

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 28, 1988

SESSION OF 1988

172D OF THE GENERAL ASSEMBLY

No. 58

HOUSE OF REPRESENTATIVES

The House convened at 11:10 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:

Almighty God, our Heavenly Father, Thou who dost richly and increasingly furnish us with all good things and dost preserve us day by day, we beseech Thee to challenge us to acknowledge this fact with our whole being so that we may thank and praise Thee for Thy loving kindness and grateful mercy now and forevermore. O God, continue to bestow upon us the power and grace of Thy guidance; reach out to us with the constancy of Thy direction and counsel; and crown our accomplishments and achievements with the benediction of Thy love, the satisfaction of Thy expectations, and the blessedness of Thy peace. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Tuesday, September 27, 1988, is not yet in print. Therefore, without objection, the Chair will pass over the approval of that Journal until it is in print, and the Chair hears no such objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2668 By Representatives CLYMER, PITTS and LEH

An Act amending the act of April 23, 1956 (1955 P. L. 1510, No. 500), known as the "Disease Prevention and Control Law of 1955," requiring notice to spouses of persons who have acquired immune deficiency syndrome.

Referred to Committee on HEALTH AND WELFARE, September 28, 1988.

No. 2669 By Representatives HECKLER, J. L. WRIGHT, HAYDEN, McHALE, MAINE, DAWIDA, JOSEPHS, RICHARDSON and COHEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include sexual orientation.

Referred to Committee on JUDICIARY, September 28, 1988.

No. 2670 By Representatives BOWSER, PETRARCA, FARGO, MERRY, BURD, ROBBINS, DISTLER, GODSHALL, GEIST, HALUSKA, SIRIANNI, SEMMEL, BUNT, CARLSON, FOX, JOHNSON, HERSHEY and MICOZZIE

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for disturbance of waterways.

Referred to Committee on GAME AND FISHERIES, September 28, 1988.

No. 2671 By Representatives BOWSER, MERRY, TRELLO, ROBBINS, DISTLER, BUNT, NAHILL, STABACK, FOX, COLAFELLA, DORR, HERSHEY, E. Z. TAYLOR, BARLEY, SEMMEL and CLARK

An Act amending the act of May 21, 1931 (P. L. 149, No. 105), known as "The Liquid Fuels Tax Act," further providing for exemptions for school buses.

Referred to Committee on FINANCE, September 28, 1988.

No. 2672 By Representatives HASAY, SERAFINI and DIETTERICK

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for the eligibility for and amount of blind pensions.

Referred to Committee on HEALTH AND WELFARE, September 28, 1988.

No. 2673 By Representatives HASAY, SERAFINI, DIETTERICK and JAROLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the appointment of special officers to assist local police in enforcing certain parking regulations.

Referred to Committee on LOCAL GOVERNMENT, September 28, 1988.

No. 2674 By Representative CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the expungement of criminal records.

Referred to Committee on JUDICIARY, September 28, 1988.

No. 2675 By Representative CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the use of records by licensing agencies.

Referred to Committee on JUDICIARY, September 28, 1988.

No. 2676 By Representatives HASAY, MAIALE and SERAFINI

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," regulating insurance cancellation for multiple person policies.

Referred to Committee on INSURANCE, September 28, 1988.

No. 2677 By Representative CLARK

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," deleting a project and adding projects in Allegheny County.

Referred to Committee on APPROPRIATIONS, September 28, 1988.

No. 2678 By Representative CLARK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the Department of Transportation to give notice to certain persons involving an identification marker for motor carrier vehicles.

Referred to Committee on TRANSPORTATION, September 28, 1988.

No. 2679 By Representatives HAYES, WAMBACH, BRANDT and RUDY

An Act prohibiting certain conduct with respect to caves; prohibiting the sale of certain minerals; and imposing penalties.

Referred to Committee on CONSERVATION, September 28, 1988.

No. 2680 By Representatives HAYES, WAMBACH, BRANDT and RUDY

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose" to include cave exploration.

Referred to Committee on CONSERVATION, September 28, 1988.

No. 2681 By Representatives SWEET, DeVERTER, DAWIDA, WAMBACH, REINARD, PICCOLA, MURPHY, G. SNYDER, GANNON and MOWERY

An Act amending the act of November 26, 1978 (P. L. 1188, No. 280), known as the "Life and Health Insurance Guaranty Association Act," further providing for certain assessments on insurance companies.

Referred to Committee on INSURANCE, September 28, 1988.

No. 2682 By Representative BOYES

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the commencement of certain prosecutions.

Referred to Committee on JUDICIARY, September 28, 1988.

No. 2683 By Representatives GLADECK and HAGARTY

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Transportation, to convey to the Plymouth Meeting Historical Society two tracts of land situate in Plymouth Township, Montgomery County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, September 28, 1988.

No. 2684 By Representatives CAWLEY, BELARDI and CAPPABIANCA

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for closing of State hospitals and other State institutions.

Referred to Committee on HEALTH AND WELFARE, September 28, 1988.

No. 2685 By Representatives PITTS, FOX, MORRIS, FLICK, HERSHEY, E. Z. TAYLOR and VROON

An Act designating the mushroom as the official State vegetable of the Commonwealth of Pennsylvania.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 28, 1988.

No. 2686 By Representatives BUNT, LASHINGER, FOX, GLADECK, GODSHALL, HAGARTY, NAHILL, REBER, SAURMAN and CORNELL

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act," further providing for volunteer ambulance corps members.

Referred to Committee on LOCAL GOVERNMENT, September 28, 1988.

No. 2687 By Representatives PITTS, FARGO, CLYMER, HECKLER, JACKSON,

DEMPSEY, LEH, NOYE, GLADECK,
CORNELL, FOSTER, VROON, DISTLER,
E. Z. TAYLOR, LANGTRY, BOOK,
BURD, PUNT and HERSHEY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," repealing provisions requiring certain State and public school employees to pay a fee to employee organizations.

Referred to Committee on LABOR RELATIONS, September 28, 1988.

No. 2688 By Representatives DORR, LINTON, WASS, VAN HORNE, SCHULER, PRESTON, HERMAN, RITTER, DISTLER, G. SNYDER, CLYMER, GEIST, JOHNSON, FOX, MAIALE, E. Z. TAYLOR, HASAY, PERZEL, RAYMOND, BOOK, GODSHALL, FARMER, GLADECK, BUSH, S. H. SMITH, FARGO, STUBAN, LANGTRY, McHALE, ANGSTADT, MICOZZIE, BOWSER, CIVERA, CORNELL, McVERRY, BURD, NOYE, FLICK and HECKLER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing an additional tax credit to certain small businesses for employee health insurance expenses.

Referred to Committee on BUSINESS AND COMMERCE, September 28, 1988.

No. 2689 By Representatives DORR, LINTON, WASS, SCHULER, HERMAN, WOGAN, G. SNYDER, CLYMER, GEIST, JOHNSON, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, COWELL, BOOK, GODSHALL, FARMER, D. W. SNYDER, GLADECK, BUSH, S. H. SMITH, STUBAN, LANGTRY, McHALE, KUKOVICH, ANGSTADT, MICOZZIE, BOWSER, CIVERA, VAN HORNE, CORNELL, PRESTON, McVERRY, BURD, VROON, NOYE, FLICK and HECKLER

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 powers and duties of the Board of the Ben Franklin Partnership Fund.

Referred to Committee on BUSINESS AND COMMERCE, September 28, 1988.

No. 2690 By Representatives DORR, LINTON, WASS, SCHULER, HERMAN, WOGAN, G. SNYDER, CLYMER, GEIST, JOHNSON, FOX, E. Z. TAYLOR, HASAY, PERZEL, RAYMOND, COWELL, GODSHALL, FARMER, D. W. SNYDER, GLADECK, BUSH, S. H. SMITH,

STUBAN, LANGTRY, McHALE,
ANGSTADT, MICOZZIE, BOWSER,
CIVERA, VAN HORNE, CORNELL,
PRESTON, McVERRY, BURD, VROON,
NOYE and FLICK

An Act providing for the payment of interest on purchases by political subdivisions.

Referred to Committee on BUSINESS AND COMMERCE, September 28, 1988.

No. 2691 By Representatives DORR, WASS, SCHULER, HERMAN, G. SNYDER, CLYMER, GEIST, JOHNSON, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, COWELL, GODSHALL, FARMER, D. W. SNYDER, GLADECK, BUSH, FARGO, STUBAN, LANGTRY, ANGSTADT, MICOZZIE, BOWSER, VAN HORNE, CORNELL, PRESTON, McVERRY, BURD, VROON, NOYE, FLICK and HECKLER

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for interest penalties on Commonwealth accounts.

Referred to Committee on FINANCE, September 28, 1988.

No. 2692 By Representatives DORR, WASS, HERMAN, WOGAN, CLYMER, GEIST, JOHNSON, FOX, MAIALE, E. Z. TAYLOR, PERZEL, RAYMOND, GODSHALL, FARMER, GLADECK, BUSH, STUBAN, LANGTRY, KUKOVICH, ANGSTADT, MICOZZIE, BOWSER, VAN HORNE, CORNELL, McVERRY, BURD, VROON, NOYE, FLICK and HECKLER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for exclusions from the definition of "common carrier by motor vehicle."

Referred to Committee on CONSUMER AFFAIRS, September 28, 1988.

No. 2693 By Representatives DORR, WASS, SCHULER, HERMAN, WOGAN, G. SNYDER, CLYMER, GEIST, LINTON, JOHNSON, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, BOOK, GODSHALL, FARMER, D. W. SNYDER, GLADECK, BUSH, S. H. SMITH, STUBAN, LANGTRY, KUKOVICH, ANGSTADT, MICOZZIE, BOWSER, VAN HORNE, CORNELL, PRESTON, McVERRY, BURD, VROON, NOYE, FLICK and HECKLER

An Act directing the Department of Commerce to establish a venture capital network to act as a clearinghouse for information on informal risk capital investment in Pennsylvania; and making an appropriation.

Referred to Committee on APPROPRIATIONS, September 28, 1988.

No. 2694 By Representatives DORR, WASS, SCHULER, HERMAN, DISTLER, G. SNYDER, CLYMER, GEIST, JOHNSON, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, BOOK, GODSHALL, FARMER, GLADECK, BUSH, FARGO, STUBAN, LANGTRY, ANGSTADT, MICOZZIE, BOWSER, CIVERA, VAN HORNE, CORNELL, McVERRY, BURD, VROON, NOYE and FLICK

An Act providing for State sponsorship of Pennsylvania Free Enterprise Week.

Referred to Committee on EDUCATION, September 28, 1988.

No. 2695 By Representatives DORR, WASS, HERMAN, CLYMER, GEIST, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, BOOK, GODSHALL, FARMER, GLADECK, BUSH, STUBAN, LANGTRY, ANGSTADT, BOWSER, BURD, VAN HORNE, CORNELL, McVERRY, VROON, NOYE and FLICK

An Act repealing the act of March 17, 1925 (P. L. 34, No. 20), entitled, "An act regulating the sale of oysters at retail."

Referred to Committee on CONSUMER AFFAIRS, September 28, 1988.

No. 2696 By Representatives DORR, WASS, HERMAN, CLYMER, GEIST, FOX, E. Z. TAYLOR, PERZEL, RAYMOND, BOOK, GODSHALL, FARMER, D. W. SNYDER, GLADECK, BUSH, S. H. SMITH, FARGO, STUBAN, LANGTRY, ANGSTADT, BOWSER, VAN HORNE, CORNELL, McVERRY, BURD, NOYE and FLICK

An Act amending the act of January 14, 1952 (1951 P. L. 1965, No. 550), known as the "Fuel Use Tax Act," deleting the requirement that a dealer-user must post a bond or deposit collateral securities.

Referred to Committee on FINANCE, September 28, 1988.

No. 2697 By Representatives MORRIS, HAYES, RUDY, BATTISTO, BILLOW, BOWLEY, HALUSKA, COY, BROUJOS, HERSHEY, SEMMEL, LaGROTTA, MAINE, LLOYD, CHADWICK, YANDRISEVITS and SHOWERS

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, restricting the use of certain corporate names.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 28, 1988.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 318 By Representatives REBER, JAROLIN, FOX, HALUSKA, SEMMEL, ARGALL, CORNELL, DIETTERICK, MERRY, MORRIS, TIGUE, DISTLER, NAHILL, VROON, KASUNIC, NOYE, HESS, CORRIGAN, BOWSER, PRESSMANN, LASHINGER, DALEY, J. L. WRIGHT, DORR, FARMER, SIRIANNI, ANGSTADT, FARGO, BOOK, GAMBLE, PERZEL, BATTISTO, DEMPSEY, E. Z. TAYLOR, CARLSON, TRELLO, JOHNSON, STABACK, O'BRIEN and HERMAN

Memorializing local law enforcement agencies and school districts to organize against drug abuse; and to commit to the exploration of new legislative approaches to the problem of drug abuse.

Referred to Committee on RULES, September 28, 1988.

No. 320

(Concurrent) By Representatives G. SNYDER, RYBAK, DISTLER, NOYE, LASHINGER, JOHNSON, WOZNIAK, MAINE, FISCHER, BOWSER, DEMPSEY, B. SMITH, HERSHEY, VROON, FARGO, DORR, BRANDT, DIETTERICK, FOX, BOOK, FARMER, LEH, CARLSON, HESS, TRELLO, E. Z. TAYLOR, FOSTER, CORRIGAN, DeLUCA, CARN, JACKSON, SCHULER, BILLOW, BORTNER, McVERRY and PETRONE

Memorializing the Governor to proclaim October 1988 as "Quality Month" in Pennsylvania, and urging business and industry to plan and participate in "Quality Month" activities.

Referred to Committee on RULES, September 28, 1988.

No. 321 By Representatives COLAFELLA, HALUSKA, LaGROTTA, FEE, COWELL and LESCOVITZ

Designating the week of October 30 through November 5, 1988, as "Pornography Awareness Week," and condemning the evils of hard-core pornography.

Referred to Committee on RULES, September 28, 1988.

No. 322 By Representatives BOWSER, FARGO, TRELLO, DISTLER, KUKOVICH, HERSHEY, GODSHALL, VROON, JOHNSON, JACKSON, S. H. SMITH,

FISCHER, PETRONE, STABACK,
KENNEY, SAURMAN, HONAMAN,
MERRY, DOMBROWSKI, STAIRS,
CARLSON, DIETTERICK, GEIST,
CESSAR, MARKOSEK, SIRIANNI,
GAMBLE, DORR, HECKLER, BARLEY,
DeLUCA, HESS, FARMER, BOOK, VEON,
DEMPSEY, GRUPPO, ITKIN,
LASHINGER, DAWIDA, SCHULER,
REBER, WOZNIAK, JADLOWIEC,
PETRARCA and MAINE

Declaring the month of October as "Pennsylvania Grape Month."

Referred to Committee on RULES, September 28, 1988.

No. 325 By Representatives GODSHALL,
KOSINSKI, JOHNSON, CARLSON,
MELIO, SEMMEL, MERRY,
LASHINGER, FOX, BROUJOS, MORRIS,
VEON, MICHLOVIC, BUNT, PETRARCA,
CORRIGAN, HERSHEY and ROBBINS

Urging Pennsylvania's congressional delegation to endorse the importation of the Commonwealth's poultry products into the Federal Republic of Germany.

Referred to Committee on RULES, September 28, 1988.

No. 327
(Concurrent) By Representatives MANDERINO, RYAN,
HAYES and O'DONNELL

Commemorating the 50th Anniversary of the groundbreaking of the Pennsylvania Turnpike.

Referred to Committee on RULES, September 28, 1988.

No. 328 By Representatives DOMBROWSKI, FEE,
CAPPABIANCA, BOWSER, MERRY,
ROBBINS and BOYES

Urging the Governor to direct the Department of Environmental Resources to support the designation of Presque Isle Bay, Lake Erie, as an area of concern.

Referred to Committee on RULES, September 28, 1988.

No. 329 By Representatives MORRIS, RUDY,
BATTISTO, BILLOW, BOWLEY,
BROUJOS, HALUSKA, LLOYD, MAINE,
SHOWERS, YANDRISEVITS, WASS,
CHADWICK, FARGO, HERSHEY,
HONAMAN and SEMMEL

Memorializing Congress to endorse the importation of this Commonwealth's poultry products into the Republic of West Germany.

Referred to Committee on RULES, September 28, 1988.

No. 330 By Representatives RUDY, RITTER,
HAGARTY, HONAMAN, FARMER,
ARTY, JOSEPHS, HARPER,
E. Z. TAYLOR and LANGTRY

Recognizing the week of October 16 through 22, 1988, as "National Business Women's Week."

Referred to Committee on RULES, September 28, 1988.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt from Mark Corrigan and John Zubeck of the list of those lobbyists under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania

September 1, 1988

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from July 1, 1988 through August 31, 1988 inclusive, for the 172nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

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

(For list, see Appendix.)

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 table and placed on the active calendar:

HB 281;
HB 403;
HB 1336;
HB 1650;
HB 2259;
HB 2344;
HB 2358;
HB 2450;
HB 2485;
HB 2502;
HB 2545;
HB 2576;
HB 2579;
HB 2582;
HB 2601;
HB 2602;
HB 2653;
HB 2660;

SB 863; and
SB 1275.

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

WELCOMES

The SPEAKER. The Chair has just had the distinct pleasure of welcoming back on the floor of the House a recently former member of the House, Snuffy Smith. Snuffy, where are you? Snuffy, wave to them. Snuffy Smith is back on the floor of the House.

The Chair welcomes to the hall of the House some visitors from the Grace Lutheran Church at State College. They are in the balcony, and they are the guests of Representative Herman. Welcome to the hall of the House. We are delighted to have you ladies and gentlemen here.

Representative Leh has his wife here, Mrs. Leh. She has brought with her Janice Moseley, Pat Geiringer, JoAnn Fohring, and Rita Houck. Welcome to the hall of the House. We are delighted to have you ladies here.

LEAVES OF ABSENCE

The SPEAKER. The Chair now turns to leaves of absence.

The Chair recognizes the majority whip. Do we have leaves of absence on the Democratic side?

Mr. O'DONNELL. Mr. Speaker, we would request a leave for the gentleman from Allegheny, Mr. PISTELLA, for the week.

The SPEAKER. Leave is granted, there being no objection.

The Chair recognizes the minority whip. No leaves requested.

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

HB 2518, PN 3414 By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Chancellor of the State System of Higher Education, to convey to Pocono Medical Center a certain tract of land situate in the Borough of East Stroudsburg, Monroe County, in exchange for a certain tract of land of approximately equal value.

STATE GOVERNMENT.

REPORT SUBMITTED

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

Mr. DALEY. Thank you, Mr. Speaker.

Pursuant to HR 55, the Ad Hoc Subcommittee on Coal has submitted its report entitled "A Commitment To Coal" to the Mines and Energy Management Committee. Subsequent to that submission, it has been approved by the committee and a

packet of eight bills and two resolutions are ready to be introduced, and if anyone wants to cosponsor them, Mr. Speaker, they are going to be at the bill clerk's desk.

The SPEAKER. The Chair thanks the gentleman.

(Copy of report is on file with the Chief Clerk.)

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

| | | | |
|-------------|------------|------------|---------------|
| Acosta | Dombrowski | Kosinski | Raymond |
| Angstadt | Donatucci | Kukovich | Reber |
| Argall | Dorr | LaGrotta | Reinard |
| Arty | Duffy | Langry | Richardson |
| Barley | Durham | Lashingier | Rieger |
| Battisto | Evans | Leh | Ritter |
| Belardi | Fargo | Lescovitz | Robbins |
| Belfanti | Farmer | Letterman | Roebuck |
| Billow | Fattah | Levdansky | Rudy |
| Birmelin | Fee | Linton | Ryan |
| Black | Fischer | Livengood | Rybak |
| Blaum | Flick | Lloyd | Saloom |
| Book | Foster | Lucyk | Saurman |
| Bortner | Fox | McCall | Scheetz |
| Bowley | Freeman | McClatchy | Schuler |
| Bowser | Freind | McHale | Semmel |
| Boyes | Gallen | McVerry | Serafini |
| Brandt | Gamble | Maiale | Showers |
| Broujos | Gannon | Maine | Sirianni |
| Bunt | Geist | Manderino | Smith, B. |
| Burd | George | Manmiller | Smith, S. H. |
| Burns | Gladeck | Markosek | Snyder, D. W. |
| Bush | Godshall | Mayernik | Snyder, G. |
| Caltagirone | Gruitza | Melio | Staback |
| Cappabianca | Gruppo | Merry | Stairs |
| Carlson | Hagarty | Michlowic | Steighner |
| Carn | Haluska | Micozzie | Stuban |
| Cawley | Harper | Miller | Sweet |
| Cessar | Hasay | Moehlmann | Taylor, E. Z. |
| Chadwick | Hayden | Morris | Taylor, F. |
| Civera | Hayes | Mowery | Taylor, J. |
| Clark | Heckler | Mrkonic | Tigue |
| Clymer | Herman | Murphy | Trello |
| Cohen | Hershey | Nahill | Van Horne |
| Colafella | Hess | Noye | Veon |
| Cole | Honaman | O'Brien | Vroon |
| Cornell | Howlett | O'Donnell | Wambach |
| Corrigan | Hughes | Olasz | Wass |
| Cowell | Hutchinson | Oliver | Weston |
| Coy | Itkin | Petzel | Wiggins |
| DeLuca | Jackson | Petrarca | Wogan |
| DeVerter | Jadlowiec | Petrone | Wozniak |
| DeWeese | Jarolin | Phillips | Wright, D. R. |
| Daley | Johnson | Piccola | Wright, J. L. |
| Davies | Josephs | Pievsky | Wright, R. C. |
| Dawida | Kasunic | Pitts | Yandrisevits |
| Dempsey | Kennedy | Pressmann | |
| Dieterick | Kenney | Preston | Irvis, |
| Dininni | Kitchen | Punt | Speaker |
| Distler | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Pistella

LEAVES ADDED—1

Linton

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 202, PN 2364**, entitled:

An Act amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals.

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 202 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 474, PN 2258**, entitled:

An Act placing a moratorium on the issuance of permits for certain waste incinerators; and restricting the location of waste treatment and disposal facilities.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, on final passage.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would appreciate it if the author of the amendment to SB 474 could explain to us exactly what is in the amendment.

The SPEAKER. There is no amendment. This is a Senate bill, Mr. Cawley. Do you mean the amendment offered in committee?

Mr. CAWLEY. Yes.

The SPEAKER. We have no information as to who offered that. Do you know?

Mr. CAWLEY. Mr. Speaker, maybe if I could ask Mr. George, who is the chairman of the Conservation Committee.

The SPEAKER. Mr. George? Just a moment. We will get his attention.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Mr. Cawley, we will not ignore your request, but Mr. George is phoning some staff people. We will go over this temporarily and then we will come back to it when they get on the floor. Over temporarily.

BILL ON FINAL PASSAGE

The House proceeded to final passage of **HB 1135, PN 2298**, entitled:

An Act providing for agreements between sales representatives and their principals.

On the question recurring,

Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its decision that this bill has been agreed to on third consideration. The Chair hears no objection.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. COWELL offered the following amendments No. A3118:

Amend Sec. 2, page 7, lines 23 through 29, by striking out all of said lines

Amend Sec. 5, page 8, lines 14 through 19, by striking out all of said lines

Amend Sec. 6, page 8, line 20, by striking out "6" and inserting

5

Amend Sec. 6, page 8, line 21, by inserting before "A"

(a) General.—

Amend Sec. 6, page 8, line 21, by inserting after "WHO" willfully

Amend Sec. 6, page 8, by inserting between lines 28 and 29

(b) Frivolous actions.—If judgment is entered for the principal and the court determines that the action was brought on frivolous grounds, the court shall award reasonable attorney's fees and court costs to the principal.

Amend Sec. 7, page 8, line 29, by striking out "7" and inserting

6

Amend Bill, page 9, by inserting between lines 8 and 9 Section 7. Applicability.

The provisions of this act shall apply to existing contracts which can be terminated at will and to contracts entered into or renewed after the effective date of this act. Nothing contained in this section is intended to violate section 17 of Article I of the Constitution of Pennsylvania, relative to impairing the obligations of contracts.

Amend Sec. 8, page 9, line 11, by inserting after "CONTRACTS" described in section 7

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this legislation deals with the issue of contracts for sales representatives. We debated this legislation several months ago, and at that time there were concerns expressed about some of the language in the bill, and I had agreed at that time and representatives of the sales representatives organizations had agreed to try to work with many members on both sides of the aisle who had expressed objection or concern to try to develop an amendment that would adequately address those concerns. We believe that amendment 3118, which is now before you, does address the concerns that were expressed.

Let me briefly summarize what this amendment does in terms of the sales rep legislation. I would remind you that the original bill was intended for the first time to require that agreements between sales representatives and the principals whom they represent, the manufacturers, would be required to be placed in writing, and at that time we had legislation that spelled out some of the content of those contracts; it provided assurances that sales representatives would in fact be paid what was owed them, and the legislation was intended to provide an opportunity for them to have due process or an ability to go after the dollars that were owed them or a manufacturer simply failed or refused to pay them. That was the original purpose of the legislation and remains the purpose.

The amendment would modify the original bill in the following ways: First of all, it would strike from the items that were required to be included in the contracts three items about which members expressed concern on the floor. That was language that dealt with reasonable grounds for termination of an agreement, reasonable grounds for change or reduction of a specified geographic territory or specified account, and the requirement that prior written notice of not less than 60 days shall precede any effort to reduce a territory, change an account, or to terminate the agreement. Those required provisions of the contract by agreement would be struck under the terms of this amendment. Additionally, that language that sought to deal with specified territory or accounts would be struck from the bill, and again, that reflects concerns that were expressed by some members during floor debate.

There is language that is added to the bill that would provide for frivolous actions and would provide that a manufacturer would be able to recoup costs if in fact a sales rep was ultimately deemed to have pursued a frivolous action against that manufacturer.

And finally, you will note on the bottom of the amendment, if you have it before you, language that begins with "Section 7. Applicability." This is intended specifically to deal with some objections that were raised by Representative

Langtry and others who expressed concern that the provisions of the original bill might lead to the abrogation of contracts, in violation of the Pennsylvania Constitution, and the language in section 7 is specifically intended to deal with that concern, and we hope that it adequately does.

Mr. Speaker, that summarizes the amendment. I would ask that we concur in the amendment so that we could proceed with the bill.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. On the amendment, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. I have a parliamentary question, if I may, Mr. Speaker.

The SPEAKER. You may state the question.

Mrs. LANGTRY. Mr. Speaker, last October when we voted on this bill, the question before the House was, will the House sustain the constitutionality of the bill? That question was defeated on the floor of the House, so my question at this point is, how can we get to the bill and the amendment, which improves the bill, considering that previous action?

The SPEAKER. Are you stating that the House said the bill was unconstitutional?

Mrs. LANGTRY. Yes, Mr. Speaker, last October. Do we not have to revote the question of constitutionality?

The SPEAKER. No; we have to rethink whether or not that bill can be there at all. The Chair was not aware of the fact that the bill had been considered unconstitutional.

Mrs. LANGTRY. Well, I have the legislative page.

The SPEAKER. The Chair accepts your word for it.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I understand the dilemma the Chair has. The bill before us has been found to be unconstitutional. It was principally my argument and my raising of the question of constitutionality that caused this to happen. I think, however, Mr. Speaker, that what Mr. Cowell is attempting to do now is address the very points that I raised on the constitutional issue, and if his amendment is inserted, a lot of my constitutional argument would fail, and I am prepared to support the Cowell amendment because it is cleaning up an otherwise bad bill. It does not totally clean it, but it is 99 44/100 percent almost pure now, and I do not know how you get around this problem, Mr. Speaker, but there has got to be an answer to it.

(Conference held.)

Mr. RYAN. Mr. Speaker?

The SPEAKER. Yes.

Mr. RYAN. I understand, talking to the gentleman, Mr. Barbush, from the majority leader's office, that the record will show that the gentleman, Mr. Cowell, asked that the question of constitutionality be reconsidered, that in fact it was brought back for reconsideration. At this time, Mr. Speaker, if that were put on the board, I would then withdraw my question on the constitutional question so that the amendment of the gentleman, Mr. Cowell, could be considered.

The SPEAKER. The House will stand at ease.

(Conference held at Speaker's podium.)

The SPEAKER. For the edification of the members, the lady, Mrs. Langtry, raised an extremely pertinent question, and of course, we cannot consider an amendment to a bill which has already been declared unconstitutional, but there was a reconsideration motion to reconsider the question of constitutionality. That motion was never decided. We will now place that motion to the floor of the House, and it is suggested by Mr. Ryan and by the Speaker that the House vote that the bill be considered constitutional. The reason for that suggestion is that the question of unconstitutionality will be redeemed by the Cowell amendment. Let us hope you understand that. If you do not, just vote the way we instruct you; we will explain it again later.

Place on the board the motion to reconsider the question of constitutionality.

On the question recurring,

Will the House sustain the constitutionality of the bill?

PARLIAMENTARY INQUIRY

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

Mr. VROON. Parliamentary inquiry, please, Mr. Speaker.

The SPEAKER. You may state it.

Mr. VROON. Is a vote on constitutionality able to be reconsidered? Is it legally reconsiderable?

The SPEAKER. Yes. That question has been settled by this Chair several times over, and we discussed that with the leader, Mr. Ryan, who is a former Speaker. He raised the question, and we answered that question, yes, we can do that; we have done it before.

Mr. VROON. All right. Second question, Mr. Speaker: Will you tell us, when was the motion filed for reconsideration?

The SPEAKER. The motion to reconsider was voted on November 10, 1987. That motion was voted on, that we would reconsider.

Mr. VROON. Was that done timely, Mr. Speaker?

The SPEAKER. Yes, because that was done on November 10. What we are doing now is simply deciding again, is the bill constitutional? It is being suggested that we now declare it to be so, so that the amendment to be offered by Mr. Cowell redeems the bill in the minds of those who called it unconstitutional before. Do you understand that?

Mr. VROON. I understand that very well.

The SPEAKER. All right. But we are within the rules of the House.

Mr. VROON. I still think the bill as it is now constituted is still unconstitutional because it is the same bill we voted on before.

The SPEAKER. We are going to correct that, if you will give us a chance, with the Cowell amendment. It was Mr. Ryan who raised the constitutional question and argued it. He

is satisfied, as the Chair understands, that if the Cowell amendment goes in, it corrects the deficiency which he saw and Mrs. Langtry saw. But in order for the Cowell amendment to go in, we have to at least be voting on a constitutional bill, and that is what we are trying to do.

QUESTION OF CONSTITUTIONALITY WITHDRAWN

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. If I may, Mr. Vroon.

Our legal staff has reviewed the amendment of the gentleman, Mr. Cowell. That amendment addresses the questions that I raised last November on constitutionality. It seemed to me the only fair, not just fair but the expedient way of handling this would be for me at this time to withdraw my question of constitutionality, provided the gentleman, Mr. Cowell, is going to offer an amendment, which he obviously is going to do. After that amendment has been introduced and acted on and presumably accepted, if the bill as amended still appears unconstitutional, then, I think, would be a more appropriate time to raise the question of constitutionality. But I think all we are doing is beating a dead horse if we just keep this harangue going, because the bill can go back into committee, amended and brought out, and nothing is accomplished.

Mr. VROON. So you will file a motion to withdraw your question of constitutionality?

Mr. RYAN. I do that right now, Mr. Speaker. I withdraw my question.

The SPEAKER. The question of constitutionality having been withdrawn—

Mr. DAVIES. Mr. Speaker?

The SPEAKER. We no longer have the question of constitutionality on the floor, for the information of the members. That has been withdrawn.

PARLIAMENTARY INQUIRY

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

Mr. DAVIES. Mr. Speaker, the question is—a parliamentary inquiry—the mechanics by which this bill got on the calendar. May I be satisfied to know that we are not in any way disrupting our normal rules of procedure in how it got on the calendar, even though it was formerly declared unconstitutional?

The SPEAKER. No, we are not, because the bill having been declared unconstitutional and a motion voted by the floor of the House to reconsider that question keeps the bill alive.

What we are now saying— The person who moved first to declare it unconstitutional says, I am no longer interested at this point in challenging the constitutionality; I withdraw that challenge. That leaves the bill cleanly in front of us for amendment. Now, at a later time after it is amended, if someone wishes to raise his or her head and say, I still think it is unconstitutional, we will recognize that person and the House will decide.

Mr. DAVIES. Thank you.

PARLIAMENTARY INQUIRY

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

Mr. GANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is the gentleman's inquiry?

Mr. GANNON. If in fact we follow the procedure that you have set forth, based upon what I have heard in the debate so far, would the record not reflect that the House has in fact voted that the bill is unconstitutional?

The SPEAKER. The record would show that the House had voted it to be unconstitutional, that there was a reconsideration.

Mr. GANNON. Yes, but we have not voted that reconsideration.

The SPEAKER. And the cause for the reconsideration was the vote of the House on the motion of the gentleman, Mr. Ryan, who now withdraws that motion.

Mr. GANNON. Well, I am simply thinking, would not the record be far clearer if in fact the House did vote on the reconsideration and in fact voted the bill to be constitutional so that we could get on with the Cowell amendment?

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I cannot recommend that because I believe the bill as it is before us right now unamended is unconstitutional, but if I withdraw my questioning conditioned on the gentleman offering amendments to clean it up, then I do not have a problem withdrawing the question of constitutionality at this time. But just to vote it on its face as it is now, it is still unconstitutional.

Mr. GANNON. Well, Mr. Speaker, is there any other way the House could rescind from its vote that the bill as before us is unconstitutional?

The SPEAKER. Yes. On the motion of reconsideration, it could vote to make the bill constitutional. We are trying to bypass that vote in order to avoid some confusion, but apparently we have not succeeded.

The clerk is informed to put up on the board the question of constitutionality of HB 1135.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I withdraw my motion to question the constitutionality of the bill.

The SPEAKER. Very well.

The motion to question the constitutionality of the bill has officially been withdrawn by the gentleman, Mr. Ryan, so that question is no longer before us.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, who offers an amendment to HB 1135.

Mr. Cowell, have you finished your argument on your amendment?

Mr. COWELL. Mr. Speaker, first, I appreciate the cooperation of Representative Ryan in getting us out of a dilemma, and he has helped expedite consideration of this amendment, which I believe will cure the problem that a majority of the members thought existed when they previously voted on the constitutionality issue.

I am not going to reiterate everything that I said the first go-around. The point was well made by Representative Ryan when he said this amendment is intended to cure those constitutionality issues about which concern was expressed in previous debate.

I would urge that we approve the amendment. Thank you.

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

Mr. GANNON. Mr. Speaker, although I have some serious reservation about the procedure we are following here, I am willing to follow the Speaker's suggestion and I am prepared to vote the Cowell amendment.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry, on the Cowell amendment.

Mrs. LANGTRY. Mr. Speaker, I would like to speak on the amendment, if I may.

The SPEAKER. You are recognized and may.

Mrs. LANGTRY. The Cowell amendment No. A3118 vastly, enormously improves the bill that is before us and removes most of the troublesome aspects of the bill. I have a couple of questions that I would like to ask the sponsor of the bill, if I may.

The SPEAKER. On the amendment?

Mrs. LANGTRY. Yes.

The SPEAKER. Mr. Cowell?

You may proceed.

Mrs. LANGTRY. On the amendment, on the bottom of the page, under "Section 7. Applicability," it says, "The provisions of this act shall apply to existing contracts which can be terminated at will,..." and it goes on to talk about other future contracts. "Contracts at will" - can you tell me what the meaning of "contract at will" is?

Mr. COWELL. Mr. Speaker, that language is intended to apply to contracts for which no specific termination date, or expiration date, exists in the contract but which instead can be terminated at the will of either or both parties, depending on the language in that contract.

Mrs. LANGTRY. Would this apply to written contracts as well as verbal?

Mr. COWELL. It would apply to written or oral contracts for which an expiration date was not contained in the original contract.

Mrs. LANGTRY. Okay.

May I read to you an existing contract, some words on the termination, and will you tell me if this is a contract at will as you understand it? This is an existing contract: "This agreement shall continue in force until terminated by either party upon 30 days' notice." Would that be a contract at will?

Mr. COWELL. I am not an attorney, Mr. Speaker, and so I do not like to play that role, but my understanding is that is a contract at will and that is the kind of contract this language is intended to apply to.

Mrs. LANGTRY. Okay. So if the amendment, section 7, applies to an existing contract and section 8 of the bill says that the bill as amended shall apply to all existing contracts within 180 days, are we going to have to rewrite this contract? This was our original problem.

Mr. COWELL. The intent of the language is not to require anybody to terminate that contract. They have the option to. If that option were exercised by either or both parties, depending on the language in the original contract, if the option were exercised, then this legislation would be applicable, but it would not be applicable until that option were exercised.

Mrs. LANGTRY. Oh, okay. I think I understand it then. If they take the option to renew the contract, at that time the effect of the bill would come into play.

Mr. COWELL. That is correct.

Mrs. LANGTRY. Okay. Thank you. That is my question.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Distler | Kitchen | Raymond |
| Angstadt | Dombrowski | Kosinski | Reber |
| Argall | Donatucci | Kukovich | Reinard |
| Arty | Dorr | LaGrotta | Richardson |
| Barley | Duffy | Langtry | Rieger |
| Battisto | Durham | Lashinger | Ritter |
| Belardi | Evans | Leh | Robbins |
| Belfanti | Fargo | Lescovitz | Roebuck |
| Billow | Farmer | Letterman | Rudy |
| Birmelin | Fattah | Levdansky | Ryan |
| Black | Fee | Linton | Rybak |
| Blaum | Fischer | Livengood | Saloom |
| Book | Flick | Lloyd | Saurman |
| Bortner | Foster | Lucyk | Scheetz |
| Bowley | Fox | McCall | Schuler |
| Bowser | Freeman | McClatchy | Semmel |
| Boyes | Freind | McHale | Serafini |
| Brandt | Gallen | Maiale | Showers |
| Broujos | Gamble | Maine | Sirianni |
| Bunt | Gannon | Manderino | Smith, B. |
| Burd | Geist | Manmiller | Smith, S. H. |
| Burns | George | Markosek | Snyder, D. W. |
| Bush | Gladeck | Mayernik | Snyder, G. |
| Caltagirone | Godshall | Melio | Staback |
| Cappabianca | Gruitza | Merry | Stairs |
| Carlson | Gruppo | Michlovic | Steighner |
| Carn | Hagarty | Micozzie | Stuban |
| Cawley | Haluska | Miller | Sweet |
| Cessar | Harper | Moehlmann | Taylor, E. Z. |
| Chadwick | Hasay | Morris | Taylor, F. |
| Civera | Hayden | Mowery | Taylor, J. |
| Clark | Hayes | Mrkonic | Tigue |
| Clymer | Heckler | Murphy | Trello |
| Cohen | Herman | Nahill | Van Horne |
| Colafella | Hershey | Noye | Veon |
| Cole | Hess | O'Brien | Vroon |
| Cornell | Honaman | O'Donnell | Wambach |
| Corrigan | Howlett | Olasz | Wass |
| Cowell | Hughes | Oliver | Weston |
| Coy | Hutchinson | Perzel | Wiggins |
| DeLuca | Itkin | Petrarca | Wogan |

| | | | |
|------------|-----------|-----------|---------------|
| DeVerter | Jackson | Petrone | Wozniak |
| DeWeese | Jadlowiec | Phillips | Wright, D. R. |
| Daley | Jarolin | Piccola | Wright, J. L. |
| Davies | Johnson | Pievsky | Wright, R. C. |
| Dawida | Josephs | Pitts | Yandrisevits |
| Dempsey | Kasunic | Pressmann | |
| Dietterick | Kennedy | Preston | Irvis, |
| Dininni | Kenney | Punt | Speaker |

NAYS—0

NOT VOTING—1

McVerry

EXCUSED—1

Pistella

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader on final passage.

Mr. RYAN. Mr. Speaker, I spoke at great length last November on this particular bill principally because I was very, very concerned about the impact legislation like this would have on our business community in its relationship with other States. I believe the gentleman, Mr. Cowell, has addressed many of my concerns in his amendment which was just accepted. There remains, however, a gray area on the commerce clause as to whether or not this remains an impairment of commerce and whether this is an unrealistic or unjustified interference with interstate commerce. My attorneys, however, admit that it is a gray area.

Under those circumstances, I am not going to oppose the bill but pretty much assure the House that one of these days the courts will have an opportunity to look at it, and I think that is who should look at it at this point. 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—191

| | | | |
|----------|------------|-----------|------------|
| Acosta | Distler | Kitchen | Punt |
| Angstadt | Dombrowski | Kosinski | Raymond |
| Argall | Donatucci | Kukovich | Reber |
| Arty | Duffy | LaGrotta | Reinard |
| Barley | Durham | Langtry | Richardson |
| Battisto | Evans | Lashinger | Rieger |
| Belardi | Fargo | Leh | Ritter |
| Belfanti | Farmer | Lescovitz | Robbins |
| Billow | Fattah | Letterman | Roebuck |
| Birmelin | Fee | Levdansky | Rudy |
| Black | Fischer | Linton | Rybak |
| Blaum | Flick | Livengood | Saloom |
| Book | Foster | Lloyd | Saurman |
| Bortner | Fox | Lucyk | Scheetz |
| Bowley | Freeman | McCall | Schuler |

| | | | |
|-------------|------------|-----------|---------------|
| Bowser | Freind | McClatchy | Semmel |
| Boyes | Gallen | McHale | Serafini |
| Brandt | Gamble | McVerry | Showers |
| Broujos | Gannon | Maiale | Sirianni |
| Bunt | Geist | Maine | Smith, B. |
| Burd | George | Manderino | Smith, S. H. |
| Burns | Gladeck | Manmiller | Snyder, D. W. |
| Bush | Godshall | Markosek | Snyder, G. |
| Caltagirone | Gruitza | Mayernik | Staback |
| Cappabianca | Gruppo | Melio | Stairs |
| Carlson | Hagarty | Merry | Steighner |
| Carn | Haluska | Michlovic | Stuban |
| Cawley | Harper | Micozzie | Sweet |
| Cessar | Hasay | Miller | Taylor, E. Z. |
| Chadwick | Hayden | Moehlmann | Taylor, F. |
| Civera | Hayes | Morris | Taylor, J. |
| Clark | Heckler | Mowery | Tigue |
| Clymer | Herman | Mrkonic | Trello |
| Cohen | Hershey | Murphy | Van Horne |
| Colafiglia | Hess | Nahill | Veon |
| Cole | Honaman | Noye | Wambach |
| Cornell | Howlett | O'Brien | Wass |
| Corrigan | Hughes | Olasz | Weston |
| Cowell | Hutchinson | Oliver | Wiggins |
| Coy | Itkin | Perzel | Wogan |
| DeLuca | Jackson | Petrarca | Wozniak |
| DeVerter | Jadlowiec | Petrone | Wright, D. R. |
| DeWeese | Jarolin | Phillips | Wright, J. L. |
| Daley | Johnson | Piccola | Wright, R. C. |
| Davies | Josephs | Pievsky | Yandrisevits |
| Dawida | Kasunic | Pitts | |
| Dempsey | Kennedy | Pressmann | Irvis, |
| Dietterick | Kenney | Preston | Speaker |
| Dininni | | | |

NAYS—4

Dorr O'Donnell Ryan Vroon

NOT VOTING—0

EXCUSED—1

Pistella

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. Let the record show that the House, having, without objection, accepted the rescision of the motion of Mr. Ryan on constitutionality, has in effect decided that the bill was constitutional prior to the taking of the Cowell amendment.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

If it is appropriate now, I would like to call a brief meeting of the Appropriations Committee at the rear of the chamber immediately.

The SPEAKER. Appropriations Committee meeting immediately at the rear of the hall of the House.

Mr. CAPPABIANCA. Yes, Mr. Speaker.

SUBCOMMITTEE MEETING

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

Mr. KUKOVICH. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the Subcommittee on Youth and Aging off the floor at the call of the recess.

ANNOUNCEMENT BY MR. DAVIES

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

Mr. DAVIES. Mr. Speaker, unanimous consent.

The SPEAKER. The gentleman will state the reason for rising and will proceed.

Mr. DAVIES. Mr. Speaker, I am going to put on the desk two bills today, one which calls for the actual inspection or testing in all public buildings in Pennsylvania for radon. This would be done at, of course, the cost of the State and carried out by the DER (Department of Environmental Resources). The other piece of legislation would put radon into the matter of curriculum in the public schools. If there is anyone who would be interested in signing those bills, they will be on the desk. Thank you.

The SPEAKER. The Chair thanks the gentleman.

WELCOME

The SPEAKER. Before we call for lunch, the Bucks County delegation wants us to welcome, and we are delighted to do so, Rosemarie Curran, Dr. Richard Derstine, Vincent Charpenter, Alexander Brasko. These are Bucks County township officials and we are delighted to have them here. Welcome to the hall of the House. They are to the left of the Speaker. We are delighted to have you.

RECESS

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

AFTER RECESS

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

SENATE MESSAGE

HOUSE AMENDMENTS

NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to SB 114, PN 2284.

BILL SIGNED BY SPEAKER

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

SB 235, PN 2156

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

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair recognizes the majority leader, who files the following list of deletions and additions for the sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 889, Maiale; HB 1002, Maiale; HB 1239, Maiale; HB 1554, Mrkonic; HB 1920, Maiale; HB 2041, Micozzie; HB 2199, Dietterick; HB 2213, Nahill, Cessar, Steighner, McHale, J. L. Wright, Gladeck; HB 2250, Cowell, Maine, Colafella; HB 2292, Kosinski; HB 2517, Clark; HB 2557, Maiale; HB 2572, Maine; HB 2598, Maine; HB 2604, Clark; HB 2628, Clark; HB 2639, Langtry; HB 2640, Langtry; HB 2641, Ritter, Tigie, Richardson, McHale; HB 2647, Nahill, Fox; HB 2648, Nahill, Fox; HB 2664, McHale; HR 314, Ritter; HR 323, Weston, Dawida.

DELETIONS:

HB 2328, Showers; HB 2651, Godshall.

BILLS REREPORTED FROM COMMITTEE**SB 945, PN 1792**

By Rep. CAPPABIANCA

An Act establishing the Hardwoods Council; conferring powers and duties upon the council; and making an appropriation.

APPROPRIATIONS.**SB 1222, PN 2371 (Amended)**

By Rep. CAPPABIANCA

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," establishing a separate fund to supplement the Unemployment Compensation Fund; providing for the transfer of certain investment earnings in the State Workmen's Insurance Fund; further providing for the rate of contribution by employers and employees; further providing for the rate and amount of benefits; further providing for administrative matters and for the recoupment of fault overpayments; and making repeals.

APPROPRIATIONS.**CALENDAR CONTINUED****CONSIDERATION OF SB 474 CONTINUED**

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, who rises to interrogate Mr. George.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, if you can, just for the members' sake and my sake, explain basically what this bill does regarding incinerators.

Mr. GEORGE. Yes, Mr. Speaker.

The SPEAKER. Just a moment. Perhaps the Chair has been too precipitous. The Chair just looked at the importance of this bill, and this bill is one which is bound to bring some debate. Why do we not wait until we get more members on the floor; then the Chair will recognize you and Mr. Cawley. Do you agree with that?

Mr. CAWLEY. Yes.

The SPEAKER. I think that is a wiser choice.

Members are urged to get on the floor of the House. We have on the floor of the House a bill involving incinerators and waste treatment disposal facilities. All of you within hearing of my voice understand the importance of this decision. All of you should be on the floor when we make it.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going over temporarily SB 474. I want to get the members on the floor and I do not want to have this vote in their absence.

RESOLUTION

Mr. BROUJOS called up **HR 304, PN 3544**, entitled:

Recognizing the USS Pennsylvania, SSN375, as an important part of United States Naval Forces; and recognizing the men and women who serve aboard her.

On the question,

Will the House adopt the resolution?

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

Mr. BROUJOS. Mr. Speaker, this resolution is an important resolution. It recognizes the role of the men who serve upon the USS Pennsylvania, the new ballistic missile submarine, christened April 23 at Groton, Connecticut. We should be proud of these men. They have an important role in maintaining the strength and deterrent power of the United States Navy. They have a perilous mission. Some of the crew are Pennsylvanians. The skipper, Captain Oltraver, will be in Harrisburg on October 12 to attend a Navy League dinner. Any Representative wishing to attend can contact my office.

I ask that there be a unanimous vote for this resolution.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

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|----------|------------|------------|------------|
| Acosta | Distler | Kosinski | Raymond |
| Angstadt | Dombrowski | Kukovich | Reber |
| Argall | Donatucci | LaGrotta | Reinard |
| Arty | Dorr | Langtry | Richardson |
| Barley | Duffy | Lashingier | Rieger |
| Battisto | Durham | Leh | Ritter |
| Belardi | Evans | Lescovitz | Robbins |
| Belfanti | Fargo | Letterman | Roebuck |
| Billow | Farmer | Levdansky | Rudy |

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| Birmelin | Fattah | Linton | Ryan |
| Black | Fee | Livengood | Rybak |
| Blaum | Fischer | Lloyd | Saloom |
| Book | Flick | Lucyk | Saurman |
| Bortner | Foster | McCall | Scheetz |
| Bowley | Fox | McClatchy | Schuler |
| Bowser | Freeman | McHale | Semmel |
| Boyes | Freind | McVerry | Serafini |
| Brandt | Gallen | Maiale | Showers |
| Broujos | Gamble | Maine | Sirrianni |
| Bunt | Gannon | Manderino | Smith, B. |
| Burd | Geist | Manmiller | Smith, S. H. |
| Burns | George | Markosek | Snyder, D. W. |
| Bush | Gladeck | Mayernik | Snyder, G. |
| Cappabianca | Godshall | Melio | Staback |
| Carlson | Gruitza | Merry | Stairs |
| Carn | Gruppo | Michlovic | Steighner |
| Cawley | Hagarty | Micozzie | Stuban |
| Cessar | Haluska | Miller | Sweet |
| Chadwick | Harper | Moehlmann | Taylor, E. Z. |
| Civera | Hasay | Morris | Taylor, F. |
| Clark | Hayden | Mowery | Tigue |
| Clymer | Hayes | Mrkonic | Trello |
| Cohen | Heckler | Murphy | Van Horne |
| Colafella | Herman | Nahill | Veon |
| Cole | Hershey | Noye | Vroon |
| Cornell | Hess | O'Brien | Wambach |
| Corrigan | Honaman | O'Donnell | Wass |
| Cowell | Howlett | Olasz | Weston |
| Coy | Hughes | Oliver | Wiggins |
| DeLuca | Hutchinson | Petrarca | Wogan |
| DeVerter | Itkin | Petrone | Wozniak |
| DeWeese | Jackson | Phillips | Wright, D. R. |
| Daley | Jadlowiec | Piccola | Wright, J. L. |
| Davies | Jarolin | Pievsky | Wright, R. C. |
| Dawida | Johnson | Pitts | Yandrisevits |
| Dempsey | Josephs | Pressmann | |
| Dietterick | Kasunic | Preston | Irvis, |
| Dininni | Kitchen | Punt | Speaker |

NAYS—0

NOT VOTING—5

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| Caltagirone | Kenney | Perzel | Taylor, J. |
| Kennedy | | | |

EXCUSED—1

Pistella

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

CONSIDERATION OF SB 474 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley, who asked to interrogate the gentleman, Mr. George, who has agreed to be interrogated.

Mr. Cawley, you may proceed.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, all I would appreciate you answering so that I can be clear on the intent of this bill and the other members can be clear as to exactly what this bill is going to do regarding incinerators is, what does the referendum mean, how is the referendum put in place, and what is the primary intent of proposing a moratorium on incinerators in Pennsylvania?

Mr. GEORGE. Mr. Speaker, as I am sure you are aware, the language in SB 474 is the identical language that was in HB 1387, which was amended by the Senate, and therefore, the end result of that bill was, a moratorium was placed on

infectious and chemotherapeutic waste that was generated in Pennsylvania. Therefore, the language was ripped out of HB 1387.

Now, SB 474 has the identical language to place a 1-year moratorium in Pennsylvania for the purpose of trying to establish guidelines that would protect the municipalities in that at this moment we are knowledgeable that 11 million tons of material is being generated across the State of Pennsylvania. If every facility that has been mentioned or rumored or planned was put into effect, you would have facilities for 5 million tons more than what is being generated, and the end result is, you would be importing waste not in an accidental matter but in a matter in order to keep solvent and solid the investments that were already precipitated and put into place. But there was language that was placed legitimately with care and concern over facilities that had already been planned, over applications that had already been submitted, over facilities that met the requirements under the law, and in this legislation a municipality by ordinance, by ordinance, can veto any moratorium.

Further than that, you ask a question, Mr. Speaker, of what would happen in a case of a referendum. When it is found that the facility will be able to handle 150 percent more than what is being generated within that area, then that matter can be put on a referendum for the public. And that is your answer, I would hope.

Mr. CAWLEY. Thank you, Mr. Speaker.

If I may ask you another question, Mr. Speaker.

Mr. Speaker, the Citizens Advisory Committee to the Department of Environmental Resources and the Economic Development Task Force for Power and Energy both recommended that the Department of Environmental Resources should play the key role on behalf of the Commonwealth in educating the public regarding the benefits and the potential hazards of incinerators. How much input did your committee receive from the Department of Environmental Resources, and in your opinion, is the Department of Environmental Resources taking the ball in educating the public, including local public officials, regarding this issue?

Mr. GEORGE. Mr. Speaker, hopefully you and all of our colleagues are aware that there were several hearings, and at that time we utilized a report that had been issued by DER in November of 1987 into the matter of how much material was generated in Pennsylvania. I was remiss the first time that I answered your question in not reminding you that if we were to establish and put into effect those facilities that are talking about going in place, we would be more than 5 million tons short, and that does not take into consideration the landfills that are now in place in Pennsylvania. So it is very apparent that we could be as much as 15 million tons over and beyond what is being generated in Pennsylvania.

There was a legitimate concern not to turn Pennsylvania into a haven of a waste repository, number one. Number two, recognizing the legitimate concern, the only thing that the Federal Government has done, in my opinion, thus far is it has established an unprecedented record that the people in

Pennsylvania within the communities have every right to pass ordinances that will in fact control air pollution.

Other than that, there has not been that much done. We really want the moratorium to go into place until we can force both of them to come forth with the facts and figures that all of us will need in order to go on further, Mr. Speaker.

Mr. CAWLEY. Last question, Mr. Speaker: Mr. Speaker, has DER been able to satisfactorily answer all of the questions that you or your committee has had regarding the safety factors with incinerators?

Mr. GEORGE. Mr. Speaker, I think that you and every legislator here at one time in your career will put in resolutions and moratoriums and such. The reason for that is that the answers that we have asked for have not yet been placed with us, and that is the reason for the moratorium.

Mr. CAWLEY. Thank you, Mr. Speaker.

That is all, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Tigie, on the question.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the chairman of the Conservation Committee.

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

Mr. TIGUE. Mr. Speaker, based upon the interrogation by Mr. Cawley, you seem to indicate that the primary reason for putting a moratorium on is because if all the proposed and rumored incinerators were built, there would be excess capacity. Is that correct?

Mr. GEORGE. That is part of it and a legitimate concern, I am sure, that all of us, Mr. Speaker, share in the possibility that some community can suffer financial ruin by the imposition and the obligatory bond nature of where they would put themselves in debt for all these millions of dollars and find out now they are in competition with a facility down the road 40 miles. You are absolutely right in your questioning, and I must insist that the answers, as I told Mr. Cawley, are not yet before us, but that is one of the main purposes of the moratorium.

Mr. TIGUE. But one of the major if not the major reason is because of excess capacity.

Mr. Speaker, would the proposed or rumored landfills in the Commonwealth have excess capacity for what is generated within the boundaries of Pennsylvania?

Mr. GEORGE. At the moment, and again, it is hard to predict as to how much is coming from out of State.

Mr. TIGUE. But evidently, you seem to be able to do that with incinerators.

Mr. GEORGE. Again, until we are certain of what we have before us and what it will do either financially or as far as the environment is concerned, until we have that information, we do not feel that the matter can be dealt with with such haste and such exuberance. We have to wait until we get these figures, we feel, to protect the people and the environment and the communities.

Mr. TIGUE. Mr. Speaker, one more question, please.

Is the Department of Environmental Resources opposed to incineration?

Mr. GEORGE. I do not believe that the department is opposed to incineration. They just issued a permit here not more than a couple of weeks ago. They issued a permit within the week that this bill first surfaced. I do not think that they are against incineration, but I do not think that they have these many answers as you and I do, Mr. Speaker, and I do not think we have the answers that are necessary, if you will permit.

Mr. TIGUE. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman may proceed. He is in order.

Mr. TIGUE. Mr. Speaker, what we have been told is that the primary or, to quote Mr. George, the major reason for having this bill is that this would allow for excess capacity. Well, right now in Pennsylvania we have the same thing with landfills. I do not want any type of refuse coming into my area from another State or another county even. However, I think the question is, is incineration good or bad? From the answers I have received today, each one of us, at least I myself have come to the conclusion that DER does in fact allow incineration. We have currently operating within the Commonwealth incinerators, mass burn and selective burn. So I do not think at this point, at least from DER's standpoint, it is a question of pollutants or safeties, based on the fact that, as Mr. George said, they are issuing permits. So I would ask you to oppose the legislation. Thank you, Mr. Speaker.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. George, if he would agree.

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, and I think it will benefit the members, and hopefully it will afford us some legislative intent.

We passed a bill, I believe it is Act 94 of this session, which was a moratorium for infectious and pathological waste incinerators. Correct, Mr. Speaker?

Mr. GEORGE. That is exactly what had passed.

Mr. LASHINGER. This legislation also has infectious and pathological waste incinerators included in the moratorium provisions. Correct, Mr. Speaker?

Mr. GEORGE. That is exactly correct.

Mr. LASHINGER. The moratorium in this proposal is more encompassing, and I apologize if you have already answered this, Mr. Speaker. There were major exceptions which some might deem loopholes in the other moratorium bill. Some of them were that if you did onsite incineration at your manufacturing location, you were exempt; you could be repemitted almost automatically. Will these provisions

prevail since we already have a moratorium that applies to infectious and pathological waste, in your opinion, or will Act 94 prevail as it applies to incinerator applications for those projects?

Mr. GEORGE. Mr. Speaker, you are aware that the language in this bill, other than the additional safeguards and the protection and the right to let the decision be made locally, had passed previously in this House and had gone to the Senate. This moratorium, whether it be pathological, whether it be infectious or whatever, deals with new permits, only new permits.

Mr. LASHINGER. Mr. Speaker, I am still not clear, and I apologize. Maybe the gentleman misunderstood my question. The other one did also, but it applied just specifically to infectious and pathological waste, and this does also, but there were major exceptions where the moratorium did not apply in I believe it is Act 94. Those exceptions are not in this moratorium bill. If this should go back to the Senate and be adopted or wherever it winds up after here and become law, would this moratorium then prevail and would the other exceptions that we provided in the previous moratorium legislation adopted by this chamber and signed by the Governor prevail, in your opinion?

Mr. GEORGE. Mr. Speaker, I think the reason that this bill is needed is that the other bill that was passed into law insisted on only a provision that DER would be able to bring about the so-called regulations that would set all of the concerns at ease, and whenever they could establish regulations, the moratorium no longer exists. This moratorium exists on new permits for a period of 1 year unless the local municipality takes some other action.

Mr. LASHINGER. Thank you, Mr. Speaker.

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

Mr. HASAY. Thank you, Mr. Speaker.

In order to clarify Mr. Lashinger's question on the moratorium, the moratorium that is in this bill right now, if a township decided or an industry decided they wanted to build an incinerator in X township, the township supervisors would pass a resolution. Once they pass a resolution, that removes them from the moratorium in this bill.

Also in this bill, any incinerator that is in the planning stages right now is excluded from this legislation, so any of you members who have incinerators that are in the planning stages, they are excluded under this legislation. Thank you.

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

Mr. BROUJOS. Mr. Speaker, I would like to address myself not only to the Representatives in the entire Commonwealth but particularly to those in south-central Pennsylvania.

We have in the Harrisburg-York-Lancaster area the prospect of having five incinerators - there is an incinerator now in Harrisburg; there is one being constructed in York; there is consideration and planning in Hanover; in the Lancaster area there is a fifth under consideration - five incinerators which

individually may not create a problem of pollution or a problem of health but in combination together may have a serious impact in future years from air pollution.

Now, recently a professor indicated that acid rain has an impact as an acidic, as a corrosive force, has an impact on the basic biogeochemical structure of our life system which affects the interaction of all organisms with its environment, and so with an incinerator there is sulfur dioxide, there are nitric oxides, there are dangerous chemicals released at certain degrees of temperature which individually may not be too bad but in combination are very serious.

DER appeared before the hearings and was unable to indicate a clear and comprehensive program for the determination of the impact of five incinerators in an area. Consequently, there is not sufficient scientific or regulatory action now being taken or practiced by DER in this area, so I would ask for that reason that this bill be passed.

In addition, I want to state that the principle enunciated by Representative George is a very important one. In so many of our pollutants, it is important that, as he said, the State has a major role in protecting its people against pollutants and not waiting for Federal action. Thank you.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Lackawanna, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I fully agree with the remarks of Mr. George, and I stand to support the moratorium concept totally.

There seems to be a cloud of uncertainty regarding the mass burn concept and the impact that it can have on public health and the environment, and I think until these questions can be satisfactorily answered, the moratorium is absolutely necessary. Perhaps that 1-year period, Mr. Speaker, will give us the allotted time we need to satisfactorily answer those concerns.

I am going to vote for this bill, and I encourage all of my colleagues to do the same. Thank you, sir.

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

Mr. SERAFINI. Mr. Speaker, I was wondering if I could interrogate Mr. George relative to a part of this legislation.

The SPEAKER. Mr. George indicates he will stand for further interrogation. You may proceed, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, I am questioning the last section, which includes an exception to this moratorium legislation. That exception is "Incineration facilities proposed to be utilized by more than one municipality, which municipalities have executed inter-municipal pacts and have expended public funds in regard thereto prior to the effective date of this act." What exactly in this legislation would an inter-municipal pact be? What types of funds would have to be expended by a municipality? Would there be an amount or could it be just \$1? And if this exception were to exist, would they still have to put a referendum on the ballot in order to justify the construction of an incinerator? My question, Mr. Speaker, is, does this exception stand alone?

Mr. GEORGE. I think the referendum which you mentioned cannot be brought about by any particular concern of

what the cost of the facility or the tax would be, but rather whether or not the facility that was being built, Mr. Speaker, was built in order to handle more than normally what would be generated in fact by 150 percent. That is the purpose of the referendum.

Mr. SERAFINI. Well, I was not quite able to hear everything, but when you state an intermunicipal pact, could that be one small community with a neighboring community of maybe 200 tons total? I mean, small municipalities, a little town of maybe 9,000 population?

You see, my problem is I do not understand when— If a municipality were to agree with another municipality that they want to build an incinerator and some large company comes in and tells them we will build you an incinerator for your 100 tons of garbage but we want to also be able to accept garbage from out of State, would they be exempt from this moratorium?

Mr. GEORGE. I do not think that they would be. I think that the municipality in which the facility is located would be the municipality in which the residents and the citizens would be able to place that objection on that moratorium.

Mr. SERAFINI. Yes, sir. So then the way I understand it, they would have to put a referendum on the ballot if this exception were to stand.

Mr. GEORGE. That is what I believe.

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Godshall, on the final question.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also would like to interrogate Representative George.

The SPEAKER. What is your question, Mr. Godshall?

Mr. GODSHALL. I said I would like to interrogate Representative George, please.

The SPEAKER. He will stand for further interrogation.

Mr. GODSHALL. Mr. Speaker, on page 6 of the bill, I have problems with lines 20 through 23, "...if the capacity of a proposed facility exceeds the municipality's disposal needs by more than 150%, the question of the moratorium shall be placed on the ballot in the form of a referendum..." et cetera. Now, I would just like for you, if you could hear me, to look at a scenario.

Say we are looking at an individual county. There may be 40 municipalities in that county, 40 townships, and as I read this bill, if you would want to place a mass burn facility, say, for a county in one county, you would have to put it in one of those 40 municipalities. Say it would be a municipality that is very sparsely populated, maybe 40, 60, or 100 people. Needless to say, they generate very little waste, so as soon as you are over 150 percent of the waste that is generated by those people living in that municipality, they could effectively kill a generator for the entire county, and it has to be placed in one of the 40 municipalities. Could you help to clarify that situation?

Mr. GEORGE. I am going to attempt to clarify it. I think in some cases it will be impossible if we continue to read into something that does not exist.

Number one, Mr. Speaker, the moratorium lasts 1 year regardless of what happens and goes no longer. For that purpose it was placed in so that the answers could be forthcoming.

Number two, if you were going to enjoin, involve yourself with 40 communities, it would not be an effort by the communities per se, I daresay, but be a county effort, and if it were a county effort, then the veto implications, in my opinion, would be throughout the county and not the municipality. So regardless of whether your concern goes into that point and whether you accept my answer, the fact still remains that the moratorium lasts a year, right, wrong, or indifferently, and that is all. In that period of a year, in that period of a year, we should have the answers that we feel are needed.

Also, I want you to know and I want everyone here to know that in my opinion if any municipality in Pennsylvania had a counselor or an attorney and they wanted to insist on air pollution protection under the Federal law, they could do it right now and place regulations on that might make it impossible for an incinerator to take place. I want you to know that those concerns have been addressed by the Federal Government.

Mr. GODSHALL. Thank you, Mr. Speaker, but I am still vague on the issue. As I read this again, it says if the capacity of a municipality where the incinerator is going to be located, and that means the township or a facility. So there is no one of the 40 municipalities in this given county that will, say, willingly accept it but would rather see it in somebody else's backyard which we know exists. So as I read this, any municipality could go to a referendum and kill a county project, and I am still concerned about that concept and I cannot read it any other way.

Mr. GEORGE. I think, Mr. Speaker, DER intends to handle that by regulation, hopefully. The point you make is well taken that one small municipality happens to be the repository for 40 other municipalities and those of you and what you insist upon will insist that those 40 municipalities should have more say than where the facility should be located and therefore those people should not have any say at all. I happen to take deference to that, but unfortunately, I do not think that the bill will protect my thoughts. I think that they will be able to handle this in a way through a regulation to take your concern in mind. And to start with, long before I believe that happens, the moratorium is going to be over.

Mr. GODSHALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a comment on the bill.

The SPEAKER. The gentleman is in order and may comment on final passage.

Mr. GODSHALL. I think I agree in concept with most of the provisions of the bill. I still have serious reservations about the individual municipality accepting a disposal facility, if you are looking at one per county or one for even a group of counties. Under this legislation, as I read it—and we do pass legislation like this up here which is not clear; this is definitely not clear—even as I see it, if a group of counties could not get together, you would have to designate one municipality in one of those groups of counties as being the repository of that

disposal site. And it says specifically that in that municipality, if you have more than 150 percent of the trash that is disposed there, they can effectively kill the entire project for one county or a group of counties. I have a serious reservation, a serious problem with that, and it could totally end any facilities from being constructed in the State. Thank you, Mr. Speaker.

The SPEAKER. For the second time on final passage, the Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the Pennsylvania Economic Development Task Force and the Citizens Advisory Council to the Department of Environmental Resources when they indicate that the Department of Environmental Resources should inform the public in Pennsylvania on the public safety issues of proposed waste incinerators. But the silence of the Department of Environmental Resources on this issue has convinced me that we should put on hold the building of incinerators in Pennsylvania until the majority of the public, including local elected officials, can be convinced beyond a doubt that incinerators are safe, affordable, and the correct course to take. But this, in my opinion, Mr. Speaker, has not been done by the Department of Environmental Resources. Safety has not been assured and will not happen until we in government, including DER who has the responsibility to safeguard the health and welfare of the citizens in Pennsylvania, are convinced. It will not happen until we are all convinced, and believe me, we are not. If we politicians believed this was in the best interest of everyone and that we should do it, we would all be tripping over each other trying to cut the ribbons and we would all be jumping in front of the camera trying to take credit for it. You all know as well as I know this is not happening.

Therefore, I urge an affirmative vote for SB 474. Thank you, Mr. Speaker.

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

Mr. COLAFELLA. Mr. Speaker, I rise to support SB 474. This bill differs a little with HB 1387 in that it gives a local municipality the authority, after the waste exceeds 150 percent, the opportunity to put it on a ballot for voters to vote, and that way they may be able to impose a longer moratorium. For those reasons I am in favor of SB 474.

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

Mr. SERAFINI. Mr. Speaker, I stand to support this legislation and believe that with the number of incinerators proposed for construction in the State of Pennsylvania and in my region, their sole purpose would be to sidetrack those trucks leaving New York with hospital waste to Ohio and let them stop in Pennsylvania so that we can pick up their residual and dangerous waste and incinerate it in our State. Obviously, these incinerators are not 100 percent safe and nonpollutable. They do exhume a number of pollutants out of their stacks, and until we can stop that and monitor that full time, I say it

is time to put a moratorium on incinerators in our State of Pennsylvania, with no exception. Thank you.

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—165

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|-------------|------------|------------|---------------|
| Acosta | Dorr | Lashinger | Rieger |
| Angstadt | Duffy | Leh | Ritter |
| Argall | Durham | Lescovitz | Robbins |
| Arty | Farmer | Letterman | Roebuck |
| Battisto | Fattah | Levdansky | Rudy |
| Belardi | Fee | Livengood | Ryan |
| Billow | Fischer | Lloyd | Rybak |
| Black | Flick | Lucyk | Saloom |
| Book | Fox | McCall | Saurman |
| Bortner | Freeman | McClatchy | Scheetz |
| Bowley | Freind | McHale | Schuler |
| Bowser | Gallen | Maine | Semmel |
| Boyes | Gamble | Manderino | Serafini |
| Broujos | Gannon | Manmiller | Showers |
| Bunt | Geist | Markosek | Sirianni |
| Burd | George | Mayernik | Smith, B. |
| Bush | Gladeck | Melio | Smith, S. H. |
| Caltagirone | Gruitza | Merry | Snyder, D. W. |
| Cappabianca | Gruppo | Michlovic | Snyder, G. |
| Carlson | Hagarty | Micozzie | Staback |
| Carn | Haluska | Miller | Stairs |
| Cawley | Harper | Morris | Steighner |
| Cessar | Hasay | Mowery | Taylor, E. Z. |
| Chadwick | Hayes | Mrkonic | Taylor, F. |
| Civera | Heckler | Murphy | Taylor, J. |
| Clark | Herman | Nahill | Trello |
| Clymer | Hershey | O'Brien | Van Horne |
| Cohen | Hess | Olasz | Veon |
| Colafella | Honaman | Oliver | Vroon |
| Cole | Hughes | Perzel | Wambach |
| Cornell | Hutchinson | Petrarca | Wass |
| Coy | Jackson | Petrone | Weston |
| DeLuca | Jadlowiec | Piccola | Wiggins |
| DeVerter | Jarolin | Pievsky | Wogan |
| DeWeese | Johnson | Pitts | Wozniak |
| Daley | Josephs | Pressmann | Wright, D. R. |
| Davis | Kasunic | Preston | Wright, R. C. |
| Dawida | Kennedy | Punt | Yandrisevits |
| Dempsey | Kenney | Raymond | |
| Dietterick | Kitchen | Reber | Irvis, |
| Dininni | Kosinski | Reinard | Speaker |
| Dombrowski | LaGrotta | Richardson | |

NAYS—28

| | | | |
|----------|-----------|-----------|---------------|
| Barley | Cowell | Howlett | Noye |
| Belfanti | Distler | Irkin | O'Donnell |
| Birmelin | Donatucci | Kukovich | Phillips |
| Blaum | Fargo | Langtry | Stuban |
| Brandt | Foster | McVerry | Sweet |
| Burns | Godshall | Maiale | Tigue |
| Corrigan | Hayden | Moehlmann | Wright, J. L. |

NOT VOTING—2

| | |
|-------|--------|
| Evans | Linton |
|-------|--------|

EXCUSED—1

Pistella

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 **SB 279, PN 2294**, entitled:

An Act providing for the licensing of clubs to conduct games of chance, for the licensing of persons to manufacture and distribute games of chance, for suspensions and revocations of licenses and for fees and disposition of revenues; requiring records; providing for local referendum on gambling by electorate; prescribing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. BATTISTO offered the following amendments No. A4692:

Amend Title, page 1, lines 13 and 14, by striking out all of line 13 and "GAMES OF CHANCE," in line 14

Amend Sec. 2, page 5, lines 26 through 28, by striking out "PUNCHBOARDS, MEMBER SIGN-IN LOTTERIES," in line 26, all of line 27 and "PULL-TABS AND FISHBOWL TICKETS, PROVIDED THAT NO" in line 28 and inserting Member sign-in lotteries, half-and-half lotteries, raffles and similar games which require no technical preparation other than the printing of numbers or letters. The term does not include punchboards, stamp machines, strip tickets, pull-tabs or fishbowl tickets. No

Amend Sec. 2, page 5, line 30, by striking out "AND FURTHER PROVIDED THAT THE" and inserting

. The

Amend Sec. 5, page 6, lines 22 through 28, by striking out all of said lines

Amend Sec. 6, page 6, line 29, by striking out "6" and inserting

5

Amend Sec. 6, page 7, lines 3 through 7, by striking out all of lines 3 through 6 and "(4)" in line 7 and inserting

(2)

Amend Sec. 6, page 7, line 9, by striking out "(5)" and inserting

(3)

Amend Sec. 6, page 7, line 11, by striking out "(6)" and inserting

(4)

Amend Sec. 6, page 7, lines 13 and 14, by striking out all of said lines and inserting

(5) Prescribe rules and regulations for the ordering of printed material for use in games of chance, which shall include a procedure whereby clubs will exhibit evidence to the printer of licensure under this act.

Amend Sec. 6, page 7, line 15, by striking out "(8)" and inserting

(6)

Amend Sec. 6, page 7, line 17, by striking out "(9)" and inserting

(7)

Amend Sec. 6, page 7, line 21, by striking out "(10)" and inserting

(8)

Amend Sec. 6, page 7, line 28, by striking out "(11)" and inserting

(9)

Amend Sec. 7, page 7, line 30, by striking out "7" and inserting

6

Amend Sec. 7, page 8, lines 1 through 11, by striking out all of lines 1 through 10 and "(4) ALL" in line 11 and inserting

(a) Fees.—Licenses to conduct games of chance shall be issued to clubs in any calendar year and the fee therefor shall be \$100. All

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

7

Amend Sec. 9, page 9, line 2, by striking out "9" and inserting

8

Amend Sec. 10, page 9, line 5, by striking out "10" and inserting

9

Amend Sec. 10, page 9, line 7, by striking out ", MANUFACTURES OR DISTRIBUTES"

Amend Sec. 11, page 9, line 15, by striking out "11" and inserting

10

Amend Sec. 12, page 9, line 24, by striking out "12" and inserting

11

Amend Sec. 13, page 11, line 8, by striking out "13" and inserting

12

Amend Sec. 14, page 11, line 17, by striking out "14" and inserting

13

Amend Sec. 15, page 11, line 20, by striking out "15" and inserting

14

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, my amendment changes SB 279 in two clear ways. First of all, it streamlines the definition of small games. It would allow three different kinds of small games plus any other kinds of small games that could be played with simple tickets.

Secondly, it eliminates and erases a need for distributors and manufacturers. The fact of the matter is, instead clubs or fire companies or other nonprofits would deal directly with local printers.

The problem, Mr. Speaker, is—and I have enunciated this various times on the floor of this House, and other people have admitted this; in fact, strong proponents of gambling have admitted this fact—that it is distributors who could possibly cause mischief and put abuse into this system. There are numerous cases of this happening. I could simply refer to an article in the August 22, 1988, edition of the Philadelphia Inquirer which talks about an organized-crime family which has gained control of the distribution of various kinds of machines in the southeastern Philadelphia area, Delaware County, and Chester County.

The problem is, if you people want to give clubs and fire companies, if you are serious about giving them certain ways

to so-call balance their budgets, this is a very palatable, acceptable alternative. It, A, allows them to conduct certain small games, but it sets up the same relationship between a club and a printer as you would have if you were ordering tickets for a dance or for a fundraiser; that is, the club or the fire company would control the whole operation. They would go to a printer; they would show evidence of licensure under the act and be able to get their materials. We would not be breaking new grounds in public policy; that is, licensing private distributors. They are the ones that could cause the mischief. This is a good alternative, and I ask for your support. Thank you very much.

WELCOMES

The SPEAKER. The Chair has neglected—and apologizes for the neglect—to introduce some visitors we have on the floor of the House, and some of them do have to leave.

Paul Wass has as visitors Jo Pearson, Linda Noone, and Kay Wolfgang. They are to the left of the Speaker. Will you please rise. Welcome to the floor of the House.

We are very grateful for the presence of the president of West Chester University, Kenneth Perrin, who is here as the guest, of course, of Representatives Elinor Taylor and Joe Pitts. Would you rise, please, Mr. Perrin. Where is he? Did he have to leave? The Chair apologizes to you for not getting him on the record.

Bob Reber has some supervisors here from New Hanover Township - Keith Leonard and Robert DeLano. They are here with their solicitor, Lee Levengood. Are they to the left of the Speaker? Welcome to the hall of the House. We are delighted to have you here.

Mrs. Taylor, the Chair apologizes for not getting your guest introduced.

CONSIDERATION OF SB 279 CONTINUED

The SPEAKER. On the Battisto amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly oppose the Battisto amendment.

This amendment has been drafted to insure the fire companies and veterans' organizations in this Commonwealth will not be in support of the legislation as finally passed. The reason I state that, Mr. Speaker, is this amendment eliminates some of the mainstay small games that even though illegal have been mainstays of fundraising efforts by these same firemen and veterans groups. Those mainstays are strip tickets and the pull-tab tickets. Now, a local printer does not have the equipment nor machinery to make pull-tabs or strip tickets.

These clubs are already utilizing their local printers for their raffle tickets, their basket-of-cheer tickets, and anything they can deal with locally, they are already doing so. However, to remove strip tickets and fishbowl tickets from the legislation will simply cause these clubs to continue using them illegally, the way they have been doing for the past 100 years, and then

again give the State Police the same excuse they now have to invade these fire halls, invade these veterans' organizations, and knock them off, causing untold damage to the reputations of their officers, of their stewards, of the poor bartender who happens to be on duty. The possibility of criminal action can be taken against these individuals who operate these clubs that so benefit our community and our children.

Mr. Speaker, I believe that the intention of the amendment is to kill the bill, to make the bill unacceptable and unpalatable to the very volunteer organizations we are trying to help by decriminalizing this archaic law, and I urge all of my colleagues to vote against the Battisto amendment on those grounds.

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

Mr. TRELLO. Mr. Speaker, I also rise to oppose this amendment.

Several months ago this House gave an overwhelming majority in passing HB 669, and that passage did not come easily. It came with a lot of compromises from members on both sides of the issue. I think we passed a good bill.

You know, the biggest bookie in this State is the State of Pennsylvania. We have machines in every community in this Commonwealth, but nobody says that those tickets have to be printed by the local community. As a matter of fact, the local outlets there have no say-so about where the tickets are printed. I do not think we should tell our firemen and our veterans' organizations and other charitable organizations that they have to go out and find a source to print their tickets. They know how to do business. If that was the case, we would have to tell them where to buy their soap, their cleaning equipment, their janitors, and all their supplies. I do not think we should tell those people where they should buy their stuff.

I think the bill that we put out with an awful lot of compromise was a good bill, and we do not need this amendment, and I ask for a negative vote.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, both Representative Trello and Representative Belfanti clearly missed the whole point of the amendment. A, what Representative Belfanti said could not be further from the truth. It is not an attempt to kill the bill. On the contrary, it is an honest attempt to make something palatable to the House and to the Senate. The fact of the matter is, as Mr. Trello said, yes, the State is in the business of distributing lottery materials, but the State does it. We have not licensed private distributors, and that is the whole point. The point is, we are striking out a new policy ground. When we allow licensed distributors to go about the State, at best, at best, they become hawkers. At worst, at worst, they enter abuse into the system.

You know and I know and you all know that this kind of operation is the kind of operation that attracts all kinds of unsavory characters, and you will actually lament the fact that

this bill was passed into law if you allow private distributors to go about this State. The clubs can still do what they want to do, and I think it is up to us to declare what is legal and not legal.

I take exception to what Representative Belfanti says about punchboards and other things. The fact of the matter is, the clubs ought to be satisfied to get three or four kinds of games legalized, and if they are innovative enough from tickets, they can perpetrate other kinds of activities, other kinds of games, as long as there is a relationship between them and a private business within their community, instead of some hawker who goes throughout the State trying for his own personal gain.

I think we are wrong; I think it is poor public policy and bad legislation to legalize and to license manufacturers and distributors. I think it is okay to allow clubs to engage in certain kinds of activities, but the fact of the matter is, there must be some control, and I think it is poor public policy to go beyond that. Thank you very much.

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

Mr. SALOOM. Mr. Speaker, I rise to oppose this amendment, being that it would not only not license the distributors and not license the manufacturers of these small games of chance but it would limit our clubs to the activity that we want to give them to raise the money, and I strongly urge a negative vote. Thank you, Mr. Speaker.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I was under the impression that this State did not allow the manufacturing or the printing of anything pertaining to gambling. I actually believe it would be illegal for any printer to print up anything that deals with gambling. So in that case also, I would encourage a negative vote.

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

The following roll call was recorded:

YEAS—30

| | | | |
|----------|---------|------------|---------------|
| Barley | Foster | Johnson | O'Donnell |
| Battisto | Freeman | Josephs | Pitts |
| Birmelin | Gamble | Lashingner | Reinard |
| Carn | Gladeck | Leh | Rybak |
| Clymer | Hagarty | McHale | Vroon |
| Durham | Hayden | Murphy | Wright, D. R. |
| Fattah | Heckler | Noye | Yandrisevits |
| Flick | Hughes | | |

NAYS—157

| | | | |
|----------|------------|-----------|-----------|
| Acosta | Dempsey | LaGrotta | Rieger |
| Angstadt | Dietterick | Langtry | Ritter |
| Argall | Dininni | Lescovitz | Robbins |
| Arty | Distler | Letterman | Roebuck |
| Belardi | Dombrowski | Levdansky | Rudy |
| Belfanti | Donatucci | Livengood | Ryan |
| Billow | Dorr | Lloyd | Saloom |
| Black | Duffy | Lucyk | Saurman |
| Blaum | Evans | McCall | Scheetz |
| Book | Farmer | McClatchy | Schuler |
| Bortner | Fee | McVerry | Semmel |
| Bowley | Fischer | Maiale | Serafini |
| Bowser | Fox | Maine | Showers |
| Boyes | Freind | Manderino | Smith, B. |

| | | | |
|-------------|------------|-----------|---------------|
| Brandt | Gallen | Manmiller | Smith, S. H. |
| Broujos | Gannon | Markosek | Snyder, D. W. |
| Bunt | Geist | Mayernik | Snyder, G. |
| Burd | George | Melio | Staback |
| Burns | Godshall | Merry | Stairs |
| Bush | Gruitza | Michlovic | Steighner |
| Caltagirone | Gruppo | Micozzie | Stuban |
| Cappabianca | Haluska | Miller | Sweet |
| Carlson | Harper | Moehlmann | Taylor, E. Z. |
| Cawley | Hasay | Morris | Taylor, F. |
| Cessar | Hayes | Mowery | Taylor, J. |
| Chadwick | Herman | Mrkonc | Tigue |
| Civera | Hershey | Nahill | Trello |
| Clark | Hess | O'Brien | Van Horne |
| Cohen | Honaman | Olasz | Veon |
| Colaifella | Howlett | Oliver | Wambach |
| Cole | Hutchinson | Perzel | Wass |
| Cornell | Itkin | Petrarca | Weston |
| Corrigan | Jackson | Petrone | Wogan |
| Cowell | Jadlowiec | Phillips | Wozniak |
| DeLuca | Jarolin | Piccola | Wright, J. L. |
| DeVerter | Kasunic | Pressmann | Wright, R. C. |
| DeWeese | Kenney | Preston | |
| Daley | Kitchen | Punt | Irvis, |
| Davies | Kosinski | Raymond | Speaker |
| Dawida | Kukovich | Reber | |

NOT VOTING—8

| | | | |
|-------|---------|------------|----------|
| Coy | Kennedy | Pievsy | Sirianni |
| Fargo | Linton | Richardson | Wiggins |

EXCUSED—1

Pistella

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. FREEMAN offered the following amendments No. A4567:

Amend Title, page 1, line 16, by inserting after "ELECTORATE;"

levying a tax upon game proceeds for the benefit of the Lottery Fund;

Amend Bill, page 9, by inserting between lines 4 and 5 Section 10. Lottery Fund tax.

(a) Levy.—There is hereby levied, upon each club operating a game of chance under this act, a tax at a rate of 10% of the total revenues raised from the operation of such game.

(b) Proceeds to Lottery Fund.—Moneys collected under this section shall be paid into the Lottery Fund.

(c) Collection.—This tax shall be paid on a quarterly basis and shall be collected by the Department of Revenue. The department shall promulgate rules providing for collection procedures.

Amend Sec. 10, page 9, line 5, by striking out "10" and inserting

11

Amend Sec. 11, page 9, line 15, by striking out "11" and inserting

12

Amend Sec. 12, page 9, line 24, by striking out "12" and inserting

13

Amend Sec. 13, page 11, line 8, by striking out "13" and inserting

14

Amend Sec. 14, page 11, line 17, by striking out "14" and inserting

15

Amend Sec. 15, page 11, line 20, by striking out "15" and inserting

16

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

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would establish a tax at a rate of 10 percent to be levied on the total revenues that a club would produce from these small games of chance. It would only apply to the revenues that would be produced from the games of chance themselves. The proceeds of these revenues would go into the Lottery Fund, the Lottery Fund which, of course, pays for numerous programs to benefit senior citizens here in Pennsylvania.

Those of us who have opposed this legislation in the past have done so for a variety of reasons. Among those reasons has been the concern that small games of chance could conceivably cut into the sale of lottery tickets. The senior citizens in this State depend heavily upon programs that are funded by the lottery.

Earlier this year the Budget Secretary of the Commonwealth of Pennsylvania informed us that our lottery programs are in trouble. Projected revenues into the coming years do not look healthy, and although we have come out of a 7-year good period for the lottery, it does not look promising for the well-being of the lottery programs or the Lottery Fund here in Pennsylvania. By allowing that a certain percentage of the money that is created, the revenue that is raised from these games, can go into the Lottery Fund, we would insure that at least there is some hedge against these games cutting into the sale of lottery tickets.

Some will probably argue here today that small games of chance will not cut into the lottery sales, since in many instances these games are already being operated illegally. However, there can be no doubt that once legalized, many clubs which do not currently have these games will be very encouraged to operate them. Once these small games of chance are legalized, there can be no doubt that the salespersons who will go around for the manufacturers will be pushing these games, enticing clubs into operating small games of chance. So in reality, there is no doubt that there is going to be a proliferation of small games of chance if this legislation does become law.

In order to insure that we can maintain proper revenue into the Lottery Fund, in order that we can insure that these small games of chance do not cut into that essential fund which funds so many good programs, I would urge the membership to vote for this amendment and insure that at least a percentage of the revenues raised will go into the Lottery Fund and will benefit senior citizens. Thank you, Mr. Speaker.

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

Mr. PETRARCA. Thank you, Mr. Speaker.

Mr. Speaker, I received a letter from the Veterans of Foreign Wars, and they do not want any amendments at all. Now, with all due respect to Mr. Freeman, this bill with amendments and compromises has passed in 6 years three times, and I feel we have made enough compromises we do not need any amendments to the bill.

I strongly oppose the amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, the prime sponsor of the amendment indicated that these small games of chance would affect the State lottery. Well, if they are going to affect it now, they have been affecting it for the past 200 years, because that is how long these small games of chance have been going on throughout our Commonwealth.

Furthermore, he would like to have them pay a 10-percent tax, which would require a bookkeeper for each of these non-profit organizations to hire which would cut into the profit that they would create from these revenues. Therefore, this would create an extreme hardship, another hardship on our clubs.

I ask for a negative vote.

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

Mr. SALOOM. Mr. Speaker, I also encourage a negative vote on this particular amendment. It is taxing the charitable and the nonprofit organizations that nourish really good government on the local communities, and I cannot see that we should tax these organizations.

I ask for a negative vote. Thank you.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides the best of both worlds. We enable the nonprofit organizations to have their small games of chance, but we also insure that revenues can go into the Lottery Fund to bolster up a fund which is heading into some severe problems if something is not done.

I see no reason why anyone should oppose this amendment. The programs that are operated through lottery funds benefit a host of senior citizens throughout the Commonwealth. It is in the best interest of the citizens of the Commonwealth that we make sure some of that revenue goes into those programs.

I would urge a "yes" vote.

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

The following roll call was recorded:

YEAS—23

| | | | |
|----------|---------|-----------|---------|
| Barley | Fattah | Josephs | Ritter |
| Birmelin | Flick | Leh | Rudy |
| Carn | Freeman | Maiale | Schuler |
| Clymer | Gamble | O'Donnell | Vroon |
| Cohen | Howlett | Pitts | Wogan |
| Durham | Hughes | Pressmann | |

NAYS—168

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dininni | Kukovich | Raymond |
| Angstadt | Distler | LaGrotta | Reber |
| Argall | Dombrowski | Langtry | Reinard |
| Arty | Donatucci | Lashinger | Rieger |
| Battisto | Dorr | Lescovitz | Robbins |
| Belardi | Duffy | Letterman | Roebuck |
| Belfanti | Evans | Levdansky | Ryan |
| Billow | Fargo | Livengood | Rybak |
| Black | Farmer | Lloyd | Saloom |
| Blaum | Fee | Lucyk | Saurman |
| Book | Fischer | McCall | Scheetz |
| Bortner | Foster | McClatchy | Semmel |
| Bowley | Fox | McHale | Serafini |
| Bowser | Freind | McVerry | Showers |
| Boyes | Gallen | Maine | Sirianni |
| Brandt | Gannon | Manderino | Smith, B. |
| Broujos | Geist | Manmiller | Smith, S. H. |
| Bunt | George | Markosek | Snyder, D. W. |
| Burd | Gladeck | Mayernik | Snyder, G. |
| Burns | Godshall | Melio | Staback |
| Bush | Gruitza | Merry | Stairs |
| Caltagirone | Gruppo | Michlovic | Steighner |
| Cappabianca | Hagarty | Micozzie | Stuban |
| Carlson | Haluska | Miller | Sweet |
| Cawley | Harper | Moehlmann | Taylor, E. Z. |
| Cessar | Hasay | Morris | Taylor, F. |
| Chadwick | Hayden | Mowery | Taylor, J. |
| Civera | Hayes | Mrkonic | Tigue |
| Clark | Heckler | Murphy | Trello |
| Colafella | Herman | Nahill | Van Horne |
| Cole | Hershey | Noye | Veon |
| Cornell | Hess | O'Brien | Wambach |
| Corrigan | Honaman | Olasz | Wass |
| Cowell | Hutchinson | Oliver | Weston |
| Coy | Itkin | Perzel | Wozniak |
| DeLuca | Jackson | Petrarca | Wright, D. R. |
| DeVerter | Jadlowiec | Petrone | Wright, J. L. |
| DeWeese | Jarolin | Phillips | Wright, R. C. |
| Daley | Johnson | Piccola | Yandrisevits |
| Davies | Kasunic | Pievsky | |
| Dawida | Kenney | Preston | Irvis, |
| Dempsey | Kitchen | Punt | Speaker |
| Dietterick | Kosinski | | |

NOT VOTING—4

| | | | |
|---------|--------|------------|---------|
| Kennedy | Linton | Richardson | Wiggins |
|---------|--------|------------|---------|

EXCUSED—1

Pistella

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. FREEMAN offered the following amendments No. A4568:

Amend Title, page 1, line 16, by inserting after "ELECTORATE,"

levying a tax upon game proceeds for the benefit of the Lottery Fund;

Amend Bill, page 9, by inserting between lines 4 and 5 Section 10. Lottery Fund tax.

(a) Levy.—There is hereby levied, upon each manufacturer of games of chance licensed under this act, a tax at a rate of 10% of the net profits realized from the sale of such manufactured units.

(b) Proceeds to Lottery Fund.—Moneys collected under this section shall be paid into the Lottery Fund.

(c) Collection.—This tax shall be paid on a quarterly basis and shall be collected by the Department of Revenue. The department shall promulgate rules providing for collection procedures.

Amend Sec. 10, page 9, line 5, by striking out "10" and inserting

11

Amend Sec. 11, page 9, line 15, by striking out "11" and inserting

12

Amend Sec. 12, page 9, line 24, by striking out "12" and inserting

13

Amend Sec. 13, page 11, line 8, by striking out "13" and inserting

14

Amend Sec. 14, page 11, line 17, by striking out "14" and inserting

15

Amend Sec. 15, page 11, line 20, by striking out "15" and inserting

16

On the question,

Will the House agree to the amendments?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

The second amendment would levy a tax of 10 percent on the profits of the manufacturers of small games of chance. At the very least, if this House does not want to go along with having the clubs pay some of the proceeds into the Lottery Fund, there should be no objection to making sure that out of the net profits earned by the manufacturers, 10 percent of that goes into the Pennsylvania Lottery Fund.

Again, that fund, as we all know, benefits hundreds of thousands of senior citizens in our Commonwealth. It is one way of insuring that if small games of chance do have some sort of negative impact upon the lottery sales, at least some revenue, some revenue, will be diverted into the Lottery Fund.

I would urge a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—28

| | | | |
|----------|---------|-----------|--------------|
| Barley | Fattah | Josephs | Ritter |
| Birmelin | Flick | Leh | Roebuck |
| Blaum | Freeman | Maiale | Rudy |
| Clymer | Gamble | Murphy | Rybak |
| Cohen | Hayden | O'Donnell | Vroon |
| Dawida | Howlett | Pitts | Wambach |
| Durham | Hughes | Pressmann | Yandrisevits |

NAYS—162

| | | | |
|----------|------------|-----------|---------|
| Acosta | Dininni | Kosinski | Punt |
| Angstadt | Distler | Kukovich | Raymond |
| Argall | Dombrowski | LaGrotta | Reber |
| Arty | Donatucci | Langtry | Reinard |
| Battisto | Dorr | Lashinger | Rieger |
| Belardi | Duffy | Lescovitz | Robbins |
| Belfanti | Evans | Letterman | Ryan |
| Billow | Fargo | Levdansky | Saloom |
| Black | Farmer | Livengood | Saurman |
| Book | Fee | Lloyd | Scheetz |
| Bortner | Fischer | Lucyk | Schuler |
| Bowley | Foster | McCall | Semmel |

| | | | |
|-------------|------------|-----------|---------------|
| Bowser | Fox | McClatchy | Serafini |
| Boyes | Freind | McHale | Showers |
| Brandt | Gallen | McVerry | Sirianni |
| Broujos | Gannon | Maine | Smith, B. |
| Bunt | Geist | Manderino | Smith, S. H. |
| Burd | George | Manmiller | Snyder, D. W. |
| Burns | Gladeck | Markosek | Snyder, G. |
| Bush | Godshall | Mayernik | Staback |
| Caltagirone | Gruitza | Melio | Stairs |
| Cappabianca | Gruppo | Merry | Steighner |
| Carlson | Hagarty | Michlovic | Stuban |
| Cawley | Haluska | Micozzie | Sweet |
| Cessar | Harper | Miller | Taylor, E. Z. |
| Chadwick | Hasay | Moehlmann | Taylor, F. |
| Civera | Hayes | Morris | Taylor, J. |
| Clark | Heckler | Mowery | Tigue |
| Colafella | Herman | Mrkonic | Trello |
| Cole | Hershey | Nahill | Van Horne |
| Cornell | Hess | Noye | Veon |
| Corrigan | Honaman | O'Brien | Wass |
| Cowell | Hutchinson | Olasz | Weston |
| Coy | Itkin | Oliver | Wogan |
| DeLuca | Jackson | Perzel | Wozniak |
| DeVerter | Jadlowiec | Petrarca | Wright, D. R. |
| DeWeese | Jarolin | Petrone | Wright, J. L. |
| Daley | Johnson | Phillips | Wright, R. C. |
| Davies | Kasunic | Piccola | |
| Dempsey | Kenney | Pievsky | Irvis, |
| Dietterick | Kitchen | Preston | Speaker |

NOT VOTING—5

| | | | |
|---------|--------|------------|---------|
| Carn | Linton | Richardson | Wiggins |
| Kennedy | | | |

EXCUSED—1

Pistella

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

Mr. CLYMER. Thank you, Mr. Speaker.
Would someone stand to be interrogated on final passage?

The SPEAKER. Mr. Saloom, will you stand for interrogation? Mr. Saloom will so stand. You may proceed.

Mr. CLYMER. Thank you.

Mr. Speaker, we have a number of bills included in here, and I would like some clarification as to how a person would win on these various small games of chance. Would the gentleman tell me how a person would win on a punchboard, for instance? He would go into a club and then he would place money down and then he would attempt to win on a punchboard. Could you sort of go through that and tell me how he would win or she would win?

Mr. SALOOM. Mr. Speaker, as you know, today punchboards are illegal. I do not know how they win or how they lose, but I do know that once we start to regulate this, there is probably going to be some payout that has to be guaranteed out of those boards.

Mr. CLYMER. Could you describe a punchboard to me?
Mr. SALOOM. Well, as I have been told by the veterans and the firemen, it is a board with a bunch of holes in it and they stuff papers in there and they punch these papers out. It is almost like pulling straws, and whatever comes out with a certain number or if it is a short one or a long one or something, you win some sort of a prize.

Mr. CLYMER. Would it be possible— Is it valid to say that a punchboard may have three or four different sections to it?

Mr. SALOOM. Pardon me? I did not hear the question.

Mr. CLYMER. Would it be possible that a punchboard would have three or four different sections to it, different colored sections or numerical sections?

Mr. SALOOM. I do not know, Mr. Speaker, but if you wish, maybe we can go out to the fire hall tonight and find out, but somebody else seems to be an expert here around me and they might be able to give you better answers - Representative Trello or Representative Belfanti.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. TRELLO. Well, first of all, I cannot believe you do not know what a punchboard is, because I understand that there are certain clubs throughout this Commonwealth, both Democratic and Republican Clubs, that have 50-50 raffles, we have a lot of things that go on, but a punchboard is a square board that you stick a punch in and punch something out. Each section is a different color - red, blue, green, or white. You do not always win money. Sometimes you win a stuffed doll, sometimes you win a pen and pencil set, and sometimes you win other things, but the top prize in a punchboard is \$25.

Mr. CLYMER. Mr. Speaker, how would a person win \$500? Would that be—

Mr. TRELLO. But I know the money is used to buy baseball uniforms, but go ahead.

Mr. CLYMER. How would a person win \$500? Could you explain that to me?

Mr. TRELLO. I did not hear you.

Mr. CLYMER. How would a person win a maximum of \$500? My question is, the maximum prize in this bill is \$500. Now, is that \$500 at one time or is it \$50 at 10 different—

Mr. TRELLO. First of all, first of all, all punchboards have a maximum prize of \$25 right now, and I think, if you recall the debate on the floor of the House, the reason why the maximum was \$500 is because most people who have raffles raffle off a television set, and the average cost of a good 19-inch or 25-inch color television set is approximately \$500, and that is why the \$500 was put in there. This bill and the \$500 will have no effect on the punchboard as it presently stands, because for 25 cents a chance you are not going to have a \$500 prize. If you do, you are going to lose money, and I do not think we want our nonprofit organizations to lose money.

Mr. CLYMER. Well, then why was it changed from \$250 to \$500 as a maximum prize?

Mr. TRELLO. Well, I will tell you one more time. During this debate when we debated this bill, the \$500 was put in there because most organizations have raffles, and in most organizations the most popular item to raffle is a 25-inch

color TV set. Now, you cannot buy a 25-inch color TV set for \$250. We raised it to \$500 solely for the purpose of raffles when they raffle off color television sets, and in no way will this affect the punchboards, believe me.

Mr. CLYMER. But it is possible that \$500 could be won at one time. It is very possible that a person could win \$500, a one-time cash prize. Is that a fair statement?

Mr. TRELLO. Well, as late as last week, there were no punchboards that had more than a \$25 jackpot prize.

Mr. CLYMER. Okay. Well, thank you. That is what I am trying to do here, Mr. Speaker, is to establish exactly how these various small games of chance are played and how the prizes are awarded. I think it is helpful to myself and maybe to other members as well.

Mr. TRELLO. Well, Mr. Speaker, it was my pleasure to be interrogated by you, because I know how little you know about these things and I appreciate your asking me to find out more about them.

Mr. CLYMER. Mr. Speaker, the next game is a member sign-in lottery. Could you explain to me how that works, a member sign-in lottery?

Mr. SALOOM. Mr. Speaker, I would like to yield to Mr. Belfanti.

Mr. BELFANTI. Now, a member sign-in pool is identical to the State lottery. I daresay the State lottery is probably patterned after what we have been doing in our fire companies and veterans' organizations since my great-grandfather came here as an immigrant. A member sign-in is typically where you walk into your fire company or your VFW, you pay 10 cents, and you sign a book, you sign a pool, you put your name down. Every night every member of that organization has a number on their membership card. The numbers are on round discs; they are put in a big barrel; they are turned around just like the lottery balls. One number is pulled out for a prize of maybe \$50, maybe a second number for \$100, maybe a third number for \$250. Some clubs only have \$50. If you are signed in that day and paid your 10 cents to be in the pool or 25 cents and your number is pulled, you win the money. If you are not signed in that day and did not pay, then no one wins that day, and then the proceeds, all the proceeds from that day's lottery stay in the fund. In most cases that is your recreation fund. As Fred Trello described, that is the fund that is used for the Little League baseball uniforms and the tennis court nets and the basketball hoops and things like that. Most of the money from member sign-in pools goes directly into community activities.

Mr. CLYMER. What is the maximum prize generally in a game such as a member sign-in lottery?

Mr. BELFANTI. Well, in the clubs that I belong to, \$250, and that is a Saturday special. You can sign in all week; you can go in any one day and sign in for Saturday. Your evening drawing, which is done every night, is a \$50 winner, but for 25 cents you can go in any day and every Saturday they will pull one number out, one member's number, so it is members only. People off the street cannot go in and buy into that pool. It is a members-only pool because the number that they

are pulling is the same number as on your membership card, and typically on Saturday in the clubs that at least I belong to it is \$250.

Mr. CLYMER. Thank you.

Mr. Speaker, could the gentleman tell me what a stamp machine is?

Mr. SALOOM. Mr. Speaker, I believe the speaker really knows the answers to his questions—

Mr. CLYMER. I do not.

Mr. SALOOM. —and I can see no reason why we should stand here and delay the session to answer these questions.

Mr. CLYMER. Mr. Speaker, I did not call this bill up for a third time, and I think I have the right to ask questions.

The SPEAKER. Just a moment. Just a moment. Mr. Saloom is quite correct. Mr. Clymer may or may not have this knowledge. The Chair is not privy to what he knows, but, Mr. Saloom, if you do not care to answer the question, you may do what the Chair did one time when he was majority leader. When they said, would you stand to be interrogated, the Chair said no. You can refuse to be interrogated.

Mr. SALOOM. Mr. Speaker, this had been discussed on the floor before, but I would like to yield to Representative Trello to give the speaker the answers.

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

Mr. TRELLO. Mr. Speaker, I perfectly agree that he has a right to know.

You are familiar with a stamp machine?

Mr. CLYMER. I am not.

Mr. TRELLO. You put a quarter in to buy stamps?

Mr. CLYMER. Oh, yes.

Mr. TRELLO. Well, there is your answer. It is a stamp machine. Put a quarter in, pull the lever, and you get a ticket out and it has a winning number.

And just to go a little bit further on those sign-in things. I am a fourth-degree knight with the Knights of Columbus, St. Francis of Assisi Lodge, and what we do to encourage our members to attend the meeting is have a sign-in, and it is strictly to encourage members to come to the meetings, and our top prize is \$5, and that is what that is. It is simply in most cases something to encourage a member to attend the meeting if they have an opportunity to win something. It is not how much you win; it is just the idea of winning.

But the stamp machine is no different than buying something, a punchboard punch, over the counter for a quarter. Instead of giving it to the bartender and taking a punch, you put it into a machine. They have similar machines like that in bathrooms, too.

Mr. CLYMER. Any way to win a dollar. Thank you, Mr. Speaker.

Mr. Speaker, the next one is the half-and-half lotteries. I think I have an impression of what that game may be, but could someone explain it, please - half-and-half lotteries?

Mr. SALOOM. Mr. Speaker, we have been over this time and time again, and I would like to refuse to answer the question.

Mr. CLYMER. Mr. Speaker, could someone explain to me raffles? I think I have an understanding of that.

Mr. SALOOM. Mr. Speaker, I will yield to Representative Trello.

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

Mr. TRELLO. On this 50-50, I can remember being at a committee meeting up in your county one time, and some of the members from the opposite side of the aisle took me to the Republican Club, and they had a 50-50 raffle. What that simply means—and we have it in our Democratic Clubs, too—but what that simply means is, if 10 people buy a ticket for a dollar on the 50-50 raffle, the person who wins it will win half of that, which is \$5.

Mr. CLYMER. Five dollars. It must be 10 cents a ticket or something like that.

Mr. TRELLO. If it is 10 cents a ticket and you sell 10 tickets, then he wins 50 cents.

Mr. CLYMER. Thank you.

Mr. Speaker, on strip tickets, could someone explain that particular small game of chance to me?

Mr. TRELLO. Well, strip tickets are the same as fishbowl tickets.

Mr. CLYMER. And they are what?

Mr. TRELLO. They are tickets that you strip and look at the numbers underneath. It is just like the lottery tickets, those scratch tickets you buy in the Instant Lottery, the same thing.

Mr. CLYMER. The final one would be pull-tabs.

Mr. TRELLO. Oh, pull-tabs are the same as strip tickets. They are made by different manufacturers, and they have different names.

Mr. CLYMER. Thank you.

Mr. Speaker, I share a concern with my colleague, Joe Battisto, in that we are going to have people who will manufacture and distribute these tickets. Will a background check be done on these people and by whom? On distributors and manufacturers of these small games of chance - my question is, will a background check be done on these people and by whom?

Mr. TRELLO. Well, first of all, these are governed by the Liquor Control Board.

If I am not mistaken, the original language in HB 669 created a commission to oversee this, because there is a permit fee that each club has to pay, which goes to the Department of Revenue, and that money is to be used to police the organization, so the organization is policed.

Mr. CLYMER. Can you show me in the bill where that may be possible? You are assuming.

Mr. TRELLO. No, I cannot.

Mr. CLYMER. You are not sure, but you are assuming. It is not in the bill though, is it?

Mr. TRELLO. If you will look at the bill real closely, the Department of Revenue will scrutinize and promulgate all the rules and regulations.

Mr. CLYMER. Mr. Speaker, on page 6, it has "The Department of Revenue shall have the duty to," and there are 11 different responsibilities that this places upon them. My question is, what is the fiscal note for them to implement all these new responsibilities? Obviously, they are not going to be able to do it with their present staff.

Mr. TRELLO. I think you underestimate the excellence of our wonderful Department of Revenue. I think they can.

Mr. CLYMER. Mr. Speaker, let me go back a step and ask, how many organizations would qualify or would have the opportunity to have small games of chance in the Commonwealth of Pennsylvania if this bill became enacted into law?

Mr. TRELLO. Every nonprofit and charitable organization in the State of Pennsylvania.

Mr. CLYMER. Could you give me a numerical number?

Mr. TRELLO. Three thousand.

Mr. CLYMER. Mr. Speaker, I was not sure I had the right information, and I wanted the other side to tell me whether or not I was off, but the figure that I have from Revenue is that 30,000 organizations would be able to have small games of chance in Pennsylvania.

Mr. TRELLO. I missed it by 90 percent; so what.

Mr. CLYMER. That is not bad; that is not bad.

So my problem is, obviously, not all of them are going to go into small games of chance, but a conservative figure would be half. That is 15,000, Mr. Speaker, and Revenue is going to have all these new responsibilities and then administer them to 15,000 organizations. That is why I wanted a fiscal note to see if they were able to do it, and I got my answer, unless you want to further comment on that.

Mr. TRELLO. Well, the only comment I would like to make is, it was perfectly obvious you knew the answer before you asked the question, and if that is the type of interrogation you are going to continue to make, then I do not think I want to answer any more questions. Thank you.

Mr. CLYMER. Mr. Speaker, I wanted that information because I just wanted to be sure. It is always good to have another opinion on an issue, so that was my intent.

The SPEAKER. The Chair understands your sincerity. You may proceed, Mr. Clymer.

Mr. CLYMER. Thank you.

Mr. Speaker, on page 7, regarding sections (9) and (10), specifically, I will try to give a brief resume. It says that a public hearing will be held by the Department of Revenue to consider the application prior to the issuance of a license at a site within the municipality where the applying club proposes to hold games of chance. Then it says in section (10) that they have to post it on a building and advertise it in the paper, so forth and so on.

Now, my question is, to the person who wants to answer it, does the Department of Revenue have the authority to deny a license based on those public hearings? You know, they are having the public hearing. At that time can they deny the license, as specified on page 7, sections (9) and (10)?

There is no answer? Then, Mr. Speaker, my followup question would be, what conditions would allow the Department

of Revenue to deny a license? I mean, they are going to go through all this trouble, and they are going to have all these hearings. Well, if they cannot deny a license, why are they going through this charade?

MOTION TO RECOMMIT

Mr. CLYMER. Mr. Speaker, if no one is willing to answer the question, I would like to move that we recommit the bill back to the Liquor Control Committee, if no one is willing to stand up and answer these questions.

The SPEAKER. The gentleman, Mr. Clymer, moves for recommitment of SB 279 to the Committee on Liquor Control.

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

The following roll call was recorded:

YEAS—30

| | | | |
|----------|---------|-----------|--------------|
| Arty | Foster | Langtry | Reinard |
| Barley | Gamble | Leh | Rybak |
| Birmelin | Gladeck | McClatchy | Scheetz |
| Clymer | Hagarty | Mowery | Schuler |
| Durham | Heckler | Noye | Smith, B. |
| Fargo | Hershey | O'Donnell | Vroon |
| Fattah | Hughes | Pitts | Yandrisevits |
| Flick | Johnson | | |

NAYS—158

| | | | |
|-------------|------------|-----------|-------------------|
| Acosta | Dawida | Kitchen | Raymond |
| Angstadt | Dempsey | Kosinski | Reber |
| Argall | Dietterick | Kukovich | Rieger |
| Belardi | Dininni | LaGrotta | Ritter |
| Belfanti | Distler | Lashinger | Robbins |
| Billow | Dombrowski | Lescovitz | Roebuck |
| Black | Donatucci | Letterman | Rudy |
| Blaum | Dorr | Levdansky | Ryan |
| Book | Duffy | Livengood | Saloom |
| Bortner | Evans | Lloyd | Saurman |
| Bowley | Farmer | Lucyk | Semmel |
| Bowser | Fee | McCall | Serafini |
| Boyes | Fischer | McHale | Showers |
| Brandt | Fox | McVerry | Sirianni |
| Broujos | Freeman | Maine | Smith, S. H. |
| Bunt | Freind | Manderino | Snyder, D. W. |
| Burd | Gallen | Manmiller | Snyder, G. |
| Burns | Gannon | Markosek | Staback |
| Bush | Geist | Mayernik | Stairs |
| Caltagirone | George | Melio | Steighner |
| Cappabianca | Godshall | Merry | Stuban |
| Carlson | Gruitza | Michlovic | Sweet |
| Carn | Gruppo | Micozzie | Taylor, E. Z. |
| Cawley | Haluska | Miller | Taylor, F. |
| Cessar | Harper | Morris | Taylor, J. |
| Chadwick | Hasay | Mrkonic | Tigue |
| Civera | Hayden | Murphy | Trello |
| Clark | Hayes | Nahill | Van Horne |
| Cohen | Herman | O'Brien | Veon |
| Colafella | Hess | Olasz | Wambach |
| Cole | Honaman | Oliver | Wass |
| Cornell | Hutchinson | Perzel | Weston |
| Corrigan | Itkin | Petrarca | Wogan |
| Cowell | Jackson | Petrone | Wozniak |
| Coy | Jadlowiec | Phillips | Wright, D. R. |
| DeLuca | Jarolin | Piccola | Wright, J. L. |
| DeVerter | Josephs | Pievsky | Wright, R. C. |
| DeWeese | Kasunic | Pressmann | |
| Daley | Kennedy | Preston | |
| Davies | Kenney | Punt | Irvis, Speaker |

NOT VOTING—7

| | | | |
|----------|--------|------------|---------|
| Battisto | Linton | Moehlmann | Wiggins |
| Howlett | Maiale | Richardson | |

EXCUSED—1

Pistella

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

On the question recurring,
Shall the bill pass finally?

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

Mr. CLYMER. Thank you, Mr. Speaker. I will continue.

Of course, I wanted a fiscal note on that as well, but of course, I am not going to get that.

With all these new organizations out there that will qualify, who will be enforcing the law? Who will be the law enforcement agency?

Now, we can say that the LCB (Liquor Control Board) agents would police those organizations that have a liquor license, but what about the other nonprofit organizations, the other 11,000? Who will be enforcing the law as it applies to those other organizations?

Mr. BELFANTI. Mr. Speaker?

The SPEAKER. Just a moment.

Why does the gentleman from Northumberland, Mr. Belfanti, rise?

Mr. BELFANTI. Mr. Speaker, to make a motion, if in order.

The SPEAKER. Sorry; you may not do that. The gentleman, Mr. Clymer, has the floor, and nothing takes precedence over the floor debate, unless he yields to you.

Do you yield, Mr. Clymer?

Mr. CLYMER. No.

The SPEAKER. You cannot offer your motion then.

Mr. Clymer, you may continue.

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

Since there is no one to answer that question, I will pose another question. My question is, how many new enforcement agents would we need to then watch over those 11,000 other organizations that will have the opportunity to sell the small games of chance? Certainly someone has got to do the job. Then, Mr. Speaker, in my opinion, the penalty for the distribution, manufacture, or the conduct of these games of chance, the fine is very, very low - a minimum of \$100, not more than \$500, or 90 days in jail. I mean, that is a slap on the wrist. This is a multimillion-dollar gambling concept we are going into, and a penalty as small as that just does not make any sense at all.

Mr. Speaker, since no one is going to answer my questions, I will have a few concluding remarks.

Mr. Speaker, as I have said here many times on the floor, gambling breeds upon itself. It creates a desire for more gambling, or put it this way: Access leads to excess. And I envision a problem in our society. We are going to develop more compulsive gamblers, and those compulsive gamblers

will increase their desire and do illegal gambling, which will also increase at the same time, will get involved with loan-sharking. We are not sure what is going to happen with the distributors and manufacturers and the law enforcement as far as a background check and then law enforcement of the organizations that are going to have the availability of small games of chance. The bill does not at all deal with that.

If indeed we pass this small games of chance, Mr. Speaker, there are 17,000 tavern owners who are going to come to this General Assembly and say, give us an equal fare. They will want something to counteract what we are going to give to the nonprofit and private clubs. Mr. Speaker, in testimony, those who supported gambling at Senator Armstrong's hearing said that though they support small games of chance, they also support passage of the video poker machine legislation as well, and I think that is going to be a real threat that this General Assembly is going to have to deal with down the road. So if we pass small games of chance, those 17,000 tavern people are going to come down and say, give us an equal share of the pie.

Then, Mr. Speaker, I know we have heard the argument that it does a lot of good, that the moneys that these clubs and various organizations obtain does a lot of good, and I would say, yes, it certainly does, but it is an easy way to raise money. And when you use gambling to raise money for these worthwhile organizations and sponsor young people in various sports programs, you lose leadership, you lose a commitment, you lose a devotion to a cause, and you lose pride in what you are doing. When you go out and you raise the money through other means, you have worked for it, and when you work for something, you have more respect for it and more pride for it than if something is handed to you, and so that is a consideration that I would suggest the members take as well.

Mr. Speaker, to say that this is a small-games-of-chance bill is a misnomer. We are entering a new multimillion-dollar gambling industry, and I have tried through the questions to bring this out. It is not \$500 or \$600 a week, but there are thousands of dollars that are going to be put across the board every day. And who is going to watch when that person who can least afford to gamble is gambling away his or her paycheck? There will be no one there.

Mr. Speaker, I conclude with an editorial that appeared 5 years ago in the Sharon Herald. It was 5 years ago, July 8, 1983, in which the editorial said the following—they were talking about a particular lawmaker; it does not matter—but it says, "While the lawmaker vows that he is firmly opposed to slot machines and casino gambling, adoption of his measure would be a step in this direction. The Herald believes that step should not be taken," and that was 5 years ago, July 8 of 1983, recognizing that we are moving Pennsylvania into a larger and bigger gambling industry.

Mr. Speaker, it is not a five-and-dime concept that the supporters have tried to make out today, and I urge, for the benefit of future Pennsylvanians, for a better quality of life, that we vote against SB 279. Thank you, Mr. Speaker.

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

Mr. WASS. Thank you, Mr. Speaker. I will be very brief. I have three questions, and I would like to interrogate somebody seriously.

The SPEAKER. Mr. Trello will rise to be interrogated. You may proceed, Mr. Wass.

Mr. WASS. Mr. Speaker, under the conditions of this legislation, it would be illegal to chance off a new car worth over \$500. Is that true?

Mr. TRELLO. Yes.

Mr. WASS. Mr. Speaker, although the bill claims that it will be effective in 60 days, it would be common knowledge that it could not begin until the next primary election. Is that right?

Mr. TRELLO. If the bill says 60 days, you are correct.

Mr. WASS. But it cannot begin until there is a referendum on the ballot. Is that not right?

Mr. TRELLO. Well, I think it is a local option. I think there are two options - either by referendum on the ballot or by the local elected officials passing a resolution to that effect.

Mr. WASS. They have that option—

Mr. TRELLO. No. No. I am sorry. It is just a referendum. You are right. Just a referendum.

Mr. WASS. So it would not happen until the next primary.

Mr. TRELLO. That is correct.

Mr. WASS. Okay. Mr. Speaker, is it possible—and we ran into the problem with the bingo license—is it possible for an Elks Club or a Lions Club to take that permit or license or whatever you call it and play the games 5 miles down the road at their health camp or at their farm or whatever? Can you move it that far?

Mr. TRELLO. I think this license will be similar to a liquor license. A liquor license has an address that it is housed at, and this certificate would be treated in the same manner.

Mr. WASS. Mr. Speaker, one more question. Is it possible that the distributor and the manufacturer could be the same person?

Mr. TRELLO. I believe so.

Mr. WASS. That ends my interrogation, Mr. Speaker.

Mr. Speaker, I would just congratulate the folks who worked on this legislation. They have brought it a long way where to me it is acceptable, and I plan to vote in the affirmative.

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

Mr. SHOWERS. Thank you, Mr. Speaker.

I would like to yield briefly to Mr. Petrarca.

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

Mr. PETRARCA. Quickly. For Representative Clymer and Representative Battisto, who have the Poconos in their legislative districts, we know why they have to debate this. They are taking care of their areas; that is fine. But with the newspaper writing everything that is going to happen and with their wisdom, it is a referendum; it is power to the people. Let

the people decide if they want it in their district and cut out the talk and roll the bill.

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

Mr. SHOWERS. Thank you, Mr. Speaker.

On several occasions this House has spoken clearly and in favor of legalizing small games of chance for our fire companies, veterans' organizations, churches, and other nonprofit clubs. Each time we sent a small-games-of-chance bill to the Senate, the Senate failed to act, undermining the financial support of many good charitable community organizations, volunteer fire companies included. Today we have a unique opportunity to bypass the Senate committee structure, the roadblock on the small-games-of-chance issue, and force a vote by the full Senate. We now have the opportunity to financially rescue our volunteer fire companies and support our veterans' organizations.

I urge your favorable consideration. Thank you.

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

Mr. FATTAH. Mr. Speaker, I wanted to ask one question, if I could, of Mr. Trello in reference to the bill and then make a comment on it.

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

Mr. FATTAH. Mr. Speaker, could you just inform the House as to what penalty would be ascribed to any organization that ran one of these games where the game itself was fraudulent or not run properly so as to insure the integrity of the small games of chance so that in fact people would have a chance.

Mr. TRELLO. It falls under the Crimes Code, the same laws that are governed by the Liquor Control Board or by the State of Pennsylvania.

Mr. FATTAH. But presently under the Crimes Code this is an illegal act in and of itself. Right? Now we are legalizing it. If, in implementing the legalization of it, it is not handled properly, is there something already in the Crimes Code that would take care of that?

Mr. TRELLO. I do not think I could answer that question. I think you would have to get that from an attorney.

Mr. FATTAH. Okay.

Mr. TRELLO. But the rules and regulations are promulgated in this legislation and they are under the jurisdiction of the Liquor Control Board and the State Police, and if they violate the law, they would be prosecuted like anybody else breaking the law.

Mr. FATTAH. But it is quite possible, since we are now just changing the law, that in fact there would be no law to be broken because the Crimes Code does not reflect that you have a legal right now to run small games of chance and therefore there are no penalties that would be ascribed, so perhaps maybe we need to look at that.

Mr. TRELLO. Well, you are correct. It is illegal to do it today.

Mr. FATTAH. Right.

Mr. TRELLO. If it becomes legal, then we do not have a problem, because it is legal.

Mr. FATTAH. But then if it is legal, then doing it in a fashion that protects the integrity of the game and provides for our constituents a real opportunity to win something is an important consideration.

Mr. TRELLO. Well, if it is a fraudulent game, I mean, there are a number of areas that could be considered fraudulent or against the law. I do not know exactly what you are leading to. Are you indicating that if a club has a license to operate small games of chance and they violate the law?

Mr. FATTAH. Mr. Speaker, what I am suggesting to you is that if 30,000 different organizations are going to have an opportunity now to run small games of chance and my constituents are going to be enticed to participate in those games, perhaps some small percentage, maybe less than 1 percent of those games, could perhaps be run in a fashion in which there is no chance to win whatsoever. You know, we have some elements in our communities that are not as savory as we would want them to be. What I am trying to sense here is whether the sponsors of the bill have considered any effort—

Mr. TRELLO. Well, I think the language in the bill is that they would lose their right to participate in the small games of chance, period.

Mr. FATTAH. I respect your opinion on that except that I do not see anything in the bill that says that, and that is a concern that I would ask that we address, and if we cannot address it at this point, that we address it at some future point, because I think it is important.

Mr. TRELLO. A very good point. I think the Department of Revenue has jurisdiction, but I see your point and there is not any piece of legislation that has been passed in this House that was perfect. I am sure as we go along, we will find areas that can make this a more perfect bill.

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

May I make a comment on the bill, Mr. Speaker?

The SPEAKER. The gentleman has the floor and may proceed.

Mr. FATTAH. I have heard my good friend, Representative Trello, and others suggest that we should pass this bill, and I think, considering my knowledge of my colleagues here in this House, that we are going to pass this bill today.

Part of the rationale for why this bill is going to pass, we have been told, is because on one hand people are doing it already, and on the other hand we have a lot of good organizations that need financial support and this is a way for them to raise that money. Well, that is part of the argument we have heard in terms of the legalization of drugs, for instance. People are doing it already and perhaps we should legalize it so we can tax it and get some good out of it. I think that we need to be careful as to how we go about regulating small games of chance or anything else as it relates to the issue of the moral fabric of our community in this State, and I am concerned, even though this bill is going to pass, as to what that means in terms of enticing more people to gamble and

enticing more of our constituents to waste away their earnings hoping for some quick boat to come in, if you will, rather than saving and investing and working hard towards a proper, a mature future for themselves and for their families.

This bill is going to pass today, but I would ask that my colleagues work with Representative Trello and others so that we can strengthen the regulatory aspects of this bill and also that in the future we can find ways to provide revenues to organizations that are doing good work that do not reflect on taking things that are not good for people and letting them have more of it so that we can then provide revenue from it for some good, worthwhile purpose. Thank you very much, Mr. Speaker.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Very, very briefly, I think the House and Senate have already shown the public of Pennsylvania that we can act responsibly. A very good example of that was the tournament law that passed the General Assembly last session. Immediately some crafty individuals out there began to hold black-jack tournaments, and in a matter of a few months after a recess, both the House and Senate came back and repealed the entire law because of the advantage that was being taken of it by some overzealous entrepreneurs. I think that we have already shown that we are able to react if any organization or any group tries to take advantage of our goodwill on this, and we stand ready to come back and make any corrective measures.

In the meantime, this is a bill that is very much needed and long overdue, and I hope all my members, all my colleagues will see fit to support it. Thank you.

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—152

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dawida | Kitchen | Pressmann |
| Angstadt | Dempsey | Kosinski | Preston |
| Argall | Dietterick | Kukovich | Punt |
| Belardi | Dininni | LaGrotta | Reber |
| Belfanti | Distler | Lashinger | Rieger |
| Billow | Dombrowski | Lescovitz | Ritter |
| Black | Donatucci | Letterman | Robbins |
| Blaum | Dorr | Levdansky | Roebuck |
| Book | Duffy | Livengood | Rudy |
| Bortner | Evans | Lloyd | Ryan |
| Bowley | Farmer | Lucyk | Saloom |
| Bowser | Fee | McCall | Saurman |
| Boyes | Fox | McHale | Semmel |
| Brandt | Freind | McVerry | Serafini |
| Broujos | Gallen | Maijale | Showers |
| Bunt | Gamble | Maine | Sirianni |
| Burd | Geist | Manmiller | Smith, S. H. |
| Burns | George | Markosek | Snyder, D. W. |
| Bush | Gladeck | Mayernik | Staback |
| Caltagirone | Godshall | Melio | Stairs |
| Cappabianca | Gruitza | Merry | Steighner |
| Carlson | Haluska | Michlovic | Stuban |
| Carn | Harper | Micozzie | Sweet |
| Cawley | Hasay | Miller | Taylor, F. |
| Cessar | Hayden | Moehlmann | Taylor, J. |
| Chadwick | Hayes | Mrkonic | Tigue |

| | | | |
|-----------|------------|----------|---------------|
| Clark | Herman | Murphy | Trello |
| Cohen | Hess | Nahill | Van Horne |
| Colafella | Honaman | Noye | Veon |
| Cole | Howlett | O'Brien | Wambach |
| Cornell | Hutchinson | Olasz | Wass |
| Corrigan | Itkin | Oliver | Weston |
| Cowell | Jackson | Perzel | Wogan |
| Coy | Jadlowiec | Petrarca | Wozniak |
| DeLuca | Jarolin | Petrone | Wright, D. R. |
| DeVerter | Josephs | Phillips | |
| DeWeese | Kasunic | Piccola | Irvis, |
| Daley | Kennedy | Pievsky | Speaker |
| Davies | Kenney | | |

NAYS—37

| | | | |
|----------|---------|-----------|---------------|
| Arty | Flick | Johnson | Rybak |
| Barley | Foster | Langtry | Scheetz |
| Battisto | Freeman | Leh | Schuler |
| Birmelin | Gannon | McClatchy | Smith, B. |
| Civera | Gruppo | Mowery | Snyder, G. |
| Clymer | Hagarty | O'Donnell | Taylor, E. Z. |
| Durham | Heckler | Pitts | Vroon |
| Fargo | Hershey | Raymond | Wright, J. L. |
| Fattah | Hughes | Reinard | Yandrisevits |
| Fischer | | | |

NOT VOTING—6

| | | | |
|-----------|------------|---------|---------------|
| Linton | Morris | Wiggins | Wright, R. C. |
| Manderino | Richardson | | |

EXCUSED—1

Pistella

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.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Franklin, Mr. Coy, rise?

Mr. COY. To correct the record.

The SPEAKER. You may proceed.

Mr. COY. My switch failed to function on amendment 4692 to SB 279. Had it functioned, it would have reflected my vote in the negative.

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

Why does the gentleman from Allegheny, Mr. Gamble, rise?

Mr. GAMBLE. Mr. Speaker, I inadvertently pushed the green button. I wanted to be voted in the negative on the previous vote.

The SPEAKER. On final passage?

Mr. GAMBLE. Yes.

The SPEAKER. On final passage of SB 279, the gentleman's remarks will be spread upon the record in the negative.

The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I would like to be recorded in the affirmative on HR 304.

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

Why does the gentleman from Berks, Mr. Caltagirone, rise?

Mr. CALTAGIRONE. Mr. Speaker, I would like to be recorded in the affirmative on HR 304.

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

Mr. CALTAGIRONE. Thank you.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 1182, PN 1733**, entitled:

An Act establishing standards and qualifications by which local tax authorities in counties of the first class may make special real property tax relief provisions.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A4976:

Amend Title, page 1, line 2, by inserting after "first and second

Amend Sec. 1, page 1, line 7, by inserting after "First" and Second

Amend Sec. 2, page 2, line 4, by inserting after "first" and second

Amend Sec. 4, page 3, line 5, by inserting after "first" and second

Amend Sec. 4, page 3, line 6, by inserting after "ORDINANCE" or resolution

Amend Sec. 4, page 3, line 16, by inserting after "first" and second

Amend Sec. 4, page 3, line 16, by inserting after "ORDINANCES" or resolutions

Amend Sec. 4, page 3, line 19, by inserting after "ORDINANCE" or resolution

Amend Sec. 4, page 3, line 21, by inserting after "ORDINANCE" or resolution

Amend Sec. 4, page 3, by inserting between lines 21 and 22

(c) Second class county school districts and municipalities.—School districts and municipalities within second class counties shall have authority to determine their participation in this program within their taxing jurisdiction.

Amend Sec. 5, page 4, lines 3 through 5, by striking out all of said lines

Amend Sec. 6, page 4, line 9, by inserting after "FIRST" and second

On the question,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, this legislation is implementing legislation for a constitutional amendment we passed a few years ago that included both first- and second-class counties. The Senate bill presently just includes first-class counties. This bill puts second-class counties into the legislation. Because second-class counties have more school districts and municipalities than the first-class county, this also gives the school districts and municipalities the power to determine whether this program will be implemented in their jurisdictions.

So, Mr. Speaker, what the amendment does is simply include second-class counties in the legislation. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dininni | Kitchen | Punt |
| Angstadt | Distler | Kosinski | Raymond |
| Argall | Dombrowski | Kukovich | Reber |
| Arty | Donatucci | LaGrotta | Reinard |
| Barley | Dorr | Langtry | Rieger |
| Battisto | Duffy | Lashinger | Ritter |
| Belardi | Durham | Leh | Robbins |
| Belfanti | Evans | Lescovitz | Roebuck |
| Billow | Fargo | Letterman | Rudy |
| Birmelin | Farmer | Levdansky | Ryan |
| Black | Fattah | Livengood | Rybak |
| Blaum | Fee | Lloyd | Saloom |
| Book | Fischer | Lucyk | Saurman |
| Bortner | Flick | McCall | Scheetz |
| Bowley | Foster | McClatchy | Schuler |
| Bowser | Fox | McHale | Semmel |
| Boyes | Freeman | McVerry | Serafini |
| Brandt | Freind | Maiale | Showers |
| Broujos | Gallen | Maine | Sirianni |
| Bunt | Gamble | Manderino | Smith, B. |
| Burd | Gannon | Manmiller | Smith, S. H. |
| Burns | Geist | Markosek | Snyder, D. W. |
| Bush | George | Mayernik | Snyder, G. |
| Caltagirone | Gladeck | Melio | Staback |
| Cappabianca | Godshall | Merry | Stairs |
| Carlson | Gruitza | Michlovic | Stuban |
| Carn | Gruppo | Micozzie | Sweet |
| Cawley | Hagarty | Miller | Taylor, E. Z. |
| Cessar | Haluska | Moehlmann | Taylor, F. |
| Chadwick | Harper | Morris | Taylor, J. |
| Civera | Hasay | Mowery | Tigue |
| Clark | Hayden | Mrkonic | Trello |
| Clymer | Hayes | Murphy | Van Horne |
| Cohen | Heckler | Nahill | Veon |
| Colafella | Herman | Noye | Vroon |
| Cole | Hershey | O'Brien | Wambach |
| Cornell | Hess | O'Donnell | Wass |
| Corrigan | Honaman | Olasz | Weston |
| Cowell | Howlett | Oliver | Wogan |
| Coy | Hutchinson | Perzel | Wozniak |
| DeLuca | Itkin | Petrarca | Wright, D. R. |
| DeVerter | Jackson | Petrone | Wright, J. L. |
| DeWeese | Jadlowiec | Phillips | Wright, R. C. |
| Daley | Johnson | Piccola | Yandrisevits |
| Davies | Josephs | Pievsky | |
| Dawida | Kasunic | Pitts | Irvis, |
| Dempsey | Kennedy | Pressmann | Speaker |
| Dietterick | Kenney | Preston | |

NAYS—0

NOT VOTING—6

| | | | |
|---------|------------|-----------|---------|
| Hughes | Linton | Steighner | Wiggins |
| Jarolin | Richardson | | |

EXCUSED—1

Pistella

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. FREIND offered the following amendments No. A1188:

Amend Sec. 2, page 1, line 10, by striking out "(A) POLICY.—"

Amend Sec. 2, page 2, lines 8 through 13, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is identical to an amendment that was passed the last time we considered the bill. It merely removes one paragraph which is very confusing, which no one really knows why it is in there anyway, and makes sure that if you are going to use an exemption or deferral of taxes, you cannot take taxes that were not levied to use to qualify for educational funding, particularly with respect to the economic supplement.

This does not take money away from anyone; it does not take money away from the city of Philadelphia. I know that as of yesterday afternoon at 5 o'clock the amendment was supported by the lobbyist for the Philadelphia School District. He has advised me that the prime sponsor of the bill, Senator Fumo, has no problems with it.

It is a good amendment. It just makes sure that no games can be played which were never intended. It does no violence whatsoever to the bill and to the constitutional amendment that was passed by the people.

I would ask for your support, Mr. Speaker.

The SPEAKER. On the Freind amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Evans. Are you asking to interrogate Mr. Freind?

Mr. EVANS. Yes.

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

Mr. EVANS. Mr. Speaker, I just heard you express that the Philadelphia School District and Senator Fumo are for your amendment.

Mr. FREIND. No; what I said was, as of yesterday afternoon, the last time I talked to him—an ongoing basis, though, in the last two months—the lobbyist for the Philadelphia School District supports the amendment. He has advised me

also—I have not personally spoken to Senator Fumo—that Senator Fumo had no problems with the amendment whatsoever.

Mr. EVANS. That is not my understanding, Mr. Speaker. That is the end of my interrogation.

I just want to go on the record. Not to question the maker of the amendment in terms of what was expressed to him, but that is not my understanding. I do not have an understanding that the school district or its representative is in support of this particular amendment, nor do I have any sense from the Senator who is prime sponsor of this particular bill that he, also, is in support of your amendment. I personally have some problems with your amendment because I think that your amendment could certainly do some harm to the city of Philadelphia. I would like to, if you would like to, get into a little bit more detail about how you think this will not have any harm in terms of the Philadelphia School District.

Mr. FREIND. Is that a question, Mr. Speaker?

Mr. EVANS. Yes, it is.

Mr. FREIND. Okay. Philadelphia wants to have the ability, if it decides to utilize it, to defer or exempt taxes in gentrified areas. We passed a constitutional amendment to do that; this is enabling legislation. Fine; no one opposes that. You know how the economic supplement works, and you know we have got problems in the way it works right now, but that is a different story for a different time. All this amendment makes sure is this: You cannot use taxes you have not levied—which you could levy if you wanted to but for whatever reason you have not levied—to use that to add to your local tax effort to qualify for the economic supplement. We keep things the way they have always been. You only use taxes levied as a local tax effort for your economic supplement, not which you could levy but do not. So it is not taking any of your money away, and heck, the way you got it, you are going to have that exemption for the next 20 years anyway.

But that is all it does. "Clean and green," when we did that in a similar situation, had the same type of situation. You cannot use money in a formula that you are not collecting and not taxing for. That is all.

Mr. EVANS. Mr. Speaker, that is not my understanding of it, at least what was reported to me, that it would have somewhat of an effect upon the question in terms of the issue of subsidy, once we define the subsidy. I would only say to you that I do not think the intent that you are attempting to achieve will happen with this particular amendment, so I personally would be opposed to your amendment at this point.

Mr. FREIND. Well, is that a question, too?

Mr. EVANS. No, that is not a question. That is a comment to what you just described to me, Mr. Speaker. As I just expressed, I do not have that same interpretation as you just described in terms of its particular impact upon the Philadelphia School District.

Mr. FREIND. Reasonable men can differ, but again, let me point out, regardless of what your understanding is, the opinion of the lobbyist for your school district is that, A, it takes away confusion and, B, does nothing whatsoever to

harm the school district of Philadelphia. That is your lobbyist of your school district.

Mr. EVANS. I repeat again to you, Mr. Speaker, that that is not my understanding and that not to question your credibility in terms of talking to the lobbyist, I am only saying I do not have that understanding. What came to me is not what you just described, and I think it could be somewhat questionable about its financial effect upon the Philadelphia School District. So at this particular point, Mr. Speaker, I would ask that my colleagues oppose this particular amendment because of the effect that it possibly could have upon the city of Philadelphia's school district. Thank you, Mr. Speaker.

Mr. HUTCHINSON. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. The gentleman, Mr. Hutchinson—

The SPEAKER. Do you yield to Mr. Hutchinson?

Mr. HAYES. Yes; sure.

MOTION TO TABLE

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

Mr. HUTCHINSON. Would I be out of place in making a motion to lay this bill on the table until we have the local taxes decided one way or another? This is helping two people, and it is not helping me, because the next thing you know, we will be paying more State tax money to them. I think this all ought to be in the package, and I so move.

The SPEAKER. Moved by the gentleman, Mr. Hutchinson, who is not out of order, that this bill as amended be placed upon the table.

On the question,

Will the House agree to the motion?

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

Mr. O'DONNELL. Mr. Speaker, I would urge the members not to table this bill. This bill has very significant impact with or without the adoption of the Steve Freind amendment, and it now has additional significance because Allegheny County is counting in and will be affected by this. And so this really is the implementing legislation for the constitutional amendment, and it is important to pass it.

We could argue for a very long time about the nuances of this subject. In terms of the impact of the Freind amendment, it is not entirely clear, because what the amendment does is removes language and therefore removes the effect that that language had, which was intended to insulate the school district of Philadelphia on the economic supplement issue. That language will now be removed; therefore, the insulation of the school district on the economic supplement issue will now be removed.

The question then becomes, what impact would the bill have as amended? That is not entirely clear. The gentleman characterized the position of the Philadelphia School District as one of agreement. I think, in my understanding, that is

only slightly an overstatement and I think an inadvertent one. I think the school district's position is to acquiesce in this, because they do not believe it is terribly harmful, and also they believe and understand that we want the gentrification bill and we want it considered and we would like to have it passed.

So the complexity and the significance of what is currently before the House, the Freind amendment, is not such as to derail this bill. The members have not apparently found the debate on the subject illuminating, and out of that frustration, they wish to table. I urge you to not do that, because the stakes in the bill are so terribly high when compared with the stakes in the amendment.

The SPEAKER. The Chair recognizes the minority whip.

No one else, incidentally, may debate this except the leaders.

Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I do not believe that there is any good reason to table this bill at the present time. I think we should keep this bill on the calendar and accept the Freind amendment, so I would urge that we vote against the motion to table.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—12

| | | | |
|---------|------------|-----------|--------|
| Clark | Hagarty | Petrarca | Rudy |
| Fischer | Hutchinson | Pressmann | Saloom |
| Freeman | McHale | Ritter | Tigue |

NAYS—179

| | | | |
|-------------|------------|-----------|---------------|
| Acosta | Dietterick | Kitchen | Raymond |
| Angstadt | Dininni | Kosinski | Reber |
| Argall | Distler | Kukovich | Reinard |
| Arty | Dombrowski | LaGrotta | Richardson |
| Barley | Donatucci | Langtry | Rieger |
| Battisto | Dorr | Lashinger | Robbins |
| Belardi | Duffy | Leh | Roebuck |
| Belfanti | Durham | Lescovitz | Ryan |
| Billow | Evans | Letterman | Rybak |
| Birmelin | Fargo | Levdansky | Saurman |
| Black | Farmer | Livengood | Scheetz |
| Blaum | Fee | Lloyd | Schuler |
| Book | Flick | Lucyk | Semmel |
| Bortner | Foster | McClatchy | Serafini |
| Bowley | Fox | McVerry | Showers |
| Bowser | Freind | Maiale | Sirianni |
| Boyes | Gallen | Maine | Smith, B. |
| Brandt | Gannon | Manderino | Smith, S. H. |
| Broujos | Geist | Manmiller | Snyder, D. W. |
| Bunt | George | Markosek | Snyder, G. |
| Burd | Gladeck | Mayernik | Staback |
| Burns | Godshall | Melio | Stairs |
| Bush | Gruitza | Merry | Steighner |
| Caltagirone | Gruppo | Michlovic | Stuban |
| Cappabianca | Haluska | Micozzie | Sweet |
| Carlson | Harper | Miller | Taylor, E. Z. |
| Carn | Hasay | Moehlmann | Taylor, F. |
| Cawley | Hayden | Morris | Taylor, J. |
| Cessar | Hayes | Mowery | Trello |
| Chadwick | Heckler | Mrkonic | Van Horne |
| Civera | Herman | Murphy | Veon |
| Clymer | Hershey | Nahill | Vroon |
| Cohen | Hess | Noye | Wambach |
| Colafella | Honaman | O'Brien | Wass |
| Cole | Howlett | O'Donnell | Weston |

| | | | |
|----------|-----------|----------|---------------|
| Cornell | Hughes | Olasz | Wiggins |
| Corrigan | Itkin | Oliver | Wogan |
| Cowell | Jackson | Perzel | Wozniak |
| Coy | Jadlowiec | Petrone | Wright, D. R. |
| DeLuca | Jarolin | Phillips | Wright, J. L. |
| DeVerter | Johnson | Piccola | Wright, R. C. |
| DeWeese | Josephs | Pievsky | Yandrisevits |
| Daley | Kasunic | Pitts | |
| Davies | Kennedy | Preston | Irvis, |
| Dawida | Kenney | Punt | Speaker |
| Dempsey | | | |

NOT VOTING—4

| | | | |
|--------|--------|--------|--------|
| Fattah | Gamble | Linton | McCall |
|--------|--------|--------|--------|

EXCUSED—1

Pistella

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 minority whip on the Freind amendment.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, while there is need for the House of Representatives to pass this legislation, I think there is also need to accept the Freind amendment, because the language that the gentleman is trying to remove has been somewhat difficult to follow as persons competent in school subsidy have read it and reread it and read it yet again, and so I would ask that we adopt the Freind amendment.

We have been hearing a little bit about economic supplement, and I will not get into all that. Actually, the concern is how persons willing to artificially report low figures of market value would have an impact on the aid ratio within the school subsidy formula. If you take a neighborhood which currently is in disrepair as far as living units are concerned and then promise to that neighborhood, the owners of those dwellings, that they will receive a special tax incentive on the part of the city of Philadelphia, it is to be assumed that those improvements would cause those market values to increase from their current depressed value because of dwelling conditions to something higher than that because of their improved condition. If the city of Philadelphia would then continue to report the old depressed valuations to the State Tax Equalization Board, you could have, in effect, an aid ratio in Philadelphia reflecting an economic condition much different than what it is in the city, and hence, a higher aid ratio would entitle the city of Philadelphia to get even more in school subsidy than they would otherwise be entitled to.

So rather than have that goblin hanging over everyone's head and wondering what this language really means or does not mean, I would suggest that we accept the Freind amendment and take this language out. Thank you, Mr. Speaker.

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

Mr. ITKIN. Thank you, Mr. Speaker.

I think the Freind amendment is absolutely clear. I think what it basically says is that if a municipality gives an excep-

tion to a taxpayer who is in need and needs that type of an exemption, then that school district for that municipality will probably show a decrease in its subsidy payment. I think that is an unfortunate thing when we have problems in many of our municipalities whereby we are trying to provide for some type of reduction in taxation, especially among our elderly, and then to find out that the community of interest will have the schools penalized by it from the State.

I would suggest that I do not believe that any municipality can provide such great tax reductions so that there would be a significant reduction in school payments due to that change. But I do not think it is in the right direction, and I would urge all the members of this House, if you believe that this is an appropriate change in the law, to reject the Freind amendment.

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

Mr. J. J. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Freind amendment. I would just like to offer to some of the members a little bit about this bill. We seem to be ignoring some of the substance of what this bill represents.

We in Philadelphia hear the horror stories each and every day of senior citizens who are in fear of no longer being able to stay in their homes because of rising taxes. What this bill attempts to do is to give some relief to long-term owner-occupiers in Philadelphia.

We have heard some arguments back and forth about what the Freind amendment will do, but if we recall what has happened in the past, what the Freind amendment has done effectively is kill this legislation. We have been dealing with this for a few terms now. It is sorely needed in Philadelphia. I would ask that we get beyond this particular language. It is only enabling legislation, and it will give our municipalities an opportunity to do what they think is necessary, so I ask that we defeat the Freind amendment and get on with the final passage of the bill. Thank you.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper, on the Freind amendment.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose the Freind amendment. I understand from a lot of people who called me concerning the Freind amendment that the Freind amendment is harmful to the bill, and for that reason I oppose the Freind amendment.

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

Mr. BROUJOS. Mr. Speaker, I support the Freind amendment for the following reasons: Where there is a tax effort that is made, the definition of that tax effort and its role within the ESBE (equalized subsidy for basic education) formula and any other formula that may be involved in funds for education may involve an intricate question of interpretation. Secondly, where there is a relationship which we know existing between real estate and real estate values and the number of occupants and people and where there are programs that are involved in the gentrification of neighborhoods

and the entire concept of this bill, there may be a number of people who are not in fact counted within the school rolls because of the program. In addition, the opportunity to include properties with deferred tax programs in any formula may not be what was intended under the educational aspects of our State law.

Finally, with respect to the intent and substance of a bill, there are generally two parts - the substantive part of the bill and the intent. We usually do not spell out our intent in every bill. Here where there are a multitude of situations which may arise requiring interpretation by the courts, we should in this case permit the courts to make that interpretation.

Here we are making unequivocal statements with respect to subparagraph (B). We are saying that the deferral or exemption may not be used in any manner to affect payments, and we are saying that is our intention. It in fact may not be our intention, looking at the entire four corners of the law, the law relating to educational matters and the law referring to assessment and the law relating to this program of making special property tax relief.

I ask that the amendment be supported.

The SPEAKER. The Chair recognizes the minority whip on the Freind amendment.

Mr. HAYES. Thank you, Mr. Speaker.

I sense that because the gentleman, Mr. Freind, offers the amendment, that there is some cause for alarm on the part of persons who are from Philadelphia. As sure as I stand before you, Mr. Speaker, the amendment does not do any violence to the city of Philadelphia or the school district of Philadelphia. The language that Mr. Broujos just referred to and I referred to earlier, the language which is addressed by the amendment, leaves entirely too much for persons in the bureaucracy to interpret market values the way they want to interpret them as they affect school subsidy. It would not be fair to the other 500 school districts of Pennsylvania to leave something like that to chance.

I would respectfully suggest that we do need, we do need, the law which is being proposed by the bill itself, but at the same time we need this amendment so that there is no question as to market values and all that sort of thing with regard to the school subsidy formula. We should pass the law like the gentleman from Philadelphia, Mr. Taylor, said, but this amendment makes it a better bill. It makes it a better bill not only for this bill but certainly for school subsidy purposes, and I strongly urge that we accept this particular amendment. Thank you, Mr. Speaker.

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

Mr. FATTAH. Mr. Speaker, I have heard Representative Hayes and Representative Freind assure this House that this is not going to do any violence to the Philadelphia School District.

Let me say, first of all, the House has already amended this bill to cover not just Philadelphia but Pittsburgh, and that is number one, and so we need to be concerned statewide about its impact on our two largest cities. Beyond that, this bill is an

attempt to help people from being taxed out of their homes, senior citizens, others who are long-term owner-occupants in our major cities in gentrified areas. I have had some questions about the bill itself in the past, so let me suggest to you that the attempt by Mr. Freind to insert this amendment is to eventually cause some harm to come to the school district and I believe by way of some changes in the school subsidy formula.

I would ask the House not to support the Freind amendment, to vote the bill as it is without that amendment, and I would think that we have seen on this floor so many attempts by Representative Freind as relates to doing violent harm to the Philadelphia School District that it is hard for any of us now to believe that somehow this amendment should be looked upon friendly. Thank you very much.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—126

| | | | |
|-------------|------------|------------|---------------|
| Angstadt | Dietterick | Jackson | Punt |
| Argall | Dininni | Jadlowiec | Raymond |
| Arty | Dombrowski | Johnson | Reber |
| Barley | Dorr | Kennedy | Reinard |
| Belardi | Durham | LaGrotta | Robbins |
| Belfanti | Fargo | Langtry | Rudy |
| Birmelin | Farmer | Lashingner | Ryan |
| Black | Fee | Leh | Rybak |
| Book | Fischer | Letterman | Saloom |
| Bortner | Flick | Livengood | Saurman |
| Bowley | Foster | Lloyd | Scheetz |
| Bowser | Fox | Lucyk | Schuler |
| Boyes | Freeman | McCall | Semmel |
| Brandt | Freind | McClatchy | Serafini |
| Broujos | Gallen | McHale | Showers |
| Bunt | Gannon | McVerry | Sirianni |
| Burd | Geist | Manmiller | Smith, B. |
| Burns | George | Markosek | Smith, S. H. |
| Bush | Gladeck | Mayernik | Snyder, D. W. |
| Cappabianca | Godshall | Merry | Snyder, G. |
| Carlson | Gruitza | Micozzie | Staback |
| Cessar | Gruppo | Miller | Stairs |
| Chadwick | Hagarty | Moehlmann | Stuban |
| Civera | Haluska | Morris | Taylor, E. Z. |
| Clark | Hasay | Mowery | Tigue |
| Clymer | Hayes | Nahill | Vroon |
| Cornell | Heckler | Noye | Wass |
| Corrigan | Herman | Petrarca | Wozniak |
| Coy | Hershey | Phillips | Wright, J. L. |
| DeVerter | Hess | Piccola | Wright, R. C. |
| Davies | Honaman | Pitts | Yandrisevits |
| Dempsey | Hutchinson | | |

NAYS—67

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Fattah | Maine | Ritter |
| Battisto | Gamble | Manderino | Roebuck |
| Billow | Harper | Melio | Steighner |
| Blaum | Hayden | Michlovic | Sweet |
| Caltagirone | Howlett | Mrkonic | Taylor, F. |
| Carn | Hughes | Murphy | Taylor, J. |
| Cawley | Itkin | O'Brien | Trello |
| Cohen | Jarolin | O'Donnell | Van Horne |
| Colafella | Josephs | Olasz | Veon |
| Cole | Kasunic | Oliver | Wambach |
| Cowell | Kenney | Perez | Weston |
| DeLuca | Kitchen | Petrone | Wiggins |
| DeWeese | Kosinski | Pievsky | Wogan |
| Daley | Kukovich | Pressmann | Wright, D. R. |
| Dawida | Lescovitz | Preston | |
| Donatucci | Levdanski | Richardson | Irvis, |

Duffy Maiale Rieger Speaker
Evans

NOT VOTING—2

Distler Linton

EXCUSED—1

Pistella

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Distler | Kitchen | Raymond |
| Angstadt | Dombrowski | Kosinski | Reber |
| Argall | Donatucci | Kukovich | Reinard |
| Arty | Dorr | LaGrotta | Richardson |
| Barley | Duffy | Langtry | Rieger |
| Battisto | Durham | Lashingner | Ritter |
| Belardi | Evans | Leh | Robbins |
| Belfanti | Fargo | Lescovitz | Roebuck |
| Billow | Farmer | Letterman | Rudy |
| Birmelin | Fattah | Levdansky | Ryan |
| Black | Fee | Livengood | Rybak |
| Blaum | Fischer | Lloyd | Saloom |
| Book | Flick | Lucyk | Saurman |
| Bortner | Foster | McCall | Scheetz |
| Bowley | Fox | McClatchy | Schuler |
| Bowser | Freeman | McHale | Semmel |
| Boyes | Freind | McVerry | Serafini |
| Brandt | Gallen | Maiale | Showers |
| Broujos | Gamble | Maine | Sirianni |
| Bunt | Gannon | Manderino | Smith, B. |
| Burd | Geist | Manmiller | Smith, S. H. |
| Burns | George | Markosek | Snyder, D. W. |
| Bush | Gladeck | Mayernik | Snyder, G. |
| Caltagirone | Godshall | Melio | Staback |
| Cappabianca | Gruitza | Merry | Stairs |
| Carlson | Gruppo | Michlovic | Steighner |
| Carn | Hagarty | Micozzie | Stuban |
| Cawley | Haluska | Miller | Sweet |
| Cessar | Harper | Moehlmann | Taylor, E. Z. |
| Chadwick | Hasay | Morris | Taylor, F. |
| Civera | Hayden | Mowery | Taylor, J. |
| Clark | Hayes | Mrkonic | Tigue |
| Clymer | Heckler | Murphy | Trello |
| Cohen | Herman | Nahill | Van Horne |
| Colafigliola | Hershey | Noye | Veon |
| Cole | Hess | O'Brien | Vroon |
| Cornell | Honaman | O'Donnell | Wambach |
| Corrigan | Howlett | Olasz | Wass |
| Cowell | Hughes | Oliver | Weston |
| Coy | Hutchinson | Perzel | Wiggins |
| DeLuca | Itkin | Petrarca | Wogan |
| DeVerter | Jackson | Petrone | Wozniak |
| DeWeese | Jadlowiec | Phillips | Wright, D. R. |
| Daley | Jarolin | Piccola | Wright, J. L. |
| Davies | Johnson | Pievsky | Wright, R. C. |
| Dawida | Josephs | Pitts | Yandrissevits |
| Dempsey | Kasunic | Pressmann | |
| Dietterick | Kennedy | Preston | Irvis, |
| Dininni | Kenney | Punt | Speaker |

NAYS—0

NOT VOTING—1

Linton

EXCUSED—1

Pistella

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.

WELCOME

The SPEAKER. The Chair is delighted to welcome Frank Gigliotti, who has been nominated to succeed, as far as the Democratic Party is concerned, our well-loved Steve Seventy, whom all of you remember passed from this Earth not so many weeks ago. Mr. Gigliotti is to the left of the Speaker, and he is the guest of the Allegheny delegation. Raise your hand. Welcome to the hall of the House.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall. Why do you rise?

Mr. McCALL. To correct the record, Mr. Speaker.

The SPEAKER. You may do so.

Mr. McCALL. On the motion to table SB 1182, my vote was not recorded. I would like the record to show I would have been recorded in the negative.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip. Why do you rise?

Mr. O'DONNELL. Mr. Speaker, I would like to apply for a leave of absence for today, retroactively, for Representative LINTON from Philadelphia.

The SPEAKER. Leave is granted.

REMARKS ON VOTES

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

Mr. MORRIS. Thank you, Mr. Speaker.

It appears I am not recorded on SB 279. I would have voted in the affirmative.

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

The Chair recognizes the gentleman from Philadelphia, Mr. Kenney. Why do you rise?

Mr. KENNEY. Mr. Speaker, on HR 304 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 Philadelphia, Mr. Taylor. Why do you rise?

Mr. J. J. TAYLOR. Correction of a vote, Mr. Speaker. On HR 304 I was not recorded. 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 Delaware, Mr. Wright. Why do you rise?

Mr. R. C. WRIGHT. To correct the record, Mr. Speaker.

The SPEAKER. You may do so.

Mr. R. C. WRIGHT. On SB 279 I was not recorded. I would like to be recorded in the affirmative.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 1688, PN 3601**, 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 the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for merger and consolidation of authorities; and providing for the financing of projects through loans by the Authorities.

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

RULES SUSPENDED

The SPEAKER. The gentleman, Mr. Sweet, has requested permission to amend a Senate amendment. Is that correct, Mr. Sweet? However, to do that under the rules of the House, the rules of the House must first be suspended.

The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, I move that the rules be temporarily suspended so that I may offer my amendment.

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

The following roll call was recorded:

YEAS—188

| | | | |
|----------|------------|-----------|------------|
| Acosta | Dininni | Kosinski | Reber |
| Angstadt | Distler | Kukovich | Reinard |
| Argall | Dombrowski | LaGrotta | Richardson |
| Arty | Dorr | Langtry | Ritter |
| Barley | Duffy | Lashinger | Robbins |
| Battisto | Durham | Leh | Roebuck |
| Belardi | Evans | Lescovitz | Rudy |
| Belfanti | Fargo | Letterman | Ryan |
| Billow | Farmer | Levdansky | Rybak |
| Birmelin | Fattah | Livengood | Saloom |
| Black | Fee | Lloyd | Saurman |
| Blaum | Fischer | Lucyk | Scheetz |

| | | | |
|-------------|------------|-----------|---------------|
| Book | Flick | McCall | Schuler |
| Bortner | Foster | McClatchy | Semmel |
| Bowley | Fox | McHale | Serafini |
| Bowser | Freeman | McVerry | Showers |
| Boyes | Freind | Maine | Sirianni |
| Brandt | Gallen | Manderino | Smith, B. |
| Broujos | Gamble | Manmiller | Smith, S. H. |
| Bunt | Gannon | Markosek | Snyder, D. W. |
| Burd | Geist | Mayernik | Snyder, G. |
| Burns | George | Melio | Staback |
| Bush | Gladeck | Merry | Stairs |
| Caltagirone | Godshall | Michlovic | Steighner |
| Cappabianca | Gruitza | Micozzie | Stuban |
| Carlson | Gruppo | Miller | Sweet |
| Carn | Hagarty | Moehlmann | Taylor, E. Z. |
| Cawley | Haluska | Morris | Taylor, F. |
| Cessar | Harper | Mowery | Taylor, J. |
| Chadwick | Hasay | Mrkonic | Tigue |
| Civera | Hayden | Murphy | Trello |
| Clark | Hayes | Nahill | Van Horne |
| Clymer | Heckler | Noye | Veon |
| Cohen | Herman | O'Brien | Vroon |
| Colafella | Hershey | O'Donnell | Wambach |
| Cole | Hess | Olasz | Wass |
| Cornell | Honaman | Perzel | Weston |
| Corrigan | Hughes | Petrarca | Wiggins |
| Cowell | Hutchinson | Petrone | Wogan |
| Coy | Itkin | Phillips | Wozniak |
| DeLuca | Jackson | Piccola | Wright, D. R. |
| DeVerter | Jadlowiec | Pievsky | Wright, J. L. |
| DeWeese | Jarolin | Pitts | Wright, R. C. |
| Daley | Johnson | Pressmann | Yandrisevits |
| Davies | Josephs | Preston | |
| Dawida | Kasunic | Punt | Irvis, |
| Dempsey | Kenney | Raymond | Speaker |
| Dietterick | Kitchen | | |

NAYS—0

NOT VOTING—6

| | | | |
|-----------|---------|--------|--------|
| Donatucci | Kennedy | Oliver | Rieger |
| Howlett | Maiale | | |

EXCUSED—2

| | |
|--------|----------|
| Linton | Pistella |
|--------|----------|

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.

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

Mr. SWEET offered the following amendments No. A4978:

Amend Title, page 1, lines 14 and 15, by striking out "FURTHER PROVIDING FOR MERGER AND CONSOLIDATION OF AUTHORITIES;" and inserting providing for health center projects;

Amend Sec. 1 (Sec. 2), page 2, line 20, by striking out "DOMESTIC"

Amend Sec. 1 (Sec. 2), page 2, lines 21 through 26, by striking out all of said lines and inserting

(ii) (A) provides health care services to the public; or
(B) provides health care related services or assistance to one or more organizations in aid of the provision of health care services to the public, including, without limitation, such facilities as blood banks, laboratories, research and testing facilities, medical and administrative office buildings and ancillary facilities; or

(C) constitutes an integrated facility which provides substantial health care services on a nonsectarian basis and other reasonably related services, including, without limitation, life care or

continuing care communities and nursing, personal care or assisted living facilities for the elderly, handicapped or disabled; or

(D) provides educational and counseling services regarding the prevention, diagnosis and treatment of health care problems; and

(iii) If required by law to be licensed to provide such services by the Department of Health, the Department of Public Welfare or the Insurance Department, is so licensed or, in the case of a facility to be constructed, renovated or expanded, is designed to comply with applicable standards for such licensure.

Amend Sec. 2, page 2, lines 26 through 30; pages 3 through 6, lines 1 through 30; page 7, lines 1 through 15, by striking out all of said lines on said pages

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

2

Amend Sec. 4, page 9, line 18, by striking out "4" where it appears the first time and inserting

3

Amend Sec. 5, page 10, line 4, by striking out "5" and inserting

4

Amend Sec. 6, page 11, line 19, by striking out "6" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, HB 1688 was passed unanimously by this House and sent to the Senate. The Senate added two amendments, each of which did considerable damage to the bill. One of the amendments has been redrafted, and we have worked with the Senator who sponsored it in the Senate and believe we have agreement. The other amendment is being deleted by my amendment, so the second Senate amendment is being deleted. If we in fact adopt these amendments, the bill will go back to the Senate, and hopefully they will recede from their amendments and approve our bill as amended.

So I would move the adoption of amendment A4978.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—188

| | | | |
|----------|------------|------------|------------|
| Acosta | Dininni | Kosinski | Reber |
| Angstadt | Distler | Kukovich | Reinard |
| Argall | Dombrowski | LaGrotta | Richardson |
| Arty | Dorr | Langtry | Ritter |
| Barley | Duffy | Lashingier | Robbins |
| Battisto | Durham | Leh | Roebuck |
| Belardi | Evans | Lescovitz | Rudy |
| Belfanti | Fargo | Letterman | Ryan |
| Billow | Farmer | Levdansky | Rybak |
| Birmelin | Fattah | Livengood | Saloom |
| Black | Fee | Lloyd | Saurman |
| Blaum | Fischer | Lucyk | Scheetz |
| Book | Flick | McCall | Schuler |
| Bortner | Foster | McClatchy | Semmel |
| Bowley | Fox | McHale | Serafini |
| Bowser | Freeman | McVerry | Showers |
| Boyes | Freind | Maine | Sirianni |
| Brandt | Gallen | Manderino | Smith, B. |

| | | | |
|-------------|------------|-----------|---------------|
| Broujos | Gamble | Manmiller | Smith, S. H. |
| Bunt | Gannon | Markosek | Snyder, D. W. |
| Burd | Geist | Mayernik | Snyder, G. |
| Burns | George | Melio | Staback |
| Bush | Gladeck | Merry | Stairs |
| Caltagirone | Godshall | Michlovic | Steighner |
| Cappabianca | Gruitza | Micozzie | Stuban |
| Carlson | Gruppo | Miller | Sweet |
| Carn | Hagarty | Moehlmann | Taylor, E. Z. |
| Cawley | Haluska | Morris | Taylor, F. |
| Cessar | Harper | Mowery | Taylor, J. |
| Chadwick | Hasay | Mrkoncic | Tigue |
| Civera | Hayden | Murphy | Trello |
| Clark | Hayes | Nahill | Van Horne |
| Clymer | Heckler | Noye | Veon |
| Cohen | Herman | O'Brien | Vroon |
| Colafella | Hershey | O'Donnell | Wambach |
| Cole | Hess | Olasz | Wass |
| Cornell | Honaman | Perzel | Weston |
| Corrigan | Hughes | Petrarca | Wiggins |
| Cowell | Hutchinson | Petrone | Wogan |
| Coy | Itkin | Phillips | Wozniak |
| DeLuca | Jackson | Piccola | Wright, D. R. |
| DeVerter | Jadlowiec | Pievsky | Wright, J. L. |
| DeWeese | Jarolin | Pitts | Wright, R. C. |
| Daley | Johnson | Pressmann | Yandrisevits |
| Davies | Josephs | Preston | |
| Dawida | Kasunic | Punt | Irvis, |
| Dempsey | Kenney | Raymond | Speaker |
| Dietterick | Kitchen | | |

NAYS—0

NOT VOTING—6

| | | | |
|-----------|---------|--------|--------|
| Donatucci | Kennedy | Oliver | Rieger |
| Howlett | Maiale | | |

EXCUSED—2

| | |
|--------|----------|
| Linton | Pistella |
|--------|----------|

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

On the question,

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—189

| | | | |
|-------------|------------|------------|---------------|
| Acosta | Dininni | Kitchen | Reber |
| Angstadt | Distler | Kosinski | Reinard |
| Argall | Dombrowski | Kukovich | Richardson |
| Arty | Dorr | LaGrotta | Ritter |
| Barley | Duffy | Langtry | Robbins |
| Battisto | Durham | Lashingier | Roebuck |
| Belardi | Evans | Leh | Rudy |
| Belfanti | Fargo | Lescovitz | Ryan |
| Billow | Farmer | Letterman | Rybak |
| Birmelin | Fattah | Levdansky | Saloom |
| Black | Fee | Livengood | Saurman |
| Blaum | Fischer | Lloyd | Scheetz |
| Book | Flick | Lucyk | Schuler |
| Bortner | Foster | McCall | Semmel |
| Bowley | Fox | McClatchy | Serafini |
| Bowser | Freeman | McHale | Showers |
| Boyes | Freind | McVerry | Sirianni |
| Brandt | Gallen | Maine | Smith, B. |
| Broujos | Gamble | Manderino | Smith, S. H. |
| Bunt | Gannon | Manmiller | Snyder, D. W. |
| Burd | Geist | Markosek | Snyder, G. |
| Burns | George | Mayernik | Staback |
| Bush | Gladeck | Melio | Stairs |
| Caltagirone | Godshall | Merry | Steighner |
| Cappabianca | Gruitza | Michlovic | Stuban |
| Carlson | Gruppo | Micozzie | Sweet |

| | | | |
|------------|------------|-----------|---------------|
| Carn | Hagarty | Miller | Taylor, E. Z. |
| Cawley | Haluska | Mochlmann | Taylor, F. |
| Cessar | Harper | Morris | Taylor, J. |
| Chadwick | Hasay | Mowery | Tigue |
| Civera | Hayden | Mrkonc | Trello |
| Clark | Hayes | Murphy | Van Horne |
| Clymer | Heckler | Nahill | Veon |
| Cohen | Herman | Noye | Vroon |
| Colafella | Hershey | O'Brien | Wambach |
| Cole | Hess | O'Donnell | Wass |
| Cornell | Honaman | Olasz | Weston |
| Corrigan | Hughes | Perzel | Wiggins |
| Cowell | Hutchinson | Petrarca | Wogan |
| Coy | Itkin | Petrone | Wozniak |
| DeLuca | Jackson | Phillips | Wright, D. R. |
| DeVerter | Jadlowiec | Piccola | Wright, J. L. |
| DeWeese | Jarolin | Pievsky | Wright, R. C. |
| Daley | Johnson | Pitts | Yandrisevits |
| Davies | Josephs | Pressmann | |
| Dawida | Kasunic | Preston | Irvis, |
| Dempsey | Kennedy | Punt | Speaker |
| Dietterick | Kenney | Raymond | |

NAYS—0

NOT VOTING—5

| | | | |
|-----------|--------|--------|--------|
| Donatucci | Maiale | Oliver | Rieger |
| Howlett | | | |

EXCUSED—2

| | |
|--------|----------|
| Linton | Pistella |
|--------|----------|

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 inform the Senate accordingly.

The SPEAKER. There will be no further business on the floor of the House. Members are free to leave. We shall be in session, of course, next Monday. We shall be in session next Monday at the usual time at 1 o'clock.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 334 By Representatives MAINE, McHALE, STEIGHNER, JAROLIN, RITTER, ARTY, DIETTERICK, BELARDI, GRUITZA, FOX, FARMER, JADLOWIEC and CAWLEY

Designating the week of November 7 through 12, 1988, as "Medical Assistant Week" in Pennsylvania.

Referred to Committee on RULES, September 28, 1988.

No. 335 By Representatives COY, NOYE, IRVIS, ITKIN, ARTY, CIVERA, RAYMOND and MICOZZIE

Honoring Robert Gordon, Michael McDevitt, William Hunsberger, Stephanie Sloan and Susan Collet for being selected to the first-ever United States team to compete at the Paralympics in Seoul, South Korea.

Referred to Committee on RULES, September 28, 1988.

CITATION SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Staback. Are you seeking recognition?

Mr. STABACK. Yes, Mr. Speaker. I have a citation I would like entered into today's Journal.

The SPEAKER. You mean to be printed in today's Journal?

Mr. STABACK. Yes, Mr. Speaker.

The SPEAKER. Send it forward. We shall do that. Send it forward to the clerk.

Mr. STABACK submitted the following citation for the Legislative Journal:

**COMMONWEALTH OF PENNSYLVANIA
CITATION BY
THE HOUSE OF REPRESENTATIVES**

WHEREAS, SS. Cyril and Methodius Ukrainian Catholic Church of Olyphant will celebrate the one hundredth anniversary of its founding in 1988 while also observing the Millennium of Christianity in the Ukraine on October 2, 1988 on the Feast of Our Lady the Protectress; and

WHEREAS, SS. Cyril and Methodius Ukrainian Catholic Church is in the jurisdiction of the Ukrainian Catholic Archdiocese of Philadelphia. The early Ukrainian settlers in Olyphant began arriving from Ukrainian localities in the 1880s. They brought with them a rich heritage of their ethnic culture, customs and traditions which were deeply rooted in Christian Catholic religious beliefs. In 1988, the first Ukrainian Catholic priest in the United States, Reverend John Woliansky, visited the Ukrainian settlement in Olyphant and SS. Cyril and Methodius Ukrainian Catholic Church's inception began. A combination of a fund-raising and voluntary labor and skills of its founding parishioners saw the erection of a chapel-size church. This chapel gave way to a much larger wooden church edifice to accommodate a growing Ukrainian community. In 1908, a much larger cement-brick structure with an awe-inspiring Byzantine-decorated interior and five cupola-domed exterior was built and has served the needs of the parish to this day. Over the years, suitable rectories for the Church's pastors were built next to the Church; and

WHEREAS, St. Cyril's one hundred years of existence exemplifies the material and spiritual development of a parish and its members through the hard work of poor, self-sacrificing, deeply religious immigrants.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to SS. Cyril and Methodius Ukrainian Catholic Church on the joyous and momentous occasion of its one hundredth anniversary; recognizes with great pride, admiration and respect the rich ethnic, cultural and religious heritage these immigrants brought to this country; expresses its hope for a continuation and enrichment of these traditions for generations to come; and further directs that a copy of this citation be delivered to SS. Cyril and Methodius Ukrainian Catholic Church, 135 River Street, Olyphant, Pennsylvania 18447.

Submitted by:
Edward G. Staback
Sponsor

K. Leroy Irvis
Speaker of the
House of Representatives

ATTEST:
John J. Zubeck
Chief Clerk of the
House of Representatives

September 26, 1988

RECESS

The SPEAKER. This House will stand in recess subject to the call of the Chair.

AFTER RECESS

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

SENATE BILL FOR CONCURRENCE

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

SB 1534, PN 2370

Referred to Committee on APPROPRIATIONS, September 28, 1988.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 2545 be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

HOUSE SCHEDULE

The SPEAKER. For the information of the members, we shall be recessing the meeting of September 28 until 1 p.m. today. At 1 p.m. today the Chair would suggest that all members be present on the floor of the House. At 1 p.m. today the Chair would strongly suggest that all members be present on the floor of the House.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. At the request of the chairman of the Appropriations Committee, Representative Pievsky, the Chair announces that there will be a very important meeting of the Appropriations Committee in the majority caucus room at 12:45; 12:45 meeting of the Appropriations Committee in the majority caucus room.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 2571 be lifted from the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 2571 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOMES

The SPEAKER. Kathy Durham has some guests back here. We apologize to the guests for having them see an empty House. You probably will not understand it any better than some of the members do, but what we are doing now is simply making parliamentary procedures so that when the members do come on the floor at 1 o'clock, there will be some business to be brought before them. It is necessary to do all of these things, and although they look foolish to your eyes when you see the Speaker talking to an empty House, from the point of view of parliamentary procedure, we must proceed.

The Chair recognizes the lady from Delaware, Mrs. Durham.

Mrs. DURHAM. Thank you, Mr. Speaker.

Even though we are going to recess at 1 o'clock, I did want to make it part of the official record that the Saint Joseph's Guild from Aston Township is here today, and it is certainly my distinct honor to hostess them. Thank you, Mr. Speaker.

The SPEAKER. We are delighted to have you here. Welcome to the hall of the House. We are delighted to have you here.

The Chair understands that a former member and a very good friend of the Speaker, Kurt Zwinkl, has a group of bankers—you are associated with bankers now; well, I will be—in the balcony. They are from Lehigh Valley. Will you wave so we know you are there. Welcome to the hall of the House. We are delighted to have you here, and believe the Speaker, you are very fortunate to have Kurt Zwinkl with you. We wish he were still with us. He was one of the brightest young men I have seen on the floor of the House, and I welcome him back.

Paul Wass has three people here - Mark and Kristi Altrogge and Patty Wallwork. Welcome to the hall of the House. Sometime have Paul tell you privately how I came into his Republican district and endorsed him over the Democrat opponent. And I was right, was I not, Paul?

The House will stand in recess until 1 p.m. today. The Chair repeats, there will be a very important meeting of the House Appropriations Committee at 12:45 in the caucus room of the majority party; 12:45, caucus room of the majority party, Appropriations Committee meeting, very important.

RECESS

The SPEAKER. Members within the hearing of my voice are urged to report promptly to the floor of the House at 1 p.m.

The House will stand in recess subject to the call of the Chair.

RECESS EXTENDED

The time of recess was extended until 4:30 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 1314, PN 3758 (Amended)**

By Rep. PIEVSKY

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to alarm businesses.

APPROPRIATIONS.**HB 2333, PN 3101**

By Rep. PIEVSKY

An Act designating U.S. Traffic Route 15 as the Marine Corps League Memorial Highway.

APPROPRIATIONS.**HB 2513, PN 3759 (Amended)**

By Rep. PIEVSKY

An Act providing for Commonwealth support for an Urban and Rural Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching in urban and rural public schools in this Commonwealth.

APPROPRIATIONS.**HB 2545, PN 3567**

By Rep. PIEVSKY

An Act amending the act of August 31, 1971 (P. L. 423, No. 101), known as the "Higher Education and Equal Opportunity Act," further providing for eligibility of part-time students.

APPROPRIATIONS.**SB 610, PN 2423 (Amended)**

By Rep. PIEVSKY

An Act providing for the cleanup of hazardous waste sites; providing further powers and duties of the Department of Environmental Resources and the Environmental Quality Board; providing for response and investigations for liability and cost recovery; establishing the Hazardous Sites Cleanup Fund; providing for certain fees and for enforcement, remedies and penalties; making an appropriation; and repealing certain provisions relating to the rate of the capital stock franchise tax.

APPROPRIATIONS.**SB 741, PN 850**

By Rep. PIEVSKY

An Act designating a certain portion of U.S. Route 1 in Bucks County as the Martin Luther King, Jr., Expressway.

APPROPRIATIONS.**SB 941, PN 2424 (Amended)**

By Rep. PIEVSKY

An Act requiring municipal retirement systems to pay special ad hoc postretirement adjustments to certain retired police officers and firefighters; providing for the financing of these adjustments; providing for the administration of the Commonwealth's reimbursements for these adjustments; and making repeals.

APPROPRIATIONS.**SB 1221, PN 2425 (Amended)**

By Rep. PIEVSKY

An Act making an appropriation to the State Treasurer for replacement checks.

APPROPRIATIONS.**SB 1323, PN 1867**

By Rep. PIEVSKY

An Act designating the new bridge at Hyner, Pennsylvania, in Chapman Township, Clinton County, as the Gold Star Mothers Bridge in honor and memory of veterans and their mothers.

APPROPRIATIONS.**SB 1441, PN 2426 (Amended)**

By Rep. PIEVSKY

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

APPROPRIATIONS.**SB 1442, PN 2427 (Amended)**

By Rep. PIEVSKY

An Act amending the act of November 24, 1976 (P. L. 1163, No. 259), entitled "Generic Equivalent Drug Law," further providing for the manner of dispensing generically equivalent drugs.

APPROPRIATIONS.**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 1534, PN 2370**

By Rep. PIEVSKY

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," establishing a separate fund to supplement the Unemployment Compensation Fund; further providing for the rate of contribution by employers and employees; further providing for the rate and amount of benefits; further providing for administrative matters and for the recoupment of fault overpayments; and making repeals.

APPROPRIATIONS.**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that SB 1534 be lifted from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

The **SPEAKER**. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The **SPEAKER**. There being no further business to be brought before the regular session of the House of Representatives, the Chair recognizes the majority leader.

Mr. **MANDERINO**. Mr. Speaker, I move that this House do now adjourn until Tuesday, October 4, 1988, at 4:40 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:58 p.m., e.d.t., the House adjourned.