

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, FEBRUARY 15, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 13

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Heavenly Father, in the light of a new day, we come before Thee as faithful stewards of Thine. We seek Thy guiding hand so that all may be done to Thy honor and glory. We call upon Thee so that Thy strength and power may be transferred to all the deeds we bring to maturity. We reach out to Thee so that Thy blessing may accompany that which we do and say.

O God, we pray that Thou wilt be most near to the members of this House of Representatives. We beseech Thee to direct their actions by Thy indwelling spirit. We ask that they may be true stewards of Thine as well as their constituency, and we petition Thee to crown their every effort with Thy blessed peace. To Thee belongs the praise both now and forevermore. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, February 14, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and be placed on the active calendar:

- HB 56;
HB 159;
HB 612;
HB 1119;
HB 1236;
HB 1270;

- HB 1293;
HB 1333;
HB 1340;
HB 1584;
HB 1838;
HB 1839;
HB 1840;
HB 1841;
HB 1842;
HB 1919;
HB 1920; and
SB 453.

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

LEAVES OF ABSENCE GRANTED

The SPEAKER. Are there any requests for leaves of absence from the Democratic Party?

Mr. Pievsky, do you have any leaves?

Mr. PIEVSKY. Yes. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Philadelphia, Mr. RAPPAPORT, for today's session.

The SPEAKER. Without objection, the leave is granted. The Chair hears no objection.

Mr. Hayes, are there any requests for leaves from the Republican Party?

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Luzerne, Mr. STEVENS, for the day.

The SPEAKER. Without objection, the leave is granted. The Chair hears no objection.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. MANDERINO presented the Report of the Committee of Conference on SB 547, PN 1731.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1934 By Representatives HALUSKA, J. L. WRIGHT, PISTELLA, ARTY, LUCYK, TELEK, HOEFFEL, STEVENS,

OLIVER, GODSHALL, KUKOVICH, MILLER, DALEY, PERZEL, CARN, MAYERNIK, RYBAK, AFFLERBACH, WOGAN, E. Z. TAYLOR, PHILLIPS, POTT, SEMMEL, LASHINGER, DeLUCA, GAMBLE, ZWIKL, TRELLO, GEIST, JOHNSON and HERMAN

An Act creating a Division of Home Equity Conversion within the Department of Aging; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, February 15, 1984.

No. 1935 By Representatives HALUSKA, GEIST, TELEK, STEWART, WOZNAK, DIETZ and JOHNSON

An Act designating a portion of Route 22, as the Allegheny Mountain Skyline Drive.

Referred to Committee on TRANSPORTATION, February 15, 1984.

No. 1936 By Representatives PETRARCA, MANDERINO, GEIST, LIVENGOOD, BELFANTI, OLIVER, LESCOVITZ, HAYES, PHILLIPS, MACKOWSKI, COSLETT, J. L. WRIGHT, DONATUCCI, TRUMAN, KUKOVICH, LEHR, A. C. FOSTER, JR., FEE, DeLUCA, SEVENTY, MARKOSEK, COY, BELARDI, KOSINSKI, TELEK, OLASZ, CLARK and COLAFELLA

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), requiring candidates to be registered and enrolled as a member of a political party.

Referred to Committee on STATE GOVERNMENT, February 15, 1984.

No. 1937 By Representatives ITKIN, FISCHER, RYBAK, F. E. TAYLOR, SWEET, PISTELLA, MORRIS, KUKOVICH, McVERRY, BELFANTI, MICOZZIE, WOGAN, TRUMAN, JOHNSON, PRESTON, PRATT, WIGGINS and BALDWIN

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), further providing for blind pensions.

Referred to Committee on HEALTH AND WELFARE, February 15, 1984.

SENATE MESSAGE

**AMENDED HOUSE BILLS
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 1445, PN 2530**; and **HB 1565, PN 2531**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

**HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 559, PN 1593**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 152, PN 1549**; **SB 288, PN 1714**; and **SB 506, PN 1684**.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—197

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

Dietz	Lashinger	Punt	Wright, R. C.
Dininni	Laughlin	Reber	Zwinkl
Dombrowski	Lehr	Reinard	
Donatucci	Lescovitz	Richardson	Irvis,
Dorr	Letterman	Rieger	Speaker
Duffy	Levi	Robbins	

ADDITIONS—1

Peterson

NOT VOTING—0

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt from the majority leader of the following additions and deletions of sponsorships of bills:

ADDITIONS:

HB 1236, Hoeffel, Kowalyszyn; HB 1331, Manderino; HB 1740, Jarolin; HB 1816, Hasay; HB 1852, Zwinkl, R. C. Wright; HB 1858, Clark; HB 1870, R. C. Wright; HB 1878, R. C. Wright; HB 1879, R. C. Wright; HB 1889, Fischer, Petrone; HB 1890, Stevens; HB 1893, Rudy; HB 1894, Rudy; HB 1904, R. C. Wright, Itkin; HB 1918, Wilson; HR 181, Laughlin.

DELETIONS:

HB 1130, Blaum, Sirianni; HB 1887, Lloyd.

BILL SIGNED BY SPEAKER

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

HB 559, PN 1593

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing the amount paid by the Commonwealth.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Venango, Mr. Peterson's name will be added to the master roll.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1289, PN 1702; SB 298, PN 1729; HB 312, PN 1344; HB 383, PN 2547; HB 346, PN 2546; and HB 865, PN 2549.

BILL AGREED TO ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to.

HB 910, PN 2550.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that HB 910, PN 2550, be recommitted to the Committee on Appropriations.

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

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

HB 1711, PN 2554; and HB 1832, PN 2383.

BILL REPORTED, CONSIDERED FIRST TIME, AND REREFERRED TO COMMITTEE ON APPROPRIATIONS

HB 1311, PN 2557 (Amended)

By Rep. LEVIN

An Act to establish a State-run program which would provide infrastructure support moneys to complement new private investment projects; amd making an appropriation.

FINANCE.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1856, PN 2558 (Amended)

By Rep. FRYER

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), further providing for vacancies in office.

LOCAL GOVERNMENT.

BILLS ON THIRD CONSIDERATION

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

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

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be tabled.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair now recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1578, PN 1958, be lifted from the tabled calendar and placed upon the active calendar.

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

* * *

The House proceeded to third consideration of **SB 1134, PN 1487**, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further regulating the rates of pilotage.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Afflerbach	Duffy	Linton	Ryan
Alderette	Durham	Livengood	Rybak
Angstadt	Evans	Lloyd	Saloom
Armstrong	Fargo	Lucyk	Salvatore
Arty	Fattah	McCall	Saurman
Baldwin	Fee	McClatchy	Scheetz
Barber	Fischer	McHale	Schuler
Battisto	Flick	McIntyre	Semmel
Belardi	Foster, W. W.	McVerry	Serafini
Belfanti	Foster, Jr., A.	Mackowski	Seventy
Beloff	Freeman	Madigan	Showers
Blaum	Freind	Maiale	Sirianni
Book	Gallagher	Manderino	Smith, B.
Bowser	Gallen	Manmiller	Smith, L. E.
Boyes	Gamble	Markosek	Snyder, D. W.
Brandt	Gannon	Mayernik	Snyder, G. M.
Broujos	Geist	Merry	Spencer
Bunt	George	Michlovic	Spitz
Burd	Gladeck	Micozzie	Stairs
Burns	Godshall	Miller	Steighner
Caltagirone	Greenwood	Moehlmann	Stewart
Cappabianca	Grieco	Morris	Stuban
Carn	Gruitza	Mowery	Sweet

Cawley	Gruppo	Murphy	Swift
Cessar	Hagarty	Nahill	Taylor, E. Z.
Cimini	Haluska	Noye	Taylor, F. E.
Civera	Harper	O'Brien	Telek
Clark	Hasay	O'Donnell	Tigue
Clymer	Hayes	Olasz	Truman
Cohen	Herman	Oliver	Van Horne
Colafella	Hershey	Perzel	Vroon
Cole	Hoeffel	Peterson	Wachob
Cordisco	Honaman	Petrarca	Wambach
Cornell	Hutchinson	Petrone	Wargo
Coslett	Itkin	Phillips	Wass
Cowell	Jackson	Piccola	Weston
Coy	Jarolin	Pievsky	Wiggins
Deluca	Kasunic	Pistella	Williams
DeVerter	Kennedy	Pitts	Wilson
DeWeese	Klingaman	Pott	Wogan
Daley	Kosinski	Pratt	Wozniak
Davies	Kowalshyn	Preston	Wright, D. R.
Dawida	Kukovich	Punt	Wright, J. L.
Deal	Laughlin	Reber	Wright, R. C.
Dietz	Lehr	Reinard	Zwinkl
Dininni	Lescovitz	Richardson	
Dombrowski	Letterman	Rieger	Irvis,
Donatucci	Levi	Robbins	Speaker
Dorr	Levin	Rudy	

NAYS—2

Fryer Mrkonic

NOT VOTING—3

Johnson Lashinger McMonagle

EXCUSED—5

Marmion Rappaport Stevens Trello
Miscovich

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

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

RESOLUTIONS

Mr. JOHNSON called up **HR 173, PN 2415**, entitled:

Memorializing the United States Congress to urge all citizens to refuse to accept mail bearing the Iranian stamp which depicts the 1979 takeover of the American Embassy.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Afflerbach	Durham	Levin	Robbins
Alderette	Evans	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Saurman
Battisto	Foster, W. W.	McHale	Scheetz
Belardi	Foster, Jr., A.	McIntyre	Schuler
Belfanti	Freeman	McMonagle	Semmel
Beloff	Freind	McVerry	Serafini
Blaum	Fryer	Mackowski	Seventy
Book	Gallagher	Madigan	Showers
Bowser	Gallen	Maiale	Sirianni
Boyes	Gamble	Manderino	Smith, B.

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

* * *

Mr. GRUITZA called up **HR 177, PN 2490**, entitled:

Congratulating the City of Hermitage.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—2

Bowser	Hutchinson
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EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

STATEMENT BY MR. GRUITZA

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

Mr. GRUITZA. Mr. Speaker, I would just like to make a very brief remark on the resolution that just passed.

The SPEAKER. The resolution is not on the floor of the House any longer, Mr. Gruitza.

Mr. GRUITZA. Well then, I will make a very brief comment.

The SPEAKER. No. We are not going to foreclose you. You may speak, without objection, under unanimous consent. The Chair hears no objection.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, what we have done is to congratulate Pennsylvania's newest city, the city of Hermitage. Hermitage is a municipality which surrounds the cities of Sharon and Farrell in Mercer County. It has a population of about 18,000, over 600 business and industrial establishments making up that municipality. Their decision to become a city marks a final, I

think, phase of growth for this municipality, and I thought it would be appropriate that we recognize them today. Thank you.

The SPEAKER. The Chair thanks the gentleman.

RESOLUTIONS CONTINUED

Mr. DOMBROWSKI called up **HR 174, PN 2447**, entitled:

Memorializing the President and the United States Congress to reverse the decision of the United States Immigration and Naturalization Service which denies asylum to Polish Nationals.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Marmion
Miscovich

Rappaport

Stevens

Trello

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

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1863, PN 2436**, entitled:

An Act amending "The Pennsylvania Sewage Facilities Act," approved January 24, 1966 (1965 P. L. 1535, No. 537), further providing for permits.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments
No. A0542:

Amend Sec. 1 (Sec. 7), page 2, line 16, by inserting after "residence."

A permit for a rural residence shall not be necessary unless the local municipality requires it by ordinance.

Amend Sec. 1 (Sec. 7), page 2, line 17, by striking out "NEED NOT BE A FARM" and inserting

shall not be limited by definition to being only a farm

Amend Sec. 2, page 2, lines 19 and 20, by striking out "apply to" in line 19, all of line 20 and inserting

affect any right to a rural residence exemption from permit requirements imposed by a municipality which was legally established prior to the effective date of this act.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

This is an amendment to HB 1863, which is an amendment to the Sewage Facilities Act of 1966, Act 537.

The issue that we are dealing with in the bill and in the amendment is the 10-acre rural residence exclusion. What we are trying to do with the bill is, essentially, put into statute what has been the Department of Environmental Resources regulatory provisions from the very beginning of the act. Specifically, we are saying in both the bill and the amendment that a rural residence is going to consist of any 10-acre parcel, whether it is farmed or not farmed. The amendment simply clarifies that language and makes it a little more pleasing to the attorneys.

We are, additionally, inserting a grandfather clause into the bill to assure that anyone who has obtained an exclusion for rural residency purposes would be included, whether or not a

local municipality adopts a permitting requirement. I would urge adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—3

Hutchinson	Johnson	Lashinger
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EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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. 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 Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

I would like to interrogate the sponsor.

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

Mr. TIGUE. Mr. Speaker, I am just curious about the effects the passage of this bill would have on who would regulate sewage problems within a municipality, whether it is rural or not. One of the questions I have is, would passage of this bill prohibit the Department of Environmental Resources from mandating certain requirements within a municipality?

Mr. GREENWOOD. The passage of the bill would not change anything that is currently in existing practice. What it would do is circumvent what the Department of Environmental Resources is trying to do now through regulation. The impact on any municipality would be this: Anyone who has less than 10 acres and wishes to build an on-lot septic system would still be required to get a permit, just as they are today. If they have 10 acres or more and they wish to build an on-lot septic system, they would not be required to obtain a permit, just as they are not today required to get a permit, unless the local municipality, bypassing an ordinance, requires a permit. Once that municipality requires a permit, then either the department of health, if there is one, or the municipality would be responsible for the permit requirements for that system.

Mr. TIGUE. So what you are saying in essence then is that currently DER does not require permits on 10 acres or more?

Mr. GREENWOOD. That is correct.

Mr. TIGUE. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. I would like to interrogate the maker of this bill.

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

Mr. LETTERMAN. Did I understand you to say that you do not need a permit if you have 10 acres or more?

Mr. GREENWOOD. The act itself, Act 537, created the rural residence. Now, "rural residence" is defined as 10 acres or more of land with one residential unit of no more than two families in it. Under current regulations and under current statute, you are not required to have a permit unless the local municipality has passed an ordinance requiring a permit.

Mr. LETTERMAN. That is because of your amendment. Right?

Mr. GREENWOOD. No. That is existing regulation. What my bill does is put into—

Mr. LETTERMAN. Mr. Speaker, I cannot hear the answer.

The SPEAKER. Would you repeat the answer for the gentleman, Mr. Greenwood?

Mr. GREENWOOD. With Mr. Letterman's permission.

My bill will put into statute what is currently in regulation. The two primary issues are, every 10-acre parcel will be eligible to be a rural residence and therefore not require a permit unless the municipality involved passes an ordinance and requires that everyone have a permit regardless of the parcel size. That is current regulation, and I am attempting to put that into statute.

Mr. LETTERMAN. In other words, you are trying to make it easier for people with 10 acres of land to put a sewage facility on their piece of land. Right?

Mr. GREENWOOD. Essentially, yes.

Mr. LETTERMAN. Okay. Because if a municipality does not pass an ordinance, then they would not need a permit of any kind.

Mr. GREENWOOD. Not if they have 10 acres or more, just as they do not today.

Mr. LETTERMAN. Thank you.

Mr. Speaker?

The SPEAKER. The gentleman is in order and may comment on the bill.

Mr. LETTERMAN. After the understanding, I think this is a good piece of legislation, and I would like to see everyone vote in the affirmative, please.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer, on final passage.

Mr. CLYMER. Thank you, Mr. Speaker.

I just want to echo the remarks of my colleague, Representative Greenwood, and urge the members to support this important piece of legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. REBER. Mr. Speaker, I would like to interrogate the prime sponsor.

The SPEAKER. Mr. Greenwood indicates he will stand for interrogation. Mr. Reber is in order and may proceed.

Mr. REBER. Mr. Speaker, so there is no misconception as to what is being referred to as a rural residence, could you please delineate what intent, in the way of definition, you mean by "rural residence"?

Mr. GREENWOOD. A rural residence will continue to be any parcel of 10 acres or more on which there exists no more than one residential unit occupied by no more than two families.

Mr. REBER. Would it be safe to say then, Mr. Speaker, that if a zoning ordinance does not have within its definition section a specific definition for "rural residence," you could qualify under this particular provision if you are a residence

that does not violate the remaining aspects of the definition you just gave me?

Mr. GREENWOOD. That is correct. This does not overlap zoning issues.

Mr. REBER. In short, a single-family residence then that would have 10 acres or more would qualify under this. Is that correct?

Mr. GREENWOOD. That is correct.

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—188

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.	McIntyre	Saurman
Belfanti	Freeman	McMonagle	Scheetz
Beloff	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Seventy
Bowser	Gallen	Maiale	Showers
Boyes	Gamble	Manderino	Smith, B.
Brandt	Gannon	Manmiller	Smith, L. E.
Broujos	Geist	Markosek	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G. M.
Burd	Gladeck	Merry	Spitz
Burns	Godshall	Michlovic	Stairs
Caltagirone	Greenwood	Micozzie	Steighner
Cappabianca	Grieco	Miller	Stewart
Carn	Gruitza	Moehlmann	Stuban
Cawley	Gruppo	Morris	Sweet
Cessar	Hagarty	Mowery	Swift
Cimini	Haluska	Mrkonic	Taylor, E. Z.
Civera	Harper	Murphy	Taylor, F. E.
Clark	Hayes	Nahill	Tigue
Clymer	Herman	Noye	Truman
Cohen	Hershey	O'Brien	Van Horne
Colafella	Hoeffel	O'Donnell	Vroon
Cole	Honaman	Olasz	Wachob
Cordisco	Hutchinson	Oliver	Wambach
Cornell	Itkin	Perzel	Wargo
Coslett	Jackson	Peterson	Wass
Cowell	Jarolin	Petrarca	Weston
Coy	Kasunic	Petrone	Wiggins
Deluca	Kennedy	Phillips	Williams
DeVerter	Klingaman	Pievsky	Wilson
DeWeese	Kosinski	Pistella	Wogan
Daley	Kowalshyn	Pitts	Wozniak
Davies	Kukovich	Pott	Wright, D. R.
Dawida	Lashingier	Pratt	Wright, J. L.
Deal	Laughlin	Preston	Wright, R. C.
Dietz	Lehr	Punt	Zwikl
Dombrowski	Lescovitz	Reber	
Donatucci	Letterman	Reinard	Irvis,
Duffy	Levi	Richardson	Speaker
Durham	Levin		

NAYS—8

Afflerbach	Dorr	Piccola	Sirianni
Dininni	Hasay	Serafini	Spencer

NOT VOTING—2

Johnson Telek

EXCUSED—5

Marmion Rappaport Stevens Trello
Misceovich

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.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 547, PN 1731**.

**SUPPLEMENTAL CALENDAR A
REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. MANDERINO and Mr. RYAN called up for consideration the following Report of the Committee of Conference on **SB 547, PN 1731**, entitled:

An Act authorizing the indebtedness, with the approval of the electors, of \$190,000,000 to promote economic redevelopment throughout Pennsylvania through job producing programs; grants and loans for industrial and small business development; acquisition of equipment for vocational programs in secondary schools, community colleges and engineering degree-granting schools; agricultural development; and the acquisition, rehabilitation or development of facilities for community services and public recreation purposes.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the majority leader and the minority leader, who request that the House will adopt the Committee of Conference Report on SB 547.

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

Mr. WASS. Mr. Speaker, may I interrogate Mr. Ryan?

The SPEAKER. The gentleman, Mr. Ryan, indicates he will stand for interrogation. It is on the Committee of Conference Report on SB 547.

Mr. WASS. Mr. Speaker, as I understand the conference report, we are placing a referendum on the ballot.

Mr. RYAN. That is correct, Mr. Speaker.

Mr. WASS. Mr. Speaker, admitting that we have received different publications on what these funds will be used for, what assurances do we have that there will not be a deviation from what the specific uses are? What assurances can we tell our people back home?

Mr. RYAN. Mr. Speaker, I guess the greatest assurance you have is that this authorizes only the incurring of debt through the bond issue. Supplemental bills will be introduced in the near future, assuming this passes at the primary, which will cover the subject matter contained in this referendum.

You see, under, I guess, the election law—I am saying the election law; I believe that to be true—on a referendum you can only place the question in 75 words or less. At the time that this form of referendum was prepared, the lawyers from all four caucuses as well as the leaders from the four caucuses, together with representatives of the Governor's Office, met trying to consolidate into less than 75 words language that would cover the subject matter that we, for instance, discussed in caucus as to what we were going to do with this money resulting from the bond issue. By way of assurances, we, for instance, could not take these bond funds and go out and build a new Capitol Building, because under the referendum you do not have the power to do that. We could not, by way of example, perhaps go into the Port Authority of Philadelphia for the development of ports. And I am making some of these things up as I go, because it is not contained in the referendum.

I think, however, that the best assurance you have, Mr. Speaker, for whatever it is worth, I guess, is the assurance—and I say this in the presence, of course, of Mr. Manderino—that the four leaders of the caucuses, together with the other leaders who participated in these various conferences, reduced to writing—and I believe you have a copy of it; they were made available to everyone—our agreement as to where we will put our best efforts as leaders in the enactment of legislation that essentially will track the memorandum that has been provided to you. This was not something that I said I want and Mr. Manderino said he wants, but rather it was something that all of the leaders—and not just the four leaders, but by way of example, Mr. Hayes was present, Mr. McClatchy was present from our caucus, Mr. Pievsky was present, Mr. Irvis was present—and the same thing was true on the Senate side, where this was agreed to. The memorandum really represents the bulk of the activities of the joint leadership meeting. The referendum represents the activities of the lawyers who are trying to put in as few words as possible the generalization of the memorandum.

Mr. WASS. Mr. Speaker, then if I would refer to that particular document there with my voters back home, I would be honestly proposing what the intent of the bond issue is?

Mr. RYAN. That is correct.

Mr. WASS. Thank you very much.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—176

Afflerbach	Duffy	Lloyd	Rudy
Alderette	Durham	Lucyk	Ryan
Angstadt	Evans	McCall	Rybak
Arty	Fattah	McHale	Saloom

Baldwin	Fee	McIntyre	Salvatore
Barber	Fischer	McMonagle	Serafini
Battisto	Flick	Mackowski	Seventy
Belardi	Foster, W. W.	Madigan	Showers
Belfanti	Foster, Jr., A.	Maiale	Sirianni
Beloff	Freeman	Manderino	Smith, B.
Blaum	Freind	Manmiller	Smith, L. E.
Book	Gallagher	Markosek	Snyder, D. W.
Bowser	Gallen	Mayernik	Snyder, G. M.
Boyes	Gamble	Merry	Spencer
Brandt	Gannon	Michlovic	Spitz
Broujos	Geist	Micozzie	Stairs
Burd	George	Miller	Steighner
Burns	Grieco	Moehlmann	Stewart
Caltagirone	Gruitza	Morris	Stuban
Cappabianca	Gruppo	Mowery	Sweet
Carn	Haluska	Mrkotic	Swift
Cawley	Harper	Murphy	Taylor, E. Z.
Cessar	Hasay	O'Brien	Taylor, F. E.
Cimini	Hayes	O'Donnell	Telek
Civera	Herman	Olasz	Tigue
Clark	Hershey	Oliver	Truman
Clymer	Hoeffel	Perzel	Van Horne
Cohen	Honaman	Peterson	Wachob
Colafella	Itkin	Petrarca	Wambach
Cole	Jackson	Petrone	Wargo
Cordisco	Jarolin	Phillips	Wass
Coslett	Johnson	Piccola	Weston
Cowell	Kasunic	Pievsky	Wiggins
Coy	Klingaman	Pistella	Williams
Deluca	Kosinski	Pitts	Wilson
DeVertier	Kowalshyn	Pott	Wogan
DeWeese	Kukovich	Pratt	Wozniak
Daley	Lashingier	Preston	Wright, D. R.
Davies	Laughlin	Punt	Wright, J. L.
Dawida	Lehr	Reber	Wright, R. C.
Deal	Lescovitz	Reinard	Zwilk
Dietz	Letterman	Richardson	
Dombrowski	Levin	Rieger	Irvis,
Donatucci	Linton	Robbins	Speaker
Dorr	Livengood		

NAYS—22

Armstrong	Gladeck	Levi	Saurman
Bunt	Godshall	McClatchy	Scheetz
Cornell	Greenwood	McVerry	Schuler
Dininni	Hagarty	Nahill	Semmel
Fargo	Hutchinson	Noye	Vroon
Fryer	Kennedy		

NOT VOTING—0

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Blair, Mr. Johnson, rise?

Mr. JOHNSON. Mr. Speaker, on SB 1134, final passage, I inadvertently failed to vote. I would like to be recorded in the affirmative.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1858, PN 2504**, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," providing for applications for additional insurance; providing for automatic increases for inflation; and providing insurance availability for structures under construction.

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

Mr. MANDERINO offered the following amendments No. A0569:

Amend Sec. 1 (Sec. 7.1), page 2, lines 8 and 9, by striking out "the new amount of insurance shall be effective immediately," and inserting
the board shall have thirty days from the day the request was received to reinspect the structure. If reinspection occurs within the thirty-day period and the structure passes the reinspection, the new amount of insurance shall be effective from the date of reinspection. If reinspection does not occur within the thirty-day period, the new amount of insurance shall be effective from the date the subscriber's written request for additional insurance was received by the board or any of its agents,

Amend Sec. 2, page 3, line 5, by striking out all of said line and inserting

Section 2. (a) Insofar as it applies to section 12.1 of the act, section 1 of this act shall take effect in six months.

(b) The remainder of this act shall take effect immediately.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment proposed is an amendment drafted to meet two objections that the Department of Environmental Resources had to the bill as written. Both revisions have to do with the placing of additional insurance on structures. One amendment places additional insurance, when applied for, on structures, in effect if the department has not made its inspection within 30 days. The second amendment allows the department 6 months to gear up for this section of the bill.

Mr. Speaker, I urge the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, to make a committee announcement.

Mr. LAUGHLIN. Mr. Speaker, I would like to call the members of the Consumer Affairs Committee together in the back of the House immediately upon the call of the recess for a recessed meeting we had the other day.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, on HB 1858 I failed to vote. My switch failed to operate. I would like to be recorded in the affirmative, please.

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

STATEMENT BY MR. FLICK

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

Mr. FLICK. Thank you, Mr. Speaker.

Mr. Speaker, this morning I intend to introduce a piece of legislation that I think will have a great impact on the tourism business in Pennsylvania. I think it is a bill that each and every member here in the House would like to support.

Since, one, there is a growing need to increase financial support of tourist promotion activities in the Commonwealth as a result of the jobs and economic development tourist promotion activities stimulate, and two, the fact that the hotel room rental tax is for the most part a tax on transients and not on the residents of a county, Representative Schuler and I are introducing this morning a "may" provision that would enable all counties, if they choose, to enact the hotel room tax with the funds being specifically directed towards tourist promotional activities. This would be a provision where they could enact up to a 3-percent tax. It is similar to the same legislation that passed last year for Montgomery and Delaware Counties and is in place also for Philadelphia and Allegheny Counties. I would respectfully request that those members who wish to join Representative Schuler and me as cosponsors, I will leave the bill on the desk. Thank you.

Mr. Speaker, if I might, one more point.

The SPEAKER. The gentleman may continue.

Mr. FLICK. Thank you.

I am pleased to also state that the majority leader and the minority leader are both cosponsors of this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1837, PN 2486**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the terms of office and appointment of public utility commissioners; and providing for retention election of appointed commissioners.

On the question,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendments No. A0529:

Amend Sec. 1 (Sec. 301), page 6, lines 4 through 30 and page 7, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 2, page 7, lines 8 through 10, by striking out "AND NO SUCH MEMBER SHALL BE ELIGIBLE FOR RETENTION" in line 8, all of line 9 and "DATE OF THIS ACT" in line 10

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this is a rather straightforward, simple amendment. The effect of the adoption of this amendment is to delete from the bill the provision that a PUC (Public Utility Commission) commissioner could, at the conclusion of his term, run for a retention election.

Now, we have provisions in the Commonwealth of Pennsylvania now in the judiciary system for a retention election, and I am not so sure that our members fully understand the statistical impact of retention elections. It is my belief, based on information I received within the past 6 months, that with, I believe, one exception in the Commonwealth of Pennsylvania, no judge has ever been defeated in a retention election.

Now, a retention election, as you recall, simply—

Miss SIRIANNI. Mr. Speaker, six judges have been defeated.

Mr. RYAN. All right. Thank you.

Carmel constantly makes me honest. I appreciate that, but it is still very few.

A retention election, to refresh your recollection, is a simple question on the ballot out of order—out of order in the sense that it appears, at least in our county, above the various candidates for elective office. It appears as a question on a referendum would appear, and in short it says, should Judge Whoever-it-is be retained? In essence, what the voters are asked to do is really decide something in the negative almost. It is not who is a good candidate; who is a bad candidate; one man versing another man; one woman versing another woman, but rather should this person be retained in office for an additional period of time.

Now, we do not do retention elections for district justices, by way of example, and they would like to be included in that category. We do it for the judges of the court of common pleas and the appellate courts. But there is an important distinction between what we do now with the judiciary and what is being proposed in this bill, and that very, very, very important distinction is that in the first instance, a judge, who is up on a retention question at a later date, has been elected by the people. I think that is a tremendously important distinction. This bill, unamended, would provide for a Governor—your Governor, my Governor, some future Governor—to appoint

people to the PUC, people who have never been before the public and elected, and then after they have served a period of time, the question would appear on the ballot, should this person be retained?

Now, there are all sorts of dangers connected with PUC commissioners running for election or running on a retention question. I think all of us have been around long enough, at least many of us have, to know that we act a little differently prior to our own election than we do in the first year of our term. I do not think anyone seriously contends that some of the legislation that passes as we get closer to election probably would not have passed had it been offered at the very beginning of our term. It is a natural reaction. I am not being critical of it. I think that same danger exists with PUC commissioners. They not only—and I am going to say the last year of their term—would be neglecting to some extent their duties by campaigning for retention, but their actions perhaps would be tainted by that same thing that some of us perhaps are driven by, and that is a need for reelection and perhaps voting for things we would not otherwise have voted for.

The whole question of retention really does not belong with the PUC, in my judgment. It is not a proper place to put it. I think retention, if used at all, should be used after an elected official has been elected by the people.

I find myself in strange company on this issue. Franklin Kury is not here today. He was in this House for many years before being a Senator. I find myself on the same side of an issue with Senator Kury, probably for the first time in my life. I find myself on the same side of an issue with members of the PUC. I find myself on the same side of an issue with a gas and electric association; with the Pennsylvania Citizens Consumer Council—strange bedfellows, perhaps—with the chambers of commerce of both Pennsylvania and Pittsburgh; with the Energy Consumers of Pennsylvania; with the American Society of Utility Investors; with the Pennsylvania League for Consumer Protection; with the ELCON Institute—and I do not even know what the ELCON Institute is, but those capital letters, I am sure, stand for something important—the National Association of Water Companies; the Philadelphia NAACP (National Association for the Advancement of Colored People); the Coalition on Utility Crises; the Carpenter Technology Corporation in Reading; the Philadelphia Council of Neighborhood Organizations; Senior Action Group Endeavor; the Air Products Corporation up in Allentown; the Philadelphia Chamber of Commerce; the Pottstown Area Chamber; the Citizens Action Committee in the Northeast; and the Pennsylvania Ratepayers Alliance. Now, I was more shocked, perhaps, than you to find myself on the same side of an issue with many of these groups, and I thought finally these groups are seeing things as I do. They are long overdue in many cases, and I hope that this foreshadows further legislation that I am interested in, being backed by such a wide and diverse group.

I think with representative groups like this it adds credibility to the amendment that I offer. You do not have to take my word for something. You can look to these groups,

whom many of you have great respect for, as I do. All in all, the principle of retention, I believe, is out of place when dealing with something as sensitive as a consumer-oriented, a business-affected Public Utility Commission.

In conclusion, of course, I would ask that you vote for my amendment.

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

Mr. COY. Just a point of clarification, Mr. Speaker.

The SPEAKER. What is the gentleman's point?

Mr. COY. The amendment No. 529 that I have has Mr. Burns' name on it. Is this the same one that Mr. Ryan is offering that we are discussing?

The SPEAKER. Your point of clarification is the reason that the Chair has not called on anybody else to speak. The Chair is trying to determine whether or not we have the wrong amendment in front of us.

Mr. COY. Thank you, Mr. Speaker.

The SPEAKER. The arguments which Mr. Ryan seemed to be making seem to the Chair to be contrary to what the amendment says.

Mr. COY. That was my impression, too.

Mr. RYAN. Mr. Speaker, I will send to the floor a copy of this amendment.

The SPEAKER. What is the number you have?

Mr. RYAN. A0529. To simplify it, the next-to-the-last line in all caps is, "AND NO SUCH MEMBER SHALL BE ELIGIBLE FOR RETENTION." Is that not what the Chair has?

The SPEAKER. But it strikes out that line.

Mr. RYAN. That is right; which is what I am trying to do away with - retention. The first section strikes out a number of lines. I simply referred to it for simplicity.

Mr. Speaker, evidently Mr. Burns originally—I do not know that he did it originally, but somewhere along the line Mr. Burns got hold of my amendment and put his name on it, and because of my seniority, I stole it from him.

Mr. BURNS. Mr. Speaker, if I could clarify the situation.

The SPEAKER. If you can, the Chair will be delighted.

Mr. BURNS. Earlier, at the beginning of the session, I spoke to the Chair and told him that all of the amendments ended up on my desk. I took one of each and signed it and had it prepared for circulation. I did not realize that I had signed the one that should have been in Mr. Ryan's office. I tried to explain that to the Chair earlier.

The SPEAKER. The House will stand at ease.

Mr. Kukovich, come up here to the podium, please.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

The Chair is satisfied now that the gentleman, Mr. Ryan's amendment is pertinent to his arguments. The Chair would advise the members that you have to read the entire amendment. Mr. Ryan is striking from the bill any mention of retention by the PUC commissioners, and it was necessary to strike two sections. If you read only the second section, it would appear to be contradictory to his argument, but that is not in fact so.

On the Ryan amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

I rise to oppose the Ryan amendment. Based on my experience practicing before the Public Utility Commission and working for the commission and also on listening to an awful lot of consumer complaints about utility companies, it seems to me that there are basically two things wrong with the PUC. First, it does not have enough quality people; and second, it does not have enough public accountability. This bill, without the Ryan amendment, seeks to meet both of those objections. If the Ryan amendment were to pass, one of those two objections would continue.

Under the bill at the present time, so that members understand, in order to be on the commission you must be selected by a blue-ribbon panel, then picked from a list provided by that panel by the Governor and sent to the State Senate and confirmed by the Senate. At the end of 5 years, if you wish to continue serving on the commission for another 5 years, your name would appear on the ballot under a retention election. Now, if Mr. Ryan's amendment passes, what will happen is that the terms will be shortened to 5 years and you will continue to go through this appointment process. That is going to mean, hopefully, a better quality commissioner, but it is going to rob us of an opportunity to inject some public accountability into the process.

Now, Mr. Ryan, in my opinion, made a very inconsistent argument. First he said the major reason we ought to be for this bill is that all these groups that we all care about are for the bill. It seems to me that is no reason at all. Furthermore, it seems to me, at least from the communications that I received from many of those groups, that their primary objection was to a direct election of commissioners. Now, perhaps the gentleman has letters saying specifically that they object to retention, but I would urge him to go back and look at that and make sure that that is the case, because I think many of those people did not even comment on the retention issue.

In addition, Mr. Ryan says, well, what we have to have, it is not fair to couple appointment and retention, because somehow you should not be entitled to retention unless you first get elected, but he is not for first electing. So what he is for, I guess, is appointment and reappointment. I do not understand how that makes people more accountable to the public, which I guess is what he is arguing about as to why it is unfair to give somebody the right to run in a retention election if he did not first get elected.

In addition, Mr. Ryan is saying that people act differently when it comes election time, and that may be true, but that is exactly what the public wants to see happen at the Public Utility Commission. The public is not satisfied that when utility rates are being set, that there is any sensitivity to people's ability to pay.

Now, I understand, under the ratemaking formula, the way things have to work legally, but I also understand that in a normal case there is a wide range of options available to the commissioners. Their philosophy will determine whether in

the recent Bell Telephone case they come out at zero rate increase or \$300 million that the company asked for, and it seems to me that it is fair to expect that the philosophy of those people on the commission has to be accountable and has to take account of the public outrage about utility bills.

It seems to me furthermore, Mr. Speaker, that Mr. Ryan's arguments would lead one to suggest that maybe he was in favor of an election for the PUC. I am sure that is not the case. So if you really want to have a situation in which the people who are appointed to the commission are initially people who have qualifications but that they do not forget that they owe a responsibility to the public, then you have to vote down the Ryan amendment and keep that balancing act which is currently in the bill. I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

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

If we take out retention, then we take out the one feature of this bill that provides for accountability and a measure of public input. There presently is no accountability in the PUC system. Retention at least provides some measure of accountability. The public has been shut out of the utility ratemaking policy process in Pennsylvania for too long. Retention is a start in the right direction of greater citizen input, of the public having a say in the direction of a policymaking body which is second only to our own General Assembly in terms of importance and influence in this State. I personally would prefer direct election of the PUC, but retention is a reasonable and modest proposal. It must be kept in this bill.

I ask the membership of this House to put their faith in the public, that same public who are our employers and from whom we and indirectly the PUC derives all its authority and justification as a political entity. Mr. Speaker, I urge the membership to defeat this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, thank you.

I rise in opposition to the Ryan amendment. What Mr. Ryan is attempting to do with this amendment is to tell us that he is perfectly happy with the Public Utility Commission as it presently exists and that if we simply cut the length of the terms of the commissioners, we will have reformed this highly controversial regulatory body.

The retention section of this bill as written is perhaps the boldest, the boldest step toward reform of the PUC that has ever been made since legislators began talking of reform several years ago. It is important that the retention provision remain in the bill as written, because if it is not, we will have reverted to the same old patronage system that existed for so many years, a patronage system that many times puts the people into PUC commissionerships solely because of their loyalty to the Governor's election campaigns, people who are less concerned with the plight of the people, who can no

longer, no longer afford to pay their utility bills, than they are about the perks of the office.

We have seen what has happened with the utility rate base since Governor Thornburgh began appointing commissioners who have granted rate increases at percentages the likes of which have never been seen in this Commonwealth. I sometimes think that the Governor has effectively removed the "P" from the PUC. It might be better to call it the Utility Commission rather than the Public Utility Commission.

I think it is significant to note that the public utility lobby, which opposes the legislation as written, is perfectly happy with the PUC as it is presently structured, which should be enough to make us, any of us, renew our efforts to enact this very important reform measure. The retention system, if nothing else, will return the word "public" to the Public Utility Commission. The commissioners, individually or collectively, if they desire to serve another term, will be held fully accountable to the people for their action. That is not the case today, and the maker of the amendment and the rest of my colleagues in the House know this is so.

I will be the first to agree that if a retention election of the present board of commissioners were held today, none, or perhaps only one, of the board would be retained. But under the provisions of the retention provision in this bill, each of the future commissioners would have several years to prove the value of his stewardship, and each would be held accountable each time a rate increase is approved. I do not believe the commissioners of the PUC, the State's most important regulatory body, should be held out as sacred cows, and I believe the people of this Commonwealth can rate their services more effectively than a Governor who rates their performance by their political value. I urge my colleagues to vote "no" against the Ryan amendment and let us take this bold step in the Commonwealth of Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GALLEN. Mr. Speaker, I rise in support of the Ryan amendment. Uncharacteristically, Mr. Ryan omitted one thing when he spoke of the retention of our common pleas and appellate court judges. When a common pleas court judge is appointed, there is no retention election held for him. He must first run and be elected prior to a retention election being held.

Mr. Speaker, we have something here that is neither fish nor fowl. These people are going to be appointed and then be retained. There is a gross inconsistency here, Mr. Speaker, and I rise in support of the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MORRIS. Thank you, Mr. Speaker.

I, too, oppose this amendment. I do not know about all these organizations that have communicated with Mr. Ryan. All I know is that they disagree with over 61 percent of the

people on the voters lists in my district who sent back an answer to more than one questionnaire on this subject. I put it to these people, should the members of the Public Utility Commission be elected, appointed, or no opinion? As I say, over 61 percent of them said "elected," and some of them additionally did not reply, and that percentage had no opinion.

The SPEAKER. The Chair thanks the gentleman.

On the Ryan amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I also rise in support of the Ryan amendment. I would like to comment briefly on what the gentleman, Mr. Lloyd, said about one of the needs of the PUC, and that is the need for quality people, both quality commissioners and quality staff people.

What is going to happen if we submit this agency to retention election is—and we experienced it right here in the General Assembly and in the Governor's Office—the tendency will be for the PUC commissioners to hire not quality people with regard to utility rates and public utilities and energy needs, but they will start to hire quality people with regard to getting retained - political people, people who are going to make them look good, not necessarily people who are going to know anything about utility rates. We do it right here in the General Assembly, and that is not necessarily bad for us, because there is an adversary process here. There are Republicans against Democrats, and we have a competition in that field of public relations. But in the PUC there will be no such competition. The effort by the PUC commissioners who will be up for retention will be to make themselves look good, and they will hire a large number of people just to accomplish that fact. I do not think we want that in the PUC.

Secondly, Mr. Speaker, utility rates are probably going to continue to go up no matter what we do and no matter whom we put on the PUC. And even if they do not, the people of the Commonwealth are going to perceive that they are going up, even when they are not going up, and they are going to blame the PUC for that. That is a fact of life. People blame the courts for everything that is wrong with the judicial system, and that is a fact of life. And the chances are, Mr. Speaker, that a PUC commissioner up for retention is probably not going to be retained ever, unless he goes to such extremes as to divorce himself from any rate increases that are enacted. And the result is going to be just the opposite of what Mr. Lloyd wants to accomplish. You are not going to have any consistency on the PUC; they are all going to be unretained, thrown out of office at the end of their term.

I think to put this quasi-judicial agency into the retention and election and political process is a big mistake for the consumers, because the law says that a utility is entitled to a certain rate of return, and if the PUC does not give them that rate of return, the courts are going to, and that is just another level of appeal which is going to be more costly, and that cost is going to be passed on to the consumer. I urge that the Ryan amendment be adopted. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the Ryan amendment, the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, there have been a number of points made by Mr. Piccola, and which were earlier made by Mr. Ryan and now by Mr. Gallen, which I think need response.

What should be remembered is, in the recent Bell Telephone rate case— The argument of Mr. Piccola is that they are going to be irresponsible and set rates which are going to be appealed to Commonwealth Court and overruled. But, in that case, the company asked for \$300 million; the Consumer Advocate presented evidence of record, Mr. Speaker, evidence of record which would have justified a zero rate increase; the commission staff presented evidence of record which would have required somewhere around a \$25-million or \$30-million rate increase. So the judges and the commissioners in that case had evidence on the record which would have justified either the \$300 million the company wanted or the zero that the Consumer Advocate wanted or picking a hodgepodge of adjustments which were proposed by all the parties somewhere in between. Commonwealth Court is not going to reverse decisions which have substantial evidence in the record to uphold them. And to suggest that somehow these commissioners had agreed with the consumer arguments in ongoing cases, that that somehow is going to lead to a rash of reversals by Commonwealth Court, I think, is simply not correct.

Also, it is very interesting, Mr. Piccola says what is wrong with this bill is that nobody would ever be retained. I think it is kind of curious as to who is running for Auditor General if that is true, and I guess we will find out. Mr. Ryan says what is wrong with this bill is that everybody is going to be retained. I suggest they cannot have it both ways, Mr. Speaker. We need to have quality, we need to have accountability. The defeat of the Ryan amendment is the best way to do that, and I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I hate to prolong this, but I think there are some things that are not coming across.

Number one, this bill, in itself, is an effort to improve the Public Utility Commission. I think if we take out the section dealing with the retention election, we are going to have a good bill. We are going to have a good bill because the bill does other things. It provides for quality by having a nominating panel made up of a number of people who will select names for the Governor, and the Governor then must choose one of these names.

So we are going to have quality whether or not we have a retention election. We are going to have responsibility because if those people have done a good job, their names, apparently, will come before the nominating council the next time they would—

Mr. WAMBACH. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman from Dauphin, Mr. Wambach, interrupt Mr. Burns?

Mr. WAMBACH. I think the amendment talks about retention and Mr. Burns is giving all of the good qualities of the bill together with, obviously, some of his amendments that should be adopted. I really feel that he should stay on the topic of the amendment, Mr. Speaker.

The SPEAKER. The Chair believes that the gentleman, Mr. Burns, was making an argument for the removal of the retention on the basis of the fact that even with the removal, the bill would be a quality bill, so the gentleman may proceed.

Mr. BURNS. Thank you, Mr. Speaker.

I really believe that it will be a quality bill, and it will be a better quality bill if we take out the retention election. I think the retention election weakens it. I think the public perceives now that the problem with the PUC is the simple fact that it is all politics. I do not see how any retention election is going to do away with that perception. I really think that if we have this quality panel to appoint, and they do in fact appoint quality people, we really do not need a retention election that brings back the stigma of politics into the situation again. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—134

Afflerbach	Fischer	Letterman	Rudy
Alderette	Flick	Levi	Ryan
Armstrong	Foster, W. W.	Levin	Saloom
Arty	Foster, Jr., A.	Livengood	Saurman
Battisto	Freind	Lucyk	Scheetz
Belardi	Fryer	McCall	Schuler
Belfanti	Gallagher	McClatchy	Semmel
Beloff	Gallen	McIntyre	Seventy
Book	Gannon	McVerry	Showers
Bowser	Geist	Mackowski	Sirianni
Brandt	George	Madigan	Smith, L. E.
Broujos	Gladeck	Manmiller	Snyder, D. W.
Bunt	Godshall	Markosek	Snyder, G. M.
Burd	Greenwood	Mayernik	Spencer
Burns	Grieco	Merry	Spitz
Cappabianca	Gruppo	Micozzie	Stairs
Cessar	Hagarty	Miller	Stewart
Cimini	Haluska	Moehlmann	Stuban
Civera	Hasay	Mowery	Sweet
Clymer	Hayes	Mrkonic	Swift
Colafella	Herman	Nahill	Taylor, E. Z.
Cole	Hershey	Noye	Taylor, F. E.
Cordisco	Hoeffel	Peterson	Telek
Cornell	Honaman	Phillips	Van Horne
Coslett	Hutchinson	Piccola	Vroon
Coy	Jackson	Pitts	Wargo
DeVerter	Johnson	Pott	Wass
Davies	Kennedy	Pratt	Wilson
Dietz	Klingaman	Preston	Wozniak
Dininni	Kosinski	Punt	Wright, D. R.
Dorr	Kowalshyn	Reber	Wright, J. L.
Duffy	Lashinger	Reinard	Wright, R. C.
Durham	Lehr	Robbins	Zwikl
Fargo	Lescovitz		

NAYS—64

Angstadt	Donatucci	Maiale	Rybak
Baldwin	Evans	Manderino	Salvatore
Barber	Fattah	Michlovic	Serafini
Blaum	Fee	Morris	Smith, B.
Boyes	Freeman	Murphy	Steighner
Caltagirone	Gamble	O'Brien	Tigue
Carn	Gruitza	O'Donnell	Truman
Cawley	Harper	Olasz	Wachob
Clark	Itkin	Oliver	Wambach
Cohen	Jarolin	Perzel	Weston
Cowell	Kasunic	Petrarca	Wiggins
Deluca	Kukovich	Petrone	Williams
DeWeese	Laughlin	Pievsky	Wogan
Daley	Linton	Pistella	
Dawida	Lloyd	Richardson	Irvis,
Deal	McHale	Rieger	Speaker
Dombrowski	McMonagle		

NOT VOTING—0

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

WELCOME

The SPEAKER. The Chair welcomes to the hall of the House John Burke, Merle Hanna, Larry Garner, and George Sulkosky. They are all from Blairsville, Pennsylvania, Indiana County, and they are here as the guests of Representative Wass and Representative Stewart. Welcome to the hall of the House.

RECESS

The SPEAKER. The House will be in recess until 1:30 p.m.

AFTER RECESS

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

SENATE MESSAGE

**HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 11, PN 1457**, and has appointed Senators WILT, BRIGHTBILL and ROSS a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

BILLS SIGNED BY SPEAKER

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

SB 152, PN 1549

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for membership on the commission.

SB 288, PN 1714

An Act regulating the purchase and sale of precious metals.

SB 506, PN 1684

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), entitled "Second Class County Assessment Law," further providing for assessments when sewer bans are imposed; redefining the term "established predetermined ratio"; and further providing for ratios.

SB 547, PN 1731

An Act authorizing the indebtedness, with the approval of the electors, of \$190,000,000 to promote economic redevelopment throughout Pennsylvania through job producing programs; grants and loans for industrial and small business development; acquisition of equipment for vocational programs in secondary schools, community colleges and engineering degree-granting schools; agricultural development; and the acquisition, rehabilitation or development of facilities for community services and public recreation purposes.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Erie, Mr. Dombrowski, rise?

Mr. DOMBROWSKI. Mr. Speaker, on the Ryan amendment, A0529, to HB 1837, I inadvertently voted in the negative. I would like the record to show that I should have voted in the affirmative.

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

CONSIDERATION OF HB 1837 RESUMED

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

Mr. BURNS offered the following amendment No. A0484:

Amend Sec. 1 (Sec. 301), page 4, line 5, by inserting after "YEAR,"

Council member terms shall expire on December 31 of each year.

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

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, this amendment would guarantee that there is a beginning and a termination date for the constitution of the nominating council as proposed in this bill. A new council would be appointed each year if this amend-

ment is adopted. There would be a 2-week period between January 1 and January 15 where there would be no nominating council constituted.

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

Mr. KUKOVICH. Mr. Speaker, this is an agreed-to amendment, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—176

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

NAYS—0

NOT VOTING—22

Caltagirone	Fischer	Lehr	Spitz
Cessar	Flick	Miller	Steighner
Cole	Gamble	Petrone	Taylor, E. Z.
DeWeese	Harper	Pitts	Wass
Deal	Hershey	Preston	Wright, R. C.
Durham	Jarolin		

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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. BURNS offered the following amendment No. A0530:

Amend Sec. 1 (Sec. 301), page 5, by inserting between lines 6 and 7

(11) Two representatives of commercial and retail business entities.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

This amendment would amend page 5 by adding two additional representatives to the nominating council. Those representatives would represent commercial and retail entities. This would give representatives of two business users of utilities a say on the nominating council, and it would further balance the structure of the nominating council to have seven residential consumers on the council versus six representatives who would represent utility, labor, agriculture, and energy council interests.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

This amendment is also agreed to, and I think it will broaden the nominating council and improve that panel, so I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS--197

Afflerbach	Durham	Levin	Robbins
Alderette	Evans	Linton	Rudy
Angstadt	Fargo	Livengood	Ryan
Armstrong	Fattah	Lloyd	Rybak
Arty	Fee	Lucyk	Saloom
Baldwin	Fischer	McCall	Salvatore
Barber	Flick	McClatchy	Saurman
Battisto	Foster, W. W.	McHale	Scheetz
Belardi	Foster, Jr., A.	McIntyre	Schuler
Belfanti	Freeman	McMonagle	Semmel
Beloff	Freind	McVerry	Serafini
Blaum	Fryer	Mackowski	Seventy
Book	Gallagher	Madigan	Showers
Bowser	Gallen	Maiale	Sirianni
Boyes	Gamble	Manderino	Smith, B.
Brandt	Gannon	Manmiller	Smith, L. E.
Broujos	Geist	Markosek	Snyder, D. W.
Bunt	George	Mayernik	Snyder, G. M.
Burd	Gladeck	Merry	Spencer
Burns	Godshall	Michlovic	Spitz
Caltagirone	Greenwood	Micozzie	Stairs
Cappabianca	Grieco	Miller	Steighner
Carn	Gruitza	Moehlmann	Stewart

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

NAYS—0

NOT VOTING—1

Wright, R. C.

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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. BURNS offered the following amendments No. A0406:

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

, (b) and (c)

Amend Sec. 1 (Sec. 301), page 4, line 1, by striking out all of said line and inserting

(c) Chairman.—A member designated by the Governor shall be the chairman of the commission during such member's term of office. When present, the chairman shall preside at all meetings, but in his absence [a member, designated by the chairman,] the vice chairman shall preside and shall exercise, for the time being, all the powers of the chairman. The chairman shall have such powers and duties as authorized by the commission as provided in section 331(b) (relating to powers of commission and administrative law judges). The commission shall annually elect a vice chairman to act in case of absence or disability of the chairman or in the case of a vacancy in the office of chairman.

On the question,

Will the House agree to the amendments?

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

Mr. BURNS. Mr. Speaker, this amendment is A0406, and it designates that there shall be a vice chairman, who would be

elected by fellow commissioners, who would serve in the absence or the disability of the chairman.

We have seen in the past recently that when the chairmanship was vacant on the PUC, there was nobody to step in and fill the role, and we think that the PUC members ought to be able to elect a temporary chairman until one is appointed. That temporary chairman would be a vice chairman.

The SPEAKER. The Chair thanks the gentleman.

On the Burns amendment, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. This also is an agreed-to amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

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

NAYS—0
NOT VOTING—1

Cohen

EXCUSED—5

Marmion Rappaport Stevens Trello
Misceovich

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. BURNS offered the following amendment No. A0481:
Amend Sec. 1 (Sec. 301), page 5, line 19, by inserting after "list"
, including detailed qualifications

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

The SPEAKER. The Chair again recognizes the gentleman, Mr. Burns.

Mr. BURNS. Mr. Speaker, under the new nominating council as proposed in this bill, the Governor will receive at least three but not more than eight names that they submit for a vacancy, of which the Governor must pick one. We are asking in this amendment that detailed qualifications of the nominees be submitted to the Governor at the same time as the list of names is submitted, so that the Governor and his staff shall not have to repeat all of the background work done on the names submitted as potential appointees to the PUC.

The SPEAKER. The Chair thanks the gentleman.
On the question, the Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. This also is an agreed-to amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—1

Mrkonic

EXCUSED—5

Marmion Rappaport Stevens Trello
Misceovich

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. BURNS offered the following amendment No. A0509:
Amend Sec. 1 (Sec. 301), page 5, lines 23 through 25, by striking out "The list shall," in line 23, and all of lines 24 and 25

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

The SPEAKER. The Chair again recognizes the gentleman, Mr. Burns.

Mr. BURNS. Mr. Speaker, this amendment again speaks to the nominating list that the nominating council finally comes up with. In the bill as it is written now, there is a provision that that list and the qualifications and so forth be sent to the General Assembly at the same time that it is sent to the Governor's Office. We think that could be an embarrassment for the people on the list who are fine, upstanding, good citizens with great qualifications, but the Governor, in most cases, can only pick one. So we say to have that list circulated would not do anybody any good, and may be an embarrassment to some. For that reason we offer the amendment to strike that so that that list would not have to be submitted to the General Assembly.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I cannot agree to this amendment. I do not feel that strongly about it, but I do feel that the people's business should probably be done fully in the public eye, and the General Assembly should be notified.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman from Somerset, Mr. Lloyd, rise?

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

The SPEAKER. The Chair recognizes the gentleman to speak on the amendment.

Mr. LLOYD. Mr. Speaker, it seems that everybody wants to glibly pass this, but understand that if we are going to have a nominating procedure and we are going to be confident that the people who are being selected from the list presented to the Governor are in fact people who have the right qualifications as opposed to the other people on that list, it is going to be necessary at some point for the General Assembly to know who is on that list. Otherwise, how can we possibly know whether politics has really been taken out of this process or not? I understand what Mr. Burns is trying to do, but I just do not see how you can possibly police this without some kind of disclosure, and what is likely to happen is you are going to have piecemeal disclosure through the press and through those groups that did not get their person appointed.

It seems to me that it makes a whole lot more sense and is a whole lot less injurious to individuals who do not get selected if the list is simply presented to the public, rather than leaked out dribble by dribble. So I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. One of the major functions of the legislative body is oversight. It is not asking too much that we have a copy of the list that the Governor is going to be presented with. I think to keep the public informed, to keep us informed as elected officials, we should have a copy of that list. I therefore urge a "no" vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the amendment, the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, first of all, so that there is no misunderstanding, the meeting of the nominating council, where the names would be discussed and submitted and so forth, is open to the public under our sunshine law, so there would be plenty of information as to who was being nominated and what the qualifications were. On the final list that is sent to the Governor, if it were sent to the General Assembly at the same time, it could produce a massive lobbying effort on behalf of one or the other.

I think we are giving the Governor eight names from a council that is open. The council has that responsibility to submit eight names. All of those names are going to be known

to the public because of the openness of the meeting, but when the names come to the Governor, I think the final eight names ought to be somewhat confidential. Let us take the person, for example, an outstanding person, who might be named by the council and the name submitted to the Governor, but he has a good job of some sort. Maybe he is the chief executive officer of some corporation or whatever it may be. It may not be worth him having his name put up if his employers knew that he was looking for another job or was interested in it or would even take it. So I suggest that this list cannot do us any good, but it certainly will protect the individuals whose names are being submitted.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—107

Afflerbach	Flick	McIntyre	Salvatore
Angstadt	Foster, W. W.	McMonagle	Saurman
Armstrong	Foster, Jr., A.	McVerry	Schuler
Arty	Freind	Mackowski	Semmel
Book	Gallen	Madigan	Serafini
Bowser	Gannon	Manmiller	Sirianni
Boyes	Geist	Merry	Smith, B.
Brandt	Gladeck	Micozzie	Smith, L. E.
Bunt	Godshall	Miller	Snyder, D. W.
Burd	Greenwood	Mochlmann	Snyder, G. M.
Burns	Grieco	Mowery	Spencer
Cessar	Gruppo	Nahill	Spitz
Cimini	Hagarty	Noye	Stairs
Civera	Hasay	O'Brien	Sweet
Clymer	Hayes	Perzel	Swift
Cornell	Herman	Peterson	Taylor, E. Z.
Coslett	Hershey	Phillips	Telek
Coy	Honaman	Piccola	Vroon
DeVerter	Jackson	Pitts	Wass
Davies	Johnson	Pott	Weston
Dietz	Kennedy	Pratt	Wilson
Dininni	Klingaman	Punt	Wogan
Donatucci	Lashinger	Reber	Wright, D. R.
Dorr	Lehr	Reinard	Wright, J. L.
Durham	Levi	Rieger	Wright, R. C.
Fargo	Livengood	Robbins	Zwinkl
Fischer	McClachy	Ryan	

NAYS—90

Alderette	Deal	Lescovitz	Richardson
Baldwin	Dombrowski	Letterman	Rudy
Barber	Duffy	Levin	Rybak
Battisto	Evans	Linton	Saloom
Belardi	Fattah	Lloyd	Scheetz
Belfanti	Fee	Lucyk	Seventy
Beloff	Freeman	McCall	Showers
Blaum	Fryer	McHale	Steighner
Broujos	Gallagher	Maiale	Stewart
Caltagirone	Gamble	Manderino	Suban
Cappabianca	George	Markosek	Taylor, F. E.
Carn	Gruitza	Michlovic	Tigue
Cawley	Haluska	Morris	Truman
Clark	Harper	Mrkonic	Van Horne
Cohen	Hoeffel	Murphy	Wachob
Colafella	Hutchinson	O'Donnell	Wambach
Cole	Itkin	Olasz	Wargo
Cordisico	Jarolin	Oliver	Wiggins
Cowell	Kasunic	Petrarca	Williams
Deluca	Kosinski	Petrone	Wozniak
DeWeese	Kowalyszyn	Pievsky	
Daley	Kukovich	Pistella	Irvis,
Dawida	Laughlin	Preston	Speaker

NOT VOTING—1

Mayernik

EXCUSED—5

Marmion
Misceovich

Rappaport

Stevens

Trello

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. BURNS offered the following amendment No. A0482:

Amend Sec. 1 (Sec. 301), page 2, line 13, by inserting after "COMMISSIONER"
nor seek election to any other political office for a period of two years following the conclusion of his term

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I am sorry. I believe we withdrew that amendment. Is that correct, Mr. Kukovich?

Mr. KUKOVICH. What was the number of that amendment?

Mr. BURNS. As I heard it, it was 0482.

The SPEAKER. That has been withdrawn.

Does that complete the offering of the gentleman on amendments?

Mr. BURNS. Mr. Speaker, there is one more.

On the question recurring,

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

Mr. BURNS offered the following amendment No. A0533:

Amend Sec. 1 (Sec. 301), page 1, line 16, by inserting brackets before and after "two-thirds" and inserting immediately thereafter

a majority

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, this amendment simply says that a majority of votes in the Senate confirms the nominee. Do not forget, we are having a blue-ribbon panel submit no more than eight names, no fewer than three, from which the Governor must choose one, and now when it goes to the Senate, we think that the two-thirds majority rule ought to be stricken and that the appointee should be approved by the Senate by a majority vote.

The SPEAKER. The Chair takes it that this is an agreed-to amendment.

Mr. BURNS. I doubt it, Mr. Speaker.

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

Mr. KUKOVICH. Unfortunately, Mr. Speaker, I cannot agree to this amendment. What we have tried to do with the bill is strike a balance between all the competing interests. Whether you are for or against this concept—and there are some valid arguments for this concept—I think it will politicize this bill and destroy the compromise that we have reached. For that reason, I would ask for a negative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am sure that all the members sitting in the House this afternoon understand the implications of this amendment offered by Mr. Burns, and I would simply ask that a negative vote be cast on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

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

I am somewhat surprised at the outcome of this proffered amendment. A few years back, when we were discussing essentially this same concept, I was one of three Republicans who voted with the Democrats in agreement on majority confirmation, and I have gone out and assiduously cultivated my colleagues. I have most of them won over, and now I fear I am in trouble on your side of the aisle. What happened?

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, if you will bear with me for a minute, please, you will recall that in every instance our trouble getting confirmations for PUC commissioners appointed by the Governor has been just the existence of the two-thirds requirement. If it were not for that, we would have had a full contingency of commissioners right at this moment.

Now we are coming up with a very good panel idea, and we are going to leave that obstacle in it. I do not care how good this panel is; I do not care how good the people are who are going to be recommended to the Governor to be appointed; we are still going to have that power to be an obstacle in the Senate. The two-thirds majority requirement is going to be an obstacle whether the council nominates the people for the Governor to appoint or whether the Governor appoints them now. It is the same thing, one way or the other. That two-thirds is going to continue to plague us until we get rid of it.

I think we ought to be practical; we ought to do the people out there a real favor and get rid of this thing once and for all and then tighten up this council so that it has to come up with the right kind of people. I certainly urge an affirmative vote on this amendment. I think this is progress.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

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

NAYS—102

Afflerbach	Dombrowski	Livengood	Preston
Alderette	Donatucci	Lloyd	Richardson
Baldwin	Duffy	Lucyk	Rieger
Barber	Evans	McCall	Rudy
Battisto	Fattah	McHale	Rybak
Belardi	Fee	McIntyre	Saloom
Belfanti	Freeman	McMonagle	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Steighner
Broujos	Gamble	Manmiller	Stewart
Caltagirone	George	Markosek	Stuban
Cappabianca	Gruitza	Mayernik	Sweet
Carn	Haluska	Michlovic	Taylor, F. E.
Clark	Hoeffel	Miller	Truman
Cohen	Hutchinson	Morris	Van Horne
Colafella	Itkin	Mrkonic	Wachob
Cole	Jarolin	Murphy	Wambach
Cordisco	Kasunic	O'Donnell	Wargo
Coslett	Kosinski	Olasz	Wiggins
Cowell	Kowalshyn	Oliver	Williams
Coy	Kukovich	Petrarca	Wozniak
Deluca	Laughlin	Petrone	Wright, D. R.
Daley	Lescovitz	Piccola	Zwinkl
Dawida	Letterman	Pievsky	
Deal	Levin	Pistella	Irvis,
Dininni	Linton	Pratt	Speaker

NOT VOTING—2

DeWeese Harper

EXCUSED—5

Marmion Rappaport Stevens Trello
Miscovich

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

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, who offers the following amendment, which the clerk will read.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Westmoreland, Mr. Kukovich, rise?

Mr. KUKOVICH. A point of parliamentary inquiry.

The SPEAKER. Will the gentleman state the point.

Mr. KUKOVICH. I believe that Representative Burns has already inserted an amendment regarding this matter. Now, I have no disagreement—

The SPEAKER. Regarding which matter?

Mr. KUKOVICH. Regarding the matter that would also be covered by Representative Dorr's amendment.

The SPEAKER. We cannot comment on that until we know what Representative Dorr's amendment is.

On the question recurring,

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

Mr. DORR offered the following amendment No. A0557:

Amend Sec. 1 (Sec. 301), page 5, by inserting between lines 6 and 7

(11) Two representatives of the small business community appointed annually by the Governor, one representing employers of fewer than 50 persons and one representing employers of 50 to 250 persons.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr, for an explanation of the amendment.

Mr. DORR. Thank you, Mr. Speaker.

The amendment would include in the nominating council two representatives of small business. The one representative would represent employers of fewer than 50 persons, and the second would represent employers of from 50 to 250 persons.

If I may comment on the gentleman, Mr. Kukovich's comment, I would indicate to him that by including representatives of the commercial and retail community, we do not necessarily include representatives of the small business community. For example, an appointment could represent a community of Sears Roebuck and K-Mart and Woolco and all of the other large retailers around the State. In fact, in my judgment, Mr. Speaker, unless we do designate that small business representatives should be on the council, the council will tend to reflect, even though we have retailers and commercial establishments represented, it will tend to reflect the larger of those entities and not the smaller.

The SPEAKER. The Chair has looked at the amendment of the gentleman, Mr. Burns. It is the Chair's opinion that there is no conflict in the two amendments. The second amendment by Mr. Dorr may end up adding two additional representatives on the council, but it would not necessarily conflict with Mr. Burns'.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, that was the point of my question which I guess I asked prematurely. I have no problem with having Representative Dorr's amendment in place. I do have a problem with changing the complexion of

the panel that greatly. Originally it was 11 members; it has now been changed to make it 13, which is fine, but if there are 2 more business representatives, then the balance shifts too, I think, dramatically away from the consumers. I am concerned about that.

I would like to support Representative Dorr's amendment, but I cannot, if we are going to have four additional business members instead of two.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I rise to concur with the Dorr amendment. The specific reasoning for it is because he is emphasizing small business, and the small business community of Pennsylvania feels that they have been left out in this particular process with the PUC. In fact, Mr. Speaker, I have an amendment now, which is in Mr. Laughlin's committee, which would designate a specific attorney within the Consumer Advocate's Office who would specifically represent the small business interest. With this particular Dorr amendment, should it be successful and should the bill finally pass, there would be no need for that particular piece of legislation. The small business people of Pennsylvania are crying for such representation, and I ask for an affirmative vote on the Dorr amendment.

One added point: Keep in mind also, Mr. Speaker, that the small business people of this Commonwealth are the consumers of the Commonwealth. They are the small individuals who represent the consumers. Thank you.

The SPEAKER. The Chair thanks the gentleman.

It is possible, on a reading of the two amendments, the Burns amendment and the Dorr amendment, we could get two different interpretations, because each amendment seeks to amend the same lines, 6 and 7. The first interpretation is the one that the Chair indicates there would be no conflict, and the Chair is convinced that that is true. But there is a second possible amendment which does not lead to a conflict. It might well be read that the Dorr amendment adds modifiers to the Burns amendment. "Commercial," for example, is only a word in the Burns amendment. It could be read that by defining "commercial" as the small business community, the House has limited who might serve as commercial. By designating that by "retail" we are talking about people who employ fewer than 50 persons, it could be interpreted that the House has defined and limited the council's choice.

PARLIAMENTARY INQUIRY

Mr. DORR. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. DORR. Mr. Speaker, is it not this kind of situation which the Legislative Reference Bureau has the authority to make simple corrections on? The latter interpretation of the Speaker is clearly not the intent, and it would be my judgment that there would be no way that we could add people to the commission, for example, unless we amend those two lines. It

seems to me that the LRB would have the opportunity to change the section number, in effect, by making an additional section. I assume the section number added is the same in the Burns amendment as it is in the one that I submitted.

My intention is to submit a separate subsection under that provision, and I would request that the LRB, if that is proper, would make that ruling.

The SPEAKER. The gentleman's remarks are correct. If he states as the intent of the amendment that it is to add two more representatives, then, of course, the Legislative Reference Bureau may certainly construe it that way. The Chair was merely advising the gentlemen who are arguing the amendment of possible interpretations.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, Representative Burns and I have talked, and we have also noticed that the Burns amendment, as passed, is technically deficient in that it does not mention who would make the appointment, as the Dorr amendment does. Representative Burns and I have signed a motion for reconsideration. We could then pass and I would agree to the Dorr amendment, and we could reconsider and defeat the Burns amendment. That would clear up the entire problem.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

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	McIntyre	Scheetz
Belfanti	Freind	McMonagle	Schuler
Beloff	Fryer	McVerry	Semmel
Blaum	Gallagher	Mackowski	Serafini
Book	Gallen	Madigan	Seventy
Bowser	Gamble	Maiale	Showers
Boyes	Gannon	Manderino	Sirianni
Brandt	Geist	Manmiller	Smith, B.
Bunt	George	Markosek	Smith, L. E.
Burd	Gladeck	Mayernik	Snyder, D. W.
Burns	Godshall	Merry	Spencer
Caltagirone	Greenwood	Michlovic	Spitz
Cappabianca	Grieco	Micozzie	Stairs
Carn	Gruitza	Miller	Steighner
Cawley	Gruppo	Moehlmann	Stewart
Cessar	Hagarty	Morris	Stuban
Cimini	Haluska	Mowery	Sweet
Civera	Harper	Mrkonic	Swift
Clark	Hasay	Murphy	Taylor, E. Z.
Clymer	Hayes	Nahill	Taylor, F. E.
Cohen	Herman	Noye	Telek
Colafella	Hershey	O'Brien	Tigue
Cole	Hoeffel	O'Donnell	Truman
Cordisco	Honaman	Olasz	Van Horne
Cornell	Hutchinson	Oliver	Wachob
Coslett	Itkin	Perzel	Wargo
Cowell	Jackson	Peterson	Wass
Coy	Jarolin	Petrarca	Weston
Deluca	Johnson	Pettrone	Wiggins
DeVerter	Kasunic	Phillips	Williams
Daley	Kennedy	Piccola	Wilson

Davies	Klingaman	Pievsky	Wogan
Dawida	Kosinski	Pistella	Wozniak
Deal	Kowalyszyn	Pitts	Wright, D. R.
Dietz	Kukovich	Pott	Wright, J. L.
Dininni	Lashingier	Pratt	Wright, R. C.
Dombrowski	Laughlin	Preston	Zwikl
Donatucci	Lehr	Punt	
Dorr	Lescovitz	Reber	Irvis,
Duffy	Letterman	Reinard	Speaker
Durham	Levi	Richardson	

NAYS—0

NOT VOTING—5

Broujos	Snyder, G. M.	Vroon	Wambach
DeWeese			

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

AMENDMENT A0530 RECONSIDERED

The SPEAKER. The Chair now recognizes the gentleman from Bucks, Mr. Burns, who files, along with the gentleman, Mr. Kukovich, the following motion for reconsideration: to reconsider the vote by which amendment 0530 to HB 1837 was passed on this day, the 15th of February.

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

The following roll call was recorded:

YEAS—192

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

Cowell	Jarolin	Pievsky	Weston
Coy	Johnson	Pistella	Wiggins
DeLuca	Kasunic	Pitts	Williams
DeVerter	Kennedy	Pott	Wilson
Daley	Klingaman	Pratt	Wogan
Davies	Kosinski	Preston	Wozniak
Dawida	Kowalyszyn	Punt	Wright, D. R.
Deal	Kukovich	Reber	Wright, J. L.
Dietz	Lashingier	Reinard	Wright, R. C.
Dininni	Laughlin	Richardson	Zwikl
Dombrowski	Lehr	Rieger	
Donatucci	Lescovitz	Robbins	Irvis,
Dorr	Letterman	Rudy	Speaker
Duffy	Levi		

NAYS—0

NOT VOTING—6

DeWeese	McIntyre	O'Donnell	Petrarca
Itkin	Mayernik		

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

On the question recurring,
Will the House agree to the amendment?
The clerk read the following amendment No. A0530:

Amend Sec. 1 (Sec. 301), page 5, by inserting between lines 6 and 7

(11) Two representatives of commercial and retail business entities.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Mr. Speaker, I would like to withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman.

The Burns amendment A0530 has been withdrawn. That means the Dorr amendment alone is in the bill as far as amending the contents of the council.

REMARKS ON VOTE

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

Mr. VROON. Just simply to state that I inadvertently omitted my vote on the Dorr amendment A0557 to HB 1837. If I had recorded that vote, it would have been in the affirmative.

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

CONSIDERATION OF HB 1837 CONTINUED

On the question recurring,

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

Mr. VROON offered the following amendment No. A0448:

Amend Sec. 1 (Sec. 301), page 2, line 1, by inserting after "qualified."

Not more than three of the commissioners shall be members of the same political party.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this is an attempt on my part to maintain just as close a balance politically as we possibly can on the PUC. Therefore, it says that we should have no more than three members of the PUC from any one political party. This will keep it 3 to 2 at all times.

As it now is, we have three members, two of those are Democrats and one is Republican. Shortly, if these current nominees are appointed and confirmed, there will be 3 to 2 still in favor of the Democrats. There will be a shifting from time to time of one, and only one, and this can happen almost every year. There is not anything wrong with that, but I certainly think that in the interest of bipartisanship and the interest of fairness to the consumer, we ought to put this limitation in so that neither one of us can run wild with the PUC. I urge an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I am going to have to ask for a negative vote on this amendment. One of the things we are trying to do in HB 1837 is limit politics as much as possible, and even though that is a totally impossible thing to do, we think that this amendment will again let partisan politics come to play. With the merit selection panel made up as it is, we feel that people will be chosen much more so on the basis of merit than ever before. We would prefer not to put this political language into the bill, and we would prefer a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

We have heard lots of arguments that we ought to take the politics out of this and that we ought to appoint people to the commission solely on the basis of qualification. If you really believe that—and I do believe that we ought to at least appoint people on the basis of qualification—then you have to vote against this amendment, because what this amendment does is say to whoever is on the nominating panel, you decide who really understands and is appropriate to be on the commission, but remember what his party is.

It seems to me that this is going in the wrong direction. If you really believe in quality appointments, you need to vote "no."

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

Mr. VROON. Mr. Speaker, there is not anything about this council bill that we are looking at now that will make any difference as far as taking the politics out of it is concerned, but this is a step in that direction, just trying to limit the political aspects of it. You will still have it, and you will find that it is possible that one party will be completely represented if we pass this bill and if we are not careful about maintaining a good unbiased balance in the whole procedure. Now, I certainly think this is enough appeal to all of us that we should vote for this and neither one of us is going to be fighting about who is superior in this process.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—64

Armstrong	Fischer	Lehr	Robbins
Book	Flick	Levi	Ryan
Bowser	Foster, W. W.	McVerry	Saurman
Brandt	Freind	Mackowski	Scheetz
Bunt	Gallen	Madigan	Semmel
Burd	Gladeck	Merry	Serafini
Cessar	Greenwood	Micozzie	Smith, B.
Cimini	Grieco	Miller	Smith, L. E.
Cohen	Hagarty	Mowery	Snyder, G. M.
Cornell	Herman	Nahill	Spencer
Coslett	Hershey	Noye	Spitz
DeVerter	Honaman	Peterson	Stairs
Dawida	Johnson	Phillips	Swift
Dorr	Kennedy	Pitts	Vroon
Durham	Klingaman	Pott	Wilson
Fargo	Lashinger	Reber	Wright, R. C.

NAYS—128

Afflerbach	Donatucci	Livengood	Rybak
Alderette	Duffy	Lloyd	Saloom
Angstadt	Evans	Lucyk	Salvatore
Arty	Fattah	McCall	Schuler
Baldwin	Fee	McClatchy	Seventy
Barber	Foster, Jr., A.	McHale	Showers
Battisto	Freeman	McMonagle	Sirianni
Belardi	Fryer	Maiale	Snyder, D. W.
Belfanti	Gallagher	Manderino	Steighner
Beloff	Gamble	Manmiller	Stewart
Blaum	Gannon	Markosek	Stuban
Boyes	Geist	Michlovic	Sweet
Broujos	George	Moehlmann	Taylor, E. Z.
Burns	Godshall	Morris	Taylor, F. E.
Caltagirone	Gruitza	Mrkonic	Telek
Cappabianca	Gruppo	Murphy	Tigue
Carn	Haluska	O'Brien	Truman
Cawley	Harper	O'Donnell	Van Horne
Civera	Hasay	Olasz	Wachob
Clark	Hayes	Oliver	Wambach
Clymer	Hoefel	Perzel	Wargo
Colafella	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Wiggins
Cordisco	Jarolin	Piccola	Williams
Cowell	Kasunic	Pistella	Wogan
Coy	Kosinski	Pratt	Wozniak
DeLuca	Kowalshyn	Preston	Wright, D. R.
DeWeese	Kukovich	Punt	Wright, J. L.
Daley	Laughlin	Reinard	Zwikl
Davies	Lescovitz	Richardson	
Deal	Letterman	Rieger	Irvis,
Dininni	Levin	Rudy	Speaker

Dombrowski	Linton		
NOT VOTING—6			
Dietz	McIntyre	Pievsy	Weston
Hutchinson	Mayernik		
EXCUSED—5			
Marmion	Rappaport	Stevens	Trello
Miscevich			

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

WELCOME

The SPEAKER. The Chair has had the pleasure of introducing yesterday a very courageous young man, and today the Chair has the pleasure of introducing an extremely bright and gifted young woman. Her name is Melanie. She is the daughter of Representative Broujos. She is a graduate of Dickinson College, and she carries with her the enviable record of having won 12 varsity athletic letters and is Phi Beta Kappa. Melanie, welcome to the hall of the House.

In addition to that, she has been accepted as a student in the Yale Divinity School. I suppose that means, Melanie, if one of us drops into the river, you will be capable of saving our lives and later our souls; not a bad combination.

REMARKS ON VOTE

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

Mr. COHEN. Mr. Speaker, I voted in error on the last amendment. I would like my vote to be recorded in the negative on the Vroon amendment 0448 to HB 1837.

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

CONSIDERATION OF HB 1837 CONTINUED

On the question recurring,

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

Mr. VROON offered the following amendment No. A0451:

Amend Sec. 1 (Sec. 301), page 4, lines 13 through 30; page 5, lines 1 through 6, by striking out all of said lines on said pages and inserting

(1) One member of the public appointed by the Speaker of the House of Representatives and one member of the public appointed by the Minority Leader of the House of Representatives annually on February 1.

(2) One member of the public appointed by the President pro tempore of the Senate and one member of the public appointed by the Minority Leader of the Senate annually on February 1.

(3) A member of the public appointed by the Consumer Advocate annually on February 1.

(4) A representative of the regulated public utilities of this Commonwealth appointed by the Governor annually on February 1.

(5) A representative of the business community named by the Governor annually on February 1.

(6) A representative of organized labor named by the Governor annually on February 1.

(7) An economist appointed by the Governor.

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

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

Mr. VROON. Mr. Speaker, this is another attempt on my part, a very sincere attempt, to establish some very careful balance in the makeup of this nominating council. As it now stands in the bill, the chairman of the House Consumer Affairs Committee and the minority chairman of that House Consumer Affairs Committee and the chairman of the Senate Consumer Affairs Committee and the minority chairman of that, all will nominate one each from a consumer interest group.

Now, there are several things wrong with that. It is one thing to allow this to be done by the Consumer Affairs Committee, and these people who head these committees in both places are there, as you all know, purely and simply on the basis of their seniority standing. I do not think it is a good idea, in view of that, that we should entrust them with the responsibility, especially when we tell them what kind of a person they are to nominate. They are to nominate a consumer interest person. So I did, instead of that, suggest that one member of the public will be appointed—of the public, not just a consumer interest group, but of the public—will be appointed by the top man in the Senate and the minority leader of the Senate and then the same way in the House, so that these people will be nominated by the top leaders in both Houses and out of the general public. If they so choose, it can be consumer interest, and whichever way this falls, we are going to have an interesting variety of balance.

The rest of these are very carefully chosen to give us balance in the whole commission so that no one particular group can dominate this. If this is permitted to go with a domination of any one particular interest group, I think it is going to defeat its purpose.

So I think that if you look this over very carefully, you will find that each one of these has the potential of being a very good choice. At the same time there is enough flexibility in here so that certainly nobody can say this is aimed to defeat the consumer interest aspects of the bill as a whole. I strongly urge that you seriously consider voting for this, because this is truly a balanced, unbiased approach.

The SPEAKER. The Chair thanks the gentleman.

The House will stand at ease for a moment.

The Chair was simply checking to see what effect this would have on the Dorr amendment. It is the Chair's opinion that it would not cancel out the Dorr amendment.

On the Vroon amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I was opposed to this amendment before, but after the ruling of the Chair I am even more opposed.

We now have a 13-member panel after the work done by Mr. Burns and the amendment finally adopted by Mr. Dorr. We think it is very well balanced. We hit every cross section that would be concerned about this bill. I think this vote would dilute the panel more, make it more unwieldy, and really be an anticonsumer vote because it would really seriously destroy that balance and that consumer input. If this is also going to be in addition, pursuant to the ruling of the Chair, the board will simply be too large. No other State that has merit selection would have a board of this size. Let us try to keep the bill as clean as possible and vote "no" on the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Two additional problems.

PARLIAMENTARY INQUIRY

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

Mr. VROON. Mr. Speaker, before Mr. Lloyd gets started, I would like to raise a parliamentary question.

The SPEAKER. The gentleman may state the parliamentary inquiry.

Mr. VROON. The intention of this amendment is to eliminate all other points relative to the makeup of that council, and that would include Mr. Dorr's amendment as well. We could not possibly have addressed it in this amendment because Mr. Dorr's amendment had not passed then. But the intention is that that whole slate is replaced with this, including what has just been put in.

The SPEAKER. Your intention may very well have been that, Mr. Vroon, but that would not be accomplished by the way the amendment is drafted.

The Dorr amendment reads, "...by inserting between lines 6 and 7,..." which means just before you come to line 7 the Dorr amendment would be inserted. Your amendment would not strike out that, it would not strike out line 7; it would strike out lines 1 through 6. That, in the opinion of the Chair, would still leave that area of the Dorr amendment to be inserted, and we would end up with a bill, in the opinion of the Chair, which would add all of your members plus the two that the House has already voted for on the Dorr amendment.

PARLIAMENTARY INQUIRY

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

Mr. LLOYD. Thank you, Mr. Speaker.

Two additional problems. If we are going to— Maybe a parliamentary inquiry first, Mr. Speaker.

I understand that the Dorr amendment survives. Do all of the other people who were on the commission in the bill already, do they survive or are they out?

The SPEAKER. We would have to look at the bill.

The answer to your inquiry is that if the amendment submitted by the gentleman, Mr. Vroon, is approved by the House, it would strike out all of the people previously named on page 4 and continuing on page 5.

Mr. LLOYD. Thank you for the clarification, Mr. Speaker.

Two problems. In this bill is language which says that the nominating council begins on January 15. Mr. Vroon is not amending that, and so consequently—

The SPEAKER. Will the gentleman yield?

AMENDMENT WITHDRAWN

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

Mr. VROON. To save time and to save any more debate on this thing. Because of your ruling, I withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. VROON offered the following amendment No. A0449:

Amend Sec. 1 (Sec. 301), page 2, line 7, by inserting after "AGE."

At least one commissioner shall be an attorney admitted to practice in any of the states or the District of Columbia. The remaining commissioners shall have expertise in at least one of the following areas: accounting, engineering, economics, finance or public administration.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, this last amendment is designed to try to install into this bill a requirement for a highly professionalized PUC. For that reason we put in these words, that at least one commissioner will be an attorney and the remaining commissioners will have experience in certain lines. This is designed to give us some really highly qualified, respectable commissioners who will not be run-of-the-mill people who do not understand the real intricacies of the PUC, nor does this, Mr. Speaker, attempt to outdo the consumer interests expressed by Mr. Kukovich on prior amendments. All of these people, every last one of them, could fall into the category of being proconsumer commissioners. So this is not an attempt to soft-pedal the interests of the consumer, but it is an attempt to instill a high degree of professionalism so that we will get the best possible results on the commission.

I urge an affirmative vote. If we really want to do the job, let us do it right. Let us have some class.

The SPEAKER. The Chair thanks the gentleman.

On the Vroon amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I think Mr. Vroon is well intentioned. My problem with the amendment is that it would be too restrictive on the nominating council as to whom they would choose.

When we went through some of the original drafts of this bill, we tried to do something similar to what Representative Vroon is trying to do. We found that no matter what kind of list we came up with, it was either too all-inclusive or too exclusive. It would restrict certain qualified people from being a member of the Public Utility Commission. Also, the mandate that at least one commissioner would have to be an attorney we do not think is necessarily proper. We do think by the very nature of the nominating panel, as is provided for in HB 1837, we will get this broad range of expertise. But to put it into law and cement that in stone we think would be restricting too greatly the nominating council. I would oppose this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—24

Book	Hasay	Lloyd	Ryan
Cessar	Hershey	McVerry	Scheetz
Flick	Johnson	Mackowski	Smith, I. E.
Freind	Lehr	Pitts	Spencer
Gallen	Letterman	Pott	Spitz
Godshall	Livengood	Robbins	Vroon

NAYS—166

Afflerbach	Dombrowski	Lescovitz	Rieger
Alderette	Donatucci	Levi	Rudy
Angstadt	Dorr	Linton	Rybak
Armstrong	Duffy	Lucyk	Saloom
Baldwin	Durham	McCall	Salvatore
Barber	Evans	McClatchy	Schuler
Battisto	Fargo	McHale	Semmel
Belardi	Fattah	McIntyre	Serafini
Belfanti	Fee	McMonagle	Seventy
Blaum	Foster, W. W.	Madigan	Showers
Bowser	Foster, Jr., A.	Maiale	Sirianni
Boyes	Freeman	Manderino	Smith, B.
Brandt	Fryer	Manmiller	Snyder, D. W.
Broujos	Gallagher	Markosek	Snyder, G. M.
Bunt	Gamble	Mayernik	Stairs
Burd	Gannon	Merry	Steighner
Burns	Geist	Michlovic	Stewart
Caltagirone	George	Micozzie	Suban
Cappabianca	Gladeck	Moehlmann	Sweet
Carn	Greenwood	Morris	Swift
Cawley	Grieco	Mowery	Taylor, E. Z.
Cimini	Gruitza	Mrkonic	Taylor, F. E.
Civera	Gruppo	Murphy	Telek
Clark	Hagarty	Nahill	Tigue
Clymer	Haluska	Noye	Truman
Cohen	Harper	O'Brien	Van Horne
Colafella	Hayes	O'Donnell	Wachob
Cole	Herman	Olasz	Wambach
Cordisco	Hoeffel	Oliver	Wargo
Cornell	Honaman	Perzel	Wass
Coslett	Hutchinson	Peterson	Weston
Cowell	Itkin	Petrarca	Wiggins
Coy	Jackson	Petrone	Williams
DeLuca	Jarolin	Phillips	Wogan
DeVerter	Kasunic	Piccola	Wozniak
DeWeese	Kennedy	Pievsky	Wright, D. R.
Daley	Klingaman	Pistella	Wright, J. L.
Davies	Kosinski	Pratt	Wright, R. C.
Dawida	Kowalyszyn	Preston	Zwinkl
Deal	Kukovich	Punt	
Dietz	Lashinger	Reinard	Irvis,
Dininni	Laughlin	Richardson	Speaker

NOT VOTING—8

Arty	Fischer	Miller	Saurman
Beloff	Levin	Reber	Wilson

EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

On the question recurring,

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

Mr. AFFLERBACH offered the following amendments No. A0565:

Amend Title, page 1, line 2, by inserting after "the" number,

Amend Sec. 1 (Sec. 301), page 1, line 15, by inserting brackets before and after "five" and inserting immediately thereafter three

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

This amendment very simply reduces the number of commissioners on the Public Utility Commission from five to three. There are quite a number of States that operate with only three commissioners. I can detect no great deal of difference between their operation and that in Pennsylvania. As a matter of fact, our Pennsylvania Utility Commission has operated with only three commissioners now for some time, and I detect that there has been no worse service than there was under five commissioners. I am of the opinion, frankly, that five commissioners is too many. It simply extends debate in the PUC. I see no reason why three commissioners cannot continue to operate just as they have been doing here for the past several months.

The SPEAKER. The Chair thanks the gentleman.

On the Afflerbach amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have to oppose the amendment.

After extensive hearings across the State, the basic consensus was that the status quo in terms of the number of commissioners is adequate. Some States have experimented with other numbers smaller and larger. I believe it is our opinion that the issues confronting the Public Utility Commission are so myriad and so complex that a full complement of five commissioners is the most adequate to handle these problems. I would ask for a "no" vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns, on the amendment.

Mr. BURNS. Mr. Speaker, I would support Representative Kukovich in his request for a "no" vote on this amendment.

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

Mr. LLOYD. Mr. Speaker, I would also oppose the amendment and point out the fact that we have had problems with the commission because of illness and resignation. If there are only three members on the commission and one person becomes ill and cannot report to work or one person resigns, there is a very real possibility of a one-to-one standoff. That possibility exists when you have a five-member commission, but the odds of it are a lot longer, and therefore, this amendment is likely to produce even more deadlocks. I would ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—8

Afflerbach	Haluska	Saloom	Spencer
Freeman	Mrkonic	Smith, L. E.	Wargo

NAYS—187

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

Duffy	Levi	Richardson	Speaker
Durham			
NOT VOTING—3			
Cohen	DeWeese	McIntyre	
EXCUSED—5			
Marmion	Rappaport	Stevens	Trello
Miscevich			

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

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

Mr. AFFLERBACH offered the following amendments No. A0568:

Amend Sec. 1 (Sec. 301), page 4, lines 2 through 30; page 5, lines 1 through 30; page 6, lines 1 through 4, by striking out all of lines 2 through 30, page 4; all of lines 1 through 30, page 5; all of lines 1 through 3 and "(m)" in line 4, page 6, and inserting

(h)

Amend Sec. 1 (Sec. 301), page 6, line 30, by striking out "(n)" and inserting

(i)

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

REMARKS ON VOTE

The SPEAKER. Does the gentleman from Montgomery, Mr. Reber, wish the attention of the Chair?

Mr. REBER. Yes, Mr. Speaker.

On the prior Vroon amendment, 449, to HB 1837, my switch did not operate. I would like the record to reflect I would have voted in the affirmative.

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

CONSIDERATION OF HB 1837 CONTINUED

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

This amendment is somewhat far more substantive, I believe, to this bill than my prior amendment. This amendment would remove from the bill the Public Utility nominating council. It would remove it in its entirety.

I have no objection to the appointment of blue-ribbon panels or to the appointment of special commissions to review and to provide advisory opinions, advisory reports, but I do have an objection when we write into law that such a panel will in fact restrict the elected official from making an appointment which he has the authority and the responsibility to make. I am a very strong believer in responsibility. I think setting up blue-ribbon commissions and giving them this kind of power diffuses responsibility. I oppose merit selection of the judiciary for the same reason, and a PUC commissioner is closer to being a judge than he is anything else. I do not think

we should have this kind of a situation established in law that would restrict the Governor of this Commonwealth from selecting whomever he wishes to nominate to the Senate to serve on the PUC.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KUKOVICH. Mr. Speaker, of all the amendments offered, this one is probably the most damaging. For all intents and purposes it would gut the major provision of the bill, and that is to set up a merit selection panel that will finally provide some professionalism in the choices of the Public Utility Commission. With all the testimony we have taken from all the different competing interests, there has been a very large agreement, a consensus from all parties, that this is an improvement over the status quo.

I would suggest to this chamber that if this amendment is accepted, we are, for the most part, going back to the status quo except for reducing the terms. That is not good enough. We now have before us an opportunity to tell the consumers of this State - industrial, commercial, and residential - that the General Assembly wants more merit, more professionalism in the Public Utility Commission and to set up a smoother way of handling the appointment process - providing accountability, restricting politics. If you agree with that, you would have to vote "no" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. I concur, Mr. Speaker, completely with the remarks of my colleague, Mr. Kukovich. I would like to point out, for the first time, when all of the groups appeared before us throughout different places in the Commonwealth, the consumer groups, they felt that this was the answer to having some input to the nominating process. It does not take away the right of the Governor. The Governor still must choose. He chooses the best of what is sent to him. I think that is a better system than we have now.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the amendment, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

The remarks by Mr. Burns hit directly at my primary opposition to this nominating council. The bill very clearly states that the Governor, within 30 days of receipt of the council's recommendations, shall select and nominate one of those recommendations. We do not even give the Governor the opportunity to send all three or eight back and say he does not find any acceptable. We tell him that he must select one of them.

I urge support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—9

Afflerbach	Duffy	Saloom	Spencer
Alderette	Piccola	Smith, L. E.	Vroon
Dawida			

NAYS—185

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

NOT VOTING—4

Burd	McIntyre	McVerry	Wilson
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EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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

On the question recurring,

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

Mr. BROUJOS offered the following amendment No. A0576:

Amend Sec. 1 (Sec. 301), page 6, line 2, by inserting after "action" in the nature

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

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

Mr. BROUJOS. Mr. Speaker, this is a housekeeping amendment. The action of mandamus has been abolished by the Judiciary Code and by the rules of the Supreme Court. However, the old writs of mandamus and others still spoke eloquently of the significance and meaning of those writs, and we should keep mandamus in, but it would simply be more correct to state "in the nature" of. I ask for an affirmative vote.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

Mr. Broujos is right. I think this is a clarifying and technical amendment which will improve the bill, and I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

Deal	Kukovich	Preston	Wright, J. L.
Dietz	Lashingier	Punt	Wright, R. C.
Dininni	Laughlin	Reber	Zwinkl
Dombrowski	Lehr	Reinard	
Donatucci	Lescovitz	Richardson	Irvis,
Dorr	Letterman	Rieger	Speaker
Duffy			

NAYS—0

NOT VOTING—3

McIntyre	Maiale	Vroon
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EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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. 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—195

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

Dawida	Kukovich	Preston	Wright, D. R.
Deal	Lashingier	Punt	Wright, J. L.
Dietz	Laughlin	Reber	Wright, R. C.
Dininni	Lehr	Reinard	Zwinkl
Dombrowski	Lescovitz	Richardson	
Donatucci	Letterman	Rieger	Irvis,
Dorr	Levi	Robbins	Speaker
Duffy			

NAYS—0

NOT VOTING—3

Fischer	McIntyre	Miller
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EXCUSED—5

Marmion	Rappaport	Stevens	Trello
Miscevich			

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.

SENATE MESSAGE

**HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 503, PN 1680**.

MOTION INSISTING UPON AMENDMENTS

Mr. FRYER moved that the House insist upon its amendments nonconcurred in by the Senate to SB 503, PN 1680, and that a committee of conference on the part of the House be appointed.

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

**APPOINTMENT OF
COMMITTEE OF CONFERENCE**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 503, PN 1680: Messrs. FRYER, WAMBACH and A. C. FOSTER.
Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Lancaster, Mr. Miller, rise?

Mr. MILLER. Thank you, Mr. Speaker.

I inadvertently did not cast a vote on final passage of HB 1837, and had I been in my seat, I would have been recorded in the affirmative.

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

The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, if I had been in my seat, I would have voted in the affirmative on the Dorr amendment A557 to HB 1837, and on A0448 to HB 1837 I would have voted in the affirmative.

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

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

Mr. FLICK. Thank you, Mr. Speaker.

On the first amendment voted in this afternoon's session, amendment A0484 to HB 1837, I was not in my seat. I would like to be recorded in the affirmative.

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

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

HB 122, PN 136 By Rep. BARBER

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for attendant care services for certain persons.

HEALTH AND WELFARE.

SB 455, PN 1738 (Amended)

By Rep. BARBER

An Act regulating continuing care facilities; imposing duties upon the Insurance Commissioner; requiring certificate of authority; revocation of certificates; regulating disclosure statements; advertisement; regulating financial reserves; requiring escrows; regulating residents' agreements; establishing an advisory council; granting right of organization; regulating liquidation and rehabilitation; imposing civil liability; providing for the right to investigate and subpoena, liens, cross-collateralization, cease and desist orders and audits; imposing fees and regulations; and making criminal penalties.

HEALTH AND WELFARE.

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Levin, stand?

Mr. LEVIN. Just an inquiry if you had read across the desk the bill I gave you this morning?

The SPEAKER. I believe we did. Yes; we did read yours.

Mr. LEVIN. Thank you.

The SPEAKER. Yes; we reported yours across the desk.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There will be no further substantive business. When we adjourn this day's session, we will not convene until Tuesday, the 21st of February. We shall not be in session on Monday, the 20th. We shall convene on Tuesday, the 21st, at 1 p.m.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The **SPEAKER**. The Chair now recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. **FATTAH**. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 21, 1984, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:41 p.m., e.s.t., the House adjourned.