

Legislative Journal

TUESDAY, MAY 31, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 43

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR

PRAYER

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

Heavenly Father, as we pause in this season of remembrance, may we not forget the sacrifice of sweat, blood, and tears those valiant Americans have given to preserve the freedom, the liberty, and the joys of life we share as a Nation. We dare not forget those who have given their last full measure of devotion to save for us the life we hold dear.

O God, we thank Thee for all who have served under the Stars and Stripes, and we pray that they have not served in vain. Help us to keep before us the tenets of this great land of ours. Challenge us to stand firm and true in that which we know and believe to be right, and direct us in accomplishing that which is acceptable and pleasing to Thee. O God, may that flag forever wave o'er the land of the free and the home of the brave. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

COMMUNICATION FROM SPEAKER

SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the following communication, which the clerk will read.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

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

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Lester K. Fryer as Speaker pro tempore for the period Tuesday, May 31, 1983, and Wednesday, June 1, 1983.

K. Leroy Irvis

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal for Wednesday, May 25, 1983, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. The Journals of Tuesday, May 10, and Wednesday, May 11, 1983, are in print. Without objection, the Journals of Tuesday, May 10, and Wednesday, May 11, 1983, will be approved. The Chair hears no objection.

LEAVES OF ABSENCE GRANTED

The SPEAKER pro tempore. Are there any requests for leaves of absence?

The Chair recognizes the majority whip.

Mr. O'DONNELL. Mr. Speaker, we request leave for the gentleman from Allegheny, Mr. IRVIS, for the entire week.

The SPEAKER pro tempore. Without objection, leave of absence is granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Erie, Mr. BOWSER, for the week; the gentleman from Jefferson, Mr. L. E. SMITH, for the week; and the gentleman from Delaware, Mr. R. C. WRIGHT, for the day.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

MASTER ROLL CALL RECORDED

The SPEAKER pro tempore. The Chair is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Afflerbach	Evans	Linton	Reinard
Alderette	Fargo	Livengood	Richardson
Angstadt	Fattah	Lloyd	Rieger
Armstrong	Fee	Lucyk	Robbins
Arty	Fischer	McCall	Rudy
Baldwin	Flick	McClatchy	Ryan
Barber	Foster, W. W.	McHale	Rybak
Battisto	Foster, Jr., A.	McIntyre	Saloom
Belardi	Freeman	McMonagle	Salvatore
Belfanti	Freind	McVerry	Saurman
Beloff	Fryer	Mackowski	Scheetz
Blaum	Gallagher	Madigan	Schuler
Book	Gallen	Maiale	Semmel

Boyes	Gamble	Manderino	Serafini
Brandt	Gannon	Manmiller	Seventy
Broujos	Geist	Markosek	Showers
Bunt	George	Marmion	Sirianni
Burd	Gladeck	Mayernik	Smith, B.
Burns	Godshall	Merry	Snyder, D. W.
Caltagirone	Greenwood	Michlovic	Snyder, G. M.
Cappabianca	Grieco	Micozzie	Spencer
Carn	Gruitza	Miller	Spitz
Cawley	Gruppo	Miscevich	Stairs
Cessar	Hagarty	Moehlmann	Steighner
Cimini	Haluska	Morris	Stevens
Civera	Harper	Mowery	Stewart
Clark	Hasay	Mrkonic	Stuban
Clymer	Hayes	Murphy	Sweet
Cohen	Herman	Nahill	Swift
Colafella	Hershey	Noye	Taylor, E. Z.
Cole	Hoeffel	O'Brien	Taylor, F. E.
Cordisco	Honaman	O'Donnell	Telek
Cornell	Hutchinson	Olasz	Tigue
Coslett	Itkin	Oliver	Trello
Cowell	Jackson	Perzel	Truman
Coy	Jarolin	Peterson	Van Horne
Deluca	Johnson	Petrarca	Vroon
DeVerter	Kasunic	Petrone	Wachob
DeWeese	Kennedy	Phillips	Wambach
Daley	Klingaman	Piccola	Wargo
Davies	Kosinski	Pievsky	Wass
Dawida	Kowalshyn	Pistella	Weston
Deal	Kukovich	Pitts	Wiggins
Dietz	Lashingner	Pott	Williams
Dininni	Laughlin	Pratt	Wilson
Dombrowski	Lehr	Preston	Wogan
Donatucci	Lescovitz	Punt	Wozniak
Dorr	Letterman	Rappaport	Wright, D. R.
Duffy	Levi	Reber	Wright, J. L.
Durham	Levin		

Respectfully submitted:
 Mark R. Corrigan
 Secretary of the Senate
 John J. Zubeck
 Chief Clerk
 House of Representatives

(For list, see Appendix.)

**HOUSE BILLS
 INTRODUCED AND REFERRED**

No. 1131 By Representatives TRELLO, POTT, PISTELLA, PETRONE, SEVENTY, STEIGHNER, CORNELL, FLICK, GRUPPO, COLAFELLA, McMONAGLE, WILLIAMS, MAIALE, CARN, ROBBINS, A. C. FOSTER, JR., GEIST, B. SMITH, MISCEVICH and WILSON

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for the tax treatment of S corporations.

Referred to Committee on FINANCE, May 31, 1983.

No. 1132 By Representatives MICHLOVIC, McVERRY, ARTY, MAIALE, SEVENTY, KUKOVICH, WACHOB, NAHILL, COLAFELLA, HALUSKA, HASAY, MORRIS, ALDERETTE, VAN HORNE, LASHINGER, DAWIDA, SHOWERS, WAMBACH, HOFFFEL, PISTELLA, GREENWOOD, KOSINSKI, SEMMEL, BELFANTI, TIGUE, WARGO, ITKIN, SAURMAN, HAGARTY, CESSAR, MILLER, CAWLEY, POTT, BOOK, FATTAH, BUNT, PRATT, GAMBLE, DOMBROWSKI, STEIGHNER, MARMION, ZWIKL, MRKONIC, KASUNIC, CALTAGIRONE and PHILLIPS

An Act requiring certain mandatory policy provisions in accident and sickness insurance policies to provide benefits for alcohol abuse, drug abuse and mental illness treatment; and making a repeal.

Referred to Committee on INSURANCE, May 31, 1983.

SENATE BILLS FOR CONCURRENCE

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

SB 473, PN 876

Referred to Committee on GAME AND FISHERIES, May 31, 1983.

SB 493, PN 540

Referred to Committee on BUSINESS AND COMMERCE, May 31, 1983.

ADDITIONS—1

Zwikl

NOT VOTING—0

EXCUSED—4

Bowser Wright, R. C.
 Smith, L. E. Irvis,
 Speaker

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER pro tempore. The Chair acknowledges receipt of the list of lobbyists submitted pursuant to the Lobbying Registration and Regulation Act.

The following communication was read:

Senate of Pennsylvania
 May 31, 1983

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from April 26, 1983 through May 30, 1983 inclusive for the 167th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The gentleman from Lehigh, Mr. Zwikel's name will be added to the master roll call.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 52, PN 61**, entitled:

An Act amending the act of December 18, 1980 (P. L. 1252, No. 228), entitled "A supplement to the act of October 6, 1980 (P. L. 784, No. 145), entitled 'An act providing for the capital budget for the fiscal year 1980-1981,' itemizing public improvement and furniture and equipment projects, to be constructed by the Department of General Services and transportation assistance projects to be acquired or constructed by the Pennsylvania Department of Transportation together with their estimated financial cost; * * * providing for the adoption of capital projects to be financed from current revenues of the Boating Fund and the Fish Fund and making an appropriation," increasing and adding certain projects; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. DUFFY offered the following amendments No. A0892:

Amend Sec. 1 (Sec. 1), page 2, line 21, by striking out all of said line and inserting

\$382,112,000

Amend Bill, page 3, line 3, by striking out all of said line and inserting

\$36,374,000 \$6,579,000 \$56,566,000

Amend Bill, page 4, by inserting between lines 7 and 8

(y) Pine Creek,

Glenshaw and "Shaler

Flats," Shaler Twp.,

Allegheny County,;

Flood Control

Project 706,000 177,000 883,000

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Duffy.

Mr. DUFFY. Thank you, Mr. Speaker.

This amendment would add \$883,000 to HB 52. It is for a flood situation that I have in Pine Creek, which is in Glenshaw and what they call the Shaler Flats. Now, this problem has been going on for time and eternity. The problem is terrific. We should have the help, and we can solve this problem by putting in this flood claim area and solve this problem for the people who are living in that district. I would appreciate your help and your "yes" vote on this amendment. Thank you.

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

Mr. CESSAR. Thank you, Mr. Speaker.

I support the amendment. I just might add for the information of the members that the Department of Environmental Resources has approved this project, and all we need is the funding.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—5

Carn	Gruitza	Noye	Truman
Cohen			

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	
	Irvis,
	Speaker

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?

The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, did you call for the vote on the bill or on the amendment?

The SPEAKER pro tempore. We are now on final passage of the bill.

Mr. WASS. Has Mr. Johnson withdrawn his amendment, Mr. Speaker?

The SPEAKER pro tempore. Mr. Johnson apparently has, since I do not see him in the halls of the House.

Mr. WASS. Mr. Speaker, Mr. Johnson has a slight delay in his schedule, and I would really appreciate your holding the bill temporarily.

The SPEAKER pro tempore. The House will be at ease.

DECISION OF CHAIR REVERSED

The SPEAKER pro tempore. The Chair rescinds its announcement that the bill had been agreed to for the third time.

The Chair now recognizes the gentleman from Perry, Mr. Noye, who will offer the Johnson amendment.

Mr. NOYE. Thank you, Mr. Speaker.

On the question recurring,

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

Mr. NOYE, for Mr. JOHNSON, offered the following amendments No. A0894:

Amend Sec. 1 (Sec. 1), page 2, line 21, by striking out all of said line and inserting

\$381,280,000

Amend Bill, page 3, line 3, by striking out "\$55,683,000" and inserting

\$55,733,000

Amend Bill, page 4, by inserting between lines 7 and 8

(y) Spruce Creek State

Park, Blair County

Restoration of Lime-

stone Kiln

\$50,000

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. Noye. Thank you, Mr. Speaker.

Mr. Johnson has been delayed, and he called ahead and asked that the bill be held so he could offer his amendment. It is an additional capital project. I talked with the majority leader, and he said he felt there was no objection to the amendment, if someone wanted to offer it rather than hold up the bill, and so I am doing so. I would ask you all to support his proposal. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome Mike and Fran Thompson, who are the guests of Representative Markosek of Allegheny County.

CONSIDERATION OF HB 52 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. I believe our problem with the amendment has been worked out satisfactorily, and you can roll the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

NAYS—0
NOT VOTING—3

Fischer Hagarty Nahill
EXCUSED—4
Bowser Wright, R. C.
Smith, L. E. Irvis,
Speaker

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

On the question recurring,
Will the House agree to the bill 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

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

Evans Lloyd
NAYS—1

Fryer
NOT VOTING—8
Barber Deal Fischer Richardson
Cordisco Fattah Gruitza Stuban
EXCUSED—4

Bowser Wright, R. C.
Smith, L. E. Irvis,
Speaker

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

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

* * *

The House proceeded to third consideration of **HB 110, PN 122**, entitled:

An Act amending the act of June 19, 1982 (No. 23A), entitled "An act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania," providing an additional appropriation for certain unpaid bills and debts.

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

Mr. McCLATCHY offered the following amendments No. A0823:

Amend Title, page 1, line 4, by removing the period after "debts" and inserting

; and requiring certain actions by the Department of Education and the Office of the Auditor General.

Amend Sec. 1 (Sec. 2), page 2, line 3, by inserting after "Section 2."

(a)

Amend Sec. 1 (Sec. 2), page 2, by inserting between lines 6 and 7

(b) The Office of the Auditor General shall conduct an audit of the Downingtown Industrial and Agricultural School.

(c) The Department of Education shall evaluate the academic programs at the Downingtown Industrial and Agricultural School similar to the evaluations conducted at private academic schools. Subsequent to this evaluation, the administration at the school, with the aid of the Department of Education, will develop academic goals supported by specific objectives to be achieved by the students at the school. This information, along with a list of the courses required to achieve these goals and objectives, will be presented to the Chairman of the House and Senate Majority and Minority Appropriations Committees within six months of the effective date of this act.

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

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

Mr. McCLATCHY. Mr. Speaker, HB 110 intends to increase the appropriation for the Downingtown Industrial and Agricultural School by roughly \$200,000. I am suggesting that for the extra money they are going to receive in this

appropriation—it is a nonpreferred appropriation—that two things be done: one, that the Auditor General shall conduct an audit of the Downingtown Industrial and Agricultural School; and secondly, that the Department of Education shall evaluate the academic programs at that school, Mr. Speaker.

There are a number of problems at the school. I enunciated those last week, and I will just mention them briefly. Frankly, for the 67 students who are there, it is a tremendously high appropriation. The school is an industrial and agricultural school, and despite that, there is practically no evidence of industrial or agricultural courses being taught to the students in a regular schoolday. Work in these program areas has usually been given as a reprimand for a misdeed, and I do not know if that is quite the intent of the program. There is very little quality in the academic program at this school.

Fourthly, this is an alternative school for socially and emotionally neglected underachievers, delinquency-prone, and potential high school dropouts. These categories of children often fail to achieve their maximum potential due to lack of motivation, stressful home situations, neighborhood problems, low family income, and so forth. I question, again, Mr. Speaker, the proper people coming to this school. The building facilities are poor and not conducive for good educational learning, and there is a high student turnover rate.

Again, this State appropriation, now reaching \$687,000, I think needs a close look at before we fully approve it, and that is my request for the amendment - having these two studies. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, the sponsor of the bill agrees to the amendment. I urge an affirmative vote.

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

The following roll call was recorded:

YEAS—194

Afflerbach	Fargo	Linton	Reinard
Alderette	Fattah	Livengood	Richardson
Angstadt	Fee	Lloyd	Rieger
Armstrong	Fischer	Lucyk	Robbins
Arty	Flick	McCall	Ryan
Baldwin	Foster, W. W.	McClatchy	Rybak
Barber	Foster, Jr., A.	McHale	Saloom
Battisto	Freeman	McMonagle	Salvatore
Belardi	Freind	McVerry	Saurman
Belfanti	Fryer	Mackowski	Scheetz
Beloff	Gallagher	Madigan	Schuler
Blaum	Gallen	Maiale	Semmel
Book	Gamble	Manderino	Serafini
Boyes	Gannon	Manmiller	Seventy
Brandt	Geist	Markosek	Showers
Broujos	George	Marmion	Smith, B.
Bunt	Gladeck	Mayernik	Snyder, D. W.
Burd	Godshall	Merry	Snyder, G. M.
Burns	Greenwood	Michlovic	Spencer
Caltagirone	Grieco	Micozzie	Spitz
Cappabianca	Gruitza	Miller	Stairs
Carn	Gruppo	Miscevich	Steighner
Cawley	Hagarty	Moehlmann	Stevens
Cessar	Haluska	Morris	Stewart
Cimini	Harper	Mowery	Stuban
Civera	Hasay	Mrkonic	Sweet
Clark	Hayes	Murphy	Swift

Clymer	Herman	Nahill	Taylor, E. Z.
Cohen	Hershey	Noye	Taylor, F. E.
Colafella	Hoeffel	O'Brien	Telek
Cole	Honaman	O'Donnell	Tigue
Cornell	Hutchinson	Olasz	Trello
Coslett	Itkin	Oliver	Truman
Cowell	Jackson	Perzel	Van Horne
Coy	Jarolin	Peterson	Vroon
Deluca	Johnson	Petrarca	Wachob
DeVerter	Kasunic	Petrone	Wambach
DeWeese	Kennedy	Phillips	Wargo
Daley	Klingaman	Piccola	Wass
Davies	Kosinski	Pievsky	Weston
Dawida	Kowalshyn	Pistella	Wiggins
Deal	Kukovich	Pitts	Williams
Dietz	Lashinger	Pott	Wilson
Diminni	Laughlin	Pratt	Wogan
Dombrowski	Lehr	Preston	Wozniak
Donatucci	Lescovitz	Punt	Wright, D. R.
Dorr	Letterman	Rappaport	Wright, J. L.
Duffy	Levi	Reber	Zwilk
Evans	Levin		

NAYS—1

Rudy

NOT VOTING—4

Cordisco	Durham	McIntyre	Sirianni
----------	--------	----------	----------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Mr. Speaker, I was incorrectly recorded on that vote. I wish to be recorded in the affirmative on amendment AO823.

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

CONSIDERATION OF HB 110 CONTINUED

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?

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, the inclusion of my amendment certainly makes this nonpreferred appropriation better, although, again, I am not expressing my support for the appropriation. We are going from \$687,000 and adding another \$489,000, roughly \$1.2 million. That is a whopping

increase in a nonpreferred appropriation. I would suggest the members look very seriously before they vote for this appropriation. Thank you, Mr. Speaker.

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.

(Members proceeded to vote.)

VOTE STRICKEN

Mrs. HARPER. Mr. Speaker?

The SPEAKER pro tempore. There is nothing in order but the taking of the roll.

Mrs. HARPER. Can you strike the vote, Mr. Speaker? I did not have an opportunity to speak on this bill and Mr. McClatchy did. Will you strike the vote, please?

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

Mrs. HARPER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I have visited this school, the Downingtown Industrial and Agricultural School, and this school is for underprivileged youth. I know a number of students who were headed for prison, which would have cost the taxpayers thousands of dollars—\$15,000 a year—to support these students in prison, but because of this school these students were saved. I certainly would rather spend money to rehabilitate students rather than see them go to prison. I ask you for an affirmative vote. This school needs the money. It will save our society. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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—88

Alderette	Evans	Lloyd	Preston
Barber	Fattah	Lucyk	Rappaport
Battisto	Fee	McCall	Richardson
Beloff	Freeman	McHale	Rieger
Blaum	Fryer	McIntyre	Rybak
Caltagirone	Gallagher	McMonagle	Saloom
Cappabianca	Gamble	Maiale	Seventy
Carn	Gruitza	Manderino	Steighner
Clark	Harper	Markosek	Stewart
Cohen	Hoeffel	Mayernik	Suban
Colafella	Hutchinson	Michlovic	Sweet
Cole	Itkin	Morris	Taylor, F. E.
Cordisco	Jarolin	Mrkonic	Tigue
Cowell	Kasunic	Murphy	Truman
Deluca	Kosinski	O'Donnell	Van Horne
DeWeese	Kowalshyn	Olasz	Wachob
Daley	Kukovich	Oliver	Wambach
Dawida	Laughlin	Petrarca	Wargo
Deal	Lescovitz	Petrone	Wiggins
Dombrowski	Letterman	Pievsky	Williams
Donatucci	Levin	Pistella	Wright, D. R.
Duffy	Linton	Pratt	Zwinkl

NAYS—111

Afflerbach	Fargo	Levi	Ryan
Angstadt	Fischer	Livengood	Salvatore
Armstrong	Flick	McClatchy	Saurman
Arty	Foster, W. W.	McVerry	Scheetz

Baldwin	Foster, Jr., A.	Mackowski	Schuler
Belardi	Freind	Madigan	Semmel
Belfanti	Gallen	Manmiller	Serafini
Book	Gannon	Marmion	Showers
Boyes	Geist	Merry	Sirianni
Brandt	George	Micozzie	Smith, B.
Broujos	Gladeck	Miller	Snyder, D. W.
Bunt	Godshall	Miscevich	Snyder, G. M.
Burd	Greenwood	Moehlmann	Spencer
Burns	Grieco	Mowery	Spitz
Cawley	Gruppo	Nahill	Stairs
Cessar	Hagarty	Noye	Stevens
Cimini	Haluska	O'Brien	Swift
Civera	Hasay	Perzel	Taylor, E. Z.
Clymer	Hayes	Peterson	Telek
Cornell	Herman	Phillips	Trello
Coslett	Hershey	Piccola	Vroon
Coy	Honaman	Pitts	Wass
DeVerter	Jackson	Pott	Weston
Davies	Johnson	Punt	Wilson
Dietz	Kennedy	Reber	Wogan
Dininni	Klingaman	Reinard	Wozniak
Dorr	Lashingner	Robbins	Wright, J. L.
Durham	Lehr	Rudy	

NOT VOTING—0

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	
Irvis,	
Speaker	

Less than the two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

* * *

The House proceeded to third consideration of **HB 164, PN 958**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for a tariff calculated to increase gross annual operating expenses; and prohibiting multiple filings.

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

Mr. PHILLIPS offered the following amendments No. A0598:

Amend Title, page 1, line 3, by striking out "and"
Amend Title, page 1, line 4, by removing the period after "filings" and inserting

; and further providing for the metering of electricity supplied to churches and other places of worship and volunteer fire companies.

Amend Bill, page 4, by inserting between lines 18 and 19 Section 2. Title 66 is amended by adding a section to read:
§ 1510. Metering of electricity supplied to places of worship and volunteer fire companies.

A public utility supplying electricity to a church or other actual place of worship and volunteer fire companies shall measure the consumption of electricity supplied thereto by the same method that electricity to residential customers is measured.

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting

3

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

This amendment has to do with metering of electricity supplied to places of worship and volunteer fire companies. Basically, what it is doing is instead of having them on a demand meter, it will give the same rate as the residential users. I would ask for its support.

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

Mr. MANDERINO. Will the gentleman, Mr. Phillips, consent to interrogation?

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

Mr. MANDERINO. Mr. Speaker, can you tell us what the effect of the amendment will be on the utility expenses of these entities?

Mr. PHILLIPS. No, I cannot. I have not checked that. I have spoken with them, but I did not get an amount on that.

Mr. MANDERINO. Can you tell us whether it would have the effect of lowering or raising the utility charges?

Mr. PHILLIPS. No, I cannot. I would hope it would not have any effect.

Mr. MANDERINO. Can you give us what the purpose of the amendment is? I do not understand what it means to go from one method of computation to the other as it affects volunteer fire companies and churches.

Mr. PHILLIPS. I think it would be the fairness to these volunteer and nonprofit organizations because many of them—I know the volunteer fire companies—meet but once a month, and that meeting they have once a month will determine the demand or what rate they will be paying for that whole period of time, which would be in excess of what it would be for the actual use.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. PHILLIPS. Mr. Speaker, the effect is actually to lower that for them and give them a break, since they are nonprofit organizations.

Mr. MANDERINO. That is what I was looking for. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This is a good amendment. We passed the same thing last year, and I agree to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Durham	Levin	Reinard
Alderette	Evans	Linton	Richardson
Angstadt	Fargo	Livengood	Rieger
Armstrong	Fattah	Lloyd	Robbins
Arty	Fee	Lucyk	Rudy
Baldwin	Fischer	McCall	Ryan
Barber	Flick	McClatchy	Rybak
Battisto	Foster, W. W.	McHale	Saloom
Belardi	Foster, Jr., A.	McIntyre	Salvatore
Belfanti	Freeman	McMonagle	Saurman
Beloff	Freind	McVerry	Schuler

Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Boyes	Gallen	Maiale	Seventy
Brandt	Gamble	Manderino	Showers
Broujos	Gannon	Manmiller	Sirianni
Bunt	Geist	Markosek	Smith, B.
Burd	George	Marmion	Snyder, D. W.
Burns	Gladeck	Mayernik	Snyder, G. M.
Caltagirone	Godshall	Merry	Spencer
Cappabianca	Greenwood	Michlovic	Spitz
Carn	Grieco	Micozzie	Stairs
Cawley	Gruppo	Miller	Steighner
Cessar	Hagarty	Miscevich	Stevens
Cimini	Haluska	Mochlmann	Stewart
Civera	Harper	Morris	Suban
Clark	Hasay	Mrkonic	Sweet
Clymer	Hayes	Murphy	Swift
Cohen	Herman	Nahill	Taylor, E. Z.
Colafella	Hershey	Noye	Taylor, F. E.
Cole	Hoeffel	O'Brien	Telek
Cordisco	Honaman	O'Donnell	Tigue
Cornell	Hutchinson	Olasz	Trello
Coslett	Itkin	Oliver	Truman
Cowell	Jackson	Perzel	Van Horne
Coy	Jarolin	Peterson	Vroon
Deluca	Johnson	Petrarca	Wachob
DeVerter	Kasunic	Petrone	Wambach
DeWeese	Kennedy	Phillips	Wargo
Daley	Klingaman	Piccola	Wass
Davies	Kosinski	Pievsky	Weston
Dawida	Kowalyshyn	Pistella	Wiggins
Deal	Kukovich	Pitts	Williams
Dietz	Lashingier	Pott	Wilson
Dininni	Laughlin	Pratt	Wogan
Dombrowski	Lehr	Preston	Wozniak
Donatucci	Lescovitz	Punt	Wright, D. R.
Dorr	Letterman	Rappaport	Wright, J. L.
Duffy	Levi	Reber	Zwikl

NAYS—2

Mowery Scheetz

NOT VOTING—1

Gruitza

EXCUSED—4

Bowser Wright, R. C.
Smith, L. E. Irvis,
Speaker

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?

Mr. LLOYD offered the following amendments No. A0824:

Amend Sec. 1 (Sec. 1308), page 2, line 2, by striking out "states a new rate which"

Amend Sec. 1 (Sec. 1308), page 2, line 13, by striking out "states a new rate which"

Amend Sec. 1 (Sec. 1308), page 2, line 21, by striking out "stating a new rate"

Amend Sec. 1 (Sec. 1308), page 4, line 1, by striking out "stating a new rate"

Amend Sec. 1 (Sec. 1308), page 4, line 3, by striking out "stating a new rate"

Amend Sec. 1 (Sec. 1308), page 4, line 3, by inserting after "a"

general

Amend Sec. 1 (Sec. 1308), page 4, lines 4 and 5, by striking out “, OTHER THAN A RATE INCREASE PURSUANT TO SECTION 1307 OR SUBSECTION (E) OF THIS SECTION,”

Amend Sec. 1 (Sec. 1308), page 4, lines 10 through 12, by striking out “IN ACCORDANCE WITH” in line 10, all of line 11 and “IN ACCORDANCE WITH SECTION 1307” in line 12

Amend Sec. 1 (Sec. 1308), page 4, line 15, by striking out “stating a new rate”

Amend Sec. 1 (Sec. 1308), page 4, line 16, by inserting after “a,”

general

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This amendment is a combination of a technical amendment and a reversal of an amendment which I added to the bill in committee. When I amended this bill successfully in committee, I was under the assumption that the only kinds of rate increases that we should allow during the course of a general case were either emergency rate increases or the automatic increases which go into effect under the fuel clause and the tax surcharge.

Subsequently, I was advised by the Public Utility Commission that the effect of the language that I put into the bill in committee would be to prevent the telephone companies from putting into effect new services and also making changes in their toll rates if they had a general rate increase case pending. In agreement with the Public Utility Commission, Mr. Speaker, I have offered this amendment to reverse the committee amendment, and I ask for a “yes” vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Afflerbach	Evans	Levin	Rieger
Alderette	Fargo	Linton	Robbins
Angstadt	Fattah	Livengood	Rudy
Armstrong	Fee	Lloyd	Ryan
Arty	Fischer	Lucyk	Rybak
Baldwin	Flick	McCall	Saloom
Barber	Foster, W. W.	McClatchy	Salvatore
Battisto	Foster, Jr., A.	McHale	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Beloff	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Maiale	Seventy
Boyes	Gamble	Manderino	Showers
Brandt	Gannon	Manmiller	Sirianni
Broujos	Geist	Markosek	Smith, B.
Bunt	George	Marmion	Snyder, D. W.
Burd	Gladeck	Mayernik	Snyder, G. M.
Burns	Godshall	Merry	Spencer
Caltagirone	Greenwood	Michlovic	Spitz
Cappabianca	Grieco	Micozzie	Stairs
Carn	Gruitza	Miscevich	Steighner
Cawley	Gruppo	Moehlmann	Stevens
Cessar	Hagarty	Morris	Stewart
Cimini	Haluska	Mowery	Stuban
Civera	Harper	Mrkonic	Sweet
Clark	Hasay	Murphy	Swift
Clymer	Hayes	Nahill	Taylor, E. Z.
Cohen	Herman	Noye	Taylor, F. E.

Colafella	Hershey	O'Brien	Telek
Cole	Hoeffel	O'Donnell	Tigue
Cordisco	Honaman	Olasz	Trello
Cornell	Hutchinson	Oliver	Truman
Coslett	Itkin	Perzel	Van Horne
Cowell	Jackson	Peterson	Vroon
Coy	Jarolin	Petrarca	Wachob
Deluca	Johnson	Petrone	Wambach
DeVerter	Kasunic	Phillips	Wargo
DeWeese	Kennedy	Piccola	Wass
Daley	Klingaman	Pievsky	Weston
Davies	Kosinski	Pistella	Wiggins
Dawida	Kowalyszyn	Pott	Williams
Deal	Kukovich	Pratt	Wilson
Dietz	Lashinger	Preston	Wogan
Dininni	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Reber	Wright, J. L.
Duffy	Letterman	Reinard	Zwikl
Durham	Levi	Richardson	

NAYS—0

NOT VOTING—4

Dombrowski McIntyre Miller Pitts

EXCUSED—4

Bowser
Smith, L. E.

Wright, R. C.

Irviss,
Speaker

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, I wish to be recorded in the affirmative on the last amendment to HB 164, A0824.

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

CONSIDERATION OF HB 164 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, HB 164, PN 958, will go over temporarily awaiting the Brandt amendment.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Mr. Speaker, I am preparing the amendment for the other two bills.

Point of parliamentary inquiry, Mr. Speaker.

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

Mr. BRANDT. Have HB 132 and HB 164 gone over for the day, on page 2 of the calendar?

The SPEAKER pro tempore. HB 132 has gone over for the day; HB 164 is the bill that you are seeking to amend.

Mr. BRANDT. I beg your pardon, Mr. Speaker.

In that case, I would withdraw my proposed amendment to HB 164, and I will have it ready for HB 132 tomorrow.

The SPEAKER pro tempore. The Chair thanks the gentleman.

DECISION OF CHAIR REVERSED

The SPEAKER pro tempore. The Chair withdraws its original decision that the bill will go over temporarily.

On the question recurring,

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?

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

Mr. VROON. Thank you, Mr. Speaker.

I am not going to take very much time to belabor the issue here. I just want to say this for the benefit of all the members present. If I thought this bill would save my consumers some money, I would vote for it. But it absolutely does not do that. It will rather cost more money in the long run, not very much more but potentially a whole lot more.

The PUC apparently agrees with me. They have asked all the members of the House to vote against this bill, and I think they are right on the issue. I would urge all of you to vote "no" on it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Following the delivery of that memo from the Public Utility Commission, I met with the chief counsel of the commission, the chief rate counsel of the commission, the director of the Bureau of Audits, the director of the Bureau of Rates, and about two or three other bureau directors in the commission, and went over their concern. Mr. Speaker, after that discussion they had to concede that their hypothetical situation that somehow this bill was going to cost more in rate case expenses was not really borne out by the facts.

The two cases which have arisen so far to which this bill would have applied were cases in which the hearings were held, the cases were fully litigated, and all parties participated. The only issue is whether you want to have the hearings come before or after the Public Utility Commission has made a decision on the amount of rate.

The way the commission has operated in the case of Bell Telephone, the way the commission has operated in the case of Duquesne Light, and the way the commission is considering operating in the case of General Telephone at the present time, you have a situation in which absent an emergency situation, the utility commission is granting a rate increase and

then going about having the hearings. Past history has shown that when that happens, the result of those hearings is fore-ordained. Therefore, Mr. Speaker, I do not think there is any evidence to support the argument that there are going to be any increased rate case expenses if this bill passes, and I urge a "yes" vote.

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—192

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

NAYS—7

McClatchy	Ryan	Schuler	Vroon
Noye	Scheetz	Spencer	

NOT VOTING—0

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	
Irvis,	Speaker

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

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

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome the fifth grade students of St. Anthony's School of Lancaster, who are the guests of Representatives Miller and Schuler.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair is particularly pleased to announce that Representative Roger Duffy and his wife, Dorothy Duffy, became grandparents of twins on May 29. The twins were named Justin and Stephanie by their proud parents, Dr. Stephen and Suzanne Hannon of Gastonia, North Carolina.

HB 110 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the vote by which HB 110, PN 122, was defeated on May 31, 1983, be reconsidered; seconded by the gentleman from Philadelphia, Mr. Pievsky.

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

The following roll call was recorded:

YEAS—190

Table listing names of representatives who voted 'YEAS' for HB 110, including Afflerbach, Alderette, Angstadt, etc.

Table listing names of representatives who voted 'NAYS' for HB 110, including Cowell, Coy, Deluca, etc.

NAYS—8

Table listing names of representatives who did not vote for HB 110, including Fargo, Godshall, Hasay, etc.

NOT VOTING—1

Spitz

EXCUSED—4

Table listing names of representatives who were excused, including Bowser, Smith, L. E., Wright, R. C., Irvis, Speaker.

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

On the question recurring, Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

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

Mr. MANDERINO. Mr. Speaker, I move that HB 110 be placed on the final passage postponed calendar.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 331, PN 957, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for conversion of generating units from oil or gas to coal; providing for the approval of the construction of generating units fueled by nuclear energy, oil or natural gas; providing for the conversion of Three Mile Island.

On the question, Will the House agree to the bill on third consideration? Mr. PHILLIPS offered the following amendments No. A0596:

- Amend Title, page 1, line 5, by striking out "and"
Amend Title, page 1, line 6, by removing the period after "Island" and inserting ; and further providing for the metering of electricity supplied to churches and other places of worship and volunteer fire companies.

Amend Bill, page 10, by inserting between lines 16 and 17 § 1510. Metering of electricity supplied to places of worship and volunteer fire companies.

A public utility supplying electricity to a church or other actual place of worship and volunteer fire companies shall measure the consumption of electricity supplied thereto by the same method that electricity to residential customers is measured.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Mr. Speaker, this is the same amendment I offered on HB 164.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

NOT VOTING—3

Scheetz

Duffy

Bowser Smith, L. E.

Pitts

Wright, R. C.

Irvis, Speaker

Spitz

EXCUSED—4

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?

Mr. LLOYD offered the following amendments No. A0619:

Amend Sec. 1 (Sec. 517), page 7, line 10, by inserting after "COMMERCIALLY;" and

Amend Sec. 1 (Sec. 517), page 7, line 13, by striking out "; AND" and inserting a period

Amend Sec. 1 (Sec. 517), page 7, line 14, by striking out "(4)" and inserting (b) Exception.—Subsection (a) shall not be applicable if

Amend Sec. 1 (Sec. 517), page 7, line 17, by striking out "(I)" and inserting (1)

Amend Sec. 1 (Sec. 517), page 7, line 22, by striking out "(II)" and inserting (2)

Amend Sec. 1 (Sec. 517), page 7, line 26, by striking out "(III)" and inserting (3)

Amend Sec. 1 (Sec. 517), page 8, line 5, by striking out "(IV)" and inserting (4)

Amend Sec. 1 (Sec. 517), page 8, line 8, by striking out "(V)" and inserting (5)

Amend Sec. 1 (Sec. 517), page 8, line 17, by striking out "(B)" and inserting (c)

Amend Sec. 1 (Sec. 517), page 8, line 24, by striking out "(C)" and inserting (d)

Amend Sec. 1 (Sec. 517), page 9, line 16, by striking out "(D)" and inserting (e)

Amend Sec. 1 (Sec. 517), page 9, line 27, by striking out "(E)" and inserting (f)

Amend Sec. 1 (Sec. 517), page 10, line 7, by striking out "(F)" and inserting (g)

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

This is a technical amendment to correct an inadvertent double negative which exists in the bill at the present time. I ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—1

Trello

EXCUSED—4

Bowser
Smith, L. E.
Wright, R. C.
Irvis,
Speaker

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

On the question recurring,

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

Mr. LLOYD offered the following amendments No. A0783:

Amend Sec. 1 (Sec. 514), page 2, by inserting between lines 29 and 30

(d) Mixture with oil or natural gas.—For the purposes of this section, the phrase “mixture which includes coal or is derived in whole or in part from coal” includes, but is not limited to, both the intermittent and the simultaneous burning of oil or natural gas with coal or a coal derivative if the intermittent or simultaneous burning of oil or natural gas would:

(1) lower the cost to the ratepayers of using coal or a coal derivative; or

(2) enable coal or a coal derivative to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

Amend Sec. 1 (Sec. 515), page 4, by inserting between lines 14 and 15

(f) Mixture with oil or natural gas.—For the purposes of this section, the phrase “mixture which includes coal or is derived in whole or in part from coal” includes, but is not limited to, both the intermittent and the simultaneous burning of oil or natural gas with coal or a coal derivative if the intermittent or simultaneous burning of oil or natural gas would:

(1) lower the cost to the ratepayers of using coal or a coal derivative; or

(2) enable coal or a coal derivative to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

Amend Sec. 1 (Sec. 516), page 5, by inserting between lines 29 and 30

(f) Mixture with oil or natural gas.—For the purposes of this section, the phrase “mixture which includes coal or is derived in whole or in part from coal” includes, but is not limited to, both the intermittent and the simultaneous burning of oil or natural gas with coal or a coal derivative if the intermittent or simultaneous burning of oil or natural gas would:

(1) lower the cost to the ratepayers of using coal or a coal derivative; or

(2) enable coal or a coal derivative to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

Amend Sec. 1 (Sec. 517), page 10, by inserting between lines 16 and 17

(g) Mixture with oil or natural gas.—For the purposes of this section, the phrase “mixture which includes coal or is derived in whole or in part from coal” includes, but is not limited to, both the intermittent and the simultaneous burning of oil or natural gas with coal or a coal derivative if the intermittent or simultaneous burning of oil or natural gas would:

(1) lower the cost to the ratepayers of using coal or a coal derivative; or

(2) enable coal or a coal derivative to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

The purpose of this amendment is twofold: first, to make clear that when the bill refers to mixtures of which coal is one element, the word “mixture” can include gas, so that it is possible to have natural gas combined with coal in some form. That is a clarifying amendment.

The second point of the amendment is to allow the intermittent use of gas and coal. What that means is that you could burn coal sometimes and then, in order to comply with the environmental laws, burn natural gas. I ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

NAYS—2

Burns Wright, J. L.

NOT VOTING—1

McMonagle

EXCUSED—4

Bowser Wright, R. C.
Smith, L. E.

Irvis,
Speaker

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

On the question recurring,

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

Mr. LLOYD offered the following amendment No. A0779:

Amend Sec. 1 (Sec. 517), page 9, line 15, by inserting after "SUBSECTION,"

The commission shall impose up to \$1,000,000 of the costs which the commission incurs in each fiscal year in carrying out its duties under this subsection on the public utility owning, either directly or through an affiliated interest, all or part of the damaged nuclear unit to which those costs are attributable. If a damaged nuclear unit is owned, either directly or through an affiliated interest, by more than one Pennsylvania public utility, the costs shall be prorated on the basis of the ownership share of each such utility. The imposition on a public utility of the commission's costs in carrying out its duties under this subsection shall be in addition to the assessments imposed on that utility pursuant to section 510 (relating to assessment for regulatory expenses upon public utilities). Such costs shall be borne by the stockholders of each affected public utility and shall not be passed on to the utility's ratepayers.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

What this amendment does is to say that the cost of the investigation of the future of Three Mile Island No. 2—that is the damaged reactor at Three Mile Island—would be borne by the stockholders of GPU (General Public Utilities).

This amendment, in my opinion, is an appropriate allocation of the cost, because at the present time the customers of GPU are paying millions and millions of dollars to the company to allow the company to recover its investment in that plant even though the plant has been out of operation for more than 4 years, so I urge a "yes" vote.

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

Mr. VROON. Mr. Speaker, may I interrogate Mr. Lloyd?

The SPEAKER pro tempore. The gentleman, Mr. Lloyd, indicates he will stand for a period of interrogation. The gentleman, Mr. Vroon, is in order and may proceed.

Mr. VROON. Mr. Speaker, does your amendment propose to assess the utility company for the cost of studying the proposition as to whether or not they should go to coal?

Mr. LLOYD. Mr. Speaker, the bill itself does not address solely the question of conversion to coal. The bill at the present time talks about three possible futures for TMI 2. One is that it be closed permanently; two, that it be restored to service as a nuclear unit; and, three, that it be converted.

In addition, Mr. Speaker, there is an amendment which will be offered and will be considered to look at two other possible alternatives. So what this amendment proposes to do is to put the cost of looking at those alternatives on the stockholders of GPU.

Mr. VROON. Mr. Speaker, has this money not already been spent and many times over again in studying the very issues which you describe by the utility company?

Mr. LLOYD. Mr. Speaker, there is in the bill a requirement that, to the extent that it is consistent with getting accurate and current data, the Public Utility Commission must use previous studies done. As a practical matter, there have been technological studies done on the question of coal conversion. I am not sure that there have been any studies particularly done on the question of closing the plant permanently. In any event, none of those studies have been reviewed in a public format by the Public Utility Commission. In addition to that, Mr. Speaker, while there have been some internal calculations done by the GPU companies as to the effect on ratepayers of the various options, those issues have never been litigated before the Public Utility Commission as this bill would require it be done.

Mr. VROON. Mr. Speaker, what do you suppose would happen to the benefit of the consumer if this were passed? What would a consumer save?

Mr. LLOYD. The intent of the amendment is to hold the consumer harmless and put the cost on the stockholders of GPU. That is fair, in my opinion, Mr. Speaker, because the stockholders of GPU are currently recovering in the rates that they are charging all GPU customers. They are currently recovering part of the investment in TMI 2, even though that plant is out of operation and has been out of operation for more than 4 years. We are simply asking that they give a little bit of that money back to try to address the concerns of what ought to happen to that plant downstream.

Mr. VROON. Mr. Speaker, how much is the individual ratepayer going to save from this? You have up to \$1 million. How many ratepayers do we have in Met Ed (Metropolitan Edison)? How many ratepayers would be affected by this? How much money are you saving per ratepayer?

Mr. LLOYD. Mr. Speaker, I think that the cost to the Public Utility Commission, if this amendment were not to pass, would be under the cap that this bill imposes. It is very difficult for me to know precisely what it ought to be, but I think that primarily it would focus solely on the ratemaking aspect, which is something that the Public Utility Commission does on a normal basis and has staff to do. So I would think that it would be costing several hundred thousand dollars probably, if this amendment were defeated and if the costs were put onto the consumers. But I think, once again, that the costs ought not to be put on the consumers unless the GPU stockholders are willing to stop collecting rates from my constituents for a plant which is not in operation.

Mr. VROON. Mr. Speaker, you did not answer my question. I asked, how much per ratepayer would this amount to?

Mr. LLOYD. I believe that those two companies together have approximately 1 million ratepayers in Pennsylvania. So I would assume that if the cost were to rise to the level of \$1 million a year, you would be saving \$1 per ratepayer.

Mr. VROON. One dollar per year?

Mr. LLOYD. That would be correct.

Mr. VROON. Then that is less than a dime a month?

Mr. LLOYD. I am sorry, Mr. Speaker; I could not hear that question.

Mr. VROON. Is that not less than 10 cents a month?

Mr. LLOYD. Twelve into 100 is less than 10. That is correct.

Mr. VROON. Okay. Thank you, Mr. Speaker.

Now I have a few comments, if you will, please.

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

Mr. VROON. In view of the insignificant trivial impact on behalf of the ratepayer here, I think we are jeopardizing the interest of the Commonwealth as a whole as far as these ratepayers are concerned. This company has had enough problems and enough trouble. This company has been severely harassed and severely punished and put in a tremendously bad position. Yet, Mr. Speaker, this company ranks in the lower level of the per capita cost of their public utility costs. This company is one of the better companies in the Commonwealth insofar as their rate bills are concerned. And to just add a little insult to injury, I do not think that is being very kind or very thoughtful of the public as a whole. I would oppose this amendment, Mr. Speaker, on that basis.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, would the maker of the amendment just clarify a few things for me through a question or two?

The SPEAKER pro tempore. Does the gentleman, Mr. Davies, care to interrogate the gentleman?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman from Berks, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, in view of the facts that have been set forth thus far, as far as the responsibility for the accident at that particular reactor, if we were to project what they call a ratio of responsibility in establishing the accident, would you give me some kind of indication as to what the responsibilities of the stockholders of that company are or have been as far as establishing that fact either thus far in the litigations that have transpired and the rest of the investigations that you have had privilege to?

Mr. LLOYD. Yes, Mr. Speaker. It is my understanding that GPU filed a lawsuit against the company which built the plant for approximately \$4 billion. GPU settled that lawsuit for approximately \$38 million. Now, Mr. Speaker, there was no final adjudication by the court as to who was responsible, but anybody who has ever been involved in any kind of negotiations would know that if you start out with \$4 billion and you end up with \$38 million, you do not have a very strong case.

In addition, Mr. Speaker, there are stories in the newspapers every day suggesting that GPU has not been competent in its operation of that plant, and so it would seem to me that I

guess the issue of liability may fall between GPU and the companies which built the plant. I believe GPU has a lawsuit pending against the Federal Government, although I doubt that they are going to get very far with that. So as far as I can see, any failure to perform at that plant was a risk which is properly borne by the companies involved and not by the consumers.

Mr. DAVIES. Mr. Speaker, by the same token then, are you going to absolve the regulatory agency from any responsibility as far as what occurred at TMI when it has been an established fact that they have had beforehand information of a failure of a system, that there are many other pieces of evidence that have been set forth that possibly there have been, let us say, some responsibilities by the Federal Government and the management of the entire program that raises questions as to the validity of that responsibility of a regulatory agency, and some people feel that this may well be beyond the comprehension and control of not only the parent company but the operating companies as well?

Mr. LLOYD. Mr. Speaker, as I indicated in my answer to the previous question, it is my understanding that GPU has filed a lawsuit against the Nuclear Regulatory Commission. I think it is unlikely that GPU is going to win that lawsuit, but insofar as the NRC is responsible, I would be very happy if the Federal Government were willing to pick up the cost of the cleanup of TMI 2.

Mr. DAVIES. But by the same token, Mr. Speaker, this does not address that fact. Would it not be better to show some of that willingness in the language of this legislation that would address that concern rather than place it upon those stockholders who, if I might, in their innocence did not have knowledge of the fact that there were failures of a similar system 6 months prior to the incident at TMI?

Mr. LLOYD. Mr. Speaker, the issue in this amendment is not whether the stockholders should pay or the NRC should pay. The issue here is whether the stockholders should pay or the GPU customers should pay, and I have heard no suggestion by any party that the GPU customers caused the accident.

Mr. DAVIES. Well, it would seem to me, sir, that is not the burden, though, being requested there, and are there not already established funds existing in the Federal Government that can be put to this use that have been gone unused as far as the investigation of various aspects of a new technology in this area? And is it not also a fact that the various States and agencies can request this type of financing?

Mr. LLOYD. Mr. Speaker, I do not know whether there are Federal funds that would be available to the Public Utility Commission or not. If there are, the commission is apparently not aware of them. If this amendment is defeated, I certainly hope that the gentleman will make the commission aware of them. But it seems to me, Mr. Speaker, that the issue here is really very simple; that is, my constituents, the constituents of Penelec and the constituents of Met Ed, have been paying millions and millions of dollars for over a year to the GPU stockholders to cover the cost of an investment in a powerplant which is out of operation through no fault of those consum-

ers, and until we decide what ought to happen to that plant, the costs of looking at that question are properly borne by the stockholders of that utility company. That is part of the risk of doing business.

Mr. DAVIES. Mr. Speaker, I want to thank the gentleman.

I would like to comment on the amendment itself, Mr. Speaker.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. DAVIES. Yes, Mr. Speaker. I would like to just comment on the amendment itself.

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

Mr. DAVIES. While I find that this amendment does have a great deal of merit in part, I think that the complete liability or the potential of the liability here is not addressed in the ratio to the amount of responsibility that each one has to bear as far as what occurred at TMI, and therefore, I do not think that it is fair in assessing the corporations, the parent corporations, as such. I would ask that the members carefully consider that fact, that the Nuclear Regulatory Agency itself had knowledge beforehand and never supplied that knowledge to the operators, and therefore, there are various aspects of the responsibility of what occurred at TMI which must be borne by people other than those, either the stockholders, the PUC, our Commonwealth, and the taxpayers or the ratepayers who eventually some way or other are going to assume some of those responsibilities.

There will be no free ride. I agree that no one is going to get a free ride, that the responsibility will eventually come back some way or other to the ratepayer or the taxpayer, no matter who pays it, but I think we have to be very careful that we do not jeopardize what the real responsibility is in this incident that occurred some 3 years ago and that by doing this we are going to jeopardize further considerations that are pending now in hearings in the State of New Jersey. There are still litigations before us in the court. There are actions that we may seek with the Congress of the United States to rethink their position on where the areas of responsibility are. So therefore, Mr. Speaker, I would ask that each member carefully consider that when they vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

Would the maker of the amendment stand for further interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Lloyd, indicates he will. The gentleman, Mr. Brandt, is in order and may proceed.

Mr. BRANDT. Mr. Speaker, if I follow your amendment, would the \$1 million that you are asking for to be imposed upon the stockholders only be for the cost of the studies of conversion that your bill calls for?

Mr. LLOYD. Only for the study which is called for by the section of the bill dealing with the commission's acting within 2 years after the date of enactment. That is correct, Mr. Speaker.

Mr. BRANDT. So really, you are not addressing moneys for the cost of cleanup at Unit 2.

Mr. LLOYD. That is correct, Mr. Speaker. This bill has nothing to do with fixing the costs or responsibilities for the cleanup.

Mr. BRANDT. In other words, your amendment states that if in fact, after the time delay of, I think you say, 6 years, there is a study by the Public Utility Commission of three choices as on page 9, that study is what is charged to the stockholders versus the customers.

Mr. LLOYD. That is correct, Mr. Speaker.

Mr. BRANDT. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—164

Afflerbach	Durham	Linton	Richardson
Alderette	Evans	Livengood	Rieger
Angstadt	Fattah	Lloyd	Rudy
Arty	Fee	Lucyk	Ryan
Baldwin	Fischer	McCall	Rybak
Barber	Foster, Jr., A.	McHale	Saloom
Battisto	Freeman	McMonagie	Salvatore
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Maiale	Serafini
Beloff	Gallagher	Manderino	Seventy
Blaum	Gamble	Manmiller	Showers
Boyes	Gannon	Marmion	Sirianni
Brandt	Geist	Mayernik	Smith, B.
Broujos	Greenwood	Michlovic	Snyder, D. W.
Burd	Gruitza	Micozzie	Snyder, G. M.
Caltagirone	Gruppo	Miller	Stairs
Cappabianca	Hagarty	Miscevich	Steighner
Carn	Haluska	Moehlmann	Stevens
Cawley	Harper	Morris	Stewart
Cimini	Hasay	Mrkonic	Stuban
Civera	Hayes	Murphy	Sweet
Clark	Herman	Nahill	Swift
Cohen	Hershey	O'Brien	Taylor, E. Z.
Colafella	Hoefel	O'Donnell	Taylor, F. E.
Cole	Honaman	Olasz	Telek
Cordisco	Hutchinson	Oliver	Tigue
Coslett	Itkin	Perzel	Trello
Cowell	Jackson	Peterson	Truman
Coy	Jarolin	Petrarca	Van Horne
DeLuca	Johnson	Petrone	Wachob
DeVerter	Kasunic	Phillips	Wambach
DeWeese	Klingaman	Piccola	Wargo
Daley	Kosinski	Pievsky	Wass
Dawida	Kowalshyn	Pistella	Weston
Deal	Kukovich	Pitts	Wiggins
Dietz	Lashingier	Pratt	Williams
Dininni	Laughlin	Preston	Wilson
Dombrowski	Lehr	Punt	Wogan
Donatucci	Lescovitz	Rappaport	Wozniak
Dorr	Letterman	Reber	Wright, D. R.
Duffy	Levi	Reinard	Zwinkl

NAYS—33

Armstrong	Flick	Levin	Pott
Book	Foster, W. W.	McClatchy	Robbins
Bunt	Gallen	Mackowski	Saurman
Burns	George	Madigan	Scheetz
Cessar	Gladeck	Markosek	Schuler
Clymer	Godshall	Merry	Spencer
Cornell	Gricco	Mowery	Vroon
Davies	Kennedy	Noye	Wright, J. L.
Fargo			

NOT VOTING—2

McIntyre Spitz

EXCUSED—4

Bowser Wright, R. C.
Smith, L. E. Irvis,
Speaker

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

On the question recurring,

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

Mr. WAMBACH offered the following amendments No. A0891:

Amend Sec. 1 (Sec. 517), page 8, line 10, by inserting after "UNIT"

, a unit fueled by natural gas or a unit fueled by oil

Amend Sec. 1 (Sec. 517), page 8, line 11, by inserting after "UNIT"

as a unit fueled by coal, a synthetic derived in whole or in part from coal, or a mixture which includes coal or is derived in whole or in part from coal

Amend Sec. 1 (Sec. 517), page 8, line 16, by removing the period after "UNIT" and inserting

, a unit fueled by natural gas or a unit fueled by oil.

Amend Sec. 1 (Sec. 517), page 9, line 9, by striking out "OR"

Amend Sec. 1 (Sec. 517), page 9, line 10, by removing the period after "PERMANENTLY" and inserting a semicolon

Amend Sec. 1 (Sec. 517), page 9, by inserting between lines 10 and 11

(4) converted to natural gas; or

(5) converted to oil.

Amend Sec. 1 (Sec. 517), page 9, line 20, by inserting after "TO"

natural gas, to oil or to

Amend Sec. 1 (Sec. 517), page 10, line 4, by inserting after "TO"

natural gas, to oil, or to

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

What the amendment does is amend section 517 to extend that to say that not only conversion to coal be studied but also natural gas and oil under the same conditions. I ask for an affirmative vote, Mr. Speaker.

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

Mr. LLOYD. I agree to the amendment and urge a "yes" vote.

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

Mr. GALLEN. A brief interrogation, Mr. Speaker.

The SPEAKER pro tempore. With Mr. Wambach or Mr. Lloyd?

Mr. GALLEN. Mr. Wambach is fine.

The SPEAKER pro tempore. The gentleman, Mr. Wambach, agrees to a period of interrogation. The gentleman, Mr. Gallen, is in order and may proceed.

Mr. GALLEN. Mr. Speaker, if this amendment were adopted, how would this affect the previous amendment we just adopted by Mr. Lloyd?

Mr. WAMBACH. How would it affect it? Actually it extends into a fourth and fifth category, Mr. Speaker, on page 9 as to options. It would extend to the possible conversion to oil and conversion to natural gas as considered options.

Mr. GALLEN. Thank you.

PARLIAMENTARY INQUIRY

Mr. GALLEN. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. GALLEN. I ask the Chair now, should the Wambach amendment be adopted, would the amendment just adopted that was offered by Mr. Lloyd encompass this field?

The SPEAKER pro tempore. The House will be at ease.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

If I could, on page 9 of the bill, the Wambach amendment simply adds two more alternatives, conversion to oil and conversion to natural gas, to the list which is already in the bill. The amendment which we just adopted says that that whole subsection, all of the study required by that subsection, falls under the assessment that is going to go onto the GPU stockholders. So the answer to the question as to whether the previous amendment would apply is yes.

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

Mr. GALLEN. Mr. Speaker, then I suggest that we kind of took these amendments out of order and somewhat backwards, if you will, Mr. Speaker. It is my feeling that the Lloyd amendment should have been offered subsequent to this amendment.

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

Mr. DAVIES. Would either one of the gentlemen stand for interrogation?

The SPEAKER pro tempore. Mr. Lloyd indicates he will stand for a period of interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. When they use that terminology, would that allow for the consideration of what they call the fluid bed burning of wood shavings and other materials as well as the basic three things that are involved in it? In other words, are we to be considering those kinds of alternatives which are under study by Penn State University and have been already experimented with by some of the utilities?

Mr. LLOYD. Mr. Speaker, if there is a mixture of fuel, a mixture of fuel which includes coal or a coal product with anything else, it is included. If, under Mr. Wambach's amendment, there is natural gas standing alone or oil standing alone, then no other fuel is included. I am sure, however, Mr.

Speaker, and I do not know what other fuel is used with the wood chips, but I am sure, Mr. Speaker, that if the Public Utility Commission were presented evidence that that was a cost-effective alternative, it would include that in its study.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—191

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

NAYS—4

Gallen	Mackowski	Markosek	Spencer
--------	-----------	----------	---------

NOT VOTING—4

Daley	Gannon	McIntyre	Spitz
-------	--------	----------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis,
	Speaker

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

On the question recurring,

Will the House agree to the bill 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?

MOTION TO RECOMMIT

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

I would like to speak regarding this bill, HB 331. The intent of the bill, of course, is to do more studies on the issues regarding the conversion of power generating stations from what they are currently being used for to either coal or gas or some other alternative fuel.

As a former member of an organization that was very much involved with constructing power generating stations, I can urge and offer and submit to this House that these studies are being done constantly within the industry, and for this purpose I would say that this bill will not have the effect that the originator would generally like it to have. It will really do nothing to actually convert powerplants from one source to another. These things are being done based on the economics of the situation.

I would urge, Mr. Speaker, and I would like to make a motion that this bill be recommitted to the Mines and Energy Management Committee for further study. Thank you, Mr. Speaker.

The SPEAKER pro tempore. A motion has been made that the bill be recommitted to the Committee on Mines and Energy Management.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I oppose the motion.

Mr. Speaker, this bill was passed in a somewhat different form in the last session overwhelmingly with only a few "no" votes. This bill has been considered on two different occasions by the House Consumer Affairs Committee. This bill has been considered by the Senate Consumer Protection Committee. This bill, Mr. Speaker, has been considered by the United Mine Workers and the Pennsylvania Coal Mining Association and the Keystone Bituminous Coal Operators. This bill has been considered in conversations that I have had with the electric companies, that I have had with the Public Utility Commission. This bill has been debated on the floor of the House and could be amended any way the gentleman would like to try to amend it.

Mr. Speaker, we have a problem in the coal industry. We have over a third of our people unemployed. Mr. Speaker, now is the time to vote on this bill.

The gentleman in his argument in favor of recommitment indicated that this bill will do nothing to cause conversion. I suggest that the gentleman read the bill more carefully, because what it indicates is that in those instances in which conversion is feasible, the Public Utility Commission, following the advice of the Governor's Energy Council, shall issue a show-cause order—

The SPEAKER pro tempore. The Chair cautions the gentleman. He is going into areas of the bill which are not debatable.

Mr. LLOYD. Thank you, Mr. Speaker.

I was just simply trying to clarify the record that the gentleman made on the question of recommitment.

Mr. Speaker, I think this bill has been before us enough times, has been considered by all the parties concerned, and I think it is time to vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Brandt.

Mr. BRANDT. Thank you, Mr. Speaker.

I certainly concur with my colleague from Allegheny County on this bill. What we have done on the floor with several amendments, there is no question that this bill needs further study, particularly from the Mines and Energy Management Committee. And just one suggestion on the issue is that it says in the bill there that if the commission does not act within 6 months—

The SPEAKER pro tempore. The gentleman is going into details of the bill, which he well knows is verboten.

Mr. BRANDT. Well, Mr. Speaker, you know that I do not particularly care for details, so I will stop with that and ask for recommitment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. VROON. Thank you, Mr. Speaker.

I want to call attention to the fact that the only time that this bill was up before us was during the last session when we passed any number of amendments like a Christmas tree when a certain utility bill which I sponsored was on the floor, and certainly I do not call that real good exposure to the serious will of the House of Representatives.

Another thing that I would like to call attention to, and this is right to the point; it is very important to know this, that never on one occasion or at any session of the committee did we ever attempt to determine how much work had already been done in this area by the Public Utility Commission or by the public utility involved. We never once invited them to come in and tell us, how much have you studied this question before and how much money did you spend on it? That, for one thing, is something which I would have liked to have known before addressing this bill, and that is one very good reason that I can think of to recommit it back to the Mines and Energy Management Committee.

I think more work does need to be done on it. This is a serious question. The PUC said that this will cost \$2 million just for them alone. I am of the opinion, from having limited exposure on this thing, that the public utility company involved has already spent millions and millions of dollars studying this question and they would very readily have gone to that for all the grief and sorrow that they took for the accident which they unfortunately incurred. So, Mr. Speaker, I support the motion to recommit to Mines and Energy.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, the PUC just notified me this morning that the Milesburg and Mitchell stations, which are oil fired, will be closed down upon their approval. West Penn has made that request, so evidently this kind of thing is ongoing.

But I still think that we need this piece of legislation, and I would ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Smith.

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

As the representative of the area immediately adjacent to Three Mile Island on the West Shore, I rise to oppose recommitment.

The conversion study that was done 4 years ago was conducted by Metropolitan Edison. We questioned those facts, those statistics. I think the time to deal with it is now, and I oppose the motion to recommit.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I want to interrogate Mr. Smith.

The SPEAKER pro tempore. Would the gentleman, Mr. Smith, stand for a period of interrogation? The gentleman is in order and may proceed.

Mr. VROON. Mr. Speaker, you said that Met Ed had conducted a study and had paid for the study and issued the study on this particular question. Is it not true, Mr. Speaker, that it was not Met Ed that did the study but it was a consulting firm which they hired and paid to do the study?

Mr. B. SMITH. That could well be.

Mr. VROON. Okay. Is there any reason to think that this consulting firm would not give you accurate figures on the cost of conversion?

Mr. B. SMITH. If you recall, I stated that I questioned the statistics. The hiring firm was hired by Metropolitan Edison. Metropolitan Edison is in charge of the facility when it is operating as an atomic facility; therefore, I question whether those statistics are valid, because they would be based on the way they would want it to come out.

Mr. VROON. Then, Mr. Speaker, this is just your opinion that the study was unreliable?

Mr. B. SMITH. Mr. Speaker, I would not say that it is just my opinion. I believe there are a number of people in the central Pennsylvania area who share my opinion.

Mr. VROON. Okay.

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. VROON. Yes, Mr. Speaker. I have completed and have no further comments. I just urge a "yes" vote for recommitment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, in all due respect to the gentleman, Mr. Smith, whose district encompasses Three Mile Island, I was a repairman on the Three Mile Island plant during the accident. We visited there with the Mines and Energy Committee roughly a month ago, and we determined at that time that conversion of Three Mile Island to a coal plant was unfeasible and would cost too much. In fact, Mr. Speaker, it would be cheaper to start from scratch and build a coal plant further down the river than it would be to convert Three Mile Island.

POINT OF ORDER

Mr. LLOYD. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I simply ask that since I was not permitted to get into the merits of the argument in responding to Mr. Markosek's original motion, that he not be able to get into the merits of the argument either.

The SPEAKER pro tempore. The gentleman is absolutely correct, and the gentleman, Mr. Markosek, is properly cautioned.

Mr. MARKOSEK. Thank you, Mr. Speaker. I will heed that warning and just give one further piece of advice, and that is to vote for recommitment to the Mines and Energy Management Committee where this can be properly studied. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question before the House is the motion of the gentleman from Allegheny, Mr. Markosek, who has moved that HB 331, PN 957, be recommitted to the Committee on Mines and Energy.

For what purpose does the gentleman from Greene, Mr. DeWeese, rise?

Mr. DeWEESE. A brief comment.

The SPEAKER pro tempore. Proceed.

Mr. DeWEESE. Mr. Speaker, we sit on an ocean of coal. We are the Saudi Arabia of coal. People back home wish for us to come down here and make a positive statement about coal. Bill Lloyd and his colleagues are trying to do this. For the men and women who work in the mines and for the future of coal in Pennsylvania, I ask that Mr. Markosek's position be pulverized. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for his weighty contribution.

The motion before the House is the recommittal of HB 331, PN 957, that the bill be recommitted to the Committee on Mines and Energy. Those who favor recommittal will vote "aye"; those who oppose recommittal will vote "nay."

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

The following roll call was recorded:

YEAS—61

Armstrong	Flick	Lehr	Pitts
Arty	Foster, W. W.	Levi	Pott
Book	Foster, Jr., A.	Levin	Reinard
Brandt	Freind	McClatchy	Robbins
Bunt	Geist	McVerry	Ryan
Burd	Gladeck	Mackowski	Saurman
Burns	Godshall	Madigan	Scheetz
Cessar	Greenwood	Markosek	Schuler
Cimini	Grieco	Marmion	Semmel
Civera	Hayes	Merry	Spencer
Clymer	Herman	Moehlmann	Spitz
Cornell	Hershey	Mowery	Stairs
DeVerter	Honaman	Nahill	Swift
Davies	Kennedy	Noye	Vroon
Dorr	Lashinger	Peterson	Wright, J. L.
Durham			

NAYS—134

Afflerbach	Evans	McCall	Saloom
Alderette	Fargo	McHale	Salvatore
Angstadt	Fattah	McMonagle	Serafini
Baldwin	Fee	Maiale	Seventy
Barber	Fischer	Manderino	Showers
Battisto	Freeman	Manmiller	Sirianni
Belardi	Fryer	Mayernik	Smith, B.
Belfanti	Gallagher	Michlovic	Snyder, D. W.
Beloff	Gallen	Micozzie	Snyder, G. M.
Blaum	Gamble	Miller	Steighner
Boyes	George	Miscevich	Stevens
Broujos	Gruitza	Morris	Stewart
Caltagirone	Gruppo	Mrkonic	Stuban
Cappabianca	Hagarty	Murphy	Sweet
Carn	Haluska	O'Brien	Taylor, E. Z.
Cawley	Harper	O'Donnell	Taylor, F. E.
Clark	Hasay	Olasz	Telek
Cohen	Hoeffel	Oliver	Tigue
Colafella	Hutchinson	Perzel	Trello
Cole	Jackson	Petrarca	Truman
Cordisco	Jarolin	Petrone	Van Horne
Coslett	Johnson	Phillips	Wachob
Cowell	Kasunic	Piccola	Wambach
Coy	Klingaman	Pievsky	Wargo
Deluca	Kosinski	Pistella	Wass
DeWeese	Kowalshyn	Preston	Weston
Daley	Kukovich	Punt	Wiggins
Dawida	Laughlin	Rappaport	Williams
Deal	Lescovitz	Reber	Wilson
Dietz	Letterman	Richardson	Wogan
Dininni	Linton	Rieger	Wozniak
Dombrowski	Livengood	Rudy	Wright, D. R.
Donatucci	Lloyd	Rybak	Zwikel
Duffy	Duffy		

NOT VOTING—4

Gannon	Itkin	McIntyre	Pratt
--------	-------	----------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

On the question recurring,
Shall the bill pass finally?

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

YEAS—178

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

NAYS—17

Burns	Madigan	Noye	Schuler
Clymer	Markosek	Pott	Spencer
Levin	Merry	Reinard	Vroon
McVerry	Moehlmann	Scheetz	Wright, J. L.
Mackowski			

NOT VOTING—4

Gannon	Gruitza	Pratt	Spitz
--------	---------	-------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

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

WELCOME

The SPEAKER pro tempore. The Chair welcomes the Shamokin Senior Action Center members, who are the guests of Representative Belfanti.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 625, PN 693, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, regulating construction costs and limiting rate increases.

On the question, Will the House agree to the bill on third consideration? Mr. LLOYD offered the following amendment No. A0775:

Amend Sec. 1 (Sec. 514), page 2, line 13, by striking out "Construction audit" and inserting Access to evidence

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Mr. LLOYD. Thank you, Mr. Speaker.

This amendment makes one change in the bill. It changes the name of a subsection. It was worked out with the Public Utility Commission to remove an objection that they had. I ask for a "yes" vote.

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

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' (194 total). Includes names like Afflerbach, Alderette, Angstadt, etc.

Table listing names of members who were present or absent during the proceedings. Includes names like Cohen, Colafella, Cole, etc.

NAYS—0

NOT VOTING—5

Table listing names of members who did not vote. Includes Arty, Gannon, McIntyre, Reber, Spitz.

EXCUSED—4

Table listing names of members who were excused. Includes Bowser, Smith, L. E., Wright, R. C., Irvis, Speaker.

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

On the question, Will the House agree to the bill on third consideration as amended? 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—192

Table listing names of members who voted 'YEAS' (192 total). Includes names like Afflerbach, Durham, Levi, Rappaport, etc.

Civera	Haluska	Moehlmann	Stewart
Clark	Harper	Morris	Stuban
Clymer	Hasay	Mowery	Sweet
Cohen	Hayes	Mrkonic	Swift
Colafella	Herman	Murphy	Taylor, E. Z.
Cole	Hershey	Nahill	Taylor, F. E.
Cordisco	Hoeffel	Noye	Telek
Cornell	Honaman	O'Brien	Tigue
Coslett	Hutchinson	O'Donnell	Trello
Cowell	Itkin	Olasz	Truman
Coy	Jackson	Oliver	Van Horne
Deluca	Jarolin	Perzel	Wachob
DeVerter	Johnson	Peterson	Wambach
DeWeese	Kasunic	Petrarca	Wargo
Daley	Kennedy	Petrone	Wass
Davies	Klingaman	Phillips	Weston
Dawida	Kosinski	Piccola	Wiggins
Deal	Kowalshyn	Pievsky	Williams
Dietz	Kukovich	Pistella	Wilson
Dininni	Lashingner	Pitts	Wogan
Dombrowski	Laughlin	Pott	Wozniak
Donatucci	Lehr	Pratt	Wright, D. R.
Dorr	Lescovitz	Preston	Wright, J. L.
Duffy	Letterman	Punt	Zwick

NAYS—3

Scheetz	Schuler	Vroon
---------	---------	-------

NOT VOTING—4

Armstrong	Gannon	McIntyre	Spitz
-----------	--------	----------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

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

* * *

The House proceeded to third consideration of **HB 960, PN 1177**, entitled:

An Act to further provide for the expenses of the Executive and Judicial Departments of the Commonwealth from State and Federal funds for the fiscal period July 1, 1982 to June 30, 1983.

On the question,

Will the House agree to the bill on third consideration?

Mr. FARGO offered the following amendment No. A0889:

Amend Sec. 2, page 2, by inserting between lines 24 and 25
To the Department of Education

For payments to school districts for pupil transportation during the 1981-1982 and 1982-1983 school years.....	\$25,600,000
----------------------------------------------------------------------------------------------------------------	--------------

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I personally am very concerned about any bill which would appropriate additional moneys when we are facing the deficit that is apparent in our 1982-83 budget, but a provision has to be made to cover over expenditures of any kind. I feel the

moneys included in this amendment warrant your consideration.

Individual school districts are reimbursed for their transportation costs based on each school's reimbursement fraction and other factors, including bus miles driven, students transported. Subsidy reimbursement forms are completed based on that school district's prior year records, and then the current budget is prepared, including the amounts determined as due to the school for transportation costs.

Last year this subsidy was reduced approximately 4 percent. This reduction was due to possible errors in the request applications, which could mean that the total amounts requested were not actually due to the schools. The final payment was to be delayed until the audits were completed.

This year the schools were again cut 10 to 15 percent to take care of possible audit corrections. Needless to say, these cuts have caused major budgeting problems and necessitated the use of other sources of income to cover these deficiencies. The Education Department estimates that these costs were approximately \$5,022,000 in 1981-82 and \$20,576,000 in 1982-83.

This amendment will include in HB 960 provision to replace these shortages. It is my contention that overpayments found upon audit of the individual school systems can be recovered from the schools when and if determined. Your support for this amendment would be appreciated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, about 3 months ago we identified what we think is a potential deficit amounting to about \$29 million in pupil transportation. About the same time, the Department of Education identified what they thought was a significant overcounting of pupil transportation ridership. At the department's budget hearing, the Secretary of Education indicated that they were auditing these ridership counts and that the audit would be concluded during the summer.

I did not include this deficiency in the bill because I thought and still think it is most prudent of us to allow the department to conduct its audit before appropriating the funds. So, Mr. Speaker, I would urge a negative vote against this amendment. Thank you, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, for one of the few times on the floor of the House—maybe we will have more of them—I agree with my cohort, Representative Pievsky, and I ask for a "no" vote on this amendment. We do not have the money. I am certainly looking forward to the study also. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—23

Boyes	Fee	Pott	Schuler
Bunt	George	Reber	Snyder, D. W.
Cappabianca	Hasay	Robbins	Swift
Cole	Livengood	Saloom	Telek
Dombrowski	Merry	Saurman	Wass

Fargo	Peterson	Scheetz	
		NAYS—173	
Afflerbach	Durham	Levi	Preston
Alderette	Evans	Levin	Punt
Angstadt	Fischer	Linton	Rappaport
Armstrong	Flick	Lloyd	Reinard
Arty	Foster, W. W.	Lucyk	Richardson
Baldwin	Foster, Jr., A.	McCall	Rieger
Barber	Freeman	McClatchy	Rudy
Battisto	Freind	McHale	Ryan
Belardi	Fryer	McIntyre	Rybak
Belfanti	Gallagher	McMonagle	Salvatore
Beloff	Gallen	McVerry	Semmel
Blaum	Gamble	Mackowski	Serafini
Book	Geist	Madigan	Seventy
Brandt	Gladeck	Maiale	Showers
Broujos	Godshall	Manderino	Sirianni
Burd	Greenwood	Manmiller	Smith, B.
Burns	Grieco	Markosek	Snyder, G. M.
Caltagirone	Gruitza	Marmion	Spencer
Carn	Gruppo	Mayernik	Stairs
Cawley	Hagarty	Michlovic	Steighner
Cessar	Haluska	Micozzie	Stevens
Cimini	Harper	Miller	Stewart
Civera	Hayes	Miscevich	Stuban
Clark	Herman	Moehlmann	Sweet
Clymer	Hershey	Morris	Taylor, E. Z.
Cohen	Hoeffel	Mowery	Taylor, F. E.
Colafella	Honaman	Mrkonic	Tigue
Cordisco	Hutchinson	Murphy	Trello
Cornell	Itkin	Nahill	Truman
Coslett	Jackson	Noye	Van Horne
Cowell	Jarolin	O'Brien	Vroon
Coy	Johnson	O'Donnell	Wachob
Deluca	Kasunic	Olasz	Wambach
DeVerter	Kennedy	Oliver	Wargo
DeWeese	Klingaman	Perzel	Weston
Daley	Kosinski	Petrarca	Wiggins
Davies	Kowalyszyn	Petrone	Williams
Dawida	Kukovich	Phillips	Wilson
Deal	Lashingier	Piccola	Wogan
Dietz	Laughlin	Pievsky	Wozniak
Dininni	Lehr	Pistella	Wright, D. R.
Donatucci	Lescovitz	Pitts	Wright, J. L.
Dorr	Letterman	Pratt	Zwilk
Duffy			

NOT VOTING—3

Fattah	Gannon	Spitz
		EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. McCLATCHY offered the following amendment No. A0887:

Amend Sec. 2, page 2, lines 9 through 16, by striking out all of said lines

On the question,

Will the House agree to the amendment?

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

Mr. McCLATCHY. Mr. Speaker, my amendment simply strikes out on page 2, lines 9 through 16, the additional money provided for the Auditor General. I think it raises his appropriation even higher than what we gave percentagewise to the Attorney General, and I think at this point in time it is most unfair. We do not have the money, and therefore, I would request support of this amendment to keep his appropriation at the level that was given in this year's budget, which in fact, Mr. Speaker, was a 12.7-percent increase, while the Attorney General, even though we gave him more money last fall, still only got an 8-percent increase over his previous year's budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, will Mr. McClatchy stand for brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he will, and the gentleman, Mr. Belfanti, is in order and may proceed.

Mr. BELFANTI. Mr. Speaker, last year at this time during the supplemental appropriation period, what amount did the Pennsylvania Treasurer's Office receive?

Mr. McCLATCHY. The Treasurer's Office is not before us.

Mr. BELFANTI. Mr. Speaker, I am trying to get to a point as far as the percentages that were given out last year when Mr. McClatchy was chairman of the Appropriations Committee.

Mr. McCLATCHY. I think I would accede to the fact that we gave the Treasurer too much money. The increase he got, the supplemental, was a higher percentage increase than both the Auditor General and the Attorney General.

Mr. BELFANTI. Did the Treasurer receive \$550,000?

Mr. McCLATCHY. It is possible. I am willing to accede to whatever you are trying to explain to the floor of the House about a greater percentage increase for the Treasurer.

Mr. BELFANTI. I have concluded my interrogation, Mr. Speaker. I would like to comment on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman is in order and may proceed.

Mr. BELFANTI. Mr. Speaker, the majority of the House has changed hands this year, and I believe, at least on our side of the aisle, we are asking for parity for the State Auditor General. In the last 2 years the State Auditor General's Department has suffered, while the Pennsylvania Treasury Department and the Attorney General's Office have received just about everything they have asked for. This year the Auditor General is up for the type increase that he should have received the last 2 session years, and I request that we defeat the McClatchy amendment and leave the Auditor General's supplemental appropriation as is in the appropriations bill. Thank you.

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

Mr. MANDERINO. Mr. Speaker, I rise to oppose the amendment offered by the gentleman, Mr. McClatchy.

Until recently, I had always thought that we offered fair treatment to the fiscal officers in this State so far as funding was concerned. We have always attempted to maintain a fair balance in our appropriation process to those offices, without regard to what party the official holding that post belonged. We need a strong and properly funded Treasurer and Auditor General, whether they be Democrat or Republican. Last year all this changed. Last year the State Treasurer was given an 11.3-percent increase, while we held the Auditor General and refused the increase commensurate with the Treasurer.

Mr. Speaker, in November, when the three elected officers of this State came to us with a request for spending and supplemental funding, we gave the Treasurer \$561,000 in addition to the budget, and we gave the Attorney General \$641,000 in addition to what had been given in the budget. Nothing at that time was given to the Auditor General, which puts him well below the Treasurer in this Commonwealth.

Mr. Speaker, either we fund the Auditor General to fill the hole that we created, or we must face the fact that the tasks placed with the Auditor General will not be fully performed. If you want to remove some of the responsibilities that have been placed with the Auditor General, legislation should be offered. We should not be so bold as to suggest that you support the function while you do everything in your power to see that the funding needed to perform that function is never provided. Either you support the need for audits that must be performed by this office or you do not. I for one support the need for a strong State audit function, and I urge the defeat of the amendment.

Mr. Speaker, we ought to continue to treat the Treasurer of the Commonwealth and the Auditor General of the Commonwealth, regardless of party, in the same manner. There is no justification for not allowing the deficiency to the Auditor General that was allowed to the Treasurer just a few months ago. I speak and ask for a negative vote on the amendment.

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

Mr. McCLATCHY. Mr. Speaker, I will not argue with him. The majority leader obviously has his troops here today, and I think probably my amendment will be defeated. But just as a clarification, the Attorney General and the Auditor General are, as of today, being treated differently. Unfortunately, the Treasurer did get more than probably what he should have gotten. When we passed last year's budget, the Attorney General was cut \$1 million. Last fall we added back \$641,000 of that \$1 million. That brought him to an 8-percent increase. The Auditor General was not touched, and over last year's budget he had already received a 12-percent increase. I think the problem is again the Treasurer's budget, but quite frankly, right now we do not have the extra money for any of these offices, and that is why I am submitting the amendment. I would hope in the coming budget that they all be treated equally, as the majority leader suggested. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

Afflerbach	Flick	Lehr	Ryan
Armstrong	Foster, W. W.	McClatchy	Salvatore
Arty	Foster, Jr., A.	McVerry	Saurman
Book	Freind	Mackowski	Scheetz
Boyes	Gallen	Madigan	Schuler
Brandt	Gannon	Marmion	Semmel
Bunt	Geist	Merry	Sirianni
Burd	Gladeck	Miller	Smith, B.
Burns	Godshall	Moehlmann	Snyder, D. W.
Cessar	Greenwood	Mowery	Snyder, G. M.
Cimini	Grieco	Nahill	Spencer
Clymer	Gruppo	Noye	Stairs
Cornell	Hagarty	O'Brien	Stevens
Coslett	Hayes	Perzel	Swift
DeVerter	Herman	Peterson	Taylor, E. Z.
Davies	Hershey	Pitts	Vroon
Dietz	Honaman	Pott	Wass
Dorr	Jackson	Punt	Weston
Durham	Johnson	Reber	Wilson
Fargo	Kennedy	Reinard	Wogan
Fischer	Lashingner	Robbins	Wright, J. L.

NAYS—111

Alderette	Dombrowski	Livengood	Rappaport
Angstadt	Donatucci	Lloyd	Richardson
Baldwin	Duffy	Lucyk	Rieger
Barber	Evans	McCall	Rudy
Battisto	Fattah	McHale	Rybak
Belardi	Fee	McIntyre	Saloom
Beifanti	Fryer	McMonagle	Serafini
Beloff	Gallagher	Maiale	Seventy
Blaum	Gamble	Manderino	Showers
Broujos	George	Manmiller	Steighner
Caltagirone	Gruitza	Markosek	Stewart
Cappabianca	Harper	Mayernik	Stuban
Carn	Hasay	Michlovic	Sweet
Cawley	Hoeffel	Micozzie	Taylor, F. E.
Civera	Hutchinson	Miscevich	Telek
Clark	Itkin	Morris	Tigue
Cohen	Jarolin	Mrkonic	Trello
Colafrilla	Kasunic	Murphy	Truman
Cole	Klingaman	O'Donnell	Van Horne
Cordisco	Kosinski	Olasz	Wachob
Cowell	Kowalshyn	Oliver	Wambach
Coy	Kukovich	Petrarca	Wargo
Deluca	Laughlin	Petrone	Wiggins
DeWeese	Lescovitz	Phillips	Williams
Daley	Letterman	Piccola	Wozniak
Dawida	Levi	Pievsky	Wright, D. R.
Deal	Levin	Pistella	Zwikl
Dininni	Linton	Preston	

NOT VOTING—4

Freeman	Haluska	Pratt	Spitz
---------	---------	-------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis,
	Speaker

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendments No. A0907:

Amend Sec. 8, page 15, line 28, by striking out all of said line and inserting

Section 8. (a) Except as provided in subsection (b), all the appropriations contained in section 2 shall be in addition to any appropriations received pursuant to the act of May 11, 1982 (P.L.1488, No.2A) known as the General Appropriation Act of 1982 or the act of December 9, 1982 (P.L.1638, No.51A) known as the Supplemental Appropriation Act of 1982.

(b) It is the intent of the General Assembly that any Amend Sec. 8, page 15, line 29, by striking out "2, 3 AND 5 WHICH" and inserting 2 (insofar as it relates to the two appropriations for the Office of Protection in the Department of Environmental Resources and the appropriation for Community Courts - District Justices of the Peace in the Judicial Department), 3, 5 and 6 which

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, my amendment to HB 960, A0907, is an agreed-to technical amendment. Currently section 2 of the bill contains additional State fund appropriations for various State agencies but also contains revised full-year appropriations for the Office of Protection in the Department of Environmental Resources and for the community courts in the Judicial Department. However, section 8 of the bill contains language that makes State and Federal appropriation replacements for, and not supplements to, current appropriations. That was never my intent. This amendment changes that language so that all appropriations in this bill, except those for the Office of Protection and community courts, are supplements to and not replacements for existing appropriations. And also, this amendment does not spend any more State or Federal money; it simply changes existing language to conform to our original intent. I urge an affirmative vote for this amendment, Mr. Speaker.

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

Mr. McCLATCHY. Mr. Speaker, Mr. Pievsky is right; this is an agreed-to amendment. I support the amendment.

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

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' with a total count of 197. Names include Afflerbach, Alderette, Angstadt, Armstrong, Arty, Baldwin, Barber, Battisto, Belardi, Belfanti, Beloff, Blaum, Book, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Caltagirone, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, W. W., Foster, Jr., A., Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McIntyre, McMonagle, McVerry, Mackowski, Madigan, Maiale, Manderino, Manmiller, Markosek, Marmion, Mayernik, Merry, Reinard, Richardson, Rieger, Robbins, Rudy, Ryan, Rybak, Saloom, Salvatore, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Snyder, D. W., Snyder, G. M.

Table listing names of members who did not vote 'YEAS'. Names include Cappabianca, Carn, Cawley, Cessar, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Dietz, Dininni, Dombrowski, Donatucci, Dorr, Duffy, Durham, Grieco, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Hoefel, Honaman, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Kasunic, Kennedy, Klingaman, Kosinski, Kowalshyn, Kukovich, Lashingier, Laughlin, Lehr, Lescovitz, Letterman, Levi, Michlovic, Micozzie, Miller, Misceveh, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, Olasz, Oliver, Perzel, Peterson, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pratt, Preston, Punt, Rappaport, Reber, Spencer, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Telek, Tigue, Trello, Truman, Van Horne, Vroon, Wachob, Wambach, Wargo, Wass, Weston, Wiggins, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Zwilk.

NAYS—0

NOT VOTING—2

O'Donnell Spitz

EXCUSED—4

Bowser Wright, R. C. Smith, L. E. Irvis, Speaker

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?

Mr. LETTERMAN offered the following amendment No. A0866:

Amend Sec. 2, page 2, by inserting between lines 28 and 29 For the purpose of conducting a health screening or testing program for former employees, spouses and persons living with the former employees of the Drake Chemical Company, Inc. in Lock Haven, Clinton County and for the residents of Lock Haven and Castanea Township in Clinton County. This appropriation covers testing up to 2,000 people and includes \$10,000 for the conduct and administration of the test by the Department of Health..... 120,000

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a very difficult condition to deal with in my legislative district. I am requesting \$120,000 to help with health screening tests for the people living around a site

that has been listed as the 13th most hazardous waste site in the State of Pennsylvania. The Center for Disease Control has told me that they cannot afford to do the health screenings of the employees of a now-defunct company that has left Pennsylvania. There are very few people who would have the opportunity to deal with something like this, I guess, in this State, and I am going to read to you a statement which I have. I want you to listen very carefully, because I need your help very badly.

The purpose of my amendment is to provide \$120,000 for health screening or testing of former employees, their spouses and individuals living with them, their families, as well as residents of the city of Lock Haven and Castanea Township in Clinton County, Pennsylvania. The \$120,000 could serve as a 10-percent match for Federal funding under the superfund legislation and possibly provide \$1.2 million for health screening.

On February 26, 1982, the United States Environmental Protection Agency designated the Drake Chemical Company as a superfund site. To date, they have spent almost \$1 million in emergency cleanup of this site. The State of Pennsylvania has committed on January 17, 1983, \$47,500, or 10 percent of the cost of the site investigation and feasibility study of the site. At no time have either State, Federal, or local agencies done screening of these former employees and area residents.

In 1962 the State of Pennsylvania banned the use and the production of Beta-naphthylamine in Pennsylvania. The only producer of this substance in Pennsylvania was the predecessor of Drake Chemical - Kilsdonk Company.

The Department of Health has documented 77 cases of bladder cancer, and 11 deaths were directly linked to the bladder cancer of former employees who either manufactured or worked with Beta-naphthylamine in Lock Haven. The Remedial Action Master Plan for Drake Chemical in Lock Haven, Pennsylvania, documented the existence of other toxic substances in the groundwater at this site, such as 10,000 parts per million of benzidine, which could cause other kinds of cancer, birth defects, and nervous system disorders; phenols; and 2,3,6 TCPAA (trichlorophenylacetic acid), and other chemicals at the Lock Haven plant.

The labor market area has an unemployment rate of 23 percent. Drake Chemical is in bankruptcy and the former employees cannot afford the health screening on their own.

It is my feeling that since there is a precedence of health screening being conducted in 1980, 1981, and 1982 at the Old Forge superfund site, this money should be allocated to do health screening for the Lock Haven area. The former employees, the residents of Lock Haven and Castanea Township, should be given the same courtesies and benefits that the taxpayers of Old Forge in Lackawanna County were given.

I certainly hope that you can give me this vote. I know one thing, that if we can do this, and if after the remedial study is done, then we can make the Center for Disease Control look at it in a different light because this State will be providing those health screenings, and if we can prove in any way that it is coming from that plant, then the superfund will pick up the expense, and we might not have to use the money or it could be refunded. I ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MATERIAL SUBMITTED FOR THE RECORD

Mr. LETTERMAN submitted the following material for the Legislative Journal:

According to a list provided by the owner, Drake Chemical manufactured over 1560 different chemicals at the plant in Lock Haven. Many of these chemicals may be classified as pesticides or pesticide precursors.

These materials might be present on site as buried or shallow bulk sludges and liquids, contaminated soils, lagoons, air contaminants, and metallic and nonmetallic container contents.

An organic vapor analyzer (OVA) will be used during well drilling, debris removal, and monitoring well sampling to survey organic vapor levels. The designated Site Safety Officer will use the OVA measurements to assess the hazard of a given area and verify or modify the preliminary protection levels to ensure personnel protection.

Respiratory and Chemical Hazards

Chemical hazards at the Drake Chemical Site include:

- 2,3,6-Trichlorophenylacetic acid (TCPAA)
- 1,2-Dichlorobenzene
- 1,4-Dichlorobenzene
- Dichloroaniline
- Nitrophenol
- Bis(2-ethylhexyl)phthalate
- Anthracene
- Benzo(a)anthracene
- Chrysene
- Fluoranthene
- Pyrene
- Chlorobenzene
- Toluene
- 2,4-Dimethylphenol
- Chlorobenzene
- Phenol
- Benzo(a)pyrene
- Benzidine
- Hydrazobenzene
- Benzene
- 1,2-Dichloroethane
- Trichloroethylene
- Methylene Chloride
- Benzo(k)fluoranthene
- Phenanthrene

These chemicals, several of which are carcinogenic, were found in either soil, sediment, surface water, or groundwater on or off the Drake Chemical Site in concentrations near or above levels which make human exposure hazardous. Toxic exposures can occur by inhalation, dermal absorption, skin puncture, or ingestion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. Thank you, Mr. Speaker.

I rise to support Mr. Letterman's amendment. It is really needed. Our people in Clinton County and Lycoming County are really worried, they are concerned, and I really support the amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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

NAYS—3

Fryer	Merry	Nahill
-------	-------	--------

NOT VOTING—3

Belfanti	O'Donnell	Spitz
----------	-----------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

On the question recurring,

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

Mr. O'DONNELL offered the following amendment No. A0930:

Amend Sec. 2, page 2, by inserting between lines 20 and 21
To the Department of Education
For Special Education (approved private
schools)..... \$3,177,000

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

REMARKS ON VOTES

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

Mr. O'DONNELL. Mr. Speaker, I would first like the record to reflect that had I been in my seat on the Letterman and Pievsky amendments, I would have voted "yes" on both of those.

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

CONSIDERATION OF HB 960 CONTINUED

Mr. O'DONNELL. Mr. Speaker, this amendment is to restore \$3.1 million in appropriations for approved private schools for special education. These schools are schools that supplement the efforts of the public school special ed programs. The school districts certify students who have such unique problems they cannot be handled in a public school setting, and approved private schools take those students on and are reimbursed on the basis of approved cost. However, as in the past year and in previous years, the amount of money that is available to make these payments at the end of the year is sometimes less than the amount of money that has been spent on the children, but more importantly, is less than the actual costs that have been approved by the department. The purpose of this amendment is to restore that fund to the point where all the approved costs can be paid. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, it gets very difficult when members put forth amendments for such desirable programs as approved private schools for special education. We all know there is no money to fund it. I would suggest that those who feel so inclined vote against it. I almost suggest that Mr. Wargo drag his amendment back in and load up the bill with that one, too, if this is what we are going to do. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, may I interrogate Mr. O'Donnell, please?

The SPEAKER pro tempore. Will the gentleman, Mr. O'Donnell, stand for a period of interrogation? The gentleman indicates that he will, and the gentleman, Mr. Haluska, is in order and may proceed.

Mr. HALUSKA. Mr. Speaker, why is it each year in special education funds that it is always Philadelphia that overexpend their special education funds? We have special education classes all over the Commonwealth, and they are given certain budgetary requirements and they live within those

requirements. But year after year it seems that Philadelphia comes up and they spend on their own, regardless of what has been allocated to them. I would like to know why.

Mr. O'DONNELL. Well, there really are two answers to that question, Mr. Speaker. The first answer is that your question has nothing at all to do with the amendment at hand. This amendment has only to do with approved private schools. It has nothing whatsoever to do with Philadelphia or the Philadelphia School District.

The second answer is one that we have wrestled with for a long time, and why does the Philadelphia School District spend more than they ought to on a variety of programs? I think that once you get to the area of special education, that school district probably has a unique claim because we have more special ed students with more severe problems than perhaps anywhere else in the State. When we get to that part of the budget—hopefully before July 1—I would be happy to discuss that issue with the gentleman. But I think the important thing to consider in this amendment is that the Philadelphia issue, the public school issue, has nothing whatsoever to do with this. This is for approved private schools for special ed throughout the entire State. It has nothing to do with Philadelphia.

Mr. HALUSKA. Well, Mr. Speaker, what was the previous budget set for this? There was a budget set up for this particular school purpose, and what was that amount?

Mr. O'DONNELL. The problem with setting out a budget in this area is that we have a statute which tells the schools that you can go ahead and spend money on a special ed child if you spend it in a way that is approved by the department. You decide on July 1 of the fiscal year, the very first day of the fiscal year, what you think those costs will be over the year. Now, frequently the Department of Education will underestimate what the approved costs will be. So on the one hand we have a statute for special education telling these schools, go ahead and spend these approved costs, and then on the other hand we have an appropriation process where we frequently underestimate the amount of money that that is actually going to cost. When those two figures do not match up, you do what is called a deficiency appropriation, which is exactly what we have in front of us today.

Mr. HALUSKA. Mr. Speaker, I would like to make a comment.

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

Mr. HALUSKA. I just cannot agree with the statement made by Mr. O'Donnell, because of the fact that all of our special education units have budgetary assignments and they have to live within those budgetary assignments. I cannot understand why any one district would expend itself to a tune of \$3 million over and above the budgetary requirements of any district. I think it is not fair to the other parts of the Commonwealth, and I would urge a "no" vote on it.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we approve this amendment.

The issue of our obligation for special education costs is not really a discretionary issue. The law states that we will, as State Government, be responsible for certain kinds of expenditures. When those expenditures are in fact incurred during any particular fiscal year, whether we like it or not, whether we think the money is available or not available, ought to be available or should not be available, we have a financial and legal obligation to provide those dollars, in this case to the approved private schools. We ought to meet that obligation; we ought to add this amendment to HB 960; we ought to vote in the affirmative on the O'Donnell amendment. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, just for further clarification. I am not suggesting that we vote "yes" for this. There is not the money there for it, and I am urging a "no" vote.

These schools knew they were capped in last year's budget. They knew they were not supposed to spend more than what was in that budget. Therefore, Mr. Speaker, I think it is wrong to go ahead and give them more money. Thank you, Mr. Speaker.

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

Mr. O'DONNELL. Mr. Speaker, I would like to make two points in conclusion. One, there are no school districts at issue here. These are individual schools which handle only retarded children and other specialized needs. Secondly, although it is true, as the gentleman, Mr. McClatchy, points out, that there is a fund in the beginning and you should live within whatever funds are appropriate, what you have here is not a department of State Government that can make a decision for all the expenditures. What you have here are individual schools that are formulating programs and making expenditures based on approved cost. They have no way of dividing among themselves what those costs are. So there is no one decisionmaker that can cut back each of these individual schools a certain amount the way there is in departments.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—111

Alderette	Duffy	Livengood	Rieger
Angstadt	Durham	Lloyd	Rybak
Arty	Evans	Lucyk	Saloom
Battisto	Fattah	McCall	Salvatore
Belfanti	Fee	McHale	Seventy
Beloff	Fischer	McIntyre	Showers
Blaum	Freeman	McMonagle	Snyder, D. W.
Book	Gallagher	Maiale	Stairs
Burns	Gamble	Markosek	Steighner
Caltagirone	George	Mayernik	Stewart
Cappabianca	Gladeck	Michlovic	Stuban
Carn	Greenwood	Micozzie	Sweet
Civera	Grieco	Miscevich	Taylor, E. Z.
Clark	Gruitza	Morris	Taylor, F. E.
Cohen	Hagarty	Mrkonic	Telek
Colafella	Harper	Murphy	Tigue
Cole	Hoeffel	Nahill	Truman

Cordisco	Hutchinson	O'Brien	Van Horne
Cornell	Itkin	O'Donnell	Wachob
Cowell	Jarolin	Oliver	Wargo
Coy	Kasunic	Perzel	Wass
DeLuca	Kosinski	Petrarca	Weston
DeWeese	Kowalyszyn	Petrone	Williams
Daley	Kukovich	Pistella	Wogan
Davies	Laughlin	Pott	Wright, D. R.
Dawida	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reinard	Zwikel
Donatucci	Levin	Richardson	

NAYS—83

Afflerbach	Flick	McClatchy	Robbins
Armstrong	Foster, W. W.	McVerry	Rudy
Baldwin	Foster, Jr., A.	Mackowski	Ryan
Barber	Fryer	Madigan	Saurman
Belardi	Gallen	Manderino	Scheetz
Boyes	Geist	Manmiller	Schuler
Brandt	Godshall	Marmion	Semmel
Broujos	Gruppo	Merry	Serafini
Bunt	Haluska	Miller	Sirianni
Burd	Hasay	Moehlmann	Smith, B.
Cawley	Hayes	Mowery	Snyder, G. M.
Cessar	Herman	Noye	Spencer
Cimini	Hershey	Olasz	Stevens
Clymer	Honaman	Peterson	Swift
Coslett	Jackson	Phillips	Trello
DeVerter	Johnson	Piccola	Vroon
Deal	Kennedy	Pievsky	Wambach
Dietz	Klingaman	Pitts	Wiggins
Dininni	Lashinger	Preston	Wilson
Dorr	Lehr	Punt	Wozniak
Fargo	Levi	Reber	

NOT VOTING—5

Freind	Linton	Pratt	Spitz
Gannon			

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

On the question recurring,

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

Mr. LETTERMAN offered the following amendment No. A0933:

Amend Sec. 2, page 2, by inserting between lines 20 and 21

To the Department of Education

For reimbursement payments to the Pennsylvania State University for the expenses incurred in fiscal year 1981-1982 for the operation of the Conservatory Leadership School.....	\$30,000
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is for \$30,000 for the Department of Education to reimburse the Penn State University for the expenses incurred in the fiscal year 1981-82 which they were not reimbursed for. This is for the Conservatory Leadership School. I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Would the gentleman yield to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he will yield to interrogation. The gentleman, Mr. Piccola, is in order and may proceed.

Mr. PICCOLA. Is it my understanding, Mr. Speaker, that this is a reimbursement to Penn State University?

Mr. LETTERMAN. Yes. They finance the school, and they are reimbursed through the Department of Education. It is at the request of all sportsmen's organizations throughout the State of Pennsylvania.

Mr. PICCOLA. This is not included in the Penn State non-preferred appropriation?

Mr. LETTERMAN. No.

Mr. PICCOLA. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

For years we have funded this through DER (Department of Environmental Resources) and different things, and a couple of years ago they started to fund it through Education, and something happened in 1980 and 1981. They held the school, and they have never been reimbursed for it. All the sportsmen's clubs in Pennsylvania are for it. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Durham	Levi	Richardson
Alderette	Evans	Levin	Rieger
Angstadt	Fargo	Linton	Robbins
Armstrong	Fattah	Livengood	Rudy
Arty	Fee	Lloyd	Ryan
Baldwin	Fischer	Lucyk	Rybak
Barber	Flick	McCall	Saloom
Battisto	Foster, W. W.	McClatchy	Salvatore
Belardi	Foster, Jr., A.	McHale	Saurman
Belfanti	Freeman	McIntyre	Scheetz
Beloff	Freind	McMonagle	Schuler
Blaum	Fryer	McVerry	Semmel
Book	Gallagher	Mackowski	Serafini
Boyes	Gallen	Madigan	Seventy
Brandt	Gamble	Maiale	Showers
Broujos	Gannon	Manderino	Sirianni
Bunt	Geist	Manmiller	Smith, B.
Burd	George	Markosek	Snyder, D. W.
Burns	Gladeck	Marmion	Snyder, G. M.
Caltagirone	Godshall	Mayernik	Spencer
Cappabianca	Greenwood	Merry	Stairs
Carn	Grieco	Michlovic	Steighner
Cawley	Gruitza	Micozzie	Stevens
Cessar	Gruppo	Miscevich	Stewart
Cimini	Hagarty	Moehlmann	Stuban
Civiera	Haluska	Morris	Sweet
Clark	Harper	Mowery	Swift
Clymer	Hasay	Mrkonich	Taylor, E. Z.
Cohen	Hayes	Murphy	Taylor, F. E.
Colafella	Herman	Noye	Telek
Cole	Hershey	O'Brien	Tigue
Cordisco	Hoefel	O'Donnell	Trello
Cornell	Honaman	Olasz	Truman
Coslett	Hutchinson	Oliver	Van Horne
Cowell	Itkin	Perzel	Vroon
Coy	Jackson	Peterson	Wachob

DeLuca	Jarolin	Petrarca	Wambach
DeVerter	Johnson	Petrone	Wargo
DeWeese	Kasunic	Phillips	Wass
Daley	Kennedy	Piccola	Weston
Davies	Klingaman	Pievsky	Wiggins
Dawida	Kosinski	Pistella	Williams
Deal	Kowalyshyn	Pitts	Wilson
Dietz	Kukovich	Pott	Wogan
Dininni	Lashingier	Pratt	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Reber	Zwilk
Duffy	Letterman	Reinard	

NAYS—2

Miller Preston

NOT VOTING—2

Nahill Spitz

EXCUSED—4

Bowser Wright, R. C.
Smith, L. E.

Irvis,
Speaker

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER 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—189

Afflerbach	Durham	Levin	Reber
Alderette	Evans	Linton	Reinard
Angstadt	Fattah	Livengood	Richardson
Armstrong	Fee	Lloyd	Rieger
Arty	Foster, W. W.	Lucyk	Rudy
Baldwin	Foster, Jr., A.	McCall	Ryan
Barber	Freeman	McClatchy	Rybak
Battisto	Freind	McHale	Saoom
Belardi	Fryer	McIntyre	Salvatore
Belfanti	Gallagher	McMonagle	Saurman
Beloff	Gallen	McVerry	Scheetz
Blaum	Gambie	Mackowski	Schuler
Book	Gannon	Madigan	Semmel
Boyes	Geist	Maiale	Serafini
Brandt	George	Manderino	Seventy
Broujos	Gladeck	Manmiller	Showers
Bunt	Godshall	Markosek	Sirianni
Burd	Greenwood	Marmion	Smith, B.
Burns	Grieco	Mayernik	Snyder, D. W.
Caltagirone	Gruitza	Michlovic	Snyder, G. M.
Cappabianca	Gruppo	Micozzie	Spencer
Carn	Hagarty	Miscevich	Stairs
Cawley	Haluska	Moehlmann	Steighner
Cessar	Harper	Morris	Stevens
Cimini	Hasay	Mowery	Stewart
Civera	Hayes	Mrkonc	Stuban
Clark	Herman	Murphy	Sweet
Clymer	Hershey	Nahill	Taylor, E. Z.
Cohen	Hoeffel	Noye	Taylor, F. E.
Colafella	Honaman	O'Brien	Telek
Cole	Hutchinson	O'Donnell	Tigue
Cordisco	Itkin	Olasz	Trello

Cornell	Jackson	Oliver	Truman
Coslett	Jarolin	Perzel	Van Home
Cowell	Johnson	Peterson	Wachob
Coy	Kasunic	Petrarca	Wambach
DeLuca	Kennedy	Petrone	Wargo
DeWeese	Klingaman	Phillips	Wass
Daley	Kosinski	Piccola	Weston
Davies	Kowalyshyn	Pievsky	Wiggins
Dawida	Kukovich	Pistella	Williams
Deal	Lashingier	Pitts	Wilson
Dietz	Laughlin	Pott	Wogan
Dininni	Lehr	Pratt	Wozniak
Dombrowski	Lescovitz	Preston	Wright, D. R.
Donatucci	Letterman	Punt	Wright, J. L.
Dorr	Levi	Rappaport	Zwilk
Duffy			

NAYS—9

DeVerter	Flick	Miller	Swift
Fargo	Merry	Robbins	Vroon
Fischer			

NOT VOTING—1

Spitz

EXCUSED—4

Bowser Wright, R. C.
Smith, L. E.
Irvis,
Speaker

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

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

On the Phillips amendment A0598 on HB 164, I would like to be recorded in the affirmative.

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

URBAN AFFAIRS SUBCOMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, I would just like to announce a brief meeting at the call of the recess of the Urban Affairs Second Class Subcommittee in the back of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 258, PN 987**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for computer-related offenses.

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—198

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

NAYS—0

NOT VOTING—1

Spitz

EXCUSED—4

Bowser
Smith, L. E.

Wright, R. C.

Irvis,
Speaker

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

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

CONSERVATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Clearfield, Mr. George, for an announcement.

Mr. GEORGE. Thank you, Mr. Speaker.

I would like to advise that the Committee on Conservation will reconvene at the end of the session here today back at the Annex building. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MINES AND ENERGY MANAGEMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

There will be a meeting of the House Mines and Energy Management Committee on Thursday, June 2, at 10 a.m. at the Freedom Junior High School in Beaver County to consider HB 534. Since we were unable to give sufficient advance publication notice of this meeting, I am making this announcement in order that we comply with the provisions of the Sunshine Act. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Mr. Speaker, there will be a meeting of the Appropriations Committee at the rear of the House at 4 o'clock. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 629, PN 697**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the share of certain parents.

On the question,
Will the House agree to the bill on third consideration?
Mr. SHOWERS offered the following amendments No. A0897:

Amend Sec. 1 (Sec. 2103), page 1, line 15, by inserting after "parent's"

minor or dependent

Amend Sec. 1 (Sec. 2103), page 1, line 17, by striking out "that" and inserting

the minor or dependent

Amend Sec. 1 (Sec. 2103), page 1, line 18, by striking out "that" and inserting

the minor or dependent

Amend Sec. 1 (Sec. 2103), page 2, line 1, by striking out "that" and inserting

the minor or dependent

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

Mr. Piccola and I have worked on this amendment and have an improved amendment which I offer today.

Mr. Speaker, I offer this amendment to more carefully define the circumstances under which we are considering amending the law of intestate succession. This amendment would clarify the definition of "child" by adding the words "minor or dependent" before the word "child" in each instance in the legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, I would urge the House to concur in the Showers amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Linton	Reinard
Alderette	Fargo	Livengood	Richardson
Angstadt	Fattah	Lloyd	Rieger
Armstrong	Fee	Lucyk	Robbins
Arty	Fischer	McCall	Rudy
Baldwin	Flick	McClatchy	Ryan
Barber	Foster, W. W.	McHale	Rybak
Battisto	Foster, Jr., A.	McIntyre	Saloom
Belardi	Freeman	McMonagle	Salvatore
Belfanti	Freind	McVerry	Saurman
Beloff	Fryer	Mackowski	Scheetz
Blaum	Gallagher	Madigan	Schuler
Book	Gallen	Maiale	Semmel
Boyes	Gamble	Manderino	Seventy
Brandt	Gannon	Manmiller	Showers
Broujos	Geist	Markosek	Sirianni
Burd	George	Marmion	Smith, B.
Burns	Gladeck	Mayernik	Snyder, D. W.
Caltagirone	Godshall	Merry	Snyder, G. M.
Cappabianca	Greenwood	Michlovic	Spencer
Carn	Grieco	Micozzie	Spitz
Cawley	Gruitza	Miller	Stairs
Cessar	Gruppo	Miscevich	Steighner
Cimini	Hagarty	Moehlmann	Stevens
Civera	Haluska	Morris	Stewart
Clark	Harper	Mowery	Stuban
Clymer	Hasay	Mrkonic	Sweet
Cohen	Hayes	Murphy	Swift
Colafella	Herman	Nahill	Taylor, E. Z.
Cole	Hershey	Noye	Taylor, F. E.
Cordisco	Hoeffel	O'Brien	Telek
Cornell	Honaman	O'Donnell	Tigue
Coslett	Hutchinson	Olasz	Trello
Cowell	Itkin	Oliver	Truman

Coy	Jackson	Perzel	Van Horne
Deluca	Jarolin	Peterson	Vroon
DeVerter	Johnson	Petrarca	Wachob
DeWeese	Kasunic	Petrone	Wambach
Daley	Kennedy	Phillips	Wargo
Davies	Klingaman	Piccola	Wass
Dawida	Kosinski	Pievsky	Weston
Deal	Kowalshyn	Pistella	Wiggins
Dietz	Kukovich	Pitts	Williams
Dininni	Lashingner	Pott	Wilson
Dombrowski	Laughlin	Pratt	Wogan
Donatucci	Lehr	Preston	Wozniak
Dorr	Lescovitz	Punt	Wright, D. R.
Duffy	Levi	Rappaport	Wright, J. L.
Durham	Levin	Reber	Zwikl

NAYS—0

NOT VOTING—3

Bunt	Letterman	Serafini
	EXCUSED—4	
Bowser	Wright, R. C.	
Smith, L. E.	Irvis,	Speaker

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?

The Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

For the record, I would like it to be clearly noted that this bill and amendment are offered with my full support and at the request of a constituent caught in the middle of a most difficult and tragic controversy which it is hoped that this legislation, if passed, will spare other Pennsylvania families from experiencing.

My interest in this shortcoming in the law was created by the true-to-life tale of a mother whose son was killed in a traffic accident. In this particular situation, the abandoning father had walked away from his responsibilities as a parent some 10 years ago. Now all of a sudden, following the son's death, the father has appeared on the scene to make what he feels is a rightful claim against the son's estate, the son whom he by choice abandoned in support many years previously. I ask your favorable consideration in relieving this injustice and pain inflicted by current law. 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—195

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

NAYS—0

NOT VOTING—4

Cohen	Daley	Dorr	McIntyre
-------	-------	------	----------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

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

ANNOUNCEMENT BY
SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is most pleased to announce a joyous occasion for one of our members. Representative and Mrs. Victor Lescovitz of Washington County are proud to announce the birth of a baby girl on Friday morning. Her name is Anneslee. The Chair points out that the Chair overlooks the rules of the House and permits the distribution of cigars at this time. The Chair thanks the gentleman.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 860, PN 970**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, limiting regulation of private parking lots to municipal police departments.

On the question,

Will the House agree to the bill on third consideration?

Mr. HUTCHINSON offered the following amendment No. A0874:

Amend Sec. 1 (Sec. 3353), page 2, line 12, by inserting after "enforcement."

Nothing contained in this section shall preclude any person from initiating a private complaint with the appropriate officials for a violation of this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

What this amendment does to my bill, HB 860, is allow anybody who sees a parking violation to tell the municipal police or the people who own the malls.

Mr. Speaker, can I say what the amendment does to the bill that I have introduced?

The SPEAKER pro tempore. Yes, certainly.

Mr. HUTCHINSON. The bill that I have put in is about parking lots in the Motor Vehicle Code which allows all police to go in and give tickets on private property, and there are some policemen going in and tagging cars where I do not think they have any business to be, in certain townships that do not have police. So I think it should be up to the municipal police where the private parking lots are—we are talking about malls where they are out in townships or in towns where they have big malls—as long as they live by the rules of the Department of Transportation. I am just saying that the only ones who can do it are the municipal police or the ones that the mall hires. We are just clarifying it with this amendment.

I have in my area some great big malls. In the first place, any law that is in the Motor Vehicle Code means that any policeman can make arrests. I have about three big malls or shopping centers where the State Police have been going in and tagging cars, and I do not believe that they have any busi-

ness there, and that is why I say that municipal police or whomever the mall hires through the municipal government to tag those cars are there with the PennDOT regulation signs which say you cannot park here or park there - fire lanes and so forth. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. RAPPAPORT. Would the gentleman from Westmoreland consent to interrogation, Mr. Speaker?

Mr. HUTCHINSON. Yes, Mr. Speaker.

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

Mr. RAPPAPORT. Mr. Speaker, is it the intention of the gentleman to in any way limit the power of owners of parking lots to regulate the parking of cars on those lots?

Mr. HUTCHINSON. No way. Only they have to live up to the transportation regulations that were written last year in 1982 in June. This does not count the municipal police, and the municipal police means township police, city police, and county police.

Mr. RAPPAPORT. I am referring to the situation where there is a private parking lot and the owners hire a service to come and tow away cars that are improperly parked there. Would this bill affect that situation at all?

Mr. HUTCHINSON. No. They already have that right in here.

Mr. RAPPAPORT. Thank you, Mr. Speaker. I thank the gentleman.

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

Mr. COWELL. Mr. Speaker, would Mr. Hutchinson consent to further interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Cowell, is in order and may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

I would like to pursue the point that Representative Rappaport just raised. Mr. Speaker, the language in HB 860 which would amend current law is only one paragraph in length. It says, "Municipal police departments shall have sole jurisdiction to issue citations or complaints for violation,..." et cetera. Mr. Speaker, how does that language not preclude the privately retained police or security agents or whatever from issuing citations? This language seems to say or does say specifically, "Municipal police departments shall have sole jurisdiction...."

Mr. HUTCHINSON. Where they do not have municipal police departments, they allow the malls to have their constables make those arrests, and the constables are in full uniform.

Mr. COWELL. But what about in those situations or municipalities where there is a municipal police force? In that kind of situation, would the mall or the private property owner be precluded from hiring a private guard or security agent to dispense tickets or citations?

Mr. HUTCHINSON. No; I do not think so.

Mr. COWELL. Could you tell me how you interpret that then, because again it says, "Municipal police—"

Mr. HUTCHINSON. It is up to the municipal government right now. The second-class townships, most of them in Westmoreland County, do not have police departments. They in turn allow them to hire through the municipality to give the right for their private guards to issue the tickets, as long as they are in uniform.

Mr. COWELL. But let us talk, Mr. Speaker, about the situation where you have a municipal police department and you also have a mall there, and in some circumstances the mall currently hires security agents who are private police to issue citations and complaints for traffic violations. This bill now says that if there is a municipal police department, they shall have sole jurisdiction. It seems to say that the mall would no longer be able to hire private agents to perform this police function if there is a municipal police department. Is that your intention?

Mr. HUTCHINSON. No. The amendment clears up the wording in the other where the people can have the complaints.

Mr. COWELL. I think the amendment addresses the right of people to file complaints with the police department, but that is not the issue. The issue is, will private property owners still have the right to retain agents to issue tickets where there is a municipal police department in place?

Mr. HUTCHINSON. That is in another section of law. They already have that right.

Mr. COWELL. But you are changing the law.

Mr. HUTCHINSON. No, I am not. I am only changing one part of the law, that section. It is in the other sections where it allows them to do that.

Mr. COWELL. Mr. Speaker, I think we are moving on to a debate about the bill itself. I would ask to be recognized after we deal with this amendment when we come to the bill itself. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Afflerbach	Durham	Linton	Richardson
Alderette	Evans	Livengood	Rieger
Angstadt	Fargo	Lloyd	Robbins
Armstrong	Fattah	Lucyk	Rudy
Arty	Fee	McCall	Ryan
Baldwin	Fischer	McClatchy	Rybak
Barber	Flick	McHale	Saloom
Battisto	Foster, W. W.	McIntyre	Salvatore
Belardi	Foster, Jr., A.	McMonagle	Saurman
Belfanti	Freeman	McVerry	Scheetz
Beloff	Freind	Mackowski	Schuler
Blaum	Fryer	Madigan	Semmel
Book	Gallagher	Maiale	Serafini
Boyes	Gallen	Manderino	Seventy
Brandt	Geist	Manmiller	Showers
Broujos	George	Markosek	Sirianni
Bunt	Gladeck	Marmion	Smith, B.
Burd	Godshall	Mayernik	Snyder, D. W.
Burns	Greenwood	Merry	Snyder, G. M.

Caltagirone	Grieco	Michlovic	Spencer
Cappabianca	Gruitza	Micozzie	Stairs
Carn	Gruppo	Miller	Steighner
Cawley	Hagarty	Miscevich	Stevens
Cessar	Haluska	Moehlmann	Stewart
Cimini	Harper	Morris	Stuban
Civera	Hasay	Mowery	Sweet
Clark	Hayes	Mrkonic	Swift
Clymer	Herman	Murphy	Taylor, E. Z.
Cohen	Hershey	Nahill	Taylor, F. E.
Colafella	Hoeffel	Noye	Telek
Cole	Honaman	O'Brien	Tigue
Cordisco	Hutchinson	O'Donnell	Trello
Cornell	Itkin	Olasz	Truman
Coslett	Jackson	Oliver	Van Horne
Cowell	Jarolin	Perzel	Vroon
Coy	Johnson	Peterson	Wachob
Deluca	Kasunic	Petrarca	Wambach
DeVerter	Kennedy	Petrone	Wargo
DeWeese	Klingaman	Phillips	Wass
Daley	Kosinski	Piccola	Weston
Davies	Kowalshyn	Pievsky	Wiggins
Dawida	Kukovich	Pistella	Williams
Deal	Lashingier	Pitts	Wilson
Dietz	Laughlin	Pott	Wogan
Dininni	Lehr	Preston	Wozniak
Dombrowski	Lescovitz	Punt	Wright, D. R.
Donatucci	Letterman	Rappaport	Wright, J. L.
Dorr	Levi	Reber	Zwinkl
Duffy	Levin	Reinard	

NAYS—0

NOT VOTING—4

Gamble	Gannon	Pratt	Spitz
--------	--------	-------	-------

EXCUSED—4

Bowser	Wright, R. C.
Smith, L. E.	Irvis, Speaker

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

On the question,

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

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?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, referring back to the interrogation I had a couple of moments ago with Representative Hutchinson, I am not persuaded that HB 860 would not substantially change the law. I am not persuaded that it would not preclude local property owners - for instance, mall owners - from hiring security agents or other traffic control officers, if you will, as they currently do. *It seems very clear that the language that is now in HB 860 would restrict to municipal police departments, where a police department does in fact exist, jurisdiction to issue citations or complaints. I think that it would, one, create additional problems for many of the mall operators or many of the private shopping centers or private property owners,*

and secondly, inadvertently, this may put an unexpected and undue burden on local municipal police officials and police departments. I do not believe that is the intent of Representative Hutchinson, but I think it would be the impact of this legislation. I therefore would urge that we defeat this legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, there is nothing in this amendment or in the code that says anything about the hiring of police. All it says is that the municipal police will have it. If they do not have any, they go by the other part of the code where it allows them to hire people to do that job. This is not the part of the code that allows them to have their own private guards or tow cars away.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, it appears that there is an effort in (3) to give power to a police department for violation of parking regulations. There is nowhere referred to what those parking regulations are. If parking regulations are intended to be, one, no person shall park or leave unattended a vehicle, that is not made clear. Consequently, there appears to be an attempt to create a body of parking regulations which is not included in the act. Secondly, it would be a violation or really an unconstitutional delegation of power to a municipal police department to enforce private regulations.

I think that is improper and we have no power to do that, so I would ask for a "no" vote and have it referred to the Local Government Committee where it belongs.

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Speaker, if these people would only read the act where it comes from, it says here what it is. All my amendment does is with municipal police, and I am trying to keep State Police from going in there. It says here under the old law that whatever the Pennsylvania Department of Transportation says is legal for signs for crippled children or crippled people who drive cars or whatever the parking violation, they have to have those signs posted or nobody can make any information. I had 150 informations made by State Police in four different private parking lots, which gives them the authority to do that the way this law is written right now.

I would like to make a motion to send it back to the Transportation Committee where it came from, and we will clean up whatever has to be cleaned up.

The SPEAKER pro tempore. The gentleman, Mr. Hutchinson, has moved that HB 860 be recommitted to the Transportation Committee. Those in favor of the motion will vote "aye"; those opposed, "no."

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

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

NAYS—2

Dombrowski Saloom

NOT VOTING—2

Fattah Spitz

EXCUSED—4

Bowser Wright, R. C.

Smith, L. E.

Irviss,
Speaker

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

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, on HB 629 on final passage I was not recorded. I would have voted in the affirmative.

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

ANNOUNCEMENT BY MR. GEORGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Earlier, Mr. Speaker, we announced that there would be a continuation of the Conservation Committee at the Annex building, and that still is on, but according to law we must notify the assemblage that should our business not be completed by this evening, then we again will reconvene at 9:30 Wednesday morning. Thank you. So we are going to continue at approximately 4 o'clock, Mr. Speaker, and should we not be able to complete our business, we will then take up again at 9:30 in the morning.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY
SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is pleased to welcome back to the hall of the House the gentleman from Monroe, Mr. Battisto, who has been absent for a period of several weeks due to illness. The Chair welcomes the gentleman back.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes at this time the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to call a Rules Committee meeting immediately upon the recess being called by the Chair.

Mr. Speaker, I would ask that the Chair place the House in recess until 4:30 just for the purpose of receiving reports of committees at that time.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, before the Republican members run off, the Republicans will caucus tomorrow morning at 10:30, prior to the 11 o'clock session, at 10:30 in the minority caucus room.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the Democrats will caucus upon the declaration of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The Chair now declares this House in recess until 4:30.

AFTER RECESS

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 820, PN 917 By Rep. PIEVSKY

An Act providing for the adoption of a capital project to be financed from current revenues of the Game Fund.

APPROPRIATIONS.

HB 855, PN 965 By Rep. PIEVSKY

An Act amending "The Land and Water Conservation and Reclamation Act," approved January 19, 1968 (1967 P. L. 996, No. 443), reappropriating lapsed funds.

APPROPRIATIONS.

SB 79, PN 79 By Rep. MANDERINO

An Act repealing the act of May 28, 1945 (P. L. 1101, No. 399), entitled "An act providing for the indexing of the Legislative Journal and fixing the sum allowed therefor."

RULES.

SB 80, PN 80 By Rep. MANDERINO

An Act repealing the act of April 2, 1856 (P. L. 223, No. 243), entitled "A further supplement to the act of twenty-second of February, one thousand eight hundred and twenty-one, entitled 'An Act to alter and amend the fee bill.'"

RULES.

SB 131, PN 137 By Rep. MANDERINO

An Act repealing the act of January 9, 1964 (Sp. Sess., 1963 P. L. 1432, No. 2), entitled "An act fixing the number of Senators in the General Assembly of the Commonwealth; apportioning the State into senatorial districts as provided by the Constitution; providing for the election of and the terms of office of the present and future elected Senators and repealing inconsistent laws."

RULES.

SB 132, PN 138 By Rep. MANDERINO

An Act repealing the act of January 9, 1964 (Sp. Sess., 1963 P. L. 1419, No. 1), entitled "An act to fix the number of Representatives in the General Assembly of the State; and to apportion the State into representative districts, as provided by the Constitution."

RULES.**BILLS REREPORTED FROM COMMITTEE**

HB 177, PN 200 By Rep. PIEVSKY

An Act amending the "Community College Act of 1963," approved August 24, 1963 (P. L. 1132, No. 484), further providing for payments by the Commonwealth.

APPROPRIATIONS.

HB 330, PN 945

By Rep. PIEVSKY

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), converting State heating systems from oil to coal.

APPROPRIATIONS.

HB 332, PN 983

By Rep. PIEVSKY

An Act amending the "Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), providing preferential Pennsylvania Industrial Development Authority loans for coal projects.

APPROPRIATIONS.

HB 479, PN 947

By Rep. PIEVSKY

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for kindergartens.

APPROPRIATIONS.**RESOLUTIONS REPORTED FROM COMMITTEE**

HR 53, PN 589 (Concurrent)

By Rep. MANDERINO

Designating the week of the first Sunday in June as Pennsylvania Garden Week.

RULES.

HR 56, PN 710

By Rep. MANDERINO

Directing the Speaker of the House of Representatives to appoint a special bipartisan committee to investigate all aspects of the food and cheese distribution.

RULES.

HR 87, PN 1042

By Rep. MANDERINO

Providing for the appointment of a special committee to investigate waterborne pollutants.

RULES.**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

The SPEAKER pro tempore. There being no further business before the House, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 1, 1983, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:33 p.m., e.d.t., the House adjourned.