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## Bill Information - History

### Senate Bill 254; Regular Session 1997-1998

**Sponsors:** [JUBELIRER](#), [HELFRICK](#), [HART](#), [PUNT](#), [SALVATORE](#), [LEMMOND](#), [MOWERY](#), [DELP](#), [CORMAN](#), [BRIGHTBILL](#), [THOMPSON](#) and [TOMLINSON](#)

**Printer's No.(PN):** [2218\\*](#) , [1160](#), [255](#)

**Short Title:** An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for public confidence in government by consolidating and revising existing laws relating to open meetings, ethical standards and financial disclosure and lobbying regulation and disclosure; and continuing the existence of the State Ethics Commission.

**Actions:**

Referred to STATE GOVERNMENT, Jan. 29, 1997  
Reported as committed, April 29, 1997  
First consideration, April 29, 1997  
Second consideration, May 13, 1997  
Amended on third consideration, [June 9, 1997](#)  
Laid on the table, June 9, 1997  
Removed from table, June 9, 1997  
Third consideration and final passage, June 10, 1997 (49-0)

In the House

Referred to STATE GOVERNMENT, June 11, 1997  
Reported as committed, March 10, 1998  
First consideration, March 10, 1998  
Laid on the table, March 10, 1998  
Removed from table, April 29, 1998  
Re-referred to APPROPRIATIONS, April 29, 1998  
Re-reported as committed, June 1, 1998  
Second consideration, June 1, 1998  
Third consideration, with amendments, [Oct. 6, 1998](#)  
Final passage, Oct. 6, 1998 (202-0)  
(Remarks see House Journal Page [1644](#)), Oct. 6, 1998

In the Senate

Senate concurred in House amendments, Oct. 6, 1998 (48-0)  
Signed in Senate, Oct. 6, 1998  
Signed in House, Oct. 6, 1998  
In hands of the Governor, Oct. 7, 1998  
Last day for action, Oct. 17, 1998  
Approved by the Governor, Oct. 15, 1998

\* denotes current Printer's Number

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Cohen, M.	Jadlowiec	Pistella	Veon
Colafiglia	James	Platts	Vitali
Colaizzo	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams, A. H.
Cowell	Kenney	Reber	Williams, C.
Coy	Kirkland	Reinard	Wilt
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wojnaroski
Dally	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Ross	Zimmerman
Dermody	Lescovitz	Rubley	Zug
DeWeese	Levdansky	Sainato	
DiGirolamo	Lloyd	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Rohrer

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. SAYLOR called up HR 535, PN 3945, entitled:

A Resolution honoring the memory of Douglas L. Rohrbaugh, a lieutenant with the Laurel Fire Company No. 1 of Windsor Township, York County, who was killed while he directed traffic at an accident in the township.

On the question,  
Will the House adopt the resolution ?

The SPEAKER pro tempore. Those voting in the affirmative, please remain seated; those voting in the negative, please rise.

The following roll call was recorded:

YEAS-202

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maher	Schroder
Argall	Egolf	Maitland	Schuler
Armstrong	Evans	Major	Scrimenti
Baker	Fairchild	Manderino	Semmel
Bard	Fargo	Markosek	Serafini
Barley	Feese	Marsico	Seyfert
Barrar	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Forcier	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	McNaughton	Steil
Blaum	Gladeck	Melio	Stern
Boscola	Godshall	Michlovic	Stetler
Boyes	Gordner	Micozzie	Stevenson
Browne	Gruitza	Miller	Strittmatter
Bunt	Gruppo	Mundy	Sturla
Butkovitz	Habay	Myers	Surra

Buxton	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappabianca	Harhai	O'Brien	Taylor, J.
Carn	Harhart	Olasz	Thomas
Carone	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Itkin	Pippy	Van Horne
Cohen, M.	Jadlowiec	Pistella	Veon
Colafiglia	James	Platts	Vitali
Colaizzo	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams, A. H.
Cowell	Kenney	Reber	Williams, C.
Coy	Kirkland	Reinard	Wilt
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wojnaroski
Dally	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Ross	Zimmerman
Dermody	Lescovitz	Rubley	Zug
DeWeese	Levdansky	Sainato	
DiGirolamo	Lloyd	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Rohrer

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**FORMER MEMBER WELCOMED**

The SPEAKER pro tempore. The Chair notes the presence in the hall of the House of another former member. Reid Bennett from Mercer County is in the back of the House. Welcome back.

The House will come to order.

We have concluded the rule 35 resolutions and are now going to bills on the active calendar.

Members will please take their seats.

**CALENDAR CONTINUED**

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of SB 254, PN 1160, entitled:

An Act amending the act of July 3, 1986 (P.L.388, No.84), entitled Sunshine Act, further providing for attorney fees.

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

Mr. MASLAND offered the following amendment No. A3837:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, to provide for public confidence in government by consolidating and revising existing laws relating to open meetings, ethical standards and financial disclosure and lobbying regulation and disclosure; and continuing the existence of the State Ethics Commission.

Amend Bill, page 1, lines 7 through 18; page 2, lines 1 through 22, by striking out all of said lines on said pages and inserting

Section 1. Title 65 of the Pennsylvania Consolidated Statutes is amended by adding a part to read:

PART II  
ACCOUNTABILITY

Chapter

- 7. Open Meetings
- 11. Ethics Standards and Financial Disclosure
- 13. Lobby Regulation and Disclosure

CHAPTER 7  
OPEN MEETINGS

Sec.

- 701. Short title.
- 702. Legislative findings and declaration.
- 703. Definitions.
- 704. Open meetings.
- 705. Recording of votes.
- 706. Minutes of meetings, public records and recording of meetings.
- 707. Exceptions to open meetings.
- 708. Executive sessions.
- 709. Public notice.
- 710. Rules and regulations for conduct of meetings.
- 710.1. Public participation.
- 711. Use of equipment during meetings.
- 712. General Assembly meetings covered.
- 713. Business transacted at unauthorized meeting void.
- 714. Penalty.
- 714.1. Attorney fees.
- 715. Jurisdiction and venue of judicial proceedings.
- 716. Confidentiality.

§ 701. Short title.

This chapter shall be known and may be cited as the Sunshine Act.

§ 702. Legislative findings and declaration.

(a) Findings.—The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) Declarations.—The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

§ 703. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Administrative action.” The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

“Agency.” The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council,

authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs, or has for its purpose the performance of, an essential governmental function and through the joint action of its members exercises governmental authority and takes official action. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

“Agency business.” The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

“Caucus.” A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

“Conference.” Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

“Deliberation.” The discussion of agency business held for the purpose of making a decision.

“Emergency meeting.” A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

“Executive session.” A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

“Litigation.” Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

“Meeting.” Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

“Official action.”

(1) Recommendations made by an agency pursuant to statute, ordinance or executive order.

(2) The establishment of policy by an agency.

(3) The decisions on agency business made by an agency.

(4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

“Political subdivision.” Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

“Public notice.”

(1) For a meeting:

(i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

(ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

(iii) Giving notice to parties under section 709(c) (relating to public notice).

(2) For a recessed or reconvened meeting:

(i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding

the meeting or at the public building in which the meeting is to be held.

(ii) Giving notice to parties under section 709(c).

“Special meeting.” A meeting scheduled by an agency after the agency’s regular schedule of meetings has been established.

§ 704. Open meetings.

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

§ 705. Recording of votes.

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

§ 706. Minutes of meetings, public records and recording of meetings.

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of all official actions and a record by individual member of the roll call votes taken.
- (4) The names of all citizens who appeared officially and the subject of their testimony.

§ 707. Exceptions to open meetings.

(a) Executive session.—An agency may hold an executive session under section 708 (relating to executive sessions).

(b) Conference.—An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.

(c) Certain working sessions.—Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

§ 708. Executive sessions.

(a) Purpose.—An agency may hold an executive session for one or more of the following reasons:

- (1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency’s decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.
- (2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.
- (3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.
- (4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.
- (5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of

information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(b) Procedure.—The executive session may be held during an open meeting, at the conclusion of an open meeting, or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Limitation.—Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).

§ 709. Public notice.

(a) Meetings.—An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) Notice.—With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give the notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) Copies.—In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(d) Meetings of General Assembly in Capitol Complex.—Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

- (1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing.
- (2) There is a posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(e) Announcement.—Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of

Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

§ 710. Rules and regulations for conduct of meetings.

Nothing in this chapter shall prohibit the agency from adopting, by official action, the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

§ 710.1. Public participation.

(a) General rule.—Except as provided in subsection (d), the board or council of a political subdivision or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting. The board or council has the option to accept all public comment at the beginning of the meeting.

(b) Limitation on judicial relief.—If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) Objection.—Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) Exception.—The board or council of a political subdivision or of an authority created by a political subdivision which had, before January 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).

§ 711. Use of equipment during meetings.

(a) Recording devices.—Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) Rules of the Senate and House of Representatives.—The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

§ 712. General Assembly meetings covered.

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: All meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

§ 713. Business transacted at unauthorized meeting void.

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which the chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until

a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

§ 714. Penalty.

Any member of any agency who participates in a meeting with the intent and purpose by that member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine not exceeding \$100 plus costs of prosecution.

§ 714.1. Attorney fees.

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

§ 715. Jurisdiction and venue of judicial proceedings.

The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgments or to enforce this chapter, by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

§ 716. Confidentiality.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.

## CHAPTER 11 ETHICS STANDARDS AND FINANCIAL DISCLOSURE

Sec.

1101. Short title.

1101.1. Purpose.

1102. Definitions.

1103. Restricted activities.

1104. Statement of financial interests required to be filed.

1105. Statement of financial interests.

1106. State Ethics Commission.

1107. Powers and duties of commission.

1108. Investigations by commission.

1109. Penalties.

1110. Wrongful use of chapter.

1111. Supplemental provisions.

1112. Conflict of law.

1113. Severability.

§ 1101. Short title.

This chapter shall be known and may be cited as the Public Official and Employee Ethics Act.

§ 1101.1. Purpose.

(a) Declarations.—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 this Commonwealth in their government, the Legislature further declares that the people have a right to be assured that the financial interests of holders of or nominees or candidates for public office do not 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 chapter shall be liberally construed to promote complete financial disclosure as specified in this chapter. Furthermore, it is recognized that clear guidelines are needed in order to guide public officials and employees in their actions. Thus, the General Assembly by this chapter intends to define as clearly as possible those areas which represent conflict with the public trust.

(b) **Recognition.**—It is recognized that many public officials, including most local officials and members of the General Assembly, are citizen-officials who bring to their public office the knowledge and concerns of ordinary citizens and taxpayers. They should not be discouraged from maintaining their contacts with their community through their occupations and professions. Thus, in order to foster maximum compliance with its terms, this chapter shall be administered in a manner that emphasizes guidance to public officials and public employees regarding the ethical standards established by this chapter.

(c) **Legislative intent.**—It is the intent of the General Assembly that this chapter be administered by an independent commission composed of members who are cognizant of the responsibilities and burdens of public officials and employees and who have demonstrated an interest in promoting public confidence in government.

#### § 1102. Definitions.

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

**"Advice."** Any directive of the chief counsel of the State Ethics Commission issued under section 1107(11) (relating to powers and duties of commission) and based exclusively on prior commission opinions, this chapter, regulations promulgated pursuant to this chapter, and court opinions which interpret this chapter.

**"Aggregate."** The total of all gifts received from a single source as provided in section 1105(b)(6) (relating to statement of financial interests).

**"Authority of office or employment."** The actual power provided by law, the exercise of which is necessary to the performance of duties and responsibilities unique to a particular public office or position of public employment.

**"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 has a financial interest.

**"Candidate."** Any individual who seeks nomination or election to public office by vote of the electorate, other than a judge of elections, inspector of elections or official of a political party, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he has:

(1) received a contribution or made an expenditure or given his consent for any other person or committee to receive a contribution or make an expenditure for the purpose of influencing his nomination or election to such office, whether or not the individual has announced the specific office for which he will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) taken the action necessary under the laws of this Commonwealth to qualify himself for nomination or election to such office.

The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

**"Commission."** The State Ethics Commission.

**"Confidential information."** Information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.

**"Conflict" or "conflict of interest."** Use by a public official or public employee of the authority of his office or employment or any confidential

information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business with which he or a member of his immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he or a member of his immediate family is associated.

**"Contract."** An agreement or arrangement for the acquisition, use or disposal by the Commonwealth or a political subdivision of consulting or other services or of supplies, materials, equipment, land or other personal or real property. The term shall not mean an agreement or arrangement between the State or political subdivision as one party and a public official or public employee as the other party, concerning his expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his current public employment with the Commonwealth or a political subdivision.

**"De minimis economic impact."** An economic consequence which has an insignificant effect.

**"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.

**"Financial interest."** Any financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

**"Findings report."** An initial report containing findings of fact as determined by the State Ethics Commission's investigation but not containing any conclusions of law or any determination of whether there has been a violation of law.

**"F frivolous complaint."** A complaint filed in a grossly negligent manner without basis in law or fact.

**"Gift."** Anything which is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

**"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 a state, a nation or a political subdivision thereof or any agency performing a governmental function.

**"Governmental body with which a public official or public employee is or has been associated."** The governmental body within State government or a political subdivision by which the public official or employee is or has been employed or to which the public official or employee is or has been appointed or elected and subdivisions and offices within that governmental body.

**"Honorarium."** Payment made in recognition of published works, appearances, speeches and presentations and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

**"Immediate family."** A parent, spouse, child, brother or sister.

**"Income."** Any money or thing of value received, or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon assumption of public office or employment or any other form of recompense or any combination thereof. The term refers to gross income and includes prize winnings and tax-exempt income. The term does not include gifts,

governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee, or miscellaneous, incidental income of minor dependent children.

“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.

“Nominee.” Any person whose name has been submitted to a public official or governmental body vested with the power to finally confirm or reject proposed appointments to public office or employment.

“Nonministerial actions.” An action in which the person exercises his own judgment as to the desirability of the action taken.

“Opinion.” A directive of the State Ethics Commission issued pursuant to section 1107(10) (relating to powers and duties of commission) setting forth a public official’s or public employee’s duties under this chapter.

“Order.” A directive of the State Ethics Commission issued pursuant to section 1107(13) (relating to powers and duties of commission) at the conclusion of an investigation which contains findings of fact, conclusions of law and penalties.

“Person.” A business, governmental body, 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.

“Political subdivision.” Any county, city, borough, incorporated town, township, school district, vocational school, county institution district, and any authority, entity or body organized by the aforementioned.

“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 minimis nature on the interests of any person.

The term shall not include individuals who are employed by this Commonwealth or any political subdivision thereof in teaching as distinguished from administrative duties.

“Public official.” Any person elected by the public or elected or appointed by a governmental body, or an appointed official in the executive, legislative or judicial branch of this Commonwealth 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.

“Represent.” To act on behalf of any other person in any activity which includes, but is not limited to, the following: personal appearances, negotiations, lobbying and submitting bid or contract proposals which are signed by or contain the name of a former public official or public employee.

“Solicitor.” A person elected or appointed to the office of solicitor for the political subdivision.

“Source.” Any person who is a provider of an item reportable under section 1105 (relating to statement of financial interests).

“State consultant.” A person who, as an independent contractor, performs professional, scientific, technical or advisory service for an agency of this Commonwealth, and who receives a fee, honorarium or

similar compensation for such services. A State consultant is not an executive-level employee.

§ 1103. Restricted activities.

(a) Conflict of interest.—No public official or public employee shall engage in conduct that constitutes a conflict of interest.

(b) Seeking improper influence.—No person shall offer or give to a public official, public employee or nominee or candidate for public office or a member of his immediate family or a business with which he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror’s or donor’s understanding that the vote, official action or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(c) Accepting improper influence.—No public official, public employee or nominee or candidate for public office shall solicit or accept, anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of that public official, public employee or nominee that the vote, official action, or judgment of the public official or public employee or nominee or candidate for public office would be influenced thereby.

(d) Honorarium.—No public official or public employee shall accept an honorarium.

(e) Contingent and severance payments.—

(1) No person shall solicit or accept a severance payment or anything of monetary value contingent upon the assumption or acceptance of public office or employment.

(2) This subsection shall not prohibit:

(i) Payments received pursuant to an employment agreement in existence prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee or a person with appointive power that he is under consideration for public office or makes application for public employment.

(ii) Receipt of a salary, fees, severance payment or proceeds resulting from the sale of a person’s interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of public office or employment.

(3) Payments made or received pursuant to paragraph (2)(i) and (ii) shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective public official or employee would be influenced thereby.

(f) Contract.—No public official or public employee or his spouse or child or any business in which the person or his spouse or child is associated shall enter into any contract valued at \$500 or more with the governmental body with which the public official or public employee is associated or any subcontract valued at \$500 or more with any person who has been awarded a contract with the governmental body with which the public official or public employee is associated, 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. In such a case, the public official or public employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made in violation of this subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making of the contract or subcontract.

(g) Former official or employee.—No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body.

(h) Misuse of statement of financial interest.—No person shall use for any commercial purpose information copied from statements of financial interests required by this chapter or from lists compiled from such statements.

(i) Former executive-level employee.—No former executive-level State employee may for a period of two years from the time that he terminates employment with this Commonwealth 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 this Commonwealth or that he actively participated in inducing to open a new plant, facility or branch in this Commonwealth or that he actively participated in inducing to expand an existing plant or facility within this 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.

(j) Voting conflict.—Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-member governing body of a political subdivision, where one member has abstained from voting as a result of a conflict of interest, and the remaining two members of the governing body have cast opposing votes, the member who has abstained shall be permitted to vote to break the tie vote if disclosure is made as otherwise provided herein.

#### § 1104. Statement of financial interests required to be filed.

(a) Public official or public employee.—Each public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the commission no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Each public employee and public official of the Commonwealth shall file a statement of financial interests for the preceding calendar year with the department, agency, body or bureau in which he is employed or to which he is appointed or elected 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 or public official shall file a statement of financial interests with the governing authority of the political subdivision by which he is employed or within which he is appointed or elected no later than May 1 of each year that he holds such a position and of the year after he leaves such a position. Persons who are full-time or part-time solicitors for political subdivisions are required to file under this section.

#### (b) Candidate.—

(1) Any candidate for a State-level public office shall file a statement of financial interests for the preceding calendar year with the commission on or before the last day for filing a petition to appear on the ballot for election. A copy of the statement of financial interests shall also be appended to such petition.

(2) Any candidate for county-level or local office shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he is a candidate on or before the last day for filing a petition to appear on the ballot for election. A copy of the statement of financial interests shall also be appended to such petition.

(3) No petition to appear on the ballot for election shall be accepted by the respective State or local election officials unless the petition has appended thereto a statement of financial interests as set forth in paragraphs (1) and (2). Failure to file the statement in accordance with the provisions of this chapter shall, in addition to any other penalties provided, be a fatal defect to a petition to appear on the ballot.

(c) Nominee.—Each State-level nominee for public office 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. Each nominee for a county-level or local office shall file a statement of financial interests for the preceding calendar year with the governing authority of the political subdivision in which he or she is a nominee and, if different, 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) Failure to file required statement.—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 chapter.

(e) Public inspection and copying.—All statements of financial interests filed pursuant to the provisions of this chapter shall be made available for public inspection and copying during regular office hours, and copying facilities shall be made available at a charge not to exceed actual cost.

#### § 1105. Statement of financial interests.

(a) Form.—The statement of financial interests filed pursuant to this chapter shall be on a form prescribed by the commission. All information requested on the statement shall be provided to the best of the knowledge, information and belief of the person required to file and shall be signed under oath or equivalent affirmation.

(b) Required information.—The statement shall include the following information for the prior calendar year with regard to the person required to file the statement.

(1) Name, address and public position.

(2) Occupation or profession.

(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 \$6,500 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 or secondary residence of the person filing shall not be included.

(5) The name and address of any direct or indirect source of income totaling in the aggregate \$1,300 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 or common law privileges.

(6) The name and address of the source and the amount of any gift or gifts valued in the aggregate at \$250 or more and the circumstances of each gift. This paragraph shall not apply to a gift or gifts received from a spouse, parent, parent by marriage, sibling, child, grandchild, other family member or friend when the circumstances make it clear that the motivation for the action was a personal or family relationship. However, for the purposes of this paragraph, the term "friend" shall not include a registered lobbyist or an employee of a registered lobbyist.

(7) The name and address of the source and the amount of any payment for or reimbursement of actual expenses for transportation and lodging or hospitality received in connection with public office or employment where such actual expenses for transportation and lodging or hospitality exceed \$650 in the course of a single occurrence. This paragraph shall not apply to expenses reimbursed by a governmental body, or to expenses reimbursed by an organization or association of public officials or employees of political subdivisions which the public official or employee serves in an official capacity.

(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.

(10) The identity of any financial interest in a business with which the reporting person is or has been associated in the preceding

calendar year which has been transferred to a member of the reporting person's immediate family.

(c) Reporting amounts.—Except where an amount is required to be reported pursuant to subsection (b)(6) and (7), the statement of financial interests need not include specific amounts for the items required to be listed.

(d) Cost-of-living adjustments.—On a biennial basis the commission shall review the dollar amounts set forth in this section and may increase these amounts to such rates as are deemed reasonable for assuring appropriate disclosure. The commission shall publish any such adjusted threshold amounts in the Pennsylvania Bulletin.

#### § 1106. State Ethics Commission.

(a) Continuation of commission.—The State Ethics Commission established under the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, is continued and shall be composed of seven members. The 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. No more than two of the members appointed by the Governor shall be of the same political party. No appointee shall have served as an officer in a political party for one year prior to his appointment.

(b) Term of service.—Members of the commission shall serve for terms of three years, except that members shall continue to serve until their successors are appointed and qualified.

(c) Maximum number of terms.—No member shall be appointed to more than two full three-year terms on the commission.

(d) Prohibited activities.—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 or contribute 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 or a political subdivision in any other capacity, whether or not for compensation.

(e) Vacancy.—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 two full three-year terms thereafter. Any vacancy occurring on the commission shall be filled within 30 days in the manner in which that position was originally filled.

(f) Election of chairman and vice chairman.—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) Quorum.—Four members of the commission shall constitute a quorum and, except as provided in section 1108(g) (relating to investigations by commission), 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) Compensation.—Members of the commission shall be compensated at a rate of \$250 per day and shall receive reimbursement for their actual and necessary expenses while performing the business of the commission.

(i) Staff.—The commission shall employ an executive director, a chief counsel and such other staff as are necessary to carry out its duties pursuant to this chapter. 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 chief 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 chapter. The State Treasurer and the Attorney General shall make available to the commission such personnel, facilities, and other assistance as the commission may request.

(j) Regulations.—The commission shall develop regulations that provide for a code of conduct to govern the activities and ethical standards of its members, which code shall subject the members of the commission to no less than is required for public officials or public employees under this chapter.

#### § 1107. Powers and duties of commission.

In addition to other powers and duties prescribed by law, the commission shall:

(1) Prescribe and publish rules and regulations to carry out the provisions of this chapter.

(2) Prescribe forms for statements and reports required to be filed by this chapter 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 chapter.

(4) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.

(5) Inspect statements of financial interests which have been filed in order to ascertain whether any reporting person has failed to file such a statement or has filed a deficient statement. If, upon inspection, it is determined that a reporting person has failed to file a statement of financial interests or that any statement which has been filed fails to conform with the requirements of section 1105 (relating to statement of financial interests), then the commission shall, in writing, notify the person. Such notice shall state in detail the deficiency and the penalties for failure to file or for filing a deficient statement of financial interests.

(6) Provide that statements and reports filed with the commission be made available for public inspection and copying during regular office hours and provide that copying facilities be made available at a charge not to exceed actual cost and advise other State and local agencies of the provisions of this paragraph.

(7) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements and instruct other State and local agencies which receive and file financial interest statements in the maintenance of systems which facilitate public access to such statements.

(8) Prepare and publish annual summaries of statements and reports filed with the commission.

(9) Preserve statements and reports filed with the commission for a period of five years from date of receipt and advise other State and local agencies which receive and store financial interest statements to preserve such statements for a period of five years from date of receipt.

(10) Issue to any person, upon such person's request, or to the appointing authority or employer of that person upon the request of such appointing authority or employer, an opinion with respect to such person's duties under this chapter. 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. The person requesting the opinion may, however, require that the opinion shall contain such deletions and changes as shall be necessary to protect the identity of the persons involved.

(11) Provide written advice to any person or the appointing authority or employer of such person, upon their request with respect to such person's duties under this chapter. 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 or such later extended time. The person requesting the advice may, however, require that the advice shall contain such deletions and changes as shall be necessary to protect the identity of the persons involved.

(12) Initiate an inquiry, pursuant to section 1108(a) (relating to investigations by commission), where a complaint has not been filed but where there is a reasonable belief that a conflict may exist.

(13) Issue findings, reports and orders relating to investigations initiated pursuant to section 1108, which set forth the alleged violation, findings of fact and conclusions of law. An order may include recommendations to law enforcement officials. Any order resulting from a finding that a public official or public employee has obtained a financial gain in violation of this chapter may require the restitution plus interest of that gain to the appropriate governmental body. The commission or the Office of Attorney General shall have standing to apply to the Commonwealth Court to seek enforcement of an order requiring such restitution. This restitution requirement shall be in addition to any other penalties provided for in this chapter.

(14) Hold hearings, take testimony, issue subpoenas and compel the attendance of witnesses.

(15) Make recommendations to law enforcement officials either for criminal prosecution or dismissal of charges arising out of violations of this chapter.

(16) Prepare and publish special reports, educational materials, and technical studies to further the purposes of this chapter.

(17) Prepare and publish, prior to June 1 of each year, an annual report summarizing the activities of the commission.

(18) Transmit, free of charge, copies of each order, advice and opinion which has become a matter of public record quarterly to the law library of each county, one public library in each county, the State Library, the State Senate Library, each authority appointing commission members under this chapter, the Pennsylvania Association of County Commissioners, the Pennsylvania Association of Boroughs, the Pennsylvania State Association of Township Supervisors, the Pennsylvania State Association of Township Commissioners, the Pennsylvania School Boards Association and the Pennsylvania League of Cities.

(19) Hold at least two public hearings each year, of which at least one shall be held in Harrisburg and at least one shall be held in a location other than Harrisburg, to seek input from persons and organizations who represent any individual subject to the provisions of this chapter and from other interested parties.

#### § 1108. Investigations by commission.

(a) Preliminary inquiry.—Upon a complaint signed under penalty of perjury by any person or upon its own motion, the commission, through its executive director, shall conduct a preliminary inquiry into any alleged violation of this chapter. The commission shall keep information, records and proceedings relating to a preliminary inquiry confidential. The commission shall, however, have the authority to refer the case to law enforcement officials during a preliminary inquiry or anytime thereafter without providing notice to the subject of the inquiry. The commission shall complete its preliminary inquiry within 60 days of its initiation.

(b) Termination of preliminary inquiry.—If a preliminary inquiry fails to establish reason to believe that this chapter has been violated, the commission shall terminate the inquiry and so notify the complainant and the person who had been the subject of the inquiry. If the commission determines that a complaint is frivolous, it shall so state.

(c) Initiation of investigation.—If a preliminary inquiry establishes reason to believe that this chapter has been violated, the commission may, through its executive director, initiate an investigation to determine if

there has been a violation. The commission shall keep information, records and proceedings relating to an investigation confidential until a final determination is made, except as otherwise provided in subsection (g). No investigation may be commenced until the person who is the subject of the investigation has been notified and provided a general statement of the alleged violation or violations of this chapter and other applicable statutes with respect to such investigation. Service of notice is complete upon mailing which shall be by certified or registered mail. The commission shall notify the complainant within 72 hours of the commencement of an investigation and, thereafter, the commission shall advise the complainant and the person who is the subject of the investigation of the status of the investigation at least every 90 days until the investigation is terminated. The commission shall, within 180 days of the initiation of an investigation, either terminate the investigation pursuant to subsection (d) or issue a findings report pursuant to subsection (e). Upon a showing by the executive director of the need for extension of this period, the commission may extend an investigation for up to two 90-day periods, provided that each 90-day extension shall be approved by a majority vote of members present. In no event shall a findings report be issued later than 360 days after initiation of an investigation.

(d) Termination of investigation.—If an investigation conducted under this chapter indicates that no violation has been committed, the commission shall immediately terminate the investigation and send written notice of such determination to the complainant and the person who was the subject of the investigation.

(e) Findings report.—The commission, upon the completion of an investigation, shall issue a findings report to the subject of the investigation setting forth the pertinent findings of fact. The subject shall have the right to respond to said findings and to request an evidentiary hearing on said matter. The commission shall grant any request for a hearing. Said hearing shall be held in Harrisburg or, at the request of the subject, in either Philadelphia or Pittsburgh. Any response to the findings report must either admit or deny by corresponding number and letter the pertinent facts set forth. The subject of the investigation shall have access to any evidence intended to be used by the commission at the hearing and any exculpatory evidence developed by the commission in the course of its investigation. Matters not specifically denied in the response shall be deemed admitted. The response must be filed within 30 days of the issuance of the findings report unless the time period is extended by the commission for good cause shown. Hearings conducted upon request shall be instituted within 45 days after the filing of the response.

(f) Final order.—Within 30 days of the receipt by the commission of the hearing record, or, if no hearing is to be held, within 30 days of the receipt by the commission of the response to the findings report, the commission shall issue an order which shall be final. Upon receipt of a final order, the subject shall have the right to file a petition for reconsideration in accordance with the regulations of the commission.

(g) Procedure for hearing.—Hearings conducted pursuant to this section shall be closed to the public unless the subject requests an open hearing. Any person who appears before the commission shall have all of the due process rights, privileges and responsibilities of a party or witness appearing before an administrative agency of this Commonwealth. All witnesses summoned for such hearings shall receive reimbursement for reasonable expenses in accordance with 42 Pa.C.S. § 5903 (relating to compensation and expenses of witnesses). At the conclusion of a hearing concerning an alleged violation and in a timely manner, the commission shall deliberate on the evidence and determine whether there has been a violation of this chapter. At least four members of the commission present at a meeting must find a violation by clear and convincing proof. The names of the members finding a violation and the names of those dissenting and abstaining shall be listed in the order. The determination of the commission, in the form of a final order and findings of fact, shall be a matter of public record.

(h) Availability of final orders, files and records.—Orders which become final in accordance with the provisions of this section shall be available as public documents, but the files and records of the commission relating to the case shall remain confidential.

(i) Appeal.—Any person aggrieved by an opinion or order which becomes final in accordance with the provisions of this chapter who has direct interest in such opinion or order shall have the right to appeal therefrom in accordance with law and general rules.

(j) Retaliation prohibited.—No public official or public employee shall discharge any official or employee or change his official rank, grade or compensation, or deny him a promotion, or threaten to do so, for filing a complaint with or providing information to the commission or testifying in any commission proceeding. No member of the commission and no employee of the commission shall discharge any employee of the commission or change his official rank, grade or compensation, or threaten to do so, for providing any information about the internal operations of the commission, not required by law to be kept secret, to any legislator or legislative staff member, or testifying in any legislative proceeding.

(k) Confidentiality.—As a general rule, no person shall disclose or acknowledge, to any other person, any information relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration which is before the commission. However, a person may disclose or acknowledge to another person matters held confidential in accordance with this subsection when the matters pertain to any of the following:

- (1) final orders of the commission as provided in subsection (h);
- (2) hearings conducted in public pursuant to subsection (g);
- (3) for the purpose of seeking advice of legal counsel;
- (4) filing an appeal from a commission order;
- (5) communicating with the commission or its staff, in the course

of a preliminary inquiry, investigation, hearing or petition for reconsideration by the commission;

(6) consulting with a law enforcement official or agency for the purpose of initiating, participating in or responding to an investigation or prosecution by the law enforcement official or agency;

(7) testifying under oath before a governmental body or a similar body of the United States of America;

(8) any information, records or proceedings relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration which the person is the subject of; or

(9) such other exceptions as the commission, by regulation, may direct.

(l) Frivolous complaints and wrongful disclosure.—If a public official or public employee has reason to believe the complaint is frivolous as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter, or a person publicly disclosed or caused to be disclosed that a complaint against the public official or public employee has been filed with the commission, the public official or public employee shall notify the commission and the commission, through its executive director, shall conduct an investigation.

(m) Limitation of time.—The commission may conduct an investigation within five years after the alleged occurrence of any violation of this chapter.

#### § 1109. Penalties.

(a) Restricted activities violation.—Any person who violates the provisions of section 1103(a), (b) and (c) (relating to restricted activities) commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or to imprisonment for not more than five years, or both.

(b) Financial interests statement violation.—Any person who violates the provisions of section 1103(d) through (j), 1104 (relating to statement of financial interests required to be filed) or 1105(a) (relating to statement of financial interests) commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(c) Treble damages.—Any person who obtains financial gain from violating any provision of this chapter, in addition to any other penalty provided by law, shall pay a sum of money equal to three times the amount of the financial gain resulting from such violation into the State Treasury or the treasury of the political subdivision. Treble damages shall

not be assessed against a person who acted in good faith reliance on the advice of legal counsel.

(d) Impeachment and disciplinary action.—The penalties prescribed in this chapter 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) Other violations of chapter.—Any person who violates the confidentiality of a commission proceeding pursuant to section 1108 (relating to investigations by commission), commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both. Any person who engages in retaliatory activity proscribed by section 1108(j) commits a misdemeanor and, in addition to any other penalty provided by law, shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both. Any person who willfully affirms or swears falsely in regard to any material matter before a commission proceeding pursuant to section 1108 commits a felony and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than five years, or both.

(f) Civil penalty.—In addition to any other civil remedy or criminal penalty provided for in this chapter, the commission may, after notice has been served in accordance with section 1107(5) (relating to powers and duties of commission) and upon a majority vote of its members, levy a civil penalty upon any person subject to this chapter who fails to file a statement of financial interests in a timely manner or who files a deficient statement of financial interests, at a rate of not more than \$25 for each day such statement remains delinquent or deficient. The maximum penalty payable under this paragraph is \$250.

(g) Reliance on solicitor's opinion.—A public official of a political subdivision who acts in good faith reliance on a written, nonconfidential opinion of the solicitor of the political subdivision or upon an opinion of the solicitor of the political subdivision, publicly stated at an open meeting of the political subdivision and recorded in the official minutes of the meeting, shall not be subject to the penalties provided for in subsections (a) and (b), nor for the treble damages provided for in subsection (c). However, this subsection shall not apply in situations where the solicitor's opinion has been rendered under duress or where the parties seeking and rendering the solicitor's opinion have colluded to purposefully commit a violation of this chapter.

#### § 1110. Wrongful use of chapter.

(a) Liability.—A person who signs a complaint alleging a violation of this chapter against another is subject to liability for wrongful use of this chapter if:

(1) the complaint was frivolous, as defined by this chapter, or without probable cause and made primarily for a purpose other than that of reporting a violation of this chapter; or

(2) he publicly disclosed or caused to be disclosed that a complaint against a person had been filed with the commission.

(b) Probable cause.—A person who signs a complaint alleging a violation of this chapter has probable cause for doing so if he reasonably believes in the existence of the facts upon which the claim is based and either:

(1) reasonably believes that under those facts the complaint may be valid under this chapter; or

(2) believes to this effect in reliance upon the advice of counsel, sought in good faith and given after full disclosure of all relevant facts within his knowledge and information.

(c) Commission procedures.—When the commission determines that a complainant has violated the provisions set forth in subsection (a), the commission, upon receiving a written request from the subject of the complaint, shall provide the name and address of the complainant to said subject. If the commission determines that a complainant has not violated the provisions of subsection (a), the commission shall notify the subject accordingly. The subject shall have the right to appeal the commission's determination, and the commission shall schedule an appeal hearing. The subject shall show cause why the complainant violated the provisions of this section. If the commission grants the appeal, the commission shall

immediately release the complainant's name and address to the subject. If the commission denies the appeal, it shall present evidence why the complainant's name and address shall not be released.

(d) Damages.—When the essential elements of an action brought pursuant to this section have been established, the plaintiff is entitled to recover for the following:

- (1) The harm to his reputation by a defamatory matter alleged as the basis of the proceeding.
- (2) The expenses, including any reasonable attorney fees, that he has reasonably incurred in proceedings before the commission.
- (3) Any specific pecuniary loss that has resulted from the proceedings.
- (4) Any emotional distress that has been caused by the proceedings.
- (5) Any punitive damages according to law in appropriate cases.

§ 1111. Supplemental provisions.

Any governmental body may adopt requirements to supplement this chapter, provided that no such requirements shall in any way be less restrictive than the chapter.

§ 1112. Conflict of law.

Except as otherwise provided in Chapter 13, if the provisions of this chapter conflict with any other statute, ordinance, regulation or rule, the provisions of this chapter shall control.

§ 1113. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this chapter and the application of such provisions to other persons and circumstances shall not be affected thereby.

### CHAPTER 13

#### LOBBY REGULATION AND DISCLOSURE

Sec.

1301. Short title.
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§ 1301. Short title.

This chapter shall be known and may be cited as the Lobbying Disclosure Act.

§ 1302. Statement of intent and jurisdiction.

(a) Intent.—The Constitution of Pennsylvania recognizes the principle that all free government is founded upon the authority of the people. It further provides that the power to make law in this Commonwealth is vested in the General Assembly and the power to enforce law is vested in the Executive Department. The ability of the people to exercise their fundamental authority and to have confidence in the integrity of the process by which laws are made and enforced in this Commonwealth demands that the identity and the scope of activity of those employed to influence the actions of the General Assembly and the Executive Department be publicly and regularly disclosed.

(b) Jurisdiction.—The authority to regulate persons employed to influence the actions of the General Assembly and the Executive Department lies within the jurisdiction of those branches of government. To insure that the intent of this chapter is not evaded and that all such persons are regulated in a fair and equitable manner, lobbyists and the practice of lobbying shall be subject to this chapter, which shall prevail over any other regulation of professional activity when that activity constitutes lobbying. This chapter is not intended to govern professional activities which do not include lobbying and which are properly the subject of regulation by the judicial branch of government or by any

government agency. Membership in a regulated profession shall not excuse a lobbyist from compliance with the provisions of this chapter.

§ 1303. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Administrative action.” Any of the following:

- (1) An agency's:
  - (i) proposal, consideration, promulgation or rescission of a regulation;
  - (ii) development or modification of a guideline or a statement of policy; or
  - (iii) approval or rejection of a regulation.

(2) The review, revision, approval or disapproval of a regulation under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(3) The Governor's approval or veto of legislation.

(4) The nomination or appointment of an individual as an officer or employee of the Commonwealth.

(5) The proposal, consideration, promulgation or rescission of an executive order.

“Affiliated political action committee.” A “political action committee” as defined in section 1621(l) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, which has a chairman, a treasurer or another officer who is a principal, an employee of a principal, a lobbyist or an employee of a lobbyist: Provided, if an employee of a registrant serves as the officer of a political action committee in what is clearly a personal capacity, and the goals and mission of that political action committee clearly have no relationship to the goals and mission of the registrant, such political action committee shall not be considered an affiliated political action committee for the purposes of this definition.

“Agency.” A State agency, board, commission, authority or department.

“Commission.” The State Ethics Commission.

“Compensation.” Anything of value, including benefits, received or to be received from a principal by one acting as a lobbyist.

“Direct communication.” An effort, whether written, oral or by any other medium, made by a lobbyist or principal, directed to a State official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action.

“Economic consideration.” Anything of value offered or received.

“Fund.” The Lobbying Disclosure Fund established in section 1310(b) (relating to filing fees; fund established; regulations).

“Gift.” As defined in section 1102 (relating to definitions).

“Immediate family.” An individual's spouse; and individual's child; and an individual's parent, brother, sister or like relative-in-law.

“Indirect communication.” An effort, whether written, oral or by any other medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action. The term includes letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues. The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

“Legislation.” Bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives. The term includes any other matter which may become the subject of action by either chamber of the General Assembly.

“Legislative action.” An action taken by a State official or employee involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of legislation; legislative motions; overriding or sustaining a veto by the Governor; or confirmation of appointments by the Governor or of appointments to public boards or commissions by a member of the General Assembly.

"Lobbying." An effort to influence legislative action or administrative action. The term includes:

(1) providing any gift, entertainment, meal, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal; and

(2) direct or indirect communication.

"Lobbyist." Any individual, firm, association, corporation, partnership, business trust or business entity that engages in lobbying on behalf of a principal for economic consideration. The term includes an attorney who engages in lobbying.

"Principal." Any individual, firm, association, corporation, partnership, business trust or business entity:

(1) on whose behalf a lobbyist influences or attempts to influence an administrative action or a legislative action; or

(2) that engages in lobbying on the principal's own behalf.

"Registrant." A registered lobbyist or a registered principal.

"Regulation." Any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of a statute administered by or relating to the agency, or prescribing the practice or procedure before the agency.

"State official or employee." An individual elected or appointed to a position in State Government or employed by State Government, whether compensated or uncompensated, who is involved in legislative action or administrative action.

#### § 1304. Registration.

(a) General rule.—Unless excluded under section 1306 (relating to exemption from registration and reporting), a lobbyist or a principal must register with the commission within ten days of acting in any capacity as a lobbyist or principal. Registration shall be biennial, and be coincident with the terms of the members of the House of Representatives.

(b) Principals.—

(1) A principal required to register shall file the following information with the commission:

(i) Name.

(ii) Permanent address.

(iii) Daytime telephone number.

(iv) Name and nature of business.

(v) Name, registration number and acronyms of affiliated political action committees.

(vi) Name and permanent business address of each individual who will for economic consideration engage in lobbying on the principal's behalf.

(2) If an organization or association is a principal, the number of dues-paying members in the past calendar year shall also be disclosed.

(c) Lobbyist.—

(1) A lobbyist who is required to register shall file the following information with the commission:

(i) Name.

(ii) Permanent business address.

(iii) Daytime telephone number.

(iv) A recent picture of the lobbyist.

(v) Name, permanent business address and daytime telephone number of the principal the lobbyist represents.

(vi) Name, registration number and acronyms of affiliated political action committees.

(2) Each lobbyist shall file a separate registration statement for each principal he or she represents.

(d) Amendments.—

(1) When there is a change of information required for the registration statement under subsection (b)(1) or (c), an amended statement shall be filed with the commission within 14 days after the change occurs.

(2) When there is a change in information required for the registration statement under subsection (b)(2), an amended statement

shall be filed with the commission within 14 days of the end of the year in which the change occurs.

(e) Termination.—A lobbyist or a principal may terminate registration by filing notice with the commission. Within 30 days of filing the notice, the lobbyist or principal shall file a termination report, which shall include all information required by section 1305 (relating to reporting) through the final day of lobbying activity. After a reasonable review of the termination report but not later than 90 days after receipt of the notice, the commission shall issue to the lobbyist or principal a letter stating that the registrant has terminated registration. The filing of notice or a termination report shall not affect the commission's authority to conduct investigations and hearings pursuant to section 1308(h) (relating to administration and enforcement). No lobbying may occur after the filing of notice unless the lobbying is pursuant to a separate registration statement which is filed with the commission and which, at the time of the lobbying, has not been terminated.

#### § 1305. Reporting.

(a) General rule.—A lobbyist as required by subsection (b)(6) or a registered principal shall, under oath or affirmation, file quarterly expense reports with the commission.

(b) Content.—

(1) Reports must list the names of all lobbyists by whom the lobbying is conducted and the general subject matter or issue being lobbied.

(2) Expense reports must contain the following categories:

(i) A single aggregate good faith estimate of the total amount spent for personnel and office expenses related to lobbying. This subparagraph includes salaries and other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses for those involved in lobbying. If compensation is to be reported by or for an individual or entity whose lobbying is incidental to regular employment, it shall be sufficient to report a good faith prorated estimate based on the value of the time devoted to lobbying. Reportable personnel costs include costs for lobbying staff, research and monitoring staff, consultants, lawyers, lobbyists, publications and public relations staff, technical staff and clerical and administrative support staff who engage in lobbying but are exempt from reporting under section 1306(6) (relating to exemption from registration and reporting). This subparagraph includes costs for offices, equipment and supplies utilized for lobbying.

(ii) A single aggregate good faith estimate of the total amount spent for direct communication.

(iii) The total costs for gifts, entertainment, meals, transportation, lodging and receptions, given to or provided to State officials or employees or their immediate families.

(iv) A single aggregate good faith estimate of the total amount spent for indirect communication.

(3) In addition to reporting the totals required under this subsection, the expense report must identify, by name, position and each occurrence, a State official or employee who receives from a principal or lobbyist anything of value which must be included in the statement under section 1105(b)(6) or (7) (relating to statement of financial interests) as implemented by section 1105(d).

(i) For purposes of this chapter, the amount referred to in section 1105(b)(7) shall be considered an aggregate amount per year.

(ii) Written notice must be given to each public official or employee of inclusion in the expense report within seven days of the report's submission to the commission. Notice under this subparagraph shall include the information which will enable the public official or employee to comply with section 1105(b)(6) and (7). For purposes of this chapter and Chapter 11 (relating to ethics standards and financial disclosure), section 1105(b)(6) and (7) shall constitute mutually exclusive categories.

(iii) Regulations shall be promulgated under section 1310(c) (relating to filing fees; fund established; regulations) to define

mutually exclusive categories under section 1105(b)(6) and (7) and to determine whether a thing of value is subject to disclosure under section 1105(b)(6) or (7).

(4) A lobbyist must sign the reports submitted by each principal represented to attest to the validity and accuracy to the best of the lobbyist's knowledge. A lobbyist may attach a statement to the report of any principal, describing the limits of the lobbyist's knowledge concerning the expenditures contained in the report.

(5) The expense report shall also include the name, permanent business address and daytime telephone number of any individual, firm, association, corporation, partnership, business trust or business entity which contributed more than 10% of the total resources received by the principal during the reporting period.

(6) A lobbyist shall submit a separate report if, during the reporting period, the lobbyist engaged in lobbying which was not contained in the reports filed by the principal or principals represented by the lobbyist. A separate lobbyist report shall contain the identity of the principal for whom such lobbying was performed and shall contain all information required under paragraphs (2) and (3).

(7) A registered principal or registered lobbyist that attempts to influence an agency's preparing, bidding, entering into or approving a contract shall ensure that the related expenses are included under paragraph (2).

(c) Records retention.—A registrant shall retain all documents reasonably necessary to substantiate the reports to be made under this section for four years from the date of filing the subject report. Upon request by the Office of the Attorney General or the commission, these materials shall be made available for inspection within a reasonable period of time.

(d) Thresholds for reporting.—An expense report shall be filed when total expenses for lobbying exceed \$500 for a registered principal or a registered lobbyist in a reporting period. In a reporting period in which total expenses are \$500 or less, a statement to that effect shall be filed.

(e) Voluntary disclosure.—Nothing in this section shall prevent a principal or lobbyist from disclosing expenses in greater detail than required.

#### § 1306. Exemption from registration and reporting.

The following individuals and activities shall be exempt from registration under section 1304 (relating to registration) and reporting under section 1305 (relating to reporting):

(1) An individual who limits lobbying activities to preparing testimony and testifying before a committee of the legislature or participating in an administrative proceeding of an agency.

(2) An individual who is an employee of an entity engaged in the business of publishing, broadcasting or televising while engaged in the gathering and dissemination of news and comment thereon to the general public in the ordinary course of business.

(3) Any of the following:

(i) An individual who does not receive compensation, other than traveling expenses, for lobbying.

(ii) An individual whose compensation for lobbying, from all principals represented, does not exceed \$2,500 in the aggregate during any reporting period.

(iii) An individual who engages in lobbying on behalf of the individual's employer and where lobbying activity represents less than the equivalent of \$2,500 of the employee's time during any reporting period, based on an hourly proration of the employee's compensation.

(iv) A principal whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period.

(4) Any of the following:

(i) An elected State officer acting in an official capacity.

(ii) A State executive officer appointed by the Governor acting in an official capacity.

(iii) An elected or appointed official or employee of a political subdivision acting in an official capacity.

(iv) An employee of the Commonwealth or independent agency of the Commonwealth acting in an official capacity.

(5) An individual representing a bona fide church of which the individual is a member and the purpose of the lobbying is solely for the purpose of protecting the constitutional right to the free exercise of religion.

(6) An employee, who is not a registered lobbyist, of a corporation which:

(i) is registered as a principal under section 1304;

(ii) has one or more registered lobbyists; and

(iii) includes in its reports under section 1305 all of the employee's expenses related to lobbying.

#### § 1307. Prohibited activities.

(a) Contingent compensation.—

(1) No one may compensate or incur an obligation to compensate any lobbyist, principal or individual to engage in lobbying for compensation contingent in whole or in part upon any of the following:

(i) Passage or defeat, or approval or veto, of legislation.

(ii) Occurrence or nonoccurrence of an administrative action.

(2) No lobbyist, principal or individual may engage or agree to engage in lobbying for compensation contingent in whole or in part upon any of the following:

(i) Passage or defeat, or approval or veto, of legislation.

(ii) Occurrence or nonoccurrence of an administrative action.

(b) Political committees.—A lobbyist may not serve as a treasurer or another officer for a candidate's political committee or a candidate's political action committee.

(c) Fee restrictions.—A lobbyist may not charge a fee or receive compensation or economic consideration based upon an understanding, either written or oral, that any part of the fee, compensation or economic consideration will be converted into a contribution to a candidate for public office or a political committee.

(d) Falsification.—No lobbyist or principal may, for the purpose of influencing legislative action or administrative action, transmit, utter or publish to any State official or employee any communication, knowing that such communication or any signature on the communication is false, forged, counterfeit or fictitious.

#### § 1308. Administration and enforcement.

(a) Criminal enforcement.—If the commission believes an intentional violation of this chapter has been committed, it shall refer all relevant documents and other information to the Office of Attorney General.

(b) Attorney General.—In addition to the authority conferred upon the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General has the authority to investigate and prosecute a violation of this chapter.

(c) Advice and opinions.—The commission shall provide advice and opinions in accordance with procedures set forth in section 1107 (relating to powers and duties of commission) to a lobbyist, principal or State official or employee who has a question regarding compliance with this chapter. A principal, a lobbyist or an individual who acts in good faith based on the written advice or opinion of the commission shall not be held liable for a violation of this chapter.

(d) Public inspection and copying.—The commission shall make completed registration statements, expense reports, termination notices and termination reports, which have been filed with the commission, available for public inspection and provide copies of these documents at a price which shall not exceed the actual cost of copying. Documents that are maintained and reproducible in an electronic format shall be provided in that format upon request.

(e) Annual reporting.—The commission shall prepare and publish an annual report on lobbying activities in this Commonwealth. The commission shall also annually publish a listing of principals, identifying affiliated political action committees and lobbyists and a listing of lobbyists, identifying affiliated political action committees and principals.

(f) Retention of records.—Completed registration statements, expense reports, termination notices and termination reports shall remain on file with the commission for a four-year period.

(g) Audits.—The commission shall initiate, by lottery, random annual audits of the registration statements and disclosure reports in sufficient number to ensure compliance with this chapter. The audit report and findings shall be confidential; however, the commission shall include the relevant portion of an audit as part of its findings of fact in a commission order which results from an investigation arising out of an audit.

(h) Investigation and hearings.—The commission, through its executive director, may initiate an investigation and hold a hearing, concerning negligent conduct by a lobbyist or principal, in accordance with sections 1107 and 1108 (relating to investigations by commission).

(i) Directory.—On or before May 1 of each odd-numbered year, the commission shall produce and distribute a directory of all registered lobbyists, including photographs. Copies of this directory shall be made available to the public at a price not to exceed the actual cost of production. All revenue received by the commission from the sales of this directory shall be deposited into the fund.

(j) Computer file.—The Legislative Data Processing Committee shall maintain updated registration statements, expense reports, termination notices and termination reports.

(k) Cost-of-living adjustment.—On a biennial basis commencing in January 2002, the commission shall review the threshold for reporting under section 1305(d) (relating to reporting) and the threshold for exemption under section 1306(3)(ii) through (iv) (relating to exemption from registration and reporting) and may increase these amounts to rates deemed reasonable for assuring appropriate disclosure. The commission shall publish any such adjusted threshold amounts in the Pennsylvania Bulletin by June 1, 2002, and every two years thereafter, as necessary.

#### § 1309. Penalties.

(a) Notice of noncompliance.—The commission shall issue a notice of noncompliance to any lobbyist, principal or individual that has failed to register or report as required by this chapter. The notice shall state the nature of the alleged noncompliance and the civil and criminal penalties for failure to register, failure to file or filing a report containing a false statement. The notice shall also advise of the right to a hearing before the commission and the time and manner in which to request a hearing.

(b) Hearing.—If a hearing is requested, the commission shall determine at the hearing whether the recipient of the notice is required to register or report under this chapter; whether the failure to register or report was negligent; and if the failure was negligent, the amount of the civil penalty to be imposed. If the commission finds that the failure to register or report was intentional, it shall refer the matter to the Attorney General for investigation and prosecution. Hearings under this subsection shall be conducted by the commission in accordance with sections 1107(14) (relating to powers and duties of commission) and 1108(e) (relating to investigations by commission).

(c) Negligent failure to register or report.—Negligent failure to register or report as required by this chapter is punishable by a civil penalty not exceeding \$50 for each late day. After a hearing under subsection (b), in the case of negligent failure to register or report, the commission may, upon the majority vote of its members, levy a civil penalty as provided for in this subsection. The total amount of the civil penalty levied shall not be limited by any other provision of law. The commission shall have standing to apply to Commonwealth Court to seek enforcement of an order imposing a civil penalty under this section.

(d) Failure to comply after notice.—After notice of noncompliance and after a hearing, if one is requested, a lobbyist or principal who fails to comply with the requirements of this chapter may be prohibited from lobbying for up to five years. The prohibition shall be imposed as provided by subsection (e)(4).

(e) Intentional violations.—

(1) Any lobbyist, principal or individual that intentionally fails to register or report as required by this chapter commits a misdemeanor of the second degree.

(2) A registrant that files a report under this chapter with knowledge that the report contains a false statement commits a misdemeanor of the second degree.

(3) Except as set forth in paragraph (1) or (2), any lobbyist, principal or individual that intentionally violates this chapter commits a misdemeanor of the third degree.

(4) In addition to the criminal penalties imposed by this subsection, the commission may prohibit a lobbyist or principal from lobbying for up to five years for doing an act which constitutes an offense under this subsection. No criminal prosecution or conviction shall be required for the imposition of the prohibition authorized by this paragraph. The prohibition under this paragraph shall not be imposed unless the defendant has been afforded the opportunity for a hearing, which shall be conducted by the commission in accordance with sections 1107(14) and 1108(e).

#### § 1310. Filing fees; fund established; regulations.

(a) Filing fees.—A principal or lobbyist required to be registered under this chapter shall pay a biennial filing fee of \$100 to the commission.

(b) Fund established.—All money received from filing fees under subsection (a) shall be deposited in a restricted receipts account to be known as the Lobbying Disclosure Fund. The money deposited in the fund is hereby appropriated to the commission as a continuing appropriation for the exclusive purpose of carrying out the provisions of this chapter.

(c) Regulations.—A committee comprised of the Secretary of the Senate, the Chief Clerk of the House of Representatives, the chairman of the State Ethics Commission, the Attorney General, the Secretary of the Commonwealth, the Auditor General and the General Counsel, or their designees, shall have continuing authority to promulgate regulations necessary to carry out this chapter. The chairman of the commission shall be designated as the chairman of the committee. The initial proposed regulations shall be submitted within 180 days of the effective date of this section to the Independent Regulatory Review Commission under section 5 of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. Any meeting at which the committee plans to approve proposed regulations shall be held in accordance with Chapter 7 (relating to open meetings). The committee shall also prepare and publish a manual setting forth guidelines for accounting and reporting. The regulations and manual shall be drafted to accommodate the use of computerized recordkeeping, electronic filing of the reports provided for under this chapter and retention of registration statements and reports provided for under this chapter by electronic means. The Department of State shall provide sufficient staff and other administrative support to assist the committee.

#### § 1311. Severability.

(a) General rule.—Except as provided in subsection (b):

(1) The provisions of this chapter are severable.

(2) If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

(b) Practice of law.—If any provision of this chapter or its application to any person or circumstance is held invalid on the basis of improper regulation of the practice of law, the remaining provisions or applications of this chapter are void.

Section 2. (a) Except as otherwise specifically provided in this act, it is the intention of this act to continue existing law.

(b) All litigation, hearings, investigations and other proceedings whatsoever under any statute repealed by this act shall continue and remain in full force and effect and may be completed under the provisions of this act. All orders, regulations or rules made under any statute repealed by this act and in full force and effect upon the effective date of such repeal shall remain in full force and effect until revoked, vacated or modified under the provisions of this act. All existing contracts and obligations entered into under any statute repealed by this act shall remain in full force and effect.

(c) The members of the State Ethics Commission shall continue in office until their terms of office expire in accordance with 65 Pa.C.S. Ch. 11 and shall exercise the powers and perform the duties prescribed in Chapter 11.

(d) The appropriations to the State Ethics Commission established under the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, shall continue and remain in full force and effect for use by the State Ethics Commission continued under 65 Pa.C.S. Ch. 11.

Section 3. The sum of \$165,000 is hereby appropriated to the State Ethics Commission for the fiscal year July 1, 1998, to June 30, 1999, to carry out the provisions of 65 Pa.C.S. Ch. 13.

Section 4. (a) The provisions of 65 Pa.C.S. § 714.1 shall be applicable to all legal challenges filed under 65 Pa.C.S. Ch. 7 on or after the effective date of that chapter.

(b) The provision for attorney fees in section 13 of the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, shall continue to apply to all legal challenges filed under that act before the effective date of 65 Pa.C.S. Ch. 7.

(c) The provisions of 65 Pa.C.S. §§ 1103(d) and (e) and 1105(b)(6) and (7) shall not apply to any matter that occurred before June 26, 1989.

Section 5. Except where specifically revised by this act, Chapters 7, 11 and 13 shall be a codification of existing law.

Section 6. (a) The following acts and parts of acts are repealed:

(1) Act of September 30, 1961 (P.L.1778, No.712), known as the Lobbying Registration and Regulation Act.

(2) Sections 1 through 9 and 10.1 through 14 of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law.

(3) Act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(b) The following repeals deal with the State Ethics Commission:

(1) Section 8 of the act of June 26, 1989 (P.L.26, No.9), entitled "An act reenacting and amending the act of October 4, 1978 (P.L.883, No.170), entitled '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,' adding definitions; further providing for the membership, powers and duties of the State Ethics Commission and for persons who must file statements of financial interests; reestablishing the State Ethics Commission; and making an appropriation," is repealed.

(2) All other provisions of law are repealed insofar as they limit the existence of the State Ethics Commission.

(c) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. This act is intended to provide for public confidence in government by consolidating and revising existing laws relating to open meetings, ethical standards and financial disclosure and lobbying regulation and disclosure.

Section 8. This act shall take effect as follows:

(1) Except as set forth in paragraphs (2) and (3), the addition of 65 Pa.C.S. Ch. 13 shall take effect August 1, 1999.

(2) The addition of 65 Pa.C.S. §§ 1305(b)(3)(iii) and 1310(c) shall take effect immediately.

(3) The addition of 65 Pa.C.S. § 1305(3)(i) and (ii) shall take effect on the earlier of:

(i) the effective date of the regulations promulgated under 65 Pa.C.S. § 1305(b)(3)(iii); or

(ii) August 1, 1999.

(4) Section 3 of this act shall take effect immediately.

(5) Section 6(a)(1) of this act shall take effect August 1, 1999.

(6) This section shall take effect immediately.

(7) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Cumberland County, Mr. Masland. Mr. MASLAND. Thank you, Mr. Speaker.

Let me ask initially, I am not sure if the members all have amendment A3837, so before I go into a long diatribe, I want to make sure that that gets passed out. I take that back, Mr. Speaker. I will avoid going into a prolonged discussion. Perhaps I could make some introductory remarks while that is being circulated before we get into some of the specifics of the bill.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. Will the gentleman suspend. Since we do not have that amendment, we are going to go over the bill temporarily.

While we are waiting for the Masland amendment, turn to page 5 of today's calendar.

**RESOLUTION**

Mr. STERN called up HR 526, PN 3898, entitled:

A Resolution memorializing the Congress of the United States to appropriate certain funding for the Low-Income Home Energy Assistance Program.

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. Those voting "aye," please remain seated; those voting in the negative, please stand.

The following roll call was recorded:

**YEAS—202**

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maher	Schroder
Argall	Egolf	Maitland	Schuler
Armstrong	Evans	Major	Scrimmenti
Baker	Fairchild	Manderino	Semmel
Bard	Fargo	Markosek	Serafini
Barley	Feese	Marsico	Seyfert
Barrar	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Forcier	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	McNaughton	Steil
Blaum	Gladeck	Melio	Stern
Boscola	Godshall	Michlovic	Stetler
Boyes	Gordner	Micozzie	Stevenson
Browne	Gruitza	Miller	Strittmatter
Bunt	Gruppo	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappabianca	Harhai	O'Brien	Taylor, J.
Carn	Harhart	Olasz	Thomas
Carone	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich

Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wojnaroski
Dally	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Ross	Zimmerman
Dermody	Lescovitz	Rubley	Zug
DeWeese	Levdansky	Sainato	
DiGirolamo	Lloyd	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Rohrer

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 return the same to the Senate for concurrence.

**CONSIDERATION OF SB 254 CONTINUED**

The SPEAKER pro tempore. Return to page 4 of today's calendar, SB 254, PN 1160.

The Chair returns to amendment A3837, the Masland amendment, which has already been read by the clerk.

The Chair understands the amendment has now been distributed.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Cumberland County, Mr. Masland. Mr. MASLAND. Thank you, Mr. Speaker.

Mr. Speaker, I will not prolong the debate at this point. I realize that many members have decided how they will vote on this issue. I also realize that there may be a number of questions raised, and rather than attempt to spend 15, 20 minutes going over every aspect of the bill in detail, I will simply make a few general comments, and then I will be happy to stand for interrogation.

The first point that I want to emphasize with respect to this bill is that it is an omnibus bill. We have gathered together three separate laws, combined them and put them into Title 65, which has been reserved for public officers. All three of these laws deal with openness and accountability in government. We feel that by combining them in this title, we are actually strengthening our statement as a legislature as to where we stand on openness and accountability.

The main focus of the three bills, obviously, is on the lobbying disclosure aspect. Let me make just a few points on that.

First of all, the focus of the bill is primarily on the lobbyist and the principal, the person that hires the lobbyist, as it should be. This is a lobbying registration, lobbying reporting disclosure act, and that is where the focus should be. It is not directed at the members. It is incumbent on the lobbyists to register, to report, to stand to get a photograph taken so that they can be in the directory. All of those things are under their control.

I will not go into great detail as to why we need this law. I am sure that there will be other people who will stand and reinforce that fact. But the fact remains that our current law is basically worthless. Our current law does not hold anyone accountable and, in effect, might as well not be on the books. You have heard people clamoring for months and years about the need for lobbying disclosure reform. Now is their opportunity to actually effectuate that.

Now, some of you, some of you, may be upset with the process; I can understand that. Some of you will feel that we should have actually brought SB 1 to the floor rather than going through this amendment process. I understand, but let me just tell you a few things about how open this process has been. There were hearings in the Senate. The Senate voted the bill, sent it over to the House, and in the House State Government Committee, both chairmen — the Republican chairman, Mr. Clymer, and the Democrat chairman, Mr. Gruitza — worked very hard with all the members to deal with this issue. There were, I believe, three workshops on the bill, a public hearing, and then a fairly lengthy committee meeting at which the bill was voted. It was an open, bipartisan process. And I might also add at this point that although I am the sponsor of this amendment, this bill, lobbying disclosure, would not be before us today if it was not for the hard work, the entire time I have been here plus before that, of my friend, Representative Tom Michlovic. I know we are not supposed to mention names, Mr. Speaker, but I believe that his efforts in this regard are worthy of recognition.

With that said, we have an opportunity to do something very important here today, and that is to pass a good-government piece of legislation. Could it be better? Yes. But as all of us know after having spent just a few weeks in this General Assembly, the perfect is the enemy of the possible. We have a bill today that the Governor will sign, that the Senate will support, that a number of groups feel is the right thing to do, and I think it is now time for us to make that same statement and say that lobbying disclosure reform is important in the General Assembly, it is important to the House of Representatives, and we want to move it forward today.

Thank you, Mr. Speaker. I will be happy to stand for interrogation.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we have not had this bill for very, very long, and it is rather odd that a bill that is designed to foster openness and good government and participation in decisionmaking is being presented to us in a rather secretive, last-minute, hurried fashion.

I think we got the bill around noon. We got Mr. Masland's summary of the bill a little before we got the bill itself. Now, this is not a very good practice, but we have investigated the rules, and even though it was posted to the wrong printer's number and, therefore, it was even hard to find that we were voting on it, the Speaker has in a rather consistent manner allowed amendments to be voted on in that kind of situation. So we have no procedural objections requiring amendments, although I reiterate, this is just not a very good way to achieve good government. This procedure is more consistent with sneaking things through that are against the public interest than it is in advancing the public interest.

I do have some questions, though, about the substance of the amendment for the prime sponsor.

The SPEAKER pro tempore. The gentleman indicates he is willing to stand for interrogation. You may proceed.

Mr. COHEN. Thank you.

Now, this combines three bills, okay? It combines the open-meetings bill. Now, on the open-meetings section, there are some changes. Well, what does it do in regard to the open-meetings section?

Mr. MASLAND. Thank you, Mr. Speaker.

I should point out that in amendment A3837, which is identical to 3836 except for one point, in this amendment we have added the language of the Staback amendment, and that is found on page 6 of the amendment under section 710.1, "Public participation." Basically what the Representative wanted to do with his amendment and we agreed should be incorporated was to make sure that these public meetings are open for discussion, and he has ensured that with the language found basically in line 38 through line 50 approximately.

Mr. COHEN. Other than that, there are no changes?

Mr. MASLAND. We have also incorporated amendments on page 7 under section 714.1. The bulk of the amendment is on page 8 — it starts on page 7 — dealing with attorney's fees. That deals with the issue of when attorney's fees should be awarded. That was language which I believe we had previously debated in this House through Senator Jubelirer's language. The language we have in here was suggested by the chairman of the House State Government Committee and has been incorporated.

Mr. COHEN. Other than that, there is nothing deleted?

Mr. MASLAND. No; that is it.

Mr. COHEN. Okay.

Now, the Ethics Act itself, this bill reauthorizes the Ethics Commission, whose authorization is due to expire, I believe, on June 30, 1999; this bill reauthorizes it. Is there a new sunset date?

Mr. MASLAND. There is no sunset date. The sunset date appeared in section 8 of the 1989 law. What we have done is eliminated section 8. If you will turn to page 35 of the amendment, line 41, that is where we repeal section 8 of that act which contained the December 31, 1999, termination date. So we have removed that, and the State Ethics Commission now need not fear being terminated on that date.

Mr. COHEN. Are there any other changes to the State Ethics Act besides the lobbying reform act?

Mr. MASLAND. Well, the State Ethics Act on page 17 under section 1106, "State Ethics Commission," we inserted language dealing with compensation of the members, to compensate them at the rate of \$250 per day, which is in keeping with similar positions, such as the Independent Regulatory Review Commission.

Mr. COHEN. Beyond that, are there any other changes in the Ethics Act?

Mr. MASLAND. Well, there is an appropriation, as you know, for the State Ethics Commission of \$165,000. I am not sure if that answers your question. We also have language in here dealing with "mutually exclusive" in terms of the gifts and the threshold for hospitality, which the State Ethics Commission will deal with. I am not sure if you are just asking about the State Ethics Commission or if you are talking about—

Mr. COHEN. Right now I am talking just about the State Ethics Act.

Mr. MASLAND. Okay. Chapter 11 is what you are talking about. The only changes in chapter 11 are the ones I previously stated.

Mr. COHEN. Okay.

Now, as a result of doing this, we may be losing an opportunity to make changes in the Ethics Act in the future, and I cannot say there are absolutely urgent changes to be made. But I just would like to point out to you, Mr. Speaker, that we are reinstating some slipshod sections of the Ethics Act as well. On page 12, lines 50 to 54, you will see there is a definition of "State consultant." Nowhere in the Ethics Act is there any reference to a State consultant. That has been in the Ethics Act for some time, this meaningless definition, and that is the kind of slipshod drafting that could be corrected if we really spent time studying the Ethics Act.

Well, getting on to the lobbying registration and disclosure section, according to your analysis that you submitted, this bill, this version, does not include as lobbying "enforcement, nonenforcement or postponement of a regulation" from the definition of "Administrative action." Could you tell us why that is the case?

Mr. MASLAND. That is correct. We actually inserted, I believe in the House State Government Committee, we inserted "nonenforcement." I believe "enforcement" might have already been in or vice versa. One of them was in, and we inserted the other. But upon reviewing that language over the summer, we realized that that language on enforcement and nonenforcement really gets us into a ground that we have to tread very carefully on, and that is regulating the practice of law.

We determined that when you are talking about enforcement and nonenforcement, you really most often are dealing with legal issues as opposed to policy issues, as opposed to whether a regulation should be promulgated. You are talking about how that regulation impacts maybe on individual clients, and that is why we removed that, to basically tighten up the distinction between a lawyer acting as a lawyer and a lawyer acting as a lobbyist.

Mr. COHEN. I am reading from section (h) of your analysis. Could you point out where in your amendment that section is?

Mr. MASLAND. Well, if you look on the amendment, the section that had "enforcement" in it does not appear because we redrafted it. If you wanted to turn back to SB 1, that language of "Administrative action" would have been in a subparagraph (iv). So after the (iii) section dealing with "approval or rejection of a regulation," that is where the "enforcement, nonenforcement or postponement of a regulation" was found.

Mr. COHEN. Okay. As an attorney, I understand some of the points you raised. My sense is that the deletion of "enforcement" here is overly broad, and I would hope we would look in the future about finding ways that we can deal with enforcement without infringing upon the practice of law. The big secret in government is despite the hundreds of thousands of pages of regulation, a huge percentage of those pages of regulation are not being enforced at any given time, and the question of whether they are enforced or not enforced often goes far beyond the single client, and it is somewhat disturbing to me that there is a complete elimination. I would support an elimination as far as the practice of law.

Now, looking to your section (j)—

Mr. MASLAND. Yes.

Mr. COHEN. —on your analysis, "...the identities of persons/entities contributing more than 10% of the total resources received by a principal during a reporting period be disclosed on the quarterly expense report." That would seem to me to indicate that a large lobbying firm, like one of the top 25 or 50 lobbying firms in Harrisburg, with many clients, would not have to disclose

anything, anything in this particular category, if none of their clients reached 10 percent of their total revenues. Is that correct?

Mr. MASLAND. Yes. I would add that the 10-percent figure was inserted in the State Government Committee. I believe the figure before had been 25 percent, and we thought that that was too high, bipartisanly thought that was too high. What we are trying to get at there, Mr. Speaker, is a situation where somebody purports—

The SPEAKER pro tempore. Mr. Masland, will you suspend for a moment?

Mr. MASLAND. Sure.

The SPEAKER pro tempore. Some of the members are having trouble hearing you. I am going to try to do something about that.

The House will come to order. Some of the members are unable to hear the discussion. Conversations along the walls will break up.

Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

The 10-percent figure — and that is for the members' interest — found on page 30 between lines 4 and 9, what we were trying to address, Mr. Speaker, is the situation where you have something that purports to be grassroots lobbying. We have all been subjected to something that comes across our desk, whether it is a whole lot of postcards or, you know, it may be from "Pennsylvanians For a Perfect Society," and you might assume that there are thousands of members of that society and they are all really involved in this, but it turns out that there is really one individual or one or two individuals that are footing the entire bill for this grassroots, alleged grassroots, organization. We felt that if somebody is providing 10 percent of the resources, that that is a very significant factor and should be reported so that we know really who is supporting it. But you are correct; in a large organization, a large firm or a large principal, where there are hundreds of thousands or millions of dollars in there, you probably would not have one person who would be named.

Mr. COHEN. Mr. Speaker, my understanding of this bill is that any expenditure of \$50 on a legislator in a given quarter — or I am sorry; in a given year, I believe I was told in caucus — has to be disclosed by the lobbyist. Is that true? Is it \$50 in a year?

Mr. MASLAND. I am not sure. If you are talking about the thresholds, I believe you should be referring to the \$250 in gifts or the \$650 threshold for hospitality.

Mr. COHEN. Okay.

Mr. MASLAND. I think that is—

Mr. COHEN. There is no \$50 threshold at all?

Mr. MASLAND. No; I am not sure what you are talking about, to be honest.

Mr. COHEN. Okay. I am sorry; I am getting confused with an amendment that Mr. Vitali is about to offer.

All right. Let us say last Saturday I went to the annual convention of the physical therapists in Pennsylvania, and one member on the Republican side of the aisle was there, and we both had dinner with a couple hundred physical therapists. Now, the total cost for dinners of a couple hundred physical therapists was undoubtedly thousands of dollars. The total cost for the dinners of the one Democratic and one Republican member who were present was about \$25. What has to be disclosed by the physical therapists?

Mr. MASLAND. If their convention— And this is an important issue. I guess the question, if I can maybe rephrase it, if their convention is designed to influence legislative or administrative action, and at their convention half the time is spent dealing with

strategizing on how to pass a bill or how to lobby the legislature on their interests, then that portion, that prorated portion, of the convention costs would have to be reported. But the fact that they had dinner and you were invited and there are just a couple of legislators there that maybe had, you know, two \$25 or even a total of \$25 meals ordinarily would not have to be reported. I mean, they would keep track of the fact that they provided you with those meals, but your name would not have to be reported, and, you know, if that is all they did during that reporting period, they would not have to file anything.

Mr. COHEN. And the cost of the meals for the couple hundred or so other people who were at the convention, that would not be attributable to the two legislators who attended.

Mr. MASLAND. Unless the convention or the meeting was focused on lobbying and not just focused on the good will of the organization and getting together and seeing everybody from across the State. If they spend a substantial amount of time or even a portion of their time in seminars dealing with how they can get their views passed, then that portion would have to be reported.

Mr. COHEN. But would it be attributable to the individual legislators?

Mr. MASLAND. No, it would not be. You know, the fact that there were two legislators there and they spent thousands of dollars on everybody else's meal—

Mr. COHEN. Yes.

Mr. MASLAND. —would not mean that you are responsible for that.

Mr. COHEN. Okay. Well—

Mr. MASLAND. Now, I should say, Mr. Speaker, I should point out that this is my understanding of the bill and I feel very comfortable with making these statements, but ultimately there is going to be a committee that is going to draft regulations, and that committee will draft the regulations, give them to the Ethics Commission, and they will make the determinations, and one of the things we want them to do is to spell out what is a gift and what is hospitality and make sure that they are not inclusive but that they are mutually exclusive. There have been, I am aware of two advice of counsels for Representatives in this hall who asked the Ethics Committee a question — and I see the one gentleman in the front row — asked a legitimate question, "What block do I put this in? Is it a gift or is it hospitality?" and they were told, it is both. So what we want to do as part of this process is to get them to say what is a gift and what is hospitality and separate the two.

Mr. COHEN. Okay. Well, one thing that is very important is that we not get into regulating speech, and I am a little bit disturbed when you say, well, whether it is lobbying or not depends on what was said. Like at this physical therapists dinner that I and a Republican colleague attended, the highlight of the dinner was a speech detailing the last 30 years of achievements, many legislative achievements, of the physical therapists, and that was obviously aimed both to the members there, who would know about the achievements of the physical therapists, but also other members of the General Assembly were invited, and I really would hate to have the Ethics Commission conducting investigations as to what was said at a meeting and what was said at tables. To the best of my recollection, at that dinner, nobody at the table I was sitting at mentioned legislation, but I would hate to have to swear an oath and then have somebody else swear under oath that, no, their recollection was that we did discuss something legislatively. You know, I think there is some danger here when we arrogate a lot of

power to the Ethics Commission. I think it is good that we are having a public input first, before then. Hopefully we will not regulate speech. Hopefully, you know, hopefully we will just record the spending on legislators, that which is actually spent on legislators, not that which is spent on everybody else who is in the room with a legislator at a given time.

Let us see. Could you detail the provisions of the gift or hospitality-lodging-transportation provisions?

Mr. MASLAND. Yes, Mr. Speaker. For the members, if you want to turn to page 29 of the amendment, between lines 31 and 56, that is the section I am going to be focusing on.

What we have done is returned in short to the language that was in SB 1 when it came over from the Senate. We had amended it in the State Government Committee to change those thresholds. We have gone back to the language of the Senate, which in effect is that if you receive gifts totaling \$250 or more, then the lobbyist or principal who has given those to you would have to report that on the report. That is for the gifts. At the same time, if you receive hospitality during the year totaling \$650 or more, that would also be reported.

Now, the \$250 is really no change. That is in the Ethics Law already. That is not going to change anything. The \$650, though, is different; because in the Ethics Law, the \$650 refers merely to a single occurrence, basically. If you are taken to an event that costs over \$650 in hospitality, then that has to be reported. The way it is worded here, that is an aggregate total, so that if you receive hospitality of \$200 for 4 months, then you have crossed the threshold of \$650; you are up at \$800, and that would be reported. Those are the only times that names of legislators, people in the administration, public officials, would have to be listed on the reports.

Mr. COHEN. Okay. Now, "preparation of testimony for legislative committees and administrative hearings." That does not count, the money reported?

Mr. MASLAND. That is correct, Mr. Speaker. We did remove that from the bill. Well, we actually added that. We had "testifying before a committee," but we added "preparation of testimony" since that seemed to be reasonably related to the testimony itself.

Mr. COHEN. So those people and those interests who regularly testify before the legislature will have some underreporting of the amounts of money spent?

Mr. MASLAND. Well, you could try to get them to report everything, but if a legislative body invites someone to come forward to testify at a public hearing, I do not believe that that necessarily should be considered as a specific form of lobbying. Sure, they are trying to influence you, but that is also really moving the process forward by providing information.

Mr. COHEN. Okay.

Mr. Speaker, I have no more questions for the gentleman. I would like to be recognized on the amendment.

The SPEAKER pro tempore. The gentleman is recognized on the amendment.

Mr. COHEN. Mr. Speaker, I have tried to illustrate some of the problems and potential problems with this bill. I believe this bill is a step forward, but it is much more of a pop-fly single than it is a home run. You know, it leaves an awful lot of money unaccounted for that is now accounted for. There are an awful lot of unanswered questions as to how things are actually going to work. We are delegating an awful lot of responsibility to the Ethics Commission to come up with a workable scheme. The Ethics Commission is not

always a reliable agency to come up with workable schemes to achieve worthwhile objectives.

I intend to vote for this, but I intend to watch the administration of this very closely, and I would urge all members to also watch it very closely. There are dangers here to people's reputations. There are dangers here to the accuracy of reporting and the conclusions that may be drawn. When we see all the money that is being spent on lobbying activity, everybody is not going to rise up in indignation and say, gee, this is terrible. An awful lot of members and reporters and staff members are going to say, gee, look at all this money being spent; I am going to go apply for a job as a lobbyist.

So for all these reasons, you know, I am a very cautious supporter of it, and I would urge everybody to watch very carefully as to how this bill is actually implemented and to be ready to support some corrective amendments if corrective amendments are needed.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority leader on the Masland amendment.

Mr. PERZEL. Thank you, Mr. Speaker.

This is really just a clarifying statement that I wanted to make, Mr. Speaker.

The term "Lobbying" defined in the bill on page 27, section 1303, does not include actions taken and pursuant to customer service performed in the ordinary conduct of business including but not limited to constituent requests relayed by public officials. That really is just meant, Mr. Speaker, if you were to go to one of your utilities and ask them to trim some trees in your neighborhood, that amount of money that would be assigned to trimming the trees would not be counted against your limit of the \$650. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

First off, I would like to congratulate Representatives Masland, Michlovic, and the others involved with this bill, because I know that they have undertaken this effort in good faith and they have worked hard, and I believe in all honesty even they probably are not satisfied with the final product but should be saluted for a good effort. And there are in fact many good things in this amendment, Mr. Speaker. As mentioned, registration information filed by lobbyists is increased, reporting requirements for the quarterly reports of lobbyists is increased, and most importantly, regulation is transferred to the State Ethics Commission. All of these are good things, Mr. Speaker.

The problem, Mr. Speaker, is the bill ultimately has a fatal flaw. The bill ultimately will not change the problem which a well-drafted lobbying bill is designed to change. Mr. Speaker, the problem we need to address is the culture that exists in Harrisburg whereby lobbyists have become our friends. We drink with them; we play golf with them; they buy us meals, Mr. Speaker, and the problem, Mr. Speaker, is we are voting on bills, we are voting on amendments, not based on the merits of those bills and amendments but based on friendship, and that is wrong, Mr. Speaker. That is wrong, and the fatal flaw in this bill is, for all the good things it has, this bill will not change that, Mr. Speaker.

Mr. Speaker, this bill started out strong, and I am reminded of the analogy, the Hemingway analogy, of the old man and the sea, when the fisherman strapped the big marlin to the side of his boat

and began to row back to shore, and the sharks began to rip at the flesh, and by the time he got back to shore, not enough was left to feed his family. Well, Mr. Speaker, the problem with this bill is, as it has moved through the House and the Senate over the years, not enough of this bill is left to really let the people we represent see what is going on here.

Mr. Speaker, I believe that one of the key problems with this bill is that as it is currently drafted with its reporting requirements, the people we represent will have no sense for which legislators are being wined and dined by which lobbyists on which bills, because all of that will fly under the radar screen because the reporting requirements are too high. Right now they are \$250 per day and \$650 per year, and we all know that given those limits, we are not going to see who has been eating where or drinking where or playing where with whom on what bills.

Mr. Speaker, Wisconsin, for example, has a total gift ban, Mr. Speaker. The State of Wisconsin does not allow any lobbyist to give anything to any legislator. That is real lobbying reform, and that in fact has changed the culture in the State of Wisconsin. We are not doing that here today, so when we go home and pat ourselves on the backs, let us not pat too hard, because that is not what we are doing.

Mr. Speaker, when Common Cause came before our State Government Committee last year, they advocated that same total gift ban, or in the alternative, first-penny disclosure. Mr. Speaker, we are not doing that here, Mr. Speaker, and that is why we are not letting the people we represent really see what is going on. Mr. Speaker, I will be introducing an amendment to this bill designed to correct that as this debate progresses, and I hope for your support.

Mr. Speaker, another problem with this bill is that in the reporting requirements that lobbyists are required to file quarterly, the specific bills lobbyists are lobbying on do not have to be stated in those reports. This requirement is in the model lobbying legislation which is promulgated by the Council on Government Ethics Laws. If those reports tied the expenditures that were made into the specific bills being lobbied on, we would know a lot more about who is being wined and dined on what subject matter.

Do you not think it would be important, for example, if we could find out with regard to the AMP-AlliedSignal situation today exactly who is being paid what on these specific bills, or when tort reform comes up or these other high-profile bills whose numbers are very ascertainable. We need to be able to connect up to specific bills money being spent so our constituents would know when we voted on these bills what was being spent and what was being spent on us. Mr. Speaker, there is no reason to exclude such language from the Masland amendment, and it is unfortunate that that was done.

Mr. Speaker, another problem I see with the Masland amendment is reporting requirements. In this day and age of high technology and Internet access, Mr. Speaker, there is no reason why the information about lobbyists and public officials contained in these registration statements and reporting requirements cannot be contained on a computer data base and cannot be put up on the Internet for public discussion. Our constituents are entitled to have immediate access in this day and age when so many people have home computers. They are entitled to have this access to lobbyists and what they are doing, Mr. Speaker, but this bill does not give it to them. I will be introducing an amendment, and my hope is you

can support me on any required procedural motions and the amendment in chief to do this.

Mr. Speaker, this bill, although a good effort and a good effort on the part of the makers, because I know they have hit stiff opposition by those who want to keep this process in the dark, simply does not go far enough. I will reluctantly support this amendment with the hope that on final passage, we can entertain other amendments and other motions which will allow this to instead of being a sham, instead of being just something we can take credit for back home, can be something that will really change the culture up here. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Michlovic, is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support this pop-fly single, as one of the other speakers indicated this legislation was. I think it is a major improvement over our current law, though. First of all, it takes out of our purview and control the responsibility for keeping track of this thing from the clerk of the House and the Secretary of the Senate to the Ethics Commission. That is a major change in the law, because the legislature no longer controls that. It requires more information from the lobbyists in terms of their registration. It also for the first time adds their principal financiers to disclose certain kinds of information, and it establishes very strong reporting requirements and what must be reported.

I remind you that in Pennsylvania last year, we had in the range of \$800,000 listed as lobbying expenses, for a whole year, for every organization in the State, lobbying organization in the State. Meanwhile, other States list \$80 million, hundreds of millions, and we are still talking — the fourth largest State in the country with as many lobbyists as anybody — we are talking about \$800,000, and the reason for that is that the reporting requirements are so loose that they do not have to report, and they do not. What we are doing in this legislation is primarily changing those reporting requirements so that we get some semblance of an idea of what is actually spent.

On this whole issue, as people line up behind these doors outside on the AMP and the AlliedSignal issue, we would, if this law were in effect, this bill were in effect, we would have a much better idea of what each party spent, and I think that is important for people in the Commonwealth of Pennsylvania to know.

I think that the gentleman that just preceded me talked about the fatal flaw of this legislation, the fatal flaw being that it does not change the culture here in Harrisburg. Well, I think the gentleman and I disagree slightly about that, particularly in his perspective and my perspective as to what lobbying is about and the need for lobbying in a political process. We, as we drafted this — Representative Masland and I, the cosponsors, the members of the State Government Committee — we were particularly cognizant of the fact that lobbying is not a dirty profession regardless of what the news media would like the public to think, and we respect that in here. We are essentially saying that it is a very vital and important part of the legislative process. It is important for us to meet with people or representatives of large groups of people, whether they be the business communities or various associations of groups of people, workers, employees. It is important for us to get their input in a timely fashion, and that is what those folks outside these doors do. They do that, and if you think about it, it is actually a marvelous process. You may not know anything about a particular subject, but by the time you go through a controversial

bill here in Harrisburg, you really get a really good education as to what that issue is about, who is involved with that issue, and what it means to your district. That is an important part of the process we do not want to write out. That is part of the culture that we live in and we are so used to, but it is an important part, and I want the people of Pennsylvania to respect that. It is important that we have lobbyists that give us timely information.

There was a discussion about the process, and I am not particularly enamored about this process of bringing it up without having a real chance to talk about it, but I do want to tell you and inform every member on this floor that we had a very good process with a bill that is very much like this, and that bill passed the State Government Committee on a unanimous vote. Even the gentleman who spoke against the bill a little while ago voted for it. It was a unanimous vote. Not only that, we went through that bill item by item and allowed everybody to offer amendments on each section of the law, and we voted it as a committee up or down.

Now, I have been around here for about 20 years, and there are not too many occasions when I had the opportunity or sat in a committee where I had the opportunity to vote section by section, item by item, up or down whether that particular subject would be in or out of a bill, but that was done on this legislation, and I must say for the process and commend both Representative Clymer, Chairman Clymer, and Chairman Gruitza, who worked remarkably well together to get what I think is a reasonably good product out of the committee.

Now, I disagree with some of the changes in the thresholds and whatnot, but that is going to happen. But generally, the contents of SB 1 which passed that committee unanimously are in this bill and not changed by a large part. There are a couple thresholds changed. The issue of the enforcement that Representative Cohen raised was changed, but I think that was a positive change in light of the Supreme Court's rulings on what is law and what is lobbying.

And we are very careful. We have a severability clause. If the Supreme Court comes in and rules on that particular section of the law and says, this is your ruling law and we wipe that out, this whole bill goes down. We are saying very strongly in this legislation that we want lawyer-lobbyists registered. We want lawyer-lobbyists to play under the same rules that other nonlawyer-lobbyists play under and are required to do and that they should not escape those by some rulings by the Supreme Court. We are saying that in our severability clause, and I think that is a very important component, a very important message, to the courts with regard to this legislation.

I finally want to add my congratulations to Representative Masland. I think he has done a superb job. I ask the members of the legislature to vote in support of the legislation, not only for the good provisions that are provided in the lobbyist disclosure, but that open-meeting section is another very good government reform piece in this legislation, and we need to support it as well.

I ask my colleagues on the House floor to support the Masland amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the gentleman from Bucks County, Mr. Clymer, is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

As we wind down the debate on this legislation, very briefly, I want to thank all the participating parties for contributing their time and talent into making this lobbyist disclosure reform legislation what I consider to be a fair and reasonable bill. The bipartisan

support has been evident through our many months in trying to strike a balance on this proposal.

I especially want to express my appreciation to Senator Jubelirer's office, to Representative Al Masland, to Representative Tom Michlovic for his fine input, to my colleague and good friend, Representative Gruitza, and to our respective staffs for the hard work they put in and would just ask for concurrence on this amendment. Thank you.

The SPEAKER pro tempore. Does the gentleman, Mr. Lescovitz, seek recognition?

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The gentleman, Mr. Masland, will he stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. You are in order and may proceed.

Mr. LESCOVITZ. Just to clarify a couple of issues brought up by the gentleman from Philadelphia. The example — again I want you to point out in the legislation where it reflects it — if there is a reception down the road where there are three individuals from a particular group and that reception costs \$10,000, two members end up going to that reception, can you tell me where in the legislation does that affect, as far as the recording of \$5,000 apiece by each of those people who attended, is that how it is going to be recorded now under this legislation?

Mr. MASLAND. Mr. Speaker, the answer is absolutely not.

Mr. LESCOVITZ. Could you tell me where that says—

Mr. MASLAND. If there are only two of you there and they spend \$10,000, that \$5,000 apiece is not going to be reported as your expenditures, because what they did, if I can add some facts, is they bought you a dinner. That is something they would have to keep track of. It probably does not rise to \$650. It is just your dinner that they would need to keep track of. If they paid for your hotel room, if you were out of town, that would need to be something that the lobbyist or the principal would have to keep track of. But you would not be stuck with the overall cost of the whole meeting or convention.

Mr. LESCOVITZ. Where does it say that in the legislation? My understanding—

Mr. MASLAND. The legislation—

Mr. LESCOVITZ. Excuse me, Mr. Speaker; if I may continue.

It is my understanding if there is an event and they spend over \$650 on you on that event, whether it is in Florida on a golf trip, whether it is a reception down here at Strawberry Square, they have to record it, and if there are only two of us there, I do not see where in the legislation it says that they do not have to record it because it is a general reception. So maybe you can point that section out in the amendment so I could be more clear.

Mr. MASLAND. Well, let me suggest that the interpretation that should be used is the one that is currently used under the Ethics Law. Right now under the Ethics Law, they are not going to say under the same scenario that you are responsible — the two legislators, if there is a \$10,000 bill, are both responsible — for \$5,000 each. That is not going to happen. Anybody that went to the gridiron dinner last night, if it cost an extra \$5,000 or \$10,000 above the cost of your ticket, that is not what is going to be reported. What is reported is the actual cost of the ticket, the cost of the meal, the cost of what you directly received, and that is what you are going to find on page 29 of the bill, paragraph (3), where we refer to the Ethics Law under section 1105(b)(6) or (7) — (b)(6) dealing with gifts, (b)(7) dealing with hospitality.

Mr. LESCOVITZ. So it is your understanding that we could go to a reception, they could put \$5 down on the ticket, even though the meals cost and there is a golf outing and everything else there, as long as they produce a ticket that says \$5 on it, is that okay now underneath this?

Mr. MASLAND. I did not say that.

Mr. LESCOVITZ. Well, then—

Mr. MASLAND. If they put \$5 on the ticket and you know that they paid for green fees of \$100 and they paid for a meal for \$25 and they paid for a room for another \$100, they can put that on the ticket and they can go ahead and even put that in the report that there was \$5 on there, but they probably, if they are audited, are going to have a problem justifying that. They are not going to be able to justify \$5. So when I said the ticket, I am talking about basically what tickets most of us receive, which are somewhat legitimate in terms of how they price. If anything, most of the tickets we receive are overpriced compared to the meal. If you go to one of the Governor galas or one of those types of events where it is \$500, obviously you did not eat 500 dollars' worth of food.

Mr. LESCOVITZ. Thank you.

Mr. Speaker, I am really trying to clarify this. If I go to the gridiron dinner and that ticket is at \$25, even though it costs \$100, I am okay, but if I go to a golf outing and they put down \$5 and the cost is \$150, I am not okay, and I am trying to figure out where that is in the current law under the Ethics Commission and where it is in this legislation.

Mr. MASLAND. Mr. Speaker, you can come up with the weirdest hypotheticals you want to, but do not put words in my mouth, and do not try to make this out to be something that you know and I know it is not. If somebody is going to try to be deceptive and if they are going to try to intentionally defraud not just the Ethics Commission but the State of Pennsylvania and they try to say that they only spent \$5 on you, what they spent on you, if that is a lie, then they should be prosecuted, and the Ethics Commission will look into that, if they intentionally do that, and this bill provides some teeth.

It does not matter— Well, let me say, it does not matter whether it is golf; it does not matter whether it is a restaurant bill. It is what you receive, what benefit you receive, and the value of that benefit is what they should be reporting.

Mr. LESCOVITZ. Mr. Speaker, again, I am not trying to put words in your mouth; I am trying to clarify the language in the bill. I did not say anything about a ticket. It was brought up by you, Mr. Speaker.

So again, I am trying to clarify, in the language of the bill, if a reception costs more than what an individual ticket costs, you are saying that we are not obligated to be reported on as paying for the total cost of that reception, only what the general cost would be per person, and I just do not understand how you can do that when only 2 or 3 people show up or 10 people show up at a particular conference, and I think that is where the problem comes in.

Mr. MASLAND. Well, if I can try to explain again.

It is no different than it is currently in terms of what lobbyists and principals do when they invite us to dinner, when they invite us to receptions. They know what the value of the benefit is, and if today it exceeds \$650 for a single occurrence, that is something that we have to put on our ethics statement at the end of the year. Under this bill, if the aggregate total through the course of a year of the benefit you receive from a principal exceeds \$650, then that would be reported, but just because you went to a dinner where

there were costs of \$1,000 but only one Representative or two Representatives does not mean that they spent that just on you. The only thing that they would need to keep a record of, because they are the ones that have to do it initially, is how much they provided for you, and that would be your meal and/or transportation and/or hotel room.

Mr. LESCOVITZ. So to clarify it, I want to go back again from the lobbyist's perspective, and that is that before they have that reception or that outing, what they need to do is calculate what it would cost per person, the value of that particular event. Is that basically what you are saying?

Mr. MASLAND. Sure. They would have to do the same thing we do now if we have a fundraiser at a golf club. We find out how much the green fees are going to be, we find out how much they are going to charge us for dinner, and we calculate all those things in and assign a value to the ticket or a cost to the ticket.

Mr. LESCOVITZ. Okay.

Mr. MASLAND. Same thing.

Mr. LESCOVITZ. Let me ask a couple other questions dealing with the legislation, because one of the problems I had with the reporting is, when does a lobbyist actually have to report a particular incident? In another State, particularly in Massachusetts, I had a friend of mine who was a State Senator having dinner by himself and a lobbyist came in, said hello, and then had dinner with two or three other friends and therefore reported it to the Ethics Commission that the cost for his meal was \$700. Even though he did not pay the meal for that particular Senator, or coffee or drinks or anything, he still reported that, because he came over and actually said hello to that particular Senator. In that case scenario, would the lobbyist be required to report as far as lobbying us as individual members if he communicated with us, even though he did not buy one thing for us?

Mr. MASLAND. The answer, Mr. Speaker, is no. If you are walking down the hall today and you have a cup of coffee in your hand that you bought at the cafeteria and a lobbyist says hello to you, he is not responsible for that cup of coffee any more than he would be responsible for the meal under the scenario you suggested.

Mr. LESCOVITZ. So it would only be our particular value, not his particular value, in an incident, in a dinner or any other type of event; it would only be our particular cost?

Mr. MASLAND. Well, your cost is the one that ultimately results in us reaching the threshold or not. They would have to segment that out. If somebody pays for a dinner and there are, you know, a few Representatives there and a few other staff people or a few other different people, they are going to have to, you know, figure out what is attributable to each individual.

Mr. LESCOVITZ. But, Mr. Speaker, as far as the individual lobbyist, does that individual have to report his or her amount on their report to the Ethics Commission or wherever, where they are going to have to report it?

Mr. MASLAND. Probably the easiest thing is to refer to page 29, line 25. They have to report "The total costs for gifts, entertainment, meals, transportation, lodging and receptions, given to or provided to State officials or employees or their immediate families." They have to report that. Only if an individual's personal benefit goes past the threshold would they have to report the name of the individual. But they have to put that in their quarterly reports, the aggregate.

Mr. LESCOVITZ. So if an individual lobbyist just went out to dinner on his or her own, talked with another lobbyist or somebody that was not associated with government, they do not have to record any of that information.

Mr. MASLAND. Right.

Mr. LESCOVITZ. Lastly, Mr. Speaker, I want to go back to who has to report the information.

If we are back in our districts and a particular group, teachers or realtors, people that are not registered lobbyists, take us out for events, is that to be somewhere? Does that have to be recorded?

Mr. MASLAND. Well, there are a whole lot of different scenarios that are possible there, but if those individuals are, number one, not being paid for what they are doing, they are not technically lobbyists. The other exemption is if what they are spending is under \$2,500. They would not reach that threshold either.

So somebody back in your district— Let me say this: I am always invited every year to a PSEA (Pennsylvania State Education Association) dinner. Now, PSEA, I understand, foots the bill for all the teachers that are there plus all the local legislators that are there. PSEA should report the total amount there, but as far as what benefit I get from them, even though that is, say, the south-central region and maybe there is not even a lobbyist there, it is obviously done at the behest of the organization, and the bottom line is that it is either direct or at least indirect lobbying.

Mr. LESCOVITZ. Mr. Speaker, so if it is paid for out of the association's funds, be it a local or be it a statewide organization, then it has to be reported; if it is not paid for out of their funds, it does not have to be reported?

Mr. MASLAND. Well, again, there are other exemptions.

First of all, they have to be lobbying you. Are they or are they not lobbying you? Are they trying to influence legislative action? If they are not doing that, then do not worry about it.

Let us say they are lobbying you, and it is just a small, little, local organization that wants to talk to you about an issue that is important for them, but they do not spend more than a couple hundred dollars, and they certainly do not get up to \$2,500; then that keeps them below that grassroots exemption, so that we do not stifle the free speech which the gentleman from Philadelphia spoke about.

Mr. LESCOVITZ. So a group such as the League of Women Voters invites you two or three times a year to a breakfast and the cost of that is well over \$25 or \$650. They do not have to report that, or they do have to report it?

Mr. MASLAND. Well, you know, you say the League of Women Voters. I never consider myself to be lobbied by the League of Women Voters. I consider them more information than anything else. So they are— No. That is what they do. They invite me to breakfast, and they say, this is what we want to talk to you about; you know, these are the issues; you tell us your point of view. I mean, and they also only give me a bagel, so I really have a tough time thinking that they are ever going to rise to a threshold, at least the ones in the Carlisle area.

Mr. LESCOVITZ. Okay. Again, Mr. Speaker, is that threshold \$650 or is it \$25?

Mr. MASLAND. It is the \$650 of hospitality, in terms of if they are engaged in lobbying, again, if what they are doing is lobbying, if they are paid lobbyists, if they have registered as a principal— You know, let me just suggest this: If somebody is giving you \$650 in hospitality during the year, the person is probably engaged in

some type of lobbying and probably has expenses over and above that, too.

Mr. LESCOVITZ. Mr. Speaker, let me go back to the \$25 level though, because if they spent over \$25 in an event like that, do they have to report it?

Mr. MASLAND. If the local organization invites you to a breakfast and they spend 25 bucks, certainly there is nothing they would have to report.

Mr. LESCOVITZ. Even though they talked about issues—

Mr. MASLAND. That is right.

Mr. LESCOVITZ. —they do not have to report it?

Mr. MASLAND. That is right.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

### THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate Representative Masland, please.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. GODSHALL. Thank you, Mr. Speaker.

Mr. Speaker, just in furthering what Representative Lescovitz just said, when I, say, personally as chairman of the Tourism Committee am asked to go around the State talking to various tourism groups, TPAs (tourist promotion agencies) or whatever, I do not get any remuneration; I do not get paid. Occasionally, if it is a late night, if it is 200 miles from home, I might get overnight lodging, and so forth. Now, if they provide that for me — which I am sure they are not registered as lobbyists; they are not registered as anything — and, say, if I play golf with a few of their members the next morning, now, you know, where — which rarely happens also — but at the same time, if that would happen and, say, if we just discuss the lodging part of it, do they have to register as a principal?

Mr. MASLAND. I think, again, the way to look at this is to take a few simple steps. The first question you have to ask is, are they lobbying you? If they are actually trying to influence legislative action, then you have to go the next step and see what all they are spending and whether they are being paid to lobby you or if these are just volunteers. Then you really have to take it the next step as if they are lobbying you and they are being paid to lobby you, then what do they actually provide you? Does it exceed the threshold? They will have to keep track of that if they are lobbyists. You know, if they are engaged in lobbying—

Mr. GODSHALL. I am sorry. I said they were not, they were not registered as a lobbyist, but needless to say, if I go to a TPA in your county or up in Wellsboro in Tioga County, they are there to try to sell me the merits of increasing their reimbursement from the State, so in essence, I am there for a purpose. They are not registered as lobbyists, but you know, do I have to go up there and say, if you guys invite me, I would be happy to speak, but you better register as a lobbyist first, because you know, you are going to get in trouble and so am I.

Mr. MASLAND. Under the scenario that you have painted and most of the ones that the previous speaker painted, you are not talking about lobbyists, and the answer is no. I mean, the issue is not something that— We are not trying in this legislation to get to

minute detail on everything that anybody in this room or anybody in this Capitol does. We are trying to get a global perspective, and we are trying to avoid infringing or abridging anybody's First Amendment rights, so we do not want to stop anybody from the basic grassroots lobbying.

Mr. GODSHALL. But you also bring the fact that if you do lobby, you have to register as a principal.

And taking my scenario just a little bit further, as the Tourism Committee, when we go as a committee to a given area, inevitably what happens on the second day is the TPA of that given area likes to take us on a tour of the area, which I am not sure exactly what it costs. In fact, it involves the obtaining of a bus and possibly a luncheon with some of the business people in the area, all of which have something to sell. You know, what is this going to do, this amendment here, with that scenario or the committee scenario, as I am putting forward to this point?

Mr. MASLAND. If the TPA that you are talking about spends less than \$2,500 in the aggregate on these lobbying-type situations during any particular quarter, any reporting period, they are exempt, if they are spending less than \$2,500, if they do not cross that threshold.

Mr. GODSHALL. But do they have to register as a principal, which they do not do now?

Mr. MASLAND. Probably not, if they do not have to report, if they are exempt. I mean, they are not going to have to register. You know, you are asking— We could come up with a couple thousand more hypotheticals, and I can answer them the best I can, trying to use my commonsense understanding of this bill.

I would remind the members that we are going to be involved in drafting regulations which will refine some of this further over the next 6, 8 months and that there will be representatives from this Assembly involved in the drafting of those regulations along with representatives of the administration, the Attorney General, the Auditor General, and so we will have input on how that fine print will work. But the gist of it is, we are not trying to impinge on anybody's free speech, and if you do not cross that threshold in terms of \$2,500 in a quarter, you are not going to have to report.

Mr. GODSHALL. Say I take my committee and we have a committee, as I said, tour and whatever, is that \$2,500 per individual or is it per— And, Mr. Speaker, on this issue, I do not know; I have been familiar with a system that has worked here for 16 years that I have been here, and I understand the system; I know what it is; I know how to work in that system. You know, we are creating a new system here, which I am not familiar with, and I have just been handed the amendment an hour ago, and I have no idea really what is in it.

Mr. MASLAND. Well, let me answer both of your concerns. The first one is, it is an aggregate figure. It is \$2,500 that they spend on all types of lobbying, so it is not just focused on one individual. Secondly, the effective date of this act is going to be August 1, 1999. Now, there are some things that kick in earlier, but with respect to reporting and with respect to the regulations which will determine what exactly is reported, that we have additional time for them to work on the regulations, for us to have input, so that you will not have as many questions in July or August as you do right today.

Mr. GODSHALL. I appreciate that response, and just one final comment on that.

That would mean that our local chambers of commerce—which in my area invite all the legislators to their dinners, to their

breakfasts, and so forth; they usually ask us for comments and so forth—if it is \$2,500 in the aggregate, I know, you know, then they would have to, under this scenario, probably have to register as a lobbyist, by the simple fact of inviting the legislators.

Mr. MASLAND. I would suggest that most of those chambers of commerce, as a member of one, every member there pays for their meal, and all that chamber is doing is paying for your meal, so under that situation, I do not see them having to lobby. I mean, they are not paying for everybody's meal at those dinners, at least not the ones that I go to.

Mr. GODSHALL. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Gruppo.

Mr. GRUPPO. Thank you, Mr. Speaker.

Mr. Speaker, Representatives Masland and Michlovic and others have worked very hard to bring us a measure that will require serious lobby disclosure, something we currently do not have. I support the Masland amendment, and I urge all of you to do the same. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. DeWeese. Did you desire recognition on the Masland amendment?

Mr. DeWEESE. Thank you, Mr. Speaker.

My polite admonition to the assemblage and to the majority leadership team would be that notwithstanding the efficacy of the lobbyist reform proposal, this was the only time probably in the 2-year, 24-month session that we would have to deal with campaign finance reform, and due to the pell-mell pace of this amendment being rushed through the Senate, this whole process has been, as it has been historically, exceptionally rapid and obviously not deliberative.

I am not going to carp and cavil about the gentleman's amendment or its final passage. I am only going to say to the Republican Party in the legislature that this was an opportunity for campaign finance reform to be amended into the bill. This was probably the best time in 24 months for us to do campaign finance reform. When our gubernatorial and senatorial and other races are sometimes being countervailed, with at one point, at one point in the season, one candidate had 1,000 times more cash than the other, this vehicle, this proposal, lobbyist reform, lobbyist reform— Good idea; we should propel all of our votes in the direction of lobbyist reform. But no matter how much work we do on lobbyist reform, the basic, the basic and most pernicious element within our body politic now is campaign finance, and campaign finance reform is needed. We are in need of the amendments that the gentleman, Mr. Levdansky, has proposed and the gentleman, Mr. Kukovich, in the Senate has been working on for years and years and years. It is an idea whose time has come, as Peter Hugo would say.

So although I believe this proposal will go forward with hardly any opposition, Mr. Masland and all of the Republican leadership team would have been better served and the Commonwealth would have been better served if campaign finance reform would have been in this measure. After we take care of lobbyist reform, Mr. Speaker, we will have only taken care of 10 percent of the problem. As long as certain entities are giving tens and tens and tens and tens of thousands of dollars to the campaign setting, after we take care of the lobbying reform, that is only 10 percent of the

problem. The chasm that we need to fill is in the realm of campaign finance reform, and because of parliamentary tricks and tactics, we have not been able to do that.

So notwithstanding my lamentation, I commend the gentleman and I commend the effort to reform the lobbyist law in our State. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question, those in favor of the Masland amendment will remain seated; those opposed will please rise. This is without objection, I will take the vote this way.

The following roll call was recorded:

YEAS—202

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maher	Schroder
Argall	Egolf	Maitland	Schuler
Armstrong	Evans	Major	Scrimenti
Baker	Fairchild	Manderino	Semmel
Bard	Fargo	Markosek	Serafini
Barley	Feese	Marsico	Seyfert
Barrar	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Forcier	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	McNaughton	Steil
Blaum	Gladeck	Melio	Stern
Boscola	Godshall	Michlovic	Stetler
Boyes	Gordner	Micozzie	Stevenson
Browne	Gruitza	Miller	Strittmatter
Bunt	Gruppo	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappabianca	Harhai	O'Brien	Taylor, J.
Carn	Harhart	Olasz	Thomas
Carone	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Itkin	Pippy	Van Home
Cohen, M.	Jadlowiec	Pistella	Veon
Colafrilla	James	Platts	Vitali
Colaizzo	Jarofin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams, A. H.
Cowell	Kenney	Reber	Williams, C.
Coy	Kirkland	Reinard	Wilt
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wojnaroski
Dally	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Ross	Zimmerman
Dermody	Lescovitz	Rubley	Zug
DeWeese	Levdansky	Sainato	
DiGirolamo	Lloyd	Santoni	Ryan,
Donatucci	Lucy	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Rohrer

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

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

The SPEAKER. Mr. Masland, I have a note here that you have two amendments. Do you have another amendment to offer?

Mr. MASLAND. No; no.

The SPEAKER. So you withdraw your second amendment. Is that correct?

Mr. MASLAND. Yes, Mr. Speaker.

The SPEAKER. All right.

I have a list here that indicates that Mr. Vitali has three amendments; Mr. Van Horne has one; Mr. George, one; Mr. Clymer, two; and Mr. Staback, all have amendments. I am advised by the Parliamentarian that with the adoption of the Masland amendment, the amendments prepared by the members whose names I just called are amendments that would be out of order. They just will not fit into the bill as amended.

The gentleman, Mr. Vitali, has submitted amendments late, which will require a suspension of the rules to consider, but they conform with the bill as amended, I believe. Is that correct, Mr. Vitali?

Mr. VITALI. That is correct; that is correct, Mr. Speaker. For the record and to generate some gratuitous good will, if those other amendments were not out of order, I was going to withdraw them. But I thought I would speak on final passage and then make a procedural motion.

The SPEAKER. At this time? You wish to make remarks on final passage now?

Mr. VITALI. If they are in order, if there are no other amendments to consider.

The SPEAKER. The Chair thanks the gentleman. That is not in order at this time.

Mr. Levdansky. We do not have them, Mr. Levdansky. With whom did you file them?

Mr. LEVDANSKY. Mr. Speaker, certificates were filed with the amendment clerk earlier today. Yesterday amendments were filed to SB 1 before the vehicle for this legislation was changed today.

The SPEAKER. SB 1 has nothing to do with—

Mr. LEVDANSKY. I understand that; I understand that. I filed a certificate this morning, recognizing that this bill, SB 254, was not posted on the calendar; the amendment that Mr. Masland offered was not posted until 4:27 yesterday afternoon.

The SPEAKER. We have just now received and understand you just gave to one of the clerks your amendment A3853, which will require suspension of the rules prior to consideration.

Mr. LEVDANSKY. I understand.

The SPEAKER. You agree with that?

Mr. LEVDANSKY. I understand; yes.

The SPEAKER. The gentleman, Mr. Vitali, moves the rules of this House be suspended— The Chair is in error. Mr. Vitali, you are recognized. Why do you seek recognition?

Mr. VITALI. I was going to speak on final passage a couple of minutes and then make a procedural motion.

The SPEAKER. Mr. Levdansky, would you come back, please. Mr. Vitali, come to the desk.

(Conference held at Speaker's podium.)

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Vitali, on final passage.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I am not going to rehash the arguments I have made. As mentioned, this bill perhaps is a C-minus bill and we today have the opportunity to make it an A-plus bill or at least an A bill. The fatal flaw in this bill as I see it, Mr. Speaker, is that as it is currently drafted, the public will be left in the dark about which public officials are being wined and dined on which issues, and they will be left in the dark on those issues because the reporting requirements are too high; the thresholds are too high, Mr. Speaker.

What should happen and what would make this a much better bill would be if in this bill, for each gift or any other thing of value given to a public official in excess of \$50 per year, when that happened, the identity of that public official, be it a legislator or executive official, would appear on the expense report of the lobbyist or principal, Mr. Speaker.

**MOTION TO SUSPEND RULES**

Mr. VITALI. Therefore, I move to suspend the rules for the purpose of introducing amendment A3861, which would require that anything of value given to a legislator in excess of \$50 in the course of a year appear on a lobbyist or principal's quarterly report. I so move, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Vitali, moves the rules of the House be suspended to permit him to offer amendment A3861.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules—

Mr. MASLAND. Mr. Speaker, I—

The SPEAKER. —the majority leader yields to the gentleman, Mr. Masland.

Mr. MASLAND. Thank you. That is what I was going to say.

Mr. Speaker, without getting into the merits of this issue, I would urge the members to oppose suspension. This has been thoroughly considered by many, many individuals in this room.

This specific issue has been thoroughly considered by myself and the other prime sponsor, and if this bill would go over to the Senate with this amendment in it, it would not pass. The Senate is ready to receive this bill intact, so as for any amendment someone would offer, I will oppose it and urge the members to do so as well. Thank you.

The SPEAKER. On the question of the suspension of the rules by the gentleman, Mr. Vitali, the gentleman, Mr. DeWeese, yields his time to the gentleman, Mr. Vitali. The gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

In all due respect to the comments of the gentleman from Cumberland County, this amendment has not been considered by us as a body, and it is our function to consider when bills that are de facto bills such as this need adjusting. I think the only way we are going to force the Senate to consider this amendment, this amendment which will make this a bill that would have some teeth into it, is to send a message to them that if you want to take the credit for lobbying reform, you must pass real lobbying reform, Mr. Speaker.

So I would argue that if we do not pass this amendment, then we will only be creating the appearance of reform, not actual reform, and I would ask that the rules be suspended.

The SPEAKER. On the question of suspension of the rules—

Mr. MASLAND. Just briefly, Mr. Speaker.

The SPEAKER. —Mr. Masland.

Mr. MASLAND. This amendment may not have been discussed by this entire House, but this issue was specifically discussed by the House State Government Committee at all three, I believe, task group meetings that they had, and it was decided not to pursue this strict level that you would like to see.

So again I urge the members to oppose the motion to suspend the rules.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, those in favor will please rise on the Republican side; those in favor will please rise. Those opposed will remain seated.

On the Democratic side, those opposed to suspending the rules will please rise and remain standing until the clerk has called your name.

The Chair is being advised that the tabulator is retabulating.

Will the "no" votes on the Democratic side please stand up.

The following roll call was recorded:

**YEAS—94**

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimanti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Mayernik	Stelman
Blaum	George	McCall	Stetler
Boscola	Gigliotti	McGeehan	Sturla
Butkovitz	Gordner	Melio	Surra
Buxton	Gruppo	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Cappabianca	Hanna	Olasz	Tigue
Cam	Harhai	Oliver	Travaglio
Casorio	Horsey	Pesci	Trello
Cohen, M.	Itkin	Petrarca	Trich

Colafella	James	Petrone	Veon
Colaizzo	Jarolin	Pistella	Vitali
Corpora	Josephs	Preston	Walko
Corrigan	Keller	Ramos	Washington
Cowell	Kirkland	Rieger	Williams, A. H.
Coy	LaGrotta	Roberts	Williams, C.
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lederer	Roebuck	Yewcic
DeLuca	Lescovitz	Rooney	Youngblood
Dent	Levdansky		

NAYS-108

Adolph	Feese	Marsico	Semmel
Allen	Fichter	Masland	Serafini
Argall	Fleagle	McGill	Seyfert
Armstrong	Flick	McIlhattan	Smith, B.
Baker	Forcier	McIlhinney	Smith, S. H.
Bard	Gannon	McNaughton	Snyder, D. W.
Barley	Geist	Michlovic	Staback
Barrar	Gladeck	Micozzie	Stairs
Benninghoff	Godshall	Miller	Steil
Birmelin	Gruitza	Nailor	Stern
Boyes	Habay	Nickol	Stevenson
Browne	Harhart	O'Brien	Strittmatter
Bunt	Hasay	Orie	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Cawley	Herman	Phillips	True
Chadwick	Hershey	Pippy	Tulli
Civera	Hess	Platts	Vance
Clark	Hutchinson	Raymond	Van Horne
Clymer	Jadlowiec	Readshaw	Waugh
Cohen, L. I.	Kaiser	Reber	Wilt
Cornell	Kenney	Reinard	Wogan
Dally	Krebs	Ross	Wright, M. N.
Dempsey	Lawless	Rubley	Zimmerman
DiGirolamo	Leh	Sather	Zug
Druce	Lynch	Saylor	
Egolf	Maher	Schroder	Ryan,
Fairchild	Maitland	Schuler	Speaker
Fargo	Major		

NOT VOTING-0

EXCUSED-1

Rohrer

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Mr. Vitali. For what purpose does the gentleman rise?

Mr. VITALI. Mr. Speaker, to speak on final passage again.

The SPEAKER. The gentleman is recognized for that purpose.

Mr. VITALI. Thank you, Mr. Speaker.

Again, with regard to this bill, an issue that was discussed previously is the fact that this bill does not provide for electronic reporting and storage and public access to information filed by lobbyists with regard to their registration statements and their quarterly reports. Mr. Speaker, the public is entitled to have this access and, in this age of computers, should have it via the Internet.

MOTION TO SUSPEND RULES

Mr. VITALI. Therefore, Mr. Speaker, I would move to suspend the rules for the purpose of consideration of amendment A3862, which would provide that public access.

I would like to add, if I could, that this is an amendment that is not controversial. I would ask the makers of the bill in formulating their opinion on this amendment to think about it for just a minute and think about whether they really want to be opposing something like this and whether the Senate would really be opposing something like this. I do not think it is a problem. Thank you, Mr. Speaker.

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

The SPEAKER. On the question of suspension of the rules, the majority leader waives his right to debate in favor of the gentleman, Mr. Masland. Mr. Masland is recognized.

Mr. MASLAND. Thank you, Mr. Speaker.

With all due respect to the member and in the interest of time, I will simply state that we oppose suspension of the rules, period.

The SPEAKER. The Chair thanks the gentleman.

The minority leader waives in favor of the gentleman, Mr. Vitali, who is recognized on the question.

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

The SPEAKER. On that question, those on the Republican side in favor of suspending the rules will please rise.

There is nothing in order now, Mr. Vitali, except the taking of the roll.

On the Democratic side of the House, those opposed will please rise and remain standing until your name has been called.

The following roll call was recorded:

YEAS-91

Battisto	Dernody	Levdansky	Santoni
Bebko-Jones	DeWeese	Lloyd	Scrimenti
Belardi	Donatucci	Lucyk	Shaner
Belfanti	Eachus	Manderino	Steelman
Bishop	Evans	McCall	Stetler
Blaum	George	McGeehan	Sturla
Boscola	Gigliotti	Melio	Surra
Butkovitz	Gordner	Mundy	Tangretti
Buxton	Haluska	Myers	Thomas
Caltagirone	Hanna	Olasz	Tigue
Cappabianca	Harhai	Oliver	Travaglio
Carn	Horsey	Pesci	Trello
Casorio	Itkin	Petrarca	Trich
Cohen, M.	James	Petrone	Veon
Colafella	Jarolin	Pistella	Vitali
Colaizzo	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Corrigan	Keller	Rieger	Williams, A. H.
Cowell	Kirkland	Roberts	Williams, C.
Coy	LaGrotta	Robinson	Wojnaroski
Curry	Laughlin	Roebuck	Yewcic
Daley	Lederer	Rooney	Youngblood
DeLuca	Lescovitz	Sainato	

NAYS-111

Adolph	Feese	Markosek	Schuler
Allen	Fichter	Marsico	Semmel
Argall	Fleagle	Masland	Serafini
Armstrong	Flick	Mayernik	Seyfert
Baker	Forcier	McGill	Smith, B.
Bard	Gannon	McIlhattan	Smith, S. H.
Barley	Geist	McIlhinney	Snyder, D. W.
Barrar	Gladeck	McNaughton	Staback
Benninghoff	Godshall	Michlovic	Stairs
Birmelin	Gruitza	Micozzie	Steil
Boyes	Gruppo	Miller	Stern
Browne	Habay	Nailor	Stevenson
Bunt	Harhart	Nickol	Strittmatter
Carone	Hasay	O'Brien	Taylor, E. Z.
Cawley	Hennessey	Orie	Taylor, J.
Chadwick	Herman	Perzel	True
Civera	Hershey	Phillips	Tulli
Clark	Hess	Pippy	Vance
Clymer	Hutchinson	Platts	Van Horne
Cohen, L. I.	Jadlowiec	Raymond	Waugh
Cornell	Kenney	Readshaw	Wilt
Dally	Krebs	Reber	Wogan
Dempsey	Lawless	Reinard	Wright, M. N.
Dent	Leh	Ross	Zimmerman
DiGirolamo	Lynch	Rubley	Zug
Druce	Maher	Sather	
Egolf	Maitland	Saylor	Ryan,
Fairchild	Major	Schroder	Speaker
Fargo			

NOT VOTING-0

EXCUSED-1

Rohrer

Less than a majority of the members required by the rules having voted in the affirmative, 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 SUSPEND RULES

The SPEAKER. Mr. Vitali, do you seek recognition for the third time on final passage?

Mr. VITALI. For the purpose of making a motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Mr. Speaker, I rise for the purpose of suspending the rules for the purpose of considering amendment 3864, which would require that when quarterly reports are filed by lobbyists or principals, the identity of the piece of legislation being lobbied on be included in that report.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question of suspension of the rules, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

The SPEAKER. The majority leader yields to the gentleman, Mr. Masland. Mr. Masland is recognized.

Mr. MASLAND. We oppose the suspension of the rules. That is already covered in the bill under the reporting where you have to report the general subject matter or issue being lobbied. The need for a specific bill number is not necessary. In fact, it can be confusing, the way we change numbers so often on issues.

So I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese, yields to the gentleman, Mr. Vitali, on the question of suspension of the rules.

Mr. VITALI. Thank you, Mr. Speaker.

I must respectfully disagree with the previous speaker from Cumberland County. The bill itself does not cover the requirement of the specific bill number or identity being reported. If it were the case, then Representative Masland, I do not know why he would oppose it in any case if it is duplicative. This is something that is in the model legislation. It is something that will help the public see more. There frankly is no reason to oppose it.

Therefore, Mr. Speaker, I would urge an affirmative vote on the motion to suspend so we can get to the substance of this.

The SPEAKER. The Chair thanks the gentleman.

POINT OF ORDER

Mr. VITALI. Mr. Speaker, I have a point of order.

The SPEAKER. You already have something before the House. Are you putting a point of order on top of your own motion?

Mr. VITALI. That is correct, Mr. Speaker.

The SPEAKER. Let us hear what the point of order is.

Mr. VITALI. Mr. Speaker, my concern with the voting is the way it is being taken. I feel that some of my Republican colleagues whom I do not see in the room would perhaps not want to be recorded in the negative.

Therefore, I would ask in this particular vote that if a Republican colleague wishes to be recorded in the negative here, that he be required to stand.

The SPEAKER. If we do that, we will do the same thing on both sides. You, of course, recognize you need a positive 112 votes. Negative votes do not count to help you, Mr. Vitali; only positive votes. You need a full 112 to suspend the rules.

Mr. VITALI. I understand.

The SPEAKER. We will start on the Democrat side, as Mr. Trello has asked from time to time.

Mr. VITALI. Mr. Speaker, I see the wisdom of your advice. I am going to withdraw that.

The SPEAKER. That is comforting.

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

The SPEAKER. On the Republican side, the members in favor of suspension of the rules will please rise and remain standing until their name has been called out.

On the Democrat side, those opposed will please rise.

The following roll call was recorded:

YEAS-90

Battisto	Dermody	Lloyd	Santoni
Bebko-Jones	DeWeese	Lucyk	Scrimenti
Belardi	Donatucci	Manderino	Shaner

Belfanti	Eachus	McCall	Steelman
Bishop	Evans	McGeehan	Stetler
Blaum	George	Melio	Sturla
Boscola	Gigliotti	Mundy	Surra
Butkovitz	Gordner	Myers	Tangretti
Buxton	Haluska	Olasz	Thomas
Caltagirone	Hanna	Oliver	Tigue
Cappabianca	Harhai	Pesci	Travaglio
Cam	Horsey	Petrarca	Trello
Casorio	Itkin	Petrone	Trich
Cohen, M.	James	Pistella	Veon
Colafiglia	Jarolin	Preston	Vitali
Colaizzo	Josephs	Ramos	Walko
Corpora	Kaiser	Rieger	Washington
Corrigan	Keller	Roberts	Williams, A. H.
Cowell	Kirkland	Robinson	Williams, C.
Coy	LaGrotta	Roebuck	Wojnaroski
Curry	Laughlin	Rooney	Yewcic
Daley	Lescovitz	Sainato	Youngblood
DeLuca	Levdansky		

NAYS-112

Adolph	Feese	Markosek	Schuler
Allen	Fichter	Marsico	Semmel
Argall	Fleagle	Masland	Serafini
Armstrong	Flick	Mayernik	Seyfert
Baker	Forcier	McGill	Smith, B.
Bard	Gannon	McIlhattan	Smith, S. H.
Barley	Geist	McIlhinney	Snyder, D. W.
Barrar	Gladeck	McNaughton	Staback
Benninghoff	Godshall	Michlovic	Stairs
Birmelin	Gruitza	Micozzie	Steil
Boyes	Gruppo	Miller	Stern
Browne	Habay	Nailor	Stevenson
Bunt	Harhart	Nickol	Strittmatter
Carone	Hasay	O'Brien	Taylor, E. Z.
Cawley	Hennessey	Orie	Taylor, J.
Chadwick	Herman	Perzel	True
Civera	Hershey	Phillips	Tulli
Clark	Hess	Pippy	Vance
Clymer	Hutchinson	Platts	Van Horne
Cohen, L. I.	Jadlowiec	Raymond	Waugh
Cornell	Kenney	Readshaw	Wilt
Dally	Krebs	Reber	Wogan
Dempsey	Lawless	Reinard	Wright, M. N.
Dent	Lederer	Ross	Zimmerman
DiGirolamo	Leh	Rubleby	Zug
Druce	Lynch	Sather	
Egolf	Maher	Saylor	Ryan,
Fairchild	Maitland	Schroder	Speaker
Fargo	Major		

NOT VOTING-0

EXCUSED-1

Rohrer

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

PARLIAMENTARY INQUIRY

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, before final passage, I have a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. LEVDANSKY. The rules of the House require that all amendments be posted by 2 o'clock the day preceding the scheduled vote on a particular piece of legislation. I have before me a copy of the voting schedule as of 4:27 p.m. yesterday afternoon, and nowhere on the voting schedule is posted amendment A3837 to SB 254, and given that the rules require at least 24-hour notice so that those of us that wish to offer amendments can do so, how is it that this amendment was brought before this chamber, contravening the rules of the House?

The SPEAKER. Will the gentleman yield for a moment until I get the information.

The gentleman's question I have put to the Parliamentarian, who advises me that he received a telephone call yesterday from the Legislative Reference Bureau indicating that they had made a mistake in the drafting of the amendment 3836, which was scheduled for a vote, and the Reference Bureau immediately substituted 3837 to correct their error, and we have on prior occasions where it is a drafting error on the part of the Legislative Reference Bureau and they have called it to our attention, we have allowed that to go as a substituted amendment.

Mr. LEVDANSKY. So even though we are not meeting the letter of the rule, we are at least fulfilling the spirit of it.

The SPEAKER. We are meeting the letter of the rule as we have lived by it over all of the years that we have been under rules that required this advance notice. We have substituted on any number of occasions, for both sides of the aisle, when there has been a mistake like this, and on certain other occasions we have allowed substitutions.

Mr. LEVDANSKY. Mr. Speaker, I mean, I understand the need to make the correction, but why was not at least the incorrect amendment posted as of at least 4:30 yesterday afternoon? Why could not at least the incorrect version of this amendment have been posted to afford those of us that want an opportunity—

The SPEAKER. I am advised that it was.

Mr. LEVDANSKY. Well, Mr. Speaker, I have a printout from yesterday's schedule that was posted on the calendar as of 4:27 p.m., and it lists three amendments from Representative Vitali, one from Representative Van Horne, one from Representative George, two from Representative Clymer, and one from Representative Staback. There is no amendment posted at all, either correct or incorrect, to Representative Masland.

The SPEAKER. It remains my information that it was posted. I wonder if we could— We are going to check on this. It was filed at 1:37, is the information I have now.

The House will stand at ease for a while so that we can get the information to give it to you, Mr. Levdansky.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Levdansky, has called to the attention of the Chair the fact that the Masland amendment No. 3837 had not been posted at the proper time. For the information of the House, the sponsor of the amendment, through a staff attorney, had submitted the amendment, which was time-stamped at 1:37. Apparently, Reference Bureau somehow in this mixup put it to the wrong printer's number, and the gentleman, Mr. Levdansky, was unable to find anything of interest to him as he looked at the printed schedule, because this was not identified

properly. The gentleman tells me that this had been called to his attention earlier.

The question, really, was, what could Mr. Levdansky do to attack, if you will, the parliamentary portion of the amendment? I rule that he can do nothing, and I rely on the following from Mason's Manual: "When Objection May Be Made" — he was objecting to taking up this bill any further because of the breach of the rules in not technically having the proper number at the proper time before the House — "Objection to consideration" — and I quote — "Objection to consideration must be made immediately following the statement of the question. It may be made when another has the floor but must be made before debate has begun and before any action has been taken or before any subsidiary motion is stated by the presiding officer."

The second portion of this says, "An objection to consideration cannot be renewed, as it is too late to object after consideration has begun."

Based on those portions of the parliamentary manual, the gentleman's objection is too late to be considered.

The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, you are far well versed in the Mason's Manual and the history of the parliamentary procedure here. The bottom line is that I have been watching the calendar for 4½ years for an opportunity to amend an Election Code so that I could finally get a public debate and discussion on campaign finance reform.

The SPEAKER. Mr. Levdansky, just again for the record, the only appropriate response at this time would be something in connection with appealing the ruling of the Chair, unless, as you and I discussed, you wish to make remarks now on final passage, which may stray a little.

#### MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. LEVDANSKY. Well, in the alternative to those two options, Mr. Speaker, let me suggest this: Given that the Masland amendment was not properly and timely posted on the calendar, thus denying myself and other members the ability to offer amendments in a timely fashion that would not require us to suspend the rules, let me move, Mr. Speaker, that this lobbyist disclosure legislation has been debated for probably the last 20 years and while I understand its importance to the members here, I do not think it would hurt the public one bit for this legislation to be held over 1 day. So I would move, Mr. Speaker, given the necessity of moving to some other important legislation that other people in the Capitol have an interest in, Mr. Speaker, I would move that we postpone, that we place this bill on the postponed calendar and bring it up for a vote tomorrow, so that those amendments that I and several others have perhaps filed will then be filed and ruled in a timely fashion.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Levdansky, moves that SB 254, with amendments, if any outstanding, be placed on the postponed calendar.

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

The SPEAKER. On the question of the gentleman's motion, on the Republican side, those in favor of the motion, please rise.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese, I am sorry. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman from Allegheny County has made a legitimate request. We have alternative issues to debate this evening. The rules were accidentally, I will assume, violated, and due to inherent flexibility and parliamentary interpretation under Mason's Manual, the gentleman from Carlisle, Mr. Masland's efforts are going to be allowed. I accept that. We have already had the debate on Mr. Masland's amendment. We are going to be here tomorrow, and it just makes sense that the gentleman, Mr. Levdansky, who has waited patiently for 4 years to try to amend our campaign financing law, be allowed to have that chance.

Now, because of the way we do business here in this chamber, Mr. Levdansky's amendments are only apropos, only allowed, to certain codes. Well, the code is out there. By technical interpretation, we should be doing Mr. Masland's amendment tomorrow, but we can accept that there was a mistake. All we have to do is adapt Mr. Masland's amendment tomorrow in 30 seconds, in 30 seconds — we will not have to rehash the whole thing; it passed with the proverbial flying colors — and then the gentleman, Mr. Levdansky, the patient Democrat from the Monongahela Valley, who has waited and waited and waited and waited and waited and waited to have a chance, to have a chance to deal with campaign finance reform, that any idealistic young man or woman or senior man or woman would like to deal with, you, Mr. Speaker, and your majority leadership team have a chance tomorrow, taking care of Masland tomorrow in 30 seconds, and then allow this young hard-charger from western Pennsylvania to have his day in court, so to speak. This is a chamber for debate; this is a chamber for dialogue; this is a chamber for interaction. And quite frankly, our friends and adversaries in this other predicament that we are going to deal with later can get to it right now. So it is a win-win.

I would ask that, in a collegial attitude, everybody stand up — or sit down, depending on your ruling — and embrace, figuratively, embrace David's effort. David is a good person who is trying to have his day. Mr. Masland had his. Let David have his. Let us debate campaign finance reform right now, sir, on the threshold of an election, which is going to be irrevocably besmirched and sullied by one side having immeasurably more money, a Niagara of cash, compared to the other. If we are about anything in this chamber, sir, if we are about anything, we should try to improve the mechanisms within the body politic. Levdansky has mechanisms to improve our system. You can allow it to happen tomorrow.

I would ask to sustain the gentleman's motion, and I thank you for your understanding.

The SPEAKER. The Chair thanks the gentleman.

#### PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STURLA. Mr. Speaker, if I understood you correctly before, you said that the Masland amendment, even though it may have been posted incorrectly, was allowed because we had considered it already. My question is, if in fact we would

reconsider the vote by which the Masland amendment were taken and the members would go along with a reconsideration motion, would we then be back to the point where Mr. Levdansky would be in order to protest the improper posting of the amendment?

The SPEAKER. If the amendment were reconsidered, in light of the question, the answer is yes.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER. Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, is it not amazing that every time a major piece of legislation is ready to be voted by this chamber, maybe a bill that the other side is not quite comfortable with, that they always raise the argument that we are not going far enough, that we need to add one more subject to the debate in order to get something done around here.

Mr. Speaker, the action we are considering right now, to postpone, is a motion to put aside lobbying reform. This chamber has had this issue before it for over a decade, a decade in which the other side also had the opportunity to bring before them campaign finance reform and lobbying reform.

This bill has gone through committee; it has gone through the Senate; it has gone through a process unlike the proposal that Mr. Levdansky had raised as a consideration for postponing this legislation.

I ask the members to vote "no" on postponement so that we can have an opportunity to vote for a major piece of reform legislation and legislation that is going to bring good government to Pennsylvania and one that is going to make us proud on both sides of the aisle for achieving this measure. Thank you.

The SPEAKER. The gentleman, Mr. Coy, on the question.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I join with my good friend, the minority leader, in asking for this bill to go over.

I differ from the majority whip's comments that this is a sort of death knell to this legislation. There are other subjects which the legislature needs to deal with. We are simply suggesting that the matter be put off until tomorrow's session so that other matters can be taken up and then deal tomorrow, in a very fair way, with the amendments that would be properly filed to the bill.

So I suggest that it makes sense to go over it, wait until tomorrow, have things in print, have them properly filed, and deal with the matter then, and go on with the other business of the legislature today.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. In response to the gentleman from the Lehigh Valley, the whip on the Republican side, we have been dealing with lobbyist reform for 23 years. We are asking for 23 more hours so that our amendments could be included. If you, sir, think this is a great reform effort — and most of us are going to end up voting for Mr. Masland's effort, Mr. Michlovic's effort, the, quote, unquote, "bipartisan effort" — if you think it was such a great deal, why did you shortcut the rules? We all know that you shortcutted the rules so you would not allow Mr. Levdansky to have his day.

We are asking for less than 24 hours. We are not postponing this, sir. That is a specious and dissembling argument that you are using. One day, 1 day, less than 1 day; 23 years versus 1 day. Mr. Speaker, you know; you cannot keep a straight face. I can see your smile broad-beaming right now. We only want 1 day, sir, a 1-day postponement.

The gentleman's argument, as I said, is hypocritical.

The SPEAKER. Yes, he said hypocritical. You may reply to that.

Mr. SNYDER. Mr. Speaker, the motion that I see on the board behind you says "postpone." That is what the motion is. That is what action would be taken if you vote for this motion. We do not want to postpone. We want to be able to get this signed into law right now. Thank you.

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker—

The SPEAKER. The 24 hours will have passed before we get this vote.

Mr. Levdansky.

Mr. LEVDANSKY. Well, I do not have any control over that, Mr. Speaker.

But let me say this to the gentleman from Lehigh: He controls the calendar. He could very well bring this up tomorrow and control the calendar and control the process. But if he is in such a rush to do this today, let me offer him, I will withdraw my motion to postpone, Mr. Speaker, if you will agree to vote to suspend the rules so that I may offer my campaign finance reform amendments.

The SPEAKER. On the question of postponement, the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, what the gentleman is asking is for us to postpone the consideration of SB 254, the final passage, so that he can offer an amendment that is not germane, constitutionally not germane to the subject, and even Common Cause, who is the organization lobbying for both bills, is saying that it is not constitutionally germane to this bill. One deals with the Ethics Code and the other one deals with the election law. And so, you know, it does not fit the law. Even if we postpone for the gentleman, it is not the right title; it is not the right act; it is not germane.

The second consideration here — and I made this point on this bill, the difference between these two subjects — the one has gone through extensive discussion, deliberation, hearing by the committee, passed unanimously in a bipartisan fashion on lobbyist disclosure. We have not done that with campaign finance. And, in fact, in a very brief discussion in our caucus yesterday, there were many, many points raised, and people were saying, I cannot vote for them; that is crazy. And we are going to postpone to go through all of that process and go through the minutia of the campaign finance reform act, and it is just a delay tactic, Mr. Speaker.

I oppose the motion to postpone. Let us finish the Ethics Commission law and the changes we have made in the lobbyist disclosure and let us take up campaign finance reform next session.

I think everybody knows here we are not going to pass a campaign finance reform law tonight or even in this session. I think that the groups that have been lobbying for that recognize it, the members on this floor recognize it. I think even Mr. Levdansky recognizes that. Let us get on with finishing this bill on the lobbyist disclosure. We are going to get on with that issue next session.

Thank you, Mr. Speaker.

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

The SPEAKER. On the question of postponement, on the Republican side, those in favor of postponement will please rise; those opposed to postponement will remain seated until their name is called.

On the Democrat side — there is someone arguing rules; your conduct is against them — on the Democrat side, those opposed to the motion, please rise and remain standing until your name has been called.

The following roll call was recorded:

## YEAS—91

Battisto	Dermody	Levdansky	Santoni
Bebko-Jones	DeWeese	Lloyd	Scrimenti
Belardi	Donatucci	Lucyk	Shaner
Belfanti	Eachus	Manderino	Steelman
Bishop	Evans	Mayernik	Stetler
Blaum	George	McCall	Sturla
Butkowitz	Gordner	McGeehan	Surra
Buxton	Gruitza	Melio	Tangretti
Caltagirone	Haluska	Mundy	Thomas
Cappabianca	Hanna	Myers	Tigue
Cam	Harhai	Olasz	Travaglio
Casorio	Horsey	Oliver	Trello
Cawley	Itkin	Pesci	Trich
Cohen, M.	James	Petrarca	Veon
Colafella	Jarolin	Petrone	Vitali
Colaizzo	Josephs	Pistella	Waiko
Corpora	Kaiser	Preston	Washington
Corrigan	Keller	Ramos	Williams, A. H.
Cowell	Kirkland	Rieger	Williams, C.
Coy	LaGrotta	Roberts	Wojnaroski
Curry	Laughlin	Robinson	Yewcic
Daley	Lederer	Roebuck	Youngblood
DeLuca	Lescovitz	Rooney	

## NAYS—111

Adolph	Feese	Markosek	Schuler
Allen	Fichter	Marsico	Semmel
Argall	Fleagle	Masland	Serafini
Armstrong	Flick	McGill	Seyfert
Baker	Forcier	McIlhattan	Smith, B.
Bard	Gannon	McIlhinney	Smith, S. H.
Barley	Geist	McNaughton	Snyder, D. W.
Barrar	Gigliotti	Michlovic	Staback
Benninghoff	Gladeck	Micozzie	Stairs
Birmelin	Godshall	Miller	Steil
Boscicola	Gruppo	Nailor	Stern
Boyes	Habay	Nickol	Stevenson
Browne	Harhart	O'Brien	Strittmatter
Bunt	Hasay	Orie	Taylor, E. Z.
Carone	Hennessey	Perzel	Taylor, J.
Chadwick	Herman	Phillips	True
Civera	Hershey	Pippy	Tulli
Clark	Hess	Platts	Vance
Clymer	Hutchinson	Raymond	Van Horne
Cohen, L. I.	Jadlowiec	Readshaw	Waugh
Cornell	Kenney	Reber	Wilt
Dally	Krebs	Reinard	Wogan
Dempsey	Lawless	Ross	Wright, M. N.
Dent	Leh	Rubley	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Druce	Maher	Sather	
Egolf	Maitland	Saylor	Ryan,
Fairchild	Major	Schroder	Speaker
Fargo			

## NOT VOTING—0

## EXCUSED—1

Rohrer

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, a lot of people would argue that it is better to have a weak lobbyist disclosure bill pass this chamber than a strong one failing, but let me submit to you what I think are some serious shortcomings in this piece of legislation as it presently stands before us.

One of the areas that I think we just totally miss in this legislation, this legislation provides for greater disclosure of lobbyist activity as it regards the activities of the legislature and the executive branch of government to the extent that rules and regulations are concerned.

Mr. Speaker, what this bill does not do and what I would have liked to have done had I been offered the opportunity to offer amendments was to propose that we tighten up, that we redefine what is called administrative action in this bill. In particular, Mr. Speaker, lobbyists will be able to spend whatever amount of money that they want to wine and dine and influence people in the executive branch of office regarding the issues of issuance of no-bid contracts, various permits that the various departments give out and permit, and the issuance of leases. These are three particular areas, Mr. Speaker, that are ripe, that are ripe for influence by lobbyists, yet under this legislation, lobbyists will not be required to disclose the amount of money they spend attempting to influence the administration on the issue of no-bid contracts, permits, and leases. This is a massive, I think, shortcoming in this particular piece of legislation.

Let me also say, Mr. Speaker, that earlier this piece of legislation was alluded to as a grand omnibus bill, that we have rolled three separate pieces of legislation into this. One piece of legislation deals with the Ethics Act reauthorization, the second is the Sunshine Act, and the third is the lobbyist disclosure act. It seems to me, Mr. Speaker, we had enough time in committee and we have had enough time to amend this particular Senate bill with three very distinct pieces of legislation that have all been rolled into one omnibus bill, but we do not have enough time or enough space in this bill to offer any amendments dealing with campaign finance reform.

Mr. Speaker, surely, surely we need legislation to greater understand the influence of lobbyists on both the legislative process and on the political process as well, but I submit to you, Mr. Speaker, that there is a far more insidious impact going on in the political and legislative process than that being conducted by lobbyists, and that deals with the issue of money.

Mr. Speaker, if I could just have a little bit of attention, please.

The SPEAKER. Conferences on the side aisles, please break up. Please, the conference in the rear of the hall, please break up.

Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, my sentiments and feelings on this issue are actually best described in a statement by former Governor William Scranton when, in 1995 in a meeting of the Pennsylvania

Society in New York City, he stated the following, and let me quote. This is Governor William Scranton's words. It goes thusly: "...[M]oney and its impact into every phase of our politics, to a degree that has never been true before, has practically devastated our election system. Now in almost every case the candidate who can raise the most amount of money is the victor. Money has become so involved in every phase of our political system that I say to you, and I mean every word of it, if it is not checked, if it is not reformed, we are opening the door to tyranny. It is that important. And it's high time we did something about it." Mr. Speaker, this is former distinguished Republican Governor William Scranton pointing out the problems caused by the influence of money on the political and legislative process in a speech that he made in 1995.

I would submit to you, Mr. Speaker, that the need for campaign finance reform is stronger today than it was in 1995, and, Mr. Speaker, no matter, no matter what parliamentary maneuvers, no matter what rule interpretations, I am going to be here I hope for quite some time, and I am going to continue to look for every avenue possible to bring Pennsylvania out of the Jurassic Park of campaign finance reform legislation. We are only one of five States that place no control on the amount of money that is contributed or spent in campaigns for public office. Pennsylvania, in essence, is the wild, wild west of campaign finance laws, and I think it is high time we do something about it.

While, Mr. Speaker, I have been denied my opportunity to offer my amendments to deal with this subject today, as I said, I intend on being around for a while and I am going to look for every opportunity. Every day and every night I will redouble my efforts to continue to search for ways to offer meaningful and substantive debate on campaign finance reform on the floor of this chamber. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Masland.

Mr. MASLAND. Very quickly, Mr. Speaker.

A few points must be made. Lobbyists are not in and of themselves evil; neither is the profession of lobbying. That needs to be pointed out. We are lobbied all the time by very good people for very good causes. The Diabetes Association is a good one to point out, Mental Health, Hospice, you name it.

The culture here in Harrisburg is not depraved. The legislative process could be better, but we are not a bunch of depraved individuals. Most of us are very hardworking and care a lot about what we do here as well as what we do at home.

Let me just read very briefly from the Allentown Morning Call editorial of September 29. They say, "Pennsylvania voters deserve a clearer picture of how their lawmakers are being influenced by special interests. Senate Bill 1 would do that. It's passed the Senate, been supported by the lobbyists and Gov. Tom Ridge. So why doesn't the House get it done before the election?"

This is the only way we can do just that, get it done before the election. This is a good bill. It will open up our eyes, it will open up the public's eyes to the universe of what is spent here in Harrisburg, and we will be better for it.

I urge your "yes" vote. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

Negative votes on the Republican side, please rise.

Negative votes on the Democratic side of the House, please rise.

The following roll call was recorded:

YEAS—202

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maher	Schroder
Argall	Egolf	Maitland	Schuler
Armstrong	Evans	Major	Scrimenti
Baker	Fairchild	Manderino	Semmel
Bard	Fargo	Markosek	Serafini
Barley	Feese	Marsico	Seyfert
Barrar	Fichter	Mastand	Shaner
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Forcier	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Benninghoff	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steelman
Bishop	Gigliotti	McNaughton	Steil
Blaum	Gladeck	Melio	Stern
Boscola	Godshall	Michlovic	Stetler
Boyes	Gordner	Micozzie	Stevenson
Browne	Gruitza	Miller	Strittmatter
Bunt	Gruppo	Mundy	Sturla
Butkovitz	Habay	Myers	Surra
Buxton	Haluska	Nailor	Tangretti
Caltagirone	Hanna	Nickol	Taylor, E. Z.
Cappabianca	Harhai	O'Brien	Taylor, J.
Carn	Harhart	Olasz	Thomas
Carone	Hasay	Oliver	Tigie
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	Trich
Civera	Hess	Petrarca	True
Clark	Horsey	Petrone	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Itkin	Pippy	Van Horne
Cohen, M.	Jadlowiec	Pistella	Veon
Colafiglia	James	Platts	Vitali
Colaizzo	Jarolin	Preston	Walko
Cornell	Josephs	Ramos	Washington
Corpora	Kaiser	Raymond	Waugh
Corrigan	Keller	Readshaw	Williams, A. H.
Cowell	Kenney	Reber	Williams, C.
Coy	Kirkland	Reinard	Wilt
Curry	Krebs	Rieger	Wogan
Daley	LaGrotta	Roberts	Wojnaroski
Dally	Laughlin	Robinson	Wright, M. N.
DeLuca	Lawless	Roebuck	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Ross	Zimmerman
Dermody	Lescovitz	Rubley	Zug
DeWeese	Levdansky	Sainato	
DiGirolamo	Lloyd	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Rohrer

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and requests a leave of absence for several hours for the Speaker. The Chair hears no objection, and the leave is granted.

### THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

The SPEAKER pro tempore. The Chair would like to advise the members that the following amendments to SB 1157 have not had their certificates replaced: Amendment A3791, that is Representative Lescovitz; 3792, Representative Lescovitz; 3793, Rooney; 3794, Rooney; 3795, Rooney; and 3813, Bruce Smith.

Mr. B. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Smith, rise?

Mr. B. SMITH. I rise to offer amendment 3714.

The SPEAKER pro tempore. Mr. Smith, we have not called the bill up yet. We are about to, but we have not done that. I will be getting to you shortly.

Mr. B. SMITH. Thank you, sir.

### VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Kaiser, rise?

Mr. KAISER. Correction of the record, Mr. Speaker.

The SPEAKER pro tempore. Now would be a good time.

Mr. KAISER. Mr. Speaker, on SB 254, the motion to suspend the rules for amendment 3861, I was shown as a "no" vote, and there was some confusion when the Speaker was taking the count. I would like to be recorded as a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman's remarks will be spread upon the record.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1157, PN 2174**, entitled:

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. B. SMITH offered the following amendment No. **A3714**:

Amend Sec. 2 (Sec. 524), page 10, line 29, by striking out "(M)" and inserting

(n)

Amend Sec. 2 (Sec. 524), page 17, by inserting between lines 20 and 21

(m) Expiration.—This section shall expire 12 months from the date this section takes effect.

Amend Sec. 2 (Sec. 524), page 17, line 21, by striking out "(M)" and inserting

(n)

Amend Sec. 2 (Sec. 2524), page 79, line 11, by striking out "THIS PARAGRAPH" and inserting

Paragraph (2)

Amend Sec. 2 (Sec. 2524), page 79, line 11, by striking out "THIS" where it appears the second time and inserting

the

Amend Sec. 2, page 101, lines 18 through 30; page 102, lines 1 through 10, by striking out all of said lines on said pages

Amend Bill, page 203, by inserting between lines 15 and 16 Section 5. Retroactivity.

The amendment of 15 Pa.C.S. § 2524 shall be retroactive to September 28, 1998.

Amend Sec. 5, page 203, line 16, by striking out "5" and inserting 6

Amend Sec. 5, page 203, line 19, by inserting after "THE" amendment or

Amend Sec. 6, page 203, line 19, by striking out "§ 524" and inserting §§ 524 and 2524

Amend Sec. 5, page 203, line 21, by striking out "THIS" and inserting Section 5 of this act and this

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.

I need to give a little bit of background as to why I am offering this particular amendment and not the amendment that a number of members thought would be offered.

Amendment 3714 was filed in a timely manner. Amendment 3872 that I had asked the Parliamentarian if we could file was identical to the bill that passed the Senate last night, absolutely identical. Because it changed the timeframe for Mellon Bank from 1 year to 3 years and because it changed the AMP from 12 months to 8 months, the Parliamentarian felt that they were substantive amendments, and therefore, I cannot offer them. However, amendment 3714 accomplishes the same thing, to a limited extent.

Amendment 3714 for the AMP legislation expires in 12 months, 12 months. Also, you are probably aware that there was a problem with the effective date as it passed the Judiciary Committee. It is vitally important, vitally important, that the AMP legislation be effective immediately, and this 3714 amendment does that also.

In addition, amendment 3714 has a 1-year sunset for Mellon Bank, a 1-year sunset for Mellon Bank. As you may know, the Senate bill had a 3-year sunset. This is only a 1-year sunset, but it was filed in a timely manner.

In addition, amendment 3714 removes the income from the corporate activities clause. Mr. Speaker, we are on an issue that is of vital importance to central Pennsylvania. We are talking about jobs that are already in Pennsylvania. We are talking about 8,000 jobs that are already here, and it is vitally important that you pass amendment 3714, and I respectfully ask for your support.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Coy.