

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 25, 1992

SESSION OF 1992 176TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.s.t.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

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

Let us pray:

O God our Father, in humbleness we give You our heartfelt thanks for Your manifold and great mercies. Like our Pilgrim Fathers and Native Americans, we, too, raise our hearts in praise to You.

Not only have You allowed us to see another Thanksgiving season, You have blessed us beyond measure. You have given us houses and land, families and loved ones, health and wealth; and even more, You have given us the privilege of serving Your people of this Commonwealth as their Representatives.

As we celebrate by dining on turkey and other delights from Your bountiful storehouse, let us never forget the least among us, who are also very precious in Your sight.

And grant that we never take for granted Your many blessings vouchsafed to us.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, November 24, 1992, will be postponed until printed. The Chair hears no objection.

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HB's 203 and 1136.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 24, 1992

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

I have the honor to inform you that I have this day approved and signed House Bill 203, Printer's No. 3838, entitled "AN ACT encouraging PROVIDING CEMETERY COMPANIES OR ASSOCIATIONS WITH THE RIGHT TO INTER A DEAD HUMAN BODY IN A GROUND SPACE, A MAUSOLEUM, A COLUMBARIUM OR A NICHE TO WHICH INTERMENT RIGHTS HAVE BEEN ABANDONED; AND ENCOURAGING caretaker organizations to assume responsibility for restoration and maintenance of historic burial places by limiting liability in connection therewith."

Robert P. Casey
Governor

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 24, 1992

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

I have the honor to inform you that I have this day approved and signed House Bill 1136, Printer's No. 3908, entitled "AN ACT establishing the Pennsylvania Quality Leadership Awards, the Pennsylvania Quality Leadership Awards Council, the Pennsylvania Quality Leadership Foundation and criteria and a selection process for the awards; and providing for presentation of the awards."

Robert P. Casey
Governor

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Cambria, Mr. BILLOW; the gentleman from Fayette, Mr. Fred TAYLOR; the gentleman from Bucks, Mr. CORRIGAN; and the gentleman from Columbia, Mr. STUBAN.

The SPEAKER. Without objection, leaves are granted.

There is no request for leave from the Republican side.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

Acosta	Evans	Langtry	Robinson
Adolph	Fairchild	Laughlin	Roebuck
Allen	Fajt	Lawless	Rudy
Anderson	Fargo	Lee	Ryan
Angstadt	Farmer	Leh	Saloom
Argall	Fee	Lescovitz	Saurman
Armstrong	Fleagle	Levdansky	Scheetz
Arnold	Flick	Linton	Schuler
Barley	Foster	Lloyd	Scrimenti
Battisto	Freeman	Lucyk	Semmel
Belardi	Freind	McCall	Serafini
Belfanti	Gallen	McGechan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Majale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker
Durham			

ADDITIONS—0

NOT VOTING—2

Kruszewski Mrkonic

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

LEAVES ADDED—1

Langtry

The SPEAKER. It is the Chair's understanding that we are going to go to caucus immediately and return to the floor at approximately 11:30.

Are there announcements?

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would like to call at the recess an immediate meeting of the House Democratic Caucus to discuss the important items on today's calendar. I urge everybody to attend the Democratic caucus immediately on the call of recess.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, we ordinarily would be prepared to go to caucus immediately. However, we do not have any of the materials that we are told are going to be run later today, and until such time as we get them and know what is going to happen, we do not know what to caucus on. So I am going to suggest that we go in at 11 o'clock, and I am wondering what the Democratic side is going to do between now and 11.

The SPEAKER. If the gentleman will suspend, we will try and get a calendar and a description of what the intended program is so that the caucus can be held.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, we are prepared to leave the floor and go to caucus at 11 o'clock, because we still do not have the materials to caucus on. It is going to take us 15, 20 minutes to assemble our side of it for caucus purposes with staff and the like.

The SPEAKER. For the information of the members, there will be an immediate Democratic caucus, Republican caucus will be at 11 o'clock, and we will return to the floor at 1 p.m., and everyone should be prepared to be here promptly at 1 and begin voting, because it looks like a long day.

RECESS

The SPEAKER. The House will now recess until the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(RICHARD HAYDEN) PRESIDING**

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 392, PN 3274; HB 1146, PN 1627; HB 1220, PN 2822; HB 1224, PN 2790; HB 2293, PN 2911; HB 1293, PN 2792; HB 1669, PN 3224; HB 1670, PN 4196; HB 2499, PN 3734; HB 2545, PN 3327; and HB 2932, PN 4118**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1959, PN 4123**.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 186, PN 2624; SB 345, PN 2399; SB 963, PN 2630; SB 1083, PN 2623; SB 1405, PN 2633; SB 1596, PN 2590; SB 1715, PN 2609; and SB 1794, PN 2500**.

RULES SUSPENDED

The **SPEAKER** pro tempore. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 30 be suspended to permit the following bills returned for concurrence in Senate amendments to go directly to the calendar without referral to the Rules Committee: **HB 301, SB 275, SB 1790, HB 78, HB 157, HB 1402, HB 1623, HB 1781, HB 1859, HB 2337, and HB 2751**.

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

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments by further amending the House amendments to Senate amendments to **HB 301, PN 4257**.

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

SENATE MESSAGE

**AMENDED SENATE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 275, PN 2639; and SB 1790, PN 2640**.

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

SENATE MESSAGE

**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 78, PN 4250; HB 157, PN 4251; HB 1402, PN 4203; HB 1623, PN 4089; HB 1781, PN 4218; HB 1859, PN 3920; HB 2337, PN 4261; and HB 2751, PN 4243**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1408, PN 2575**, entitled:

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—191

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argali	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Barley	Flick	Linton	Scrimenti
Battisto	Foster	Lloyd	Semmel
Belardi	Freeman	Lucyk	Serafini
Belfanti	Gallen	McCall	Smith, B.
Birmelin	Gamble	McGechan	Smith, S. H.
Bishop	Gannon	McHale	Snyder, D. W.
Black	Geist	McHugh	Snyder, G.

Blaum	George	McNally	Staback
Bowley	Gerlach	Maiale	Stairs
Boyes	Gigliotti	Markosek	Steelman
Broujos	Gladeck	Marsico	Steighner
Brown	Godshall	Mayernik	Stetler
Bunt	Gruitza	Melio	Stish
Bush	Gruppo	Merry	Strittmatter
Butkovitz	Hagarty	Michlovic	Sturla
Caltagirone	Haluska	Micozzie	Surra
Cappabianca	Hanna	Mihalich	Tangretti
Carlson	Harley	Mundy	Taylor, E. Z.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek
Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	Tigue
Chadwick	Heckler	Noye	Tomlinson
Civera	Herman	Nyce	Trello
Clark	Hershey	O'Brien	Trich
Clymer	Hess	Olasz	Tulli
Cohen	Hughes	Oliver	Uliana
Colaafella	Itkin	Perzel	Van Horne
Colaizzo	Jadlowiec	Pesci	Vance
Cole	James	Petrarca	Veon
Cornell	Jarolin	Petrone	Vroon
Cowell	Johnson	Phillips	Wambach
Coy	Josephs	Piccola	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Raymond	Wogan
Daley	Kenney	Reber	Wozniak
Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Durham			

NAYS—0

NOT VOTING—6

Arnold	Kruszewski	Pistella	Preston
Freind	Mrkonc		

EXCUSED—4

Billow	Corrigan	Suban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

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The House proceeded to third consideration of **SB 798, PN 2652**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing automatic suspension of practitioners' licenses for conviction of drug offenses; and further providing for prohibited acts.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

VOTE STRICKEN

Mr. MAYERNIK. Mr. Speaker?
The SPEAKER pro tempore. Strike the vote.
Mr. MAYERNIK. I have an amendment to this bill, if I could.

The SPEAKER pro tempore. Representative Mayernik, we were not advised of the fact.

Mr. MAYERNIK. All right. There must be some misunderstanding. Could you hold the bill until I get the amendment circulated, please?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will pass over temporarily.

* * *

The House proceeded to third consideration of **SB 1688, PN 2120**, entitled:

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), entitled "The Private Detective Act of 1953," further providing for renewal of licenses.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucy	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeethan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.

Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaifella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Pistella, who wishes to be recognized for the purpose of correcting a vote.

On Wednesday, November 25, 1992, on SB 1408 the gentleman, Mr. Pistella, wishes to be recorded in the affirmative on final passage.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1795, PN 2644**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for medical support obligation, for attachment of income and for acknowledgment of paternity.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—192

Acosta	Durham	Laughlin	Robinson
Adolph	Evans	Lawless	Roebuck
Allen	Fairchild	Lee	Rudy
Anderson	Fajt	Leh	Ryan
Angstadt	Fargo	Lescovitz	Saloom
Argall	Farmer	Levdansky	Scheetz
Armstrong	Fee	Linton	Schuler
Arnold	Fleagle	Lloyd	Scrimenti
Barley	Flick	Lucyk	Semmel
Battisto	Foster	McCall	Serafini
Belardi	Freeman	McGeehan	Smith, B.
Belfanti	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Oliver	Tulli
Clymer	Hughes	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colaifella	Jadlowiec	Petrarca	Vance
Colaizzo	James	Petrone	Veon
Cole	Jarolin	Phillips	Vroon
Cornell	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	
Dent	Kukovich	Rieger	O'Donnell,
Dermody	LaGrotta	Ritter	Speaker
Donatucci	Langtry		

NAYS—0

NOT VOTING—5

Freind	Kruszewski	Mrkonic	Saurman
Gallen			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

CONSIDERATION OF SB 798 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. SB 798 was amended with HB 119 that this House approved approximately a year ago pertaining to health care practitioners throughout the Commonwealth.

This bill has three aspects to it. One, it addresses a situation that we have in the Commonwealth pertaining to health care practitioners who have been plea bargaining their cases down to misdemeanors.

As you know, approximately in 1986 we passed a law that stated that any health care practitioner who was convicted of a felony would lose his license for 10 years. The district attorneys throughout the Commonwealth have seen fit to plea bargain these cases down to misdemeanors, enabling these practitioners to continue practicing medicine, or whatever, and be fined without any reporting requirements to Harrisburg. This bill addresses that. It mandates that anyone who plea bargains their case down to a misdemeanor will automatically lose his license for 1 year.

It also has a notification provision that they be notified from the district attorneys' offices in the different counties, that that notification be sent to the appropriate boards in Harrisburg.

Thirdly, it addresses the health care practitioners. There are approximately 24,000 medical health care practitioners in the Commonwealth, and by the AMA's (American Medical Association's) own admission, 10 percent are impaired, which permits 2,400 physicians out there to operate, to take care of our loved ones - unbeknown to any one of us. This bill addresses it. It mandates that any impaired practitioner join an impaired practitioners' health program for 5 years and has to be monitored for 5 years. Any time that he opts out of this program, he will lose his license for 1 year.

This is a bill that will protect the public, and I want to commend the Medical Society in the Commonwealth of Pennsylvania for endorsing this legislation. I ask for an affirmative vote on this, Mr. Speaker. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
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Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.

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Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafrella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind Kruszewski Mrkonc
EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

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

VOTE CORRECTION

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

Mr. HALUSKA. Yes. I would like to correct a vote of yesterday.

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

Mr. HALUSKA. On SB 1085, amendment 4546, I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks are reserved for the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1525, PN 1861**, entitled:

An Act amending the act of July 9, 1990 (P. L. 340, No. 78), entitled "Public Safety Emergency Telephone Act," further providing for the definition of "telephone subscriber" and adding the definition of "person."

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Battisto	Freeman	McCall	Serafini
Belardi	Gallen	McGeehan	Smith, B.
Belfanti	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker
Durham	Langtry	Robinson	

NAYS—1

NOT VOTING—3

Freind Kruszewski Mrkonic
EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1591, PN 4262**, as further amended by the House Rules Committee:

An Act amending the act of June 30, 1992 (P. L. , No. 8A), known as the "General Appropriation Act of 1992," increasing or adding Federal appropriations for the various departments and boards within the Executive Department.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana

Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Godshall, who wishes to correct the record.

On Tuesday, November 24, 1992, the gentleman, Mr. Godshall, wishes to be recorded in the affirmative on final passage of SB 1444.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED CONTINUED

The House proceeded to consideration of concurrence in Senate amendments to the following HB 2442, PN 4263, as further amended by the House Rules Committee:

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), known as the "Lottery Fund Preservation Act," further providing for responsibilities of the Department of Aging, for prescription drug education, for pharmaceutical purchasing and for applicability.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

YEAS—191

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini

Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steelman
Boyes	Gigliotti	Marsico	Steighner
Broujos	Gladeck	Mayernik	Stetler
Brown	Gruitza	Melio	Stish
Bunt	Gruppo	Merry	Strittmatter
Bush	Hagarty	Michlovic	Sturla
Butkovitz	Haluska	Micozzie	Surra
Caltagirone	Hanna	Mihalich	Tangretti
Cappabianca	Harley	Mundy	Taylor, E. Z.
Carlson	Harper	Murphy	Taylor, J.
Carn	Hasay	Nahill	Telek
Carone	Hayden	Nailor	Thomas
Cawley	Hayes	Nickol	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Oliver	Tulli
Clymer	Hughes	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colafella	Jadlowiec	Petrarca	Vance
Colaizzo	James	Petrone	Veon
Cole	Jarolin	Phillips	Vroon
Cornell	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	
Dent	Kukovich	Rieger	O'Donnell,
Dermody	LaGrotta	Ritter	Speaker
Donatucci			

NAYS—3

Godshall	Noye	Saurman
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NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

CONCURRENT RESOLUTION

Mr. DeWEESE called up SR 175, PN 2566, entitled:

A Concurrent Resolution establishing a Magnetically Levitated High Speed Ground Transportation (MAGLEV) Caucus in the General Assembly.

On the question,

Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—193

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tighe
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafrella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Veon
Cole	James	Petrone	Vroon
Cornell	Jarolin	Phillips	Wambach
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pistella	Wilson
DeLuca	Kaiser	Pitts	Wogan
DeWeese	Kasunic	Preston	Wozniak
Daley	Kenney	Raymond	Wright, D. R.
Davies	King	Reber	Wright, M. N.
Dempsey	Kosinski	Reinard	
Dent	Krebs	Richardson	O'Donnell,
Dermody	Kukovich	Rieger	Speaker
Donatucci	LaGrotta	Ritter	

NAYS—0

NOT VOTING—4

Freind	Kruszewski	Mrkoncic	Vance
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The question was determined in the affirmative, and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

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

Mr. ACOSTA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized and in order.

Mr. ACOSTA. I just want to correct a vote.

On SB 273, amendment 4550, I want to be recorded in the positive.

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

SURPLUS PROPERTY DISPOSITION PLAN NO. 1

Mr. DeWEESE called up SPDP 1, entitled:

In the House, November 23, 1992

Resolved, That Surplus Property Disposition Plan No. 1 of 1992, transmitted by the Governor under the Administrative Code of 1929 to the General Assembly under date of November 23, 1992, which is incorporated herein by reference be approved.

On the question,

Will the House adopt Surplus Property Disposition Plan No. 1?

The following roll call was recorded:

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tighe
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafrella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,

Donatucci LaGrotta Ritter Speaker
 NAYS—0
 NOT VOTING—3
 Freind Kruszewski Mrkonic
 EXCUSED—4
 Billow Corrigan Stuban Taylor, F.

The majority of the members elected to the House having voted in the affirmative on Surplus Property Disposition Plan No. 1, the question was determined in the affirmative and the resolution was adopted.

Ordered, That the clerk inform the Senate and His Excellency, the Governor, accordingly.

**SUPPLEMENTAL CALENDAR A
 BILLS ON CONCURRENCE
 IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 78, PN 4250**, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for the purpose of the act; adding and amending certain definitions; further providing for operators' licenses, for mining permits, for surface mining reclamation and reclamation plans, for procedures relating to bonds, trust funds and other financial assurances, for certain remining and for further duties of the Environmental Hearing Board, the Environmental Quality Board and the Department of Environmental Resources; providing for government-financed reclamation contracts authorizing incidental and necessary extraction of coal and for related remining and reclamation matters; establishing the Remining Environmental Enforcement Fund and the Remining Financial Assurance Fund; further providing for the Mining and Reclamation Advisory Board; and making repeals.

On the question,

Will the House concur in Senate amendments?

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

YEAS—192

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucy	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Surra

Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell,
Dermody	Kukovich	Ritter	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—5

Freind Mrkonic Noye Sturla
 Kruszewski

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1402, PN 4203**, entitled:

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," further defining the "practice of dentistry."

On the question,

Will the House concur in Senate amendments?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucy	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman

Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1623, PN 4089**, entitled:

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the "Prisoner Transfer Law," further providing for transfers; and repealing certain obsolete penal laws.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Merry.

Mr. MERRY. Mr. Speaker, I realize we are in quite a hurry here, but we are voting on concurrence in some things that I have no idea what has been added to or taken from these bills. Is it possible that somebody could just give a short analysis of what has happened on them?

The SPEAKER pro tempore. The gentleman, Mr. Hayes, agrees to submit to interrogation.

Mr. HAYES. Thank you, Mr. Speaker.

When we passed this legislation originally, it pertained solely to the repeal of old laws of the Commonwealth. While the bill was in the Senate, they added language which provides

for cooperative agreements, cooperative agreements between the Department of Corrections and the administrators of county prisons to cooperatively, in agreement with one another, transfer prisoners from each other's institutions, and it also allows the same sort of cooperation between the Pennsylvania Department of Corrections and also the Federal penal system.

The SPEAKER pro tempore. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—190

Acosta	Durham	LaGrotta	Robinson
Adolph	Evans	Langtry	Roebuck
Allen	Fairchild	Laughlin	Rudy
Anderson	Fajt	Lawless	Ryan
Angstadt	Fargo	Lee	Saloom
Argall	Farmer	Leh	Saurman
Armstrong	Fee	Lescovitz	Scheetz
Arnold	Fleagle	Levdansky	Schuler
Barley	Flick	Linton	Scrimenti
Battisto	Foster	Lloyd	Semmel
Belardi	Freeman	Lucyk	Serafini
Belfanti	Gallen	McCall	Smith, B.
Birmelin	Gamble	McGeehan	Smith, S. H.
Bishop	Gannon	McHale	Snyder, D. W.
Black	Geist	McHugh	Snyder, G.
Blaum	George	McNally	Staback
Bowley	Gerlach	Maiale	Stairs
Boyes	Gigliotti	Markosek	Steelman
Broujos	Gladeck	Marsico	Steighner
Brown	Godshall	Mayernik	Stetler
Bunt	Gruitza	Melio	Stish
Bush	Gruppo	Merry	Strittmatter
Butkovitz	Hagarty	Michlovic	Sturla
Caltagirone	Haluska	Micozzie	Surra
Cappabianca	Hanna	Mihalich	Tangretti
Carlson	Harley	Mundy	Taylor, E. Z.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek
Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	Tigue
Chadwick	Heckler	Noye	Tomlinson
Civera	Herman	Nyce	Trello
Clark	Hershey	O'Brien	Trich
Clymer	Hess	Olasz	Tulli
Cohen	Hughes	Oliver	Uliana
Colaella	Itkin	Perzel	Van Horne
Cole	Jadlowiec	Pesci	Vance
Cornell	James	Petrarca	Veon
Cowell	Jarolin	Petrone	Vroon
Coy	Johnson	Phillips	Wambach
DeLuca	Josephs	Piccola	Wilson
DeWeese	Kaiser	Pistella	Wogan
Daley	Kasunic	Pitts	Wozniak
Davies	Kenney	Raymond	Wright, D. R.
Dempsey	King	Reber	Wright, M. N.
Dent	Kosinski	Reinard	
Dermody	Krebs	Rieger	O'Donnell,
Donatucci	Kukovich	Ritter	Speaker

NAYS—2

Preston	Richardson
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NOT VOTING—5

Colaizzo	Kruszewski	Mrkonic	Williams
Freind			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1781, PN 4218**, entitled:

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

On the question,

Will the House concur in Senate amendments?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Stelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams

DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1859, PN 3920**, entitled:

An Act amending the act of June 2, 1937 (P. L. 1208, No. 310), entitled "An act to describe, define, and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania," further providing for the system of plane rectangular coordinates; providing for the Pennsylvania Coordinate System of 1983; further providing for the establishment of triangulation or traverse stations; further providing for the recording of land records or deeds; and proscribing use of the Pennsylvania Coordinate System of 1927 after a certain date.

On the question,

Will the House concur in Senate amendments?

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

YEAS—193

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Linton	Schuler
Arnold	Fleagle	Lloyd	Scrimenti
Barley	Flick	Lucyk	Semmel
Battisto	Foster	McCall	Serafini
Belardi	Freeman	McGeehan	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Stelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, J.
Carn	Harper	Nailor	Telek
Carone	Hasay	Nickol	Thomas
Cawley	Hayden	Noye	Tigue

Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell, Speaker
Dermody	Kukovich	Ritter	
Donatucci	LaGrotta	Robinson	

NAYS—0

NOT VOTING—4

Freind	Kruszewski	Levdansky	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 2751, PN 4243**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation.

On the question,
Will the House concur in Senate amendments?

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

YEAS—131

Acosta	Fairchild	Linton	Roebuck
Adolph	Fajt	Lloyd	Saloom
Allen	Fee	Lucyk	Scheetz
Argall	Foster	McCall	Scrimanti
Arnold	Freeman	McGeehan	Smith, S. H.
Battisto	Gamble	McHale	Snyder, G.
Belardi	Geist	McHugh	Staback
Belfanti	George	McNally	Steelman
Birmelin	Gerlach	Maiale	Steighner
Bishop	Gigliotti	Markosek	Stetler
Blaum	Gladeck	Marsico	Stish
Bowley	Gruppo	Mayernik	Sturla
Broujos	Hagarty	Melio	Surra
Butkovitz	Haluska	Michlovic	Taylor, F. Z.
Caltagirone	Hanna	Mundy	Taylor, J.
Cappabianca	Harley	Murphy	Thomas
Carlson	Harper	Nahill	Tigue
Carn	Hayden	Nailor	Tomlinson
Cessar	Heckler	Nyce	Trello

Chadwick	Hershey	O'Brien	Trich
Clymer	Hughes	Olasz	Tulli
Cohen	Itkin	Oliver	Van Horne
Colafella	Jadlowiec	Perzel	Vance
Colaizzo	James	Petrarca	Veon
Cole	Jarolin	Petrone	Wambach
Cowell	Johnson	Phillips	Williams
Coy	Josephs	Piccola	Wilson
DeLuca	Kaiser	Pistella	Wozniak
DeWeese	Kosinski	Pitts	Wright, D. R.
Dempsey	Krebs	Reber	Wright, M. N.
Dent	LaGrotta	Richardson	
Dermody	Laughlin	Rieger	O'Donnell, Speaker
Donatucci	Lescovitz	Ritter	
Evans			

NAYS—63

Anderson	Durham	Kukovich	Rudy
Angstadt	Fargo	Langtry	Ryan
Armstrong	Farmer	Lawless	Saurman
Barley	Fleagle	Lee	Schuler
Black	Flick	Leh	Semmel
Boyes	Gallen	Levdansky	Serafini
Brown	Gannon	Merry	Smith, B.
Bunt	Godshall	Micozzie	Snyder, D. W.
Bush	Gruitza	Mihalich	Stairs
Carone	Hasay	Nickol	Strittmatter
Cawley	Hayes	Noye	Tangretti
Civera	Herman	Pesci	Telek
Clark	Hess	Preston	Uliana
Cornell	Kasunic	Raymond	Vroon
Daley	Kenney	Reinard	Wogan
Davies	King	Robinson	

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1790, PN 2640**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for credited school service and for termination of annuities.

On the question,
Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this is the so-called Mellow early retirement bill for school employees. I just want to report that the amendment that the Senate added provides for retroactive application of the early retirement provisions. The early

retirement provisions and this 10-percent bonus, under the language currently before us, would apply to individuals who retire as of July 1 of 1992 through a period that ends on August 31 of 1993. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—185

Acosta	Dermody	Kukovich	Rudy
Adolph	Donatucci	LaGrotta	Ryan
Allen	Durham	Laughlin	Saloom
Anderson	Evans	Lescovitz	Saurman
Angstadt	Fairchild	Levdansky	Scheetz
Argall	Fajt	Linton	Schuler
Armstrong	Fargo	Lucyk	Scrimenti
Arnold	Farmer	McCall	Semmel
Barley	Fee	McGeehan	Serafini
Battisto	Fleagle	McHale	Smith, B.
Belardi	Flick	McHugh	Smith, S. H.
Belfanti	Foster	McNally	Snyder, D. W.
Birmelin	Freeman	Maiale	Snyder, G.
Bishop	Gallen	Markosek	Staback
Black	Gamble	Marsico	Stairs
Blaum	Gannon	Mayernik	Steelman
Bowley	Geist	Melio	Steighner
Boyes	George	Merry	Stetler
Broujos	Gerlach	Michlovic	Stish
Brown	Gigliotti	Micozzie	Strittmatter
Bunt	Gladeck	Mihalich	Sturla
Bush	Gruitza	Mundy	Surra
Butkovitz	Gruppo	Murphy	Tangretti
Caltagirone	Hagarty	Nahill	Taylor, E. Z.
Cappabianca	Haluska	Nailor	Taylor, J.
Carlson	Hanna	Nickol	Telek
Carn	Harley	Noye	Thomas
Carone	Harper	O'Brien	Tomlinson
Cawley	Hasay	Olasz	Trello
Cessar	Hayden	Oliver	Trich
Chadwick	Hayes	Perzel	Tulli
Civera	Herman	Pesci	Uliana
Clark	Hershey	Petrarca	Van Horne
Clymer	Hess	Petrone	Vance
Cohen	Hughes	Phillips	Veon
Colafella	Itkin	Piccola	Vroon
Colaizzo	Jadlowiec	Pistella	Wambach
Cole	James	Pitts	Williams
Cornell	Jarolin	Preston	Wilson
Cowell	Johnson	Raymond	Wogan
Coy	Josephs	Reber	Wozniak
DeLuca	Kaiser	Reinard	Wright, D. R.
DeWeese	Kasunic	Richardson	Wright, M. N.
Daley	Kenney	Rieger	
Davies	King	Ritter	O'Donnell,
Dempsey	Kosinski	Robinson	Speaker
Dent	Krebs	Roebuck	

NAYS—9

Godshall	Lawless	Leh	Nyce
Heckler	Lee	Lloyd	Tigue
Langtry			

NOT VOTING—3

Freind	Kruszewski	Mrkonc
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to the House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR B
BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2337, PN 4261**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the incorporation of a borough.

On the question,

Will the House concur in Senate amendments?

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

YEAS—193

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Battisto	Freeman	McCall	Serafini
Belardi	Gallen	McGeehan	Smith, B.
Belfanti	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Oliver	Tulli
Clymer	Hughes	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colafella	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.

Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker
Durham	Langtry	Robinson	

NAYS—0

NOT VOTING—4

Colaizzo	Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 275, PN 2639**, entitled:

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects.

On the question,

Will the House concur in Senate amendments to House amendments?

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

YEAS—189

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Leh	Scheetz
Argall	Farmer	Lescovitz	Schuler
Armstrong	Fee	Levdansky	Scrimenti
Arnold	Fleagle	Linton	Semmel
Barley	Flick	Lloyd	Serafini
Battisto	Foster	Lucyk	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gallen	McGeehan	Snyder, D. W.
Birmelin	Gamble	McHale	Snyder, G.
Bishop	Gannon	McHugh	Staback
Black	Geist	McNally	Stairs
Blaum	George	Maiale	Steelman
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayernik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Sturla
Bush	Gruppo	Michlovic	Surra
Butkovitz	Hagarty	Micozzie	Tangretti
Caltagirone	Haluska	Mihalich	Taylor, E. Z.
Cappabianca	Hanna	Mundy	Taylor, J.
Carlson	Harley	Nahill	Telek
Carn	Harper	Nailor	Thomas
Carone	Hasay	Nickol	Tigue
Cawley	Hayden	Noye	Tomlinson
Cessar	Hayes	Nyce	Trello
Chadwick	Heckler	O'Brien	Trich
Civera	Herman	Olasz	Tulli
Clymer	Hershey	Oliver	Uliana

Cohen	Hess	Perzel	Van Horne
Colafiglia	Hughes	Pesci	Vance
Colaizzo	Itkin	Petrarca	Veon
Cole	Jadlowiec	Petrone	Vroon
Cornell	James	Phillips	Wambach
Cowell	Jarolin	Piccola	Williams
Coy	Johnson	Pistella	Wilson
DeLuca	Josephs	Pitts	Wogan
DeWeese	Kaiser	Preston	Wozniak
Daley	Kasunic	Raymond	Wright, D. R.
Davies	Kenney	Reber	Wright, M. N.
Dempsey	King	Richardson	
Dent	Kosinski	Rieger	O'Donnell,
Dermody	Krebs	Ritter	Speaker
Donatucci	Kukovich	Robinson	

NAYS—4

Clark	Lee	Murphy	Saurman
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NOT VOTING—4

Freind	Kruszewski	Mrkonic	Reinard
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to the House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to Senate amendments to the following **HB 301, PN 4257**:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for municipal court jurisdiction over landlord-tenant cases; further providing for the establishment of fees and charges; imposing a criminal laboratory user fee; providing for disposition of revenues generated by the fee; providing for the abatement of and for other remedies relating to drug-related nuisances; providing for procedure, for injunctions and for powers and duties of the courts; and making repeals.

On the question,

Will the House concur in Senate amendments to House amendments to Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

As the Speaker said, this bill has traveled a great distance. In this bill is the Allegheny County and Commonwealth of Pennsylvania crime lab user's fee. To Allegheny County and to the taxpayers of Pennsylvania, this would put the burden on the criminals and drunk drivers, removing that burden from the taxpayers. To Allegheny County, we approximated it would mean a savings of \$1.2 to \$1.5 million, and to the Commonwealth of Pennsylvania, to fund the six State crime laboratories, we estimate that it will be a savings of \$6 million when that will be implemented on January 1 of 1994.

There were minor changes to other portions of the bill. We have agreed to them, and we would ask for concurrence.

Representative Cessar and I have been working on this issue in a bipartisan manner for the last 8 months. There is no opposition. We would ask for concurrence so this bill could go directly to the Governor for his signature. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

For the remarks made by my friend, Mr. Mayernik, on the other side, I would ask all members of this side to vote for this bill. Thank you.

On the question recurring,

Will the House concur in Senate amendments to House amendments to Senate amendments?

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

YEAS—193

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, M. N.
Dempsey	Kosinski	Reinard	
Dent	Krebs	Richardson	O'Donnell,
Dermody	Kukovich	Rieger	Speaker
Donatucci	LaGrotta	Ritter	

NAYS—0

NOT VOTING—4

Freind Kruszewski Mrkonic Wright, D. R.

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments to Senate amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions of sponsorships.

(Copy of list is on file with the Journal clerk.)

VOTE CORRECTION

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

Mr. GODSHALL. Yes, for a correction of the record, please.

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

Mr. GODSHALL. On SB 1790, which was voted earlier today, I was recorded in the negative. I would like to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread on the record.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1421, PN 2642**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; adding a definition of "leave for service with a collective bargaining organization"; providing an employer contribution rate for members of an independent retirement system; and further providing for credited service, for membership of the board, for appointment of members of the board and for terms of office of members of the board.

On the question,

Will the House agree to the bill on third consideration?

Mr. MIHALICH offered the following amendments No. A4566:

Amend Bill, page 3, by inserting between lines 4 and 5 Section 2. Section 5102 of Title 71 is amended by adding definitions to read:
§ 5102. Definitions.

The following words and phrases as used in this part, unless a different meaning is plainly required by the context, shall have the following meanings:

“Public school.” Any or all classes or schools within this Commonwealth conducted under the order and superintendence of the Department of Education including, but not limited to: all educational classes of any employer charged with the responsibility of public education within this Commonwealth as well as those classes financed wholly or in part by the Federal Government, State-owned colleges and universities, The Pennsylvania State University, community colleges, area vocational-technical schools, intermediate units, the State Board of Education, Scotland School for Veterans’ Children, Thaddeus Stevens State School of Technology and the Pennsylvania State Oral School for the Deaf.

“Public school employee.” A school employee.

“School employee.” Any person engaged in work relating to a public school for any governmental entity and for which work he is receiving regular remuneration as an officer, administrator or employee excluding, however, any independent contractor or a person compensated on a fee basis.

Amend Sec. 2, page 3, line 5, by striking out “2” and inserting

3

Amend Sec. 3, page 6, line 5, by striking out “3” and inserting

4

Amend Sec. 4, page 6, line 16, by striking out “4” and inserting

5

On the question,

Will the House agree to the amendments?

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

Mr. MIHALICH. Mr. Speaker, in 1988 the Public Employee Retirement Study Commission did a study to try to reconcile and standardize employer contributions to various employees of this Commonwealth in State-related schools and other educational institutions. What they did was devise a formula that would insure that those recipients or those who elected to join an alternative retirement system, such as TIAA-CREF (Teachers’ Insurance and Annuity Association of America-College Retirement Equities Fund), would receive the same contribution, dollar equivalent, from their employer as those who belong to the regular retirement system. In 1992 the Public Employee Retirement Commission updated that study, and they determined that 9.29 percent would be the equivalent amount to create this fair contribution so that one class of employee belonging to the retirement system would receive the same amount of contribution from the employer as those employees who elected to belong to an alternate retirement system.

My amendment does not address the dollar figures. My amendment addresses the definition of “public employee,” and it has the effect of saying that people who work at community colleges are indeed State employees, as they are considered to be State employees in every other respect in this Commonwealth. The community colleges are funded in large part by Commonwealth dollars directly. The Commonwealth has a stake in this.

The question is, simply, do we want the employees in community colleges who elect to join an alternate retirement system to be receiving the same compensation as those who belong to the retirement system? There are those who receive a lot more currently out there, and there are those who receive a lot less, but the question in my mind is, should we maintain this fairness? Should we say that these State employees who are considered State employees in every other respect should be treated equally, be given the same consideration, no more, no less, than those employees who are under the regular retirement system?

I ask for an affirmative vote, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat the Mihalich amendment.

The individuals who are involved, these employees of community colleges, are not State employees. That is one of the reasons why they are not covered by the existing law, and we should not apply the existing law or this expanded version of the existing law to them. Mr. Mihalich correctly states, we do not treat them like State employees. They are not State employees.

Secondly, the Mihalich amendment would have a cost impact on many community colleges across the Commonwealth. It is estimated that the total additional cost, new cost, to community colleges for this mandated benefit would be approximately \$2.4 million, with a very significant share of that, approximately \$1.8 million in new cost, falling on a single institution. That is the Community College of Allegheny County. It would impose those additional costs on those community colleges that currently have a negotiated contribution rate of something less than 9.29 percent. So that is the first argument against the Mihalich amendment. It will impose an additional cost on the community colleges.

But secondly, on the other side of the coin, in some cases the Mihalich amendment would actually reduce benefits which are available to community college employees. In some cases, through the collective-bargaining process, contracts have been agreed to which provide for contribution rates by the community college in excess of the 9.29 percent that the Mihalich amendment would impose across the board. Mr. Speaker, in the context of community colleges, this kind of contribution rate for employees who select an alternative retirement system, like TIAA-CREF, is a negotiated item, and sometimes they have negotiated a rate less than 9.29 percent, and in some cases they have negotiated a rate in excess of 9.29 percent.

The Mihalich amendment would have the undesirable effect of imposing a uniform rate across the board. It would, in some cases, cost the community colleges additional money. In some cases it would deny benefits to community college employees which have already been negotiated, and in all cases it would have the effect of voiding existing negotiated contracts.

Mr. Speaker, for those reasons I urge that we defeat the Mihalich amendment.

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

Mr. HECKLER. Thank you, Mr. Speaker.

I would join with Representative Cowell in urging the defeat of this amendment.

As has been pointed out, each community college and their employees has an independently negotiated contract. In fact, for eight community colleges, the Mihalich amendment would result in a reduction in the employer contributions made in behalf of employees.

This is not the kind of thing we should be doing with a broad brush at any time, particularly in these tough economic times when our community colleges are struggling and when they represent the last best hope for an awful lot of folks who are not going to be able to afford higher education any other way. To enact legislation on top of the \$3.2-million shortfall which our community colleges are experiencing in their Harrisburg funding this year, to vote for an amendment that could impose another \$2.2-million reduction, would be wrong.

I urge the defeat of the Mihalich amendment.

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

Mr. DAVIES. Thank you, Mr. Speaker.

For all of the reasons that the former speakers gave in opposition, I would only like to add the additional problem that we have in the Reading Area Community College, which again would be facing additional moneys now. And not only the fact that the shortfall of \$3.2 million from the State is affecting all of those schools, in addition to that, this community college does not even know how much they are going to get from the county commissioners as of this date. The cupboard is bare. They cannot withstand this at this particular time.

So therefore, I urge the defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Mihalich.

Mr. MIHALICH. Mr. Speaker, I would disagree with the conclusions drawn by one of the previous speakers when he talked about Allegheny County Community College. Allegheny County Community College in fact has a 10-percent rate, which is higher. It is 5 percent for the first \$6,000, but the aggregate rate, to the best of my knowledge, would be higher. I do not see that it would cost them that much money. He does not have the exact figures on that and neither do I. My opinion, I believe, is as good as his.

But if the idea, if the idea of negotiating this retirement rate is a good idea to do this by each school, then why are we consolidating and making a uniform rate in the other State-related schools? Somebody must have thought it was a good idea, that it was an equitable idea to get the retirement system to figure out what is the exact identical contribution rate; otherwise, the bill itself would not be in front of us. So if it is a good idea to have each institution negotiate their own contri-

butution rate for their retirees in whatever program they have, why are we singling out only this group? If it is good for one, it should be good for all.

These are by every measurement and standard State employees paid with State dollars, those who work in community colleges. And, Mr. Speaker, if the idea is a bad one as it has been alleged, then it must be a bad one for the bill itself.

Thank you. I urge a positive vote on my amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—13

Daley	Harper	Pesci	Richardson
Gannon	Kukovich	Petrarca	Saloom
George	Mihalich	Reber	Tangretti
Haluska			

NAYS—179

Acosta	Dermody	LaGrotta	Roebuck
Adolph	Donatucci	Langtry	Ryan
Allen	Durham	Laughlin	Saurman
Anderson	Evans	Lawless	Scheetz
Angstadt	Fairchild	Lee	Schuler
Argall	Fajt	Leh	Scrimenti
Armstrong	Fargo	Lescovitz	Semmel
Arnold	Farmer	Levdansky	Serafini
Barley	Fee	Linton	Smith, B.
Battisto	Fleagle	Lloyd	Smith, S. H.
Belardi	Flick	Lucy	Snyder, D. W.
Belfanti	Foster	McCall	Snyder, G.
Birmelin	Freeman	McGeehan	Staback
Bishop	Gallen	McHale	Stairs
Black	Gamble	McHugh	Steelman
Blaum	Geist	McNally	Steighner
Bowley	Gerlach	Markosek	Stetler
Boyes	Gigliotti	Marsico	Stish
Broujos	Gladeck	Mayernik	Strittmatter
Brown	Godshall	Melio	Sturla
Bunt	Gruitza	Merry	Surra
Bush	Gruppo	Michlovic	Taylor, E. Z.
Butkovitz	Hagarty	Micozzie	Taylor, J.
Caltagirone	Hanna	Mundy	Telek
Cappabianca	Harley	Murphy	Thomas
Carlson	Hasay	Nahill	Tigue
Carn	Hayden	Nailor	Tomlinson
Carone	Hayes	Nickol	Trello
Cawley	Heckler	Noye	Trich
Cessar	Herman	Nyee	Tulli
Chadwick	Hershey	O'Brien	Uliana
Civera	Hess	Olasz	Van Horne
Clark	Hughes	Oliver	Vance
Clymer	Itkin	Perzel	Veon
Cohen	Jadlowiec	Petrone	Vroon
Colaifella	James	Phillips	Wambach
Colaizzo	Jarolin	Piccola	Williams
Cole	Johnson	Pistella	Wilson
Cornell	Josephs	Pitts	Wogan
Cowell	Kaiser	Preston	Wozniak
Coy	Kasunic	Raymond	Wright, D. R.
DeLuca	Kenney	Reinard	Wright, M. N.
DeWeese	King	Rieger	
Davies	Kosinski	Ritter	O'Donnell,
Dempsey	Krebs	Robinson	Speaker
Dent			

NOT VOTING—5

Freind	Maiale	Mrkonjic	Rudy
Kruszewski			

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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?

Mr. COY offered the following amendments No. A4618:

Amend Title, page 1, line 7, by inserting after "SERVICE,"
for creditable non-State service,
Amend Sec. 2, page 3, line 5, by striking out "5302(B),
5901(A) AND (B)" and inserting
and 5302(b)

Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Section 5304 of Title 71 is amended by adding a
subsection to read:

§ 5304. Creditable nonstate service.

(c.1) Nonstate service exception.—Notwithstanding the limitations on eligibility enumerated in subsection (c)(3), any person who was an officer or employee in the Office of the Chancellor of the State System of Higher Education at any time between July 1, 1983, and August 4, 1991, inclusive, and was an active member during that period or has continued as an active member without interruption of service since August 4, 1991, shall be eligible to purchase creditable nonstate service, under this section, subject to the same terms, conditions and limitations, including the calculation of the amount and method of paying for the purchase, as was enjoyed by officers and employees of the Department of Education between July 1, 1983, and August 4, 1991. Service rendered in the Chancellor's Office for purposes of the purchase of creditable nonstate service under this subsection shall be deemed to be service as an officer or employee in the Department of Education.

Section 4. Section 5901(a) and (b) of Title 71 are amended to read:

Amend Sec. 3, page 6, line 5, by striking out "3" and inserting

5

Amend Sec. 4, page 6, line 16, by striking out "4" and inserting

6

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

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

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, this is a semitechnical amendment that allows employees of the Office of the Chancellor of the State System of Higher Education to buy back non-State public school service like those who work for the State universities. The Office of the Chancellor was not specifically mentioned by the State Employees' Retirement System, and this amendment clarifies that concern.

I ask for support of the amendment.

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

Mr. SCHULER. Thank you, Mr. Speaker.

For the reasons given by Representative Coy, I ask this side of the aisle to support the amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—185

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Lescovitz	Scheetz
Argall	Fargo	Levdansky	Schuler
Armstrong	Farmer	Linton	Scrimenti
Arnold	Fee	Lloyd	Semmel
Barley	Fleagle	Lucyk	Serafini
Battisto	Flick	McCall	Smith, B.
Belardi	Foster	McGeehan	Smith, S. H.
Belfanti	Freeman	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mundy	Tangretti
Caltagirone	Haluska	Murphy	Taylor, E. Z.
Cappabianca	Hanna	Nahill	Taylor, J.
Carlson	Harley	Nailor	Telek
Carn	Harper	Nickol	Thomas
Carone	Hasay	Noye	Tigue
Cawley	Hayden	Nyce	Tomlinson
Cessar	Hayes	O'Brien	Trello
Chadwick	Heckler	Olasz	Trich
Civera	Herman	Oliver	Tulli
Clark	Hershey	Perzel	Uliana
Clymer	Hess	Pesci	Van Horne
Cohen	Hughes	Petrarca	Vance
Colafigli	Itkin	Petrone	Veon
Colaizzo	Jadlowiec	Phillips	Vroon
Cole	James	Piccola	Wambach
Cornell	Jarolin	Pistella	Williams
Cowell	Johnson	Pitts	Wogan
Coy	Josephs	Preston	Wozniak
DeLuca	Kaiser	Raymond	Wright, D. R.
DeWeese	Kasunic	Reinard	Wright, M. N.
Daley	Kenney	Richardson	
Davies	King	Rieger	O'Donnell,
Dent	Kosinski	Ritter	Speaker
Dermody	Kukovich	Robinson	

NAYS—6

Dempsey	Krebs	Mihalich	Saurman
Gallen	Leh		

NOT VOTING—6

Freind	LaGrotta	Reber	Wilson
Kruszewski	Mrkonic		

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

Acosta	Donatucci	LaGrotta	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman
Argall	Fargo	Lescovitz	Scheetz
Armstrong	Farmer	Levdansky	Schuler
Arnold	Fee	Linton	Scrimenti
Barley	Fleagle	Lloyd	Semmel
Battisto	Flick	Lucyk	Serafini
Belardi	Foster	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Birmelin	Gallen	McHale	Snyder, D. W.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Staback
Blaum	Geist	Maiale	Stairs
Bowley	George	Markosek	Steelman
Boyes	Gerlach	Marsico	Steighner
Broujos	Gigliotti	Mayernik	Stetler
Brown	Gladeck	Melio	Stish
Bunt	Godshall	Merry	Strittmatter
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mundy	Tangretti
Cappabianca	Haluska	Murphy	Taylor, E. Z.
Carlson	Hanna	Nahill	Taylor, J.
Carn	Harley	Nailor	Telek
Carone	Harper	Nickol	Thomas
Cawley	Hasay	Noye	Tigue
Cessar	Hayden	Nyce	Tomlinson
Chadwick	Hayes	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colafella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reinard	Wright, D. R.
Davies	King	Richardson	Wright, M. N.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker

NAYS—3

Heckler	Langtry	Mihalich
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NOT VOTING—4

Freind	Kruszewski	Mrkonic	Reber
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

SUPPLEMENTAL CALENDAR A CONTINUED
HB 2751 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a reconsideration motion filed by the gentlemen, Mr. Lescovitz and Mr. Saloom, who move that the vote by which HB 2751, PN 4243, was passed on the 25th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—193

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Battisto	Freeman	McCall	Serafini
Belardi	Gallen	McGeehan	Smith, B.
Belfanti	Gamble	McHale	Smith, S. H.
Birmelin	Gannon	McHugh	Snyder, D. W.
Bishop	Geist	McNally	Snyder, G.
Black	George	Maiale	Staback
Blaum	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Steelman
Boyes	Gladeck	Mayernik	Steighner
Broujos	Godshall	Melio	Stetler
Brown	Gruitza	Merry	Stish
Bunt	Gruppo	Michlovic	Strittmatter
Bush	Hagarty	Micozzie	Sturla
Butkovitz	Haluska	Mihalich	Surra
Caltagirone	Hanna	Mundy	Tangretti
Cappabianca	Harley	Murphy	Taylor, E. Z.
Carlson	Harper	Nahill	Taylor, J.
Carn	Hasay	Nailor	Telek
Carone	Hayden	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker
Durham	Langtry	Robinson	

NAYS—1

Clark

NOT VOTING—3

Freind

Kruszewski

Mrkonic

EXCUSED—4

Billow

Corrigan

Stuban

Taylor, F.

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

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will go over temporarily.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1642, PN 2643**, entitled:

A Supplement to the act of August 6, 1991 (P. L. 329, No. 34) entitled "Highway Supplement to the Capital Budget Act of 1991-1992," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects, redevelopment assistance projects and public highway projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs, the Department of Transportation or the Pennsylvania Fish and Boat Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers and exemptions; making appropriations; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. MICHLOVIC offered the following amendments No. A4623:

Amend Sec. 7, page 59, by inserting between lines 28 and 29
(iii) Boroughs of Munhall, Rankin,
Swissvale and Homestead

(A) Steel Industry Heritage Center 12,750,000
(Acquisition, Design and Construction
- \$11,000,000)
(Contingencies - \$1,750,000)

Amend Sec. 7, page 59, line 29, by striking out "(III)" and inserting

(iv)

Amend Sec. 7, page 60, line 1, by striking out "(IV)" and inserting

(v)

On the question,

Will the House agree to the amendments?

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

This is an amendment that would add \$12,750,000 to the capital budget bill for Steel Industry Heritage Center in the boroughs of Munhall, Rankin, Swissvale, and Homestead in the Mon Valley. Thank you.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

The Chair recognizes Mr. Cessar.

Mr. CESSAR. Could I have a sidebar conference with the maker of the amendment, please?

The SPEAKER pro tempore. The House will suspend.

AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Amendment A4623 to SB 1642 will go over temporarily.

Mr. RYAN. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I do not know whom I am really asking to interrogate, but maybe someone will be able to give me a hand on this.

On SB 1642, it is my understanding—and I am looking at the time of the day. I do not know when we are going to get out of here or whether we will be back Friday, or Monday, Saturday, Sunday—but if this bill is amended—all right?—I do not care what amendment is offered—if the bill is amended, do we have any assurance that there is sufficient time for the bill to be reprinted, sent to the Senate, and considered by the Senate on concurrence? Do we have any assurances that the Senate will wait or that it can be done, because you are putting in jeopardy a very important bill with amendments.

Mr. CESSAR. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Would the majority Transportation chairman stand for a brief interrogation?

Mr. PETRARCA. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Petrarca, consents to interrogation. The gentleman, Mr. Cessar, is in order.

Mr. CESSAR. Is it your understanding, Mr. Speaker, that if any amendments are offered and accepted to this bill, that the Senate will not accept it; we will not have time to have it reprinted?

Mr. PETRARCA. I think we will have time for the amendments.

I would like to yield to Ivan Itkin if he has more to add to this.

The SPEAKER pro tempore. Does the gentleman, Mr. Cessar, seek to interrogate the gentleman, Mr. Itkin?

Mr. CESSAR. I will, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Itkin, consent to interrogation?

Mr. CESSAR. If any amendments are offered to this bill and they are accepted, will we have time to have it reprinted and sent to the Senate?

Mr. ITKIN. It is my understanding, Mr. Speaker, that the current printer's number has some technical corrections required of it, so the bill will have to be reprinted in any event, and therefore, amendments probably could be offered at this time.

Mr. CESSAR. Then you are saying, Mr. Speaker, if I am correct, that we ought not to go through the futility of amending this bill or even passing the bill?

The SPEAKER pro tempore. The gentleman, Mr. Itkin, is in order.

Mr. ITKIN. Mr. Speaker, I just want to clarify the process on SB 1642.

It is my understanding that the Senate knows that SB 1642 needs to be reprinted, and therefore, if it wants to consider the bill, it will have to wait for the reprinting to occur.

Mr. CESSAR. Thank you, Mr. Speaker.

It just seems to me that everything that is in this bill, it will never ever be able to be reprinted in time for the Senate, because it is my understanding the Senate is going to leave at 5 o'clock this afternoon. So any action we take at this point on this legislation would be just futile.

It would be my suggestion, Mr. Speaker, that we pass this bill as is, send it over to the Senate as soon as possible, and let them act on it.

Mr. Speaker, if I may, this legislation contains some—

The SPEAKER pro tempore. Excuse me, Mr. Cessar. The gentleman is out of order.

The Chair has in its possession several amendments to SB 1642. Does the gentleman, Mr. Michlovic, seek to offer his amendment?

PARLIAMENTARY INQUIRY

Mr. CESSAR. Mr. Speaker?

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Cessar, is in order.

Mr. CESSAR. Parliamentary inquiry.

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

Mr. CESSAR. Mr. Speaker, would it be possible for me to have this bill passed over temporarily?

Mr. ITKIN. Mr. Speaker, I would suggest that we pass over the bill temporarily until we can get clarification. Then we will come back to it when we know what the Senate is planning to do.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 1642 is passed over temporarily.

Is the gentleman, Mr. Gallen, seeking recognition?

Mr. GALLEN. I just wanted to make a very brief statement.

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

Mr. GALLEN. The consideration of this legislation, this very important legislation, at this late hour is a further example of the patent ineptitude of the majority leadership. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair warns the members that comments such of the nature of Mr. Gallen are out of order.

VOTE CORRECTIONS

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

Mr. BELFANTI. Thank you, Mr. Speaker.

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

Mr. BELFANTI. If there seems to be a little bit of a lull in the action, I would like to take this opportunity to correct the record from yesterday.

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

Mr. BELFANTI. Thank you.

On amendment 4496 sponsored by Representative Black to SB 1444 yesterday, my vote was not recorded. I wish the vote to be recorded in the affirmative.

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

Does the gentleman, Mr. Sturla, seek recognition? Why does the gentleman rise?

Mr. STURLA. Mr. Speaker, I would like to correct the record.

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

Mr. STURLA. On HB 78 today on final passage, I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman, Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Again, Mr. Speaker, a correction of the record.

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

Mr. REINARD. Mr. Speaker, when SB 275 passed today, my vote was not recorded correctly. I would like the record to show I would have voted in the affirmative.

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

The Chair recognizes the gentleman, Mr. Van Horne.

Mr. VAN HORNE. Mr. Speaker, I want to correct the record also.

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

Mr. VAN HORNE. On SB 1444, amendment 4479, I would like to be recorded in the affirmative. Thank you.

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

The Chair recognizes the gentleman, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, yesterday on final passage of SB 978, I wish to be recorded in the affirmative.

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

CONSIDERATION OF SB 1642 CONTINUED

The SPEAKER pro tempore. The Chair returns to the regular calendar, page 1, and calls up SB 1642, PN 2643.

Does the gentleman, Mr. Michlovic, wish to offer an amendment to this bill?

AMENDMENTS WITHDRAWN

Mr. MICHLOVIC. Mr. Speaker, I will withdraw my amendment to the Senate bill.

The SPEAKER pro tempore. Representative Michlovic's amendment, A4623, has been withdrawn.

Does the gentleman, Mr. Gamble, wish to offer an amendment?

Mr. GAMBLE. Mr. Speaker, I will withdraw my amendment.

The SPEAKER pro tempore. Mr. Gamble's amendment is withdrawn.

The gentleman, Mr. Thomas. Does the gentleman, Mr. Thomas, wish to offer an amendment to SB 1642?

Mr. THOMAS. Mr. Speaker, I withdraw my amendment.

The SPEAKER pro tempore. The gentleman, Mr. Thomas' amendment is withdrawn.

Does the gentleman, Mr. Mihalich, wish to offer an amendment to SB 1642?

The gentleman, Mr. Mihalich, indicates that his amendment is withdrawn.

Does the gentleman, Mr. Murphy, wish to offer an amendment to SB 1642?

The gentleman's amendment will be withdrawn.

Does the gentleman, Mr. John Taylor, wish to offer an amendment to SB 1642?

The gentleman indicates that he wishes to offer an amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. J. J. TAYLOR offered the following amendments No. A4600:

Amend Sec. 5, page 42, lines 9 through 30; pages 43 through 46, lines 1 through 30; page 47, lines 1 through 17, by striking out all of said lines on said pages

Amend Sec. 5, page 47, line 18, by striking out "(2)" and inserting

(1)

Amend Sec. 5, page 47, line 24, by striking out "(3)" and inserting

(2)

Amend Sec. 5, page 47, line 28, by striking out "(4)" and inserting

(3)

Amend Sec. 5, page 48, line 5, by striking out "(5)" and inserting

(4)

Amend Sec. 5, page 48, line 20, by striking out "(6)" and inserting

(5)

Amend Bill, page 215, lines 6 through 30; page 216, lines 1 through 24, by striking out all of said lines on said pages

Amend Sec. 22, page 216, line 25, by striking out "22" and inserting

21

Amend Sec. 23, page 217, line 7, by striking out "23" and inserting

22

Amend Sec. 24, page 217, line 13, by striking out "24" and inserting

23

Amend Sec. 25, page 217, line 19, by striking out "25" and inserting

24

Amend Sec. 25, page 217, line 20, by striking out "22" and inserting

23

Amend Sec. 26, page 217, line 22, by striking out "26" and inserting

25

Amend Sec. 27, page 217, line 30, by striking out "27" and inserting

26

Amend Sec. 28, page 218, line 9, by striking out "28" and inserting

27

On the question,

Will the House agree to the amendments?

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

Mr. J. J. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, while most amendments that were scheduled to be offered to this bill increased this capital budget, this particular amendment would do just the opposite. And I know the hour is late and there could be problems with the Senate, but I would argue that this amendment, this particular funding source, should not have been put into this bill.

Mr. Speaker, my amendment would remove from SB 1642 \$35 million that is scheduled for rail and freight repairs. The practical effect of the money, if it was to be spent, would be to allow double-stack railcars to go through Pennsylvania.

Now, I realize proponents of this double-stack situation would argue—they would actually speculate—that this would create jobs, thousands of jobs in Pennsylvania, but I argue that that is mere speculation and a guess. What the spending of this money would do is eliminate 600 jobs for the people of Pennsylvania.

For those of you who do not realize it, one of these double-stack cars runs approximately 2 miles with two employees covering the entire mile of cars, some 400 cars in one shot. While we all realize that we may have to give in to technology at some point, this particular funding is on a fast track, and I would argue way too fast.

There is a study under way that has only been released to the Governor. We have not been privy to that study. We do not know what it really says, and we should allow ourselves some time to figure out what is the financial impact of this funding and also figure out what impact it is going to have on the people that are going to lose those jobs. We are not only spending \$35 million in taxpayers' money, but we are losing revenue and fuel tax and tolls.

Mr. Speaker, I just think that this particular funding on the double-stack is moving way too fast. We should have an opportunity to look at it. It is no surprise to anyone that this particular amendment is being supported by the Pennsylvania Conference of Teamsters, and I would urge your support.

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

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

I urge a "no" vote on this. Speaking for the business community, speaking for the rail brotherhoods, speaking for the trade unionists who would benefit by all of this, this is an investment in infrastructure that is an investment in the future of Pennsylvania and the profitability of this State.

I urge a "no" vote.

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

Mr. McCALL. Thank you, Mr. Speaker.

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

At a time when jobs and economic development and competition are important topics, the amendment that Mr. Taylor is trying to delete is a tremendous opportunity for the State of Pennsylvania. What he is trying to do is delete the ability of trains to double-stack in the Commonwealth of Pennsylvania. There is a total investment of \$87 million appropriated to take care of the double-stack issue in Pennsylvania. For a State investment of \$39 million coupled with the financial participation of both Conrail, CSX, and Canadian Pacific, we can increase our State's competitive position and immediately boost the job climate.

Under the amendment that he is trying to delete, the amendment has funding in there the State would provide \$36 million or 44 percent and the railroads \$46 million or 56

percent to provide for the reconstruction of overhead clearances, which includes raising overpasses, bridges, and tunnels, or lowering tracks below these overpasses so trains will have a minimum clearance of 20 feet 6 inches.

The economic impact of this legislation is dynamic. Hundreds of high-paying rail jobs can be saved. Thousands of jobs in the construction industry will be created, plus there will be a major increase in cargo through the Port of Philadelphia.

My involvement with this issue came about not with the double-stack issue but with an issue that occurred in north-eastern Pennsylvania with the problem being corporations not being able to ship their products to the port. We had hearings in Philadelphia. We talked with people from Air Products; we talked with people from Bethlehem Steel and Fuller Corporation who told us that they cannot ship through the Port of Philadelphia because they do not have the ability to transport their products through the Port of Philadelphia because of the rail clearance problem.

You know, it is high time that Pennsylvania, when all its surrounding States have the appropriate clearances, it is high time that we get into the 20th century, let alone the 21st century, in recognizing the problem that we have to eliminate through this double-stack issue. And I find it ironic that legislators from Philadelphia can propose amendments on this floor to eliminate double-stacking and to eliminate rail clearance improvements when in fact the direct benefit and the impact, the most significant impact, will be on the Port of Philadelphia and creating jobs in Philadelphia.

Therefore, Mr. Speaker, I would ask that the members of this House vote to oppose the Taylor amendment.

The SPEAKER pro tempore. The Chair notes that the gentleman, Mr. Bowley, has withdrawn his amendment. The Chair thanks the gentleman, Mr. Bowley.

On this amendment, the Chair recognizes the gentleman, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

Mr. Speaker, I think there is a very important point to be made here; as a matter of fact, two points that need to be recognized by this General Assembly. As a member of the Transportation Committee, we had a meeting last week with the Secretary of Transportation, and he informed me and every other member present that there are now 300 million highway projects which are dependent upon this legislation being passed today and signed into law. If we do not do that, Mr. Speaker, those jobs will be lost for this next construction season. I think we ought not to be looking at amending this.

The other point that I would like to make, Mr. Speaker, is that in a sidebar conversation with the majority floor leader from the Senate, who comes from the Democratic side, he informed me and other members of this General Assembly rather succinctly that if we send this legislation over to the Senate even with one amendment, he will open it up to all of his members to amend this bill. And I submit to you, Mr. Speaker, if that does occur, we are going through an action of no return.

Mr. Speaker, we are also looking at job creation with this legislation. The double-stacking bill will create 22,000 jobs in the next decade. Pennsylvania sorely needs those jobs.

Mr. Speaker, I urge each and every member on both sides of the aisle to reject this amendment, reject all amendments, pass this bill, get it to the Senate, and let us get about the business we are, in building highways and getting our transportation system in the best shape possible. Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. PERZEL. Mr. Speaker, I would just like to submit my remarks for the record.

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

Mr. PERZEL submitted the following remarks for the Legislative Journal:

Mr. Speaker, I think there are one or two points that should be made about double-stacking of trains within the Commonwealth of Pennsylvania. Mr. Speaker, these trains are roughly one mile long and require only two engineers to operate them. The one-mile-long train replaces 600 Teamsters on the highway. If this is jobs creation, then I fail to see the logic.

I also do not see the logic of spending \$36 million of taxpayers' money to help a private company that recently gave a dividend on its stock.

Lastly, Mr. Speaker, I think it is imperative to note that there was a study done called the Intermodal Surface Transportation Efficiency Study that has not been released that would tell us exactly what the economic impact of this portion of the bill would be. Without seeing this, I think it is too early to pass this portion of the capital projects bill. I would urge a "yes" vote on this amendment.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, as another voice from Philadelphia, I rise in opposition to the Taylor amendment.

It is clear to me that this issue has been studied for a number of years, that the need for double-stacking in the Commonwealth of Pennsylvania is vitally important as we try to encourage and improve the employment possibilities in this State. This is an issue that will not take away jobs but will in fact lead to job creation. At a time in which we are trying to expand the opportunities in the Philadelphia Port specifically, I am surprised that anyone from that region would rise in opposition of double-stacking and would propose an amendment to remove that from this measure.

As was stated before by Representative Cessar, I, too, do not think that this is a bill that needs to be amended. In addition to the issue of double-stacking, we have a number of highway projects in this bill that we want to make sure are moved to the Senate and signed by the Senate and moved on to the Governor.

I oppose the Taylor amendment and ask the other members of this side of the aisle to do so as well. Thank you very much.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate either Mr. McCall or someone else who can answer questions with regard to the source of funds for the double-stacking project.

The SPEAKER pro tempore. The gentleman, Mr. McCall, indicates that he will submit to interrogation. The gentleman, Mr. Lloyd, is in order.

Mr. LLOYD. Thank you, Mr. Speaker.

The problem is that I do not have a copy of the bill and so I do not understand whether this money is coming out of the Motor License Fund, whether this money is coming out of the General Fund, or whether this money is coming out of the restricted account for bridges, and I would like to have an explanation of that before I vote on this amendment.

Mr. McCALL. It is coming out of the General Fund.

Mr. LLOYD. And, Mr. Speaker, is there any requirement in this bill with regard to how quickly that money be taken from the General Fund?

Mr. McCALL. That would be up to the administration.

Mr. LLOYD. Mr. Speaker, on the amendment.

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

Mr. LLOYD. Mr. Speaker, I am going to vote for this amendment for the following reasons.

I received a call over the weekend from my county truckers' association. They pointed out what they believe to be a subsidy which is being provided essentially to one trucking company which has some kind of a contractual relationship with Conrail, and they have questioned whether this is an appropriate subsidy for State taxpayers to be making. They are also concerned that at the time that they are paying 6 cents a gallon for fuel to replace the bridges of the State, including some bridges which go over railroads, that it is not appropriate to take general tax money, which they also help to pay, in order to subsidize a railroad project.

Mr. Speaker, I do not know enough about this project to know if this situation can be rectified, but in view of the fact that I do not have the legislation and in view of the fact that it is the eleventh hour, I believe that this is a good idea. It is a good idea which we can fast-track next year.

So accordingly, Mr. Speaker, I would ask that we vote for the Taylor amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise somewhat reluctantly in support of the Taylor amendment.

I have listened to a number of members talk about the importance of creating jobs, and as chairperson of the Labor Relations Committee, I certainly agree with that. But before I was chairperson of the Labor Relations Committee, I was the legislator for the 21st Legislative District.

On April 17, 1987, the men and women in the Bloomfield community of the 21st Legislative District in the city of

Pittsburgh faced the unfortunate circumstances of a train derailment. Needless to say, many lives were disrupted. The cost that was being borne by Conrail in addressing the needs of the constituents has been very heavy, and as a result of that, there is a class action suit that is pending now in Federal court as a result of it.

At that time, the reason for the derailment was attributed to excessive speed on a dangerous curve in a highly industrialized urban area, predominantly residential. The result of the high speed was a shifting of the load in the flatbed cars that caused containers to shift, and as a result when they shifted, an oncoming train in the other direction, derailment ensued.

I do not know exactly what double-stacking does, but I am not convinced that when studies that are being done and conducted on whether or not these are advantageous economically are not completed, I shudder to think what the studies show about the safety element.

As I have said before, I have supported the railroad industry in the past and will continue to do so, but I think that there is a real sense among the members that they are ready to overlook the safety, health, and welfare of our constituents. With the inclusion of these oversized railroad cars on our rail system in places like Aspinwall and Etna and Sharpsburg and Millvale and Bloomfield and Lawrenceville in the city of Pittsburgh, I do not think that I could in good conscience ask a legislator to embrace what is being proposed by this legislation. I would instead suggest that we adopt the Taylor amendment; we await further studies and evaluations on the feasibility economically of double-stacking; but most importantly, we look at the safety component and at a later time decide if we are willing to expend or make the commitment of Commonwealth funds.

There is one thing that our constituents cannot do when they live next to a railroad track, and that is to pick up their houses and move. They are faced with bearing the consequences of such incidents that occurred as the one on April 17, 1987, and I think it is part of our responsibility as legislators to see to it that we lessen the possibility of those events occurring in the future for their health, safety, and welfare.

Therefore, I would ask that the members adopt the Taylor amendment and we defer action on double-stacking at this time until a later date when more appropriate and adequate studies can be done on the safety element and how it affects our constituents. Thank you.

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise in support of the minority Republican chairman. At this time, this bill is too important to amend. So I also oppose the amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose the Taylor amendment. I wonder if we all realize what a boon double-stacking would be to the economy of this State and to the Port of Phil-

adelphia. There are other ports south of Philadelphia that have this great advantage. We badly need the double-stacking provision. Please defeat the Taylor amendment resoundingly. Thank you.

The SPEAKER pro tempore. The Chair recognizes Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

As the previous speaker had mentioned, the importance of that double-stacking system can have nothing but good economic values to the Port of Philadelphia and to northeastern Pennsylvania and the rest of this State. As it stands right now, an investigation by the Business and Commerce Committee up in the northeast had provided information to that particular committee on how extremely important the manufacturing jobs up in the northeast and throughout the whole State of Pennsylvania are for the double-stacking system.

It is absolutely imperative that we defeat this amendment, and I would appreciate a "no" vote on the Taylor amendment. Thank you.

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

Mr. DENT. Thank you, Mr. Speaker.

I rise in opposition to the Taylor amendment. I had participated in the Business and Commerce Committee's hearings on this issue. We need double-stacking for industrial Pennsylvania, northeastern Pennsylvania specifically. This will benefit the Lehigh Valley tremendously, and these companies mentioned previously by Mr. McCall will all benefit. All these working people will benefit.

Again, I rise to strongly oppose the Taylor amendment. Thank you.

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

Mr. McCALL. Thank you, Mr. Speaker.

I think some important points have to be noted. The Department of Transportation conducted a study to see how many jobs will be created on the issue of double-stacking. They predict that 3,224 jobs will be created by 1995 as well as 7,670 spinoff jobs if this double-stack provision stays in this bill. In addition to that, there will be three major intermodal terminals located across the Commonwealth: one in Harrisburg, one in Pittsburgh, and one in Scranton.

Now, in that study we all agree that the long-term runs or the long-haul runs will be reduced. However, the short-haul runs will be increased significantly. Logic only dictates that if trains are hauling two containers piggybacked together, then it is going to take two trucks to haul those containers across the northeastern part of this country - to Washington, DC, to New York, to New Jersey, to Boston, to Toronto. All of those areas would be affected by this amendment.

Mr. Speaker, I urge that this amendment be defeated so we can get on with creating jobs here in the Commonwealth of Pennsylvania and bringing our rail infrastructure up to the 21st century like all the other States surrounding us.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the prime sponsor of the amendment, Representative Taylor.

Mr. J. J. TAYLOR. Thank you, Mr. Speaker. Just briefly.

You have heard a lot of facts and figures about jobs being created in the Port of Philadelphia. This body is about creating those jobs for the port and for every other place in Pennsylvania, but I submit to you that this is all speculation. If this is in fact a study, why do we not have it? I and other members of this chamber have not been privy to this study.

There is no reason to hurry this thing along and do it today. I ask your support for this amendment.

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

The following roll call was recorded:

YEAS—22

Angstadt	Harper	McGeehan	Richardson
Boyes	Kaiser	McNally	Serafini
Butkovitz	Kenney	O'Brien	Snyder, G.
Civera	Kosinski	Perzel	Taylor, J.
Colaizzo	Krebs	Pistella	Wogan
Foster	Lloyd		

NAYS—170

Acosta	Donatucci	Langtry	Rudy
Adolph	Durham	Laughlin	Ryan
Allen	Evans	Lawless	Saloom
Anderson	Fairchild	Lee	Saurman
Argall	Fajt	Leh	Scheetz
Armstrong	Fargo	Lescovitz	Schuler
Arnold	Farmer	Levdansky	Scrimenti
Barley	Fee	Linton	Semmel
Battisto	Fleagle	Lucyk	Smith, B.
Belardi	Flick	McCall	Smith, S. H.
Belfanti	Freeman	McHale	Snyder, D. W.
Birmelin	Gallen	Maiale	Staback
Bishop	Gamble	Markosek	Stairs
Black	Gannon	Marsico	Steelman
Blaum	Geist	Mayernik	Steighner
Bowley	George	Melio	Stetler
Broujos	Gerlach	Merry	Stish
Brown	Gigliotti	Michlovic	Strittmatter
Bunt	Gladeck	Micozzie	Sturla
Bush	Godshall	Mihalich	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappabianca	Gruppo	Murphy	Taylor, E. Z.
Carlson	Hagarty	Nahill	Telek
Carn	Haluska	Nailor	Thomas
Carone	Hanna	Nickol	Tigue
Cawley	Harley	Noye	Tomlinson
Cessar	Hasay	Nyce	Trello
Chadwick	Hayden	Olasz	Trich
Clark	Hayes	Oliver	Tulli
Clymer	Heckler	Pesci	Uliana
Cohen	Herman	Petrarca	Van Horne
Colafella	Hershey	Petrone	Vance
Cole	Hess	Phillips	Veon
Cornell	Hughes	Piccola	Vroon
Cowell	Itkin	Pitts	Wambach
Coy	Jadlowiec	Preston	Williams
DeLuca	James	Raymond	Wilson
DeWeese	Jarolin	Reber	Wozniak
Daley	Johnson	Reinard	Wright, D. R.
Davies	Josephs	Rieger	Wright, M. N.
Dempsey	Kasunic	Ritter	
Dent	Kukovich	Robinson	O'Donnell,
Dermody	LaGrotta	Roebuck	Speaker

NOT VOTING—5

Freind	Kruszewski	McHugh	Mrkonic
King			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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?
Bill was agreed to.

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—193

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, M. N.
Dempsey	Kosinski	Reinard	
Dent	Krebs	Richardson	O'Donnell,
Dermody	Kukovich	Rieger	Speaker
Donatucci	LaGrotta	Ritter	

NAYS—1

Wright, D. R.

NOT VOTING—3

Freind Kruszewski Mrkonic
EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

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

VOTE CORRECTIONS

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

Mr. TIGUE. Yes, Mr. Speaker.

Mr. Speaker, my vote was recorded in the affirmative for concurrence on HB 2337. I would like to spread upon the record that I should have been in the negative.

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

Does the gentleman, Mr. Gamble, seek recognition?

Mr. GAMBLE. Mr. Speaker, I was not recorded on SB 1190, and I would like to be recorded in the affirmative. Also, on amendment 4121 to SB 88, I would like to be recorded in the negative.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. King.

Mr. KING. Mr. Speaker, I would like to be recorded in the negative on amendment A4600 to SB 1642.

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

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Mr. Speaker, yesterday when we voted on amendment 4570 to SB 273, I was not in my seat. I wish to be recorded in the affirmative.

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

The Chair recognizes the lady, Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

Yesterday on SB 978 on amendments 4045 and 4411, my vote was not recorded. I would have voted in the affirmative.

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

The Chair recognizes Mrs. Laughlin.

Mrs. LAUGHLIN. Mr. Speaker, on SB 1444 that we voted on yesterday, I would like to be recorded "affirmative" on amendment 4479.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 157, PN 4251**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for compensation of commissioners; providing for landlord ratepayers and tenants, for notice prior to termination of service, for penalties and for remedies; imposing duties upon owners of rental property; providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; prescribing remedies and penalties; and reestablishing the Pennsylvania Public Utility Commission.

On the question,

Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. McHale, who offers a motion to suspend the rules.

Mrs. McHALE. Mr. Speaker, I move to suspend the rules to permit consideration of an amendment to HB 157.

The SPEAKER pro tempore. Moved by the lady, Mrs. McHale, to suspend the rules for purposes of amending HB 157, PN 4251.

On the question,

Will the House agree to the motion?

Mr. D. R. WRIGHT. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes that this is not a debatable motion. The gentleman, Mr. Wright, stands for what purpose?

Mr. D. R. WRIGHT. To speak against the motion to suspend the rules, designated by the majority whip to do so.

The SPEAKER pro tempore. Under the rules, the Chair is informed that it first requires the recognition of the gentleman, Mr. Itkin, who may then recognize the gentleman, Mr. Wright.

It is the Chair's understanding that the gentleman, Mr. Itkin, wishes to have the gentleman, Mr. Wright, debate this motion. Is that correct, Mr. Itkin?

Mr. ITKIN. Mr. Speaker, I yield to the gentleman from Clarion, Mr. Wright.

The SPEAKER pro tempore. The Chair recognizes the gentleman's motion as designating Representative Wright to debate this motion. Representative Wright is in order and may proceed.

Mr. D. R. WRIGHT. Mr. Speaker, I know that it is customary that we extend the courtesy of suspension of the rules, but this is the last day of session. There are some amendments, some frivolous, some that we simply have considered in committee, that attempt to bypass the committee process. We have an important bill before us, and I would urge that we

go directly to the bill and that we not suspend the rules for the purposes of offering amendments.

The SPEAKER pro tempore. On the motion to suspend the rules, the Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, it is a rare occasion when I would agree with the gentleman who just spoke, but I agree with him wholeheartedly. I think it is too late to suspend the rules and start amending these bills at a quarter after 3 on Thanksgiving eve when we have a hard-and-fast rule by the Senate that they will not accept a bill unless it has been reprinted. I do not know how many people realize the time consumed by reprinting these bills, and if you intend to get out of here today—unless somebody wants to come back tomorrow, I am game; then I will get shot and I will be buried here—I think we have to stop.

Let us get our business done. We have had 2 years to do this, and if we cannot get out of here now, we should be ashamed of ourselves. Let us vote this down.

Mr. ITKIN. Mr. Speaker, I agree.

The SPEAKER pro tempore. The Chair thanks the gentleman, Mr. Itkin.

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

The following roll call was recorded:

YEAS—40

Arnold	Daley	Kukovich	Reinard
Belardi	Dent	Langtry	Ritter
Blaum	Fairchild	McGeehan	Rudy
Broujos	Fajt	McHale	Snyder, D. W.
Butkovitz	Farmer	McNally	Staback
Carn	Fleagle	Murphy	Steelman
Carone	Freeman	Nyce	Stetler
Cawley	Jarolin	Olasz	Stish
Cowell	Kaiser	Oliver	Sturla
DeLuca	Krebs	Pistella	Tigue

NAYS—154

Acosta	Fargo	Lawless	Ryan
Adolph	Fee	Lee	Saloom
Allen	Flick	Leh	Saurman
Anderson	Foster	Lescovitz	Scheetz
Angstadt	Gallen	Levdansky	Schuler
Argall	Gamble	Linton	Scrimenti
Armstrong	Gannon	Lloyd	Semmel
Barley	Geist	Lucyk	Serafini
Battisto	George	McCall	Smith, B.
Belfanti	Gerlach	McHugh	Smith, S. H.
Birmelin	Gigliotti	Maiale	Snyder, G.
Bishop	Gladeck	Markosek	Stairs
Black	Godshall	Marsico	Steighner
Bowley	Gruitza	Mayernik	Strittmatter
Boyes	Gruppo	Melio	Surra
Brown	Hagarty	Merry	Tangretti
Bunt	Haluska	Michlovic	Taylor, E. Z.
Bush	Hanna	Micozzie	Taylor, J.
Caltagirone	Harley	Mihalich	Telek
Cappabianca	Harper	Mundy	Thomas
Carlson	Hasay	Nahill	Tomlinson
Cessar	Hayden	Nailor	Trello
Chadwick	Hayes	Nickol	Trich
Civera	Heckler	Noye	Tulli
Clark	Herman	O'Brien	Uliana
Clymer	Hershey	Perzel	Van Horne
Cohen	Hess	Pesci	Vance
Colafrella	Hughes	Petrarca	Veon
Colaizzo	Itkin	Petrone	Vroon

Cole	Jadlowiec	Phillips	Wambach
Cornell	James	Piccola	Williams
Coy	Johnson	Pitts	Wilson
DeWeese	Josephs	Preston	Wogan
Davies	Kasunic	Raymond	Wozniak
Dempsey	Kenney	Reber	Wright, D. R.
Dermody	King	Richardson	Wright, M. N.
Donatucci	Kosinski	Rieger	
Durham	LaGrotta	Robinson	O'Donnell,
Evans	Laughlin	Roebuck	Speaker

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this concurrence of HB 157. Although I know there are a lot of good things in here and I know that the PUC (Public Utility Commission) is going to sunset, it is outrageous at the last minute that the Senate would put in a 42.8-percent salary increase for the PUC members. You know, when we have State workers who only had an increase for the 6 years of 17 percent, we have teachers fighting all over the Commonwealth for 5- to 6-percent increases, we in State government are giving 42.8-percent increases to our PUC commissioners. I find that very ironic.

I ask the members of this House to nonconcur on this and send it back to the Senate. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, HB 157 comes to us from the Senate with changes.

An important thing that this bill does is it reinstates the Public Utility Commission. There is some controversy about the sunset provisions, but this bill clarifies any controversy that would exist, and that is, it reinstates the commission.

Another thing that this bill does is it includes in this legislation the Whistleblower Law which we passed almost unanimously, if not unanimously, and sent to the Senate. It also includes Representative Steighner's bill that would provide a notice requirement and procedures for utilities and tenants in the situation of residential multiunit dwellings, which has been an important item.

The other thing that this bill does is it does provide a raise for the Public Utility Commission. The commission has not had a pay raise since 1985. It has not had a raise since 1985. In addition to that, there are 42 PUC employees who make more than the commissioners. There are now three commissioners; there ought to be five. There needs to be a way to entice good, competent people to the Public Utility Commission. It seems to me that this is an opportune time.

It is very easy for us, I think, to look askance at this, but let me tell you this about this provision, and that is that the taxpayers of Pennsylvania will not be saddled with this pay increase. It is something like one-thirtieth of 1 percent of the gross receipts of utilities that go to pay for the operation of the Public Utility Commission. The budget is already in place. There will not be an increase in the rates to utilities. The funds are there.

It seems to me that it is time for the utility commissioners to receive this raise, and therefore, I would ask for concurrence in Senate amendments.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Wright, please.

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, if this bill would not pass, what would be the status vis-a-vis the sunset provisions of the PUC? When would they sunset and/or could they not be sunsetted for a while? Would there be time to take this matter up next session and clean this bill up?

Mr. D. R. WRIGHT. Mr. Speaker, there are those who are unclear on that issue. It is not an uncontroversial issue. The House has a ruling that says that we do not need the abolition of the sunset provision. There are those in the Senate, Senator Bell, for example, who believe that if we do not do something along this line, that the Public Utility Commission could be liable to lawsuits based upon decisions made when they do not exist. So this would clarify any question with regard to the existence of the Public Utility Commission.

Mr. MARKOSEK. Is there any kind of timeframe whereby after sunset the commission remains in business for a specified amount of time? I can recall in past sessions, I believe it was the LCB (Liquor Control Board), we let that sunset but it really did not sunset for another 6 months or something like that.

Mr. D. R. WRIGHT. I was having difficulty understanding the question. As I understand the question, that is that since the Sunset Act itself has sunsetted, there is no specific timeframe in which the PUC would go out of existence.

Mr. MARKOSEK. So what is the answer to the question then? Would the PUC then remain in existence for a bit more time even after the formal sunset, and I guess the other question is, when is the formal sunset? What is the date?

Mr. D. R. WRIGHT. The sunset law no longer exists. What I have tried to indicate to you, Mr. Speaker, is that this is a matter of some controversy and there is no clear-cut answer to your question, and that is the reason that the provisions of this bill are necessary.

Mr. MARKOSEK. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

May I interrogate the maker of this bill?

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. THOMAS. I am concerned about section 1524 relating to landlord-tenants, landlords as ratepayers. Could you provide me with some clarification on that section? And the clarification I am looking for is, within the context of this bill, what is the responsibility or what will be the responsibility of the landlord and the responsibility of the tenant within the confines of this bill?

Mr. D. R. WRIGHT. The landlord has the responsibility of providing the names of the tenants to the Public Utility Commission and alerting them of the impending termination.

Mr. THOMAS. I cannot hear you. Would you speak up a little bit.

Mr. D. R. WRIGHT. The landlord has the responsibility, Mr. Speaker, of notifying the Public Utility Commission of the names of the tenants and of providing a timely notice to the tenants of an impending termination.

Mr. THOMAS. Okay. Now, is this termination subject to the landlord's failure to pay his or her utility bills?

Mr. D. R. WRIGHT. That is exactly the case, Mr. Speaker. That is the reason for the bill, because the landlord has failed to pay the bill and the tenants then have suffered as a result of that. That is one of the reasons why we have this provision in this bill.

Mr. THOMAS. Okay. So in effect, this bill would provide tenants with some relief when landlords fail to pay utility bills?

Mr. D. R. WRIGHT. Exactly right.

Mr. THOMAS. And what would be the nature of that relief?

Mr. D. R. WRIGHT. In the first place, they would have to be notified that there would be a termination, and then the Public Utility Commission would go to the landlord for the payment of the utility fee, utility bill.

What I have just said is correct. In addition to that, the tenant would be able to subtract from the rental payment the amount of money that was paid for the utility bill.

Mr. THOMAS. Okay. Would you direct me—and this would be my last question—would you direct me to that section of the bill that would provide for that. I have not been able to identify that section of the bill.

Mr. Speaker, while he is attempting to identify that specific language in the bill, my concern with concurrence on this bill is that if it were possible to bifurcate the issues contained in this bill, separate out these various issues, then I think that we could get a better reading on my colleague's response to the issues contained in this bill. The issues are very critical issues, and we are placed in a situation where if you agree with one, you might not agree with a separate issue, and if you vote against the bill, then you vote against all of the issues contained in the bill regardless of whether those issues are critical or whether those issues are not critical.

I, for one, strongly support a reasonable increase for members of the commission. I think that for the most part they provide a very good job on behalf of the citizens of this State and I think that they are entitled to an increase, maybe not at the level that is being prescribed in this bill but definitely a reasonable increase is deserved. However, there are other issues contained in the bill which are somewhat problematic, and I wish that it was possible for us to give more attention to each of these issues rather than to move at this particular time to vote on concurrence.

Mr. Speaker, did you—

Mr. D. R. WRIGHT. If you have a copy of the bill and turn to page 21, the provisions on that page speak to the issue.

Let me just respond to another thing that you have said with regard to the complexity of the bill, and I recognize that, but the particular provision which you are asking me about now passed the Consumer Affairs Committee unanimously; it was voted out of the Rules Committee here unanimously; it was adopted by this House unanimously and sent to the Senate. So it is not as if this is the first time that we had ever seen this bill. The language in HB 157 as you have it now is the identical language that you voted on previously when we sent the bill to the Senate.

Mr. THOMAS. So are you saying, Mr. Speaker, that this bill has not been subject to any amendments from the Senate?

Mr. D. R. WRIGHT. I am saying that the provision that you are asking me about is identical to the bill which we sent the Senate.

Mr. THOMAS. Well, the provision I asked you about is one of the issues that I am extremely concerned with, and I see the language on page 21 that you are making reference to. My overall concern has to do with the complexity of the issues contained in this bill. It is hard to give concurrence and accept all of the issues contained in here. While some issues are good, others are not. On the other hand, it is difficult to vote for nonconcurrence when you know that there are provisions contained in the bill that should go forward.

Mr. Speaker, in closing, I ask that we nonconcur on this bill until such time that we have had a chance to work out some of these critical issues that are contained in the bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Richardson.

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

Mr. Speaker, I rise to raise some concerns about the issues that were being raised by the previous speaker, but I want to try to clarify them as it relates directly to tenants and notice prior to termination of utility service.

On that question, Mr. Speaker, I would like to know if I may interrogate Representative Wright for a few brief seconds.

The SPEAKER pro tempore. The gentleman, Mr. Wright, indicates he will stand for brief interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, are you aware of the fact that this is not the same bill that did leave this House and went over to the Senate, before the Senate amended it?

Mr. D. R. WRIGHT. Yes.

Mr. RICHARDSON. Well, your previous answer to the Representative prior to speaking indicated this was the same, identical bill that left this House, that went to the Senate and came back.

Mr. D. R. WRIGHT. The bill contains many of the provisions which we have adopted, but I understand that the specific language has not been adopted by this House with regard to the landlord-tenant arrangement. I misspoke on that, Mr. Speaker.

Mr. RICHARDSON. Okay. I just want to make sure that we are just clear.

The only concern that I want to raise is that in HB 157 it does affect Philadelphia, and in Philadelphia, PECO (Philadelphia Electric Company) is a regulated utility. Is that correct?

Mr. D. R. WRIGHT. I am sorry, Mr. Speaker. I did not understand the question.

Mr. RICHARDSON. In HB 157, this bill does affect Philadelphia, and I am just raising a question for clarification that in Philadelphia, PECO is a regulated utility. Is that correct?

Mr. D. R. WRIGHT. PECO is a regulated utility.

Mr. RICHARDSON. Number two, in HB 157 it reduces the time a tenant has to take action to 7 days from the time they received notice to the time it was mailed, and it is assumed that they received the notice. Now, that concern is raised by the fact that when we were called by the Tenant Action Group of Philadelphia, there is a separate regulation that deals with No. 68 or 66, and I think for some of the members it would be good, Mr. Speaker, if you could just explain that so that there will not be a misunderstanding about what is presently in front of us and what is not.

There are two different regulations or provisions; one is named 68 and the other is 66. What has happened, Mr. Speaker, is that one has one regulation for one area of the State and another has another for another area of the State, and I do not think that there is uniformity in that which has been passed and therefore has caused some of this concern that you hear today, and if that could be clarified by you, it may help us resolve the situation.

Mr. D. R. WRIGHT. Mr. Speaker, regulated utilities are covered under Title 66; unregulated utilities, under Title 68. So both of those, regulated and nonregulated, are covered under similar provisions as these.

Mr. RICHARDSON. But they are different. I need you to expound on it. You are dropping just a little bit, but they are different because they do regulate different areas of utilities, so therefore—

Mr. D. R. WRIGHT. You are right.

Mr. RICHARDSON. But if you explain that to the members, I am saying it would help them understand what they are dealing with, because right now they would not know the difference between Title 66 or Title 68. So if Title 68 does one thing, could you tell us what that does and what Title 66 does, because maybe we need to come back next year and make sure that we are uniform in what is being said because

you have two different types of titles that are handling the regulation on this proposed legislation.

Mr. D. R. WRIGHT. Mr. Speaker, the provisions of Titles 66 and 68 are very similar. There may be some differences in the days, but that is essentially the major difference, and as I understand it, those day requirements are minimal.

Mr. RICHARDSON. Okay. But I think that for the Tenant Action Groups and other interest areas, particularly senior citizens, what have you, for those who do not know that, if notice and prior notice is not shared in the proper manner, there are certain provisions that have X number of days for one group under the title and another for the other.

Mr. D. R. WRIGHT. That is true; what you say is correct.

Mr. RICHARDSON. Okay. I do not want to belabor the point. I hoped to get some clarity because—

Mr. D. R. WRIGHT. Well, I have given as much clarity as I can to say that the regulations are similar. There is a difference, only a slight difference, in the number of days, and I am sorry that I cannot provide you the number of days, but it is a very minimal difference.

Mr. RICHARDSON. Okay.

HB 157 creates differences in the procedures of the PUC regulated utilities and nonregulated utilities, which the legislature has intentionally avoided since enactment in 1978. This results in different time periods and types of notice as well as different sanctions for failure to comply. What I was trying to get you to speak to was the difference between what happens even in the small change that you shared with the members but also some of the confusion to tenants which may have utilities terminated as a result of this confusion.

Mr. D. R. WRIGHT. Mr. Speaker, just let me say this about that.

I understand your concern. I know that you have discussed this with Lois Burns of my staff. We are perfectly willing and anxious to work with you to get greater clarification, and perhaps we can have an additional piece of legislation in the new session that would make even more clear the provisions that you are concerned about.

Mr. RICHARDSON. The notice form in HB 157 at this point does not tell the tenant he or she has the right to stop termination of their utilities if there is a health-related emergency in the household, as is currently required by case law under these circumstances.

Could you clarify that for us under this provision in the bill?

Mr. D. R. WRIGHT. Mr. Speaker, are you ready for a reply?

Mr. RICHARDSON. Yes.

Mr. D. R. WRIGHT. The notice form in HB 157 does not tell the tenant that he or she has the right to stop termination of their utilities if there is a health-related emergency in the household and is currently required by case law under these circumstances. The reality of it is that there are present regulations that would prohibit a utility from terminating service if there is a health emergency or if there is a serious health problem in the home.

Mr. RICHARDSON. Just a final question I have—thank you very much, Mr. Speaker—is that with respect to Titles 66 and 68, since they were not done simultaneously and because there are some provisions that have changed, my concern on the record today is to make sure that tenants will see a uniform action between those areas that deal specifically with those regulations as they deal with termination as it was before. The changing of this has now created this confusion, which I believe needs substantial work, and I am willing to work directly with you and the staff and the PUC and anyone else to get this matter resolved, because I do not want to go back home— And I already had a chance to speak to Representative Kathy Durham. We have indicated that we would get together so there would be some action taken. But I do not want to see individual tenants hurt by this action without us making sure that we are resolving this particular concern that I have raised here today.

Mr. D. R. WRIGHT. Mr. Speaker, I appreciate your concern, and I would be glad to work with you to resolve your concern.

The SPEAKER pro tempore. Does the lady, Mrs. Durham, seek recognition?

Mrs. DURHAM. Yes.

The SPEAKER pro tempore. The lady is recognized in order and may proceed.

Mrs. DURHAM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of HB 157.

In HB 157 is a very important provision to protect tenants. There is a situation that exists in this Commonwealth where landlords take large, old homes and convert them into apartments, but they do not want the expense of having a separate meter, and what they have been known to do is to get one tenant in the apartment building to collect the rents and to pay the utility bill. The problem comes in when that tenant does not pay the utility bill, because what eventually happens is the tenants who have paid their rent and who are expecting to have heat and electricity do not, and their legal recourse, under current law today, is nothing. There is not a thing that they can do. It is a very bad situation.

As a matter of fact, 3 weeks ago, on a Sunday afternoon, when the temperature was in the thirties, I got a phone call to my home where this exact thing had happened. A senior citizen who had paid her rent had no heat in her apartment because she was paying her rent to the tenant downstairs and he did not bother to pay the utility bill. There was absolutely nothing that I could do to help this woman to get that electricity turned back on for her.

Under HB 157, that problem would be rectified. There would be options for the tenant where they could get electricity and not have this problem.

This is a very severe problem. These people are usually not very well educated and have very little money. These are exactly the types of people that we should be helping.

I am in favor of HB 157 and urge you all to vote for it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I ask the House for concurrence in HB 157.

The discussion between the gentleman, Mr. Richardson, and the gentleman, Mr. Wright, I think, was very close to being right on track. For the first time ever, this language that they were discussing is identical to HB 2795, which for the first time takes a major step forward in offering some protection to the consumers of this Commonwealth who live in multifamily dwelling units, where they no longer are forced to collectively come together, pick one of their own to have their name on the bill, and that person be responsible for half a dozen people or more. The responsibility with this legislation will lie where it belongs, and that is with the landlord of that building.

I think it is a major step forward on behalf of the ratepayers of this Commonwealth, and I would ask for the concurrence of the House in this bill. Thank you.

The SPEAKER pro tempore. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—54

Battisto	Gladeck	McCall	Snyder, D. W.
Caltagirone	Gruitza	McGeehan	Steighner
Carn	Hayes	McHugh	Taylor, J.
Clymer	Heckler	McNally	Tigue
Cohen	Hess	Melio	Tomlinson
Colaizzo	Itkin	Nyce	Tulli
Cole	Johnson	O'Brien	Veon
DeWeese	Kenney	Perzel	Vroon
Daley	LaGrotta	Piccola	Wambach
Durham	Laughlin	Preston	Williams
Evans	Lee	Richardson	Wilson
Fee	Lescovitz	Ryan	Wogan
Foster	Levdansky	Smith, B.	Wright, D. R.
Geist	Lucyk		

NAYS—138

Acosta	Davies	Kasunic	Ritter
Adolph	Dempsey	King	Robinson
Allen	Dent	Kosinski	Roebuck
Anderson	Dermody	Krebs	Rudy
Angstadt	Donatucci	Langtry	Saloom
Argall	Fairchild	Lawless	Saurman
Armstrong	Fajt	Leh	Scheetz
Arnold	Fargo	Linton	Schuler
Barley	Farmer	Lloyd	Scrimenti
Belardi	Fleagle	McHale	Semmel
Belfanti	Flick	Maiale	Serafini
Birmelin	Freeman	Markosek	Smith, S. H.
Bishop	Gallen	Marsico	Snyder, G.
Black	Gamble	Mayernik	Staback
Blaum	Gannon	Merry	Stairs
Bowley	George	Michlovic	Steelman
Boyes	Gerlach	Micozzie	Steighner
Broujos	Gigliotti	Mihalich	Stetler
Brown	Godshall	Mundy	Stish
Bunt	Gruppo	Murphy	Strittmatter
Bush	Hagarty	Nailor	Sturla
Butkovitz	Haluska	Nickol	Surra
Cappabianca	Hanna	Noye	Tangretti
			Taylor, E. Z.

Carlson	Harley	Olasz	Telek
Carone	Harper	Oliver	Thomas
Cawley	Hasay	Pesci	Trello
Cessar	Hayden	Petrarca	Trich
Chadwick	Herman	Petrone	Uliana
Civera	Hershey	Phillips	Van Horne
Clark	Hughes	Pistella	Vance
Colafrella	Jadlowiec	Pitts	Wozniak
Cornell	James	Raymond	Wright, M. N.
Cowell	Jarolin	Reber	
Coy	Josephs	Reinard	O'Donnell,
DeLuca	Kaiser	Rieger	Speaker

NOT VOTING—5

Freind	Kukovich	Mrkonic	Nahill
Kruszewski			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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 amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

SB 1642 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a reconsideration motion filed by the gentlemen, Mr. Hayden and Mr. Coy, who move that the vote by which SB 1642, PN 2643, on the regular calendar, page 1, was passed on the 25th day of November be reconsidered.

The Chair apologizes to the members. The reconsideration votes are not to reinstitute the debate on this but simply to more accurately record members' positions on the votes.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Acosta	Evans	Laughlin	Rudy
Adolph	Fairchild	Lawless	Ryan
Allen	Fajt	Lee	Saloom
Anderson	Fargo	Leh	Saurman
Angstadt	Farmer	Lescovitz	Scheetz
Argall	Fee	Levdansky	Schuler
Armstrong	Fleagle	Linton	Scrimenti
Arnold	Foster	Lloyd	Semmel
Barley	Freeman	Lucyk	Serafini
Battisto	Gallen	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McHugh	Snyder, D. W.
Birmelin	Geist	McNally	Snyder, G.
Bishop	George	Markosek	Staback
Black	Gerlach	Marsico	Stairs
Blaum	Gigliotti	Mayernik	Steelman
Bowley	Gladeck	Melio	Steighner
Boyes	Godshall	Merry	Stetler
Broujos	Gruitza	Michlovic	Stish
Brown	Gruppo	Micozzie	Strittmatter
Bunt	Hagarty	Mihalich	Sturla
Bush	Hanna	Mundy	Surra
Butkovitz	Harley	Murphy	Tangretti
Caltagirone	Harper	Nailor	Taylor, E. Z.
Cappabianca	Hasay	Nickol	Taylor, J.
Carlson	Hayden	Noye	Telek
Carn	Hayes	Nyce	Thomas

Carone	Heckler	O'Brien	Tigue
Cawley	Herman	Olasz	Tomlinson
Cessar	Hershey	Oliver	Trello
Chadwick	Hess	Perzel	Trich
Civera	Hughes	Pesci	Tulli
Clark	Itkin	Petrarca	Uliana
Clymer	Jadlowiec	Petrone	Van Horne
Cohen	James	Phillips	Vance
Colaifella	Jarolin	Piccola	Veon
Colaizzo	Johnson	Pistella	Vroon
Cole	Josephs	Pitts	Wambach
Cornell	Kaiser	Preston	Williams
Cowell	Kasunic	Raymond	Wilson
Coy	Kenney	Reber	Wogan
DeLuca	King	Reinard	Wozniak
Daley	Kosinski	Richardson	Wright, D. R.
Davies	Krebs	Rieger	Wright, M. N.
Dempsey	Kukovich	Ritter	
Dent	LaGrotta	Robinson	O'Donnell,
Dermody	Langtry	Roebuck	Speaker

NAYS—2

DeWeese Haluska

NOT VOTING—8

Durham	Freind	McHale	Mrkonic
Flick	Kruszewski	Maiale	Nahill

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that this bill has been agreed to for the third time.

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

AMENDMENT A4600 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a motion to reconsider the vote by which amendment A4600 to SB 1642, PN 2643, was defeated on the 25th day of November. The motion is filed by the gentlemen, Mr. Hayden and Mr. Coy.

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

The following roll call was recorded:

YEAS—177

Acosta	Dermody	Lee	Rudy
Adolph	Donatucci	Leh	Ryan
Allen	Durham	Lescovitz	Saloom
Anderson	Evans	Levdansky	Scheetz
Angstadt	Fajt	Linton	Schuler
Argall	Fargo	Lloyd	Scrimenti
Armstrong	Farmer	Lucyk	Semmel
Arnold	Fee	McCall	Serafini
Barley	Fleagle	McGeehan	Smith, B.
Battisto	Flick	McHale	Smith, S. H.
Belardi	Foster	McHugh	Snyder, D. W.

Belfanti	Freeman	McNally	Staback
Birmelin	Gallen	Maiale	Stairs
Bishop	Gamble	Markosek	Steelman
Black	Gannon	Marsico	Steighner
Blaum	George	Mayernik	Stetler
Bowley	Gerlach	Melio	Stish
Boyes	Gigliotti	Michlovic	Strittmatter
Broujos	Gruitza	Micozzie	Sturla
Brown	Gruppo	Mihalich	Surra
Bunt	Hagarty	Mundy	Tangretti
Bush	Haluska	Murphy	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Caltagirone	Harper	Nicol	Telek
Cappabianca	Hayden	Nyce	Thomas
Carlson	Hayes	O'Brien	Tigue
Carn	Heckler	Olasz	Tomlinson
Carone	Herman	Oliver	Trello
Cawley	Hess	Perzel	Trich
Cessar	Hughes	Pesci	Tulli
Chadwick	Itkin	Petrarca	Uliana
Civera	Jadlowiec	Petrone	Van Horne
Clymer	James	Phillips	Veon
Cohen	Jarolin	Piccola	Vroon
Colaifella	Johnson	Pistella	Wambach
Colaizzo	Josephs	Pitts	Williams
Cole	Kaiser	Preston	Wilson
Cornell	Kasunic	Raymond	Wogan
Cowell	Kenney	Reber	Wozniak
Coy	King	Reinard	Wright, D. R.
DeLuca	Kosinski	Richardson	Wright, M. N.
DeWeese	Krebs	Rieger	
Daley	Kukovich	Ritter	O'Donnell,
Davies	LaGrotta	Robinson	Speaker
Dempsey	Laughlin	Roebuck	

NAYS—13

Clark	Gladeck	Hasay	Noye
Dent	Godshall	Langtry	Saurman
Fairchild	Harley	Lawless	Vance
Geist			

NOT VOTING—7

Freind	Kruszewski	Mrkonic	Snyder, G.
Hershey	Merry	Nahill	

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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. A4600:

Amend Sec. 5, page 42, lines 9 through 30; pages 43 through 46, lines 1 through 30; page 47, lines 1 through 17, by striking out all of said lines on said pages

Amend Sec. 5, page 47, line 18, by striking out "(2)" and inserting

(1)
Amend Sec. 5, page 47, line 24, by striking out "(3)" and inserting

(2)
Amend Sec. 5, page 47, line 28, by striking out "(4)" and inserting

(3)
Amend Sec. 5, page 48, line 5, by striking out "(5)" and inserting

(4)
Amend Sec. 5, page 48, line 20, by striking out "(6)" and inserting

(5)

Amend Bill, page 215, lines 6 through 30; page 216, lines 1 through 24, by striking out all of said lines on said pages

Amend Sec. 22, page 216, line 25, by striking out "22" and inserting

21

Amend Sec. 23, page 217, line 7, by striking out "23" and inserting

22

Amend Sec. 24, page 217, line 13, by striking out "24" and inserting

23

Amend Sec. 25, page 217, line 19, by striking out "25" and inserting

24

Amend Sec. 25, page 217, line 20, by striking out "22" and inserting

23

Amend Sec. 26, page 217, line 22, by striking out "26" and inserting

25

Amend Sec. 27, page 217, line 30, by striking out "27" and inserting

26

Amend Sec. 28, page 218, line 9, by striking out "28" and inserting

27

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. The House has immediately before it amendment A4600, introduced by the gentleman, Mr. Taylor.

For edification of the members, this was the amendment which, if adopted, would strike from the capital budget bill the funding for the rail double-stacking.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—26

Angstadt	Kaiser	McNally	Taylor, J.
Belfanti	Kennedy	O'Brien	Thomas
Boyes	Kosinski	Perzel	Trich
Butkovitz	Krebs	Pistella	Wogan
Civera	Levdansky	Raymond	
Colaizzo	Lloyd	Richardson	O'Donnell,
Foster	McGeehan	Snyder, G.	Speaker

NAYS—166

Acosta	Donatucci	Kukovich	Robinson
Adolph	Durham	LaGrotta	Roebuck
Allen	Evans	Langtry	Rudy
Anderson	Fairchild	Laughlin	Ryan
Argall	Fajt	Lawless	Saloom
Armstrong	Fargo	Lee	Saurman
Arnold	Farmer	Leh	Scheetz
Barley	Fee	Lescovitz	Schuler
Battisto	Fleagle	Linton	Scrimenti
Belardi	Flick	Lucy	Semmel
Birmelin	Freeman	McCall	Serafini
Bishop	Gallen	McHale	Smith, B.
Black	Gamble	Maiale	Smith, S. H.
Blaum	Gannon	Markosek	Snyder, D. W.
Bowley	Geist	Marsico	Staback
Broujos	George	Mayernik	Stairs
Brown	Gerlach	Melio	Steelman
Bunt	Gigliotti	Merry	Steighner
Bush	Gladeck	Michlovic	Stetler

Caltagirone	Godshall	Micozzie	Stish
Cappabianca	Gruitza	Mihalich	Strittmatter
Carlson	Gruppo	Mundy	Sturla
Carn	Hagarty	Murphy	Surra
Carone	Haluska	Nahill	Tangretti
Cawley	Hanna	Nailor	Taylor, E. Z.
Cessar	Harley	Nickol	Telek
Chadwick	Harper	Noye	Tigue
Clark	Hasay	Nyce	Tomlinson
Clymer	Hayden	Olasz	Trello
Cohen	Hayes	Oliver	Tulli
Colafella	Heckler	Pesci	Uliana
Cole	Herman	Petrarca	Van Horne
Cornell	Hershey	Petrone	Vance
Cowell	Hess	Phillips	Veon
Coy	Hughes	Piccola	Vroon
DeLuca	Jadlowiec	Pitts	Wambach
DeWeese	James	Preston	Williams
Daley	Jarolin	Reber	Wilson
Davies	Johnson	Reinard	Wozniak
Dempsey	Josephs	Rieger	Wright, D. R.
Dent	Kasunic	Ritter	Wright, M. N.
Dermody	King		

NOT VOTING—5

Freind	Kruszewski	McHugh	Mrkonic
Itkin			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

PARLIAMENTARY INQUIRY

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

Mr. STRITTMATTER. Yes, sir.

Has there been a change in the time that the Senate is going to be going sine die today?

The SPEAKER pro tempore. The Chair was not under any impression there was a specific time schedule for scheduling the calendar for sine die.

Mr. STRITTMATTER. It was my understanding that I had heard, in discussion of this bill, 5 o'clock used; the Senate would not be here after 5. I want to know if that has changed. I have heard a rumor that we are going to be here late tonight. Is that a rumor that you know of?

The SPEAKER pro tempore. The Chair has been informed that it is not an accurate representation that the Senate has firmly decided to leave at 5 o'clock. Beyond that, the Chair has no further opinion.

Mr. STRITTMATTER. Then would an amendment be in order since we will have time to reprint the bill?

The SPEAKER pro tempore. I am sorry. Could the gentleman repeat his observation or question, whichever it may be.

Mr. STRITTMATTER. Would the amendments be in order since the Senate will be here later than what we thought before?

The SPEAKER pro tempore. The Chair reminds the gentleman that it was the desire of both the minority and majority leaders to send this bill to the Senate without amendment.

Mr. STRITTMATTER. Okay. Thank you, Mr. Speaker.

On the question recurring,
Will the House agree to the bill on third consideration?
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

SUPPLEMENTAL CALENDAR A CONTINUED
CONSIDERATION OF HB 2751 CONTINUED

The SPEAKER pro tempore. The Chair returns to page 3 of supplemental calendar A and calls up HB 2751, PN 4243.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—132

Acosta	Fee	McCall	Scrimenti
Adolph	Flick	McGeehan	Smith, S. H.
Allen	Foster	McHale	Snyder, G.
Argall	Freeman	McHugh	Staback
Arnold	Gamble	McNally	Stairs
Barley	Gannon	Maiale	Steelman
Battisto	Geist	Markosek	Steighner
Belardi	Gerlach	Marsico	Stetler
Birmelin	Gigliotti	Melio	Stish
Bishop	Gladeck	Michlovic	Sturla
Blaum	Gruppo	Micozzie	Surra
Bowley	Hagarty	Mundy	Taylor, E. Z.
Broujos	Haluska	Murphy	Taylor, J.
Bush	Hanna	Nahill	Thomas
Butkovitz	Harley	Nailor	Tigue
Caltagirone	Harper	O'Brien	Tomlinson
Carlson	Hayden	Olasz	Trello
Carn	Heckler	Oliver	Trich
Cessar	Herman	Perzel	Tulli
Chadwick	Hershey	Petrarca	Van Horne
Civera	Hughes	Petrone	Vance
Cohen	Itkin	Phillips	Veon
Colaizzo	Jadlowiec	Piccola	Vroon
Cole	James	Pistella	Wambach
Cowell	Jarolin	Pitts	Williams
DeLuca	Josephs	Preston	Wilson
DeWeese	Kasunic	Raymond	Wogan
Dempsey	Kenney	Reber	Wozniak
Dent	Kosinski	Richardson	Wright, D. R.
Dermody	LaGrotta	Ritter	Wright, M. N.
Donatucci	Levdansky	Robinson	
Evans	Linton	Roebuck	O'Donnell,
Fairchild	Lloyd	Scheetz	Speaker
Fajt	Lucyk		

NAYS—60

Anderson	Daley	King	Pesci
Angstadt	Davies	Krebs	Reinard
Armstrong	Durham	Kukovich	Rudy
Black	Fargo	Langtry	Ryan
Boyes	Farmer	Laughlin	Saloom
Brown	Fleagle	Lawless	Saurman
Bunt	Gallen	Lee	Schuler
Cappabianca	George	Leh	Semmel
Carone	Godshall	Lescovitz	Serafini
Cawley	Gruitza	Mayernik	Smith, B.
Clark	Hasay	Merry	Snyder, D. W.
Clymer	Hayes	Mihalich	Strittmatter
Colafella	Hess	Nickol	Tangretti
Cornell	Johnson	Noye	Telek
Coy	Kaiser	Nyce	Uliana

NOT VOTING—5

Belfanti Kruszewski Mrkonic Rieger
Freind

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SB 1790 RECONSIDERED

The SPEAKER pro tempore. The Chair has in its possession a reconsideration motion filed by the gentlemen, Mr. Coy and Mr. Steighner, who move that the vote by which SB 1790, PN 2640, was passed on the 25th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—193

Acosta Durham Langtry Roebuck
Adolph Evans Laughlin Rudy
Allen Fairchild Lawless Ryan
Anderson Fajt Lee Saloom
Angstadt Fargo Iescovitz Saurman
Argall Farmer Levdansky Scheetz
Armstrong Fee Linton Schuler
Arnold Fleagle Lloyd Scrimenti
Barley Flick Lucy Semmel
Battisto Foster McCall Serafini
Belardi Freeman McGeehan Smith, B.
Belfanti Gallen McHale Smith, S. H.
Birmelin Gamble McHugh Snyder, D. W.
Bishop Gannon McNally Snyder, G.
Black Geist Maiale Staback
Blaum George Markosek Stairs
Bowley Gerlach Marsico Steelman
Boyes Gigliotti Mayernik Steighner
Broujos Gladeck Melio Stetler
Brown Godshall Merry Stish
Bunt Gruitza Michlovic Strittmatter
Bush Gruppo Micozzie Sturla
Butkovitz Hagarty Mihalich Surra
Caltagirone Haluska Mundy Tangretti
Cappabianca Hanna Murphy Taylor, E. Z.
Carlson Harley Nahill Taylor, J.
Carn Harper Nailor Telek
Carone Hasay Nickol Thomas
Cawley Hayden Noye Tigue
Cessar Hayes Nyce Tomlinson
Chadwick Heckler O'Brien Trello
Civera Herman Olasz Trich
Clark Hershey Oliver Tulli
Clymer Hess Perzel Uliana
Cohen Hughes Pesci Van Horne
Colafrella Itkin Petrarca Vance
Colaizzo Jadlowiec Petrone Veon
Cole James Phillips Vroon
Cornell Jarolin Piccola Wambach
Cowell Johnson Pistella Williams
Coy Josephs Pitts Wilson
DeLuca Kaiser Preston Wogan
DeWeese Kasunic Raymond Wozniak
Daley Kenney Reber Wright, D. R.
Davies King Reinard Wright, M. N.
Dempsey Kosinski Richardson

Dent Dermody Donatucci Krebs Kukovich LaGrotta Rieger Ritter Robinson O'Donnell, Speaker

NAYS—1

Leh

NOT VOTING—3

Freind Kruszewski Mrkonic

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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

On the question recurring,
Will the House concur in Senate amendments to House amendments?

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

YEAS—182

Acosta Dermody Kosinski Roebuck
Adolph Donatucci Krebs Rudy
Allen Durham Kukovich Ryan
Anderson Evans LaGrotta Saloom
Angstadt Fairchild Langtry Saurman
Argall Fajt Laughlin Scheetz
Armstrong Fargo Lescovitz Schuler
Arnold Farmer Levdansky Scrimenti
Barley Fee Lucy Semmel
Battisto Fleagle McCall Serafini
Belardi Flick McGeehan Smith, B.
Belfanti Foster McHale Smith, S. H.
Birmelin Freeman McHugh Snyder, D. W.
Bishop Gallen McNally Snyder, G.
Black Gamble Maiale Staback
Blaum Gannon Markosek Stairs
Bowley Geist Marsico Steelman
Boyes George Mayernik Steighner
Broujos Gerlach Melio Stetler
Brown Gigliotti Merry Stish
Bunt Gladeck Michlovic Strittmatter
Bush Godshall Micozzie Sturla
Caltagirone Gruitza Mihalich Surra
Cappabianca Gruppo Mundy Tangretti
Carlson Hagarty Murphy Taylor, E. Z.
Carn Haluska Nahill Taylor, J.
Carone Hanna Nailor Telek
Cawley Harley Nickol Thomas
Cessar Harper Noye Tomlinson
Chadwick Hasay O'Brien Trello
Civera Hayden Olasz Trich
Clark Hayes Oliver Tulli
Clymer Herman Perzel Uliana
Cohen Hershey Pesci Van Horne
Colafrella Hess Petrarca Vance
Colaizzo Hughes Petrone Veon
Cole Itkin Phillips Vroon
Cornell Jadlowiec Piccola Wambach
Cowell James Pitts Williams
Coy Jarolin Preston Wilson
DeLuca Johnson Raymond Wogan
DeWeese Josephs Reber Wozniak
Daley Kaiser Reinard Wright, M. N.
Davies Kasunic Richardson
Dempsey Kenney Ritter O'Donnell, Speaker
Dent King Robinson

NAYS—8

Heckler	Lee	Lloyd	Tigue
Lawless	Leh	Nyce	Wright, D. R.

NOT VOTING—7

Butkovitz	Kruszewski	Mrkonic	Rieger
Freind	Linton	Pistella	

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to the House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a correction to the record.

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

Mr. LINTON. Thank you, Mr. Speaker.

I was not recorded on SB 1790. I would like to be recorded in the affirmative.

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

Mr. LINTON. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Fee.

Mr. FEE. To correct the record, Mr. Speaker.

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

Mr. FEE. Yesterday on SB 273 I want to be voted in favor of amendments 4570 and 4550. Thank you.

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

The Chair recognizes the gentleman, Mr. Wright.

Mr. D. R. WRIGHT. Mr. Speaker, I wish to correct the record.

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

Mr. D. R. WRIGHT. On SB 1085, amendment 4546, I wish to be voted in the affirmative. On final passage of SB 1085 and final passage of SB 865, I wish to be voted in the affirmative.

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

REPORT SUBMITTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gamble, who submits a report of the Committee on Local Government on the Port Authority of Allegheny County.

(Copy of report is on file with the Chief Clerk.)

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Trich.

Mr. TRICH. Mr. Speaker, I would like to offer remarks for the record if it is in order.

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

Mr. TRICH submitted the following remarks for the Legislative Journal:

Remarks on HB 157:

Mr. Speaker, although I believe that proper compensation will be required if we are to continue to secure qualified individuals to serve in the public's best interest, I feel equally strong that salary increases must be reasonable and appropriate.

The increase suggested in HB 157 for PUC commissioners is \$23,500, or a 40-percent-plus pay hike. That, in my mind, cannot be justified. Had this request been tied in to a "COLA" formula or some other concept that would have supported a specific increase, then I would have supported it. Under the present circumstance, however, I must oppose this measure.

I do so knowing that unrelated portions of HB 176, dealing with landlord-tenant issues, should be considered.

Remarks on HB 2751:

Mr. Speaker, I regret that the Federal Government, through regulations, can hold States like Pennsylvania "hostage." This measure does just that.

Certainly parts of HB 2751 are productive and correct. Unfortunately, many aspects are not and will cause financial hardships for certain Pennsylvanians. The alternative, however, of not voting for this bill would be even more costly to Pennsylvania. It is my understanding that we could lose more than \$900 million in Federal highway funding.

Therefore, the only responsible choice is a "yes" vote. Let the record show I do so in protest.

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Hayden, for presiding.

FAREWELL ADDRESSES

The SPEAKER. We have a break in the business of the day, and the Chair would request the pages, as I call out the name of a retiring member, to carry to that member a plaque, a small token of our appreciation and commemoration of their service in the House.

I would like the attention of the members. While we are in this lull of business, if each retiring member would have an opportunity to at least give us the benefit of whatever wisdom they think we ought to have over the coming years.

Jim Gallen.

It is the wisdom of knowing when not to speak.

Sam Hayes.

Does the gentleman, Mr. Gallen, wish to make a few remarks?

Mr. GALEN. Mr. Speaker, am I allowed to sing?

The SPEAKER. By all means.

Mr. GALEN. No, I do not know that I am going to burden you with that.

But it has been a great privilege serving with all of you, and I have never seen this place in such turmoil as it is now. You know, here we are Thanksgiving eve passing bills we should have passed a couple weeks ago, but you know, I guess that is a normal course of business.

It has been a great privilege to be here. This is the finest group of people that I know, and I am going to miss it greatly, and I may come back in some form or another. I just told Tony back there, he is the only barber I have known for 14 years, and I hate to switch.

But it is with a heavy heart that I am leaving this place, and I love all of you, and I want to thank you for serving with me.

The SPEAKER. The Chair thanks the gentleman.

Representative Carville Foster, Peck.

Mr. FOSTER. Thank you, Mr. Speaker.

I had the opportunity to give some of my farewell remarks from the podium several months back.

I would just like to say that I came to this House from the wellsprings of local government where I happened to be appointed to borough council by a virtually all-Democratic council, and as I sat around that council table, you could not tell Democrats from Republicans by the way we voted and the way we transacted the borough's business.

If I could leave any parting message here, it would be that we could take some of that same spirit in this body so that we do not become entrapped and engulfed in the partisan wars that I have seen so many of in my 20 years, and let all of us look forward to working together for the good of the people. And God bless each and every one of you, and I thank God for the opportunity of serving in this House.

The SPEAKER. Representative Eugene Saloom.

Mr. SALOOM. Mr. Speaker, I leave here with a very warm heart. I have made many friends here throughout the years. I have enjoyed serving the constituency that I have had, and I am sure that the only advice that I can leave with you is to serve your constituency the same as you would serve yourself.

I want to say also that those of you who are working here, you have worked very hard. We have heard a lot about perks. Believe me, I think you appreciate and also you deserve everything that you worked for, and I would hope that you would continue the good job that you are doing for yourselves and for the people of this Commonwealth. Thank you and God bless you.

The SPEAKER. Representative Ken Cole.

I know Ken was in today, and he is not currently in his seat.

Representative Taylor is not here.

Representative John Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

It has been both a privilege and an honor to have served with all of you these past 18 years. I only have the usual concern that I have had over those 18 years, and that is from my past profession in education, and that is your decorum and your high standards of dress code.

And I want to thank each and every one of you. It has been a privilege, and may God bless.

The SPEAKER. Representatives Mrkonic, Freind, and Stuban are not here.

Representative Peter Vroon.

Mr. VROON. I could have predicted that. But I just want to repeat to you again, you always flattered me when you hailed me that way, because you said to me, you are a real man of action, and I said, you are so right.

It has been a real pleasure, and I am going to miss this very much, no question about that. What I think pleases me more than anything else is leaving here with a tremendous large number of good friends, and these people here, all of you, have been good friends. I do not remember having served in any body or having worked in any company where they have a lot of people working and employees, where people were so outgoing and friendly in spite of the fact that you had a different label from me, and I really appreciated that very much.

Your expressions of interest and concern in my recent heart attack were very much appreciated, and we thank you very much for that, my wife and I both. Believe it or not, we got a total of 18 bouquets, mostly from members of this House. You can use your own imagination as to why we got so many from this House, but I do appreciate the— And believe it or not, I even got a gigantic box full of fruit from my esteemed leader, Matthew Ryan, and I will tell you, this lasted so long that it is just a week ago that I finished the last apple. So it was good stuff, Matt, and I do appreciate it, and it was good to be able to eat some fruit for a change instead of all the other stuff that makes you fat and sick.

I am going to appreciate looking back and remembering the various good things that went on here. I learned so much about State government I will never forget it.

And I just want to say thank you for your cooperation and for your fellowship, and God bless you one and all.

The SPEAKER. Representative Ruth Harper.

Mrs. HARPER. Thank you very much.

It has been a privilege and an honor to serve in this House of Representatives, and I would like to thank all of the members for supporting me, supporting my legislation, and helping me to serve the constituents of this great Commonwealth.

I would like to thank the people in Philadelphia and also the people in this House of Representatives for giving me a big retirement banquet on October 18. I would like to thank the Governor for his citation. The majority leader, William DeWeese; Ruth Rudy; and Elinor Taylor from the other side of the aisle; and Louise Williams Bishop; and the Black

Caucus; and so many of you. You have really, really been nice to me, and I want to thank you for that. I shall miss you, and I am looking forward— And like some of my members like to laugh with me when I talk about my home in Savannah, Georgia, I will be going there for Christmas.

Thank you, and have a merry Christmas and a good year next year.

The SPEAKER. Representative Ed Johnson, with or without duck.

Mr. JOHNSON. Thank you, Mr. Speaker.

I would like to say, unlike Pete Wambach, who had a lifetime ambition of serving here in the House and an ambition to be in leadership, when I was elected I had no ambitions for leadership or prominence, and see how successful I have been. I cannot get over how successful I have been.

I want to say this to you folks: I was born in 1922. My father died in 1926 at the ripe age of 26. My mother never remarried. If there was any help for widowed mothers in those days, we did not know about it. If there was any, we missed it. My mother scrubbed floors. We took in roomers, and you know, God has been so good to me. After these years he has blessed me. My father died at 26; my grandfathers in their fifties. Here I am almost 71 years old and still able to hobble around like a lame duck.

I want to say it has been a wonderful experience. I do not have words to explain how much I have appreciated the opportunity to serve here, the good fellowship, the good feelings we have personally. Even though we may disagree on issues, we have good feelings personally. I am going to miss it. I think I am going to cry when I walk down the steps for the last time.

You know, we moved to Las Vegas. We have a home out there with a swimming pool, palm trees, Malibu lights; a long way from scrubbing floors like my mother did, and I am thankful to God. When you come to Las Vegas, give us a call. We will get together and have lunch and share good memories of achievements, accomplishments, and now I will duck out. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will leave his Las Vegas address with the clerk.

Representative Charles Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Unlike Ed Johnson, it was always an ambition of mine to come up here and serve in the House and be with you people and make a difference. I hope I have. I know we do.

We are subject to a lot of criticism. I hear it every day. All of you hear it every day. Some of it is justified, but 99 percent of it is not. This is a body that does work together. I have made an awful lot of good friends. I cannot look around this hall and find one person that I would not be happy to go out to dinner with, that I would not mind going to a ball game with, and I think that is pretty well true of an awful lot of us.

It has been—now stop adding names there, please—it has been the greatest 14 years of my life. I am going to miss it. Somebody said I was a soothsayer, and maybe that is true. I do not know. We will soon find out. But I will tell you this,

that come December 1, 1993, you guys in the House look around, because I will be right behind you.

It is nice to serve with each and every one of you. I really, really mean it. If you are ever down in Montgomery County, even Democrats, come on over. We are happy to have you down there. We will send you home, but we are happy to have you down there. And the best of luck to each and every one of you. I know you are going to work your heart out. I know you are going to do the right job. But next year if you go for a tax increase or an increase in salary, I am going to be a private citizen; I will probably be just as mad as anybody else. Thank you very much.

The SPEAKER. Representative Lois Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

When I was elected in a special election in 1980, I guess like all of us the first thing that I did was go over to sign up for salary and get my ID card, and when I was asked if I wanted to participate in the pension, I said, no, I am not going to be here that long; there is no point to my doing that. I arrived here and I did not really upon arriving expect to stay. I felt very unproductive at first. I could not understand why I wanted to sit here all day and just push a button green or red. Fortunately, I gave some more thought to it, and people told me, you know, you really do not know what is going to happen, and you really ought to sign up for your pension. Well, I did, and I fell in love with it here. I have stayed for 13 years, and I fell in love with the legislative process, with all of the people here, and with the ability really to have this input into public policy.

People have asked me as I have been leaving throughout the year, are you leaving because you are frustrated, you are disappointed you could not get things done? And I have said, quite the contrary. When I look back over my time here, I feel that people have first and foremost shown respect to me, to each other, worked with me, and that as I think of the issues that I have worked on with both Republicans and Democrats, I am thankful for that opportunity I have had to positively impact public policy, for my opportunity to work with the members here, and really for the lifelong friendships and just great feelings that I have about everyone here, and so I thank you for all of that.

The SPEAKER. Representative Maiale is not on the floor.

Representative Pete Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

I thought I would write some things down and submit them for the record, but since everybody is speaking and in order to curtail me from going probably 10 or 15 minutes, I think I will read what I would have submitted.

As every legislator contemplates whether or not to seek reelection every 2 years, each of us comes face to face with the realities of just how we feel about public service and about our place in this grand institution, the Pennsylvania General Assembly. The choice to leave can never be without regrets. As I announced over a year ago, my decision to retire from the House was based on personal considerations. I chose then

and I look forward now to devote more time to my family - my wife, Laurel, who is here in the House; and my children, Peter and Heather. But though I feel confident it was the right choice for me and comfortable with that decision, I can never say, after an association with the House that began more than 30 years ago, that it was an easy one for me to make.

Public service is special to each and every one of us. It is the rarest of opportunities to serve our communities, to touch the future, and to live with the issues of the day. I look forward to exciting challenges, but in some ways I know nothing can compare to public service. Just as much, I know I will miss this institution, and I will particularly miss the people in it and the people who work in it.

I want to thank my staff both present and past who have served me ably - my current secretary, Sally Kitchen; and former secretaries, Dee Doud and Lois Schell; my former assistants, Jeff Foreman, Zane Phoenix, Lori Hodgkiss, and Steve McMullen; the executive director of the Central Pennsylvania Democratic Caucus, Cameron Texter, and all the staff of the House of Representatives on both sides of the aisle who have assisted me with their best efforts over the years.

I assure you it also has been my special pleasure indeed to have been one of your colleagues, to have known and watched the Irvises, the Manderinos, the O'Donnells, the DeWeeses, the Ryans, and the Hayeses, and to have stood shoulder to shoulder with all of you.

Public life is not without its cost. It requires enormous sacrifices in time, in emotional energy, and more and more in the invasion of privacy and family, but the rewards are many, too. In my 12 years here I have had the exceptional opportunity to touch lives with my work for families afflicted with the diseases of addiction, to strengthen public confidence in government by writing the Whistleblower Law, and a thousand individual opportunities to assist my neighbors in finding work, in gaining emergency housing, in bringing jobs into my community, and helping young people to get an education and a start in life, or quite frankly, by just giving people the hope that they need to carry on. What could ever match the chance to do all these sorts of things? And looking back, I cannot properly thank the people who elected me to office and gave me that very opportunity.

I hope I have made a real difference along the way, because this experience has made all the difference for me.

Of course, retirement from the House is by no means retirement from public life or even from politics, and so it may be that at some not too distant time you may hear about me again or think of an assignment for an old retired legislator, and I can assure you I will be there.

Let me close by wishing everyone a wonderful Thanksgiving holiday. When my wife, Laurel, and I are giving thanks for our families and all of our bountiful blessings, we will be pausing to give thanks, too, for the chance of a lifetime to do public service, for the memories of a dozen wonderful years served in this chamber, and for the friendships you have given us that are a gift greater than we could have ever imagined.

Thank you very much. And remember, it is always a beautiful day in Pennsylvania. God bless you.

The SPEAKER. Representative Paul Angstadt. Is Representative Angstadt on the floor?

Representative John Broujos.

Mr. BROUJOS. Mr. Speaker, when I speak of the House, I think of the good times and the good works. I think of the hard work that legislators do. I know so many have stayed so late - Pat Carone and Alice Langtry - working late, and all of the representation that is so important to your constituents.

I have been blessed with my family teaching me to look at the bottle as half full instead of half empty, and I will have those memories.

I also want to recognize the work that all of the staff here in the House has done - the tipstiffs, the secretaries, stenographers, and Clancy, and all of the others that make the engine work here in the House.

Finally, I want to thank Jerry Birmelin for passing the ball to me on a fast break up at HACC (Harrisburg Area Community College) in our basketball games. Thanks a lot.

The SPEAKER. Representative Gerry Kosinski.

Mr. KOSINSKI. I am taking a look at the plaque. It says, "Since you have some money left over in your account, guess where this came from."

Gene Saloom said he is leaving here with a warm heart. Well, I am leaving here with a warm seat. Ten years is quite a long time for somebody who is only 38 years old, and through a lot of the trials and tribulations, it has been well worth the experience I spent here.

There are so many thank-yous. I have to begin with the people who got me elected - my committee people and constituents of the 175th District. After election the hard work began, doing both the job as a legislator and a candidate. For most of those 8 years, my administrative assistant, Linda Farling-Mank; my secretary, Lisa Nulter; my assistants legislatively back home, Dot Flagg, Mary Martin, Jacqueline Lisiewski, have made me look very, very good to those constituents. The staff members here, we do not thank them enough for what they do for us on a day-in and day-out basis. And to each and every one of you, my hat is off.

To the people who helped get me elected, specifically my campaign chairman, Tish Dugan; Mike O'Brien and Brian Matulewicz, my campaign coordinators; and Rich Holmes, my treasurer, thank you very much for a job well done at no pay and a lot of heartaches.

And most of all, I tell you I have in my heart a respect for each and every one of you. But I see in the press box so many times that we are reviled and we let ourselves be talked down. And how many of us remember being on this floor seeing the inspiration of an Al Deal coming on the floor days away from death, the Charlie Laughlin, the Bill Telek, the Ben Wilson, and most of all Steve Seventy, who, when he found out he had to cast the deciding vote for a budget, came in off his deathbed to do it? And I know the members that I have served with and am serving with, and I think each and every one of

you would do the same, because you have a sense of duty that is very hard to communicate to the people in this Commonwealth.

At 38 this is not the end of my career. It may be the end of me in public life, but it is a new beginning. It is a time when I look forward to spending more time with my new bride, Elspeth, and doing other things in my career. It is a great weight off my shoulders, because now I can flick the off button on the telephone and watch the Eagles on a Sunday.

But these 10 years have been marvelous. I have made so many great friends around this Commonwealth, and to each and every one of you, I want to thank you for making me feel at home.

I am not going to be going far. I will be up here on occasion, but bet your bottom dollar I will not be here on June 30 at midnight again. Thanks a million.

The SPEAKER. Representative Fred Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I pretty well said everything back in June when we went through the process. Just let me say it has been truly an honor to serve with so many great public servants. You men and women are outstanding servants of the people of Pennsylvania. Just remember, I do not think you are half as good as you can be, and I do not think you are half as bad as they write about you. You do a fine job. They do not calculate; they do not follow you around and calculate the untold hours that you spend at your job and the time that you spend away from your family and your children. There is not enough pay in the world for legislators for what they miss at home while they are doing their duty and while their children are growing up without their parent there as often as they should be. So I wish all of you the very, very best.

I do have to think, one thing comes to mind here tonight as I sat and listened to Pete Wambach. Pete Wambach and I were in the same political science classes together in college, and we sort of grew up debating one another in a political science class, and I think it is ironic that we are both tonight retiring at the same time.

So to all of you, have a happy holiday season and get reenergized and back here in January and do the people of Pennsylvania a fine job. Thank you very much.

The SPEAKER. Representative Ken Cole.

Mr. COLE. Thank you, Mr. Speaker.

Ladies and gentlemen of the House, thank you for the opportunity to let me serve with you for 18 wonderful years. It is really a fine club when you think that only 203 of us out of 11 1/2 million people have this opportunity to come and serve in this fine office. Where else would you find an office like this to come in and serve our people?

I had the privilege of being here since 1975 with many great leaders, from Herb Fineman; the late Jim Manderino; Matt Ryan, who extended to me so many courtesies during the time he was Speaker and also minority leader.

And on a personal note, the year that I was incapacitated for a year, I want to give a special thanks especially to those who work the floor back here in this corner, George and the

rest and the ladies in the lounge, that were so kind to my wife for a full year when she brought me here to Harrisburg.

A great club and great people. We serve the people with dedication well, and what a professional staff we have, from our secretaries to our clerks. We really have a wonderful professional institution here. So I hope that as it reaches its highs and its lows, that this great institution will survive and do better and bigger things than it has in its past history.

Thank you for the opportunity of letting me serve with you, and I leave knowing that I had 18 years here, more than I ever expected. Thank you.

The SPEAKER. Representative Greg Snyder.

Mr. G. M. SNYDER. Thank you very much.

I have very much appreciated the opportunity I have had to serve here in this House. It is an opportunity that few will ever have. I never thought I would have it, and I have enjoyed almost every single minute of it. I will take home with me to York many, many, many fond memories, one of which will be that there are very many fine people working for the people of Pennsylvania. They oftentimes go unsung and are not fairly treated. That is part of the game. But I will tell you this, and that is, you will, for the most part, have one defender in York County, because I know how many good people are here and how hard they work and how much they care about this Commonwealth. Thank you very much.

The SPEAKER. Representative Ron Black.

Mr. BLACK. Thank you, Mr. Speaker.

I leave with a little bit of regret, and the regret is, after 8 years, I still have not figured out what a nonpreferred is. But to remove any doubt from your mind, I do understand what being 50 years old and having 3 years' service means.

Somebody asked about advice we would leave to the members, and I guess the advice I would leave is, when I came in, somebody told me about Duke Marmion, who used to have one of the seats back in the back, that he used to leave the House and he could not leave the tension with him. So I figured you have to have a little fun, and I think many of you remember during one budget cycle Governor Casey decided he was going to cut out funds to the 4-H fairs. So I got a black lamb and sent it down to the palace. The guy beeped the horn and the State Police opened the door, and they drove in and the lamb got unloaded. For those of you who do not know the story, I had called the Patriot and told them there might be a story over there, and there was some young lady that thought she was going to get a Pulitzer Prize out of it. She got into the mansion and called the press secretary at 7 o'clock Friday night about the story, and the next article in the Patriot said that the administration was not quite sure what they were going to do with me. I thought that was kind of interesting. Well, I just want them to think, you know, it could have been a pit bull. But it was a black lamb. You have got to have a little fun. That is, I think, the word I want to leave with you.

Also, I want to, like the others said, thank the staff for what they have done, our personal staffs and the staff that really makes this place work.

And I guess I would want to say thanks for the memories and thanks for the courtesies. We have had some good times. I have even entertained Bud George up in my district and had a good time. We were driving down a bicycle path, and we were up there on an oil-and-gas episode, and a deer ran across in front of us. We got to the oil lease and two pheasants ran across. I had been on that bicycle path for 10 years and never seen any animals like that. So I said, boy, that Game Commission really does what you tell them.

The last thing I want to say, in the immortal words of our House comedian, I am going to sit down faster than a cheap folding Kmart table. Thank you.

The SPEAKER. Representative Curt Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

It goes without saying that I will miss this place. I want to thank the residents of Warren, Forest, and Venango Counties for the opportunity of allowing me to serve.

As far as any words of wisdom, I guess the only thing I could say is, for those of you elected to serve next session, just be glad that you were elected and thank God every day that you have this job, because, believe me, oftentimes in this job, with all the trials and tribulations we go through, maybe we do not realize how lucky we are to serve. Thank you.

The SPEAKER. Representative Edgar Carlson.

Mr. CARLSON. Thank you, Mr. Speaker.

I am glad you announced my name, because you have not seen me up to this microphone very long and a lot of you probably do not recognize me.

But really, it has been an honor and a privilege for me to be here. My greatest occasion happened in 1984 when I was elected to this House of Representatives, and the reason for that, you would have to understand my background: the son of a coal miner, and I was a coal miner myself, and we do not have seven feet of coal like they do in Greene County; it is only 2 feet 4 and 2 feet 6, about underneath your table. So if you can visualize your parents, some of the older ones, coming from the Old Country to the United States and saying what a great country this is, I come from Tioga County from under 100 feet of dirt to the Capitol here in Pennsylvania and I say, what a great State the State of Pennsylvania is. So that was my greatest. If you ever told me 40 years ago or more that I would ever come from the coal mines and be in here in the House of Representatives, I would say you were crazy and I would have been crazy.

But really, it is an honor and privilege, it is a great honor, and it will be the greatest honor in my life and one that I will cherish. And to the members here, you do not have to take a backseat from the press or anybody, because you are one of the finest individuals, all of you, men and women. As some previous speakers have spoken here, the time away from your wife, your family, the pay is not enough to compensate for that because life is short.

Enjoy yourself and Godspeed to you, and happy Thanksgiving and merry Christmas.

The SPEAKER. Representative Alice Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Because we are doing the honoring ceremony now, may I inquire of the Chair if we are not expected back here before December 1?

The SPEAKER. You are interrupting the lull with business. The schedule is not yet certain.

Mrs. LANGTRY. All right. Thank you very much.

Well, I will take the opportunity at this point to say how very honored and humbled I am by having had the opportunity to serve the people of the 40th District as well as others in Pennsylvania. It has been certainly, for me, a very singular opportunity, a singular honor from very humble beginnings, and as a matter of fact, it has been such a wonderful experience, as you all know, I would like to see many more people have the opportunity to do it.

I have appreciated also the kindness, the cooperation, the generosity, the help of so many of you here, and the competence of our staff. They are really remarkable, all of them, and so I thank them all for that. And I might also say that I hope when I pick up the newspapers in 1993, if we ever get a newspaper in Pittsburgh again, I hope not to be reading about gridlock and problems and so on, and I want to tell you that I hope it is a very successful term next time.

I thank you all once again, and especially my many friends from Allegheny County on both sides of the aisle. Thank you all so much.

The SPEAKER. Representative Richard Hayden.

Mr. HAYDEN. Thank you, Mr. Speaker.

Pete Wambach pretty much gave my speech. If you just change the names around a little bit, you get the same idea. So I will adopt Pete's speech.

I would like to thank everybody and let you know that it has been both a privilege as well as a pleasure to serve with the folks here, and I will come away with many positive memories. I wish you all good luck and Godspeed in the next session. Thank you.

The SPEAKER. Representative Billow is not on the floor.

Representative Jean Wilson. Is the lady on the floor at the moment?

Representative Leona Telek.

Mrs. TELEK. Thank you, Mr. Speaker.

I must say that I came to this House under undue circumstances. I remember after the primary in April of 1988 my husband said to me, "Skip, this is enough of this. I think I'll run two more terms and then how about you running?" and I said, "No way." Well, as it happened, I did run and I won, and I really and truly enjoyed all my friends. I think we had the best freshman class there was.

And I have to say to Susie, I will miss you. I enjoyed going to the movies with you. And Tony, wherever you are, you will have to give your kisses to Susie because I am not going to be here anymore.

It has been an honor and a privilege to be here. I think this is one of the most outstanding educations you can get. People

here are very nice. I will truly treasure all your friendships. I have made many friends on my own and some of the friends that I have known from Bill.

I want to wish you all a happy Thanksgiving. I wish you well in everything you do, and if you do not soon get me out of here, the 30 people that will be waiting for Thanksgiving dinner will not be able to be at my house. Thank you.

The SPEAKER. Representative Dan Anderson.

Mr. ANDERSON. Representative Carlson did not think many people recognized him. I am sure a lot of people are asking, who is that guy?

Well, it has been a great pleasure being part of this distinguished body for the past 2 years, and I will make this short, just like the time that I spent here.

I really have made a lot of friends on both sides of the aisle, and I have a lot of respect for each and every one of you. I know how difficult it is to get here and to stay here. I am going to try to come back, but if I do not, I want you to know I have a lot of fond memories, and I hope you all enjoy your families for the holidays and God bless you.

The SPEAKER. Representative Ed Arnold.

Mr. ARNOLD. Thank you, Mr. Speaker.

This institution has reinforced some characteristics, some things with me, and one of them is certainly patience, and all of you have been very patient today. Another of them is the concept of time, and I recognize the time.

I take from this institution a great deal more than I have given, and for that I thank all of you. The ladies and gentlemen to my right and to my left, it has been a distinct privilege and honor to serve with you for these 2 years. To the staff, thank you. You are very competent. And most of all, I want to thank the people of Lebanon and Lancaster Counties for giving me the opportunity to serve them these 2 years.

When I was elected in 1990, that summer I dedicated my campaign to my dad, so I leave this House thanking dad for making me somewhat of a politician. I thank my mom, who has been behind me all the way; my wife, Pat; my four daughters. Family is everything, and I would encourage all of you to do your best for your families, for your districts, and for Pennsylvania. They deserve it.

Thank you and God bless you.

The SPEAKER. Representatives Kruszewski and McHugh are not presently on the floor.

Representative Kathy McHale.

Mrs. McHALE. Thank you, Mr. Speaker.

If I may be allowed to turn my back to the rostrum and address the House, I would appreciate it.

While I was listening to all the speeches here, I was thinking about people talking about their expectations, and I can tell you that growing up on a farm in Adams County, Washington State, I never expected to serve in the Pennsylvania House, and I really appreciate the welcome and the help that each of you have given me in the 18 months that I have been privileged to be here. I think maybe I have the shortest legislative career in the history of the House, but it has been a wonderful experience that I will never regret having.

When I arrived here as the newest Democrat in June of 1991 and I found out that I was going to be seated on the Republican side of the House, I was somewhat alarmed, and then I realized that there was a reason for that, that somebody had to look after McNally, and I guess that fell to the junior member of the caucus to do that. But I will say that my own spirit of bipartisan cooperation has been greatly enhanced by the Republican members with whom I have been privileged to sit over these last 18 months, and though we disagreed on many issues, I think we forged some real friendships.

To my friends on the Democratic side of the aisle, I appreciate everything that you have done for me in the last 18 months, and as I return to the real world, which for me will mean Little League and Girl Scouts and washing diapers and writing books and supporting my favorite Congressman, I want you to know that there is going to be at least one private citizen who both fully understands and deeply appreciates the sacrifices that you all make to be here. Thank you.

The SPEAKER. The Chair recognizes Representatives Williams and Rieger.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, myself and Representative Bill Rieger are the cochairs of the Philadelphia delegation, and just as you all took into your hearts those members, we in particular in Philadelphia County want to express our gratitude to our retiring members within our delegation.

I will read the plaque that we are going to present and then ask those that are in attendance to please come forward and receive our own special Philadelphia level of appreciation. To Representative Ruth B. Harper, Representative Gerard A. Kosinski, and Representative Richard Hayden: "In recognition of your years of dedicated service to the citizens of Philadelphia and to the Commonwealth of Pennsylvania," from Cochairmen William W. Rieger and Anthony H. Williams, and all of the members of the Philadelphia Democratic delegation. I am sure those that are not Democratic also share from Philadelphia County the same great level of appreciation that we all have.

I personally want to thank you for your support of me. I guess I was a neophyte amongst you folks in terms of your support for me as cochair of the delegation. I am sure Mr. Rieger would also like to share in terms of those comments, and also I would ask him to come to the mike. Even though he said he does not want to speak, I am going to ask him to come to the mike.

Mr. RIEGER. It is a pleasure today, Ruth Harper, Gerry Kosinski, Nick Maiale, at the pleasure of both sides of the aisle, and Richard Hayden. It is a great thing to come from Philadelphia and see these four people who served us in Pennsylvania so greatly in the city of Philadelphia. We appreciate you, and here is what we have to give you.

Mr. KOSINSKI. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Kosinski.

Mr. KOSINSKI. Actually, I really did not appreciate the plaques as much as Bill Rieger's hoagies, so— Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady.
Mrs. HARPER. Thank you very much, all of you.

The SPEAKER. The Chair thanks the gentlemen.

Mr. RIEGER. Let me add to that one minute. I am in the pizza business. I am not in the hoagie business. Pizza. Thank you.

Mr. GALLEN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. I do not want to start this whole thing all over again, but I was called upon first and did not have an opportunity to say a couple of things.

First of all, I wanted to relate a true story which occurred in this House many years ago. Josh Eilberg—this is 1965—Josh Eilberg was the majority leader, Herb Fineman was the majority whip, both of whom were from Philadelphia, of course, and there was a certain member—I will not mention his name—who was absent from time to time, a Philadelphia Democrat, which was not unusual for them, and he asked my friend Hefty Fryer to vote him. He said, "Well, how do you want me to vote?" He said, "Just vote the way Josh and Herb vote. You know, there's nothing to it." So he came back after several hours and he said, "Did you have any votes?" and Hefty said, "Oh yeah, we had a lot of votes." He said, "Did you vote me?" He said, "You know, I voted you, but I had a problem." He said, "What do you mean you had a problem?" He said, "On one of these votes, Josh voted one way and Herb voted the other way." He said, "Well, what did you do?" He said, "I didn't vote you." He said, "You did the right thing. If they can't make up their minds, why should I."

And now I will sing a song, because I have been saving this, and it goes like this, and as of yesterday this is very appropriate:

*Happy days are here again;
You run the State of William Penn,
And you bring good tidings to all men.
Happy days are here again.*

*The people's party has control;
Spending money is your goal.
Who cares if we go in the hole;
Happy days are here again.*

*You'll always pass a new tax;
You are all party hacks.*

Happy days—

That is the way that thing goes. But I felt I had to be in character and be a little bit partisan on this day of magnanimity. Thank you very much.

BILLS SIGNED BY SPEAKER

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

HB 78, PN 4250

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," further providing for the purpose of the act; adding

and amending certain definitions; further providing for operators' licenses, for mining permits, for surface mining reclamation and reclamation plans, for procedures relating to bonds, trust funds and other financial assurances, for certain remining and for further duties of the Environmental Hearing Board, the Environmental Quality Board and the Department of Environmental Resources; providing for government-financed reclamation contracts authorizing incidental and necessary extraction of coal and for related remining and reclamation matters; establishing the Remining Environmental Enforcement Fund and the Remining Financial Assurance Fund; further providing for the Mining and Reclamation Advisory Board; and making repeals.

HB 301, PN 4257

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for municipal court jurisdiction over landlord-tenant cases; further providing for the establishment of fees and charges; imposing a criminal laboratory user fee; providing for disposition of revenues generated by the fee; providing for the abatement of and for other remedies relating to drug-related nuisances; and providing for procedure, for injunctions and for powers and duties of the courts; and making repeals.

HB 392, PN 3274

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," further providing for exemptions from taxation.

HB 1146, PN 1627

An Act providing for the establishment, operation and administration of the State Food Purchase Program.

HB 1220, PN 2822

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for compensation of supervisors and police pension funds.

HB 1224, PN 2790

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for police pensions and annuities and insurance for township commissioners.

HB 1293, PN 2792

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating to real estate cooperatives.

HB 1402, PN 4203

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," further defining the "practice of dentistry."

HB 1623, PN 4089

An Act amending the act of July 11, 1923 (P. L. 1044, No. 425), referred to as the "Prisoner Transfer Law," further providing for transfers; and repealing certain obsolete penal laws.

HB 1669, PN 3224

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," further providing for certificates of authority, for the computation of certain reserves, for the powers and duties of the Insurance Commissioner and the Insurance

Department; adding provisions relating to reinsurance intermediaries, managing general agents and the examination of insurers; further providing for enforcement and penalties; making repeals; and making an editorial change.

HB 1670, PN 4196

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for the purposes of incorporation, for capital stock, surplus, investments and other financial requirements, for reinsurance and for certain annual reports; providing for business transacted with broker-controlled property and casualty insurers and for insurance holding companies; implementing the Risk Retention Amendments of 1986; providing for regulation by the Insurance Department of risk retention groups and purchasing groups doing business in this Commonwealth; further providing for the taxation of risk retention groups and purchasing groups; providing for the regulation of the placing of insurance on risks located in this Commonwealth with insurers not licensed to transact insurance business in this Commonwealth; providing for a life and health insurance guaranty association; providing for certain fees and for civil and criminal penalties; and making repeals.

HB 1781, PN 4218

An Act providing for the protection of agriculture and horticulture from plant pests, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or their products; revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; establishing and funding special testing and certification procedures and programs; providing penalties; and making a repeal.

HB 1859, PN 3920

An Act amending the act of June 2, 1937 (P. L. 1208, No. 310), entitled "An act to describe, define, and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania," further providing for the system of plane rectangular coordinates; providing for the Pennsylvania Coordinate System of 1983; further providing for the establishment of triangulation or traverse stations; further providing for the recording of land records or deeds; and proscribing use of the Pennsylvania Coordinate System of 1927 after a certain date.

HB 1959, PN 4123

A Supplement to the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 1991-1992," itemizing bridge projects.

HB 2293, PN 2911

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), known as the "Emergency Medical Services Act," further providing for the validity of certificates of accreditation.

HB 2337, PN 4261

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for the incorporation of a borough.

HB 2499, PN 3734

An Act providing for the capital budget for the fiscal year 1992-1993.

HB 2545, PN 3327

An Act designating the Sunday that marks the beginning of Fire Prevention Week as Firemen's Memorial Sunday.

HB 2751, PN 4243

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program; further providing for administrative duties of the Department of Transportation for certain services and the Department of Environmental Resources; providing for an alternative fuels grant program; establishing the Alternative Fuels Incentive Grant Fund; and making an appropriation.

HB 2932, PN 4118

An Act amending the act of July 9, 1992 (P. L. , No. 39A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1992-1993," further defining and adding a project; and making an appropriation.

SB 186, PN 2624

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

SB 345, PN 2399

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," and the act of September 23, 1959 (P. L. 970, No. 400), entitled "An act providing for the creation, maintenance and operation of an employes' retirement system in cities of the second class A, and imposing certain charges on cities of the second class A and school districts in cities of the second class A," further providing for credit for military service.

SB 862, PN 2162

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding and revising provisions relating to condominiums; and making editorial changes.

SB 963, PN 2630

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers and Professional Land Surveyors Registration Law," providing for the regulation of the profession of geology.

SB 1083, PN 2623

An Act amending Titles 1 (General Provisions), 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

SB 1405, PN 2633

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey two tracts of land situate in the Township of Upper Gwynedd, Montgomery County, Pennsylvania, to the Wissahickon Valley Watershed Association, Inc., a tract in Tarentum Borough, Allegheny County, to Allegheny Property Development Corporation, and a tract of land situate in Monroe Township, Snyder County,

to Northumberland Boat Club; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to grant and convey to the County of Somerset, land situate in the Township of Somerset, Somerset County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Northampton Area School District a tract of land situate in East Allen Township, Northampton County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Northampton County a tract of land situate in both East Allen Township and Allen Township, Northampton County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania.

SB 1596, PN 2590

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

SB 1715, PN 2609

An Act establishing the Port of Pittsburgh Commission; providing for its powers and duties; and making a repeal.

SB 1794, PN 2500

An Act amending the act of July 17, 1961 (P. L. 776, No. 341), entitled, as amended, "Pennsylvania Fair Educational Opportunities Act," prohibiting discrimination against persons with handicaps or disabilities.

SB 1975, PN 2591

An Act amending the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act," further providing for expiration of the act; and making an appropriation.

The SPEAKER. The Chair is advised that there is a significant volume of legislation to be considered, none of which is currently available. The Chair would appreciate direction from the floor.

The House will be at ease.

The Chair is about to recess until 5:30. There will be a meeting of the Rules Committee in the majority caucus room, and there is an announcement concerning caucus from each of the caucus chairmen.

**RULES COMMITTEE MEETING
DEMOCRATIC CAUCUS**

The SPEAKER. The Chair understands that there is a necessity for a caucus. We would appreciate some enlightenment from the respective caucus chairmen.

Mr. DeWEESE. Mr. Speaker, the Rules Committee will meet immediately in the majority caucus room; and at 10 after 5, the Democratic Caucus will meet in the Democratic caucus room. We will return to the floor at 5:30, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. Does the gentleman, Mr. Noye, have an announcement, or the gentleman, Mr. Hayes, concerning a Republican caucus?

Mr. HAYES. Mr. Speaker, there will be a Republican caucus at 10 minutes after 5.

RECESS

The SPEAKER. The House will now be in recess until the call of the Chair. The expectation is that we will return here to the floor and begin voting at 5:30.

AFTER RECESS

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

REPORT SUBMITTED

The SPEAKER. The Chair submits for the record the report of the special legislative committee established by HR 293 of 1992.

(Copy of report is on file with the Chief Clerk.)

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, yesterday I failed to be recorded on the final passage of SB 865, SB 1085, and the amendment No. 4546 to SB 1085 as well. I would like to be recorded on these votes in the affirmative. And today I failed to be recorded on amendment 4600 to SB 1642. On that vote I wish to be recorded in the negative. Thank you, Mr. Speaker.

SENATE MESSAGE

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 416, PN 475; HB 782, PN 3247; HB 996, PN 1123; HB 2267, PN 2865; and HB 2439, PN 3843**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 627, PN 4273**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended so that the following bills may go directly to the calendar without referral to the Rules Committee:

HB 30;
 HB 184;
 HB 713;
 HB 1103;
 HB 1221;
 HB 2162;
 HB 2344;
 HB 2456; and
 HB 2519.

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

The following roll call was recorded:

YEAS—186

Acosta	Donatucci	Langtry	Rudy
Adolph	Durham	Laughlin	Ryan
Allen	Evans	Lawless	Saloom
Anderson	Fairchild	Lee	Saurman
Angstadt	Fajt	Leh	Scheetz
Argall	Fargo	Lescovitz	Schuler
Armstrong	Farmer	Levdansky	Scrimenti
Arnold	Fee	Linton	Semmel
Barley	Fleagle	Lloyd	Serafini
Battisto	Flick	Lucyk	Smith, B.
Belardi	Foster	McCall	Smith, S. H.
Belfanti	Freeman	McGeehan	Snyder, D. W.
Birmelin	Gallen	McHale	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Hanna	Mundy	Taylor, E. Z.
Cappabianca	Harley	Murphy	Taylor, J.
Carlson	Harper	Nahill	Telek
Carn	Hasay	Nailor	Thomas
Carone	Hayden	Noye	Tigue
Cawley	Hayes	Nyce	Tomlinson
Cessar	Heckler	O'Brien	Trello
Chadwick	Herman	Olasz	Trich
Civera	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Itkin	Pesci	Van Horne
Colaella	Jadlowiec	Petrarca	Vance
Colaizzo	James	Petrone	Veon
Cole	Jarolin	Phillips	Vroon
Cornell	Johnson	Piccola	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Rieger	Wright, M. N.
Dempsey	Krebs	Ritter	
Dent	Kukovich	Robinson	O'Donnell,
Dermody	LaGrotta	Roebuck	Speaker

NAYS—0

NOT VOTING—11

Clark	Haluska	Maiale	Pistella
Freind	Hughes	Mrkonic	Richardson
Geist	Kruszewski	Nickol	

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

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.

SENATE MESSAGE

AMENDED HOUSE BILLS
 RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 30, PN 4116; HB 184, PN 4202; HB 713, PN 4255; HB 1103, PN 4245; HB 1221, PN 4256; HB 2162, PN 4258; HB 2344, PN 4252; HB 2456, PN 4253; and HB 2519, PN 4259**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

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

HB 416, PN 475

An Act designating Pine Creek and certain tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

HB 782, PN 3247

An Act amending the act of November 26, 1978 (P. L. 1415, No. 333), known as the "Schuylkill Scenic River Act," relating to designation and classification.

HB 996, PN 1123

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for collection of sewer, lighting and water charges.

HB 2267, PN 2865

An Act amending the act of June 19, 1913 (P. L. 528, No. 338), entitled "An act fixing the penalty for murder of the first degree; regulating the procedure incident to the infliction thereof; prescribing and providing for a place and manner of inflicting said penalty on the grounds of the new Western Penitentiary of this Commonwealth, in Centre County; making an appropriation therefor; repealing inconsistent legislation; and providing that neither this act nor said repeal shall apply to any case in which it shall appear that said crime was committed prior to the date of the approval of this act," further providing for the procedures for the implementation of the death penalty.

HB 2439, PN 3843

An Act amending the act of July 11, 1990 (P. L. 465, No. 113), known as the "Tax Increment Financing Act," further providing for certain definitions, for project plans, for creation of tax increment districts, for the tax increment base and for certain regulations.

SB 275, PN 2639

An Act amending the act of March 1, 1988 (P. L. 82, No. 16), entitled "Pennsylvania Infrastructure Investment Authority Act," extending the act to include storm water projects.

SB 1408, PN 2575

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

SB 1525, PN 1861

An Act amending the act of July 9, 1990 (P. L. 340, No. 78), entitled "Public Safety Emergency Telephone Act," further providing for the definition of "telephone subscriber" and adding the definition of "person."

SB 1688, PN 2120

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), entitled "The Private Detective Act of 1953," further providing for renewal of licenses.

PARLIAMENTARY INQUIRY

The SPEAKER. Is the gentleman, Mr. Mayernik, seeking recognition?

Mr. MAYERNIK. Yes, Mr. Speaker.

Parliamentary question or an inquiry, if I could.

The SPEAKER. The gentleman will state his inquiry.

Mr. MAYERNIK. As we are in the process of suspending the rules tonight, did we suspend any rules that would say that we do not have the bills in print before we vote them?

The SPEAKER. *There has been no such motion offered.*

Mr. MAYERNIK. Okay. Thank you, Mr. Speaker.

So then it is my understanding that every bill that will be voted tonight we will have in print before the vote is taken. Those are the bills coming from the Senate as well.

The SPEAKER. It is the Chair's understanding, without checking in depth with the Parliamentarian, that voting on a bill that is not in print is unconstitutional to begin with, so we may not reach an issue of the rules to be suspended, but the Chair does not offer that as a ruling but merely as advice to the gentleman, and further, we are unaware of any plans to suspend that particular rule.

Mr. MAYERNIK. Thank you, Mr. Speaker.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 30 be suspended to permit HB 1982 to go immediately to the calendar without referral to the Rules Committee.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—187

Acosta	Dermody	Krebs	Richardson
Adolph	Donatucci	Kukovich	Rieger
Allen	Durham	LaGrotta	Ritter
Anderson	Evans	Langtry	Robinson
Angstadt	Fairchild	Laughlin	Roeback
Argall	Fajt	Lawless	Rudy
Armstrong	Fargo	Lee	Ryan
Arnold	Farmer	Leh	Saloom
Barley	Fee	Lescovitz	Saurman
Battisto	Fleagle	Levdansky	Scheetz
Belardi	Flick	Linton	Schuler
Belfanti	Foster	Lloyd	Scrimenti
Birmelin	Freeman	Lucyk	Semmel
Bishop	Gallen	McCall	Serafini
Black	Gamble	McGeehan	Smith, B.
Blaum	Gannon	McHale	Smith, S. H.
Bowley	Geist	McHugh	Snyder, D. W.
Boyes	George	McNally	Snyder, G.
Broujos	Gerlach	Markosek	Staback
Brown	Gigliotti	Marsico	Stairs
Bunt	Gladeck	Mayernik	Steelman
Bush	Godshall	Melio	Steighner
Butkovitz	Gruitza	Merry	Stetler
Caltagirone	Gruppo	Michlovic	Stish
Cappabianca	Hagarty	Micozzie	Sturla
Carlson	Haluska	Mihalich	Surra
Carn	Hanna	Mundy	Tangretti
Carone	Harley	Murphy	Taylor, E. Z.
Cawley	Harper	Nahill	Taylor, J.
Cessar	Hasay	Nailor	Telek
Chadwick	Hayden	Nickol	Thomas
Civera	Hayes	Noye	Tigue
Clark	Heckler	Nyce	Trello
Clymer	Herman	O'Brien	Trich
Cohen	Hershey	Olasz	Tulli
Colafiglia	Hess	Oliver	Ulfana
Colaizzo	Hughes	Perzel	Van Horne
Cole	Itkin	Pesci	Vance
Cornell	Jadlowiec	Petrarca	Veon
Cowell	James	Phillips	Vroon
Coy	Jarolin	Piccola	Wambach
DeLuca	Johnson	Pistella	Williams
DeWeese	Kaiser	Pitts	Wilson
Daley	Kasunic	Preston	Wogan
Davies	Kenney	Raymond	Wozniak
Dempsey	King	Reber	Wright, D. R.
Dent	Kosinski	Reinard	

NAYS—0

NOT VOTING—10

Freind	Maiale	Strittmatter	O'Donnell,
Josephs	Mrkonic	Tomlinson	Speaker
Kruszewski	Petrone	Wright, M. N.	

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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.

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1982, PN 4267**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 2140, PN 4274 (Amended)

By Rep. DeWEESE

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," and Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety, the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

RULES.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

On 11/23, Monday, my switch was not operable on SB 1190. I missed that vote on final passage. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, on HB 2751 I was incorrectly voted as a "yea" vote. I want to be recorded as a "nay" vote on HB 2751, on concurrence. Thank you.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, on HB 2751, PN 4243, on final concurrence, I was incorrectly voted in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Thank you, Mr. Speaker.

It appears that the House is about to run through supplemental calendar C with some nine bills on it, all of which were previously passed by the House, had been in the Senate for quite some time, and now are returning to the House, and I was just hoping the Chair would ask each of the prime sponsors of these bills if they could just give a brief synopsis of what the bill does before we vote on them so the members can be refreshed about what we are actually passing into law, because if we pass these bills, they will become law, and I would feel a lot better about going home tonight and knowing what we actually did here. Thank you very much.

The SPEAKER. The Chair would urge any members familiar with the Senate amendments, which is the only matter for debate, to be prepared to give a brief explanation as we move through each bill.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

On HB 2751, PN 4243, my switch malfunctioned. I was recorded in the affirmative. I want to be recorded in the negative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

On final passage of SB 862 and SB 1537, along with the amendment 4480 to SB 1444, I was out of my seat at the time of the vote. I would like to be recorded in the affirmative.

The SPEAKER. The Chair recognizes Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, my vote was not recorded on the final passage of SB 1085. I would like to be recorded in the affirmative. Also on amendment 4239 to SB 1405, I should have been recorded in the affirmative. Thank you.

The SPEAKER. For the information of the members, the House is waiting for the bills that are on supplemental calendars C and D to be printed and delivered to the House.

VOTE CORRECTIONS

The SPEAKER. For what purpose does the gentleman rise?

Mr. JAMES. To correct the record.

The SPEAKER. The gentleman is in order.

Mr. JAMES. Mr. Speaker, I was voted negative on concurrence of HB 157. I would like to be shown as voting in the affirmative.

The SPEAKER. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Mr. Speaker, on HR 425, which was considered yesterday, there was no vote. I would like to vote in the affirmative. On amendment A4528 to SB 1444, I would like to vote in the affirmative, and also on amendment 4564 to SB 1709, I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes Mr. Belardi.

Mr. BELARDI. Thank you, Mr. Speaker.

Mr. Speaker, on November 24 when SB 978 was considered, I was present but not recorded. I would like to be recorded on amendment A4460 in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

To correct the record.

Yesterday I was not recorded on SB 1087, and I would like to be recorded in the affirmative. Thank you very much.

RULES COMMITTEE MEETING

The SPEAKER. There is an immediate meeting of the Rules Committee at the majority leader's desk.

RECESS

The SPEAKER. The House will now recess until the call of the Chair.

AFTER RECESS

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

BILL ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 627, PN 4273 By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue and for certain costs and fees and the collection and disposition thereof; providing for the compensation of justices and judges; making a conforming amendment to Title 15 (Corporations and Unincorporated Associations); and making a repeal.

RULES.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, on HB 2751, PN 4243, my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER. The Chair recognizes Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, on HB 2751, PN 4243, I was recorded in the affirmative. I wish to be recorded in the negative.

SUPPLEMENTAL CALENDAR C

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 30, PN 4116**, entitled:

An Act providing for the establishment and administration of an affordable housing program; and imposing additional powers and duties on the Department of Community Affairs.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Kukovich, seeking recognition to comment on this bill, on the matters inserted by the Senate?

The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

HB 30 passed this chamber overwhelmingly earlier this session. Under that program, bond issue money would have been spent for about a 6-part program to insure affordable housing in the Commonwealth. As part of an arrangement with the State Senate, that bill has in essence been gutted. The accompanying legislation dealing with the bond issue has not passed the State Senate. *What is before us is language which*

will implement the National Affordable Housing Act referred to as the Cranston-Gonzalez law, which will trigger millions of dollars into the Commonwealth, possibly by this spring, for an array of affordable housing programs.

What this bill does is, for the first time in the history of Pennsylvania, establish a statewide housing policy, set up a separate fund for affordable housing, and insure that funds will be available in the future for State and local match requirements by the Federal Government so we will be able to proceed on into the future to establish better housing in the Commonwealth.

I would just like to say that this is kind of a retirement present for Representative Ruth Harper, because through her and her Urban Affairs Committee, they have worked for the last 2 years to help get this legislation in place.

I would ask the members to concur.

The SPEAKER. The Chair recognizes Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

I agree with Representative Kukovich's comments on HB 30. The House Urban Affairs Committee worked on this legislation, and to terminate, when the end of the legislation passed the committee, it was on a bipartisan basis. The Senate took some things out of here, but it was because of the Federal guidelines.

I concur with Representative Kukovich, and I ask for a "yes" vote on HB 30 to concur with Senate amendments. Thank you.

The SPEAKER. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyos	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovicz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue

Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 184, PN 4202**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for reduced combustion vehicles, for inspection certificates and for movement of construction equipment.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Mihalich, seeking recognition to explain these Senate amendments?

The Chair recognizes the gentleman.

Mr. MIHALICH. Mr. Speaker, HB 184 and its companion bill, HB 185, which has already passed and became law, were designed to stimulate to some small degree the sale of electric-powered vehicles in Pennsylvania. HB 184, when it was passed overwhelmingly by this House, called for free registration of those vehicles until December 31, 1999. The Senate has amended it and allowed for free inspections, and I have not seen the bill yet or the amendment, but I am told that they have reduced that until 1996, December of 1996.

There is a further amendment the Senate put on for the movement of construction equipment. Again, I have not seen that, but I am told that it has to deal with inspection of vehicles that do not move on State highways and the credentials of people who make those inspections, and until I see that, I can only rely upon the report that was given to me, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.
The amendment that he does refer to is for construction trucks, and the annual permit issued to trucks prior to 1980 would be extended until May 31, 1998. It is an amendment that was worked out with the construction industry, and I would urge everybody to pass this amended version.

The SPEAKER. Those voting for concurrence will vote "aye"; opposed, "no."

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdanskyy	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 713, PN 4255**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for a prohibited offensive weapons exemption for liquor control enforcement officers; prohibiting the possession of a firearm or other dangerous weapon in a court facility; further providing for use of force in protecting property, for competency of witnesses, for sentencing for first degree murder and for sentencing for offenses committed with firearms; and providing for sentencing for robbery of cars.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Tangretti, seeking recognition to explain the Senate amendments?

The Chair recognizes the gentleman.

Mr. TANGRETTI. Thank you, Mr. Speaker.

HB 713, as it passed the House, very simply put into statute, amending the Crimes and Offenses, Title 18, of the Pennsylvania Code, making it a crime for anyone to carry a dangerous weapon or firearm in a courthouse, which right now is nonexistent in the code, and makes various gradings and defines "court facility," where those situations are to be regulated.

However, the Senate has amended HB 713 in a number of ways dealing with—and I am not versed on the specific aspects—but dealing with the limitations on justifiable use of force, providing for mandatory sentencing in carjacking situations, and also dealing with the situation that Representative Kukovich discussed on this floor 2 days ago relative to the incompetency of a witness and disqualification of a witness in a trial as a result of a perjury conviction in previous actions.

I am unfamiliar with the Senate amendments to the extent that I can explain them. I am told that they passed fairly significantly, without much discussion, and I would suggest that all of them have my support to the extent that they have indeed provided for the necessary changes in the criminal code.

So I would ask my colleagues for a concurrence vote on HB 713, not only with respect to what we did with HB 713 but also in terms of the Senate amendments. Thank you.

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I would like to know if I can interrogate the prime sponsor of this bill.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. RICHARDSON. Mr. Speaker, it is my understanding that now with the Senate amendments, this has made this a

mandatory sentencing bill for persons who are stopped on the highway and may have their car hijacked.

Mr. TANGRETTI. That is correct.

Mr. RICHARDSON. There are other provisions that I did not hear you clearly on that speak specifically to the Senate amendments, which is not your bill, and I am concerned with those portions of the new, added sections of this Crimes Code bill. I would like for you to expound on them a little bit more. All of us were not clear on what they were.

Mr. TANGRETTI. Mr. Speaker, I would love to answer the gentleman's question. The extent of the knowledge that I have relative to the Senate amendments is as I have read them. I am not privy nor have I had discussions with those sponsors in the Senate relative to these. I have had some discussion with staff about them. They have indicated that everybody on both sides of the aisle in the Senate agreed to them and that the specific provisions were ones that were pulled from various other bills that either passed this House or were in Senate bills, but I cannot specifically discuss those with you, unfortunately.

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

I would like to know if I am in order to speak on the bill.

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

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

Mr. Speaker, I rise to ask for a nonconcurrence, to force this to a conference committee. If the intent of the gentleman from his bill indicates that there are some strong concerns and I think that if he is not clear on them, I do not know what we have got in this bill. I would like to have the opportunity to ask for an immediate conference committee to at least take out those provisions that seem to be a stressing cause of alarm continuously, to continue to place mandatory sentencing bills before us and not have any place for us to put people after we create mandatory sentencing. It seems to me that if we in fact want to deal with some of the heinous crimes that we are actually dealing with, then we need to take them in separate codes and deal with them as they come up, but to lump them in now with a firearms bill, which was the intent of the gentleman, seems to be farfetched, and I think that we need some time to review this, at this late hour on Thanksgiving eve to try to push a mandatory sentencing bill when in fact we do not even have all the nuances of what this bill actually, really represents.

Particularly to those of us who are concerned about law and order and concerns of so-called law and order, we are mindful of the fact that we have a tendency to be very quick lipped—lipped, l-i-p-p-e-d—in terms of making decisions without having any consciousness and thought behind it. We react more than we preact, and I think that this is one of these reactionary pieces of legislation that is moved at the last hour and does not have any real thought in terms of what it actually means and the consequences behind it.

Therefore, I ask for a nonconcurrence on HB 713, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Will the gentleman please stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. LINTON. Thank you very much.

Could you give me some idea of what impact this particular bill will have on the prison population in the Commonwealth of Pennsylvania?

Mr. TANGRETTI. Unfortunately, Mr. Speaker, I am unable to answer the gentleman's question. I have not the foggiest.

Mr. LINTON. You do not have the foggiest idea. We are creating another bill that provides for mandatory sentencing with the prisons overcrowded in the Commonwealth of Pennsylvania and you have no idea of what impact it would have on that overcrowding.

Mr. TANGRETTI. That is correct, Mr. Speaker.

Let me, if you will permit, digress by saying to you, I will reiterate what I said earlier. This language was added in the Senate. I was not privy to it. I was informed about it late today. I have a copy of it for the first time in my hands. It provides for mandatory sentencing for carjacking. In and of itself, I do not have a problem with that. I think that mandatory sentencing in certain circumstances, particularly in this new and outrageous crime that we are reading about, is not a bad idea, quite frankly, but I am not in a position, unfortunately, to discuss with you, sir, the statistics relative to what that will mean to the prison population.

Mr. LINTON. Thank you very much.

Once again we are being called upon to vote for another mandatory sentencing bill, and not that I think that the crime of car hijacking should not be dealt with—it is a crime that is affecting the population of this Commonwealth—but once again, with the kind of prison overcrowding that we are faced with, with the escalating costs of continuing to provide for increased prison cells, once again this General Assembly is being asked to provide for increased sentencing, mandatory sentencing, with no idea of what it is going to cost the citizens of this Commonwealth.

Therefore, I ask for nonconcurrency on the bill, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, I have to vote against concurrence on HB 713. I feel compelled to urge the members to vote against concurrence.

I have heard Mr. Tangretti, the gentleman, say here on the floor this evening that the bill was amended in the Senate, that he is not familiar with the contents or the implications of those amendments. The thing that concerns me and the only reason that I feel compelled to urge that we vote against concurrence occurs on page 6 of the bill, beginning on line 24, and I hope that the members would just take the opportunity to stop and look at that particular provision in this bill, because what that provision does is that it expands the application of the death penalty.

Now, I understand that that may be something that we may want to vote for, that we may ultimately agree upon, but the fact of the matter is that I think that an expansion of the death penalty is, in my opinion, the most serious vote that we can make and that we ought to be certain that what we are doing is right. Mr. Tangretti has said, and I find no fault with him—You know, this is a last-minute amendment. It is something that was done without consultation with him, so that it is certainly not his fault. But I just feel a certain responsibility personally to make sure that if we are to expand the death penalty, that we are sure that what we are doing is right, that we are sure that what we are doing is in the interest of this Commonwealth, and that we are not doing something that might have some unintended consequences.

So given the late hour, this is something I would be happy to begin early in the next session, but I feel personally a responsibility to vote against concurrence. I hope that you would agree that we ought to take the opportunity to examine this particular provision more closely. Otherwise, I think it is an excellent bill. I just feel uncomfortable with that particular provision. Thank you.

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would seek permission to interrogate the author of the bill.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like to know from the gentleman who authored the bill, does he know the fiscal impact to the State of Pennsylvania for housing these people?

Mr. TANGRETTI. Mr. Speaker, I will answer the gentleman from Philadelphia's question the way I answered the other gentleman from Philadelphia's question. I do not know the fiscal impact nor any of the other statistics related to what this mandatory sentencing provision will cost.

POINT OF ORDER

Mr. WILLIAMS. Mr. Speaker, I would like to ask, if there is no knowledge of the fiscal impact—and I am certain that there would be some kind of fiscal impact—that we get a ruling with regard to a fiscal note on this particular matter.

Mr. TANGRETTI. I will defer to the Chair for a ruling.

The SPEAKER. The gentleman is raising a point of order under rule 19(a) and challenging the bill on the grounds that it has no fiscal note. Is that a correct statement?

Mr. WILLIAMS. That is correct, Mr. Speaker.

The SPEAKER. It is the opinion of the Chair that the bill may require the expenditure of Commonwealth funds in that it involves mandatory sentencing, and therefore, the bill requires a fiscal note.

Mr. TANGRETTI. Mr. Speaker, I wonder if— Point of order, if I may.

The SPEAKER. The gentleman, Mr. Williams, still has the floor. Does the gentleman have a further point of order?

Mr. WILLIAMS. Well, I will yield to the comments. If he can elaborate how he is going to come up with this fiscal note.

The SPEAKER. Well, the gentleman has raised— Unless the gentleman withdraws his point of order, then the bill cannot be considered regardless of the opinion of Mr. Tangretti about how much it will cost.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Tangretti.

Mr. TANGRETTI. I wonder, Mr. Speaker, if you would clarify that last statement you made, please?

The SPEAKER. Rule 19(a) requires that any bill considered by the House on concurrence in Senate amendments which may involve the expenditure of Commonwealth funds requires a fiscal note. The Chair is advised that there is no fiscal note attached.

Mr. TANGRETTI. Is it in order, Mr. Speaker, for the bill to be held over and request a fiscal note at this time?

The SPEAKER. The bill will remain on the calendar and can be called up by the gentleman at any time as long as a fiscal note has been obtained. So if a fiscal note is attached, then the bill can be considered.

Mr. TANGRETTI. Thank you, Mr. Speaker.

RULES SUSPENDED

Mr. GALLEN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I move that we suspend the rules requiring a fiscal note.

The SPEAKER. The gentleman is in order.

It is not a debatable motion.

The gentleman has moved that rule 19(a) be suspended to permit consideration of this bill without attachment of a fiscal note.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—164

Adolph	Dermody	Krebs	Raymond
Allen	Donatucci	Kukovich	Reber
Anderson	Durham	Langtry	Reinard
Angstadt	Fairchild	Laughlin	Rudy
Argall	Fajt	Lawless	Ryan
Armstrong	Fargo	Lee	Saloom
Arnold	Farmer	Leh	Saurman
Barley	Fee	Lescovitz	Scheetz
Battisto	Fleagle	Leverdansky	Schuler
Belardi	Flick	Lloyd	Scrimenti
Belfanti	Foster	Lucyk	Semmel
Birmelin	Freeman	McCall	Serafini
Black	Gallen	McGeehan	Smith, B.
Blaum	Gamble	McHale	Smith, S. H.
Bowley	Gannon	McHugh	Snyder, D. W.
Boyes	Geist	Markosek	Snyder, G.
Broujos	George	Marsico	Staback
Brown	Gerlach	Mayernik	Stairs
Bunt	Gigliotti	Melio	Steelman
Bush	Gladeck	Merry	Steighner
Caltagirone	Godshall	Michlovic	Stish
Cappabianca	Gruitza	Micoozie	Strittmatter
Carlson	Gruppo	Mihalich	Surra
Carone	Hagarty	Murphy	Tangretti

Cawley	Haluska	Nahill	Taylor, E. Z.
Cessar	Hanna	Nailor	Taylor, J.
Chadwick	Harley	Nickol	Telek
Civera	Hasay	Noye	Tigue
Clark	Hayes	Nyce	Tomlinson
Clymer	Heckler	O'Brien	Trello
Colafrilla	Herman	Olasz	Trich
Colaizzo	Hershey	Oliver	Tulli
Cole	Hess	Perzel	Uliana
Cornell	Jadlowiec	Pesci	Van Horne
Cowell	Jarolin	Petrarca	Vance
Coy	Johnson	Petrone	Veon
DeLuca	Kaiser	Phillips	Wambach
Daley	Kasunic	Piccola	Wilson
Davies	Kenney	Pistella	Wogan
Dempsey	King	Pitts	Wozniak
Dent	Kosinski	Preston	Wright, M. N.

NAYS—29

Acosta	Hayden	Maiale	Sturla
Bishop	Hughes	Mundy	Thomas
Butkovitz	Itkin	Richardson	Williams
Carn	James	Rieger	Wright, D. R.
Cohen	Josephs	Ritter	
DeWeese	LaGrotta	Robinson	O'Donnell,
Evans	Linton	Roebuck	Speaker
Harper	McNally	Stetler	

NOT VOTING—4

Freind	Kruszewski	Mrkonic	Vroon
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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 concur in Senate amendments?

The SPEAKER. Rule 19(a) is suspended, and the House has before it concurrence on HB 713.

The Chair recognizes Mr. Daley.

Mr. DALEY. To speak on the bill, Mr. Speaker.

The SPEAKER. On the amendments inserted by the Senate, the Chair recognizes Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

For the last several minutes we have heard a cavalcade of individuals come up before us and tell us and ask Mr. Tangretti to discuss the merits of this bill. Now, quite honestly, if you turn to page 7 and page 8 of the bill, I do not think it takes a Phi Beta Kappa to read the simple language that has been placed in this bill. None of us have been elected here to be spoonfed by other members. It takes a simple couple minutes to read the bill and what it means and what it is going to do. All this bill says is it sets up minimum mandatory sentencing for somebody involved with carjacking. I think we want to send out a social policy message that we mean business here.

Let us concur with the Senate amendments. Let us get on with the vote, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. King.

Mr. KING. Mr. Speaker, you took the words right out of my mouth. Let us roll the vote, please.

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I am all for doing good PR (public relations), and I guess that is what we are about tonight.

The consequences that we are going to levy against the Commonwealth I think are beyond capricious and extremely subjective with regard to how recklessly we would choose to spend this money.

If we are intending to arrest criminals, if we are intending to abrogate crime, if we are intending to send a message to those who would certainly do something as heinous as killing someone or carjacking, there are certainly methods that I would assist in terms of doing that.

I do not think that this generally worded, loosely phrased PR process is going to do anything along those lines. And certainly if we were all responsible, I am certain we would all have read that message or that memo that the chairman of Appropriations sent to us months ago, that when we prepare these kinds of bills, that a day in advance we should prepare fiscal notes. That certainly suggests to me the study of this matter was not complete, and therefore, I would have to say, even though I do not believe in carjacking and I certainly believe those kinds of people should be convicted and locked up and put away for some period of time, I cannot concur with this bill.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to ask for nonconcurrency on some other different reasons.

I have been here a number of years now, and this general body has set up a whole myriad of mandatory sentencing for criminal offenses, and every time we do that, we take a little bit of the discretion away from the people that are dispensing that very intangible term "justice," and that is the judges.

Now, they have been running around this Capitol for the past 2 days, and I am sure they are running around here because they are interested in HB 713, but I think what we need to be doing is moving away from this legislative body, move away from mandating sentences and allow the individual judges to take an interest in individual cases in front of their bench so that they can make the decisions that they need to do. We can set the guidelines, but allow them that ability to make the final decision as to what punishment fits the crime.

For that reason, I am asking for a nonconcurrency. Give the judges back the authority that they are supposed to have. Thank you.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—174

Adolph	Donatucci	Laughlin	Ritter
Allen	Durham	Lawless	Robinson
Anderson	Evans	Lee	Rudy
Angstadt	Fairchild	Leh	Ryan

Argall	Fajt	Lescovitz	Saloom
Armstrong	Fargo	Levdansky	Saurman
Barley	Farmer	Lloyd	Scheetz
Battisto	Fee	Lucyk	Schuler
Belardi	Fleagle	McCall	Scrimenti
Belfanti	Flick	McGeehan	Semmel
Birmelin	Foster	McHale	Serafini
Black	Freeman	McHugh	Smith, B.
Blaum	Gallen	Maiale	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Broujos	George	Mayernik	Staback
Brown	Gerlach	Meio	Stairs
Bunt	Gigliotti	Merry	Steighner
Bush	Gladeck	Michlovic	Stish
Butkovitz	Godshall	Micozzie	Strittmatter
Caltagirone	Gruitza	Mihalich	Sturla
Cappabianca	Gruppo	Mundy	Surra
Carlson	Hagarty	Murphy	Tangretti
Carone	Haluska	Nahill	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Cessar	Harley	Nickol	Telek
Chadwick	Harper	Noye	Tigue
Civera	Hasay	Nyce	Tomlinson
Clark	Hayes	O'Brien	Trello
Clymer	Heckler	Olasz	Trich
Cohen	Herman	Oliver	Tulli
Colafella	Hershey	Perzel	Uliana
Colaizzo	Hess	Pesci	Van Horne
Cole	Jadlowiec	Petrarca	Vance
Cornell	Jarolin	Petrone	Veon
Cowell	Johnson	Phillips	Vroon
Coy	Kaiser	Piccola	Wambach
DeLuca	Kasunic	Pistella	Wilson
DeWeese	Kenney	Pitts	Wogan
Daley	King	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, M. N.
Dempsey	Krebs	Reber	
Dent	LaGrotta	Reinard	O'Donnell,
Dermody	Langtry	Rieger	Speaker

NAYS—20

Acosta	Hayden	Kukovich	Steelman
Arnold	Hughes	Linton	Stetler
Bishop	Itkin	McNally	Thomas
Carn	James	Richardson	Williams
Gamble	Josephs	Roebuck	Wozniak

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1103, PN 4245**, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Freeman.
 Mr. FREEMAN. Thank you, Mr. Speaker.
 Mr. Speaker, HB 1103 passed this House overwhelmingly in June of this year with 181 “yea” votes.

The bill as it left the House and as it has come back to us merely establishes by statute the Heritage Affairs Commission, which currently exists by Executive order. The Senate added four technical amendments. One dealt with the term of commission members, truly of a technical nature. The second amendment merely provided clarification of language regarding how the commission would receive appropriations. Currently its appropriations come through the Department of Community Affairs. It would continue that option, but it would also allow either the appropriation to go to the department or— And given the feeling of the House, perhaps they do not want to hear the rest of the technical amendments.

I would urge a “yes” vote.

The SPEAKER. Those in favor of concurrence will vote “aye”; opposed, “no.”

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—182

Acosta	Dermody	Laughlin	Roebuck
Adolph	Donatucci	Lawless	Rudy
Allen	Durham	Lee	Ryan
Anderson	Evans	Lescovitz	Saloom
Angstadt	Fajt	Levdansky	Saurman
Argall	Farmer	Linton	Scheetz
Armstrong	Fee	Lloyd	Schuler
Arnold	Fleagle	Lucyk	Scrimenti
Barley	Flick	McCall	Semmel
Battisto	Foster	McGeehan	Serafini
Belardi	Freeman	McHale	Smith, B.
Belfanti	Gamble	McHugh	Smith, S. H.
Birmelin	Gannon	McNally	Snyder, D. W.
Bishop	Geist	Maiale	Staback
Black	George	Markosek	Stairs
Blaum	Gerlach	Marsico	Steelman
Bowley	Gigliotti	Mayernik	Steighner
Boyes	Gladeck	Melio	Stetler
Broujos	Godshall	Merry	Stish
Brown	Gruitza	Michlovic	Strittmatter
Bunt	Gruppo	Micozzie	Sturla
Bush	Hagarty	Mihalich	Surra
Butkovitz	Haluska	Mundy	Tangretti
Caltagirone	Hanna	Murphy	Taylor, E. Z.
Cappabianca	Harley	Nahill	Taylor, J.
Carlson	Hayden	Nailor	Telek
Carn	Hayes	Nyce	Thomas
Carone	Heckler	O'Brien	Tomlinson
Cawley	Herman	Olasz	Trello
Cessar	Hershey	Oliver	Trich
Chadwick	Hess	Perzel	Tulli
Civera	Hughes	Pesci	Uliana
Clymer	Itkin	Petrarca	Van Horne
Cohen	Jadlowiec	Petrone	Vance
Colafrilla	James	Phillips	Veon
Colaizzo	Jarolin	Piccola	Vroon
Cole	Josephs	Pistella	Wambach
Corneli	Kaiser	Pitts	Williams
Cowell	Kasunic	Preston	Wilson
Coy	Kenney	Raymond	Wogan
DeLuca	King	Reber	Wozniak
DeWeese	Kosinski	Reinard	Wright, D. R.
Daley	Krebs	Richardson	Wright, M. N.

Davies	Kukovich	Rieger	O'Donnell,
Dempsey	LaGrotta	Ritter	Speaker
Dent	Langtry	Robinson	

NAYS—10

Clark	Gallen	Nickol	Snyder, G.
Fairchild	Hasay	Noye	Tigue
Fargo	Leh		

NOT VOTING—5

Freind	Johnson	Kruszewski	Mrkonic
Harper			

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1221, PN 4256**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as “The Borough Code,” further providing for compensation for certain aged employees; providing for funding of police pensions; and further providing for specific powers of the borough.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. I will yield to Representative Van Horne. I would like to follow up.

The SPEAKER. The Chair recognizes Mr. Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

Just to explain the amendment inserted by the Senate. They inserted an amendment dealing with the powerplants in boroughs and make it sure that you conform with the Local Government Unit Debt Act, and I urge concurrence on the vote.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I respectfully ask that the House nonconcur in this bill.

During the election we heard a lot about perks and taxes, and this is a wholesale perk operation for boroughs in this Commonwealth. What it says on page 3, it says starting on line 19, “...mayor and council, or any class, or classes thereof, or their dependents, under a policy or policies of insurance covering life, health, hospitalization, medical and surgical service and/or accident insurance....” That means that your local councilmen can vote themselves all of this coverage and the cost would be put onto the taxpayers, and a package like that could cost \$500 or \$600 per member of council and mayor.

This is a scam. This is wrong, and we should not be doing it, and I ask that you nonconcur.

POINT OF ORDER

Mr. VAN HORNE. Mr. Speaker, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. VAN HORNE. The previous speaker is debating an amendment that was put into the bill when we passed it a year ago. He is not even debating the Senate amendments.

The SPEAKER. The gentleman has finished, but future speakers should confine their remarks to the amendments inserted by the Senate.

The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, my point was essentially the same point raised by Mr. Van Horne. The prior speaker was not debating an amendment inserted by the Senate, but instead was resurrecting a battle he lost a long time ago.

Similar bills, which provide amendments to the First Class Township Code and the Second Class Township Code, have already been sent to the Governor today with the same language in it. I would urge concurrence in the amendments inserted by the Senate. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, would Representative Van Horne stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. GAMBLE. Mr. Speaker, the previous speaker just made a statement that the same sort of coverage was just passed in two bills. It was my understanding that you just spoke to the Senate and they have not come over as yet.

Mr. VAN HORNE. Repeat your question, Mr. Speaker.

Mr. GAMBLE. It is my understanding that the coverage that would affect townships - first-class and second-class townships - is yet to come over here, and the previous speaker has said something to the contrary.

Mr. VAN HORNE. Thank you, Mr. Speaker.

No. To correct what you just said. Those two bills do not have to come back over here. There were no Senate amendments to a whole package of bills that has been put out by the Public Employee Retirement Study Commission. Those bills were not amended. They are part of a comprehensive package. Those in fact have been passed and sent to the Governor.

Just for additional information, the only reason this has come back is because of the very point we are arguing, that the only amendment change was made regarding the power-plants in the borough and the Local Government Unit Debt Act.

I urge concurrence. Thank you.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—163

Acosta	Evans	Leh	Rudy
Adolph	Fairchild	Lescovitz	Ryan
Allen	Fargo	Linton	Saloom
Angstadt	Fee	Lucyk	Saurman
Argall	Fleagle	McCall	Scheetz
Armstrong	Flick	McGeehan	Schuler
Barley	Foster	McHale	Semmel
Battisto	Freeman	McHugh	Serafini
Belardi	Gannon	McNally	Smith, B.
Belfanti	George	Maiale	Smith, S. H.
Birmelin	Gerlach	Marsico	Snyder, D. W.
Bishop	Gigliotti	Melio	Snyder, G.
Black	Gladeck	Merry	Staback
Blaum	Gruitza	Michlovic	Stairs
Boyes	Gruppo	Micozzie	Steelman
Brown	Hagarty	Mihalich	Steighner
Bunt	Haluska	Mundy	Stetler
Bush	Hanna	Nahill	Strittmatter
Caltagirone	Harley	Nickol	Sturla
Cappabianca	Harper	Noye	Tangretti
Carlson	Hasay	Nyce	Taylor, E. Z.
Carn	Hayden	O'Brien	Taylor, J.
Carone	Hayes	Olasz	Telek
Cessar	Heckler	Oliver	Thomas
Chadwick	Herman	Perzel	Tigue
Civera	Hershey	Pesci	Tomlinson
Clark	Hess	Petrarca	Trello
Clymer	Hughes	Petrone	Trich
Cohen	Jadlowiec	Phillips	Tulli
Colafella	James	Piccola	Uliana
Colaizzo	Jarolin	Pistella	Van Horne
Cole	Johnson	Pitts	Veon
Cornell	Josephs	Preston	Wambach
Cowell	Kasunic	Raymond	Williams
Coy	Kenney	Reber	Wilson
DeWeese	King	Reinard	Wogan
Daley	Kosinski	Richardson	Wright, D. R.
Davies	Kukovich	Rieger	Wright, M. N.
Dempsey	LaGrotta	Ritter	
Dermody	Laughlin	Robinson	O'Donnell,
Donatucci	Lee	Roebuck	Speaker
Durham			

NAYS—31

Anderson	Fajt	Krebs	Nailor
Arnold	Farmer	Langtry	Scrimenti
Bowley	Gallen	Lawless	Stish
Broujos	Gamble	Levdansky	Surra
Butkovitz	Geist	Lloyd	Vance
Cawley	Godshall	Markosek	Vroon
DeLuca	Itkin	Mayermik	Wozniak
Dent	Kaiser	Murphy	

NOT VOTING—3

Freind	Kruszewski	Mrkonc
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 2162, PN 4258**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Revenue, to grant and convey to Mildred L. Brown a tract of

land situate in the Township of St. Thomas, Franklin County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to grant and convey to Robert Ekey and Barbara N. Ekey, his wife, certain excess land situate in the Township of Conewango, Warren County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to the North Warren Municipal Authority a tract of land situate in Conewango Township, Warren County, Pennsylvania.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Coy.
Mr. COY. Thank you, Mr. Speaker.

I move the House do concur in the amendments placed by the Senate. This was a land transfer bill that originally affected only a tract of land in Franklin County. The Senate amended it to include two tracts of land in Warren County, and I ask for concurrence in the amendments.

The SPEAKER. Those in favor will vote "aye"; opposed, "no."

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—194

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback
Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickoi	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafiglia	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams

DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—3

Freind Kruszewski Mrkonic
EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2344, PN 4252**, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," further providing for the membership of the agency and the powers of the agency, for use of nondistributed profits, for nondiscrimination, for making and purchasing loans and mortgages, for allocation of loans, for qualified bonds and notes and for eligibility; further providing for the Homeowners' Emergency Mortgage Assistance Program; and repealing certain provisions relating to expiration of act.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, this bill originally passed the House unanimously and with the amendment passed the Senate unanimously. What the Senate amendments do is add appointments by legislative leaders and they make technical changes providing for notice requirements.

I urge support of these amendments.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—193

Acosta	Evans	Laughlin	Roebuck
Adolph	Fairchild	Lawless	Rudy
Allen	Fajt	Lee	Ryan
Anderson	Fargo	Leh	Saloom
Angstadt	Farmer	Lescovitz	Saurman
Argall	Fee	Levdansky	Scheetz
Armstrong	Fleagle	Linton	Schuler
Arnold	Flick	Lloyd	Scrimenti
Barley	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	McNally	Snyder, G.
Blaum	George	Maiale	Staback

Bowley	Gerlach	Markosek	Stairs
Boyes	Gigliotti	Marsico	Steelman
Broujos	Gladeck	Mayernik	Steighner
Brown	Godshall	Melio	Stetler
Bunt	Gruitza	Merry	Stish
Bush	Gruppo	Michlovic	Strittmatter
Butkovitz	Hagarty	Micozzie	Sturla
Caltagirone	Haluska	Mihalich	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colaella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker
Durham	Langtry	Robinson	

NAYS—0

NOT VOTING—4

Battisto	Freind	Kruszewski	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 2456, PN 4253**, entitled:

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), known as the "Storage Tank and Spill Prevention Act," exempting volunteer fire companies and volunteer emergency medical service organizations from the underground storage tank registration fee; and further providing for eligibility of claimants, for the advisory committee, for fire protection requirements, for commercial heating oil storage tanks, for the Underground Storage Tank Indemnification Fund, for the powers and duties of the Underground Storage Tank Indemnification Board and for the Storage Tank Loan Fund.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Hasay.
Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, what the Senate did was it addressed the truckstops by adjusting the fees of what they had requested; it extended the immunity which the banking industry had

requested; it reduced the deductible from \$75,000 to \$10,000 to help our small gas stations; and it also exempted volunteer fire, volunteer medical services from paying the registration fee, and I ask for concurrence. Thank you, Mr. Speaker.

The SPEAKER. Those in favor will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—192

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McGeehan	Smith, S. H.
Birmelin	Gamble	McHale	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Maiale	Staback
Blaum	George	Markosek	Stairs
Bowley	Gerlach	Marsico	Steelman
Boyes	Gigliotti	Mayernik	Steighner
Broujos	Gladeck	Melio	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruitza	Michlovic	Strittmatter
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, J.
Carn	Harper	Nailor	Telek
Carone	Hasay	Nickol	Thomas
Cawley	Hayden	Noye	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	Olasz	Trello
Civera	Herman	Oliver	Trich
Clark	Hershey	Perzel	Tulli
Clymer	Hess	Pesci	Uliana
Cohen	Hughes	Petrarca	Van Horne
Colaella	Itkin	Petrone	Vance
Colaizzo	Jadlowiec	Phillips	Veon
Cole	James	Piccola	Vroon
Cornell	Jarolin	Pistella	Wambach
Cowell	Johnson	Pitts	Williams
Coy	Josephs	Preston	Wilson
DeLuca	Kaiser	Raymond	Wogan
DeWeese	Kasunic	Reber	Wozniak
Daley	Kenney	Reinard	Wright, D. R.
Davies	King	Richardson	Wright, M. N.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—5

Freind	McHugh	Mrkonic	O'Brien
Kruszewski			

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to HB 2519, PN 4259, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

On the question, Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Oliver. Mr. OLIVER. Thank you, Mr. Speaker.

Mr. Speaker, this bill passed this House by a unanimous vote. What this bill did was extend it from 21 days to 31 days before a person could be penalized for not renewing their insurance premium.

What the Senate did is they amended a certain portion out of this bill that reads as follows: "The owner or registrant proves to the department that the lapse in financial responsibility coverage was due to the hospitalization in critical condition of the owner or registrant." What it actually did was it would have extended this beyond the 31 days.

I ask for concurrence in the Senate amendments.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring, Will the House concur in Senate amendments?

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

YEAS—193

- Acosta Durham Langtry Roebuck
Adolph Evans Laughlin Rudy
Allen Fairchild Lawless Ryan
Anderson Fajt Lee Saioom
Angstadt Fargo Leh Saurman
Argall Farmer Lescovitz Scheetz
Armstrong Fee Levdansky Schuler
Arnold Fleagle Linton Scrimenti
Barley Flick Lloyd Semmel
Battisto Foster Lucyk Serafini
Belardi Freeman McCall Smith, B.
Beifanti Gallen McGeehan Smith, S. H.
Birmelin Gamble McHale Snyder, D. W.
Bishop Gannon McHugh Snyder, G.
Black Geist McNally Staback
Blaum George Maiale Stairs
Bowley Gerlach Markosek Steelman
Boyes Gigliotti Marsico Steighner
Bronjos Gladeck Mayernik Stetler
Brown Godshall Melio Stish
Bunt Gruitza Merry Strittmatter
Bush Gruppo Michlovic Sturla
Butkovitz Hagarty Mihalich Surra
Caltagirone Haluska Mundy Tangretti
Cappabianca Hanna Murphy Taylor, E. Z.
Carlson Harley Nahill Taylor, J.
Carn Harper Nailor Telek

- Carone Hasay Nickol Thomas
Cawley Hayden Noye Tigie
Cessar Hayes Nyce Tomlinson
Chadwick Heckler O'Brien Trello
Civera Herman Olasz Trich
Clark Hershey Oliver Tulli
Clymer Hess Perzel Uliana
Cohen Hughes Pesci Van Horne
Colafigella Itkin Petrarca Vance
Colaizzo Jadlowiec Petrone Veon
Cole James Phillips Vroon
Cornell Jarolin Piccola Wambach
Cowell Johnson Pistella Williams
Coy Josephs Pitts Wilson
DeLuca Kaiser Preston Wogan
DeWeese Kasunic Raymond Wozniak
Daley Kenney Reber Wright, D. R.
Davies King Reinard Wright, M. N.
Dempsey Kosinski Richardson
Dent Krebs Rieger O'Donnell,
Dermody Kukovich Ritter Speaker
Donatucci LaGrotta Robinson

NAYS—0

NOT VOTING—4

Freind Kruszewski Micozzie Mrkonic

EXCUSED—4

Billow Corrigan Stuban Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

The SPEAKER. The record should reflect that on concurrence in Senate amendments to HB 713, the gentleman, Mr. Hayden, should have been recorded in the affirmative.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned HB 1530, PN 3868; and HB 2297, PN 4244, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to HB 164, PN 2721; HB 1305, PN 3866; and HB 2509, PN 4200.

BILLS SIGNED BY SPEAKER

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

HB 164, PN 2721

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," permitting the Secretary of Revenue to enter into contracts for the placement of commercial advertisements on lottery tickets.

HB 1305, PN 3866

An Act amending the act of June 25, 1895 (P. L. 275, No. 188), referred to as the "City Classification Law," changing the population requirements for cities of the second class, second class A and third class; and regulating home rule charter or optional plan forms of government.

HB 2509, PN 4200

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey certain tracts of land situate in the City of Erie, Erie County; providing for the conveyance of Wolverine Memorial Park in Erie to the Erie-Western Pennsylvania Port Authority; authorizing the conveyance of a tract of land in Berks County to Valley View Mobile Home Park; authorizing and directing the Department of General Services to accept the conveyance to the Commonwealth of a parcel of land situate in the Township of Honeybrook, County of Chester and Township of Salisbury, County of Lancaster; authorizing the Department of General Services to sell said parcel of land with a contiguous parcel of land previously approved for sale pursuant to the Surplus Property Disposition Plan of 1985, approved by the Legislature, in accordance with Article XXIV-A of the act of April 9, 1929 (P. L. 177, No. 175), known as The Administrative Code of 1929; authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to convey a tract of land in Upper Augusta Township, Northumberland County, to the Northumberland County Historical Society; authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America; authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to sell and convey to The Pennsylvania State University a tract of land and the buildings erected thereon in Ferguson Township, Centre County, Pennsylvania; authorizing the Pennsylvania Historical and Museum Commission to accept a gift of certain real property situate in the Township of Solebury, Bucks County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to sell and convey real property in Union Township, Bedford County; authorizing and directing the Department of Transportation, with the approval of the Governor, to grant and convey land situate in the City of Pittsburgh, Allegheny County, to the Urban Redevelopment Authority of the City of Pittsburgh; authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the North Warren Municipal Authority, land situate partially in the Township of Conewago and partially in the Borough of North Warren, Warren County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Hartley Township a tract of land situate in Hartley Township, Union County, Pennsylvania; and making repeals.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to correct the record.

On HB 1103 my switch malfunctioned. I would like to be recorded in the positive.

SUPPLEMENTAL CALENDAR D**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1982, PN 4267**, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," abolishing the State Health Coordinating Council and the Health Care Policy Board; further providing for health planning; establishing the Health Policy Board; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Pistella, seeking recognition? The Chair recognizes the gentleman.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I would encourage the members to concur in the Senate amendments.

Three of the key provisions that the Senate added was outlining the persons who can appeal. When this bill was approved by the House, it provided that only the applicant and any interested person who participated in the initial review could appeal. The Senate amended it to provide that a Department of Health decision could be appealed by the applicant or any interested person who requested and participated in a public meeting or who can fully document and make available material information which is relevant to the review and which was not available during the period when the Department of Health completed its review.

The second major point is stipulating that at least 2 of the appointments to the 15-member Health Policy Board shall be individuals knowledgeable of rural health care needs.

The third major provision is having the Legislative Budget and Finance Committee include within its review of the CON (certificate of need) program, which is required to commence 1 year from the expiration of the current CON program, the cost of those appeals.

And again to reiterate, I would encourage the members to concur in the Senate amendments. Thank you.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—191

Acosta	Durham	LaGrotta	Robinson
Adolph	Evans	Langtry	Roebuck
Allen	Fairchild	Laughlin	Rudy
Anderson	Fajt	Lawless	Ryan
Angstadt	Fargo	Lee	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Freeman	McCall	Serafini
Belfanti	Gallen	McGeehan	Smith, B.
Birmelin	Gamble	McHale	Smith, S. H.
Bishop	Gannon	McHugh	Snyder, D. W.
Black	Geist	Maiale	Snyder, G.
Blaum	George	Markosek	Staback
Bowley	Gerlach	Marsico	Stairs
Boyes	Gigliotti	Mayernik	Steelman
Broujos	Gladeck	Melio	Steighner
Brown	Godshall	Merry	Stetler
Bunt	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, J.
Carn	Harper	Nailor	Telek
Carone	Hasay	Nickol	Thomas
Cawley	Hayden	Noye	Tigue
Cessar	Hayes	Nyce	Tomlinson
Chadwick	Heckler	O'Brien	Trello
Civera	Herman	Olasz	Trich
Clark	Hershey	Oliver	Tulli
Clymer	Hess	Perzel	Uliana
Cohen	Hughes	Pesci	Van Horne
Colaifella	Itkin	Petrarca	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell,
Dermody	Kukovich	Ritter	Speaker
Donatucci			

NAYS—2

Leh	Strittmatter
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NOT VOTING—4

Freind	Kruszewski	McNally	Mrkonic
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that House rule 30 be suspended to permit SB 1709, HB 2390, and HB 611 to go

immediately to the calendar without referral to the Rules Committee.

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

The following roll call was recorded:

YEAS—187

Acosta	Durham	Laughlin	Robinson
Adolph	Evans	Lawless	Roebuck
Allen	Fairchild	Lee	Rudy
Anderson	Fajt	Leh	Ryan
Angstadt	Fargo	Lescovitz	Saloom
Argall	Farmer	Levdansky	Saurman
Armstrong	Fee	Linton	Scheetz
Arnold	Fleagle	Lloyd	Schuler
Barley	Flick	Lucyk	Scrimenti
Battisto	Foster	McCall	Semmel
Belardi	Freeman	McGeehan	Serafini
Belfanti	Gallen	McHale	Smith, B.
Birmelin	Gamble	McHugh	Smith, S. H.
Bishop	Gannon	McNally	Snyder, D. W.
Black	Geist	Maiale	Snyder, G.
Blaum	George	Markosek	Staback
Bowley	Gerlach	Marsico	Stairs
Boyes	Gigliotti	Mayernik	Steelman
Broujos	Gladeck	Melio	Steighner
Brown	Godshall	Merry	Stetler
Bunt	Gruitza	Michlovic	Stish
Bush	Gruppo	Micozzie	Strittmatter
Butkovitz	Hagarty	Mihalich	Sturla
Caltagirone	Haluska	Mundy	Surra
Cappabianca	Hanna	Murphy	Tangretti
Carlson	Harley	Nahill	Taylor, E. Z.
Carn	Harper	Nailor	Telek
Carone	Hasay	Nickol	Thomas
Cawley	Hayes	Noye	Tigue
Cessar	Heckler	Nyce	Tomlinson
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark	Hess	Perzel	Tulli
Clymer	Hughes	Pesci	Uliana
Cohen	Itkin	Petrarca	Van Horne
Colaizzo	Jadlowiec	Petrone	Vance
Cole	James	Phillips	Veon
Cornell	Jarolin	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Preston	Wilson
DeWeese	King	Raymond	Wozniak
Daley	Kosinski	Reber	Wright, D. R.
Davies	Krebs	Reinard	Wright, M. N.
Dempsey	Kukovich	Richardson	
Dent	LaGrotta	Rieger	O'Donnell,
Dermody	Langtry	Ritter	Speaker
Donatucci			

NAYS—0

NOT VOTING—10

Colaifella	Johnson	Mrkonic	Taylor, J.
Freind	Kenney	Oliver	Wogan
Hayden	Kruszewski		

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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.

SENATE MESSAGE**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 611, PN 4268**; and **HB 2390, PN 4269**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**AMENDED SENATE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1709, PN 2653**.

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

BILLS SIGNED BY SPEAKER

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

HB 30, PN 4116

An Act providing for the establishment and administration of an affordable housing program; and imposing additional powers and duties on the Department of Community Affairs.

HB 184, PN 4202

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for reduced combustion vehicles, for inspection certificates and for movement of construction equipment.

HB 713, PN 4255

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for a prohibited offensive weapons exemption for liquor control enforcement officers; prohibiting the possession of a firearm or other dangerous weapon in a court facility; further providing for use of force in protecting property, for competency of witnesses, for sentencing for first degree murder and for sentencing for offenses committed with firearms; and providing for sentencing for robbery of cars.

HB 1103, PN 4245

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

HB 1221, PN 4256

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; providing for funding of police pensions; and further providing for specific powers of the borough.

HB 1982, PN 4267

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), known as the "Health Care Facilities Act," abolishing the State Health Coordinating Council and the Health Care Policy Board; further providing for health planning; establishing the Health Policy Board; and making repeals.

HB 2162, PN 4258

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Revenue, to grant and convey to Mildred L. Brown a tract of land situate in the Township of St. Thomas, Franklin County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to grant and convey to Robert Ekey and Barbara N. Ekey, his wife, certain excess land situate in the Township of Conewango, Warren County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to the North Warren Municipal Authority a tract of land situate in Conewango Township, Warren County, Pennsylvania.

HB 2344, PN 4252

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," further providing for the membership of the agency and the powers of the agency, for use of nondistributed profits, for nondiscrimination, for making and purchasing loans and mortgages, for allocation of loans, for qualified bonds and notes and for eligibility; further providing for the Homeowners' Emergency Mortgage Assistance Program; and repealing certain provisions relating to expiration of act.

HB 2456, PN 4253

An Act amending the act of July 6, 1989 (P. L. 169, No. 32), known as the "Storage Tank and Spill Prevention Act," exempting volunteer fire companies and volunteer emergency medical service organizations from the underground storage tank registration fee; and further providing for eligibility of claimants, for the advisory committee, for fire protection requirements, for commercial heating oil storage tanks, for the Underground Storage Tank Indemnification Fund, for the powers and duties of the Underground Storage Tank Indemnification Board and for the Storage Tank Loan Fund.

HB 2519, PN 4259

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

The SPEAKER. For the information of the members, the House is waiting for a supplemental calendar to be printed, approximately 15 minutes.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. CESSAR. Thank you, Mr. Speaker.

I would just like to submit some remarks for the record on **HB 2751, PN 4243**.

The SPEAKER. The gentleman will submit his remarks to the clerk, which will be included in the record.

Mr. CESSAR submitted the following remarks for the Legislative Journal:

The clock is ticking on more than just this session of the General Assembly. The Federal Clean Air Act amendments have set forth requirements that Pennsylvania expand its vehicle emission inspection program to more counties and with more sophisticated testing equipment.

As part of a nationwide goal of reduction of air pollution in stationary and mobile sources, this bill requires motorists in twenty-five (25) counties to have the test. The current plan includes most of eleven (11) counties. The bill also calls for a phase-in of alternative fuels and eventual use of low-emission vehicles.

The issue is not whether we implement a plan or when we do it. The Federal Government gives us no choice in the matter.

The issue is whether this bill is the best possible plan for the Commonwealth. The answer is an equivocal, YES. This bill has been worked and reworked by the Transportation Committees of both Houses of this General Assembly. We have heard testimony at public hearings from representatives of every group of citizens and businesses that will be affected by this bill.

We have also added provisions which will require PennDOT to explore ways to improve consumer services to all citizens of the Commonwealth. A pilot program will be established to allow advancements, such as ATM machines to process registrations and drivers' licenses; these are included in this bill.

Failing to pass this legislation today carries a real threat of sanctions being levied on Pennsylvania by the Federal Government. These sanctions will be severe and not affect just our highway dollars, but other Federal money which is returned to the Commonwealth.

For those of you who were not in this General Assembly in 1983 when we faced the real possibility of loss of jobs and severe damage to the State's economy, due to failure to adopt a plan to eleven (11) counties, you must understand the importance of your vote today. The stakes are now even higher and the risk to the Commonwealth is greater. I ask for an affirmative vote.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 30 be suspended to permit HB 90 and HB 555 to go directly to the calendar without referral to the Rules Committee.

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

The following roll call was recorded:

YEAS—190

Acosta	Durham	Langtry	Robinson
Adolph	Evans	Laughlin	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Freeman	Lucyk	Serafini
Belardi	Gallen	McCall	Smith, B.
Belfanti	Gamble	McGeehan	Smith, S. H.
Birmelin	Gannon	McHale	Snyder, D. W.
Bishop	Geist	McHugh	Snyder, G.
Black	George	McNally	Staback
Blaum	Gerlach	Maiale	Stairs
Bowley	Gigliotti	Markosek	Steelman
Boyes	Gladeck	Marsico	Steighner

Broujos	Godshall	Mayernik	Stetler
Brown	Gruitza	Melio	Stish
Bunt	Gruppo	Merry	Strittmatter
Bush	Hagarty	Michlovic	Sturla
Caltagirone	Haluska	Micozzie	Surra
Cappabianca	Hanna	Mihalich	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Cowell	Johnson	Piccola	Wambach
Coy	Josephs	Pistella	Williams
DeLuca	Kaiser	Pitts	Wilson
DeWeese	Kasunic	Preston	Wogan
Daley	Kenney	Raymond	Wozniak
Davies	King	Reber	Wright, D. R.
Dempsey	Kosinski	Reinard	Wright, M. N.
Dent	Krebs	Richardson	
Dermody	Kukovich	Rieger	O'Donnell,
Donatucci	LaGrotta	Ritter	Speaker

NAYS—0

NOT VOTING—7

Butkovitz	Freind	Mrkonic	Ryan
Foster	Kruszewski	Mundy	

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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.

SENATE MESSAGE

**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 90, PN 3849**; and **HB 555, PN 4270**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SUPPLEMENTAL CALENDAR G

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 611, PN 4268**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," extending enforcement powers of liquor control enforcement officers; providing for legal opinions; eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Saloom, seeking recognition?

Mr. SALOOM. Mr. Speaker, I would like to move for concurrence on HB 611.

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Mr. Speaker, I hate to throw cold water on this, but we have not seen HB 611. We have the other two bills that were distributed, but we do not have HB 611.

If he wants to explain it, you know, I do not want to hold it up, but if he wants to explain it, that is fine.

The SPEAKER. It is the understanding of the Chair that the bill has been distributed. Is anyone prepared to offer an explanation of the Senate amendments?

The Chair recognizes the gentleman, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, this bill gives the enforcement bureau their legal opinion from the Liquor Control Board. Also, it adds some extra police powers to the enforcement agents that they have been lacking and that they do need to protect themselves and be able to make some classified arrests.

The SPEAKER. The Chair recognizes Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I ask that we nonconcur in the Senate amendments.

If you look at page 2, starting with line 14, what we do in this bill is we allow liquor agents, not State Police but the agents who work under their guise, as it says, "To pursue, apprehend and arrest any individual,..." et cetera, and you can read it for yourselves. I do not think we should be giving police powers to liquor agents who are not properly trained, even though they are under the State Police.

I would ask that you nonconcur.

The SPEAKER. The Chair recognizes Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I rise to address the statement of my colleague, the previous speaker. I disagree with him. These liquor control enforcement agents do go through a school under the advisement of the State Police. They do carry firearms. This does not expand their police power but says that they can make arrests when in the performance of their duty when acting as a liquor control enforcement agent, or, I would imagine, hot pursuit; I have not seen that section yet, but basically when they are serving in their capacity.

As it exists right now, whenever a liquor control enforcement agent walks into a licensed establishment and someone punches him in the mouth, you would expect that he would arrest that individual. Not the case, because he does not have the powers of arrest. What this legislation would do is permit the liquor control enforcement agent to effectuate an arrest for that violation performed upon himself or in his presence.

I believe this bill is essential; it is necessary for these individuals to have powers of arrest. It does not, does not extend that power of arrest into looking at burglaries or homicides not created in their presence or in another location where they do not have law enforcement powers.

So I believe this is necessary for those individuals to protect themselves to effectuate the arrest, and it is a cost savings not to have the State Police do it but that individual that is involved to perform the arrest. I would ask for a concurrence on HB 611.

The SPEAKER. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to urge concurrence on HB 611.

In contrast to the earlier speaker, the environment of enforcement has changed drastically in the last decade. A decade or so ago, the environment of enforcement involved merely the issuing of citations and not having to deal with many of the problems that enforcement officers have to deal with. It is very clear, not just in Philadelphia County but in several other places throughout the Commonwealth, drugs is widespread; major criminal activity is on the rise, not just in one county but in all counties.

It is wrong for us to ask an enforcement officer to enter a premise and be without at least the limited Fourth Amendment power of arrest, search, and seizure. It would be wrong for us to ask an enforcement officer to be able to carry out his or her responsibilities without that limited power.

All this bill does is extend to liquor enforcement officers the limited Fourth Amendment power of search and also of arrest. It does not require that enforcement officer to carry firearms or require that enforcement officer to do anything else other than to exercise that limited power.

I strongly urge that we concur from both sides of the aisle on this bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

On this particular piece of legislation it is extremely important, because on numerous occasions where there are violations of the Drug and Alcohol Abuse Act, these particular policemen were not allowed to detain those particular individuals until the State Police got there. To give them this power would help to curb the drug problems all the way down into the Philadelphia area where we have got a serious problem down there, and that is one of the main purposes of this bill.

So I am going to ask for a concurrence on this piece of legislation. Thank you.

The SPEAKER. The Chair recognizes Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I, too, would urge that the House concur in these amendments. What the bill does is merely strengthen the ability of the LCB agents to carry out their duties and also to protect themselves. It is a basic kind of protection they need given the environment in which they work, and I would hope that members on both sides of the aisle would in fact support this legislation.

The SPEAKER. The Chair recognizes Mr. Mihalich.

Mr. MIHALICH. Perhaps one of the sponsors or one of the advocates of this legislation could answer a question. I do not know who could, but—

It says that they can arrange, these officers can arrange for the administration of chemical tests of breath, blood, or

urine, et cetera. Would this permit them to stop a driver in a vehicle and then perform drug tests or lead them to a drug test? Could they somehow become super traffic cops in that regard? Anybody?

The SPEAKER. The gentleman, Mr. Mayernik, or the gentleman, Mr. Roebuck?

Mr. MAYERNIK. Yes, please.

I do not profess to be totally knowledgeable on this subject matter, Mr. Speaker, but I would state that in order for someone to perform those tasks, they would have to be certified under the Vehicle Code or under the administration of the Vehicle Code in order to perform those tests, in order to make and effectuate a legal, lawful stop. So in order for them to stop somebody to arrest them for drunk driving, first they have to be authorized under the Vehicle Code. If the Vehicle Code does not authorize them, they cannot do it. There is no authorization in the Vehicle Code for a liquor control enforcement officer or a Liquor Control Board agent to stop anyone for a Vehicle Code violation. So as a result, they cannot perform that test.

Mr. MIHALICH. Okay. Then you are saying that the language in here that says that they can arrange for the administration of chemical tests of breath, et cetera, would not in any way be involved with motor vehicle violations?

Mr. MAYERNIK. Because they are not authorized under the Vehicle Code to make vehicle stops, I do not see that happening, sir.

Mr. MIHALICH. Okay. You still leave a question in my mind, but thank you very much.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I wonder if someone familiar with this bill and what took place in the Senate could answer interrogation.

The SPEAKER. Let us try the gentleman, Mr. Roebuck. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. RYAN. Mr. Speaker, on page 4, section 5—new number 5—there is a provision that reads “All funds”—I am abbreviating this a little bit—“All funds in the Enforcement Officers’ Benefit Account in the State Employees’ Retirement Fund,” et cetera, et cetera, “...shall be transferred to the General Fund.” Now, my information is that as a result of this language, approximately \$10 million in the State Employees’ Retirement Fund will go to the General Fund. Now, that certainly affects in some way our pension system, and I am curious as to whether or not there is an actuarial note to go with this.

The SPEAKER. The gentleman, Mr. Roebuck, withdraws. The gentleman, Mr. Saloom, has consented to interrogation?

Mr. SALOOM. Yes, Mr. Speaker. This was the language that was originally in the bill, and of course, at the time, there was excess amount of dollars, and it was \$10 million, and it was to be used by the General Fund because it was money that was just lying there. The pension fund is actuarially sound, and it has this excess money. And there were other funds around the State that moneys were transferred into the General Fund, and it has no effect on their pension fund.

Mr. RYAN. Well— Mr. Speaker, thank you. I thank the gentleman.

On the bill.

POINT OF ORDER

Mr. EVANS. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. EVANS. My understanding, Mr. Speaker, is that the only thing that could be spoken to is the amendments that were added to the bill in the Senate, that that other issue that was raised relating to the pension question was already in the bill when the bill left the House. That is my understanding.

Mr. RYAN. On that question, Mr. Speaker.

The SPEAKER. Will the gentleman suspend.

The matter before the House, as presented, is concurrence in the Senate amendments. The debate itself would be limited to reasons to concur or nonconcur. It has always been the practice, although it is not embedded in the rules, that the reasons for concurrence or nonconcurrence ought to be limited to the material inserted by the Senate. The gentleman’s question has to do with whether an actuarial note was attached, and it is the understanding of the Chair that that applies to any consideration of a bill or amendment at any point in the process whether or not the issue had been overlooked at some previous point in the process.

POINT OF ORDER

Mr. RICHARDSON. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RICHARDSON. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. RICHARDSON. Would not the same rule that was applied earlier to this same question on whether or not there was a need for a fiscal note apply here and ask then for a motion to suspend the rules?

The SPEAKER. For the information of the gentleman, the requirement of a fiscal note and the requirement for an actuarial note are both in the House rules, but there is a statute that also requires an actuarial note independent of the House rules which cannot be suspended by merely suspending the House rules.

Mr. SALOOM. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. SALOOM. Mr. Speaker, when this bill originally passed the House, it had the language in that deals with the Enforcement Officers’ Benefit Account, and we did have a fiscal note at that particular time. A fiscal note was prepared. The bill did pass the House. I understand the fiscal note is still on record.

The SPEAKER. The Chair is not sure for what purpose the gentleman rose, but in any event, the question that is being raised is about an actuarial note. The fiscal-note issue has not been raised. The gentleman is raising a question about an actuarial note.

Mr. RYAN. Mr. Speaker? If I may.

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. I am willing to withdraw that question and that potential problem of the presence or absence of an actuarial note and simply go to the merits of concurrence or nonconcurrency, in the interest of getting out of here before Christmas. I have already given up on Thanksgiving.

The SPEAKER. The Chair appreciates the gentleman's remarks.

There was an answering on interrogation. The Chair did not understand the gentleman to have raised a point of order. The gentleman is in order and may proceed.

Mr. RYAN. Mr. Speaker, I am going to mea culpa myself, bang on the chest a few times, and say when, as, and if this thing passed this House earlier, I do not know what the vote was. I know it was stricken in the Senate somewhere. I see the lines drawn through it. I see it was reinserted somewhere, I suspect in the Senate, with an added phrase or two to the language dealing with this transfer of funds.

I am disturbed, Mr. Speaker, that this House, and really this General Assembly, just takes it within its power to transfer any moneys that the State Employees' Retirement Board thinks it should transfer after word from its actuary right into the General Fund. What that means is, once this starts, any of our retirement systems presumably could be pressured to send, quote, "excess moneys" over to the General Fund, and the next thing you know, we will find this to be another Federal Government. Where they raid Social Security, we will be raiding our pension funds. I think it is wrong. There was no discussion of this that I recall to any great extent, and I think we should defeat it.

Thank you. We should nonconcur.

The SPEAKER. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

May I interrogate the previous speaker?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed on concurrence in Senate amendments.

Mr. THOMAS. I am somewhat confused and maybe you can help me with clarification. My confusion rests with, in your comments you left the perception that if we concur with this bill, that we would be concurring with a unilateral or a decision without review of transferring funds from a retirement account into the General Fund, and I guess what my question is, are we clear that the only thing that this bill asks us to do in our concurrence is to transfer that portion of the officers' funds from that portion of the Officers' Benefit Account that is in excess of what is needed for current and future retirement into the General Fund? So it is not an outright request or not an outright request to transfer all funds from this account into the General Fund.

Mr. RYAN. Yes, Mr. Speaker. That is clear.

Mr. THOMAS. So we are only talking about that which is in excess of what is needed for current and future retirement benefits.

Mr. RYAN. Yes, that is right. That is right.

Mr. THOMAS. Okay. Thank you, Mr. Speaker.

Mr. Speaker, with that clarification, I urge that we concur with HB 611, because I think it is now clear that the only issue, and that is whether or not we are talking about the transfer of all funds from— And let us be clear about this, Mr. Speaker. We are only talking about not the Employees' Retirement Fund but we are talking about a specific account in the Employees' Retirement Fund which deals with benefits for enforcement officers.

So now that we are clear on that, the second thing that I think we have to be clear on, and that is, we are only talking about a transfer of those dollars which are in excess of what is required for the current and future retirement benefits for enforcement officers. So there is no threat to retirement benefits for enforcement officers and there is no threat to the employees' retirement account, and to that end, I urge concurrence on HB 611. Thank you.

The SPEAKER. The Chair recognizes Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

With the previous speaker, I would disagree. Obviously there is a threat. Why would their benefits not be increased? What happens when that happens, you know, in the future when we increase benefits and there is not enough money for these people? What happens if the investments are made poorly by the board and at a future date we do not have enough funds, and all of a sudden the funds that they contributed, you know, have already been spent to balance the budget? This is the same thing that happened with the State Workmen's Insurance Fund, why we are in trouble with workers' compensation. Raiding funds to pay for other needs is just wrong. But we should not be fooling with our Enforcement Officers' Benefit Account at all, and I would ask for nonconcurrence. Thank you.

MOTION TO ADJOURN SINE DIE

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I would like to make a motion to adjourn sine die.

The SPEAKER. The Chair would urge the gentleman to reconsider his motion in view of the business at hand.

Mr. MURPHY. Mr. Speaker, I will not reconsider my motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—13

Acosta	Chadwick	Farmer	Levdansky
Adolph	DeLuca	Gladeck	McNally
Boyes	Fairchild	Leh	Murphy
Carn			

NAYS—178

Allen	Fargo	Lee	Saloom
Anderson	Fee	Lescovitz	Saurman
Angstadt	Fleagle	Linton	Scheetz
Argall	Flick	Lloyd	Schuler
Armstrong	Foster	Lucyk	Scrimenti

Arnold	Freeman	McCall	Semmel
Barley	Gallen	McGeehan	Serafini
Battisto	Gamble	McHale	Smith, B.
Belardi	Gannon	McHugh	Smith, S. H.
Belfanti	Geist	Maiale	Snyder, D. W.
Birmelin	George	Markosek	Snyder, G.
Bishop	Gerlach	Marsico	Staback
Black	Gigliotti	Mayernik	Stairs
Blaum	Godshall	Melio	Steelman
Bowley	Gruitza	Merry	Steighner
Broujos	Gruppo	Michlovic	Stetler
Brown	Hagarty	Micozzie	Stish
Bunt	Haluska	Mihalich	Strittmatter
Bush	Hanna	Mundy	Sturla
Butkovitz	Harley	Nahill	Surra
Caltagirone	Harper	Nailor	Tangretti
Cappabianca	Hasay	Nickol	Taylor, E. Z.
Carlson	Hayden	Noye	Taylor, J.
Carone	Hayes	Nyce	Telek
Cawley	Heckler	O'Brien	Thomas
Cessar	Herman	Olasz	Tigue
Civera	Hershey	Oliver	Tomlinson
Clark	Hess	Perzel	Trello
Clymer	Hughes	Pesci	Trich
Cohen	Itkin	Petrarca	Tulli
Colafella	Jadlowiec	Petrone	Uliana
Colaizzo	James	Phillips	Van Horne
Cornell	Jarolin	Piccola	Vance
Cowell	Johnson	Pitts	Veon
Coy	Josephs	Preston	Vroon
DeWeese	Kaiser	Raymond	Wambach
Daley	Kasunic	Reber	Williams
Davies	Kenney	Reinard	Wilson
Dempsey	King	Richardson	Wogan
Dent	Kosinski	Rieger	Wozniak
Dermody	Krebs	Ritter	Wright, D. R.
Donatucci	Kukovich	Robinson	Wright, M. N.
Durham	LaGrotta	Roebuck	
Evans	Laughlin	Rudy	O'Donnell,
Fajt	Lawless	Ryan	Speaker

NOT VOTING—6

Cole	Kruszewski	Mrkonic	Pistella
Freind	Langtry		

EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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The question was determined in the negative, and the motion was not agreed to.

CONSIDERATION OF HB 611 CONTINUED

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. Is there anyone else seeking recognition on concurrence in Senate amendments to HB 611?

The Chair recognizes Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the sponsor or whoever is going to defend this. No one?

Mr. Speaker, it looks as if in this bill what we are doing, we are taking one-half of the application filing and transfer fees and we are going to change it from going into the Enforcement Officers' Retirement Account and we are now going to place it in the General Fund. Is that right?

The SPEAKER. Will the gentleman indicate who he is—
The Chair apologizes.

Is the gentleman seeking someone to interrogate or has he designated someone?

Mr. TIGUE. Someone to interrogate.

The SPEAKER. The gentleman, Mr. Saloom, indicates he is willing to be interrogated. Will the gentleman repeat his question, please.

Mr. TIGUE. Mr. Speaker, when I look at the bill, it looks as if we are changing where the money goes from the filing fees and the transfer fees that are collected. Up until this point, I guess, one-half of the filing fees went into the Enforcement Officers' Retirement Account. Now we are going to put that money into the General Fund. Is that correct?

Mr. SALOOM. I do not believe that you are correct. The money that this bill deals with is money that is sitting in an account, and, of course, many of those employees have transferred from the Liquor Control Board over to the State Police now. These funds are sitting there. They are sort of a diminishing account. They should be transferred someplace, and it is excess money that we were trying to put into the General Fund.

Mr. TIGUE. What will happen to the moneys that we collect from the transfer fees and the application fees since half of it will no longer go into that? Where will that money go?

Mr. SALOOM. Well, of course, I am not an expert on that portion of it now, and I would have to, you know, get other information. Wherever it goes, that is where it is going now; I am sure into the liquor fund, and they disburse the money however they are supposed to.

Mr. TIGUE. Okay. Thank you, Mr. Speaker.

Again, I ask that the body would nonconcur in this. What we are talking about is a few years ago we decided we would increase the fees and application permits and filing, et cetera, and now we are going to take that money, and I am not sure, based on the answer I received, where that money is going to go. So I think that is another reason to nonconcur in this bill. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will make his inquiry.

Mr. GANNON. Mr. Speaker, since this is a Senate amendment to a House bill, is it possible to concur or nonconcur in only portions of that amendment?

The SPEAKER. No.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I would like to try and shed perhaps a little bit more light on what we are dealing with here.

It is my understanding that in 1985 the liquor control officers' retirement fund was merged into the State Employees'

Retirement Fund but that the \$50 transfer fee that funded the old fund continued to be collected. The result is that you now have in excess of several millions of dollars in the old fund.

This does not affect the retirement benefits of anyone. What it does is we are dealing with excess money that is in a fund that no longer exists, a fund that by statute should have been dissolved. So when we talk about affecting the benefits of individuals, we are not focusing upon what is the reality.

The moneys that are collected, as Mr. Tigue questioned, under that \$50 transfer fee would then go to the Liquor Control Board, so that again, the economic impact is not as suggested.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I would ask that the members think about this very closely before they maybe consider non-concurring on this.

Mr. Speaker, this was recommended by the Budget Office as a potential source of funds to deal with the question of a supplemental. What you have here, Mr. Speaker, is dollars that were set aside for if we worked to do a supplemental, these dollars would be available.

The minority leader is correct in his statement on the issue of timing in relating to the question about the use of this particular money, but I would suggest to the minority leader that he knows, like I do, that we certainly need dollars to be available, and these dollars are available. I would hope he would reconsider his position. I genuinely do understand his concern that there is no agreement between this side and his side as well as with the administration, but in my particular view, these dollars, as he would probably admit to himself, would definitely be available for things we need to move around.

So I would ask that members on both sides of the aisle reconsider their position, at least the minority leader reconsider his position, and that we concur with the amendments that were added by the Senate. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I agree with the gentleman that it is neat to have some money that you can move around, but unless I know where it is going to be moved around to, I am not going to help move it.

The SPEAKER. The gentleman, Mr. Saloom, has spoken twice on the issue.

Those in favor of concurrence will vote "aye"; those opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—97

Acosta	Fajt	Linton	Rocbuck
Arnold	Fee	Lloyd	Rudy
Battisto	Freeman	Lucyk	Saloom
Belardi	Gamble	McCall	Scrimonti
Belfanti	George	McGeehan	Staback
Bishop	Gigliotti	McHale	Steelman
Blaum	Gruitza	McNally	Steighner

Bowley	Haluska	Maiale	Stetler
Broujos	Hanna	Markosek	Stish
Caltagirone	Harper	Mayernik	Sturla
Cappabianca	Hayden	Mefio	Surra
Carn	Hughes	Michlovic	Tangretti
Cawley	Itkin	Mihalich	Thomas
Cohen	James	Mundy	Trelo
Colafella	Jarolin	Olasz	Trich
Colaizzo	Josephs	Oliver	Tulli
Cole	Kaiser	Pesci	Van Horne
Cowell	Kasunic	Petrarca	Veon
Coy	Kosinski	Petrone	Williams
DeLuca	Krebs	Pistella	Wozniak
DeWeese	Kukovich	Preston	Wright, D. R.
Daley	LaGrotta	Richardson	
Dermody	Laughlin	Rieger	O'Donnell,
Donatucci	Lescovitz	Ritter	Speaker
Evans	Levdansky	Robinson	

NAYS—97

Adolph	Durham	Kenney	Ryan
Allen	Fairchild	King	Saurman
Anderson	Fargo	Langtry	Scheetz
Angstadt	Farmer	Lawless	Schuler
Argall	Fleagle	Lee	Semmel
Armstrong	Flick	Leh	Serafini
Barley	Foster	McHugh	Smith, B.
Birmelin	Gallen	Marsico	Smith, S. H.
Black	Gannon	Merry	Snyder, D. W.
Boyes	Geist	Micozzie	Snyder, G.
Brown	Gerlach	Murphy	Stairs
Bunt	Gladeck	Nahill	Strittmatter
Bush	Godshall	Nailor	Taylor, F. Z.
Butkovitz	Gruppo	Nickol	Taylor, J.
Carlson	Hagarty	Noye	Telek
Carone	Harley	Nyce	Tigue
Cessar	Hasay	O'Brien	Tomlinson
Chadwick	Hayes	Perzel	Uliana
Civera	Heckler	Phillips	Vance
Clark	Herman	Piccola	Vroon
Clymer	Hershey	Pitts	Wambach
Cornell	Hess	Raymond	Wilson
Davies	Jadlowiec	Reber	Wogan
Dempsey	Johnson	Reinard	Wright, M. N.
Dent			

NOT VOTING—3

Freind	Kruszewski	Mrkonie
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EXCUSED—4

Billow	Corrigan	Stuban	Taylor, F.
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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 amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

Would you please return to requests for leaves.

The SPEAKER. The gentleman is in order.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the lady from Allegheny County for the remainder of this evening's session, Mrs. LANGTRY.

The SPEAKER. Without objection, leave is granted.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS CONTINUED

The House proceeded to consideration of concurrence in Senate amendments to **HB 2390, PN 4269**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for medical insurance coverage for survivor-spouses of annuitants; validating expenditures by the Department of Environmental Resources; further providing for certain powers of the Environmental Quality Board in relation to surface mining; providing for the use of the proceeds of certain condemnation proceedings; and making a repeal.

On the question,
Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Mr. Sturla.
Mr. STURLA. Mr. Speaker, I would like to move to suspend the rules to allow an amendment to HB 2390.

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

The following roll call was recorded:

YEAS—76

Acosta	Dermody	Kukovich	Rieger
Arnold	Evans	Laughlin	Ritter
Belardi	Fajt	Levdansky	Robinson
Belfanti	Fee	Linton	Rudy
Bishop	Freeman	Lloyd	Saloom
Blaum	Gamble	Lucyk	Scrimenti
Bowley	George	McGeehan	Snyder, G.
Broujos	Gigliotti	McHale	Staback
Caltagirone	Gruitza	McNally	Steelman
Carn	Haluska	Melio	Steighner
Cawley	Harper	Michlovic	Stetler
Cohen	Hayden	Mundy	Stish
Colaizzo	Heckler	Murphy	Sturla
Cole	Hughes	Olasz	Surra
Cowell	Hkin	Oliver	Tangretti
Coy	James	Petrarca	Thomas
DeLuca	Kaiser	Pistella	Tigue
DeWeese	Kasunic	Preston	Trich
Daley	Kosinski	Richardson	Williams

NAYS—114

Adolph	Durham	Lawless	Scheetz
Allen	Fairchild	Lee	Schuler
Anderson	Fargo	Leh	Semmel
Angstadt	Farmer	Lescovitz	Serafini
Argall	Fleagle	McCall	Smith, B.
Armstrong	Flick	McHugh	Smith, S. H.
Barley	Foster	Markosek	Snyder, D. W.
Battisto	Gallen	Marsico	Stairs
Birmelin	Gannon	Mayermik	Strittmatter
Black	Geist	Merry	Taylor, E. Z.
Boyes	Gerlach	Micozzie	Taylor, J.
Brown	Gladeck	Mihalich	Telek
Bunt	Godshall	Nahill	Tomlinson
Bush	Gruppo	Nailor	Trello
Butkovitz	Hagarty	Nickol	Tulli
Cappabianca	Hanna	Noye	Uliana
Carlson	Harley	Nyce	Van Horne
Carone	Hasay	O'Brien	Vance
Cessar	Hayes	Perzel	Veon
Chadwick	Herman	Pesci	Vroon
Civera	Hershey	Petrone	Wambach

Clark	Hess	Phillips	Wilson
Clymer	Jadlowiec	Piccola	Wogan
Colafella	Jarofin	Pitts	Wozniak
Cornell	Johnson	Raymond	Wright, D. R.
Davies	Kenney	Reber	Wright, M. N.
Dempsey	King	Reinard	
Dent	Krebs	Ryan	O'Donnell,
Donatucci	LaGrotta	Saurman	Speaker

NOT VOTING—6

Freind	Kruszewski	Mrkonc	Roebuck
Josephs	Maiale		

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

If the members want me to explain the Senate amendments, I will.

The original intent of HB 2390, which I authored, has remained in the bill. It would permit the survivor-spouses of an annuitant of the State pension system to buy the medical coverages that the annuitant had as a benefit upon his or her retirement, no matter when he or she died. Act 35 of last year only permitted the purchase after the effective date of that act, and since the survivor-spouse will be purchasing the medical benefits, there will be no cost to the State and the group rate will be better for the survivor-spouse with better coverage.

Now, what the Senate did is they inserted into the bill an amendment that takes the noncoal law back to where it was before a court case; changed the intent of the legislature as it was expressed in 1984, when we passed the Noncoal Surface Mining Conservation and Reclamation Act, and the reason noncoal was treated differently from coal operations was because of the constant air pollution problems associated with surface mining versus quarry mining and the additional acid mine drainage and subsidence problems associated with coal surface mining versus the quarry operations.

Also, the Senate inserted an amendment that would give a university in the State System of Higher Education the money that it lost as a result of an acquisition, under the Federal flood control project, of a large parking lot at the university. What this will do, the law says that those moneys shall be returned to the General Fund, but the university needs to replace that parking lot, and it is my understanding that the administration agrees that the university should in fact recoup those funds to replace that lot.

I know I am not an expert on coal mining in the Harrisburg area, but I was a fast study on that, and I hope I answered anybody's questions on the Senate amendments.

I ask for concurrence of HB 2390. Thank you.

The SPEAKER. The Chair recognizes Mr. Sturla.

Mr. STURLA. Mr. Speaker, I would ask for nonconcurrency related to the portion on page 4 that deals with the powers of the Environmental Quality Board. This portion of the bill that was inserted by the Senate was defeated twice in the House in HB 2216. What this does is disallow for citizens to petition the Environmental Quality Board, and beyond that, let me give you an example of what this does.

There are certain cases where people have petitioned the Environmental Quality Board where a developer would try to put a housing development on prime agricultural farmland. The local government said, you are not allowed to do this on what is zoned agricultural. As a result of that, the developer said, fine; I will put a quarry in there, which is allowed under agricultural. The only thing that saved that from going in was a ruling by the Environmental Quality Board. What we have done is said to every local government in this State that every developer is going to be able to hold a hammer over their head if this language is allowed in here.

I would ask for nonconcurrency.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I am for concurrence.

What the Senate amendment did was grandfather in by taking the date— I am not sure of the date, but there are three contested situations in the Commonwealth now - in Lancaster County, Bucks County, and elsewhere - and it takes care of those three unique situations and takes the law back to what it was previously.

I would appreciate an affirmative support on this. We do not need more red tape in our business community.

The SPEAKER. Those in favor of concurrence will vote "aye"; those opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—171

Acosta	Davies	King	Ritter
Adolph	Dempsey	Kosinski	Robinson
Allen	Dent	Krebs	Roebuck
Anderson	Dermody	Kukovich	Rudy
Angstadt	Donatucci	LaGrotta	Ryan
Argall	Durham	Laughlin	Saloom
Armstrong	Evans	Lawless	Saurman
Arnold	Fairchild	Leh	Scheetz
Barley	Fajt	Lescovitz	Schuler
Battisto	Fargo	Levdansky	Scrimenti
Belardi	Farmer	Linton	Semmel
Belfanti	Fee	Lloyd	Serafini
Birmelin	Fleagle	McCall	Smith, S. H.
Bishop	Flick	McGeehan	Snyder, D. W.
Black	Gallen	McHugh	Staback
Blaum	Gannon	McNally	Steighner
Bowley	Geist	Marsico	Stetler
Boyes	George	Mayernik	Stish
Broujos	Gerlach	Melio	Strittmatter
Brown	Gigliotti	Merry	Tangretti
Bunt	Gladeck	Michlovic	Taylor, E. Z.
Bush	Godshall	Micozzie	Taylor, J.
Butkovitz	Gruitza	Nahill	Telek

Caltagirone	Gruppo	Nailor	Thomas
Cappabianca	Hagarty	Nickol	Tigue
Carlson	Haluska	Noye	Tomlinson
Carn	Hanna	Nyce	Trich
Carone	Harper	O'Brien	Tulli
Cawley	Hasay	Olasz	Uliana
Cessar	Hayes	Oliver	Van Horne
Chadwick	Heckler	Perzel	Vance
Civera	Herman	Pesci	Veon
Clark	Hershey	Petrarca	Vroon
Clymer	Hess	Petrone	Wambach
Cohen	Hughes	Phillips	Williams
Colafrella	Itkin	Piccola	Wilson
Colaizzo	Jadlowiec	Pistella	Wogan
Cole	Jarolin	Pitts	Wozniak
Cornell	Johnson	Preston	Wright, D. R.
Cowell	Josephs	Raymond	Wright, M. N.
Coy	Kaiser	Reber	
DeLuca	Kasunic	Reinard	O'Donnell,
DeWeese	Kenney	Rieger	Speaker
Daley			

NAYS—20

Foster	James	Mundy	Stairs
Freeman	Lucyk	Murphy	Steelman
Gamble	McHale	Richardson	Sturla
Harley	Markosek	Smith, B.	Surra
Hayden	Mihalich	Snyder, G.	Trello

NOT VOTING—5

Freind	Lee	Maiale	Mrkonic
Kruszewski			

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 1709, PN 2653, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the display of the POW/MIA Flag at the western entrance of the Fort Pitt Tunnel in Allegheny County and for the Pennsylvania Veterans' Memorial Commission.

On the question,

Will the House concur in Senate amendments to House amendments?

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

YEAS—190

Acosta	Donatucci	Laughlin	Roebuck
Adolph	Durham	Lawless	Rudy
Allen	Evans	Lee	Ryan
Anderson	Fairchild	Leh	Saloom
Angstadt	Fajt	Lescovitz	Saurman
Argall	Fargo	Levdansky	Scheetz
Armstrong	Farmer	Linton	Schuler
Arnold	Fee	Lloyd	Scrimenti

Barley	Fleagle	Lucyk	Semmel
Battisto	Flick	McCall	Serafini
Belardi	Freeman	McGeehan	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Markosek	Staback
Blaum	George	Marsico	Stairs
Bowley	Gerlach	Mayernik	Steelman
Boyes	Gigliotti	Melio	Steighner
Broujos	Gladeck	Merry	Stetler
Brown	Godshall	Michlovic	Stish
Bunt	Gruitza	Micozzie	Stritmatter
Bush	Gruppo	Mihalich	Sturla
Butkovitz	Haluska	Mundy	Surra
Caltagirone	Hanna	Murphy	Tangretti
Cappabianca	Harley	Nahill	Taylor, E. Z.
Carlson	Harper	Nailor	Taylor, J.
Carn	Hasay	Nickol	Telek
Carone	Hayden	Noye	Thomas
Cawley	Hayes	Nyce	Tigue
Cessar	Heckler	O'Brien	Tomlinson
Chadwick	Herman	Olasz	Trello
Civera	Hershey	Oliver	Trich
Clark	Hess	Perzel	Tulli
Clymer	Hughes	Pesci	Uliana
Cohen	Itkin	Petrarca	Van Horne
Colafrella	Jadlowiec	Petrone	Vance
Colaizzo	James	Phillips	Veon
Cole	Jarolin	Piccola	Vroon
Cornell	Johnson	Pistella	Wambach
Cowell	Josephs	Pitts	Williams
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
DeWeese	Kenney	Reber	Wozniak
Daley	King	Reinard	Wright, D. R.
Davies	Kosinski	Richardson	Wright, M. N.
Dempsey	Krebs	Rieger	
Dent	Kukovich	Ritter	O'Donnell,
Dermody	LaGrotta	Robinson	Speaker

NAYS—1

Foster

NOT VOTING—5

Freind	Kruszewski	Maiale	Mrkonic
Hagarty			

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to the House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**SUPPLEMENTAL CALENDAR H
BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 90, PN 3849**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the rights of crime victims.

On the question,
Will the House concur in Senate amendments?

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Ms. Ritter.

Ms. RITTER. Thank you, Mr. Speaker.

I have remarks to submit for the record.

I would ask the House to concur in HB 90.

The SPEAKER. The clerk will accept the lady's remarks for inclusion in the record.

Ms. RITTER submitted the following remarks for the Legislative Journal:

Mr. Speaker, I ask the House to concur in the Senate amendments to HB 90. This bill has gone through many changes since it was first introduced on February 6, 1991, but I am proud of the result of all that work and the cooperative efforts that have gone into this bill.

First, I want to thank my good friend, former Representative John Pressmann, who first introduced a crime victims' bill of rights in the 1989-90 session. That bill was the result of his work with V.O.I.C.E. (Victims of Irreparable Crime Experience), a Lehigh Valley victims' rights advocacy group headed by Joseph Mascari. The members of V.O.I.C.E. have worked very hard on the bill we have before us tonight, and they and John Pressmann deserve credit for their vision and for getting this bill off the ground.

After I introduced a new crime victims' bill of rights in this session, I spent several months negotiating with Republican Chairman Jeffrey Piccola of the House Judiciary Committee and his staff, most particularly Mary Woolley and Paul Dunkelberger, who spent a lot of time negotiating with the District Attorneys Association. Also, Representatives Lois Hagarty and David Heckler provided wise counsel and improvements to the bill.

The bill passed the House on April 23, 1991, after which I spent time negotiating with Senator Stewart Greenleaf and his staff, most particularly Kathy Eakin. While we had to make quite a few changes in the bill based on further negotiations with the District Attorneys Association, Senator Greenleaf and Ms. Eakin maintained their commitment to victims' rights and tried to keep substantive changes to a minimum.

Through all of this, the Pennsylvania Coalition Against Rape has also brought their expertise and compassion for protecting victims' rights to the process. I thank all of these people who devoted their time to this effort.

Again, I ask for concurrence in Senate amendments.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—192

Acosta	Durham	Laughlin	Roebuck
Adolph	Evans	Lawless	Rudy
Allen	Fairchild	Lee	Ryan
Anderson	Fajt	Leh	Saloom
Angstadt	Fargo	Lescovitz	Saurman
Argall	Farmer	Levdansky	Scheetz
Armstrong	Fee	Linton	Schuler
Arnold	Fleagle	Lloyd	Scrimenti
Barley	Flick	Lucyk	Semmel

Battisto	Foster	McCall	Serafini
Belardi	Freeman	McGeehan	Smith, B.
Belfanti	Gallen	McHale	Smith, S. H.
Birmelin	Gamble	McHugh	Snyder, D. W.
Bishop	Gannon	McNally	Snyder, G.
Black	Geist	Markosek	Staback
Blaum	George	Marsico	Stairs
Bowley	Gerlach	Mayernik	Steelman
Boyes	Gigliotti	Melio	Steighner
Broujos	Gladeck	Merry	Stetler
Brown	Godshall	Michlovic	Stish
Bunt	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Mihalich	Sturla
Butkovitz	Hagarty	Mundy	Surra
Caltagirone	Haluska	Murphy	Tangretti
Cappabianca	Hanna	Nahill	Taylor, E. Z.
Carlson	Harley	Nailor	Taylor, J.
Carn	Harper	Nickol	Telek
Carone	Hasay	Noye	Thomas
Cawley	Hayden	Nyce	Tigue
Cessar	Hayes	O'Brien	Tomlinson
Chadwick	Heckler	Olasz	Trello
Civera	Herman	Oliver	Trich
Clark	Hershey	Perzel	Tulli
Clymer	Hess	Pesci	Uliana
Cohen	Hughes	Petrarca	Van Horne
Colafella	Itkin	Petrone	Vance
Colaizzo	Jadlowiec	Phillips	Veon
Cole	James	Piccola	Vroon
Cornell	Jarolin	Pistella	Wambach
Cowell	Johnson	Pitts	Williams
Coy	Josephs	Preston	Wilson
DeLuca	Kaiser	Raymond	Wogan
DeWeese	Kasunic	Reber	Wozniak
Daley	Kenney	Reinard	Wright, D. R.
Davies	King	Richardson	Wright, M. N.
Dempsey	Kosinski	Rieger	
Dent	Krebs	Ritter	O'Donnell,
Dermody	Kukovich	Robinson	Speaker
Donatucci	LaGrotta		

NAYS—0

NOT VOTING—4

Freind	Kruszewski	Maiale	Mrkonic
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EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 555, PN 4270**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for fleet owner transporter registration plates; further providing for the standards for recovered theft vehicles, for the certification of mechanics, for exemption from vehicle registration, for motor vehicle business registration plates, for penalties for exceeding maximum weights, for limitations on use of records, for warrantless arrests and for off-highway motorcycles and trail bikes; and authorizing the Department of Transportation to enter into multijurisdictional permit agreements for oversize or overweight vehicles or loads.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, HB 555 originally had language dealing with snowmobiles. The language was taken out of this bill, was put into another bill, and subsequently passed. Subsequent to that, the Senate decided to use HB 555 as a vehicle to install a plethora or a potpourri, if you will, of some other Vehicle Code items. They include the legitimization of the requesting of driver's license records by State Representatives and Senators and Congressmen. It restricts the use of the miscellaneous auto licenses. It creates an off-road motorcycle advisory board. It clarifies other Vehicle Code problems such as requirements for modular home undercarriage inspectors and prohibits truck owners from forcing truckdrivers to pay fines when the owners are at fault.

I ask for agreement on concurrence.

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Mr. Speaker, I rise to urge a nonconcurrence on this bill for a very simple reason.

Every year on the very last day of session we get a bill from the Department of Transportation with a whole plethora of amendments, and time and time and time again they ask us to vote on these major changes, substantive changes, to the Vehicle Code when we really have no idea to examine them and take a look at them. In the past I have been burned by that. I get home; I find out that I have voted for something. Oh, my gosh, I took your vehicle plates away; I did not realize I had done that.

We have plenty of time to deal with these on the merits next session. There is nothing in this bill. I am glad to hear that Representative Markosek had gotten his snowmobile provisions in another bill, so we are not really hurting him here. Why can we not sit down at the beginning of next session and deal with the Department of Transportation so we all know what we are voting on. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Mr. Speaker, my provisions are in this bill, and I would appreciate a positive vote on that. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I might add, for the benefit of the members, this is agreed to by both the majority and minority chairmen of the House Transportation Committee. Many of the issues that Representative Lee has mentioned we have dealt with. They have been in other bills that have been through our committees. It is just that instead of running all the bills separately, the Senate, in their wisdom, has decided to put them all in this bill.

So a lot of these issues have already been discussed over and over again, and I would ask for concurrence.

The SPEAKER. Those in favor of concurrence will vote "aye"; opposed, "nay."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—174

Acosta	Donatucci	LaGrotta	Rudy
Adolph	Durham	Laughlin	Ryan
Allen	Evans	Lescovitz	Saloom
Anderson	Fairchild	Levdansky	Saurman
Angstadt	Fajt	Linton	Scheetz
Argall	Farmer	Lucyk	Schuler
Armstrong	Fee	McCall	Scrimenti
Barley	Fleagle	McGeehan	Semmel
Battisto	Flick	McHale	Serafini
Belardi	Foster	McHugh	Smith, B.
Belfanti	Freeman	McNally	Snyder, D. W.
Birmelin	Gallen	Markosek	Snyder, G.
Bishop	Gamble	Marsico	Staback
Black	Gannon	Mayernik	Stairs
Blaum	Geist	Melio	Steelman
Bowley	George	Merry	Steighner
Boyes	Gerlach	Michlovic	Stetler
Broujos	Gigliotti	Micozzie	Stish
Brown	Godshall	Mihalich	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Bush	Gruppo	Murphy	Surra
Butkovitz	Hagarty	Nahill	Tangretti
Caltagirone	Haluska	Noye	Taylor, E. Z.
Cappabianca	Hanna	Nyce	Taylor, J.
Carlson	Harley	O'Brien	Telek
Carn	Harper	Olasz	Thomas
Cessar	Hasay	Oliver	Tomlinson
Civera	Hayden	Perzel	Trello
Clark	Hayes	Pesci	Trich
Clymer	Heckler	Petrarca	Tulli
Cohen	Herman	Petrone	Uliana
Colaella	Hershey	Phillips	Van Horne
Colaizzo	Hess	Piccola	Veon
Cole	Hughes	Pistella	Vroon
Cornell	Itkin	Pitts	Wambach
Cowell	James	Preston	Williams
Coy	Johnson	Raymond	Wilson
DeLuca	Josephs	Reber	Wogan
DeWeese	Kaiser	Reinard	Wozniak
Daley	Kasunic	Richardson	Wright, D. R.
Davies	Kenney	Rieger	Wright, M. N.
Dempsey	King	Ritter	
Dent	Kosinski	Robinson	O'Donnell,
Dermody	Kukovich	Roebuck	Speaker

NAYS—18

Arnold	Gladeck	Lee	Nickol
Carone	Jadlowiec	Leh	Smith, S. H.
Cawley	Jarolin	Lloyd	Tigue
Chadwick	Krebs	Nailor	Vance
Fargo	Lawless		

NOT VOTING—4

Freind	Kruszewski	Maiale	Mrkonic
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EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR G CONTINUED

HB 611 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which HB 611 was defeated today.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—161

Acosta	Evans	Lescovitz	Roebuck
Adolph	Fairchild	Levdansky	Rudy
Allen	Fajt	Linton	Ryan
Angstadt	Fee	Lloyd	Saloom
Arnold	Fleagle	Lucyk	Schuler
Battisto	Foster	McCall	Scrimenti
Belardi	Freeman	McGeehan	Semmel
Belfanti	Gamble	McHale	Serafini
Bishop	Gannon	McHugh	Smith, B.
Blaum	Geist	McNally	Smith, S. H.
Bowley	George	Markosek	Snyder, G.
Boyes	Gertlach	Marsico	Staback
Broujos	Gigliotti	Mayernik	Stairs
Brown	Godshall	Melio	Steelman
Bush	Gruitza	Merry	Steighner
Butkovitz	Gruppo	Michlovic	Stetler
Caltagirone	Hagarty	Micozzie	Stish
Cappabianca	Haluska	Mihalich	Sturla
Carlson	Hanna	Mundy	Surra
Carn	Harley	Murphy	Tangretti
Carone	Harper	Nahill	Taylor, J.
Cawley	Hayden	Noye	Telek
Cessar	Hayes	Nyce	Thomas
Chadwick	Heckler	O'Brien	Tigue
Civera	Herman	Olasz	Tomlinson
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen	Hughes	Pesci	Van Horne
Colaella	Itkin	Petrarca	Veon
Colaizzo	Jadlowiec	Petrone	Vroon
Cole	James	Phillips	Wambach
Cowell	Jarolin	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	
Dent	Kukovich	Rieger	O'Donnell,
Dermody	LaGrotta	Ritter	Speaker
Donatucci	Laughlin	Robinson	

NAYS—29

Anderson	Durham	Lawless	Scheetz
Argall	Fargo	Lee	Snyder, D. W.
Armstrong	Farmer	Leh	Strittmatter
Barley	Flick	Nailor	Taylor, E. Z.
Birmelin	Gladeck	Nickol	Tulli
Black	Hasay	Piccola	Uliana
Bunt	King	Saurman	Vance
Cornell			

NOT VOTING—6

Freind	Johanson	Maiale	Mrkonic
Gallen	Kruszewski		

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

The SPEAKER. The House has immediately before it concurrence in Senate amendments on HB 611. The extract from the Journal of the Senate and the amendments have been read.

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I just want to remind the members, this is the \$10-million grab, if you will, that we talked about just moments ago. I would hope though that the clock runs quicker than it did the last time.

The SPEAKER. The clock always runs 10 minutes. The Parliamentarian has a stopwatch.

Those in favor of concurrence will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,
Will the House concur in Senate amendments?

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

(Members proceeded to vote.)

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Before you announce the final vote, I would like an opportunity to look around the audience.

On the question recurring,
Will the House concur in Senate amendments?

The following roll call was recorded:

YEAS—98

Acosta	Donatucci	Lescovitz	Ritter
Arnold	Evans	Levdansky	Robinson
Battisto	Fajt	Linton	Roebuck
Belardi	Fee	Lloyd	Rudy
Belfanti	Freeman	Lucyk	Saloom
Bishop	Gamble	McCall	Scrimenti
Blaum	George	McGeehan	Staback
Bowley	Gigliotti	McHale	Steelman
Broujos	Gruitza	McNally	Steighner
Butkovitz	Haluska	Maiale	Stetler
Caltagirone	Hanna	Markosek	Stish
Cappabianca	Harper	Mayernik	Sturla
Carn	Hayden	Melio	Surra
Carone	Hughes	Michlovic	Tangretti
Cawley	Itkin	Mihalich	Thomas
Cohen	James	Mundy	Trello
Colaella	Jarotin	Olasz	Trich
Colaizzo	Josephs	Oliver	Van Horne
Cole	Kaiser	Pesci	Veon
Cowell	Kasunic	Petrarca	Williams
Coy	Kosinski	Petrone	Wozniak
DeLuca	Krebs	Pistella	Wright, D. R.
DeWeese	Kukovich	Preston	
Daley	LaGrotta	Richardson	O'Donnell,
Dermody	Laughlin	Rieger	Speaker

NAYS—93

Adolph	Fairchild	King	Scheetz
Allen	Fargo	Lawless	Schuler
Anderson	Farmer	Lee	Semmel
Angstadt	Fleagle	Leh	Serafini

Argall	Flick	Marsico	Smith, B.
Armstrong	Foster	Merry	Smith, S. H.
Barley	Gallen	Micozzie	Snyder, D. W.
Birmelin	Gannon	Murphy	Snyder, G.
Black	Geist	Nahill	Stairs
Boyes	Gerlach	Nailor	Strittmatter
Brown	Gladeck	Nickol	Taylor, E. Z.
Bunt	Godshall	Noye	Taylor, J.
Bush	Gruppo	Nyce	Telek
Carlson	Hagarty	O'Brien	Tigue
Cessar	Harley	Perzel	Tomlinson
Chadwick	Hasay	Phillips	Tulli
Civera	Hayes	Piccola	Uliana
Clark	Heckler	Pitts	Vance
Clymer	Herman	Raymond	Vroon
Cornell	Hershey	Reber	Wambach
Davies	Hess	Reinard	Wilson
Dempsey	Jadlowiec	Ryan	Wogan
Dent	Kenney	Saurman	Wright, M. N.
Durham			

NOT VOTING—5

Freind	Kruszewski	McHugh	Mrkonic
Johnson			

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

MOTION TO MAKE HB 627 SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, on supplemental calendar F, I would like to call up at this time as a special order of business HB 627. It has been sitting here for a while. I would like to get rid of it.

The SPEAKER. The gentleman has moved that HB 627, PN 4273, be called up as a special order of business on supplemental House calendar F.

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

The SPEAKER. Is there anyone seeking recognition on the motion?

The Chair recognizes Mr. Belfanti.
Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I am rising for a point of personal privilege, after which I would like to make a motion.

The SPEAKER. The only matter before the House is the motion for a special order of business.

Will the gentleman come to the Chair.

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman withdraws his request to speak on personal privilege.

The matter before the House is a motion for a special order of business.

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

The SPEAKER. Is there anyone seeking recognition on that issue?

The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I would oppose the motion.

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

(Members proceeded to vote.)

PARLIAMENTARY INQUIRY

Mr. MAYERNIK. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAYERNIK. For an explanation of what we are voting on. What is a motion for special order, and what does that mean to this body? If you could explain it to us so we know exactly what we are voting on, sir.

The SPEAKER. The rules of the House set out an order of business which we go through every day. Some things have to be taken up before others. However, if it is the will of the House, any matter can be taken up out of order. The gentleman's motion is to take this up, period.

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

The following roll call was recorded:

YEAS—92

Adolph	Durham	Johnson	Ryan
Allen	Fairchild	Kenney	Saurman
Anderson	Fargo	King	Scheetz
Angstadt	Farmer	Lawless	Schuler
Argall	Fleagle	Lee	Semmel
Armstrong	Flick	Leh	Serafini
Barley	Foster	McHugh	Smith, B.
Birmelin	Gallen	Marsico	Smith, S. H.
Black	Gannon	Merry	Snyder, D. W.
Boyes	Geist	Micozzie	Snyder, G.
Brown	Gerlach	Nahill	Stairs
Bunt	Gladeck	Nailor	Strittmatter
Bush	Godshall	Nickol	Taylor, E. Z.
Carlson	Gruppo	Noye	Taylor, J.
Cessar	Hagarty	Nycc	Telek
Chadwick	Harley	O'Brien	Tomlinson
Civera	Hasay	Perzel	Tulli
Clark	Hayes	Phillips	Ulliana
Clymer	Heckler	Piccola	Vance
Cornell	Herman	Pitts	Vroon
Davies	Hershey	Raymond	Wilson
Dempsey	Hess	Reber	Wogan
Dent	Jadlowiec	Reinard	Wright, M. N.

NAYS—101

Acosta	Evans	Linton	Roebuck
Arnold	Fajt	Lloyd	Rudy
Battisto	Fee	Lucyk	Saloom
Belardi	Freeman	McCall	Scrimenti
Belfanti	Gamble	McGeehan	Staback
Bishop	George	McHale	Steelman
Blaum	Gigliotti	McNally	Steighner
Bowley	Gruitza	Majale	Steler
Broujos	Haluska	Markosek	Stish
Butkovitz	Hanna	Mayernik	Sturla
Callagirono	Harper	Melic	Surra
Cappabianca	Hayden	Michlovic	Tangretti

Carn	Hughes	Mihalich	Thomas
Carone	Itkin	Mundy	Tigue
Cawley	James	Murphy	Trello
Cohen	Jarolin	Olasz	Trich
Colaella	Josephs	Oliver	Van Horne
Colaizzo	Kaiser	Pesci	Veon
Cole	Kasunic	Petrarca	Wambach
Cowell	Kosinski	Petrone	Williams
Coy	Krebs	Pistella	Wozniak
DeLuca	Kukovich	Preston	Wright, D. R.
DeWeese	LaGrotta	Richardson	
Daley	Laughlin	Rieger	O'Donnell, Speaker
Dermody	Lescovitz	Ritter	
Donatucci	Levdansky	Robinson	

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 355, PN 4215; HB 2216, PN 4232; and HB 2442, PN 4263.**

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 552, PN 2627; SB 865, PN 2628; SB 916, PN 2619; SB 962, PN 2631; SB 1087, PN 2650; SB 1118, PN 2587; SB 1329, PN 2637; SB 1370, PN 2629; SB 1371, PN 2602; SB 1421, PN 2654; SB 1505, PN 2636; SB 1537, PN 2647; SB 1642, PN 2655; SB 1788, PN 2601; and SB 1795, PN 2644.**

STATEMENT BY MR. BELFANTI

The SPEAKER. The Chair recognizes Mr. Belfanti on unanimous consent.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief, and it is important I think to most of the members of the chamber to just pay attention for a minute or two, and then I will take my seat.

But each and every 6 years or so the House and the Senate, our colleagues over in the Senate, usually in the wee hours of the morning, grant ourselves a pay increase. Traditionally we attach our salary increase to that which is pending for the judiciary, and usually this is done in the waning days of session, and usually this increase is perceived by the public as

enormous as compared to what they are receiving for their lines of employment. Even when the press is fair and reports what the increase means prorated over the previous 6 years, we all look like a bunch of hogs at the trough. These increases of 20 percent or more passed in the midnight hours of a session are as unfair to us as they are to our constituents.

I believe that during the early days of the next session we need to address the entire issue of how this body, the judiciary, and the State row officers receive pay increases. I believe that some sort of cost-of-living adjustment tied to what all other State workers receive is the fair way of addressing this volatile issue.

The bill that will be before us in a few minutes seeks to grant the judiciary an immediate increase in salary followed by a 7-year automatic cost-of-living adjustment tied to the Consumer Price Index for urban workers.

Mr. Speaker, I believe the judiciary deserves a pay increase. However, the index selected for the 7-year cost-of-living adjustment leaves a lot of room for interpretation, and guess who gets to interpret what that cost-of-living adjustment as tied to the urban workers index is but the Supreme Court.

It is my belief that we should seriously address the manner by which we are compensated. I believe that this should be done in the bright daylight hours on a normal session day. I think that indexing salaries to the exact degree negotiated for all other State employees—negotiations in which we are not involved nor is the judiciary involved; those negotiations take place strictly between the administration and the unions that represent State workers, so we are out of that loop completely—but I believe that any indexing for us or the judiciary should be tied exactly to what all other State employees receive. That is the only fair way of doing it. It is fair to us; it is fair to the taxpayers. It is something we ought to do during a normal session day.

Therefore, Mr. Speaker, because of the manner by which the judiciary is asking for a cost-of-living increase, at the proper time when the bill is called up, I would ask that I be allowed to make a motion to suspend the rules whereby I will then offer an amendment which would eliminate the cost-of-living adjustment. It would grant the judiciary the increase as has been negotiated in the Senate, grant them an immediate increase of somewhere between \$10 or \$12,000, something that we will not receive, something that no one else will receive, but at least during the next year and next session, we may then address the entire issue of how we compensate ourselves in a fair manner, in broad daylight, and something that is going to be fair to the judiciary, the legislature, the State row officers, and most of all the taxpayers. So at that time I would ask for permission to make a motion to suspend the rules. Thank you for your attention.

The SPEAKER. The Chair is only in possession of two more matters.

ANNOUNCEMENT BY MR. COHEN

Mr. COHEN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. COHEN. To announce an important meeting to get pizzas.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, the gentleman, Mr. Cohen, has been elected to his leadership job. I think he should go one step further. As the majority whip-elect, assistant to the majority leader and the other members of the leadership, I think he should go back, bring those pizzas down, and serve them to us here on the floor and let us get the business of the House done and get home.

Mr. COHEN. Mr. Speaker, I appreciate the suggestion of the minority leader, but it will only take half an hour for everybody to get pizzas or not to get pizzas.

The SPEAKER. The Chair awaits a motion.

Mr. RYAN. Mr. Speaker, I move the order of business. Let us get going.

Mr. CESSAR. Mr. Speaker?

The SPEAKER. For what purpose—

Mr. CESSAR. Mr. Speaker, it is turkey time, not pizza time.

The SPEAKER. The gentleman, Mr. Ryan, is moving the order of business. Is there a motion to put over or postpone?

MOTION TO RECESS

Mr. DeWEESE. Mr. Speaker, the motion that Mr. Cohen enunciated was a motion to recess until 10:30. We are going to pick up our pizzas and come back to the floor.

The SPEAKER. The Chair apologizes to the gentleman. He did not understand the gentleman to be making a motion.

The gentleman, Mr. Cohen, moves that this House recess until 10:30.

Those in favor of recessing until 10:30 will vote "yes"; those opposed will vote "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—55

Acosta	Fajt	Lescovitz	Robinson
Belardi	Fee	Levdansky	Saloom
Belfanti	Foster	Linton	Scrimenti
Blaum	George	Lloyd	Staback
Cohen	Gruitza	Melio	Steighner
Colafiglia	Hanna	Michlovic	Surra
Colaizzo	Hughes	Mihalich	Tangretti
Cole	Itkin	Olasz	Tigue
Coy	James	Pesci	Trich
DeLuca	Jarolin	Petrarca	Veon
DeWeese	Kasunic	Pistella	Wright, D. R.
Daley	Krebs	Preston	
Dermody	LaGrotta	Richardson	O'Donnell,
Donatucci	Laughlin	Ritter	Speaker
Evans			

NAYS—133

Adolph	Durham	Kukovich	Roebuck
Allen	Fairchild	Lawless	Rudy
Anderson	Fargo	Lee	Ryan
Angstadt	Farmer	Leh	Scheetz
Argall	Fleagle	Lucyk	Schuler
Armstrong	Flick	McCall	Semmel
Arnold	Freeman	McGeehan	Serafini
Barley	Gallen	McHale	Smith, B.
Battisto	Gamble	McHugh	Smith, S. H.
Birmelin	Gannon	McNally	Snyder, D. W.
Bishop	Geist	Maiale	Snyder, G.
Black	Gerlach	Markosek	Stairs
Bowley	Gigliotti	Marsico	Stelman
Boyes	Gladeck	Mayernik	Stetler
Brown	Godshall	Merry	Stish
Bunt	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Mundy	Sturla
Butkovitz	Haluska	Murphy	Taylor, E. Z.
Caltagirone	Harley	Nahill	Taylor, J.
Cappabianca	Hasay	Nailor	Telek
Carlson	Hayden	Nickol	Thomas
Carn	Hayes	Noye	Tomlinson
Carone	Heckler	Nyce	Trello
Cawley	Herman	O'Brien	Tulli
Cessar	Hershey	Perzel	Uliana
Chadwick	Hess	Petrone	Van Horne
Civera	Jadlowiec	Phillips	Vance
Clark	Johnson	Piccola	Vroon
Clymer	Josephs	Pitts	Wambach
Cornell	Kaiser	Raymond	Williams
Cowell	Kenney	Reber	Wilson
Davies	King	Reinard	Wogan
Dempsey	Kosinski	Rieger	Wright, M. N.
Dent			

NOT VOTING—8

Broujos	Harper	Mrkonic	Saurman
Freind	Kruszewski	Oliver	Wozniak

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. I would like to call an immediate Democratic caucus. Thank you.

Mr. RYAN. Mr. Speaker?

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

Mr. RYAN. Mr. Speaker, this is why we are going to read tomorrow in the paper that there is a pizza revolt. Now, you are not telling us anything we do not know. You want to break to go to caucus to eat pizzas. I think we ought to stay here. You have been wanting to do workmen's comp. Bring the bill out and let us see what happens with it.

Join the debate and walk back and get your pizza. Let us get out of this place.

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. I shall acquiesce.

The SPEAKER. Those of you that are interested in doing this business and going home, please sit down.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. I would like to move to suspend the rules to consider the workers' compensation legislation without it being in print. Thank you.

The SPEAKER. The gentleman could suspend the rules, but the Constitution prohibits the consideration of the matter unless it is in print.

The Chair will attempt to ascertain if the bill is in print.

The Chair is advised that the House is not in possession of the bill, subject to additional information.

The gentleman, Mr. Ryan, has moved the order of business, and the House has before it HB 627, PN 4273.

SUPPLEMENTAL CALENDAR F

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 627, PN 4273**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue and for certain costs and fees and the collection and disposition thereof; providing for the compensation of justices and judges; making a conforming amendment to Title 15 (Corporations and Unincorporated Associations); and making a repeal.

On the question,

Will the House concur in Senate amendments?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Belfanti, for a motion.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I make a motion that we suspend the rules for the purpose of offering an amendment so that we can allow the judges to receive the pay increase that is in the bill, but the cost-of-living increase will be redetermined next session when we—

The SPEAKER. Will the gentleman suspend?

It is not a debatable motion, but the motion is in order.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. The motion is to suspend the rules to permit an amendment.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. Keeping with custom, the Chair is prepared to recognize each leader.

The Chair recognizes Mr. Ryan.

Mr. RYAN. Point of parliamentary inquiry.

The SPEAKER. The gentleman will make his inquiry.
 Mr. RYAN. Was this bill called up by— I maybe missed the Speaker.

The SPEAKER. The gentleman moved the regular order of business. The House has in front of it— Rather, the Chair is in possession of two supplemental calendars.

Mr. RYAN. Fine.

The SPEAKER. And HB 627 is the next order of business.

Mr. RYAN. On the question.

The SPEAKER. The gentleman is in order.

Mr. RYAN. I oppose the suspension of rules. Let us get on with the vote on the bill. We all know what it is about. I do not think we have to debate it. I would save the debate for the bill itself rather than on the motion to suspend. I just suggest that we oppose this motion.

The Senate has gone home. They, for the first time in my 30 years up here, have exhibited good sense compared to us.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—64

Acosta	Fee	Levdansky	Smith, B.
Belfardi	Freeman	Linton	Staback
Belfanti	George	Lloyd	Steelman
Bishop	Gruitza	Maiale	Steighner
Blaum	Haluska	Mihalich	Stetler
Bowley	Harper	Mundy	Sturla
Butkovitz	Hayden	Murphy	Tangretti
Cappabianca	Herman	Pesci	Thomas
Carone	Hughes	Petrarca	Tigue
Cawley	Itkin	Phillips	Trich
Clark	James	Preston	Williams
Cohen	Kaiser	Richardson	Wozniak
Colafrilla	Kasunic	Roebuck	Wright, D. R.
DeLuca	Kosinski	Rudy	
Daley	Krebs	Saloom	O'Donnell,
Dent	Kukovich	Scrimenti	Speaker
Evans	LaGrotta		

NAYS—125

Adolph	Durham	Laughlin	Rieger
Allen	Fairchild	Lawless	Ritter
Anderson	Fajt	Lee	Robinson
Angstadt	Fargo	Leh	Ryan
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fleagle	Lucyk	Scheetz
Barley	Flick	McCall	Schuler
Battisto	Foster	McHale	Semmel
Birmelin	Gallen	McHugh	Serafini
Black	Gamble	McNally	Smith, S. H.
Boyes	Gannon	Markosek	Snyder, D. W.
Broujos	Geist	Marsico	Snyder, G.
Brown	Gerlach	Mayernik	Stairs
Bunt	Gigliotti	Melio	Stish
Bush	Gladeck	Merry	Strittmatter
Caltagirone	Godshall	Michlovic	Surra
Carlson	Gruppo	Micozzie	Taylor, E. Z.
Carn	Hagarty	Nailor	Taylor, J.
Cessar	Hanna	Nickol	Telek
Chadwick	Harley	Noye	Tomlinson
Civera	Hasay	Nyce	Trello
Clymer	Hayes	O'Brien	Tulli
Colaizzo	Heckler	Olasz	Uliana
Cole	Hershey	Oliver	Van Horne
Cornell	Hess	Perzel	Vance
Cowell	Jadlowiec	Petrone	Veon
Coy	Jarolin	Piccola	Vroon

DeWeese	Johnson	Pistella	Wambach
Davies	Josephs	Pitts	Wilson
Dempsey	Kenney	Raymond	Wogan
Dermody	King	Reinard	Wright, M. N.
Donatucci			

NOT VOTING—7

Arnold	Kruszewski	Mrkonic	Reber
Freind	McGeehan	Nahill	

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

On the question recurring,

Will the House concur in Senate amendments?

POINT OF ORDER

The SPEAKER. Is there anyone seeking recognition?

Mr. MURPHY. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Mr. Speaker, point of order, first.

Is there a fiscal note and an actuarial note available for this?

The SPEAKER. Will the gentleman suspend.

The Chair would appreciate if there is knowledgeable Appropriations staff on the floor to come to the Chair.

(Conference held at Speaker's podium.)

BILL PASSED OVER TEMPORARILY

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman.

Mr. DeWEESE. Mr. Speaker, I would like to make a motion to pass over HB 627 temporarily and make our immediate point of business HB 2140. It is in print; it is being circulated. I would like to do that right now, sir.

The SPEAKER. The gentleman is in order.

The motion is to go over this bill temporarily, and in which case we would move on to the next item of business, which would be HB 2140.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—101

Acosta	Fajt	Linton	Rudy
Arnold	Fee	Lloyd	Saloom
Battisto	Freeman	Lucyk	Scrimenti
Belardi	Gamble	McCall	Serafini
Belfanti	George	McHale	Staback
Bishop	Gigliotti	McNally	Steelman
Blaum	Gruitza	Maiale	Steighner
Bowley	Haluska	Markosek	Stetler
Broujos	Hanna	Mayernik	Stish
Butkovitz	Harper	Melio	Sturla
Cappabianca	Hasay	Michlovic	Surra
Carn	Hayden	Mihalich	Tangretti
Carone	Hughes	Mundy	Thomas
Cawley	Itkin	Murphy	Tigue
Cohen	James	Olasz	Trello

Colafella	Jarolin	Oliver	Trich
Colaizzo	Josephs	Pesci	Van Horne
Cole	Kaiser	Petrarca	Veon
Cowell	Kasunic	Petrone	Wambach
Coy	Kosinski	Pistella	Williams
DeLuca	Krebs	Preston	Wozniak
DeWeese	Kukovich	Richardson	Wright, D. R.
Daley	LaGrotta	Rieger	
Dermody	Laughlin	Ritter	O'Donnell,
Donatucci	Lescovitz	Robinson	Speaker
Evans	Levdansky	Roebuck	

NAYS—86

Adolph	Fairchild	Kenney	Saurman
Allen	Fargo	King	Scheetz
Anderson	Farmer	Lawless	Schuler
Angstadt	Fleagle	Lee	Semmel
Argall	Flick	Leh	Smith, B.
Armstrong	Foster	Marsico	Smith, S. H.
Barley	Gallen	Merry	Snyder, D. W.
Birmelin	Gannon	Micozzie	Snyder, G.
Black	Geist	Nahill	Stairs
Boyes	Gerlach	Nailor	Strittmatter
Brown	Gladeck	Nickol	Taylor, E. Z.
Bunt	Godshall	Noye	Taylor, J.
Bush	Gruppo	Nyce	Telek
Carlson	Hagarty	O'Brien	Tomlinson
Chadwick	Harley	Perzel	Tulli
Civera	Hayes	Piccola	Uliana
Clark	Heckler	Pitts	Vance
Clymer	Herman	Raymond	Vroon
Cornell	Hershey	Reber	Wilson
Dempsey	Hess	Reinard	Wogan
Dent	Jadlowiec	Ryan	Wright, M. N.
Durham	Johnson		

NOT VOTING—9

Caltagirone	Freind	McGeehan	Mrkonic
Cessar	Kruszewski	McHugh	Phillips
Davies			

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

SUPPLEMENTAL CALENDAR E

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2140, PN 4274**, as further amended by the House Rules Committee:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," and Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety, the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

MOTION TO SUSPEND RULES

The **SPEAKER**. Is anyone seeking recognition on the matters at hand?

The Chair recognizes Mr. Gladeck.

MR. GLADECK. Thank you, Mr. Speaker.

MR. SPEAKER, I would like to move that the House suspend its rules so that I may offer an amendment to this bill.

The **SPEAKER**. The gentleman has moved to suspend the rules to permit amendment to this bill.

The Chair recognizes the majority leader.

MR. DEWEESE. I would oppose the motion, sir.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—94

Adolph	Durham	Johnson	Ryan
Allen	Fairchild	Kenney	Saurman
Anderson	Fargo	King	Scheetz
Angstadt	Farmer	Lawless	Schuler
Argall	Fleagle	Lee	Semmel
Armstrong	Flick	Leh	Serafini
Barley	Foster	McHugh	Smith, B.
Battisto	Gallen	Marsico	Smith, S. H.
Birmelin	Gamble	Merry	Snyder, D. W.
Black	Gannon	Micozzie	Snyder, G.
Boyes	Geist	Nahill	Stairs
Brown	Gerlach	Nailor	Strittmatter
Bunt	Gladeck	Nickol	Taylor, E. Z.
Bush	Godshall	Noye	Taylor, J.
Carlson	Gruppo	Nyce	Telek
Cessar	Hagarty	O'Brien	Tomlinson
Chadwick	Harley	Perzel	Tulli
Civera	Hasay	Phillips	Uliana
Clark	Hayes	Piccola	Vance
Clymer	Heckler	Pitts	Vroon
Cornell	Herman	Raymond	Wilson
Davies	Hershey	Reber	Wogan
Dempsey	Hess	Reinard	Wright, M. N.
Dent	Jadlowiec		

NAYS—98

Acosta	Evans	Lloyd	Roebuck
Arnold	Fajt	Lucyk	Rudy
Belardi	Fee	McCall	Saloom
Belfanti	Freeman	McGeehan	Scrimenti
Bishop	George	McHale	Staback
Blaum	Gigliotti	McNally	Steelman
Bowley	Gruitza	Maiala	Steighner
Broujos	Haluska	Markosek	Stetler
Butkovitz	Hanna	Mayernik	Stish
Caltagirone	Harper	Melio	Sturla
Cappabianca	Hayden	Michlovic	Surra
Carn	Hughes	Mihalich	Tangretti
Carone	Itkin	Mundy	Thomas
Cawley	James	Murphy	Tigue
Cohen	Josephs	Olasz	Trello
Colafella	Kaiser	Oliver	Trich
Colaizzo	Kasunic	Pesci	Van Horne
Cole	Kosinski	Petrarca	Veon
Cowell	Krebs	Petrone	Wambach
Coy	Kukovich	Pistella	Williams
DeLuca	LaGrotta	Preston	Wozniak
DeWeese	Laughlin	Richardson	Wright, D. R.

Daley	Lescovitz	Rieger	
Dermody	Levdansky	Ritter	O'Donnell,
Donatucci	Linton	Robinson	Speaker

NOT VOTING—4

Freind	Jarolin	Kruszewski	Mrkonic
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EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. The Chair recognizes Mr. Murphy.

Mr. MURPHY. Mr. Speaker, would the author of this please rise for some questions?

The SPEAKER. The gentleman, Mr. Lloyd, indicates that he is willing to be interrogated. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, on page 23, from line 17 down through on page 24, line 5, as I would read this, starting on line 29, it says, "Notwithstanding paragraph (1), an employe shall receive for the first six weeks of total disability, ninety per centum of his average weekly wage as compensation." Do I understand that to mean that anybody on workers' compensation, regardless if they had a minimum benefit or not, would receive 90 percent rather than 66 2/3 percent?

Mr. LLOYD. The answer to that question, Mr. Speaker, is no.

Mr. MURPHY. Mr. Speaker, could you explain how I am misreading the bill then?

Mr. LLOYD. That sentence says, notwithstanding the previous paragraph, when the following set of circumstances arise, then the benefit is calculated under that clause, but only when those circumstances that come after the "notwithstanding" clause arise.

Mr. MURPHY. Mr. Speaker, I do not follow, because I do not see those circumstances enumerated.

Mr. LLOYD. Mr. Speaker, if the gentleman will look in line 30 on page 23, the language says, "...an employe shall receive for the first six weeks of total disability...." So the only time this section applies is in the instance of total disability, and the purpose of the "notwithstanding" language is to indicate that this rule is an exception to the rule set forth in subparagraph (a)(1).

Mr. MURPHY. But, Mr. Speaker, in subparagraph (a)(1), that paragraph begins with the words "For total disability, sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine beginning after the seventh day of total disability...." So it seems to me that we are raising that total disability payment from 66 2/3 to 90 percent.

The SPEAKER. The gentleman should frame his remarks in terms of a question if he wants to continue interrogation.

Mr. MURPHY. I do not understand how we are— It seems to me, Mr. Speaker, that both sections deal with total disability. Where do they not deal with total disability?

Mr. LLOYD. Mr. Speaker, the point is that the "notwithstanding" clause applies only if your situation would initially fit under this section of the law at all. That is number one.

Number two, for the first 6 weeks. The gentleman is correct that clause (2) applies for the first 6 weeks.

Mr. MURPHY. Mr. Speaker—

Mr. LLOYD. After the first 6 weeks, then clause (1) then becomes applicable.

Mr. MURPHY. That is right, Mr. Speaker. And so we are agreeing that we are raising for the first 6 weeks of workers' compensation for everyone the rates that are being paid from 66 2/3 percent to 90 percent—

Mr. LLOYD. No, Mr. Speaker.

Mr. MURPHY. —of an individual's wages?

Mr. LLOYD. No, Mr. Speaker, we do not agree with that.

The language in the first place does not apply to anybody except someone who is on total disability.

Mr. MURPHY. Yes, but in the case of total disability, are we not then agreeing that we are raising the wages of individuals who are on total disability from 66 2/3 percent to 90 percent for the first 6 weeks?

Mr. LLOYD. Ninety percent of their wage. The 66 2/3 percent is 66 2/3 percent of the statewide average weekly wage, and the only people to whom this applies are people whose compensation would be less than that.

Mr. MURPHY. Mr. Speaker, I guess I do not see where this specifies this simply as a minimum benefit when we are dealing with people who have less than that as a minimum benefit.

Mr. LLOYD. Well, Mr. Speaker, the language which was— This same section of the law is the section which was amended by the previous version of the bill, and we believe that it does what we said it does - that it does not raise the benefits for anybody; that it in fact sets a minimum benefit for those people who otherwise would not be entitled to anything above the current statutory minimum; and that that minimum benefit is 90 percent of the individual's average wage for the first 6 weeks and thereafter would be the statutory minimum.

Mr. MURPHY. Mr. Speaker, the second part that I would like to ask questions about, and to be frank with you, I have just received the bill so I do not know what page it is on, and it is the issue of expanding the liability of employers. If you could direct me to the correct page, then maybe I could ask my questions more directly.

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise? Mr. RYAN. Point of parliamentary inquiry. That is always in order, is it not? This is a new one, too.

The SPEAKER. The gentleman will make his inquiry.

Mr. RYAN. Mr. Speaker, it is my understanding that the pizza is downstairs and staff people have been told that there may not be enough for them. Will you instruct the Chief Clerk's Office to open the doors to all the people here.

The SPEAKER. If the taxpayers paid for it, I guess everybody should be permitted to eat it, and the instruction will be passed along to the Chief Clerk.

How is the gentleman making out with the inquiry?

Mr. LLOYD. The language which the gentleman is asking about is found on page 12 of the bill. It begins with line 3.

Mr. MURPHY. Mr. Speaker, could you please repeat that?

Mr. LLOYD. Page 12; it begins with line 3 and it ends with line 18.

Mr. MURPHY. Mr. Speaker, as I understand workers' compensation, it was a historic agreement between labor and management that it would be a no-fault system that would preclude lawsuits and protect employers from lawsuits and, at the same time, provide employees with medical coverage and lost wages.

My concern is, as this begins to open up the door to lawsuits against employers, my concern is the language is relatively vague as to when an employee might be able to sue an employer. Could you be more specific in addressing cases, examples, or how an employee might pursue this under the court of law?

Mr. LLOYD. Let me say first that this language should be familiar to many members of this House because the House passed this legislation about 3 years ago as part of the product liability law.

Mr. GANNON. Mr. Speaker?

The SPEAKER. Will the gentleman suspend.

For what purpose does the gentleman, Mr. Gannon, rise?

Mr. GANNON. Mr. Speaker, I am trying to follow this debate, and I would like to know what section of the bill that is before us these gentleman are discussing. I am trying to find it. I think other members may be, too.

The SPEAKER. The Chair would appreciate it if the gentleman would not interrupt the debate. The two gentlemen involved will do the best they can to direct the traffic.

Mr. LLOYD. For the people who are not aware of where it is, on page 12 of the bill, beginning with line 3, ending with line 18, it is section 5 of the bill, section 206 of the act.

The language says that an employer will be immune from the protection against suit under the workers' compensation law only if he intentionally causes injury to an employee. The two circumstances in the bill in which that could be triggered and in which the immunity from suit could be lowered would be as follows: "(1) The employer acts with the specific purpose to cause serious injury or death to an employee." That would be a situation in which the intention of the employer or the supervisor is to direct an employee to do something which the supervisor knows and intends to have caused an accident or injury to the worker. That is an extraordinarily high standard. And the second prong or the second circumstance is if the employer directs or assigns his worker to work under an unsafe working condition even though the employer has actual knowledge—that means not that he should have known but that he really does actually know—that the condition under which he is requiring that person to work is substantially certain—not likely, not probable, not by 51 percent, but

substantially certain—and to do what? To cause serious injury or death to the employee.

Mr. Speaker, that is an extraordinarily high standard. I suspect that the case with which most people might be most aware, and I do not know all the circumstances of that case, but this would be a situation such as the chicken factory fire in North Carolina in which an employer—if he did in fact, and I do not know if he did—did in fact know that the doors were locked and that the circumstances were such that that could result in a serious injury or death and ordered people to work under those circumstances anyway.

Mr. MURPHY. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. PITTS. Mr. Speaker, on page 30 of the bill, line 17, paragraph (iv), this section deals with the cap of 117 percent on the medicare fee for primary care providers and 120 percent for the medicare fee for specialists. As I understand this section, this would allow, so that the rates would not be fixed at the same level forever, this would allow for an annual increase. Is that the intent of this paragraph?

Mr. LLOYD. The intent of this language is to allow the cap to float with the statewide average weekly wage rather than to float with medicare, which had been originally contained in the House version of the bill.

Mr. PITTS. And is it your intent that this should apply to the primary care providers as well as specialists?

Mr. LLOYD. It would apply to those people who are covered by this section of the bill.

Mr. PITTS. All right.

As I understand the way it is written, you may have a mistake here. I believe that the way you have written it, it applies to subparagraph (i), which is for specialists only. You do not have the primary care providers covered under this section. Am I correct in that?

Mr. LLOYD. Mr. Speaker, the language in clause little roman numeral (i) sets the requirement for the provision of services, the health care services, and the cap of 120 percent for everything which is not exempted under subsection (ii). The intention of subsection (ii) is to exempt and set a cap of 117 percent of medicare for those services which are primary.

It is my view that there is no question that the language in clause (iv) is intended to apply to all of the caps and that the reference on page 30, line 17, to a "health care service" is not a reference to a particular cap but is rather a reference to the services which are covered in subparagraph (i), and those are all services, and then you carve out of those services a specific exemption for people who are providing primary services as defined by HCFA (Health Care Financing Administration).

Mr. PITTS. The language on line 17 does not say all services, it says "...health care service covered by subparagraph (i),..." which is your 120-percent cap.

Mr. LLOYD. That is correct, but if the gentleman will read that subparagraph starting on page 28, line 27, that is a description of all products and services, and that goes on and talks about the procedure which is to be followed and how you determine what the initial snapshot and the tying that to the medicare fee schedule is to be.

Subparagraph (ii) says that there is a lower cap on the payment, not a different definition of services. All services are covered initially by subparagraph (i). All subparagraph (ii) does is to say that some of those services will initially be compensated at a lower cap, and therefore, when the language in the inflation section applies, it applies to the services, and that automatically then triggers the increase in the two caps that are applied in the bill.

Mr. PITTS. Mr. Speaker, that may be your interpretation. Our analysts do not read it that way.

Let me ask you about another section. On page 4 of the bill, lines 23 to 30, this is the section that deals with the exemption for CEO's (chief executive officers) that is requested by our small businesses. Would you tell us the definition here of the executive officer to whom this applies?

Mr. LLOYD. The executive officer to whom this applies is one whose wage is at least three times the statewide average weekly wage.

Mr. PITTS. And can you give us approximately what that would amount to?

Mr. LLOYD. That would be approximately, at this point, about \$75,000 a year or up. So we are talking about chief executive officers or high-ranking decisionmakers in companies.

Mr. PITTS. All right.

Thank you, Mr. Speaker. That concludes my interrogation. I would like to make a statement.

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

Mr. PITTS. Thank you, Mr. Speaker.

This section, which was requested by our small business community, NFIB (National Federation of Independent Business), and other small business groups, as the maker of the amendment has stated, applies to individuals who are making \$75,000 or more annually in wages. This certainly is not small businesses. This is not going to apply to the people that they wanted to be exempt from this provision. It is only going to help large businesses. I think that is a flaw in the bill.

Mr. Speaker, as well, the argument that was raised by Representative Murphy on page 23 I think is correct, this provision which was meant to take into consideration those individuals who make more on workers' compensation than when they were working because of the mandatory minimum. The first 6 weeks they would make 90 percent of their average weekly wage instead of the mandatory minimum. That was to save money. The way this is drafted, Mr. Speaker, it says "Notwithstanding paragraph (i),..." which says for total disability, the benefit is 66 2/3 percent. In other words, everybody, those making more than the mandatory minimum for the first 6 weeks, would make not 66 2/3 percent but 90

percent of their average weekly wage. This would be a tremendous increase in benefits for the lion's share of recipients. It is going to be extremely costly. This is not the intent of this section, and I do not think the fiscal note is correct, because it is not written in a way which reflects this cost.

Mr. Speaker, I think there has been an error draft on the other section, and I think for these reasons we should nonconcur in HB 2140. Thank you, Mr. Speaker.

AMENDMENT SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Gladeck.

Mr. GLADECK. Thank you.

Mr. Speaker, initially I would like to submit for the public record a copy of the amendment that I would have offered had I been permitted.

The SPEAKER. The gentleman is in order, and the document will be submitted and included in the record.

Mr. GLADECK. Thank you.

Mr. GLADECK submitted the following amendment for the Legislative Journal:

Amend Title, page 1, lines 1 through 20, by striking out all of said lines and inserting

Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," and Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety, the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

Amend Bill, page 1, lines 23 through 25; pages 2 through 141, lines 1 through 30; page 142, lines 1 through 28, by striking out all of said lines on said pages and inserting

Section 1. Section 101 of the act of June 2, 1915 (P.L.736, No.338), known as The Pennsylvania Workmen's Compensation Act, reenacted and amended June 21, 1939 (P.L.520, No.281) and amended December 5, 1974 (P.L.782, No.263), is amended to read:

Section 101. That this act shall be called and cited as [The Pennsylvania Workmen's] the Workers' Compensation Act, and shall apply to all injuries occurring within this Commonwealth, irrespective of the place where the contract of hiring was made, renewed, or extended, and extraterritorially as provided by section 305.2.

Section 2. Section 104 of the act, amended March 29, 1972 (P.L.159, No.61), is amended to read:

Section 104. The term "employe," as used in this act is declared to be synonymous with servant, and includes—

All natural persons who perform services for another for a valuable consideration, exclusive of persons whose employment is casual in character and not in the regular course of the business

of the employer, and exclusive of persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in the worker's own home, or on other premises, not under the control or management of the employer. [Every] Except as hereinafter provided in clause (c) of section 302 and sections 305 and 321 of this act, every executive officer of a corporation elected or appointed in accordance with the charter and by-laws of the corporation, except elected officers of the Commonwealth or any of its political subdivisions, shall be an employe of the corporation [except as hereinafter provided in sections 302 (c), 305 and 321]. An executive officer of a corporation may, however, elect not to be an "employe" of the corporation for the purposes of this act. For purposes of this section, an executive officer is an individual who has the power to direct and cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations.

Section 3. The act is amended by adding sections to read:

Section 105.3. The term "construction design professional," as used in this act, means a professional engineer or land surveyor licensed by the State Registration Board for Professional Engineers and Professional Land Surveyors under the act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers and Professional Land Surveyors Registration Law," a landscape architect who is licensed by the State Board of Landscape Architects under the act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law," an architect who is licensed by the Architects Licensure Board under the act of December 14, 1982 (P.L.1227, No.281), known as the "Architects Licensure Law," or any corporation or association (including professional corporations) organized or registered under the act of December 21, 1988 (P.L.1444, No.177), known as the "General Association Act of 1988," practicing engineering, architecture, landscape architecture or surveying in this Commonwealth.

Section 109. In addition to the definitions set forth in this Article, 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:

"Bill" means a statement or invoice for payment of services under clause (f) of section 306 of this act which identifies the claimant, the date of injury, the payment codes referred to in clause (f) of section 306 of this act and a description of the services provided on or in standard form prescribed by the Department of Labor and Industry.

"Burn facility" means a facility which meets the service standards of the American Burn Association.

"Commissioner" means the Insurance Commissioner of the Commonwealth.

"Coordinated care organization" or "CCO" means an organization licensed in Pennsylvania and certified by the Secretary of Labor and Industry on a basis of established criteria possessing the capacity to provide primary medical services to an injured worker.

"DRG" means diagnosis related groups.

"HCFA" means the Health Care Financing Administration.

"Health maintenance organization" means an entity defined in and subject to the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act."

"Hospital plan corporation" means an entity defined in and subject to Chapter 61 (relating to hospital plan corporations) of Title 40 (relating to insurance) of the Pennsylvania Consolidated Statutes.

"Insurance Company Law of 1921" means the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

"Insurer" means an entity subject to the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," including the State Workmen's Insurance Fund, with which an employer has insured liability under this act pursuant to section 305 or a self-insured employer or fund exempted by the Department of Labor and Industry pursuant to section 305 of this act.

"Intermediary" means an organization with a contractual relationship with the Health Care Financing Administration to process Medicare Part A or Part B claims.

"Life-threatening injury" shall be as defined by the American College of Surgeons' triage guidelines regarding use of trauma centers for the region where the services are provided.

"Occupational Disease Act" means the act of June 21, 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational Disease Act."

"Pass-through costs" means Medicare reimbursed costs to a hospital that "pass through" the prospective payment system and are not included in the diagnosis related group payments. The term includes medical education, capital expenditures, insurance and interest expense on fixed assets.

"Peer review," for the purpose of undertaking reviews and reports pursuant to section 420, means review by:

(1) an impartial physician, surgeon or other duly licensed practitioner of the healing arts selected by the Secretary of Labor and Industry upon recommendation of the deans of the medical colleges located in this Commonwealth;

(2) a panel of such professionals and practitioners selected by the Secretary of Labor and Industry upon recommendation of the deans of the medical colleges located in this Commonwealth;

or

(3) a Peer Review Organization approved by the Insurance Commissioner and selected by the Secretary of Labor and Industry.

"Professional health service corporation" means an entity defined in and subject to Chapter 63 (relating to professional health services plan corporations) of Title 40 (relating to insurance) of the Pennsylvania Consolidated Statutes.

"Provider" means a health care provider licensed by the Commonwealth, including a person or institution providing treatment, accommodations, products or services to a person under clause (f) of section 306 of this act.

"Referee" means a workers' compensation judge, as designated under section 401.

"Secretary" means the Secretary of Labor and Industry of the Commonwealth.

"Trauma center" means a facility accredited by the Pennsylvania Trauma Systems Foundation under the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act."

"Urgent injury" shall be as defined by the American College of Surgeons' triage guidelines regarding use of trauma centers for the region where the services are provided.

"Usual and customary charge" means the charge most often made by providers of similar training, experience and licensure for a specific treatment, accommodation, product or service in the geographic area where the treatment, accommodation, product or service is provided.

"Utilization review organizations" shall be those organizations consisting of an impartial physician, surgeon or other duly licensed practitioner of the healing arts or a panel of such professionals and practitioners as authorized by the Department of Labor and Industry and published as a list in the form of a notice in the Pennsylvania Bulletin, for the purpose of reviewing the reasonableness and necessity of medical treatment pursuant to section 306(f.1)(6).

Section 4. Section 204 of the act, amended December 5, 1974 (P.L.782, No.263), is amended to read:

Section 204. No agreement, composition, or release of damages made before the date of any injury shall be valid or shall bar a claim for damages resulting therefrom; and any such agreement is declared to be against the public policy of this Commonwealth. The receipt of benefits from any association, society, or fund shall not bar the recovery of damages by action at law, nor the recovery of compensation under article three hereof; and any release executed in consideration of such benefits shall be void: Provided, however, That if the employe receives unemployment compensation benefits, such amount or amounts so received shall be credited as against the amount of the award made under the provisions of [section 108.] sections 108 and 306, except for benefits payable under section 306(c).

Section 5. Section 301(a) and (c)(1) of the act, amended October 17, 1972 (P.L.930, No.223) and December 5, 1974 (P.L.782, No.263), are amended to read:

Section 301. (a) Every employer shall be liable for compensation for personal injury to, or for the death of each employe, by an injury in the course of his employment, and such compensation shall be paid in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article: Provided, That no compensation shall be paid when the injury or death is intentionally self inflicted, or is caused by the employe's violation of law, including, but not limited to, the illegal use of drugs, but the burden of proof of such fact shall be upon the employer, and no compensation shall be paid if, during hostile attacks on the United States, injury or death of employes results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power. In cases where the injury or death is caused by intoxication, no compensation shall be paid if the injury or death would not have occurred but for the employe's intoxication, but the burden of proof of such fact shall be upon the employer.

(c) (1) The terms "injury" and "personal injury," as used in this act, shall be construed to mean an injury to an employe, regardless of his previous physical condition, arising in the course of his employment and related thereto, and such disease or infection as naturally results from the injury or is aggravated, reactivated or accelerated by the injury; and wherever death is mentioned as a cause for compensation under this act, it shall mean only death resulting from such injury and its resultant effects, and occurring within three hundred weeks after the injury. The term "injury arising in the course of his employment," as used in this article, shall not include an injury caused by an act of a third person intended to injure the employe because of reasons personal to him, and not directed against him as an employe or because of his employment; nor shall it include injuries sustained while the employe is operating a motor vehicle provided by the employer if the employe is not otherwise in the course of employment at the time of injury; but shall include all other injuries sustained while the employe is actually engaged in the furtherance of the business or affairs of the employer, whether upon the employer's premises or elsewhere, and shall include all injuries caused by the condition of the premises or by the operation of the employer's business or affairs thereon, sustained by the employe, who, though not so engaged, is injured upon the premises occupied by or under the control of the employer, or upon which the employer's business or affairs are being carried on, the employe's presence thereon being required by the nature of his employment.

Section 6. Section 302 of the act, amended December 5, 1974 (P.L.782, No.263), is amended to read:

Section 302. (a) A contractor who subcontracts all or any part of a contract and his insurer shall be liable for the payment of compensation to the employes of the subcontractor unless the subcontractor primarily liable for the payment of such compensa-

tion has secured its payment as provided for in this act. Any contractor or his insurer who shall become liable hereunder for such compensation may recover the amount thereof paid and any necessary expenses from the subcontractor primarily liable therefor.

For purposes of this subsection, a person who contracts with another (1) to have work performed consisting of (i) the removal, excavation or drilling of soil, rock or minerals, or (ii) the cutting or removal of timber from lands, or (2) to have work performed of a kind which is a regular or recurrent part of the business, occupation, profession or trade of such person shall be deemed a contractor, and such other person a subcontractor. This subsection shall not apply, however, to an owner or lessee of land principally used for agriculture who is not a covered employer under this act and who contracts for the removal of timber from such land.

(b) Any employer who permits the entry upon premises occupied by him or under his control of a laborer or an assistant hired by an employe or contractor, for the performance upon such premises of a part of such employer's regular business entrusted to that employe or contractor, shall be liable for the payment of compensation to such laborer or assistant unless such hiring employe or contractor, if primarily liable for the payment of such compensation, has secured the payment thereof as provided for in this act. Any employer or his insurer who shall become liable hereunder for such compensation may recover the amount thereof paid and any necessary expenses from another person if the latter is primarily liable therefor.

For purposes of this subsection (b), the term "contractor" shall have the meaning ascribed in section 105 of this act.

(c) Any employer employing persons in agricultural labor shall be required to provide workmen's compensation coverage for such employes according to the provisions of this act, if such employer is otherwise covered by the provisions of this act or if during the calendar year such employer pays wages to one employe for agricultural labor totaling one hundred fifty dollars (\$150) or more or furnishes employment to one employe in agricultural labor on twenty or more days in any of which events the employer shall be required to provide coverage for all employes.

(d) A contractor shall not subcontract all or any part of a contract unless the subcontractor has presented proof of insurance under this act.

(e) (1) Prior to issuing a building permit to a contractor, a municipality shall require the contractor to present proof of workers' compensation insurance for the duration of the work or an affidavit that the contractor is the sole proprietor, principal shareholder of a corporation or a partner in a partnership which does not employ other individuals to perform the work pursuant to the building permit.

(2) Every building permit issued by a municipality to a contractor shall clearly set forth the name and workers' compensation policy and the contractor's Federal or State Employer Identification Number. This information shall be in addition to any information required by municipal ordinance. If the building permit is issued to a sole proprietor, principal shareholder of a corporation or a partnership which does not employ other individuals to perform the work pursuant to the building permit, and is not otherwise obligated to maintain workers' compensation insurance under this act, the permit shall clearly set forth the contractor's Federal or State Employer Identification Number and state that the sole proprietor, principal shareholder or partner is not required to carry workers' compensation insurance and that the sole proprietor, principal shareholder or partner is not permitted to employ any individual to perform work pursuant to the building permit.

(3) Every municipality issuing a building permit shall be named as a workers' compensation policy certificate holder of a contractor-issued building permit. This certificate shall be filed with the municipality's copy of the building permit.

(4) A municipality shall issue a stop-work order to a contractor who is performing work pursuant to a building permit, in the event his workers' compensation insurance or self-insured status is cancelled. If the municipality determines that a sole proprietor, partner or shareholder who is performing work pursuant to a building permit does not maintain required workers' compensation insurance, the municipality may issue a stop-work order. This order shall remain in effect until proper workers' compensation coverage is obtained for all work performed pursuant to the building permit.

(f) Where a contractor is performing work for a public body or political subdivision, all contractors and subcontractors shall provide proof of workers' compensation insurance to the public body or political subdivision effective for the duration of the work.

(g) Should such policy of workers' compensation insurance be cancelled or expire during the duration of the work or should the workers' compensation self-insurance status change during the said period, the contractor shall immediately notify, in writing, the municipality, public body or political subdivision of such cancellation, expiration or change in status.

(h) Nothing in this act shall be the basis of any liability on part of the municipality.

(i) For purposes of clauses (d), (e) and (f) of this section, "proof of insurance" shall include a certificate of insurance or self-insurance, demonstrating current coverage and compliance with the requirements of this act, the "Occupational Disease Act" and the "Longshore and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. § 901 et seq.), its amendments and supplements, where applicable.

(j) For purposes of clauses (d), (e) and (f), "proof of insurance" shall not be required when the employer has been exempted pursuant to section 304.2 of this act.

Section 7. Section 305 of the act, amended December 5, 1974 (P.L.782, No.263) and repealed in part April 28, 1978 (P.L.202, No.53), is amended to read:

Section 305. (a) (1) Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund, or in any insurance company, or mutual association or company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the department from such insurance. Such insurer shall assume the employer's liability hereunder and shall be entitled to all of the employer's immunities and protection hereunder except, that whenever any employer shall have purchased insurance to provide benefits under this act to persons engaged in domestic service, neither the employer nor the insurer may invoke the provisions of section 321 as a defense. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department, showing his financial ability to pay such compensation, whereupon the department, if satisfied of the applicant's financial ability, shall, upon the payment of a fee of [one hundred dollars (\$100.00)] five hundred dollars (\$500), issue to the applicant a permit authorizing such exemption.

(2) In securing the payment of benefits, the department shall require an employer wishing to self-insure its liability to establish sufficient security by posting a bond or other security, including letters of credit drawn on commercial banks with a Thompson Bank Credit Service rating of C or better or a CD rating of BB/A2 or better by Standard and Poor's. This paragraph shall not apply to municipalities.

(3) The department shall establish a period of twelve (12) calendar months, to begin and end at such times as the department shall prescribe, which shall be known as the annual exemption period. Unless previously revoked, all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued. Permits

issued under this act shall be renewed upon the filing of an application, and the payment of a renewal fee of one hundred dollars (\$100.00). The department may, from time to time, require further statements of the financial ability of such employer, and, if at any time such employer appear no longer able to pay compensation, shall revoke its permit granting exemption, in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund, or insure his liability in any insurance company or mutual association or company, as aforesaid.

(b) Any employer who fails to comply with the provisions of this section for every such failure, shall, upon [summary conviction before any official of competent jurisdiction, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), and costs of prosecution, or imprisonment for a period of not more than one (1) year, or both.] conviction in the court of common pleas, be guilty of a misdemeanor of the third degree. If the failure to comply with this section is found by the court to be intentional, the employer shall be guilty of a felony of the third degree. Every day's violation shall constitute a separate offense. A judge of the court of common pleas may, in addition to imposing fines and imprisonment, include restitution in his order: Provided, That there is an injured employe who has obtained an award of compensation. The amount of restitution shall be limited to that specified in the award of compensation. It shall be the duty of the department to enforce the provisions of this section; and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof. All fines recovered under the provisions of this section shall be paid to the department, and by it paid into the State Treasury.

(c) In any proceeding against an employer under this section, a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section, shall be prima facie evidence of the facts therein stated.

(d) When any employer fails to secure the payment of compensation under this act as provided in sections 305 and 305.2, the injured employe or his dependents may proceed either under this act or in a suit for damages at law as provided by article II.

(e) Every employer shall post a notice at its primary place of business and at its sites of employment in a prominent and easily accessible place, including, without limitation, areas used for the treatment of injured employes or for the administration of first aid, containing:

(1) Either the name of the employer's carrier and the address and telephone number of such carrier or insurer or, if the employer is self-insured, the name, address and telephone number of the person to whom claims or requests for information are to be addressed.

(2) The following statement: "Remember, it is important to tell your employer about your injury."

The notice shall be posted in prominent and easily accessible places at the site of employment, including such places as are used for treatment and first aid of injured employes. Such a listing shall contain the information as specified in this section, typed or printed on eight and one-half inch by eleven inch or eight and one-half inch by thirteen inch paper in standard size type or larger.

Section 8. Section 306(a) and (f) of the act, amended December 5, 1974 (P.L.782, No.263) and July 1, 1978 (P.L.692, No.119), are amended and the section is amended by adding clauses to read:

Section 306. The following schedule of compensation is hereby established:

(a) For total disability, sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine beginning after the seventh day of total disabili-

ity, and payable for the duration of total disability, but the compensation shall not be more than the maximum compensation payable [nor less than fifty per centum of the Statewide average weekly wage. If at the time of injury, the employe receives wages equal to or less than fifty per centum of the Statewide average weekly wage, then he shall receive ninety per centum of his average weekly wage as compensation, but in no event less than thirty-three and one-third per centum of the maximum weekly compensation payable] as defined in section 105.2. Nothing in this clause shall require payment of compensation after disability shall cease. Nothing in this act shall require payment of compensation for any period during which the employe is incarcerated after a conviction. If the benefit so calculated is less than fifty per centum of the Statewide average weekly wage, then the benefit payable shall be the lower of fifty per centum of the Statewide average weekly wage or eighty-five per centum of the worker's average weekly wage.

(f) (1) The employer shall provide payment for reasonable surgical and medical services, services rendered by duly licensed practitioners of the healing arts, medicines, and supplies, as and when needed: Provided, That if a list of at least five designated physicians or other duly licensed practitioners of the healing arts or a combination thereof is provided by the employer, the employe shall be required to visit one of the physicians or other practitioners so designated and shall continue to visit the same or another physician or practitioner for a period of fourteen days from the date of the first visit. Subsequent treatment may be provided by any physician or any other duly licensed practitioner of the healing arts or a combination thereof, of the employe's own choice, and such treatment shall be paid for by the employer. Any employe who next following the termination of the fourteen-day period is provided treatment from a physician or other duly licensed practitioner of the healing arts who is not one of the physicians or practitioners designated by the employer, shall notify the employer within five days of the first visit to said physician or practitioner. However, if the employe fails to so notify the employer, the employe shall suffer no loss of rights or benefits to which he is otherwise entitled under the act.

(2) If and only if the employer has designated at least five physicians or other duly licensed practitioners of the healing arts or a combination thereof as permitted by the preceding paragraph, the following reporting provisions shall apply. Nothing in the following paragraphs shall eliminate rights of the employer to obtain all records and data as permitted under any other sections of this act.

(i) The physician or other duly licensed practitioner of the healing arts shall be required to file periodic reports with the employer on a form prescribed by the department which shall include, where pertinent, history, diagnosis, treatment, prognosis and physical findings. The report shall be filed within twenty-one days of commencing treatment and at least once a month thereafter, as long as treatment continues. The employer shall not be liable to pay for such treatment until a report has been filed.

(ii) The employer shall have the right to petition the department for review of the necessity or frequency of treatment or reasonableness of fees for services provided by a physician or other duly licensed practitioner of the healing arts. Such a petition shall in no event act as a supersedeas, and during the pendency of any such petition the employer shall pay all medical bills if the physician or other practitioner of the healing arts files a report or reports as required by subparagraph (i) of paragraph (2) of this subsection.

(3) After an employe has elected to be treated by a physician or other duly licensed practitioner of the healing arts who is not one of the physicians or practitioners designated by the employer, he may thereafter elect to be treated by another physician or other duly licensed practitioner of the healing arts upon notice to his

employer: Provided, however, That no such notice shall be required in emergencies, or in cases of referrals by one physician or practitioner to another physician or practitioner or if the new physician or practitioner makes a timely report to the employer within twenty-one days after commencing treatment.

(4) In addition to the above service, the employer shall provide payment for medicines and supplies, hospital treatment, services and supplies and orthopedic appliances, and prostheses. The cost for such hospital treatment, service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals. If the employe shall refuse reasonable services of duly licensed practitioners of the healing arts, surgical, medical and hospital services, treatment, medicines and supplies, he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal. Whenever an employe shall have suffered the loss of a limb, part of a limb, or an eye, the employer shall also provide payment for an artificial limb or eye or other prostheses of a type and kind recommended by the doctor attending such employe in connection with such injury and any replacements for an artificial limb or eye which the employe may require at any time thereafter, together with such continued medical care as may be prescribed by the doctor attending such employe in connection with such injury as well as such training as may be required in the proper use of such prostheses. The provisions of this section shall apply in injuries whether or not loss of earning power occurs. If hospital confinement is required, the employe shall be entitled to semi-private accommodations but if no such facilities are available, regardless of the patient's condition, the employer, not the patient, shall be liable for the additional costs for the facilities in a private room.

(5) The payment by an insurer for any medical, surgical or hospital services or supplies after any statute of limitations provided for in this act shall have expired shall not act to reopen or review the compensation rights for purposes of such limitations.]

(f.1) (1) (i) Provided an employer establishes a list of at least five designated physicians, one or more of whom may be a coordinated care organization, or other duly licensed practitioners of the healing arts, the employe shall be required to visit one of the physicians or other practitioners so designated and shall continue to visit the same or another designated physician or practitioner for a period of thirty days from the date of the first visit or for a period of forty-five days if the employe visits a coordinated care organization: Provided, however, That the employer shall not include on the list a physician or other duly licensed practitioner who is an employe of the employer or the employer's insurer, or a coordinated care organization that is owned or controlled, directly or indirectly, in whole or in part, by the employer or the employer's insurer, and the injured employe shall not be required to visit the same. Should the employe not comply with the foregoing, the employer will be relieved from liability for the payment for the services rendered during such applicable period. Subsequent treatment may be provided by any physician or practitioner of the employe's own choice. Any employe who, next following termination of the applicable period, is provided treatment from a nondesignated physician shall notify the employer within five days of the first visit to said physician or practitioner. Failure to so notify the employer will relieve the employer from liability for the payment for the services rendered prior to appropriate notice.

(ii) In addition to the above service, the employer shall provide payment for medicines and supplies, hospital treatment, services and supplies and orthopedic appliances, and prostheses in accordance with this section. Whenever an employe shall have suffered the loss of a limb, part of a limb, or an eye, the employer shall also provide for an artificial limb or eye or other prostheses of a type and kind recommended by the doctor attending such employe in connection with such injury and any replacements for

an artificial limb or eye which the employe may require at any time thereafter, together with such continued medical care as may be prescribed by the doctor attending such employe in connection with such injury as well as such training as may be required in the proper use of such prostheses. The provisions of this section shall apply to injuries whether or not loss of earning power occurs. If hospital confinement is required, the employe shall be entitled to semi-private accommodations but if no such facilities are available, regardless of the patient's condition, the employer, not the patient, shall be liable for the additional costs for the facilities in a private room.

(2) Any provider who treats an injured employe shall be required to file periodic reports with the employer on a form prescribed by the department which shall include, where pertinent, history, diagnosis, treatment, prognosis and physical findings. The report shall be filed within twenty-one days of commencing treatment and at least once a month thereafter, as long as treatment continues. The employer shall not be liable to pay for such treatment until a report has been filed.

(3) (i) For purposes of this clause, a provider shall not require, request or accept payment for the treatment, accommodations, products or services in excess of one hundred twenty per centum of the prevailing charge at the seventy-fifth percentile; one hundred twenty per centum of the applicable fee schedule, the recommended fee or the inflation index charge; one hundred twenty per centum of the DRG payment, plus pass-through costs and applicable cost or day outliers; or one hundred twenty per centum of any other Medicare reimbursement mechanism, as determined by the Medicare carrier or intermediary, whichever pertains to the specialty service involved, determined to be applicable in this Commonwealth under the Medicare program for comparable services rendered as of the effective date of this act, or the provider's usual and customary charge, whichever is less: Provided, however, That payment for treatment, accommodations, products or services which are primary care services, as defined by the Health Care Financing Administration under the Health Care Financing Administration Common Procedure Coding System, shall not be in excess of one hundred seventeen per centum of the applicable Medicare fee schedule, or the provider's usual and customary charge, whichever is less. Future changes or additions to Medicare allowances are not applicable under this section. If the commissioner determines that an allowance for a particular provider group or service under the Medicare program is not reasonable, it may adopt, by regulation, a new percentage allowance. If the prevailing charge, fee schedule, recommended fee, inflation index charge, DRG payment or any other reimbursement has not been calculated under the Medicare program for a particular treatment, accommodation, product or service, the amount of the payment may not exceed eighty per centum of the charge most often made by providers of similar training, experience and licensure for a specific treatment, accommodation, product or service in the geographic area where the treatment, accommodation, product or service is provided.

(ii) The maximum allowance for a health care service covered by subparagraph (i) of this paragraph shall be updated as of the first day of January of each year. The update shall be equal to the percentage change in the Statewide average weekly wage.

(iii) The secretary shall retain the services of an independent consulting firm to perform an annual accessibility study of medical care provided under this act. The study will review and provide information as to whether there is adequate access to quality health care and products for injured workers. If the secretary determines based on this study that as a result of the medical care fee schedule there is not sufficient access to quality health care or products for persons suffering injuries covered by this act, the secretary may recommend to the commissioner the adoption of regulations providing for a new allowance to be applied against the percentage limitation in this subsection.

(iv) An allowance shall be reviewed for reasonableness where the commissioner determines that the use of the allowance would result in payments more than ten per centum lower than the average level of reimbursement the provider would receive from coordinated care insurers, including those entities subject to the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act," and those entities known as preferred provider organizations which are subject to section 630 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," for like treatments, accommodations, products or services. In making this determination, the commissioner shall consider the extent to which allowances applicable to other providers under this section deviate from the reimbursement such providers would receive from coordinated care insurers. Any information received as a result of this subparagraph shall be confidential.

(v) The reimbursement for prescription drugs and professional pharmaceutical services shall be limited to one hundred ten per centum of the average wholesale price of the product: Provided, That a separate charge may be used if a pharmacy provides drug use evaluation or utilization review.

(vi) The applicable Medicare fee schedule shall include fees associated with all permissible procedure codes. If the Medicare fee schedule also includes a larger grouping of procedure codes and corresponding charges than are specifically reimbursed by Medicare, a provider may use these codes, and corresponding charges shall be paid by insurers or employers. If a Medicare code exists for application to a specific provider specialty, that code shall be used.

(vii) A provider shall not fragment or unbundle charges imposed for specific care except as consistent with Medicare. Changes to a provider's codes by an insurer shall be made only as consistent with Medicare and when the insurer has sufficient information to make the changes and following consultation with the provider.

(4) Nothing in this act shall prohibit the provider, self-insured employer, employer or insurer from contracting with a coordinated care organization for reimbursement levels different from those identified above.

(5) The employer or insurer shall make payment, and providers shall submit bills and records, in accordance with the provisions of this section. All payments to providers for treatment provided pursuant to this act shall be made within thirty days of receipt of such bills and records, unless the employer or insurer disputes the reasonableness or necessity of treatment provided. A provider who has submitted the reports and bills required by this section and who disputes the amount or timeliness of the payment from the employer or insurer, except in those situations where the reasonableness or necessity of treatment is disputed, shall file an application for fee review with the department. Within thirty days of the filing of such an application, the department shall render an administrative decision.

(6) All disputes as to reasonableness or necessity of medical treatment shall be resolved in accordance with the following provisions:

(i) The reasonableness or necessity of all medical treatment provided under this act may be subject to prospective, concurrent or retrospective utilization review at the request of an employer or insurer. The department shall authorize utilization review organizations to perform utilization review under this act. Organizations not authorized by the department may not engage in such utilization review.

(ii) The utilization review organization shall issue a written report of its findings and conclusions within thirty days of a request. If the provider, employer or insurer disagrees with the finding of the utilization review organization, a request for reconsideration must be filed no later than thirty days after receipt of the utilization review report. The request for reconsideration

must be in writing and must contain medical evidence not available at the time of the initial review.

(iii) The employer shall pay the cost of the initial utilization review. The party which does not prevail on reconsideration of an initial review shall bear the costs of such reconsideration.

(iv) If the provider, employer or insurer disagrees with the finding of the utilization review organization on reconsideration, a petition for review by the department must be filed within thirty days after receipt of the reconsideration report. The department shall hold an informal hearing on the matter within thirty days of the filing of the petition. The department's decision shall be issued within thirty days of the conclusion of such hearing and shall be based on any and all records and reports from the utilization review organization.

(7) A provider shall not hold an employe liable for costs related to care or service rendered in connection with a compensable injury under this act unless the employe has failed to comply with this clause.

(8) If the employe shall refuse reasonable services of duly licensed practitioners of the healing arts, surgical, medical and hospital services, treatment, medicines and supplies, he shall forfeit all rights to compensation for any injury or increase or continuation in his incapacity shown to have resulted from such refusal.

(9) The payment by an insurer or employer for any medical, surgical or hospital services or supplies after any statute of limitations provided for in this act shall have expired shall not act to reopen or revive the compensation rights for purposes of such limitations.

(10) If acute care is provided in an acute care facility to a patient with an immediately life threatening or urgent injury by a Level I or Level II trauma center accredited by the Pennsylvania Trauma Systems Foundation under the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act," or to a burn injury patient by a burn facility which meets all the service standards of the American Burn Association, or if basic or advanced life support services, as defined and licensed under the "Emergency Medical Services Act," are provided the amount of payment shall be the usual and customary charge.

(f.2) (1) Medical services required by the act may be provided through a coordinated care organization which is certified by the Department of Labor and Industry subject to the following:

(i) Each application for certification shall be accompanied by a reasonable fee prescribed by the department. A certificate is valid for such period as the department may prescribe unless sooner revoked or suspended.

(ii) Application for certification shall be made in such form and manner as the department shall require and shall set forth information regarding the proposed plan for providing services.

(2) The coordinated care organization must include an adequate number and specialty distribution of licensed health care providers in order to assure appropriate and timely delivery of services required under the act and an appropriate flexibility to workers in selecting providers. Services may be provided directly, through affiliates or through contractual referral arrangements with other health care providers.

(3) The secretary shall certify an entity as a coordinated care organization if the secretary finds that the entity:

(i) Possesses the capacity to provide all primary medical services as designated by the secretary in a manner that is timely and effective.

(ii) Maintains a referral capacity to treat other injuries and illnesses not covered by primary services but which are covered by this act.

(iii) Provides a case management and evaluation system which includes continuous monitoring of treatment from onset of injury or illness until final resolution.

(iv) Provides a case communication system which relates necessary and appropriate information among the employe, employer, health care providers and insurer.

(v) Provides appropriate peer and utilization review and a care dispute resolution system.

(vi) Complies with any other requirements of law regarding delivery of medical care services.

(4) The secretary shall refuse to certify or may revoke or suspend certification of any coordinated care organization if the director finds that:

(i) the plan for providing medical or health care services fails to meet the requirements of this section; or

(ii) service under the plan is not being provided in accordance with terms of the plan as certified.

(5) A person participating in utilization review, quality assurance or peer review activities pursuant to this section shall not be examined as to any communication made in the course of such activities or the findings thereof, nor shall any person be subject to an action for civil damages for actions taken or statements made in good faith.

(6) Health care providers designated as rural by HCFA or located in a county with a rural Health Professional Shortage Area, who are attempting to form or operate a coordinated care organization, shall be excluded from meeting all minimum requirements set forth in paragraphs (2) and (3) of this clause, as shall be determined in rules or regulations promulgated by the department.

(7) The department shall have the power and authority to promulgate, adopt, publish and use regulations for the implementation of this section.

(8) A coordinated care organization shall not be owned or controlled, directly or indirectly, in whole or in part, except by insurers, employers, providers, professional health service corporations, hospital plan corporations or health maintenance organizations licensed in this Commonwealth.

Section 9. Section 307 of the act, amended December 5, 1974 (P.L.782, No.263), is amended to read:

Section 307. In case of death, compensation shall be computed on the following basis, and distributed to the following persons: Provided, That in no case shall the wages of the deceased be taken to be less than fifty per centum of the Statewide average weekly wage for purposes of this section:

1. If there be no widow nor widower entitled to compensation, compensation shall be paid to the guardian of the child or children, or, if there be no guardian, to such other persons as may be designated by the board as hereinafter provided as follows:

(a) If there be one child, thirty-two per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

(b) If there be two children, forty-two per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

(c) If there be three children, fifty-two per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

(d) If there be four children, sixty-two per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

(e) If there be five children, sixty-four per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

(f) If there be six or more children, sixty-six and two-thirds per centum of wages of deceased, but not in excess of the Statewide average weekly wage.

2. To the widow or widower, if there be no children, fifty-one per centum of wages, but not in excess of the Statewide average weekly wage.

3. To the widow or widower, if there be one child, sixty per centum of wages, but not in excess of the Statewide average weekly wage.

4. To the widow or widower, if there be two children, sixty-six and two-thirds per centum of wages but not in excess of the Statewide average weekly wage.

4 1/2. To the widow or widower, if there be three or more children, sixty-six and two thirds per centum of wages, but not in excess of the Statewide average weekly wage.

5. If there be neither widow, widower, nor children entitled to compensation, then to the father or mother, if dependent to any extent upon the employe at the time of the injury, thirty-two per centum of wages but not in excess of the Statewide average weekly wage: Provided, however, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed: And provided further, That if the father or mother was totally dependent upon the deceased employe at the time of the injury, the compensation payable to such father or mother shall be fifty-two per centum of wages, but not in excess of the Statewide average weekly wage.

6. If there be neither widow, widower, children, nor dependent parent, entitled to compensation, then to the brothers and sisters, if actually dependent upon the decedent for support at the time of his death, twenty-two per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of thirty-two per centum of wages of deceased, but not in excess of the Statewide average wage, such compensation to be paid to their guardian, or if there be no guardian, to such other person as may be designated by the board, as hereinafter provided.

7. Whether or not there be dependents as aforesaid, the reasonable expense of burial, not exceeding [one thousand five hundred dollars] three thousand dollars (\$3,000), which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses).

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, or sister, is under the age of eighteen unless such child, brother or sister is dependent because of disability when compensation shall continue or be paid during such disability of a child, brother or sister over eighteen years of age or unless such child is enrolled as a full-time student in any accredited educational institution when compensation shall continue until such student becomes twenty-three. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him and receiving from him a substantial portion of her support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. If members of decedent's household at the time of his death, the terms "child" and "children" shall include stepchildren, adopted children and children to whom he stood in loco parentis, and children of the deceased and shall include posthumous children. Should any dependent of a deceased employe die or remarry, or should the widower become capable of self-support, the right of such dependent or widower to compensation under this section shall cease except that if a widow remarries, she shall receive one hundred four weeks compensation at a rate computed in accordance with clause 2. of section 307 in a lump sum after which compensation shall cease: Provided, however, That if, upon investigation and hearing, it shall be ascertained that the widow or widower is living with a man or woman, as the case may be, in meretricious relationship and not married, or the widow living a life of prostitution, the board may order the termination of compensation payable to such widow or widower. If the compensation payable under this section to any person shall, for any

cause, cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a child or children, or to a widow or widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board as hereinafter provided may direct. If there be no guardian or committee of any minor, dependent, or insane employe, or dependent, on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employe, or dependent may be paid to any surviving parent, or such other person as the board may order and direct, and the board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employe, or dependent to be paid, to render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.

Section 10. The act is amended by adding a section to read:

Section 308.1. (a) The eligibility of professional athletes for compensation under this act shall be limited as provided in this section.

(b) The term "professional athlete," as used in this section, shall mean a natural person employed as a professional athlete by a franchise of the National Football League, the National Basketball Association, the National Hockey League, the National League of Professional Baseball Clubs or the American League of Professional Baseball Clubs, under a contract for hire or a collective bargaining agreement, whose wages as defined in section 309 are more than six times the Statewide average weekly wage.

(c) In the case of a professional athlete, any compensation payable under this act with respect to partial disability shall be reduced by the after-tax amount of any:

(1) Wages payable by the employer during the period of disability under a contract for hire or collective bargaining agreement.

(2) Payments under a self-insurance, wage continuation, disability insurance or similar plan funded by the employer.

(3) Injury protection or other injury benefits payable by the employer under a contract for hire or collective bargaining agreement.

(d) In the case of a professional athlete, the term "wages of the injured employe" as used in section 306(b) for the purpose of computing compensation for partial disability shall mean two times the Statewide average weekly wage.

Section 11. Section 314 of the act, amended February 28, 1956 (1955 P.L. 1120, No.356), is amended to read:

Section 314. (a) At any time after an injury the employe, if so requested by his employer, must submit himself for examination, at some reasonable time and place, to a physician or physicians legally authorized to practice under the laws of such place, who shall be selected and paid by the employer. If the employe shall refuse upon the request of the employer, to submit to the examination by the physician or physicians selected by the employer, [the board] a referee assigned by the department may, upon petition of the employer, order the employe to submit to an examination at a time and place set by [it] the referee, and by the physician or physicians selected and paid by the employer, or by a physician or physicians designated by [it] the referee and paid by the employer. The [board] referee may at any time after such first examination, upon petition of the employer, order the employe to submit himself to such further examinations as [it] the referee shall deem reasonable and necessary, at such times and places and by such physicians as [it] the referee may designate; and in such

case, the employer shall pay the fees and expenses of the examining physician or physicians, and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination. The refusal or neglect, without reasonable cause or excuse, of the employe to submit to such examination ordered by the [board] referee, either before or after an agreement or award, shall deprive him of the right to compensation, under this article, during the continuance of such refusal or neglect, and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable.

(b) The employe shall be entitled to have a physician or physicians of his own selection, to be paid by him, participate in any examination requested by his employer or ordered by the [board] referee.

Section 12. Section 321 of the act, added March 29, 1972 (P.L. 159, No. 61), is amended to read:

Section 321. [Nothing contained in this act shall apply to or in any way affect any person who at the time of injury is engaged in domestic service: Provided, however, That in cases where the employer of any such person shall have, prior to such injury, by application to the Workmen's Compensation Board, approved by the board, elected to come within the provisions of the act, such exemption shall not apply.] Nothing contained in this act shall apply to or in any way affect:

(1) Any person who at the time of injury is engaged in domestic service: Provided, however, That in cases where the employer of any such person shall have, prior to such injury, by application to the department, and approved by the department, elected to come within the provisions of the act, such exemption shall not apply.

(2) Any person who is a licensed real estate salesperson or an associate real estate broker, affiliated with a licensed real estate broker, under a written agreement, remunerated on a commission only basis and who qualifies as an independent contractor for State tax purposes under the act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Code of 1971.

Section 13. The act is amended by adding sections to read:

Section 322. It shall be unlawful for any employe to receive compensation under this act and at the same time receive workers' compensation under the laws of the Federal Government or any other state for the same injury. Further, it shall be unlawful for an employe to receive compensation under this act simultaneously from two or more employers or insurers during any period of total disability. Nothing in this section shall be deemed to prohibit payment of workers' compensation on a pro-rata basis, where an employe suffers from more than one injury while in the employ of more than one employer: Provided, however, That the total compensation paid shall not exceed maximum limits.

Section 323. (a) No construction design professional who is retained to perform professional services on a construction project, or any employe of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project, shall be liable for any injury or death of a worker not an employe of such design professional on the construction project for which workers' compensation is payable under the provisions of this act.

(b) The immunity from liability provided by the above subsection shall not apply if:

(1) the injury or death is caused by the negligent preparation of design plans or specifications by the construction design professional;

(2) the construction design professional assumes responsibility for safety practices at the construction project by written contract; or

(3) the construction design professional actually exercises control over the portion of the construction site where the worker is injured or killed.

(c) Notwithstanding any provisions to the contrary, this section shall apply to claims for compensation based on injuries or death which incurred after the effective date of this act.

Section 14. The first paragraph of section 401, and section 402 of the act, amended February 8, 1972 (P.L. 25, No. 12), are amended to read:

Section 401. The term "referee," when used in this [article] act, shall mean [Workmen's Compensation Referee] a Worker's Compensation Judge of the Department of Labor and Industry, appointed by and subject to the general supervision of the Secretary of Labor and Industry for the purpose of conducting departmental hearings under this act. The secretary may establish different classes of [referees.] these judges. Any reference in any statute to a workmen's compensation referee shall be deemed to be a reference to a workers' compensation judge.

Section 402. All proceedings before any referee, except those for which an informal conference has been applied for as provided by section 402.1 of this act, shall be instituted by claim petition or other petition as the case may be or on the department's own motion, and all appeals to the board, shall be instituted by appeal addressed to the board. All claim petitions, requests for informal conferences and other petitions and appeals shall be in writing and in the form prescribed by the department.

Section 15. The act is amended by adding a section to read:

Section 402.1. (a) In any action for which a petition has been filed under this act or in any claim for compensation under sections 406.1, 410 or 411 of this act or where the right to compensation or medical services, or the amount thereof, is in dispute, any party may file a notice of request with the department for an informal conference pursuant to this act. The department shall assign the matter to a referee for an informal conference and shall stay any proceedings pending receipt of a petition.

(b) At any informal conference held pursuant to this section:

(i) the referee may accept the statements of both parties, together with any medical reports, witnesses' statements or other documents which the parties would like to present;

(ii) all communications, verbal or written, from the parties to the referee and any information and evidence presented to the referee during the proceedings are confidential; and

(iii) each party may be represented, but the employer may only be represented by an attorney at the informal conference if the employe is also represented by an attorney at the informal conference.

(c) The referee shall attempt to resolve the issues in dispute between the parties, but in no event shall any recommendations or findings made by the referee be binding upon the parties unless accepted in writing by both parties. If the parties come to agreement, the referee shall reduce such agreement to writing, which shall be signed by all parties with the department. Unless the parties jointly agree to a time extension, all proceedings within an informal conference shall be completed within thirty-five days of the filing of the petition. Joint agreement to a time extension shall stay the proceedings for the time agreed upon.

(d) In the event that the parties cannot resolve their dispute, either party may file a petition with the department requesting a hearing on the matter. Such petition will be assigned to a referee for a hearing pursuant to section 414 of this act.

(e) The results of the informal conference, as well as the testimony, witnesses and evidence presented at the informal conference, shall not be admissible at any subsequent proceeding on the claim.

(f) No referee who participates in an informal conference conducted pursuant to this section shall be compelled or permit-

ted to testify about any matter discussed or revealed during such proceedings in any other proceeding pursuant to this act, except matters involving fraud.

Section 16. Section 420 of the act, amended or added February 8, 1972 (P.L.25, No.12), is amended to read:

Section 420. (a) The board, the department or a referee, if it or he deem it necessary, may, of its or his own motion, either before, during, or after any hearing, make or cause to be made an investigation of the facts set forth in the petition or answer or facts pertinent in any injury under this act. The board, department or referee may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon, or may employ the services of such other experts as shall appear necessary to ascertain the facts. The referee when necessary or appropriate or upon request of a party in order to rule on petitions filed under clause (f.1) of section 306 of this act, or under other provisions of this act, may ask for an opinion from peer review about the necessity or frequency of treatment under clause (f.1) of section 306 of this act to peer review. The peer review report or the peer report of any physician, surgeon, or expert appointed by the department or by a referee, including the report of a peer review organization, shall be filed with the board or referee, as the case may be, and shall be a part of the record and open to inspection as such. The referee shall consider the report as evidence but shall not be bound by such report.

(b) The board or referee, as the case may be, shall fix the compensation of such physicians, surgeons, and experts, and other peer review organizations which, when so fixed, shall be paid out of the sum appropriated to the Department of Labor and Industry for such purpose.

Section 17. Section 422 of the act, amended February 8, 1972 (P.L.25, No.12) and March 29, 1972 (P.L.159, No.61), is amended to read:

Section 422. (a) Neither the board nor any of its members nor any referee shall be bound by the common law or statutory rules of evidence in conducting any hearing or investigation, but all findings of fact shall be based upon sufficient competent evidence to justify same. All parties to an adjudicatory proceeding are entitled to a reasoned decision, containing findings of fact and conclusions of law based upon the whole record which clearly and concisely state and explain the rationale for the decision so that all can determine why and how a particular result was reached. The adjudicator shall specify the evidence upon which the adjudicator relies in conformity with this section. The adjudication shall provide the basis for meaningful appellate review.

(b) If any party or witness resides outside of the Commonwealth, or through illness or other cause is unable to testify before the board or a referee, his or her testimony or deposition may be taken, within or without this Commonwealth, in such manner and in such form as the department may, by special order or general rule, prescribe. The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein.

(c) Where any claim for compensation is at issue before a referee [involves twenty-five weeks or less of disability], either the employe or the employer may submit a certificate by any qualified physician as to the history, examination, treatment, diagnosis and cause of the condition, and sworn reports by other witnesses as to any other facts and such statements shall be admissible as evidence of medical and surgical or other matters therein stated and findings of fact may be based upon such certificates or such reports[.]: Provided, That, any party shall be allowed the opportunity to take a deposition for purposes of cross-examination, upon the tendering to the party offering said report reasonable expenses, including the fee for such deposition: And further provided, That the use of a deposition shall not preclude introduction of a medical report. Should a dispute arise as to the rea-

sonableness of the amounts demanded or tendered, the referee hearing the petition shall issue an order relating to the assessment of costs.

(d) Where an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of [subsection (f) of] section 306(f.1), or where the employe has himself procured them, the employer or employe shall, upon request, in any pending proceeding, be furnished with, or have made available, a true and complete record of the medical and surgical services and hospital treatment, including X rays, laboratory tests, and all other medical and surgical data in the possession or under the control of the party requested to furnish or make available such data.

(e) The department may adopt rules and regulations governing the conduct of all hearings held pursuant to any provisions of this act, and hearings shall be conducted in accordance therewith, and in such manner as best to ascertain the substantial rights of the parties.

Section 18. Section 423 of the act, amended March 29, 1972 (P.L.159, No.61), is amended to read:

Section 423. (a) Any party in interest may, within twenty days after notice of a referee's [award or disallowance of compensation] adjudication shall have been served upon him, take an appeal to the board on the ground: (1) that the [award or disallowance of compensation] adjudication is not in conformity with the terms of this act, or that the referee committed any other error of law; (2) that the findings of fact and [award or disallowance of compensation] adjudication was unwarranted by sufficient, competent evidence or was procured by fraud, coercion, or other improper conduct of any party in interest. The board may, upon cause shown, extend the time provided in this article for taking such appeal or for the filing of an answer or other pleading.

(b) In any such appeal the board may disregard the findings of fact of the referee if not supported by sufficient, competent evidence and if it deem proper may hear other evidence, and may substitute for the findings of the referee such findings of fact as the sufficient, competent evidence taken before the referee and the board, as hereinbefore provided, may, in the judgment of the board, require, and may make such [disallowance or award of compensation or other order] adjudication as the facts so [founded] found by it may require.

Section 19. Sections 438 and 440 of the act, added February 8, 1972 (P.L.25, No.12), are amended to read:

Section 438. (a) An employer shall report all injuries received by employes in the course of or resulting from their employment immediately to the employer's insurer. If the employer is self-insured such injuries shall be reported to the person responsible for management of the employer's compensation program.

(b) An employer shall report such injuries to the Department of Labor and Industry by filing directly with the department on the form it prescribes a report of injury within forty-eight hours for every injury resulting in death, and mailing within [three] ten days after the date of injury for all other injuries except those resulting in disability continuing less than the day, shift, or turn in which the injury was received. A copy of this report to the department shall be mailed to the employer's insurer forthwith.

(c) Reports of injuries filed with the department under this section shall not be evidence against the employer or the employer's insurer in any proceeding either under this act or otherwise. Such reports may be made available by the department to other State or Federal agencies for study or informational purposes.

Section 440. (a) In any contested case where the insurer has contested liability in whole or in part, including contested cases involving petitions to terminate, reinstate, increase, reduce

or otherwise modify compensation awards, agreements or other payment arrangements or to set aside final receipts, the employe or his dependent, as the case may be, in whose favor the matter at issue has been finally determined shall be awarded, in addition to the award for compensation, a reasonable sum for costs incurred for attorney's fee, witnesses, necessary medical examination, and the value of unreimbursed lost time to attend the proceedings: Provided, That cost for attorney fees may be excluded when a reasonable basis for the contest has been established: And provided further, That if]

(b) If counsel fees are awarded and assessed against the insurer or employer, then the referee must make a finding as to the amount and the length of time for which such counsel fee is payable, based upon the complexity of the factual and legal issues involved, the skill required, the duration of the proceedings and the time and effort required and actually expended: If the insurer has paid or tendered payment of compensation and the controversy relates to the amount of compensation due, costs for attorney's fee shall be based only on the difference between the final award of compensation and the compensation paid or tendered by the insurer.

[In contested cases involving petitions to terminate, reinstate, increase, reduce or otherwise modify compensation awards, agreements or other payment arrangements or to set aside final receipts, where the contested issue, in whole or part, is resolved in favor of the claimant, the claimant shall be entitled to an award of reasonable costs as hereinabove set forth.]

Section 20. The act is amended by adding a section to read:

Section 448. (a) An insurer issuing a workers' compensation and employers' liability insurance policy shall offer, upon request, as part of the policy or by endorsement, deductibles optional to the policyholder for benefits payable under the policy, subject to approval by the Insurance Commissioner and subject to underwriting by the insurer consistent with the principles in clause (b). The commissioner shall promulgate at least three plans with varying deductible options, the least amount of which shall be no less than one thousand dollars (\$1,000), nor more than two thousand five hundred dollars (\$2,500). The commissioner's authority to promulgate any such plans shall not preclude an insurer from negotiating a deductible in excess of the largest deductible plan herein authorized.

(b) The following standards shall govern the commissioner's promulgation, and an insurer's offer, of deductible plans:

(1) Claimants' rights are properly protected and claimants' benefits are paid without regard to any such deductible.

(2) Appropriate premium reductions reflect the type and level of any deductible approved by the commissioner and selected by the policyholder.

(3) Premium reductions for deductibles are determined before application of any experience modification, premium surcharge or premium discount.

(4) Recognition is given to policyholder characteristics, including size, financial capabilities, nature of activities and number of employes.

(5) If the policyholder selects a deductible, the policyholder is liable to the insurer for the deductible amount in regard to benefits paid for compensable claims.

(6) The insurer pays all of the deductible amount, applicable to a compensable claim, to the person or provider entitled to benefits and then seeks reimbursement from the policyholder for the applicable deductible amount.

(7) Failure to reimburse deductible amounts by the policyholder to the insurer is treated under the policy in the same manner as non-payment of premiums.

Section 21. The act is amended by adding articles to read:

ARTICLE VII LOSS COSTS RATING

Section 701. It is the intent of the General Assembly:

(1) To protect policyholders and the public against the adverse effect of excessive, inadequate or unfairly discriminatory rates.

(2) To encourage, as the most effective way to produce rates that conform to the standards of paragraph (1) of this section, independent action by and reasonable price competition among insurers.

(3) To provide formal regulatory controls for use if price competition fails.

(4) To authorize cooperative action among insurers in the ratemaking process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition.

(5) To provide rates that are responsive to competitive market conditions and to improve the availability of insurance in this Commonwealth.

Section 702. This article applies to the classification of risks, underwriting rules, expenses, losses and profits for insurance of employers and employes under this act, for insurance under the act of June 21, 1939 (P.L. 566, No. 284), known as "The Pennsylvania Occupational Disease Act" and for insurance with respect to the Commonwealth as to liability under the Longshore and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. § 901 et seq.), written as part of a workers' compensation and employers' liability policy and the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173, 30 U.S.C. § 801 et seq.).

Section 703. As used in this article:

"Classification system" or "classification" means the plan, system or arrangement for recognizing differences in exposure to hazards among industries, occupations or operations of insurance policyholders.

"Competitive market" means a market, except when found to be noncompetitive under the standards of section 710 of this article.

"Department" means the Insurance Department of the Commonwealth.

"Experience rating" means a rating procedure utilizing past insurance experience of the individual policyholder to forecast future losses by measuring the policyholder's loss experience against the loss experience of policyholders in the same classification to produce a prospective premium credit, debit or unity modification.

"Market" means the interaction in this State, between buyers and sellers of workers' compensation and employers' liability insurance within this Commonwealth pursuant to the provisions of this article.

"Provision for claim payment" means historical aggregate losses projected through development to their ultimate value and through trending to a future point in time, but excluding all loss adjustment or claim management expenses, other operating expenses, assessments, taxes, and profit or contingency allowances.

"Rate" or "rates" means rate of premium, policy and membership fee, or any other charge made by an insurer for or in connection with a contract or policy of insurance of the kind to which this article applies.

"Rating organization" means one or more organizations situate within this Commonwealth, subject to supervision and to examination by the Insurance Commissioner and approved by the Insurance Commissioner as adequately equipped to perform the functions specified in this article on an equitable and impartial basis.

"Statistical plan" means the plan, system or arrangement used in collecting data.

“Supporting information” means the experience and judgment of the filer and the experience or data of other insurers or organizations relied on by the filer, the interpretation of any statistical data relied on by the filer, description or methods used in making the rates, and any other similar information required to be filed by the Insurance Commissioner.

“Supplementary rate information” means any manual or plan of rates, statistical plan, classification system, rating schedule, minimum premium policy fee, rating rule, rate-related underwriting rule, and any other information, not otherwise inconsistent with the purposes of this article, prescribed by rule of the Insurance Commissioner.

Section 704. (a) The following standards shall apply to the making and use of rates under this article:

(1) Rates may not be:

- (i) excessive or inadequate, as defined under this article; or
- (ii) unfairly discriminatory.

(2) Rates in a competitive market are not excessive. Rates in a market as to which the Insurance Commissioner has issued a ruling under section 710, that a reasonable degree of competition does not exist, are excessive if they are likely to produce a long run profit that is unreasonably high in relation to the risk undertaken and the services to be rendered.

(3) A rate may not be held to be inadequate unless:

- (i) it is unreasonably low for the insurance provided and continued use of it would endanger solvency of the insurer; or
- (ii) the rate is unreasonably low for the insurance provided and the use of the rate by the insurer has had or, if continued, will have the effect of destroying competition or of creating monopoly.

(b) In determining whether rates comply with standards under clause (a), due consideration shall be given to:

(1) Past and prospective loss experience within and outside this Commonwealth in accordance with sound actuarial principles.

(2) Catastrophe hazards.

(3) A reasonable margin for underwriting profit and contingencies.

(4) Dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders or members or subscribers.

(5) Past and prospective expenses, both countrywide and those specially applicable to this Commonwealth.

(6) Investment income earned or realized by insurers both from their unearned premium and from their loss reserve funds.

(7) All relevant factors within and outside this Commonwealth in accordance with sound actuarial principles.

(c) As to the kinds of insurance to which this article applies, the systems of expense provisions included in the rates for use by an insurer or group of insurers may differ from those of any other insurers or groups of insurers to reflect the requirements of the operating methods of the insurer or group of insurers.

Section 705. (a) Each authorized insurer shall file with the Insurance Commissioner all rates and supplementary rate information and all changes and amendments thereof made by it for use in this Commonwealth by the date they become effective. Each rating organization shall file with the Insurance Commissioner a filing for the provision for claim payment and such other filings as are authorized pursuant to this article. The Secretary of Labor and Industry shall be a member of the board of directors or governing body of any rating organization.

(b) An insurer may not make or issue a contract or policy of insurance of the kind to which this article applies, except in accordance with the filings which are in effect for the insurer as provided in this article.

Section 706. Each filing and any supporting information filed under this article shall, as soon as filed, be open to public inspection. Copies may be obtained by any person on request and upon payment of a reasonable charge.

Section 707. (a) Each workers' compensation insurer shall be a member of a rating organization. Each workers' compensation insurer shall adhere to the policy forms filed by the rating organization.

(b) (1) Every workers' compensation insurer shall adhere to the uniform classification system and uniform experience rating plan filed with the Insurance Commissioner by the rating organization to which it belongs: Provided, That the system and plan have been approved by the Insurance Commissioner as part of the approval of the rating organization's most recent filing for the provision for claim payment. Together with its first filing for the provision for claim payment made on or after January 1, 1994, each rating organization shall submit a study justifying its classification system. The Insurance Commissioner shall undertake such investigation as he deems necessary to determine the validity of the study and the reasonableness of the classification system.

(2) (i) Subject to the conditions of this paragraph, an insurer may develop subclassifications of the uniform classification system upon which a rate may be made.

(ii) Any subclassification developed under subparagraph (i) shall be filed with the rating organization and the Insurance Commissioner thirty days prior to its use.

(iii) If the insurer fails to demonstrate that the data produced under a subclassification can be reported in a manner consistent with the rating organization's uniform statistical plan and classification system, the Insurance Commissioner shall disapprove the subclassification.

(c) Every workers' compensation insurer shall record and report its workers' compensation experience to a rating organization as set forth in the rating organization's uniform statistical plan approved by the Insurance Commissioner.

(d) (1) Subject to the approval of the Insurance Commissioner, a rating organization shall develop and file rules reasonably related to the recording and reporting of data pursuant to the uniform statistical plan, uniform experience rating plan, and the uniform classification system.

(2) Every workers' compensation insurer shall adhere to the approved rules and experience rating plan in writing and reporting its business.

(3) An insurer shall not agree with any other insurer or with a rating organization to adhere to rules which are not reasonably related to the recording and reporting of data pursuant to the uniform classification system or the uniform statistical plan.

(e) The experience rating plan shall have as a basis:

- (1) reasonable eligibility standards;
- (2) adequate incentives for loss prevention;
- (3) sufficient premium differential so as to encourage safety;

and

(4) predictive accuracy.

(f) (1) The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss producing characteristics of an individual insured.

(2) An insurer may file a rating plan that provides for retrospective premium adjustments based upon an insured's past experience.

Section 708. (a) The Insurance Commissioner may investigate and determine whether or not rates in this Commonwealth under this article are excessive, inadequate or unfairly discriminatory.

(b) In any such investigation and determination the Insurance Commissioner shall follow the procedures specified in sections 709 and 710.

Section 709. (a) (1) Except as provided in clause (d), the Insurance Commissioner shall review each workers' compensation insurance filing made by a rating organization or an insurer as soon as reasonably possible after the filing has been made in

order to determine whether it meets the requirements of this article. No filing for the provision for claim payment shall become effective prior to its approval by the Insurance Commissioner unless the Insurance Commissioner fails to approve or disapprove the filing within sixty days of the date of filing.

(2) Notwithstanding the provisions of paragraph (1), any insurer filing for loss adjustment or claim management expenses, other operating expenses, assessments, taxes and profits or contingency allowances filed with the Insurance Commissioner with respect to the period after January 1, 1994, shall not be subject to the Insurance Commissioner's approval unless such insurer's rates are found to be in violation of sections 704 and 711.

(b) (1) The effective date of each filing under this article shall be the date specified in the filing. The effective date of the filing may not be earlier than thirty days after the date the filing is received by the Insurance Commissioner or the date of receipt of the information furnished in support of the filing if such supporting information is required by the Insurance Commissioner.

(2) The period during which the filing may not become effective may be extended by the Insurance Commissioner for an additional period not to exceed thirty days if the Insurance Commissioner gives written notice within the period described in paragraph (1) to the insurer or rating organization which made the filing that the Insurance Commissioner needs additional time for the consideration of the filing. No filing shall be made effective for any period prior to the later of the proposed effective date or the expiration of an extension by the Insurance Commissioner pursuant to this clause.

(3) Upon written application by an insurer or rating organization, the Insurance Commissioner may authorize a filing which the Insurance Commissioner has reviewed to become effective before the expiration of the period described in paragraph (1).

(4) A filing shall be deemed to meet the requirements of this article unless disapproved by the Insurance Commissioner within the period described in paragraph (1) or any extension thereof.

(c) (1) Subject to approval or disapproval under clause (b), a rating organization shall file with the Insurance Commissioner:

(i) On an annual basis, workers' compensation rates and rating plans that are limited to provision for claim payment.

(ii) Each workers' compensation policy form to be used by its members.

(iii) The uniform classification system.

(iv) The uniform experience rating plan and related rules.

(v) Any other information that the Insurance Commissioner requests relevant to the foregoing and is otherwise entitled to receive under this article.

(2) Notwithstanding any other provisions of this article, the Insurance Commissioner may approve or disapprove any filing by a rating organization without determining whether a reasonable degree of competition exists within the market.

(d) If each rate in a schedule of workers' compensation rates for specific classifications of risks filed by an insurer is not lower than the provision for claim payment contained in the schedule of workers' compensation rates for those classifications filed by a rating organization under clause (c) and approved pursuant to the provisions of this article, then the schedule of rates filed by the insurer shall not be subject to clause (b) but shall become effective for the purposes of section 705.

(e) Notwithstanding clause (d), the Insurance Commissioner may investigate and evaluate all workers' compensation filings to determine whether the filings meet the requirements of this article.

(f) Notwithstanding the provisions of section 705, the Insurance Commissioner may require any insurer or rating organization to comply with the requirements of clause (b) if the Insurance Commissioner has found pursuant to section 710, that a reasonable degree of competition does not exist within the workers' compensation insurance market.

Section 710. (a) If the Insurance Commissioner finds after a hearing that a rate is not in compliance with section 704 or that a rate had been set in violation of section 713, the Insurance Commissioner shall order that its use be discontinued for any policy issued or renewed after a date specified in the order and the order may prospectively provide for premium adjustment of any policy then in force. Except as provided in clause (b), the order shall be issued within thirty days after the close of the hearing or within a reasonable time extension as fixed by the Insurance Commissioner. The order shall expire one year after its effective date unless rescinded earlier by the Insurance Commissioner.

(b) (1) Pending a hearing, the Insurance Commissioner may order the suspension prospectively of a rate filed by an insurer and reimpose the last previous rate in effect if the Insurance Commissioner has reasonable cause to believe that:

(i) an insurer is in violation of section 704;

(ii) unless the order of suspension is issued, certain insureds will suffer irreparable harm;

(iii) the hardship insureds will suffer absent the order if suspension outweighs any hardship the insurer would suffer if the order of suspension were to issue; and

(iv) the order of suspension will cause no substantial harm to the public.

(2) In the event the Insurance Commissioner suspends a rate under this clause, the Insurance Commissioner must, unless waived by the insurer, hold a hearing within fifteen working days after issuing the order suspending the rate. In addition, the Insurance Commissioner must make a determination and issue the order as to whether or not the rate should be disapproved within fifteen working days after the close of the hearing.

(c) (1) At any hearing to determine compliance with section 704, pursuant to clause (a), the Insurance Commissioner shall first determine whether a reasonable degree of competition exists within the market, and shall give a ruling to that effect. All insurers operating within such market shall have the burden of establishing that a reasonable degree of competition exists within that market. The Insurance Commissioner shall consider all relevant factors in determining the competitiveness of the market, including:

(i) the number of insurers actively engaged in providing coverage;

(ii) market shares;

(iii) changes in market shares; and

(iv) ease of entry.

(2) If the Insurance Commissioner determines that a reasonable degree of competition does not exist in the market, any insurer designated by the Insurance Commissioner shall have the burden of justifying its rate in such market.

(3) All determinations made by the Insurance Commissioner shall be on the basis of findings of fact and conclusions of law.

(4) If the Insurance Commissioner disapproves a rate, the disapproval shall take effect not less than fifteen days after his order and the last previous rate in effect for the insurer shall be reimposed for a period of one year unless the Insurance Commissioner approves a rate under clause (d) or (e).

(d) Within one year after the effective date of a disapproval order, no rate adopted to replace one disapproved under such order may be used until it has been filed with the Insurance Commissioner and not disapproved within thirty days thereafter.

(e) Whenever an insurer has no legally effective rates as a result of the Insurance Commissioner's disapproval of rates, the Insurance Commissioner shall, on the insurer's request, specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in a special reserve established by the insurer. When new rates become legally effective, the Insurance Commissioner shall order the specially reserved funds or any overcharge, in the interim rates to be distributed appropriately to

the insureds or insurer as the case may be, except that refunds to policyholders that are minimal may not be required.

Section 711. (a) (1) If the Insurance Commissioner finds after hearing that competition is not an effective regulator of the rates charged or that a substantial number of companies are competing irresponsibly through the rates charged, or that there are widespread violations of this article, the Insurance Commissioner may adopt a rule requiring that any subsequent changes in the rates or supplementary rate information be filed with the Insurance Commissioner at least thirty working days before they become effective.

(2) In the event that the waiting period is imposed pursuant to paragraph (1), the Insurance Commissioner may extend the waiting period for a period not to exceed thirty additional working days by written notice to the filer before the first thirty-day period expires.

(b) In the event that the Insurance Commissioner has entered an order pursuant to paragraph (1) of clause (a), the Insurance Commissioner may require the filing of supporting data as the Insurance Commissioner deems necessary for the proper functioning of the rate monitoring and regulating process. The supporting data shall include:

(1) the experience and judgment of the filer, and to the extent the filer wishes or the Insurance Commissioner requires, the experience and judgment of other insurers or rate service organizations;

(2) the filer's interpretation of any statistical data relied upon;

(3) a description of the actuarial and statistical methods employed in setting the rate; and

(4) any other relevant matters required by the Insurance Commissioner.

(c) A rule adopted under this section shall expire not more than one year after issue. The Insurance Commissioner may renew it for an additional one year period after a hearing and appropriate findings under this section.

(d) Whenever a filing is not accompanied by the information as the Insurance Commissioner has required under clause (a), the Insurance Commissioner may so inform the insurer and the filing shall be deemed to be made when the information is furnished.

Section 712. (a) No rating organization shall provide any service relating to the rates of any insurance subject to this article, and no insurer shall utilize the service of such organization for those purposes unless the organization has obtained a license pursuant to this article.

(b) No rating organization shall refuse to supply services for which it is licensed in this Commonwealth to any insurer authorized to do business in this Commonwealth and offering to pay the fair and usual compensation for the services.

Section 713. (a) As used in this section, the word "insurer" includes two or more affiliated insurers:

(1) under common management; or

(2) under common controlling ownership or under other common effective legal control and in fact engaged in joint or cooperative underwriting, investment management, marketing, servicing or administration of their business and affairs as insurers.

(b) An insurer or rating organization may not:

(1) monopolize or attempt to monopolize, or combine or conspire with any other person or persons, or monopolize the business of insurance of any kind, subdivision, or class thereof;

(2) agree with any other insurer or rating organization to charge or adhere to any rate, although insurers and rating organizations may continue to exchange statistical information;

(3) make any agreement with any other insurer, rating organization or other person to unreasonably restrain trade;

(4) make any agreement with any other insurer, rating organization, or other person where the effect of the agreement may

be substantially to lessen competition in the business of insurance of any kind, subdivision, or class; or

(5) make any agreement with any other insurer or rating organization to refuse to deal with any person in connection with the sale of insurance.

(c) An insurer may not acquire or retain any capital stock or assets of, or have any common management with, any other insurer if such acquisition, retention, or common management substantially lessens competition in the business of insurance of any kind, subdivision, or class.

(d) A rating organization or member or subscriber thereof may not interfere with the right of any insurer to make its rates independently of that rating organization or to charge rates different from the rates made by that rating organization.

(e) Except as required under section 707, a rating organization may not have or adopt any rule or exact any agreement, formulate or engage in any program which would require any member, subscriber or other insurer to:

(1) utilize some or all of its services;

(2) adhere to its rates, rating plan, rating systems, underwriting rules; or

(3) prevent any insurer from acting independently.

Section 714. Any rate in violation of section 713 shall be disapproved by the Insurance Commissioner in accordance with the procedures prescribed in section 710, and each violator shall be subject to the penalties provided in section 720.

Section 715. The Insurance Commissioner may maintain an action to enjoin any violation of section 713.

Section 716. Notwithstanding any other provision of this article, upon written application of an insurer stating its reasons therefor, accompanied by the written consent of the insured or prospective insured, filed with and approved by the Insurance Commissioner, a rate in excess of that provided by a filing otherwise applicable may be used as to any specific risk.

Section 717. (a) Each rating organization and every insurer to which this article applies which makes its own rates shall provide within this Commonwealth reasonable means whereby any person aggrieved by the application of its rating system may be heard in person or by the person's authorized representative on the person's written request to review the manner in which such rating system has been applied in connection with the insurance afforded the aggrieved person.

(b) If the rating organization or insurer fails to grant or reject the aggrieved person's request within thirty days after it is made, the applicant may proceed in the same manner as if the application had been rejected.

(c) Any party affected by the action of that rating organization or insurer on the request may, within thirty days after written notice of that action, make application, in writing, for an appeal to the Insurance Commissioner, setting forth the basis for the appeal and the grounds to be relied upon by the applicant.

(d) The Insurance Commissioner shall review the application, and if the Insurance Commissioner finds that the application is made in good faith, and that it sets forth on its face grounds which reasonably justify holding a hearing, the Insurance Commissioner shall conduct a hearing held on not less than ten days' written notice to the applicant and to the rating organization or insurer. The Insurance Commissioner, after hearing, shall affirm or reverse the action.

Section 718. (a) Cooperation among rating organizations or among rating organizations and insurers in ratemaking or in other matters within the scope of this article is authorized, if the filings resulting from that cooperation are subject to all the provisions of this article which are applicable to filings generally.

(b) The Insurance Commissioner may review these cooperative activities and practices, and if, after hearing, the Insurance Commissioner finds that any activity or practice is unfair, unreasonable, or otherwise inconsistent with this article, the Insurance

Commissioner may issue a written order specifying in what respects that activity or practice is unfair, unreasonable, or otherwise inconsistent with this article, and requiring the discontinuance of that activity or practice.

Section 719. (a) A person or organization may not wilfully withhold information from or knowingly give false or misleading information which will affect the rates or premiums chargeable under this article to:

- (1) the Insurance Commissioner; or
- (2) any rating organization or any insurer.

(b) A violation of this section shall subject the one who commits that violation to the penalties provided in section 720, and anyone who violates this section with intent to deceive commits perjury, and is subject to prosecution therefor in a court of competent jurisdiction.

Section 720. (a) Any person, organization, or insurer found by the Insurance Commissioner after notice and hearing to be guilty of a violation of any provision of this article, including a regulation of the Insurance Commissioner adopted under this article may be ordered to pay a penalty of five hundred dollars (\$500) for each violation. Upon finding such violation to be wilful, the Insurance Commissioner may impose a penalty of not more than one thousand dollars (\$1,000) for each such violation in addition to any other penalty provided by law. The Insurance Commissioner has the right to suspend or revoke or refuse to renew the license of any person, organization, or insurer for violation of any of the provisions of this article.

(b) The Insurance Commissioner may determine when a suspension or revocation of license will become effective, and the suspension or revocation shall remain in effect for the period fixed by the Insurance Commissioner unless the Insurance Commissioner modifies or rescinds the suspension or revocation, or until the order upon which the suspension or revocation is based is modified or reversed as the result of an appeal therefrom.

(c) A fine may not be imposed nor a license suspended or revoked by the Insurance Commissioner except upon written order stating the Insurance Commissioner's findings, made after a hearing held on not less than ten days' written notice to the person, organization, or insurer specifying the alleged violation.

Section 721. All decisions and findings of the Insurance Commissioner under this article shall be subject to judicial review in accordance with 2 Pa.C.S. (relating to administrative law and procedure).

ARTICLE VIII SELF-INSURANCE POOLING

Section 801. The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Actuarially appropriate loss reserves" shall mean those reserves needed to pay known claims for compensation and expenses associated therewith and claims for compensation incurred but not reported and expenses associated therewith.

"Administrator" means an individual, partnership or corporation engaged by a fund's plan committee to carry out the policies established by the plan committee and to provide day-to-day management of the fund.

"Commissioner" means the Insurance Commissioner.

"Compensation" includes compensation paid under this act or the Occupational Disease Act.

"Department" means the Department of Labor and Industry of the Commonwealth.

"Employer" means an employer as defined in section 103 of this act or as defined in section 103 of the Occupational Disease Act, where applicable.

"Excess insurance" means insurance, purchased from an insurance company appropriately approved or authorized or licensed in this Commonwealth covering losses in excess of an amount established between the group and the insurer up to the

limits of coverage set forth in the insurance contract on a specific per occurrence or per accident or annual aggregate basis.

"Fund" means a group self-insurance fund organized by employers to pool workers' compensation liabilities and approved by the department under the authority of this act. A fund shall not be deemed to be an insurer or insurance company and shall not be subject to the provisions of the insurance laws and regulations, except as specifically otherwise provided herein.

"Homogeneous employer" means employers who have been assigned to the same classification series for at least one year or are engaged in the same or similar types of business, including political subdivisions.

"Independent actuary" means a member in good standing of the Casualty Actuarial Society and a member in good standing of the American Academy of Actuaries who has been identified by the Academy as meeting its qualification standards for signing casualty loss reserve opinions. Said actuary must not be an officer, director or employe of the fund or a member of the fund for which he or she is providing reports, certifications or services.

"Insolvent fund" means the inability of a fund to pay its outstanding liabilities as they mature, as may be shown either by an excess of its required reserves and other liabilities over its assets or by not having sufficient assets to reinsure all of its outstanding liabilities after paying all accrued claims owed by it.

"Permit" means the document issued by the department to a fund which authorizes the fund to operate as a fund under the provisions of this act.

"Plan committee" means a committee composed of representatives of each employer participating in a fund.

"Political subdivision" means any county, city, borough, incorporated town, township, school district, vocational school district and county institution district, municipal authority or other entity created by a political subdivision pursuant to law.

"Security" means surety bonds, cash, negotiable securities of the United States Government or the Commonwealth or other negotiable securities, such as letters of credit, acceptable to the Insurance Department which are posted by the fund to guaranty the payment of compensation.

"Surplus" means that amount of moneys found in the trust to be in excess of all fixed costs and incurred losses attributed to the pool net any occurrence or aggregate excess insurance.

"Trust" means a written contract signed by the members of the fund which separates the legal and equitable rights to the moneys held by an independent trustee as a fiduciary for the benefit of employes of employers participating in the fund.

Section 802. (a) Employers shall be permitted to pool their liabilities under this act and the Occupational Disease Act and their employers' liability through participation in a fund approved by the department.

(b) A group of homogeneous employers may be approved by the department to act as a fund if the proposed group:

(1) Includes five or more homogeneous employers.

(2) Is comprised of at least five members of which each have been employers for at least three each years prior to the filing of the group's application.

(3) Has been created in good faith for the purpose of becoming a fund.

(4) Has, except for political subdivisions, an aggregate net worth of the employers participating calculated according to generally accepted accounting principles which equals or exceeds one million dollars or such amount as may be adjusted and promulgated annually by the department and published in the Pennsylvania Bulletin to take effect January 1 of each year.

(5) Has a combined annual payroll of fund members multiplied by the rate utilized by the State Workmen's Insurance Fund which is equal to or greater than \$500,000 as adjusted annually by the percentage increase in the Statewide average weekly wage or such amount as may be adjusted and promulgated annually by

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the department and published in the Pennsylvania Bulletin to take effect January 1 of each year.

(6) Guarantees benefit levels equal to those required by this act and the Occupational Disease Act.

(7) Demonstrates sufficient aggregate financial strength and liquidity to assure that all obligations under this act and the Occupational Disease Act will be met as required by that act and proposes a plan for the prompt payment of such benefits. Information documenting an individual member's financial strength and liquidity shall be presented to the department upon the department's request or with the application as required by the department.

(8) Executes a trust agreement under which each member agrees to jointly and severally assume and discharge the liabilities arising under this act and the Occupational Disease Act of each and every party to such agreement.

(9) Files with the department the proposed trust agreement.

(10) Provides for excess insurance with retention amounts in such amount as the department deems acceptable on a single accident (single occurrence) and aggregate excess basis. The department may waive the requirement for one or both types of excess insurance if convinced that the fund's financial strength is sufficient to assure payment of its obligations under this act and the Occupational Disease Act.

(11) Provides security in a form and amount prescribed by the department.

(12) Provides letters of intent from prospective fund members and evidence that each prospective member:

(i) Has never defaulted on compensation due under this act or the Occupational Disease Act as an individual self-insurer.

(ii) Has not been delinquent in payment of or canceled for nonpayment of workers' compensation premiums for a period of at least two years prior to application.

(iii) Has not been found to have violated section 305 or section 435 of this act or the Occupational Disease Act as an individual self-insurer.

(iv) Has not been and is not in default on or owes money assessed under this act or the Occupational Disease Act.

(13) Provides that the fund will initiate and maintain a loss prevention and safety program of the nature and extent that would be required of members under the provisions of this act, the Occupational Disease Act or regulations promulgated hereunder.

(14) Provides for assessment upon employers participating in the fund to establish and maintain actuarially appropriate loss reserves and a plan for payment of such assessments.

(15) Provides proof of competent personnel and ample facilities within its own organization with respect to claims administration, underwriting matters, loss prevention and safety engineering or presents a contract with a reputable service company to provide such assistance.

(16) Meets the other criteria established by this act or by the department pursuant to regulations promulgated under this act or the Occupational Disease Act.

(c) Each application for approval of a fund shall be accompanied by a nonrefundable fee of one thousand dollars, payable to the department which shall be deposited in the Workmen's Compensation Administration Fund.

Section 803. (a) (1) The department shall, in accordance with section 802, review, approve or disapprove fund applications under such rules and requirements relating to applications under section 305 of this act and the Occupational Disease Act as may be applicable and such rules and regulations as are specifically adopted with regard to fund applications.

(2) During the pendency of the processing of any fund application, the group of employers shall not operate as a fund.

(b) Permits shall identify an annual reporting period for the fund as established by the department.

Section 804. All permits issued under this article shall remain in effect unless terminated at the request of the fund or revoked by the department.

Section 805. (a) If at any time the fund is found to be insolvent, fails to pay any required assessments under this act or the Occupational Disease Act, or fails to comply with any provision of this act or the Occupational Disease Act or with any rules promulgated thereunder, the department may revoke its permit after notice and opportunity for a hearing.

(b) In the case of revocation of a permit, the department may require the fund to insure or reinsure all incurred liability with an authorized insurer. All fund members shall immediately obtain coverage required by this act.

Section 806. (a) Members of said fund shall pay a minimum of twenty-five per centum of their annual assessment into the fund on or before the inception of the fund. The balance of the annual assessments shall be paid to the fund on a monthly, quarterly or semiannual basis as required by the fund's bylaws and approved by the department.

(b) Each member's annual assessment to the fund shall equal such member's annual payroll times the applicable rates utilized by the State Workmen's Insurance Fund minus the premium discount specified in Schedule Y as approved by the commissioner. Dividends may be returned to members in accordance with section 809.

(c) Nothing contained in this section shall preclude the assessment and payment of supplemental assessments as provided in section 810.

Section 807. After the final permit approval date of the fund, prospective new members of the fund shall submit an application for membership to the fund's plan committee or administrator in a form approved by the department. This application shall include an agreement of joint and several liability as required in section 803. The administrator or plan committee may approve the application for membership pursuant to the bylaws of the fund. The application approved by the fund shall be filed with the department. The fund shall retain the authority to reject any applicant.

Section 808. (a) Individual members may elect to terminate their participation in a fund or be subject to cancellation by the fund pursuant to the bylaws of the fund for nonpayment of premium or other violations. Any member withdrawing from a fund or member terminated by the fund for nonpayment of assessments shall remain fully obligated for claims incurred during the period of its membership in accord with fund bylaws, including, but not limited to, amounts owed as annual or supplemental assessments. Notice of termination of any participant shall be filed with the fund. The fund shall attach any such notices of termination to the renewal application filed with the department.

(b) The fund shall notify the department immediately if termination of a member causes the fund to fail to meet the requirements of clause (b) of section 802. Within fifteen days of the notice of withdrawal or decision to expel, the fund shall advise the department of its plan to bring the fund into compliance with clause (b) of section 802. If the plan does not bring the fund into compliance with the requirements, the department shall immediately review and revoke its permit.

(c) The department shall not grant the request of any fund to terminate its permit unless the fund has insured or reinsured all incurred workers' compensation obligations with an authorized insurer under an agreement filed with and approved in writing by the department. These obligations shall include both known claims and expenses associated therewith and claims incurred but not reported and expenses associated therewith. These same requirements shall apply where the department revokes a permit.

Section 809. Any fund may return to its members dividends based upon the recommendation of an independent actuary.

Dividends shall not be returned if the payment of such dividends would impair the fund's ability to meet its obligations under this act or the Occupational Disease Act, nor shall dividends be returned prior to the beginning of the thirteenth month following the expiration of the preceding annual reporting period. The initial dividend payment for any annual reporting period shall not exceed thirty per centum of the surplus available for the applicable annual reporting period. The fund may, however, seek annual approval for payment of dividends from the surplus remaining from any annual reporting period which has been completed for at least twenty-five months or longer and may include such dividend payments with initial dividend payments from the subsequent annual reporting period.

Section 810. (a) If the assets of a fund are at any time insufficient to enable the fund to discharge its legal liabilities and other obligations and to maintain the actuarially appropriate loss reserves required of it under paragraph (14) of clause (b) of section 802, the fund shall forthwith make up the deficiency or levy an assessment upon the fund members for the amount needed to make up the deficiency.

(b) In the event of a deficiency in any annual reporting period, such deficiency shall be made up immediately, either from surplus from a year other than the current year, assessment of the fund members if ordered by the fund or such alternate method as the department may approve or direct.

(c) If the fund fails to assess its members or to otherwise make up such deficit within thirty days the department shall order it to do so.

(d) If the fund fails to make the required assessment of its members within thirty days after the department orders it to do so, or if the deficiency is not fully made up within sixty days after the date on which such assessment is made or within such longer period of time as may be specified by the department, the fund shall be deemed to be insolvent.

(e) The department shall proceed against an insolvent fund in the same manner as the department would proceed against an insurer under Article IX.

(f) In addition, in the event of the liquidation or default of a fund, the department may levy an assessment upon the fund members for such an amount as the department determines to be necessary to discharge all liabilities of the fund including the reasonable cost of liquidation and shall deposit such assessments into the Self-insurance Guaranty Fund for distribution and payment by the Guaranty Fund as provided for in Article IX.

Section 811. The annual assessment of each fund member shall be based upon the annual payroll of fund members multiplied by the rates as utilized by the State Workmen's Insurance Fund for members minus any premium discounts. A fund may deviate from these rates and establish its own rates with the approval of an independent actuary and the department.

Section 812. Each fund shall request classifications for its participants from the bureau or bureaus approved by the commissioner and shall utilize those classifications making assessments based upon rates as utilized by the State Workmen's Insurance Fund for such classification except as provided in section 811. The fund shall pay the appropriate bureau a reasonable charge, approved by the department, for this service. The fund may appeal classifications as provided in the applicable sections of the Insurance Company Law of 1921, for other employers.

Section 813. Each fund may invest any surplus moneys not needed for current obligations in United States Government obligations, United States Treasury Notes, investment share accounts in any savings and loan association whose deposits are insured by a Federal agency and certificates of deposit issued by a duly chartered commercial bank. Deposits in savings and loan associations and commercial banks shall be limited to institutions in this Commonwealth and shall not exceed the federally insured amount in any one account. Investments may also be made in any permitted

investments of capital or surplus of stock casualty insurance companies set forth in section 602 or 603 of the Insurance Company Law of 1921, as may be authorized by regulation approved by the commissioner.

Section 814. (a) Funds approved under this article shall purchase excess insurance by reason of any single accident or any single occurrence as provided in section 653 of the Insurance Company Law of 1921, and aggregate excess insurance. The department may waive the requirement for either single accident (single occurrence) or aggregate excess insurance or the requirement for both single accident (single occurrence) and aggregate excess insurance.

(b) A policy of insurance by an insurance carrier may include provisions for aggregate excess insurance in addition to the single accident (single occurrence) excess insurance which is authorized under section 653 of the Insurance Company Law of 1921.

Section 815. (a) A report shall be prepared by each fund for each annual reporting period and shall be filed with the department and made available to each fund member.

(b) The information contained in the annual report shall include, for each member of the fund and the fund itself:

(1) Summary loss reports.

(2) An annual statement of the financial condition of the fund prepared by a certified public accountant and performed in accordance with generally accepted accounting principles.

(3) Reports of outstanding liabilities showing the number of claims, amounts paid to date and current reserves as certified by an independent actuary.

(4) Such other information as required by regulation of the department as may be applicable to applicants for self-insurance under section 305 of this act and the Occupational Disease Act or regulations in regard to fund applications.

(c) The annual report shall be accompanied by a one thousand dollar evaluation fee.

(d) The department may, at any time, examine the affairs, transactions, accounts, records and assets of a fund and the fund shall make all such items as are needed for such examination available to the department. The department shall bill the fund for the reasonable costs associated with such examinations.

(e) If at any time there is a change in the fund, during an annual reporting period other than as set forth in section 808, that affects the ability of the fund to comply with the requirements of clause (b) of section 802, the fund shall notify the department of the change within thirty days after such change.

Section 816. Each fund shall be assessed annually by the department in a like manner and amount as other insurers or self-insurers are now or hereafter assessed under this act and the Occupational Disease Act and shall pay such assessment in accordance with this act and the Occupational Disease Act. All contributions received in accordance with this section shall be deposited into the appropriate fund as required by the applicable provision of law.

Section 817. Any group of five homogeneous employers who will provide to the fund an annual volume of premium of at least five hundred thousand dollars (\$500,000) may become subscribers as a group to the State Workmen's Insurance Fund for the purpose of insuring therein their liability to those of their employes. Such group shall become legally obligated to pay any employe damages because of bodily injury by accident or disease, including death at any time resulting therefrom, sustained by such employe arising out of and in the course of his employment. Such group shall make a written application for subscription for group insurance to the said board. Such application shall designate the name of the group subscriber and shall include such information as determined by the board as will allow the board to identify the employers and to adequately assess risks and premiums to be charged to employers to be insured by the fund under the group subscription.

Section 818. The department is authorized to promulgate rules and regulations for the administration and enforcement of this article.

ARTICLE IX
SELF-INSURANCE GUARANTY FUND

Section 901. The following words and phrases when used in this article shall have the meanings given to them in the section unless the context clearly indicates otherwise:

"Compensation" means benefits paid pursuant to sections 306 and 307.

"Employer" means a self-insured employer or the employer as defined in this act.

"Guaranty Fund" or "fund" means the Self-Insurance Guaranty Fund established in section 902 for injuries and exposures occurring on or after July 1, 1992.

"Security" means surety bonds, cash, negotiable securities of the United States Government or the Commonwealth or other negotiable securities, such as letter of credit, acceptable to the Insurance Department which are posted by the fund to guaranty the payment of workers' compensation benefits.

"Self-insurer" means an employer exempted under section 305 or a group self-insurance fund permitted to operate under Article VIII.

Section 902. (a) (1) There is hereby established a special fund to be known as the Self-Insurance Guaranty Fund.

(2) The fund shall be maintained as two distinct custodial accounts in the State Treasury as separate and distinct accounts subject to the procedures and provisions set forth in this article.

(b) The moneys in each custodial account shall consist of security and assessments, as defined in section 907 and interest accumulated thereon.

(c) The administrator shall establish and maintain the following two distinct and separate custodial accounts. The moneys and other assets in each account are not to be commingled or used to pay claims from the other account.

(1) Custodial account for self-insured employers for the exclusive benefit of claims arising from defaulting individual self-insured employers.

(2) Custodial account for self-insurance pooling as defined under section 801 for the exclusive benefit of claims arising from defaulting members of pooling arrangements.

(d) The secretary shall be the administrator of the fund and shall have the power to collect, dispense and disperse money from the fund.

Section 903. The fund shall be maintained to make payments to any claimant or his dependents upon the default of the self-insurer liable to pay compensation due under this act and the Occupational Disease Act or costs associated therewith and shall be maintained in an amount sufficient to pay such compensation and costs or reasonably anticipated to be needed by virtue of default by self-insurers.

Section 904. (a) When a self-insurer fails to pay compensation when due, the department shall determine the reasons for such failure.

(b) If the department determines that the failure to pay compensation is due to the self-insurer's financial inability to pay compensation, the department shall notify the self-insurer of same and direct compensation to be paid within fifteen days of such notice.

(c) If the self-insurer fails to pay the compensation as directed and within the time set forth in this section, the department shall declare the self-insurer in default.

(d) Whenever the department determines that a default has occurred it shall:

(1) Investigate the circumstances surrounding the default, the amount of security available and the ability of the self-insured to cure the default.

(2) Determine whether the liabilities of the self-insurer for compensation exceed or are less than the security:

(i) If the liabilities are less than the security, the department shall demand the custodian of the security utilize the security to cure the default and the department shall monitor the situation to insure that compensation is paid as due under this act or the Occupational Disease Act.

(ii) If at any time the liabilities exceed or can reasonably be expected to exceed the security, in the opinion of the department, the department may order payment of the security into the fund's appropriate custodial account, and shall order payment from the Guaranty Fund, as appropriate, to cure the default and insure that compensation is paid as due under this act or the Occupational Disease Act.

Section 905. (a) When payments are ordered from the Guaranty Fund's appropriate custodial account, the fund assumes the rights and obligations of the self-insurer under this act or the Occupational Disease Act with regard to the payment of compensation and shall have and may exercise the rights set forth in this section.

(b) The Guaranty Fund shall have the right to:

(1) Institute and prosecute legal action against any self-insurer and each and every member of a fund, jointly and severally, on behalf of the employes of the self-insured employer or fund members' employes and their dependents to require the payment of compensation and the performance of any other obligations of the self-insurer under this act or the Occupational Disease Act.

(2) Appear and represent the Guaranty Fund in any proceedings in bankruptcy involving the self-insurer on whose behalf payments were made, including the ability to appear and move to lift any stay orders affecting payment of compensation.

(3) Obtain, in any manner or by the use of any process or procedure, including, but not limited to, the commencement and prosecution of legal action, reimbursement from a self-insurer and its successors, assigns and estate all moneys paid on account of the self-insurer's obligation assumed by the fund, including, but not limited to, reimbursement for all compensation paid as well as reasonable administrative and legal costs associated with such payment.

(4) Purchase reinsurance and take any and all other action which effects the purpose of the Guaranty Fund.

Section 906. (a) (1) Security or funds from security demanded and paid to the department under section 904 shall be deposited into the Guaranty Fund.

(2) These funds and interest thereon shall be segregated in individual custodial accounts within the Guaranty Fund by the custodian and maintained solely for the payment of compensation or costs associated therewith upon order of the department to the employes of the defaulting self-insurer providing the security from the appropriate custodial account.

(3) If there are funds from security or interest thereon remaining in the individual account after all outstanding obligations of the insolvent self-insurer have been satisfied and the costs of administration and defense have been paid, such amount as remains shall be returned upon order of the department from the Guaranty Fund individual account to the self-insurer.

(b) Assessments made under section 907 and interest thereon shall be deposited into the Guaranty Fund's appropriate custodial account.

Section 907. (a) On a date to be determined by the department following the effective date of this article, employers who are self-insurers as of that effective date shall pay an initial assessment of one-half per centum of the compensation paid by each self-insurer in the year preceding the assessment. Self-insurers who, prior to such effective date, were not self-insurers, shall pay an assessment based on one-half per centum of their modified manual premium for the twelve months immediately prior to becoming self-insurers.

(b) (1) The department may, in addition to the initial assessment, from time to time, assess each self-insurer a pro rata share of the amounts needed for the fund to carry out the requirements of this article.

(2) Such assessments shall be based on the ratio that each private self-insurer's payments of compensation bears to the total compensation paid by all self-insurers in the year preceding the year of assessment.

(3) In no event shall a self-insurer be assessed in any one calendar year more than one per centum of the compensation paid by that self-insurer during the previous calendar year.

(c) A self-insurer which ceases to be a self-insurer shall be liable for any and all assessments made pursuant to this section during the period following the date its authority to self-insure is withdrawn, revoked or surrendered until such time as it has discharged all obligations to pay compensation which arose during the period of time said former self-insurer was self-insured. Assessments of such a former self-insurer shall be based on the compensation paid by the former self-insurer during the preceding calendar year on claims that arose during the period of time said former self-insurer was self-insured.

Section 908. The department may promulgate rules and regulations for the administration and enforcement of this article.

ARTICLE X HEALTH AND SAFETY

Section 1001. (a) Notwithstanding any other provision of law, an insurer desiring to write workers' compensation insurance in this Commonwealth shall maintain or provide accident prevention services as a prerequisite for a license to write such insurance. Proof of compliance with this section shall be provided to the Insurance Commissioner. Such services shall be adequate to furnish accident prevention required by the nature of its business or its policyholders' operations and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene and industrial health services to implement the program of accident prevention services. The insurer, pursuant to its responsibilities under this section, shall employ or otherwise make available qualified accident and illness prevention personnel. Such personnel shall meet the qualifications set forth in regulations issued by the department.

(b) A self-insured employer shall maintain an accident and illness prevention program as a prerequisite for retention of its self-insured status. Such program shall be adequate to furnish accident prevention required by the nature of its business and shall include surveys, recommendations, training programs, consultations, analyses of accident causes, industrial hygiene and industrial health services. The self-insured employer pursuant to its responsibilities under this section, shall employ or otherwise make available qualified accident and illness prevention personnel. Such personnel shall meet the qualifications set forth in regulations issued by the department.

(c) The department may conduct inspections to determine the adequacy of the accident prevention services required by this section at least once every two years for each insurer.

(d) Notice that services required by this section are available to the employer from an insurer must appear in no less than ten-point bold type on the front of each workers' compensation insurance policy delivered or issued for delivery in this Commonwealth.

(e) At least once each year each insurer must submit to the department detailed information on the type of accident prevention services offered or provided to the insurer's policyholders. The information must include:

(1) The amount of money spent by the insurer on accident prevention services.

(2) The number and qualifications of field safety representatives employed by the insurer.

(3) The number of site inspections performed.

(4) Any accident prevention services for which the insurer contracts.

(5) A breakdown of the premium size of the risks to which the insurer provided services.

(6) Evidence of the effectiveness of and accomplishments in accident prevention.

(f) Failure to maintain or provide the accident prevention services required by this section shall constitute a continuing civil violation subject to a maximum fine of two thousand dollars (\$2,000) per day for each day the accident prevention services are not maintained or provided. Each day of noncompliance with this section is a separate violation. All fines recovered under this section shall be paid to the department and deposited by the department into the Health and Safety Account of the Workmen's Compensation Administration Fund created by section 446 of this act.

(g) An insurer and its agents, servants and employees shall not be liable on any civil cause of action or proceeding arising out of, or based upon, allegations and pleadings relating to compliance with the provisions of this article: Provided, however, That this immunity shall not affect the liability of the employer or insurer for compensation as otherwise provided in this act.

Section 1002. (a) An insured employer may make application to the department for the certification of any established safety committee operative within its workplace, developed for the purpose of hazard detection and accident prevention. The department shall develop such certification criteria.

(b) Upon the renewal of the employer's workers' compensation policy next following receipt of department certification, the employer shall receive a five per centum discount in the rate or rates applicable to the policy for a period of one year.

ARTICLE XI INSURANCE FRAUD

Section 1101. All fines and penalties imposed following a conviction for a violation of 18 Pa.C.S. § 4117 (relating to insurance fraud) regarding worker's compensation shall be collected in the manner provided by law and shall be paid in the following manner:

(1) If the prosecutor is a district attorney, the fines and penalties shall be paid into the operating fund of the county in which the district attorney is elected.

(2) If the prosecutor is the Attorney General, the fines and penalties shall be paid into the State Treasury.

ARTICLE XII FRAUD ENFORCEMENT

Section 1201. The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Antifraud plan" means the insurance antifraud plan required to be filed and maintained pursuant to this article.

"Commissioner" means the Insurance Commissioner of the Commonwealth.

"Department" means the Insurance Department of the Commonwealth.

Section 1202. (a) The department is authorized to refer to the appropriate law enforcement official violations of Article XI if the department has reason to believe that a person has engaged in or is engaging in an act or practice that violates Article XI.

(b) The department shall furnish all papers, documents, reports, complaints or other facts or evidence to any police, sheriff or other law enforcement agency or governmental entity duly authorized to receive such information, when so requested, and shall assist and cooperate with those agencies.

Section 1203. A workers' compensation insurer shall institute and maintain an insurance antifraud plan.

Section 1204. All workers' compensation insurers shall annually provide to the department a summary report on actions

taken under an antifraud plan to prevent and combat insurance fraud, including, but not limited to, measures taken to protect and ensure the integrity of electronic data processing-generated data and manually compiled data, statistical data on the amount of resources committed to combating fraud and the amount of fraud identified and recovered during the reporting period.

Section 1205. (a) Every workers' compensation insurer, and its employes, agents and brokers, are authorized to refer to the appropriate law enforcement official violation of Article XI if the insurer, employe, agent or broker has reason to believe that a person has engaged in or is engaging in an act or practice that violates Article XI.

(b) The insurer, its employes, agents and brokers, shall furnish all papers, documents, reports, complaints or other facts or evidence to any police, sheriff or other law enforcement agency or governmental entity duly authorized to receive such information, when so requested, and shall assist and cooperate with those agencies.

ARTICLE XIII

CAUSE OF ACTION FOR DAMAGES

Section 1301. (a) A person, firm, association or corporation which suffers damages as a result of a competitive bid for a project involving the construction, repair, remodeling, alteration, conversion, modernization, improvement, rehabilitation, replacement or renovation of a building or other structure not being accepted due to another person, firm, association or corporation knowingly violating the provisions of this act may bring an action against the successful bidder for damages.

(b) For purposes of an action brought under this section, employe status shall be determined by the applicable provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

Section 22. Section 4117 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4117. Insurance fraud.

(a) Offense defined.—A person commits an offense if the person does any of the following:

(1) Knowingly and with the intent to defraud a State or local government agency files, presents or causes to be filed with or presented to the government agency a document that contains false, incomplete or misleading information concerning any fact or thing material to the agency's determination in approving or disapproving a motor vehicle insurance rate filing, a motor vehicle insurance transaction [or], other motor vehicle insurance action, a workers' compensation insurance rate filing, a workers' compensation transaction or other workers' compensation action which is required or filed in response to an agency's request.

(2) Knowingly and with the intent to defraud any insurer, presents or causes to be presented to any insurer any statement forming a part of, or in support of, an insurance claim, including a workers' compensation claim that contains any false, incomplete or misleading information concerning any fact or thing material to the insurance claim.

(3) Knowingly and with the intent to defraud any insurer, assists, abets, solicits or conspires with another to prepare or make any statement that is intended to be presented to any insurer in connection with, or in support of, an insurance claim, including a workers' compensation claim that contains any false, incomplete or misleading information concerning any fact or thing material to the [insurance] claim.

(4) Engages in unlicensed agent or broker activity as defined by the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, knowingly and with the intent to defraud an insurer or the public.

(5) Knowingly benefits, directly or indirectly, from the proceeds derived from a violation of this section due to the assistance, conspiracy or urging of any person.

(6) Is the owner, administrator or employee of any health care facility and knowingly allows the use of such facility by any person in furtherance of a scheme or conspiracy to violate any of the provisions of this section.

(7) Borrows or uses another person's financial responsibility or other insurance identification card or permits his financial responsibility or other insurance identification card to be used by another, knowingly and with intent to present a fraudulent insurance claim to an insurer.

(8) Knowingly and with the intent to defraud, assists, abets, solicits or conspires with any person who engages in an unlawful act under this section.

(9) Makes or causes to be made any knowingly false or fraudulent statement with regard to entitlement to benefits with the intent to discourage an injured worker from claiming benefits or pursuing a claim.

(10) Knowingly and with the intent to defraud makes any false statement for the purpose of avoiding or diminishing the amount of the payment of premiums to an insurer or self-insurance fund.

(b) Additional offenses defined.—

(1) A lawyer may not compensate or give anything of value to a nonlawyer to recommend or secure employment by a client or as a reward for having made a recommendation resulting in employment by a client; except that the lawyer may pay:

(i) the reasonable cost of advertising or written communication as permitted by the rules of professional conduct; or

(ii) the usual charges of a not-for-profit lawyer referral service or other legal service organization.

Upon a conviction of an offense provided for by this paragraph, the prosecutor shall certify such conviction to the disciplinary board of the Supreme Court for appropriate action. Such action may include a suspension or disbarment.

(2) With respect to an insurance benefit or claim, a health care provider may not compensate or give anything of value to a person to recommend or secure the provider's service to or employment by a patient or as a reward for having made a recommendation resulting in the provider's service to or employment by a patient; except that the provider may pay the reasonable cost of advertising or written communication as permitted by rules of professional conduct. Upon a conviction of an offense provided for by this paragraph, the prosecutor shall certify such conviction to the appropriate licensing board in the Department of State which shall suspend or revoke the health care provider's license.

(3) A lawyer or health care provider may not compensate or give anything of value to a person for providing names, addresses, telephone numbers or other identifying information of individuals seeking or receiving medical or rehabilitative care for accident, sickness or disease, except to the extent a referral and receipt of compensation is permitted under applicable professional rules of conduct. A person may not knowingly transmit such referral information to a lawyer or health care professional for the purpose of receiving compensation or anything of value. Attempts to circumvent this paragraph through use of any other person, including, but not limited to, employees, agents or servants, shall also be prohibited.

(c) Electronic claims submission.—If an insurance claim is made by means of computer billing tapes or other electronic means, it shall be a rebuttable presumption that the person knowingly made the claim if the person has advised the insurer in writing that claims will be submitted by use of computer billing tapes or other electronic means.

(d) Grading.—An offense under subsection (a)(1) through (7) is a felony of the third degree. An offense under subsection (b) is a misdemeanor of the first degree.

(e) Restitution.—The court may, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution under section 1106 (relating to restitution for injuries to person or property).

(f) Immunity.—An insurer, and any agent, servant or employee thereof acting in the course and scope of his employment, and the Motor Vehicle Fraud Index Bureau, as designated by the Insurance Commissioner pursuant to 75 Pa.C.S. § 1821 (relating to designation), acting pursuant to its plan of operation, shall be immune from civil or criminal liability arising from the supply or release of written or oral information to any entity duly authorized to receive such information by Federal or State law, or by Insurance Department regulations, only if both of the following conditions exist:

(1) the information is supplied to the agency in connection with an allegation of fraudulent conduct on the part of any person relating to a violation of this section; and

(2) the insurer, agent, servant or employee or the Motor Vehicle Fraud Index Bureau has reason to believe that the information supplied is related to the allegation of fraud.

(g) Civil action.—An insurer, and in the case of workers' compensation insurance, an employer or an employee, damaged as a result of a violation of this section may sue therefor in any court of competent jurisdiction to recover compensatory damages, which may include reasonable investigation expenses, costs of suit and attorney fees. An insurer may recover damages if the court determines that the defendant has engaged in a pattern of violating this section.

(h) Criminal action.—

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for any violation of this section.

(2) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of such violations involving more than one county of the Commonwealth or involving any county of the Commonwealth and another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of the Commonwealth to the person making the challenge.

(i) Regulatory and investigative powers additional to those now existing.—Nothing contained in this section shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons, enterprises or matters falling within the scope of this section.

(j) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Attorney.” An individual admitted by the Supreme Court to practice law in this Commonwealth.

“Health care professional.” A person licensed or certified pursuant to law to perform health care activities.

“Insurance claim.” A claim for payment or other benefit pursuant to an insurance policy or agreement for coverage of health or hospital services or worker's compensation.

“Insurance policy.” A document setting forth the terms and conditions of a contract of insurance or agreement for the coverage of health or hospital services or worker's compensation.

“Insurer.” A company, association or exchange defined by section 101 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921; an unincorporated

association of underwriting members; a hospital plan corporation; a professional health services plan corporation; a health maintenance organization; a fraternal benefit society; and a self-insured health care entity under the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act.

“Person.” An individual, corporation, partnership, association, joint-stock company, trust or unincorporated organization. The term includes any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society, beneficial association and any other legal entity engaged or proposing to become engaged, either directly or indirectly, in the business of insurance, including agents, brokers, adjusters and health care plans as defined in 40 Pa.C.S. Chs. 61 (relating to hospital plan corporations), 63 (relating to professional health services plan corporations), 65 (relating to fraternal benefit societies) and 67 (relating to beneficial societies) and the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act. For purposes of this section, health care plans, fraternal benefit societies and beneficial societies shall be deemed to be engaged in the business of insurance.

“Statement.” Any oral or written presentation or other evidence of loss, injury or expense, including, but not limited to, any notice, statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bill for services, diagnosis, prescription, hospital or doctor records, X-ray, test result or computer-generated documents.

Section 23. Notwithstanding any other provision of law to the contrary, regulations promulgated under the authority of section 306(f.1)(3)(ii) of the act, as amended by this act, shall not be subject to the provisions of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Section 24. (a) In order to provide an efficient implementation of this act and to assure fair and equitable treatment of insureds and insurers, the order and adjudication issued by the Insurance Commissioner, dated October 21, 1992, In re Workers' Compensation Rate Revision Proposal C-330 (Docket No. R91-09-21) and pending, is set aside as being in conflict with this act.

(b) The Insurance Commissioner shall, by January 30, 1993, issue a revised order, based upon the data provided in the rate filing for the order which is set aside under subsection (a) and the record relating to that filing, approving manual rates to be applicable to all new and renewal policies for workers' compensation insurance with effective dates after November 30, 1992. In this revised determination of rates, the Insurance Commissioner shall make an adjustment to reflect the savings estimated to be produced by the limitations on payments to health care providers and by the other changes included in this act and shall give due consideration to the extension of trend factors for an additional year and the change in the Statewide average weekly wage as of January 1, 1993.

Section 25. For purposes of the initial filing only, notwithstanding any other provisions of this act, the following provision shall apply:

(1) Each rating organization shall file, within 60 days of the effective date of this act, a loss cost filing pursuant to section 709(c) of Article VII of the act for new and renewal policies for workers' compensation insurance. Such filing shall be subject to approval or disapproval by the Insurance Commissioner pursuant to Article VII of the act, but such approval or disapproval shall be made not later than 120 calendar days after first receipt of the loss cost filing.

(2) In the absence of an order approving or disapproving the loss cost filing within 120 calendar days of its first receipt, the filing shall be deemed to meet all the requirements of this act.

(3) No later than 30 days from the date of the actual or deemed approval of the above loss cost filing, each individual insurer shall file for the Insurance Commissioner's approval or disapproval provisions for loss adjustment, expenses, assessments, taxes and profit and contingency allowances. The effective date of such filings shall be the date specified in the filing.

(4) On or before March 1, 1993, the Insurance Commissioner shall publish an aggregate factor for loss adjustment expenses, assessments, taxes, profits and contingency allowances which insurers may use in the foregoing initial filings. Any insurer filing which uses an aggregate factor not in excess of the foregoing factor shall be deemed approved upon filing for purposes of this section.

Section 26. (a) The following act and parts of acts are repealed:

Section 654 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

75 Pa.C.S. §§ 1735 and 1737.

(b) The provisions of 75 Pa.C.S. §§ 1720 and 1722 are repealed insofar as they relate to workers' compensation payments or other benefits under the Workers' Compensation Act.

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

Section 27. This act shall take effect as follows:

(1) Articles VIII and IX of the act shall take effect in 120 days.

(2) Article VII of the act shall take effect immediately.

(3) Section 26(a) of this act shall take effect January 1, 1993.

(4) Section 24 of this act and this section shall take effect immediately.

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

Mr. GLADECK. Mr. Speaker, I would like to ask the House to nonconcur in this legislation, and I realize the hour is late so I will keep my remarks brief.

Representative Pitts and Representative Murphy, I believe from where I sit, are both correct in that there are technical flaws in this legislation that will cause the costs of workmen's compensation to soar. The truth of the matter is that for the last 2 weeks, myself, Representative Lloyd, Senator Mellow and Senator Madigan and their staffs, and a representative from Representative DeWeese's office have met in Senator Mellow's offices, and we have attempted to strike a reasonable compromise. The truth of the matter is that we feel that the remarks that I did submit for the record, the amendment that I would like to have offered, was in fact that reasonable compromise.

Three of the four caucuses support the Madigan-Mellow compromise that is represented in this amendment. Representative Lloyd's amendment does not get to the heart of the problem, and that is that over a year ago, our primary goal was to insure that employers can get a workmen's compensation system that they can afford and that they can get a system that can make this State competitive with other States in the northeastern part of the United States. I can assure you, Mr. Speaker, that this bill that you are being asked to concur in is not that legislation. This legislation will not do the job. It is a Band-Aid, and it is not what the employers in this Commonwealth deserve.

The truth of the matter is, if you pass this, it will not become law. It cannot become law because the Senate of the State of Pennsylvania has gone on record as saying that they will not consider it and they will not support it.

We have all compromised. It is a good compromise, but unfortunately, we are not allowed to offer it, probably because it would have passed.

Mr. Speaker, I ask you to strike this legislation down and send a message to Governor Casey and to those that would oppose a competitive workmen's compensation system in the State of Pennsylvania that could be a model for the entire northeastern part of the United States, that just might help us get out of the economic recession that we have been mired in.

Mr. Speaker, I think it is about time that all of us put aside our partisan political differences, as have Senator Mellow, who, when he entered these negotiations, was in fact the minority leader—today he is the President pro tem—myself, who is in the minority over here in the House; Senator Madigan and the Republicans in the State Senate. We have all had to compromise in our positions, and we believe we have come up with a bill and an idea that is fair for all Pennsylvanians, for both business and for labor, that honestly can make Pennsylvania more competitive with other States in the Northeast. And it is about time that we start to recognize that, because all of us have a problem with the economy in this State, not just the Democrats or not just the Republicans. If you do not have business, you do not have jobs, and that is why I oppose this legislation, because in fact it is a sham.

If in fact the majority leader honestly wanted us to consider this and honestly wanted the State Senate to vote on it, he would have done it last week or maybe he could have done it yesterday or possibly on Monday.

I thank you for your time, and I ask for a nonconurrence on this legislation. Thank you.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

I would like to interrogate the drafter of the amendment.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. GANNON. Mr. Speaker, I am getting back to page 12 and those sections which provide for a lawsuit against an employer by an employee. Specifically I am directing your attention to line 10, which would be subparagraph (2).

There was a case involving some battery acid, and what happened is an employer did not want women to work along the lead-battery-acid line in their battery plant because the battery-acid fumes were harmful to women employees. Now, the women filed a lawsuit against the employer and said that they had just as much right to work around those dangerous chemicals. This involved the Exide company, which I believe has a plant in Philadelphia. The employer was required by a court order to have those women work around chemicals that they knew were dangerous to those women.

Now, if one of those women developed a serious illness as a result of this, with the employer knowing that these harmful chemicals caused injury, would those women have the right to

file a lawsuit against that employer under this provision to seek noncompensatory damages for these injuries that were caused by working around these unsafe working conditions with the employer's actual knowledge that the specific condition was substantially certain to cause serious injury or death to that female employee, and that is my question.

Mr. LLOYD. And the answer is no.

Mr. GANNON. Could you tell me why? Could you elaborate on that a little bit?

Mr. LLOYD. Because if there is a legal duty imposed by some other statute on an employer to allow people to work under certain circumstances, and that is a legal duty either in some State or Federal statute or as a result of a court order, performing a legal duty is a defense in any kind of a lawsuit, whether it is common law or it is under a negligence or intentional wrongdoing statute. This does not abrogate the Equal Employment Opportunity Act at the Federal level or any other statute under which that lawsuit which you mentioned was brought.

Mr. GANNON. Now, if it were found that these chemicals were also harmful to men and the employer knew that and permitted the men to work there, would the men be able to maintain a cause of action under this provision?

Mr. LLOYD. That is a harder question, because I do not know what the court in fact ruled. If the court ruled that it would be illegal, either a violation of some Federal law or, I am not familiar with the case you are citing and what court it was, but if a court ruled that it was impermissible for an employer to make a distinction based on sex, then the defense would apply.

Mr. GANNON. To the men or just to the women?

Mr. LLOYD. Both.

Mr. GANNON. So in that particular instance, if it were found that the chemicals were harmful to a man and the employer knew it, as he knew in the case of the women, neither party would be eligible to maintain a lawsuit to this specific employer?

Mr. LLOYD. If there is a legal duty on the part of the employer not to discriminate for or against any particular class of individuals, then his honoring that legal duty is not going to subject him to intentional wrongdoing.

Mr. GANNON. Mr. Speaker, in the preface to the bill, it defines an "employee" as a "servant."

Mr. LLOYD. Mr. Speaker, I cannot hear the gentleman.

Mr. GANNON. Mr. Speaker, in the prefatory language of the bill, it defines an "employee" as a "servant." Section 104, page 4, line 8, the term "employee" is synonymous with "servant."

Now, we have a principle of law that is called "respondeat superior," and that says that an agent is liable for the acts of his servant. Now, we also have in Pennsylvania under a normal workers' compensation doctrine what they call the fellow-employee or fellow-servant rule, and I am getting to a case, let us take a specific case, and it happened here in Pennsylvania at the Piper Aircraft factory where an employee became very, very disgruntled with what was going on, went

home and got a shotgun, and went down and he killed a couple of his fellow employees. Now, under existing law, that intentional act was covered under workers' compensation. But here with this employee being defined as a "servant" of the employer and now by operation of respondeat superior, the employer now being liable for the intentional act of his servant, how would that case apply in this particular instance where we talk about liability for intentional acts? Would those employees who had been injured or their estates be able to bring a cause of action against the employer in tort under these provisions?

Mr. LLOYD. What the section of this provision says is that the immunity falls if the employer intentionally causes injury to an employee. That is defined as two circumstances: Number one, the employer acted with the specific purpose to cause serious injury or death. Now, if the employer knew and did encourage his servant, as you put it, his supervisor, his foreman, whoever it was, to carry out an order to make somebody do something which had the specific purpose of causing serious injury or death, then the employer acted intentionally. If the employer did not know about it, he did not know about it.

And if you look at the second prong, the immunity can fall only if the employer had actual knowledge, not that he should have known what the foreman was doing but that he actually knew.

Mr. GANNON. Well, then are you saying that that principle of "respondeat superior" servant, agent, does not apply in this instance?

Mr. LLOYD. We can speculate all we want and you can change the facts of all of your hypotheticals, and in some of those hypotheticals the answer to the question would be that immunity would fall; in some of the hypotheticals the answer would be that the immunity would not fall. We can spend the next 3 days here putting hypothetical cases.

Mr. GANNON. Well, they were actual—

Mr. LLOYD. The language of this provision for which a majority of this House voted about 3 years ago says that the employer is subject to suit under two circumstances: if he acted with the specific purpose to cause serious injury or death, or if he acted with actual knowledge that there was the substantial certainty that serious injury or death would result. That is the standard.

Mr. GANNON. Mr. Speaker, there is another provision or section of this bill that is confusing to me, and that is on page 46, section 322. Now, as I read this language, as I understand it or read it, and, you know, we just received the legislation so I have had to read it rather quickly, but as I read it here, a person who would be a construction design professional or perform services on a construction project or an employee of a construction design professional, et cetera, shall be liable under this act— I am sorry. This is an exception. It says, "No construction design professional...shall be liable under this act for any injury or death of a worker not an employee of such design professional on the...project for which compensation is payable," et cetera, "under the provisions of this act."

Now, as I read that, there cannot be any interpretation that a worker on the construction project was a constructive employee of the design professional, so that he would not get workers' compensation from the carrier for the design professional. Would that be a fair statement?

Mr. LLOYD. Mr. Speaker, this section is designed to provide an exemption or an exception from liability for workers' compensation in certain circumstances applicable to design professionals. This language, with one critical exception, was in Mellow-Madigan and was voted on by this House and I suspect by the people who are advocating tonight that we defeat this bill. This provision was urged at the bargaining table by the gentleman's caucus and by Senators Mellow and Madigan.

In the spirit of trying to resolve this problem, our caucus agreed to put the language in the bill with the addition of the language which says that you are not liable under this act, which is found on page 47, lines 1 and 2. We are not changing the employer-employee relationship. If the person would have been an employee before, he will be an employee after. This language is designed to take care of the circumstance in which someone might attempt to attach liability for workers' compensation to a design professional who is in fact not an employer under the other tests stated in the act and by court decisions.

Mr. GANNON. That brings me to my next question, and this is where I have the problem.

The next language says, "The immunity from liability"—and I assume that means liability for the workers' compensation payments—"...shall not apply if the injury or death is caused by the negligent..." acts of the "...design professional."

My problem there is that you have one area where you are saying that no one can say that they are an employee of the design professional for purposes of collecting workers' compensation under a no-fault statute, and yet when you have determined that the construction design professional is in fact negligent—

The SPEAKER. Will the gentleman suspend.

What is the gentleman's question, please?

Mr. GANNON. Well, I believe what he has done is he has taken a negligent act and foreclosed it; he has foreclosed a negligence suit against the design professional by making workers' compensation the sole remedy.

The SPEAKER. The Chair appreciates the gentleman's remarks, and the gentleman would be in order to address the issue, but if he has a question, he should ask the question.

Mr. GANNON. That is what I am getting to.

By that language, have you not taken and foreclosed a negligence action against a design professional and now limited that injured person's sole remedy to workers' compensation by setting forth a negligent standard for obtaining compensation? You have said, if you are negligent, your only remedy is workers' compensation. If you are not negligent—

The SPEAKER. The Chair is very reluctant to ask the gentleman to repeat the question, but why does the gentleman not

just take the floor and make his remarks or ask a straightforward question.

Mr. GANNON. I believe the gentleman understands my question, Mr. Speaker.

The SPEAKER. It does not amount to a question as yet in the English language. The Chair would appreciate if the gentleman would ask his question or make his remarks.

Mr. GANNON. Does not section (1) of subparagraph (b) foreclose a negligent action against a negligent design professional by limiting the remedy solely to workers' compensation?

Mr. LLOYD. This section of the law does not address the issue of tort reform. That was the discussion around the bargaining table. All four caucuses agreed that this provision should apply to protect design professionals only in cases of liability for workers' compensation. When I raised the question that this provision was tort reform and was an effort to restrict the ability of third parties or workers who were not in an employer-employee relationship with the design professional to sue when the building falls down because of the negligence of the design professional, I was told by negotiators from the gentleman's caucus that that was a wholly meritless concern and that everybody knew that and intended that this provision apply only to provide immunity in situations involving liability for workers' compensation. That language was added to carry out the intentions stated by everyone around that table.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

May I interrogate the speaker?

The SPEAKER. The gentleman, Mr. Lloyd, indicates he is willing to be interrogated. The gentleman may proceed.

Mr. THOMAS. Okay. Two questions.

Number one, assuming we fail to pass this bill tonight, what effect, if any, will that have on the Insurance Commissioner's proposal to raise rates by 24 percent?

Mr. LLOYD. If this legislation does not become law, starting December 1 the insurance companies will send out to all of the businesses in this State, when their policies are renewed, a bill reflecting on average a 24-percent increase in workers' compensation premiums.

Mr. THOMAS. And if this bill passes, what—

Mr. LLOYD. If this bill passes, that 24-percent rate increase will be disapproved. The Insurance Commissioner, by the end of January, will be required to issue a new decision which reflects the savings, especially in the area of health care cost containment in this bill, and to offset that against the previously announced rate increase.

Mr. THOMAS. So arguably, if this bill passes, then we can feel comfortable that that 24-percent increase and any 24-percent-plus increase would not go into effect?

Mr. LLOYD. That is correct. The only way we are going to stop the 24-percent rate increase is by enacting legislation which will contain the cost and which will require the Insurance Commissioner to reconsider the decision and to adjust it for the savings that would come from the bill that we passed.

Mr. THOMAS. Is that contained in this bill?

Mr. LLOYD. Yes, Mr. Speaker. If you look at section 23 of the bill, which is found on page 141, starting at line 14, that procedure is spelled out.

Mr. THOMAS. Okay. My second and last question has to do with a provision that I saw in an earlier version of a workmen's comp proposal which dealt with hearing loss, and if I understood the provision correctly, it primarily focused on the issue of compensation in the event of an injury causing hearing loss, regardless of whether or not the loss is permanent or whether the loss is partial. What my question is, is does this bill deal with that question, and if it does, does it provide for a standard by which you can measure whether or not the hearing loss is permanent or whether or not the hearing loss is partial?

Mr. LLOYD. That provision is not in this bill.

Mr. THOMAS. What is the current law on that particular issue, if you are aware?

Mr. LLOYD. As I understand it— And this is an issue that I was approached about 2 months ago by a representative of one corporation who indicated that he was attempting to get some other businesses together and to talk to labor. I never saw any language on it, and so I am at a loss because this was not an issue in any of the negotiations. As I understand the current law, basically you could become eligible for compensation for losing your hearing in one ear or in the other ear for what is basically a test of, for all practical purposes, have you lost your hearing or not. Beyond that, I am afraid I just do not know the answer about what current law is, but this legislation does not change that, and in fact, no one at the bargaining table, none of the proposed drafts from any of the caucuses, addressed that issue at all.

Mr. THOMAS. Okay. But you are aware of the fact that there are a growing number of instances where compensation is being requested for hearing loss, and I know under current law, there is no standard by which you can determine the degree of that loss, so one can very easily allege that he or she has suffered permanent loss as a result of an injury and seek full compensation for the duration of whatever the period is.

Since we are in the business of reforming current law to the extent that it becomes more equitable and fair for both the employer and the employee, it seems to me that this proposal should contain some standard of review or some standard to prevent the erosion of benefits due to an employer's inability to determine the degree of that particular loss, and it is a problem that is growing. I mean, I think if you look at the data, the current data, there are a growing number of cases involving issues of this nature that we have no way of determining the degree of that injury and are therefore being put in a position where full compensation has to be awarded regardless of whether or not the injury is permanent.

Mr. LLOYD. This legislation does not change the current law. It is my understanding that there were negotiations. Those negotiations apparently did not bear fruit, because no one in any of the caucuses, including Senator Mellow and Senator Madigan, brought any proposal on that subject to the

bargaining table. There are many things within the workers' compensation law that should be fixed, and that is one that can continue to be the subject of deliberation, and if there is a resolution, the law can be changed. The important point, Mr. Speaker, is to not lose sight of the first two questions you asked, which is, what happens if we do not pass this bill? And what happens is that the rate increase goes into effect.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I have a question for Representative Lloyd.

On page 14, at the end of line 13, there is a bracket, and it says, "Provided, that whenever occupational disease is the basis for compensation, for disability or death under this act, it shall apply only to disability or death resulting from such disease and occurring within three hundred weeks after the last date of employment in an occupation or industry to which he was exposed to hazards of such disease: and provided further, that if the employe's compensable disability has occurred within such period, his subsequent death," and then there is another bracket.

Does that mean—I am sure, but I want to be sure—that that is no longer part of this bill and that the 300 weeks is waived?

Mr. LLOYD. That is a statute of repose.

Under current law, there is a statute of limitations on when a worker who has been injured or suffered, in this case, an occupational disease may file a claim for workers' compensation. That is 3 years after the problem has become evident.

However, there is also, under current law, a further barrier, which is a statute of repose, which says in essence—and you have quoted the language, Mr. Speaker—says in essence that notwithstanding the fact that you have that occupational disease and notwithstanding the fact that you might be able to make a case that an employer you had worked for last, more than 300 weeks ago, was the employer on whose job you contracted that occupational disease, under current law you are not allowed to file your suit.

The gentleman is correct that this provision would be amended out of the act by this legislation, which would remove the statute of repose and apply only the statute of limitations, which still says that you must sue within 3 years of knowing or having reason to know of the disease. The reason for this, Mr. Speaker, is that the whole area of medicine with regard to occupational diseases is one which is progressing. We now are able to learn that certain conditions which show up and that we were not previously able to pinpoint what might have caused them, we are now able to go back and tie those things to specific kinds of exposures to materials in the workplace and the like.

A change in this particular provision does not guarantee that the person wins the lawsuit, and clearly, the farther away that person is from having worked, the more difficult it is going to be for him to win the lawsuit, but the gentleman is correct that the statute of repose would be repealed.

Mr. GAMBLE. So then, Mr. Speaker, in a short term, that means that there is no limit, and if I was subjected to some sort of hazard when I was 20 and I did not detect the downside of it until I was 63, I would have till I was 65 to take action.

Mr. LLOYD. You would have until you were 65 to file a claim. Whether you would still be eligible for a claim or not depends on a whole host of other factors, but you still must prove your case, and if you had not worked there for 20 years— If you have any knowledge of black lung cases, you know how difficult it is to go backwards even 15 or 20 years and try to prove your employment records. To be able to go back to when you were age 20 and to prove that you were exposed to something, you know, you would have that opportunity; your chances of success are not very great.

Mr. GAMBLE. Thank you, Mr. Speaker.
Now I would like to speak against the bill.

The SPEAKER. The gentleman is in order.

Mr. GAMBLE. Mr. Speaker, my interpretation of the conversation that just took place, indeed this does open the door for lawsuits, you know, I guess forever, and you heard the dialogue here. Representative Murphy earlier questioned another section of this bill which in effect claims open season on the businesses of Pennsylvania by the trial lawyers, and to me, it looks like their hand may have been on page 14 as well.

Mr. Speaker, what really surprises me is in the month of October we are back home talking about jobs before the election and we cannot wait to get here after the election to beat the heck out of the people who provide those jobs, the businessmen of Pennsylvania.

I would hope that you would respond and vote this down tonight. Thank you.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. The Chair recognizes Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I would move the previous question.

The SPEAKER. Is there anyone else—if the Chair may interrupt the gentleman’s motion—is there anyone else who was seeking recognition on this matter? Not the motion for the previous question. Mr. Fairchild is the only one.

It is the gentleman’s right to make that motion if he is so inclined. Oops, Mr. Gannon is seeking to speak again. The gentleman, Mr. Gannon, indicating his reluctance now to speak.

The gentleman is in order if he seeks to make the motion. Does the gentleman want to proceed with his motion?

PARLIAMENTARY INQUIRY

Mr. REBER. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. REBER. I thought the motion was already made.

The SPEAKER. The motion was made. The Chair is inquiring of the gentleman whether he wishes to continue in that motion.

Mr. REBER. Most definitely.

The SPEAKER. The Chair thanks the gentleman.

It requires 20 seconds to the motion. Seconds will stand in place and raise their arm.

The Chair recognizes Mr. Lawless; Mr. Flick; Mr. Hershey; Mr. Gerlach; Mr. Dempsey; the lady, Mrs. Farmer; the gentleman, Mr. Anderson; Mr. Taylor; Mr. Uliana; Mr. Semmel; Mr. Kenney; Mr. Armstrong; Mr. King; Mr. McNally; Mr. Tulli; the gentleman, Mr. Adolph; Mr. Saurman; Mr. Black; Mr. Micozzie; the gentleman, Mr. Bunt. The motion was made and properly seconded by 20.

The gentleman, Mr. Reber, has moved the previous question on concurrence in Senate amendments to HB 2140. The names of the seconds have been noted for the record.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—113

Acosta	Donatucci	King	Reber
Adolph	Durham	Kosinski	Reinard
Allen	Evans	Krebs	Rieger
Anderson	Fajt	LaGrotta	Robinson
Angstadt	Farmer	Laughlin	Saloom
Argall	Fleagle	Lawless	Saurman
Armstrong	Flick	Leh	Semmel
Battisto	Gamble	Lescovitz	Snyder, D. W.
Belardi	George	Lucyk	Staback
Belfanti	Gerlach	McCall	Stairs
Birmelin	Gigliotti	McGeehan	Steighner
Black	Godshall	McNally	Stish
Broujos	Gruitza	Maiale	Surra
Brown	Gruppo	Markosek	Tangretti
Bunt	Haluska	Marsico	Taylor, E. Z.
Caltagirone	Hanna	Mayernik	Taylor, J.
Carn	Harley	Melio	Telek
Carone	Hasay	Merry	Thomas
Civera	Hayden	Micozzie	Tomlinson
Cohen	Hershey	Nahill	Trello
Colafella	Hughes	Nyce	Tulli
Colaizzo	Itkin	Olasz	Utiana
Cornell	James	Oliver	Veon
Coy	Johnson	Perzel	Wambach
DeWeese	Josephs	Petrarca	Williams
Daley	Kaiser	Petrone	Wilson
Davies	Kasunic	Phillips	Wogan
Dempsey	Kenney	Raymond	Wright, M. N.
Dermody			

NAYS—80

Arnold	Fee	McHugh	Schuler
Barley	Foster	Michlovic	Scrimenti
Bishop	Freeman	Mihalich	Serafini
Blaum	Gallen	Mundy	Smith, B.
Bowley	Gannon	Murphy	Smith, S. H.
Boyes	Geist	Nailor	Snyder, G.
Bush	Gladeck	Nickol	Steelman
Butkovitz	Hagarty	Noye	Stetler
Cappabianca	Harper	O'Brien	Strittmatter
Carlson	Hayes	Pesci	Sturla
Cawley	Heckler	Piccola	Tigue
Cessar	Herman	Pistella	Trich
Chadwick	Hess	Pitts	Van Horne
Clark	Jadlowiec	Preston	Vance
Clymer	Jarolin	Richardson	Vroon
Cole	Kukovich	Ritter	Wozniak
Cowell	Lee	Roebuck	Wright, D. R.
DeLuca	Levdansky	Rudy	
Dent	Linton	Ryan	O'Donnell,

Fairchild Fargo	Lloyd McHale	Scheetz	Speaker
NOT VOTING—3			
Freind	Kruszewski	Mrkonic	
EXCUSED—5			
Billow Corrigan	Langtry	Stuban	Taylor, F.

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

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

YEAS—110

Acosta	Durham	Linton	Robinson
Angstadt	Evans	Lloyd	Roebuck
Arnold	Fajt	Lucyk	Rudy
Battisto	Fee	McCall	Saloom
Belardi	Freeman	McGeehan	Scrimenti
Belfanti	Gannon	McHale	Staback
Bishop	George	McHugh	Stairs
Blaum	Gigliotti	McNally	Steelman
Bowley	Gruitza	Maiale	Steighner
Boyes	Gruppo	Markosek	Stish
Broujos	Haluska	Mayernik	Sturla
Butkovitz	Hanna	Melio	Surra
Caltagirone	Harper	Michlovic	Tangretti
Cappabianca	Hayden	Mihalich	Taylor, J.
Carn	Hughes	Mundy	Thomas
Cawley	Itkin	Nyce	Tigue
Civera	James	O'Brien	Trello
Cohen	Jarolin	Olasz	Trich
Colafella	Josephs	Oliver	Van Horne
Colaizzo	Kaiser	Pesci	Veon
Cole	Kasunic	Petrarca	Wambach
Cowell	Kenney	Petrone	Williams
Coy	Kosinski	Pistella	Wogan
DeLuca	Kukovich	Preston	Wozniak
DeWeese	LaGrotta	Raymond	Wright, D. R.
Daley	Laughlin	Richardson	
Dermody	Lescovitz	Rieger	O'Donnell,
Donatucci	Levdansky	Ritter	Speaker

NAYS—81

Adolph	Fairchild	Jadlowiec	Ryan
Allen	Fargo	Johnson	Saurman
Anderson	Farmer	King	Scheetz
Argall	Fleagle	Krebs	Schuler
Armstrong	Flick	Lawless	Semmel
Barley	Foster	Lee	Serafini
Birmelin	Gallen	Leh	Smith, B.
Black	Gamble	Marsico	Smith, S. H.
Brown	Geist	Micozzie	Snyder, D. W.
Bunt	Gerlach	Murphy	Snyder, G.
Bush	Gladeck	Nahill	Stetler
Carlson	Godshall	Nailor	Strittmatter
Carone	Hagarty	Nickol	Telek
Cessar	Harley	Noye	Tomlinson
Chadwick	Hasay	Perzel	Tulli
Clark	Hayes	Phillips	Uliana
Clymer	Heckler	Piccola	Vance
Cornell	Herman	Pitts	Vroon
Davies	Hershey	Reber	Wilson
Dempsey	Hess	Reinard	Wright, M. N.
Dent			

NOT VOTING—5

Freind Kruszewski	Merry	Mrkonic	Taylor, E. Z.
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EXCUSED—5

Billow Corrigan	Langtry	Stuban	Taylor, F.
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

FAREWELL ADDRESS

Mr. HAYES. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman has unanimous consent to address the House.

Mr. HAYES. Thank you, Mr. Speaker.

I thank the Speaker. If I may, a few hours ago it was very thoughtful of the House to recognize those persons who are serving their last term in the House of Representatives, and the emotion of that moment did not make it possible for me to speak as the others did, and actually, I am still having a great deal of difficulty, Mr. Speaker.

But just let me say that I believe all of you know how I feel about this institution and about you. I have great affection for the principles upon which this great House of Representatives rests. This House of Representatives is more than just marble and gold and chandeliers and special paintings; this House of Representatives is men and women - men and women who represent the great people of this Commonwealth.

While I am leaving this House of Representatives—and it seems quite unnatural for me to do so—in spirit I will always stand with you as a representative of the people. For those of you who are returning, I wish you well, and you can be sure that my thoughts will always be with you and the people you represent. Thank you.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. DeWeese.

Mr. DeWEESE. On behalf of all of my colleagues, I would like to wish the former majority leader all the best. Sam, you have been a member's member and our friendship has grown, and I am certain that it will continue to grow.

All the best from all of us on this side of the aisle.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I did not know whether Sam Hayes was going to address this unruly crowd of friends today or not. I rather thought, when he disappeared earlier today, that he might not take the opportunity to say what I know was in his mind. And I took a moment, a private moment with him, and he never even acknowledged what I had to say, but I

am going to say to those of you essentially the same thing I said to him.

Over all the years that I have been here, many of them at the side of Sam Hayes, I do not think I have ever met or been friendlier with in a professional basis or had more respect for—and I include everybody I have ever met up here—a person such as Sam Hayes. And he may miss this place and his constituents may miss the fact that he is not up here, but there is no one that is going to miss him more than I, and the people who sit right around here will have a better idea of what I am talking about. He reads all of the bills, and I think he is a great credit to this institution. Thank you, Mr. Speaker.

VOTE CORRECTION

Mr. MERRY. Mr. Speaker, before we take up the next bill, may I correct the record?

On final passage of HB 2140, I was called to the telephone. My vote was not reflected. I would like to show that I would have voted in the negative had I been in my seat.

The SPEAKER. The Chair thanks the gentleman.

**SUPPLEMENTAL CALENDAR F CONTINUED
CONSIDERATION OF HB 627 CONTINUED**

On the question recurring,
Will the House concur in Senate amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair understands that the gentleman, Mr. Belfanti, wants to renew his motion?

Mr. BELFANTI. Mr. Speaker, a parliamentary inquiry.

My understanding is that if there was intervening business, a reconsideration of a motion to suspend the rules would be in order?

The SPEAKER. The bottom line is that the gentleman can go ahead and renew his motion without a reconsideration motion.

Mr. BELFANTI. Thank you, Mr. Speaker.

But before I make that motion, Mr. Speaker, I would like to at least make a case to the other side of the aisle who I believe—

Mr. RYAN. Mr. Speaker?

The SPEAKER. Will the gentleman suspend?

For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, a while ago Mr. Belfanti made his speech on the subject before he made a motion. If he is asking for unanimous consent, I object. I mean, come on. We know what this is all about. We know what your position is. Let us get on with it. It is a shame to abuse this process.

MOTION TO SUSPEND RULES

The SPEAKER. Unanimous consent not existing, the matter before the House will be, does the gentleman seek to make a motion?

Mr. BELFANTI. Yes, Mr. Speaker.

I would like to make a motion to suspend the rules so that I might offer an amendment to HB 627, since the Senate has to come back on Monday anyway.

The SPEAKER. The gentleman is in order and moves that the rules of the House be suspended to permit an amendment to HB 627.

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

The following roll call was recorded:

YEAS—60

Acosta	Evans	Lawless	Staback
Anderson	Fairchild	Linton	Stairs
Arnold	George	Lloyd	Steelman
Belardi	Godshall	Michlovic	Steighner
Belfanti	Haluska	Murphy	Stetler
Bishop	Harper	Pesci	Stish
Bowley	Herman	Petrarca	Sturla
Cappabianca	Hughes	Phillips	Tangretti
Carn	Itkin	Preston	Tigue
Carone	James	Richardson	Trich
Cawley	Jarolin	Robinson	Williams
Clark	Kaiser	Roebuck	Wozniak
Cohen	Krebs	Saloom	
Coy	Kukovich	Scrimenti	O'Donnell, Speaker
DeLuca	LaGrotta	Serafini	
Dent	Laughlin		

NAYS—133

Adolph	Fajt	Lee	Reber
Allen	Fargo	Leh	Reinard
Angstadt	Farmer	Lescovitz	Rieger
Argall	Fee	Levdanskyy	Ritter
Armstrong	Fleagle	Lucyk	Rudy
Barley	Flick	McCall	Ryan
Battisto	Foster	McGeehan	Saurman
Birmelin	Freeman	McHale	Scheetz
Black	Gallen	McHugh	Schulfer
Blaum	Gamble	McNally	Semmel
Boyes	Gannon	Maiale	Smith, B.
Broujos	Geist	Markosek	Smith, S. H.
Brown	Gerlach	Marsico	Snyder, D. W.
Bunt	Gigliotti	Mayernik	Snyder, G.
Bush	Gladeck	Melio	Strittmatter
Butkovitz	Gruitza	Merry	Surra
Caltagirone	Gruppo	Micozzie	Taylor, E. Z.
Carlson	Hagarty	Mihalich	Taylor, J.
Cessar	Hanna	Mundy	Telek
Chadwick	Harley	Nahill	Thomas
Civera	Hasay	Nailor	Tomlinson
Clymer	Hayden	Nickol	Trello
Colaella	Hayes	Noye	Tulli
Colaizzo	Heckler	Nyce	Uliana
Cole	Hershey	O'Brien	Van Horne
Cornell	Hess	Olasz	Vance
Cowell	Jadlowiec	Oliver	Veon
DeWeese	Johnson	Perzel	Vroon
Daley	Josephs	Petrone	Wambach
Davies	Kasunic	Piccola	Wilson
Dempsey	Kenney	Pistella	Wogan
Dermody	King	Pitts	Wright, D. R.
Donatucci	Kosinski	Raymond	Wright, M. N.
Durham			

NOT VOTING—3

Freind	Kruszewski	Mrkonic
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EXCUSED—5

Billow Langtry Stuban Taylor, F.
Corrigan

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

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Murphy.

Mr. MURPHY. Mr. Speaker, the last time this was up, I had asked whether a fiscal note was available and an actuarial note affecting the pension, the State employees pension. To date I have not received either.

The SPEAKER. The Chair is unaware of the existence of an actuarial note. The Chair has been advised that a fiscal note has been prepared and is in duplication. If anyone has information to the contrary on the actuarial note, please indicate to the Chair.

Mr. MURPHY. Are both required for us to vote on this?

The SPEAKER. In the opinion of the Chair, a fiscal note is required and an actuarial note is not.

Mr. MURPHY. Mr. Speaker, why would an actuarial note not be required?

The SPEAKER. Relevant provision of the rule is that any change relative to the retirement system of the Commonwealth, funded in whole or in part out of the public funds—and it satisfies both of those requirements—has to have an actuarial note. However, it notes further in rule 19(a) that the same provisions that apply to fiscal notes apply to actuarial notes, and it is in some ways an open question whether when you change salaries, there is a commonsense effect on pensions, but the pensions under the existing formula are self-funding. So it is an open question subject to judgment about whether an actuarial note is required.

The Chair is persuaded by past practice in which salary changes for different occupations determined by law have never in the practice of the House, as far as anyone can remember or determine, have never commanded an actuarial note. So the judgment could really go either way, but the Chair is persuaded by past practice that no actuarial note is required. A fiscal note is, however, required, and it is the Chair's understanding a fiscal note is in print and has been circulated.

Mr. MURPHY. Thank you, Mr. Speaker.

May I make a few remarks?

The SPEAKER. The gentleman is in order.

Mr. MURPHY. Mr. Speaker, I rise in opposition to this bill for three reasons: One is what Representative Belfanti, I think, outlined clearly, that there is a cost-of-living increase in the bill. I think that is an extremely bad precedent that this House is undertaking in putting a cost-of-living increase into law and salary matters that we traditionally have voted on directly here.

The second is that the judiciary a couple of years ago tripled their pensions, the benefits they receive under their pensions, for themselves, and they receive significant compensation obviously because of that when they retire, and I think that is more than satisfactory.

And the third reason is that as many of us know, there is an active case affecting us before the judiciary. While I am sure there is no connection between this vote tonight and that case before the judiciary, I think the appearance in and of itself is very bad, particularly voting on this at 11 o'clock on the very last day of session.

It is my belief that that appearance of impropriety, the appearance of a relationship between something before the court so directly affecting us and our vote for pay raises, can be construed by some as having some connection. I think that is a very dangerous statement to make. Immediately after an election when the electorate clearly were concerned about pay increases and other increases, to suggest that we might in fact have some relationship between an active case before the judiciary on our pensions and a salary increase for the judiciary is a very dangerous precedent to do right now at 11 o'clock at night.

For those three reasons, I would urge opposition to the bill.

RULES SUSPENDED

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, it pains me to do this, but I move that the House suspend rule 15 so that we can continue in session.

The SPEAKER. The gentleman is in order, and the Chair takes the motion as a motion to suspend the rules for that purpose.

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

The following roll call was recorded:

YEAS—188

Acosta	Evans	Lawless	Roebuck
Adolph	Fairchild	Lee	Rudy
Allen	Fajt	Leh	Ryan
Anderson	Fargo	Lescovitz	Saloom
Angstadt	Farmer	Levdansky	Saurman
Argall	Fee	Lloyd	Scheetz
Armstrong	Fleagle	Lucyk	Schuler
Arnold	Flick	McCall	Scrimenti
Barley	Foster	McGeehan	Semmel
Battisto	Freeman	McHale	Serafini
Belardi	Gallen	McHugh	Smith, B.
Belfanti	Gamble	McNally	Smith, S. H.
Birmelin	Gannon	Maiale	Snyder, D. W.
Bishop	Geist	Markosek	Snyder, G.
Black	George	Marsico	Staback
Blaum	Gerlach	Mayernik	Stairs
Bowley	Gigliotti	Melio	Steelman
Broujos	Gladeck	Merry	Steighner
Brown	Godshall	Michlovic	Stetler
Bunt	Gruitza	Micozzie	Stish
Bush	Gruppo	Mihalich	Strittmatter
Butkovitz	Hagarty	Mundy	Sturla
Caltagirone	Haluska	Murphy	Surra
Cappabianca	Hanna	Nahill	Tangretti
Carlson	Harley	Nailor	Taylor, E. Z.

Carn	Harper	Nickol	Taylor, J.
Carone	Hasay	Noye	Telek
Cawley	Hayden	Nyce	Thomas
Cessar	Hayes	O'Brien	Tigue
Chadwick	Heckler	Olasz	Tomlinson
Civera	Herman	Oliver	Trello
Clark	Hershey	Perzel	Trich
Clymer	Hess	Pesci	Tulli
Cohen	Itkin	Petrarca	Uliana
Colafiglia	Jadlowiec	Petrone	Van Horne
Colaizzo	James	Phillips	Vance
Cole	Jarolin	Piccola	Veon
Cornell	Johnson	Pistella	Vroon
Cowell	Josephs	Pitts	Wambach
Coy	Kaiser	Preston	Wilson
DeLuca	Kasunic	Raymond	Wogan
Daley	Kenney	Reber	Wozniak
Davies	King	Reinard	Wright, D. R.
Dempsey	Kosinski	Richardson	Wright, M. N.
Dent	Krebs	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Durham	Laughlin		

NAYS—3

Boyes	Hughes	Linton
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NOT VOTING—5

DeWeese	Kruszewski	Mrkonic	Williams
Freind			

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

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.

The SPEAKER. The majority having voted in favor, the motion is adopted and the House can continue.

**CONSIDERATION OF HB 627 CONTINUED
POINT OF ORDER**

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, just a point of order.

Earlier you ruled on HB 611 on the question of an actuarial note. I raised the question earlier concerning a fiscal note and what the impact of that was relevant to an earlier ruling that you made.

I would like to know, now that you ruled that actuarial notes and fiscal notes are one and the same—or I assume that that is what was said—I would like to have a clarity for those of us who did hear you rule earlier on the actuarial note as it related to another measure that I did raise earlier this evening.

The SPEAKER. The actuarial note requirement and the fiscal note requirement are different in that the actuarial note is also statutory. It is not just in the rules; it is also in a statute. So you cannot suspend, by action of the body, you cannot suspend the effect of a statute. So an actuarial note has two bases in law; a fiscal note only has one.

An actuarial note has a different standard to be applied, but other than that standard, is the same as a fiscal note. So a fiscal note is required when anything may require the expendi-

ture of Commonwealth funds. An actuarial note is required whenever you affect a retirement system, period.

Mr. RICHARDSON. So the ruling earlier then was based upon what made the actuarial note, your ruling that we could not suspend the rules in order to consider that statute because it was a statute where the fiscal note was not and it was a rule change that could be made. Could you just clarify the difference on the two rulings.

The SPEAKER. When HB 611 was before the House, there was language in there that referred to all funds in the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund. That language requires, by reference to the retirement fund, requires an actuarial note. By virtue of the fact that it may involve the expenditure of Commonwealth funds, it requires a fiscal note. It was the judgment of the Chair that this one did not require an actuarial but did require a fiscal.

Mr. RICHARDSON. Oh. So it is an opinion of the Chair; it is discretionary more than it is any other ruling that is being made by yourself at this time.

The SPEAKER. Maybe the short way for me to explain this is that HB 611 was about a retirement fund. The bill that is currently before the House, HB 627, is about salaries.

Mr. RICHARDSON. An actuarial deals with salaries and does not—

The SPEAKER. An actuarial note is required for retirement funds, but it has been the practice of the House that a bill on salaries, you could judge it either way. The Chair is persuaded by past practice that a salary bill does not require an actuarial note per se.

Mr. RICHARDSON. Thank you very much.

The SPEAKER. The question is, will the House concur?

Those in favor of concurrence will vote "aye"; those opposed, "nay."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—138

Acosta	Durham	Kosinski	Robinson
Adolph	Fajt	Laughlin	Roebuck
Allen	Fee	Lescovitz	Ryan
Angstadt	Fleagle	Linton	Saloom
Argall	Flick	Lucyk	Saurman
Armstrong	Foster	McCall	Scheetz
Barley	Freeman	McGeehan	Schuler
Battisto	Gallen	McHale	Semmel
Belardi	Gamble	McNally	Serafini
Birmelin	Gannon	Maiale	Snyder, D. W.
Bishop	Geist	Marsico	Snyder, G.
Black	Gerlach	Mayernik	Staback
Blaum	Gigliotti	Melio	Steighner
Broujos	Gladeck	Michlovic	Stish
Bunt	Godshall	Micozzie	Strittmatter
Butkovitz	Gruitza	Mihalich	Sturla
Caltagirone	Hagarty	Mundy	Taylor, E. Z.
Cappabianca	Haluska	Nahill	Taylor, J.
Carlson	Harley	Nickol	Telek
Carn	Harper	O'Brien	Thomas
Cawley	Hasay	Oliver	Tigue
Chadwick	Hayden	Perzel	Tomlinson
Civera	Hayes	Pesci	Trello
Clymer	Heckler	Petrone	Trich

Cohen	Hershey	Phillips	Tulli
Colafella	Hess	Piccola	Van Horne
Colaizzo	Hughes	Pistella	Veon
Cornell	Itkin	Pitts	Vroon
Cowell	Jadlowiec	Preston	Wambach
Coy	James	Raymond	Williams
DeWeese	Jarolin	Reber	Wilson
Daley	Johnson	Reinard	Wogan
Davies	Josephs	Rieger	Wright, D. R.
Dermody	Kasunic	Ritter	Wright, M. N.
Donatucci	Kenney		

NAYS—51

Anderson	Evans	Lawless	Smith, B.
Arnold	Fairchild	Lee	Smith, S. H.
Belfanti	Fargo	Leh	Stairs
Bowley	Farmer	Levdansky	Stelman
Boyes	George	Lloyd	Stetler
Brown	Gruppo	Markosek	Surra
Bush	Hanna	Merry	Tangretti
Carone	Herman	Murphy	Uliana
Cessar	Kaiser	Nailor	Vance
Clark	King	Noye	Wozniak
Cole	Krebs	Nyce	
DeLuca	Kukovich	Petrarca	O'Donnell,
Dempsey	LaGrotta	Scrimenti	Speaker
Dent			

NOT VOTING—7

Freind	McHugh	Olasz	Rudy
Kruszewski	Mrkonic	Richardson	

EXCUSED—5

Billow	Langtry	Stuban	Taylor, F.
Corrigan			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. The Chair is about to recess until the call of the Chair, and it is the Chair's understanding that there will be no more recorded votes in this legislative session.

COMMUNICATIONS FROM JUDICIARY COMMITTEE

The SPEAKER. The Chair is in receipt of two communications from the Judiciary Committee, which the clerk will file.

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

June 30, 1992

The Honorable Robert W. O'Donnell
Speaker
House of Representatives
139 Main Capitol
Harrisburg, Pennsylvania 17120

RE: Impeachment Petition of
William T. Reil

Dear Mr. Speaker:

On January 27, 1992, William T. Reil filed an impeachment petition against the Honorable Alexander Endy, Judge, Chester County Court of Common Pleas, with your office. This petition was subsequently referred to the House Judiciary Committee.

An initial review of the allegations contained in the petition has been conducted by both majority and minority staff of the Judiciary Committee. The results of that review are reflected in the enclosed document, entitled "Findings."

As the initial review fails to indicate the existence of sufficient grounds for the impeachment of Judge Endy, no additional action in this matter by the Judiciary Committee is contemplated or warranted.

Very truly yours,

Thomas R. Caltagirone
Chairman
House Judiciary Committee

Jeffrey E. Piccola
Minority Chairman
House Judiciary Committee

TRC/kemm

(Copy of document is on file with the Journal clerk.)

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

October 27, 1992

The Honorable Robert W. O'Donnell
Speaker

House of Representatives
139 Main Capitol Building
Harrisburg, Pennsylvania 17120

RE: Petition to Impeach Judge
Lisa A. Richette filed by
Audrey Norris

Dear Mr. Speaker:

The above-referenced matter has been reviewed by the staff of the House Judiciary Committee. This review indicates that there exists no grounds for further action in this matter by the Judiciary Committee. Therefore, I anticipate that no further action will be taken by the Committee.

If you have any questions, please contact me.

Very truly yours,

Thomas R. Caltagirone
Chairman
House Judiciary Committee

Jeffrey E. Piccola
Minority Chairman
House Judiciary Committee

TRC/WHA/kemm

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Mr. Trich.

Mr. TRICH. Thank you, Mr. Speaker.

I have remarks for the record.

The SPEAKER. The clerk will accept the gentleman's remarks for inclusion in the record.

Mr. TRICH submitted the following remarks for the Legislative Journal:

Mr. Speaker, this bill, HB 627, although subject to some concern and perhaps public objections, is a justified increase in compensation for the parties involved.

The amounts of the increases are in line with increases in the private sector over a similar period of time. Even more impor-

tant, in my estimation, is the fact that a responsible approach has been given for future increase considerations. They will be tied in to a "cost-of-living" formula. That is both a fair and financially sound way of dealing with these types of pay-raise issues.

I feel confident that the majority of Pennsylvania's citizens will ultimately agree if they look at it objectively. Certainly what we have seen in the past - eleventh-hour major pay hikes - is neither fair nor appropriate.

I support such a concept, and therefore, I support this measure.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, I would like to congratulate you and honor you for your service as Speaker of the House.

The SPEAKER. The gentleman is out of order. The gentleman is still in the Chair.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, on the concurrence of HB 627, my switch was inoperative. It did not record any vote at all. I would like the record to reflect that I would have voted in the affirmative.

The SPEAKER. The Chair recognizes Mr. Hughes.

Mr. HUGHES. Mr. Speaker, in the inimitable words of my friend and colleague, Representative Acosta, you guys got no guts.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I inadvertently voted in the negative on HB 713. I would like to be recorded in the affirmative.

BILLS SIGNED BY SPEAKER

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

HB 90, PN 3849

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the rights of crime victims.

HB 355, PN 4215

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding a definition of "commercial implement of husbandry" and adding amending provisions relating thereto; providing for the standards for recovered theft vehicles, for fleet owner transporter registration plates and for a wild resource conservation plate; making unlawful certain agreements requiring retail motor vehicle fuel stations to be open during certain hours; further providing for the definition of "school bus," for vehicles exempt from registration and for permits for certain chemical and fertilizer vehicles; further providing for drivers required to be licensed, for the use of school bus plates, for the fee for registration of a school bus, for restrictions on use of handicapped parking areas, for use of multiple-beam road lighting equipment, for visual and audible signals on emergency vehicles and for driving under influence of alcohol or controlled

substance; and providing for liquor or malt or brewed beverages.

HB 555, PN 4270

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for fleet owner transporter registration plates; further providing for the standards for recovered theft vehicles, for the certification of mechanics, for exemption from vehicle registration, for motor vehicle business registration plates, for penalties for exceeding maximum weights, for limitations on use of records, for warrantless arrests and for off-highway motorcycles and trail bikes; and authorizing the Department of Transportation to enter into multijurisdictional permit agreements for oversize or overweight vehicles or loads.

HB 627, PN 4273

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue and for certain costs and fees and the collection and disposition thereof; providing for the compensation of justices and judges; making a conforming amendment to Title 15 (Corporations and Unincorporated Associations); and making a repeal.

HB 2216, PN 4232

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the submission to the General Assembly of information relating to tax expenditures; transferring certain powers, duties, personnel, appropriations, equipment and other materials from the Secretary of Revenue to the State Treasurer; imposing fees on certain nuclear facilities; further providing for powers of the Secretary of General Services, for certain contracts by the Secretary of Transportation, for machinery, equipment, lands and buildings relating to airports, for the sale of certain land by the Department of Transportation and for exemption for certain conveyances; providing for Department of Corrections capital projects; providing for storage and handling of propane gas and for voluntary contributions to the United States Olympic Committee; further providing for the utilization of the Capitol Annex; and making repeals.

HB 2390, PN 4269

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for medical insurance coverage for survivor-spouses of annuitants; validating expenditures by the Department of Environmental Resources; further providing for certain powers of the Environmental Quality Board in relation to surface mining; providing for the use of the proceeds of certain condemnation proceedings; and making a repeal.

HB 2442, PN 4263

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), known as the "Lottery Fund Preservation Act," further providing for responsibilities of the Department of Aging, for prescription drug education, for pharmaceutical purchasing and for applicability.

SB 552, PN 2627

An Act amending the act of May 16, 1923 (P. L. 207, No. 153), entitled "Municipal Claim and Tax Lien Law," further providing for sale upon judgment in cities of the first class; providing for registration of interested parties, service of notice and statute of limitations in cities of the first class; and further providing for redemption of uninhabited residential property.

SB 865, PN 2628

An Act regulating credit services; prohibiting certain activities; providing for certain information to be given to buyers, for the contents of contracts and for enforcement; prohibiting advance fees by loan brokers; and providing penalties.

SB 916, PN 2619

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for manner of filling appointments.

SB 962, PN 2631

An Act authorizing certain counties to increase the recording fees of deeds and mortgages to support or enhance local affordable housing efforts.

SB 1087, PN 2650

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for coverage for mammographic examinations; providing for long-term care insurance; providing for limits, disclosure and performance standards; prescribing additional powers and duties of the Insurance Commissioner and the Insurance Department; and providing for a uniform health insurance claim form.

SB 1118, PN 2587

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; confirming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

SB 1329, PN 2637

An Act designating May 15th as "Peace Officers Memorial Day" in Pennsylvania; designating that week of May during which May 15th occurs as "Police Week" in Pennsylvania; designating the Sunday during Fire Prevention Week as "Firefighters'

Memorial Sunday"; and requiring that the flags of the United States and this Commonwealth be flown at half-mast on May 15th.

SB 1370, PN 2629

An Act providing grants to Pennsylvania businesses participating in international trade fairs.

SB 1371, PN 2602

An Act establishing the Pennsylvania Export Partnership Advisory Board and providing for its powers and duties; directing the Department of Commerce to develop certain international marketing initiatives; authorizing the Department of Commerce to participate in and accept contributions for certain trade development activities in cooperation with other nongovernmental entities; establishing the Trade Event Grant Program and the Regional Export Matching Grant Program; and providing for additional duties and responsibilities of the Department of Commerce.

SB 1421, PN 2654

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; adding a definition of "leave for service with a collective bargaining organization"; providing an employer contribution rate for members of an independent retirement system; and further providing for credited service, for creditable non-State service, for membership of the board, for appointment of members of the board and for terms of office of members of the board.

SB 1505, PN 2636

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as reenacted and amended, "Pennsylvania Municipalities Planning Code," further providing for definitions; applying the provisions of the act to second class counties; providing for transferable development rights; and further providing for ordinances relating to forestry activities.

SB 1537, PN 2647

An Act designating the Tulpehocken Creek and the Yellow Breeches Creek as components of the Pennsylvania Scenic Rivers System; requiring cooperation by State agencies in implementing the purposes of the Scenic Rivers Act; providing for cooperation and coordination in their protection and use and for the responsibilities of their management; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

SB 1642, PN 2655

A Supplement to the act of August 6, 1991 (P. L. 329, No. 34) entitled "Highway Supplement to the Capital Budget Act of 1991-1992," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects, redevelopment assistance projects and public highway projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs, the Department of Transportation or the Pennsylvania Fish and Boat Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers and exemptions; making appropriations; and making repeals.

SB 1788, PN 2601

An Act amending the act of July 10, 1986 (P. L. 1263, No. 116), entitled "Community Services Act," adding a definition of "case management"; further providing for eligibility for funding, for program participation and for financial assistance; and extending the expiration date of the act.

SB 1790, PN 2640

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for credited school service and for termination of annuities.

SB 1795, PN 2644

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for medical support obligation, for attachment of income and for acknowledgment of paternity.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. LaGrotta. Mr. LaGROTTA. Thank you, Mr. Speaker.

Correction of the record on amendment 4618 to SB 1421. I wish to be recorded in the affirmative.

I also wish to be recorded in the affirmative on HB 20, child health care. Thank you.

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

The Chair recognizes Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, I was not recorded as voting on amendment 4566 to SB 1421. I wish to be recorded in the negative. Thank you.

The SPEAKER. The remarks of the lady will be spread upon the record.

RECESS

The SPEAKER. This House will now recess until the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(PETER C. WAMBACH) PRESIDING
COMMUNICATION FROM SPEAKER**

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. A communication from the Speaker, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

November 25, 1992

To the Honorable, House of Representatives

Pursuant to House Rule 1 this is to advise that I have appointed the Honorable Peter C. Wambach as Speaker Pro Tempore for such portion of Wednesday, November 25, 1992, as may be necessary.

Robert W. O'Donnell
Speaker

SENATE MESSAGE**HOUSE BILLS****CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1745, PN 3805**; and **HB 1828, PN 3883**, with information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER PRO TEMPORE

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

HB 1745, PN 3805

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), known as the "Pennsylvania Securities Act of 1972," making it unlawful to act as an associated person unless registered; establishing an exemption from registration for associated persons; revising certain exemptions for transactions in securities; and authorizing imposition of monetary assessments.

HB 1828, PN 3883

An Act amending the act of April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), known as "The Bituminous Mine Subsidence and Land Conservation Act," providing for the restoration or replacement of water supplies materially affected by mining; further providing for the replacement or repair of certain structures affected by mine subsidence; further providing for appeals and departmental action; and making repeals.

SB 1769, PN 2653

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the display of the POW/MIA Flag at the western entrance of the Fort Pitt Tunnel in Allegheny County and for the Pennsylvania Veterans' Memorial Commission.

COMMUNICATION FROM GOVERNOR**BILL VETOED BY GOVERNOR**

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

VETO OF HB 2401.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

November 25, 1992

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

I am returning herewith, without my approval, House Bill 2401, Printer's Number 4029, entitled "AN ACT amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Stat-

utes, further providing for FIREARM LICENSES IN CITIES OF THE FIRST CLASS AND FOR loans on, or lending or giving firearms prohibited.”

House Bill 2401 amends the Crimes Code by creating an exemption for any person in a city of the first class who has held a valid firearms license for five years or more from taking the firearms proficiency examination. In addition, this bill provides for the circumstances under which a person may loan or lend a firearm.

In *Commonwealth v. David Corradino*, 588 A. 2d 936 (1991) the Pennsylvania Superior court held that the loaning or lending of firearms under the Crimes Code is absolutely prohibited. This bill specifically delineates when a firearm can be loaned or given to another person. The person receiving the firearm must be licensed to carry a firearm or exempt from statutory licensing provisions or the person receiving the firearm must be engaged in a hunter safety program that is certified by the Pennsylvania Game Commission, a firearm training program or a competition approved by the National Rifle Association. I believe this bill places appropriate limitations on the loaning or lending of firearms and does not present a significant risk to public safety. Therefore, I have no objection to this provision.

Unfortunately, this bill was amended and an exemption from proficiency examinations was added for persons in first class cities who have held a valid firearms license for five years or more. The Philadelphia Police Department created a simple proficiency examination which requires a person with a firearms license to qualify their gun and demonstrate their ability to fire the weapon in a safe manner every five years. The examination consists of six questions and the firing of 10 rounds at a target seven yards away. This gives the Police Department the ability to observe whether the person possesses the physical ability to use a firearm on the streets of Philadelphia. If this provision becomes law there will be no way to determine whether there has been any change in a person's ability to handle a firearm. Over a five year period a person may have suffered some kind of mental or physical infirmity which would cause them to be unable to handle a firearm safely. Placing this exemption in law will expose the citizens of Philadelphia to licensees who no longer can use a firearm in a responsible manner.

The chief law enforcement officials in the City of Philadelphia, the Police Commissioner and the District Attorney, have expressed their opposition to this bill. In addition, Colonel Glenn Walp, the Pennsylvania State Police Commissioner has written in opposition to H.B. 2401, because of the potential for placing many citizens of this Commonwealth in danger.

For these reasons, I am withholding my approval of House Bill 2401.

Robert P. Casey
Governor

JOURNALS APPROVED

The SPEAKER pro tempore. Without objection, all Journals not now in print will be approved. The Chair hears no objection.

RECESS

The SPEAKER pro tempore. The House is recessed to the call of the Chair.

* * *

After the recess of the House, the following documents were received and are herewith made a part of the House Journal:

COMMUNICATIONS FROM GOVERNOR

BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HB's 20, 30, 78, 90, 164, 184, 301, 355, 392, 416, 627, 782, 996, 1103, 1146, 1220, 1221, 1224, 1293, 1305, 1402, 1623, 1669, 1670, 1781, 1859, 1959, 1982, 2162, 2216, 2267, 2293, 2337, 2344, 2390, 2439, 2442, 2456, 2499, 2509, 2519, 2545, 2602, 2751, and 2932.

COMMUNICATIONS FROM GOVERNOR

BILLS VETOED BY GOVERNOR

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

VETO OF HB's 555 and 713.

COMMUNICATION FROM GOVERNOR

RESOLUTION VETOED BY GOVERNOR

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

VETO OF HCRRR 1.

* * *

The House of Representatives recessed on Wednesday, November 25, 1992, subject to being reconvened at the call of the Speaker of the House. The House was not reconvened, and the session of the General Assembly expired on November 30, 1992, in accordance with Article II, section 2, of the Constitution of Pennsylvania.