

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 30, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 29

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Omnipotent, Omniscient, and Omnipresent God, we are grateful for these attributes of Thine which inspire confidence, assurance, and trust in the lives of each of us. We beseech Thee to share with us the confidence of Thy abiding presence in all of the affairs of life. We ask that Thou wilt grant to us the assurance of Thy forgiving spirit as we face the difficulties and pitfalls of this life. And we pray that Thou wilt multiply the trust of Thy heavenly peace as the benediction and commendation to all that we do.

Heavenly Father, this we ask in the name and for the sake of our blessed Lord. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals for Tuesday, April 9; Wednesday, April 10; and Monday, April 15, 1985, are currently in print. Unless the Chair hears some objection from the floor, the Journals will be approved as printed, and the Chair hears no objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. However, the Journal for Monday, April 29, 1985, is not yet in print, and the approval of that Journal will be postponed until the Journal is in print.

LEAVES OF ABSENCE

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

Mr. FEE. I do not see any at this time, Mr. Speaker.

The SPEAKER. If it becomes necessary, the Chair will return to leaves.

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 184, PN 754.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar and placed on the active calendar:

- HB 71;
HB 146;
HB 298;
HB 350;
HB 567; and
HB 606.

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

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt, pursuant to Act No. 712 of the 1961 Session, of the listing of the various lobbyists under the "Lobbying Registration and Regulation Act," which the clerk will file.

The following communication was read:

Senate of Pennsylvania
April 30, 1985

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons

who have registered from March 26, 1985 through April 29, 1985 inclusive for the 169th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

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

(For list, see Appendix.)

HOUSE BILLS INTRODUCED AND REFERRED

No. 1075 By Representatives COWELL, COHEN, MILLER, FISCHER, KOSINSKI, DALEY, HALUSKA, BELFANTI, RYBAK, MICHLOVIC, CALTAGIRONE, MARKOSEK, TRELLO, SEMMEL, FOX, AFFLERBACH, TIGUE, PETRONE, WOGAN, PRATT, OLIVER, REBER, DeLUCA, GEIST, PRESTON, PISTELLA, PETRARCA, TELEK, PERZEL, WIGGINS, OLASZ and E. Z. TAYLOR

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding provisions relating to medical insurance.

Referred to Committee on INSURANCE, April 30, 1985.

No. 1076 By Representatives ITKIN, POTT, MICHLOVIC, LASHINGER, DeWEESE, STABACK, TRELLO, GANNON, LEVDANSKY, KUKOVICH, PETRONE, VAN HORNE, PRATT, SHOWERS, PRESTON, PISTELLA, MAYERNIK and MURPHY

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act," fixing minimum bond amounts.

Referred to Committee on MINES AND ENERGY MANAGEMENT, April 30, 1985.

No. 1077 By Representatives MICHLOVIC, KUKOVICH, LASHINGER, O'DONNELL, ITKIN, DeWEESE, DAWIDA, PRATT, PISTELLA, FREEMAN, LEVDANSKY, JOSEPHS, COHEN, BELFANTI, DALEY, BATTISTO, PRESTON, MURPHY and VAN HORNE

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

Referred to Committee on STATE GOVERNMENT, April 30, 1985.

No. 1078 By Representatives KUKOVICH, PICCOLA, ITKIN, SWEET, BELFANTI, DeWEESE, FREEMAN, AFFLERBACH, PRATT, DAWIDA, PISTELLA, DALEY, J. L. WRIGHT, MANMILLER, LEVDANSKY, LASHINGER, GREENWOOD, STABACK, MICHLOVIC, MURPHY and VAN HORNE

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

Referred to Committee on STATE GOVERNMENT, April 30, 1985.

No. 1079 By Representatives F. E. TAYLOR, DOMBROWSKI, OLASZ, KASUNIC, DALEY, HALUSKA, JAROLIN, STEIGHNER, TRELLO, PETRONE, VAN HORNE, BURD, CAPPABIANCA, DUFFY, STABACK, DALEY, PERZEL, PRESTON, J. J. TAYLOR and BURD

An Act providing for and regulating dog racing with pari-mutuel wagering on the results thereof; creating the State Dog Racing Commission and defining its powers and duties; providing for the establishment and operation of dog racing plants; imposing taxes on revenues of such plants; disposing of all moneys received by the commission and all moneys collected from the taxes; and authorizing penalties.

Referred to Committee on BUSINESS AND COMMERCE, April 30, 1985.

No. 1080 By Representatives DIETZ, TRELLO, BELFANTI, POTT, MARKOSEK, ANGSTADT, FOX, SEMMEL, STABACK, CHADWICK, PETRONE, BUSH, MRKONIC, CARLSON, PHILLIPS, JOHNSON, HALUSKA, SIRIANNI, PRATT, BOOK, CIVERA, GEIST, PRESTON, LANGTRY, WOZNIAK, FISCHER, PERZEL, ITKIN, JACKSON, BOWSER, VROON and HERMAN

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for the clarification of ballot questions on constitutional amendments.

Referred to Committee on STATE GOVERNMENT, April 30, 1985.

No. 1081 By Representatives DIETZ, PICCOLA, HALUSKA, MORRIS, REBER, CLARK, GODSHALL, J. L. WRIGHT, JOHNSON, PETRARCA, E. Z. TAYLOR, MICOZZIE, PERZEL, DISTLER, FLICK and LANGTRY

An Act repealing the act of June 17, 1913 (P. L. 507, No. 335), referred to as the "Intangible Personal Property Tax Law."

Referred to Committee on FINANCE, April 30, 1985.

No. 1082 By Representatives DAWIDA, VROON, HUTCHINSON, MARKOSEK, LEVDANSKY, BOWSER, McVERRY, WILSON, MORRIS, SWEET, HALUSKA, AFFLERBACH, FOX, PRESTON, TRELLO, STABACK, TIGUE, J. J. TAYLOR, B. SMITH, JOSEPHS, TELEK, ITKIN, RYBAK and BURD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for studies relating to the use of electric service controlling and monitoring devices.

Referred to Committee on CONSUMER AFFAIRS, April 30, 1985.

No. 1083 By Representatives DAWIDA, HALUSKA, MARKOSEK, STABACK, TIGUE, CAWLEY, BELARDI, MRKONIC, DeLUCA, PISTELLA, COWELL, KOSINSKI, NAHILL, RYBAK, ITKIN, MAIALE, AFFLERBACH, DAVIES, LASHINGER, SHOWERS, VAN HORNE, PRESTON, SEVENTY, TRELLO, OLASZ, RICHARDSON, JOSEPHS, WIGGINS and HOWLETT

An Act amending the act of July 9, 1976 (P. L. 817, No. 143), known as the "Mental Health Procedures Act," further providing for payment of costs for treatment.

Referred to Committee on HEALTH AND WELFARE, April 30, 1985.

No. 1084 By Representative BOYES

An Act amending the act of April 6, 1951 (P. L. 69, No. 20), known as "The Landlord and Tenant Act of 1951," further regulating notice to quit.

Referred to Committee on CONSUMER AFFAIRS, April 30, 1985.

No. 1085 By Representatives HERMAN, MOWERY, PISTELLA, CIVERA, DAWIDA, CAWLEY, NOYE, BELARDI, VROON, MERRY, GRUPPO, JOHNSON, FOX, BLACK and E. Z. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of a junior driver's license only upon completion of a standardized driver training course.

Referred to Committee on TRANSPORTATION, April 30, 1985.

No. 1086 By Representatives PHILLIPS and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the movement of certain devices while under manufacture.

Referred to Committee on TRANSPORTATION, April 30, 1985.

No. 1087 By Representatives HASAY, BLAUM, GEORGE, DISTLER, COSLETT and STEVENS

An Act authorizing the Department of Environmental Resources to make grants to river watch groups; establishing procedures for the application for and utilization of grant money; and making an appropriation.

Referred to Committee on CONSERVATION, April 30, 1985.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 84 By Representatives LANGTRY, KENNEY, BOOK, CESSAR, COWELL, PERZEL, LEVIN, POTT, PISTELLA, PETRONE, MICHLOVIC, O'DONNELL, HARPER, WESTON, MARKOSEK, DONATUCCI, McVERRY, ITKIN, GAMBLE, HOWLETT, ACOSTA, DeLUCA and MAYERNIK

Congratulating the cities of Pittsburgh and Philadelphia for being ranked among the top five "Best Places to Live in America."

Referred to Committee on RULES, April 30, 1985.

SENATE BILL FOR CONCURRENCE

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

SB 604, PN 809

Referred to Committee on LOCAL GOVERNMENT, April 30, 1985.

SENATE RESOLUTION FOR CONCURRENCE

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

SR 27, PN 873

Referred to Committee on RULES, April 30, 1985.

LEAVES OF ABSENCE

The SPEAKER. Are there any requests for leaves, Mr. Ryan or Mr. Noye? Any requests for leaves, to your knowledge?

Mr. RYAN. Mr. Speaker, it appears that we would request a leave for the lady from Allegheny, Mrs. LANGTRY, for the day's session. I am reading from Mr. Hayes' report, and unless he corrects it later, I would request that that leave be granted.

The SPEAKER. We will grant the request, and if there is a change, you will notify the Chair, of course.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House the sixth grade students from the Paxtonia Elementary School in the Central Dauphin School District. Their teachers, Karen Engle and Nancy McDonald, are with them. They are the guests of Representative Joe Manmiller. Welcome to the hall of the House.

The Chair had the distinct pleasure of meeting Mr. and Mrs. Jack Siefert. Mr. Siefert is the president of the Board of Commissioners of Springfield Township and the past president of the State Association of Township Commissioners. They are here as the guests of Representative Nahill and Representative Saurman. Welcome to the hall of the House.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fargo | McCall | Semmel |
| Belfanti | Fattah | McClatchy | Serafini |
| Birmelin | Fee | McHale | Seventy |
| Black | Fischer | McVerry | Showers |
| Blaum | Flick | Mackowski | Sirianni |
| Book | Foster, Jr., A. | Maiale | Smith, B. |
| Bortner | Fox | Manderino | Smith, L. E. |
| Bowley | Freeman | Manmiller | Snyder, D. W. |
| Bowser | Freind | Markosek | Snyder, G. M. |
| Boyes | Fryer | Mayernik | Staback |
| Brandt | Gallagher | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Moehlmann | Struban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrarca | Vroon |
| Cohen | Hershey | Petrone | Wambach |
| Colafella | Honaman | Phillips | Wass |
| Cole | Howlett | Piccola | Weston |
| Cordisico | Hutchinson | Pievsky | Wiggins |
| Cornell | Itkin | Pistella | Wilson |
| Coslett | Jackson | Pitts | Wogan |
| Cowell | Jarolin | Pott | Wozniak |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVerter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |

| | | | |
|--------|------------|------------|---------|
| Davies | Kosinski | Reber | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |
| Deal | Lashingier | Richardson | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Langtry

WELCOMES

The SPEAKER. We have two guest pages on the floor of the House today. The youngsters are Shelley Edwards and Steve Hess, and they are from Garden Spot High School. The Lancaster County delegation has sponsored them. Shelley and Steve, welcome to the hall of the House.

Representatives Ryan, Durham, and R. C. Wright have the members of the Christ United Methodist Church here as their guests.

Representative John Wozniak has a political science class from Johnstown High School seated in the balcony. Welcome to the hall of the House.

Representative Fred Noye has a guest page from Blain Elementary School, Shawna Gilbert. Welcome, dear.

BILL SIGNED BY SPEAKER

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

SB 83, PN 839

An Act amending the act of July 20, 1974 (P. L. 551, No. 190), entitled "Medical Practice Act of 1974," further providing for revocation or suspension of the license to practice medicine; and authorizing temporary suspensions of licenses.

RULES SUSPENDED

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

Mr. PHILLIPS. Mr. Speaker, I move that the rules of the House be temporarily suspended so that Mr. Colafella and I may offer, for immediate consideration, two resolutions.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

| | | | |
|------------|------------|-----------|----------|
| Acosta | Dietz | Lescovitz | Rieger |
| Afflerbach | Distler | Letterman | Robbins |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fattah | McClatchy | Semmel |
| Belfanti | Fee | McHale | Serafini |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |

| | | | |
|-------------|-----------------|------------|---------------|
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Freind | Markosek | Snyder, D. W. |
| Bowser | Fryer | Mayernik | Snyder, G. M. |
| Boyes | Gallagher | Merry | Staback |
| Brandt | Gallen | Michlovic | Stairs |
| Broujos | Gamble | Micozzie | Steighner |
| Bunt | Gannon | Miller | Stevens |
| Burd | Geist | Moehlmann | Stewart |
| Burns | George | Morris | Stuban |
| Bush | Gladeck | Mowery | Sweet |
| Caltagirone | Godshall | Mrkonic | Swift |
| Cappabianca | Greenwood | Murphy | Taylor, E. Z. |
| Carlson | Gruitza | Nahill | Taylor, F. E. |
| Carn | Gruppo | Noye | Taylor, J. J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haluska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Cimini | Hasay | Oliver | Truman |
| Civera | Hayes | Perzel | Van Horne |
| Clark | Herman | Petrarca | Veon |
| Clymer | Hershey | Petrone | Vroon |
| Cohen | Honaman | Phillips | Wambach |
| Colafella | Howlett | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| Deluca | Kasunic | Preston | Wright, J. L. |
| DeVertter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenney | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Davies | Kukovich | Reinard | Irvis, |
| Dawida | Lashingner | Richardson | Speaker |
| Deal | Laughlin | | |

NAYS—0

NOT VOTING—1

EXCUSED—1

Dininni

Langtry

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. Mr. Speaker, is it possible to get a copy of those resolutions in front of us before they are—

The SPEAKER. It is possible, but the resolutions are relatively harmless. We will have them read to you, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips, who offers the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 85

A RESOLUTION

Congratulating the Shikellamy High School Varsity Wrestling Team for capturing the PIAA Class AAA State Wrestling Championship Title.

WHEREAS, The Shikellamy High School Varsity Wrestling Team captured the PIAA Class AAA State Championship Title, bringing distinction and honor to themselves, the Shikellamy High School and our Commonwealth; and

WHEREAS, During the season, the Shikellamy High School Varsity Wrestling Team compiled an outstanding record of 18 wins and 0 losses with a 49 match winning streak in dual meets; and

WHEREAS, Each member of the Shikellamy High School Varsity Wrestling Team has displayed exemplary qualities of courage, leadership and character; and

WHEREAS, Those qualities are a tribute to the teaching of Coach Phillip Lockcuff who skillfully guided team members Robert Supsic, Chris Rose, John Supsic, Tony Reed, Paul Gemberling, Dan Bottiger, John Gemberling and Joe Burke; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania congratulate and honor the Shikellamy High School Varsity Wrestling Team and their coach, Phillip Lockcuff, upon winning the PIAA Class AAA State Wrestling Championship Title and express its admiration and respect, extending best wishes for continued success in future seasons; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Shikellamy Varsity Wrestling Team, 6th and Walnut Streets, Sunbury, Pennsylvania, 17801.

Merle H. Phillips

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Linton | Rybak |
| Baldwin | Dorr | Livengood | Saloom |
| Barber | Duffy | Lloyd | Saurman |
| Barley | Durham | Lucyk | Scheetz |
| Battisto | Evans | McCall | Schuler |
| Belardi | Fargo | McClatchy | Semmel |
| Belfanti | Fattah | McHale | Serafini |
| Birmelin | Fee | McVerry | Seventy |
| Black | Fischer | Mackowski | Showers |
| Blaum | Flick | Maiiale | Sirianni |
| Book | Foster, Jr., A. | Manderino | Smith, B. |
| Bortner | Fox | Manmiller | Smith, L. E. |
| Bowley | Freeman | Markosek | Snyder, D. W. |
| Bowser | Freind | Mayernik | Snyder, G. M. |
| Boyes | Fryer | Merry | Staback |
| Brandt | Gallagher | Michlovic | Stairs |
| Broujos | Gallen | Micozzie | Steighner |
| Bunt | Gamble | Miller | Stevens |
| Burd | Gannon | Moehlmann | Stewart |
| Burns | Geist | Morris | Stuban |
| Bush | George | Mowery | Sweet |
| Caltagirone | Gladeck | Mrkonic | Swift |
| Cappabianca | Godshall | Murphy | Taylor, E. Z. |
| Carlson | Greenwood | Nahill | Taylor, F. E. |
| Carn | Gruitza | Noye | Taylor, J. J. |
| Cawley | Gruppo | O'Brien | Telek |
| Cessar | Hagarty | O'Donnell | Tigue |
| Chadwick | Haluska | Olasz | Trello |
| Cimini | Harper | Oliver | Truman |
| Civera | Hasay | Perzel | Van Horne |

| | | | |
|-----------|------------|------------|---------------|
| Clark | Hayes | Petrarca | Veon |
| Clymer | Herman | Petrone | Vroon |
| Cohen | Hershey | Phillips | Wambach |
| Colafella | Honaman | Piccola | Wass |
| Cole | Howlett | Pievsky | Weston |
| Cordisco | Hutchinson | Pistella | Wiggins |
| Cornell | Itkin | Pitts | Wilson |
| Coslett | Jackson | Pott | Wogan |
| Cowell | Jarolin | Pratt | Wozniak |
| Coy | Johnson | Pressmann | Wright, D. R. |
| Deluca | Josephs | Preston | Wright, J. L. |
| DeVerter | Kasunic | Punt | Wright, R. C. |
| DeWeese | Kennedy | Raymond | Yandrisevits |
| Daley | Kenney | Reber | |
| Davies | Kosinski | Reinard | Irvis, |
| Dawida | Kukovich | Richardson | Speaker |
| Deal | Lashingier | | |

NAYS—0

NOT VOTING—1

Levin

EXCUSED—1

Langtry

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

The SPEAKER. The Chair invites the gentleman, Mr. Phillips, to the podium for the purpose of presenting the resolution to the high school wrestling team.

Mr. PHILLIPS. I would ask the coach and the tricaptains to come forward.

Thank you, Mr. Speaker.

Members of the House and guests in the gallery, often we are honored by having many outstanding Pennsylvania sports teams here to be recognized and congratulated on their achievements. Today I am honored to be able to present to the House of Representatives an outstanding group of achievers. Their team has a dual record this year of 18 wins and no losses, and a 49-match winning streak in dual meets. They had eight qualifiers at States, something that is unheard of. For 2 consecutive years they have captured the PIAA Class AAA State Wrestling Championship, something no other team has done. They have this year recorded the highest number of team points at States, totaling 97. Their coach has received the Coach of the Year Award for the second time in his career.

Last week I had the honor of presenting citations to the team at their awards dinner. The guest speaker that evening was Wade Schalas, known to everybody in Pennsylvania wrestling circles. Mr. Schalas dubbed this team the greatest Pennsylvania high school wrestling team of all times. Shikellamy High School draws its talent from Sunbury, Northumberland, and surrounding areas of Northumberland County. These young men and their coaches are not only outstanding students and educators, they are outstanding community servants, and I have no doubt that they will be leaders of our community as well.

At this time I would like to present to the House of Representatives the men who made it possible for the Shikellamy High School varsity wrestling team to capture the PIAA Class AAA State Wrestling Championship. At 98 pounds, Robert

Supsic, who finished sixth at State. If he would raise his hand, please? Chris Rose at 105 pounds, State qualifier; John Supsic, 112 pounds, State runner-up; Tony Reed at 119 pounds, State champion, and last year he was also State champion at 103 pounds; Dan Bottiger, 132 pounds, fifth place. By the way, Danny had never lost in a dual meet match. Paul Gemberling at 126 pounds, State champion; John Gemberling, 138 pounds, State qualifier; and last, Joe Burke at 145 pounds had a State fifth-place finish. Quite an achievement for one team.

Also present and accompanying them today are Steve Messner, Shikellamy High School principal; Charles Schlegel, athletic director; Rob Johnson, assistant coach; and Phil Lockcuff, head coach, who was, as I had mentioned, Coach of the Year twice.

At this time it is a great pleasure for me to present to you this House resolution, which is now recorded in the record. Congratulations.

RESOLUTION ADOPTED

The SPEAKER. The Chair now recognizes the gentleman from Beaver, Mr. Colafella, who offers the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 86

A RESOLUTION

Recognizing the week of May 6, 1985, as "Community College Week."

WHEREAS, The 14 community colleges of our Commonwealth play a vital role in the advanced education of our young people; and

WHEREAS, Since their authorization in 1963, these institutions of higher education have constantly grown both physically and academically; and

WHEREAS, Our community colleges are playing a very important part in the economic revitalization of this Commonwealth; therefore be it

RESOLVED, That the House of Representatives recognize the week of May 6, 1985, as "Community College Week," and express its admiration of the fine job the community colleges are doing in the field of education.

Nicholas A. Colafella
James J. A. Gallagher
Ronald R. Cowell

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

| | | | |
|------------|------------|-----------|----------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Diminni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdanský | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Schetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fargo | McCall | Semmel |
| Belfanti | Fattah | McClatchy | Serafini |

| | | | |
|-------------|-----------------|------------|---------------|
| Birmelin | Fee | McHale | Seventy |
| Black | Fischer | McVerry | Showers |
| Blaum | Flick | Mackowski | Sirianni |
| Book | Foster, Jr., A. | Maiale | Smith, B. |
| Bortner | Fox | Manderino | Smith, L. E. |
| Bowley | Freeman | Manmiller | Snyder, D. W. |
| Bowser | Freind | Markosek | Snyder, G. M. |
| Boyes | Fryer | Mayernik | Staback |
| Brandt | Gallagher | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Mochimann | Stuban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrarca | Vroon |
| Cohen | Hershey | Petrone | Wambach |
| Colafella | Honaman | Phillips | Wass |
| Cole | Howlett | Piccola | Weston |
| Cordisco | Hutchinson | Pjevsky | Wiggins |
| Cornell | Itkin | Pistella | Wilson |
| Coslett | Jackson | Pitts | Wogan |
| Cowell | Jarolin | Pott | Wozniak |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVertter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |
| Davies | Kosinski | Reber | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |
| Deal | Lashingner | Richardson | |

NAYS—0

NOT VOTING—0

EXCUSED—1

Langtry

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 60, PN 64 By Rep. FRYER

An Act amending the "County Pension Law," approved August 31, 1971 (P. L. 398, No. 96), authorizing the withdrawal of accumulated deductions and interest if authorized by the board.

LOCAL GOVERNMENT.

HB 270, PN 287 By Rep. FRYER

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code," requiring municipalities to send a copy of their zoning or subdivision ordinances or regulations to the county planning agency.

LOCAL GOVERNMENT.

HB 724, PN 822 By Rep. COLE

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), known as the "Vietnam Herbicides Information Act," further providing for the commission.

FEDERAL-STATE RELATIONS.

HB 807, PN 909 By Rep. FRYER

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for certain annual assessments.

LOCAL GOVERNMENT.

HB 808, PN 910 By Rep. FRYER

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for certain annual assessments.

LOCAL GOVERNMENT.

HB 954, PN 1235 (Amended)

By Rep. FRYER

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," providing that townships and authorities using private roads for access may maintain the roads.

LOCAL GOVERNMENT.

ANNOUNCEMENT

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

Mr. NOYE. Mr. Speaker, some information for the members that may be of importance to them. Just a reminder that tomorrow, May 1, is the deadline for filing their forms with the Pennsylvania Ethics Commission. However, we have noted a problem that has developed which I think the members ought to take note of. On the back of the form that you fill out, it says that you file one copy with the Ethics Commission, one copy in the county with the county election board where you reside, and the last copy you keep. Now, that is what the back of the form says, but you are also expected to file a copy of that report with the Chief Clerk, and the form does not so indicate. We have been notified, and I am sure Mr. Itkin's office has been notified, by the Chief Clerk of the members in their caucuses who have not filed their copy. The reason for that is they are probably following the instructions on the form, and the form does not indicate it. So please file an extra copy with the Chief Clerk so that all bases are covered. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I would like to clarify something that was just said by Representative Noye.

It is my understanding that the members have to file their statement of financial interest in two places - one, with the Ethics Commission; and two, with the Chief Clerk's Office. However, if they are candidates for office, then they must file in the county in which they are a candidate, in which they reside. But since most of us are not candidates this year, we do not have to file in the county; we only have to file with the Chief Clerk's Office and with the Ethics Commission.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 236, PN 253.

* * *

The House proceeded to second consideration of **HB 459, PN 1173**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for attendant care services for certain persons; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 459, PN 1173**, be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 460, PN 1174**, entitled:

An Act to require the Department of Aging to provide home-based care as an alternative to nursing home or other institutional care; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 460, PN 1174**, be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 558, PN 1175**, entitled:

An Act providing for the control of rabies; granting powers and imposing duties on the Department of Health; requiring rabies vaccinations; providing for preexposure immunization; imposing a penalty; and making a repeal.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 558, PN 1175**, be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 652, PN 741; HB 690, PN 788; HB 934, PN 1065; and HB 936, PN 1067.

* * *

The House proceeded to second consideration of **HB 357, PN 387**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating the Bureau for Economically Disadvantaged Municipalities in the Department of Community Affairs; and providing for its powers and duties.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 357** be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 358, PN 388**, entitled:

An Act providing a procedure whereby economically disadvantaged municipalities may participate in State-funded programs requiring shared funding when they are unable to provide their share of the funds.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that **HB 358** be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

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

HB 583, PN 1158.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 180, PN 196**, entitled:

An Act amending the "Dog Law," approved December 7, 1982 (P. L. 784, No. 225), authorizing actions for damages in certain cases; and imposing penalties.

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—197

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Robbins |
| Afflerbach | Dininni | Lescovitz | Rudy |
| Angstadt | Distler | Letterman | Ryan |
| Argall | Dombrowski | Levdansky | Rybak |
| Arty | Donatucci | Levin | Saloom |
| Baldwin | Dorr | Linton | Saurman |
| Barber | Duffy | Livengood | Scheetz |
| Barley | Durham | Lloyd | Schuler |
| Battisto | Evans | Lucyk | Semmel |
| Belardi | Fargo | McCall | Serafini |
| Belfanti | Fattah | McClatchy | Seventy |
| Birmelin | Fee | McHale | Showers |
| Black | Fischer | McVerry | Sirianni |
| Blaum | Flick | Mackowski | Smith, B. |
| Book | Foster, Jr., A. | Majale | Smith, L. E. |
| Bortner | Fox | Manderino | Snyder, D. W. |
| Bowley | Freeman | Manmiller | Snyder, G. M. |
| Bowser | Freind | Markosek | Staback |
| Brandt | Gallagher | Mayernik | Stairs |
| Broujos | Gallen | Merry | Steighner |
| Bunt | Gamble | Michlovic | Stevens |
| Burd | Gannon | Micozzie | Stewart |
| Burns | Geist | Miller | Stuban |
| Bush | George | Moehlmann | Sweet |
| Caltagirone | Gladeck | Morris | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Nahill | Taylor, F. E. |
| Carn | Gruitza | Noye | Taylor, J. J. |
| Cawley | Gruppo | O'Brien | Telek |
| Cessar | Hagarty | O'Donnell | Tigue |
| Chadwick | Haluska | Olasz | Trello |
| Cimini | Harper | Oliver | Truman |
| Civera | Hasay | Perzel | Van Horne |
| Clark | Hayes | Petrarca | Veon |
| Clymer | Herman | Petrone | Vroon |
| Cohen | Hershey | Phillips | Wambach |
| Colafiglia | Honaman | Piccola | Wass |
| Cole | Howlett | Pievsky | Weston |
| Cordisco | Hutchinson | Pistella | Wiggins |
| Cornell | Itkin | Pitts | Wilson |

| | | | |
|---------|------------|------------|---------------|
| Coslett | Jackson | Pott | Wogan |
| Cowell | Jarolin | Pratt | Wozniak |
| Coy | Johnson | Pressmann | Wright, D. R. |
| DeLuca | Josephs | Preston | Wright, J. L. |
| DeVerte | Kasunic | Punt | Wright, R. C. |
| DeWeese | Kennedy | Raymond | Yandrisevits |
| Daley | Kenney | Reber | |
| Davies | Kosinski | Reinard | Irvis, |
| Dawida | Kukovich | Richardson | Speaker |
| Deal | Lashingier | Rieger | |

NAYS—3

Boyes Fryer Mowery
NOT VOTING—1

Murphy
EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 1008, PN 1151**, entitled:

An Act providing for the capital budget for the fiscal year 1985-1986.

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—199

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dininni | Laughlin | Rieger |
| Afflerbach | Distler | Lescovitz | Robbins |
| Angstadt | Dombrowski | Letterman | Rudy |
| Argall | Donatucci | Levdansky | Ryan |
| Arty | Dorr | Levin | Rybak |
| Baldwin | Duffy | Linton | Saloom |
| Barber | Durham | Livengood | Saurman |
| Barley | Evans | Lloyd | Scheetz |
| Battisto | Fargo | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Serafini |
| Birmelin | Fischer | McHale | Seventy |
| Black | Flick | McVerry | Showers |
| Blaum | Foster, Jr., A. | Mackowski | Sirianni |
| Book | Fox | Majale | Smith, B. |
| Bortner | Freeman | Manderino | Smith, L. E. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Miller | Stewart |
| Burns | George | Moehlmann | Stuban |
| Bush | Gladeck | Morris | Sweet |
| Caltagirone | Godshall | Mowery | Swift |
| Cappabianca | Greenwood | Mrkonic | Taylor, E. Z. |
| Carlson | Gruitza | Murphy | Taylor, F. E. |

| | | | |
|-----------|------------|------------|---------------|
| Carn | Gruppo | Noye | Taylor, J. J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haluska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Civera | Hasay | Oliver | Truman |
| Clark | Hayes | Perzel | Van Horne |
| Clymer | Herman | Petrarca | Veon |
| Cohen | Hershey | Petrone | Vroon |
| Colafella | Honaman | Phillips | Wambach |
| Cole | Howlett | Piccola | Wass |
| Cordisco | Hutchinson | Pievsky | Weston |
| Cornell | Itkin | Pistella | Wiggins |
| Coslett | Jackson | Pitts | Wilson |
| Cowell | Jarolin | Pott | Wogan |
| Coy | Johnson | Pratt | Wozniak |
| Deluca | Josephs | Pressmann | Wright, D. R. |
| DeVerter | Kasunic | Preston | Wright, J. L. |
| DeWeese | Kennedy | Punt | Wright, R. C. |
| Daley | Kenney | Raymond | Yandrisevits |
| Davies | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Lashingner | Richardson | Speaker |
| Dietz | | | |

NAYS—0

NOT VOTING—2

Cimini Nahill

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 1009, PN 1152**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1985, to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985.

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—197

| | | | |
|------------|------------|-----------|----------|
| Afflerbach | Dietz | Laughlin | Rieger |
| Angstadt | Dininni | Lescovitz | Robbins |
| Argall | Distler | Letterman | Rudy |
| Arty | Dombrowski | Levdansky | Ryan |
| Baldwin | Donatucci | Linton | Rybak |
| Barber | Dorr | Livengood | Saloom |
| Barley | Duffy | Lloyd | Saurman |
| Battisto | Durham | Lucyk | Scheetz |
| Belardi | Evans | McCall | Schuler |
| Belfanti | Fargo | McClatchy | Semmel |
| Birmelin | Fattah | McHale | Serafini |
| Black | Fee | McVerry | Seventy |
| Blaum | Fischer | Mackowski | Showers |

| | | | |
|-------------|-----------------|------------|---------------|
| Book | Flick | Maiale | Sirianni |
| Bortner | Foster, Jr., A. | Manderino | Smith, B. |
| Bowley | Fox | Manmiller | Snyder, D. W. |
| Bowser | Freeman | Markosek | Snyder, G. M. |
| Boyes | Freind | Mayermik | Staback |
| Brandt | Fryer | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Moehlmann | Stuban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrarca | Vroon |
| Cohen | Hershey | Petrone | Wambach |
| Colafella | Honaman | Phillips | Wass |
| Cole | Howlett | Piccola | Weston |
| Cordisco | Hutchinson | Pievsky | Wiggins |
| Cornell | Itkin | Pistella | Wilson |
| Coslett | Jackson | Pitts | Wogan |
| Cowell | Jarolin | Pott | Wozniak |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVerter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |
| Davies | Kosinski | Reber | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |
| Deal | Lashingner | Richardson | |

NAYS—0

NOT VOTING—4

Acosta Gallagher Levin Smith, L. E.

EXCUSED—1

Langtry

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.

WELCOMES

The SPEAKER. Representative Bunt and Representative Godshall have as their guests in the gallery members of the North Penn Chamber of Commerce. Welcome to the hall of the House.

Mr. Tom Berger, who is the president of Local 1082, USW, is here as the guest of the Beaver County delegation. Welcome to the hall of the House.

The Butler Area Chamber of Commerce is here. They are here as the guests of Representatives Burd, Fargo, and Steighner. Welcome to the hall of the House, gentlemen.

Representatives Ed Burns, Lois Hagarty, and Jon Fox have as their guests the Woman's American ORT of Southeast Pennsylvania.

Mr. Richardson has as his guests from Community College Women in Politics, Ms. Marion Tasco, Philadelphia city commissioner; Ms. Gail Hawkins, director of student activities of the Philadelphia Community College; Ms. Jessie Pincus; Ms. Myrtle Wilbanks; Ms. Gloria Weaver; Ms. Robin Cunningham; and Ms. Ethel Napper-Johnson. Welcome to the hall of the House.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lycoming, Mr. Cimini, rise?

Mr. CIMINI. Mr. Speaker, I was not recorded on HB 1008, PN 1151. If I had voted, I would have voted in the affirmative.

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

WELCOME

The SPEAKER. A group of women from the legislative district of Representative Bill Rybak is here, and they are here from the Bethlehem area. They have with them Mrs. Ruth Woodruff, who is the president of the Bethlehem Women's Club, and Mrs. Ruth Fidorack, who is cochairperson of the Bethlehem Women's Club. The rest of the women are to the rear of the hall of the House.

Mr. Rybak would like to read a citation to the women. Mr. Rybak.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, my colleagues in the House of Representatives, I would like to make a brief statement and tell you, based on what I have heard, what I have read, and by experience, the builders of a community, a State, and a country are not those who work with wood, iron, or stone, nor lawyers, doctors, or engineers, although all of these serve a responsible duty and responsibility in the Commonwealth and in this country. The builders of the world, the builders of a community, of a State, are people like we have visiting here this afternoon - the General Federation of the Women's Club of Bethlehem, who now are in the twilight of their years, who have been law-abiding citizens all these years, contributing members to their community and State and country, and have engaged as their object philanthropic projects, community involvement, community welfare, education, all of the things that we deal with here in the House, and they still find time to do that. I therefore am confident and feel assured that as long as we have citizens of this type taking an interest and being concerned in what goes on in the halls of this legislature, we can rest assured that the state of our community and our country is good, that the heart of the United States and of the State of Pennsylvania is strong, and that the soul of this Nation and this community is sound, and we can therefore take great faith in what they are doing.

With these thoughts in mind, I would like to present to the president of the Women's Club of Bethlehem and the community affairs cochairman, both Ruth Woodruff and Ruth

Fidorack, a citation which reflects the remarks that I have just made. I do this with pride that I come from this legislative district. I hope that they will have a memorable stay and they will have a safe trip back, and I wish them long life and good health. Congratulations to everybody, and thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. It is the doleful duty of the Speaker to announce that yesterday the Commonwealth of Pennsylvania lost two former members of the House of Representatives to death. Regis Malady, with whom a number of the older members had served, died suddenly and unexpectedly in the western part of the State. And a Navy Cross and Silver Star hero of World War II who gave his right arm and would have given his life for his country, Jim Prendergast, a former whip of the House, died after a prolonged illness yesterday.

The requisite citations are being prepared. If you wish to have information concerning either the Malady or the Prendergast funeral arrangements, you may check in my office, or in the case of Mr. Prendergast, in the office of Mr. Freeman. There will be a number of us going unofficially, because officially we do not send delegations except in the death of current members. Some of us will be going to both funerals, and some to one or the other, and we shall be going with heavy hearts indeed. The blows yesterday are very hard to bear. The Chair thanks you for your quietness.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1010, PN 1153**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1985, to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985.

On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendment No. A0962:

Amend Sec. 1, page 1, line 17, by striking out "1986" and inserting

1985

On the question,

Will the House agree to the amendment?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

This is a technical amendment which changes the fiscal year from 1986 to 1985.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Linton | Rybak |
| Baldwin | Dorr | Livengood | Saloom |
| Barber | Duffy | Lloyd | Saurman |
| Barley | Durham | Lucyk | Scheetz |
| Battisto | Evans | McCall | Schuler |
| Belardi | Fargo | McClatchy | Semmel |
| Belfanti | Fattah | McHale | Serafini |
| Birmelin | Fee | McVerry | Seventy |
| Black | Fischer | Mackowski | Showers |
| Blaum | Flick | Maiale | Sirianni |
| Book | Foster, Jr., A. | Manderino | Smith, B. |
| Bortner | Fox | Manmiller | Smith, L. E. |
| Bowley | Freeman | Markosek | Snyder, D. W. |
| Bowser | Freind | Mayernik | Snyder, G. M. |
| Boyes | Fryer | Merry | Staback |
| Brandt | Gallagher | Michlovic | Stairs |
| Broujos | Gallen | Micozzie | Steighner |
| Bunt | Gamble | Miller | Stevens |
| Burd | Gannon | Moehlmann | Stewart |
| Burns | Geist | Morris | Suban |
| Bush | George | Mowery | Sweet |
| Caltagirone | Gladeck | Mrkonic | Swift |
| Cappabianca | Godshall | Murphy | Taylor, E. Z. |
| Carlson | Greenwood | Nahill | Taylor, F. E. |
| Carn | Gruitza | Noye | Taylor, J. J. |
| Cawley | Gruppo | O'Brien | Telek |
| Cessar | Hagarty | O'Donnell | Tigue |
| Chadwick | Haluska | Olasz | Trello |
| Cimini | Harper | Oliver | Truman |
| Civera | Hasay | Perzel | Van Horne |
| Clark | Hayes | Petrarca | Veon |
| Clymer | Herman | Petrone | Vroon |
| Cohen | Hershey | Phillips | Wambach |
| Colafella | Honaman | Piccola | Wass |
| Cole | Howlett | Pievsky | Weston |
| Cordisco | Hutchinson | Pistella | Wiggins |
| Cornell | Itkin | Pitts | Wilson |
| Coslett | Jackson | Pott | Wogan |
| Cowell | Jarolin | Pratt | Wozniak |
| Coy | Johnson | Pressmann | Wright, D. R. |
| Deluca | Josephs | Preston | Wright, J. L. |
| DeVerter | Kasunic | Punt | Wright, R. C. |
| DeWeese | Kennedy | Raymond | Yandrisevits |
| Daley | Kenney | Reber | |
| Davies | Kosinski | Reinard | Irvis, |
| Dawida | Kukovich | Richardson | Speaker |
| Deal | Lashinger | | |

NAYS—0

NOT VOTING—1

Levin

EXCUSED—1

Langtry

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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—199

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Richardson |
| Afflerbach | Dininni | Lescovitz | Rieger |
| Angstadt | Distler | Letterman | Robbins |
| Argall | Dombrowski | Levdansky | Rudy |
| Arty | Donatucci | Levin | Ryan |
| Baldwin | Dorr | Linton | Rybak |
| Barber | Duffy | Livengood | Saloom |
| Barley | Durham | Lloyd | Saurman |
| Battisto | Evans | Lucyk | Scheetz |
| Belardi | Fargo | McCall | Schuler |
| Belfanti | Fattah | McClatchy | Semmel |
| Birmelin | Fee | McHale | Serafini |
| Black | Fischer | McVerry | Seventy |
| Blaum | Flick | Mackowski | Showers |
| Book | Foster, Jr., A. | Maiale | Sirianni |
| Bortner | Fox | Manderino | Smith, B. |
| Bowley | Freeman | Manmiller | Smith, L. E. |
| Bowser | Freind | Markosek | Snyder, D. W. |
| Boyes | Fryer | Mayernik | Snyder, G. M. |
| Brandt | Gallen | Merry | Staback |
| Broujos | Gamble | Michlovic | Stairs |
| Bunt | Gannon | Micozzie | Steighner |
| Burd | Geist | Miller | Stevens |
| Burns | George | Moehlmann | Stewart |
| Bush | Gladeck | Morris | Suban |
| Caltagirone | Godshall | Mowery | Sweet |
| Cappabianca | Greenwood | Mrkonic | Swift |
| Carlson | Gruitza | Murphy | Taylor, E. Z. |
| Carn | Gruppo | Nahill | Taylor, F. E. |
| Cawley | Hagarty | Noye | Taylor, J. J. |
| Cessar | Haluska | O'Brien | Telek |
| Chadwick | Harper | O'Donnell | Tigue |
| Cimini | Hasay | Olasz | Trello |
| Civera | Hayes | Oliver | Truman |
| Clark | Herman | Perzel | Van Horne |
| Clymer | Hershey | Petrarca | Veon |
| Cohen | Honaman | Petrone | Vroon |
| Colafella | Howlett | Phillips | Wambach |
| Cole | Hutchinson | Piccola | Wass |
| Cordisco | Itkin | Pievsky | Weston |
| Cornell | Jackson | Pistella | Wiggins |
| Coslett | Jarolin | Pitts | Wilson |
| Cowell | Johnson | Pott | Wogan |
| Coy | Josephs | Pratt | Wozniak |
| Deluca | Kasunic | Pressmann | Wright, J. L. |
| DeVerter | Kennedy | Preston | Wright, R. C. |
| DeWeese | Kenney | Punt | Yandrisevits |
| Daley | Kosinski | Raymond | |
| Davies | Kukovich | Reber | Irvis, |
| Dawida | Lashinger | Reinard | Speaker |
| Deal | | | |

NAYS—0

NOT VOTING—2

Gallagher

Wright, D. R.

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 1011, PN 1154**, entitled:

An Act making appropriations to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented and to adjust errors.

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—201

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Diminni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fargo | McCall | Semmel |
| Belfanti | Fattah | McClatchy | Serafini |
| Birmelin | Fee | McHale | Seventy |
| Black | Fischer | McVerry | Showers |
| Blaum | Flick | Mackowski | Sirianni |
| Book | Foster, Jr., A. | Maiale | Smith, B. |
| Bortner | Fox | Manderino | Smith, L. E. |
| Bowley | Freeman | Manmiller | Snyder, D. W. |
| Bowser | Freind | Markosek | Snyder, G. M. |
| Boyes | Fryer | Mayernik | Staback |
| Brandt | Gallagher | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Moehlmann | Stuban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrarca | Vroon |
| Cohen | Hershey | Petrone | Wambach |
| Colafella | Honaman | Phillips | Wass |
| Cole | Howlett | Piccola | Weston |
| Cordisco | Hutchinson | Pievsky | Wiggins |
| Cornell | Itkin | Pistella | Wilson |
| Coslett | Jackson | Pitts | Wogan |
| Cowell | Jarolin | Pott | Wozniak |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVerter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |
| Davies | Kosinski | Reber | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |
| Deal | Lashingier | Richardson | |

NAYS—0

NOT VOTING—0

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 1012, PN 1155**, entitled:

An Act making appropriations to the Department of General Services out of various funds for payment of rental charges to The General State Authority.

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—200

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Rieger |
| Afflerbach | Distler | Letterman | Robbins |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fattah | McClatchy | Semmel |
| Belfanti | Fee | McHale | Serafini |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Freind | Markosek | Snyder, D. W. |
| Boyes | Fryer | Mayernik | Snyder, G. M. |
| Brandt | Gallagher | Merry | Staback |
| Broujos | Gallen | Michlovic | Stairs |
| Bunt | Gamble | Micozzie | Steighner |
| Burd | Gannon | Miller | Stevens |
| Burns | Geist | Moehlmann | Stewart |
| Bush | George | Morris | Stuban |
| Caltagirone | Gladeck | Mowery | Sweet |
| Cappabianca | Godshall | Mrkonic | Swift |
| Carlson | Greenwood | Murphy | Taylor, E. Z. |
| Carn | Gruitza | Nahill | Taylor, F. E. |
| Cawley | Gruppo | Noye | Taylor, J. J. |
| Cessar | Hagarty | O'Brien | Telek |
| Chadwick | Haluska | O'Donnell | Tigue |
| Cimini | Harper | Olasz | Trello |
| Civera | Hasay | Oliver | Truman |
| Clark | Hayes | Perzel | Van Horne |
| Clymer | Herman | Petrarca | Veon |
| Cohen | Hershey | Petrone | Vroon |
| Colafella | Honaman | Phillips | Wambach |
| Cole | Howlett | Piccola | Wass |
| Cordisco | Hutchinson | Pievsky | Weston |
| Cornell | Itkin | Pistella | Wiggins |

| | | | |
|----------|------------|------------|---------------|
| Coslett | Jackson | Pitts | Wilson |
| Cowell | Jarolin | Pott | Wogan |
| Coy | Johnson | Pratt | Wozniak |
| DeLuca | Josephs | Pressmann | Wright, D. R. |
| DeVerter | Kasunic | Preston | Wright, J. L. |
| DeWeese | Kennedy | Punt | Wright, R. C. |
| Daley | Kenney | Raymond | Yandrisevits |
| Davies | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Lashingier | Richardson | Speaker |
| Dietz | Laughlin | | |

NAYS—0

NOT VOTING—1

Bowser

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 1014, PN 1157**, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Boat and Fish Funds.

On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendment No. A0922:

Amend Sec. 3, page 2, line 6, by striking out "Harmer" and inserting

Harmar

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Rieger |
| Afflerbach | Distler | Letterman | Robbins |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fattah | McClatchy | Semmel |
| Belfanti | Fee | McHale | Serafini |
| Birmelin | Fischer | McVerry | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Book | Fox | Manderino | Smith, B. |
| Bortner | Freeman | Manmiller | Smith, L. E. |
| Bowley | Freind | Markosek | Snyder, D. W. |
| Boyes | Fryer | Mayernik | Snyder, G. M. |
| Brandt | Gallagher | Merry | Staback |
| Broujos | Gallen | Michlovic | Stairs |
| Bunt | Gamble | Micozzie | Steighner |
| Burd | Gannon | Miller | Stevens |
| Burns | Geist | Moehlmann | Stewart |
| Bush | George | Morris | Stuban |
| Caltagirone | Gladeck | Mowery | Sweet |

| | | | |
|-------------|------------|------------|---------------|
| Cappabianca | Godshall | Mrkonic | Swift |
| Carlson | Greenwood | Murphy | Taylor, E. Z. |
| Carn | Gruitza | Nahill | Taylor, F. E. |
| Cawley | Gruppo | Noye | Taylor, J. J. |
| Cessar | Hagarty | O'Brien | Telek |
| Chadwick | Haluska | O'Donnell | Tigue |
| Cimini | Harper | Olasz | Trello |
| Civera | Hasay | Oliver | Truman |
| Clark | Hayes | Perzel | Van Horne |
| Clymer | Herman | Petrarca | Veon |
| Cohen | Hershey | Petrone | Vroon |
| Colafella | Honaman | Phillips | Wambach |
| Cole | Howlett | Piccola | Wass |
| Cordisco | Hutchinson | Pievsky | Weston |
| Cornell | Itkin | Pistella | Wiggins |
| Coslett | Jackson | Pitts | Wilson |
| Cowell | Jarolin | Pott | Wogan |
| Coy | Johnson | Pratt | Wozniak |
| DeLuca | Josephs | Pressmann | Wright, D. R. |
| DeVerter | Kasunic | Preston | Wright, J. L. |
| DeWeese | Kennedy | Punt | Wright, R. C. |
| Daley | Kenney | Raymond | Yandrisevits |
| Davies | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Lashingier | Richardson | Speaker |
| Dietz | Laughlin | | |

NAYS—0

NOT VOTING—1

Bowser

EXCUSED—1

Langtry

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. 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—200

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Dietz | Lescovitz | Rieger |
| Afflerbach | Dininni | Letterman | Robbins |
| Angstadt | Distler | Levdansky | Rudy |
| Argall | Dombrowski | Levin | Ryan |
| Arty | Donatucci | Linton | Rybak |
| Baldwin | Dorr | Livengood | Saloom |
| Barber | Duffy | Lloyd | Saurman |
| Barley | Durham | Lucyk | Scheetz |
| Battisto | Evans | McCall | Schuler |
| Belardi | Fargo | McClatchy | Semmel |
| Belfanti | Fattah | McHale | Serafini |
| Birmelin | Fee | McVerry | Seventy |
| Black | Fischer | Mackowski | Showers |
| Blaum | Flick | Maiale | Sirianni |
| Book | Foster, Jr., A. | Manderino | Smith, B. |
| Bortner | Fox | Manmiller | Smith, L. E. |
| Bowley | Freeman | Markosek | Snyder, D. W. |
| Bowser | Freind | Mayernik | Snyder, G. M. |
| Boyes | Fryer | Merry | Staback |
| Brandt | Gallagher | Michlovic | Stairs |
| Broujos | Gallen | Micozzie | Steighner |
| Bunt | Gamble | Miller | Stevens |
| Burd | Gannon | Moehlmann | Stewart |
| Burns | Geist | Morris | Stuban |

| | | | |
|-------------|------------|------------|---------------|
| Bush | George | Mowery | Sweet |
| Caltagirone | Gladeck | Mrkonic | Swift |
| Cappabianca | Godshall | Murphy | Taylor, E. Z. |
| Carlson | Gruitza | Nahill | Taylor, F. E. |
| Carn | Gruppo | Noye | Taylor, J. J. |
| Cawley | Hagarty | O'Brien | Telek |
| Cessar | Haluska | O'Donnell | Tigue |
| Chadwick | Harper | Olasz | Trello |
| Cimini | Hasay | Oliver | Truman |
| Civera | Hayes | Perzel | Van Horne |
| Clark | Herman | Petrarca | Veon |
| Clymer | Hershey | Petrone | Vroon |
| Cohen | Honaman | Phillips | Wambach |
| Colafella | Howlett | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| Deluca | Kasunic | Preston | Wright, J. L. |
| DeVerter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenney | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Davies | Kukovich | Reinard | Irvis, |
| Dawida | Lashinger | Richardson | Speaker |
| Deal | Laughlin | | |

NAYS—0

NOT VOTING—1

Greenwood

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **SB 423, PN 742**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," clarifying the definition of "transient vendor"; adding definitions relating to promoters; providing for the licensing of promoters; requiring the filing of certain reports; and reducing the bond for transient vendors.

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?

The Chair recognizes the gentleman from Centre, Mr. Herman, on final passage.

Mr. HERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate someone who is familiar with this bill, if I may, please?

The SPEAKER. The gentleman, Mr. Wambach, says he will stand for interrogation, Mr. Herman.

Mr. WAMBACH. I will try, Mr. Speaker.

The SPEAKER. Mr. Herman, you are in order and may proceed.

Mr. HERMAN. Thank you, Mr. Speaker.

I am concerned with this bill because I have an arts festival in my district. A couple of years ago when this transient vendor bill first passed, it caused a great deal of grief among arts festival participants, especially those who were from out of State. I would like to know what effect this legislation has on my particular arts festival.

Mr. WAMBACH. It has the same impact as it has on my Farm Show arts and crafts show, Mr. Speaker.

The original intent of the transient law was to take care of those who are evading paying sales tax, such as furniture dealers who rent a tractor-trailer and come up and set up at a gas station in your district, and then before anybody can come around and see if they have collected and paid taxes, they are out of town. What this does is rectify those problems such as we experience with arts and crafts shows and that kind of an event. It will put the responsibility with a promoter if he or she fails to take that responsibility, and if they register with the Revenue Department, the promoter of the event, then the individuals do not have to register as far as paying the bond is concerned. They are still responsible, and make no mistake about it, they are still responsible to collect the sales tax.

Mr. HERMAN. I understand that, Mr. Speaker, and I am glad to hear that they are still going to be responsible for collecting the sales tax.

However, I would like to know how this particular bill— If I understand it, it says either the transient vendor shall post a bond of \$500 or if the transient vendor provides the license number for a promoter who has notified the department of a show. Am I to read into that that the promoter then is going to put up this bond?

Mr. WAMBACH. The promoter, yes, would put up the bond. If the promoter chooses not to put up the bond, then the individual people involved in displaying goods at a show, such as yours or mine, would be responsible to post the bond.

Mr. HERMAN. From your earlier statements I was under the impression that neither these art shows and automobile shows and others were the intent of the original transient vendor law as was passed. Is that correct?

Mr. WAMBACH. That is correct.

Mr. HERMAN. In recent weeks I had introduced a bill to totally exempt our special shows from the onus of providing the \$500 bond. I would like to know why or if this was ever looked into to provide a blanket exemption for those arts and crafts participants or coin show participants as well as promoters to completely exempt them from this bill, since they were not the ones whom we were originally trying to affect.

Mr. WAMBACH. I can only say that you would really have to check with the people who had introduced the bill, such as Senator Stauffer. However, I will yield to Representative Lloyd to respond directly to your question. I believe, personally, that they are in fact exempted.

Representative Lloyd, if I could yield, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, if the gentleman will look on page 2 of the bill, lines 18 through 21, he will see that people who are making handcrafted items for sale at special events, including but not limited to fairs, carnivals, art and craft shows, and other festivals, are not considered transient vendors as a result of this bill. The people under which the circumstances Mr. Wambach was talking about are people who are still going to be considered transient vendors because they are not marketing handcrafted goods.

So I think that the amendment which the gentleman, Mr. Herman, was talking about is accomplished on page 2 of the bill. It is my understanding of the reading of this bill that all people who have handcrafted art at various festivals across the Commonwealth will no longer be transient vendors and will no longer be required to post the bond; they will, of course, be required to collect the sales tax and turn it over to the State.

Mr. HERMAN. Well, Mr. Speaker, if I am to understand what the Representative from Harrisburg has told me, the promoter would then put up that bond.

Mr. LLOYD. No; no, Mr. Speaker, that is not correct.

There are two different things in this bill. The language at lines 18 through 21 on page 2 of the bill is an exemption from the definition of "transient vendor." If a person is handcrafting items for sale at the enumerated places, he is not going to be considered to be a transient vendor. If he is not considered to be a transient vendor, he is therefore not required to post a bond and neither is anybody else. If, however, he is someone who is not selling handcrafted goods, if he is a boat salesman out at the Farm Show Building, the promoter of the boat show could put up the bond for all of the exhibitors at the boat show, but they would be required to put up the bond for only those exhibitors who were not otherwise exempt from the bonding requirement.

Mr. HERMAN. Thank you, Mr. Speaker.

One final question: What is the position of the Pennsylvania Guild of Craftsmen? Has anyone contacted them concerning this bill?

Mr. LLOYD. I have not, Mr. Speaker. But I do know from contacts from, I think, virtually every festival in my county that there is a strong desire to exempt folk festivals, county fairs, firemen's carnivals, and all of those kinds of events from the transient vendor bond posting requirement, and this bill does that.

Mr. HERMAN. Okay.

Just to make sure I understand, you are saying then in my particular district of State College where we have the Central Pennsylvania Festival of the Arts, neither the participants nor the promoter would then post the bond; they would be totally exempt. Is that correct?

Mr. LLOYD. No. They are not exempt unless they are selling handcrafted items.

Mr. HERMAN. Okay.

Mr. LLOYD. If you have somebody there who is selling lemonade or ice cream or whatever, I am not sure what the law is with regard to him because he is not a transient vendor. If you have somebody there who is selling furniture brought in from North Carolina from a mill, which is what the transient vendor law was originally intended to stop, those people would have to post a bond.

Mr. HERMAN. Okay. Thank you, Mr. Speaker. I do understand. I apologize for that statement, because in our area we do have the handcrafting persons. They would obviously be totally exempt.

I would like to make a statement, Mr. Speaker.

The SPEAKER. You may make a statement on final passage, Mr. Herman.

Mr. HERMAN. I would just like to ask for an affirmative vote on this bill.

Just to give you an indication how important it is, I brought with me a publication, "The Crafts Report," which is a nationwide publication distributed by the craftspeople. This is the February issue of 1985, and across the top you can see—or if you cannot, I will read it—it says the title of this article is "‘Keystone’ Cops May Chase After Out-of-State Craftspeople Under New Transient Vendors Law." And further in the article they point out that many people outside our State— For instance, "John Gromosiak, a prominent mall show promoter in the midwest, told The Crafts Report that he had to postpone scheduled shows in Pennsylvania because some of his key people would not go into the state under the new regulations. He also expressed the fear that other states bordering on Pennsylvania might reciprocate with similar legislation...." However, I realize how important it is that Pennsylvanians collect the sales tax.

I would like to ask for an affirmative vote, because I feel that this will correct many of the inequities we have in our present law concerning arts festival participants. I would ask for an affirmative vote. Thank you, 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—197

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Dininni | Lescovitz | Rieger |
| Afflerbach | Distler | Letterman | Robbins |
| Angstadt | Dombrowski | Levdansky | Rudy |
| Argall | Donatucci | Levin | Ryan |
| Arty | Dorr | Linton | Rybak |
| Baldwin | Duffy | Livengood | Saloom |
| Barber | Durham | Lloyd | Saurman |
| Barley | Evans | Lucyk | Scheetz |
| Battisto | Fargo | McCall | Schuler |
| Belardi | Fee | McClatchy | Semmel |
| Belfanti | Fischer | McHale | Serafini |
| Birmelin | Flick | McVerry | Seventy |
| Black | Foster, Jr., A. | Mackowski | Showers |
| Blaum | Fox | Maiale | Sirianni |
| Book | Freeman | Manderino | Smith, B. |
| Bortner | Freind | Manmiller | Smith, L. E. |
| Bowley | Fryer | Markosek | Snyder, D. W. |
| Bowser | Gallagher | Mayernik | Snyder, G. M. |

| | | | |
|-------------|------------|------------|---------------|
| Boyes | Gallen | Merry | Staback |
| Brandt | Gamble | Michlovic | Stairs |
| Broujos | Gannon | Micozzie | Steighner |
| Bunt | Geist | Miller | Stevens |
| Burd | George | Moehlmann | Stewart |
| Burns | Gladeck | Morris | Stuban |
| Bush | Godshall | Mowery | Swift |
| Caltagirone | Greenwood | Mrkonic | Taylor, E. Z. |
| Carlson | Gruitza | Murphy | Taylor, F. E. |
| Carn | Gruppo | Nahill | Taylor, J. J. |
| Cawley | Hagarty | Noye | Telek |
| Cessar | Haluska | O'Brien | Tigue |
| Chadwick | Harper | O'Donnell | Trello |
| Cimini | Hasay | Olasz | Truman |
| Civera | Hayes | Oliver | Van Horne |
| Clark | Herman | Perzel | Veon |
| Clymer | Hershey | Petrarca | Vroon |
| Cohen | Honaman | Petrone | Wambach |
| Colafella | Howlett | Phillips | Wass |
| Cole | Hutchinson | Piccola | Weston |
| Cornell | Itkin | Pievsky | Wiggins |
| Coslett | Jackson | Pistella | Wilson |
| Cowell | Jarolin | Pitts | Wogan |
| Coy | Johnson | Pott | Wozniak |
| Deluca | Josephs | Pratt | Wright, D. R. |
| DeVerter | Kasunic | Pressmann | Wright, J. L. |
| DeWeese | Kennedy | Preston | Wright, R. C. |
| Daley | Kenney | Punt | Yandrisevits |
| Davies | Kosinski | Raymond | |
| Dawida | Kukovich | Reber | Irvis, |
| Deal | Lashingier | Reinard | Speaker |
| Dietz | Laughlin | Richardson | |

NAYS—4

| | | | |
|-------------|----------|--------|-------|
| Cappabianca | Cordisco | Fattah | Sweet |
|-------------|----------|--------|-------|

NOT VOTING—0

EXCUSED—1

Langtry

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.

WELCOMES

The SPEAKER. The students of Vera Cruz School are here with their teacher, Mrs. Hohe, who are the guests of Mr. Don Snyder. Welcome to the hall of the House.

Representative Broujos has Mrs. Ann Cook and the students of the 11th and 12th grades of Carlisle High School. Welcome to the hall of the House.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Montgomery, Mr. Nahill, rise?

Mr. NAHILL. Mr. Speaker, on final passage of HB 1008 I was out of my seat, and I would like to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1013, PN 1156**, entitled:

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

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

BILL RECOMMENDED

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

Mr. PIEVSKY. Mr. Speaker, I move that HB 1013 be recommitted to the Committee on Appropriations.

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

The following roll call was recorded:

YEAS—200

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fargo | McCall | Semmel |
| Belfanti | Fattah | McClatchy | Serafini |
| Birmelin | Fee | McHale | Seventy |
| Black | Fischer | McVerry | Showers |
| Blaum | Flick | Mackowski | Sirianni |
| Book | Foster, Jr., A. | Maiale | Smith, B. |
| Bortner | Fox | Manderino | Smith, L. E. |
| Bowley | Freeman | Manmiller | Snyder, D. W. |
| Bowser | Freind | Markosek | Snyder, G. M. |
| Boyes | Fryer | Mayernik | Staback |
| Brandt | Gallagher | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Moehlmann | Stuban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrarca | Vroon |
| Cohen | Hershey | Petrone | Wambach |
| Colafella | Honaman | Phillips | Wass |
| Cole | Howlett | Piccola | Weston |
| Cordisco | Hutchinson | Pievsky | Wiggins |
| Cornell | Itkin | Pistella | Wilson |
| Coslett | Jackson | Pitts | Wogan |
| Cowell | Jarolin | Pott | Wozniak |
| Coy | Johnson | Pratt | Wright, D. R. |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVerter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |

Davies
Dawida
Deal

Kosinski
Kukovich
Lashing

Reinard
Richardson

Irvis,
Speaker

NAYS—0

NOT VOTING—1

Reber

EXCUSED—1

Langtry

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

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Oliver.

Do you want to announce a meeting during the recess?

Mr. OLIVER. Yes, Mr. Speaker. Thank you.

At the call of the recess there will be a meeting in the rear of the House of the State Government Committee.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. The House will stand in recess until 1 p.m. for lunch.

AFTER RECESS

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

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, April 29, 1985

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 6, 1985 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Monday, May 6, 1985 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 780, PN 880**, entitled:

An Act amending the act of April 4, 1984 (P. L. 193, No. 40), known as the "Motor Vehicle Procurement Act," further providing for motor vehicle procurement by public agencies; and changing penalty provisions.

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—200

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Linton | Rybak |
| Baldwin | Dorr | Livengood | Saloom |
| Barber | Duffy | Lloyd | Saurman |
| Barley | Durham | Lucyk | Scheetz |
| Battisto | Evans | McCall | Schuler |
| Belardi | Fargo | McClatchy | Semmel |
| Belfanti | Fattah | McHale | Serafini |
| Birmelin | Fee | McVerry | Seventy |
| Black | Fischer | Mackowski | Showers |
| Blaum | Flick | Maiale | Sirianni |
| Book | Foster, Jr., A. | Manderino | Smith, B. |
| Bortner | Fox | Manmiller | Smith, L. E. |
| Bowley | Freeman | Markosek | Snyder, D. W. |
| Bowser | Freind | Mayernik | Snyder, G. M. |
| Boyes | Fryer | Merry | Staback |
| Brandt | Gallagher | Michlovic | Stairs |
| Broujos | Gallen | Micozzie | Steighner |
| Bunt | Gamble | Miller | Stevens |
| Burd | Gannon | Moehlmann | Stewart |
| Burns | Geist | Morris | Stuban |
| Bush | George | Mowery | Sweet |
| Caltagirone | Gladeck | Mrkonic | Swift |
| Cappabianca | Godshall | Murphy | Taylor, E. Z. |
| Carlson | Greenwood | Nahill | Taylor, F. E. |
| Carn | Gruitza | Noye | Taylor, J. J. |
| Cawley | Gruppo | O'Brien | Telek |
| Cessar | Hagarty | O'Donnell | Tigue |
| Chadwick | Haluska | Olasz | Trello |
| Cimini | Harper | Oliver | Truman |
| Civera | Hasay | Perzel | Van Horne |
| Clark | Hayes | Petrarca | Veon |
| Clymer | Herman | Petrone | Vroon |
| Cohen | Hershey | Phillips | Wambach |
| Colafella | Honaman | Piccola | Wass |
| Cole | Howlett | Pievsky | Weston |
| Cordisco | Hutchinson | Pistella | Wiggins |
| Cornell | Itkin | Pitts | Wilson |
| Coslett | Jackson | Pott | Wogan |
| Cowell | Jarolin | Pratt | Wozniak |
| Coy | Johnson | Pressmann | Wright, D. R. |
| Deluca | Josephs | Preston | Wright, J. L. |
| DeVerter | Kasunic | Punt | Wright, R. C. |
| DeWeese | Kennedy | Raymond | Yandrisevits |
| Daley | Kenny | Reber | |
| Davies | Kosinski | Reinard | Irvis, |
| Dawida | Kukovich | Richardson | Speaker |
| Deal | Lashing | | |

NAYS—0
NOT VOTING—1

Levin

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 356, PN 386**, entitled:

An Act providing authority for urban homesteading and the procedure for establishing an urban homesteading program; expanding local government's authority in dealing with urban blight and decay; and providing exclusions from certain statutes.

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—195

- | | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Lashinger | Richardson |
| Afflerbach | Dininni | Laughlin | Rieger |
| Angstadt | Distler | Lescovitz | Robbins |
| Argall | Dombrowski | Letterman | Rudy |
| Arty | Donatucci | Levdansky | Ryan |
| Baldwin | Dorr | Linton | Rybak |
| Barley | Duffy | Livengood | Saloom |
| Battisto | Durham | Lloyd | Saurman |
| Belardi | Evans | Lucyk | Scheetz |
| Belfanti | Fargo | McCall | Schuler |
| Birmelin | Fattah | McClatchy | Semmel |
| Black | Fee | McHale | Serafini |
| Blaum | Fischer | McVerry | Seventy |
| Book | Flick | Mackowski | Showers |
| Bortner | Foster, Jr., A. | Maiale | Sirianni |
| Bowley | Fox | Manderino | Smith, B. |
| Bowser | Freeman | Manmiller | Smith, L. E. |
| Boyes | Freind | Markosek | Snyder, D. W. |
| Brandt | Fryer | Mayernik | Snyder, G. M. |
| Broujos | Gallen | Merry | Staback |
| Bunt | Gamble | Michlovic | Stairs |
| Burd | Gannon | Micozzie | Steighner |
| Burns | Geist | Miller | Stevens |
| Bush | George | Moehlmann | Stewart |
| Caltagirone | Gladeck | Morris | Stuban |
| Cappabianca | Godshall | Mowery | Sweet |
| Carlson | Greenwood | Mrkonic | Swift |
| Carn | Gruitza | Murphy | Taylor, E. Z. |
| Cawley | Gruppo | Nahill | Taylor, F. E. |
| Cessar | Hagarty | Noye | Taylor, J. J. |
| Chadwick | Haluska | O'Brien | Telek |
| Cimini | Harper | O'Donnell | Tigue |
| Civera | Hasay | Olasz | Trello |
| Clark | Hayes | Oliver | Truman |
| Clymer | Herman | Perzel | Van Horne |
| Cohen | Hershey | Petrarca | Veon |
| Colafella | Honaman | Petrone | Vroon |

- | | | | |
|----------|------------|-----------|---------------|
| Cole | Howlett | Phillips | Wambach |
| Cordisco | Hutchinson | Piccola | Wass |
| Cornell | Itkin | Pistella | Weston |
| Coslett | Jackson | Pitts | Wilson |
| Cowell | Jarolin | Pott | Wogan |
| Coy | Johnson | Pratt | Wozniak |
| Deluca | Josephs | Pressmann | Wright, J. L. |
| DeVerter | Kasunic | Preston | Wright, R. C. |
| DeWeese | Kennedy | Punt | Yandrisevits |
| Daley | Kenney | Raymond | |
| Davies | Kosinski | Reber | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |
| Deal | | | |

NAYS—0
NOT VOTING—6

- | | | | |
|-----------|---------|---------|---------------|
| Barber | Levin | Wiggins | Wright, D. R. |
| Gallagher | Pievsky | | |

EXCUSED—1

Langtry

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

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

* * *

The House proceeded to third consideration of **HB 93, PN 616**, entitled:

An Act requiring public notice of certain conditions relating to a public water supply; and providing a civil penalty.

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

Mr. STEIGHNER offered the following amendments No. A0844:

Amend Sec. 1, page 1, lines 9 through 12, by striking out all of said lines

Amend Sec. 2, page 2, lines 3 through 30, by striking out all of said lines and inserting

(a) Notice to news media.—Whenever any water company has knowledge or has reason to believe that a primary maximum contaminant level has been exceeded or that circumstances exist which may adversely affect the quality of drinking water, including, but not limited to, source contamination, spills, accidents, natural disasters or breakdowns in treatment, the water company shall, within two hours of the acquisition of that knowledge, notify the newspaper, radio and television media in the affected area of the presence of the water quality problem and request immediate broadcast of this information.

(b) Notification.—Should the Department of Environmental Resources have knowledge or reason to believe that circumstances exist as described in subsection (a) prior to the acquisition of that knowledge by the affected water company, the department shall comply with the public notification procedures provided for in subsection (a).

(c) Transmittal of information.—Within 24 hours from the time the water company knows or has reason to believe a water quality problem exists as described in subsection (a), the water company shall issue a written statement to the newspaper, radio and television media in the affected area concerning the adverse affect on the drinking water, the origin of the problem, if known, and the approximate length of time necessary to restore the drinking water to normal conditions.

Amend Sec. 3, page 3, line 4, by striking out “\$5,000” and inserting

\$2,500

Amend Sec. 3, page 3, line 4, by striking out “\$25,000” and inserting

\$12,500

On the question,

Will the House agree to the amendments?

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is the result of various discussions I have had with a number of water suppliers in the Commonwealth. Earlier they had difficulty with the sections of the bill pertaining to foreign substance and disturbance. This amendment would delete that language and substitute current language that those suppliers are operating under today under the Water Primacy Act.

It also adds that should DER (Department of Environmental Resources) be aware of a problem within a system, then at that time they would make the public notification. In addition, the amendments reduce the penalties by 50 percent.

I would ask for the favorable consideration of the House on 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—200

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Schuler |
| Belardi | Fargo | McCall | Semmel |
| Belfanti | Fattah | McClatchy | Serafini |
| Birmelin | Fee | McHale | Seventy |
| Black | Fischer | McVerry | Showers |
| Blaum | Flick | Mackowski | Sirianni |
| Book | Foster, Jr., A. | Maiale | Smith, B. |
| Bortner | Fox | Manderino | Smith, L. E. |
| Bowley | Freeman | Manmiller | Snyder, D. W. |
| Bowser | Freind | Markosek | Snyder, G. M. |
| Boyes | Fryer | Mayernik | Staback |
| Brandt | Gallagher | Merry | Stairs |
| Broujos | Gallen | Michlovic | Steighner |
| Bunt | Gamble | Micozzie | Stevens |
| Burd | Gannon | Miller | Stewart |
| Burns | Geist | Moehlmann | Stuban |
| Bush | George | Morris | Sweet |
| Caltagirone | Gladeck | Mowery | Swift |
| Cappabianca | Godshall | Mrkonic | Taylor, E. Z. |
| Carlson | Greenwood | Murphy | Taylor, F. E. |
| Carn | Gruitza | Nahill | Taylor, J. J. |
| Cawley | Gruppo | Noye | Telek |
| Cessar | Hagarty | O'Brien | Tigue |
| Chadwick | Haluska | O'Donnell | Trello |
| Cimini | Harper | Olasz | Truman |
| Civera | Hasay | Oliver | Van Horne |
| Clark | Hayes | Perzel | Veon |
| Clymer | Herman | Petrone | Vroon |

| | | | |
|-----------|------------|------------|---------------|
| Cohen | Hershey | Phillips | Wambach |
| Colafella | Honaman | Piccola | Wass |
| Cole | Howlett | Pievsky | Weston |
| Cordisco | Hutchinson | Pistella | Wiggins |
| Cornell | Irkin | Pitts | Wilson |
| Coslett | Jackson | Pott | Wogan |
| Cowell | Jarolin | Pratt | Wozniak |
| Coy | Johnson | Pressmann | Wright, D. R. |
| Deluca | Josephs | Preston | Wright, J. L. |
| DeVerter | Kasunic | Punt | Wright, R. C. |
| DeWeese | Kennedy | Raymond | Yandrisevits |
| Daley | Kenney | Reber | |
| Davies | Kosinski | Reinard | Irvis, |
| Dawida | Kukovich | Richardson | Speaker |
| Deal | Lashingier | | |

NAYS—0

NOT VOTING—1

Petrarca

EXCUSED—1

Langtry

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

On the question,

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

Mr. SAURMAN offered the following amendment No. A0719:

Amend Sec. 2, page 2, by inserting after line 30

(c) Recommendation to affected members of the public.—The public notices required by subsections (a) and (b) shall be accompanied by an appropriate recommendation concerning action that should be taken by persons who may be affected by the foreign substance or disturbance.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on that amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, my concern is that when we notify people that there is a potential danger, I think we also should notify them of what should be done to remedy it. This amendment would simply say then that when the announcement goes out that there is something wrong with the water supply, that it will tell them what they should do - for instance, if they should boil the water; if they should refrain from using it; if they should use it only for washing clothes. I think then if they have the total picture and understand exactly what it is, we will avoid panic which might result from an incomplete message. I would appreciate your support of this amendment.

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

Mr. STEIGHNER. Mr. Speaker, I have no problems with the Saurman amendment; I think it strengthens the bill. However, my question, I guess, would be directed to the Speaker.

With the adoption of the previous amendment and deleting the definitions in the previous amendment for “foreign substance” and “disturbance,” how then, if the House adopts the Saurman amendment, would that affect the bill?

The SPEAKER. After looking at it very carefully, it is the Chair's opinion, concurred in by the Parliamentarian, that Mr. Saurman's amendment does not destroy or affect your amendment in any way, shape, or form; it would be in addition to. It might be necessary to change the "(c)" in Mr. Saurman's amendment to "(d)," or at least attach it to the end of your amendment, but it would not destroy or affect your amendment, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Deal | Lashinger | Reinard |
| Afflerbach | Dietz | Laughlin | Richardson |
| Angstadt | Dininni | Lescovitz | Rieger |
| Argall | Distler | Letterman | Robbins |
| Arty | Dombrowski | Levdansky | Rudy |
| Baldwin | Donatucci | Levin | Ryan |
| Barber | Dorr | Linton | Rybak |
| Barley | Duffy | Livengood | Saloom |
| Battisto | Durham | Lloyd | Saurman |
| Belardi | Evans | Lucy | Scheetz |
| Belfanti | Fargo | McCall | Schuler |
| Birmelin | Fattah | McClatchy | Semmel |
| Black | Fec | McHale | Seventy |
| Blaum | Fischer | McVerry | Showers |
| Book | Flick | Mackowski | Smith, B. |
| Bortner | Foster, Jr., A. | Maiiale | Smith, L. E. |
| Bowley | Fox | Manderino | Snyder, D. W. |
| Bowser | Freeman | Manmiller | Snyder, G. M. |
| Boyes | Freind | Markosek | Staback |
| Brandt | Fryer | Mayernik | Stairs |
| Broujos | Gallagher | Merry | Steighner |
| Bunt | Gallen | Michlovic | Stewart |
| Burd | Gamble | Micozzie | Stuban |
| Burns | Geist | Miller | Sweet |
| Bush | George | Moehlmann | Swift |
| Caltagirone | Gladeck | Morris | Taylor, E. Z. |
| Cappabianca | Godshall | Mowery | Taylor, F. E. |
| Carlson | Greenwood | Mrkonic | Taylor, J. J. |
| Carn | Gruitza | Murphy | Telek |
| Cawley | Gruppo | Nahill | Tigue |
| Cessar | Hagarty | Noye | Trello |
| Chadwick | Haluska | O'Brien | Truman |
| Cimini | Harper | O'Donnell | Van Horne |
| Civera | Hasay | Olasz | Veon |
| Clark | Hayes | Oliver | Vroon |
| Clymer | Herman | Perzel | Wambach |
| Cohen | Hershey | Petrarca | Wass |
| Colafella | Honaman | Petrone | Weston |
| Cole | Howlett | Phillips | Wiggins |
| Cordisco | Hutchinson | Piccola | Wilson |
| Cornell | Itkin | Pievsky | Wogan |
| Coslett | Jackson | Pistella | Wozniak |
| Cowell | Jarolin | Pitts | Wright, D. R. |
| Coy | Johnson | Pott | Wright, J. L. |
| DeLuca | Josephs | Pratt | Wright, R. C. |
| DeVerter | Kasunic | Pressmann | Yandrisevits |
| DeWeese | Kennedy | Preston | |
| Daley | Kenney | Punt | |
| Davies | Kosinski | Raymond | Irvis, |
| Dawida | Kukovich | Reber | Speaker |

NAYS—1

Sirianni

NOT VOTING—3

Gannon Serafini Stevens
EXCUSED—1

Langtry

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?

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

Mr. PETRONE. Yes, Mr. Speaker.

The SPEAKER. Did you get the problem resolved?

Mr. PETRONE. No, Mr. Speaker, unfortunately.

The SPEAKER. The Chair thanks the gentleman.

Mr. Petrone thought he had an amendment and did not in fact have it.

BILL PASSED OVER TEMPORARILY

Mr. PETRONE. Could we hold the vote on the bill until later this afternoon at the end of the session? Would that be—

The SPEAKER. If the gentleman, Mr. Steighner, indicates so. He does indicate that. We will pass it over temporarily and you will order your amendment immediately. Is that correct?

Mr. PETRONE. Yes, Mr. Speaker.

The SPEAKER. Mark the bill over temporarily awaiting an amendment by Mr. Petrone.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. RICHARDSON. Mr. Speaker, I would like to offer these remarks for the record on HB 356.

The SPEAKER. The gentleman will file the remarks with the clerk.

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

HB 356 provides local governments the option of creating an urban homesteading program as a weapon in the battle to provide affordable housing and reduce urban decay. The mechanism available would be a land trust agreement which provides the local homesteading board title to substandard housing for a five-year period during which an urban homesteader would bring the property into compliance with local property/maintenance codes and occupy the dwelling. At the end of the five-year period the homesteader would receive title to the property.

Last session the legislation was approved in the House by votes of 199-0 and 196-0. The bill has the support of the Department of Community Affairs and the Thornburgh administration. I urge an affirmative vote on HB 356.

* * *

The House proceeded to third consideration of **HB 175, PN 1172**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), known as the "Pharmaceutical Assistance Contract for the Elderly Act," further providing for program criteria; and providing for a prescription drug education program.

On the question,

Will the House agree to the bill on third consideration?

Mr. FARGO offered the following amendments No. A0917:

Amend Title, page 1, lines 7 and 8, by striking out "further providing for program criteria; and"

Amend Sec. 1, page 1, lines 11 through 17; page 2, lines 1 through 30; page 3, lines 1 through 6, by striking out all of said lines on said pages and inserting

Section 1. The act of November 4, 1983 (P.L.217, No.63), known as the Pharmaceutical Assistance Contract for the Elderly Act, is amended by adding a section to read:

Amend Sec. 3, page 4, line 2, by striking out "3" and inserting

2

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

This amendment—actually the bill that we are looking at, HB 175—has two distinct, separate sections in it. One section permits mail-order prescriptions under the PACE (Pharmaceutical Assistance Contract for the Elderly) program. The other section is a section in which we are going to require certain educational things be done to educate or to assist in educating and assimilating information to senior citizens about the drug program and about the use of drugs. My amendment will remove the mail-order prescription portion of HB 175.

As far as the PACE program is concerned, I think we should all realize that we have made prescription drugs much more available to senior citizens. These two parts that we are talking about within the bill itself are in themselves very contradictory. The first part will allow mail-order prescriptions. The second part, in the education portion of it, states this, and I would like to refer to the bill itself: "The prescription drug education program shall include...information concerning the following:" and item (4) says that we should disseminate information concerning the necessity to carefully question physicians and pharmacists concerning the effects of taking prescription drugs. In the first part of the bill we say you can acquire these drugs by mail order. In the second part we say that we should be carefully questioning our physicians and pharmacists concerning the effects of taking these prescription drugs. Secondly, "The advisability of maintaining a prescription drug profile or other record of prescription drug dosage and frequency of dosage." Once more, this is a function of the local pharmacist in maintaining a profile of the drugs for every individual. Finally, if you look at number (8), "The need to obtain complete, detailed directions from the physician or pharmacist concerning the time period,..." et cetera, as far as the drugs are concerned. So we are saying in

the second part of this bill, let us make sure that they get the education about the drug program, which is so very important, that we do not have overdosages, that we do not have overusage, but in the first part we are saying, you can acquire these drugs through the mail-order program.

Let us look at the program itself. The PACE program now is a program under which a senior citizen who qualifies only pays \$4 for a prescription, regardless of where he buys it. What is the advantage of mail order? The advantage of mail order—and they will tell you this, as far as the mail-order people are concerned—is that they can save you money, and they can save you money because, one, they only take care of maintenance drugs, the kinds of drugs that people can buy on a regular basis and do not have to have the same day that the doctor prescribes it; they can wait for 4 days or 10 days or whatever it might be. So they have the advantage, and they can do so, of buying in quantity, lowering the price to the individuals. This does not help the senior citizen under the PACE program. Of course, the other advantage is that they can streamline the filling of prescriptions, and they do that. They do not necessarily have a certified pharmacist filling these prescriptions. By the testimony that we had when we had discussion on this bill, what they have are people who fill the prescriptions under the supervision of the certified pharmacist, making it much less expensive because it is not hands-on for these people to do it. So the mail order can sell at a lower price, but I want to tell you that as far as PACE is concerned, this is not necessary. It makes no difference. It is going to cost that senior citizen \$4, regardless.

What are the advantages then of recommending that the senior citizens go to the pharmacists, such as we have in the second part of the bill? Of course, number one is that the pharmacist has a chance to give that personal touch, that personal interest when that prescription is being bought. Number two is, that pharmacist is available at all times, and you will find that most pharmacists, if they are not at the pharmacy 24 hours a day for 7 days a week, there is a pharmacy in your community that is kept open for that period of time so that they can get your prescription when it is necessary. They maintain a profile on the individual customer to make sure that when they see another drug being ordered, they can at that point check it with the other drugs that that particular person has been taking before. They have a certain amount of control, and I think that that is important. When a PACE card is presented, the pharmacist gets a chance to look at the person who is presenting that PACE card, and I think that is an important control. For a fact, I believe that the Patriot-News in their editorial a couple of weeks ago said it much better than I can say, and I would like to quote one paragraph from that editorial. They say:

Mail-order drugs for the elderly...is an open invitation to abuse.

It invites all manner of confusion growing out of the separation of the patient from the provider. It invites over-dependence on drugs by elderly patients. It invites bureaucratic and logistical errors which would be merely irritating if they did not involve

people's health and safety. But perhaps most seriously, it invites criminals and addicts to raid mailboxes and terrorize the vulnerable elderly in their quest for drugs.

I would urge you to consider that, number one, if we have mail-order drugs under the PACE program, it is not going to help the elderly. It will not save them money on their individual prescriptions. Number two, there has to be an advantage in using the local pharmacy. I would implore you to pass this amendment, which will leave us with a very important bill, a bill that will provide education on the usage of drugs for our senior citizens. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Fargo amendment, the Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, this particular bill deals exclusively with the PACE program. The people who qualify for this are senior citizens who make under a prescribed income. Those who do not meet those income limitations cannot avail themselves of this particular program. The mail-order concern is an issue which should not be considered in this particular legislation. If there is a concern about mail order and the safety of mail order, it ought to be considered with respect to the Pharmacy Act, which controls and determines the pharmacy profession for all prescription drugs whether they fall under this type of category or not.

Secondly, this particular program will not force people to use mail order; it only provides people with the freedom of choice. It allows people the opportunity to use mail order in the event that they feel it is convenient for them to do so. They still have open to them the community pharmacists or any other permissible way of receiving those drugs.

We have attempted to deal with legitimate concerns by amending the bill to require that the Department of Aging must within 6 months of the passage of this bill come up with regulations that deal with the methods to be used in verifying prescriptions, the methods to be used in mailing said prescriptions, and the methods of communication to be used in cases of emergencies. We have attempted to fashion this bill to provide the necessary protection to those people who would benefit from this bill, at the same time protecting their interests.

Mr. Speaker, if this amendment would be adopted, it would be in essence to kill this bill. If you believe that there should be a freedom of choice, if you believe that people who live in rural areas where there is not a pharmacy around the corner ought to have the opportunity to participate in a \$4 copay and use the mails as they have been using the mails, then you would vote "no" on this amendment. Mr. Speaker, I ask for a negative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DOMBROWSKI. Mr. Speaker, would the gentleman, Mr. Itkin, stand for interrogation, please?

The SPEAKER. The gentleman, Mr. Itkin, indicates he will so stand. The gentleman, Mr. Dombrowski, may proceed.

Mr. DOMBROWSKI. Mr. Speaker, the previous speaker stated that his amendment would strike out the mail-order provision, and he said it should be stricken out of the bill because it is no help to the senior citizens. If it is a copay at \$4 for a prescription, what help would your bill be to a senior citizen financially?

Mr. ITKIN. There are people who do not live across the street from a drugstore and live miles away from any place where they can fill these prescriptions. To these individuals, especially those who live in rural Pennsylvania, they have become accustomed to using the mails.

Mr. Speaker, this is a program that the seniors themselves want. This is a program that they have lobbied to have us adopt. This is something that they feel is in their best interests. As I mentioned before, the people who live in rural Pennsylvania have become accustomed to using mail order. They have used it. If we continue to deny these people the use of mail order for those people who qualify for the program, then they are going to have to pay the full amount for the cost of the drugs because they will not be able to get access to have these drugs filled. Especially important is those who are homebound who find it impossible to visit the pharmacy to get their prescriptions refilled.

Mail order is not new. We have used it successfully and continually in Pennsylvania for a long, long time.

POINT OF ORDER

Mr. DOMBROWSKI. Mr. Speaker, before he goes on too far, I have a point of order.

I would like to know if he is going to answer my question, that is all.

Mr. ITKIN. Mr. Speaker, I believe I did answer your question.

Mr. DOMBROWSKI. Is it going to be a savings to the senior citizens?

Mr. ITKIN. Mr. Speaker, it will be a savings to those senior citizens who cannot make use of the community pharmacy and who have relied on mail order and who are doing so now and are not participating in the PACE program but do qualify for it and therefore spend much more money for their drugs than they would under PACE.

Mr. DOMBROWSKI. Mr. Speaker, where are these pharmacies located? Where are these mail-order pharmacies located that they are going to be so convenient for our senior citizens?

Mr. ITKIN. Where are mail-order pharmacies located? Some are located in Ohio and Indiana and Mississippi and some are located in Pennsylvania.

Mr. DOMBROWSKI. Well, I am not too sure how many are located in Pennsylvania, but— I have no further questions.

The SPEAKER. Does the gentleman, Mr. Dombrowski, wish to address the amendment?

Mr. DOMBROWSKI. I would like to make a statement.

The SPEAKER. The gentleman is in order and may proceed. The interrogation is over, Mr. Itkin.

Mr. ITKIN. Thank you.

Mr. DOMBROWSKI. Mr. Speaker, I rise in support of the Fargo amendment, merely because I think our local pharmacies are the ones that are paying the bills of our Commonwealth now. They are contributing to the Commonwealth in taxes and so on. If we should pass this bill without the Fargo amendment, all the moneys that are spent on the State lottery that will be spent on prescription drugs, I feel that a good share of that will be going out of State and I do not think that is right.

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

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TRELLO. Mr. Speaker, the Finance Committee conducted hearings all over the Commonwealth in regard to HB 175 and mail-order prescriptions. We have heard from senior citizens groups, we have heard from pharmacists, and we have heard from mail-order pharmacy groups. Pennsylvania happens to be the largest State in regard to mail-order prescriptions, and there are a number of companies here in Pennsylvania that provide those drugs. I, too, respect our pharmacists; I think it is one of the most respected professions in the country, and I have a good rapport with my pharmacist. I myself have never had a prescription delivered to my house by mail. I always go to my pharmacy. But let us speak to the senior citizens who live in remote areas and do not have a pharmacy close to them.

Number one, Mr. Speaker, mail-order prescriptions under the PACE program would represent 1 percent of all the prescriptions in Pennsylvania. The Veterans of Foreign Wars of this great State of ours, the Veterans' Administration, has had mail-order prescriptions and is the largest single mail-order prescription group in the United States, and there has never been a problem. Ninety-nine percent of all the prescriptions taken by senior citizens are maintenance drugs, like for high blood pressure, for heart, and things like that. There are no hardcore drugs allowed by the Federal Drug Administration to be sent through the mail. So we do not have a drug problem, because they are illegal; they are not allowed. The number of letters that I received as chairman of the Finance Committee on HB 175 from the senior citizens all over this Commonwealth and the number who attended the meetings, the overwhelming majority, 99 percent of them, want to have that choice, and about 99 percent of them go to their pharmacists. They do not get them by mail. Only 1 percent get them by mail; the other 99 percent go to their pharmacists. But the ones who get the prescription drugs, the maintenance drugs for their sugar, for their high blood pressure, whatever, they are saving about 30 percent on that. All they are asking for is, hey, allow us to do this. The testimony that we received stated, when I have something serious wrong with me or my prescription does not come by mail, I go to my pharmacist; I

go to my doctor and then to my pharmacist. But the ones who want the mail-order prescriptions are 1 percent in this State, and they are saying, let us be allowed to have that choice.

I say let us defeat the Fargo amendment and let the people who want that choice be allowed to have it, because if it is wrong for our senior citizens, then the Veterans' Administration has been wrong for the last 35 years. Thank you very much.

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of the Fargo amendment. I believe that drugstores in our small communities are probably some of the backbone of our small towns. I think that those are the stores that stay open, and those are the stores that need this support. They are the ones that pay our taxes, the ones that rent our buildings, and I am sure that there are going to be enough mail orders going out to affect them.

If anybody lives in a rural area, I guarantee you I am one of them, and I have had no one ask me for mail-order drugs in my legislative district. I can honestly say that I believe there would be massive abuse. What would you do if a check was lost? Would the senior citizen wait forever for that drug or that check to be refunded? I am sure he would, and that is another problem. Most of them cannot afford to wait that long for those lost checks. I ask for a "yes" vote on the Fargo amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

In the last session I rose to oppose mail-order prescription drugs because I was concerned about the very issue of education. Since that time I have had a little education of my own, and I think I have changed my position and would ask your opposition to that amendment and allow the senior citizens the choice, the option, of whether or not they want to go to their local drugstore or whether they want to use the mail-order prescription service. And I stress that it is an option that we are allowing. A great deal of what has been said sounds as though we are going to force our senior citizens to use the mails. That certainly is not true. All we are saying is allow them that option.

Historically, one of the mail-order houses in particular sought out the senior citizens to offer special services long before we here in the General Assembly recognized the need of these senior citizens. They offered them a discount; they offered them a service that was indeed helpful to them. Now we are saying to them, look, we have gotten into the scene now, and you are not going to be allowed to continue with the service that you originated some time ago.

Mr. Trello has already addressed the situation of the fact that those kinds of drugs that are potentially abusable are not allowed to be sent through the mails. Furthermore, it has been said and needs to be restated that mail order can be used in every other instance except for our senior citizens, if we adopt the Fargo amendment.

Advertising is one of the most important and critical things in terms of our senior citizens, and when I say "advertising" now, I am not talking about that kind that urges someone to buy one product or another but the informative kind, the educational kind. I have seen brochures of a company—at least one mail-order house—in the very form that I really think we should require all pharmaceutical houses to provide - large print, so that senior citizens can read it; what the ingredients are; what the potential damage might be from overuse or underuse; what to do in case it happens. All of these things are critical forms of education that are already being provided and in fact we ought to be encouraging to be provided under all forms. If someone has a question that they are concerned about in terms of how to use it, there is an "800" number that the individual can call to speak to a pharmacist.

Furthermore, if we consider the scenario of the senior citizen who is homebound, unable to get out and go to the drugstore, and we say all drugstores have a delivery service—which is true, I am sure—what is the difference between a 16-year-old who rides his bicycle or a deliveryman who drops it off and a mailman? A pharmacist is not going to be delivering to that homebound individual. The opportunity then to face that pharmacist face-to-face is just as much lost with home delivery as it is with mail delivery.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I believe we have been getting some misinformation here in regard to savings for the senior citizens. First of all, this is a \$4 copay program. I would like to know how the senior citizen, the low-income elderly person, is going to save money. He is still going to have to pay the \$4 copay.

But I think one of the most important factors here that we should be concerned about is the health and welfare of the senior citizen. We know that when large numbers of prescriptions are being processed the chances of error are tenfold. We can pick up the paper every day and listen and read where even in hospitals we have medication that has been misassigned to the individuals in their respective category, and the likelihood of having this happen in a large mail-order company is tenfold.

But I think it is important when we talk about education that there is no better education for the senior citizen than to have direct contact with his druggist. A lot of these people have a difficult time reading, even if the stuff is printed on the label, and by going constantly to their druggist, he can reassure them and tell them, because a lot of these drugs cannot be taken at their own particular time. Some must be taken with meals; some have to be taken after meals.

In addition to that, we hear them talk about certain drugs not being sent through the mails. There are drugs that have to be temperature controlled. There are drugs that are narcotic. Now, if a patient has to go to the druggist for these, they sure as heck ought to be able to go and pick up the other ones, because it is very important to them to watch what they are

taking, because there are such things as idiosyncrasies. They may be going to two or three doctors; they may be taking different things, and only the druggist would have an opportunity to make that decision, to see whether or not that particular drug would be contraindicated for that particular person.

I ask for a favorable vote on this amendment. I thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Mr. Speaker, would Mr. Itkin consent to interrogation, please?

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

Mr. COWELL. Thank you, Mr. Speaker.

I am just looking for clarification. In response to the question of a prior speaker, the question being where are these mail-order pharmacies located, you indicated that they were located in a variety of States - Mississippi, Ohio, what have you. However, my understanding of this bill is that it permits, under the provisions of the PACE program, prescriptions to be ordered from mail-order pharmacies with their principal place of business being in Pennsylvania and Pennsylvania alone. Is that correct, and could you elaborate if anything further needs to be said?

Mr. ITKIN. Mr. Speaker, you make an excellent point. Although mail-order pharmacies exist throughout the United States, to participate in the Pennsylvania PACE program you must be a licensed pharmacy in Pennsylvania, and in addition to that, you must also have your principal place of business within the Commonwealth. So yes, it is restricted only to those facilities that are licensed in Pennsylvania and have their principal place of business here.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks both gentlemen.

Mr. Itkin, do you wish to speak for the second time on the amendment now?

Mr. ITKIN. Mr. Speaker, I would just urge all members of the House to seriously consider voting against the Fargo amendment. The Fargo amendment will kill this bill. This is a bill that the seniors themselves have lobbied for very hard. In fact, last session we passed in this House a version of this bill, which passed the House by something like 180 affirmative votes. I would hope you would keep true to that particular vote and vote against the Fargo amendment and "yes" on the bill. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin, on the Fargo amendment.

Mr. BALDWIN. Thank you, Mr. Speaker.

I agree that the prescription drug education program that Mr. Saurman spoke about is very worthwhile, but it seems at complete odds with the mail-order prescription program, because we tell the people in section 4.1 of this bill that they should consult with their pharmacist as to the dangers of mixing drugs and then encourage them to do it through mail order where there is no pharmacist to consult. I think that there is too much danger, as Representative Haluska pointed

out, of mass-producing these prescriptions, and there is just no opportunity for the senior citizen, who is being misled by advertising that it is going to be cheaper for them, to get the protection that a pharmacist would offer at a local drugstore. I urge the members to support the Fargo amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Mr. Speaker, this amendment, it is true, would not take money away from senior citizens, but this amendment would take money away from the State Lottery Fund. Some senior citizens will be able to get some prescriptions cheaper. As a result of this bill, the fiscal crisis which the Secretary of Revenue says exists so that by 1989 or 1990 the Lottery Fund will be out of money, that fiscal crisis may be prevented.

Because I am concerned about the overall fiscal health of the Lottery Fund, and because I know that some senior citizens who have prescriptions find great difficulty walking out of the house to a pharmacist and feel too ill to drive a car safely and therefore are unable to take advantage of this program, I would urge the defeat of this amendment. I seriously doubt that any significant amount of money will be taken away from existing pharmacies. Basically, this amendment will open up and expand this program to those senior citizens who are too ill to go to a pharmacy, and among a smaller number of people, it will enable them to save money and save the State Lottery Fund some money. For both these reasons, I urge the passage of the bill in its original form and the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Mr. Saurman now, for the second time on the amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Just two things. First of all, I would highly recommend to anyone that they go to their local drugstore in order to get their drugs. I think that is the preferable place. But we are not saying to them that they should go to a mail-order situation. We are simply saying that we are keeping that option open for those persons who feel this is the best way to go. We are not denying it. The allowance of this has not been proven harmful, in my opinion, and I would urge that this amendment be defeated and the bill be voted with a "yes." Thank you.

The SPEAKER. The Chair recognizes Mr. Fargo, I believe in conclusion, for the second time on the amendment.

Mr. FARGO. Thank you, Mr. Speaker.

As I listened to the various items of debate here, I would like to take them pretty much one at a time and see just how they stand up.

Representative Saurman has told us that if a senior citizen has a problem on a mail order, he can call an "800" number. I am told that that "800" number is answered on Mondays and then throughout the week. So if something happens over the weekend, that "800" number is not available. He also mentioned the literature that comes with those drugs and indi-

cated that it is in very large print. I have one of these in my hand here, and it is not in large print. In fact, as I read this, I find difficulty myself in determining exactly what, in certain instances, is being said in this, and I find, in my own mind, that it could well be confusing to a senior citizen rather than helping that senior citizen make up his mind.

Representative Trello and Representative Itkin said that they have heard from a lot of senior citizens and that the senior citizens have worked hard to get this through. I would say to you that it is basically because of a misunderstanding. Many of the mail-order organizations, including the American Association of Retired Persons, have in their literature led many of the senior citizens to believe that they are not going to be able to use mail order regardless. When you talk to those senior citizen groups and tell them that all we are talking about here is those people who qualify for PACE and, in fact, if you qualify for PACE you can buy it at the same price anywhere, then those senior citizen groups are in agreement with the fact that we should not use mail order, and they can understand the problems. Now, I know that from personal experience in dealing with senior citizen groups. For a fact, at one of our public hearings I asked a senior citizen who was in the back of the room when I was leaving if they were qualified and a member of PACE. They said no. They were there supporting this bill without realizing they were not even covered by the bill.

So I do feel that there has been a misunderstanding with the senior citizens, that if they find out in fact that we are still allowing mail order for those cases where they can in fact save money, that that is all right. And you will find the senior citizens agreeing with the fact that under the PACE program we should not have mail order, because in the PACE program we have said at the low cost that we have here, we now are making more prescription drugs available to more people. We should have more control over that program, and that is the reason for the second half of this bill having to do with education.

When we heard from Representative Cohen that this was going to assist the Lottery Fund, I was kind of mixed up with what he was saying in that he said, number one, there would be no significant cost to the pharmacies; and number two, we are going to save the Lottery Fund a lot of money in the future. Now, one or the other, but I cannot believe both of those statements. If you look at the comparison of what will be saved in the Lottery Fund by mail-order prescriptions, you will find that there really is not much of a savings, and that is only on certain maintenance drugs. If you look at the entire panorama of drugs, I question whether there would be any savings to the Lottery Fund. In fact, when those maintenance drugs are ordered on mail order at lower prices, the only thing I can see happening is that those drugs which cannot be ordered on mail order are going to go up in price, because that local pharmacist is going to have to get more for the drugs that he has remaining to sell, and ultimately the price is actually going to go up as far as the costs are concerned, not necessarily to the senior citizens but to everybody, all the citizens

out there who are depending on your vote. So I think it is important that we do not have mail-order prescriptions for the PACE program itself.

We also had some concern about the people living in the rural areas. If they are able to go to the doctor and get their prescriptions and realize that with most of the prescriptions they get they are still going to have to go to the pharmacy—because they need it today; they do not need it 10 days from now—if they can do that, then I do not quite see the argument that we are really helping a lot of senior citizens in the rural areas so that they have a convenient way. In fact, it costs them 22 cents to send it, which, incidentally, is better than 5 percent on the \$4 that we are charging them in the first place. So we are adding a cost to the senior citizens.

I think, as far as benefits are concerned to the senior citizens, that mail order has no benefits or very few benefits that can really be tracked down to the mail ordering of prescriptions by senior citizens. I would very much ask that you support my amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson, on the Fargo amendment.

Mr. WILSON. This amendment has me very concerned. I think what we are doing here, if you read this amendment and read it carefully and interpret it in the real way that it is going, this is legislation to restrict competition - legislation to restrict competition. I do not see how we can stop Sears or Ward's or anybody else in the mail-order business, but here we are, in this legislation we are going to say to that senior citizen—who does not care, really, because they have a \$4 fee no matter where they go—that you have to go to this pharmacy because that pharmacy in Pennsylvania that does business in Pennsylvania is, for some legislative reason, some reason that we determined here, not good, honest competition. I urge you to think very, very seriously about this amendment before you vote for it.

I would urge that we reject this amendment, reject it thoroughly, and say that this is free enterprise in Pennsylvania. You can go wherever you want to and buy that prescription anywhere. Thank you.

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—35

| | | | |
|-----------|------------|-----------|--------------|
| Baldwin | Dininni | Letterman | Saloom |
| Belardi | Dombrowski | Livengood | Sirianni |
| Belfanti | Dorr | Lucyk | Smith, L. E. |
| Blaum | Fargo | Michlovic | Staback |
| Bowley | Fischer | Miller | Stevens |
| Bowser | Haluska | Moehlmann | Stewart |
| Burd | Hutchinson | Olasz | Wambach |
| Clymer | Laughlin | Petrone | Wass |
| Colafella | Lescovitz | Pratt | |

NAYS—163

| | | | |
|------------|-----------|-----------|---------|
| Acosta | Distler | Kukovich | Robbins |
| Afflerbach | Donatucci | Lashinger | Rudy |
| Angstadt | Duffy | Levdansky | Ryan |
| Argall | Durham | Levin | Kybak |
| Arty | Evans | Linton | Saurman |

| | | | |
|-------------|-----------------|------------|---------------|
| Barber | Fattah | Lloyd | Scheetz |
| Barley | Fee | McCall | Schuler |
| Battisto | Flick | McClatchy | Semmel |
| Birmelin | Foster, Jr., A. | McHale | Serafini |
| Black | Fox | McVerry | Seventy |
| Book | Freeman | Mackowski | Showers |
| Bortner | Freind | Maiale | Smith, B. |
| Boyes | Fryer | Manderino | Snyder, D. W. |
| Brandt | Gallagher | Mannmiller | Snyder, G. M. |
| Broujos | Gallen | Markosek | Stairs |
| Bunt | Gamble | Mayernik | Steighner |
| Burns | Gannon | Merry | Stuban |
| Bush | Geist | Micozzie | Sweet |
| Caltagirone | George | Mowery | Swift |
| Carlson | Gladeck | Mrkonic | Taylor, E. Z. |
| Carn | Godshall | Murphy | Taylor, F. E. |
| Cawley | Greenwood | Noye | Taylor, J. J. |
| Cessar | Gruitza | O'Brien | Telek |
| Chadwick | Gruppo | O'Donnell | Tigue |
| Cimini | Hagarty | Oliver | Trello |
| Civera | Harper | Perzel | Truman |
| Clark | Hasay | Petrarca | Van Horne |
| Cohen | Hayes | Phillips | Veon |
| Cole | Herman | Piccola | Vroon |
| Cordisco | Hershey | Pievsky | Weston |
| Cornell | Honaman | Pistella | Wiggins |
| Coslett | Howlett | Pitts | Wilson |
| Cowell | Itkin | Pott | Wogan |
| Coy | Jackson | Pressmann | Wozniak |
| Deluca | Jarolin | Preston | Wright, D. R. |
| DeVerter | Johnson | Punt | Wright, J. L. |
| DeWeese | Josephs | Raymond | Wright, R. C. |
| Daley | Kasunic | Reber | Yandrisevits |
| Davies | Kennedy | Reinard | |
| Dawida | Kenney | Richardson | Irvis, |
| Deal | Kosinski | Rieger | Speaker |
| Dietz | | | |

NOT VOTING—3

Cappabianca Morris Nahill

EXCUSED—1

Langtry

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

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

The SPEAKER. 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—184

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Dietz | Lescovitz | Rudy |
| Afflerbach | Distler | Levdansky | Ryan |
| Angstadt | Dombrowski | Levin | Rybak |
| Argall | Donatucci | Linton | Saloom |
| Arty | Duffy | Lloyd | Saurman |
| Baldwin | Durham | McCall | Scheetz |
| Barber | Evans | McClatchy | Schuler |
| Barley | Fargo | McHale | Semmel |
| Battisto | Fattah | McVerry | Serafini |
| Belardi | Fec | Mackowski | Seventy |
| Belfanti | Fischer | Maiale | Showers |
| Birmelin | Flick | Manderino | Smith, B. |
| Black | Foster, Jr., A. | Manmiller | Snyder, D. W. |
| Blaum | Fox | Markosek | Snyder, G. M. |
| Book | Freeman | Mayernik | Staback |
| Bortner | Freind | Merry | Stairs |

| | | | |
|-------------|-----------|------------|---------------|
| Boyes | Fryer | Micozzie | Steighner |
| Brandt | Gallen | Miller | Stevens |
| Broujos | Gamble | Morris | Stewart |
| Bunt | Gannon | Mowery | Stuban |
| Burd | Geist | Mrkonic | Sweet |
| Burns | George | Murphy | Swift |
| Bush | Gladeck | Nahill | Taylor, E. Z. |
| Caltagirone | Godshall | Noye | Taylor, F. E. |
| Cappabianca | Greenwood | O'Brien | Taylor, J. J. |
| Carlson | Gruitza | O'Donnell | Telek |
| Carn | Gruppo | Olasz | Tigue |
| Cawley | Hagarty | Oliver | Trello |
| Cessar | Haluska | Perzel | Truman |
| Chadwick | Hasay | Petrarca | Van Horne |
| Cimini | Hayes | Petrone | Veon |
| Civera | Herman | Phillips | Vroon |
| Clark | Hershey | Piccola | Wambach |
| Cohen | Honaman | Pievsky | Wass |
| Colafella | Howlett | Pistella | Weston |
| Cole | Itkin | Pitts | Wiggins |
| Cordisco | Jackson | Pott | Wilson |
| Cornell | Jarolin | Pressmann | Wogan |
| Coslett | Johnson | Preston | Wozniak |
| Cowell | Josephs | Punt | Wright, D. R. |
| Coy | Kasunic | Raymond | Wright, J. L. |
| Deluca | Kennedy | Reber | Wright, R. C. |
| DeVerter | Kenney | Reinard | Yandrisevits |
| Daley | Kosinski | Richardson | |
| Davies | Kukovich | Rieger | Irvis, |
| Dawida | Lashinger | Robbins | Speaker |
| Deal | Laughlin | | |

NAYS—15

| | | | |
|---------|------------|-----------|--------------|
| Bowley | Dorr | Livengood | Pratt |
| Bowser | Gallagher | Lucyk | Sirianni |
| Clymer | Hutchinson | Michlovic | Smith, L. E. |
| Dininni | Letterman | Moehlmann | |

NOT VOTING—2

DeWeese Harper

EXCUSED—1

Langtry

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

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

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Luzerne, Mr. Stevens, rise?

Mr. STEVENS. Mr. Speaker, on HB 93 my switch was not operating properly. If it had, I would have liked to have been recorded in the affirmative.

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

The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, on amendment A0719 to HB 93 I accidentally voted in the negative, and I would like to be recorded in the affirmative.

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

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

Mr. SERAFINI. Mr. Speaker, I wanted to vote in the affirmative on the amendment, A0917, to HB 175.

The SPEAKER. Your remarks are that you wish to be recorded in the affirmative on the amendment. Is that correct?

Mr. SERAFINI. The affirmative, yes. Thank you.

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

WELCOME

The SPEAKER. Mr. Sam Null is here from West York, Pennsylvania. He is the guest of Don Dorr and Lynn Herman. Welcome to the hall of the House.

REMARKS ON VOTES

The SPEAKER. The lady from Philadelphia, Mrs. Harper, and the gentleman from Greene, Mr. DeWeese, will be recorded in the affirmative on the final vote on that bill, HB 175. The Chair apologizes for not recognizing the two prior to this.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1025, PN 1170**, entitled:

An Act making an appropriation to the Department of Labor and Industry from the Workmen's Compensation Administration Fund to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1985, to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985.

On the question,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendments No. A1009:

Amend Title, page 1, line 6, by inserting after "1986," for increasing the complement level of Workmen's Compensation Referees,

Amend Bill, page 2, by inserting between lines 1 and 2

Section 2. The sum of \$470,000, or as much thereof as may be necessary, is hereby appropriated from the Workmen's Compensation Administration Fund to the Department of Labor and Industry for the payment of salaries, wages and other compensation and travel expenses necessary for increasing the filled complement level of Workmen's Compensation Referees to 50 and for the additional personnel and operating costs necessary to support this increase.

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

3

On the question,

Will the House agree to the amendments?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds additional workmen's compensation referees to the State workmen's compensation system. Since 1977, the number of cases on hand in the workmen's compensation system has gone up by 62 percent. This is a huge backlog. It means that the average person who has an accident in a place of work who files a workmen's compensation claim has to wait over 10 months on the average in order to get his claim paid. The Thornburgh administration has attempted to deal with this increasing number by having a few more referees appointed, but the extra number of referees that they have appointed has been outweighed by resignations and retirements, and today, out of a complement of 40 referees already authorized, we only have 34 referees. Three are in training; there are three vacancies for which nobody is in training.

If nobody in this Commonwealth was to be injured for the next 10 months, we would have to go a little beyond 10 months to clean up the current backlog. Obviously there are people being injured today, there are people who will be injured tomorrow, and there will be people injured next week. What we need are more referees to handle the system in an efficient manner. We recognized the backlog in the courts, and last year we created more judges throughout the Commonwealth. We needed those judges to deal with crime; we need these referees to deal with the huge surplus of cases, and we need these referees to see that action is obtained for people who need help, and we need it immediately. I urge support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PITTS. Mr. Speaker, would the gentleman submit to interrogation?

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

Mr. PITTS. Thank you, Mr. Speaker.

I am interested in your amendment. You, I think, are seeking to add 10 new referees.

Mr. COHEN. We are seeking to extend the existing complement by 10.

Mr. PITTS. Could you explain to the House how you determined that 10 additional referees were needed? Why not 15; why not 5?

Mr. COHEN. Because the backlog is so great. There is no specific reason; there is no reason it could not be 9, or it could not be 11, or it could not be 8, or it could not be 12. The Secretary of Labor will have the power to— This is an authorizing amendment. If the Secretary of Labor believes he can do the job with only five referees or only six referees, he will be able to do the job with only five or only six referees. We believe that the backlog is so huge, the backlog is so great, that 10 is what is needed. If the Secretary can do the job with five, this amendment will not stop him from doing that.

Mr. PITTS. Okay. So your main thrust for adding referees is not the productivity level of existing referees; it is the caseload or the number of cases that are backlogged. Is that correct?

Mr. COHEN. The productivity level of referees has greatly increased. The problem is that the productivity level of the referees has not increased nearly as fast as the number of new cases has increased.

Mr. PITTS. Can you tell us how many cases were decided last year, perhaps in comparison to previous years?

Mr. COHEN. Yes; I can, Mr. Speaker.

Mr. PITTS. Would you please explain?

Mr. COHEN. Yes. In 1984 there were 18,696 decisions issued; in 1983 there were 18,650 decisions issued; in 1982 there were 19,488 decisions issued; there were 19,489 decisions issued in 1981; there were 17,541 decisions issued in 1980; 15,010 decisions issued in 1979; 14,482 decisions issued in 1978; 13,376 decisions issued in 1977. There has been a tremendous increase in productivity. There has also been a tremendous increase in appeals over the same period of time, and I think part of the reason for the increase in appeals—the number of appeals has more than quadrupled—is that the people are under such pressure to make the decisions that lawyers find there are factual errors in the decisions, errors of fact or errors of law, and therefore they appeal, and that creates more work for the Workmen's Compensation Appeal Board.

Mr. PITTS. Now, can you tell us, for instance, of the backlog, how many of these cases are less than a year old? How many are open for a long period of time?

Mr. COHEN. Ten months is the average figure, Mr. Speaker. That means that nearly half of them are over 10 months old, and 10 months is nearly a year. The average case is 10 months and 1 week old.

Mr. PITTS. Has that number increased substantially over the past number of years? How many are longer than 10 months?

Mr. COHEN. It has increased moderately over time. I do not have a precise count of the number of cases that are over 10 months, the number of cases that are under 10 months, the number of cases that are over a year, or the number of cases that are under a year.

Mr. PITTS. Mr. Speaker, I am getting at the issue that was brought up that brought about quite a number of cases last year, the back salary. Are you familiar with that issue and how many cases that entailed?

Mr. COHEN. I do not have a precise number as to the number of cases affected by back salary.

Mr. PITTS. Thank you, Mr. Speaker.

That concludes my interrogation. May I make a statement?

The SPEAKER. The gentleman may speak on the amendment.

Mr. PITTS. Thank you, Mr. Speaker.

I think a decision by the House to increase the number of workmen's comp referees should be based on fact, not necessarily unsubstantiated assumptions or arbitrarily. Presently

there are 33 full-time referees; there are 3 new referees who are beginning training; there is 1 additional referee who is being hired, I am told, within a week or so; 2 supervisors are now working in a referee capacity; and so these administrative actions are bringing the complement up to a total of 39 of the 41 which are presently authorized. Moreover, the existing civil service list is being reviewed, we are told. Individuals are being interviewed, and the Civil Service Commission has agreed to open up testing again shortly so that more candidates can apply and be appointed. So in fact the Department of Labor and Industry has been increasing the number of referees and is replacing some who are retiring as they retire.

Now, it is important, I think, to understand why there has been a backlog of cases, for instance, this past year. The court in Philadelphia, the U.S. district court, decided a case called back salary, and this case struck down the automatic supersedeas provision in Pennsylvania law; that is, all requests to suspend benefit payments pending a final decision now require a preliminary hearing on request, and a return to work or a physician's affidavit can no longer automatically suspend benefits. The department was mandated last year to review all cases which were undecided and which involved this supersedeas request, which was 1,400 cases. In addition to their normal caseload, the referees were required to process these 1,400 pending supersedeas cases on a priority basis by the court order, and these additional 1,400 cases were not their normal workload. Any backlog caused by this court order cannot be used to justify, I do not think, these additional requests. So unless Mr. Cohen can provide data properly that the department is not carrying out its responsibility, I think the amendment is unnecessary. So we will oppose it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we adopt the Cohen amendment. We have just heard a long discussion where a lot of numbers were thrown around, but the bottom line, if we go back to our respective legislative districts, most of us, particularly in western Pennsylvania from where I come, can say honestly that we are getting complaints from constituents, people who have cases pending for an unnecessarily long period of time. Each of those constituents really does not care about all of the numbers that are being thrown around; they do not care about productivity; they know that their case is not being processed in a timely fashion, and that is what we need to be concerned about today. Unfortunately, over the last couple of years, this legislature has appropriated enough dollars, I believe, to hire enough referees to handle those cases in a timely fashion, but the money has not been spent. This administration has decided not to hire the necessary referees to do the job that was required, and so what we have before us right now is a bill with an appropriation figure in it that reflects what they in fact have used rather than what they need.

I suggest that we appropriate the extra dollars that Mr. Cohen has suggested so that there will be dollars available to hire those people whom Mr. Pitts just spoke of as now going through the initial stages of the application process. He said there are 39 positions filled and the administration is now opening up the civil service process again for more applicants. The fact is, if we do not appropriate more money, we may find the administration telling us now they want to do something, they have got applicants, they want to fill positions, but in 1985-86 they do not have enough money to do it. Let us not allow them that argument and the convenience of that excuse. Let us make sure that we appropriate enough money, as we would do with the Cohen amendment, to insure that the cases can be handled in a timely fashion, expeditiously, and so that there are funds available to pay for those individuals who may just now be entering the application process. I would urge that we adopt the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, on the amendment.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I urge that we adopt the Cohen amendment. When this bill left the Appropriations Committee, there were enough funds in there to hire 10 more referees, but we all know that there is a job freeze and the administration is not hiring anyway. I do not know if they are going to hire anybody if we increase this \$470,000 appropriation, but at least, at least this House of Representatives will not have that responsibility, and we will be doing our job. It will not be our responsibility. We are giving them the money. If they do not hire them, it is the administration's fault, not ours. So I urge that we adopt the Cohen amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I urge that we adopt the Cohen amendment. Talking to the referees, a few of the referees, in Allegheny County in the western part of the State there, we have been short two referees for the last year. The caseload, Mr. Speaker, is over 600 per referee. You talk about throwing out figures; ask the legitimate claimant who cannot support his family, who is losing his house because his workman's compensation case is not being processed in a timely order. I am not talking about the fakers; I am talking about the legitimate claimants who need their cases decided in an orderly fashion. It is ridiculous when we have a backlog for one referee of 600 cases. That, Mr. Speaker, is not permissible in this Commonwealth of Pennsylvania. I ask for your support for this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for just a short interrogation?

The SPEAKER. Mr. Cohen indicates that he will be glad to so stand. The gentleman, Mr. Wass, may proceed.

Mr. WASS. Mr. Speaker, I am only interested in clarifying your earlier comments. Your amendment, as I read it, mandates, dictates that we have 50 referees. Is that true or false?

Mr. COHEN. It authorizes, Mr. Speaker.

Mr. WASS. It authorizes. It does not dictate, mandate?

Mr. COHEN. Mr. Speaker, the Governor of Pennsylvania has demonstrated over the past 7 years that he is very good at not spending all the money we authorize him to spend.

Mr. WASS. Mr. Speaker, if I may—and forgive me for continuing my interrogation in the same vein—I am asking you specifically, is your amendment mandating that we have 50 referees?

Mr. COHEN. The Governor will legally be able to avoid having 50 referees if it is the Governor's desire to avoid having 50 referees.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Baldwin, on the amendment.

Mr. BALDWIN. Thank you, Mr. Speaker.

I urge the House to adopt the Cohen amendment. I do not know about what the rest of you are experiencing in your districts, but in my district we had a referee pass away approximately 2 years ago, and that vacancy is still unfilled. We have the other referee who is in the district who cannot get his opinions printed, because the administration will not authorize the hiring of staff. He had a secretary leave on a pregnancy leave, and in order to get his opinions typed and issued, he has to mail them to Harrisburg and wait 7 to 8 weeks just to get them back. The result is not only that the claimants are waiting for their hearings, but also insurance company interests are waiting. When they try to terminate somebody who has been injured in a work situation and is perhaps healed and they want to terminate those benefits, they cannot get the hearings either.

I have been hearing complaints from both sides of the issue and the referees. I think this is badly needed, and I urge the House to support it.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly. I follow the workmen's compensation cases in my district pretty closely. Mr. Speaker, what I found out is that the city of Pittsburgh that formerly had three or four or five referees is now down to two. As a result of that, they are taking those cases and they are shipping them out to the rural areas and to the suburban areas, and they are piling an extra 30 or 40 cases a month on all of the referees in those areas. Those in addition to that happen to be the insurance companies that are coming in and saying that there is a malingerer, as they call them, on the rolls, and they are trying to remove them, and they are requesting additional termination petitions of the referees, thus piling up a greater backlog every month. Now, in the past

most of our suburban referees have kept pace, but, Mr. Speaker, if it continues along the route that it is going across the State, we will be behind in handling the workmen's comp cases that are so vital to people who are injured on the job or experience some work-related difficulty.

Mr. Speaker, I believe that Representative Cohen's amendment is most appropriate, and I ask an affirmative vote.

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

The following roll call was recorded:

YEAS—141

| | | | |
|-------------|------------|------------|---------------|
| Acosta | Dorr | Livengood | Semmel |
| Afflerbach | Duffy | Lloyd | Serafini |
| Angstadt | Durham | McCall | Seventy |
| Argall | Evans | McHale | Showers |
| Arty | Fattah | Maiale | Smith, B. |
| Baldwin | Fee | Manderino | Snyder, D. W. |
| Barber | Fischer | Markosek | Snyder, G. M. |
| Battisto | Freeman | Mayernik | Staback |
| Belardi | Fryer | Michlovic | Stairs |
| Belfanti | Gallagher | Miller | Steighner |
| Blaum | Gamble | Moehlmann | Stevens |
| Book | Gannon | Morris | Stewart |
| Bortner | George | Mowery | Stuban |
| Bowley | Greenwood | Mrkoncic | Sweet |
| Brandt | Gruitza | Murphy | Taylor, E. Z. |
| Broujos | Gruppo | O'Brien | Taylor, F. E. |
| Caltagirone | Haluska | O'Donnell | Taylor, J. J. |
| Cappabianca | Harper | Olasz | Tiguel |
| Carn | Hasay | Oliver | Trello |
| Cawley | Honaman | Perzel | Truman |
| Cessar | Howlett | Petrarca | Van Horne |
| Clark | Hutchinson | Petrone | Veon |
| Cohen | Itkin | Phillips | Wambach |
| Cole | Jackson | Pievsky | Wass |
| Cordisco | Jarolin | Pistella | Weston |
| Coslett | Josephs | Pratt | Wiggins |
| Cowell | Kasunic | Pressmann | Wilson |
| Coy | Kennedy | Preston | Wogan |
| DeLuca | Kenney | Raymond | Wozniak |
| DeWeese | Kosinski | Richardson | Wright, D. R. |
| Daley | Kukovich | Rieger | Wright, R. C. |
| Dawida | Laughlin | Rudy | Yandrisevits |
| Deal | Letterman | Rybak | |
| Distler | Levdansky | Saloom | Irvis, |
| Dombrowski | Levin | Scheetz | Speaker |
| Donatucci | Linton | Schuler | |

NAYS—54

| | | | |
|----------|-----------------|-----------|---------------|
| Barley | DeVerter | Herman | Pott |
| Birmelin | Davies | Hershey | Punt |
| Black | Dietz | Johnson | Reber |
| Bowser | Dininni | McClatchy | Reinard |
| Boyes | Fargo | McVerry | Robbins |
| Bunt | Foster, Jr., A. | Mackowski | Ryan |
| Burd | Fox | Manmiller | Saurman |
| Bush | Freind | Merry | Sirianni |
| Carlson | Gallen | Micozzie | Smith, L. E. |
| Chadwick | Geist | Nahill | Swift |
| Cimini | Gladeck | Noye | Telek |
| Civera | Godshall | Piccola | Vroon |
| Clymer | Hagarty | Pitts | Wright, J. L. |
| Cornell | Hayes | | |

NOT VOTING—6

| | | | |
|-----------|------------|-----------|-------|
| Burns | Flick | Lescovitz | Lucyk |
| Colafella | Lashingner | | |

EXCUSED—1

Langtry

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?

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

YEAS—199

| | | | |
|-------------|-----------------|-----------|---------------|
| Acosta | Dietz | Laughlin | Richardson |
| Afferbach | Dininni | Lescovitz | Rieger |
| Angstadt | Dombrowski | Letterman | Robbins |
| Argall | Donatucci | Levdansky | Rudy |
| Arty | Dorr | Levin | Ryan |
| Baldwin | Duffy | Linton | Rybak |
| Barber | Durham | Livengood | Saloom |
| Barley | Evans | Lloyd | Saurman |
| Battisto | Fargo | Lucyk | Scheetz |
| Belardi | Fattah | McCall | Schuler |
| Belfanti | Fee | McClatchy | Semmel |
| Birmelin | Fischer | McHale | Serafini |
| Black | Flick | McVerry | Seventy |
| Blaum | Foster, Jr., A. | Mackowski | Showers |
| Book | Fox | Maiale | Smith, B. |
| Bortner | Freeman | Manderino | Smith, L. E. |
| Bowley | Freind | Manmiller | Snyder, D. W. |
| Bowser | Fryer | Markosek | Snyder, G. M. |
| Boyes | Gallagher | Mayernik | Staback |
| Brandt | Gallen | Merry | Stairs |
| Broujos | Gamble | Michlovic | Steighner |
| Bunt | Gannon | Micozzie | Stevens |
| Burd | Geist | Miller | Stewart |
| Burns | George | Moehlmann | Stuban |
| Bush | Gladeck | Morris | Sweet |
| Caltagirone | Godshall | Mowery | Swift |
| Cappabianca | Greenwood | Mrkonic | Taylor, E. Z. |
| Carlson | Gruitza | Murphy | Taylor, F. E. |
| Carn | Gruppo | Nahill | Taylor, J. J. |
| Cawley | Hagarty | Noye | Telek |
| Cessar | Haluska | O'Brien | Tigue |
| Chadwick | Harper | O'Donnell | Trello |
| Cimini | Hasay | Olasz | Truman |
| Civera | Hayes | Oliver | Van Horne |
| Clark | Herman | Perzel | Veon |
| Clymer | Hershey | Petrarca | Vroon |
| Cohen | Honaman | Petrone | Wambach |
| Colafella | Howlett | Phillips | Wass |
| Cole | Hutchinson | Piccola | Weston |
| Cordisico | Itkin | Pievsky | Wiggins |
| Cornell | Jackson | Pistella | Wilson |
| Coslett | Jarolin | Pitts | Wogan |
| Cowell | Johnson | Pott | Wozniak |
| Coy | Josephs | Pratt | Wright, D. R. |
| Deluca | Kasunic | Pressmann | Wright, J. L. |
| DeVerter | Kennedy | Preston | Wright, R. C. |
| DeWeese | Kenny | Punt | Yandrisevits |
| Daley | Kosinski | Raymond | |
| Davies | Kukovich | Reber | Irvis, |
| Dawida | Lashingner | Reinard | Speaker |
| Deal | | | |

NAYS—0

NOT VOTING—2

Distler

Sirianni

EXCUSED—1

Langtry

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

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I do not know; you are too fast for me. My switch did not record in the affirmative on HB 1025.

The SPEAKER. Miss Sirianni, you are the only lady in the last 20 years who has accused the Speaker of being too fast.

We will see that your message is recorded.

For what purpose does the gentleman from Elk, Mr. Distler, rise?

Mr. DISTLER. Mr. Speaker, I was out of my seat and would like to be voted in the affirmative on HB 1025.

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1002**, **PN 1177**, entitled:

An Act amending the act of December 19, 1984 (P. L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act," authorizing an exemption from the definition of "surface mining."

On the question,

Will the House agree to the bill on third consideration?

Mr. BROUJOS offered the following amendments No. A0976:

Amend Sec. 1 (Sec. 3), page 2, line 13, by inserting after "any"

building

Amend Sec. 1 (Sec. 3), page 2, line 13, by inserting after "excavation"

on the site of the construction

Amend Sec. 1 (Sec. 3), page 2, line 14, by inserting after "the"

building

On the question,

Will the House agree to the amendments?

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

Mr. BROUJOS. Mr. Speaker, there presently are a number of acts which relate to mining - there is the Bituminous Coal Act, the Anthracite Coal Act, the Surface Mining and Reclamation Act, and there is the Noncoal Surface Mining Act. The last act was passed in 1984 and became effective in February of this year.

The amendment is to HB 1002. The amendment together with the bill provide an exclusion to the broad language of the act which covers a variety of activities that are considered to be noncoal surface mining under the definition of "surface mining." There are already about four exclusions. This exclusion specifically excludes the excavation and processing of minerals that are part of a building construction project on the site of the construction where the activity is incidental to the construction operation, regardless of the commercial value.

DER (Department of Environmental Resources) at no time in the past had applied to the Coal Act or to the Noncoal Surface Mining Act, which, of course, just became effective, the extraordinary interpretation that they have recently applied to a type of excavation which I will describe, and that is, where you have a normal construction project and the contractor excavates so much material from the hole in which the building is going to be erected, that material is subject, claims DER, to the operation of the Noncoal Surface Mining Act. In the specific instance they applied it to, there was a reportable rock crusher brought on, and the enterprising gentleman crushed the rock and hauled it to another site. An assistant secretary of DER, Harry Bittle, has told me personally that they intend to apply the act to these types of construction projects.

We have many examples in laws in Pennsylvania - in the Solid Waste Management Act, in the Noncoal Surface Mining Act, in the Clean Streams Act, in the Dams and Encroachments Act - broad language that we seek to bring in everything under the sun. We also have statutory exclusions. Next we have regulations which exclude, and finally, we have departmental interpretations. The action of DER has been arbitrary; it is unfair, and the effect is to bring in within the act almost every single construction project. I am sure that these House members present today do not recall any intent of applying the Noncoal Surface Mining Act to normal construction activities. There is adequate protection, and I assure you there is adequate protection under a number of acts.

First, in the very application that DER has, they say you must comply with the erosion and soil sedimentation control provisions of the Clean Streams Act. Those regulations and that act provide for not only underground water, on-ground water, drainage, retainage ponds, leveling, grading, but they also apply for reclamation, and these are the objectives of the Noncoal Surface Mining Act, but they are taken care of in construction. In the particular case in which DER applied this act, the actual construction project complied with all provisions of the Clean Streams Act.

DER has found it necessary to send out a flyer in which they in many ways tried to say that loopholes will be created

and all kinds of things. Let me tell you, Mr. Speaker, it is one of the poorest examples of departmental interpretation and reasoning that I have seen. There are more forms of circular reasoning and poor judgment and poor applications and contradictions in this one paper than I have seen for a long time, and I am prepared to address those at length. But I will simply ask now that you recognize the need for this legislature to tell DER that the legislature is the body which passes the laws; its intent must be complied with, and, if necessary, will use legislation to implement our legislative intent under the Noncoal Surface Mining Act. I would ask first for an affirmative vote on the amendment and then an affirmative vote for the act.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, on the Broujos amendment.

Mr. NOYE. Thank you, Mr. Speaker.

I rise in support of the amendment. What we have here is a case where individuals in this Commonwealth are attempting to recycle products that are really an eyesore, and the amendment will allow them to proceed without all the extraordinary paperwork that is required of the individual. We are tightening up the bill with this amendment so they understand that we are dealing strictly with the excavation for the purposes of building a building. I think that narrows it down, and it is something that all of us can live with. If this interpretation by the department continues to exist, every one of you, every one of you who has a district where there is going to be any kind of construction is going to face the problem of the contractors having to worry about finding or getting a mining permit, and that is going to create a time lag, and not only that, but an additional cost to the people involved.

I ask for support of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Broujos amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

I agree with Mr. Broujos. When I put that bill in for the Noncoal Surface Mining Reclamation Act, I had no intention of including construction work. Thank you.

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—198

| | | | |
|------------|-----------------|-----------|---------------|
| Acosta | Deal | Lashing | Richardson |
| Afflerbach | Dietz | Laughlin | Rieger |
| Angstadt | Dininni | Lescovitz | Robbins |
| Argall | Distler | Letterman | Rudy |
| Arty | Dombrowski | Levdansky | Ryan |
| Baldwin | Donatucci | Levin | Rybak |
| Barber | Dorr | Linton | Saloom |
| Barley | Duffy | Livengood | Scheetz |
| Battisto | Durham | Lloyd | Schuler |
| Belardi | Evans | Lucyk | Semmel |
| Belfanti | Fargo | McCall | Serafini |
| Birmelin | Fattah | McClatchy | Seventy |
| Black | Fee | McHale | Showers |
| Blaum | Fischer | McVerry | Sirianni |
| Book | Flick | Mackowski | Smith, B. |
| Bortner | Foster, Jr., A. | Maiale | Smith, L. E. |
| Bowley | Fox | Manderino | Snyder, D. W. |

| | | | |
|-------------|------------|-----------|---------------|
| Bowser | Freeman | Manmiller | Snyder, G. M. |
| Boyes | Freind | Markosek | Staback |
| Brandt | Fryer | Mayernik | Stairs |
| Broujos | Gallagher | Merry | Steighner |
| Bunt | Gallen | Michlovic | Stevens |
| Burd | Gamble | Micozzie | Stewart |
| Burns | Gannon | Miller | Stuban |
| Bush | Geist | Moehlmann | Sweet |
| Caltagirone | George | Morris | Swift |
| Cappabianca | Godshall | Mowery | Taylor, E. Z. |
| Carlson | Greenwood | Mrkonic | Taylor, F. E. |
| Carn | Gruitza | Murphy | Taylor, J. J. |
| Cawley | Gruppo | Nahill | Telek |
| Cessar | Hagarty | Noye | Tigue |
| Chadwick | Haluska | O'Brien | Trello |
| Cimini | Harper | O'Donnell | Truman |
| Civera | Hasay | Olasz | Van Horne |
| Clark | Hayes | Oliver | Veon |
| Clymer | Herman | Perzel | Vroon |
| Cohen | Hershey | Petrarca | Wambach |
| Colafella | Honaman | Petrone | Wass |
| Cole | Howlett | Phillips | Weston |
| Cordisco | Hutchinson | Piccola | Wiggins |
| Cornell | Itkin | Pievsky | Wilson |
| Coslett | Jackson | Pistella | Wogan |
| Cowell | Jarolin | Pitts | Wozniak |
| Coy | Johnson | Pott | Wright, D. R. |
| Deluca | Josephs | Pratt | Wright, J. L. |
| DeVerter | Kasunic | Pressmann | Wright, R. C. |
| DeWeese | Kennedy | Preston | Yandrisevits |
| Daley | Kenney | Punt | |
| Davies | Kosinski | Raymond | Irvis, |
| Dawida | Kukovich | Reinard | Speaker |

NAYS—0

NOT VOTING—3

| | | |
|----------|-------|---------|
| Gladdeck | Reber | Saurman |
|----------|-------|---------|

EXCUSED—1

Langtry

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

On the question,

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

Mr. MANDERINO offered the following amendments No. A0978:

Amend Title, page 1, line 3, by striking out "an exemption" and inserting

additional exemptions

Amend Sec. 1, page 1, line 10, by striking out "a paragraph" and inserting

paragraphs

Amend Sec. 1 (Sec. 3), page 2, by inserting between lines 16 and 17

(6) The recovery by a steel company of steel, pig iron or other materials originally deposited by such steel company on property owned or leased by such steel company. For purposes of this paragraph, the term "steel company" shall include a subsidiary, an agent or an assignee of such steel company.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, this amendment creates an exception, as did the former amendment that was just adopted. This amendment, however, is for a steel company, a producer of steel when it recovers, from its own slag pile, steel or pig iron or other materials that were originally deposited there by the steel company without going through the necessary process of getting a surface mining permit.

Mr. Speaker, I ask for adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Noye, on the amendment.

Mr. NOYE. Mr. Speaker, I think what the gentleman, Mr. Manderino, is trying to do is consistent with what we are trying to do with the bill. Here is a chance for people to take what is considered by anyone who sees it an eyesore, to clean it up without a whole bunch of red tape involved. They are trying to do not only an economically sound but an environmentally sound practice, and they do not need all the harassment that they are getting in going through the mounds and mounds of paperwork that is required for a mining permit. I support the gentleman's amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VROON. Mr. Speaker, just one short comment. I have not seen this amendment. Has it been circulated?

The SPEAKER. Will someone give Mr. Vroon the amendment.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I stand to oppose the amendment. I think that the purpose of the Noncoal Surface Mining Act was not just to comply with the Clean Streams Act and other laws, but it was to set up procedures whereby the department could regulate a lot of the kinds of public disturbances that are incidental to taking minerals or products out of the land. Even a steel company can have a slag dump near or next to a residential area, and that operation extracting the slag or the minerals ought to be regulated on the basis of noise pollution, on the basis of air pollution, on the basis of traffic, all of which comes under the Noncoal Surface Mining Act. I think that is why this is put in there. I do not think it should be any different for a major steel company or other kind of chemical company than it is for those companies that are extracting minerals from the earth. So I oppose the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, very briefly. I do not want Mr. Michlovic to mislead anyone. Anyone recovering from a slag pile or a culm bank must comply first with the Clean Streams Act and also the air pollution acts of this Commonwealth, and it is unnecessary, we are saying, for them to comply with the Surface Mining Act.

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

The following roll call was recorded:

YEAS—199

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dietz | Laughlin | Rieger |
| Afflerbach | Dininni | Lescovitz | Robbins |
| Angstadt | Distler | Letterman | Rudy |
| Argall | Dombrowski | Levdansky | Ryan |
| Arty | Donatucci | Levin | Rybak |
| Baldwin | Dorr | Linton | Saloom |
| Barber | Duffy | Livengood | Saurman |
| Barley | Durham | Lloyd | Scheetz |
| Battisto | Evans | Lucyk | Semmel |
| Belardi | Fargo | McCall | Serafini |
| Belfanti | Fattah | McClatchy | Seventy |
| Birmelin | Fee | McHale | Showers |
| Black | Fischer | McVerry | Shirani |
| Blaum | Flick | Mackowski | Smith, B. |
| Book | Foster, Jr., A. | Maiale | Smith, L. E. |
| Bortner | Fox | Manderino | Snyder, D. W. |
| Bowley | Freeman | Manmiller | Snyder, G. M. |
| Bowser | Freind | Markosek | Staback |
| Boyes | Fryer | Mayernik | Stairs |
| Brandt | Gallagher | Merry | Steighner |
| Broujos | Gallen | Micozzie | Stevens |
| Bunt | Gamble | Miller | Stewart |
| Burd | Gannon | Moehlmann | Stuban |
| Burns | Geist | Morris | Sweet |
| Bush | George | Mowery | Swift |
| Caltagirone | Gladeck | Mrkonic | Swift |
| Cappabianca | Godshall | Murphy | Taylor, E. Z. |
| Carlson | Greenwood | Nahill | Taylor, F. E. |
| Carn | Gruitza | Noye | Taylor, J. J. |
| Cawley | Gruppo | O'Brien | Telek |
| Cessar | Hagarty | O'Donnell | Tigue |
| Chadwick | Haluska | Olasz | Trello |
| Cimini | Harper | Oliver | Truman |
| Civera | Hasay | Perzel | Van Horne |
| Clark | Hayes | Petrarca | Veon |
| Clymer | Herman | Petrone | Vron |
| Cohen | Hershey | Phillips | Wambach |
| Colafella | Honaman | Piccola | Wass |
| Cole | Hutchinson | Pievsky | Weston |
| Cordisco | Itkin | Pistella | Wiggins |
| Cornell | Jackson | Pitts | Wilson |
| Coslett | Jarolin | Pott | Wogan |
| Cowell | Johnson | Pratt | Wozniak |
| Coy | Josephs | Pressmann | Wright, D. R. |
| Deluca | Kasunic | Preston | Wright, J. L. |
| DeVerter | Kennedy | Punt | Wright, R. C. |
| DeWeese | Kenney | Raymond | Yandrisevits |
| Daley | Kosinski | Reber | |
| Davies | Kukovich | Reinard | Irvis, |
| Dawida | Lashingner | Richardson | Speaker |
| Deal | | | |

NAYS—1

Michlovic

NOT VOTING—1

Howlett

EXCUSED—1

Langtry

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Deal | Laughlin | Robbins |
| Afflerbach | Dietz | Lescovitz | Rudy |
| Angstadt | Dininni | Letterman | Ryan |
| Argall | Distler | Levdansky | Rybak |
| Arty | Dombrowski | Levin | Saloom |
| Baldwin | Donatucci | Linton | Saurman |
| Barber | Dorr | Livengood | Scheetz |
| Barley | Duffy | Lloyd | Schuler |
| Battisto | Durham | McCall | Semmel |
| Belardi | Evans | McClatchy | Serafini |
| Belfanti | Fargo | McVerry | Seventy |
| Birmelin | Fattah | Mackowski | Showers |
| Black | Fee | Maiale | Sirianni |
| Blaum | Fischer | Manderino | Smith, B. |
| Book | Flick | Manmiller | Smith, L. E. |
| Bortner | Foster, Jr., A. | Markosek | Snyder, D. W. |
| Bowley | Fox | Mayernik | Snyder, G. M. |
| Bowser | Freind | Merry | Staback |
| Boyes | Fryer | Micozzie | Stairs |
| Brandt | Gallagher | Miller | Steighner |
| Broujos | Gallen | Moehlmann | Stevens |
| Bunt | Gamble | Morris | Stewart |
| Burd | Gannon | Mowery | Stuban |
| Burns | Geist | Mrkonic | Sweet |
| Bush | George | Murphy | Swift |
| Caltagirone | Gladeck | Nahill | Taylor, E. Z. |
| Cappabianca | Godshall | Noye | Taylor, F. E. |
| Carlson | Greenwood | O'Brien | Taylor, J. J. |
| Carn | Gruitza | O'Donnell | Telek |
| Cawley | Gruppo | Olasz | Tigue |
| Cessar | Hagarty | Oliver | Trello |
| Chadwick | Haluska | Perzel | Truman |
| Cimini | Harper | Petrarca | Van Horne |
| Civera | Hasay | Petrone | Veon |
| Clark | Hayes | Phillips | Vron |
| Clymer | Herman | Piccola | Wambach |
| Cohen | Hershey | Pievsky | Wass |
| Colafella | Honaman | Pistella | Weston |
| Cole | Hutchinson | Pitts | Wiggins |
| Cordisco | Itkin | Pott | Wilson |
| Cornell | Jackson | Pratt | Wogan |
| Coslett | Jarolin | Pressmann | Wozniak |
| Cowell | Johnson | Preston | Wright, D. R. |
| Coy | Josephs | Punt | Wright, J. L. |
| Deluca | Kasunic | Raymond | Wright, R. C. |
| DeVerter | Kennedy | Reber | Yandrisevits |
| DeWeese | Kenney | Reinard | |
| Daley | Kosinski | Richardson | Irvis, |
| Davies | Kukovich | Rieger | Speaker |
| Dawida | Lashingner | | |

NAYS—4

Freeman

Lucyk

McHale

Michlovic

NOT VOTING—1

Howlett

EXCUSED—1

Langtry

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

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

ANNOUNCEMENT BY MR. LETTERMAN

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, for purposes of making an announcement.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I just want to bring to your attention that June 1 of this year will be the free fishing day, and each one of you should contact your waterway patrolman to find out the location within your legislative district where they will be holding the seminars. The waterway patrolmen are equipped to help each one of you with extra equipment, fishing tackle of all kinds, and you should contact them to find out where it is going to be held. Thank you.

The SPEAKER. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 348, PN 622**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration and regulation of certain all-terrain vehicles; and imposing powers and duties on the Department of Environmental Resources.

On the question,

Will the House agree to the bill on third consideration?

Mr. LETTERMAN offered the following amendments No. A0762:

Amend Sec. 2 (Sec. 7702), page 3, lines 26 and 27, by striking out "multipurpose agricultural vehicles;"

Amend Sec. 2 (Sec. 7706), page 5, lines 1 and 2, by inserting a bracket before "all" in line 1 and after "chapter," in line 2

Amend Sec. 2 (Sec. 7712), page 6, by inserting between lines 12 and 13

(5) Transfers of snowmobiles and ATV registration as described in section 7713 (relating to certificates of registration and decals), §3.

Amend Sec. 2 (Sec. 7713), page 6, line 26, by striking out "or ATV"

Amend Sec. 2 (Sec. 7713), page 6, line 28, by striking out "or ATV"

Amend Sec. 2 (Sec. 7713), page 6, line 29, by striking out "or ATV"

Amend Sec. 2 (Sec. 7713), page 7, line 13, by inserting brackets before and after "for a" and inserting immediately thereafter to the owner of a

Amend Sec. 2 (Sec. 7713), page 7, line 14, by inserting brackets before and after "title to" and inserting immediately thereafter

ownership of

Amend Sec. 2 (Sec. 7713), page 7, line 15, by inserting after "transferred."

Upon any transfer, the seller (and former owner) shall within 15 days from the date of sale return to the department the certificate of registration previously issued to him with the date of sale, name and residence of the new owner endorsed on the back. If the former owner applies for registration of a different snow-

mobile or ATV and pays a transfer fee, he may be issued, in his name, a certificate of registration for that snowmobile or ATV for the remainder of the registration period without payment of a registration fee.

Amend Sec. 2 (Sec. 7721), page 8, line 30, by inserting brackets before and after "two-lane"

Amend Sec. 2 (Sec. 7725), page 11, lines 10 through 30; page 12, lines 1 through 14, by striking out all of said lines on said pages and inserting

(a) Snowmobile safety certification.—Except as otherwise provided in this section, no person ten years of age and over who has not reached 16 years of age shall operate a snowmobile in this Commonwealth, except upon lands of his parent or guardian, unless and until he has received safety training as prescribed by the department and has received the appropriate snowmobile safety certificate issued by the department. The department may authorize sanctioned snowmobile clubs to act as agents in conducting classes and examinations and issuing snowmobile safety certificates in the name of the department.

(b) Failure to exhibit certificate.—The failure of an operator to exhibit a snowmobile safety certificate upon demand to any police officer having authority to enforce the provisions of this chapter shall be presumptive evidence that such person is not the holder of such certificate.

(c) Permitting unauthorized operation.—No owner of a snowmobile shall authorize or permit the operation thereof within this Commonwealth by any person under the age of 16 years unless the operator is the holder of a valid snowmobile safety certificate or except as authorized by subsection (a).

(d) Limitations on operation.—No person:

(1) Under the age of 16 years shall drive a snowmobile across any highway or connecting street thereto.

(2) Under the age of ten years shall operate a snowmobile without the knowledge and express consent of the landowner unless he is accompanied by a person over 18 years of age or a person over 14 years of age who holds a snowmobile safety certificate.]

(a) Crossing street or highway.—No person under 16 years of age shall drive a snowmobile or an ATV across any highway or connecting street thereto unless he is under the direct supervision of a person 18 years of age or older and unless he holds a valid and appropriate safety certificate from the Commonwealth or a valid and approved certificate issued under the authority of another state or Province of Canada. The department shall determine what certificates will be approved.

(b) Operation by persons under ten years of age.—No person under ten years of age shall operate a snowmobile or ATV upon State-owned land.

(c) Snowmobile and ATV safety certification.—No person 10 to 15 years of age shall operate a snowmobile or an ATV in this Commonwealth unless the person satisfies one of the following conditions:

(1) Is under the direct supervision of a certified snowmobile or ATV safety instructor during a safety training course.

(2) Is on land owned or leased by a parent or legal guardian.

(3) Has received safety training as prescribed by the department and has received the appropriate safety certificate issued by the department.

(4) Holds an appropriate safety certificate issued under the authority of another state or Province of Canada and recognized by the department.

(d) Failure to exhibit certificate.—The failure of such a youthful operator to exhibit the appropriate safety certificate, upon demand, to any law enforcement officer having authority to enforce the provisions of this section, shall be presumptive evidence that such person is not the holder of such certificate.

(e) Permitting unauthorized operation.—No owner of a snowmobile or an ATV shall authorize or permit the operation thereof within this Commonwealth by any person under 16 years of age unless the person under 16 years of age is the holder of a valid and appropriate safety certificate, or except as authorized in subsections (b) and (c).

(f) Certification of snowmobile safety instructors.—The department may certify snowmobile or ATV safety instructors to act as his agents in conducting classes and examinations and issuing snowmobile or ATV safety certificates in his name.

(g) Operation on snowmobile and ATV roads.—No person under 16 years of age may operate a snowmobile or an ATV on streets or highways designated under section 7722 (relating to designation of snowmobile and ATV roads) as open to snowmobile or ATV and vehicular traffic. A person under 16 years of age who holds the appropriate safety certificate may operate a snowmobile or an ATV on roads designated under section 7724(b) (relating to operation on private or State property) as open to snowmobile or ATV and vehicular traffic, provided he is under the direct supervision of a person 18 years of age or older.

(h) Snowmobile safety program.—The department shall implement a comprehensive snowmobile and ATV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of snowmobile or ATV safety certificates to those who successfully complete the training provided under the program.

(i) Cooperation with other organizations.—In implementing a program which is established under this section, the department shall cooperate with private organizations and associations, private and public corporations, the Department of Education and local governmental units. The department shall consult with snowmobile, ATV and environmental organizations and associations in regard to subject matter of a training program that leads to certification of snowmobile and ATV operators.

Amend Sec. 2 (Sec. 7726), page 12, line 19, by inserting after "conditions"

or in excess of the maximum limits posted for vehicular traffic

Amend Sec. 2 (Sec. 7726), page 12, by inserting between lines 29 and 30

(c) Operation on highways and streets open to snowmobiles or ATV's and vehicular traffic.—No person shall operate a snowmobile or ATV in any of the following ways on highways and streets open to snowmobiles or ATV's and vehicular traffic:

(1) Upon the left side of highways or streets, except one-way streets, or as specified in paragraph (2).

(2) Ride two snowmobiles or ATV's abreast. Snowmobiles and ATV's shall be operated in single file except when overtaking another vehicle. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, until safely clear of such overtaken vehicle. Nothing in this section shall be construed to prohibit a driver overtaking the passing upon the right of another vehicle which is making or about to make a left turn. The driver of a vehicle shall not drive to the left side of the center of a highway in overtaking or passing another vehicle proceeding in the same direction, unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking or passing to be made in safety.

(3) Turn to the right or left at an intersection, or stop or decrease speed at an intersection without signaling as stated in this paragraph. The driver shall extend his hand and arm from the left side of the vehicle in the following manner to indicate as stated:

(i) Left turn or other vehicle movement toward left, hand and arm extended horizontally.

(ii) Right turn or other vehicle movement toward right, left hand and arm extended outward and pointed upward from the elbow.

(iii) Stop or decrease speed, either the left or right hand and arm extended upward.

(4) Disobey any traffic signal or signs placed in accordance with this title unless otherwise directed by a peace officer.

(5) Without a securely fastened helmet on the head of an individual who operates or is a passenger on a snowmobile or ATV or who is being towed or otherwise propelled by a snowmobile. The department shall specify the types of helmets allowed through rules and regulations.

Amend Sec. 2 (Sec. 7743), page 16, line 25, by striking out "ANSA/SAE recommended practice," and inserting

ANSI/SAE Recommended Practice

Amend Sec. 2 (Sec. 7752), page 17, line 30, by inserting brackets before and after "\$10" and inserting immediately thereafter \$25

Amend Sec. 2 (Sec. 7752), page 17, line 30, by inserting brackets before and after "\$50" and inserting immediately thereafter \$100

Amend Sec. 2 (Sec. 7752), page 18, line 4, by inserting brackets before and after "\$25" and inserting immediately thereafter \$50

Amend Sec. 2 (Sec. 7752), page 18, line 4, by inserting brackets before and after "\$100" and inserting immediately thereafter \$200

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a piece of legislation that we tried to put through last year. As you know, there are an awful lot of people in Pennsylvania who have bought the three-wheel and four-wheel all-terrain vehicle. What we are trying to do is take a vehicle that has absolutely no description in the State of Pennsylvania, and because of that, if you take it off a private piece of property you are subject to a fine of approximately \$197. What we are trying to do is put the amendment in to say that fines for violations would go to local governments instead of restricted receipts funds to encourage enforcement on the local level. In other words, the registration fee of \$20 would go back to the restricted fund for improvement of roads and paths, bike trails, but all fines, if it was by the Game Commission, the Fish Commission, a township, borough, city, whatever, they would be the ones to keep the fines. What we hope to do by doing this is to get them all involved to protect the people from damaging people's property.

Transfers of snowmobile and ATV (all-terrain vehicle) registrations would be \$3, and there is no room on ATV's to put registration numbers like on snowmobiles. DER (Department of Environmental Resources) would do this by regulation after working with ATV organizations. A 15-day period for transfer of snowmobile or ATV registrations is provided. A section on operation by persons under age 16 is rewritten. The changes are: Nobody under 10 years of age, instead of 5 years

of age, could operate a snowmobile or ATV on State land. According to DER, allowing kids 5 to 10 years old to operate is too much liability for the Commonwealth. Youths under 16 could cross a highway or street only with a safety certificate and under adult supervision. The Commonwealth could honor safety certificates from another State or Canada. There are provisions for operating on joint-use roads, such as prohibiting riding two abreast, and also we will require helmets. That means on roads where you would have a licensed motor vehicle, such as an automobile, truck, jeep, whatever, fines are doubled, further encouraging enforcement on the local level.

I ask for an affirmative vote on the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Letterman amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Will the gentleman, Mr. Letterman, consent to interrogation?

The SPEAKER. The gentleman, Mr. Letterman, indicates he will so stand. You are in order, and you may proceed, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Approximately a year ago I had a request for information from a farmer in my district on the matter of all-terrain three-wheel-type vehicles. He had one that he used to go to various portions of his farm and feeder lots, and it was necessary for him to cross and travel on a small portion of the road dividing his property. What would be this man's status under the bill?

Mr. LETTERMAN. You are off my amendment, but to tell you the answer, he can use it on his own private land.

Mr. FOSTER. At the time I made the inquiry I had a letter from PennDOT (Pennsylvania Department of Transportation) which indicated that it was permissible for him to cross the road in the incidental use of the vehicle on his farm.

Mr. LETTERMAN. That was the bill last year. That has been knocked out in committee. That is your all-purpose, multiple-purpose farm equipment.

Mr. FOSTER. So at the present time he would just simply have to pay this \$3 for the permit?

Mr. LETTERMAN. Yes.

Mr. FOSTER. And he would then be permitted that same incidental use just upon paying the \$3?

Mr. LETTERMAN. I think if you wait there is going to be another amendment offered after my amendment.

Mr. FOSTER. Mr. Speaker, could the gentleman repeat that? I did not hear the last portion.

Mr. LETTERMAN. I said there is another amendment being offered later on that—

The SPEAKER. Mr. Letterman, yield for a moment.

Mr. Foster, it occurs to the Chair that you are querying Mr. Letterman on the major part of the bill itself rather than his amendment. Let us restrict it to the amendment, and when we come to the major part of the bill, if you still have questions the Chair will recognize you.

Mr. FOSTER. Thank you, Mr. Speaker.

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

Mr. GEIST. Thank you, Mr. Speaker.

I rise to support Representative Letterman and would urge an affirmative vote on this legislation.

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

Mr. NOYE. Mr. Speaker, in all due concern to Mr. Letterman's desire to run this, I am wondering—I have just been asked by several of our members—we have not caucused on these amendments, and I do not mean to delay the bill because I am for what he is attempting to do, but a number of questions have been asked among our members, and I ask him, is it urgent that we run this bill this week, or can we have time to caucus?

Mr. LETTERMAN. Let me try to answer your questions, okay? I am prepared to do so.

The SPEAKER. Just a moment, Mr. Letterman. Are you making a formal request to delay the bill? If you are, the bill will be passed over.

Mr. NOYE. Yes; I am asking for the bill to be passed over.

BILL PASSED OVER

The SPEAKER. The bill will be passed over for today.

Will you please see to it that the bill is caucused on with amendments by tomorrow?

Mr. NOYE. Absolutely. I was not aware of the amendments, Mr. Speaker, and they will be scheduled for caucus.

The SPEAKER. All right. Mark the bill over for today. The bill will be called for a vote tomorrow.

CONSIDERATION OF HB 93 RESUMED

On the question recurring,

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

Mr. PETRONE offered the following amendments No. A1016:

Amend Title, page 1, lines 1 and 2, by striking out all of said lines and inserting

Requiring public notice of certain conditions relating to public water supply; and providing a civil penalty.

Amend Bill, page 1, lines 5 through 14; page 2, lines 1 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Definitions.

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

"Department." The Department of Environmental Resources of the Commonwealth.

"Water company." Any person, firm or corporation, whether for profit or not-for-profit, or any municipality which operates a water supply system for residential customers.

Section 2. Public notice.

(a) Notice to department.—Whenever any water company has knowledge or has reason to believe that a primary maximum contaminant level has been exceeded or that circumstances exist

which may adversely affect the quality of drinking water, including, but not limited to, source contamination, spills, accidents, natural disasters or breakdowns in treatment, the water company shall, within one hour of the acquisition of that knowledge, notify the department.

(b) Notice to news media by water company.—Within one hour of receipt of said notice, the department shall make a determination as to whether the circumstances present an imminent hazard to the public health. If the department determines, based upon information provided by the water company or other information available to the department, that the circumstances present an imminent hazard to the public health, the water company shall, within one hour of receipt of the department's determination, inform the newspaper, radio and television media in the affected area of the water quality problem and request immediate broadcast of this information.

(c) Notice to news media by department.—Should the department have knowledge or reason to believe that circumstances exist as described in subsection (a) prior to the acquisition of that knowledge by the affected water company, the department shall comply with the public notification procedures provided for in subsection (b).

Section 3. Penalty.

For any failure to comply with this act, the department shall impose upon the water company a civil penalty of not more than \$2,500 per day. The penalty shall not be recoverable as part of any rate increase or tariff filing.

Section 4. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. PETRONE. Mr. Speaker, this amendment to HB 93 modifies language in the bill and prior amendments introduced by Representative Steighner.

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, with all due respect to my good friend and colleague, Representative Petrone, I understand his intent and where he is coming from. Section 1 and section 2 of his amendment are currently in the bill with the inclusion of the prior amendment earlier this afternoon. However, section (b) is really the only change, and I would ask for the defeat of the amendment because of that section. It somewhat shifts the responsibility of public notification from the water company to the Department of Environmental Resources. The officials from the Bureau of Water Quality Management tell me that it would simply make that section unworkable for the department.

I would respectfully ask for the defeat of the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Dorr, on the Petrone amendment.

Mr. DORR. Mr. Speaker, I would also have to oppose the amendment. I think it is imperative that we keep this responsibility where it can best protect the people in the local community, and I think that best can be done by the local water

company when they get into a problem situation. While the department certainly has a role to play, I do not think there is any possibility that they can comply with the language in the Petrone amendment, so I would reluctantly ask the members to oppose his 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—39

| | | | |
|------------|------------|-----------|---------|
| Belardi | Godshall | McCall | Pratt |
| Cawley | Hagarty | Manderino | Preston |
| Cohen | Harper | Manmiller | Rieger |
| Cole | Hutchinson | Miller | Seventy |
| DeWeese | Laughlin | Mrkonc | Trello |
| Dawida | Letterman | Murphy | Truman |
| Dininni | Levin | Nahill | Wambach |
| Dombrowski | Linton | Oliver | |
| Donatucci | Livengood | Petrone | Irvis, |
| Duffy | Lucyk | Piccola | Speaker |
| Fattah | | | |

NAYS—160

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Deluca | Josephs | Rudy |
| Afflerbach | DeVerter | Kasunic | Ryan |
| Angstadt | Daley | Kennedy | Rybak |
| Argall | Davies | Kenney | Saloom |
| Arty | Deal | Kosinski | Saurman |
| Baldwin | Dietz | Kukovich | Scheetz |
| Barber | Distler | Lashinger | Schuler |
| Barley | Dorr | Lescovitz | Semmel |
| Battisto | Durham | Levdansky | Serafini |
| Belfanti | Evans | Lloyd | Showers |
| Birmelin | Fargo | McClatchy | Sirianni |
| Black | Fee | McHaie | Smith, B. |
| Blaum | Fischer | McVerry | Smith, L. E. |
| Book | Flick | Mackowski | Snyder, D. W. |
| Bortner | Foster, Jr., A. | Maiale | Snyder, G. M. |
| Bowley | Fox | Markosek | Staback |
| Bowser | Freeman | Mayernik | Stairs |
| Boyes | Freind | Merry | Steighner |
| Brandt | Fryer | Michlovic | Stevens |
| Broujos | Gallagher | Micozzie | Stewart |
| Bunt | Gallen | Moehlmann | Stuban |
| Burd | Gamble | Morris | Swift |
| Burns | Gannon | Mowery | Taylor, E. Z. |
| Bush | Geist | Noye | Taylor, F. E. |
| Caltagirone | George | O'Brien | Taylor, J. J. |
| Cappabianca | Gladeck | Olasz | Telek |
| Carlson | Greenwood | Perzel | Tigue |
| Carn | Gruitza | Petrarca | Van Horne |
| Cessar | Gruppo | Phillips | Veon |
| Chadwick | Haluska | Pievsky | Vroon |
| Cimini | Hasay | Pistella | Wass |
| Civera | Hayes | Pitts | Weston |
| Clark | Herman | Pott | Wiggins |
| Clymer | Hershey | Pressmann | Wilson |
| Colafella | Honaman | Punt | Wogan |
| Cordisco | Howlett | Raymond | Wozniak |
| Cornell | Itkin | Reber | Wright, D. R. |
| Coslett | Jackson | Reinard | Wright, J. L. |
| Cowell | Jarolin | Richardson | Wright, R. C. |
| Coy | Johnson | Robbins | Yandrisevits |

NOT VOTING—2

| | |
|-----------|-------|
| O'Donnell | Sweet |
|-----------|-------|

EXCUSED—1

Langtry

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

| | | | |
|-------------|-----------------|------------|---------------|
| Acosta | Dininni | Laughlin | Rieger |
| Afflerbach | Distler | Lescovitz | Robbins |
| Angstadt | Dombrowski | Letterman | Rudy |
| Argall | Donatucci | Levdansky | Ryan |
| Arty | Dorr | Levin | Rybak |
| Baldwin | Duffy | Linton | Saloom |
| Barber | Durham | Livengood | Saurman |
| Barley | Evans | Lloyd | Scheetz |
| Battisto | Fargo | Lucyk | Schuler |
| Belardi | Fattah | McCall | Semmel |
| Belfanti | Fee | McClatchy | Serafini |
| Birmelin | Fischer | McHale | Seventy |
| Black | Flick | Mackowski | Showers |
| Blaum | Foster, Jr., A. | Maiale | Sirianni |
| Bortner | Fox | Manderino | Smith, B. |
| Bowley | Freeman | Manmiller | Smith, L. E. |
| Bowser | Freind | Markosek | Snyder, D. W. |
| Boyes | Fryer | Mayernik | Snyder, G. M. |
| Brandt | Gallagher | Merry | Staback |
| Broujos | Gallen | Michlovic | Stairs |
| Bunt | Gamble | Micozzie | Steighner |
| Burd | Gannon | Miller | Stevens |
| Burns | Geist | Moehlmann | Stewart |
| Bush | George | Morris | Stuban |
| Caltagirone | Gladeck | Mowery | Sweet |
| Cappabianca | Godshall | Mrkonic | Swift |
| Carlson | Greenwood | Murphy | Taylor, E. Z. |
| Carn | Gruitza | Nahill | Taylor, F. E. |
| Cawley | Gruppo | Noye | Taylor, J. J. |
| Cessar | Hagarty | O'Brien | Telek |
| Chadwick | Haluska | O'Donnell | Tigue |
| Cimini | Harper | Olasz | Trello |
| Civera | Hasay | Oliver | Truman |
| Clark | Hayes | Perzel | Van Horne |
| Clymer | Herman | Petrarca | Veon |
| Cohen | Hershey | Petrone | Vroon |
| Colafella | Honaman | Phillips | Wambach |
| Cole | Howlett | Piccola | Wass |
| Cordisco | Hutchinson | Pievsky | Weston |
| Cornell | Itkin | Pistella | Wiggins |
| Coslett | Jackson | Pitts | Wilson |
| Cowell | Jarolin | Pott | Wogan |
| Coy | Johnson | Pratt | Wozniak |
| Deluca | Josephs | Pressmann | Wright, D. R. |
| DeVerter | Kasunic | Preston | Wright, J. L. |
| DeWeese | Kennedy | Punt | Wright, R. C. |
| Daley | Kenney | Raymond | Yandrisevits |
| Davies | Kosinski | Reber | |
| Dawida | Kukovich | Reinard | Irvis, |
| Deal | Lashingner | Richardson | Speaker |
| Dietz | | | |

NAYS—2

Book

McVerry

NOT VOTING—0

EXCUSED—1

Langtry

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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1000, PN 1137

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," requiring a statement of purpose and explanation to be printed below any ballot question.

STATE GOVERNMENT.

SB 638, PN 726

By Rep. OLIVER

An Act amending the act of April 4, 1984 (P. L. 193, No. 40), entitled "Motor Vehicle Procurement Act," further providing for motor vehicle procurement by public agencies; and changing penalty provisions.

STATE GOVERNMENT.

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher, for purposes of making a committee announcement.

Mr. GALLAGHER. Mr. Speaker, there will be a meeting of the Education Committee tomorrow afternoon upon the adjournment of the House or at 2 o'clock in room 401. The meeting of the Education Committee scheduled for Thursday at 10 a.m. is canceled. The bills considered for Thursday will be considered on Wednesday afternoon. So it will be Wednesday afternoon in room 401 upon the adjournment of this House or at 2 o'clock.

REPUBLICAN CAUCUS

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

Mr. NOYE. Mr. Speaker, before the members leave, I would like to ask that the Republican members who are interested in the amendments to the bill that we just asked be put over report to the caucus room tomorrow morning, tomorrow morning at 10:30. That is the one on the all-terrain vehicles.

BILLS SIGNED BY SPEAKER

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

SB 184, PN 754

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing duties on law enforcement agencies with respect to missing children.

SB 423, PN 742

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," clarifying the definition of "transient vendor"; adding definitions relating to promoters; providing for the licensing of promoters; requiring the filing of certain reports; and reducing the bond for transient vendors.

REMARKS ON VOTE

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

Mr. BROUJOS. Mr. Speaker, I would like my vote on the last bill, HB 93, to be recorded in the negative.

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

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 no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 1, 1985, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:53 p.m., e.d.t., the House adjourned.