

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 19, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 48

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Almighty Father, our loving and most merciful Lord, in the midst of the busy activities of life, we pause to give Thee thanks for Thy presence, Thy great love, and Thy involvement in the lives of each one of us.

O God, we humbly pray that we may never lose sight of Thee nor of Thy help and assistance in our day-to-day experiences. May we reach out to Thee and call upon Thee for the help which is Thine to give.

In this hour, as the crises of this Commonwealth weigh heavily upon the members of this House of Representatives, share with them the assurance of Thy counsel; prick their consciences to acknowledge worthwhile pursuits; and fill them with the love of Thy benediction in a job well done. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. We will postpone the approval of the Journal of Monday, June 18, 1984, until that Journal is in print, unless there be objection, and the Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2323 By Representatives GODSHALL, LETTERMAN, RYBAK, MRKONIC, HASAY, ITKIN, GLADECK, POTT, SALVATORE, BOOK, MACKOWSKI, WARGO, HALUSKA, BOWSER, STEIGHNER, JACKSON, BUNT, CIVERA, PISTELLA, FREEMAN, PETRARCA, PITTS, TRELLO, PRATT, MICHLOVIC,

KASUNIC, CLYMER, HERMAN, FLICK, MOWERY, MADIGAN, HERSHEY, DEAL, GREENWOOD, FISCHER, HARPER and SEMMEL

An Act requiring automobile manufacturers to provide each new car with a spare tire equal to the other four tires on the car.

Referred to Committee on TRANSPORTATION, June 19, 1984.

No. 2324 By Representatives RAPPAPORT and FEE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for licenses for certain performing arts facilities.

Referred to Committee on LIQUOR CONTROL, June 19, 1984.

No. 2325 By Representatives FEE, DOMBROWSKI and CLARK

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further defining "malt or brewed beverages."

Referred to Committee on LIQUOR CONTROL, June 19, 1984.

No. 2326 By Representatives SEVENTY and LETTERMAN

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), increasing certain fees and creating the Casualty Benefits Fund.

Referred to Committee on GAME AND FISHERIES, June 19, 1984.

No. 2327 By Representatives PETRARCA, RIEGER, ARTY, McCALL, KASUNIC, VAN HORNE, KUKOVICH, PETRONE, RYBAK, FEE, B. SMITH, RUDY, REBER, PRESTON, HERMAN, BELARDI, GEIST, PISTELLA, PRATT, CIMINI, LINTON, COLAFELLA, BELFANTI, COY, DeLUCA, SALOOM, HARPER, STEWART, DOMBROWSKI, GALLAGHER, TELEK, BLAUM, CAPPABIANCA, WARGO, GRUITZA, McMONAGLE, CLARK, LEVIN, COHEN, FATTAH, COLE, CARN, EVANS, MARKOSEK, LLOYD, DUFFY, JAROLIN, FREEMAN, OLASZ, LIVENGOD,

LETTERMAN, ALDERETTE and
GAMBLE

An Act to provide for the prevention, detection, treatment and followup of cases of undue lead absorption and lead poisoning among certain children; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, June 19, 1984.

No. 2328 By Representatives KUKOVICH,
GREENWOOD, HOFFEL, LASHINGER,
RICHARDSON, LINTON, FATTAH,
FREEMAN, DEAL and WAMBACH

An Act providing for the submission to the electors of the Commonwealth of a nonbinding referendum relating to the reduction of the spending of money on nuclear weapons and foreign military intervention.

Referred to Committee on RULES, June 19, 1984.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1919, PN 2556**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 20, PN 3138; HB 314, PN 3180; HB 865, PN 3181; HB 1451, PN 3182; HB 1848, PN 3184; and HB 1851, PN 3185**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVES OF ABSENCE GRANTED

The SPEAKER. Does the gentleman from Lawrence, Mr. Fee, have any leaves of absence?

Mr. FEE. I do not see any here, Mr. Speaker.

The SPEAKER. Not at this time. The Chair thanks the gentleman.

Does the minority whip have any leaves of absence?

Mr. HAYES. Mr. Speaker, I request leaves for the gentleman from Luzerne, Mr. STEVENS, for the day; and the gentleman from Delaware, Mr. GANNON, for the day.

The SPEAKER. The Chair hears no objection to the granting of the leaves, and the leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call for the day. Members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Afflerbach	Evans	Lloyd	Rudy
Alderette	Fargo	Lucyk	Ryan
Angstadt	Fattah	McCall	Rybak
Armstrong	Fee	McClatchy	Saloom
Arty	Fischer	McHale	Salvatore
Baldwin	Flick	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	Seventy
Book	Gallagher	Manderino	Showers
Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Geist	Mayermik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Spitz
Caltagirone	Grieco	Miscevich	Stairs
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonc	Sweet
Cimini	Harper	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clark	Hayes	Noye	Taylor, F. E.
Clymer	Herman	O'Brien	Telek
Cohen	Hershey	O'Donnell	Tigue
Colafella	Hoeffel	Olasz	Trello
Cole	Honaman	Oliver	Truman
Cordisco	Hutchinson	Perzel	Van Horne
Cornell	Ikin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Piccola	Wass
DeVerte	Kennedy	Pievsy	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kowalshyn	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwikl
Dorr	Levin	Richardson	
Duffy	Linton	Rieger	Irvis,
Durham	Livengood	Robbins	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Gannon Lehr Marmion Stevens

LEAVES CANCELED—1

Gannon

FILMING PERMISSION GRANTED

The SPEAKER. Mackenzie Carpenter for Public TV has been given permission to film on the floor of the House today.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver, who wishes to make an announcement.

Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the first recess, there will be a meeting of the State Government Committee in room 401. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTES

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

Mr. GEIST. Thank you, Mr. Speaker.

On HB 1900 yesterday I was in a meeting off the floor of the House. I would like to have the record show that I would have voted in the negative.

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

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

Mr. BOOK. Mr. Speaker, on HB 1900 yesterday my switch was not working. I would like to be put down as a negative vote.

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

The Chair recognizes the gentleman from Lycoming, Mr. Cimini.

Mr. CIMINI. Mr. Speaker, on final passage of HB 1898 yesterday, I was not recorded. I would wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Mr. Speaker, on HB 1898 I was out of my seat. I would like to be recorded in the affirmative.

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

The Chair has been informed that the leaders have agreed that it will be necessary for immediate caucuses of the Democratic Party and the Republican Party.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, upon the declaration of the recess, the Democrats will go to the majority caucus room. We should have about a 2-hour caucus. We have about two dozen bills to caucus on, and then we would go to lunch and return to the floor about 2 o'clock.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the Speaker advise me as to how long the majority has requested for caucus. Two hours?

The SPEAKER. The majority requested 2 hours. The recess will be until 2 o'clock.

Mr. RYAN. We were just provided by Mr. Itkin, the majority caucus chairman, a list of bills which he has requested that we caucus upon. It appears to be quite lengthy. I do not know whether the majority seriously intends to take up each of these bills, and if they do not, I would appreciate it if some of these be stricken, because I rather suspect that there are two or three bills that are going to take every bit of 2 hours to caucus on.

With the Chair's permission, I would like just a brief sidebar with the gentleman, Mr. Itkin.

The SPEAKER. Permission granted.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman state the parliamentary inquiry.

Mr. DAVIES. Is it possible for one of the legal profession and one of the nonlegal profession to have a sidebar?

The SPEAKER. As long as we are not in court, the answer is yes.

Mr. DAVIES. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. In brief response to the gentleman, it happens every night around this town; people are at the "side bars."

Aside from that, Mr. Speaker, we, too, will require a minimum of 2 hours. Mr. Itkin was kind enough to advise us that he will call us as to a reduced workload to caucus upon.

Our members, if they would listen for a moment, I recommend strongly that the members attend caucus. There are a number of controversial bills to be caucused upon and equally controversial amendments. I think it would be in the best interest of all of the members on both sides of the aisle if the caucus was reasonably full for the 2-hour period. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. Rev. Ross Foster from Philadelphia is here as the guest of Mrs. Harper. He wishes to thank the members of the House of Representatives for casting their votes in favor of HB 403 yesterday.

RECESS

The SPEAKER. An immediate caucus has been called by both parties, Republican and Democrat, immediately. The caucus will be, in each party's case, important. There are controversial bills to be taken up later this afternoon. It is important that the members report immediately to the caucus.

This House stands in recess until 2 p.m.

AFTER RECESS

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

CALENDAR**BILLS AGREED TO
ON SECOND CONSIDERATION**

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 1084, PN 1912; SB 1085, PN 1758; SB 1304, PN 1997; and SB 1305, PN 1998.

* * *

The House proceeded to second consideration of **SB 1081, PN 2098**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the appointment, terms and qualifications of commission members; further providing for commission powers and duties relating to the use of coal, for prohibiting certain natural gas utilities from utilizing a sliding scale of rates to recover natural gas costs, for procedures and standards for regulating the rates of natural gas utilities; and making a repeal.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1081, PN 2098, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS AGREED TO ON
SECOND CONSIDERATION CONTINUED**

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

SB 784, PN 1996; SB 1083, PN 1757; and SB 1231, PN 1811.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1578, PN 1958**, entitled:

An Act requiring a day of rest and for absences on religious holidays.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I move that HB 1578, PN 1958, be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL ON THIRD
CONSIDERATION POSTPONED**

The House proceeded to **SB 1239, PN 1978**, on third consideration postponed, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining hazardous material; providing for the effect of amendments to Federal regulations; repealing the penalty for violating Federal law when driving a vehicle; providing for the transportation of hazardous materials; and making a repeal.

On the question recurring,

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1239, PN 1978, be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1239, PN 1978, be lifted from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate, June 18, 1984

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 25, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, June 25, 1984 unless sooner recalled by the Speaker.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, for the purpose of announcing an immediate meeting.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting at the rear of the chambers of the Appropriations Committee. Thank you, Mr. Speaker.

**HEALTH AND WELFARE
COMMITTEE MEETING**

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Barber, rise?

Mr. BARBER. Mr. Speaker, the Health and Welfare Committee would like to have a committee meeting in the back of the House.

The SPEAKER. Immediately?

Mr. BARBER. Yes, please.

The SPEAKER. A committee meeting of the Health and Welfare Committee at the rear of the hall of the House.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 1919, PN 2556

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

BILLS REREPORTED FROM COMMITTEE**HB 278, PN 3080**

By Rep. PIEVSKY

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing a procedure for access by an adoptee or his adoptive parent or legal guardian to certain information concerning his natural parents; imposing penalties; and making certain repeals.

APPROPRIATIONS.**HB 637, PN 705**

By Rep. PIEVSKY

An Act requiring a detailed analysis and review of State rules and regulations delineating their impact on small businesses, small organizations and individuals; providing for exemptions; and imposing additional duties on various State agencies.

APPROPRIATIONS.**HB 1725, PN 2210**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for news reporters.

APPROPRIATIONS.**HB 1950, PN 2602**

By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, raising the income ceiling for senior citizens.

APPROPRIATIONS.**HB 2169, PN 3136**

By Rep. PIEVSKY

An Act amending the "Senior Citizens Rebate and Assistance Act," approved March 11, 1971 (P. L. 104, No. 3), increasing eligibility under the property tax or rent rebate or inflation dividend.

APPROPRIATIONS.**HB 2183, PN 2998**

By Rep. PIEVSKY

An Act amending the "Third Class County Assessment Board Law," approved June 26, 1931 (P. L. 1379, No. 348), providing for the right to appeal before the board for persons suffering catastrophic losses to their property.

APPROPRIATIONS.**HB 2184, PN 3103**

By Rep. PIEVSKY

An Act amending the "General County Assessment Law," approved May 22, 1933 (P. L. 853, No. 155), providing for appeal by persons suffering catastrophic losses to their property.

APPROPRIATIONS.**HB 2194, PN 3104**

By Rep. PIEVSKY

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), providing for appeal by persons suffering catastrophic losses to their property.

APPROPRIATIONS.**SB 1181, PN 1596**

By Rep. PIEVSKY

An Act designating a section of Route 11 (Legislative Route 25) in Snyder County as the "Charles E. Attig, Jr. Memorial Highway."

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 2245, PN 3249 (Amended)

By Rep. GEORGE

An Act amending the "Solid Waste Management Act," approved July 7, 1980 (P. L. 380, No. 97), prohibiting the operation of disposal sites in the vicinity of water sources.

CONSERVATION.

HB 2308, PN 3217

By Rep. GEORGE

An Act amending the "Solid Waste Management Act," approved July 7, 1980 (P. L. 380, No. 97), prohibiting the siting of hazardous waste treatment or disposal facilities in the vicinity of certain sources of water.

CONSERVATION.

**CALENDAR CONTINUED
BILL ON THIRD
CONSIDERATION POSTPONED**

The House proceeded to **HB 1476, PN 3145**, on third consideration postponed, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying of tax on amusement devices.

On the question recurring,

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

Mr. FRYER offered the following amendments No. A1161:

Amend Title, page 1, line 22, by inserting a period after "devices"

Amend Title, page 1, lines 22 through 24, by striking out "ON" in line 22 and all of lines 23 and 24

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

a clause

Amend Sec. 1 (Sec. 2), page 3, lines 21 through 30, by striking out all of said lines

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. This is an amendment offered as a result of a reconsideration motion which was approved in the House on May 14. Some of you may not have the amendment on your desks, although it was circulated.

Mr. Fryer is recognized to explain the amendment.

Will the gentleman yield for a moment.

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman from Allegheny, Mr. Clark, wish to speak before Mr. Fryer?

Mr. CLARK. No, Mr. Speaker. I have a parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. CLARK. The reconsideration motion that Representative Fryer offered, is that a reconsideration of his amendment that we had passed previously? As I understand it, the bill is now in the form with the Fryer amendment.

The SPEAKER. As we have it, this is a reconsideration of the motion by which the Fryer amendment—

The Chair thinks it has this straightened out. Now, I may as well explain it for the rest of the members.

The gentleman, Mr. Fryer's amendment went into the bill. The gentleman, Mr. Lashinger, moved to reconsider the vote by which the Fryer amendment was placed in the bill, and that is now the debate. That places the Fryer amendment again before the House for open debate and for voting.

For the information of the members who may be almost as confused as the Chair, the gentleman, Mr. Fryer, introduced an amendment which is now in the bill in print. Mr. Lashinger opposed that amendment and moved to reconsider the Fryer language. The Chair is now informed that Mr. Lashinger, who is not on the floor of the House, has withdrawn that challenge. However, in order for the bill to be in proper form, it is now necessary for the House to revote the Fryer amendment.

On the question recurring,

Will the House agree to the amendments?

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

Mr. DeVERTER. Mr. Speaker, would the gentleman please take a moment to explain that amendment? It has been some time since we addressed that issue.

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

Mr. FRYER. Mr. Speaker, the amendment removes lines 22 through 30 on page 3 and line 1 on page 4. What it does is it deletes the provision as it pertains to ski resorts and public golf courses. This is the same amendment that passed the House several weeks ago.

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

Mr. CLARK. Thank you, Mr. Speaker.

I just want to indicate that I agree to this amendment. This amendment puts the bill in the form that we have it before us now. This was other legislation which is now being considered on its own, and I agree to the amendment, and I believe Mr. Lashinger does, too.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fattah	McCall	Rybak
Angstadt	Fee	McClatchy	Saloom
Armstrong	Fischer	McHale	Salvatore
Arty	Flick	McIntyre	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Blaum	Fryer	Maiale	Seventy
Book	Gallagher	Manderino	Showers

Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trelo
Colafella	Hoefel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Kasunic	Piccola	Wass
Deluca	Kennedy	Pievsky	Weston
DeVerter	Kosinski	Pistella	Wiggins
DeWeese	Kowalshyn	Pitts	Williams
Daley	Kukovich	Pott	Wilson
Davies	Lashinger	Preston	Wogan
Dawida	Laughlin	Punt	Wozniak
Dietz	Lescovitz	Rappaport	Wright, D. R.
Dininni	Letterman	Reber	Wright, J. L.
Dombrowski	Levi	Reinard	Wright, R. C.
Dorr	Levin	Richardson	Zwikl
Duffy	Linton	Rieger	
Durham	Livengood	Robbins	Irvis,
Evans	Lloyd	Rudy	Speaker

NAYS—0

NOT VOTING—8

Barber	Donatucci	Klingaman	Pratt
Deal	Johnson	Olasz	Spitz

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. WASS offered the following amendment No. A2899:

Amend Sec. 1 (Sec. 2), page 3, line 7, by striking out “twenty-five dollars (\$25)” and inserting
fifty dollars (\$50)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

My amendment just increases the cap. It goes from \$25 to \$50, and I would ask for an affirmative vote.

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

Mr. CLARK. Thank you, Mr. Speaker.

I would like to oppose the Wass amendment. We did some work and some surveys to determine this \$25 number. I would point out that prior to arriving at this number, we inserted a grandfather clause to protect any taxes imposed as of the beginning of this fiscal year, and we want to protect those into the future. This would only affect any future taxes imposed under the law, and I believe that a \$25 limit is reasonable.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the amendment, the Chair recognizes the gentleman, Mr. Wass.

Mr. WASS. Thank you very much.

Mr. Speaker, the gentleman, Mr. Clark, shares with us that the legislation grandfathers in those taxes that are imposed at this time, but he would also have to admit that many of those taxes go as high as \$100 to \$150 to \$300 per unit.

Mr. Speaker, I am trying to make the point here that those grandfathered in in many cases have reached the amounts of \$100 to \$150; I have even heard of those as high as \$300, and those will remain, as the gentleman suggested. But surely if we have such legislation and taxation, is it too much to go back to a cap of \$50 for our local governments instead of down to \$25?

Now, we are just trying to be a little fair here, and we are suggesting that this legislation will pass. I intend to support it, if it does carry my amendment giving the local governments at least \$50 per machine, and I do not think that is asking too much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clark.

Mr. CLARK. Thank you, Mr. Speaker.

I just want to indicate that, yes, this only affects new taxes that are over and above the taxes already imposed, in some cases as high as \$500, and I think a \$25 fee on new taxes, in addition, is reasonable, and I would oppose the amendment and ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, on the amendment.

Mr. LETTERMAN. I rise to oppose the amendment. If we keep fooling around, you are going to chase a lot of the machines out and there will not be any tax put on them at all. There will not be a machine left to be taxed. At \$25, there is no objection to the pinball-type, and if they keep on going, they are going to drive them right out, because they are not collecting that much money on them anymore.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—51

Afflerbach	Coslett	Lashinger	Saurman
Angstadt	Deluca	Lloyd	Schuler
Armstrong	Davies	McClatchy	Serafini
Arty	Dininni	McHale	Seventy
Baldwin	Dorr	Merry	Showers
Battisto	Fischer	Miller	Sirianni
Bowser	Foster, Jr., A.	Moehlmann	Taylor, E. Z.
Brandt	Freeman	Nahill	Tigue
Bunt	Gladeck	Piccola	Vroon

Burns	Greenwood	Rappaport	Wass
Caltagirone	Hagarty	Reinard	Wilson
Cawley	Hershey	Rieger	Wright, J. L.
Clymer	Honaman	Robbins	

NAYS—140

Alderette	Foster, W. W.	McIntyre	Rudy
Belardi	Freind	McMonagle	Ryan
Belfanti	Fryer	McVerry	Rybak
Blaum	Gallagher	Mackowski	Saloom
Book	Gallen	Madigan	Salvatore
Boyes	Gamble	Maiale	Scheetz
Broujos	Geist	Manderino	Semmel
Burd	George	Manmiller	Smith, B.
Cappabianca	Godshall	Markosek	Smith, L. E.
Carn	Grieco	Mayernik	Snyder, D. W.
Cessar	Gruitza	Michlovic	Snyder, G. M.
Cimini	Gruppo	Micozzie	Stairs
Civera	Haluska	Miscevich	Steighner
Clark	Harper	Morris	Stewart
Cohen	Hasay	Mowery	Stuban
Colafella	Hayes	Mrkoncic	Sweet
Cole	Herman	Murphy	Swift
Cordisco	Hoeffel	Noye	Taylor, F. E.
Cornell	Hutchinson	O'Brien	Telek
Cowell	Itkin	O'Donnell	Trello
Coy	Jackson	Oliver	Truman
DeVerter	Jarolin	Perzel	Van Horne
DeWeese	Kasunic	Peterson	Wachob
Daley	Kennedy	Petrarca	Wambach
Dawida	Kosinski	Petrone	Wargo
Deal	Kowalshyn	Phillips	Weston
Dietz	Kukovich	Pievsky	Williams
Dombrowski	Laughlin	Pistella	Wogan
Donatucci	Lescovitz	Pitts	Wozniak
Duffy	Letterman	Pott	Wright, D. R.
Durham	Levi	Pratt	Wright, R. C.
Evans	Levin	Preston	Zwikl
Fargo	Linton	Punt	
Fattah	Livengood	Reber	Irvis,
Fee	Lucyk	Richardson	Speaker
Flick	McCall		

NOT VOTING—7

Barber	Klingaman	Spencer	Wiggins
Johnson	Olasz	Spitz	

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

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

Mr. DeVERTER offered the following amendments No. A2925:

Amend Title, page 1, line 39, by inserting after "devices" further providing for limitations on rates of specific taxes; providing for alternate earned income tax rate limitations; and making a repeal

Amend Sec. 1, page 2, line 2, by striking out "A CLAUSE" and inserting

clauses

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 21 and 22

(13) To levy, assess or collect any tax on occupations using a millage or percentage of any value, a flat rate or any arbitrary value placed on various occupations as a basis for such tax if such local authority elects to use the alternate earned income tax rate limits contained in section 8(3.1).

Section 2. Section 8 of the act, amended December 27, 1967 (P.L. 894, No. 404), is amended to read:

Section 8. Limitations on Rates of Specific Taxes.—No taxes levied under the provisions of this act shall be levied by any political subdivision on the following subjects exceeding the rates specified in this section:

(1) Per capita, poll or other similar head taxes, ten dollars (\$10).

(2) On each dollar of the whole volume of business transacted by wholesale dealers in goods, wares and merchandise, one mill, by retail dealers in goods, wares and merchandise and by proprietors of restaurants or other places where food, drink and refreshments are served, one and one-half mills; except in cities of the second class, where rates shall not exceed one mill on wholesale dealers and two mills on retail dealers and proprietors. No such tax shall be levied on the dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise, taken by any dealer as a trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance.

(3) On wages, salaries, commissions and other earned income of individuals, one percent.

(3.1) Subject to the provisions of section 17(c), on wages, salaries, commissions and other earned income of individuals, one-half percent for cities, boroughs, towns and townships, and one and one-half percent for school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, notwithstanding the general provisions of this section relative to rate sharing between political subdivisions.

(4) On retail sales involving the transfer of title or possession of tangible personal property, two percent.

(5) On the transfer of real property, one percent.

(6) On admissions to places of amusement, athletic events and the like, and on motion picture theatres in cities of the second class, ten percent.

(7) Flat rate occupation taxes not using a millage or percentage as a basis, ten dollars (\$10).

(8) Occupational privilege taxes, ten dollars (\$10).

Except as otherwise provided in this act, at any time two political subdivisions shall impose any one of the above taxes on the same person, subject, business, transaction or privilege, located within both such political subdivisions, during the same year or part of the same year, under the authority of this act then the tax levied by a political subdivision under the authority of this act shall, during the time such duplication of the tax exists, except as hereinafter otherwise provided, be one-half of the rate, as above limited, and such one-half rate shall become effective by virtue of the requirements of this act from the day such duplication becomes effective without any action on the part of the political subdivision imposing the tax under the authority of this act. When any one of the above taxes has been levied under the provisions of this act by one political subdivision and a subsequent levy is made either for the first time or is revived after a lapse of time by another political subdivision on the same person, subject, business, transaction or privilege at a rate that would make the combined levies exceed the limit allowed by this subdivision, the tax of the second political subdivision shall not become effective until the end of the fiscal year for which the prior tax was levied, unless:

(1) Notice indicating its intention to make such levy is given to the first taxing body by the second taxing body as follows: (i) when the notice is given to a school district it shall be given at least forty-five days prior to the last day fixed by law for the levy of its school taxes; (ii) when given to any other political subdivision it shall be prior to the first day of January immediately preceding, or if a last day for the adoption of the budget is fixed by law, at least forty-five days prior to such last day; or

(2) Unless the first taxing body shall indicate by appropriate resolution its desire to waive notice requirements in which case the levy of the second taxing body shall become effective on such date as may be agreed upon by the two taxing bodies.

It is the intent and purpose of this provision to limit rates of taxes referred to in this section so that the entire burden of one tax on a person, subject, business, transaction or privilege shall not exceed the limitations prescribed in this section: Provided, however, That any two political subdivisions which impose any one of the above taxes, on the same person, subject, business, transaction or privilege during the same year or part of the same year may agree among themselves that, instead of limiting their respective rates to one-half of the maximum rate herein provided, they will impose respectively different rates, the total of which shall not exceed the maximum rate as above permitted.

Notwithstanding the provisions of this section, any city of the second class A may enact a tax upon wages, salaries, commissions and other earned income of individuals resident therein, not exceeding one percent, even though a school district levies a similar tax on the same person provided that the aggregate of both taxes does not exceed two percent.

Section 3. Section 17 of the act is amended to read:

Section 17. Tax Limitations.—(a) Over-all Limit of Tax Revenues.—The aggregate amount of all taxes imposed by any political subdivision under this section and in effect during any fiscal year shall not exceed an amount equal to the product obtained by multiplying the latest total market valuation of real estate in such political subdivision, as determined by the board for the assessment and revision of taxes or any similar board established by the assessment laws which determines market values of real estate within the political subdivision, by twelve mills. In school districts of the second class, third class and fourth class and in any political subdivision within a county where no market values of real estate have been determined by the board for the assessment and revision of taxes, or any similar board, the aggregate amount of all taxes imposed under this section and in effect during any fiscal year shall not exceed an amount equal to the product obtained by multiplying the latest total market valuation of real estate in such school district, or other political subdivision, as certified by the State Tax Equalization Board, by twelve mills. In school districts of the third and fourth class, taxes imposed on sales involving the transfer of real property shall not be included in computing the aggregate amount of taxes for any fiscal year in which one hundred or more new homes or other major improvements on real estate were constructed in the school district.

The aggregate amount of all taxes imposed by any independent school district under this section during any fiscal year shall not exceed an amount equal to the product obtained by multiplying the latest total valuation of real estate in such district by fifteen mills.

(b) Reduction of Rates Where Taxes Exceed Limitations; Use of Excess Moneys.—If, during any fiscal year, it shall appear that the aggregate revenues from taxes levied and collected under the authority of this act will materially exceed the limitations imposed by this act, the political subdivision shall forthwith reduce the rate or rates of such tax or taxes to stay within such limitations as nearly as may be. Any one or more persons liable for the payment of taxes levied and collected under the authority of this act shall have the right to complain to the court of common pleas of the county in an action of mandamus to compel compliance with the preceding provision of this subsection. Tax moneys levied and collected in any fiscal year in excess of the limitations imposed by this act shall not be expended during such year, but shall be deposited in a separate account in the treasury of the political subdivision for expenditure in the following fiscal year. The rates of taxes imposed under this act for the following fiscal year shall be so fixed that the revenues thereby produced,

together with the excess tax moneys on deposit as aforesaid, shall not exceed the limitations imposed by this act.

(c) Alternate Earned Income Tax Rate Limitations.—During the first and each subsequent calendar or fiscal year for which alternate local earned income tax rate limits are in effect, any political subdivision may raise the rate of its earned income tax provided that such political subdivision simultaneously eliminates its occupation tax or reduces or eliminates another tax or taxes, including real property taxes, so that the total of all other taxes collected by the taxing district are reduced by at least ninety percent of the estimated increase in collection attributable to the increased earned income tax rate. Any time any tax is lowered pursuant to this paragraph such rate shall not be thereafter raised for a period of two years and shall not again equal the former rate for a period of seven years unless the political subdivision shall have submitted such tax rate for the approval of the electorate in accordance with the procedures provided by law for the approval of the incurring of indebtedness by referendum.

Amend Sec. 2, page 4, line 2, by striking out “2” and inserting

4

Amend Sec. 3, page 4, line 6, by striking out all of said line and inserting

Section 5. Any acts or parts of acts are repealed insofar as they relate to the levy, assessment or collection of occupation taxes by political subdivisions subject to the act.

Section 6. This act shall take effect January 1, 1985 for political subdivisions operating on a calendar year basis, and on the first day of the fiscal year beginning in the calendar year 1985 for political subdivisions operating on a fiscal year basis.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, I rise today to offer amendment A2925 in hopes that we can finally begin the process for many of us who represent school districts and municipalities around this State that are having a great deal of difficulty as it relates to occupational assessment taxes.

My amendment is basically an optional amendment, and what we are attempting to do is, first of all, prohibit a flat rate or any other arbitrary tax placed on value on various occupations in the Commonwealth. As many of you know who have had experience with this particular tax, it is an onerous one and one that cannot really and truly be levied equitably.

What our amendment would do is replace those, if the districts—and I would caution the members to listen closely to this—would give them the option to either move to a higher degree of earned income or remain with the existing law. What we are attempting to do, Mr. Speaker, is then provide an optional way for those districts to go. It is not compulsory. If they choose to remain in the same mode as they presently are, they may do so. If they opt to get out of those nuisance taxes, they may go to an earned income tax up to as high as 1 1/2 percent. It is not mandated that they go to that full extent, but rather, they may take it in .25- or 1/4-percent increments.

We also provide that in any case, if they opt to go the alternate earned income tax way, they then not be permitted, or that they must reduce some other taxes within their collecting authority by at least 90 percent so that they cannot derive a

windfall from this particular option if it happens to be that that is the direction they choose to go in.

Mr. Speaker, I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

GERMANENESS QUESTIONED

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

Mr. CLARK. Thank you, Mr. Speaker.

One thing I have learned with this bill in particular is that if we consider amendments going into other tax issues, the bill is going to fail. On one occasion the bill passed and was reconsidered, and then another tax issue was considered and the bill failed. What Representative DeVerter is attempting to do here is insert a type of tax reform on a localized effort to this legislation which strictly deals with one section of one tax.

Mr. Speaker, I would like to know if this amendment is germane to this bill and put that question to the full House.

The SPEAKER. The gentleman, Mr. Clark, has questioned the germaneness of the amendment offered by the gentleman, Mr. DeVerter, to HB 1476. The decision of germaneness is up to the body of the House.

On the question,

Will the House sustain the germaneness of the amendments?

Mr. DeVERTER. Mr. Speaker, on the germaneness issue.

The SPEAKER. On the question of germaneness, the gentleman from Mifflin, Mr. DeVerter, is recognized, and on that narrow point only.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, on the germaneness issue, the amendment amends Act 511. HB 1476 deals with Act 511. I would see no reason for the members not to agree that amendment A2925 is germane to HB 1476. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Clark, on germaneness.

Mr. CLARK. Thank you, Mr. Speaker.

I would just suggest that HB 1476 was drafted to a very narrow section of Act 511, and this amendment would expand it to amend a broader section of Act 511 and, therefore, change the original intent of the legislation. I would just suggest to the House that this amendment is not germane and express the fear that this could kill the legislation.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, may I ask a question of interrogation of the maker of the amendment relative to the germaneness?

The SPEAKER. Relative to germaneness, you certainly may. Mr. DeVerter indicates he will so stand.

Mr. DeVERTER. I will respond to Mr. Davies' question.

Mr. DAVIES. Mr. Speaker, relative to those taxes, could a district eliminate other of those nuisance taxes as well as a potential—

The SPEAKER. Mr. Davies, your question does not pertain to germaneness but to the substance of the bill. You are limited to the discussion of germaneness only, sir.

PARLIAMENTARY INQUIRY

Mr. DAVIES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. State the point.

Mr. DAVIES. Is the germaneness the width and breadth of the— Has that not been one of the challenges by the person who raised the question?

The SPEAKER. The Chair cannot hear you. Would you state your point, please.

Mr. DAVIES. Was not one of the objections on the question of germaneness the scope or latitude of the amendment?

The SPEAKER. The Chair is of the opinion that the answer to that is "no."

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. The question is on germaneness. Those who believe the DeVerter amendment to be germane will vote "aye"; those who believe it to be nongermane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—121

Afflerbach	Fattah	Lucyk	Schuler
Angstadt	Flick	McClatchy	Semmel
Armstrong	Foster, W. W.	McHale	Serafini
Arty	Foster, Jr., A.	McVerry	Seventy
Baldwin	Freeman	Mackowski	Showers
Battisto	Freind	Madigan	Sirianni
Belardi	Gallen	Manmiller	Smith, B.
Blaum	Geist	Merry	Smith, L. E.
Book	George	Micozzie	Snyder, D. W.
Bowser	Gladeck	Miller	Snyder, G. M.
Brandt	Godshall	Moehlmann	Spencer
Broujos	Greenwood	Morris	Stuban
Bunt	Grieco	Mowery	Sweet
Burd	Gruppo	Nahill	Swift
Burns	Hagarty	Noye	Taylor, E. Z.
Cappabianca	Haluska	O'Brien	Taylor, F. E.
Cawley	Hasay	Perzel	Telek
Cessar	Hayes	Peterson	Tigue
Cimini	Herman	Phillips	Vroon
Clymer	Hershey	Piccola	Wargo
Cordisco	Honaman	Pistella	Wass
Cornell	Itkin	Pott	Weston
Coslett	Jackson	Punt	Wilson
Coy	Johnson	Reber	Wogan
Deluca	Kennedy	Reinard	Wright, J. L.
DeVerter	Klingaman	Robbins	Wright, R. C.
Davies	Kowalshyn	Rudy	Zwinkl
Dietz	Lashinger	Ryan	
Dininni	Levi	Saloom	Irvis,
Dorr	Levin	Salvatore	Speaker
Fargo	Lloyd	Scheetz	

NAYS—69

Alderette	Evans	Livengood	Pratt
Barber	Fee	McCall	Preston
Belfanti	Fischer	McIntyre	Richardson
Boyes	Fryer	McMonagle	Rieger
Caltagirone	Gallagher	Maiale	Rybak
Carn	Gamble	Manderino	Stairs
Civera	Gruitza	Markosek	Steighner
Clark	Harper	Mayernik	Stewart
Cohen	Hoeffel	Michlovic	Trello
Colafella	Hutchinson	Miscevich	Truman
Cole	Jarolin	Mrkonic	Van Horne
Cowell	Kasunic	Murphy	Wachob
Daley	Kosinski	O'Donnell	Wambach
Dawida	Kukovich	Oliver	Wiggins
Deal	Laughlin	Petrarca	Williams
Dombrowski	Lescovitz	Petrone	Wozniak
Duffy	Letterman	Pievsy	Wright, D. R.
Durham			

NOT VOTING—8

DeWeese	Linton	Pitts	Saurman
Donatucci	Olasz	Rappaport	Spitz

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

The SPEAKER. On the adoption of the DeVerter amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Would Mr. DeVerter consent to interrogation?

The SPEAKER. Is it on the adoption of the amendment?

Mr. LLOYD. On the adoption of the amendment.

The SPEAKER. The gentleman, Mr. Lloyd, requests that the gentleman, Mr. DeVerter, stand for interrogation. The gentleman, Mr. DeVerter, is so standing. Mr. Lloyd is in order and may proceed.

Mr. LLOYD. Thank you, Mr. Speaker.

I just want to understand, because it is kind of confusing, I want to understand and make sure I know exactly who would be paying what tax.

The first question is, Mr. Speaker, you propose to allow only the school districts to get rid of the occupational assessment tax?

Mr. DeVERTER. No.

Mr. LLOYD. Okay. You propose to allow all political subdivisions, Mr. Speaker, to get rid of the occupational assessment tax.

Mr. DeVERTER. That is correct, Mr. Speaker.

Mr. LLOYD. Okay. Now, the rate of tax which would be imposed as a replacement, under the amendment it says that the cities, boroughs, towns, and townships would impose a 1/2-percent tax. Is that correct?

Mr. DeVERTER. That is correct.

Mr. LLOYD. Now, is that in addition to the 1/2-percent tax that they can impose at the present time?

Mr. DeVERTER. No; it is not.

Mr. LLOYD. It is not. Okay.

So if a city or a borough or a township wanted to get rid of the occupational assessment tax and it cannot impose a higher earned income tax than it can already impose, is it not in a Catch 22? Where is it going to get its alternative revenue source?

Mr. DeVERTER. Mr. Speaker, in the case of political subdivisions, the option probably would not be as significant as with school districts. Most, if not probably 80 to 90 percent, do not in any way, shape, or form now levy the occupational assessment tax. What we are looking at is mainly addressing the issue of that tax on local school districts. In that regard, we give them the option to move to the 1 1/2 percent. We did this because of the many sections of the State, especially in the southeast, where you have a situation that they cannot levy the earned income tax regardless.

Mr. LLOYD. Mr. Speaker, I am not going to argue the merits, because I am not even sure I disagree with you. I just want to try to understand the amendment.

The amendment is, then, that the township would not be given any additional earned income taxing authority than it has under present law. Is that correct, Mr. Speaker?

Mr. DeVERTER. They would have the same taxing authority unless they opted to go for the alternative proposal as outlined on page 4 of the amendments.

Mr. LLOYD. Well, that is my question then. Are you saying, under that alternative, that they could raise the earned income tax to higher than the one-half of 1 percent that is allowed to them under existing law?

Mr. DeVERTER. No; they would still be required to levy only the one-half of 1 percent.

Mr. LLOYD. Well, then where is the alternative, Mr. Speaker? Where is the replacement tax?

Mr. DeVERTER. The alternative for them is to remain as they currently are, because they are not the ones that are so affected.

Mr. LLOYD. Okay.

Mr. DeVERTER. There are many municipalities that presently do not levy one-half of 1 percent of their earned income tax that is collected by school districts. To do otherwise would then provide them with a windfall. I am trying to provide an incentive for them not to raise taxes; in other words, to stay as they are, but at the same time in those areas where the need arises to move away from that tax, that they be given the option to do so.

Mr. LLOYD. Okay.

Now, a school district which chooses to get rid of its occupational assessment tax could raise its earned income tax from 1/2 percent to 1 1/2 percent?

Mr. DeVERTER. That is correct.

Mr. LLOYD. So that therefore, if I live in a school district which at the present time levies a 1/2 percent and the township levies a 1/2 percent and my school district levies an occupational assessment tax and it wants to get rid of that, my earned income tax could theoretically go to 2 percent. Is that correct?

Mr. DeVERTER. That is correct, Mr. Speaker.

Mr. LLOYD. And there is a limitation, however, that in order to take advantage of this 1 1/2 percent, the school district has to cut its occupational tax and/or its property tax by 90 percent?

Mr. DeVERTER. That is correct - of what they could anticipate collecting on a new tax system.

Mr. LLOYD. So consequently, if the amendment were to be adopted and we were to get into this alternative situation, the only additional revenue which the school district would take in would be about 10 percent.

Mr. DeVERTER. That is correct.

Mr. LLOYD. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Delaware, Mrs. Durham, on the amendment.

Mrs. DURHAM. Thank you.

Mr. Speaker, will the maker of the amendment stand for interrogation?

Mr. DeVERTER. Yes, Mr. Speaker.

The SPEAKER. The gentleman is willing to stand for interrogation. The lady may proceed.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I want to make sure that I understand this amendment correctly.

This is an earned income tax. Is that correct?

Mr. DeVERTER. That is correct.

Mrs. DURHAM. And is it also correct that this would be a change from the present system in that a municipality could enact a 1/2-percent tax and then the school district could also enact 1 1/2 percent?

Mr. DeVERTER. That is correct, if they choose the alternative earned income tax limitations way to go. But they must give up some other form of taxation once they opt to do that, Mr. Speaker.

Mrs. DURHAM. Speaking to the amendment on page 4, Mr. Speaker, where it says they must eliminate a tax, am I understanding the amendment correctly if I assume that they must eliminate more than one tax? For example, they could not just eliminate the occupation tax?

Mr. DeVERTER. No. They would have to eliminate whatever other taxes would be needed to arrive at approximately the same limits that they now raise under the current system. In other words, the amendment is designed to provide that there is not a windfall, so that there is an evening out, if you will, of any new tax that is put in place, that being, in this case, the earned income. It is not my desire and I do not think anyone's in this body to insure that we all of a sudden provide a great influx of additional new revenues to school districts or local municipalities.

Everyone is in trouble, I guess, across the Commonwealth financially, but one of the areas is that the occupational tax is so onerous. It is not collected by a payroll deduction; it is hit on the people with one lump sum once a year, and it just is not a fair way to collect taxes. That is the reason I am providing the option. In those areas of the State where people feel that

they want to continue with that system, let them so do it. If in other areas of the State they opt to go to the earned income area, I think they ought to be permitted to do that as well. Thank you.

Mrs. DURHAM. Mr. Speaker, would I be in order to make my comments on the amendment?

The SPEAKER. The lady is in order.

Mrs. DURHAM. Thank you, Mr. Speaker.

I want to urge the members to have caution when they vote on this amendment. I cited an example to several other legislators on the floor that last year in a school district in Delaware County we had 600 people show up at a school board meeting to fight an earned income tax, and instead, they preferred to vote and support a 36-mill increase. So I urge you to have caution when you vote on this tax increase today.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach, on the amendment.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

I join the lady, Mrs. Durham, in urging caution on this amendment. I would go one step further and also urge its defeat.

There are quite a number of us in this chamber who have been more than concerned about local tax reform for our municipalities. This amendment does nothing for the cities; it does nothing for the townships; it does nothing for the boroughs. I suggest, if we begin a piecemeal approach of addressing only the local taxation of school districts, we are going to have a much more difficult time attempting local tax reform for our municipalities. I think instead we should take this amendment, defeat it now, and continue to work on a comprehensive package for all local government.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CLARK. Thank you, Mr. Speaker.

I just want to urge a negative vote on this amendment. I do not believe this is the time nor place to consider what will be a tax increase for some and a tax reduction for others. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeVerter, for the second time on his amendment.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, in response to Mr. Afflerbach's concern and the statements, many of which were made a couple of weeks ago when it came to the Philadelphia business tax, we heard how everything was going to move promptly along and we were going to resolve all the issues, including local tax reform. I have been in this chamber 12 years, and each time that legislation has come before this body, it has either been side-stepped or it has not been addressed at all. And it appears that every time a comprehensive package has been offered, including Representative Wilson's from Bucks County, there has been a reluctance to address this issue.

I would just urge the members, since we are not prone to move on a comprehensive local tax reform package, that

perhaps the best way to do it is through a step-by-step procedure, and I would just respectfully ask the members to give that consideration and ask for their affirmative vote on this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—84

Armstrong	Freeman	McClatchy	Salvatore
Baldwin	Freind	Mackowski	Scheetz
Blaum	Gallen	Madigan	Schuler
Book	Geist	Manmiller	Semmel
Brandt	Greenwood	Merry	Showers
Broujos	Grieco	Moehlmann	Sirianni
Bunt	Gruppo	Mowery	Smith, B.
Burd	Hasay	Noye	Smith, L. E.
Burns	Hayes	O'Brien	Snyder, D. W.
Cawley	Herman	Perzel	Snyder, G. M.
Cimini	Hershey	Peterson	Spencer
Clymer	Hoeffel	Phillips	Swift
Cordisco	Honaman	Piccola	Taylor, E. Z.
Coslett	Jackson	Pitts	Telek
DeVerter	Johnson	Pott	Tigue
Davies	Kennedy	Pratt	Wass
Dietz	Klingaman	Punt	Weston
Dininni	Lashinger	Reber	Wilson
Dorr	Lettermann	Reinard	Wogan
Fargo	Levi	Robbins	Wright, J. L.
Foster, Jr., A.	Lloyd	Rudy	Wright, R. C.

NAYS—104

Afflerbach	Duffy	Livengood	Richardson
Alderette	Durham	Lucyk	Rieger
Angstadt	Evans	McCall	Ryan
Barber	Fattah	McHale	Rybak
Battisto	Fee	McIntyre	Saloom
Belardi	Fischer	McMonagle	Saurman
Belfanti	Fryer	Maiale	Serafini
Bowser	Gallagher	Manderino	Seventy
Boyes	Gamble	Markosek	Stairs
Caltagirone	George	Mayernik	Steighner
Cappabianca	Gladeck	Michlovic	Stewart
Carn	Godshall	Micozzie	Sweet
Cessar	Gruitza	Miller	Taylor, F. E.
Civera	Hagarty	Miscevich	Trello
Clark	Haluska	Morris	Truman
Cohen	Harper	Mrkonic	Van Horne
Colafiglia	Hutchinson	Murphy	Wambach
Cole	Itkin	Nahill	Wargo
Cornell	Jarolin	O'Donnell	Wiggins
Cowell	Kasunic	Oliver	Williams
Coy	Kosinski	Petrarca	Wozniak
Deluca	Kowalyszyn	Petrone	Wright, D. R.
DeWeese	Kukovich	Pievsky	Zwikl
Daley	Laughlin	Pistella	
Dawida	Lescovitz	Preston	Iris,
Deal	Levin	Rappaport	Speaker
Dombrowski	Linton		

NOT VOTING—10

Arty	Foster, W. W.	Spitz	Vroon
Donatucci	McVerry	Stuban	Wachob
Flick	Olasz		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. LAUGHLIN offered the following amendments No. A2869:

Amend Bill, page 4, by inserting between lines 5 and 6

Section 3. (a) Notwithstanding any other provision of this act in any case where amusement device taxes levied by a municipality and a school district together exceed \$25 per amusement device on account of being levied prior to July 1, 1983, then neither the municipality nor the school district may levy any additional amusement device taxes or increase any existing amusement device taxes, but the municipality and the school district may divide the proceeds of the existing amusement device taxes between them in accordance with law.

(b) Notwithstanding any other provision of this act in any case where amusement device fees charged by a municipality and a school district together exceed \$10 per amusement device on account of being imposed prior to July 1, 1983, then neither the municipality nor the school district may levy any additional amusement device fee or increase any existing amusement device fee, but the municipality and the school district may divide the proceeds of the existing amusement device fees between them in accordance with law.

Amend Sec. 3, page 4, line 6, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, there are some areas of the State that have enacted very high taxation with regard to the machines that we are discussing today. What this particular amendment will do is provide that there will be no further taxation in the area of those machines as it relates to the local municipality or the school district, and any sharing of that particular tax would be required without exceeding the present level of \$25 and \$10 for the fee for the inspection of those devices, Mr. Speaker. I ask for an affirmative vote.

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

Mr. CLARK. Thank you, Mr. Speaker.

I just want to concur in Representative Laughlin's comments and urge the adoption of this amendment. It will tighten up some of the language in the bill, and we have had so many redrafts we have had problems with. I urge an affirmative vote. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, will the maker of the amendment consent to interrogation?

Mr. LAUGHLIN. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Laughlin, indicates he will stand. The gentleman, Mr. Itkin, is in order and may proceed.

Mr. ITKIN. Mr. Speaker, if we have a municipality that now is imposing, let us say for sake of argument, a \$100 tax on an amusement device, and we have a coterminous school

district which is not now imposing any type of tax, what would be the effect of this amendment if after this bill should be adopted the school district desires to seek revenues from this type of taxation?

Mr. LAUGHLIN. Mr. Speaker, to answer that question, what would happen is this: If your municipality is presently taxing at the rate of \$100 and the school district is desirous of levying an assessment of a similar nature, they would be denied the opportunity of doing so because they would then be exceeding the existing level that they had previously enjoyed; that is, we say that all those taxes or fees that were in place prior to July of 1983 cannot be changed or exceeded. That is guaranteed under the grandfather clause that was placed in the bill. So, Mr. Speaker, they would not be able to exceed that \$100 fee for school or for local municipality. That is what the amendment does.

Mr. ITKIN. So you are saying that in effect, if this amendment goes in, there would be no loss of revenue to that municipality which originally imposed a tax which exceeded the limits in this amendment?

Mr. LAUGHLIN. Mr. Speaker, if you were to examine the amendment closely, you would find in the very last sentence it says "may," Mr. Speaker. That means there would be no loss of revenue for the district that had already imposed the tax, unless it were agreeable to them, Mr. Speaker.

Mr. ITKIN. I am somewhat confused, Mr. Speaker, because the way I read this amendment, it says, "Notwithstanding any other provision of this act..." Therefore, we look exactly at the amendment here as giving us complete guidance, and it says that "...where amusement device taxes levied by a municipality and a school district together exceed \$25 per amusement device on account of being levied prior to July 1, 1983,"—and this is in fact the case; we are talking about something that came before—"then neither the municipality nor the school district may levy any additional amusement device taxes or increase any existing amusement device taxes, but the municipality and the school district may divide the proceeds of the existing amusement device taxes between them in accordance with law." I cannot understand, Mr. Speaker, because it basically says right here that the municipality and the school district may divide the proceeds of the existing amusement device taxes.

Mr. LAUGHLIN. Yes, Mr. Speaker. That is the key word. It says "may." That means those districts that have already imposed that tax at the level that they have already have an exclusion under the grandfather clause that enables them to continue taxing at the level in existence. So they will not lose any money, Mr. Speaker, unless they desire to divide that money with the other area, which is your school district that you are indicating, in the event that they would propose a similar tax.

Mr. ITKIN. It looks to me, Mr. Speaker, like the grandfather clause is being removed here. That is my understanding of what this amendment does, because it says, "Notwithstanding any other provision of this act..." and therefore, the grandfather clause, which is some other place in the act, is not to be considered with respect to—

Mr. LAUGHLIN. Mr. Speaker, this replaces that particular language that calls for the total taxation. It provides that they still have that existing exemption but they do not have additional exemptions.

Mr. ITKIN. Thank you, Mr. Speaker.

The SPEAKER. Has the gentleman completed his interrogation?

Mr. ITKIN. May I now address the House, please?

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

Mr. ITKIN. Mr. Speaker, I am personally confused. I do not know how to interpret this thing right now. It looks like to me that what this amendment does is contrary to what the maker of the amendment stated it does. It seems to me on reading the amendment that if any tax which exceeded the cap was imposed prior to July 1, 1983, then it could not be increased. I should say, the taxpayers under this act would be protected, but that one municipality or the school district would have the option of demanding the sharing provision from the other, and since it says, "Notwithstanding any other provision of this act,..." then the grandfather clause, which appears in section 2, would not be valid.

Mr. Speaker, I am going to vote "no" on this amendment so that I am certain as to what provisions of the current bill remain.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clark, for the second time on the Laughlin amendment.

Mr. CLARK. Thank you, Mr. Speaker.

Just to clarify very quickly. This would keep the grandfather clause. It would hold harmless all municipalities which now impose taxes and would further protect taxpayers from being forced to pay higher taxes should a municipality wish to enact a separate tax from a school district or vice versa. It does provide that where an agreement can be reached, they may share in current taxes, but in no area does it require that they share those taxes.

I would urge an affirmative vote for the Laughlin amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—48

Alderette	Fee	Michlovic	Stewart
Angstadt	Foster, Jr., A.	Mrkonie	Treilo
Barber	Gallagher	Oliver	Van Horne
Belardi	Godshall	Petrarca	Wachob
Boyes	Harper	Petrone	Weston
Broujos	Hutchinson	Pievsky	Wilson
Cappabianca	Laughlin	Pott	Wozniak
Carn	Letterman	Pratt	Wright, D. R.
Clark	Linton	Rappaport	Zwikl
Colafella	Livengood	Richardson	
DeWeese	McCall	Saloom	Irvis,
Deal	Maiale	Steighner	Speaker
Fattah	Manderino		

NAYS—145

Afflerbach	Evans	Lescovitz	Rieger
Armstrong	Fargo	Levi	Robbins
Arty	Fischer	Levin	Rudy
Baldwin	Flick	Lloyd	Ryan
Battisto	Foster, W. W.	Lucyk	Rybak
Belfanti	Freeman	McClatchy	Salvatore
Blaum	Freind	McHale	Saurman
Book	Fryer	McIntyre	Scheetz
Bowser	Gallen	McMonagle	Schuler
Brandt	Gamble	McVerry	Semmel
Bunt	Geist	Mackowski	Serafini
Burd	George	Madigan	Seventy
Burns	Gladeck	Manmiller	Showers
Caltagirone	Greenwood	Markosek	Siranni
Cawley	Grieco	Mayernik	Smith, B.
Cessar	Gruitza	Merry	Smith, L. E.
Cimini	Gruppo	Micozzie	Snyder, D. W.
Civera	Hagarty	Miller	Snyder, G. M.
Clymer	Haluska	Miscevich	Stairs
Cohen	Hasay	Moehlmann	Stuban
Cole	Hayes	Morris	Sweet
Cordisco	Herman	Mowery	Swift
Cornell	Hershey	Murphy	Taylor, E. Z.
Coslett	Hoeffel	Nahill	Taylor, F. E.
Cowell	Honaman	Noye	Telek
Coy	Itkin	O'Brien	Tigue
DeLuca	Jackson	O'Donnell	Truman
DeVerter	Jarolin	Perzel	Vroon
Daley	Johnson	Peterson	Wambach
Davies	Kasunic	Phillips	Wargo
Dawida	Kennedy	Piccola	Wass
Dietz	Klingaman	Pistella	Wiggins
Dininni	Kosinski	Preston	Williams
Dombrowski	Kowalshyn	Punt	Wogart
Dorr	Kukovich	Reber	Wright, J. L.
Duffy	Lashinger	Reinard	Wright, R. C.
Durham			

NOT VOTING—5

Donatucci	Pitts	Spencer	Spitz
Olasz			

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—74

Alderette	Godshall	Mayernik	Smith, B.
Barber	Gruitza	Mrkoncic	Stairs
Boyes	Harper	Nahill	Steighner
Broujos	Hasay	O'Brien	Stewart
Cappabianca	Hoeffel	O'Donnell	Sweet
Carn	Itkin	Oliver	Trello
Clark	Jackson	Perzel	Truman
Cohen	Kosinski	Petrarca	Van Horne
Colafella	Laughlin	Petrone	Wachob
Cordisco	Lescovitz	Pievsky	Wass
Cornell	Letterman	Pistella	Weston
DeWeese	Levin	Pott	Wiggins

Deal	Linton	Pratt	Williams
Dombrowski	McClatchy	Punt	Wilson
Donatucci	McIntyre	Rappaport	Wogan
Evans	McMonagle	Richardson	Wozniak
Fattah	Maiale	Rieger	
Fee	Manderino	Saloom	Irviss
Gallagher	Markosek	Salvatore	Speaker

NAYS—118

Afflerbach	Dietz	Kennedy	Reinard
Angstadt	Dininni	Klingaman	Robbins
Armstrong	Dorr	Kowalshyn	Rudy
Arty	Duffy	Kukovich	Ryan
Baldwin	Durham	Lashinger	Rybak
Battisto	Fargo	Levi	Saurman
Belardi	Fischer	Lloyd	Scheetz
Belfanti	Flick	Lucyk	Schuler
Blaum	Foster, W. W.	McCall	Semmel
Book	Foster, Jr., A.	McHale	Serafini
Bowser	Freeman	McVerry	Seventy
Brandt	Freind	Mackowski	Showers
Bunt	Fryer	Madigan	Siranni
Burd	Gallen	Manmiller	Smith, L. E.
Burns	Gamble	Merry	Snyder, D. W.
Caltagirone	Geist	Michlovic	Snyder, G. M.
Cawley	George	Micozzie	Stuban
Cessar	Gladeck	Miller	Swift
Cimini	Greenwood	Miscevich	Taylor, E. Z.
Civera	Grieco	Moehlmann	Taylor, F. E.
Clymer	Gruppo	Morris	Telek
Cole	Hagarty	Mowery	Tigue
Coslett	Haluska	Murphy	Vroon
Cowell	Hayes	Noye	Wambach
Coy	Herman	Peterson	Wargo
DeLuca	Hershey	Phillips	Wright, D. R.
DeVerter	Honaman	Piccola	Wright, J. L.
Daley	Jarolin	Preston	Wright, R. C.
Davies	Johnson	Reber	Zwikl
Dawida	Kasunic		

NOT VOTING—6

Hutchinson	Olasz	Spencer	Spitz
Livengood	Pitts		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to SB 58, PN 2065, on final passage postponed, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the transportation of property of unusual value, including money and securities, in armored motor vehicles; regulating construction costs of public utilities; and limiting rate increases.

On the question recurring,

Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. The bill is on final passage postponed. Without objection, the bill will appear on third consideration. The Chair hears no objection.

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

Mr. GODSHALL offered the following amendments No. A3083:

Amend Bill, page 5, lines 2 through 29, by striking out all of said lines

Amend Sec. 2, page 5, line 30, by striking out "2" and inserting

1

Amend Sec. 2, page 5, line 30, by inserting after "66"
of the Pennsylvania Consolidated Statutes

Amend Sec. 3, page 7, line 15, by striking out "3" and inserting

2

Amend Sec. 4, page 7, line 26, by striking out "4" and inserting

3

Amend Sec. 5, page 8, lines 21 through 30; page 9, lines 1 through 30; page 10, lines 1 through 30; page 11, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 6, page 11, line 3, by striking out "6" and inserting

4

Amend Sec. 7, page 11, line 19, by striking out "7" and inserting

5

Amend Bill, page 11, line 30; page 12, lines 1 and 2, by striking out all of line 30, page 11; line 1 and "(B) THE REMAINING PROVISIONS OF THIS" in line 2, page 12, and inserting Section 6. This

On the question,

Will the House agree to the amendments?

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

Mr. GODSHALL. Mr. Speaker, this is really a technical amendment. I am not changing the bill as unanimously passed 2 weeks ago by this body. During the discussion on the bill, however, Representative Steighner made the statement that he was withdrawing his amendment and supporting the Godshall amendment. In so doing, there was language deleted from the bill that had been taken out by his amendment. What this amendment does is really clarifies that and returns the bill to the original state as passed 2 weeks ago.

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

Mr. VROON. Mr. Godshall mentioned here a moment ago, Mr. Speaker, that this returns the bill to the position it was in a couple of weeks ago. Now, will Mr. Godshall please enlighten us as to exactly what position is that? Is that the original bill just the way it came out of committee, or is that the original bill amended by at least one amendment or more amendments? Please explain.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Godshall, for interrogation.

Mr. GODSHALL. SB 58 came over from the Senate totally deregulating armored carriers. The status of the bill at this time is by amendment we have said that the PUC (Public Utility Commission) shall regulate such things as insurance, work rules, vehicles, contracts, et cetera. What we have done

is taken out need and capability, and what we are saying is that a competing carrier cannot force his competition to prove need and capability before he can get into business. So we will be taking out need and capability and, as of right now, the PUC would still insure work rules, insurance, vehicles, contracts, et cetera. We are one of only about four or five States where there is any PUC involvement at all.

Mr. VROON. Okay.

Mr. Speaker, is it true then that this is reverting back to the original compromise that we effected some 2 to 3 weeks ago?

Mr. GODSHALL. This is reverting back to the compromise that I worked out with Representative Steighner about 2 weeks ago. It puts the bill in the exact same form as it was in 2 weeks ago when it was unanimously passed by this House.

Mr. VROON. Now, Mr. Speaker, one more question.

In the case of other new carriers who want to come into this business, what must they be compelled to do under the PUC regulations?

Mr. GODSHALL. Immediately upon application for an area, the PUC would grant them a license to operate. However, they would be under the PUC regulations as far as insurance, work rules; any contracts they sign with banks or whomever must be registered and filed with the PUC.

Mr. VROON. But the PUC may not bar them from coming into the business?

Mr. GODSHALL. The PUC may not prevent them from coming into business, nor can a competing carrier prevent them from coming into business, as has been the case previously when they were using the need and capability rules to hold up companies sometimes for 5, 6, and 7 years from coming into business.

Mr. VROON. Would this new carrier have to prove to the PUC that he has the capability and all of the necessary safeguards to carry on the business? Does he have to qualify?

Mr. GODSHALL. Yes, they would have to comply with the PUC rules, as I mentioned before.

Mr. VROON. Okay, then what have we changed?

Mr. GODSHALL. Pardon?

Mr. VROON. Up to this time, these have been subject to complete PUC control and the PUC determines whether or not somebody who applies is capable of going into the business. What is different now?

Mr. GODSHALL. Up until this time a carrier in business could protest as to need and capability of anybody else who wanted to come into the business. He would no longer be allowed to do that with this legislation.

Mr. VROON. But the PUC would still have to approve the fact that they are capable of—

Mr. GODSHALL. The legislation says that somebody who applies for a license to operate would get his license upon the application. Then, after the fact, he must conform with the PUC rules and regulations. The PUC has agreed with this amendment.

Mr. VROON. Okay. Thank you, Mr. Speaker. That is all I have.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. Steighner, on the amendment.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would simply like to concur in the statements made by Representative Godshall. It is also my understanding that the amendment has the support of the majority and minority chairmen on the Consumer Affairs Committee. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Afflerbach	Evans	Lloyd	Ryan
Alderette	Fargo	Lucyk	Rybak
Angstadt	Fattah	McCall	Saloom
Armstrong	Fee	McClatchy	Salvatore
Arty	Fischer	McHale	Saurman
Baldwin	Flick	McIntyre	Scheetz
Barber	Foster, W. W.	McMonagle	Schuler
Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Blaum	Fryer	Maiale	Showers
Book	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, L. E.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Merry	Snyder, G. M.
Bunt	Gladeck	Michlovic	Spencer
Burd	Godshall	Micozzie	Spitz
Burns	Greenwood	Miller	Stairs
Caltagirone	Grieco	Miscevich	Steighner
Cappabianca	Gruitza	Moehlmann	Stewart
Carn	Gruppo	Morris	Stuban
Cawley	Hagarty	Mowery	Sweet
Cessar	Haluska	Mrkonic	Swift
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clark	Hayes	Noye	Telek
Clymer	Herman	O'Brien	Tigue
Cohen	Hershey	O'Donnell	Trello
Colafella	Hoefel	Oliver	Truman
Cole	Honaman	Perzel	Van Horne
Cordisco	Hutchinson	Peterson	Vroon
Cornell	Itkin	Petrarca	Wachob
Coslett	Jackson	Petrone	Wambach
Cowell	Jarolin	Phillips	Wargo
Coy	Johnson	Piccola	Wass
Deluca	Kasunic	Pievsky	Weston
DeVerter	Kennedy	Pistella	Wiggins
DeWeese	Klingaman	Pitts	Williams
Daley	Kosinski	Pott	Wilson
Davies	Kowalshyn	Pratt	Wogan
Dawida	Kukovich	Preston	Wozniak
Deal	Lashinger	Punt	Wright, D. R.
Dietz	Laughlin	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker
Durham	Livengood	Rudy	

NAYS—0

NOT VOTING—1

Olasz

EXCUSED—4

Gannon

Lehr

Marmion

Stevens

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. McMonagle.

Mr. McMONAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I just cannot see how we can keep saying this creates jobs. I do not see how it does other than that we are going to lower the rates on a lot of things and that anybody can become an armored car carrier. A guy with a pickup truck can put some sheet metal on it, apply for a license, and now he is considered to be an armored car carrier and he is going to do whatever he wants to do.

I think we are going to run into a lot of problems in this, and by deregulating, we are also going to lower a lot of standards that we have now set in the armored car industry. We see where a lot of them get robbed now, and they are big companies that are very well protected. You are going to have companies out there now with just little vans and everything, with so-called bulletproof glass and everything, and there are just going to be more and more crimes committed, more and more robberies.

I just do not feel that this is a good way to do it. We ought to do it some other way, maybe allowing companies to come into the State, very well proven companies, but to let anybody become an armored car carrier right now, I think we are going to be creating more problems than this bill will solve. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on final passage.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, when this bill originally came over from the Senate and dealt solely with the question of deregulating armored car carriers, I shared and expressed many of the same concerns which Mr. McMonagle has expressed today. While I am in agreement with him with regard to the question of piecemeal deregulation of transportation, I think the Godshall amendment goes a long way toward resolving the concerns which were expressed by numerous members of the Consumer Affairs Committee.

Now, I think it is important for the members to remember that there is something else in this bill which was added by my amendment which, in my opinion, has a whole lot greater effect on utility customers than whatever we decide to do with armored car carriers. Specifically, my amendment, which is now a part of the bill on final passage, is an attempt to put a

handle on the escalating cost overruns on the construction of powerplants.

Of particular concern under the language in the bill at the present time, when a power company, an electric company, wants to build a new plant, it would have to submit to the Public Utility Commission its estimated cost of building that plant. If 6 or 8 years from now, when the power company comes in to try to get rate recognition of that plant, the cost of building that plant has turned out to be more than what had originally been estimated, the company must produce for the commission the now completed cost and must demonstrate to the commission's satisfaction that all of that cost overrun was necessary and prudent.

At the present time, Mr. Speaker, that is not being done, and I think that if you look at some of the examples with cost overruns in the powerplant construction business, you will see the absolute dire necessity of some kind of additional mechanism for the Public Utility Commission to deny rate releases based on unjustifiable cost overruns.

For example, in the situation involving the infamous Limerick plant, there was just recently an article in the Philadelphia Inquirer which said that when that plant was originally begun, the estimated construction cost was going to be \$1.2 billion. At the present time, the estimated construction cost for the total plant would be \$6.6 billion. That is a \$5.2-billion cost overrun. Now, under my amendment, Mr. Speaker, the commission would recognize those elements of that cost overrun which were basically beyond the utility company's control, but I believe it is time that we make these power companies use a sharp pencil; it is time that we tell the Public Utility Commission that we want them to look closely at these cost overruns.

And Limerick, unfortunately, is not the only example. If you look at the Three Mile Island 2 plant, which is now out of service, when that plant was begun, it was supposed to cost \$190 million. When it was completed, it cost over \$700 million. The same kinds of problems have arisen with the Susquehanna station of PP&L (Pennsylvania Power & Light); they have arisen with the continued delays in completing the Beaver Valley nuclear plant, and I think the members ought to keep in mind the fact that there is an amendment in this bill which can have a positive impact on trying to control utility rate increases for electric companies, which, in my opinion, has much greater importance than this whole issue of deregulation of armored car carriers. For that reason, Mr. Speaker, I would ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Godshall, on final passage.

Mr. GODSHALL. This bill came from the Senate and was passed by the Senate 47 to 0. There were hearings held in the House Consumer Affairs Committee. It came out of the House Consumer Affairs Committee, I believe, about 14 to 3, after public hearings were held. The bill was unanimously passed by this body, as amended, about 2 weeks ago.

There are only about five States in this country that regulate contract carriers at all. When Representative McMonagle said that anybody can get in the business, that may be true, but really it is not, because under this bill the PUC still regulates such things as work rules, insurance, contracts, vehicles, et cetera. What we are dealing with here is not common carriers; we are dealing with contract carriers - a contract between a contractee and a contractor. There are rules and regulations with the PUC, and as I said in the beginning, we are one of only about five States that have any regulation in this field at all.

I would urge a positive vote on this bill. Thank you.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, very briefly, the previous gentlemen have already spoken to the issues that I wished to cover in the bill. I can say this to the members of the House, that after a considerable amount of study and amendment to this bill, we passed it out of committee with Representative Lloyd's amendment in it, along with a number of other ones that answered a number of the problems that we had with the bill.

I believe it is in condition now, Mr. Speaker, to be voted on and passed by this House, and I would ask for an affirmative vote.

On the question recurring,

Shall the bill pass finally?

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

YEAS—163

Afflerbach	Duffy	Lescovitz	Rudy
Alderette	Durham	Letterman	Ryan
Angstadt	Fargo	Levi	Rybak
Armstrong	Fattah	Livengood	Saloom
Arty	Fee	Lloyd	Salvatore
Baldwin	Fischer	Lucyk	Saurman
Battisto	Flick	McCall	Scheetz
Belardi	Foster, W. W.	McClatchy	Schuler
Belfanti	Foster, Jr., A.	McHale	Semmel
Book	Freeman	Madigan	Serafini
Bowser	Freind	Maiale	Seventy
Boyes	Fryer	Manmiller	Showers
Brandt	Gallagher	Markosek	Sirianni
Broujos	Gallen	Mayernik	Smith, B.
Bunt	Gamble	Merry	Smith, L. E.
Burd	Geist	Michlovic	Snyder, D. W.
Burns	George	Micozzie	Snyder, G. M.
Caltagirone	Gladeck	Miller	Spencer
Cappabianca	Godshall	Miscevich	Stairs
Cawley	Greenwood	Moehlmann	Steighner
Cessar	Grieco	Morris	Stuban
Cimini	Gruitza	Mowery	Sweet
Civera	Gruppo	Mrkoncic	Swift
Clark	Hagarty	Murphy	Taylor, E. Z.
Clymer	Hasay	Nahill	Taylor, F. E.
Colafrilla	Hayes	Noye	Telek
Cole	Herman	O'Brien	Tigue
Cordisco	Hershey	Perzel	Trello
Cornell	Honaman	Peterson	Van Horne
Coslett	Hutchinson	Petrarca	Vroon
Cowell	Itkin	Petrone	Wambach
Coy	Jackson	Phillips	Wargo
Deluca	Jarolin	Piccola	Wass
DeVerter	Johnson	Pistella	Weston
DeWeese	Kasunic	Pitts	Wilson

Daley	Kennedy	Pott	Wogan
Davies	Klingaman	Punt	Wright, D. R.
Dawida	Kowalshyn	Rappaport	Wright, J. L.
Dietz	Kukovich	Reber	Wright, R. C.
Dininni	Lashinger	Reinard	Zwinkl
Dorr	Laughlin	Robbins	

NAYS—29

Barber	Haluska	Manderino	Truman
Blaum	Harper	O'Donnell	Wiggins
Carn	Hoeffel	Oliver	Williams
Cohen	Kosinski	Pievsky	Wozniak
Deal	Levin	Preston	
Dombrowski	Linton	Richardson	Irvis,
Donatucci	McIntyre	Rieger	Speaker
Evans	McMonagle	Stewart	

NOT VOTING—6

McVerry	Olasz	Spitz	Wachob
Mackowski	Pratt		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Cambria, Mr. Telek, rise?

Mr. TELEK. Thank you, Mr. Speaker.

On HB 1476 I voted in the negative. I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Armstrong, Mr. Livengood. For what purpose do you rise, sir?

Mr. LIVENGOOD. I was not recorded on HB 1476. I would like to be recorded in the negative.

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

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

Mr. BOOK. Mr. Speaker, on HB 1898 yesterday I would have liked to have been voted in the affirmative.

The SPEAKER. The gentleman, Mr. Book's remarks will be spread upon the record.

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to **HB 300, PN 2613**, on final passage postponed, entitled:

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing limited public funding of certain State-wide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. HB 300, PN 2613, without objection, will be returned to third consideration. The Chair hears no objection.

On the question recurring,

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

Mr. KUKOVICH offered the following amendments No. A2714:

Amend Bill, page 12, by inserting between lines 21 and 22

Section 3. Notwithstanding section 2, this act shall be applicable for the public financing of elections in the first calendar year in which more than 20% of the persons for whom tax returns are filed under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, elect to participate in allocating a portion of their tax liability to the Public Election Financing Fund. Until such time as the provisions herein become applicable, any funds which would otherwise be deposited in the Public Election Financing Fund shall revert to the General Fund.

Amend Sec. 3, page 12, line 22, by striking out "3" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. KUKOVICH. Mr. Speaker, if the members recall, a few weeks ago Representative Gallen had an amendment offered—there was very little debate against it; it went into the bill—which said that unless 30 percent of the persons check off, then the public financing will not trigger. Since that was later changed, I believe, only to include judicial candidates, I think it is important that we accept this amendment, which keeps the same concept as Mr. Gallen's amendment—in fact, it is identical—except it lowers the percentage from 30 percent to 20 percent. The reason for that is that probably fewer people will be quite as excited, because gubernatorial races and other races are not now included in this bill - only appellate judicial races - and we think that unless there is a 20-percent number, the bill will probably be totally ineffective and not be able to raise enough.

The 37-percent figures have been garnered for presidential races; the 27-percent to 30-percent figures have been garnered for gubernatorial races. We think a 20-percent figure is more reasonable, and we would appreciate a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Kukovich amendment, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I think the gentleman, Mr. Kukovich, was incorrect when he stated that this amendment went in prior to the Piccola amendment. That is not true. This was the last amendment that went into the bill, this 30-percent amendment, and, Mr. Speaker, I still support the 30-percent

figure and would ask for a negative vote on Mr. Kukovich's amendment.

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

The following roll call was recorded:

YEAS—100

Afflerbach	Fee	McMonagle	Salvatore
Alderette	Foster, Jr., A.	McVerry	Seventy
Barber	Freeman	Manderino	Steighner
Battisto	Gallagher	Markosek	Stewart
Belardi	Gamble	Mayernik	Stuban
Belfanti	George	Michlovic	Sweet
Blaum	Greenwood	Miscevich	Taylor, F. E.
Broujos	Gruitza	Morris	Telek
Burns	Haluska	Mrkonic	Tigue
Caltagirone	Hutchinson	Murphy	Trello
Cappabianca	Itkin	O'Donnell	Truman
Carn	Jarolin	Oliver	Van Horne
Cawley	Kasunic	Petrarca	Wachob
Clark	Kosinski	Petrone	Wambach
Cohen	Kowalshyn	Pievsky	Wargo
Colafella	Kukovich	Pistella	Wiggins
Cole	Laughlin	Pratt	Williams
Cowell	Lescovitz	Preston	Wilson
Deluca	Levin	Reber	Wozniak
Daley	Linton	Reinard	Wright, D. R.
Dawida	Livengood	Richardson	Wright, J. L.
Deal	Lloyd	Rieger	Zwinkl
Dombrowski	Lucyk	Rudy	
Donatucci	McCall	Rybak	Irvis,
Evans	McHale	Saloom	Speaker
Fattah	McIntyre		

NAYS—88

Angstadt	Dorr	Johnson	Pitts
Armstrong	Duffy	Kennedy	Pott
Arty	Durham	Klingaman	Punt
Baldwin	Fargo	Lashinger	Robbins
Book	Fischer	Levi	Ryan
Bowser	Flick	McClatchy	Saurman
Boyes	Foster, W. W.	Mackowski	Scheetz
Brandt	Freind	Madigan	Schuler
Bunt	Fryer	Maiale	Semmel
Burd	Gallen	Manmiller	Sirianni
Cessar	Geist	Merry	Smith, B.
Cimini	Gladeck	Micozzie	Smith, L. E.
Civera	Godshall	Miller	Snyder, D. W.
Clymer	Grieco	Moehlmann	Snyder, G. M.
Cordisco	Gruppo	Mowery	Spencer
Cornell	Hagarty	Nahill	Spitz
Coslett	Hasay	Noye	Stairs
Coy	Hayes	O'Brien	Swift
DeVerter	Herman	Perzel	Taylor, E. Z.
Davies	Hershey	Peterson	Vroon
Dietz	Honaman	Phillips	Wass
Dininni	Jackson	Piccola	Weston

NOT VOTING—10

DeWeese	Letterman	Serafini	Wogan
Harper	Olasz	Showers	Wright, R. C.
Hoeffel	Rappaport		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. A. C. FOSTER offered the following amendments No. A2812:

Amend Sec. 1 (Sec. 1604-A), page 3, lines 3 and 4, by striking out "Allocation of Certain Tax Proceeds to Fund" and inserting
Taxpayer Contributions to the Public Election Financing Fund

Amend Sec. 1 (Sec. 1604-A), page 3, lines 7 through 14, by striking out "whose tax liability for any such" in line 7, all of lines 8 through 14 and inserting
may indicate on his tax return that he wishes to make a contribution of two dollars and fifty cents (\$2.50) to be paid into the Public Election Financing Fund. In the case of married taxpayers filing a joint return, each spouse may indicate that he or she wishes to make a contribution of two dollars and fifty cents (\$2.50). The contribution shall not be a credit against the tax due. If tax is due from the taxpayer, the two dollars and fifty cents (\$2.50) or five dollars (\$5.00), as the case may be, shall be paid by the taxpayer in addition to the tax due. If the taxpayer is entitled to a refund, the refund shall be reduced by the amount so indicated. All such contributions shall

Amend Sec. 1 (Sec. 1604-A), page 3, lines 18 and 19, by striking out all of said lines and inserting
that such a contribution is in addition to the individual's tax liability and does not in any manner reduce that liability.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I am supportive of the concept of public funding of campaigns, particularly with respect to the smaller contributions. I would like to see funding for campaigns come in in small contributions. I have been uncomfortable, however, with this being through the role of tax dollars. I am not at all comfortable with expending tax dollars, someone else's dollars, for funding campaigns. I think it is very easy to give away that which is no longer yours.

With that in mind, I have drafted the amendment that I stand before you with that makes this a contribution bill, that if anyone wishes to earmark \$2.50, or in the case of a married couple, \$5, for the purpose of public funding, they may do so. This would not reduce their tax liability; it would be an add-on, simply a small contribution, and the State would simply serve as a collection agency for this fund.

Now, someone may ask me, what is the purpose of your amendment; people can make small contributions as it is. The point is it would be easier to do so; this concept would provide the mechanism for collection and distribution. I think it is superior to the idea of using tax dollars, someone else's funds, for the purpose. I think it would meet many of the objections that were raised on the floor to the bill in its original concept, and I would urge adoption of the amendment.

The SPEAKER. On the Foster amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I rise in opposition to this amendment or any other amendment to this bill. I feel

that they will never be able to raise the amount of money they are looking for in the first place, and all I see them doing is fouling up a good program that is already intact, and that is the checkoff list for the wildlife program. I think they should look at some other way of doing it. I believe that this is nothing more than an attempt to destroy a real good program. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KUKOVICH. Mr. Speaker, I appreciate what Mr. Foster is attempting to do by changing this from a checkoff to what is called an add-on system, but there are a couple of problems. One is that the experience in other States with an add-on is that the percentage has not been adequate to really provide the proper fund for the public financing system. Secondly, we have to keep in mind that with the Piccola amendment what we did was not only create a system only for judges; we also changed it so that the checkoff amount was changed from \$2.50 for an individual, \$5 for a couple, down to \$1 for an individual and \$2 for a couple, which should be more than satisfactory for the judicial races. This amendment would raise the money back up and I think would be maybe more than necessary. For those reasons, I would suggest a negative vote.

The SPEAKER. For the second time on the Foster amendment, the Chair recognizes the gentleman, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I would like to address the two points just raised. First of all, with respect to the gentleman, Mr. Letterman's comments, I drew up this amendment with specifically in mind the letter from the federation, the fact that they were concerned about a checkoff system which involved tax dollars in any way. This does not involve tax dollar one. This just gives an individual the opportunity to make a contribution to public funding. It would have no impact whatsoever on sportsmen or other groups.

Number two, with respect to the gentleman from Westmoreland, Mr. Kukovich, when he opposes the amendment because he states that it will raise more money than is necessary, in the first part of his rebuttal on this he stated that add-on systems do not raise as much money in other States. Therefore, I think if we leave the rate at \$2.50, those two factors will offset each other, and we should get approximately the amount of money we need for the judicial candidates.

I think, once again, it is very easy to give away what is not yours. We are going to allow the people of the Commonwealth to have the choice to give of their money, not of the taxpayers, not yours or mine or the other taxpayers. I think it is a good amendment, and I urge its adoption.

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

Mr. GALLEN. Mr. Speaker, I rise in support of this amendment. This is really a put-your-money-where-your-mouth-is amendment. If people really want to support the public financing of campaigns, this will do it, and it will also

not take away from welfare programs or many other things that the State spends money on. This will be a direct contribution, and it will be a real voluntary thing as opposed to taking money which is really the State's money and using it to finance campaigns. I support this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

(A roll-call vote was taken. See later roll call.)

On the question recurring,

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

Mr. WOGAN offered the following amendments No. A2561:

Amend Title, page 1, line 13, by inserting after "State;" providing for the filing of reports by political consultants; prohibiting certain acts;

Amend Bill, page 12, by inserting between lines 15 and 16

Section 2. The act is amended by adding a section to read:

Section 1643. Political Consultant.—(a) Within thirty (30) days of a political consultant being retained by a candidate, he shall file with the appropriate supervisor a notice of his retention on a form supplied by the Secretary of the Commonwealth which shall include the same information contained in reports filed by a political action committee.

(b) If the political consultant is retained by the candidate for more than one campaign, he shall also file annual reports with the appropriate supervisor in the same manner that political action committees file their reports.

(c) Reports of receipts and expenditures by the political consultant shall be filed with the appropriate supervisor at the same times and in the same manner that political action committees file their reports.

(d) For a period of one (1) year after an election in which a political consultant was retained by a candidate, the political consultant shall not be retained by a candidate or political action committee who or which is in an adversarial relationship with his former client or an associate of his former client, nor shall he disclose any inside information about his former client.

(e) If, within a period of four (4) years after an election in which a political consultant was retained by a candidate, the political consultant is retained by a candidate or a political action committee who or which is in an adversarial relationship with his former client or an associate of his former client, he shall, within thirty (30) days of his retention, notify the former client of his retention by certified mail.

(f) Any person violating the provisions of this section shall, upon summary conviction, be sentenced to pay a fine equal to fifteen per centum (15%) of the fee paid for his retention or one hundred (\$100) dollars, whichever is less.

(g) As used in this section "political consultant" means a person who engages in political activity for a fee.

Amend Sec. 2, page 12, line 16, by striking out "2. This act" and inserting

3. The provisions of Article XVI-A

Amend Sec. 3, page 12, line 22, by striking out "3" and inserting

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On the question,

Will the House agree to the amendments?

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

Mr. WOGAN. Thank you, Mr. Speaker.

What this amendment does, very briefly, is impose some notice requirements on political consultants. The whole area of political consultants is not regulated at all by the Commonwealth of Pennsylvania. It would very succinctly require political consultants who have worked for certain candidates to give notice to their former clients when they find themselves in an adversarial situation with them.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would the sponsor of the amendment submit to interrogation?

The SPEAKER. The gentleman, Mr. Wogan, indicates he will so stand. Mr. Cowell is in order and may proceed.

Mr. COWELL. Mr. Speaker, in explaining the amendment, it was suggested that the amendment will require political consultants who go to work for an adversary of a prior client to give notice to the previous client. Is it also accurate to interpret this as requiring certain other kinds of reporting with the State Bureau of Elections and our county bureaus of elections?

Mr. WOGAN. That is correct.

Mr. COWELL. Mr. Speaker, I am concerned about some definitions and the practicality of this, and my questions are directed to those points.

You speak in the amendment specifically of a consultant retained by a candidate. My recollection of our Election Code is that we distinguish between candidates and political committees, and my observation of how a lot of campaigns are run above the local school director and local municipal office level is that candidates very frequently or with some regularity create campaign committees to do their work for them. Your amendment would require only those political consultants retained by a candidate and not those consultants retained by a political committee to meet the other obligations under this amendment. Was it your intent to exempt those consultants employed by a political committee?

Mr. WOGAN. It is my belief that a committee is retained by a candidate. So if a committee for a candidate retains a consultant, then, yes, there would still be a relationship, and a consultant who would be retained by a committee would still be regulated by the aspects of this amendment.

Mr. COWELL. Well, Mr. Speaker, I do not understand how that would be the case. You do not explicitly say that in the amendment. Throughout the Election Code, the law speaks specifically to requirements of candidates and to requirements of campaign committees, and the law clearly distinguishes between the two. How would this language, the language you suggest, be applicable to a campaign committee or any other political committee - for instance, the Republican or Democratic State Committee - that may retain a consultant?

Mr. WOGAN. Okay. I am not sure I understand the question. I think that my earlier answer would probably hold true here also. A committee is responsible to a candidate; a consultant is responsible to a committee or a candidate. I think you are reading into the Election Code a rather too strict requirement.

Mr. COWELL. Well, Mr. Speaker, if I may continue. I am not reading anything into the code; I am making reference to specific language in the code. The gentleman speaks to a committee being accountable to a candidate. What about those cases where a political committee is organized to work on behalf of several candidates and may in fact be an ongoing political committee - for instance, the Allegheny County Democratic Committee that may retain a consultant or the Republican State Committee that may retain a consultant? How would this reporting requirement and this notice requirement be applicable to those particular consultants retained by those kinds of committees?

Mr. WOGAN. If de facto they are working for a candidate, whether they report directly to the candidate or to the candidate's committee, I believe they would still be covered.

Mr. COWELL. Well, Mr. Speaker, I would disagree with that interpretation, but let me move on to some other interrogation.

In subsection (d) there is mention made of inside information. Could the gentleman tell us what inside information is as compared to outside information or other kinds of information?

Mr. WOGAN. I am sorry. I did not hear the question.

Mr. COWELL. Mr. Speaker, I am making reference to subsection (d). Near the end of that paragraph it speaks to disclosing any "inside information." My question is, what is inside information as distinguished from other kinds of information? Specifically, to what does this inside information language refer?

Mr. WOGAN. Inside information would be information that a client would only disclose to a consultant in order to help him, of course, win his election. He would not be disclosing that information to someone who would not be in that sort of a confidential relationship that a consultant would have with a client.

Mr. COWELL. Mr. Speaker, let me move on to the definition of "political consultant" where the amendment says that "political consultant" means a person who engages in political activity for a fee. I am trying to make it clear in my own thinking to whom this would be applicable. Mr. Speaker, many campaigns, particularly for legislative offices or county-wide offices, certainly statewide offices, would retain the services of an advertising agency for the purchase of developing advertising and making media buys. Would the advertising agency be deemed a political consultant?

Mr. WOGAN. It may very well be so. That was not the intention of the amendment. However, you are correct in your possible interpretation. However, I do not see that as a problem, because when an advertising agency is retained by a client, that is the type of information that is usually not

hidden and is usually readily apparent to those who are active in the political arena.

Mr. COWELL. Well, Mr. Speaker, I think it is important, and I would ask the gentleman to clarify. It would not be unusual for a campaign committee to make a payment of a couple hundred thousand dollars to an advertising company, and that would be for the purpose of compensating the company for development costs of media as well as buys—radio time, TV time, billboards, whatever. But what appears on the expense report of that campaign committee or that candidate might be a lump sum payment to the ABC advertising company. Is it the gentleman's intent that the ABC advertising company subsequently would have to file a report saying that on behalf of that campaign or that committee or that candidate, the ABC corporation spent X number of dollars on billboards and Y number of dollars on radio time and Z number of dollars on TV time? Is that the intent of this amendment?

Mr. WOGAN. Mr. Speaker, it was not the intent, but I do not think that that is a very burdensome requirement for a professional advertising agency to undertake, filing a report.

Mr. COWELL. Mr. Speaker, if a candidate in a somewhat less sophisticated campaign, perhaps, retains a printing company to, as many of us do, really put together a brochure—you go in to your printer and you say, here are some words, and I would like you to put it on a sheet of paper for me and make it look to be a decent brochure, so that printer, using the graphic artist and the typesetter and the printer, puts together a fancy brochure for one of us—is that printer a political consultant?

Mr. WOGAN. I would say no.

Mr. COWELL. Well, Mr. Speaker, I do not understand how the gentleman can speak with certainty in the negative on that question. That printer or that printing company is designing and printing a political brochure for me. I did not know how to do it. I had a couple of ideas, and they were my political consultants. They engaged in the political activity, perhaps, of putting together a political brochure for me and making it look good. Why would they not be covered? Why would that printing company not be covered?

Mr. WOGAN. This is exactly why I put this amendment in. Printers do not engage in political activity, but the actual political consultant might be the one who is making up those photographs and he might be turning them over to the printers. The consultant would definitely be regulated. It strains my imagination to regard the actual act of printing as being a political activity. It very simply is not.

Mr. COWELL. Mr. Speaker, it seems that we have a further need for a definition, and that is the definition of "political activity." Although that is not defined in this amendment, could the gentleman give us an idea of what he means by "political activity," since that is the trigger word for a political consultant?

Mr. WOGAN. Within the meaning of the amendment, it would be trading upon inside information; it would be trading upon political expertise to help a client win an election.

Mr. COWELL. Mr. Speaker, if I may make some comments, that is the end of my interrogation.

The SPEAKER. The gentleman is in order and may make the comments.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, yesterday we heard some speeches on this floor about other legislation that in the minds of some was going to mean an invasion of small businesses in this Commonwealth where folks, government, would go in and demand information from those small businesses. I think more so than that particular piece of legislation that we had yesterday, this kind of amendment poses that very real threat, simply because the language here is so vague, the definitions are so vague, and I think the purpose misdirected.

The gentleman who is offering this amendment suggested that it is time that we regulate these political consultants. If we really want to regulate political consultants, we ought to do that under some other kind of legislation, perhaps some registration or licensing form. We ought not to try to regulate political consultants or any profession or any business by including them under the financial disclosure requirements of the Pennsylvania Election Code. This is the wrong way to be addressing that issue if indeed there is a problem.

But more importantly, I think, the language that is found in this amendment is very difficult to interpret and I think would cause more difficulty than it would solve any particular problems. We really do not know, after reading this amendment and after the interrogation in which I just engaged, we really do not know what a political consultant is.

It is not unreasonable for some people to suggest or to worry that the political consultant language might be applied to the printer who is designing a brochure for us, or it might be applied to the photographer who takes those political shots and turns them over to the printer or turns them over to someone else, or that it might in fact be applied to the advertising agency that one day is putting together commercials for cereal or soap but on the next occasion is putting together a commercial for one of us. It would be very possible that the activities of any of those particular individuals or companies could be deemed to be political activity, and they could be deemed to be political consultants and have these kinds of requirements applied to them then.

I think that perhaps the idea of doing a better job of monitoring, keeping track of, perhaps through registration, these political consultants who are proliferating might be a decent idea, but this is the wrong place to do it and these are the wrong words with which to do it. I would urge the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. Wogan, for the second time on his amendment.

Mr. WOGAN. Mr. Speaker, very simply, graphic artists and printers do not hold themselves out to be political consultants. Political consultants hold themselves out to be political consultants.

There would be very few people who would be regulated because there are very few people within the Commonwealth

who are actually political consultants. I would think there are no more than a dozen in the Philadelphia area, and I really am not qualified to say how many there would be throughout the State. But this does not do anything to printers; it does not do anything to graphic artists; it only regulates political consultants and they know who they are.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Salvatore, on the Wogan amendment.

Mr. SALVATORE. May I interrogate Mr. Cowell? I just want to ask him one question.

The SPEAKER. Will the gentleman, Mr. Cowell, stand for interrogation? The gentleman indicates he will so stand. The gentleman, Mr. Salvatore, is in order and may proceed.

Mr. SALVATORE. Mr. Speaker, you have run for political office more than once, have you not?

Mr. COWELL. Yes.

Mr. SALVATORE. And you just go to the printer and you say, here is a brochure, print it up for me? Is that what you do?

Mr. COWELL. Mr. Speaker, I could not hear that question.

Mr. SALVATORE. In other words, when you go to the printer, you tell him to print you up a political brochure? Is that what you do?

Mr. COWELL. Mr. Speaker, if I had a political consultant, he might deem that to be inside information. I am not sure.

I think each of us handles campaigns in different ways, and what we need to be concerned about as we write laws is not what the maker of the question does or what I do or what any one of us does. We have to consider the broad range of activities in which candidates and their various campaign committees and campaign workers engage, and that is the thrust of my questions and my concerns about this amendment.

Mr. SALVATORE. You did not answer my question.

What do you do? Do you go to a printer and say, print me a political brochure?

Mr. COWELL. Mr. Speaker, I have done different things when I have run campaigns.

Mr. SALVATORE. I asked you a question, a simple question. What do you do? Do you just go to him and say, print me a brochure? That is all I want, is a brochure printed.

Did you ever print a brochure? Mr. COWELL. Yes.

Mr. SALVATORE. All right. What did you do? Did you just bring it to the printer and say, print me a brochure?

Mr. COWELL. I have done different things when I have printed brochures, Mr. Speaker.

Mr. SALVATORE. You are still evading the question, Mr. Speaker.

Mr. COWELL. Is there another question, Mr. Speaker?

Mr. SALVATORE. You have not answered the question yet, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cowell, has given the only answer he intends to give. Does the gentleman, Mr. Salvatore, have any further interrogation?

Mr. SALVATORE. No further interrogation.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I cannot quibble with what Representative Wogan intends to do. I think his intentions are well placed, but listening to the interrogation, I am afraid there are some problems. There are some questions that open up exactly what a political consultant is. We know who hold themselves out to be what, but I am afraid that is beside the point. It is not whether the political consultant seems to himself to be one; it is what other people will call that person. I think this leaves things wide open.

I think perhaps Mr. Wogan should introduce a separate bill, which I would be interested in cosponsoring. But there are too many, I think, flaws in two or three places in this amendment, and for that reason I think it would be judicious for us at this point to vote "no," Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—94

Angstadt	Fargo	Lashinger	Ryan
Armstrong	Fischer	Levi	Salvatore
Arty	Flick	McClatchy	Saurman
Book	Foster, W. W.	McVerry	Scheetz
Bowser	Foster, Jr., A.	Mackowski	Schuler
Boyes	Freind	Madigan	Semmel
Brandt	Gallen	Merry	Serafini
Bunt	Geist	Miller	Sirianni
Burd	Gladeck	Moehlmann	Smith, B.
Burns	Godshall	Morris	Smith, L. E.
Cessar	Greenwood	Mowery	Snyder, D. W.
Cimini	Grieco	Mrkoncic	Snyder, G. M.
Civera	Gruppo	Nahill	Spencer
Clymer	Hagarty	Noye	Stairs
Cohen	Hasay	O'Brien	Swift
Cornell	Hayes	Perzel	Taylor, E. Z.
Coslett	Herman	Peterson	Telek
DeVerter	Hershey	Phillips	Vroon
Davies	Honaman	Piccola	Wass
Dawida	Jackson	Pitts	Weston
Dietz	Johnson	Pott	Wilson
Dorr	Kennedy	Reinard	Wogan
Duffy	Klingaman	Robbins	Wright, J. L.
Durham	Kosinski		

NAYS—100

Afflerbach	Evans	McCall	Rudy
Alderette	Fattah	McHale	Rybak
Baldwin	Fee	McIntyre	Saloom
Barber	Freeman	McMonagle	Seventy
Battisto	Fryer	Maiale	Showers
Belardi	Gallagher	Manderino	Steighner
Belfanti	Gamble	Manmiller	Stewart
Blaum	George	Markosek	Stuban
Broujos	Gruitza	Mayernik	Sweet
Caltagirone	Haluska	Michlovic	Taylor, F. E.
Cappabianca	Harper	Micozzie	Tigue
Carn	Hoeffel	Miscevich	Trello
Cawley	Hutchinson	Murphy	Truman
Clark	Itkin	O'Donnell	Van Horne
Colafella	Jarolin	Oliver	Wachob
Cole	Kasunic	Petrarca	Wambach
Cordisco	Kowalshyn	Petrone	Wargo
Cowell	Kukovich	Pievsky	Wiggins
Coy	Laughlin	Pistella	Williams

DeLuca	Lescovitz	Pratt	Wozniak
DeWeese	Letterman	Preston	Wright, D. R.
Daley	Levin	Rappaport	Zwinkl
Deal	Linton	Reber	
Dininni	Livengood	Richardson	Irvis,
Dombrowski	Lloyd	Rieger	Speaker
Donatucci	Lucyk		

NOT VOTING—4

Olasz	Punt	Spitz	Wright, R. C.
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EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

VOTE RETAKEN ON AMENDMENT A2812

The SPEAKER. The Chair recognizes that at various times we blame the inconsistencies of our machines for fouled-up votes, but this time the Chair is quite sincere in announcing that on the vote for amendment A2812, which was offered by Mr. Foster, the computer did not pick up the vote, and therefore, it is necessary for us to take the vote over again. This is amendment A2812, the only amendment offered by the gentleman, Mr. Foster, to this bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—95

Angstadt	Fischer	McClatchy	Ryan
Armstrong	Flick	Mackowski	Salvatore
Arty	Foster, W. W.	Madigan	Saurman
Book	Foster, Jr., A.	Maiale	Scheetz
Bowser	Freind	Manmiller	Schuler
Boyes	Gallen	Merry	Semmel
Brandt	Gamble	Micozzie	Sirianni
Bunt	Geist	Miller	Smith, B.
Burd	Gladeck	Moehlmann	Smith, L. E.
Burns	Godshall	Mowery	Snyder, D. W.
Cessar	Grieco	Mrkonc	Snyder, G. M.
Cimini	Gruppo	Nahill	Spencer
Civera	Hagarty	Noye	Spitz
Clymer	Hasay	O'Brien	Stairs
Cornell	Hayes	Perzel	Swift
Coslett	Herman	Peterson	Taylor, E. Z.
DeVerter	Hershey	Phillips	Telek
Davies	Honaman	Piccola	Vroon
Dietz	Jackson	Pitts	Wass
Dininni	Johnson	Pott	Weston
Dorr	Kennedy	Punt	Wilson
Duffy	Klingaman	Reber	Wogan
Durham	Lashingier	Reinard	Wright, J. L.
Fargo	Levi	Robbins	

NAYS—97

Afflerbach	Dombrowski	Linton	Rybak
Alderette	Donatucci	Livengood	Saloom
Baldwin	Evans	Lloyd	Seventy
Barber	Fattah	Lucyk	Showers
Battisto	Fee	McCall	Steighner
Belardi	Freeman	McHale	Stewart
Belfanti	Fryer	McIntyre	Suban

Blaum	Gallagher	McMonagle	Sweet
Broujos	George	Manderino	Taylor, F. E.
Caltagirone	Greenwood	Markosek	Tigue
Cappabianca	Gruitza	Mayernik	Trello
Carn	Haluska	Michlovic	Truman
Cawley	Harper	Miscevich	Van Horne
Clark	Hoeffel	O'Donnell	Wachob
Cohen	Hutchinson	Oliver	Wambach
Colafella	Itkin	Petrarca	Wargo
Cole	Jarolin	Petrone	Wiggins
Cordisco	Kasunic	Pievsky	Williams
Cowell	Kosinski	Pistella	Wozniak
Coy	Kowalshyn	Pratt	Wright, D. R.
DeLuca	Kukovich	Preston	Zwinkl
DeWeese	Laughlin	Rappaport	
Daley	Lescovitz	Richardson	Irvis,
Dawida	Letterman	Rieger	Speaker
Deal	Levin	Rudy	

NOT VOTING—6

McVerry	Murphy	Serafini	Wright, R. C.
Morris	Olasz		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

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 gentleman, Mr. Ryan, and the gentleman, Mr. Hayes, have both cautioned the Chair that on this vote it is their intention that the rules of the House be strictly complied with. Members in their seats and only those in their seats will vote.

On final passage, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I rise in opposition to this bill.

There is an article in Sunday's Philadelphia Inquirer regarding New Jersey's experience, New Jersey having been one of the first States to get into public financing of candidates. Now, while this bill now refers only to judicial candidates, I just want to give you an idea of what happened before we had legislation like this.

In 1983 for the Superior Court of Pennsylvania, there were 16 Republican candidates and 17 Democrats. It is conceivable we are going to have 80 Republicans and 80 Democrats in an upcoming election if this bill becomes law.

One of the problems with statewide elections, especially of judicial candidates, is the lack of people's ability to know who the candidates are and know anything about them. Mr. Speaker, I think this will just compound that. When we check off and say \$2.50 of the State's money can go into a political campaign, we may be contributing that money to a candidate in whom we do not believe at all—as a matter of fact, in somebody we would not like to see be elected.

It is such a grab bag, Mr. Speaker, I think that is what makes this such very bad legislation. New Jersey is now in the

process of amending their public financing law. As a matter of fact, they made changes in the law which were supported by both parties. Their original ratio of matching money was 2 to 1. They have changed it to 1 to 1. It is an indication that this is an idea, a noble experiment which failed in New Jersey and which we should not undertake. I ask for defeat of the bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, on final passage.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this legislation. There are a number of members of the House of Representatives and of the State Senate who have been very strong, forceful advocates of judicial reform. Judicial reform is a slogan that has taken on many colors. There are those, like myself, who are strong supporters of merit selection of judges, but the majority of the members of this House and this Senate are not in favor of that proposal.

There are probably a majority of the members of the House and the Senate who support desperately needed reforms in the process by which the Judicial Inquiry and Review Board studies and ultimately judges whether or not members of our appellate and common pleas courts have misbehaved. I would suggest, Mr. Speaker, that this bill, at this time, is a key element in the move towards reform in our appellate judiciary. To merely pass an Inquiry and Review Board bill will be to close the door after the horse has left. We will be attempting to solve a problem too late.

What we really ought to be about doing is passing legislation like HB 300. This bill will resolve one of the major key weaknesses in our process of selecting appellate court judges. A recent study has shown that large contributions, contributions of over \$3,000 per contributor, provide the major support for appellate court candidates. Mr. Speaker, many large law firms in this State are the most active contributors to appellate court races. Mr. Speaker, I have campaigned for appellate court candidates; I have been involved in those elections; I know how hard it is to raise money in those elections; and I know why active members of the bar are the major contributors.

Mr. Speaker, it is a rather shabby, often sordid process by which our judges and our candidates for the appellate judiciary are forced to go from board room to board room and law firm to law firm peddling their wares. The legislation before us would encourage small contributors to participate in this process. If we can get people to give \$50 to appellate court candidates and, more importantly, if we can get appellate court candidates to chase those kinds of contributions in order to match public funding, we will have gone a long way towards cleaning up the greatest single weakness in our selection process of appellate court judges.

This bill is more than an Election Code bill, Mr. Speaker. This bill is a key element in the move for judicial reform in Pennsylvania, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Snyder, on final passage.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Will one of the prime sponsors of HB 300 subject himself to interrogation?

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, indicates he will stand for interrogation. Mr. Snyder is in order and may proceed.

Mr. D. W. SNYDER. Mr. Speaker, because HB 300 has been the subject of quite a bit of debate over several legislative days and several amendments, could you just please clarify very briefly what the major elements of this bill are before final passage?

Mr. KUKOVICH. Yes, Mr. Speaker.

As amended with the Piccola amendment, what it would do is establish a fund formed by a checkoff on the income tax of \$1 for an individual or \$2 for a couple. That fund would be used for a matching system for candidates for the Superior, the Commonwealth, and the Supreme Courts of Pennsylvania. Only matching funds for amounts raised in contributions under \$100 would be matched, and once they reach a certain threshold—and I believe the threshold in Representative Piccola's amendment is \$300,000—then they would qualify. That way there would be a mixed system of private and public financing for those candidates for those three different appellate judgeships.

I should also add, Mr. Speaker, that the other sections of the bill which deal with limits on campaign expenditures and contributions are also maintained, which is extremely important because that is the section which would halt the continuing upward spiral of campaign costs.

Mr. D. W. SNYDER. Thank you, Mr. Speaker. I have concluded my interrogation.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Berks, Mr. Gallen, for the second time.

Mr. GALLEN. Mr. Speaker, I was enchanted with Mr. Sweet's remarks about reform of the judiciary. What he is saying is, let us all chip in and help the lawyers run for judge; the poor lawyers need your help. And he talks about small contributions. They are small contributions, but they are all coming from the State Treasury.

Additionally, if he is serious about reform, Mr. Speaker, there is a bill in the Judiciary Committee right now which would really reform the appellate judiciary. Mr. Rappaport opts not to bring it out, but it would really, truly reform our appellate judiciary.

Mr. Speaker, I think if we really want to do something about campaign contributions and reform of the appellate judiciary, we should disallow any contributions from lawyers and their spouses to any judicial campaign. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Sweet, for the second time on final passage.

Mr. SWEET. Very quickly, Mr. Speaker.

Number one, the previous speaker is just not correct about legislation in the Judiciary Committee. That bill has been reported out of the Judiciary Committee and is currently being studied as to its fiscal impact.

Secondly, I think the previous speaker forgets the fact that we are going to have appellate court judge elections every year. Right now, the only people contributing to those elections in any major way are lawyers and law firms. I hear on the floor of this House constantly the desire to make sure that lawyers and members of the bar do not control the judicial system. I agree with that. I think the easy way to do that is to provide a system whereby good judges and good lawyers who want to run for the appellate court are not forced to go from law firm to law firm in large office buildings in Pittsburgh and Philadelphia with a tin cup in their hands.

This provides the best conceivable system that I think we can come up with for getting broad-based financial contributions into those candidates' campaigns who ought to be supported. If you do not want to go with this system, believe me, Mr. Speaker, you are going to be left with the system we now have where these candidates are forced to go to the places where there is interest in their election, and that is in the offices of major attorneys in this State. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Lancaster, Mrs. Honaman, on final passage.

Mrs. HONAMAN. Thank you, Mr. Speaker.

A short time ago somebody said that we are passing the buck here. I think we are literally passing the buck. We are not speaking about money which is being contributed by citizens; you are talking about a select group of citizens who pay income taxes and, on that basis, are allowed to check off whether or not the money should be taken out of the General Fund. Mr. Speaker, it is a mandated duty of the General Assembly to spend the taxpayers' money. It is not up to a few citizens to say how. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On final passage, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have to briefly respond. Some comments were made about there would be too many candidates. The whole purpose of the bill setting up the requirement to go out and seek small contributions and only matching them after they receive a certain threshold is to weed out those spurious candidates. It has worked in every other jurisdiction, and it will obviously work here.

Secondly, the comment was made that it has failed in New Jersey. On the contrary, they are extremely pleased with the system. It has worked well; it has kept down costs, and they are fine-tuning it, which has to be done with any piece of legislation. But they are very satisfied in that State.

Thirdly, the argument has been made about the wildlife checkoff. We have checked with the director of the Campaign

and Lobby Records Division in the Michigan Department of State—his name is John Turnquist, and I will give anybody who wants it his phone number to check with him—where they have not only the campaign finance checkoff, but they have an add-on for the Wildlife Fund and for an abused child's program. According to Mr. Turnquist, the election financing does not operate to the detriment of the other two, and his belief is that election financing in Pennsylvania would operate independently of the Wildlife Fund and would not compete for the same tax dollar. I think logic would dictate that would be the case.

Finally, a few interesting statistics. If we are truly concerned about reform of the judicial system, I would note that in 1983, 48 law firms or their members contributed \$1,000 or more to the candidates for those three appellate courts. Those donations totaled just under \$150,000 from just those firms. Obviously, what Mr. Sweet said is true. Part of the reason why our appellate judiciary has fallen into such disgrace is because there is that perception of them going hat in hand to some of the largest and most prestigious law firms and thus creating the image of those same attorneys practicing before those judges, and the conflict of interest becomes obvious.

I think we owe an obligation to the voters and the taxpayers of this State to make sure that we clean that system up and set up a viable financing system. Only a "yes" vote on this bill can do it. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I rise in opposition to this piece of legislation. We have a fine program going for the wildlife in the State of Pennsylvania, and I cannot believe that anybody can stand here and say that it would not take away from the money that would go to that Wildlife Fund. When there is only so much in the kitty, you look at it, and if you want to put it in for wildlife, then you have another checkoff down below that you have to take a look at. You cannot tell me that a lot of people would not take half and give it to one and half and give it to the other, where if there is only one, they are going to give it all to me, and that is the way I would like to see it stay. Thank you very much.

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.

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. Is the gentleman, Mr. Richardson, on the floor of the House? If he is not, strike the vote.

Is the gentleman, Mr. Dawida, on the floor of the House? If he is not, strike the vote.

Is the gentleman, Mr. Trello, on the floor of the House? If he is not, strike the vote.

Mr. MANDERINO. Are we challenging our own votes or are they challenging them?

The SPEAKER. No; all the votes have been challenged by Mr. Hayes.

Mr. MANDERINO. I would like to hear them over the microphone.

The SPEAKER. Surely.

Mr. Hayes, would you repeat the names of the challenges, please?

Mr. HAYES. Richardson, Dawida, Trello.

The SPEAKER. Does the gentleman, Mr. Manderino, wish time to challenge?

Mr. MANDERINO. It looks like they are challenging their own. Do you see them going down?

The SPEAKER. Are there any further challenges on either side?

On the question recurring,

Shall the bill pass finally?

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

YEAS—100

Afflerbach	Evans	McHale	Rudy
Alderette	Fattah	McMonagle	Rybak
Angstadt	Fee	McVerry	Saloom
Barber	Foster, Jr., A.	Manderino	Serafini
Battisto	Freeman	Manmiller	Seventy
Belardi	Gallagher	Markosek	Steighner
Belfanti	Gamble	Mayernik	Stewart
Blaum	George	Michlovic	Sweet
Boyes	Greenwood	Miller	Taylor, F. E.
Burns	Gruitza	Miscevich	Tigue
Caltagirone	Haluska	Morris	Truman
Cappabianca	Harper	Murphy	Van Horne
Carn	Hoeffel	O'Donnell	Wachob
Cawley	Hutchinson	Oliver	Wambach
Clark	Itkin	Petrarca	Wargo
Cohen	Jarolin	Petrone	Wiggins
Colaella	Kasunic	Piccola	Williams
Cole	Kosinski	Pievsky	Wogan
Cordisco	Kowalyszyn	Pistella	Wozniak
Cowell	Kukovich	Pratt	Wright, D. R.
Deluca	Laughlin	Preston	Wright, J. L.
DeWeese	Lescovitz	Rappaport	Zwinkl
Daley	Levin	Reber	
Davies	Linton	Reinard	Irvis,
Deal	Livengood	Rieger	Speaker
Dombrowski	Lloyd		

NAYS—88

Armstrong	Fargo	Letterman	Robbins
Arty	Fischer	Levi	Ryan
Baldwin	Flick	Lucyk	Salvatore
Book	Foster, W. W.	McCall	Saurman
Bowser	Freind	McClatchy	Scheetz
Brandt	Fryer	Mackowski	Schuler
Broujos	Gallen	Madigan	Semmel
Bunt	Geist	Maiale	Showers
Burd	Gladeck	Merry	Sirianni
Cessar	Godshall	Micozzie	Smith, B.
Cimini	Grieco	Moehlmann	Snyder, D. W.
Civera	Gruppo	Mowery	Snyder, G. M.
Clymer	Hagarty	Mrkoncic	Stairs
Cornell	Hasay	Nahill	Stuban
Coslett	Hayes	Noye	Swift
Coy	Herman	O'Brien	Taylor, E. Z.
DeVerter	Hershey	Perzel	Telek
Dietz	Honaman	Peterson	Vroon
Dininni	Jackson	Phillips	Wass
Dorr	Johnson	Pitts	Weston
Duffy	Kennedy	Pott	Wilson
Durham	Klingaman	Punt	Wright, R. C.

NOT VOTING—10

Dawida	McIntyre	Smith, L. E.	Spitz
Donatucci	Olasz	Spencer	Trello
Lashinger	Richardson		

EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Barber, rise?

Mr. BARBER. Mr. Speaker, I would like to call off the floor at the present time a meeting of the Health and Welfare Committee in the back of the House for a few minutes.

The SPEAKER. A meeting called off the floor immediately of the Health and Welfare Committee at the rear of the hall of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1236**, **PN 2567**, entitled:

An Act requiring chemical identification of substances in the community and on employer premises; requiring the posting of the identity of these substances by employers and the labeling of chemicals; requiring information and safety data on chemicals to be given to the Department of Health, members of the community, and employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Health, for complaint procedures, for investigations, for compliance orders and the enforcement thereof; and providing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. MANDERINO offered the following amendments No. A2953:

Amend Bill, page 4, lines 3 through 34, page 5, lines 1 through 30, page 6, lines 1 through 24, by striking out all of said lines on said pages and inserting

Requiring chemical identification of substances in the community and on employer premises; requiring the posting of the identity of these substances by employers and the labeling of chemicals; requiring information and safety data on chemicals to be given to the Department of Health, members of the community and employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Health, for complaint procedures, for investigations, for compliance orders and the enforcement thereof; and providing penalties.

It is hereby declared that there exists within the Commonwealth of Pennsylvania a potential danger to employees, their families and to the general public from exposure to chemicals introduced into the workplace and into the general environment. Employees may be exposed to these substances during the course and scope of their employment and the general public may be

exposed due to the transportation, use and subsequent disposal within the community. Serious health problems may be caused to individuals because of this exposure. Due to the nature of these substances, these health problems may not become evident until many years after initial exposure.

It is therefore declared to be the policy of the Commonwealth that employers within the Commonwealth and chemical suppliers doing business within the Commonwealth have a duty to make available to employees and to the general public the identity of chemicals used in the workplace, and to make information available as to the known or suspected health hazards posed by the use of or exposure to hazardous substances. Employees, their families and the general public have a right to know the identity of chemicals they may be exposed to, the potential health hazards that exist and the symptoms that may be experienced because of exposure. It is further declared that employees and the general public themselves are frequently in the best position to discover serious health problems, provided that they are aware of the chemical identity and the nature of the substances to which they are exposed. Employees, their families and the general public have an inherent right to know about the known and suspected health hazards which may result from exposure to hazardous substances, so that they may make knowledgeable and reasoned decisions with respect to the continued personal costs of their employment or residence at a particular place and the need for corrective action.

It is further declared that, because of close or continuing contact with hazardous substances, the workplace often provides an early warning mechanism for the rest of the environment and the general public. It is therefore the intent of this Legislature to ensure that employees, their families and the general public be given current information concerning the nature of the hazardous substances with which they may come in contact and full information concerning the health hazards of these hazardous substances.

It is further declared that availability of detailed information concerning the identity and nature of chemicals to local police, fire and health officials will greatly aid such authorities in responding to local emergencies such as chemical fires, accidental spills, industrial accidents and outbreaks of health problems among members of the public.

It is further declared that the swift and effective enforcement of the provisions of this act is vital to ensure that the health and safety of employees and members of the public is protected.

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- Section 8. Employer educational program.
- Section 9. Health and exposure records.
- Section 10. Outreach programs.
- Section 11. Trade secrets.
- Section 12. Risk to public health.
- Section 13. Protection of employees.
- Section 14. Complaints and investigations.
- Section 15. Judicial review and enforcement.
- Section 16. False statements and intentional omissions.
- Section 17. Rules and regulations.
- Section 18. Construction of act.
- Section 19. Severability.
- Section 20. Appropriation.
- Section 21. Effective date.

Amend Bill, page 26, lines 21 through 30; pages 27 through 56, lines 1 through 30; page 57, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Worker and Community Right to Know Act.

Section 2. Definitions.

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

"Article." A manufactured item which is formed to a specific shape or design during manufacture, which has end use functions dependent in whole or in part upon its shape or design during end use and which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

"Chemical." Any element, substance, chemical compound or mixture of elements, substances or compounds, but shall not include an article as defined herein, food, as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.), cosmetics, tobacco or products which are primarily intended for sale on the retail market to the general public and are sealed in the packages to be used therewith.

"Chemical Abstracts Service number." The unique identification number assigned by the Chemical Abstracts Service to chemicals.

"Chemical identification sheet or CIS." A written document, prepared in accordance with the requirements of this act, which contains, in the case of a hazardous mixture, the identity by chemical name, common name and Chemical Abstracts Service number, all special hazardous substances, all hazardous substances comprising 1% or more of the mixture and all other substances comprising 3% or more of the mixture.

"Chemical name." The scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules or nomenclature.

"Common name." Any designation or identification other than a chemical name or trade name, by which a substance is generally known, such as a nonsystematic scientific name, which clearly identifies a single chemical or mixture and which is unique to that specific chemical or mixture.

"Container." A receptacle used to hold a liquid, solid or gaseous substance including, but not limited to, bottles, pipeline valves, vats, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats and stationary tanks. The term does not include containers of ten gallons or less into which substances are transferred by the employee from labeled containers and which are intended only for the immediate use by the employee who performs the transfer, or containers which are primarily designed to be sold on the retail market for use by the general public.

"Department." The Department of Health.

"Employee." Any person currently or formerly working for an employer, except domestic or casual laborers employed at the employer's place of residence.

"Employee representative." An individual or organization authorized by an employee or employees to exercise his or her or their rights to request information under this act. A recognized or certified collective bargaining agent for an employee shall be considered to be an employee representative without regard to individual employee authorization.

"Employer." Any individual, partnership, corporation or association doing business in the Commonwealth, including the Commonwealth, its political subdivisions, including school districts, and any officer, board, commission, agency, authority or other instrumentality thereof.

"Environmental hazard." Any substance, emission or discharge determined by the department to be a hazardous substance and which is likely to pose a danger if released into the environment and for which a trade secret claim shall not be made.

"Exposure." Any situation arising from a workplace operation where an employee may ingest, inhale, absorb through the skin or eyes, or otherwise come into contact with a chemical or mixture.

"Hazardous mixture." Any mixture that contains one or more hazardous substances in a concentration of 1% or greater in the mixture or any mixture that contains one or more special hazardous substances or environmental hazards in any amount. For the purposes of this act, where a special hazardous mixture is combined with one or more chemicals or mixtures to form a new mixture, the new mixture shall be considered to be a hazardous mixture.

"Hazardous substance." Any chemical or mixture defined as hazardous pursuant to section 3. For the purposes of this act, any hazardous mixture is a hazardous substance.

"Hazardous Substance Fact Sheet or HSFS." A written document prepared by the department for the purpose of transmitting information about a hazardous substance to employers, employees or members of the general public.

"Hazard warning." Words, pictures, symbols or a combination of these appearing on a label which instruct employees as to immediate action they should take for their own protection.

"Health professional." Any physician, industrial hygienist, toxicologist or epidemiologist providing medical, occupational health or environmental health services.

"Importer." The first business within the customs territory of the United States, which handles chemicals produced in other countries and intended for sale and distribution to purchasers within the United States.

"Label." A sign, emblem, sticker or marker affixed to or stenciled into a container listing the information required pursuant to section 6.

"Manufacturer." Any individual, partnership, corporation, association or other person who provides, extracts, produces or otherwise makes chemicals.

"Material Safety Data Sheet or MSDS." A written document prepared by a supplier or employer in conformity with the requirements set forth in this act for the purpose of transmitting information concerning a chemical.

"Mixture." A combination of two or more chemicals not involving a chemical reaction.

"NIOSH Registry of Toxic Effects of Chemical Substances." The on-line data base of the National Institute for Occupational Safety and Health Registry of Toxic Effects of Chemical Substances.

"OSHA." The Federal Occupational Safety and Health Administration.

"Research and development laboratory." A specially designated area used primarily for research, development and testing activity, and not primarily involved in the production of goods for commercial sale, in which chemicals are used by or under the direct supervision of a technically qualified person.

"Sealed package." A package shall be in a sealed state if it is a container or vessel whose contents have been placed into it by the manufacturer or importer for the purpose of being transported from one point to another and when such a package whose contents have been placed into it by the manufacturer or importer is in the process of being so transported. A package is not sealed if it is opened for the purpose of transferring the contents which have been placed into it by the manufacturer or importer to another container or vessel; however, opening a package to examine the contents for emergency or safety reasons shall be allowed.

"Special hazardous substance." A hazardous substance so designated by the department because its particular toxicity, tumorigenicity, mutagenicity, reproductive toxicity, flammability, explosiveness, corrosivity or reactivity poses a special hazard to health and safety and for which a trade secret claim shall not be made.

"Supplier." Any individual, partnership, corporation, association or other person, inside or outside or outside the Commonwealth, who manufactures, supplies, imports or distributes any chemical for sale, distribution or use within the Commonwealth.

"Trade name." Any designation or identification such as a code name or number, or a brand name, used by an employer or supplier to identify a chemical other than by its chemical or common name.

"Trade secret." Any formula, plan, pattern, process, production data, information or compilation of information, including chemical name, which is known only to an employer and a limited number of other individuals, and which is used in the fabrication and production or development of an article of trade or service, and which gives the employer possessing it a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the Federal Government as necessary for national defense purposes.

"Workplace." Any building or work area or contiguous group of buildings or work areas composing a plant site in the Commonwealth used by the employer on a permanent or temporary basis to conduct business.

"Work area." Any room, section of a room or other immediate area within a workplace where one or more workers are based for the regular performance of their duties.

Section 3. Hazardous substance list.

(a) Hazardous substance list.—The department shall, no later than 180 days subsequent to the effective date of this act, compile a list of hazardous substances which shall include, but not be limited to, the substances found in the latest compilation or issue of any one of the following lists:

(1) Federal Environmental Protection Agency (EPA) list of toxic pollutants and hazardous substances prepared pursuant to sections 307 and 311 of the Federal Clean Water Act of 1977 (33 U.S.C. §§ 1317, 1321).

(2) EPA list of hazardous air pollutants prepared pursuant to section 112 of the Federal Clean Air Act (42 U.S.C. § 7412).

(3) EPA list of restricted use pesticides found at 40 CFR 162.30 (relating to optional procedures for classification of pesticide uses by regulation).

(4) EPA Carcinogen Assessment Group's List of Carcinogens.

(5) OSHA list of toxic and hazardous substances found in 29 CFR 1910, subpart Z (relating to toxic and hazardous substances).

(6) International Agency for Research on Cancer sublist, entitled "Substances found to have at least sufficient evidence of carcinogenicity in animals."

(7) National Toxicology Program's list of substances published in their latest Annual Report on Carcinogens.

(8) National Fire Protection Association list found in "Hazardous Chemicals Data (NFPA 49)."

(9) National Fire Protection Association list found in "Fire Hazard Properties of Flammable Liquids, Gases, Volatile Solids (NFPA 325M)," but only those substances found on sublists for health items, categories 2, 3 and 4; sublists for reactivity items, categories 3 and 4; sublists for flammability, categories 3 and 4.

(10) American Conference of Governmental Industrial Hygienists list found in Threshold Limit Value for Chemical Substances and Physical Agents in the Workplace.

(11) National Cancer Institute sublist, entitled "Carcinogens bioassays with at least evidence suggestive of carcinogenic effect," but including only those substances which satisfy criteria of the National Toxicology Program indicating significant carcinogenic effect.

The list shall further include any other substance or mixture designated by the department as hazardous because of its known or probable adverse human or environmental effect. This list shall be updated or expanded by the department as necessary in light of new scientific evidence and knowledge. A copy of the list and any modifications thereof shall be transmitted to every employer as necessary.

(b) Additions to hazardous substance list.—Any chemicals which appear on any future compilation or issue of any of the lists contained in subsection 3(a) shall automatically be added to the hazardous substance list. Prior to adding any other chemicals to the list of hazardous substances enumerated in section 3(a)(1) through (11), the department shall, after giving proper notice, hold hearings on the proposed additions to allow for comment by interested parties. Upon conclusion of the hearings, the department shall amend its regulations to reflect additions and publish the additions thereto in the Pennsylvania Bulletin, and notify employers regarding the additions.

(c) Special and environmental hazards.—The department shall designate those hazardous substances which shall be considered special hazardous substances and those which shall be considered environmental hazards. The department shall compile separate lists of the special hazardous substances and the environmental hazards. These lists shall be updated, transmitted to employers and posted by employers in the same manner as the hazardous substance list.

(d) Hazardous substance survey form.—Every employer shall, upon a form supplied by the department, fill out a hazardous substance survey for each workplace, providing information on the hazardous substances present during the prior year. A listing of the hazardous substances shall be posted by the employer as required by section 7. Upon the written request of any person, the department shall require the employer to forward a copy of the completed survey form to the department within 20 days. The department shall, in turn, keep a copy of the survey form on file, and shall immediately transmit a copy of the form to the original requestor. The employer shall update the hazardous substance survey for each workplace every two years.

(e) Access of police, fire and emergency response agencies.—Upon the request of a local police, fire or emergency response agency, within whose jurisdiction an employer falls, an employer shall provide a copy of its latest hazardous substance survey, together with copies of all relevant Material Safety Data Sheets. The employer shall further provide, upon the request of said agency, all relevant and available information concerning any environmental hazards pertaining to the workplace in question.

(f) Environmental hazard survey.—Upon the written request of any person, the department shall require an employer to complete an environmental hazard survey for a particular workplace upon a form supplied by the department. The environmental survey shall include those substances emitted, discharged or disposed of from that workplace, and shall provide the following information to the extent that such information or reports are made under current provisions of Federal and State law:

- (1) The total known or estimated stack or point-source emissions of the substance.
- (2) The total estimated fugitive or nonpoint-source emissions of the substance.
- (3) The total known or estimated discharge of the substance into the surface or groundwater, the treatment methods and the known or estimated raw wastewater volume and loadings.
- (4) The total known or estimated discharge of the substance into publicly owned treatment works.
- (5) The known or estimated quantity and methods of disposal of any wastes containing the substance, the method of onsite storage of these wastes, the location or locations of

the final disposal sites for these wastes and the identity of the hauler of the wastes.

Within 30 days of the department's request, the employer shall return the completed environmental survey form to the department, which shall in turn keep a copy on file and shall immediately transmit a copy to the original requestor. The employer shall also keep a copy of the environmental hazard survey on file at that workplace and at its principal place of business in the Commonwealth.

(g) Onsite testing.—Upon request to the department, and for good cause shown, and upon consultation with the interested parties involved, the department may require an employer to use onsite testing or such other methods as will provide more exact information as requested on the environmental hazard survey. In an emergency, the secretary may empower the department to undertake said testing at the Commonwealth's expense.

(h) Authority to modify filing requirements.—The department may, by regulation, require certain classes or groups of employers to automatically file with the department the completed hazardous substance survey and/or environmental hazard survey every two years, taking into account the nature and quantity of the hazardous substances and/or environmental hazards involved, the likely danger to the surrounding community, the number of employees affected or the importance of said information to future epidemiological or other health studies.

(i) Application.—Notwithstanding any language to the contrary, the provisions of this act shall not apply to hazardous substances contained in the following:

(1) An article.

(2) Products intended for personal consumption by employees in the workplace; consumer products packaged in containers which are primarily designed for distribution to, and use by, the general public; and foods as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.).

(3) A research and development laboratory, except for the provisions of sections 5, 8, 11, 13 and 14. This exemption does not include a laboratory that primarily produces hazardous substances for commercial purposes. "Technically qualified individual" means a person who, because of education, training or experience, understands the risks associated with the hazardous substance or mixture containing a hazardous substance handled by employees under his or her supervision or guidance.

(4) A workplace where a hazardous substance is received in a sealed package and is subsequently sold or transferred in that package within 20 days, if the seal remains intact while the substance is in the workplace, except for the provisions of sections 5, 8, 11, 13 and 14.

(j) Retention of materials.—The department shall maintain a file of all completed hazardous substance surveys and environmental hazard surveys for 30 years. The department shall also retain at least one Material Safety Data Sheet for each hazardous substance and hazardous mixture, together with revisions thereof.

Section 4. Obligation of suppliers.

(a) Labeling.—Every supplier, as condition of doing business in this Commonwealth, shall insure that the container of any chemical which is delivered to a point within this Commonwealth or which is produced within this Commonwealth is clearly labeled in the manner required by section 6.

(b) Provision of Material Safety Data Sheets.—

(1) All manufacturers, importers or suppliers, as a condition of doing business in this Commonwealth, shall prepare an MSDS for each hazardous substance or hazardous mixture they produce or import, and shall ensure that all purchasers of hazardous substances or hazardous mixtures are provided an appropriate MSDS with their initial shipment, and with the

first shipment after an MSDS is updated. The manufacturer, importer or supplier shall further provide an MSDS for any other chemical delivered to a point within the Commonwealth, if the manufacturer, importer or supplier produces or possesses such an MSDS.

(2) Distributors shall ensure that MSDS's are provided to all purchasers of hazardous substances or hazardous mixtures. Manufacturers, importers, suppliers and distributors shall notify the recipient of the hazardous substance or hazardous mixture that such substance is subject to the provisions of this act. In lieu of physically attaching MSDS's to containers shipped, the manufacturer, importer, supplier or distributor may mail the MSDS to the purchaser at the time of the shipment.

(3) Employers shall obtain and maintain MSDS's for each hazardous substance or hazardous mixture in their workplace. If an MSDS is not provided with the shipment, the employer shall obtain one from the manufacturer, importer, supplier or distributor.

(4) Manufacturers, importers or suppliers shall ensure that one copy of an MSDS for each hazardous substance or hazardous mixture which they produce within or deliver to a point within this Commonwealth shall be mailed to the department at the same time as their initial shipment to an employer within this Commonwealth. In addition, the manufacturer, importer or supplier shall mail to the department one copy of an MSDS for any other chemical for which they produce or possess an MSDS, at the time of the initial shipment of the chemical to an employer within this Commonwealth. An additional submission of an MSDS shall be made at the time of the first shipment to an employer within this Commonwealth after an MSDS is updated. In this manner, or upon its own initiative, the department shall compile a complete file of all MSDS's for each hazardous substance, hazardous mixture and appropriate chemical that is produced or distributed within this Commonwealth, and shall keep the complete MSDS file updated as new information becomes available.

(c) Contents of Material Safety Data Sheets.—Subject to the trade secret provisions covered in section 11, the information in the Material Safety Data Sheets shall be at least as complete as that maintained both by the National Library of Medicine computer files and the latest edition of the National Fire Protection Association's Fire Protection Guide on Hazardous Materials. It shall include, but not be limited to, the following information:

(1) The chemical name, the Chemical Abstracts Service number, the trade name, common names and any other names under which said substance is regulated by another State or Federal agency.

(2) The chemical name, common name and Chemical Abstracts Service number of every chemical contained in the substance which comprises 3% or more of the substance except that hazardous substances shall be listed if they comprise 1% or more of the substance, and all special hazardous substances shall be listed.

(3) A reference to all relevant information on the hazardous substance from the NIOSH Registry of Toxic Effects of Chemical Substances.

(4) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, melting point, physical state, color and odorous properties at standard conditions of temperature and pressure.

(5) The flash point, auto ignition temperature, percentage of volume of flammable limits, the recommended fire extinguishing media, any special firefighting procedure and any other unusual fire or explosion hazards.

(6) The hazards, if any, posed by the substance, including its toxicity, tumorigenicity, mutagenicity, reproductive

toxicity, flammability, explosiveness, corrosivity and reactivity, including specific information on its reactivity with water.

(7) A description, in nontechnical language, of the acute and chronic health effects of exposure to the substance, including the signs and symptoms of exposure, and medical conditions that might be aggravated by exposure.

(8) The permissible exposure level, threshold limit value, short-term, ceiling and other established limit values as set by OSHA, National Institute of Occupational Safety and Health, American Industrial Hygiene Association and American Conference of Governmental Industrial Hygienists.

(9) The potential routes and symptoms of exposure to the hazardous substances.

(10) Emergency first aid procedures in case of inhalation, swallowing, eye splashes and skin contamination, including a telephone number to be called day or night in an emergency and any special information needed by medical practitioners treating persons.

(11) The appropriate emergency and first aid procedures for spills, fires, potential explosions and accidental or unplanned emissions involving the hazardous substance.

(12) Recommended waste disposal method if applicable.

(13) Personal protective equipment to be worn or used when handling or otherwise coming in contact with the substance and any special precautions, recommended engineering controls or work practices to be used in handling the substance.

(14) A description of the extent of testing performed on the substance and an indication of what aspects have not been tested.

(15) A description of the known or possible synergistic or additive effects caused by exposure to this substance and to other substances over the same period of time.

(16) For mixtures, a description of any dangers or hazards created by the mixture that are greater than and would not be otherwise disclosed by the Hazardous Substance Fact Sheets for the constituent chemical substances.

(17) The name, address and telephone number of the manufacturer of the chemical.

(18) Date of preparation or last revision of the sheet.

(d) Chemical identification sheet.—An employer or supplier may, for convenience, provide the information requested in subsection (c)(2) by affixing a chemical identification sheet containing said information to an already existing MSDS and it shall be considered an integral part of the MSDS.

(e) Similar substances.—Where hazardous mixtures have similar contents and hazards, but vary in specific composition, the supplier or employer may prepare one Material Safety Data Sheet to apply to all of the similar mixtures: Provided, That the Material Safety Data Sheet identifies all the various mixtures by the names to which it applies, is correct in all respects and correctly states the constituent chemicals in all of the mixtures.

(f) No duty to test.—This section shall not be construed to mean that an employer or supplier must conduct studies to develop new information.

Section 5. Availability of information.

(a) Dissemination to local agencies.—The department shall ensure that each of its regional offices makes available to the public the MSDS's and other information required under this act. The department shall further make immediately available any MSDS's and any completed hazardous substance or environmental hazard surveys for a particular county to the appropriate local police, fire or other emergency response agency, upon said agency's request, if the same has not already been obtained.

(b) New information.—Whenever a supplier receives or discovers any relevant new information regarding a hazardous substance, the supplier shall make such information available to the

department and to all employers to which the supplier provides said substance. The employer shall, in turn, make such information available to employees and the employees' representatives, upon receipt of such new information.

(c) Copy of data available to employees.—An employer shall furnish, upon the request of an employee or employee representative, any of the following:

(1) Any of the lists or survey forms generated under section 3.

(2) Any Material Safety Data Sheet for any hazardous substance or hazardous mixture present in any of the employer's workplaces.

(d) Furnishing information.—Upon the written request of an employee or employee representative, the employer shall furnish a copy of the MSDS or the HSFS to said employee within five days of receipt of the written request, if the requested MSDS or HSFS is in the possession of the employer. If the employer possesses said information, and fails to give said information to the employee or employee representative within five days, the employee shall have the right to refuse to work with the specific hazardous substance until such time as the information requested is provided, without penalty to said employee. If the requested information is not in the possession of the employer, the employer shall notify, in writing, said employee within five days of the receipt of the written request, that the information is not in his possession. Within 15 days of the date of written notification to the employee, the employer shall obtain the requested information from either the manufacturer, supplier or the department. If the employer fails to supply the employee the requested information within 15 days of the date of the written notification to said employee, said employee shall then have the right to refuse to work with the said hazardous substance, until such time as the employer supplies the requested information, at no penalty to said employee.

(e) Information in the work area.—Every employer shall post in every work area the Material Safety Data Sheet for every hazardous substance or hazardous mixture to which the employees working in said work area may be exposed. This posting shall be in such a manner and in such numbers as to give every employee in that work area easy and unhindered access to the Material Safety Data Sheets without permission or intervention of management or any supervisor.

(f) Limitation on fees.—All Material Safety Data Sheets, educational and other materials shall be furnished by an employer to an employee or employee representative at no cost to the employee or employee representative. If the employee making the request has requested and received the same information about the same substance within the preceding 12 months, the employer may impose a reasonable charge not to exceed the costs of reproduction for that information. No fee shall be charged if that employee's job assignment has changed or there is new information available concerning any of the subjects about which information is required to be provided. In no event shall the employer charge fees pursuant to requests by a certified or recognized bargaining agent.

(g) Public access.—Any person may request from the department a copy of the lists or forms required in section 3 which are present in a particular workplace, and any Material Safety Data Sheet or Hazardous Substance Fact Sheet on file and the department shall transmit the requested material within 45 days. Any request shall be treated by the department as confidential as to the name and address of the requestor. The department shall also make materials for its respective regions immediately available during business hours from its regional offices. Materials shall be available at a fee not to exceed the cost of reproducing them.

Section 6. Labeling.

(a) Labeling of container.—

(1) The employer shall ensure that each container of a hazardous substance is labeled, tagged or marked with the chemical name or common name, a hazard warning as provided in subsection (f), and the name, address and telephone number of the manufacturer of the substance.

(2) The employer shall ensure that each container of a hazardous mixture is labeled, tagged or marked with the common name of the mixture where one exists, or the trade name of the mixture, if no common name exists, the chemical or common name of all special hazardous substances in the mixture, the chemical or common name of all hazardous substances constituting 1% or more of the mixture, a hazard warning as provided in subsection (f), and the name, address and telephone number of the manufacturer of the substance.

(3) The employer shall ensure that each container of a single chemical is labeled, tagged or marked with the chemical name or common name, a hazard warning as provided in subsection (f), if appropriate, and the name, address and telephone number of the manufacturer of the chemical.

(4) The employer shall ensure that each container of a mixture is labeled, tagged or marked with the common name of the mixture where one exists, or the trade name of the mixture if no common name exists, a hazard warning as provided in subsection (f), if appropriate, and the name, address and telephone number of the manufacturer. In addition, the employer shall ensure that either the top five substances by volume or those substances constituting 5% or more of the mixture, be labeled by chemical name or common name.

(5) The employer is not required to label any container of ten gallons or less in volume into which a chemical or mixture is transferred by the employee from labeled containers and which is intended only for the immediate use by the employee who performs the transfer.

(6) The employer shall ensure that each container of hazardous substances, hazardous mixtures, or chemicals leaving the workplace is labeled, tagged or marked with the appropriate information as required in subsection (a)(1), (2), (3) or (4).

The employer shall ensure that each label is prominently affixed to the container or the piping system and displayed in such a manner that employees can easily identify the chemical in that container. These labeling requirements may be altered only in accordance with subsections (b), (d) and (f) or section 11. The employer shall not remove or deface existing labels on incoming containers of chemicals unless the container is immediately relabeled with the required information. The employer need not affix new labels to comply with this section if existing labels already convey the required information that the chemical or common name on the container is the same as that listed on the MSDS and can be used by the employee as a cross-reference to the MSDS.

(b) Common name usage.—A common name or trade name may be used for the purpose of subsection (a)(1), (2), (3) and (4), only if the use of such name more easily or readily identifies the true nature of a chemical or mixture. Where a chemical name or Chemical Abstracts Service number exists, but the container is not labeled with either, an employee shall have the right to request, in writing, the chemical name or Chemical Abstracts Service number of the substance, and the employer shall have five working days to give the required information to said employee, if a chemical name or Chemical Abstracts Service number is in the possession of the employer. If no chemical name or Chemical Abstracts Service number is in the possession of the employer, the employer shall notify the requesting employee, in writing, within five working days of the initial employee request and the employee shall have the right to request the department to supply said chemical name or Chemical Abstracts Service number.

(c) Pipelines.—The content of a pipeline system shall be identified by labels applied at or near all ports. In those cases in which more than a single substance may pass through such ports involved in any manufacturing process at any given moment, the employer shall develop methods to adequately apprise anyone potentially having access to such ports as to the contents therein prior to opening such ports. This requirement of this subsection shall not be applicable to effluents, water discharges and/or emissions through stacks or discharge conduits.

(d) Display of label.—The employer shall ensure that each label, sign, placard, or other operating instructions required by this section is legible and prominently affixed in and displayed to the container or port in such a manner that employees can easily identify the substance or mixture present therein. The employer may use signs, placards, operating procedures or other such printed materials as alternatives to individual labels on stationary equipment, as long as the alternatives used indicates the appropriate chemical or common name and hazard warnings and is readily accessible to employees in their work area.

(e) Cross-reference to MSDS.—The employer shall ensure that the chemical or common name used on the container to identify a hazardous substance or mixture is the same as the chemical or common names used on the MSDS or Hazardous Substance Fact Sheet, if that is the information available for the hazardous substance or mixture, and that the MSDS or Hazardous Substance Fact Sheet is readily available to the employee in his work area.

(f) Hazard warnings.—Each employer shall ensure that container labels provide a warning as to the specific nature of hazard arising from the substance in the container. The hazard warnings shall be given in conformity with one of the nationally recognized and accepted systems of providing such warnings and shall be consistent throughout the workplace.

(g) Exemptions.—When containers are labeled as required under applicable Federal laws and regulations, this section does not require labeling of containers which contain:

(1) Any pesticides as such terms are defined in the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 135 et seq.).

(2) Any food, drug or cosmetic as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.).

(3) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. § 201 et seq.).

Section 7. Notice.

Every employer shall prominently post in every workplace, in a location or locations where notices to employees are normally posted:

(1) Lists of all hazardous substances and special hazardous substances found in that workplace and all environmental hazards emitted or discharged therefrom. In addition, upon request, an employer shall furnish to an employee, a list of the hazardous substances used or produced in that employee's work area. A new or newly assigned employee shall be offered a list when assigned to a work area. Such lists shall be updated as necessary but at least annually.

(2) Notification to employees and their representatives of their rights under this act.

(3) All other notices required by the department to be posted.

Section 8. Employer educational program.

(a) Requirement.—Every employer shall provide at least an annual education and training program for employees exposed to hazardous substances or hazardous mixtures with respect to the hazardous substance or mixture found in their normal work area. Additional instruction shall be provided whenever the potential

for exposure to the hazardous substance is altered or whenever new and significant information is received by the employer concerning the hazards of the substance or mixture.

(b) Content of program.—Employers shall furnish employees who are using or handling hazardous substances or hazardous mixtures with information on the contents of a Material Safety Data Sheet, label or equivalent information either in written form or through training programs which may be generic to the extent appropriate and related to the job. Content of the program shall include, as appropriate, the following information concerning the hazardous substances or hazardous mixtures:

(1) The location.

(2) The properties.

(3) The chemical and common name.

(4) The acute and chronic effects.

(5) The symptoms arising from exposure.

(6) The potential for flammability, explosivity and reactivity.

(7) Appropriate emergency treatment.

(8) Appropriate personal protective equipment and proper conditions for safe use.

(9) Emergency procedures for spills, leaks, fires, pipeline breakdowns or other accidents.

(c) Education and training assistance program.—As part of its outreach program, the department shall develop and maintain an education and training assistance program to aid employers who because of size or other practical considerations, are unable to develop such programs by themselves. Such a program would be available to the employer on request.

Section 9. Health and exposure records.

(a) General rule.—Upon request by the department, employers shall provide copies of employee health and exposure records maintained by the employer, including, but not limited to, those records maintained and supplied to the Federal Government by employers as mandated under applicable State and Federal statutes and regulations except as access by third parties is limited by said statutes and regulations.

(b) Certain information confidential.—The department shall not release any information in a way that identifies individuals. The department may, however, publish analysis of reports and information for scientific and public health purposes if the identities of the individuals concerned cannot be ascertained and if information protected by applicable trade secret law is not divulged.

(c) Records retention requirement.—The department shall require an employer to keep records of his employees' exposure to specific chemical substances to the extent that such are required under 29 CFR 1910.20(g) (relating to employee information).

(d) Employee access.—Employees under this act shall have the right of access to exposure and medical records in the manner set forth by OSHA pursuant to 29 CFR 1910.20 (relating to access to employee exposure and medical records), as effective August 21, 1980.

Section 10. Outreach programs.

(a) Duty of the department.—The department shall develop and implement outreach programs to inform employees and the general public of their respective rights under this act and to educate and inform employers, employees and the public, concerning hazardous and other dangerous substances, including, but not limited to, their dangers, their proper handling and disposal and emergency treatment. The department shall prepare this information in a clear and concise manner using words with common and everyday meanings. The department shall also ensure that all written materials are available in Spanish, including departmental notices, Hazardous Substance Fact Sheets, education and public information materials.

(b) Contracts with other agencies to develop program.—The department may contract with public and private organizations to develop and implement the outreach and employee education programs established pursuant to this act.

(c) Public information.—As part of the outreach programs, the department shall develop and maintain a supply of informational leaflets in public buildings, including employment services, offices of the Office of Employment Security, institutions and facilities under the supervision or control of the department, hospitals, union halls, community centers, schools and local agencies providing services to employers and employees. The department shall mail these leaflets to employers and shall periodically distribute public service announcements to newspapers, television and radio stations throughout the Commonwealth to further the goals of the outreach program.

(d) Hazardous Substance Fact Sheets.—The department may produce and disseminate to the public a Hazardous Substance Fact Sheet for any hazardous substance. The categories of information contained therein shall include, but not be limited to, the information contained in a Material Safety Data Sheet. The department may require employers to supply the Hazardous Substance Fact Sheet to requesting employees instead of the supplier's Material Safety Data Sheet.

Section 11. Trade secrets.

(a) Trade secret claims.—Any importer, employer, manufacturer or supplier may withhold the chemical name or other specific identification of a chemical as a trade secret, provided that:

(1) The claim that the information withheld is a trade secret can be supported by the person making the claim.

(2) The material safety data sheet discloses the information concerning the properties and effects of the chemical, if said chemical is a hazardous substance or mixture.

(3) The label and material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret.

(4) The specific chemical identity is made available to health professionals in accordance with this section.

(5) The person making the claim files a notice of said claim with the department. Said notice shall not require the person making the claim to disclose the information which is claimed to be a trade secret.

(b) Disclosure to treating physicians and nurses.—Notwithstanding any other provision of this act, an employer, manufacturer, importer or supplier shall disclose the chemical identification or other information claimed as a trade secret to a treating physician or nurse when such information is needed for medical diagnosis or treatment of an exposed person. The employer, manufacturer, importer or supplier may require the physician or nurse to sign a confidentiality agreement before disclosing the trade secret. In the case of a medical emergency, the employer, manufacturer, importer or supplier shall first disclose the trade secret to the treating physician or nurse but may later require a confidentiality agreement when circumstances permit.

(c) Disclosure to other health professionals.—Upon the request of a health professional who is not a treating physician or nurse, an employer, supplier, manufacturer or importer shall disclose information which is claimed as a trade secret under the same conditions and subject to the same requirements as contained in the OSHA Hazard Communication Standard, 29 CFR Sec. 1900.1200(i)(3), (4) and (7). A health professional who is denied such information under this section may file a complaint or charge with the department. If the department concludes that the information is not a bona fide trade secret, or that it is a trade secret but the requesting health professional has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the

department may find the employer, supplier, manufacturer or importer in violation of this act and order them to disclose the requested information to the health professional.

(d) Confidentiality agreement restrictions.—The confidentiality agreement authorized by subsection (b) may restrict the use of the information to providing medical or other occupational health services to the exposed person, prohibit disclosure of the information to anyone who has not entered into a similar agreement with the consent of the person claiming the trade secret, and provide for appropriate legal remedies in the event of a breach of the agreement. No confidentiality agreement shall include requirements for the posting of a penalty bond.

(e) Request for review of trade secret claims.—Any person may request the department to review trade secret claims made hereunder: Provided, That any appeal from the decision of the department shall not give said person the right of access to any information considered confidential in subsection (f)(2).

(f) Review of trade secret claims.—Upon request by any person, or upon its own initiative, the department may review trade secret claims as provided herein:

(1) Within 30 days of receipt of a request for review of a trade secret claim, the department shall notify the person making the claim and require the person to file an application and supporting evidence. All proceedings shall be in conformity with Title 1 of the Pennsylvania Code (relating to general provisions). If the department finds that the information in question is not a trade secret as defined by this act, it shall order disclosure of the information. Such order shall be a final adjudication appealable to the Commonwealth Court. Any appeal shall act as a stay to any order of the department or any court which requires disclosure.

(2) All trade secret applications, pleadings, hearing transcripts, documents and other records filed with the department or any court pursuant to a review of trade secret claims or appeals thereof shall be confidential and shall not be disclosed to the public. The notice of claim filed with the department and any petition for review or other pleading filed with the courts which do not reveal either the trade secret or any information claimed as confidential shall be considered as public records. All records that reveal either the trade secret or any information claimed as confidential shall be sealed and held as confidential by the department or, upon request, returned to the employer, supplier, manufacturer or importer at the close of all proceedings hereunder. All hearings provided for under this section shall be closed to all persons except the employer, supplier, manufacturer or importer and the department.

(g) Penalty.—Any officer or employee of the Commonwealth, contractor to the Commonwealth, physician or employee of a county health department, local fire department or local police department who has access to any confidential information and who willingly or knowingly discloses the confidential information to any person not authorized to receive it, shall, upon conviction thereof, be guilty of a misdemeanor of the third degree. The person or institution which discloses the confidential information is liable for damages to the full extent of those damages. Violation of this section shall be prima facie evidence of trespass under Pennsylvania common law.

(h) Protection of confidential information.—Information certified to by appropriate officials of the Federal Government as "necessarily kept secret" for national defense purposes shall be accorded the full protection against disclosure as specified by such official or in accordance with Federal law.

Section 12. Risk to public health.

If the department determines that any hazardous substance or other chemical poses a potential health risk to the general public in an area surrounding the workplace, it shall inform the nearest public health agency, hospital and fire company and shall submit

to them copies of each relevant Material Safety Data Sheet or Hazardous Substance Fact Sheet.

Section 13. Protection of employees.

(a) General rule.—No employer shall discharge or cause to be discharged, or otherwise discipline or in any manner discriminate against an employee because the employee has filed a complaint, assisted the department with respect to an inspection under section 14, has instituted or caused to be instituted any proceeding under or related to this act, has testified or is amount to testify in any proceeding, has requested any information or properly refused work under section 5, or has exercised any right afforded pursuant to the provisions of this act.

(b) Burden of proof.—If the department or the employee establishes that within the six months prior to the alleged violation the employee exercised any right provided in this act, the employer shall have the burden to show just cause for his action by clear and convincing evidence.

(c) Waivers invalid.—Any waiver by an employee or applicant for employment of the benefits or requirements of this act shall be against public policy and shall be null and void. Any employer's request or requirement that an employee waive any rights under this act as a condition of employment shall constitute a violation.

Section 14. Complaints and investigations.

(a) Procedure.—The department is hereby empowered to prevent any violations of this act. All proceedings under this section will be scheduled and decisions rendered with all deliberate speed in the interests of protecting employees and members of the public from the dangers of chemical substances. Any person who believes there is a violation by an employer or supplier of this act or any part thereof, may file a complaint within 180 days of the violation with the department. The complaint shall be in writing, verified, and shall set forth the grounds for the complaint. Upon request of the complainant, his or her identity shall not be revealed. Within 30 days after receipt of the complaint, the department shall so notify the respondent in writing and permit the respondent to demonstrate compliance with this act. If such compliance has not been demonstrated by clear and convincing evidence to the department within 14 days of the mailing of the notification, and if the facts in controversy are susceptible to verification by inspection, an employee of the department shall inspect, at reasonable times, the employer's workplace and all conditions relevant to the complaint and shall, in reasonable manner, make any additional investigation deemed necessary for the full and effective determination of the employer's or supplier's compliance with this act. Whenever the representative of the department proceeding under this section is denied admission to any place of employment, he may obtain a warrant to make an inspection or investigation of the place of employment from the appropriate judicial authority upon a showing of the following:

(1) That the individual seeking the warrant is a duly authorized agent of the department.

(2) That such individual has established under oath or affirmation that the place of employment to be investigated in accordance with this section is to be inspected to determine compliance or noncompliance with the requirements of this act.

(b) Prerefusal warrant.—Upon application to the appropriate judicial authority and for good cause shown, the department may seek and obtain an inspection warrant prior to the 14-day period set forth in subsection (a) and prior to any refusal by respondent to voluntarily admit a representative of the department.

(c) Issuance and content of order.—If, upon inspection or investigation of a complaint, the department finds that a respondent has violated any requirements of this act, it shall within seven days issue to the respondent an order to comply. This order shall be in writing and shall specifically describe the nature of the

violation and shall state a reasonable time period, not to exceed 90 days, within which the violation must be corrected by the employer.

(d) Civil penalties.—The department shall have authority to assess any civil penalties from \$500 to \$10,000 for each violation of this act, unless a greater amount is specified elsewhere in this act, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the respondent and the history of previous violations. If the violation has not been corrected within the time period, the department may levy a further civil penalty of not more than \$5,000 per day for each violation. Civil penalties due under this act shall be paid to the department for deposit into the State Treasury and may be collected by the department in a civil action brought in the appropriate court of common pleas. The penalties collected shall be used to defray the costs of the administration and enforcement of this act.

(e) Hearings.—The respondent may, in writing, request the department to provide a hearing concerning any orders to comply or penalties levied upon the employer under this section within 30 days of the respondent's receipt of notice thereof. The hearing shall be afforded in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure). After the hearing, the department shall affirm, reverse or modify its original determination.

(f) Preliminary relief.—Where the department determines that reasonable cause exists to believe a violation has occurred, and that said violation may present an imminent danger to any employee or member of the public, the department shall seek a preliminary or special injunction in the appropriate court of common pleas. The courts of common pleas are hereby empowered to, and shall issue said injunctive relief upon a prima facie showing by the department of a violation and a showing by a preponderance of the evidence that an imminent danger situation is present.

(g) Interference with inspection.—Any employer or individual who willfully obstructs or impedes an authorized representative of the department from carrying out an investigation or inspection pursuant to this act or who refuses entry to an authorized representative of the department to any workplace where such inspection is authorized by a warrant, shall be assessed a civil penalty of not more than \$1,000. Any person who gives advance notice of any inspection to be conducted under this act, without authority from the department, shall be assessed a civil penalty of not more than \$1,000.

Section 15. Judicial review and enforcement.

(a) Appellate review.—Any person or persons aggrieved by a final determination of the department pursuant to sections 11 and 14 may file a petition for review within 30 days of said determination in the Commonwealth Court pursuant to 42 Pa.C.S. § 763(a) (relating to direct appeals from government agencies). The decision of the department shall not be reversed or modified unless said decision is found to be arbitrary, capricious, illegal or not supported by substantial evidence.

(b) Original action.—Any person may bring a civil action in the appropriate court of common pleas on his own behalf against any employer or supplier for a violation of any provision of this act or any rule promulgated pursuant thereto, or may bring suit in the Commonwealth Court against the department for failure to enforce the provisions of this act or any rule promulgated pursuant thereto. Where the action involves the rights of more than one employee, any certified or recognized collective bargaining representative shall have standing to sue on behalf of said employees. The court may issue, whenever it deems appropriate, a preliminary, permanent or special injunction and award compensatory and liquidated damages, costs and expenses of litigation, including expert witness fees and reasonable attorney fees.

Section 16. False statements and intentional omissions.

Any person who knowingly makes a false statement, representation or certification in any list, record or other document required to be maintained pursuant to this act or who intentionally or deliberately refrains from complying with this act shall be assessed a civil penalty of not more than \$10,000, or shall be guilty of a criminal offense classed as a misdemeanor of the first degree, or both. Any employer or supplier who willfully or recklessly prepares a Material Safety Data Sheet for the purpose of withholding or falsifying relevant information concerning the nature and severity of the hazardous nature of the substance shall be assessed a civil penalty of not more than \$10,000 or shall be guilty of a criminal offense classed as a misdemeanor of the first degree, or both.

Section 17. Rules and regulations.

The department shall, in the manner provided by law, promulgate such rules and regulations and provide such forms and written materials as are necessary to carry out the provisions of this act.

Section 18. Construction of act.

(a) No release from liability.—Nothing in this act shall in any way relieve an employer or supplier from liability with regard to the health and safety of an employee or other persons exposed to any substances, nor shall it relieve an employer or supplier from any other duty or responsibility under any other provision of law.

(b) Construction with Federal law.—This act is to be read in conjunction with any provision of Federal law providing for the identification, labeling or providing of information concerning hazardous substances and is intended to supplement such Federal regulation in the interests of protecting the health and safety of citizens of the Commonwealth.

(c) Local ordinances.—This act shall not preempt or supersede any local ordinance or rule concerning the subject matter of this act, except to the extent that said local ordinance or rule directly conflicts with the provisions herein.

Section 19. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstances held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 20. Appropriation.

The sum of \$2,900,000, or as much thereof as may be necessary, is hereby appropriated from the General Fund to the Department of Health to carry out the purpose of this act.

Section 21. Effective date.

(a) Section 3 shall take effect in 180 days.

(b) Sections 4(b), 5(c)(2) and (d) and 6(a)(1) and (2) shall take effect one year after the promulgation of regulations.

(c) Section 6(a)(3) and (4) shall take effect two years after the promulgation of regulations.

(d) The obligation of the department to create lists of hazardous substances and the power of the department to make rules and regulations shall take effect immediately, and the department shall mail to each employer copies of said lists within six months.

(e) The remainder of this act shall take effect in one year.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment that I am offering represents a compromise between many labor groups, community environmental groups, and various industrial and commercial interests.

With respect to the labor community and environmental groups, this amendment preserves the fundamental concept that must be inherent in any right-to-know legislation concerning hazardous substances in the workplace. Fundamentally, these are the right to know the names of the hazardous chemicals being dealt with and to be provided with information about known effects, dangers, and, in certain cases, safety and accident procedures for those chemicals.

In addition, community groups under my amendment are given the opportunity through the Department of Health, the administering agency in the amendment, to be aware of the hazardous and toxic substances being used in facilities in proximity to them and to also become aware of their known health and safety effects.

With respect to the various industrial and commercial interests, this amendment is a compromise, because it significantly limits the definition of "hazardous substances" to the 2,500 known hazardous substances as defined by recognized authorities.

Furthermore, it limits the requirement to produce material safety data sheets, the fundamental document that must travel through and travel with any hazardous substance and be available in the workplace to workers. It limits the requirement that this document be produced by the actual producer or importer of the product containing the hazardous substance or substances.

Yet, Mr. Speaker, another significant compromise with the interests of commerce and industry are the provisions in amendment 2953 which protect trade secrets. The language in the amendment clearly requires persons seeking information about the hazardous substances covered by trade secret language, it limits them to health professionals who demonstrate good cause for obtaining this information related to human health and safety.

Mr. Speaker, community groups that might seek information as to the hazardous chemicals at a plant or industry are also given access to such in this legislation through the Department of Health rather than directly from the industry, thereby taking a paperwork burden away from commerce and industry.

Another significant provision in the amendment clarifies the responsibility of shippers of all kinds, including ports in the trucking industry, so that it is amply clear that they have no responsibility with respect to the labeling of any packages and that adequate time frames are provided for handling materials while in transit without being considered permanent storage sites for those materials.

With respect to retailers, this legislation makes clear that the majority of the food and cosmetic products that they handle will require no additional labeling of information other than as required by existing Federal standards, and with respect to pesticides and fungicides, these also will require no additional information other than as required by existing Federal standards.

All of these above points, Mr. Speaker, were incorporated into the amendment which we offer and which is before us to

allow the process of commerce and industry not to be impeded. These are positive achievements in the eyes of many people in the business community, and they are points that were not included in the current printer's number of HB 1236.

Finally, by way of closing out my initial comments on the amendment, let me point out that this amendment is the one true and genuine compromise being offered to this House of Representatives on this critical issue, because the compromise includes input from labor, community groups, environmentalists, and significant business interests, all the entities that are concerned with a good-faith approach to this critical issue. Yet we are able, with the concessions that are made, to continue to maintain the fundamental embodied originally in HB 1236 - giving workers and communities right to know when dealing with hazardous and dangerous substances.

Mr. Speaker, I ask for an adoption of amendment A2953.

The SPEAKER. The Chair thanks the gentleman.

On the Manderino amendment, the Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

At the very outset, I think it is important that we acknowledge that all of us support the enactment of a Pennsylvania right-to-know bill. We all agree that the Federal standard does not go far enough. We all agree that employees, regardless of whether they are manufacturing employees or nonmanufacturing employees, must be provided with information about the hazardous substances with which they work. We all agree that employees have the right to the identity of all the substances, both hazardous and nonhazardous, found in the workplace. We all agree that the community and particularly our emergency service personnel need to know the hazardous substances located within their areas. We have some major disagreements as to the means by which we achieve these goals.

I would like to ask Mr. Manderino— We have had a couple of amendments. When we came on the floor, we had one that was different from the one we got last week. I know that the members are a little bit confused as to what is in the various amendments. I am wondering if he would submit to interrogation to clarify some of the major issues in his amendment as it amends HB 1236.

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

Mr. MANDERINO. Mr. Speaker, I will submit to the interrogation that the gentleman requests. Initially, though, I would point out that we submitted to the gentleman and all members of the House a detailed analysis of the amendment presented.

Mr. PITTS. Yes, Mr. Speaker, and I have a couple of questions on that, too.

First, Mr. Speaker, I would like to ask, concerning your amendment—I believe it is on pages 9 and 10—if your requirements for MSDS's (material safety data sheets) are the same as those required by the Federal standard.

Mr. MANDERINO. Mr. Speaker, fundamentally the requirements of the MSDS in amendment 2953 are in conformity with those of the Federal law. There are some minor differences.

Mr. PITTS. Are there additions that must be placed on the MSDS's of Pennsylvania manufacturers? And if so, I would like to know what those are.

Mr. MANDERINO. I do not have the Federal standards before me. I am sure the gentleman has gone through the Federal standards. I am sure that he has made a comparison of those standards to the standards that are here. As a for-instance, on page 10, item 14 says, "A description of the extent of testing performed on the substance...." Now, that is as far as the Federal standard goes. We have added the words "and an indication of what aspects have not been tested." Now, it is those kinds of minor changes where we differ from the Federal law, and I am sure the gentleman is aware of each and every one of those. I do not have the Federal here to—

Mr. PITTS. All right. For your information, testing is not required on the Federal MSDS.

I was wondering then, if an MSDS—

Mr. MANDERINO. Mr. Speaker, let me make it perfectly clear that if you need information about my amendment that you do not already have, I will be glad to answer. If you are going to use the interrogation process for a means of debating the amendment, I will refuse to answer.

Mr. PITTS. All right.

Mr. Speaker, I am wondering how, for instance, an employer in Pennsylvania or a purchaser in Pennsylvania, suppose he receives a product from an out-of-State supplier - for instance, the State of Kentucky or the State of Maryland have different standards than this standard that you have - and they receive that MSDS. What is the responsibility of that Pennsylvania user as far as the MSDS?

Mr. MANDERINO. Mr. Speaker, the person first bringing it into Pennsylvania will have to comply with Pennsylvania law. If Pennsylvania law is more stringent or more relaxed than the Federal law, they will have to comply with Pennsylvania law in the case that it is more stringent and the Federal law in the case that Pennsylvania law is more relaxed.

Mr. PITTS. And what if they do not comply? What is the responsibility of that employer?

Mr. MANDERINO. He will be in violation of the act.

Mr. PITTS. In other words, the employer would have to correct that MSDS if he wanted to use it?

Mr. MANDERINO. He will have to supply the MSDS that Pennsylvania requires.

Mr. PITTS. How will he know if that MSDS is what Pennsylvania requires or what OSHA (Occupational Safety and Health Administration) requires, since they are different?

Mr. MANDERINO. Well, let us start here. There would be no reason for people who are interested in safety in the workplace to be in Pennsylvania looking for the enactment of a statute if we thought Federal law was sufficient. Now, it is obvious that we are here, and it is obvious that all the environmental groups and all the community groups and all the labor

groups are here asking that Pennsylvania enact a hazardous substance right-to-know law. The Federal standards, obviously, for these people are not sufficient, or they would not be here. So now if you want to say, are we satisfied with the Federal law? No, or we would not be here. And I do not intend to go through every aspect of the Federal law and tell you where we are satisfied and where we are not satisfied.

Mr. PITTS. All right, Mr. Speaker. Let us go to some people who are in Pennsylvania, like high school science teachers in high school labs or college teachers in college labs. Would your bill require them, if they, in their experiments with the students, produce a new chemical that they do not purchase - for instance, a compound like ethyl acetate, which is a common experiment by chemistry teachers - would they have to produce their own MSDS under your amendment?

Mr. MANDERINO. I do not understand the question.

Mr. PITTS. Are labs, high school labs and college labs, exempt from producing MSDS's when they produce hazardous chemicals in the classroom, if an employee requests that?

Mr. MANDERINO. I would think that if they are engaged in basic research, there is an exception—

Mr. PITTS. No; not research, just teaching—

Mr. MANDERINO. Well, now, they are producing new chemicals; they might well be engaged in research, my young man. They might well be.

Mr. PITTS. I used to be a science teacher, Mr. Speaker. We taught students about chemistry without research.

Mr. MANDERINO. They are producing this new chemical by accident. Is that what you want me to believe? By accident; not by research, by accident.

Mr. PITTS. Not by accident.

Mr. MANDERINO. By design?

Mr. PITTS. We had experiments where we were teaching—

Mr. MANDERINO. By design?

Mr. PITTS. Yes.

Mr. MANDERINO. But not in research?

Mr. PITTS. Not research; no. Just teaching students ordinary introductory chemistry.

Mr. MANDERINO. Well, we are going to get into an argument in semantics. I will simply say to you that the bill exempts the student in the research laboratory.

Mr. PITTS. Thank you, Mr. Speaker.

All right. Let me ask you then about your labeling provisions. Suppose a farmer who lives on the border of the State—and we have many of them—goes across the State line and purchases something, hazardous or nonhazardous, brings it back and stores it, maybe puts it in a mixing tank or a secondary container. Under your amendment, would he be required to label that with all the chemical names?

Mr. MANDERINO. What kind of substance are we talking about? Is it a pesticide?

Mr. PITTS. Hazardous or nonhazardous, you can take—

Mr. MANDERINO. Is it a pesticide?

Mr. PITTS. No.

Mr. MANDERINO. All right. It is not a pesticide.

Mr. PITTS. All right, a fertilizer. Let us take fertilizer, fertilizer spreader.

Mr. MANDERINO. How large is the container which is being purchased?

Mr. PITTS. It does not really matter. You could take—

Mr. MANDERINO. Yes, it matters. Under my amendment anything under 10 gallons is exempt.

Mr. PITTS. Okay. Suppose it is 11 gallons.

Mr. MANDERINO. Then it must meet the standards of the labeling, if it is broken into smaller containers.

Mr. PITTS. Does he have to produce his own labeling?

Mr. MANDERINO. Yes, he would, unless he bought in less than 10 gallons.

Mr. PITTS. All right.

Mr. MANDERINO. And unless he consumed it in the same day. You know, he can go out and buy a larger container and put it into smaller containers without labeling, as long as he produces it in the same day. If I told you that he did not have to do that, would you agree with me?

Mr. PITTS. Agree with what?

Mr. MANDERINO. That he did not have to label.

Mr. PITTS. On a secondary container?

Mr. MANDERINO. Yes.

Mr. PITTS. Of course. Why should he have to label a mixing vat that he is going to—

Mr. MANDERINO. If I told you that my amendment did not require him to label, would you agree?

Mr. PITTS. I am trying to find out what your amendment does.

Mr. MANDERINO. All right. Then I can tell you anything. Is that right?

Mr. PITTS. If your container contains a nonhazardous substance—you can take salt or sand even—is it required to be labeled, under your amendment?

Mr. MANDERINO. It is required to be labeled if it is a chemical.

Mr. PITTS. Now, is it possible, under your amendment, since you obviously have a different standard from the Federal standard as it applies to manufacturers, that your legislation, if it becomes law, will be preempted by the Federal standard?

Mr. MANDERINO. Mr. Speaker, I am not concerned necessarily with the Federal standard except wherein reference is made in the amendment or in HB 1236 to Federal standards. If you want to talk about Federal law, you can talk about Federal law. I would rather talk about HB 1236 and the amendment to HB 1236 that is before us today.

Mr. PITTS. I understand that, Mr. Speaker. Your amendment applies to the nonmanufacturing sector, your small service station, your small business, your farmer, your restaurant. What I am wondering is, if, let us assume, the Federal standard preempts the manufacturing sector, which the Federal standard addresses, what happens to the nonmanufacturers? Are they still covered under your amendment?

Mr. MANDERINO. Nonmanufacturers are covered in the process of the necessity of labeling, labeling so far as chemi-

cals are concerned, labeling so far as hazardous substances are concerned. They are covered whenever they take action that would violate the original container insofar as they may break it down into smaller containers for retail, for distribution, or for supplying other people, and our protection there is they become subject, as a supplier or an importer or a distributor, they become subject to the exact same requirements that were on the original manufacturer.

Mr. PITTS. All right. Let us go to local ordinances. If your amendment becomes law, after it becomes effective, can local municipalities pass their own right-to-know ordinances and be more severe than your amendment, which would become law?

Mr. MANDERINO. Obviously, we do not allow local ordinances to be in conflict with the State law that might pass.

Mr. PITTS. But they could pass local ordinances.

Mr. MANDERINO. If they are local ordinances, yes, but not in conflict with the State law.

Mr. PITTS. Could they be different? If they were more severe, for instance?

Mr. MANDERINO. Yes. In fact, Philadelphia has an ordinance, I think, that is more severe than what we are proposing in A2953, applying to the city of Philadelphia, and we leave that intact with our amendment.

Mr. PITTS. All right. Now, suppose five other cities in the State pass their own right-to-know ordinances, and we have six different right-to-know ordinances. Is that possible under your amendment? Could we have six different right-to-know standards in the State of Pennsylvania that our manufacturers would be subject to?

Mr. MANDERINO. We have simply indicated that anyone passing an ordinance at the local level cannot have an ordinance that conflicts with State law.

Mr. PITTS. So the answer is yes.

Mr. MANDERINO. I have given my answer. If you want to give yours, that is your business.

Mr. PITTS. Okay. Let us go on to trade secret exemptions.

You do not allow trade secret claims for what are called, I believe, special or environmental hazards. We are having a little difficulty getting a handle on that. Could you tell us, give us an example of an environmental or special hazard chemical? Do you have any idea of how many chemicals you are talking about?

Mr. MANDERINO. Well, I am talking about probably any known carcinogen. That is for starters.

Mr. PITTS. Do you have any idea of how many chemicals you are talking about on this list?

Mr. MANDERINO. We have taken out the special hazards that we require a registration of the trade secret with. They are considerably less than all of the trade secrets that are out there in the world of commerce. We feel that the special problems and the highly toxic and deadly nature of these kinds of special hazards warrant that if one claims a trade secret, he must do more than simply deny access to information claiming a trade secret. So we have taken from what was originally in HB 1236 that which required a registration of every trade secret, which required that the commercial interest claiming

the trade secret must register the trade secret in all of its elements and aspects with a department of government, which many commercial interests found onerous and dangerous to the protection of confidentiality of that trade secret. We have changed that requirement to simply a requirement that the trade secret be claimed and the department be informed that the trade secret is claimed.

There are only special ways in which the trade secret or information about that trade secret can come to the knowledge of health professionals in protecting safety and life. The special category that we have placed the subject matter of your inquiry in and the special requirement that we have given to those claiming trade secrets in that category of things is a more stringent requirement, certainly, because of the very devastating and health- and life-threatening effects that they might have.

Mr. PITTS. The reason I ask, I know New Jersey has about 500 to 700 on their special substance list.

Mr. MANDERINO. We would estimate that ours would be less than 200, so we are one-third as stringent as New Jersey.

Mr. PITTS. New Jersey, for instance, has acetic acid, which is a component of vinegar, on their special substance list.

Mr. MANDERINO. Mr. Speaker, we would expect that the Department of Health could be relied upon and we would have the confidence, since we have given them the opportunity to define those areas and to look into those areas, we would have confidence that they would not put common vinegar on such a list.

Mr. PITTS. Mr. Speaker, I was wondering why you did choose the Department of Health instead of the Department of Environmental Resources. We had felt that Health was not the proper—

Mr. MANDERINO. I can only tell you that of the parties who were at the table trying to arrive at meaningful legislation, there were those at the table who felt that the mentality in the Department of Environmental Resources, that in many cases in air and water quality set a standard that had to be met regardless of whether there was a known method of meeting that standard, might apply that same mentality to this field and it would be disadvantageous to commerce.

Mr. PITTS. Thank you, Mr. Speaker. I will comment on that comment later.

You have defined a hazardous substance as one that is on one of several lists, the list approach, which I am wondering if you have information as to how often those lists are updated. In other words, what kind of a lag time are we talking about? If a hazardous chemical is really hazardous and it is produced by a manufacturer, and he knows that, how long is it going to take for this to get on—

Mr. MANDERINO. Mr. Speaker, let us talk about those lists.

One list is the Federal Environmental Protection Agency - EPA - list of toxic pollutants and hazardous substances. Another is an EPA list of hazardous air pollutants, which is prepared under a section of the Federal Clean Air Act.

Another is an EPA list of restricted use pesticides found in a certain Federal statute.

Mr. PITTS. I have the lists. I just wondered if you know how often they are updated.

Mr. MANDERINO. I think they are updated as necessary by the various departments that write the regulations for those different Federal laws.

Mr. PITTS. Once a year?

Mr. MANDERINO. It could be annually; it could be less than annually; it might be more than annually.

Mr. PITTS. Okay.

Mr. Speaker, under your amendment, as I understand it, if a person in Delaware County, for instance, reads something in the paper that a smokestack in Westmoreland County is contributing to acid rain, they could write to the department and ask for the chemicals that are being produced by that smokestack in Westmoreland County. Is that true?

Mr. MANDERINO. I do not believe so, Mr. Speaker.

Mr. PITTS. Any person in the State—

Mr. MANDERINO. I said, I do not believe so. You want to ask it again? I do not believe so.

Mr. PITTS. You do not believe that any person—

Mr. MANDERINO. If you want to argue that it does, argue, but I do not believe so.

Mr. PITTS. All right.

Could I ask you if you have any estimates on how many MSDS's the Department of Health will be receiving under your amendment?

Mr. MANDERINO. I think there are 2,500, as I indicated, chemicals that would require MSDS's to be filed with the department. I think that you can multiply that by 10, because MSDS's would have to be filed for combinations of those and the estimate is that a 10 factor is probably about right.

Mr. PITTS. Well, the estimate we have is 2 1/2 million.

Mr. MANDERINO. Pardon me? I missed the last comment.

Mr. PITTS. I said, the estimate we have received from the industries is 2 1/2 million under your amendment.

Mr. MANDERINO. Well, the industries that we worked with estimated 25,000, and that is why they were agreeing to the compromise.

Mr. PITTS. In your analysis of your amendment on page 7, you make the statement that trade names are allowed only if no chemical or common name exists. Now, you take a trade name for a gasoline, like Arco Supreme. Does that mean they cannot use that trade name; they will have to use the chemical or common name if it exists - gasoline?

Mr. MANDERINO. That is a product that is intended for retail sale and is given special treatment in the amendment.

Mr. PITTS. What if it is in the workplace? Does the employee have any right under that? Suppose it is being stored by a farmer on his farm with seasonal farm laborers. It is not intended for retail there.

Mr. MANDERINO. It would seem to me that all that farmer would have to do is label it as— There are probably State laws now requiring that that can that he puts it in say "gasoline."

Mr. PITTS. How about for employees in a gas station?

Mr. MANDERINO. In the gas station, I would think that we are talking about a product intended for retail sale. Do you want to try again?

Mr. PITTS. No, but not for the employee who works there.

Mr. MANDERINO. No, but the product certainly in the pumps and in the ground is intended for retail sale.

Mr. PITTS. All right, Mr. Speaker.

Mr. MANDERINO. Have you had enough? I am willing to continue.

Mr. PITTS. Mr. Speaker, let me just make a few comments on your amendment, if I may, at this time.

The SPEAKER. The gentleman is in order and may comment on the amendment.

Mr. PITTS. Mr. Speaker, we all know that HB 1236, as we have it before us, is a very onerous piece of legislation. Mr. Manderino indicated that his amendment, in a few ways, corrects some of the problems of HB 1236.

I think it is important for the members to understand that under Mr. Manderino's amendment we still have universal labeling of all chemicals, both hazardous and nonhazardous. You still must list every chemical on the label. It is not consistent with the OSHA standard; it conflicts with the OSHA standard. It is going to cause problems for our trade in and out of State. MSDS's are not required the same standard as under OSHA. Every one is going to have to be redone for Pennsylvania, either by the supplier or by the user, whoever receives it, if it is not in correct form when they receive it.

Mr. Manderino's amendment, as he has stated, is still the static list approach. That list may take a year or more to update, rather than the OSHA standard which provides for immediate updating of that hazardous substance.

He still requires the same requirement for nonmanufacturers as he does for the large manufacturer. Your small farmer, your small businessman, your service station, are going to have to meet all of the labeling requirements, the extensive training requirements that a large chemical manufacturer has to make. It is not a two-tiered approach.

There are special hazards and environmental hazards that cannot claim trade secrets. They are going to have to have trade secret hearings in this State and, if every State does this, in every State, not just with the Federal level.

I did not mention the different approach that Mr. Manderino has for the emergency service personnel, but emergency service personnel do not have the right to go into, they do not have permission to tour in a plant to develop an emergency response plan. They are not given the name or phone number of someone to contact in case of an emergency. They can only request information. You could have a warehouse full of sealed containers. They have a sealed container provision in here that is exempted. You could have a warehouse full of nitroglycerine in sealed containers. There is no way that the public or a fire emergency service would know that that was there if it is there only 19 days. They are exempt if it is there under 20 days, under Mr. Manderino's amendment.

We did not get into the cost of Mr. Manderino's amendment. I have looked very carefully at this fiscal note and the analysis that Mr. Manderino has passed around, and we see this estimate. Where they got it, I do not know. The only cost estimates that we have been able to find that have any scientific validity at all come from either the fiscal and regulatory analysis of OSHA or the MRI (Midwest Research Institute) study, which is a very thick cost-evaluation study financed by the chemical manufacturing industries. The cost potential is very, very significant, in the billions of dollars on Pennsylvania employers. The cost of small business, if preemption occurs, as OSHA maintains it will on the large manufacturers, they will just have to live according to the Federal standard. The small businessman, the farmer, is going to have to live with a more severe standard, under Mr. Manderino's amendment, and the cost to them is going to be very phenomenal.

Mr. Speaker, I understand the improvements that Mr. Manderino has made. He has made a slight improvement on paperwork costs. Instead of mandating every employer having to automatically file these survey forms with Health, now it has to be upon request, and if anyone requests it, they have to file it with Harrisburg. We think there will be some savings in that area. He has taken out the predetermination of hazardous chemicals that he had. We think that is an improvement.

I would say, Mr. Speaker, that we have a very bad bill. This makes it a little, little bit better. I would say that the members ought to support the Manderino amendment, and then we will offer our amendment, which will make it even much better. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Manderino amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I am fascinated by this debate. The fact is that Mr. Manderino has made a very substantial effort to meet the concerns of the business community; as the business community sees it, he has weakened the bill. I am glad that after a long interrogation, Mr. Pitts has said that he now supports the Manderino amendment, and I would urge, therefore, that everybody in the House follow Mr. Pitts and vote for the Manderino amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think it is only fair to mention, particularly to the members who expected to oppose the Manderino amendments, that I did have a meeting with the Speaker, and I did advise our caucus that the gentleman, Mr. Pitts, would be permitted to offer his amendment after adoption of the Manderino amendments, and to a great extent it is on this basis that Mr. Pitts has pointed out to our members that there is some slight improvement brought about by the Manderino amendments, but there is also a great deal in those amendments that we do not approve of. So I would not want the gentleman from Philadelphia, Mr. Cohen, to labor under the false impression that we adopt wholeheartedly the amendments of Mr. Manderino but simply recognize that there is

some slight improvement over the present bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—179

Afflerbach	Durham	Lloyd	Rieger
Alderette	Evans	Lucyk	Robbins
Angstadt	Fargo	McCall	Rudy
Arty	Fattah	McClatchy	Ryan
Baldwin	Fee	McHale	Rybak
Barber	Fischer	McIntyre	Saloom
Battisto	Foster, W. W.	McMonagle	Salvatore
Belardi	Foster, Jr., A.	McVerry	Saurman
Belfanti	Freeman	Mackowski	Semmel
Blaum	Freind	Madigan	Serafini
Book	Fryer	Maiale	Seventy
Boyes	Gallagher	Manderino	Snyder, D. W.
Brandt	Gallen	Manmiller	Snyder, G. M.
Bunt	Gamble	Markosek	Spencer
Burd	Geist	Mayernik	Stairs
Burns	George	Merry	Steighner
Caltagirone	Gladeck	Michlovic	Stewart
Cappabianca	Greenwood	Micozzie	Stuban
Carn	Grieco	Miller	Sweet
Cawley	Gruitza	Miscevich	Swift
Cessar	Gruppo	Morris	Taylor, E. Z.
Cimini	Hagarty	Mrkonc	Taylor, F. E.
Civera	Haluska	Murphy	Telek
Clark	Harper	Nahill	Tigue
Clymer	Hasay	Noye	Trello
Cohen	Hayes	O'Brien	Truman
Colafella	Herman	O'Donnell	Van Horne
Cole	Hershey	Olasz	Vroon
Cordisco	Hoeffel	Oliver	Wachob
Cornell	Honaman	Perzel	Wambach
Coslett	Hutchinson	Peterson	Wargo
Cowell	Itkin	Petrarca	Wass
Coy	Jarolin	Petrone	Weston
Deluca	Johnson	Phillips	Wiggins
DeVerter	Kasunic	Piccola	Williams
DeWeese	Kennedy	Pievsky	Wilson
Daley	Kosinski	Pistella	Wogan
Davies	Kowalshyn	Pitts	Wozniak
Dawida	Kukovich	Pott	Wright, D. R.
Deal	Lashinger	Pratt	Wright, J. L.
Dietz	Laughlin	Preston	Wright, R. C.
Dininni	Lescovitz	Rappaport	Zwinkl
Dombrowski	Levi	Reber	
Donatucci	Levin	Reinard	Irvis,
Dorr	Linton	Richardson	Speaker
Duffy			

NAYS—17

Armstrong	Jackson	Moehlmann	Showers
Bowser	Klingaman	Mowery	Sirianni
Broujos	Letterman	Scheetz	Smith, B.
Flick	Livengood	Schuler	Smith, L. E.
Godshall			

NOT VOTING—2

Punt	Spitz
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EXCUSED—4

Gannon	Lehr	Marmion	Stevens
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The question was determined in the affirmative, and the amendments were agreed to.

JUDICIARY COMMITTEE AND SUBCOMMITTEE MEETINGS

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Rappaport, rise?

Mr. RAPPAPORT. To announce a committee meeting, with your leave, sir.

The SPEAKER. The gentleman may make his announcement.

Mr. RAPPAPORT. Mr. Speaker, the Subcommittee on Crime and Corrections of the Judiciary Committee will meet tomorrow morning at 10:30 in room B-11 to consider HB 2125.

There will be a meeting of the entire Judiciary Committee tomorrow morning at 10:45 in room B-11 to consider HB 731. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, I would like to have the record reflect a negative vote on final passage of SB 58. Thank you.

The SPEAKER. Negative on final passage of SB 58. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, on amendment A2953 to HB 1236, I was not recorded. I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1236 CONTINUED

On the question,

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

Mr. PITTS offered the following amendments No. A3167:

Amend Bill, by striking out the Title, Preamble and Table of Contents and inserting

Regulating hazardous substances; requiring posting of the identity of these substances by employers and the labeling of hazardous materials; requiring material safety data on a list of priority hazardous substances to be given to employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Environmental Resources; requiring employers handling hazardous substances to cooperate with local government officials and emergency personnel; and further providing for complaint procedures, for investigations, for compliance orders and the enforcement thereof; providing penalties; and making an appropriation.

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- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Notice.
- Section 4. Materials.
- Section 5. Material safety data sheets.
- Section 6. Labeling.

- Section 7. Protection of employees.
- Section 8. Employee training.
- Section 9. Nonmanufacturing employers.
- Section 10. Chemical identification.
- Section 11. Powers and duties of department.
- Section 12. Health and exposure records.
- Section 13. Emergency information.
- Section 14. Trade secrets.
- Section 15. Complaints and investigations.
- Section 16. Compliance order and penalties.
- Section 17. Exemptions.
- Section 18. Construction of act.
- Section 19. Preemption.
- Section 20. Appropriation.
- Section 21. Effective date.

It is declared that there exists within the Commonwealth a potential danger to employees because of their exposure to hazardous substances encountered in the workplace. It is also declared that a potential danger exists to the general public, if and when these hazardous substances are released into the environment through accidental release or must be handled in emergency situations. It is therefore declared to be the policy of the Commonwealth that employers within this Commonwealth whose businesses require use of hazardous substances have a duty to inform their employees about the nature of the dangers which they face. It is also the duty of these employers to inform local emergency personnel and local government officials of the presence and dangers posed by the hazardous substances that are contained within their workplace so that proper action can be taken should an emergency occur. Furthermore, it is the duty of the Commonwealth to organize a hazardous substance communication network so that employees and the general public can obtain available information concerning hazardous substances found in or emitted from the workplace in a fast, efficient manner.

Amend Bill, by striking out sections 1 through 21, and inserting

Section 1. Short title.

This act shall be known and may be cited as the Hazardous Substance Disclosure Act.

Section 2. Definitions.

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

"ACGIH." American Conference of Government Industrial Hygienists.

"Article." A manufactured item which is formed to a specific shape or design during manufacture, which has end use functions dependent in whole or in part upon its shape or design during end use and which does not release or otherwise result in exposure to a hazardous substance under normal conditions or use.

"Chemical." An element, chemical, compound or mixture of elements or compounds, or both.

"Chemical manufacturer." An employer in SIC Codes 20 to 39 with a facility where hazardous substances are manufactured, produced, processed, formulated, mixed, blended or repackaged for use or distribution.

"Chemical name." The scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature.

"Common name." A designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

"Container." A bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank or the like that contains a hazardous substance. The term does not include pipes and piping systems.

"Designated representative." An individual or organization to whom an employee or former employee gives written authorization to exercise the employee's rights under this act. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

"Department." The Department of Environmental Resources.

"Distributor." A business which supplies or sells containers of hazardous substances to manufacturing employer or nonmanufacturing-employer purchasers.

"Exposure" or "exposed." The situation where an employee is subjected to a hazardous substance in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, and the like) and includes potential (for example, accidental or possible) exposure.

"Foreseeable emergency." A potential occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which could result in an uncontrolled release of a hazardous substance into the workplace.

"Hazardous substance."

(1) A substance:

(i) contained in the United States Department of Transportation Hazardous Materials List;

(ii) contained in the Federal Occupational Safety and Health Standard, 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, General Industry Standards, Occupational Safety and Health Administration;

(iii) contained in the list of Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (Latest Edition); or

(iv) listed as a carcinogen by:

(A) National Toxicology Program (NTP), "Annual Report on Carcinogens" (Latest Edition);

(B) International Agency for Research on Cancer (IARC) "Monographs" (Latest Edition); or

(C) The Federal Occupational Safety and Health Standard, 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

(2) A mixture:

(i) containing 1% or greater, by weight or volume, of a substance listed under paragraph (1)(i), (ii) or (iii); or

(ii) containing 0.1% or greater, by weight or volume, of a substance listed under paragraph (1)(iv).

(3) A substance or mixture determined by an employer, chemical manufacturer or importer to be a physical or health hazard as defined and required by the Federal Occupational Safety and Health Hazard Communication Standard, 29 C.F.R. § 1910.1200, Hazard Communication.

"Hazard warning." Words, pictures, symbols or a combination thereof appearing on a label which instructs employees as to immediate action they should take for their own protection.

"Identity." A chemical or common name which is indicated on the material safety data sheets for the substance. The identity used shall permit cross-references to be made among the required list of hazardous substances, the label, and the material safety data sheets.

"Immediate use." The hazardous substance will be under the control of and used only by the person who obtained it and only within the workshift in which it is obtained.

"Importer." The first business with employees within the customs territory of the United States which receives hazardous substances produced in other countries for the purpose of supplying them to distributors or to manufacturing employers or nonmanufacturing-employer purchasers within this Commonwealth.

"Label." Written, printed or graphic material displayed on or affixed to containers of hazardous substances.

"Manufacturing employee" or "employee." An employee who is exposed in everyday use or foreseeable emergencies to hazardous substances in a workplace in SIC Codes 20 through 39 (manufacturing) including, but not limited to, production workers, line supervisors and repair or maintenance personnel. The term includes office workers, grounds maintenance personnel, security personnel or nonresident management if their job performance routinely involves potential exposure to hazardous substances.

"Manufacturing employer" or "employer." A person engaged in a business with SIC Codes 20 through 39 where hazardous substances are either used or are produced or processed for use or distribution.

"Material safety data sheet (MSDS)." Printed material concerning a hazardous substance which is prepared in accordance with section 5.

"Mixture." A combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

"Nonmanufacturing employee." An employee who is exposed in everyday use or foreseeable emergencies to hazardous substances in a workplace in a SIC Code other than SIC Codes 20 through 39.

"Nonmanufacturing employer." A person engaged in a business in a SIC Code other than SIC Codes 20 through 39.

"OSHA." The Federal Occupational Safety and Health Administration.

"PEMA." The Pennsylvania Emergency Management Agency.

"Political subdivision." A county, city, borough, incorporated town or township.

"Port." A point of access, which may be opened to the environment used for charging or discharging a system, at which an employee may come into direct contact with a hazardous substance under normal conditions of use.

"Responsible party." Someone who can provide additional information on the hazardous substance and appropriate emergency procedures, if necessary.

"SIC." Standard Industrial Code as designated in the Standard Industrial Classification Manual prepared by the Federal Office of Management and the Budget.

"Trade secret." A formula, pattern, process, device, information or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

"Use." Handle, react, process, package or repackage, or transport within a plant.

"Work area." A room or defined space in an establishment where hazardous substances are produced or used, and where employees are present.

"Workplace." An establishment at one geographical location containing one or more work areas.

Section 3. Notice.

(a) Posting requirement.—Every employer shall post in each workplace, in a location or locations where notices to employees are normally posted, the following:

ATTENTION

THE FOLLOWING IS A LIST OF SUBSTANCES WHICH YOU MAY BE EXPOSED TO DURING WORK AT THIS FACILITY WHICH ARE HAZARDOUS.

(List of all hazardous substances present at that workplace.)

YOU ARE ALLOWED BY LAW (ACT NO.) TO RECEIVE INFORMATION CONCERNING

THESE SUBSTANCES, INCLUDING THEIR CHEMICAL IDENTITY AND THEIR HAZARDOUS AND TOXIC PROPERTIES, FROM YOUR EMPLOYER IN THE FORM OF A MATERIAL SAFETY DATA SHEET (MSDS). YOU MAY OBTAIN A COPY BY MAKING A WRITTEN REQUEST TO YOUR EMPLOYER. A COPY MUST ALSO BE AVAILABLE FOR REFERENCE AT YOUR WORKPLACE. THIS AND ADDITIONAL INFORMATION MAY ALSO BE OBTAINED BY CALLING YOUR LOCAL DEPARTMENT OF ENVIRONMENTAL RESOURCES AT (TELEPHONE NO.). IN ADDITION YOUR EMPLOYER IS REQUIRED TO PROVIDE TRAINING CONCERNING THE HAZARDOUS SUBSTANCES WITH WHICH YOU WORK; TO LABEL CONTAINERS OF THESE SUBSTANCES; AND TO PROVIDE, UPON WRITTEN REQUEST, THE CHEMICAL IDENTITY AND MAKEUP OF ANY CHEMICAL SUBSTANCE WITH WHICH YOU WORK. IF YOU FEEL YOUR EMPLOYER IS NOT DOING SO YOU SHOULD CALL YOUR LOCAL DER OFFICE.

NOTE: SIMPLY BECAUSE A SUBSTANCE IS NOT COVERED UNDER THIS ACT DOES NOT MEAN THAT IT IS SAFE IN ALL CIRCUMSTANCES. ALL CHEMICALS, NO MATTER WHAT THEIR SUSPECTED HEALTH EFFECTS, SHOULD BE HANDLED IN A SAFE AND CONSCIENTIOUS MANNER.

(b) List.—The list of hazardous substances required by subsection (a) shall be of all the hazardous substances in that workplace listed by their identity.

(c) Placement.—Printed information required by subsection (a) shall be on the front page of the posting. Only the list of substances should be continued on a second page if necessary. Furthermore, if this list exceeds three single-spaced typewritten pages, it may be kept in some other location if that location is referenced on the posting.

(d) Inspection.—The list of hazardous substances required by subsection (a) shall be made available to the department upon request.

Section 4. Materials.

Materials required to be furnished to an employee or designated representative shall be furnished at no cost to the employee or designated representative.

Section 5. Material safety data sheets.

(a) Maintenance.—

(1) Employers are required to maintain a copy of a material safety data sheet (MSDS) on each hazardous substance present in the employer's workplace.

(2) Chemical manufacturers and importers shall obtain or develop a MSDS for each hazardous substance they produce or import.

(b) Contents.—Each MSDS shall be in English and contain at least the following:

(1) The identity used on the label and, except as provided in section 14:

(i) if the hazardous substance is a single substance, its chemical and common name;

(ii) if the hazardous substance is a mixture, the chemical and common names of all hazardous substances which comprise 1% or greater, by weight or volume, of the composition, except those chemicals identified as carcinogens under the sources listed in the definition of "hazardous substance" in section 2(1)(iv), which shall be listed in concentrations of 0.1% or greater; or

(iii) if the hazardous substance is a mixture which has been tested as a whole to determine its hazards, the chemical and common names of the ingredients which contribute to these known hazards and the common names of the mixture itself.

(2) Physical and chemical characteristics of the hazardous substances.

(3) The physical hazards of the hazardous substance including the potential for fire, explosion and reactivity.

(4) Known acute and chronic health effects of exposure to the hazardous substance, including signs and symptoms of exposure, and medical conditions which are generally recognized as being aggravated by exposure to the substance.

(5) The primary route of entry and permissible exposure limit, for those hazardous substances for which OSHA has promulgated a permissible exposure limit, as well as the ACGIH threshold limit value and any other available exposure limit recommendations.

(6) Whether the hazardous substance is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest edition) or by OSHA.

(7) Precautions for safe handling and use which are generally known to the chemical manufacturer, importer or employer preparing the MSDS, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment and procedures for cleanup of spills and leaks.

(8) Control measures which are generally known to the chemical manufacturer, importer or employer, such as appropriate engineering controls, work practices or personal protective equipment.

(9) Emergency and first aid procedures.

(10) The day of preparation of the MSDS or the last change to it.

(11) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the MSDS who can provide additional information on the hazardous substance and appropriate emergency procedures, if necessary.

(c) Combinations.—Where complex mixtures in a workplace have similar contents and hazards, but vary in specific compositions, the importer or employer may prepare one MSDS to apply to all these similar mixtures.

(d) Lack of information.—If no information is found for a given category on the MSDS, the chemical manufacturer, importer or employer shall mark it to indicate no applicable information was found.

(e) Accuracy.—The chemical manufacturer, importer or employer preparing the MSDS shall ensure that the information on the MSDS accurately reflects the available scientifically well-established data regarding the hazardous substance. If the chemical manufacturer, importer or employer becomes aware of information which is both new and significant regarding the health hazard of a substance, this shall be added to the MSDS within three months. If the hazardous substance is not currently being produced or imported, the chemical manufacturer or importer shall add the information to the MSDS before the substance is introduced into the workplace again.

(f) Federal compliance.—A MSDS prepared in accordance with the Federal Occupational Safety and Health Hazard Communication Standard, 29 C.F.R. § 1910.1200, Hazard Communication, complies with this act.

(g) Manufacturers and importers.—Chemical manufacturers or importers shall ensure that manufacturing and nonmanufacturing-employer purchasers of hazardous substances are provided an appropriate MSDS with their initial shipment and with

the first shipment after a MSDS is updated. In lieu of physically attaching MSDS to containers shipped, the chemical manufacturer or importer may mail them to the purchaser at the time of the shipment. If the MSDS is not provided with the shipment, the manufacturing-employer purchaser shall obtain one from the chemical manufacturer or importer as soon as possible.

(h) Distributors.—Distributors shall ensure that material safety data sheets are provided to manufacturing and nonmanufacturing-employer purchasers of hazardous substances.

(i) Access.—The employer shall maintain copies of the required material safety data sheets for each hazardous substance in the workplace and shall ensure that they are readily accessible to employees in each work area.

(j) Alternatives.—Employers may use process sheets, operating procedures or other written materials as alternatives to material safety data sheets as long as the alternative includes the information required on the MSDS and is readily accessible to employees in each work area. These alternatives may also be used to cover groups of hazardous substances in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous substances. However, the employer shall ensure that the required information is provided for each hazardous substance involved and is readily accessible to employees in the work area.

(k) Availability.—Upon request, copies of material safety data sheets as well as the list of hazardous substances used in the workplace as posted in section 3 shall be made available as soon as possible to employees, their designated representatives, the department, the Department of Health and the health professional or group of health professionals specified in section 14(c)(2).

Section 6. Labeling.

(a) General rule.—The employer shall ensure that each container of hazardous substances in the workplace is labeled, tagged or marked with the following information:

(1) Identity of the hazardous substance contained therein.

(2) Appropriate hazard warnings.

(b) Signs.—When stationary containers in a work area have similar contents and hazards, the employer may post signs or placards to convey the required information rather than affixing labels to each individual container.

(c) Ports.—The hazardous substance content of a pipeline system shall be identified by labels applied at or near all ports. In cases in which more than a single substance may pass through ports at a given moment, the employer shall develop methods to adequately apprise anyone potentially having access to the ports as to the hazardous substance contained therein prior to opening the ports. This subsection does not apply to effluents, water discharges and emissions through stacks or discharge conduits.

(d) Alternatives.—The employer may use batch process sheets, batch tickets, operating procedures or other written materials as alternatives to individual labels on stationary process equipment as long as the alternative used indicates the appropriate identity and the hazard warning and is readily accessible to employees in their work area.

(e) Required information.—The employer or importer shall ensure that each container of hazardous substances leaving the workplace is labeled, tagged or marked with the following information:

(1) Identity of the hazardous substance.

(2) Appropriate hazard warnings.

(3) Name and address of the chemical manufacturer or other responsible party.

(f) Conflict.—Chemical manufacturers shall ensure that each container of hazardous substances leaving the workplace is labeled in accordance with this section in a manner which does not conflict with the requirements of the act of November 9, 1965

(P.L. 657, No. 323), known as the Hazardous Substances Transportation Act, and regulations issued under this act by the Department of Transportation nor the Hazardous Material Transportation Act (18 U.S.C. § 1801 et seq.).

(g) OSHA regulations.—If the hazardous substance is regulated by OSHA in a substance specific health standard, the employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(h) Immediate use.—The employer is not required to label portable containers into which hazardous substances are transferred from labeled containers and which are intended only for the immediate use of the employee who performs the transfer.

(i) Removal.—The employer shall not remove or deface existing labels on incoming containers of hazardous substances unless the container is immediately relabeled with the required information.

(j) Display.—The employer shall ensure that labels are legible and prominently displayed on the container.

(k) Delivery.—Distributors shall ensure that containers of hazardous substances delivered to manufacturing and nonmanufacturing-employer purchasers are labeled in accordance with subsection (e).

(l) Existing labels.—The employer need not affix new labels to comply with this section if existing labels already convey the required information.

(m) Exceptions.—This section does not apply to:

(1) A pesticide as defined in the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 136 et seq.) when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency.

(2) A food, food additive, color additive, drug or cosmetic, including materials intended for use as ingredients in such products (for example, flavors and fragrances), as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under that act, when they are subject to the labeling requirements of that act and labeling regulations issued under that act by the Food and Drug Administration.

(3) Distilled spirits (beverage alcohols), wine or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco and Firearms.

(4) A consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), respectively, when subject to a consumer product safety standard or labeling requirement of those acts or regulations issued under those acts by the Consumer Products Safety Commission.

Section 7. Protection of employees.

(a) Punitive action prohibited.—No person shall discharge or discriminate against any employee because the employee has filed a complaint, instituted or caused to be instituted a proceeding under or related to this act, has testified or is about to testify in any such proceeding or has exercised on behalf of himself or others a right afforded by this act.

(b) Penalty.—An employee who believes that he has been discharged or otherwise discriminated against by a person in violation of this section may, within 30 days after the violation occurs, file a complaint with the department alleging such discrimination. Upon receipt of the complaint, the department shall investigate as it deems appropriate. If, upon investigation, the department determines that this section has been violated, the department shall bring an action in the court of common pleas in

the county in which the violation occurred against the person. In this action the court of common pleas shall have jurisdiction, for cause shown, to restrain violations of subsection (a) and order appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(c) Notice.—Within 90 days of the receipt of a complaint filed under this section, the department shall notify the complainant of its determination under subsection (b).

Section 8. Employee training.

Employers shall provide employees with information and training on hazardous substances in their work area at the time of their initial assignment; whenever a new hazard is introduced into their work area; and at regular intervals throughout the employees' employment, at least once every year. During this training program employees shall be informed of:

- (1) The requirements of this act.
- (2) Operations in the work area where hazardous substances are present.
- (3) The location and availability of the material safety data sheets required by section 5.
- (4) Methods and observations the employee may use to detect the presence or release of a hazardous substance in the work area.
- (5) The hazards of the hazardous substances in the work area.
- (6) The measures employees can take to protect themselves from the hazards including specific procedures the employer has implemented to protect employees from exposure to hazardous substances, such as appropriate work practices, emergency procedures and personal protective equipment to be used.
- (7) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet and how employees can obtain and use the appropriate hazard information.

Section 9. Nonmanufacturing employers.

(a) Maintenance of labels.—

(1) Nonmanufacturing employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced.

(2) If a nonmanufacturing employer transfers a hazardous substance into an unlabeled storage container, the employer shall label, tag or mark that container with a hazard warning.

(b) MSDS.—Nonmanufacturing employers shall maintain the material safety data sheets that are received with incoming shipments of hazardous substances and ensure that they are readily accessible to employees. If an MSDS is not available when requested by a nonmanufacturing employee, the nonmanufacturing employer shall make a good faith effort to obtain one as soon as possible from the chemical manufacturer, importer or distributor and from the department.

(c) Safety training.—Nonmanufacturing employers shall provide an employee safety training program to new nonmanufacturing employees, whenever a new hazardous substance is introduced into their work area and at regular intervals throughout the nonmanufacturing-employees' employment, at least once every year. This program shall include informing nonmanufacturing employees of:

- (1) The presence and location of the hazardous substances with which they work.
- (2) The presence and location of the MSDS required in subsection (b).
- (3) Any other safety procedures or safety devices that the nonmanufacturing employer uses in order to protect nonmanufacturing employees from exposure to hazardous substances.

(4) The telephone number of the local department office and the services provided by the department as described in section 11.

(d) Emergency notification.—If a nonmanufacturing employer stores over 110 gallons or 1,000 pounds of hazardous substances within the employer's workplace for more than 30 days, the employer shall be subject to section 13.

(e) Other rights.—Nonmanufacturing employees shall also be accorded the rights granted manufacturing employees under sections 7, 10, 11 and 15.

(f) Other duties and obligations.—Nonmanufacturing employers shall also be subject to sections 10, 11, 15 and 16.

Section 10. Chemical identification.

(a) Employees.—Upon written request from an employee or designated representative, an employer shall provide, as soon as possible, the common and chemical name of a substance to which that employee is exposed on a regular basis in the work area or, if the substance is a mixture, the chemical names of substances comprising more than 3% of that mixture. If this information is not available, the employer shall make a good faith effort to obtain it as soon as possible from the chemical manufacturer, importer or distributor and from the department.

(b) Former employees.—The information available to employees under subsection (a) shall also be available to former employees if that information is obtainable.

(c) Employers.—Upon written request from an employer, a chemical manufacturer, distributor or importer shall provide within ten business days the available information required under subsection (a). If the information is not currently available, the chemical manufacturer, distributor or importer shall provide the information within 30 business days.

(d) Retention.—All chemical manufacturers shall keep on file for a period of 30 years the chemical makeup of every substance they manufacture.

(e) Trade secrets.—Under section 14 the information required in subsections (a) through (c) may be withheld. However, an employer shall reveal the common name of a chemical to which an employee may become exposed and the name of the chemical manufacturer or importer of that chemical.

(f) Different names.—If an employer purchaser and chemical manufacturer or importer do not use the same common names for a chemical which the chemical manufacturer or importer supplies to the employer, an appropriate cross reference shall be provided to an employee upon request.

Section 11. Powers and duties of department.

(a) Inspections.—For purposes of enforcement of this act, officers and employees of the department, with written notice and upon presentation of credentials to the employer, shall have the right of entry into a workplace at reasonable times to inspect within reasonable limits and in a reasonable manner.

(b) Public information.—

(1) The department may make public information containing descriptions of the toxic effects and the circumstances under which these effects are produced for hazardous substances found in the course and scope of employment. The department shall prepare this information in a clear and coherent manner using words with common and everyday meanings.

(2) The department shall establish a program to answer employee and public inquiries about hazardous substances in the workplace. Under this program the department shall:

- (i) Upon request inform employees and employers of the methods by which information concerning hazardous substances can be obtained and assist them in doing so by contacting the employee's employer, the hazardous substance's manufacturer or any other source of information concerning the substance.

(ii) Assure that information concerning the possible violation of this act or another environmental statute or regulation is forwarded to the appropriate officials at the department so that proper action is taken.

(iii) Upon request inform the general public of the methods by which they can obtain information from the department concerning the environmental emissions of and hazardous materials contained at any nearby employer's workplace as allowed by this act; 5 U.S.C. § 552 (relating to public information; agency rules, opinions, orders, records and procedures), referred to as the Freedom of Information Act; and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. Inform and assist the general public in obtaining information concerning the toxic effects of these hazardous substances.

(iv) Upon request by members of the general public who live in proximity to the workplace of the employer, obtain from that employer and provide to the requestor, copies of the hazardous substance lists mandated by section 3 and material safety data sheets concerning these substances.

(v) Upon request assist employers in finding information which would be useful to the employers in developing a hazardous substance safety training program.

(vi) Publicize the information services described in this subsection. This publicity shall include a telephone number which members of the general public may use to access the information provided under this subsection.

(c) Regulations.—The department shall promulgate regulations and forms reasonably necessary to carry out this act.

(d) Notices.—The department shall notify employers of their rights and responsibilities under this act by first class mailing to all affected employers.

Section 12. Health and exposure records.

(a) General rule.—Upon request of the Department of Health, employers shall provide copies of employee health and exposure records maintained and supplied to the Federal Government by employers as mandated under the following Federal statutes and regulations, except as access by third parties is limited by the statutes and regulations:

(1) The Toxic Substances Control Act (15 U.S.C. § 2601 et seq.).

(2) The Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 661 and 668 and 42 U.S.C. § 3-42-1).

(3) The Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136 et seq.).

(4) The regulations found at 10 C.F.R., §§ 20.102 through 20.409.

(b) Employee information.—Upon request of the Department of Health, employers shall, if possible, provide the names and addresses of present and former employees whenever it is scientifically determined that there is a health risk or disease relating to the exposure of employees to a hazardous substance.

(c) Federal compliance.—Nothing in this section requires an employer to keep exposure and medical records in a form other than that required under 29 C.F.R. § 1910.20(g) (relating to access to medical and exposure records).

(d) Certain information confidential.—The Department of Health shall not release any information that identifies individuals. The department may, however, publish analyses of reports and information for scientific and public health purposes if the identities of the individuals concerned cannot be ascertained and if information protection by applicable trade secret law is not divulged.

Section 13. Emergency information.

(a) Notification of officials.—An employer, distributor or importer who has over 110 gallons or 1,000 pounds of hazardous

substances within his workplace, shall inform police, fire and emergency officials of the political subdivisions in which the workplace is located of the presence of these hazardous substances and the name and telephone number of two responsible representatives of the employer (for example, manager or foreman) who can be contacted in case of an emergency. Upon request, the employer or importer shall also provide further information to these officials concerning these hazardous substances, including their average approximate quantities, their location within the workplace and an MSDS for each hazardous substance. These police, fire and emergency officials shall also be allowed to tour any workplace during business hours so that an appropriate emergency response plan can be developed.

(b) Trade secrets.—Trade secret information may be withheld from emergency personnel under section 14.

Section 14. Trade secrets.

(a) General rule.—The chemical manufacturer, importer or employer may withhold the specific chemical identity, including the chemical name and other specific identification of a chemical or hazardous substance, if:

(1) The claim that the information withheld is a trade secret can be supported.

(2) Information contained in the MSDS concerning the properties and effects of the hazardous substance is disclosed.

(3) The MSDS indicates that the specific chemical identity is being withheld as a trade secret.

(4) The specific chemical identity is made available to health professionals in accordance with the applicable provisions of this section.

(b) Emergencies.—

(1) Where a physician or nurse treating an employee determines that a medical emergency exists and the specific chemical identity of a hazardous substance is necessary for emergency or first-aid treatment, the chemical manufacturer, importer or employer shall immediately disclose the specific chemical identity of a trade secret substance to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer or employer may require a written statement of need and confidentiality agreement, in accordance with subsections (c) and (d) as soon as circumstances permit.

(2) In the case of a public health emergency where the name of a hazardous substance is required immediately for proper emergency action, the employer shall immediately disclose the name of a trade secret substance to emergency personnel, public health officials and representatives of political subdivisions upon the direction of the director of PEMA or his designated representative. The director shall reach such a decision only after contacting the employer and political subdivision representatives, if possible.

(c) Nonemergencies.—In nonemergency situations a chemical manufacturer, importer or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (a):

(1) To a health professional (that is, physician, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employees if:

(i) The request is in writing.

(ii) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(A) To assess the hazards of the chemicals to which employees will be exposed.

(B) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.

(C) To conduct preassignment or periodic medical surveillance of exposed employees.

(D) To provide medical treatment to exposed employees.

(E) To select or assess appropriate personal protective equipment for exposed employees.

(F) To design or assess engineering controls or other protective measures for exposed employees.

(G) To conduct studies to determine the health effects of exposure.

(iii) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu of the disclosure of the specific chemical identity, the disclosure of the following information would not enable the health professional to provide the occupational health services described in subparagraph (ii):

(A) Properties and effects of the chemical.

(B) Measures for controlling the worker's exposure to the chemical.

(C) Methods of monitoring and analyzing the worker's exposure to the chemical.

(D) Methods of diagnosing and treating harmful exposures to the chemical.

(iv) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information

(v) The health professional agrees in a written confidentiality agreement not to use the trade secret information for any purpose other than the health needs asserted and agrees not to release the information under any circumstances other than to OSHA, the Department of Health, or the department as provided in subsection (f), except as authorized by the terms of the agreement or by the manufacturer, importer or employer.

(2) To a health professional or group of health professionals representing a public health organization of a political subdivision which has been approved of by the Department of Health as a legitimate public health organization or a health professional or group of health professionals representing the Department of Health if:

(i) The request is in writing.

(ii) The request describes with reasonable detail, the real and immediate needs for that information in order to safeguard public health.

(iii) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu of the disclosure, the following information would not enable the health professional to provide the public health services described in paragraph (1)(i) and (ii):

(A) Properties and effects of the chemical.

(B) Measures for controlling the public's exposure to the chemical.

(C) Methods of monitoring and analyzing the public's exposure to the chemical.

(D) Methods of diagnosing and treating harmful exposures to the chemical.

(iv) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information.

(v) The members of the public health organization which receive the trade secret information agree in a written confidentiality agreement not to use the trade secret information for a purpose other than the public health needs asserted and agree not to release the information other than to OSHA, the Department of Health, or the department, as provided in subsection (f), except as authorized by the terms of the agreement or by the manufacturer, importer or employer.

(d) Provisions of agreement.—The confidentiality agreement authorized by subsection (c)(1)(v) and (2)(v):

(1) May restrict the use of the information to the health purposes indicated in the written statement of need.

(2) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages.

(3) May not include requirements for the posting of a penalty bond.

(e) Other remedies.—Nothing in this act is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

(f) Notice to provider.—If the health professional receiving the trade secret information decides that there is a need to disclose it to the Department of Health, the department, or OSHA, the chemical manufacturer, importer or employer who provided the information shall be informed prior to, or at the same time as, the disclosure.

(g) Denial.—If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(1) Be provided to the health professional within 30 days of request.

(2) Be in writing.

(3) Include evidence to support the claim that the specific chemical identity is a trade secret.

(4) State the specific reasons why the request is being denied.

(5) Indicate any alternatives the chemical manufacturer, importer or employer may wish to suggest to satisfy the specific medical, occupational health, or public health need without revealing the specific chemical identity.

(h) Department consideration.—

(1) The health professional whose request for information is denied under subsection (c) may refer the request and the written denial of the request to the department for consideration.

(2) When a health professional refers the denial to the department, the department shall consider the evidence to determine if:

(i) The chemical manufacturer, importer or employer has supported the claim that the specific chemical identity is a trade secret.

(ii) The health professional has supported the claim that there is a medical, occupational health, or real and immediate public health need for the information.

(iii) The health professional has demonstrated adequate means to protect the confidentiality.

(3) If the department determines that the specific chemical identity requested under subsection (c) is not a bona fide trade secret or that it is a trade secret but the requesting health professional has a legitimate medical or occupational health or public health need for the information, has executed a written confidentiality agreement, and has shown adequate means for complying with the terms of such agreement, the manufacturer, importer or employer shall be ordered by the department to release the withheld information.

(i) Disclosure to department.—Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer or employer shall, upon request, disclose to the department information which this section requires the chemical manufacturer, importer or employer to make available. Where there is a trade secret claim, the claim shall be made no later than at the time the information is provided to the department so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(j) Protection.—Nothing in this section shall be construed as requiring the disclosure of process or percentage of mixture information which is a trade secret.

(k) Defense secrets.—Information certified by Federal officials as necessarily kept secret for National defense purposes shall be accorded protection against disclosure under Federal law as specified by the certifying official.

Section 15. Complaints and investigations.

(a) Procedure.—An employee or representative of employees who believes that there is a violation by his employer of this act may request an inspection by filing a complaint of the violation with the department. The complaint shall be in writing, shall be signed and shall set forth, with reasonable particularity, the grounds for the complaint. Within a reasonable period of time after receipt of the complaint, the department shall notify the employer of the complaint in writing by certified mail and permit the employer to demonstrate compliance with this act. If compliance has not been demonstrated to the satisfaction of the department within 14 days of the mailing of the notification, an employee of the department shall inspect, at reasonable times, the employer's workplace and conditions pertinent to the grounds of the complaint and shall, in a reasonable manner, make additional investigation deemed necessary for the full and effective determination of the employer's compliance with this act. Whenever an agent or employee of the department, proceeding under this section is denied admission to a place of employment, the agent or employee may apply for a search warrant to a Commonwealth official authorized to issue a search warrant for the purposes of inspecting or examining a property, building, premise, place, book, record or other physical evidence; of conducting tests; or of taking samples of any chemical. The warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:

(1) The inspection, examination, test, or sampling is pursuant to a general administrative plan to determine compliance with this act.

(2) The agent or employee has reason to believe that a violation of this act has occurred or may occur.

(3) The agent or employee has been refused access to the property, building, premise, place, book, record or physical evidence, or has been prevented from conducting tests or taking samples.

(b) Discretion of department.—The department shall have authority to assess civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer or owner being charged, the gravity of the violation, the good faith of the employer or owner and the history of previous violations.

(c) Disposition of penalties.—Civil penalties owed under this section shall be paid to the department for deposit into the State Treasury and may be recovered in a civil action brought in the court of common pleas for the judicial district where the violation is alleged to have occurred or where the employer had his principal office. The penalties collected shall be used to defray the costs of enforcement of this section.

Section 16. Compliance order and penalties.

(a) Issuance and content of order.—If, upon inspection or investigation of a complaint, the department finds that an employer has violated this act, it shall with reasonable promptness issue to the employer an order to comply. This order shall be in writing by certified mail and shall specifically describe the nature of the violation and shall state a reasonable time period within which the violation must be corrected by the employer.

(b) Public nuisances.—A violation of this act, regulation of the department, or an order of the department shall constitute a public nuisance.

(c) Enforcement orders.—The department may issue orders to such persons as it deems necessary to aid in the enforcement of this act. An order issued under this act shall take effect upon notice, unless the order specifies otherwise. An appeal to the Environmental Hearing Board shall not act as a supersedeas. The

power of the department to issue an order under this act is in addition to any other remedy which may be afforded to the department under this act or any other act.

(d) Duty to comply with orders of the department.—It shall be the duty of a person to proceed diligently to comply with any order issued under subsection (c). If the person fails to proceed diligently, or fails to comply with the order within such time, if any, as may be specified, the person shall be guilty of contempt and shall be punished by the court in an appropriate manner. For this purpose, application may be made by the department to the Commonwealth Court, which court is hereby granted jurisdiction.

(e) Civil penalty.—If the violation has not been corrected within the time period, the department may levy a civil penalty of not more than \$1,000 per day for each violation.

(f) Advance notice of inspection.—The person who gives advance notice of an inspection to be conducted under this act, without authority from the department, shall be assessed a civil penalty of not more than \$1,000.

(g) False statements.—Any person who knowingly makes any false statement, representation or certification in a list, record or other document required to be maintained under this act, shall be assessed a civil penalty of not more than \$10,000.

(h) Criminal penalty.—An employer who repeatedly violates a requirement for which a civil penalty has been assessed, an employer who fails to provide information required under section 14(b) or a person who intentionally discloses information claimed as a trade secret except as authorized by section 14 or nondisclosure agreements executed thereunder commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not more than \$20,000, or to undergo a term of imprisonment of not more than two years, or both.

Section 17. Exemptions.

(a) Laboratories.—This act does not apply to laboratories except as follows:

(1) Employers shall ensure that existing labels on incoming containers of hazardous substances are not removed or defaced.

(2) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous substances and ensure they are accessible to laboratory employees.

(3) Employers shall ensure that laboratory employees are apprised of the hazards of the substances in their workplaces under section 8.

(4) Employers shall be subject to sections 15 and 16.

(b) Substances.—The act does not apply to:

(1) Substances which are foods, drugs, cosmetics, or tobacco products intended for personal consumption by employees while in the workplace.

(2) A hazardous waste as defined in section 103 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(3) Tobacco or tobacco products.

(4) Wood or wood products including preserved wood.

(5) Any article.

Section 18. Construction of act.

The provision of information to an employee shall not in any way affect the liability of an employer with regard to the health and safety of an employee or other persons exposed to hazardous substances, nor shall it affect the employer's responsibility to take an action to prevent the occurrence of occupational disease as required under any other provision of law. The provision of information to an employee shall not affect any other duty or responsibility of a manufacturer, producer or formulator to warn ultimate users of a hazardous substance under any other provisions of law.

Section 19. Preemption.

(a) Local action.—It is the intent of the General Assembly that the program established by this act for the disclosure of information concerning hazardous substances to employees and the public constitute the principal program in this Commonwealth. To this end no political subdivision shall enact an ordinance requiring the disclosure of information or the identification of hazardous substances in the workplace or the environment. This subsection does not apply to political subdivisions with such an ordinance in effect before January 1, 1984.

(b) Federal action.—To the extent that the Federal Occupational Safety and Health Hazard Communication Standard 29 C.F.R. 1910.1200, covers within its scope provisions of this act, such Federal standard shall, upon its effective date, take precedence over and supersede such provisions of this act.

Section 20. Appropriation.

The sum of \$500,000, or as much thereof as may be necessary, is hereby appropriated to the department to carry out this act.

Section 21. Effective date.

(a) Specific provision.—Section 19(a) shall take effect immediately.

(b) Remainder.—The remainder of this act shall take effect in one year.

On the question,

Will the House agree to the amendments?

POINT OF ORDER

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

Mr. COHEN. Mr. Speaker, a point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. COHEN. Mr. Speaker, we do not have amendment A3167. I have in front of me amendment A3144, which has been distributed.

The SPEAKER. Are there others who do not have 3167? In that case we will have to postpone the offering of the amendment until—

Mr. PITTS. Mr. Speaker, I can explain. We had to draft it to his new printer's number. It is exactly the same as the one we circulated. We have given him a copy, except we changed that printer's number. We had to do that.

The SPEAKER. Does the gentleman, Mr. Cohen, accept that explanation?

Mr. COHEN. No.

Will the gentleman, Mr. Pitts, submit to interrogation?

Mr. PITTS. Yes.

The SPEAKER. The gentleman, Mr. Pitts, indicates he will submit.

Mr. COHEN. What is the difference between amendments 3167 and 3144? I was told that 3144 was identical to the amendment you had initially circulated, 2953, but you had to introduce it.

Mr. PITTS. What we did was we drafted it to strike now the Manderino amendment and put in the bipartisan compromise amendment. It is the same amendment we have just circulated. You have a copy. It is A2882.

Mr. COHEN. Mr. Speaker, is it the same as 3144?

Mr. PITTS. Yes, Mr. Speaker.

Mr. COHEN. And that in turn is the same as 2953?

Mr. PITTS. Yes; 2952 was drafted just for parliamentary reasons to amend the right printer's number.

The SPEAKER. The House will stand at ease.

Will the majority leader come to the podium for a moment?

Mr. Pitts? Mr. Ryan?

(Conference held at Speaker's podium.)

The SPEAKER. The House will return to order.

The members are advised that amendment A3167, which is currently before the House, is exactly the same except for a change in the printer's number to— What is the number of the first amendment offered, Mr. Pitts?

Mr. PITTS. A3144 is what—

The SPEAKER. A3144, which may be on your desks. The only difference between A3144 and amendment A3167 is that A3167 is now drafted to the correct printer's number, but the substance is exactly the same. Therefore, the gentleman, Mr. Cohen, and the gentleman, Mr. Manderino, have agreed that the gentleman, Mr. Pitts, may debate his amendment A3167.

Therefore, the gentleman, Mr. Pitts, is recognized on amendment A3167.

Mr. PITTS. Thank you, Mr. Speaker.

Mr. Speaker, first I might speak to the issue that Mr. Manderino mentioned about whether this is a compromise. We have had a lot of correspondence, and we have received support on both sides of the aisle and from across the business and farm community of this State. I think you have received letters today from many, many groups - the firefighters, your farmers, small business, the chamber, and many chemical manufacturers. Many, many groups have written letters of support supporting this bipartisan compromise amendment. We feel, after meeting with labor and environmental groups and business groups for many months and going through many revisions, that this truly is a compromise and a bipartisan compromise. This bill was not drafted out of the House. This was drafted by House staff in consultation with House members on both sides of the aisle after meeting with many of these people. So we feel this is a true effort at compromise and a bipartisan effort.

Now, Mr. Speaker, we, in this bill, try to address the issue of right-to-know in a way which will be most effective and reasonable on all employers in this State. For instance, the standards that we set for the nonmanufacturing employers, your small businessmen, your farmers, are not as rigid as those for the large manufacturers who will be covered by the Federal standard.

For instance, we require a farmer who receives a container with a hazardous label to maintain those labels. We require him to maintain those MSDS's in the workplace. We require him to inform his employees that the substance is hazardous, and this is the MSDS, and this is how we use it; a minimal training program. We do not require him to produce his own labels, as Mr. Manderino would do. We do not require him to label every chemical - nonhazardous, salt, sand, cinders, water, whatever. We do not require him to make up his own labels listing every chemical on every label. We do not require him to produce his own MSDS's. So we provide a different

standard for the nonmanufacturing sector from the adopted Manderino amendment.

We also are convinced, having looked into this—and you have received correspondence on this matter of whether our State law will really be the law that our employers have to live with—we are convinced that the manufacturing sector, which the Federal standard addresses, is going to preempt all the manufacturers, and I am convinced that that is why a certain interest group has gone along with Mr. Manderino's amendment, because they know that they are going to be preempted. They came in the negotiations asking for a delay in the effective date, as Mr. Manderino did in his amendment—we would not give them that delay—because they are convinced that preemption will occur and they will be subject only to the Federal standard as far as labeling, MSDS, all those severe requirements.

We received testimony from the head of OSHA, Mr. Thorne Auchter, before the Senate Labor and Industry and the House Labor Relations Committee on this issue. He was very clear, and I would like to read you some portions of his statement on this matter of preemption. This is vitally important, because if you pass a very severe, stringent standard and the manufacturers are preempted, you are sticking the small businessman with a more severe standard and the tremendous cost of implementing this law, and that is why we need a different standard that is not as severe.

But Mr. Thorne Auchter spoke to us in the Senate and House committees, and let me read you part of his statement. He said:

Hazard Communication is a standard promulgated under section 6 of the Act.

That is the OSH Act.

That is the "occupational safety or health issue," the same issue that Pennsylvania would address in a "right-to-know" law. Because federal OSHA has, then, addressed this issue with a standard promulgated under section 6, section 18 (a) of the Act, in our opinion, does not grant the State of Pennsylvania or any state the authority to assert jurisdiction over the issue unless, according to section 18 (b), the state has submitted a plan for the development of such standards and their enforcement. The steps necessary to gain federal approval of a state plan are listed in section 18 (c) of the Act. As you know, Pennsylvania has not taken these steps.

It is our opinion that, in states without approved state plans, such as Pennsylvania, OSHA's Hazard Communication standard will preempt state "right-to-know" regulations in all occupational settings. This preemption will occur at least when the federal standard becomes effective on November 25, 1985, the compliance deadline for chemical manufacturers and importers and, arguably, it could happen even sooner.

It is important to note that we do not take any preemptive action. It is simply our position that we will enforce our standard beginning on the effective date. It is our opinion, however, that a very persuasive argument could be offered in a court of law by some other party that the state's authority to enforce its

own "right-to-know" regulation, as it applies to an occupational setting, is preempted. And we would support this interpretation of the law. We think it could also be credibly argued by some other party that a state regulation may not be enforced even before the effective date of the federal standard since compliance with one regulation, only to have it preempted later by another, could present an unreasonable burden to those subject to regulation.

While we respect the good intentions of those states that have passed "right-to-know" laws, and the concern for workers' health and safety expressed by many legislators and others here in Pennsylvania, we do expect to enforce our Hazard Communication standard. We expect that by November 25, 1985 all chemical manufacturers and importers will follow consistent hazard assessment procedures and establish effective labeling systems, and that by May 25, 1986, the compliance deadline for manufacturing employers, uniform hazard communication programs will provide important chemical hazard information to millions of workers in all 50 states. We believe that, clearly, it was the intent of Congress to create a system of equal workplace protections for all working men and women. This issue, possibly above all others, is one which absolutely requires uniform and consistent nationwide application.

Now, that is from the head of OSHA, the Federal department that is going to be enforcing this standard.

The important thing, Mr. Speaker, in this is that the Manderino amendment will conflict with this Federal standard; ours will not. We have drafted it so as to be consistent and to fit in and maintain that Federal standard and yet to broaden the provisions to affect our State in other aspects, such as the nonmanufacturing sector, the community right-to-know program, the chemical identification of all nonhazardous substances, in ways that are consistent with the Federal standard.

Now, Mr. Speaker, on the issue of community right-to-know and the emergency service personnel, the reason that the volunteer firefighters federation across the State has endorsed our proposal is because the employers under this amendment are required to provide information directly to the emergency service in their area. Under Mr. Manderino's amendment, unless they request it, they will not get it. There is no way they will know a hazard is there. Under our amendment, they are directly notified by the employer. They are given a list of all the hazardous chemicals in that workplace. They then have the right to go into that plant and tour that plant to see the locations, the amounts of those substances, to get additional information from those employers, MSDS's, whatever, and develop their emergency response plan. They are also required to receive from that employer a name of a person and a phone number who is available 24 hours a day to them in case of an emergency so that if there is a fire, they can call this plant manager, whoever the expert is, and they will tell them this amount of substance is in this location; this is what happens if you put water on it, et cetera. Under the present bill, as Mr. Manderino amended it, that is not required. The bill is vastly superior for the protection of the public for the community to have the right to know what is hazardous and dangerous to their community under this amendment.

As far as costs are concerned for our approach, we estimate, based on these scientific studies that we have copies of, that our amendment will cost approximately \$58 million for the first 2 years. This is the study, a very comprehensive study, done by a research institute on the impact of all of these labeling and MSDS and other requirements on all the employers of the State. Under Mr. Manderino's amendment, we are talking in the billions of dollars for the first 2 years for the employers of this State. We are also talking about setting up a large bureaucracy in State Government which will be in the millions of dollars in the Department of Health; ours we estimate at \$500,000.

Now, we were approached by a certain segment, an interest in the business community, because they did not want DER to be the enforcement agency. They felt that DER was too vigorous in enforcing environmental hazards. They had experience with it, and they wanted Health to be the enforcement agency. They are convinced that it will not be an effective enforcement agency. We rejected that. We felt that we should draft our amendment analogous to the Federal system which is working where EPA supervises under the Toxic Substance Control Act the determinations of these hazardous substances. DER has experience in dealing with these hazardous substances. Whether they are airborne emissions or water or solid waste, they have a track record; they have had vigorous enforcement, and we felt that making Health the administrative agency would really be deceiving the public, putting on them a paper tiger, if you will, and so we have chosen the Department of Environmental Resources to be the enforcement agency.

Our bill does everything that Mr. Manderino's bill does, except in a more effective, more efficient manner. We do not require labeling of nonhazardous chemicals, but if an employee has a question, if he wants to know, he has the right to know, even the nonhazardous chemicals with which he works. All he has to do is ask. If he is afraid to ask, we require to be posted on the bulletin board a hotline at DER which he can call and get that information immediately.

So, Mr. Speaker, we feel that this amendment is a more reasonable approach. We feel that it will prevent the duplication, the unnecessarily overburdensome requirements that would be placed on business. It is time that we learn to apply effective programs in a manner that is not going to chase business out of Pennsylvania. We urge adoption of the bipartisan compromise amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Pitts amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I rise to oppose the Pitts amendment.

This represents a compromise that Mr. Pitts is offering, but it is not a compromise between opponents and proponents of the bill. The Pitts amendment is merely a compromise among different opponents of the legislation who had different opinions as to how best to defeat this bill. It is not a true compromise; it is not a compromise that people who are active in supporting the legislation favor.

Mr. Pitts has hit us with a whole barrage of different arguments. On one hand, he faithfully quotes the testimony of the former head of OSHA, who almost immediately after he appeared before the State Senate Committee on Labor and Industry submitted his resignation. He quotes the former head of OSHA as saying that everything will be preempted if the legislature passes this bill. Obviously, Mr. Pitts does not believe that everything will be preempted if we pass this bill, because he is very effectively trying to fight this legislation. He then also argues in the alternative that if everything is not going to be preempted, if Mr. Auchter's statement is not true that everything will be preempted, only the parts dealing with businesses that will be covered will be preempted. That is a statement that Mr. Auchter has not, to the best of my knowledge, made, and that conflicts with all the other statements.

The two-tiered approach basically is not an approach designed to cover the overwhelming majority of workers in Pennsylvania. Three-quarters of all the workers in Pennsylvania are not in the manufacturing sector. The OSHA regulations just deal with the manufacturing sector. That is just about all OSHA has the power to deal with. Essentially, limiting the provisions of this bill, with very, very minor exceptions, to the manufacturing sector basically guarantees that the bill will be preempted. If the bill is going to be preempted, then it does not really matter which agency enforces it. And I am rather puzzled that Mr. Pitts apparently takes on faith the arguments of the business community that DER (Department of Environmental Resources) is a much more vigorous prosecutorial agency than the Department of Health is and then simultaneously insists that he wants DER to enforce this law. That does not make sense. There is an inherent contradiction there.

The Pitts amendment represents, in fact, a virtual gutting of any right-to-know legislation. To say that it represents effective right-to-know legislation means that you are defining "effective" as nonexistent or virtually nonexistent. The Pitts amendment may somehow benefit Rohm And Haas, the chemical manufacturer under whose leadership about 75 people died in the 1970's because they were exposed to chemicals and they were unaware of what they were, and they died in their thirties and forties because of this chemical exposure. But this is not an amendment that benefits the people of Pennsylvania.

Effective hazard communication, the purported goal of the Pitts amendment, is impossible without chemical identification, and the Pitts amendment does not provide chemical identification. Statements of hazards do not convey much information of importance to an individual. What the hazards are from exposure to any chemical can vary from person to person. An overweight person may have a different level of risk than an underweight person. A younger person may have a different level of risk than an older person. A woman may have a different level of risk in being exposed to a given chemical than a man does. The smoker may have a different level of risk in being exposed to a chemical than a nonsmoker does. One who drinks may have a different level of risk than one

who does not drink. People of different races and different ethnic backgrounds and different health histories may be affected differently by exposure to the same chemical.

A unilateral, uniform hazard communication standard tells people nothing. What is needed for workers to do is to know the risk of exposure that they individually face for themselves. They need to know the names of the chemicals they are working with. Each chemical operates on each person differently. The worker or community resident exposed to a chemical or chemicals can, under the bill as amended by the Manderino amendment and as existed before the Manderino amendment, take the name of the chemical to his doctor, ask what the potential side effects are, and get some idea of the risk he faces given his medical history, family background, and lifestyle. This simply cannot be done with any degree of certainty under the Pitts amendment. The Pitts amendment allows labels like "Joy Juice" or "Super Clean 5-D" or "TB 1054-B," labels that have very little meaning to a worker and absolutely no meaning to a physician.

Under the bill as amended or in its prior printer's numbers without the Pitts amendment, there are many long-range benefits to industry, and that is the reason why some businesses support this legislation. They are taking the long view, looking beyond the next few months, looking beyond the next campaign, and looking towards the long-range profitability of their business and of their industry.

Workers' compensation costs will be reduced under this amendment, because less people are going to be sick because more people are going to have information about the dangers they face. Social security disability costs, which are paid for out of social security and which are largely paid for by business, are also going to be reduced. People get social security disability when there is a mixture of causes and the injury they sustain in business is not the sole reason for their injury, as it is under workers' compensation.

Sick days for business are going to be reduced if this legislation passes. Company health programs trying to get workers to stop smoking or drinking are going to be a lot more successful in many cases, and employee-employer cooperation in the use of robots is going to increase because it is going to be seen that many jobs really are not safe for workers and that robots are really not an antilabor measure in those cases.

By hoarding information, by writing an amendment that takes the OSHA regulations to such an extent that the OSHA regulations will preempt this law and this law will be null and void, the Pitts amendment limits the ability of employers and affected community residents to gain meaningful information about the risks to their health and lives. The Pitts amendment fails to offer protection to government workers; it fails to offer protection to doctors, nurses, hospital workers, to service employees, to three-quarters of the work force. The reasons that Mr. Pitts has cited for this amendment, as I have stated, are inconsistent. We are labeling that which has to be labeled. It is important to label everything, because you cannot know what is merely not labeled if not labeling has some kind of communication in itself.

This amendment will help workers; it will help business. The costs that Mr. Pitts cites for the Manderino amendment are pie-in-the-sky figures designed to confuse, designed to scare. They are not based on reality.

This amendment is, in fact, nothing more than a plot to kill this bill. The supporters of this bill have no interest whatsoever in seeing this bill pass with this amendment. If this amendment somehow passes, there will be no move to pass this bill today or any other day. This vote for the Pitts amendment is effectively a vote to kill the bill. The same effect could be gotten simply by voting "no" on the bill as by voting for the Pitts amendment. I would urge a "no" vote on the Pitts amendment and a "yes" vote on the bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Will the gentleman, Mr. Pitts, stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Pitts, indicates he will so stand. The gentleman, Mr. Belfanti, is in order and may proceed.

Mr. BELFANTI. Mr. Speaker, in your opening remarks you made mention that for months and months you have held negotiations with various individuals representing various segments of interest on this legislation. You specifically mentioned that you held negotiations with people from the labor community. I would like to ask you what individuals from the labor community you had met with prior to naming this amendment the "Pitts-Letterman bipartisan compromise amendment"?

Mr. PITTS. Mr. Speaker, first of all, we were part of the negotiations that began several months ago with the AFL-CIO and various labor groups and business organizations. We had been part of those negotiations until they broke down, as you may know, a couple of months ago. We also met with those individuals separately. We have talked to those individuals and staff of those interest groups, both labor and business, since those negotiations broke down - both labor and environmental, as well as the various business and agricultural interests.

Mr. BELFANTI. I am sorry, Mr. Speaker. I am having a difficult time hearing his answer.

Mr. PITTS. Mr. Speaker, I do not know where you could not hear, but after the negotiations broke down, we continued to meet with individuals; we had contact with staff; we listened to their concerns; we went through several revisions as we drafted our bill. As I mentioned to you, members on both sides of the aisle were involved in listening and talking with these various interest groups. We would meet, and then we would draft our legislation. Our staff drafted this legislation as we went along. We revised the amendment several times.

Mr. BELFANTI. Was there any point in time after the Pitts-Letterman initial amendment was made public and was circulated that members of the labor community and your staff sat down and went over the points of the so-called compromise amendment?

Mr. PITTS. I am sorry. I could not hear your last sentence.

Mr. BELFANTI. After the Pitts-Letterman amendment was put in print and circulated for the public, was there any time that members of your staff and representatives of the labor community sat down and went over this amendment point by point and attempted to work out any of the so-called bugs in the amendment?

Mr. PITTS. We did not go over the amendment point by point with them. We did meet, and they expressed some of their concerns to us.

Mr. BELFANTI. So therefore, the compromise that we refer to in the bipartisan compromise amendment is not a compromise which includes the labor community. As I understand, the Manderino amendment which was just passed has support of the entire labor community and much of the business community. However, the Pitts amendment has no support from the labor community and the support of a number of organizations within the business community. So the compromise that you are speaking of is a compromise between various segments of one community and really has no bearing on the other side of the coin - the individuals or groups or organizations that wanted this legislation from the beginning.

Mr. PITTS. No, Mr. Speaker. We did make accommodations. For instance, we provided that an employee could obtain the identity of a nonhazardous chemical, which is what the labor and environmental groups had wanted.

We amended our bill in a number of ways to accommodate some of the things we heard. This is not necessarily something that they support. It does reflect some of their concerns.

When you state that a substantial portion of the business community supports the Manderino amendment, you are grossly in error. I know of only two interests—and I will not even call them interest groups; one is an interest group and one is a company—that are in support of the Manderino amendment on the business side of the aisle. On the business side of the aisle as far as the bipartisan compromise, I am sure you have seen the letters listing myriads of various business groups, farm groups, the Grange, you name it, firemen, farmers, which are in support of the bipartisan compromise. They have been part and parcel of these negotiations continually right up, you know, through every version.

We have circulated, by the way, several versions. I do not know if you got copies of them, but they have always been available to the other side; we have made them available.

Mr. BELFANTI. Yes, and I appreciate that very much, Mr. Speaker. However, my question still remains, are there any segments of the labor community, whether it be organized or unorganized, blue-collar workers or groups, that have endorsed or supported the so-called compromise bipartisan amendment as there have been business groups? Whether they be a small number or not is inconsequential since the Manderino amendment has only been in print and been made public for the last couple of weeks where the so-called bipartisan compromise amendment has been available for review for months and months and months, and as of this moment, I am

not aware of any segment of the labor community that is supportive or even admits to have taken part in any negotiations or discussions whatsoever in the drafting or compromising of this amendment.

Mr. PITTS. The only thing I can say is that when you talk to some of the rank-and-file union members, we do get some support from them, but we do not have it with the organized leaders that you are referring to.

The SPEAKER. Has the gentleman, Mr. Belfanti, concluded his interrogation? Does he wish to make a statement on the amendment?

Mr. BELFANTI. I have one more question, Mr. Speaker.

The SPEAKER. Very well. You may continue.

Mr. BELFANTI. Under the amendment as drafted, the Pitts amendment, who has the primary responsibility for the chemicals other than the 700 which have been categorized by OSHA to classify them as hazardous substances - the Department of Environmental Resources or the manufacturers or the business community in some other manner or respect?

Mr. PITTS. First of all, Mr. Speaker, it is not 700; it is over 2,000—all right?—and the system that we use is the one that the Federal OSHA standard uses. OSHA does not feel they have the expertise or the personnel to determine hazardous substances. We have a combination list evaluation approach. If it is on a certain list—and we list, like Mr. Manderino does, a number of lists—or if it is determined by a manufacturer to be hazardous, it is immediately considered a hazardous substance. You do not have to wait a year or two to get on some list, as Mr. Manderino's approach is, to be determined as hazardous. Conversely, if it is on that list and it is not hazardous, it takes a year or two to get off. So we use the list evaluation approach, and we set up a system analogous to the Federal system which uses the EPA (Environmental Protection Agency) as the enforcement agency, and we use DER as the enforcement agency rather than create a paper tiger in help.

Mr. BELFANTI. Thank you, Mr. Speaker.

I have concluded my interrogation, and I would like to make a brief statement.

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

Mr. BELFANTI. Mr. Speaker, it is very apparent here that what is being termed the "Pitts bipartisan compromise amendment" might be bipartisan to some small degree but is in no way, shape, or form a compromise amendment. A compromise normally signifies that parties on opposing points of view of the initial bill have sat down and worked out their differences. The only individuals who have sat down and worked out their differences on this bill are all the groups who are against the concept of the bill to begin with. None of the groups that are for the bill were invited nor participated in the final draft of what we see here today in the form of amendment 3167.

After the original meetings held between members of the organized labor community in an effort to compromise broke down, there was no further discussion held with the representatives of organized labor. Again, there are a number of orga-

nizations within the business community, two that we know of right now, but many more have expressed their support of the Manderino amendment over the past few days. They have termed the Manderino amendment using phrases such as "we can live with that" or "it is not exactly what we want but it is much better than the original bill," and I feel that if the Manderino amendment would have had the time to be in circulation that the so-called bipartisan compromise amendment has had to be in circulation, many more members from the business community, having had time to read and analyze it, would certainly support it.

I think we deserve to give this legislation a chance. We can get it over to the Senate. We all know with the recess coming up this summer that many organizations and groups will have a chance to take a look at it, and there will probably be further amendments in the Senate.

Should we today pass the Pitts amendment and effectively gut this bill and go back to the Federal OSHA requirements, it makes no matter, because if the amendment goes in the bill, the bill is worthless whether it goes up or down on final passage; we go back to the OSHA standards which are going to take effect. However, one very negative thing can occur should we pass this amendment and then pass the bill on final passage, and that is that the local ordinances which local municipalities are now empowered to pass will no longer be allowed. So therefore, this amendment is not only making a bad situation a little better; it is making a bad situation a lot worse. I respectfully ask my colleagues to vote "no" on the Pitts amendment and "yes" on final passage.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the Pitts amendment, the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to take just a minute to commend Representatives Cohen and Pitts on their diligent efforts and the members of the Labor Relations Committee. This has been an area that has been studied for well over a year; there have been several public hearings, testimony from a variety of different groups, and I would like to state here on the floor that both Representative Pitts and Representative Cohen and their staff have been working towards a meaningful right-to-know package.

One might say that there are different philosophical approaches, but both are working. Both sides are trying to come to grips with a problem that exists in our workplace. I think there are several basic questions, though, that we have to ask ourselves. We have just passed 190 million dollars' worth of bond referendum bills to promote business development in Pennsylvania, to expand our jobs in Pennsylvania, and it seems funny to me that the day after we do that to try to promote business and job development in Pennsylvania, we have here a bill which might seriously inhibit growth in Pennsylvania.

I think we have to walk before we run. I think that you have to make a decision as to whether or not all chemicals, whether they be hazardous or nonhazardous, should be regulated in

this bill. These are the two differences. I think that we have to recognize whether all companies, be they manufacturers, small business, farmers, or what have you, should they be regulated the same in this bill?

I think that you have to make a determination whether or not you are going to have a chemical identification program which merely indicates what chemicals are there, or whether you want to communicate the hazards of these chemicals. I think there are certain basic questions that we have to deal with, and I think that the Pitts approach is the proper approach in that we work together with the Federal Government to come up with an approach to this problem that is complementary but yet goes further, which also is working with the volunteer fire companies, with the community groups. I think that we have to look to the fact that we need to have a bill which, when passed, will stand the test of the Federal court challenges.

For those reasons I suggest and I urge the members of the House to support the Pitts amendment, because it is a step in the right direction; it is a step that can be added to at a later date if we feel such is the case. I thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Pitts amendment for two main reasons, among many, but the two main ones are, one, that the Pitts amendment very narrowly defines those employees who will be covered by the labeling and the effects of this legislation. I can think of one major industrial sector in Pennsylvania - in fact, the fastest growing industrial sector in Pennsylvania, the medical care and the research facilities in this Commonwealth - that would not be covered by this. And ironically, that industry, while also the fastest growing in Pennsylvania, is also the industry that has the highest use of low-level radioactive waste. I know of individuals who work in this industry who at the workplace very often have no idea of the type of chemicals they are using and very often end up dumping low-level radioactive waste down a common drain-pipe, and so Representatives in Somerset County who are having sewerage sludge dumped on their farm fields ought to be aware of that. This kind of legislation is important to begin to identify the kinds of chemicals that are going into our systems. Low-level radioactive waste is but one of a whole host of hazardous waste substances used in the workplace that people will not know about if we limit the labeling requirements only to manufacturers.

The other aspect of the Pitts amendment that is of great concern to me is really what could be considered a cruel joke, because when you look at the general rule for labeling, you see that the Pitts amendment requires that the identity of the hazardous waste substance be marked on the label, but when you look up the definition for "identity" in the Pitts amendment, you see that the identity is defined as the chemical name or common name, and when you look up the common name,

you see that the manufacturer is permitted to use a code number or is even permitted to use a generic name or the brand name of a chemical. So the Pitts amendment reduces the labeling requirement simply to mush, because the manufacturer would have the ability to use the brand name of the product or just a number on the product that would be useless to the employee in the workplace.

For those two reasons among others, I urge you to oppose this amendment. If we are interested in right-to-know legislation, if we are interested in protecting literally thousands of employees in the Commonwealth, not only in the actual manufacturing place but in medical facilities, in research facilities, and in the agricultural fields, then we ought to oppose this amendment. We ought to have true labeling; we ought to have true protection for a whole host of employees. Please vote against this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker.

Would Mr. Pitts stand for a quick question?

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

Mr. STEWART. Mr. Speaker, you circulated a copy of a letter you received from the Firemen's Legislative Federation supporting your amendment. Does that mean that they are opposed to the Manderino amendment?

Mr. PITTS. Yes, Mr. Speaker. That is the way it was presented to their association, and that is what they mean.

Mr. STEWART. Well, Mr. Speaker, the Manderino amendment was not printed until yesterday, and how could they have seen it?

Mr. PITTS. Mr. Manderino's amendment was printed Thursday, Mr. Speaker, and that is exactly what we told them and gave them a copy of.

Mr. STEWART. Well, Mr. Speaker, I am basing it on the copy I have here, and it was printed yesterday.

Mr. PITTS. Well, that is the latest one. That is why we had confusion. We had to submit another amendment. Because his printer's number changed, we had to change that printer's number. It is the same amendment, basically.

Mr. STEWART. So what you are saying is that the Firemen's Legislative Federation is opposed to the Manderino amendment but supporting your amendment?

Mr. PITTS. That is correct, Mr. Speaker; in support of the Pitts-Letterman amendment.

Mr. STEWART. Mr. Speaker, I am getting conflicting information, and I do not believe that the Firemen's Legislative Federation is opposed to the Manderino amendment, and I would just ask the gentleman to recheck that.

Mr. PITTS. Mr. Speaker, we have been in contact with them for 2 days. I circulated a letter from them, which they distributed to me, stating that.

Mr. STEWART. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may now speak on the amendment.

Mr. STEWART. Just for the record, I would like to read a letter that was just handed to me from the Firemen's Legislative Federation. It says:

Dear Representative Manderino:

Please be advised as a legislative representative of the Firemen's Legislative Federation of Pennsylvania, I know of no formal opposition to the Manderino Amendment to H.B. 1236 by the Firemen's Legislative Federation.

Earl R. Moser

The point is, Mr. Speaker, we are getting all kinds of conflicting information of who is supporting this bill, who is supporting this amendment, who is opposed to the Manderino amendment, and I think it behooves the sponsor of the amendment to clear some of this stuff up for the members who might wish to support it or oppose it.

Mr. PITTS. Mr. Speaker, may I have a copy of that letter, please?

Mr. STEWART. Certainly.

I urge the members to vote "no" on the Pitts amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Carn, on the amendment.

Mr. CARN. Thank you, Mr. Speaker.

I rise to oppose the Pitts amendment. I am concerned about the protection of the workers in these chemical plants. I myself have had the experience of working in the chemical plants, and I am concerned that the intimidation factor that exists in many of these plants is not addressed by the Pitts amendment.

In his amendment he points out that employers shall keep the MSDS forms in the workplace, but that has always existed, at least in the company at which I worked, but there was an intimidation factor that existed, that if you asked too many questions about the chemicals or you looked up too much of the information, many of the people lost their jobs. I am a little concerned that this amendment does not address that, and because of that, I am asking the members of this House to vote in the negative on the Pitts amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I rise to support the Pitts-Letterman amendment.

I would like to share a little background of this. I work on the Labor Relations Committee, and I complimented the chairman, Mr. Cohen, upon introducing HB 1236 at the time. You must remember that when this bill was originally introduced, there existed no right-to-know law for chemicals in Pennsylvania. The chairman, the maker of the bill, was to be lauded for his foresight in bringing Pennsylvania into the modern era to protect the workers in our workplaces. But since that time, the Federal Government, in their wisdom, has

decided to bring out a new bill that would universally work across the United States. Their thought was that if we could have a uniform bill throughout the United States, we could protect the workers uniformly throughout the country without imposing a burden upon the manufacturers of chemicals, without increasing anybody disparagingly in the cost of doing business in any particular State.

Now we are faced with a situation in Pennsylvania where we have a Federal law that will be implemented in shortly over 1 year that would be uniform throughout the country, but we are going to add on another layer of protection. Now, it has been suggested by members of our committee and members of the House that there is another layer of protection that is needed. The question that we debate today is, how far do we want to go in Pennsylvania with increasing the cost to business, and the cost particularly to our small businesses, at the same time when these protections have been assured to us from the Federal Government?

Apparently, there is a big loophole, however, in the Federal Government in that it does not go far enough. We do not feel that it goes down far enough into our communities where the fire departments and the local communities also have a right to know. The Federal law addresses mainly only those larger businesses. However, I have a greater concern - the concern for rural America, the concern for suburban America, which is a concern for the communities that you and I come from. I am concerned for the service station, which is a nonmanufacturing entity that is going to be severely impacted by HB 1236 in its original form or HB 1236 as amended by the Manderino amendment. It goes too far, Mr. Speaker. It puts a burden on our small business places. If you think the service stations are mad in Pittsburgh and Philadelphia about the emissions tests, you let them find out what the State House and the General Assembly did to them on the right-to-know bill. Think also about our auto garages, our body shops, our lawn and garden centers. Think about our farmers, one of the greatest industries we have in the Commonwealth. It is going to be severely impacted, because they deal with chemicals. Think about our paint stores, our feed mills, our hardware stores. Think about the small business people, the nonmanufacturing entities, that all of a sudden are going to be forced into reporting requirements and the cost of doing business that is going to put many of them under. And you know what being under, what bankruptcy, means to the small business people of this Commonwealth.

Yes, Mr. Speaker, I have the same concerns about the laborers as you do. I have had my laboring people come up to me and say, do not put our small business people out of business; do not put me out of a job or cause me a sickness because I do not have the right to know; but at the same time, please, dear legislator, do not eliminate my job because you have put the business places in Pennsylvania in a noncompetitive situation where we cannot compete with Ohio, New York, New Mexico, and so forth. Pennsylvania should have our laws consistent with other States so that our manufacturers can continue to employ our neighbors, our sons and grand-

sons and granddaughters, so that we can work in Pennsylvania, so that we are not driving our people out of the Commonwealth.

Mr. Speaker, in summing up my remarks, I want you to be concerned with the added depth of the Manderino amendment if it is not amended by the Pitts-Letterman amendment. We need the Pitts-Letterman amendment because it is sensible. It goes further than the OSHA laws, which gives us the protection we need. It protects our small business people and our farmers, and I believe it is something we need. And it also gives the greater satisfaction of protecting our workers who are in the workplace. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

Mr. Speaker, I approach this problem with really very great humility. Like most of the members of the House, I believe, I do not have the technical background to fully appreciate the nuances of either the bill as it was originally offered or Mr. Manderino's amendment or the amendment we are presently considering.

I have been studying these two amendments, which of course are bills in themselves, with the greatest of care to see how each one would affect the people—and perhaps I have tunnel vision—but the people whom I deem it necessary to try to protect in this Commonwealth, and I am talking primarily about our farmers. I think definitely we need a right-to-know law. I am hopeful of having a bill passed out of this House which will not inexplicably put the farmers in a position that they cannot handle, and I am afraid that without the amendment we are now considering, that is where they are going to end up.

So I am going to vote for this amendment. Every person here has to make their choice, and that is what I am going to do.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Peterson, on the amendment.

Mr. PETERSON. Thank you, Mr. Speaker.

I rise today to support the Pitts amendment. It seems to me that the Manderino amendment accommodates corporate America but turns its back on the small businessman of Pennsylvania. We have just, in this General Assembly, started to realize that the future of this country and the future of Pennsylvania is the small businessman. That is where the jobs are; that is where the job growth is. But here we go again, going to put one more nail in the coffin of small businessmen who are trying to survive in a State that is difficult to survive in.

I believe that the farmers of Pennsylvania do need special consideration. I believe the retailers of Pennsylvania, who were not a part of this amendment that we passed before, the small businessmen of Pennsylvania, were locked out of the process, and the Pitts amendment did not lock them out.

I rise to support the Pitts amendment because it cares about the future of this Commonwealth and does not put a burden

of needless paperwork on small business people who cannot handle it but does protect the right to know.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski, on the amendment.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I rise in opposition to the Pitts amendment.

As a member of the Labor Relations Committee for the past year and several-odd months, we have been considering this piece of legislation. In my district I have large chemical concerns, small industry - it is sort of a microcosm of Pennsylvania, except for the agriculture. I see the bill as now amended by the Manderino amendment as being very reasonable. I do see why the Pitts amendment is presented, but I do feel that for the people of my district, the Manderino amendment and the bill as it now stands is much more effective. Yes, there are burdens placed on industry by the bill as now amended, but those burdens are reasonable burdens, burdens that industry can live with.

So I rise to oppose the Pitts amendment, and I ask my colleagues to do the same.

The SPEAKER. On the Pitts amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman, Mr. Pitts.

Mr. Speaker, the gentleman, Mr. Pitts, characterized the Firemen's Legislative Federation as being opposed to my amendment even after consideration of my amendment. The gentleman, Mr. Stewart, offered Mr. Pitts a letter. He did not read the whole letter. The letter, which was addressed to me, came after a telephone call by me to the federation, asking why it is that they oppose HB 1236 and the amendment that I was offering when what I was trying to do was protect people like the firemen of Pennsylvania and the workers in the workplace of Pennsylvania, and they were kind of shocked to indicate that anybody thought that they were opposed to my amendment. In fact, the letter was their suggestion and they sent it up or brought it up today—I do not even know—but I would like to read the entire letter. It says:

Please be advised as a legislative representative of the Firemen's Legislative Federation of Pennsylvania, I know of no formal opposition to the Manderino Amendment to H.B. 1236 by the Firemen's Legislative Federation.

As a matter of fact, at no time was the Manderino Amendment to H.B. 1236 discussed at any formal meetings of our organization. And we had no knowledge of the existence of such an amendment until the morning of June 19, 1984.

Now, Mr. Speaker, I can understand that in the zeal of trying to forward one's position we put our best foot forward, and I guess that is what Mr. Pitts was doing in attempting to indicate that the firemen opposed my amendment. As indicated, the firemen do not oppose my amendment. As a matter of fact, the firemen and members of the community are the very people whom we are trying to protect. It was the people that HB 1236 in its original form was trying to protect, and

my amendment to HB 1236 was an amendment that I still think protects all of the people whom we intended to protect with HB 1236 and lessens the burdens on industry and commerce, but still making the protection.

Now, I have heard some pleas here. The gentleman from Erie, Mr. Merry - do not forget about rural America; what about the people in the service stations and our lawn and garden shops and our paint stores, and I guess he indicated that there were a number of other businesses that handled chemicals. Mr. Merry and members of this House, we have not placed any burdens on those people whom you have mentioned, save that they must post for their workers the list of hazardous chemicals that are attendant every day with that particular worker. The farmer who buys fertilizer does not have any obligations regarding the fertilizer or labeling that fertilizer. The farmer who buys gasoline has no obligations regarding that gasoline. The people in the paint stores selling paint and varnish and selling paint thinners have no obligations under this law - not that we do not think that some of those items in retail trade, intended to be sold at retail, could not cause harm. They can cause harm and they do cause harm. But we know that there are many, many Federal statutes already on the books protecting not only the public but workers from those items that are in the stream of retail commerce, and you will find specific exemptions in our law for all of those things. But do you not think that the migrant farm worker, or any farm worker, any employee of the farmer, ought to know whether or not a pesticide that is very dangerous to human health is being used on the farm where he is employed? That is all we are asking that farmer to do - post in the workplace for that farmer the kinds of hazardous substances that that employee may come in contact with, and I defy you to find in the Manderino amendment anything other than that as imposed upon the farmer or upon the paint store clerk or upon the gasoline attendant or the gasoline stations. Those are all red herrings. I am sure that Mr. Pitts knows that; I do not know that every member of the Assembly is as familiar with the substance of HB 1236 or the amendment which I have offered and the Pitts amendment to realize that.

Why is it that we are opposed to the Pitts amendment? You will not find one environmental group in Pennsylvania supporting the Pitts amendment. You will not find one labor union representing the workers who must work around these hazardous substances supporting the Pitts amendment. The compromise represented by the Pitts amendment is a compromise among all of the opponents of HB 1236 and a right to know in the workplace.

Mr. Speaker, I urge every member of this House who is concerned with the safety, with the health of the worker and the community and the protection of the environment for everyone's general health to support what is a reasonable compromise, and that is the bill that is before you without the Pitts amendment. The Pitts amendment weakens almost to nothing what we are attempting to do in the right-to-know legislation. And it gains nothing for members to get up and compliment Mr. Cohen and Mr. Pitts on the work that they

have done. They have done significant work. But if we adopt the Pitts amendment, we have done nothing for a meaningful right-to-work—or right-to-know law in Pennsylvania, save that maybe the same people who support one might support the other.

Mr. Speaker, I would just like to read from the letter that I received on the 15th day of June from the Sierra Club of Pennsylvania, a paragraph that indicated that certain industry-backed proposals had been offered by Representative Pitts and Representative Letterman under the guise of a bipartisan compromise. "We would like to make it clear that we oppose these amendments and reject the notion that they represent a 'compromise'. The environmental community has not agreed to the Pitts/Letterman amendments."

Mr. Speaker, we do not feel that we have a perfect piece of legislation before us without the Pitts amendment. We do feel that the legislation before us without the Pitts amendment is meaningful as a protection in the workplace of the workers. It is meaningful as a protection for the community and the firemen on the right to know about hazardous substances and chemicals.

Mr. Speaker, we know that there is an obligation and a responsibility being placed upon the business community. We have minimized as far as we think possible, consistent with a meaningful law allowing the workers their protection, allowing the communities their protection, we have minimized the responsibility, the burden, the paperwork, on the business community. We ask for an affirmative vote on the bill as it is and a negative vote on the Pitts amendment that is before you. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

CONSIDERATION OF HB 1236 CONTINUED

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think it needs to be made clear that no one in this room is opposed to the concept of the right to know. It is a concept that is certainly long overdue. I think that it is also fair to say that for the firemen's association to report that they are not opposed to Mr. Manderino's amendment, we need only to look back at the vote on Mr. Manderino's amendment in this House to realize that no one is opposed to Mr. Manderino's amendment to HB 1236. However, there are those who feel that the Pitts-Letterman amendment goes a step further and accomplishes the objective a bit more effectively in several ways. First of all, it is not as cumbersome; it spells out specifically those materials that are indeed hazardous. Earlier a speaker referred to a situation at a plant at an earlier time when a substance was available and caused problems with the workers. At that moment that substance was not known to be hazardous, and therefore, it is useless to list all materials. The ones that we can deal with are those that we recognize a problem with, and those are the ones that we

know we should take precautions concerning their handling, the ones that we need to be careful about.

The point that I would like to make more importantly than anything else is that which refers to emergency units. I had the experience of an explosion in my community, and that explosion looked somewhat like a mushroom cloud from which moisture fell, and we were all day in trying to find out what ingredients were involved in that explosion. We were in the process and in fact had evacuated all of the residents in and around that area, and we were about to evacuate those who were nonambulatory with the use of ambulances and other emergency equipment. No one knew what we were dealing with, no one knew, and the company was not at liberty to report to us what ingredients were involved. The emergency units were helpless except that they were able to control the remains of the explosion.

What is needed in an emergency situation is to have that information in advance. The Pitts-Letterman amendment provides for that. The emergency unit does not have to go and ask someone what it was. They know beforehand what was involved. They have had the opportunity to make plans as to how to deal with an emergency should it arise, because they can inspect the facility and find out where these materials are held, the kinds of equipment that will be needed to deal with them, and so they can be prepared.

In an emergency, seconds count. Phone calls, contacts with persons who may not be available, are not very helpful. We need to know in advance, and one of the most important parts, along with the notification of the worker himself, is the community, which must deal with these ingredients. The Pitts-Letterman amendment will help to do that. It establishes beforehand what these ingredients are so that the emergency units can deal effectively with them.

I urge an affirmative vote for the Pitts-Letterman amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

We have heard a lot of discussion recently with regard to the information which firemen and police ought to have, and if that were the only issue, I suspect that overwhelmingly this House would vote with Mr. Pitts. However, it is not the only issue. I would like to note that Mr. Pitts has already circulated another amendment which deals solely with that issue and which the majority leader indicates that he supports, I support, and I suspect everybody in this House will support, which will take care of that problem that the firemen and the policemen and the ambulance people have, an appropriate way to do it. So we do not need to vote for the Pitts amendment in order to take care of that problem.

Now, the fact that we can address this particular issue with regard to the emergency contacts with a little, simple amendment strikes me that we could do that with a whole lot of other things that have been raised as objections to this bill.

We could do that with regard to the farmers; we could do that with regard to some of the small businesses; we could do that with regard to some of the paper requirements. That, unfortunately, for whatever reason I do not know, is not being attempted. What we are being asked to do is to buy all of the Pitts amendment or none of it at all, with the exception of this one emergency provision.

I, frankly, would like to do something to take care of the farmers; I would like to do something to ease the burden on small business, but my strong suspicion is that if I vote for the Pitts amendment, I am voting for something that in a year or two is going to self-destruct. I am voting to keep the municipalities in my area from imposing any kind of a right-to-know requirement. Mr. Pitts shakes his head, but I read what the bill says with regard to OSHA. I am voting against allowing the municipalities in my area to put on any kind of right-to-know requirements that would exceed Federal standards. I do not want to do that. I am also voting for some language which does not appear to give the workers the right to refuse to work if there is a clear danger and the employer is not prompt in reporting or explaining what the chemical is. I do not want to do that, either.

So it seems to me that the appropriate thing to do is to vote down the Pitts amendment, pass the other Pitts amendment, and hopefully the people who are experts on this bill will present us with a series of these small amendments in which we can address the issues about which there probably is a consensus, a majority, in this House. Where we are now is being forced to choose between two extremes. Unfortunately, Mr. Pitts' amendment, in my opinion, has a lot of barnacles on it, and until he removes those, I would urge a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

In Representative Pitts' presentation he stated that the Firemen's Legislative Federation was in support of the Pitts-Letterman amendment. I think the record should be made clear that this is a volunteer firemen's organization. The paid firemen's organization of the State of Pennsylvania supports the Manderino amendment to HB 1236. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the question, the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, may I interrogate Mr. Pitts, the maker of this amendment?

The SPEAKER pro tempore. The gentleman, Mr. Pitts, indicates he will stand for a period of interrogation. The gentleman, Mr. Merry, is in order and may proceed.

Mr. MERRY. Mr. Speaker, my greatest desire here in the House today is to vote for the right amendment, the right laws to protect the working people in our workplace and also preserve our small businesses so they may continue to exist without being priced out of business. There has been debate here today that would indicate that you do not have support for this bill. Now, that was not my understanding, and I think you should clear the record today.

Do you have support for this amendment in the marketplace? And if so, who are they?

Mr. PITTS. Mr. Speaker, I have a whole series of letters. Let me just give you a few of the organizations who have written endorsing the Pitts-Letterman amendment and are opposed to Representative Manderino's amendment. I will give you a few of them, if that will suffice.

Mr. MERRY. Yes. Make it brief, please.

Mr. PITTS. All right. Allentown-Lehigh County Chamber of Commerce; Beaver Valley Chamber of Commerce; Berks County Chamber of Commerce—

PARLIAMENTARY INQUIRY

Mr. BELFANTI. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Northumberland, Mr. Belfanti, rise?

Mr. BELFANTI. A point of parliamentary inquiry.

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

Mr. BELFANTI. Is there not a rule in the House which precludes a member from asking a question he knows the answer to?

The SPEAKER pro tempore. It is the general ruling of the Chair. The gentleman is properly cautioned and will proceed in a cautious manner in this area.

Mr. MERRY. Mr. Speaker, my intent was really to clarify it, because I thought perhaps the support had been withdrawn from Mr. Pitts and that he did not have support for it from the debate that I heard.

Mr. Speaker, you do indicate that you do have support and that it is substantial, generally speaking? We do not want to take the time up here.

Mr. PITTS. Very substantial support all across the Commonwealth by all these various industries.

Mr. MERRY. All right. Another question here. It was brought out that the Manderino amendment would not be abusive or any problem for small business places like hardware stores and farmers and feed mills and lawn and garden places. Now, is it your opinion that your amendment is better, that there would be less problems for people to live with? What would happen in the case of a farmer if he was dealing with fertilizer and he decided to mix up a brew that he purchased at the store? What would he be required to do under your understanding of the Manderino amendment?

Mr. PITTS. Under the Manderino amendment, he must, if he puts this into a tank to mix or to spray or to spread—a fertilizer spreader, if you like, or irrigation equipment—he must make up a label listing all the chemicals in that mixture and put it on that tank or piece of equipment.

Mr. MERRY. How would an average farmer ever be able to come up with a label with some sort of adhesive, with some sort of marking device, and place on the label? How would he have the knowledge of what to put on there?

Mr. PITTS. It is beyond me, Mr. Speaker. I do not think he will be able to. He is also, if you listened to the interrogation

that I had with Mr. Manderino, if he gets that with an MSDS that is not according to Pennsylvania law—it might be in accordance with the OSHA standard, and I might say 19 States have considered right-to-know this year; 3 States have adopted right-to-know, and every one of them is consistent with the Federal standard—but if he gets an MSDS that is consistent with Federal standards, he has to go and get the other information on testing and all the other things Mr. Manderino did not know what he was requiring on the MSDS and put it on that MSDS. He is responsible. Your small farmer, your small businessman is responsible for that, if he has employees.

Mr. MERRY. Are you suggesting that if a farmer or a paint store or a feed mill mixes up a concentrate of some chemical, that he has to also come up with an MSDS?

Mr. PITTS. That is correct, Mr. Speaker.

Mr. MERRY. You mean a farmer is supposed to come up with a typewriter, a secretary, an office force, or some way of determining how to formally present an MSDS? Then what would he have to do if he had that office force to create that? Would he have to send it someplace?

Mr. PITTS. He is going to have to have it available in the workplace for his employees. If someone requests it, he is going to have to file a survey form with Harrisburg, too.

Mr. MERRY. So any small businessman who makes a mixture that could be hazardous would have to come up with an MSDS, have to have a training session for his employees—

Mr. PITTS. Extensive training, not just a minimal training, extensive; the same training a large chemical manufacturer has to give to his employees.

Mr. MERRY. That ends my interrogation, Mr. Speaker.

I would like to make a short remark.

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

Mr. MERRY. Mr. Speaker, it almost seems to me that what we are trying to put on small business people is virtually overkill, and I really mean overkill. You are going to kill these farmers from doing business in Pennsylvania; you are going to kill the small business people. I do not know how my family and their hardware store at home will be able to deal with chemicals, whether they be paint or fertilizer or other unknown chemicals, and be able to survive, because we do not have the expertise.

The people in my legislative district, as yours, are people, single people, "mom and pops." Most of them do not have over three or five employees. Most of them are not skilled in the preparation of forms and the knowledge of what to do with them. To run the hazard of the severe penalties that would be in the Manderino amendment as it exists today would be uncalled for as long as we have a choice, and, Mr. Speaker, we do have that choice. We need to support the Pitts amendment. Thank you, Mr. Speaker.

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

Miss SIRIANNI. Mr. Speaker, I think it is obvious from the discussion that has been going on on the floor that the

Pitts-Letterman or the Letterman-Pitts amendment, whichever way you want to go, does the fine tuning that is needed to this bill. It does not hurt the Manderino amendment; it just adds the fine tuning that is necessary. Why should we settle for a mediocre bill when we can get a good one by doing the fine tuning? I rise to support it, and I ask the support of all my colleagues.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I will be very brief.

I think it is important to mention that this General Assembly has gone a long way to improve the state of the economy in Pennsylvania, particularly for small businesses, in the last few years. There is no question at all about the fact that the Manderino amendment, as in section 6 and section 8, for example, imposed substantial additional requirements on small businesses of Pennsylvania and farmers of Pennsylvania, as opposed to the lesser but adequate requirements of the Pitts amendment.

Mr. Speaker, I suggest to the members that in regard to small business it is time that we put our votes where our mouths have been. It is just this kind of difficult bill on which this General Assembly historically has been placing Pennsylvania in a bad position. We take baby steps in regard to non-controversial matters and then slug it to small business in regard to difficult matters. I suggest, Mr. Speaker, that this is an opportunity to adopt the Pitts amendment, thereby saying again to small business, as we have been over the last couple of years, yes, we want you in Pennsylvania; we want your jobs in Pennsylvania, and I recommend, Mr. Speaker, that those of us who favor the increased jobs that small business will provide in Pennsylvania if we make the economy a convenient place for them to do business, I suggest that we say to them by adopting the Pitts amendment that we want you here in Pennsylvania.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Speaker thanks his friend for presiding temporarily, the gentleman from Boyertown, Mr. Fryer.

CONSIDERATION OF HB 1236 CONTINUED

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

Mr. McMONAGLE. Thank you, Mr. Speaker.

This bill is very important to me and to many people whom I know, whom I knew, who died in the workplace next to me.

I worked for Rohm And Haas Corporation for 15 years. In the department where I worked, I grew up with many of the people. We went to high school; we were in the service together; we went to weddings together; I went to their funerals; I see their widows yet; I see their children yet. It was a company that told us there was nothing wrong with the chemicals we were working with. We did not have to know anything other than to get the production quota out. The

building, after they found out it caused all these problems, they shut it down, completely sealed the building. They are still producing the product, but only now you work with a fresh-air mask. You walk in that building now like a scuba diver. We worked with masks that were foam rubber that did not stop anything. The chemicals we worked with we did not know.

You talk about jobs for small business. You are going to kill small business with this, because you are going to kill the employees. Representative Pitts talked about 5-gallon pails, 10-gallon pails. We worked 60,000-gallon tanks and converted them down to 5-gallon pails with no labels telling you this product was a killer. We made a product that the U.S. Government would not let be sold in the United States, but it was sent to a little place—some veterans here will know and remember—it was sent to Vietnam. You see what is happening now to those veterans. I was one of the fortunate ones. I got sick only. I went from 175 pounds down to 110. I survived. I was one of the survivors.

I went on a tour of that plant with this committee. I went on a tour of that plant 2 years ago with the Labor Management Committee. I walked in that plant, and they took me in the buildings, you know, the cleanest buildings in the plant. The floors were still wet from being washed down. I talked to the operators I knew, I had worked with. I said, when did you wash the floors? They said, on the midnight shift again, like before; we know we are getting visitors, so we are going to clean up.

We worked with material that rotted out pipes, but it was not harmful to human beings, we were told. I saw men who were big and strong lie in bed and die slowly from bone cancer, cancer of the lung, liver cancer. But it was not the material. This stuff is not harmful. It is probably the area you live in. We have cars in the neighborhood that give off smoke. Oh, you smoke, too? That is causing the problem.

In an 18-month period I had pneumonia twice, bronchitis a half dozen times. I became very sick because I had no resistance to disease, but yet the company said, well, after you are better, you can come back; you are all right. Until finally their own company doctor told me something was wrong. He said, I knew something was wrong because we were starting to call the building the "cancer pit." People died left and right. Every month you were going to a funeral.

This company is the biggest fighter of this bill. This company is the one who wrote the bill for Joe Pitts, and this company is still going to kill people, because they will not tell you what is in those products, and they do not want you to know because they are killers. And when you take them and put those 5-gallon pails on that farm and that farmer starts pouring them in the machines, pumping in the air, and they get cancer, then you come back to me and tell me it is harmless and this company is right and these other big companies are right. I am not talking about Democrats or Republicans. I am talking about people, and those people who died were Democrats, Republicans, Independents, or whatever. They were Polish; they were Irish; they were Italians; they

were working people, and we are here to protect the working people. Let the big companies know for a change that we are tired of them. Darn it; I am sorry, but that is the way I feel, and you had better vote "no" on this. If not, it is on your conscience when your people die. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and this time it is not a formality; the Chair thanks the gentleman.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, thank you.

I was very moved by the remarks of the gentleman, whom I consider my friend, Gerry McMonagle, and it is exactly for the reasons that Gerry stated on this floor that HB 1236 is before us today.

We heard compliments passed back and forth across this hall today congratulating Mr. Cohen and Mr. Pitts for the hard work they have done on this subject, on this bill, and the courage that the legislature has in bringing a right-to-know bill to the floor of the House. There has never been suggested here today that there should not be right-to-know legislation; far from it. All that has taken place here today is, how do we best put into law in Pennsylvania right-to-know legislation so that problems such as that described by our friend from Philadelphia, Mr. McMonagle, will not take place again?

I think one of the things, though, that prompted me to stand up and make remarks now was the one comment, perhaps intemperate, on the part of Mr. McMonagle that any company had anything to do with the writing of the Pitts amendment. My information—and I inquired about it as soon as the remarks were out of the mouth of Mr. McMonagle—is that no company had any input into the Pitts amendments. These amendments—and it was stated on the floor—were drafted by staff of this House, Democratic and Republican staff. The amendments, Mr. Speaker, that were drafted by company representatives were the Manderino amendments that were drafted by Phil McFarren of U.S. Steel—at least that is my understanding—in conjunction, of course, with the Labor Committee of Mr. Cohen's. But there a company had true input, as I understand the situation here.

We had an opportunity earlier this year, and I spoke with the president of the Chamber of Commerce; I spoke with Julius Uehlein of the AFL-CIO, and there was an effort mounted so that all of us—when I say "all of us," I am talking of all interested parties; all four caucuses and the representatives of labor and the chamber—might sit down together and work together to do what was done earlier in this term in connection with the unemployment compensation bill. I thought that was very successful earlier this term when everyone got together. We were severely criticized in some quarters for doing that. The decision was made, for whatever reason, that the staff people would work in the independent caucuses, together or apart, to come up with what they deemed to be the best bill.

There will be right-to-know legislation passed in this House today; I am sure of that. There will be right-to-know legislation enacted into law in the United States; I am equally sure of that. The question is, how do we do the best job and hurt the

least number of people so that we protect jobs, so that we protect the small businessman, so that we protect the farmer, so that we protect the community and at the same time protect all of those people in all of those areas - the farm employee, the employee of the small business, the employee of the community and the people in the community, the firefighters and those whom the firefighters would protect? I think, based on the limited knowledge that I have of this bill—I do not pretend to have the depth of knowledge that a Mr. Cohen or a Mr. Pitts has—but from everything I have been able to find out about these bills and the amendments to them, I think that this Commonwealth and its employers and employees are best served by the Pitts amendment, and I would ask for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I am very happy that we have the acknowledgment from many of the opponents of the bill that something needs to be done to protect workers from the situation described by Mr. McMonagle. Workers have come here, environmentalists have come here, and they have asked this Assembly for help. The Pitts amendment satisfies none of the people who have asked for help. It is as simple as that. You do nothing for those people, nothing for those people who have asked for help.

I asked the gentleman, Mr. Pitts, to tell us one labor group, one environmental group that supported the position that he was taking. There are none. The people who are asking for help receive nothing if you pass this amendment. I urge a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Letterman, on the amendment.

Mr. LETTERMAN. Mr. Speaker, thank you very much.

As you know, I am part of the Pitts amendments. I was not going to speak on these amendments today, but I have to because things have been drug around that I do not believe to be true.

For one thing, the Pitts-Letterman amendments have nothing to do with any manufacturing company that I am aware of. We sat in our offices; we tried very hard to come up with amendments that would not cost industry an arm and a leg. We sat there and we worked each individual amendment that I was asked by companies and by people in my legislative district to come up with.

In my legislative district I have Drake Chemical and American Color and Chemical, which are two chemical companies that are hazardous dump sites, that are under Federal investigation. As you remember, we passed a piece of legislation for \$120,000 to screen test all the employees of the Drake Chemical Company and American Color and Chemical Company in Lock Haven, Pennsylvania. You people were all good enough to vote for that. The Governor of this State vetoed that out of the last budget. He vetoed it because he got bad information from some of his staff, and after I brought it to his attention that that was wrong, the reason he vetoed my \$120,000, he

then assigned the Department of Health to see if we needed screen testing done. They told the Governor that they could absolutely do it. Well, let me tell you, the Department of Health did not have enough money to do the screen testing, so my people are dying of bladder cancer in Lock Haven, Pennsylvania.

I will not stand here and let anyone say that we did not work hard on this piece of legislation. I am not even going to ask you to vote for it. I do not care what you do. I do not care what you do except that you protect the people in this State, but protect them in a way that you do not chase every business out of the State so we do not have anyplace to work. That is what we tried to do in this amendment. You decide what to do.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman from Delaware, Mr. Gannon, is removed from leave, his presence is noted, and his name will be placed on the master roll call.

CONSIDERATION OF HB 1236 CONTINUED

The SPEAKER. The question recurs, will the House adopt the Pitts amendments? Only those members present and in their seats are to be recorded. The Chair will keep the desk open long enough so the respective leaders may check.

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. Are there any challenges?

Mr. RYAN. Mr. Daley? I am sorry; he is here.

The SPEAKER. Mr. Daley is in his seat.

Mr. MANDERINO. Mr. Cornell?

The SPEAKER. Is the gentleman present? If he is not, strike the vote.

Mr. RYAN. Mr. Cordisco?

The SPEAKER. Mr. Cordisco? If he is not present, strike the vote.

Mr. MANDERINO. Mr. McClatchy?

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

The following roll call was recorded:

YEAS—82

Angstadt	Fischer	Klingaman	Punt
Armstrong	Flick	Letterman	Reinard
Baldwin	Foster, W. W.	Levi	Robbins
Book	Foster, Jr., A.	Livengood	Ryan
Bowser	Freind	McClatchy	Saloom
Boyes	Gallen	McVerry	Saurman
Brandt	Geist	Mackowski	Scheetz
Bunt	Gladeck	Madigan	Schuler
Burd	Godshall	Manmiller	Semmel
Cessar	Greenwood	Merry	Showers
Cimini	Grieco	Miller	Sirianni
Clymer	Gruppo	Moehlmann	Smith, B.
Cole	Hagarty	Morris	Snyder, D. W.

Coslett	Hasay	Mowery	Snyder, G. M.
Coy	Hayes	Noye	Stairs
DeVerter	Herman	Peterson	Swift
Davies	Hershey	Phillips	Taylor, E. Z.
Dietz	Honaman	Piccola	Vroon
Dininni	Jackson	Pitts	Wass
Dorr	Johnson	Pott	Wright, J. L.
Fargo	Kennedy		

NAYS—103

Afflerbach	Fattah	McHale	Seventy
Alderette	Fee	McMonagle	Steighner
Arty	Freeman	Manderino	Stewart
Barber	Fryer	Mayernik	Stuban
Battisto	Gallagher	Michlovic	Sweet
Belardi	Gamble	Micozzie	Taylor, F. E.
Belfanti	Gannon	Miscevich	Telek
Blaum	George	Mrkonc	Tigue
Broujos	Gruitza	Murphy	Trello
Burns	Haluska	O'Donnell	Truman
Caltagirone	Harper	Oliver	Van Horne
Cappabianca	Hoeffel	Perzel	Wachob
Carn	Hutchinson	Petrarca	Wambach
Cawley	Itkin	Petrone	Wargo
Civera	Jarolin	Pievsky	Weston
Clark	Kasunic	Pistella	Wiggins
Cohen	Kosinski	Pratt	Williams
Colafella	Kowalshyn	Preston	Wilson
Cowell	Kukovich	Rappaport	Wogan
DeLuca	Laughlin	Reber	Wozniak
DeWeese	Lescovitz	Richardson	Wright, D. R.
Dawida	Levin	Rieger	Wright, R. C.
Deal	Linton	Rudy	Zwikl
Dombrowski	Lloyd	Rybak	
Duffy	Lucyk	Salvatore	Irvis,
Durham	McCall	Serafini	Speaker
Evans			

NOT VOTING—14

Cordisco	Lashingier	Nahill	Smith, L. E.
Cornell	McIntyre	O'Brien	Spencer
Daley	Maiale	Olasz	Spitz
Donatucci	Markosek		

EXCUSED—3

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

REMARKS ON VOTE

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

Mr. DALEY. Mr. Speaker, I was in my seat, I had voted "no" on amendment A3167 to HB 1236, and I was removed off the board.

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

CONSIDERATION OF HB 1236 CONTINUED

On the question recurring,

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

Mr. PITTS offered the following amendments No. A3166:

Amend Table of Contents, page 2, by striking out "Section 21. Effective date." and inserting

Section 21. Emergency information.

Section 22. Effective date.

Amend Sec. 21, page 21, by striking out "Section 21. Effective date." and inserting

Section 21. Emergency information.

An employer, distributor or importer who has over 110 gallons or 1,000 pounds of hazardous substances within his workplace, shall inform police, fire and emergency officials of the political subdivisions in which the workplace is located of the presence of these hazardous substances and the name and telephone number of two responsible representatives of the employer (for example, manager or foreman) who can be contacted in case of an emergency. Upon request, the employer or importer shall also provide further information to these officials concerning these hazardous substances, including their average approximate quantities, their location within the workplace and an MSDS for each hazardous substance. These police, fire and emergency officials shall also be allowed to tour any workplace during business hours so that an appropriate emergency response plan can be developed.

Section 22. Effective date.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Thank you, Mr. Speaker.

This amendment would amend the bill to permit the Manderino amendment to stay in the bill but add a section for the emergency services. This adds the provision that the Firemen's Legislative Federation endorsed at their association meeting, and they unanimously endorsed this provision. We are offering it because we think this provides better protection for emergency service personnel than the provision in the bill at present.

This gives the emergency personnel, without them having to request, the list of hazards. It gives them the right for an in-plant tour. It gives them the right to additional information, like MSDS's. It mandates that a name of a person and a phone number that will be available 24 hours a day be provided to the emergency personnel.

We feel that this is much more protection for the public. I urge adoption.

The SPEAKER. On the Pitts amendment, the majority leader is recognized.

Mr. MANDERINO. Mr. Speaker, the Manderino amendment without the Pitts amendment deals with substances from 1 gallon up to 110 and over and over and under 1,000 pounds, but the Pitts amendment does not strike the language in the amendment that I have offered that is in the bill. It adds this language which we completely agree with, and I would suggest that we support the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Blaum	Fryer	Madigan	Seventy
Book	Gallagher	Manderino	Showers
Bowser	Gallen	Manmiller	Sirianni
Boyes	Gamble	Markosek	Smith, B.
Brandt	Gannon	Mayernik	Smith, L. E.
Broujos	Geist	Merry	Snyder, D. W.
Bunt	George	Michlovic	Snyder, G. M.
Burd	Gladeck	Micozzie	Spencer
Burns	Godshall	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stewart
Carn	Gruitza	Morris	Stuban
Cawley	Gruppo	Mowery	Sweet
Cessar	Hagarty	Mrkoncic	Swift
Cimini	Haluska	Murphy	Taylor, E. Z.
Civera	Harper	Nahill	Taylor, F. E.
Clark	Hasay	Noye	Telek
Clymer	Hayes	O'Brien	Tigue
Cohen	Herman	O'Donnell	Trello
Colafella	Hershey	Oliver	Truman
Cole	Hoeffel	Perzel	Van Horne
Cordisco	Honaman	Peterson	Vroon
Cornell	Hutchinson	Petrarca	Wachob
Coslett	Itkin	Petrone	Wambach
Cowell	Jackson	Phillips	Wargo
Coy	Jarolin	Piccola	Wass
DeLuca	Johnson	Pievsky	Weston
DeVerter	Kasunic	Pistella	Wiggins
DeWeese	Kennedy	Pitts	Williams
Daley	Klingaman	Pott	Wilson
Davies	Kosinski	Pratt	Wogan
Dawida	Kowalyshyn	Preston	Wozniak
Deal	Kukovich	Punt	Wright, D. R.
Dietz	Lashinger	Rappaport	Wright, J. L.
Dininni	Laughlin	Reber	Wright, R. C.
Dombrowski	Lescovitz	Reinard	Zwikl
Donatucci	Letterman	Richardson	
Dorr	Levi	Rieger	Irvis,
Duffy	Levin	Robbins	Speaker
Durham	Linton		

NAYS—1

Maiale

NOT VOTING—2

Olasz

Spitz

EXCUSED—3

Lehr

Marmion

Stevens

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 279, PN 3267 (Amended)

By Rep. BARBER

An Act amending the "Emergency Medical Services Systems Act," approved November 30, 1976 (P. L. 1207, No. 265), extending the expiration date of the act.

HEALTH AND WELFARE.

HB 1834, PN 3246 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the City of Allentown a parcel of land situate in the City of Allentown, Lehigh County, Pennsylvania.

STATE GOVERNMENT.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 1102, PN 1941

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for after-the-fact payrolls.

STATE GOVERNMENT.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2331 By Representatives McMONAGLE,
SALVATORE, OLIVER, PERZEL,
RIEGER, O'BRIEN, WOGAN, WESTON
and KOSINSKI

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey a tract of land to the Fraternal Order of Police, Lodge 5 of Philadelphia, situate in the City and County of Philadelphia, Pennsylvania.

Referred to Committee on STATE GOVERNMENT,
June 19, 1984.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2113, PN 2856**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

HB 2113, PN 2856

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering the Pennsylvania Workmen's Compensation Act and the Pennsylvania Occupational Disease Act for the fiscal year July 1, 1984 to June 30, 1985 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1984.

CONSIDERATION OF HB 1236 CONTINUED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, at the beginning of the consideration of HB 1236, the gentleman, Mr. Pitts, indicated to the majority leader that he had two amendments. He has offered those two amendments. Is my understanding now that there are additional amendments?

The SPEAKER. The Chair has been so informed that there are five or six additional amendments. The Chair is also informed, to give Mr. Pitts his due, by the Reference Bureau that the computer which was handling the amendments had been down for a number of hours. The amendments, however, are now physically in the possession of the House. They have to be duplicated. But the fact of the matter is, there are five or six other amendments.

Mr. MANDERINO. Mr. Speaker, we had never been given notice of the amendments. We have not caucused on the amendments. We do not know what the contents of those amendments are. Mr. Speaker, I think that perhaps we ought to have a caucus of the Democratic Party.

The SPEAKER. Is the gentleman calling for a caucus? For what length of time?

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I will take my caucus' advice on the first amendment and ask them to vote "no" and see whether we need a caucus later on.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. PITTS offered the following amendments No. A3112:

Amend Table of Contents, page 2, by striking out "Section 21. Effective date." and inserting

Section 21. Nonmanufacturing employers.

Section 22. Effective date.

Amend Sec. 21, page 21, by striking out "Section 21. Effective date." and inserting

Section 21. Nonmanufacturing employers.

(a) Exemptions.—Nonmanufacturing employers, that is SIC Codes other than 20-39, are subject to this act except as provided in this section.

(b) Maintenance of labels.—

(1) Nonmanufacturing employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced.

(2) If a nonmanufacturing employer transfers a hazardous substance into an unlabeled storage container, the employer shall label, tag or mark that container with a label as required in section 6.

(c) MSDS.—Nonmanufacturing employers shall maintain the Material Safety Data Sheets that are received with incoming shipments of hazardous substances and ensure that they are readily accessible to employees.

(d) Safety training.—Nonmanufacturing employers shall provide an employee safety training program to new nonmanufacturing employees, whenever a new hazardous substance is introduced into their work area and at regular intervals throughout the nonmanufacturing-employees' employment, at least once every year. This program shall include informing nonmanufacturing employees of:

(1) The presence and location of the hazardous substances with which they work.

(2) The presence and location of the MSDS required in subsection (c).

(3) Any other safety procedures or safety devices that the nonmanufacturing employer uses in order to protect nonmanufacturing employees from exposure to hazardous substances.

(4) The telephone number of the local department office and the services provided by the department as described in section 11.

(e) Emergency notification.—If a nonmanufacturing employer stores over 110 gallons or 1,000 pounds of hazardous substances within the employer's workplace for more than 30 days, the employer shall inform police, fire and emergency officials of the political subdivisions in which the workplace is located of the presence of these hazardous substances and the name and telephone number of two responsible representatives of the employer (for example, manager or foreman) who can be contacted in case of an emergency. Upon request, the employer or importer shall also provide further information to these officials concerning these hazardous substances, including their average approximate quantities, their location within the workplace and an MSDS for each hazardous substance. These police, fire and emergency officials shall also be allowed to tour any workplace during business hours so that an appropriate emergency response plan can be developed.

(f) Other rights.—Nonmanufacturing employees shall also be accorded the rights granted manufacturing employees under sections 6(b), 13, 14 and 15.

(g) Other duties and obligations.—Nonmanufacturing employers shall also be subject to sections 6(b), 14, 15 and 16.

(h) Suppliers.—If a nonmanufacturing employer is a supplier, the provisions of this act relating to suppliers are applicable to the nonmanufacturing employer.

Section 22. Effective date.

On the question,

Will the House agree to the amendments?

The SPEAKER. The members are advised to listen, because contrary to our usual procedure, Mr. Pitts is going to offer an amendment which has not yet been circulated. Mr. Pitts will read the amendment and explain the amendment.

Mr. PITTS. Thank you, Mr. Speaker.

This would take care of small business, the farmer, the nonmanufacturing sector. Let me read the amendment so that members will completely understand. We strike section 21—

POINT OF ORDER

Mr. MANDERINO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point.

Mr. MANDERINO. I never agreed to not having a copy of it. We at least at the majority leader's desk ought to have a copy of the amendment.

The SPEAKER. The majority leader is absolutely right. See that the majority leader has a copy, at least, of the amendment.

POINT OF ORDER

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

Mr. RAPPAPORT. Mr. Speaker, I rise to a point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. RAPPAPORT. I would suggest—and correct me if I am wrong, as I am sure you will—that the rules of the House require that every member have a copy. This is a very important bill. We have been deluged with material on this bill for months. I think it is a very important bill, and I would like to know precisely what is in every amendment.

The SPEAKER. The gentleman, Mr. Rappaport, has raised an objection which must be recognized. The amendments are to be in front of each member, and if any member objects, there is no unanimous consent, and therefore, Mr. Pitts may not pursue the amendment until the amendment is duplicated.

The Chair is advised that the amendments will not be ready in just 2 or 3 minutes. If the members wish to permit Mr. Pitts to offer his amendments orally, then the required motion is to suspend the rules of the House.

The Chair hears no such motion. The House will stand at ease.

RULES SUSPENDED

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

Mr. DeVERTER. Mr. Speaker, I would so move that we suspend the rules of the House to permit Representative Pitts to offer his amendments.

I do not believe that the content of any of those amendments is subject matter that has not been previously discussed on this floor, and I think it is inappropriate that members just sit idly around waiting until those amendments are distributed. I think Representative Pitts is quite capable of explaining them sufficiently for the members' consumption. Thank you.

The SPEAKER. It is moved by the gentleman, Mr. DeVerter, that the rules of the House be temporarily suspended so that Mr. Pitts may offer amendments orally.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—124

Angstadt	Durham	Letterman	Robbins
Armstrong	Fargo	Levi	Rudy
Arty	Fischer	Levin	Ryan
Barber	Flick	Livengood	Saloom
Battisto	Foster, W. W.	McClatchy	Salvatore
Belardi	Foster, Jr., A.	McIntyre	Saurman
Blaum	Freind	McMonagle	Scheetz
Book	Fryer	Mackowski	Schuler
Bowser	Gallen	Madigan	Semmel
Boyes	Gamble	Manmiller	Serafini
Brandt	Geist	Merry	Sirianni
Broujos	George	Micozzie	Smith, B.
Bunt	Gladeck	Miller	Smith, L. E.
Burd	Godshall	Moehlmann	Snyder, D. W.
Caltagirone	Greenwood	Morris	Spencer
Cawley	Grieco	Mowery	Stairs
Cessar	Gruppo	Nahill	Steighner
Cimini	Hagarty	Noye	Stewart
Civera	Haluska	O'Brien	Taylor, E. Z.
Clymer	Hasay	Oliver	Telek

Cole	Hayes	Perzel	Truman
Cornell	Herman	Peterson	Vroon
Coslett	Hershey	Petrone	Wass
DeVerter	Honaman	Pitts	Weston
Davies	Hutchinson	Pott	Wiggins
Deal	Jackson	Preston	Williams
Dietz	Jarolin	Punt	Wilson
Dininni	Johnson	Reber	Wogan
Donatucci	Kennedy	Reinard	Wozniak
Dorr	Klingaman	Richardson	Wright, J. L.
Duffy	Lashinger	Rieger	Wright, R. C.

NAYS—71

Afflerbach	Fee	McVerry	Seventy
Alderette	Freeman	Maiale	Showers
Baldwin	Gallagher	Manderino	Snyder, G. M.
Belfanti	Gannon	Markosek	Stuban
Burns	Gruitza	Mayernik	Sweet
Cappabianca	Hoeffel	Michlovic	Swift
Carn	Itkin	Miscevich	Taylor, F. E.
Clark	Kasunic	Mrkonic	Tigue
Cohen	Kosinski	Murphy	Trello
Colafella	Kowalshyn	O'Donnell	Van Horne
Cordisco	Kukovich	Petrarca	Wachob
Cowell	Laughlin	Phillips	Wambach
Coy	Lescovitz	Piccola	Wargo
Deluca	Linton	Pievsky	Wright, D. R.
Daley	Lloyd	Pistella	Zwikl
Dawida	Lucyk	Pratt	
Dombrowski	McCall	Rappaport	Irvis,
Evans	McHale	Rybak	Speaker
Fattah			

NOT VOTING—4

DeWeese	Harper	Olasz	Spitz
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EXCUSED—3

Lehr	Marmion	Stevens
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

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

Mr. PITTS. Thank you, Mr. Speaker.

This is being distributed now, so you may have a copy, but it is a one-and-a-half-page amendment. It strikes section 21—

The SPEAKER. The gentleman will yield.

This amendment is being distributed. This amendment is being distributed.

The gentleman may proceed.

Mr. PITTS. Thank you, Mr. Speaker.

It strikes section 21 and inserts a new section 21 on non-manufacturing employers. This is to take care of your farmer, your small business, your nonmanufacturers. It provides:

(a) Exemptions.—Nonmanufacturing employers, that is SIC Codes other than 20-39, are subject to this act except as provided in this section.

(b) Maintenance of labels.—

(1) Nonmanufacturing employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced.

(2) If a nonmanufacturing employer transfers a hazardous substance into an unlabeled storage con-

tainer, the employer shall label, tag or mark that container with a label as required in section 6.

(c) MSDS.—Nonmanufacturing employers shall maintain the Material Safety Data Sheets that are received with incoming shipments of hazardous substances and ensure that they are readily accessible to employees.

(d) Safety training.—Nonmanufacturing employers shall provide an employee safety training program to new nonmanufacturing employees, whenever a new hazardous substance is introduced into their work area and at regular intervals throughout the nonmanufacturing-employees' employment, at least once every year. This program shall include informing nonmanufacturing employees of:

(1) The presence and location of the hazardous substances with which they work.

(2) The presence and location of the MSDS required in subsection (c).

(3) Any other safety procedures or safety devices that the nonmanufacturing employer uses in order to protect nonmanufacturing employees from exposure to hazardous substances.

(4) The telephone number of the local department office and the services provided by the department as described in section 11.

(e) Emergency notification.—If a nonmanufacturing employer stores over 110 gallons or 1,000 pounds of hazardous substances within the employer's workplace for more than 30 days, the employer shall inform police, fire and emergency officials of the political subdivisions in which the workplace is located of the presence of these hazardous substances and the name and telephone number of two responsible representatives of the employer (for example, manager or foreman) who can be contacted in case of an emergency. Upon request, the employer or importer shall also provide further information to these officials concerning these hazardous substances, including their average approximate quantities, their location within the workplace and an MSDS for each hazardous substance. These police, fire and emergency officials shall also be allowed to tour any workplace during business hours so that an appropriate emergency response plan can be developed.

(f) Other rights.—Nonmanufacturing employees shall also be accorded the rights granted manufacturing employees under sections 6(b), 13, 14 and 15.

(g) Other duties and obligations.—Nonmanufacturing employers shall also be subject to sections 6(b), 14, 15 and 16.

(h) Suppliers.—If a nonmanufacturing employer is a supplier, the provisions of this act relating to suppliers are applicable to the nonmanufacturing employer.

Mr. Speaker, that is the amendment concerning nonmanufacturing employers. It is designed to take care of the problems that were discussed and debated for the small businessman and farmer. I urge support of the amendment.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Mr. Speaker, the concepts embodied in this amendment are already embodied in the Manderino amendment, and the Manderino amendment does a better job of embodying them.

This amendment has no penalties for violation. This amendment is confusing; it is hastily drawn; it is not as carefully crafted as the Manderino amendment; it will not do as good a job as the Manderino amendment. I would urge a "no" vote.

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the majority leader, on challenges.

Mr. MANDERINO. The gentleman, Mr. Cornell.

The SPEAKER. Is Mr. Cornell on the floor? Strike the vote.

Mr. MANDERINO. The gentleman, Mr. O'Brien.

The SPEAKER. He is in his seat.

Mr. RYAN. Mr. Cordisco.

The SPEAKER. The gentleman, Mr. Cordisco, is not being voted.

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I keep seeing them going on and off.

Is Mr. Spitz here?

The SPEAKER. Is Mr. Spitz on the board? He is not being voted.

Mr. RYAN. Mr. Petrone.

The SPEAKER. Mr. Petrone is in his seat.

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

The following roll call was recorded:

YEAS—94

Angstadt	Flick	Lloyd	Robbins
Armstrong	Foster, W. W.	McClatchy	Rudy
Arty	Foster, Jr., A.	McVerry	Ryan
Baldwin	Freind	Mackowski	Salvatore
Book	Gallen	Madigan	Saurman
Bowser	Geist	Manmiller	Scheetz
Boyes	Gladeck	Merry	Schuler
Brandt	Godshall	Micozzie	Semmel
Bunt	Greenwood	Miller	Serafini
Burd	Grieco	Moehlmann	Showers
Cessar	Gruppo	Morris	Sirianni
Cimini	Hagarty	Mowery	Smith, B.
Civera	Hasay	Noye	Snyder, D. W.
Clymer	Hayes	O'Brien	Snyder, G. M.
Coslett	Herman	Perzel	Stairs
Coy	Hershey	Peterson	Stuban
DeVerter	Honaman	Phillips	Swift
Davies	Jackson	Piccola	Taylor, E. Z.
Dietz	Johnson	Pitts	Vroon
Dininni	Kennedy	Pott	Wass
Dorr	Klingaman	Punt	Weston
Durham	Letterman	Reber	Wogan
Fargo	Levi	Reinard	Wright, J. L.
Fischer	Livengood		

NAYS—94

Afflerbach	Duffy	Linton	Saloom
Alderette	Evans	Lucyk	Seventy
Barber	Fattah	McCall	Steighner
Battisto	Fee	McHale	Stewart
Belardi	Freeman	McMonagle	Sweet

Belfanti	Fryer	Manderino	Taylor, F. E.
Blaum	Gallagher	Markosek	Telek
Broujos	Gamble	Mayernik	Tigue
Burns	Gannon	Michlovic	Trello
Caltagirone	George	Miscevich	Truman
Cappabianca	Gruitza	Mrkonc	Van Horne
Carn	Haluska	Murphy	Wachob
Cawley	Harper	O'Donnell	Wambach
Clark	Hoefel	Oliver	Wargo
Cohen	Hutchinson	Petrarca	Wiggins
Colafrilla	Itkin	Petrone	Williams
Cole	Jarolin	Pievsky	Wilson
Cowell	Kasunic	Pistella	Wozniak
DeLuca	Kosinski	Pratt	Wright, D. R.
DeWeese	Kowalshyn	Preston	Wright, R. C.
Daley	Kukovich	Rappaport	Zwilk
Dawida	Laughlin	Richardson	
Deal	Lescovitz	Rieger	Irvis,
Dombrowski	Levin	Rybak	Speaker

NOT VOTING—11

Cordisco	Lashinger	Nahill	Spencer
Cornell	McIntyre	Olasz	Spitz
Donatucci	Maiale	Smith, L. E.	

EXCUSED—3

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

On the question recurring,

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

The SPEAKER. Mr. Pitts, we are informed that your amendment 3116 has been distributed. If you offer that, then that will be in order, unless that destroys your order of offering. But that has been duplicated and has been distributed.

On the question recurring,

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

Mr. PITTS offered the following amendments No. A3116:

Amend Sec. 2, page 4, by striking out

““Research and development laboratory.” A specially designated area used primarily for research, development and testing activity, and not primarily involved in the production of goods for commercial sale, in which chemicals are used by or under the direct supervision of a technically qualified person.”

and inserting

“Research and development laboratory.” A specially designated area used primarily for research, development, teaching and testing activity, and not primarily involved in the production of goods for commercial sale, in which chemicals are used by or under the direct supervision of a technically qualified person.

Amend Sec. 3, pages 7 and 8, by striking out

“(i) Application.—Notwithstanding any language to the contrary, the provisions of this act shall not apply to hazardous substances contained in the following:

(1) An article.

(2) Products intended for personal consumption by employees in the workplace; consumer products packaged in containers which are primarily designed for distribution to, and use by, the general public; and foods as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.).

(3) A research and development laboratory, except for the provisions of sections 5, 8, 11, 13 and 14. This exemption

does not include a laboratory that primarily produces hazardous substances for commercial purposes. “Technically qualified individual” means a person who, because of education, training or experience, understands the risks associated with the hazardous substance or mixture containing a hazardous substance handled by employees under his or her supervision or guidance.

(4) A workplace where a hazardous substance is received in a sealed package and is subsequently sold or transferred in that package within 20 days, if the seal remains intact while the substance is in the workplace, except for the provisions of sections 5, 8, 11, 13 and 14.”

and inserting

(i) Application.—Notwithstanding any language to the contrary, the provisions of this act shall not apply to hazardous substances contained in the following:

(1) An article.

(2) Products intended for personal consumption by employees in the workplace; consumer products packaged in containers which are primarily designed for distribution to, and use by, the general public; and foods as defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.).

(3) A research and development laboratory, except for the provisions of sections 8, 11, 13 and 14. This exemption does not include a laboratory that primarily produces hazardous substances for commercial purposes. “Technically qualified individual” means a person who, because of education, training or experience, understands the risks associated with the hazardous substance or mixture containing a hazardous substance handled by employees under his or her supervision or guidance.

(4) A workplace where a hazardous substance is received in a sealed package and is subsequently sold or transferred in that package within 20 days, if the seal remains intact while the substance is in the workplace, except for the provisions of sections 5, 8, 11, 13 and 14.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. Thank you, Mr. Speaker.

This is the amendment that takes care of the teaching labs. This would provide an exemption for your high school science labs, your colleges labs, just as research and development labs are exempted in the bill. I would urge support of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, on the amendment.

Mr. COHEN. Mr. Speaker, we have no objection to the first— Excuse me, Mr. Speaker, would you suspend for a minute?

Mr. Speaker, I will yield to Mr. McMonagle.

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

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

Mr. McMONAGLE. Yes, Mr. Speaker.

I am not going to stay here all day and keep talking, but I think, you know, the amendments we are going to be seeing are only going to weaken the Manderino amendment as it stands now.

This amendment, I can live with the first half. Can we divide it down to "Amend Sec. 3..."?

The SPEAKER. You would divide it correctly if you were to divide it with these words: "supervision of a technically qualified person."

Mr. McMONAGLE. Yes, Mr. Speaker. Down to there.

The SPEAKER. Then you would have an adequately divided amendment.

Mr. McMONAGLE. Right.

The SPEAKER. The gentleman so moves.

The Chair rules that the amendment has been divided so that the first part of the amendment, and the only part currently in front of the floor, would be beginning with these words: "Amend Sec. 2, page 4, by striking out," and ending with these words: "used by or under the direct supervision of a technically qualified person."

The amendment is so divided, and the question recurs, will the House agree to adopt that amendment? Those in favor of that amendment—remember it is simply those words which the Chair has read now, not the entire amendment—those in favor of that amendment will vote "aye"; those opposed will vote "no."

On the question,

Will the House agree to part I of the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Blaum	Fryer	Madigan	Serafini
Book	Gallagher	Maiale	Seventy
Bowser	Gallen	Manderino	Showers
Boyes	Gamble	Manmiller	Sirianni
Brandt	Gannon	Markosek	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Carn	Gruitza	Moehlmann	Stewart
Cawley	Gruppo	Morris	Stuban
Cessar	Hagarty	Mowery	Sweet
Cimini	Haluska	Mrkonic	Swift
Civera	Harper	Murphy	Taylor, E. Z.
Clark	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Cohen	Herman	O'Brien	Tigue
Colaella	Hershey	O'Donnell	Trello
Cole	Hoeffel	Oliver	Truman
Cordisco	Honaman	Perzel	Van Horne
Cornell	Hutchinson	Peterson	Vroon

Coslett	Itkin	Petrarca	Wachob
Cowell	Jackson	Petrone	Wambach
Coy	Jarolin	Phillips	Wargo
Deluca	Johnson	Piccola	Wass
DeVerter	Kasunic	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daley	Klingaman	Pitts	Williams
Davies	Kosinski	Pott	Wilson
Dawida	Kowalyszyn	Pratt	Wogan
Deal	Kukovich	Preston	Wozniak
Dietz	Lashinger	Punt	Wright, D. R.
Dininni	Laughlin	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Reinard	
Dorr	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker
Durham	Linton		

NAYS—0

NOT VOTING—3

Olasz	Spitz	Zwinkl
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EXCUSED—3

Lehr	Marmion	Stevens
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The question was determined in the affirmative, and part I of the amendments was agreed to.

The SPEAKER. Does the gentleman from Chester, Mr. Pitts, withdraw the second part of the amendment or does he insist on offering it? You have the floor.

Mr. PITTS. Yes, Mr. Speaker. I will yield to Mr. Letterman to explain why.

The SPEAKER. For what purpose does the gentleman from Centre, Mr. Letterman, rise?

Mr. LETTERMAN. Mr. Speaker, the second part of the amendment, if you read it—

The SPEAKER. Just a moment, Mr. Letterman. Let the Chair announce what the amendment is. We did not know whether or not it was going to be offered.

The House now has placed before it the following amendment, beginning with the words: "Amend Sec. 3, pages 7 and 8, by striking out," and ending with the words on the second page: "if the seal remains intact while the substance is in the workplace, except for the provisions of sections 5, 8, 11, 13 and 14." Those are the words of the amendment currently before the House.

On the question,

Will the House agree to part II of the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, if you look at the amendment, you will notice that the only thing that changes by striking out section 3, pages 7 and 8, is it strikes out under provision (3) the section 5. Do you see where it strikes out the "5"? Then they reinsert the whole thing and the "5" is not there on the back page.

The reason for that is that eliminates the need for a college or university or high school to have to come up with an MSDS if someone manufactures a chemical during experiments that are done at a college or university or high school. This might happen once in a lifetime, but it is there, and if an employee

would ask for that information, they would have to carry a list of every chemical that is used for instruction. That is the reason for it, and I would ask for a "yes" vote on this amendment.

I have been asked by the colleges and the universities to do this because the expense could be very, very costly to them. It is not in research; it is done in instruction. If you get two kids who just happen to want to mix a couple of things together and they come up with a chemical or a compound that does a certain thing, they would have to name every one of these. These will not, through instruction, be kept; they will be destroyed anyhow. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. McMonagle, on the current amendment.

Mr. McMONAGLE. Mr. Speaker, if you look at section 5, that is the availability of information. What you are doing there is knocking out that section so there is no information available.

I oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, on the issue, I have to agree with Mr. McMonagle and oppose Mr. Pitts. We are losing track with this supposed waiver for educational research laboratories, and just what is a research laboratory versus an educational one? I believe the merits of this bill ought to apply in high school laboratories, and by objecting the second half of the amendment, that will certainly stay.

If you need rationalization for the college research laboratory, I would point out, particularly in our State-owned and supported institutions, that those very projects that students are working on, they are indeed required, as part of their academic training, to submit a lab report. If that item is later destroyed, that can be reflected on their report. But in either case, the handling and labeling of materials we ought to be exceedingly careful about and require, with respect to those materials that our students in our institutions are handling, both high school level and collegiate level. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we do not disagree that high school laboratories, teaching laboratories should be exempt. We think the adoption of the first part of the amendment does that because it changes the definition of "research and development laboratory" to include teaching and testing activity. This is what we believe and why we supported the first part of the amendment. That is already taken care of. There is no necessity of adopting the second part to achieve that result. And it does complicate the matter, as indicated by the speakers who spoke against the second part of the amendment.

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

Mr. A. C. FOSTER. Mr. Speaker, will the gentleman, Mr. Cohen, consent to brief interrogation?

The SPEAKER. Mr. Cohen indicates he will so stand. Mr. Foster may proceed.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

Getting back to the matter of high school labs and college labs, during my high school days, I remember it was during an experiment that I conducted during a study period, we prepared bromine, a very volatile halogen. Having done so, under the concept of the bill without the Pitts amendment, would it then have been necessary for my school to go through and label every single bit of chemical, every chemical that they had on their shelves?

Mr. COHEN. Mr. Speaker, it was never the intent of this bill to require that to be done. I seriously doubt that any court ever would have held that there was a requirement, but the first section of the amendment that we have already adopted specifically says that you would not have to file that statement in a high school. So, therefore, it is not necessary to vote for the second part of this amendment.

Mr. A. C. FOSTER. Mr. Speaker, is the gentleman aware of the volatile properties of bromine?

Mr. COHEN. Mr. Speaker, I am aware that the first part of this amendment says specifically that a laboratory used for research, development, teaching, and testing is exempt from this bill. There never was any intent to require reports from high school classrooms. Therefore, the question is of no relevance.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks both gentlemen.

On the question recurring,

Will the House agree to part II of the amendments?

The following roll call was recorded:

YEAS—81

Angstadt	Flick	Letterman	Reber
Armstrong	Foster, W. W.	Levi	Reinard
Arty	Foster, Jr., A.	McClatchy	Robbins
Book	Freind	McVerry	Ryan
Bowser	Gallen	Mackowski	Saurman
Boyes	Geist	Madigan	Scheetz
Brandt	Gladeck	Manmiller	Schuler
Broujos	Godshall	Merry	Semmel
Bunt	Greenwood	Micozzie	Sirianni
Burd	Grieco	Mochlmann	Smith, B.
Cessar	Gruppo	Mowery	Smith, L. E.
Cimini	Hagarty	Nahill	Snyder, D. W.
Civera	Hayes	Noye	Snyder, G. M.
Clymer	Herman	O'Brien	Stairs
Coslett	Hershey	Peterson	Swift
DeVerter	Honaman	Phillips	Taylor, E. Z.
Dietz	Jackson	Piccola	Vroon
Dininni	Johnson	Pitts	Wass
Dorr	Kennedy	Pott	Wogan
Durham	Klingaman	Punt	Wright, J. L.
Fargo			

NAYS—110

Afflerbach	Duffy	Lloyd	Rybak
Alderette	Evans	Lucyk	Saloom
Baldwin	Fattah	McCall	Salvatore
Barber	Fee	McHale	Seventy
Battisto	Fischer	McIntyre	Showers
Belardi	Freeman	McMonagle	Steighner

Belfanti	Fryer	Manderino	Stewart
Blaum	Gallagher	Markosek	Stuban
Burns	Gamble	Mayernik	Sweet
Caltagirone	Gannon	Michlovic	Taylor, F. E.
Cappabianca	George	Miller	Telek
Carn	Gruitza	Miscevich	Tigue
Cawley	Haluska	Morris	Trello
Clark	Harper	Mrkonic	Truman
Cohen	Hasay	Murphy	Van Horne
Colafella	Hoeffel	O'Donnell	Wachob
Cole	Hutchinson	Oliver	Wambach
Cordisco	Itkin	Perzel	Wargo
Cowell	Jarolin	Petrarca	Weston
Coy	Kasunic	Petrone	Wiggins
Deluca	Kosinski	Pievsky	Williams
DeWeese	Kowalyszyn	Pistella	Wozniak
Daley	Kukovich	Pratt	Wright, D. R.
Davies	Laughlin	Preston	Wright, R. C.
Dawida	Lescovitz	Rappaport	Zwinkl
Deal	Levin	Richardson	
Dombrowski	Linton	Rieger	Irvis,
Donatucci	Livengood	Rudy	Speaker

NOT VOTING—8

Cornell	Maiale	Serafini	Spitz
Lashinger	Olasz	Spencer	Wilson

EXCUSED—3

Lehr	Marmion	Stevens
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The question was determined in the negative, and Part II of the amendments was not agreed to.

On the question recurring,

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

AMENDMENT A3112 RECONSIDERED

The SPEAKER. The Chair has before it a reconsideration motion filed by the gentleman, Mr. Ryan, moving that the vote by which amendment A3112 to HB 1236, PN 2567, was defeated on this day, the 19th day of June, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—190

Angstadt	Evans	Lucyk	Ryan
Armstrong	Fargo	McClatchy	Rybak
Arty	Fattah	McHale	Saloom
Baldwin	Fee	McIntyre	Salvatore
Barber	Fischer	McMonagle	Saurman
Battisto	Flick	McVerry	Scheetz
Belardi	Foster, W. W.	Mackowski	Schuler
Belfanti	Foster, Jr., A.	Madigan	Semmel
Blaum	Freeman	Maiale	Serafini
Book	Freind	Manderino	Seventy
Bowser	Fryer	Manmiller	Showers
Boyes	Gallagher	Markosek	Sirianni
Brandt	Gallen	Mayernik	Smith, B.
Broujos	Gamble	Merry	Smith, L. E.
Bunt	Gannon	Michlovic	Snyder, D. W.
Burd	Geist	Micozzie	Snyder, G. M.
Burns	George	Miller	Spencer
Caltagirone	Gladeck	Miscevich	Stairs
Cappabianca	Godshall	Moehlmann	Steighner
Carn	Greenwood	Morris	Stewart
Cawley	Grieco	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Murphy	Swift

Civera	Haluska	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	O'Brien	Telek
Cohen	Herman	O'Donnell	Tigue
Colafella	Hershey	Oliver	Trello
Cole	Hoeffel	Perzel	Truman
Cordisco	Honaman	Peterson	Van Horne
Cornell	Hutchinson	Petrarca	Vroon
Coslett	Itkin	Petrone	Wachob
Cowell	Jackson	Phillips	Wambach
Coy	Johnson	Piccola	Wargo
Deluca	Kasunic	Pievsky	Wass
DeVerter	Kennedy	Pistella	Weston
DeWeese	Klingaman	Pitts	Wiggins
Daley	Kosinski	Pott	Williams
Davies	Kowalyszyn	Pratt	Wilson
Dawida	Lashinger	Preston	Wogan
Deal	Laughlin	Punt	Wozniak
Dietz	Lescovitz	Rappaport	Wright, D. R.
Dininni	Letterman	Reber	Wright, J. L.
Dombrowski	Levi	Reinard	Wright, R. C.
Donatucci	Levin	Richardson	Zwinkl
Dorr	Linton	Rieger	
Duffy	Livengood	Robbins	Irvis,
Durham	Lloyd	Rudy	Speaker

NAYS—7

Afflerbach	Gruitza	Jarolin	McCall
Alderette	Harper	Kukovich	

NOT VOTING—2

Olasz	Spitz
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EXCUSED—3

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A3112:

Amend Table of Contents, page 2, by striking out "Section 21. Effective date." and inserting

Section 21. Nonmanufacturing employers.

Section 22. Effective date.

Amend Sec. 21, page 21, by striking out "Section 21. Effective date." and inserting

Section 21. Nonmanufacturing employers.

(a) Exemptions.—Nonmanufacturing employers, that is SIC Codes other than 20-39, are subject to this act except as provided in this section.

(b) Maintenance of labels.—

(1) Nonmanufacturing employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced.

(2) If a nonmanufacturing employer transfers a hazardous substance into an unlabeled storage container, the employer shall label, tag or mark that container with a label as required in section 6.

(c) MSDS.—Nonmanufacturing employers shall maintain the Material Safety Data Sheets that are received with incoming shipments of hazardous substances and ensure that they are readily accessible to employees.

(d) Safety training.—Nonmanufacturing employers shall provide an employee safety training program to new nonmanufacturing employees, whenever a new hazardous substance is introduced into their work area and at regular intervals throughout the nonmanufacturing-employees' employment, at least once every year. This program shall include informing nonmanufacturing employees of:

(1) The presence and location of the hazardous substances with which they work.

(2) The presence and location of the MSDS required in subsection (c).

(3) Any other safety procedures or safety devices that the nonmanufacturing employer uses in order to protect nonmanufacturing employees from exposure to hazardous substances.

(4) The telephone number of the local department office and the services provided by the department as described in section 11.

(e) Emergency notification.—If a nonmanufacturing employer stores over 110 gallons or 1,000 pounds of hazardous substances within the employer's workplace for more than 30 days, the employer shall inform police, fire and emergency officials of the political subdivisions in which the workplace is located of the presence of these hazardous substances and the name and telephone number of two responsible representatives of the employer (for example, manager or foreman) who can be contacted in case of an emergency. Upon request, the employer or importer shall also provide further information to these officials concerning these hazardous substances, including their average approximate quantities, their location within the workplace and an MSDS for each hazardous substance. These police, fire and emergency officials shall also be allowed to tour any workplace during business hours so that an appropriate emergency response plan can be developed.

(f) Other rights.—Nonmanufacturing employees shall also be accorded the rights granted manufacturing employees under sections 6(b), 13, 14 and 15.

(g) Other duties and obligations.—Nonmanufacturing employers shall also be subject to sections 6(b), 14, 15 and 16.

(h) Suppliers.—If a nonmanufacturing employer is a supplier, the provisions of this act relating to suppliers are applicable to the nonmanufacturing employer.

Section 22. Effective date.

On the question recurring,

Will the House agree to the amendments?

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

Mr. PITTS. Mr. Speaker, this, again, is the amendment for the farmers. This is the amendment for small business. It is extremely critical. If you want to protect your farmer, your small businessman, your service station, your retailer, the small operation which is nonmanufacturing, I would urge that you support this amendment. This does not take them out from under right-to-know. It sets a different standard for them. They do have to maintain the labels on the hazards. They do have to maintain the MSDS's. They do have to inform their employees and have a minimal training program, but it does not put the same overburdensome regulations on the small businessman that it would put on the large manufacturer, your chemical manufacturers. These are not the people who are causing the problems. Your small farmers, your small businessmen, are not the ones causing your health hazards in the community.

Mr. Speaker, if you do not want to put our small farmers, our small businesses, our small retail operations, our nonmanufacturing sector, at an economic disadvantage, I would urge you to support this amendment. It is extremely critical for them.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, this is an extremely important amendment. This amendment takes away from HB 1236 the employers of three-quarters of the employees in Pennsylvania. That is very, very significant. Among other things, that means that this bill could be very easily preempted by OSHA and be made null and void. This amendment really goes to the heart of this legislation. A vote for this amendment is a vote to gut the bill. It is one of the most significant reasons why we debated so hard for 2 hours against the original Pitts amendment. We do not want this bill to be very similar to the OSHA bill, because then it will be preempted; it will be null and void and meaningless. This is a very, very bad amendment. It goes to the heart of the bill. It is a dagger at the heart of the bill. It guts the bill.

There is this argument that those employers who are nonmanufacturing employers— Mr. Speaker, a "mom and pop" employer who only deals with one or two chemicals is not going to have any real problem complying with this legislation. We heard the argument before about the fertilizer. Fertilizer is not covered; it is a consumer product. There are other consumer products that are not covered. "Mom and pop" employers do not deal with huge amounts of chemicals. They deal with one, two, three, four, five chemicals. It is not a very, very complicated process for them to comply with this legislation.

I would strongly urge that this amendment be defeated. The more closely you look at it, the more you realize that it guts the whole legislation. I urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, I just want to draw to the attention of the members that this is a section of the bill that we as small business people are most interested in. Now, please understand that the average "mom and pop," the small businessman, does not have problems with unknown drums or pipelines that run randomly by that have unknown contents. We are dealing with farmers now, the hardware store, the body shops, the service stations. These are the people whom we want to keep in business, whom we do not want to oppress. I urge you to consider voting for A3112 to eliminate the oppression to small business.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Certainly the gentleman, Mr. Pitts, and others may feel free to refer to small businesses and to call this a small business amendment if they wish to, but the fact is that there is nothing in this amendment that specifies small business. It does specify nonmanufacturing. In many ways, it essentially puts the bill onto the OSHA standard. I repeat, it specifies nonmanufacturing, not small business. If the gentleman were to consult the chamber of commerce or the Department of Commerce or the industrial directory, I am sure he would find that

there are a number of small businesses which are manufacturers, and there are an equal number of large businesses which are not manufacturers.

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

Mr. HERSHEY. Thank you, Mr. Speaker.

In small business, in the farm community, most of the people work alone, and they know and understand the chemicals they use, and in these small businesses and farms, we have no control of prices that we get for our things. The only way we can control our income is by trying to control costs, and increasing regulations just tightens and strangles the small businessman; it tightens the farmer. Farmers know the chemicals they use and they understand them, and this amendment would just relieve the overburden. If we are not careful, we will just overburden and overregulate until the business dies, and then we will lose our farm and we will lose our business. I urge the support of this amendment. Thank you.

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

Mr. McMONAGLE. Mr. Speaker, this takes two-thirds of the people whom we are trying to protect out of the bill. The "mom and pops" who operate those stores and the 18-year-old kid who works there on weekends and does not know what he is working with are the ones who are going to be affected. They are the ones we ought to protect, too, besides the big factories. I am against the amendment. It guts the bill.

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

Mr. DORR. Mr. Speaker, I want to suggest to the members that in my opinion, if the vote on the original Pitts amendment was a test, if you will excuse the expression, this is a litmus test.

Mr. Speaker, this is a key amendment, and while it specifies nonmanufacturing, most of us think of small businesses as those that are nonmanufacturing. It is clear, to me at least, that nonmanufacturers do not have the same kind of at-risk employees as manufacturers do in this field, and therefore, it is *eminently fair and appropriate* to create a two-tiered system. The small business employers of this Commonwealth need this amendment. It is a key element in continuing the effort that we have been making to try to improve the economic condition of Pennsylvania for those very employers in order to encourage them to increase the jobs that they are providing to our people.

I think this is a key vote, Mr. Speaker, to determine whether this House and the members of it are in favor of small business or whether they are not in favor of small business, and I urge the members to vote for this amendment.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, I have a question for Mr. Pitts.

The SPEAKER. Mr. Pitts indicates he will stand for interrogation. Mr. Lucyk may proceed.

Mr. LUCYK. When we talk about nonmanufacturing concerns, are we also addressing toxic waste disposal sites?

Mr. PITTS. Mr. Speaker, it is covered by the Solid Waste Management Act. It is all covered under that.

Mr. LUCYK. I do not know if the regulations in the Solid Waste Management Act require, number one, that the employees working at the site be aware of the chemicals they are handling and disposing of; and number two, the community surrounding the toxic waste site, I do not know if they are afforded the information and the right to know that they would be afforded under this act.

Mr. PITTS. Mr. Speaker, first, they are required to provide training. Secondly, the community does have the right to get all that information which is provided to the State at present.

Mr. LUCYK. Well, I have just been involved with a toxic waste site in my area, in my district, where the community did not know what chemicals were being processed or what was being dumped, and in many cases, DER was not aware of what was going on there. So I think that including this type of concern in this act would go a long way to helping the communities and also the workers concerned in this type of operation, the small operations, and I think by exempting nonmanufacturing concerns from this act we would be doing much harm to the workers and the surrounding communities.

Mr. PITTS. But we do not exempt them. They have to provide this information under this amendment. It is a different system, but they have to provide it.

Mr. LUCYK. Well, I thought you were saying you were exempting nonmanufacturing concerns under this.

Mr. PITTS. No; that is what the other side said. They are not exempted.

Mr. LUCYK. Okay.

Mr. PITTS. They are still covered.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I am very much interested in the question that Mr. Lucyk asked Mr. Pitts, and I could not hear most of the response. So would Mr. Pitts stand for interrogation?

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Pitts, indicates he will so stand. The gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Mr. Speaker, is the operator of a toxic waste landfill a nonmanufacturing employer under this amendment?

Mr. PITTS. Yes, Mr. Speaker.

Mr. LLOYD. Mr. Speaker, there was an indication that there are some other rules and regulations with regard to the community's right to know. Are those other rules and regulations those which are contained in or promulgated under Act 97?

Mr. PITTS. No community right-to-know provisions are lessened under this amendment.

Mr. LLOYD. Mr. Speaker, that is what I want to understand. What is the legal requirement for toxic waste landfill operators to tell people in the community? What is the legal basis for that? What is the statute that says they have to do that?

Mr. PITTS. Exactly as under the Manderino amendment.

Mr. LLOYD. Well, that is what I do not understand. If this amendment amends the Manderino amendment and this amendment exempts the Manderino amendment—

Mr. PITTS. Not in this area.

Mr. LLOYD. I am sorry, Mr. Speaker. Go ahead.

Mr. PITTS. I said not in this area.

Mr. LLOYD. All right. Well, maybe you could enlighten me then as to what this amendment does exempt you from under the Manderino amendment?

Mr. PITTS. Requiring the labeling of secondary containers so that a farmer does not have to make up his own labels and put them on these mixing tanks or spray tanks or fertilizer spreaders, unless it is for storage of more than 30 days. Mr. Cohen is wrong. Fertilizer is covered under this. Secondly, they would not be required to have the extensive training requirements that they have under the Manderino amendment and which the manufacturing sector has.

Mr. LLOYD. Well, Mr. Speaker, let me stop you right there. Does that mean that a toxic waste landfill operator is not required to have the training program for his workers that other business people would have under the Manderino amendment?

Mr. PITTS. No. They are required under Act 97 to have those requirements now.

Mr. LLOYD. Well, that is what I want to understand.

Mr. PITTS. That is correct.

Mr. LLOYD. I am not asking this to hold everybody up when I know everybody is impatient, but it seems to me that when Mr. Lucyk raised that point, that is certainly something I had not thought about. I want to understand, if I continue to vote for this amendment, what, if anything, I am doing in the area of information that has to be provided either to the employees of the toxic waste landfill, or more importantly, to the people of the community about that toxic waste landfill. Mr. Letterman says it does not touch that area at all. Maybe Mr. Cohen can answer the question, but I would like to have an answer to that question.

The SPEAKER. The gentleman requests that the gentleman, Mr. Cohen, stand for interrogation. The gentleman, Mr. Cohen, indicates he will so stand.

Mr. COHEN. Yes.

Could the gentleman repeat the question?

Mr. LLOYD. The question is, if this amendment passes, will there be any reduction in the requirement on a toxic waste landfill operator, one, to train and inform his workers, and two, to provide information to the people of the community about what is happening at that toxic waste landfill?

Mr. COHEN. The answer to both questions is, yes, the toxic waste dump operator would be exempted from this bill if this amendment passes.

Mr. LLOYD. From the bill?

Mr. COHEN. That is correct, Mr. Speaker.

Mr. LLOYD. Thank you, Mr. Speaker.

May I be recognized on the amendment?

The SPEAKER. The gentleman is so recognized.

Mr. LLOYD. Mr. Speaker, this is really a choice between a rock and a hard spot. I do not know. We have two different people who are experts on the bill saying conflicting things about what this amendment does or does not do. All I can do is say for the record that I would like to help the farmers, but I cannot vote for an amendment which is going to let the toxic waste landfill operators off the hook. Until somebody can show me in black and white that this does not do that, I am going to have to vote "no" and urge everybody else to do the same.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick, on the amendment.

Mr. FLICK. Thank you, Mr. Speaker.

I would direct everybody's attention to the amendment, which states very clearly, "Exemptions.—Nonmanufacturing employers, that is SIC Codes other than 20-39, are subject to this act except as provided in this section." It then goes on to provide what they must do. It states, "Nonmanufacturing employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced." Number two, "If a nonmanufacturing employer transfers a hazardous substance into an unlabeled storage container, the employer shall label, tag or mark that container with a label as required in section 6." With the MSDS, it goes on, and with safety training. It says, "Nonmanufacturing employers shall provide an employee safety training program to new nonmanufacturing employees, whenever a new hazardous substance is introduced into their work area and at regular intervals throughout the nonmanufacturing-employees' employment, at least once every year. This program shall include..." the following. This covers a lot of the information that you are questioning whether it does or does not for nonmanufacturing. It speaks to it very clearly in the amendment, and I certainly urge the members to support this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Pitts, for the second time on the amendment.

Mr. PITTS. Mr. Speaker, the bill does not remove the toxic landfills from the amendment. It does not exempt them. They are still covered. They are also covered under Act 97, which is one of the most stringent solid waste management acts, I understand, in the Nation.

What we deal with is labeling, and the amendment provides a stringent standard for your small businessman, your nonmanufacturer. What is going to happen, Mr. Speaker, your manufacturing sector—like U.S. Steel, which is supporting this amendment—is going to be preempted. They are not going to have to live according to State law; they are going to live according to Federal standards. The only people who are going to live according to this State law are your small businesses, your nonmanufacturers, your farmers. That is who is going to live with this more stringent standard. U.S. Steel will escape this bill. That is why the effective date has been postponed, and they are banking on the Federal preemption which will occur. We have been assured that it will, by OSHA itself.

Mr. Speaker, if you want to help the small businessman in this State, you should not be putting on a more stringent standard for them than the chemical manufacturers, your large manufacturers, are going to have. You are going to require, under Mr. Manderino's amendment, labels to be produced, MSDS's to be revised, if they can find the information. They are going to have to label everything from fertilizer to irrigation equipment to containers of spray and water.

Mr. Speaker, it is extremely important for the farmer, for the small businessman, that this amendment be adopted. This is why they have sent their letters of endorsement of the Pitts-Letterman amendment. I urge adoption. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, for the second time on the amendment.

Mr. COHEN. Mr. Speaker, the fertilizer, as we have said before, is a consumer product. Fertilizer does not count under this legislation. I have been advised to make some reference to what these comments about fertilizer amount to, but I am not going to do that.

The toxic waste dumps are not covered under this amendment in any meaningful sense. There is no chemical identification for toxic waste dumps. The owners of the toxic waste dumps are allowed to decide what is hazardous and what is not. That is what the problem is. They do not see that there is any hazard. The act under which toxic waste dumps are now regulated is not very meaningful. We have real problems with toxic waste dumps. There is no community access under this amendment.

For all these reasons, I would urge a "no" vote. Three-quarters of the employees, including many employees who by no means count as small business, such as State Government, such as local government, such as hospitals, such as utilities, such as the transportation industry - all are exempted by this amendment. This amendment guts the bill. I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, on the amendment.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Pitts, would have you believe that Act 97 gives some sort of warning about the toxic waste dumps and the elements there at the toxic waste site to the employees. That is not true. There is no requirement for that. He would have you believe that Act 97 is where not only the workers but the community is going to get protection. There is no requirement to tell the community anything about what is at that toxic waste dump. There is no requirement to tell the firemen. When you exempt the small manufacturers from the Manderino amendment, as he wants to do, you exempt the toxic waste dump operator, and you cannot have it both ways.

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

The following roll call was recorded:

YEAS—90

Angstadt	Foster, W. W.	McClatchy	Rieger
Armstrong	Foster, Jr., A.	McVerry	Robbins
Arty	Freind	Mackowski	Rudy
Book	Gallen	Madigan	Ryan
Bowser	Geist	Manmiller	Salvatore
Boyes	Gladeck	Merry	Saurman
Brandt	Godshall	Micozzie	Scheetz
Bunt	Greenwood	Miller	Schuler
Burd	Grieco	Moehlmann	Semmel
Cessar	Gruppo	Morris	Serafini
Cimini	Hagarty	Mowery	Sirianni
Civera	Hasay	Nahill	Smith, B.
Clymer	Hayes	Noye	Snyder, D. W.
Cornell	Herman	O'Brien	Snyder, G. M.
Coslett	Hershey	Perzel	Stairs
DeVerter	Honaman	Peterson	Swift
Davies	Jackson	Phillips	Taylor, E. Z.
Dietz	Johnson	Piccola	Vroon
Dininni	Kennedy	Pitts	Wass
Dorr	Klingaman	Pott	Weston
Fargo	Letterman	Punt	Wogan
Fischer	Levi	Reinard	Wright, J. L.
Flick	Livengood		

NAYS—96

Afflerbach	Dombrowski	Lloyd	Seventy
Alderette	Duffy	Lucyk	Showers
Baldwin	Evans	McCall	Steighner
Barber	Fattah	McHale	Stewart
Battisto	Fee	McIntyre	Stuban
Belardi	Freeman	Manderino	Sweet
Belfanti	Fryer	Markosek	Taylor, F. E.
Blaum	Gallagher	Mayernik	Telek
Broujos	Gamble	Michlovic	Tigue
Burns	George	Miscevich	Trello
Caltagirone	Gruitza	Mrkonic	Truman
Cappabianca	Haluska	Murphy	Van Horne
Carn	Harper	O'Donnell	Wachob
Cawley	Hoeffel	Olasz	Wambach
Clark	Hutchinson	Oliver	Wargo
Cohen	Itkin	Petrarca	Wiggins
Colafella	Jarolin	Pievsky	Williams
Cole	Kasunic	Pistella	Wozniak
Cowell	Kosinski	Pratt	Wright, D. R.
Coy	Kowalyshyn	Preston	Wright, R. C.
Deluca	Kukovich	Reber	Zwikl
DeWeese	Laughlin	Richardson	
Daley	Lescovitz	Rybak	Irvis,
Dawida	Levin	Saloom	Speaker
Deal	Linton		

NOT VOTING—13

Cordisco	Lashingier	Petrone	Spencer
Donatucci	McMonagle	Rappaport	Spitz
Durham	Maiale	Smith, L. E.	Wilson
Gannon			

EXCUSED—3

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

REMARKS ON VOTE

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

Mr. RAPPAPORT. Mr. Speaker, I was locked out on the Pitts amendment to HB 1236. I would like to be recorded in the negative, Mr. Speaker.

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

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I had attempted to get the Chair's attention prior to—

The SPEAKER. The Chair apologizes to the gentleman, Mr. Ryan. He well knows that the Chair would not have deliberately not recognized him. The Chair did not know that.

CONSIDERATION OF HB 1236 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

In the last half hour, some information has sort of come to the attention of this House, and I wonder if both the gentlemen, Mr. Manderino and Mr. Pitts, would stand for interrogation?

The SPEAKER. The gentleman, Mr. Pitts, indicates he will. Will the gentleman, Mr. Manderino, stand for interrogation? The gentleman, Mr. Manderino, indicates he will stand for interrogation.

Mr. MANDERINO. Do we both answer the same question—

Mr. HAYES. Yes.

Mr. MANDERINO. —or do we take it in the alternative?

Mr. HAYES. Mr. Speaker, when I listened to the gentleman, Mr. Manderino, offer his amendment earlier in the day, if I recall correctly, he was saying quite emphatically and certainly more than one time that we were trying to pass a statute here in the Commonwealth of Pennsylvania so that we would have a law covering the total landscape of Pennsylvania that would be more beneficial to the employees of this Commonwealth than what is provided for in Federal law; at least that is what I gleaned from the gentleman's comments. Now in the last half hour or so, there have been some members come onto the floor and talk about the fact that the effective date in Mr. Manderino's amendment would have the effect of making it possible for one of the major companies of this Commonwealth to live only by the Federal standard that Mr. Manderino said was not sufficient for the employees and people of this Commonwealth while most everyone else would have to live by the State law as advocated in the Manderino amendment.

Now, I do not know whether that information is correct or not, but I think the members of this House should know forthrightly by the two opposing spokespersons here today, Mr. Manderino and Mr. Pitts.

So first, I would ask Mr. Manderino if in fact the effective date found in his amendment would make it possible for U.S. Steel to live by the Federal law rather than this State law?

Mr. MANDERINO. Mr. Speaker, the effective date in the statute that would be adopted, if HB 1236 in its present form is adopted, depends on whether we are talking about the effective date for labeling with hazardous substance labels and the warnings or whether we are talking about labeling with the labels necessary for the nonhazardous chemicals. The nonhazardous chemicals must begin the label process within 2 years, and that is because it would take that long, we feel, for them to gear up to make the new labels to comply with the Department of Health's determination of what the list of hazardous substances would be, because that determination has to be first made and communicated to the employers. The labeling for hazardous substances, not just chemicals, is cut to 1 year. The same process they must go through, and industry that we negotiated with felt that that time would be necessary in order to gear up for that process. There are fewer hazardous substances that would need that kind of labeling than there are just chemicals that may not be hazardous.

Now, if you want me to look into a crystal ball, as Mr. Pitts has done all afternoon, and decide that somehow the Federal Government is going to preempt the field, I cannot do that. I cannot look into a crystal ball and decide what the Federal Government is going to do. I do know that several years ago, and maybe it was not quite several years ago, legislation was passed at the Federal level that was somewhat weaker than most environmentalists and most workers in the workplace wanted. We were told at that time, at least those groups were told, that this was a State matter, that it was a State matter and each State had to decide how to protect its workers in the workplace and how to protect the communities, and that is what we are about at this time. Whether or not the Federal Government will even enter the field again, once having done what they have done and indicated that it was a State matter and we ought to go back to the States if there were more stringent requirements necessary, I will not look into the crystal ball to decide whether or not there will be any preemption. It is a guess; it is a pure guess. Whether it happens or not, I cannot tell. If Mr. Pitts can tell, he can make his prediction.

The SPEAKER. Does the gentleman, Mr. Hayes, now wish to direct his question to Mr. Pitts?

Mr. HAYES. Not yet. I am going to get all the questions out and let Mr. Manderino respond if he would, please; then we will allow the gentleman, Mr. Pitts, to do so.

The SPEAKER. Very well.

Mr. MANDERINO. Oh, no. You are violating the rules. We are going to go turnabout. Mr. Pitts is next on the same question. I will not answer anymore unless you do it that way.

Mr. HAYES. I think the problem, Mr. Speaker, is that maybe we have found something out that we did not know 3 or 4 hours ago.

Go ahead, Mr. Pitts. I will ask Mr. Manderino in a moment or two.

Mr. PITTS. Mr. Speaker, if you look at HB 1236, as we have it distributed on the floor, and then you look at the Manderino amendment, you notice that in effect he is delaying the effective date until this year or 2 years after the regulations are promulgated. Now, if the bill passes the House and then goes to the Senate and is passed, then the department drafts the regulations and promulgates them. Not until that occurs does the 1 or 2 years start. In effect, what is going to happen is it will be in effect after the November 1985 deadline, which we have received testimony very clearly from OSHA: their standard will preempt ours and will be in effect at that point. At that point in time, your manufacturing sector is preempted. They will not be covered under Mr. Manderino's amendment; only the nonmanufacturers will be covered. That is the issue that we received specific information on from Mr. Thorne Auchter in this legislature which we have in writing, which we specifically interrogated him over and over and over to be clear that in effect they would preempt all the manufacturing sector. All you are doing is passing a law with stringent requirements on our small businessmen. In effect, that is what the delay of the effective date has caused, and that is why U.S. Steel bought on.

The SPEAKER. The second question, Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Manderino, would tell us why he found it necessary to change the effective dates through his amendment if it was not for the purpose of making it possible for U.S. Steel to come under the Federal guidelines rather than the State law which he spoke to so forcefully a couple of hours ago.

Mr. MANDERINO. Mr. Speaker, not only is Mr. Pitts evidently clairvoyant, but Mr. Hayes must be clairvoyant, too. I will answer the question.

The 1- and 2-year limitation had been in HB 1236 since it was first introduced and there was no change when we negotiated the compromise, Mr. Speaker. You check the record instead of guessing.

Mr. HAYES. I wonder if the gentleman, Mr. Pitts, would amplify upon this, Mr. Speaker.

The SPEAKER. It is the gentleman, Mr. Pitts' turn now.

Mr. PITTS. I would be glad to, Mr. Speaker.

What he added in his amendment is the promulgation of regulations. After they are promulgated, the 1 year starts; the 2 years starts. Look in HB 1236. It is not in there, Mr. Speaker. That is the delay we are talking about.

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. Does Mr. Hayes have any further questions?

Mr. HAYES. I believe the gentleman, Mr. Manderino, would like to respond. I believe that his temperature is going up.

Mr. MANDERINO. No, my temperature is not going up, Mr. Speaker.

The words "promulgation" and "after promulgation," that were added in there, I think were implied in the original.

Now, if the gentlemen, Mr. Hayes or Mr. Pitts, or any part of the business community or the commercial community wants, I will help them in an amendment to shorten this. I will ask my Democratic colleagues in the Senate to cut the time to anything they will accept.

The SPEAKER. Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I believe that it is apparent to most reasonable people who are not quite as close to this as the two opposing persons are, that there was some writing of language here to reach certain accommodations. While we say with one part of our tongue, we want a State law that is going to do more for the Commonwealth of Pennsylvania than Federal regulation and law, we say with another part of our tongue, through the Manderino amendment, that is only to apply to certain segments of our society, but it will allow some, at least potentially, to escape the State law in favor of the Federal requirements.

After all of the speechmaking, both factual and not so factual, it does seem indeed that some of this has started to creep out around the edges in the last half hour to an hour. So let us not any of us think that some of those pronouncements 2 or 3 hours ago that we are going to have a State law that covers all— Whoa, we have found out more recently that quite possibly there will be those who escape through the Manderino amendment. I suggest if that be the case, let us come back in another day, he who offered his amendment a couple hours ago, and forthrightly say, yes, I on this new day would like to do what I said in my first speech - provide a State law for all the persons of Pennsylvania, not just part or those who are close home. He wanted to pass something for the people in Tioga County, but I wonder whether he wants to do it for the people of Allegheny County. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, if the clairvoyant Mr. Pitts or the clairvoyant Mr. Hayes just happen to be right that Federal law preempts our law and manufacturers in Pennsylvania are exempt, preempted, I will sponsor a bill with either of you gentlemen to take the nonmanufacturers to the same place that the manufacturers are.

MOTION TO RECOMMIT

The SPEAKER. On final passage, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Mr. Speaker, with the points that have just been brought out, I would make a motion that we rerefer this bill to the Labor Relations Committee and that we look into the matter of whether manufacturers would or would not be exempted, and we also deal with provisions for our farmers and for our small businessmen. I make that motion to recommit this bill to the Labor Relations Committee.

The SPEAKER. It has been moved by the gentleman, Mr. Flick, that HB 1236, PN 2567, be recommitted to the Committee on Labor Relations.

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

The SPEAKER. On the motion, the Chair recognizes the gentleman from Philadelphia, Mr. McMonagle.

Mr. McMONAGLE. Mr. Speaker, this is just another delaying tactic to kill this bill, and if we do what Mr. Flick suggests, I think it will only take us into a longer period down the road.

This is not the best bill. It is not, certainly, the bill I would want. If I wrote this bill, it would be a lot tougher, but it is the best we are going to get right now, and I say, defeat this motion and go on and pass the bill in its present form so we can get something started for the people of the Commonwealth of Pennsylvania. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—66

Armstrong	Fargo	Jackson	Phillips
Baldwin	Flick	Johnson	Piccola
Book	Foster, W. W.	Kennedy	Pitts
Bowser	Foster, Jr., A.	Klingaman	Reinard
Brandt	Freind	Lashingner	Robbins
Bunt	Gallen	Levi	Ryan
Burd	Geist	McClatchy	Saurman
Cessar	Gladeck	Mackowski	Scheetz
Cimini	Godshall	Madigan	Schuler
Civera	Greenwood	Manmiller	Sirianni
Clymer	Grieco	Micozzie	Smith, L. E.
Cornell	Hagarty	Moehlmann	Stairs
Coslett	Hasay	Mowery	Vroon
DeVerter	Hayes	Nahill	Wass
Davies	Herman	Noye	Wright, J. L.
Dietz	Hershey	Peterson	
Dorr	Honaman		

NAYS—128

Afflerbach	Fee	Manderino	Serafini
Alderette	Fischer	Markosek	Seventy
Angstadt	Freeman	Mayermik	Showers
Arty	Fryer	Merry	Smith, B.
Barber	Gallagher	Michlovic	Snyder, D. W.
Battisto	Gamble	Miller	Snyder, G. M.
Belardi	Gannon	Miscevich	Steighner
Belfanti	George	Morris	Stewart
Blaum	Gruitza	Mrkonic	Stuban
Broujos	Gruppo	Murphy	Sweet
Burns	Haluska	O'Brien	Taylor, E. Z.
Caltagirone	Harper	O'Donnell	Taylor, F. E.
Cappabianca	Hoeffel	Olasz	Telek
Carn	Hutchinson	Oliver	Tigue
Cawley	Itkin	Perzel	Trello
Clark	Jarolin	Petrarca	Truman
Cohen	Kasunic	Petrone	Van Horne
Colaella	Kosinski	Pievsky	Wachob
Cole	Kowalshyn	Pistella	Wambach
Cordisco	Kukovich	Pott	Wargo
Cowell	Laughlin	Pratt	Weston
Coy	Lescovitz	Preston	Wiggins
Deluca	Letterman	Punt	Williams
DeWeese	Levin	Rappaport	Wilson
Daley	Linton	Reber	Wogan
Dawida	Livengood	Richardson	Wozniak
Deal	Lloyd	Rieger	Wright, D. R.
Dombrowski	Lucyk	Rudy	Wright, R. C.
Donatucci	McCall	Rybak	Zwikl
Duffy	McHale	Saloom	
Durham	McIntyre	Salvatore	Irvis,

Evans	McMonagle	Semmel	Speaker
Fattah	McVerry		

NOT VOTING—5

Boyes	Maiale	Spencer	Spitz
Dininni			

EXCUSED—3

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

YEAS—178

Afflerbach	Durham	Linton	Robbins
Alderette	Evans	Livengood	Rudy
Angstadt	Fargo	Lloyd	Rybak
Armstrong	Fattah	Lucyk	Saloom
Arty	Fee	McCall	Salvatore
Baldwin	Fischer	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Semmel
Battisto	Foster, Jr., A.	McMonagle	Serafini
Belardi	Freeman	McVerry	Seventy
Belfanti	Freind	Maiale	Showers
Blaum	Fryer	Manderino	Smith, B.
Book	Gallagher	Manmiller	Smith, L. E.
Boyes	Gallen	Markosek	Snyder, D. W.
Bunt	Gamble	Mayermik	Snyder, G. M.
Burd	Gannon	Merry	Spencer
Burns	Geist	Michlovic	Stairs
Caltagirone	George	Micozzie	Steighner
Cappabianca	Godshall	Miller	Stewart
Carn	Greenwood	Miscevich	Stuban
Cawley	Grieco	Morris	Sweet
Cessar	Gruitza	Mrkonic	Swift
Cimini	Gruppo	Murphy	Taylor, E. Z.
Civera	Hagarty	Nahill	Taylor, F. E.
Clark	Haluska	Noye	Telek
Clymer	Harper	O'Brien	Tigue
Cohen	Hasay	O'Donnell	Trello
Colaella	Hayes	Olasz	Truman
Cole	Herman	Oliver	Van Horne
Cordisco	Hoeffel	Perzel	Wachob
Cornell	Honaman	Petrone	Wambach
Coslett	Hutchinson	Petrarca	Wargo
Cowell	Itkin	Petrone	Wass
Coy	Jarolin	Phillips	Weston
Deluca	Johnson	Piccola	Wiggins
DeVerter	Kasunic	Pievsky	Williams
DeWeese	Klingaman	Pistella	Wilson
Daley	Kosinski	Pott	Wogan
Davies	Kowalshyn	Pratt	Wozniak
Dawida	Kukovich	Preston	Wright, D. R.
Deal	Lashingner	Punt	Wright, J. L.
Dietz	Laughlin	Rappaport	Wright, R. C.
Dininni	Lescovitz	Reber	Zwikl
Dombrowski	Letterman	Reinard	
Donatucci	Levi	Richardson	Irvis,
Duffy	Levin	Rieger	Speaker

NAYS—19

Bowser	Gladeck	Mackowski	Ryan
Brandt	Hershey	Madigan	Scheetz
Broujos	Jackson	Moehlmann	Schuler
Dorr	Kennedy	Mowery	Sirianni
Flick	McClatchy	Pitts	

NOT VOTING—2

Spitz Vroon

EXCUSED—3

Lehr Marmion Stevens

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

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I wonder if I could call that a forked-tongue vote.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Does the majority leader wish to take up the remainder of the calendar?

Mr. MANDERINO. Mr. Speaker, I move that we pass over the rest of the calendar for the day.

The SPEAKER. The Chair thanks the gentleman.

SENATE MESSAGE

HOUSE BILL

CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1256, PN 3024**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED HOUSE BILLS

RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1270, PN 3167; HB 1799, PN 3245; HB 1858, PN 3008; and HB 2110, PN 3247**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the members' information, tomorrow there will be a full voting schedule. It may make today look like a picnic. Eleven o'clock tomorrow; we will be in all day.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 20, 1984, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8 p.m., e.d.t., the House adjourned.