

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 7, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God, our Loving and Most Gracious Heavenly Father, we stand in reverence before Thee as we pay tribute to Thy holy and most righteous name. Help us to never forget that Thou art the God over all, and we are the highest of Thy creation. May we always show that respect which is due unto Thee and hold Thee up before all mankind. Teach us loyalty and truth in addition to respect and praise, so that we may live and work as humble stewards of Thine. This we ask that Thy forgiving spirit, Thy abiding presence, and Thy outstanding love may be ours forever and ever. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Monday, October 6, 1986, is not yet in print. We will postpone the approval of that Journal until it is in print, without objection. The Chair does not hear objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip. Mr. Hayes, do you have any leaves of absence? None at this time.

No requests from the Democratic side at this time.

MASTER ROLL CALL

The SPEAKER. The master roll call will now be taken. Members will proceed to vote.

The following roll call was recorded:

PRESENT—199

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Sirianni

Taylor, F.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2848 By Representatives FREEMAN, WOGAN, RYBAK, MORRIS, LEVDANSKY, YANDRISEVITS, RAYMOND, PRESSMANN, HERSHEY and BATTISTO

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," requiring the Commonwealth to use fixed amounts or recycled paper products.

Referred to Committee on STATE GOVERNMENT, October 7, 1986.

No. 2849 By Representative CALTAGIRONE

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

Referred to Committee on FINANCE, October 7, 1986.

No. 2850 By Representatives ITKIN, VEON, HONAMAN, PETRONE, RYBAK, COWELL, COY, MARKOSEK, HALUSKA, DISTLER, STABACK, PISTELLA, FARGO, CARLSON, TELEK, MORRIS, JOHNSON, McVERRY, MAIALE, BATTISTO, D. W. SNYDER, LANGTRY, STEVENS, E. Z. TAYLOR and OLASZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing certain persons whose drivers' licenses have been lost or stolen to operate motor vehicles.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2851 By Representatives GEORGE, IRVIS, JAROLIN, FRYER, FEE, DOMBROWSKI, TRELLO, D. R. WRIGHT, GALLAGHER, McCALL, STABACK, YANDRISEVITS, COLE, SALOOM, VEON, PETRARCA, MRKONIC, BELARDI, WOZNIAK, CAWLEY, TIGUE, LLOYD, BLAUM, KUKOVICH, HALUSKA, AFFLERBACH, WAMBACH, FREEMAN, STEWART, PETRONE, LUCYK, CALTAGIRONE, GAMBLE and KASUNIC

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for certain regulations to be imposed by local government.

Referred to Committee on CONSERVATION, October 7, 1986.

No. 2852 By Representatives SEVENTY, TRELLO, DAWIDA and OLASZ

An Act providing for the timely payment of interest on bonds issued by the Commonwealth or its departments, agencies or authorities.

Referred to Committee on FINANCE, October 7, 1986.

No. 2853 By Representatives GAMBLE, SEVENTY, DUFFY and PRESTON

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for the definition of "firefighter, ambulance service or rescue squad member or law enforcement officer."

Referred to Committee on LOCAL GOVERNMENT, October 7, 1986.

No. 2854 By Representatives GAMBLE, SEVENTY, DUFFY, MURPHY, DAWIDA, LEVDANSKY, COWELL and PRESTON

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for the medical certification for death certificates and for referrals to coroners.

Referred to Committee on HEALTH AND WELFARE, October 7, 1986.

No. 2855 By Representative J. L. WRIGHT

An Act amending the act of July 10, 1986 (P. L. 1398, No. 122), known as the "Energy Conservation and Assistance Act," establishing the Energy Conservation and Assistance fund Disbursement Council.

Referred to Committee on MINES AND ENERGY MANAGEMENT, October 7, 1986.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 352

(Concurrent) By Representatives ITKIN, TELEK, PETRONE, RYBAK, COWELL, HALUSKA, DISTLER, STABACK, PISTELLA, CARLSON, MORRIS, JOHNSON, WOGAN, MAIALE, BATTISTO, LANGTRY, OLASZ and RICHARDSON

Memorializing Congress to establish a national truck driver's license.

Referred to Committee on RULES, October 7, 1986.

BILLS REMOVED FROM TABLE

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

HB 510;
HB 871;
HB 1085;
HB 1397;
HB 1465;
HB 1538;
HB 1935;

HB 2000;
 HB 2087;
 HB 2235;
 HB 2239;
 HB 2256;
 HB 2319;
 HB 2404;
 HB 2471;
 HB 2498;
 HB 2506;
 HB 2638;
 HB 2648;
 HB 2692;
 HB 2723;
 SB 628;
 SB 1058;
 SB 1482; and
 SB 1484.

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

The SPEAKER. The Chair is informed that it will be necessary for both the Republican and the Democratic Parties to have caucuses this morning.

INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Rybak. Why do you rise?

Mr. RYBAK. I want to announce that immediately after recess, the House Insurance Committee members will meet in room 401 for a brief meeting.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, my suggestion is that the House now recess for caucus and lunch and that we return to the floor at 1:15, which would give each party about an hour to deal with the calendar.

The SPEAKER. When do you wish to call the Democratic caucus?

Mr. ITKIN. Immediately upon the recess.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Noye, is that satisfactory to you?

Mr. NOYE. Yes, Mr. Speaker. Republicans will caucus immediately in the caucus room.

The SPEAKER. Immediate caucuses of the Democratic and the Republican Parties.

RECESS

The SPEAKER. Recess will be until 1:15. Caucusing immediately for the Democratic Party and the Republican Party. Lunch after the caucus. Report back on the floor at 1:15.

The House stands in recess.

RECESS EXTENDED

The time of recess was extended until 1:30.

AFTER RECESS

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

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair is in receipt of additions and deletions of sponsorships of bills from the majority leader, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 1899, Petrone; HB 2350, Gruppo; HB 2755, Fox; HB 2778, Showers, Fox, Itkin, Distler; HB 2791, Itkin; HB 2792, Itkin; HB 2793, Nahill, Langtry, Fox; HB 2803, Johnson, Petrarca; HB 2814, Noye, Burd, E. Z. Taylor, Showers.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1445, PN 2311**, entitled:

An Act amending the act of March 1, 1974 (P. L. 90, No. 24), entitled "Pennsylvania Pesticide Control Act of 1973," further providing for licensing of commercial applicator firms, for licensing and certification of commercial applicators and public applicators, for registration and training of certain noncertified employees, for increased recordkeeping requirements, for additional enforcement authority and additional authority on product registration data review, and for increase of fees.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. MANDERINO. Mr. Speaker, I move that SB 1445 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2767, PN 3984**, entitled:

An Act requiring the Department of Environmental Resources and the Department of Health to investigate high concentrations of heavy metals in the soil in certain areas of this Commonwealth; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 2767 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1899, PN 2515.

* * *

The House proceeded to second consideration of **SB 223, PN 2480**, entitled:

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for State employees; and providing procedures for the establishment and administration of deferred compensation programs for officers and employees of the Commonwealth and political subdivisions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 223 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

SB 1275, PN 2411.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2762, PN 4090**, entitled:

An Act establishing a Center for Rural Pennsylvania; and making an appropriation allocation.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

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

NAYS—0
NOT VOTING—5

Howlett Maiale Morris Rudy
Kasunic

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2763, PN 3964**, entitled:

An Act allocating certain funds from the Department of Commerce to the State System of Higher Education for rural education partnerships.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

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

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

NAYS—0

NOT VOTING—2

Howlett Preston

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2764, PN 3965**, entitled:

An Act allocating funds appropriated to the Department of Commerce for a Regional Center for Continuing Education of Health Science Practitioners in western Pennsylvania.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

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

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

NAYS—0

NOT VOTING—1

Rieger

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2765, PN 3966**, entitled:

An Act allocating funds appropriated to the Department of Commerce for a Rural Adult Literacy Program.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

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

NAYS—0

NOT VOTING—4

Daley Howlett Maiale Rieger

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

HB 823 PASSED OVER TEMPORARILY

The SPEAKER. HB 823, PN 942.

Mr. Ryan, do you wish to be recognized?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this particular bill was not on the schedule that was to be voted upon this afternoon.

The SPEAKER. The Chair was just informed that the majority leader wants to take the Showers amendment and then put the bill and the amendment over. If you do not wish that, then we will pass it over temporarily. Talk to the majority leader and we will get it straightened out.

Mr. RYAN. I would appreciate it if we could go over this temporarily so we will have an opportunity to take a look at the amendments the gentleman has.

The SPEAKER. Over temporarily. Certainly.

WELCOME

The SPEAKER. Representative Linton has as his guests in the gallery Carol Brown, president, and Miss Bernitha Brown, vice president, of the Service to the Community Group from St. Paul's Baptist Church, Philadelphia. Miss Brown is a former schoolteacher and had Representative Linton in her classroom. Welcome to the hall of the House. We are delighted to have you.

Miss Brown, I had trouble reading your former student's handwriting. I see he meant that this is a group from St. Paul's Baptist Church. Now, I am a former schoolteacher and finally read the handwriting. Welcome to the hall of the House. We are glad to have you.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1978, PN 3019**, entitled:

An Act providing for the certification and recertification of assessors; establishing eligibility and training requirements; defining the powers and duties of the State Tax Equalization Board relating to training, certification and recertification of assessors; and authorizing the board to establish fees.

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

Mr. AFFLERBACH offered the following amendments No. A4491:

- Amend Sec. 2, page 1, line 17, by striking out "or personal"
- Amend Sec. 2, page 1, line 18, by inserting a period after "Board"
- Amend Sec. 2, page 1, line 18; page 2, lines 1 through 4, by striking out "ALONG WITH A" in line 18, page 1 and all of lines 1 through 4, page 2
- Amend Sec. 4, page 3, line 2, by inserting after "act" or any assessor who has ten years of experience and service in assessing property with the same county immediately prior to the effective date of this act
- Amend Sec. 4, page 3, line 18, by inserting a period after "board"
- Amend Sec. 4, page 3, lines 18 through 20, by striking out "AND SHALL BE A MEMBER IN" in line 18, all of line 19 and "ASSOCIATION." in line 20

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

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

Mr. AFFLERBACH. Thank you, Mr. Speaker.

HB 1978 would establish a certification procedure for assessors of both real and personal property in Pennsylvania. This bill was proposed by the Pennsylvania Assessors Association, and we thought that we had an agreement among the various parties, including the Governor's Office, as to what would be acceptable. We have since found that that agreement has fallen apart insofar as certifying assessors of personal prop-

erty is concerned. Therefore, in order to facilitate movement of the bill for the most important part, which would be the assessors of real property, I am offering amendment A4491, which would delete from the bill any reference to assessors of personal property.

In addition, the amendment also deletes other language which was added in the House Finance Committee and with which I believe the Governor's Office would not agree. I would ask support for the amendment.

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Fryer

NOT VOTING—1

Rieger

EXCUSED—2

Sirianni Taylor, F.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—193

- | | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dietz | Langtry | Reinard |
| Afflerbach | Dininni | Lashinger | Richardson |
| Angstadt | Distler | Laughlin | Robbins |
| Argall | Dombrowski | Lescovitz | Roebuck |
| Arty | Donatucci | Letterman | Rudy |
| Baldwin | Dorr | Levdansky | Ryan |
| Barley | Duffy | Linton | Rybak |
| Battisto | Durham | Livengood | Saloom |
| Belardi | Evans | Lloyd | Saurman |
| Belfanti | Fargo | Lucyk | Scheetz |
| Birmelin | Fattah | McCall | Schuler |
| Black | Fee | McClatchy | Serafini |
| Blaum | Fischer | McHale | Seventy |
| Book | Flick | McVerry | Showers |
| Bortner | Foster | Mackowski | Smith, B. |
| Bowley | Fox | Maiale | Smith, L. E. |
| Bowser | Freeman | Manderino | Snyder, D. W. |
| Boyes | Freind | Manmiller | Snyder, G. |
| Brandt | Gallagher | Markosek | Staback |
| Broujos | Gallen | Mayernik | Stairs |
| Bunt | Gamble | Merry | Steighner |
| Burd | Gannon | Michlovic | Stevens |
| Burns | Geist | Micozzie | Stewart |
| Bush | George | Miller | Stuban |
| Caltagirone | Gladeck | Moehlmann | Sweet |
| Cappabianca | Godshall | Morris | Swift |
| Carlson | Greenwood | Mowery | Taylor, E. Z. |
| Carn | Gruitza | Mrkonic | Taylor, J. |
| Cawley | Gruppo | Murphy | Telek |
| Cessar | Hagarty | Nahill | Tigue |
| Chadwick | Haluska | Noye | Trello |
| Cimini | 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 |
| Cordisico | Hutchinson | Phillips | Wilson |
| Coslett | Itkin | Piccola | Wogan |
| Cowell | Jackson | Pievsky | Wozniak |
| Coy | Jarolin | Pistella | Wright, D. R. |
| Deluca | Johnson | Pitts | Wright, J. L. |
| DeVerter | Josephs | Pott | Wright, R. C. |
| DeWeese | Kasunic | Pressmann | Yandrisevits |
| Daley | Kennedy | Preston | |
| Davies | Kenney | Punt | Irvis, |
| Dawida | Kosinski | Raymond | Speaker |
| Deal | Kukovich | Reber | |

NAYS—1

Fryer

NOT VOTING—5

Barber Rieger Semmel Wiggins
Cornell

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

SB 562 PASSED OVER TEMPORARILY

The SPEAKER. SB 562, PN 2403.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. The gentleman, Mr. Scheetz, had amendments to this bill.

The SPEAKER. We apologize. We did not have it mentioned.

Has it been distributed? It has not been.

Mark SB 562 over temporarily. The gentleman, Mr. Scheetz, has amendments we did not know about. It is not his fault.

Mr. Letterman, do you have amendments to SB 562? You do? All right. Does anyone else have amendments to SB 562?

Mark SB 562 over temporarily. Mr. Scheetz, we will come back to it.

* * *

SB 259 PASSED OVER TEMPORARILY

The SPEAKER. SB 259, PN 2406.

You have amendments, Mr. Fox, to SB 259?

Do you have amendments, too, Mr. Afflerbach?

It promises to be one of those days.

Mr. Fox, do you have amendments to the bill? Mr. Fox, is it your amendment to this bill? Are you just bringing the Chair's attention to the fact that there are amendments or were you saying you have amendments?

Mr. FOX. I am sorry, Mr. Speaker.

The SPEAKER. Do you have amendments to this bill?

Mr. FOX. Yes; I do. The clerk has them.

The SPEAKER. All right. We will pass it over until your amendments are passed out.

Mr. FOX. Thank you, Mr. Speaker.

* * *

The House proceeded to third consideration of **SB 1140, PN 1589**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing for possession, manufacture or distribution of designer drugs; and providing a penalty.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 1140 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that SB 1140 be lifted from the table and placed on the active calendar.

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

* * *

The House proceeded to third consideration of **HB 2474, PN 3467**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of computers.

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

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

The question is, shall the bill pass finally?

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

YEAS—195

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

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

NAYS—0

NOT VOTING—4

Fattah	Greenwood	Michlovic	Phillips
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EXCUSED—2

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

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

* * *

The House proceeded to third consideration of **HB 2655, PN 3737**, entitled:

An Act providing for the establishment of an Emergency Bond Fund for anthracite deep mine operators.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Dietz	Langtry	Richardson
Afflerbach	Dininni	Lashingner	Robbins
Angstadt	Distler	Laughlin	Roebuck
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak
Barber	Duffy	Linton	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fattah	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Fischer	McHale	Seventy
Blaum	Flick	McVerry	Showers
Book	Foster	Mackowski	Smith, B.

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

NAYS—0

NOT VOTING—2

Broujos Rieger

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2656, PN 4016**, entitled:

An Act amending the act of May 22, 1951 (P. L. 317, No. 69), known as "The Professional Nursing Law," prohibiting the Board from making changes in entry-level nursing education or licensure requirements; and further providing for nursing programs.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. Have your amendments been distributed, Mr. Geist?

Mr. GEIST. Mr. Speaker?

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

Mr. GEIST. If I may be recognized at this time. It has been brought to my attention that if I offered this amendment to

the bill to correct a problem that I have had with a constituent in my district, it may put some undue stress upon the legislation. So therefore, I am going to withdraw the amendment with the hopes that the licensing board can straighten this problem up. Otherwise, we will offer the amendment to another piece of legislation that is germane.

The SPEAKER. The amendment is withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—1

Broujos

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of HB 2734, PN 4017, entitled:

An Act amending the act of March 2, 1956 (1955 P. L. 1211, No. 376), known as the "Practical Nurse Law," further providing for eligibility for nursing examinations.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Table listing names of members who voted 'YEAS' for HB 2734, including Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Deal, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Fox, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Langtry, Lashingier, Laughlin, Lescovitz, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Richardson, Rieger, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G., Stairs, Steighner, Stevens, Stewart, Stuban, Sweet, Swift, Taylor, E. Z., Taylor, J., Telek, Tigue, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston.

Table listing names of members who voted 'NAYS' for HB 2734, including Cole, Cordisco, Cornell, Coslett, Cowell, Coy, Deluca, DeVerter, DeWeese, Daley, Davies, Dawida, Honaman, Howlett, Itkin, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Piccola, Pievsky, Pistella, Pitts, Pott, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker.

NAYS—0

NOT VOTING—3

Hutchinson Letterman Staback

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of HB 2429, PN 3632, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, including enforcement officers and investigators in the Office of Attorney General within the definition of "enforcement officer" for retirement purposes.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Table listing names of members who voted 'YEAS' for HB 2429, including Acosta, Afflerbach, Angstadt, Argall, Arty, Baldwin, Barber, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaum, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Deal, Dietz, Dininni, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Fattah, Fee, Fischer, Flick, Foster, Fox, Freeman, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayes, Herman, Hershey, Langtry, Lashingier, Laughlin, Lescovitz, Lettermann, Levdansky, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Maiale, Manderino, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Rieger, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Smith, B., Smith, L. E., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stevens, Stewart, Stuban, Sweet.

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

NAYS—1

Fryer

NOT VOTING—1

Merry

EXCUSED—2

Sirianni Taylor, F.

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

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

FILMING PERMISSION

The SPEAKER. "The People's Business" has been granted permission by the Speaker to film on the floor of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2497, PN 3495**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," changing the date for the general primary in the year of the nomination of a President of the United States.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

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

NAYS—5

Dietz Punt Saloom Tigue

Lloyd

NOT VOTING—1

Hutchinson

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2594, PN 3650**, entitled:

An Act amending the act of December 22, 1981 (P. L. 518, No. 144), known as the "High Speed Intercity Rail Passenger Commission Act," further providing for the expiration of the commission.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Table listing names of members who voted 'YEAS' for the bill. Includes names like Acosta, Deal, Kukovich, Richardson, etc.

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—2

Sirianni Taylor, F.

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

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

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following HB 1543, PN 3858, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of crime victims.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery, Mr. Fox. What was the Senate amendment? What is your position?

Mr. FOX. I ask that we concur with the Senate. Thank you, Mr. Speaker.

The SPEAKER. Would the gentleman explain the amendment briefly?

Mr. FOX. The amendment from the Senate took out that which the House had placed in dealing with firearms. It is our position that that can be best dealt with in another bill. So I ask that we concur with the Senate, Mr. Speaker. Thank you.

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

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

YEAS—199

Table listing names of members who voted 'YEAS' for the amendments. Includes names like Acosta, Dietz, Langtry, Richardson, etc.

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Sirianni Taylor, F.

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 2038, PN 3995**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act expanding the available adult basic education programs and the duties of the Department of Education; making an appropriation; and making a partial repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Acosta. The question for you, Mr. Acosta, is what is the amendment inserted by the Senate and do you agree or not agree?

Mr. ACOSTA. Mr. Speaker, yes, sir, we agree to the bill the way it is being presented by the Senate.

The SPEAKER. The Senate made certain changes, Mr. Acosta.

Mr. ACOSTA. Yes, Mr. Speaker.

The SPEAKER. What are those changes?

Mr. ACOSTA. Twenty percent for volunteer training and some more changes.

I spoke to some of the people and I agree with the changes.

The SPEAKER. So you move that we concur in the changes made by the Senate. Is that correct?

Mr. ACOSTA. That is correct, Mr. Speaker.

The SPEAKER. Those who agree with Mr. Acosta that the changes should be concurred in will vote "aye"; those who disagree will vote "no." Mr. Acosta asks that the vote be in the affirmative.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Sirianni Taylor, F.

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Mr. Acosta, is that the first bill of yours that you have had go all the way through the Senate and the House? It does appear to the Speaker that it is.

Mr. ACOSTA. Yes; that is my first bill.

The SPEAKER. It is your first bill. Congratulations to Mr. Acosta.

* * *

The SPEAKER. HB 2072 over temporarily. That is the one that Mr. Ryan wants to call up in order. Mark it over temporarily.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the Chair advise me for what reason that bill is passed over?

The SPEAKER. Let us see if the Chair can put it discreetly.

The Chair is trying to reduce the amount of scrap paper from a very heavy load of it here and get as many simple bills out of the way as possible before we get into more complex arguments.

Mr. RYAN. Mr. Speaker, if I may.

I respect greatly the opinion of the Speaker, and I ask the Speaker to stand at this rostrum for a moment in my shoes. I would be inclined to say that the effect that I know is not intended by the Speaker's thoughts may very well be that when the day nears an end, someone may say, well, look, let us just not get to that one, we can do it some other time. So I would respectfully request, Mr. Speaker, that it not be passed over temporarily.

The SPEAKER. Mr. Manderino, the Speaker intended to pass over temporarily HB 2072 and then go back to the regular order, but Mr. Ryan has objected. He is fearful that if we pass over HB 2072 at this time, it may inadvertently happen that we do not take it up.

Mr. MANDERINO. So what has he asked, Mr. Speaker?

The SPEAKER. That we take up the bill immediately. It was the Speaker's intention to go back to the bills which we passed over temporarily because their amendments were not ready and take them up in order, but Mr. Ryan has requested that we take this bill up immediately.

Mr. MANDERINO. Mr. Speaker, this bill is not marked over temporarily or over for amendment; it is marked over for the day. If Mr. Ryan objects to that, then he can make his objection.

The SPEAKER. HB 2072, without objection, is marked over.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I have never agreed that the bill be marked over. The Senate passed this bill 50 to nothing; it has come over to the House; it has been caucused on by all sides. I, of course, object that it be passed over, and I call it up at this time.

The SPEAKER. The majority leader moves to pass over HB 2072. The minority leader objects.

The Chair recognizes the majority leader.

Mr. MANDERINO. I respect the gentleman, Mr. Ryan's objection, and I will allow the bill to be called up at this time.

The SPEAKER. The Chair thanks the gentleman.

The clerk of the Senate, being introduced, returned the following **HB 2072, PN 4019**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for rules of evidence in relation to medical records; providing for the use of certified copies and procedures relating to medical records; providing for the liability of directors of business and nonprofit corporations; and making repeals.

On the question,

Will the House concur in Senate amendments?

MOTION TO RECOMMIT

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

Mr. MANDERINO. Mr. Speaker, HB 2072 is before us on concurrence in Senate amendments and is a subject matter with which this House has not dealt in this session in the Assembly.

The contents of HB 2072 have to do with whether or not directors and officers of corporations should be held to a standard of care which is different and more lenient than the standard of care they are held to presently under the law of Pennsylvania with regard to suits that may be brought by the shareholders of the corporations whom the directors and officers serve.

Mr. Speaker, this being a proper consideration for the Judiciary Committee of this House, I would ask that we commit this bill to the Judiciary Committee so that it may be properly studied by that committee.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state the point.

Mr. RYAN. I ask this, frankly, out of ignorance, not having a Parliamentarian by my side. A bill coming over from the Senate, it is my understanding, goes on the calendar on the question of concurrence. My question is, in order to commit it to a committee at this point, would it require a suspension of the rules?

The SPEAKER. The Chair does not believe so, but we will have the Parliamentarian check. It is the offhand opinion of the Chair from experience that this has been done on a

number of occasions, and I do not think it requires suspension of the rules, but we will check it to make sure.

We are right, Mr. Ryan. Under section 766 of Mason's, "It is proper for a house, upon receiving an amended bill with a request to concur, to refer the message with the bill to a committee for consideration and a report upon concurrence."

Mr. RYAN. Thank you, Mr. Speaker.

The SPEAKER. The motion is correct, and the gentleman may speak on the motion.

Mr. RYAN. On the question.

Mr. Speaker, I have rarely seen such interest from the business community, the chamber of commerce and the like, on pending legislation as I have seen on what is before us today.

The business community has evidently made a strong case in the Senate of Pennsylvania that this legislation is necessary. Also, I think it unlikely that this bill would have come back to us with a vote of 50 to 0. Now, we have all, we have all over the past 4, 5, 6, 8 years held out as one of our chief priorities, legislative priorities, the creation of a good business climate in Pennsylvania, not only to attract jobs, to attract expansion of existing jobs, existing plants, and certainly to hold here in Pennsylvania the corporate headquarters of many of the major corporations that today are in Pennsylvania and looking at our neighboring State of Delaware with the idea in mind that they may reincorporate in the State of Delaware.

Now, going back some 3 or 4 years, Mr. Speaker, we heard people say on the floor of this House that if we did not address the problem here in Pennsylvania of the interest rates the banks could charge on credit cards, that we would see many of our major banking institutions cross the line over into Delaware, and I sat here on the floor, argued for that argument that we had better be careful or we are going to lose these banks, and I heard people say it will not happen; they do not relocate. Today, if you drive down right below my district—and my district is on the Delaware border at 202—today you drive down route 202 through Delaware County into the State of Delaware and you see the familiar signs of banking institutions that used to be on Broad Street, Chestnut and Walnut Streets in Philadelphia. Those bankers made a business decision that that portion of their business they could not keep in Delaware County, Montgomery County, Philadelphia County, when the State of Delaware was available with a "better business climate."

The same thing is true in this case that is before us today. Corporations, Pennsylvania corporations, are looking at, are toying with, are considering, are investigating whether or not they should relocate into the State of Delaware. Why would they do it? The reason that we can address today is found in this HB 2072. The directors of these companies, the decisionmakers of these companies, the officers of these companies, the decisionmakers of these companies, are now given an opportunity, as they review corporate policy, as to whether or not they should move to Delaware to get around the liability exposure they have here in Pennsylvania and move to a favorable climate across the border into Delaware.

These very men who make the decision are making a decision based on what is good not only for their company but what is good for them personally. All things being equal, the relocation of their corporate headquarters, the taking of personnel with their corporate headquarters down to another State that is only 1 mile or 2 or 3 or 5 miles away or 15 miles away from the center of Philadelphia, is one that would appeal, if for no other reason, to their own interests, their own protection. It allows these boards to go out and solicit new board members who are willing to serve on these corporations without the fear of, A, either no insurance; B, inadequate insurance; or C, total exposure to lawsuits that can be avoided by simply getting on I-95 in center-city Philadelphia and riding down to the Delaware border.

I have talked to corporations here today and yesterday, and I know some of you have, and they tell us that their corporate policymakers are today talking to the errors and omission carriers, the liability carriers, trying to determine if they can even get insurance to cover Pennsylvania directors, Pennsylvania corporate directors, and assuming they can get that insurance, how much is it going to cost. They are finding in many cases that the cost, if available, is prohibitive.

Now, I have received letters, various communications, not only from the men who walk these halls who have talked to you today, the ladies who have walked the halls talking to us representing the corporate community, I have received letters, for instance, from the Tri-County Big Brother-Big Sister, Inc., of Dauphin, Cumberland, and Perry Counties saying adopt this. I have received letters from the South Jersey Chamber of Commerce, who have people on boards of Pennsylvania corporations; the Independent Bankers; the Metroarts of Harrisburg; the Rutherford House of Harrisburg; the YMCA (Young Men's Christian Association) of Harrisburg. I have received a letter from my own constituency, a nonprofit corporation director asking for help and relief in this area immediately. The Second Mile, a nonprofit group in State College, Pennsylvania, has communicated with us asking that this be passed. The United Way of Southeast Delaware County has asked that we pass this. The United Hospitals, Inc., in Montgomery County, I believe, has asked that we pass this immediately. A member of the board of directors at the Academy of Natural Sciences apparently is concerned about this question because it affects him and has asked that we address it favorably today. Bryn Mawr Hospital in Montgomery County, but with a service area that goes over into my county, has asked for help. Even an arboretum, a member of the board of directors of an arboretum in my county, has asked for help in this area. The Franklin Institute in Philadelphia, the members of their board have asked that we address this question, and so it goes. The obvious ones, of course, that I know will be played back to me - the Sun Oils, the Westinghouses, the major corporate community of Pennsylvania - have asked for relief and have asked that we adopt this today.

For all of those reasons, Mr. Speaker, I would oppose the motion of the gentleman, Mr. Manderino, who, according to

newspaper accounts quoting his legal counsel, apparently does not like this legislation. I believe that what is intended by this is a delay with the idea— Mr. Manderino said he did not even want it called up. Now we are saying we will send it to the Judiciary Committee. I do not know what other delaying/defeating tactics will be adopted to try and kill this particular piece of legislation. This is simply the second step, the first step having been to pass it over for the day.

I would oppose the motion, Mr. Speaker. I would ask that the members who are really interested in the business community, as we have all said on our political brochures, cast a vote with me on this question now and on further delaying tactics. Thank you, Mr. Speaker.

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this bill to absolve corporate directors and officers from wrongdoing on negligent acts on their part originated in the Senate just a couple of days ago. I do not know how long the problem must have been in the corporate boardrooms, but this General Assembly, this House of Representatives, and its committees ought to have their input. That is what I am asking - that we just do not take whatever the Senate sent us 50 to nothing. They sent us a gambling bill in clubs unanimously not too long ago, too, and we made a mistake. We thought they knew what they were doing, and we had to reverse ourselves rather quickly on the floor of the House.

Mr. Speaker, the gentleman, Mr. Ryan, points to the State of Delaware. Delaware has indeed acted in this area, and they have not gone to the extent that this bill in Pennsylvania would go. They have changed the standard for directors only, not for officers. There is a big difference between directors and officers. Directors meet occasionally, once or twice a year; officers are there on a daily basis running the corporation. Delaware did not relieve them. This bill relieves officers also.

Mr. Speaker, our committee ought to look at that kind of thing. Delaware in granting its relief said that the relief will only be given to the directors, if the shareholders approve by a vote. That safeguard does not exist in the legislation that the Senate sent us. Our committee ought to be able to give our Pennsylvania shareholders at least that kind of protection.

Why is it that you want to ramrod this thing through? Whom are you trying to protect? You know, to bring up all these nonprofit agencies also - the United Way and the Franklin Institute.

What does this legislation do? It simply says that shareholders of a corporation who have been affected monetarily by negligent acts of directors and officers can sue them to recover money damages from them personally. Now, can you even imagine a situation where there are shareholders to the United Fund or shareholders to the Franklin Institute or the shareholders to the Red Cross who would be monetarily affected in any way. If you could find shareholders to ninety-nine and forty-four one-hundredths percent of the nonprofit corporations, even if you could find shareholders who could bring

this kind of a suit, can you imagine how they would be monetarily affected by negligence of a corporate officer or director.

It is a red herring, Mr. Speaker, and I am sure the gentleman, Mr. Ryan, knows that. He makes no point at all in any of his argument that we ought not to look very hard at this through the Judiciary Committee, and that is what I am asking.

Mr. Speaker, I ask that we commit this bill to the Judiciary Committee for study. Thank you.

The SPEAKER. On the motion, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, just quickly. I cannot find in this bill anywhere that only shareholders are affected or only shareholders' actions against board members or officers are affected. I believe this is beyond that.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. This bill only says that when a shareholder sues an officer or a director, the standard of care will be not ordinary negligence but reckless or willful conduct. That is all this bill is about.

The SPEAKER. On the motion, those in favor of the recommittal to the Judiciary Committee will vote "aye," as moved by the majority leader. Those opposed will vote "no," as asked by the minority leader.

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

The following roll call was recorded:

YEAS—63

Acosta	Evans	Letterman	Richardson
Afflerbach	Fattah	Levdansky	Rieger
Arty	Fee	Linton	Roebuck
Battisto	Freeman	McCall	Rybak
Belardi	Gallagher	McHale	Saloom
Bortner	George	Manderino	Seventy
Cappabianca	Harper	Michlovic	Staback
Carn	Howlett	Murphy	Stuban
Clark	Hutchinson	O'Brien	Truman
Cole	Jarolin	O'Donnell	Veon
Deluca	Johnson	Oliver	Wogan
DeWeese	Josephs	Petrone	Wozniak
Deal	Kasunic	Pievsky	Wright, R. C.
Dombrowski	Kosinski	Pistella	
Donatucci	Kukovich	Pressmann	Irvis,
Duffy	Laughlin	Preston	Speaker
Durham			

NAYS—130

Angstadt	Dawida	Lashingner	Ryan
Argall	Dietz	Lescovitz	Saurman
Baldwin	Dininni	Livengood	Scheetz
Barber	Distler	Lloyd	Schuler
Barley	Dorr	Lucyk	Semmel
Belfanti	Fargo	McClatchy	Serafini
Birmelin	Fischer	McVerry	Showers
Black	Flick	Mackowski	Smith, B.
Blaum	Foster	Maiale	Smith, L. E.
Book	Fox	Manmiller	Snyder, D. W.
Bowley	Freind	Markosek	Snyder, G.
Bowser	Fryer	Mayernik	Stairs
Boyes	Gallen	Merry	Steighner
Brandt	Gamble	Micozzie	Stevens
Broujos	Gannon	Miller	Stewart
Bunt	Geist	Moehlmann	Sweet
Burd	Gladeck	Morris	Swift

Burns	Godshall	Mrkonic	Taylor, E. Z.
Bush	Greenwood	Nahill	Taylor, J.
Caltagirone	Gruitza	Noye	Telek
Carlson	Gruppo	Perzel	Tigue
Cawley	Hagarty	Petrarca	Trello
Cessar	Haluska	Phillips	Van Horne
Chadwick	Hasay	Piccola	Vroon
Cimini	Hayes	Pitts	Wambach
Civera	Herman	Pott	Wass
Clymer	Hershey	Punt	Weston
Colafella	Honaman	Raymond	Wiggins
Cornell	Itkin	Reber	Wilson
Coslett	Jackson	Reinard	Wright, D. R.
Cowell	Kennedy	Robbins	Wright, J. L.
Coy	Kenney	Rudy	Yandrisevits
Davies	Langtry		

NOT VOTING—6

Cohen	DeVerter	Mowery	Olasz
Cordisco	Daley		

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Ryan, indicated that he was conscious that other States have acted in this area, and Delaware has acted and, I think, the State of Indiana has acted. Mr. Speaker, we are being asked in Pennsylvania to approve legislation that goes far beyond what any other State has done in this area, to the detriment of shareholders who live in Pennsylvania and who may live in other States but who would be proceeding with actions against directors and officers in Pennsylvania.

As I pointed out, Delaware does not change the standard of care for officers of corporations. Delaware does not change the standard of care for directors of the corporations unless the shareholders approve. Mr. Speaker, we ought at least to look hard at doing something like that in Pennsylvania.

Mr. Speaker, the Delaware law and the Indiana law, doing whatever they are doing, should not necessarily be the model for Pennsylvania. For instance, the bill that is before us not only changes the standard of care for actions that officers and directors may take in the future; it absolves them from the ordinary care that they should have taken in the past and can well be said, Mr. Speaker, to absolve them from ordinary negligence which has caused already monetary damage to shareholders. We ought not, by legislation that we pass, Mr. Speaker, be retroactive in effect.

RULES SUSPENDED

Mr. MANDERINO. Mr. Speaker, I would like to fashion the law less liberal, more akin to what other States have done, and I move that the Judiciary Committee of the House, which has members interested in this kind of subject matter, be given the opportunity to make its recommendations. Mr. Ryan has asked for haste. He has said we ought to address this question

today, and I am willing to address the question today, Mr. Speaker, but I am not willing to just take what the Senate sent us and pass it willy-nilly.

I ask that we suspend the rules of the House so that the Senate amendments may be amended to bring this act in closer conformity to what other States have done in this area, Mr. Speaker.

The SPEAKER. The motion of the gentleman, Mr. Manderino, is to suspend the rules of the House.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I listened to the gentleman's remarks, I confess, not too carefully, but the one thing that kind of came to mind was the remark on retroactivity - we should not pass laws that will have a retroactive effect. Now, one of our staff lawyers here is a step ahead of me and three steps ahead of Mr. Manderino and happened to bring a copy of the act up here that says that no statute shall be construed to be retroactive unless clearly and manifestly so intended by the General Assembly. Now, I have not gone through this bill all that closely; I went through it. I could not find anything that clearly and manifestly permitted retroactive status to this bill. Your staff member has? Maybe Mr. Manderino has something that he is going to point to that would permit retroactivity.

I rather think, Mr. Speaker, that what we have here is this situation: I honestly believe that what is going on is a surge to defeat this legislation this session. I look at quotes of the majority leader's spokesman: We are going to try to block votes, and if that does not work, we are going to try to amend it. I suggest to you, none of you are pilgrims in this political arena. I suggest to you that you end up putting amendments in this bill, which is tremendously important to the business community, and the Senate is going to say, well, we do not agree with those amendments, and then we are going to have a conference committee which necessarily follows, and then who is going to appoint the conferees? The Senate is going to appoint two; the Senate majority is going to appoint two, and the third from the Senate minority, presumably interested in passing the legislation, because they all voted for it. I will appoint one, and rest assured I will appoint someone who is interested in passing the legislation. But in order to get something out of conference, you need two people from each chamber to sign it, and I suggest that those of us who are aware of Machiavellian methods could appoint a couple of people who are not in favor of this legislation. The result of that would be we would never address this issue.

So rather I am going to suggest to you, let us pass this bill; let us concur. The Senate is out now. It can go back; their desk is open; they can sign it; it can become law, and if it is amended with probably 5, maybe 6 legislative days left in this session, I am betting that it will never become law. Amended, not amended, conference committee report on the floor or

none, the 5 days, the 6 legislative days will pass and maneuvering will prevent this from becoming a reality.

If there is fine tuning that has to be done at a later date, I am agreeable; we can do that next term for fine tuning. I have no problem with that. We did it yesterday. We passed a bill here yesterday that was tremendously important, I am told, to Allegheny County dealing with their home rule charter. There was a defect in that particular piece of legislation, but it was important to the Allegheny County people, and we passed it, despite the fact that there was a technical defect that maybe was a little bit more than a technical defect in the drafting. And we had a loose gentleman's agreement that we will address that issue and we will correct it at a later date, because it was more important that we pass the bill.

I suggest to you that it is just as important that we continue to send the favorable vibes to our business community to tell them, you do have a friend in Pennsylvania; we want you to stay here; we want you to expand here; we want you to gain greater corporate status here. Maybe with a break we will get back some of the people who are down in Delaware today, and I will see cars coming back over 202 into my district from Delaware instead of all going down there.

I am suggesting, I am recommending, that we do not suspend the rules and we do not accept amendments today and that we concur in this bill and we send it back. Thank you, Mr. Speaker.

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the employee of Mr. Ryan who was a step ahead of Mr. Ryan and three steps ahead of the majority leader is yet, unfortunately, two steps behind the people who drafted this bill. On page 12 of the bill, lines 10 and 11—Mr. Ryan, I call your attention to it—“This subchapter,” the bill—and we are talking about the change in standard—“This subchapter shall not apply to any actions filed prior to the effective date of this subchapter.” So specifically in the bill the cutoff date is when you file your action. Acts could have taken place 3 months ago, 6 months ago, a year ago, and actions have not been filed, but if we pass this legislation, anything afterwards will be covered, anything filed afterwards, and obviously, Mr. Speaker, if you go through those rules of construction with your employee, you are going to find that the statement here of when the matter becomes effective, when the chapter becomes effective, precludes actions already committed but not filed from being filed effectively.

Mr. Speaker, what is the harm? What is the harm in doing what Delaware did? Delaware said it will not have a retroactive effect; specifically that was said. I intend to offer an amendment that does the same thing, that makes sure that actions that took place prior to our enactment of the statute are not absolved from the ordinary care standard. I intend to take officers out. I intend to have shareholders approved, just as Delaware did.

Those are the amendments that I intend to offer, and I still think that if Mr. Ryan thinks that Delaware did the right

thing, the amendments that I offer or that I expect to offer this afternoon ought to be accepted by the Senate. They should have no problem in accepting that.

You know, this problem came to us from the Senate in the form of HB 2072. The amendment that put the change of standards for officers and directors in this bill occurred on September 30. Thirty days has September; this is the 7th of October, 1 week later, and you are talking about my wish to delay? No. My wish not to make a mistake. My wish not to be run over by the corporate directors and officers whose hand can be seen in this legislation, who are protecting themselves. I do not blame them for coming to us and saying, please, please let me be negligent, please let me not have to pay attention, and please let me keep my assets in the event that I am. I do not blame them. But shame on us if we do not protect people who ought to be protected on the other side of the ledger, who are subject to mismanagement, who lose money because of corporate mismanagement and officers' actions.

Mr. Speaker, let us at least take those several steps that will put the action in Pennsylvania closer to the action that Delaware has already taken. Let us get rid of retroactivity without question. Let us make it specific. Let us not rely on the words that are already here, because the words will certainly be construed to allow the standard to be applied retroactively that we adopt in this legislation. Let us let the shareholders approve, as Delaware did. Let us allow the indemnity fund that is in the bill to be created by the corporations in the event that there is a problem with receiving reasonably priced insurance. All of that we are willing to address, Mr. Speaker. We are not willing to throw up our hands, lie flat on our backs, and be steamrolled by the people whose interest it is to absolve themselves.

Mr. Speaker, I ask for an affirmative vote on the suspension of the rules so that we can amend this in a reasonable manner here this afternoon and send it back to the Senate.

The SPEAKER. For the information of the member standing, it is not debatable by anyone except the leaders of the two parties.

The question is on the motion of the majority leader that the rules of the House be temporarily suspended. Those in favor of the motion will vote “aye”; those opposed, “no.”

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Just a moment, Mr. Speaker.

Is the gentleman, Mr. Carn, on the floor of the House?

The SPEAKER. Is the gentleman, Mr. Carn, on the floor of the House? Strike the vote.

Mr. RYAN. The gentleman, Mr. Pistella?

The SPEAKER. Is Mr. Pistella on the floor of the House? Strike the vote.

Mr. RYAN. The gentleman, Mr. Richardson?

The SPEAKER. Is the gentleman, Mr. Richardson, on the floor of the House? Strike the vote.

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

The following roll call was recorded:

YEAS—102

Acosta	Dombrowski	Laughlin	Roebuck
Afflerbach	Donatucci	Lescovitz	Rybak
Angstadt	Duffy	Letterman	Saloom
Baldwin	Durham	Levdansky	Seventy
Barber	Evans	Linton	Snyder, D. W.
Battisto	Fattah	Livengood	Staback
Belardi	Fee	Lloyd	Steighner
Belfanti	Fischer	McCall	Stevens
Blaum	Freeman	McHale	Stewart
Bortner	Gallagher	Maiale	Stuban
Boyes	Gamble	Manderino	Sweet
Broujos	Gannon	Markosek	Telek
Caltagirone	George	Mayernik	Tigue
Cappabianca	Gruitza	Michlovic	Trello
Cawley	Haluska	Mrkonic	Truman
Clark	Harper	Murphy	Van Horne
Cohen	Howlett	O'Brien	Veon
Colafella	Hutchinson	O'Donnell	Wambach
Cole	Itkin	Olasz	Wiggins
Cordisco	Jarolin	Oliver	Wogan
Cowell	Josephs	Petrarca	Wozniak
Deluca	Kasunic	Petrone	Wright, D. R.
DeWeese	Kenney	Pievsky	Wright, R. C.
Daley	Kosinski	Pressmann	
Dawida	Kukovich	Preston	Irvis,
Deal	Lashinger	Rieger	Speaker

NAYS—91

Argall	Davies	Johnson	Reinard
Arty	Dietz	Kennedy	Robbins
Barley	Distler	Langtry	Rudy
Birmelin	Dorr	Lucyk	Ryan
Black	Fargo	McVerry	Saurman
Book	Flick	Mackowski	Scheetz
Bowley	Foster	Manmiller	Schuler
Bowser	Fox	Merry	Semmel
Brandt	Freind	Micozzie	Serafini
Bunt	Fryer	Miller	Showers
Burd	Gallen	Moehlmann	Smith, B.
Burns	Geist	Morris	Smith, L. E.
Bush	Gladeck	Mowery	Snyder, G.
Carlson	Godshall	Nahill	Stairs
Cessar	Greenwood	Noye	Swift
Chadwick	Gruppo	Perzel	Taylor, E. Z.
Cimini	Hagarty	Phillips	Taylor, J.
Civera	Hasay	Piccola	Vroon
Clymer	Hayes	Pitts	Wass
Cornell	Herman	Pott	Wilson
Coslett	Hershey	Punt	Wright, J. L.
Coy	Honaman	Raymond	Yandrisevits
DeVerter	Jackson	Reber	

NOT VOTING—6

Carn	McClatchy	Richardson	Weston
Dininni	Pistella		

EXCUSED—2

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter. Why do you rise?

Mr. DeVERTER. Mr. Speaker, on HB 2072 on the motion to recommit to the Judiciary Committee, I note on the roll call that I was not voted. I do not know whether my switch did not operate, but I would like to be voted in the negative, please.

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

FINANCE COMMITTEE MEETING

The SPEAKER. While we are passing out the amendments, Mr. Trello wants to make an announcement and Mr. Oliver wants to make an announcement.

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

Mr. TRELLO. Mr. Speaker, at the call of the recess there will be a meeting of the House Finance Committee at the rear of the House.

STATE GOVERNMENT COMMITTEE MEETING

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

Mr. OLIVER. Mr. Speaker, a meeting of the State Government Committee at the call of the recess in the rear of the House.

The SPEAKER. Fine.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens. Why do you rise?

Mr. STEVENS. Mr. Speaker, on amendment A2967 to SB 1276 voted upon October 6, 1986, my voting switch malfunctioned and I desire to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair recognizes the lady from Centre, Mrs. Rudy. Why do you rise?

Mrs. RUDY. To record a vote, Mr. Speaker.

On HB 2762 I was out of my seat and I was recorded as not voting. I would like to be recorded as voting "yes."

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

CONSIDERATION OF HB 2072 CONTINUED

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

Mr. MANDERINO offered the following amendment No. A4696:

Amend Sec. 1 (Sec. 8367), page 12, line 11, by removing the period after "SUBCHAPTER" and inserting nor to any breach of performance of duty or any failure of performance of duty by any director or officer occurring prior to the effective date of this subchapter.

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

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the amendment that I offer now is the amendment that speaks to the section that I alluded to on page 12, lines 10 and 11. Presently it says, "This subchapter shall not apply to any actions filed prior to the effective date of this subchapter," and I would add after those words, "nor to any breach of performance of duty or any failure of performance of duty by any director or officer occurring prior to the effective date of this subchapter."

I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I agree with the gentleman. It will clear up what I think could be construed as an ambiguity.

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

The following roll call was recorded:

YEAS—197

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

Daley	Kennedy	Punt	
Davies	Kenney	Raymond	Irvis,
Dawida	Kosinski	Reber	Speaker
Deal	Kukovich	Reinard	

NAYS—0

NOT VOTING—2

Carn Richardson

EXCUSED—2

Sirianni Taylor, F.

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

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

Mr. MANDERINO offered the following amendments No. A4694:

Amend Title, page 1, line 6, by striking out "AND OFFICERS"

Amend Sec. 1 (Subchapter Analysis), page 7, line 1, by striking out "AND OFFICERS"

Amend Sec. 1 (Subchapter Analysis), page 7, line 6, by striking out "AND OFFICERS"

Amend Sec. 1 (Sec. 8361), page 7, line 12, by striking out "AND OFFICERS"

Amend Sec. 1 (Sec. 8363), page 8, lines 19 through 27, by striking out all of lines 19 through 26 and "(C)" in line 27 and inserting

(b)

Amend Sec. 1 (Sec. 8363), page 8, line 29, by striking out the comma after "BOARD" and inserting

and

Amend Sec. 1 (Sec. 8363), page 8, line 29, by striking out "AND INDIVIDUAL OFFICERS"

Amend Sec. 1 (Sec. 8363), page 9, lines 5 and 6, by striking out "OR (B)"

Amend Sec. 1 (Sec. 8363), page 9, line 7, by striking out "(D)" and inserting

(c)

Amend Sec. 1 (Sec. 8363), page 9, lines 8 and 9, by striking out "OR OFFICER"

Amend Sec. 1 (Sec. 8364), page 9, line 11, by striking out "AND OFFICERS"

Amend Sec. 1 (Sec. 8364), page 9, lines 12 and 13, by striking out "UNLESS GREATER LIABILITY IS SET FORTH IN THE BYLAWS OF A CORPORATION" and inserting

Whenever the bylaws of a corporation by a vote of the shareholders or members so provide

Amend Sec. 1 (Sec. 8364), page 9, line 13, by striking out "OR OFFICER"

Amend Sec. 1 (Sec. 8364), page 9, line 17, by striking out "OR OFFICER"

Amend Sec. 1 (Sec. 8364), page 9, lines 24 and 25, by striking out "OR OFFICER"

Amend Sec. 1 (Sec. 8364), page 9, line 26, by striking out "OR OFFICER"

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

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this is the amendment that does two things, but each of the matters covered brings

our statute in line with the current Delaware statute. It removes officers from the bill, and with respect to directors, it would require a stockholders' vote to allow them to be held to the lesser standard.

I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I oppose this amendment. I do not think there is any need to do what Mr. Manderino suggests we do. To at this time add perhaps a year to the exposure period for our corporations by running through long lists of shareholders in the case of the large corporations I think is not necessary. I am not offended by the idea that maybe for a change we here in Pennsylvania conceivably could be ahead of the State of Delaware, which has been robbing our corporations from us for as many years, I guess, as there have been corporation laws in the two States. Delaware has been far in advance of us for years in attracting the business community because of their corporate laws. This one that we have now, unamended, maybe will bring back some of these corporations that are in Delaware, because for a change, we will be ahead of them.

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

Mr. DAWIDA. Mr. Speaker, I support this bill but I also support this amendment. There were three major problems, one which has been addressed, the other two which we are going to address in this amendment.

Shareholder participation exists in Delaware. It is a very important element in this kind of decisionmaking. I think that there are more shareholders who are interested in this kind of issue than the few people on top who would not like it.

You have to recognize that directors and officers play a different role in corporate life. The important element for the corporate community is to make sure the directors have some kind of protection. So I would urge you to support this amendment and then support the bill.

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

Mr. McVERRY. Mr. Speaker, I rise in opposition to the amendment. I join with the minority leader, Mr. Ryan. I truly believe that officers should be extended the protections that are offered in this bill. The officers' responsibility is to put into motion that policy which is made by the directors. These are the hands-on persons, and I believe that they are held to a sufficient duty in this bill; they stand in a fiduciary role. If they are self-dealing or exercise lack of good faith, they can be held personally liable. Keep in mind that what this bill does is not extinguish a shareholder's right or an injured party's right but rather indemnifies the officer, and the damages will be paid by the corporation and not by an individual personally who is acting on behalf of the corporation.

I also believe that the inclusion of mandating that there be shareholder approval is inappropriate in the case of many large corporations in Pennsylvania that would not be able to implement this for a year or so due to the large number of

shareholders and the annual meeting dates, et cetera. Accordingly, I would like to see this amendment defeated and the bill passed.

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, two points I would like to make.

The amendment that I offer allowing a different standard of care for directors and officers makes sense. Even in Delaware where they lean over backwards and do flip-flops for corporate directors and corporations, they were not willing to include officers, because officers carry out the policy of the corporation as set by the directors and they ought to do it at least—at least—with ordinary care. That is all we are saying when we take officers out. They have to exercise ordinary care in carrying out their duties, which are to implement the policy of the board of directors.

The board of directors meets infrequently in most corporations. They have annual meetings for sure, and maybe several other meetings in a year to meet on policy, but the officers are there day to day, carrying out the responsibilities and duties that they have been given by the board of directors. Mr. Speaker, we do no harm, we do no harm by allowing those directors to continue to be judged by standard of the prudent man, ordinary care.

The gentleman, Mr. McVerry, says, remember, we are not taking the right to sue away; we are simply saying that only the corporation will be responsible. Mr. Speaker, what kind of a remedy are you describing when the shareholders of a corporation can sue the corporation and get a verdict which will be paid by themselves, the shareholders? That is no remedy at all. For wrongdoing of officers of a corporation, if they bring a suit, they collect from themselves. The real remedy, Mr. Speaker, and we all know it, is the remedy that is being altered by this legislation - the remedy to hold responsible those who have not acted prudently, with ordinary care. Mr. Speaker, we can change the standard for directors, but officers, even Delaware has been unwilling to do that.

I think, Mr. Speaker, that the second part of the amendment is perhaps more important than that part, and that is to give the shareholders, the people who have invested their money to bring those jobs that Mr. Ryan is talking about to the place where that corporation does business, to give them a say-so, to give them democracy, so to speak, to allow them their input. Without this amendment, they will not have input. Shareholders will not have that bit of democracy that Delaware has given them.

Mr. Speaker, I ask for an affirmative vote so that we can remedy the problem that is perceived to exist without doing undue harm to our system of damages by shareholders against officers. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Lashing. Why do you rise?

Mr. LASHINGER. Thank you, Mr. Speaker.
 Point of parliamentary inquiry, Mr. Speaker.
 The SPEAKER. The gentleman will state the point.
 Mr. LASHINGER. Thank you, Mr. Speaker.

I request a ruling from the Chair, Mr. Speaker, as to whether I and others, as an individual, would be benefited individually in serving on the board of directors in a compensated fashion of a publicly held corporation, and are we permitted to vote on this, Mr. Speaker?

The SPEAKER. The Chair rules that you would be permitted to vote. It is not a personal effect for you to vote on this bill. The personal effect would be if you were on the board of directors of a specific corporation and the legislation dealt only with that corporation, but this is class legislation. You will not be prejudicing your vote by voting either "aye" or "nay" on it, and you are permitted to vote.

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

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

Mr. WILSON. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state his point, please.

Mr. WILSON. On page 2 of the amendment, is it possible to split the amendment? Divide it, in other words?

The SPEAKER. Where would the gentleman suggest the line be drawn on page 2?

Mr. WILSON. On page 2 after "... 'AND OFFICERS'."

The SPEAKER. All right. We will take a look at it.

Mr. WILSON. From "Amend Sec. 1..." down to and including "...so provide."

The SPEAKER. Just to make certain we are dividing this accurately, Mr. Wilson, is it your intention that the words "Amend Sec. 1 (Sec. 8364),..." and ending with the words "...or members so provide" be voted separately?

Mr. WILSON. You would have two amendments. One would be the proviso that the shareholders shall vote, and the other would be the section dealing with officers included in the amendment.

The SPEAKER. And all the other language would be joined together in a single amendment.

Mr. WILSON. That is affirmative.

The SPEAKER. In that case, the division is well taken and the amendment is so divided.

Mr. WILSON. Thank you.

The SPEAKER. Mr. Manderino, the amendment has been divided. Which section do you wish to place before the House first?

Did you follow the division?

Mr. MANDERINO. I would like to place both of them before the House, Mr. Speaker. If you are asking which I want to place first?

The SPEAKER. Yes; that is it.

Mr. MANDERINO. They are going to get the same number of votes, so—

The SPEAKER. So it does not matter which one?

Mr. MANDERINO. It does not really make any difference.

The SPEAKER. Fine.

On the amendment, the Chair will place first before the House the language beginning on page 1, "Amend Title, page 1, line 6, by striking out 'AND OFFICERS'"; on page 2, the language "...out 'OR OFFICER,' Amend Sec. 1 (Sec. 8364), page 9, line 11, by striking out 'AND OFFICERS,'" and the language "Amend Sec. 1 (Sec. 8364), page 9, line 13, by striking out 'OR OFFICER,'" and ending with the words "...by striking out 'OR OFFICER'" on the second page.

That amendment and only that amendment is now subject to debate.

PARLIAMENTARY INQUIRY

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

Mr. LETTERMAN. Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point.

Mr. LETTERMAN. Other people are then precluded from making any statements about the entire amendment?

The SPEAKER. No. The entire amendment is going to be offered but in two parts. The first part deals merely with striking out "officers."

Mr. LETTERMAN. If I wanted to give an example of why we should not do this, would I be allowed to do that?

The SPEAKER. Why we should not strike out "officers" or not divide the question?

Mr. LETTERMAN. Not divide the question.

The SPEAKER. Well, the amendment has been divided, but the Chair understands your predicament. The Chair intends to place both amendments before the House. Mr. Manderino says he wants both of them placed. They will both be placed. It is only a matter of having two votes instead of one.

Mr. LETTERMAN. Well, I would personally like to give an example of why we should vote on this amendment in its entirety.

The SPEAKER. Just a moment, Mr. Letterman. It has been divided.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, in the past, I believe we have accepted motions not to divide.

The SPEAKER. We had better look that one up. We will check it and see.

What we are going to check, Mr. Manderino, is if we could place the question of the division before the House.

Mr. MANDERINO. Yes, Mr. Speaker. If a member wishes to make a motion not to divide, I think he is in order, and I think we have done it in the past.

The SPEAKER. May the Chair suggest this to both leaders: Perhaps the cleanest way of doing it would be for the gentleman, Mr. Wilson, to place a motion to divide, Mr. Letterman to object to that motion, and therefore allow the floor to decide.

Did both leaders hear the explanation?

Mr. RYAN. Mr. Speaker, I heard the explanation. My recollection of the rules—and I have not, of course, looked this up for any period of time—is that an amendment is either divisible or it is not divisible. If it is divisible, a member has the right to divide it. To overcome this and take it in its entirety, I believe, would be tantamount to requiring a suspension of the rules, because the rules permit us to divide automatically. Now, that is recollection without research, and I would be bound, of course, by the Parliamentarian, who is far more qualified than I.

The SPEAKER. That is the recollection of the current Speaker, too, but we just want to make sure we do not set a precedent up here.

The House will stand at ease until we check this out.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair has had the question of whether or not a member may move to not divide researched, and apparently that is not so. As a matter of right, a member has the right to demand a division. That is a matter of our own rules. Under rule 63, "Any member may call for a division of a question by the House...." That is a matter of right. That having been a matter of right, the only way you could take it away from the member would be to suspend the rules, and we think that the gentleman, Mr. Ryan's point is well taken. Therefore, we will not engage in any more debate on the division.

PARLIAMENTARY INQUIRY

The SPEAKER. Why does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. What is your parliamentary inquiry?

Mr. DAVIES. Mr. Speaker, if the individual member is not content with either one of these proposals or the division and would rather have it a choice of the shareholders, would we be given the opportunity of drafting such an amendment and presenting it to this House?

The SPEAKER. The gentleman and any one of the members of the floor of the House will be given an opportunity to order amendments as long as we are in session. The answer is yes.

Mr. DAVIES. Thank you, Mr. Speaker.

The SPEAKER. On the language read by the Chair—please pay attention—that omits the language on page 2 and includes all the other language, it omits this language: "Amend Sec. 1 (Sec. 8364)...Whenever the bylaws of a corporation by a vote of the shareholders or members so provide." That language is not now before the House. Repeat: It is not now before the House. All the other language is before the House.

On the question,

Will the House agree to part 1 of the amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. The language that is now before the House, Mr. Speaker, is that language which has the effect of removing officers from those persons who will have the standard of care changed. Is that correct, Mr. Speaker?

The SPEAKER. That is correct.

Mr. MANDERINO. All right.

Mr. Speaker, we are now voting on the simple question of whether or not we change the standard of care for directors, as Delaware did, or we go much further and include officers.

Mr. Speaker, for all the reasons given here at the microphone when we debated both sections of the amendment, I would ask for an affirmative vote. Officers do the day-to-day work, and there is much more reason that they should be ordinarily careful, and that is all we are asking. We are not holding them to a higher standard of care than a prudent person. We are simply saying, you must be ordinarily careful in your dealings with matters that may hurt your shareholders.

I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. You know, I am a little bit bothered by it, but I understand where Mr. Manderino is coming from. I am surprised that the argument was not also made that it is the officers who are getting the big salaries, because I have heard that argument, too. The officers, though, are carrying out the wishes of the board of directors, the policies of the board of directors. The board of directors is supposed to watch out for what their officers do. I have no problem saying that an officer should be in the same position as a member of the board of directors in the engagement of the business activities.

Is an officer going to be like some of our doctors today? We have all heard this from our friends in the medical profession, that they are scared to death to do anything for fear they are going to be sued. They go out and they send a patient, just to cover themselves, to a dozen specialists, which is causing huge increases in our medical costs. Is an officer who is working for a board of directors—and that is really whom they work for directly; of course, the whole corporation in the back of that—but in carrying out the policies of the corporation's board, should they expose their personal wealth, and that is what you are talking about in these suits, or should they feel content that their personal wealth is not exposed but rather the corporate assets, their principal, would be exposed, the corporation?

I think the bill should be left alone. I do not believe that the officers should be taken out. I think we have to give these people some security, too, and I would ask that we get a "no" vote on this divided question. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I maintain, as I stated before in the choice of preparing an amendment, that the decision, if we are going to give the vote to the shareholders in the corporation, they should make the decision on both, and if we are going to write the law, that is the way the law should be written. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I request a negative vote on the amendment. I believe that officers and directors should be held to a constant or the same standard of care. If we are offering personal insulation from liability to directors, that same personal insulation from liability should be granted to officers, too. I think it is basic logic and common sense to do so, and I request a negative vote.

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

What this amendment does is exactly what Representative Ryan has been praising whenever he states that the State of Delaware has made all these improvements in their corporation law, et cetera, to attract business. Mr. Manderino's amendment, this portion, does the exact same thing, and I would suggest that we would be very embarrassed if we vote down this amendment, pass this law, and then find out sometime in the future about some executive officers who, due to a conflict of interest or because they have taken advantage of their position and obtained perks, have lost money to companies, and we find that we have precluded shareholders from doing anything about that. We will be embarrassed and we will be held accountable, as we should be.

I think for those reasons, among others stated, that it is imperative that we vote "yes" on this amendment.

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

Mr. WILSON. Mr. Speaker, I cannot stand in the back row and listen to the argument that the officer of a corporation should be any more liable than the director. I do not know of any corporation where the officer does not hold an abnormal share in that corporation, an abnormal investment in that corporation, a huge block of stock that is going to be subject to this lawsuit. And if that is the case, their money is on the line, whether it is their personal money, as Mr. Manderino would like to include, or their investment in the corporation.

I think we ought to go one step further than Delaware; we ought to step out front for a change and do the right thing. Vote it down.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—87

Acosta	Donatucci	Lashinger	Roebuck
Barber	Duffy	Laughlin	Rybak
Battisto	Durham	Lescovitz	Saloom
Belardi	Evans	Levdansky	Seventy
Belfanti	Fattah	Linton	Staback
Blaum	Fee	Livengood	Steighner
Bortner	Freeman	Lloyd	Stewart
Caltagirone	Freind	McCall	Suban
Cappabianca	Fryer	McHale	Sweet
Cawley	Gallagher	Manderino	Tigue
Clark	Gannon	Michlovic	Trello
Cohen	George	Moehlmann	Truman
Colafella	Haluska	Mrkonic	Van Horne
Cole	Harper	Murphy	Veon
Cordisco	Howlett	O'Donnell	Wambach

Cowell	Hutchinson	Oliver	Wiggins
Coy	Itkin	Petrarca	Wozniak
Deluca	Jarolin	Petrone	Wright, D. R.
DeWeese	Josephs	Pievsky	Wright, R. C.
Daley	Kasunic	Pistella	
Dawida	Kosinski	Preston	Irvis,
Deal	Kukovich	Rieger	Speaker
Dombrowski			

NAYS—107

Afflerbach	Davies	Kenney	Reinard
Angstadt	Dietz	Langtry	Robbins
Argall	Dininni	Lucyk	Rudy
Arty	Distler	McClatchy	Ryan
Baldwin	Dorr	McVerry	Saurman
Barley	Fargo	Mackowski	Scheetz
Birmelin	Fischer	Maiale	Schuler
Black	Flick	Manmiller	Semmel
Book	Foster	Markosek	Serafini
Bowley	Fox	Mayermik	Showers
Bowser	Gallen	Merry	Smith, B.
Boyes	Gamble	Micozzie	Smith, L. E.
Brandt	Geist	Miller	Snyder, D. W.
Broujos	Gladeck	Morris	Snyder, G.
Bunt	Godshall	Mowery	Stairs
Burd	Greenwood	Nahill	Stevens
Burns	Gruitza	Noye	Swift
Bush	Gruppo	Olasz	Taylor, E. Z.
Carlson	Hagarty	Perzel	Taylor, J.
Cessar	Hasay	Phillips	Telek
Chadwick	Hayes	Piccola	Vroon
Cimini	Herman	Pitts	Wass
Civera	Hershey	Pott	Wilson
Clymer	Honaman	Pressmann	Wogan
Cornell	Jackson	Punt	Wright, J. L.
Coslett	Johnson	Raymond	Yandrisevits
DeVerter	Kennedy	Reber	

NOT VOTING—5

Carn	O'Brien	Richardson	Weston
Letterman			

EXCUSED—2

Sirianni	Taylor, F.
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The question was determined in the negative, and part 1 of the amendments was not agreed to.

The SPEAKER. Now the Chair places before the members the following amendment: "Amend Sec. 1 (Sec. 8364), page 9, lines 12 and 13, by striking out 'unless greater liability is set forth in the bylaws of a corporation' and inserting Whenever the bylaws of a corporation by a vote of the shareholders or members so provide." This is the amendment which Mr. Manderino explained that it will be up to a vote of the shareholders to decide whether or not their corporation came within the purview of these standards. That language and only that language is now available for a vote.

On the question,

Will the House agree to part 2 of the amendments?

The following roll call was recorded:

YEAS—98

Acosta	Donatucci	Lashinger	Roebuck
Afflerbach	Duffy	Laughlin	Rudy
Barber	Durham	Lescovitz	Rybak
Battisto	Evans	Letterman	Saloom
Belardi	Fattah	Levdansky	Seventy
Belfanti	Fee	Linton	Staback
Blaum	Freeman	Livengood	Steighner

Bortner	Freind	Lloyd	Stewart
Boyes	Fryer	McHale	Stuban
Broujos	Gallagher	Maiale	Sweet
Burns	Gamble	Manderino	Tigue
Caltagirone	Gannon	Michlovic	Trello
Cappabianca	George	Mrkonic	Truman
Cawley	Greenwood	Murphy	Van Horne
Clark	Gruitza	O'Donnell	Veon
Cohen	Haluska	Oliver	Wambach
Colafella	Harper	Petrarca	Wiggins
Cole	Howlett	Petrone	Wilson
Cordisco	Hutchinson	Pievsky	Wozniak
Deluca	Itkin	Pistella	Wright, D. R.
DeWeese	Jarolin	Pressmann	Wright, R. C.
Daley	Josephs	Preston	Yandrisevits
Dawida	Kasunic	Reber	
Deal	Kosinski	Reinard	Irvis,
Dombrowski	Kukovich	Rieger	Speaker

NAYS—96

Angstadt	DeVerter	Kennedy	Pott
Argall	Davies	Kenney	Punt
Arty	Dietz	Langtry	Raymond
Baldwin	Dininni	Lucyk	Robbins
Barley	Distler	McCall	Ryan
Birmelin	Dorr	McClatchy	Scheetz
Black	Fargo	McVerry	Schuler
Book	Fischer	Mackowski	Semmel
Bowley	Flick	Manmiller	Serafini
Bowser	Foster	Markosek	Showers
Brandt	Fox	Mayernik	Smith, B.
Bunt	Gallen	Merry	Smith, L. E.
Burd	Geist	Micozzie	Snyder, D. W.
Bush	Gladeck	Miller	Snyder, G.
Carlson	Godshall	Moehlmann	Stairs
Cessar	Gruppo	Morris	Stevens
Chadwick	Hagarty	Mowery	Swift
Cimini	Hasay	Nahill	Taylor, E. Z.
Civera	Hayes	Noye	Taylor, J.
Clymer	Herman	Olasz	Telek
Cornell	Hershey	Perzel	Vroon
Coslett	Honaman	Phillips	Wass
Cowell	Jackson	Piccola	Wogan
Coy	Johnson	Pitts	Wright, J. L.

NOT VOTING—5

Carn	Richardson	Saurman	Weston
O'Brien			

EXCUSED—2

Sirianni Taylor, F.

The question was determined in the affirmative, and part 2 of the amendments was agreed to.

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

**AMENDMENT A4694, PART 1,
RECONSIDERED**

The SPEAKER. The Chair has in its possession a motion filed by the gentleman, Mr. Manderino, who moves that the vote by which the Manderino amendment A4694 was defeated on this the 7th day of October be reconsidered.

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

The following roll call was recorded:

YEAS—186

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

NAYS—7

Dietz	Serafini	Swift	Wright, J. L.
McVerry	Stevens	Wilson	

NOT VOTING—6

Afferbach	Davies	Richardson	Saloom
Carn	O'Brien		

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,
Will the House agree to part 1 of the amendments?

The SPEAKER. The Chair places immediately before the House for consideration the language of amendment A4694 on page 1 and all the language on page 2 except that language which we have already agreed to by a vote. Is that understood?

The Chair recognizes the majority leader.

Mr. MANDERINO. I thought there were some members who wanted to debate the issue, Mr. Speaker.

The SPEAKER. This is a question on the amendment itself. Who rises to debate?

The Chair recognizes the minority leader.

Mr. RYAN. I would simply ask for a negative vote, Mr. Speaker.

The SPEAKER. Mr. Kukovich, are you rising to debate?

Mr. KUKOVICH. Yes, Mr. Speaker.

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

Mr. KUKOVICH. Mr. Speaker, to partially reiterate the debate that was made before, the Delaware law applies only to corporate directors, and in their wisdom they saw fit to do that because it is those individuals who have the responsibility for the daily management of the company. The standard of prudent man and of ordinary negligence still applies to them under Delaware law. That is what this amendment does. That is what some of us feel it appropriately should do. And one of the reasons why we think that way is because we have seen recently, and we can cite some examples, whether it is Union Carbide or whether it is a problem with an Allegheny company that was recently written about in Business Week, where certain officers have not only abused their trust, have not only used very extravagantly executive perks that have damaged their company, that have lavishly made expenditures that they should not have made, sometimes with troubled companies, companies that are in dire financial straits, but what is even worse is they do not even provide adequate information to the shareholders.

Now, if we do not pass this amendment and we pass this law without it, then we are allowing those activities, we are condoning those activities to take place without allowing the shareholders to come in against them except with a much higher burden, a much lower standard on the part of those executive officers. I do not think that is fair. We are not doing the companies a favor. I think we should conform to what Delaware and most other States that have made these changes have done. I think that is reasonable and I think it is the appropriate thing to do, and I would ask the members who voted "no" last time to at least give some consideration to voting "yes" on the amendment this time.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I just rise to encourage the members to vote "yes" on this amendment. This is a very important issue, and dealing with the subject matter that it does and the importance of helping the directors of corporations, we should not sweep the officers into that category. They have a different standing in the corporation, they have a different function in the corporation, and there is no way that we should let them have a different standard of care, Mr. Speaker. So I urge an affirmative vote on this amendment.

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

Mr. DAWIDA. Mr. Speaker, last week this House addressed more centrally the question of the problem of the liability insurance crisis. It surely is, more than anything else, an insurance problem. However, I do not stand here saying we ought not to do what is in this legislation. I do, however, support this amendment.

Officers are clearly a more active part of their corporate community than directors and clearly should be recognized as such in the law. We should not immunize the wrongdoing of active officers. Shareholder revolts are becoming common throughout the business community, and for a reason. Shareholders are becoming increasingly aware that oftentimes the people who run their companies are not doing the best job that they can. I think a better thing for the business community is to pass this amendment and then pass the bill.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, both of the former speakers are correct in the analogy that they used, but they are giving the wrong choice. The choice should be to the shareholders. The Commonwealth should not make that choice, and I reiterate that same argument. It is for the shareholders to make that decision. Thank you, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

I just wanted to share two pieces of information that I learned this morning. I spoke with a corporate executive of a major manufacturing organization or corporation in Chester County. He informed me that the cost for the officers' and directors' liability insurance was presently \$800,000 and was going to be over \$1 million next year. I met a gentleman in the rotunda this morning. I do not recall his name, but we spoke about PSFS (Philadelphia Saving Fund Society), and they have been acquired by, I believe, Meridian Bank. He indicated the officers' and directors' liability insurance premium was \$7 million. Now, let me just ask you, Mr. Speaker, who do you think pays that? It is the consumer who pays it.

We have to be sensitive here to our constituents. They are the ultimate consumers of the products and the services that our great corporations and businesses produce in this Commonwealth. We are not just saying that the officers and directors are going to get less money. We are adding cost, cost to every product and every service that we have in the Commonwealth. Think about that when your voters are talking to you, when we are losing jobs because of foreign competition.

We are talking jobs, but we are talking— I do not know why, I think it is ridiculous that the AFL-CIO has sent a letter to all the members that says this is a bad piece of legislation. We are talking about jobs; we are talking about costs for products and services. If we keep the costs down, then we are competitive. If we drive the costs up, we become uncompetitive. When we become uncompetitive, that is when it costs us jobs.

Think about this vote. Vote for your constituents, the consumers of these goods and services. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I am going to talk to you in commonsense language, and I want you to listen. I am going to try to apply something to you that I think all of you recognize and all of you understand. I am going to try to do it in that flat old American way that I know without an education.

If you do not include the officers—I am going to use coal stripping as an idea—the board of directors hires a president to take all the brunt of everything that happens in a coal stripping. He runs the plant, he decides how to bury the bony—and the bony, in case you do not know what that is, is the residue that is taken off the top of the coal which if not handled correctly can let an awful lot of sulfur escape in later years, and also if it is not buried correctly. Now, we have taken a group of people out just lately who witnessed this. I want to tell you, if you do not include these officers, they can walk away making big profits, big bonuses, because they make more money for the company by cutting things short and not doing them properly; not just up and doing them wrong, they just do not quite do them properly knowing they can shortcut a little bit. And if they do that, they cause this State a tremendous amount of money and destroy for the consumer everything that is beautiful left in this land - the water, the potable water, the beautiful trees, the beautiful forests that we all love. And I am telling you now, if you do not do this, you are going to let these babies off the hook of all the bad stripping that has been done in the past that we are trying to catch up to. Since 1980 we are catching up to them, but the ones done prior to 1980 we are still after.

I am begging you, Mr. Speaker, if anything, this is one phase that would really be hurt by this, and I am asking you for an affirmative vote. I was not going to support this until this was thoroughly explained to me, and this is one fear that I really have. We cannot afford any more mishandling of the potable water in the State of Pennsylvania. Thank you.

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

Mr. VROON. Mr. Speaker, I think there is some misunderstanding as to the role of an officer, especially in that case that you just mentioned. When a president does something which supposedly is for his own personal good that may subject his corporation to a tremendous lawsuit, what happens? The suit is filed against the corporation, and if he has done a sloppy job and has exposed the corporation for losing money for them, what do you think will happen to that officer? They are not going to turn around and ask him to pay for it out of his pocket; they are going to unload that guy right away, quick. Okay?

These people are responsible, and so it is with every other officer. Every officer is picked for his responsibility and for his ability, and if something happens in the course of running a business and a suit is filed, the suit is filed against the corpo-

ration usually and it also probably names the officer, as it is now, as a party to the suit.

But who is going to then pay the price? That officer is insured. He is insured by his corporation, and that insurance company will pay the cost of whatever has to be paid as a result of the suit. The officer is not going to pay it. The insurance company is going to pay it, and naturally, who is going to be paying for it but the people who buy the products of that corporation. So we have all of the protection that we possibly can have in this bill to insure that no corporate officer is going to get away with anything, but even if he does, the corporate officer is not going to pay it. This will not make him pay it either. It is the insurance company that is going to pay it, not that officer.

Now, I want to also mention the fact that an officer, generally speaking, let us take a man in the case of a large corporation and a catastrophe happens through no fault of his or anybody else's and a suit is brought and he is named as party to the suit. Because he has a deep pocket, he may be made jointly and severably liable for that suit. I think this is all something that we should protect these people against. He operates his company and does his job skillfully and well but something unavoidable happens, and what do you want him to do - go broke, go bankrupt, pay out everything that he has, all the reserves that he has? Is that the idea? I think that is utterly foolish. It is not going to happen that way. You are only going to add that much more cost to the consumer who buys the products.

I strongly urge a "no" vote.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to support the amendment and specifically to answer or to make observations about the remarks that were made by my respected colleague, Mr. Flick.

If you will remember, he spoke about the cost of liability insurance for officers and directors. I wonder how many of us really believe that if we pass a bill which exempts officers and directors from liability, the cost of insurance will actually go down. Those of you who believe that I would like to see in my office shortly so I can sell you the Brooklyn Bridge or the tooth fairy.

I do not believe that the cost of insurance will go down for anybody, any kind of liability insurance, unless we regulate the insurance industry better or unless we pass legislation that forces the carriers to lower their premiums. I do believe, and those of you who have had a chance to look at the report that the Insurance Committee just issued, I do believe that most of the problems of rate shock have had to do with bad business that was written by the insurance industry in the late 1970's and early 1980's when the interest rates were so high that they could afford to write bad business if they only had a chance to invest their dollar. They are now trying to escape the consequences of those kinds of business decisions, and we ought not to allow them—

Mr. VROON. Mr. Speaker?

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

Mr. VROON. I must ask a question. Is this lady really debating this amendment or is she carrying on a harangue against the insurance industry?

The SPEAKER. Representative Josephs, limit your debate to the question before the House.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I believe that in exempting both officers and directors, we are allowing the insurance industry and corporate officers and directors to escape liability, but we are doing nothing, nothing at all, to solve the underlying problem, which is the unaffordability and inaccessibility of many, many kinds of liability insurance. I think that it would be a disservice to our constituents and to the State if we pass this bill without the amendment that Mr. Manderino has advocated and walk away from the situation thinking that we have solved the problem. We will not have.

I ask for a positive vote on this amendment. Thank you, Mr. Speaker.

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

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, this morning's headline in the Post-Gazette talks about an \$8-billion bid for the United States Steel Corporation by a Mr. Carl Icahn. I think that headline gives us a scenario of the potential abuse that could occur from the officers of a corporation, and I am speaking directly to the comments made by Representative Vroon a few minutes earlier. I can envision a scenario where the officers of the corporation would fail to raise the value of that stock to the \$31 they have promised the SEC (Securities and Exchange Commission) later on this year, and failing that, they can give themselves what is called in the trade a golden parachute, a retirement, a \$5-million retirement for themselves. They can disband that company or sell it off and walk away from it. There is no way that the stockholders can go after them if we do not pass the Manderino amendment. In other words, we are giving them the opportunity to do this kind of thing, and if you think this is just a hypothetical case, look again. Remember Gulf Oil? T. Boone Pickens tried to take that company over. Rather than let T. Boone Pickens take that company over, the officers of the corporation decided to disband it. They sold it to Chevron, and they walked away with a nice piece of cash, and the stockholders did not have any recourse after them. They have a recourse in the law now, but they will not after we pass this bill without the Manderino amendment.

I suggest to you that we need the Manderino amendment simply to prevent this kind of thing from going on, and I remind you that the most likely cases, the most likely people to file suit, are those stockholders who are disgruntled with the decisions of the officers of that corporation.

I suggest to you that for all of those reasons we vote for the Manderino amendment. Thank you, Mr. Speaker.

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

Mr. FARGO. Thank you, Mr. Speaker.

As I listen to those who favor this amendment, I get the idea that they believe that without this amendment the officers will have the right to do whatever they want to do. If they want to violate the environment, they can do it. If they want to set up their own retirement plan, they can do it, but with the amendment all this will be prevented.

I would refer you to the bill as it presently stands, and I believe it should be read carefully. I would like to read a little section from it, and this is from page 9, in which it says an "...officer of a business corporation or of a nonprofit corporation shall not be personally liable"—and we are talking here about his own personal liability. This does not mean that you cannot sue the corporation in case something like this happens; it means that he will not be personally liable—"for monetary damages as such for any action taken, or any failure to take any action, unless:"—and I think it is very important, unless, and I go down to item (2)—"the breach or failure to perform constitutes self-dealing"—and there we are talking about the kind of thing that the previous speaker mentioned; that is self-dealing—"willful misconduct"—and there we are talking about the violation of the environment that that stripper's officer might be doing—"or recklessness." So we already have those items; they are still in the bill, and I believe that what we are talking about here is a need to leave those things in there for the officers so that we can go ahead, get this bill passed, compete with the surrounding States, and try to help business in Pennsylvania.

I would ask that we defeat this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I hope briefly.

Mr. Speaker, the gentleman who just spoke, Mr. Fargo, again repeated what too many, I think, in here believe at this time - that there is a remedy left to shareholders to sue the corporation and collect against the corporation. If you analyze it, that is no remedy at all for a shareholders' suit.

Let us take an example: Shareholders sue ABC Corporation and get a \$1-million verdict. That \$1 million goes to the shareholders. Where does it come from? From the shareholders' equity.

What kind of a remedy is that? Do you not understand that, Mr. Speaker? Do you not understand that the only remedy you are leaving to be judged by ordinary care is a suit against the corporation, and that is a suit against the shareholders themselves? They are suing themselves; it is one vicious circle. That is why we allow suits against the officers. It is the only thing that holds many of them in line, the fact that they are subject to ordinary care. We are not saying you have a duty to perform at a very high standard; we are saying ordinary care. Just do not be a bumbling idiot when you are handling our money and the affairs of the corporation.

Mr. Speaker, I ask for an affirmative vote.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—99

Acosta	Dombrowski	Laughlin	Richardson
Afferbach	Donatucci	Lescovitz	Rieger
Barber	Duffy	Letterman	Roebuck
Battisto	Durham	Levdansky	Rybak
Belardi	Evans	Linton	Saloom
Belfanti	Fattah	Livengood	Serafini
Blaum	Fee	Lloyd	Staback
Bortner	Freeman	McCall	Steighner
Bowley	Freind	McHale	Stevens
Boyes	Fryer	Maiale	Stewart
Broujos	Gallagher	Manderino	Stuban
Caltagirone	Gannon	Markosek	Sweet
Cappabianca	George	Michlovic	Tigue
Cawley	Gruitza	Mochlmann	Trello
Clark	Haluska	Mrkonic	Truman
Cohen	Harper	Murphy	Van Horne
Colafella	Howlett	O'Donnell	Veon
Cole	Hutchinson	Olasz	Wambach
Cordisco	Itkin	Oliver	Wiggins
Cowell	Jarolin	Petrarca	Wozniak
Coy	Josephs	Petrone	Wright, D. R.
Deluca	Kasunic	Pievsky	Wright, R. C.
DeWeese	Kosinski	Pistella	
Daley	Kukovich	Pressmann	Irvis,
Dawida	Lashinger	Preston	Speaker
Deal			

NAYS—93

Angstadt	Dininni	Kennedy	Reinard
Argall	Distler	Kenney	Robbins
Arty	Dorr	Langtry	Rudy
Baldwin	Fargo	Lucyk	Ryan
Barley	Fischer	McClatchy	Saurman
Birmelin	Flick	McVerry	Scheetz
Black	Foster	Mackowski	Schuler
Book	Fox	Manmiller	Semmel
Bowser	Gallen	Mayernik	Showers
Brandt	Gamble	Merry	Smith, B.
Bunt	Geist	Micozzie	Smith, L. E.
Burd	Gladeck	Miller	Snyder, D. W.
Burns	Godshall	Mowery	Snyder, G.
Bush	Greenwood	Nahill	Stairs
Carlson	Gruppo	Noye	Swift
Cessar	Hagarty	Perzel	Taylor, E. Z.
Chadwick	Hasay	Phillips	Taylor, J.
Cimini	Hayes	Piccola	Telek
Civera	Herman	Pitts	Vroon
Clymer	Hershey	Pott	Wass
Cornell	Honaman	Punt	Wilson
Coslett	Jackson	Raymond	Wright, J. L.
DeVerter	Johnson	Reber	Yandrisevits
Davies			

NOT VOTING—7

Carn	Morris	Seventy	Wogan
Dietz	O'Brien	Weston	

EXCUSED—2

Sirianni Taylor, F.

The question was determined in the affirmative, and part 1 of the amendments was agreed to.

On the question recurring,

Will the House concur in Senate amendments as amended?

ANNOUNCEMENT BY SPEAKER

The SPEAKER. This is an announcement for the Philadelphia delegation.

There has been a serious disruption of a pipeline crossing the turnpike near the Philadelphia exits as follows: Downingtown - 23, Valley Forge - 24, and Norristown - 25. The State Police have not advised us as to whether any lives were lost or anyone is injured, but they have just recently told the Chair that this is a serious rupture and that those exits will be closed for the foreseeable future. So those of you traveling back across the turnpike, do not plan to use exits 23, 24, or 25.

The Chair recognizes the gentleman from Chester, Mr. Vroon. Why do you rise?

Mr. VROON. Two questions, sir. Is that for an unlimited amount of time to refrain from using those exits?

The SPEAKER. Mr. Vroon, the Chair asked the State Police to advise the Chair if the conditions changed before the end of the session. The State Police spokesperson said, in effect, we do not see any immediate change in those conditions; you should advise your members accordingly. Now, if the Chair gets any information before we adjourn that any one of those exits has reopened, the Chair will make the announcement. But if you hear nothing from the Chair, you must assume that those exits are closed when you leave this floor.

Mr. VROON. Thank you, Mr. Speaker.

CONSIDERATION OF HB 2072 CONTINUED

PARLIAMENTARY INQUIRY

Mr. VROON. I have another question.

The SPEAKER. Yes, sir.

Mr. VROON. Parliamentary inquiry.

The SPEAKER. What is the inquiry, sir?

Mr. VROON. When we passed this amendment that was just voted on, what did we vote on? Did we vote on the entire amendment before it was divided?

The SPEAKER. Now, let me explain to all of the members, some of whom, apparently, by the debate were confused. As of this moment, the House has taken a vote on both sections of the original amendment and has passed both sections of the original amendment, as of the moment. Is that understood?

Mr. VROON. Yes. As of one amendment.

The SPEAKER. No. You did not understand me. There were two votes taken.

Mr. VROON. Yes. Mr. Speaker, is it proper—

The SPEAKER. Mr. Vroon, just a moment.

There were two votes taken. In both of those votes the House has approved of the amendment before it. That means all the words originally found in A4694 have, as of this moment, been approved by this House.

Mr. VROON. All right. Mr. Speaker?

The SPEAKER. Yes?

Mr. VROON. Those two parts of the amendment in its divided state, one was passed and one was defeated.

The SPEAKER. No. Both have now been passed.

Mr. VROON. Now, I am trying to go back to what happened before. Now, we had two amendments which, in effect, became two separate amendments because this amendment was divided. Yet, when we came to—

The SPEAKER. That is correct.

Mr. VROON. —this reconsideration, we only had one amendment. Now, which one of those two was it? It cannot be both of them, Mr. Speaker, because we had two divided amendments, and we did not say “1” and “2” in our motion for reconsideration.

The SPEAKER. Mr. Vroon, listen again, please.

The House defeated the first half of the amendment and then reconsidered just now and passed it, so the first half of the amendment has been passed. The House passed the second half on its first vote. That means the House has now passed both the first half of the amendment and the second half, and that means all the words of the amendment have now been adopted by the House as of this moment.

Mr. VROON. I understand, Mr. Speaker. Thank you.

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

**AMENDMENT A4694, PART 2,
RECONSIDERED**

The SPEAKER. Now having explained that, we get to a further complication.

The Chair has before it now a reconsideration motion signed by the gentleman, Mr. Ryan, who moves that the vote by which amendment 4694, that is part 2, to HB 2072 was passed by this House on this day be reconsidered.

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

The following roll call was recorded:

YEAS—185

Acosta	Dawida	Kenney	Rieger
Afflerbach	Dietz	Kosinski	Robbins
Angstadt	Dininni	Langtry	Roebuck
Argall	Distler	Lashinger	Rudy
Baldwin	Dombrowski	Laughlin	Rybak
Barber	Donatucci	Lescovitz	Saloom
Barley	Dorr	Letterman	Saurman
Battisto	Duffy	Livengood	Scheetz
Belardi	Durham	Lloyd	Schuler
Belfanti	Evans	Lucyk	Semmel
Birmelin	Fargo	McCall	Serafini
Black	Fattah	McClatchy	Seventy
Blaum	Fee	McHale	Showers
Book	Fischer	Mackowski	Smith, B.
Bortner	Flick	Maiale	Smith, L. E.
Bowley	Foster	Manderino	Snyder, D. W.
Bowser	Fox	Manmiller	Snyder, G.
Boyes	Freeman	Markosek	Staback
Brandt	Freind	Mayernik	Stairs
Broujos	Fryer	Merry	Steighner
Bunt	Gallen	Michlovic	Stevens
Burd	Gamble	Micozzie	Stewart
Burns	Gannon	Miller	Stuban
Bush	Geist	Moehlmann	Sweet
Caltagirone	George	Morris	Swift
Cappabianca	Gladeck	Mrkonic	Taylor, E. Z.

Carlson	Godshall	Murphy	Taylor, J.
Cawley	Greenwood	Nahill	Telek
Cessar	Gruitza	Noye	Tigue
Chadwick	Gruppo	O'Brien	Trello
Cimini	Hagarty	O'Donnell	Van Horne
Civera	Haluska	Olasz	Veon
Clark	Harper	Oliver	Vroon
Clymer	Hasay	Perzel	Wambach
Cohen	Hayes	Petrarca	Wass
Colafella	Herman	Petrone	Weston
Cole	Hershey	Phillips	Wiggins
Cordisco	Honaman	Piccola	Wilson
Cornell	Howlett	Pievsky	Wogan
Coslett	Hutchinson	Pistella	Wozniak
Cowell	Itkin	Pitts	Wright, J. L.
Coy	Jackson	Pressmann	Wright, R. C.
Deluca	Jarolin	Preston	Yandrisevits
DeVerter	Johnson	Punt	
DeWeese	Josephs	Raymond	Irvis,
Daley	Kasunic	Reber	Speaker
Davies	Kennedy	Reinard	

NAYS—2

Kukovich Levdansky
NOT VOTING—12

Arty	Gallagher	Mowery	Ryan
Carn	Linton	Pott	Truman
Deal	McVerry	Richardson	Wright, D. R.

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,
Will the House agree to part 2 of the amendments?

The SPEAKER. Now, unless you want to get confused again and have Mr. Vroon question the Chair, pay attention.

The language currently before the House because of the reconsideration is this: “Amend Sec. 1 (Sec. 8364), page 9, lines 12 and 13, by striking out ‘UNLESS GREATER LIABILITY IS SET FORTH IN THE BYLAWS OF A CORPORATION’ and inserting Whenever the bylaws of a corporation by a vote of the shareholders or members so provide.” This is the amendment which was accepted by the House. It is now being reconsidered. If the House accepts it again, it means the House says that the bylaws of the shareholders of the corporation by a vote on the bylaws must approve.

Is everyone clear now on what we are taking up this time?

On the question recurring,
Will the House agree to part 2 of the amendments?

The following roll call was recorded:

YEAS—99

Acosta	Dombrowski	Laughlin	Rieger
Afflerbach	Donatucci	Lescovitz	Roebuck
Angstadt	Duffy	Letterman	Rudy
Barber	Evans	Levdansky	Rybak
Battisto	Fattah	Linton	Saloom
Belardi	Fee	Livengood	Seventy
Belfanti	Freeman	Lloyd	Staback
Blaum	Freind	McHale	Steighner
Bortner	Fryer	Maiale	Stewart
Boyes	Gallagher	Manderino	Stuban
Broujos	Gamble	Mayernik	Tigue
Burns	George	Michlovic	Trello

Caltagirone	Greenwood	Mrkonic	Truman
Cappabianca	Gruitza	Murphy	Van Horne
Cawley	Haluska	O'Donnell	Veon
Clark	Harper	Olasz	Wambach
Cohen	Howlett	Oliver	Wiggins
Colafella	Hutchinson	Petrarca	Wogan
Cole	Itkin	Petrone	Wozniak
Cordisico	Jarolin	Pievsky	Wright, D. R.
Deluca	Josephs	Pistella	Wright, R. C.
DeWeese	Kasunic	Pressmann	Yandrisevits
Daley	Kosinski	Preston	
Davies	Kukovich	Reinard	Irvis,
Dawida	Lashingner	Richardson	Speaker
Deal			

NAYS—95

Argall	Dietz	Kennedy	Reber
Arty	Dininni	Kenney	Robbins
Baldwin	Distler	Langtry	Ryan
Barley	Dorr	Lucyk	Saurman
Birmelin	Durham	McCall	Scheetz
Black	Fargo	McClatchy	Schuler
Book	Fischer	McVerry	Semmel
Bowley	Flick	Mackowski	Serafini
Bowser	Foster	Manmiller	Showers
Brandt	Fox	Markosek	Smith, B.
Bunt	Gallen	Merry	Smith, L. E.
Burd	Gannon	Micozzie	Snyder, D. W.
Bush	Geist	Miller	Snyder, G.
Carlson	Gladeck	Moehlmann	Stairs
Cessar	Godshall	Mowery	Stevens
Chadwick	Gruppo	Nahill	Swift
Cimini	Hagarty	Noye	Taylor, E. Z.
Civera	Hasay	Perzel	Taylor, J.
Clymer	Hayes	Phillips	Telek
Cornell	Herman	Piccola	Vroon
Coslett	Hershey	Pitts	Wass
Cowell	Honaman	Pott	Wilson
Coy	Jackson	Punt	Wright, J. L.
DeVerter	Johnson	Raymond	

NOT VOTING—5

Carn	O'Brien	Sweet	Weston
Morris			

EXCUSED—2

Sirianni	Taylor, F.
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The question was determined in the affirmative, and part 2 of the amendments was agreed to.

The SPEAKER. Now, the Chair trusts that all of you know and understand that we have voted and passed the entire amendment.

On the question recurring,

Will the House concur in Senate amendments as amended?

Mr. RYAN offered the following amendments No. A4739:

Amend Sec. 1 (Sec. 8362), page 7, line 17, by striking out "A" and inserting

Any

Amend Sec. 1 (Sec. 8362), page 7, line 19, by inserting after "LAW" , the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, or the act of December 14, 1967 (P.L.746, No.345), known as the Savings Association Code of 1967

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Mr. Speaker, inasmuch as amendments are being offered today, which I was against, as you know, I thought I would put in a corrective amendment of my own.

Apparently, when the bill was drafted, it was thought that this would also cover members of the boards of savings and loans and banks. Apparently it does not the way it is drafted but rather covers only holding companies under the Business Corporation Law.

This amendment would bring within the scope of the bill the members of the boards of your local savings and loans and your local banks, and I would ask that the amendment be accepted.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

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

NAYS—8

Freeman Josephs	Levdansky McHale	Manderino Pievsky	Roebuck Truman
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NOT VOTING—3

Carn	Fattah	Linton
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EXCUSED—2

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

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

The SPEAKER. The gentleman, Mr. Davies, is on the phone with the Reference Bureau to see if his amendments can be drafted.

Mr. Davies, are you withdrawing your offer of amendments?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. The Chair recognizes the majority whip on the question.

Mr. O'DONNELL. Mr. Speaker, I would like to interrogate the gentleman, Mr. Ryan.

The SPEAKER. Will Mr. Ryan stand for interrogation? He indicates he will. You may proceed, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I just have two questions. I am going to make this very brief.

Could you tell me what facts would currently yield liability which would be excluded from liability under HB 2072?

Mr. RYAN. As amended, with the passage of the appropriate resolution, ordinary negligence would be excluded from liability, personal liability of the individual director.

Mr. O'DONNELL. What I am trying to do, for the benefit of the record, for the benefit of my own intelligence, for the benefit of the members' understanding, the word "negligence" is, of course, a term of art, and lawyers have some general sense of what negligence means. What is not clear to any of the members of this House at this point is what behavior is exactly being let off the hook.

Now, I could stand here and raise 500 hypotheticals about a corporation that has a hazardous waste dump and the directors of that corporation act negligently and, as a result of their negligence, people become sick and die and the directors are no longer liable, but rather than go through a series of heartrending hypotheticals, what I would like to do is to try and understand the facts of what the word "negligence" means that the word "recklessness" does not mean, if that can be done. If it cannot, respectfully, I withdraw the question. What I would like to do is for you to tell the members what facts yield liability under the current law and no liability under the new law.

Mr. RYAN. I am not so sure that I understand the question, but let me take a crack at it.

Mr. O'DONNELL. Should I reframe it, sir?

Mr. RYAN. No. That will probably confuse me more.

What we have attempted to do is say that the corporate entity that is acting is always responsible for its own acts, but because a corporation is an inanimate object, it must act through its officers and its directors. In this case, unless you could show that the directors were guilty of willful misconduct, recklessness, or self-dealing, then any acts, essentially, that they have taken in the ordinary course of their business as a director in good faith, their pocketbooks would be excused. Their corporation could still be found guilty, but they as an individual would not be exposing their personal wealth to this situation. I do not know that that answers your question.

Prior to this act, assuming it is an act for the sake of the discussion, they could have been found personally liable.

Mr. O'DONNELL. The key word in my question, Mr. Speaker, was the word "facts." But let me just get to my second question.

In the course of argument, Mr. Speaker, you made the observation about the outrageous cost—or one of the other members perhaps did—the outrageous cost of directors' and officers' insurance, and I think you used the term "errors and omissions insurance," and I think it is absolutely true in Pennsylvania that businesses are being hammered with the huge insurance costs and that is part of the motivation for the business community pressing this bill.

My question is, given that doctors in Pennsylvania are paying outrageous insurance premiums, and given that there is a whole series of small businesses that cannot even buy insurance, and given that there are a lot of my constituents and I suspect other people's constituents who cannot even afford their automobile insurance, my question is, what is it that separates the business boards of directors from the rest of Pennsylvania? Why are we letting directors off the hook and giving them a lesser standard so that they will have lower insurance rates when we are not lowering that standard for anybody else in Pennsylvania?

Mr. RYAN. Because the Senate sent us a bill that addresses a question. We apparently are unable to address that question on our own.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER. Mr. O'Donnell, you have the floor.

Mr. O'DONNELL. I think two things come clear from this colloquy: Number one, that the House at this point, unless there is very terrific information in the hands of the individuals, has no idea in the record and I suspect no idea in front of you about exactly what behavior we are excusing when we move from a standard of negligence to a standard of recklessness. We are about to conceivably pass a law that is going to take a whole set of behaviors and move them over to the point where they have no liability. What are those behaviors? No one knows. I expect at some point in Pennsylvania we will find out, and I think we will find out the hard way.

Why are we creating a special class? Why are we letting directors off the hook so that their insurance costs can go

down and they can feel more comfortable doing business? Why are we letting them off the hook and we are not letting the doctors off, we are not letting the purchasers of automobile insurance off the hook, the small businessmen in your districts and mine, we are not letting them off the hook, and we are letting these people off the hook for one reason, and I think that the minority leader framed that answer precisely. The one reason we are letting these people off the hook is because the Senate sent us the bill. If that is going to be the standard, that we will only deal with people's problems, insurance and otherwise, when the Senate in its wisdom—and I use "wisdom" as a term of art—decides to address the issue and send us the bill, it is a sad day and we probably ought to give back our salaries, hopefully not to the Senators.

I urge you to vote "no."

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. The majority caucus had an opportunity over the past several years together with us to bring some of these issues before the House. We have addressed them from time to time. We have not addressed the issues that you made reference to, nor had we on our own addressed this issue. If we have to address it because the Senate sends it over, then so be it, but it is better to address it than to ignore it.

The SPEAKER. Why does the gentleman from Beaver, Mr. Laughlin, rise?

Mr. LAUGHLIN. Mr. Speaker, I had an amendment drafted to this particular bill, and I imagine somehow you passed over the amendment.

The SPEAKER. It was not brought to the attention of the Chair, and when the Chair asked if there were any further amendments, the Chair heard no response. Would the gentleman withdraw the amendment?

Mr. LAUGHLIN. Mr. Speaker, if that is your wish, I will withdraw it.

The SPEAKER. The Chair thinks it would be wise at this point in the debate. Thank you, Mr. Laughlin.

On the question, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, briefly, and I know I will be a voice in the wilderness on this account.

I am surprised to have not seen further amendments to this bill, and it is the reason I rise to ask for nonconurrence on HB 2072.

It is interesting, in the exchange between Representative O'Donnell and Representative Ryan, that Representative Ryan would have noted that the Senate sent us this vehicle. The Senate a few years ago also sent us a vehicle. Ironically, Representative O'Donnell and myself ended up agreeing on attacking the Senate's version of an immunity statute for hazardous people or individuals who were engaged in self-help cleanup efforts for toxic waste bills. At that time we indicated how far was this General Assembly committed to taking the idea of immunity or a reduction of a standard of care. A few years later this House faced the issue of offering immunity from prosecution to Little League coaches and athletic train-

ers. Later on today we are going to talk about immunizing people who allow individuals to use their land for recreational purposes. If anything that I think the past few General Assemblies are going to be characterized as, it is that they are General Assemblies that have reduced the standard of care for decisionmakers in the Commonwealth and have also immunized individuals who, in my opinion, I think offer a service in most cases to our constituents but have to be responsible for the decisions that they make. What we are deciding today is that they do not have to be responsible.

I would not have protested this legislation had it applied to merely nonprofit corporations, to individuals who were not being compensated for the decisions that they were making.

One constantly hears the claim that these boards of directors cannot fill these boards across the Commonwealth. Well, I find that to be difficult to believe, Mr. Speaker, especially given the compensation that is afforded some of the members of these various boards of directors. The better truth is that most of these boards are looking for members who share the same opinion and who will follow the lead of the CEO (chief executive officer) or the chairman of the board of directors, all the more reason to have the shareholders in the Commonwealth of Pennsylvania better protected with the standard of just simple negligence.

Representative O'Donnell asked for a scenario. I can tell you from personal experience one specific scenario. I happen to serve on the board of directors of a publicly held corporation. I serve there as a result of— A Representative corrected me. I used to be on that board, Mr. Speaker. That resulted as a consent order that was agreed to by the parties from a shareholders' derivative action. The simple negligence issue was as to whether a dividend should have been paid from this corporation. My opinion I would apply for Representative O'Donnell is that that would be an example of a situation that would be covered by the existing Business Corporation Law standard of simple negligence but would not be covered by HB 2072. The issue of offering golden parachutes, great retirement benefits to retiring officers and the like, that is a business decision that would probably be covered, if it affected the bottom line, the net profit of a corporation, that would be covered by the existing Business Corporation Law but not be covered by HB 2072.

I think we are moving this today, and Representative O'Donnell raises a valid issue, why are we not dealing with other, in my opinion, more critical insurance problems, and it is because no one really wants to delve into the mystery of Pennsylvania corporation law. It is a gray area; there is a mystique; and really, it is distant from all of us. Well, it is really not that distant. Most of us are probably shareholders in corporations, Pennsylvania corporations possibly. We own those corporations. Those directors and those officers are responsible to us because we own those corporations. By adopting HB 2072, we have abrogated our responsibility to our constituents, to the shareholders of those corporations who are going to suffer as a result of the lower standard of care, possibly the poor decisionmaking that could result by

reducing the standard from a simple negligence standard to this new standard of self-dealing and gross negligence and recklessness. So I could also go on and offer maybe a few hundred hypotheticals of where the new standard would not apply where it did apply for shareholders who brought an action under the old law.

I guess more, and I will close with this, Mr. Speaker, is I do not see this having an effect. No one has proven in any of the debate today that this is going to have an effect on the bottom line for Pennsylvania corporations. I understood the debate over the 18-percent interest rate and its effect on the bottom line of Pennsylvania corporations. I understand the debate when you talk about workmen's compensation and unemployment compensation and its effect on the bottom line for Pennsylvania corporations. But what I do not understand is the debate over immunity or reduction of the standard of care and its effect on the bottom line for Pennsylvania corporations and why that would afford them an opportunity to make a decision to leave Pennsylvania. I am mystified as to why that would be a reason to leave Pennsylvania. I am also mystified, Mr. Speaker, by the degree or the extent that this House is committed to taking the theory of immunity or reduction of standard of care across the board. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

YEAS—174

Acosta	Davies	Kenney	Reinard
Afflerbach	Dawida	Kosinski	Rieger
Angstadt	Dietz	Kukovich	Robbins
Argall	Dininni	Langtry	Roebuck
Arty	Distler	Laughlin	Rudy
Baldwin	Dombrowski	Lescovitz	Ryan
Barley	Donatucci	Letterman	Saloom
Battisto	Dorr	Livengood	Saurman
Belardi	Duffy	Lloyd	Scheetz
Belfanti	Durham	Lucyk	Schuler
Birmelin	Fargo	McCall	Semmel
Black	Fee	McClatchy	Serafini
Blaum	Fischer	McVerry	Seventy
Book	Flick	Mackowski	Showers
Bortner	Foster	Maiale	Smith, B.
Bowley	Fox	Manmiller	Smith, L. E.
Bowser	Freind	Markosek	Snyder, D. W.
Boyes	Fryer	Mayernik	Snyder, G.
Brandt	Gallagher	Merry	Staback
Broujos	Gallen	Micozzie	Stairs
Bunt	Gamble	Miller	Steighner
Burd	Gannon	Moehlmann	Stevens
Burns	Geist	Morris	Stewart
Bush	George	Mowery	Stuban
Caltagirone	Gladeck	Mrkonic	Sweet
Cappabianca	Godshall	Murphy	Swift
Carlson	Greenwood	Nahill	Taylor, E. Z.
Cawley	Gruitza	Noye	Taylor, J.
Cessar	Gruppo	O'Brien	Telek
Chadwick	Hagarty	Olasz	Tigue
Cimini	Haluska	Perzel	Trello
Civera	Hasay	Petrarca	Van Horne
Clark	Hayes	Petrone	Vron
Clymer	Herman	Phillips	Wambach
Colafella	Hershey	Piccola	Wass
Cole	Honaman	Pistella	Weston

Cordisco	Howlett	Pitts	Wilson
Cornell	Hutchinson	Pott	Wogan
Coslett	Itkin	Pressmann	Wozniak
Cowell	Jackson	Preston	Wright, D. R.
Coy	Jarolin	Punt	Wright, J. L.
Deluca	Johnson	Raymond	Wright, R. C.
DeVerter	Kasunic	Reber	Yandrisevits
Daley	Kennedy		

NAYS—24

Barber	Harper	Michlovic	Truman
Cohen	Josephs	O'Donnell	Veon
DeWeese	Lashinger	Oliver	Wiggins
Deal	Levdansky	Pievsky	
Evans	Linton	Richardson	Irvis,
Fattah	McHale	Rybak	Speaker
Freeman	Manderino		

NOT VOTING—1

Carn

EXCUSED—2

Sirianni Taylor, F.

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

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Additional information on the turnpike situation: You will not be allowed even to enter and drive on the turnpike between exits 23 and 25. In effect, the turnpike has closed down from Downingtown on in. U.S. Route 202 north and south are both closed.

Mr. VROON. Mr. Speaker?

You specifically stated that nobody will be allowed to come onto the turnpike at exits 23, 24, and 25. The question is, can we get off at exit 23?

The SPEAKER. No. You cannot even drive to it. No.

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

Mr. KOSINSKI. Will the Chief Clerk allow us some extra PennDOT maps?

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Chair asks that the gentleman from Berks, Mr. Fryer, preside temporarily over the floor of the House.

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

RESOLUTIONS

Mr. BIRMELIN called up HR 337, PN 3954, entitled:

Commemorating the Centennial Anniversary of Grey Towers, the home of Gifford Pinchot.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Mr. Speaker, in conjunction with this resolution, which does honor our former Governor, Gifford Pinchot, I would also inform the membership that on November 18 the Friends of Grey Towers, who commemorate and keep alive the memory of Gifford Pinchot, will be presenting in the Capitol rotunda a bust of the former Governor and will be here to present that in person on the Speaker's podium there. All of our members will be invited to the ceremony accepting it, as well as be able to witness it here on the House floor. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Daley	Kennedy	Punt	
Davies	Kenney	Raymond	Irvis,
Dawida	Kosinski	Reber	Speaker

NAYS—1

Richardson

NOT VOTING—0

EXCUSED—2

Sirianni

Taylor, F.

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

* * *

Mr. COLAFELLA called up HR 344, PN 3996, entitled:

Condemning the action of LTV Steel in attempting to discontinue health and life insurance coverage for its retirees; applauding union and Congressional action in restoring benefits; and calling on all corporations to recognize the rights of their retirees.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

DeWeese Josephs Preston
 Daley Kasunic Punt Irvis,
 Davies Kennedy Raymond Speaker

NAYS—0

NOT VOTING—5

Langtry Stairs Sweet Truman
 Pievsky

EXCUSED—2

Sirianni Taylor, F.

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

* * *

Mr. CORNELL called up **HR 353, PN 4091**, entitled:

Recognizing October 19 through 25, 1986, as "National Business Women's Week."

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

Daley Kennedy Punt Irvis,
 Davies Kenney Raymond Speaker
 Dawida

NAYS—0

NOT VOTING—4

Olasz Roebuck Seventy Truman
 Sirianni Taylor, F.

EXCUSED—2

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

* * *

Mr. DeWEESE called up **HR 348, PN 4057**, entitled:

Commemorating the 40th Anniversary of the Paralyzed Veterans of America.

On the question,
 Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Deal Kukovich Reber Speaker
 NAYS—0
 NOT VOTING—5
 Acosta Josephs Snyder, D. W. Taylor, J.
 Carn
 EXCUSED—2
 Sirianni Taylor, F.

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

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1486, PN 2476**, entitled:

An Act amending the act of May 21, 1943 (P. L. 349, No. 162), entitled, as amended, "An act requiring political subdivisions to refund certain taxes, license fees, penalties, fines or moneys paid thereto, and providing procedure for obtaining such refunds," requiring interest to be paid on certain overpayments of tax.

On the question,
 Will the House agree to the bill on third consideration?
 Mr. ITKIN offered the following amendments No. A4698:

Amend Bill, page 11, by inserting between lines 2 and 3 Section 2. The provisions of this amendatory act are to be construed prospectively and shall apply to all payments made to political subdivisions on or after July 1, 1987.

Amend Sec. 2, page 11, line 3, by striking out "2" and inserting

3

Amend Sec. 2, page 11, line 3, by striking out "in 60 DAYS" and inserting
 July 1, 1987

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

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

Mr. ITKIN. Mr. Speaker, this amendment would change the effective date of the bill to July 1, 1987, and clarify that the act is to be prospective; that is, that the act shall apply to overpayments after the effective date of the act, not items currently in the pipeline.

This change will give municipalities and school districts time to establish the necessary mechanisms to speed processing of such claims to help avoid the necessity of interest payments.

Mr. Speaker, I would appreciate support for this amendment.

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

The following roll call was recorded:

YEAS—195

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

NAYS—1

NOT VOTING—3

Acosta Carn Cornell
 EXCUSED—2

Sirianni Taylor, F.

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

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

NAYS—0

NOT VOTING—1

Oliver

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 2606, PN 3760**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

On the question,

Will the House agree to the bill on third consideration?

Mr. LETTERMAN offered the following amendments No. A4465:

Amend Sec. 1, page 1, line 6, by inserting after "(j)"
, (p)

Amend Sec. 1, page 1, line 7, by inserting after "Statutes"
, amended July 8, 1986 (P.L.442, No.93),

Amend Sec. 1 (Sec. 5511), page 2, lines 13 through 16, by striking out all of said lines and inserting

(ii) the killing of any animal or fowl pursuant to 34 Pa.C.S. §§ 2384 (relating to declaring dogs public nuisances) and 2385 (relating to destruction of dogs declared public nuisances), or the regulations promulgated thereunder; or

Amend Sec. 1 (Sec. 5511), page 6, by inserting between lines 1 and 2

(p) Applicability of section.—This section shall not apply to, interfere with or hinder any activity which is authorized or permitted pursuant to Title 34 (relating to game).

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is just a technical amendment which would reflect reference to title 34, the recently enacted Game Law recodification. HB 2606 was drafted before that bill was signed into law, and that is why I had to make the technical change.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Afflerbach	Dininni	Langtry	Richardson
Angstadt	Distler	Lashinger	Rieger
Argall	Dombrowski	Laughlin	Robbins
Arty	Donatucci	Lescovitz	Roebuck
Baldwin	Dorr	Letterman	Rudy
Barley	Duffy	Levdansky	Ryan
Battisto	Durham	Linton	Rybak
Belardi	Evans	Livengood	Saloom
Belfanti	Fargo	Lloyd	Saurman
Birmelin	Fattah	Lucy	Scheetz
Black	Fee	McCall	Schuler
Blaum	Fischer	McClatchy	Semmel
Book	Flick	McHale	Serafini
Bortner	Foster	McVerry	Seventy
Bowley	Fox	Mackowski	Showers
Bowser	Freeman	Maiale	Smith, B.
Boyes	Freind	Manderino	Smith, L. E.
Brandt	Fryer	Manmiller	Snyder, D. W.
Broujos	Gallagher	Markosek	Snyder, G.
Bunt	Gallen	Mayernik	Staback
Burd	Gamble	Merry	Stairs
Burns	Gannon	Michlovic	Steighner

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

NAYS—0

NOT VOTING—6

Acosta	Cornell	Truman	Vroon
Barber	Oliver		

EXCUSED—2

Sirianni Taylor, F.

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

On the question,

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

Mr. LETTERMAN offered the following amendments No. A4604:

Amend Sec. 1 (Sec. 5511), page 1, line 12, by inserting a bracket before "A"

Amend Sec. 1 (Sec. 5511), page 1, line 12, by striking out the bracket before "misdemeanor"

Amend Sec. 1 (Sec. 5511), page 2, line 1, by striking out "felony of the third degree"

Amend Sec. 1 (Sec. 5511), page 2, lines 3 and 4, by striking out "ANY DOMESTIC FOWL OF ANOTHER PERSON"

Amend Sec. 1 (Sec. 5511), page 2, lines 5 and 6, by striking out "ANIMAL, DOMESTIC FOWL"

Amend Sec. 1 (Sec. 5511), page 2, line 8, by inserting a bracket after "birds," and inserting immediately thereafter A person commits a misdemeanor of the second degree if he willfully and maliciously:

(i) Kills, maims or disfigures any domestic animal of another person or any domestic fowl of another person.

(ii) Administers poison to or exposes any poisonous substance with the intent to administer such poison to any domestic animal of another person or domestic fowl of another person. Any person convicted of violating the provisions of this paragraph shall be sentenced to pay a fine of not less than \$500.

(2) A person commits a felony of the third degree if he willfully and maliciously:

(i) Kills, maims or disfigures any zoo animal in captivity.

(ii) Administers poison to or exposes any poisonous substance with the intent to administer such poison to any zoo animal in captivity.

Amend Sec. 1 (Sec. 5511), page 2, line 9, by inserting brackets before and after "(2)" and inserting immediately thereafter

(3)

On the question,

Will the House agree to the amendments?

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, at the present time the way we have the bill drawn, it is a felony if you willfully and maliciously kill, maim, disfigure, or poison domestic animals. What we are doing is taking this back to a misdemeanor, and the reason for this is we are separating other animals from zoo animals. We are still having it a felony if a person breaks into a zoo and kills the zoo animals.

I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

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

Deluca	Jarolin	Pressmann	Wright, J. L.
DeVerter	Johnson	Preston	Wright, R. C.
DeWeese	Josephs	Punt	Yandrisevits
Daley	Kennedy	Raymond	
Davies	Kenney	Reber	Irvis,
Dawida	Kosinski	Reinard	Speaker
Deal	Kukovich		

NAYS—1

Pott

NOT VOTING—6

Acosta	Kasunic	Richardson	Truman
Barber	Oliver		

EXCUSED—2

Sirianni Taylor, F.

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. BOWSER offered the following amendments No. A3803:

Amend Sec. 1, page 1, lines 7 and 8, by striking out "a subsection is" and inserting

subsections are

Amend Sec. 1 (Sec. 5511), page 2, lines 3 and 4, by striking out "ANY DOMESTIC FOWL OF ANOTHER PERSON"

Amend Sec. 1 (Sec. 5511), page 2, lines 5 and 6, by striking out "DOMESTIC FOWL"

Amend Sec. 1 (Sec. 5511), page 3, line 8, by striking out "felony of the third degree" and inserting

summary offense

Amend Sec. 1 (Sec. 5511), page 3, by inserting between lines 26 and 27

(h.2) Dog fighting.—A person commits a felony of the third degree if he:

(1) for amusement or gain, causes, allows or permits any dog to engage in dog fighting;

(2) receives compensation for the admission of another person to any place kept or used for dog fighting;

(3) owns, possesses, keeps, trains, promotes, purchases or knowingly sells any dog for dog fighting;

(4) in any way knowingly encourages, aids or assists therein;

(5) wagers on the outcome of a dog fight;

(6) pays for admission to a dog fight or attends a dog fight as a spectator; or

(7) knowingly permits any place under his control or possession to be kept or used for dog fighting.

Amend Sec. 1 (Sec. 5511), page 6, line 5, by striking out "dog."

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

In this amendment, what we are doing is we are leaving dogfighting as a third-degree felony. We are changing fighting or baiting any bull, bear, cock, or other creature other than dog, changing that back to a summary offense.

I have a real problem with dogs fighting. I love dogs; they are part of our families. Chickens, I never had them for a pet in my house. I have a feeling for them. We are not trying to change the law. It will still be illegal to fight them and I think that is right, but I think a felony conviction that can mean 7 years in prison or up to a \$15,000 fine is a little bit too potent for somebody attending or cockfighting chickens.

PARLIAMENTARY INQUIRY

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, a point of parliamentary inquiry.

On this amendment, A3803, the third section, "Amend Sec. 1 (Sec. 5511), page 2, lines 5 and 6, by striking out 'DOMESTIC FOWL,'" this amends part of Mr. Letterman's amendment which we already accepted. It was my understanding that you cannot amend an amendment.

The SPEAKER pro tempore. The Chair is informed by the Parliamentarian that once an amendment is accepted, it then becomes part of the bill and is no longer an amendment.

Mr. NAHILL. So we are effectively changing this wording twice in the last minute?

The SPEAKER pro tempore. In effect, yes.

Mr. NAHILL. I wonder if Mr. Letterman likes that. I do not know that he knows we changed that yet.

Mr. Speaker, after that point of parliamentary inquiry, I would like to make a statement.

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

Is the gentleman, Mr. Letterman, aware of the statement made by Mr. Nahill? The Chair thanks the gentleman.

The gentleman, Mr. Nahill, is in order and may proceed.

Mr. NAHILL. Mr. Speaker, one of the things that we have had a problem with in the southeast recently has been the simple fact that we have become the dogfighting capital of the world, an honor that I do not think we are very, very proud of. Not only are we the dogfighting capital of the world, but we fight just about any animal we can find that will fight. I think the recent conditions exposed by the Philadelphia Inquirer have to indicate to us that we have to put a stop to this.

We have heard reports about domestic animals being kidnapped, taken in, placed in a pit with pit bull terriers and literally being torn limb from limb. If indeed after the fight they are not dead, they are hung out a window until they die, and then they are thrown into a courtyard where as many as 20 and 30 animals at a time, in various stages of decomposition, are sitting there and obviously contaminating the neighborhoods in which they are fighting.

Fighting has become so prevalent in Philadelphia that not only do we have private pit bull fights and private cockfights, we now have them on street corners. People come out of their houses on a Friday night for a little bit of enjoyment; it is cheaper than going to the movies. You can bet \$5 or \$10 on

which dog is going to kill which dog, which cock is going to kill which cock, and it really has become a very serious situation.

I cannot for the life of me figure out why we should leave any of these offenses as summary offenses. They have already built this tiny little cost into the cost of running these fights and they have no problem at all paying \$300 fines, but if we raise this to a level that will get their attention, you will see it stopping very quickly and we will no longer be the number one pit bull fighting city in the United States. I think we have to stop this, and I ask for the defeat of this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Bowser's amendment, I think I need to make clear to the members of the House, is one that is being supported by those who are already engaged in illegal activity in this Commonwealth. Those are individuals who in fact engage in cockfighting, which is already a summary offense under current law in Pennsylvania.

What this amendment will do is in fact allow those who engage in that activity to continue to engage in that activity in the Commonwealth of Pennsylvania, because many of them are aware of the fact that 90 days in jail and a \$300 fine is not one in which many of the law enforcement officers in this Commonwealth are willing to get involved and to apprehend them. So therefore, they have been lobbying to maintain the current summary offense for cockfighting in the State of Pennsylvania.

Just recently, Mr. Speaker, in Lancaster County there was a raid involved in which there was illegal cockfighting activity taking place. Many of the law enforcement officers of that county, the district attorney of that county, and also the agents of the Humane Society were involved in a raid. At that raid there were thousands of dollars that were found. There were illegal drugs that were found. There were people who came from all parts of the country into Lancaster County to engage in cockfighting. They did not come from just the local area but they came from New York, New Jersey, and various other sections of the country into Lancaster County. Why? Because in our State the current offenses for those types of crimes are at such a low level that people come from outside the Commonwealth to engage in that such activity.

So the gentleman, Mr. Bowser, would have you believe that if we keep a summary offense for cockfighting, that would in fact be okay. But I am inclined to agree that we need to increase that offense, maintain the bill as currently drafted so that all animal fighting in the State of Pennsylvania would in fact be a felony. Therefore, I ask for a negative vote on the Bowser amendment.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I have a question on this. First of all, we amended the bill. The bill originally called for everything to be a felony. A felony, I believe, is up to a \$15,000 fine and a very substantial jail sentence, though I do not know how long, and then Mr. Letterman successfully amended this bill and amended the penalties down to, I believe, a misdemeanor. I really do not know what the penalties for a misdemeanor are, and I do not know if a lot of the people in this body know what they are. I would like to find that out, and I think the amendment that is on the floor at this time changes the penalties back up to a summary offense, and a summary offense is 90 days in jail maximum and a \$300 fine. So I would really like to know what the maximum penalties are under the misdemeanor where we are right now before we vote on the amendment.

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

Mr. LETTERMAN. Mr. Speaker, I just want to make a clarification. My amendment did not deal with the fighting section. My amendment only dealt with maliciously killing or maiming of the animals, and it separated domestic animals from zoo animals. But my amendment did not have anything to do with changing a felony on a fight.

Mr. GODSHALL. Okay. Well, then as I understand the bill where we are right now, we are back up to the felony level, which is, I believe, what Mr. Bowser is trying to amend back down to a summary offense, which is the present violation. Is that correct, Mr. Speaker?

Mr. BOWSER. That is correct.

Mr. GODSHALL. So for the benefit of Mr. Letterman's explanation, we really have not changed the penalties for cockfighting or for dogfighting; we have just changed— The big change in the bill is right now the bill calls for felony offenses for fighting and Mr. Bowser is trying to bring that down to a summary.

Mr. BOWSER. Mr. Speaker, except for dogs. I am leaving dogfighting as a felony.

Mr. GODSHALL. Thank you, sir.

Thank you, Mr. Speaker. That concludes my interrogation.

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

Mr. BOWSER. Thank you, Mr. Speaker.

I want to make a couple of comments on Mr. Nahill's and Mr. Linton's verbiage out here. In the first place, I agree with Mr. Nahill 100 percent, and I am not trying to change the felony on dogfighting. That is going to stay in, and I think it should stay in.

On Mr. Linton's comments, I have not talked to the Game Fowl Fighters Association. I do not think there is such an association. I have talked to the Game Fowl Breeders Association and only them, and they, in my mind, are part of Pennsylvania agriculture. That is why I am standing up here now trying to protect those people who actually raise these game fowl chickens, so to speak, and that is exactly what I am trying to do. I think the law is too tough. We are going to still have a law that makes it illegal to fight them; it is not going to

change that one bit, but we are going to toughen up dogfighting, and I am with you 100 percent on that.

I would ask for an affirmative vote on this.

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

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to support the Bowser amendment. I believe, if he is only changing the gamecock fighting, I think we have to remember that even if you are a spectator, you would be hit with this felony offense. I think if they take the law, which is a summary law at this point, and they enforce the law, you are talking a \$300 fine and 90 days. I think this would resolve the problems that they have, but you get carried away in this legislature and put that type of a penalty to someone who is just attending. And again, certainly I do not approve of gamecock fighting, and I know, speaking with the Game Fowl Breeders, they do not approve and think it should be legalized, but they do oppose that type of offense, and I would hope that we vote in the affirmative on the Bowser amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, current law calls for a summary offense. Current law has done nothing to stop the cockfighting. Now, if the Breeders Association is against fighting, is against this kind of activity, then I certainly do not think they can find anything wrong with getting the criminal's attention, and that is what we are trying to do. We are trying to get their attention.

A \$300 fine is part of the current overhead. They automatically assume when they set up these fights, there is \$300 for fines; X number of dollars for hotdogs, popcorn, marijuana, if that is something they also want to push at these things. They have a definite overhead, and \$300 does not make one bit of difference to them. We have to get their attention; we have to bring in a penalty that will cause them to say, I do not want to come into Pennsylvania to fight again; I am going to go someplace else, and we have to clean up our neighborhoods. Thank you, Mr. Speaker.

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

Mr. LINTON. Mr. Speaker, I hope this is the last time I have to address this amendment. But quite clearly what Mr. Nahill says is quite true. If the Game Fowl Breeders Association is in fact concerned about the agricultural activity, then I am in support of that. In fact, I have an amendment that I am going to offer later on to make sure that all legitimate agricultural activity is in fact protected under this bill and that no one will impede upon normal agricultural activity. But what we are concerned about is the illegal activity of fighting cocks. That is what we are concerned about, that is what we are addressing in increasing the penalties, and that is what we want to maintain in the current bill.

Therefore, I would ask that we oppose the Bowser amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Godshall, for the second time on this issue.

Mr. GODSHALL. Thank you, Mr. Speaker.

I concur with the Bowser amendment. This bill calls for a felony offense, even for spectators, and I think by leaving the felony in for dogfighting, we have covered this pretty broadly. I would ask for a "yes" vote on the Bowser amendment.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to oppose this amendment. I think the members should be clear. The arguments here seem to proceed along the lines that all that would be done with this amendment would be to reduce the penalty for cockfighting, for chicken fighting. That is not really the case. What it would do is reduce the penalty to a summary offense for any other kind of animal fighting besides that of dogfighting. What that means is that you could put lions and bears together and have them fight, you could put all kinds of animals together and allow them to kill each other, to kill one another, and that would only be a summary offense. I think clearly the author of this amendment did not want to make cockfighting legal. However, by reducing the penalty to a summary offense, one might as well have done that, because the cost of paying a summary offense is so insignificant given the amount of money that can be made at these events that they will continue unimpeded.

I think that the real issue in this entire bill is whether or not we think that as a society we countenance, for human pleasure, the putting together of innocent animals to slaughter one another. If we do not countenance that, then we ought to be serious about it and we ought to make it a serious offense. If we do countenance it, then we ought to turn our back on it and pretend that it is okay and vote for this amendment. I would hope that the House would have the good judgment to vote down this amendment.

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

Mr. LETTERMAN. Mr. Speaker, really what we have to decide is whether we want chicken fighting or not. That is really the whole thing about this bill. And sometimes these dogfights take place with chicken fighting intermingled. They fight dogs first; then they fight the chickens. I really do not see any difference. If we are going to be humane about the whole thing, that is what we ought to be. We ought to penalize them with the same penalty whether it is a chicken or a dog.

I am asking for a negative vote. Thank you.

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

Mr. MERRY. Mr. Speaker, I rise to support the Bowser amendment, A3803, for these reasons: I certainly do not support the fighting of animals in any form, but I do wonder, where has our law enforcement been up till now? We have had laws in place that should have addressed this problem. Now if we seek to overaddress the problem, I think we all should be

concerned about how it affects our constituents. I am not talking about the professional gambler; I am talking about that poor person who is searching for entertainment - the handicapped, the disadvantaged - who goes there just innocently passing by this fighting arrangement and can be socked with thousands of dollars of fines that he cannot pay. I, as a legislator, do not want these people coming to me asking me to get them out of trouble. I think the penalties involved in the bill as is overaddress the problem, and the Bowser amendment seeks to eliminate that as being more satisfying.

Thank you, Mr. Speaker. I urge the adoption of the Bowser amendment.

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

The following roll call was recorded:

YEAS—55

Angstadt	DeVerter	Hershey	Phillips
Baldwin	Daley	Jackson	Pitts
Birmelin	Distler	Jarolin	Reber
Black	Dombrowski	Kasunic	Robbins
Bowser	Dorr	Kennedy	Showers
Boyes	Fargo	Lescovitz	Smith, B.
Brandt	Foster	Livengood	Smith, L. E.
Bunt	Gallen	Lloyd	Snyder, G.
Burd	Gamble	Lucyk	Stairs
Bush	Gannon	Mackowski	Steighner
Carlson	Geist	Merry	Sweet
Cessar	Godshall	Mochlmann	Swift
Chadwick	Haluska	Mowery	Telek
Clark	Hayes	Noye	

NAYS—141

Afflerbach	Duffy	McCall	Rybak
Argall	Durham	McClatchy	Saloom
Arty	Evans	McHale	Saurman
Barber	Fattah	McVerry	Scheetz
Barley	Fee	Maijale	Schuler
Battisto	Fischer	Manderino	Semmel
Belardi	Flick	Manmiller	Serafini
Belfanti	Fox	Markosek	Seventy
Blaum	Freeman	Mayernik	Snyder, D. W.
Book	Freind	Michlovic	Staback
Bortner	Fryer	Micozzie	Stevens
Bowley	Gallagher	Miller	Stewart
Broujos	George	Morris	Stuban
Burns	Gladeck	Mrkonic	Taylor, E. Z.
Caltagirone	Greenwood	Murphy	Taylor, J.
Cappabianca	Gruitza	Nahill	Tigue
Carn	Gruppo	O'Brien	Trello
Cawley	Hagarty	O'Donnell	Truman
Cimini	Harper	Olasz	Van Horne
Civera	Hasay	Oliver	Veon
Clymer	Herman	Perzel	Vroon
Cohen	Honaman	Petrarca	Wambach
Colafella	Howlett	Petrone	Wass
Cole	Hutchinson	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Johnson	Pistella	Wilson
Coslett	Josephs	Pott	Wogan
Cowell	Kenney	Pressmann	Wozniak
Coy	Kosinski	Preston	Wright, D. R.
Deluca	Kukovich	Punt	Wright, J. L.
DeWeese	Langtry	Raymond	Wright, R. C.
Davies	Lashingier	Reinard	Yandrisevits
Dawida	Laughlin	Rieger	
Dietz	Letterman	Roebuck	
Dininni	Levdansky	Rudy	Irvis,
Donatucci	Linton	Ryan	Speaker

NOT VOTING—3

Acosta Deal Richardson
EXCUSED—2

Sirianni Taylor, F.

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

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

Mr. BOWSER offered the following amendment No. A3802:

Amend Sec. 1 (Sec. 5511), page 4, line 2, by inserting after "he]"
, shall be trained in law enforcement and regulated by the Pennsylvania State Police pursuant to the rules and regulations adopted for the Pennsylvania State Police and

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

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. This amendment, Mr. Speaker, would require that agents of any association or society for the prevention of cruelty to animals be trained in law enforcement and regulated by the State Police before they are allowed to initiate criminal proceedings in animal fighting activities. We have associations out there now that send people into the field with no training at all who actually perform police duties. All I am asking, and I do not think anybody can refute this, is that everybody should be trained, well trained, before they go out and do the job as a police officer.

I ask for an affirmative vote on this amendment.

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

Mr. LINTON. Mr. Speaker, I was wondering if the gentleman, Mr. Bowser, would stand for a brief period of interrogation.

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

Mr. LINTON. Mr. Speaker, as your amendment is currently drafted, who would you propose would conduct the law enforcement training?

Mr. BOWSER. The State Police or anybody designated by them. It should be the same training that the State Police receive, particularly now that it is seemingly going to remain as a felony for any of these offenses. And when you are looking at a \$15,000 fine, a maximum of 7 years, I think the people who go out to make these arrests certainly should be well trained in what they are doing.

Mr. LINTON. Mr. Speaker, are you suggesting that they be trained in firearms, how to handle firearms, how to make an arrest, things which in fact they do not do, have no authority to do, and have no intention to do, but that are in fact involved in police training?

Mr. BOWSER. Yes; I would go that far. I think if you are going to send them out to arrest somebody for a felony, they certainly ought to have protection for themselves.

Mr. LINTON. Who would you propose is to pay for the training that is to be conducted under your amendment, Mr. Speaker?

Mr. BOWSER. The State of Pennsylvania. If we are going to pass this law, then I think it is our obligation to train these people to go out and do this job.

Mr. LINTON. Mr. Speaker, could you tell me if you have a fiscal note that has been attached to your amendment and how much, in fact, it would cost us to provide this additional training?

Mr. BOWSER. I have no idea. Do you have any idea how many people these organizations will send out? I have no idea.

Mr. LINTON. Mr. Speaker, it seems to me that if you are going to propose an amendment that you are going to ask this Commonwealth to pay for, if you are going to ask us to vote for those appropriations, that you should in fact have a fiscal note so that we in fact would know what we are voting for.

In addition, Mr. Speaker, if we have a municipal police training act that requires at some point in time some of our local governments to participate in picking up the costs of that training and your amendment does not address that, how would you propose to make it clear that local government would not have to pay the cost of this training?

Mr. BOWSER. Well, we would start with the fines, Mr. Speaker. Under your legislation they are going to be sizable. Possibly we could do this training with the fines that would come in.

Mr. LINTON. Thank you, Mr. Speaker. No further questions.

May I make a comment, sir?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, it is clear, first of all, there is no fiscal note attached to this amendment. We have no idea as to how much is going to be involved in the cost of this training. Two, Mr. Speaker, we have no idea what the scope of that training should be, and it is clear that the scope of a humane society agent is not to handle guns; they do not make arrests; they conduct these investigations in conjunction with the local police and authorities. They also are trained for the most part by the district attorney in the proper procedures in going before the courts to ask for warrants. They are also sworn in by the courts as agents. So, therefore, there is training that is currently being provided.

The gentleman's amendment as currently drafted goes way beyond the scope of the activities of these agents. The training is in fact not necessary at that level. In addition, in fact, we do not know how much it is going to cost this Commonwealth or local governments. Therefore, I ask for a negative vote on the Bowser amendment.

Thank you, Mr. Speaker.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I do not think any of us have a problem with some training for our SPCA employees. However, this amendment leaves the amount, the cost, et cetera, wide open. Is it the same number of hours that we now mandate for our municipal police - 480 hours? Is it 5 hours, is it 30, is it 80, is it 250? I think it has left too many things unsaid, which is much worse than what it has said.

I ask for a negative vote as long as this amendment is left as wide open as it is.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, it has been a long day and I know many of us are tired, but I wish the members would pick up this piece of legislation and look at the area of issue that Mr. Bowser is attempting to address. On the bottom of page 3, it says, "Power to initiate criminal proceedings.—...An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth...shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure."

Now, I suspect there are not many on this floor, except perhaps those who are practicing attorneys, who know all of the rules of criminal procedure, but it sure seems to me that if we are going to provide that broad a power to SPCA agents and others, then, by golly, they ought to have some training along those lines. This does not restrict it, the way I read the bill currently, to them initiating criminal proceedings just when it affects this act. It says they shall have the same powers as police officers in this Commonwealth, which means they can go well beyond this act, and I am not sure we in this Assembly intend for that to occur with no training whatsoever for people who generally are perceived as those who help people with domestic and other animals within a given geographical area of this State.

If this amendment that Mr. Bowser is offering is not inserted into this legislation, we are doing a great disservice, and I would ask for its adoption. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, the only trouble with what the previous speaker said is that this is prior law. This is not new law; this was done in the Criminal Code in the 1970's. This is not new law; this is what we have been living under. It is the current law now. We have had it for a long time and we have lived with it. Nobody said anything about it then, but all of a sudden you are going to argue about it now. This is not even part of what we are doing in this bill.

I think it is a bad amendment and it should be defeated. Thank you, Mr. Speaker.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to oppose this amendment. There has been an awful lot of misinformation in the last couple of minutes. The maker of the amendment has talked about humane agents arresting people. There is nothing in this bill, there is nothing in the law, that gives them the authority to arrest people. They take police officers with them when they make a raid on a dogfighting establishment or any kind of a fighting game going on. We are not giving them authority to arrest people. The only authority in the law is the authority to enjoin any violation of this section, to go to court and ask the court to order ceasing and desisting of this kind of operation.

The gentleman, Mr. Letterman, is absolutely correct in that the legal authority to initiate criminal proceedings is already in the law. These are paperwork kinds of activities; they are not law-and-order, draw-your-guns, arrest-and-handcuff kinds of activities. They are simply providing humane societies with the legal tools to go in and bring these actions before the proper courts.

We had better not support this amendment, because what we do is we impose unmeasurable burdens on humane societies for the cost of this training. We impose burdens on the State Police, because no one has suggested to the State Police in this amendment who is going to do this, where they get the manpower, where they get the money to do this. It is totally unnecessary and there has not been a shred of evidence presented in the testimony that shows that there has been a problem with what is already existing law.

I think we should defeat this amendment and get on about the business of passing this bill.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

I do not quite agree with the previous speaker. I think we are giving them much, much broader powers. I think it is spelled right out in the bill. You can read it there. But the main difference now—and what Representative Letterman said is probably correct—now we are talking about a felony instead of a misdemeanor, as before, or a summary. There is a big difference, and I hope I am getting that message through. By the time half a dozen of your constituents back in your districts come to you and they are going to jail for 15 years, you are going to wonder what you did down here.

I say if they are fighting dogs, they should. But we should have trained people going out there and executing the law, and that is all I am trying to do is train these people. It was said prior that the district attorney schools these people or trains them. I do not believe any district attorney in any county in this Commonwealth has the time to give proper instructions to these people.

So I ask for an affirmative vote on this to train these people, to send them out in our Commonwealth to be police officers, and that is exactly what we are going to do with this bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second time on this issue, the gentleman from Montgomery, Mr. Nahill.

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I think, as I said at the time of the last amendment, I think it is time we sent these types of criminals a message, and the message is that we are going to enforce this. We do not object to education; we do not object to training. We are exceedingly concerned, however, when the training is totally open ended. We have no idea what the cost could be, we have no idea how many hours are concerned, and we have had no complaints about the enforcement in the past. So I respectfully ask for a “no” vote on this amendment.

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

The following roll call was recorded:

YEAS—56

Baldwin	Cordisco	Jackson	Robbins
Barley	DeVerter	Kasunic	Scheetz
Belfanti	Daley	Lescovitz	Semmel
Birmelin	Distler	Livengood	Showers
Black	Dorr	Lucyk	Smith, L. E.
Bowley	Fargo	Mackowski	Snyder, G.
Bowser	Foster	Merry	Stairs
Brandt	Gallen	Micozzie	Steighner
Burd	Geist	Miller	Stuban
Bush	Godshall	Moehlmann	Sweet
Carlson	Hasay	Noye	Swift
Cimini	Hayes	Phillips	Telek
Civera	Herman	Pitts	Tigue
Clark	Hershey	Reber	Wass

NAYS—139

Afflerbach	Duffy	Levdansky	Rieger
Angstadt	Durham	Linton	Roebuck
Argall	Fattah	Lloyd	Rudy
Arty	Fee	McCall	Ryan
Barber	Fischer	McClatchy	Rybak
Battisto	Flick	McHale	Saloom
Belardi	Fox	McVerry	Saurman
Blaum	Freeman	Maiale	Schuler
Book	Freind	Manderino	Serafini
Bortner	Fryer	Manmiller	Seventy
Boyes	Gallagher	Markosek	Smith, B.
Broujos	Gamble	Mayernik	Snyder, D. W.
Bunt	Gannon	Michlovic	Staback
Burns	George	Morris	Stevens
Caltagirone	Gladeck	Mowery	Stewart
Cappabianca	Greenwood	Mrkonic	Taylor, E. Z.
Carn	Gruitza	Murphy	Taylor, J.
Cawley	Gruppo	Nahill	Trello
Cessar	Hagarty	O'Brien	Truman
Chadwick	Haluska	O'Donnell	Van Horne
Clymer	Harper	Olasz	Veon
Cohen	Honaman	Oliver	Vroon
Colafella	Howlett	Perzel	Wambach
Cole	Hutchinson	Petrarca	Weston
Cornell	Itkin	Petrone	Wiggins
Coslett	Jarolin	Piccola	Wilson
Cowell	Johnson	Pjevsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kennedy	Pott	Wright, D. R.
DeWeese	Kenney	Pressmann	Wright, J. L.
Davies	Kosinski	Preston	Wright, R. C.
Dawida	Kukovich	Punt	Yandrisevits
Deal	Langtry	Raymond	
Dietz	Lashinger	Reinard	
Dininni	Laughlin	Richardson	Irvis,
Dombrowski			Speaker

NOT VOTING—4

Acosta Donatucci Evans Letterman

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

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

Mr. BOWSER offered the following amendments No. A4049:

Amend Sec. 1 (Sec. 5511), page 4, line 22, by inserting brackets before and after the comma after "kept" and inserting immediately thereafter

or

Amend Sec. 1 (Sec. 5511), page 4, line 22, by inserting brackets before and after " , or intended to be used"

Amend Sec. 1 (Sec. 5511), page 4, line 23, by inserting after "animal"

or dog

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

What we are doing in this amendment is trying to delete the word "intended" in the section that allows police officers or agents of various societies to seize animals if they believe the animal is intended to be used for animal fighting. I feel that this language is too broad and wide open and would open the door for harassment to game fowl breeders.

As I understand the word "intended," they can go on a farm or a place where they are raising fowl, the owner or operator could be in the house or he could be uptown, they may see two roosters in there going after each other, and that could be interpreted as intended to fight. There are two fighting birds in there.

I really think that is too broad. I think that that word "intended" should come out of there. If they are indeed fighting them or if there is a group there, I have no problem with them enforcing the law, but I think it is a large loophole that we are trying to correct. Thank you.

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

Mr. LINTON. Mr. Speaker, I am trying to keep the debate to a minimum, but it is clear that this is current law. What Mr. Bowser is once again suggesting is something that we are currently doing. There has been no one beating the drums, saying that this is being abused, and what he is now, once again, doing is removing current law.

We are not attempting to add anything different to this, and what he is attempting to remove is current law that we have been operating under for many, many years. So I ask for a negative vote, Mr. Speaker.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, without the use of the word "intended," we really emasculate this law. It is like saying to somebody we see walking down the street with a gun in their hand, ready to start firing, well, gee, we have to wait until they actually fire and begin to hurt people before we can take any action. When you see these dogs, these cocks being trained to fight, they are being trained to fight by fighting. And it is pretty obvious, when you walk into an arena and you see hundreds of people sitting around waiting for the main bout, when you see money being exchanged and when you see the bout finally take place, that there is an intention there to use these animals for an illicit reason. It is not merely the two hens or two roosters in a coop or in a yard that happen to have a fight. I think that really tends to push the imagination a little bit more than I am willing to do.

I certainly do not believe the SPCA does not have anything better to do than to go around and patrol farms to make sure that no roosters ever fight. We all know they do. It is just when there are 30 or 100 or thousands of people standing around watching it and money is exchanged that we have a serious problem with it.

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

Mr. PHILLIPS. I do not think the question is how do we, as legislators, interpret "intent"; it is how will that person going out and visiting that farm interpret "intent"? I know there are some who feel that anybody who grows game birds grows them strictly for cockfighting. It is the concept of many that the only reason they have game birds on their farms is to use them and sell them for cockfighting. This is the question we have to look at. It is not what our intent is but what is the intent of the individual who goes on that farm.

There are many different reasons that individuals raise game birds. There are those who raise them for the feathers, which are used for fly tying. It is a large industry. One game bird can bring as high as \$100 for the simple reason of using their feathers for fly tying. This particular strain of birds has also been used through the years by many large poultry producers. They have used them for inbreeding, to build up the flocks that they have. They are very healthy birds. Very rarely will they get diseased, and they are used to build up the strains of many large poultry growers.

So my fear is if we leave the word "intended" in there, anybody can walk into any game farm and look at that operation and harass that particular individual. And believe me, if this stays in, this will happen. And we are looking at the type of fine that is now being proposed where they can be fined \$15,000 and 7 years in jail. I think it is serious. You would have to determine what is intended. You know, fine and good; we know what we mean by "intended," but what will that individual who is going in there and pressing the charges, what is his meaning of "intended"?

I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—58

Angstadt	Cordisco	Kasunic	Robbins
Baldwin	DeVerter	Kennedy	Saloom
Barley	Daley	Lescovitz	Scheetz
Belfanti	Distler	Livengood	Showers
Birmelin	Dorr	Lucyk	Smith, L. E.
Black	Fargo	Mackowski	Snyder, G.
Bowser	Foster	Merry	Stairs
Boyes	Geist	Miller	Stuban
Brandt	Godshall	Moehlmann	Sweet
Bunt	Hasay	Noye	Swift
Burd	Hayes	Perzel	Taylor, J.
Bush	Herman	Phillips	Telek
Carlson	Hershey	Pitts	Tigue
Chadwick	Jackson	Reber	Wass
Cimini	Johnson		

NAYS—138

Afflerbach	Duffy	Levdansky	Rieger
Argall	Durham	Linton	Roebuck
Arty	Evans	Lloyd	Rudy
Barber	Fattah	McCall	Ryan
Battisto	Fee	McClatchy	Rybak
Belardi	Fischer	McHale	Saurman
Blaum	Flick	McVerry	Schuler
Book	Fox	Maiale	Semmel
Bortner	Freeman	Manderino	Serafini
Bowley	Freind	Manmiller	Seventy
Broujos	Fryer	Markosek	Smith, B.
Burns	Gallagher	Mayernik	Snyder, D. W.
Caltagirone	Gallen	Michlovic	Staback
Cappabianca	Gamble	Micozzie	Steighner
Carn	Gannon	Morris	Stevens
Cawley	George	Mowery	Stewart
Cessar	Gladeck	Mrkonic	Taylor, E. Z.
Civera	Greenwood	Murphy	Trello
Clark	Gruitza	Nahill	Truman
Clymer	Gruppo	O'Brien	Van Horne
Cohen	Hagarty	O'Donnell	Veon
Colafella	Haluska	Olasz	Vroon
Cole	Honaman	Oliver	Wambach
Cornell	Howlett	Petrarca	Weston
Coslett	Hutchinson	Petrone	Wiggins
Cowell	Itkin	Piccola	Wilson
Coy	Jarolin	Pievsky	Wogan
Deluca	Josephs	Pistella	Wozniak
Davies	Kenney	Pott	Wright, D. R.
Dawida	Kosinski	Pressmann	Wright, J. L.
Deal	Kukovich	Preston	Wright, R. C.
Dietz	Langtry	Punt	Yandrisevits
Dininni	Lashingar	Raymond	
Dombrowski	Laughlin	Reinard	
Donatucci	Letterman	Richardson	Irvis, Speaker

NOT VOTING—3

Acosta	DeWeese	Harper
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EXCUSED—2

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

On the question recurring,

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

Mr. BOWSER offered the following amendment No. A3800:

Amend Sec. 1 (Sec. 5511), page 6, line 15, by inserting after "commodities."

Game fowl may be tested in a manner consistent with the natural perpetuation of the species.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. What this amendment would do and what I am trying to do simply, Mr. Speaker, is to protect the rights of these game fowl breeders to continue growing their chickens. This adds to the definition of "normal agricultural operations" language that would protect game fowl breeders, due to the natural instinctive characteristics of game fowl. They do fight, and what this would add, if they are fighting when these so-called officers come around, it is the nature of the beast, and we want these people protected if they are not fighting them and for the reason that they do this naturally. All we are doing is adding this language so that they can go on with their farming operation.

I ask for support of this amendment.

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment essentially says, now that we are getting close to passage of the bill, that gamecock fighting is illegal but it is fine to do all the practice and preparation for it. For instance, I want to find out whether this game bird is a fighter or not, and I pit it together with two or three others and they begin to fight. I see no difference in preparation for a fight than I do in the actual fight. I think this clearly says that you can prepare for the fight even though it is illegal, and I am assuming while you are preparing for the fight, it is probably okay to have crowds around and to bet on the testing, but when you are finally ready to take on the world's champion, it is no longer legal.

So I ask for a "no" vote on this amendment. I think this blatantly takes something that we are trying to make illegal and makes it legal. Thank you, Mr. Speaker.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I ask for a negative vote on the Bowser amendment.

If the gentleman, Mr. Bowser's concern is protection of the normal operation of farmers, I have an amendment which I plan to offer after this one is defeated that would in fact do that. I want to make sure that those who just want to raise game fowl, who are indeed farmers who engage in normal agricultural activity, are protected. I have an amendment, as I said earlier, that will be drafted to the subsection that would in fact protect normal farming operations.

However, what Mr. Bowser is currently offering goes beyond that. What he is suggesting is that you can test these

birds, have them sparring, have them fighting in order to see if they are in fact good strong chickens. Mr. Speaker, it seems to me that goes beyond normal farming agricultural operations.

I ask for a negative vote. Thank you.

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

Mr. LETTERMAN. I would like to interrogate the maker of the amendment, please.

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

Mr. LETTERMAN. Mr. Speaker, do you intend to allow them to put the metal spurs on the chickens when they test them?

Mr. BOWSER. Mr. Speaker, this amendment does not, in my mind, make it legal for them to test them by fighting, much less put spurs on them.

Mr. LETTERMAN. Would you answer my question, Mr. Speaker, please.

Mr. BOWSER. I did. I said much less put spurs on them.

Mr. LETTERMAN. I could not hear you. I am sorry. I did not hear the last part that you said. Much less put the spurs on them. Is that what you said?

Mr. BOWSER. Right.

Mr. LETTERMAN. In other words, you do not intend to allow them to put the steel spurs on to be tested. Is that correct?

Mr. BOWSER. Exactly. I do not want them even testing them by fighting, and I do not think this language says that.

Mr. LETTERMAN. Okay. I just wanted to get that in the record, because without them there is too much of a variance in the size of the natural spur for them normally to test these birds, so that is why I was just getting that on the record. I thank you, Mr. Speaker.

I guess I will let everybody vote the way they want to on this one.

The SPEAKER pro tempore. It is very gracious of you, sir.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to oppose this amendment. I believe this amendment guts the bill as far as the game fowl fighting is concerned. "Testing" is obviously a word that can be used to get around the prohibitions on fighting and would allow any two game fighters, cockfighters, to put their animals in the ring and have them fight and just call it a test instead of a fight.

We should defeat this amendment as we have defeated the others.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—49

Angstadt	Clark	Hershey	Reber
Baldwin	Cordisco	Kasunic	Robbins
Birmelin	Coslett	Lescovitz	Saloom
Black	DeVerter	Livengood	Showers

Bowley	Daley	Lucyk	Smith, L. E.
Bowser	Distler	Merry	Snyder, G.
Boyes	Dorr	Miller	Stairs
Brandt	Fargo	Moehlmann	Sweet
Bunt	Foster	Noye	Swift
Burd	Geist	Perzel	Taylor, J.
Bush	Godshall	Phillips	Telek
Carlson	Hasay	Pitts	Tigue
Cimini			

NAYS—143

Afflerbach	Fattah	Letterman	Roebuck
Argall	Fee	Levdansky	Rudy
Arty	Fischer	Linton	Ryan
Barber	Flick	Lloyd	Rybak
Barley	Fox	McCall	Saurman
Battisto	Freeman	McClatchy	Scheetz
Belardi	Freind	McHale	Schuler
Belfanti	Fryer	Mackowski	Semmel
Blaum	Gallagher	Maiale	Serafini
Book	Gallen	Manderino	Seventy
Bortner	Gamble	Manmiller	Smith, B.
Broujos	Gannon	Markosek	Snyder, D. W.
Burns	George	Mayernik	Staback
Caltagirone	Gladeck	Michlovic	Steighner
Cappabianca	Greenwood	Micozzie	Stevens
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Taylor, E. Z.
Chadwick	Haluska	Murphy	Trello
Civera	Hayes	Nahill	Truman
Clymer	Herman	O'Brien	Van Horne
Cohen	Honaman	O'Donnell	Veon
Colafella	Howlett	Olasz	Vroon
Cole	Hutchinson	Oliver	Wambach
Cornell	Itkin	Petrarca	Wass
Cowell	Jackson	Petrone	Weston
Coy	Jarolin	Piccola	Wiggins
Deluca	Johnson	Pievsky	Wogan
Davies	Josephs	Pistella	Wozniak
Dawida	Kennedy	Pott	Wright, D. R.
Deal	Kenney	Pressmann	Wright, J. L.
Dietz	Kosinski	Preston	Wright, R. C.
Dininni	Kukovich	Punt	Yandrisevits
Dombrowski	Langtry	Raymond	
Duffy	Lashinger	Reinard	Irvis,
Durham	Laughlin	Richardson	Speaker
Evans			

NOT VOTING—7

Acosta	Donatucci	McVerry	Wilson
DeWeese	Harper	Rieger	

EXCUSED—2

Sirianni	Taylor, F.
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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?

MOTION TO RECOMMIT

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

Mr. BOWSER. Mr. Speaker, I do not think the people totally realize what they have done here today. I am going to give them an opportunity to put this thing back for further study, maybe have a couple hearings on this bill, and bring it

back out in November or whenever. I am asking for this bill to be recommitted to the House Agriculture Committee.

The SPEAKER pro tempore. The gentleman from Erie, Mr. Bowser, has moved that HB 2606, PN 3760, be recommitted to the Committee on Agriculture.

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

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

Mr. LETTERMAN. Mr. Speaker, I rise in opposition to that motion. I think my committee held the hearings, held the proper hearings. Everybody attended who was interested in the bill. It had full hearings. Mr. Bowser was notified of when the hearings were. He could have attended and had his say there.

We had good hearings, and we had a lot of input. We went to game farms, and we actually witnessed what goes on. The game farm breeders had their opportunity to explain their operation to us, and we have what we think is a proper bill.

I would ask for a "no" vote on the motion.

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

The following roll call was recorded:

YEAS—44

Acosta	Bush	Fargo	Noye
Angstadt	Carlson	Geist	Phillips
Baldwin	Chadwick	Godshall	Pitts
Barley	Cimini	Hershey	Robbins
Birmelin	Clark	Kasunic	Saloom
Black	Cordisco	Lescovitz	Smith, L. E.
Bowley	Coslett	Livengood	Stairs
Bowser	DeVerter	Lloyd	Steighner
Boyes	Daley	Lucyk	Swift
Brandt	Distler	Merry	Tigue
Bunt	Dorr	Moehlmann	Wass

NAYS—154

Afflerbach	Fee	Levdansky	Rudy
Argall	Fischer	Linton	Ryan
Arty	Flick	McCall	Rybak
Barber	Foster	McClatchy	Saurman
Battisto	Fox	McHale	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Blaum	Fryer	Maiale	Serafini
Book	Gallagher	Manderino	Seventy
Bortner	Gallen	Manmiller	Showers
Broujos	Gamble	Markosek	Smith, B.
Burd	Gannon	Mayernik	Snyder, D. W.
Burns	George	Michlovic	Snyder, G.
Caltagirone	Gladeck	Micozzie	Staback
Cappabianca	Greenwood	Miller	Stevens
Carn	Gruitza	Morris	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkoncic	Sweet
Civera	Haluska	Murphy	Taylor, E. Z.
Clymer	Harper	Nahill	Taylor, J.
Cohen	Hasay	O'Brien	Telek
Colafella	Hayes	O'Donnell	Trello
Cole	Herman	Olasz	Truman
Cornell	Honaman	Oliver	Van Horne
Cowell	Howlett	Perzel	Veon
Coy	Hutchinson	Petrarca	Vroon
Deluca	Itkin	Petrone	Wambach
DeWeese	Jackson	Piccola	Weston

Davies	Jarolin	Pievsky	Wiggins
Dawida	Johnson	Pistella	Wilson
Deal	Josephs	Pressmann	Wogan
Dietz	Kennedy	Preston	Wozniak
Dininni	Kenney	Punt	Wright, D. R.
Dombrowski	Kosinski	Raymond	Wright, J. L.
Donatucci	Kukovich	Reber	Wright, R. C.
Duffy	Langtry	Reinard	Yandrisevits
Durham	Lashinger	Richardson	
Evans	Laughlin	Rieger	Irvis,
Fattah	Letterman	Roebuck	Speaker

NOT VOTING—1

Pott

EXCUSED—2

Sirianni Taylor, F.

The question was determined in the negative, and the motion was not 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 Bedford, Mr. Dietz, who offers the following amendment, which the clerk will read.

Mr. DIETZ. Thank you, Mr. Speaker.

I withdraw that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. LINTON offered the following amendment No. A4724:

Amend Sec. 1 (Sec. 5511), page 3, by inserting between lines 26 and 27
This subsection shall not apply to activity undertaken in a normal agricultural operation.

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

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

Mr. LINTON. Thank you, Mr. Speaker.

This is a very simple amendment, Mr. Speaker. All the amendment does is to make sure that normal agricultural activity does not get interfered with in the implementation of this act.

I ask for an affirmative vote, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—191

Afflerbach	Dininni	Langtry	Richardson
Angstadt	Distler	Lashinger	Rieger
Argall	Dombrowski	Laughlin	Robbins
Arty	Donatucci	Lescovitz	Roebuck
Baldwin	Dorr	Letterman	Rudy
Barber	Duffy	Levdansky	Ryan
Barley	Durham	Linton	Rybak

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

NAYS—3

Bowser	Brandt	Merry
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NOT VOTING—5

Acosta	Raymond	Vroon	Wright, R. C.
Hagarty			

EXCUSED—2

Sirianni	Taylor, F.
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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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—175

Afflerbach	Dininni	Kosinski	Richardson
Argall	Distler	Kukovich	Rieger
Arty	Dombrowski	Langtry	Robbins
Barber	Donatucci	Lashingner	Roebuck

Barley	Duffy	Laughlin	Rudy
Battisto	Durham	Lescovitz	Ryan
Belardi	Evans	Letterman	Rybak
Belfanti	Fattah	Levdansky	Saloom
Birmelin	Fee	Linton	Saurman
Black	Fischer	McCall	Scheetz
Blaum	Flick	McClatchy	Schuler
Book	Foster	McHale	Semmel
Bortner	Fox	McVerry	Serafini
Bowley	Freeman	Mackowski	Seventy
Brandt	Freind	Maiale	Smith, B.
Broujos	Fryer	Manmiller	Snyder, D. W.
Bunt	Gallagher	Markosek	Staback
Burd	Gallen	Mayernik	Steighner
Burns	Gamble	Michlovic	Stevens
Bush	Gannon	Micozzie	Stewart
Caltagirone	Geist	Miller	Stuban
Cappabianca	George	Morris	Sweet
Carlson	Gladeck	Mowery	Swift
Carn	Godshall	Mrkonic	Taylor, E. Z.
Cawley	Greenwood	Murphy	Taylor, J.
Cessar	Gruitza	Nahill	Telek
Chadwick	Gruppo	O'Brien	Tigue
Cimini	Hagarty	O'Donnell	Trello
Civera	Haluska	Olasz	Truman
Clymer	Harper	Oliver	Van Horne
Cohen	Hasay	Perzel	Vroon
Colafella	Hayes	Petrarca	Wambach
Cole	Herman	Petrone	Wass
Cordischo	Hershey	Piccola	Weston
Cornell	Honaman	Pievsky	Wiggins
Coslett	Howlett	Pistella	Wilson
Cowell	Itkin	Pitts	Wogan
Coy	Jackson	Pott	Wozniak
Deluca	Jarolin	Pressmann	Wright, J. L.
DeWeese	Johnson	Preston	Wright, R. C.
Daley	Josephs	Punt	Yandrisevits
Davies	Kasunic	Raymond	
Dawida	Kennedy	Reber	Irvis,
Deal	Kenney	Reinard	Speaker
Dietz			

NAYS—22

Acosta	DeVerter	Merry	Smith, L. E.
Angstadt	Dorr	Moehlmann	Snyder, G.
Baldwin	Fargo	Noye	Stairs
Bowser	Livengood	Phillips	Veon
Boyes	Lloyd	Showers	Wright, D. R.
Clark	Lucyk		

NOT VOTING—2

Hutchinson	Manderino
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EXCUSED—2

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

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

**THE SPEAKER (K. LEROY IRVIS)
IN THE CHAIR**

The SPEAKER. The Speaker thanks his very good friend, the gentleman, Mr. Fryer, for temporarily presiding over the floor of the House.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman from Philadelphia, Mr. Oliver, wants an immediate State Government Committee meeting at the rear of the hall of the House right now, please.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman from Allegheny, Mr. Trello, calls for an immediate Finance Committee meeting at the rear of the hall of the House right now.

**HEALTH AND WELFARE
COMMITTEE MEETING**

The SPEAKER. The gentleman from Allegheny, Mr. Pistella, calls for an immediate meeting of the Health and Welfare Committee right now.

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

HB 831, PN 950 By Rep. DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "firearm."

JUDICIARY.

HB 2073, PN 4096 (Amended)

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for post conviction relief.

JUDICIARY.

HB 2586, PN 3617 By Rep. DeWEESE

An Act amending the act of June 11, 1879 (P. L. 147, No. 153), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this commonwealth," increasing the compensation to be paid to jurors; and providing for mileage payments.

JUDICIARY.

HB 2620, PN 3685 By Rep. DeWEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to income attachment to enforce support orders of foreign jurisdiction.

JUDICIARY.

HB 2652, PN 3747 By Rep. DeWEESE

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), known as "The Private Detective Act of 1953," exempting certain telephone, telegraph or other telecommunications companies and their employees.

JUDICIARY.

HB 2724, PN 4095 (Amended)

By Rep. TRELLO

An Act empowering certain political subdivisions to levy and collect taxes on certain income; prescribing penalties; and making repeals.

FINANCE.

SB 1635, PN 2505 (Amended)

By Rep. RYBAK

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions relating to insurance fraud for the purpose of making insurance claims and applications; further providing for financial security and for the fee for reinstatement of the operating privilege or registration; further providing penalties for leaving the scene of an accident involving a death or serious bodily injury; and imposing penalties.

INSURANCE.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Taylor. Why do you rise, sir?

Mr. J. J. TAYLOR. Correction of a vote, Mr. Speaker.

On concurrent HR 348 my switch failed to operate, Mr. Speaker. I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Staback. Why do you rise, sir?

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

On final passage of HB 2734 my switch did not work. I would like to be recorded in the affirmative.

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

Why does the gentleman from Washington, Mr. Lescovitz, rise?

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

On the Bowser amendments to HB 2606, amendments A3800, 3802, 3803, and 4049, I would like to change my votes to the negative.

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

BILLS SIGNED BY SPEAKER

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

HB 1543, PN 3858

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the protection of employment of crime victims.

HB 2038, PN 3995

An Act expanding the available adult basic education programs and the duties of the Department of Education; making an appropriation; and making a partial repeal.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I move that the rules of the House be temporarily suspended so that Mr. Cowell may offer an immediate resolution.

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

The following roll call was recorded:

YEAS—185

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

NAYS—0

NOT VOTING—14

Carn	Howlett	Mackowski	Richardson
Foster	Jarolin	Maiale	Rybak
Gannon	Kukovich	Manmiller	Wright, R. C.
Herman	Linton		

EXCUSED—2

Sirianni Taylor, F.

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

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, who calls up for immediate consideration HR 355, which the clerk will read.

The following resolution was read:

House Resolution No. 355

A RESOLUTION

Saluting and commending Pennsylvania's colleges and universities on the occasion of "National Higher Education Week."

WHEREAS, October 25, 1986, marks the beginning of "National Higher Education Week"; and

WHEREAS, Pennsylvania is richly served by a wealth of public and independent colleges and universities which contribute significantly to the cultural and economic life of this Commonwealth; and

WHEREAS, These diverse and excellent institutions have organized the Pennsylvania Association of Colleges and Universities (PACU) to address their common concerns and to advance their joint interests, avoiding thereby the unproductive competitions between public and private sectors which have characterized, to their detriment, the relations between colleges and universities in some other states; and

WHEREAS, This cooperative relationship among the sectors which finds its expression in PACU has led to the wise allocation of public and private resources and to enhanced educational opportunities for our citizens; therefore be it

RESOLVED, That on this occasion of "National Higher Education Week" in 1986, the House of Representatives of the Commonwealth of Pennsylvania salute Pennsylvania's colleges and universities, commend them for their unity of spirit which manifests itself in the Pennsylvania Association of Colleges and Universities, and express the continued support and gratitude of all Pennsylvanians for our excellent colleges and universities.

Ronald R. Cowell
James J. A. Gallagher
Elinor Z. Taylor

On the question,
Will the House adopt the resolution?

POINT OF ORDER

Mr. VROON. Mr. Speaker, point of order.
The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon. What is the point of order?

Mr. VROON. As I understand the rules, you are not allowed to hold any meetings on the floor of the House while committee meetings are in process. There are committee meetings in process.

The SPEAKER. The Chair does not see such a meeting.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Acosta	Deal	Langtry	Richardson
Afflerbach	Dietz	Lashinger	Rieger
Angstadt	Dininni	Laughlin	Robbins
Argall	Distler	Lescovitz	Roebuck
Arty	Dombrowski	Letterman	Rudy
Baldwin	Donatucci	Levdansky	Ryan
Barber	Dorr	Linton	Rybak

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

NAYS—0

NOT VOTING—4

Evans Kukovich Mrkonic Saurman

EXCUSED—2

Sirianni Taylor, F.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. This is additional information for those people traveling or intending to travel the turnpike or those people having friends or relatives in the area. The authorities—I am reading now from a dispatch, apparently, to the Pennsylvania State Police—authorities say more troubles have developed in Upper Merion Township in suburban Philadelphia. A gasoline leak in an underground pipeline caused the evacuation late this morning; another dispatch says it was 10 o'clock this morning. It caused the evacuation at 10 o'clock this morning of homes, a shopping mall, and a middle school. It also forced the closure of major roads, including a 22-mile stretch of the Pennsylvania Turnpike. It is still closed.

Now a leak is reported in a natural gasline in the area. The police say there have been no injuries; repeat, no injuries reported. So if any of you have friends or relatives there, no injuries have been reported.

The gasoline leak is in an underground Sun Company pipeline near the Philadelphia Gear Corporation, and that is, of course, near the King of Prussia shopping area. A company spokesman says the line runs from the Sun's Marcus Hook Refinery to its terminal in Newark, New Jersey, and the line has been shut down. The gas leak is in the same vicinity, and the Philadelphia Electric Company crews, firefighters, and rescue crews are on the scene. Fire police say an apartment complex near the gasline has also been evacuated. Police and company officials say homes, the Upper Merion Middle School, and the Court of King of Prussia Shopping Mall were evacuated as a precaution because much of the gasoline spilled into storm sewers and a nearby creek.

You already know that the turnpike is closed down. We have asked the State Police for alternative routes for those of you traveling east. Their suggestion is that you take Route 283, 283 to Route 30 east, and then take 202 north to the Schuylkill Expressway. If we get any additional information, we will pass it along.

REMARKS ON VOTE

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

Mr. GODSHALL. Mr. Speaker, I would like to correct the record. On HB 2606 I was recorded in the affirmative. 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 **SB 562, PN 2403**, entitled:

An Act providing for the establishment and operation of a Statewide system for the prevention and control of rabies; imposing additional powers and duties on the Departments of Agriculture and Health; providing for emergency declarations; fixing penalties for violations; and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. SCHEETZ offered the following amendments No. A4413:

Amend Table of Contents, page 2, by inserting between lines 2 and 3

Section 7. Powers and duties of local health agencies.

Amend Table of Contents, page 2, line 3, by striking out "7" and inserting 8

Amend Table of Contents, page 2, by inserting between lines 3 and 4

Section 9. Reports of possible rabies cases.

Amend Table of Contents, page 2, line 4, by striking out "8" and inserting

10

Amend Table of Contents, page 2, line 5, by striking out "9" and inserting

11

Amend Table of Contents, page 2, line 6, by striking out "10" and inserting

12

Amend Table of Contents, page 2, line 8, by striking out "11" and inserting

13

Amend Table of Contents, page 2, line 9, by striking out "12" and inserting

14

Amend Table of Contents, page 2, line 10, by striking out "13" and inserting

15

Amend Table of Contents, page 2, line 11, by striking out "14" and inserting

16

Amend Sec. 3, page 7, by inserting between lines 10 and 11

"Designated risk area." A region of the State within geographic boundaries fixed by the department where the occurrence of rabies poses a grave health risk to human or animal population.

"Local health agency." An agency of the Commonwealth, or one recognized by the Commonwealth, located in each county responsible for overseeing the provisions of this act.

Amend Sec. 5, page 7, line 23, by striking out "IN THIS COMMONWEALTH." and inserting

in regions of this Commonwealth which have been declared as designated risk areas by the secretary.

Amend Sec. 6, page 8, line 3, by striking out "INSTITUTE" and inserting

Declare regions of the State as designated risk areas, after notification of the counties involved, and institute

Amend Sec. 6, page 8, line 7, by striking out "INSTITUTE" and inserting

In designated risk areas, institute

Amend Sec. 6, page 8, by inserting between lines 9 and 10

Section 7. Powers and duties of local health agencies.

The local health agencies, or designees shall have the following powers and duties:

(1) Furnish information to the department concerning the prevalence of rabies within its jurisdiction whenever or as often as requested to do so by the department.

(2) Notify the appropriate State health official or public health veterinarian of incidents reported under the provisions of section 9(1) and (2).

(3) In designated risk areas, cooperate in the establishment of antirabies clinics according to section 11.

Amend Sec. 7, page 8, line 10, by striking out "7" and inserting

8

Amend Bill, page 8, by inserting between lines 15 and 16

Section 9. Reports of possible rabies cases.

Any one of the following incidents shall be immediately reported to the local health agency, or its designee.

(1) Knowledge that a dog, cat or other animal has bitten, scratched or otherwise exposed an individual to a possible rabies infection.

(2) Suspicion that an animal has rabies.

(3) The number of human rabies vaccines which have been administered.

Amend Sec. 8, page 8, line 16, by striking out "9" and inserting

10

Amend Sec. 8, page 8, line 17, by inserting after "IN" a designated risk area of

Amend Sec. 9, page 9, line 15, by striking out "9" and inserting

11

Amend Sec. 9, page 9, line 16, by striking out "THE" and inserting

In designated risk areas and in conjunction with the respective local health departments, local health boards or local health officers, the

Amend Sec. 10, page 9, line 23, by striking out "10" and inserting

12

Amend Sec. 11, page 10, line 23, by striking out "11" and inserting

13

Amend Sec. 12, page 10, line 28, by striking out "12" and inserting

14

Amend Sec. 13, page 11, line 13, by striking out "13" and inserting

15

Amend Sec. 14, page 11, line 7, by striking out "14" and inserting

16

On the question,

Will the House agree to the amendments?

The SPEAKER. On the Scheetz amendment, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

Several months ago the rabies issue had come up and we passed HB 2164. My amendment is to place back into effect some of the provisions that we had passed, I believe, on a unanimous vote.

The first amendment deals with the Department of Agriculture declaring emergency areas throughout the State, designated areas, whatever you want to call them, by which the department would determine that all the provisions in the rabies bill should be implemented in that particular area and that particular area only.

Mr. Speaker, it makes no sense whatsoever that the people from Philadelphia or Erie or Pittsburgh have to vaccinate their pets for rabies just because there is a rabies infection in south-central Pennsylvania.

I ask that this designated-area provision be reinstated in the rabies bill.

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

Mr. LETTERMAN. Mr. Speaker, I am trying to locate this amendment, and I cannot seem to locate it.

The SPEAKER. It was just recently distributed, I believe.

If you want to take a moment to look at it, we will wait for you.

Mr. LETTERMAN. Thank you.

Mr. Speaker, what his amendment is doing is going back to designated risk areas. The whole State has now been classified as an epidemic area, so we cannot have his amendment at this time; it just would not work for us.

I would like to make a report that as of today we are now at 455 cases of rabies in the State of Pennsylvania, and that is more than what we had last year for the entire year. We still have a long way to go this season yet.

I am asking that this bill try to be passed and gotten ready for the Senate so they can do something with it. It is needed very badly in this State. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Scheetz, wish to speak for the second time on the amendment?

Mr. SCHEETZ. Yes.

I would just like to point out that the language that I am proposing in this amendment is identical to that which was included in HB 2164, except the Department of Agriculture is in charge of implementing it instead of the Department of Health, and that is because the administration requested it that way.

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

The following roll call was recorded:

YEAS—117

Angstadt	Distler	Kennedy	Pott
Argall	Dorr	Kenney	Preston
Arty	Duffy	Kukovich	Punt
Barley	Durham	Langtry	Raymond
Belardi	Fargo	Lashingner	Reber
Belfanti	Fee	Levdansky	Reinard
Birmelin	Flick	Lloyd	Robbins
Black	Foster	McClatchy	Rudy
Book	Fox	McHale	Ryan
Bowser	Freind	McVerry	Saurman
Boyes	Fryer	Mackowski	Scheetz
Brandt	Gallen	Maiale	Schuler
Bunt	Gannon	Manmiller	Semmel
Burd	Geist	Merry	Serafini
Burns	George	Micozzie	Smith, L. E.
Bush	Gladeck	Miller	Snyder, G.
Carlson	Godshall	Moehlmann	Stairs
Cessar	Greenwood	Morris	Stevens
Chadwick	Gruitza	Mowery	Swift
Cimini	Gruppo	Mrkonic	Taylor, E. Z.
Civera	Hagarty	Murphy	Taylor, J.
Clymer	Hasay	Nahill	Telek
Cole	Hayes	Noye	Vroon
Cornell	Herman	O'Brien	Wass
Coslett	Hershey	O'Donnell	Weston
DeVertter	Honaman	Perzel	Wilson
Davies	Howlett	Phillips	Wogan
Dawida	Jackson	Piccola	Wright, J. L.
Dietz	Johnson	Pitts	Wright, R. C.
Dininni			

NAYS—81

Acosta	Deal	Livengood	Smith, B.
Afflerbach	Dombrowski	Lucyk	Snyder, D. W.
Baldwin	Donatucci	McCall	Staback
Barber	Evans	Manderino	Steighner
Battisto	Fattah	Markosek	Stewart
Blaum	Fischer	Mayermik	Stuban
Bortner	Freeman	Michlovic	Sweet
Bowley	Gallagher	Olasz	Tigue
Broujos	Gamble	Oliver	Trello
Cappabianca	Haluska	Petrarca	Truman
Carn	Harper	Petrone	Van Horne
Cawley	Hutchinson	Pievsky	Veon
Clark	Itkin	Pistella	Wambach
Cohen	Jarolin	Pressmann	Wiggins
Colafella	Josephs	Richardson	Wozniak
Cardisco	Kasunic	Rieger	Wright, D. R.

Cowell	Kosinski	Roebuck	Yandrisevits
Coy	Laughlin	Rybak	
Deluca	Lescovitz	Saloom	Irvis,
DeWeese	Letterman	Seventy	Speaker
Daley	Linton	Showers	

NOT VOTING—1

Caltagirone

EXCUSED—2

Sirianni Taylor, F.

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

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

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Scheetz, who offers a second amendment, which the clerk will read.

MOTION TO RECOMMIT

The SPEAKER. Why does the gentleman from Centre, Mr. Letterman, interrupt?

Mr. LETTERMAN. Would I be in order to make a motion?

The SPEAKER. Not while the Chair has recognized the gentleman, Mr. Scheetz. If the gentleman will yield to you at that point— Mr. Scheetz indicates he will yield to you.

Mr. LETTERMAN. I would like to make a motion that we recommit the bill. There is no sense in having it if we do not have that.

The SPEAKER. Recommit the bill to which committee?
Mr. LETTERMAN. To Mines and Energy or anyplace you want to put it.

The SPEAKER. Recommit to Game and Fisheries.

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

The following roll call was recorded:

YEAS—92

Acosta	Deal	Levdansky	Robbins
Angstadt	Distler	Linton	Roebuck
Baldwin	Dombrowski	Livengood	Rybak
Barber	Donatucci	Lloyd	Saloom
Battisto	Duffy	Lucyk	Scheetz
Belardi	Evans	Maiale	Seventy
Birmelin	Fattah	Manderino	Staback
Blaum	Fee	Markosek	Stairs
Bortner	Gamble	Merry	Steighner
Burd	George	Morris	Stewart
Bush	Godshall	Mowery	Stuban
Caltagirone	Gruitza	Mrkonic	Taylor, J.
Cappabianca	Haluska	Nahill	Trello
Carn	Harper	Olasz	Truman
Cawley	Howlett	Oliver	Van Horne
Cimini	Hutchinson	Perzel	Veon
Clark	Jarolin	Petrarca	Weston
Colafella	Josephs	Petrone	Wiggins
Cole	Kasunic	Pistella	Wozniak
Coslett	Kosinski	Preston	Yandrisevits
Deluca	Kukovich	Reber	
DeWeese	Laughlin	Richardson	Irvis,
Daley	Lescovitz	Rieger	Speaker

Dawida Letterman

NAYS—102

Afflerbach	Dininni	Johnson	Punt
Argall	Dorr	Kennedy	Raymond
Arty	Durham	Kenney	Reinard
Barley	Fargo	Langtry	Rudy
Belfanti	Fischer	Lashinger	Ryan
Black	Flick	McCall	Schuler
Book	Foster	McClatchy	Semmel
Bowley	Fox	McHale	Serafini
Bowser	Freeman	McVerry	Showers
Boyes	Freind	Mackowski	Smith, B.
Brandt	Fryer	Manmiller	Smith, L. E.
Broujos	Gallagher	Mayernik	Snyder, D. W.
Bunt	Gallen	Michlovic	Snyder, G.
Burns	Gannon	Micozzie	Stevens
Carlson	Geist	Miller	Swift
Cessar	Gladeck	Moehlmann	Taylor, E. Z.
Chadwick	Greenwood	Murphy	Telek
Civera	Gruppo	Noye	Tigue
Clymer	Hagarty	O'Brien	Wambach
Cohen	Hasay	Phillips	Wass
Cornell	Hayes	Piccola	Wilson
Cowell	Herman	Pievsky	Wogan
Coy	Hershey	Pitts	Wright, D. R.
DeVerter	Honaman	Pott	Wright, J. L.
Davies	Itkin	Pressmann	Wright, R. C.
Dietz	Jackson		

NOT VOTING—5

Cordisco	Saurman	Sweet	Vroon
O'Donnell			

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

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

Mr. SCHEETZ offered the following amendments No. A4416:

- Amend Sec. 8, page 8, line 18, by striking out "OR CAT"
- Amend Sec. 8, page 8, line 19, by striking out "OR CAT"
- Amend Sec. 8, page 9, line 1, by striking out "OR CAT"
- Amend Sec. 8, page 9, line 14, by striking out "OR CAT"
- Amend Sec. 9, page 9, line 19, by striking out "CATS AND"

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, this gives every Representative here the opportunity to determine if cats want to be included in the rabies bill. It is simple: If you vote "yes" for my amendment, you are taking out cats; if you vote "no," you are keeping them in the bill. It is that simple, Mr. Speaker.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I rise to oppose this amendment.

Last session I served as the chairman of an ad hoc subcommittee of the Health and Welfare Committee to look into the rabies issue, and we brought in testimony from all over the country. We had very fine hearings on this issue.

We need to know that something like seven times more as many cats in Pennsylvania have been found to have rabies as dogs this year. Cats far more frequently than dogs catch rabies. There is a reason for that. The reason is that cats are more feral by nature; they are out of doors more often, and they are most likely to come into contact with infected wild animals, and that is the way the problem works. The wild animals have the disease; a cat or a dog comes in contact with that animal and then passes it on to humans.

The 12-year-old boy who died in Pennsylvania recently was bitten by a rabid pet cat because that cat had gone out and attacked a rabid bat, picked up the rabies, bit the little boy, and that little boy is dead right now.

The whole purpose in vaccinating domestic animals is to create a barrier between the wild animals, where the incidence of rabies is very, very high, and the human population. The cats and the dogs are the conveyers of this dread and deadly disease from the wild animal population to the humans; cats more frequently than dogs.

It makes absolutely no sense whatsoever to eliminate cats from this. We might as well just go home and not vote for this bill, because we will have once again looked in the public eye as if we have done something when in fact we have not.

I urge a negative vote on this amendment.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I urge an affirmative vote on this amendment.

I do not know how many of you from the rural areas recognize the number of cats that might be on any given farm or any given homestead. The owner of that property often has no idea how many cats are there as far as count is concerned. So I certainly think it is a wise move to eliminate them from the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—83

Angstadt	Dietz	Jackson	Raymond
Arty	Distler	Johnson	Reber
Barley	Dorr	Kennedy	Robbins
Birmelin	Durham	Langtry	Ryan
Black	Fargo	Lashinger	Saurman
Book	Fischer	Lloyd	Scheetz
Bowser	Flick	McClatchy	Schuler
Boyes	Foster	McVerry	Semmel
Brandt	Freind	Mackowski	Smith, L. E.
Bunt	Fryer	Merry	Snyder, G.
Burd	Gallagher	Micozzie	Stairs
Bush	Gallen	Miller	Stevens
Carlson	Gannon	Moehlmann	Taylor, E. Z.
Cessar	Geist	Mowery	Telek
Chadwick	Godshall	Mrkonic	Wass
Cimini	Gruppo	Nahill	Wilson
Civera	Hagarty	Noye	Wogan
Clymer	Hasay	Petrarca	Wright, D. R.
Coslett	Hayes	Phillips	Wright, J. L.

Coy
DeVerter

Hershey
Honaman

Pitts
Pott

Wright, R. C.

NAYS—109

Acosta	Dininni	Letterman	Roebuck
Afflerbach	Dombrowski	Levdansky	Rudy
Argall	Donatucci	Livengood	Rybak
Baldwin	Duffy	Lucyk	Saloom
Barber	Evans	McCall	Serafini
Battisto	Fattah	McHale	Seventy
Belardi	Fee	Maiale	Showers
Belfanti	Fox	Manderino	Smith, B.
Blaum	Freeman	Manmiller	Snyder, D. W.
Bortner	Gamble	Markosek	Staback
Bowley	George	Mayernik	Steighner
Broujos	Gladeck	Michlovic	Stewart
Burns	Greenwood	Morris	Swift
Caltagirone	Gruitza	Murphy	Taylor, J.
Cappabianca	Haluska	O'Donnell	Tigue
Carn	Harper	Olasz	Trello
Cawley	Herman	Oliver	Truman
Clark	Howlett	Perzel	Van Horne
Cohen	Hutchinson	Petrone	Veon
Colafella	Itkin	Piccola	Wambach
Cole	Jarolin	Pievsky	Weston
Cowell	Josephs	Pistella	Wiggins
Deluca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Yandrisevits
Daley	Kosinski	Punt	
Davies	Kukovich	Reinard	Irvis,
Dawida	Laughlin	Richardson	Speaker
Deal	Lescovitz	Rieger	

NOT VOTING—7

Cordisco	Linton	Stuban	Vroon
Cornell	O'Brien	Sweet	

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

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

Mr. SCHEETZ offered the following amendment No. A4709:

Amend Sec. 4, page 7, by inserting between lines 8 and 9 "Cat." A carnivorous mammal scientifically known as Felis Catus which spends any part of any 24-hour day in a residence inhabited by a human being.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, since we decided to keep cats in the bill, this amendment further defines what "Cat" is in the bill. It eliminates the barnyard cat or those semiwild cats that really nobody has any control of whatsoever. By putting this amendment in the bill, we will alleviate any problem, any discrepancy out there as to who actually owns what particular cat.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—113

Angstadt	Durham	Langtry	Reinard
Argall	Fargo	Lashingier	Robbins
Arty	Fischer	Laughlin	Rudy
Barley	Flick	Lloyd	Ryan
Birmelin	Foster	McClatchy	Saloom
Black	Fox	McVerry	Scheetz
Book	Freind	Mackowski	Schuler
Bowser	Fryer	Maiale	Semmel
Boyes	Gallagher	Manmiller	Serafini
Brandt	Gallen	Merry	Smith, L. E.
Bunt	Gannon	Micozzie	Snyder, D. W.
Burd	Geist	Miller	Snyder, G.
Bush	Gladeck	Mochlmann	Stairs
Carlson	Godshall	Morris	Stevens
Cessar	Greenwood	Mowery	Stewart
Chadwick	Gruitza	Mrkonic	Swift
Cimini	Gruppo	Nahill	Taylor, E. Z.
Civera	Hagarty	Noye	Taylor, J.
Clymer	Haluska	O'Brien	Telek
Cornell	Hasay	Perzel	Vroon
Coslett	Hayes	Petrarca	Wass
Coy	Herman	Phillips	Weston
DeVerter	Hershey	Piccola	Wilson
Daley	Honaman	Pitts	Wogan
Davies	Jackson	Pott	Wozniak
Dietz	Johnson	Punt	Wright, D. R.
Dininni	Kennedy	Raymond	Wright, J. L.
Distler	Kenney	Reber	Wright, R. C.
Dorr			

NAYS—80

Acosta	Deluca	Lescovitz	Rieger
Afflerbach	DeWeese	Letterman	Rybak
Baldwin	Dawida	Levdansky	Saurman
Barber	Deal	Linton	Seventy
Battisto	Dombrowski	Livengood	Showers
Belardi	Donatucci	Lucyk	Smith, B.
Belfanti	Duffy	McCall	Staback
Blaum	Evans	McHale	Steighner
Bortner	Fee	Markosek	Stuban
Bowley	Freeman	Mayernik	Sweet
Broujos	Gamble	Michlovic	Tigue
Burns	George	Murphy	Trello
Caltagirone	Harper	Olasz	Van Horne
Cappabianca	Howlett	Oliver	Veon
Carn	Hutchinson	Petrone	Wambach
Cawley	Itkin	Pievsky	Wiggins
Clark	Jarolin	Pistella	Yandrisevits
Cohen	Josephs	Pressmann	
Colafella	Kasunic	Preston	Irvis,
Cole	Kosinski	Richardson	Speaker
Cowell	Kukovich		

NOT VOTING—6

Cordisco	Manderino	Roebuck	Truman
Fattah	O'Donnell		

EXCUSED—2

Sirianni Taylor, F.

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. SCHEETZ offered the following amendments No. A4725:

Amend Sec. 8, page 8, by inserting between lines 29 and 30

(b) Other persons.—

(1) State licensed kennel owners who have been examined and certified by the department under this subsection may administer rabies vaccine to animals owned by them.

(2) The department shall develop, implement and administer a comprehensive rabies vaccination instruction program encompassing a written examination, which if successfully completed, will lead to departmental certification. The department may assess a fee for the program and examination which shall not exceed \$10. All fees received and all costs incurred shall be deposited in or expended from the Dog Fund. The department shall promulgate all rules and regulations necessary to implement this subsection.

(3) State licensed kennel owners who obtain the required certification shall:

(i) Purchase rabies vaccine only from a licensed veterinarian or the department.

(ii) Administer the vaccine in an approved manner.

(iii) Maintain detailed records for at least three years which indicate:

(A) The name, type, lot number, date of purchase and date of administration of the rabies vaccine.

(B) A detailed description of the animal vaccinated.

(C) The name, address and telephone number of the person who administered the vaccine.

Amend Sec. 8, page 8, line 30, by striking out “(B)” and inserting

(c)

Amend Sec. 8, page 9, line 11, by striking out “(C)” and inserting

(d)

Amend Sec. 8, page 9, line 14, by inserting after “(A)” or (b)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

Currently, under the way the bill is written, only licensed veterinarians in the State are allowed to give the rabies vaccination. My particular language here will allow any kennel, any registered kennel owner in the State who is currently registered with the Department of Agriculture, they would be eligible to get a permit from the department and purchase vaccine from the veterinarian to use in their own kennels. By passing this amendment, we would allow those kennel owners who have currently been giving shots—in fact, many of them have given shots, a far greater number of shots than some of the veterinarians have throughout the State—so we are allowing these individuals to give the rabies shots instead of having the veterinarians do it throughout the State.

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

Mr. LETTERMAN. Mr. Speaker, I oppose the amendment. The reason for it, even the man giving the shot, under law, must get the syringe from a veterinarian, and the syringe costs more than what it would if they went to a clinic and had the shot.

Besides that, if we allow these people who are not licensed to give the shots, the liability falls in the State's hands for allowing nonprofessional people to give a shot. It has been tested in New Jersey where a man gave his own shots, was bitten by a dog, and died from rabies, and his family is now suing the State because they did not see to it that it was done professionally and records kept on the shots. If this is the kind of thing you want in the State of Pennsylvania, go ahead and listen to Mr. Scheetz. Thank you, Mr. Speaker.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, we had this discussion in our committee meeting, the Game and Fisheries Committee. The original bill called for self-inoculation by farmers and others. I offered an amendment at that time to disallow that, and that amendment passed in committee by a vote of 18 to 1. The reason why we offered that amendment—and I believe the reason why it passed so handily—is because we showed a great deal of evidence that people who do self-inoculations do not keep proper records, do not keep the vaccines as properly supplied as they should. We must remember that different vaccines are used for different species. It is not the same vaccine that is used for all species. Therefore, it becomes a technical problem to keep all these vaccines separated and cared for and kept in the proper conditions - refrigerated, whatever.

We also found that there is not a great expense in having the vaccines administered by veterinarians. The average cost is about \$4, as well as many clinics that have been set up, particularly in the affected areas, where the veterinarians themselves have come in and volunteered their time, and the shots have been kept at a very minimal price.

So I do not think this is going to be a problem, Mr. Speaker, and we would have a great problem in keeping vaccines sterile and whatnot, as well as the recordkeeping function that needs to be taken care of so that we insure that nobody gets rabies and there is nobody infected. Mr. Speaker, I would recommend a “no” vote on this amendment for those reasons. Thank you.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

Very briefly, the previous speaker made the arguments. There is another one, and that is that anyone who properly runs a kennel is going to have regular veterinary care anyway, so the veterinarian is going to come onto the premises, and it would be a minor matter for that veterinarian to provide the rabies inoculation at the same time.

For that reason and for all of the reasons that have to do with recordkeeping, we should defeat this amendment.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I hate to differ with some of my colleagues, because I agree with them on other sections of this bill as far as the amendments go, but current law right now provides for breeders

who meet certain criteria by the department, established by the department, to administer their own vaccines at a very great savings. Kennel clubs in my district right now can inoculate their own beagles, for example, or dogs at \$1 and \$1.10 per dose, per dog, as opposed to paying a veterinarian \$12. This is something that currently exists. Currently the law does allow registered breeders who qualify under the criteria established by the department. They have to have a certain number of dogs. Current law already allows for this. This is something that we would be taking away from a large number of breeders, dog breeders particularly, in the Commonwealth. So therefore, I support the amendment. Thank you.

The SPEAKER. On the amendment for the second time, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Mr. Speaker, I think many of the items that are called to attention here, if they read the amendment, are covered in the amendment. To begin with, we are not giving a blank check to the people out there, so to speak; the only ones we are allowing to do it are kennel owners, kennel owners who are currently registered with the Department of Agriculture.

Secondly, I think you are entirely missing the point. If you are operating a kennel with 30 or 40 dogs, can you imagine the inconvenience of loading them up every so often, if in fact it is required every 2 months; you would have to load them up and take them to the veterinarian or have the veterinarian come in.

As a previous speaker indicated, there is a great deal of savings to these individuals. We are requiring that they get a special permit from the Department of Agriculture, and the precedent for that has been that in the current pesticide law the department does exactly the same thing.

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

I thought the members would like to know how the organized kennel operators feel about this. I am taking my cues from the legislative chairman of the Pennsylvania Federation of Dog Clubs, who is a breeder, who owns a kennel, and she is absolutely opposed on behalf of her association to this amendment.

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

Mr. MARKOSEK. Mr. Speaker, what I did not mention in my previous statements was that the representatives from the Federation of Dog Owners were at our meeting. This is an organization that does represent dog owners and kennel people, not necessarily all of the kennel people throughout the State but certainly a certain segment of them. They were not pushing for the kind of legislation that Representative Scheetz is now offering. They agreed to the bill the way it was, the way we amended it, and I think we ought to stay with that for all the reasons that I mentioned before.

We could run into some serious problems. We are trying to eradicate rabies in our State, and I think by allowing additional people to offer the inoculations, we are going to have

more and more cases where the inoculations are not given properly, and as a result, we are not going to get rid of the serious problem that we currently have. Thank you, Mr. Speaker.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

I am glad the previous speaker, Mr. Markosek, did mention that the organization that appeared before the committee is not representative of all of the breeder or kennel organizations in the State, because I must insist that the vast majority of them favor this amendment and have written to me about it, and I intended to offer it had not Representative Scheetz offered it.

The change was made in the Senate; it was taken back out over here, and once again I would like to add that the last party on Earth who would like to see rabies spread among his own dogs or litter is going to be a breeder or a kennel owner. They are the first people who will make sure that their dogs are inoculated and inoculated properly. There is no reason that they should have to pay \$12 per dog when they are currently immunizing them for \$1 a dog.

I ask, again, support of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass, on the amendment.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment. It seems to me, as we impose this particular law on the citizens of Pennsylvania, we should make it just as easy as possible for them to comply with the law. It could be, just to speak of an exaggeration, that every individual could inoculate his own pet. That would be a perfect situation. So let us give the kennel owners the right to perform this service and lessen the burden on the individuals.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—106

Acosta	Distler	Lashingier	Saloom
Angstadt	Dombrowski	Lucyk	Saurman
Argall	Donatucci	McCall	Scheetz
Baldwin	Dorr	McClatchy	Schuler
Barley	Durham	Mackowski	Semmel
Battisto	Fee	Maiale	Serafini
Belfanti	Flick	Manmiller	Showers
Birmelin	Foster	Merry	Smith, L. E.
Black	Fox	Miller	Snyder, D. W.
Bowser	Fryer	Moehlmann	Snyder, G.
Brandt	Gallen	Morris	Stairs
Bunt	Geist	Mowery	Steighner
Burd	George	Mrkonic	Stevens
Burns	Gruppo	Nahill	Stewart
Bush	Hagarty	Noye	Stuban
Carlson	Hasay	Oliver	Sweet
Chadwick	Hayes	Perzel	Swift
Cimini	Herman	Phillips	Taylor, E. Z.
Civera	Hershey	Piccola	Taylor, J.
Clymer	Honaman	Pott	Telek
Cordisco	Jackson	Punt	Wambach
Cornell	Jarolin	Raymond	Wass
Coslett	Johnson	Reber	Weston
Coy	Kasunic	Reinard	Wozniak

DeVerter	Kennedy	Rieger	Wright, J. L.
Daley	Kenney	Robbins	Wright, R. C.
Dininni	Langtry		

NAYS—91

Afflerbach	Deal	Kukovich	Pitts
Arty	Dietz	Laughlin	Pressmann
Barber	Duffy	Lescovitz	Preston
Belardi	Evans	Letterman	Richardson
Blaum	Fargo	Levdansky	Roebuck
Book	Fattah	Linton	Rudy
Bortner	Fischer	Livengood	Ryan
Bowley	Freeman	Lloyd	Rybak
Boyes	Freind	McHale	Seventy
Broujos	Gallagher	McVerry	Smith, B.
Caltagirone	Gamble	Manderino	Staback
Cappabianca	Gannon	Markosek	Tigue
Carn	Gladeck	Mayernik	Trello
Cawley	Godshall	Michlovic	Truman
Cessar	Greenwood	Micozzie	Van Horne
Clark	Gruitza	Murphy	Veon
Cohen	Haluska	O'Brien	Wiggins
Colafella	Harper	O'Donnell	Wilson
Cole	Howlett	Olasz	Wright, D. R.
Cowell	Hutchinson	Petrarca	Yandrisevits
Deluca	Itkin	Petrone	
DeWeese	Josephs	Pievsky	Irvis,
Davies	Kosinski	Pistella	Speaker
Dawida			

NOT VOTING—2

Vroon Wogan

EXCUSED—2

Sirianni Taylor, F.

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. LETTERMAN offered the following amendments No. A4382:

Amend Table of Contents, page 2, by inserting between lines 8 and 9

Section 12. Disposition of fines and penalties.

Amend Table of Contents, page 2, line 9, by striking out "12" and inserting 13

Amend Table of Contents, page 2, line 10, by striking out "13" and inserting 14

Amend Table of Contents, page 2, line 11, by striking out "14" and inserting 15

Amend Bill, page 10, by inserting between lines 27 and 28 Section 12. Disposition of fines and penalties.

If a prosecution pursuant to this act is initiated by a State dog warden, employee of the department or State Police officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable through the Department of Agriculture into the State Treasury for credit to the Dog Law Restricted Account. If a prosecution pursuant to this act is initiated by a local police officer or designated animal control officer, all fines forfeited, recognizances and other forfeitures imposed, lost or forfeited under this act shall be payable to the political subdivision which employs such local police officer or designated animal control officer.

Amend Sec. 12, page 10, line 28, by striking out "12" and inserting 13

Amend Sec. 13, page 11, line 4, by striking out "13" and inserting 14

Amend Sec. 14, page 11, line 7, by striking out "14" and inserting 15

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

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would aid in the enforcement of the bill by requiring fine money to go to the municipality when the prosecution is initiated by a local law enforcement officer. Otherwise, the money goes to the Dog Law Restricted Account. I think this will make it much better for the local people when they go out and enforce the law. They will get the fine money, and I think that is where it should go.

I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—190

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

Cowell	Johnson	Pitts	Wright, D. R.
Coy	Josephs	Pott	Wright, J. L.
Deluca	Kasunic	Pressmann	Wright, R. C.
DeVerter	Kennedy	Preston	Yandrisevits
DeWeese	Kenney	Punt	
Daley	Kosinski	Raymond	Irvis,
Davies	Kukovich	Reber	Speaker

NAYS—2

Foster Saloom

NOT VOTING—7

Arty	Gannon	Pistella	Vroon
Fattah	Greenwood	Smith, L. E.	

EXCUSED—2

Sirianni Taylor, F.

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?

AMENDMENT A4413 RECONSIDERED

The SPEAKER. The Chair has before it a motion signed by the gentleman from Luzerne, Mr. Blaum, whereby he moves that the vote by which amendment A4413 to this particular SB 562 was passed be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—184

Acosta	Dawida	Lashinger	Robbins
Afflerbach	Deal	Laughlin	Roebuck
Angstadt	Dietz	Lescovitz	Rudy
Argall	Dininni	Letterman	Ryan
Arty	Distler	Levdansky	Rybak
Barber	Dombrowski	Linton	Saloom
Barley	Donatucci	Livengood	Saurman
Battisto	Dorr	Lloyd	Scheetz
Belardi	Duffy	Lucyk	Schuler
Belfanti	Durham	McCall	Semmel
Birmelin	Fargo	McClatchy	Serafini
Black	Fee	McHale	Seventy
Blaum	Fischer	McVerry	Showers
Book	Flick	Mackowski	Smith, B.
Bortner	Foster	Maiale	Smith, L. E.
Bowley	Fox	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Staback
Boyes	Fryer	Markosek	Stairs
Broujos	Gallagher	Mayernik	Steighner
Bunt	Gallen	Merry	Stevens
Burd	Gamble	Michlovic	Stewart
Burns	Geist	Miller	Suban
Bush	George	Moehlmann	Sweet
Caltagirone	Gladeck	Mowery	Swift
Cappabianca	Godshall	Mrkonic	Taylor, E. Z.
Carlson	Greenwood	Murphy	Taylor, J.
Carn	Gruitza	O'Brien	Telek
Cawley	Hagarty	O'Donnell	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Harper	Perzel	Truman
Cimini	Hasay	Petrarca	Van Horne
Civera	Hayes	Petrone	Veon
Clark	Herman	Phillips	Wambach
Clymer	Hershey	Piccola	Wass

Cohen	Honaman	Pievsky	Weston
Colafiglia	Howlett	Pistella	Wiggins
Cole	Hutchinson	Pitts	Wilson
Cordisco	Itkin	Pott	Wogan
Cornell	Jackson	Pressmann	Wozniak
Coslett	Jarolin	Preston	Wright, D. R.
Cowell	Johnson	Punt	Wright, J. L.
Coy	Kasunic	Raymond	Wright, R. C.
Deluca	Kennedy	Reber	Yandrisevits
DeVerter	Kenney	Reinard	
DeWeese	Kosinski	Richardson	Irvis,
Daley	Kukovich	Rieger	Speaker
Davies	Langtry		

NAYS—0

NOT VOTING—15

Baldwin	Freeman	Micozzie	Oliver
Brandt	Gannon	Morris	Snyder, G.
Evans	Gruppo	Nahill	Vroon
Fattah	Josephs	Noye	

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A4413:

Amend Table of Contents, page 2, by inserting between lines 2 and 3

Section 7. Powers and duties of local health agencies.

Amend Table of Contents, page 2, line 3, by striking out "7" and inserting 8

Amend Table of Contents, page 2, by inserting between lines 3 and 4

Section 9. Reports of possible rabies cases.

Amend Table of Contents, page 2, line 4, by striking out "8" and inserting

10

Amend Table of Contents, page 2, line 5, by striking out "9" and inserting

11

Amend Table of Contents, page 2, line 6, by striking out "10" and inserting

12

Amend Table of Contents, page 2, line 8, by striking out "11" and inserting

13

Amend Table of Contents, page 2, line 9, by striking out "12" and inserting

14

Amend Table of Contents, page 2, line 10, by striking out "13" and inserting

15

Amend Table of Contents, page 2, line 11, by striking out "14" and inserting

16

Amend Sec. 3, page 7, by inserting between lines 10 and 11

"Designated risk area." A region of the State within geographic boundaries fixed by the department where the occurrence of rabies poses a grave health risk to human or animal population.

"Local health agency." An agency of the Commonwealth, or one recognized by the Commonwealth, located in each county responsible for overseeing the provisions of this act.

Amend Sec. 5, page 7, line 23, by striking out "IN THIS COMMONWEALTH." and inserting

in regions of this Commonwealth which have been declared as designated risk areas by the secretary.

Amend Sec. 6, page 8, line 3, by striking out "INSTITUTE" and inserting

Declare regions of the State as designated risk areas, after notification of the counties involved, and institute

Amend Sec. 6, page 8, line 7, by striking out "INSTITUTE" and inserting

In designated risk areas, institute

Amend Sec. 6, page 8, by inserting between lines 9 and 10 Section 7. Powers and duties of local health agencies.

The local health agencies, or designees shall have the following powers and duties:

(1) *Furnish information to the department concerning the prevalence of rabies within its jurisdiction whenever or as often as requested to do so by the department.*

(2) *Notify the appropriate State health official or public health veterinarian of incidents reported under the provisions of section 9(1) and (2).*

(3) *In designated risk areas, cooperate in the establishment of antirabies clinics according to section 11.*

Amend Sec. 7, page 8, line 10, by striking out "7" and inserting

8

Amend Bill, page 8, by inserting between lines 15 and 16 Section 9. Reports of possible rabies cases.

Any one of the following incidents shall be immediately reported to the local health agency, or its designee.

(1) *Knowledge that a dog, cat or other animal has bitten, scratched or otherwise exposed an individual to a possible rabies infection.*

(2) *Suspicion that an animal has rabies.*

(3) *The number of human rabies vaccines which have been administered.*

Amend Sec. 8, page 8, line 16, by striking out "9" and inserting

10

Amend Sec. 8, page 8, line 17, by inserting after "IN" a designated risk area of

Amend Sec. 9, page 9, line 15, by striking out "9" and inserting

11

Amend Sec. 9, page 9, line 16, by striking out "THE" and inserting

In designated risk areas and in conjunction with the respective local health departments, local health boards or local health officers, the

Amend Sec. 10, page 9, line 23, by striking out "10" and inserting

12

Amend Sec. 11, page 10, line 23, by striking out "11" and inserting

13

Amend Sec. 12, page 10, line 28, by striking out "12" and inserting

14

Amend Sec. 13, page 11, line 13, by striking out "13" and inserting

15

Amend Sec. 14, page 11, line 7, by striking out "14" and inserting

16

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

I would just like to remind the members once again that there is no reason whatsoever why the people who are in the extreme extremities of the State have to be concerned immediately about the rabies epidemic. It is basically confined to the south-central counties, and they are the ones that would be designated as high-risk areas. So I would encourage all members to consider your constituents and uphold the previous vote.

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

Mr. LETTERMAN. I consider this to be the most important amendment that will be in this bill, and the reason for it is this: What my committee has learned and what we are trying to do is stop the spread of rabies into one of our major cities. People just do not seem to understand how important it is that we stop rabies now.

I live in the county of Centre. Three years ago I had 2 cases of rabies; this year I now have 31 in that county. Last year there was not one county circling Philadelphia County—which is the county that I am becoming very much concerned about, and so is the Wistar Institute—they did not have one case of rabies; now every county surrounding Philadelphia has cases of rabies.

In the 1950's when we had polio, we did not wait to stop it at that; we tried to do something about it. The proper thing for us to do is to look at Pennsylvania in a total picture, not as designated areas, and I am asking you to defeat this amendment so that we can go on with the work of stopping rabies now. *Other States have not stopped it, Mr. Speaker; they let it go into Pennsylvania, and that is why we are having the problem, and we have to stop it here. If it gets into one of the major cities where you have all the cats and the dogs that run wild, and there are a lot of rats; there is everything that could be affected - bats that stay in old buildings. So far we have been very lucky not to have them there, and I am asking you to defeat this amendment for those purposes.*

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Scheetz, indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Wass.

Mr. WASS. Mr. Speaker, I support your amendment, but could you share with us how we could expand the region? Who would make the determination now that, really, we should be moving into another region? How would that be implemented?

Mr. SCHEETZ. Under the present bill and the amendment, it would be the Department of Agriculture.

Mr. WASS. They would be the ones who would say we are now expanding the region.

Mr. SCHEETZ. In consultation with the Department of Health. I think they are both mentioned in the bill.

Mr. WASS. Thank you very much.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I stand to agree with Mr. Letterman and urge defeat of this amendment.

I come from one of those more populated areas, more populated counties. This amendment does not do us any favors. In fact, what it would do is to leave our most populated areas most vulnerable to a disaster, if you want to measure it by numbers. Let us not succumb to this temptation to take the easy way out. This indeed is a statewide problem. It is not restricted to any particular locale. We will have a disaster if this kind of problem becomes prevalent in Pittsburgh or Philadelphia or other more urban areas of the State.

The amendment needs to be defeated. It is not in the best interests of any of us. Thank you.

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

Mr. AFFLERBACH. Mr. Speaker, I, too, rise to oppose the amendment. The difficulty with the amendment that my friend, Mr. Scheetz, offers is that he presumes that the country mice do not visit their city cousins, but they do, and the country cats visit their city cousins and the country dogs visit their city cousins. They either visit them under their own mobility or they visit them because their owners put them into motor vehicles and bring them along on their vacations and their weekends and their holidays.

This amendment should be defeated. We do indeed have an emergency statewide. We cannot control the travel of animals that may be contaminated. Therefore, we had best immunize to begin with, and I urge defeat of the amendment.

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

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

I rise to oppose this amendment. The flaw in this amendment is that you create the epidemic area. The epidemic occurs and then you take action. The bill as it is presented to you prevents the epidemic from occurring.

I have with me a map designating rabies incidents throughout the State, and you can see how it is spreading. The Susquehanna River had stopped it for a while, but now the rabies is extending beyond the Susquehanna. As has been mentioned, it came from Maryland. York County is already an epidemic area. So what I am saying, I am saying to those of you who have not yet experienced the epidemic, it is vitally important to those of you who do not yet have an epidemic that you think of the future and think of what the epidemic may be like and that you defeat this amendment. Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

I rise to oppose the amendment as well, and I think the gentleman, Mr. Smith, makes a good point when he says that by the time the Department of Health and the Department of Agriculture make their recommendations, it is probably too late. We have had two cases in Luzerne County in northeastern Pennsylvania. That to me is an epidemic.

I ask that we vote "no" on the amendment.

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

Mr. MERRY. Mr. Speaker, may I interrogate the maker of the amendment, Mr. Scheetz?

The SPEAKER. The gentleman, Mr. Scheetz, indicates he will stand for further interrogation. You may proceed, sir.

Mr. MERRY. Mr. Speaker, your amendment proposes that the Secretary of Agriculture and the Department of Health determine what areas are crisis areas and would therefore inflict the vaccination program within those areas. Is that true?

Mr. SCHEETZ. That is correct.

Mr. MERRY. Would it also be your opinion that it would be very prudent on behalf of those agencies to determine if there would be a buffer zone? It would not necessarily go by a borough line, a municipality, or even a county, that it might very well have a buffer zone to allow for the concerns that we are hearing here today.

Mr. SCHEETZ. I would certainly assume so, yes.

Mr. MERRY. So if that buffer line got the counties vaccinated that were really having the epidemic and the surrounding counties to act as a buffer zone, what need would there be to go into Erie County, some 300 miles away, to vaccinate the dogs and cats? Can you think of any reason?

Mr. SCHEETZ. I cannot think of a single reason, sir.

Mr. MERRY. Do you have any idea how many cases of rabies we have had in the counties of Warren, Potter, Forest, Venango, Crawford, Erie - the whole entire northwest and the northeast for that matter? Do you have any idea?

Mr. SCHEETZ. I think cases of rabies have periodically appeared scattered throughout the State, but when you start talking probability, I do not believe you can even get it on a sheet.

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. Why do you interrupt, Mr. Letterman?

Mr. LETTERMAN. Are legislators supposed to ask questions they already asked and know the answers to?

The SPEAKER. No; they are not supposed to, but Mr. Merry indicates that he is trying to get information from Mr. Scheetz.

Mr. LETTERMAN. I understand that, Mr. Speaker. He sure is—

The SPEAKER. We will give him the benefit of the doubt.

You may continue, Mr. Merry.

Mr. MERRY. Mr. Speaker, do you have any idea how many cats and dogs would be in the areas that currently do not have any rabies incidents at all?

Mr. SCHEETZ. I am sorry; I did not hear your question.

Mr. MERRY. How many cats and dogs would be affected, would have to be vaccinated needlessly, where there are no incidents of rabies? For instance, you know, how many cats and dogs, total population, are there in those counties that presently do not have incidents of rabies?

Mr. SCHEETZ. I do not have the— You are asking how many cats and dogs are in the currently infected areas?

Mr. MERRY. Would you think that it would be millions?

Mr. SCHEETZ. Certainly.

Mr. MERRY. Okay. Thank you, Mr. Speaker.

That ends my interrogation. I would like to remark on the amendment.

The SPEAKER. The gentleman may proceed.

Mr. MERRY. Mr. Speaker, I urge the approval of this amendment. We have already passed it once in this House and I believe that we should pass it again. It is a very prudent way, as long as the assurance is out there, that the Department of Health and the Department of Agriculture can determine the areas of crisis and allow for buffer zones so that nobody jumps over these areas. I cannot see the reason for needlessly vaccinating millions of dogs and cats in the areas of the northeast and the northwest portions of Pennsylvania, the creation of millions of dollars of expense unnecessarily, also inconvenience to our older people and the people who cannot take the dogs to the veterinarian to get it done. It is an unnecessary act and does not contribute to any further safety.

Mr. Speaker, I urge the approval of amendment A4413.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Scheetz, for the second time on the amendment.

Mr. SCHEETZ. Thank you, Mr. Speaker.

Very quickly, I would just like to point out to the members, we are talking about maybe two dozen cats and dogs, combination, that have been diagnosed in the State as having rabies—certainly under the figure of 50—out of a population of approximately, there are guesstimates out there of 6 million and even more than that. Now, realizing those types of figures, I think—and you will have to agree with me—it is not a very practical program. In fact, I think it would be more practical probably to round up all the raccoons and give them shots. So I do encourage that we stand by this amendment as in our previous vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, for the first time on this amendment.

Mr. BELFANTI. First and last time on this amendment, Mr. Speaker.

Mr. Speaker, I voted for the Scheetz amendment previously. I am changing my vote to the negative after rethinking the issue. I think that the last argument made by the gentleman, Mr. Scheetz, is somewhat ludicrous in that 20 years ago or 25 years ago only one-half of 1 percent of all American babies born had polio, yet the country embarked on a massive polio vaccination program and almost completely eradicated the disease. If we would have used that logic 20 or 25 years

ago, perhaps polio would be an epidemic now. So I do not think that that last argument holds water. I think that I made a mistake on the first vote on this amendment and would like to correct it, and I hope that many other members will follow my lead.

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

The following roll call was recorded:

YEAS—74

Acosta	Daley	Kasunic	Robbins
Angstadt	Dietz	Kenney	Ryan
Argall	Dininni	Langtry	Saurman
Barley	Distler	Lloyd	Scheetz
Birmelin	Dorr	Mackowski	Schuler
Black	Fargo	Manmiller	Smith, L. E.
Book	Flick	Merry	Snyder, G.
Bowser	Foster	Miller	Stairs
Boyes	Fox	Moehlmann	Sweet
Brandt	Fryer	Mowery	Swift
Bunt	Gallen	Nahill	Taylor, E. Z.
Burd	Geist	Noye	Telek
Burns	Godshall	Phillips	Vroon
Bush	Hayes	Piccola	Wass
Carlson	Hershey	Pitts	Weston
Cessar	Honaman	Punt	Wogan
Clymer	Jackson	Reber	Wright, D. R.
Cornell	Jarolin	Reinard	Wright, J. L.
DeVerter	Johnson		

NAYS—122

Afflerbach	Dombrowski	Laughlin	Richardson
Arty	Donatucci	Lescovitz	Rieger
Baldwin	Duffy	Letterman	Roebuck
Barber	Durham	Levdansky	Rudy
Battisto	Evans	Linton	Rybak
Belardi	Fattah	Livengood	Saloom
Belfanti	Fee	McCall	Semmel
Blaum	Fischer	McClatchy	Serafini
Bortner	Freeman	McHale	Seventy
Bowley	Freind	McVerry	Showers
Broujos	Gallagher	Maiale	Smith, B.
Caltagirone	Gamble	Manderimo	Snyder, D. W.
Cappabianca	Gannon	Markosek	Staback
Carn	George	Mayermik	Steighner
Cawley	Gladeck	Michlovic	Stevens
Chadwick	Greenwood	Micozzie	Stewart
Cimini	Gruitza	Morris	Stuban
Civera	Gruppo	Mrkonic	Taylor, J.
Clark	Hagarty	Murphy	Tigue
Cohen	Haluska	O'Donnell	Trello
Colafella	Harper	Olasz	Truman
Cole	Hasay	Oliver	Van Horne
Cordisco	Herman	Perzel	Veon
Coslett	Howlett	Petrarca	Wambach
Cowell	Hutchinson	Petrone	Wiggins
Coy	Itkin	Pievsky	Wozniak
Deluca	Josephs	Pistella	Wright, R. C.
DeWeese	Kennedy	Pott	Yandrisevits
Davies	Kosinski	Pressmann	
Dawida	Kukovich	Preston	Irvis,
Deal	Lashingner	Raymond	Speaker

NOT VOTING—3

Lucyk	O'Brien	Wilson
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EXCUSED—2

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

On the question recurring,

Will the House agree to the bill on third consideration 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 Perry, Mr. Noye, on final passage.

Mr. NOYE. Thank you, Mr. Speaker.

Would Mr. Letterman consent to brief interrogation?

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

Mr. NOYE. Mr. Speaker, with all the changes back and forth on the amendments that were offered, where do we stand at the present time, do you know where we stand, on the question of the involvement of the office of the county treasurer in issuing certificates or whatever?

Mr. LETTERMAN. We have eliminated them from any mandates upon them, putting any extra mandates upon them.

Mr. NOYE. That is out of the bill?

Mr. LETTERMAN. Yes, and therefore the bill as it is now.

So is the Governor's Office, the Department of Health, the Department of Agriculture, and the Fish and Game Commission. And they are all for it as is.

Mr. NOYE. Okay. Thank you, Mr. Speaker.

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—186

Acosta	Dininni	Lashingier	Richardson
Afflerbach	Distler	Laughlin	Rieger
Angstadt	Dombrowski	Lescovitz	Robbins
Argall	Donatucci	Letterman	Roebuck
Arty	Dorr	Levdansky	Rudy
Baldwin	Duffy	Linton	Ryan
Barber	Durham	Livengood	Rybak
Barley	Evans	Lucyk	Saloom
Battisto	Fargo	McCall	Saurman
Belardi	Fee	McClatchy	Schuler
Belfanti	Fischer	McHale	Semmel
Blaum	Foster	McVerry	Serafini
Book	Fox	Mackowski	Seventy
Bortner	Freeman	Maiale	Showers
Bowley	Freind	Manderino	Smith, B.
Brandt	Fryer	Manmiller	Snyder, D. W.
Broujos	Gallagher	Markosek	Snyder, G.
Bunt	Gallen	Mayernik	Staback
Burd	Gamble	Michlovic	Stairs
Burns	Gannon	Micozzie	Steighner
Bush	Geist	Miller	Stevens
Caltagirone	George	Moehlmann	Stewart
Cappabianca	Gladeck	Morris	Stuban
Carlson	Greenwood	Mowery	Sweet
Carn	Gruitza	Mrkonic	Swift
Cawley	Gruppo	Murphy	Taylor, E. Z.
Cessar	Hagarty	Nahill	Taylor, J.
Chadwick	Haluska	Noye	Telek

Cimini	Harper	O'Brien	Tigue
Civera	Hasay	O'Donnell	Trello
Clark	Hayes	Olasz	Truman
Clymer	Herman	Oliver	Van Horne
Cohen	Hershey	Perzel	Veon
Colafella	Honaman	Petrarca	Vroon
Cole	Howlett	Petrone	Wambach
Cornell	Hutchinson	Phillips	Weston
Coslett	Itkin	Piccola	Wiggins
Cowell	Jackson	Pievsky	Wilson
Coy	Jarolin	Pistella	Wogan
Deluca	Johnson	Pitts	Wozniak
DeVertter	Josephs	Pott	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kennedy	Preston	Wright, R. C.
Davies	Kenney	Punt	Yandrisevits
Dawida	Kosinski	Raymond	
Deal	Kukovich	Reber	Irvis,
Dietz	Langtry	Reinard	Speaker

NAYS—10

Birmelin	Boyes	Lloyd	Scheetz
Black	Flick	Merry	Wass
Bowser	Godshall		

NOT VOTING—3

Cordisco	Fattah	Smith, L. E.
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EXCUSED—2

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

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1695, PN 4098 (Amended)

By Rep. OLIVER

An Act providing for grants by the Secretary of Community Affairs to promote government-related social services for Pennsylvania's ethnic and multicultural heritage and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

STATE GOVERNMENT.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 259, PN 2406**, entitled:

An Act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry.

On the question,

Will the House agree to the bill on third consideration?

Mr. AFFLERBACH offered the following amendments No. A4392:

Amend Sec. 3, page 3, line 9, by inserting after "ADVOCATE"

, coordinate

Amend Sec. 3, page 3, lines 13 and 14, by striking out "ADVOCATE AND PROMOTE THE ESTABLISHMENT OF" and inserting

Identify and maintain

Amend Sec. 3, page 3, line 19, by striking out "ADVOCATE AND PROMOTE" and inserting

Plan and direct

Amend Sec. 3, page 4, lines 24 and 25, by striking out "ONLY TO THE EXTENT THAT THEY DO NOT CONFLICT WITH OR DUPLICATE SERVICES CURRENTLY PROVIDED BY" and inserting

in cooperation with

Amend Sec. 4, page 5, line 4, by striking out "offices" and inserting

service centers

Amend Sec. 4, page 5, line 5, by striking out "offices" and inserting

service centers

Amend Sec. 4, page 5, line 15, by inserting after "services"

, including funding of such services

Amend Sec. 4, page 6, by inserting between lines 4 and 5

(8) Help deaf and hearing impaired citizens to become self-sufficient in meeting their needs in the community.

Amend Sec. 4, page 6, line 5, by striking out "(8)" and inserting

(9)

Amend Sec. 4, page 6, lines 6 and 7, by striking out "ONLY TO THE EXTENT THAT THEY DO NOT CONFLICT WITH OR DUPLICATE SERVICES CURRENTLY PROVIDED BY" and inserting

in cooperation with

On the question,

Will the House agree to the amendments?

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

Mr. AFFLERBACH. SB 259 intends to create an Office for the Deaf and Hearing Impaired within the Department of Labor and Industry. It also proposes to create an Advisory Council for the Deaf and Hearing Impaired.

The amendment that I am submitting restores to the bill a number of powers which were removed from this bill by the House Health and Welfare Committee.

I think it is important to note that there appears to be no disagreement on the fact that certain things should be done and certain things should be performed. The disagreement rests with who should perform those particular items.

The Senate sent the bill to us providing very specific powers to the Office of the Deaf and Hearing Impaired which would be created. In the House Health and Welfare Committee, the bill was amended to essentially remove those powers and make the office an advisory body. The amendment I offer would restore the powers so that the office has the teeth to indeed do the things that the bill intends it to do. In addition to that, the amendment makes several technical corrections simply to make sure that the terminology is consistent throughout the bill.

I would ask support for the amendment.

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, the amendments made in the Health and Welfare Committee were designed basically to reduce the bureaucracy, reduce the duplication of effort, and to make this legislation conform to what we think the future is in terms of protecting deaf and hearing-impaired individuals. There is activity in this field that is of an ongoing nature that will require the kind of activity that is now in this bill. If we create the kind of office that this amendment would create, we are going to, in effect, require a lot of additional bureaucracy, a lot of duplication of effort between departments, among departments, and I would recommend a negative vote on the amendment.

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

Mr. RYAN. Mr. Speaker, if I may, I would like to interrogate the gentleman.

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

Mr. RYAN. As I understand what you are doing, you are turning something from an advisory status into an active status. Would that be fair?

Mr. AFFLERBACH. That is a fair description; returning it to an active status.

Mr. RYAN. What are the fiscal implications with this, and do you have a fiscal note on it?

Mr. AFFLERBACH. I do not believe there are any fiscal implications. The argument is not whether or not certain services should be performed. The argument is, who should oversee the performance of those services? My amendment does not add additional services; it merely determines that the office which is to be created in the bill, with or without my amendment, will oversee those services.

Mr. RYAN. The portion of the bill that strikes "only to the extent that they do not conflict with or duplicate services currently provided," I assume that by striking that it permits duplication.

Mr. AFFLERBACH. Was that a question?

Mr. RYAN. Yes.

Mr. AFFLERBACH. It is not the intent of either myself or the coalition which has put the amendments together to permit duplication. We have struck the language that you have identified, but we have replaced it with language that states "in cooperation with." We replaced the language with the term "in cooperation with" because, frankly, we have identified what amounts to turf guarding within the various existing offices and departments. We do not want them to throw up the smokescreen of saying "duplication of services" simply to bring things to a halt.

AMENDMENTS WITHDRAWN TEMPORARILY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it is my advice that this bill should have a fiscal note. I would like the Chair to rule on it.

And if so, I would like the amendment withdrawn until we have a fiscal note.

The SPEAKER. You are asking for a fiscal note on the amendment?

The gentleman, Mr. Afflerbach's amendment will be temporarily withdrawn from consideration until we decide about the fiscal note question.

Meanwhile, so we are not held up any further, the Chair will recognize the gentleman from Montgomery, Mr. Fox, to offer the following amendment.

The Afflerbach amendment has not been permanently withdrawn. We have a hassle over whether or not it requires a fiscal note. We cannot settle that right now. Mr. Fox is recognized so we can get on with the business of the day.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FOX offered the following amendments No. A4727:

Amend Title, page 1, line 3, by striking out "AND"

Amend Title, page 1, line 6, by removing the period after "appropriation" and inserting
; authorizing certain municipalities to install teletypewriters in the police headquarters to enable deaf residents to communicate requests for assistance in emergencies; and providing for Commonwealth reimbursement of the installation expense.

Amend Bill, page 8, by inserting between lines 25 and 26 Section 8. Installation of teletypewriters.

(a) Authorization.—Every municipality with a population of 20,000 or more may install in its police headquarters a teletypewriter which will enable deaf residents of the municipality to communicate to the police requests for assistance in emergencies.

(b) Reimbursement.—The Department of Labor and Industry shall reimburse municipalities for the expense of implementing subsection (a). The Department of Labor and Industry shall promulgate regulations to:

(1) Set standards for teletypewriters to be installed by municipalities.

(2) Establish reimbursement procedure for municipalities.

Amend Sec. 8, page 8, line 26, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendments?

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

Mr. FOX. Thank you, Mr. Speaker.

This amendment is consistent with the main bill creating the department of hearing. Under this amendment, a telecommunications device will be permitted for every municipality over 20,000 in population that would require same. This would allow those who are hearing impaired to communicate by the teletypewriters about any emergency in their home to the police or fire department.

This is an amendment that is endorsed by the Delaware Valley Telecommunications for the Deaf and its sister groups across the State. I would ask for a positive vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. Pretty obviously, Mr. Fox, you have run into the same problem that Mr. Afflerbach has. We are certain about yours. Yours does require a fiscal note.

Mr. FOX. I have the cost, Mr. Speaker.

The SPEAKER. The fiscal note has to be submitted from the Appropriations Committee, not from you or from me. Did you get that fiscal note from the Appropriations Committee?

Mr. FOX. The minority.

The SPEAKER. Well, all right. Did you get it from Mr. McClatchy?

Mr. FOX. Yes; I did.

The SPEAKER. All right.

Will the gentleman state—we are not trying to hold the bill up—will the gentleman state what the fiscal note from Mr. McClatchy indicates on amendment A4727?

Mr. FOX. \$15,500.

The SPEAKER. \$15,500. All right.

Mr. FOX. Total.

The SPEAKER. The gentleman having complied with the requirement of a fiscal note, the question is, will the House adopt the amendment?

The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment itself.

Mr. BOWLEY. Thank you, Mr. Speaker.

May I please interrogate the maker of the amendment?

The SPEAKER. Mr. Fox indicates he will stand for interrogation. You may proceed, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, as I read this amendment, this is for municipalities with a population of 20,000 or more. Is that your intention, that only those municipalities with 20,000 or more may install this system and then be reimbursed by the Commonwealth?

Mr. FOX. That is correct.

Mr. BOWLEY. Thank you.

Mr. Speaker, may I make a comment on the amendment?

The SPEAKER. The gentleman has the floor, and he is in order. He may proceed.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, as much as I hate to, I am going to ask for a negative vote on this amendment, because a lot of us do not have any municipalities with 20,000 people in them, and therefore, none of our constituents can take advantage of this amendment and the cost that the Commonwealth is making back to these municipalities. If this were for any municipality in the Commonwealth, I would be in favor of it, but since it is not, I ask for a negative vote.

Mr. FOX. Mr. Speaker, may I comment?

The SPEAKER. If the gentleman wants to risk his second time at the microphone. Does the gentleman wish to speak a second time?

Mr. FOX. No. I will pass.

The SPEAKER. No. You may speak a second time before we take the vote, if you wish.

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

Mr. AFFLERBACH. Mr. Speaker, while I would like to support the amendment offered by my colleague, I have some concerns about it.

We have been having difficulty in obtaining this legislation for several years, and one of the reasons why is because there was always the fear that there would be additional costs added to it. The gentleman has told us that the total cost of his amendment would be about \$15,000. I do not know whether that is a good ballpark figure or not a good ballpark figure. I do know that there are some 1,600 municipalities in the Commonwealth, and certainly not nearly that many would have a population of 20,000 or more. But certainly the pressure will be on to authorize the very same type of equipment for other municipalities together with State reimbursement.

Municipalities presently have the authority to install this kind of equipment if they see fit, so essentially all we are talking about in this amendment is whether or not the State will reimburse them for doing it.

BILL PASSED OVER

The SPEAKER. Mr. Afflerbach, would you desist.

We have been unable to untangle the question about fiscal notes - who is responsible for requesting them, who is responsible for being on the floor to give them.

The bill, without objection, will be passed over. The Chair hears no objection.

* * *

The House proceeded to third consideration of **HB 823, PN 942**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. SHOWERS offered the following amendments No. A4655:

Amend Title, page 1, line 5, by inserting after "thereto," further providing for the imposition of taxes on earned income by school districts which eliminate certain other taxes;

Amend Bill, page 1, by inserting between lines 8 and 9

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 680.1. School District Option.—(a) Whenever any school district subject to the provisions of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," has levied any occupation tax using a millage or percentage as a base or intends to levy such a tax, such school district, after the will of the electors of the school district is determined in the affirmative by referendum, shall repeal any such occupation tax and may in lieu thereof levy, assess and collect an additional tax on wages, salaries, commissions and other earned income of individuals at a rate not to exceed one and one-half per centum. Such tax on earned income shall be in addition to any other tax on earned income authorized by any other act. The levy, assessment and collection of such additional tax on earned income shall be done in accordance with the provisions of the "The Local Tax Enabling Act" which are incorporated herein by reference. Any school district which levies such additional tax on earned income shall permanently lose the authority to levy and collect any occupation tax using a millage or percentage as a base. Revenues derived from the tax authorized by this section shall be for the sole use of the school district.

(b) Whenever electors equal to at least five per centum of the highest vote cast for any school director at the last preceding municipal election in any school district described in subsection (a), or the school board of any such district, files a petition with the county board of elections of the county for a referendum on the question of the will of the electors with respect to the levy, assessment and collection for the sole use of the school district, of an additional tax upon earned income at a rate not to exceed one and one-half per centum, in lieu of an occupation tax using a millage or percentage as a base, but not oftener than once every five years, the county board of elections shall cause the question to be placed on the ballot and submitted at the next municipal primary election more than sixty (60) days after the petition is filed. These proceedings shall be in the same manner and subject to the provisions of the election laws insofar as such provisions are applicable.

(c) The question shall be in the following form:

Do you favor the imposition of an additional school tax upon earned income, not to exceed one and one-half per centum, in lieu of an occupation tax using a millage or percentage as a base?

(d) If a majority of the voting electors vote "Yes," then the school district may levy the tax authorized by subsection (a).

(e) The aggregate amount of all taxes imposed by a school district that levies the tax authorized by this section shall not in the first year the tax is levied exceed one hundred five per centum of the total taxes levied in the previous year.

Amend Sec. 1, page 1, line 9, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 9 through 11, by striking out "of March" in line 9, all of line 10 and "1949" in line 11

Amend Sec. 2, page 5, line 7, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer an amendment to HB 823, which if enacted would offer a large measure of tax reform to those Pennsylvania school districts and their taxpayers who are plagued with an antiquated and inequitable occupational assessment tax. I do not view this amendment so much as tax reform on a piecemeal basis as I view it as temporary tax reform, or an interim fix, until the time has arrived for truly comprehensive local tax reform.

Many of us had hoped that this General Assembly could have taken the first concrete action for comprehensive local tax reform yet this year with the first-time passage of a constitutional amendment permitting a homestead exemption in Pennsylvania. The homestead exemption is touted by many to be the best way to unlock the current deadlock on comprehensive tax reform. Unfortunately, on second reading of the Constitution and related court cases, it appears we are too late in this session to take meaningful action on this or any constitutional amendment.

Meanwhile, many Representatives, school officials, and citizens of rural and central Pennsylvania question whether our schools, with their strong reliance on the occupational assess-

ment tax, can survive much longer. Can they survive until the day of comprehensive reform? Surely, the courts have had their patience tried with this revenue instrument. A court decision tomorrow could destroy rural central Pennsylvania's system of financing public education. We have been waiting for relief for 15 years, and we need it now.

While there are other school districts outside of rural central Pennsylvania which utilize the occupational assessment tax, its use as a disguised income tax has been most peculiar and profound in farm areas. The reason for this is really quite simple: County commissioners and school officials have, over the years, expanded the base of what could have been just another Act 511 head tax, creating a substitute for real estate taxes where an adequate real estate tax base did not exist. In our areas, agricultural holdings, forest reserves, and little industrial/commercial base offered us little potential and much opposition to heavily taxing real estate. However, as time has passed, not only did our occupational assessment taxes swell, but so did our real estate taxes. Today, we simply cannot just shift our reliance from the occupational tax to real estate; the burdens are too great with both.

For those of you who are not aware of this peculiar tax, let me briefly explain. County commissioners develop occupational tax classifications with numerical or dollar amounts attached and pegged to the prestige or worth of the job or occupation. Incomes may not be used to establish classifications. School districts mostly, although some counties and some municipalities, then apply a percentage or millage against these classifications to arrive at individual occupational assessment taxes. It used to be that they even taxed housewives, unemployed, and retired. It is not uncommon for laborers to pay several hundred dollars in occupation tax and for professionals to even pay upwards of \$700 and \$800.

Now to the amendment. The amendment, if adopted, would affect only school districts which have utilized the occupational assessment tax in 1984 or 1985 or prior school years. We restricted the amendment to districts which have used it in the past so as not to encourage other districts to adopt an occupational assessment tax so they could derive new taxing authority.

Those districts that rely on this tax will have the option, the option, of replacing the occupational assessment tax with up to an additional 1 1/2-percent expansion of the earned income tax. The year the replacement goes into effect, total tax revenues would be limited to 105 percent of the previous year's tax revenues. Districts would not have to use the full 1 1/2 percent if they did not need the full amount to replace lost occupation taxes. Other taxes could also be reduced to remain within the 105-percent cap on all tax revenues in the year of implementation.

The amendment requires that no switch take place, no taxes substituted, without the approval of the school district voters at a primary or general election prior to school budget adoption. Citizens and school boards would have the power to place the question requesting tax replacement on the ballot. The results of the ballot question would be binding on school boards.

That pretty well sums up the amendment. We are not asking for a tax increase. We only want to exchange an antiquated and unfair income tax for another more equitable income tax, based on ability to pay and not based on some county commissioner's wild idea of the monetary value of the prestige of an occupation. The implementation year's taxes would be capped at 105 percent, and all of this would be contingent upon voter approval.

I, and other rural legislators from both sides of the aisle, ask for your consideration and support of this amendment. Our needs are critical and pressing.

We will not, as a result of this action, lose our interest in comprehensive local tax reform. Like other regions in Pennsylvania, we, too, have a genuine interest in real estate tax reform and other Act 511 reforms. Your assistance and cooperation in granting us this temporary fix on the occupational assessment tax will only enable rural central Pennsylvania legislators to better concentrate on the larger picture of comprehensive local tax reform. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the lady from Centre, Mrs. Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

I rise to support the Showers amendment to HB 823, and I would just like to reiterate some of the statements that Representative Showers made concerning the occupational assessment tax.

As he stated, of course, this would allow school districts to not use the occupational assessment tax, and I think this is a good measure to pass because the occupational assessment tax, in my estimation, is one of the most unfair, inequitable taxes that we have here in this Commonwealth. Two people can have a wide disparity in their incomes, but yet they are assessed at the same valuation and their occupational assessment tax is the same. Because of this, I urge all of you to vote in the affirmative for this amendment. Thank you.

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

Mr. STEVENS. Thank you, Mr. Speaker.

May I interrogate the maker, please?

The SPEAKER. The gentleman, Mr. Showers, indicates he will stand for interrogation. You may proceed.

Mr. STEVENS. Thank you, Mr. Speaker.

How does this affect the property tax as a source of revenue for school districts?

Mr. SHOWERS. In districts that have the occupational assessment tax, and in most of the districts in my IU (intermediate unit) region and I think in most of the districts that really utilize the occupational assessment tax, they will need the full 1 1/2 percent, most of those districts, to replace the occupation tax. There may be even some districts that will not have enough revenue to make up. There may be some districts that they will have some additional amount of wage tax left over that could reduce the real estate tax, but I do not think that is going to be the case in many places.

Mr. STEVENS. Thank you.

Is there any direct influence on the property tax, if your amendment would pass, besides what you just said?

Mr. SHOWERS. No. It would be a way not to raise property taxes in those areas by substituting this. They can get rid of the occupation tax and it will take care of that only. In districts that do not utilize the occupation tax, it is going to have no impact on the real estate tax.

Mr. STEVENS. Are you saying the occupational tax is based on real estate millage?

Mr. SHOWERS. Excuse me; I could not hear you.

Mr. STEVENS. Are you saying that the occupational tax is based upon real estate millage?

Mr. SHOWERS. No, sir. The occupational tax, there is a millage or a percentage applied to it by the school board, but it is separate from the real estate millage.

Mr. STEVENS. So then this amendment, if it is passed, does not in any way allow a school district to go to a wage tax or an earned income tax as opposed to a property tax. In other words, you cannot replace the property tax with this 1 1/2-percent cap earned income tax.

Mr. SHOWERS. No. They would first have to replace the occupational assessment tax. If there would be any balance left over, they could reduce real estate taxes. But like I say, in most districts it is going to take the full 1 1/2 percent to replace the occupational tax. So it is not going to bring meaningful real estate relief anywhere.

Mr. STEVENS. Okay. Just one more time, please, could you just explain how the 105-percent cap works?

Mr. SHOWERS. If a school district and its voters agree to replace the occupational tax, the year they implement the switch, when they do away with the occupation tax and expand their wage tax, total tax revenues of the year of implementation cannot be any more than 105 percent of the previous year's tax revenues.

Mr. STEVENS. Thank you.

May I comment, Mr. Speaker?

The SPEAKER. The gentleman has the floor and is in order. He may proceed.

Mr. STEVENS. Thank you, Mr. Speaker.

I think the Showers amendment is a good amendment. I would also urge that when we come back into session, this House take up the matter of property tax as a source of revenue and try to find a way to eliminate or reduce property tax as well as eliminating or reducing the occupational tax. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. GODSHALL. Thank you, Mr. Speaker.

Can I direct an inquiry to the Chair, please?

What we are doing, I believe, with this amendment is we are changing Act 511, which permits the occupation tax to be levied by the school districts. Can we amend the School Code and thereby change totally around what is authorized under Act 511?

The SPEAKER. On the face of the amendment, the Chair sees nothing wrong with the amendment being offered to the School Code. That is exactly what he is amending, and that is what the bill pertains to. The Chair does not want to act as a coach, but if the gentleman has any question of germaneness, that has to be decided on the floor. But as far as the Chair sees, the Chair sees absolutely nothing wrong with the offering of this amendment.

Mr. GODSHALL. Thank you, Mr. Speaker.

Can I interrogate the maker of the amendment then, please?

The SPEAKER. The gentleman, Mr. Showers, indicates he will stand for interrogation. You may proceed.

Mr. GODSHALL. Mr. Speaker, do you see any conflict at all? You are really basically changing Act 511, where the school districts have their power of taxation, and you are changing a part of Act 511 with this amendment by inserting it in the School Code.

Mr. SHOWERS. No, Mr. Speaker. I do not see any conflict or any problem with that at all. As a matter of fact, the occupational assessment tax is such a peculiar instrument that its powers are not only written and come from Act 511, but they are also found in the General County Assessment Law, because this tax was kind of invented at the local level. It comes from the County Assessment Law; it comes from Act 511. The county commissioners derive the right to use the occupational assessment tax under the County Code and municipalities under Act 511. So it is spread across the books, and I see no problem with just taking care of the school portion of that by addressing it in the School Code, which also contains other taxing powers for the schools.

Mr. GODSHALL. Okay. Now, Act 511 also says that you are allowed up to 1 percent of an earned income tax which is to be shared by the municipalities if they claim. With this 1 1/2 percent additional that you are putting in here, because of what Act 511 says, could the municipalities, because of the way that act is written, claim—you are going up to 2 percent—could they claim the 1 percent and return the 1 percent to the school district?

Mr. SHOWERS. No, sir. The way we have the amendment drafted, I believe this additional 1 1/2 percent is totally left to the use of the school district and cannot be subject to the sharing provisions under Act 511.

Mr. GODSHALL. Thank you, Mr. Speaker. That is all I have.

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

Mr. MORRIS. I just want to congratulate Mr. Showers on this amendment. It is ingenious. It does away with the most horrible tax that has ever been invented, including the salt tax that brought on the French Revolution. It is voluntary on the part of the people of the school district. If they want to do it, they can, and if the school district wants to do it, they put it up to the people.

I really congratulate you, and every person in this House should vote wholeheartedly for this amendment. One of the

first things I did when I came up here was attempt to get rid of this darned occupation tax on a millage basis. I did not succeed. Down in my county most of the districts that have levied it have had to give it up because of public anger and so on. So good luck with your amendment.

Mr. SHOWERS. Thank you.

The SPEAKER. Mr. Morris, does that indicate you are going to vote for it?

Mr. MORRIS. Absolutely.

The SPEAKER. I was not quite sure which side you were on.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I had the opportunity to travel to Mr. Showers' district and listen to testimony, and I am sure that there is no need to reaffirm the problems that his people are having, but it was certainly apparent from the testimony given at that time.

Earlier this session, however, we had some bills that were being considered that would have relieved some of the rest of us in terms of increased millage, and I stood on this floor and indicated that particularly the borough of Ambler was already at its tax limit and had to go to court for additional millage and pleaded with the group to increase that millage so that they could in fact meet their obligations. At that time the vote was against that set of bills, which I think are still either in committee or have been put on the tabled calendar. I would hope that that same situation would not occur today. The argument at that time was that, well, we are not going to do this now, because it will take away the incentive for total tax reform. We have now completed another session, and no total tax reform has taken place.

Representative Showers' district needs this help and needs the relief. I think we should support him, but I think that we should also keep in mind that other districts need support, and if we are unable to get a total tax reform, then perhaps piecemeal we have to go with a Band-Aid and correct those situations which are critical.

I would ask for a "yes" vote in this situation, and please keep in mind that there are other areas that also need help so that when that opportunity comes later, you can maybe help some of the rest of us. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. Mr. Speaker, I would only say to vote for the amendment. It has to be the most advanced improvement of any tax that I know of for any of us who have to pay it.

I would ask for an affirmative vote.

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

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to ask you for an affirmative vote on the Showers amendment. I think of all the complaints that come in to me in my district, the complaint of the occupational tax would be in the forefront.

I think, as it was explained, it is a most unfair tax. We have a solution here. Although it is maybe not complete as to what most of us would like to see in tax reform, I think it would solve a problem that most of us have in our districts and will get rid of an unfair tax that is placed upon our constituents.

Therefore, I would ask for an affirmative vote.

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

Mr. HAYES. Thank you, Mr. Speaker.

Not to be unduly critical of the gentleman, Mr. Showers, but both Mr. Saurman and maybe most particularly the gentleman, Mr. Stevens, when interrogating Mr. Showers stumbled upon a problem that we all have when we try to write a tax formula where we try to address just one aspect of local tax reform.

If you recall when Mr. Stevens was asking questions of Mr. Showers, there was a lot of wondering about as to how this particular amendment, if it becomes law, will apply in each and every one of the school districts affected, and that is one of the lurking problems in local tax reform. For too long we have stumbled upon the notion and stubbed our toe on the notion that we are magic enough to write one formula with just a few words on an amendment or a simplistic bill.

I respectfully suggest, Mr. Speaker, that this is not the way to bring about tax reform in some ingenious way, as Mr. Morris indicated. We are going to have to allow the 501 school districts, the 67 counties, and the several thousand municipalities on their own in some ingenious way, to use Mr. Morris' words, to carve out a better tax structure for the taxpayers of their local governments, be they school districts, counties, or local municipalities.

Again, I do not want to be unduly critical of Mr. Showers. He has borrowed, of course, some ideas found in HB 2270, and I think that that is pointed in the right direction. I think there is going to be a day when this General Assembly, House and Senate, addresses local tax reform, but we will not be able to serve all of the regions of Pennsylvania properly if we just do it a bit at a time. This is not a criticism of Mr. Showers. He has taken an opportunity on the floor of this House to offer an amendment. Nothing wrong with that. But none of us can go away, after a session like this, and say to our taxpayers that we have brought about local tax reform. I do not think Mr. Showers has said that. He had extended remarks before he addressed his amendment. But let us all come back next session and address local tax reform.

I respectfully suggest that if you want to best serve the taxpayers and you want to best serve those local governments, you are going to have to give them a little more self-determination than is found in this amendment or found in most other legislation which has been floating about this General Assembly where people try to write tortuous formulas. They are just not working. We have to give them self-determination. Thank you, Mr. Speaker.

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

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I would hope that the members of the General Assembly who are present and voting today would take heed to a few of the words that I am about to state.

This is another example, if you will, and I think this is what Representative Hayes was alluding to, but I think it should be extended even a little bit further, because what Representative Hayes was cautioning us about as far as piecemealing tax reform, I just wish other members of this caucus would have been saying the same thing about 2 1/2 hours ago when we were doing the exact same thing for liability insurance reform. Unfortunately, the powers to be—and I will let you decide who they may be—have not given us the opportunity to really comprehensively go out and hold public hearings, attempt to address the problem, whether it be on some of these major crisis areas. Because of that, it has become necessary to piecemeal this. I think if it is good enough for the goose, it is good enough for the gander. Like Representative Morris said earlier, I congratulate Representative Showers for at least calling to the attention of this General Assembly, this body today, the necessity for some movement in the local tax reform area.

I am somewhat disturbed when I look over at the press box to see none of the newspapers covering what is going on. I assume they might be listening. I would certainly say that if it was some other particular member talking about the Philadelphia wage tax and the press was programmed that we were going to be talking about that so-called tax reform, it would be covered on every major newspaper and every major wire service and every audio-video-type media throughout the Commonwealth. But when we talk about local tax reform in the hinterlands, out there far away from the big metropolis of Philadelphia, no one seems to care except those poor constituents of ours, those people whom Representative Showers represents, Representative Morris represents, Representative Letterman represents, and, yes, even Representative DeWeese represents people like that. I think we have to at least talk about that. I think we have to bring that to the attention of those members who for some reason do not want to comprehensively address that. Here we stand in the waning hours of this particular session, the third of 6 years that I have been up here, and we have not comprehensively attempted to address the issue.

So to Representative Showers, I, too, tip my hat today. It is unfortunate that we have to piecemeal some of these so-called reforms to remedy crisis situations, but when the opportunity presents itself, we must strike. So let us strike today and go along with Representative Showers and let us just let the people know that we do still recognize a need for local tax reform, regardless of how miniscule it might be or how out of context it might be on solving the whole issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to support the Showers amendment. I do so reluctantly and would echo to some extent those comments by Representative Hayes and, as well, Representative Reber.

You know, it is a shame that we do this kind of thing in a piecemeal fashion. This probably will never become law, for whatever reason, but I think this body today can once again express its desire as members to let our leadership know on both sides of the aisle that we do want to and will address this issue, be it this one in particular or the one that involves the Philadelphia wage tax.

I think we do a disservice to our constituency when we walk around these issues, for whatever political reasons. You know, people in areas of the State that I represent, as does Representative Showers and a number of others from upstate, have a very difficult time when occupational assessment tax bills get on the marketplace their homes, and the reason is the people do not understand how their neighbor can be levied at one assessment rate and they at another, while both of them have the same occupation. It makes no sense when one of them, perhaps as an insurance agent making \$15,000 a year, pays the same rate as the agent who has been around for 20 years and is making \$50,000 or \$75,000 a year, and that is where we have the problem with occupational assessment taxes. There is no way. I know that in my home county, when the school district first levied this tax, this tax was taken to court four times. And just to give you some indication that even those who are in our seats of judicial power, twice it was declared unconstitutional and twice it was declared constitutional, and, by the way, by the same judge. So it goes to show you that there is no systematic way to attack this particular piece of law through our court system.

I am a little disappointed that we did not have an Act 511 bill where we could do some major restructuring, which is the Local Tax Enabling Act, but rather attaching this to the Public School Code of 1949, as well as utilizing a bill that many had hoped would clear this chamber so that our school districts could benefit from it. But in lieu of that, I would hope the members today would express their desire for us to continue and forge forward in trying to resolve this very sticky issue of how not only our school districts but our local municipalities are going to finance themselves into the future. Thank you.

The SPEAKER. Well, that exhausts everybody on the first slate. Now we will start on the second.

The Chair recognizes the gentleman from Chester, Mr. Morris, for the second time.

Mr. MORRIS. Mr. Speaker, it is not very many times I get up to talk twice on the same subject, but this is a very important subject.

Now, I might assure the gentleman who wanted to have a more comprehensive tax reform that the Finance Committee just voted out an hour or two ago a bill which, if we pass it, will help with the real estate tax and afford local taxing districts an opportunity to shift to an income tax.

Now, this is a special situation here, and a number of the speakers who spoke on this stress this point. As I said before and as they said, this is absolutely the worst tax in 511 and maybe the worst tax that was ever invented, and anybody who has had any experience will agree with you.

Now, let us get on with this amendment, the John Showers amendment, and give the school districts and the people in those school districts an opportunity to get rid of this occupation tax on a millage basis as assessed. It is a perfectly terrible thing.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, this really is a piece of legislation that we have to pass. This is a test. I think that the leaders should take heed to a warning that is coming from members, and that is that in January and February let us quit playing games, set priorities, and work on tax reform for this State. It is time. We do not need more legislation developed before we do tax reform.

I think all of us have been out in the municipalities, and we have heard the word. Every time I have ever been to a meeting on tax reform: You have got to do something. I have been out there for going on 16 years down here and they have been telling me that, and you put a bill up and see if it will ever move. It will never move. It is because both leaders cannot get together and decide to move it for you. What you have to do is you have to take and put 2 months together, and we have to sit here and we have to hash it out on this House floor. I hope that every member here starts to realize what the people have been telling us, and we better start and have priorities set. They are tired of us playing around with legislation that really does not mean a darn thing to them. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am getting sick and tired of coming down here all these years. We ought to have tax reform.

You know, I came to the General Assembly with the same proposition that many of you did, and my literature said tax reform; we ought to have tax reform, and that incumbent who was there, I do not know why he was not for tax reform. Then I got down here and I began studying all the tax reform legislation in the hopper, and all the tax reform legislation in the hopper was the same. It was reform for the fellow who was getting relief from taxes and putting it on somebody else, but that other fellow who had to pick up the burden, it was not reform to him.

The reason that Mr. Showers has a good idea here—and Mr. Showers and I have discussed his amendment, and I wholeheartedly support his amendment and told him to offer it—the reason that it works is you are not shifting a burden from one group to another. The same group, those who work for a living and have an occupation, are saying, please do not tax us in this manner with a 300 or 500 or 700 assessment regardless of what we make, but tax us in a percentage of our income. No burden is being shifted from one group to another; it is the same group.

When you talk about relieving and reforming property taxes that are onerous in school districts, that school district has to have the money to operate on, and when you relieve property taxes in the form of school taxes, you have to put it somewhere else. Nine out of 10 times, if it only goes on wages or income, your commercial properties and your industrial properties are going to be relieved of a very large burden.

There will be a major tax reform proposition that will come up in the next session. If the Democratic bills are able to be reported from committee in the House and the Senate, it will be in the form of a constitutional amendment for a homestead exemption. Mr. Speaker, we are working on such a piece of legislation. It was ready for introduction when we came back after the summer, but we had missed deadlines on advertising for the reform, and it will be one of the priorities in the next session. But be careful when you talk about tax reform that you are not talking about taking it from one group and putting it on the other, because that is not reform; that is shifting the burden of taxation, and it does not set well with those you are shifting it to. As soon as they wake up, they are yelling tax reform; shift it to someone else. It is not an easy proposition, and once you get into studying the thing very, very carefully, you will all find that tax reform is difficult; tax reform is good in the campaign and it is a nice byword, but the achievement is such that real true reform is difficult.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

The majority leader and I have absolutely no quarrel with each other with what he just said, and I do not think he has any quarrel with what I said earlier. Tax reform is very, very elusive; very, very elusive. It is easy to say we are for tax reform; it is easy to say that we are going to come back in January and sit here and write a formula, ha-ha. We will be here for the rest of the next session if we try to write a formula on the floor of this House of Representatives that is going to equitably apply to each and every one of your home districts. As there are differences between people, so are there differences between school districts, townships, boroughs, cities, counties, what have you.

To date, efforts in this General Assembly have been primarily limited to trying to write some magical formula that is going to shift around all these impositions - in some mythical way that is going to bring magic to each school district and magic to each borough and township and county and city. To date, all of those efforts have failed. They have failed for the reasons I have mentioned and the reasons the majority leader has mentioned.

We are going to have to allow those local governments a degree of home rule with regard to tax reform. We are going to have to give them a measure of self-determination. I am not a prophet, but I have sat and watched all these committees all these years, all these lawmakers, strain that writing of formula. All those efforts have failed. I suggest we go back to the home rule principle that this Assembly adopted in the early seventies with regard to primary governance and apply those same principles to local tax reform. Thank you, Mr. Speaker.

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

Mr. PISTELLA. Mr. Speaker, I was wondering if the gentleman, Mr. Showers, would stand for brief interrogation.

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

Mr. PISTELLA. Mr. Speaker, I cannot recall if you were a member at the time, but very early on in Governor Thornburgh's administration there was a blue-ribbon panel that was commissioned to look at a number of tax proposals, both statewide and local. I was wondering if you were familiar with that tax commission's report.

Mr. SHOWERS. Yes, Mr. Speaker. That report was issued before I was a member of this Assembly, but the occupational assessment tax is one of the nuisance taxes that is called for elimination in that report.

Mr. PISTELLA. If I understand you correctly, what you are saying is that the amendment that you are proposing is in fact one of the recommendations that were made by the Governor's tax commission for reforming the tax code in the Commonwealth?

Mr. SHOWERS. Correct. I do not believe anyone has ever argued, including the Governor's panel, in favor of the occupational assessment tax.

Mr. PISTELLA. Thank you, Mr. Speaker. No further questions, please.

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

The following roll call was recorded:

YEAS—190

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

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

NAYS—6

Burns	Fischer	Saloom	Vroon
Durham	Langtry		

NOT VOTING—3

Arty	Cawley	Flick
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EXCUSED—2

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

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

BILL PASSED OVER

The SPEAKER. The bill together with the amendment, without objection, will go over for today. The Chair hears no such objection.

PARLIAMENTARY INQUIRY

Mr. STEVENS. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. Mr. Stevens, we were advised up here that the other amendments might require fiscal notes, and therefore, we are asked to pass it over. Do you object to passing it over?

Mr. STEVENS. Point of parliamentary inquiry.

The SPEAKER. What is your question, sir?

Mr. STEVENS. The question is, by passing this over, does this remain in a position to be voted when we return to session?

The SPEAKER. Certainly.

Mr. STEVENS. Thank you.

The SPEAKER. It is on the calendar; it does not go off the calendar. It is on the calendar as amended and will be on third consideration. There is no attempt at foreclosing other amendments. It is merely foreclosing at this time.

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

The clerk of the Senate, being introduced, returned the following **SB 1421, PN 2478**, with information that the Senate has concurred in the amendments made by the House by

amending said amendments in which the concurrence of the House of Representatives is requested:

An Act amending the act of July 12, 1972 (P. L. 762, No. 180), entitled "Intergovernmental Cooperation Law," further providing for direct purchases from certain vendors or suppliers of goods; and providing for joint purchases with certain schools and private agencies.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, SB 1421 relates to joint purchases that are authorized by municipalities to make direct purchases. It passed the House, went to the Senate, and the Senate amended as follows, stating, "within the county or municipality as the case may be." That confines it to the county and the municipality as stated.

It seems to me, Mr. Speaker, that the Senate amendment is in order and, in my opinion, the House should concur in the Senate amendments to SB 1421, and I so move.

The SPEAKER. Those in favor of concurring will vote "aye"; those opposed, "no."

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

YEAS—193

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

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

NAYS—0

NOT VOTING—6

Cawley	Donatucci	Fattah	Rieger
Cole	Evans		

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2274, PN 3151**, entitled:

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," adding a definition; further providing for the definition of "solid waste;" further providing for powers and duties of the department and of the Environmental Quality Board; and providing for certain handling of coal ash.

On the question,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendments No. A4281:

Amend Title, page 1, lines 17 and 18, by striking out "a definition" and inserting definitions

Amend Sec. 1, page 1, line 27, by striking out "a definition" and inserting definitions

Amend Sec. 1 (Sec. 103), page 2, by inserting between lines 12 and 13

"Drill cuttings." Rock cuttings and related mineral residues created during the drilling of wells pursuant to the act of December 19, 1984 (P.L.1140, No.223), known as the "Oil and Gas Act," provided such materials are disposed of at the well site and pursuant to section 206 of the "Oil and Gas Act."

Amend Sec. 1 (Sec. 103), page 2, line 16, by inserting after "ash"

or drill cuttings

On the question,

Will the House agree to the amendments?

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

Mr. LAUGHLIN. Mr. Speaker, very briefly.

This bill takes care of rock cutting and related mineral residue when drilling occurs in the State of Pennsylvania. Representative Petrarca and Representative Wright have reviewed the amendment and tell me it is agreed to.

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

Mr. PETRARCA. Mr. Speaker, it is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—196

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

NAYS—1

Manderino

NOT VOTING—2

Donatucci

Rieger

EXCUSED—2

Sirianni

Taylor, F.

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

On the question,

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

Mr. CAWLEY offered the following amendments No. A4760:

Amend Title, page 1, line 17, by inserting after "fund,"" requiring permission of the municipality prior to issuance of certain permits;

Amend Bill, page 3, by inserting between lines 8 and 9 Section 3. Section 501 of the act is amended by adding a subsection to read:

Section 501. Permits and licenses required; transition scheme; reporting requirements.

(d) The department may not issue a permit for the disposal of any solid waste in one municipality which is generated from another municipality outside of the host municipality's county but within this Commonwealth, unless having obtained the prior written approval of the governing body of the municipality where the intended disposal site is located.

Amend Sec. 3, page 3, line 9, by striking out "3" and inserting

4

Amend Sec. 4, page 4, line 22, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

- (1) The provisions relating to section 501(d) shall take effect in one year.
- (2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

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

Mr. CAWLEY. Thank you, Mr. Speaker.

This amendment would give municipalities who have landfills within those municipalities the right to refuse refuse from outside of that county. That is basically what this amendment does.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, we oppose this amendment. We felt it is so controversial, I do not know why my colleague, Mr. Cawley, did not introduce a bill earlier in the year. I requested that he amend maybe HB 2204, 2205, or 2206. Now, if this amendment goes in, I know DER (Department of Environmental Resources) will oppose it, and it would kill the bill. I oppose the amendment.

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

Mr. STEVENS. Thank you, Mr. Speaker.

Mr. Cawley is alluding to a problem that we in northeastern Pennsylvania are being faced with. If you go on the northeast extension of the turnpike and head south and look in the northbound lanes, there are lots of trucks coming carrying trash and taking it to northeastern Pennsylvania. I think what Mr. Cawley is trying to do will give some local governments the right to refuse garbage from outside areas if they so desire, and I intend to support it. Thank you.

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

Mr. GEORGE. Mr. Speaker, I rise to support Mr. Cawley. Mr. Petrarca should know very well that I would do that in that this bill that Mr. Petrarca brings to us at this moment, should he insist or even dare to try to tell us that this bill is in the best interests of the people of Pennsylvania, then I would have to take issue with my good friend and colleague. For at the moment, for anyone to get rid of this material called ash, that all of these utilities continue to charge us whatever they want for those kilowatts, that at one time not so long ago was charging us a fuel adjustment, Mr. Speaker, I daresay that if we allow them to handle this stuff in a haphazard manner, then we have lost all that we are trying to put forth for the people.

Mr. Cawley or any other Representative is duly within his right and morally within his obligation to insist that we should not allow this stuff to be bandied around in such a callous disregard for the environment. Just last week, Mr. Speaker—

Mr. PETRARCA. He is not speaking to the amendment, Mr. Speaker.

Mr. GEORGE. Perhaps the gentleman will assist me—

The SPEAKER. The Chair differs with the gentleman, Mr. Petrarca. The gentleman, Mr. George, is speaking to the amendment and may continue.

Mr. GEORGE. Now, just recently in a county in western Pennsylvania, in fact in Mr. Letterman's district, he found environmental concerns that you would not believe, and this was brought about with the amendment process and with DER oversight. Now, what do you suppose will happen if we just allow them, number one, to do what Mr. Petrarca does, that we need no permit; and secondly, to allow them to take it wherever they want without any judgment, without any knowledge of what it contains, and without any regard?

So I ask you, please, do not be fooled by this utility nonsense; we owe the people a lot more concern than what this bill does. I urge that we support Mr. Cawley.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise in opposition to this amendment. The bill, HB 2274, amends the Solid Waste Act, Act 97, to exempt coal ash from the definition of "solid waste," defines the beneficial uses of coal ash, and permits DER to establish standards and certification procedures for storage and use of coal ash.

What we are doing now with coal ash is basically depositing this in landfills. The landfills are filling up. It costs the utility industry and it costs your constituents \$100 million a year to dispose of coal ash. That is what you are paying. You are paying \$100 million a year to dispose of the coal ash. This would allow the utilities to possibly even market this. It can be used as a concrete replacement. It can be used in the base of roads. They could develop a market for this above the \$100 million that would be saved, which is now used for disposal.

You know, it was a clean bill. There was very little opposition. I think this amendment is really not related to the bill, and I would ask for the defeat of the amendment in order to vote on the bill.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

I am going to ask for a negative vote on this amendment. I am doing so reluctantly because I know the problems the gentleman may have in his municipality, in his area. But this piece of legislation, this amendment, would have an adverse impact on this piece of legislation. I think it is a good piece of legislation, and I would not want to have that impact on it. I would hope the gentleman would offer another piece of legislation in the future, and I ask for a negative vote on the amendment.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the amendment but not in this bill, Mr. Speaker. I think the gentleman has a good amendment and I will support it in another piece of legislation, but I would suggest that we defeat the amendment on this round and support the bill and pass the legislation.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Cawley amendment. I believe it is important for the members of the House to understand that if a landfill opens within your county, your municipality, it can accept refuse from anywhere in the Commonwealth of Pennsylvania. I believe that that creates a significant problem, regardless of what the local municipality, the local county wants for the self-determination of their municipality and their landfill.

I think an important part of Mr. Cawley's amendment is that it does not take effect for 1 year. I believe that begins to give, as we, the Commonwealth, are now dealing with the solid waste issue, it allows all parts of Pennsylvania to deal with the complex problem, to help solve their regional problems with landfills, and for everybody to get in line before the provisions of the Cawley amendment take effect.

Mr. Speaker, I think it is important that municipalities be able to determine their future and especially to regulate any refuse coming into their landfill, and I ask for an affirmative vote.

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I move that the bill, together with the amendment, be laid upon the table.

The SPEAKER. A motion to table by Mr. Dorr, the bill together with the amendment.

Let us limit the debate simply to the Dorr motion.

Mr. Petrarca, do you wish to speak to the motion?

Mr. PETRARCA. I oppose the motion—

The SPEAKER. Just a moment, Mr. Petrarca. The Chair is in error; it is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—43

Arty	DeVerter	Miller	Saurman
Barley	Dawida	Moehlmann	Scheetz
Birmelin	Dorr	Murphy	Smith, B.
Bortner	Duffy	Noye	Smith, L. E.
Brandt	Gamble	O'Donnell	Stairs
Bunt	Greenwood	Oliver	Steighner
Bush	Hagarty	Perzel	Taylor, J.
Carlson	Jackson	Phillips	Wambach
Cessar	Lashinger	Piccola	Wilson
Chadwick	McClatchy	Reber	Yandrisevits
Cimini	McVery	Ryan	

NAYS—154

Acosta	Distler	Kenney	Richardson
Afflerbach	Dombrowski	Kosinski	Rieger
Angstadt	Donatucci	Kukovich	Robbins
Argall	Durham	Langtry	Roebuck
Baldwin	Evans	Laughlin	Rudy
Barber	Fargo	Lescovitz	Rybak
Battisto	Fattah	Letterman	Saloom
Belardi	Fee	Levdansky	Schuler
Belfanti	Fischer	Linton	Semmel
Black	Flick	Livengood	Serafini
Blaum	Foster	Lloyd	Seventy
Book	Fox	Lucyk	Showers
Bowley	Freeman	McCall	Snyder, D. W.
Bowser	Freind	McHale	Snyder, G.
Boyes	Fryer	Mackowski	Staback
Broujos	Gallagher	Maiale	Stevens
Burd	Gallen	Manderino	Stewart
Burns	Gannon	Manmiller	Stuban
Caltagirone	Geist	Markosek	Sweet
Cappabianca	George	Mayernik	Swift
Carn	Gladeck	Merry	Taylor, E. Z.
Cawley	Godshall	Michlovic	Telek
Civera	Gruitza	Micozzie	Tigue
Clark	Gruppo	Morris	Trello
Clymer	Haluska	Mowery	Truman
Cohen	Harper	Nahill	Van Horne
Colafella	Hasay	O'Brien	Veon
Cole	Hayes	Olasz	Vroon
Cordisco	Herman	Petrarca	Wass
Cornell	Hershey	Petrone	Weston
Coslett	Honaman	Pievsky	Wiggins
Cowell	Howlett	Pistella	Wogan
Coy	Hutchinson	Pitts	Wozniak
Deluca	Itkin	Pott	Wright, D. R.
DeWeese	Jarolin	Pressmann	Wright, J. L.
Daley	Johnson	Preston	Wright, R. C.
Davies	Josephs	Punt	
Deal	Kasunic	Raymond	Irvis,
Dininni	Kennedy	Reinard	Speaker

NOT VOTING—2

Dietz Mrkonic

EXCUSED—2

Sirianni Taylor, F.

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

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

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

Mr. JAROLIN. Thank you, Mr. Speaker.

Some of the previous speakers had mentioned the fact that they would like to see this amendment go by the wayside, and let me tell you the reason for it: because some of the speakers are shipping their garbage up into our particular area.

I am 100 percent for the Cawley amendment. It is extremely important to my district, and I am going to ask all the Representatives for an affirmative vote. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, I do not see where this amendment has a tremendous effect on this piece of legislation. If I may ask a question of the maker, please?

The SPEAKER. The gentleman, Mr. Cawley, indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Letterman.

Mr. LETTERMAN. If I read your amendment properly, your amendment does not deal with anything that is in the bill at the present time. Is that right?

Mr. CAWLEY. That is correct.

Mr. LETTERMAN. In other words, you are talking about solid waste—

Mr. CAWLEY. My intent in this amendment is municipal waste, garbage.

Mr. LETTERMAN. You are not dealing with the ash or the disposal of the coal ash at all, right?

Mr. CAWLEY. Not at this time. When we come back, probably.

Mr. LETTERMAN. Do not your municipalities already rule who dumps in your area?

Mr. CAWLEY. Our municipalities—and this is for the rest of the people in here—to the best of my knowledge, our municipalities have no power whatsoever regarding what is being dumped in that municipality. The only course that they have is going to the Commonwealth Court, period, or going to the Environmental Hearing Board, and that is like going to no one in this particular case. So they have no powers whatsoever other than the power of Commonwealth Court, and that is one of the reasons why this State is one big dump, even taking in garbage from out of State.

Mr. LETTERMAN. You mean, you people do not review under Act 97 before you dump?

Mr. CAWLEY. That is all they can do, review and scream, but they cannot do anything else, and your area cannot either.

Mr. LETTERMAN. My area wins those battles; does not yours?

Mr. CAWLEY. No.

Mr. LETTERMAN. Oh. Okay.

The only thing that I am bringing to your attention is that this amendment just does not have anything to do with this piece of legislation. It does not deal with what we are dealing with, and I would ask for its defeat. Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. O'DONNELL. I would like to interrogate the gentleman, Mr. Cawley.

The SPEAKER. Mr. Cawley, will you stand for further interrogation?

Mr. CAWLEY. Yes, sir.

The SPEAKER. The gentleman indicates he will so stand. You may proceed, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, you may want to get a copy of the amendment unless you know it by heart. There is language in the middle of this in the underlined section. I am concerned with the phrase "but within this Commonwealth." Can you tell me what that means?

Mr. CAWLEY. Yes. That has to do with interstate commerce, and that was what I was advised by the Reference Bureau to make sure that this amendment is constitutional.

Mr. O'DONNELL. All right. Let me be as specific as I can in my question. I want you to correct me if I am wrong in my reading of this. This says that solid waste from one municipality that is outside the county of the host municipality cannot be dumped in that municipality unless they have the written approval of the host municipality as long as the municipality generating the waste is located within the Commonwealth of Pennsylvania.

Mr. CAWLEY. Yes.

Mr. O'DONNELL. Okay. Thank you.

Mr. Speaker?

The SPEAKER. The gentleman, Mr. O'Donnell, has the floor, and he may proceed.

Mr. O'DONNELL. Mr. Speaker, we have a little bit of a problem here in that if we pass this amendment, we will have precluded Pennsylvania municipalities from engaging in this activity and dumping in other municipalities outside their county, but it would still be possible for any other municipality from New Jersey, Delaware, New York, or wherever to engage in that dumping. If we truly want to prevent this State from becoming a dump— As Mr. Cawley indicated, people are bringing in even garbage from out of State, and assuming that is true, this opens it up to them and closes it to our own municipalities.

I would urge, on that basis at least, for this amendment to be defeated.

Mr. CAWLEY. On that, Mr. Speaker, I can only say that we are not going to eliminate all of our problems because of some constitutional problems, but by eliminating this problem within Pennsylvania, we may be eliminating about 50 percent of our problem or more. So we are not any worse off, believe me, with this than presently.

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

Mr. GALLEN. Mr. Speaker, I was going to raise the same point as Representative O'Donnell ably did, so I will not raise it. Thank you.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, Mr. Speaker.

The SPEAKER. Mr. Cawley, Mr. Wambach is asking to interrogate. Mr. Cawley indicates he will stand for interrogation. You may proceed, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I have a problem with some language in the amendment, and I would like to clarify for the record the maker of the amendment's intent on the last line of paragraph (d), the words "disposal site." Could you explain what you intend by those words in your amendment, Mr. Speaker?

Mr. CAWLEY. That would be a waste site for municipal waste.

Mr. WAMBACH. You are talking about a landfill or a dump site?

Mr. CAWLEY. Yes, sir.

Mr. WAMBACH. You do not intend, or do you intend to include the disposal called incineration within that process?

Mr. CAWLEY. No.

Mr. WAMBACH. So incineration as we have here in Harrisburg is not included as a disposal site in the intent of your amendment.

Mr. CAWLEY. Unless it is allowed at a municipal waste site that takes municipal waste.

Mr. WAMBACH. It is an incinerator, Mr. Speaker. It is an incineration process in the city of Harrisburg, and it does accept municipal waste.

Mr. CAWLEY. Yes; it does include incinerators.

Mr. WAMBACH. Now wait a minute. Mr. Speaker, I think the gentleman has given me two different answers here.

Mr. CAWLEY. Give me one question and I will give you one answer.

Mr. WAMBACH. I think you have discussed it with your attorneys down there, Mr. Speaker, and what I would like to know is, throughout this whole debate we have been talking about landfills primarily and dump sites and those kinds of things. My question is, Harrisburg is unique in the fact that it has an incineration process for disposal of municipal waste, and my question to you then is, in your amendment, does the definition of "disposal site" include incineration? You initially said it did not, and I want to establish that for the record.

Mr. CAWLEY. Well, if you are talking about a landfill that accepts municipal waste and also accepts at that landfill waste from an incinerator, then both are included.

Mr. WAMBACH. Mr. Speaker, I am not talking about that. I am talking about a municipality that disposes of its waste through incineration. There is not a landfill connected with it.

Mr. CAWLEY. I am sorry, Mr. Speaker. That is right.

Mr. WAMBACH. That is right what, Mr. Speaker? I am trying to establish this for the record. In the amendment when you call for a disposal site, are you talking about incineration?

Mr. CAWLEY. Yes.

Mr. WAMBACH. I think this needs to be clarified, Mr. Speaker. You had indicated prior that if in fact the incineration process is not connected to a landfill, it would be excluded as a disposal site.

Mr. CAWLEY. Mr. Speaker, is an incinerator a waste disposal site?

Mr. WAMBACH. I cannot hear the question.

Mr. CAWLEY. Is an incinerator a waste disposal site?

Mr. WAMBACH. Incineration is a process by which waste is disposed of, yes. But you call it a disposal site in your amendment, and that is what I am trying to clarify; that is all.

Mr. CAWLEY. Yes; it is a waste disposal site. An incinerator is a waste disposal site, so that would be included in the intent of this amendment.

Mr. WAMBACH. All right. Well, thank you very much.

Since Harrisburg is unique in this, I wanted to establish the intent of your amendment so I can decide how to vote, and I would ask all the members to vote "no" on the amendment. Thank you, Mr. Speaker.

Mr. CAWLEY. Thank you.

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

Mr. GRUPPO. Thank you, Mr. Speaker.

I have been listening to both sides of the argument regarding this amendment, and I must inform the members of this body that at least in my legislative district and the surrounding area, we receive a steady stream of very large trucks, tractor-trailer trucks, carrying garbage from a large metropolitan area to the south of us, and we also have, of course, garbage coming in from New Jersey. I realize this amendment does not address the out-of-State garbage, but it does address a great deal of the garbage that is traveling through my legislative district on a daily basis. The large trucks are a threat to the people using the narrow roadways.

I realize this amendment is a drastic measure. It is one which I would prefer not to do, but under the circumstances, if any of you were in the situation that Representative Cawley and I and some others are in, I believe you would understand the need for this type of amendment, and I would ask you to support it. Thank you.

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

Mr. Hayes, do you wish to interrogate?

Mr. HAYES. Yes, Mr. Speaker.

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

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman, Mr. Wambach, established that the methodology of disposal is something other than just landfills; it can also include incinerators, and I would presume, therefore,

it would also include recycling operations and that sort of thing. Let us also establish one other matter. Your amendment is not intended to apply only to sites located on municipal property and also operated by the municipality, does it?

Mr. CAWLEY. No, Mr. Speaker. It is for municipally owned and privately owned.

Mr. HAYES. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, on the amendment.

Mr. FOSTER. Thank you, Mr. Speaker.

If I correctly understood the issues of clarification as set forth in the interrogation by Mr. Wambach, I think this amendment would have disastrous effects around the Commonwealth, and I strongly urge its defeat.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. I am going to oppose the amendment. I was going to interrogate the speaker, but it is not necessary now. Thank you.

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

Mr. FATTAH. I would like to interrogate the maker of the amendment.

The SPEAKER. Mr. Cawley indicates he will stand for further interrogation. You may proceed, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, I have a dilemma, and hopefully you can help me resolve it.

If you have a waste disposal site in Pennsylvania in a municipality and you accept solid waste from outside of Pennsylvania but not waste from inside of Pennsylvania, is there some difference or distinction between Pennsylvania waste and New Jersey waste or New York waste?

Mr. CAWLEY. No, sir.

To the best of my knowledge, presently we cannot in this State stop some other State from shipping refuse into this State to be disposed of. However, we can stop municipalities from outside the host municipality, the municipality that has the waste site; we can stop other counties coming into your county dumping waste.

Mr. FATTAH. Okay. But it is not your contention then, Mr. Speaker, that there is something drastically different between waste from New Jersey and waste from Pennsylvania?

Mr. CAWLEY. No; only that it probably increases the volume.

Mr. FATTAH. It is just that a waste facility, for instance, in any municipality would not be able to receive Pennsylvania waste but would be able to receive New Jersey waste under your amendment.

Mr. CAWLEY. It is really up to the governing body as to what they are going to receive.

Mr. FATTAH. But are you saying that under your amendment the governing body would not have any decisionmaking power as it relates to out-of-State waste?

Mr. CAWLEY. Yes; that is correct.

Mr. FATTAH. So if they were against waste, they could at least preclude Pennsylvania waste but would be allowed to and would not in fact be able to stop out-of-State waste.

Mr. CAWLEY. But the United States Supreme Court says that a municipality has to accept the waste from everyone. What we are saying, we are suffering now with not only out-of-State garbage; we are suffering with garbage from out of our counties, and if every county in this State took a little bit of responsibility and said, what we generate we are going to take care of, we may not have any of this type of problem that we have presently.

Mr. FATTAH. Well, could not a municipality through its licensing procedure prohibit any landfill at all or any waste disposal site and therefore not be on the receiving end of waste, either from out of the county or out of the State?

Mr. CAWLEY. To the best of my knowledge, Mr. Speaker, we cannot because of constitutional problems.

Mr. FATTAH. Well, would that not be a better way to approach solving your problem rather than to differentiate between the waste in State and out of State?

Mr. CAWLEY. I agree with you that it would be a better way, but unfortunately, this looks like the only way that we can go constitutionally.

Mr. FATTAH. You are saying that there would be some constitutional prohibition to a municipality, through its zoning procedures or otherwise, deciding that they did not want landfills?

Mr. CAWLEY. Yes. Presently, to the best of my knowledge, you zone in your areas, but you have to have facilities for landfills. You cannot just exclude landfills period from any county or any municipality on a site. You just cannot pass a law and say, no landfill is ever going to be built here.

Mr. FATTAH. I do not believe that that is true, Mr. Speaker, but nevertheless, just so I am clear on this one matter of interrogation, there is no difference or distinction that you are aware of between Pennsylvania-grown waste or out-of-State waste?

Mr. CAWLEY. Not that I know of.

Mr. FATTAH. Thank you very much.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton, Mr. Yandrisevits.

Mr. YANDRISSEVITS. Thank you, Mr. Speaker.

I rise in support of the Cawley amendment. Currently, host municipalities have very little that they can do to deal with the burden of having a disposal site in their municipality, and I think that this amendment goes a long way towards helping local officials deal with the problems that are imposed on them through having such a facility in their municipality. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

I rise to oppose the amendment. I believe we are discussing something here that, you know, the majority leader alluded to here earlier on tax reform. I think what we are trying to do here is maybe shift the burden here a little bit with this type of

amendment. And I possibly could go home tonight and say that I spoke on the floor of the House and I stopped Philadelphia from shipping their garbage out into the rural areas, but I am sure what could happen if I support this amendment, and some of the Representatives from near my local district have spoken in favor of the amendment, what could happen here is the local garbage men in my town who are now hauling garbage over to a Lycoming County landfill can be shut out and create one problem.

I believe that the garbage problem is a real big problem that just cannot be solved here tonight with an amendment. I believe that we have all discussed it and we are all addressing it, and I believe the Department of Environmental Resources is concerned because we are shutting down; we have very few landfills in our area. What we would do here with an amendment like this is harm our own home municipalities by not having a place to send garbage.

I believe that the bill that the amendment is being drafted to is a good bill. It is answering another solution in the solid waste program, and I believe that this amendment would not do any good for this bill, because in the bill there is a way to dispose of fly ash, and in my legislative district there are now programs that are using fly ash. Some of the municipalities are using it; they are building bridges with it. I do not think we should add an amendment like this and kill a bill like this. Thank you.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for a brief period of interrogation?

The SPEAKER. The gentleman, Mr. Cawley, indicates he will so stand. You may proceed, Mr. Freeman.

Mr. FREEMAN. Mr. Speaker, I apologize if my question may have been answered in previous interrogation, but I did not catch it if it was raised. The question I have is, under your amendment, would a municipality within a county where another municipality has a landfill be prohibited from taking their garbage to that landfill?

Mr. CAWLEY. No, sir.

Mr. FREEMAN. So in other words, if a landfill existed in Scranton, another community that was located within the same county as Scranton would still be allowed to use that facility. Is that correct?

Mr. CAWLEY. That is correct.

Mr. FREEMAN. They would not be subject then to the approval of the host municipality.

Mr. CAWLEY. That is correct.

Mr. FREEMAN. Thank you, Mr. Speaker. That answers my question.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

What I said earlier is that the utilities are spending in the State of Pennsylvania \$100 million a year to dispose of this

coal ash. Where are they disposing of the coal ash? It is going in the landfills. This is the problem that Mr. Cawley and Mr. Gruppo and others have brought up. What we are doing is trying, with this bill, to keep this stuff out of the landfills. I am not sure how many tons we have in the State of Pennsylvania that we are currently dumping in the landfills, but I know in the PE (Philadelphia Electric) serving district in Philadelphia it is about 235,000 tons a year. That is in the Philadelphia district alone, and that is going into the landfills.

So what we are doing here is we are asking that DER establish standards and certification procedures for storage and use of this coal ash. We are trying to turn it into a marketable, usable product instead of disposing of it in the landfills. So this amendment, I am sure, will effectively kill this bill. DER will not support it, and it is going to be a valuable tool that has gone down the drain. I ask that we not support this amendment at this time and vote favorably on the bill.

The SPEAKER. For the first time on the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, we are standing here talking about amendments to HB 2274, and many speakers before me have spoken on the merits of HB 2274 regarding the disposal of fly ash. I have not heard anyone who supports the amendment, including Mr. Cawley, the sponsor, say that they are against the provisions of HB 2274. That is not the intent of this amendment. However, the arguments that we should not amend this bill with something—and some of the prior speakers have said, something that does have merit—are kind of ludicrous. The fact of the matter is, if HB 2274 has provisions which merit consideration and should be passed, they will be passed. If the amendment is the same, then it should be considered on its own merits, not on the fact that it is going into HB 2274. The people, in my estimation, who are making that argument, it is a copout.

Let me tell you something about amendment 4760. Amendment 4760 merely says, your county, my county, everyone's county, will have the right to their own determination of their waste disposal sites. Whether those disposal sites are incinerators, landfills, recycling plants, it does not matter. If my county decides that they want to take in garbage from another area within the Commonwealth, that is fine. We are not telling them they can or they should or they should not. We are saying that you should have the right to self-determination within the county.

Everyone I talked to so far in this House, every colleague, has supported the concept of self-determination by the counties. That is what this amendment gives you. It is not a municipal determination, because the county within which that municipality lies can still use those landfills. So the county is being spared from being cut off by a municipality. Whether we agree with that or not is another argument. However, the self-determination of counties is what this amendment is about.

There is a simple answer to Mr. O'Donnell's and Mr. Fattah's questions. We cannot—and each one of them knows

it—regulate interstate commerce. We wanted to draft the amendment to say we can, but we cannot. It is that simple. If you want to say, let the garbage continue to flow into your counties, those counties that have been responsible enough to have waste disposal sites, who accept garbage from those that are not responsible enough to send it someplace else, then vote against the amendment. You are putting the burden on responsible counties to accept the garbage from those counties that have not been responsible.

This does not take effect for 1 year. It gives those counties that will, I am sure, come up with the argument that we do not have the land, we do not have this, it gives them 1 year to get the land, to provide the system or the process to dispose of waste. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies, for the first time on the amendment.

Mr. DAVIES. Mr. Speaker, the last speaker was completely erroneous. It does not give the authority to the county; it gives it to the municipality. In other words, if my county right now would want to establish a landfill at the end of the county, which they intend to do, that municipality could say that that county cannot take in waste from any other—and they want to go trash to steam—they could refuse it. You read the bill. Do not shake your head. It says the municipality has the authority, not the county. I would vote for it if it said the county. It says the municipality. Put it in those words and I will support you, but not on the municipality.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigie, for the second time.

Mr. TIGUE. Thank you, Mr. Speaker.

I would like to answer the previous speaker. The amendment says that the municipality— If Berks County establishes a dump in any municipality in Berks County, that municipality can say, you cannot bring in garbage from York County, but they cannot say you cannot bring in garbage from within Berks County. Berks County can use that landfill.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca, for the second time.

Mr. PETRARCA. Mr. Speaker, I have the same problem in my legislative district that Mr. Cawley has, and I was waiting for a bill. If Mr. Cawley would put it in, I would support it. But here Jim Wright and I and our committee met and unanimously reported this bill out. We worked for 6 months, and all of a sudden—you know the committee system—all of a sudden at the eleventh hour someone says, what bill is germane? You saw Camille George. He is upset because I said, amend his bill. I do not blame him, because his bill would die, too.

Put it in another bill and I will support it. Do not kill a good coal ash bill. I oppose the amendment.

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

The following roll call was recorded:

YEAS—60

Afflerbach	DeWeese	Herman	Saloom
Argall	Daley	Jarolin	Serafini
Baldwin	Dietz	Kasunic	Smith, B.
Battisto	Dininni	Kukovich	Snyder, G.
Belardi	Dombrowski	Lashinger	Staback
Belfanti	Fee	Lescovitz	Stairs
Blaum	Fischer	Livengood	Stevens
Bowley	Freeman	Lloyd	Stewart
Cappabianca	Fryer	Mackowski	Tigue
Carlson	Gallagher	Manmiller	Veon
Cawley	George	Miller	Wright, D. R.
Cessar	Gladeck	Morris	Yandrisevits
Colafella	Gruppo	Piccola	
Cole	Hagarty	Punt	Irvis,
Coslett	Hasay	Rudy	Speaker
Coy	Hayes		

NAYS—139

Acosta	Dorr	Lucyk	Richardson
Angstadt	Duffy	McCall	Rieger
Arty	Durham	McClatchy	Robbins
Barber	Evans	McHale	Roebuck
Barley	Fargo	McVerry	Ryan
Birmelin	Fattah	Maiale	Rybak
Black	Flick	Manderino	Saurman
Book	Foster	Markosek	Scheetz
Bortner	Fox	Mayernik	Schuler
Bowser	Freind	Merry	Semmel
Boyes	Gallen	Michlovic	Seventy
Brandt	Gamble	Micozzie	Showers
Broujos	Gannon	Moehlmann	Smith, L. E.
Bunt	Geist	Mowery	Snyder, D. W.
Burd	Godshall	Mrkonic	Steighner
Burns	Greenwood	Murphy	Stuban
Bush	Gruitza	Nahill	Sweet
Caltagirone	Haluska	Noye	Swift
Carn	Harper	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Cimini	Honaman	Olasz	Telek
Civera	Howlett	Oliver	Trello
Clark	Hutchinson	Perzel	Truman
Clymer	Itkin	Petrarca	Van Horne
Cohen	Jackson	Petrone	Vroon
Cordisco	Johnson	Phillips	Wambach
Cornell	Josephs	Pievsky	Wass
Cowell	Kennedy	Pistella	Weston
Deluca	Kenney	Pitts	Wiggins
DeVerter	Kosinski	Pott	Wilson
Davies	Langtry	Pressmann	Wogan
Dawida	Laughlin	Preston	Wozniak
Deal	Letterman	Raymond	Wright, J. L.
Distler	Levdansky	Reber	Wright, R. C.
Donatucci	Linton	Reinard	

NOT VOTING—0

EXCUSED—2

Sirianni Taylor, F.

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

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

Mr. CAWLEY offered the following amendments No. A4767:

Amend Title, page 1, line 17, by inserting after "fund," "requiring permission of the municipality prior to issuance of certain permits;

Amend Bill, page 3, by inserting between lines 8 and 9 Section 3. Section 501 of the act is amended by adding a subsection to read:
Section 501. Permits and licenses required; transition scheme; reporting requirements.

(d) The department may not issue a permit or reissue or extend any existing permit for the disposal of any solid waste in one municipality which is generated from another municipality outside of the host municipality's county but within this Commonwealth, unless having obtained the prior written approval of the governing body of the municipality where the intended disposal site is located.

Amend Sec. 3, page 3, line 9, by striking out "3" and inserting

4

Amend Sec. 4, page 4, line 22, by striking out "4" and inserting

5

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

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

Mr. CAWLEY. Thank you, Mr. Speaker.

This amendment is basically the same as the amendment that just went down in flames, with the exception that this amendment would also give authority to the local municipality to prohibit a permit being issued to a waste site that already has a permit or is in the process of extending that permit.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

Being very brief, it is practically the same amendment as the one we just defeated. What we are going to do is kill a good bill, and for all the reasons we said before, I urge a "no" vote on this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Mr. Speaker, for the same reasons that I said before, the amendment would be a good bill, but it is too late for them to destroy a good bill. I asked my colleague earlier to put in a bill or amend a bill, and he replied by putting the amendment in. I feel we should support the committee system. I oppose the amendment.

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

The following roll call was recorded:

YEAS—53

Argall	DeWeese	Hagarty	Punt
Baldwin	Daley	Hasay	Saloom
Battisto	Dietz	Hayes	Serafini
Belardi	Dombrowski	Herman	Snyder, G.
Belfanti	Fee	Honaman	Staback
Blaum	Fischer	Jarolin	Stairs
Bowley	Freeman	Lescovitz	Stevens
Cappabianca	Fryer	Livengood	Stewart
Cawley	Gallagher	Lucyk	Telek
Cessar	George	Mackowski	Tigue
Colafella	Gladeck	Miller	Veon
Cole	Gruitza	Morris	Wright, D. R.

Coslett Coy	Gruppo	Piccola	Yandrisevits
NAYS—138			
Acosta	Donatucci	Lloyd	Richardson
Afflerbach	Dorr	McCall	Rieger
Angstadt	Duffy	McClatchy	Robbins
Arty	Durham	McHale	Roebuck
Barber	Fargo	McVerry	Ryan
Barley	Fattah	Maiale	Rybak
Birmelin	Flick	Manderino	Saurman
Black	Foster	Manmiller	Scheetz
Book	Fox	Markosek	Schuler
Bortner	Freind	Mayernik	Semmel
Bowser	Gallen	Merry	Seventy
Boyes	Gamble	Michlovic	Showers
Brandt	Gannon	Micozzie	Smith, B.
Broujos	Geist	Moehlmann	Smith, L. E.
Bunt	Godshall	Mowery	Snyder, D. W.
Burd	Greenwood	Mrkonic	Steighner
Burns	Haluska	Murphy	Stuban
Bush	Harper	Nahill	Sweet
Caltagirone	Hershey	Noye	Swift
Carlson	Howlett	O'Brien	Taylor, E. Z.
Chadwick	Hutchinson	O'Donnell	Taylor, J.
Cimini	Itkin	Olasz	Trello
Civera	Jackson	Perzel	Truman
Clark	Johnson	Petrarca	Van Horne
Clymer	Kasunic	Petrone	Vroon
Cohen	Kennedy	Phillips	Wambach
Cornell	Kenney	Pievsky	Wass
Cowell	Kosinski	Pistella	Weston
Deluca	Kukovich	Pitts	Wogan
DeVerter	Langtry	Pott	Wozniak
Davies	Lashinger	Pressmann	Wright, J. L.
Dawida	Laughlin	Preston	Wright, R. C.
Deal	Letterman	Raymond	
Dininni	Levdansky	Reber	Irvis,
Distler	Linton	Reinard	Speaker

NOT VOTING—8

Carn	Evans	Oliver	Wiggins
Cordisco	Josephs	Rudy	Wilson

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

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

NAYS—2

George Yandrisevits

NOT VOTING—2

Cordisco Kennedy

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 1474, PN 1821**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the payment of gratuities to children of certain veterans.

On the question,

Will the House agree to the bill on third consideration?

Mr. REINARD offered the following amendments No. A4747:

Amend Title, page 1, line 21, by removing the period after "veterans" and inserting
; and providing for alternate security for performance of contracts.

Amend Bill, page 3, by inserting between lines 25 and 26 Section 2. Section 2409(j) and (k) of the act, amended December 19, 1980 (P.L.1333, No.244), are amended and the section is amended by adding a subsection to read:

Section 2409. Method of Awarding Contracts for Stationery, Paper, Fuel, Repairs, Furnishings, and Supplies.—* * *

(j) Except as hereinafter provided, no proposal for any contract shall be considered unless such proposal is accompanied by a certified or bank check, to the order of the State Treasurer, in one-fourth the amount of the estimated contract, or by a bond or alternate security in such form and amount as may be prescribed by the department. Any such bond or alternate security shall be conditioned for the faithful performance of the terms of the contract, if awarded, and shall have as surety one surety company authorized to act as surety in this Commonwealth, or two individual sureties approved by the Department of Justice.

(j.1) In lieu of a bond to secure a bidder's performance, the department in its discretion may accept as a substitute therefore alternate security in the form of an assignment of time certificates of deposit of banks licensed by the Commonwealth, securities of or those guaranteed by the United States of America, the Commonwealth and its political subdivisions, or shares of savings and loan institutions authorized to transact business in this Commonwealth. In the event such alternate security is accepted, the bidder shall be entitled to all interest or income earned on such security and all such security shall be returned to the bidder by the department within sixty days after performance.

(k) A bidder, who shall have accompanied his proposal with a certified or bank check as aforesaid, and to whom a contract shall have been awarded, may, within ten days after such award, substitute for said check a bond or alternate security as herein prescribed, otherwise said check shall be retained in lieu of a bond.

Amend Sec. 2, page 3, line 26, by striking out "2" and inserting

3

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

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

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I believe this amendment is agreed to by the sponsor of the bill. The amendment is an amendment that we have taken action on earlier this year regarding alternative forms of security for bidders on contracts by being able to post a certificate of deposit when that small individual or small partnership or contract cannot qualify for normal bonding requirements. They could post the financial amount in a CD. I ask for your support.

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

Mr. BROUJOS. I have no objection to the amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Acosta	Dietz	Langtry	Richardson
Afflerbach	Dininni	Lashingner	Rieger
Angstadt	Distler	Laughlin	Robbins
Argall	Dombrowski	Lescovitz	Roebuck
Arty	Donatucci	Letterman	Rudy
Baldwin	Dorr	Levdansky	Ryan

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

NAYS—0

NOT VOTING—1

Cordisco

EXCUSED—2

Sirianni Taylor, F.

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Dietz	Langtry	Richardson
Afflerbach	Dininni	Lashingner	Rieger
Angstadt	Distler	Laughlin	Robbins
Argall	Dombrowski	Lescovitz	Roebuck
Arty	Donatucci	Letterman	Rudy
Baldwin	Dorr	Levdansky	Ryan

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

NAYS—0

NOT VOTING—1

Cordisco

EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

SB 259 PASSED OVER

The SPEAKER. SB 259, the one which we passed over temporarily because of fiscal notes, now will be gone over, without objection. The Chair hears no such objection.

* * *

The House proceeded to third consideration of **HB 2697, PN 3879**, entitled:

An Act amending the act of June 22, 1937 (P. L. 1987, No. 394), known as "The Clean Streams Law," adding definitions; and further providing for municipal sewage.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendment No. A4721:

Amend Sec. 2 (Sec. 203), page 3, line 12, by inserting after "health"

, or in the degradation of the water quality in the receiving stream below standards established by State or Federal law, including regulations

On the question,

Will the House agree to the amendment?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

The bill before us is a bill that has to do with hydraulic overload of sewer systems, and it would permit the introduction of additional hookups, either large-scale developments or individual homesites, to sewage facility treatment plants that are receiving more in total hydraulic load than that for which they were designed. I have a concern about the bill unamended, and the concern is that that could lead to the pollution and lowering of the water quality in our streams. This amendment would simply add to those occasions when hookups could not be added instances wherein the addition of those hookups, tie-ins, to the sewage treatment plant would result in the lowering of the water quality in the receiving stream beneath the regulations established by State or Federal law.

This amendment is agreed to by the prime sponsor of the bill.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak.

Mr. WOZNIAK. This is an agreed-to amendment to strengthen the bill and to satisfy some of the needs of DER. I would appreciate an affirmative vote. Thank you.

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

Mr. LETTERMAN. Mr. Speaker, it may be agreed to by the maker of this bill, but it certainly is not agreed to by anybody else, I hope.

What they are really saying to you fellows is that they want to pollute a stream, and after they have it polluted, then they want to have someone come in and tell them not to do it anymore. That is what this bill is saying. They are saying they want to put more in than what the system can handle. They want to overrun that system and pollute the water and destroy the stream and then have DER come in and say, you cannot build any more buildings because you are already degrading the water.

Mr. WOZNIAK. Are you addressing the amendment?

Mr. GREENWOOD. Mr. Speaker, are we addressing the amendment here?

Mr. LETTERMAN. I am addressing the amendment.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Wozniak, do you have a parliamentary question directed to the Chair?

Mr. WOZNIAK. Yes. I was wondering if he is addressing the bill or if he is addressing the amendment.

Mr. LETTERMAN. Did you not just hear me say "degradation"? Is that not in the amendment?

The SPEAKER. The Chair is simply not familiar enough with the law to give a ruling on that, but the Chair would admonish the gentleman, Mr. Letterman, to address the amendment as best he can.

Mr. LETTERMAN. I am, sir. I just said degradation of water quality, and that is exactly what it says in the amendment, and that is what I am talking about.

They want to let people build and add on to a sewerage system that they know is already overloaded. And the reason for it, Mr. Speaker, if you have a community and your community has already gone around and told people to take out all the water that is draining in off the roof from a rain, the groundwater runoff, out of the sewerage system, and they pass ordinances making them do it, and you have a good system, a cheaper system to run, these people would— They do not want to do that. That municipality that he is representing does not want to do what we have already had to do with the rest of our municipalities. They want us to pass a law that is going to destroy the quality of water in the State of Pennsylvania, and I really object to it. I think it is a bad piece of legislation. I just do not see how anyone can say by building more, when they know it is already overloaded, and giving them permission to do it and then to have the State come in and shut them off is the right way to go.

I ask for the defeat of this amendment.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Wozniak, on the amendment.

Mr. WOZNIAK. Mr. Speaker, I have to oppose my distinguished colleague to the left of me. This amendment was worked out with Representative Greenwood and myself so that we could take a look at that, use that signification of the degradation of water in the Federal regulations so that we would not be polluting the streams to any degree whatsoever and to allow housing developments and individual residents through no fault of their own and through good-faith investments to finish their construction work.

I would appreciate an affirmative vote on the amendment.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I share some of the concerns of the gentleman, Mr. Letterman, but I think he is addressing the wrong point in the bill. Mr. Greenwood's amendment would toughen the environmental standards in this bill. You have to read the amendment where it would go into the bill. Under the bill now, if there is a sewer tap-in ban, you can set aside that

ban as long as putting additional sewage into the plant would not pose a threat to public drinking supplies or public health. Mr. Greenwood is trying to say that you cannot set that ban aside unless it also would maintain Federal and State standards as far as water quality is concerned. Mr. Letterman can be against the bill and he may be right, but this amendment strengthens the bill. It is a proenvironmental amendment, and we ought to put the amendment in. Then if we want to defeat the bill, that is a different matter, but we ought to put this amendment in.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, for the second time on the amendment.

Mr. LETTERMAN. Mr. Speaker, may I interrogate Mr. Greenwood?

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

Mr. LETTERMAN. I may owe you an apology, but I want the right answers first.

Now, you tell me, if we allow them to do what your bill wants and we are in a municipality that is right now on the verge of being overloaded—it is not quite; it is almost on the verge of being overloaded—you want to let them build more homes and connect more sewerage onto this system. Right?

Mr. GREENWOOD. Wrong.

Mr. LETTERMAN. Well, what do you want to do?

Mr. GREENWOOD. I want to adopt this amendment. What this amendment would do, as Representative Lloyd just explained, the bill, the bill unamended, would allow additional hookups to an already overloaded system unless one of two things happens - either a public drinking supply system is threatened or public health is threatened - and under those two circumstances, a connection, new connections, additional connections would not be permitted. I do not think that is good enough in terms of protecting the environment, so my amendment says a third exception during which they could not allow any new hookups would be if by doing so they would reduce the quality of water in the stream beneath State or Federal standards.

So if you vote against my amendment, what you are saying is then you prefer to see the bill in such a fashion that it is quite all right to pollute streams below State standards.

Mr. LETTERMAN. But, Mr. Speaker, you know, you really have me confused to the point that I do not know where this extra pollution is coming from that you are talking about. You know, you are saying that you want to protect further degradation of water quality. Right?

Mr. GREENWOOD. That is right. I want to make sure that the—

Mr. LETTERMAN. Well, how is that going to happen if you do not let them put more people on the system? That is my question. You are letting them put more on until they start to degrade the quality of that water.

Mr. GREENWOOD. No. No. That is not the case, Mr. Speaker.

If an existing sewage treatment facility has a ban imposed by DER (Department of Environmental Resources) and DER says to the municipality that you may not allow any more connections to that sewer system, it is overloaded, under the bill without this amendment, a developer could walk into DER and say I want to hook up my development under the Wozniak act, and DER, unless DER could prove that that would threaten public water supply systems or threaten public health, would be forced to allow that. I am saying DER must be forced to say no to additional connections if in their estimation by doing so they would reduce the quality of water in that stream below the standards. The proponents of this legislation have been arguing that systems become overloaded due to infiltration of rainwater and that in fact that rainwater is not creating a pollution problem. I am saying fine, then let us call your bluff. If it is not polluting the stream and reducing the water quality standards, then, okay. But if it is, you cannot hook up.

Mr. LETTERMAN. Okay.

Mr. Speaker?

The SPEAKER. Ready to apologize?

Mr. LETTERMAN. No, Mr. Speaker.

The SPEAKER. Not yet. All right.

Mr. LETTERMAN. No. I am not completely sold just how far we are going to allow people to go, and I am just not. You know, I do not want any amendments to the bill, because I think the bill is so bad that it should not even be on here. That is how bad I feel about this.

So I will ask for a defeat of this amendment. I do not think it is going to enhance anything. Maybe it will enhance it so other people will vote for it, and I do not want them voting for the bill in the first place. I ask for the defeat of this.

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

Mr. BROUJOS. Mr. Speaker, I would like to interrogate Representative Greenwood.

The SPEAKER. Mr. Greenwood indicates he will stand for further interrogation. You may proceed, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, can you have a hydraulic overload and still have relatively safe drinking water?

Mr. GREENWOOD. Yes; you can. Well, you see the problem is that if there is no public drinking water supply downstream, then additional hookups could be permitted ad infinitum, because you are not threatening the public water supply system.

Mr. BROUJOS. Then you can have a hydraulic overload and still meet Federal and State standards with respect to safe water.

Mr. GREENWOOD. That is the argument of the proponents of the bill. I am saying I want to make sure that that is the case; that is why this amendment.

Mr. BROUJOS. Is that not your argument then, that there may be situations where you can have safe drinking water and still have a hydraulic overload?

Mr. GREENWOOD. I am not going to make that argument. I am just saying that it is up to DER to make that deter-

mination, and if DER cannot go on record as saying that additional hookups will not lower the water quality, then they should not be allowing connections.

Mr. BROUJOS. Okay.

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

I think this is an excellent amendment. It is absolutely essential to this bill. What it really says is that there are many hydraulic overloads and probably hydraulic overloads in practically every sewer system in Pennsylvania. Because of the floodtimes, every single sewer system has infiltration, which means that because there is infiltration, you have a hydraulic overload. Automatically the State can come in; automatically they put an order on, and yet it is possible to have safe drinking water. If it is, then this amendment is absolutely necessary, and I would ask the House to support it.

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

The following roll call was recorded:

YEAS—196

Afflerbach	Dininni	Lashinger	Rieger
Angstadt	Distler	Laughlin	Robbins
Argall	Dombrowski	Lescovitz	Roebuck
Arty	Donatucci	Levdansky	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
Book	Foster	Maiale	Showers
Bortner	Fox	Manderino	Smith, B.
Bowley	Freeman	Manmiller	Smith, L. E.
Bowser	Freind	Markosek	Snyder, D. W.
Boyes	Fryer	Mayernik	Snyder, G.
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, J.
Cawley	Gruppo	Noye	Telek
Cessar	Hagarty	O'Brien	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Truman
Civera	Hasay	Oliver	Van Horne
Clark	Hayes	Perzel	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cornell	Hutchinson	Pievsky	Wiggins
Coslett	Itkin	Pistella	Wilson
Cowell	Jackson	Pitts	Wogan
Coy	Jarolin	Pott	Wozniak
Deluca	Johnson	Pressmann	Wright, D. R.
DeVerter	Josephs	Preston	Wright, J. L.
DeWeese	Kasunic	Punt	Wright, R. C.
Daley	Kennedy	Raymond	Yandrisevits
Davies	Kenney	Reber	
Dawida	Kosinski	Reinard	Irvis,
Deal	Kukovich	Richardson	Speaker

Dietz Langtry
 NAYS—1

Letterman
 NOT VOTING—2

Acosta Cordisco
 EXCUSED—2

Sirianni Taylor, F.

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

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

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

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

YEAS—191

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

Deal Kosinski Rieger Speaker
 Dietz
 NAYS—6

Clymer McHale Morris Murphy
 Letterman Michlovic
 NOT VOTING—2

Acosta Cordisco
 EXCUSED—2

Sirianni Taylor, F.

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

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

* * *

The House proceeded to third consideration of **HB 1728, PN 3572**, entitled:

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property; further providing for economic development programs; and further providing for the adoption of redevelopment proposals.

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

**BILL REVERTED TO
 PRIOR PRINTER'S NUMBER**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans. Do you have a motion?

Mr. EVANS. Yes; I do, Mr. Speaker.

I would like to make a motion that this bill be moved back to prior PN 2202, Mr. Speaker.

The SPEAKER. Moved by the gentleman from Philadelphia, Mr. Evans, that HB 1728 be moved back to a prior printer's number; namely, 2202.

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

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

Mr. COWELL. Mr. Speaker, to clarify for other members, I would simply note that the impact of reverting to a prior printer's number impacts only on Philadelphia; it does not affect anybody else in the State.

The reason this bill has been held for such a relatively long period of time has been with the hope that representatives from Philadelphia, including the mayor's office and the redevelopment authority there, would be able to decide whether they wanted to be included or excluded from this bill. As the bill was originally introduced, Philadelphia would be included. As a result of an amendment previously approved in the Urban Affairs Committee, Philadelphia was excluded,

although there was a difference of opinion about whether that is what they really wanted to do. Mr. Evans' motion of reverting to a prior printer's number would have the impact of once again including Philadelphia in this legislation.

I just want to emphasize that this is basically an issue that is relevant to Philadelphia. I think that some of the other Representatives from Philadelphia will have some views to share on whether they want to be included or excluded, but it does not affect any of the others.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski, on the motion.

Mr. KOSINSKI. Thank you, Mr. Speaker.

I just want to correct the popular misconception. I would want the members to revert to the prior printer's number. We will try to amend the bill if that motion is successful. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

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

Davies
Dawida
Deal

Kosinski
Kukovich

Reber
Reinard

Irvis,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Sirianni Taylor, F.

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

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

Mr. KOSINSKI offered the following amendments No. A4766:

Amend Title, page 1, line 25, by removing the period after "property" and inserting

; and further providing for members of authorities.

Amend Sec. 1, page 1, line 28, by striking out "3 and 9" and inserting

and 3

Amend Bill, page 3, by inserting between lines 17 and 18

Section 2. Sections 5 and 6 of the act are amended to read:

Section 5. Appointment and Qualifications of Members of Authority.—Upon certification of a resolution declaring the need for an Authority to operate in a city or county, the mayor or board of county commissioners thereof, respectively, shall appoint, as members of the Authority, five citizens [who]. For cities of the first class, the majority and minority leaders of the House of Representatives and the Senate shall each appoint one additional citizen to each board, which shall make a total number of nine members. Each appointed citizen shall be residents of the city or county in which the Authority is to operate.

Section 6. Tenure and Compensation of Members of Authority.—The members who are first appointed shall serve for terms of one, two, three, four and five years, respectively, from the date of their appointment as shall be specified at the time of their appointment. Thereafter, the term of office shall be five years. The tenure of members of cities of the first class appointed by the majority and minority leaders of the House of Representatives and the Senate shall all serve a term of five years from the time of their appointments. A member shall hold office until his successor has been appointed. Vacancies for unexpired terms shall be promptly filled by the appointing power. A member shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 3. Section 9 of the act is amended by adding clauses to read:

Amend Sec. 2, page 4, line 23, by striking out "2" and inserting

4

Amend Sec. 3, page 5, line 12, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 3, by striking out "4" and inserting

6

Amend Sec. 5, page 7, line 4, by striking out "5" and inserting

7

Amend Sec. 6, page 8, line 14, by striking out "6" and inserting

8

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Kosinski.

Mr. KOSINSKI. Thank you, Mr. Speaker.

This is a matter that only affects Philadelphia and Philadelphia only.

What we have here with many of the State-created boards is a problem. The mayor gets five appointees, and we in the House and the Senate get none. This would correct the situation that exists right now in the Philadelphia, and I repeat, only the Philadelphia Redevelopment Authority, and it would increase the membership of that authority to nine members - five would be appointed by the mayor; one would be appointed by the House majority leader, the House minority leader, the Senate majority leader, and the Senate minority leader. Why you may ask? First of all, fairness. Second of all, we need a say on that authority. The people from Philadelphia, specifically the northeast, the river ward areas, want to have a say in city government. Currently, right now under the present administration, we do not.

This is a very, very good vehicle to correct an inequity, and I ask for your support.

The SPEAKER. On the Kosinski amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Mr. Speaker, on this amendment we are asking for a vote in the negative. We think that it is somewhat— There are no other State authorities throughout the State where these appointments are made in that fashion, nor are there any other authorities in the county of Philadelphia where that is the case. We are at a loss as to why that should happen at this point, and we would ask the members to vote in the negative on this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, as I read the amendment, I may get an appointment, may. I do not need that appointment; I do not want that appointment, but if you give it to me, I am not going to share it with anybody. Keep that in mind.

The SPEAKER. Be advised.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I think the majority leader and I may share the same views on this bill as well. I do not know why this legislature would want to get into the business of sitting on all those boards down in the city of Philadelphia to include things such as the school board. We did wade into an experience here with one other piece of legislation a few months ago where because of negotiations it became necessary to be sure that this legislature was represented on that very important board. But beyond that one, I do not know why we would ever want to start involving ourselves as a super school board for the city of Philadelphia and the school district there, as an example. Now, that is not expressly mentioned in this amendment, but it seems to me to have the effect of that, and I just do not believe that we should be involving ourselves in that way.

I would encourage a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kosinski, for the second time on the amendment.

Mr. KOSINSKI. Very simple: We fund these boards; we send State moneys there; we should have a say. Thank you.

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

The following roll call was recorded:

YEAS—52

Afflerbach	Godshall	Merry	Staback
Argall	Hasay	Miller	Stairs
Belfanti	Howlett	Olasz	Stevens
Book	Jarolin	Perzel	Stuban
Bowley	Johnson	Petrarca	Taylor, J.
Bunt	Kenney	Pievsky	Telek
Burd	Kosinski	Pistella	Trello
Cawley	Lashinger	Pott	Vroon
Clark	Laughlin	Punt	Wass
Colafella	Letterman	Saloom	Weston
Coy	Livengood	Saurman	Wogan
Dietz	Lloyd	Seventy	Wright, D. R.
Gladeck	McCall	Snyder, G.	Yandrisevits

NAYS—147

Acosta	Dawida	Itkin	Preston
Angstadt	Deal	Jackson	Raymond
Arty	Dininni	Josephs	Reber
Baldwin	Distler	Kasunic	Reinard
Barber	Dombrowski	Kennedy	Richardson
Barley	Donatucci	Kukovich	Rieger
Battisto	Dorr	Langtry	Robbins
Belardi	Duffy	Lescovitz	Roebuck
Birmelin	Durham	Levdansky	Rudy
Black	Evans	Linton	Ryan
Blaum	Fargo	Lucyk	Rybak
Bortner	Fattah	McClatchy	Scheetz
Bowser	Fee	McHale	Schuler
Boyes	Fischer	McVerry	Semmel
Brandt	Flick	Mackowski	Serafini
Broujos	Foster	Maiale	Showers
Burns	Fox	Manderino	Smith, B.
Bush	Freeman	Manmiller	Smith, L. E.
Caltagirone	Freind	Markosek	Snyder, D. W.
Cappabianca	Fryer	Mayernik	Steighner
Carlson	Gallagher	Michlovic	Stewart
Carn	Gallen	Micozzie	Sweet
Cessar	Gamble	Moehlmann	Swift
Chadwick	Gannon	Morris	Taylor, E. Z.
Cimini	Geist	Mowery	Tigue
Civera	George	Mrkonic	Truman
Clymer	Greenwood	Murphy	Van Horne
Cohen	Gruitza	Nahill	Veon
Cole	Gruppo	Noye	Wambach
Cordisco	Hagarty	O'Brien	Wiggins
Cornell	Haluska	O'Donnell	Wilson
Coslett	Harper	Oliver	Wozniak
Cowell	Hayes	Petrone	Wright, J. L.
Deluca	Herman	Phillips	Wright, R. C.
DeVerter	Hershey	Piccola	
DeWeese	Honaman	Pitts	Irvis,
Daley	Hutchinson	Pressmann	Speaker
Davies			

NOT VOTING—0

EXCUSED—2

Sirianni Taylor, F.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MORRIS offered the following amendments No. A4761:

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

, demolition

Amend Sec. 1 (Sec. 3), page 2, line 28, by inserting after "rehabilitation"

, demolition

Amend Sec. 1 (Sec. 9), page 3, lines 27 and 28, by striking out "or a commercial or an industrial"

Amend Sec. 1 (Sec. 9), page 4, line 30, by inserting a period after "housing"

Amend Sec. 1 (Sec. 9), page 4, line 30; page 5, line 1, by striking out "or a commercial and industrial redevelopment program." and inserting

(bb) Except in cities of the first class, to make, directly or indirectly, secured or unsecured loans to any purchaser or owner of a commercial or industrial project for the purpose of financing the purchase, construction, rehabilitation, demolition or equipping of the commercial or industrial project as part of the redevelopment program.

Amend Sec. 1 (Sec. 9), page 5, line 2, by striking out "(bb)" and inserting

(cc)

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. I would like to divide the amendment, Mr. Speaker. After the second word "demolition" and before the paragraph that says, "Amend Sec. 1 (Sec. 9),..." and so on, that is where I would like to divide it. I would like to withdraw the second half.

The SPEAKER. Let us see if the Chair has it right. You were asking if we will offer to the House the following amendment and the following amendment only: "Amend Sec. 1 (Sec. 2), page 2, line 16, by inserting after 'rehabilitation' , demolition. Amend Sec. 1 (Sec. 3), page 2, line 28, by inserting after 'rehabilitation' , demolition". Those words and only those words you are offering. Is that correct?

Mr. MORRIS. That is correct, Mr. Speaker.

The SPEAKER. In the opinion of the Chair, the amendment may be so divided, and it has been so divided.

Now the Chair places before the members this language and only this language offered by the gentleman, Mr. Morris: "Amend Sec. 1 (Sec. 2), page 2,..." and ending with the word "demolition."

On the question,

Will the House agree to the amendments as divided?

The SPEAKER. On that language only, Mr. Morris is recognized.

Mr. MORRIS. Mr. Speaker, this change was suggested by a friend of mine from the borough of Phoenixville. He is on the redevelopment authority there. It seems only rational where you have power to purchase, construct, rehabilitate, and so on, you ought to be able to tear a building down for the sake of the redevelopment, and this grants that power.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I urge that we adopt the Morris amendment.

On the question recurring,

Will the House agree to the amendments as divided?

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—3

Cordisco Micozzie Smith, L. E.
Sirianni Taylor, F.

EXCUSED—2

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

On the question,

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

PARLIAMENTARY INQUIRY

Mr. RICHARDSON. Mr. Speaker, parliamentary inquiry.

The SPEAKER. What is the gentleman from Philadelphia, Mr. Richardson's parliamentary inquiry?

Mr. RICHARDSON. On the amendment that we just passed of Mr. Morris' as divided, would that now indicate that the rest of the amendment is not included?

The SPEAKER. Mr. Richardson, earlier in this session the Chair ruled that an amendment having been divided might, without objection, not be offered, but if there is objection, then it must be offered. Do you object to not offering the following language beginning at "Amend Sec. 1 (Sec. 9)" and ending with the words "by striking out..."? You do not object? Very well. Then that language is not offered.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

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

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

NAYS—1

Dorr

NOT VOTING—3

Cordisco Godshall Mrkonc
EXCUSED—2

Sirianni Taylor, F.

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

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

The SPEAKER. There will be no further votes taken before the November elections. Go safely home. When we come back in session, it will be on November 17. The next session of the House will be on November 17.

REMARKS ON VOTES

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

Mr. FLICK. Thank you, Mr. Speaker.

On HB 823, amendment A4655, I was not in my seat. I would like to be recorded in the affirmative.

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

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

Mr. BROUJOS. Mr. Speaker, I would like to be recorded in the affirmative on HB 2655 and also on HB 2656.

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

Are there any further corrections of the record?

The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. On amendment A4767 to HB 2274, I would like to be recorded in the negative, please.

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

Ms. JOSEPHS. Thank you.

The SPEAKER. Are there any other corrections to the record?

The Chair recognizes the gentleman from Schuylkill, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, on amendments A4760 and A4767 to HB 2274, I inadvertently voted in the negative. I wish to have been recorded in the affirmative on these amendments.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2856 By Representatives BALDWIN, VEON, KUKOVICH and MAIALE

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring elevators in public schools.

Referred to Committee on EDUCATION, October 7, 1986.

No. 2857 By Representatives BALDWIN, VEON, KUKOVICH, MAIALE and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for learners' permits.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2858 By Representative BALDWIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the operation of snowmobiles and ATV's by persons under eighteen.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2859 By Representatives WOZNIAK, PISTELLA, BLAUM, BORTNER, PRESTON, RAYMOND, ARTY, E. Z. TAYLOR and FOX

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for child passenger protection.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2860 By Representatives BUNT, TIGUE, RAYMOND, BELARDI, D. W. SNYDER, KENNEY, BOWSER, FOX, GODSHALL, LANGTRY, NAHILL, WOGAN, NOYE, SAURMAN, FLICK, FISCHER, B. SMITH, CARLSON, MICHLOVIC,

GEIST, E. Z. TAYLOR, MORRIS, ARTY, JOHNSON, VROON, STABACK, DISTLER and MERRY

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the "Pennsylvania Board of Probation and Parole Law," further providing for parole violations and for the powers and duties of the Pennsylvania Board of Probation and Parole; and making editorial changes.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2861 By Representatives KOSINSKI, JAROLIN, RYBAK, VAN HORNE, CLARK, COY, FATTAH, J. L. WRIGHT, POTT, JOHNSON, RAYMOND, WOGAN, DISTLER, FREIND, FOX and WESTON

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing mandatory sentences for certain offenders.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2862 By Representatives FLICK, RAYMOND, MICOZZIE, WAMBACH, BOYES, NAHILL, LASHINGER, BROUJOS, MARKOSEK, HERSHEY, CARLSON, MOWERY and MERRY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining "value" for purposes of the Realty Transfer Tax.

Referred to Committee on FINANCE, October 7, 1986.

No. 2863 By Representatives FREIND, J. TAYLOR, SERAFINI, FOX, BURNS, REBER, RAYMOND, DISTLER, CIVERA and HAGARTY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motor vehicle financial responsibility.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2864 By Representatives J. TAYLOR, KENNEY and PERZEL

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for granting, denying, renewing, modifying, revoking and suspending permits and licenses.

Referred to Committee on CONSERVATION, October 7, 1986.

No. 2865 By Representatives BORTNER, STABACK, McCALL, LESCOVITZ and VEON

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), known as the "State Lottery Law," authorizing payment for advanced life support emergency health services.

Referred to Committee on FINANCE, October 7, 1986.

No. 2866 By Representatives FOX, ACOSTA, NAHILL, McCLATCHY, KENNEY, J. TAYLOR and RAYMOND

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," imposing a base fare freeze; requiring the initiation of an intensive maintenance program and a long-range funding program; and making an appropriation.

Referred to Committee on APPROPRIATIONS, October 7, 1986.

No. 2867 By Representatives FOX, VEON, NAHILL, SAURMAN, J. TAYLOR, DeLUCA and RAYMOND

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the income eligibility level for the emission inspection credit.

Referred to Committee on TRANSPORTATION, October 7, 1986.

No. 2868 By Representatives FOX, DeLUCA, KENNEY, NAHILL, DURHAM, HAGARTY and RAYMOND

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

Referred to Committee on HEALTH AND WELFARE, October 7, 1986.

No. 2869 By Representatives FOX, JAROLIN, NAHILL, STEVENS, SAURMAN, CORNELL, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE, GODSHALL, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, STEIGHNER, COY, PUNT, TELEK, MARKOSEK, DeLUCA, JACKSON, DININNI, BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, GALLEN, DORR, BURD, TIGUE, MAYERNIK, ARGALL, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, MILLER, STABACK, DAVIES, BOYES, STAIRS,

KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, JACKSON, BOWLEY, WASS, WAMBACH, PISTELLA, CIMINI, SERAFINI, MACKOWSKI, HAYES, FARGO, WESTON, HOWLETT and CLARK

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," requiring mandatory sentences for certain drug sales; and further authorizing arrest without warrant.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2870 By Representatives FOX, JAROLIN, NAHILL, SAURMAN, CORNELL, STEVENS, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE, GODSHALL, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, GALLEN, DORR, BURD, TIGUE, MAYERNIK, ARGALL, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, WASS, PISTELLA, SERAFINI, CIMINI, WAMBACH, BOWLEY, MILLER, FARGO, STABACK, DAVIES, BOYES, JAROLIN, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, DININNI, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, CLYMER, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, HOWLETT, CLARK, STEIGHNER, COY, PUNT, TELEK, MARKOSEK, DeLUCA, JACKSON, BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, MACKOWSKI, HAYES, FARGO and WESTON

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing for mandatory sentences for certain offenses committed when in possession of a firearm.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2871 By Representatives FOX, JAROLIN, NAHILL, SAURMAN, CORNELL, STEVENS, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE,

GODSHALL, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, WASS, PISTELLA, SERAFINI, CIMINI, GALLEN, DORR, BURD, TIGUE, MAYERNIK, ARGALL, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, WAMBACH, BOWLEY, JOHNSON, MILLER, FARGO, STABACK, DAVIES, BOYES, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, WESTON, FARGO, HAYES, DININNI, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, CLYMER, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, HOWLETT, CLARK, STEIGHNER, COY, PUNT, TELEK, MARKOSEK, DeLUCA, JACKSON, BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, MACKOWSKI, WESTON and HAYES.

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," providing that a conviction for the sale of certain controlled substances would result in an automatic mandatory ten-year sentence.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2872 By Representatives FOX, JAROLIN, NAHILL, SAURMAN, CORNELL, STEVENS, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE, GODSHALL, NOYE, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, CLYMER, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, STEIGHNER, COY, PUNT, WESTON, FARGO, HAYES, MACKOWSKI, HOWLETT, CLARK, DININNI, TELEK, MARKOSEK, DeLUCA, JACKSON,

BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, GALLEN, DORR, BURD, SERAFINI, ARGALL, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, MILLER, FARGO, STABACK, DAVIES, BOYES, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, JOHNSON, BOWLEY, WASS, WAMBACH, PISTELLA and CIMINI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing district attorneys to seal affidavits setting forth probable cause for the issuance of a search warrant.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2873 By Representatives FOX, JAROLIN, NAHILL, STEVENS, SAURMAN, CORNELL, MORRIS, RYAN, REINARD, PETRONE, ANGSTADT, MICOZZIE, McCLATCHY, WOGAN, MAIALE, GODSHALL, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, CHADWICK, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, CLYMER, DISTLER, BIRMELIN, ACOSTA, HERSHEY, RIEGER, GLADECK, BUNT, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, STEIGHNER, COY, PUNT, TELEK, MARKOSEK, DeLUCA, DININNI, JACKSON, BUSH, FLICK, RUDY, LEVDANSKY, BRANDT, LUCYK, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER, BLACK, GALLEN, DORR, BURD, TIGUE, MAYERNIK, ARGALL, CIVERA, PITTS, HOWLETT, CLARK, BARLEY, BOWSER, HERMAN, MILLER, DAVIES, BOYES, STABACK, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, JACKSON, BOWLEY, WASS, WAMBACH, PISTELLA, CIMINI, SERAFINI, MACKOWSKI, HAYES, FARGO and WESTON

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for the sentencing of certain second or subsequent offenders.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2874 By Representative PITTS

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 developers.

Referred to Committee on CONSERVATION, October 7, 1986.

No. 2875 By Representatives PITTS, DORR, BURNS, HERSHEY and E. Z. TAYLOR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing a criminal penalty for activities by unlicensed brokers and requiring a public information program on brokerage licenses.

Referred to Committee on CONSUMER AFFAIRS, October 7, 1986.

No. 2876 By Representatives McVERRY, HAGARTY, McCALL, VEON, MORRIS, SAURMAN, REBER, FOX, PERZEL, GREENWOOD, E. Z. TAYLOR, LASHINGER and MERRY

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), known as the "Divorce Code," further providing for grounds for divorce, procedure, jurisdiction, marital property, relief and alimony; providing for agreements between parties; making editorial changes; and making a repeal.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2877 By Representatives O'BRIEN, KOSINSKI, WOGAN, McHALE, KENNEY, J. TAYLOR, PERZEL, PRESSMANN, ARTY, NAHILL, JOHNSON, McVERRY, WAMBACH, COHEN, E. Z. TAYLOR, HAGARTY and FOX

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for certain sex crimes.

Referred to Committee on JUDICIARY, October 7, 1986.

No. 2878 By Representatives GRUITZA, BELARDI, TIGUE and STEIGHNER

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," requiring fire insurance policies to provide for distribution of insurance proceeds to political subdivisions in certain situations.

Referred to Committee on INSURANCE, October 7, 1986.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 354 By Representatives FOX, NAHILL, CORNELL, SAURMAN, MORRIS, BUNT, REINARD, GLADECK, PETRONE, PUNT, HERSHEY, CHADWICK, WASS, GODSHALL, GEIST, RYAN, ANGSTADT, BUSH, FLICK, RUDY,

MICOZZIE, McCLATCHY, WOGAN, MAIALE, NOYE, R. C. WRIGHT, PRESSMANN, RAYMOND, JOHNSON, FISCHER, POTT, KOSINSKI, BALDWIN, KENNEY, O'BRIEN, GALLEN, LEVDANSKY, BRANDT, LUCYK, DORR, BURD, TIGUE, MAYERNIK, CIVERA, PITTS, BARLEY, BOWSER, HERMAN, PISTELLA, SERAFINI, CIMINI, WAMBACH, BOWLEY, MILLER, FARGO, STABACK, DAVIES, BOYES, JAROLIN, STAIRS, KASUNIC, MANMILLER, HAGARTY, LASHINGER, BLAUM, DONATUCCI, J. L. WRIGHT, E. Z. TAYLOR, PERZEL, CLYMER, DISTLER, BIRMELIN, ACOSTA, RIEGER, J. TAYLOR, GANNON, LANGTRY, FEE, CARLSON, MERRY, HALUSKA, ARTY, G. SNYDER, DURHAM, FREIND, FOSTER, STEIGHNER, COY, TELEK, MARKOSEK, DeLUCA, JACKSON, MRKONIC, B. SMITH, VROON, CAWLEY, BELARDI, VEON, BOOK, GRUPPO, SEMMEL, LESCOVITZ, D. W. SNYDER and BLACK

Designating the month of November 1986 as "Drug Abuse Awareness and Prevention Month."

Referred to Committee on RULES, October 7, 1986.

No. 356

(Concurrent) By Representatives DeWEESE, MOEHLMANN, KOSINSKI, CALTAGIRONE, OLASZ, ARTY, JOHNSON, LASHINGER, PISTELLA, BATTISTO, FOX, WOGAN and FATTAH

Directing the Leadership Committee, established pursuant to Act 1981-142, to oversee the codification of certain titles of the Pennsylvania Consolidated Statutes.

Referred to Committee on RULES, October 7, 1986.

No. 357

By Representatives J. TAYLOR, HOWLETT, O'BRIEN, WOGAN, KENNEY, PERZEL, WESTON and KOSINSKI

Directing the Standing Subcommittee on Telecommunications of the House Committee on State Government to investigate the "911" emergency communications system in the City of Philadelphia.

Referred to Committee on RULES, October 7, 1986.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and the resolution on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

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

Mr. STABACK. Mr. Speaker, I move that this House do now adjourn until Monday, November 17, 1986, 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 8:21 p.m., e.d.t., the House adjourned.