

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 12, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 25

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God, we remember Your words that it is more blessed to give than to receive. Give us the grace to always give our best in Your service, knowing that when we do, the best comes back to us. Cause us today to think not upon what we can get but rather what we can give, that a new spirit of cooperation may pervade all that we set our hands to do.

Help us to lay aside all bitterness and resentment lest they hinder Your work and obstruct Your will. Make us ever mindful that we are Your instruments in making and keeping this Commonwealth among the finest communities in the Nation and the world.

Keep us always faithful to You and our constituents.
In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Journal, without objection, of Tuesday, April 11, 1989, will be postponed in its approval. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal of Tuesday, February 14, 1989, is in print. It was announced in print on Monday of this week, and unless any members have objection to the approval of the Journal of Tuesday, February 14, 1989, the same will stand approved. The Chair sees and hears no objection to the approval of that Journal. The Journal stands approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1143 By Representatives CORNELL, TRELLO, NAHILL, LAUGHLIN, MAINE, FOX, DEMPSEY, BUNT and REBER

An Act authorizing police departments to hold raffles.

Referred to Committee on LOCAL GOVERNMENT, April 12, 1989.

No. 1144 By Representatives CORNELL, TRELLO, VROON, NAHILL and BUNT

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," authorizing taxation for the purpose of collecting and disposing garbage and other refuse materials.

Referred to Committee on LOCAL GOVERNMENT, April 12, 1989.

No. 1145 By Representatives CORNELL, TRELLO, JOHNSON, NAHILL, BUNT, REBER and LASHINGER

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the exemption of gains from the sale of certain real estate from taxation.

Referred to Committee on FINANCE, April 12, 1989.

No. 1146 By Representatives CORNELL, TRELLO, VROON, DeLUCA, FOX, DEMPSEY, CORRIGAN, BUNT, PETRARCA, LASHINGER and ITKIN

An Act providing for residential treatment services for mentally ill children and youth.

Referred to Committee on YOUTH AND AGING, April 12, 1989.

No. 1147 By Representatives CORNELL, TRELLO, HALUSKA and OLIVER

An Act amending the act of May 15, 1939 (P. L. 134, No. 65), referred to as the "Fireworks Law," further providing for the sale of fireworks.

Referred to Committee on STATE GOVERNMENT, April 12, 1989.

No. 1148 By Representatives CORNELL and TRELLO

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," prohibiting certain taxes on roller-skating rinks.

Referred to Committee on FINANCE, April 12, 1989.

No. 1149 By Representative CARLSON

An Act designating a certain bridge on Township Route 415 in Stewardson Township, Potter County, as the Cross Fork Veterans Memorial Bridge.

Referred to Committee on TRANSPORTATION, April 12, 1989.

No. 1150 By Representatives FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY, TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, J. TAYLOR, RITTER, LETTERMAN, J. L. WRIGHT, HAGARTY, COY, FLICK, ANGSTADT, HARPER, CARN, KASUNIC, E. Z. TAYLOR, REBER, CIVERA, JOSEPHS, OLASZ, WILSON, RAYMOND, THOMAS, BUNT, KENNEY, HASAY, CORNELL and PHILLIPS

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," creating the Office of Public Insurance Advocate; and prescribing its powers and duties.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1151 By Representatives FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY, TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, J. TAYLOR, RITTER, MERRY, LETTERMAN, TIGUE, J. L. WRIGHT, FARGO, HAGARTY, COY, NOYE, HERMAN, FLICK, ANGSTADT, HARPER, CARN, KASUNIC, E. Z. TAYLOR, REBER, CIVERA, WOGAN, JOSEPHS, LANGTRY, WILSON, RAYMOND and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing that certain benefits may be waived by the insured.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1152 By Representatives FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY, TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, RITTER, MERRY, LETTERMAN, J. L. WRIGHT, HAGARTY, COY, LAUGHLIN, NOYE, HERMAN, FLICK, ANGSTADT, HARPER, KASUNIC, E. Z. TAYLOR, REBER, CIVERA, WOGAN, JOSEPHS, OLASZ, LANGTRY, WILSON, RAYMOND, THOMAS, LINTON, MRKONIC, MICOZZIE, SERAFINI, BROUJOS, COLAFELLA, LUCYK,

MELIO, PETRONE, BURD, CORNELL and KENNEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for proof of financial responsibility upon registration or renewal and for reports of insurance cancellations to the Department of Transportation, the Pennsylvania State Police and local police.

Referred to Committee on TRANSPORTATION, April 12, 1989.

No. 1153 By Representatives FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY, TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, J. TAYLOR, RITTER, FARGO, LETTERMAN, J. L. WRIGHT, HAGARTY, COY, LAUGHLIN, NOYE, HERMAN, FLICK, ANGSTADT, HARPER, REBER, KASUNIC, E. Z. TAYLOR, CIVERA, WOGAN, JOSEPHS, OLASZ, LANGTRY, WILSON, RAYMOND, THOMAS, LINTON, MRKONIC, MICOZZIE, SERAFINI, BROUJOS, COLAFELLA, LUCYK, MELIO and PETRONE

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," increasing the penalties for fraud in procuring insurance or in collecting claims.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1154 By Representatives FOX, BOYES, MORRIS, McCALL, GIGLIOTTI, LEVDANSKY, TRELLO, D. W. SNYDER, SEMMEL, JOHNSON, DeLUCA, J. TAYLOR, RITTER, HAGARTY, LETTERMAN, J. L. WRIGHT, LAUGHLIN, NOYE, FLICK, ANGSTADT, HARPER, CARN, KASUNIC, E. Z. TAYLOR, REBER, CIVERA, JOSEPHS, OLASZ, WILSON, RAYMOND, THOMAS, LINTON, MRKONIC, MICOZZIE, SERAFINI, BROUJOS, COLAFELLA, LUCYK, MELIO, PETRONE, BURD, CORNELL, KENNEY and COY

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," further regulating the writing of policies of automobile insurance.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1155 By Representatives WILSON, BURNS, CLYMER, FLEAGLE, PHILLIPS, HECKLER, HAYES, TELEK, MELIO, GIGLIOTTI, COLAIZZO and LAUGHLIN

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the recomputation of annuities in certain cases relating to decedent survivor annuitants.

Referred to Committee on STATE GOVERNMENT,
April 12, 1989.

No. 1156 By Representatives JACKSON, LLOYD,
DAVIES, MOEHLMANN, JAROLIN,
FARGO, JOHNSON, BILLOW, TRELLO,
PETRARCA, DeLUCA, E. Z. TAYLOR,
STABACK, RITTER, BELARDI,
MRKONIC and THOMAS

An Act amending the act of December 17, 1968 (P. L. 1224,
No. 387), known as the "Unfair Trade Practices and Consumer
Protection Law," further defining deceptive or unlawful acts.

Referred to Committee on CONSUMER AFFAIRS,
April 12, 1989.

No. 1157 By Representatives KOSINSKI, DeWEESE,
KUKOVICH, HALUSKA, TRELLO,
EVANS, MICHLOVIC, JOSEPHS,
PISTELLA, ROBINSON, LINTON,
HAYDEN, DALEY, CORRIGAN,
WILLIAMS, MELIO, VEON, OLASZ,
THOMAS, ITKIN and BUSH

An Act providing for the award of earned time credit to
inmates for good conduct and program participation while
serving sentences.

Referred to Committee on JUDICIARY, April 12, 1989.

No. 1158 By Representatives WILLIAMS, KOSINSKI,
TIGUE, MELIO, NAHILL, THOMAS,
CORRIGAN, HAYDEN, J. TAYLOR,
SERAFINI, CAWLEY, TRELLO,
PISTELLA, CARN, VEON, JAMES,
HOWLETT and BISHOP

An Act amending the act of October 20, 1966 (3rd Sp. Sess.,
P. L. 96, No. 6), known as the "Mental Health and Mental
Retardation Act of 1966," providing for telephone numbers
available for receipt of calls 24 hours every day for the reporting
of mental health problems.

Referred to Committee on HEALTH AND WELFARE,
April 12, 1989.

No. 1159 By Representatives WILLIAMS, MORRIS,
KOSINSKI, THOMAS, J. TAYLOR,
HAYDEN, HARPER, CARN, PISTELLA,
ROBINSON, ITKIN, JAMES, HOWLETT
and BISHOP

An Act amending the act of June 11, 1947 (P. L. 538, No.
246), known as "The Casualty and Surety Rate Regulatory Act,"
providing that private passenger automobile insurance rates shall
not be based on location.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1160 By Representatives WOGAN, KOSINSKI,
BLAUM, MOEHLMANN, HECKLER,
HAGARTY, McVERRY, SAURMAN,
YANDRISVITS, TIGUE, GEIST,
FAIRCHILD, DIETTERICK, CAWLEY,
MILLER, BOYES, J. TAYLOR,

MARSICO, WOZNIAK, BELARDI,
TRELLO, BELFANTI, B. SMITH,
DAVIES, BUNT, VEON, VROON,
SEMMEL, JOHNSON, MAINE,
LANGTRY, LEE and CHADWICK

An Act amending Title 42 (Judiciary and Judicial Procedure)
of the Pennsylvania Consolidated Statutes, providing for the use
of DNA testing in paternity matters and criminal cases.

Referred to Committee on JUDICIARY, April 12, 1989.

No. 1161 By Representatives PISTELLA, JOSEPHS,
KUKOVICH, McNALLY, McCALL,
MICHLOVIC, CARN, VEON, ITKIN,
BELARDI, ROBINSON, DeWEESE,
MELIO, LaGROTTA and RITTER

An Act amending Title 42 (Judiciary and Judicial Procedure)
of the Pennsylvania Consolidated Statutes, further providing for
imposition of the death sentence.

Referred to Committee on JUDICIARY, April 12, 1989.

No. 1162 By Representatives HAYDEN, O'DONNELL
and DeWEESE

An Act making an appropriation to the Department of Com-
munity Affairs for limited subsidence assistance.

Referred to Committee on APPROPRIATIONS,
April 12, 1989.

No. 1163 By Representative VEON

An Act amending Title 75 (Vehicles) of the Pennsylvania Con-
solidated Statutes, extending the provisions of a certain subsec-
tion relating to credit for registration fees and exhaust emission
inspection costs.

Referred to Committee on TRANSPORTATION,
April 12, 1989.

No. 1164 By Representative VEON

An Act amending the act of December 5, 1936 (2nd Sp. Sess.,
1937 P. L. 2897, No. 1), known as the "Unemployment Compen-
sation Law," providing for a period of extended benefits for
unemployment due to lock-out.

Referred to Committee on LABOR RELATIONS,
April 12, 1989.

No. 1165 By Representatives FREIND, MOWERY,
DEMPSEY, FLICK, GLADECK,
GODSHALL, REINARD, VROON,
SAURMAN, CHADWICK, GALLEN,
NAHILL, DISTLER, SEMMEL,
S. H. SMITH, BELARDI, J. H. CLARK,
FOSTER, LEH, BURNS, HERMAN,
BRANDT, JACKSON, CARLSON,
KONDRICH, LEE, MARSICO, ROBBINS,
J. TAYLOR, SERAFINI, WILSON,
CALTAGIRONE, ADOLPH, BARLEY,
PICCOLA, KENNEY, MERRY,
LANGTRY, DIETTERICK,
E. Z. TAYLOR, JOHNSON, FOX,
BIRMELIN, CORNELL, HERSHEY,

WESTON, D. W. SNYDER, DININNI, GEIST, CAWLEY, CESSAR, BURD, FLEAGLE, FARMER, HASAY, HECKLER, BUSH, PITTS, TELEK, WOGAN, SCHULER, NAILOR, MICOZZIE, RAYMOND and CIVERA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the surrender of drivers' licenses, registration plates and registration cards to sheriffs and constables upon suspension; establishing certain fees; further providing for certain benefits and coverage; and providing for financial responsibility verification.

Referred to Committee on INSURANCE, April 12, 1989.

No. 1166 By Representatives BROUJOS, DeWEESE, FLEAGLE, JAROLIN, HAYES, FAIRCHILD, D. F. CLARK, MORRIS, BORTNER, ARGALL, CARLSON, ANGSTADT, FEE, MAINE, BISHOP, HALUSKA, TRELLO, VEON, MELIO, HERSHEY, STABACK, ALLEN, CHADWICK, NAILOR, JACKSON, BARLEY, SCHEETZ, COLAIZZO, D. R. WRIGHT and STUBAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to certain organizations.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, April 12, 1989.

No. 1167 By Representatives BELFANTI, CALTAGIRONE, DeWEESE, KOSINSKI, PISTELLA, SCHEETZ, COLAFELLA, VROON, MORRIS, KUKOVICH, FREEMAN, McVERRY, COY, NOYE, TIGUE, TANGRETTI, DISTLER, TRELLO, HOWLETT, MRKONIC, JAMES, SAURMAN, NAHILL, PERZEL, MOEHLMANN, FOX, GODSHALL, GLADECK, HARPER, G. SNYDER, HAGARTY, MERRY, BATTISTO, BIRMELIN, DeLUCA, GANNON, VEON, COLAIZZO, STABACK, PETRARCA, HECKLER, ARGALL, JOHNSON, RAYMOND, LEE, BORTNER, RYBAK, FLICK, CORRIGAN, E. Z. TAYLOR, COWELL, MICHLOVIC, LESCOVITZ, S. H. SMITH, VAN HORNE, RITTER, KASUNIC, SERAFINI, MELIO, BELARDI, ALLEN, HALUSKA, MAIALE, ANGSTADT, MICOZZIE, LEVDANSKY, B. SMITH, PRESTON, DALEY and CORNELL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing the freezing of assets of defendants in certain cases.

Referred to Committee on JUDICIARY, April 12, 1989.

No. 1168 By Representatives GANNON, BOYES, ANGSTADT, McVERRY, KONDRICH, REBER, LASHINGER and DURHAM

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), known as the "Commonwealth Attorneys Act," imposing additional limitations on consent decrees.

Referred to Committee on JUDICIARY, April 12, 1989.

No. 1169 By Representatives GANNON, ADOLPH, CIVERA, RAYMOND, DIETTERICK, MICOZZIE, FLEAGLE, BOYES, ANGSTADT, R. C. WRIGHT, McVERRY, KONDRICH and DURHAM

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making the appearance in public while under the influence of a controlled substance an offense.

Referred to Committee on JUDICIARY, April 12, 1989.

SENATE BILLS FOR CONCURRENCE

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

SB 2, PN 898

Referred to Committee on EDUCATION, April 12, 1989.

SB 484, PN 508

Referred to Committee on JUDICIARY, April 12, 1989.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 76 By Representatives JOSEPHS, FREEMAN, RYBAK, COLAFELLA, WAMBACH, J. L. WRIGHT, GODSHALL, JAROLIN, FLEAGLE, SCHULER, NAILOR, LASHINGER, HECKLER, McVERRY, ROBINSON, CARLSON, KOSINSKI, ADOLPH, DISTLER, STEIGHNER, HAYDEN, BILLOW, MELIO, DeLUCA, CLYMER, CALTAGIRONE, TIGUE, KENNEY, STUBAN, DALEY, BELFANTI, FAIRCHILD, HERSHEY, HERMAN, HESS, NAHILL, EVANS, GEIST, MICHLOVIC, McCALL, MORRIS, GAMBLE, GIGLIOTTI, WILLIAMS, MARSICO, DeWEESE, BOYES, HARPER, ARGALL, MARKOSEK, RUDY, KASUNIC, JOHNSON, DONATUCCI, BORTNER, KUKOVICH, REBER, DIETTERICK, E. Z. TAYLOR, FLICK, FOX, SAURMAN, PISTELLA, PERZEL, DORR, MAINE, STABACK, RITTER, BUNT, LEVDANSKY, HAGARTY, COLAIZZO, BELARDI, ITKIN,

MRKONIC, RAYMOND, VEON, TRELLO,
HOWLETT, TELEK and PRESTON

Memorializing the Governor to proclaim the week of April 30 through May 6, 1989, as "Days of Remembrance of the Victims of the Holocaust."

Referred to Committee on RULES, April 12, 1989.

No. 77 By Representatives BROUJOS, MRKONIC, COLAIZZO, MORRIS, BOYES, MELIO, FAIRCHILD, PRESTON, ROBINSON, HARPER, MAYERNIK, TRELLO, COHEN, DeWEESE, DIETTERICK, ACOSTA, BELFANTI, WOGAN, PISTELLA, GRUPPO, JOHNSON, FREEMAN, COY, STABACK, GIGLIOTTI, BORTNER, ARGALL, PETRONE, DISTLER, McVERRY, WESTON, GAMBLE, J. L. WRIGHT, J. TAYLOR, JOSEPHS and VAN HORNE

Providing for the appointment of a select committee to examine the role of the National Guard in drug law enforcement.

Referred to Committee on RULES, April 12, 1989.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 176;
HB 463;
HB 615;
HB 693;
HB 881; and
HB 917.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 201 be removed from the table.

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. O'DONNELL. Mr. Speaker, I move that HB 201 be recommitted to the State Government Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

WELCOME

The SPEAKER. The Speaker is pleased and delighted to welcome to the hall of the House this morning four citizens from the Soviet Union - Helen Kuzmicheva, Alexander Popovich, Voadimir Opekunov, and Victor Burmistrov. The delegation is visiting here and visiting several drug and alcohol treatment programs in central and eastern Pennsylvania. They are being hosted by Richard Esterly, the chief executive officer of the Caron Foundation of Wernersville, Pennsylvania. The group is the guest of Representative Peter Wambach, and they are seated to the left of the Speaker's rostrum. Will they please stand.

BILL REREPORTED FROM COMMITTEE

HB 162, PN 1310 (Amended)

By Rep. OLIVER

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act," reestablishing the State Civil Service Commission; further providing for the civil service system; further providing for political activity; making editorial changes; and making a repeal.

STATE GOVERNMENT.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 455, PN 1311 (Amended)

By Rep. LETTERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the utilization of field receipts.

GAME AND FISHERIES.

HB 650, PN 718

By Rep. LETTERMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of the commission; changing the penalties for certain violations; providing for additional violations; providing new fees for lakes; and further providing penalties for the registration of powered watercraft.

GAME AND FISHERIES.

HB 768, PN 1312 (Amended)

By Rep. LETTERMAN

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for licenses for senior citizens.

GAME AND FISHERIES.

HB 772, PN 1313 (Amended)

By Rep. LETTERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for senior resident license qualifications.

GAME AND FISHERIES.

HB 790, PN 881 By Rep. LETTERMAN

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

GAME AND FISHERIES.

HB 986, PN 1121 By Rep. LETTERMAN

An Act making an appropriation to the Pennsylvania Fish Commission to cover the costs of certain free fishing licenses.

GAME AND FISHERIES.

SB 4, PN 913 (Amended)

By Rep. OLIVER

An Act reenacting and 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.

STATE GOVERNMENT.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 4, which is presently on the tabled calendar, be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 4 be recommitted to the Appropriations Committee for the purpose of a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair will receive requests for leaves of absence.

Are there leaves of absence from the majority party? The indication is there are none.

Are there leaves of absence from the minority party? The indication is there are none.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members are to indicate their presence in the hall of the House by voting "yea" on the master roll call. The master roll call will now be taken. The members will proceed to vote and indicate their presence with a "yea" vote.

The following roll call was recorded:

PRESENT—200

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Suban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colafella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker
Distler	LaGrotta		

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Olasz

Schuler

CALENDAR**RESOLUTIONS**

Mr. MICHLOVIC called up **HR 57, PN 1136**, entitled:

Memorializing Congress to appropriate funds for the Low Income Home Energy Assistance Block Grant for the fiscal year 1990 at a level of \$1.567 billion, which reflects the amount included in HR 4783, passed by the United States House of Representatives on June 15, 1988.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colafrella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker
Distler	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—2

Olasz Schuler

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

* * *

Mr. COHEN called up **HR 62, PN 1203**, entitled:

Requesting the Governor to declare the month of April 1989 as "Lyme Disease Awareness and Prevention Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Fairchild	Leh	Roebuck
Barley	Fargo	Lescovitz	Rudy
Battisto	Farmer	Letterman	Ryan
Belardi	Fee	Levdansky	Rybak
Belfanti	Fleagle	Linton	Saloom
Billow	Flick	Lloyd	Saurman
Birmelin	Foster	Lucyk	Scheetz
Bishop	Fox	McCall	Scrimenti
Black	Freeman	McHale	Semmel
Blaum	Freind	McNally	Serafini
Bortner	Gallen	McVerry	Smith, B.
Bowley	Gamble	Maiale	Smith, S. H.
Boyes	Gannon	Maine	Snyder, D. W.
Brandt	Geist	Markosek	Snyder, G.
Broujos	George	Marsico	Staback
Bunt	Gigliotti	Mayernik	Stairs
Burd	Gladeck	Melio	Steighner
Burns	Godshall	Merry	Stish
Bush	Gruitza	Michlovic	Strittmatter
Caltagirone	Gruppo	Micozzie	Stuban
Cappabianca	Hagarty	Miller	Tangretti
Carlson	Haluska	Moehlmann	Taylor, E. Z.
Carn	Harper	Morris	Taylor, F.
Cawley	Hasay	Mowery	Taylor, J.
Cessar	Hayden	Mrkonic	Telek
Chadwick	Hayes	Murphy	Thomas
Civera	Heckler	Nahill	Tigue
Clark, B. D.	Herman	Nailor	Trello
Clark, D. F.	Hershey	Noye	Trich
Clark, J. H.	Hess	O'Brien	Van Horne
Clymer	Howlett	O'Donnell	Veon
Cohen	Hughes	Oliver	Vroon
Colafrella	Itkin	Perzel	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Dininni	LaGrotta	Richardson	Speaker
Distler			

NAYS—0

NOT VOTING—1

EXCUSED—2

Evans

Olasz Schuler

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

* * *

Mrs. TAYLOR called up **HR 70, PN 1263**, entitled:

Designating April 1989 as "Pennsylvania Organ and Tissue Donor Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colafrilla	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker
Distler	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—2

Olasz Schuler

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

WELCOME

The SPEAKER. In the gallery today we have a guest of Representative Bunt. We have in the gallery Joseph G. Landis from the Indian Creek Foundation in Montgomery County. Will the guest of Representative Bunt, Joseph G. Landis, please stand.

RESOLUTIONS CONTINUED

Mr. GODSHALL called up **HR 73, PN 1268**, entitled:

Requiring the State of New Jersey to cease and desist from enforcing certain boating laws on the Delaware River.

On the question,
Will the House adopt the resolution?

The SPEAKER. The gentleman from Montgomery, Mr. Godshall, asks for recognition. The sponsor is recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

I sent information out to all the members on this resolution, and regrettably, it had to be introduced on Monday in order to have it run today. We have at least 100 requests for sponsorship on the resolution, and at this time I am asking the Chief Clerk to have the names of all the members of this body attached to this resolution, and I am requesting that on behalf of the members that have contacted my office, unless somebody indicates otherwise. So I would appreciate that consideration with the consideration of the resolution. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is thanked for the remarks.

Members' names will be added to HR 73 unless a contrary indication is given to the clerk.

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

The following roll call was recorded:

YEAS—200

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingier	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.

Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colaifella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker
Distler	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—2

Olasz Schuler

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

* * *

Mr. ITKIN called up **HR 74, PN 1269**, entitled:

Designating April 15, 1989, as "Pittsburgh CARES Day."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashingner	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Strittmatter
Bush	Godshall	Michlovic	Stuban
Caltagirone	Gruitza	Micozzie	Tangretti
Cappabianca	Gruppo	Miller	Taylor, E. Z.
Carlson	Hagarty	Moehlmann	Taylor, F.
Carn	Haluska	Morris	Taylor, J.
Cawley	Harper	Mowery	Telek
Cessar	Hasay	Mrkonic	

Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colaifella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker
Distler	LaGrotta		

NAYS—0

NOT VOTING—0

EXCUSED—2

Olasz Schuler

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

WELCOME

The SPEAKER. The Chair is happy to welcome to the hall of the House this morning, seated in the gallery, Esther Jackson, who is the wife of Representative George Jackson. Will Mrs. Jackson please stand.

CONCURRENT RESOLUTION

Mr. PHILLIPS called up **HR 55, PN 1133**, entitled:

Proclaiming April 30, 1989, as "Sons of the American Revolution Centennial Day."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Acosta	Distler	Langtry	Rieger
Adolph	Dombrowski	Lashingner	Ritter
Allen	Donatucci	Laughlin	Robbins
Angstadt	Dorr	Lee	Robinson
Argall	Durham	Leh	Roebuck
Barley	Evans	Lescovitz	Rudy
Battisto	Fairchild	Letterman	Ryan
Belardi	Fargo	Levdansky	Rybak
Belfanti	Farmer	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs

Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkoncic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colaifella	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Dininni	LaGrotta	Richardson	Speaker

NAYS—0

NOT VOTING—2

Fee Kaiser

EXCUSED—2

Olasz Schuler

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

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

WELCOMES

The SPEAKER. The Speaker is happy, as happy as the Speaker can be, to welcome to the hall of the House staff of the American Legislative Exchange Council - Jerry Taylor, Chris Allen, John Brust, and Larry Silverman. They are the guests of Representatives Noye, Cessar, Merry, and Saurman, and all of the House members of ALEC. Will these gentlemen please stand.

We have in the balcony with us today the wife of another member. We have in the balcony Dolly Billow, who is the wife of Representative Andy Billow of Cambria County, guest of the Cambria County delegation; John Wozniak, signatory.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The clerk of the Senate, being introduced, returned the following **HB 6, PN 1135**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring the commission to make certain recordings available and to release certain documents.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The question is, will the House concur in the amendments inserted in the House bill by the Senate?

It is moved by the gentleman, Mr. Wright, that the House do concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman from Clarion, Mr. Wright, on the question.

Mr. D. R. WRIGHT. Mr. Speaker, the change made in the Senate essentially is reflected in this sentence or partial sentence: "...PUBLIC record...DOCUMENTS RELIED UPON BY THE COMMISSION IN REACHING ITS DETERMINATION, WHETHER PREPARED BY CONSULTANTS OR COMMISSION EMPLOYEES, OTHER THAN DOCUMENTS PROTECTED BY LEGAL PRIVILEGE...." Essentially then, Mr. Speaker, that provides for legal privilege, it includes commission employees, it changes the language "report" to "documents," and it extends the retroactivity to 180 days.

I urge concurrence in Senate amendments.

The SPEAKER. The Chair thanks the gentleman.

Those voting to concur will vote "aye," and those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—198

Acosta	Distler	Kukovich	Rieger
Adolph	Dombrowski	LaGrotta	Ritter
Allen	Donatucci	Langtry	Robbins
Angstadt	Dorr	Lashinger	Robinson
Argall	Durham	Laughlin	Roebuck
Barley	Evans	Lee	Rudy
Battisto	Fairchild	Leh	Ryan
Belardi	Fargo	Lescovitz	Rybak
Belfanti	Farmer	Letterman	Saloom
Billow	Fee	Linton	Saurman
Birmelin	Fleagle	Lloyd	Scheetz
Bishop	Flick	Lucyk	Scrimenti
Black	Foster	McCall	Semmel
Blaum	Fox	McHale	Serafini
Bortner	Freeman	McNally	Smith, B.
Bowley	Freind	McVerry	Smith, S. H.
Boyes	Gallen	Maine	Snyder, D. W.
Brandt	Gamble	Markosek	Snyder, G.
Broujos	Gannon	Marsico	Staback
Bunt	Geist	Mayernik	Stairs
Burd	George	Melio	Steighner
Burns	Gigliotti	Merry	Stish
Bush	Gladeck	Michlovic	Strittmatter
Caltagirone	Godshall	Micozzie	Stuban
Cappabianca	Gruitza	Miller	Tangretti
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Carn	Hagarty	Morris	Taylor, F.
Cawley	Haluska	Mowery	Taylor, J.
Cessar	Harper	Mrkoncic	Telek
Chadwick	Hasay	Murphy	Thomas
Civera	Hayden	Nahill	Tigue
Clark, B. D.	Hayes	Nailor	Trello
Clark, D. F.	Heckler	Noye	Trich

Clark, J. H.	Herman	O'Brien	Van Horne
Clymer	Hershey	O'Donnell	Veon
Cohen	Hess	Oliver	Vroon
Colaifella	Howlett	Perzel	Wambach
Colaizzo	Hughes	Petrarca	Wass
Cole	Itkin	Petrone	Weston
Cornell	Jackson	Phillips	Williams
Corrigan	Jadlowiec	Piccola	Wilson
Cowell	James	Pievsky	Wogan
Coy	Jarolin	Pistella	Wozniak
DeLuca	Johnson	Pitts	Wright, D. R.
DeWeese	Josephs	Pressmann	Wright, J. L.
Daley	Kaiser	Preston	Wright, R. C.
Davies	Kasunic	Raymond	Yandrisevits
Dempsey	Kenney	Reber	
Dietterick	Kondrich	Reinard	Manderino,
Dininni	Kosinski	Richardson	Speaker

NAYS—0

NOT VOTING—2

Levdansky Maiale

EXCUSED—2

Olasz Schuler

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

Ordered, That the clerk inform the Senate accordingly.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 64, PN 71**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for affidavits of certain candidates relating to party affiliation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 64 be recommitted to the State Government Committee.

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

* * *

The House proceeded to third consideration of **HB 52, PN 287**, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act," further providing for the approval of certain plans, for permits, for the powers and duties of local agencies, the certification board, the Environmental Quality Board and the department; and reestablishing the State Board for Certification of Sewage Enforcement Officers pursuant to the Sunset Act.

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

Mr. GEORGE offered the following amendments No. A0659:

Amend Sec. 4 (Sec. 10), page 8, lines 28 through 30; page 9, lines 1 through 7, by striking out all of lines 28 through 30, page 8, all of lines 1 through 6 and "(13)" in line 7, page 9 and inserting

(11)

Amend Sec. 4 (Sec. 11), page 11, line 16, by inserting after "\$5"

or such reasonable fee as the department shall establish by regulation

Amend Sec. 4 (Sec. 11), page 11, line 20, by inserting after "for"

the department and for

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

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

Mr. GEORGE. Mr. Speaker, this amendment is simply technical in nature and just clarifies a section, and I would ask that we adopt this amendment.

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

The following roll call was recorded:

YEAS—199

Acosta	Dombrowski	LaGrotta	Richardson
Adolph	Donatucci	Langtry	Rieger
Allen	Dorr	Lashingier	Ritter
Angstadt	Durham	Laughlin	Robbins
Argall	Evans	Lee	Robinson
Barley	Fairchild	Leh	Rudy
Battisto	Fargo	Lescovitz	Ryan
Belardi	Farmer	Letterman	Rybak
Belfanti	Fee	Levdansky	Saloom
Billow	Fleagle	Linton	Saurman
Birmelin	Flick	Lloyd	Scheetz
Bishop	Foster	Lucyk	Scrimenti
Black	Fox	McCall	Semmel
Blaum	Freeman	McHale	Serafini
Bortner	Freind	McNally	Smith, B.
Bowley	Gallen	McVerry	Smith, S. H.
Boyes	Gamble	Maiale	Snyder, D. W.
Brandt	Gannon	Maine	Snyder, G.
Broujos	Geist	Markosek	Staback
Bunt	George	Marsico	Stairs
Burd	Gigliotti	Mayernik	Steighner
Burns	Gladeck	Melio	Stish
Bush	Godshall	Merry	Strittmatter
Caltagirone	Gruitza	Michlovic	Stuban
Cappabianca	Gruppo	Micozzie	Tangretti
Carlson	Hagarty	Miller	Taylor, E. Z.
Carn	Haluska	Moehlmann	Taylor, F.
Cawley	Harper	Morris	Taylor, J.
Cessar	Hasay	Mowery	Telek
Chadwick	Hayden	Mrkonic	Thomas
Civera	Hayes	Murphy	Tigue
Clark, B. D.	Heckler	Nahill	Trello
Clark, D. F.	Herman	Nailor	Trich
Clark, J. H.	Hershey	Noye	Van Horne
Clymer	Hess	O'Brien	Veon
Cohen	Howlett	O'Donnell	Vroon
Colaifella	Hughes	Oliver	Wambach
Colaizzo	Itkin	Perzel	Wass
Cole	Jackson	Petrarca	Weston
Cornell	Jadlowiec	Petrone	Williams
Corrigan	James	Phillips	Wilson
Cowell	Jarolin	Piccola	Wogan

Coy	Johnson	Pievsky	Wozniak
DeLuca	Josephs	Pistella	Wright, D. R.
DeWeese	Kaiser	Pitts	Wright, J. L.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kenney	Preston	Yandrisevits
Dempsey	Kondrich	Raymond	
Dietterick	Kosinski	Reber	Manderino,
Dininni	Kukovich	Reinard	Speaker
Distler			

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—2

Olasz Schuler

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. BROUJOS offered the following amendments No. A0850:

Amend Title, page 1, line 11, by inserting after "penalties," further providing for the Advisory Committee;

Amend Sec. 1, page 1, line 19, by inserting after "Sections" 4,

Amend Sec. 1, page 1, by inserting after line 22

Section 4. Advisory Committee.—An advisory committee shall be appointed within three months of the passage of this act and biennially thereafter, membership of which shall be composed of one representative from the following organizations, the name of said representative to be submitted to the secretary within ten days of receipt of request for same: Pennsylvania State Association of Township Supervisors, Pennsylvania State Association of Boroughs, Pennsylvania League of Cities, Pennsylvania State Association of Township Commissioners, Pennsylvania State Association of County Commissioners, Pennsylvania Association of Plumbing, Heating, Cooling, Contractors, Inc., Pennsylvania Society of Professional Engineers, Mortgage Bankers' Association, Pennsylvania Builders Association, Pennsylvania Association of Realtors, Pennsylvania Society of Architects, County Health Departments, Pennsylvania State University, Pennsylvania Municipal Authorities Association, Pennsylvania Section of the American Water Works Association, Water Pollution Association of Pennsylvania, American Society of Civil Engineers, Pennsylvania Environmental Health Association, Farmers Home Administration, Consulting Engineers Council of Pennsylvania, National Association of Water Companies, Pennsylvania Vacation Land Developers Association, United States Department of Housing and Urban Development, Pennsylvania Department of Commerce, Pennsylvania Department of Community Affairs, Office of State Planning and Development, Pennsylvania Bar Association, and such other organizations having a direct interest in the area of water and sewage as the secretary deems necessary.

The advisory committee shall have the opportunity to review proposed rules, regulations, standards and procedures and shall review existing rules, regulations, standards and procedures of the department pursuant to this act.

The recommendations of the advisory committee shall be submitted to the secretary who shall give due consideration to the same.

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

The following roll call was recorded:

YEAS—199

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayernik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Strittmatter	Stich
Caltagirone	Gruitza	Micozzie	Stuban
Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Howlett	Oliver	Vroon
Colafrella	Itkin	Perzel	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Dininni	LaGrotta	Richardson	Speaker
Distler			

NAYS—0

NOT VOTING—1

Hughes

EXCUSED—2

Olasz Schuler

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

On the question recurring,

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

Mr. CLYMER offered the following amendments No. A0393:

Amend Bill, page 2, by inserting between lines 22 and 23

Section 2. The act is amended by adding a section to read:

Section 7.2. Permits, Temporary Exemptions.—Unless a local agency requires a permit by ordinance in effect on January 10, 1987, no permit is required for the installation of an individual on-lot sewage system for a residential structure occupied or intended to be occupied by not more than two families, one of whom is the property owner, on a contiguous tract of land of ten acres or more, provided that the owner owned such tract of land as of January 10, 1987, and the property owner completes construction of the structure and the individual on-lot sewage system prior to the expiration of this section.

Amend Sec. 2, page 2, line 23, by striking out "2" and inserting

3

Amend Sec. 3, page 4, line 20, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 17, by striking out "4" and inserting

5

Amend Sec. 5, page 11, line 23, by striking out "5" and inserting

6

Amend Bill, page 12, by inserting between lines 4 and 5

Section 7. Section 2 (section 7.2) of this act shall expire in one year.

Amend Sec. 6, page 12, line 5, by striking out "6" and inserting

8

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at this time I would like to defer to Representative Merry, that he be allowed to introduce his amendment at this time.

The SPEAKER. Mr. Clymer, are you asking that the amendment that the clerk has already read be withdrawn?

Mr. CLYMER. Temporarily.

The SPEAKER. Thank you.

The gentleman has withdrawn the amendment.

On the question recurring,

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

Mr. MERRY offered the following amendments No. A0348:

Amend Sec. 1, page 1, line 19, by striking out "7(b)(7)" and inserting

7(a) and (b)(7)

Amend Sec. 1 (Sec. 7), page 2, line 13, by striking out all of said line and inserting

Section 7. Permits.—(a) No person shall install, construct, or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct, or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or

community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this act and the standards adopted pursuant to this act. No permit may be issued by the local agency in those cases where a permit from the department is required pursuant to the act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law," as amended, or [where the department pursuant to its rules and regulations, determines that such permit is not necessary either] for a rural residence [or for the protection of the public health]. A municipality may, however, by ordinance require a permit for a rural residence. In such a case the local agency administering the provisions of this act within the municipality shall require a permit for a rural residence. A permit for a rural residence shall not be necessary unless the local municipality requires it by ordinance. Except where a municipality requires a permit by ordinance, the owner of any rural residence shall install, as a minimum, a septic tank or tanks with a capacity of not less than nine hundred gallons with a drain field of one thousand two hundred square feet, and drain field trench lines at a minimum of three feet wide, two feet deep with one foot of aggregate below one foot of soil cover, which shall be at least one hundred fifty feet from any property line, one hundred-year flood plain, or any river, stream, creek, impoundment, well, water course, storm sewer, lake, dammed water, pond or spring. However, it is expressly understood that the owner and the purchaser of a parcel which qualifies as a rural residence recognize that soil-testing procedures were not necessary. The owner and purchaser who installs a system under the provisions of this section shall be deemed to release and hold harmless the department, the local permitting agency, agent and all township officials from any responsibility or liability for the functioning of the septic system installed. The property owner shall be liable for any contamination or pollution which occurs as the result of the malfunction of a septic system installed in accordance with the provisions of this subsection. It is the sole responsibility of the property owner to correct any system which is shown to contaminate ground or surface water. The local permitting agent shall certify that the system meets the above stated requirements. The cost incurred for the certification inspection by the local permitting agency shall be borne by the property owner. The provisions of section 7.1 relating to certain notices in contracts for the sale of land shall apply to all property which is subject to this section.

Amend Bill, page 12, by inserting between lines 4 and 5

Section 6. The provisions of section 1 (section 7(a)) of this act shall not affect any right to a rural residence exemption from permit requirements imposed by a municipality which was legally established prior to the effective date of this act.

Section 7. Three years after enactment, the Joint Air and Water Pollution Control and Conservation Committee shall report to the General Assembly its findings concerning the performance of those systems installed on rural residences subsequent to the effective date of this act.

Amend Sec. 6, page 12, line 5, by striking out "6" and inserting

8

On the question,

Will the House agree to the amendments?

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

Mr. MERRY. Mr. Speaker, this amendment is commonly called the 10-acre exemption bill, and I would like to review it with you from a historical standpoint.

Mr. Speaker, this bill, in the session of 1986, was passed by both the House and the Senate, but it failed to receive confir-

mation at the last possible moment, and so it failed. At that time it was called the Greenwood bill. A year ago we had a similar bill that got to be known as the Merry amendment, but it was essentially passed also by the House, went to the Senate, but failed to receive last-minute consideration over there. I am reintroducing the bill today as an amendment but with certain modifications, and I think these modifications are important, perhaps not to this body because we have already ratified this in concept at least.

Now we are looking at a bill that has been further expanded. For instance, it was said that 10-acre exemptions would allow for a narrow strip of land that would be narrow in the front and would run maybe a mile or two long. The previous bill provided a 100-foot offset. I have expanded it in this amendment to 150 feet, which would mean that the minimum lot size would be now 300 feet. Now, the longest that a lot could be with that configuration would be 1,450 feet. So you can see, we are doing away with the provision for strip lots.

The other concern was that perhaps we were not protecting the environment enough, so I have taken virtually all the specifications where I previously had provided for a 600-gallon septic tank and increased it to 900 gallons, which is pretty much the state of the art. Most of the builders are telling me they are using 900- or 1,000-gallon tanks anyhow.

The septic leach fields have been increased in this bill.

You will also notice a further amendment that is different, and I have done this for the second-class townships which had some apprehension about the bill in that who was going to pay for the inspection to these lots that was done by the local sewage enforcement officers, and so I have specifically stated in this bill that those charges will now be paid by the property owner, thereby reducing any possible liability on the part of the townships.

Mr. Speaker, I would urge the adoption of House amendment 348 at this time.

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

Mr. GEORGE. Mr. Speaker, this amendment does not in any way enhance the ability for an individual to get an onlot sewage facility. All it really does is put back into effect the 10-acre stipulation.

Number one, the farm organization does not want the 10-acre stipulation. Local government does not want the stipulation, and it basically provides an extra problem for local government. If in fact they do not take the prerogative to pass an ordinance or a resolution, then you will continue to have onlot sewage facilities that are unregulated, have not been inspected, or not placed in proper geographic gradient.

In essence, what the gentleman is trying to do, unfortunately, is reinstate the 10-acre lot. The department is against it; local government is against it. I would urge that we would defeat this amendment.

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

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for just a few questions?

The SPEAKER. The gentleman from Crawford, Mr. Merry, indicates that he will stand for interrogation. You may proceed.

Mr. WASS. Mr. Speaker, I have a real concern about frontage when we are talking about 10 acres. Will you explain to the House again the dimensions of your lot under your amendment?

Mr. MERRY. Mr. Speaker, in order to eliminate strip lots - long, narrow lots - we have specified that there would be a 150-foot offset to a property line, to a dam, to a stream, to a well, to a wetland; 150 feet your sewer system would have to be away from anything similar to that.

Mr. WASS. Do you mean an adjoining property 150 feet?

Mr. MERRY. 150 feet from an adjoining property.

Mr. WASS. So there would be 300 feet between the two homes then.

Mr. MERRY. That is correct.

Mr. WASS. Okay. Then can you tell me how deep the lot would be then?

Mr. MERRY. Well, recognizing there are 44,000 square feet in an acre, 10 acres would have 440,000, and I just took my calculator and divided 300 into that and it came out to about 1,455 feet long would be the maximum width that it could be long, unless you had more than 10 acres, because you know that oftentimes happens. You could have 100 acres and have one lot on it.

Mr. WASS. Thank you, Mr. Speaker.

May I comment on the amendment?

The SPEAKER. The gentleman is in order to make remarks on the amendment.

Mr. WASS. Mr. Speaker, I think the amendment tries to speak to the problem, but I would stand in opposition to the amendment. I believe there is a serious problem with our sewage out in rural Pennsylvania, and I think the gentleman has tried to soften the concerns of sewage systems being close to each other, but I do not think he accomplishes it with his amendment.

I would object to the amendment.

The SPEAKER. The question is on the adoption of the amendment. The yeas and nays will now be taken. Members will proceed to vote.

Mr. MERRY. Mr. Speaker, could I have the final—

The SPEAKER. The Speaker is happy to recognize you, but the Speaker looked right at you when he began calling for the vote and you were walking in the other direction.

Mr. MERRY. I am sorry.

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

Mr. MERRY. Thank you.

Mr. Speaker, I want the members to know that rural Pennsylvania is in great trouble. Two years ago DER (Department of Environmental Resources) shut down 10-acre exemptions. We brought it back through a regulatory process that permitted a 2-year extension, a grandfathering, if you will. That

extension expired on January 10. Your realtors, your homeowners, your farmers today cannot build on a 10-acre piece of land or larger unless it would have to be able to hook it onto a municipal system or have that perfect land where the sewage enforcement officer would say that the land percs and you can put in the septic system.

For years 10-acre lots have not caused a problem in Pennsylvania when they were run without regulation. Now, in order to further protect the environment, we have specifications in here that say that the landowner, property owner, has to guarantee that the system will work, and if it does not, he has to put it in the proper order. He even has guarantees that he would do this.

I feel this bill addresses everybody's need and it protects the environment and allows the landowner and the realtors throughout Pennsylvania to again do business in Pennsylvania.

The SPEAKER. See, Mr. Merry, you are not going to be last on your amendment anyway.

The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment.

Mr. BOWLEY. Thank you, Mr. Speaker.

I would like to make sure my colleagues realize what the gentleman from Erie County, Mr. Merry, is attempting to do. For the past 2 years we have had in this Commonwealth a rule that regardless of the size of property you own, you have to obtain a sewage permit from the Department of Environmental Resources through your local sewage enforcement officer. Mr. Merry is attempting to go back to the old rule and, in my opinion, the old problems of allowing a sewage septic system to be installed when you have 10 acres or more.

As Mr. George pointed out previously, this will result in a large number of problems. I think it is wrong. I think we are going backwards.

I would ask for a negative vote.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me just echo the comments of Mr. Merry. There are many property owners throughout the Commonwealth of Pennsylvania, probably a few more in southeastern Pennsylvania than elsewhere, who have 10 acres of land but are unable to build a house on that property. One of the opportunities we have presented before them this morning is the Merry amendment, which would allow them to do that.

I would just encourage and respectfully request the members to consider the vote and to vote in the affirmative. Thank you, Mr. Speaker.

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

Mr. NOYE. Thank you, Mr. Speaker.

Those of you who live in areas where there are no sewage systems have got to take a hard look at this particular amendment. How long are you going to sit by and let the DER come in and shut down your communities, your townships, when they will make absolutely no effort to look at alternative

systems that are available on the market, work with local sewage enforcement officers to approve alternate septic systems? These systems are being used successfully in many other States, but they are not even getting a second look in Pennsylvania. All DER knows is a standard septic system, which is almost no longer being considered anywhere in this Commonwealth, and a sand mound. They are the only alternatives you have.

This 10-acre lot exemption is something that I wish we did not have to offer, but they have given us no alternative. Mr. Merry is absolutely right. We had fewer problems in this Commonwealth with groundwater contamination, problems with complaints on malfunctioning systems when we used the 10-acre system successfully over the last few years than when we did away with it in townships where they abolished it.

Mr. Speaker, this is the only way to get their attention. This is the only way to force new technology onto the market in this Commonwealth, and for those of you who live in rural areas where you are constantly being inundated with phone calls from your constituents who cannot get a permit or, if they are lucky enough to get a permit, have to wait 3 and 4 and 5 months to get it and find out they have to put a sand mound in, this is your only alternative.

I ask you to support the Merry amendment.

The SPEAKER. The gentleman from Allegheny County, Mr. Michlovic, is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I do not know how we can be debating this amendment when we have one of the highest incidences of groundwater pollution of any State in the Nation. You know, when we have problems with giardiasis and thousands of people are boiling their water, we do not think that it is our fault when we give an exemption for somebody upstream or up the slope from that person like we are here.

I also find it mystifying that my colleagues from the rural areas have time and time again come into this House and cried about the overdevelopment of their rural areas, how they are getting crowded out, how the farmland is disappearing, and then they pass an amendment like this to allow the developers to come in and buy their land for more money. That is what this is about, so some farmer can split up his lot for more money. They are not really caring about the State's farm and agricultural business.

This amendment really attacks that other issue that we voted on in this House many times before, too. I think that it is a shame that many of the rural members do not see the conflict here. You are allowing by this amendment more pressure from developers on farmland in Pennsylvania. They are going to buy those lots; they are going to split them up into 10-acre strips that are long and thin and narrow, 100 yards wide and 10 acres back. That is what is going on here.

I urge opposition to the amendment. Thank you, Mr. Speaker.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to support the gentleman, Mr. Merry's amendment. I have had several occasions in my district in which DER has for various reasons imposed building permit bans solely with regard to sewage systems within a township, but in imposing the said ban, they also impose it over the entire municipality, and it affects people who have large lots as well as those affected by the sewage system. It is just an arbitrary and capricious decision by DER to do so, and right today I have people who are suffering because of this, who have the large lots and have sold their homes, moved into apartments, are depending on having their houses built within the next 4 or 5 months, but suddenly they cannot get a permit even though they have a lot of the size described by Mr. Merry. I think that is eminently unfair for the department to wage warfare against individuals because they happen to be fighting with the municipality in question. They are two completely separate issues there.

Mr. Merry is addressing the issue of the large lots, and I stand with him on this issue and ask for an affirmative vote.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I also rise in favor of this amendment. This legislation was favored by the local municipalities. Down in the southeast we would rather see one home on 10 acres than 10 homes on 10 acres. The taking away of the 10-acre rural residency exemption, which was done a couple of years ago, has forced—I repeat, has forced—concentrated development.

The Merry amendment again gives complete local option and local control. If any of the local municipalities do not favor the 10-acre rural residency exemption, all they have to do is adopt an ordinance against it and it will not be in the township. But at least for the townships that favor this type of development, let us go through with it; let us put back the 10-acre rural residency exemption. Local municipalities will adopt the rules that they want to see again on this 10-acre rural residency lot. You know, it puts it back in the hands of the local people. If it is not good for a local area, your municipality can just automatically adopt it out.

I favor, totally favor and hope that you will concur with this amendment. It is absolutely needed to help control the exploding growth down in southeastern Pennsylvania. Other than that, if you have 100 acres or 1,000 acres, at this point you cannot build a home without going through all the DER permits. So this is something that we should put back. It was with us for a long period of time. There were no problems with it, and I ask for your concurrence. Thank you.

The SPEAKER. The gentleman from Clearfield, Mr. George, is recognized.

Mr. GEORGE. Mr. Speaker, I am not going to belabor this. I just want to point out to those of my colleagues who may not have been able to read the bill, number one, the bill deals with the problem that our colleagues have just cited in that we placed provisions in there where local government will have a guarantee that the systems that are installed are installed properly. But let us get back to the 10 acres.

The 10-acre exemption, as our colleagues have just insisted, will still allow a system to be put in right next to a stream. Even though there are 10 acres—that is the meat of the matter—you will be able to build that home on any point of that 10 acres right next to the neighbor's spring or next to the neighbor's well. These fellows know. For 3 or 4 years they had an opportunity to do that, those who are speaking up, and they found the same fault that we find at this time.

I do not in any way insist that there are not problems and that the department has handled them in a manner not to the best interest of either ourselves or our constituents. But I am only saying, if you go back to the 10 acres, you will allow an individual to put a home right against his neighbor's home, right against the neighbor's spring without any supervision, without any inspection, and without any care or consideration to how it is put on.

We have adopted legislation hopefully that will remove the need for a 10-acre exemption. We have allowed performance activity bonds so that the municipality would not be held hostage and yet your constituent could build the home. We have done—and the department after 4 years has agreed with us—we have done what now I think is in the best interest of your neighbor and your constituency.

I think we ought to defeat this amendment.

The SPEAKER. The gentleman from Lancaster County, Mr. Scheetz, is recognized.

Mr. SCHEETZ. Thank you, Mr. Speaker.

I would just like to call to the attention of the other members of this House that the previous discussions on this issue are missing a very important part of this particular issue, and that is that on many of those 10-acre lots out there, if you put the whole 10 acres in a cow field and an onlot sewage system, that still would not pass as far as the requirements as far as onlot sewage systems. It is very simply put that there are many acreages out there that cannot qualify for onlot systems no matter how large the system is.

Therefore, I am certainly encouraging the members to vote negatively on this amendment. I think this is another way that we are asking the environment to subsidize our standard of living, and I feel that this amendment does nothing more than circumvent the system. I think it is a terrible amendment, and I ask for a negative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—110

Adolph	Fargo	Langtry	Rudy
Angstadt	Farmer	Lashingier	Ryan
Barley	Fleagle	Lee	Rybak
Birmelin	Flick	Leh	Saloom
Black	Foster	Lescovitz	Saurman
Boyes	Fox	Lloyd	Scrimenti
Brandt	Freind	McCall	Semmel
Bunt	Gallen	McNally	Serafini
Burd	Gamble	McVerry	Smith, S. H.
Bush	Gannon	Marsico	Snyder, G.
Carlson	Geist	Merry	Stairs
Cessar	Gladeck	Micozzie	Strittmatter
Chadwick	Godshall	Miller	Taylor, E. Z.

Civera	Gruitza	Moehlmann	Taylor, J.
Clark, B. D.	Gruppo	Mowery	Telek
Clark, D. F.	Haluska	Nahill	Tigue
Clymer	Hasay	Nailor	Veon
Cornell	Hayes	Noye	Vroon
Corrigan	Heckler	O'Brien	Wambach
Daley	Herman	Perzel	Wass
Dempsey	Hershey	Phillips	Weston
Dietterick	Hess	Piccola	Wilson
Dininni	Jackson	Pitts	Wogan
Distler	Jadlowiec	Raymond	Wozniak
Dombrowski	Johnson	Reber	Wright, J. L.
Dorr	Kasunic	Reinard	Wright, R. C.
Durham	Kenney	Robbins	Yandrisevits
Fairchild	Kondrich		

NAYS—89

Acosta	Coy	Laughlin	Rieger
Allen	DeLuca	Levdansky	Ritter
Argall	DeWeese	Linton	Robinson
Battisto	Davies	Lucyk	Roebuck
Belardi	Donatucci	McHale	Scheetz
Belfanti	Evans	Maiale	Smith, B.
Billow	Fee	Maine	Snyder, D. W.
Bishop	Freeman	Markosek	Staback
Blaum	George	Mayernik	Steighner
Bortner	Gigliotti	Melio	Stish
Bowley	Hagarty	Michlovic	Stuban
Broujos	Harper	Morris	Tangretti
Burns	Hayden	Mrkonic	Taylor, F.
Caltagirone	Howlett	Murphy	Thomas
Cappabianca	Hughes	O'Donnell	Trello
Carn	Itkin	Oliver	Trich
Cawley	James	Petrarca	Van Horne
Clark, J. H.	Jarolin	Petrone	Williams
Cohen	Josephs	Pievsky	Wright, D. R.
Colafiglia	Kaiser	Pistella	
Colaizzo	Kosinski	Pressmann	Manderino,
Cole	Kukovich	Preston	Speaker
Cowell	LaGrotta	Richardson	

NOT VOTING—1

Letterman

EXCUSED—2

Olasz Schuler

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

On the question recurring,

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

Mr. MERRY offered the following amendment No. A0378:

Amend Sec. 3 (Sec. 9), page 7, by inserting between lines 16 and 17

(e) The provisions of subsections (b) and (c) shall not apply to any individual residential sewage system which is located on a rural residence.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the author of the amendment, the gentleman from Crawford, Representative Merry.

Mr. MERRY. Mr. Speaker, I will withdraw this amendment.

The SPEAKER. The amendment already read by the clerk is being withdrawn.

I would appreciate if amendments are going to be withdrawn, that we do not go through the ritual of having them read by the clerk and submitted to the clerk prior to their withdrawal.

On the question recurring,

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

Mr. BOWLEY offered the following amendments No. A0875:

Amend Sec. 1, page 1, line 19, by striking out "Sections 5(e) and 7(b)(7)" and inserting

Section 5(e)

Amend Sec. 1, page 1, line 22, by striking out "are" and inserting

is

Amend Sec. 1 (Sec. 7), page 2, lines 13 through 22, 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 Warren, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 0875 is a simple amendment. Currently under current law, once a resident is given a permit to construct a sewage system on his property, he is given 2 years to begin construction. Under the way the legislation in HB 52 is written, they would have 3 years. I would like to revert back to 2 years. I feel 2 years is adequate time for someone to begin construction. They do not have to complete construction; they just have to begin construction. I think 2 years— If someone is serious about going through the process and the expense of getting a sewage enforcement officer out to his property to do the test, it passes, he has 2 years to begin construction; he does not have to complete construction. I think 2 years is adequate.

I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman from Warren County, Mr. Bowley.

The Chair recognizes on the amendment the gentleman from Cumberland County, Mr. Mowery.

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

Mr. Speaker, last session I had an amendment to extend the time period from 2 years to 3 years. In checking with DER at some meetings that we had over the previous couple of years, it was determined that some of them felt that there was no magic in whether it be a 2-year period, 3-year period, or 5-year period, the reason being that soil, which is determined by the perc test and probes and so forth on a septic system, does not really change in its complexion over that period of time. But what happens is that many people, before they purchase the lots, have the septic system pretty well designed after they have had it percked and probed, the permit is issued, and then for many different reasons, some of which are economic, such as higher interest rates or things do not work in the plans to

build the home immediately, they have to go back and have it renewed in 2 years.

It is kind of a compromise, since my amendment was originally to extend those permits for 5 years, and due to an objection that I heard by DER, I compromised and made it for a period of 3 years, which is an extension of only 1 year longer than it currently is. I see absolutely no reason why people should go back and have to apply for a permit again after 2 years.

I ask that you consider voting against this amendment to take out that provision. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cambria County, Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker.

Mr. Speaker, I do not think that the environment is going to be compromised if we allow it to remain at 3 years. I think that Representative Mowery made it quite clear and accurate that for many reasons—in my area particularly we have economic reasons and weather conditions—sometimes people just cannot get their act together in a 24-month period of time to get their septic system in. Many times people purchase land with the intention of using it at a later date, and because they cannot sell their present home, they find themselves purchasing land, making sure it is properly percked, and unable to make any forward progress for 3 years.

Three years is a reasonable amount of time. I would appreciate a negative vote on this amendment. We are not compromising the environment at all, and I think we are being fair to the people who are buying, purchasing land in Pennsylvania and trying to do the right thing by putting efficient and proper septic systems in. Thank you, Mr. Speaker.

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

Mr. HASAY. Thank you, Mr. Speaker.

I concur with the gentleman from Cambria, Mr. Wozniak. Three years has been the agreed-to time. The members of the Conservation Committee have gone through this issue many times and 3 years is the adequate time needed. Sometimes homebuilders need that extra year.

Therefore, I am asking the members to oppose the Bowley amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—38

Blaum	Freeman	Maiale	Preston
Bowley	Gigliotti	Mayernik	Robinson
Caltagirone	Harper	Michlovic	Tangretti
Clark, B. D.	Howlett	Morris	Trello
Cole	Kaiser	Murphy	Van Horne
Cowell	Kukovich	O'Donnell	Wright, D. R.
Coy	Letterman	Petrarca	Yandrisevits
DeLuca	Levdansky	Petrone	
DeWeese	McHale	Pievsky	Manderino, Speaker
Daley	McNally	Pistella	

NAYS—162

Acosta	Dombrowski	Kenney	Ritter
Adolph	Donatucci	Kondrich	Robbins
Allen	Dorr	Kosinski	Roebuck
Angstadt	Durham	LaGrotta	Rudy
Argall	Evans	Langtry	Ryan
Barley	Fairchild	Lashinger	Rybak
Battisto	Fargo	Laughlin	Saloom
Belardi	Farmer	Lee	Saurman
Belfanti	Fee	Leh	Scheetz
Billow	Fleagle	Lescovitz	Scrimenti
Birmelin	Flick	Linton	Semmel
Bishop	Foster	Lloyd	Serafini
Black	Fox	Lucyk	Smith, B.
Bortner	Freind	McCall	Smith, S. H.
Boyes	Gallen	McVerry	Snyder, D. W.
Brandt	Gamble	Maine	Snyder, G.
Broujos	Gannon	Markosek	Staback
Bunt	Geist	Marsico	Stairs
Burd	George	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Micozzie	Strittmatter
Cappabianca	Gruitza	Miller	Stuban
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Carn	Hagarty	Mowery	Taylor, F.
Cawley	Haluska	Mrkonic	Taylor, J.
Cessar	Hasay	Nahill	Telek
Chadwick	Hayden	Nailor	Thomas
Civera	Hayes	Noye	Tigue
Clark, D. F.	Heckler	O'Brien	Trich
Clark, J. H.	Herman	Oliver	Veon
Clymer	Hershey	Perzel	Vroon
Cohen	Hess	Phillips	Wambach
Colafella	Hughes	Piccola	Wass
Colaizzo	Itkin	Pitts	Weston
Cornell	Jackson	Pressmann	Williams
Corrigan	Jadlowiec	Raymond	Wilson
Davies	James	Reber	Wogan
Dempsey	Jarolin	Reinard	Wozniak
Dietterick	Johnson	Richardson	Wright, J. L.
Dininni	Josephs	Rieger	Wright, R. C.
Distler	Kasunic		

NOT VOTING—0

EXCUSED—2

Olasz Schuler

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

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

The SPEAKER. Does the gentleman, Mr. Clymer, wish to offer amendments or are they being withdrawn?

Mr. CLYMER. Mr. Speaker, not at this time.

The SPEAKER. Not offering or not withdrawing?

Mr. CLYMER. That is right. Mr. Speaker, I am not offering the amendment at this time.

The SPEAKER. You may not get an opportunity.

Mr. CLYMER. You seem like a kindhearted, understanding Speaker, and I am sure—

The SPEAKER. I may not have any other amendments and I may move to final passage.

Mr. CLYMER. Fine.

On the question recurring,

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

Mr. DORR offered the following amendments No. A0881:

Amend Sec. 1, page 1, line 19, by striking out "7(b)(7)" and inserting

7(b)(6) and (7)

Amend Sec. 1 (Sec. 7), page 2, by inserting between lines 14 and 15

(6) [If the local agency determines that: (i) any change has occurred in the physical conditions of any lands which will materially affect the operation of the community sewage system or individual sewage system covered by any permit issued by the local agency under section 7 of this act, or (ii) one or more tests material to the issuance of the permit has not been properly conducted, or (iii) information material to the issuance of the permit has been falsified, or (iv) the original decision of the local agency otherwise failed to conform to the provisions of this act or the rules and regulations of the department, or (v) the permittee has violated the rules and regulations of the department under which the permit was issued, the permit shall be revoked. Such action shall be taken after notice and opportunity for hearing has been given to the permittee.] A permit, once issued by the local agency, shall not be revoked by the local agency or the department for any reason except falsification of material relevant to the issuance of the permit. Revocation under this subsection shall be valid only if the permittee is notified, in writing, of the intent to revoke not more than seven days after issuance of the permit and the permittee is given the opportunity for a hearing within fifteen days after receipt of the notice of intent to revoke and an adjudication is rendered within seven days of the conclusion of the hearing.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes on the amendment its author, the Representative from York County, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

My amendments are offered to solve a problem that we have in connection with sewage enforcement officers who turn out not to be the greatest sewage enforcement officers in the world. I would like to explain two scenarios to the members to offer some understanding of why these amendments are offered and what the potential solutions are.

In one case we had people in our area who purchased a lot, a half-acre lot for \$23,000. It had been percked and probed. It had been approved by the sewage enforcement officer. That work had in turn been approved twice by DER. Later DER began to discover problems with the sewage enforcement officer's work. Eventually they muscled the sewage enforcement officer out of business and forced all of his permits that had been issued over a previous period of time—I do not know how long that period was—to be reexamined, and in fact the permits were revoked. These people then have a \$23,000 lot which they can do absolutely nothing with.

I do not think that is fair, Mr. Speaker, and in spite of the problems that might occur, I think that we ought to allow those permits that are issued through the work of certified sewage enforcement officers, certified by this State, to go into effect. The amendment makes those such permits under those circumstances irrevocable.

I ask for support of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Mr. Speaker, I think our colleagues ought to know that the amendment was drafted very well, but the intent of the amendment does more than what we would want. If only 7 days are allowed for a department to take revocation activity or action, then that means you yourself could build or want a home or think about a home being built and you would not want to hurt anybody, and your neighbor could complain that he has a water supply or a spring, and by the time he notified DER, if they did not take action in 7 days, regardless of how bad that permitting would have been, there would be no way to overturn this.

If that is what you want, then that is the way you are going to have to vote, but I personally would not vote for this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—98

Adolph	Dietterick	Jackson	Raymond
Allen	Dininni	Jadlowiec	Reber
Angstadt	Distler	Johnson	Reinard
Argall	Dorr	Kenney	Robbins
Barley	Durham	Kondrich	Ryan
Birmelin	Fairchild	Langtry	Saurman
Black	Fargo	Lashinger	Semmel
Boyes	Farmer	Lee	Serafini
Brandt	Fleagle	Leh	Smith, B.
Bunt	Flick	McVerry	Smith, S. H.
Burd	Foster	Marsico	Snyder, D. W.
Burns	Fox	Merry	Snyder, G.
Bush	Freind	Micozzie	Stairs
Carlson	Gallen	Miller	Strittmatter
Cessar	Gannon	Moehlmann	Taylor, E. Z.
Chadwick	Gladeck	Mowery	Taylor, J.
Civera	Godshall	Nahill	Telek
Clark, D. F.	Gruppo	Nailor	Veon
Clark, J. H.	Hagarty	Noye	Vroon
Clymer	Hasay	O'Brien	Wass
Cornell	Hayes	Perzel	Weston
Coy	Heckler	Phillips	Wilson
Daley	Herman	Piccola	Wogan
Davies	Hershey	Pitts	Wright, R. C.
Dempsey	Hess		

NAYS—98

Acosta	Evans	Lloyd	Roebuck
Battisto	Fee	Lucyk	Rudy
Belardi	Freeman	McCall	Rybak
Belfanti	Gamble	McHale	Saloom
Billow	George	McNally	Scheetz
Bishop	Gigliotti	Maine	Scrimenti
Blaum	Gruitza	Markosek	Staback
Bortner	Haluska	Mayermik	Steighner
Bowley	Harper	Melio	Stish
Broujos	Hayden	Michlovic	Stuban
Caltagirone	Hughes	Morris	Tangretti
Cappabianca	Itkin	Mrkonc	Taylor, F.
Carn	James	Murphy	Thomas
Cawley	Jarolin	O'Donnell	Tigue
Clark, B. D.	Josephs	Oliver	Trello
Cohen	Kaiser	Petrarca	Trich
Colafella	Kasunic	Petrone	Van Horne
Colaizzo	Kosinski	Pievsky	Wambach
Cole	Kukovich	Pistella	Williams
Corrigan	LaGrotta	Pressmann	Wozniak
Cowell	Laughlin	Preston	Wright, D. R.

DeLuca	Lescovitz	Richardson	Yandrisevits
DeWeese	Letterman	Rieger	
Dombrowski	Levdansky	Ritter	Manderino,
Donatucci	Linton	Robinson	Speaker

NOT VOTING—4

Geist	Howlett	Maiale	Wright, J. L.
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EXCUSED—2

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

On the question recurring,

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

Mr. DORR offered the following amendments No. A0887:

Amend Title, page 1, line 14, by inserting after "department;"

imposing a surcharge on sewage application fees;

Amend Sec. 1, page 1, line 19, by inserting after "5(e)"

, 6

Amend Sec. 1, page 2, by inserting between lines 12 and 13

Section 6. Grants and Reimbursements Authorized.—

(a) The department is authorized to administer grants to counties, municipalities and authorities to assist them in preparing official plans and revisions to official plans for sewage systems required by this act, and for carrying out related studies, surveys, investigations, inquiries, research and analyses. Such grants shall be made from funds appropriated by the General Assembly for this purpose and shall equal one-half the cost of preparing such plans. Such grants shall not be withheld from any municipality which is complying with the terms of this act. For the purposes of this section, costs shall be exclusive of those reimbursed or paid by grants from the Federal Government.

(b) Local agencies complying with the provisions of this act in a manner deemed satisfactory by the secretary shall be reimbursed annually by the department from funds specifically appropriated for such purpose equal to one-half of the cost of the expenses incurred by the local agency in enforcement of the provisions of this act. Such grants shall not be withheld from any local agency which is complying with the terms of this act. For the purposes of this section, costs shall be exclusive of those reimbursed or paid by grants from the Federal Government.

(c) A surcharge of 10% shall be added to the fee charged for review of permit applications under this act. The local agencies shall collect the surcharge and forward it quarterly to the certification board established under section 11. The certification board shall deposit all surcharges in a fund designated as the Errors and Omissions Fund and shall annually adjust the amount of the surcharge for the ensuing year based on claim experience. A person who suffers damages as a result of improper or erroneous approval by a certified sewage enforcement officer may apply to the certification board for reimbursement out of the Errors and Omissions Fund for the amount expended for property which becomes unusable because of corrected permit action, the amount expended to improve such property in reliance on permit approval which subsequently is determined to be improper or erroneous, and for other provable damages, if the following conditions are met:

(1) The sewage enforcement officer who approved the application for a permit was certified under this act.

(2) The department issued approval of the sewage planning module, the septic permit application, or both, based on the sewage enforcement officer's work.

(3) The sewage enforcement officer's work was ordered to be reviewed by the department.

(4) The review caused reversal of prior approvals, the refusal to issue permits for development or building on the land in question, or both, or agreement to issue such permits only if a system is used which is more expensive than would have been required under the previous permit.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from York County, Mr. Dorr.

Mr. DORR. Thank you, Mr. Speaker.

I am hoping that this may be somewhat less onerous to some of the members and we can get support for this amendment.

What it does is it solves the problem financially. Rather than allowing the permit to stay in effect, we will allow DER to revoke those permits under those circumstances, but we will have created a fund by a surcharge on the applications for permits by which persons in the circumstances that I have mentioned can receive reimbursement of the damage that they suffer, the actual economic damage that they suffer by revocation of that permit.

Frankly, Mr. Speaker, this problem is not terribly widespread, but I know that more than just the people in my district have faced this problem over a period of time. I believe, therefore, that it is fair to the citizens of Pennsylvania who happen to face this problem. It will not, because it is not a terribly widespread situation, require a large surcharge to be applied to these permits.

I believe the amendment solves the problem in a fair way, and I would ask for support.

The SPEAKER. On the question, the gentleman from Clearfield County, Mr. George, is recognized.

Mr. GEORGE. Mr. Speaker, very simply, what the gentleman would have you do is he would have you agree that a surcharge should go on every application for every individual who desires to have an onlot sewage system placed on his property, and that is good to a degree, but he places in errors and omissions, which means that now these guys that you and I are disappointed with, these SEO (sewage enforcement officer) people, they will not want to okay a permit anyway. You will really make them gun-shy, Mr. Speaker. They will not issue any permits if this amendment is accepted by our colleagues.

I would urge that we defeat it.

The SPEAKER. On the question, the gentleman from Warren, Mr. Bowley, is recognized.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, another reason why I think a negative vote would be appropriate here is, as I read the amendment, it says, "A surcharge of 10% shall be added to the fee charged for review of permit applications...." If someone submits a permit application and it is ultimately denied, they obviously are paying more than if their permit was approved, and I think it is in excess.

I agree with the Representative from Clearfield County and ask for a negative vote.

The SPEAKER. The Chair thanks the Representative from Warren County.

The Chair recognizes the gentleman from York County, Mr. Dorr.

Mr. DORR. Mr. Speaker, first of all, the 10-percent figure applies only to the first year of the operation of this fund, and it is relatively arbitrary. I do not think it will need to be that high in the future.

Secondly, I think as my colleague here just said, it is cheap insurance. I do not think this will have a deterrent effect on SEO's in any respect at all. As a matter of fact, it provides people with a system to get reimbursed, to get compensation for damages that occur if they should happen to occur, and it seems to me that sewage enforcement officers would appreciate knowing that there is some backup other than a lawsuit against them in order to solve this problem.

I would again ask, Mr. Speaker, for support of the amendment to solve a problem which does exist out there; which causes people in this Commonwealth, without any fault of their own, to lose what very well may be life savings in the purchase of land for their home and they find themselves forced to use a State-certified SEO, who then turns out to be bad, and they have no ability, practically speaking, to be compensated for that problem.

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

The SPEAKER. The gentleman from Cambria County, Mr. Haluska, is recognized on the question.

Mr. HALUSKA. Mr. Speaker, may I interrogate Mr. George, please?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. HALUSKA. Mr. Speaker, it is my understanding that under current law, if a parcel of property is sold to an individual with the understanding that the percolation tests are satisfactory, and in turn it is found that they are not, he has a guarantee that that parcel has to be returned and the person reimbursed for the amount of money he paid for that parcel within a special period of time. I do not know whether it is 1 year or 2 years. Mr. Speaker, could you enlighten me on that?

Mr. GEORGE. Mr. Speaker, I did not hear the gentleman. I am sorry.

The SPEAKER. Will the House please be in order so that the interrogation may be heard by the persons engaging in the colloquy. Members will please take their seats. Those of you who are standing in the aisle, those of you who are standing in groups near your seats, please take your seats. Will conversation please cease.

The gentleman, Mr. Haluska, is asked to repeat his question so it may be heard by Representative George.

Mr. HALUSKA. Mr. Speaker, it is my understanding that when an individual purchases a parcel of ground, he is assured that that parcel is suitable for septic reception, and in the event that it is not - it is found that it is not possible to put a sewage system on that parcel - he must be returned the amount of money that he paid for that parcel within a certain period of time.

Mr. GEORGE. I believe in another law that is with the Department of Community Affairs that what you said is accurate. If an individual does in fact buy a parcel of land and it does not meet the requirements of the onlot sewage act, then there will be a return of that money, if the property is bought for the purpose of constructing a facility.

Mr. HALUSKA. Thank you, sir.

The SPEAKER. The gentleman from Somerset, Mr. Lloyd, is recognized.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

I understand—at least I think I understand—the point that Mr. Dorr is making and the argument that somehow, because of their reliance, people ought to be compensated for mistakes that were made. My problem is that I do not understand why all of my constituents ought to have to pay another 10 percent for a fee application in order to take care of those people in those cases in which mistakes were made. If the township made a mistake, then the township, whether it is out of their general revenue or whether it is from cutting someplace else in their budget or whether it is through carrying errors and omissions insurance, ought to be in the position to handle the problem.

I already get complaints from constituents who say that they have to file a permit application that costs too much. Then if it gets turned down and they want to have new holes dug, they have to file another application. They want me to put in an amendment to restrict the number of fees that the township can impose. There is no way in the world that I am going to vote for an amendment that says that not only are we going to let them charge you a new fee every time you come in but we are going to make them put a 10-percent surcharge on so that if they end up giving a permit to a friend of theirs and that eventually gets overruled, then all of you who did everything right and who got a permit to which you were entitled will have to hold them harmless. That, in my opinion, is making the wrong people pay, and I think we ought to vote "no."

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

Mr. NOYE. Thank you, Mr. Speaker.

I rise in support of the Dorr amendment. The discussion that just went on is very nice, and that is the way I guess we wish it would be, but let us talk about the real world and what is happening out there.

Mr. Speaker, all across this Commonwealth, the Department of Environmental Resources is coming in to your communities and slapping moratoriums. Now, when you have a problem with a sewage enforcement officer who is not doing his job correctly, the law as it is presently constituted does not help correct that situation.

I just recently experienced a situation where a sewage enforcement officer was decertified. I had notified the Department of Environmental Resources 5 years ago about the problem, and it took them 5 years to decertify the guy. During that whole period of time, he issued permits. When

they finally reached their legal conclusion—and they claimed they could not have done it any more quickly—they went back and looked at all the permits he issued and voided them. They voided all those permits issued over 5 years. People who had been living in their houses for several years, who had a system that was functioning or malfunctioning, were now told they did not have a permit. They had to go back and get a new permit under the new sewage enforcement officer.

Some of those people will never get a legal permit, and they have no legal recourse to get any kind of financial recovery under the present law. You cannot sue the township; you cannot sue the sewage enforcement officer because he is an employee of the township. What course of action do these people have? And I disagree with Mr. Dorr on this point: This is more widespread than he thinks it is. It is happening out there. There are people who have invested their life savings in a house, in a lot, and they can never get a permit because it will not pass inspection. What are they supposed to do?

This is pretty cheap insurance at a 10-percent surcharge, and if I am going out, I do not like to pay it, but I will be darned, I would want some kind of recourse. Unless you are willing to change the liability laws of this Commonwealth to open it up to allow these SEO's to be liable for their work or the townships to be liable for their oversight of those SEO's, then this is the only alternative you have given them, unless you want to tell the buyer, you are on your own, baby, and if that sewage system fails in 3 or 4 years, tough luck.

I support the Dorr amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

Adolph	Dempsey	Hess	Pitts
Allen	Dietterick	Jackson	Raymond
Angstadt	Dininni	Jadlowiec	Reber
Argall	Distler	Johnson	Reinard
Barley	Dorr	Kenney	Robbins
Birmelin	Durham	Kondrich	Ryan
Black	Fairchild	Langtry	Saurman
Boyes	Fargo	Lashingner	Semmel
Brandt	Farmer	Leh	Smith, B.
Broujos	Fleagle	McVerry	Snyder, D. W.
Bunt	Flick	Marsico	Snyder, G.
Burd	Foster	Merry	Stairs
Burns	Fox	Micozzie	Strittmatter
Bush	Freind	Miller	Taylor, E. Z.
Carlson	Gannon	Moehlmann	Taylor, J.
Chadwick	Geist	Mowery	Telek
Civera	Gladeck	Nahill	Veon
Clark, D. F.	Godshall	Nailor	Vroon
Clark, J. H.	Gruppo	Noye	Weston
Clymer	Hagarty	O'Brien	Wilson
Cole	Hayes	Perzel	Wogan
Cornell	Heckler	Phillips	Wright, J. L.
Davies	Hershey	Piccola	Wright, R. C.

NAYS—105

Acosta	Fee	Linton	Rudy
Battisto	Freeman	Lloyd	Rybak
Belardi	Gallen	Lucyk	Saloom
Belfanti	Gamble	McCall	Scheetz
Billow	George	McHale	Scrimenti
Bishop	Gigliotti	McNally	Serafini
Blaum	Gruitza	Maine	Smith, S. H.

Bortner	Haluska	Markosek	Staback
Bowley	Harper	Mayernik	Steighner
Caltagirone	Hasay	Melio	Stish
Cappabianca	Hayden	Michlovic	Stuban
Carn	Herman	Morris	Tangretti
Cawley	Hughes	Mrkoncic	Taylor, F.
Cessar	Itkin	Murphy	Tigue
Clark, B. D.	James	O'Donnell	Trello
Cohen	Jarolin	Oliver	Trich
Colaella	Josephs	Petrarca	Van Horne
Colaizzo	Kaiser	Petrone	Wambach
Corrigan	Kasunic	Pievsky	Wass
Cowell	Kosinski	Pistella	Williams
Coy	Kukovich	Pressmann	Wozniak
DeLuca	LaGrotta	Preston	Wright, D. R.
DeWeese	Laughlin	Richardson	Yandrisevits
Daley	Lee	Rieger	
Dombrowski	Lescovitz	Ritter	Manderino,
Donatucci	Letterman	Robinson	Speaker
Evans	Levdansky	Roebuck	

NOT VOTING—3

Howlett	Maiale	Thomas
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EXCUSED—2

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

On the question recurring,

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

AMENDMENT A0875 RECONSIDERED

The SPEAKER. Prior to final passage of the bill, the Chair is in receipt of a reconsideration motion filed by the gentlemen from Allegheny, Mr. Preston and Mr. Robinson, on the Bowley amendment A875 to HB 52, which was defeated on this day. That amendment was defeated 38 to 162.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Acosta	Dietterick	Langtry	Robinson
Adolph	Diminni	Lashingner	Roebuck
Allen	Distler	Laughlin	Rudy
Angstadt	Dombrowski	Lee	Ryan
Argall	Donatucci	Leh	Rybak
Barley	Dorr	Lescovitz	Saloom
Battisto	Durham	Letterman	Saurman
Belardi	Evans	Levdansky	Scheetz
Belfanti	Fairchild	Linton	Scrimenti
Billow	Farmer	Lloyd	Semmel
Birmelin	Fee	McCall	Serafini
Bishop	Fleagle	McHale	Smith, B.
Black	Flick	McNally	Smith, S. H.
Blaum	Foster	Maine	Snyder, D. W.
Bortner	Fox	Markosek	Snyder, G.
Bowley	Freeman	Marsico	Staback
Boyes	Freind	Mayernik	Stairs
Brandt	Gamble	Melio	Steighner
Broujos	Gannon	Merry	Stish
Bunt	Geist	Michlovic	Strittmatter
Burd	George	Micozzie	Stuban
Burns	Gladeck	Miller	Tangretti
Bush	Godshall	Moehlmann	Taylor, E. Z.
Caltagirone	Gruppo	Morris	Taylor, F.

Cappabianca	Hagarty	Mowery	Taylor, J.
Carlson	Haluska	Mrkonic	Telek
Carn	Harper	Murphy	Thomas
Cawley	Hayden	Nahill	Tigue
Cessar	Hayes	Nailor	Trello
Chadwick	Heckler	O'Brien	Trich
Civera	Herman	O'Donnell	Van Horne
Clark, B. D.	Hershey	Oliver	Veon
Clark, D. F.	Hess	Perzel	Vroon
Clark, J. H.	Hughes	Petrarca	Wambach
Clymer	Itkin	Petrone	Wass
Cohen	Jackson	Phillips	Weston
Colaifella	Jadlowiec	Piccola	Williams
Colaizzo	James	Pievsky	Wilson
Cole	Jarolin	Pitts	Wogan
Cornell	Johnson	Pressmann	Wozniak
Corrigan	Josephs	Preston	Wright, D. R.
Cowell	Kaiser	Raymond	Wright, J. L.
Coy	Kasunic	Reinard	Wright, R. C.
DeWeese	Kenney	Richardson	Yandrisevits
Daley	Kondrich	Rieger	
Davies	Kukovich	Ritter	Manderino,
Dempsey	LaGrotta	Robbins	Speaker

NAYS—6

Gallen	Kosinski	Noye	Reber
Hasay	Lucyk		

NOT VOTING—8

DeLuca	Gigliotti	Howlett	Maiale
Fargo	Gruitza	McVerry	Pistella

EXCUSED—2

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

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment.

Mr. BOWLEY. Thank you, Mr. Speaker.

I would like to respectfully withdraw the amendment.

The SPEAKER. The gentleman is in order. Without objection, the amendment is withdrawn. The Chair hears no objection.

On the question recurring,

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

AMENDMENT A0348 RECONSIDERED

The SPEAKER. The Speaker is in receipt of a reconsideration motion filed by the gentleman from Clearfield, Mr. George, and the majority leader, Representative O'Donnell, that the vote by which the Merry amendment A348 to HB 52 passed this day be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

Acosta	Distler	Kukovich	Rieger
Adolph	Dombrowski	LaGrotta	Ritter
Allen	Donatucci	Langtry	Robbins
Angstadt	Dorr	Lashingier	Robinson
Argall	Durham	Laughlin	Roebuck
Barley	Evans	Lee	Rudy
Battisto	Fairchild	Leh	Ryan
Belardi	Fargo	Lescovitz	Rybak
Belfanti	Farmer	Letterman	Saloom
Billow	Fee	Levdansky	Saurman
Bishop	Fleagle	Linton	Scheetz
Black	Flick	Lloyd	Scrimenti
Blaum	Foster	Lucyk	Semmel
Bortner	Fox	McCall	Serafini
Bowley	Freeman	McHale	Smith, B.
Boyes	Freind	McNally	Smith, S. H.
Brandt	Gallen	McVerry	Snyder, D. W.
Broujos	Gamble	Maine	Snyder, G.
Bunt	Gannon	Markosek	Staback
Burd	Geist	Marsico	Stairs
Burns	George	Mayernik	Steighner
Bush	Gigliotti	Melio	Stish
Caltagirone	Gladeck	Merry	Strittmatter
Cappabianca	Godshall	Michlovic	Stuban
Carlson	Gruitza	Micozzie	Tangretti
Carn	Gruppo	Miller	Taylor, E. Z.
Cawley	Hagarty	Moehlmann	Taylor, F.
Cessar	Haluska	Morris	Taylor, J.
Chadwick	Harper	Mowery	Telek
Civera	Hasay	Mrkonic	Thomas
Clark, B. D.	Hayden	Murphy	Tigue
Clark, D. F.	Hayes	Nahill	Trello
Clark, J. H.	Heckler	Nailor	Trich
Clymer	Herman	O'Brien	Van Horne
Cohen	Hershey	O'Donnell	Veon
Colaifella	Hess	Oliver	Vroon
Colaizzo	Hughes	Perzel	Wambach
Cole	Itkin	Petrarca	Wass
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Phillips	Williams
Cowell	James	Piccola	Wilson
Coy	Jarolin	Pievsky	Wogan
DeLuca	Johnson	Pistella	Wozniak
DeWeese	Josephs	Pitts	Wright, D. R.
Daley	Kaiser	Pressmann	Wright, R. C.
Davies	Kasunic	Preston	Yandrisevits
Dempsey	Kenney	Raymond	
Dietterick	Kondrich	Reinard	Manderino,
Dininni	Kosinski	Richardson	Speaker

NAYS—4

Birmelin	Noye	Reber	Wright, J. L.
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NOT VOTING—2

Howlett	Maiale
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EXCUSED—2

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

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On that question, the gentleman, Representative Merry, from Crawford County is recognized.

Mr. MERRY. Mr. Speaker, may I reassure the members that there is no effort being made here to spoil the bill. The bill for sewage enforcement officers is much needed. We have had assurances from many people in the House and the Senate

that this language will not upset the bill. We are not trying to be anti-environmental; on the contrary. We have put specifications into this amendment that go far beyond the laws that we have lived under for the last 30 or 40 years.

I believe and suggest to you that the bill is workable, recognizing that in much of rural Pennsylvania, people who presently own land of 10 acres or more are not allowed to build on it, and those that are wanting to build homesteads, they have to build them someplace. We do not want a situation where we have a high density of building. We would rather see them spread out into 10-acre lands. If there is a situation where someone suspects that there is a sewage system to be built that will not work, the amendment has a provision in it to take care of it. We will not be polluting. It will be giving us safeguards that we do not have at the present.

For instance—let me just say one word—a mother called me in tears just this week and said, “My daughter wants to move back on my property. She’s expecting a baby and wants to be close to home. They will not let her trailer be hooked onto my home.” She said, “I have 86 acres. Why can’t I put in a sewage system for her?” I explained to her the history of the event, but she had already decided to call her Congressman, to go to DER, to go to the county commissioners, now going to her Representative.

I am sure that that situation is duplicated many, many times, no matter where you are. The Merry amendment will solve those problems. So I urge that the members please continue to give us a favorable vote on amendment 348.

The SPEAKER. On the question, the gentleman from Perry County, Mr. Noye, is recognized.

Mr. NOYE. Thank you, Mr. Speaker.

Several minutes ago we voted on the Merry amendment, and I think one of the things we were trying to do when we supported that amendment was to send a clear signal to DER that we are not satisfied with the alternatives that we are faced with on the question of onlot sewage systems.

Right now in this Commonwealth you have two choices as to what you want to put on your lot, and usually that is dwindled to one when the SEO gets done with the inspection. They refuse adamantly to look at new technology. We even have cases— Well, it is a statewide ban on holding tanks. We have people who are willing to put in large holding tanks, pay the expense of taking care of them and making sure that they are not polluting, but they will not even issue a permit for a holding tank anywhere in this Commonwealth with the exception of on floodplains for recreational areas, but not for houses that have no other alternatives.

Mr. Speaker, until you are willing to take the lead in this thing and force the hand, we are not going to see new systems come on line in Pennsylvania, even though they exist in other States, and our soils are not unique to this State. We have many States that are already utilizing other systems that we do not even have a chance to utilize in this Commonwealth.

Mr. Speaker, you are backed into a corner. You have no choice. The 10-acre limitation law as proposed here is the only alternative until we see some progress and some movement

from the Department of Environmental Resources. I urge you to continue to support the Merry amendment.

The SPEAKER. On the question, the gentleman from Columbia, Mr. Stuban, is recognized.

Mr. STUBAN. Thank you, Mr. Speaker.

I rise to speak against this amendment, and the reason I do is the previous speaker here agreed that there is a problem with onlot sewage across our State. I think an amendment like this is a selective amendment. I believe that we have people across the State that would like to build homes. We have a shortage of homeowners. We have young people out there that would like to be a homeowner. What we do with a piece like this, if my daddy has a farm and my daddy can give me 10 acres of ground, then I could build a home, but how many young people out there can afford to go out and buy 10 acres of property to build a home? What we are doing is asking for our townships and our other areas to divide their township into 10-acre plots and then you can build homes, and I do not think that is fair.

The SPEAKER. On the question of agreeing to the amendment, the Chair recognizes the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I have no intention of impugning the integrity of a fellow member, but the gentleman, Mr. Noye, on three occasions mentioned the word “alternative.” I would inform that gentleman and the rest of our colleagues that this bill, as proposed, is an alternative to the problem that his people have and my people have and your people have.

Also in the bill it insists that that department explore avenues so that we do have legitimate alternatives, but the problem with the amendment as proposed that is even worse than the original 10-acre law is that any one of your constituents could buy a home that had already been constructed, move in, and find several months later that a malfunction would appear. That homeowner is on the hook - not the builder, not the department, not the community; your constituent is on the hook. That is not what you want.

This bill, as thought up by both Democrats and Republicans in our committee, is the alternative to just an avenue that does not make sense. I would ask that this amendment be defeated.

The SPEAKER. The Chair reminds the House that the motion is to reconsider the vote. It is not necessary to reconsider all the debate.

On the question, the Chair recognizes the gentleman from Perry County, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I will limit my remarks to the Merry amendment, which the prior speaker was talking about his bill. But if we are going to talk about alternatives, if we are going to ask the department to consider alternatives, I would suggest that the department has been considering alternatives for the last 20 years, and we have not seen any progress yet.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—105

Adolph	Fargo	Kondrich	Rudy
Angstadt	Farmer	Langtry	Ryan
Barley	Fleagle	Lashingier	Saloom
Birmelin	Flick	Lee	Saurman
Black	Foster	Leh	Scrimenti
Boyes	Fox	Lescovitz	Semmel
Brandt	Freind	Lloyd	Serafini
Bunt	Gallen	McVerry	Smith, B.
Burd	Gannon	Marsico	Smith, S. H.
Bush	Geist	Merry	Snyder, D. W.
Carlson	Gladeck	Micozzie	Snyder, G.
Cessar	Godshall	Miller	Stairs
Chadwick	Gruitza	Moehlmann	Strittmatter
Civera	Gruppo	Mowery	Taylor, E. Z.
Clark, D. F.	Haluska	Nahill	Taylor, J.
Clark, J. H.	Hasay	Nailor	Telek
Clymer	Hayes	Noye	Tigue
Cornell	Heckler	O'Brien	Veon
Corrigan	Herman	Perzel	Vroon
Davies	Hershey	Phillips	Wass
Dempsey	Hess	Piccola	Weston
Dietterick	Jackson	Pitts	Wilson
Dininni	Jadlowiec	Raymond	Wogan
Distler	Johnson	Reber	Wright, J. L.
Dorr	Kasunic	Reinard	Wright, R. C.
Durham	Kenney	Robbins	Yandrisevits
Fairchild			

NAYS—94

Acosta	DeLuca	Laughlin	Richardson
Allen	DeWeese	Levdansky	Rieger
Argall	Daley	Linton	Ritter
Battisto	Dombrowski	Lucy	Robinson
Belardi	Donatucci	McCall	Roebuck
Belfanti	Evans	McHale	Rybak
Billow	Fee	McNally	Scheetz
Bishop	Freeman	Maiale	Staback
Blaum	Gamble	Maine	Steighner
Bortner	George	Markosek	Stish
Bowley	Gigliotti	Mayermik	Stuban
Broujos	Hagarty	Melio	Tangretti
Burns	Harper	Michlovic	Taylor, F.
Caltagirone	Hayden	Morris	Thomas
Cappabianca	Howlett	Mrkonic	Trello
Carn	Hughes	Murphy	Trich
Cawley	Itkin	O'Donnell	Van Horne
Clark, B. D.	James	Oliver	Wambach
Cohen	Jarolin	Petrarca	Williams
Colaella	Josephs	Petrone	Wozniak
Colaizzo	Kaiser	Pievsky	Wright, D. R.
Cole	Kosinski	Pistella	Wright, J. L.
Cowell	Kukovich	Pressmann	Wright, R. C.
Coy	LaGrotta	Preston	Yandrisevits
			Manderino, Speaker

NOT VOTING—1

Letterman

EXCUSED—2

Olasz Schuler

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—191

Acosta	Donatucci	LaGrotta	Robbins
Adolph	Dorr	Langtry	Robinson
Allen	Durham	Lashingier	Roebuck
Angstadt	Evans	Laughlin	Rudy
Argall	Fairchild	Lee	Ryan
Barley	Fargo	Leh	Rybak
Battisto	Farmer	Lescovitz	Saloom
Belardi	Fee	Letterman	Saurman
Belfanti	Fleagle	Levdansky	Scheetz
Billow	Flick	Linton	Scrimenti
Birmelin	Foster	Lloyd	Semmel
Bishop	Fox	Lucyk	Serafini
Black	Freeman	McCall	Smith, B.
Bortner	Freind	McHale	Smith, S. H.
Boyes	Gallen	McNally	Snyder, D. W.
Brandt	Gamble	McVerry	Snyder, G.
Broujos	Gannon	Maiale	Staback
Bunt	Geist	Maine	Stairs
Burd	George	Markosek	Steighner
Bush	Gigliotti	Marsico	Stish
Caltagirone	Gladeck	Mayermik	Strittmatter
Cappabianca	Godshall	Melio	Stuban
Carlson	Gruitza	Merry	Tangretti
Carn	Gruppo	Micozzie	Taylor, E. Z.
Cawley	Hagarty	Miller	Taylor, F.
Cessar	Haluska	Moehlmann	Taylor, J.
Chadwick	Harper	Mowery	Telek
Civera	Hasay	Mrkonic	Thomas
Clark, B. D.	Hayes	Nahill	Tigue
Clark, D. F.	Heckler	Nailor	Trello
Clark, J. H.	Herman	Noye	Trich
Clymer	Hershey	O'Brien	Van Horne
Cohen	Hess	O'Donnell	Veon
Colaella	Howlett	Oliver	Vroon
Colaizzo	Hughes	Perzel	Wambach
Cole	Itkin	Petrarca	Wass
Cornell	Jackson	Petrone	Weston
Corrigan	Jadlowiec	Phillips	Williams
Cowell	James	Piccola	Wilson
Coy	Jarolin	Pievsky	Wogan
DeLuca	Johnson	Pistella	Wozniak
DeWeese	Josephs	Pitts	Wright, D. R.
Daley	Kaiser	Preston	Wright, J. L.
Davies	Kasunic	Raymond	Wright, R. C.
Dempsey	Kenney	Reber	Yandrisevits
Dietterick	Kondrich	Reinard	
Dininni	Kosinski	Rieger	Manderino, Speaker
Distler	Kukovich	Ritter	
Dombrowski			

NAYS—8

Blaum	Burns	Michlovic	Murphy
Bowley	Hayden	Morris	Pressmann

NOT VOTING—1

Richardson

EXCUSED—2

Olasz Schuler

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.

RESOLUTIONS CONTINUED

Mr. MARKOSEK called up **HR 53, PN 1309**, entitled:

Relating to the extended school year program for autistic children.

On the question,

Will the House adopt the resolution?

Mr. FOX offered the following amendments No. A0891:

Amend Title, page 1, line 2, by removing the period after "children" and inserting
and other special education students with disabilities.

Amend First Whereas Clause, page 1, line 4, by inserting after "children"
and other special education students with disabilities

Amend First Whereas Clause, page 1, line 6, by striking out "autistic"

Amend First Resolved Clause, page 1, line 17, by striking out "the autistic student" and inserting
autistic children and other special education students with disabilities

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of the amendment being offered to the resolution, the Chair recognizes the gentleman from Montgomery County, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

This is an agreed-to amendment, which will include not only autistic students but other special-ed students to be studied by the Secretary of Education with regard to extended school year programs.

The SPEAKER. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I urge support by the members. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Distler	LaGrotta	Rieger
Adolph	Dombrowski	Langtry	Ritter
Allen	Donatucci	Lashinger	Robbins
Angstadt	Dorr	Laughlin	Robinson
Argall	Durham	Lee	Roebuck
Barley	Evans	Leh	Rudy
Battisto	Fairchild	Lescovitz	Ryan
Belardi	Fargo	Letterman	Rybak
Belfanti	Farmer	Levdansky	Saloom
Billow	Fee	Linton	Saurman
Birmelin	Fleagle	Lloyd	Scheetz
Bishop	Flick	Lucyk	Scrimenti
Black	Foster	McCall	Semmel
Blaum	Fox	McHale	Serafini
Bortner	Freeman	McNally	Smith, B.
Bowley	Freind	McVerry	Smith, S. H.

Boyes	Gallen	Maine	Snyder, D. W.
Brandt	Gamble	Markosek	Snyder, G.
Broujos	Gannon	Marsico	Staback
Bunt	Geist	Mayermik	Stairs
Burd	George	Melio	Steighner
Burns	Gigliotti	Merry	Stish
Bush	Gladeck	Michlovic	Strittmatter
Caltagirone	Godshall	Micozzie	Stuban
Cappabianca	Gruitza	Miller	Tangretti
Carlson	Gruppo	Moehlmann	Taylor, E. Z.
Carn	Hagarty	Morris	Taylor, F.
Cawley	Haluska	Mowery	Taylor, J.
Cessar	Harper	Mrkonic	Telek
Chadwick	Hasay	Murphy	Thomas
Civera	Hayden	Nahill	Tigue
Clark, B. D.	Hayes	Nailor	Trello
Clark, D. F.	Heckler	Noye	Trich
Clark, J. H.	Herman	O'Brien	Van Horne
Clymer	Hershey	O'Donnell	Veon
Cohen	Hess	Oliver	Vroon
Colafiglia	Hughes	Perzel	Wambach
Colaizzo	Itkin	Petrarca	Wass
Cole	Jackson	Petrone	Weston
Cornell	Jadlowiec	Phillips	Williams
Corrigan	James	Piccola	Wilson
Cowell	Jarolin	Pievsky	Wogan
Coy	Johnson	Pistella	Wozniak
DeLuca	Josephs	Pitts	Wright, D. R.
DeWeese	Kaiser	Pressmann	Wright, J. L.
Daley	Kasunic	Preston	Wright, R. C.
Davies	Kenney	Raymond	Yandrisevits
Dempsey	Kondrich	Reber	
Dietterick	Kosinski	Reinard	Manderino,
Dininni	Kukovich	Richardson	Speaker

NAYS—0

NOT VOTING—2

Howlett Maiale

EXCUSED—2

Olasz Schuler

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

On the question,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—199

Acosta	Dombrowski	Langtry	Rieger
Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Letterman	Ryan
Belardi	Farmer	Levdansky	Rybak
Belfanti	Fee	Linton	Saloom
Billow	Fleagle	Lloyd	Saurman
Birmelin	Flick	Lucyk	Scheetz
Bishop	Foster	McCall	Scrimenti
Black	Fox	McHale	Semmel
Blaum	Freeman	McNally	Serafini
Bortner	Freind	McVerry	Smith, B.
Bowley	Gallen	Maiale	Smith, S. H.
Boyes	Gamble	Maine	Snyder, D. W.
Brandt	Gannon	Markosek	Snyder, G.
Broujos	Geist	Marsico	Staback
Bunt	George	Mayermik	Stairs
Burd	Gigliotti	Melio	Steighner
Burns	Gladeck	Merry	Stish
Bush	Godshall	Michlovic	Strittmatter
Caltagirone	Gruitza	Micozzie	Stuban

Cappabianca	Gruppo	Miller	Tangretti
Carlson	Hagarty	Moehlmann	Taylor, E. Z.
Carn	Haluska	Morris	Taylor, F.
Cawley	Harper	Mowery	Taylor, J.
Cessar	Hasay	Mrkonic	Telek
Chadwick	Hayden	Murphy	Thomas
Civera	Hayes	Nahill	Tigue
Clark, B. D.	Heckler	Nailor	Trello
Clark, D. F.	Herman	Noye	Trich
Clark, J. H.	Hershey	O'Brien	Van Horne
Clymer	Hess	O'Donnell	Veon
Cohen	Hughes	Oliver	Vroon
Colafiglia	Itkin	Perzel	Wambach
Colaizzo	Jackson	Petrarca	Wass
Cole	Jadlowiec	Petrone	Weston
Cornell	James	Phillips	Williams
Corrigan	Jarolin	Piccola	Wilson
Cowell	Johnson	Pievsky	Wogan
Coy	Josephs	Pistella	Wozniak
DeLuca	Kaiser	Pitts	Wright, D. R.
DeWeese	Kasunic	Pressmann	Wright, J. L.
Daley	Kenney	Preston	Wright, R. C.
Davies	Kondrich	Raymond	Yandrisevits
Dempsey	Kosinski	Reber	
Dietterick	Kukovich	Reinard	Manderino,
Dininni	LaGrotta	Richardson	Speaker
Distler			

NAYS—0

NOT VOTING—1

Howlett

EXCUSED—2

Olasz Schuler

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

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

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

Mr. MORRIS. Mr. Speaker, after we break, or whatever we are doing here, I want to notify the members of the Agriculture and Rural Affairs Committee that we are going to have a short meeting in the back of the House. It is very important.

The SPEAKER. At the adjournment or the call of the recess, the Agriculture Committee will meet in the rear of the House for a brief meeting.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. McNally. For what purpose does the gentleman rise?

Mr. McNALLY. Mr. Speaker, I rise to request that I be recorded as voting in the affirmative on amendment 0348 to HB 52.

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

The Chair recognizes the gentleman from Allegheny County, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.
On HB 6, my voting machine was not operating. I wish to be recorded in the affirmative on concurrence in HB 6.
The SPEAKER. The gentleman's remarks will be spread upon the record.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 160, PN 173 By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the impoundment of a vehicle for the owner's failure to pay the fine and costs on a conviction of driving while operating privilege is suspended or revoked.

TRANSPORTATION.

HB 409, PN 1345 (Amended)

By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for when lighted head lamps are required.

TRANSPORTATION.

HB 985, PN 1120

By Rep. PETRARCA

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," providing that moneys in the Motor License Fund shall not be appropriated for the Pennsylvania State Police.

TRANSPORTATION.

HB 996, PN 1131

By Rep. PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring all students 16, 17 or 18 years of age to maintain a certain grade average or lose their drivers' licenses.

TRANSPORTATION.

BILL SIGNED BY SPEAKER

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

HB 6, PN 1135

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring the commission to make certain recordings available and to release certain documents.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the lady from Bucks County, Mrs. Wilson.

Mrs. WILSON. Mr. Speaker, I move that this House do now adjourn until Monday, April 17, 1989, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.