrong.

We who came from local government here on the floor of the House know, and the speaker, Mr. O'Donnell, said, that the solicitor cannot shield his clients or elected officials from prosecution, but in local government, you know, very often you cannot go for a second opinion at a particular time. You have to go with that person's advice that is the expert at that time. That is why it is so imperative that we do not let anything in the Ethics Act that can be misinterpreted. This needs to be spelled out, because we all know as elected officials, be it here or at the local unit of government, we are always in the lion's cage. We always are in that cage, and sooner or later that lion is going to bite you. We have a myriad of solicitors

and attorneys that we can talk to, but in local government, they depend upon one person. Be it in the small town or be it in Wilkesburg or Philadelphia, they have one solicitor for that advice. That is why it is imperative that the Mayernik amendment gets approved, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York County, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

In response to the gentleman, Mr. Bortner, I would like to point out that his point that he made in relation to the case I recited on the floor was a legal point. I did not present a legal brief to the courts addressing this issue, and I am well aware that this concerns the Ethics Code and my case involves the Borough Code. I do not suggest in geometric terms that they are congruent, but they are similar, and the same thing happened because an interpretation was made of ambiguous language. Therefore, I do not propose that we today be ambiguous in our language; I suggest we spell it out so that some other local official is not caught in this same trap and spend 2 or 3 years wondering whether they are going to lose their home or something.

I strongly support the Mayernik amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I just want to say that I heard the majority leader say that a solicitor would not give the wrong information to the members of local government. If that is the case, I would suggest we do away with solicitors. As a former member of local government, I went to that solicitor to get information that was unbiased and truthful, not to protect myself.

Yesterday we spent hours in here while attorneys tore apart each other's interpretations of language, and that solicitor is one attorney who will give an opinion at that point. If that opinion happens to be wrong, then this is going to go to the Ethics Commission that somehow is endowed with great wisdom and will be able to interpret the word exactly as it should be. Yet every attorney who appears before a judge has a different approach to the language that is there before them.

As a local official, somewhere there has to be a place where one can go and feel secure in the action that they take. The Mayernik amendment guarantees that, and I certainly would support this and urge that others do.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, the sponsor of the amendment, for the second time.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Just two brief points, if I may.

As we listened to the gentlemen that have spoken in opposition to this amendment, they would lead us to believe that the solicitor is shielded from criminal prosecution. The point I would like to make is that if a solicitor and an elected official collude, they are not—they are not—acting in good-faith reliance, so they would not be excluded. They could be prosecuted.

The other point I would like to make is that they are still subject to the criminal penalties, and there is nothing in the Mayernik amendment that shields the solicitor or protects the solicitor from criminal prosecution. So it would not be in the best interests of the solicitor to collude with an elected official knowing that he is hanging out there and can be prosecuted.

So I would just like to address some of the concerns of the people that spoke in opposition. I do not want to belabor the matter anymore. I would ask for an affirmative vote.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—155

Adolph	Distler	Lee	Ryan
Allen	Dombrowski	Leh	Saloom
Angstadt	Dorr	Lescovitz	Saurman
Argall	Durham	Lucy	Scheetz
Barley	Fairchild	McCall	Schuler
Battisto	Farmer	McNally	Semmel
Belardi	Fleagle	McVerry	Serafini
Belfanti	Flick	Maiale	Smith, B.
Billow	Foster	Maine	Smith, S. H.
Black	Fox	Markosek	Snyder, D. W.
Boyes	Freind	Marsico	Snyder, G.
Brandt	Gallen	Mayernik	Staback
Bunt	Gannon	Melio	Stairs
Burd	Geist	Merry	Steighner
Burns	George	Michlovic	Stish
Bush	Gigliotti	Micozzie	Strittmatter
Caltagirone	Gladeck	Miller	Suban
Cappabianca	Godshall	Moehlmann	Taylor, E. Z.
Carlson	Gruppo	Morris	Taylor, F.
Cawley	Hagarty	Mowery	Taylor, J.
Chadwick	Haluska	Nahill	Telek
Civera	Hasay	Nailor	Tigue
Clark, B. D.	Hayes	O'Brien	Trello
Clark, D. F.	Heckler	Perzel	Van Horne
Clark, J. H.	Herman	Petrarca	Veon
Clymer	Hershey	Petrone	Vroon
Cohen	Hess	Phillips	Wambach
Colafranca	Itkin	Piccola	Wass
Colaizzo	Jackson	Pistella	Weston
Cole	Jadlowiec	Pitts	Wilson
Cornell	Johnson	Pressmann	Wogan
Corrigan	Kaiser	Raymond	Wozniak
Cowell	Kasunic	Reber	Wright, D. R.
Coy	Kenney	Reinard	Wright, J. L.
DeLuca	Kondrich	Ritter	Wright, R. C.
Daley	LaGrotta	Robbins	Yandrisevits
Davies	Langtry	Robinson	
Dempsey	Lashinger	Roebuck	
Dietterick	Laughlin	Rudy	Manderino, Speaker
Dinimii			

NAYS—37

Acosta	Harper	Levdansky	Preston
Bishop	Hayden	Linton	Richardson
Blaum	Howlett	Lloyd	Rieger
Bortner	Hughes	McHale	Rybak
Bowley	James	Mrkonic	Scrimenti
Broujos	Jarolin	Murphy	Tangretti
DeWeese	Josephs	O'Donnell	Thomas
Donatucci	Kosinski	Oliver	Trich
Evans	Kukovich	Pievsky	Williams
Freeman			

NOT VOTING—1

Gruitza

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cessar			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

RECESS

The SPEAKER. The gentleman, Mr. O'Donnell, requests a recess for lunch at this time.

This House will stand in recess for the purpose of lunch until 2 p.m.

AFTER RECESS

The time of recess having expired, the House was called to order.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman, Representative Pistella, from Allegheny County, who wants the record to reflect that had he been in the hall of the House when the vote was taken on amendment A222 to HB 62, he would have voted in the affirmative, and on final passage of HB 62 he would have been in the affirmative. On amendments 294, 300, 315, and 266 to HB 75, the gentleman would have recorded his vote in the affirmative.

The remarks of the gentleman will be spread upon the record.

COMMUNICATION FROM GOVERNOR

BILL SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

APPROVAL OF HB 67.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

February 13, 1989

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 67, Printer's No. 286, entitled "AN ACT amending the act of June 3, 1937 (P.L. 1333, No. 320), entitled 'An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing

duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections, further providing for the creation of new election districts; providing for the number of signers for the nomination petition for the office of district council member in a city of the second class and providing for the fee for filing the petition; and further providing for assistance in voting.”

Robert P. Casey
Governor

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Monroe, Mr. Battisto, who rises for recognition. For what purpose does the gentleman rise?

Mr. BATTISTO. Mr. Speaker, to correct the record from this morning’s voting.

The SPEAKER. The gentleman is in order, without objection. The Chair hears no objection.

Mr. BATTISTO. Mr. Speaker, on HB 62, final passage, I was on the telephone and I missed the vote. I would like to be recorded in the affirmative. Thank you very much.

The SPEAKER. The gentleman’s remarks on an affirmative vote on HB 62 will be spread upon the record.

CALENDAR CONTINUED

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. DeLUCA offered the following amendment No. A0317:

Amend Sec. 1 (Sec. 2), page 9, by inserting between lines 12 and 13

The term shall include solicitors for political subdivisions regardless of whether the solicitors are employed on a full-time or a part-time basis.

On the question,
Will the House agree to the amendment?

The SPEAKER. The author, Mr. DeLuca, from Allegheny County, is recognized on the amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

What we are doing today with amendment A0317 is we are including part-time solicitors, who have been excluded in this present legislation.

Mr. Speaker, if it is our intent to insure public confidence in this Ethics Act, then it is ludicrous to me to suggest that someone who can prepare on issues, contracts, leases, write written opinions, and also draw up ordinances should be excluded from this type of legislation. We are talking about a conflict of interest. There is more potential for a part-time solicitor to have a conflict of interest than there is for part-time local officials out there.

So I ask for an affirmative vote on this issue. Thank you.
The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.
Mr. BLAUM. Thank you, Mr. Speaker.
Mr. Speaker, I rise to support the amendment. I think it is a good addition to the bill, and I ask the House to approve the DeLuca amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Acosta	Donatucci	Lashingier	Robinson
Adolph	Dorr	Laughlin	Roebuck
Allen	Durham	Lee	Rudy
Angstadt	Evans	Leh	Ryan
Argall	Fairchild	Lescovitz	Rybak
Barley	Farmer	Levdansky	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, D. F.	Herman	Nailor	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Oliver	Van Horne
Colaella	Hughes	Perzel	Veon
Colaizzo	Itkin	Petrarca	Vroon
Cole	Jackson	Petrone	Wambach
Cornell	Jadlowiec	Phillips	Wass
Corrigan	James	Piccola	Weston
Cowell	Jarolin	Pievsky	Williams
Coy	Johnson	Pistella	Wilson
DeLuca	Josephs	Pitts	Wogan
DeWeese	Kaiser	Pressmann	Wozniak
Daley	Kasunic	Preston	Wright, D. R.
Davies	Kenney	Raymond	Wright, J. L.
Dempsey	Kondrich	Reinard	Wright, R. C.
Dietterick	Kosinski	Richardson	Yandrisevits
Dininni	Kukovich	Rieger	
Distler	LaGrotta	Ritter	Manderino,
Dombrowski	Langtry	Robbins	Speaker

NAYS—0

NOT VOTING—3

Clark, B. D. Linton Reber

EXCUSED—9

Birmelin	Fargo	Gamble	Noye
Carn	Fee	Letterman	Olasz
Cassar			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. LASHINGER offered the following amendments No. A0216:

Amend Sec. 1 (Sec. 2), page 7, line 7, by inserting after "Payment"

which is

Amend Sec. 1 (Sec. 2), page 7, line 8, by inserting after "presentations"

that are based upon information received in the course of public office or employment

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for the attention of the members. We are going to take another crack at the honorarium issue as we attempted to do in Representative Reber's amendment yesterday.

My amendment very simply—and if you remember the discussion yesterday, it just flushes out what those discussions were between myself and Representative Blaum—changes the definition of "honorarium," that it would only include that information, that publication, that speech, that treatise that you wrote that sprang from information that you received in the course of your public office or your employment, and then that language piggybacks on the prohibition that is found elsewhere in HB 75.

I was looking through the Legislative Directory at the list of occupations, and while the percentage of occupations has grown to include a large percentage that classify themselves as full-time legislators, I would still have to say that more than 50 percent of this body still considers itself something other than a full-time legislator.

So for those farmers who want to speak about something specific that is happening in the agricultural community and gain an honorarium for that speech though unrelated to your public service; or the title insurance agents who were listed in that directory who want to speak about something that is happening in the real estate industry, maybe changes in the real estate market; for that lawyer who practices in a specialized area who would like to continue to lecture though it is not fee related; for that person who is the educator, as one of the members on the opposite side of the aisle spoke about yesterday, who wants to speak about things that are happening in the education field; for the member who spoke about being an author and going out on the road to speak on behalf of his publication, you would continue to be permitted to accept an honorarium for those items. However, you could not go out and speak, as a hypothetical that was offered by one of our members, on the Municipalities Planning Code and what we did specifically here in the General Assembly. I hate to deal

but most members seem to respond to hypotheticals as we discuss this ethics bill, but anything—and that is probably the best and most recent example—that sprang from your public employment or public office would continue to be prohibited. Otherwise, those gained elsewhere would be reportable still. Do not lose sight of the fact that you would still have that requirement— Well, it is an interesting point, but my opinion would be that you could still have that requirement to disclose those other honorariums, possibly disclosure under "sources of income," though we did not add back the other provision now that we are including these honorariums.

I believe, as Mr. Freind characterized it yesterday, what this really is is a debate over the issue of whether this body is now a full-time General Assembly or are we going to continue to recognize the fact that there are legislators who continue to maintain occupations; though they may not be full-time occupations, outside of our role as public officials or legislators here in the Commonwealth. I think support for this amendment is recognition that this will continue to be a part-time General Assembly and people will continue to maintain occupations in addition to those as a legislator.

I would ask for the support of the membership. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. As you can remember yesterday, I thought we had in the Reber amendment some language that would ban honoraria in Pennsylvania but at the same time not preclude some professionals from making some speeches and presentations and receiving some payment. That amendment, in the wisdom of the members of the House, failed because it created in your minds too much of a loophole. If that is the case, this amendment creates a huge exemption which I do not think the members of the House want to do.

I ask for a negative vote. I think it defeats the purpose of the ban, and I ask that the amendment be defeated.

The SPEAKER. The Chair recognizes from Washington County the gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Will the speaker stand for interrogation?

The SPEAKER. Mr. Lashinger has indicated he will stand for interrogation. You may proceed with the interrogation.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I just want to comment and ask you a question concerning this amendment. In the case of this amendment, if I, well, I know other legislators, act as toastmasters, not in the course of our public office but to go and speak at a conference and just tell jokes about an individual and we get paid for that, would we be okay under your amendment? We are not using information that our public office provides, but if I go out and perform, like I said, as a toastmaster, would that be okay under your amendment?

Mr. LASHINGER. Yes, Mr. Speaker. And let me answer the question completely. Only, in my opinion, would you be

permitted to accept an honorarium with this amendment, unless you maintained a career as a toastmaster and you had an hourly rate that you normally charged as a toastmaster, say it were \$50 an hour, and you received for 2 hours' worth of work \$100 for that work as a toastmaster. Then it would not be an honorarium. However, if you were a toastmaster, generally how it works is you would receive \$200 or \$300, because of your public speaking ability, for maybe a total of 15 minutes' worth of work. Under Mr. Blaum's language you would not—would not—be permitted to accept that, because that fee that you received would not be commensurate with what would be your normal hourly rate for that service.

So only with my amendment, in my opinion, would you be permitted to accept that as an honorarium.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

One other question, and I am not sure if I should be asking you or Representative Blaum this, but let me present this to you. There are many local officials, such as borough councilmen or township supervisors, who maybe are professors or in other professions other than being a borough councilman or a township supervisor and who go out and speak on subjects. If your amendment did not pass, did not pass, they would not be allowed to go out and speak concerning their profession?

Mr. LASHINGER. Mr. Speaker, groping for the language, the prohibition that Mr. Blaum inserted in the bill could not have been more clear. It very succinctly states on page 10, lines 29 and 30, "No public official or public employee shall accept an honorarium." Then it goes on to define an honorarium, and an honorarium would include a speech that you received consideration for, dollars, that might not be equal to the value of that service. So, again, a short answer to a very simple question: In my opinion, you could be prohibited under Mr. Blaum's language without my amendment.

Hypothetical: One of your local government officials wants to speak about changes in municipal financing. He might be an investment banker full time. He decides that he is going to accept an honorarium for that speech, and the honorarium might be \$500 and the speech might only be 15 minutes, and he does not normally get paid \$500 for 15-minute speeches. That, in my opinion, would be prohibited with Mr. Blaum's language. And it would be a further recognition that we are trying to again tell our local government officials that we want to reduce or curtail their outside income or, in my opinion or what I believe is what some are trying to do, to punish public officials or hold them to a higher degree of accountability because they are public officials and reduce outside sources of income because of the perceived conflicts that it creates.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny County, Mr. Cowell, is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, like a similar amendment that we considered yesterday, this amendment introduced by Representative Lashinger is an honest effort to address a serious question, but like yesterday's effort, it is deficient in that it creates a loophole. In fact, I agree with Representative Blaum. The

loophole that is created or would be created by this amendment is much greater and perhaps much more serious than the concerns that we expressed yesterday.

The problem with both of these efforts, but particularly the one that we are speaking about now, is that it attempts to address the problem by defining the subject of one speech and it ignores the real problem that this legislation is all about, and that is why an individual gets invited to begin with. Basically, if we would embrace this amendment, the issue is, as long as you are careful about the subject of your remarks, as long as you are careful about what you say, as long as you are careful about the excuse that is used to get you there, you can get invited and you can speak and you can be paid because you happen to be a public official. That is the real issue that this Ethics Law is attempting to address - why you are invited, not the subject of your remarks.

Now, it has been suggested that this amendment, if we would adopt it, would allow individuals to continue to go about their regular business, whatever it happens to be. Now, this law would not keep the realtor from practicing the real estate business. This law would not keep the lawyer from practicing the law business. It would not keep the insurance agent from selling insurance. What it would keep them from doing is using the fact that they happen to be a legislator as the real reason to give a speech somewhere and to be paid for giving that speech about the law business or about the insurance business or about the real estate business, not because they have any particular expertise in those areas but invited to give the speech because they are a legislator who happens to fit neatly into the topic that is arranged.

That is the real problem with these amendments. They do not address the critical issue that this law is all about - why one gets invited to give the speech, why one is in a unique position to be offered the honorarium, because one is a public official. The subject of the speech really has very little to do with the issue at hand. However, if we look carefully at the language that is provided today, the loophole is wide open; the gate is made wide open. As long as you can make an argument that the subject of your speech is not based upon information received in the course of public office or employment, then you have got a legitimate excuse to give a speech and to be paid. This is even broader than yesterday's amendment in that the speech subject need have nothing to do with your other kind of employment or your other kind of expertise. I could go and give a speech on astrology and have an excuse to be paid for it as long as it did not have anything to do with information I gained in the course of my public employment, and I have not really learned anything about astrology during the course of public employment. So Representative Cowell could be invited to give a speech about astrology or any number of other issues like that.

I would suggest that if we are going to ban honoraria, we ought to apply it across the board and we ought to quit trying to be cute about it. We ought to simply say we are not going to permit the honoraria to be paid for speeches and the like and quit trying to find loopholes and quit trying to find excuses

for some of us to be able to do it, while most of us and most public officials around the State would be told, you are not eligible; you do not have a neat excuse; there is not a loophole for you, so the broad prohibition will apply. I think if we are going to ban it, we ought to ban it completely and reject amendments such as the one that is before us this afternoon.

I would urge that we reject the Lashinger amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally.

Mr. McNALLY. Would the gentleman, Mr. Blaum, stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. McNALLY. Mr. Speaker, as I understand it, the term "public official" would include local officials as well as members of the General Assembly. Is that correct?

Mr. BLAUM. Yes.

Mr. McNALLY. And as I understand it as well, as the bill is written now, it would ban honoraria for all public officials and all public employees. Is that correct?

Mr. BLAUM. Correct.

Mr. McNALLY. Now, suppose that we had an individual who had some celebrity status - professional athlete or, otherwise, a novelist - who worked for a—

Mr. BLAUM. Like Representative Cawley.

Mr. McNALLY. Exactly—but someone who had celebrity status but was, for example, a member of a municipal authority, a board of directors of a municipal authority, and in their capacity as a celebrity, say as a sports figure, they were asked to come out and give a speech or make an appearance as a sports figure rather than having any relationship to their official capacity. Would they be banned from receiving the honoraria in that case?

Mr. BLAUM. I do not think so, and to make that more clear, to make that more clear, yesterday we offered the Reber amendment, which we thought made that more clear, because some members believed that the current language is not as clear as it could be. That is why the Reber amendment was offered. I am told that that amendment may be reconsidered and offered again later. I think, to me, that is acceptable. It was not acceptable to the members of the House.

The language currently before us in the Lashinger amendment, I think, is unacceptable and creates too much of a loophole. I hate to keep using that word, but it creates too much of an exemption, and that is the reason I oppose the Lashinger amendment.

Mr. McNALLY. Mr. Speaker, I am finished with my interrogation. If I could make a brief remark.

The SPEAKER. The gentleman is in order and may proceed.

Mr. McNALLY. Although I support the efforts in this bill that ban honoraria, I think that Mr. Lashinger's amendment addresses a real problem with the language as it exists, and that is why I support the Lashinger amendment.

The example that I gave of a person who has celebrity status and who really is not a full-time public official and whose

primary source of income may actually arise out of their celebrity status or out of their nonofficial capacity will have a large portion of their income shut off under this bill. Now, the gentleman from Luzerne County indicated that in his interpretation, as he would understand this bill, such a person could continue to receive honoraria. However, I ought to point out that that is not what the bill says. It bans honoraria for every single public official and public employee for whatever purpose, for whatever reason they are receiving that honoraria. I do not think that is the intention of the legislature, and I think that the best alternative that we have before us is the Lashinger amendment.

As for the possibility that this somehow creates a special exemption for certain professions, I think it is interesting to note that there is one explicit loophole for one specific profession, and that profession happens to be teaching. I do not think that that argument is well founded, and therefore, I urge support of the Lashinger amendment.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I realize that the matter before us is the Lashinger amendment, but I happen to focus my attention on the dissenting opinion of Representative Cowell regarding the Lashinger amendment, and I would like to ask if Mr. Cowell would stand for a brief interrogation.

The SPEAKER. The gentleman indicates that he will stand for an interrogation.

Mr. REINARD. Mr. Speaker, I was trying to pay very close attention to your explanations, and I know we are dealing in hypotheticals again, as we did yesterday and through a lot of this discussion.

Mr. Speaker, in the area of clarification of your examples that you gave this House a few moments ago, I would like to pose one to you. The example I would like to bring up specifically speaks to the language found on page 7, line 9, which begins with and continues with "...intended as consideration for the value of such services," under the definition of "honorarium." The example I would like to pose to you is one where an individual is a CPA (certified public accountant). He has gone to school and college and graduated with a degree in accounting. He has gone on and obtained a professional designation as a CPA. He has, because of that designation, a requirement for professionalism and continuous education. He becomes an expert in his field of taxes. He becomes an expert in preparation of tax forms as well as formulas for investing as well as formulas for tax planning. He goes out and becomes a speaker not just before Pennsylvania but before all different States on different aspects of tax law, which is his professional training, which is his professional education, speaking before certified accountants throughout California through Maine. He is also a member of the Pennsylvania House of Representatives and has been for 10 years a member of the House Appropriations Committee. Would you, in your opinion, consider that individual violating the Ethics Act as you see in HB 75?

Mr. COWELL. I do not know. I think that the problem with the effort to ban honoraria completely leads to circumstances such as the dilemma that you have described, and I do not know how an Ethics Commission, in fact, would describe or would interpret that situation. I would not try to be so presumptuous as to label that one way or the other. I would think that the law could be made more clear, however, and the concern about why individuals get invited to speak addressed, if in addition to some of the other language that was considered as part of the Reber amendment or part of the Lashinger amendment, if in addition to that, we might also have some language in statutory or regulatory law that made it very clear that that kind of speaking around your professional interest or professional expertise might be permitted if in fact the invitation would not include the fact that you were a public official and the advertising around the event would not include the fact that you were a public official and the introduction to the crowd might not include the fact that you were a public official, and that your office, whatever it might happen to be, was not a part of the invitation or speech preparation process. With those kinds of protections, I think that you more specifically address the issue of why somebody gets invited and at the same time provide the latitude for somebody with long-standing, really pre-government-service expertise - education, training, what have you - you allow the opportunity for them to continue to do some of their other business.

The specific situation that you identified, though, creates just the kind of dilemma that I believe that Representative Reber and Representative Lashinger, in good conscience, have tried to wrestle with. I am only concluding that their efforts are not adequate and provide some loopholes, but the specific problem they are trying to address I understand and appreciate.

Mr. REINARD. Thank you, Mr. Speaker.

I would like to end the interrogation and speak on the amendment.

The SPEAKER. The gentleman is in order.

Mr. REINARD. Mr. Speaker, we have just heard a complete example of why the Lashinger amendment is necessary. We have heard an example, a hypothetical example, which sets forth an educational and experienced and professional background, and the previous speaker wants us to be able to take off, like a suit, our experiences in all of our life. The Lashinger amendment, as well as making reference earlier to the Reber amendment, tries to put some reasonable language in banning honorariums but recognizing also that an individual, because of education, because of training, because of professional experience before entering this House or after entering this House, has gained something of importance that is not purely political but is one that has merit not just to a body in Pennsylvania but throughout the country. It is educational and should not be barred.

For those reasons I agree with the Lashinger amendment and ask for your support.

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Mr. Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Blaum, stand for a brief discussion?

I will be really brief, but I do have some concerns over the language that you say you support in this bill. I think it is page 7, line 7, the definition of "honorarium." I would like to know two things. In the section that Mr. Lashinger amends with his amendment, specifically you talk in here, Mr. Speaker, about payment made in recognition of published works. If I were an author and I wrote a book, would I be prohibited from collecting a fee for the publication of that book?

Mr. BLAUM. In my opinion, no, and to make that even more clear, that is why we offered the Reber amendment. Let me say again that a slip has been sent to the Speaker's desk to reconsider the Reber amendment. The Reber amendment, in my opinion, is the way to go, not the Lashinger amendment. We hope to make that— We tried to make that clear yesterday. The House defeated the Reber amendment, and if they defeated the Reber amendment, they surely should defeat the Lashinger amendment, and then we will bring back the Reber amendment and hopefully adopt it now that I think everybody knows what it is we were trying to do yesterday.

Mr. GLADECK. Mr. Speaker, with this section as it is currently written, since I do not believe it is proper to discuss the Reber amendment, I do not know that your efforts will be as successful in that regard today or more successful today than they were yesterday, so I do not know that I can rely on the fact that you are reconsidering it, but that is not what is before us. Could you tell me, if I were a college professor, would I be permitted to give a lecture at any college based on my job as a professor or an associate professor at that college?

Mr. BLAUM. Sure.

Mr. GLADECK. Would I be permitted to receive a fee for that, under the definition of "honorarium" that you have in this bill on page 7? And if so, maybe you could point out where.

Mr. BLAUM. The definition of "honorarium," as it is on page 7, does not prohibit you, if you are a college professor, from being paid. It does not prohibit any of us in our various walks of life from being paid. In my opinion, it does not prohibit an author from receiving royalties on his book. There are those who said our language was not clear enough, and I am willing to agree that it could be made more clear, and we want to try and make it more clear. The Reber amendment is the way to go. The Lashinger amendment is too broad, too broad, and should be defeated.

Mr. GLADECK. Well, I would agree with one part of your statement and disagree with the other.

Mr. Speaker, I think that the Lashinger amendment clearly sets forth exactly what the lion's share of us here on the floor believe, and that is that we should not receive honorariums based on our personal activities here in our official capacity as legislators. Accordingly, the definition of "honorarium" in this bill is disturbingly vague, and unfortunately, Mr. Blaum

will not sit as judge, jury, and executor when the Ethics Commission is called upon to interpret this very vague section.

Accordingly, I would like to ask the House to please accept the Lashinger amendment, because I think it gets to the heart of exactly what we are trying to do here. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I think with the Lashinger amendment we find ourselves at a fork in the road. We have to decide whether or not we really want to ban honoraria. If we do want to ban honoraria, we accept the Blaum version of the bill and reject the Lashinger amendment. If we want to allow honoraria simply by switching hats and calling that payment something else, then we adopt the Lashinger amendment.

Let me give you a very practical example. If you are a professional member of the General Assembly - let us say you are a realtor, an attorney, a doctor - under the terms of the Blaum version of the bill, a trade association which would have a direct interest in legislation which we might be considering would not be able to invite you to appear at a meeting, give a speech, and be paid a fee. We are saying with the Blaum version of the bill, those kinds of payments are unacceptable. However, with the Lashinger proposal as an alternative, that very same trade association could invite you to come, give a speech, and pay you a fee so long as the subject matter of your speech is beyond the scope of your legislative duties. In other words, that trade association might suddenly develop a strong interest in wills and estates and could invite an attorney to appear and pay him a fee for that presentation. I have a concern about that, because I think that invites duplicity and in effect authorizes honoraria through the back door.

But more importantly, I believe that the Lashinger amendment inadvertently is a clear step backward from even existing law, and that is that under the current law, if a member of the General Assembly gives a speech and is paid a fee for that presentation and the amount of that payment is over \$100, under existing law that member must report such a payment. However, under the Lashinger proposal, since we no longer call that an honorarium, if an identical payment is made, no report whatever is made. And so we find ourselves confronting the situation where even under existing law, if the payment is over \$100 to that professional legislator, there is a report; with the adoption of the Lashinger amendment, so long as the subject matter of the speech is removed from the day-to-day responsibilities of the legislator, no matter how high the payment might be - \$500, \$1,000, \$5,000 - to the best of my knowledge, there would be no such public reporting requirement.

Now, I would invite the gentleman, Mr. Lashinger, to respond to that concern if in fact my interpretation is inaccurate, but I do believe that it is correct.

Would the gentleman, Mr. Lashinger, stand for a brief interrogation?

Mr. LASHINGER. I will, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will.

Mr. McHALE. If the gentleman could respond to the question.

Mr. LASHINGER. Yes, Mr. Speaker; I understood the question.

Mr. McHALE. As I understand it, there is no reporting requirement whatever, whatever the size of the amount of the payment, if in fact your amendment is adopted.

Mr. LASHINGER. I understand the question.

In my presentation it is why I made the comment that this would most likely be reportable now as a source of income under the proposal, but I could understand your analysis that that was an oversight. It was never my opinion—it was Mr. Blaum, who framed HB 75; it was Mr. Blaum's decision and the proponents' decision—to take reporting of honorariums out completely. It was never my position. It would have been my preference to leave the reporting in of honorariums in excess of \$100, but in answer to your question, it is my opinion that that income could then be reported under "sources of income," which is covered elsewhere in the legislation.

Mr. McHALE. Mr. Speaker, I have concluded my interrogation. If I may make a brief comment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. McHALE. Mr. Speaker, I think we are treading on very thin ice when we say to a member of this General Assembly who, for instance, might be an attorney, should you appear before the Trial Lawyers and talk about tort reform, you may not be paid, and that might occur on a Wednesday, but should you appear on a Thursday and speak to those same lawyers about wills and estates, you may in fact be lawfully paid \$500 or \$1,000, and there is no reporting requirement whatever in terms of an honorarium. We have in fact drawn a distinction that invites duplicity. For that reason I believe we ought to reject the Lashinger amendment and make a determination today that we truly are opposed to honoraria as an outside source of income.

If you have some other profession, if you are a realtor, a lawyer, a doctor, if you are a consultant in some manner, you may in fact have an outside profession, but if we reject the Lashinger amendment, we are saying that one profession you may not have is that of professional speaker. I think that is the choice we have to make today. If we go with the Blaum version of the bill, we are rejecting honoraria. If we accept the Lashinger amendment, we are in fact authorizing honoraria but calling them by some other name. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Will the gentleman, Mr. Blaum, stand for interrogation, please?

The SPEAKER. Will the gentleman, Mr. Blaum, stand for interrogation? He indicates he will, and Mr. Chadwick may proceed.

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to propose to you two hypotheticals which will help me make a decision on this amendment.

Let us take the example of the gentleman, Mr. Freind, who is an author. If he wants to speak to a writers' group about a book he has written, under the bill in its current form, it is possible that could be interpreted as an honorarium if he is paid \$5,000 for coming to speak about that book. The \$5,000 would be totally unrelated to anything he was paid for writing the book. It would be an honorarium paid to him for coming to the group and speaking about the book. Now, would you agree that that could be interpreted as an honorarium and prohibited under the bill in its current form?

Mr. BLAUM. You know, Mr. Speaker, on a number of occasions, yesterday and today, I am being asked to be a majority of the Ethics Commission. I have my opinions and what I think, but the bottom line is, if the current language is adopted, I certainly hope it is adopted without the Lashinger amendment. I would like to see it adopted with Representative Reber's amendment. But if it is adopted as it is now, whenever we make a speech, presentation, appearance, and a check is involved, we would all do well to be careful, to check it out, to ask the Ethics Commission for a ruling as to whether or not we can accept it. That is what we are adding. What we are adding is, I understand, another sacrifice. It is another thing we have to do as one of the requirements of having the honor of sitting here in the General Assembly.

You know, what you are asking me to do is very difficult. My opinion may differ from Joe Lashinger's. It may differ from a lot of the ladies and gentlemen in this room, and my answers have very little meaning or bearing. The one answer I would like to give you is, if our language is adopted as it currently is and you are making a speech, presentation, appearance, and a check is going to be involved, you check that out; that is all.

Mr. CHADWICK. In other words, your answer is, it might be an honorarium.

Mr. BLAUM. Yes. I would check with the Ethics Commission. That is what I would do personally.

Mr. CHADWICK. Okay.

Mr. BLAUM. There is no way for me to give you an answer definitely on every hypothetical that can possibly come up.

Mr. CHADWICK. Let me give you the second hypothetical then, if I may.

Let us suppose that the gentleman, Mr. Freind, speaks to exactly the same group. The subject matter is how to be a better writer, and he charges them \$10 a head to come into the room and listen to that speech. As I read the definition of "honorarium," that may well be consideration for the value of a service that he provides to each person for coming to hear the speech. Would you agree that that could be the interpretation of that?

Mr. BLAUM. Again I have my opinions. My opinion would be very similar to yours, and both of our opinions probably mean very little.

Mr. CHADWICK. All right, Mr. Speaker.

That concludes my interrogation. May I speak on the amendment?

The SPEAKER. The gentleman is in order.

Mr. CHADWICK. Mr. Speaker, it is clear to me that we cannot pass this bill with the definition of "honorarium" intact as it currently exists. Either the Lashinger amendment or the Reber amendment must be passed or we are going to have a chaotic situation on our hands.

I urge the members to support one or the other.

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, a couple of the other previous speakers who spoke in favor of this amendment have created scenarios, hypothetical situations, and asked the question, would individuals be able to collect honoraria—

The SPEAKER. Will the gentleman suspend.

FILMING PERMISSION

The SPEAKER. The House is informed that Public Television has chosen again to be on the floor this afternoon and will begin televising. The members should be aware.

CONSIDERATION OF HB 75 CONTINUED

The SPEAKER. I am sorry for interrupting, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

I was saying that a couple of the previous speakers advocating this amendment had drawn hypothetical situations and asked whether or not individuals would or would not be able to collect honoraria under the circumstances they described. One of the hypothetical situations was the CPA who was asked to travel around this country perhaps or around this State speaking about issues related to the CPA profession. Another example was cited about the author who might be invited to speak about the book that he or she had written. Well, there is little question that the Lashinger amendment would take care of those situations, and the Lashinger amendment would allow those individuals under the provisions of the law to speak to those issues and to collect an honorarium. Eliminating the prohibition against honoraria completely would take care of those problems as well, and I would suggest that the Lashinger amendment comes close to doing that, as was suggested by Representative McHale.

All of this language currently in the law, if amended with the Lashinger language, all it would do would be to say that in the case of a legislator, for instance, we would not be able to go out and speak and collect an honorarium for speaking on the subject of State legislation. We would not be able to speak about education bills before us or environmental bills before us or the game law or the fish law or insurance law or no-fault insurance. But I could go out, as I said earlier, and speak about astrology, and a lawyer could in fact go out and speak about the law, and Representative Lashinger could speak about the law or about skiing, and Representative DeWeese

could run travelogs. We could have all kinds of excuses to get us out to speak as long as we did not talk about the law; as long as we did not talk about the law as it pertains to legislation or information that we acquired during the course of our legislative experience here or on a school board or as a member of council.

The loophole that is created by the Lashinger amendment, while again well intentioned, is a tremendous loophole, and it comes very close to doing away with the prohibition on honoraria completely. But in fact it would put us in the dishonest position of saying on the one hand we have done away with honoraria, but on the other hand, for most people we are going to permit some type of loophole that every one of us could abuse if we really chose to. It does not get to the real issue, as I explained earlier. It does not get to the issue of why we get invited to speak, because you happen to be a public official, because you are a legislator or a school board member or a council member.

There are some legitimate problems that are created by this honoraria prohibition and I acknowledge that, but the Lashinger amendment as proposed deals not only with those narrow problems but basically undermines the whole principle that this legislation tries to address. For that reason I would urge that we defeat the Lashinger amendment.

The SPEAKER. On the question, the gentleman from Montgomery, Mr. Lashinger, is recognized for his final debate.

Mr. LASHINGER. Thank you, Mr. Speaker. I beg the indulgence of the membership.

First let me thank the opponents for recognizing my good intentions in this amendment.

I am fascinated by the euphoria surrounding this issue of honoraria. I watched the bills that flew out of here in 1988, and any legislation that came from here and went to the Senate or came from the Senate back to here never once touched on the issue of honoraria. Well, in fact, when it did touch on the issue of honoraria, it increased the amount that we would have to report under. I believe it took it from \$100 to \$500, and we rejected that under the notion that we should be reporting at the level of \$100. And what happens? The Congress in Washington decides that they are going to raise their salary through some complicated system to 100 and whatever thousand dollars it was. They started discussing that they have got to put limits on their income, and the way to do it was to curb honoraria. Everyone up here started reading the newspapers, and the panic started in the press in that media attention focused on Washington, then became focused up here, and it was never focused up here until the Congress started debating the issue of the pay increase in Washington.

So I am fascinated by all of the new hoopla concerning honoraria, and it is new. It is only new under HB 75, and I think the opponents lose sight of the fact of how we got here. We are here because we are supposed to be representing different walks of life. Our local government officials are even more part time because they are supposed to be in better touch with the community and represent different walks of life. Are we

trying to prevent conflicts of interest or are we trying to prevent an individual's means of outside employment or sustenance, and I think that is what you are doing in this amendment - eliminating the opportunity that some have for gainful employment in addition to their public service. Gee, it is difficult enough to get people into public service, and then to think about limiting sources of legitimate, legitimate outside private income. If Farmer Hershey or Scheetz or Old MacDonald gets invited to the Farmers' Association, you think, whoever recognized that fact, because they are a legislator, they do not know anything about farming, and then I am worried about their farming ability, and I believe whoever it was should recognize the fact that some of us who practice in different professions practice diligently in those professions and have gained respect in those professions and are invited to those professional bodies not because we wear the hat as a public official or a legislator or a local government official but because we have succeeded in that respective profession.

Mr. McNally started to touch on, and unfortunately dropped it, it is those local government officials. We keep drumming up hypotheticals that focus on us. Think about those individuals, those local government officials at home that do prepare treatises in engineering, and yes, Mr. McHale, do get compensated for public speaking. There are individuals who do get compensated for their professional ability in public speaking that might surround their work in their specialized field, and yes, I believe that they should be compensated for it so long as it does not conflict with their public employment.

We are not looking for loopholes, and again, the premise that the proponents seem to operate from is that corruption is inherent in public service and those people who are in public service and those people who are interested in amending this bill are looking for loopholes. Just the opposite. We are looking for ways of protecting the public and the citizenry, but we are also looking for ways of keeping good people in government, not driving good people from government, and that is what I think is being attempted by some by not looking at the conflict of interest. If the focus was just conflict of interest, then I would say those are legitimate opinions being voiced by the opponents of this amendment. Instead what I perceive is an effort to eliminate outside income. That is okay if you are talking about Washington, DC, and you are talking about salaries in excess of \$100,000, but do not let that hogwash from down there carry over to what has always been accepted up here, and that is the fact that we here and those at home who serve as part-time public officials continue to have professions outside of the public-service function that they operate in.

I was fascinated by the comments about Mr. Reber's amendment. I did not hear any reasoning as to why this is broader language. All I heard is that this is broader language. Some have said Mr. Blaum loved the Reber amendment so much that he loved it to death yesterday. He killed that amendment. I was for that amendment, but that amendment went down, because what Mr. Blaum was saying in answer to

hypotheticals was not what we as the proponents were trying to do in that amendment. So it is okay to say you are for it, but do not kill the amendment in your speech on the floor in supporting the amendment.

I think if you want to continue to invite good people into public service and continue to have people who are honest and want to continue to operate in their occupations outside of this sphere, you should support this amendment. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the amendments?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman from Philadelphia, Mr. Carn, is on the floor of the House and asks to be taken off leave and placed on the master roll call. That will be done.

LEAVE OF ABSENCE

The SPEAKER. The lady from Centre County, Mrs. RUDY, has asked for a leave for the balance of the day. Without objection, the leave will be granted. The Chair hears no objection.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—65

Adolph	Flick	McNally	Ryan
Barley	Fox	McVerry	Saurman
Battisto	Freind	Micozzie	Semmel
Brandt	Gallen	Moehlmann	Serafini
Burd	Gannon	Nahill	Snyder, D. W.
Burns	Gladeck	O'Brien	Strittmatter
Carn	Godshall	Perzel	Taylor, E. Z.
Chadwick	Hershey	Petrone	Taylor, J.
Civera	Hughes	Piccola	Thomas
Clark, J. H.	Jackson	Pitts	Trello
Clymer	James	Raymond	Vroon
Cohen	Kenney	Reber	Weston
Colafella	Kosinski	Reinard	Wogan
Cornell	Lashinger	Richardson	Wright, D. R.
Dininni	Leh	Rieger	Wright, J. L.
Durham	Linton	Roebuck	Wright, R. C.
Farmer			

NAYS—125

Acosta	Distler	LaGrotta	Robbins
Allen	Dombrowski	Langtry	Robinson
Angstadt	Donatucci	Laughlin	Rybak
Argall	Dorr	Lee	Saloom
Belardi	Fairchild	Lescovitz	Scheetz
Belfanti	Fleagle	Levdansky	Schuler
Billow	Foster	Lloyd	Scrimenti
Bishop	Freeman	Lucyk	Smith, B.
Black	Geist	McCall	Smith, S. H.
Blaum	George	McHale	Snyder, G.
Bortner	Gigliotti	Maiale	Staback
Bowley	Gruitza	Maine	Stairs
Boyes	Gruppo	Markosek	Steighner

Broujos	Hagarty	Marsico	Stish
Bunt	Haluska	Mayernik	Stuban
Bush	Harper	Melio	Tangretti
Caltagirone	Hasay	Merry	Taylor, F.
Cappabianca	Hayden	Michlovic	Telek
Carlson	Hayes	Miller	Tigue
Cawley	Heckler	Morris	Trich
Clark, D. F.	Herman	Mowery	Van Horne
Colaizzo	Hess	Mrkonic	Veon
Cole	Howlett	Murphy	Wambach
Corrigan	Itkin	Nailor	Wass
Cowell	Jadlowiec	O'Donnell	Williams
Coy	Jarolin	Oliver	Wilson
DeLuca	Johnson	Petrarca	Wozniak
DeWeese	Josephs	Phillips	Yandrisevits
Daley	Kaiser	Pievsky	
Davies	Kasunic	Pistella	Manderino, Speaker
Dempsey	Kondrich	Pressmann	
Dietterick	Kukovich	Ritter	

NOT VOTING—3

Clark, B. D. Evans Preston

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. BLAUM offered the following amendments No. A0324:

Amend Bill, page 35, by inserting after line 30 Section 11. This act shall apply as follows:

(1) Section 1 (the definitions in section 2 of the act that are used in sections 4 and 5 of the act, insofar as the definitions relate to sections 4 and 5) shall apply to occurrences which take place after the effective date of this act.

(2) Section 1 (sections 4 and 5 of the act) shall apply to occurrences which take place after the effective date of this act.

Amend Sec. 11, page 36, line 1, by striking out "11" and inserting

12

On the question,
Will the House agree to the amendments?

WELCOME

The SPEAKER. There are two groups with us this afternoon in the balcony: the Harriett Tubman Group Home for Girls and students - the director, Pat Wright; the house mother, Mrs. Antrom; a social worker, Eloise Williams; and the photographer, Keith Smith. That group is with us, along with the Excelsior Christian Academy and students - Ms. Vivian Gibbins, director; Mrs. Mayflower, teacher; Mrs. Sutton, teacher; Mr. Alleyne, teacher; Mr. Jackson, teacher's assistant; and Mr. Flowers, teacher's assistant. They are all here as the guests of Representative David Richardson. Will the groups please stand.

CONSIDERATION OF HB 75 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is just a redrafting of a technical amendment that Representative Heckler had this morning which makes it very clear that next year when we file our ethics forms, for the purposes of the reporting requirements, the new changes in the law take place after the effective date of this bill. You know, honoraria is a good example. I mean, somebody may have already received one in 1989, and later on in 1989 they are going to be made illegal.

So it is to make it very clear for next year's reporting requirements that when we fill out our ethics forms next year, that it be very clear that the new provisions in the law apply after the effective date, and I assume they are going to have to have another line for the part of 1989 that is under the old law.

It is technical, and I think it is an important amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

Acosta	Donatucci	Laughlin	Robbins
Adolph	Dorr	Lee	Robinson
Allen	Durham	Leh	Roebuck
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Hasay	Morris	Taylor, E. Z.
Carlson	Hayden	Mowery	Taylor, F.
Cawley	Hayes	Mrkonic	Taylor, J.
Chadwick	Heckler	Murphy	Telek
Civera	Herman	Nahill	Thomas
Clark, B. D.	Hershey	Nailor	Tigue
Clark, D. F.	Hess	O'Brien	Trello
Clark, J. H.	Howlett	O'Donnell	Trich
Clymer	Hughes	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colafiglia	Jackson	Petrarca	Vroon
Colaizzo	Jadlowiec	Petrone	Wambach
Cole	James	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.

Daley	Kondrich	Raymond	Wright, J. L.
Davies	Kosinski	Reber	Wright, R. C.
Dempsey	Kukovich	Reinard	Yandrisevits
Dieterick	LaGrotta	Richardson	
Dininni	Langtry	Rieger	Manderino,
Distler	Lashingier	Ritter	Speaker
Dombrowski			

NAYS—0

NOT VOTING—2

Carn	Harper
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EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0263:

Amend Sec. 1 (Sec. 7), page 25, line 29, by striking out "appointing authorities specified in section 6(a)" and inserting Governor, each member of the General Assembly and at least one public library in each county

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an agreed-to amendment. It says that in addition to the appointing authorities, each member of the General Assembly and at least one public library in each county shall get Ethics Commission opinions, advices of counsel, and advisory opinions. This will save a lot of money. It costs \$13,500 in ratio for each violation. The people ought to know what these violations are. I urge your support.

The SPEAKER. The gentleman, Mr. Blaum, from Luzerne County is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

I think this is a good amendment, and I ask the House to approve it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Adolph	Donatucci	Laughlin	Ritter
Allen	Dorr	Lee	Robbins
Angstadt	Durham	Leh	Roebuck
Argall	Evans	Lescovitz	Ryan
Barley	Fairchild	Levdansky	Saloom
Battisto	Farmer	Linton	Saurman
Belardi	Fleagle	Lloyd	Scheetz
Belfanti	Flick	Lucyk	Schuler
Billow	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.

Boyes	Gannon	Maine	Snyder, D. W.
Brandt	Geist	Markosek	Snyder, G.
Broujos	George	Marsico	Staback
Bunt	Gigliotti	Mayermik	Stairs
Burd	Gladeck	Melio	Steighner
Burns	Godshall	Merry	Stish
Bush	Gruitza	Michlovic	Strittmatter
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Hasay	Morris	Taylor, F.
Cawley	Hayden	Mowery	Taylor, J.
Chadwick	Hayes	Mrkonic	Telek
Civera	Heckler	Murphy	Thomas
Clark, B. D.	Herman	Nahill	Tigue
Clark, D. F.	Hershey	Nailor	Trello
Clark, J. H.	Hess	O'Brien	Trich
Clymer	Howlett	O'Donnell	Van Horne
Colafella	Hughes	Oliver	Veon
Colaizzo	Itkin	Perzel	Vroon
Cole	Jackson	Petrarca	Wambach
Cornell	Jadlowiec	Petrone	Wass
Corrigan	Jarolin	Phillips	Weston
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pievsky	Wilson
DeLuca	Kaiser	Pistella	Wogan
DeWeese	Kasunic	Pitts	Wozniak
Daley	Kenney	Pressmann	Wright, D. R.
Davies	Kondrich	Preston	Wright, J. L.
Dempsey	Kosinski	Raymond	Wright, R. C.
Dieterick	Kukovich	Reber	Yandrisevits
Dininni	LaGrotta	Reinard	
Distler	Langtry	Richardson	Manderino,
Dombrowski	Lashinger	Rieger	Speaker

NAYS—0

NOT VOTING—7

Acosta	Cohen	James	Rybak
Bishop	Harper	Robinson	

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0256:

Amend Sec. 1 (Sec. 5), page 18, line 10, by inserting after "relationship."
However, for the purposes of this subsection, the term "friend" shall not include a registered lobbyist or an employee of a registered lobbyist.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized.

Mr. COHEN. Mr. Speaker, in the new bill before us, but not in the existing act, there is an exemption for gifts from friends, and gifts from friends do not have to be reported under the new bill, although they have to be reported under the existing act. It is unclear what you do in a case in which a lobbyist is a friend. Many of us, including myself, have

friends who are lobbyists. What this amendment says is that the term "friend" used in this bill shall not include lobbyists. Gifts from lobbyists have to be reported. What this does is take the Ethics Commission out of investigating how close friendships are and sets a simple, commonsensical rule for all of us.

This is agreed to by Mr. Blaum. I urge your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Adolph	Dombrowski	Lashinger	Robinson
Allen	Donatucci	Laughlin	Roebuck
Angstadt	Dorr	Lee	Ryan
Argall	Durham	Leh	Rybak
Barley	Evans	Lescovitz	Saloom
Battisto	Fairchild	Levdansky	Saurman
Belardi	Farmer	Linton	Scheetz
Belfanti	Fleagle	Lloyd	Schuler
Billow	Flick	Lucyk	Scrimenti
Bishop	Foster	McCall	Semmel
Black	Fox	McHale	Serafini
Blaum	Freeman	McNally	Smith, B.
Bortner	Freind	McVerry	Smith, S. H.
Bowley	Gallen	Maiale	Snyder, D. W.
Boyes	Gannon	Maine	Snyder, G.
Brandt	Geist	Markosek	Staback
Broujos	George	Marsico	Stairs
Bunt	Gigliotti	Mayermik	Steighner
Burd	Gladeck	Melio	Stish
Burns	Godshall	Merry	Strittmatter
Bush	Gruitza	Michlovic	Stuban
Caltagirone	Gruppo	Micozzie	Tangretti
Cappabianca	Hagarty	Miller	Taylor, E. Z.
Carlson	Haluska	Moehlmann	Taylor, F.
Carn	Harper	Morris	Taylor, J.
Cawley	Hasay	Mowery	Telek
Chadwick	Hayden	Mrkonic	Thomas
Civera	Hayes	Murphy	Tigue
Clark, B. D.	Heckler	Nahill	Trello
Clark, D. F.	Herman	Nailor	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colafella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dieterick	Kukovich	Rieger	Manderino,
Dininni	LaGrotta	Ritter	Speaker
Distler	Langtry	Robbins	

NAYS—0

NOT VOTING—4

Acosta	James	Preston	Richardson
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EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0278:

Amend Sec. 1 (Sec. 3), page 11, line 8, by striking out "RECEIVES NOTICE THAT HE" and inserting is notified by a member of a transition team, a search committee or a person with appointive power that he

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment clarifies the language on severance pay as to when severance pay is unacceptable. Under the current version of the bill, a person cannot receive severance pay after he has received notice. "Notice" is a complex term of art with many meanings. What this suggests is that the notice be by a member of a transition team, a search committee, or appointive power.

This amendment is agreed to by Mr. Blaum. I urge your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Table listing names of members who voted YEAS, including Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Donatucci, Dorr, Durham, Evans, Fairchild, Farmer, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Jackson, Laughlin, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McHale, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, O'Brien, O'Donnell, Oliver, Perzel, Petrarca, Petrone, Robbins, Robinson, Roebuck, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tiguel, Trello, Trich, Van Horne, Veon, Vroon, Wambach.

Table listing names of members who voted NAYS, including Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Djetterick, Dininni, Distler, Dombrowski, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Lashingier, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Manderino, Speaker.

NAYS—0

NOT VOTING—1

Burns

EXCUSED—9

Table listing names of members who were excused, including Birmelin, Cessar, Fargo, Fee, Gamble, Letterman, Noye, Olasz, Rudy.

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0248:

Amend Sec. 1 (Sec. 7), page 25, by inserting between lines 29 and 30

(19) Hold at least two public hearings each year, of which at least one shall be held in Harrisburg and at least one shall be held in a location other than Harrisburg, to seek input from persons and organizations who represent any individual subject to the provisions of this act and from other interested parties.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized.

Mr. COHEN. Mr. Speaker, the Ethics Commission has been rather lax in holding public hearings and they have been rather lax in inviting members of governmental bodies whom they are regulating to attend these public hearings. This requires that they shall hold at least two public hearings a year, at least one of which shall be in Harrisburg and at least one of which shall be in a location outside of Harrisburg, to seek input from persons and organizations who represent individuals subject to the provisions of this act and from other interested parties.

This amendment is agreed to by Mr. Blaum. I urge your support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Table listing names of members who voted YEAS, including Acosta, Adolph, Allen, Angstadt, Dombrowski, Donatucci, Dorr, Durham, Laughlin, Lee, Leh, Lescovitz, Robbins, Robinson, Roebuck, Ryan.

Argall	Evans	Levdansky	Rybak
Barley	Fairchild	Linton	Saloom
Battisto	Farmer	Lloyd	Saurman
Belardi	Fleagle	Lucyk	Scheetz
Belfanti	Flick	McCall	Schuler
Billow	Foster	McHale	Scrimenti
Bishop	Fox	McNally	Semmel
Black	Freeman	McVerry	Serafini
Blaum	Freind	Maiale	Smith, B.
Bortner	Gallen	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	George	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Miller	Stuban
Caltagirone	Hagarty	Moehlmann	Tangretti
Cappabianca	Haluska	Morris	Taylor, E. Z.
Carlson	Harper	Mowery	Taylor, F.
Carn	Hasay	Mrkonic	Taylor, J.
Cawley	Hayden	Murphy	Telek
Chadwick	Hayes	Nahill	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	O'Brien	Trello
Clark, D. F.	Hershey	O'Donnell	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Petrarca	Vroon
Colafella	Itkin	Petrone	Wambach
Colaizzo	Jackson	Phillips	Wass
Cole	Jadlowiec	Piccola	Weston
Cornell	James	Pievsky	Williams
Corrigan	Jarolin	Pistella	Wilson
Cowell	Josephs	Pitts	Wogan
Coy	Kaiser	Pressmann	Wozniak
DeLuca	Kasunic	Preston	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kondrich	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits
Dempsey	Kukovich	Richardson	
Dietterick	LaGrotta	Rieger	Manderino, Speaker
Dininni	Langtry	Ritter	
Distler	Lashingner		

NAYS—0

NOT VOTING—1

Johnson

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0275:

Amend Sec. 1 (Sec. 2), page 6, lines 16 and 17, by striking out all of line 16 and "of equal value." in line 17 and inserting

Any property which is received without the exchange of consideration of similar value.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment further defines "gift." A gift under this definition is any property which is received without the exchange of consideration of equal value. Under the bill as now before us, "gift" is anything which is received without the consideration of equal value. There are questions of what "anything" means. Is advice a thing? If somebody says there is a sale on at Harrisburg East Mall tonight; you can save hundreds of dollars if you go there, is that a gift? I think not. I do not think investment advice, I do not think advice on houses or clothes or any other thing, is a gift. I do not think somebody's telephone number is a gift. I do not think anything except property is a gift. I think we ought to use the normal, real-life definition of "gift," which is the exchange of property, and that is what this amendment does.

I urge you to support this amendment.

The SPEAKER. The gentleman, Mr. Blaum, from Luzerne has asked for recognition and is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the agreed-to amendments are over.

The SPEAKER. But you have not heard them.

Mr. BLAUM. I rise to oppose the amendment. The definition of "gift" that we have in HB 75 is a good one, is a strong one. It is anything which is received without equal consideration. I believe that "property" changes it and confuses the definition.

I would ask that it be defeated and we maintain the current definition of "gift" so as not to create any ambiguity. I ask that the amendment be defeated.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—33

Belardi	Daley	Kosinski	Oliver
Bishop	Dombrowski	Laughlin	Reber
Cappabianca	Dorr	Lescovitz	Saurman
Cawley	Fox	Linton	Staback
Cohen	Gruitza	McCall	Thomas
Colafella	Harper	McVerry	Tigue
Corrigan	Hughes	Markosek	Trello
Coy	James	Melio	Wright, D. R.
DeWeese			

NAYS—153

Acosta	Durham	Lashingner	Rybak
Adolph	Evans	Lee	Saloom
Allen	Fairchild	Leh	Scheetz
Angstadt	Farmer	Levdansky	Schuler
Argall	Fleagle	Lloyd	Scrimenti
Barley	Flick	Lucyk	Semmel
Battisto	Foster	McHale	Serafini
Belfanti	Freeman	McNally	Smith, B.
Billow	Gallen	Maiale	Smith, S. H.
Black	Gannon	Maine	Snyder, D. W.
Blaum	Geist	Marsico	Snyder, G.
Bortner	George	Merry	Stairs
Bowley	Gigliotti	Michlovic	Steighner
Boyes	Gladeck	Micozzie	Stish
Brandt	Godshall	Miller	Strittmatter
Broujos	Gruppo	Moehlmann	Stuban
Bunt	Hagarty	Morris	Tangretti

Burd	Haluska	Mowery	Taylor, E. Z.
Burns	Hasay	Mrkonjic	Taylor, F.
Bush	Hayden	Murphy	Taylor, J.
Caltagirone	Hayes	Nahill	Telek
Carlson	Heckler	Nailor	Trich
Carn	O'Herman	O'Brien	Van Horne
Chadwick	Hershey	O'Donnell	Veon
Civera	Hess	Perzel	Vroon
Clark, D. F.	Howlett	Petrone	Wambach
Clark, J. H.	Itkin	Phillips	Wass
Clymer	Jackson	Piccola	Weston
Colaizzo	Jadlowiec	Pievsky	Williams
Cole	Jarolin	Pistella	Wilson
Cornell	Johnson	Pitts	Wogan
Cowell	Josephs	Pressmann	Wozniak
DeLuca	Kaiser	Raymond	Wright, J. L.
Davies	Kasunic	Reinard	Wright, R. C.
Dempsey	Kenney	Rieger	Yandrisevits
Dietterick	Kondrich	Ritter	
Dininni	Kukovich	Robbins	Manderino,
Distler	LaGrotta	Robinson	Speaker
Donatucci	Langtry	Ryan	

NOT VOTING—7

Clark, B. D.	Mayernik	Preston	Roebuck
Freind	Petrarca	Richardson	

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0330:

Amend Sec. 1 (Sec. 8), page 28, line 9, by inserting after "hearing"

and any exculpatory evidence developed by the commission in the course of its investigation

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on his amendment.

Mr. COHEN. Mr. Speaker, agreed-to amendments are making a brief comeback.

This amendment is agreed to. Under the existing bill the commission has to give evidence that they use against you. Under this amendment they also have to give you exculpatory evidence that they uncover in an investigation.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Donatucci	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Durham	Leh	Ryan
Argall	Evans	Lescovitz	Rybak
Barley	Fairchild	Levdansky	Saloom
Battisto	Farmer	Linton	Saurman
Belardi	Fleagle	Lloyd	Scheetz
Belfanti	Flick	Lucyk	Schuler

Billow	Foster	McCall	Scrimenti
Bishop	Fox	McHale	Semmel
Black	Freeman	McNally	Serafini
Blaum	Freind	McVerry	Smith, B.
Bortner	Gallen	Majale	Smith, S. H.
Bowley	Gannon	Maine	Snyder, D. W.
Boyes	Geist	Markosek	Snyder, G.
Brandt	George	Marsico	Staback
Broujos	Gigliotti	Mayernik	Stairs
Bunt	Gladeck	Melio	Steighner
Burd	Godshall	Merry	Stish
Burns	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Stuban
Caltagirone	Hagarty	Miller	Tangretti
Cappabianca	Haluska	Moehlmann	Taylor, E. Z.
Carlson	Harper	Morris	Taylor, F.
Carn	Hasay	Mowery	Taylor, J.
Cawley	Hayden	Mrkonjic	Telek
Chadwick	Hayes	Murphy	Thomas
Civera	Heckler	Nahill	Tigue
Clark, B. D.	Herman	Nailor	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	O'Donnell	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	Manderino,
Dininni	LaGrotta	Rieger	Speaker
Distler	Langtry	Ritter	

NAYS—0

NOT VOTING—0

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0261:

Amend Sec. 1 (Sec. 8), page 29, line 5, by inserting after "act."

At least four members of the commission present at a meeting must find a violation beyond a reasonable doubt. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Mr. Speaker, right now in existing practice before the Ethics Commission, only four of the seven

members of the Ethics Commission have to show up, and only a majority of those four who show up have to vote to find a violation under the Ethics Act. We are giving the members of the Ethics Commission a 150-percent pay raise, from \$50 a meeting to \$125 a meeting, in this legislation. With the 150-percent pay raise for the members of the Ethics Commission, I think they can show up and vote, and we can have four people finding a violation in order for a violation to take effect.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I would agree with what the gentleman, Representative Cohen, says, but that is not what the amendment says.

I think it is very important also that a majority of the Ethics Commission vote in finding whether or not anyone is in violation, and the rules of any agency dictate that a majority has to do so. And the majority of the quorum—and I believe the quorum is four—the regulations say that if only four show up, it takes at least three votes to make the decision. That is not the thrust of amendment 261. The real problem with amendment 261 is that that would have to be found beyond a reasonable doubt. That is imposing on the Ethics Commission those standards which are reserved for our courts and in criminal trials, the point being that if we want to get into criminal procedure, from what we have learned from the Ethics Commission and learned about the Ethics Commission over the last 18 months, that would work to the detriment of the public officials who are brought before them. In the vast majority of cases brought against anyone in violation of the Ethics Act, when someone is brought in and the facts are laid out, the matter can be disposed of very, very quickly. It is only the most serious of violations, the most serious of violations, that cause a problem and are possibly referred for criminal prosecution.

The problem with amendment 261 is the imposition of "beyond a reasonable doubt," which is something that is going to be in the minds of the members voting. If all seven members of the Ethics Commission cast a vote and four are required for the verdict beyond a reasonable doubt, obviously if a vote was 4 to 3, how do you impose "beyond a reasonable doubt"? Also, if it is decided by an Ethics Commission, by an Ethics Commission which is an administrative agency, that someone is in violation beyond a reasonable doubt and they then want to go on and appeal that before a higher court or if their case is referred to the Attorney General for criminal prosecution, they will have already been found guilty beyond a reasonable doubt before the Ethics Commission, and I believe, we believe that would prejudice their case before a jury, which then must find them guilty beyond a reasonable doubt.

We believe that this amendment works against public officials who are brought before the Ethics Commission, and we ask that the amendment be defeated.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I would like to interrogate Representative Blaum for just a moment.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. GANNON. I just wanted to get some clarification on the criminal violation. My understanding is, if there is a commission of a crime, whether it is the Ethics Code or any other crime, the person has to be found guilty beyond a reasonable doubt. Now, does the Ethics Commission make a finding that there has been a criminal act committed?

Mr. BLAUM. The Ethics Commission has the power to refer things— No. The Ethics Commission has the power to refer things to the Attorney General's Office or to various district attorneys if they believe that it is something that they cannot handle that may be a criminal matter. Once the Attorney General or district attorney gets it, obviously they are going to review it to see if they think it is worthy of any action. The problem is that if somebody has already been found guilty by the Ethics Commission beyond a reasonable doubt—administrative agencies do not use that standard—it could prejudice their case when they are taken before a jury if the district attorney or Attorney General decide that prosecution is warranted. We do not think that the Ethics Commission, you know, should be an indictment or should carry that much weight. What it is, if they are going to hand it over to the Attorney General or the district attorney, it is just their thinking that they should hand it over and it is up to a jury later on to find out whether or not they are guilty of any criminal act. It is not up to the Ethics Commission to determine that.

Mr. GANNON. Well, now, under the bill as it is presently written, can the Ethics Commission find an individual to have committed a criminal act?

Mr. BLAUM. Can they find him guilty of a noncriminal—

Mr. GANNON. Under the bill as it is presently written, can the Ethics Commission find a person guilty of a criminal act?

Mr. BLAUM. They can find if there is someone in violation of the Ethics Act and they can, you know, make him make restitution. If it is a flagrant violation, they can make him make restitution times three, which is treble damages, but they cannot find him guilty of committing a criminal offense. We have said in the original Ethics Law passed some 10 years ago, that is only for the courts to decide, and we think this amendment defeats that purpose.

Mr. GANNON. Well, now, you just said that the Ethics Commission could find a person in violation of the act and levy a fine and also assess treble damages, and that is that they have committed a crime. Am I wrong?

Mr. BLAUM. Yes. If you are found in violation of some of the administrative regulations of the Ethics Act, you know, you are not a criminal; you have not committed a criminal offense. It may be found out later on that there was flagrant violation and possibly a criminal act was committed, but that is not what we want the Ethics Commission deciding.

Mr. GANNON. Well, now I am a little bit confused on exactly what the Ethics Commission is finding here. Are they

guilty of a summary offense? Can they be found guilty of a misdemeanor? Are they being found guilty of a felony? I mean, how can the Ethics Commission assess a fine and assess damages if it is not making some kind of conduct a crime?

Mr. BLAUM. Because that is what the Ethics Act says.

Mr. GANNON. That is what you say. I mean, you wrote it. I mean, I want an explanation. I am concerned. I will tell you what I am concerned about here is that you are bringing in this element of somebody committing a crime— And I am not necessarily saying that I agree with Representative Cohen's amendment at this point, but it raises an issue that I had not been aware of, and that is that you are saying that somebody is guilty of a crime—at least that is what I am picking up here—that the Ethics Commission can find them guilty, can assess a fine, can assess treble damages, yet you are saying for this particular class of people - that is, elected officials and public officials - it is no longer necessary to find them guilty beyond a reasonable doubt, to which every citizen in this Commonwealth and every citizen in this country has been entitled since the Constitution was first written; in fact, well, since we broke away from England.

So I want some clarification here. If this is purely an administrative proceeding and, you know, the Ethics Commission is not finding somebody guilty of a crime, that is one thing, but if the Ethics Commission is finding somebody guilty of a crime and assessing a fine, then I think we have to get some clarification or explanation of what is going on here. I mean, if you are talking about a crime, there are elements of a crime that we have completely, perhaps, bypassed in this proposed legislation. I just want to know what is going on here and how you are viewing this, and so far you have said, well, they can assess a fine; they can make a finding and punish somebody. Now, you only punish somebody if they are guilty of a crime, and if they are guilty of a crime, I want to know, are you saying that it is not necessary to be found guilty beyond a reasonable doubt, and if that is the case, I would like to know why.

Mr. BLAUM. I was not here in 1978 when this law was written, and that is—

Mr. GANNON. Well, you are here now and you are writing the bill. You know, I do not care about 1978.

Mr. BLAUM. I understand.

Mr. GANNON. I concern myself with February 15.

Mr. BLAUM. You know, what I am saying is that this is the way they have operated since the law was written in 1978. We have not changed that. The amendment before us seeks to raise the level to beyond a reasonable doubt to be in violation of the Ethics Act. What I am saying is, in a seven-member board that can vote 4-3, I assume in four members' minds, you know, it could be beyond a reasonable doubt in their minds. The other three, you know, could have dissented. I am saying that by inflicting the standard of beyond a reasonable doubt, in a criminal matter which is later referred to the Attorney General or to a district attorney for criminal prosecution, if somebody was already found guilty beyond a reasonable doubt, that works against the public official who has been brought before the Ethics Commission.

What I am saying is that I do not believe that is necessary. I do not think that is a good thing for public officials who have been cited. The overwhelming majority of cases or violations of the Ethics Act are settled very quickly because someone who is having a complaint filed against them comes in and they settle it very quickly. They do not want this thing dragged out with various courtroom procedures, and I do not think we want that to happen. But in the most serious cases, in the most serious cases, if the Ethics Commission refers to a district attorney or to the Attorney General, then in a court of law if there is prosecution warranted, that is where reasonable doubt, I think, should come about, not in a civil matter before the Ethics Commission.

Mr. GANNON. You are intermingling civil and criminal here. I have no problem with a civil matter. What I have a problem with is a criminal matter.

Now, let me ask you another question. If the Ethics Commission in its determinations believes that there is any criminal violation here, is it required under this bill—is it required?—to refer that to the judiciary for a resolution?

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I have answered your question as well as I possibly can. For further clarification I would yield to Representative O'Donnell and then to Representative Heckler, because apparently I cannot satisfy you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Will the House be in order.

The House meteorologist has indicated to the Speaker that in the west and in the east there are snowflakes.

It seems that we do to ourselves what we would not have others do to us. Please limit the debate to pertinent information. Let us try to move along. We are going to try to get out of here today. We are going to try to get this bill completed. We are going to try to finish the amendments. We will not do it if we carry the debate on at length.

For the benefit of the new members who have not sat through this kind of a debate before, the Chair would indicate that there has been a frustration from time to time on members of the House and a 2-minute rule has been invoked. Members are permitted to talk on the subject matter twice, but only for a time of 2 minutes on each speech before the House. I am not suggesting that we do that at this time—this is an important bill—but I think consideration ought to be given for all of the members who are sitting here on the debate. Unless you are making new material or you are changing new minds or minds of people, I would ask that we try to keep our debate to what is absolutely necessary.

That was not directed at you, Mr. Gannon. You have not been up as often as some others, but generally I think that we do ourselves in.

You may proceed with your interrogation.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, to Mr. Heckler, since Mr. Blaum has retired under fire, let me try to cut through this. Can the Ethics Com-

mission under this present bill charge someone with a crime, assess a fine or a penalty?

Mr. HECKLER. The answer to that is no. If I can expand on that, I think that we have made this more complicated than it needs to be.

This bill that we have before us is no different, for instance, from a number of environmental laws that we have that both provide a regulatory process and a hearing board process and also include some criminal penalties. The criminal penalties in this bill, the criminal penalties in any of the laws we enact can only be applied pursuant to our laws and rules of criminal procedure. That means a court trial in the appropriate court - court of common pleas - somewhere in this State. That is the only way this happens.

When complaints are made to the Ethics Commission—and we tried to refine that in this bill—they come in, they go through an investigative process just like a criminal complaint goes to a police or district attorney's office. With the Ethics Commission, anywhere in their process they have the power to refer to the Attorney General or to a district attorney of the appropriate county. From then on, they have no control over it. It is just as if somebody reported a burglary. You know, the police or the appropriate investigators look into it; the prosecutor decides whether or not to prosecute. If he or she does prosecute, it goes through all of the court proceedings, all of the due process, and ultimately the defendant can only be convicted by a finding by a jury of his peers beyond a reasonable doubt.

However, there is an area of proceedings left for the Ethics Commission. The Ethics Commission can review the conduct of public officials, determine whether it violated the act, and the only sanction they can impose, aside from issuing directives that you stop doing the conduct which they find to be wrong, is giving back the money that you have improperly gotten as a result of your violation, and now we propose to give them in this bill the authority to impose treble damages. That is a civil penalty, and that is why— Well, I will not get into speaking on the amendment, but the two are completely separate and there is no way you are ever going to be convicted of anything before the Ethics Commission.

Mr. GANNON. One more question. Under the bill, when the Ethics Commission would make a referral to the appropriate authority, judicial criminal authority, do they simply make a referral or are they required to make a recommendation or a finding with that referral?

Mr. HECKLER. Among the powers they have, they can make that referral anywhere down the line. Their executive director, upon getting information from the investigator, can simply pass the information on immediately, just as you or I as citizens would report a crime to the appropriate authorities. The commission can make that referral or recommendation after a hearing, but that is really not the function. If their personnel perceive that there is a crime, that is going to be referred and should be referred to the prosecutor long before all this stuff is aired in some noncourt hearing, and in fact, that is one of the things, when I worked with the D.A.'s, that

we requested of them: Do not muddy up a potential criminal case; get it to us. If it is something that is strictly an Ethics Law violation, that is your ballpark; go deal with it.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Washington County, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I just want to rise in favor of Mr. Cohen's amendment. First of all, in Mr. Blaum's legislation, HB 75, and the current Ethics Law that is in effect, two individuals, two individuals, even though they have a doubt that you are guilty, can find you in violation of the Ethics Act. I think that is wrong. I think that a majority of members of the Ethics Commission voting four out of the seven should be the decision. We here in the House have to have 102 members vote in favor of a bill in order for it to become law. Even though we may have a doubt on how we vote sometimes, it is still a majority of us voting.

I think it is important that four members should vote and the majority of those individuals vote in favor of this. I think Mr. Cohen's amendment is good, and I do not believe two members, even though they have a doubt, should be the ones who decide whether someone violates the Ethics Act or not. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

I rise in opposition to the Cohen amendment. I would like to correct the mathematics that we just heard.

Right now the Ethics Commission acts the same way all other administrative boards that we have created in this Commonwealth act; that is, they need a majority of their members to have a quorum. In other words, to have a meeting, they are a seven-person board so they have got to have four people. In order to take official action, they need a majority of that quorum at a minimum. A majority of four is three. So you are never going to be able to have the sanction, for instance— And the only sanction they can impose, aside from writing you a bad report, is making you give back money. That is not going to happen with less than a vote of three persons.

I would suggest very simply that the Cohen amendment now seeks to treat the Ethics Commission differently from every other administrative board and body in this State both by imposing the reasonable-doubt standard, which is not appropriate because, as was explained, we are not talking about criminal matters - that is over in the court of common pleas - and by imposing a greater standard in terms of attendance and voting than any of your constituents who go before the EQB (Environmental Quality Board) or any other similar body.

So I would urge that we reject the amendment. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I oppose the amendment. It is very simple. What they are attempting to do here is to impose what is called the standard of reasonable doubt, a standard of proof which is very, very

rigorous, and it is only used in the context of criminal proceedings.

The Ethics Commission, under current law, uses a standard called sufficiency of evidence. If a reasonable person would believe you were guilty, that is it. Guilty of what? Guilty of a civil or a criminal penalty. But the Ethics Commission cannot impose a criminal penalty. If they find a violation of the act which may be a criminal violation, it is referred to a prosecutor. That prosecutor in a later court in a criminal proceeding must meet the existing standard of reasonable doubt.

For hundreds of years we have used the reasonable-doubt standard because it is the most rigorous protection we can find, and we only apply it where we are threatening to take away someone's liberty - in the criminal process. That is why we use such a strong standard. We use it nowhere else in the administrative process, nowhere else in the civil process, and it does not belong here.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to strongly support this amendment.

I think the truest words that were spoken during this entire torturous 2-day affair were uttered by the Speaker a few minutes ago when he said, we do to ourselves what we would not have others do to us. I am always amazed by our propensity for self-flagellation—that is not dirty; I am not talking dirty; I said “flagellation”; it sounds like something else—but we force ourselves to wear a hair shirt, and the truth of the matter is we do it merely so that we appease the people sitting over there in the corner.

Now, why is this a good amendment? It is a good amendment for a couple of reasons. As a number of speakers have pointed out today, the entire thrust of this whole proceeding has been starting with an assumption that we are criminals, that the people have to be protected from us. Accordingly—and I agree that that seems to be the trend—it would seem to make sense to require a quasi-criminal standard. Now, in a criminal proceeding, everyone unanimously has to find the person guilty. We are not saying that. We are saying at least four have to. We are asking in effect for a constitutional majority. We consider, by our Constitution, the bills we vote upon here so important that we have to have a majority of the entire membership, not a majority of those in attendance. I submit to you that the issue we are talking about is just as important.

Now, why is it necessary for the reasonable doubt, beyond a reasonable doubt? It has been very cavalierly said that that is only for criminal proceedings, but you know, Mr. Speaker, in this life the one thing you have to have in this world is your name and your reputation, and that is even more important when you are in public office. The truth of the matter is that even though it is not a criminal proceeding, a finding by the Ethics Commission that someone has been involved in a breach of ethics can be far worse than a criminal conviction. It can destroy his or her career and by extension can destroy his or her life. Since in fact we have had so much confusion,

even by the sponsors, of what various provisions may or may not do, I do not think it is an imposition to require four human beings to find beyond a reasonable doubt that a public official has breached ethics before making such a charge stick.

The Cohen amendment is a good one, and I sincerely hope that for once we stop doing to ourselves what we would not have others do to us and support the Cohen amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder, on the question.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate either Representative Blaum or Representative Heckler?

The SPEAKER. The gentleman, Mr. Heckler, has indicated he will stand for interrogation. The gentleman, Mr. Blaum, said he has had enough for a while.

Mr. D. W. SNYDER. Mr. Speaker, sometimes ignorance is bliss, but listening to this debate unfortunately adds some confusion.

We have been talking about providing a standard in which guilt shall be determined under the Ethics Law, and in the questions and answers that have been crisscrossing the hall today, there have been various statements made about the penalties that can be imposed by the Ethics Commission. I need to have clarification on what to me appears to be some confusion on the penalties that can be imposed by the Ethics Commission.

On page 25 of the bill, lines 7 through 11, it states that upon a finding that a public official or public employee has obtained a financial gain in violation of this act, the commission may require that restitution plus interest of that gain be given to the appropriate governmental body. Then we have section 9, which is titled “Penalties,” beginning on page 29—and the bulk of that section begins on page 30—in which there are various penalties listed there, the first one being that a person is guilty of a felony and then the third one about the treble damages being assessed. You had been talking about an agency having civil penalties, the restitution, which is what I understand is being explained on page 25. Then we talk about the criminal penalties, which appear to be on page 30. However, the bill is not clear as far as whether the Ethics Commission has the authority to assess these penalties on page 30 or the courts. Will you please clarify that for me.

Mr. HECKLER. I believe the bill, at least in the context of Pennsylvania law in general, is very clear. No commission, including the Ethics Commission, has the authority to convict you of a crime. Just like the Clean Streams Act, which is one I am somewhat familiar with, there are criminal penalties provided in there so that a prosecutor can take you to court and prosecute you for criminal violations of that act. You can also be brought before an administrative board for the imposition of civil remedies.

Now, in my answering Representative Gannon's questions previously, I had acted on the assumption that the Ethics Commission can impose not only the order of restitution, that you give back what they find you should not have gotten

through your misconduct, but that they can impose treble damages. As I read this, I would defer; it may be that only a court can impose the treble damages. Certainly, only a court can convict you of a criminal offense. The Ethics Commission— There are penalties for violations, but those penalties are only imposed after conviction under all of the criminal procedures of Pennsylvania.

Mr. D. W. SNYDER. So in other words, section 9 penalties can only be imposed after you go through the criminal process. Is that correct?

Mr. HECKLER. Certainly those that specifically involve misdemeanors and felonies. The authority to obtain treble damages is usually a civil penalty. I think that can be imposed by the commission. Restitution can be imposed by the commission.

Mr. D. W. SNYDER. How does one distinguish, since the penalty section does not indicate who is to assess these penalties—they are all just listed as a grocery list—who is assessing these penalties - the Ethics Commission, the courts, or whom?

Mr. HECKLER. Well, because what the sections you are referring to, (a) and (b) under 9, say, they set forth certain conduct to be a felony and certain conduct to be a misdemeanor and set forth specific procedures. There is nothing in the earlier powers section granted to the commission, which you referred to in your questioning, which gives them the authority to hear criminal cases and impose criminal sanctions. That just does not exist in the law. What you have to look to is Title 42, the Pennsylvania Judiciary Code. There is no authority in any body in this State—I guess it really goes back to the Pennsylvania Constitution—to impose the sanctions for a felony or a misdemeanor - imprisonment or fines as opposed to civil penalty fines - but a court.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

I am still confused, but at least we got some clarification.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Ethics Commission has the power to recommend criminal prosecution. They do not have the power to actually criminally prosecute. The Ethics Commission uses the standard of other administrative agencies, which is preponderance of evidence. As Mr. O'Donnell accurately stated, preponderance of evidence is a much lower standard, a much-easier-to-find-somebody-guilty standard, than beyond a reasonable doubt. What is the purpose of having a commission make criminal recommendations on the basis of a standard that is too low to be carried out by a prosecutor? Prosecutors have to go on the beyond-a-reasonable-doubt standard. What is the use of having a commission that just goes on the standard of preponderance of the evidence? All this current procedure does is it allows the commission to make charges which get a lot of newspaper publicity, which could disgrace a person, which can destroy a person's life, based on a standard that cannot stand up in court.

The overwhelming majority of the times that the commission has recommended criminal prosecution—and the commission recommends criminal prosecution dozens and dozens of times a year—law enforcement authorities have ignored the recommendations of the commission, and they have ignored them because the standard is meaningless that the commission is using. I would urge us not to set up a standard for the commission that is far, far easier for the commission to meet to find somebody guilty than a standard that a court would have to meet. There is no reason why essentially false charges should be made by the Ethics Commission against people who are innocent by standards of the courts of Pennsylvania.

I strongly urge your support of this amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, I have a question for Representative Cohen. May I interrogate the prime sponsor of this amendment?

The SPEAKER. You may. He indicates he will stand for interrogation, and you may proceed with your interrogation.

Mr. THOMAS. Thank you.

Question, Mr. Speaker: As you know, if we go forward with this amendment, we give the Ethics Commission an opportunity to use the criminal standard, criminal burden of proof, in reaching a finding. Let us assume that they reach a finding of guilt based on this standard - reasonable doubt. Is the Attorney General then estopped from considering the lower record in moving towards prosecution?

Mr. COHEN. No. The Attorney General makes his own independent judgment.

Mr. THOMAS. But is the lower record closed or is the Attorney General estopped from considering the lower record?

Mr. COHEN. The Attorney General is not estopped from considering the lower record.

Mr. THOMAS. So then it is quite possible that once the commission makes a recommendation to the Attorney General, then the Attorney General has that lower record and can review the record from the Ethics Commission.

Mr. COHEN. That is correct.

Mr. THOMAS. And what is to prevent the Attorney General from then being guided by the commission reaching a finding of guilt based on a criminal burden of proof?

I think that is a hard question, and I do not know whether we are prepared to go that far, because as you know, one record is not isolated from higher tribunals, and the problem that I see, which I think Representative O'Donnell alluded to, is since the Attorney General is not estopped from considering the record of the Ethics Commission and since we are imposing a criminal standard, or criminal burden of proof, with the Ethics Commission, then it is quite possible that that record would be considered on review and go a long ways to guiding the Attorney General as to his or her prosecution. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you.

Briefly, Mr. Speaker. I listened to the comments of Representative Freind earlier on, and they struck me, and there have been some other remarks made that the findings of an Ethics Commission could destroy an individual's career, could destroy you personally. I think, even more importantly, Mr. Speaker, it could destroy your family, and I am not really inclined to see three people whom I do not even know destroy my family.

I think the Cohen amendment is a good amendment. We are entitled to four people to make that decision.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—154

Acosta	Dietterick	LaGrotta	Robinson
Adolph	Dininni	Lashinger	Roebuck
Allen	Distler	Laughlin	Ryan
Angstadt	Dombrowski	Leh	Rybak
Argall	Donatucci	Lescovitz	Saloom
Barley	Dorr	Linton	Saurman
Battisto	Durham	Lucy	Scheetz
Belardi	Evans	McCall	Schuler
Belfanti	Fairchild	McNally	Semmel
Billow	Farmer	Maiale	Smith, B.
Bishop	Fleagle	Markosek	Smith, S. H.
Black	Flick	Marsico	Snyder, D. W.
Bowley	Foster	Mayernik	Snyder, G.
Boyes	Fox	Melio	Stairs
Brandt	Freind	Merry	Steighner
Bunt	Gallen	Micozzie	Stish
Burd	Gannon	Miller	Strittmatter
Burns	Geist	Moehlmann	Stuban
Bush	George	Morris	Tangretti
Caltagirone	Gigliotti	Mowery	Taylor, E. Z.
Carlson	Gladeck	Mrkonic	Taylor, J.
Civera	Godshall	Nahill	Telek
Clark, B. D.	Gruppo	Nailor	Trello
Clark, D. F.	Haluska	O'Brien	Van Horne
Clark, J. H.	Harper	Oliver	Veon
Clymer	Hayes	Perzel	Vroon
Cohen	Herman	Petrarca	Wambach
Colaella	Hershey	Petrone	Wass
Colaizzo	Hess	Phillips	Weston
Cole	Howlett	Pistella	Wilson
Cornell	Hughes	Pitts	Wogan
Corrigan	Itkin	Pressmann	Wozniak
Cowell	Jackson	Preston	Wright, D. R.
Coy	Jadlowiec	Raymond	Wright, J. L.
DeLuca	James	Reber	Wright, R. C.
DeWeese	Johnson	Reinard	Yandrisevits
Daley	Kasunic	Richardson	
Davies	Kenney	Ritter	Manderino,
Dempsey	Kosinski	Robbins	Speaker

NAYS—38

Blaum	Hasay	Levdansky	Pievsky
Bortner	Hayden	Lloyd	Scrimenti
Broujos	Heckler	McHale	Serafini
Cappabianca	Jarolin	McVerry	Staback
Carn	Josephs	Maine	Taylor, F.
Cawley	Kaiser	Michlovic	Thomas
Chadwick	Kondrich	Murphy	Tigue
Freeman	Kukovich	O'Donnell	Trich
Gruitza	Langtry	Piccola	Williams
Hagarty	Lee		

NOT VOTING—1

Rieger

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A0316:

Amend Sec. 1 (Sec. 7), page 23, line 21, by inserting after "INVOLVED."

The affirmative votes of at least four commissioners present at a commission meeting who have read and understood the advisory opinion shall be required to issue an advisory opinion. The names of those commissioners issuing an advisory opinion and the names of those, if any, dissenting or abstaining shall be listed in the advisory opinion.

Amend Sec. 1 (Sec. 7), page 24, line 6, by inserting after "time."

The affirmative votes of at least four commissioners present at a commission meeting who have read and understood the advice of counsel shall be required to issue an advice of counsel. The names of those commissioners issuing an advice of counsel and the names of those, if any, dissenting or abstaining shall be listed in the advice of counsel.

Amend Sec. 1 (Sec. 8), page 26, line 30; page 27, line 1, by striking out "through its" in line 30, page 26 and "executive director" in line 1, page 27 and inserting

by an affirmative vote of at least four present members

Amend Sec. 1 (Sec. 8), page 29, line 5, by inserting after "act."

At least four members of the commission present at a meeting must find a violation beyond a reasonable doubt. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order.

On the question,
Will the House agree to the amendments?

The SPEAKER. On the question of the amendment, the gentleman from Philadelphia, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

I deeply appreciate the very strong vote by the members of the House on the prior amendment.

What this amendment does is it takes the paragraph that we have just agreed to and it adds other paragraphs extending the four-vote requirement to other actions of the commission.

Right now the commission issues two forms of documents other than orders of the commission. When they find that there is a violation or they find there is no violation, they issue a document called an order of the commission, and we have just voted on the requirement of orders for a commission. They issue two other documents. One is an advisory opinion of the commission, and an advisory opinion requires only a majority of the people present. It is my belief that only two people are required because one could abstain. We have heard

statements that three people are required. Whatever the facts are, two or three people can issue an advisory opinion.

They issue a third document called an advice of counsel. An advice of counsel is the opinion of the legal counsel of the commission. Not one single member of the commission has to approve an advice of counsel.

Now, the significance of advisory opinions and advices of counsel is the following: There can be thousands of people in the Commonwealth of Pennsylvania who are engaging in the same established practice, either in terms of how they run their office or how they run their campaigns or how they do their duties as elected officials. Just one of those thousands of people can write to the commission and ask for either an advisory opinion or an advice of counsel. No one else in the Commonwealth who engages in the same practices as the person writing the letter gets any input in the process.

This amendment requires two things happen: First, the advisory opinion has to be approved by four members. The question is, what is the advice? Four people have to approve the advice. The question is, what is the advice of counsel? Four people have to approve the advice of counsel. The advisory opinions and the advice of counsel are used repeatedly as precedents when the commission issues its orders and recommends that people be fined or criminally prosecuted. For all practical purposes, the advisory opinions and the advice of counsel have the force of regulations without the safeguards inherent in regulations. What we are seeking to do in this amendment is to extend to advisory opinions and advice of counsels the same protections we have already issued for orders of the commission with the last vote.

I urge your vote affirmatively on this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, from Luzerne County on the amendment.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

The amendment before us sounds terrific, but it once again actually works against those of us in public office. If you have a situation much like the situations and the hypotheticals we talked about here today, in a lot of our responses we said, you can pick up the phone; you call the Ethics Commission; in 14 days they have an answer back to you. This is advice of counsel. To require that they have a meeting, you may not get your answer for months, and all I want is the opinion of their lawyer whether or not I can move left or right. Under the terms of this amendment, once again to tie the hands of the Ethics Commission, to drag out the process, it will actually work against us.

Every day—and there may be members in this room—every day public officials from across Pennsylvania are calling the Ethics Commission to ask for an advice of counsel, for an advisory opinion, on can I do this, can I do that, and they get them, and that advisory opinion or advice of counsel is as good as gold to protect you from any further action by the Ethics Commission in case they made a mistake. But under this amendment you cannot receive that, and I guarantee you, the Ethics Commission will— As these advice of counsels

begin to pile up, it will work against us. Instead of getting a quick response to our question to help and guide us, we are now requiring the Ethics Commission to have a meeting. They may not have a meeting scheduled for 2 to 3 weeks, but we are scheduling them to have a meeting. Then we are scheduling them to take a vote on it.

It is absolutely unnecessary; it is obstructionist; it ties the hands of the commission; but most importantly, it works against us.

I ask that you defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

Just very, very briefly I would like to speak to this amendment.

The purpose of the advice of counsel is to allow public officials to get a very quick response if they have a question about a conflict that they see, a problem that they see, or some conduct that they feel might be questionable. The advantage of the present system is that they can get a response within a very quick, very short period of time. The Ethics Commission gives out hundreds of those kinds of opinions every year. If a public official relies on that advice, they are protected, even in the event that that might someday later be determined to be a violation of the Ethics Act. If they relied in good faith on the advice of counsel for the committee, they are protected.

If we adopt this amendment, the counsel will not be able to give those quick opinions to people that request that information. It will require the action of the commission. People will be required to act at their peril, and it is not going to help the very individuals that we are trying to do something for. There is no reason to ask the Ethics Commission to rubberstamp the advice of counsel. It is a part of the process, I think one part of the process, that works very well right now, and we ought not to tinker with it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

To adopt this amendment is to cut off our nose, presumably to spite the Ethics Commission's face.

The whole purpose of the advisory system that was put into law originally was to give us and the public officials throughout this State the ability to get advice to prevent being in the kind of situation that Representative Freind described so eloquently a few moments ago. To turn that into some kind of a bureaucratic situation that eliminates that possibility is to cut us and the public officials of this State off from the opportunity to avoid conduct that is later going to cause problems.

I urge the rejection of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McNally.

Mr. McNALLY. Would the gentleman, Mr. Heckler, respond to brief interrogation?

The SPEAKER. The gentleman, Mr. Heckler, indicates he will consent to interrogation. Representative McNally may proceed.

Mr. McNALLY. Mr. Speaker, one of the questions that I have concerning the process of issuing advisory opinions concerns how an advisory opinion might affect another individual. As Mr. Cohen had indicated before, an advisory opinion might be sought for a particular practice that might be commonly practiced throughout the Commonwealth, and if the Ethics Commission would issue an advisory opinion on that particular practice and a third person would rely upon the advisory opinion issued to that other individual, would that third person be protected in some way?

Mr. HECKLER. It is my understanding of the language of the act, Mr. Speaker, that the third person would not be protected. However, there is nothing that prevents the third person, who knows of the advisory opinion that was given to the other person, to ask for the same thing. If we do not enact this amendment, they will be able to get it in short order, and then they will have that same protection.

Mr. McNALLY. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Bishop	Howlett	Oliver	Van Horne
Caltagirone	Hughes	Richardson	Wozniak
Cohen	James	Saloom	Wright, D. R.
Daley	Lescovitz	Stish	
Evans	Linton	Thomas	Manderino,
Fox	Maiale	Trello	Speaker
Harper			

NAYS—167

Acosta	Distler	Langtry	Reinard
Adolph	Dombrowski	Lashinger	Rieger
Allen	Donatucci	Laughlin	Ritter
Angstadt	Dorr	Lee	Robbins
Argall	Durham	Leh	Robinson
Barley	Fairchild	Levdansky	Roebuck
Battisto	Farmer	Lloyd	Ryan
Belardi	Fleagle	Lucyk	Rybak
Belfanti	Flick	McCall	Saurman
Billow	Foster	McHale	Scheetz
Black	Freeman	McNally	Schuler
Blaum	Freind	McVerry	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gannon	Markosek	Serafini
Boyes	Geist	Marsico	Smith, B.
Brandt	George	Mayernik	Smith, S. H.
Broujos	Gigliotti	Melio	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G.
Burd	Godshall	Michlovic	Staback
Burns	Gruitza	Micozzie	Stairs
Bush	Gruppo	Miller	Steighner
Cappabianca	Hagarty	Moehlmann	Strittmatter
Carlson	Haluska	Morris	Stuban
Carn	Hasay	Mowery	Tangretti
Cawley	Hayden	Mrkonic	Taylor, E. Z.
Chadwick	Hayes	Murphy	Taylor, F.
Clark, D. F.	Heckler	Nahill	Taylor, J.
Clark, J. H.	Herman	Nailor	Telek
Clymer	Hershey	O'Brien	Tigue
Colafranca	Hess	O'Donnell	Trich
Colaizzo	Itkin	Perzel	Veon
Cole	Jackson	Petrarca	Vroon
Cornell	Jadlowiec	Petrone	Wambach
Corrigan	Jarolin	Phillips	Wass
Cowell	Johnson	Piccola	Weston

Coy	Josephs	Pievsky	Williams
DeLuca	Kaiser	Pistella	Wilson
DeWeese	Kasunic	Pitts	Wogan
Davies	Kenney	Pressmann	Wright, J. L.
Dempsey	Kondrich	Preston	Wright, R. C.
Dietterick	Kukovich	Raymond	Yandrisevits
Dininni	LaGrotta	Reber	

NOT VOTING—3

Civera Clark, B. D. Kosinski

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A0281:

Amend Sec. 1 (Sec. 2), page 7, line 24, by inserting after "gifts,"

governmentally mandated payments or benefits,

Amend Sec. 1 (Sec. 2), page 10, by inserting between lines 5 and 6

"Violation." An action in contravention of this act, taken either with intent to violate this act, or with reckless negligence as to whether or not this act was violated.

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Mr. Speaker, I ask to have this amendment divided, because it raises two separate issues. I would like to have "Amend Sec. 1 (Sec. 2), page 7, line 24..." considered, and then "Amend Sec. 1 (Sec. 2), page 10..." considered.

The SPEAKER. Is the gentleman asking for a division so he may withdraw one or the other?

Mr. COHEN. No. I do not intend to withdraw.

The SPEAKER. Legislative Reference Bureau knows how to divide amendments.

Mr. COHEN. I agree with that, Mr. Speaker. We tried to get them to do that.

The SPEAKER. Are you indicating that they would not do it?

Mr. COHEN. We do not have it, Mr. Speaker. I do not know whether they did it or not.

The SPEAKER. The Chair understands.

The division appears to be available. Does the gentleman request a division?

Mr. COHEN. Yes; I request a division, Mr. Speaker.

AMENDMENTS DIVIDED

The SPEAKER. For the information of the members of the House, we will be considering that portion of the Cohen

amendment as it is listed on the board now that begins "Amend Sec. 1" and ends with the words "governmentally mandated payments or benefits." "Governmentally mandated payments or benefits" is the end of the first amendment.

On the question,
Will the House agree to part 1 of the amendments?

The SPEAKER. The gentleman will explain the first amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this first section here just deals with the question of how do you count governmentally mandated benefits, such as worker's compensation, Social Security disability, unemployment compensation? Are they income? Are they not income? This bill takes no position on that. This amendment says that they are not income. There has to be clarity as to whether they are or they are not so people will know whether to report them.

I urge your support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, on the amendment.

Mr. KUKOVICH. Mr. Speaker, I think we might not have a problem with that. I would like the record to show, however, what the maker of the amendment would list as "governmentally mandated payments or benefits."

Mr. COHEN. Worker's compensation, unemployment compensation, Social Security disability, Trade Readjustment Act assistance - whatever there are. The LIHEAP (Low-Income Home Energy Assistance Program) program funds - whatever programs there are; whatever entitlement programs there are.

Mr. KUKOVICH. Mr. Speaker, I would ask that the members vote in favor of part 1 of this amendment.

On the question recurring,
Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—190

Acosta	Donatucci	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Ryan
Argall	Fairchild	Lescovitz	Rybak
Barley	Farmer	Levdansky	Saloom
Battisto	Fleagle	Linton	Saurman
Belardi	Flick	Lloyd	Scheetz
Belfanti	Foster	Lucyk	Schuler
Billow	Fox	McCall	Scrimenti
Bishop	Freeman	McHale	Semmel
Black	Freind	McNally	Serafini
Blaum	Gallen	McVerry	Smith, B.
Bowley	Gannon	Maiale	Smith, S. H.
Boyes	Geist	Maine	Snyder, D. W.
Brandt	George	Markosek	Snyder, G.
Broujos	Gigliotti	Marsico	Staback
Bunt	Gladeck	Mayernik	Stairs
Burd	Godshall	Melio	Steighner
Burns	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Caltagirone	Hagarty	Micozzie	Stuban
Cappabianca	Haluska	Miller	Tangretti
Carlson	Harper	Moehlmann	Taylor, E. Z.

Carn	Hasay	Morris	Taylor, F.
Cawley	Hayden	Mowery	Taylor, J.
Chadwick	Hayes	Mrkonic	Telek
Clark, B. D.	Heckler	Murphy	Thomas
Clark, D. F.	Herman	Nailor	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Oliver	Van Horne
Colaifella	Hughes	Perzel	Veon
Colaizzo	Itkin	Petrarca	Vroon
Cole	Jackson	Petrone	Wambach
Cornell	Jadlowiec	Phillips	Wass
Corrigan	James	Piccola	Weston
Cowell	Jarolin	Pievsky	Williams
Coy	Johnson	Pistella	Wilson
DeLuca	Josephs	Pitts	Wogan
DeWeese	Kaiser	Pressmann	Wozniak
Daley	Kasunic	Preston	Wright, D. R.
Davies	Kenney	Raymond	Wright, J. L.
Dempsey	Kondrich	Reber	Wright, R. C.
Dietterick	Kosinski	Reinard	Yandrisevits
Dininni	Kukovich	Richardson	
Distler	LaGrotta	Rieger	Manderino,
Dombrowski	Langtry	Ritter	Speaker

NAYS—2

Bortner	Nahill
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NOT VOTING—1

Civera

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and part 1 of the amendments was agreed to.

On the question,
Will the House agree to part 2 of the amendments?

The SPEAKER. The amendment carries the same number as on the board, and it reads, "Amend Sec. 1 (Sec. 2), page 10...."

The gentleman from Philadelphia, Mr. Cohen, is recognized on that part of the divided amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, if any charges are brought against you in court, as has been said earlier in this debate, intention has to be proved. Under the Ethics Commission as now constituted under this law, the Ethics Commission does not have to find any element of intent. It does not seem right or fair or just that people could be publicly attacked and publicly urged to be prosecuted for violation of a felony as provided under this bill when a major ingredient of that felony - that there be some intent - be missing from the facts of the case.

Just as earlier today we voted to require a reasonable-doubt standard in order that the commission not have an easier means of proving guilt than a court would have in order that people would not be recklessly attacked by members of the commission in a manner that could hurt them, so this amendment, too, also tries to apply a court standard designed to protect people who are accused of offenses from being prosecuted.

This amendment also contains that if the person is recklessly negligent, then that could count as a violation also. But if there is no intent, if there is no reckless negligence on the person's part, then the commission cannot find that he or she has violated the act.

I urge your support of this amendment.

The SPEAKER. On the second part of the divided amendment, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

Once again, before us is an amendment that sounds terrific, and it is very clever. "Violation" is defined here in this amendment. Under the Ethics Act, you violate the Ethics Act if you obtain financial gain - a pecuniary benefit for yourself or a member of your immediate family. It may be necessary, it may be necessary for you to violate another act. You may have to violate another act which says you are not entitled to some financial gain in order to have violated the Ethics Act. This will seriously, seriously weaken the Ethics Act that we have currently on the books and HB 75 that is before us now.

Additionally, additionally, we fill out ethics forms every year. Somebody wants to deliberately, deliberately mask, camouflage, for whatever reason leave something out. Under this amendment, Mr. Cohen would require that you establish intent, proving that that person actually and intentionally omitted a glaring violation that he did not want reported on his ethics form. It is almost impossible. It renders the ethics reports that we file each year meaningless.

This is an amendment that goes extremely too far, not only in its definition of violating this act, because in order to do so, they may have to prove that you violated another act, but the word "intent" is almost impossible to prove and would allow all kinds of games to be played with ethics forms. I do not think that is what we want to do.

I ask that the amendment be defeated.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to read this amendment to the members of the House. It defines "violation." "Violation" is nowhere defined in the current act. It says, "'Violation.' An action in contravention of this act, taken either with intent to violate this act, or with reckless negligence as to whether...this act was violated."

I do not think that Mr. Blaum's statements have very much to do with this amendment. I urge your support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair is going to recognize Mr. Bortner, who has indicated he wants recognition.

As a courtesy to persons who offer amendments on the floor of the House, the Chair has been attempting to recognize the person who offers the amendment last on the amendment. There are some members who want to speak last, although they have not offered the amendment. I am asking

you, when I ask, is there further debate? will the House agree to the amendment? to indicate that you want to be recognized and not wait for me to call on the sponsor of the amendment. I am not saying that that is what you did, Mr. Bortner, but you were at the microphone; I looked over there; you did not indicate you wanted recognition.

The Chair recognizes the gentleman from York, Mr. Bortner, on the amendment.

Mr. BORTNER. Mr. Speaker, I would like to interrogate the maker of the amendment for just a brief question or two.

The SPEAKER. The Chair thanks the gentleman.

The maker of the amendment indicates that he will consent to interrogation.

Mr. BORTNER. Mr. Speaker, I would just like to present a fact situation to you and ask you to respond.

Assume for the sake of argument that the legislation as it now appears is enacted into law and, for example, there is a ban on honoraria. Further assume that somebody out there, some public official, accepts honoraria as part of a speaking engagement, and that comes to light. Their response is, I did not know that the law was changed; I did not know that that was in the law. Is that an intentional violation of the act?

Mr. COHEN. I would say that that would be a violation of the act. Not reading the law would clearly be reckless negligence. This law is certainly not being changed in some sort of secret process. This is news all over the Commonwealth. This person would clearly be violating the act.

Mr. BORTNER. Okay. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order on the amendment.

Mr. BORTNER. If I could just make a brief comment.

--I would ask the members to vote against this amendment. I think it is establishing a requirement that does not exist anywhere else in the law for these kinds of violations. I think it creates a loophole and is going to be very, very difficult to enforce the law, and I would hope that we would vote against the amendment. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Cohen, stand for brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. McHALE. Mr. Speaker, under the terms of your amendment, if someone carelessly - that is, negligently - takes action in contravention of the act, is that a violation? Someone who negligently takes action in contravention of the act?

Mr. COHEN. Yes, Mr. Speaker. It has to be reckless negligence.

Mr. McHALE. That was not my question. My question was, if someone negligently takes action in contravention of the act—

Mr. COHEN. Yes. Just as that is a violation of the act now, so it would continue to be a violation of the act under this amendment.

Mr. McHALE. Simple negligence would be sufficient.

Mr. COHEN. Yes.

Mr. McHALE. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. I would ask to interrogate the maker of the amendment briefly, Mr. Speaker.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. HECKLER. Mr. Speaker, is it your intent that the term "violation" would apply both to criminal and civil violations of the act?

Mr. COHEN. Yes, Mr. Speaker.

Mr. HECKLER. And as to criminal violations, is it the intent of this amendment that the definition of "violation" which you include here would supersede the language of Title 18, which bears on all criminal matters in this Commonwealth, which requires either intentional knowing or reckless conduct in order to have a criminal violation?

Mr. COHEN. No, Mr. Speaker. Your amendment voted on earlier today got rid of that language which would have made this act supersede the criminal laws. It is not the intent of this amendment to override criminal laws.

The sole intent of this amendment is to define how the commission has to define a violation under this act. I am seeking to have the commission use the same standard that a court would use so we do not have the commission reaching one conclusion on a much lesser standard of evidence than a court would use so that people will not be charged that they violated acts that a court would not hold, examining the same evidence as the commission, that there was a violation.

The SPEAKER. The gentleman, Mr. Heckler, is in order to comment.

Mr. HECKLER. Thank you, Mr. Speaker.

I would urge that we reject this part of the Cohen amendment. The Crimes Code of the Commonwealth of Pennsylvania requires that a criminal act involve either intentional knowing or reckless conduct. Thus, the Cohen language adds nothing to the protection of a criminal defendant. What it does do, because of the way it is worded, is make it a great deal more difficult and in fact require the commission, where they have presently said, well, this is a violation of the act but it may well be that the person who committed this violation did not know what they were doing and we will not impose a sanction, now they must find that that was either knowing or reckless conduct.

I would urge the rejection of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. McNally, on the amendment.

Mr. McNALLY. Mr. Speaker, would Mr. Blaum stand for brief interrogation?

The SPEAKER. Reluctantly.

Mr. BLAUM. Reluctantly, Mr. Speaker.

Mr. McNALLY. Mr. Speaker, is it your position that in order to be found guilty of a violation of this act as the bill is written now, that there is a requirement of specific intent to violate the law?

Mr. BLAUM. I believe, Mr. Speaker, that as far as the civil side of what the Ethics Commission does, I do not know if they could ever prove intent; that is, somebody could hide something in their ethics report or deliberately omit it. You have to prove intent, that that person intended to evade the law. We might as well not even file ethics forms. We might as well just throw that out. And if they refer anything for criminal prosecution, I mean, as you know, intent is part of what has to be shown before anything can happen.

I think the bill is very clear the way it is. I think this amendment has purposes to render not only the bill but the current Ethics Act, to hamper it, to cripple it.

Mr. McNALLY. Mr. Speaker, the reason I am asking this particular question is that comments by the gentleman from York County and by the majority leader have caused me some confusion, because it is my understanding from a case, the State Ethics Commission vs. Yacobet, that in particular, section 3(a) of the act is a strict liability standard. In other words, you do not have to prove any intent to violate the law. If, under current law, you use your office and receive compensation that is not provided by law, you have violated the law, whether you intended to or not, and I am not sure that that is the policy of this Assembly. I think that Mr. Cohen's amendment clarifies that in fact we want a violation to be found only if the person intended and knew that what they were doing violated the Ethics Act. Thank you.

On the question recurring,

Will the House agree to part 2 of the amendments?

The following roll call was recorded:

YEAS—23

Bunt	Harper	Richardson	Veon
Cohen	Howlett	Saloom	Wright, D. R.
Colafella	Lashingier	Stish	Yandrisevits
Cornell	Lescovitz	Tangretti	
Coy	McNally	Trello	Manderino,
Daley	Reber	Van Horne	Speaker
Gladeck			

NAYS—166

Adolph	Donatucci	LaGrotta	Raymond
Allen	Dorr	Langtry	Reinard
Angstadt	Durham	Laughlin	Rieger
Argall	Evans	Lee	Ritter
Barley	Fairchild	Leh	Robbins
Battisto	Farmer	Levdansky	Robinson
Belardi	Fleagle	Linton	Roebuck
Belfanti	Flick	Lloyd	Ryan
Billow	Foster	Lucyk	Rybak
Bishop	Fox	McCall	Saurman
Black	Freeman	McHale	Scheetz
Blaum	Freind	McVerry	Schuler
Bortner	Gallen	Maiale	Scrimenti
Bowley	Gannon	Maine	Semmel
Boyes	Geist	Markosek	Serafini
Brandt	George	Marsico	Smith, B.
Broujos	Gigliotti	Mayernik	Smith, S. H.
Burd	Godshall	Melio	Snyder, D. W.
Burns	Gruitza	Merry	Snyder, G.
Bush	Gruppo	Michlovic	Staback
Caltagirone	Hagarty	Micozzie	Stairs
Cappabianca	Haluska	Miller	Steighner
Carlson	Hasay	Moehlmann	Strittmatter
Carn	Hayden	Morris	Stuban
Cawley	Hayes	Mowery	Taylor, E. Z.

Chadwick	Heckler	Mrkonic	Taylor, F.
Civera	Herman	Nahill	Taylor, J.
Clark, D. F.	Hershey	Nailor	Telek
Clark, J. H.	Hess	O'Brien	Thomas
Clymer	Hughes	O'Donnell	Tigue
Colaizzo	Itkin	Oliver	Trich
Cole	Jackson	Perzel	Vroon
Corrigan	Jadlowiec	Petrarca	Wambach
Cowell	Jarolin	Petrone	Wass
DeLuca	Johnson	Phillips	Weston
DeWeese	Josephs	Piccola	Williams
Davies	Kaiser	Pievsky	Wilson
Dempsey	Kasunic	Pistella	Wogan
Dietterick	Kenney	Pitts	Wozniak
Dininni	Kondrich	Pressmann	Wright, J. L.
Distler	Kosinski	Preston	Wright, R. C.
Dombrowski	Kukovich		

NOT VOTING—4

Acosta	Clark, B. D.	James	Murphy
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EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and part 2 of the amendments was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

2-MINUTE RULE INVOKED

The SPEAKER. This House can—it is getting late—invoke a 2-minute rule. The Chair has read Mason's Manual, and the Chair is able to invoke a 2-minute rule without objection.

Is there objection to a 2-minute rule? Is there objection? If one person objects to a 2-minute rule, I cannot impose it. I hear no objection to the 2-minute rule. The 2-minute rule, as we have known it, is in effect.

The 2-minute rule allows each member of this House to speak 2 minutes on subject matter twice. Interrogations are considered speaking and are limited to the 2-minute rule.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0233:

Amend Sec. 1 (Sec. 8), page 28, line 27, by striking out "an administrative agency" and inserting
a court of common pleas

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the language in the bill before us contains a very flowery phrase, that "Any person who appears before the commission shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of this Commonwealth."

There are very few due-process rights that are granted to parties appearing before administrative agencies. There are many, many due-process rights granted to persons appearing before courts. I seek to have all the rights that people have before courts applied before the Ethics Commission. The Ethics Commission has tremendous power over the lives and careers of individual elected officials and other people covered by this act. All the due-process rights that a person has before a court ought to be in existence before the Ethics Commission.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Amendment A233, once again, sounds terrific, and if you have serious problems with the Ethics Commission, you probably want this amendment. But to impose the standards of the court of common pleas on a public official who omits something or forgets to put something on his ethics form that we have to file each year, something that can be settled in a matter of hours before the Ethics Commission with no pain to the individual involved now has to go out and hire a lawyer and involve all of the subsequent proceedings that involves a court of common pleas. If we want to inflict that upon the Ethics Commission, believe me, believe me they will be prepared to do it and they will be sons of guns when it comes to doing it and they will be as tough as nails; whereas, now a whole host, an overwhelming majority of cases that are filed before the Ethics Commission are handled very quickly and with as little pain to the public official that is involved. But if there is a serious case, that is a different matter, and we all know that is a different matter.

As far as your Miranda rights - are you entitled to an attorney? Are you entitled to remain silent? The Ethics Commission tells you all this before you come in. But what happens? They will tell you that public officials who do the accidental things that may happen every day, they come in without attorneys. They do not want an attorney. Yes, I voted that way, but here is why I think it did not benefit my immediate family, and it usually is settled in a matter of hours. But if you have serious problems with it, you may want it to be acting like the court of common pleas, but do not inflict that on every other public official who may be called before the Ethics Commission for a relatively minor matter that can be settled in a matter of hours if not minutes.

Two minutes?

The SPEAKER. Do you want to speak for your second 2 minutes at this time?

The gentleman, Mr. Bortner, from York is recognized.

Mr. BORTNER. I would like to interrogate the maker of the amendment, Mr. Speaker.

The SPEAKER. The maker of the amendment indicates that he will stand for interrogation.

Mr. BORTNER. Mr. Speaker, it is not clear to me what the effect of this amendment would be, and I am asking if you could explain what additional due-process rights, privileges, and responsibilities you would be entitled to as a result of this amendment.

Mr. COHEN. Whatever you get in common pleas court, Mr. Speaker. You do not have to have a lawyer in common pleas court. You do not have to— This is not forcing you to exercise rights, but this is guaranteeing that you have the right to exercise rights, and I think that Mr. Blaum's statement does not have very much to do with what we are talking about here.

Mr. BORTNER. But there are no particular due-process rights or responsibilities that you are trying to bestow on somebody through the amendment?

Mr. COHEN. I am not an attorney, Mr. Speaker. Whatever the rights are in terms of evidence, in terms of normal procedures that a person has in the common pleas court, which is where these cases are going to be tried, a person ought to have before the Ethics Commission. That is all I am saying. If a person chooses not to exercise those rights, this amendment does not force him to do that. And the fact of the matter is that there is a 4-year backlog, with all the talk of how it just takes 10 minutes to solve these problems, there is a 4-year backlog of cases before the Ethics Commission.

The SPEAKER. The gentleman, Mr. Bortner, is in order to comment.

Mr. BORTNER. A very brief comment, Mr. Speaker.

I would urge the defeat of the amendment. I find it very unartfully drawn. It is not clear to me at all what kind of additional due-process rights you would even have. It does not indicate whether it is the kind of rights you would get in a civil or criminal proceeding. I think it creates really a lot more ambiguity.

I would urge the defeat of the amendment. Thank you.

The SPEAKER. The gentleman from Lehigh County, Mr. McHale, is recognized on the amendment.

Mr. McHALE. Mr. Speaker, would the gentleman, Mr. Cohen, stand for interrogation?

The SPEAKER. The gentleman, Mr. Cohen, will stand for interrogation.

Mr. McHALE. Mr. Speaker, the gentleman, Mr. Bortner, just raised an important issue that I would like you to address if you would. In the court of common pleas, there are differing rights which come into play dependent upon whether you are there in a civil matter or a criminal matter. Your amendment does not draw that distinction.

Mr. COHEN. We think in a civil matter the person would have civil rights. In a criminal matter the person has criminal rights. If the Ethics Commission chooses to conduct itself and say this is just a civil violation, then you have the rights that you have in a civil violation court. If the Ethics Commission says we are investigating whether or not you committed a felony, then it is the criminal rights.

Mr. McHALE. Then if I understand your answer correctly, you are saying that the due process and civil rights which would apply in either a civil matter or a criminal matter would attach before the commission. Is that correct?

Mr. COHEN. That is correct. It will be the appropriate rights depending on whether it was civil or criminal.

Mr. McHALE. Thank you, Mr. Speaker.

That concludes my interrogation. May I speak briefly on the amendment?

The SPEAKER. You may.

Mr. McHALE. Mr. Speaker, I am going to support this amendment, and I do so with my eyes wide open.

There will be considerable change in procedure before the Ethics Commission if this amendment is adopted, and there will be considerable costs attached to those changes. For instance, the rules of evidence will apply, perhaps the right to counsel. We ought to be aware of the significant changes that are being included as a result of this amendment. Nevertheless, because of the very high responsibility we have when an individual's reputation and liberty might be called into question, I believe that those due-process rights, both civil and criminal, as they would apply in a court of common pleas should apply before the Ethics Commission.

I do support the amendment.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos, for a period of 2 minutes on the amendment.

Mr. BROUJOS. I support this amendment.

Anybody who is concerned about their rights and their protection and their reputation, which has been repeated by the speaker, Mr. Freind, and others repeatedly, really must consider the impact of this. Every hearing that we have now before hearings, before zoning board hearings, before hearing after hearing board, has all kinds of hearsay, has everything but the kitchen sink thrown in. When we talk about time and hiring attorneys, we waste the time of board members, commission members, and attorneys who are there, and the public, and the secretaries, and the transcripts. Endless after endless page of frivolous and irrelevant stuff is taken down if you do not follow rules of evidence, and if there is a lot of hearsay, it is going to involve representations made about people that are far beyond the scope of the subject being addressed.

Rules of evidence have been developed over a number of years and it is essential to the swift and efficient administration in the courts of common pleas. We should recognize that and take advantage of the fact that they developed this body and make this tribunal follow simple and fair rules.

I support this, and I think the House should support it.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for a period of 2 minutes.

Mr. KUKOVICH. Mr. Speaker, I think this amendment has been misunderstood. The purpose under this section—and these hearings are closed unless the respondent wants them to be open—is to try to allow the commission to work out some of these problems. They are under this law; they are supposed to be cognizant of the problems that local government officials have.

Under the Administrative Code, especially under the civil procedure, everybody's rights are protected. What this amendment does is going to create a pragmatic problem, and that is that you will have to have commissioners who are well

versed in the rules of evidence, who will have to be, in essence, judges or have judicial knowledge. That will greatly restrict who could even sit on the commission. And what you are going to lose is the informal nature of these hearings which by and large work out these problems without any adverse consequences. By adopting this, you are going to change that procedure. You are going to increase the burdens on the individual respondents. They will probably have to have attorneys, for the most part, if they want to be well represented, and the nature of business as it is conducted will change significantly on behalf of the commission, and I think it will not work to the benefit of those who are brought forth in front of the commission for these hearings.

I think it will have a backlash effect on what the maker of the amendment intends to do, and this is going to slow down the work of the Ethics Commission considerably. It is a mistake. I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The maker of the amendment indicates yes.

Ms. JOSEPHS. Mr. Speaker, do you contemplate in a criminal-type proceeding before the commission that the subject of the proceeding be entitled to a trial by jury?

Mr. COHEN. No, Mr. Speaker, I do not.

Ms. JOSEPHS. Is that not a right that a criminal defendant before a common pleas court would have?

Mr. COHEN. Mr. Speaker, that is not at all what is intended here. What is intended is so far as the procedures do not conflict with any other section of this act, the person shall have the rights granted in a court of common pleas. That is all, Mr. Speaker. It does not provide for jury trials.

Ms. JOSEPHS. Well, I would suggest that your amendment does not make that clear, and I would suggest that it actually would allow a subject to demand a jury trial, and I would suggest that that would be a reason, along with the reasons given by my colleague, Mr. Kukovich, for disapproving of this amendment.

I would also suggest that those of you who vote for this amendment with that understanding would extend that right to subjects before every other administrative proceeding - welfare recipients, suspected criminals, and every other sort of person who at least is entitled to the kind of rights we are as public officials. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—42

Battisto	Freeman	Lucyk	Rybak
Broujos	Freind	McHale	Saloom
Bunt	Gladeck	McVerry	Saurman
Clark, J. H.	Godshall	Maiale	Steighner
Cohen	Gruitza	Mayernik	Stish
Colafella	Harper	Mrkonic	Trello
Cole	Howlett	Petrarca	Veon

Coy	Hughes	Reber	Wass
Daley	Kosinski	Richardson	Wright, D. R.
Donatucci	Lashinger	Rieger	Yandrisevits
Fox	Lescovitz		

NAYS—149

Acosta	Distler	Langtry	Robbins
Adolph	Dombrowski	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Durham	Leh	Ryan
Argall	Evans	Levdansky	Scheetz
Barley	Fairchild	Linton	Schuler
Belardi	Farmer	Lloyd	Scrimenti
Belfanti	Fleagle	McCall	Semmel
Billow	Flick	McNally	Serafini
Bishop	Foster	Maine	Smith, B.
Black	Gallen	Markosek	Smith, S. H.
Blaum	Gannon	Marsico	Snyder, D. W.
Bortner	Geist	Melio	Snyder, G.
Bowley	George	Merry	Staback
Boyes	Gigliotti	Michlovic	Stairs
Brandt	Gruppo	Micozzie	Strittmatter
Burd	Hagarty	Miller	Stuban
Burns	Haluska	Moehlmann	Tangretti
Bush	Hasay	Morris	Taylor, F.
Caltagirone	Hayden	Mowery	Taylor, J.
Cappabianca	Hayes	Murphy	Telek
Carlson	Heckler	Nahill	Thomas
Carn	Herman	Nailor	Tigue
Cawley	Hershey	O'Brien	Trich
Chadwick	Hess	O'Donnell	Van Horne
Civera	Itkin	Oliver	Vroon
Clark, D. F.	Jackson	Perzel	Wambach
Clymer	Jadlowiec	Petrone	Weston
Colaizzo	James	Phillips	Williams
Cornell	Jarolin	Piccola	Wilson
Corrigan	Johnson	Pievsky	Wogan
Cowell	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, J. L.
DeWeese	Kasunic	Pressmann	Wright, R. C.
Davies	Kenney	Preston	
Dempsey	Kondrich	Raymond	Manderino,
Dieterick	Kukovich	Reinard	Speaker
Dininni	LaGrotta	Ritter	

NOT VOTING—2

Clark, B. D. Taylor, E. Z.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendment was not agreed to.

FILMING PERMISSION

The SPEAKER. The Chair has indicated to the Public Television cameraman that for 5 minutes he may use the aisles on the sides of the House for televising. Members should be aware.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0249:

Amend Sec. 1 (Sec. 2), page 4, by inserting after line 30
“Confidential information.” Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

On the question,
 Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, under the existing law before us, we have a ban on the use of confidential information, but we have no definition as to what confidential information is. This is a definition. The definition reads as follows: “‘Confidential information.’ Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.”

I think this is a good definition. It is a commonsensical definition. I urge your support of this amendment.

On the question recurring,
 Will the House agree to the amendment?

The following roll call was recorded:

YEAS—178

Acosta	Donatucci	Laughlin	Ritter
Adolph	Dorr	Lee	Robbins
Allen	Durham	Leh	Robinson
Angstadt	Evans	Lescovitz	Roebuck
Argall	Fairchild	Linton	Ryan
Barley	Farmer	Lloyd	Rybak
Battisto	Fleagle	Lucyk	Saloom
Belardi	Flick	McCall	Saurman
Belfanti	Foster	McHale	Schuler
Billow	Fox	McNally	Scrimenti
Bishop	Freeman	McVerry	Semmel
Black	Freind	Maiale	Serafini
Bowley	Gallen	Maine	Smith, B.
Boyes	Gannon	Markosek	Smith, S. H.
Brandt	Geist	Marsico	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G.
Burd	Gigliotti	Melio	Staback
Burns	Gladeck	Merry	Stairs
Bush	Godshall	Michlovic	Steighner
Caltagirone	Gruitza	Micozzie	Stish
Cappabianca	Gruppo	Miller	Strittmatter
Carlson	Hagarty	Moehlmann	Suban
Carn	Haluska	Morris	Tangretti
Cawley	Harper	Mowery	Taylor, F.
Chadwick	Hasay	Mrkonic	Taylor, J.
Civera	Hayden	Murphy	Telek
Clark, D. F.	Hayes	Nahill	Thomas
Clark, J. H.	Herman	Nailor	Tigue
Clymer	Hershey	O'Brien	Trello
Cohen	Howlett	O'Donnell	Trich
Colafella	Hughes	Oliver	Van Horne
Colaizzo	Jackson	Perzel	Veon
Cole	Jadlowiec	Petrarca	Vroom
Cornell	James	Petrone	Wambach
Corrigan	Jarolin	Phillips	Wass
Cowell	Johnson	Pievsky	Weston
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Pressmann	Wogan
Daley	Kenney	Preston	Wozniak
Davies	Kondrich	Raymond	Wright, D. R.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	LaGrotta	Reinard	

Distler	Langtry	Richardson	Manderino,
Dombrowski	Lashingner	Rieger	Speaker

NAYS—12

Blaum	Dininni	Kukovich	Scheetz
Bortner	Heckler	Levdansky	Wright, J. L.
Broujos	Itkin	Piccola	Wright, R. C.

NOT VOTING—3

Clark, B. D.	Hess	Taylor, E. Z.
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EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,
 Will the House agree to the bill on third consideration as amended?

The SPEAKER. See how easy it is with the 2-minute rule? It really is not an imposition on members of the House. Every one of the speakers, since the rule was imposed, was within the 2 minutes.

On the question recurring,
 Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A0241:

Amend Sec. 1 (Sec. 6), page 19, line 19, by inserting after “confirmation.”

Appointments made after the effective date of this act shall be limited to senior judges listed on the current official senior judges’ list in the Office of the Court Administrator of Pennsylvania.

Amend Sec. 1 (Sec. 6), page 20, line 17, by inserting brackets before and after “other”

Amend Sec. 1 (Sec. 6), page 20, line 18, by inserting after “compensation”
, other than as a senior judge of the Pennsylvania courts

On the question,
 Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment says, “Appointments made after the effective date of this act shall be limited to senior judges listed on the current official senior judges’ list in the Office of the Court Administrator of Pennsylvania.” The reason for this amendment is to see that we get decisions made by people who are skilled and knowledgeable in the law and have experience making decisions who are apart from the political process.

Contrary to the discussion of how easy it is to make the decisions, last year there were 62 orders issued, violations were found in 49 cases, and over 50 people were added to the backlog. It would take over 4 years to finish this backlog if there are no further complaints filed. They are going slowly.

They have very little, if any, ability to recognize a junk case. They have very little ability to screen out irrelevant evidence. I think senior judges would be able to do a much better job in a much more vigorous manner.

I urge your support of having senior judges running the Ethics Commission to fill vacancies so that we will have fair and full justice for everybody before the Ethics Commission.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. We have to understand that the members of the Ethics Commission—there are seven—are appointed by the Speaker of the House, the minority leader of the House, the President pro tem of the Senate, the minority leader of the Senate, and three appointments by the Governor of the Commonwealth. To limit their selections to senior judges, I think, is ridiculous. There are an awful lot of good people throughout this Commonwealth who can meet the qualifications of those five individuals to serve on the Ethics Commission.

What is so sacrosanct about senior judges? I submit absolutely nothing, that we should not leave these appointments to members who are senior judges.

Canon 5G of the Code of Judicial Conduct says, "Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice." Senior judges sit as judges in cases regularly when they are needed, and if any senior judge is sitting on a case, even if he could be appointed—and I do not believe he can under the Code of Judicial Conduct—then he has a case. The Ethics Commission may never be able to get a quorum.

In my opinion, Mr. Speaker, this is another attempt to tie the hands of the Ethics Commission. It is unnecessary. We know the five people who do the appointing, who appoint the members to sit on the Ethics Commission. They do a pretty good job in picking their selections. I think we should let them continue to do it, but the Code of Judicial Conduct is very clear that a senior judge cannot sit on the Ethics Commission even if he is appointed. A few months ago, a year ago, one was appointed, and he had to step down because of the Code of Judicial Conduct.

I ask the members to defeat the amendment. I think it is elitist, and I also think it is designed to tie the hands of the Ethics Commission. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I join with Representative Blaum in asking that we defeat this amendment. It is elitist. It does suggest that other citizens, including former public officials, are not qualified and do not have a place to sit on the Ethics Commission. I think it is contrary to an awful lot that was the premise of the establishment of the Ethics Commission to begin with.

Secondly, we ought to keep in mind that some of the language in this bill, as well as some of the language of amendments approved today, in fact will add to the workload of the Ethics Commission. Retired judges or senior judges in fact are retired judges. They have gotten out of the mainstream; they are getting away from a full workload. In fact, some of them carry little or no workload. I think it is absolutely contradictory to suggest that we ought to take retirees now or quasi-retirees and give to them the growing responsibilities that we assign to the Ethics Commission elsewhere in this legislation.

I would urge that we defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I would agree with the former speakers that this is an elitist amendment. I take it a step further. I think it is unconstitutional.

If you take a look at the section of the Judicial Code of Conduct which Representative Blaum referred to, it is clear that if we pass this, we would be entering into a separation-of-powers argument with the judicial branch, and I think it is at the very least arguable that this would be struck down as an unconstitutional section.

I will not make that motion. I think on the merits alone this amendment can be defeated, and also for the unconstitutionality of this amendment, I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

If we look at the backlogs in many of our courts of common pleas, I think the idea that appointing solely judges to this panel will move things along becomes very suspect. I would suggest that if those who appoint right now wish to appoint judges, they can, they could, apart from the difficulties that Representative Blaum has pointed out.

It is part of the genius of the jury system—and we have heard a lot of talk about due process today—that you are tried by a jury of your peers. Now, we are very clear: criminal matters go elsewhere, but to the extent that some of the votes on this floor have demonstrated that this House is concerned with the kind of hearing that an accused public official is going to have before the Ethics Commission, I would suggest that they are entitled to a jury of their peers, to a panel who are not selected as lawyers, judges, but who are people from all walks of life, people with varied public experience, and the Cohen amendment does exactly the opposite.

I would urge its defeat.

The SPEAKER. On the question, the gentleman from York, Mr. Bortner, is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

This may be the worst proposal that may be offered today, and I would urge you to vote against it.

Aside from the fact that senior judges cannot serve in this capacity, it is just plain a bad idea. It is completely unprecedented. There are boards and commissions across this State that render quasi-judicial decisions all the time, and they are not made up of judges.

Unless your goal is to insure the full employment of former judges, I would suggest you vote against this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. McNally, from Allegheny County.

Mr. McNALLY. Mr. Speaker, would the maker of the amendment stand for brief interrogation?

Mr. COHEN. Yes, I will, Mr. Speaker.

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. McNALLY. Mr. Speaker, a number of comments have been made to the effect that senior judges, because of the Canons of Judicial Conduct, would not be permitted to serve on the Ethics Commission. Has the maker of the amendment inquired with the judicial branch about that particular point, and what is the answer?

Mr. COHEN. The judicial branch, in response to this allegation that senior judges are not eligible, has repeatedly told us through the Court Administrator, Nancy Sobolevitch, through the counsel to the Supreme Court— Both of them have repeatedly told us that contrary to what has been repeatedly argued, senior judges are eligible to serve under the Code of Judicial Ethics. Active judges are not allowed to serve; senior judges are. Senior judges are those judges who are (a) retired and (b) are hearing cases on a per diem basis. The Ethics Commission met only five times in 1988, and so it seems that this is something that they could well do if they are hearing cases.

Mr. McNALLY. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. McNally.

Mr. McNALLY. If I could make a brief comment.

The SPEAKER. You are in order.

Mr. McNALLY. Mr. Speaker, I rise in support of the Cohen amendment.

I have to admit I am not completely satisfied with the amendment for some of the reasons that have already been expressed. However, I think that Mr. Cohen has addressed a problem with the Ethics Commission that the makers of HB 75 have neglected, and that is that the decisions of the Ethics Commission are being made by people who apparently do not have any regard for the rule of law. We have had decisions which are completely inconsistent, and one of the best examples is a decision several years ago, in 1984, in which the Ethics Commission held that the Governor's residence could be used for a political fundraiser. The same Ethics Commission decided that a county employee who uses the telephone in the county office is in violation of the Ethics Act. That makes no sense. It is irrational, and we need some mechanism to guarantee that the Ethics Commission—

The SPEAKER. The gentleman's 2 minutes are up.

Mr. McNALLY. Thank you.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—7			
Cawley	Daley	Lashinger	Saloom
Cohen	Harper	McNally	
NAYS—184			
Acosta	Durham	Leh	Robinson
Adolph	Evans	Lescovitz	Roebuck
Allen	Fairchild	Levdansky	Ryan
Angstadt	Farmer	Linton	Rybak
Argall	Fleagle	Lloyd	Saurman
Barley	Flick	Lucyk	Scheetz
Battisto	Foster	McCall	Schuler
Belfanti	Fox	McHale	Scrimenti
Billow	Freeman	McVerry	Semmel
Bishop	Freind	Maiale	Serafini
Black	Gallen	Maine	Smith, B.
Blaum	Gannon	Markosek	Smith, S. H.
Bortner	Geist	Marsico	Snyder, D. W.
Bowley	George	Mayernik	Snyder, G.
Boyes	Gigliotti	Melio	Staback
Brandt	Gladeck	Merry	Stairs
Broujos	Godshall	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Stish
Burd	Gruppo	Miller	Strittmatter
Burns	Hagarty	Moehlmann	Stuban
Bush	Haluska	Morris	Tangretti
Caltagirone	Hasay	Mowery	Taylor, E. Z.
Cappabianca	Hayden	Mrkonic	Taylor, F.
Carlson	Hayes	Murphy	Taylor, J.
Carn	Heckler	Nahill	Telek
Chadwick	Herman	Nailor	Thomas
Civera	Hershey	O'Brien	Tigue
Clark, D. F.	Hess	O'Donnell	Trello
Clark, J. H.	Howlett	Oliver	Trich
Clymer	Hughes	Perzel	Van Horne
Colafella	Itkin	Petrarca	Veon
Colaizzo	Jackson	Petrone	Vroon
Cole	Jadlowiec	Phillips	Wambach
Cornell	James	Piccola	Wass
Corrigan	Jarolin	Pievsky	Weston
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Pressmann	Wogan
DeWeese	Kasunic	Preston	Wozniak
Davies	Kenney	Raymond	Wright, D. R.
Dempsey	Kondrich	Reber	Wright, J. L.
Dietterick	Kosinski	Reinard	Wright, R. C.
Dininni	Kukovich	Richardson	Yandrisevits
Distler	LaGrotta	Rieger	
Dombrowski	Langtry	Ritter	Manderino,
Donatucci	Laughlin	Robbins	Speaker
Dorr	Lee		

NOT VOTING—2

Belardi Clark, B. D.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A0255:

Amend Sec. 1 (Sec. 8), page 29, line 13, by inserting after "the"
action constituting the

Amend Sec. 1 (Sec. 8), page 29, lines 14 through 17, by striking out "during the period of time within" in line 14, all of lines 15 through 17 and inserting

no more than five years before the order of the commission.

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, is recognized on the amendment for a period of 2 minutes.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment providing for a 5-year statute of limitations to make this act consistent with the amendments that were submitted in the Appropriations Committee. Mr. Ryan submitted an amendment to the Appropriations Committee saying that the commission may investigate for up to 5 years. Unfortunately, the Ryan amendment did not take out language existing in the current law saying that offenses shall continue to be investigated for up to 5 years after the person leaves office. We now have two contradictory— Mr. Heckler took it out today?

The SPEAKER. Whose time shall I take this out of?

AMENDMENTS WITHDRAWN

The SPEAKER. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Mr. Speaker, I am informed that Representative Heckler may have taken this out today. I would like to withdraw this amendment until we—

The SPEAKER. The amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0239:

Amend Bill, page 35, lines 20 through 26, by striking out all of said lines on said page and inserting

Section 9. This act shall not apply to final orders issued prior to the effective date of this act. Any case in which no final order has been issued as of the effective date of this act shall be governed by the provisions of this act.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, is recognized for a period of 2 minutes on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment reads, "This act shall not apply to final orders issued prior to the effective date of this act. Any case in which no final order has been issued as of the effective date of this act shall be governed by the provisions of this act."

We have made today, with amendments that have been agreed to and amendments that have not been agreed to, numerous changes in this act. If we leave the language in as it now stands, what will happen is that for any act that has been committed, for up to 5 years from the effective date of this act—if Mr. Heckler did stick the language in—we will not be going by this act; we will be going by the existing act, and all

our work today will have been in vain. I seek to change the distinction from the existing act from when the act was committed to the distinction that in those cases where final orders have been issued, we are not reversing those cases, but where final orders have yet to be issued, they will be issued under this act.

I urge your support of this amendment.

The SPEAKER. The gentleman, Mr. Blaum, from Luzerne is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

This is another amendment that sounds pretty good, but it comes very close to amnesty. Here is the situation. Read the amendment 239: "This act shall not apply to final orders issued prior to the effective date of this act." This act is signed by the Governor. It takes effect. It has nothing to do with cases which had been ordered beforehand. In ongoing cases, ongoing cases where no order has been given, this act shall apply. But it cannot apply. We cannot pass an ex post facto law. So the cases that are currently pending, currently hanging, would be governed by no law.

I ask that the members defeat this amendment.

The SPEAKER. On the question, the gentleman, Mr. Kukovich, from Westmoreland asks for recognition.

Mr. KUKOVICH. Mr. Speaker, I think I see another problem. First of all, this language does deviate from the normal statute-of-limitations language. The language in the bill tracks Judicial Code language so it conforms to other statutes of limitations. I would have a concern that if this language went in, someone might not only violate the Ethics Act but violate some segment of the criminal code, but potentially be barred from action by an Attorney General or another prosecutor or D.A. because of this limitation in this act. That is a little unclear to me, but it creates a potential problem.

I think the members should look very carefully at this language before they vote. Based on what I have seen, I would suggest a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Heckler, from Bucks County is recognized.

Mr. HECKLER. Thank you, Mr. Speaker.

I would ask to interrogate the maker of the amendment.

The SPEAKER. For a period of 2 minutes.

Mr. HECKLER. Mr. Speaker, is it your intent that this provision apply both to procedural aspects of the law - the procedures that the commission will use - and to the substance of the law - the things that we prohibit and permit, the things that we determine to be violations?

Mr. COHEN. Yes, Mr. Speaker.

Mr. HECKLER. If I might make a brief comment.

The SPEAKER. You may.

Mr. HECKLER. Mr. Speaker, not only does this proposed amendment create the possibility that conduct which was a violation of the earlier act will now be governed by the provisions of this act, I would suggest that it creates the possibility that conduct which was not a violation prior to the enactment of this act, such as the issue of honoraria which we have discussed here at length, will become a violation.

Plainly this provision does not make sense. As pointed out earlier, it has the possibility of lapping over and affecting criminal conduct, and I would urge its defeat.

The SPEAKER. On the question, the gentleman, Mr. Bortner, from York is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

Mr. Blaum, I think, answered this amendment very cogently at the outset, but I would like to follow up on that.

If we pass this amendment, we would be requiring that public officials conform their conduct to an act that was not even in effect, or for that matter, had not even been written at the time that it took place. I think all of us understand that constitutionally, we cannot do that.

Specifically, this amendment would close down 250 ongoing investigations. I suggest to you that we ought not to do that. We ought to defeat this amendment, and I would ask that you do that. Thank you.

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized.

Mr. COHEN. Thank you.

Mr. Speaker, this amendment does not shut down any investigations. What this amendment does is it says that the standards of guilt will be the standards we are voting on today if there has not already been a finding by the commission.

Mr. Blaum went through at great length yesterday explaining the definition of "authority of office" and how that offers great protection to people. I had nothing to do with that amendment. It was totally Mr. Blaum's idea. Under this language, I would like this wonderful definition that Mr. Blaum introduced so proudly to apply to investigations that are going to be decided in the future, not just things that occur after the passage of this act but things that you, I, other people may have done in the past.

The vast majority of the changes in this act were put together by Mr. Blaum, Mr. Kukovich, Mr. Bortner, Mr. Heckler, and others. Are they saying that their very own changes are going to sabotage this act? I do not think so. All I am saying is that the additional protections that are granted by the amendatory language in this act ought to apply to all alleged offenses, not only occurring after the effective date of this act but all alleged offenses that occurred up to 5 years before that have not been investigated or adjudicated.

This is either a total misunderstanding of what this amendment does or a misrepresentation. I strongly urge your support of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—13

Battisto	Hughes	Petrarca	Thomas
Cohen	Linton	Richardson	Trello
Harper	Maiale	Saloom	Wright, D. R.
Howlett			

NAYS—178

Acosta	Dombrowski	Langtry	Ritter
Adolph	Donatucci	Lashinger	Robbins
Allen	Dorr	Laughlin	Robinson
Angstadt	Durham	Lee	Roebuck
Argall	Evans	Leh	Ryan
Barley	Fairchild	Lescovitz	Rybak
Belardi	Farmer	Levdansky	Saurman
Belfanti	Fleagle	Lloyd	Scheetz
Billow	Flick	Lucyk	Schuler
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maine	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Brandt	Geist	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Bunt	Gigliotti	Melio	Stairs
Burd	Gladeck	Merry	Steighner
Burns	Godshall	Michlovic	Stish
Bush	Gruitza	Micozzie	Strittmatter
Caltagirone	Gruppo	Miller	Stuban
Cappabianca	Hagarty	Moehlmann	Tangretti
Carlson	Haluska	Morris	Taylor, E. Z.
Carn	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Clark, D. F.	Heckler	Nahill	Tigue
Clark, J. H.	Herman	Nailor	Trich
Clymer	Hershey	O'Brien	Van Horne
Colaella	Hess	O'Donnell	Veon
Colaizzo	Itkin	Olivier	Vroon
Cole	Jackson	Perzel	Wambach
Cornell	Jadlowiec	Petrone	Wass
Corrigan	James	Phillips	Weston
Cowell	Jarolin	Piccola	Williams
Coy	Johnson	Pievsky	Wilson
DeLuca	Josephs	Pistella	Wogan
DeWeese	Kaiser	Pitts	Wozniak
Daley	Kasunic	Pressmann	Wright, J. L.
Davies	Kenney	Preston	Wright, R. C.
Dempsey	Kondrich	Raymond	Yandrisevits
Dietterick	Kosinski	Reber	
Dininni	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Rieger	Speaker

NOT VOTING—2

Civera Clark, B. D.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0269:

Amend Sec. 1 (Sec. 9), page 31, by inserting between lines 15 and 16

(g) The violation of a provision of the Constitution of Pennsylvania, any other statute, a regulation, a statement of policy, a court rule or an ordinance shall not be deemed a violation of this act. Violation of such a provision shall be dealt with according to the law of which the provision is a part.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized for a period of 2 minutes, if he needs that long.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment says, "The violation of a provision of the Constitution of Pennsylvania, any other statute, a regulation, a statement of policy, a court rule or an ordinance shall not be deemed a violation of this act. Violation of such a provision shall be dealt with according to the law of which the provision is a part." That means if you violate some other law and there are penalties under that other law, you pay the penalties under the other law. You do not pay the penalties under the Ethics Commission.

Four times in 1988 at least, the Ethics Commission tried to declare that a violation of some other act was in and of itself a violation of the Ethics Act. The Ethics Commission decided that a violation of a Commonwealth management directive on sick leave was a violation of the Ethics Act. The Ethics Commission decided that a violation of the First-Class Township Code was a violation of the Ethics Act. The Ethics Commission decided that a violation of the residency requirement of the Pennsylvania Constitution was a violation of the Ethics Act.

The Ethics Commission is not competent to decide whether or not a person has violated other acts. The Ethics Commission ought to just stick to the Ethics Act, and the normal enforcement mechanisms used for determining violations of other acts in Pennsylvania ought to be the ones that are used to determine violations of those acts. The Ethics Commission ought not to be a supercommission, seeking to enforce all the laws of the Commonwealth of Pennsylvania.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, the last time I rose, it was to support an amendment being offered by the gentleman, Mr. Cohen. This time I rise in vigorous opposition.

If you read the amendment that has been offered by the gentleman, he would allow every local municipality in the State to preempt the provisions of the Ethics Act through the passage of a local ordinance. As I read it here, it indicates that if there is a violation, that violation shall be treated primarily and preemptedly as a violation of the ordinance, even if State law provides a much more significant penalty.

In my view, we are the folks who ought to be establishing the rules of the game, and we should not delegate to every municipality the right to preempt State law simply through the enactment of a local ordinance.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Once again we have an amendment that sounds good, but under the Ethics Act, it is a conflict of interest if anybody in our immediate family gets a pecuniary financial gain, other

than compensation provided by law. Everyone is entitled to compensation provided by law. There may be other laws somewhere that define what the compensation of a particular position is, and if someone goes beyond that ordinance or law and obtains something that is not part of the compensation provided by law, they will have violated that. The only way the Ethics Commission can rule on that is by deciding whether or not another law may have been transgressed.

Again, this amendment simply ties the hands of the Ethics Commission, and it probably throws out a whole host of rulings and violations, because just by its very definition of compensation provided by law, they have to look at other rules, regulations, court orders, ordinances, to see whether or not a violation of the Ethics Act has occurred.

This is a bad amendment, and I ask that the members defeat it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—9

Carn	Harper	Lescovitz	Richardson
Cohen	Hughes	Linton	Trello
Daley			

NAYS—182

Acosta	Donatucci	Laughlin	Robinson
Adolph	Dorr	Lee	Roebuck
Allen	Durham	Leh	Ryan
Angstadt	Fairchild	Levdansky	Rybak
Argall	Farmer	Lloyd	Saloom
Barley	Fleagle	Lucyk	Saurman
Battisto	Flick	McCall	Scheetz
Belardi	Foster	McHale	Schuler
Belfanti	Fox	McNally	Scrimenti
Billow	Freeman	McVerry	Semmel
Bishop	Freind	Maiale	Serafini
Black	Gallen	Maine	Smith, B.
Blaum	Gannon	Markosek	Smith, S. H.
Bortner	Geist	Marsico	Snyder, D. W.
Bowley	George	Mayernik	Snyder, G.
Boyes	Gigliotti	Melio	Staback
Brandt	Gladeck	Merry	Stairs
Broujos	Godshall	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Stish
Burd	Gruppo	Miller	Strittmatter
Burns	Hagarty	Moehlmann	Stuban
Bush	Haluska	Morris	Tangretti
Caltagirone	Hasay	Mowery	Taylor, E. Z.
Cappabianca	Hayden	Mrkonic	Taylor, F.
Carlson	Hayes	Murphy	Taylor, J.
Cawley	Heckler	Nahill	Telek
Chadwick	Herman	Nailor	Thomas
Civera	Hershey	O'Brien	Tigue
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Itkin	Perzel	Veon
Colaifella	Jackson	Petrarca	Vroon
Colaizzo	Jadlowiec	Petrone	Wambach
Cole	James	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.
Davies	Kondrich	Raymond	Wright, J. L.
Dempsey	Kosinski	Reber	Wright, R. C.
Dietterick	Kukovich	Reinard	Yandrisevits

Dininni	LaGrotta	Rieger	
Distler	Langtry	Ritter	Manderino,
Dombrowski	Lashingner	Robbins	Speaker

NOT VOTING—2

Clark, B. D. Evans

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendments No. A0310:

Amend Sec. 3 (Sec. 12), page 33, line 25, by inserting a bracket before "or"

Amend Sec. 3 (Sec. 12), page 33, line 25, by inserting after "rule"

], rule, order of the commission, advisory opinion or advice of counsel

Amend Sec. 7, page 35, line 5, by striking out "or regulation" and inserting

, regulation, advisory opinion or advice

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for a period of 120 seconds.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, under the act it says that this act supersedes existing regulations and rules of the commission. I would also try to amend this act so that this act—and I say again, there are overwhelming differences backed by Mr. Blaum and Mr. Kukovich and Mr. Heckler and Mr. Bortner—shall overrule orders of the commission, advisory opinions, or advice of counsel. Any court is going to hold that an act of the legislature overrules an order of the commission, an advisory opinion, or advice of counsel. What we want is for the commission to recognize what any court is going to rule.

I urge your support of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the amendment.

Courts, in the continuum of time, hand down various decisions constantly - our Supreme Court, the Superior Court, the Commonwealth Court - and their decisions over the years may be different from the decisions that they made 10 and 20 years ago. They do not go back and undo those decisions. They do not go back and rewrite those decisions. Those decisions in the past stand and are obviously overruled by future decisions.

To make the Ethics Commission go back and to undo or to rewrite is nothing but busywork. Again, it is tying the hands of the Ethics Commission, making them perform tasks which

are not useful, which are meaningless, and an absolute waste of time.

I ask the members to defeat this meaningless amendment.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

I would call the attention of the maker of the amendment and the House to section 7 of the bill that is before us, which begins at page 35, which says, and I quote, "All rules and regulations promulgated by the State Ethics Commission shall remain in full force and effect until amended or rescinded by the commission, provided that the commission shall immediately initiate action to rescind or amend any rule or regulation that is in conflict with the provisions of this amendatory act..." and so on.

It is clear. There is a whole other law that had certain standards. We have been acting under it for years; the commission has been acting under it for years. With the passage of this bill, we will enact a new law. We will go forward from that point. It will govern conduct from that point. Rules, advices, and so forth will be promulgated from that point. It is meaningless to repeal that which was done under the old law to the extent that it is required to conform. The bill already requires it, and I would urge the defeat of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, based on Representative Heckler's argument, which I think is entirely accurate, what this language would do is then force the Ethics Commission to go back in a meaningless gesture but force them to review thousands of opinions, advisory opinions, et cetera, that have taken place. All this would do would be to cause a needless and meaningless logjam, and I would ask for a "no" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—6

Carn	Harper	Linton	Richardson
Cohen	Hughes		

NAYS—187

Acosta	Donatucci	Laughlin	Robinson
Adolph	Dorr	Lee	Roebuck
Allen	Durham	Leh	Ryan
Angstadt	Evans	Lescovitz	Rybak
Argall	Fairchild	Levdansky	Saloom
Barley	Farmer	Lloyd	Saurman
Battisto	Fleagle	Lucyk	Scheetz
Belardi	Flick	McCall	Schuler
Belfanti	Foster	McHale	Scrimenti
Billow	Fox	McNally	Semmel
Bishop	Freeman	McVerry	Serafini
Black	Freind	Maiale	Smith, B.
Blaum	Gallen	Maine	Smith, S. H.
Bortner	Gannon	Markosek	Snyder, D. W.
Bowley	Geist	Marsico	Snyder, G.
Boyes	George	Mayernik	Staback
Brandt	Gigliotti	Melio	Stairs
Broujos	Gladeck	Merry	Steighner
Bunt	Godshall	Michlovic	Stish
Burd	Gruitza	Micozzie	Strittmatter

Burns	Gruppo	Miller	Stuban
Bush	Hagarty	Moehlmann	Tangretti
Caltagirone	Haluska	Morris	Taylor, E. Z.
Cappabianca	Hasay	Mowery	Taylor, F.
Carlson	Hayden	Mrkonic	Taylor, J.
Cawley	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, B. D.	Hershey	O'Brien	Trello
Clark, D. F.	Hess	O'Donnell	Trich
Clark, J. H.	Howlett	Oliver	Van Horne
Clymer	Itkin	Perzel	Veon
Colaella	Jackson	Petrarca	Vroon
Colaizzo	Jadlowiec	Petrone	Wambach
Cole	James	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.
Daley	Kondrich	Raymond	Wright, J. L.
Davies	Kosinski	Reber	Wright, R. C.
Dempsey	Kukovich	Reinard	Yandrisevits
Dietterick	LaGrotta	Rieger	
Dininni	Langtry	Ritter	Manderino, Speaker
Distler	Lashingier	Robbins	
Dombrowski			

NOT VOTING—0

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the negative, and the amendments were not agreed to.

MR. WAMBACH REQUESTED TO PRESIDE

The SPEAKER. The Speaker asks that the gentleman from Dauphin, Mr. Wambach, preside for the Speaker temporarily.

**THE SPEAKER PRO TEMPORE
(PETER C. WAMBACH) IN THE CHAIR**

The SPEAKER pro tempore. The Chair thanks the Speaker.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0302:

Amend Sec. 1 (Sec. 7), page 24, line 6, by inserting after "time."

The person requesting the advice may, however, require that the advice shall contain such deletions and changes as shall be necessary to protect the identity of the persons involved.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is identical to an amendment already in the bill that Mr. Ryan inserted. Mr. Ryan inserted in the Appropriations Committee that advisory opinions do not have to list the name of the person requesting the advice. What this seeks to do is extend the exact same Ryan language to advices of counsels, so that if you write to a lawyer, just as you do not have to have your name listed in an advisory opinion, you do not have to have your name listed in an advice of counsel.

I see no real distinction between advice of counsels and advisory opinions. I urge your support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. I agree, Mr. Speaker, and ask the House to approve the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Langtry	Robbins
Adolph	Donatucci	Lashingier	Robinson
Allen	Dorr	Laughlin	Roeback
Angstadt	Durham	Lee	Ryan
Argall	Evans	Leh	Rybak
Barley	Fairchild	Lescovitz	Saloom
Battisto	Farmer	Levdansky	Saurman
Belardi	Fleagle	Lintbn	Scheetz
Belfanti	Flick	Lloyd	Schuler
Billow	Foster	Lucyk	Scrimenti
Bishop	Fox	McCall	Semmel
Black	Freeman	McHale	Serafini
Blaum	Freind	McNally	Smith, B.
Bortner	Gallen	McVerry	Smith, S. H.
Bowley	Gannon	Maiale	Snyder, D. W.
Boyes	Geist	Maine	Snyder, G.
Brandt	George	Markosek	Staback
Broujos	Gigliotti	Marsico	Stairs
Bunt	Gladeck	Mayernik	Steighner
Burd	Godshall	Melio	Stish
Burns	Gruitza	Merry	Strittmatter
Bush	Gruppo	Michlovic	Stuban
Caltagirone	Hagarty	Micozzie	Tangretti
Cappabianca	Haluska	Miller	Taylor, E. Z.
Carlson	Harper	Moehlmann	Taylor, F.
Carn	Hasay	Morris	Taylor, J.
Cawley	Hayden	Mowery	Telek
Chadwick	Hayes	Mrkonic	Thomas
Civera	Heckler	Nailor	Tigue
Clark, B. D.	Herman	O'Brien	Trello
Clark, D. F.	Hershey	O'Donnell	Trich
Clark, J. H.	Hess	Oliver	Van Horne
Clymer	Howlett	Perzel	Veon
Cohen	Hughes	Petrarca	Vroon
Colaella	Itkin	Petrone	Wambach
Colaizzo	Jackson	Phillips	Wass
Cornell	Jadlowiec	Piccola	Weston
Corrigan	James	Pievsky	Williams
Cowell	Jarolin	Pistella	Wilson
Coy	Johnson	Pitts	Wogan
DeLuca	Josephs	Pressmann	Wozniak
DeWeese	Kaiser	Preston	Wright, D. R.
Daley	Kasunic	Raymond	Wright, J. L.
Davies	Kenney	Reber	Wright, R. C.
	Kondrich	Reinard	Yandrisevits

Dempsey	Kosinski	Richardson	
Dietterick	Kukovich	Rieger	Manderino,
Distler	LaGrotta	Ritter	Speaker

NAYS—2

Dininni Nahill

NOT VOTING—1

Murphy

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0235:

Amend Sec. 1 (Sec. 3), page 12, line 18, by inserting brackets before and after "or without" and inserting immediately thereafter

promised or actual

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this act, as now constituted, and this bill both ban elected officials from doing any lobbying with or without compensation for 1 year after they leave office. I really do not think there will be great danger to this Commonwealth if K. Leroy Irvis before November 30, 1989, expresses an opinion for which he is not compensated to one of us. I see no reason why we should limit the freedom of speech of people who are former elected officials in those cases in which they are not being paid.

This amendment seeks to allow former legislators and other former officials to take positions on public policy without compensation. Right now they cannot take positions before the body in which they have served with or without compensation. This leaves them not being allowed to take positions with compensation. They can take positions without compensation.

I urge your support of this matter.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

The 1-year ban after we leave the House of Representatives, what it says is that we cannot come back and lobby our former colleagues. We cannot come back and lobby our former colleagues for 1 year. The law passed in 1978 says we cannot come back and lobby our former colleagues for 1 year, whether we are paid or whether we are not paid. Mr. Cohen seeks to change that to allow you to come back and lobby your former members as long as you are not paid. As long as

it is without compensation, you can come back and represent whomever during that 1-year ban that is currently on us, as long as you do not receive any compensation.

What it does not foresee or the problem that arises is that the compensation during that 1 year may not be paid, but there is no way that the benefits that that former member might reap for his client, even though he is uncompensated for that year, there is no way to prevent that person from being compensated later on for that favor, at a later stage in life, after the 1-year ban to be then compensated double because the person was not compensated for the 1 year.

The 1-year ban is in there for a darn good reason. Whether it is compensated or not, we cannot lobby our former members only for 1 year, and this amendment changes that significantly.

I ask that the amendment be defeated.

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know how I am going to vote on this particular amendment, but I am offended by what the gentleman, Mr. Blaum, just said. What he said was there is no way to prevent this man from gaining some compensation from this unpaying employer at the end of the year, and I am offended by it, and I think perhaps in his quest to knock down various amendments, he is not thinking of the language he is using. I understand that perhaps there is a perception that is wrong, and based on that perception, I might vote against this amendment myself, but I do not think it is necessary for us to stand up here on the floor and say that a member who works for nothing, presumably works for nothing, is going to get paid at the end of the 1 year, and as I said, I am offended by it.

Now, let me give you some examples where I think even Mr. Blaum would say he is not going to get paid by it. If the local nonpreferred appropriation that you come up here working for for your local hospital or your local school - your Penn State, your Pitt, your University of Pennsylvania - and you have worked on it for your years in the legislature and you are now out of the legislature and you are up here trying to get money for your school or you are making a pitch, I do not find anything wrong with that. And I am not getting paid for it; I will never be a paid lobbyist for them.

I think of the tax reform measure that the Governor appointed a commission, and on that commission, among others, was Bob Butera, a former member of this House. Now, granted, a year had passed, but he worked as a member of that commission, and he came up and lobbied all of us. As a member of that commission, he lobbied us on the tax reform bill. Now, assuming that had taken place within the first year of his leaving, he would be precluded from doing it, but it certainly would not be because he was going to get paid at the end of a year or because of any wrongdoing.

Now, if you want to make arguments on perception, I will sit back and listen to them, but I am going to stand up every time that you put the allegation in there that there is almost a

presumption of wrongdoing simply because you were in the legislature.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

The Republican leader could have put it no more better than that.

What I am very upset with— That is why I said it that way, Mr. Speaker.

I rise in support of the Cohen amendment, and if the Cohen amendment does not get passed, I am going to contest the bill on grounds of constitutionality, for a number of reasons: Number one, free speech. If this amendment does not go into the bill, as an ex-member, I would have a problem legally sending a letter to my successor, talking about an issue, calling my successor on an issue, calling my ex-colleagues on an issue where I am not being compensated.

As a legislator, I have fought for many causes - special education, the mentally retarded, the handicapped. I would think that after my career as a legislator is over, that the people I have worked with would come to me to help them in their efforts—unpaid—to get funding and to get recognition. Without the Cohen amendment, for 1 year I would be prohibited from doing so. Mr. Blaum would lead you to believe that after that year you could be compensated, but Mr. Blaum has failed to point out that the law looks behind the actuality and looks at the circumstances, and in the circumstance where one would get above and beyond normal compensation after that year, you could still bring up an ethics charge on the grounds that he was compensated within that 1 year, and you could have a logical case, Mr. Blaum.

I think we have gotten to the point where we are nitpicking and, as Mr. Freind said, going through a masochistic self-flagellation—

The SPEAKER pro tempore. Will the gentleman cease. His 2 minutes are up, and I regret that.

Mr. KOSINSKI. I will take the last two.

The SPEAKER pro tempore. I will give you your second 2 minutes now, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

Very simply, it has been a long day, and my heart, along with other things, is very heavy, but I am proud to say I am a cosponsor of this bill. I have worked with Mr. Blaum, Mr. Bortner, and the others in the previous session on this bill, and I do not care to be characterized as a crook, a crumb, or even worse. I am proud to be an elected official; I am proud to be a politician, and I subject myself to a very high ethical standard, as does everybody in this room and, yes, even in the other chamber.

Amendments such as the Cohen amendments are rational, they are reasonable, and they are deserving of our support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, will not agree with everything or at least the way that Representative Blaum characterized things, but I do agree with his conclusion. This is a bad amendment.

The fact is, we have lived with this language for 10 years without any problems. If we adopt the language of the Cohen amendment, we will have problems, and it is not so much a matter of whether somebody is going to be able to express an opinion or not. There is nothing in here that will preclude Representative Irvis from writing a letter and offering an opinion. It says you cannot represent a person. There is no prohibition about offering an opinion, writing a letter advocating a cause.

The real problem, I think, is going to be created because we do permit some who leave this chamber to do some lobbying. We say you cannot lobby before the body with which you were formerly associated; you cannot come back and lobby the House, but some of our former colleagues could have left here or some of us could leave here tomorrow and go over and lobby the Senate or be a paid lobbyist to represent somebody, a person, before various agencies of State Government. How will we really distinguish between whether they are working as a paid lobbyist, representing the Senate and other agencies of State Government, and coming back here seeing us and not being paid for that? I think we do a disservice to all of us and to the lobbyists. I think we create problems for all of us and the lobbyists if we allow to be created a situation where they can at one moment wearing one hat be paid for lobbying a cause and then the next moment take off that hat and say, I am not being compensated as I come back before my former colleagues.

I think we create problems with this amendment. I think we are better off leaving well enough alone. We have not had a problem with the current law. Let us leave the law alone.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Speaker, I would like to interrogate the prime sponsor of the bill.

The SPEAKER pro tempore. Will the prime sponsor, Mr. Blaum, consent to interrogation? The gentleman indicates he shall. The gentleman may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

This is going to be another hypothetical. If I have left the legislature and within a 1-year period—I did not say I was; I said if—there was prolife legislation running through this House and the prolife group in my area asked if I would volunteer my services to help get that legislation passed, would I be prohibited from volunteering my services to work on behalf of the passage of that prolife legislation through this House, if the Cohen amendment is not adopted?

Mr. BLAUM. Yes, you would, and you should.

Mr. GANNON. Mr. Speaker, one more question.

Now, I heard some remarks, and probably misstatements, that we were crooks and crumbs and all that, and I would agree with Representative Ryan that perhaps they were misstatements, but I would like the prime sponsor to give me a rationale as to why, unlike other citizens of the Commonwealth, I should be denied my right to petition the legislature either on my own behalf, which apparently is exempt from prior comments, or on behalf of a cause in which I believe,

representing that cause. Now, you have got to have a good rationale to take away that constitutionally protected right, which is what is happening here, and I would like to hear that rationale.

Mr. BLAUM. Well, again, as Representative Cowell pointed out, you can do it for yourself.

To represent another entity, to represent a third party, presents the appearance of a conflict of interest, if not a direct conflict of interest, because of your association with the members. There are an awful lot, there are an awful lot, if not an overwhelming majority of hypotheticals that you can think of that are absolutely harmless. I see it as my responsibility to point out the problems that may exist.

The SPEAKER pro tempore. The gentleman's time is up.

Mr. GANNON. Mr. Speaker, it was my understanding that interrogation was exempt from the 2-minute rule. I was not speaking on the amendment.

The SPEAKER pro tempore. No; the interrogation is included in the 2-minute rule.

Mr. GANNON. Well, then may I have my second 2 minutes?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the members to vote for the amendment.

I just think it is reprehensible that first I would be characterized, as Representative Kosinski has called, all those mean, nasty things, and the second thing is that I would be denied my right to petition this legislature on behalf of whatever the cause would be or on a cause that I believe in and do that on a voluntary basis. I certainly understand the problem with compensation, and I agree with the arguments that if there was some subterfuge to pay that compensation a year or even years later, that that would still be a violation, but to do it for free and on a volunteer basis, I think this is the right direction, and we should have the right just like anyone else to petition the legislature.

I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Very briefly, I rise also in support of this particular amendment.

I have sat here and listened to both sides of the argument, but I am a firm believer that once you leave office, the drapes of power that surrounded you leave with you. For example, if the former Speaker of the House, K. Leroy Irvis, asked me to consider an amendment 4 or 5 months ago, I certainly would have given him very serious consideration. If the former Speaker was in my office earlier today and asked me to seriously consider a matter before the House, I doubt if I would give him that same consideration now that he is no longer Speaker. I do not believe that those of us upon retirement retain that degree of influence that we can impact 102 members of this House or 26 members of the Senate, and I think that the 1-year requirement is absolutely ludicrous.

We have a President who is now stumping across the country speaking on issues important to the American public, to foreign policy, to the national deficit, before every university in the country, and we applaud him for doing so. I do not see where he should be treated any differently than I and any other member in here. I do feel that it is an impingement on our constitutional rights not to be allowed to speak to our former colleagues for a period of 1 year. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

Listening to a few of the comments and the interrogation by Representative Gannon moved me to speak on this issue when I had not intended to.

We have lived with this for 10 years. There has never been a successful challenge. If we adopt this amendment, we are not just weakening this bill; we are weakening the Ethics Act that we have had for 10 years. I would also suggest that the reason we did this was not personal. Maybe Mr. Ryan was right to be upset about a characterization towards an individual. That was never the intention of Representative Blaum or anyone else.

The problem has always been one of perception. When this law was created 10 years ago, there was a crisis in politics in this State, and part of it had to do with the concept of revolving door - of people being in public life, leaving it, and then using their influence to affect governmental actions. It could be a utility commissioner leaving and going to work for a utility company, as an example. That problem exists maybe even more today than it did then.

I would suggest to you that if you vote for this amendment, it will send a signal that we in this chamber no longer care about that revolving door, that we no longer care about undue influence. I do not think any of us feel that anyone in this chamber would take advantage of that, but we all should be concerned that if we vote this amendment in, we are telling the public that we do not care about that issue anymore. I would submit to you that more than ever we have got to care about that issue. We have got to care about the use of undue influence. We have got to pass an Ethics Act that begins to restore people's faith in government. By offering this amendment, we will not do that.

I ask for a "no" vote.

The SPEAKER pro tempore. For the second time, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker, and I will not take my full 2 minutes.

I think the difference in what Mr. Kukovich just alluded to is that the amendment before us talks about being a volunteer - voluntarily taking on an issue and being able to talk to one of our former colleagues about an issue that is either important to us or to our former constituency or to some cause that we were very closely associated with. I feel that constitutionally we should be allowed that privilege as a volunteer. I agree with what the gentleman, Mr. Kukovich, said that perhaps the

1-year prohibition on coming back here as a compensated lobbyist is one thing, but that is not what this amendment is about.

I still urge passage of this particular amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I would like to respond to Representative Kukovich's remarks.

I have never heard of one legislator in the last 10 years who has left their office and has caused problems for the legislature or themselves or given the legislature a bad name. I have not heard of one, and if there is someone, I would like to know who it was.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Cohen, stand for a brief interrogation?

The SPEAKER pro tempore. He indicates he shall. The gentleman may proceed.

Mr. McHALE. Mr. Speaker, under current law, when someone leaves this body at the end of a term of office, within that 1-year period of time immediately succeeding, may that former member lobby, for instance, the other body - the Senate?

Mr. COHEN. Yes; he may.

Mr. McHALE. If in fact your amendment becomes law, would a person who, for instance, goes to work for a bank and who actively lobbies for pay in the Senate, having been a former House member, be able to, quote, "volunteer" his time in lobbying on House matters?

Mr. COHEN. No, Mr. Speaker; he would not.

Mr. McHALE. Could you amplify on that?

Mr. COHEN. A person who is a paid lobbyist in the Senate or a paid lobbyist before any administrative agency is receiving actual compensation. This amendment does not apply to anybody who is receiving promised or actual compensation.

Mr. McHALE. What if that person is being actually compensated on an hourly basis and he or she charges only for the time in the Senate and does not charge for the time in the House?

Mr. COHEN. I would say no, Mr. Speaker; that person would not apply. What we are talking about is people who are volunteers, who are receiving no compensation whatsoever. In your case, there is implied promise that when the year goes, that person's salary will apply to the House of Representatives as well as the Senate, and we say that any promised or actual compensation shall not be used.

The reason we have this amendment is to legalize what already goes on. I do not want to be subpoenaed by the Ethics Commission or any other body, but numerous former legislators have wandered through the hall of the House in full public view of the media, in full public view of all of us. I think it was crazy to believe that no former member has ever expressed an opinion about existing legislation when he has come back 2 or 3 months later to visit old friends.

The SPEAKER pro tempore. The gentleman's time is up.

Mr. McHALE. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

We heard a little bit yesterday about when the red flag goes up. Well, the red flag goes up in this case when cash or a check or a payment is offered to a lobbyist. The line is drawn in this case, and the reason I support the Cohen amendment is that when you are doing volunteer work on your own, there is no red flag; there is no signal that is clear that you are being compensated. You are doing volunteer work, and I think there is a great distinction.

I think Mr. Ryan stated earlier about former Representative Butera. The case can be made right now of former Representative Sweet, who sat with us last session and worked very hard on tax reform. The referendum is before the voters now; issues are before us now. Is he forbidden to speak voluntarily to us on this matter of local tax reform?

I know Mr. Cowell said the prohibition has worked for the last 10 years; we have not had a problem, but I have not thought of this issue, and I think many of us have not thought of this issue. What do you do about a person who truly wants to volunteer their time and lobby an issue, a good cause like higher education in general or a specific institution? I think the line is clear. Volunteer work ought not to be considered lobbying that is onerous or illegal on the part of a former legislator. We should be considered and be given the right to do that sort of volunteer work if we care to do it, whether we are a former legislator or whether we are not.

I do not know if constitutional rights come into play, but I think good common sense comes into play. What the public does not want to see is an abuse of power and getting paid for it, or former power. They do not object at all to doing volunteer work for a good organization.

The amendment seeks to clarify the issue. It is a good amendment. We should support it.

The SPEAKER pro tempore. The Chair recognizes for the second time the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, all I can say is this amendment provides for no compensation whatsoever, no compensation before the Senate, no compensation before any other body. It is purely aimed at volunteer work. It really legalizes something that has always happened and there has just never been any enforcement of what is a really very onerous and very unfair burden in the law.

I urge your support.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—157

Acosta	Dombrowski	Lashinger	Rybak
Adolph	Donatucci	Laughlin	Saloom
Allen	Dorr	Lee	Saurman
Angstadt	Durham	Leh	Schuler
Argall	Evans	Lescovitz	Scrimenti
Barley	Fairchild	Linton	Semmel
Battisto	Farmer	Lucyk	Serafini

Belfanti	Fleagle	McCall	Smith, B.
Billow	Flick	McNally	Smith, S. H.
Bishop	Foster	McVerry	Snyder, D. W.
Black	Fox	Maiale	Staback
Boyes	Freind	Markosek	Stairs
Brandt	Gallen	Marsico	Steighner
Broujos	Gannon	Mayernik	Stish
Bunt	Geist	Merry	Strittmatter
Burd	George	Michlovic	Stuban
Burns	Gladeck	Micozzie	Taylor, E. Z.
Bush	Godshall	Moehlmann	Taylor, F.
Caltagirone	Gruitza	Morris	Taylor, J.
Cappabianca	Gruppo	Mrkonic	Telek
Carlson	Hagarty	Nahill	Thomas
Carn	Haluska	Nailor	Tigue
Cawley	Harper	O'Brien	Trello
Chadwick	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Vroom
Clark, D. F.	Heckler	Petrarca	Wambach
Clark, J. H.	Herman	Petrone	Wass
Clymer	Hershey	Piccola	Weston
Cohen	Hess	Pievsky	Williams
Colafella	Howlett	Pitts	Wilson
Colaizzo	Jackson	Pressmann	Wogan
Cole	Jadlowiec	Preston	Wozniak
Cornell	James	Raymond	Wright, D. R.
Corrigan	Jarolin	Reber	Wright, J. L.
Coy	Johnson	Reinard	Wright, R. C.
Daley	Kasunic	Richardson	Yandrisevits
Davies	Kenney	Rieger	
Dempsey	Kondrich	Robbins	Manderino,
Dietterick	Kosinski	Roebuck	Speaker
Distler	LaGrotta	Ryan	

NAYS—33

Belardi	Hayden	Lloyd	Pistella
Blaum	Hughes	McHale	Ritter
Bowley	Itkin	Maine	Robinson
Cowell	Josephs	Melio	Scheetz
DeLuca	Kaiser	Miller	Snyder, G.
DeWeese	Kukovich	Mowery	Tangretti
Dininni	Langtry	O'Donnell	Trich
Freeman	Levdansky	Phillips	Veon

NOT VOTING—3

Bortner	Clark, B. D.	Murphy
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EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

The SPEAKER *pro tempore*. I would like to turn the gavel back now to our permanent Speaker with thanks.

**THE SPEAKER (JAMES J. MANDERINO)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman, Mr. Wambach, for presiding for the Speaker temporarily.

CONSIDERATION OF HB 75 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. COHEN offered the following amendment No. A0242:

Amend Sec. 1 (Sec. 8), page 29, line 27, by inserting after "proceeding."
No member of the commission and no employee of the commission shall discharge any employee of the commission or change his official rank, grade or compensation, or threaten to do so, for providing any information about the internal operations of the commission, not required by law to be kept secret, to any legislator or legislative staff member, or testifying in any legislative proceeding.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Cohen, from Philadelphia is recognized on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment takes the whistleblower language that is in this bill and specifically applies this language that is aimed to protect complainants to members of the commission and the commission staff in case they wish to reveal events that they are not required to keep secret but that deeply violate their conscience as to the way the Ethics Commission functions. This amendment reads:

No member of the commission and no employee of the commission shall discharge any employee of the commission or change his official rank, grade or compensation, or threaten to do so, for providing any information about the internal operations of the commission, not required by law to be kept secret, to any legislator or legislative staff member, or testifying in any legislative proceeding.

I think we ought to have specific whistleblower protection for members and staff of the Ethics Commission.

I urge your support of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Acosta	Dombrowski	Lashinger	Robinson
Adolph	Donatucci	Laughlin	Roebuck
Allen	Dorr	Lee	Ryan
Angstadt	Durham	Leh	Rybak
Argall	Evans	Lescovitz	Saloom
Barley	Fairchild	Levdansky	Saurman
Battisto	Farmer	Linton	Scheetz
Belardi	Fleagle	Lloyd	Schuler
Belfanti	Flick	Lucyk	Scrimenti
Billow	Foster	McCall	Semmel
Bishop	Fox	McHale	Serafini
Black	Freeman	McNally	Smith, B.
Blaum	Freind	McVerry	Smith, S. H.
Bortner	Gallen	Maiale	Snyder, D. W.
Bowley	Gannon	Maine	Snyder, G.
Boyes	Geist	Markosek	Staback
Brandt	George	Marsico	Stairs
Broujos	Gigliotti	Mayernik	Steighner
Bunt	Gladeck	Melio	Stish
Burd	Godshall	Michlovic	Strittmatter
Burns	Gruitza	Micozzie	Stuban
Bush	Gruppo	Miller	Tangretti
Caltagirone	Hagarty	Moehlmann	Taylor, E. Z.
Cappabianca	Haluska	Morris	Taylor, F.
Carlson	Harper	Mowery	Taylor, J.
Carn	Hasay	Mrkonic	Telek

Cawley	Hayden	Murphy	Thomas
Chadwick	Hayes	Nahill	Tigue
Civera	Herman	Nailor	Trello
Clark, B. D.	Hershey	O'Brien	Trich
Clark, D. F.	Hess	Oliver	Van Horne
Clark, J. H.	Howlett	Perzel	Veon
Clymer	Hughes	Petrarca	Vroon
Cohen	Itkin	Petrone	Wambach
Colafella	Jackson	Phillips	Wass
Cole	Jadlowiec	Piccola	Weston
Cornell	James	Pievsky	Williams
Corrigan	Jarolin	Pistella	Wilson
Cowell	Johnson	Pitts	Wogan
Coy	Josephs	Pressmann	Wozniak
DeLuca	Kaiser	Preston	Wright, D. R.
DeWeese	Kasunic	Raymond	Wright, J. L.
Daley	Kenney	Reber	Wright, R. C.
Davies	Kondrich	Reinard	Yandrisevits
Dempsey	Kosinski	Richardson	
Dietterick	Kukovich	Rieger	Manderino,
Dininni	LaGrotta	Ritter	Speaker
Distler	Langtry	Robbins	

NAYS—2

Heckler O'Donnell

NOT VOTING—2

Colaizzo Merry

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for his next amendment.

Mr. COHEN. Mr. Speaker, I think this bill still needs more work in the Senate, but I have no further amendments to offer today. I thank the House for its consideration.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A0320 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion on what has affectionately been called the Reber amendment, amendment A0320. The gentleman from Washington, Mr. Lescovitz, and the gentleman from Luzerne, Mr. Blaum, have asked for reconsideration.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Donatucci	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Durham	Leh	Ryan
Argall	Evans	Lescovitz	Rybak

Barley	Fairchild	Levdansky	Saloom
Battisto	Farmer	Linton	Scheetz
Belardi	Fleagle	Lloyd	Schuler
Belfanti	Flick	Lucyk	Scrimenti
Billow	Foster	McCall	Semmel
Bishop	Fox	McHale	Serafini
Black	Freeman	McNally	Smith, B.
Blaum	Freind	McVerry	Smith, S. H.
Bortner	Gallen	Maiale	Snyder, D. W.
Bowley	Gannon	Maine	Snyder, G.
Boyes	Geist	Markosek	Staback
Brandt	George	Marsico	Stairs
Broujos	Gigliotti	Mayernik	Steighner
Bunt	Gladeck	Merry	Stish
Burd	Godshall	Michlovic	Strittmatter
Burns	Gruitza	Micozzie	Stuban
Bush	Gruppo	Miller	Tangretti
Caltagirone	Hagarty	Moehlmann	Taylor, E. Z.
Cappabianca	Haluska	Morris	Taylor, F.
Carlson	Hasay	Mowery	Taylor, J.
Carn	Hayden	Mrkonic	Telek
Cawley	Hayes	Murphy	Thomas
Chadwick	Heckler	Nahill	Tigue
Civera	Herman	Nailor	Trello
Clark, D. F.	Hershey	O'Brien	Trich
Clark, J. H.	Hess	O'Donnell	Van Horne
Clymer	Howlett	Oliver	Veon
Cohen	Hughes	Perzel	Vroon
Colafella	Itkin	Petrarca	Wambach
Colaizzo	Jackson	Petrone	Wass
Cole	Jadlowiec	Phillips	Weston
Cornell	James	Piccola	Williams
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kaiser	Pressmann	Wright, D. R.
DeWeese	Kasunic	Preston	Wright, J. L.
Daley	Kenney	Raymond	Wright, R. C.
Davies	Kondrich	Reber	Yandrisevits
Dempsey	Kosinski	Reinard	
Dietterick	Kukovich	Richardson	Manderino,
Dininni	LaGrotta	Rieger	Speaker
Distler	Langtry	Ritter	

NAYS—0

NOT VOTING—4

Clark, B. D. Harper Melio Saurman

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A0320:

Amend Sec. 1 (Sec. 2), page 7, line 9, by inserting after "services"

which are nonpublic occupational or professional in nature

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Earlier I talked to Mr. Blaum, and we feel that this is a good amendment, the Reber amendment.

I do not believe that the bill as written, HB 75, wants to prohibit a professional person, such as a doctor who is a heart surgeon, who wants to speak in front of another group, another group of doctors, from obtaining an honorarium for that even though that doctor is a school board member.

I believe this is the closest amendment to a compromise we can have on this, and I would appreciate your support.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would remind the members that this is the amendment that was defeated yesterday by a vote of 77 to 115. Earlier today we defeated a similar amendment by a vote of 65 to 125 that was broader in its application. The criticism this morning was that this morning's amendment would have allowed practically any of us, given the right excuse, to go out, speak, collect an honorarium, and do so within the law.

The amendment before us today is similar but more narrow. It would not allow all of us, each of us, to do that. It would allow only some of us to do that. It would allow some of us, under the guise of speaking about the law or speaking about something that qualifies as nonpublic occupational or professional in nature, to go out, speak, and collect an honorarium, whether it had anything to do with the legislation before us or not, as long as we could attribute it in some way to the profession or a profession.

I remind you only of the example I used yesterday, and I hate to pick on the attorneys, but it is relevant. An attorney could be called upon to speak before any group about existing law and do so under the provisions of this amendment and collect an honorarium and do so very legally.

I do not think that is appropriate. If we are going to get into the honoraria question, we ought to absolutely prohibit them for all of us, not leave loopholes.

I would urge we defeat the amendment once again.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Would the gentleman, Mr. Cowell, stand for interrogation?

Mr. COWELL. Yes.

Mr. RYAN. Mr. Speaker, Mr. Manderino and I, Mr. O'Donnell this year, we are all going to be appointing a number of what I believe will be very prominent citizens to various boards and commissions throughout this Commonwealth. By reason of our office, we are given the right to make certain appointments. We have appointments to the Historical and Museum Commission; we have them to different regulatory agencies. The Speaker particularly has a number of appointments in his capacity as Speaker of the House, and we are charged, I think, by you who elect us to leadership, to make appointments of the most able people whom we can find who will sit and do this.

Assume for a minute that the Speaker of the House—and I do not believe I have an appointment to the Historical and Museum Commission; I am not really sure right now—but

assume the Speaker of the House, who does, appoints a noted author or a painter or a lecturer to that commission. Would that person be permitted to go out and give a speech for a fee? He appoints Willard Scott, who goes out and does public speaking. James Michener would be a grand catch for this Commonwealth to have on its Historical and Museum Commission or its Arts Commission. This bill would prevent a Michener from going out and accepting a fee, as I read it, because he is on a board and commission of this Commonwealth. A man—

Mr. COWELL. Mr. Speaker, is that a question or—

Mr. RYAN. Well, all right. Let us make that a question. Is that true?

Mr. COWELL. Mr. Speaker, my interpretation is that the law would not prohibit a Michener from going out and collecting a fee.

Mr. RYAN. Why not?

Mr. COWELL. Because I think it is related to his regular business.

Mr. RYAN. That is not what the definition says, Mr. Speaker. Is that what you want it to say though?

Mr. COWELL. I am sorry, Mr. Speaker. If you could repeat the question.

Mr. RYAN. Do you want it to say that, what you just told me?

Mr. COWELL. Mr. Speaker, my concern with this amendment, as I indicated to Mr. Reinard when he inquired earlier about a hypothetical situation dealing with a CPA, my concern with the proposed amendment, Lashinger or—

Mr. RYAN. Let us forget lawyers for the time being, okay?

Mr. COWELL. Okay.

My concern is not that it takes care of those kinds of problems, because I think it is appropriate that those problems be taken care of. I think it is appropriate that that CPA be allowed to speak and that the author be allowed to speak. My concern is that the language is much broader in its ultimate interpretation and application. My concern is that it could allow an attorney from this chamber or somebody from some other profession in this chamber to be asked to speak to another group, primarily because they are a legislator, but asked to speak to another group and focus on their profession, whatever it happens to be.

Mr. RYAN. Mr. Speaker, what about all of the boards, the commissions? The boards of trustees of public institutions. I suppose they are included. Are they? Would the board of trustees of Pennsylvania State University or Pitt be covered by the Ethics Act? That is a question.

Mr. COWELL. I think that they are covered by the Ethics Act.

Mr. RYAN. Uncompensated school board members, would they be?

Mr. COWELL. They are.

Mr. RYAN. How about members of the various authorities and township boards of supervisors throughout this Commonwealth? Are they covered?

Mr. COWELL. I think most of them are covered. It depends on whether they meet the definitions, but I think most of them are covered.

Mr. RYAN. How about the Governor's Economic Development Commission?

Mr. COWELL. If they meet the definition of the law, yes, they are covered.

Mr. RYAN. All right.

Mr. COWELL. But I think most of those people do.

Mr. RYAN. Do you think for one minute—and I am telling you, I am telling you an answer that I know—do you think for one minute these people who take these jobs think they are not going to be able to go out and give a lecture for a fee? Having nothing to do with Pennsylvania State University, you put people on that board and then they are asked to go out and give a lecture because they are prominent people, prominent people—I do not care about declaring; you are precluding them from doing it.

Mr. COWELL. If that is a question, Mr. Speaker, I—

Mr. RYAN. All right. That is a question.

Mr. COWELL. Okay.

I think that the problem was created when the issue of honoraria was introduced to this legislation at all, and that was somebody else's idea. Now that it has been introduced and now that it is a part of the law or proposed law, if we are going to provide for exceptions, I think that we could do a better job of dealing with the problem that you have cited and the problem that Mr. Reinard cited in terms of the CPA and some other extraordinary circumstances.

I do not think the appropriate way of dealing with those problems is with the language that has been presented yesterday or again today. I think the language presented yesterday and today is too broad and in fact creates loopholes that too many others could take advantage of, in addition to those legitimate cases that you have cited.

Mr. RYAN. Mr. Speaker, on the subject.

The SPEAKER. On the subject, you are in order.

Mr. RYAN. Mr. Speaker, my recollection—and at my advanced age my recollection is not always that great—but my recollection is that about half an hour ago the gentleman, Mr. Cowell, stood up—and if it was not Mr. Cowell, you know, wave your hand and I will correct it—stood up and said we should not change one area of the law dealing with coming back within the 1 year. For 10 years that has been the law.

Now, I am suggesting to you, Mr. Speaker, for 10 years people who have been members of boards, members of commissions, unpaid members of school boards, members of the board of trustees at West Chester, Indiana, Penn State, and the like, for all of these 10 years they have been permitted to take an honorarium when they go out and they make a lecture. They had to report it; they had to report it. Now all of a sudden we are saying, you cannot do it, and I bet you—and this is rhetorical—I bet you that if you tell the members of your school board, the members of all of the boards and commissions here in Pennsylvania that they cannot go out and make a living that way in the event that they do, you will not

get people such as the ones we seek to sit on our boards and commissions, because we are saying to them we do not trust you; we not only do not trust you to go out and speak on subjects that are peculiar to your political or governmental knowledge, we do not allow you to go out and speak on any subject, because you happen to be a member of a board or commission. I just do not think it is right.

I do not know what you would suggest to change this, but a moment ago you said that these people could speak in your opinion, and then someone corrected you. But what we are doing is wrong, and it is all being done because we as legislators might abuse our trust. That is the flag that you are flying. They are the words that you are using. But what about all the other people who perhaps are trustworthy?

The SPEAKER. The gentleman, Mr. Cowell, from Allegheny is recognized on the amendment.

Mr. COWELL. Thank you, Mr. Speaker.

I did not suggest that anybody is not trustworthy. You tried that with Mr. Blaum, but please do not throw that at me. I did not make that argument.

I also indicated that I recognize the problems that are created when the honoraria issue is introduced. I did not introduce the honoraria issue. That was introduced by the sponsors of this legislation as it came through the Appropriations Committee and the Judiciary Committee. It is what we have before us.

I agree that there are problems created potentially for some of the individuals that you have indicated. I would interpret the law a little bit more liberally than you might. I think that they could still go about doing that speechmaking, but I understand the risk. My concern is that the amendment before us, as was the case with the Lashinger amendment as well, goes beyond solving that problem. It creates additional issues, additional latitude for people in this chamber as well as elsewhere in government. It is not a question of people abusing the trust; it is people living within the law, and the law would be more liberal, given the professions of some individuals, as compared to the application in the case of other people who do not necessarily bring with them to this chamber or other chambers of government some other type of professional or historical occupation.

I think the rules ought to be the same for everybody. If we need to deal with the boards and the commissions and some of those folks, I think there is a better way of doing it. I do not think this amendment is the most appropriate way of dealing with that issue.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. McHale, from Lehigh is asking for recognition. He is recognized.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, this may well be the most important vote that we take all day. The issue, I think, fairly stated is whether or not you believe public officials should be able to accept honoraria. If you think that public officials should accept such payments and that such payments should be authorized by law, vote for the Reber amendment. If you believe that the

time has come to ban honoraria, if you think that we here in the legislature should take what I think is a truly historic step by banning such outside payments, then vote against the Reber amendment.

This amendment not only takes out the ban which is currently in the bill, it eliminates that ban under a circumstance where there no longer will even be a reporting requirement such as exists under current law.

If you believe in honoraria, vote for the Reber amendment. If you think the time has come to stop such payments, payments which raise, at the very least, a question of objectivity on the part of public officials, vote against it. I am going to vote against it.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

As I did yesterday, I rise in support of the Reber amendment.

We recognized in our definition of "honorarium" that it was very restrictive, and we tried to come up with language that would allow some professionals to carry on their occupations. And like I said yesterday, you know, the Representative who writes a book was always brought up, and we wanted to solve that problem. We could not come up with it. Yesterday I saw Bob Reber's amendment cross my desk, and I believe that Representative Reber has come up with it. I believe it is a good compromise. I believe if we are going to ban honoraria in Pennsylvania, I think it is something we can be very proud of, and I think Bob Reber's amendment does it in a very intelligent way.

I think we have a strong definition with the Reber amendment, and I ask the members to support it.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Very briefly, Mr. Speaker, I would urge the adoption of the Reber amendment.

This has somehow gotten off track and the debate went off track yesterday, it seems to me, and it became, you know, this is going to be a loophole for lawyers. I really suggest that it is not. I think some of the debate we heard today made it plain that while we are trying to prevent whatever evils may flow from an honoraria system, there are appropriate situations in which public officials, especially those mentioned earlier by Representative Ryan, should be in the position to receive compensation for published works, for speeches. What Representative Reber's amendment specifically says is that those services are nonpublic occupational—occupational; it does not limit it to professions—or professional.

The key to this amendment and why it is better than the amendment we considered earlier today and I am sure why Representative Blaum and others are supporting it is that it does not circumvent what is still the key language in this definition, which is that the payment cannot be intended as consideration for the value of the services. In other words, if you are simply getting as the Speaker or whatever what you would fairly get for that service if you were not in public life, then it is okay.

I would urge the adoption of the Reber amendment.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—150

Acosta	Donatucci	Kosinski	Reinard
Adolph	Dorr	LaGrotta	Richardson
Allen	Durham	Lashingier	Rieger
Angstadt	Evans	Laughlin	Ritter
Argall	Fairchild	Lee	Robbins
Barley	Farmer	Leh	Roebuck
Battisto	Fleagle	Lescovitz	Ryan
Black	Flick	Linton	Saloom
Blaum	Foster	Lucyk	Saurman
Boyes	Fox	McCall	Scheetz
Brandt	Freind	McNally	Schuler
Broujos	Gallen	McVerry	Semmel
Bunt	Gannon	Maiale	Smith, B.
Burd	Geist	Maine	Smith, S. H.
Burns	George	Marsico	Snyder, D. W.
Bush	Gladeck	Mayernik	Stairs
Caltagirone	Godshall	Merry	Steighner
Cappabianca	Gruitza	Michlovic	Strittmatter
Carlson	Gruppo	Micozzie	Taylor, E. Z.
Carn	Hagarty	Miller	Taylor, J.
Chadwick	Haluska	Moehlmann	Telek
Civera	Harper	Morris	Thomas
Clark, D. F.	Hayden	Mowery	Trello
Clark, J. H.	Hayes	Mrkonic	Van Horne
Clymer	Heckler	Murphy	Veon
Cohen	Herman	Nahill	Vroon
Colafrella	Hershey	Nailor	Weston
Colaizzo	Hess	O'Brien	Williams
Cole	Howlett	Oliver	Wilson
Cornell	Hughes	Perzel	Wogan
Corrigan	Jackson	Petrone	Wozniak
Coy	Jadlowiec	Phillips	Wright, D. R.
Davies	James	Piccola	Wright, J. L.
Dempsey	Jarolin	Pievsky	Wright, R. C.
Dietterick	Johnson	Pitts	Yandrisevits
Dininni	Josephs	Preston	
Distler	Kenney	Raymond	Manderino,
Dombrowski	Kondrich	Reber	Speaker

NAYS—41

Belardi	Freeman	McHale	Snyder, G.
Belfanti	Gigliotti	Markosek	Staback
Billow	Hasay	Melio	Stish
Bishop	Itkin	O'Donnell	Stuban
Bortner	Kaiser	Petrarca	Tangretti
Bowley	Kasunic	Pistella	Taylor, F.
Cawley	Kukovich	Pressmann	Tigue
Cowell	Langtry	Robinson	Trich
DeLuca	Levdansky	Scriminti	Wambach
DeWeese	Lloyd	Serafini	Wass
Daley			

NOT VOTING—2

Clark, B. D. Rybak

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The gentleman from Montgomery, Mr. Reber, is recognized.

Mr. REBER. Mr. Speaker, point of personal privilege.

The SPEAKER. State the point of personal privilege.

Mr. REBER. Mr. Speaker, as a rural attorney, I learned a long time ago, he who acts as his own attorney has a fool for a client. Thank you, counselors.

The SPEAKER. The Chair thanks the gentleman.

One of the speakers on the honoraria question earlier today kept using the words that he was "fascinated by the debate." The Speaker has likewise been fascinated by the debate.

The Speaker has been in this House more than 20 years and has been offered honoraria of less than \$100 a year. I would venture to say that honoraria, which has taken us so many hours of debate today, has not been offered to this House in a whole term in the amount of \$20,000. That is my guess. It is probably a good guess. Why we are spending so much time and letting the public believe that this is something that goes on in the House is beyond me, because I know that it does not go on, and you should know that it does not go on.

The minority leader, Mr. Ryan, is recognized.

Mr. RYAN. Mr. Speaker, again for the record, you and I had a conversation about this earlier. I am in my 14th term. You are a far better speaker than I am. That is why you have averaged \$100 a year. I have averaged \$250 divided by 27 years, whatever that comes out to be, and I gave that to a charity.

The SPEAKER. My guess is that that is the record of most House members.

Mr. RYAN. And I was overpaid.

AMENDMENT A0317 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion on a DeLuca amendment that was adopted earlier in the day. The gentleman from Allegheny, Mr. DeLuca, asks that it be reconsidered. He has redrafted the amendment to more specifically attack the problem that he is trying to attack.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Acosta	Donatucci	Laughlin	Robbins
Adolph	Dorr	Lee	Robinson
Allen	Durham	Leh	Roebuck
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.

Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Cawley	Hayden	Mrkonic	Taylor, J.
Chadwick	Hayes	Murphy	Telek
Civera	Heckler	Nahill	Thomas
Clark, D. F.	Herman	Nailor	Tigue
Clark, J. H.	Hershey	O'Brien	Trello
Clymer	Hess	O'Donnell	Trich
Cohen	Howlett	Oliver	Van Horne
Colaella	Hughes	Perzel	Veon
Colaizzo	Itkin	Petrarca	Vroon
Cole	Jackson	Petrone	Wambach
Cornell	Jadlowiec	Phillips	Wass
Corrigan	James	Piccola	Weston
Cowell	Jarolin	Pievsky	Williams
Coy	Johnson	Pistella	Wilson
DeLuca	Josephs	Pitts	Wogan
DeWeese	Kaiser	Pressmann	Wozniak
Daley	Kasunic	Preston	Wright, D. R.
Davies	Kenney	Raymond	Wright, J. L.
Dempsey	Kosinski	Reber	Wright, R. C.
Dietterick	Kukovich	Reinard	Yandrisevits
Dininni	LaGrotta	Richardson	
Distler	Langtry	Rieger	Manderino,
Dombrowski	Lashingier	Ritter	Speaker

NAYS—0

NOT VOTING—3

Carn Clark, B. D. Kondrich

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. DeLuca, who rises and asks that the amendment be withdrawn.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. DeLUCA offered the following amendment No. A0336:

Amend Sec. 1 (Sec. 4), page 14, line 23, by inserting after "position."

Persons who are full-time or part-time solicitors for political subdivisions are required to file under this section.

On the question,
Will the House agree to the amendment?

The SPEAKER. On the question of the amendment, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

This is identical to the amendment that we passed 190 to nothing. What we did was redraft it to another section that fits that section. I would ask for an affirmative vote on this amendment. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Acosta	Donatucci	Laughlin	Robbins
Adolph	Dorr	Lee	Robinson
Allen	Durham	Leh	Roebuck
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Busñ	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Carn	Hayden	Mrkonic	Taylor, J.
Cawley	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Petrarca	Vroon
Colaizzo	Jackson	Petrone	Wambach
Cole	Jadlowiec	Phillips	Wass
Cornell	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Dininni	LaGrotta	Rieger	
Distler	Langtry	Ritter	
Dombrowski	Lashingier		Manderino, Speaker

NAYS—0

NOT VOTING—1

Clark, B. D.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On the question of final passage, the gentleman from Luzerne, Mr. Blaum, requests recognition for a period of 2 minutes.

Mr. BLAUM. Thank you, Mr. Speaker.

The next time Representative DeWeese calls and asks me to sponsor a bill, I may think twice about it. It has not been easy; it is not supposed to be.

We have debated this bill long and hard for 2 days, and I think what we can be very proud of is that this House of Representatives in the last 14 months has twice passed a very strong Ethics Act. The Ethics Commission, as we know, is in a winddown period, and they will go out of business by June 30 if they are not re-created.

I repeat, for the second time in 14 months this House has put together in a very open process, through the committee system and open debate on the floor, a very strong Ethics Act. I think we can all be very proud of that. We hope that the Senate acts very quickly, as this House did only a month into this new session. We hope that they act very quickly on this bill, approve it, and we can get it to the Governor's desk as soon as possible.

I want to thank the members of the House.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Philadelphia, Mr. Richardson, desire recognition on final passage?

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. RICHARDSON. Mr. Speaker, I have been quiet and I have listened very attentively to all the things that have been said here on the floor of this House today concerning this and also yesterday. One of the things that I think has happened is that we have dug ourselves a hole. While we have indicated our strong commitment to wanting to do the right thing, which I think all of us want to do, we have been painted by the press and those individuals who are going to stand before our public as individuals who have the impropriety of thinking that we are going to do the wrong thing, and I think that is negative when many of us, who come from all walks of life, 203 of us who represent our constituencies, know that in fact they voted for us to come and represent them. Each and every one of us is a god in our own right in our own districts. Therefore, those individuals should not be placed in the position of making people feel that we are going to do the wrong thing when the time comes to deal with this issue.

I resent the fact that we have been placed in the position of thinking that one person or two persons can be the judge,

jury, and executioner over all of us on the floor of this House who come from districts to truly represent our people back home in our respective legislative districts. It seems to me that this issue is one based on the fact that we need to be tough about the fact that we want to do the right thing ethically but also know that there is a problem, and that is that the press can continue to do and say whatever it wants to, and I know that I am going to be attacked, but this is not anything different or new than what we have gone through before. Many of you feel it inside of your heart and your mind, but you are unwilling to speak on it.

The fact of the matter is, the last few days we have had the press here intently watching over this particular process. There are issues that come up constantly on the floor of this House that warrant the press to be here to deal with it. Even in the press releases that we send out, we do not get the coverage.

It seems to me that the time has come to stand up and not be afraid of the odds. I am saying to you today that while we have gone through this process for 2 days and we have talked nice and we have done the things that we think are necessary—

The SPEAKER. The gentleman can be recognized for an additional 2 minutes.

Mr. RICHARDSON. I would like to be recognized for an additional 2 minutes, Mr. Speaker.

The SPEAKER. You are in order.

Mr. RICHARDSON. Thank you very much, Mr. Speaker.

It seems to me that our responsibility is to do what we should do, and that is to serve our constituency, but at the same time, I do not think we need to be lambasted and cut up and shot down every single time there is an issue. What about the positive things and the most progressive things that are being done positively by the members of this House of Representatives? Do we not ever get a play on that? I know that many a time we have introduced legislation that never gets any coverage at all, but as soon as somebody slips on a banana peel, the first thing that happens is you are on the front page of the newspaper.

It seems to me that we need to be a little more progressive in our attitude and our thinking about how we are going to deal with these particular issues. We cannot continue any longer not to speak against them. If there is protection and safety given to the press, then it seems to me if they are protected under the First Amendment, why are the members of the House of Representatives and the Senate not protected under that same First Amendment?

If you look at the attack recently on elected officials and progressive-thinking people across this country, the attack on our elected officials in this country, particularly of minority and African-American persuasion, has been really very high, but nobody is willing to say anything about that. In fact, we have seen the indictments that have come down that have had very little information coming from those who have attacked them, and as a result, we find ourselves in a position of always trying to defend and come up with money to deal with that issue. I got tired of sitting here and listening to the debate

going on and felt that the best time to raise this issue would be on final passage so that we would not hide any longer under the realm of saying we have to hurry up and send it over to the Senate and let them act on it effectively.

I think we need an Ethics Commission. I think it needs to operate, but I think that the committee should have done its work inside the committee, given us a bill that we could have looked at, and then been able to make a positive decision. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I think throughout the course of the day today each member spoke from his own convictions, her own convictions, in trying to shape a piece of legislation that would reflect the highest ethical standards. I think we have done that. I believe with John Buchan that politics is an honorable profession, and although not every issue today went the way I would have wanted, I think we did a very admirable job of shaping a very fine piece of legislation.

I am proud of the bill that I anticipate will pass in the next few minutes. I think Representative Blaum did a particularly fine job. My hope is that after we have done our duty today, and I think we have done it well, that the Senate will act promptly and send a piece of legislation identical to the one that we are about to pass to the Governor's desk where he can sign it.

I am proud of the House and the activity that we showed today.

The SPEAKER. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

I rise to oppose this legislation. This legislation is more of the same pure pabulum. It is a weak and ineffective effort to resolve those serious flaws that also existed in our past ethics laws.

First, it fails to address the issue of potential financial holdings of members of this body or other public officials who deal with the public sector that has extensive contracts. Some of these contracts are multimillion-dollar contracts. An example is this House' contract for telephone services.

The 5-percent minimum ownership limit is an outright joke. Neither the minority leader nor the majority policy chairman can convince me that the potential conflict of interest is not a genuine concern for this body.

In addition, this legislation is flawed in its standards in that it continues to allow those learned in the law to ply their wares with the school districts, boroughs, townships, cities, and municipal authorities of this Commonwealth. Their law partners and law firms may continue to practice before the agencies, authorities, commissions, and departments of this Commonwealth without any financial restraints on how the moneys obtained from these relationships are to be regulated.

The members who serve here and in a capacity with a State-owned institution may continue to enjoy incomes from both this House and that institution.

This legislation fails to address any of those concerns. I oppose this bill because of these serious shortcomings.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—191

Acosta	Dorr	Laughlin	Robbins
Adolph	Durham	Lee	Robinson
Allen	Evans	Leh	Roebuck
Angstadt	Fairchild	Lescovitz	Ryan
Argall	Farmer	Levdansky	Rybak
Barley	Fleagle	Linton	Saloom
Battisto	Flick	Lloyd	Saurman
Belardi	Foster	Lucyk	Scheetz
Belfanti	Fox	McCall	Schuler
Billow	Freeman	McHale	Scrimenti
Bishop	Freind	McNally	Semmel
Black	Gallen	McVerry	Serafini
Blaum	Gannon	Maiale	Smith, B.
Bortner	Geist	Maine	Smith, S. H.
Bowley	George	Markosek	Snyder, D. W.
Boyes	Gigliotti	Marsico	Snyder, G.
Brandt	Gladeck	Mayernik	Staback
Broujos	Godshall	Melio	Stairs
Bunt	Gruitza	Merry	Steighner
Burd	Gruppo	Michlovic	Stish
Burns	Hagarty	Micozzie	Strittmatter
Bush	Haluska	Miller	Stuban
Caltagirone	Harper	Moehlmann	Tangretti
Cappabianca	Hasay	Morris	Taylor, E. Z.
Carlson	Hayden	Mowery	Taylor, F.
Carn	Hayes	Mrkonic	Taylor, J.
Cawley	Heckler	Murphy	Telek
Chadwick	Herman	Nahill	Thomas
Civera	Hershey	Nailor	Tigue
Clark, D. F.	Hess	O'Brien	Trello
Clark, J. H.	Howlett	O'Donnell	Trich
Clymer	Hughes	Oliver	Van Horne
Cohen	Itkin	Perzel	Veon
Colafella	Jackson	Petrarca	Vroon
Colaizzo	Jadlowiec	Petrone	Wambach
Cole	James	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.
Daley	Kondrich	Raymond	Wright, J. L.
Dempsey	Kosinski	Reber	Wright, R. C.
Dietterick	Kukovich	Reinard	Yandrisevits
Dininni	LaGrotta	Richardson	
Distler	Langtry	Rieger	Manderino,
Dombrowski	Lashinger	Ritter	Speaker
Donatucci			

NAYS—1

Davies

NOT VOTING—1

Clark, B. D.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

HB 105 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion from the majority leader and the gentleman from Somerset, Mr. Lloyd, whereby they move that the vote by which HB 105, PN 284, was defeated on the 14th day of February 1989 be reconsidered.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—192

Acosta	Donatucci	Laughlin	Robbins
Adolph	Dorr	Lee	Robinson
Allen	Durham	Leh	Roebuck
Angstadt	Evans	Lescovitz	Ryan
Argall	Fairchild	Levdansky	Rybak
Barley	Farmer	Linton	Saloom
Battisto	Fleagle	Lloyd	Saurman
Belardi	Flick	Lucyk	Scheetz
Belfanti	Foster	McCall	Schuler
Billow	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Miller	Stuban
Caltagirone	Haluska	Moehlmann	Tangretti
Cappabianca	Harper	Morris	Taylor, E. Z.
Carlson	Hasay	Mowery	Taylor, F.
Carn	Hayden	Mrkonic	Taylor, J.
Cawley	Hayes	Murphy	Telek
Chadwick	Heckler	Nahill	Thomas
Civera	Herman	Nailor	Tigue
Clark, D. F.	Hershey	O'Brien	Trello
Clark, J. H.	Hess	O'Donnell	Trich
Clymer	Howlett	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Petrarca	Vroon
Colaizzo	Jackson	Petrone	Wambach
Cole	Jadlowiec	Phillips	Wass
Cornell	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Dininni	LaGrotta	Rieger	Manderino,
Distler	Langtry	Ritter	Speaker
Dombrowski	Lashinger		

NAYS—0

NOT VOTING—1

Clark, B. D.

EXCUSED—9

Birmelin	Fee	Letterman	Olasz
Cessar	Gamble	Noye	Rudy
Fargo			

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 105, PN 284, be placed on the final passage postponed calendar.

On the question,
Will the House agree to the motion?
Motion was agreed to.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Rybak. For what purpose does the gentleman rise?

Mr. RYBAK. I would like to correct the record.

The SPEAKER. The gentleman is in order on a correction of the record.

Mr. RYBAK. On amendment A320 to HB 75 I voted in the negative, but it did not show on the roll call. It must have malfunctioned. I ask that the record reflect a negative position. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record.

STATEMENT BY MR. WAMBACH

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, I rise for unanimous consent to make a brief statement before the House.

The SPEAKER. Without objection, the gentleman is in order at this time under unanimous consent to make a brief statement. The Chair hears no objection.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to thank you for the honor that you gave to me today as temporary Speaker.

In 1963, Mr. Speaker, I walked into this chamber as a page, a young man—a young boy, I should say—and through the hierarchy or whatever, I became a floor assistant to two Speakers - Bob Hamilton from Beaver County and Herb Fineman from Philadelphia. I just want the record to show that it took me 19 years to walk one step - one step from floor

assistant to the middle of the rostrum to preside over this chamber. I thank you for that honor, and I thank the members of the House for their cooperation today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTES

The SPEAKER. Does the gentleman from Bucks, Mr. Melio, seek recognition?

Mr. MELIO. Just a correction of the voting.

On the motion to reconsider amendment A320 to HB 75, I was not recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. On HB 75, amendment No. 316, the positive and negative electrons in my voting device failed to be stimulated when I pushed the red button. I wish to be recorded in the negative.

The SPEAKER. The gentleman's stimulating remarks will be placed upon the record.

The Chair recognizes the lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, on the Reber amendment A320 to HB 75, I was recorded in the negative. I wish to be recorded in the affirmative.

The SPEAKER. The lady's remarks will be spread upon the record.

The Chair recognizes the gentleman from Washington, Mr. Colaizzo.

Mr. COLAIZZO. Mr. Speaker, I would like to be recorded as voting positive on amendment 242 to HB 75.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 9, PN 552 (Amended)

By Rep. D. R. WRIGHT

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys.

CONSUMER AFFAIRS.

HB 168, PN 553 (Amended)

By Rep. D. R. WRIGHT

An Act prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Environmental Quality Board and the Department of Environmental Resources; and providing penalties.

CONSUMER AFFAIRS.

The SPEAKER. Does the majority party have any further business? Does the minority party have any further business? The indication is not.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. On HB 75, amendment 216, I was recorded in the affirmative. I wish to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Allegheny, Mr. Mayernik. For what purpose does the gentleman rise?

Mr. MAYERNIK. This is to correct a vote and put an addition into the record, Mr. Speaker.

The SPEAKER. Without objection, and the Chair hears no objection.

Mr. MAYERNIK. Okay. Earlier today on HB 62, I was not recorded because I was in another meeting at the time. If I were here, I would have voted in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILL AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the remaining bill and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Kondrich.

Mr. KONDRICH. Mr. Speaker, I move that this House do now adjourn until Monday, March 6, 1989, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:24 p.m., e.s.t., the House adjourned.