

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 62

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 our Father, You in whom we live and move and have being; You alone, who know all about us, we come to You by faith, ever aware that our times and destinies are in Your hands.

Often we become anxious about our labors here; we become confused and perplexed about many of the issues that confront us. We do not and cannot fully know the consequences of our acts and deeds that so critically impact the lives of our constituents. Grant that our concern for them might restrain any tendency to take the easy way out rather than grapple with the issues that so profoundly affect Your people.

Will You guide our thoughts and direct our deliberations, knowing that our sufferings can be our blessings.

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. Without objection, the Journal of Monday, October 16, 1989, will be postponed in its approval until the same is printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2006 By Representatives CHADWICK, MORRIS, BARLEY, COHEN, JOHNSON, FAIRCHILD, WASS, MERRY, FARGO, CARLSON, PHILLIPS, E. Z. TAYLOR, TRELLO, SCHEETZ, LEE, GEIST, DISTLER, HERSHEY, BELARDI and BILLOW

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," further providing for the exemption from taxes of land conveyed to a nonprofit corporation for the operation of a cemetery.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, October 17, 1989.

No. 2007 By Representatives PETRONE, COLAIZZO, VAN HORNE, KOSINSKI, GIGLIOTTI, JOSEPHS, TIGUE and DOMBROWSKI

An Act establishing the State Gaming Commission and the State Scholarship Commission and providing for their powers and duties; and establishing the State Scholarship Fund and providing for awards of scholarships therefrom.

Referred to Committee on FINANCE, October 17, 1989.

No. 2008 By Representative MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, amending the definition of "urban mass transportation system"; and further providing for exemption of entities and vehicles from fees.

Referred to Committee on TRANSPORTATION, October 17, 1989.

No. 2009 By Representative GEORGE

An Act amending the act of November 18, 1968 (P. L. 1052, No. 322), known as the "Sewage Treatment Plant and Waterworks Operators' Certification Act," reestablishing the State Board for Certification of Sewage Treatment Plant and Waterworks Operators.

Referred to Committee on CONSERVATION, October 17, 1989.

No. 2010 By Representatives E. Z. TAYLOR, MAINE, HAGARTY, FARMER, MORRIS, NAILOR, ITKIN, WASS, JOHNSON, PESCI, SCHULER, MELIO, ANGSTADT, DISTLER, FARGO, LAUGHLIN, TIGUE, BELFANTI, VROON, LASHINGER, JACKSON, JOSEPHS, WILSON, NAHILL, FREEMAN, LINTON, J. L. WRIGHT, FOX, GODSHALL, CIVERA, BELARDI, McCALL, BILLOW, SAURMAN, LEE, LEH, TELEK, BATTISTO, PETRARCA and OLASZ

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the Office of Child Support Legal Advocate.

Referred to Committee on JUDICIARY, October 17, 1989.

No. 2011 By Representatives TANGRETTI, MANDERINO, KUKOVICH, MARKOSEK, SALOOM, STAIRS, PETRARCA, VAN HORNE, COHEN, COLAIZZO, PRESSMANN, STISH, LEVDANSKY, ROBINSON, MELIO, BELARDI, MICHLOVIC, PESCI, BORTNER, FOX, HALUSKA, OLASZ, BELFANTI, ARGALL, JOSEPHS, FAIRCHILD, FARGO, LLOYD, KOSINSKI, NAHILL, GIGLIOTTI, COLAFELLA, MORRIS, McVERRY, JOHNSON, LINTON, RYBAK, STABACK, TRICH, MERRY, MARSICO and TRELLO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the possession of a firearm or other dangerous weapon in a court facility.

Referred to Committee on JUDICIARY, October 17, 1989.

No. 2012 By Representatives DIETTERICK, MRKONIC, DAVIES, NAILOR, NOYE, FLEAGLE, PESCI, SCHULER, HALUSKA, GEIST, HERMAN, FARGO, CARLSON, ANGSTADT, DISTLER, FAIRCHILD, WASS, FLICK, DEMPSEY, LASHINGER, MORRIS, JACKSON, MELIO, JOHNSON, NAHILL, BILLOW, J. L. WRIGHT, HESS, JADLOWIEC, MERRY, GODSHALL, G. SNYDER, DeLUCA, ROBBINS, McCALL, STABACK, BURNS, E. Z. TAYLOR, TIGUE, SAURMAN, McHALE, FARMER, KASUNIC, MAINE, SERAFINI, TELEK, OLASZ, JAROLIN, HASAY, VEON, DeWEESE, GANNON, ADOLPH, STISH, CORRIGAN, STUBAN, J. H. CLARK, BLAUM, THOMAS, ROBINSON, BLACK, MOEHLMANN, BATTISTO, CHADWICK, BRANDT, BELARDI and CAWLEY

An Act making an appropriation to the Department of Labor and Industry for the operation of Veteran Outreach Centers.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, October 17, 1989.

No. 2013 By Representatives LANGTRY, WILLIAMS, NOYE, TIGUE, JOHNSON, COHEN, BARLEY, FARGO, BATTISTO, DEMPSEY, GEIST, DeLUCA, RAYMOND, JACKSON, MORRIS, BOYES, MAIALE, HOWLETT, E. Z. TAYLOR, STABACK, CIVERA, LINTON, MELIO, NAHILL, R. C. WRIGHT, MARSICO, FARMER and FOX

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the disposition of dependent children.

Referred to Committee on JUDICIARY, October 17, 1989.

No. 2014 By Representatives MARSICO, COY, PICCOLA, PITTS, NAHILL, DEMPSEY, HERSHEY, SCHEETZ, MERRY, FLEAGLE, FOX, HECKLER, TELEK, FARGO, NOYE, FLICK, JOHNSON, D. F. CLARK, ALLEN, LEE, CHADWICK, LEH and NAILOR

An Act amending the act of August 15, 1961 (P. L. 987, No. 442), known as the "Pennsylvania Prevailing Wage Act," excluding political subdivisions from the act; authorizing optional prevailing wage ordinances; and making repeals.

Referred to Committee on LABOR RELATIONS, October 17, 1989.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 218 By Representatives B. SMITH and COY

Proclaiming the week of November 19 through 25, 1989, as "Scottish Rite Masonic Family Life Week" in Pennsylvania.

Referred to Committee on RULES, October 17, 1989.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
October 16, 1989

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 23, 1989, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, October 23, 1989, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 521, PN 583**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," providing for installment payment of county real estate taxes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, Robert O'Donnell of Philadelphia.

Mr. O'DONNELL. Mr. Speaker, I move that HB 521 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.

* * *

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

HB 995, PN 2578; and HB 1179, PN 2579.

* * *

The House proceeded to second consideration of **HB 1242, PN 1430**, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for the sale of real and personal property.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that HB 1242, PN 1430, be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

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

HB 1961, PN 2580.

LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence from the majority party to be requested? The Chair recognizes the caucus secretary of the Democratic Party, the majority party, the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.
The gentleman from Greene, Mr. DeWEESE, for today.

The SPEAKER. A request for a leave for the gentleman from Greene, Mr. DeWeese, has been made. Without objection, the leave will be granted. The Chair hears no objection.

Are there leaves of absence from the minority party? The gentleman, Mr. Hayes, the minority whip, is recognized for the purpose of leaves.

Mr. HAYES. I request a leave, Mr. Speaker, for the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. Without objection, the leave requested for Mr. Dininni will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members are to indicate their presence in the Assembly hall by voting in the affirmative on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—200

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

Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashingier		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

DeWeese Dininni Micozzie

LEAVES CANCELED—1

DeWeese

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House this morning a group that is seated in the gallery. The group is called the Crooked Billet Women's Club of Hatboro, Pennsylvania. They are the guests of Representative Roy Cornell. Representative Cornell's mother, Helen Burdick, is in the group. Will that group please stand and be recognized.

Just leaving the gallery is a group called Our Gang. They are the guests of Representative Bob Allen, Representative David Argall, and Representative Edward Lucyk. They are from Schuylkill County. In the gallery, Our Gang.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 195, PN 221, entitled:

An Act to promote and encourage the protection, preservation and conservation of locally designated scenic roads.

On the question,

Will the House agree to the bill on third consideration?

Mr. MORRIS offered the following amendment No. A3093:

Amend Sec. 8, page 6, lines 28 through 30; page 7, lines 1 through 4, by striking out all of said lines on said pages and inserting

(e) Utility installation.—All utility companies shall be encouraged to bury future electric power and communication distribution lines on private easements, but where such burial would prove economically unjustified, as evidenced by appropriate engineering studies, the utility company may do one of the following:

(1) if overhead distribution lines already exist in the scenic road right-of-way and the existing poles are able to so accommodate, the utility company may place additional lines on the existing poles; or

(2) if no overhead distribution lines exist within the scenic road right-of-way or the poles of existing lines cannot accommodate additional lines, the utility company may install new poles within the scenic road right-of-way to accommodate the new lines, provided that in doing so, the utility

company shall make all reasonable efforts to maintain the scenic quality of the roadway.

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Morris from Chester is recognized on the amendment.

Mr. MORRIS. Thank you, Mr. Speaker.

This amendment is basically self-explanatory. It deals with utility poles which are in existence along a scenic road before it is so designated by the local municipality. They are to be preserved as such.

That is really about all there is to it. I do not know of any objection to it whatsoever.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—178

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

NAYS—11

Birmelin	Dombrowski	McVerry	Nailor
Boyes	Fargo	Merry	Robbins
Clark, D. F.	Jadlowiec	Mowery	

NOT VOTING—11

Acosta	Gruitza	Levdansky	Richardson
Distler	Hagarty	Lucyk	Wozniak
Godshall	James	Reber	

EXCUSED—3

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

On the question,

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

Mr. VEON, for Mr. GRUITZA, offered the following amendments No. A2142:

Amend Sec. 4, page 4, line 3, by inserting after "law." Additionally, the local governing unit shall notify, in writing, all owners of land abutting the proposed scenic road at least 30 days in advance of said public hearing.

Amend Sec. 4, page 4, line 9, by striking out "seven" and inserting

three

Amend Sec. 4, page 4, lines 15 through 18, by striking out "Failure of the local" in line 15 and all of lines 16 through 18 and inserting

Upon the receipt of this written proposal, the local governing unit shall respond as required in subsection (b).

Amend Sec. 5, page 4, lines 25 through 28, by striking out "A State road may be designated" in line 25 and all of lines 26 through 28

Amend Sec. 5, page 5, line 2, by striking out "at least one" and inserting

all

Amend Sec. 6, page 5, line 27, by removing the period after "commission" and inserting

, and the local governing body shall notify all owners of land abutting the scenic road, in writing, within 30 days of the designation.

Amend Sec. 6, page 5, line 30, by inserting after "body." However, the local governing body is prohibited from applying the powers of this act in any final review of a subdivision application where preliminary approval has been previously granted.

Amend Sec. 7, page 6, line 4, by striking out "section 4" and inserting

this act

Amend Sec. 8, page 6, lines 22 through 27, by striking out all of said lines and inserting

(d) Subdivision plan approval.—Local governments are prohibited from denying subdivision approval for residential housing through the implementation of this act.

Amend Sec. 9, page 7, line 13, by removing the period after "road" and inserting

but shall not be denied driveway access to the road by the municipality.

On the question,

Will the House agree to the amendments?

The SPEAKER. On whether the House will agree to the amendment, the Chair recognizes Representative Veon from Beaver County.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, if possible, could I have a moment to confer with the gentleman, Mr. Gruitza?

The SPEAKER. The House will be at ease for a moment.

WELCOMES

The SPEAKER. While there is a conference between the two members, the Speaker is happy to welcome to the hall of the House a group of senior citizens from Midway area. They are the guests of Representative Victor Lescovitz of Washington County. They are in the gallery. Will they be received by the House.

The Speaker is also happy to announce that there are guests here of Representative Connie Maine and Representative Paul Wass. From Indiana County, the parents of Representative Connie Maine, Dr. Ralph Glott and Mrs. Connie Glott; and their friends also from Indiana County, Dr. Cy Zenisek and Mary Lou Zenisek. They are to the left of the Speaker. Will they please rise.

To the right of the Speaker the Chair welcomes Melissa Fredericks and Niki Miller, who are here doing a report on State Government for school. They are the guests of Representative Keith McCall from Carbon County. They are to the right of the Speaker taking notes on the occurrences here this morning.

To the left of the Speaker are Rev. and Mrs. Harvey Nowland and her mother, Mrs. Jordan. They are here as the guests of Representative Pitts. They are to the left of the Speaker. Will they please stand.

The Chair welcomes Mr. Gary Huntsberger from Honesdale, Wayne County. He is the guest of Representative Jerry Birmelin. He is in the balcony.

CONSIDERATION OF HB 195 CONTINUED

The SPEAKER. We are about to take the amendment being offered on behalf of Mr. Gruitza by Representative Veon.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Representative Veon from Beaver County on the amendment.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, a point of parliamentary inquiry, please.

The SPEAKER. Will the gentleman state his point of inquiry.

Mr. VEON. Would a motion to recommit the bill to the Transportation Committee be in order at this time?

The SPEAKER. A motion to recommit is in order at any time once a member has the floor, and at this time Representative Veon has the floor.

Mr. VEON. Thank you, Mr. Speaker.

BILL RECOMMITTED

Mr. VEON. I would like to make a motion to recommit this bill to the Transportation Committee, Mr. Speaker.

The SPEAKER. The motion has been made by Representative Veon from Beaver County to recommit the bill before us to the Committee on Transportation.

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

The SPEAKER. Representative Morris from Chester County indicates a request for recognition and is recognized on the motion to recommit.

Mr. MORRIS. Mr. Speaker, I object to recommitting this bill to the Transportation Committee. I can see no useful purpose whatsoever will be served by recommitting it. Mr. Gruitza and Mr. Veon have an amendment to it which we will be discussing in a minute. It would seem to me that any and all objections to this piece of legislation would be taken care of by that amendment.

I emphatically oppose recommitment. By saying that, I am not insinuating that the Transportation Committee would hold the bill indefinitely or anything of that kind. We have it here on the floor. Let us vote on it.

The SPEAKER. The question is on the recommitment motion. On that question, Representative Wozniak from Cambria County is recognized.

Mr. WOZNAK. Thank you, Mr. Speaker.

I stand to rise in favor of the motion to recommit to the Transportation Committee. One of the biggest problems that we have had over the years is our road systems in Pennsylvania. The Transportation Committee is the accurate place to put legislation dealing with scenic roads or any other types.

While I do not doubt the merit of the legislation, there are some concerns about its impact on local economies and the opportunity to improve road systems for improved traffic. I do think that there are many things that are in the bill that are useful and should be protected on our beautiful, scenic, rural Pennsylvania roadways, but I think that we should have an opportunity to have the Transportation Committee take a look at this and use a fine-tooth comb in determining what financial impact it will have on our communities in our State. Thank you, Mr. Speaker.

The SPEAKER. On the question of recommitment, from Lehigh County, Representative Snyder is recognized.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the motion to recommit to the Committee on Transportation and ask for the support of our members.

HB 195 came out of the Conservation Committee, Mr. Speaker, yet it impacts on our local and State highway system. I think it is necessary for the Transportation Committee to review it and to determine several things: First of all, they should have the ability to review HB 195 in the context of its impact on traffic efficiency and road safety. Whether or not the bill impacts or encourages certain road improvements is one issue that has not been addressed by the Conservation Committee.

Mr. Speaker, also, the legislation provides for the scenic designation of State roads and therefore should be evaluated by the committee for its impact on State roads and highways as well as the jurisdiction of local governments to impact on the plans by the Department of Transportation to make certain improvements.

Finally, Mr. Speaker, the bill does not address the effect of a State highway which intersects with a scenic road, and therefore, it should be recommitment so that such potential impact can be investigated and addressed. Thank you.

The SPEAKER. On the question of recommitment, the Chair recognizes, from Mercer County, Representative Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I rise to support the motion to recommit. Mr. Speaker, I serve on the Transportation Committee, and it really would not be my purpose to support the motion to block this legislation, but I think that there are a number of things that have already been touched on that really need to be looked at.

This is a very broadly written piece of legislation that can have a lot of impact at the local level. Aside from the transportation issues, the effects of abutting property owners are dramatically impacted by this legislation, and I think it really needs to be looked at by the committee and considered and perhaps amended in the committee before we consider it here on the floor of the House.

So I support the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER. On the question of recommitment, from Chester County, for the second time, Representative Morris is recognized.

Mr. MORRIS. Thank you, Mr. Speaker.

I will be very brief. I just want to state clearly for the record that this piece of legislation has no effect whatsoever on State roads. Actually, what it will affect only are small township roads which have never been paved, and it is not going to affect the transportation system in this Commonwealth whatsoever. Thank you.

The SPEAKER. From Centre County, on the question of recommitment, Representative Russ Letterman is recognized.

Mr. LETTERMAN. Mr. Speaker, I rise to ask you to vote against recommitment. I understand from the chairman of Conservation this had a very good understanding in the committee, and we see no reason for this to be put back in the Transportation Committee where the very nice chairman there would only put it back out immediately anyhow. So we would ask that you vote the bill today. It is in good condition to be voted. Thank you.

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

The following roll call was recorded:

YEAS—139

Adolph	Distler	Kaiser	Reber
Angstadt	Dombrowski	Kasunic	Reinard
Barley	Donatucci	Kenney	Robbins
Battisto	Dorr	Kondrich	Robinson
Belardi	Durham	Kosinski	Ryan
Billow	Fairchild	LaGrotta	Saurman
Birmelin	Fargo	Langtry	Scheetz
Bishop	Farmer	Lashinger	Schuler
Black	Fee	Laughlin	Scrimenti
Blaum	Fleagle	Lee	Semmel
Boyes	Flick	Leh	Serafini
Brandt	Foster	Lescovitz	Smith, B.
Broujos	Fox	Levdansky	Smith, S. H.
Bunt	Freind	Linton	Snyder, D. W.
Burd	Gallen	McCall	Stairs

Bush	Gamble	McVerry	Steighner
Caltagirone	Gannon	Markosek	Strittmatter
Cappabianca	Geist	Marsico	Stuban
Carlson	Gigliotti	Mayernik	Taylor, E. Z.
Carn	Gladeck	Merry	Taylor, J.
Cawley	Godshall	Miller	Telek
Cessar	Gruitza	Moehlmann	Thomas
Chadwick	Gruppo	Mowery	Tigue
Civera	Hasay	Mrkonic	Trich
Clark, B. D.	Hayden	Murphy	Van Horne
Clark, J. H.	Hayes	Nahill	Veon
Clymer	Herman	Nailor	Vroon
Colafranca	Hershey	Noye	Wambach
Cole	Hess	O'Brien	Wass
Cornell	Hughes	Perzel	Weston
DeLuca	Jackson	Petrarca	Wilson
Daley	Jadlowiec	Phillips	Wogan
Davies	Jarolin	Piccola	Wozniak
Dempsey	Johnson	Pistella	Wright, R. C.
Dietterick	Josephs	Raymond	

NAYS—60

Acosta	Hagarty	Michlovic	Rybak
Allen	Haluska	Morris	Saloom
Argall	Harper	O'Donnell	Snyder, G.
Belfanti	Heckler	Olasz	Staback
Bortner	Howlett	Oliver	Stish
Bowley	Itkin	Pesci	Tangretti
Burns	James	Petrone	Taylor, F.
Clark, D. F.	Kukovich	Pievsky	Trello
Cohen	Letterman	Pitts	Williams
Colaizzo	Lloyd	Pressmann	Wright, D. R.
Corrigan	Lucyk	Preston	Wright, J. L.
Cowell	McHale	Richardson	Yandrisevits
Coy	McNally	Rieger	
Evans	Maiale	Ritter	Manderino, Speaker
Freeman	Maine	Rudy	
George	Melio		

NOT VOTING—1

Roebuck

EXCUSED—3

DeWeese Dininni Micozzie

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

* * *

The House proceeded to third consideration of **SB 134, PN 1092**, entitled:

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that SB 134 be placed upon the table.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. O'DONNELL. Mr. Speaker, I move that SB 134 be removed from the table to give it new legislative-day life.

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

* * *

The House proceeded to third consideration of **HB 1435, PN 2463**, entitled:

An Act amending the act of May 5, 1933 (P. L. 284, No. 104), known as the "Malt Beverage Tax Law," extending the emergency malt or brewed beverage tax credits; and increasing the maximum credit.

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

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

On that question, Representative Mowery from Cumberland County is recognized.

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

This bill reinstates what has already previously been done in the past. Starting as of 12/31/88, why, the previous tax credits were terminated. This allows for approximately five Pennsylvania breweries to have a tax credit of approximately \$1 million. I recommend, as the chairman here on the Republican side and to concur with Representative Saloom's bill, that we vote and approve it. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

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

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

NAYS—7

Barley	Clymer	Letterman	Scheetz
Birmelin	Lee	Pitts	

NOT VOTING—1

Acosta

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 16, PN 18**, entitled:

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), known as the "County Pension Law," authorizing members to reduce their contributions.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments No. A3081:

Amend Title, page 1, line 4, by inserting after "penalties," " further providing for interest on member contribution accounts; and

Amend Bill, page 1, by inserting between lines 7 and 8

Section 1. Section 6 of the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, amended June 22, 1978 (P.L.495, No.74), is amended to read:

Section 6. Rules and Regulations; Actuarial Data.—The board shall, from time to time, establish such rules and regulations for meetings of the board and for the administration of the fund, and the various accounts thereof, as may be deemed necessary. The board may, by January 31 of each year, determine the rate of regular interest to be allowed member contribution accounts for the current calendar year, such rate of regular interest not to be less than four per cent [nor more than five and one-half per cent] per year. It shall keep such data as shall be neces-

sary for actuarial valuation purposes. The actuary of the board shall (i) periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund, (ii) adopt for the retirement system one or more mortality tables, and (iii) certify to the board annually the amount of appropriation to be made by the county to the fund to build up and maintain adequate reserves for the payment of the county's share of the retirement allowances.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 8 and 9, by striking out "of August 31, 1971 (P.L.398, No.96), known as the County Pension Law"

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of agreeing to the amendment—and that is the question before the House—the Chair recognizes the gentleman from Delaware, Representative Freund.

Mr. FREIND. Thank you, Mr. Speaker.

This is a local control amendment. Under existing law for whatever reason there is an arbitrary limitation placed on the investment income or interest which may be credited to members' contributions - a minimum of 4 percent, a maximum of 5 1/2 percent.

All this amendment does is take away the maximum cap. Local control. It would therefore be up to each county pension board as to which interest and what percent of interest they would wish to pay into the pension fund. Strictly local control. It does not mandate anything.

I would appreciate your support.

The SPEAKER. On the question of agreeing to the amendment, the Chair recognizes, from Somerset County, the author of the bill before us, Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the only cautionary note that I would sound is that it is important that if counties do go above 5 1/2 percent, they do that on the basis of advice from their actuary and that they do that only to the extent that the fund is already sound, because otherwise what is going to happen is they are going to spend themselves into a greater unfunded liability. As I read the current law, they are supposed to base these interest determinations on an actuarial report. Therefore, I would agree to the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Dorr	Lashingner	Ritter
Adolph	Durham	Laughlin	Robbins
Allen	Evans	Lee	Robinson
Angstadt	Fairchild	Leh	Roebuck
Argall	Fargo	Lescovitz	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom

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

NAYS—1

Letterman

NOT VOTING—0

EXCUSED—3

DeWeese Dininni Micozzie

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. VAN HORNE offered the following amendments No. A1628:

Amend Title, page 1, line 4, by inserting after "penalties," regulating administrative expenses; and

Amend Bill, page 1, by inserting between lines 7 and 8

Section 1. Section 5 of the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, is amended to read:

Section 5. Personnel; Administrative Expenses.—The board may appoint and fix the compensation of an actuary. The county controller or the chief clerk of the county, as the case may be, shall be the secretary of the board. In counties having an optional form of government, the board shall appoint a secretary. The compensation of the secretary shall be fixed by the salary board or council, as the case may be. The secretary shall keep a record

of all of the proceedings of the board, which record shall be open to inspection by the public.

The expense of the administration of this act, exclusive of the payment of retirement allowances, shall be paid by the county by appropriations made on the basis of estimates submitted by the board. However, such administrative expenses may from year to year be paid from the fund unless it is determined by the actuary that such payment will impair the actuarial soundness of the fund.

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 8 and 9, by striking out "of August 31, 1971 (P.L.398, No.96), known as the County Pension Law"

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Representative Van Horne from Westmoreland County.

Mr. VAN HORNE. Thank you, Mr. Speaker.

Amendment 1628 is a very simple item. It provides that administrative expenses will be paid from the fund if the fund is determined to be actuarially sound. A couple of reasons for that: Number one is that in most every other major pension fund in the State, that language exists whether it is the Employees' Retirement System, the Municipal Retirement System, and other local government pension plans.

Also, this would be a much easier way of identifying the cost of the fund and of the system rather than putting that burden on the taxpayers. I think also a very key provision of this is the fact that it is a "may" provision, not "shall." So it still ultimately rests with the county to do what they think is appropriate for each of their counties.

I would urge support of my amendment. Thank you.

The SPEAKER. The question is whether or not the House will adopt the amendment being offered. On that question, from Somerset County, Representative Lloyd is recognized.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is consistent with what is done for the public school employees' and the State employees' retirement administrative expenses. It can be done only if there is a determination that the fund is actuarially sound. For that reason I would urge a "yes" vote on the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—199

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler

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

NAYS—0

NOT VOTING—1

James

EXCUSED—3

DeWeese Dininni Micozzie

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.

(A roll-call vote was taken, but due to a malfunction the vote was not recorded.)

VOTE RETAKEN

The SPEAKER. The Chair is informed by the operators of the vote machine that the last vote did not get into the permanent record, and we will have to take the final passage vote on HB 16, PN 18, once again. Will members please again indicate their vote on HB 16, PN 18.

On the question recurring,
Shall the bill pass finally?

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

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

DeWeese Dininni Micozzie

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

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

* * *

The House proceeded to third consideration of **HB 893, PN 1011**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No.320), known as the "Pennsylvania Election Code," making provision for children to accompany electors into polling places and into voting compartments or voting machine booths.

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

BILL TABLED

The **SPEAKER**. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 893** be placed upon the table.

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

BILL REMOVED FROM TABLE

The **SPEAKER**. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 893** be removed from the table and placed on the active calendar to give it new legislative life.

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

* * *

The House proceeded to third consideration of **HB 1886, PN 2419**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Township of Lower Paxton, Dauphin County, being conveyed by the township, in return for the imposition of Project 70 restrictions on certain lands being conveyed to the township.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—200

Acosta	Dorr	Laughlin	Ritter
Adolph	Durham	Lee	Robbins
Allen	Evans	Leh	Robinson
Angstadt	Fairchild	Lescovitz	Roebuck
Argall	Fargo	Letterman	Rudy
Barley	Farmer	Levdansky	Ryan
Battisto	Fee	Linton	Rybak
Belardi	Fleagle	Lloyd	Saloom
Belfanti	Flick	Lucyk	Saurman
Billow	Foster	McCall	Scheetz
Birmelin	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 1411, PN 2416**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting driving of pedalcycles on limited access highways.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 1530, PN 1791**, entitled:

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," further providing for pooled bus acquisitions.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—3

Letterman	Levdansky	Oliver
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EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 1658, PN 1986**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for handicapped plates and placards.

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

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

The question is, shall the bill pass finally?

On that question, Representative Davies from Berks County is recognized on final passage.

Mr. DAVIES. Mr. Speaker, may I ask one or two questions of the maker of the bill?

The SPEAKER. Will Representative Coy consent to interrogation? The gentleman indicates that he will, and you may proceed, Mr. Davies.

Mr. DAVIES. Mr. Speaker, the terminology "contiguous," in saying a contiguous State, does that mean that the individual could go into New York State as far as New York City to obtain the handicapped permit or to Baltimore, Maryland, in the State of Maryland or to Toledo, Ohio, in the State of Ohio to obtain—

Mr. COY. The way the legislation is written, Mr. Speaker, it simply indicates anyplace in one of those contiguous States.

By way of explanation, many residents of Pennsylvania who are veterans and enjoy the use of veterans' facilities—for example, in the southern part of the State at the veterans' facility at Martinsburg, West Virginia—use the physicians there, and it would enable them to have the physicians at those facilities sign the official document requesting a handicapped placard rather than having to come back to a physician in Pennsylvania to do it. The purpose of the legislation is to accommodate those veterans and would be nonrestrictive to any part of a contiguous State.

Mr. DAVIES. Thank you, Mr. Speaker.

May I make a statement on it?

The SPEAKER. The gentleman is in order on final passage of the bill.

Mr. DAVIES. I agree that permission for those that are using veterans' facilities should be allowed to continue that use. I would much rather have seen it structured that way, that it would extend to those to go practically to any city in another State where there are those veterans' facilities. My only concern is that someone is going to possibly go to some other place out of the State area, and I do have concern.

I intend to vote for the legislation, but I still have that concern about the fact that they may go to New York City or Buffalo or Baltimore or some other place to obtain that consent.

The SPEAKER. The question is on final passage of the bill, and on that question, from Bucks County, Representative Wright is recognized.

Mr. J. L. WRIGHT. Mr. Speaker, I would like to point out for the benefit of many of us sitting here, including Representative Davies, that there are a number of people in Pennsylvania who commute every day to work in New York City. You can get from my house to Penn Station in Manhattan in less than an hour and a quarter, and they also commute to Baltimore, and it is conceivable that those people do use doctors in both New York City and in Baltimore. So I do not think we have too much to be concerned about.

The SPEAKER. On final passage, the Chair recognizes, from Wayne County, Representative Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would echo what Representative Wright just said. I represent all of three counties. In two of those three counties you can only find one hospital and very few doctors. So a lot of my constituents travel to Port Jervis, New York, or Binghamton, New York, and that is where their regular doctor is.

This will resolve some of the problems we have had in the past, and I would ask the members to support this bill. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—200

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

Colafella	Jackson	Petrarca	Wambach
Colaizzo	Jadlowiec	Petrone	Wass
Cole	James	Phillips	Weston
Cornell	Jarolin	Piccola	Williams
Corrigan	Johnson	Pievsky	Wilson
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	Yandrisevits
Dietterick	Kukovich	Reinard	
Distler	LaGrotta	Richardson	Manderino,
Dombrowski	Langtry	Rieger	Speaker
Donatucci	Lashingner		

NAYS—0

NOT VOTING—0

EXCUSED—3

DeWeese Dininni Micozzie

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

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1104, PN 2629 (Amended)

By Rep. RYBAK

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," providing for benefits for drug abuse and dependency.

INSURANCE.

HB 1110, PN 1270

By Rep. RYBAK

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to insurance; making conforming changes to the Pennsylvania Consolidated Statutes; and making repeals.

INSURANCE.

BILL REPORTED AND REREFERRED TO COMMITTEE ON YOUTH AND AGING

HB 305, PN 337

By Rep. RYBAK

An Act establishing the Catastrophic Illness in Children Relief Fund and the Catastrophic Illness in Children Relief Fund Commission; prescribing the membership and powers of the commission; providing certain insurance surcharges; and making an appropriation.

INSURANCE.

BILL REPORTED AND REREFERRED TO COMMITTEE ON STATE GOVERNMENT

HB 1236, PN 1424

By Rep. RYBAK

An Act amending the act of September 26, 1961 (P. L. 1661, No. 692), known as the "State Employees Group Life Insurance Law," further providing that benefits shall continue and not be reduced upon retirement.

INSURANCE.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 866, PN 2630 (Amended)

By Rep. GAMBLE

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," further providing for allocation of general municipal pension system State aid and for distribution of the foreign fire insurance premium tax.

LOCAL GOVERNMENT.

HB 895, PN 2631 (Amended)

By Rep. GAMBLE

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for credit for military service.

LOCAL GOVERNMENT.

HB 1054, PN 1196

By Rep. GAMBLE

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for credit for military service.

LOCAL GOVERNMENT.

HB 1055, PN 2632 (Amended)

By Rep. GAMBLE

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for credit for military service.

LOCAL GOVERNMENT.

HB 1220, PN 2633 (Amended)

By Rep. GAMBLE

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for the powers and duties of the coroner; and making an editorial change.

LOCAL GOVERNMENT.

HB 1221, PN 2634 (Amended)

By Rep. GAMBLE

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), known as "The County Code," further providing for ambulances and coroners; and making an editorial change.

LOCAL GOVERNMENT.

HB 1256, PN 1449

By Rep. GAMBLE

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

LOCAL GOVERNMENT.

HB 1257, PN 1450

By Rep. GAMBLE

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of

Pittsburgh," further providing for the contribution rate of members and contributions by the city; and requiring the board to retain an actuary.

LOCAL GOVERNMENT.

HB 1258, PN 1451 By Rep. GAMBLE

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," further providing for the power of an authority regarding pensions.

LOCAL GOVERNMENT.

HB 1259, PN 1452 By Rep. GAMBLE

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), referred to as the "Second Class City Employee Pension Law," further providing for payments by contributors and the city to the board of pensions.

LOCAL GOVERNMENT.

HB 1260, PN 1453 By Rep. GAMBLE

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), referred to as the "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

LOCAL GOVERNMENT.

HB 1261, PN 1454 By Rep. GAMBLE

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), referred to as the "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

LOCAL GOVERNMENT.

HB 1262, PN 1455 By Rep. GAMBLE

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

LOCAL GOVERNMENT.

HB 1263, PN 2635 (Amended)

By Rep. GAMBLE

An Act amending the act of May 12, 1943 (P. L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium Tax Allocation Law," further providing for the return of unused moneys; and repealing provisions relating to payments to municipalities.

LOCAL GOVERNMENT.

HB 1264, PN 1457 By Rep. GAMBLE

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employees independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

LOCAL GOVERNMENT.

HB 1265, PN 1458 By Rep. GAMBLE

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), referred to as the "Municipal Police Pension Law," further providing for benefits, appropriations to the fund, use of State aid and the expense of administering funds.

LOCAL GOVERNMENT.

HB 1266, PN 1459 By Rep. GAMBLE

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), referred to as the "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

LOCAL GOVERNMENT.

HB 1267, PN 1460 By Rep. GAMBLE

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," further providing for payments into certain pension funds.

LOCAL GOVERNMENT.

HB 1268, PN 1461 By Rep. GAMBLE

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

LOCAL GOVERNMENT.

HB 1269, PN 1462 By Rep. GAMBLE

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pension funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

LOCAL GOVERNMENT.

HB 1270, PN 1463 By Rep. GAMBLE

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

LOCAL GOVERNMENT.

HB 1271, PN 1464 By Rep. GAMBLE

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for police pension funds.

LOCAL GOVERNMENT.

HB 1272, PN 1465 By Rep. GAMBLE

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

LOCAL GOVERNMENT.

HB 1332, PN 2636 (Amended)

By Rep. GAMBLE

An Act regulating the fiduciary affairs of local government employee retirement systems by providing for persons defined to be fiduciaries, fiduciary activities subject to regulation, general standards of fiduciary conduct, specific, supplemental fiduciary standards, liability for fiduciary breaches including breaches by other fiduciaries, delegation and allocation of fiduciary activities, fiduciary insurance and bonding; providing for penalties; and making repeals.

LOCAL GOVERNMENT.

The SPEAKER. There are several committee chairmen who would like to announce committee meetings. Will members of the House please pay attention.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Judiciary Committee, Representative Caltagirone from Berks County, for the purpose of an announcement.

Mr. CALTAGIRONE. Mr. Speaker, I would like to call for a meeting of the House Judiciary Committee to meet in the majority caucus room for the purpose of reporting out two pieces of legislation.

The SPEAKER. When is that meeting?

Mr. CALTAGIRONE. That will be at the call of the break or lunch, whichever comes first.

The SPEAKER. At the luncheon-break call, the Judiciary Committee will meet in the majority caucus room.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Appropriations Committee chairman from Philadelphia, Representative Pievsky, indicates that he has an announcement for a committee meeting.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Immediately upon the call of the lunch break, Mr. Speaker, the Appropriations Committee will meet at the rear of the chamber.

The SPEAKER. The Appropriations Committee will meet upon the call of the lunch break in the rear of the chamber.

CONSERVATION COMMITTEE MEETING

The SPEAKER. The gentleman from Clearfield, Mr. George, chairman of the Conservation Committee, indicates that he has an announcement of a committee meeting.

Mr. GEORGE. Thank you, Mr. Speaker.

I would like to call a meeting of the Conservation Committee at 10 a.m. Wednesday morning, room 40E, Mr. Speaker.

The SPEAKER. The chairman of the Conservation Committee calls a committee meeting for Wednesday at 10 a.m. in room 40E.

The Chair is about to declare a recess for the purpose of lunch until 1:30. There will be no further votes.

ANNOUNCEMENT BY MR. THOMAS

The SPEAKER. The gentleman from Philadelphia, Representative Thomas, indicates a request for recognition. For what purpose does the gentleman rise?

Mr. THOMAS. Thank you, Mr. Speaker.

I would like to announce that the Legislative Housing Caucus will meet at 3 o'clock this afternoon in room 126, South Office Building.

The SPEAKER. The Legislative Housing Caucus—Housing Caucus—will meet at 3 o'clock this afternoon according to the gentleman's announcement.

VOTE CORRECTIONS

The SPEAKER. From Montgomery County, Representative Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker. I would like to change a vote.

On HB 1435, PN 2463, my switch voted incorrectly. I would like to be recorded in the negative.

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

From Philadelphia County, Representative Acosta is recognized.

Mr. ACOSTA. Thank you, Mr. Speaker.

On yesterday's calendar, I want to change my vote from a "no" to a "yes" on amendment A3204 to HB 176.

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

RECESS

The SPEAKER. This House stands in recess until 1:30 p.m.

AFTER RECESS

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. O'Donnell from Philadelphia.

Mr. O'DONNELL. Mr. Speaker, I move that the following House bills and the one Senate bill be removed from the table and placed on the active calendar:

HB 722;
 HB 836;
 HB 855;
 HB 1546;
 HB 1826;
 HB 1903; and
 SB 484.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REREPORTED FROM COMMITTEE

HB 225, PN 770

By Rep. PIEVSKY

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

APPROPRIATIONS.

HB 368, PN 1782

By Rep. PIEVSKY

An Act amending the act of July 1, 1981 (P. L. 191, No. 57), entitled "An act establishing certain fees to be charged by registers of wills in counties of the fifth, sixth, seventh and eighth class and providing for fees in counties of the second, second A, third and fourth class," providing for the fees to be levied by register of wills in counties of the second through fourth class.

APPROPRIATIONS.

HB 689, PN 2637 (Amended)

By Rep. PIEVSKY

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act," further providing for an increase in the maximum grant.

APPROPRIATIONS.

HB 696, PN 777

By Rep. PIEVSKY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting live pigeon shoots.

APPROPRIATIONS.

HB 790, PN 881

By Rep. PIEVSKY

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

APPROPRIATIONS.

HB 820, PN 2638 (Amended)

By Rep. PIEVSKY

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," providing for the control of dangerous dogs; and providing penalties.

APPROPRIATIONS.

HB 1360, PN 1581

By Rep. PIEVSKY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending the jurisdiction of district justices to certain cases relating to small amounts of marijuana.

APPROPRIATIONS.

HB 1615, PN 1920

By Rep. PIEVSKY

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," authorizing second class townships and certain home rule municipalities to license public eating and drinking places; and making editorial changes.

APPROPRIATIONS.

HB 1683, PN 2038

By Rep. PIEVSKY

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," further providing for powers and duties of the commission.

APPROPRIATIONS.

HB 1892, PN 2425

By Rep. PIEVSKY

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

APPROPRIATIONS.

HB 1895, PN 2428

By Rep. PIEVSKY

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," reestablishing the Office of Consumer Advocate; and making a repeal.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 225, PN 770; HB 368, PN 1782; HB 689, PN 2637; HB 696, PN 777; HB 790, PN 881; HB 820, PN 2638; HB 1360, PN 1581; HB 1615, PN 1920; HB 1683, PN 2038; HB 1892, PN 2425; and HB 1895, PN 2428.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the majority whip, Representative DeWeese from Greene County, who asks that he be placed upon the master roll call. Without objection, Mr. DeWeese will be placed on the master roll call.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 1979, PN 2561**

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating matters relating to the performance of abortions, the protection of women who undergo abortion, and the protection of children subject to abortion; providing for notice to spouses prior to an abortion; prohibiting abortions based solely on the sex of the child; and prohibiting abortions after 24 weeks gestation unless necessary to prevent maternal death.

JUDICIARY.

SB 369, PN 382

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, changing the penalty for incest.

JUDICIARY.

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1410, PN 1648**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of registration.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Dininni Micozzie

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.

RESOLUTION

Ms. MAINE called up HR 190, PN 2460, entitled:

Memorializing the Congress of the United States to delay the commercial sale of bovine somatotropin (BST) until an extensive study is conducted to determine the impact it will have on dairy farmers and consumers and on cows that receive the hormone.

On the question,

Will the House adopt the resolution?

Ms. MAINE offered the following amendments No. A3230:

Amend Title, page 1, lines 1 through 5, by striking out "to delay the" in line 1 and all of lines 2 through 5 and inserting and the Food and Drug Administration to withhold the commercial sale of bovine somatotropin (BST) until sufficient independent tests and studies are conducted to determine the economic effect, safety and efficacy of the product for commercial use.

Amend First Whereas Clause, page 1, lines 6 through 9, by striking out all of said lines

Amend Second Whereas Clause, page 1, lines 10 and 11, by striking out " , which is also known as bovine growth hormone (BGH),"

Amend Second Whereas Clause, page 1, line 13, by striking out "by injection"

Amend Second Whereas Clause, page 1, line 13, by inserting after "increase"

the efficiency of

Amend Resolution, page 1, lines 15 through 17; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting

WHEREAS, The use of BST may concern many producers and consumers of milk and other dairy products, may affect the long-term health of cows and may have a significant economic effect on the dairy industry in Pennsylvania; and

WHEREAS, Congress has available to it several agencies, including, but not limited to, the Office of Technology Assessment, which have the capability to conduct independent tests and studies; and

WHEREAS, The preservation of the Commonwealth's family farms is of high priority to the Pennsylvania House of Representatives; therefore be it

Amend First Resolve Clause, page 2, lines 7 through 10, by striking out "to delay the commercial sale of bovine" in line 7 and all of lines 8 through 10 and inserting

and the Food and Drug Administration to withhold the commercial sale of bovine somatotropin (BST) until sufficient independent tests and studies have been conducted to determine the economic effect and safety of the product to all concerned; and be it further

Amend Second Resolve Clause, page 2, line 12, by striking out "and" and inserting a comma

Amend Second Resolve Clause, page 2, line 13, by removing the period after "Pennsylvania" and inserting

and to the Commissioner of the Food and Drug Administration.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of the amendment, the Chair recognizes, from Crawford County, Representative Maine.

Ms. MAINE. Mr. Speaker, yesterday morning a meeting of most interested parties in the resolution met and negotiated in good faith to draw up an amendment that would address the problems and concerns of those attending. In an attempt to address the concerns with HR 190, it was agreed to make several changes, including changing the memorialization to include memorializing the FDA (Food and Drug Administration) as well as Congress; two, assuring that independent tests and studies are conducted; and three, testing should also investigate product efficacy. Other changes are generally semantic in nature.

Although yesterday morning we were under the impression that this was an agreed-to amendment, I am under the impression that there are still some parties who are concerned with the amendment and the resolution itself. Nevertheless, I am asking for your support on this amendment.

The SPEAKER. The question is whether the House will adopt the amendment to this resolution. On that question, from Lancaster County, Representative Brandt is recognized.

Mr. BRANDT. Thank you, Mr. Speaker.

In the last several weeks I attempted with Representative Connie Maine to work out a solution to this resolution in regard to satisfying all parties that had a real concern concerning the subject that we have before us. Yes, we did meet on that, but through the interval time since yesterday, there are still major questions about this resolution, major questions that are not answered in the amendment to the resolution, and I would have to respectfully at this time, Mr. Speaker, say that we should vote this amendment down and also the resolution.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the minority whip, Representative Samuel Hayes, is recognized.

Mr. HAYES. Thank you, Mr. Speaker.

I join with Mr. Brandt, who originally offered himself as a cosponsor of HR 190, as being opposed to the amendment and also the resolution itself, whether it is amended or whether it is not, because the amendment that the lady has just offered, while it obviously has been chatted about the last 24 hours, has put to rest, to the best of my knowledge, none of the concerns which have been surrounding this resolution over the last couple of weeks. Therefore, I do not really think there is much substance in saying that there has been a so-called meeting of the minds in any way whatsoever.

It would be interesting, Mr. Speaker, if Benjamin Franklin, who many years ago was a member of this House of Representatives, could be here today, and the reason I say that is this: We all know that besides being pretty good at legislating, being one of the great historical figures of this House of Representatives, he was also an inventor. I wish Mr. Franklin could be here today to listen to what obviously will be offered as reasons why we should adopt the amendment or adopt the resolution, whatever the case may be.

At the time that he was out flying his kite discovering the fact that there is electricity, I am sure you had plenty of persons raising the question of whether we should go any

further with regard to such a finding or not, because, after all, one could be harmed by electricity, harmed so badly that he or she could lose their life through electrocution. Obviously yet today, while electricity has given us so very, very much, it still also brings to our landscape fires, both in the natural domain and also in our own world as human beings, and if you want to talk about the dairy industry, which the lady from Crawford would have us do with this resolution and amendment, electricity has even caused problems in the dairy industry. Those in this chamber, certainly those outside of this chamber who are engaged in dairy production know that there was a thing known as stray voltage which plagued the dairy industry, which caused very vexing problems as to what stray voltage was, how to combat it, what have you, and it all related to the fact that we are today in 1989 using electricity.

Now, we could say that because there is stray voltage, we should not have electricity. We could say because electricity can cause fires in the home and on the farm, we should not have electricity. Because persons can be electrocuted with electricity, we could say rid it from our barns, from our homes. But mankind has not chosen to do that, and I respectfully suggest that we should not adopt the lady's amendment today for the same reasons.

I do not suppose that there were very, very many people until a few weeks ago who even knew there was such a thing as BST, and I suppose that those who have learned a bit about it in the last couple weeks would wish we would not be voting on this resolution here today.

We have been asked this afternoon, over the last couple of weeks, to take serious objection to BST. If I understand the drift of those few who would have us do that, they do so for the purpose of food safety and the problems that they view with regard to the economic impact of BST. I think it is safe to say and understandably safe to say that maybe those of us who serve in this House of Representatives, at least most of us, when we are confronted with such strange-sounding things that now are referred to as BST, it must be bad. It cannot be good, it is strange sounding, and I think that because of that, those who are asking us to do what they are asking us to do have played a great deal upon our basic misunderstanding or lack of understanding as to what BST is. Certainly they have spun a lot of fictional fairytales about it.

BST is naturally metabolized by the dairy cow. BST, which is being referred to in this resolution, is not any different than that which is metabolized by the cow, and BST is already found as a trace component in milk. From the review of literature that I have made, the administration of BST, the use of BST, really does not change in any large way the amount of that synthesized substance or that natural substance whether the cow is being treated with BST or whether she is not.

All this hobgoblin about milk is going to be tainted or not tainted, I believe, is a very, very misinformed and unfortunate characterization of this material. For sure, Mr. Speaker, if we really wanted to come onto the floor of this House and start talking about nutrition and food safety, there are a whole host, a whole host, of things in our everyday workplace and in

our homes which are much, much more hazardous—not part of the hazardous substance bill that we passed and all the labeling and all that; I mean things that are normally found in our households and our place of work—much, much more hazardous than BST.

The resolution asks us to study for I do not know how long. Maybe the gentleman, Mr. Kukovich, or the lady, Connie Maine, from Crawford will tell us just how much longer we have to study it, but if you make a review of the literature, you will find that this substance has been studied a lot longer than we are probably going to give attention to it here today. You can find good research on this substance over the last couple of decades. This is not something, therefore, Mr. Speaker, that has just sprung upon us, all of a sudden found. That research has been done by many, many different persons and types of entities. It was not just one segment of our Pennsylvania or American society.

You have research taking place at the university level, public and private. You have research taking place by governmental agencies. You have had research taking place in the private sector, and not one of those persons or findings have concluded nearly as stringently as the press conference yesterday would have you believe, none of them have concluded that BST is injurious, as it has been implied by the amendment or it has been implied by the resolution.

Can there be questions asked? Yes; there can be questions asked, and it is fair to ask those questions, but it is also just as fair to recognize that those questions have been asked over and over again, and to date, even those who ask the questions cannot point to any large empirical body of knowledge or information that causes undue concern at this moment.

There are still those asking questions about aspirin and Tylenol. I do not think that any of us would fail to say that Drano in our homes is hazardous, or Lysol. Those who have been mothers and fathers know that there is that ointment known as Desitin, and I am here to tell you, if you put that at the wrong end of the baby, you are going to have problems, too. None of those things that I have just mentioned - be it Desitin, Lysol, Drano, aspirin, Tylenol - none of those things are as safe as BST, and BST, therefore, does not come anywhere near the hazards of those substances. As a matter of fact, any one of us could actually drink a glass of BST in liquid form and it is highly unlikely that in the general population there would be any reaction, just as there is no real reaction to aspirin. Now, there are those who may react to aspirin, and maybe someday there will be someone found that reacts to BST, but certainly those isolated reactions do not give cause to this General Assembly saying to the dairy industry or, for that matter, any other segment of society, let us all go back in the cave; let us stop our research; let us stop our study, or to the other extreme, let us study it forever and never be satisfied with whatever is found.

Now, Mr. Speaker, as I said once before, out of the hundreds and hundreds and hundreds of written documents and equal numbers of studies in the laboratory and in the field under controlled circumstances, there is no one willing to

come forth, except maybe a few persons in an organization with one 8-1/2-by-11 piece of paper, waving it in the rotunda, raising all sorts of hobgoblins about BST. There is no thoughtful person in the scientific community who would come onto the floor of this House and say BST is injurious to human health or animal health. If that person is known, he or she certainly has not come forward yet. If there are those who want to bring things to this floor and identify them as being injurious to health, why do they not start with something like saccharin? The FDA was on the edge of saying saccharin should not be used, but because of political intervention, we all know today saccharin is used. I am not suggesting that people should not use it, but research has found that saccharin is a carcinogen. At the same time, those same types of people who do research claim that BST does not raise any of the alarms which the lady from Crawford and the people external to this General Assembly, few in number as they may be, would have you and me believe.

Mr. Speaker, I am suggesting that if we were to use the same logic over time that is being used right now, Benjamin Franklin years ago would have been told by this House of Representatives to stop flying his kite and stop talking about electricity. We would not be farming with tractors today; we would still be doing it by horse. We would not be using mechanized machinery; we would be doing it by hand, because some of those machines will dismember you, and they will. We would not be using artificial insemination or embryo transplants. We would not be using hybrid seeds, because the same sort of hobgoblins were around then as you have surrounding BST today.

I do not believe for one moment, Mr. Speaker, that we should try to involve ourselves politically in this scientific finding, and for sure, Mr. Speaker, I do not think that we should involve ourselves in what is becoming more and more clearly an organizational battle between one or two people and the rest of the agricultural community, and that is the nub of this problem. We are being drawn into a battle between a couple of people and the rest of the free world as far as agriculture is concerned, and I do not think, Mr. Speaker, that this Assembly should be asked or expected to do that.

I ask that we vote "no" on the amendment, and whether it goes in or not, I suggest we vote "no" on the resolution.

The SPEAKER. The question is, will the House agree and adopt the amendment to the resolution? On that question, from Westmoreland County, Representative Stairs is recognized.

Mr. STAIRS. Thank you, Mr. Speaker.

I rise to oppose this amendment and resolution. I am not going to be quite as electrifying as the minority whip, but certainly, I believe that the food and safety should be decided by the Food and Drug Administration and not be resolved in a political arena by Congress. This negative publicity hurts the State's number-one business and its number-one commodity, so I would hope that you would join me in opposing this amendment and resolution. Thank you.

The SPEAKER. From Westmoreland County, on the question of the adoption of the amendment, Representative Kukovich is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

As much as I enjoyed the minority whip's diatribe on electricity and saccharin, my interest was piqued in this issue because of the length of debate on a resolution of this nature. I rarely on the floor of this House have seen so much interest on a resolution that has no direct impact, especially on an amendment to a resolution, which, the members should be aware, was apparently, up until, I guess, late last night or early this morning, a compromise.

If you read the amendment carefully, they are trying to avoid any delay in the process. Language relating to delay was specifically removed by Representative Maine. I think she made an extra effort to find a compromise among all the groups. I cannot find any language in the amendment that is anything but neutral. It makes no judgments as to whether BST is good or bad.

I suppose if the maker of this amendment and this resolution made a mistake, it was trying to solve her constituents' problems. She had a number of requests from dairy farmers, from constituents, consumers, who have a concern in this issue, and I still thought that rather than give lectures on Ben Franklin and electricity, we came here to serve our constituents. That is what Representative Maine is trying to do, rather, maybe, than serve whom? Maybe the chemical companies? That does not seem to be her interest. I would suggest, even if you are opposed to trying to take a reasoned look at a chemical that we know nothing about—not even Mr. Hayes, the great scientist—this amendment is to make the resolution better. I cannot understand any logic for voting against this amendment, unless it makes the resolution more reasonable and makes it easier to vote against.

I would suggest that the members actually read the language of the amendment and vote in favor of an amendment that has been crafted to appease all competing interests and do the right thing, something that is often rarely done on this floor, and I think Representative Maine has done it, and I would ask for a "yes" vote.

The SPEAKER. On the question of adopting the amendment, from Dauphin County, Representative Wambach is recognized.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Maine amendment A3230, and I do so because of the process, Mr. Speaker. As Representative Kukovich just indicated, Representative Maine sat down yesterday with a group of people in a room to work out a compromise, a compromise, quite frankly, Mr. Speaker, that softened HR 190, something that Connie Maine did not want to do, but because of the impact and because of the groups and the respect she had for the groups that sat down with her to talk about this, she decided to accept it. Now, Mr. Speaker, when I sit down with any other member of this House or when I sit down with any associations or anyone else involved in a piece of legislation and we work out a com-

promise, Mr. Speaker, and we walk out of that room, I think I have an obligation to those people to say that my word is my bond. And you can quote Ben Franklin all you want. Maybe Ben Franklin said, "My word is my bond."

I think it is about time we lived up to what was stated in a meeting just yesterday, that we all agreed to an amendment being offered today. But what happened, Mr. Speaker? Ms. Maine walked out of the room, and almost immediately upon her leaving the room, the wheels started turning to work against not only the compromise amendment but the resolution itself. I do not think we can live under this roof called the House of Representatives and sit under a quote that says, "Ye shall know the truth and the truth shall make you free," and not support Ms. Maine on this amendment.

I support the amendment, based on the process, and I will support HR 190, based on the commitment and the process and the compromise made by all parties concerned. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, from Lancaster County, Representative Barley is recognized.

Mr. BARLEY. Thank you, Mr. Speaker, for the opportunity to speak on the amendment and this whole issue of bovine somatotropin, which is really what we are talking about, and I am going to try to talk not about the BS part but I am going to try to talk a little more about the facts that are involved in this issue.

If you look at BST and compare it to the technologies of a generation ago, it is comparable to hybrid seed and it is comparable to artificial insemination, and then let us look more recently into our generation, my generation, technologies in agriculture where they transfer embryos and increase production that way. So there are similar technologies to what bovine somatotropin is. I think biotechnology, which is what BST really is, is going to be the technology of the 1990's, and if agriculture in this country is going to remain strong and if we are going to remain to be a country that has the ability to feed ourselves and to feed the rest of the world, or a large portion of it like we have in the past, we are not going to be able to close our eyes to biotechnology and to these kinds of discoveries and this kind of technology.

Let us talk directly now about the appropriate role of government. As I view an appropriate role of government, it certainly is one to assure food safety, and I think the Food and Drug Administration is capable of doing that, and I think they should do that, and I feel comfortable that they will as it relates to bovine somatotropin. But the other part that I am a bit doubtful of is the ability of the U.S. Congress to do an economic impact study on the results of this new technology. I have been troubled that the U.S. Congress has not been able to get a grasp on the economic impact of deficit spending, so I doubt that we can give them the ability to do an economic impact study on this kind of technology.

So for those reasons and many more, I urge my colleagues to vote "no" on the amendment and on the resolution.

MOTION TO RECOMMIT

The SPEAKER. The question is whether the House will adopt the amendment. On that question, from Centre County, Representative Rudy is recognized.

Mrs. RUDY. Thank you, Mr. Speaker.

Mr. Speaker, I move to recommit this resolution to the Agriculture and Rural Affairs Committee, due to the fact that there seems to be a lot of controversy on the measure and also the amendment seems to have not been an agreed-to amendment by many different facets. So I move to recommit this resolution to the Agriculture and Rural Affairs Committee - the amendment as well as the resolution.

The SPEAKER. The lady from Centre County, Representative Rudy, moves that this House recommit the resolution to the Agriculture and Rural Affairs Committee.

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

The SPEAKER. On that question, from Crawford County, Representative Maine is recognized.

Ms. MAINE. Mr. Speaker, we have been studying the issue for approximately 6 months. We have discussed it; we have moved into negotiations. Each time we have presumed that a commitment was made for agreement, that commitment was broken. I do not think there is any more left to review. We have postponed 3 weeks already. We have discussed; we have not found good-faith negotiation. I think we are in a philosophical discussion here. There have been many mistruths or misrepresentations made. I would request that the lady withdraw her motion.

The SPEAKER. The question is on the motion to recommit. On that question, Representative Brandt from Lancaster is recognized.

Mr. BRANDT. Mr. Speaker, we could recommit this, but the same philosophical difference will come back to this House, and I agree with Representative Maine that we should not recommit or have the lady withdraw her motion. I think the issue can be settled here now, because recommitting to a committee will really not change the issue as it is before us today.

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

The following roll call was recorded:

YEAS—77

Table with 4 columns of names: Adolph, Allen, Angstadt, Argall, Barley, Birmelin, Black, Bunt, Bush, Cessar, Chadwick, Cornell, Corrigan, Davies, Dempsey, Fleagle, Flick, Foster, Fox, Freind, Gallen, Gannon, Geist, Gladeck, Godshall, Gruppo, Hagarty, Hasay, Hayes, Herman, Lee, Leh, McVerry, Marsico, Miller, Moehlmann, Mowery, Nahill, Nailor, Noye, O'Brien, Oliver, Perzel, Phillips, Piccola, Saurman, Semmel, Serafini, Smith, B., Snyder, G., Stairs, Stish, Stuban, Taylor, J., Telek, Vroon, Wass, Weston, Wogan, Wright, D. R.

Table with 4 columns of names: Dietterick, Distler, Dorr, Durham, Fargo, Hershey, Hess, Johnson, Kondrich, Lashinger, Pitts, Raymond, Reber, Rudy, Ryan, Wright, J. L., Manderino, Speaker

NAYS—123

Table with 4 columns of names: Acosta, Battisto, Belardi, Belfanti, Billow, Bishop, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Burd, Burns, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Civera, Clark, B. D., Clark, J. H., Clymer, Cohen, Colafella, Colaizzo, Cole, Cowell, Coy, DeLuca, DeWeese, Daley, Dombrowski, Donatucci, Evans, Fairchild, Farmer, Fee, Freeman, Gamble, George, Gigliotti, Gruitza, Haluska, Harper, Hayden, Heckler, Howlett, Hughes, Itkin, Jackson, Jadlowiec, James, Jarolin, Josephs, Kaiser, Kasunic, Kenney, Kosinski, Kukovich, LaGrotta, Langtry, Laughlin, Lescovitz, Letterman, Levdansky, Linton, Lloyd, Lucyk, McCall, McHale, McNally, Maiale, Maine, Markosek, Mayernik, Melio, Merry, Michlovic, Morris, Mrkonic, Murphy, O'Donnell, Olasz, Pesci, Petrarca, Petrone, Pievsky, Pistella, Pressmann, Preston, Reinard, Richardson, Rieger, Ritter, Robbins, Robinson, Roebuck, Rybak, Saloom, Scheetz, Schuler, Scrimenti, Smith, S. H., Snyder, D. W., Staback, Steighner, Strittmatter, Tangretti, Taylor, E. Z., Taylor, F., Thomas, Tigue, Trello, Trich, Van Horne, Veon, Wambach, Williams, Wilson, Wozniak, Wright, R. C., Yandrisevits

NOT VOTING—1

Clark, D. F.

EXCUSED—2

Dininni Micozzie

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

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

The SPEAKER. On that question, from Allegheny County, Representative Preston is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Hayes, stand for interrogation?

The SPEAKER. The gentleman indicates he will, and you may proceed.

Mr. PRESTON. Thank you, Mr. Speaker.

I guess coming from an urban area, I have several questions, I think, that pertain to me because of the population density, and with the amount of the school districts that we have, 31 school districts in one county, we are an awful large consumer of the milk product.

I was listening to some of your statements, and I am trying to gather on the points of information that you raised. One, you mentioned several, and I quote, "fairytale," and certain forms of hobgoblin stories were expressed. Now, to me, this means that someone, in your opinion, was telling a lie if it is a

fairytale, because it is not true. Can you give me an example of correct statements of what you were saying of things that are documented to be not true?

Mr. HAYES. Mr. Speaker, what I was referring to is this: The implication of what we have heard, either coming through press conferences as of yesterday or other very, very limited printed material, I may add, Mr. Speaker, the implication is that there is something wrong with BST. I do not think that the research bears that out, and I would add, Mr. Speaker, that it does not have anything to do with philosophical differences. I would ask, Mr. Speaker, for the gentleman, Mr. Kukovich, to take the microphone and impress us with his scientific knowledge on this.

I believe, I believe, you will find, Mr. Speaker, to answer your question, that the research, the preponderance of research, the overwhelming amount of research, as genuinely as I can say it, comes out on the side in favor of BST. Implying something else, implying something else, is just wrong. To hold out implied dangers in this Halloween season, I believe, is a hobgoblin. Now, the gentleman may take exception to that, but I think it is wrong to imply that there has been not enough research yet and we have to go on extensively. The lady herself said she was against recommitting the resolution because we have studied it enough. I agree with the lady.

Mr. PRESTON. So let me see if I got the point of information before I ask my last question. In reality, you are not saying that anyone is lying. Am I correct?

Mr. HAYES. That was your word, never mine.

Mr. PRESTON. No; that was your word for fairytale.

Mr. HAYES. That was your word for fairytale, not mine, Mr. Speaker.

Mr. PRESTON. No; you used the word in the recordbook.

Mr. HAYES. Check the record, Mr. Speaker.

Mr. PRESTON. Fairytale, sir.

Mr. HAYES. Your definition of fairytale is a lie. That is not mine.

Mr. PRESTON. Can you tell me then, in your estimation, as far as your points of reference for research, and I am not going to deal with and you can ask Mr. Kukovich from his scientific point of view, but maybe then since you have mentioned so many different other points of reference and, to me, without any clear points as far as expert witnesses that this is not going to be harmful to my 6-year-old or to any other kids in my district, have there been pointed, clarified, verified points of reference that this will not harm my child or any other kids within my legislative district? Can you quote me and can you show me where I can get the periodicals where that has been definitely proven from a scientific point of view?

Mr. HAYES. Mr. Speaker, there have been over 800 publications dealing with BST. I do not think that the House wants to be belabored by my reciting all 800, but there have been that many, so I have been told. There have been national and international symposiums held on this, and I think that that is an accurate statement. It is available to you, Mr. Speaker.

The Food and Drug Administration is taking the position that there is no harm in BST. If you want to take exception to what they are saying in those findings, why, you are certainly welcome to do so. But there has not been, and I have honestly, genuinely tried to find, a body of information, a recognized body of data, that would cause anyone to conclude at this moment in time that there is any hazard in terms of drinking milk from a cow that has BST. As a matter of fact, she is metabolizing it right now, Mr. Speaker, as you and I talk, and metabolically, she passes a small trace of that into the milk. And as I said before, as genuinely as I could, the research to date, Mr. Speaker, indicates that there will not be any large infusion, a geometric progression, if you will, if the cow has BST administered. Now, they are the findings. If you want to be argumentative, you will have to argue with other people, not me.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the amendment?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Thank you.

I have had several minutes of dialogue and comments from the gentleman, and other than just mentioning an opinion, not verified facts by the FDA, he still did not give me one, not one clear fact, not one bona fide, certified, scientific research and validation. Did you put it in the record?

Mr. HAYES. Do you want it, sir?

Mr. PRESTON. I am addressing, sir; I am not questioning. You can put the information later.

Mr. HAYES. I will.

Mr. PRESTON. Mr. Speaker, thank you.

I take light when people start using cliché words, whether it is Halloween season, just for someone's attention, whether we want to talk about saccharin, and that is a very good inference that the gentleman has brought up.

Maybe we should have waited a little bit longer. But yet, in a sense here, all of a sudden the story is on a different foot. My concern and our concern should be the health and welfare, and anytime that we stand a chance to eliminate a margin of error that may happen in the next year or two, it should be our job as elected officials to be able to protect our citizens, and until someone can prove otherwise, I see no reason why we should change that habit.

I am not going to sit down and talk about Ben Franklin and his Ben Franklin balance sheet, because if you used his thought process, you would not be supporting Mr. Hayes' view, because Mr. Franklin would sit down very simply—and it is a proven fact if you understand it, if you have been a salesman, or in history—Ben Franklin would sit over here and he would say, "Well, if I am going to make a decision, I am going to list all the information on one side and I am going to list all the negative information on the other side." Then Mr. Franklin would slowly sit down and he would simply say, "Well, possibly there is a question. Maybe I need to step back on here." He would not go full steam ahead on this issue. So you cannot mention a historian and disregard his whole thought process.

I think that the Maine amendment and the Maine bill make a lot of sense. I think that we have a chance to stand up. And again, our job is protection of the citizens, and I am not talking about a particular industry. I do not want to talk about Congress dealing with the deficit or whatever it is. I am talking about here and now, right in this hall and chamber, and if we can have and speak our voice to make a direction as far as the citizens and the 58,000 people that I represent, I think that we should do that. Doing anything else for any other personal and public or private interest groups in yielding in that is not being the Representative that the people in your legislative district sent you up here for.

I would ask for support for the Maine amendment.

The SPEAKER. The question is, will the House adopt the amendment to the resolution? On that question, from Greene County, the majority whip, Representative DeWeese, is recognized.

Mr. DeWEESE. The gentleman, Mr. Hayes, was referred to by the gentleman, Mr. Kukovich, as being a scientist. I would refer to the gentleman from Blair in this regard, and today only and in only this debate, as being more of an alchemist.

This is not the time or the place, as has been said, for a scientific debate. A resolution being debated at this length must have more implications than we are aware of. It sounds as if we are debating a resolution on South Africa or something momentous. We are debating a resolution that has been debated successfully and, I might add, unanimously in the State of Vermont, and the Grand Old Party stood beside its brothers and sisters in Vermont and voted with the Democrats and this same resolution was passed in Vermont. And then it was passed by the Grand Old Party and the Democrats in the State of Massachusetts, the same resolution. Why do they pass it in those States and we linger here ad infinitum debating? There must be something more to the debate.

The gentleman, Mr. Barley— Where is Mr. Barley? I see Mr. Barley now. He made some comment about technology, technology being 20 years old, and he made some reference to the technology we are dealing with is about the same as the technology on artificial insemination. Well, Mr. Barley, when you inseminate a cow, you put real live sperm, cow sperm, into that cow. We are talking about synthetics, Mr. Barley. There is a difference between live cow sperm and synthetics.

The gentleman, Mr. Hayes— There are lists, there are lists that run the gamut of chemicals that have been injected into animals at one point in time and the FDA in their wisdom, after a period of years in experimentation, has taken them off the market, has taken them off the market. DairyLea, Borden's, many, many companies throughout the United States have banned BST. All we are asking in this measly resolution, we memorialize Congress so often, and it is pro forma; it is perfunctory; it is inexorable, but today, today we stop, we linger, we politic. That is what we are doing. There is no reason this debate should go on. We should pass this resolution.

Mr. Speaker, I respectfully request passage of this humble resolution to ask the FDA, if it is amended the way Ms. Maine wants it to be, to ask the FDA and the Congress to take a look at this. It is harmless, it is benign, and it should be done. It is good government. Thank you.

The SPEAKER. The question is whether the House will adopt the amendment. On that question, from Lehigh County, Representative Semmel is recognized.

Mr. SEMMEL. Thank you, Mr. Speaker.

For those of you who care to remember your high school science classes or perhaps your college lab courses, I think many of you will be reminded that when a scientific experiment is set up, a hypothesis is stated, the procedure performed, and basic data obtained. From this data a conclusion is then drawn, and the practical applications can be considered if data was favorable. For all practical purposes, BST has met the scientific and field trial tests that regulate the sales of chemicals in this Nation.

I basically do not want someone other than the scientific community of FDA to make these decisions relating to chemical and drug technology. I desire to have the quality of life maintained and fostered by comprehensive scientific procedures as they become available for our utilization. Therefore, I do not think Congress can do a better job evaluating the risks and benefits of a new chemical or drug than the scientific community.

With this in mind, I ask for a negative vote on HR 190 and this amendment.

The SPEAKER. On the question of adopting the amendment, the Chair recognizes, from Centre County, for the second time, Representative Rudy.

Mrs. RUDY. Thank you, Mr. Speaker.

I am not as eloquent a speaker as the majority whip and I am not going to talk about semen or sperm or anything like that, but I am just rising to voice opposition to this amendment and to HR 190, even though I originally cosponsored the measure.

After a thorough review of the resolution, discussion with members of the dairy industry and family farmers in my district, I do not think the sale or approval of BST is a matter for Congress to decide. We legislators are setting a dangerous precedent if we give Congress the job of evaluating the risk and benefits of a new chemical or drug rather than the Food and Drug Administration, because then matters of this nature become a political rather than a scientific decision.

So I urge you to vote against the amendment as well as HR 190.

The SPEAKER. The Speaker has been very patient with the members of the House in the discussions. The discussion, I remind you, is on the amendment, not on the resolution. The amendment is before the House, and we are beginning to discuss the resolution more fully than is necessary in the discussion of the amendment, and I know you will all then want to discuss the resolution again one at a time. The amendment is before us at this time.

On the question of the amendment, Representative Barley from Lancaster County is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

In response to a previous statement that questioned maybe my knowledge or understanding of artificial insemination, I would just like to express to the gentleman from Greene County that as a young lad raised on a farm, I did learn a bit about the birds and the bees, and for his edification I would like to let him know that bulls produce semen, not cows as he stated.

The SPEAKER. On the question of the amendment, from Lehigh County, Representative Ritter is recognized.

Ms. RITTER. Thank you, Mr. Speaker.

I have heard a lot of fairytales here today and a lot of hobgoblins have been running around, but, Mr. Speaker, they are all on that side of the aisle, not on this side.

I would like to know, because this debate has gone so far afield, as the Speaker pointed out, I would like to get back to the subject of the amendment which we are discussing, and I would like to have the sponsor, if she would agree to stand for interrogation, explain what this amendment is actually supposed to do, since we have no concept of what the amendment is going to do by listening to the debate we have had so far.

The SPEAKER. The lady asks the author of the amendment to detail the amendment for the House.

Ms. MAINE. Thank you, Mr. Speaker.

Actually, I have been listening to this wondering if anybody did read it.

When the amendment was drawn, it was to consider some very distinct difficulties we have with technology in our country right now.

The FDA, whether or not it does a good job, is not the issue. The FDA has limitations on its powers and abilities. The FDA can only study human health, animal health, and environmental safety. It is within their purview. However, they do not have the authority to do economic impact or consumer impact studies.

If you notice, there were many people saying we should not ask Congress to do a study, and I would certainly agree with them; we certainly should not. If you read the amendment, you might notice that what we ask is for Congress to choose an independent agency to do independent, unbiased studies. One of the difficulties in any testing of drugs or chemicals is that those tests are subsidized by the company that owns the product. Now, that does not mean that they are unbiased or that they are biased. What is very important, however—if you all remember the Alar scare of not so long ago—is that it does not matter who is right or wrong. When the consumer is frightened, there is a backlash.

If you are concerned about protecting the dairy industry in this State, you might ask yourself who will benefit from hurrying, from pretending that all the test results are the same when they absolutely are not all the same. There certainly are a plethora of tests. You might be interested in knowing what they show.

There are still questions about health. When we talk about how long this study has gone on, if you were to call the FDA today and ask them on what tests they base their human safety issue—

The SPEAKER. The amendment is before the House. The amendment is before the House. All speakers are to address themselves to the amendment.

Ms. MAINE. Yes, sir. I was following a bad example, I think.

We are asking for independent studies. We are asking also that efficacy of the product— By the way, these are all changes that were asked for by the opponents of the resolution. I did not have to offer this amendment to the resolution. When we were not in agreement finally, I could have withdrawn it and said, forget it; I will run it as it was. Out of respect for those people who did negotiate in good faith, I am following through by offering the changes that were requested. I am living up to my word.

I ask for your support on the amendment.

The SPEAKER. The question is whether the House will adopt the amendment. On that question, Representative Hayes is recognized, the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman from Allegheny asked if I would just cite a couple references, and I would be most happy to do so.

In terms of whether BST has been found to be injurious in any way whatsoever to human health, the University of Wisconsin, September 6, 1989, said this: "Put most simply, there is simply no valid scientific or medical evidence which even remotely suggests that recombinant BST—"

Ms. MAINE. Mr. Speaker?

The SPEAKER. Will the gentleman suspend?

Mr. HAYES. Yes, sir.

Ms. MAINE. Mr. Speaker, I am concerned about speaking to the amendment.

The SPEAKER. Will the lady suspend.

You are out of order when you speak without being recognized, and the only person whom I have recognized at this time is Mr. Hayes, and I hear members shouting that he is not in order. That is raised by a point of order.

Leaders in this House - the majority leader, the minority leader, the whips - have always been given more latitude than members. That is a courtesy. I do point out though that we are on the amendment.

Mr. HAYES. Thank you, Mr. Speaker.

As I said, I was just responding to the gentleman's question. I believe the lady from Crawford and others will recall that I was asked whether I would cite for the record a couple examples of scientific studies that state forthrightly what the findings have been with regard to food safety and healthful nutrition as far as BST and milk is concerned.

As I was saying before we were all interrupted, the University of Wisconsin on September 6 of 1989, just a couple of weeks ago, in a paper presented by that university stated the following: "Put most simply, there is simply no valid scientific or medical evidence which even remotely suggests that

recombinant BST might constitute a realistic health risk to humans.” The University of Cornell, just to the north of us, came up with a similar conclusion. They presented a paper a short while ago and they stated that “milk from BST-treated cows is safe for human consumption.” That was their conclusion after their food safety research had taken place.

I would ask those who wanted to take exception with what I was saying a few moments ago - the gentleman, Mr. Kukovich; the gentleman, Mr. DeWeese; whomever - if you listen closely, there was not a shred of scientific finding anywhere embedded in what they said. I am telling you, Mr. Speaker, there is a preponderance of information available at the present time that tells us that those implied lurking dangers have not yet come down to rest on top of a foundation of good scientific finding.

I do believe you will find, Mr. Speaker, for me to say it the second time, we have had somebody come into town here with a resolution that has us now engaged in a war, not over BST really, but fighting a battle between organizations. I do not think that we should be doing that. I do not think we should be bringing our number-one industry in Pennsylvania into implied question. I do not think that we should put our Pennsylvania industry or American dairy industry at less than a competitive position nationally or in the global marketplace.

This issue has been researched and researched and researched, and there is nothing wrong in the world with doing more research. But those in America who find themselves formally and informally charged with doing research on this subject, they cannot come to a conclusion any differently than they have been able to do whether we want it politically implied there is yet more research to be done or not. If 50 years from now we find that cantaloupe are no longer good for human health, I suppose they will be taken off the market, and I suppose that if BST is found some day off into the future to be something less than we should be using, it too will be taken off the market. But at the present time both cantaloupe and BST are thought to be okay as far as human consumption is concerned.

There are things in fact, Mr. Speaker, there are things in fact, no matter how shrill some may want to talk to the contrary, there are things in our everyday home that are much, much more dangerous than this, and I do not think that we should be getting ourselves involved politically between organizations when the preponderance of proof has us pointed the other way. And even though there was an attempt, as benign as it was, at taking light with what Mr. Barley said, the truth of the matter is we would be back in the cave if we applied the same attitude to all of those findings and all of those progressive steps in making our agriculture the most bountiful in the world today and ever known. If the same attitude was existing then as is existing on the part of those few who want this resolution for whatever reason, real or unreal, we would be back in the cave.

American agriculture is the best agriculture in the world, and we have to be productive. The world's population, ours and all the other peoples of the world, is increasing. We

should not slow down. We should not miss a step. We should keep pace, and we should continue to be the leaders here in Pennsylvania, America, and the world.

I think that we should oppose the amendment, and I think we should oppose the resolution. There have been, since Mr. DeWeese mentioned it, there have been resolutions pop up in some other States, and there has not been a great wave to adopt them. There has not been a great wave, and I do not think that we should add to some hurricane of activity by passing this resolution here today. We should not add to the little wave that may exist in whatever State Mr. DeWeese said. Other States have spurned adoption of these types of resolutions, and I do not think that we should adopt this amendment or this resolution. Thank you, Mr. Speaker.

The SPEAKER. On the question of adopting the amendment to the resolution, from Crawford County, Representative Merry is recognized.

Mr. MERRY. Mr. Speaker, this amendment has taken an interesting twist to what I read originally in the bill and from what I now see in the amendment. I think part of it is due to the media, to possibly press conferences that we have heard, and we have even lost the strain or the trend of what we are trying to do here with a memorialization to Congress.

For those of you who would refer back to the resolution to see where we are amending it, this amendment originally was not to necessarily deal with the health of individuals; it was to deal with the health of the cow and the economic impact of using this naturally occurring hormone to increase production. Now, a good deal of that section, a good deal of that language, is being eliminated from the bill and substituting therefor language that only refers to the economic impact on the dairy industry.

Now, originally when I heard about this controversy of BST, I was not quite the instant technologist and the scientist that many of us have occurred to be here this afternoon, but I wrote to the farmers in my district, the farm organizations, asking them to take a position on whether BST was desirable or not. I did not get a direct answer from any of those farm organizations. Instead, in the meeting rooms after that, I found out that they really had no position.

But, Mr. Speaker, what this amendment seeks to do is to ask Congress to intercede in our free market business place, asking them to intercede with their will over what Dairylea—and I think that was a poor choice of words with the previous speaker, because Dairylea supports the defeat of this amendment and of the resolution. I feel that what we are trying to say is that it does not have to do with people's health but it is economic health, because if Congress or if the FDA or the Department of Commerce would ultimately take our recommendation and study this thing to death so that our farmers back home are deprived of the potential use of this miraculous growth hormone just in the interest of reducing production to artificially keep the price of milk high. It boils down to that, that we are interested in maybe overproducing milk that would ultimately affect our economics of the milk industry.

It is for those reasons, Mr. Speaker, that I feel that we are sending the wrong message to Congress and to other States when we say that Pennsylvania is more interested in reducing production of milk, for just those reasons alone, than for the real message that we are sending in this amendment and in the resolution. It is for those reasons, Mr. Speaker, that we should send the right message to Washington by being solid on this subject and defeating amendment A3230.

The SPEAKER. On whether or not the House will adopt the amendment to the resolution, the Chair recognizes, from Crawford County, the author of the amendment, Representative Maine.

Ms. MAINE. I would just like to give a point of information to the previous speaker concerning the amendment, concerning the position of his home district. His home district does have definite policy concerning this. Both the PFA (Pennsylvania Farmers' Association) and the PFU (Pennsylvania Farmers Union), local level, county level, have adopted policies restricting the use of BST and calling for restrictions.

We are simply asking here for further study, independent study. We have an obligation as policymakers to consider that if we will err, we will err on the side of the consumers and individuals in this State and not on the side of chemical companies.

If you read carefully what the amendment says, it does not ask Congress to do anything except pick somebody neutral to do a test. If this is so wonderful and so safe, then what is everybody so afraid of?

I will tell you that I am concerned that what will happen, and to say that we are promoting a consumer scare with an amendment like this is not to pay attention to what is happening in your newspapers. It does not matter if it is safe or not. What matters and what is real is consumer perception. So what shall we do? Shall we allow the chemical companies to produce this, our farmers to buy it, the consumers to react negatively, which they will as in Alar, and then have our Milk Marketing Board, that has tried so hard to encourage milk consumption in this State, have them foot the bill for fighting all the negative publicity? Whether it is true or not does not matter. You have been led astray with this as a human health safety issue. It is far more than that.

The concern is with the dairy farmers in this State, which are considerably smaller than in most States. If you look at the breakdown and where we have strongest support for regulating BST, you will notice that it comes from more rural areas, that the closer we get to the large corporate dairy farms, the more support there is for a chemical which will increase the amount of milk that is on the market.

I do not suggest that we tell farmers what to do, and I do not suggest that we tell consumers what to do. I suggest that we owe our constituents factual information. There are many studies done all right that they certainly do conflict, and I am surprised that nobody asked me about some of the research that has been done.

I think that Representative Hayes is right. There is something bigger going on here. There is something else going on. I

would suggest that the only political issue here is for those who would like to make this a political issue. If having the welfare of our dairy farmers and consumers is a political issue, I wonder what else it is that we are supposed to have in mind as we sit here and make decisions.

We have asked for independent studies, no more and no less. I think that our farmers and our consumers deserve that kind of consideration. We do not ask for a ban. We do not even ask for labeling, which, by the way, if we are going to allow the marketplace to decide, as has been suggested, perhaps we should consider a labeling bill so all our consumers will know which milk probably has BST in it.

If you think there is not a consumer backlash, you had best look. This carton was purchased in York, Pennsylvania. It has a little message on the side. It says, "Save family farms. Ban BGH," and if you want further information, there is a phone number you can call.

And let us talk about our competition with foreign markets. How about the fact that Canada, when they found out they were getting BST test milk, dumped our milk? How about the fact that the European Common Market is right now trying to establish a ban on U.S. milk and dairy products? How about that? Oh, yes, there are a couple of countries who have agreed already with the chemical companies to buy BST. They may be the same ones that we sell our old asbestos to now as a building material.

Mr. Speaker, I ask for concurrence on the amendment.

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

The following roll call was recorded:

YEAS—103

Acosta	Evans	Lloyd	Rieger
Battisto	Fee	Lucyk	Ritter
Belardi	Fleagle	McCall	Robinson
Belfanti	Freeman	McHale	Roebuck
Billow	Gamble	McNally	Rybak
Bishop	George	Maiale	Saloom
Blaum	Gigliotti	Maine	Scrimenti
Bortner	Gruitza	Markosek	Staback
Bowley	Harper	Mayernik	Steighner
Broujos	Hayden	Melio	Stish
Caltagirone	Heckler	Michlovic	Tangretti
Cappabianca	Howlett	Morris	Taylor, F.
Carn	Hughes	Mrkonic	Thomas
Cawley	Itkin	Murphy	Tigue
Clark, B. D.	James	Nahill	Trello
Cohen	Jarolin	O'Donnell	Trich
Colafrilla	Josephs	Olasz	Van Horne
Colaizzo	Kaiser	Oliver	Veon
Cole	Kasunic	Pesci	Wambach
Corrigan	Kosinski	Petrarca	Williams
Cowell	Kukovich	Petrone	Wozniak
Coy	LaGrotta	Pievsy	Wright, D. R.
DeLuca	Laughlin	Pistella	Yandrisevits
DeWeese	Lescovitz	Pressmann	
Daley	Levdansky	Preston	Manderino,
Dombrowski	Linton	Richardson	Speaker
Donatucci			

NAYS—95

Adolph	Distler	Jadlowiec	Ryan
Allen	Dorr	Johnson	Saurman
Angstadt	Durham	Kenney	Scheetz
Argall	Fairchild	Kondrich	Schuler

Barley	Fargo	Langtry	Semmel
Birmelin	Farmer	Lashingier	Serafini
Black	Flick	Lee	Smith, B.
Boyes	Foster	McVerry	Smith, S. H.
Brandt	Fox	Marsico	Snyder, D. W.
Bunt	Freind	Merry	Snyder, G.
Burd	Gallen	Miller	Stairs
Burns	Gannon	Moehlmann	Strittmatter
Bush	Geist	Mowery	Stuban
Carlson	Gladeck	Nailor	Taylor, E. Z.
Cessar	Godshall	Noye	Taylor, J.
Chadwick	Gruppo	O'Brien	Telek
Civera	Hagarty	Perzel	Vroon
Clark, D. F.	Haluska	Phillips	Wass
Clark, J. H.	Hasay	Piccola	Weston
Clymer	Hayes	Pitts	Wilson
Cornell	Herman	Raymond	Wogan
Davies	Hershey	Reber	Wright, J. L.
Dempsey	Hess	Reinard	Wright, R. C.
Dietterick	Jackson	Robbins	

NOT VOTING—3

Leh	Letterman	Rudy
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EXCUSED—2

Dininni	Micozzie
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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—101

Acosta	Evans	Linton	Rieger
Battisto	Fee	Lloyd	Ritter
Belardi	Fleagle	Lucyk	Robinson
Belfanti	Freeman	McCall	Roebuck
Billow	Gamble	McHale	Rybak
Bishop	George	McNally	Saloom
Blaum	Gigliotti	Maiale	Scrimenti
Bortner	Gruitza	Maine	Staback
Bowley	Haluska	Markosek	Steighner
Broujos	Harper	Mayernik	Stish
Caltagirone	Hayden	Melio	Tangretti
Cappabianca	Heckler	Michlovic	Taylor, F.
Carn	Howlett	Morris	Thomas
Cawley	Hughes	Mrkonic	Tigue
Clark, B. D.	Itkin	Murphy	Trello
Cohen	James	O'Donnell	Trich
Colaella	Jarolin	Olasz	Van Horne
Colaizzo	Josephs	Oliver	Veon
Corrigan	Kaiser	Pesci	Wambach
Cowell	Kasunic	Petrarca	Williams
Coy	Kosinski	Petrone	Wozniak
DeLuca	Kukovich	Pievsky	Yandrisevits
DeWeese	LaGrotta	Pistella	
Daley	Laughlin	Pressmann	Manderino, Speaker
Dombrowski	Lescovitz	Preston	
Donatucci	Levdansky	Richardson	

NAYS—99

Adolph	Distler	Kenney	Ryan
Allen	Dorr	Kondrich	Saurman
Angstadt	Durham	Langtry	Scheetz
Argall	Fairchild	Lashingier	Schuler
Barley	Fargo	Lee	Semmel
Birmelin	Farmer	Leh	Serafini
Black	Flick	McVerry	Smith, B.
Boyes	Foster	Marsico	Smith, S. H.
Brandt	Fox	Merry	Snyder, D. W.
Bunt	Freind	Miller	Snyder, G.
Burd	Gallen	Moehlmann	Stairs

Burns	Gannon	Mowery	Strittmatter
Bush	Geist	Nahill	Stuban
Carlson	Gladeck	Nailor	Taylor, E. Z.
Cessar	Godshall	Noye	Taylor, J.
Chadwick	Gruppo	O'Brien	Telek
Civera	Hagarty	Perzel	Vroon
Clark, D. F.	Hasay	Phillips	Wass
Clark, J. H.	Hayes	Piccola	Weston
Clymer	Herman	Pitts	Wilson
Cole	Hershey	Raymond	Wogan
Cornell	Hess	Reber	Wright, D. R.
Davies	Jackson	Reinard	Wright, J. L.
Dempsey	Jadlowiec	Robbins	Wright, R. C.
Dietterick	Johnson	Rudy	

NOT VOTING—1

Letterman

EXCUSED—2

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

WELCOMES

The SPEAKER. The Chair is happy to welcome to the hall of the House this afternoon Senator Jorge Zapata, who is a State Senator from Mendoza, Argentina, who is in the United States with the United States Information Agency under the International Visitors Program, a guest of the Speaker to the left of the Speaker.

The Speaker also notices that we have a distinguished visitor in the gallery today viewing the debate on the amendment at least, I noticed, the Treasurer of the State of Pennsylvania, Cathy Baker Knoll. Will Cathy please stand.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 704, PN 785**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for inability to pay fine and costs.

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

Mr. PICCOLA offered the following amendments No. A3046:

Amend Title, page 1, line 3, by removing the period after "costs" and inserting

; and providing for the elimination of the surcharges for certain offenses as a source of funding for the Catastrophic Loss Benefits Continuation Fund.

Amend Bill, page 1, by inserting after line 18 Section 2. Section 6506 of Title 75 is repealed.

Section 3. This act shall have no effect on money deposited into the Catastrophic Loss Benefits Continuation Fund prior to the effective date of this act.

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting

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

The SPEAKER. On that question, from Dauphin County, Representative Piccola is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

Back in June the legislature, the General Assembly, enacted into law a scheme of surcharges on motor vehicle violations. The revenue which was to be derived from these surcharges was to go into the Catastrophic Loss Fund in order to pay off the shortfall or the unfunded liability in that fund after we had repealed it. This amendment will, in my estimation, rectify the mistake that we made in enacting that system of surcharges, and it will repeal that system of surcharges.

I have been asked by many on this floor and others whether this amendment contains an alternative source of revenue to fund that CAT Fund shortfall, and since this amendment was circulated about 2 weeks ago on the floor, you may not have it, but I can assure you that it does not contain any proposed alternative source of revenue. That does not mean, however, Mr. Speaker, that by adopting this amendment and abolishing the surcharges, we are not going to live up to our obligation to pay those people who have claims under the old Catastrophic Loss Fund. We are morally and legally obligated to pay those claims, and whether it comes out of the General Fund or whether it comes out of some future source of revenue that we have yet to devise, that will have to be determined at another time.

The issue today, in my estimation, is whether or not what we did in June made any sense and whether it is popular and whether the people of Pennsylvania want it to continue. And I submit, Mr. Speaker, that at least from the perspective of my legislative district, this scheme of surcharges has proven to be very unpopular and a very poor public-policy direction. It is unpopular among our constituents, it is unpopular among the law enforcement community that must enforce and be the tax collector for these surcharges, and it is proving to be very difficult to manage by the district justices of this Commonwealth who, for the most part, are to be the administrators of the program.

I say it is poor public policy. Why do I say that? There are several examples, but one just crossed my desk today, and it was a memo from Representative Kosinski seeking cosponsorship for legislation that would exempt motorcycle drivers from having to pay these surcharges when they get caught violating the Motor Vehicle Code. Representative Kosinski correctly points out to us in his amendment that motorcyclists were never under or covered by the CAT Fund, and yet they are going to be forced to pay for that coverage and for that shortfall that we now experience.

It is poor public policy because the CAT Fund was in effect a broad-based insurance policy, and it was, when we initiated it, funded from a broad-based source of revenue. It covered all Pennsylvanians, and all Pennsylvanians should help to pay off that unfunded liability. The narrow base of the source of revenue that we have now, this system of surcharges, will take 25 to 30 years, perhaps more, to pay off.

However, I believe the most important aspect of this scheme which makes it poor public policy is the fact that it undermines the credibility of our law enforcement system. I have spent a good portion of my 13 years in the House of Representatives fighting to have a strong and credible law enforcement system here in Pennsylvania, and it is acts like this that directly reflect on the credibility of that system.

First of all— And I have seen the statistics from the Governor's Office and the State Police that say that we have in fact increased our citations over last year. Well, that is the State Police that have increased their citations, and I do not know; I think the Governor may have some direction in terms of increasing or decreasing citations, but I have a sense and I know that you have a sense that the local police, who are responsible for the great number of citations issued in this Commonwealth, are very reluctant to do so because of the heavy burden that it places upon the people that they have to cite.

There is an old adage which has a lot of truth, and that is, "The punishment should fit the crime." When we have increased the punishment for some of these relatively minor offenses by as much as 30 and 40 percent by imposing this surcharge, we have made that punishment unreasonable, and we have made it so that it no longer fits the crime for which the person is being charged. It puts a burden, therefore, on our local police. They probably will not issue the citation in many instances when heretofore they would. If they do, many times the district justices will throw the citation out, because it simply is an unreasonable price to pay for a relatively minor offense.

Some district justices, I have heard, when there are multiple offenses, are now throwing out two or more of the offenses so that the surcharges do not mount up to an unreasonable level.

And finally, Mr. Speaker, it is poor public policy and it undermines our law enforcement system because for the next 25 or 30 years, we are going to have these surcharges in effect, and because we heretofore have financed to a large extent law enforcement and our court system from the fines and the costs that we levy, we have in effect precluded any real increase in revenue for those agencies of government, because we cannot - we simply cannot - raise the fines and the costs any higher than they are now at any time in the foreseeable future.

Mr. Speaker, I urge that the House correct the mistake that we made in June and that we adopt this amendment.

The SPEAKER. On the amendment, from Somerset County, the Chair recognizes Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. It is important that people understand what the consequences of adopting this amendment would be.

If we deprive the CAT Fund of any revenue to pay claims, we will run out of money in March or April of next year. That means that the approximately 1,300 of our constituents who are receiving benefits at the present time and who have a legal right to those benefits will be placed back into a situation in which they will be uncertain if and when they are going to get

those benefits and if and when they are going to have to go to court to sue the Commonwealth.

We also have another 1,200 people, our constituents, who have filed claims and, as soon as they hit the \$100,000 expense level, are going to be eligible to draw benefits. We have a legal obligation to those people, and in my opinion, we have a moral obligation not to leave them in a position in which they do not know whether they are going to get paid.

If we wipe this out, we will be faced with a deficit of in the neighborhood of \$15 to \$20 million in this fiscal year. Now, either you have to come up with some other funding mechanism or you have to take it out of the General Fund. The General Fund had an unappropriated surplus of only \$2 or \$3 million. That means that if at this point in time we want to make a commitment to dip into the General Fund, we are going to have to reopen the budget, and lots of folks and lots of organizations and lots of institutions which thought they had been budget winners will find that they have been budget losers. And in the next fiscal year, we would be looking at approximately \$43 million that we would have to take out of the General Fund.

What are some of the other alternatives? Well, you can vote to put a \$5-per-vehicle registration levy on our constituents that they can then pay for the next 20 years on each and every vehicle which they have to register, or you can put some kind of a charge on insurance companies, some of which they will almost certainly be allowed to pass on, and they have raised the whole question of retaliatory taxes.

So, Mr. Speaker, it seems to me that we should not today be throwing out this system unless we are prepared to adopt some other system in its place. For that reason, Mr. Speaker, I would ask that we reject the Piccola amendment.

The SPEAKER. On the Piccola amendment, the Chair recognizes the minority leader, Matthew Ryan.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I naturally am reluctant to take a position opposite that of my distinguished colleague, Jeff Piccola, but I have to.

You go back into June and say that perhaps we made a mistake. It may be that we made a mistake in June, but the mistake we made in June was done in order to balance a June budget by July 1 that allowed us to get out of here with a balanced budget. If we reject what we did in June to balance the State's budget, I think it is incumbent upon us to replace that \$30 million, or we are kidding ourselves and we are kidding the people that we represent.

The idea that the police are not enforcing this or that the district justices are not enforcing this apparently is not borne out by what little evidence has been made available to me, and according to the Governor's Office, the State Police records indicate that they do not seem to be reluctant to hand out tickets.

I think, though, that everyone agrees we, A, have a debt that costs some \$30 or \$32 million a year; that B, there is no way we get out of paying for that debt; that this is a solution—that is, putting it on these tickets—that if we do not do

it this way, then call it anything you want, it is coming out of the pockets of all of the taxpayers of Pennsylvania.

Now, right now I am told that approximately 30 percent of this bill is being picked up by out-of-State drivers who become involved in some kind of a traffic violation in Pennsylvania. If we do not have this, the full 100 percent will be borne by our constituents, our taxpayers, and I think that is a far worse alternative than the alternative of placing an additional cost in the nature of fines, if you will, on those who violate the laws of the Commonwealth in the use of the Commonwealth roads.

I respectfully would ask that the Piccola amendment be defeated. Thank you, Mr. Speaker.

The SPEAKER. The question is on the Piccola amendment, and on that question, the gentleman, Mr. Piccola, from Dauphin County is recognized for the second time.

Mr. PICCOLA. Thank you, Mr. Speaker.

In response to the speakers who opposed the amendment, I detected basically two objections. One is it will allegedly put a hole in our budget, and I have to admit that I was not a part of the delicate negotiations that the leaders went through to put the budget together, but I have learned in talking with various staff people, who are far more expert on this subject than I, that the revenues of the Commonwealth were well understated and that we will be in very good shape come June of next year, and that there should not be any problem whatsoever in making up any possible shortfall that we might have as a result of the adoption of this amendment.

But even if we are not, even if we are not in that position, Mr. Speaker, it seems to me that we are universally agreed that this system that we have put into place is bad. Even the opponents of my amendment seem to be saying that, yes, it is a bad system, but what else are we going to do? Well, I submit, Mr. Speaker, I think we ought to sit down and come up with something else that is better, and there are any number of proposals that are better. This one is simply bad because it undermines the credibility of law enforcement. It puts the burden exactly where it does not belong in terms of collecting the revenue and seeing to it that it gets into the CAT Fund.

I think that somebody indicated to me since my last debate that one of the problems with this is that even though maybe the State Police are issuing more citations, and I am assuming that is correct, but also local law enforcement are probably issuing less citations, but the ones they are issuing, because of the size of the fine, the people are asking for hearings. They are asking for hearings, and the district justices' offices are becoming overwhelmed with the requests for hearings, and the district justices in many cases are throwing these out. So the fact that more citations are being issued is no evidence whatsoever, in my opinion, that the revenue is being increased, because we may find down the road in another month or two that more people are asking for hearings and that district justices are throwing them out, so we are actually realizing less revenue.

Mr. Speaker, it is a bad, bad system. It stinks. We made a mistake. We should correct it today. Thank you, Mr. Speaker.

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Piccola, says that there is a better way of doing this. I have not seen the better way. Last June we were faced with a problem, and that problem was, how do we pay off our obligation with the CAT Fund victims or the victims whose problems are being taken care of by the CAT Fund? And this was devised; this was agreed upon; this was discussed fully in all four caucuses, and it passed and became law.

Now, if there is a better system, I think it should be trotted out and it should be voted upon in conjunction with a repealer of our present system. But just to say there is something better out there is not enough to balance our budget. We have got to balance our budget with some law in place.

Now, you know, we have gone through this for years and years and years: Whose ox is going to be gored? Are we going to say, well, that is easy; we will cut welfare payments, and then we will have one rash of outcry from a portion of the floor. We will say, no, we will take it; we will cut education; they get too much money anyway, and on and on and on. The fact remains, we owe it. We have got to pay it. We decided—we, all of us—decided to do it this way, and until someone puts something up there that convinces 102 here and 26 over there that it is better, then we better stick with what we have that is paying the bill.

The SPEAKER. The question is on the amendment. On that question, from Chester County, Representative Flick is recognized.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to point out, I guess, a couple of things.

Number one, I do not believe that this was necessarily one of the items that was negotiated in the budget, though I certainly was not one of the leaders that negotiated the budget.

There was a problem in that the CAT Fund was expiring and we needed to have a revenue stream to continue the funding of the unfunded liability. But I would like someone, if I might, and it could possibly be the Appropriations chairman, to share with us what the current revenue balance is of the CAT Fund, and I would wish someone to share that with me at this point. Does anyone know what it is? I believe it is substantial.

Mr. LLOYD. Mr. Speaker, I can answer that question.

The SPEAKER. The gentleman from Somerset County indicates that he can answer the question.

Mr. FLICK. Thank you.

Would you share with me what the current cash balance is of the CAT Fund?

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

Mr. LLOYD. The balance as of September 30, 1989: There was \$27,531,000 in the CAT Fund Continuation Fund,

\$399,000 remaining in the old CAT Fund, for a grand total of \$27,930,000. The estimated benefit payments per month including administrative costs are \$5.4 million. And if you divide that out, we are going to run out of money sometime next spring.

Mr. FLICK. Okay.

Mr. Speaker, I wonder, the amendment as I read it, if successfully attached to the bill, would provide that the surcharges would be eliminated in 2 months - 60 days. If there is \$5.4 million in there now, I would suggest that we could probably go, you know, easily 6, 7 months without having any problem of cash flow to the recipients, the beneficiaries, of the CAT Fund. Is that correct?

Mr. LLOYD. If you took only the money which is currently in hand, you would be talking about 5.17 months. Now, obviously there is going to be some money continued to be collected before this goes into effect, and we do not have data at this point to show how fast that money is coming in. But you are probably correct that there is some additional period of time. Maybe instead of the beginning of March you would get to the beginning of April or maybe you would get to the end of April, but the bottom line is, you are going to have several months of deficiency in this current fiscal year.

Mr. FLICK. Thank you, Mr. Speaker.

This bill, the surcharge bill which was voted I believe somewhere around 3 o'clock in the morning, the last vote of the budget session, I do not believe was explained well to the members, and I would like to suggest that the members now have an opportunity to reassess whether or not they wish to levy surcharges in the way it is being done or should we reconsider and find over the next 4, 5, 6 months another solution.

We do not need to have the solution in place now. The leaders know that this was a matter that many of the members wanted to be paid out of general funds, but it was chosen at that time not to pay it out of general funds. There is no reason why the leaders cannot be given some direction by our sentiments today to reassess their position.

I would suggest that we all support the Piccola amendment, that we do so so that we do not have selective ticketing out in our municipalities. That is what is going on in my municipality, and charges other than those that are severe are being given out because they do not have the significant surcharge.

We have let this out, it is no longer in our hands, and it is not the proper thing to do. I urge my colleagues to support the Piccola amendment.

The SPEAKER. On the amendment, from York County, Representative Foster is recognized.

Mr. FOSTER. Thank you, Mr. Speaker.

I rise to oppose the Piccola amendment.

I was one of 50-some members in this chamber who voted against the repeal of no-fault. I was one of 50-some members who voted against the creation of the original CAT Fund. And I suppose last June I could have taken a walk and said, those of you that created the problem may have the honor of solving it, but I do not think that would have been responsible when we had close to a \$300-million deficit in the CAT Fund.

So I voted for the present program then as the least unpalatable of a group of unpalatable choices. And let us face it - there is no easy way to pay off a \$300-million dead horse.

Now, I suppose you can make every member of the Commonwealth share some part of this burden, including the little old lady who never drove a car in her life, who never uses anything except public transportation. I do not think that is a viable solution. And I suppose you can make every driver pay \$10 a year for the next 20 years, but I might remind you, if those people were not happy about paying \$8 a year for something, I do not think they are going to be very happy about paying \$10 a year for nothing. In short, there is no royal road or solution to this problem.

Now, I happened to offer the solution a good many months back before this was so far down the road. I offered the opportunity to return to a modified no-fault system, and my principal protagonist in that effort was a gentleman from Dauphin at that time who opposed that move.

I would say, we do not have good choices, but we have made the best choice possible, and I urge that we reject the Piccola amendment.

The SPEAKER. On the question of the amendment, from Chester County, Representative Vroon is recognized.

Mr. VROON. Mr. Speaker, I rise to object very vigorously against this idea of assessing the speeders and the law violators. I do not call that justice at all. The whole population of this State can make an easy liquidation of this liability by having it spread throughout the entire State. The amount per capita becomes very small.

Then I have to remind you, Mr. Speaker, that the amount of liability that exists and that is liquidated partially from year to year gradually goes down and down and down, and I rather doubt that the yearly amount of that liability is going to be enough to cause us any budgetary problems at all. We come into situations time after time where we have lapses and we have surpluses, and I think that we can take care of this quite readily if we do the logical and the justifiable thing, and that is charge it against the General Fund, and this will be spread far and wide in very small parts and in painless parts to the population of our State. After all, did they not get the benefit of the bargain of \$5 each when we did start the CAT Fund? I think it is only just and logical that we should again assess this against the General Fund, and it will be rather painless and all said and done. Now I want to say that I was one of those who was "persuaded"—and I say that with quotation marks—to go along with this deal for the purpose of balancing the budget, but I will say, I did it with tongue in cheek, and I want to see something like this happen so that we can address this in the proper manner.

I urge you very sincerely and very vigorously, please support this amendment, and then let us get down to business and do it the right way. I cannot see any justice in tying this up and charging it to a small number of violators in the State. I think that is totally unjust, and I think we are making a laughing stock of ourselves in that we do not assess blame and expense to people who are not responsible for it in the first place. Please vote "yes" on this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. DeWeese, the majority whip, from Greene County.

Mr. DeWEESE. Mr. Speaker, I will abbreviate my remarks.

I want to address the Assembly as politicians and quickly assert that the gentleman from Media, the Republican leader, has essentially said that a deal is a deal; it is a done deal. Budgeteers from this echelon and our brothers and sisters in the Senate met with Governor Casey and his lieutenants, and a deal was cooked. We are politicians. We got in a room; we hammered something out; we came to a decision.

This is, as Mr. Foster said, an unpalatable circumstance, but as politicians, we sometimes have to face unpalatable circumstances. We should face it as the politicians we are. We should maintain the deal that Mr. Ryan and the rest of us not only conceived but put our imprimatur upon.

Honor is ours today if we support the Casey administration's effort to make certain that the CAT Fund is funded. There are 2,500 men and women throughout this State who are resting in hospitals tonight that desire our help and our support, and it would be the next thing to blasphemy if we embraced the Piccola initiative. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—59

Adolph	Fox	Kenney	Piccola
Angstadt	Gallen	Langtry	Reber
Birmelin	Gannon	Lashingier	Reinard
Black	Geist	Lee	Robbins
Boyes	Gladeck	Leh	Saurman
Bush	Godshall	McVerry	Scheetz
Caltagirone	Gruppo	Marsico	Semmel
Chadwick	Hagarty	Mayernik	Serafini
Dempsey	Hasay	Merry	Smith, S. H.
Distler	Heckler	Miller	Snyder, D. W.
Durham	Herman	Moehlmann	Snyder, G.
Fargo	Hess	Mowery	Stairs
Farmer	Jackson	Nahill	Vroon
Fleagle	Jadlowiec	Noye	Wass
Flick	Johnson	Phillips	

NAYS—139

Acosta	Davies	Linton	Ryan
Allen	Dietterick	Lloyd	Rybak
Argall	Dombrowski	Lucyk	Saloom
Barley	Donatucci	McCall	Schuler
Battisto	Dorr	McHale	Scrimenti
Belardi	Evans	McNally	Smith, B.
Billow	Fairchild	Maiiale	Staback
Bishop	Fee	Maine	Steighner
Blaum	Foster	Markosek	Stish
Bortner	Freeman	Melio	Strittmatter
Bowley	Gamble	Michlovic	Suban
Brandt	George	Morris	Tangretti
Broujos	Gigliotti	Mrkonic	Taylor, E. Z.
Bunt	Gruitza	Murphy	Taylor, F.
Burd	Haluska	Nailor	Taylor, J.
Burns	Harper	O'Brien	Telek
Cappabianca	Hayden	O'Donnell	Thomas
Carlson	Hayes	Olasz	Tigue
Carn	Hershey	Oliver	Trello
Cawley	Howlett	Perzel	Trich
Cessar	Hughes	Pesci	Van Horne

Civera	Itkin	Petrarca	Veon
Clark, B. D.	James	Petrone	Wambach
Clark, D. F.	Jarolin	Pievsy	Weston
Clark, J. H.	Josephs	Pistella	Williams
Clymer	Kaiser	Pitts	Wilson
Colaifella	Kasunic	Pressmann	Wogan
Colaizzo	Kondrich	Preston	Wozniak
Cole	Kosinski	Raymond	Wright, D. R.
Cornell	Kukovich	Richardson	Wright, J. L.
Corrigan	LaGrotta	Rieger	Wright, R. C.
Cowell	Laughlin	Ritter	Yandrisevits
Coy	Lescovitz	Robinson	
DeLuca	Letterman	Roebuck	Manderino,
DeWeese	Levdansky	Rudy	Speaker
Daley			

NOT VOTING—3

Belfanti	Cohen	Freind
EXCUSED—2		

Dininni	Micozzie
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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?

Mr. DISTLER offered the following amendments No. A3252:

Amend Title, page 1, line 3, by removing the period after "costs" and inserting
and for certain exclusions from the surcharges levied to fund the Catastrophic Loss Benefits Continuation Fund.

Amend Bill, page 2, line 1, by striking out all of said line and inserting

Section 2. Section 6506(a) of Title 75, added July 1, 1989 (P.L. 115, No. 24), is amended to read:

§ 6506. Surcharge.

(a) Levy and imposition.—In addition to any fines, fees or penalties levied or imposed as provided by law, under this title or any other statute, a surcharge shall be levied for disposition in accordance with subsection (b) as follows:

- (1) Upon conviction for any violation of the provisions of this title or other statute of the Commonwealth, or regulations promulgated under this title, which is a traffic violation and which is not included within the provisions of paragraphs (2) through (7), exclusive of offenses under Chapter 13 (relating to registration of vehicles), parking offenses and, except as provided in paragraph (6), offenses under Chapter 47 (relating to inspection of vehicles), a surcharge of \$30.

(2) Upon conviction for a violation of the following provisions of this title, a surcharge of \$40:

- (i) Section 3306(a)(1) (relating to limitations on driving on left side of roadway).
- (ii) Section 3745 (relating to accidents involving damage to unattended vehicle or property).

(3) Upon conviction for a violation of section 3345(a) (relating to meeting or overtaking school bus), a surcharge of \$50.

(4) Upon conviction for a violation of section 3362 (relating to maximum speed limits), the following applicable surcharge:

- (i) \$30 for exceeding the maximum speed limit by 6 to 10 miles per hour or 11 to 15 miles per hour.
- (ii) \$40 for exceeding the maximum speed limit by 16 to 25 miles per hour.
- (iii) \$50 for exceeding the maximum speed limit by at least 26 miles per hour.

(5) Upon conviction for violation of section 4902 (relating to restrictions on use of highways and bridges), Subchapter C of Chapter 49 (relating to maximum weights of vehicles) or Subchapter E of Chapter 49 (relating to measuring and adjusting vehicle size and weight), a surcharge of \$150.

(6) Upon conviction for violation of Chapter 47 (relating to inspection of vehicles), by the owner or operator or driver of a vehicle which is subject to the provisions of Chapter 49 (relating to size, weight and load), a surcharge of \$30.

(7) Upon conviction of offenses under section 3731 (relating to driving under influence of alcohol or controlled substance), or upon admission to programs for Accelerated Rehabilitative Disposition for offenses enumerated in section 3731, a surcharge, respectively, of:

- (i) \$50 for the first offense.
- (ii) \$100 for the second offense.
- (iii) \$200 for the third offense.
- (iv) \$300 for the fourth and subsequent offenses.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, Representative Distler from Elk County is recognized.

Mr. DISTLER. Thank you, Mr. Speaker.

My amendment also addresses the various fines that are used to subsidize the CAT Fund.

Under the present law that we passed, we exclude fines; we exclude parking fines. My amendment merely includes the exclusion of registration and inspection of vehicles. Generally these types of violations are violations of omission and not commission. In other words, it is something we generally forget to do. I am sure that each and every one of us has our constituents coming into our office because they are behind on their registrations, and I think it is unfair that we ought to charge them an additional \$30 surcharge because they have failed to update their registrations or get their cars inspected. My amendment merely excludes these other two violations.

I had asked for a fiscal note from the Appropriations people, and I am told that there are no records at hand to be able to give me a fiscal note, in case that question is about to arise why I do not have a fiscal note on my amendment.

I certainly would ask for your support to exclude the surcharging of violations on vehicle registrations and inspections. Thank you, Mr. Speaker.

The SPEAKER. On the Distler amendment, the Chair recognizes, from Somerset County, Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I oppose this amendment for several reasons.

The gentleman makes an argument about people who forget to get their car inspected or who forget to send in their registration, and that tugs at everybody's heartstrings, and we have all had those cases played out in our district offices on a regular basis. However, this amendment sweeps far beyond that, and I do not think it is the gentleman's intention, but it is my reading of the amendment.

He says that if you are guilty of a registration violation under chapter 13, you do not have to pay a surcharge. Now,

who are some of those people? Some of those people are the people who get their registration without maintaining proper insurance. Some of those people are people who lie about the vehicles which they are registering. Some of those people are people who claim that they have a vehicle entitled to some kind of a special processing fee rather than a registration fee when in fact they do not. Now, I am sure the gentleman does not intend to cover all those things, but I cannot for the life of me see why we ought to pass an amendment that says that uninsured motorists, when we are lucky enough to catch them, do not have to pay anything to bail out the CAT Fund debt.

The gentleman also wants to take care of the question of inspections, and once again, if you are talking about a guy who forgets to go down, that might be one thing, but as I read the amendment, this goes far beyond that. This talks about people who do not forget; they intentionally do not take their vehicle in to be inspected because they know that the vehicle would not pass. Those are the kinds of vehicles that are more likely to cause accidents because they are not functioning properly, and I cannot see why we ought to let those kinds of people not pay part of the burden of bailing out the CAT Fund debt.

For those reasons and the final point that once we start pulling on this string, it is like a ball of yarn and we are eventually going to have nothing left and no money to pay off this deficit - for all of those reasons, Mr. Speaker, I would encourage a "no" vote.

The SPEAKER. On the question of agreeing to the amendment, the amendment's author, Representative Distler from Elk County, is recognized.

Mr. DISTLER. Thank you, Mr. Speaker.

I believe the gentleman from Somerset is kind of overplaying this whole idea of not having your car registered or your inspection of the vehicle. Generally speaking, as I mentioned, it is a violation of omission and not commission. Generally speaking, we forget to have our car registered or have the vehicle inspected. Yes, I am sure that there may be some people out there who do it intentionally, but I think my intent of the legislation is, just as parking tickets, it is a nonmoving violation.

I believe an additional \$30 surcharge is certainly unreasonable for the 99 44/100 percent of the type of people who generally forget to be able to update their registration. They usually do it within a few days. As I said, most of us have these types of people come into our district offices and we take care of them. But an additional \$30 surcharge, I think, is unreasonable, and again I ask for your support of this amendment.

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

The following roll call was recorded:

YEAS—76

Angstadt	Fargo	Kenney	Reinard
Barley	Farmer	Langtry	Robbins
Birmelin	Fleagle	Lashingner	Scheetz
Black	Flick	Leh	Schuler

Bortner	Fox	McCall	Semmel
Boyes	Freind	McVerry	Serafini
Broujos	Gallen	Marsico	Smith, S. H.
Bush	Gannon	Merry	Snyder, D. W.
Carlson	Geist	Miller	Snyder, G.
Chadwick	Gladeck	Moehlmann	Stairs
Clark, J. H.	Godshall	Mowery	Taylor, E. Z.
Clymer	Gruppo	Nahill	Telek
Cornell	Hagarty	Nailor	Trich
Dempsey	Hasay	Noye	Vroon
Dietterick	Heckler	O'Brien	Wass
Distler	Herman	Perzel	Weston
Dorr	Hess	Phillips	Wogan
Durham	Jadlowiec	Piccola	Wozniak
Fairchild	Johnson	Reber	Wright, J. L.

NAYS—125

Acosta	Daley	Lescovitz	Robinson
Adolph	Davies	Letterman	Roebuck
Allen	Dombrowski	Levdansky	Rudy
Argall	Donatucci	Linton	Ryan
Battisto	Evans	Lloyd	Rybak
Belardi	Fee	Lucyk	Saalom
Belfanti	Foster	McHale	Saurman
Billow	Freeman	McNally	Scrimenti
Bishop	Gamble	Maiale	Smith, B.
Blaum	George	Maine	Staback
Bowley	Gigliotti	Markosek	Steighner
Brandt	Gruitza	Mayernik	Stish
Bunt	Haluska	Melio	Strittmatter
Burd	Harper	Michlovic	Suban
Burns	Hayden	Morris	Tangretti
Caltagirone	Hayes	Mrkonic	Taylor, F.
Cappabianca	Hershey	Murphy	Taylor, J.
Carn	Howlett	O'Donnell	Thomas
Cawley	Hughes	Olasz	Tigue
Cessar	Itkin	Oliver	Trello
Civiera	Jackson	Pesci	Van Horne
Clark, B. D.	James	Petrarca	Veon
Clark, D. F.	Jarolin	Petrone	Wambach
Cohen	Josephs	Pievsky	Williams
Colafella	Kaiser	Pistella	Wilson
Colaizzo	Kasunic	Pitts	Wright, D. R.
Cole	Kondrich	Pressmann	Wright, R. C.
Corrigan	Kosinski	Preston	Yandrisevits
Cowell	Kukovich	Raymond	
Coy	LaGrotta	Richardson	Manderino, Speaker
DeLuca	Laughlin	Rieger	
DeWeese	Lee	Ritter	

NOT VOTING—0

EXCUSED—2

Dininni	Micozzie
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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?
Bill was agreed to.

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

The gentleman from Indiana County, Representative Wass, is recognized on final passage.

Mr. WASS. Mr. Speaker, thank you.

May I interrogate Mr. Hershey, the maker of the legislation?

Mr. HERSHEY. Yes.

The SPEAKER. Representative Hershey is at the microphone and says he will consent to interrogation.

Mr. WASS. Mr. Speaker, in your legislation, under "Imprisonment for nonpayment," you have for \$40 you are in jail for 1 day. Is that right?

Mr. HERSHEY. That is correct, yes.

Mr. WASS. What would you do with the individual if he had \$100 of nonpayment? How would you handle that? Would he get 3 days or 2 days?

Mr. HERSHEY. That I cannot answer.

Under the old law from 1940, a person who was imprisoned for inability to pay fines was given \$10 a day credit for every day he was in prison. This bill changes that 1940 law to \$40 a day, but the equation in between, I imagine, would go to the second day. I would assume that would go to the second day.

Mr. WASS. Then am I supposed to understand from your answer that if the gentleman stays in jail for a day, \$40 of his bill is eliminated?

Mr. HERSHEY. Yes.

Mr. WASS. Thank you very much.

On the question recurring,
Shall the bill pass finally?

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

YEAS—197

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

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|------------|------------|------------|-----------------------|
| Coy | Kaiser | Pistella | Wogan |
| DeLuca | Kasunic | Pitts | Wozniak |
| DeWeese | Kenney | Pressmann | Wright, D. R. |
| Daley | Kondrich | Preston | Wright, J. L. |
| Davies | Kosinski | Raymond | Wright, R. C. |
| Dempsey | Kukovich | Reber | Yandrisevits |
| Dietterick | LaGrotta | Reinard | |
| Distler | Langtry | Richardson | Manderino,
Speaker |
| Dombrowski | Lashingier | Rieger | |
| Donatucci | Laughlin | Ritter | |

NAYS—4

- | | | | |
|--------|---------|--------|-------|
| Acosta | Bortner | Gallen | James |
|--------|---------|--------|-------|

NOT VOTING—0

EXCUSED—2

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|---------|----------|
| Dininni | Micozzie |
|---------|----------|

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Representative Thomas from Philadelphia County asked the Speaker to announce that the Legislative Housing Caucus meeting that was called for 3 p.m. today was not held and will not be held this afternoon. It will be held next Tuesday, but an announcement will be made at that time. Cancellation of the Legislative Housing Caucus meeting.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 109, PN 115 By Rep. RICHARDSON

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

HEALTH AND WELFARE.

HB 749, PN 2640 (Amended)

By Rep. RICHARDSON

An Act providing for the establishment and operation of poison control centers throughout this Commonwealth; establishing a lead poisoning program; imposing powers and duties on the Department of Health; and making an appropriation.

HEALTH AND WELFARE.

HB 1665, PN 1993 By Rep. RICHARDSON

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," requiring Social Security numbers of parents on birth certificates.

HEALTH AND WELFARE.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Northumberland County, Representative Belfanti. For what purpose does the gentleman rise?

Mr. BELFANTI. Thank you, Mr. Speaker. To correct the record.

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. Thank you, Mr. Speaker.

On the Piccola amendment A3046 to HB 704, I was not in my seat. Had I been in my seat, I would like the record to reflect I would have cast a "no" vote. Thank you.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, the Chair will pass over all other matters on today's calendar. The Chair hears no objection.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Freind from Delaware County. For what purpose does the gentleman rise?

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

On the Piccola amendment A3046 to HB 704, my switch failed to operate. I would have voted in the affirmative. Thank you, Mr. Speaker.

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

ADJOURNMENT

The SPEAKER. The Chair recognizes, from Washington County, Representative Anthony Colaizzo.

Mr. COLAIZZO. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 18, 1989, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:41 p.m., e.d.t., the House adjourned.