

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 20, 1985

SESSION OF 1985

169TH OF THE GENERAL ASSEMBLY

No. 71

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

Eternal Spirit, Glorious Lord, as the recipients of Thy gracious love and everlasting grace, we beseech Thee to ever keep us humble in spirit, grateful in plenteous bounty, and subservient stewards of Thine. Challenge us to live righteous and exemplary lives before Thee as we show forth Thy truth before our fellowmen. Enable us to resist the evil temptations of life and shun the worldly allurements which tend to take us away from Thee and Thy way.

O God, we need Thy sustaining power in our lives so that we may live for Thee and the fulfillment of Thy will, world without end. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Journal for Wednesday, October 9, 1985, is in print. Unless the Chair hears objection, the Journal will be adopted as printed, and the Chair hears no such objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal for Tuesday, November 19, 1985, is not yet in print, and until that Journal is in print, approval of the Journal will be postponed, without objection. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, the gentleman from Northampton, Mr. YANDRISEVITS, for today.

The SPEAKER. The Chair hears no objection to the gentleman's leave. The leave is thereby granted.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the lady from Montgomery, Mrs. HAGARTY, for the day.

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 1207, PN 2459**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1086, PN 2279**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

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

HB 1086, PN 2279

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

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Speaker received from the majority leader additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 171, Broujos; HB 802, Caltagirone; HB 1072, Perzel, Lashing; HB 1612, Hershey; HB 1625, Rudy, Robbins,

Kenney; HB 1695, Gladeck; HB 1871, E. Z. Taylor, Semmel, Saurman, Baldwin, Gladeck; HB 1881, Fargo; HR 188, Semmel, Pievsky.

DELETIONS:

HB 1487, Daley; HB 1689, Lashinger.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

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**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1897 By Representatives FEE, LAUGHLIN, DALEY, JOHNSON, DOMBROWSKI, HALUSKA, BELFANTI, BARBER, JAROLIN, PRESTON, FATTAH, VEON, GANNON, MORRIS, PISTELLA, BATTISTO, D. R. WRIGHT, LINTON, COLAFELLA, HARPER, FOX and BURD

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for the licensing and regulation of personal care boarding homes; imposing additional powers and duties on the department; and further classifying and increasing certain violations and penalties.

Referred to Committee on HEALTH AND WELFARE, November 20, 1985.

No. 1898 By Representative MILLER

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," reestablishing the State Board of Optometric Examiners; providing for its composition, powers and duties; further providing for revocation and suspension of licenses; providing for fees; and making repeals.

Referred to Committee on PROFESSIONAL LICENSURE, November 20, 1985.

No. 1899 By Representatives LESCOVITZ, COLAFELLA, MRKONIC, BROUJOS, DeWEESE, BELFANTI, BOWLEY, FISCHER, JOHNSON, STAIRS, CESSAR and POTT

An Act designating December 7 as "Pearl Harbor Remembrance Day."

Referred to Committee on STATE GOVERNMENT, November 20, 1985.

No. 1900 By Representatives LETTERMAN, BUSH, CIMINI, HERMAN and HUTCHINSON

An Act designating the Jay Street Bridge, Lock Haven, Clinton County, as the Veterans Bridge.

Referred to Committee on TRANSPORTATION, November 20, 1985.

No. 1901 By Representatives LESCOVITZ, COLAFELLA, VEON, GAMBLE, BELFANTI, BOWLEY, STUBAN, BALDWIN, SHOWERS, GEIST, PHILLIPS, NAHILL, CORNELL, FISCHER and WILSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the processing fee in lieu of the registration fee.

Referred to Committee on TRANSPORTATION, November 20, 1985.

No. 1902 By Representative LETTERMAN

An Act providing for the prevention of unfair or deceptive acts and practices by funeral directors.

Referred to Committee on PROFESSIONAL LICENSURE, November 20, 1985.

No. 1903 By Representatives LETTERMAN, LIVENGOOD and PETRONE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the preparation and adoption of an annual budget.

Referred to Committee on EDUCATION, November 20, 1985.

No. 1904 By Representatives LETTERMAN and COLE

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), known as the "Local Tax Collection Law," further providing for discounts, penalties and installment payment of taxes.

Referred to Committee on FINANCE, November 20, 1985.

No. 1905 By Representatives LETTERMAN and PETRONE

An Act amending the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act," further providing for the number of sewer enforcement officers.

Referred to Committee on CONSERVATION, November 20, 1985.

No. 1906 By Representative LETTERMAN

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," reducing the rate of sales and use tax and eliminating a series of exemptions.

Referred to Committee on FINANCE, November 20, 1985.

No. 1907 By Representatives TRELLO, CHADWICK, CORNELL, FATTAH, MAIALE, PETRONE, PRESTON, BOYES, DeLUCA, FOX and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the categorization of stun guns as prohibited offensive weapons.

Referred to Committee on JUDICIARY, November 20, 1985.

No. 1908 By Representative STEVENS

An Act amending the act of July 14, 1961 (P. L. 637, No. 329), known as the "Wage Payment and Collection Law," further providing for the definition of "employer," for enforcement and for remedies.

Referred to Committee on LABOR RELATIONS, November 20, 1985.

No. 1909 By Representative STEVENS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from the maximum axle weight of certain vehicles.

Referred to Committee on TRANSPORTATION, November 20, 1985.

No. 1910 By Representatives FOX, LAUGHLIN, BURNS, HALUSKA, McCLATCHY, KUKOVICH, DURHAM, ACOSTA, MRKONIC, MICHLOVIC, WOZNIAK, ITKIN, NAHILL, J. L. WRIGHT, VROON, STABACK, MORRIS, GEIST, MAYERNIK, GANNON, SEMMEL, CLYMER, J. TAYLOR, SAURMAN, DeLUCA, MACKOWSKI, LEVDANSKY, LASHINGER, McVERRY, DISTLER, TIGUE, CIVERA, NOYE, MAIALE, E. Z. TAYLOR, HERSHEY, BUNT, AFFLERBACH, BATTISTO, FISCHER, KENNEY, GANNON, HOWLETT, TRELLO, ANGSTADT, D. W. SNYDER, DEAL, ARGALL, RAYMOND, O'BRIEN, TRUMAN, BOWSER, PUNT, GODSHALL, CARN, CHADWICK, WASS and WESTON

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), known as the "Automobile Lemon Law," providing that purchasers may seek assistance from the Office of Attorney General when manufacturers fail to comply with the act.

Referred to Committee on CONSUMER AFFAIRS, November 20, 1985.

No. 1911 By Representatives FOX, LAUGHLIN, BURNS, HALUSKA, McCLATCHY, KUKOVICH, NAHILL, DURHAM, ACOSTA, MRKONIC, WOZNIAK, ITKIN, NOYE, J. L. WRIGHT, STABACK, MORRIS, GEIST, MAYERNIK, CARN, TRUMAN, ARGALL, E. Z. TAYLOR, HERSHEY, BUNT, AFFLERBACH, BATTISTO, FISCHER, KENNEY, HOWLETT, TRELLO, BOWSER, DEAL, FARGO, BUSH, WOGAN, GODSHALL, CHADWICK, WESTON, O'BRIEN, GANNON, SEMMEL, CLYMER, J. TAYLOR, SAURMAN, DeLUCA, MACKOWSKI, LEVDANSKY, LASHINGER, McVERRY, DISTLER, TIGUE, CIVERA, MAIALE, RAYMOND, HERMAN, PUNT and VROON

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), known as the "Automobile Lemon Law," granting rights to persons who lease defective new motor vehicles.

Referred to Committee on CONSUMER AFFAIRS, November 20, 1985.

No. 1912 By Representative GAMBLE

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for rental payments to landlords in certain cases.

Referred to Committee on HEALTH AND WELFARE, November 20, 1985.

No. 1913 By Representatives BOYES, STEIGHNER, GREENWOOD and FREEMAN

An Act requiring that certain defects or breakdowns of municipal sewage systems and municipal sewer authority systems be reported and investigated; and providing penalties.

Referred to Committee on CONSERVATION, November 20, 1985.

No. 1914 By Representatives HASAY, GEORGE, LUCYK, TIGUE, STEVENS, COSLETT, ARGALL, BLAUM, CAWLEY, BELARDI, CAPPABIANCA, SERAFINI and JAROLIN

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$20,000,000 for the permanent improvement of Pennsylvania's streams and creeks by removing stream blockage flooding hazards affecting the health and safety of persons and properties in this Commonwealth created by mining operations and for providing physical protection from such hazards.

Referred to Committee on CONSERVATION, November 20, 1985.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 192 By Representatives DALEY, MANDERINO, F. E. TAYLOR, DeWEESE, KASUNIC, SWEET, MRKONIC and LEVDANSKY

Establishing an investigatory committee to investigate the circumstances preceding and existing during and subsequent to the massive flooding of the Monongahela River Basin which occurred on and around November 5, 1985.

Referred to Committee on RULES, November 20, 1985.

No. 193 By Representatives DALEY, MANDERINO, F. E. TAYLOR, DeWEESE, KASUNIC, SWEET, MRKONIC and LEVDANSKY

Memorializing the House of Delegates of the State of West Virginia to establish a committee to work jointly with a like committee appointed by the Speaker of the House of Representatives of the Commonwealth of Pennsylvania to investigate the events of the massive flooding of the Monongahela River Basin which occurred on and around November 5, 1985.

Referred to Committee on RULES, November 20, 1985.

No. 194 By Representatives CARN and JOSEPHS

Directing the House Insurance Committee to conduct an investigation into the availability and cost of general liability insurance and automobile insurance in this Commonwealth.

Referred to Committee on RULES, November 20, 1985.

No. 195
(Concurrent) By Representatives LETTERMAN, IRVIS, WILSON, RUDY, MANDERINO, CIMINI, BUSH, CARLSON, HERMAN, McCALL,

HAYES, GEIST, PHILLIPS, PISTELLA, DISTLER, GODSHALL, DeWEESE, LEVDANSKY, HUTCHINSON, LIVENGOOD, BOWLEY, MAYERNIK, MARKOSEK, COWELL, SHOWERS, SALOOM, OLASZ, SEVENTY, VAN HORNE, NOYE and B. SMITH

Urging the Citizen Stamp Advisory Committee of the United States Postal Service to issue a stamp commemorating William Thomas Piper, Sr., and the 50th Anniversary of the light aircraft known as the "Piper Cub."

Referred to Committee on RULES, November 20, 1985.

No. 196
(Concurrent) By Representatives ARTY, BARBER, DURHAM, TRUMAN, RAYMOND, KENNEY, CLYMER, HAGARTY, BUNT, FLICK, CIVERA, DORR, MICOZZIE, FOX, FREIND, LASHINGER, R. C. WRIGHT, GANNON, E. Z. TAYLOR, SIRIANNI and WIGGINS

Directing the Joint State Government Commission to study the Mental Health Laws and the Mental Health System of this Commonwealth.

Referred to Committee on RULES, November 20, 1985.

No. 197 By Representatives GEORGE, HASAY, WOZNIAK, STEWART, STEIGHNER, SHOWERS, JAROLIN, FREEMAN, LUCYK, LEVDANSKY and BLAUM

Amending House Resolution No. 152, adopted June 28, 1985, entitled "A resolution directing the House Conservation Committee to investigate the continuing management problems in the Department of Environmental Resources; and supplementing House Resolutions 14 and 24," adding an appropriation.

Referred to Committee on RULES, November 20, 1985.

No. 198
(Concurrent) By Representatives LEVIN, JOSEPHS, BORTNER, FOX, McVERRY, REBER, SWEET and R. C. WRIGHT

Expressing the intent of the General Assembly relating to certain restrictive language in the appropriation for senior judges in the courts of common pleas.

Referred to Committee on RULES, November 20, 1985.

SENATE BILL FOR CONCURRENCE

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

SB 1124, PN 1517

Referred to Committee on TRANSPORTATION, November 20, 1985.

CALENDAR
BILL ON THIRD
CONSIDERATION POSTPONED

The House proceeded to **HB 1639, PN 2466**, on third consideration postponed, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms and qualifications of commissioners; providing for the Office of Trial Staff, the Office of Special Assistant and the Director of Operations and their powers and duties; further providing for procedures, reports, budget requests and audits; providing for management efficiency investigators; and reestablishing the Pennsylvania Public Utility Commission.

On the question recurring,

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

Mr. LAUGHLIN offered the following amendments No. A4003:

Amend Sec. 3 (Sec. 521), page 19, line 27, by striking out "REDUCE THEIR" and inserting

achieve a

Amend Sec. 3 (Sec. 521), page 20, line 4, by striking out "1986 AS COMPARED TO" and inserting 1986 which represents at least a 5% reduction in the actual level of such expenses, other than expenses associated with depreciation, fuel, collective bargaining agreements, and other categories of expense as determined by the commission, for the

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, the amendment that I am offering today, A4003, deals with a goal of reduction in costs for utilities in the State of Pennsylvania.

Mr. Speaker, we are all familiar with the complaints of the constituency across the State with regard to the escalating costs of utilities. I believe that over the last few years the legislature has spoken very clearly on its wish to contain costs. A prime example of that legislation, Mr. Speaker, was HB 132, and it passed in this House with almost a unanimous vote. That particular legislation required that gas utilities would be required to purchase gas from the least costly available service rather than from their parent companies. It has resulted in millions of dollars of savings to the ratepayers of this State.

Mr. Speaker, today this amendment that we are offering speaks to a 5-percent goal of reduction of cost within the *structure of the utilities of the State of Pennsylvania*. I believe it is an amendment that all the members of this House can readily support, because I believe that everyone's constituents are concerned about the escalation of utility costs.

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

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

Mr. RYAN. Mr. Speaker, I do not pretend to know a great deal about the operations of a utility company. I do pretend,

however, and state that I know a good deal about the operations of the political mind. The political mind is what controls the actions of too many of us too often when we put amendments in bills, introduce bills, for what I believe to be political purposes, and it reads well, but yet we really are performing a disservice to the people of the Commonwealth.

Now, as I said, and I repeat, I do not pretend to know the workings of a utility. I do know, however, that when I pick up a telephone and I call a utility company because something is not working, be it my gas service, electric service, or telephone service, I would like to think that they have the manpower to come out and take care of that problem. I would like to think that when the average person drives down the road and finds trees overhanging his electric service or the electric service of his neighbors and calls the utility company, that he is not going to be told we cannot take care of those overhanging branches because we have had to lay off the people who normally would maintain those lines. I would like to think that an interruption of utility services is because of Mother Nature and not because the utility company was unable to do proper preventive maintenance on our services because they have had to reduce their maintenance forces by some 5 percent in order to meet the requirements of a bill such as this bill would be if amended.

All in all, Mr. Speaker, I think my position is that the bill as it is presently drafted encourages the utility companies to reduce their expenses, encourages the utility companies to give us the cheapest yet best service available to the public, and does not put an artificial reduction on our bill at the expense of maintenance, at the expense of service.

I think what is in the bill now, as amended in Appropriations, is the proper approach to this problem of cost reduction. I think it is an artificial method; I believe it is a sham for us, for whatever purpose, to put an artificial amount that the utility companies must meet by way of reduction of expenses.

I would urge that we vote against this particular amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

Let me tell you what this amendment is not about. It is not about trying to separate members of this House in terms of those who are supporting the utility industry and those who are not. It is not about trying to separate those who are in favor of reduction in utility rates and those who are not. The fact of the matter is that the amendment you have before you is different in only one respect, and that is that this amendment, the Laughlin amendment, puts in a specific target. What the amendment that went in in the Appropriations Committee does is to say that the direction shall be toward the reduction of administrative costs by utilities; the direction shall be toward reduction. What the Laughlin amendment does is to give you a specific target. What is the matter with that specific target? I will tell you what the matter is. It is an arbitrary number. Why 5 percent? Why not 10 percent? Why

not 15 percent? It is an arbitrary, capricious number not arrived at through rationality.

Now, let me say to you, Mr. Speaker, that this is an issue that is very difficult to deal in, because it is vastly easy to have amendments that put our members in such a position that they have a choice: they can vote a rational position or they can vote a position which appears to be politically sound. I think there are times when some of us simply have to say we are not going to present to the Senate a bill which we know is patently on its face absurd. It does not make sense for us to have an arbitrary target. The amendment says we are going in the direction of reduction, and that is what we ought to do.

Furthermore, Mr. Speaker, the specific target of 5 percent puts the General Assembly in the position of establishing rates. Whether or not we like the PUC or we do not like the PUC, it has the statutory responsibility of establishing rates. If we want to establish rates, then just simply have a bill which will abolish the PUC. If we want them to establish rates, then let us not legislate specific rates. It seems to me, Mr. Speaker, that there is an obligation that we have to say that the direction shall be toward reduction, but if anybody believes that the Laughlin amendment is going to reduce your utility rates for your constituents, I believe you are sadly mistaken.

I would urge support of the amendment inserted in the Appropriations Committee and the rejection of the Laughlin amendment.

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

Mr. SAURMAN. Mr. Speaker, I wonder if the maker of the amendment would stand for brief interrogation.

The SPEAKER. Mr. Laughlin indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I admit that I probably should know offhand, but I do not recall; you probably would know. What is the budget of the PUC annually?

Mr. LAUGHLIN. Mr. Speaker, I cannot hear the gentleman's question.

Mr. SAURMAN. My question, Mr. Speaker, is, what is the budget, annual budget, for the PUC in round numbers?

Mr. LAUGHLIN. Approximately \$25 to \$27 million, three-tenths of 1 percent of the collections, Mr. Speaker.

Mr. SAURMAN. Thank you.

The Consumer Advocate's Office is a couple of million additionally. I guess my question is, why do we spend this money if in fact the legislature is going to get into the rate-fixing process? Why do we not just have these people appear before the Consumer Affairs Committee and establish the rates? It seems to me— Well, I should wait for an answer. I am sorry.

Mr. LAUGHLIN. I cannot hear you, Mr. Speaker.

Mr. SAURMAN. I am sorry. I will try to repeat. Can you hear at the moment?

Mr. LAUGHLIN. Yes, if you speak into the microphone so I can hear you.

Mr. SAURMAN. All right. I thought I was.

My concern is, with the amounts of money that are being expended by the PUC and the Consumer Advocate's Office to do just what this amendment would do, why do we spend that money? Why do we not just have the utilities appear before the Consumer Affairs Committee and set the rate? If in fact we do spend this money to sit and listen to testimony and evidence requiring certain sums of money, then why do we do that if we can arbitrarily say cut it by 5 percent?

Mr. LAUGHLIN. Mr. Speaker, first I will ask a question to you, and would you give me your response so then I can follow up on it.

Mr. Speaker, the bill passed unanimously, HB 132, on cost containment of gas. I would presume from that you voted for it. Would that be a correct assumption, sir?

Mr. SAURMAN. I am not sure. I would have to check and see. I am not particularly fond of voting for price fixing by this chamber.

Mr. LAUGHLIN. Sir, I think if you check the record, you will find that you did vote for it. But however, be that as it may, on numerous occasions, on the Limerick plant dealing with the gentleman who spoke yesterday from your side of the aisle relative to cost containment, we passed legislation that was introduced in the Senate and the House and amended by Representative Gallagher to give the PUC a message with regard to rate fixing and the use of putting a plant, an atomic plant, that is going to raise the prices for business in the area, raise the prices for the consumers in the area. And the people who come from that area of the State spoke very loudly and clearly on their position to this legislature to give the PUC the authority to act in that case.

Mr. Speaker, we did the same thing with HB 132. We told the PUC that no longer will you be permitted to allow gas utilities in this State to buy gas at a higher price than they should be paying when they can secure it at a less costly area. That is a direct impact on rate-base making. This reduction goal within the utility structure is once again an effort to control costs and reduce costs to the consumers of this State, and I believe, Mr. Speaker, that you favor that as much as I do.

Mr. SAURMAN. Mr. Speaker, I certainly favor the lowest rate possible for our rate users, no question, but I do not recall that HB 132 indicated how much we were going to control the gas prices. Here you are saying a specific figure, and I think that the previous speaker indicated that in this event, in this situation, it is an arbitrary figure. Would you please enumerate for us how you arrived at 5 percent?

Mr. LAUGHLIN. Yes, sir. We had talked to the utilities in the State of Pennsylvania - the gas, the electric, the phone utilities, people within it - we talked to the labor people. Many labor people came before us and said, originally, Representative Laughlin, this cost containment is going to affect jobs; it is going to put us in a very difficult position. I said, you have been misinformed; this legislation does not affect bargaining contracts of any company in this State; what it affects is management expenditures within the structure of the utility itself, and they have the ability to reduce those costs.

A number of them have told us that last year they were successful in reducing that amount by a significant percentage; others said they had a little more difficulty in meeting that level, but not one of them said that it was impossible or any kind of a severe impediment to their operation for a 5-percent reduction. I did not hear that from one major utility in this State. Difficulty, in other words, but never that they could not try to reach that goal, and that is what we are asking for. We are asking them to try to reach a goal of 5 percent, and the PUC would have the authority to look into that subject.

Mr. Speaker, I do not think that is too much to ask of a utility on behalf of your consumers or my own.

Mr. SAURMAN. Well, Mr. Speaker, I think I have finished my interrogation. I would just like to make a brief statement.

The SPEAKER. The gentleman may make a statement on the amendment.

Mr. SAURMAN. It seems to me that we certainly, by taking this action, are usurping the action and the workings of the Public Utility Commission for which we spend considerable millions of dollars. In addition to which, we have a Consumer Advocate who monitors what is happening in that procedure. The PUC has notoriously, regularly, and in every situation reduced the amount of the money that a utility has requested when it comes before it for a rate increase. And therefore, we are now saying that in spite of all of those reductions, you take off 5 percent, and we have been very careful to eliminate some of the areas which would have created a specific backlash among special interests. We claim that we are going to be saving money for the ratepayer when in fact, if these utilities are not able to get the money that they need to operate, either they are going to cut service, which is going to affect the ratepayer, or they are going to have to borrow money, which will eventually cause a rate increase.

Mr. Speaker, I would hope that we could all vote against this amendment and allow the PUC to do its job. We can give it the direction which the bill does, but to set a special figure or a certain figure without any justification for that figure from any economic study seems to me to be going in the wrong direction. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy, on the amendment.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, one of the concerns that I have with this amendment, along the lines with what a previous speaker indicated, is something else that it does not do. One of the things that it does not do is take any consideration for what utility companies may have done up to this point. Some of the utility companies in the Commonwealth have on their own undertaken reductions in staff and in personnel; others have not. Those companies which have not, this amendment speaks very well to, but the amendment does not take into consideration or account for what utility companies in the Commonwealth may have done already on their own in terms of an initiative to lower administrative costs. It moves across the

board in the coming year to mandate this 5-percent reduction in cost as a goal and, as I say, has no regard for what any individual company may have done in the past. This treatment seems to be unfair to the companies which have attempted to deal fairly with ratepayers and reflect that in the rates.

On that basis and on the other bases mentioned by previous speakers, I urge a defeat of the amendment. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, I have listened to the members who have spoken before me address their concerns about the extent of this reduction. For the benefit of the members of the House, the reduction itself, Mr. Speaker, does not speak to such things as depreciation, fuel, collective-bargaining agreements, and other categories of expense as determined by the commission. Mr. Speaker, it clearly indicates that the commission will have the authority to look at the types of reductions in cost that Representative Coy has just mentioned, and I know Representative Coy's concerns for those utilities that have actively pursued reductions are legitimate, and I recognize them as well, Mr. Speaker. That is why we have said in the bill that they shall pursue that goal, Mr. Speaker; they shall attempt to reach that goal, Mr. Speaker. It is a goal that they can attempt to achieve, and the Public Utility Commission, Mr. Speaker, will have the ability and the authority to judge their effort.

Mr. Speaker, I do not think there is any doubt in anyone's mind as to what this amendment does. It gives an opportunity for the people of this State to have a relief from higher utility costs. That is what the attempt is for. It is not a smokescreen or cloud cover or some type of a political moniker that was mentioned earlier here on the floor; it is an attempt that we all share, and that is to cut back on costs as we have been able to do over the last few years and to continue those efforts.

Mr. Speaker, I would ask for an affirmative vote on behalf of the consumers of this State for reasonableness within the utilities to secure a reduction in cost. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—71

Acosta	Fattah	Lloyd	Serafini
Baldwin	Fee	Lucyk	Showers
Barber	Fischer	McCall	Smith, B.
Belardi	Freeman	McHale	Staback
Blaum	Gallagher	Morris	Stairs
Bortner	Gamble	Mrkonic	Stevens
Cappabianca	George	O'Donnell	Taylor, F. E.
Carn	Greenwood	Olasz	Telek
Cawley	Gruitza	Oliver	Tigue
Cohen	Haluska	Perzel	Trello
Cowell	Harper	Petrone	Truman
Deluca	Hutchinson	Pistella	Wambach
DeWeese	Josephs	Richardson	Weston
Daley	Kasunic	Rieger	Wiggins
Dawida	Kosinski	Roebuck	Wilson
Deal	Kukovich	Rudy	

Dombrowski	Laughlin	Rybak	Irvis,
Donatucci	Linton	Saloom	Speaker
Evans			
NAYS—124			
Afflerbach	Davies	Lashing	Punt
Angstadt	Dietz	Lescovitz	Raymond
Argall	Dininni	Letterman	Reber
Arty	Distler	Levdansky	Reinard
Barley	Dorr	Levin	Robbins
Battisto	Duffy	Livengood	Ryan
Belfanti	Durham	McClatchy	Saurman
Birmelin	Fargo	McVerry	Scheetz
Black	Flick	Mackowski	Schuler
Book	Foster, Jr., A.	Manderino	Semmel
Bowley	Fox	Manmiller	Seventy
Bowser	Freind	Markosek	Sirianni
Boyes	Fryer	Mayernik	Smith, L. E.
Brandt	Gallen	Merry	Snyder, D. W.
Broujos	Gannon	Michlovic	Snyder, G. M.
Bunt	Geist	Micozzie	Steighner
Burd	Gladeck	Miller	Stewart
Burns	Godshall	Moehlmann	Stuban
Bush	Gruppo	Mowery	Sweet
Caltagirone	Hasay	Murphy	Swift
Carlson	Hayes	Nahill	Taylor, E. Z.
Cessar	Herman	Noye	Taylor, J.
Chadwick	Hershey	O'Brien	Van Horne
Civera	Honaman	Phillips	Veon
Clymer	Itkin	Piccola	Vroon
Colafella	Jackson	Pievsky	Wass
Cole	Jarolin	Pitts	Wogan
Cornell	Johnson	Pott	Wozniak
Coslett	Kennedy	Pratt	Wright, D. R.
Coy	Kenney	Pressmann	Wright, J. L.
DeVerter	Langtry	Preston	Wright, R. C.

NOT VOTING—5

Clark	Howlett	Maiale	Petrarca
Cordisco			

EXCUSED—3

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

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House the Delone Catholic High School. These students are in the gallery. They are here with their escorts, Ms. Furlong, Mr. Breach, Mrs. Sneeringer, and Mrs. Cole. They are the guests of Representatives Cole and Broujos. Welcome to the hall of the House.

The Chair also would like to introduce Jason Brakeman, Marc Risavi, David Moore, together with their teacher. The three young people are guest pages here today. Welcome to the floor of the House.

Mrs. Shirley Bingaman, Mrs. Sally Pietrandrea, and Mr. Michael Shuck of Union County are here to the left of the Speaker. They are the guests of Representative Showers. Welcome to the hall of the House.

REMARKS ON VOTES

The SPEAKER. For what purpose does the gentleman from Wayne, Mr. Birmelin, rise?

Mr. BIRMELIN. A vote correction of yesterday.

The SPEAKER. Very well.

Mr. BIRMELIN. Yesterday on HB 64, the Reinard amendment A3932, I was reported in the negative. I would like the record to show that I should be in the positive. Thank you.

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

The Chair recognizes the gentleman from Mercer, Mr. Robbins. You may correct your vote.

Mr. ROBBINS. Mr. Speaker, on the amendment A4002 to HB 1639 for yesterday, I would like to be recorded in the negative.

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

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

Mr. PETRARCA. Mr. Speaker, on amendment 4003, the Laughlin amendment to HB 1639, I would like to be recorded in the affirmative.

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

CONSIDERATION OF HB 1639 CONTINUED

On the question recurring,

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

Mr. TIGUE offered the following amendments No. A4037:

Amend Sec. 1, page 1, line 12, by inserting after "301(a)"

(b)

Amend Sec. 1 (Sec. 301), page 2, line 24, by striking out all of said line and inserting

(b) Qualifications and restrictions.—Each commissioner, at the time of his appointment and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his appointment, and shall also be not less than 30 years of age. No person shall be appointed a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall dis-

close, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau director and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the rules and regulations of the commission for a period of one year as to bureau directors and administrative law judges, and five years as to commissioners, after terminating employment or service with the commission. If any person employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would change the period of time which the PUC commissioner must wait before he or she could take a job with a public utility or any company regulated by the Public Utility Commission. Currently, current law provides a 1-year waiting period. This would extend it to a minimum of 5 years. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

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

NAYS—6

Bortner	Dietz	Mowery	Showers
Broujos	Kennedy		

NOT VOTING—2

Howlett	Sweet
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EXCUSED—3

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

On the question recurring,

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

Mr. FREEMAN offered the following amendments No. A4067:

Amend Title, page 1, line 2, by striking out "appointment" and inserting

election

Amend Sec. 1, page 1, line 12, by striking out "Sections 301(a) and (c), 306 and 308" and inserting

Section 301

Amend Sec. 1, page 1, line 13, by striking out "are" and inserting

is

Amend Sec. 1 (Sec. 301), page 1, lines 15 through 20; page 2, lines 1 through 30; page 3, lines 1 through 11, by striking out all of said lines on said pages and inserting

(a) [Appointment] Election and terms of members.—The Pennsylvania Public Utility Commission, established by the act of March 31, 1937 (P.L.160, No.43), as an independent administrative commission, is hereby continued as such and shall consist of [five members who shall be appointed by the Governor, by and with the advice and consent of two-thirds of all the members of the Senate, for a term of ten years. No commissioner upon the expiration of his term shall continue to hold office until his suc-

cessor shall be duly appointed or shall be qualified] five elected members.

(b) Qualifications and restrictions.—Each commissioner, at the time of his [appointment] election and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his [appointment] election, and shall also be not less than 30 years of age. No person shall be [appointed] elected a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, elected, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau director and every administrative law judge elected, employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the rules and regulations of the commission for a period of one year after terminating employment or service with the commission. If any person elected, employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

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

(d) Quorum.—A majority of the members of the commission serving in accordance with law shall constitute a quorum and such majority, acting unanimously, shall be required for any action, including the making of any order or the ratification of any act done or order made by one or more of the commissioners. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

(e) Compensation.—Each of the commissioners shall receive an annual salary of [\$35,000, as of January 1, 1977, and] \$40,000, [as of January 1, 1978,] except the chairman, who shall receive an annual salary of [\$37,500, as of January 1, 1977, and] \$42,500[, as of January 1, 1978].

(f) Open proceedings.—The proceedings of the commission shall be conducted in accordance with the provisions of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(g) Monitoring cases.—Each commissioner shall be responsible for monitoring specified cases as shall be assigned to him in a manner determined by the commission. All proceedings properly before the commission shall be assigned immediately upon filing.

Section 2. Title 66 is amended by adding sections to read:

§ 301.1. Districts and elections.

(a) Public Utility Commissioner Districts.—The Commonwealth shall be divided into five Public Utility Commissioner Districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each district shall elect one commissioner. Unless absolutely necessary, no county, city, incorporated town, borough, township or ward shall be divided in forming a district. Apportionment shall be conducted by the Legislative Reapportionment Commission in the manner provided by law for the apportionment of legislative districts.

(b) Election.—Commissioners shall be elected in even-numbered years. The term of office shall begin on the second Monday of the January following election and shall continue for four years. However, for the first election of public utility commissioners, commissioners from odd-numbered districts shall be elected to a term of four years and commissioners from even-numbered districts shall be elected to a term of two years. Thereafter, all terms shall be for four years.

(c) Vacancies.—In the event of a vacancy, the Governor shall appoint a person to serve for the remainder of the term in cases where less than two years of service remain in the term that became vacant. In cases where more than two years of service remain in a vacated term, the Governor shall appoint a person to fill the vacancy until the next general election to be held that is more than 90 days after the vacancy occurs, at which time a commissioner shall be elected to fill the vacancy for the remainder of the term. A commissioner so elected shall assume his office 30 days after being elected, at which time the term of service of the commissioner appointed by the Governor to fill the vacancy shall end.

(d) Initial districts.—Initial districts for the purposes of this section shall exist until the reapportionment of districts occur pursuant to the 1990 Federal Decennial Census. These districts shall be as follows:

(1) District I shall consist of the following Senatorial Districts:

1, 2, 3, 4, 5, 6, 7, 8, 12 and 17.

(2) District II shall consist of the following Senatorial Districts:

9, 10, 13, 15, 19, 24, 26, 28, 31 and 36.

(3) District III shall consist of the following Senatorial Districts:

11, 14, 16, 18, 20, 22, 23, 27, 29 and 48.

(4) District IV shall consist of the following Senatorial Districts:

25, 30, 32, 33, 34, 35, 39, 41, 49 and 50.

(5) District V shall consist of the following Senatorial Districts:

21, 37, 38, 40, 42, 43, 44, 45, 46 and 47.

(e) Nominations.—Candidates for nomination to the office of commissioner shall present a nominating petition containing 2,000 signatures of registered and enrolled members of the appropriate party and district. The filing fee shall be \$100, payable as provided in section 913(b.1) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

§ 301.2. Campaigns.

(a) General rule.—Campaigns to elect public utility commissioners may be conducted by candidates with moneys from a public utility campaign financing fund (referred to as the fund). A public utility campaign financing fund committee (referred to as the committee) shall be selected to supervise the collection, administration and distribution of moneys to candidates.

(b) Committee.—The committee shall consist of the Majority and Minority Leaders of the House of Representatives and the Senate, or their designated representatives, and a chairman who shall be a resident of this Commonwealth and appointed by the Governor. The committee members shall serve for two-year terms, which terms shall run concurrently with the legislative session. Committee members shall be reimbursed for reasonable expenses incurred while conducting official business of the committee.

(c) Tax.—In order to provide the fund, an annual 0.5% tax is hereby imposed on the gross profits of each public utility company. For the purposes of this section, gross profits are defined as the gross receipts of a public utility for the fiscal year, minus the operating expenses for the fiscal year, that are included in the base rate. Public utility companies shall not pass the cost of this tax on to their customers. The allowable rate of return granted to a public utility shall be adjusted downward to reflect the reduction in gross profits of a public utility as a result of this tax. Funds not used in an election shall be placed in an interest-bearing account to be available for use in the next election.

(d) Availability of moneys.—

(1) Campaign financing moneys shall be available to primary election candidates who are registered with a political party which is legally recognized and which may nominate candidates in a primary election. These candidates shall, when filing their nominating petitions, file a security deposit with the committee in the amount of 10% of the moneys they will receive from the fund, as follows:

(i) Documentation indicating the source of the security deposit moneys, including the name, address, occupation and employment of each source and the date received by the candidate, shall be filed with the Department of State and with the committee.

(ii) Within ten days of depositing the security deposit and qualifying as a candidate for the primary, candidates shall receive 20¢ for each voter registered in their district in the candidate's political party according to the voter registration for the November election immediately preceding the primary.

(iii) Candidates who receive at least 15% of the total votes cast in the primary election shall have their security deposits refunded by the committee. Each candidate shall return contributions used to make his security deposit to contributors in the exact amount contributed by each. Those who do not receive at least 15% of the vote shall lose their security deposit and the moneys forfeited shall be added to the fund.

(iv) Candidates who wish to receive moneys from the fund may, from the time of the commencement of

any action in furtherance of their candidacy, spend up to \$10,000 of private campaign contributions and shall file a source and expenditure disclosure statement, indicating the sources of private contributions, with the nominating petition. No private contributions from a public utility political action committee or public utility employees shall be accepted by the candidate.

(2) As used in this subsection the term "action in furtherance of their candidacy" means any action taken by, or on behalf of a candidate, with the candidate's knowledge and consent, to promote his candidacy for the Pennsylvania Public Utility Commission and includes, but is not limited to:

(i) Circulating petitions bearing the candidate's name.

(ii) Raising funds totaling \$1,000 or more for a campaign.

(iii) Expending funds of \$1,000 or more.

(e) Payments to candidates.—To conduct their campaigns for the general election, successful candidates in the primary election shall automatically receive campaign financing fund moneys amounting to 15¢ for each voter registered in their district, with registration being computed according to the number of voters registered at the time of the most recently held primary election. A check in the proper amount shall be sent to the candidates within ten days of the certification of the primary election results.

(f) Limits on spending.—Candidates accepting moneys from the fund shall not spend more in their campaign than the amount given to them from the fund, plus that portion of \$10,000 which the candidate raised from private sources as permitted by subsection (d)(1)(iv).

(g) Formula for payments.—Candidates of political bodies, as defined in the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, other than political parties may receive moneys from the fund for the general election calculated by the same formula as is used for party candidates receiving campaign financing fund moneys in the general election, except that when political body candidates file their nominating petitions they shall deposit a security deposit representing 10% of the moneys they will receive based on the general election formula of 15¢ per voter registered at the time of the most recently held primary election. They shall receive these moneys within ten days after primary election results are certified. If the candidate receives 15% of the total vote cast in the election, the security deposit shall be refunded to him and he, in turn, shall return the moneys to those persons who contributed it. If the candidate does not receive 15% of the vote, the security deposit shall be forfeited by the candidate to the committee, which shall deposit the forfeited sum in the fund.

(h) Repayment to fund.—All campaign financing fund moneys distributed to candidates, but not used by them during their primary or general campaigns, shall be returned to the committee within 30 days of the election for which the moneys were distributed.

(i) Requirements of election code, etc.—Those candidates who do not accept moneys from the campaign financing fund shall adhere to the requirements of Article XVI of the Pennsylvania Election Code and the regulations promulgated thereunder. A violation of said article or regulations shall also constitute a violation of this section. The candidate is subject to the following additional restrictions:

(1) No public utility political action committee (PAC) money shall be accepted nor shall any individual contribution by any public utility employee be accepted.

(2) Individual contributions, except those made by the candidate to himself, shall not exceed \$100 per contributor. Permitted PAC contributions are limited to \$500 per PAC. Any contribution exceeding \$50 must be reported in a manner which indicates the contributor's occupation and employer.

(3) Privately financed candidates must report each contribution within seven days of its receipt to both the committee and the Bureau of Elections of the Department of State.

(j) Advertisements.—Any political campaign advertisements sponsored, financed or underwritten by a public utility or by a public utility PAC shall address only the issues of a particular campaign and shall not name or in any way promote any candidate for the Pennsylvania Public Utility Commission.

(k) Violations.—Any candidate who violates the provisions of this section may, at the discretion of the committee, be required to return all, or a portion of, public financing moneys received to the fund, and the committee may impose additional civil penalties not to exceed \$25,000 per occurrence. In addition, any willful violation of this section by any person shall be considered a misdemeanor of the third degree and prosecuted accordingly.

(l) Regulations.—The committee shall promulgate regulations providing for the investigation of alleged violations of this section and for the establishment of a fair hearing procedure to determine the extent of the violation and the appropriate penalties. In addition, any information regarding willful violations of this section shall be reported immediately by the committee to the Attorney General.

Section 3. Sections 306 and 308 of Title 66 are amended to read:

Amend Sec. 2, page 11, line 8, by striking out "2" and inserting

4

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

5

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

6

Amend Bill, page 20, line 30; page 21, lines 1 and 2 by striking out all of said lines on said pages and inserting

Section 7. In the general election of the first even-numbered year following the effective date of this act, all five public commissioners will be elected. To finance this campaign only, moneys from the General Fund shall be used if necessary, in addition to moneys from the public utility campaign financing fund.

Section 8. Terms of public utility commissioners appointed before the date when commissioners elected under this act assume office shall terminate at noon of the second Monday of January following the first general election in which commissioners are elected.

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

9

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

10

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

11

Amend Sec. 9, page 21, lines 22 and 23, by striking out all of said lines and inserting

Section 12. Section 301.2(c) shall be retroactive to January 1, 1985.

Section 13. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, first a point of clarification.

The SPEAKER. Will the gentleman state the point.

Mr. FREEMAN. There was another version to this amendment that was circulated yesterday. I believe it was amendment 3992. We have the correct amendment on the board, but I was wondering if the amendment itself had been distributed. There was a technical error in the previous amendment, and I have corrected that in this amendment. It is not a major difference, but I just wanted to make—

The SPEAKER. It is a difference, and we cannot under our rules consider your amendment, because we do not have it on the floor of the House; the members do not have it.

Mr. FREEMAN. It was given to duplication. I am not sure if it has been distributed.

The SPEAKER. It is not your fault. We have been informed that it is in duplication right now. We will have to await the duplication, but that is fortuitous.

We have the Counsel General of Israel here or will be here in a few moments. He has asked for permission to speak to the House for a brief moment, and we will let him do that when he comes. By that time your amendment will have been duplicated.

The House will stand at ease.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Cordisco, to correct the Journal.

On the Laughlin amendment A4003 to HB 1639 he would like to be recorded in the Journal as having voted "yea." The gentleman will be so recorded.

LIQUOR CONTROL COMMITTEE MEETING

The SPEAKER. Mr. Saloom, do you have the material that you need for your meeting at hand? If you have, then during this hiatus—we are not going to wait for the Counsel General; he is late, and we are not going to delay the floor for that—but if you wish to hold your meeting while we are waiting for the amendment, please call it now.

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

Mr. SALOOM. Mr. Speaker, the House Liquor Control Committee will meet in room 401, 30 minutes after recess today.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Jarolin.

Mr. JAROLIN. Just to correct the record, Mr. Speaker, thank you.

On amendment 4003 to HB 1639 I would like to be recorded in the positive.

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

REPORT SUBMITTED

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni. Why do you rise in place?

Miss SIRIANNI. Mr. Speaker, I would like to report that the report on milk pricing has been completed and turned over to the Agriculture and Rural Affairs Committee in both the House and Senate in accordance with the resolution that was passed.

The SPEAKER. The Chair thanks the lady.

CONSIDERATION OF HB 1639 CONTINUED

The SPEAKER. The Chair is informed that the Freeman amendment is now being circulated.

The Chair recognizes the gentleman from Northampton, Mr. Freeman, on the amendment.

Mr. FREEMAN. Thank you.

Mr. Speaker, this amendment provides for the direct election of public utility commissioners. It would establish five districts throughout the Commonwealth of equal size with one commissioner being elected from each district. Each district would initially be composed of 10 senatorial districts, and then after the 1990 census the Legislative Reapportionment Committee will determine the size and the nature of the districts.

The term of office remains as a term for 4 years, but roughly half of the commissioners would be up every 2 years.

There is also provision within this amendment for the public financing of their campaigns. The funds for the public financing of the campaign would come from a one-half-of-1-percent tax levied on the profits of public utilities, and this tax would be prohibited from being passed on to the consumer. This public financing feature is particularly critical as a way to limit the possible impact that a utility would have through their political action committees.

Also included in this amendment is provision for having the chairman of the PUC selected by the membership rather than appointed by the Governor, and a final provision which would have the present PUC go out of existence following the election of the PUC members.

Mr. Speaker, the Public Utility Commission is without a doubt the second most important policymaking body in this Commonwealth, second only to our own General Assembly. I think it is important to keep in mind that in a free society it is appropriate—in fact, it should be a right—for the citizens to choose those representatives of the people who will decide in such key positions. The only way to do that is through a system of free election.

I am not one of those who is putting forward this amendment in the belief that this will definitely lower utility rates. This is not a panacea for utility rates, but this is one way—in fact, the only way—to insure that the public will have direct input into utility ratemaking policies in this Commonwealth. Presently there is no guarantee that the public will have input, not in the real sense, not when you have public hearings across the State that are nothing more than a matter of lip service for the public, a way for the public to let off steam. The only way to guarantee true and genuine public input into the utility ratemaking process is through the direct election of our public utility commissioners. I ask the members of this House today to endorse this amendment, to endorse the right of a free citizenry to freely elect its own policymakers within the borders of the State. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

First, I think it is important for people to recognize that the two major utility consumer groups lobbying for PUC reform are on record as being against—against—the elected PUC. Both PennPIC (Pennsylvania Public Interest Coalition) and ENRACO (Energy Ratepayers Coalition) are against an elected PUC.

Secondly, notwithstanding the fact that there is public financing in this bill, and Mr. Freeman tells me roughly \$170,000 or \$180,000 for a candidate in a general election, there is no way constitutionally which we can prohibit friends of the utility companies from independently spending money on behalf of candidates who will support their point of view if they are elected to the PUC, and I think there is no question in this world as to who can generate the millions of dollars for a campaign as compared to what the consumer groups could possibly generate even with \$170,000 to start in a district election.

One of the things that happens when you do not have very much money is you have to spend all your time running around to all the county dinners, and so you are going to spend your 4 years in office politicking for the next time. Even beyond that, and unfortunately I did not have a chance to pass out on the floor of the House a map which I drew and presented in committee to show people in which districts they would live, but I suggest people take a look at the second or third page of the amendment which indicates which senatorial districts would be within which PUC district. The district in which I live would run all the way from the Susquehanna River down at Harrisburg all the way up to Erie. You know, that is an awful lot of county dinners for people to go to. That is an awful lot of media markets in which people have to advertise. What I suspect is going to happen is those people who come from the highly populated areas in a primary election are going to get nominated simply because of where they come from. You are likely also to have a lot of nuisance candidates, and you are likely to have ballot position play a role,

which really has nothing to do with the quality of the people on the commission.

But the final point I think which people should not overlook when they are voting on elected PUC by district is the following: Everybody is going to be a consumer advocate on every utility company which serves his constituents. What he is going to do is turn around and make a deal with the other commissioners that he will vote for all the increases in their districts if they will vote for the necessary increases in his district, and there is going to be a lot of game playing, and that is all this is going to be - game playing and logrolling. We are all politicians here and we all know how that happens, and I think everybody knows that that would happen under this amendment.

Also, Mr. Freeman's approach with districts means that every time we go through reapportionment, we have to address this problem of the drawing of the PUC districts. Everybody who was here when we went through the 1980 reapportionment ought to remember how hard that was. You know and I know that you are going to want to be in somebody's district that you are not under his bill and you are going to hold out and we are going to have a mess, and we do not need any more of that.

Finally, Mr. Freeman has not proposed to amend the section of the code which I raised yesterday, which is the code of ethics which says that people who are commissioners cannot decide a case if they have expressed their views on that case. Nobody can run for the Public Utility Commission without expressing his views. If he does, we are going to have the same kind of elections we have now for judges in which the people have no idea who stands for what. Now, you cannot have it both ways. Either you are going to say that these people are going to be disqualified if they have shown prejudice in getting elected or you are going to say that this is going to be a totally political process, in which case the decisions are going to be made by Commonwealth Court rather than the PUC. If you look at the record of Commonwealth Court in utility matters over the last 5 or 10 years, you will find that Commonwealth Court has been friendlier to the utility companies than the commission.

It seems to me that that is not the direction of consumer reform. We ought to vote with PennPIC, we ought to vote with ENRACO, and we ought to vote down this amendment.

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

Mr. WILSON. Mr. Speaker, I have a question for the gentleman, Mr. Freeman.

The SPEAKER. Mr. Freeman indicates he will stand for interrogation.

Mr. WILSON. Thank you, Mr. Speaker.

I just had an opportunity to read your amendment, Mr. Speaker, and I would like to question, on page 4, maybe I interpret this correctly, but I am sure you can inform me.

The committee that you designate under 301.2(b), constituted of the majority and minority leaders of the House and Senate plus an appointee from the Governor, is that the committee?

Mr. FREEMAN. Yes. There would be five members.

Mr. WILSON. And that committee is the committee that is going to hand out the money to the candidates. Is that what I read?

Mr. FREEMAN. Yes, but they have to follow the formula and the requirements within the law as to how they hand out and distribute.

Mr. WILSON. I did not understand all of it because I cannot hear you. Would you say that again about how it is handed out?

Mr. FREEMAN. They would be, in essence, the agency or the committee responsible for the paperwork. But all of how the formula is followed, all of how the money would be distributed is spelled out very clearly in a very defined way, a very concise way in the law itself.

Mr. WILSON. The law itself tells this committee as to how they should parcel the money out?

Mr. FREEMAN. Yes; that is correct.

Mr. WILSON. How are they going to do that?

Mr. FREEMAN. It is based on the formula.

Let me point out on page 5 of the amendment, actually starting on page 4 under "Availability of moneys" and taking up half the page on page 5.

The formula is tied to a certain number of cents per registered voter within the district itself. For instance, in the general election the party nominees will receive 15 cents per registered voter within their district. So they are tied in to a set formula, a set figure, which cannot be changed.

Mr. WILSON. If I get that right, then the party nominee gets this money no matter what. Why do we need the committee?

Mr. FREEMAN. In part for the paperwork; in part for any kinds of regulations that might have to emanate from the distribution of the funds; in part for dealing with any kinds of regulations in terms of penalties beyond those spelled out in the amendment.

Mr. WILSON. Would that committee have the power to promulgate regulations?

Mr. FREEMAN. I am sorry; I could not quite hear.

Mr. WILSON. Would that committee have the power to promulgate regulations with this fund?

Mr. FREEMAN. Yes; it would, but not in terms of overriding what is spelled out in the amendment.

Mr. WILSON. I understand that.

Would that not be somewhat political, those regulations?

The committee that you are creating obviously is a political committee. You have the minority and majority leaders of the House and Senate and an appointee of the Governor. They are going to promulgate regulations. They can promulgate anything except what is going to be in this law. Is that what you are saying?

Mr. FREEMAN. If I could have a moment just to review the section.

I would refer Mr. Wilson to page 6, point (l):

Regulations.—The committee shall promulgate regulations providing for the investigation of alleged violations of this section and for the establishment of

a fair hearing procedure to determine the extent of the violation and the appropriate penalties. In addition, any information regarding willful violations of this section shall be reported immediately by the committee to the Attorney General.

So I must correct my previous statement in that the regulations would pertain solely to the instances of violation.

Mr. WILSON. That is fine, but you are requiring that they promulgate regulations that would have to do with investigations and violations of the sections of this act. But could they not promulgate regulations beyond this act where not specified specifically that they cannot? In other words, you are allowing them the power to promulgate regulations. Here you say they shall promulgate those specific regulations, but could they not in fact promulgate regulations beyond that?

Mr. FREEMAN. Could the gentleman give me an idea of what he has in mind, say an example.

Mr. WILSON. I do not know; I just read your amendment. That is my problem.

Mr. FREEMAN. I would assume—

Mr. WILSON. You are the author; I am not.

Mr. FREEMAN. I would assume that they would have the power only in terms of what specific responsibilities and duties are outlined to them within the amendment, and those are very clear and very concise.

Mr. WILSON. But they could go beyond that if they wanted to. There is nothing here prohibiting them or specifically saying that this is all that they can do in regulation.

Mr. FREEMAN. To my mind, they would be restricted by what is spelled out in the bill in terms of their powers of regulation.

Mr. WILSON. I am trying to think quickly, and I apologize, because I have just had an opportunity to read your amendment.

Could they specify, for example, in regulation how old the candidates have to be before they would receive their funds?

Mr. FREEMAN. That is written into the PUC code already.

Mr. WILSON. Okay.

Could they up that higher? What is the code now - 21, is it not?

Mr. FREEMAN. No, because no regulations can countermand existing law.

Mr. WILSON. That is true. They could enhance it to receive these funds, could they not?

Mr. FREEMAN. Excuse me?

Mr. WILSON. They could enhance it to receive their funds. They are going to deal with these funds, and I apologize for my ignorance on this particular amendment because I just read it.

I am concerned about your committee and the members thereon. I have concern about their political affiliations and negotiations that may be arrived at because of the—

The SPEAKER. Just a moment. Mr. Freeman cannot hear you.

You are making it impossible for us to proceed and you are only delaying yourselves. Now, at 5 minutes after 12 you may

not care about that, but at 10 minutes after 6 tonight you may very well care about it. The Chair would suggest that you try to keep quiet, each separate individual, to allow the interrogation to proceed.

Mr. Freeman, would you answer the question. Perhaps Mr. Wilson can hear it now.

Mr. FREEMAN. I am sorry, Mr. Wilson. If you could repeat the question.

Mr. WILSON. I hate to tell you, but I forgot the question.

I think my problem is the makeup of your committee. You have appointed five politicians to handle a fund that I think your attempt is to make pure and holier than thou, and I have concern about the makeup and what that committee will be allowed to do as a committee. This is not any disrespect to those members of that committee; it is just that I feel that the politics would be back into what you do not want politics to be into. My question is, what more can that committee do? You have placed no restrictions on what they can do, except you have mandated what they shall do. Is that correct?

Mr. FREEMAN. The only purpose they have is for distributing the fund, and that is spelled out very clearly in the amendment.

In terms of the actual composition, although they obviously are of a political background, it is kind of hard, I think, to try and provide some sort of sterile situation in Harrisburg where you are not going to have some measure of political surrounding.

Mr. WILSON. That is true.

Mr. FREEMAN. The importance of having the composition I have spelled out in the amendment is that you insure that both parties are represented on the committee. There is no arbitrary one-party domination, and obviously something of this nature, this structure of law, would give the committee members who are dissatisfied the option of going to the press and stating a case since everything is spelled out so specifically.

Mr. WILSON. I thank the gentleman, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen. Do you wish to speak or are you yielding to Mr. Pressmann?

Mr. COHEN. Mr. Speaker, I yield to Mr. Pressmann.

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

Mr. PRESSMANN. Mr. Speaker, will the gentleman, Mr. Freeman, stand for interrogation?

The SPEAKER. Mr. Freeman indicates he will so stand. You are in order, and you may proceed, Mr. Pressmann.

Mr. PRESSMANN. Mr. Speaker, is there anything in your amendment that controls the way the campaign committee for a candidate for a PUC office can spend his money?

Mr. FREEMAN. Any kind of spending would be covered under the existing campaign spending law. That is covered under the Election Code and it is spelled out there.

Mr. PRESSMANN. Well, under your law, Mr. Speaker, could someone file as a candidate, do all these things you

mentioned, and then spend the money that he would receive from this fund in, shall we say, a frivolous way to campaign?

Mr. FREEMAN. They would be bound by the same laws as is any other candidate in the Commonwealth under the Election Code.

Mr. PRESSMANN. Well, under the current Election Code there is nothing to keep a candidate from renting a car to use in campaigning, so that person then could rent a stretch limousine and live a very high lifestyle on this money during the time of his campaign. Is that not possible?

Mr. FREEMAN. Well, I think that is something you could say toward any candidate for public office if you are applying that test.

Mr. PRESSMANN. Except the difference, Mr. Speaker, is that we are paying for it, not— I guess you could say the utility companies are paying for it.

Mr. FREEMAN. That is correct. It is not actually a tax that is coming off the basic consumer since the tax will not be passed on to the consumer. The moneys that are coming into the fund are based on a tax on the profits of the utility company.

Mr. PRESSMANN. And would not that tax, though, be coming from the stockholders of the company?

Mr. FREEMAN. In essence, yes.

Mr. PRESSMANN. So there is no safeguard in your legislation that reviews how the candidates would spend this, what is in my opinion in fact public money?

Mr. FREEMAN. Let me clarify one thing. The safeguards that you are talking about are existing election law in the Election Code. If we are trying to sort of provide some mechanism of getting tighter restrictions on the Election Code, this is not the place to do it. The place to do it is in the Election Code. I do not want to see us deflect from the real issue which is here, which is that of electing PUC commissioners, when the issue that the gentleman, Mr. Pressmann, is bringing up is one pertaining to the Election Code. I think it is important to keep that difference in mind.

Mr. PRESSMANN. Mr. Speaker, does the gentleman have no fear of frivolous candidates being eligible for this fund? Because the fund will provide the funding mechanism for running their campaign, some off-the-wall candidate can run if he can get enough signatures.

Mr. FREEMAN. I am sorry; I could not quite hear the question.

Mr. PRESSMANN. Are you not concerned about frivolous candidates running for this office because they know full well that they are going to be able to receive the funding for running for this office from your fund?

Mr. FREEMAN. Yes; I am. In fact, if you would take a closer look at the amendment, you will see that there are specific mechanisms built into the amendment and into the public financing and into the nomination for office which try and make it tougher for frivolous candidates to participate.

To begin with, in terms of the petition signatures, I require 2,000 petition signatures, which is a rather large sum. I am going on memory, but I believe that is larger even than what is

required for Governor of the State, even though we are dealing with a district that is only one-fifth of the size of the State.

Secondly, in the mechanism, if a person wants to partake of the public financing element, they will have to raise a sum which is valued at 10 percent of what they will receive, and if they do not receive at least 15 percent of the vote, that sum is forfeited. Now, if they receive at least 15 percent of the vote, the deposit that they have raised to be able to partake of the public financing fund will be returned to those who contributed that sum.

So there is a mechanism built in to make it difficult for frivolous candidates to partake of both the public financing and in terms of access to the ballot.

Mr. PRESSMANN. Mr. Speaker, I thank the gentleman for standing for interrogation. May I make a brief statement?

The SPEAKER. The gentleman may make a statement on the amendment.

Mr. PRESSMANN. Mr. Speaker, I consider myself somewhat of an amateur historian, and the only elected PUC commissioner that comes to mind to me historically was that person from Louisiana, Huey Long. I think that the history of elected PUC's has often led to either control by the utility companies or demagogues of the worst sort, as Huey Long was. So I ask the gentlemen and ladies of this body to please vote "no" on the Freeman amendment. Thank you.

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

Mr. COHEN. Mr. Speaker, in numerous States of the United States public utility commissioners are elected. It may be that Huey Long was once a public utility commissioner. There are numerous other public utility commissioners elected in numerous other States of the country who have served very well, who have served with distinction, and who have produced lower utility rates. If you look at those States which have elected PUC commissioners, which are primarily the Southern States, the utility rates are lower than they are here. Generally speaking, utility rates in States with elected commissioners are lower than in States with appointed commissioners.

Mr. Freeman has issued a detailed and comprehensive plan to reduce, although it will not eliminate, the role of utilities in utility regulation. Mr. Freeman's plan will increase the role of "public" in public utility regulation. No two members of the House would write a detailed and comprehensive plan about anything in precisely the same way, but Representative Freeman's plan deserves the support of the House. House members know that future events will lead to reconsiderations of individual sentences and individual paragraphs and there will be nothing stopping us, 1 year or 2 years from now, from making changes that will improve this plan.

A PUC commissioner under the Freeman amendment will have to work harder than he does now. As Mr. Lloyd says, a PUC commissioner will have to attend an awful lot of county dinners. I do not know about the county dinners that Mr. Lloyd attends, but I seriously doubt the PUC commissioner

attending all these county dinners is going to be besieged by people pleading with him to raise utility rates. Maybe in some counties everybody who goes to county dinners pleads for utility rate increases. Maybe in some counties people cheer whenever anyone brags about the utility rate increases that have passed in the past. But wherever I go, Mr. Speaker, I am besieged with people who are against utility rate increases, and it is my surmise that in the overwhelming majority of counties the overwhelming majority of the time, the PUC commissioner who goes to all these county dinners is going to be under pressure to decrease rates, and maybe at the county dinners that the PUC commissioners go to, the PUC commissioner is going to be able to get away with going through a *political charade and saying, well, I voted against your rate increase but I cannot help it; all the other guys just voted for it; and of course when the other utility rate increases were opposed, I voted for them; but do not worry, I am on your side.* Maybe he will be able to get away with that. There are a lot of cynical people who have been elected to public office over the 200-year history of our Nation and maybe some of them will also be elected to the PUC. But I think at huge numbers of county dinners, at huge numbers of newspaper interviews, at huge numbers of public meetings, the PUC commissioner is going to be placed under a lot of pressure to defend himself from any kind of charade under which all utility rates go up with dissenting votes from the local PUC commissioner.

Holding any elective office is difficult. Making an office elective opens up all sorts of possibilities. It is possible that unqualified people will be elected to the PUC. It is possible that crooks and demagogues will be elected to the PUC. Anything is possible. It is also possible that unqualified people can be appointed to the PUC by the Governor. It is also possible for the Governor to appoint crooks or demagogues to the PUC as things stand right now.

What the Freeman amendment seeks to do is to give the public an opportunity to have some input in how utility rates are made, to set up a standard that PUC commissioners are accountable to the public. Any system of public accountability is flawed. All the arguments that can be used against elections of the PUC could also be used against elections of *members of the General Assembly.* We can stop members of the General Assembly from wasting a lot of time going to county dinners, wasting a lot of time talking to people, possibly being influenced negatively by seeking campaign contributions, simply by abolishing elections for members of the General Assembly and letting the Governor appoint members of the General Assembly. I think all these arguments lack real conviction and they lack the test of experiencing; they lack the test of faith in the people of Pennsylvania.

It is true that in any election system people who have more money have more influence. The American Enterprise Institute in Washington, the Heritage Foundation in Washington, all have produced elaborate justifications of why people who have more money ought to have more influence in running this country. It is also true, though, that right now, today,

people who have more money have a lot more influence in the PUC than people who have less money. Mr. Freeman's amendment will not change the basic fact that wealthier people have more influence than poor people. That is true today; it was true 200 years ago when our country was founded; it will undoubtedly be true 200 years from now.

What Mr. Freeman's amendment will do is give the average citizen a greater influence than he has now. The average citizen still may not run the PUC, the average citizen still will not be perfectly happy with the PUC, but the average citizen will have more influence.

I seriously doubt that you will see any public utilities arguing in support of the Freeman amendment. I have not seen Philadelphia Electric here to argue for this amendment. I have not seen PP&L (Pennsylvania Power & Light) argue for this amendment. I have not seen General Public Utilities here arguing for this amendment. There is no such thing as a utility lobbyist arguing for this amendment. This is an amendment to give the public more influence. This is an amendment that deserves our support.

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

Mr. GALLEN. Mr. Speaker, last year we were here talking about the insurance law. The rates are going up; let us do something about it. Now we are talking about utilities and the rates are going up; let us do something about it. What happened last year, we gave the people less coverage and what happened? The rates went up. Now, Mr. Speaker, we are talking about politicizing even more the Public Utility Commission.

And I caution you on this vote, Mr. Speaker. We are going to elect public utility commissioners regionally under Mr. Freeman's amendment. What will happen, Mr. Speaker, is that the utility commissioners, four of them will get together and say, let us increase the rates in Mr. Freeman's area, and his representative will vote "no." So the posturing will continue. And I suggest, Mr. Speaker, that this amendment is a posturing amendment.

Now, I have advocated for years the election of appellate court judges by region, but I certainly do not propose electing any PUC commissioners by region or any other way. What we are going to do is have people go out there and promise, promise, promise that they are going to be conservative in the increase in utility rates. You will find the same thing happening as you have today, although possibly an even greater increase.

Mr. Speaker, it scares me to think that we will elect utility commissioners and it is suggested in the bill that the utilities will have no input into the revenue-raising activities of the candidates. I do not see how you can avoid it, Mr. Speaker. There seems to be language in there that guards against that, but it will not happen. The wives and children of the utility magnates will certainly contribute to the campaigns of the candidates whom they want.

I think, Mr. Speaker, that this amendment is a sham. It is posturing, if you will, and I oppose it. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, for the second time, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Cohen, made reference to what happens in some States which have elected PUC's. I know I have taken a look at some of the figures which we have been able to get from some of those States, and you have to take into account the age of the powerplants, the demand for power, and a whole host of other characteristics. But even leaving that aside, what you discover, at least what I discovered in looking at electric rates in those other States, seems to be a probusiness bias. I think that has a lot to do with the fact that in appointed States there are fewer businessmen on commissions than there are in elected States. I suspect that that has something to do with who can get the money to run for election.

What I also discovered was that when it came to comparing business rates with residential rates, it appeared that in elected States with 40 or 50 percent of the members of the commission business people, the business community got a better break than the residential customers. I do not think that is the message that I want to send, and I do not think that is in the best interest of the constituents whom I represent.

Now, I would expect somebody from the big city to say, well, yeah, going all over the State and campaigning, that is not hard. Take a look at the map, Mr. Speaker. Take a look at the map. Thirty-some counties, one-third of the land mass of this Commonwealth, in one PUC district. Now, I realize that people from the big city may not know how hard it is to get around in parts of western Pennsylvania where we do not have roads that go that way, but to suggest that somehow it would not eat up your time to try to become known to the people—and I hear all of this about, oh, yeah, this is great; the people are going to make a choice. You are giving them \$170,000 and you are telling them you want them to advertise in Erie; you want them to advertise in Greensburg; you want them to advertise in Uniontown; you want them to advertise in Johnstown; you want them to advertise practically in Harrisburg, in Chambersburg, in Altoona, all in the same district with \$170,000 and what little dribs and drabs they can pick up, and you think they are going to be known to the people who vote for them. I say, as somebody who comes from that part of the State and knows how hard it is to get around from here to there, that that just is not going to happen. What is going to happen is that the larger areas of population in our State are going to dictate, just like they always do, and so they are going to be able to name who the PUC commissioners are.

Now, also, there is a lot of talk here about let us have the people rule, and I have been hearing an awful lot over the last couple of months about Philadelphia Electric Company. Under this particular plan, as best I can tell from talking to some of my colleagues from that area, they would have the ability to contribute to the election of two of the five commissioners. Now, I can understand why somebody from that area

might be for the next amendment from Mr. Tigue for statewide election, but I cannot understand why he would want to support an amendment which elects by districts, which seems to me takes away his ability to influence who gets on the commission and reduces his influence compared to what it is now.

Now, we can talk all we want about, yeah, we are going to get better people and so forth because the public is going to make a choice, but all you have to do is look at statewide judge campaigns, and if anybody in this chamber can honestly say that we have gotten the best people on the statewide bench in this State, then I think that he and I just have such a radical difference that we could not possibly ever come to an agreement about anything. But it seems to me that all you are doing with this amendment is compounding that problem; you are making it virtually impossible for those of us in rural areas; you are going to have logrolling, because most of those big utilities which serve most of the people in this chamber do not serve the area that I am going to live in and they are going to put it to us. I think we ought to keep that in mind.

Finally, the suggestion was, well, we do not see PP&L and we do not see PECO and we do not see GPU lobbying for this amendment. You know who else we do not see lobbying for this amendment? We do not see the ENRACO group, the Philadelphia consumer group which has led the fight against Limerick. We do not see them for this. In fact, they testified against this. And we do not see PennPIC for that. In fact, I got a communication from them over the weekend that says they are against this. So it is not a question of this is a pro-utility vote. This idea is just a half-baked idea that will not work. And if it does work, the only people who are going to win are the people who can pour in millions of dollars, and they, Mr. Speaker, are on the wrong side. They are not for the consumers; they are for the utility stockholders, and they are going to control this process in this State. Vote "no."

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Freeman, for the second time on his own amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Lloyd, raised some interesting points; I will grant you that. But despite the points he raised, we cannot ignore the bottom line, and the bottom line really comes down to whether or not you trust the public enough to determine the composition of the PUC. That is the bottom line here. That is what we are debating.

Mr. Lloyd mentioned that the districts would force a PUC commissioner to campaign at every county dinner, and I think the gentleman, Mr. Cohen, raised a good point. That is a liability, but it also makes PUC commissioners far more accessible than they are today. And I do not think that we are going to see a situation where PUC commissioners are running off to every county dinner. We do not see the Governor doing that; we do not see the Auditor General doing that; we do not see the Attorney General doing that in off-year elections, and they represent the entire State.

Now, the gentleman, Mr. Lloyd, said that he still felt that the district system would provide and dictate that the larger

areas would dominate, but the whole idea behind the district system is to insure that every region of the State is represented. So there is a contradiction we must keep in mind in the argument made by Mr. Lloyd.

There is always the threat of logrolling. That is always a possibility. That is something we face here in our chamber each and every day. That is one of the liabilities of a representative system of government, in which you select people by district. But I do not see anyone standing up here today proposing that the General Assembly be elected at large throughout the entire State. If a commissioner were to logroll, if he were to vote favorably in his district but unfavorably in other districts, that is still a matter of public record. That is still a matter that can be brought before the electorate and be debated and become a campaign issue.

There is an irony here, and the irony is that we elect judges statewide but we do not elect PUC commissioners. Now, the gentleman, Mr. Lloyd, pointed out that both are restricted somewhat in campaigning, but when you look at a judge, they are very restricted in what they can campaign on. And whereas a PUC commissioner could still not debate the merits of a case, they could debate very important issues - issues such as what would be included in the rate base; issues such as what percentage of the gross receipts would go into maintenance so that you have a well-maintained utility; issues like CWIP (construction work in progress). These are all issues that could be debated in a campaign and should be debated in a campaign, because the public has a right to discuss these issues and to have an input on these issues.

Democracy is not a perfect system. Winston Churchill once called it the worst system possible except for all other systems. All that I am asking the membership to do today is to show that they have the same faith—

Mr. McCLATCHY. Mr. Speaker?

The SPEAKER. Will the gentleman yield for a moment?

Why does the gentleman from Montgomery, Mr. McClatchy, rise?

Mr. McCLATCHY. Mr. Speaker, I think we are all being very patient, and I think the question has already been decided. If you could make the speakers kind of adhere to the argument or the amendment.

Mr. FREEMAN. Mr. Speaker, I was in my closing remarks.

The SPEAKER. Mr. McClatchy, the Chair senses that the gentleman, Mr. Freeman, is catching the mood of the House gradually.

Mr. Freeman, you may continue.

Mr. FREEMAN. Mr. Speaker, if I may close with this: All that I am asking the membership of this House to do today is to show the same faith in the electorate that that electorate showed in electing you to this chamber. Trust in the electorate; trust in the people. Their decisions are not always perfect, but that is where our power and our authority resides and comes from. I urge a "yes" vote.

The SPEAKER. On the amendment, Mr. Letterman?

Mr. LETTERMAN. No, Mr. Speaker. How long is this fellow going to take pictures of this thing that is going on?

The SPEAKER. I think this fellow is going to take pictures as long as this fellow up here permits him.

Mr. LETTERMAN. Would you please discontinue it so we can vote some bills this afternoon? Thank you, Mr. Speaker.

The SPEAKER. You were not implying, by any means, that the people who are orating on this floor are influenced by the fact that they are being televised? You would never say that.

Mr. LETTERMAN. I do not know, Mr. Speaker, but I heard there is a makeup artist back in the back of the room here, and they all go there before they start.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—22

Angstadt	Clark	Jarolin	Pistella
Belardi	Cohen	Levdansky	Preston
Belfanti	Deluca	Lucyk	Serafini
Blaum	Dawida	Mrkonic	Seventy
Caltagirone	Freeman	Olasz	Tigue
Cawley	George		

NAYS—175

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

Donatucci

NOT VOTING—3

Harper

Howlett

Maiale

EXCUSED—3

Cimini

Hagarty

Yandrisevits

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

RECESS

The SPEAKER. The Chair declares the House in recess until 1:30. Please be on time. We have an additional list of amendments to try and complete this afternoon.

The House will stand in recess until 1:30.

AFTER RECESS

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 204, PN 2403**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, November 19, 1985

RESOLVED, (the Senate concurring), That when the House of Representatives adjourns this week it reconvene on Monday, November 25, 1985, at a time to be fixed by the House of Representatives, unless sooner recalled by the Speaker of the House of Representatives, and when the Senate adjourns this week it reconvene on Tuesday, December 3, 1985, at a time to be fixed by the Senate, unless sooner recalled by the President Pro Tempore; and be it further

RESOLVED, That when the House of Representatives adjourns the week of November 25, 1985, it reconvene on Tuesday, December 3, 1985, at a time to be fixed by the House of Representatives, unless sooner recalled by the Speaker of the House of Representatives.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

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

SB 421, PN 480; and HB 1892, PN 2490.

CONSIDERATION OF HB 1639 RESUMED

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

Mr. GEORGE offered the following amendments No. A4004:

Amend Title, page 1, line 8, by inserting after "investigators" and for fuel purchase audits

Amend Bill, page 20, by inserting between lines 29 and 30

Section 5. Title 66 is amended by adding a section to read:

§ 1320. Fuel purchase audits by complaint.

(1) Upon complaint, the commission shall conduct an audit of an electric public utility's purchases of fuel for generating purposes. Such an audit shall examine the utility's fuel purchasing activities for the two years prior to the date of such complaint, provided that:

(i) The utility does its own testing or procures its own analysis of its fuel.

(ii) The fuel cost of the utility for the most recently completed fiscal year exceeds that of the prior fiscal year by more than 5%.

(iii) The commission has not completed and made available to the public a fuel purchase audit of the utility in the past two years.

(2) This audit, which shall be completed within one year of the date of initiation of the complaint, shall include, but not be limited to, a comparison of unit price paid for fuel for generating purposes, considering such factors as ash, sulfur content, British thermal units, transportation costs and reliability of supply.

(3) The audit shall seek to determine whether the public utility's fuel purchasing procedures are conducted in such a manner as to result in the greatest benefit to the ratepayers.

(4) The commission's audit report shall contain recommendations as to methods by which the utility's fuel purchasing procedures can be adjusted so as to result in the greatest benefit to the ratepayers.

(5) The commission shall take the audit report into consideration at the utility's next request for a rate adjustment.

(6) Upon completion and release by the commission, copies of the audit report summary shall be mailed to every person who signed the complaint.

Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

6

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an amendment similar to one that was passed a couple of months ago, and really what the amendment does, I am very certain it will assure cost savings to ratepayers throughout our State. All it really insists on is that if there is suspicion that purchases of fuel are not appropriate, then it calls for an investigation.

I feel that this amendment should be accepted. I feel that even at this time the PUC, and possibly some utilities, will agree that this is the correct procedure and the public has a right to know. This will not be a frivolous situation, but merely one where if someone suspects that the rates are high and very simply because the purchases are not made with respect to the best possible price, upon complaint, should the PUC feel that it is legitimate, the PUC could conduct an investigation.

I would hope that all the members would accept this amendment.

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

The following roll call was recorded:

YEAS—188

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

Daley	Kosinski	Punt	Irvis,
Davies	Kukovich	Raymond	Speaker
Dawida	Langtry		

NAYS—8

Barley	Fargo	Moehlmann	Schuler
Dietz	Jackson	Scheetz	Stevens

NOT VOTING—4

Pievsky	Richardson	Serafini	Sweet
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EXCUSED—3

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

On the question recurring,

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

Mr. BROUJOS offered the following amendments No. A4024:

Amend Sec. 1 (Sec. 301), page 2, line 9, by striking out "two-thirds" and inserting

a majority

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

Section 9. As much of the amendment to 66 Pa.C.S. 301(a) as relates to the advice and consent of a majority of all the members of the Senate shall apply on and after the third Tuesday of January 1987.

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair now recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, this amendment removes the two-thirds requirement for confirmation and substitutes a majority. It also provides that this shall be effective on and after the third Tuesday of January 1987.

The commission is part of the executive branch. Although quasi-judicial and at times quasi-legislative, the commission traditionally is part of the executive branch. There are many executive agencies that have legislative and judicial functions. There is Workmen's Compensation, Unemployment Compensation, Labor and Industry, Administrative Hearings and Appeals. However, the Governor is popularly elected and the voters make a conscious choice as to the philosophy, the platform, and the judgment of their chief executive. The people elect the Governor and the Governor should have the right to place in positions of executive commissions and boards the persons whom he chooses to appoint, subject to review with respect to the background and character of those persons. The appointments to these commissions and boards as an executive function is considered by implication as one of the factors by which voters elect the Governor.

The requirement of two-thirds has the potential to immobilize or to impair the administrative functioning of agencies such as the Turnpike Commission and the Liquor Control Board. The two-thirds requirement is statutory. The

people, through the Constitutional Convention, would have had an opportunity to create a two-thirds requirement if they wanted to in this area. They chose not to, and they chose not to as late as the Constitutional Convention of 1968.

The statutory two-thirds requirement is subject to the absolute discretion and power of our legislature to change. There may have been a day when there was a policy reason for the two-thirds approval, but time and the injudicious use of this power by both Democrats and Republicans have eroded its utility. In fact, when the relatively even split in elective offices between the two major parties has occurred, it is time to reevaluate this two-thirds rule. When the conditions under which a rule is imposed are changed, it behooves our legislature to change the rule. There is no comparable two-thirds rule that I am aware of on the Federal level, nor am I aware in any of our other States that there is such a requirement of two-thirds.

Finally, that two-thirds rule was not intended to impede but to act as a leaven upon precipitous and capricious appointment by the Governor of a person unqualified to take office. That can occur with a majority and with a free press.

I ask for support of this amendment to the bill.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I support the Broujos amendment. This amendment, I think, will make the 4-year-term provision of the bill and the concept of gubernatorial accountability just that much stronger an argument when this piece of legislation goes to the Senate. I think that if we are going to hold the Governor accountable—and I think that is what this bill in its current form is all about—then we ought to give him the opportunity, with a majority vote of the State Senate, to put his people on the PUC.

Now, I want to qualify that by saying the following, and that is, I think that majority vote is consistent with the system which allows the Governor to appoint all five commissioners within each 4-year term, and so I will support Mr. Broujos' amendment in that context. But if the Senate attempts to tamper with the length of the terms and we get something like 5 or 6 years with majority confirmation, so that each Governor will not have the opportunity to appoint all people to the commission, I think that is a different matter and I would be opposed to that. But because Mr. Broujos' amendment is offered in a way which will apply it to the 4-year terms, I think it is a good amendment, and I think we ought to vote for it.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, on the Broujos amendment.

Mr. McCLATCHY. Yes, Mr. Speaker. I notice that Mr. Broujos and the number of the amendment follows mine, so I gather that Mr. Broujos somehow saw it and agreed with my amendment. I am delighted to have him support me.

I do support changing the two-thirds to majority. I think it will make the gubernatorial appointees that much more sensitive to public opinion and to the consumer, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—4

Deal	Howlett	Linton	Richardson
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EXCUSED—3

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

On the question recurring,

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

Mr. TIGUE offered the following amendments No. A4038:

Amend Title, page 1, lines 2 and 3, by striking out "appointment, terms" and inserting
election

Amend Sec. 1, page 1, line 12, by striking out "(a) and (c)"

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

Election

Amend Sec. 1 (Sec. 301), page 1, line 15, by inserting after "members.—"

(1)

Amend Sec. 1 (Sec. 301), page 1, line 19, by striking out "the third Tuesday in January of" and inserting

January 1,

Amend Sec. 1 (Sec. 301), page 2, lines 2 through 24, by striking out all of said lines and inserting

the Senate, for a term of ten years[. No commissioner upon the expiration of his term shall continue to hold office until his successor shall be duly appointed or shall be qualified.] , provided that the terms of up to three appointed members of the commission with the least amount of time remaining in their terms, depending upon the number of vacancies existing on the effective date of this act, shall expire on January 1, 1987, and the term of the remaining two appointed members of the commission shall expire on January 1, 1989. At the November election in 1986, a total of three members shall be elected to fill existing vacancies and to replace the member or members whose terms expire on January 1, 1987, and every four years thereafter three members of the commission shall be elected for four-year terms, and at the November election in 1988 and every four years thereafter, two members of the commission shall be elected for four-year terms. Terms shall begin January 1 following their election. In the event of a vacancy, if the remaining unexpired term is less than two years, the Governor, with the advice and consent of a majority of the Senate, shall appoint a person to serve until a successor is elected. If the remaining unexpired terms is two years or more a commissioner shall be elected for the unexpired term at the next general election which is held at least ninety days after the vacancy occurred.

(2) Nomination and election of a candidate for the office of commissioner of the Public Utility Commission shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. Nominating petitions shall contain 2,000 signatures of the electorate registered with the candidates party, including at least 100 from each of at least ten counties.

(b) Qualifications and restrictions.—Each commissioner, at the time of his [appointment] election and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his appointment, and shall also be not less than 30 years of age. No person shall be [appointed] elected a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. No commissioner shall become a candidate for any public office during his term. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the com-

mission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, elected, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau director and every administrative law judge elected, employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the rules and regulations of the commission for a period of one year after terminating employment or service with the commission. If any person elected, employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

Amend Sec. 1 (Sec. 301), page 2, line 25, by inserting brackets before and after "Governor" and inserting immediately thereafter

commissioners

Amend Sec. 1 (Sec. 301), page 2, line 26, by striking out the bracket before "during"

Amend Sec. 1 (Sec. 301), page 2, line 27, by inserting a period after "office"

Amend Sec. 1 (Sec. 301), page 2, lines 27 through 30; page 3, lines 1 through 3, by striking out "] and shall serve as such at the pleasure of the Governor," in line 27, all of lines 28 through 30, page 2; all of lines 1 and 2 and "of the commission at the pleasure of the chairman." in line 3, page 3

Amend Sec. 1 (Sec. 301), page 3, line 5, by striking out "the vice chairman or"

Amend Sec. 1 (Sec. 301), page 3, line 11, by striking out all of said line and inserting

(d) Quorum.—A majority of the members of the commission serving in accordance with law shall constitute a quorum and such majority, acting unanimously, shall be required for any action, including the making of any order or the ratification of any act done or order made by one or more of the commissioners. No vacancy in the commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the commission.

(e) Compensation.—Each of the commissioners shall receive an annual salary of \$35,000, as of January 1, 1977, and \$40,000, as of January 1, 1978, except the chairman, who shall receive an annual salary of \$37,500, as of January 1, 1977, and \$42,500, as of January 1, 1978.

(f) Open proceedings.—The proceedings of the commission shall be conducted in accordance with the provisions of the act of

July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(g) Monitoring cases.—Each commissioner shall be responsible for monitoring specified cases as shall be assigned to him in a manner determined by the commission. All proceedings properly before the commission shall be assigned immediately upon filing.

(h) Limit on contributions.—No candidate for the office of commissioner shall accept contributions, gifts, loans or in-kind services from any individual employee of a public utility, representative of a public utility, or political action committee of a public utility. A violation of this subsection shall constitute cause for forfeitures of office.

Amend Sec. 5, page 20, line 30; page 21, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

5

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

6

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

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Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

8

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides for an elected Public Utility Commission. Commissioners would be elected to 4-year terms. They would run statewide. Three commissioners would be elected in November of 1986 and serve 4 years; two commissioners would be elected in November of 1988 to serve for 4-year terms.

The only other thing the amendment does is it prohibits any utility, any employee of a utility, et cetera, from giving money in the form of PAC (political action committee) money or political money to a candidate.

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

Mr. McCLATCHY. Mr. Speaker, I rise to oppose the amendment. I think that we did defeat one retention vote already. I think that in the bill as it now stands we have the PUC members being nominated for a 4-year term; we have reduced the confirmation vote in the Senate from two-thirds to a simple majority. I think now we have made them run with the Governor; we have made the Governor responsible, and I think that is about as far as we go.

I think when you have an elected PUC running for office, you have a conflict of interest. There is a word called bifurcation in which a PUC member is not even supposed to mention a case. In this case of running for election, they will be asked all kinds of questions, asking for all kinds of comments, all kinds of stands, and I do not think they should answer those questions. I do not think they should get into supposing and promises in cases to come or thoughts about

cases to come. The PUC is supposed to be evenhanded and look at a case from the vantage point of both sides.

The Governor, however, can promise and can work and can listen to the consumers, and he will then have the chance to appoint those proconsumer PUC members when he runs for office.

Mr. Speaker, I oppose the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

For the reasons which we articulated this morning, I also oppose the amendment. This amendment is for a statewide election and not by district, so it removes one of the problems we had this morning, but it has a couple other flaws to it. One, it also removes public financing, which means that the utility companies and their friends would have an even greater ability to influence the outcome of the election than would have been true with the amendment we defeated this morning.

In addition, because it is statewide and because of the history of how we slate statewide candidates, this amendment is almost guaranteed to assure that the people who get nominated to the commission come from the densely populated areas of the State regardless of what their views on utility matters might be.

So for all of those reasons and the reasons of this morning, I would urge a "no" vote.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, we have heard the arguments before; Mr. Freeman's amendment was offered for an elected PUC. It was somewhat different because of the concept of districts. However, I hear arguments about electing people statewide. I do not hear the arguments that we should not elect a Governor statewide; that he cannot run; that he should not have public financing; that he in fact is controlled by utilities; he in fact is controlled by labor unions; he in fact is controlled by big business. I would venture to say that most of us sitting here receive PAC money. Are we the pawns of those groups or individuals from whom we receive money? I think not. I would hope not.

What we are saying as elected officials is that the elected process does not work. We cannot count upon people who are elected to office to be fairhanded and honest. I think that is the height of hypocrisy - for an elected official to sit here and say we should not elect someone who is responsible to the citizens of Pennsylvania.

The PUC—we are missing something very important—the PUC is supposed to be fair. We are supposed to be fair. Why was the PUC established? To regulate and honor the requests of the utilities or to protect the consumer? The PUC was founded because we had to regulate and control monopolies. It should be responsible to the electorate, not to anyone else, to the electorate. Every one of our constituents needs electricity; they need water; they need telephone service.

I have heard all the arguments and all the excuses. You vote the way you think you should vote, but let me give you one little anecdote. In a poll in my district for an elected PUC, it was 10 to 1. That is the people speaking. It is not the labor unions; it is not the utilities; it is not the businessmen; it is not the Governors; it is not the politicians; it is the people. That is who the PUC should be responsible for. That is why we should elect the PUC commissioners. Thank you.

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

The following roll call was recorded:

YEAS—32

Acosta	Cohen	George	Petrone
Angstadt	Cordisco	Harper	Pistella
Battisto	DeLuca	Howlett	Preston
Belardi	Dawida	Jarolin	Saloom
Blaum	Duffy	Kosinski	Serafini
Caltagirone	Evans	Lucyk	Seventy
Carn	Freeman	Mrkonic	Tigue
Cawley	Gallagher	Olasz	Trello

NAYS—166

Afflerbach	Dorr	Linton	Roebuck
Argall	Durham	Livengood	Rudy
Arty	Fargo	Lloyd	Ryan
Baldwin	Fattah	McCall	Rybak
Barley	Fee	McClatchy	Saurman
Belfanti	Fischer	McHale	Scheetz
Birmelin	Flick	McVerry	Schuler
Black	Foster, Jr., A.	Mackowski	Semmel
Book	Fox	Maiale	Showers
Bortner	Freind	Manderino	Sirianni
Bowley	Fryer	Manmiller	Smith, B.
Bowser	Gallen	Markosek	Smith, L. E.
Boyes	Gamble	Mayernik	Snyder, D. W.
Brandt	Gannon	Merry	Snyder, G. M.
Broujos	Geist	Michlovic	Staback
Bunt	Gladeck	Micozzie	Stairs
Burd	Godshall	Miller	Steighner
Burns	Greenwood	Moehlmann	Stevens
Bush	Gruitza	Morris	Stewart
Cappabianca	Gruppo	Mowery	Stuban
Carlson	Haluska	Murphy	Sweet
Cessar	Hasay	Nahill	Swift
Chadwick	Hayes	Noye	Taylor, E. Z.
Civera	Herman	O'Brien	Taylor, F. E.
Clark	Hershey	O'Donnell	Taylor, J.
Clymer	Honaman	Oliver	Telek
Colafella	Hutchinson	Perzel	Truman
Cole	Itkin	Petrarca	Van Horne
Cornell	Jackson	Phillips	Veon
Coslett	Johnson	Piccola	Vroon
Cowell	Josephs	Pievsy	Wambach
Coy	Kasunic	Pitts	Wass
DeVerter	Kennedy	Pott	Weston
DeWeese	Kenney	Pratt	Wilson
Daley	Kukovich	Pressmann	Wogan
Davies	Langtry	Punt	Wozniak
Deal	Lashingner	Raymond	Wright, D. R.
Dietz	Laughlin	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Distler	Letterman	Richardson	
Dombrowski	Levdansky	Rieger	Irvis,
Donatucci	Levin	Robbins	Speaker

NOT VOTING—2

Barber	Wiggins
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EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. DeLUCA offered the following amendments No. A4095:

Amend Title, page 1, line 3, by inserting after "commissioners;"

providing for retention election of appointed commissioners; prohibiting political campaigning by commissioners;

Amend Sec. 1, page 1, line 12, by striking out "Sections 301(a) and (c), 306 and 308" and inserting

Section 301(a) and (c)

Amend Bill, page 3, by inserting between lines 11 and 12

Section 2. Title 66 is amended by adding sections to read:

§ 301.1. Retention.

(a) Commissioners to elect.—In the course of a Statewide election, including any judicial election in the year preceding the expiration of a term of public utility commissioner, each such commissioner must elect, or not, to stand for retention to a succeeding term of office only if renominated by the Governor. In order to be retained, the candidate for retention shall have received more votes for his retention than against his retention, on a Statewide basis. If retained, the commissioner will continue in office for the subsequent term. If rejected, the commissioner will vacate the term of public utility commissioner effective March 31 in the year scheduled.

(b) Nonretention.—In the event a commissioner is not renominated for retention by the Governor or is not retained, either by election not to stand for retention or by rejection, the Governor shall nominate a successor to the position no later than February 1 of the year in which the vacancy is scheduled to occur.

(c) Election Code to control.—The retention election shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

§ 301.2. Political campaigning prohibited.

(a) General rule.—A candidate for retention under section 301.1 (relating to retention) shall not engage in political campaigning. No candidate for retention shall participate in any fundraising activities on behalf of his candidacy for retention. This section shall not prohibit anyone, other than the candidate for retention, from raising funds to be used on behalf of the candidate for retention election.

(b) Definition.—As used in this section the term "political campaigning" means engaging in partisan political activity, delivering political speeches or attending political or party conventions or gatherings.

(c) Penalty.—A violation of this section shall constitute an impeachable offense.

Section 3. Sections 306 and 308 of Title 66 are amended to read:

Amend Sec. 2, page 11, line 8, by striking out "2" and inserting

4

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

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Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

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Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

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Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

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Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

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Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

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Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

11

On the question,

Will the House agree to the amendments?

The SPEAKER. On that amendment, the Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, yesterday I withdrew an amendment pertaining to a retention of the PUC members. I appreciated the comments made by the minority leader and some of my fellow colleagues. They were very constructive, and I took them under consideration. Yesterday I had this amendment redrafted, took some of their comments into consideration, and what we are doing today is we are talking about accountability. By adding the public to the process, we are increasing the accountability; we are holding the Governor under this amendment accountable not only once but twice. This amendment will pertain once the Governor nominates, the Senate confirms, they serve their terms, and it goes back to the Governor. If the Governor decides to retain them, renominate them, it goes to the voters, and that is where it should be.

Mr. Speaker, change is difficult. I know that to change something in this PUC reform bill—the PUC has been around for so many years without change—is difficult for all of us, but I think this is the answer. I think this will give the voters some say-so. It also will do what we are trying to do in this House, and that is to hold the Governor responsible for his nominees.

I ask for an affirmative vote on my amendments, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment.

We have hammered this issue a good bit, but there are a couple of things that members ought to be aware of in this particular version of the amendment, and that has to do with what starts on the bottom of the first page, "Political campaigning prohibited." So what the proponents of this approach have done is say, okay, we recognize that there is some legitimacy to these arguments made about the PUC commissioner wasting his time all across the State campaigning; we recognize that there are problems if he states his position on cases, and so our solution to that is to say he cannot

say anything; he cannot campaign at all. I suggest that is not the way we have elections and that does not really make a whole lot of sense.

In addition, this section prohibits the candidate from raising money and spending money but allows everybody else to raise money. None of us go into an election in which we are not allowed to help ourselves. This amendment says that you have to rely on the special interest groups, and when it comes down to relying on the special interest groups, there is no question that the consumer groups cannot raise as much money as the utility companies and their friends.

We have a good bill; we have a bill with 4-year terms and gubernatorial accountability; we have a bill that is going to make the selection of PUC commissioners an issue in every gubernatorial election. We should defeat this amendment and stick with the process that we have in the bill.

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

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

I do not really quite understand the necessity for retention. First of all, we have a 4-year term, and they are appointed to this 4-year term by the Governor. After their term is over after 4 years and after the Governor's term is over after 4 years, you know, they are out of office; they cannot be retained.

I do not understand why we want to vote for retention. What we have right now is after their 4-year term is over, the new Governor or the Governor running again can reappoint them or appoint new people. In fact, I really do not understand why we need a retention vote. We already have a complete stopping of those people who have served the previous 4 years.

I think the amendment is unnecessary, Mr. Speaker, and I oppose it.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, to respond to some of the criticisms of the amendment, which I support, the gentleman, Mr. Lloyd, has made the point that it does not make any sense to prohibit campaigning from a candidate while other groups are allowed to campaign. I submit to you that that is eminently sensible. If we really want the PUC commissioners doing their job, working in Harrisburg, as Mr. Lloyd has argued on some other amendments, then this is the kind of amendment that we really want to put in there. We would require the PUC to continue going on; we would prohibit them by law from partaking in partisan political activity. Other groups could do what they like. We cannot prohibit them from supporting or opposing a particular PUC commissioner, and we do not want to. We want there to be some debate, some discussion for and against each of those candidates.

What it really does is it sets up an arrangement where at least once every 4 years that PUC commissioner, if he wishes to retain his seat, has to go before a public vote so that we can say whether we find his job adequate or not. I think that is really the focus and the reason for this amendment.

In terms of Mr. McClatchy's concerns, I think that the Governor also ought to have a determination of whether or not that particular nominee, that appointee of his own, should be up for retention. That is why the amendment includes that the Governor must reappoint before there is a retention vote taken. I think that with all the concern about campaign finances and the structure, if you really believe in the argument that the people ought to have some say in who that PUC commissioner is but you are concerned about the election process, this is really the way to go, because it allows a simple retention vote; it prohibits the campaigning by the commissioners; and it allows the people to make that decision on that particular PUC commissioner.

I urge support of the DeLuca amendment. Thank you, Mr. Speaker.

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

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I believe, as is the case for most of the members of the Assembly, I have a grave concern for the ever-increasing utility rates throughout the Commonwealth. Despite the concern that I have for those rising rates, I have an even greater concern for the first amendment to the United States Constitution.

As a supporter of retention elections, I rose with considerable regret yesterday to point out that the funding mechanism in the DeLuca amendment violated the United States Supreme Court holding in the case of Buckley v. Valeo. Today I rise once again with considerable regret to point out that this amendment, I believe, is blatantly unconstitutional.

Subsection 301.2 mandates, "A candidate for retention under section 301.1 (relating to retention) shall not engage in political campaigning." Later in the amendment in subsection (b), political speeches are expressly included in that definition. This constitutes a prior restraint on political speech. That clearly is at the heart of the first amendment to the United States Constitution. Whether I agree or disagree with the content of that speech is irrelevant. You cannot, under this kind of legislative circumstance, place such a limit in the form of a prior restraint on free speech consistent with the first amendment.

Once again, I indicate for those reasons I will be voting against this amendment. However, I look forward to the day that we will have the opportunity to vote on a retention amendment which is, in my opinion, constitutional. Thank you, Mr. Speaker.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I tend to disagree with my colleague, Representative McHale, because this language is already in the Constitution. The judges for retention run under the same type of language. If it is constitutional for our judiciary for retention, it is constitutional for this retention for our PUC members, so I wholeheartedly disagree with him. This was taken out of the State judicial law that governs the retention votes for our judicial candidates.

So I ask this House, if they want to make this legislation accountable not only to the Governor but also to the public, to support this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Acosta	Dawida	Lucyk	Saloom
Angstadt	Donatucci	McCall	Serafini
Baldwin	Evans	Michlovic	Seventy
Barber	Fox	Mrkonic	Staback
Battisto	Freeman	Murphy	Steighner
Belardi	Gamble	Olasz	Taylor, F. E.
Blaum	George	Oliver	Tigue
Caltagirone	Gruitza	Petrone	Trello
Cawley	Haluska	Pievsky	Truman
Colafella	Jarolin	Pistella	Van Horne
Cole	Kasunic	Preston	Wambach
Cordisco	Kosinski	Punt	Wiggins
Cowell	Kukovich	Richardson	
DeLuca	Levdansky	Rieger	Irvis,
DeWeese	Levin	Roebuck	Speaker
Daley			

NAYS—138

Afflerbach	Dombrowski	Laughlin	Reinard
Argall	Dorr	Lescovitz	Robbins
Arty	Duffy	Letterman	Rudy
Barley	Durham	Linton	Ryan
Belfanti	Fargo	Livengood	Rybak
Birmelin	Fattah	Lloyd	Saurman
Black	Fee	McClatchy	Scheetz
Book	Fischer	McHale	Schuler
Bortner	Flick	McVerry	Semmel
Bowley	Foster, Jr., A.	Mackowski	Showers
Bowser	Freind	Manderino	Sirianni
Boyes	Fryer	Manmiller	Smith, B.
Brandt	Gallagher	Markosek	Smith, L. E.
Broujos	Gallen	Mayernik	Snyder, D. W.
Bunt	Gannon	Merry	Snyder, G. M.
Burd	Geist	Micozzie	Stairs
Burns	Gladeck	Miller	Stevens
Bush	Godshall	Mochlmann	Stewart
Cappabianca	Greenwood	Morris	Stuban
Carlson	Gruppo	Mowery	Sweet
Carn	Harper	Nahill	Swift
Cessar	Hasay	Noye	Taylor, E. Z.
Chadwick	Hayes	O'Brien	Taylor, J.
Civera	Herman	O'Donnell	Telek
Clark	Hershey	Perzel	Veon
Clymer	Honaman	Petrarca	Vroon
Cornell	Hutchinson	Phillips	Wass
Coslett	Itkin	Piccola	Weston
Coy	Jackson	Pitts	Wilson
DeVertter	Johnson	Pott	Wogan
Davies	Josephs	Pratt	Wozniak
Deal	Kennedy	Pressmann	Wright, D. R.
Dietz	Kenney	Raymond	Wright, J. L.
Dininni	Langtry	Reber	Wright, R. C.
Distler	Lashingier		

NOT VOTING—3

Cohen	Howlett	Maiale
Cimini	Hagarty	Yandrisovits

EXCUSED—3

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

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

Mr. CAWLEY offered the following amendments No. A4041:

Amend Title, page 1, line 8, by inserting after "investigators;"

requiring approval by the General Assembly of utility rate increases;

Amend Bill, page 20, by inserting between lines 15 and 16

Section 4. Section 1301 of Title 66 is amended to read:

§ 1301. Rates to be just and reasonable.

Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission. Only public utility service being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to regulation and control by the commission as to rates, with the same force, and in like manner, as if such service were rendered by a public utility. Notwithstanding anything in this title, to the contrary, all increases in utility rates granted by the commission shall first be approved by the General Assembly.

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

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Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

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Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Since we do not want an elected PUC and we do not want the retention for the PUC, I figured that it is time that maybe we could pick the ball up.

What this amendment will do is very simple, Mr. Speaker. Before any increases in utility rates are granted by the commission, they must be approved by the General Assembly, and I think that most of the legislators would want this, Mr. Speaker. I believe that most of the PUC members would want this, Mr. Speaker, and I think that the utilities would probably want this, Mr. Speaker, because of the fact that we vote on our salary down here in Harrisburg, and we do not do too badly.

Just once again for the record, Mr. Speaker, this would give the power to the General Assembly to grant increases granted by the PUC.

I would appreciate an affirmative vote. I am very confident that it will pass overwhelmingly. Thank you.

Mr. McCLATCHY. Now we heroes really have a chance to do the job.

The SPEAKER. Really. Let us see if we have the guts to do it. The Speaker does not have that kind of guts. I am not going to lead the way on this one.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—38

Acosta	Coslett	Josephs	Rieger
Angstadt	Deluca	Kosinski	Saloom
Belardi	Donatucci	Laughlin	Serafini
Belfanti	Duffy	McVerry	Seventy
Blaum	Gallagher	Mrkoncic	Staback
Caltagirone	Godshall	Olasz	Telek
Cappabianca	Haluska	Oliver	Tigue
Carn	Hasay	Pistella	Weston
Cawley	Howlett	Preston	Wright, R. C.
Clark	Jarolin		

NAYS—161

Afflerbach	Dorr	Linton	Roebuck
Argall	Durham	Livengood	Rudy
Arty	Evans	Lloyd	Ryan
Baldwin	Fargo	Lucyk	Rybak
Barber	Fattah	McCall	Saurman
Barley	Fee	McClatchy	Scheetz
Battisto	Fischer	McHale	Schuler
Birmelin	Flick	Mackowski	Semmel
Black	Foster, Jr., A.	Maiale	Showers
Book	Fox	Manderino	Sirianni
Bortner	Freeman	Manmiller	Smith, B.
Bowley	Freind	Markosek	Smith, L. E.
Bowser	Fryer	Mayernik	Snyder, D. W.
Boyes	Gallen	Merry	Snyder, G. M.
Brandt	Gamble	Michlovic	Stairs
Broujos	Gannon	Micozzie	Steighner
Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stewart
Burns	Gladeck	Morris	Stuban
Bush	Greenwood	Mowery	Sweet
Carlson	Gruitza	Murphy	Swift
Cessar	Gruppo	Nahill	Taylor, E. Z.
Chadwick	Harper	Noye	Taylor, F. E.
Civera	Hayes	O'Brien	Taylor, J.
Clymer	Herman	O'Donnell	Trello
Colafella	Hershey	Perzel	Truman
Cole	Honaman	Petrarca	Van Horne
Cordisco	Hutchinson	Petrone	Veon
Cornell	Itkin	Phillips	Vroon
Cowell	Jackson	Piccola	Wambach
Coy	Johnson	Pievsky	Wass
DeVertter	Kasunic	Pitts	Wiggins
DeWeese	Kennedy	Pott	Wilson
Daley	Kenney	Pratt	Wogan
Davies	Kukovich	Pressmann	Wozniak
Dawida	Langtry	Punt	Wright, D. R.
Deal	Lashinger	Raymond	Wright, J. L.
Dietz	Lescovitz	Reber	
Dininni	Letterman	Reinard	Irvis,
Distler	Levdansky	Richardson	Speaker
Dombrowski	Levin	Robbins	

NOT VOTING—1

Cohen

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. BLAUM offered the following amendments No. A4101:

Amend Sec. 1, page 1, line 12, by striking out "301(a)" and inserting

301(a), (b)

Amend Sec. 1 (Sec. 301), page 2, line 24, by striking out all of said line and inserting

(b) Qualifications and restrictions.—Each commissioner, at the time of his appointment and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his appointment, and shall also be not less than [30] 25 years of age. No person shall be appointed a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau director and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility subject to the

rules and regulations of the commission for a period of one year after terminating employment or service with the commission. If any person employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does very simply is reduce the age requirement to be a PUC commissioner. In the bill the requirement is that someone would have to be 30 years of age. It is my belief that if you only have to be 25 years of age to be a member of the Pennsylvania Senate and only 25 years of age to be a member of the Congress of the United States, the House of Representatives, then you should not have to be 30 years old to sit on the Pennsylvania Public Utility Commission. The amendment would reduce the age requirement from 30 to 25 years.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—182

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

Daley	Kukovich	Raymond	Wright, D. R.
Davies	Langtry	Reber	Wright, R. C.
Dawida	Laughlin	Reinard	
Deal	Lescovitz	Richardson	Irvis,
Dininni	Letterman	Rieger	Speaker

NAYS—16

Burd	DeVerter	Kennedy	Mowery
Bush	Dietz	Lashingner	Smith, L. E.
Clymer	Foster, Jr., A.	Levin	Vroon
Cornell	Geist	Moehlmann	Wright, J. L.

NOT VOTING—2

Dombrowski Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. McCLATCHY offered the following amendments No. A4001:

Amend Sec. 3, page 12, line 4, by striking out "and a section is added"

Amend Bill, page 19, by inserting between lines 18 and 19

Section 4. Title 66 is amended by adding sections to read:

Amend Bill, page 20, by inserting between lines 15 and 16 Section 522. Performance factor consideration.

(a) Consideration of performance.—In determining whether a utility has satisfied its burden of demonstrating that its rates are just and reasonable, the commission shall consider, in addition to all other relevant factors, such evidence in the record indicating the efficiency, effectiveness and adequacy of service of each utility.

(b) Fixed utilities.—As part of its duties pursuant to subsection (a), the commission shall set forth factors by which it will evaluate future fixed utility performance and in assessing the performance of a fixed utility pursuant to subsection (a), the commission shall consider specifically the following:

(1) Management effectiveness and operating efficiency as measured by an audit pursuant to section 516 (relating to audits of certain utilities) or by other information available.

(2) Action or failure to act pursuant to section 514 (relating to use of coal) to upgrade capability to use coal for electric utilities.

(3) Efficiency and cost-effectiveness of generating capacity for electric utilities.

(4) Action or failure to act to encourage development of cost-effective energy supply alternatives such as conservation or load management, cogeneration or small power production for electric and gas utilities.

(5) Action or failure to act to encourage cost-effective conservation by customers of water utilities.

(6) Action or failure to act to contain costs of constructing new generating units consistent with sections 515 (relating to construction cost of electric generating units) and 1308(f) (relating to voluntary changes in rates).

(7) Any other relevant and material evidence of management effectiveness, operating efficiency and adequacy of service.

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

6

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

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

Mr. McCLATCHY. Mr. Speaker, my amendment is a joint amendment between Mr. Burns and me, and Mr. Burns would like to speak on the amendment first. I yield to Mr. Burns.

Mr. BURNS. I believe, Mr. Speaker, this is an agreed-to amendment. It considers performance factors. What it does in a sense, in essence, is that it rewards utilities that do a good job and it punishes utilities that do a bad job. It deals with management effectiveness and operating efficiency as measured by certain standards that are put out in the amendment.

I would simply say that I ask for complete support of the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a "yes" vote on the amendment. This amendment was negotiated between the Governor's Energy Council, the Consumer Advocate, and interested legislators. I think it does provide proper parameters for judgment of efficiency and quality of service.

I think it is a good amendment, and we ought to vote "yes."

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

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

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

NAYS—1

Taylor, E. Z.

NOT VOTING—2

Dietz Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. McCLATCHY offered the following amendments No. A4019:

Amend Sec. 3, page 12, line 4, by striking out "and a section is added"

Amend Bill, page 19, by inserting between lines 18 and 19

Section 4. Title 66 is amended by adding sections to read:

Amend Sec. 3, page 20, by inserting between lines 15 and 16 § 1301.1. Consideration of efficiencies and performance.

The Pennsylvania Public Utility Commission is empowered, when considering the return on equity to be granted to a utility, to consider the relative efficiencies and performance of the utility in operating, management and planning functions.

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

5

Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

6

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

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

Mr. McCLATCHY. Mr. Speaker, this next amendment deals with the same area of efficiency and performance. However, it deals a little more directly and puts it into the ratemaking process. I think that brings it more clearly into an area that puts more teeth into the law and where it should be, Mr. Speaker.

I ask for support of the amendment.

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

Mr. LLOYD. Mr. Speaker, I oppose this amendment. This was not negotiated and this is not agreed to.

What this particular amendment would do is to allow the Public Utility Commission to play games with the amount of money stockholders get rather than look at the evidence in the case. If this were combined with parameters around it so that we would know who had to prove what, then there might be some sense to doing this. The amendment we just passed provides the tools for the commission to set objectives and to reward companies. We do not need to fold something in in which there are absolutely no standards for the Public Utility Commission to follow which would legally justify their giving rewards to companies for evidence which we may think does not merit those rewards.

For that reason, Mr. Speaker, I would ask the House to reject this amendment.

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

Mr. LAUGHLIN. Mr. Speaker, earlier today we had considered legislation to restrict cost escalation in the State of Pennsylvania for utilities, and now, Mr. Speaker, people who had earlier opposed that position are now getting to the floor and offering amendments that will further expand the opportunity of increasing those utility costs to the consumers by giving additional consideration to those utilities submitting for rate increases.

Mr. Speaker, the earlier amendment addressed the problem adequately. I would ask for a negative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy, for the second time.

Mr. McCLATCHY. Mr. Speaker, obviously I do not agree with the previous two speakers. The PUC cannot play games with the performance and efficiencies as stated in this amendment. Those performances and efficiencies will be established by the record in each rate case that comes before them.

What we are saying here is that in the ratemaking process, those utilities will be rewarded. Those shareholders will be rewarded for those utilities that are efficient, that do save money to the consumers, and so they should be rewarded. In the same instance, it will punish those utilities that are not efficient, that do not stand up to these performance standards, and the standards, Mr. Speaker, are enunciated in the previous section that we voted on.

I think it is a strong section. Certainly it is not something that was worked on by the committee, but I think it is a much stronger section than anything we have seen so far. It puts a little more teeth into what we are trying to do as far as efficiency and performance go, and I think it is a strong proconsumer amendment. I urge support, Mr. Speaker.

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

Mr. LLOYD. I just want to point out to the members that under this amendment, because there are no standards, we could be rewarding companies for doing what they are supposed to be doing, and we could be giving them a windfall because they are cutting expenses in the way this legislature has already said we want them to cut. I do not see any reason in the world why my constituents ought to pay an extra bonus to utility stockholders because companies are managing themselves properly, so we should reject this amendment.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, for the second time.

Mr. LAUGHLIN. Mr. Speaker, in line with the previous arguments that we had made with expanding the opportunity for additional reimbursement, Mr. Speaker, we make the same argument on this issue.

Mr. Speaker, as far as companies that have operated efficiently in the last year or the year before, they received no consideration for additional benefit for their efforts, and because their company has been cut down and is lean, now we do not have a benefit for those people. On the other hand, Mr. McClatchy's amendment would award those people who have not done a good job over the years and now come in and do something with additional reimbursement. Mr. Speaker, I do not think that is fair to anyone.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry, on the amendment.

Mr. MERRY. Mr. Speaker, I would like to draw the members' attention to the fact that this is an amendment that you have been looking for for years and years, but you are misunderstanding it; you are misinterpreting it. Please understand that I think all of us have been looking for incentives for utilities to work in an economical manner so that they can keep rates lower.

Now, all this bill here says is that the commission shall consider the return on equity. The intent is to give the utilities a penalty that do not have efficiencies built into their performance. Nowhere does it say that we are going to raise the rates to give them a bonus. I do not believe that is the intent of this amendment. The intent of it is to allow what is a reasonable return to those that are performing excellently, and for those that are not, it will provide a penalty.

Mr. Speaker, I urge that we do consider an affirmative vote on this amendment.

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

The following roll call was recorded:

YEAS—85

Afflerbach	Davies	Jackson	Punt
Argall	Dawida	Johnson	Raymond
Arty	Dininni	Kennedy	Reber
Barley	Distler	Kenney	Reinard
Birmelin	Dorr	Langtry	Saurman
Black	Durham	McClatchy	Scheetz
Book	Fargo	McVerry	Schuler
Bowser	Flick	Mackowski	Semmel
Brandt	Foster, Jr., A.	Manmiller	Serafini
Broujos	Fox	Merry	Sirianni
Bunt	Freind	Miller	Smith, L. E.
Burd	Gallen	Moehlmann	Snyder, D. W.
Burns	Gannon	Mowery	Stevens
Bush	Gladeck	Mrkonic	Swift
Carlson	Godshall	Nahill	Taylor, J.
Cessar	Greenwood	Noye	Telek
Chadwick	Gruppo	O'Brien	Vroon
Civera	Hasay	Perzel	Wilson
Clymer	Herman	Piccola	Wogan
Cornell	Hershey	Pitts	Wright, J. L.
Coslett	Honaman	Pott	Wright, R. C.
DeVerter			

NAYS—111

Acosta	Duffy	Linton	Rudy
Angstadt	Evans	Livengood	Rybak
Baldwin	Fattah	Lloyd	Saloom
Barber	Fee	Lucyk	Seventy
Battisto	Fischer	McCall	Showers
Belardi	Freeman	McHale	Smith, B.
Belfanti	Fryer	Majale	Snyder, G. M.
Blaum	Gallagher	Manderino	Staback
Bortner	Gamble	Markosek	Stairs
Bowley	Geist	Mayernik	Steighner
Boyes	George	Michlovic	Stewart
Caltagirone	Gruitza	Morris	Suban
Cappabianca	Haluska	Murphy	Taylor, E. Z.
Carn	Harper	O'Donnell	Taylor, F. E.
Cawley	Hayes	Olasz	Tigue
Clark	Howlett	Oliver	Trello
Cohen	Hutchinson	Petrarca	Truman
Colafella	Itkin	Petrone	Van Horne
Cole	Jarolin	Phillips	Veon
Cordisco	Josephs	Pievsky	Wambach
Cowell	Kasunic	Pistella	Wass
Coy	Kosinski	Pratt	Weston
Deluca	Kukovich	Pressmann	Wiggins
DeWeese	Laughlin	Preston	Wozniak
Daley	Lescovitz	Richardson	Wright, D. R.
Deai	Letterman	Rieger	
Dietz	Levdansky	Robbins	Irvis,
Dombrowski	Levin	Roebuck	Speaker
Donatucci			

NOT VOTING—4

Lashingier	Micozzie	Ryan	Sweet
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EXCUSED—3

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

On the question recurring,

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

Mr. McCLATCHY offered the following amendments No. A4096:

Amend Sec. 1 (Sec. 306), page 5, line 18, by inserting after "law"

, to allow such lesser increase as would be just and reasonable to become effective without further investigation, except where a complaint has been filed against the tariff filing

Amend Sec. 1 (Sec. 306), page 5, lines 21 through 27, by striking out all of lines 21 through 26, and "(ii)" in line 27 and inserting

(i)

Amend Sec. 1 (Sec. 306), page 6, line 2, by inserting after "interest;"

and

Amend Sec. 1 (Sec. 306), page 6, lines 3 through 7, by striking out all of lines 3 through 6, and "(iv)" in line 7 and inserting

(ii)

On the question,

Will the House agree to the amendments?

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

Mr. McCLATCHY. Mr. Speaker, this amendment of mine would affirm the allowance of option orders - option orders, specifically though, for actually uncontested rate increases. You have a lot of small water utilities out there that, granted, do not come in and ask for a rate increase that is contested. To contest it with the PUC is a long and lengthy and expensive process, and I do not think it is necessary to subject them to it. The amendment also mentions that if it does have a complaint against it, then it does have to go through the rate increase. But this is one that is uncontested and needs no long hearings, and specifically, it is really intended for small utilities, although it can happen with a large one, although I cannot see the instance when a large utility will ask for a rate increase where it will not be contested.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment for several reasons. In the first place, the amendment is not drafted to the right part of the Public Utility Code. The reason this problem was raised is because of a State Supreme Court decision, the Horne decision, which affected Duquesne Light and business people in the city of Pittsburgh, and it was the construction of section 1308 of the title. If we do not amend that section, this particular amendment is not going to solve the problem. This section simply deals with the recommendation being made by the Director of Trial Staff as to whether or not the case should proceed to hearings.

Secondly, this amendment is not consistent with the way the Public Utility Commission has lobbied us to try to solve what they perceive to be a problem, what I perceive not to be a problem. We talked to the Public Utility Commission chief

counsel and some other people from the Public Utility Commission earlier this year about the option order, and we talked about what about having a system that would say that you could not have option orders if complaints were filed. The Public Utility Commission's response to that was, oh, no, that will never work because all that is going to happen is people are going to file complaints.

In addition to that, the Public Utility Commission has been asking us and we have negotiated and they have refused to sign off on some further changes in the bifurcation in this bill which would have this report made by somebody other than the Director of Trial Staff. The commission said the Director of Trial Staff will never recommend anything other than proceeding to hearings. For all of those reasons, while Mr. McClatchy may be trying to fix something which some people think needs to be fixed, his amendment is not going to do that.

In addition, what is really at stake here is whether we are going to have a procedure for dealing with small companies which guarantees everybody the opportunity to participate. Under this amendment, if the Director of Trial Staff made a recommendation, presumably if Mr. McClatchy is successful, that is going to be the end of the ball game. That is the recommendation of the Director of Trial Staff; that is not the recommendation of other people from the commission who are advisory and who are supposed to tell the commission whether a rate increase is justified or not.

We offered the Public Utility Commission a solution to this problem in the last session. We passed a bill in the House which said we were not for this kind of procedure. The Senate, at the behest of the Public Utility Commission, killed that. This particular version of the solution is not what the Public Utility Commission told us earlier this session they wanted and in fact contains elements which they said would not work and they do not want. So we ought to reject this amendment.

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

Mr. BURNS. Thank you, Mr. Speaker.

I wonder if Mr. Lloyd would answer a question or two.

The SPEAKER. Mr. Lloyd indicates he will stand for interrogation. You may proceed, Mr. Burns.

Mr. BURNS. Mr. Speaker, I think the thrust of this amendment is to get at the problem of particularly the small water companies that really do not have the means to go in and do a full-blown rate case, and if they have to do that, then of course that cost is going to be passed back onto their consumers.

What I am asking you, I guess, is, what is the problem with doing it this way? Why cannot we have this amendment to take care of those small companies that just will be put at a terrible financial disadvantage if they have to go for a full-blown rate case?

Mr. LLOYD. The answers are several. In the first place, since the Horne decision, according to the data presented to me by the Public Utility Commission, they have continued to

handle the small water company cases through settlements, just changing the name of what they call that document, as they did before. According to what they told us at our hearings back in June—and you may remember when they presented me with the documents—there is no showing that they are having any more hearings than they had before.

Secondly, this amendment does not really take care of the problem completely, because in many instances those small water companies can justify 100 percent of what they are asking for without further hearings. In fact, when I was an administrative law judge with the commission, in one of the cases in which I presided—and we had things done through the mail and over the phone to save the litigation expenses—actually the company, if they had known how to file a rate increase, could have justified about twice as much money as they asked for.

Finally, this amendment does not really solve the problem, because it says this works if a complaint is not filed. What happens if the recommendation from the Director of Trial Staff occurs, say, on the 30th day of a 60-day waiting period and the complaint comes in on the 59th day? The case is already settled. This amendment does not take care of that problem.

So I sympathize with what you are talking about. I sympathize with, you know, that you want to solve a problem. I am not persuaded, at least on the evidence that the commission has been able to give us, that the problem exists, but if it does, we ought to deal with it in a way that is really going to solve it, and this language, in my opinion, is not going to accomplish that.

Mr. BURNS. Mr. Speaker, I really appreciate the detailed explanation. My one concern, however, is that we have changed the law. If this bill passes or something like it passes, we have changed the law, and as I see it, the provisions no longer apply as they do now, and all of the reasoning that the commission gave up until this point, once we have changed the law, then there is no guarantee of that anymore. Am I correct in that, Mr. Speaker?

Mr. LLOYD. In the first place, the section of the law which the Supreme Court construed is not being amended by this bill, so that whole issue that the Supreme Court addressed, you need a more comprehensive amendment.

In the second place, all this amendment does is address those instances in which the Director of Trial Staff chooses to get involved in a case. Under this bill the way it is currently drafted, the Public Utility Commission, on advice from the Office of Special Assistants or the Bureau of Rates, can propose to enter a settlement with water companies and I think will continue to do that. We have suggested to the Public Utility Commission, as the gentleman is aware, some further refinements of the bifurcation which would move responsibility for this reportmaking out of the Director of Trial Staff's hands entirely. That is a position which the commission is going to pursue in the State Senate, and so this amendment is going to be lost in the crush in any event. What we ought to do is step back, draft something that makes sense

and that takes care of the total problem. This amendment is not going to take care of the total problem.

Mr. BURNS. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, earlier this year and in previous sessions of the legislature the members of this House had voted on Representative Steighner's legislation to provide for input from the public and to provide for public documents from the PUC. Mr. Speaker, here we are today with this amendment allowing the settlement of claims without adequate opportunity for those who wish to object to those particular circumstances and settlements to be entered into prior to the objection time. Mr. Speaker, I believe that it excludes the people from their opportunity and those of the interested parties, and I would ask for a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—55

Argall	Dorr	McClatchy	Reinard
Barley	Flick	McVerry	Ryan
Birmelin	Foster, Jr., A.	Mackowski	Saurman
Brandt	Fox	Manmiller	Schuler
Bunt	Freind	Merry	Semmel
Burd	Gladeck	Nahill	Sirianni
Burns	Godshall	Noye	Snyder, D. W.
Bush	Hasay	O'Brien	Taylor, E. Z.
Carlson	Hershey	Perzel	Taylor, J.
Chadwick	Honaman	Piccola	Vroon
Clymer	Kennedy	Pitts	Wogan
Cornell	Kenney	Pott	Wright, J. L.
Dininni	Langtry	Punt	Wright, R. C.
Distler	Lashingier	Raymond	

NAYS—144

Acosta	Deal	Letterman	Roebuck
Afflerbach	Dietz	Levdansky	Rudy
Angstadt	Dombrowski	Levin	Rybak
Arty	Donatucci	Linton	Saloom
Baldwin	Duffy	Livengood	Scheetz
Barber	Durham	Lloyd	Serafini
Battisto	Evans	Lucyk	Seventy
Belardi	Fargo	McCall	Showers
Belfanti	Fattah	McHale	Smith, B.
Black	Fec	Maiale	Smith, L. E.
Blaum	Fischer	Manderino	Snyder, G. M.
Book	Freeman	Markosek	Staback
Bortner	Fryer	Mayernik	Stairs
Bowley	Gallagher	Michlovic	Steighner
Bowser	Gallen	Micozzie	Stevens
Boyes	Gamble	Miller	Stewart
Broujos	Gannon	Moehlmann	Struban
Caltagirone	Geist	Morris	Sweet
Cappabianca	George	Mowery	Swift
Carn	Greenwood	Mrkonic	Taylor, F. E.
Cawley	Gruitza	Murphy	Telek
Cessar	Gruppo	O'Donnell	Tigue
Civera	Haluska	Olasz	Trello
Clark	Harper	Oliver	Truman
Cohen	Hayes	Petrarca	Van Horne
Colafella	Herman	Petrone	Veon
Cole	Hutchinson	Phillips	Wambach
Cordischo	Itkin	Pievsky	Wass
Coslett	Jackson	Pistella	Weston
Cowell	Jarolin	Pratt	Wiggins
Coy	Johnson	Pressmann	Wilson
Deluca	Josephs	Preston	Wozniak

DeVerter	Kasunic	Reber	Wright, D. R.
DeWeese	Kosinski	Richardson	
Daley	Kukovich	Rieger	Irvis,
Davies	Laughlin	Robbins	Speaker
Dawida	Lescovitz		

NOT VOTING—1

Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. McCLATCHY offered the following amendments No. A4083:

Amend Title, page 1, line 3, by inserting after "terms"
, compensation

Amend Sec. 1, page 1, line 12, by striking out "and (c)" and inserting

, (c) and (e)

Amend Sec. 1 (Sec. 301), page 3, by inserting between lines 11 and 12

(e) Compensation.—Each of the commissioners shall receive an annual salary [of \$35,000, as of January 1, 1977, and \$40,000, as of January 1, 1978, except the chairman, who shall receive an annual salary of \$37,500, as of January 1, 1977, and \$42,500, as of January 1, 1978] equal to that of members of the General Assembly under section 4(a) of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, provided that the salary of any member of the commission holding office on the effective date of this amendatory act shall not be reduced.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, maybe we can do a little better with this one.

My amendment simply makes the salary of the PUC commissioners the same as the members of the General Assembly. I think it is a straightforward amendment. It also, though, does not take away those salaries that the present members get. It would be the new members who are coming on who would only get the same salary as the members of the General Assembly. I think, you know, the Senators run for 4-year terms; these people run for 4-year terms. I think \$35,000 is enough. When we get our pay increase, I am sure they will get their pay increase, Mr. Speaker.

I urge support of the amendment.

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

Mr. LLOYD. Mr. Speaker, I do not have a copy of the amendment, but as the gentleman explained it, maybe he would submit to interrogation so I can make sure I understand what he is doing.

The SPEAKER. Mr. McClatchy indicates he will stand for interrogation. You may proceed.

Mr. LLOYD. Mr. Speaker, am I correct that under your amendment people who are on the Public Utility Commission now would continue to be paid \$40,000 a year, or \$42,500 in the case of the chairman, until such time as their terms are ended? Is that correct?

Mr. McCLATCHY. That is correct.

Mr. LLOYD. But people who are appointed to fill vacancies from here on out would be paid \$35,000. Is that correct?

Mr. McCLATCHY. That is correct.

Mr. LLOYD. Now, under your amendment, then in the future if the General Assembly raised its salary, the increases would automatically go to the members of the Public Utility Commission. Is that correct?

Mr. McCLATCHY. That is not correct. We would treat the PUC in the same fashion that we do the judges or anyone else who comes to us. I am thinking primarily of the judiciary that comes to us and asks for a salary increase. They could be treated and I am sure would be treated in the same fashion.

Mr. LLOYD. I would like to be recognized on the amendment.

The SPEAKER. The gentleman may comment on the amendment.

Mr. LLOYD. Mr. Speaker, I think this is a political grandstand and I think the members ought to vote to protect themselves. I think they ought to be aware, however, that if they want to send a message to the existing commissioners, this is the wrong way to do it. They are telling the existing commissioners, the ones they are not happy with, they are telling them, we are going to pay you \$40,000 a year, because constitutionally we cannot cut your pay. But we are saying to the next Governor, Governor, we want you to go out and recruit good people, but we are going to make you pay them less. I think the members ought to understand that the message they are sending with the pay cut is not to the people over there who are doing evil but to the people who we hope are going to do good and be appointed in the future. So I think members ought to judge for themselves, but they ought to be aware of the message they are sending.

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

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

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

Mr. LAUGHLIN. Mr. Speaker, in your reference to the members of the commission and in your allowance for their salary, you are stating that it shall be the same as the General Assembly. Mr. Speaker, I know you are not including expenses in that particular salary. Mr. Speaker, you know that as a member of the House of Representatives you are down here possibly 3 or 4 days a week depending on what your schedule is. You are also aware, Mr. Speaker, that the members of the commission are now working full time at their jobs and not working part time and employed elsewhere. Mr.

Speaker, are you suggesting that we should have only members who are from the central part of this State, who can live in the area of Harrisburg and work here and not have the expenses of operating two homes - one here and one back home - on \$35,000 a year?

Mr. McCLATCHY. Mr. Speaker, I never thought I would see you bringing up the cause and supporting the PUC. I do not love the PUC any more than anybody else does.

Mr. LAUGHLIN. Do not misconstrue my statement, Mr. Speaker. I asked you a question. Please respond to it.

Mr. McCLATCHY. I think that is the response. I think \$35,000 is enough, Mr. Speaker.

Mr. LAUGHLIN. Mr. Speaker, that concludes the inter-rogation.

Mr. Speaker, very briefly, with Mr. McClatchy's amend-ment you can be assured that no person of moderate income appointed as a member of the Public Utility Commission from the city of Pittsburgh, from Erie, from Philadelphia, from any area outside of Harrisburg would be equipped, unless they had financial stability of their own and private income of their own, to serve as a commissioner in this State. Mr. Speaker, I do not believe that we can afford to restrict representation on the PUC to that degree, and I would ask for a negative vote.

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

The following roll call was recorded:

YEAS—71

Argall	Clymer	Hershey	Ryan
Barley	Cornell	Honaman	Saloom
Belfanti	Coslett	Jaroin	Saurman
Birmelin	Dawida	Johnson	Scheetz
Black	Dietz	Kenney	Schuler
Blaum	Distler	Langtry	Serafini
Book	Fischer	Lashinger	Sirianni
Bowley	Flick	McClatchy	Snyder, G. M.
Bowser	Foster, Jr., A.	Mackowski	Stairs
Brandt	Fox	Mowery	Stevens
Bunt	Fryer	Murphy	Stuban
Burd	Geist	Nahill	Swift
Burns	Gladeck	Noye	Taylor, E. Z.
Cappabianca	Godshall	Phillips	Telek
Carlson	Greenwood	Punt	Vroon
Cawley	Hasay	Reinard	Wilson
Cessar	Hayes	Robbins	Wright, J. L.
Chadwick	Herman	Rudy	

NAYS—127

Acosta	Durham	Lucyk	Reber
Afflerbach	Evans	McCall	Richardson
Angstadt	Fargo	McHale	Rieger
Arty	Fatah	McVerry	Roebuck
Baldwin	Fee	Maiale	Rybak
Barber	Freeman	Manderino	Semmel
Battisto	Freind	Manmiller	Seventy
Belardi	Gallagher	Markosek	Showers
Bortner	Gallen	Mayernik	Smith, B.
Boycs	Gamble	Merry	Smith, L. E.
Broujos	Gannon	Michlovic	Snyder, D. W.
Bush	George	Micozzie	Staback
Caltagirone	Gruitza	Miller	Steighner
Carn	Gruppo	Moehlmann	Stewart
Civera	Haluska	Morris	Sweet
Clark	Harper	Mrkonic	Taylor, F. E.
Cohen	Hutchinson	O'Brien	Taylor, J.

Colafella	Irkin	O'Donnell	Tigue
Cole	Jackson	Olasz	Trello
Cordisco	Josephs	Oliver	Truman
Cowell	Kasunic	Perzel	Van Horne
Coy	Kennedy	Petrarca	Veon
Deluca	Kosinski	Petrone	Wambach
DeVerter	Kukovich	Piccola	Wass
DeWeese	Laughlin	Pievsky	Wiggins
Daley	Iescovitz	Pistella	Wogan
Davies	Letterman	Pitts	Wozniak
Deal	Levdansky	Pott	Wright, D. R.
Dininni	Levin	Pratt	Wright, R. C.
Dombrowski	Linton	Pressmann	
Donatucci	Livengood	Preston	Irvis,
Dorr	Lloyd	Raymond	Speaker
Duffy			

NOT VOTING—2

Howlett Weston

EXCUSED—3

Cimini Hagarty Yandrisevits

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

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Beaver, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, a point of information.

I may have the wrong amendments in front of me or I may have something that was circulated accidentally. I have amendment A4012. Is that withdrawn, Mr. Speaker?

The SPEAKER. Mr. McClatchy has withdrawn any further amendments.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

On the question recurring,

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

Mr. GREENWOOD offered the following amendments No. A4100:

Amend Sec. 1 (Sec. 301), page 2, line 2, by inserting brackets before and after "ten" and inserting immediately thereafter
four

Amend Sec. 1 (Sec. 301), page 2, lines 2 through 14, by strik-
ing out " provided that the term of" in line 2; all of lines 3
through 13 and "four years" in line 14 and inserting

On the third Tuesday of January 1987, the terms of the commis-
sion members, appointed, confirmed or vacant, shall expire.
However, a member shall continue to serve until his or her succes-
sor has been duly appointed and qualified. Beginning on the third
Tuesday of January 1987, five members shall serve four-year
terms and shall be appointed by the Governor, upon the advice
and consent of a majority of the members of the Senate, who
shall replace first the confirmed member whose term expires at
the earliest date, continuing until each confirmed member has
been replaced and then filling other vacancies which may then
exist.

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Much has been said throughout the debate on this bill about the need to get some connection between the Public Utility Commission and our future Governors, and I think that that is a worthy cause and we have done that well in this legislation.

The problem, however, is that the existing Public Utility Commission members, even under this legislation, remain in place for years to come. The chairman of the PUC now will be with us under this legislation until 1989. The other members will be with us until 1991 and 1993 respectively. And if, perchance, the Governor were to appoint—and they were to be confirmed by the Senate—two more commissioners before this legislation goes into effect, we would live with them for 10 years.

What my amendment does is simply say that at the beginning of 1987, on the first day of the next term of the next Governor, the terms of office of the PUC commissioners expire but they serve until they are replaced through the mechanism that we have in this legislation. So in practical effect what would happen is the first nominee confirmed by a majority in the Senate would then replace the chairman of the PUC. The next nominee would replace the second member of the commission who has been there the longest, and the third would replace the final present PUC commissioner. Then the vacancies would be filled. Of course, the Governor could nominate any of the existing three public utility commissioners.

I would ask for support of the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the amendment. There are a couple of things wrong with this amendment.

It is hard to understand exactly how it is going to work, but I think what is supposed to happen is that everybody's term, plus any vacancies that are there, is to end on the day that the next Governor is sworn in, and then you are to appoint five new people. The last sentence talks about putting them in piecemeal. I do not understand that, but I think as a practical matter there would be five nominations which would go over to the Senate and everybody would serve a 4-year term once he got confirmed.

The problem is twofold. First, there is absolutely no staggering of terms in this amendment, and we had testimony from ENRACO, which is the utility consumer group in the Philadelphia area, at the public hearings in Philadelphia in which they said that they felt that staggering of terms was very important. So you have under the bill now three appointed in the first year of any Governor's term and two appointed in the third year of his term. Under this particular version, presumably from here on out into the future, four people would always come on the commission in the first year of the Governor's term, and that means there will be absolutely no experience on the commission. If this bill works the way it is currently designed, after the next Governor or after the next term, every Governor will have three members, the majority,

in his first year in office. But you are not going to have a situation in which everybody is playing catchup ball on the rate increases that are pending at the time those commissioners come in, and that was one of the concerns of ENRACO at the public hearings. What happens to cases which are pending at the time that this goes into effect? Do they get extended? Well, the law does not provide for that. Either they get denied or they get everything subject to subsequent refund. It is very hard to predict what the commissioners would do. Would they take a very conservative approach or a very liberal approach in terms of granting the companies 100 percent of what they want or zero?

In addition to that, the way the language reads, it appears to say that if the Senate does not ever confirm a particular person, then whoever's slot that person was to fill, the incumbent gets to serve forever, because I think this amendment is removing the language with regard to the end of the term, because it says everybody's term ends on the third Tuesday of January 1987 but everybody whose term has ended can continue to serve until his successor is duly appointed and qualified, which could be 6 months or could be 6 years. I do not think that is the way we ought to do it. So for those two reasons, Mr. Speaker, I would ask for a vote against the amendment.

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

Mr. BURNS. Thank you, Mr. Speaker.

I just want to point out what could happen. It may be a far-out statement, but it could happen under this particular amendment. Let us suppose that the gubernatorial candidate who won was a former president or chief executive officer of the Philadelphia Electric Company, and the Senate was controlled by that person's party. You could have five people appointed on that particular day—the day he is sworn in—get two-thirds consent of the Senate, and you would have the worst Public Utility Commission that was ever invented. That is a far-out hypothetical, but it is the kind of thing that could happen under this amendment. Thank you, Mr. Speaker.

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

Mr. LAUGHLIN. Mr. Speaker, very briefly, the gentleman's proposal to resolve a problem on those who are sitting as members of the PUC and their replacements, instead of solving the problem, Mr. Speaker, would add greatly to the problem. In my opinion, any replacement which is piecemeal, where all of the members are replaced, would certainly leave a vacuum of ability for those who serve, Mr. Speaker, and for that reason, I would ask for a negative vote.

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

Mr. WILSON. Mr. Speaker, I have the same problem, I think, that Representative Burns has, that we now have two vacancies on the PUC that have not been filled but, under this proposal, if it gets all the approval that it needs to become law, could be filled by this Governor, the other two terms. If this goes into effect, we would have a complete turnover of

the whole PUC, all five members. As Representative Burns said, we could have Mr. Everett from the PE Company and all of his friends put on the commission all at one time. I think we would have to oppose this, and I would even suggest we go further and stagger the terms so one Governor could not upset the current crop. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

Much has been made of the problem that has been foreseen with a new slate of PUC commissioners. Let me say this: Number one, the next Governor of Pennsylvania certainly has the option to nominate any of the existing three PUC commissioners. So if the Governor, whom the people of Pennsylvania elect and whom we are going to trust to make some rather major decisions for 4 or 8 years, wants to, that Governor can take the wisdom of those who say let us keep some experience on the PUC and renominate any one of the existing commissioners. And that would certainly be the case every 4 years.

The bottom line of this amendment is you have to ask yourself this question: Do you think that the present PUC commissioners have done such a swell job in protecting the consumers that you want them to be around for the next 4, 6, or 8 years? I think the answer is no. I think that we need to make it very clear that the next Governor elected in Pennsylvania can run on utility issues, can talk about replacing the PUC commissioners, and can do it, and can do it right away.

Obviously, one of the issues that we have discussed in this matter has been Limerick. We have two of the three commissioners right now absolutely flying in the face of all of the evidence that says Limerick 2 should be canceled, and those two commissioners are prepared, at least so far, to approve the continuation of the construction of Limerick 2.

We have talked a lot about sending messages. Well, the message here is those kinds of commissioners certainly will not be the choice of Bill Scranton, whom I hope to see elected to the Governorship. We need to give Governor Scranton the ability to replace those commissioners, and the only chance that we are going to have to do that is to do it today. So if you like the present PUC commissioners, vote against this amendment. If you want to see a new broom come in and sweep clean, then vote for the amendment.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

One of the problems that Mr. Greenwood fails to point out—and I hope that all the Democratic members listen up—is that the commissioner who voted right on Limerick happens to be the only Democratic commissioner, and he happens also to be the one who has the longest term, which at the present time does not expire until 1991, and who under this bill will be able to continue to work for the consumers until 1991 regardless of who gets elected next year. It seems to me that that is not a fitting reward for somebody who has voted the right

way and has tried to take care of the problems that Mr. Greenwood has talked about.

In addition to that, what we have to focus on is this is not a one-shot phase-in. This system would occur forever after, every time. It is possible to design some kind of an abolition amendment in a way which would phase in a staggered term, but this amendment does not do that. This amendment says forever after, everybody's term will end in the first year of the new Governor.

Finally, it seems to me there is a constitutional question with regard to that, and I am not going to raise that as a matter of putting it to the test of the House, but if we do not abolish the commission—and there is no language here to do that—there is a serious constitutional question as to whether we can statutorily shorten the terms. So for all of those reasons, I think we ought to vote “no.”

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

The following roll call was recorded:

YEAS—5			
Blaum	Freeman	Greenwood	Tigue
Fox			
NAYS—193			
Acosta	Dininni	Levdansky	Robbins
Afflerbach	Distler	Levin	Roebuck
Angstadt	Dombrowski	Linton	Rudy
Argall	Donatucci	Livengood	Ryan
Arty	Dorr	Lloyd	Rybak
Baldwin	Duffy	Lucyk	Saloom
Barber	Durham	McCall	Saurman
Barley	Evans	McClatchy	Scheetz
Battisto	Fargo	McHale	Schuler
Belardi	Fattah	McVerry	Semmel
Belfanti	Fee	Mackowski	Serafini
Birmelin	Fischer	Maiale	Seventy
Black	Flick	Manderino	Showers
Book	Foster, Jr., A.	Manmiller	Sirianni
Bortner	Freind	Markosek	Smith, B.
Bowley	Fryer	Mayerntik	Smith, L. E.
Bowser	Gallagher	Merry	Snyder, D. W.
Boyes	Gallen	Michlovic	Snyder, G. M.
Brandt	Gamble	Micozzie	Staback
Broujos	Gannon	Miller	Stairs
Bunt	Geist	Moehlmann	Steighner
Burd	George	Morris	Stevens
Burns	Gladeck	Mowery	Stewart
Bush	Godshall	Mrkonic	Suban
Caltagirone	Gruitza	Murphy	Sweet
Cappabianca	Gruppo	Nahill	Swift
Carlson	Haluska	Noye	Taylor, E. Z.
Carn	Harper	O'Brien	Taylor, F. E.
Cawley	Hasay	O'Donnell	Taylor, J.
Cessar	Hayes	Olasz	Telek
Chadwick	Herman	Oliver	Trello
Civera	Hershey	Perzel	Truman
Clark	Honaman	Petrarca	Van Horne
Clymer	Hutchinson	Petrone	Veon
Cohen	Itkin	Phillips	Vroon
Colafella	Jackson	Piccola	Wambach
Cole	Jarolin	Pievsky	Wass
Cordisco	Johnson	Pistella	Weston
Cornell	Josephs	Pitts	Wiggins
Cowell	Kasunic	Pott	Wilson
Coy	Kennedy	Pratt	Wogan
Deluca	Kenney	Pressmann	Wozniak
DeVerter	Kosinski	Preston	Wright, D. R.
DeWeese	Kukovich	Punt	Wright, J. L.

Daley	Langtry	Raymond	Wright, R. C.
Davies	Lashing	Reber	
Dawida	Laughlin	Reinard	Irvis,
Deal	Lescovitz	Richardson	Speaker
Dietz	Letterman	Rieger	

NOT VOTING—2

Coslett Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. FOX offered the following amendments No. A4042:

Amend Title, page 1, line 8, by inserting after "investigators;"
restricting rate setting procedures of telephone companies;

Amend Bill, page 20, by inserting between lines 15 and 16

Section 4. Section 1301 of Title 66 is amended to read:

§ 1301. Rates to be just and reasonable.

(a) General rule.—Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable, and in conformity with regulations or orders of the commission. Only public utility service being furnished or rendered by a municipal corporation, or by the operating agencies of any municipal corporation, beyond its corporate limits, shall be subject to regulation and control by the commission as to rates, with the same force, and in like manner, as if such service were rendered by a public utility.

(b) Telephone rates.—A public utility may not determine local residential telephone service rates on the basis of amount of time that service is used.

Amend Sec. 4, page 20, line 16, by striking out "4" and inserting

5

Amend Sec. 5, page 20, line 30, by striking out "5" and inserting

6

Amend Sec. 6, page 21, line 3, by striking out "6" and inserting

7

Amend Sec. 7, page 21, line 9, by striking out "7" and inserting

8

Amend Sec. 8, page 21, line 13, by striking out "8" and inserting

9

Amend Sec. 9, page 21, line 22, by striking out "9" and inserting

10

On the question,

Will the House agree to the amendments?

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

Mr. FOX. Thank you, Mr. Speaker.

On this amendment, it is intended that the discussion regarding local phone rates where they would be charging by the minute, this particular amendment would disallow that and give us a flat-rate service so that seniors and others on

fixed incomes and all of us who try to pay the phone bills will be able to do so. That is the intent of the amendment. Thank you, Mr. Speaker.

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

Mr. LLOYD. I think this is an excellent amendment, Mr. Speaker, and I think everybody ought to vote for it. One of the most pernicious things, in my opinion, that the telephone companies in this State are attempting to do is to establish local measured service in which they want to turn your home phone, basically every phone call would be treated as though it were a long-distance call. When I asked the constituents of my district what they thought of that, over three-fourths of them said "no." I think Mr. Fox has a great idea, and I think we ought to pass this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—197

Acosta	Dininni	Lescovitz	Robbins
Angstadt	Distler	Letterman	Roebuck
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	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.
Cessar	Haluska	O'Brien	Telek
Chadwick	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	Hutchinson	Phillips	Wambach
Cordisco	Itkin	Piccola	Wass
Cornell	Jackson	Pievsky	Weston
Coslett	Jarolin	Pistella	Wiggins
Cowell	Johnson	Pott	Wilson
Coy	Josephs	Pratt	Wogan
Deluca	Kasunic	Pressmann	Wozniak
DeVerter	Kennedy	Preston	Wright, D. R.
DeWeese	Kenney	Punt	Wright, J. L.
Daley	Kosinski	Raymond	Wright, R. C.
Davies	Kukovich	Reber	
Dawida	Langtry	Reinard	Irvis,
Deal	Lashing	Richardson	Speaker

Dietz Laughlin Rieger
 NAYS—2

Afflerbach Pitts
 NOT VOTING—1

Howlett
 EXCUSED—3

Cimini Hagarty Yandrisevits

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

REMARKS ON VOTES

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

Mr. PITTS. I rise to advise the Chair that my vote was miscast because of a malfunction of the switch on amendment A4042 to HB 1639. If the switch had not malfunctioned, I would have been voted in the affirmative.

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

The Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, my switch malfunctioned on amendment 4001. 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, why do you rise?

Mr. SERAFINI. Mr. Speaker, I would like to be recorded in the affirmative on amendment A4004.

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

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

Mr. FOX. Mr. Speaker, my vote on amendment A4002 to HB 1639 should be reflected in the affirmative. It was recorded otherwise yesterday.

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

**CONSIDERATION OF HB 1639 CONTINUED
 AMENDMENT A4002 RECONSIDERED**

The SPEAKER. It is moved by the majority leader that the vote by which the Laughlin amendment A4002 to HB 1639 was passed on the 19th day of November be reconsidered.

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

The following roll call was recorded:

YEAS—197

Acosta	Distler	Letterman	Robbins
Afflerbach	Dombrowski	Levdansky	Roebuck
Angstadt	Donatucci	Levin	Rudy
Argall	Dorr	Linton	Ryan
Arty	Duffy	Livengood	Rybak
Baldwin	Durham	Lloyd	Saloom

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

NAYS—0

NOT VOTING—3

Carn Cohen Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

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

The clerk read the following amendments No. A4002:

Amend Sec. 3 (Sec. 515), page 16, lines 8 through 14, by striking out all of said lines and inserting

(b) Onsite auditors.—From and after the beginning of construction of an electric generating unit, the commission, or its designee, shall be present at the construction site on an ongoing basis for the purpose of obtaining oral or documentary evidence relevant to determining the necessity and propriety of any construction cost. The commission shall assess the utility or utilities operating in this Commonwealth and owning any share in that generating unit for the expense of having independent auditors present on the construction site as required by this subsection in accordance with the procedures set forth in section 516(c).

Amend Sec. 3 (Sec. 515), page 16, line 17, by striking out the bracket before "its"

Amend Sec. 3 (Sec. 515), page 16, line 17, by striking out "]
THE AUDITOR IN CHARGE"

Amend Sec. 3 (Sec. 515), page 16, line 22, by striking out
"THE AUDITOR IN CHARGE OR"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out the bracket before "persons"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out "]
THE PERSON"

Amend Sec. 3 (Sec. 515), page 16, line 23, by striking out the bracket before "commission"

Amend Sec. 3 (Sec. 515), page 16, line 24, by striking out the bracket after "the"

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

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

Mr. LAUGHLIN. Mr. Speaker, I believe all the arguments were made on the legislation yesterday afternoon, and the members who voted in the affirmative in the vote of 110 to 81, Mr. Speaker, I would merely ask them to reaffirm that position. Thank you.

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

Mr. VROON. Point of information, Mr. Speaker. Could somebody just relate very concisely what this amendment did?

The SPEAKER. The Chair will read the underlined words. This is the amendment concerning onsite auditors.

"Onsite auditors.—From and after the beginning of construction of an electric generating unit, the commission, or its designee, shall be present at the construction site on an ongoing basis...." Now do you recognize the amendment?

Mr. VROON. Yes.

The SPEAKER. All right.

Mr. Vroon, do you wish the floor?

Mr. VROON. I just want to say one word in conclusion on this thing. I just hope that all of the members recognize the amendment that we are talking about. Thank you.

The SPEAKER. If there is any member on the floor who does not know the amendment, raise your hand and we will see to it that it is explained.

Is there any question, Mr. Broujos? This is the onsite auditor amendment which was passed yesterday, Mr. Broujos. If you do not have a copy of it, we will send a copy back to you. Does anyone there have a copy of A4002? If not, send the copy of the Chair back to him.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this is an amendment on which I urged a negative vote yesterday. Mr. Laughlin indicated that all the arguments had been made yesterday. Not all the arguments were made yesterday, Mr. Laughlin. Many of my members came to me after the debate and indicated that I had failed to mention that among those organizations that oppose the amendment and would like a negative vote was the IBEW (International Brotherhood of Electrical Workers), a labor organization that has come to us saying that they are concerned with the Laughlin amendment, the effects that it

would have in the workplace, and they ask for a negative vote. So with that additional argument, Mr. Speaker, now on the record, I would ask for a negative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, there was some broad discussion going on as to just what that amendment did and trying to identify what it was. I was going to say it was the bad amendment that Laughlin slipped in yesterday. We now have an opportunity to correct that mistake that some of us made yesterday.

In short, I believe this amendment could best be described as forcing on the public utilities—and because of that, onto the rates of the consumers—the need to pay for auditors during a period of construction, whether the Public Utility Commission believes it is necessary or not. Without this amendment, the Public Utility Commission has the right to do that but is not required to do so. I think the bill as it was prior to the Laughlin amendment adequately protected the consumers without imposing on them an unnecessary cost, and I would ask that the amendment be rejected. Thank you, Mr. Speaker.

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

Mr. LLOYD. Mr. Speaker, I appreciate the concerns of the IBEW and the building trade, but I am going to be voting with all of those laboring people, both union and nonunion, in my district who do not like to pay higher utility rates because of cost overruns at powerplants.

Now, I do not think that we ought to be trying to hurt anybody in terms of his job, but it is beyond me why we should be saying we do not want to see any evidence to indicate that cost overruns might not be justified; we do not want to see that. We are willing to make all of our people pay more in utility rates so that, you know, we can take care of one group of people who want to build nuclear powerplants.

I am voting today also for all of those unemployed coal miners and United Mine Workers members in my district who would like us to build coal-fired powerplants and not these big electric powerplants fueled by nuclear that Mr. Manderino is trying to defend.

I do not think that when we come here and we listen to the discussions and the claims that we have to have more money for energy assistance programs to help the poor and the unemployed, that we ought to then be turning around and saying, but we do not want to find any of the cost overruns in powerplant construction projects, which are one of the primary reasons why electric rates are going up and one of the primary reasons why people cannot make it on the money that is available to them and on the energy assistance money which is available to them.

All this amendment does is say to the Public Utility Commission, we want you to get serious about cost overruns. We want you to put people out there on an ongoing basis, which does not necessarily mean every minute, but we want them to be there regularly. And let me remind you of what the Public Utility Commission has testified. They testified that they have

not been doing that. They testified that they are spending—we heard that they have spent—over \$1 million to look back after the fact to try to put the pieces together on money which has been spent so far. It seems to me that this is the proper regulatory way to go and that we ought to be concerned about all of the people in our districts who do not want higher bills, and we ought to vote “yes” on the amendment and reject Mr. Manderino’s arguments.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Manderino did not make an argument, but he is about to. He is about to tell Mr. Lloyd that he has no business painting people who are against this amendment with an anticonsumer brush.

Mr. Speaker, the bill as it stands without this amendment calls for audits. It calls for audits on cost overruns; it calls for audits on the complete construction process; it calls for the Consumer Advocate to be onsite anytime the Consumer Advocate wants to be onsite. Do they not also do their job, Mr. Speaker? Are they one of the people whom we should tar with the anticonsumer brush - the Consumer Advocate?

What I am saying to you is there are several ways to achieve economy. You have picked one; we have picked another. The one that we have picked in the bill is a manner to prevent excessive spending without spending unnecessarily. You require that the audit team be onsite whether they are needed or not. That costs money. The ratepayers will pay it. There can be an honest difference. Do not assume, Mr. Speaker, that all of us who are going to vote in the negative on this amendment are not also interested in saving money to the consumers of Pennsylvania. I think it is problematical whether more money will be saved to the consumers of Pennsylvania by adopting the amendment or by rejecting the amendment. I believe more will be saved by rejecting the amendment. I think you and those who vote for this amendment can just as easily be painted with a brush, which I will deny doing at this time.

WELCOME

The SPEAKER. The Chair welcomes to the floor of the House, as the guest of Representative Langtry, Mr. Douglas Watkins, who is the township manager of Upper St. Clair. Welcome to the floor of the House.

CONSIDERATION OF HB 1639 CONTINUED

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, with regard to whether the Consumer Advocate is at fault because he is not onsite, I certainly would be willing to offer an amendment to his budget this year to provide him the money to do that. And if we gave him the money, and if the State Senate went along with that, then we might not need Mr. Laughlin’s amendment. But I think realistically, when we watch what the State Senate has done to the Consumer Advocate’s budget over the years, that is not really a realistic alternative.

Secondly, with regard to the Public Utility Commission, we have appropriated, and I distinctly remember hearing in caucus an explanation of, well, we are giving them more money—about 2 years ago—because of all these extra construction audits they are going to do, and as best we can tell, they simply have not done it. So it seems to me that if we want them to do something, we are going to have to direct them to do it. If we want them to control the costs at places like Limerick, then we have to tell them we want somebody onsite. And that choice, it seems to me, Mr. Speaker, is fairly simple. I hope that the members will think so, too, and vote “yes.”

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

Mr. GALLAGHER. Mr. Speaker, on this amendment I personally voted for it yesterday, and I am for it today again.

I am sorry to see two of my colleagues arguing about who is going to paint whom with what, but we do have workers on both sides of the fence. We have steelworkers at Lukens Steel who found that the company was going to close up unless they went to cogeneration because PECO’s rates were so high. So we have steelworkers whom we have to be concerned about in that area. And we have Scott Paper that is going for cogeneration because of the overruns at Limerick and nuclear plants 1 and 2. We have steelworkers in Bucks County, Fairless Hills, who found that they could not continue to pay for the high electricity rates and the further high electricity rates when Limerick 1 and 2 go on line and the rates start to take effect.

I think after I, with other members of this House, ran a select committee to investigate whether Limerick 2 should be completed, the findings were that it should not be completed. We passed the bill into law; the Governor signed it; and the PUC, in their respect, acted by just saying, two of them, that they should have a cost-containment action. Now, how are they going to get a cost-containment action unless they have an auditor on board? They do not have an auditor on board, and this is a way of doing it, having an auditor on board to find out what they are doing and why their cost overrun has tripled in that whole area.

But we are concerned about all the unions that are involved plus the residents of the city of Philadelphia and the residents in Chester, Delaware, Montgomery, and Bucks Counties who are paying the largest portion of the rates for that electricity and will be paying most of the rates for the nuclear plant when it goes on line.

Mr. Speaker, there is an argument here as to whether or not what came out of committee is the correct way of doing it or the way that Representative Laughlin recommended, who had done the work on putting the bill together originally. I have been onsite myself with other members of this House and have seen what is happening at Limerick 2 and have seen the scrap and the overrun material lying around there. Whether it was bought properly, whether it was needed or not, we do not know. Only an auditing can establish whether it was there.

I feel that this amendment is on the right vein to protect the ratepayers and also to protect those who are going to work in

the factories that need the electricity to run those factories. On top of that, every city, township, borough, and school district has to pay that rate. We forget about that. The city of Philadelphia recognizes that. SEPTA (Southeastern Pennsylvania Transportation Authority) recognizes that - the transportation authority. They use electricity, and they need to know what the rates are going to be. The only way we can establish it is to adopt this amendment again for the good of everybody, not just for individuals. Thank you.

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

Will the gentleman, Mr. Laughlin, stand for brief interrogation, please?

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

Mr. AFFLERBACH. Mr. Speaker, the amendment reads—and I am trying to recall from yesterday as to whether or not this was addressed—but the amendment reads that "...the commission, or its designee, shall be present at the construction site on an ongoing basis...." Could you tell me exactly what an ongoing basis is? Is that once a day, once a week, every day, or what?

Mr. LAUGHLIN. Mr. Speaker, because we did not wish to obligate the Public Utility Commission, as has been earlier stated on this floor, to a day-to-day circumstance onsite of that construction job, we give that opportunity to the Utility Commission to place those people there in line with what they feel is necessary. There are times when contracts will have to be let to outside firms that have the expertise in atomic construction. Those types of people will not be onsite on a day-to-day basis; they will be onsite as needed, as every other circumstance would present itself, sir. The ongoing and onsite merely gives the PUC the direction that we want oversight on those projects and we want to make sure that the consumers are looked after because of the tremendous overruns of just the Limerick plant and just the Beaver County plant. Because of their stretchout of the construction there, we are paying \$100 million a day in additional interest when that construction could have been completed if it had been managed properly. Those are the kinds of things we are talking about, Mr. Speaker.

Mr. AFFLERBACH. Thank you.

That concludes the interrogation. I would like to speak on the amendment.

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

Mr. AFFLERBACH. Mr. Speaker, while I am a great fan of performance audits, I do have a concern of the vagueness of the language "on an ongoing basis." I believe that could be construed to require an individual to be on that job site on a daily basis throughout the term of construction. As the majority leader indicated earlier, that is going to cost money, and I question as to whether or not an amendment of this nature may in fact be more costly to the consumer than the language presently in the bill without this amendment.

One of the things that brought the railroad industry to its knees was featherbedding positions that were no longer needed. I would hate to see us move in that direction of featherbedding a position or several positions into the Public Utility Commission whether they are needed or not. For that reason, I would ask for a "no" vote on this amendment.

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

Mr. SAURMAN. Mr. Speaker, I would like to rise on this occasion to clarify something that was said by an earlier speaker that caused me great concern. As a member of the select committee that was discussed earlier, I, too, attended the Limerick site, and while I did see material, there is no way that I nor anyone else could identify that as surplus material or wasted material. There was a good bit of material there all ready to be put into place in other sites. I challenge that anyone saw or had any factual information of any overrun or any cost or any waste on the site at that time, and I think that if the record is going to show that, then we should ask for some evidence that that is true, sir. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BROUJOS. Mr. Speaker, the fallacy of a person constantly asserting that he represents the consumer interest is only exceeded by the deficiency of operating out of an ivory tower when you consider matters of construction. When you consider construction, there are two things that occur in this type of plant construction. One is onsite supervision. There is a distinction between the onsite supervision and the nature of residential resident inspectors who observe construction. They have to be onsite all the time, and I think that the author is considering a matter of construction, really, more than the question of audit. The function of audit does not require an ongoing existence at the site. The function of auditing is an auditing function, and it can be performed without the onerous requirement of an ongoing presence at a construction site.

The problem with this amendment is that like regulation Z, like the Ethics Commission requirements, it assumes that everybody is bad; it assumes that every banker and every lender is bad, and, therefore, everybody has got to file a regulation Z. It assumes that everybody in government is dishonest, so put everything out on the table. It assumes constantly that you must supervise every contractor who builds every project on every site. The Japanese and the French have constructed nuclear powerplants because they have proceeded from a basically simple design and constantly improved it with the same construction companies and the same construction design; therefore, they have had relatively little problems because they have constantly improved them.

Now, if you had a good builder coming onto a site who had an immaculate record, there is absolutely no reason why there should be an ongoing presence at the construction site for the purpose of auditing when auditing can be performed without that constant presence.

I would ask for the defeat of this amendment.

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

The following roll call was recorded:

YEAS—60

Acosta	Fischer	Lashinger	Serafini
Angstadt	Fox	Laughlin	Sirianni
Baldwin	Freeman	Letterman	Smith, B.
Barber	Fryer	Linton	Snyder, D. W.
Belardi	Gallagher	Lloyd	Snyder, G. M.
Blaum	Geist	Lucyk	Staback
Boyes	George	McClatchy	Stairs
Cappabianca	Greenwood	McHale	Stevens
Carn	Harper	Maiale	Sweet
Cohen	Hayes	Morris	Taylor, F. E.
Cordisco	Herman	Pistella	Tigue
Cowell	Johnson	Pott	Weston
Daley	Josephs	Reber	Wiggins
Duffy	Kasunic	Roebuck	Wilson
Evans	Kosinski	Semmel	Wright, J. L.

NAYS—132

Afflerbach	Dawida	McVerry	Rieger
Argall	Dietz	Mackowski	Robbins
Arty	Dininni	Manderino	Rudy
Barley	Distler	Manmiller	Ryan
Battisto	Dombrowski	Markosek	Rybak
Belfanti	Donatucci	Mayernik	Saloom
Birmelin	Dorr	Merry	Saurman
Black	Durham	Michlovic	Scheetz
Book	Fargo	Micozzie	Schuler
Bortner	Flick	Miller	Seventy
Bowley	Foster, Jr., A.	Moehlmann	Showers
Bowser	Freind	Mowery	Smith, L. E.
Brandt	Gallen	Mrkonic	Steighner
Broujos	Gamble	Murphy	Stewart
Bunt	Gladeck	Nahill	Stuban
Burd	Godshall	Noye	Swift
Bush	Gruitza	O'Brien	Taylor, E. Z.
Caltagirone	Gruppo	O'Donnell	Taylor, J.
Carlson	Haluska	Olasz	Telek
Cawley	Hasay	Oliver	Trello
Cessar	Hershey	Perzel	Truman
Chadwick	Honaman	Petrarca	Van Horne
Civera	Hutchinson	Petrone	Veon
Clark	Itkin	Phillips	Vroon
Clymer	Jackson	Piccola	Wambach
Colafella	Jarolin	Pievsky	Wass
Cole	Kennedy	Pitts	Wogan
Cornell	Kenney	Pratt	Wozniak
Coslett	Langtry	Pressmann	Wright, D. R.
Coy	Lescovitz	Preston	Wright, R. C.
Deluca	Levdanskyy	Punt	
DeVerter	Levin	Raymond	Irvis,
DeWeese	Livengood	Reinard	Speaker
Davies	McCall		

NOT VOTING—8

Burns	Fattah	Gannon	Kukovich
Deal	Fee	Howlett	Richardson

EXCUSED—3

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

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

Mr. BOWSER offered the following amendment No. A4108:

Amend Sec. 1 (Sec. 301), page 2, lines 2 through 19, by striking out “, provided that the term of” in line 2, all of lines 3 through 18, and “the resignation” in line 19, and inserting . Commencing with the effective date of this amendatory act, the commission shall consist of five members who shall be appointed by the Governor, by and with the advice and consent of the majority of the Senate, for a term of five years, provided that the term of any member appointed prior to the effective date of the amendatory act shall serve the balance of the term to which he or she had been appointed regardless of whether the balance is more or less than five years

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

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

Mr. Speaker, I have had a lot of concern with the 4-year term of these appointments, running basically with the election of a Governor each 4 years. What my amendment will do is turn this into a 5-year term, hopefully creating responsible continuity of members of this board.

The SPEAKER. Mr. Bowser, any further statement?

Mr. BOWSER. I have finished. Yes, sir.

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

Mr. LLOYD. Mr. Speaker, I oppose the amendment. The bill now calls for 4-year terms with majority confirmation. We ought not be having majority confirmation with longer than 4-year terms. I would also point out that both PennPIC and ENRACO, the two utility consumer groups active on this legislation, oppose anything longer than 4-year terms.

Finally, if you want to have gubernatorial accountability, then you have to have the Governor with the opportunity to appoint people and the responsibility to appoint everybody on that commission during his term of office.

For all of those reasons, Mr. Speaker, I would ask that we stick with what is in the bill now and we defeat this amendment.

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

Mr. McCLATCHY. Mr. Speaker, I rise to support the amendment. I think we are trying to make the PUC sensitive to the consumers, but I really in all honesty do not think a commissioner with a 4-year term has time enough to learn to do the job, and it takes really 2 years to understand what is going on over there, and then he only has 2 years left.

I think the five that is suggested is certainly a compromise. I personally would prefer six, but I think this is a step in the right direction. Ten is too long, but I think five is a nice compromise. I support the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—96

Afflerbach	Dombrowski	Langtry	Robbins
Angstadt	Dorr	Lashinger	Rudy
Argall	Durham	McClatchy	Ryan
Arty	Fargo	McVerry	Saurman
Barley	Fischer	Mackowski	Scheetz
Birmelin	Flick	Manmiller	Schuler
Black	Fox	Merry	Semmel
Bowser	Freind	Micozzie	Seventy
Brandt	Gallen	Miller	Sirianni
Bunt	Gamble	Moehlmann	Smith, B.
Burd	Gannon	Mowery	Smith, L. E.
Bush	Geist	Nahill	Snyder, D. W.
Carlson	Gladeck	Noye	Snyder, G. M.
Cessar	Godshall	O'Brien	Stairs
Chadwick	Gruppo	Perzel	Swift
Civera	Hasay	Petrone	Taylor, E. Z.
Clymer	Hayes	Phillips	Taylor, J.
Cornell	Herman	Piccola	Trello
Coslett	Hershey	Pitts	Wass
DeVertter	Honaman	Pott	Weston
Davies	Jackson	Punt	Wilson
Dietz	Johnson	Raymond	Wogan
Dininni	Kennedy	Reber	Wright, D. R.
Distler	Kenney	Reinard	Wright, R. C.

NAYS—101

Acosta	Dawida	Levdansky	Rieger
Baldwin	Deal	Levin	Roebuck
Barber	Donatucci	Linton	Rybak
Battisto	Duffy	Livengood	Saloom
Belardi	Evans	Lloyd	Serafini
Belfanti	Fattah	Lucyk	Showers
Blaum	Fee	McCall	Staback
Book	Foster, Jr., A.	McHale	Steighner
Bortner	Freeman	Maiale	Stevens
Bowley	Fryer	Manderino	Stewart
Boyes	Gallagher	Markosek	Suban
Broujos	George	Mayernik	Sweet
Burns	Greenwood	Michlovic	Taylor, F. E.
Caltagirone	Gruitza	Morris	Telek
Cappabianca	Haluska	Mrkonic	Tigue
Carn	Harper	Murphy	Truman
Cawley	Hutchinson	O'Donnell	Van Horne
Cohen	Itkin	Olasz	Veon
Colafrilla	Jarolin	Oliver	Vroon
Cole	Josephs	Petrarca	Wambach
Cordisco	Kasunic	Pievsky	Wiggins
Cowell	Kosinski	Pistella	Wozniak
Coy	Kukovich	Pratt	
Deluca	Laughlin	Pressmann	Irvis,
DeWeese	Lescovitz	Preston	Speaker
Daley	Letterman	Richardson	

NOT VOTING—3

Clark	Howlett	Wright, J. L.
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EXCUSED—3

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. LAUGHLIN. Mr. Speaker, very briefly. A number of the provisions that we had placed in the legislation in committee and that were debated on the floor of the House today have ultimately been removed in the wisdom of the members of the House.

Mr. Speaker, I am going to vote for the legislation regardless of that fact, because I believe in the long run we are still doing some good with regard to the PUC sunset. I would wish that it would have been better, but, unfortunately, Mr. Speaker, I do not always get my way. Thank you very much.

The SPEAKER. The Chair recognizes the majority leader on final passage.

Mr. MANDERINO. Mr. Speaker, I urge an affirmative vote on final passage. I think the bill is a creditable piece of legislation. I think the members can be proud of the work that they have done on the floor of this House and in all the committees that considered this, and I would expect that we have gone far in utility reform. I think it is a commonsense approach to the subject matter, and I am proud of the product before us.

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—199

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

Cornell	Jarolin	Pistella	Weston
Coslett	Johnson	Pitts	Wiggins
Cowell	Josephs	Pott	Wilson
Coy	Kasunic	Pratt	Wogan
Deluca	Kennedy	Pressmann	Wozniak
DeVerter	Kenney	Preston	Wright, D. R.
DeWeese	Kosinski	Punt	Wright, J. L.
Daley	Kukovich	Raymond	Wright, R. C.
Davies	Langtry	Reber	
Dawida	Lashinger	Reinard	Irvis,
Deal	Laughlin	Richardson	Speaker
Dietz			

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—3

Cimini

Hagarty

Yandrisevits

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 ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1875, PN 2458**, entitled:

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr. Do you have an amendment to HB 1875? It is so marked on the calendar. You do not have an amendment?

Mr. DORR. Mr. Speaker, I believe I may be able to withdraw the amendment, if I may interrogate the sponsor of the bill.

The SPEAKER. No. There is no procedure for your interrogating the sponsor of the bill before you offer the amendment. If you wish to talk to him privately, we will hold off for a few minutes and give you a chance to do that, but you must decide whether you are going to offer the amendment or not.

Mr. DORR. Mr. Speaker, at this time I will not offer the amendment.

The SPEAKER. What we will do, Mr. Dorr, if you wish to make a statement for the record on final passage, the Chair will allow you to make that statement so it will be part of the record. You may at that point explain why you did not offer your amendment, if you wish.

Mr. DORR. On final passage I would like to be recognized, Mr. Speaker.

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?

On final passage, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman answer a couple of questions in order to establish legislative intent on this bill?

The SPEAKER. Mr. Stewart indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Dorr.

Mr. DORR. Mr. Speaker, the first question is, is it the legislative intent of this bill to assure or create any expectations on anyone's part that programs currently being operated under this system will be continued with State funding even if Federal funding no longer is forthcoming?

Mr. STEWART. Mr. Speaker, the answer, very briefly, is no. Although some in this House would like to see that happen, this legislation does not leave anybody with any expectations that if Federal funds are cut the program will continue.

Mr. DORR. Thank you, Mr. Speaker.

The second question is, is it the legislative intent to go any farther than Federal law requires in regard to locking in existing designations? That is, to the extent permitted by Federal law, will county governments be able to change designations of community action agencies?

Mr. STEWART. Mr. Speaker, county governments currently under Federal law are not permitted to change designations. This bill tracks Federal law but goes no farther than what Federal law now says. It places no more restrictions than are now placed on county governments.

Mr. DORR. One further question then. Should Federal law change or should we find that that is not the case, would it be the intent of this legislation to require continuing the designations?

Mr. STEWART. Nothing in this bill, Mr. Speaker, would require a continuance of the program if Federal law changes.

Mr. DORR. Thank you.

Mr. Speaker, may I make a statement?

The SPEAKER. On final passage, the gentleman is recognized and may state his opinion.

Mr. DORR. Mr. Speaker, my problems with the legislation had to do with the questions that I asked, and having received the answers I did, I will recommend passage of the legislation at this time. I think there are some further things that we need to do in order to assure ourselves that we are not creating expectations here that we might not want to create. Therefore, I think we need to take a continuing look at the legislation as it moves through the legislative process, but I would agree that it ought to be passed today.

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—198

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

NAYS—0

NOT VOTING—2

Gannon Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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 Bucks, Mr. Burns, stand in place?

Mr. BURNS. Mr. Speaker, on HB 1639, amendment A4002, I was not recorded. I wish to be recorded in the affirmative.

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

For what purpose does the gentleman from Delaware, Mr. Gannon, stand in place?

Mr. GANNON. Mr. Speaker, I would like to cancel out Mr. Burns' vote on the Laughlin amendment A4002 to HB 1639. I was not recorded. I would like to be recorded in the negative.

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 802, PN 902**, entitled:

An Act providing for an ad hoc postretirement adjustment for certain retired members of municipal police and firefighters pension plans.

On the question,

Will the House agree to the bill on third consideration?

Mr. MAYERNIK offered the following amendments No. A4046:

Amend Sec. 2, page 2, lines 7 and 8, by striking out "the act of June 28, 1895 (P.L.408, No.289)" and inserting

Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act

Amend Sec. 2, page 2, lines 24 through 26, by striking out "the act of May 12, 1943 (P.L.259," in line 24, all of line 25 and "Tax Allocation Law" in line 26 and inserting

Chapter 4 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act

Amend Sec. 4, page 6, line 27, by striking out "its determination" and inserting

pursuant to Chapter 5 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act that the municipality is financially distressed.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the Mayernik amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

This is a technical amendment, and it is agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

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

NAYS—2

Fryer	Gallen
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NOT VOTING—4

Barber	Oliver	Truman	Wiggins
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EXCUSED—3

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

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Gallen, rise in place?

Mr. GALEN. Mr. Speaker, when the gentleman, Mr. Mayernik, was asked to explain the amendment, he did not explain it at all. He said it was an agreed-to amendment.

The SPEAKER. You are not now in order. If you have an objection to that, you must raise it at that point in time. The House has already voted on it.

Mr. GALEN. Would it be possible to have an explanation of the amendment anyway, Mr. Speaker?

On the question,

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

Mr. FOSTER offered the following amendment No. A4049:

Amend Sec. 3, page 4, lines 6 through 9, by striking out all of said lines and inserting

(c) Modification in amount of postretirement adjustment.— If a person entitled to receive a special ad hoc municipal police and firefighters postretirement adjustment has, prior to the effective date of this act, received a postretirement adjustment from the applicable municipal police or paid firefighters pension plan, the amount of the special ad hoc postretirement adjustment shall be reduced by the total amount of any postretirement adjustment or postretirement adjustments previously granted. Nothing in this section shall be construed to reduce the amount of any annuity, benefit or pension payable immediately prior to the effective date of this act.

On the question,

Will the House agree to the amendment?

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

Mr. FOSTER. Thank you, Mr. Speaker.

My amendment addresses the point of the bill that would impose a larger increase than is necessary. What we have is an across-the-board mandated increase for all municipalities regardless of the fact that some 46 percent of the municipalities involved have already granted cost-of-living increases to their retirees. Therefore, my amendment simply offsets the benefits under HB 802 by the amount already granted by the municipality in question, so that we do not have anyone in effect receiving a double share under HB 802, and this reduces the cost of the bill substantially.

I would ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. I spoke to Mr. Foster on this amendment and worked with him on it, and it is agreed to.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

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

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

NAYS—2

Cessar O'Brien

NOT VOTING—8

Acosta	DeVerter	Itkin	Oliver
Barber	Evans	Lucyk	Wiggins

EXCUSED—3

Cimini Hagarty Yandrisevits

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?

**MOTION TO RECONSIDER
AMENDMENT A4046**

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, who moves that the vote by which the Mayernik amendment A4046 to HB 802 was adopted on this day's session be reconsidered.

This is a procedural motion. This is not on the substance of the amendment. Mr. Gallen wishes to have it reconsidered, which is his right.

On the question,

Will the House agree to the motion?

(Members proceeded to vote.)

VOTE STRICKEN

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman advises us that he has received the information that he was seeking and withdraws the reconsideration.

The SPEAKER. Fine. The clerk will strike the vote.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

This bill does have a substantial impact as far as cost is concerned. I would just like to let the House know that there have been a number of meetings, particularly on the Senate side, with the hopes of being able to come to an agreement on the cost-of-living increase for the retired paid police and firemen. I do not think there is any question about the need for something in this area. The big question is how to pay for it, and there have been numerous meetings. So for those who have maybe some concern from the local government side that this bill is maybe obviously going to add cost on the local level, I would suggest that the bill be sent to the Senate where I have a lot of confidence that there will be an agreement reached on the method of financing it. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Mayernik, would stand for a brief period of interrogation?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, in light of the recent remarks in regard to the cost to the local municipalities, I was wondering if there has been a fiscal note attached to this proposed bill. I would like you to inform the members of the House exactly how much money this particular bill is going to cost us.

Mr. MAYERNIK. Mr. Speaker, the fiscal note is \$13 to \$17 million.

Mr. LINTON. Is that \$13 to \$17 million?

Mr. MAYERNIK. Yes. It is estimated. That is the fiscal note that we had in our caucus.

Mr. LINTON. Thank you. I just wanted to make sure that I was aware how much money I was in fact spending if I vote in the affirmative on this bill. Thank you very much.

No further questions, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigue, on final passage.

Mr. TIGUE. Mr. Speaker, would the sponsor of the proposal stand for interrogation, please?

The SPEAKER. Mr. Mayernik indicates he will stand for interrogation. You may proceed, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, who will pay for the increase in the pensions?

Mr. MAYERNIK. The cost would be borne by the municipality as well as the General Fund.

Mr. TIGUE. What General Fund?

Mr. MAYERNIK. Well, what happens is the money right now that goes to foreign casualty would be earmarked for this, that is in the General Fund that we get from foreign casualty insurance.

Mr. TIGUE. What municipalities does this apply to?

Mr. MAYERNIK. All municipalities throughout the Commonwealth that have paid police and paid firemen that have not already increased it, and that is through Mr. Foster's amendment.

Mr. TIGUE. Why do we select the date December 31, 1981?

Mr. MAYERNIK. There are two reasons, Mr. Speaker. One is that the ones who have retired from 1981 on have received an increase or do have a substantial amount, as well as the figures we were working with only went to 1981. That was the most recent we could obtain.

Mr. TIGUE. Okay. The reason why we are doing this, I would gather, is because the local municipalities will not or have not granted a cost-of-living increase, so the General Assembly, the State, is going to do this now. Is that correct?

Mr. MAYERNIK. That is correct.

Mr. TIGUE. Thank you, Mr. Speaker.

The SPEAKER. On final passage, the Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, I oppose this bill. I oppose this bill for the reasons that we here in the General Assembly once again are going to mandate to local municipalities what they are going to pay employees who have been under contract or not who have retired. These happen to be uniformed employees.

What happens to the people who work with picking up refuse? What happens to the clerical worker who is retired? Why are we segregating each and every condition and we are only talking about uniformed employees?

Mr. Speaker, I do not think that we should be dictating to municipalities how much they should be paying to their employees or retirees, especially since it is a selective bill only for certain individuals under certain job classifications. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, on final passage.

Mr. MAYERNIK. Thank you, Mr. Speaker.

The reason why we have chosen police and firemen is because these individuals put their lives on the line every day to protect our community and our constituents, and there are some individuals who have not received a cost-of-living increase for over 23 years now. I think it is about time that we helped these people.

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—175

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

NAYS—21

Blaum	Harper	Linton	Showers
Bowley	Jackson	Lloyd	Smith, B.
Dorr	Kennedy	Moehimann	Snyder, G. M.
Fargo	Langtry	Noye	Tigue
Fryer	Letterman	Robbins	Wiggins
Gallen			

NOT VOTING—4

Barber	Belfanti	Evans	Richardson
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EXCUSED—3

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

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

RESOLUTION

Mr. JOHNSON called up **HR 186, PN 2433**, entitled:

Memorializing the Governor to proclaim November 24, 1985, as "Bible Sunday."

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Blair, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

The purpose of this resolution is to ask the Governor to recognize this coming Sunday as Bible Sunday. We recognize the separation of church and state, but our country and our forefathers have always recognized the importance of the Bible in our government and in the lives of many of our people. For example, we have a Bible verse right here in our own assembly room, and, Mr. Speaker, I would like to point out that the forefathers might have known more about our upper body than we do, because in the other chamber the Bible verse is placed in front of the Senators where we have ours behind us.

I would urge an affirmative vote for this resolution. Thank you, sir.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

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

Coslett	Johnson	Pitts	Wilson
Cowell	Kasunic	Pott	Wogan
Coy	Kennedy	Pratt	Wozniak
Deluca	Kenney	Preston	Wright, D. R.
DeVerter	Kosinski	Punt	Wright, J. L.
Daley	Kukovich	Raymond	Wright, R. C.
Davies	Langtry	Reber	
Dawida	Lashingier	Reinard	Irvis,
Dietz	Laughlin	Rieger	Speaker
Dininni			

NAYS—2

Josephs	Linton
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NOT VOTING—7

Cohen	Deal	Pressmann	Roebuck
DeWeese	Howlett	Richardson	

EXCUSED—3

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

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Acosta. Why do you rise in place, sir?

Mr. ACOSTA. Thank you, Mr. Speaker.

On amendment 4049 to HB 802 I want to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Allegheny, Mr. Itkin. Why do you rise in place, sir?

Mr. ITKIN. Mr. Speaker, my vote on amendment 4049 to HB 802 was not recorded. I would like the record to show that I wish to have it voted in the affirmative.

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

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

Mr. PIEVSKY. Mr. Speaker, on HB 1639, the George amendment A4004, I would have voted in the affirmative had I been in my seat.

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

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

Mr. LINTON. Mr. Speaker, I would like to make a correction on the last vote.

On HR 186 on Bible Sunday, I voted incorrectly in the negative. I would like my vote to be reflected in the affirmative, Mr. Speaker.

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

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I was out of my seat on an amendment to HB 1639, amendment 4002. I wish to be recorded in the negative.

RULES SUSPENDED

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

Mr. PETRONE. I move, with the approval of the majority leader, that the rules of the House be temporarily suspended so that we may immediately consider a resolution.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—6

Acosta	Howlett	Pratt	Wilson
Book	Kosinski		

EXCUSED—3

Cimini Hagarty Yandrisevits

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.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Petrone, who submits the following resolution, which the clerk will read.

The following resolution was read:

House Resolution No. 200

A RESOLUTION

Recognizing the commissioning of the submarine, USS Pittsburgh.

WHEREAS, The submarine, USS Pittsburgh, will be commissioned in the United States Navy on November 23, 1985, at the New London Naval Submarine Base in Groton, Connecticut; and WHEREAS, The submarine bears the name of one of the major cities of this Commonwealth; therefore be it

RESOLVED, That the House of Representatives recognize the commissioning of the USS Pittsburgh in the United States Navy; and be it further

RESOLVED, That a copy of this resolution be delivered to the Navy League, 225 London Town Drive, Pittsburgh, Pennsylvania, 15226.

Thomas C. Petrone
K. Leroy Irvis
James M. Burd
Raymond T. Book
Ronald R. Cowell
Fred A. Trello
Ivan Itkin
Steve Seventy
Joseph Preston, Jr.
Ron Gamble
Anthony M. DeLuca
Roger F. Duffy
Richard J. Cessar

On the question,
Will the House adopt the resolution?

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

Mr. PETRONE. Thank you, Mr. Speaker.

This resolution salutes the commissioning of the USS Pittsburgh SSN 720. This is a very significant addition to our fleet, and I know that the hopes of all the members here will be that it will be a ship that will never have to go to war. We are honored that it bears the name of the number one city in America, the USS Pittsburgh. May she sail in peace forever.

WHEREAS, The submarine, USS Pittsburgh, will be commissioned in the United States Navy on November 23, 1985, at the New London Naval Submarine Base in Groton, Connecticut; and

WHEREAS, The submarine bears the name of one of the major cities of this Commonwealth; therefore be it

RESOLVED, That the House of Representatives recognize the commissioning of the USS Pittsburgh in the United States Navy;...

Thank you very much.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Dietz	Laughlin	Robbins
Afflerbach	Dininni	Lescovitz	Roebuck
Angstadt	Distler	Letterman	Rudy
Argall	Dombrowski	Levin	Ryan
Arty	Donatucci	Linton	Rybak
Baldwin	Dorr	Livengood	Saloom
Barber	Duffy	Lloyd	Saurman
Barley	Durham	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	Nahill	Taylor, E. Z.
Carlson	Gruitza	Noye	Taylor, F. E.
Carn	Gruppo	O'Brien	Taylor, J.
Cawley	Haluska	O'Donnell	Telek
Cessar	Harper	Olasz	Tigue
Chadwick	Hasay	Oliver	Trello
Civera	Hayes	Perzel	Truman
Clark	Herman	Petrarca	Van Horne
Clymer	Hershey	Petrone	Veon
Cohen	Honaman	Phillips	Vroon
Colafella	Hutchinson	Piccola	Wambach
Cole	Itkin	Pievsky	Wass
Cordisco	Jackson	Pistella	Weston
Cornell	Jarolin	Pitts	Wiggins
Coslett	Johnson	Pott	Wilson
Cowell	Josephs	Pressmann	Wogan
Coy	Kasunic	Preston	Wozniak
Deluca	Kennedy	Punt	Wright, D. R.
DeVerter	Kenney	Raymond	Wright, J. L.
DeWeese	Kosinski	Reber	Wright, R. C.
Daley	Kukovich	Reinard	
Davies	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker

NAYS—3

Dawida	Levdansky	Murphy
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NOT VOTING—3

Evans	Howlett	Pratt
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EXCUSED—3

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

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair turns the gavel over to his friend, Mr. Fryer, who will act as pro tem for the next two votes.

THE SPEAKER PRO TEMPORE
(LESTER K. FRYER) IN THE CHAIR
STATEMENT BY MR. GEIST

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

Mr. GEIST. Thank you, Mr. Speaker.

Would a few remarks be in order at this time?

The SPEAKER pro tempore. You would require unanimous consent.

Mr. GEIST. I would like to ask for that, please.

The SPEAKER pro tempore. Does the gentleman have unanimous consent?

The Chair notices smoke swirling through the halls of the House. He would remind all members of the House, particularly the legislative leaders who set such fine examples for the rest of the legislators.

The haze has subsided; the gentleman, Mr. Geist, is recognized under unanimous consent for a brief statement.

Mr. GEIST. Yes; it is going to be very brief.

Those Penn State fans of us who are on the floor of the House know that there is a very big ball game on Saturday in Pittsburgh, and I wanted to inform all the members who for the past few years have been part of Rick Cessar's accounting firm that he is now open for business and they are very much in favor of a Pitt victory.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Cessar, for a partisan statement.

Mr. CESSAR. Thank you, Mr. Speaker.

I am delighted that the gentleman from Blair County has brought up the subject of a great happening in Pittsburgh on Saturday. Two of the outstanding football teams from two of the outstanding universities in Pennsylvania and the whole United States will be competing. We are looking forward to the Nittany Lion coming to the Pitt Panther football field.

I have over the past years contributed immensely to the well-being of those people from Happy Valley. But, Mr. Speaker, I think that this weekend the number one city in the United States will have a winner, and I certainly hope that all of my friends who would like to sit and negotiate with me for this event, I will be at my seat, which is seat 57.

But I would like to make one more remark, Mr. Speaker, that one of the outstanding people in this great Assembly has so much confidence in what Penn State is going to do on Saturday that he said, I do not want to give you the spread of 6 1/2, Rick; I will give you 14 points. That is what I call confidence, Mr. Speaker, and all of you 14-pointers, I will be here.

To a good game, to two great football teams, and I will tell you this: We are all proud of both institutions because over the years they have been great. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL ON FINAL PASSAGE

Agreeable to order,

The House proceeded to the consideration on final passage of **SB 901, PN 1501**, entitled:

An Act amending the act of July 31, 1968 (P. L. 805, No. 247), entitled, as amended, "Pennsylvania Municipalities Planning Code," providing that a plat for land abutting a State highway shall not be approved until a highway occupancy permit is issued or it is determined that none is required; and further providing for regional hearing boards.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its decision that the bill has been agreed to on third consideration as amended. The Chair hears no objection.

On the question recurring,

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

Mr. BROUJOS offered the following amendment No. A4007:

Amend Sec. 1 (Sec. 508), page 2, line 25, by inserting after "permit," which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the department shall give notice thereof in accordance with regulations,

On the question,

Will the House agree to the amendment?

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

Mr. BROUJOS. Mr. Speaker, this is a bill which had been before the House and then referred back to the committee. The importance of this amendment is that in the event that a permit is approved for occupancy, that permit must be renewed every 6 months. That is too onerous a burden to place upon developers and builders; consequently, this amendment states that where the permit is approved, it will be valid unless prior to commencement of construction there is some change of the conditions under which the permit was issued. That can be simply accomplished, because it is doubtful that there would be any change. If there is a major change, then prior to construction they would have to apply anew for reevaluation.

I ask support of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—3

Cimini Hagarty Yandrisevits

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

On the question recurring,

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

Mr. BROUJOS offered the following amendment No. A4010:

Amend Sec. 1 (Sec. 508), page 3, line 2, by removing the period after "writing" and inserting unless, within 15 additional days, the department, the municipality in which the plat is located or any interested party petitions the court of common pleas of the county in which the plat is located for an extension of time to take action, whereupon the court shall hold a timely hearing upon the petition and may, in its discretion, grant an extension of time.

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

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

Mr. BROUJOS. The requirement of 60 days for the department to act is very laudable and they should be held to accountability in a short time; however, the effect of a 60-day limitation is to have the application approved automatically. That means that if there were a real bad corner exit which was extremely dangerous, it would automatically be approved, and that is too much to place on society and on the department. This provides that there is an additional 15-day period for the department or municipality or any interested party to ask the court for an extension of time beyond the 60-day period.

I ask for support.

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

The following roll call was recorded:

YEAS—191

Acosta	Dietz	Lashinger	Roebuck
Afflerbach	Dininni	Laughlin	Rudy
Angstadt	Distler	Lescovitz	Ryan
Argall	Dombrowski	Letterman	Rybak
Arty	Donatucci	Levin	Saloom
Baldwin	Dorr	Linton	Saurman
Barber	Duffy	Livengood	Scheetz
Barley	Durham	Lloyd	Schuler
Battisto	Evans	Lueyk	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.	Maiale	Smith, L. E.
Bortner	Fox	Manderino	Snyder, D. W.
Bowley	Freeman	Manmiller	Snyder, G. M.
Bowser	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	Morris	Sweet
Caltagirone	George	Mrkonic	Swift
Cappabianca	Gladeck	Murphy	Taylor, E. Z.
Carlson	Godshall	Nahill	Taylor, F. E.
Carn	Greenwood	Noye	Taylor, J.
Cawley	Gruitza	O'Brien	Telek
Cessar	Gruppo	O'Donnell	Tigue
Chadwick	Haluska	Olasz	Trello
Civera	Harper	Oliver	Truman
Clark	Hasay	Perzel	Van Horne
Clymer	Hayes	Petrarca	Veon
Cohen	Herman	Petrone	Vroon
Colafella	Hershey	Phillips	Wambach
Cole	Honaman	Piccola	Wass
Cordisco	Hutchinson	Pievsky	Weston

Cornell	Itkin	Pistella	Wiggins
Coslett	Jarolin	Pitts	Wilson
Cowell	Johnson	Pressmann	Wogan
Coy	Josephs	Preston	Wozniak
Deluca	Kasunic	Punt	Wright, D. R.
DeVertter	Kennedy	Raymond	Wright, J. L.
DeWeese	Kenney	Reinard	Wright, R. C.
Daley	Kosinski	Richardson	
Davies	Kukovich	Rieger	Irvis,
Dawida	Langtry	Robbins	Speaker
Deal			

NAYS—5

Boyes	Moehlmann	Mowery	Pott
Jackson			

NOT VOTING—4

Howlett	Levdansky	Pratt	Reber
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EXCUSED—3

Cimini	Hagarty	Yandrisevits
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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 pro tempore. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, this is a bill that was recommitted by the members of this House to the Committee on Transportation some several days ago. I had some conversation with the Transportation Department in the meantime, which indicated that they would—

The SPEAKER pro tempore. Will the gentleman cease for a moment until we present the bill to final passage?

Mr. DORR. I would appreciate it if you would hold it on wherever it is now, Mr. Speaker.

I ask unanimous consent to— Well, let me put it this way. Would the majority leader stand for interrogation?

Mr. MANDERINO. Yes, Mr. Speaker.

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

Mr. DORR. If we might stand at ease, Mr. Speaker, maybe I can handle it with him personally.

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

STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. The Chair hears no objection. The gentleman has unanimous consent.

Mr. DAVIES. My compliments to the Speaker pro tempore for the manner in which he has enforced rule 9(a) of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CONSIDERATION OF SB 901 CONTINUED

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

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Dorr, informs me that he is looking at several amendments, and we were running the bill today at the request of the minority whip. If there are no other objections, Mr. Speaker, I am agreeable to putting the bill over until the first part of the week - both bills, SB 901 and SB 902.

The SPEAKER pro tempore. For the information of the majority leader, I have just been informed that there is another amendment to be considered, Mr. Greenwood's. Possibly we could take that up at this time and then hold the bill.

Mr. MANDERINO. That is fine, Mr. Speaker.

On the question recurring,

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

Mr. GREENWOOD offered the following amendment No. A3934:

Amend Sec. 2 (Sec. 1107-A), page 3, lines 24 through 26, by striking out "THE REGIONAL HEARING" in line 24, all of line 25 and "REGIONAL HEARING BOARD, WHO" in line 26 and inserting an additional member shall be appointed to serve on the regional hearing board. The additional member, and his successors, shall be appointed on a rotating basis by the municipalities, the first such appointment to be made by the municipality with the largest population, with subsequent appointments made by municipalities with lesser population in order. The additional member

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

This is a very minor and technical amendment to an amendment that this House unanimously adopted the last time this bill was before us. It has to do with joint planning commissions and the manner in which an extra member is appointed.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' (197 total). Includes Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Jr., A., Fox, Freeman, Freind, Laughlin, Lescovitz, Letterman, Levdansky, Levin, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G. W.

Table listing names of members who voted 'NAYS' (1 total) and 'NOT VOTING' (2 total). Includes Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Deal, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Honaman, Hutchinson, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Langtry, Lashinger, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pott, Pressmann, Preston, Punt, Raymond, Reinard, Richardson, Rieger, Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, F. E., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Irvis, Speaker.

NAYS—1

Reber

NOT VOTING—2

Howlett

Pratt

EXCUSED—3

Cimini

Hagarty

Yandrisevits

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, SB 901, PN 1501, will go over for today's session. The Chair hears no objection.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

On HB 1639, amendment 4002, I would like to be recorded in the affirmative.

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

Mr. CAWLEY. Thank you.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. There will be no further votes held; however, there are announcements of committee meetings, and for that purpose the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee immediately at the back of the floor of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. SALOOM. Mr. Speaker, there will be a meeting of the Liquor Control Committee immediately following in room 401.

REMARKS ON VOTE

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

Mr. BROUJOS. Mr. Speaker, I would like to be recorded on amendment A4037 to HB 1639 in the affirmative.

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

SPECIAL COMMITTEE MEETING

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

Mr. MARKOSEK. Mr. Speaker, there will be a hearing tomorrow conducted by the Special Committee to Investigate Auto Theft and Chop Shops at 9 a.m. in the majority caucus room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair will remain open for hearing committee reports and after that will take up the adjournment motion, which is until November 25 at 1 p.m., unless sooner recalled by the Speaker.

REMARKS ON VOTES

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

Mr. BELFANTI. Mr. Speaker, when the vote was taken on HB 802, I was not in my seat. I would like the record to reflect that had I been in my seat, I would have voted in the affirmative.

Also, on amendment A4003 to HB 1639 my vote was cast in the negative. I would like the record to reflect I would have liked to vote in the positive.

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

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 597, PN 2502; HB 1112, PN 2503; and HB 1363, PN 2461**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RECESS

The SPEAKER pro tempore. The desk will remain open until the call of the Chair awaiting committee reports.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 370, PN 1554

By Rep. TRELLO

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), entitled, as reenacted and amended, "Malt Beverage Tax Law," extending the emergency malt or brewed beverage tax credits.

FINANCE.

SB 964, PN 1613 (Amended)

By Rep. SALOOM

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the powers and duties of the Pennsylvania Liquor Control Board, adding provisions relating to payment of State taxes; further providing for penalties; and making editorial changes.

LIQUOR CONTROL.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

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

Mr. J. J. TAYLOR. Mr. Speaker, I move that this House do now adjourn until Monday, November 25, 1985, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:42 p.m., e.s.t., the House
adjourned.