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Bill Information - History

House Bill 198; Regular Session 1977-1978

Sponsors: [GARZIA](#), [DOYLE](#), [MORRIS](#), [COLE](#), [RUGGIERO](#), [O'KEEFE](#), [STAPLETON](#), [TENAGLIO](#), [REED](#) and [FREIND](#)

Printer's No.(PN): [3813*](#) , [3514](#), [3453](#), [3412](#), [1330](#), [1147](#), [740](#), [218](#)

Short Title: An Act relating to conflicts of interest involving certain public officials serving in state or state agencies and local political subdivision positions and prohibiting certain public employees from engaging in certain conflict of interest activities requiring certain disclosures and providing penalties.

Actions:

- Referred to LOCAL GOVERNMENT, Feb. 9, 1977
- Reported as amended, March 21, 1977
- First consideration, March 21, 1977
- Laid on the table, March 21, 1977
- Removed from table, March 28, 1977
- Second consideration, March 29, 1977
- Third consideration, with amendments, April 26, 1977
(Remarks see House Journal Page [636-641](#)), April 26, 1977
- Vote on third consideration reconsidered, May 24, 1977
- Third consideration, with amendments, May 24, 1977
- Final passage, May 24, 1977 (187-3)
(Remarks see House Journal Page [859-868](#)), May 24, 1977
- In the Senate
- Referred to LOCAL GOVERNMENT, May 31, 1977
- Reported as amended, June 13, 1978
- First consideration, June 13, 1978
- Amended on second consideration, June 19, 1978
- Second consideration, June 21, 1978
- Amended on third consideration, June 26, 1978
(Remarks see Senate Journal Page [726](#)), June 26, 1978
- Third consideration and final passage, June 27, 1978 (40-7)
(Remarks see Senate Journal Page [764](#)), June 27, 1978
- In the House
- Laid on the table, June 27, 1978
- Removed from table, June 27, 1978
- Re-committed to RULES, June 27, 1978
- Re-reported as committed, Sept. 5, 1978
- Laid on the table, Sept. 5, 1978
- Removed from table Sent 11 1978

Removed from table, Sept. 11, 1978

Rule 30 suspended, (121-68) September 12, 1978

(Remarks see House Journal Page), Sept. 12, 1978

Amended, Sept. 19, 1978

(Remarks see House Journal Page), Sept. 19, 1978

House concurred in amendments to the Senate amendments, (184-4) September 20, 1978

(Remarks see House Journal Page), Sept. 20, 1978

In the Senate

Senate concurred in House amendments to Senate amendments, (48-1) September 26, 1978

(Remarks see Senate Journal Page 956-957), Sept. 26, 1978

Signed in House, Sept. 27, 1978

Signed in Senate, Sept. 27, 1978

In hands of the Governor, Sept. 27, 1978

Last day for action, Oct. 7, 1978

Approved by the Governor, Oct. 4, 1978

Act No. 170 of 1978, Oct. 4, 1978

* denotes current Printer's Number

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March 4, 1971 (P.L. 6, No. 2), further providing for tax liens and enforcement thereof.

The SPEAKER pro tempore. 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 provision of the Constitution, the yeas and nays will now be taken.

YEAS—153

Abraham	Gallagher	McClatchy	Ruggiero
Anderson	Gallen	McGinnis	Ryan
Armstrong	Gamble	McIntyre	Salvatore
Barber	Garzia	Mebus	Scheaffer
Bellomini	Geisler	Meluskey	Schmitt
Bennett	George, M.	Milanovich	Schweder
Berlin	Giammarco	Miller	Scirica
Berson	Gillette	Miscevich	Seltzer
Bittinger	Goebel	Moehlmann	Shelton
Bittle	Goodman	Morris	Shupnik
Borski	Greenfield	Mowery	Sirianni
Brandt	Grieco	Mrkonic	Smith, E.
Brunner	Halverson	Mullen, M. P.	Smith, L.
Burd	Hamilton	Mullen, M. M.	Spencer
Burns	Harper	Musto	Spitz
Butera	Haskell	Noye	Stairs
Caltagirone	Hayes, D. S.	O'Brien, B.	Stapleton
Caputo	Hoeffel	O'Brien, D.	Stewart
Cassidy	Honaman	O'Connell	Stuban
Cessar	Hopkins	O'Keefe	Sweet
Cianciulli	Hutchinson, W.	Oliver	Taddonio
Cimini	Itkin	Pancoast	Taylor, E.
Cohen	Jones	Parker	Taylor, F.
Cole	Katz	Petrarca	Tenaglio
Cowell	Klingaman	Piccola	Vroon
Davies	Knepper	Pievsky	Wagner
DeVertter	Kolter	Pitts	Wansacz
DeWeese	Kowalyszyn	Polite	Wargo
DiCarlo	Laudadio	Pott	Wass
Dombrowski	Laughlin	Pratt	Wenger
Dorr	Lehr	Prendergast	Wiggins
Duffy	Letterman	Pyles	Wilson
Englehart	Lincoln	Rappaport	Wilt
Fee	Livengood	Ravenstahl	Wise
Fisher, D.M.	Logue	Reed	Yohn
Flaherty	Madigan	Rhodes	Zearfoss
Foster, A.	Manderino	Rieger	Zitterman
Foster, W.	Manmiller	Ritter	Zwinkl
Fryer			

NAYS—30

Arthurs	Geesey	Mackowski	Weidner
Brown	George, C.	McCall	White
DeMedio	Greenleaf	Novak	Wright, D.
Dietz	Hasay	Renwick	Wright, J. L.
Dininni	Hayes, S. E.	Richardson	Yahner
Doyle	Helfrick	Shuman	Zeller
Fischer, R.R.	Hutchinson, A.	Trello	Zord
Gatski	Levi		

NOT VOTING—20

Beloff	Irvis	McLane	Valicenti
Donatucci	Johnson	Milliron	Williams
Dumas	Kelly	O'Donnell	
Freind	Kernick	Scanlon	Fineman,
Gleeson	Kusse	Thomas	Speaker
Gray	Lynch		

The majority required by the Constitution having voted in

the affirmative, the question was determined in the affirmative.

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

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the lady from Allegheny, Mrs. Kernick. For what purpose does the lady rise?

Mrs. KERNICK. I rise to a question of personal privilege.

The SPEAKER pro tempore. The lady will state it.

Mrs. KERNICK. Mr. Speaker, I failed to record my vote on HB 239. I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

LOCAL GOVERNMENT BILLS ON THIRD CONSIDERATION

Agreeable to order,

The House proceeded to third consideration of House bill No. 198, printer's No. 740, entitled:

An Act regulating the contractual powers of individuals serving in local political subdivision positions.

On the question,

Will the House agree to the bill on third consideration?

Mr. DININNI offered the following amendment:

Amend Sec. 1, page 1, line 14 by removing the period after "corporation" and inserting nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. Will the gentleman from Delaware, Mr. Garzia, indicate whether or not he agrees to the amendment being offered by the gentleman?

Mr. GARZIA. No, I do not, Mr. Speaker. I do not even know what the amendment is.

The SPEAKER pro tempore. Will the gentleman from Dauphin Mr. Dininni, please give a brief explanation of the amendments?

Mr. DININNI. Yes. All my amendment does is, where there are two or more competitive bids, to permit your local authorities or anyone holding public office to bid.

I believe I did give you a copy of that.

Mr. GARZIA. Well, I kind of misplaced the thing.

Mr. Speaker, may I interrogate Mr. Dininni?

The SPEAKER pro tempore. Will the gentleman from Dauphin, Mr. Dininni, consent to interrogation?

Mr. DININNI. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GARZIA. If I understand your amendment correctly, if I sit on council and I am a stockholder or own a construction company which bids on a contract done in the borough and if I come in the highest bidder, I am allowed to take it, according to your amendment. Am I right?

Mr. DININNI. That is covered under other provisions in the

law. All I am doing with this amendment is saying that they are permitted to bid providing there are two or more competitive bids, public openings.

Mr. GARZIA. Okay. Now another point. If the second bidder is a member of the family through marriage or is a blood relative, would the second bid be considered a valid bid?

Mr. DININNI. Well, that would be possible as long as they are competitive bids. If there happens to be two members of the family in the same line of business and it is a public opening, yes, that would be permitted. But we are talking about appointed positions here, too, Mr. Speaker. You are talking about appointments to the health boards, various other boards within the municipality, not just elected officials.

Mr. GARZIA. Well, the elected officials are covered by law now. I am talking about appointed officials.

Mr. DININNI. That is right.

Mr. GARZIA. My bill was mostly aimed at solicitors, engineers, building inspectors, plumbing inspectors, electrical inspectors and, of course, the people on the board of health are covered too by this bill. All we are trying to do is stop them from representing a special group and also the township where they are appointed to an office.

Now you are talking about two bids. Fine. I could have my brother and I bid on the same job. What is stopping us from making a dollar difference? It still amounts to one bid.

In that respect, Mr. Speaker, I will hope that the amendments will be turned down.

Thank you.

Mr. DININNI. I will ask the members to vote in favor of the amendment. I think it is a fair and equitable amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Anderson	George, C.	Manmiller	Salvatore
Armstrong	Goebel	McClatchy	Scheaffer
Arthurs	Greenleaf	McGinnis	Scirica
Bittle	Grieco	Mebus	Seltzer
Brandt	Halverson	Miller	Sirianni
Brunner	Hamilton	Moehlmann	Smith, E.
Burd	Hasay	Mowery	Smith, L.
Butera	Haskell	Mullen, M. P.	Spencer
Caputo	Hayes, D. S.	Noye	Spitz
Cessar	Hayes, S. E.	O'Brien, D.	Stairs
Cimini	Honaman	O'Connell	Sweet
Cowell	Hopkins	Pancoast	Taddonio
Davies	Hutchinson, A.	Parker	Taylor, E.
DeVerter	Hutchinson, W.	Petrarca	Taylor, F.
Dietz	Katz	Piccola	Thomas
Dininni	Klingaman	Pitts	Vroon
Dorr	Knepper	Polite	Weidner
Duffy	Laughlin	Pott	Wenger
Englehart	Lehr	Pyles	Wilt
Fisher, D.M.	Letterman	Ravenstahl	Wise
Foster, A.	Levi	Renwick	Yahner
Foster, W.	Logue	Rieger	Yohn
Gallen	Lynch	Ritter	Zeller
Gamble	Mackowski	Ryan	Zwinkl
Geisler	Madigan		

NAYS—90

Abraham	Gallagher	McLane	Schmitt
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Bellomini	Garzia	Meluskey	Schweder
Bennett	Gatski	Milanovich	Shelton
Berlin	Geesey	Milliron	Shuman
Berson	George, M.	Miscevich	Shupnik
Bittinger	Giammarco	Morris	Stapleton
Borski	Gillette	Mrkonic	Stewart
Brown	Goodman	Mullen, M. M.	Stuban
Burns	Greenfield	Musto	Tenaglio
Caltagirone	Harper	Novak	Trello
Cassidy	Hoeffel	O'Brien, B.	Valicenti
Cianciulli	Itkin	O'Keefe	Wagner
Cohen	Jones	Oliver	Wansacz
Cole	Kelly	Pievsky	Wargo
DeMedio	Kernick	Pratt	Wass
DeWeese	Kolter	Prendergast	White
DiCarlo	Kowalshyn	Rappaport	Wiggins
Dombrowski	Laudadio	Reed	Wilson
Doyle	Lincoln	Rhodes	Wright, D.
Fee	Livengood	Richardson	Wright, J. L.
Fischer, R.R.	Manderino	Ruggiero	Zitterman
Flaherty	McCall	Scanlon	Zord
Fryer	McIntyre		

NOT VOTING—15

Barber	Gleeson	Johnson	Zearfoss
Beloff	Gray	Kusse	
Donatucci	Helfrick	O'Donnell	Fineman,
Dumas	Irvis	Williams	Speaker
Freind			

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The gentleman from Delaware, Mr. Ryan, is scheduled to offer amendments. In his absence, I would like to offer those amendments, Mr. Speaker.

On the question,

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

Mr. S. E. HAYES offered the following amendments:

Amend Title, page 1, line 1, by inserting after "in" State or State agencies and

Amend Sec. 1, page 1, line 5, by inserting after "in" the Commonwealth or any of its agencies or in

Amend Sec. 1, page 1, line 7, by inserting after "interest," respectively

Amend Sec. 1, page 1, line 7, by inserting after "the" Commonwealth or its agencies or

Amend Sec. 1, page 1, line 8, by inserting after "subdivision" respectively

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The Ryan amendment would do for Pennsylvania as the bill does for all local municipalities. Those provisions presently contained in the bill apply only to local government. The Ryan amendment would extend these provisions to appointed officials in the executive branch at the state level.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I rise to oppose the amendment.

If you remember, this is the same amendment that Representative Wilson put in last year. This is one of the reasons this bill died over in the Senate last year.

My bill was just for local communities because this is where our biggest problem is, with local government.

We have borough engineers who represent the borough. Then they turn around and represent contractors. I do not care what you say, you cannot put a 12-inch sewer line into an 8-inch sewer line. It just does not work. You have problems. In my own particular borough, we are having those kinds of problems. There is no one to inspect the other's work. All I asked in this bill was for local government only. You know, it is fine, I can see a state agency on there, but I think that should be another bill. If this gets sent over to the Senate with this amendment, it will die again like it did last year. I oppose the amendment.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RITTER. Mr. Speaker, I tried to find the Dininni amendment. By the time I discovered I did not have it, the amendment was already voted. I cannot find the Ryan amendment. I cannot find the Hayes amendment. The only amendment I have is marked "Pitts." Will somebody please get some amendments to the desk so we know what we are voting on?

The SPEAKER pro tempore. Has the gentleman circulated his amendment?

Mr. S. E. HAYES. The Ryan amendments have been circulated, Mr. Speaker.

Mr. RITTER. When, Mr. Speaker?

The SPEAKER pro tempore. Will the page please supply Mr. Ritter with a copy of the Ryan amendment?

Mr. RITTER. Mr. Speaker, that is fine; I can get one. Somebody is handing me one. What about the rest of the members who do not have one? Where are those amendments? This has been going on every day there are amendments up. There are no amendments around. Either we recess until we get the amendments or we pass the bill over or something, but I am not going to go along any longer without having these amendments.

The SPEAKER pro tempore. Did the gentleman get a copy of the amendment yet?

Mr. RITTER. I did, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman wish recognition to debate the amendment?

Mr. RITTER. No, and I had better not say what I was going to say. But I want to tell you, Mr. Speaker, if somebody comes back here and says to me again what was said, there is going to be some hell to pay.

We have pages in this House and the pages are letting them set on the desk and there is no member there. Let the pages hand them out. I do not need any reference about somebody not being in their seat and the amendments laying there.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. You know this amendment, maybe, could become highly controversial. If somebody is going to run for reelection next time, your opponent will say, look, you are protecting yourselves and the state agency.

But I hope they do not look at it this way. I hope they just look at it as we are trying to do something for local government. I do not want to see this amendment passed, attached to the bill, and go over to the Senate and die again. We are not accomplishing anything by this happening.

Now this is a good amendment, but I think it should be a bill by itself, not attached to this bill. I hope that my colleagues will vote against it.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—108

Anderson	Greenleaf	Mebus	Shupnik
Armstrong	Grieco	Meluskey	Sirianni
Arthurs	Halverson	Miller	Smith, E.
Bittle	Hamilton	Moehlmann	Smith, L.
Brandt	Hasay	Mowery	Spencer
Brown	Haskell	Mrkonic	Spitz
Burd	Hayes, D. S.	O'Brien, D.	Stairs
Burns	Hayes, S. E.	O'Connell	Stapleton
Butera	Helfrick	O'Keefe	Stuban
Cessar	Honaman	Oliver	Taddonio
Cimini	Hopkins	Pancoast	Taylor, E.
Cowell	Hutchinson, W.	Parker	Thomas
Davies	Katz	Piccola	Vroon
DeVerter	Kernick	Pitts	Wagner
Dietz	Klingaman	Polite	Wass
Dininni	Knepper	Pott	Weidner
Dorr	Kowalyszyn	Pyles	Wenger
Fischer, R.R.	Lehr	Reed	Wiggins
Fisher, D.M.	Levi	Renwick	Wilson
Foster, A.	Lynch	Ritter	Wilt
Foster, W.	Mackowski	Ruggiero	Wright, J. L.
Fryer	Madigan	Ryan	Yahner
Gallen	Manmiller	Salvatore	Yohn
Geesey	McClatchy	Scheaffer	Zeller
George, C.	McGinnis	Schmitt	Zord
Gillette	McIntyre	Scirica	Zwilk
Goebel	McLane	Seltzer	

NAYS—81

Abraham	Fee	Laughlin	Ravenstahl
Bellomini	Flaherty	Letterman	Rhodes
Bennett	Gallagher	Lincoln	Richardson
Berlin	Gamble	Livengood	Rieger
Berson	Garzia	Logue	Scanlon
Bittinger	Gatski	Manderino	Schweder
Borski	Geisler	McCall	Shelton
Brunner	George, M.	Milanovich	Shuman
Caltagirone	Giammarco	Milliron	Stewart
Caputo	Goodman	Miscevich	Sweet
Cassidy	Greenfield	Morris	Taylor, F.
Cianciulli	Harper	Mullen, M. P.	Tenaglio
Cohen	Hoeffel	Mullen, M. M.	Trello
Cole	Hutchinson, A.	Musto	Valicenti
DeMedio	Itkin	Novak	Wansacz
DeWeese	Johnson	O'Brien, B.	Wargo
DiCarlo	Jones	Petrarca	White
Dombrowski	Kelly	Pievsky	Wise
Doyle	Kolter	Pratt	Wright, D.

Duffy	Laudadio	Prendergast	Zitterman
Englehart			
NOT VOTING—14			
Barber	Freind	Kusse	Zearfoss
Beloff	Gleeson	O'Donnell	
Donatucci	Gray	Rappaport	Fineman,
Dumas	Irvis	Williams	Speaker

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

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

Mr. PITTS offered the following amendments:

Amend Title, page 1, line 2, by removing the period after "positions" and inserting and prohibiting certain State employees from engaging in post State employment conflict of interest activities.

Amend Bill, page 1, by inserting between lines 4 and 5 Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive-level employee.

Section 2. No former executive-level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

A372

Amend Sec. 1, page 1, line 5, by striking out "1." and inserting 3. (a)

Amend Sec. 1, page 1, line 9, by inserting before "Any" (b)

Amend Sec. 1, page 1, line 12, by inserting before "For" (c)

Amend Bill, page 1, by inserting between lines 14 and 15

Section 4. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation.

Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states

that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

A372#2

Amend Sec. 2, page 1, line 15, by striking out "2" and inserting 7

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, my amendment is along the same lines as Representative Ryan's amendment only it is a little bit more specific. It deals, again, with preventing conflict of interest at the state level.

We hear in the news these days a lot about businesses and corporations being solicited to come to Pennsylvania. That is good. This amendment is designed to provide a safeguard to make certain that those governmental employees involved avoid any conflict which could in any way influence any government officer except in the even interest of all the people of Pennsylvania.

In other words, it would prevent any individual "sweetheart" deals. It is very similar to the provision in the Code of Ethics adopted by the Carter Administration. It would prohibit those high-level executive employees who are involved in soliciting businesses or corporations through our state from being employed by that business for at least 2 years after they have terminated their government service.

I think that we must be certain that those who use taxpayers' money must be careful not to use it for personal gain. That is the reason for this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. May I interrogate Mr. Pitts, please?

The SPEAKER pro tempore. Will the gentleman, Mr. Pitts, consent to interrogation?

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GARZIA. If I understand your amendment right now, anyone who works for the executive branch cannot be involved in any contracts or anything for 2 years after they either get fired or get laid off or whatever. Do I understand right?

Mr. PITTS. That is not quite correct, Mr. Speaker. It is any executive level state employe, and I define that employe in the bill as high level executives who are involved with soliciting and have some discretionary powers which might affect that state agency in soliciting the business to the state.

Mr. GARZIA. Mr. Speaker, I have no objection to the amendment. I hope they support it.

On the question recurring,
Will the House agree to the amendments?
Amendments were agreed to.

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

Bill as amended was agreed to.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I think the bill is in much better shape than it was when it originally came out, but I would like to ask the principal sponsor some questions so that legislative intent may be spread upon the record in connection with the bill.

The SPEAKER pro tempore. Will the gentleman, Mr. Garzia, consent to interrogation?

Mr. GARZIA. Yes, I do.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, the bill speaks of a prohibition against local officials, and now, of course, state, having interest in contracts entered into by their employing municipality, wherein this case, now state government. Would you tell the membership of the House what you mean by the word "interest"? Are you referring to an equitable interest, a financial interest and does it include the interest of a spouse or is it an indirect interest of a mere employe? Could you explain that in some detail?

Mr. GARZIA. Well, my intent of the amendment, I mean my tentative bill, was - now we will just use you as an example. You are a solicitor from my borough, okay? Usually you will end up being the solicitor for a shopping center, development or any big contract that comes into the borough or township, so you are acting on the behalf of my borough and also on the behalf of a contractor. Now, you suppose that you are getting paid by both sides and you are doing legal work for both sides, and this bill would prevent you from either being the borough solicitor, the contractor or the solicitor for the contractor. That is all. Very simple.

Mr. RYAN. Again, the word "interest," is it a financial interest?

Mr. GARZIA. The interest will be that of maybe your law firm. You would have an interest in that law firm. I do not know how you pay each other, but I am sure the money going into your law firm is shuttled back to each individual lawyer in that corporation. That is what the intent of that word "interest" means. It could be for an engineer, too, and not just a solicitor.

Mr. RYAN. You know I may be wrong, Mr. Speaker, but if that is what Mr. Garzia is intending to do, I do not think he has done it in this bill. I am reading from the bill, "Any individual who holds an appointive office" — and I would agree at this point that would be your borough solicitor — "shall not have an interest in any contract or construction in which that political subdivision shall enter or have an interest." Now as a solicitor for a borough, representing the shopping center that you are referring to as an attorney for that shopping center, I do not

have an interest in the shopping center.

Mr. GARZIA. No, but you are on their payroll and you are representing that shopping center doing business in the political subdivision where you are the borough solicitor.

Mr. RYAN. But, Mr. Speaker, I do not think your bill says that. Your bill does not define what the word "interest" means.

Mr. GARZIA. Mr. Speaker, you know these are practically exactly the same words that we passed last year. If you do not understand it this year, I do not know why you voted for it last year.

Mr. RYAN. I do not know why I did a lot of things last year, but what else are you trying to accomplish other than what I will call a conflict of interest, which I believe is already covered under present law, where a borough solicitor cannot represent, in my judgment, a shopping center developer who has an interest adverse to that of the borough or municipality. I do not think that is a proper example under this bill. I think it is covered elsewhere.

Mr. GARZIA. I do not know if it is against the law to have them representing on both sides, but all I know is it is being done. Maybe this defines it a little bit better. I have no idea. I know this is the perfect example for an engineer of a local municipality, building inspector. Usually most of them are carpenters and they end up working for the contractor anyway. That is all I am trying to do.

I think, Mr. Speaker, in Delaware County you will find more and more that local subdivisions are maintaining their own conflict of interest. They are making their own rules. If you are an engineer in that borough, you do not do any business with any contractors. This is done in a lot of boroughs and townships back home.

Mr. RYAN. Well, Mr. Speaker, I think what I am suggesting to you, if you will look at your own bill, is that the word "interest" should really be broadened to spell out what you are attempting to do. In other words, as I look at the word "interest," I question whether you are talking about an equitable interest, that is, where I own a piece of the action, a financial interest where I am being paid as a lawyer or an architect representing a party that we might call adverse to the municipality, or is it an interest in the sense that we have attempted to describe interest in these various ethics codes where your spouse or a member of your family has an interest? In other words, if you are sitting on borough council and your son-in-law or your daughter or your son is in as an applicant, that, too, could be defined as an interest if the bill spelled it out, or could an employe of the municipality come in for a subdivision or could he come in for some kind of zoning that would be for a delicatessen or a small shopping center, or whatever else? It just seems to me that your bill, the way it is written, although it is better now by virtue of these amendments, is very vague as to what an interest is. Now I have a couple of other comments.

The SPEAKER pro tempore. Is the gentleman still on his interrogation or is he debating the bill?

Mr. RYAN. Yes, I am still on my interrogation, if I may.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. RYAN. Where you described the 5-year prohibition on a person engaging in business with any political subdivision, does

that extend to this and now be broadened to include people who are employes or appointees of the Commonwealth by virtue of the amendment? What about the man who leaves the political subdivision and enters into a partnership? Is he prohibited from being a member of a partnership that then does business with the political subdivision?

Mr. GARZIA. Now whom are you talking about? An engineer, solicitor, building inspector, or what?

Mr. RYAN. I am talking about all these people who you said were individuals who hold an appointive office. Now they leave that appointive office. We are in the second part of your bill.

Mr. GARZIA. In other words, they are no longer appointed officers in that political subdivision?

Mr. RYAN. They have left their employer.

Mr. GARZIA. Fine. If they left that employer, there is nothing they can do about it. They do not work for a political subdivision anymore.

Mr. RYAN. Under lines 9, 10 and 11 of your bill, you are saying that these people shall be barred from engaging in any business or contract with any political subdivision of this Commonwealth. So I am assuming now that an appointed architect or engineer who is your township or political subdivision engineer and who has been appointed to that office is prohibited from doing business with that particular municipality while he is an appointed engineer of that municipality.

Now, I come down to the next part of your bill, which is the 9, 10 and 11 part of it, and it says "Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth." That is a penalty provision?

Mr. GARZIA. Yes.

Mr. RYAN. Does that mean if your engineer for your municipality represents someone before your municipality and gets caught at it that he is prohibited from going before any municipality or political subdivision for 5 years?

Mr. GARZIA. Well, in the first place, I did not sponsor any of the amendments. The intent of that 5-year penalty was that if you, as the borough solicitor, engaged in business with that particular subdivision while you are still a solicitor and then if you are caught, you are prohibited for 5 years from doing business in that subdivision. That is the way I intended for this to read.

Mr. RYAN. Okay. Mr. Speaker, if what you are saying is that that particular appointee of the borough should be prohibited or would be prohibited from doing business in that borough for 5 years, that is not what your bill says. Your bill says, shall be prohibited from engaging in any business or contract with any political subdivision of the Commonwealth. So you are telling us that your penalty provision would keep this man from engaging in further business in that municipality for 5 years, yet the written word is that he is prohibited from engaging in any business in any political subdivision in the entire Commonwealth for 5 years. Is that what you intended?

HB 198 PASSED OVER

The SPEAKER pro tempore. Will the gentleman yield? The

Chair would suggest to the gentleman, Mr. Garzia, that the insertion of the last two amendments do considerably complicate the bill, and perhaps the best procedure would be for the bill to go over in order until it can be printed with all the amendments and you can determine whether or not you wish to have further amendments.

Mr. RYAN. All right, Mr. Speaker.

Mr. GARZIA. All right, we will do that.

The SPEAKER pro tempore. No objection? HB 198, PN 740, will go over in order.

Agreeable to order,

The House proceeded to third consideration of **House bill No. 327, printer's No. 356**, entitled:

An Act amending the "Pennsylvania Municipalities Planning Code" amended July 31, 1968 (P.L. 805, No. 247), providing that the costs in processing a curative amendment be borne by the landowner.

On the question,

Will the House agree to the bill on third consideration?

Mr. MEBUS offered the following amendments:

Amend Title, page 1, line 17 by inserting after "acts," further

Amend Title, page 1, line 17 by striking out "that" and inserting for

Amend Title, page 1, line 18, by inserting a period after "amendment"

Amend Title, page 1, line 18 by striking out "be borne by the landowner."

Amend Sec. 1 (Sec. 609.1), page 2, line 17 by inserting after "borne" seventy-five percent

Amend Sec. 1 (Sec. 609.1), page 2, line 17 by removing the period after "same" and inserting and twenty-five percent by the local governing body.

Amend Sec. 1 (Sec. 609.1), page 2, line 20 by inserting after "hearing" in addition to the twenty-five percent above specified

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Mebus.

Mr. MEBUS. Mr. Speaker, the intent of this bill I believe to be a proper one, but we are going, in the bill as it is presently written, from one extreme to another. Therefore, what I am endeavoring to do with this amendment is to say that that 75 percent of the costs of the curative amendment hearing will be borne by the applicant. I also believe that in order to prevent any excesses, it is worthwhile to have the municipality pay at least some small portion. At the present time they are paying the whole thing.

So what my amendment says is that three-quarters of the cost shall be paid by the applicant—which is the major cost—but that a small portion, 25 percent, be borne by the municipality just to prevent them from running up a heck of a bill which might generate further problems with this curative amendment matter, which is one that has caused a lot of us agony in the past.

I would like Mr. Fryer to speak to this. I believe he agrees to my amendment but I do not speak for him, and I would hope he would address the matter.

The SPEAKER pro tempore. The Chair recognizes the gentle-

Heights, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives on the 24th day of May 1977.

K. LEROY IRVIS
Speaker
ATTEST:
VINCENT F. SCARCELLI
Chief Clerk

The SPEAKER. On the question of the adoption of the resolution to commemorate the passing of a former member, those in favor will rise in place and remain standing.

Members stood.

The SPEAKER. The resolution is unanimously adopted.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. What the Chair has to announce, I suggest the members pay heed to.

The Chair does not intend to preside over chaos. There are school children in this audience who may never again in their lifetimes view a legislative body. This is not the only time that this will happen. It will happen frequently. The impression those children take from one visit may well be the impression they have as adults of how a legislative body is conducted, how it behaves itself.

The Chair is well aware from long years of service that much of the business of a legislative body is minutiae and sometimes boring minutiae, but the Chair does not intend to tolerate an atmosphere which is not conducive to the respect this House must henceforth earn. And the Chair does not intend to let any member or group of members, by his, her or their conduct on the floor of this House, to further diminish the credibility of this House. So if the Chair appears grim and determined on this point, the Chair is, and the House would be well advised to take seriously what the Chair has announced.

There is a further announcement the Chair would like to make. The Chair does not intend to take exception for his personal friends on that rule, either.

The Chair intends to follow to the Chair's best ability the rules of this parliamentary body, and one of those rules is spelled out in rule 66, which says on line 17 of the Chair's copy:

When, in the judgment of the Speaker, reasonable time has been allowed all members present in the House to vote (in no event—

In no event—emphasis is the Chair's—

(—shall such time exceed ten minutes) he shall ask the question: "Have all members present voted?"

The Chair intends to abide by that rule and the Chair will insist that the House will abide by that rule.

Furthermore, the Chair is about to take up on today's calendar a bill on final passage, and as the Chair is about to call up that bill, the Chair is advised that there is an amendment to be offered. True enough, the amendment is to be offered by the sponsor of the bill and, true enough, the rules permit such an amendment to be offered, but the amendment came as a surprise to the Chair. It is not marked on the calendar of the Chair,

and it may well not be marked on any member's calendar. The Chair recognizes, from years of service in the leadership position, that this happens frequently. The Chair is determined to minimize this for the rest of this session.

The Chair requests the attention of the gentleman from Delaware, Mr. Garzia. Would he take the microphone please?

Will the gentleman advise the Chair whether or not his amendment to HB 198, PN 1147, has been circulated and has been delivered to the various caucuses?

Mr. GARZIA. Yes, it has, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR

LOCAL GOVERNMENT BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of House bill No. 198, printer's No. 1147, entitled:

An Act regulating the contractual powers of individuals serving in State or State agencies and local political subdivision positions and prohibiting certain State employees from engaging in post State employment conflict of interest activities.

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?

DECISION RECONSIDERED

The SPEAKER. The Chair reconsiders its decision as to HB 198 being agreed to as amended on third consideration on April 26, 1977.

On the question recurring,

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

Mr. GARZIA offered the following amendment:

Amend Sec. 3, page 2, line 27, by inserting after "shall" mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partnership, corporation or association of which the individual as a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Garzia, for a brief explanation of the amendment.

Will the gentleman, Mr. Garzia, yield for a moment?

Mr. GARZIA. Yes, I will.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Pyles. For what purpose does the gentleman rise?

Mr. PYLES. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PYLES. Mr. Speaker, we have this session instituted a new procedure which has the pages prepare the calendar books for each member. It is noted that this bill, HB 198, which is on final passage, is not in these calendar books. I would like to know how we can follow the amendment without the bill in the book.

The SPEAKER. The Chair will immediately address its attention to that matter if the gentleman, Mr. Garzia, will be patient. The Chair wants an answer to that question. Why is it that HB 198, PN 1147, is not in the members' books?

The Chair advises the gentlemen and the House that it is not getting a satisfactory answer as to the reason this has happened. The Chair promises to investigate that immediately to find out who blew his job or who blew hers, and we intend to see that that does not happen again.

The Chair thanks the gentleman for bringing this to the attention of the Chair.

CONSIDERATION OF AMENDMENT TO HB 198 RESUMED

The SPEAKER. The Chair recognizes the gentleman, Mr. Garzia, for the purpose of explanation of the amendment.

Mr. GARZIA. Mr. Speaker, I want to apologize for not letting you know about the amendment. I only got the amendment yesterday, and then today I decided to circulate the amendment.

The amendment breaks down the word that Representative Ryan and I got into a debate on the last time, the word "interest." I guess he means the conflict of interest or whatever the word "interest" is, and this is all that amendment does. It explains "interest," and I would like to ask Mr. Ryan if the amendment is satisfactory with him.

The SPEAKER. Does the gentleman, Mr. Ryan, agree to interrogation?

Mr. RYAN. Yes, I do, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, in response to Mr. Garzia's comments, I do not have a copy of the bill either. A quick reading of the amendment appears to be okay. I have not had a chance, however, to put it right into the bill to see how it fits, but I believe it to be all right.

The SPEAKER. The Chair thanks the gentleman. Does the gentleman, Mr. Garzia, wish to proceed further?

Mr. GARZIA. No, that is it. I hope you vote for the amendment.

The SPEAKER. Is there further debate or discussion on the amendment to be offered by the gentleman, Mr. Garzia, to HB 198, PN 1147? If there be no further debate, the question before the House is, will the House agree to the amendment?

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I wonder if Mr. Garzia will just briefly explain the bill with the amendment.

The SPEAKER. Will the gentleman, Mr. Garzia, please explain the bill together with the amendment? The gentleman may proceed.

Mr. GARZIA. Mr. Speaker, when I introduced this bill, it was only 15 lines long. Now it has become a book, a paperback book. It is four pages long. Since these amendments were inserted by

the House, and I objected to most of them, you have even got me confused as to what this bill does right now.

All I wanted to do was to confine conflict of interest to local government. Now we have got the state government into it, we have got the county into it, and God knows what else we have got into it. You have asked me to explain this. You explain it to me, and I think we would be better off.

The SPEAKER. The Chair recognizes the gentleman, Mr. Ryan, who may or may not be better off if he tries to explain it.

Mr. RYAN. I always have this problem with Mr. Garzia.

The bill, as he introduced it, was a prohibition, as I understand it, for members of local government to be involved in any dealings with a local government of which he or she might be a part. My original amendment included state employes so that they too would be under the same prohibitions as would the local government officials that Mr. Garzia originally intended to encompass by the bill.

At the time of the original debate, there was some question as to the word "interest" and what he was intending to prohibit as a conflict of interest. This amendment, adequately, I believe, takes care of that situation so that the prohibitions cover now not only the local government officials but the employes of the state too.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon. For what purpose does the gentleman rise?

Mr. VROON. I would like to interrogate Mr. Garzia, Mr. Speaker, for a moment.

The SPEAKER. Does the gentleman, Mr. Garzia, agree to interrogation?

Mr. GARZIA. Yes, I will.

The SPEAKER. The gentleman may proceed.

Mr. VROON. Mr. Speaker, in this amendment you refer to a member or owner. If a person is a member of a corporation, what does that mean?

Mr. GARZIA. Once again, I did not write the amendment; it was done by the Reference Bureau. Those are the words they gave me. I would hope that maybe you might ask Mr. Ryan what it means.

Mr. VROON. Well, unfortunately a corporation officer could be a member and is a member of the corporation, yet he may not have any financial interest whatsoever in that corporation. This amendment would say that he is subject to a conflict of interest through this bill. Can you give me any further enlightenment on this?

Mr. GARZIA. Well, if that is what the amendment does, if that is what the amendment says, then that is what we will have to live by.

Mr. VROON. All right. Second question, Mr. Speaker: The amendment says: "may receive monetary profit." Do you have any idea what is included in these words "monetary profit"? For instance, if a member, such as I cited, who is an officer of a corporation, receives a salary or receives a bonus, a participation bonus as part of the profits, is this covered under the term, "monetary profit"?

Mr. GARZIA. Once again, I cannot answer that. I would hope

that you would refer the question to Mr. Ryan.

Mr. VROON. Does Mr. Ryan care to comment, Mr. Speaker?

The SPEAKER. The gentleman has asked for the privilege of interrogating Mr. Ryan. Mr. Ryan, will you stand to be interrogated?

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. I did not hear the question, however.

Mr. VROON. Two questions, Mr. Speaker. One was: What do we mean when we say a member of a corporation, and who all would be included in that description? Secondly, what constitutes monetary profit?

Mr. RYAN. Mr. Speaker, I am being interrogated on someone else's amendments. I put in an amendment that brought the Commonwealth into it. I did not prepare this interest amendment. If you want an off-the-cuff opinion as to what it is, I would be willing to do that, although it is Mr. Garzia's amendment. It simply says that if you receive a monetary profit, directly or indirectly, you fall within the purview of the amendment, and that would include, in my judgment, the bonus that a corporate officer might receive.

Mr. VROON. Now, again, in the example that I cited before, here is a man who is a corporate officer, he does not own any part of the stock of that corporation, and he receives a participation bonus, which you say is now part of the monetary profit. Is this man, then, potentially in conflict of interest under this bill?

Mr. RYAN. Well, it depends what the dealings were with the state or the local government.

Mr. VROON. Well, regardless of what government it is, if I am a corporate member, if I am an officer of that corporation, and because I am a responsible official, I do get participation bonuses, and I happen to be engaged in one of these activities which the bill says is in conflict of interest, how in the wide world could you justify that when I do not own any part of the corporation?

Mr. RYAN. I can foresee, Mr. Speaker, a person on a commission basis working for a corporation, who would have no equity interest, if you please, in that corporation, receiving a large profit from dealings with a local government or with the Commonwealth of Pennsylvania, and under those circumstances, I think they should be prohibited.

I do not know that that answers your question, but that set of facts does not bother me, prohibiting such a profit.

Mr. VROON. Mr. Speaker, if I may comment, please.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. VROON. I find that this bill, although it is well intentioned, has been amended defectively. I feel that this bill should either be recommitted or that the amendment should be defeated. In view of the time element involved here, I would strongly suggest that we defeat the amendment because of its defective character.

The SPEAKER. There was no motion placed before the House; it was a suggestion placed before the House.

The floor still remains that of the gentleman from Delaware,

Mr. Garzia. Does the gentleman yield the floor?

Mr. GARZIA. Yes, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, will the gentleman, Mr. Garzia, answer one or two questions under interrogation?

The SPEAKER. Will the gentleman, Mr. Garzia, consent to interrogation?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, if an employe who held a stock or several stocks in, let us say, a public utility or Bell Telephone and was also an officer of, let us say, a township or a municipality or, rather, an appointed auditor of a township or something like that, does that mean then that that township could not have a contractual relationship or that it would be illegal for that township or municipality, on the technicalities of this, to have a contract with Bell or with, let us say, Philadelphia Electric or wherever they are buying their sources? In other words, it would delimit or in some way limit that person from in any way accepting an appointive position to that municipality? For example, you, yourself, would, let us say, own some stocks in the former company that you worked for and, therefore, your borough could not buy its gasoline from that particular oil company. Is that correct?

Mr. GARZIA. I do not think it is the way you are saying it. I think you must own 5 percent of the stock of that company for it to be considered a conflict of interest.

Mr. DAVIES. It is established at 5 percent?

Mr. GARZIA. Five percent, yes. It is in the bill.

Mr. DAVIES. Okay. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—161

Abraham	Gallagher	Manderino	Schweder
Anderson	Gamble	Manmiller	Scirica
Armstrong	Garzia	McCall	Seltzer
Arthurs	Gatski	McIntyre	Shuman
Bellomini	Geesey	McLane	Shupnik
Bennett	Geisler	Mebus	Sirianni
Berlin	George, C.	Meluskey	Smith, L.
Berson	George, M.	Miller	Spitz
Bittinger	Giammarco	Milliron	Stairs
Bittle	Gillette	Miscevich	Stapleton
Brown	Gleeson	Moeblmann	Stewart
Brunner	Goebel	Morris	Stuban
Burns	Goodman	Mrkonic	Sweet
Butera	Gray	Mullen, M. P.	Taddonio
Caltagirone	Greenleaf	Mullen, M. M.	Taylor, F.
Caputo	Harper	Musto	Tenaglio
Cassidy	Hayes, D. S.	Novak	Trello
Cessar	Hayes, S. E.	Noye	Valicenti
Cimini	Hoeffel	O'Brien, B.	Wagner
Cohen	Honaman	O'Connell	Wansacz
Cole	Hopkins	O'Donnell	Wargo
Cowell	Hutchinson, A.	O'Keefe	Wass
Davies	Hutchinson, W.	Pancoast	Wenger
DeMedio	Itkin	Parker	White
DeVerte	Kelly	Petrarca	Wiggins

DeWeese	Kernick	Pievsky	Williams
DiCarlo	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wilt
Dombrowski	Kolter	Pott	Wise
Donatucci	Kowalshyn	Pratt	Wright, J. L.
Dorr	Kusse	Prendergast	Yahner
Doyle	Laudadio	Ravenstahl	Yohn
Duffy	Laughlin	Reed	Zearfoss
Englehart	Lehr	Renwick	Zeller
Fischer, R. R.	Letterman	Richardson	Zitterman
Fisher, D. M.	Levi	Rieger	Zord
Flaherty	Lincoln	Ritter	Zwinkl
Foster, A.	Livengood	Ruggiero	Irvis,
Foster, W.	Logue	Ryan	Speaker
Freind	Lynch	Scanlon	
Fryer	Madigan	Schmitt	

NAYS—25

Beloff	Hasay	Milanovich	Scheaffer
Brandt	Helfrick	Mowery	Smith, E.
Burd	Jones	O'Brien, D.	Thomas
Dininni	Katz	Piccola	Vroon
Grieco	Mackowski	Pyles	Weidner
Halverson	McClatchy	Salvatore	Wright, D.
Hamilton			

NOT VOTING—16

Barber	Fee	Johnson	Rhodes
Borski	Gallen	McGinnis	Shelton
Cianciulli	Greenfield	Oliver	Spencer
Dumas	Haskell	Rappaport	Taylor, E.

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

On the question recurring,

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

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?

The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, would I be in order to interrogate the prime sponsor?

The SPEAKER. The gentleman is certainly in order. Will the sponsor, Mr. Garzia, agree to interrogation?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, this bill has been amended to include the Commonwealth under the purview of the bill. Did you provide these amendments or did someone else?

Mr. GARZIA. Well, I do not understand the question.

Mr. ITKIN. Mr. Speaker, this bill has been amended extensively, and according to the previous statements made by the sponsor, he indicated that most of these changes were not provided by himself but were offered by some other member.

Mr. GARZIA. Yes, the amendments were offered on the floor here. My original bill only had 15 lines. It only dealt with townships and boroughs. Now we have got the state in it, and probably tomorrow we will have the country in it.

Mr. ITKIN. Who offered the amendments to include the state?

Mr. GARZIA. I think it was Mr. Ryan and Mr. Pitts.

Mr. ITKIN. Then, Mr. Speaker, may I seek to interrogate Mr. Ryan?

The SPEAKER. Will the gentleman, Mr. Ryan, consent to interrogation?

Mr. RYAN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, did you make the changes on page 2, line 17, to what is now known as section 3?

Mr. RYAN. The House did, yes.

Mr. ITKIN. As I read that particular section, it says:

Any individual who holds an appointive office in THE COMMONWEALTH OR ANY OF ITS AGENCIES OR IN a political subdivision of this Commonwealth shall not have an interest RESPECTIVELY in any contract or construction in which COMMONWEALTH OR ITS AGENCIES OR that political subdivision RESPECTIVELY shall enter or have an interest.

Now, the question I have is concerning the word "Commonwealth" standing by itself. An individual who works for an agency of the Commonwealth is also a Commonwealth employe. Consequently, it would appear to me that an employe of one branch could be restricted, under the way that section is presently written, from providing contractual or construction services to some other agency in another branch of the Commonwealth.

Mr. RYAN. Are you saying, Mr. Speaker, that in your judgment an employe of the Commonwealth could do contractual work for one of these agencies?

Mr. ITKIN. Could not. In other words, I am saying—

Mr. RYAN. I think that is right.

Mr. ITKIN. Let me be more specific in my example. Would this bill, if it became law, prohibit a clerical employe of this House, for example, who may be a part-time employe, from providing typing services on a contractual basis for, let us say, the Department of Agriculture?

Mr. RYAN. Well, as I read the bill, it says:

Any individual who holds an appointive office in THE COMMONWEALTH OR ANY OF ITS AGENCIES OR IN a political subdivision of this Commonwealth shall not have an interest RESPECTIVELY in any contract or construction in which COMMONWEALTH OR ITS AGENCIES OR that political subdivision RESPECTIVELY shall enter or have an interest.

Whether a part-time typist is considered an individual who holds an appointive office, I would rather doubt. You go back over to the first page of the bill and they are talking about an executive-level state employe. I suspect that that is the employe to whom they are referring. They are talking about state consultants, and I do not believe it would include a part-time typist.

With respect, however, to the construction and other involvement with the state or its agencies, there is an exclusionary provision on the bottom of page 2 and top of page 3 where you are into a bid situation and there are two competitive bids.

Mr. ITKIN. Well, I am assuming that there is a nonbidding

procedure here.

The question is that there is no definition for "appointive office" and that the definition of executive-level state employe is not used in that particular section.

Mr. RYAN. It appears, Mr. Speaker, that the bill goes a step further in its definition. It talks in terms of state employes with discretionary powers which may affect the outcome of a state agency's decision.

This bill originally was geared to take care of local-level situations where a conflict might arise. The amendment was put in to include the state agencies where you have a state employe with some muscle, with some discretion, to prohibit him from doing the same type thing. I think that is clear. I believe that is clear from a reading of the bill.

Mr. ITKIN. The question is, Mr. Speaker, then why, if you define executive-level state employe, are not those words used in lieu of appointive office?

Mr. RYAN. In lieu of what?

Mr. ITKIN. In lieu of using the words "appointive office," because you have already defined executive-level state employe. Therefore, you could just assume "Any individual who is an executive-level state employe in" rather than using "holds an appointive office" because that is quite misleading.

Also, since the bill does provide the attorney general with some broad powers to make such interpretation, I believe that that particular language ought to be clarified and made more definite.

In addition, you see the words "respectively" used in two places in that particular section. It was my original observation that what you wished to do was to only restrict that individual who holds a position in a given agency from doing business with that agency.

Mr. RYAN. No, I do not think that is so at all.

Mr. ITKIN. You do not interpret that as—

Mr. RYAN. No; the idea behind this bill as it originated with Mr. Garzia, was to prevent someone with some power in a local government from dealing with that local government. I think that is a short statement that covers Mr. Garzia's intent.

At that point it was amended by me and others. But this portion of it that brought the Commonwealth in was amended by me and concurred in by the members of this House to include people who are in state government and have powers to prevent them from dealing with the state, be it either through construction contracts or any other deal where that person has some muscle, where he has discretionary powers.

The fact that he works for the House and makes a deal with the Senate does not mean anything. He is not allowed to do it. If he works for the House and he makes a deal with some branch of the executive, he cannot do it. He is prohibited from doing it. I do not think there are any of us here who necessarily object to that.

When you speak in terms of appointive office, I think you exclude your secretary who is moonlighting part-time, doing typing for some other agency.

But I also believe that there are further prohibitions in the law today—and I would ask that anybody verify this, it is something I have always understood—that you cannot receive two

state checks. In other words, you cannot be a member of this House and also be an employe of the auditor general's office, by way of example. So the problem comes about more from independent contract than it does from an employment sense.

Mr. ITKIN. Mr. Speaker, I agree with you, and the reason for my interrogation this morning is to establish on the floor of the House what the legislative intent of the bill is so that when the attorney general makes some determinations as to who qualifies under the act, it will be explicitly clear, from the arguments on the floor today, just who is covered and who is not covered, because I do think the bill, as it is presently drafted, is somewhat vague.

It is your belief that the legislative intent, since you are the prime sponsor of the amendment, is that any person who holds a policymaking position defined as an executive-level staff employe would be prohibited from being involved in any contractual service or construction arrangement with any other agency of state government, is that correct?

Mr. RYAN. Yes and no. If you look at the bill, there is a special section dealing with executive-level state employes. Now what is intended by this, I believe—and this was not my amendment—is that they are trying to take care of a situation which is prevalent, for instance, in the Federal Government where retired generals and admirals, and what have you leave the Federal Government and go with defense contractors. That goes on today in Federal Government.

There is a prohibition in this bill—and it was not my amendment, but as I look at it quickly—I believe it takes care of the situation, and this is only by way of example, that if a member of the Governor's staff who was instrumental in putting together the Volkswagen contract all of a sudden decides to leave state government service, he would be prohibited from going out to work for the Volkswagen plant. That is one section of this bill. It is a prohibition on post-state employment, where that employe had something to do with, in this case, the Volkswagen plant. That is the one situation covered by the bill.

The second situation covered by the bill is where a present state employe is attempting to engage either directly or indirectly, that is by stock ownership or monetary interest, in any contract with the Commonwealth of Pennsylvania or any of its political subdivisions or agencies. I think the word "agencies" is in there to take care of situations such as the Pennsylvania Turnpike Commission and the like.

Mr. ITKIN. So it is all-encompassing that a state employe who would come under the definition of an executive-level state employe would be prohibited from engaging in any type of contract with any state agency, is that correct?

Mr. RYAN. No; the executive-level state employe definition, under the bill, is in the bill to take care of the post-employment situation. We are not worrying about the girl who works as a typist or a minor staff person who goes from here and works for Volkswagen. He or she is not an executive-level state employe. That prohibition is only for the high-ranking people. But when you get down to dealing with the state itself, you take in a larger class of people where a person is an employe of the Commonwealth and wants to do business with the Commonwealth. That is a broader range of personnel.

Mr. ITKIN. And you are saying that is not what we restricted, is that correct?

Mr. RYAN. The broad restriction would apply to contractual relationships as an employe with the Commonwealth or its agencies. The prohibition on executive level is for post-state employment with some business enterprise with which that person dealt as an employe.

Mr. ITKIN. With respect to section 3, a state employe cannot be a contractor with the state at the same time, is that correct?

Mr. RYAN. Unless it is a bid contract, yes.

Mr. ITKIN. What is that?

Mr. RYAN. If you read the bottom of page 2 and the top of page 3, if it is a bid contract they can have any interest in it.

Mr. ITKIN. If it is a nonbid contract then the prohibition holds?

Mr. RYAN. Yes.

Mr. ITKIN. Thank you very much.

MOTION TO TABLE HB 198

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. I have a privilege to ask, Mr. Speaker, in view of the confusing nature of all of these items that have been discussed here. I would ask that you kindly pass the bill over to give me an opportunity to prepare another amendment.

The SPEAKER. The gentleman has requested that the bill be held on the calendar, but we point out to the gentleman that the bill has already reached the terminal day of permission on the active calendar; it is on the 15th day.

If it is the wish of the gentleman to delay the passage of the bill for whatever purpose, the correct motion would be to table the bill, which would take the bill from the active calendar and place it on the tabled calendar.

Mr. VROON. Mr. Speaker, I so move.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. To speak against the motion, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Lincoln. The gentleman may proceed.

Mr. LINCOLN. I will not debate the motion. I will just ask for a "no" vote, please.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—59

Armstrong	Halverson	Manmiller	Scheaffer
Bittle	Hamilton	McClatchy	Scirica
Brandt	Hasay	McGinnis	Seltzer
Burd	Hayes, S. E.	Mebus	Sirianni
Butera	Helfrick	Miller	Smith, E.
Davies	Honaman	Moehlmann	Smith, L.
DeVert	Hopkins	Mowery	Spencer
Dietz	Hutchinson, W.	Noye	Spitz
Dininni	Klingaman	O'Brien, D.	Stairs
Dorr	Kusse	O'Connell	Taddonio
Foster, A.	Lehr	Pancoast	Taylor, E.

Foster, W.	Levi	Piccola	Thomas
Freind	Lynch	Polite	Vroon
George, M.	Mackowski	Pott	Zearfoss
Grieco	Madigan	Ryan	

NAYS—134

Abraham	Gallagher	McCall	Schweder
Anderson	Gamble	McIntyre	Shuman
Arthurs	Garzia	McLane	Shupnik
Bellomini	Gatski	Meluskey	Stapleton
Bennett	Geesey	Milanovich	Stewart
Berlin	Geisler	Milliron	Stuban
Berson	George, C.	Miscevich	Sweet
Bittinger	Giammarco	Morris	Taylor, F.
Borski	Gillette	Mrkonic	Tenaglio
Brown	Gleeson	Mullen, M. P.	Trello
Brunner	Goebel	Mullen, M. M.	Valicenti
Burns	Goodman	Musto	Wagner
Caltagirone	Gray	Novak	Wansacz
Caputo	Greenfield	O'Brien, B.	Wargo
Cassidy	Greenleaf	O'Donnell	Wass
Cessar	Harper	O'Keefe	Weidner
Cianciulli	Hayes, D. S.	Oliver	Wenger
Cimini	Hoeffel	Parker	White
Cohen	Hutchinson, A.	Petrarca	Wiggins
Cole	Itkin	Pievsky	Williams
Cowell	Jones	Pitts	Wilson
DeMedio	Katz	Pratt	Wilt
DeWeese	Kelly	Prendergast	Wise
DiCarlo	Kernick	Pyles	Wright, D.
Dombrowski	Knepper	Ravenstahl	Wright, J. L.
Donatucci	Kolter	Reed	Yahner
Doyle	Kowalyshyn	Renwick	Yohn
Duffy	Laudadio	Rhodes	Zeller
Englehart	Laughlin	Richardson	Zitterman
Fee	Letterman	Ritter	Zord
Fischer, R. R.	Lincoln	Ruggiero	Zwikl
Fisher, D. M.	Livengood	Salvatore	
Flaherty	Logue	Scanlon	Irvis,
Fryer	Manderino	Schmitt	Speaker

NOT VOTING—9

Barber	Gallen	Johnson	Rieger
Beloff	Haskell	Rappaport	Shelton
Dumas			

The question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman will state his motion.

Mr. LINCOLN. Mr. Speaker, I think that the original intent of HB 198 had considerable merit. I think the House inappropriately amended the prime sponsor's version of HB 198, and I move at this time that we revert to the original printer's numbers, PN 218.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, do I understand that what is before the House by that motion is that the bill goes back to the prohibition only as to local government?

The SPEAKER. Would the gentleman, Mr. Lincoln, care to answer the question?

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, I am somewhat surprised that such a motion would be made by Mr. Lincoln. I know—

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. Mr. Speaker, this is a motion and I was told earlier that motions are not debatable. I wonder if Mr. Ryan is debating or whether he is making an inquiry?

The SPEAKER. No; the motion to table is not debatable, but your motion is a motion of reversion and that is subject to debate. Mr. Ryan is in order.

Mr. LINCOLN. Thank you.

The SPEAKER. Do you wish to make a statement now, Mr. Ryan?

Mr. RYAN. Yes, sir.

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, I am a little surprised that Mr. Lincoln would make such a motion when the bill, since it was first before the House, amended (A) to take care of executive-level employes and to prohibit them from going out and seeking employment or getting employment with businesses that did business with that employe when he was in an executive capacity in this state.

I think that it is important that we prohibit our executive-level employes from taking action as employes and giving the appearance, if not in fact, of wrongdoing by then leaving state government and taking employment with the very corporation with whom they were doing business. That would be prohibited under the bill as it now stands.

As Mr. Lincoln would move this bill back to its prior printer's number—and again I use only the Volkswagen agency by way of example—a top Commonwealth employe who had discretion in getting the loans for the Volkswagen plant could make a deal. I am using this as an example and this is what it would look like. I am not saying that it has happened or will happen, but this would prevent it from happening. These people could make a deal with Volkswagen to give favorable terms to Volkswagen or to a Volkswagen situation, leave the Commonwealth's employment and go with that private enterprise. Under the bill as it now stands that would be prohibited.

The other effect of the Lincoln motion, in my judgment, is to encourage, in a sense, state employes into entering into contracts. I say encourage because as a result of this type of a motion and if it passed, we, in effect, are saying to our state employes, we had an opportunity to prohibit you from engaging in activities that are of questionable ethics if not legality and we have reverted to a prior printer's number, and that only affects you people involved in local government. All the employes of the Commonwealth are pure. We do not have

to worry about them. We do not have to put a prohibition on them. We only have to put the prohibition on the local government employes, which is what this bill was originally designed to do. I strenuously object to this motion to revert to a prior printer's number and would encourage everyone to leave the bill as it is in its broader conflict prohibitory format so that these prohibitions affect not only local government but these same prohibitions affect state government. And I think that history will show us over at least the past several years that a bill like this is long overdue.

The SPEAKER. The gentleman, Mr. Zeller, has been on his feet asking for recognition. The Chair recognizes the gentleman from Lehigh, Mr. Zeller. For what purpose does the gentleman rise?

Mr. ZELLER. To comment in regard to the motion.

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

Mr. ZELLER. Thank you, Mr. Speaker.

I have to agree with Mr. Ryan. In light of the problems we have today, of all times, with one week having public officials on the front page of Time Magazine and the next week they are doing time, I think it is about time that we say to state officials that they come under the same scrutiny as local-government officials. I think it is about time that we get on with the matter right now at hand in regard to voting "no" against the reverting back and hang in there with regard to state officials as well as local-government officials.

What we are saying in effect is, if we revert back, we are holier than thou and that only you local-government officials are the corrupt ones. I think it is about time that we put ourselves all in the same category and let the public be our peers. Let us not vote for reverting back.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I would like to ask Mr. Lincoln if he would answer a couple of questions please? I would like to interrogate Mr. Lincoln.

The SPEAKER. Will the gentleman, Mr. Lincoln, consent to interrogation?

Mr. LINCOLN. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pitts, may proceed.

Mr. PITTS. Mr. Speaker, do you object to the portion of the bill which relates to post-employment by executive-level employes?

Mr. LINCOLN. I am sorry, Mr. Speaker. I did not hear the question.

Mr. PITTS. Do you object to the portion of the bill which has been amended which refers to post-state employment by the executive-level employes?

Mr. LINCOLN. Mr. Speaker, my main objection is to the fact that we have taken a bill which the sponsor, Mr. Garzia, introduced with the intention of correcting a problem that he is aware of and had some interest in. The original intent of the bill was for local governments and not for state governments. I have no objections to the amendments if they would be offered in the form of a bill. In fact, I would be happy to sponsor those amendments as a bill. But I think that we have confused the

issue thoroughly by amending, and there are some questions in my mind and in some other people's who have looked the bill over as to whether an end result of your amendment would be that there would be a prohibition against that executive-level employe for post-employment.

Mr. PITTS. Thank you, Mr. Speaker.

Mr. Speaker, the amendment which I offered, aimed at the high-level executive employes prohibiting the post-employment for 2 years with those large businesses or corporations with which they have had involvement and discretionary power in soliciting the Commonwealth and who stand to gain from a grant or a loan, is patterned after the precedent established in Federal law, which is a 1-year prohibition, and the code of ethics promulgated by President Carter for his Cabinet, which is a 2-year prohibition, and the California statute, which is also much more stringent and a 2-year prohibition.

I think that we need to be careful to eliminate any strong potential for a conflict of interest by anyone in the high levels of government where they may negotiate deals which profit themselves. Therefore, I think we need to object and defeat this motion to revert to a prior printer's number and pass the bill as it is amended.

The SPEAKER. The Chair now recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Thank you, Mr. Speaker.

One more point in regard to the need to hang in here on this is the fact that with some of the problems that have existed—and if I am wrong, correct me, Mr. Ryan, because I am on your side on this—what has brought the Federal Bureau of Investigation into many states has been the Racketeer Influenced and Corrupt Organizations Act with two violations or more by public officials. The ones they have been directing it to have been state officials, and I mean on the high level, and I think it is about time that we have this as it is, because it is going to make it a lot easier for the investigative actions in regard to the wrongdoings of many public officials. I have been on this thing for about 4 years and I believe that this is what has to be done. If we do not have this in there, there are too many escape routes, there are just too many escape routes. I think that this is why we have to keep it in there.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, if the motion to revert to the prior printer's number is successful, does that then carry with it the elimination of Mr. Garzia's amendment offered and passed today?

The SPEAKER. In the opinion of the Chair, that would do so. In the opinion of the Chair, if the House adopts the Lincoln motion, the House will then have before it HB 198, PN 218, in its original form and that would not include the Garzia amendment.

Mr. DOYLE. Thank you, Mr. Speaker.

Then I would urge a negative vote on the motion to revert to

the prior printer's number. The reason why is that we have here a bill which carries penalties. It is a misdemeanor, and the penalty is a \$1,000 fine and imprisonment. Therefore—

Mr. RYAN. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. Would the gentleman yield on his point of parliamentary inquiry until the gentleman, Mr. Doyle, has completed his statement, or does the gentleman feel that the point must be answered before Mr. Doyle completes his statement?

Mr. RYAN. Mr. Speaker, I have the impression the way Mr. Lincoln threw his hands up in the air and rolled his hands that he is satisfied that the bill roll and that he withdraws his motion.

The SPEAKER. The Chair would advise the gentleman, Mr. Ryan, that after several years of observation of Mr. Lincoln, that Mr. Lincoln has a temper that may best be described as volatile but that any gestures on his part should be subject to very careful interpretation, and I would say conservative interpretation. And the Chair refuses to accept Mr. Ryan's interpretations and gestures on Mr. Lincoln's part. Mr. Doyle will finish his statement.

You may complete your statement, Mr. Doyle.

Mr. DOYLE. Mr. Speaker, to finish my statement, this is a bill dealing with a criminal action and, therefore, by our constitution it must be specific. The definition which Mr. Garzia placed in it today dealing with the interest is a very necessary item in this bill, so by voting for the motion, that would be eliminated—meaning Mr. Garzia's amendment—and, therefore, I think the bill would be defective without it. I therefore would urge a negative vote on the motion to revert to the prior printer's number.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I am afraid that a lot of members of this House misunderstood my motive before when I asked that the bill be tabled. I am rising now to support the motion to revert to the prior printer's number because I believe that the amendment has doctored up this bill unnecessarily and has confused the issue so that we really do not know what is the real scope of this bill as it is now constituted.

I therefore strongly urge a vote in favor of reverting to the original printer's number because I feel that the question of the Commonwealth employes should be broadened to include all employes of the Commonwealth, those elected as well as appointed, and to discriminate against those who are appointed, I think, is a miscarriage. I therefore strongly urge that we revert to the prior printer's number and then go back and come up with a new bill which discusses all the broad implications of who is in conflict of interest, appointed or elected or both.

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

Mr. ITKIN. Mr. Speaker, I, too, like Representative Vroon, will support reversion to the prior printer's number, not because I do not support the general intent of expanding the issue to include state employes, but I think that the drafting of the wording to do that has left the entire bill quite confusing.

For example, one observation that I make here is that if an insurance agent who is a notary public who has business with

the state, he would be in violation of the law, because as a notary public he is an appointed officer of the Commonwealth.

It is these things to which the quick draft of the amendment does not address itself, and I am concerned that if we pass the bill in the present form with these amendments in it, it will come back to haunt us. So I would support going back to Mr. Garzia's clean language in PN 218, which I have read and which seems to be quite concise and quite definite in what it purports to do.

Thank you, Mr. Speaker.

The SPEAKER. The question before the House is the motion to revert, placed before the House by Mr. Lincoln. The motion is to revert HB 198 to PN 218.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Seltzer. For what purpose does the gentleman rise?

Mr. SELTZER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SELTZER. Mr. Speaker, if the majority of the members of this House vote to revert to the prior printer's number, that piece of legislation is not before us. What will be the technical difficulties in providing the members of this House with copies of the bill so the bill could be voted on today?

The SPEAKER. The Chair recognizes the intent of the query. The bill is on the 15th day and, under our rules, would have to be removed from the calendar.

If the House adopts the motion to revert, it is the intention of the Chair to pass over this bill temporarily until copies of the bill in form 218 can be reproduced and distributed, and at a later time today then the bill could be called before the House for final passage.

The question now is on the motion to revert.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—85

Abraham	Garzia	Logue	Schmitt
Berson	Gatski	Manderino	Schweder
Bittinger	Geisler	McIntyre	Shupnik
Borski	George, C.	McLane	Smith, E.
Brunner	George, M.	Milanovich	Stewart
Caputo	Giammarco	Miscevich	Sweet
Cianciulli	Goodman	Mrkonic	Tenaglio
Cohen	Gray	Mullen, M. P.	Trello
Cole	Greenfield	Mullen, M. M.	Valicenti
Cowell	Harper	Musto	Vroon
DeMedio	Hoeffel	O'Brien, B.	Wansacz
DeWeese	Hutchinson, A.	O'Donnell	Wargo
DiCarlo	Itkin	Oliver	White
Dombrowski	Johnson	Petrarca	Wiggins
Donatucci	Jones	Pievsky	Wise
Doyle	Kelly	Prendergast	Wright, D.
Duffy	Kowalyszyn	Ravenstahl	Yahner
Englehart	Laudadio	Renwick	Zitterman
Fee	Laughlin	Richardson	
Flaherty	Letterman	Rieger	Irvis,
Gallagher	Lincoln	Ruggiero	Speaker
Gamble	Livengood	Scanlon	

NAYS—105

Anderson	Gillette	McClatchy	Scirica
Armstrong	Goebel	Mebus	Seltzer
Arthurs	Greenleaf	Meluskey	Shuman
Bellomini	Grieco	Miller	Sirianni
Bennett	Halverson	Milliron	Smith, L.
Bittle	Hamilton	Moehlmann	Spencer
Brandt	Hasay	Morris	Spitz
Brown	Hayes, D. S.	Mowery	Stairs
Burd	Hayes, S. E.	Novak	Stapleton
Burns	Helfrick	Noye	Stuban
Butera	Honaman	O'Brien, D.	Taddonio
Caltagirone	Hopkins	O'Connell	Taylor, E.
Cassidy	Hutchinson, W.	O'Keefe	Taylor, F.
Cessar	Katz	Pancoast	Thomas
Cimini	Kernick	Parker	Wagner
Davies	Klingaman	Piccola	Wass
DeVerter	Knepper	Pitts	Weidner
Dietz	Kolter	Polite	Wenger
Dininni	Kusse	Pott	Wilson
Dorr	Lehr	Pratt	Wilt
Fischer, R. R.	Levi	Pyles	Wright, J. L.
Fisher, D. M.	Lynch	Reed	Yohn
Foster, A.	Mackowski	Ritter	Zearfoss
Foster, W.	Madigan	Ryan	Zeller
Freind	Manmiller	Salvatore	Zord
Fryer	McCall	Scheaffer	Zwikl
Geesey			

NOT VOTING—12

Barber	Dumas	Haskell	Rhodes
Beloff	Gallen	McGinnis	Shelton
Berlin	Gleeson	Rappaport	Williams

The question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle. For what purpose does the gentleman rise?

Mr. DOYLE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, for the record, I pushed the switch the wrong way. I would like to be recorded in the negative on the vote on the motion to revert to the prior printer's number on HB 198.

The SPEAKER. The Chair thanks the gentleman. It will be noted on the record.

On the question recurring,
Shall the bill pass finally?

Agreeable to the provision of the constitution, the following roll call was recorded:

YEAS—187

Abraham	Gamble	Manderino	Schmitt
Anderson	Garzia	Manmiller	Schweder
Armstrong	Gatski	McCall	Scirica
Arthurs	Geesey	McClatchy	Seltzer
Bellomini	Geisler	McIntyre	Shuman
Bennett	George, C.	McLane	Shupnik
Berlin	George, M.	Mebus	Sirianni

Berson	Giammarco	Meluskey	Smith, E.
Bittinger	Gillette	Milanovich	Smith, L.
Bittle	Goebel	Miller	Spencer
Borski	Goodman	Milliron	Spitz
Brandt	Gray	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Stapleton
Brunner	Greenleaf	Morris	Stewart
Burd	Grieco	Mowery	Stuban
Burns	Halverson	Mrkonic	Sweet
Butera	Hamilton	Mullen, M. P.	Taddonio
Caltagirone	Harper	Musto	Taylor, E.
Caputo	Hasay	Novak	Taylor, F.
Cassidy	Hayes, D. S.	Noye	Tenaglio
Cessar	Hayes, S. E.	O'Brien, B.	Thomas
Cianciulli	Helfrick	O'Brien, D.	Trello
Cimini	Honaman	O'Connell	Valicenti
Cohen	Hopkins	O'Donnell	Vroon
Cole	Hutchinson, W.	O'Keefe	Wagner
Cowell	Itkin	Oliver	Wansacz
Davies	Johnson	Pancoast	Wargo
DeVerter	Jones	Parker	Wass
DeWeese	Katz	Petrarca	Weidner
DiCarlo	Kelly	Piccola	Wenger
Dietz	Kernick	Pievscky	White
Dininni	Klingaman	Pitts	Wiggins
Dombrowski	Knepper	Pott	Wilson
Donatucci	Kolter	Pratt	Wilt
Dorr	Kowalshyn	Prendergast	Wise
Doyle	Kusse	Pyles	Wright, D.
Duffy	Laudadio	Ravenstahl	Wright, J. L.
Englehart	Laughlin	Reed	Yahner
Fee	Lehr	Renwick	Yohn
Fischer, R.R.	Letterman	Rhodes	Zearfoss
Fisher, D.M.	Levi	Rieger	Zeller
Flaherty	Lincoln	Ritter	Zitterman
Foster, A.	Livengood	Ruggiero	Zord
Foster, W.	Logue	Ryan	Zwilk
Freind	Lynch	Salvatore	
Fryer	Mackowski	Scanlon	Irvis,
Gallagher	Madigan	Scheaffer	Speaker
Gallen			

NAYS—3

Hoeffel Hutchinson, A. Polite

NOT VOTING—12

Barber	Dumas	McGinnis	Richardson
Beloff	Gleeson	Mullen, M. M.	Shelton
DeMedio	Haskell	Rappaport	Williams

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative.

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

HB 594 PASSED OVER

The SPEAKER. On page 8, HB 594, PN 1149, was noted on your calendars for a vote. The request is now from Mr. Fryer, chief sponsor, that this bill be passed over, and that request is granted. The bill is passed over.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln. For what purpose does the gentleman rise?

Mr. LINCOLN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINCOLN. During the debate on the reversion to the

original printer's number on HB 198. Mr. Seltzer asked you about what position HB 198 would be in if the House would have agreed to revert back to the original printer's number. I took it from your answer that we would not be able to do anything with that bill at that time if the motion had been successful. And on previous occasions in this session, due to what I believe was a change in House rules, we have been able to amend legislation and pass it without having the amendments actually printed into the bill, and for my own personal information for future occasions, I would like to have some clarification on that. Would we have been able to vote on HB 198 in its amended form, going back to the original printer's number, had the motion been successful?

The SPEAKER. The answer to the gentleman's question is "Yes." From a point of parliamentary procedure, the bill would have been in a position to be voted on finally. The Chair's intention was merely to delay that vote until physical copies of the reverted bill could be in the hands of the members so that the members would actually see what they were voting on. But from a parliamentary point of view, there would be no impediment to an immediate vote.

Mr. LINCOLN. I thank the Speaker.

WELCOME

The SPEAKER. We are pleased to introduce and welcome to the hall of the House the Championship Action Chess Team from Vaux Jr. High School, Philadelphia. This team is from the district represented by Representative Oliver.

We welcome the championship chess team and the Chair is most envious of the ability of any young man or young woman who can master the intricacies of chess. The Chair has never been able to master checkers, so you can see how far beyond the Chair you young men have already gone.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

It is an honor for me to introduce to you the membership of the Vaux Jr. High School Championship Action Chess Team under the coaching of Michael Sherman and Otis Burgess. The team, after a determined battle against 24 other junior high school chess teams from all sections of the United States, proved themselves to be the most powerful junior high school chess team in the United States.

I would appreciate the reading of the citation for the record of this House of Representatives. Thank you very much.

The SPEAKER. The Chair will permit, because of the extraordinary performance of this chess team, the reading of the citation.

The Chair would urge the Representative from Philadelphia to consult with the Parliamentarian following the session.

The following citation was read:

COMMONWEALTH OF PENNSYLVANIA
Citation by The House of Representatives

WHEREAS, The Vaux Junior High School Championship Action Chess Team, comprised of Anthony Rhodes, Ralph Willis, Dewey Bellinger, Derrick Roache, Willie Abney, and Nor-

the Constitution and were as follows, viz:

YEAS—48

Andrews,	Hager,	McCormack,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Coppersmith,	Holl,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Nolan,	Stauffer,
Dwyer,	Kelley,	Noszka,	Stout,
Early,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Wood,
Gurzenda,	Manbeck,	Romanelli,	Zemprelli,

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD CONSIDERATION AMENDED

HB 198 (Pr. No. 3453) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROMANELLI, by unanimous consent, offered the following amendments:

Amend Bill, page 5, by inserting between lines 29 and 30:

Section 5. Nothing in this act, or in any other law or court rule shall be construed to prohibit any constable or any employee of a court of common pleas, the Municipal Court of Philadelphia, the Traffic Court of Philadelphia, or any employee of a district justice from also being an officer of a political body or political party as such terms are defined in the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," and the same may hold the office of a county, State or national committee of any political party, and may run for and hold any elective office, and may participate in any election day activities.

Amend Sec. 5, page 5, line 30, by striking out "5." and inserting: 6.

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, these amendments would permit court employees to hold political office. The Supreme Court Administrator, by edict, ruled that people who are considered court employees and constables in wards of the cities, boroughs and townships may not hold political office and still be an employee of the court. The position of constable is a political office; he runs either as a Democrat or a Republican. They also may not hold political office in the party which they represent, such as committee captains, committee people, ward leaders. These amendments would simply permit those people to hold political office.

Mr. President, I ask for the unanimous adoption of the amendments.

PARLIAMENTARY INQUIRY

Senator LEWIS. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Bucks, Senator Lewis, will state it.

Senator LEWIS. Mr. President, I would ask for a ruling from the Chair as to whether the amendments are germane to the principal purpose of the bill.

The PRESIDENT. We will be at ease for just a moment. I genuinely think it is, Senator. I took a quick look, but let me reexamine them.

(The Senate was at ease.)

The PRESIDENT. Senator Romanelli is in accordance with the general Rules which we have adopted and I would consider the amendments to be germane.

And the question recurring,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator ROMANELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 225 (Pr. No. 245) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Andrews,	Hager,	McCormack,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Coppersmith,	Holl,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Nolan,	Stauffer,
Dwyer,	Kelley,	Noszka,	Stout,
Early,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Wood,
Gurzenda,	Manbeck,	Romanelli,	Zemprelli,

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER TEMPORARILY

SB 585 — Without objection, the bill was passed over in its order temporarily at the request of Senator MESSINGER.

BILL ON THIRD CONSIDERATION AMENDED

HB 920 (Pr. No. 3417) — Considered the third time,

On the question,

dent pro tempore has advised the Secretary of the Senate he has appointed the following Senators to serve as members of the Special Senate Committee created pursuant to Senate Resolution, Serial No. 107:

The gentleman from Allegheny, Senator Romanelli, Chairman; the gentleman from Schuylkill, Senator Gurzenda; the gentleman from Philadelphia, Senator Hankins; the gentleman from Blair, Senator Jubelirer; and the gentleman from Lebanon, Senator Manbeck.

CALENDAR

HB 198 CALLED UP OUT OF ORDER

HB 198 (Pr. No. 3514) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator MESSINGER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 198 (Pr. No. 3514) — Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator SNYDER. Mr. President, some of this bill, of course, is addressed to concerns with respect to the ethics of public employees and certainly one cannot find fault with that. However, Section 4 on page 5 of the bill requires some detailed reporting by anyone who runs for office, or is elected to office, in a township, borough or city. I am sure this will pyramid the paperwork and the fussing and the employees and the bureaucracy that goes with any regulation that affects tens of thousands of elected public officials in Pennsylvania. For that reason I, for one, am going to vote against this bill.

I believe the craftsmanship of the drawing is rather poor too, but I will not burden the Senate with the lint picking on that. I just think it is a poor system to start and we should not be pushing it down the public's throat.

Senator BELL. Mr. President, I am voting for House Bill No. 198 reluctantly. I got a message from some of my borough councilmen who are complaining about the disclosure required by the Senate amendments. They very frankly told us to cast the mote out of our own eyes before we go picking at their eyes.

Senator LEWIS. Mr. President, the amendments which the gentlemen have referred to were, in fact, adopted in the Senate Committee on Local Government. Part of the reasoning behind their adoption was to hopefully set an example, which this Legislature has been much too dilatory in following.

I believe this type of relevant public disclosure of involvement or economic circumstances that, in fact, directly relates to the office which one is seeking is long overdue.

For whatever reason, we have not seen fit yet to impose these types of obligations upon ourselves. I hope that by doing so, at least for our political subdivisions, we are taking a very important first step in the direction that will ultimately lead to the expansion of these types of requirements for election to every

office within this Commonwealth. Their adoption is too far overdue.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—40

Andrews,	Hess,	McKinney,	Ross,
Bell,	Holl,	Mellow,	Scanlon,
Corman,	Hopper,	Messinger,	Schaefer,
Dougherty,	Howard,	Moore,	Smith,
Duffield,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Noszka,	Stauffer,
Early,	Kusse,	O'Pake,	Stout,
Fumo,	Lewis,	Orlando,	Sweeney,
Gurzenda,	Lynch,	Reibman,	Tilghman,
Hager,	McCormack,	Romanelli,	Zemprelli,

NAYS—7

Arlene,	Gekas,	Manbeck,	Snyder,
Coppersmith,	Hankins,	Nolan,	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROSS, by unanimous consent, reported from the Committee on Rules and Executive Nominations, communications from His Excellency, the Governor, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE CLEARFIELD COUNTY BOARD OF ASSISTANCE

June 21, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 22, 1978 for the appointment of Mrs. Gloria K. Silberblatt (Republican), 423 West First Street, Clearfield 16830, Clearfield County, Thirty-fourth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1980, and until her successor is duly appointed and qualified, vice Mrs. Jeannette K. Monks, Dubois, Terminated-By-Law.

I respectfully request the return to me of the official message of nomination in the premises.

MILTON J. SHAPP.

MEMBER OF THE WESTMORELAND COUNTY BOARD OF ASSISTANCE

June 21, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

Brandt	Greenfield	Milliron	Spencer
Brunner	Greenleaf	Moehlmann	Spitz
Burd	Grieco	Morris	Stairs
Burns	Halverson	Mrkonic	Stapleton
Caltagirone	Hamilton	Mullen, M. P.	Stewart
Caputo	Harper	Musto	Sweet
Cassidy	Hasay	Novak	Taddonio
Cessar	Hayes, D. S.	Noye	Taylor, E.
Cianciulli	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cimini	Helfrick	O'Brien, D.	Tenaglio
Cohen	Hoeffel	O'Connell	Thomas
Cole	Honaman	O'Donnell	Trello
Cowell	Hutchinson, W.	O'Keefe	Valicenti
Davies	Itkin	Oliver	Wagner
DeMedio	Johnston	Pancoast	Wansacz
DeVerter	Jones	Parker	Wargo
DiCarlo	Katz	Peterson	Wass
Dietz	Kelly	Petrarca	Weidner
Dininni	Kernick	Piccola	Wenger
Dombrowski	Klingaman	Pievsky	White
Donatucci	Knepper	Pitts	Wiggins
Dorr	Kolter	Polite	Wilson
Doyle	Kowalyszyn	Pott	Wilt
Duffy	Kukovich	Pratt	Wise
Dumas	Lashinger	Prendergast	Wright, D.
Englehart	Laughlin	Pyles	Wright, J. L.
Fee	Lehr	Quest	Yahner
Fisher, D. M.	Letterman	Ravenstahl	Yohn
Flaherty	Levi	Renwick	Zitterman
Foster, A.	Lincoln	Richardson	Zord
Foster, W.	Livengood	Rieger	
Freind	Logue	Ruggiero	Irvis,
Fryer	Lynch	Ryan	Speaker

NAYS—16

Brown	Geesey	Meluskey	Stuban
DeWeese	George, M.	Mowery	Zearfoss
Fischer, R. R.	Hutchinson, A.	Rappaport	Zeller
Garzia	Mebus	Ritter	Zwikl

NOT VOTING—12

Beloff	Haskell	Miscevich	Scanlon
Gleeson	Levin	Reed	Vroon
Gray	McGinnis	Rhodes	Williams

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

The SPEAKER. The bill is so recommitted.

The House proceeded to third consideration of **SB 744, PN 1730**, entitled:

An Act providing for the regulation of land and water use for flood control and storm water management purposes imposing duties and conferring powers on the Department of Environmental Resources municipalities and counties providing for enforcement and making appropriations.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

Mr. MANDERINO moved that SB 744, PN 1730, be recommended to the Committee on Conservation.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—166

Anderson	Gallagher	Livengood	Ruggiero
Armstrong	Gallen	Logue	Ryan
Arthurs	Gamble	Lynch	Salvatore
Barber	Gatski	Mackowski	Scanlon
Bennett	Geisler	Madigan	Schmitt
Berlin	George, C.	Manderino	Schweder
Berson	Giammarco	Manmiller	Scirica
Bittinger	Gillette	McCall	Seltzer
Bittle	Goebel	McClatchy	Shupnik
Borski	Goodman	McLane	Sirianni
Brandt	Greenfield	Mebus	Smith, E.
Brunner	Greenleaf	Miller	Smith, L.
Burd	Grieco	Milliron	Spencer
Burns	Halverson	Moehlmann	Spitz
Caltagirone	Hamilton	Mowery	Stairs
Caputo	Harper	Mrkonic	Stapleton
Cassidy	Hasay	Mullen, M. P.	Stewart
Cessar	Hayes, D. S.	Musto	Sweet
Cianciulli	Hayes, S. E.	Novak	Taylor, E.
Cimini	Helfrick	O'Brien, B.	Taylor, F.
Cohen	Hoeffel	O'Brien, D.	Tenaglio
Cole	Honaman	O'Connell	Thomas
Cowell	Hutchinson, A.	O'Donnell	Trello
Davies	Hutchinson, W.	O'Keefe	Valicenti
DeMedio	Itkin	Oliver	Wansacz
DeVerter	Johnson	Pancoast	Wargo
DiCarlo	Jones	Parker	Weidner
Dietz	Katz	Peterson	Wenger
Dininni	Kelly	Petrarca	White
Dombrowski	Kernick	Piccola	Wiggins
Donatucci	Klingaman	Pievsky	Wilson
Dorr	Knepper	Pitts	Wilt
Doyle	Kolter	Polite	Wise
Duffy	Kowalyszyn	Pott	Wright, D.
Dumas	Kukovich	Prendergast	Wright, J. L.
Englehart	Lashinger	Pyles	Yahner
Fee	Laughlin	Quest	Yohn
Fisher, D. M.	Lehr	Rappaport	Zitterman
Flaherty	Letterman	Ravenstahl	Zord
Foster, A.	Levi	Renwick	
Foster, W.	Levin	Richardson	Irvis,
Fryer	Lincoln	Rieger	Speaker

NAYS—19

Brown	George, M.	Ritter	Wass
DeWeese	Meluskey	Scheaffer	Zearfoss
Fischer, R. R.	Milanovich	Stuban	Zeller
Garzia	Morris	Taddonio	Zwikl
Geesey	Mowery	Wagner	

NOT VOTING—13

Beloff	Haskell	Miscevich	Rhodes
Freind	McGinnis	Pratt	Vroon
Gleeson	McIntyre	Reed	Williams
Gray			

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

The SPEAKER. The bill is so recommitted.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following HOUSE BILL NO. 198, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 218, 740, 1147, 1330, 3412, 3453
Printer's No. 3514

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 198

Session of 1977

INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS,
COLE, RUGGIERO, O'KEEFE, STAPLETON, TENAGLIO
AND REED, FEBRUARY 9, 1977.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
JUNE 26, 1978.

An Act

regulating the contractual powers of individuals serving in
State or State agencies and local political subdivision posi-
tions and prohibiting certain State PUBLIC employees from
engaging in post State employment conflict of interest activi-
ties.

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

Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Executive level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive level employee.

Section 2. No former executive level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

Section 3. (a) An individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision respectively shall enter or have an interest.

SECTION 1. (A) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL NOT HAVE AN INTEREST RESPECTIVELY IN ANY CONTRACT OR CONSTRUCTION IN WHICH THE POLITICAL SUBDIVISION SHALL ENTER OR HAVE AN INTEREST.

(b) Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth.

(c) For purposes of this section the term "interest" shall mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partner-

ship, corporation or association of which the individual is a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

SECTION 2. NO INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL:

(1) ACCEPT OTHER EMPLOYMENT WHICH WILL IMPAIR HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;

(2) IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR USE SUCH INFORMATION TO FURTHER HIS PERSONAL INTERESTS;

(3) USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS FOR HIMSELF OR OTHERS; OR

(4) ACCEPT ANY GIFT, FAVOR OR SERVICE THAT MIGHT REASONABLY TEND TO INFLUENCE HIM IN THE DISCHARGE OF HIS OFFICIAL DUTIES.

Section 4 3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall EITHER forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation OR FORFEIT HIS OFFICE OF PUBLIC TRUST.

Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

SECTION 4. ANY INDIVIDUAL COVERED BY THIS ACT SHALL ON OR BEFORE JANUARY 31 OF EACH YEAR, FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THEY RESIDE A WRITTEN STATEMENT OF WHICH SHALL BECOME A MATTER OF PUBLIC RECORD AND SHALL INCLUDE:

(1) EVERY OFFICE OR DIRECTORSHIP HELD BY HIMSELF OR HIS SPOUSE IN ANY CORPORATION, PARTNERSHIP OR ASSOCIATION WHICH IS SUBJECT TO THE JURISDICTION OF THE POLITICAL SUBDIVISION IN WHICH HE LIVES.

(2) A LIST SHOWING EACH TYPE OF BUSINESS OR BUSINESS ACTIVITY FROM WHICH HE RECEIVED COMPENSATION IN EXCESS OF \$1,500 DURING THE PRECEDING 12-MONTH PERIOD BY VIRTUE OF HIS BEING AN OFFICIAL, DIRECTOR, EMPLOYEE, PARTNER OR MEMBER OF, OR BEING RETAINED BY, ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER BUSINESS ASSOCIATION, CONDUCTING OR CARRYING ON SUCH BUSINESS OR BUSINESS ACTIVITY.

(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

~~SECTION 5. IF AT ANY TIME A COMMISSION OR BOARD OF ETHICS, WITH RESPONSIBILITY FOR ESTABLISHING AND ENFORCING ETHICAL STANDARDS FOR ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, IS PROVIDED FOR BY STATUTE, THE DUTY OF ISSUING ADVISORY OPINIONS, PURSUANT TO THIS ACT, SHALL BE TRANSFERRED FROM THE ATTORNEY GENERAL TO SAID STATUTORY BOARD OR COMMISSION.~~

SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT RULE SHALL BE CONSTRUED TO PROHIBIT ANY CONSTABLE OR ANY EMPLOYEE OF A COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT JUSTICE FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3, 1937 (P. L. 1333, NO. 320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION DAY ACTIVITIES.

Section 7-6-6. This act shall take effect in six months.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, yesterday, I think, in caucus I said that I was going to ask this body to concur on the Senate amendments, but today I have a change of heart. I am asking for nonconcurrency. One of the reasons is that in the last section of this bill, there was put in that people working for the courts and magistrates can go back to being committee people and active in a political campaign.

I think Judge Barbieri, in his wisdom, forbade these people from being active in a political party. I wholeheartedly agree with him. I would like to see this bill go to a conference committee and maybe we can strike out that portion of the bill with agreement of the Senate and go back to my original bill. I know that the amendments that the Senate took out were provisions that covered the House members and the Senate members and the Governor's office and all. It was passed on the House floor.

They stripped that out of the bill, which I have no quarrel with. It goes back to the original bill which just deals with local government, so I will ask for a nonconcurrency. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. I would also ask for nonconcurrency. In addition to the reasoning and reasons given by my colleague, Mr. Garzia, there are other imperfections in the bill. It has the office of a corporation coming under the jurisdiction of a political subdivision. That is nonsensical. There is no corporation that is under the jurisdiction of a local municipality.

There is some other bad language in there. In addition, we are

now moving through the House and legislative process a constable reform bill which would prohibit political activity on the part of the constables and directly in contradiction to what the Senate amendment did in this bill. So I would urge, very strongly, a nonconcurrency.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, there is another reason why we should nonconcur in the Senate amendments. The Senate, through its amendments, has managed to create, among other things in HB 198, some semblance of a code of ethics for local officials. They conveniently managed to, again through their amendments, exclude any language that would have made such provisions applicable to state officials and state employees.

I very strongly believe that we need a code of ethics for all public officials. I think that it would be horrendous if, at this time, we would impose restrictions and requirements on local officials that we were not willing to impose on ourselves. I think we should send it back to the Senate and tell them to be a little bit more consistent and come up with a tough bill for us, as well as for the local officials who are addressed in HB 198. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Tenaglio.

Mr. TENAGLIO. Thank you, Mr. Speaker.

Mr. Speaker, I am going to rise and I am going to support concurrence with the Senate amendments to this measure. I think that Mr. Garzia should be applauded for the efforts that he used in putting this bill in. I think that this bill goes a long way in trying to take care of a lot of the ethical problems that we have with the local subdivisions.

Although I, in a friendly manner, disagree with Mr. Garzia in regard to the amendments which the Senate put in, I think it has been long enough that the federal, state and local employees have been looked upon as second-class citizens who should not be allowed to get involved in the active participation of politics and I think that this is the first step, possibly, in trying to allow these people to take their proper place in what we call a democracy and allow these people to be involved in local politics. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Yohn. For what purpose does the gentleman rise?

Mr. YOHN. Mr. Speaker, the Senate amended this bill very substantially, and I know we have not discussed it in our caucus. If it is not too inconvenient, I am wondering if it might be advisable to hold this bill until after the caucus and then vote it later today. I think there is a major question here since it has changed the language so substantially from what it was and actually brought up new issues. They should be resolved carefully.

HB 198 PASSED OVER TEMPORARILY

The SPEAKER. Does the gentleman, Mr. Garzia, have any

objection in delaying the vote on concurrence until after caucus?

Mr. GARZIA. Mr. Speaker, I have no objections to that, but I wanted to tell the House members that what the Senate has struck out of the bill when it left the House, I redrafted that portion into a bill. Anyone who wants to sign it, I have the bill right here. It puts back what they took out of the bill that we sent over.

The SPEAKER. There being no objection from the prime sponsor of the bill, Mr. Garzia, HB 198 on concurrence will go over temporarily until after caucus of both parties. We will come back to it in the afternoon session.

STATEMENT BY MR. DeVERTER

The SPEAKER. The Chair now recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVerter. Thank you, Mr. Speaker.

Mr. Speaker, I suspect each of us has a unique event situation in each of our districts. Punxsutawney and Quarreyville each have their groundhog days and many places across the state hold rattlesnake hunts. We have, that is right, Goose Day.

It is not what some of you may think. It is a serious event steeped in the glorious history of central Pennsylvania. But it is designed for good fun and, mostly, good eating.

Goose Day is an event worth planning for in the wonderful tradition of central Pennsylvania. I hope you will reserve the weekend of September 29 through October 1 for a visit up our way. There will be a Health Fair planned for two of the days. On another day there will be a Wild Goose Day Mini-marathon, which I will invite joggers Lincoln and DiCarlo to, who are not paying attention so they are going to miss it. It is a 6-mile cross-country race with some prizes at the end of it. Beginning at 1 o'clock on Sunday, there will be a wild goose road rally in which all of you are invited to participate. And that afternoon, if you care to attend, there will be a praise and prayer service.

What is Goose Day? Well, I am glad you asked. Even though you did not, I am going to tell you. This explanation perhaps will end some of the snickering, particularly among those of you who relish good food.

Actually, the correct name is Michaelmas Day. That is a religious holiday on which the feast of Saint Michael and all other saints are celebrated and observed. It is always on September 29.

Eating on Michaelmas Day is a custom from fifth-century England. And that leads to one of the reasons why I think you should partake of the Mifflin County festivities that weekend. For, you see, there is an old English proverb which says, "If you eat goose on Michaelmas Day, you will never want money all the year round."

That quote, for you doubting Thomases, could mean a solution to our annual tax and budgetary problems. Put another way, you might say that a little goose goes a long way.

But to return to my explanation: Two centuries ago, a Dutch farmer settled in nearby Snyder County and looked around for a tenant farmer to help work his fields. He found a young Englishman who agreed to work for him providing they could settle their accounts each year on September 29. When that

day came, the tenant settled with his landlord and, as was his native custom, presented him with a goose. Well, not wanting to look a gift goose in the face, the Dutch farmer promptly accepted the bird and had a great dinner. The event was lucky for the young Englishman as well, because he later married the Dutchman's niece. So everybody "lucked out." And to this day, central Pennsylvanians go out of their way to get a good goose dinner on Michaelmas Day. If you are in my district that day, every restaurant, club, and motel—anywhere you care to eat—will offer roast goose.

You are welcome to partake, even if you are a lame duck. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. DeVerter.

ARTICLES PRESENTED FOR JOURNAL

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

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

I would like permission to enter into yesterday's Journal a newspaper article which deals with the commemoration of the 200-year anniversary of the Battle of Wyoming. It was a very historic event in our particular community. It was properly celebrated, and I would like to duly make this part of the record of the Commonwealth.

The SPEAKER. The Chair notes the gentleman's remarks. The gentleman's remarks will be spread upon the record.

(Newspaper article is included in Legislative Journal of September 11, 1978.)

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The clerk of the Senate presented the following bill for concurrence:

SB 951, PN 1057

Referred to Committee on Labor Relations.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate informed that the Senate has adopted the Report of the Committee of Conference on **HB 993, PN 3471**.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate informed that the Senate has adopted the Report of the Committee of Conference on **HB 1860, PN 3516**.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from

SENATE AMENDED

Prior Printer's Nos. 218, 740, 1147, 1330, 3412, 3453
Printer's No. 3514

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 198

Session of 1977

INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS,
COLE, RUGGIERO, O'KEEFE, STAPLETON, TENAGLIO
AND REED, FEBRUARY 9, 1977.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
JUNE 26, 1978.

An Act

Regulating the contractual powers of individuals serving in State or State agencies and local political subdivision positions and prohibiting certain State PUBLIC employees from engaging in post State employment conflict of interest activities.

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

~~Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:~~

~~"Executive level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.~~

~~"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive level employee.~~

~~Section 2. No former executive level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.~~

~~Section 3. (a) Any individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision respectively shall enter or have an interest.~~

SECTION 1. (A) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL NOT HAVE AN INTEREST RESPECTIVELY IN ANY CONTRACT OR CONSTRUCTION IN WHICH THE POLITICAL SUBDIVISION SHALL ENTER OR HAVE AN INTEREST.

(b) Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth.

(c) For purposes of this section the term "interest" shall mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partner-

ship, corporation or association of which the individual is a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

SECTION 2. NO INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL:

(1) ACCEPT OTHER EMPLOYMENT WHICH WILL IMPAIR HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;

(2) IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR USE SUCH INFORMATION TO FURTHER HIS PERSONAL INTERESTS;

(3) USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS FOR HIMSELF OR OTHERS; OR

(4) ACCEPT ANY GIFT, FAVOR OR SERVICE THAT MIGHT REASONABLY TEND TO INFLUENCE HIM IN THE DISCHARGE OF HIS OFFICIAL DUTIES.

Section 4 3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall EITHER forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation OR FORFEIT HIS OFFICE OF PUBLIC TRUST.

Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

SECTION 4. ANY INDIVIDUAL COVERED BY THIS ACT SHALL ON OR BEFORE JANUARY 31 OF EACH YEAR, FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THEY RESIDE A WRITTEN STATEMENT OF WHICH SHALL BECOME A MATTER OF PUBLIC RECORD AND SHALL INCLUDE:

(1) EVERY OFFICE OR DIRECTORSHIP HELD BY HIMSELF OR HIS SPOUSE IN ANY CORPORATION, PARTNERSHIP OR ASSOCIATION WHICH IS SUBJECT TO THE JURISDICTION OF THE POLITICAL SUBDIVISION IN WHICH HE LIVES.

(2) A LIST SHOWING EACH TYPE OF BUSINESS OR BUSINESS ACTIVITY FROM WHICH HE RECEIVED COMPENSATION IN EXCESS OF \$1,500 DURING THE PRECEDING 12-MONTH PERIOD BY VIRTUE OF HIS BEING AN OFFICIAL, DIRECTOR, EMPLOYEE, PARTNER OR MEMBER OF, OR BEING RETAINED BY, ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER BUSINESS ASSOCIATION, CONDUCTING OR CARRYING ON SUCH BUSINESS OR BUSINESS ACTIVITY.

(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS

PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

~~SECTION 5. IF AT ANY TIME A COMMISSION OR BOARD OF ETHICS, WITH RESPONSIBILITY FOR ESTABLISHING AND ENFORCING ETHICAL STANDARDS FOR ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, IS PROVIDED FOR BY STATUTE, THE DUTY OF ISSUING ADVISORY OPINIONS, PURSUANT TO THIS ACT, SHALL BE TRANSFERRED FROM THE ATTORNEY GENERAL TO SAID STATUTORY BOARD OR COMMISSION.~~

SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT ~~State employees shall be transferred from the Attorney General to said statutory board or commission.~~

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(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

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SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT SHALL BE CONSTRUED TO PROHIBIT ANY CONSTABLE OR ANY EMPLOYEE OF A COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT JUSTICE FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3, 1937 (P. L. 1333, NO. 320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION DAY ACTIVITIES.

Section 7-6-6. This act shall take effect in six months.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

Just so the gentleman, Mr. Garzia, and the House understand

what Mr. Pitts would like to do, understandably so that rule 30 states very clearly that this House of Representatives cannot offer amendments to Senate amendments, the gentleman, Mr. Pitts, was going to recommend to the House tomorrow a suspension of rule 30 so that at that time he could offer an amendment which would reinsert into this legislation the language which was contained in this House bill when it left this Chamber, because what the Senate has done is restrict the scope of this bill to local government in certain instances, and Mr. Pitts would like this bill to reach much further than just local government and also cover state government and officials employed with the state government. That is why it has been requested that the bill be held, just so everyone in the House understands very clearly why it has been held, and I would suggest that if the House takes action not to hold the bill, they will have done so at their own peril.

Mr. Pitts wants to make this bill stronger; he wants to put it in the same form that it was when it left this House of Representatives. It was a much better bill at that time than it is right now, because it included not only local government but also state government as well.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts. Do you wish to be recognized on this question?

Mr. PITTS. Mr. Speaker, could I move to suspend the rules to allow for the offering of the amendment? I have requested the amendment but have not received it.

The SPEAKER. The gentleman would be in order once the Chair has placed the question, and the Chair will return to the gentleman at that point in time.

Does the gentleman from Delaware, Mr. Doyle, wish to be recognized on this question?

Mr. DOYLE. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Doyle.

Mr. DOYLE. Mr. Speaker, if the bill was amended tomorrow, even assuming that we could amend it, it would only go half-way. We could not touch the Senate amendments that they put in. What should be done, and the proper procedure I would suggest to both sides of the aisle, is to call the bill up, nonconcur, put it into a conference committee, and then we can accommodate the amendments of Mr. Pitts, and then we can also amend out any Senate amendments that are in there.

So that is the reason to call it up now and to nonconcur, as Mr. Garzia and myself and several others have requested this morning. If we delay it until next week, it only delays again the appointment of a conference committee that can accomplish this. If the conference committee is appointed today here in the House and subsequently tomorrow in the Senate, the bill could be ready for report next week.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, would the gentleman, Mr. Pitts, consent to brief interrogation?

The SPEAKER. The gentleman, Mr. Pitts, indicates he will stand for interrogation. The gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman state as to whether he has had any discussions with the Senate as to how they will receive this bill if we make the changes that he proposes to make?

The SPEAKER. Will the gentleman yield?

There is entirely too much talking going on. Those members who insist on carrying on their own private business will do all of us a favor by removing themselves from the floor of the House. Clear that area behind the brass rail. Clear it now.

The Chair apologizes to the gentleman, Mr. Pitts, and the gentleman may now stand for interrogation.

Mr. PITTS. Mr. Speaker, no; I have not talked to the Senate.

Mr. RAPPAPORT. I am sorry, Mr. Speaker. I did not hear the gentleman's answer.

Mr. PITTS. I said, Mr. Speaker, I have not talked to the Senate.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

May I be recognized for a short statement?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, this bill in its present form passed the Senate by a vote of 40 to 7. I would echo some of the arguments made by my good friend from Delaware County, Mr. Doyle, by saying if we follow the procedure as suggested by the gentleman, Mr. Pitts, we will merely be sending them back the same bill we sent in the first place, and absent any indication from them that they have a change of heart, we will be engaging in a merry-go-round and a useless act.

If it is the intention of the people who are proposing to suspend the rules to kill this bill, I would suggest that that is the precise way of doing it. If, on the other hand, we want to see a bill passed in proper form—and I happen to violently disagree with one of the provisions in the bill as it stands now—then the proper way to do it is to nonconcur and go to a conference committee, and I would ask, therefore, that the rules not be suspended. Thank you, Mr. Speaker.

The SPEAKER. Let the Chair place the question, I think, before we continue this debate.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the gentleman, Mr. Garzia, has asked that the vote be in the negative. On the same question, the gentleman, Mr. Tenaglio, has asked that the vote be in the affirmative.

The question before the House is, shall the House concur? Now if anyone wishes to debate that particular question, the Chair will recognize him, and at the close of that debate, if the gentleman, Mr. Pitts, wishes to move to suspend the rules, which he must do in order to offer his amendment, the Chair will then recognize Mr. Pitts.

On the question, does the gentleman, Mr. Zeller, wish to be recognized on the question? The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, the point I want to make is something that was brought up this morning in regard to Mr. Cowell, Mr. Doyle, and Mr. Garzia, that I believe, Mr. Speaker, you would lose. I believe we would lose it. It may be a political move that would sound good for a party and all that, but as far as wanting to get the members of the legislature to be involved as well in this responsibility as employees, the problem you are going to have here is, if we amend it and send it back, it will be the same version it was before, and you know that.

I think the chance that we have to get what you want is by nonconcurring, and that is giving them the same message. They are getting the same message in nonconcurring as what you want to do, because they do not have to go along with us over there if we suspend the rules and place your amendment in, which I would like to see in. If we do that, they do not have to concur in it over there. We are still in the same rat race. But right now with a conference committee, I think you are going to get what you really want. I know there are enough members in here who feel that way, and politically, certainly it is better for us to have all sides in. I would not want to see it go the way it is. So really, I think you people have made your minds up already probably in caucus, but I feel it is the wrong move to make right now. I really do. I feel that we should nonconcur and then get a conference committee and then work those poor fellows over there.

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

Mr. M. P. MULLEN. Mr. Speaker, I think we should concur in the amendments that were sent over by the Senate. I have no objection to what Mr. Pitts wants to do, but I do have objections to sending it back to a conference committee, because the prime sponsors have already indicated what they want to do. They want to delete from the bill the provision that was inserted by the Senate which would permit political activity on behalf of the court employees. I think this is a good thing. I think that every citizen of the Commonwealth, whether he works for the court or whomever he works for, has a right to engage in political activity. I have no quarrel with the ethics part. That is a good thing, but I do not think we should deny any citizen the right to engage in political activity. To me, this is the main portion of the bill, and the only way that I think we are going to get this is to concur in the Senate amendments immediately and then send it to the Governor for his signature or his veto. But to do what has been advocated here today is not going to help us.

If Mr. Pitts' amendments go in, it will go to a conference committee and be killed, and if we nonconcur, it will go to a conference committee and delete what I just said is important to the bill. So I say we ought to vote in the affirmative and concur in the Senate amendments.

The SPEAKER. On the question, does the gentleman from Blair, Mr. Milliron, desire to be recognized?

Mr. MILLIRON. After the end of the debate on the Pitts question, Mr. Speaker.

The SPEAKER. Does the gentleman from Blair, Mr. Hayes, desire to be recognized?

Mr. S. E. HAYES. Not on this specific issue, Mr. Speaker.

The SPEAKER. The rules of the House forbid the addition of any amendment, or any other business, to a bill on concurrence in Senate amendments and limit the House to the debate on the question, shall the House concur in the amendments inserted by the Senate?

The gentleman, Mr. Pitts, has informed the House that he wishes to offer an amendment to this particular bill. The only way that he may do that is by suspension of the rules. For the purpose of offering that motion, the Chair now recognizes the gentleman from Chester, Mr. Pitts.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts, now so that he may make his motion to suspend the rules.

Mr. PITTS. Mr. Speaker, I move that we suspend rule 30 for the purpose of offering an amendment.

The SPEAKER. It is moved by the gentleman, Mr. Pitts, that rule 30 of the rules of the House be suspended so that he may offer, if indeed the rules be suspended, an amendment to HB 198, PN 3514. The question now is on the motion.

Does the gentleman, Mr. Doyle, wish to debate the motion?

The Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. For the very reasons that we stated previously, it is not necessary to suspend the rules and to place the amendment in now. It would be far better to oppose the motion now to suspend, then subsequently to nonconcur. At that time the amendment proposed by Mr. Pitts could be taken up by the conference committee. If we suspend now—and Mr. Zeller was absolutely correct—when it goes back to the Senate, they will not accept it because they did not accept it to begin with. That is why we should act as we have outlined — to nonconcur and oppose the motion to suspend. Thank you. Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Milliron, on this question.

Mr. MILLIRON. Thank you, Mr. Speaker.

Mr. Speaker, if we go to a conference committee, I do not feel that the Senate will go along with the amendments, so as a result we end up with no bill whatsoever. If we do suspend the rules—and I support that suspension of the rules—we put it right back on the Senate, where it should be, and we say we want to have a complete accounting of our employes and we want to have penalties. Now either stand up and vote for it or vote it down. Do not let them cop out in a conference committee. I support the motion to suspend.

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

Mr. D. M. FISHER. Thank you, Mr. Speaker.

Mr. Milliron said just about what I wanted to cover. I think, though, we want to clarify one thing that Mr. Zeller may have said, that if amend this we will be sending it back the same way that it left here before. We will not. We will be sending it back with the language we believe should be in it, plus we will be sending it back with the language the Senate put in it.

By considering the Pitts amendment, which this motion would allow us to do, we will be sending back at least a partial

package on ethics. It is not a complete package. It would obviously have to cover other things, but I think this is the first route we should take.

If the Senate, then, chooses not to accept our amendments, then we can get to the question Mr. Mullen posed. We could withdraw the Pitts amendment, vote to concur, and send the whole bill to the Governor. But I think first of all we should address ourselves and send this bill over to the Senate the way we believe it should be in form; not the way they sent it over. If we send it to a conference committee, which nonconcurrence will do, I am afraid that we will never see this ethics bill again this session. Let us vote to suspend the rules and let us consider the Pitts amendment. Thank you.

The SPEAKER. Does the gentleman from Delaware, Mr. Garzia, wish to be recognized on this question?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman.

Mr. GARZIA. I oppose the suspending of the rules.

If we suspend the rules and allow Mr. Pitts to put his amendment in, I am sure that Mr. Ryan and the other two people who had amendments to this bill will also want to put their amendments back into the bill.

When I first put this bill in, it was only 15 lines long. It only dealt with local government. I was only interested in local government. I was not interested in the state or anything, but those amendments were passed on the floor. I am asking you people to send this bill to a conference committee. Let us start on a local level. You have enough bills that came out of the State Government Committee these last couple of weeks to take care of all of the excess motions you want to take care of.

If a motion is passed to suspend the rules, I would offer the last amendment, if I may, to take everything out that was put back into the bill and vote on the bill that we have now in front of us. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Chester Mr. Morris, on the question.

Mr. MORRIS. Thank you, Mr. Speaker.

I would like to say that I agree with Messrs. Milliron and Fisher. I think that the way to handle this is to let Mr. Pitts do it the way that he wants to do it. I think that the climate of the times has changed even since last spring and I think that there is a very good chance that the Senate will go along with the amendments which Mr. Pitts wishes to insert, and I think that that is the way to go about it. I think if we just refuse to concur, we are going to be in trouble with the bill.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes, on the question.

Mr. S. E. HAYES. Mr. Speaker, I believe that it has all been said now, but we keep having promised to us that there will be a conference committee meeting, and I guess the veiled implication is that that conference committee—whoever may populate that committee—is somehow going to accept the Pitts amendment which had been agreed to by this House of Representatives several weeks ago. I do not know who is going to be on that conference committee.

Let us assume that the three conferees from this House of Representatives not only preserve the language which is presently before us but also reinsert the language offered by the gentleman, Mr. Pitts. There is no telling whether the three senators would even show up or not for a conference committee.

I do not know but that in these waning days of this General Assembly there will be many pieces of legislation which get caught by the clock and I think that these members in this House of Representatives have every right to stand up to the Senate of Pennsylvania and say, do not take that language out that we put in HB 198 a couple of weeks ago. Do not ask us to accept your amendments that took this more far-reaching language out. We insist in our position and as sovereign elected Representatives, each and every one of us, we are going to insist on that language. Make that Senate bite the bullet. Do not let them use the clock that is running against this type of legislation in this session of the General Assembly. Send it right back to them. Ted Doyle, Ralph Garzia and any other ones of us cannot guarantee who is going to be on that conference committee as far as the Senate is concerned, and we have no idea what those Senators may view as proper legislation. But we know one thing: An overwhelming majority of the Representatives in this body said we should have that Pitts language; that we should include not only local government but also state government. Let us stand up for what is right today — support suspension of the rules and send it right back to them. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Lincoln, on the question.

Mr. LINCOLN. Mr. Speaker, I have a question to ask. I do not know whether it should be in the form of a parliamentary inquiry or just a question of you on this bill.

The SPEAKER. The gentleman will state his question.

Mr. LINCOLN. Supposing that we do accept Mr. Pitts' motion and suspend the rules and insert his amendment into this bill, what does the Senate do with it then? How are they going to vote on something? We are supposed to be concurring on Senate amendments. What do we do with it after we have done what they are proposing? I have a very big question in my mind as to whether the Senate would ever have to vote on it at all under those circumstances. I do not know what procedure they would use.

The SPEAKER. In the opinion of the Chair—and of course this is not a formal opinion—the Senate would have to take one of two actions: One, it could assume that by our failure to concur in the Senate amendments which we would have failed to do, that we had, in fact, nonconcurrred, or it could ignore the question of concurrence or nonconcurrence and simply decide as to whether or not it would concur in our amendments to HB 198. It would have to take one of those two courses.

Mr. LINCOLN. Mr. Speaker, I question that because, first off, whenever we send a house bill over to them that has been amended, it does not go on a concurrence calendar in the Senate. It would go to a committee. It would also go to first, second and third reading, and I really do not see any difference in us sending a bill over to them that we have suspended our rules on

and amended. To me, it would have to go through the committee system again when it gets in the Senate. I do not see any other way that they could vote on it in the shape and in the procedural form that we are using to get it back to them. I question whether we should be doing this if we are really interested in getting some type of ethics law into effect.

The SPEAKER. The Chair thanks the gentleman for his observation but points out to the gentleman that the House cannot be constrained in its activities by any hypothetical problems that the Senate might have in dealing with it. I do concur with the gentleman's analysis that whatever action we may take may compound the problem between the two houses, but the House cannot be constrained in its activities because of that.

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I think it behooves us to put this amendment in there and then I think it behooves the press to force the Senate to accept our amendment.

The press knows that the amendment is right, and I think we ought to send it over with a press release. It is up to the press in sitting over there to get it to the people, and maybe then the Senate will vote the way the people in their districts want them to, if the press makes them aware of the things that are going on before the fact instead of after the fact.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller. For what purpose does the gentleman rise?

Mr. ZELLER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZELLER. The point of order is, since when does this House of Representatives have to take the key or any kind of a nudge from the press? I think it is about time we start doing our own thing. As a matter of fact they have been doing enough damage.

Miss SIRIANNI. Mr. Speaker, they have not hurt me.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Geesey. For what purpose does the gentleman rise?

Mr. GEESEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GEESEY. It is my understanding, Mr. Speaker, that the Senate has a rule which allows them to amend house bills that have been sent to them for concurrence. Shake your head yes; it is true.

The SPEAKER. I know that the Senate has a rule which permits them to amend a House amendment. I am not so sure that they have a rule which would amend a committee of conference.

Mr. GEESEY. Perhaps your statement is somewhat more precise than mine, and I will accept that. That being the case and the bill then returns to the House, how do we handle it?

The SPEAKER. You mean if the Senate were to amend our amendment?

Mr. GEESEY. Yes. If it comes back to us how do we handle it?

The SPEAKER. I would suspect that we would be in almost the same trap that was envisioned by the gentleman, Mr. Lincoln.

Mr. GEESEY. How do we handle it?

The SPEAKER. We would probably have to decide whether or not we were going to concur in the Senate amendments, regardless of how the amendments got there.

Mr. GEESEY. That is right, and that being the case, then the Senate would be in the same kind of position should we amend their amendment to a House bill. If we suspend the rules, they would be in the same kind of position.

Therefore, they would have to vote on the bill sent to the House if we amend their amendment on a concurrence basis. Under those circumstances, I do not think there is any question in my mind that that is precisely what the House should do, because if this bill were to go to a conference committee, everybody in here knows who the Senate leadership would appoint to that committee, and it would not be those who are in favor of the bill as it originally passed the House. Now, if that is what this House wants, and I hope it is, then we better suspend the rules and pass this amendment to the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Ritter.

Mr. RITTER. Mr. Speaker, I wish the gentleman, Mr. Geesey, would not have made the reference to the Senators that he did. We normally do not allow it anyway, but the reference made to the leaders in the Senate, I think, was totally uncalled for. I do not know whom he was referring to, but if he was referring to Senator Henry Messinger, I think the statement was made in error and ought to be withdrawn.

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

Mr. GEESEY. Mr. Speaker, if I may, please, I have absolutely no idea who voted for the bill or against the bill or for the amendment or against the amendment in the Senate. If the gentleman thinks I was referring to any specific Senator, I think he is wrong. I would, however, apologize if he is offended. I simply made the statement because the bill, when it passed the Senate, passed 40-7 with the Senate amendment in it and was a much watered-down bill. And that is the only reference I had. Any other reference that may have been taken, I certainly did not mean and I certainly do apologize for.

The SPEAKER. The Chair recognizes the minority leader.

Mr. SELTZER. Mr. Speaker, who are we trying to kid? This is the last opportunity for the members of this House to vote for a decent far-reaching conflict-of-interest legislation this year.

Mr. Speaker, I certainly do not want to be the conscience of the Pennsylvania Senate. Let them defend themselves for what they do not do.

Mr. Speaker, I cannot guarantee or even imply what the conference committee would do or will not do on this legislation. But I have a gut feeling, Mr. Speaker, that if this legislaton

ever gets to a conference committee, it will never again see the light of day in this legislative session.

Mr. Speaker, if this bill is going to die, let it die in the form that it should be passed. Let it not be on our conscience that we are going to let a bad piece of legislation die in a conference committee. Let us do what is right as we as members of this House of Representatives can do.

I feel odd, Mr. Speaker, in standing here defending, not a Republican proposal, because the sponsors of this legislation were all Democratic, even though the Republican Party in toto agrees with the provisions of this bill. We are here willing and able to support good legislation. If we do not get an opportunity to put in Mr. Pitts' amendment, we will never have another opportunity to do what is right in the area of a conflict of interest. Let us try, Mr. Speaker. It is the best that we can do.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I have been trying to figure out what all of the hullabaloo is about and what all the "let us get a good ethics bill" is about and "let us not leave this session without a good conflict-of-interest attempt." I have tried to determine from Mr. Pitts and from what has been spoken so far just what the Pitts amendment would do.

The bill that we sent to the Senate is in a very limited area. It talks about employes of state government in a higher level capacity who, in their work, have discretionary powers that affect business corporations, in either bringing business corporations, perhaps, into the state or doing business with the state. And it simply prohibits those employes from going to work for those businesses that they had anything to do with while they were state employes, for a period of 2 years. Now, that is about what the bill does or what the bill did when it left here. I think that is a far cry from a good ethics bill or a good conflict-of-interest bill and I do not think we ought to make all that kind of hullabaloo about it.

It is my understanding that the amendment is not in print and it has not been distributed. I would simply suggest to the members of the House that until we have the Pitts amendment before us, that we should not vote on whether or not we want to suspend the rules to insert it into the bill.

I certainly think that members of this House are entitled to see what we are talking about without all the rhetoric that we have heard so far about how good we are going to be and how good we are going to look if we take this final last-ditch attempt to put a good ethics bill into place, if it is not that at all, and it does not seem to be that from what I know.

So I would suggest, Mr. Speaker, that we delay the vote on suspension of the rules until the members of this House can see what the language is we are talking about in the amendment.

The SPEAKER. Would the gentleman, Mr. Pitts, answer an inquiry from the Chair?

Is the gentleman's amendment ready for distribution? Is it merely a mechanical question of having it duplicated?

Mr. PITTS. Mr. Speaker, it is coming right down. It has been ordered for some time and it is supposed to be here.

The SPEAKER. In other words, it has not yet come from the Legislative Reference Bureau.

Mr. PITTS. It is not in my possession yet.

The SPEAKER. Would the two leaders of the House concur in the suggestion on the part of the Chair that we might avoid a great deal of debate about something that we have not yet seen if we were to delay this until 4:15? Would that estimate enough time to get the amendment down and have it duplicated?

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER. Is there an objection to that? Is 4:15 a satisfactory time?

The Chair recognizes the minority leader.

Mr. SELTZER. Mr. Speaker, your question before us is really the parliamentary question, and as a supporter of Mr. Pitts, if we find ourselves in an awkward position and if we lose this one, then the offering of the amendment is worthless. If the Chair would want to dispose of the parliamentary question first, we may not have to have the 4:15 session, unless we good guys win.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. Mr. Speaker, perhaps a little bit of clarification could be given by Mr. Pitts. Ask Mr. Pitts what the amendment does and, secondly, does it touch the language that the Senate inserted on page 3 and 4 dealing with the permission of court employes to be able to belong to a political party. Does your amendment deal with that? Does it extricate it or what?

Mr. PITTS. Mr. Speaker, I yield to Mr. Hayes.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, the Pitts amendment restores the language which this House of Representatives agreed upon when it passed HB 198. It does not violate that language which was placed into the bill by the Senate of Pennsylvania.

Mr. DOYLE. Then I understand that your amendment would not strike out the language that the Senate inserted allowing court employes to be political activists?

Mr. S. E. HAYES. That is correct, Mr. Speaker.

Mr. DOYLE. May I address my next inquiry to the Chair?

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

Mr. DOYLE. Would it be proper to have an amendment prepared deleting the Senate language and that alone? Could we amend the Senate amendment to that extent?

The SPEAKER. If the gentleman were to move to suspend the rules and if the House were to agree to the suspension of the rules, then any amendment would be in order which would amend HB 198.

Mr. DOYLE. That being the case, would a simple vote on non-concurrence produce the same effect?

The SPEAKER. In the opinion of the Chair, it would.

Mr. DOYLE. Thank you, Mr. Speaker. I believe that is the answer.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Al-

legheny, Mr. Cowell. For what purpose does the gentleman rise?

Mr. COWELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWELL. Do I correctly understand that if we should vote to suspend our rules, then it would be in order for other amendments to be offered in addition to the Pitts amendment?

The SPEAKER. That would be absolutely correct, because the motion to suspend the rules is not limited to the particular amendment to be offered by the gentleman, Mr. Pitts. The rules would be suspended and, therefore, any amendment to HB 198, which would normally be acceptable—it would have to be germane of course—could be offered on the floor of the House.

Mr. COWELL. One final question, Mr. Speaker: Would, in that case, the Chair see fit to provide adequate time for other members to have amendments prepared if they would be in order at that time?

The SPEAKER. The answer is certainly yes.

Mr. COWELL. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell. For what purpose does the gentleman rise?

Mr. O'DONNELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'DONNELL. Would any and all legislation touching on conflicts of interests and ethics be germane to this legislation?

The SPEAKER. The Chair would hesitate to answer in the affirmative without seeing the individual amendments which would be offered. But if the gentleman were to ask simply for a generalization, the Chair would certainly have to be inclined to say that that would be true, because this bill, as the Chair reads it, does not amend a particular code. Therefore, as long as the amendment to be offered on the floor were about the same subject matter, the Chair would be inclined to rule that it would be germane and therefore acceptable.

Mr. O'DONNELL. In that case, Mr. Speaker, my second inquiry is: Is the discussion of the Pitts amendment in order whatsoever if the parliamentary question before the House is merely the suspension of the rules to permit all amendments to this bill?

The SPEAKER. No.

Mr. O'DONNELL. In that case, Mr. Speaker, I would like to make a point of order. Maybe I will not.

The SPEAKER. What is the gentleman's point?

Mr. O'DONNELL. That debate on the subject be limited to, not the merits of the Pitts amendment or the Cowell amendment or the other amendments that are obviously going to be offered, but simply the parliamentary issue of the suspension of the rules, without going into the substance of the Pitts amendment. When and if that question is decided by the House, I would then, if no one else does, request the delay for the preparation of other suitable amendments.

The SPEAKER. The Chair will endeavor to limit the debate strictly to the parliamentary question. But the Chair assumes

that the reply of the gentleman, Mr. Seltzer, to the Chair's inquiry is in the negative, that the gentleman is unwilling at this point in time to delay until 4:15.

The Chair, therefore, unless it has that concurrence in both leaders, will not declare a recess.

The Chair recognizes on the parliamentary question, the gentleman from Philadelphia, Mr. Mullen.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I am going to ask Mr. Pitts to withdraw his motion to suspend the rules. Certainly he ought to see the pitfalls that he is getting into with this motion to suspend the rules. He ought to withdraw it, because, first of all, he has a bill which is half good. It applies to all the employes of the local municipalities. That is what he wants; he wants the whole state. He has half of this thing, and the other half is what I am interested in, to protect the citizens who work for the courts, to protect their rights. Now, he has half a loaf and he had better take that, because if he goes in and he opens the thing up, we are all going down the drain and we will get nothing.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, in response to Mr. Mullen, I am interested in that half a loaf, but I represent the people in my district, and they are also interested in the whole loaf. I think we ought to make this apply across-the-board to all those in the Commonwealth, if we can, and, therefore, I would like to offer this amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I will just make one little brief statement. Then I will sit down and wait for the vote. This is my second term in the House. I had a bill in, HB 337, which was passed in 1975, and it died over in the Senate. This term I put the bill in and it became HB 198. My prime concern, when I put this bill in, is to stop an engineer and a solicitor, especially those two, from having a conflict of interest.

To this day, engineers and lawyers will represent a borough and township and then still represent a large building contractor in the borough and township. An engineer is inspecting his own work, and I think it is wrong. This is why I put this bill in. I am not worrying about the state government or anything like that. That is not my prime concern on this bill.

This is my first bill I put in. It is identical to HB 337 and it died last year over in the Senate. This bill, HB 198, was passed over a year ago and it laid over in the Senate until I begged them to take it out. I am the one who told them to strip out the State version in here, because you know and I know it would not go anywhere.

So give your local communities in this state a break by passing an ethics bill for them. I have the bill prepared for what has been stricken out of this, and if you want to sign it, you are invited to sign it.

Another thing, too, I just found out a few minutes ago, the

Boroughs and the State Associations are against this bill. Why, I do not know, but they are against it. They may or may not be putting pressure on anybody. I have no idea, but I think it is a shame that we have to stand here today and spend an hour on whether to suspend the rules on a conference committee, which I think has never been done since I have been up here, and we should start now. Because if that so happens, I think myself and a few others will be back next year, and I will ask to suspend the rules on all the conference committees, regardless of what it is, just to retaliate against this bill.

This is a good bill. It is for local government. So for God's sake, vote not to suspend the rules for the amendment, and let us just take a chance and go to a conference committee. I will be on that conference committee because I am the prime sponsor of this bill and I will guarantee I will make enough noise that we will get this bill moved out of conference committee. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The majority leader tried to play down the scope of the legislation which was passed by this House of Representatives. I would just ask the members to reflect upon the language which is found on page 2 but amended out by the Senate, lines 17 to 22, specifically section 3. Listen very carefully. This is good conflict-of-interest language: "Any individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision respectively shall enter or have an interest." That is good conflict-of-interest language. It does, Mr. Garzia, exactly what you want to do. It does not do it just for local government, however. It does it for state government as well.

Yes, we have been here an hour debating this legislation and this proposed suspension of the rules. I suggest, Mr. Garzia, that the people in your district, just as the people in my district, would want us to debate this kind of legislation a little bit longer because we are not having enacted this type of legislation.

Mr. Garzia, I know you are going to do a good job in that conference committee, but we can make it easier for you if we submit to the Senate of Pennsylvania our stern desire to have legislation that does not affect just local government. Yes, it should affect local government, but it should also affect state government. Let us do the whole job. Let us not do just part of a job.

Mr. Speaker, we are within a baby's breath of doing what is right, and let us stand up and do it right now — suspend the rules and adopt the Pitts amendment, which will reinsert the language that we put in here a couple of months ago, and also preserve the language that Mr. Garzia and Mr. Mullen are interested in, at least for a start. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, in answer to Mr. Mullen who said if we do not take half a loaf, we are all going to go down

the drain. I think we were given a message, and if we do not know enough to clean up our act, we deserve to go down the drain.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, just a postscript to Mr. Hayes. I was aware of the section, section 3. It is pretty repetitive of a state conflict-of-interest law that is already on the books. That is not new language. We do have a broad general law that covers conflict of interest for state appointive people, and it is in place and it is pretty tough. So the only new thing that I understand that the Pitts amendment does—and I do not say it is not desirable—is to speak to people taking employment with corporations once they have dealt with those corporations while they were state employees.

The SPEAKER. The question recurs, shall the House suspend the rules temporarily so that amendments may be offered to HB 198, PN 3514, which is currently on concurrence in Senate amendments on our calendar?

Those in favor of temporarily suspending the rules will vote "aye"; those opposed will vote "no." The members will proceed to vote.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—121

Anderson	Goebel	Mebus	Seltzer
Armstrong	Greenleaf	Meluskey	Sirianni
Berson	Grieco	Miller	Smith, E.
Bittle	Halverson	Milliron	Smith, L.
Brandt	Hasay	Moehlmann	Spencer
Brown	Hayes, D. S.	Morris	Spitz
Burd	Hayes, S. E.	Mowery	Stairs
Burns	Helfrick	Mrkonic	Stapleton
Caltagirone	Hoeffel	Noye	Stewart
Caputo	Honaman	O'Brien, D.	Stuban
Cassidy	Hutchinson, A.	O'Connell	Taddonio
Cessar	Hutchinson, W.	O'Donnell	Taylor, E.
Cimini	Katz	O'Keefe	Taylor, F.
Cohen	Kernick	Pancoast	Thomas
Cowell	Klingaman	Parker	Wagner
Davies	Knepper	Peterson	Wansacz
DeVerter	Kolter	Petrarca	Wass
DeWeese	Kowalshyn	Piccola	Weidner
Dietz	Kukovich	Pitts	Wenger
Dorr	Lashingier	Polite	White
Fischer, R. R.	Lehr	Pott	Wilson
Fisher, D. M.	Letterman	Pratt	Wilt
Foster, A.	Levi	Prendergast	Wise
Foster, W.	Livengood	Pyles	Wright, D.
Freind	Lynch	Ruggiero	Wright, J. L.
Fryer	Mackowski	Ryan	Yohn
Gallen	Madigan	Salvatore	Zeller
Geesey	Manmiller	Scheaffer	Zitterman
George, C.	McClatchy	Schweder	Zord
George, M.	McLane	Scirica	Zwilk
Gillette			

NAYS—68

Arthurs	Fee	Lincoln	Richardson
Barber	Flaherty	Logue	Rieger
Beloff	Gallagher	Manderino	Ritter
Bennett	Gamble	McCall	Scanlon
Berlin	Garzia	McIntyre	Schmitt
Bittinger	Gatski	Milanovich	Shupnik

Borski	Geisler	Mullen, M. P.	Sweet
Brunner	Giammarco	Musto	Tenaglio
Cianciulli	Gleeson	Novak	Trello
Cole	Goodman	O'Brien, B.	Valicenti
DeMedio	Greenfield	Oliver	Wargo
DiCarlo	Harper	Pievsy	Wiggins
Dombrowski	Itkin	Quest	Yahner
Donatucci	Johnson	Rappaport	Zearfoss
Doyle	Jones	Ravenstahl	
Duffy	Kelly	Renwick	Irvis,
Dumas	Laughlin	Rhodes	Speaker
Englehart	Levin		

NOT VOTING—9

Dininni	Haskell	Miscevich	Vroon
Gray	McGinnis	Reed	Williams
Hamilton			

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, if this bill is held over until tomorrow, would the suspension of the rules still be in effect?

The SPEAKER. That is correct.

Mr. O'DONNELL. I would request that the bill be held over until tomorrow to allow the preparation of amendments, because I think we have opened a whole ethics can of worms.

The SPEAKER. The Chair takes notice of the gentleman's request.

The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I want to have this amendment voted on now, and this bill voted on now and not tomorrow or the next day. Thank you.

HB 198 PASSED OVER

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

Mr. COWELL. Mr. Speaker, I intend to offer an amendment now that the opportunity has presented itself. That amendment is not yet ready. I think it would be unfair to the members of this House to ask them to sit here today any longer while that amendment is being prepared. I would move that we pass over the bill until tomorrow.

The SPEAKER. It is moved by the gentleman Mr. Cowell, that the bill be passed over, that HB 198, PN 3514, be passed over until tomorrow.

Those in favor of that motion will vote "aye"; those opposed will vote "no." Debate is strictly limited to that motion.

The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I oppose the motion. I think we should vote on his amendment now and vote on the bill now, not tomorrow. I oppose it.

The SPEAKER. On the motion, those in favor of passing over the bill until tomorrow will vote "aye"; those opposed will vote "no".

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

The following roll call was recorded:

YEAS—158

Anderson	Freind	Mackowski	Salvatore
Armstrong	Fryer	Madigan	Scheaffer
Arthurs	Gallagher	Manderino	Schweder
Barber	Gallen	McCall	Scirica
Beloff	Gamble	McClatchy	Seltzer
Bennett	Gatski	McLane	Shupnik
Berlin	George, C.	Mebus	Sirianni
Berson	George, M.	Meluskey	Smith, E.
Bittinger	Gillette	Miller	Smith, L.
Bittle	Gleeson	Milliron	Spencer
Borski	Goebel	Moehlmann	Spitz
Brandt	Goodman	Mowery	Stairs
Brown	Greenfield	Mrkonic	Stapleton
Brunner	Greenleaf	Mullen, M. P.	Stewart
Burd	Halverson	Novak	Sweet
Burns	Hamilton	Noye	Taddonio
Caltagirone	Harper	O'Brien, B.	Taylor, E.
Caputo	Hayes, D. S.	O'Brien, D.	Taylor, F.
Cassidy	Hayes, S. E.	O'Connell	Thomas
Cessar	Helfrick	O'Donnell	Valicenti
Cohen	Hoeffel	O'Keefe	Wansacz
Cole	Honaman	Oliver	Wargo
Cowell	Hutchinson, A.	Pancoast	Wass
Davies	Hutchinson, W.	Parker	Weidner
DeMedio	Johnson	Peterson	Wenger
DeVerter	Jones	Petrarca	White
DeWeese	Kernick	Pievsky	Wiggins
DiCarlo	Klingaman	Pitts	Wilson
Dietz	Knepper	Polite	Wilt
Dombrowski	Kolter	Pott	Wise
Dorr	Kowalyshyn	Pratt	Wright, D.
Doyle	Kukovich	Prendergast	Wright, J. L.
Duffy	Lashinger	Pyles	Yahner
Dumas	Laughlin	Rappaport	Yohn
Englehart	Lehr	Renwick	Zearfoss
Fee	Letterman	Richardson	Zeller
Fisher, D. M.	Levin	Ritter	Zitterman
Flaherty	Lincoln	Ruggiero	Zord
Foster, A.	Livengood	Ryan	Zwikel
Foster, W.	Lynch		

NAYS—31

Cianciulli	Grieco	McIntyre	Scanlon
Cimini	Hasay	Milanovich	Schmitt
Dininni	Itkin	Morris	Stuban
Donatucci	Katz	Musto	Tenaglio
Fischer, R. R.	Kelly	Piccola	Wagner
Garzia	Levi	Quest	
Geesey	Logue	Ravenstahl	Irvis,
Geisler	Manmiller	Rieger	Speaker
Giammarco			

NOT VOTING—9

Gray	Miscevich	Rhodes	Vroon
Haskell	Reed	Trello	Williams
McGinnis			

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

HOUSE SCHEDULE

The SPEAKER. The vote which has now been taken insists now that there be an active calendar tomorrow and that the

members be present, for the motion was not to pass over but to pass over until tomorrow, and that is precisely what the House has voted to do. So the House will be active session tomorrow to consider HB 198 and any amendments pertinent thereto.

The Chair recognizes the majority leader.

Mr. MANDERINO. Let me cool us all down. I have a report from the Rules Committee.

BILLS REMOVED FROM TABLE AND REREFERRED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the Rules Committee has instructed me to make a motion to remove the following bills from the table and rerefer the same to the Appropriations Committee for fiscal notes, and I so move:

HB 340; HB 729; HB 851; HB 1182; HB 1575; HB 1592; and HB 1996.

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

The following roll call was recorded:

YEAS—188

Anderson	Gallen	Mackowski	Ryan
Armstrong	Gamble	Madigan	Salvatore
Arthurs	Garzia	Manderino	Scanlon
Barber	Gatski	Manmiller	Scheaffer
Beloff	Geesey	McCall	Schmitt
Bennett	Geisler	McClatchy	Schweder
Berlin	George, C.	McIntyre	Scirica
Berson	George, M.	McLane	Seltzer
Bittinger	Giammarco	Mebus	Shupnik
Bittle	Gillette	Meluskey	Sirianni
Borski	Gleeson	Milanovich	Smith, E.
Brandt	Goebel	Miller	Smith, L.
Brown	Goodman	Milliron	Spencer
Brunner	Greenfield	Moehlmann	Spitz
Burd	Greenleaf	Morris	Stairs
Burns	Grieco	Mowery	Stapleton
Caltagirone	Halverson	Mrkonic	Stewart
Caputo	Hamilton	Mullen, M. P.	Suban
Cassidy	Harper	Musto	Sweet
Cessar	Hasay	Novak	Taddonio
Cianciulli	Hayes, D. S.	Noye	Taylor, E.
Cimini	Hayes, S. E.	O'Brien, B.	Taylor, F.
Cohen	Helfrick	O'Brien, D.	Thomas
Cole	Hoeffel	O'Connell	Trello
Cowell	Honaman	O'Donnell	Valicenti
Davies	Hutchinson, A.	O'Keefe	Wagner
DeMedio	Hutchinson, W.	Oliver	Wansacz
DeVerter	Itkin	Pancoast	Wargo
DeWeese	Johnson	Parker	Wass
DiCarlo	Jones	Peterson	Weidner
Dietz	Katz	Petrarca	Wenger
Dinnini	Kelly	Piccola	White
Dombrowski	Kernick	Pievsky	Wiggins
Donatucci	Klingaman	Pitts	Wilson
Dorr	Knepper	Polite	Wilt
Doyle	Kolter	Pott	Wise
Duffy	Kowalyshyn	Pratt	Wright, D.
Dumas	Kukovich	Pyles	Wright, J. L.
Englehart	Lashinger	Quest	Yahner
Fee	Laughlin	Rappaport	Yohn
Fischer, R. R.	Lehr	Ravenstahl	Zeller
Fisher, D. M.	Letterman	Renwick	Zitterman
Flaherty	Levi	Rhodes	Zord

Section 3. Debt Authorization.—The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of \$3,407,500 as may be found necessary to carry out additional capital projects in the category of public improvements, consisting of the acquisition of original furniture and equipment to complete public improvement projects specifically itemized in a capital budget.

Section 4. Estimated Useful Life of Projects.—The General Assembly states the estimated useful life of all public improvement projects consisting of the acquisition of original furniture and equipment, heretofore itemized in the capital budget for the fiscal year 1978-1979, is not less than ten years from the date of acquisition.

Section 5. Appropriation.—The net proceeds of the sale of obligations herein authorized are hereby appropriated from the Capital Facilities Fund to the Department of General Services in the maximum amount of \$3,407,500 to be used by it exclusively to defray the financial costs of public improvement projects consisting of the acquisition of original furniture and equipment, specifically itemized in this capital budget. After reserving or paying the expenses of the sale of the obligations, the State Treasurer shall pay out to the Department of General Services the moneys as required and certified by it to be legally due and payable.

Section 6. Lapse of Funds.—Whatever of the amount herein appropriated is unexpended or unencumbered three years after the effective date of this act, shall lapse.

Section 7. Federal Funds.—In addition to those funds appropriated in section 5, all moneys received from the Federal Government for the purchase of furniture and equipment for the public improvement projects specifically itemized herein, are also hereby appropriated for those projects.

Section 8. Effective Date.—This act shall take effect immediately.

On the question,

Will the House adopt the Report of the Committee of Conference?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—179

Anderson	Gallagher	Manderino	Scheaffer
Armstrong	Gallen	Manmiller	Schmitt
Arthurs	Gamble	McCall	Schweder
Barber	Garzia	McClatchy	Scirica
Beloff	Geesey	McIntyre	Seltzer
Bennett	Geisler	McLane	Shupnik
Berlin	George, C.	Mebus	Sirianni
Berson	George, M.	Meluskey	Smith, E.
Bittinger	Giammarco	Milanovich	Smith, L.
Bittle	Gobel	Miller	Spencer
Borski	Goodman	Milliron	Spitz
Brandt	Gray	Miscevich	Stairs
Brown	Greenfield	Moehlmann	Stapleton
Brunner	Grieco	Morris	Stewart
Burd	Halverson	Mowery	Stuban
Burns	Hamilton	Mrkonic	Sweet
Caltagirone	Harper	Mullen, M. P.	Taddonio
Caputo	Hasay	Musto	Taylor, E.
Cassidy	Hayes, D. S.	Novak	Taylor, F.
Cessar	Hayes, S. E.	Noye	Tenaglio
Cianciulli	Helfrick	O'Brien, B.	Thomas
Cimini	Hoeffel	O'Brien, D.	Trello
Cohen	Honaman	O'Connell	Valicenti
Cole	Hutchinson, A.	O'Donnell	Vroon
Cowell	Hutchinson, W.	O'Keefe	Wagner
Davies	Itkin	Oliver	Wansacz
DeMedio	Johnson	Pancoast	Wargo
DeVerter	Jones	Peterson	Wass

DeWeese	Kelly	Petrarca	Wenger
Dietz	Kernick	Pitts	White
Dininni	Klingaman	Pott	Wiggins
Dombrowski	Knepper	Prendergast	Wilson
Donatucci	Kolter	Pyles	Wilt
Dorr	Kowalshyn	Quest	Wise
Doyle	Kukovich	Ravenstahl	Wright, D.
Duffy	Lashinger	Reed	Wright, J. L.
Dumas	Laughlin	Renwick	Yahner
Englehart	Lehr	Rhodes	Yohn
Fee	Letterman	Richardson	Zearfoss
Fischer, R. R.	Levi	Rieger	Zeller
Fisher, D. M.	Levin	Ritter	Zitterman
Flaherty	Livengood	Ruggiero	Zwikl
Foster, A.	Logue	Ryan	
Foster, W.	Lynch	Salvatore	Irvis,
Freind	Madigan	Scanlon	Speaker
Fryer			

NAYS—7

Greenleaf	Piccola	Pratt	Zord
Katz	Polite	Weidner	

NOT VOTING—12

DiCarlo	Gleeson	Mackowski	Pievsky
Gatski	Haskell	McGinnis	Rappaport
Gillette	Lincoln	Parker	Williams

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

HB 198 PASSED OVER

The SPEAKER. What is the will of the gentleman, Mr. Garzia, on this matter? We are on page 16, HB 198.

If you will recall, we postponed action on this particular bill until this week. The Chair directs the question to Mr. Pitts. Do the gentlemen, Mr. Pitts, Mr. Cowell, Mr. O'Donnell and Mr. Doyle, have any kind of agreement as to amendments to be offered to this bill?

Apparently the gentleman, Mr. Pitts, knows of no such agreement. The gentleman, Mr. Cowell?

Mr. COWELL. Mr. Speaker, I had just checked with the majority leader's office and I was under the impression this bill was to be considered tomorrow.

The SPEAKER. Tomorrow? The gentleman, Mr. Manderino, is on the floor.

Mr. Majority Leader, there has been a request on the part of Mr. Cowell that we pass HB 198, on page 16. That is the one in which Mr. Garzia's bill—

Mr. MANDERINO. Mr. Speaker, the plans are to handle the amendment or amendments on that tomorrow.

The SPEAKER. Tomorrow? The bill will be passed over, then, for today. The Chair thanks the majority leader.

The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Mr. Speaker, I wonder if the gentleman, Mr. Cowell, would be able to tell us now how close he is to having an amendment prepared? We would caucus on it this afternoon if he had such an amendment right now, because that bill is going to be heavily debated tomorrow and we would like to begin today.

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

Mr. COWELL. Mr. Speaker, the Reference Bureau had prepared a draft. We requested several minor changes; they are now taking care of those. We should have a copy available for your caucus within the next hour.

Mr. S. E. HAYES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, did I hear you say that you are going to pass the bill over for today?

The SPEAKER. That is correct, at the request of the gentleman, Mr. Cowell.

Does the gentleman, Mr. Garzia, object to that?

Mr. GARZIA. Yes, I do, Mr. Speaker. Now this has been on since Wednesday of last week, when this bill was amended under a motion to suspend the rules. I would like to make a motion now to suspend the rules that we suspended last week. I make that a motion.

The SPEAKER. The Chair does not recognize the gentleman for the purposes of that motion. The Chair recognizes the gentleman for the purpose of asking that the bill be called up, which is the gentleman's right. The gentleman is reminded, however, that the majority leader schedules the business on the floor of the House, and the majority leader has requested that the floor not deal with this particular problem until tomorrow. Will the gentleman please consult with the majority leader before placing any motion on the floor?

Mr. GARZIA. Thank you, Mr. Speaker.

**REPORT OF COMMITTEE OF CONFERENCE
CONSIDERED**

Mr. GOODMAN called up for consideration the following Report of the Committee of Conference on **SB 920, PN 3661**.

Prior Printer's Nos. 1062, 1599, 1797, 3381, 3417, 3515
Printer's No. 3661

Report of the Committee of Conference
on House Bill No. 920

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 920, entitled:

"An act amending the act of May 20, 1937 (P. L. 728, No. 193), entitled, 'An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation, changing the title of the board and its members and making it an independent administrative agency; transferring certain additional jurisdiction to the court; making certain repeals; increasing the terms of court members; further providing for the compensation of court members; ~~providing for hearing panels and for additional expenses;~~ changing procedures for transcripts; AND providing for the disposition of written complaints. ~~and providing for appeals to go to the Commonwealth Court.~~

respectfully submit the following bill as our report:

JAMES A. GOODMAN
CHARLES N. CAPUTO
H. SHELDON PARKER, JR.

(Committee on the part of the House of Representatives.)

JOSEPH E. GURZENDA
JAMES R. KELLEY
W. THOMAS ANDREWS

(Committee on the part of the Senate.)

An Act

amending the act of May 20, 1937 (P. L. 728, No. 193), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," changing the title of the board and its members and making it an independent administrative agency; transferring certain additional jurisdiction to the board; making certain repeals; increasing the terms of board members; further providing for the compensation of board members; providing for hearing panels and for additional expenses; changing procedures for transcripts; and providing for the disposition of written complaints.

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

Section 1. The title, act of May 20, 1937 (P. L. 728, No. 193), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," is amended to read:

AN ACT

Providing for the creation of a Board [of Arbitration] of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employes thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation.

Section 2. Sections 1 and 2.1 of the act, amended or added September 29, 1961 (P. L. 1738, No. 705), are amended to read:

Section 1. Be it enacted, &c., That there is hereby created a [departmental] independent administrative board [in the Department of the Auditor General] known as the Board [of Arbitration] of Claims, the duty of which shall be to arbitrate claims against the Commonwealth arising from contracts entered into by the Commonwealth, and to adjust and settle certain other claims against the Commonwealth formerly handled by the Auditor General and State Treasurer acting as the Board of Claims. Any reference in this or any other act to this board shall be deemed a reference to the Board of Claims. Administrative services for the Board of Claims shall be provided by the Department of the Auditor General. Such board shall consist of three members appointed by the Governor by and with the advice and consent of a majority of the elected members of the Senate, one of whom shall be learned in the law and shall be chairman of the board, another of whom shall be a registered civil engineer. The third member of the board shall be a citizen and resident of the Commonwealth. [not learned in the law or

year. The Chair thanks the gentleman.

Mr. BERLIN. Thank you, Mr. Speaker. Thank you very much.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 198**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 218, 740, 1147, 1330, 3412, 3453
Printer's No. 3514

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 198
Session of 1977

INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS, COLE, RUGGIERO, O'KEEFE, STAPLETON, TENAGLIO AND REED, FEBRUARY 9, 1977.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 1978.

An Act

regulating the contractual powers of individuals serving in ~~State or State agencies and local political subdivision positions and prohibiting certain State PUBLIC employees from engaging in post State employment~~ conflict of interest activities.

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

~~Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:~~

~~"Executive level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.~~

~~"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive level employee.~~

~~Section 2. No former executive level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.~~

~~Section 3. (a) Any individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision respectively shall enter or have an interest.~~

SECTION 1. (A) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDI-

VISION OF THIS COMMONWEALTH SHALL NOT HAVE AN INTEREST RESPECTIVELY IN ANY CONTRACT OR CONSTRUCTION IN WHICH THE POLITICAL SUBDIVISION SHALL ENTER OR HAVE AN INTEREST.

(b) Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth.

(c) For purposes of this section the term "interest" shall mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partnership, corporation or association of which the individual is a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

SECTION 2. NO INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL:

(1) ACCEPT OTHER EMPLOYMENT WHICH WILL IMPAIR HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;

(2) IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR USE SUCH INFORMATION TO FURTHER HIS PERSONAL INTERESTS;

(3) USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS FOR HIMSELF OR OTHERS; OR

(4) ACCEPT ANY GIFT, FAVOR OR SERVICE THAT MIGHT REASONABLY TEND TO INFLUENCE HIM IN THE DISCHARGE OF HIS OFFICIAL DUTIES.

Section 4 3. Any person who violates any of the provisions of this act shall be guilty of misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall EITHER forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation OR FORFEIT HIS OFFICE OF PUBLIC TRUST.

~~Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts represented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.~~

~~Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.~~

SECTION 4. ANY INDIVIDUAL COVERED BY THIS ACT SHALL ON OR BEFORE JANUARY 31 OF EACH YEAR, FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THEY RESIDE A WRITTEN STATEMENT OF

WHICH SHALL BECOME A MATTER OF PUBLIC RECORD AND SHALL INCLUDE:

(1) EVERY OFFICE OR DIRECTORSHIP HELD BY HIMSELF OR HIS SPOUSE IN ANY CORPORATION, PARTNERSHIP OR ASSOCIATION WHICH IS SUBJECT TO THE JURISDICTION OF THE POLITICAL SUBDIVISION IN WHICH HE LIVES.

(2) A LIST SHOWING EACH TYPE OF BUSINESS OR BUSINESS ACTIVITY FROM WHICH HE RECEIVED COMPENSATION IN EXCESS OF \$1,500 DURING THE PRECEDING 12-MONTH PERIOD BY VIRTUE OF HIS BEING AN OFFICIAL, DIRECTOR, EMPLOYEE, PARTNER OR MEMBER OF, OR BEING RETAINED BY, ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER BUSINESS ASSOCIATION, CONDUCTING OR CARRYING ON SUCH BUSINESS OR BUSINESS ACTIVITY.

(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

~~SECTION 5. IF AT ANY TIME A COMMISSION OR BOARD OF ETHICS, WITH RESPONSIBILITY FOR ESTABLISHING AND ENFORCING ETHICAL STANDARDS FOR ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, IS PROVIDED FOR BY STATUTE, THE DUTY OF ISSUING ADVISORY OPINIONS, PURSUANT TO THIS ACT, SHALL BE TRANSFERRED FROM THE ATTORNEY GENERAL TO SAID STATUTORY BOARD OR COMMISSION.~~

SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT RULE SHALL BE CONSTRUED TO PROHIBIT ANY CONSTABLE OR ANY EMPLOYEE OF A COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT JUSTICE FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3, 1937 (P. L. 1333, NO. 320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION DAY ACTIVITIES.

Section 7-6-6. This act shall take effect in six months.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair is going to recognize first the gentleman, Mr. Garzia, because this is his bill. After that, the Chair is going to recognize the gentleman, Mr. Pitts, to offer an amendment. If you will recall, we have suspended the rules to permit amendments to Senate amendments. That was on the motion of the gentleman, Mr. Pitts.

Following Mr. Pitts, we will recognize the gentlemen, Messrs. Cowell, O'Donnell, Doyle, Davies, Ritter, Wilson and O'Connell. And we will do all of that in about 20 minutes.

The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Thank you, Mr. Speaker.

We can settle this bill within a matter of a couple minutes, because I would like to put a motion on the floor now to rescind the vote that we took to suspend the rules to allow the amendment. I would like to make that a motion.

The SPEAKER. The gentleman is advised that the only way

that the Chair knows that he can accomplish that is by a written motion to reconsider the vote. If you remember we went through the same situation a little earlier. If the gentleman will file the written motion, get the proper form from the majority leader, we will place that question immediately before the floor of the House.

Mr. GARZIA. I changed my mind about doing that. Let everybody offer their amendments, but I must say to the ones who do offer their amendments, I wish that they would make some kind of preparation that after we load this bill up with all these sweethearts, put in your campaign literature that you did this and did that, I hope that you make some kind of deal with the Senate so they can vote on this bill before we leave for the recess. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

Mr. PITTS offered the following amendments:

Amend Title, page 1, line 2 by inserting after "and" State or State agencies and

Amend Title, page 1, line 4 by inserting after "employment" certain

Amend Bill, page 2, by inserting between lines 22 and 23

Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive-level employee.

Section 2. No former executive-level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.

Amend Sec. 1, page 2, line 23 by striking out "1" and inserting 3

Amend Sec. 2, page 3, line 18 by striking out "2" and inserting 4

Amend Sec. 3, page 4, line 2 by striking out "3" and inserting 5

Amend Bill, page 5, by inserting between lines 2 and 3

Section 6. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of section 2. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of section 2, the person who re-

quested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 7. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to section 6, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

Amend Sec. 4, page 5, line 3 by striking out "4" and inserting 8

Amend Sec. 5, page 5, line 30 by striking out "5" and inserting 9

Amend Sec. 6, page 6, line 11 by striking out "6" and inserting 10

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

My amendment would merely reinsert into the bill the language which the House put in the bill last year when we sent it to the Senate. My amendment would not strike out any of the language which the Senate inserted into the bill.

Briefly to recap the amendment which we put into the bill last year: The purpose of it is to eliminate a potential for conflict of interest or profit from self dealings by certain state officials. It would prevent a state employe who is involved at the executive level—and that is a definition in the amendment—to participate in recruiting a business into the state where there is a grant or loan of money and from taking employment with that business after he terminates his state employment for a period of 2 years.

It provides a safeguard by allowing a state official or employe to seek an advisory opinion from the attorney general if he contemplates leaving state service for employment with a company where there is a possibility that provisions of this act might be applicable. The advisory opinion, if relied upon, protects that official or employe from future criminal or civil action based on the violation of this act.

The need, again, for this type of law is clear. We hear a lot today about businesses being recruited into Pennsylvania. That is good, but along with that and the millions of dollars of inducement through loans or grants or whatever that are provided, there should be a safeguard to make sure that those state officials involved in these secret negotiations understand that they must not misuse their positions for self dealing. There is a potential for self dealing and the possibility of personally profiting from these negotiating efforts. There is precedence for this type of law in other states. This particular statute is based on one passed in California 2 years ago. There is precedence in the Federal law. There is precedence in the Carter Administration Code of Ethics.

I suggest, Mr. Speaker, that we need to pass this amendment and state clearly to our state employes that those who use taxpayer money must be careful not to use it for personal gain. I, therefore, urge the adoption of the amendment.

The SPEAKER. On the amendment offered by the gentle-

man, Mr. Pitts, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, several people have asked me if the Pitts amendment would conflict with what I intend to offer, along with a number of other members, in the form of another amendment. It does not. It addresses other issues. There would not be a conflict, and I would urge the members to adopt the Pitts amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Anderson	Gamble	Madigan	Scheaffer
Armstrong	Garzia	Manderino	Schmitt
Arthurs	Gatski	Manmiller	Schweder
Barber	Geesey	McCall	Scirica
Bennett	Geisler	McClatchy	Seltzer
Berlin	George, C.	McIntyre	Shupnik
Berson	George, M.	McLane	Sirianni
Bittinger	Giammarco	Mebus	Smith, E.
Bittle	Gillette	Meluskey	Smith, L.
Borski	Gleeson	Milanovich	Spencer
Brandt	Goebel	Milliron	Spitz
Brown	Goodman	Miscevich	Stairs
Brunner	Gray	Moehlmann	Stapleton
Burd	Greenfield	Morris	Stewart
Burns	Greenleaf	Mowery	Stuban
Caltagirone	Grieco	Mrkonic	Sweet
Caputo	Halverson	Musto	Taddonio
Cassidy	Hamilton	Novak	Taylor, E.
Cessar	Harper	Noye	Taylor, F.
Cianciulli	Hasay	O'Brien, B.	Tenaglio
Cimini	Hayes, D. S.	O'Brien, D.	Thomas
Cohen	Hayes, S. E.	O'Connell	Trello
Cole	Helfrick	O'Donnell	Valicenti
Cowell	Hoeffel	O'Keefe	Vroon
Davies	Honaman	Pancoast	Wagner
DeMedio	Hutchinson, A.	Peterson	Wansacz
DeVerter	Hutchinson, W.	Petrarca	Wargo
DeWeese	Itkin	Piccola	Wass
DiCarlo	Johnson	Pitts	Weidner
Dietz	Jones	Polite	Wenger
Dininni	Katz	Pott	White
Dombrowski	Kelly	Pratt	Wiggins
Donatucci	Kernick	Prendergast	Wilson
Dorr	Klingaman	Pyles	Wilt
Doyle	Knepper	Quest	Wise
Duffy	Kolter	Rappaport	Wright, D.
Dumas	Kowalshyn	Ravenstahl	Wright, J. L.
Englehart	Kukovich	Reed	Yahner
Fee	Lashinger	Renwick	Yohn
Fischer, R. R.	Laughlin	Rhodes	Zearfoss
Fisher, D. M.	Lehr	Richardson	Zeller
Flaherty	Letterman	Rieger	Zitterman
Foster, A.	Levi	Ritter	Zord
Foster, W.	Lincoln	Ruggiero	Zwinkl
Freind	Livengood	Ryan	
Fryer	Logue	Salvatore	Irvis,
Gallagher	Lynch	Scanlon	Speaker
Gallen			

NAYS—0

NOT VOTING—11

Beloff	Mackowski	Mullen, M. P.	Pievsky
Haskell	McGinnis	Oliver	Williams
Levin	Miller	Parker	

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, on the vote on the Pitts amendment to HB 198, my switch was hung up. I wish to be recorded in the positive. It did not record either way.

The SPEAKER. You wish to be recorded in the affirmative?

Mr. MILLER. Yes.

The SPEAKER. The gentleman's remarks will be spread upon the record.

GALLERY REOPENED

The SPEAKER. For the information of the security guards in the gallery, the gallery may now be reopened for peaceful citizens who wish to sit there and witness the House of Representatives.

HB 198 CONSIDERATION CONTINUED

On the question,

Will the House concur in Senate amendments as amended by the House?

Mr. COWELL offered the following amendments:

Amend Title, page 1, line 1, by striking out "Regulating the contractual powers of individuals serving" and inserting Relating to conflicts of interest involving certain public officials serving

Amend Title, page 1, line 2, by inserting after "and" State or State agencies and

Amend Title, page 1, lines 2 and 3, by striking out "subdivision positions and" and inserting subdivisions;

Amend Title, page 1, line 5, by removing the period after "activities" and inserting requiring certain disclosures and providing penalties.

Amend Bill, page 1, by inserting between lines 5 and 6

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Section 7.	Duties of the commission.
Section 8.	Investigations by the commission.
Section 9.	Penalties.
Section 10.	Court employees.
Section 11.	Supplemental provisions.
Section 12.	Conflict of law.
Section 13.	Severability.
Section 14.	Effective date.

Amend Sec. 5, page 5, line 30, by striking out all of said line and inserting

Section 10. Court employees.

Nothing in this act, or in any other law or court

Amend Sec. 6, page 6, line 11, by striking out all of said line and inserting

Section 1. Purpose.

The Legislature hereby declares that public office is a public trust and that any effort to realize personal financial gain through public office other than compensation provided by law is a violation of that trust. In order to strengthen the faith and confidence of the people of the State in their government, the

Legislature further declares that the people have a right to be assured that the financial interests of holders of or candidates for public office present neither a conflict nor the appearance of a conflict with the public trust. Because public confidence in government can best be sustained by assuring the people of the impartiality and honesty of public officials, this act shall be liberally construed to promote complete disclosure.

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Business." Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

"Business with which he is associated." Any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or holder of stock.

"Commission." The State Ethics Commission.

"Compensation." Any thing of economic value, however designated, which is paid, loaned, granted, given, donated or transferred, or to be paid, loaned, granted, given, donated or transferred for or in consideration of personal services to any person, official or to the State.

"Gift." A payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value, unless consideration of equal or greater value is received. "Gift" shall not include a political contribution otherwise reported as required by law, a commercially reasonable loan made in the ordinary course of business, or a gift received from a member of the person's immediate family or from a relative within the third degree of consanguinity of the person or of the person's spouse or from the spouse of any such relative.

"Governmental body." Any department, authority, commission, committee, council, board, bureau, division, service, office, officer, administration, legislative body, or other establishment in the Executive, Legislative or Judicial Branch of the State or a political subdivision thereof.

"Immediate family." A spouse residing in the person's household and minor dependent children.

"Income." Any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain or any other form of recompense or any combination thereof.

"Indirect interest in real estate." Any business entity the assets of which are 80% or more in real property.

"Ministerial action." An action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to, or the exercise of, the person's own judgment as to the desirability of the action being taken.

"Person." A business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

"Political contribution." Any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fund-raising affair, or subscription of money or anything of value, except volunteer services, in connection with a political campaign, and any contract, agreement, promise, or other obligations, whether or not legally enforceable, to make a political contribution.

"Public employee." Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (1) contracting or procurement;
- (2) administering or monitoring grants or subsidies;
- (3) planning or zoning;
- (4) inspecting, licensing, regulating or auditing any person;

or

(5) any other activity where the official action has an economic impact of greater than a de minimus nature on the interests of any person. "Public employee" shall not include individuals who are employed by the State or any political subdivision thereof in teaching as distinguished from administrative duties.

"Public official." Any elected or appointed official in the Executive, Legislative or Judicial Branch of the State or any political subdivision thereof, provided that it shall not include members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense, or to otherwise exercise the power of the State or any political subdivision thereof. "Public official" shall not include any appointed official who receives any compensation other than reimbursement for actual expenses.

Section 3. Restricted activities.

(a) No public official or public employee shall use his public office or any confidential information received through his holding public office to obtain financial gain other than compensation provided by law for himself, a member of his immediate family, or a business with which he is associated.

(b) No person shall offer or give to a public official or public employee or candidate for public office or a member of his immediate family or a business with which he is associated, and no public official or public employee or candidate for public office shall solicit or accept, anything of value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the public official or public employee or candidate for public office would be influenced thereby.

(c) No public official or public employee or a member of his immediate family or any business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding 5% of the equity at fair market value of the business shall enter into any contract valued at \$500 or more with a governmental body unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. Any contract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of making of the contract.

(d) Other areas of possible conflict shall be addressed by the commission pursuant to paragraph (9) of section 7.

(e) No former official or public employee shall represent a person, with or without compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

(f) No person shall use for any commercial purpose information copied from statements of financial interests required by this act or from lists compiled from such statements.

Section 4. Statement of financial interests required to be filed.

(a) Each public employee employed by the Commonwealth shall file a statement of financial interests for the preceding calendar year with the department, agency or bureau in which he is employed no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Any other public employee shall file a statement of financial interests with the governing authority of the political subdivision by which he is employed no later than May 1 of each year that he holds such a position and of the year after he leaves such a position.

(b) Each candidate for public office shall file a statement of financial interests for the preceding calendar year with the commission prior to filing a petition to appear on the ballot for election as a public official. A petition to appear on the ballot shall not be accepted by an election official unless the petition includes an affidavit that the candidate has filed the required statement of financial interests with the commission.

(c) Each candidate for public office nominated by a public official or governmental body and subject to confirmation by a public official or governmental body shall file a statement of financial interests for the preceding calendar year with the commission and with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination.

(d) No public official shall be allowed to take the oath of office or enter or continue upon his duties, nor shall he receive compensation from public funds, unless he has filed a statement of financial interests with the commission as required by this act.

(e) (1) Any candidate for State or county-wide public office shall file a statement of financial interests with the commission pursuant to this act and shall file a copy of that statement with the board of elections in the county in which the candidate resides.

(2) Any candidate for local office shall file a statement of financial interests with the commission pursuant to this act and shall file a copy of that statement with the governing authority of the political subdivision in which he is a candidate.

(f) All statements of financial interest filed pursuant to the provisions of this act shall be made available for public inspection and copying during regular office hours.

Section 5. Statement of financial interests.

(a) The statement of financial interests filed pursuant to this act shall be on a form prescribed by the commission and shall be signed under penalty of perjury by the person required to file the statement.

(b) The statement shall include the following information for the prior calendar year with regard to the person required to file the statement and the members of his immediate family:

(1) The name, address and position of the person required to file the statement.

(2) The occupations or professions of the person required to file the statement and those of his immediate family.

(3) Any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions; purchased or leased from the Commonwealth, any of its agencies or political subdivisions; or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions.

(4) The name and address of each creditor to whom is owed in excess of \$5,000 and the interest rate thereon. However, loans or credit extended between members of the immediate family and mortgages securing real property which is the principal residence of the person filing or of his spouse shall not be included.

(5) The name and address of any person who is the direct or indirect source of income totalling in the aggregate \$500 or more. However, this provision shall not be construed to require the divulgence of confidential information protected by statute or existing professional codes of ethics.

(6) The name and address of any person from whom a gift or gifts valued in the aggregate at \$200 or more were received, and the value and the circumstances of each gift. However, this provision shall not be applicable to gifts received from the individual's spouse, parents, parents by marriage, siblings, children or grandchildren.

(7) The source of any honorarium received which is in excess of \$100.

(8) Any office, directorship or employment of any nature whatsoever in any business entity.

(9) Any financial interest in any legal entity engaged in business for profit.

(c) The statement of financial interest need not include specific amounts for any of the items required to be listed.

Section 6. State Ethics Commission.

(a) There is established a State Ethics Commission composed of seven members President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House shall each appoint one member. Three members shall be appointed by the Governor without confirmation.

(b) Members of the commission shall serve for terms of five years, except that, of the members first appointed:

(1) the two members appointed by the President pro tempore and Minority leader of the Senate shall serve for four years;

(2) the two members appointed by the Speaker and the Minority Leader of the House shall serve for two years; and

(3) of the three members appointed by the Governor two shall serve for three years, and one shall serve for five years.

(c) No member shall be appointed to more than one full five-year term on the commission.

(d) No individual, while a member or employee of the commission, shall:

(1) hold or campaign for any other public office;

(2) hold office in any political party or political committee;
 (3) actively participate in to any political campaign;
 (4) directly or indirectly attempt to influence any decision by a governmental body, other than a court of law or as a representative of the commission on a matter within the jurisdiction of the commission; or

(5) be employed by the Commonwealth in any other capacity, whether or not for compensation.

(e) A majority of the commission by resolution shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection (d). An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds, and is eligible for appointment to one full five-year term thereafter. Any vacancy occurring on the commission shall be filled within 30 days in the manner in which that position was originally filled.

(f) The commission shall elect a chairman and a vice chairman. The vice chairman shall act as chairman in the absence of the chairman or in the event of a vacancy in that position.

(g) Four members of the commission shall constitute a quorum and the votes of a majority of the members present is required for any action or recommendation of the commission. The chairman or any four members of the commission may call a meeting provided that advance written notice is mailed to each member and to any person who requests notice of such meetings.

(h) Members of the commission shall be compensated at a rate of \$50 per day and shall receive reimbursement for their actual and necessary expenses while performing the business of the commission.

(i) The commission shall employ an executive director, a general counsel, and such other staff as are necessary to carry out its duties pursuant to this act. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him by the commission, except that the commission shall not delegate the making of regulations to the executive director. The general counsel shall be the chief legal officer of the commission. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to this act. The State Treasurer and the Attorney General shall make available to the commission such personnel, facilities, and other assistance as the commission may request.

Section 7. Duties of the commission.

In addition to other duties prescribed by law, the commission shall:

(1) Prescribe and publish rules and regulations to carry out the provisions of this act.

(2) Prescribe forms for statements and reports required to be filed by this act and furnish such forms to persons required to file such statements and reports.

(3) Prepare and publish guidelines setting forth recommended uniform methods of accounting and reporting for use by persons required to file statements and reports by this act.

(4) Accept and file any information voluntarily supplied that exceeds the requirements of this act.

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements.

(7) Prepare and publish annual summaries of statements and reports filed with the commission.

(8) Preserve statements and reports filed with the commission for a period of five years from date of receipt.

(9) (i) Issue to any person, upon such person's request, an opinion with respect to such person's duties under this act. The commission shall, within 14 days, either issue the opinion or advise the person who made the request whether an opinion will be issued. No person who acts in good faith on an opinion issued to him by the commission shall be subject to criminal or civil penalties for so acting, provided that the material facts are

as stated in the opinion request. The commission's opinions shall be public records and may from time to time be published.

(ii) Provide written advice to any person upon their request with respect to such person's duties under this act. Such advice shall be provided within 21 working days of the request, provided that the time may be extended for good cause. It shall be a complete defense in any enforcement proceeding initiated by the commission, and evidence of good faith conduct in any other civil or criminal proceeding, if the requester, at least 21 working days prior to the alleged violation, requested written advice from the commission in good faith, disclosed truthfully all the material facts and committed the acts complained of either in reliance on the advice or because of the failure of the commission to provide advice within 21 days of the request of such later extended time.

(iii) Initiate an inquiry where an opinion has not been requested but where there is a reasonable belief that a conflict may exist. Such inquiry shall be conducted in privacy with full respect to the confidentiality of all the parties involved in the alleged conflict. If the commission finds that there is a conflict, the information shall be provided for criminal proceedings unless the alleged offender removes himself from the conflict with receiving financial gain.

(10) Hold hearings, take testimony, issue subpoenas and compel the attendance of witnesses.

(11) Make recommendations to law enforcement officials either for criminal prosecution or dismissal of charges arising out of violations of this act.

(12) Prepare and publish special reports and technical studies to further the purposes of this act.

(13) Prepare and publish, prior to June 1 of each year, an annual report summarizing the activities of the commission.

Section 8. Investigations by the commission.

(a) Upon a complaint signed under penalty of perjury by any person or upon its own motion, the commission shall investigate any alleged violation of this act. All commission proceedings and records relating to an investigation shall be confidential until a final determination is made by the commission. The executive director shall notify any person under investigation by the commission of the investigation and of the nature of the alleged violation within five days of the commencement of the investigation. Within 15 days of the filing of a sworn complaint by a person alleging a violation, and every 30 days thereafter until the matter is terminated, the executive director shall notify the complainant of the action taken to date by the commission together with the reasons for such action or nonaction.

(b) If a preliminary investigation fails to indicate probable cause for belief that this act has been violated, the commission shall terminate the investigation and so notify the complainant and the person who had been under investigation.

Section 9. Penalties.

(a) Any person who violates the provisions of section 3(a) and (b) is guilty of a felony and shall be fined not more than \$10,000 or imprisoned for not more than five years, or be both fined and imprisoned.

(b) Any person who violates the provisions of section 3(c) through (f) or section 4 is guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than one year, or be both fined and imprisoned.

(c) Any person who obtains financial gain from violating any provision of this act, in addition to any other penalty provided by law, shall pay into the State Treasury a sum of money equal to three times the financial gain resulting from such violation.

(d) The penalties prescribed in this act do not limit the power of either House of the Legislature to discipline its own members or impeach a public official, and do not limit the power of agencies or commissions to discipline officials or employees.

(e) Any person who violates the confidentiality of a commission proceeding pursuant to section 8, is guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than one year, or be both fined and imprisoned. Any person who willfully affirms or swears falsely in regard to any material matter before a commission proceeding pursuant to section 8 is guilty of a felony and shall be fined not more than \$5,000 or imprisoned for not more than five years, or be both fined and imprisoned.

Amend Bill, page 2, lines 23 through 30; page 3, lines 1 through 30; page 4, lines 1 through 10; page 5, lines 3 through 22, by striking out all of said lines and inserting immediately thereafter

Section 11. Supplemental provisions.

Any governmental body may adopt requirements to supplement this act, provided that no such requirement shall in any way be less restrictive than the act.

Section 12. Conflict of law.

If the provisions of this act conflict with any other statute, ordinance, regulation or rule, the provisions of this act shall control.

Section 13. Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this act and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 14. Effective date.

This act shall take effect January 1, 1979 except that subsections (a) and (d) of section 4 shall take effect January 1, 1980.

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker. Mr. Speaker, this proposed amendment, I understand, has been discussed rather thoroughly in both caucuses and I am not going to attempt to elaborate in great detail about all of the provisions of the proposed amendment.

I would indicate that there are three basic areas that are addressed in the proposed amendment and I should add, at the outset, that it can be viewed as a rather comprehensive attempt to establish a comprehensive ethics law for the Commonwealth of Pennsylvania.

The first area that is addressed is that which we might label, "Conflicts of Interest Activities." In section 3, the title of that section is "Restricted activities." and it addresses the question of what public officials and public employes, in some circumstances, cannot do. It also establishes a procedure so that the ethics commission, which is established in another section, would have the authority and the responsibility to issue advisory opinions with respect to specific activities of specific persons or classes of persons that are not specifically addressed in the law.

The second basic focus of this proposed amendment is in terms of financial interest statements and again it would require public officials, some public employes and candidates for public office to file financial interest statements on an annual basis. And again the bill highlights and specifies those types of activities, those types of financial interests that must be disclosed.

I emphasize that this bill is different from some other bills that we have considered, different from some rules proposals that have been circulated, I am sure, over the past several years and I would urge members, who have specific concerns and specific questions, to ask about them today or read the bill very carefully, because this does not do some of the things that I have heard it criticized for doing. It does not do those things.

One point I would emphasize in terms of the financial interest statements: It does not require the individual covered by this law to report their net worth or all of their assets. It does not get into those things. It is basically an attempt to have pub-

lic officials, some public employes and candidates for office to report information that is relevant, information that their constituents and their voters ought to have when they consider the merits of that particular individual. It is a safeguard, in a sense. It is not an accusation that people are engaged in conflicts of interest, but it is a safeguard and it is an attempt to provide, again, constituents and voters and taxpayers with relevant information about other activities of the individuals that are covered by the law.

The basic principle that we tried to keep in mind as we drafted this particular proposal is that I think my constituents—and this is my opinion—have a right to know for whom else I am working. If I am working for anyone else, they have a right to know what other kind of financial obligations I might have or financial interests I might have. That is basically what we do in this section.

We would require the individual to file these annual statements to indicate the sources of that other income, or the sources, if you will, of those other financial interests. You do not have to indicate that you have another salary or, let me say, the amounts of that other salary. You do not have to indicate the number of stocks you hold, but if you have another salary, you have another employer, other than the people of this Commonwealth, you will be required to state that. If you own stock in other company, you will be required to state that, pure and simple. I own stock in U S Steel or I own stock in this or I own stock in that. That is all you will be required to do, and I think that that is very relevant information for constituents, voters and taxpayers to have.

The third basic area is that process that we established for overseeing this law, and that is, the establishment of an ethics commission. It is a new body. I think that there is a general consensus among the public anyway and among many of the opinionmakers in this Commonwealth that if we are going to establish a law that is meaningful and if we are going to effectively enforce that law, then we have got to establish an independent ethics commission and give it that assignment of overseeing and enforcing, and that is what we propose to do in this amendment to HB 198.

Mr. Speaker, I think that it is about time that this legislature seriously address this question. The question of ethics has been around for a long time. It is not new, and I am sure that many of you debated a long time before some of us came here 2 years ago or 4 years ago, whatever the case happens to be, but it is more timely today than ever before.

I think the basic problem that we have as lawmakers and as leaders in this Commonwealth is to begin to restore the public's confidence in the ability of government to function effectively and with integrity. Unfortunately, for a lot of reasons, and perhaps they are not valid, a lot of citizens doubt the ability of state government to function effectively and with integrity. I think that we, through this kind of law, can give some assurances that we are capable of it and that we can indicate our commitment to a government that functions effectively and with integrity.

I know that a lot of people are offended as soon as we begin to talk about even the need for this kind of law and I can understand that and I sympathize with it, but again I emphasize that this kind of law does not necessarily reflect an accusation.

People should not be offended. We are simply saying that now, in 1978, and in the future, the rules of the game are a little bit different. People's expectations are a little bit different, and there is the right for the public to know about other activities, activities that might, for a few people, present at least a potential for a conflict of interest. The public has a right to know about those activities. I think we do need to say more definitively than we do in current law that there are certain things that we will not tolerate and that will not be tolerated and are not to be tolerated by the public even today, and the law simply tries to do that.

Mr. Speaker, last week when we considered the question of whether or not to suspend the rules, a member of the minority took the mike and in very eloquent terms said that we are only a baby's breath away from doing what is right. It might have been a little bit more than one breath, but we are pretty close, and this is the right thing to do. Let us not suddenly tell the baby to hold its breath, because the baby might die. Let us take the action that is right. Let us move toward the adoption of a meaningful law. This is our best shot at it.

We are talking about a bill that will go directly to the Senate floor. I know that there are a lot of people who are somewhat cynical about what the Senate might do, but I do not think that that should cloud our judgment about what we should do here, and if this issue can pass—and it ought to pass today—the burden will be on the Senate, every member of the Senate, to follow our course of action in doing what is right. Thank you, Mr. Speaker.

The SPEAKER. The Chair now recognizes on the Cowell amendment the gentleman from Berks, Mr. Brown.

Mr. BROWN. Thank you, Mr. Speaker. This amendment is basically, with some minor changes, HB 546. Again, we are asked by Mr. Cowell and several other members of this House to try to improve the image of state government, and this amendment goes a long way in doing that. I am very happy that Mr. Cowell and the others decided to introduce this amendment, because as we found out today with the folks in the gallery, some people are angry with state government, and as we found out last week in reading the Inquirer, we have a job to do in correcting that image, and I ask the membership to support this amendment and again echo Mr. Cowell's sentiments, let us do what is right. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Mebus, on the Cowell amendment.

Mr. MEBUS. All right. I was trying to check to see whether or not there is a certain item in that amendment and in an effort to find out more quickly, may I interrogate the gentleman, Mr. Cowell?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Mebus, is in order and may proceed.

Mr. MEBUS. Does this amendment call for disclosure of immediate family members' interests in any other financial entity?

Mr. COWELL. The individuals covered would be the person directly covered by the law, his or her spouse and members of

the immediate family, which are defined as dependent children.

Mr. MEBUS. Dependent children and spouse?

Mr. COWELL. Yes.

Mr. MEBUS. Mr. Speaker, may I address a few remarks to the House in that case?

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

Mr. MEBUS. There are going to be occasions, and there ought to be some exception written in here, where spouses are concerned, because there are those of us who get in trouble with our spouses, and I could not answer a question like that honestly for anybody at this moment. I would be told that it was none of my business and certainly none of the citizens of this Commonwealth's business. Now, I think what Mr. Cowell is attempting to do is all very laudatory, but there must be something in there to cover those instances when all is not sweetness and light between one's spouse and himself or herself. So, in light of that, I would hope that somebody might consider some minor change in here. I did not know whether it was in here or not. I was trying to find out and that is why I asked the purpose of the interrogation. Thank you.

The SPEAKER. On the Cowell amendment, the Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. Would Mr. Cowell stand for interrogation for a moment?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will so stand. The gentleman, Mr. Doyle, is in order and may proceed.

Mr. DOYLE. Mr. Speaker, you will note that my amendment, which will be forthcoming, will delete the court employes and will prohibit them from engaging in political activities. From reading your amendment on page 2, I do not know how you deal with that. Are you addressing yourself to that? Are you deleting it? It says "Amend Sec. 5, page 5, line 30, by striking out . . ." but then reinserting ". . . Court employees." Your amendment goes down to section 7, jumps over to section 11, and apparently leaves section 10 intact.

Mr. COWELL. Mr. Speaker, we requested that the amendment be drafted and it was our intent that it be drafted so that it would not touch that court employe area, section 10, I believe it is, that you seek to address in another amendment. We did not touch that. We would leave the HB 198 as it reads now in its current form.

Mr. DOYLE. Okay. So your amendment does not touch it. Therefore, it leaves them that they can engage in political activities and therefore it is necessary for my amendment to be proposed. Thank you, Mr. Speaker.

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

Mr. D. M. FISHER. Would the gentleman, Mr. Cowell, stand for interrogation?

The SPEAKER. The gentleman indicates he will so stand. The gentleman, Mr. Fisher, is in order and may proceed.

Mr. D. M. FISHER. Mr. Speaker, on turning to page 4 of your amendment, section 3, subsection (e), is it your intent, Mr. Speaker, that that section would also apply to members of the

General Assembly and to the judges of any of our courts in the Commonwealth?

Mr. COWELL. Yes, it is.

Mr. D. M. FISHER. Mr. Speaker, do I read that subsection correctly then to mean that a member of the General Assembly who either retired or was defeated in office could not, for 1 year after his term expired, be a lobbyist and represent anybody before the General Assembly?

Mr. COWELL. Yes.

Mr. D. M. FISHER. And do I also read that to mean that a judge of any of our courts who chose to step down for one reason or another, as some jurists have done throughout the Commonwealth, would not be allowed then to try a case before that court for 1 year?

Mr. COWELL. A strict interpretation of that would mean yes. I see a possible problem in terms of some situations, but I generally believe that answer must be yes.

Mr. D. M. FISHER. Mr. Speaker, I generally support the amendment and intend to vote for it, but could you give me just briefly some rationale for having this subsection in there, particularly as it applies to those two cases that I have pointed out?

Mr. COWELL. I see a possible problem in terms of the court situation. My personal inclination would be to, at some later date before this really takes effect, which would be January 1 of 1980, perhaps consider giving some greater latitude to attorneys who, obviously, by the very nature of their work or profession would practice before the courts. However, in the case of legislators, I would not be inclined to make an exception. I think that a rationale for that would be—and I would not only include legislators. I would include lawmakers at various levels of government—it is all too tempting—we have seen this at the Federal level. It is all too tempting—for the corporation or the association, whatever, to have at least a tacit understanding with a member of Congress—let us talk about Congress—who might possibly be in a critical position in terms of the office which he or she holds. A tacit understanding might occur a long time prior to the end of that individual term, but the tacit understanding might promise employment with that business or with that association immediately after the end of the term. I would think that that very possibly, very likely could put that individual into a position of potential conflict of interest, might potentially impact on the judgments that that individual may be called upon to make during the last year of his or her term in Congress, for instance.

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

Mr. CAPUTO. Mr. Speaker, in addition to having a problem with the section pointed out by Mr. Fisher, I also have a problem with that section which refers to the immediate family, and that is the wife. In the practice of law we find in many divorce cases that one or the other of the spouses is unable to provide the information concerning the financial interest of the other, and since, in the case in this bill, if it is adopted, any member of the legislature or any public employe would have to file his financial statement subject to a view at any time by the

public, he would be giving up a right that he has now. In addition to that, I would like to ask Mr. Cowell a question, if he will agree to a further interrogation.

Mr. COWELL. I will, Mr. Speaker.

Mr. CAPUTO. On Page 5, item 5, there is a proviso that the name and address of any person, who has a direct or indirect source of income totaling in the aggregate \$500 or more, must be disclosed. In the case of an insurance broker, a real estate agent, an attorney, or any other person dealing with the public generally, who is a member of the legislature or of any other governmental body, does that mean that if over the period of a year a person has several business relationships with one individual which totals \$500 or more, that he must list that person's name?

Mr. COWELL. Mr. Speaker, I would answer that question with a couple of possibilities. One, a lot of those professional individuals whom you sight may really be employed by a corporation or a firm of one sort or another. The source of their income, that individual's income, would actually be that corporation or employer, whoever it might be. That would eliminate or preclude the need for the name and address in many, many cases, particularly again in that situation where the employer of the legislator or the councilman, or whatever the case happens to be is the only source of the income. Now in that case where you may have the attorney, as you cite, or the physician, who is dealing with individuals and receives his or her income from individuals, yes, it would be required unless there was a professional code of ethics in existence now or in existence at that time that would protect that employer-client or that attorney-client relationship, and in that case the only thing that the attorney would be required to divulge would be the aggregate amount rather than the specific names and addresses of all those individuals.

MOTION TO TABLE AMENDMENT

Mr. CAPUTO. Thank you, Mr. Speaker. Mr. Speaker, I favor the amendment in general, but I think there are those three specific areas which should be cleared up, and if Mr. Cowell is so inclined to clear them up or straighten them out or clarify them, and with the hope that he would, I would now move to table this amendment for the purpose of clarifying those three sections.

MOTION TO TABLE WITHDRAWN

The SPEAKER. It is moved by the gentleman, Mr. Caputo, that the amendment offered by the gentleman, Mr. Cowell, be placed upon the table.

Mr. CAPUTO. May I clarify that? I understand that I can only table the amendment by tabling the bill. I do not want to table the bill. I do not want to table the amendment beyond the time necessary to correct these three sections. So could we pass over this amendment and get on with some other amendments? And I move to pass over this amendment temporarily.

The SPEAKER. The House will be at ease until the gentleman, Mr. Cowell, talks to the gentleman, Mr. Caputo, about this.

Mr. CAPUTO. Mr. Speaker, I withdraw my motion.

The SPEAKER. The motion made by the gentleman, Mr. Caputo, will be withdrawn.

On the Cowell amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, may I interrogate the author of the amendment please?

The SPEAKER. The gentleman, Mr. Cowell, I am certain will stand for interrogation as soon as he reaches the microphone. He indicates that he will stand for interrogation. The gentleman, Mr. Vroon, is in order and may now interrogate the gentleman, Mr. Cowell.

Mr. VROON. Mr. Speaker, is it your intention that every candidate for office and every person who does hold office should file yearly a complete financial statement consisting of a balance sheet in great detail, showing all of the stocks and other investments that he has, with their values, for himself and his family and all of his family indirectly or directly related to him, and including all of the income received from sources other than this office or whatever office he holds?

Mr. COWELL. In terms of the complete question you asked, the answer would be no. Let me try to be specific, because there were certain sections that you cited that are accurate.

First, everybody would not be required to file on an annual basis. May 1 is the deadline for current public officials, public employes, incumbents when you say public officials, public employes.

In the case of a candidate though, the candidate would be required to file prior to filing the petition for nomination to whichever office he or she is seeking, and that includes an incumbent member. For instance, the date that I would normally have to file is May 1, except in those years when I seek re-election, and I would have to file prior to filing my nomination papers, my petition papers. You do not have to file a detailed balance sheet as you indicated. You do not have to declare your net assets, all of your debts, your net wealth. That is not required. You do not have to file detailed figures in terms of the sources of your income.

You would have to indicate, however, the source of an income. If you have other employment, you would have to so indicate. If you own stock you would simply indicate that you own such and such a type of stock. You would not indicate the number of shares. You would not be required to. I think many would choose to, but you would not be required to indicate the number of shares or the amount of their value.

Finally, in terms of the family that must be represented, there is a rather specific definition, of "family," and I would simply read it. "Immediate family." A spouse residing in the person's household and minor dependent children."

Mr. VROON. There is no question on that. The worry and concern that I have is that you would require detailed information. Would you not accomplish the same thing and with a much less amount of work just by requiring the filing of a sworn financial statement indicating what holdings or income the person has in those corporations or organizations which do business directly with the state? Would that not be really suffi-

cient? And if he did not have any such thing and if he could merely file a statement saying, I do not have any income. I do not own any assets in a corporation or organization that does business with the Commonwealth of Pennsylvania, would that not be doing just as much as what you are trying to do with this very elaborate setup?

Mr. COWELL. No, it would not. First of all, we are not creating an elaborate setup. We are talking about a very simple process, and the information that is requested could easily be submitted on a single sheet of paper, unless you happen to own shares of stock in hundreds of corporations or have hundreds of other employers or own hundreds of buildings that have been leased to the state. With those exceptions, it would be a rather simple statement, and I do not think that it would be sufficient to try to put together language that would simply, rather narrowly try to identify those financial interests, if you will, where there is a very obvious direct relationship to the state, because many times those relationships and those possible relationships are more subtle than one might imagine. I think, again, in terms of the information requested, that it is rather simple information, not highly detailed, but it is all relevant information.

Mr. VROON. Mr. Speaker, suppose I file such a statement and I happen to own shares of stock in some rather prominent national corporations—let us take Exxon, for example, Texaco, Mobil Oil, and let us take a good many of these utility companies in the State of Pennsylvania—when now, obviously, all of these companies do business with the State of Pennsylvania. Is that going to achieve anything? Are you going to be telling the electorate anything of value by telling them that Peter Vroon happens to own stock in Exxon and all of these other corporations because they are doing business with the Commonwealth of Pennsylvania?

Mr. COWELL. I think that we have an obligation to tell the people that information, to give the people that information and let the people decide whether or not that is relevant or advantageous for them, and that is the principle that we are trying to follow throughout this proposed amendment.

Mr. VROON. Would you please tell me what will they learn from a filing of a statement that lists, say, stock in about a dozen prominent corporations that all do business with the State of Pennsylvania? Of what value is that going to be and what is the public going to learn from that?

Mr. COWELL. I think each taxpayer and each voter has different opinions as to what is important as they select their public officials and as they make decisions about the effectiveness and the integrity of their government.

I am not about to attempt to dictate to 12 million people what they ought to think is important, but I am about to suggest and I do suggest in this amendment that there are certain types of basic, fundamental information dealing with the activities of public officials and public employes that people have a right to be aware of and they can make the decision. The people can make the decision about how important that is in any particular set of circumstances.

Mr. VROON. Let us get a little bit more specific, Mr. Speaker. Let us say for the sake of argument that I am a very

heavy stockholder in the Philadelphia Electric Corporation. Suppose I own 100,000 shares in Philadelphia Electric and that is all I put down. That is all I own, so I put down there that I own shares in Philadelphia Electric Corporation, period. Who knows how much? Who knows if I own 100,000 or 10 shares in Philadelphia Electric? It could be very significant if I own 100,000, but who is going to know?

Mr. COWELL. We do not preclude the offering of that information on a voluntary basis. If I own 10 shares of stock in a utility company and if somebody might perceive of a conflict of interest, I would be darned certain to say that I only own 10 shares. If I owned 100,000 shares, then I would think that there are probably some of your constituents who would be interested in that and would think that that is important, but you can make the decision about whether or not you want to tell them that.

Mr. VROON. If I owned 100,000 shares in Philadelphia Electric, I, sure as shooting, would not state 100,000 shares for several good reasons, one of them being that 100,000 shares of that electric company would be very valuable and it would give a tip-off as to my wealth, and I would not be about to tell people that I owned that many shares in Philadelphia Electric. Under your amendment you are not obliged to and, consequently, what I am saying through all of this is that you are not really achieving anything significant by this amendment.

Mr. COWELL. Mr. Speaker, in response to that I would simply state that, again, if you want to tell people, you can tell them. If you want them to think the worst of you, do not tell them, but nothing precludes you from telling them. However, I agree with your original statement that we should not tell you that you have to tell them. You can make that decision.

Mr. VROON. Would it not be a little more accurate if I filed a statement under oath and I stated unequivocally, I do not own any shares in any corporation that does business with the State of Pennsylvania or I own X-number of shares? In other words, if I do own shares in a company that does business with the Commonwealth, I should think that I would be required to tell the people how many shares I own, but I also think that it would be a lot more significant if I swore under oath exactly how much my interest is in such a corporation. That is significant to me and that would mean something for the people.

I do not think that they want to elect a person who has heavy interest in a utility company if that person is going to be voting on a utility bill. I am sure that they would not like that and I would want them to know that, but I do not think that your bill is going to see that at all, your amendment.

Mr. COWELL. If that is a question again, Mr. Speaker, I think it would achieve it in the sense of the fact that if you own some of those shares is significant to any of your constituents and you have chosen not to volunteer that information and the holdings are substantial, you may well have somebody ask you about that somewhere along the line, and I suspect that you, as I know you, would give them an honest answer, but they are going to have to make that decision, again, about whether the extent of your holdings is relevant or not relevant.

Mr. VROON. Thank you, Mr. Speaker. That is all I wanted to ask.

May I make a few remarks, Mr. Speaker?

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

Mr. VROON. In view of what has been developed in this interrogation, Mr. Speaker, I submit that although I do agree with the spirit of this amendment—I agree very much with it—I think that it is high time that we are making some much-needed improvements. The people are looking for this. I want this too but I want to see it done efficiently and accurately and in such a manner that nobody will be endangered by disclosure that is being made.

There are several instances when disclosure would be a very definite hazard to any person running for public office. In another sense it would be a very bad thing to have to disclose all of the holdings, for example, of my wife if she happens to have independent wealth. I do not think that it is fair to my wife to disclose to the public the independent wealth that she has, but I do think that it is awfully important that the people know this man who is running for public office does not have conflicts of interest. Let us put something into legislation that says just that. This does not say that, and, consequently, I must oppose this amendment.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick.

Mrs. KERNICK. Thank you, Mr. Speaker.

I think the former speaker was wrong in indicating that wealth is a requirement for financial disclosures. This particular amendment does not require you to disclose the full extent of your wealth.

In answer to Mr. Mebus' question—and I do not know his situation with his spouse—but immediate family under this bill is a spouse residing in the person's household. So if his wife is not residing with him, I do not think he has a thing to worry about.

Gentlemen, you can all sit there and oppose this amendment, but the people who are going to have the hardest time with financial disclosure are the women, elected officials. There will be more spouses sitting at home complaining about revealing or making financial disclosures than there will be wives complaining about the husbands doing it. If I can do it and if Mrs. Wise can do it and June Honaman can support this amendment by cosponsoring it, then I think that every man in this House should add a "yes" vote.

Let me remind you, if you are worried about what your constituents know about you or learn about your wealth, then honest money needs no excuse. Thank you.

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

Mr. ZELLER. Mr. Speaker, I am not going to take anyone to task in regards to the amendment because I believe the amendment is not ready for the simple reason that a portion of it, I feel, should be amended out, and I feel that something has to be done with this amendment in regard to the relationship of the spouse, regardless of whether it be man or woman and the pendant. What bothers me is that I do not have the problem. My wife has her little bitty jewelry. She makes jewelry on the side. So if she makes a thousand dollars a year, I am lucky.

That is not the problem. The problem that I have is that with all these people who for a long —

I think they might pay attention if I mention the fact that many members here fought so feverishly in June in regard to some 24 amendments to the Equal Rights Amendment, and I am not taking them to task. All I am saying is that I was taken to task because I fought them. The reason I say this is because I feel that this slaps ERA right in the face, and I happen to support the rights of women, and the laws are there now to support them if they would only enforce them. But the trouble is you are going to be talking out of both sides of your mouths. You say one thing, you want ERA, and the next minute you say you have to divulge the work or the profession of your spouse. I do not understand your thinking. The very people who are proposing it are some of the people who were loud for ERA, really boosting it, and are now talking about the fact that they do not have any rights anymore. They must divulge all this information. I cannot believe it. And some of the strong proponents, my goodness gracious, is this not something. This is really great.

I know we talk out of both sides of our mouths down here. It is about time and I was waiting for this to happen.

I am not going to call him up to the microphone because I would not want to embarrass him as far as having him up here for an interpretation, but I read here in the paper yesterday where there was a member of the House who is ashamed to serve with us. He is ashamed to serve with us, and then he says he realizes there are people who want to blow the Capitol up. My goodness gracious, the demonstration we saw today is horrible, and when individuals make statements like this or members of the House jeopardize my life, it is about time to start mentioning names, because he is the only one who is able to serve; no one else is fit to serve. I cannot believe these so-called God, self-righteous people. I think it is about time that we start getting ourselves in order before we start talking about everybody else.

I think that Mrs. Kernick is right. We should not be ashamed of anything, but I think you are carrying it a little bit too far. This amendment should be defeated. I know the gang over in the corner will write me up and they would love this. They love it. I care less because if any of them ran in my district, I would beat the hell out of them anyway. All they can write about is my giving citations to cows and stuff like that. What the heck do I care. The cow was probably more worthy than some of them.

Getting down to the real meat of it, the problem is that we are talking out of both sides of our mouths and some of these people who are writing some of these stories are pushing ERA all over the place, and then they will go out here and they will battle for something like this that is outrageous, absolutely outrageous — I have got to tell somebody what my wife earns or where she works. It is none of their damned business.

The SPEAKER. The Chair thanks the gentleman. The Chair recognizes on the Cowell amendment, the gentleman from Bucks, Mr. Wilson. Do you want to follow that?

Mr. WILSON. I am not so sure, Mr. Speaker. I followed the

basic context of the Cowell amendment through its, probably, embryo stages in the State Government Committee and I think that the committee as a whole has done a pretty good job. There might be some small moments in it that need correction later on. I have one basic concern and that is that the commission that this amendment would establish—I am simply afraid that the enforcement is that old song about putting the foxes in the henhouse, and so forth, and I am trying to work out a way to correct it, and, Mr. Speaker, if I may ask a parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. WILSON. Mr. Speaker, if the Cowell amendment in its entirety were to pass and later an amendment were offered that speaks strictly to the Cowell amendment, what would be the order of the day? What would happen to the second amendment?

The SPEAKER. No permission will be granted for any member to offer an amendment to an amendment. That is number one. Number two, if the member were offering an amendment to the Senate amendment, which in fact were to amend the Cowell amendment, and the House were to adopt it, then the later amendment would obtain.

Mr. WILSON. I thank the Speaker.

Further parliamentary inquiry: Is this amendment divisible?

The SPEAKER. An amendment as complicated as this, the Chair would assume almost automatically could be divided. Where does the gentleman suggest that the division be placed?

Mr. WILSON. Let me be specific. If you would refer to page 5 of the amendment, beginning with the word, Section 6 and continued through Sections 7 and 8. I would respectfully suggest the division of those three sections as one entity and the balance of the amendment as another entity.

The SPEAKER. Let the Chair query the gentleman to see if we are understanding him. On page 5, are you suggesting that we delete "(6) The name and address of any person from whom a gift or gifts valued. . . ."?

Mr. WILSON. Negative. Down toward the last third of the page. It begins with the words "Section 6. State Ethics Commission."

The SPEAKER. And the gentleman is inquiring whether or not that section—

Mr. WILSON. That section 6, section 7, and section 8 following be one entity, with the balance of the amendment as the other entity.

The SPEAKER. The gentleman, Mr. Wilson, has in effect asked the Chair if the sections relating to the creation of a state ethics commission, its powers and duties, can be deleted from the amendment by division. Is that correct?

Mr. WILSON. Yes, Mr. Speaker.

The SPEAKER. The Chair is of the opinion that that cannot be done because of language which appears on page 4 of the bill at the top of the page, Mr. Wilson, subsection (d), which refers to "Other areas of possible conflict shall be addressed by the commission pursuant to paragraph (9) of section 7."

If we were to strike from the bill the entire commission, there would be nothing for subsection (d) to refer to. It would become

meaningless verbiage and that, therefore, would prevent us, in the Chair's opinion, from so dividing the question.

Mr. WILSON. The fact, Mr. Speaker, that there is nothing to refer to does not destroy, however, the impact of the remainder of the bill. Would that not be true?

The SPEAKER. No. It would not destroy the remainder of the bill, but the question on division is whether or not you may divide the question in such a way as to leave that part which is divided out meaningful. And although the Chair is certainly not convinced that this would destroy the rest of the amendment, the Chair would suggest that other methods be pursued to solve the problem. The Chair does not want to suggest particularly what the other methods are.

Mr. WILSON. I have several here. I already prepared other methods. I will have to then go back to your original ruling, that any subsequent amendment that would change the language in the Cowell amendment would have precedent over the Cowell amendment.

The SPEAKER. That is correct, sir.

Mr. WILSON. I will take that avenue.

The SPEAKER. That is correct.

Mr. WILSON. Thank you, Mr. Speaker.

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

Mr. POTT. Thank you, Mr. Speaker.

I am going to be very brief on this. I certainly do agree with the concepts of the Cowell amendment and think it is a great step forward for informing the public of the financial interest of their elected officials and, correspondingly, the income of their public servants.

However, I do have some concern about the reporting requirements, the creation of new commissions and added layers to our already voluminous state bureaucracy. It would seem to me, Mr. Speaker, an alternative suggestion that the gentleman, Mr. Cowell, may want to consider would be to utilize some already existing mechanisms to provide the public with some full and adequate disclosures.

All Pennsylvanians are presently required to file a state income tax with the Secretary of Revenue. It would seem to me that legislation might be in order to require the Secretary of Revenue to publish the Pennsylvania form 40 of all of those who seek public office or become candidates for public office. Thereby, we provide the public with the disclosure that this bill provides for the public. It also provides an existing form that if there is any perjury or fraud in the filing of the tax returns that the individual has already committed a criminal act.

I think that I would like to offer the suggestion to my good friend and colleague, Mr. Cowell, that additional disclosure by the Secretary of Revenue and not the individual of all candidates for public offices' personal income tax return may be even a better step to take to provide the public with the information which is necessary in an already existing format that the public and the news media already understand and they can compare it right with their own income tax returns and question any unusual item or any item of income which they are not satisfied with.

I think we do not create an additional layer of bureaucracy and we provide substantially more disclosure than even this does. Thank you, Mr. Speaker.

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

Mr. A. C. FOSTER. Mr. Speaker, I am a supporter of the bill. I would just like to point out a couple of words that may have been omitted on page 5.

Mr. Speaker, could I have order so that I could interrogate Mr. Cowell for just a moment?

The SPEAKER. The gentleman, Mr. Cowell, indicates that he will stand for interrogation. The gentleman, Mr. Foster, is in order and may proceed.

Mr. A. C. FOSTER. Mr. Speaker, on page 5, section 6, if you will read the first section, section (a): "There is established a State Ethics Commission composed of seven members . . ." After that the language is unclear. I suspect there should be a period after the word "members" and then a couple of intervening words before "President"; possibly "the President."

Could the gentleman, Mr. Cowell, clarify that point?

Mr. COWELL. Yes. That language in other drafts and in the minds of the authors is to read: "There is established a State Ethics Commission composed of seven members. The President pro tempore of the Senate . . ." et cetera, et cetera. What is missing is the period and the word "the".

Mr. A. C. FOSTER. You are saying there should be a period after the word "members" and then inserted—

Mr. COWELL. —the word "the" before President.

Mr. A. C. FOSTER. Yes, a new sentence there.

Mr. COWELL. That is obviously an incomplete sentence or two sentences that are running together.

Mr. A. C. FOSTER. Yes.

Mr. Speaker, could not those corrections be made by the Legislative Reference Bureau?

The SPEAKER. The answer to that is yes. The Speaker has already detected that error. That is a minor correction that could be corrected by the Legislative Reference Bureau, yes.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

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

Mr. DAVIES. Mr. Speaker, I either address this to the maker of the amendment or through the Chair. I will first direct the question to the maker of the amendment.

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, neither to be dilatory nor to delay in any other form, I put the question—and I raised the question some three times to the subcommittee in their deliberation on the original bill—Is it not a fact that under the provisions of the equal rights amendment of the Commonwealth as provided in that amendment that it would be a question, really a constitutional question, as to whether I would have the right to divulge any of the holdings of my spouse or major children, which I know have been accepted, or minor children who have a source from a trust other than under my control or that I have finan-

cial control over, meaning from some outside created source? In other words, would this not be an invasion of their constitutional protection?

Mr. COWELL. In response to that, Mr. Speaker, although I was not party to those discussions with the subcommittee, I believe the answer would be "no."

First of all, the issue that is raised I think has nothing to do with equal rights. If you are speaking about the right of privacy or equal protection or a number of those things, I could only cite the fact that this kind of language exists in a law in a number of states. And this kind of provision is included in some of the Federal disclosure laws that are required of our Federal candidates and Federal officeholders.

Mr. DAVIES. Mr. Speaker, then I would assume that you are going to guarantee me that all of those states have the same equal rights amendment enacted as Pennsylvania to their constitution, a constitutional prohibitional protection?

Mr. COWELL. I will not assure you that all of those states have the same kind of language as Pennsylvania, but those states which do have things that read similarly to Pennsylvania's, certainly the intent is similar to Pennsylvania's. But in any regard or in any event, the language that you are talking about in the Pennsylvania Constitution I think is an irrelevant point to raise with respect to this issue. It simply has no relevancy.

Mr. DAVIES. All right. Mr. Speaker, would you address yourself to that where an individual child assumes or becomes through action of the court, say, a liberated individual at the age of 15, and we are going to speak to that. Do we get into the same question there of the matter of the constitutionality of my being required to divulge those particular holdings or again the matter of their income from a trust that is not of my making or under my control?

MR. COWELL. In response, Mr. Speaker, the definition of "immediate family" includes minor dependent children. I believe that the courts deemed a youngster to be, as you call it, a liberated youngster. That youngster would no longer be a minor dependent child, so they would not be covered.

Mr. DAVIES. Thank you, Mr. Speaker.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like to respond to the earlier statements made by Mr. Zeller and Mr. Davies. I do not want to digress from the issue at hand, but when the ERA — Equal Rights Amendment — was brought in, I think to clarify that point, what we were doing with the ERA and what we are doing here is not giving special rights but assuring that the law is applied equally. It is not a violation in this bill that a spouse has to divulge certain financial factors. It would be a violation if the member was a man and the spouse had to divulge or the member was a woman and the spouse did not have to divulge. As long as both sexes are treated equally, there is no violation. So I think the arguments raised regarding the ERA were specious arguments and not valid here.

I would like to comment to this point in the argument. I have

heard not one valid issue that I think goes to the defeat of this bill. Much time was spent on this amendment. HB 546 was changed, modified, and compromises were met. The timing is right, at this point. We have the vehicle with this bill. We can send this bill to the Senate and not be faced with good legislation that we have sent over before being caught in committee and dying over there. The Senators will have to take a public stand and vote to concur or not to concur on this bill. This is our chance to get this legislation through.

In response to what Mr. Pott said earlier, without an ethics commission what we would have on our hands is a paper tiger: We would have the facade of reform, but not in actuality reform. We need the ethics commission. It is the only way to really enforce this type of reform legislation. I think with all the work that was put into this, I think what we tried to do was give the public the information that they have a right to know without unreasonably violating the privacy of public officials. I think we have walked a very narrow line trying not to tip the balance either way. I think we have accomplished that in this bill and I would urge all the members to please vote for this bill. This is our chance to finally get good conflict-of-interest financial disclosure and good ethical-government legislation on the books. Thank you very much.

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

Mr. FRYER. Mr. Speaker, I had not planned to speak on the amendments before us, but I overcame my normal good judgment and I have decided to speak. I know it is very difficult to speak against an ethics bill, but recognizing that all things are not perfect, I would like to make a few general observations.

We all stand for good ethics. In fact some of us abound with it so that it oozes from every pore. We are to be complimented. Somehow or other, though, and I must be missing the point, I cannot quite see how this amendment is going to accomplish what I believe the supporters believe. One, if I have 100 shares of General Motors and my wife has 200 shares of Tinker Toy, now by the fact that we submit that in a financial report, does that mean that here in this state legislature we are not going to favor General Motors and Tinker Toy? Have you stopped us cold? Can we stop cash payments among corrupt people? In my experience in state government, some of those who offended were millionaires. So there is no need for money.

I say that you are intruding into the life of the public official, because what stock holdings they have has not one iota to do with it. They are elected to that office by the people on the basis of their performance, and that is what they are judged on. If my wife happened to make sound investments, I think, quite frankly, that is her business. And I would say that in ethics I think that mine can compare favorably with most any member of the House. I recognize that some are untouchable, so I made that exception for those that we had with us, God bless them.

Now I would get to a point as it affects—and the main reason I got to the mike this afternoon was because of the effect of this amendment on local government. I want you to think about that, and I think I have that responsibility as chairman of that committee, because to point out to you, and from page 4 I read

as part of this amendment that any candidate for local office shall file a statement of financial interests with the commission pursuant to this act, and shall file a copy of that statement with the governing authority of the political subdivision in which he is a candidate.

I served as a school director for 10 years and I served with 60-some-odd directors, and we had people of outstanding ability, some who were quite successful. And I say, if you pass this with that provision, you are going to lose many of those worthy people. I remind you of this: A school director serves without pay. I remind you further that in this great Commonwealth we have 961 boroughs of which we have councilmen who are serving for a meager salary. We have over 1,500 townships of which we have supervisors and the like. We have authorities on which people, local people, the very foundation of our communities, are serving because they feel that they are doing a community service, and rightly so. Now you would have them, by virtue of this amendment, and you would say, well, you just continue to serve without pay, but, frankly, we want to know what you and your wife have. And I say to you that is a washline routine. That is going over the washline on Monday and saying, I wonder what this one has and that one has.

You know, we used to play a game when we were kids, and I am reminded of it now, and that was the "empty your pockets game," and do you know what? Most of them who started that game did not have anything in their pockets. But I will tell you one thing, they had an abiding curiosity as to what was in the other fellow's pockets. Now are we that immature? Have we really progressed? That is the question I suppose we face.

Once again, I do not plan to say I am against ethics. I am for it, but I raise the question, what are you going to serve by this? You are going to have a lot of press releases. You are going to have a lot of people on the radio, some of them who are proud of being a member of this body and some who are not, and I hope, for God's sake, that we do something to remedy that so that they can become proud of this great body and what it stands for.

Mr. Speaker, there are serious problems here, and I am not going to be against an ethics bill. I am not going to give my opponent that edge in an election, because I hope to be back here, maybe playing the "empty the pockets game." It might be of interest, and God knows what they are going to be up to in the next session, and I do not want to miss it. So I do not know what this thing is going to cost. I do not have an idea of that, but I have grave reservations, and I will tell you, I could not think of anything more to destroy local government than this proposal. So just think. I know we have the capacity to do that. Many times we do not use it, but I would suggest we should at this moment, because if you pass this, with that local government amendment, you are going to lose about, I would guess, 75 percent of your solid people back home, and who is going to take their place? Who would want to take their place?

So those are my general observations, Mr. Speaker. Once again, I stand with those who are for a strong ethics bill. Who can deny that great drive, that urge to show to the people back home that we are on that narrow path and we will not stray? Thank you, Mr. Speaker.

The SPEAKER. The Chair indeed thanks the gentleman from Boyertown. The Chair must plead guilty to being one of those with empty pockets. You may remember the Chair stood here on May 23, 1977, and made a complete financial disclosure, even to the effect of stating that the Chair owed money in back taxes. That raised the resentment of not only the newspaper editorials but also the Chair's spouse, who informed the Chair that his mouth was too big and he talked too much.

It was comforting for the Chair to take note that the President of the United States, during that same year, had failed to file his income taxes on time. That alleviated some of the pressure on the Chair.

The Chair had not thought how much fun it might be to play the "empty-the-pockets" game with some of you, but it might be a great deal of fun after we get through passing this amendment.

The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, it is very difficult to follow Mr. Fryer. However, I am going to try to do so.

Mr. Speaker, I am going to rise in support of the Cowell amendment. I think it is a very sensible approach to this problem. I think it does not require disclosures which we should be unwilling to make. It should not be embarrassing to us. I think that the creation of the commission is a very important step and I think it is particularly so because it permits us to proceed on these difficult problems on something of a case-by-case basis and gradually build up a body of opinions, laws, or whatever you will that will give us guidance.

In fact, the Cowell amendment is very similar in structure to an amendment that I offered to an ethics bill that was, I believe, sponsored by Mr. Yohn in the 1973-74 session. My amendment would have created a commission. My amendment would have required limited financial disclosure. The Cowell amendment, however, does go a little further in prohibiting employment or representation before the governmental body you serve for 1 year. I think that it is a very sensible approach and I think it is something we should do.

But I would like to caution the members about one thing. Any of you who think or any of us who think that by a vote today on this bill or this amendment we are going to establish our ethics before the eyes of the general public is completely and utterly wrong. You cannot establish ethics by legislation; you can simply set a framework. In the final analysis the ethics and the public repute of this Chamber have got to be established by the integrity of the individual members of this Chamber and their ability to make discriminating decisions and to make ethical decisions in their own dealings with the public with funds of the Commonwealth, with the funds of this House, and with each other.

I support the Cowell amendment. It will not solve all our ethical problems; it will not make you a hero in the eyes of the public; but it is a step, I think, in the right direction. I think we do need some better guidelines, and the Ethics Commission will help establish them. Thank you very much.

The SPEAKER. The Chair recognizes, for the second time on

the Cowell amendment, the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, during my first attempt I inadvertently forgot to mention something that is dear to me, and that is our veterans. The Internal Revenue Service does not require veterans who are disabled and receiving a pension to list their income, but this will state the fact that they have an income as a disabled veteran, that again an individual who has served his country, fought for his country, is now disabled and has to have that listed. That, too, I do not think is anybody's business.

That bothers me, and there again is something that they say they find nothing, as Mr. Kukovich mentioned, nothing here that anyone has brought up to this point in time that would create any move to vote against it. Well, the only problem he has is he has an ace in the hole because, as Mr. Fryer put it, you would be looked upon by the fourth estate as a nut if you did not and would probably be listed as such.

You see, I can vote for this and get away with it on the equal-rights-amendment end of it because I am one of the guys who have been up here battling, but a lot of you folks out there who have been battling for ERA are going to be put in a little bit of a spot. I have been consistent and I can be consistent in voting for this. I have got no problems, but some of the heroes are going to have problems.

They talk about changing an individual's ethics. Mr. Hutchinson put it very well, that you are not going to change anything because ethics have to be established by your people in your district as toward you and your attitude and actions down here as their representative.

You know, the reason why you do not really need it is because they are catching those individuals who are involved with their hands in the cookie jar. As a matter of fact, many of them one week are on the front page of Time magazine; the next week they are doing time. And we are thinking seriously of changing our terms here in the House from 2 to 4 — 2 years in the House and 2 in jail.

As a matter of fact, I say that kiddingly because of the fact that there are so many changes people want down here, and our forefathers have it right in leaving it alone. Things will work out. The trouble is you have a lot of guys running for reelection scared in their districts, and they are coming up with everything. They have got to be heroes. So the angle is they will play them up as heroes because they have got an ax to grind, too.

Those are some of the problems you have to put up with, and I think Mr. Fryer put it quite well. You cannot vote against it; you have got to vote for it and look like some kind of nut.

So talking about what Mr. Fryer said about the pocket problem, I have got to bring that out and I hope the Press really plays that one up, too, because it probably would go against me with some of the do-gooders. He says they had an "empty-your-pockets" game. Lester, I get a kick out of that one, "empty-your-pockets" game. I come from a neighborhood in Chicago that was so poor, we did not have toys to play with; they had to cut holes in your pockets.

So that the Press does not misunderstand, that did not happen to me; I just heard about it. Just so you understand. I do not want them to play it up, and I want it squared away on the

floor of the House that I heard about those kids, the poor kids. They had problems.

So I would like to close with, from ERA to empty your pockets to ethics to you name it, this is called a Christmas-tree bill. It is going to catch all the villains. We have the Governor, who had to give back \$300,000. We have poor Brother Barger who just got caught. We had a President who had to resign. We have so many guys out in Allenwood they are putting on extensions. As a matter of fact, I do not know where in the heck we are going. They are getting caught. What are you worried about? All you do-gooders, what are you worried about? I just cannot believe it. I will answer to the 134th district, and I will stand in elections, and the ethics will be there, and if the people find that I am not doing my job, they will tell me to go to hell so effectively I will probably look forward to the trip.

But that is the kind of thing that have to tell you. The people have to let you know, and they will let you know. We do not need this kind of trash, but we are caught. We are caught on the spot now because, again, the fourth estate will play it up. You have got to vote for it, so let us get on with the business and let us vote for an ethics bill and start telling everybody what your wife makes, and the disabled veterans and everything else. Let us get on with it.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Kernick, for the second time on the Cowell amendment.

Mrs. KERNICK. Thank you, Mr. Speaker.

For Mr. Zeller's edification, the women in the House will have to tell what their husbands do but not how much. It has nothing to do with the wealth. There will be no figures in this report. And if you own stock in a utility company, the people will know that and they will know whether you voted for the utility company or whether you voted for them.

I did not originally get up to respond to Mr. Zeller, however. I got up to respond to the great orator of this House, Mr. Fryer. Mr. Fryer is very concerned about local government having to come under this. Well, let me tell you, I have a son on the Penn Hills Council back home, and my son this month introduced an ordinance on financial disclosure.

I hope that every member of this House will vote for this bill, and it will not be necessary for the Penn Hills Council to adopt their ordinance. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia, on the Cowell amendment.

Mr. GARZIA. Mr. Speaker, thank you.

I do not know why everybody is so worried about voting for or against this amendment. It is not going anywhere. I think everybody in this House knows that this is a dead duck we are playing with now. So what the heck is all the argument about?

You know, if this bill comes out of the Senate—I had better not say what I really want to say—I think we will be the most surprised legislature in the world and I think the people would reelect all of us back here to make fools of ourselves again next year. Thank you.

The SPEAKER. The Chair recognizes the lady from Susque-

hanna, Miss Sirianni, on the Cowell amendment.

Miss SIRIANNI. Mr. Speaker, maybe what Mr. Garzia says is true, but I think with the help of the Press this can be otherwise. I said last week that the Press keeps hollering that they want an ethics bill, but I do not see them pounding away in the newspaper every day until they get one. They would rather wait until it is defeated and then have a headline that it was defeated. If they truly want one between now and the end of this session, the press can get one, and it behooves the Press to do this for the people of Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich, for the second time on the Cowell amendment.

Mr. KUKOVICH. Mr. Speaker, I do not want to prolong this, but I feel I have to respond to a few of the previous speakers.

First of all, I am not sure that we are beating a dead horse, in response to what Mr. Garzia said. It was a dog? Dead duck? I do not think that is the case, no matter what the animal is.

I have personally had contact with members of the state Senate who have copies of this particular amendment and who are interested in trying to do the same thing over there that we are doing here. Whether it is done or not we have no way of knowing, but we are doing this for publicity's sake. I can only speak for myself. I think most of the people in here know that I am not trying to be a hero. I have no opposition in the fall. What we are trying to do is get a decent bill through and become law and not just pass the House.

Briefly, in response to Mr. Fryer, he said that we would be scaring people away from local government positions. This was a tactic used in California before they passed their conflict-of-interest code of ethics law. That did not happen out there. They did not lose 75 percent of the people or even a small percentage of the people, as Mr. Fryer suggested. Whenever he mentioned emptying pockets, that also does not apply here. We specifically took out the language that says that you have to disclose precise amounts.

I would also like to respond and say that some local townships are already starting to do this, so it is not an unnecessary burden on local government. Thank you.

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

Mr. TRELLO. Mr. Speaker, I would just like to speak to the fact that I favor a good ethics bill, too. I think we all do in here. But I think there is one unwritten law that most everybody, if not everybody, in this House is abiding by right now, and I think it is called the Ten Commandments. If we live by that, I think we have no reason for ethics legislation. Thank you.

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

Mr. GALLEN. Mr. Speaker, could I briefly interrogate Mr. Cowell?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Gallen, is in order and may proceed.

Mr. GALLEN. Mr. Speaker, could Mr. Cowell inform us as to

roughly the number of reports that the commission will receive in any one year?

Mr. COWELL. I have not calculated that figure. I would vary from year to year. It would be dependent to a large extent on the number of candidates who sought office in a particular year. That would really be the variable.

Mr. GALLEN. Would you think it would be 5,000 or 10,000?

Mr. COWELL. I would believe that it would be in excess of 10,000.

Mr. GALLEN. Would you believe it would be in excess of 40,000?

Mr. COWELL. It may. I am not certain.

Mr. GALLEN. Mr. Speaker, I am not through with the interrogation, but I would like to say that I am in favor of this legislation, but I am a little bit concerned about whether or not any of the sponsors of this legislation have any stocks in paper companies.

Mr. Speaker, there would be in excess of 40,000 reports filed. Would it be the commission's job to go over each of these reports, Mr. Speaker?

The SPEAKER. Did the gentleman say 40,000 reports?

Mr. GALLEN. In excess of 40,000.

The SPEAKER. In excess?

Mr. COWELL. It would be the responsibility of the commission to receive those reports that by law must be sent to them, and to deal with that information in such a way that they can insure as best they can that the information is supplied as required by law, and then to publish annual reports as indicated in the proposed amendment.

Mr. GALLEN. Do you have any idea, would this commission have a staff?

Mr. COWELL. There is language in the amendment, I believe, that gives them the authority to hire staff.

Mr. GALLEN. They would what?

Mr. COWELL. It gives them the authority to hire the staff necessary to complete their responsibilities.

Mr. GALLEN. Could you hazard any guess as to how many people it would require to handle as many as 40,000 of these reports?

Mr. COWELL. If they are competent, efficient people, few.

Mr. GALLEN. I missed the answer, Mr. Speaker.

Mr. COWELL. Pardon me?

Mr. GALLEN. I missed the answer.

Mr. COWELL. I said if they are competent, efficient people, few employes.

Mr. GALLEN. Could you give us any idea what it is going to cost to run the commission?

Mr. COWELL. Any figure that I would give or that any of us would give at this point would simply be a figure out of the air. I cannot give you a figure that really would be very specific.

Mr. GALLEN. Have you talked to the chairman of the Appropriations Committee or the Appropriations Committee staff in regard to the cost?

Mr. COWELL. I have not.

Mr. GALLEN. Well, I am not going to request that this amendment have a fiscal note. I think we can run this legislation and pass it. But I am quite concerned that with 40,000 re-

ports coming in, unless we had a very extensive staff at a very high cost to examine these reports, that only a very few of them would be examined. I am a little bit concerned about the political makeup of the commission and whose reports would be examined and whose would not.

That is all, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia, for the second time on the Cowell amendment.

Mr. GARZIA. Mr. Speaker, may I interrogate Mr. Cowell, please?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Garzia, is in order and may proceed.

Mr. GARZIA. On page 9 of your amendment it says, "Amend Bill, page 2, lines 23 through 30 . . ." What you just did is struck out my original bill. Am I correct in saying that, Mr. Speaker?

Mr. COWELL. We have struck some of the specific language from your original bill that the Senate had not dealt with, but we cover, I think, those same issues. Your intent was to deal with potential conflicts of interest among local officials. I think that in a more broad way we deal with those potential conflicts of interest not only with local officials but state officials as well. So we address the same problem in a slightly different way.

Mr. GARZIA. Yes, but, Mr. Speaker, the question was that you struck out my original 15-line page that I introduced last year, and an engineer now, as I read your amendment, can still act on both sides. He can be a borough engineer and also an engineer for a construction company. Where in your amendment does it say that they are forbidden to do that? You gut out my bill.

Mr. COWELL. Mr. Speaker, in response, the speaker is correct. That language has been eliminated.

Mr. GARZIA. Well, Mr. Speaker—

Mr. COWELL. If I may respond to the question, first of all, that is one of the dangers around here. I remember voting against a budget bill last year that started out as some innocuous bill that I had introduced. The Senate did it to us. So those things change.

I think the issue is addressed though, in terms of restricted activities, in a general way. I think it certainly would be addressed because there would be an opportunity to address it by the Ethics Commission, and that language appears on page 4, section (d), where we talk about other areas of possible conflict. They will be addressed by opinions from the commission.

Mr. GARZIA. Mr. Speaker, I introduced HB 198 March 21, 1977, and it lay over in the Senate for a whole year before it was acted upon. Now it came back, and the original bill that I introduced to stop conflicts of interest in the local boroughs and townships is no longer in HB 198.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Mr. GARZIA. I would like to put a motion on the floor right now to revert back to the prior printer's number, 740, which

was only 15 lines long of HB 198, which is what I intended to do. I want to revert back to a prior printer's number and I make that motion.

The SPEAKER. Will the gentleman yield? The Chair offhand does not believe the gentleman is in order to revert to a prior printer's number on a committee of conference report, but the Chair will have the Parliamentarian check that.

MOTION RULED OUT OF ORDER

The SPEAKER. The Chair rules that the gentleman's motion is out of order at this time.

Does the gentleman, Mr. Garzia, wish to add to his remarks?

Mr. GARZIA. Well, if I cannot revert to a prior printer's number, if we suspend the rules or something, could we do it? Let us put it this way: Why can I not—

The SPEAKER. If the House agrees to suspend the rules, then the gentleman may make his motion, yes.

MOTION TO SUSPEND RULES

Mr. GARZIA. Mr. Speaker, I will ask to suspend the rules so I can go back to a prior printer's number on HB 198.

The SPEAKER. Well, my mother told me some days would be like this.

Mr. GARZIA. Everything was all right, Mr. Speaker, but I found out that my original bill was ripped out of my own bill.

The SPEAKER. I just did not think there were going to be this many of them.

For the information of the members, the gentleman, Mr. Garzia, wishes to place a motion on the floor to revert HB 198 to its prior printer's number, to prior printer's number 740. Is that correct?

Mr. GARZIA. I did not hear what you said, Mr. Speaker.

The SPEAKER. Prior printer's number 740? Is that correct?

Mr. GARZIA. Yes, Mr. Speaker.

The SPEAKER. In order to do so, the gentleman must have the consent of the House to suspend the rules. The gentleman now places a motion before the House that the rules of the House be suspended so that he may place a motion to revert to a prior printer's number.

The question is on the suspension of the rules, and the Chair recognizes the minority leader.

Mr. SELTZER. Mr. Speaker, it is my recollection that the business before the House was the consideration of the amendment offered by the gentleman from Allegheny, Mr. Cowell. I would humbly suggest, Mr. Speaker, that the proper order of business would be to dispose of Mr. Cowell's amendment and then recognize the gentleman from Delaware, Mr. Garzia, to make his motion. It is my recollection, Mr. Speaker, that it would not be proper to interrupt the consideration of an amendment to consider the motion that has been suggested to be placed by Mr. Garzia.

The SPEAKER. The gentleman, Mr. Seltzer, is certainly correct when it comes to a formal placing of a motion, and the Chair would agree with him that if the gentleman, Mr. Garzia, would yield until we have disposed of the Cowell amendment, either affirmatively or negatively, then the Chair would recog-

nize the gentleman, Mr. Garzia, to place his motion to suspend the rules.

MOTION WITHDRAWN

Mr. GARZIA. I so yield, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Letterman. For what purpose does the gentleman rise?

Mr. LETTERMAN. Mr. Speaker, are we not already operating under suspended rules now? Why would we have to do that?

The SPEAKER. No. We are operating under the suspension of one rule, and I believe that was rule 30, but there was only one rule suspended for the specific purpose of amending a Senate amendment. All the other rules are in force.

The Chair recognizes, on the Cowell amendment for the second time, the gentleman from Allegheny, Mr. Cowell. This is the last speaker listed on this list. When the gentleman is through, we will place the question. Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, very briefly I wanted to respond to a couple of the concerns that were raised by other speakers. Rather consistently through the debate various individuals have expressed concern about having to tell about everything that you have. One speaker said, tell what you have and what your wife has. You are not required to do that. There is no disclosure of your wealth. There is not a disclosure of all those assets and a long, detailed balance sheet, as some people have indicated. That is not required here. This is a bill that provides for relevant disclosure and a rather simple disclosure. You disclose other sources of income; you disclose large gifts; you disclose any real estate holdings if there has been a transaction with the state — you leased property to the state; you bought it from the state; you sell it to the state. That is relevant information. And a simple listing of the stocks that you own. No amounts are required; no numbers are required. The names of the companies in which you have an interest, if any, is the only information that is required.

Some people have suggested that there is a problem in terms of requiring other members of the immediate family to be included on the report. If you do not include other members of the immediate family, the bill would be a sham. There is no decent ethics law that has been proposed anywhere in this country that does not include that. Where it is not included, it is generally recognized as a major loophole. If you want to just go through the motions and try to fool people, we can say, okay, we will not include that. But that is the only thing we would be doing, going through the motions and trying to fool people, and they would not be fooled. We have got to include the immediate family in the disclosure provision.

A concern was raised about local government, and I share those concerns, but I do not think those concerns are overriding at this point. The potential for abuse is just as great at the local level as it is at the state level. That is not to suggest that we have more crime at the local level or fewer honest people or more dishonest people. That is not to suggest that. The suggestion, though, is that the potential for abuse is essentially the

same at that level as it is at this level, and again we look at what other states have done. We look at California. We have an ethics law that is applicable to their local officials, and I have not read a single column anywhere at any time that that is creating a major problem for local officials. It is inconvenient; it is inconvenient for us, too. We might not like it, and they might not like it at the local level, but the information is still relevant, and it is still a rather simple disclosure provision.

The point also was made by another speaker that there is some concern about whose returns might be audited. I would remind you that the provision which establishes the ethics commission and provides for appointments to the ethics commission gives the right of an appointment to the minority leader of the House and the minority leader of the Senate. So it would be a bipartisan appointment process.

Mr. Speaker, in my earlier remarks I said I thought we should do what a gentleman on the opposite side suggested several days ago, that is, to do what is right. I think it is right that we adopt this bill. I think that it is right that it is necessary that it become law during the next several weeks, and I would urge your agreement to the amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, just going through this amendment I notice here that it states that "Members of the commission shall be compensated at a rate of \$50 per day and shall receive reimbursement for their actual and necessary expenses while performing the business of the commission." It also states that the commission shall employ an executive director, a general counsel, and such other staff as are necessary to carry out such responsibilities.

Can the prime sponsor of this amendment or any other sponsor tell me approximately how much it is going to cost us to have another watchdog? Or does this require a fiscal note? I mean, I am in favor of ethics, but I want to know how much it costs, because there are some members in this House who had to bite the bullet last year, and there are a lot of members who are for a lot of good things but they do not want to vote for a means to pay for them. I would like to know how much this is going to cost, since I only get \$44 a day and they are getting \$50.

Mr. Speaker, I understand that there has been a lengthy discussion on this particular question here. I must have been out of the room, and that being the case, then I will just withdraw what I said and we can go on with the business at hand.

The SPEAKER. The Chair thanks the gentleman. I do not believe that the question was answered as to how much it would cost. The gentleman, Mr. Gallen, asked that and then said that he was not going to insist on a fiscal note. The gentleman, Mr. Cowell, indicated that they had not anticipated and they had not calculated the cost.

The Chair recognizes, for the second time on the Cowell amendment, the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, just very briefly, I have to revise upwards that estimate of 40,000, because I found out that

there are 1,300 more Robert Caseys in the Commonwealth of Pennsylvania.

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

The following roll call was recorded:

YEAS—183

Armstrong	Garzia	Manderino	Schmitt
Arthurs	Gatski	Manmiller	Schweder
Barber	Geesey	McCall	Scirica
Bennett	Geisler	McClatchy	Seltzer
Berlin	George, C.	McLane	Shupnik
Berson	Giammarco	Mebus	Sirianni
Bittinger	Gillette	Meluskey	Smith, E.
Bittle	Gleeson	Milanovich	Smith, L.
Borski	Goebel	Miller	Spencer
Brandt	Goodman	Milliron	Spitz
Brown	Gray	Miscevich	Stairs
Brunner	Greenfield	Moehlmann	Stapleton
Burd	Greenleaf	Morris	Stewart
Burns	Grieco	Mowery	Stuban
Caltagirone	Halverson	Mrkonic	Sweet
Caputo	Hamilton	Musto	Taddonio
Cassidy	Harper	Novak	Taylor, E.
Cessar	Hasay	Noye	Taylor, F.
Cimini	Hayes, D. S.	O'Brien, B.	Tenaglio
Cohen	Hayes, S. E.	O'Brien, D.	Thomas
Cole	Helfrick	O'Connell	Trello
Cowell	Hoeffel	O'Donnell	Valicenti
Davies	Honaman	O'Keefe	Vroon
DeMedio	Hutchinson, A.	Oliver	Wagner
DeVerter	Hutchinson, W.	Pancoast	Wansacz
DeWeese	Itkin	Parker	Wargo
DiCarlo	Johnson	Peterson	Wass
Dietz	Jones	Petrarca	Weidner
Dininni	Katz	Piccola	Wenger
Dombrowski	Kelly	Pitts	White
Donatucci	Kernick	Polite	Wiggins
Dorr	Klingaman	Pott	Wilson
Doyle	Knepper	Pratt	Wilt
Duffy	Kolter	Prendergast	Wise
Dumas	Kowalyshyn	Pyles	Wright, D.
Englehart	Kukovich	Quest	Wright, J. L.
Fee	Lashingner	Rappaport	Yahner
Fischer, R. R.	Laughlin	Ravenstahl	Yohn
Fisher, D. M.	Lehr	Reed	Zearfoss
Flaherty	Letterman	Rhodes	Zeller
Foster, A.	Levi	Richardson	Zitterman
Foster, W.	Lincoln	Ritter	Zord
Freind	Livengood	Ruggiero	Zowl
Fryer	Logue	Ryan	
Gallagher	Lynch	Salvatore	Irvis,
Gallen	Madigan	Scheaffer	Speaker
Gamble			

NAYS—7

Anderson	George, M.	Mullen, M. P.	Rieger
Cianciulli	Levin	Renwick	

NOT VOTING—8

Beloff	Mackowski	McIntyre	Scanlon
Haskell	McGinnis	Pievsky	Williams

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

The SPEAKER. HB 198, PN 3514, will be reprinted as amended so that it will be available—No, correction. I am sorry.

I did say it would be reprinted, Mr. Garzia, but that would entail too much danger to the other amendments which have already been drawn. It would be unfair to those members who have drawn amendments to this printer's number. I beg your pardon. We cannot do that. So the bill will not be reprinted. You may have to draw your amendment to the bill as it is currently in print. The Chair apologizes for giving you that off-the-cuff response. We should have thought of the fact that other members have already drawn amendments.

HB 198 PASSED OVER

The SPEAKER. HB 198, PN 3514, as amended, will go over for today.

BILLS PASSED OVER

The SPEAKER. All the bills which were marked on the calendar "over temporarily" will go over for today.

HB 18 REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Fischer.

Mr. R. R. FISCHER. Mr. Speaker, I move to remove from the table HB 18, PN 18.

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

The following roll call was recorded:

YEAS—187

Anderson	Garzia	Manderino	Scanlon
Armstrong	Gatski	Manmiller	Scheaffer
Arthurs	Geesey	McCall	Schmitt
Barber	Geisler	McClatchy	Schweder
Bennett	George, C.	McLane	Scirica
Berlin	George, M.	Mebus	Seltzer
Berson	Giammarco	Meluskey	Shupnik
Bittinger	Gillette	Milanovich	Sirianni
Bittle	Gleeson	Miller	Smith, E.
Borski	Goebel	Milliron	Smith, L.
Brandt	Goodman	Moehlmann	Spencer
Brown	Gray	Morris	Spitz
Brunner	Greenfield	Mowery	Stairs
Burd	Greenleaf	Mrkonic	Stapleton
Burns	Grieco	Mullen, M. P.	Stewart
Caltagirone	Halverson	Musto	Sweet
Caputo	Hamilton	Novak	Taddonio
Cassidy	Harper	Noye	Taylor, E.
Cessar	Hasay	O'Brien, B.	Taylor, F.
Cianciulli	Hayes, D. S.	O'Brien, D.	Tenaglio
Cimini	Hayes, S. E.	O'Connell	Thomas
Cohen	Helfrick	O'Donnell	Trello
Cole	Hoeffel	O'Keefe	Valicenti
Cowell	Honaman	Oliver	Vroon
Davies	Hutchinson, A.	Pancoast	Wagner
DeMedio	Hutchinson, W.	Parker	Wansacz
DeVerter	Itkin	Peterson	Wargo
DiCarlo	Johnson	Petrarca	Wass
Dietz	Jones	Piccola	Weidner
Dininni	Katz	Pitts	Wenger
Dombrowski	Kernick	Polite	White
Donatucci	Klingaman	Pott	Wiggins
Dorr	Knepper	Pratt	Wilson
Doyle	Kolter	Prendergast	Wilt
Duffy	Kowalyshyn	Pyles	Wise
Dumas	Kukovich	Quest	Wright, D.

sumption that no additional pay raises will be negotiated in the third year, the total cost of this year's contract settlements with school and city employes exceeds \$300 million. That figure could be significant in 1980, after the election, when a tax increase would have to take into account not only accumulated deficits until June 30 of that year but a projected deficit for the fiscal year beginning in July 1 of that year.

This is precisely what happened in 1976 when the record \$195 million tax increase was levied to cover deficits of two fiscal years and that is what is wrong now — not that the teachers, police, firemen and other city workers are getting higher salaries. Consider that 30 percent increases in both the property and wage taxes were required to generate \$195 million in 1976. What is it going to take to defray a potentially larger deficit in 1980?

The city banking establishment, headed by ever-cooperative John Bunting, is being asked to play the mayor's game by cancelling the 7-percent cap on school spending that was imposed as a condition for the \$50 million loan to the schools arranged by Mr. Rizzo last year. The much-heralded cap wasn't worth the paper it was written on, as was said by many when the loan was negotiated.

To see the situation in its totality it is necessary to go back to that \$50 million loan of a year ago which took Mr. Rizzo off the hook while creating a false sense of temporary financial stability in the schools. The mayor, relieved of the burden of funding the schools with city funds, which he could have done then, had no restraints on continued reckless spending. The banking establishment's participation in this fandango has some likeness to what happened in New York as the city plunged toward financial collapse.

"No tax increases" is a refrain the taxpayers of Philadelphia have heard before — from 1971 to 1975, before the roof fell in in 1976. Mayor Frank L. Rizzo, placing his quest for a third term above all else, is plunging this city head-long toward a similar, or even worse, financial disaster and taxpayer rip-off in 1980.

SPECIAL ORDER OF BUSINESS

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HOUSE BILL NO. 198**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

SENATE AMENDED

Prior Printer's Nos. 218, 740, 1147, 1330, 3412, 3453
Printer's No. 3514

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 198

Session of 1977

INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS, COLE, RUGGIERO, O'KEEFE, STAPLETON, TENAGLIO AND REED, FEBRUARY 9, 1977.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 1978.

An Act

regulating the contractual powers of individuals serving in ~~State or State agencies and~~ local political subdivision positions and prohibiting certain ~~State~~ PUBLIC employes from engaging in ~~post State employment~~ conflict of interest activities.

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

~~Section 1. The following words and phrases when used in~~

~~this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:~~

~~"Executive-level State employe." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employe with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employe who by virtue of his job function could influence the outcome of such a decision.~~

~~"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive-level employe.~~

~~Section 2. No former executive-level State employe may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.~~

~~Section 3. (a) Any individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision respectively shall enter or have an interest.~~

~~SECTION 1. (A) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL NOT HAVE AN INTEREST RESPECTIVELY IN ANY CONTRACT OR CONSTRUCTION IN WHICH THE POLITICAL SUBDIVISION SHALL ENTER OR HAVE AN INTEREST.~~

~~(b) Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth.~~

~~(c) For purposes of this section the term "interest" shall mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partnership, corporation or association of which the individual is a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.~~

~~SECTION 2. NO INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL:~~

~~(1) ACCEPT OTHER EMPLOYMENT WHICH WILL IMPAIR HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;~~

~~(2) IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR USE SUCH INFORMATION TO FURTHER HIS PERSONAL INTERESTS;~~

~~(3) USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS FOR HIMSELF OR OTHERS; OR~~

~~(4) ACCEPT ANY GIFT, FAVOR OR SERVICE THAT MIGHT REASONABLY TEND TO INFLUENCE HIM IN THE DISCHARGE OF HIS OFFICIAL DUTIES.~~

Section 4 3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, both, and in addition shall EITHER forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation OR FORFEIT HIS OFFICE OF PUBLIC TRUST.

~~Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.~~

~~Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.~~

SECTION 4. ANY INDIVIDUAL COVERED BY THIS ACT SHALL ON OR BEFORE JANUARY 31 OF EACH YEAR, FILE WITH THE COUNTY CLERK OF THE COUNTY IN WHICH THEY RESIDE A WRITTEN STATEMENT OF WHICH SHALL BECOME A MATTER OF PUBLIC RECORD AND SHALL INCLUDE:

(1) EVERY OFFICE OR DIRECTORSHIP HELD BY HIMSELF OR HIS SPOUSE IN ANY CORPORATION, PARTNERSHIP OR ASSOCIATION WHICH IS SUBJECT TO THE JURISDICTION OF THE POLITICAL SUBDIVISION IN WHICH HE LIVES.

(2) A LIST SHOWING EACH TYPE OF BUSINESS ACTIVITY FROM WHICH HE RECEIVED COMPENSATION IN EXCESS OF \$1,500 DURING THE PRECEDING 12-MONTH PERIOD BY VIRTUE OF HIS BEING AN OFFICIAL, DIRECTOR, EMPLOYEE, PARTNER OR MEMBER OF, OR BEING RETAINED BY, ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER BUSINESS ASSOCIATION, CONDUCTING OR CARRYING ON SUCH BUSINESS OR BUSINESS ACTIVITY.

(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

~~SECTION 5. IF AT ANY TIME A COMMISSION OR BOARD OF ETHICS, WITH RESPONSIBILITY FOR ESTABLISHING AND ENFORCING ETHICAL STANDARDS FOR ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, IS PROVIDED FOR BY STATUTE, THE DUTY OF ISSUING ADVISORY OPINIONS, PURSUANT TO THIS ACT, SHALL BE TRANSFERRED FROM THE ATTORNEY GENERAL TO SAID STATUTORY BOARD OR COMMISSION.~~

SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT RULE SHALL BE CONSTRUED TO PROHIBIT ANY CONSTABLE OR ANY EMPLOYEE OF A COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT JUSTICE FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3, 1937 (P. L. 1333, NO. 320), KNOWN

AS THE "PENNSYLVANIA ELECTION CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION DAY ACTIVITIES.

Section 7-6-5 6. This act shall take effect in six months.

On the question recurring,

Will the House concur in Senate amendments as amended by the House?

Mr. O'DONNELL offered the following amendment:

Amend Bill, page 6, by inserting after line 11

Section 3. Restricted activities.—

* * *

(d.1) No public official or public employee shall represent a person or act as an expert witness for compensation before a governmental body where the action or nonaction of the governmental body is of a nonministerial nature, except in a matter of public record in a court of law; provided that this shall not apply to a public official or public employee acting in an official capacity.

* * *

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, the purpose of this amendment and the effect of this amendment would be to prohibit practice before state agencies by legislators who are lawyers. That is it.

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

Mr. RAPPAPORT. Mr. Speaker, would the gentleman consent to interrogation?

The SPEAKER. The gentleman, Mr. O'Donnell, indicates that he will stand for interrogation. The gentleman, Mr. Rappaport, is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, it is the existing law and has been for some time that public officials may appear before certain agencies if there is an appeal from that agency to the courts in a trial de novo. Is it the intention of the gentleman to change that law?

Mr. O'DONNELL. It is my intention to prohibit any kind of practice before a state agency unless the agency is performing a ministerial function, such as issuing corporation papers, that sort of thing.

In terms of an appeal board where the appeal is trial de novo, under this amendment an attorney would be allowed to represent a client in the courtroom on the de novo trial but would not be permitted to represent a client before the state agency.

Mr. RAPPAPORT. Mr. Speaker, may I be recognized for a statement?

The SPEAKER. Will the gentleman yield? We are checking on the amendment offered by the gentleman, Mr. O'Donnell.

The gentleman, Mr. O'Donnell, is advised by the Chair that at first glance it appears that this amendment does not amend the Senate amendment but purports to amend another area of the bill. Is that correct?

Mr. O'DONNELL. Mr. Speaker, there were two problems

that were raised when I first took this to the Legislative Reference Bureau. One was that we avoid amending a Senate amendment, and, second, that we avoid amending an amendment which was offered on the floor of the House. At my request the Legislative Reference Bureau drew this amendment in such a way that it is an amendment to the bill, not to the Senate amendment and not to the amendments which were offered yesterday, although it draws meaning for one word from the amendments that passed yesterday.

In terms of the draftsmanship, the Legislative Reference Bureau drafted it with that in mind. I wanted to preempt any kind of point of order or parliamentary inquiry on exactly that point. If we have not been successful in that regard, I am certainly amenable to having it redrafted.

The meaning of the amendment is clear. Whether or not it satisfies the parliamentary requirement, I frankly do not know and I was hoping that none of the members would raise that as a matter of parliamentary inquiry. If the Chair is raising that on its own, that is another issue.

The SPEAKER. The Chair would advise the gentleman that, in the opinion of the Chair, he would be well advised to take this amendment back to the Legislative Reference Bureau and ask them to redraft it.

The only thing which is available to the member is an amendment offered to the Senate amendment.

Mr. O'DONNELL. Right. I am sorry.

The SPEAKER. That is the only thing that is available, and that is for the general information of the members who are drawing up amendments. You may not offer amendments just willy-nilly. You must amend the Senate amendment, and that is the purpose for which we suspended the rule of the House.

So the gentleman, Mr. O'Donnell, who is certainly not at fault, is advised by the Chair that his amendment as currently offered is not acceptable under the rules of the House, and the Chair advises him to have his amendment redrafted—the Chair is certain it may be—so that he may offer it, and we will place him back on the amendment list.

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

AMENDMENT TEMPORARILY WITHDRAWN

The SPEAKER. The gentleman, Mr. O'Donnell, temporarily withdraws his amendment.

On the question recurring,

Will the House concur in Senate amendments?

Mr. DAVIES offered the following amendments:

Amend Title, page 1, line 3, by inserting after "employees" and members of the General Assembly

Amend Bill, page 6, by inserting between lines 10 and 11

Section 6. (a) Each member of the General Assembly shall, within 30 days of taking the oath of office, submit to the Committee on Ethics of the House of Representatives or the Senate, whichever is appropriate, either:

(1) a detailed financial report which lists all assets which such member holds which have an aggregate value in excess of \$5,000; or

(2) a statement that the assets of such member with an aggregate value in excess of \$5,000 have been placed in a trust and the name and address of the trustee.

Each member shall, on a quarterly basis, review and update the

financial report or trust report filed with the respective Committee on Ethics.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Assets." Includes all sources of income or right to income, any ownership, debentures, bonds or other holdings or interest in any corporation, partnership, cooperative, sole proprietorship or real estate investment or holding which have any existing or pending contractual relationship with the Commonwealth of Pennsylvania or any of its political subdivisions or authorities or is regulated by the Commonwealth or any of its boards, agencies or commissions. Regulation by the Commonwealth of Pennsylvania shall not include corporate filing requirements of the Department of State or tax collection and determination by the Department of Revenue. The term "assets" shall not include any holdings of a spouse or a child over 18 years of age, over which the member does not exercise control. If the holdings of the spouse or child over 18 years of age meet the definition of "assets" and the member has actual knowledge of such holdings, a statement to that effect shall be filed with the financial or trust report.

(2) "Trust." A restricted account of financial arrangement under the limited control of a trustee not related to the member which consists of the assets, as defined in paragraph (1). The member may retain the right to order the sale of such assets and, with the approval of the Committee on Ethics, utilize the proceeds of such sale. If the Committee does not approve, the proceeds shall revert to the trust.

(c) No member of the General Assembly shall be employed by the Commonwealth of Pennsylvania in any other capacity, except as a member of the National Guard. No member of the General Assembly shall represent any client before any State agency, board or commission other than in criminal proceedings.

Amend Sec. 6, page 6, line 11, by striking out "6." and inserting 7.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. This is the Davies amendment, A6404. Will the gentleman yield until we check this amendment?

The Chair advises the gentleman, Mr. Davies, that it finds the same problem with his amendment as it found with Mr. O'Donnell's. The gentleman, Mr. Davies, is seeking to amend the bill and he is not permitted, under the rules of the House, to do so. His amendment must be addressed to the Senate amendment in some manner.

Mr. DAVIES. Thank you, Mr. Speaker. I will not try to delay, with the same explanation as was given by Mr. O'Donnell. It was the same thing. We gave the same instructions to the Legislative Reference Bureau.

The SPEAKER. We will recognize the gentleman when his amendment is redrafted.

Mr. DAVIES. May I ask for a suspension of the rules?

The SPEAKER. The gentleman, Mr. Davies, is making a motion to suspend the rules further. Is that correct?

Mr. DAVIES. Yes, sir, for it to be considered not as an amendment to HB 198 but the consideration of this drafted in another form in which it speaks directly to the conduct of the House of Representatives as a change to our rules, in which this concept would be offered not as a rule or to affect the General Assembly but only this body, for immediate consideration.

The SPEAKER. The Chair did not follow the gentleman's

argument. For what purpose does the gentleman move to suspend the rules?

Mr. DAVIES. I was asking for a suspension of the rules, Mr. Speaker, for consideration of the same language but addressed only to the rules of this House. In other words, this would be the immediate consideration of such resolution, with basically the language that you see before you, not addressed by bill to the General Assembly of the Commonwealth but specifically just to the rules of conduct in this House.

The SPEAKER. The gentleman is advised by the Chair that the proper way to do that is not by a suspension of the rules at this time but by having this redrafted as a resolution to amend the rules of the House. As soon as the gentleman files that, then the gentleman should move to suspend the rules, and if the House agrees, then, of course, with the rules suspended, the resolution can be taken up immediately.

Mr. DAVIES. Sir, I have it drawn as that.

The SPEAKER. You have it drawn in that manner?

Mr. DAVIES. Drawn in that manner.

The SPEAKER. Very well. The gentleman will file the resolution immediately.

The gentleman has withdrawn his amendment A6406 and is offering instead a resolution.

For the information of the gentleman, Mr. Davies, what the Chair proposes to do is to assign the resolution to the Rules Committee but not to assign it at this particular moment. The Chair would suggest that we finish the debate on HB 198, and once that debate is finished, the Chair will then have the clerk read the resolution.

At that time, if the gentleman, Mr. Davies, wishes, he may then place a motion to suspend the rules so that he may take up the resolution immediately. Does the gentleman understand the procedure?

Mr. DAVIES. Mr. Speaker, I defer to the advice of the Chair and will seek that route.

The SPEAKER. Very well.

Mr. DAVIES. I would only ask the Chair for one other parliamentary rule.

The SPEAKER. Surely.

Mr. DAVIES. Would it be possible, Mr. Speaker, to suspend the rules of the House under rule 30 for the immediate consideration of the amendment to the House bill, not to the Senate amendment?

The SPEAKER. Yes. If the gentleman were to make a motion to further suspend the rules so that he would not be bound by the rule saying that we could not amend anything but the Senate amendment and if the House were to agree to suspend that rule, then, of course, the gentleman's original amendment, which is to the bill itself, would be acceptable on the floor. Does the gentleman wish to do that?

MOTION TO SUSPEND RULES

Mr. DAVIES. Yes, sir. I would like to place that motion before the House.

The SPEAKER. It is moved by the gentleman, Mr. Davies—

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. Let me place the motion, and then I will recognize the majority leader.

Mr. MANDERINO. You have done three things since I asked for recognition, Mr. Speaker.

The SPEAKER. Very well then, if you do not wish the Chair to place the motion.

For what purpose does the majority leader rise before the motion is placed?

Mr. MANDERINO. Mr. Speaker, the gentleman has indicated that he wants to present a resolution and he wants to suspend the rules, and the Speaker said that as soon as we are done with HB 198, we will do that. Mr. Speaker, I would ask that you stick strictly to the bills that are already on the calendar and dispose of the resolution, either under unanimous consent, if that is obtainable, which I doubt, or that that kind of matter be taken up at the end of the day where it properly belongs.

The SPEAKER. For the information of the majority leader, that may not be necessary, depending on the vote here. The Chair was going to place before the members the motion of the gentleman, Mr. Davies, and would advise the majority leader that at that time the Chair will recognize him to speak to that motion, for the decision on that motion may very well preclude any argument on anything further.

It has been moved by the gentleman, Mr. Davies, that the rules of the House be further suspended so that he would be permitted to offer an amendment to the body of HB 198, and the question now is on that motion.

The Chair recognizes the majority leader on the motion.

Mr. MANDERINO. Mr. Speaker, I would like to speak against the motion. Mr. Speaker, what we are doing in HB 198 thus far breaks from tradition and precedence and the rules of the House because we elected to suspend the rules of the House, but I would like you to consider what you are really doing if you allow a suspension of the rules so the bill can be amended again.

We passed a bill, HB 198, in this House of Representatives, and it went to the Senate and the Senate amended it, and it came back to us on concurrence, and in its wisdom this House of Representatives decided that the amendment made by the Senate should be further amended by the House, and the Speaker has directed that all amendments under the suspension of the rules that presently exist be directed just to the Senate amendment. Now if you suspend the rules on the broad basis here and begin a precedent that anytime a bill comes back from the Senate you can go back and amend sections that you passed, that you debated, that the Senate did not touch at all, you are destroying, in my opinion, the whole process of legislation. I think we are destroying the process of legislation to some extent by even allowing the Senate amendment to be amended in violation of our rules or under a suspension of the rules, however you view it. But to go as far as being asked now that when a bill comes back to us with an amendment that the Senate has put in and is before us on concurrence, that we can suspend the rules and amend any section of that bill, I think is folly, and regardless of the merits of this amendment—and I do not even know what it says; I have not read Mr. Davies' amendment—I think we ought to defeat any move to suspend the rules to allow

amendments to any section of a bill that has already passed this House. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson. For what purpose does the gentleman rise?

Mr. WILSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. On the motion to suspend the rules of this House last week—the date escapes me at the moment—am I correct that your interpretation is that the motion was simply to suspend the rules to permit an amendment in this House to a specific Senate amendment in HB 198?

The SPEAKER. That is correct.

Mr. WILSON. A further point then: Yesterday, Mr. Speaker, Mr. Cowell offered an amendment, and as I briefly and very quickly read it, I do not believe it amended the Senate amendment.

The SPEAKER. The Chair is not prepared to debate that, but the Chair had it checked and it was our opinion at the time that it did.

Mr. WILSON. I tried very hastily in the quick moments here to read the first page or two of the amendment and I believe the language that was struck on line 2, "State or State agencies and", is still in the bill. That was the amendment; it was not replaced.

The SPEAKER. For the information of the gentleman, Mr. Wilson, his argument really bears no weight, because even if the Chair is wrong and he is right, the House has spoken, and by ratification. I mean it cannot be changed by you or me. The House would have to change its own action.

Mr. WILSON. It is not my intention to change yesterday's action. I would like to speak, if I may, on the motion by Mr. Davies.

The SPEAKER. That is the question on the floor. The gentleman is in order and may proceed.

Mr. WILSON. Thank you, Mr. Speaker.

Despite all of the motions and all of the rules of this House—and I guess I am one of those who most constantly and consistently votes "no" on suspending the rules—it is my firm conviction, and I think it should be this House's firm conviction, that a strong, good, workable ethics bill is a must, and I think every member of this House should be offered an opportunity to inject and put into this measure whatever he or she feels is in the best interests of this Commonwealth and the ongoing better image of this and the other body over the hall.

I would support very strongly Mr. Davies' motion to suspend the rules so that he may offer his amendment and any others that follow.

The SPEAKER. The question is on the motion of the gentleman, Mr. Davies, to suspend the rules of the House. Does the gentleman, Mr. Davies, ask for recognition?

Mr. DAVIES. Yes, Mr. Speaker. I do not want to belabor it because of the simple fact that I think the question should be put to the body on the matter of the rules. If I had not attended three of the subcommittee meetings on the bill as originally considered and gone through all of that and put in an awful lot

of research into the matter, I feel as if no matter how we handle this, I will get the consideration of the House and I would have the vote cast on it and then redraft the amendment as instructed by the Chair, if they so desire, or I will possibly withdraw the amendment completely, not submit it, and let the matter of the resolution be considered by the House itself.

What essentially my concern is, is that we do not continue to dance around the matter of ethics, that we address it forthrightly as a body concerned with our own fiscal integrity and conduct, and I think this is what we are with, not the matter of looking at the state or the other branches of government of this state, but address our own concerns, and I think that this piece of legislation speaks to those concerns. I am willing to take that chance with the matter of what this vote would be, but this gets directly at the particular issue. It addresses that issue. It does not dudge it up or fancy it up with all the other empty-pocket issues, hole-in-the-pocket issues, concerns about spouses or anything else, because they are all addressed in the piece of legislation for the consideration, and I would let it either rise or fall or stand or fall on those particular merits. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell. For what purpose does the gentleman rise?

Mr. O'DONNELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'DONNELL. If the rules are suspended on Mr. Davies' motion, could our action of yesterday then be amended?

The SPEAKER. The answer to the gentleman's inquiry is yes. If the rules are suspended under the motion of the gentleman, Mr. Davies, then any and all language in the bill, whether it be amendatory language or original language, would be available for further amendment.

Mr. O'DONNELL. Could I speak on the suspension of the rules then?

The SPEAKER. The Chair recognizes the gentleman on the motion.

Mr. O'DONNELL. I would urge the members to vote against the suspension of the rules, because otherwise the work that was done yesterday would then be subject to amendment and attack and change, and we would be constantly nullifying each day what we accomplish the day before. So I would urge you not to suspend the rules.

The SPEAKER. The question is on the Davies motion to suspend the rules to make the bill available in its entirety, original language or amendatory language. The question is on that motion. Those in favor of suspension of the rules will vote "aye"; those opposed will vote "no."

The gentleman, Mr. Davies, seeks additional recognition. The Chair recognizes the gentleman.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from

Philadelphia, Mr. Rappaport. For what purpose does the gentleman rise?

Mr. RAPPAPORT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RAPPAPORT. Mr. Davies has spoken three times on this issue so far.

The SPEAKER. The Chair was not keeping a record of that. Mr. Davies, have you in fact spoken more than twice, or have you spoken twice?

Mr. DAVIES. Yes, sir. This is not speaking to the issue.

The SPEAKER. The Chair may not recognize you more than two times on the same issue.

Mr. DAVIES. I am sorry, Mr. Speaker. It is merely a parliamentary request.

MOTION WITHDRAWN

The SPEAKER. The gentleman will state it.

Mr. DAVIES. I withdraw the request for the suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

Now that the gentleman has withdrawn, the Chair is free to make a comment. This House was in very grave danger from a parliamentary point of view, and the majority leader is absolutely accurate, and the House ought to think very carefully about this. Had the House voted to suspend all the rules, which is in effect what the Davies motion was, any and all of the language which the House had put in yesterday could have been stricken on another motion, and any language, including Mr. Garzia's original language, could be returned under that suspension of the rules. Furthermore, because that is such a radical departure from parliamentary procedure, there might be some question as to whether the other body actually would have accepted the action of the House on the bill. So when a motion to suspend the rules is made, it is wise to think it over very carefully as to the ramifications, and the Chair thanks the gentleman, Mr. Davies, for withdrawing that motion at this time.

The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Mr. Speaker, it is not that I want to tread lightly or try to do anything to the rules of this House or jeopardize essentially the legislation.

The SPEAKER. The Chair recognizes that.

Mr. DAVIES. My concern is the immediate conduct of this House, that we speak to that as individuals, and I am sure that this resolution, when we get to the consideration of it, will address that issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair has no doubt whatsoever about the gentleman's intentions on the floor of the House.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I would like to withdraw the amendment that I earlier offered. I have come to the conclusion that it is almost impossible to draft this in such a way that it meets both the parliamentary problem and the substantive problem.

I stated on the floor that it would cover the member legislators, but it is also true, when you give a close reading of the amendment as it refers back to the amendment of yesterday, that it would cover every school board member or solicitor and an enormous number of people who it is not my intention to reach. So I would like to withdraw the amendment and raise the issue again in the context of House rules at an appropriate time.

On the question recurring,

Will the House concur in Senate amendments?

Mr. DOYLE offered the following amendment:

Amend Sec. 5, page 5, line 30; page 6, lines 1 through 10, by striking out all of said lines and inserting

Section 5. Nothing in this act, or any other law or court rule shall be construed to prohibit any constable or any employee of a court of common pleas, the Municipal Court of Philadelphia, the Traffic Court of Philadelphia or any employee of a district justice from running for and holding any elective public office; however, no such constable or employee shall run for or hold any office with a political body or political party, as such terms are defined in the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," or hold the office of county, State or national committee person of any political party or engage in any election day activities associated therewith.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle, on his amendment.

Mr. DOYLE. Mr. Speaker, this amendment deals with the court employes' political activity. The amendment merely allows them to be appointed to an elective or appointed public office, but would restrict their political activity and would prohibit court employes from engaging in political activities or/and becoming an officer in a political party.

It is my belief that the people are afraid of an undue financial interest in the mechanism of the judiciary and the legislature. I believe that there can be undue political influence in the court employe by having the court employe engage in political activity. I think that that is an interest which should be proscribed.

In addition to this, what the legislature will do, since the supreme court of Pennsylvania has specifically and emphatically in their rules prohibited court employes from engaging in political activity, and this has been adopted throughout the Commonwealth by the judges of the courts of common pleas, including my own county, this amendment would merely restrict their political activity; it would not restrict them for running for an elective office. The amendment deals with not only courts of common pleas but all courts, including the Philadelphia traffic court and including all of the district justice offices throughout this state. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen.

Mr. M. P. MULLEN. Mr. Speaker, I oppose the amendment and I am awfully upset from what I have seen take place here in the last 2 days.

Theoretically, all of us here should be experienced politicians. I mean, we were elected to public office and primarily we owe

our elections, to a large extent, first of all to the people who voted for us, and, secondly, we owe our election to those committeemen and committeewomen in our respective divisions or precincts who have supported us throughout the years so that we could reach a point where we could run for the office that we now hold.

Mr. Doyle's amendment says that it is all right for employes of the courts to run for public office. So that is all right. But then he says that they cannot run for political offices. In other words, what he means is that they cannot be committeemen or committeewomen before they run for an elective office. This is very unfair, and I do not care whether you are a Republican or Democrat. I am up here to defend the committeemen in both parties, Republicans and Democrats. I feel that they are citizens. They are citizens of our Commonwealth and they are elected by the people to represent their particular precinct or division in the political process, and I think they ought to be recognized for what they are worth.

If we are not willing to pay them a salary, I think that we have an obligation to permit them to have a job in the political process. On both sides, in every county of this state, many of our committeemen and many of our committeewomen are working for the courts, and that is a good thing because they are part of our political process and they are earning a living within it just like we are. We are earning a salary; they are earning a salary. To bar them from the opportunity to run for a committeemen's job or a committeewomen's job is very unfair. I do not think any of you who have an obligation to your people back home and to the people they elect to represent them in their division or precinct should permit that to happen.

Mr. Berson has indicated to me that the Supreme Court has already issued an order saying that they cannot be politically active. The reason why this provision was inserted in the bill by the Senate is to override what the Supreme Court said. The Senate took the position, when they inserted this provision in the bill that Mr. Doyle is trying to amend, that we do not think you have a right to do that because these are employes of the Commonwealth or of the county and we, the legislative body, have a right to do it. This is what they are attempting to do, but Mr. Doyle's amendment is stripping that provision from the bill, and he says you can run for public office but you cannot be a committeeman or committeewoman, and this is basically wrong. I think you ought to look back to your roots.

Most of us belong to political organizations. There are some independents in this body, not many, who have been elected without party support, without Democratic support or without Republican support. Basically, if you want to remember the fellow or the lady who helped you to get where you are today, vote against Mr. Doyle's amendment and let the provision stand as is, because as I read the provision in there now, if this proposed bill becomes law, a person will have his political rights recognized. He will be able to run for political office, both as a committeeman and any other political office that he might seek, and I think that that is the way it should be.

We should not be affected by newspaper articles. We are responsible citizens accountable to our people back home and we should be willing to recognize that we have made mistakes. All

of us know that we have made mistakes and our predecessors made many more mistakes which we are now living with, but we ought to try to do something about them. But I do not think that you are going to do something about it by destroying our political system. How, in the name of God, are you going to get elected if you do not have decent respectable people supporting your position back in your district back home? Please try to remember the people who sent you here and vote against Mr. Doyle's amendment. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello. For what purpose does the gentleman rise?

Mr. TRELLO. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRELLO. Could this amendment be divided?

The SPEAKER. Where would the gentleman suggest the division?

Mr. TRELLO. The first part. To divide it where it says, "... justice from running for and holding any elective public office; ..." from there, in two parts.

The SPEAKER. Has the gentleman suggested that we start an amendment which will read, "... Justice from running for and holding any elective public office . . .?"

Mr. TRELLO. From the beginning down to there and then have the second part, "however, no such constable or employee shall run . . ."

The SPEAKER. Where would the gentleman draw the division line?

Mr. TRELLO. Right after "public office;". In other words, what I want to do is to define it from public office to party office. Vote on public office and allowing them to run for party office. In two parts.

First, let us find out if we want them to run for public office and then we will find out if we want to allow them to run for party office.

The SPEAKER. It is the Chair's opinion that the amendment is divisible, as requested. It would require that the gentleman strike from the second amendment, if he intended to offer it, the work, "however," and begin the second amendment with the words, "No such constable or employe shall run . . ." et cetera. But to answer the gentleman's request: Yes, the amendment is so divisible. Does the gentleman move to divide the amendment?

The Chair, on the question of division, recognizes first, the gentleman, Mr. Doyle.

Mr. DOYLE. Mr. Speaker, I understand where it is to be divided, but for the life of me I cannot understand why. The Cowell amendment yesterday, did not touch the Senate amendment. Therefore, HB 198, presently, would allow full activity by court employes. They could run for and hold political office and they could run for and hold an elective office as well. Therefore, if the gentleman wants to get at the question of merely political office, we should vote the second part and be done with it, but to vote the first part would be nonsense because that is what the bill provides now. There is no reason to

vote to split the amendment or divide the amendment and vote the first part because that is presently what the bill says.

AMENDMENT DIVIDED

The SPEAKER. At the request of the gentleman, Mr. Trello, the amendment is divided.

The amendment is divided at the following place: At line 6, which begins with the words, "public office;". The amendment is divided between the word "office" and the word "however," leaving before the House two separate amendments.

The first amendment would read, "Section 5, Nothing in this act, or any other law or court rule shall be construed to prohibit any constable or any employee of a court of common pleas, the Municipal Court of Philadelphia, the Traffic Court of Philadelphia or any employee of a district justice from running for and holding any elective public office." That would be the first amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Ritter. For what purpose does the gentleman rise?

Mr. RITTER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RITTER. Mr. Speaker, if we divide as you suggested, we are also, in effect, on the first amendment striking out all of the language inserted by the Senate.

Now assume, for instance, that we adopt that part of the amendment but do not accept the second part which says that no constable or employee shall run for or hold any party office. That does not preclude a court by a rule of courts from doing just the opposite if they so desire. My question is: Is that a possibility? Because the language in the Senate amendment refers to no rule of court. Are we going to be striking all of that out? We are then only going to be talking about, no rule of court shall prohibit them from running for elective public office.

The SPEAKER. In answer to the gentleman's inquiry, it is the opinion of the Chair that if the House were to adopt the language, strike out page 5, line 30, page 6, lines 1 through 10, then it would be available to the courts to make a court decision as to whether or not the employes may or may not run for public office.

Mr. RITTER. Or in fact hold party office.

The SPEAKER. Or hold political office.

Mr. RITTER. I thank the Chair, Mr. Speaker.

Well, you have already divided the question, or the issue, I suppose. I am going to vote in the negative—

The SPEAKER. Will the gentleman yield?

The gentleman, Mr. Trello, seeks the Chair's attention. Perhaps the gentleman is going to resolve the problem for us.

MOTION WITHDRAWN

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

Mr. TRELLO. Mr. Speaker, I want to withdraw my motion. I understand that this language is already in the Senate amendments and there is no need for the division. Thank you.

The SPEAKER. The Chair thanks the gentleman. So the matter of division is no longer before the House.

The Chair places before the House the question.

Does the gentleman from Lehigh, Mr. Ritter, seek additional statements?

Mr. RITTER. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman and he may proceed.

Mr. RITTER. On the amendment.

The SPEAKER. On the amendment, the gentleman is recognized.

Mr. RITTER. It must almost be a first for me, Mr. Speaker, that in 14 years I find myself listening to what Representative Mullen said on the floor of the House. And in following that advice, because I think he was absolutely correct, I think the amendment is bad; I think it ought to be defeated. I do not believe we can tell our people that you can run for public office. That is all right if you are a court employe. But somehow there is something wrong with holding a party office. I just do not believe in that double standard. I think the amendment should be defeated and we ought to leave the language in that the Senate inserted.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

First, Mr. Speaker, I would like to address myself to the substance of this. I also can see no distinction between party office and public office. I can just picture the scene, Mr. Speaker, when I or any other member of this General Assembly is called into the office of the president judge and informed, either you vote for my pay increase or my law clerk is going to run against you, or my tipstaff, or one of the clerks is going to run for the county committee or the ward committee and we will fix you. I am not saying a judge would do that; I am just saying that a temptation might be there; and I do not think it is fair to put temptation in the way of judges.

The Bible says that you should not put a stumbling block before a blind person, nor should you attempt to bribe a judge because bribes pervert the wisdom of judges.

I would like to say something else in addition, Mr. Speaker. The judiciary article of our constitution says that the court system has total power over its employes. That is true in the Federal system and it is true in the state system, and I think that is the way it should be. Our Supreme Court has come out and said that no one who is employed in the court system can be active politically in any way, either as a party official or as a candidate for public office. I think that is a very salutary rule, and I think it should be enforced.

Most recently, the Supreme Court in a case involving my ward chairman, reaffirmed that. And the court was right, as much as I like my ward chairman.

CONSTITUTIONALITY OF AMENDMENT QUESTIONED

Mr. RAPPAPORT. Mr. Speaker, I raise the question of constitutionality of this and ask for a ruling.

The SPEAKER. The gentleman, Mr. Rappaport, has ques-

tioned the constitutionality of the amendment. That question is to be decided by a vote on the floor of this House.

On the question of constitutionality, the Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. Rappaport, consent to interrogation?

The SPEAKER. The gentleman, Mr. Rappaport, indicates that he will stand for interrogation. The gentleman, Mr. Ryan, is in order and may proceed.

Mr. RYAN. I understood what the gentleman was contesting when he challenged the amendment on constitutionality. If I am not mistaken, he is using for the basis of that the fact that the constitution somewhere says—and I am not familiar with it *offhand—that the court shall rule or be permitted to make rules* to guide the conduct of their employes. Is that basically accurate?

Mr. RAPPAPORT. Yes, Mr. Speaker. I do not have the exact language memorized.

Mr. RYAN. As I sit here and listen to this challenge, what comes to mind is, the gentleman, to be logical, would be challenging the entire bill as amended by the Senate, would he not, because the Senate has overruled by its language, has also overruled, the rules of the Supreme Court? Would that be right?

Mr. RAPPAPORT. The gentleman's point, Mr. Speaker, is of course well taken. He, however, takes me by surprise. I was holding that for a later time.

Mr. RYAN. So the vote here on the constitutionality of Mr. Doyle's amendment really should be the logical predecessor to a challenge on the entire bill's constitutionality as amended by the Senate?

Mr. RAPPAPORT. Only insofar, Mr. Speaker, as the bill refers to judges and employes of the court system. The gentleman is completely correct, Mr. Speaker, as usual.

Mr. RYAN. Well, I do not know about the "as usual" part, but I am not convinced that Mr. Rappaport is correct in his interpretation of the constitution. Unless a more cogent argument is advanced, I would urge that we vote against his recommendation on constitutionality.

I do not know how this question is going to be put, but I am against Rappaport.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle.

Mr. DOYLE. Let me read exactly what the constitution says with regard to this matter and I think it might clear up something of the quandary. It is in the judiciary article and it says, "The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, . . ." et cetera. So the supreme court can dictate rules of conduct, and the supreme court says that you may not engage in political activity and be a member of a political party. I believe that is within their purview as well as this legislature. But I also believe that the Supreme Court should not and cannot tell an individual citizen that he may not run for a public office. We do not give the Supreme Court this authority as we changed the constitution in 1968. And by voting for

this amendment and for the constitutionality of it, you are affirming our rights to say that whoever it is has a right to run for a public office, in full view of the electorate, and where it can be pointed out that this individual is an employe of this particular court. I do not think the Supreme Court can take that right away from an individual citizen even though he is employed by the court, whether it is the common pleas or district justice court.

I would urge to uphold the constitutionality, which would be, I suppose, an affirmative vote, "aye." Thank you, Mr. Speaker.

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

Mr. RITTER. Mr. Speaker, the constitution further provides a number of instances where justices and judges of the peace cannot hold office in any political party and shall devote full time to their judicial duties, et cetera. It says nothing about employes.

I think the constitution further provides that the courts cannot, but any rules, deny anyone their constitutional rights. That is what they are doing if they say to an employe of the court, a stenographer in the court's office, you cannot hold office in a political party or you cannot run for office. That is not spelled out in the constitution.

There are further restrictions against members of this legislature from holding other positions. Those are spelled out, but provisions about employes and constables in the court systems are not.

I submit to you that any attempt to say that any prohibition is unconstitutional is just a false issue. I think it is a question of whether or not we want to allow those employes to engage in political activities, and the constitution further provides that we make that determination and not the courts. So the issue of constitutionality is a red herring, a red flag, that ought not to be considered. We ought to reject the idea of the unconstitutionality of the amendment and then vote the amendment down. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I would like to suggest that Mr. Rappaport is only challenging one of the two sections of the Doyle amendment. I would like to suggest that we divide them in a different manner than previously suggested.

The SPEAKER. The gentleman, Mr. Cohen, is advised that that is not before the House. The question of constitutionality is before the House.

Mr. COHEN. Mr. Speaker, the question of what is constitutional.

The SPEAKER. The only question is whether or not the Doyle amendment is constitutional, and the House will decide that question by a vote. That is the only way we are going to handle this one. We are not going to start dividing the question two or three times. The gentleman will confine his remarks to the question of constitutionality.

Mr. COHEN. Mr. Speaker, it is difficult to do that because accepting Mr. Rappaport's argument that this bill is unconstitutional would mean that the original text is unconstitutional,

and part of this amendment strikes out the original text, and, therefore, it is extremely difficult to vote on this question since you are voting for both positions at the same time. You are both voting to strike out the ban on employes and you are voting to give the employes certain limited rights. I really do not know how to vote on this question.

The SPEAKER. The Chair thanks the gentleman. I think his perturbation is shared by a great number of members at this particular point in time. Nevertheless, whether we know how to vote or not, we shall vote.

The question is on the constitutionality. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, on that question.

Mr. M. P. MULLEN. Mr. Speaker, this is a very difficult question. I think we have got to understand what we are doing.

Now when Mr. Rappaport got up here before the microphone, he was attacking the constitutionality of the whole section which was inserted by the Senate. I do not think he was referring to Mr. Doyle's amendment alone. He took the position—

The SPEAKER. No, correction, Mr. Mullen. The only thing he can refer to on his motion is Mr. Doyle's amendment. His remarks about the general bill were obiter dictum. They had no place in the final decision. He was simply making a reply to the gentleman, Mr. Ryan's, observation. But the only thing before the House is the question of whether or not the amendment offered by Mr. Doyle is constitutional. That is the only question right now before the House.

Mr. M. P. MULLEN. Well, then, Mr. Speaker, if I was supporting my position on this particular issue, I would vote that his amendment is unconstitutional. Not that I really believe that it is unconstitutional, but if I want to defeat his amendment, I vote in the negative — that it is unconstitutional. Is that correct?

The SPEAKER. That is correct.

Mr. M. P. MULLEN. In other words, if you believe in the position that I have explained to you earlier, we would vote "no" against Mr. Rappaport's position. If you do not believe in it, then you would vote "yes." It sounds like a Chinese jigsaw puzzle, but that is the situation we are in. So I would suggest that we vote "no."

The SPEAKER. The Chair recognizes the minority whip.

Mr. RYAN. To follow the illogical argument of Mr. Mullen—which is really not illogical—Mr. Mullen, you are going to find yourself in the peculiar position of voting Doyle's amendment unconstitutional and then when Mr. Rappaport questions the constitutionality of the Senate amendment that allows the court employes to engage in politics, you are going to have to, like a good judge, switch your position again and say that the Senate amendment is constitutional.

I suggest that if you are opposed to the Doyle amendment, to stay logical and altruistic, as the good lawyer that you are, you would vote that the Doyle amendment is constitutional and then do what you have to do on the vote on that subject. Otherwise, you are caught in the inconsistency of saying, fooling around with the Doyle amendment now is fooling around with the constitution, and it is unconstitutional. And then when you are trying to hold together the Senate amendment, you would

be in the illogical position of having to go the other way, in your very words.

Mr. M. P. MULLEN. Mr. Speaker, I think I will change my position.

The SPEAKER. Would the gentleman advise us which position he is changing?

Mr. M. P. MULLEN. I was doing the illogical thing. I have done it many times before. Of course, like judges, you know, one day you render a decision one way and the next day you render it another way, depending upon the factual situation before you.

But to think about it the second time, I think Mr. Ryan is correct. We had better be logical all the way and support his position.

Now the question is: How would we vote — "yes" or "no," if we supported your position? "No" is it, Mr. Ryan, or "aye"? We do not want to make a mistake.

Mr. RYAN. Mr. Speaker, I am just going to watch Mr. Rappaport and vote the other way.

Mr. M. P. MULLEN. Well, Mr. Rappaport may be just as confused as we are. If we do not want to make a mistake, you are going to have to help us here, Mr. Speaker, so we will not make a mistake.

The SPEAKER. Oh, I would be delighted to be in that position and make sure you did not make anymore mistakes.

Let me place it this way: Those who believe that the amendment offered by Mr. Doyle is constitutional will vote "yes," regardless of what the outcome may be or motivation. Those who believe it to be unconstitutional will vote "no."

On that question, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker, and thank you for your clarification.

I would urge that we vote that the Doyle amendment is constitutional regardless of our feelings about the merits of that particular amendment. We will have an opportunity to deal with the merits on the next vote. But to vote that the Doyle amendment is unconstitutional might seduce some members of this House into ultimately being confronted with the question of whether or not the ethics bill is constitutional.

To be consistent, I think that you want to indicate that the Doyle amendment is constitutional; deal with the merits of that question; and we will not lead ourselves astray on other matters. Thank you.

On the question,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—174

Anderson	Geesey	McLane	Schweder
Armstrong	Geisler	Meluskey	Scirica
Bennett	George, C.	Milanovich	Seltzer
Berlin	George, M.	Miller	Shupnik
Bittinger	Gillette	Milliron	Sirianni
Bittle	Goebel	Miscevich	Smith, E.
Borski	Goodman	Moehlmann	Smith, L.

Brandt	Gray	Morris	Spencer
Brown	Greenfield	Mowery	Spitz
Brunner	Greenleaf	Mrkonic	Stairs
Burd	Grieco	Mullen, M. P.	Stapleton
Burns	Halverson	Musto	Stewart
Caltagirone	Hasay	Novak	Stuban
Caputo	Hayes, D. S.	Noye	Sweet
Cassidy	Hayes, S. E.	O'Brien, B.	Taddonio
Cessar	Helfrick	O'Brien, D.	Taylor, E.
Cimini	Honaman	O'Connell	Taylor, F.
Cole	Hutchinson, A.	O'Donnell	Tenaglio
Cowell	Hutchinson, W.	O'Keefe	Thomas
Davies	Itkin	Pancoast	Trello
DeMedio	Katz	Parker	Valicenti
DeVerter	Kelly	Peterson	Vroon
DeWeese	Kernick	Petrarca	Wagner
DiCarlo	Klingaman	Piccola	Wansacz
Dietz	Knepper	Pitts	Wargo
Dininni	Kolter	Polite	Wass
Dombrowski	Kowalshyn	Pott	Weidner
Donatucci	Kukovich	Pratt	Wenger
Dorr	Lashingner	Prendergast	Wiggins
Doyle	Laughlin	Pyles	Wilson
Duffy	Lehr	Quest	Wilt
Englehart	Letterman	Ravenstahl	Wise
Fee	Levi	Reed	Wright, D.
Fischer, R. R.	Levin	Renwick	Wright, J. L.
Fisher, D. M.	Lincoln	Rhodes	Yahner
Flaherty	Livengood	Richardson	Yohn
Foster, A.	Logue	Rieger	Zearfoss
Foster, W.	Lynch	Ritter	Zeller
Freind	Madigan	Ruggiero	Zitterman
Fryer	Manderino	Ryan	Zord
Gallen	Manmiller	Salvatore	Zwikl
Gamble	McCall	Scanlon	
Garzia	McClatchy	Scheaffer	Irvis,
Gatski	McIntyre	Schmitt	Speaker

NAYS—14

Arthurs	Cohen	Gleeson	Oliver
Barber	Dumas	Johnson	Rappaport
Berson	Gallagher	Jones	White
Cianciulli	Giammarco		

NOT VOTING—10

Beloff	Haskell	McGinnis	Pievsky
Hamilton	Hoeffel	Mebus	Williams
Harper	Mackowski		

The majority required by the constitution having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendment was sustained.

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

The SPEAKER. On the Doyle amendment, the Chair recognizes the gentleman from Delaware, Mr. Tenaglio.

Mr. TENAGLIO. Thank you, Mr. Speaker.

Mr. Speaker, when HB 198 seemed a lot simpler last week, I had gotten up and said that I thought we should concur with the amendments that the Senate had placed in there. Since then, HB 198 has become a little bit more complicated and has gone back much in the same form as it was when it went over to the Senate.

I had said in my urging concurrence that I thought the time had come to stop splitting hairs over whether people in this country are first- or second-class citizens and which ones should

be entitled to be involved in politics. Everybody knows that politics is a dirty word, so we have to make sure we keep all the dirty people out of it.

I am very concerned with the people who come around saying that it is all right to run for public office but it is not all right to be involved in politics. I do not know how you split the two. I do not know how come there are so many elected officials who are not politicians but just public officials.

All that I can say is that there are those who would stand up and defend the human rights of people who do not even live in this country. They would get up and they would defend a person's rights regardless of sex and discrimination and things like that. But yet they will deny a person who is trying to work within a system the right to be involved in the political system of this entire country.

I think that is definitely wrong. I think that anyone who tries to pretend that a person who works within the political realm should be excluded from being involved in politics are either out of touch with reality or else they have a very definite problem themselves. Thank you.

The SPEAKER. The Chair reminds you the question is on the acceptance or the rejection of the Doyle amendment, after which we will break for lunch, hopefully.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the question.

Mr. COHEN. Mr. Speaker, the Doyle amendment makes a new distinction and, I think, a worthwhile distinction. The distinction that Mr. Doyle seeks to make is between essentially voluntary political activities, such as running for a political office, and political activity that can easily be controlled and manipulated by someone else, such as supporting another candidate.

Under Mr. Doyle's amendment, those who wish to be active in politics by running for office will have the opportunity to do so, but as to those judges who seek, for any motivation, such as getting pay raises, such as putting pressure on the legislature not to have mandatory sentencing legislation enacted, or for any other good or bad reasons, it seeks to greatly limit that kind of pressure under which the court employes are used as pawns.

I think that the court employes ought to have the right to act on their own in politics. I do not think they ought to be pawns. I do not think we ought to have the judges come back as political bosses. I would urge support of this amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Mullen, for the second time.

Mr. M. P. MULLEN. Mr. Speaker, I do not like those remarks by Mr. Cohen. First of all, you must remember and certainly you ought to remember it up in your two wards that you have a lot of good political workers up there who work in the court, and you are being very unfair to these gentlemen. You are saying they cannot be committeemen or they cannot be committeewomen because they might be influenced by their judges. That is a lot of hokum.

You could apply the same logic to any other job in state government or city government. It is very unfair to deprive

these citizens of their rights. I think all of us have to face up to our political obligations to support the people who are elected by the people and support us or oppose us. I think it is a political system, and we ought to make that system strong. You should be voting against this bill in order to show that you support the rights of your committeemen and committeewomen to hold a job and at the same time be active in political office. We do not deny that to anybody else. Why should we deny it to those few people who are really the backbone of the party — the committeemen and committeewomen? This is what this vote is all about.

I think you ought to vote against this amendment and leave the bill stand the way it is, the way it came over from the Senate, with that provision in there which would give them the right to not only run for political office but to also run for committeemen and committeewomen.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. O'Keefe, on the question.

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

I had to get up. I am sort of tired of being insulted by the previous speaker about the fact that my election is controlled by the committee people who work in the court. I think that some of us come from other districts where that has happened. I feel sorry that that previous speaker has that problem in his district in southwest Philadelphia, but we certainly do not want that contagious disease to spread. We certainly do not want it to spread all over the Commonwealth of Pennsylvania.

I would hope that this House, for the good of the Commonwealth of Pennsylvania and not to have people come into the courtroom so that they can fix a ticket through the committee person so that the vote can go up for the candidate again—I do not think that is the proper way to run any court system—will support the Doyle amendment. I support the Doyle amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Doyle, for the second time on the amendment.

Mr. DOYLE. I will be brief, Mr. Speaker. I truly believe that there are some offices that, because they bear the weight of authority behind them and because they symbolize the authority of the courts and the judiciary system, should be sacrosanct and not appear to be political activists. That includes the court employes and policemen, policemen who are committee people. I do not think it should be tolerated. I do not think the people should go to the polls or into their courts and on one day see a gentleman with his hat on, a police hat, and the next day see him with a committeeman's hat on. I think that is wrong. I do not think that we should see a police lieutenant and a police sergeant, as we have in Delaware County in the city of Chester, being committee people for one party or any party. I do think that those offices require a separation so that there is a clear, distinct impression on the people that they are coming in and getting fair and equal justice. That is it simply, Mr. Speaker.

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

The following roll call was recorded:

YEAS—41

Berlin	Garzia	Noye	Stapleton
Berson	Geesey	O'Donnell	Taddonio
Borski	George, M.	O'Keefe	Taylor, F.
Brown	Hoeffel	Parker	Weidner
Burns	Itkin	Pott	Wilson
Cohen	Kernick	Pratt	Wilt
DiCarlo	Knepper	Reed	Wright, J. L.
Doyle	Kowalyszyn	Ruggiero	Yohn
Fischer, R. R.	Lincoln	Scirica	Zeller
Foster, A.	Livengood	Stairs	Zord
Gallagher			

NAYS—147

Anderson	Gatski	Manmiller	Salvatore
Armstrong	Geisler	McCall	Scanlon
Arthurs	George, C.	McClatchy	Scheaffer
Barber	Giammarco	McIntyre	Schmitt
Bennett	Gillette	McLane	Schweder
Bittinger	Gleeson	Meluskey	Seltzer
Bittle	Goebel	Milanovich	Shupnik
Brandt	Goodman	Miller	Sirianni
Brunner	Gray	Milliron	Smith, E.
Burd	Greenfield	Miscevich	Smith, L.
Caltagirone	Greenleaf	Moehlmann	Spencer
Caputo	Grieco	Morris	Spitz
Cassidy	Halverson	Mowery	Stewart
Cessar	Hasay	Mrkonic	Stuban
Cianciulli	Hayes, D. S.	Mullen, M. P.	Sweet
Cimini	Hayes, S. E.	Musto	Taylor, E.
Cole	Helfrick	Novak	Tenaglio
Cowell	Honaman	O'Brien, B.	Thomas
Davies	Hutchinson, A.	O'Brien, D.	Trello
DeMedio	Hutchinson, W.	O'Connell	Valicenti
DeVerter	Johnson	Oliver	Vroon
DeWeese	Jones	Pancoast	Wagner
Dietz	Katz	Peterson	Wansacz
Dininni	Kelly	Petrarca	Wargo
Dombrowski	Klingaman	Piccola	Wass
Donatucci	Kolter	Pitts	Wenger
Dorr	Kukovich	Polite	White
Duffy	Lashinger	Prendergast	Wiggins
Dumas	Laughlin	Pyles	Wise
Englehart	Lehr	Quest	Wright, D.
Fee	Letterman	Rappaport	Yahner
Fisher, D. M.	Levi	Ravenstahl	Zearfoss
Flaherty	Levin	Renwick	Zitterman
Foster, W.	Logue	Rhodes	Zwinkl
Freind	Lynch	Rieger	
Fryer	Madigan	Ritter	Irvis,
Gallen	Manderino	Ryan	Speaker
Gamble			

NOT VOTING—10

Beloff	Haskell	Mebus	Richardson
Hamilton	Mackowski	Pievsky	Williams
Harper	McGinnis		

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

RECESS ANNOUNCEMENT

The SPEAKER. The Chair is about to announce a recess for the period of 1 hour for the purposes of lunch.

We should be now on page 27, HB 198, and the gentleman to be recognized to offer a second amendment is the gentleman, Mr. Doyle. The Chair, at this time, turns over the gavel to the Speaker pro tempore.

**THE SPEAKER PRO TEMPORE (LESTER K. FRYER)
IN THE CHAIR**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Doyle, who is in order and may proceed.

Mr. DOYLE. Mr. Speaker, it was announced that I had an amendment to HB 198. The amendment ran this morning. I have no second amendment.

SENATE AMENDED
Prior Printer's Nos. 218, 740, 1147,
1330, 3412, 3453
Printer's No. 3514

THE GENERAL ASSEMBLY OF PENNSYLVANIA

House Bill No. 198

Session of 1977

INTRODUCED BY MESSRS. GARZIA, DOYLE, MORRIS,
COLE, RUGGIERO, O'KEEFE, STAPLETON, TENAGLIO
AND REED, FEBRUARY 9, 1977.

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,
JUNE 26, 1978.

An Act

regulating the contractual powers of individuals serving in State or State agencies and local political subdivision positions and prohibiting certain State PUBLIC employees from engaging in post State employment conflict of interest activities.

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

~~Section 1. The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:~~

~~"Executive level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.~~

~~"State consultant." A person who, as an independent contractor, performs professional, scientific, technical or advisory service for a State agency, and who receives a fee, honorarium or similar compensation for such services. A "State consultant" is not an executive level employee.~~

~~Section 2. No former executive level State employee may for a period of two years from the time that he terminates his State employment be employed by, receive compensation from, assist or act in a representative capacity for a business or corporation that he actively participates in recruiting to the Commonwealth of Pennsylvania or that he actively participated in inducing to open a new plant, facility or branch in the Commonwealth or that he actively participated in inducing to expand an existent plant or facility within the Commonwealth, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant or loan of money or a promise of a grant or loan of money from the Commonwealth to the business or corporation recruited or induced to expand.~~

~~Section 3. (a) Any individual who holds an appointive office in the Commonwealth or any of its agencies or in a political subdivision of this Commonwealth shall not have an interest respectively in any contract or construction in which the Commonwealth or its agencies or that political subdivision re-~~

~~spectively shall enter or have an interest.~~

SECTION 1. (A) ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL NOT HAVE AN INTEREST RESPECTIVELY IN ANY CONTRACT OR CONSTRUCTION IN WHICH THE POLITICAL SUBDIVISION SHALL ENTER OR HAVE AN INTEREST.

(b) Any person violating the provisions of this section shall be barred for a period of five years from engaging in any business or contract with any political subdivision of this Commonwealth.

(c) For purposes of this section the term "interest" shall mean and include a financial interest in which the individual, or a partnership, corporation or association of which the individual is a member or owner, may receive monetary profit, directly or indirectly as a result of the activities, actions, orders or decisions made by such individual or a proprietary interest in which real estate owned by the individual, or by a partnership, corporation or association of which the individual is a member or owner, may benefit directly or indirectly as a result of the activities, actions, orders or decisions made by such individual. The term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation nor shall it include any contract or construction award where more than two competitive bids were received after public notice of bidding and where such bids were publicly opened.

SECTION 2. NO INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH SHALL:

(1) ACCEPT OTHER EMPLOYMENT WHICH WILL IMPAIR HIS INDEPENDENCE OF JUDGMENT IN THE EXERCISE OF HIS OFFICIAL DUTIES;

(2) IMPROPERLY DISCLOSE CONFIDENTIAL INFORMATION ACQUIRED BY HIM IN THE COURSE OF HIS OFFICIAL DUTIES NOR USE SUCH INFORMATION TO FURTHER HIS PERSONAL INTERESTS;

(3) USE OR ATTEMPT TO USE HIS OFFICIAL POSITION TO SECURE UNWARRANTED PRIVILEGES OR EXEMPTIONS FOR HIMSELF OR OTHERS; OR

(4) ACCEPT ANY GIFT, FAVOR OR SERVICE THAT MIGHT REASONABLY TEND TO INFLUENCE HIM IN THE DISCHARGE OF HIS OFFICIAL DUTIES.

Section 4 3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 or to be imprisoned for a term not exceeding one year, or both, and in addition shall EITHER forfeit the proscribed employment, contract, assistance or representation and any fees, salaries or consideration obtained through that employment, contract, assistance or representation OR FORFEIT HIS OFFICE OF PUBLIC TRUST.

Section 5. The Attorney General shall, upon request, issue advisory opinions to any present or former State employee who contemplates terminating his State employment and/or becoming employed by, contracting with, assisting or acting in a representative capacity for a business or corporation. That opinion shall state whether, upon the facts presented, such employment, contract, assistance or representation would be in violation of the provisions of this act. If the advisory opinion states that such employment, contract, assistance or representation would not be in violation of the provisions of this act, the person who requested the opinion may not be prosecuted or penalized, either criminally or civilly, under the provisions of this act provided that the actions under question bear a substantial similarity to the facts presented to the Attorney General.

Section 6. If at any time a commission or board of ethics, with responsibility for establishing and enforcing ethical standards for officers and employees of the executive branch of government, is provided for by statute, the duty of issuing advisory opinions, pursuant to this act, to present or former State employees shall be transferred from the Attorney General to said statutory board or commission.

SECTION 4. ANY INDIVIDUAL COVERED BY THIS ACT SHALL ON OR BEFORE JANUARY 31 OF EACH YEAR, FILE WITH THE COUNTY CLERK OF THE COUNTY IN

WHICH THEY RESIDE A WRITTEN STATEMENT OF WHICH SHALL BECOME A MATTER OF PUBLIC RECORD AND SHALL INCLUDE:

(1) EVERY OFFICE OR DIRECTORSHIP HELD BY HIMSELF OR HIS SPOUSE IN ANY CORPORATION, PARTNERSHIP OR ASSOCIATION WHICH IS SUBJECT TO THE JURISDICTION OF THE POLITICAL SUBDIVISION IN WHICH HE LIVES.

(2) A LIST SHOWING EACH TYPE OF BUSINESS OR BUSINESS ACTIVITY FROM WHICH HE RECEIVED COMPENSATION IN EXCESS \$1,500 DURING THE PRECEDING 12-MONTH PERIOD BY VIRTUE OF HIS BEING AN OFFICIAL, DIRECTOR, EMPLOYEE, PARTNER OR MEMBER OF, OR BEING RETAINED BY, ANY PERSON, CORPORATION, PARTNERSHIP OR OTHER BUSINESS ASSOCIATION, CONDUCTING OR CARRYING ON SUCH BUSINESS OR BUSINESS ACTIVITY.

(3) AS TO ATTORNEYS, ACCOUNTANTS OR OTHERS PRACTICING BEFORE REGULATORY AGENCIES DURING THE PRECEDING 12-MONTH PERIOD, THE NAME OF THE AGENCY OR AGENCIES AND THE NAME OF THE FIRM, PARTNERSHIP OR ASSOCIATION OF WHICH HE IS A MEMBER, PARTNER OR EMPLOYEE.

~~SECTION 5. IF AT ANY TIME A COMMISSION OR BOARD OF ETHICS, WITH RESPONSIBILITY FOR ESTABLISHING AND ENFORCING ETHICAL STANDARDS FOR ANY INDIVIDUAL WHO HOLDS AN APPOINTIVE OR ELECTIVE OFFICE IN A POLITICAL SUBDIVISION OF THIS COMMONWEALTH, IS PROVIDED FOR BY STATUTE, THE DUTY OF ISSUING ADVISORY OPINIONS, PURSUANT TO THIS ACT, SHALL BE TRANSFERRED FROM THE ATTORNEY GENERAL TO SAID STATUTORY BOARD OR COMMISSION.~~

SECTION 5. NOTHING IN THIS ACT, OR IN ANY OTHER LAW OR COURT RULE SHALL BE CONSTRUED TO PROHIBIT ANY CONSTABLE OR ANY EMPLOYEE OF A COURT OF COMMON PLEAS, THE MUNICIPAL COURT OF PHILADELPHIA, THE TRAFFIC COURT OF PHILADELPHIA, OR ANY EMPLOYEE OF A DISTRICT JUSTICE FROM ALSO BEING AN OFFICER OF A POLITICAL BODY OR POLITICAL PARTY AS SUCH TERMS ARE DEFINED IN THE ACT OF JUNE 3, 1937 (P. L. 1333, NO. 320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE," AND THE SAME MAY HOLD THE OFFICE OF A COUNTY, STATE OR NATIONAL COMMITTEE OF ANY POLITICAL PARTY, AND MAY RUN FOR AND HOLD ANY ELECTIVE OFFICE, AND MAY PARTICIPATE IN ANY ELECTION DAY ACTIVITIES.

Section 7656. This act shall take effect in six months.

On the question recurring,

Will the House concur in Senate amendments as amended by the House?

Mr. WILSON offered the following amendment:

Amend Bill, page 5, by inserting between lines 2 and 3 Section 4. Statement of financial interests required to be filed.

(a) Each public employee employed by the Commonwealth shall file a statement of financial interests for the preceding calendar year with the Attorney General no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Any other public employee shall file a statement of financial interests with the district attorney of the county in which the political subdivision by which he is employed is located no later than May 1 of each year that he holds such a position and of the year after he leaves such a position.

(b) Each candidate for public office shall file a statement of financial interests for the preceding calendar year as provided in subsection (e) prior to filing a petition to appear on the ballot for election as a public official. A petition to appear on the ballot shall not be accepted by an election official unless the petition includes an affidavit that the candidate has filed the required statement of financial interests.

(c) Each candidate for public office nominated by a public official or governmental body and subject to confirmation by a

public official or governmental body shall file a statement of financial interests for the preceding calendar year as provided in subsection (e) and with the official or body that is vested with the power of confirmation at least ten days before the official or body shall approve or reject the nomination.

(d) No public official shall be allowed to take the oath of office or enter or continue upon his duties, nor shall he receive compensation from public funds, unless he has filed a statement of financial interests as required by this act.

(e) (1) Any candidate for State public office shall file a statement of financial interests with the Attorney General and each county board of elections. In the case of candidates for the General Assembly, a statement need not be filed in every county board of elections but only in those which contain part of his prospective district.

(2) Any candidate for local office shall file a statement of financial interests with the district attorney and the board of elections of the county in which he resides.

(f) All statements of financial interest filed pursuant to the provisions of this act shall be made available for public inspection and copying during regular office hours.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Wilson, who offers an explanation of the proposed amendment, A-6441.

Mr. WILSON. Mr. Speaker, I am very pleased that the House has finally chosen to move affirmatively on a fairly strong and fairly good ethics bill. I am particularly concerned at this time with one section of the amended bill. As I interrogated the Speaker yesterday, the amendments offered by Mr. Cowell have been approved, and if my amendment is approved, a section of Mr. Cowell's amendment would be deleted and this section would be added that I am offering today.

I am concerned about two things: one, the cost of supplying a commission, an ethics commission, and I think, more importantly, about putting the right to oversee these reports. In my opinion, it is like putting the foxes in charge of the hen house. What we are doing is saying that everybody who is holding an office in this Commonwealth, everybody who is a candidate for office in this Commonwealth, those employees who are making decisions in this Commonwealth, shall own up to all of their investments, all of their sources of income, and then they are going to turn these over to somebody, an ethics commission, that really does not have to take any action if it does not care to. I think, better than that, we should let these reports fall where they may, put them out to the public perusal, put them out where the public can see them, and I am suggesting that anybody who runs for statewide office will file his report with the Attorney General, the now elected Attorney General, and another copy with each of the 67 boards of election, open for copying, open for the public's perusal, the Press, anybody who cares to come in and see them. If you are a local candidate or a candidate for the legislature, you file with your local district attorney and your local board of elections. It is as simple as that.

I think that with this amendment in, we will improve the possibility of this bill becoming law. More so, we will improve the possibility of this proposal becoming an effective law, a law that will do what I think at least the vast majority of us want done with an ethics bill. I think this is what the public wants. They want the thing hanging out there so they can see it, and

this is all I am offering in this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, would the gentleman, Mr. Wilson, yield to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman from Dauphin is in order and may proceed.

Mr. PICCOLA. In section (a) of your amendment, Mr. Speaker, you refer to "Each public employee employed by the Commonwealth. . . ." and later in that section you refer to "Any other public employee. . . ." Are you referring to every state worker employed by any department in the Commonwealth, and, further, are you referring to all employees employed by municipalities?

Mr. WILSON. No, Mr. Speaker, you will have to refer to the Cowell amendment to see what happens when this would go in. Actually, the language that I have encompassed is the same as is now in the amended bill. The only change that I make is removing the commission and the place as to where you would file the information. As to who files, I am not changing it whatsoever. That is identical language as it is right now currently in the bill.

I think if you read another section, you will find in the other section of the Cowell amendment it describes who under those employees must file and there are those who are elected publicly, or, if I paraphrase it, hold public appointed positions that make judicial judgment calls.

Mr. PICCOLA. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker. Mr. Speaker, I would urge that we defeat this amendment. On its face it would appear to simply establish a slightly different procedure for the filing of the reports that are required under the amendment that we adopted to HB 198 yesterday, but it is far more significant than that because it would effectively eliminate enforcement guts of this ethics law. On the face it appears to simply say that rather than file various reports with the ethics commission and with the various political subdivisions where that is the language that is used in the amendment adopted yesterday, we would instead file reports with district attorneys and, I believe, the state attorney general. In establishing that process, though, one, we eliminate what most people have agreed is a fundamental part of a meaningful ethics law, and that is, an independent ethics commission. I believe that is essential to an effective law, to effective enforcement, and we would eliminate that under the Wilson amendment. In addition, if we would adopt the Wilson amendment and effectively eliminate the ethics commission, we would leave a huge loophole in terms of the enforcement responsibilities that are given to the ethics commission on pages 6 and 7 of yesterday's amendment. For instance, if we do not have an ethics commission, we no longer would have anybody to prescribe and publish the rules and regulations to carry out the provisions of this act. We would no longer have a body that would prescribe the uniform statement

or forms for statements and reports that would be required under this act. We would have nobody to really compile and index the reports that had been filed, so that those election supervisors in the several counties could cross-check and be assured that candidates filing their petitions had, in fact, filed the required financial interest statements. We would have nobody who would, and I am quoting from yesterday's amendment, "preserve statements and reports filed with the commission for a period of five years", and we would have nobody to make recommendations to law-enforcement officials either for criminal prosecution or for the dismissal of charges arising out of violations of this act.

Mr. Speaker, I think if we adopt this amendment, we would effectively make the ethics law that we are now discussing meaningless. I would urge that we not adopt it. Thank you, Mr. Speaker.

WILSON AMENDMENT DECLARED OUT OF ORDER

The SPEAKER pro tempore. The Chair thanks the gentleman. The Parliamentarian has been checking the amendment, and it is his opinion that the amendment is out of order because the amendment amends the bill rather than the amendment. So the Chair declares that the amendment is out of order and that it be withdrawn by the gentleman, Mr. Wilson.

The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. I guess I can read, Mr. Speaker. The game plan is to reject by parliamentary procedure any offering of an amendment. It seems to me that yesterday we had no problem in putting the Cowell amendment in this bill, and it does the same thing, in effect, as what my amendment does. My amendment speaks to, on line 5, amending the Senate amendment. Perhaps it changes other portions of the bill, but I respectfully question the judgment of the Parliamentarian in this specific instance. I would ask the indulgence of the Chair because Mr. Cowell made some statements that I think are fairly damning to my intent in this thing and I would like to answer them.

The SPEAKER pro tempore. The Chair states that if it had been the intent of the Chair to rule the amendment out of order, the Chair would have acted immediately upon the introduction of the amendment. The amendment was studied by the Parliamentarian and his assistants, and they have informed the Chair that the amendment is out of order, in their opinion.

Mr. WILSON. Mr. Speaker, that is fine, and you are entitled, as the Speaker pro tempore, to make your ruling. It would seem to me that it would be the order of business to make that ruling when that amendment was introduced, not after debate was offered on the floor of this House. I respectfully disagree with that.

The SPEAKER pro tempore. The Chair would reply that the amendment was studied, along with the bill, by the Parliamentarian. That required a certain period of time.

Mr. WILSON. That amendment was on the floor of this House since yesterday.

The SPEAKER pro tempore. The Parliamentarian did not see the amendment yesterday when it was on the floor of the House.

Mr. WILSON. That is not Representative Wilson's fault.

The SPEAKER pro tempore. It did not come under his search until the amendment was introduced.

Mr. WILSON. And at this point you are saying I should shut up and sit down, Mr. Speaker?

The SPEAKER pro tempore. The Chair did not state so.

Mr. WILSON. Well, it is my amendment, and if I cannot talk any longer on my amendment, that is in effect what I should do.

The SPEAKER pro tempore. The gentleman may stand or sit as his personal needs require. The Chair has merely stated that the amendment is out of order, acting upon the advice of the Parliamentarian and his assistants.

The Chair thanks the gentleman.

Mr. WILSON. Well, I do not thank the Chair particularly. Out of due respect to the gentleman in the Chair, I think I have been cut short, cut off, and done a disservice in this House, because the gentleman, Mr. Cowell, was entitled to his say-so, and then all of a sudden it is out of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast.

Mr. PANCOAST. I do not want to prolong this parliamentary debate, but there was a statement made by the Speaker yesterday that the bill before us, even though amended on two occasions, should not be reprinted so that those who had additional amendments to offer to that bill, that they could be considered in order today, and the bill was not reprinted for that reason. This was a statement made by the Speaker on the floor yesterday.

The SPEAKER pro tempore. The Chair will check immediately with the Parliamentarian.

The Chair has been informed that the Speaker stated if an amendment were introduced, it would be considered, because of the matter of the printing of the amendment, so that it would not entail another printer's number. That is the Speaker's opinion of what he had stated yesterday on the floor of the House.

The Chair recognizes the gentleman, Mr. Pancoast.

Mr. PANCOAST. This would have meant that all amendments that had been prepared for the printer's number of the bill yesterday, if it had been reprinted, there would have been a new printer's number, and they would have been out of order, because the amendments proposed would not have been drawn to the new printer's number. In order to avoid that, I think the Speaker ruled that the bill should not be reprinted.

The SPEAKER pro tempore. The Chair has been informed that it is the Speaker's intent that he did not wish to confuse the members of the House by having another printer's number and that this was determined that under no circumstances could the bill be amended. It was decided by a vote of the majority members of this House that the bill not be amended, but that the amendments be amended.

A look at the bill would indicate that the gentleman's amendment collides with the bill.

RULING OF THE CHAIR APPEALED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Pancoast.

Mr. PANCOAST. It was my understanding, Mr. Speaker, that this particular amendment was drawn to the bill itself, so that it should be able to be considered, and it is not in conflict therewith.

I am not sure that I understand your ruling, but if you are ruling Mr. Wilson's amendment out of order, I would like to appeal the ruling of the Chair.

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. In that event, the Chair will return the gavel to the Speaker for the appeal of the ruling.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. Well, it looks like we are going to play musical chairs for awhile.

The ruling of the Speaker pro tempore is that the amendment offered by the gentleman, Mr. Wilson, seeks to amend the bill, HB 198, rather than amending the Senate amendment. That ruling has been appealed by the gentleman, Mr. Pancoast.

Those who believe that the Chair ruled correctly will vote "aye." Those who believe that the Chair ruled in error will vote "no."

Is the appeal of the Chair debatable? The Speaker does not really remember whether or not this matter is debatable.

Very well, subject to correction, we will take the debate.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I simply want to urge all members of the House to sustain the ruling of the Chair on the matter before the House.

The SPEAKER. The Chair restates: Those who believe the Chair ruled correctly will vote "aye." Those who believe the Chair ruled in error will vote "no."

Members will proceed to vote.

On the question,

Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—104

Arthurs	Gamble	Livengood	Ritter
Barber	Garzia	Logue	Ruggiero
Berlin	Gatski	Manderino	Scanlon
Berson	Geisler	McCall	Schmitt
Bittinger	George, C.	Meluskey	Shupnik
Borski	Giammarco	Milanovich	Stapleton
Brown	Gillette	Milliron	Stewart
Brunner	Goodman	Miscevich	Suban
Caltagirone	Gray	Morris	Sweet
Caputo	Greenfield	Mrkonic	Taylor, F.
Cassidy	Harper	Mullen, M. P.	Tenaglio
Cohen	Hayes, D. S.	Musto	Trello
Cole	Hoeffel	Novak	Valicenti
Cowell	Hutchinson, A.	Noye	Wansacz
DeMedio	Hutchison, W.	O'Brien, B.	Wargo
DeWeese	Itkin	O'Donnell	White
DiCarlo	Johnson	Oliver	Wiggins
Dombrowski	Jones	Petrarca	Wise
Donatucci	Kelly	Prendergast	Wright, D.
Doyle	Kernick	Quest	Yahner
Duffy	Kolter	Rappaport	Zeller
Dumas	Kowalshyn	Ravenstahl	Zitterman

Englehart	Kukovich	Reed	Zwilk
Fee	Laughlin	Renwick	
Flaherty	Letterman	Rhodes	Irvis,
Fryer	Levin	Rieger	Speaker
Gallagher	Lincoln		

NAYS—80

Anderson	Geesey	Miller	Sirianni
Armstrong	George, M.	Moehlmann	Smith, E.
Bittle	Goebel	Mowery	Smith, L.
Brandt	Greenleaf	O'Brien, D.	Spencer
Burd	Grieco	O'Connell	Spitz
Burns	Halverson	O'Keefe	Stairs
Cessar	Hasay	Pancoast	Taddonio
Cianciulli	Hayes, S. E.	Parker	Taylor, E.
Cimini	Helfrick	Peterson	Thomas
Davies	Honaman	Piccola	Vroon
DeVerter	Katz	Pitts	Wagner
Dietz	Klingaman	Polite	Wass
Dininni	Lashinger	Pott	Weidner
Dorr	Lehr	Pyles	Wenger
Fischer, R. R.	Levi	Ryan	Wilson
Fisher, D. M.	Lynch	Salvatore	Wilt
Foster, A.	Madigan	Scheaffer	Wright, J. L.
Foster, W.	Manmiller	Schweder	Yohn
Freind	McClatchy	Scirica	Zearfoss
Gallen	McLane	Seltzer	Zord

NOT VOTING—14

Beloff	Haskell	McIntyre	Pratt
Bennett	Knepper	Mebus	Richardson
Gleeson	Mackowski	Pievsky	Williams
Hamilton	McGinnis		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

GAVEL TURNED OVER TO MR. FRYER

The SPEAKER. The Speaker very gratefully turns over the gavel again to the Speaker pro tempore, who may or may not accept it this time.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER)
IN THE CHAIR

The SPEAKER pro tempore. The Chair thanks the Speaker.

On the question recurring,

Will the House concur in Senate amendments?

Mr. GARZIA offered the following amendment:

Amend Bill, page 4, line 1, by inserting after "DUTIES." Any individual who holds an appointed office in any political subdivision shall not have an interest in any contract or construction in which that political subdivision shall enter or have an interest. Any person violating the provisions of this clause shall be barred for a period of five years from engaging in any business or contract with any political subdivision or the Commonwealth or any of its agencies. For purposes of this clause the term "interest" shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, all my amendment does is it puts back into the bill what was taken out yesterday by Mr. Cowell's amendment.

These few simple words are what started all this problem that we are having today and yesterday. All it does is it puts back the original language into the bill that was in the prior printer's number of 740. I would ask for an affirmative vote.

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

Mr. COWELL. Mr. Speaker, we may have a wrong number on that amendment. Would you double-check that?

The SPEAKER pro tempore. The Chair understands that this amendment was changed in order to conform to the ruling of amending the amendment. This one is A6536. Has this proposed amendment been distributed to the members? The gentleman, Mr. Garzia, indicates that it has. It is A6536.

The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we would adopt the Garzia amendment. As he indicated earlier, it does replace or does reinsert, we should state, the language that he had originally included in his bill. It is not incompatible with anything that we adopted yesterday. It would not require the striking of any of the language that we adopted yesterday. It would supplement that language. And, frankly, his language was struck through our amendment, I believe, inadvertently, to begin with, but I think it is appropriate that we reinstate it. I would urge we adopt this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. RYAN. Would the gentleman, Mr. Cowell, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Ryan, is in order and may proceed.

Mr. RYAN. I would appreciate it, Mr. Speaker, if Mr. Garzia would also listen to my interrogation.

Is the gentleman advising us that the Garzia amendment A6536 replaces words that were inadvertently stricken from the bill with your amendment? Inadvertently—I do not mean it quite that way. Are these the exact words that were originally in the bill and you struck them?

Mr. COWELL. No, these are not the exact words. As a matter of procedure, to make his amendment parliamentarily acceptable today, I think he has had to alter the format and perhaps alter a couple of the words.

I have not sat down and compared them word for word. I am taking him at his word that it is the same language.

Mr. RYAN. Mr. Speaker, could Mr. Garzia advise me as to the answer to my question?

Mr. GARZIA. I think there is one word that is changed. I am looking at it now, where it says—

Mr. RYAN. Well, perhaps I can ask it this way: In substance are they the same?

The SPEAKER pro tempore. The chairman, Mr. Ryan, is in order and may proceed.

Mr. RYAN. Mr. Speaker, by sidebar, if you please, Mr. Garzia

has indicated that basically the language is the same in substance.

My question then is—and I do not have the bill as amended before me—and my question refers to this amendment, the last four lines: “For purposes of this clause the term ‘interest’”—Mr. Cowell, are you listening? Are you listening, Mr. Cowell?

Mr. COWELL. I will listen now.

Mr. RYAN. All right.

The last four lines of the Garzia amendment say, “For purposes of this clause the term ‘interest’ shall not include the ownership of shares of stock in any corporation in an amount of 5% or less of the total issue for said corporation.” Now does the definition of the word “interest” appear elsewhere in this bill now as amended by you, Mr. Speaker?

Mr. COWELL. Before I answer that, let me just double-check. Okay, Matt?

The SPEAKER pro tempore. The Chair would point out that it is used in the second line of the amendment, on the second and fourth lines of the amendment.

Mr. RYAN. Mr. Speaker, I would like to continue my interrogation of Mr. Cowell.

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

Mr. RYAN. Mr. Garzia is standing here with me. We were trying to discuss quietly and quickly the problem.

As I go back originally to HB 198, when it was debated on this floor, I spent a lot of time arguing about the way the bill was drafted. And I spent a lot of time arguing about the way the bill was before us on the floor at that time. As a result of that, the bill was held in suspension—I forget just how we did that, whether we laid it on the table or what—and we came up by agreement with a number of amendments to cure the problem; to still do what Mr. Garzia wanted, but to cure the problem. And I am referring now to HB 198, PN 3514, which is after five or six sets of amendments. Now, you have amended in, or Mr. Garzia is submitting now amendments to this bill, which really is HB 198 in its original form. As amended, the definition of interest is considerably longer.

I am afraid that it is too complicated. I am going to take a chance that goes against my grain. I really believe that this bill is being doctored up so much in this House today that it will never become law. I believe that. I think that Mr. Garzia’s bill, HB 198, as it left this House should become law. He has worked hard for it, and I think it was a good bill as it left here. This thing is being doctored up now that it is a true Christmas tree. It will never go back through the Senate, in my judgment, and become law.

I think that the amendment that Mr. Garzia is submitting now does not go as far as HB 198 as it originally left this House, which is all he wants, and I join him in that effort. That is all he wants, but right now we are being forced, and I am going to vote for Garzia’s amendment and I think it is wrong, wrong in the sense that it is not as complete as it should be. There are editorial changes. There are corrections, and if I suggest to lay this bill on the table until we put it back in the condition it was in when we originally voted on HB 198—After much discussion and many meetings we got together and put HB 198

into an acceptable form that did what Mr. Garzia wanted and took care of problems that I raised on the floor by debate and others took up by debate.

I am going to vote for it but I am telling you that this thing is turning into a sham, and it is a shame, not because we do not need what you are trying to do, Mr. Cowell, but because Garzia’s bill deserves better treatment than it is now getting by being Christmas treed.

It is not too practical to think that I can tie this matter up long enough to get Mr. Garzia’s amendment now into the shape it should be in to be offered to this bill.

I am almost ready to toy—and I do not guess it is permitted under the rules—to get back to a prior printer’s number and start all of the other mess over some other time, and get back to Garzia’s bill which was a good conflict-of-interest bill for the purpose it was intended for at that time, without all of this window dressing we are putting onto it now.

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

Mr. COWELL. Mr. Speaker, the suggestion has been made that this thing has been Christmas treed and that it is in shambles and that we are adding and adding and adding. That is inaccurate. In fact, if you recall the proceedings of today, I do not believe that we have added anything else. Most of the attempts to add have been defeated or have been ruled out of order, but basically what we have before us still is HB 198 with the Pitts amendment and the Cowell amendment of yesterday, and it is rather easy to understand. As we indicated yesterday they were not incompatible. The only proposed change now—and I would not necessarily characterize Mr. Garzia’s amendment as another attempt to Christmas tree. I do not believe it is. The only thing—we have is a rather narrow issue that Mr. Garzia originally attempted to address in his original legislation, and that is not incompatible with what we did yesterday. It is not incompatible with the Pitts language. It is not incompatible with the broader amendment that we adopted late yesterday and it could fit rather easily. We have checked with the Legislative Reference Bureau, and it is most likely that the paragraph that Mr. Garzia is proposing would simply be added in paragraph G, on line 4, of yesterday’s amendments, under restrictive activities, which is section 3 of the broad amendment that we adopted yesterday. It is another restricted activity.

There was some concern, apparently, expressed about the use of the word, “interest.” Mr. Garzia’s clause attempts to define the word “interest” as it is used in that particular clause, and the context of the use of that word “interest” is, interest in a business. Elsewhere in the amendment which we adopted yesterday, when we want to address that kind of concern or that kind of issue, we have used the language, “business with which he is associated,” and that is the language we have used elsewhere and that is the term which is defined in the amendment that was adopted yesterday, so I do not believe that Mr. Garzia’s amendment creates confusion or that it is in conflict with what has already been adopted. I believe that it should be adopted.

The SPEAKER pro tempore. The Chair recognizes the minor-

ity whip.

Mr. RYAN. Mr. Speaker, I am going to vote for Garzia's amendment, but I am just going to raise a couple of issues for you, Mr. Cowell, and this is the danger we have when we take a bill that we were satisfied with at one time and then we offer amendments to it without coordinating it; the rush of the season, the end of the legislative year, at least prior to the breakdown for election recess.

The Garzia amendment right now, which both of us are suggesting be adopted, says that for the purpose of this section, interest shall be defined as not including 5 percent or less of a business property. That could, in my judgment, be reasonably interpreted to mean that we are talking only about corporations, because you have become specific as to this section. You do not talk about partnerships; you do not talk about individual proprietorship; you do not talk about the man who is going to be an engineer, and this is what Mr. Garzia is directing his attention to — the man who is an engineer for some municipality who is on a \$50,00-a-year salary or maybe is on a dollar-a-year salary and a 10-percent commission. None of these things are addressed by the amendment as it is being offered now and even though in other sections of the bill, by virtue of your amendment, the word "interest," as in a conflict-of-interest situation, is addressed. That problem is addressed.

The language of this amendment is almost exclusionary. In other words, it is saying that as to this section, interest shall mean—and that is the area that I am concerned with, where we are handling something in a haphazard fashion.

I am in favor of trying to help Mr. Garzia resurrect his bill and get back into it what he originally wanted into it, but it is, in my judgment, in conflict with the provisions of your amendment as I understand them, and I think we all will regret, at a later date, this legislative rush in putting together two or three different items in one bill without thinking it out and not having it before us in printed form.

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

The following roll call was recorded:

YEAS—185

Anderson	Gamble	Manderino	Schmitt
Armstrong	Garzia	Manmiller	Schweder
Arthurs	Gatski	McCall	Scirica
Barber	Geesey	McClatchy	Seltzer
Bennett	Geisler	McLane	Shupnik
Berlin	George, C.	Meluskey	Sirianni
Berson	George, M.	Milanovich	Smith, E.
Bittinger	Giammarco	Miller	Smith, L.
Bittle	Gillette	Milliron	Spencer
Borski	Gleeson	Miscevich	Spitz
Brandt	Goebel	Moehlmann	Stairs
Brown	Goodman	Morris	Stapleton
Brunner	Gray	Mowery	Stewart
Burd	Greenfield	Mrkonic	Stuban
Burns	Greenleaf	Mullen, M. P.	Sweet
Caltagirone	Grieco	Musto	Taddonio
Caputo	Halverson	Novak	Taylor, E.
Cassidy	Hasay	Noye	Taylor, F.
Cessar	Hayes, D. S.	O'Brien, B.	Tenaglio
Cimini	Hayes, S. E.	O'Brien, D.	Thomas
Cohen	Helfrick	O'Connell	Trello

Cole	Hoeffel	O'Donnell	Valicenti
Cowell	Honaman	O'Keefe	Vroon
Davies	Hutchinson, A.	Oliver	Wagner
DeMedio	Hutchinson, W.	Pancoast	Wansacz
DeVerter	Itkin	Parker	Wargo
DeWeese	Johnson	Peterson	Wass
DiCarlo	Jones	Petrarca	Weidner
Dietz	Katz	Piccola	Wenger
Dininni	Kelly	Pitts	White
Dombrowski	Kernick	Polite	Wiggins
Donatucci	Klingaman	Pott	Wilson
Dorr	Knepper	Pratt	Wilt
Doyle	Kolter	Prendergast	Wise
Duffy	Kowalshyn	Pyles	Wright, D.
Dumas	Kukovich	Quest	Wright, J. L.
Englehart	Lashinger	Ravenstahl	Yahner
Fee	Laughlin	Reed	Yohn
Fischer, R. R.	Lehr	Renwick	Zearfoss
Fisher, D. M.	Letterman	Rhodes	Zeller
Flaherty	Levi	Richardson	Zitterman
Foster, A.	Levin	Rieger	Zord
Foster, W.	Lincoln	Ritter	Zwinkl
Freind	Livengood	Ruggiero	
Fryer	Logue	Ryan	Irvis,
Gallagher	Lynch	Salvatore	Speaker
Gallen	Madigan	Scheaffer	

NAYS—0

NOT VOTING—13

Belloff	Haskell	McIntyre	Rappaport
Cianciulli	Mackowski	Mebus	Scanlon
Hamilton	McGinnis	Pievsky	Williams
Harper			

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I wish to be recorded in the affirmative on the Garzia amendment to HB 198 numbered A6536.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Are there any other amendments to be offered to the amendment? Are there any additional amendments to be offered to the amendment of HB 198?

It is ordered that the clerk present HB 198 to the Senate for concurrence in House amendments to Senate amendments.

The Chair recognizes the minority whip. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, it would seem appropriate to vote on this with the amendments. I do not think we have done that, have we?

The SPEAKER pro tempore. We have not voted. I am checking with the Parliamentarian. The House will be at ease.

GAVEL RETURNED TO SPEAKER

The SPEAKER pro tempore. Mr. Ryan, the Chair's answer to that knotty problem is that the Chair turns the gavel over to the Speaker.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Chair thanks the Speaker pro tempore.

It is the Speaker's opinion that the question before the House is, does the House concur in the Senate amendments as amended by the House? Placing the question in that way, the House will make the decision on concurrence in the Senate amendments as we have amended the Senate amendments. Is that clear? The question then is, Does the House concur in the Senate amendments as amended by the House?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, does the gentleman, Mr. Garzia, wish recognition? The Chair recognizes the gentleman, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. GARZIA. I had a question for the Parliamentarian. Mr. Speaker, if I was to ask for nonconcurrence now, what would happen?

The SPEAKER. If the House votes on the question in the negative, the Chair would then instruct the clerk to inform the Senate that the House has nonconcurred in the Senate amendments, which is the only question the Senate has asked.

If the House votes in the affirmative, the Chair would instruct the clerk of the House to inform the Senate that the House has concurred in the Senate amendments as amended further by the House.

Mr. GARZIA. Mr. Speaker, I think we should have an ethics bill. HB 198 is not going to be the bill because I think that everybody in this House knows what is going to happen to this bill when it leaves this chamber.

We will get a 190 — something there with no negative vote to pass what we did today. I want to save part of this bill anyway, so I am going to ask the House to nonconcur on what we did these last 2 or 3 days or weeks. I am asking for nonconcurrence on all of these amendments so that we can send it to a conference committee. Thank you.

The SPEAKER. On the question, Shall the House concur in amendments placed into HB 198 by the Senate as amended by the House, the gentleman, Mr. Garzia, has asked that the vote be in the negative.

The Chair recognizes the minority whip.

Mr. RYAN. Mr. Speaker, that is not my understanding of what Mr. Garzia was suggesting. I understood Mr. Garzia to ask us to disavow everything we have just done in the past 2 days and then nonconcur in the Senate amendments. I guess that is the same thing, though. I am going to vote to send it back over there and let those heroes figure out what we did.

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

Mr. TRELLO. Mr. Speaker, I plan to concur, also. But I would just like to also stress a point here, that with Proposition 12 and Proposition 13 floating all over the place, I think the most

prominent concern of our constituents is taxes and government spending.

Yesterday I inquired in regards to a fiscal note, and I was told that it was almost impossible to get a fiscal note. In checking with the Appropriations Committee today, some members told me that that was 100 percent right. They told me that it would cost an enormous amount of money just to find out what a fiscal note would be for this piece of legislation, and very conservative estimates on what it would cost to implement this bill if passed would be anywhere between \$4 and \$8 million a year. They say that is a conservative estimate. I think when the conferees get together, they should take that in consideration as to the amount of money this new bureaucracy is going to cost the taxpayers of Pennsylvania. What price glory. I do not know.

On the question recurring,

Will the House concur in Senate amendments as amended by the House?

Agreeable to the provisions of the Constitution, the following roll call was recorded:

YEAS—184

Armstrong	Gatski	McClatchy	Schmitt
Arthurs	Geesey	McIntyre	Schweder
Barber	Geisler	McLane	Scirica
Bennett	George, C.	Meluskey	Seltzer
Berlin	George, M.	Milanovich	Shupnik
Berson	Giammarco	Miller	Sirianni
Bittinger	Gillette	Milliron	Smith, E.
Bittle	Goebel	Miscevich	Smith, L.
Borski	Goodman	Moehlmann	Spencer
Brandt	Gray	Morris	Spitz
Brown	Greenfield	Mowery	Stairs
Brunner	Greenleaf	Mrkonic	Stapleton
Burd	Grieco	Mullen, M. P.	Stewart
Burns	Halverson	Musto	Stuban
Caltagirone	Harper	Novak	Sweet
Caputo	Hasay	Noye	Taddonio
Cassidy	Hayes, D. S.	O'Brien, B.	Taylor, E.
Cessar	Hayes, S. E.	O'Brien, D.	Taylor, F.
Cimini	Helfrick	O'Connell	Tenaglio
Cohen	Hoeffel	O'Donnell	Thomas
Cole	Honaman	O'Keefe	Trello
Cowell	Hutchinson, A.	Oliver	Valicenti
Davies	Hutchinson, W.	Pancoast	Vroon
DeMedio	Itkin	Parker	Wagner
DeVertter	Johnson	Peterson	Wansacz
DeWeese	Jones	Petrarca	Wargo
DiCarlo	Katz	Piccola	Wass
Dietz	Kelly	Pitts	Weidner
Dininni	Kernick	Polite	Wenger
Dombrowski	Klingaman	Pott	White
Donatucci	Knepper	Pratt	Wiggins
Dorr	Kolter	Prendergast	Wilson
Doyle	Kowalshyn	Pyles	Wilt
Duffy	Kukovich	Quest	Wise
Dumas	Lashingier	Rappaport	Wright, D.
Englehart	Laughlin	Ravenstahl	Wright, J. L.
Fee	Lehr	Reed	Yahner
Fischer, R. R.	Letterman	Renwick	Yohn
Fisher, D. M.	Levi	Rhodes	Zearfoss
Flaherty	Lincoln	Rieger	Zeller
Foster, A.	Livengood	Ritter	Zitterman
Foster, W.	Logue	Ruggiero	Zord
Freind	Lynch	Ryan	Zwilk

Fryer	Madigan	Salvatore	
Gallagher	Manderino	Scanlon	Irvis,
Gallen	Manmiller	Scheaffer	Speaker
Gamble	McCall		

NAYS—4

Anderson	Cianciulli	Garzia	Levin
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NOT VOTING—10

Beloff	Haskell	Mebus	Richardson
Gleeson	Mackowski	Pievsky	Williams
Hamilton	McGinnis		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The majority required having voted in favor of the amendments inserted by the Senate together with the amendments inserted by the House, the clerk will inform the Senate accordingly, asking for concurrence on the part of the Senate in the amendments inserted by the House to the Senate amendments. And do not ask me to repeat that one.

ADDRESSES

TO HOUSE UNDER UNANIMOUS CONSENT

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Garzia.

Mr. GARZIA. Mr. Speaker, are we finished with HB 198?

The SPEAKER. I would seriously doubt it, but for the time being.

Mr. GARZIA. May I make a statement?

The SPEAKER. The gentleman is in order under unanimous consent and may make a statement.

Mr. GARZIA. What we did here last week by suspending the rules I think was a bad practice. I feel as if I have been cheated out of a good bill. I think a lot of members of this House feel the same way.

I do not want to single out any particular person or group, but I hope everybody would offer an amendment, including myself and a few others, leaders and House members, to see what they can do over in the Senate. We will see if the Senate will listen to anybody about what we did here today because I doubt it very much.

This bill I think everyone knows is going to die over there. I can almost bet my House seat that this bill will never see the light of day over in this Senate. I hope that most of the members in this House realize it is nice to have a code of ethics bill, but you are sure as heck doing it the wrong way. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. O'Connell.

Mr. O'CONNELL. Mr. Speaker, I think it is unfortunate that it happened to be Mr. Garzia's bill that was caught in this particular crossfire. But I disagree with him as far as the stance

of the amendment is concerned. I think it was a good rule, and the suspension was well taken. The rule as it stands now is nothing more than a gag rule and it gags this House of Representatives, and, more than that, it gags the minority party in the House, and that is precisely what that rule does, because there could be collaboration between the majority party in this House and the Senate and they can preclude and exclude the minority party from participating. I disagreed with that rule in its first instance and I respectfully disagree with it again today because it is nothing more than a gag rule. There is no reason for this House to be excluded from participation in this process. That is what we are here for, and that rule does nothing but gag us.

ANNOUNCEMENT OF COMMITTEE CHANGE

The SPEAKER. The Chair wishes to announce the replacement of the gentleman, Mr. Robert Bellomini, on the Finance Committee by the gentleman, Mr. Robert Borski. Mr. Borski is named by the Chair to replace the gentleman, Mr. Bellomini, who has resigned from the committee.

CALENDAR BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 18, PN 18**, entitled:

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), referred to as the City State Highway Law changing certain routes in the City of Washington.

On the question,

Will the House agree to the bill on second consideration?

Mr. FISCHER offered the following amendments:

Amend Sec. 1 (Sec.2), page 2, lines 25 through 30 and page 3, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 1 (Sec.2), page 3, by inserting between lines 25 and 26

L. R. 114 Spur. Beginning at a point on North Main Street, on the dividing line between the city of Washington and South Strabane Township; thence over North Main Street to an intersection at North Main and [Chestnut] Walnut Streets, thence easterly over Walnut Street to the intersection of Walnut and College Streets, a distance of about 0.8 of a mile.

Section 2. (a) The Commonwealth of Pennsylvania shall cede control to the city of Washington the following streets:

(1) Main Street between Beau Street and Maiden Street, a distance of .216 miles.

(2) Beau Street between Main Street and College Street, a distance of .125 miles.

(3) Main Street between Chestnut Street and Walnut Street a distance of .094 miles.

(4) Main Street between Chestnut Street and Beau Street, a distance of .1089 miles.

(b) The city of Washington shall transfer to the control of the Commonwealth of Pennsylvania the following Street: Chestnut Street between Main Street and College Street, a distance of .127 miles.

Amend Sec. 2, page 3, line 26, by striking out "2" and inserting 3

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Fischer.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Andrews,	Hankins,	McCormack,	Ross,
Arlene,	Hess,	McKinney,	Scanlon,
Bell,	Holl,	Mellow,	Schaefer,
Coppersmith,	Hopper,	Messinger,	Smith,
Corman,	Howard,	Moore,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Duffield,	Kelley,	Nolan,	Stauffer,
Dwyer,	Kury,	Noszka,	Stout,
Early,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Wood,
Gurzenda,	Manbeck,	Romanelli,	Zemprelli,
Hager,			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 198 (Pr. No. 3813) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 198.

On the question,
Will the Senate agree to the motion?

POINT OF INFORMATION

Senator NOLAN. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Allegheny, Senator Nolan, will state it.

Senator NOLAN. Mr. President, it is my understanding that House Bill No. 198 was amended in this Senate, sent back to the House for concurrence, and the House of Representatives, in their wisdom, suspended their Rules and amended our amendments, is this true?

The PRESIDENT. Senator, it has been the practice for several years, since I have presided in this Senate, of the House of Representatives to often amend Senate amendments to House bills. This is what they have done in this instance, yes.

Senator NOLAN. And, is it not true, Mr. President, that we have a Rule here in the Senate that we cannot follow that procedure?

The PRESIDENT. It is not the practice of the Senate, by tradition, and I know now, by Rule that we do not do that.

MOTION TO LAY BILL ON THE TABLE

Senator NOLAN. Mr. President, in view of the fact of the admission of the Minority Leader that House Bill No. 2222 is a

much stronger bill than House Bill No. 198, I would move at this time that House Bill No. 198 be laid on the table until such time as we can have House Bill No. 2222 printed and the action of the Senate taken on House Bill No. 2222, since it is a much stronger bill.

The PRESIDENT. It has been moved by Senator Nolan that House Bill No. 198 be laid on the table.

Senator NOLAN. Mr. President, I am being told by my fellow Senators that we just passed it. I understand that. It will now go to the printer if I understand the proceedings of this Senate.

The PRESIDENT. For the information of Senator Nolan and the Members, House Bill No. 2222 will now go to the House for concurrence.

Senator NOLAN. It will give the House the opportunity to act on a much stronger bill, Mr. President. Because of that, I move at this time that House Bill No. 198 be laid on the table until the House takes action on House Bill No. 2222.

On the question,
Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I would just like to say that we made the statement in good faith that we would consider House Bill No. 198 and, for that reason, I would like to oppose the motion so that we can consider House Bill No. 198.

Senator LEWIS. Mr. President, it was my intention to rise to a point of personal privilege to simply make the statement just made by the gentleman from Lackawanna, Senator Mellow.

The Chair heard my comment before I made a previous vote.
The PRESIDENT. It has been made.

Senator NOLAN. Mr. President, I would say that unless this bill is tabled, we are going to end up with a much weaker bill, which is House Bill No. 198, on the desk of the Governor.

Let us not kid the general public. The House will not move on House Bill No. 2222.

PARLIAMENTARY INQUIRY

Senator HAGER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, am I not correct that we have suspended our Rules and we have done the very same thing which the House of Representatives has done? As a matter of fact, we did it in this Session on the budget.

The PRESIDENT. I believe the Senate can suspend its Rules. My comment was that it has not been our practice and I think that is an accurate statement, Senator. I do not believe that has any bearing at all on what Senator Nolan ultimately moved. That is just a general statement he made.

POINT OF INFORMATION

Senator McCORMACK. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Philadelphia, Senator McCormack, will state it.

Senator McCORMACK. Mr. President, is the motion to table the bill still before the Body?

The PRESIDENT. That is what we are going to vote on and it is a nondebatable motion.

Senator McCORMACK, Mr. President, may I ask the gentleman from Allegheny, Senator Nolan, to withdraw that motion. I was part of the agreement, however informal it was among the Senators who voted—

The PRESIDENT. We will be at ease for just a moment while you ask him, Senator.

(The Senate was at ease.)

Senator NOLAN. Mr. President, I would like to know where the agreement was made.

The PRESIDENT. The Senate will be at ease for just a minute.

(The Senate was at ease.)

The PRESIDENT. This is not a debatable motion.

The motion before the Senate is,

Will the Senate agree to table the bill?

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—1

Nolan,

NAYS—48

Andrews,	Hager,	Manbeck,	Ross,
Arlene,	Hankins,	McCormack,	Scanlon,
Bell,	Hess,	McKinney,	Schaefer,
Coppersmith,	Holl,	Mellow,	Smith,
Corman,	Hopper,	Messinger,	Snyder,
Dougherty,	Howard,	Moore,	Stapleton,
Duffield,	Jubelirer,	Murray,	Stauffer,
Dwyer,	Kelly,	Noszka,	Stout,
Early,	Kury,	O'Pake,	Sweeney,
Fumo,	Kusse,	Orlando,	Tilghman,
Gekas,	Lewis,	Reibman,	Wood,
Gurzenda,	Lynch,	Romanelli,	Zemprelli,

So the question was determined in the negative, and the motion was defeated.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House to Senate amendments?

(During the calling of the roll, the following occurred:)

POINT OF INFORMATION

Senator DUFFIELD. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Fayette, Senator Duffield, will state it.

Senator DUFFIELD. Mr. President, is this bill on final passage?

The PRESIDENT. We are at the roll call, Senator. We have started the roll call on a motion.

Senator DUFFIELD. Mr. President, you said on a motion. I did not understand that.

The PRESIDENT. Senator, if you wish to speak on it, I will

permit you to do so under Petitions and Remonstrances, but once a roll call is started, I cannot break a roll call for anything.

Senator DUFFIELD. I understand that, Mr. President, but I think it was just a little quick inasmuch as we just finished one and went on to the other.

The PRESIDENT. I will slow down, Senator, on the following bills.

Senator DUFFIELD. Mr. President, I desire to be recorded in the negative.

The PRESIDENT. I will certainly do that, Senator. Is there any other Member who wishes to vote "no" on the motion? I thought you were going to make a speech, Senator.

Senator DUFFIELD. I was going to, Mr. President.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Andrews,	Hankins,	McCormack,	Ross,
Arlene,	Hess,	McKinney,	Scanlon,
Bell,	Holl,	Mellow,	Schaefer,
Coppersmith,	Hopper,	Messinger,	Smith,
Corman,	Howard,	Moore,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Nolan,	Stauffer,
Early,	Kury,	Noszka,	Stout,
Fumo,	Kusse,	O'Pake,	Sweeney,
Gekas,	Kewis,	Orlando,	Tilghman,
Gurzenda,	Lynch,	Reibman,	Wood,
Hager,	Manbeck,	Romanelli,	Zemprelli,

NAYS—1

Duffield,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 191 (Pr. No. 2167) — Senator MESSINGER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 191.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Andrews,	Hankins,	McCormack,	Ross,
Arlene,	Hess,	McKinney,	Scanlon,
Bell,	Holl,	Mellow,	Schaefer,
Coppersmith,	Hopper,	Messinger,	Smith,
Corman,	Howard,	Moore,	Snyder,
Dougherty,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Nolan,	Stauffer,
Early,	Kury,	Noszka,	Stout,
Fumo,	Kusse,	O'Pake,	Sweeney,
Gekas,	Lewis,	Orlando,	Tilghman,
Gurzenda,	Lynch,	Reibman,	Wood,
Hager,	Manbeck,	Romanelli,	Zemprelli,